

MINUTES OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON MAY 21, 2001, IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The Joint Public Hearing was called to order at 6:40 p.m. with the following present:

Mayor Pro-Tem	Larry Marcott
Council Member	Woody Owens
Council Member	Klaus Seeger
Council Member	Richard Tetens
Council Member	Larry Wilkins
P & Z Chairman	H. Charles Viktorin
P & Z Vice-Chairman	Donald Glenn
P & Z Commissioner	Todd Iocco
P & Z Commissioner	Richard Scherrer
P & Z Commissioner	Russ Selemon

Also in Attendance: Manager of Administrative Support Tobin Maples, City Attorney Darrin Coker, Deputy City Manager Alan Mueller, City Manager Bill Eisen, and P&Z Secretary Jennifer Gonzales. Mayor Tom Reid and P&Z Commissioner Randy Patro were absent.

II. PURPOSE OF HEARING

Consider a proposed amendment to the Land Use Plan (Figure 5.1), of the City of Pearland Comprehensive Plan Ordinance (Cullen Boulevard Overlay).

Manager of Administrative Support Tobin Maples briefly explained that last September or August City Council was approached by a group of citizens who lived in the Cullen Boulevard area, which was annexed back in 1999. He explained that the citizens wanted the Master Plan for that area re-evaluated. He said that due to development pressures in the area, City Council appointed a steering committee to assist in analyzing the Master Plan for the Cullen Boulevard area. He stated that the committee has worked together for the past 6 or 7 months to come up with a proposal. Mr. Maples gave a brief explanation of the open house meeting that was held last Thursday that was very well attended. He stated that the City is now at the point to hold a Joint Public Hearing so that the citizen's comments can be entered on record. He stated that staff is recommending that after the public comments are made then at City Council's direction the proposal should be sent back to the steering committee to analyze what the citizens have commented on, and bring it back for a Public Hearing however many times needed to get the proposal right. He then emphasized that

the Master Land Use Plan is different from zoning. He explained that the Master Land Use plan is used a guidance tool to help make Land Use decisions for the next 30 years. He stated that the Master Plan is not locked in stone, and will probably be re-evaluated every 3 to 5 years. Mr. Maples then briefly explained the "grandfathering" clause, and stated that all the uses out their can continue forever regardless of whether or not this plan is adopted. He stated the only time the uses can be taken away is if they are ever unoccupied. He then briefly explained annexation and de-annexation and pointed out that the City has put together the Master Land Use Plan is to control the growth. He again explained the reason for the gathering tonight and stated he looks forward to hearing the citizen's comments once again.

III. PERSONS WISHING TO SPEAK FOR THE PROPOSED REQUEST

Joe McQuarter, 2322 Hawk Meadows, Pearland, TX, stated that he is on the committee and he is the vice-president of the Hawk Meadow's HomeOwners Association. He stated that there are obviously a lot of questions, however the plan of putting the steering committee together has been a good plan. He stated that he is aware that the plan still needs a lot of work, and the City should not back off of the process because it is a difficult one. He stated that everyone should work together to come up with a good plan that is defined.

IV. PERSONS WISHING TO SPEAK AGAINST THE PROPOSED REQUEST

Byron Sutherland, 2458 Country Club Drive, Pearland, TX, stated that he has property on both sides of Cullen. He stated that they don't need any more help from the City, and that the original plan showing low density single family residential is just fine. He reminded City Council that the majority of people who move to Pearland move here for the quiet rural area, and this new proposal is making Pearland become more like Houston. He then stated that he has two points to address. He stated that first of all he has heard a misleading statement numerous times about how this is not anything immediate, and this is all for the future. He stated that those statements are bologna and if this plan is adopted, then the barriers will be down and the gates will be open. He then stated his second point is that there are businesses out there have been unregulated and Pearland has not done much of a job of watching the businesses that are their now. He stated that there is already one place that has 18-wheelers driving in and out of Stone Road and their driveway is not adequately wide enough to accommodate them. He then requested that the City should try to talk to more of the residents in that area because they out number the businesses.

Jim Humlick, 1212 Stone Road, Pearland, TX, stated he would like to speak about the green space along the creek that would go right through the middle of his swimming pool. He then stated that he moved here over 20 years ago for the green space. He stated that it would too short of a trail to even break a sweat, and on the other side of the creek is one of the nicest parks in the country. He

would like to know how the trail got put on the plan. He stated that he would like to know how the City can annex him, raise his taxes three years consecutively, take 200' proposed buffer space of his land, and not tell him anything about it. He stated that he has not received any notifications. He stated that he doesn't mind paying school taxes, because good schools mean good communities. He stated that he is aggravated that someone is coming to him wanting 60' of his front and 200' of his back so that someone else can jog in his back yard.

Monica Daly, 1156 Stone Road, Pearland, TX, stated that first of all the 200' buffer zone cuts right through her living room. She stated that she has two issues. She stated that first of all regarding the buffer zone, and what the restrictions would be to build her house if it is ever destroyed. She stated that she doesn't think there should be any restrictions. She then stated that she doesn't know the difference from the Land Use Plan or Zoning, but she does know that if she is ever trying to sell her property and they see a green belt or something that will make it more of a flood area more than it is, then it will detract from the value of her land. She stated that her second issue is the green belt/jogging space and that she does not want it in her back yard. She stated that there is a beautiful park across the street and people's homes should not be taken away or invaded.

Lucy Gehring, 1129 Stone Road, Pearland, TX, stated that she feels like the entire proposed map should be totally rejected and she stated her reasons. Her first reason was that the steering committee was not a true representation of the residents in the entire area. She stated that 5 of the committee live in Pasadena, Friendswood, or the Brookside area. She stated that they need to totally do away with the hike-n-bike trail. She stated that the proposed trail will be taking property from citizens because it will be taking their home entirely or will cause needless problems with crime and violence. She stated they live south of the world's largest crime area in the United States. She stated that the trail could not be properly fenced due to the flood zone and the area could not be properly watched by the police department to prevent crime. She stated that two policemen have told her that just across the creek drug deals are made because it is a secluded area. She stated that it was said at the town meeting that nothing would happen for 30 years, however, her children and grand-children would be greatly affected. She said it was also stated at the meeting that no one wants to live along a thoroughfare, and she does not think that is true, and she referred to Houston. She stated that only one business is addressed on the map, and the other businesses that were already there, according to the proposal will be zoned residential. She stated that the one commercial property on Stone Road has obtained "Commercial" status, and he is a committee member. She gave the remaining portion of her letter to City Council.

Suzanne Dietrich, 2225 Hawk Meadows, Pearland, TX, stated that she is mostly concerned about the "Commercial" area on the map. She stated that "Commercial" is much different from "General Business" or "Office Professional".

Mrs. Dietrich then listed all of the uses allowed in "Commercial" zoning, and she listed what can be allowed with a "Specific Use" permit. She stated that she doesn't feel that this is compatible with the existing area. She stated that there is currently Crystal Lake Subdivision, Southdown, Countryplace (which is enlarging), schools, a church, a cemetery, a nice shopping center, and another church area at the end of Cullen Boulevard. She then stated that "Commercial" uses are not compatible next to the Creek because of pollution, or flooding. She stated that there are 10 homes across from Brookside Rd, and 6 homes in the area zoned "Commercial", and they should not be next to any of these allowable "Commercial" uses. She argued that this is not just a "vision", and it should be pointed out to the people that if this approved then when ever there is a request for zoning, the Master Plan will be referred to. She suggested that they consider having this "Commercial" area zoned as "General Business", "Office Professional", "Residential", or "Neighborhood Services". She said that Cullen Boulevard can still be very nice with out the "Commercial" zoning. She finished by stating that she does not approve of the Steering Committee and that planners should be doing the planning.

Joe Cavazos, 2338 Hawk Meadows Dr, Pearland, TX, stated that he is the President of the HomeOwner's Association for Hawk Meadows. He stated that 20 years ago he and his bride came shopping for property and chose this area. He stated that the Cullen Corridor is one of the most beautiful parts of Pearland. He pointed out that when you're coming down Cullen you see a lake, stables, and then you cross a creek. He compared the area to a Norman Rockwell painting. He pleaded for the City to maintain the natural beauty of the area. He stated that he does not like all the "Commercial" area on the proposed map, and asked how they are supposed to have children around that kind of area.

Suzanne Danz, 1357 Stone Road, Pearland, TX, stated that there are a couple of major flaws. She stated that first of all, large commercial areas should not be adjacent to a waterway, a residential street, and a major entrance to the City. She stated that this is not a logical place for "Commercial" zoning, and referred to businesses that store products such as liquids and petroleum being allowed next to a creek. She listed more appropriate locations for "Commercial" zoning would be Beltway 8, along a railroad track, or along Hwy 288. She stated that the large "C" area only contains 1 business. She stated that this plan needs to be adjusted to match the decision made by City Council to keep Stone Road as a collector street. She said that Stone Road has 42 homes, and 4 businesses and should be kept residential, and the existing businesses should be zoned "General Business" and no businesses should be added. She stated that the second flaw would be the park along the creek. She stated that there are currently many acres of a park located across the creek, and there are currently 10 homes in the designated area. She suggested that the Land Use for this area should be primarily Residential with General Business and Neighborhood Services only along the thoroughfare. She finished by stating that the voters of Pearland would

not support any bond issues regarding the current proposed Cullen Boulevard overlay.

Marian Haynes, 4717 Brookside Rd, Pearland, TX, stated that she has been a resident of Pearland for 20 years. She lived in Houston and fell in love with Pearland 20 years ago. She purchased 10 acres of property so that her children could live there. She opposed heavy industrial because she wants her grandchildren to be safe. She stated that a week and a half ago something hit her brick mailbox, and she knows it was either a big truck or 18-wheeler, and this is what she doesn't want this kind of things happening. She stated that she wants the best for themselves and their children and she asked City Council to consider them as though they were thinking of themselves.

Juanita Sutherland, 2458 Country Club Dr, Pearland, TX, stated that she has two pieces of property located next to the proposed commercial site. She said that one of them is a two-story residence with a two-car garage and on nine acres, and a Commercial Business next door is the last thing they need. She stated that the same residence has the 200' open space buffer which is suggested to have a linear park, and she asked if City Council could imagine people wondering through your backyard day and night. She then stated the house across from the business is a brick house with a yard full of trees and is 65 years old. She stated that during the busy season there are trucks and cars go in and out of the business day and night, and large 18-wheelers cannot effectively turn in the driveway, and then they end up blocking Stone Road. She stated that the business is currently zoned "General Business" and she wonders what it would be like if it was zoned "Commercial". In her opinion, the proposed "Commercial" zoning is a sellout of the people who came earlier and invested their time and money in the area. She asked to be put down as "Just Say No" to the "Commercial" zoning and the linear park along the creek.

Phillip Padilla, 1142 Stone Road, Pearland, TX, stated that he is at the very end of the dead end street. He stated that the green zone would take him completely out of his property, and it would leave him a small lot. He stated that he has a two story Victorian house that he does not want to lose. He stated that he is currently on a water well and septic system, and if a business comes in without proper facilities then there water could be contaminated. He stated that he welcomes the City of Pearland out there, but he does not want to lose his house, and he asked that they reconsider the park trail.

Paul Ridgeway, 1833 Hillhouse, Pearland, TX, currently a resident of Pearland for 12 years. He stated that he would like to make a few points. He first of all received a notice in the mail addressed to 633 Hillhouse, and his address is 1833 Hillhouse because the City changed his address. He stated that would like to challenge proper notification to the people, and it is amazing he even got his letter at all. He hasn't seen a lot of representation from his street, but he is sure they would be concerned. He then stated that the notification really isn't clear

enough for the average citizen to understand. He referred to Susan Dietrich, and how she clarified what "C" on that map really means. He stated that if the City would send out proper notification then the Council Chambers would be full. His second point was about the hike-n-bike trail. He stated that when he first moved to Pearland he was on the Keep Pearland Clean committee, and he does not remember seeing that trail on their Master Plan. He last of all challenged City Council about what Pearland is all about. He stated that he wants his children to be here 30 years from now. He asked that the City re-evaluate the proposal.

Dr. Rebecca Dodds, 3510 E. Broadway, Pearland, TX, stated that unlike most people who have spoken she has only been in Pearland for one year, and she does not live anywhere near the proposed site. She is speaking as a representative for all the young professionals who are moving into the City of Pearland. She works in Clear Lake and she could have chosen to live closer to her work, however, she chose to live here because it gives a rural feeling, and she is close enough to commute with the City. She stated that what this Master Plan represents is what she is trying to get away from. She stated that she understands that the City has to have businesses, however, industry does not have to be here. She stated that if this is the kind of thing the City is headed for, then this is not the kind of place she wants to live, and she will look for someone else.

Dr. Gary Arwell, a veterinarian, stated that he has been a 21 year resident of Pearland, and he lives at the southern tip of Cullen. He stated that he cannot accept the oxymoron of an "industrial greenbelt". He stated that he would like to suggest making the whole "C" area a greenbelt with staggered residence. He stated that he drives down telephone road, and that is what the City will have 20 years from now. He has a degree in wild life science, and he feels that the Creek has enough problems, and he doesn't think the City is aware of what type of wild life exists there now. He stated that it will totally disrupt the area if the City comes in and starts clearing out land now.

Victor Patterson, 1833 Stone Road, Pearland, TX, stated that he was here opposing the Stone Road opening a few weeks ago, and likewise he is opposed to this project. He stated that it would bring a lot of problems to mix businesses with residences. He referred to an incident regarding the business on Stone Road, and how one of their employees harassed his wife. He stated that there should somehow be a segregation between the businesses and the residences.

Charlotte Gates, 1617 Stone Road, Pearland, TX, stated that she is at the corner of Stone Road and Brookside Road, and the proposed McHard Road will go through her home. She stated that she is totally opposed to any "Commercial" businesses, and that her family makes a living off the land out here. She stated that they hand dug a septic tank, and put in mobile homes. She stated that they have cows, chickens, 5 children and 3 grandchildren. She stated that she wants the City to understand that they are families out there. She stated that her

husband runs a small construction business out of her home, and if the City would like to zone her residential and charge less taxes then that would please her, but she would like to operate her businesses and have keep her cows. She is hoping that the City will back off a lot of this proposal. She compared the area to Missouri City, and how they have put in beautiful areas and she would like to see this for Pearland. She stated that her area is a nice area and she would like to keep it residential.

Steve Bowers, 7002 Brookside, Pearland, TX, and also has a house on Stone Road. He stated that he moved out here for horses, cows, and trees, and they do not need "Commercial" out there because it will cause more traffic and it will be dangerous. He stated that the hike-n-bike trails either, for the simple fact that the police department will not be able to monitor peoples property out there. He stated that the area is nice and he would like to keep it that way. He said the City mailed him three letters to the old address and doesn't know his new address. He pleaded with City Council to not put that "Commercial" area out there.

Mrs. Beatrice, 8210 Brookside Rd, Pearland, TX, stated that she has been there for 42 years, and she has seen the area grow into a group of wonderful neighbors and friends. She stated that she has 9 acres where her grandchildren play, and her husband is 86 years old, who was told back in 1939 that he would never work and he has worked to own this property. She stated that he has asbestos of the lungs, and having "Commercial" across the street would not help anybody. She stated it is a nice area that should have homes on it. She understands that progress has to go on, however, she cannot understand the hike-n-bike trail. She stated that just recently she had a tiller stolen out of her pump house, and if someone would still a tiller then just imagine what would come across from Houston.

Craig Buyajian, 14207 Hawk Meadows, Pearland, TX, stated that he has been a resident for 25 years. He looked and looked for a house, and finally found a house in Pearland. He stated that he didn't know he was buying property that would be next to Commercial or Industrial area. He stated that he saw a note stuck to his mailbox from a concerned neighbor, otherwise, he would not have known anything about this. He stated that the trail would be a great idea if they were building a new subdivision, but there is existing properties that no one seems to be thinking about. He stated that Pearland has done a lot of growth without thinking about a lot of things. He stated that he may not be able to afford to stay here with the continuous tax increases, and he just received another letter today stating that they are going up 10%, which is allowable by state law.

Russell Norris, 1310 Stone Road, Pearland, TX, stated that he moved out here over 15 years ago. He stated that he protested against the widening of Stone Road and he is also against this. He stated that they were taken into the City of Pearland in 1999, and were immediately were put into a park and a "Commercial" zone. He stated that he knows everyone in the City of Pearland has someone

that represents them on City Council, and whoever represents these people out here and would let this type of legislation take place is not a very good politician. He stated that he and the people resent this type of legislation. He stated that he found out about this from one of his neighbors. He has learned more and more as he has been sitting here tonight, and he knows that he is totally against the proposal, and anything he can do to fight it he will do it.

Jack Harris, 1258 Stone Road, Pearland, TX, County Commissioner for this area, and he stated that he has an obligation just as City Council does to the citizens who are here tonight. He stated that he worked very hard to keep the area clean when it was a county area, and he hopes that City Council does the same thing. He stated that first of all he thinks its time for the City to start mowing out there and invited the City to join him. He stated that secondly he received a nice letter from Alan Mueller on the Reid Road/Stone Road situation. He then wished that Alan Mueller would make a little note that he doesn't live at 12810 Stone Road anymore and that he lives at 1258 Stone Road, and pointed out that he is the one who changed his address. He stated that in looking at the committee, there are property owners, but they don't live at the property. He asked that the proposal is reconsidered and to widen the committee with more representation from the area, especially those who have invested in the area with their homes. He stated that the green belt along the creek may be the most expensive jogging trail in the world because first you would have to give fair market value of the property and you would have the Texas Takings Law which states that the City would have to reimburse for the decrease in the value of the properties along that creek. He stated that the City would not only destroy the back end of the property, but would also destroy the part, which is there to protect the citizens from flooding. He stated that right now the County, the school district, and the City of Brookside are working very hard on having a regional park, and if the City is wants to spend money on a park then come join everyone else because the city's property line backs up to the edge of the property that surrounds Lawhon School. He briefly explained the project and invited the City to get involved.

John Brown, 2333 Hawk Meadows Dr, Pearland, TX, stated that he has been here for 3 years. He stated that one-day he was driving down Max Road where he saw some green substance on the road. He called the County and talked to the health dept and they couldn't help. He then called EPA and they came out and found out it was radiation. He stated that is was on the road, someone's house, and it was going into the creek and EPA shut down the business. He said that was only one incident of a "Commercial" place. He then referred to the blow up that happened on Mykawa Road, and how they couldn't tell the fire department what was in each section of the building. He doesn't mind progress, but if this does pass, then the City better keep a tight grip on what is going on.

Jim Mathis, 8013 Brookside Rd, Pearland, TX, stated that he has been resident for 24 years, he is married, and has 4 children. He briefly explained that Cullen Boulevard overlay would not be good for the area. He stated that it would be a

good thing if it would preserve the quality of life that most residents moved to Pearland for. He stated that this proposal is not in the best interest of our community but is good for a fast buck. He stated that some of the participants of the committee don't even live in Pearland. He explained that the area is mainly residential where people moved to raise their families, and the businesses that were grandfathered should be protected allowing them to conduct business, but none of them should be allowed any zoning upgrades. He stated that the community has an internet web page, and there is a whole page on Pearland and the quality of life, and there is a history page stating that they are building toward the future done by planning in the present based on lessons learned in the past. He stated that they are a community that looks out for each other, and he stated that they don't need any "Commercial" or "Industrial" in their residential area. He then summarized what he has stated to City Council and encouraged them to preserve the quality of life, and he asked them to consider what is right in this matter.

Phillip Swartz, resident of Silverlake area, stated that he and some friends were looking to put a bid down on some property at the end of Hillhouse, and they would have closed on the property by now if they wouldn't have seen this master plan. He then asked City Council how many strip centers does a particular area need. He stated that there are lots of areas on Hwy 288 and along the Beltway for development such as this. He pointed out that any property value of property backing up to this Commercial area will be decreased. He then showed concern regarding the middle school that will be located next to the "General Business" area. He stated that he moved to this area because it is a rural community, and he understands that businesses need to be brought in however, they should not be brought in at the expense of the residencies.

Walter Pasciak, 7705 Brookside Rd, Pearland, TX, stated that he would like to support Mr. Long, who was very helpful with the address issue, however he did not like it when it was mentioned that after a year his own people, the City of Pearland, has not made a change of address yet. He then asked how the City can go forward with something when then can do something as simple as change of addresses. He then stated that he never did get to speak to him directly and that he probably spoke to his secretary. He stated that he has also worked with Ed Hersh on getting the grass cut, and he has been very supportive. He stated that he has also worked with Kevin in Animal Control, who has been helpful in picking up stray animals and dead wildlife. He then questioned the map used for the proposal and spoke of some high-pressure gas lines that run through the area that has restrictions on them. He was concerned that they are not shown on the map. Mr. Pasciak then suggested that the whole issue be tabled until everything is straight. He then stated that there is not an ISL slope that is not shown on the map and then stated that the City better get with the FAA to see what kind of restrictions there is. He stated that his wife already has lung problems now caused by the industry, and he stated that City does not need any more industry. He stated that the Police Department has not been able to

control the speed limit in the area. He stated that the City can't control the area now, and they are just going to add to their problems.

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION
Mr. Tobin Maples, Manager of Administrative Support

Council Member Seeger stated that he is glad to see some concerns regarding the make of the committee, and he did protest that there was not enough homeowners on it, and was unfortunately overruled. He encouraged to try to get more homeowners on the Committee and based on the presentation they have seen tonight from the residents.

Council Member Tetens thanked the citizens for coming out and giving the information they have given, and it will help the Committee to re-study the plan, as well as City Council.

Council Member Owens spoke regarding the green space and stated that Commissioner Harris is right in his comments. He commented on the citizens concern regarding the city taxes and stated that city taxes did not go up and that the property valuation went up, which the City Council has nothing to do with. He also stated that he appreciates everyone coming out and expressing their concerns.

Council Member Wilkins stated that he concurs with everything that has already been said and he feels this plan is far from being done. He also stated that he hopes there will be some additional homeowners on the committee. He stated that at this time he could not support the proposal, so he hopes there will be a compromise and he feels that one way to do that would be to change the make up of the Committee.

P&Z Chairman Viktorin stated that regardless of the turnout he would like the citizens to know that he grew up west of Pearland, and have been here long enough to remember "dead mans curve". He went to Brookside High School, and has seen numerous changes occur on the west side. He stated that he now has over 1,000 vehicles an hour that passes by his road, and he is okay with this and he takes the good with the bad. He reminded the citizens that the people here at the City are trying to make decisions based upon input from these groups, and from the citizens, and he asked for their patience.

Council Member Owens stated that since he has been on City Council he has heard a lot of comments about why people have moved out to the City of Pearland, and he copes that through whatever changes, that in the year 2010 people are still moving here for the same reason they did in 1937.

Council Member Marcott stated that he has some questions he would like to input from staff on. He first of all asked about the green space.

Manager of Administrative Support Tobin Maples stated that green space that is shown on the current plan is identical to the one shown on the existing plan, and it is nothing new. He stated that every creek in Pearland on the Master Plan calls for a linear park. He stated that is not sure whether or not it will ever be developed.

Commissioner Owens asked about the concerns of the citizens regarding parking, and Mr. Maples responded that they can only control what is in our jurisdiction. He stated that from the way it is shown, the City could possibly build bridges or loops to tie into the park across to the north.

Council Member Marcott asked about the flood plain and asked if staff could talk more about that issue.

Manager of Administrative Support Tobin Maples stated that he does not have any flood maps in front of him, and he reminded Council that the City of Pearland does not have anything to do with establishing the 100 year flood plain, and that it is done by a core of engineers for FEMA. He stated that the 100 year flood plain does not allow any construction in it under today's rules, so even if a house is in that area, and if a hurricane comes through to blow it down, then federal government will not allow the city to issue a permit.

Council Member Marcott then asked about the questions from the citizens about "taking the land".

Manager of Administrative Support Tobin Maples stated that this plan is not looking to condemn any property, however, if a property owner should decide to sell, and someone wants to come in and re-develop the whole area then at that point we would start looking at establishing a trail system.

Council Member Marcott then referred to a question asked by the citizens about how nothing would be done for 30 years, and asked staff to comment on that.

Manager of Administrative Support Tobin Maples stated that he would like to point out to the citizens that if someone comes in for a request for "Residential" or "Commercial" zoning in the area then the City would use this plan as a guiding tool.

Council Member Marcott asked about Council Member Owens comment on the process and the people that are on the committee.

Manager of Administrative Support Tobin Maples stated that staff would be looking for direction from City Council on expanding or reducing the Committee. He stated that from the beginning they have tried to create this committee based on similar committees created from other cities. He pointed out that the Steering

Committee comes up with the plan, guides it, and then it is presented to the public for comments so that it can be sent back to the Committee to be re-evaluated. He then stated that it is obviously not ready to be adopted based on what he has heard tonight.

Council Member Marcott asked how the Committee got started, and Mr. Maples replied that he was approached by both business and residential property owners with the same concern that they would not be able to get their developments through the existing Comprehensive Plan, so they actually wanted this plan to be re-evaluated.

Council Member Marcott stated there were several comments made regarding the addressing, and he asked if the City can get more accurate.

Manager of Administrative Support Tobin Maples stated that it is our problem because it is our responsibility to notify all of the utility providers (SWBT, HL&P, Appraisal District, and County) and it is up to them to change their databases. He stated that the City is required to go off the tax rolls when notifying people. He stated that we physically changed these addresses, and Brazoria County or the Appraisal District hasn't made the changes yet.

Council Member Marcott asked if Mr. Maples can verify if it is the City's problem or if it is County's problem, and Mr. Maples replied that it is County's problem.

County Commissioner Harris stated that the letter he received came from the City and had nothing to do with County, so the City is still carrying him on the City's rolls as 1218 Stone Road and the City changed it to 1258 Stone Road.

Mr. Maples stated that the City uses the rolls certified from the County.

Mr. Harris argued that obviously the City has not submitted the information to County.

Mr. Pasciak stated that he talked to Mr. Long today, and it takes Brazoria County up to 2 years to get these addresses changed, and he told Mr. Long that wasn't good enough because the mail is going to stop running to the old address this month.

Council Member Marcott asked if staff could try to get this corrected with County, and Mr. Harris stated that if they don't get the data from the City then County can't make their changes. Mr. Harris stated that he will get with the tax assessor in the morning to make sure that County is not involved in this.

Council Member Marcott referred to a speaker who had trouble with the notification not being clear enough and he asked if there is anyway the City can do a better job with the explanations. Mr. Maples stated that that is one of the

reasons these Joint Public Hearings are held, and the information can also be found on the City's website. He then stated that anyone can also call the permit or planning department and he would be more than glad to set a meeting to go over anything.

Discussion ensued regarding the green space, and again, Mr. Maples explained that the green space was on the original plan, which was adopted in 1999.

VI. ADJOURNMENT

The Joint Public Hearing adjourned at 8:20 p.m.

Minutes respectfully submitted by:

Jennifer Gonzales, Planning & Zoning Secretary

Minutes approved as submitted and/or corrected this _____ day of _____, AD, 2001

Larry Marcott, Mayor Pro-Tem



Zoning Case No. 981

City Council and Planning and Zoning Commission Joint Public Hearing:	June 11, 2001
Planning and Zoning Commission Recommendation:	Tabled
Planning and Zoning Commission Regular Business Meeting	June 18, 2001
Planning and Zoning Commission Recommendation:	Tabled
Planning and Zoning Commission Regular Business Meeting	July 2, 2001

Owner: Pearland Freeway Partners, Ltd. and F. Carrington Weems, II

Applicant/Agent: Wellington Stevens, III

Location: Northwest corner of South Highway 288 and Broadway Street

Existing Zoning: Suburban Development District (SD)

Requested Zoning: Commercial District (C)

Summary:

The applicant is requesting a zone change on approximately 86.41 acres in order to develop a business park. The property to the North is vacant land zoned for Suburban Development (SD) uses. The property to the West is vacant land zoned for Planned Unit Development (PUD) uses as a part of the Shadow Creek Ranch development. The property to the South is primarily vacant land zoned for Suburban Development uses with a small portion being zoned for General Business (GB) uses and developed with "Cutter's Stockyards Saloon". The property is bordered on the East by South Highway 288.

Public Notice/Comment Forms were mailed to fourteen (14) property owners within 200 feet of this request. No Public Comment Forms have been returned.

Other Considerations:

- The Comprehensive Plan recommends Business Park uses for this area. Therefore, the proposed use is in compliance with the Comprehensive Plan.

Planning and Zoning Commission Update:

- The Planning and Zoning Commission tabled this item at their June 18, 2001 meeting in order to allow the applicant an opportunity to consider a more restrictive zoning classification along the western boundary of the subject property. Specifically, the Commission asked the applicant to consider an OP (Office Professional) zoning classification along the western boundary in order to provide a buffer between the proposed development and the future residential uses within the Shadow Creek Ranch Development.
- Please note the applicant has submitted a revised proposal via the attached letter to include the possibility of a 150' strip of Office Professional on the West boundary of the property. Also included is a revised map showing the proposed 150' strip.

Staff Recommendation:

Approval

Attachments:

Public Hearing Notice
Zoning Change Application
Location Map
Property Owner Notification list

CITY OF PEARLAND
ZONE CHANGE APPLICATION
revised 5/9/00

Change in Zoning Classification from: SD to: Commercial

Change in Regulations in Section #: _____

Specific Use for: * _____

Property address: **Northwest corner of SH 288 and Broadway**

Lot: **See Attached**
Block: **See Attached**

Subdivision: **See Attached**

Metes & Bounds Description:
(unplatted property only; attach survey) **See Attached**

Tax I.D. number: **0675-0029-000 & 0675-0031-000**

Current use of land: **Agricultural - Cattle**

Proposed use of land within requested designation: **Business Park**

Record owner's name: **F. Carrington Weems, II**

Owner's mailing address: **909 Fannin Street, Suite 3205 Houston, Texas 77010**

Owner's telephone number: **713-658-0442**

Agent's name: **Wellington Stevens III**

Agent's mailing address: **920 Echo Lane, Suite 100 Houston, Texas 77024**

Agent's telephone number: **713-468-6700 Ext. 133**

PETITION: As owner/agent, I hereby petition the City for approval of the above described request as provided by the laws of the State of Texas and Ordinances of the City of Pearland. *On a Specific Use Permit request to allow a residential use in a business zone (OP, NS, GB), I acknowledge that such use may be incompatible with current and future uses on properties in my vicinity.

Owner's signature: *F. Carrington Weems*

Agent's signature: *Wellington Stevens III*

Fees paid: \$ **250.**

Date paid: **5-17-01**

Received by: *Memo Phipps*
via mail

Application number: **981 (1 of 2)**

CITY OF PEARLAND
ZONE CHANGE APPLICATION
revised 5/9/00

Change in Zoning Classification from: SD to: Commercial

Change in Regulations in Section #: _____

Specific Use for: * _____

Property address: Northwest corner of SH 288 and Broadway

Lot: See Attached
Block: _____

Subdivision: See Attached

Metes & Bounds Description:
(unplatted property only; attach survey) See Attached

Tax I.D. number: 0675-0038-000

Current use of land: Agricultural - Cattle

Proposed use of land within requested designation: Business Park

Record owner's name: Pearland Freeway Partners, Ltd.

Owner's mailing address: 909 Fannin Street, Suite 3205 Houston, Texas 77010

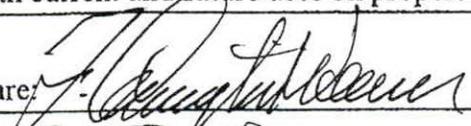
Owner's telephone number: 713-658-0442

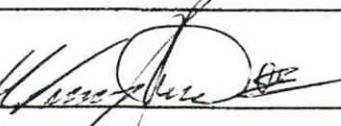
Agent's name: Wellington Stevens III

Agent's mailing address: 920 Echo Lane, Suite 100 Houston, Texas 77024

Agent's telephone number: 713-468-6700 Ext. 133

PETITION: As owner/agent, I hereby petition the City for approval of the above described request as provided by the laws of the State of Texas and Ordinances of the City of Pearland. *On a Specific Use Permit request to allow a residential use in a business zone (OP, NS, GB), I acknowledge that such use may be incompatible with current and future uses on properties in my vicinity.

Owner's signature: 

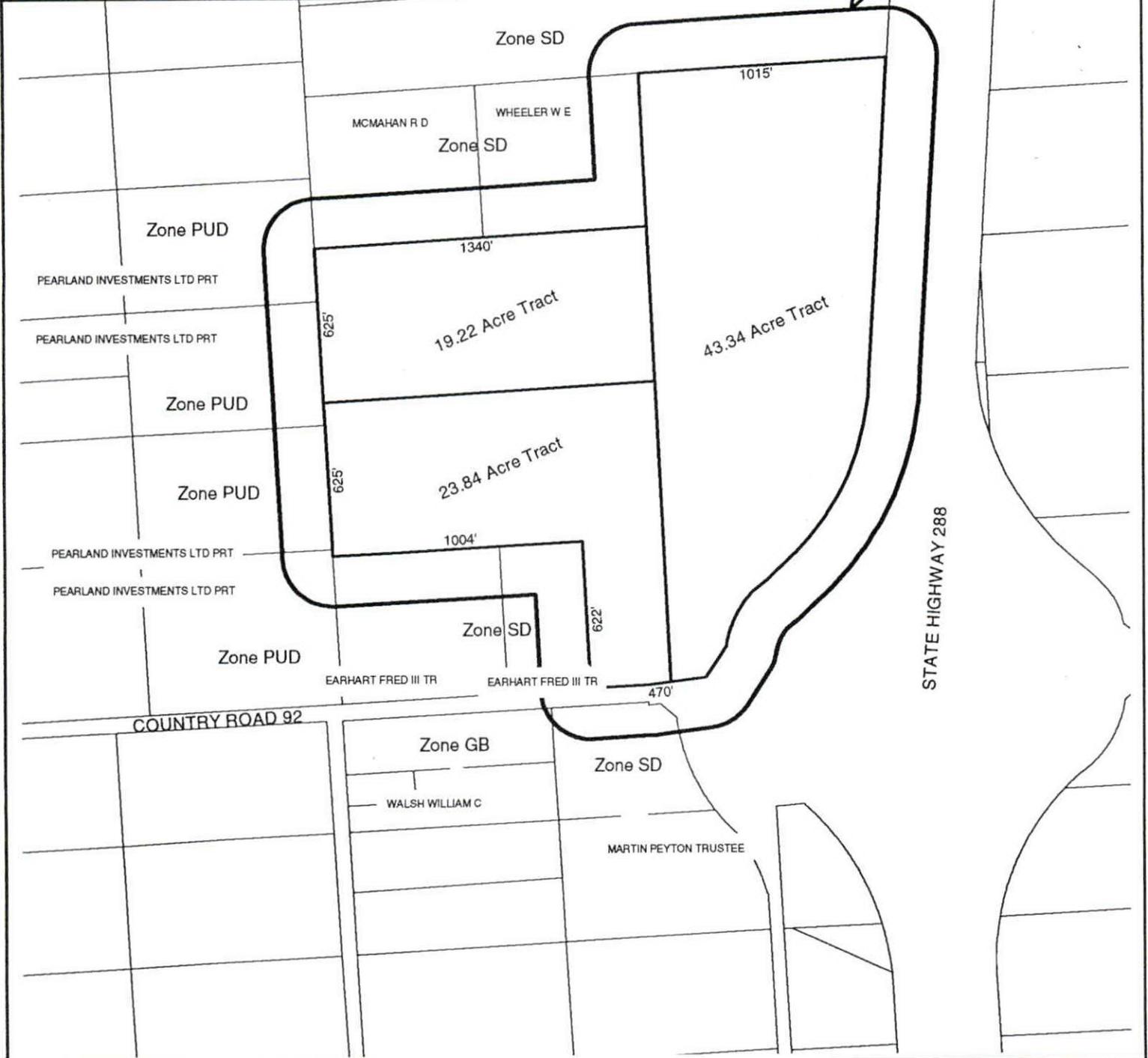
Agent's signature: 

Fees paid: \$ 250.00

Date paid: _____

Received by: Mrs Phipps
via mail

Application number: 981 (2 of 2)



200' Notification Buffer



F. Carrington Weems, II
Pearland Freeway Partners, Ltd.

**ZONE CHANGE
FROM
SD TO COMMERCIAL**

Application No. 981



Wellington Stevens III
13019 Boheme
Houston, TX 77079
(713) 468-6700 x 133 (Business) / (713) 465-1994 (Fax)

June 27, 2001

Mr. Tobin Maples
Manager of Administrative Support
City of Pearland
3519 Liberty Drive
Pearland, TX 77581

RE: Rezoning of Land at Northwest Corner of SH 288 and FM 288

Thank you for the opportunity to submit this request to change the zoning designation of the tract we have under contract. As you know, it is our highest desire to become and remain good neighbors with Shadow Creek, the surrounding area, and the City of Pearland.

We respectfully request that the 86.4 acre tract be rezoned as commercial. This will create the highest potential for development of office, retail, and/or medical uses. We are currently talking to prospects in each of these categories for possible locations in our park.

If we can not re-zone the entire tract as "C", then we request to zone the tract as "C" with a 150 foot buffer on the west border zoned "OP".

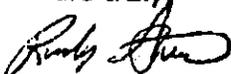
We believe this designation would work, although it may create delays in design and negotiations regarding location within the park. It may also effect the terms of future loan(s) for Build- to-suit or Design/Build facilities.

Also, as you know, the building setback requirements are as follows:

Commercial ("C"):	25 feet
Office & Professional ("OP"):	10 feet

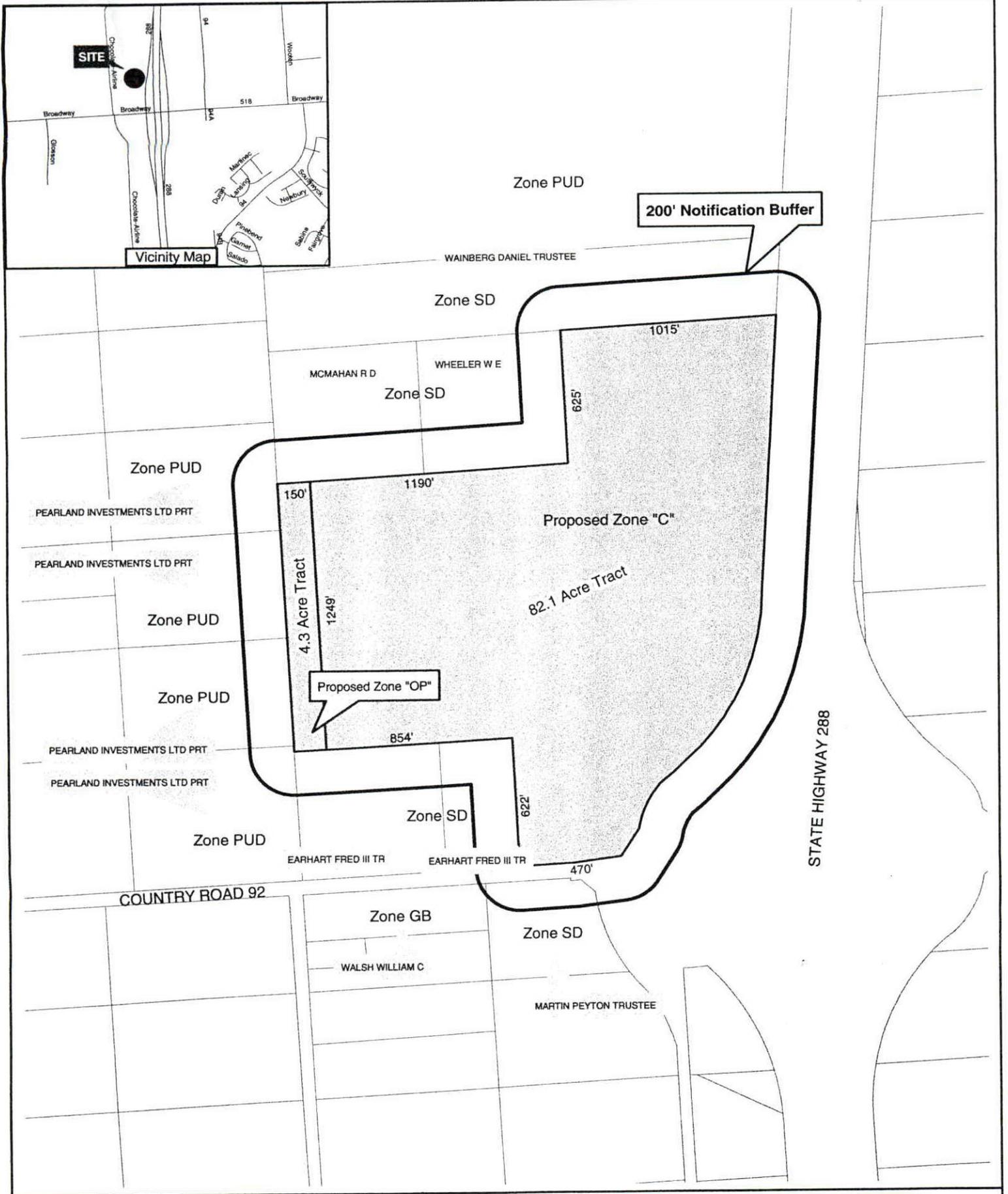
Please consider our requests and we look forward to working with you.

Yours truly,



Rocky Stevens

RS/wr



SITE

Vicinity Map

200' Notification Buffer

Proposed Zone "OP"

Proposed Zone "C"

82.1 Acre Tract

4.3 Acre Tract

**ZONE CHANGE
FROM
SD TO COMMERCIAL**

F. Carrington Weems, II
Pearland Freeway Partners, Ltd.

Application No. 981



NOTIFICATION LIST
Zone Change Application
No. 981

<u>PROPERTY OWNER</u>	<u>ADDRESS</u>		<u>LEGAL DESCRIPTION</u>
WAINBERG DANIEL TRUSTEE	4800 W 34TH ST STE C12	HOUSTON, TX 77092-6663	A0344 WM MORRIS, TRACT 1, ACRES 20.000
PEARLAND FREEWAY PARTNERS	909 FANNIN ST STE 3205	HOUSTON, TX 77010	A0675 J W MAXEY, BL 21, TR 3-4, TR 1-4, BL 22, LT 1-3, BL 23, AC 62.56
WHEELER W E	PO BOX 923	JACKSON, WY 83001-0923	A0675 J W MAXEY, BLOCK 21, TRACT 2, ACRES 9.600
MCMAHAN R D	5950 STONES THROW RD	HOUSTON, TX 77057-1444	A0675 J W MAXEY, BLOCK 21, TRACT 1, ACRES 9.600
PEARLAND INVESTMENTS LTD PRT	PO BOX 95398	LAS VEGAS, NV 89193-5398	A0675 J W MAXEY, BLOCK 18, TRACT 2, ACRES 9.10
PEARLAND INVESTMENTS LTD PRT	PO BOX 95398	LAS VEGAS, NV 89193-5398	A0675 J W MAXEY, BLOCK 18, TRACT 4, ACRES 9.07
WEEMS F CARRINGTON	909 FANNIN ST STE 3205	HOUSTON, TX 77010-1014	A0675 J W MAXEY, BLOCK 20, TRACT 1-2, ACRES 19.232
PEARLAND INVESTMENTS LTD PRT	PO BOX 95398	LAS VEGAS, NV 89193-5398	A0675 J W MAXEY, BLOCK 19, TRACT 2-4, ACRES 20.700
WEEMS F CARRINGTON	909 FANNIN ST STE 3205	HOUSTON, TX 77010-1014	A0675 J W MAXEY, BLOCK 20, TRACT 4, ACRES 4.645
EARHART FRED III TR	5681 BORDLEY DR	HOUSTON, TX 77056	A0675 J W MAXEY, BLOCK 20, TRACT 4A, ACRES 4.800
EARHART FRED III TR	5681 BORDLEY DR	HOUSTON, TX 77056	A0675 J W MAXEY, BLOCK 20, TRACT 3, ACRES 9.60
PEARLAND INVESTMENTS LTD PRT	PO BOX 95398	LAS VEGAS, NV 89193-5398	A0675 J W MAXEY, BLOCK 19, TRACT 2-4, ACRES 20.700
MARTIN PEYTON TRUSTEE	310 MORTON ST # 280	RICHMOND, TX 77469-3119	A0300 H T & B R R, TR 2-3-11TO15-23TO25-31TO35, ACRES 155.60
WALSH WILLIAM C	PO BOX 760	PEARLAND, TX 77588-0760	A0300 H T & B R R, TRACT 21, ACRES 5.000

**TO: MAYOR REID, CITY COUNCIL, PLANNING & ZONING COMMISSION
AND STAFF**

FROM: MONA ANN PHIPPS

DATE: MAY 18, 2001

RE: ADDITIONAL INFORMATION

Please find the enclosed additional information for Zone Change Application No. 979. This item is on the agenda for the Joint Public Hearing, this Monday night, May 21, 2001.

Ordinance No. 509-F Section 19.4

STATEMENT OF THE APPLICANT'S INTENTIONS RE: LEASING

The applicant future plans are for leasing all 45 spaces in the mobile home community continuously over the course of its lifetime. Referring back to the development schedule, the plan is to open the first 16 spaces for leasing around August 15, 2001 and to open the remaining 29 spaces around June 15, 2002. The applicant has no plans to sell any of the property at this time.

Ordinance No. 509-F Section 19.4

QUANTITATIVE DATA

TOTAL NUMBER OF DWELLINGS: 45

TYPE OF DWELLINGS: Mobile Homes with an average size of 18' X 80'

PROPOSED LOT COVERAGE OF BUILDINGS & STRUCTURES: 1440 sq feet
Office building

APPROXIMATE GROSS RESIDENTIAL DENSITY: 15.7%

APPROXIMATE NET RESIDENTIAL DENSITY: 22.7 %

TOTAL AMOUNT OF OPEN SPACE: 77.3%

TOTAL AMOUNT OF USABLE OPEN SPACE: Approximately 8000 sq. feet

TOTAL AMOUNT OF NON-RESIDENTIAL CONSTRUCTION: None – The
Office building is already in place

Ordinance No. 509-F Section 19.4

STATEMENT OF PLANNING OBJECTIVES

In planning the development of the property we wish to provide more than a mobile home park, we want to create a community. The idea is set to have curve appeal and to provide a community for mobile home buyers to have an upscale neighborhood quality. We are working with a California/Arizona atmosphere.

The park will have large lots with each mobile home having an outdoor storage shed, lighted streets and walkways, and a carport for each home. Our goal is for people to drive by our property and be glad that this community is in their town.

Ordinance No. 509-F Section 19.4

DEVELOPMENT SCHEDULE

OFI plans on developing the project in four stages.

Stage 1:

Description: Preparing the front of the property for rental

Time: Approximately 2 Months to begin on June 15, 2001 and to be completed on August 15, 2001

Stage 2:

Description: Renting the first 16 spaces of the park

Time: Approximately 6 months to begin on August 15, 2001 and to be completed on February 15, 2002*

Stage 3:

Description: Completing the remaining portion of the property for rental

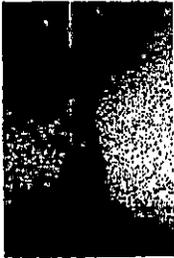
Time: Approximately 4 months to begin on February 15, 2002 and to be completed on June 15, 2002

Stage 4:

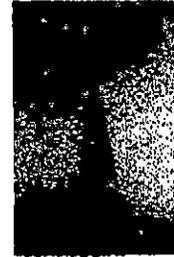
Description: Renting the remaining 29 spaces in the park

Time: This stage is indefinite

* This stage will be repeated when spaces become available, but it will not stop stage 3 from continuing.



OFI INVESTMENTS, L.L.C.
2357 Garden Road
Pearland, TX 77581
281-435-6685
281-485-0962 Fax



Wayne Stahlheber, Manager

City of Pearland
Attn: Tobin Maples
281-652-1660
281-652-1705 FAX

Re: Zoning Application #979

Mr. Maples:

I respectfully request to withdraw application #979 set for May 21, 2001. The withdrawal is due to information that is needed from other sources will not be available for this hearing.

Thank you for your consideration.

Wayne Stahlheber, Manager

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND TO BE HELD MONDAY, MAY 21, 2001, IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARINGS, IN THE COUNCIL CHAMBERS OF THE CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES: May 7, 2001

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 979

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 Mobile Home District Planned Unit Development (MH PUD) in the following described property, to wit.

1. Zoning Application No. 979

Legal Description: Lot 15, H. T. & B. R. R. Co. survey, Section 6, A-544, Brazoria Co., TX, according to the map or plat thereof recorded in Vol. 136, pg 501, deed records of Brazoria Co., TX (13260 Hatfield)

Owner: Douglas Wayne Stahlheber
13811 Eiker Road
Pearland, TX 77581

B. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of The Village at Pearland Section Seventeen, a subdivision of 10.00 acres of land out of H.T. &B. R.R. Co.Survey, A- 242, City of Pearland, Brazoria County, Texas.

C. CONSIDERATION & POSSIBLE ACTION - Final Plat of Crosspoint Fellowship Church out of Lot 72 and Lot 73, Zychlinski subdivision of 15.000 acres of land out of H.T. & B.R.R. Co. Survey, A-233, R.B. Lyle Survey A-542, (Vol. 29, Pg. 43, B.C.D.R.), City of Pearland, Brazoria County Texas.

D. CONSIDERATION & POSSIBLE ACTION – Final Plat of West Side Plaza Tract II, Section One, a subdivision of 5.89 acres of land out of Reserve A of

Corrigan Addition, in (Vol.17, Pg. 259), City of Pearland, Brazoria County Texas.

IV. NEXT MEETING DATES: June 4, 2001 (Regular Meeting)

V. ADJOURNEMENT

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: 18th DAY OF May 2001 AD
REMOVED: 1 DAY OF JUNE 2001 AD

Planning and Zoning Commission

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND HELD ON MONDAY, MAY 21, 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 regular meeting was called to order at 8:34 p.m. with the following present:

P&Z Chairman	H. Charles Viktorin
P&Z Vice-Chairman	Donald Glenn
P&Z Commissioner	Todd Iocco
P&Z Commissioner	Robert Scherrer
P&Z Commissioner	Russ Selemon
Manager of Administrative Support	Tobin Maples
City Engineer	John W. Hargrove
P&Z Secretary	Jennifer Gonzales

P&Z Commissioner Randy Patro was absent.

II. APPROVAL OF MINUTES: May 7, 2001

Commissioner Iocco made a motion to approve the May 7, 2001 minutes with a second by Commissioner Selemon.

Motion to approve passed 4 to 1 (Vice-Chairman Glenn abstained).

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 979

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 Mobile Home District Planned Unit Development (MH PUD) in the following described property, to wit.

1. Zoning Application No. 979

Legal Description: Lot 15, H. T. & B. R. R. Co. survey, Section 6, A-544, Brazoria Co., TX, according to the map or plat thereof recorded in Vol. 136, pg 501, deed records of Brazoria Co., TX (13260 Hatfield)

**Owner: Douglas Wayne Stahlheber
13811 Eiker Road**

Planning and Zoning Commission

Pearland, TX 77581

Application removed by request of owner.

B. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of The Village at Pearland, a subdivision of 10.00 acres of land out of H.T. &B. R.R. Co.Survey, A- 242, City of Pearland, Brazoria County, Texas.

City Engineer Hargrove stated that staff recommends approval with a list of comments for the final plat. He listed the comments as:

1. A Traffic Impact Analysis needs to be reviewed with the construction plans.
2. A dedicatory statement is required for the final plat.
3. The surveyor's statement needs revision.
4. There needs to be a 10-foot utility easement extension across lot 4.
5. They need to add a note stating the zoning classification.

Commissioner Iocco made a motion to approve the Preliminary Plat of The Village at Pearland with staff's comments, and Vice-Chairman Glenn seconded the motion.

Commissioner Selemon asked if they would still be working out the problem with the easement rights for drainage on the final plat, and Mr. Hargrove replied that there is an explanation shown on the Preliminary Drainage Plan.

Commissioner Scherrer asked if the homes are going to be "garden homes", and Mr. Hargrove replied that he has heard they are going to be town homes.

Motion to approve passed 4 to 1 (Commissioner Scherrer voted against the motion).

C. CONSIDERATION & POSSIBLE ACTION - Final Plat of Crosspoint Fellowship Church out of Lot 72 and Lot 73, Zychlinski subdivision of 15.000 acres of land out of H.T. & B.R.R. Co. Survey, A-233, R.B. Lyle Survey A-542, (Vol. 29, Pg. 43, B.C.D.R.), City of Pearland, Brazoria County Texas.

City Engineer Hargrove stated that staff recommends approval as submitted with a note to add note 12 stating that the property is zoned "General Business" at the time of platting.

Commissioner Iocco made a motion to approve the Final Plat of Crosspoint Fellowship Church with the comment by staff, and Commissioner Scherrer seconded the motion.

Motion to approve passed 5 to 0.

Planning and Zoning Commission

D. CONSIDERATION & POSSIBLE ACTION – Final Plat of West Side Plaza Tract II, a subdivision of 5.89 acres of land out of Reserve A of Corrigan Addition, in (Vol.17, Pg. 259), City of Pearland, Brazoria County Texas.

City Engineer Hargrove stated that staff recommends approval with the comment to remove Commissioner Tetens and Commissioner Patro's names and to add note 6 stating what the zoning classification is at the time of platting.

Vice-Chairman Glenn made a motion to approve the Final Plat of West Side Plaza Tract II with staff's comments, and Commissioner Selemon seconded the motion.

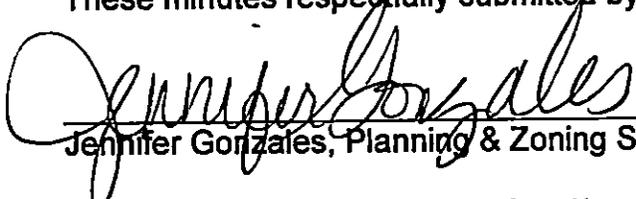
Commissioner Selemon thanked Mr. Hargrove for having the zoning classifications added to the plat, and Mr. Iocco also thanked him.

IV. NEXT MEETING DATES: June 4, 2001 (Regular Meeting)

V. ADJOURNEMENT

The meeting adjourned at 8:45 p.m.

These minutes respectfully submitted by:



Jennifer Gonzales, Planning & Zoning Secretary

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



Charles Viktorin, Planning & Zoning Chairman

JCH
P+Z
5/21/01

MEMBERS OF THE PLANNING & ZONING COMMISSION
(3 YEAR TERM)
(2 TERMS ALLOWED)
as of 04/01

<u>MEMBER</u>	<u>TERM EXPIRES</u>	<u>PHONE #'S</u>
H. CHARLES VIKTORIN, Chairman 2905 Smith Road Pearland, TX 77584	November, 2002	Home: 281-485-4111 Mobile: 281-413-1844 Work: 281-997-3438 Fax: 281-997-3728
DONALD GLENN, Vice-Chairman 1112 Gulfton Pearland, TX 77581	March, 2002	Home: 281-996-1809 Office: 713-892-0340 Fax: 713-892-0380
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 Home: 281-997-1778
ROBERT SCHERRER 5315 Colonial Drive Pearland, TX 77584	April, 2004	Office: 713-529-3992 Fax: 713-529-8161
RUSS SELEMON 2312 John Pearland, TX 77581	November, 2002	Office: 409-766-6445 Home: 281-996-9785 Fax: 409-766-6541
RICHARD F. TETENS 2105 W. Mary's Creek Pearland, TX 77581	September, 2003	Home: 281-482-7065