

- G. CONSIDERATION & POSSIBLE ACTION** – Request by Douglas Keney of LJA Engineering, engineer for Cabot Cove Subdivision for a variance from the Subdivision Ordinance that requires sidewalks to be constructed along McLean Road.
- H. CONSIDERATION & POSSIBLE ACTION** - Request by West Development, developer for West Oaks Subdivision for a variance from the Subdivision Ordinance that requires sidewalks to be constructed along Fite Road.
- I. CONSIDERATION & POSSIBLE ACTION** – Request by West Development, developer for Centennial Village Section One, for a variance from the Subdivision Ordinance that requires sidewalks to be constructed along Fite Road.
- J. DISCUSSION & REVIEW** – Request by Pierre Nys of Kirby Run Management, Inc. for a review of a conceptual plan for a 40-acre tract at the intersection of Harkey Road and CR 101.

IV. NEXT MEETING DATE: April 22, 2002 - JPH & Regular Meeting
April 29, 2002 – No Meeting

V. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.

Planning and Zoning Commission

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON APRIL 15, 2002 IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The meeting was called to order at 6:35 p.m. with the following present:

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

Commissioner Kevin McDonald was absent.

**II. APPROVAL OF MINUTES: March 18, 2002
 April 1, 2002**

March 18, 2002

P&Z Secretary Jennifer Gonzales pointed out to the Commissioners that she changed all the word "Mr" that was before the Commissioner's name to "Commissioner" to prevent any confusion.

Commissioner Iocco made a motion to approve the March 18, 2002 minutes as corrected with a second made by Commissioner Selemon.

Motion to approve passed 5 to 0 (1 abstention by Chairman Viktorin)

April 1, 2002

P&Z Secretary Jennifer Gonzales pointed out that she added a paragraph to Item A, which is located at the top of page 2. She stated the paragraph was added to document the fact that Commissioner Iocco had made the comment more then once.

Commissioner Iocco made a motion to approve the April 1, 2002 minutes as corrected with a second made by Vice-Chairman Glenn.

Motion to approve passed 6 to 0

III. NEW BUSINESS

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

A. CONSIDERATION & POSSIBLE ACTION – Recommendation for request of staff to consider amendments to Chapter 27, Exhibit A Section 1.6, Subdivisions, of the Pearland Code of Ordinances.

Plat and Plans Administrator Richard Keller stated that he has met with Chief Engineering Inspector Charlie Stubbs on this matter. He stated that Charlie pointed out that asphalt streets have not been built for some time now. He stated that he could speak on the subject of open ditches. He explained how they can catch trash and get stopped up and there is no one to maintain them.

Deputy City Manager Alan Mueller indicated that these amendments are all changes that came from previous City Council workshops. He stated he is not there to advocate one way or another he is there to answer any questions. He stated open ditches are allowed, but only by a variance. He added that the Commission would be the board to review the variances on a case-by-case basis.

Chairman Viktorin read and verified Section A.1.6

Deputy City Manager Alan Mueller stated that he was unfamiliar with the new section added regarding the “large lots”. He then asked if this was additional language requested by the Commission at the last meeting.

Commissioner Scherrer stated they discussed large lots but never specified acreage or size.

Deputy City Manager Alan Mueller clarified that the ordinance that was originally presented the open ditches were completely prohibited, except by variance.

Commissioner Iocco asked if the Commission had the final say on the variance requests. Deputy City Manager Alan Mueller replied that is correct.

The Commission discussed the meaning of “large lots”.

Chairman Viktorin suggested using the verbiage of “RE” size lots.

Commissioner Sederdahl agreed that “RE” would be a good compromise.

Commissioner Scherrer made a motion to table the recommendation for the amendment to Chapter 27, Section A. Commissioner Sederdahl seconded the motion.

Commissioner Iocco stated that for a point of information the Commission is recommending tabling until the amendment reads that open ditches and asphalt streets shall be allowed with “RE” size lots.

Motion to table passed 6 to 0.

Planning and Zoning Commission

B. CONSIDERATION & POSSIBLE ACTION - Preliminary Plat of The Enclave at Pearland, a subdivision of 56.5391 acres being out of the H.T.&B. R.R. Co. Survey, Abstract – 242, City of Pearland, Brazoria County, Texas.

Variance Request: To allow for the developer to maintain a 60' right-of-way along North Fork Drive.

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

1. The police department is recommending the street name "NEWPORT" to be changed.
2. He made a suggestion to change the name of the plat.
3. The need to remove the heavy line extensions of the west boundary.
4. They need to remove Note No. 5.
5. They need to move one streetlight to the northwest corner and extend the 5' electrical easement.
6. They need to remove minor streets from vicinity map.
7. They need to correct the text on note 12.

Mr. Keller passed out the current Thoroughfare Plan. He stated that staff does not have the availability to modify the plan and that is why the variance request has been brought to P&Z. He stated that staff is recommending a 70' right-of-way.

Chairman Viktorin asked if staff and the developer have agreed upon the matter as stated in one of the letters.

Mr. Keller stated that he spoke to Deputy City Manager Alan Mueller and that is not true.

Commissioner Sederdahl made a motion to approve the Preliminary Plat of the Enclave at Pearland with staff's recommendations. Commissioner Iocco seconded the motion.

Mr. Keller pointed out that if the variance were not approved then the plat would have to be redone.

Commissioner Selemo asked why staff would accept 70'. Plat and Plans Administrator Keller replied that it would match the existing subdivision across the way.

Commissioner Sederdahl retracted his motion and Commissioner Iocco retracted his second.

Commissioner Scherrer made a motion to deny the Preliminary Plat of The Enclave at Pearland with a second made by Commissioner Sederdahl.

Vice-Chairman Glenn asked what the hardship is for requesting the variance. Mr. Saib stated that they provided 20' on Fite and also 20' on FM 1128.

Mr. Keller stated that per Alan Mueller the developer does not have to provide 20' on Fite.

Gary Ferguson stated that there were a number of issues on the Traffic Impact Analysis. He stated that one of them being a requirement to have a right-of-way as 60'. He stated that if this is an issue then they will withdraw the request and will make it 70'.

Mr. Ferguson stated that he is trying to expedite the review and approval; and they think they have a very good reason for the 60' verses the 80'. He stated that they would withdraw the request. He stated that staff is recommending approval of the street pattern.

Commissioner Scherrer withdrew the motion for denial and Commissioner Sederdahl withdrew his second.

Commissioner Iocco made a motion to approve the Preliminary Plat with staff's recommendations and the variance request being changed to a 70' right-of-way on North Fork Drive. Vice-Chairman Glenn seconded the motion.

Mr. Ferguson referred to a discussion with Tobin Maples and Andy Gallagher in a Pre-Development meeting as far as the requesting the 60' right-of-way. Commissioner Iocco requested that in the future he should bring a letter from one of them to accompany the variance request for 60'.

Motion to approve passed 6 to 0.

C. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of The Reserve at Tranquility Lakes, a subdivision of 20.023 acres of land out of the H.T.&B. R.R. Co. Survey, Abstract 242, Brazoria County.

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

1. They need to correct the chord bearing of last call in the meets and bounds description.
2. Note 11 needs to be corrected.

Mr. Keller stated that these are proposed apartments.

Commissioner Iocco asked if there would be any more apartments. Mr. Keller responded that the 8-acres next to the property would be developed also.

Vice-Chairman Glenn made a motion to approve the Preliminary Plat of The Reserve at Tranquility Lakes. Commissioner Sederdahl seconded the motion.

Planning and Zoning Commission

Commissioner Iocco asked what the zoning is and Plat and Plans Administrator Richard Keller replied that there is no zoning because it is not in the city limits.

Motion to approve passed 6 to 0.

D. CONSIDERATION & POSSIBLE ACTION – Final Plat of Sunrise Lakes Section Five, a subdivision of 33.64 acres of land being a partial replat of the Allison Richey Coast Home Company Subdivision Section Twenty (being part of lots 11, 13, 14, & 15), recorded in Volume 2, page 23-24, Brazoria County Plat Records out of the H.T.&B. R.R. Co. Survey, A-304 & John W. Maxey Survey, A-721 City of Pearland, Brazoria County, Texas.

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

1. Add year of adjustment to slab elevation in Note 9.
2. The title of the meets and bounds description needs to match the title block.
3. They need to show ownership of adjoining land south of block 3 and east of Reserve "B" and Reserve "A".
4. The approval of construction plans is required.
5. The scale on the vicinity map needs to be corrected.
6. They may need to pay on Hooks Road if any fees are due.

Commissioner Iocco made a motion to approve the Final Plat of Sunrise Lakes Section Five with staff's recommendations. Vice-Chairman Glenn seconded the motion.

Commissioner Iocco asked about the 100' right-of-way that turns into a 60' right-of-way after the curve. Ken Caffey of Amvest Properties replied that a Traffic Impact Analysis has been done and this is okay.

Commissioner Iocco stated that he was confused about why the 100' right-of-way turned into 60' after the curb. Mr. Caffey clarified that they 100' is for the entrance.

Motion to approve passed 6 to 0.

E. CONSIDERATION & POSSIBLE ACTION – An Amending Final Plat of Cabot Cove Section One, a subdivision of 36.0068 acres located in the H.T.&B. R.R. Co. Survey, Abstract 508, City of Pearland, Brazoria County, Texas.

Plat and Plans Administrator Richard Keller stated that staff recommends approval with no changes.

Commissioner Sederdahl made a motion to approve the Amending Final Plat of Cabot Cove Section One with a second made by Commissioner Iocco.

Planning and Zoning Commission

Commissioner Scherrer asked if the sidewalks have anything to do with the platting. Mr. Keller replied that a note is on the plat regarding the sidewalks.

Motion to approve passed 6 to 0.

F. CONSIDERATION & POSSIBLE ACTION – A Partial Replat of Silverlake Commercial Park Phase VIII, a subdivision of 2.4882 acres of land being a replat of unrestricted reserves “D”, “E” & “F” of Silverlake Commercial Park 8 as recorded in Volume 21, Pages 171-172 of the Brazoria County Plat Records out of the R.B. Lyle Survey, Abstract No. 539 Brazoria County, Texas.

Plat and Plans Administrator Richard Keller stated that staff recommends approval with the addition of signatures and surveyor seal’s on the plat. He stated that a note should be added that no direct access to FM 518 is permitted.

Commissioner Sederdahl asked what they are doing and Mr. Keller replied he is not sure. Mr. Keller added that it’s county and they are not zoned, therefore they are not required to tell us what they are doing.

Mike Harney of Jones & Carter, Inc. stated that reserves “B” and “C” are already developed. He stated that the owner is fine with the addition of the note regarding the direct access.

Commissioner Sederdahl made a motion to approve the Replat of Silverlake Commercial Park Phase VIII with staff’s recommendations. Commissioner Scherrer seconded the motion.

Motion to approve passed 6 to 0.

G. CONSIDERATION & POSSIBLE ACTION – Request by Douglas Keney of LJA Engineering, engineer for Cabot Cove Subdivision for a variance from the Subdivision Ordinance that requires sidewalks to be constructed along McLean Road.

Plat and Plans Administrator Richard Keller stated that staff recommends the variance be granted. He stated that he met with Chief Engineering Inspector Charlie Stubbs. He added that Mr. Stubbs pointed out there are bar ditches along Fite Street and it is not practical to build the sidewalks at this time.

Commissioner Scherrer made a motion to deny the variance request with a second made by Commissioner Selemon.

Commissioner Scherrer stated that it seems like every developer does not want to build sidewalks. He stated that there is going to be a new school on McLean and Bailey and there is also a park to walk to. Mr. Scherrer stated that the same developer just pointed

Planning and Zoning Commission

out that the road is so busy and it's too busy to have a gas station and now he doesn't want to construct sidewalks.

Doug Keney of LJA Engineering stated that McLean is supposed to be widened and the developer would rather put the money into escrow and have the sidewalks built at a later date.

Commissioner Selemo stated there is no guarantee when McLean is going to be widened. He stated that when he drives through Clear Lake City it looks very nice. He stated that the subdivisions are built back farther. He stated that we shouldn't have to wait on the roads to be improved to have sidewalks.

Commissioner Iocco stated that he concurs with both. He then questioned that when McLean is expanded is the bar ditch going to be enough room to expand to accommodate the extra roadway for a sidewalk. He stated another point is that the Commission was misrepresented with the John Lizer issue when they stated that there wasn't enough room to build the sidewalks. Mr. Iocco stated that he fears this is going to become a "practice" for the Commission and at some point in time the Commission will have to take a stand and "stick with their guns" for the kids that will have to walk to school.

Commissioner Scherrer reminded the Commission about the story of the five-year old boy who was killed walking home from school on Veterans Drive because there are no sidewalks in the area.

Commissioner Selemo stated that they need sidewalks even if they're going to eventually be torn up.

Commissioner Scherrer spoke of a variance that was issued to Parks at Walnut Bend Subdivision because the developer stated that they had to make changes at the request of the city, which prohibited the use of a sidewalk on that property. He stated that from his understanding a developer can pay \$4.00 per square foot and this goes to some general fund for the city. He stated that the money is not earmarked for that area. He stated that it's like the developer can hand over a check to excuse himself from his responsibilities.

Commissioner Sederdahl complemented the good points made and suggested that the developer should have planned for the sidewalks.

Doug Keney of LJA Engineering stated that the developer is asking to pay the fees in lieu of building the sidewalks because if they build the sidewalks they would have to be built along the side of a ditch, which would not be very practical.

Commissioner Scherrer pointed out that the developer at this very day is having a fence put in along McLean along the ditch line because he had every intention and thought that this variance was going to be requested and granted.

Planning and Zoning Commission

Commissioner Selemon showed concerns regarding “consistency” because they just approved the plat stating they are going to build the sidewalks.

Commissioner Scherrer stated that somebody has to get the ball rolling to get these sidewalks put in.

Chairman Viktorin stated that early on there were sidewalk variances issued on the west side of town on FM 518 and now people are walking with no sidewalks and traffic is 60 mph. He stated that for the last year and a half the Commission has really been pushing against these sidewalk variances.

Commissioner Selemon stated that there might have to be an instant where the open ditch is covered so that sidewalks can be put in.

Commissioner Iocco stated that a variance is supposed to be a unique hardship and he doesn't feel there is any hardship in this case or for the two requests to follow.

Motion to deny passed 6 to 0.

H. CONSIDERATION & POSSIBLE ACTION - Request by West Development, developer for West Oaks Subdivision for a variance from the Subdivision Ordinance that requires sidewalks to be constructed along Fite Road.

Commissioner Iocco made a motion to deny the variance request with a second made by Commissioner Scherrer.

Commissioner Selemon made a note to the secretary to refer anyone to read the comments made on the previous agenda item.

Chairman Viktorin stated that if this road were part of the Bond Issue for roads that are being repaired in the next 2-3 years he would be in support of the request. Commissioner Iocco agreed.

Commissioner Scherrer added that in conjunction with the sidewalks near the Elementary school that were required with the first section of West Oaks, he doesn't see why the developer can't build them for this section.

Les Rowell of West Development stated that there are no sidewalks along Fite Road.

Discussion ensued regarding whether or not sidewalks were on Fite Road.

Motion to deny passed 6 to 0.

I. CONSIDERATION & POSSIBLE ACTION – Request by West Development, developer for Centennial Village Section One, for a variance from the

Subdivision Ordinance that requires sidewalks to be constructed along Fite Road.

Commissioner Scherrer asked where this subdivision is. Les Rowell of West Development replied that it is near the detention pond by Hatfield Road. Commissioner Scherrer verified that Fox and Jacobs is the builder and Mr. Rowell stated that he is correct.

Les Rowell showed a diagram that showed the detention and where the fence is. He explained that they would like to build the sidewalks and he referred to the sidewalks constructed in another subdivision by the high school. He stated that they would prefer to build the sidewalks because it is cheaper, however there is not enough space and they neglected to notice this.

Commissioner Scherrer pointed out the sidewalks constructed at the Fox and Jacob development near the high school, which are along the bar-ditch.

Commissioner Scherrer made a motion to deny the variance request to not build the sidewalks along Fite Road with a second made by Vice-Chairman Glenn.

Motion to deny passed 6 to 0.

J. DISCUSSION & REVIEW – Request by Pierre Nys of Kirby Run Management, Inc. for a review of a conceptual plan for a 40-acre tract at the intersection of Harkey Road and CR 101.

Pierre Nys, developer, explained that he has had two pre-development with city's staff and he has spent a lot of time and money on the design. He stated that as they have been planning this development the ordinance is being changed regarding the pumps. He stated that the drainage is very low. He stated that there is a 3' ditch at the top, which is owned by the Brazoria Drainage District #4. Mr. Nys stated that the pumps would need to be in the northern corner for 3-4 years. He stated the Brazoria Drainage District plans to deepen the ditch and at that time the pumps can be eliminated. He stated that he is going to bring the Preliminary Plat to the Commission in about 30 days with a letter for a variance request to allow for the pumps.

Vice-Chairman Glenn asked if the City would maintain the pumps. Mr. Nys stated that the homeowners association would be responsible.

Commissioner Sederdahl stated that he worked for the Drainage District and when he came on board he clarified the fact that they would not be addressing drainage issues. Commissioner Sederdahl stated that he relies heavily on staff's recommendations.

Chairman Viktorin pointed out that obviously the developer has spent money on the project and the ordinance is being changed during the planning process.

Planning and Zoning Commission

Commissioner Selemon stated that he would agree with the Chairman, however there is not even a Preliminary Plat approved yet.

Mr. Nys stated that at one of his pre-development meetings it was suggested for him to present his idea to the Commission.

Commissioner Selemon asked if there would be back up generators. Mr. Nys replied there would be.

Commissioner Iocco suggested for him to get the project moving right away before the ordinance is changed.

Commissioner Sederdahl stated that if staff recommends approval then he would support it.

Commissioner Iocco stated that if the developer were to bring it back in a month he would be okay with the request.

Mr. Nys reminded the Commission that this is a very informal meeting.

Chairman Viktorin stated that he would also go with staff's recommendation also.

Commissioner Iocco asked if this plat would go to the Brazoria Drainage District for review. Mr. Keller explained that not all the plats have to get Brazoria Drainage District's approval.

**IV. NEXT MEETING DATE: April 22, 2002 - JPH & Regular Meeting
 April 29, 2002 – No Meeting**

V. ADJOURNMENT

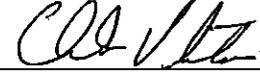
The meeting adjourned at 8:12 p.m.

These minutes respectfully submitted by:



Jennifer Gonzales, Planning & Zoning Secretary

Minutes approved as submitted and/or corrected on this 13 day of MAY, 2002.



Charles Viktorin, Planning & Zoning Chairman

ORDINANCE NO. 741-3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 27, *SUBDIVISIONS*, OF THE CITY OF PEARLAND CODE OF ORDINANCES, AS IT MAY HAVE BEEN, FROM TIME TO TIME, AMENDED, FOR THE PURPOSE OF PROMOTING ORDERLY DEVELOPMENT IN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY FOR VIOLATION; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That Section 1.6 of Exhibit A, of Chapter 27, *Subdivisions*, of the City of Pearland Code of Ordinances, is repealed and a new Section 1.6 of Exhibit A hereby adopted to read as follows:

- 1.6 OPEN DITCH SUBDIVISIONS AND ASPHALT STREETS PROHIBITED: Open ditch subdivisions and asphalt streets are prohibited, subject to the following exceptions:
1. Open ditch subdivisions and asphalt streets shall be permitted in subdivisions consisting of (1) acre or larger lots.
 2. A variance is granted in accordance with section 27-3 (A) (3) of this chapter.

Section 2. That Exhibit B, of Chapter 27, *Subdivisions*, of the City of Pearland Code of Ordinances, is repealed and a new Exhibit B hereby adopted to read as follows:

EXHIBIT B

1. All storm drainage improvements constructed in the City of Pearland or its Extraterritorial Jurisdiction shall conform to the Storm Drainage Design Criteria Requirements for the City of Pearland
2. All perimeter drainage and detention required by this ordinance shall be constructed and operational prior to construction of any site earthwork or improvements.
3. Subject to Section 27-3 (A)(3) variances, storm water detention facilities requiring mechanical pumping systems are prohibited.

Section 3. Penalty. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished by a fine in any sum not exceeding Five Hundred Dollars (\$500.00).

Section 4. Declaration of Emergency. The Council finds and determines that the need to promote orderly development in the City and its Extraterritorial Jurisdiction inures to the benefit of the public and, therefore, bears directly upon the health, safety and welfare of the citizenry; and that this Ordinance shall be adopted as an emergency measure, and that the rule requiring this Ordinance to be read on two (2) separate occasions be, and the same is hereby waived.

Section 5. Savings. All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 8. Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 9. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective ten (10) days from and after its publication, or the publication of its caption and penalty, in the official city newspaper.

PASSED and APPROVED ON SECOND AND FINAL READING this the _____ day of
_____, A. D., 2002.

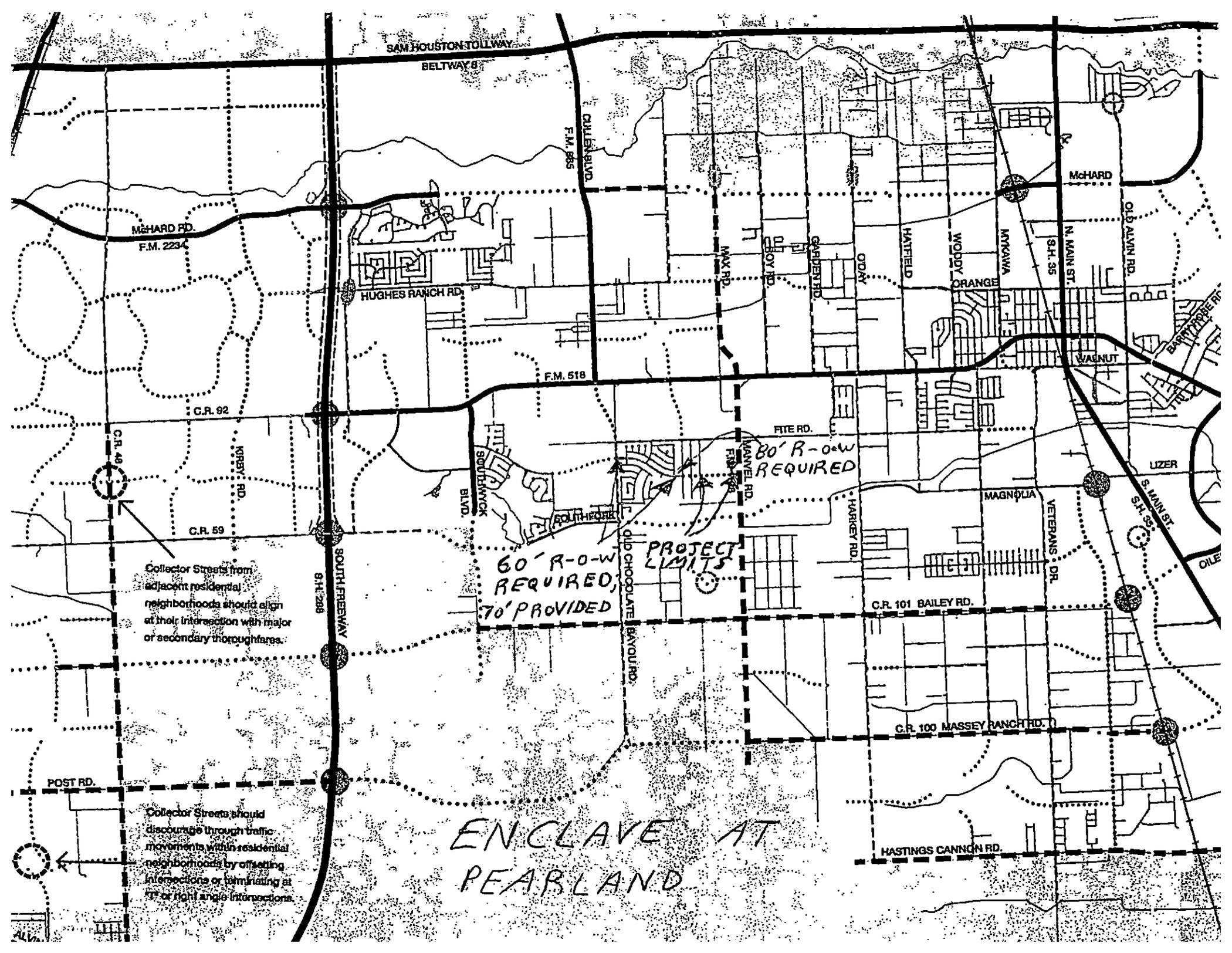
TOM REID
MAYOR

ATTEST:

YOUNG LORFING
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY



SAN HOUSTON TOLLWAY
BELTWAY 8

MCHARD RD.
F.M. 2234

HUGHES RANCH RD.

CULLEBRAND
F.M. 565

MCHARD

OLD ALVIN RD.

DIJOY RD.

GARDEN RD.

ODAY

HATFIELD

WOPDY

ORANGE

MYKAWA

N. MAIN ST.
S.H. 35

WALNUT

F.M. 518

FITE RD.

80' R-O-W
REQUIRED

SOUTHWICK
BLVD.

60' R-O-W
REQUIRED,
70' PROVIDED

PROJECT
LIMITS

OLD CHOCOLATE
BAYOU RD.

HARKEY RD.

MAGNOLIA

VETERANS DR.

UZER

S. MAIN ST.
S.H. 35

OILE

C.R. 101 BAILEY RD.

C.R. 100 MASSEY RANCH RD.

HASTINGS CANNON RD.

SOUTH FREEWAY
S.H. 288

C.R. 92

KIRBY RD.

C.R. 59

Collector Streets from adjacent residential neighborhoods should align at their intersection with major or secondary thoroughfares.

Collector Streets should discourage through traffic movements within residential neighborhoods by offsetting intersections or terminating at 45 or right angle intersections.

ENCLAVE AT
PEARLAND

POST RD.

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

MEMBER

TERM EXPIRES

PHONE #'S

W
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

W
DONALD GLENN, Vice-Chairman
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March, 2002

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Office: 713-599-4141
Fax: 713-599-0058

W
TODD IOCCO
3510 Shadycrest
Pearland, TX 77581

March, 2002

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Mobile: 281-923-8633
Fax: 281-403-1433

No
KEVIN A. MCDONALD
1802 Oak Hollow Dr. W
Pearland, TX 77581

September, 2004

Office: 832-736-9300
Home: 281-992-1693
Fax: 832-736-9333
Cell: 832-736-9300

ROBERT SCHERRER
5315 Colonial Drive
Pearland, TX 77584

April, 2004

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

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

September, 2004

Office: 713-942-7575
Work: 281-412-0091

left message
RUSS SELEMON
2312 John
Pearland, TX 77581

November, 2002

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



APPALOOSA

LAND COMPANY, L.P.

April 8, 2002

City of Pearland
Jennifer Gonzales, Engineering
3525 Liberty Ave.
Pearland, Texas 77581

RE: CABOT COVE SECTION ONE

Dear Jennifer:

Would you please place us on the Planning and Zoning Agenda for April 15th, 2002?

The purpose of this request is so that we can obtain permission to have building permits issued for Landscaping prior to City of Pearland acceptance of the Cabot Cove Sub-division.

Yours truly,

A handwritten signature in black ink, appearing to read "Victor A. Botrie".

Victor A. Botrie

VAB/blm

R. WEST DEVELOPMENT COMPANY, INC.*6302 Broadway, Suite 250**Pearland, Texas 77581*

April 11, 2002

Planning and Zoning Commission
City of Pearland
3519 Liberty Dr.
Pearland, TX 77581

RE: Centennial Village Sec. 1 - BCMUD No. 18 - Pearland, Brazoria County, Texas
Variance Request

Dear Sir:

We respectfully request a variance from the subdivision ordinance sidewalk requirements that we pay the sidewalk fee instead of the construction of the sidewalk on the perimeter street Fite Road in front of the subdivision. There are no other sidewalks along Fite Road and with the roadside ditches, it leaves very little room to construct one.

Sincerely,



Les Rowell
Project Manager



CITY OF PEARLAND**VARIANCE REQUEST INFORMATION FORM**

SUBDIVISION NAME: Enclave at Pearland (Preliminary Plat)

APPLICANT: Benchmark Engineering Corporation

DEVELOPER: D. R. Horton

SECTION OF ORDINANCE FROM WHICH VARIANCE IS BEING SOUGHT:

Request for variance from Sec. 7.0, of the City-Comprehensive Plan, dated December, 1999, with regard to 80 foot R.O.W. required on Major Collector Streets. (Note: The subdivision ordinance does not define a "Major Collector Street".)

REASON FOR VARIANCE REQUEST:

Request to allow a 60-foot R.O.W. on Northfork Drive in lieu of the 80-foot R.O.W. as required by the City-Comprehensive Plan as follows:

1. According to the City-Comprehensive Plan, Northfork Drive is an east-west residential street that will ultimately connect between Southwyck Blvd. (C.R.90) and Manvel Road (FM 1128).
2. The existing, paving width on Northfork Drive, through Southglen subdivision (to the west of the Enclave at Pearland), is 38-feet wide.

By approving Northfork Drive to remain a 60-foot R.O.W. through Enclave at Pearland, the above 38-foot wide paving section would be maintained with 11-foot remaining on either side between the back of curb and R.O.W.

3. It is important to note that the developer will give and/or dedicate 20-feet along Fite Road (C.R.91) and Manvel Road for R.O.W. widening. Requiring an additional 20-feet along Northfork Drive will add an additional hardship with respect to constraints on the proposed land plan.
4. It is noteworthy to mention that by granting the variance, Northfork Drive will provide adequate traffic circulation as a 60-foot R.O.W. internal major collector street with access between Southwyck and Manvel Road as mentioned above.

This matter (regarding the 60-foot R.O.W.) was discussed and agreed on between the owner, city staff and Klotz Engineering (traffic consultant).

CITY OF PEARLAND

Based on the internal local street system within Enclave at Pearland, between Fite Road and Northfork Drive, it will provide the adequate street circulation.

Therefore, the intent and general purpose of the Ordinance will be preserved and maintained. The granting of the variance will not be injurious to the public health, safety and welfare.



BENCHMARK ENGINEERING CORPORATION

ENGINEERING • PLANNING • LAND SURVEYING
2401 FOUNTAINVIEW DRIVE, SUITE 220
HOUSTON, TEXAS 77057
(713) 266-9930

CONSULTING ENGINEERS

FAX (713) 266-3804

April 5, 2002

Staff

City of Pearland
3519 Liberty Drive
Pearland, Texas 77581

Re: North Fork Drive Location and Right-of-Way

Dear Staff:

In regard to the location of North Fork Drive at its intersection with FM 1128, this location was specified and approved by City of Pearland (see attached letter from Mr. Andy Gallagher dated December 4, 2002).

According to the owner, Mr. Gary Ferguson, the City of Pearland also approved North Fork Drive as a 60-foot Right-of-Way in meetings with Mr. Tobin Maples, Mr. Andy Gallagher, Mr. Gary Ferguson, Mr. Tony Voight, and Mr. Samson Ukaegbu. It was discussed in meetings that the Major Thoroughfare Plan that indicated an 80-foot Right-of-Way width for the section of North Fork Drive through the proposed project, was a typographical/coloring error and it was supposed to have been the same 60-foot Right-of-Way width that is specified on the Major Thoroughfare Plan for the portion of North Fork Drive west of the proposed development (see attached Major Thoroughfare Plan).

It was also discussed in these meetings that it would not be necessary to go to City Council for approval, because Staff was not changing the Major Thoroughfare Plan, but simply correcting a typographical/coloring error on the Plan.

It should also be pointed out that our plan provides for a 38-foot paving section, curb-to-curb, which matches the paving width of the existing sections of North Fork Drive that are already in place to the west of the property.

Sincerely,

BENCHMARK ENGINEERING CORPORATION

Saib Y. Saour, P.E., R.P.L.S.
President



December 4, 2001

Mr. Gary K. Ferguson
BPI Realty Services Incorporated
11753 West Bellfort, Suite 114
Stafford, Texas 77477

RECEIVED DEC 7 2001

RE: Proposed Residential Development @ Southwest Corner of FM1128 & CR91

Dear Mr. Ferguson:

I am in receipt of your revised lot layout plan for 179 lots in the above referenced location. The plan indicates an East-West street intersecting your west property line 1,528.3 feet South of the South right-of-way line for County Road 91. This appears to be the correct location according to the City's thoroughfare plan. This location will permit a connection to Northfork Drive, which is approximately 1,150 feet to the west. On your eastern property line the East-West street is approximately 1,500 feet south of the right-of-way line of CR 91. The connection points on both sides of your proposed subdivision are acceptable to the City of Pearland.

The East-West street noted in the thoroughfare plan is not a straight shot through your proposed subdivision. It bends slightly to the North and then comes back to the South within 700 feet of FM 1128. In order to calm neighborhood traffic this mildly circuitous street pattern is also acceptable to the City of Pearland. The purpose of this correspondence is to approve the proposed street pattern in relation to the City's approved thoroughfare plan. All other aspects of the planned subdivision will have to follow the City of Pearland's Land Use & Urban Development and Subdivision ordinances. Should you have any further questions please call me at (281) 652-1649.

Sincerely,

Andrew P. Gallagher
Andrew P. Gallagher, P.E.

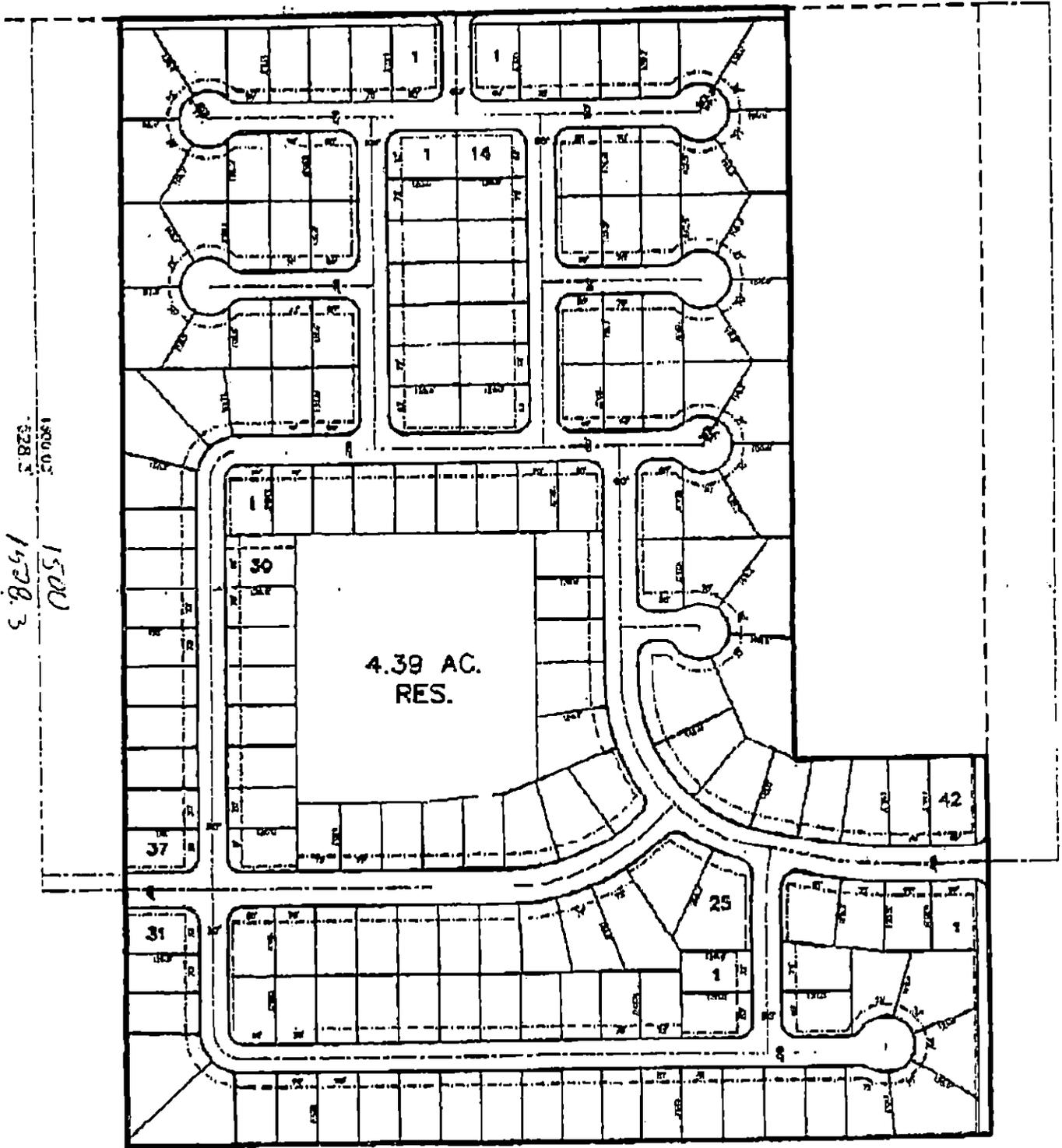
Assistant City Engineer

CC: John W. Hargrove

Alan Mueller

Samson Ukaegbu

Attachment: Revised Plan 179 Lots



REVISED PLAN
179 LOTS



December 18, 2001

Mr. Gary Ferguson
BPI Realty Services Incorporated
11753 West Bellfort, Suite 114
Stafford, Texas 77477

RECEIVED DEC 21 2001

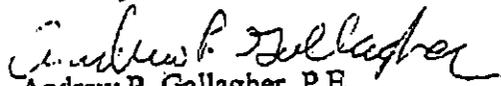
RE: Addendum #1: The Enclave at Pearland- Traffic Impact Analysis

Dear Mr. Ferguson:

Yesterday I received Mr. Anthony Voigt's letter on this issue in the interoffice mail. The addendum is to a report dated July 10, 2001 and is directly linked to the subject of my letter of December 4, 2001 that approved the proposed street pattern in relation to the City's approved thoroughfare plan. This correspondence is the City of Pearland's formal approval of the Traffic Impact Analysis (TIA) and subsequent addendum for the Enclave at Pearland. This approval will be valid for a period of twelve (12) months from the date of this letter. If a final plat approval is not obtained within this timeframe then updated information may be required to secure final plat approval. I trust this correspondence will allow you to proceed forward on this project and look forward to receiving a plat submittal in the near future.

Should you have any further questions please call me at (281) 652-1649.

Sincerely,


Andrew P. Gallagher, P.E.

Assistant City Engineer

CC: John W. Hargrove

Alan Mueller

Samson Ukaegbu

KLOTZ
ASSOCIATES,
INC.
CONSULTING
ENGINEERS

1160 Dairy Ashford
Suite 600
Houston, Texas 77079
(281) 589-7257
(281) 589-7309 Fax
email@klotz.com

December 13, 2001

Mr. Andy Gallagher, P.E.
Assistant City Engineer
City of Pearland
3519 Liberty Drive
Pearland, Texas 77581

RE: Addendum #1: The Enclave at Pearland - Traffic Impact Analysis
Klotz Associates Project 44801

Dear Mr. Gallagher:

Per your request, this letter summarizes the agreement between Klotz Associates, Inc., BPI Realty Services, and the City of Pearland resulting from a meeting at your offices on August 15, 2001. This meeting was attended by you, Mr. Tobin Maples, Mr. Gary Ferguson (BPI Realty Services) and me and with Mr. Samson Ukaegbu (present by phone).

At this meeting, we discussed the City's preference that Northfork Drive be continuous (but circuitous) through the proposed Enclave at Pearland. We came to a consensus that Northfork Drive would eventually be continuous through the proposed subdivision and that provision would be made in the site plan to "stub-out" Northfork Drive on the west side of the subdivision for a future connection.

Another element agreed to was that Northfork Drive, within the proposed subdivision, would be designed so that the route would be circuitous and not appear from FM 1128 as a through route. A recent copy of the site plan faxed to me showed both of these elements are in place in the preliminary plat.

It is my professional opinion that this arrangement will satisfy the City's request for access, while maintaining and addressing neighborhood concerns with traffic safety and aesthetics. Please consider this letter as an amendment to our study dated July 10, 2001 expressing our support for the agreed to changes mentioned above.

KLOTZ
ASSOCIATES,
INC.
CONSULTING
ENGINEERS

Mr. Andy Gallagher, P.E.
December 13, 2001
Page 2 of 2

As I mentioned on the phone, because of legal issues with the property sale and closing, Mr. Ferguson has requested a letter from the City indicating its acceptance of the traffic study and its findings, including this addendum. Please forward this letter to Mr. Gary Ferguson at BPI Realty Services, by fax at 281-530-0690, and by mail at 11753 West Bellfort, Suite 114, Stafford, Texas 77477. As I have mentioned, this letter is critical to the property sale and closing, scheduled for December 14, 2001. A prompt reply would be extremely appreciated.

Again, I appreciate your assistance with this matter and look forward to working with you soon on other projects. Feel free to contact me at your convenience if you have any questions about this addendum or the original study.

Sincerely,



Anthony Voigt, P.E.
Project Manager

cc: Mr. Gary Ferguson, BPI Realty Services

R. WEST DEVELOPMENT COMPANY, INC.*6302 Broadway, Suite 250**Pearland, Texas 77581*

April 11, 2002

Planning & Zoning Commissioners
3519 Liberty Drive
Pearland, Tx. 77581

Re: West Oaks Village Section 4

Gentlemen:

We respectfully request a variance from the subdivision ordinance sidewalk requirements that we pay the sidewalk fee in lieu of the construction of the sidewalk on the perimeter street Fite Road in front of the subdivision. There are no other sidewalks along Fite Road and with the roadside ditches it leaves very little room to construct one.

Sincerely,


Craig McGuire
Project Manger

ORDINANCE NO. 741-3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 27, *SUBDIVISIONS*, OF THE CITY OF PEARLAND CODE OF ORDINANCES, AS IT MAY HAVE BEEN, FROM TIME TO TIME, AMENDED, FOR THE PURPOSE OF PROMOTING ORDERLY DEVELOPMENT IN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY FOR VIOLATION; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That Section 1.6 of Exhibit A, of Chapter 27, *Subdivisions*, of the City of Pearland Code of Ordinances, is repealed and a new Section 1.6 of Exhibit A hereby adopted to read as follows:

- 1.6 OPEN DITCH SUBDIVISIONS AND ASPHALT STREETS PROHIBITED: Open ditch subdivisions and asphalt streets are prohibited, subject to the following exceptions:
1. Open ditch subdivisions and asphalt streets shall be permitted in subdivisions consisting of (1) acre or larger lots.
 2. A variance is granted in accordance with section 27-3 (A) (3) of this chapter.

Section 2. That Exhibit B, of Chapter 27, *Subdivisions*, of the City of Pearland Code of Ordinances, is repealed and a new Exhibit B hereby adopted to read as follows:

EXHIBIT B

1. All storm drainage improvements constructed in the City of Pearland or its Extraterritorial Jurisdiction shall conform to the Storm Drainage Design Criteria Requirements for the City of Pearland
2. All perimeter drainage and detention required by this ordinance shall be constructed and operational prior to construction of any site earthwork or improvements.
3. Subject to Section 27-3 (A)(3) variances, storm water detention facilities requiring mechanical pumping systems are prohibited.

Section 3. Penalty. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished by a fine in any sum not exceeding Five Hundred Dollars (\$500.00).

Section 4. Declaration of Emergency. The Council finds and determines that the need to promote orderly development in the City and its Extraterritorial Jurisdiction inures to the benefit of the public and, therefore, bears directly upon the health, safety and welfare of the citizenry; and that this Ordinance shall be adopted as an emergency measure, and that the rule requiring this Ordinance to be read on two (2) separate occasions be, and the same is hereby waived.

Section 5. Savings. All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 8. Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 9. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective ten (10) days from and after its publication, or the publication of its caption and penalty, in the official city newspaper.

PASSED and APPROVED ON SECOND AND FINAL READING this the ____ day of
_____, A. D., 2002.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

R. WEST DEVELOPMENT COMPANY, INC.*6302 Broadway, Suite 250**Pearland, Texas 77581*

April 11, 2002

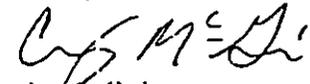
Planning & Zoning Commissioners
3519 Liberty Drive
Pearland, Tx. 77581

Re: West Oaks Village Section 4

Gentlemen:

We respectfully request a variance from the subdivision ordinance sidewalk requirements that we pay the sidewalk fee in lieu of the construction of the sidewalk on the perimeter street Fite Road in front of the subdivision. There are no other sidewalks along Fite Road and with the roadside ditches it leaves very little room to construct one.

Sincerely,



Craig McGuire
Project Manger



Kirby Run Management, Inc.

4719 Backenberry Drive
Friendswood, TX. 77546-3138
Tel. 281.992.6299
Fax. 281.992.6306
E-mail: pnys@swbell.net

April 9, 2002

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

REF: Review of Concept Plan for 40-Acre Tract CR 101 & Harkey

Dear Sirs:

Please find attached for your review and comment a conceptual plan for the development of a 40-acre tract located at the intersection of CR 101 and Harkey.

We are requesting a variance for this project relating to the use of a pumping station that will be required as part of the water detention system for the proposed subdivision.

Thank you for your review of this conceptual plan and we look forward to a favorable outcome.

Sincerely,



President

Attached: 15 copies of conceptual plan



LJA Engineering & Surveying, Inc.

2929 Briarpark Drive
Suite 600
Houston, Texas 77042-3703

Phone 713.953.5200
Fax 713.953.5026
www.ljaengineering.com

April 5, 2002

Ms. Jennifer Gonzales
City of Pearland Engineering
3523 Liberty Drive
Pearland, TX 77581

Re: Cabot Cove Section One
LJA Job No. 1664-0101-M06

Dear Jennifer:

We are requesting to be placed on the Planning and Zoning agenda scheduled for April 15th for a sidewalk variance.

The proposed sidewalk in question is along McLean Road and cannot be constructed at this time because of an existing ditch along McLean Road. The sidewalk would have to be constructed after McLean Road has been expanded at a later date.

Should you have any questions or need additional information please call me at 713-953- 5234.

Best regards,

Douglas Keney
Project Coordinator II

DK/tca

c: Victor Botrie