

Planning and Zoning Commission

AGENDA OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON JUNE 3, 2002 at 6:30 P.M. IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. NEW BUSINESS

- A. CONSIDERATION & POSSIBLE ACTION** – Preliminary Plat of SouthGate Section One, a subdivision of 72.18 acres of land out of and a part of a 173.49 acre tract situated in the H.T.&B. R.R. Company Survey, Section 81, Abstract 300, City of Pearland, Brazoria County, Texas.
- B. CONSIDERATION & POSSIBLE ACTION** – A Preliminary Plat of Villages at Mary's Creek, Section Two, Phase One being a subdivision of 25.187 acres located in the Warren D.C. Hall League, Abstract 70, Brazoria County, Texas.
- C. CONSIDERATION & POSSIBLE ACTION** – A Final Plat of Villages at Mary's Creek Section One, Phase One, a subdivision of 41.1803 acres located in the Warren D.C. Hall League, Abstract 70, City of Pearland, Brazoria County, Texas.
- D. CONSIDERATION & POSSIBLE ACTION** – A Final Plat of Autumn Lake Section Two, a subdivision of 38.8435 acres located in the H.T.&B. R.R. Co. Survey, Abstract 304, City of Pearland, Brazoria County, Texas.

Variance Request:

1. Request by owner for a variance from the Subdivision Ordinance Sec. 27-4 (B) (2) (b) that requires a street to be no longer than 1200-feet. The variance is for Fair Oaks Lane, which is 1208 feet.

- E. CONSIDERATION & POSSIBLE ACTION** – Final Plat of Centennial Village Section Two, being 11.3070 acres of land located in the H.T.&B. R.R. Survey A-240, Brazoria County, Texas.

Variance Request:

1. Request by Rekha Engineering for a variance from the Subdivision Ordinance to allow Jefferson Drive to turn into a temporary Dead-End Road with a block length of greater than 600-feet.

- F. CONSIDERATION & POSSIBLE ACTION** – Final Plat of Broadway at Woodcreek, 5.9462 acres in the W.D.C. Hall League Survey, Abstract No. 70, City of Pearland, Brazoria County, Texas.

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- G. CONSIDERATION & POSSIBLE ACTION** – Final Plat of Savannah Ridge Section Two, a subdivision of 18.48 acres of land out of the A.C.H.&B. Survey, A-403, Brazoria County, Texas.
- H. CONSIDERATION & POSSIBLE ACTION** – Final Plat of Savannah Trace Section Two, a subdivision of 35.80 acres of land out of the A.C.H & B. Survey, A-403, Brazoria County, Texas.
- I. CONSIDERATION & POSSIBLE ACTION** – Request by LJA Engineering for a variance to the subdivision ordinance that requires sidewalks for Park Village Estates Section Five and Six.
- J. CONSIDERATION & POSSIBLE ACTION - Zone Change Application No. 1035**

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

Legal Description: 73.328 acres consisting of three tracts: Tract I: Being Lots 9A and 12A, out of Section 12, H. T. & B. R.R. Co. survey, A-508, Brazoria Co., TX; Tract II: Being 10.208 acres in the A.C.H. & B. Survey, Section 2, A-507, Brazoria Co., TX, being all of Lots A & F, L.W. Murdock Subdivision as recorded in Volume 29, Page 174, deed records of Brazoria Co., TX, and being part of the land conveyed by Thomas F. Alexander to John Alexander, Trustee, by deed dated May 20, 1960, and recorded in Volume 767, Page 299, among the deed records of Brazoria Co., TX; and Tract III: 23.12 acres, being Lot 9, Section 12, H. T. & B. R.R. Co. survey, A-508, Brazoria Co., TX (Veterans Road)

Owner: Three G Investments
Jud Alexander
R. & L. Ferguson

Agent: James Cornelius of Sowell & Company

- IV. NEXT MEETING DATES:** June 10, 2002 (JPH & Regular Meeting)
June 17, 2002 (Regular Meeting & Workshop with City Council)

V. ADJOURNMENT

POSTED: 30th day of May, 2002 A.D.

REMOVED: _____ day of _____, 2002 A.D.

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I. CALL TO ORDER

The meeting was called to order with the following present:

| | |
|--------------------------------------|-------------------|
| Vice-Chairman | Donald Glenn |
| Commissioner | Todd Iocco |
| Commissioner | Kevin McDonald |
| Commissioner | Robert Scherrer |
| Commissioner | Russ Selemon |
| Executive Director of Community Dev. | Tobin Maples |
| P&Z Secretary | Jennifer Gonzales |

Chairman Charles Viktorin and Commissioner Don Sederdahl were absent.

II. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of SouthGate Section One, a subdivision of 72.18 acres of land out of and a part of a 173.49 acre tract situated in the H.T.&B. R.R. Company Survey, Section 81, Abstract 300, City of Pearland, Brazoria County, Texas.

Plat and Plans Administrator Richard Keller stated that staff recommends approval with a condition that the tree survey be submitted with the construction plans. He stated there were a number of issues, however staff has agreed the issues could be dealt with at the time of the final plat.

Commissioner Iocco made a motion to approve the Preliminary Plat of SouthGate Section One with staff's recommendations. Commissioner Selemon seconded the motion.

Commissioner Selemon asked if these issues were the same issues that the City Manager and Assistant City Manager had the first time, and Plat and Plans Administrator Richard Keller replied that he is correct.

Motion to approve passed 5 to 0.

B. CONSIDERATION & POSSIBLE ACTION – A Preliminary Plat of Villages at Mary's Creek, Section Two, Phase One being a subdivision of 25.187 acres located in the Warren D.C. Hall League, Abstract 70, Brazoria County, Texas.

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

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

1. The 16' utility easement on lot 24 of block 2 needs to have the dimensions on it.
2. Relocate a temporary benchmark that is located in the middle of a tree.
3. Add a note that a 6' sidewalk would be required on Mary's Village Drive at the time of development.
4. Show a different symbol for the streetlights on Pearland Parkway because they have a different design.

Commissioner Scherrer made a motion to approve the Preliminary Plat of Villages at Mary's Creek, Section Two, Phase One with staff's recommendations. Commissioner McDonald seconded the motion.

Motion to approve passed 5 to 0.

C. CONSIDERATION & POSSIBLE ACTION – A Final Plat of Villages at Mary's Creek Section One, Phase One, a subdivision of 41.1803 acres located in the Warren D.C. Hall League, Abstract 70, City of Pearland, Brazoria County, Texas.

Plat and Plans Administrator Richard Keller stated some corrections have already been made and he handed out new prints of the plat. He stated that staff recommends approval with the following comments:

1. They need to have approved construction plans, including the left turn lane on Pearland Parkway.
2. They need to have an approved tree disposition plan.

Commissioner Iocco made a motion to approve the Final Plat of Villages at Mary's Creek Section One, Phase One with staff's recommendations. Commissioner Selemon seconded the motion.

Commissioner Iocco pointed out the zoning on the plat, which is R-1.

Commissioner Selemon asked if there are any provisions for the sidewalks. Plat and Plans Administrator Richard Keller replied that it is stated on Note 13.

Motion to approve passed 5 to 0.

D. CONSIDERATION & POSSIBLE ACTION – A Final Plat of Autumn Lake Section Two, a subdivision of 38.8435 acres located in the H.T.&B. R.R. Co. Survey, Abstract 304, City of Pearland, Brazoria County, Texas.

Variance Request:

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Planning and Zoning Commission

1. **Request by owner for a variance from the Subdivision Ordinance Sec. 27-4 (B) (2) (b) that requires a street to be no longer than 1200-feet. The variance is for Fair Oaks Lane, which is 1208 feet.**

Plat and Plans Administrator Richard Keller stated that this variance was also approved with the Preliminary Plat. He stated that staff recommends approval with the following comments:

1. The mylars contain the owner's signatures (Secretary Jennifer Gonzales verified that was already done).
2. Submit a Tree Disposition plan.
3. Approved Construction Plans.
4. Need to reverse lettering of the 1000-foot radius.

Commissioner Iocco made a motion to approve the Final Plat of Autumn Lake Section Two and the variance with staff's recommendations. Commissioner Scherrer seconded the motion.

Motion to approve passed 5 to 0.

E. CONSIDERATION & POSSIBLE ACTION – Final Plat of Centennial Village Section Two, being 11.3070 acres of land located in the H.T.&B. R.R. Survey A-240, Brazoria County, Texas.

Variance Request:

1. **Request by Rekha Engineering for a variance from the Subdivision Ordinance to allow Jefferson Drive to turn into a temporary Dead-End Road with a block length of greater than 600-feet.**

Plat and Plans Administrator Richard Keller stated that staff would have recommended approval of the variance, however there are a number of outstanding issues on the plat, therefore staff is recommending denial of the plat. He stated that one issue is that Reserve H, which is for detention, has been platted over subdivision lots. He added the engineer was also asked to either plat or give us an easement for a portion of Jefferson street within the 90' drainage strip. He stated there are a lot of other issues as well.

Commissioner Iocco made a motion to deny the Final Plat of Centennial Village Section Two, with a second made by Commissioner Selemon. Commissioner Scherrer added that the variance is also being denied with the plat.

Motion to deny passed 5 to 0.

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

Planning and Zoning Commission

F. CONSIDERATION & POSSIBLE ACTION – Final Plat of Broadway at Woodcreek, 5.9462 acres in the W.D.C. Hall League Survey, Abstract No. 70, City of Pearland, Brazoria County, Texas.

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

1. The Lenders signature is added to the mylars.
2. Add “S.S.E.” to the notes.
3. Add “at time of platting” to note Number 10.
4. Construction Drainage Plan approval.

Commissioner Scherrer made a motion to approve the Final Plat of Broadway at Woodcreek with staff’s recommendations. Commissioner Iocco seconded the motion.

Commissioner Iocco asked if “Commercial” under Note 10 should be abbreviated to designate the zoning classification. Executive Director of Community Services Tobin Maples replied that “Commercial” is fine.

Commissioner McDonald asked if all the drainage requirements have been met. Mr. Keller replied that an approved drainage plan is one of the conditions for approval.

Commissioner McDonald showed concerns regarding the drainage. He stated that he spoke with the owner of the Broadway/Dixie Farm Center regarding the flooding that occurred during Tropical Allison. The owner explained that it was because the drainage pipes were inserted in the wrong direction and Mary’s Creek ended up flooding back into the shopping center.

Motion to approve passed 5 to 0.

G. CONSIDERATION & POSSIBLE ACTION – Final Plat of Savannah Ridge Section Two, a subdivision of 18.48 acres of land out of the A.C.H.&B. Survey, A-403, Brazoria County, Texas.

Plat and Plans Administrator Richard Keller stated that staff reviewed this back in October and some of the City’s requirements have changed since then, therefore a few comments have been added. He stated that staff recommends approval with the following comments:

1. Provide a 5’ electrical easement for the corner streetlights.
2. Remove the 10’ building line at the sides of the Green Grove Lane entrance.
3. They need to clarify the vicinity map and remove excess shading.

Commissioner Iocco made a motion to approve the Final Plat of Savannah Ridge Section 2 with staff’s comments. Commissioner Selemo seconded the motion.

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

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Motion to approve passed 5 to 0.

H. CONSIDERATION & POSSIBLE ACTION – Final Plat of Savannah Trace Section Two, a subdivision of 35.80 acres of land out of the A.C.H & B. Survey, A-403, Brazoria County, Texas.

Plat and Plans Administrator Richard Keller repeated this plat was reviewed back in October and the requirements have changed since then. He stated staff recommends approval with the following comments:

1. They need to add a new street name from “Imperial Wood Lane” to “Silver Canyon Lane” because the street changes direction.
2. Change the name “Silver Canyon Court” so that is named off the street.
3. Check the abstract number of the AB Survey to the west because he does not think it is correct.
4. Indicate the MUD number.
5. Change “Hazy Hollow Ct” to “Imperial Wood Ct”.
6. Provide a 5’ electrical easement for the corner streetlights.
7. Remove the lettering of “Block 3” away from the Reserve D.
8. Clarify the vicinity map and remove the excess shading.
9. Remove “Block 1” for Reserve A since the reserve is not part of that block.
10. Show the labels of the 10’ utility easement.

Commissioner Scherrer made a motion to approve the Preliminary Plat of Savannah Trace Section Two with staff’s recommendations. Commissioner McDonald seconded the motion.

Motion to approve passed 5 to 0.

I. CONSIDERATION & POSSIBLE ACTION – Request by LJA Engineering for a variance to the subdivision ordinance that requires sidewalks for Park Village Estates Section Five and Six.

Plat and Plans Administrator Richard Keller stated that staff recommends approval. He explained that the sidewalk that would be put in would be taken out when Bailey Road is widened.

Executive Director of Community Development Tobin Maples stated that for a point of clarification they need to state whether they are not going to build the sidewalks at all or if they are going to escrow money. Rosalyn Taylor of LJA Engineering stated they are going to pay the fees.

The Commission showed concern regarding when Bailey Road is going to be widened.

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Commissioner Iocco stated he would sure hate to see a kid get killed again because there were no sidewalks to walk on.

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

Commissioner Scherrer stated the Commission doesn't know exactly when Bailey Road is going to be improved and when the sidewalks are going to be torn out. He stated he doesn't want it to end up like so many other places in Pearland that leave no place to walk.

Commissioner Selemon added that he made a motion for denial for both safety and consistency. Commissioner Iocco agreed with the Commissioner's statements.

Vice-Chairman Glenn asked if there were any physical restraints as to why they could not build the sidewalk. Mr. Keller replied that it is pretty much the same situation as the others and have the bar ditch next to the subdivision.

Rosalyn Taylor of LJA Engineering stated that they were told when they called that as long as the road project was in the two-year plan then they could apply for the sidewalk variance. She stated that the road is in the 2003 budget to be improved and the sidewalks are going to be torn up and they'll have to be put right back down. She stated that this is the reason they have come forward with this request.

Commissioner Scherrer verified the location and then stated his concern is that this subdivision is directly across from two new schools. He stated a lot of kids are going to be walking to the new schools.

Commissioner Iocco stated that the small amount of money that is going to be paid for not developing the sidewalks is not a significant amount when it comes to one person getting hurt. He stated that he feels it would be a detriment to approve this variance.

Motion to deny passed 5 to 0.

J. CONSIDERATION & POSSIBLE ACTION - Zone Change Application No. 1035

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

Legal Description: 73.328 acres consisting of three tracts: Tract I: Being Lots 9A and 12A, out of Section 12, H. T. & B. R.R. Co. survey, A-508, Brazoria Co., TX; Tract II: Being 10.208 acres in the A.C.H. & B. Survey, Section 2, A-507, Brazoria Co., TX, being all of Lots A &

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F, L.W. Murdock Subdivision as recorded in Volume 29, Page 174, deed records of Brazoria Co., TX, and being part of the land conveyed by Thomas F. Alexander to John Alexander, Trustee, by deed dated May 20, 1960, and recorded in Volume 767, Page 299, among the deed records of Brazoria Co., TX; and Tract III: 23.12 acres, being Lot 9, Section 12, H. T. & B. R.R. Co. survey, A-508, Brazoria Co., TX (Veterans Road)

Owner: Three G Investments
Jud Alexander
R. & L. Ferguson

Agent: James Cornelius of Sowell & Company

Executive Director of Community Development Tobin Maples explained this is the third time for the application to be brought to the Commission. He stated the property is south of Magnolia and North of Bailey. He explained the Comprehensive Plan has been changed and this area is now a residential area and the character of the area has changed. He stated City Council has requested that this application be brought back to the Commission due to the fact the developer and City Council have been working out some issues. He encouraged the Commission to open up dialogue with the developer and to review the changes.

Jamie Cornelius of Sowell & Company gave an overview of the history of the zoning application. He explained that before going to their last City Council meeting for a final decision they made some changes, which were substantial enough that City Council suggested they be brought back to the Commission for review. He outlined the changes as:

1. Previously there were 256 lots in the 73 acres with an average density of 3.5 per acre and the lot sizes were 60' X 115'. The new plan has 214 lots in the 73 acres with an average density of 2.93 per acre and the lots are 70' X 115'.
2. Previously there was a brick wall separating the detention and open space area from the railroad track and now they have added another brick wall also along Veterans instead of a wood fence.
3. They have added another open space area in the front for park space, and they would not find out who would own/maintain the park until the platting process. He stated that if the City does not maintain it then an Homeowners Association would maintain it.
4. They have added to the plan that the MUD District maintains the detention space.

Mr. Cornelius stated that the difference between a standard R-2 plan and what he has presented is a 23% reduction in lots, a 12% increase in open space excluding the detention area. He pointed out that the Commission voted unanimously to approve a 40-acre tract south of this property in March of 2002 for R-2 zoning. He reminded the Commission he is applying for the R-2 zoning in order to provide the detention buffer between the residential area and the railroad. He added that we run into risks every day - two bridges were hit by

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Planning and Zoning Commission

barges in the last few months and were still building bridges, the shuttle blew up and were still flying the shuttle, and airplanes blow up and we're still flying airplanes. He stated the trains are much closer to the Wal-Mart store than to these residences, which will be a 100-yards away. He stated that the Master Plan has been amended and the city is going to end up with spot zoning, and they are taking a risk having Industrial next to a residential area. He explained that the landowners are having a difficult time knowing what to do with this area, especially since the Comprehensive Plan calls for residential.

Mr. Thompson, representative for the landowners, presented a letter that was addressed to City Council. He stated that the owners would like a formal response from the City's Zoning Board or City Council stating what they owners should do with the property if they do not get the requested zoning.

Commissioner Scherrer made a motion to forward Zoning Application No. 1035 to City Council for denial with a second made by Commissioner Iocco.

Commissioner McDonald asked for clarification regarding the R-2 zoning around the request.

Mr. Maples respectfully reminded the Commission that they took an oath of office to follow the plans and policies that the City has adopted. He stated if they are not going to do this then the Commission should open dialogue with the developer and let him know why they are opposing the request. He briefly went over the surrounding area that is R-2. He pointed out that not only the Comprehensive Plan was amended but the Thoroughfare Plan was amended as well, which removed the collector streets that were running through this property. He stated the citizens have expressed that they would also like to see residential here. He asked the Commission what would need to be done in order to proceed with residential development in this area. He explained that if this application is denied then they are leaving the area open for Commercial or Heavy Industrial development. He added that from a liability standpoint they would be setting the City up for spot-zoning issues and potential litigations in regards to not following their plan and being consistent with zoning decisions.

Commissioner Selemon expressed appreciation for the developer's effort. He stated that he still would like to see some more open space and more uniqueness.

Mr. Cornelius stated that the PUD process only establishes a minimum criteria and the final layout would not look exactly like this. He stated that he cannot justify taking this plan to a land planner until they know their zoning and their components.

Commissioner Iocco stated that the R-2 property to the north the Commission approved is a significant distance from the railroad track. He stated the property to the south, which is also zoned R-2 is a significant distance from the railroad tracks, however it had a split decision from the Commission. Therefore City Council actually made the decision to zone

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that tract as R-2. He stated the Commission has approved only the properties that were a good distance from the railroad track. He stated that for him to sleep safely at night, he could not vote for this tract until there is enough buffer space between the residence and the railroad. He added that he doesn't know what to tell the developer to do with the property. He stated that this Commission has stayed consistent with the aspect of the need for a safe buffer.

Commissioner Scherrer stated that they have gone over this several times and nothing has changed that has alleviated any concerns the Commission has expressed. He stated the changes have been made to the PUD document itself, but they have not moved the houses any further away from the railroad. He stated as the Planning Board, they are not entitled to tell the property owner what to do with their property. He stated their views have not changed and they don't think this is a good plan.

Mr. Maples stated that instead of recommending denial and stopping the application, they should recommend approval subject to certain conditions they may want to attach to the PUD.

Commissioner Selemon stated that a compromise solution would be to have more green area and to move the houses further away.

Mr. Maples stated the frustration from the staff standpoint is that they work on a daily basis with the developers and they keep hearing more buffer and open space, however no specifics have been made.

Commissioner Iocco stated the Commission has established what they would agree with by what they have already approved along Veterans. He again stated that he could not approve a 100-yard buffer. Commissioner Iocco pointed out that in the first chapter of the Land Use Ordinance it states that the Commission should promote health safety morals for the general public and putting houses near a railroad track falls under the safety issue.

Mark Dumoig stated that he would like to know what exactly does the Commission want and how much of a buffer would be acceptable.

Commissioner Iocco stated that safety was not much of an issue until he saw a show regarding a train derailment in Arizona. He stated that the train took out 12 homes and killed three families. He stated that a fire ensued after the derailment due to the damage the rail did to natural gas line and destroyed 20 more homes.

Vice-Chairman Glenn stated they all have the same concerns and emotions run higher with residential, however there would be similar safety concerns for the Commercial property that runs adjacent to the property.

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Mr. Thompson asked what he should he tell his property owners what to do with their property. He stated that without residential zoning or Commercial zoning, what else would they have. Mr. Maples replied that current zoning is Heavy Industrial and Commercial, so that is what the owners can use it for. Vice-Chairman Glenn stated that the Master Plan only provides a guideline and is not a zoning document.

Mr. Dumoig stated that he thought he heard the owners could not have Commercial zoning on the property or even get it approved. The Commission clarified that that was not said. Vice-Chairman Glenn clarified that he said there would be similar concerns for either Residential or Commercial located on this property.

Commissioner Iocco stated that during the amendment of the Comprehensive Plan he suggested having Commercial zoning as a buffer with a collector street to divide the Commercial from the residence. Commissioner Iocco again stated that safety is the issue.

Mr. Maples stated that if their issues are density, open space, and safety then that is legitimate. He respectfully requested that the Commission not make a decision on a philosophical difference with the reasoning behind the Comprehensive Plan amendment, due to setting the City up for a bad precedent.

Commissioner Iocco stated that safety is the issue. Commissioner Selemon agreed.

Vice-Chairman Glenn called for a vote.

Motion to deny passed 4 to 1.

Voting Record:

“Aye” – Commissioner’s Iocco, McDonald, Scherrer, and Selemon.

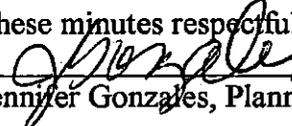
“No” – Vice-Chairman Glenn.

**IV. NEXT MEETING DATES: June 10, 2002 (JPH & Regular Meeting)
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V. ADJOURNMENT

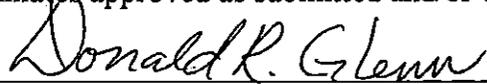
The meeting adjourned at 7:30 p.m.

These minutes respectfully submitted by:



Jennifer Gonzales, Planning & Zoning Secretary

Minutes approved as submitted and/or corrected on this ___ day of _____, 2002.



Donald Glenn, Planning & Zoning Vice-Chairman

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Owner: Three G Investments
Jud Alexander
R. & L. Ferguson

Agent: James Cornelius of Sowell & Company

- IV. NEXT MEETING DATES:** June 10, 2002 (JPH & Regular Meeting)
June 17, 2002 (Regular Meeting & Workshop with City Council)

V. ADJOURNMENT

**CANTERBURY PARK
R-2 PUD
ZONING REQUEST**

Applicant:

SOWELL & CO.

**James S. Cornelius
1601 Elm St.
Suite 300
Dallas, TX 75201
(713) 627-8021**

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| Tab 5 | Landscaping |

Existing Conditions Canterbury Park

The Seventy-three (73) acres proposed for the Canterbury Park development are currently owned by Three G Investments, Ltd., Jud Alexander, and Randal and Lloyd Ferguson. At the time of development, the property will be owned by the applicant in its entity, Sowell Interests-Canterbury Park, L.P.

The existing zoning on the property is C and M-2 and the zoning requested is R-2, PUD. A legal description of each of the three (3) parcels is attached hereto.

DESCRIPTION

TRACT I:

Being Lots No. Nine-A (9-A) and Twelve-A (12-A) out of Section 12 of the H.T.&B. Survey, Abstract No. 508, in Brazoria County, Texas, more particularly described by metes and bounds as follows:

BEGINNING at the center line of said Section 12, being the Southwest corner of the Northeast one-quarter (N.E. 1/4) of said Section;

THENCE North a distance of 237-1/2 varas to a point for corner;

THENCE East a distance of 950 varas to a point for corner;

THENCE South a distance of 237-1/2 varas to a point for corner;

THENCE West a distance of 950 varas to a point for corner; containing 40 acres of land, more or less, and being the South one-half (S. 1/2) of the South one-half (S. 1/2) of the Northeast quarter N.E. 1/4 of said Section 12, and being the same property described in Deed from Alex A. Sharp to F.A. Foulds recorded in Volume 99, Page 45 of the Deed Records of Brazoria County, Texas.

NOTE: This Company does not represent that the above acreage or square footage calculations are correct.

TRACT II:

Being 10.208 acres in the A.C.H. & B. Survey, Section 2, A-507, Brazoria County, Texas, being all of Lots A and F of the L.W. Murdock Subdivision as recorded in Volume 29, Page 174 among the Deed Records of Brazoria County, Texas; and being part of the land conveyed by Thomas F. Alexander to John Alexander, Trustee, by deed dated May 20, 1960, and recorded in Volume 767, Page 299 among the Deed Records of Brazoria County, and being more particularly described as follows:

BEGINNING at a 1 inch G.I.P. found on the Southwesterly right-of-way line of the G.C. & S.F. Railroad, said G.I.P. being at the common East corner between Lots F and 21A, and also being at the Southeast corner of the Parcel herein described;

THENCE, South 89 deg. 18 min. 50 sec. West, 500.28 feet, running along all of the common line between Lots F and 21A, to a 5/8 inch iron rod set in a ditch, at the common West corner between Lots F and 21A, passing at 490.68 feet to a 1 inch iron pipe found on the bank of the said ditch;

THENCE, North 00 deg. 04 min. 36 sec. East, 1,320.81 feet, running with all of the West line of Lots A and F, along a ditch, to a 5/8 inch iron rod set in the ditch at the common West corner between Lots A and 10, and the Northwest corner of the Parcel herein described;

THENCE, North 89 deg. 18 min. 50 sec. East, 173.11 feet, running along all of the common line between Lots A and 10, to a 5/8 inch iron rod set at the common East corner between Lots A and 10, on the Southwesterly right-of-way line of the G.C. & S.F. Railroad;

DESCRIPTION

THENCE, South 13 deg. 52 min. 44 sec. East, 1,356.49 feet, along said right-of-way line to the POINT OF BEGINNING, containing a computed area of 10.208 acres.

NOTE: This Company does not represent that the above acreage or square footage calculations are correct.

TRACT III:

That certain tract or parcel of land in Brazoria County, Texas, being Lot 9 of the subdivision of Section 12 of H. T. & B. R.R. Co. Survey, A-508, and more particularly described by metes and bounds as follows:

BEGINNING at the Northwest corner of said Section 12 at an iron rod buried at the intersection of the center line of a 60 foot road running North and South and a 40 foot road running East and West;

THENCE South with the center line of said 60 foot road and West line of Section 12, a distance of 1980 feet to the Southwest corner of Lot 6 of said subdivision;

THENCE East 3960 feet to a 3/4 inch iron pipe set for the Southwest and BEGINNING corner of Lot 9 which point is also the Northwest corner of Lot 9-A and is situated North 660 feet from the Southwest corner of same;

THENCE continuing East with the dividing line between Lots 9 and 9-A at 1320 feet to a 3/4 inch iron pipe set for the Southeast corner of Lot 9 and Northeast corner of Lot 9-A on the East boundary line of said Section 12;

THENCE North with the East line of Lot 9 and East line of Section 12, a distance of 744 feet to its intersection with the Southwest right-of-way line of the Santa Fe Railroad where a 3/4 inch iron pipe is set for a corner of this tract in a fence;

THENCE North 13 deg. 47 min. West with said fence and West line of the Santa Fe Railroad Co. right-of-way parallel and 50 feet from center line track of same a distance of 19.55 feet to a 3/4 inch iron pipe set for the Northeast corner of this tract;

THENCE West 1315.34 feet to the Northwest corner which is also the Southwest corner of Lot 4 of said subdivision on the East line of Lot 3;

THENCE South with the dividing line between Lots 3 and 9 at 102.99 feet pass the Southeast corner of said Lot 3 and the Northeast corner of Lot 8 and continuing South with the dividing line between Lots 8 and 9 a total distance of 762.99 feet to the PLACE OF BEGINNING, being the same property described in deed dated July 3, 1942 and recorded in Volume 355, Page 550, Deed Records, Brazoria County, Texas, and containing 23.1200 acres of land, more or less.

NOTE: This Company does not represent that the above acreage or square footage calculations are correct.

Planning Objectives Canterbury Park

The Canterbury Park project is located on the east side of Veterans Drive, south of Magnolia Road in central Pearland. Land uses north and east of the project are primarily commercial (concrete construction, manufacturing) and a single-family subdivision under development as Pearland Farms. To the south of the development site is vacant land zoned R-2. To the west of the property is the Cobblestone Community and the Cabot Cove Community, which is under development.

The property is currently zoned C and M-2. The property is flat, open land with no significant trees or land features.

The objective of the PUD designation for this project is to establish a permanent separation from the railroad to the residences, while maintaining all other aspects of R-2 zoning.

The project density is 2.90 dwelling units per acre. The project has been designed to add a significant 15±-acre open space buffer on its east side, separating the residences from the railroad by 300 feet (100 yards). The design will incorporate detention and open space in the buffer zone, which will be separated from the railroad R.O.W. by an 8-foot masonry wall. Additionally, the project will have a city park in the entry area.

Development Schedule Canterbury Park

| | |
|--------------------------------------|-------------------|
| Zoning | May 2002 |
| Engineering and Plan Approval | November 2002 |
| Development of Utilities and Streets | May 2003 |
| Homebuilder Construction | May 2003-May 2006 |

The Canterbury Park development will be a single-family subdivision with individually owned homes. The detention area will be owned by the Municipal Utility District and the maintenance will be the responsibility of the Municipal Utility District.

Proposed Development Canterbury Park

214 Lots: The project will meet all R-2 standards.

Yard Set Back Requirements:

| | |
|-----------------------------|--|
| Front Yard: | 25 feet for homes not located on a cul-de-sac. 20 feet for homes located on a cul-de-sac. |
| Rear yard: | 20 feet. |
| Side Yard: | 7.5 feet on each side except corner lots, which must have 10 feet from right-of-way and 20' from the right-of-way if there will be a side entry garage. For corner lots, where the rear lot line is the side yard of the lot behind it, the minimum side yard for the corner lot shall be 15' from the right-of-way. |
| Supplementary Restrictions: | Regardless of the stated, front, rear, or side yard set back, no residence shall be located east of a line 300 feet west and parallel to the railroad tracks (i.e. no residence shall be closer than 300 feet of the railroad tracks). This buffer area shall have an 8' masonry wall on its east boundary. |

Accessory buildings, as defined in the Land Use Ordinance, shall be allowed in the required side yards, however, no Accessory building may be closer than 3 feet to a common property line or 10 feet to a street right of way, if on a corner lot.

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VETERANS DRIVE

WESTWOOD DRIVE

47

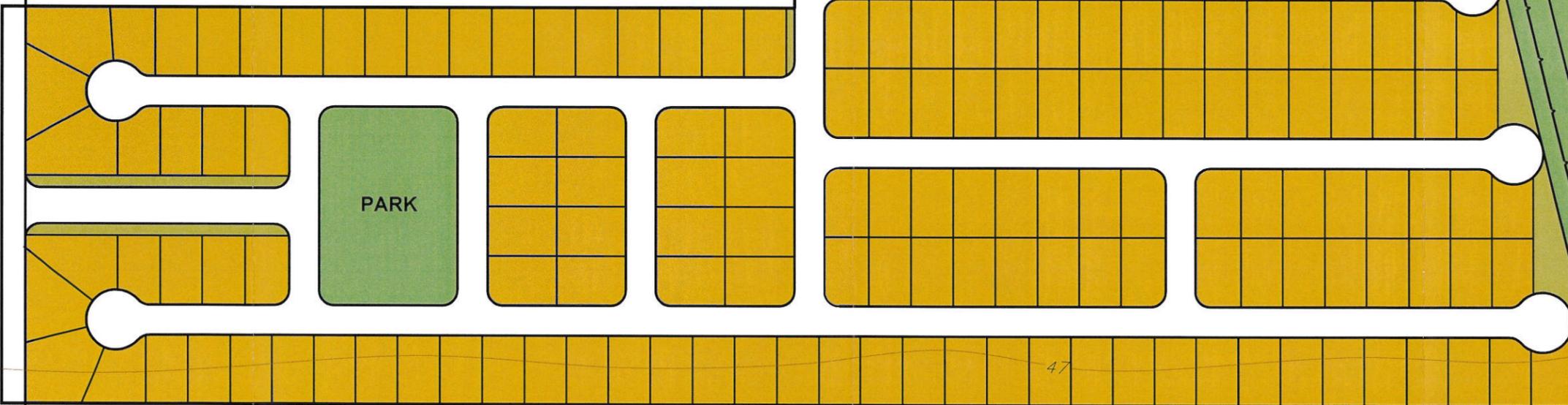
49

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49



8' MASONRY WALL

C. G. & S. F. RAILROAD (100' R.O.W.)

DETENTION ±15.7 AC.



A CONCEPTUAL LAND PLAN FOR
CANTERBURY PARK
 73± ACRES
 PREPARED FOR
 SOWELL & COMPANY

TYPICAL LOT SIZE - 70' x 115'
 214 TOTAL LOTS

MAY, 2002



12121 Wickchester Lane - Suite 200
 Houston, Texas 77079

Thoroughfares Canterbury Park

Prior to filing an application for a preliminary plat, a Traffic Impact Analysis will be prepared in conformance with Pearland requirements.

Parks Canterbury Park

Upon the creation of the Preliminary Plat, the Developer will consult with the Parks Department to coordinate the Park site in the project.

Utilities Canterbury Park

The City of Pearland currently has a 12-inch water line located in Veterans Drive and a 10-inch water line in Magnolia. An 18-inch sanitary sewer main (graduating to 36-inch west of Veterans) is located in Magnolia, immediately north of the project. Storm water will be directed to the detention pond on the east side of the site where it will be released to existing ditches that feed Cowart Creek. The natural drainage of a portion of the site is to the North to Mary's Creek. As a result of the onsite detention, this flow will be detained and routed through the storm water system to Cowart Creek. Water, sanitary sewer and storm water facilities will be installed in the subdivision in accordance with City of Pearland's development guidelines.

Electric, gas and telephone facilities currently exist along Veteran Drive. Electric and telephone facilities will be overhead along the perimeter of the subdivision and will be underground within the subdivision.



Landscaping and Perimeter Treatment Canterbury Park

The Canterbury Park development will have a masonry fence along Veterans Drive. Along the east boundary of the site there will be an 8' masonry fence. Along Veterans Drive there will be a landscape reserve that will be landscaped with live oaks and crepe myrtles in the same ratio as the Pearland Parkway Ordinance.

Within the Canterbury Park project, each home site will be required to have two (2), 3-inch or greater caliper Oak trees. Covenants will require that the Oak trees be 2 different species to create diversity.

