

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 AUGUST 12, IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARINGS, IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES: July 15, 2002

III. EXECUTIVE SESSION

- 1. Section 551.071 Under Texas Government Code - Consultation with City Attorney regarding pending litigation: Anthony Welded Products, Inc. vs. City of Pearland.
*Darrin Coker, City Attorney***

IV. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1058

Request for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Heavy Industrial District (M-2) on the following described property, to wit:

Zone Change Application No. 1058

Legal Description: Being part of Lot 32 and Lot 33, Section 8 of the H. T. & B. R.R. Co. survey, A-504, as shown by the Allison Richey Gulf Coast Home Co. plat, Volume 2, page 23, plat records of Brazoria Co., TX (1854 Garden Road)

**Owner: F.F.& E. Family Limited Partnership
P.O. Box 1462
Delano, CA 93216**

Agent: City of Pearland

B. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1057

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

Zone Change Application No. 1057

Legal Description: 11.515 acres, Lots 32 and Lot 33, Allison Richey Gulf Coast Home

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Co. subdivision, A-504, Brazoria Co., TX (1930 Garden Road)

Owner: Anthony Welded Products, Inc.
P.O. Box 1462
Delano, CA 93216

Agent: City of Pearland

C. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1054

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

Zone Change Application No. 1054

Legal Description: Tract 1: 9.51 acres being a part of Lot 18 and all of Lot 19, Allison Richey Gulf Coast Home Co., F.B. Drake Survey, A-504; and Tract 2: .0745 acres, being part of Lot 19, Allison Richey Gulf Coast Home Co., F.B. Drake Survey, A-504, Brazoria Co., TX (2425 Roy Road)

Owner: CPI Group, Inc.
P.O. Box 1710
Pearland, TX 77588

Agent: Becky Cornelius of Pat Griffin Realty, Inc.

~~D. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1056~~

~~**Request for an amendment to the Land Use and Urban Development Ordinance of said City from classification Commercial District (C) to Multi-Family District (MF) on the following described property, to wit:**~~

~~**Zone Change Application No. 1056**~~

~~**Legal Description:** 1.9488 acres, out of Tract 30, George W. Jenkins Subdivision, J.F. Perry and E.M. Austin Survey, A-111, Brazoria Co., TX (Broadway Street)~~

~~**Owner:** Estate of Francis Jamison,
Jake A. Griffen, Independent Executor
C/o Evelyn Newman, Century 21 Key
Friendswood, TX 77546~~

~~**Agent:** Sally Gaskin~~

Planning and Zoning Commission

E. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1050

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

Zone Change Application No. 1050

Legal Description: 40 acres, located in the F.B. Drake Survey, H. T. & B. R.R. Co. survey, Section 14, A-509, Brazoria Co., TX (Northeast corner of Harkey Road and Bailey Road)

Owner: Kirby Run Associates, L.P.
4719 Backenberry Drive
Friendswood, TX 77546-3138

Agent: Peter Boescher of Vernon Henry and Associates, Inc.

F. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1034

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

Zone Change Application No. 1034

Legal Description: 120.134 acres of land, being Lots 4 & 7 of Section 14, H.T. & B. R.R. Co. survey, A-538, Brazoria Co., TX, R.B. Lyle Assignee, according to the plat recorded in Volume 2, Page 98, plat records of Brazoria Co., TX (Broadway Street @ CR 48)

Owner: John B. Briggs and Meredith Briggs LeBlanc
584 Magnolia Circle
Houston, TX 77024

Agent: James Johnson

G. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1051

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

Zone Change Application No. 1051

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subdivision before building permits are issued. The request is for Shadow Creek Ranch SF-9B for a sales trailer (lot 59, block 2) and a construction trailer (lot 11, block 1).

- V. NEXT MEETING DATES: AUGUST 19, 2002 (JOINT WORKSHOP W/CITY COUNCIL AT 6:00 P.M. & REGULAR MEETING)

VI. 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.

POSTED: 9th day of August, 2002 A.D.

REMOVED: 13th day of August, 2002 A.D.

Planning and Zoning Commission

AGENDA – WORKSHOP OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON AUGUST 12, 2002, IMMEDIATELY FOLLOWING THE REGULAR MEETING, IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

- I. CALL TO ORDER**
- II. PURPOSE FOR THE WORKSHOP:**
DISCUSSION OF PLANNING AND ZONING RULES OF PROCEDURE
- III. 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.

POSTED: 9th day of August, 2002 A.D.

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

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Planning and Zoning Commission

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON AUGUST 12, IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARINGS, IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The regular meeting was called to order at 9:06 p.m. with the following present:

P&Z Chairman	Todd Iocco
P&Z Vice-Chairman	Russ Selemon
P&Z Commissioner	Ray Bacon
P&Z Commissioner	Sheryl Greiner
P&Z Commissioner	Ruby Sandars
P&Z Commissioner	Don Sederdahl
Planner I	Theresa Grahmann
Development Coordinator	Mona Phipps
P&Z Secretary	Jennifer Gonzales

P&Z Commissioner Robert Scherrer was absent.

II. APPROVAL OF MINUTES: July 15, 2002

Commissioner Greiner made a motion to approve the July 15, 2002 minutes with a second made by Commissioner Sandars.

Chairman Iocco stated on page 4, he stated that Commissioner Scherrer actually asked when it was developed. Since Commissioner Scherrer was not present to verify this information the Commission decided to leave it open as to who asked the question.

Motion to approve passed 6 to 0.

The regular meeting adjourned at 9:10 p.m. to go into executive session.

III. EXECUTIVE SESSION

- 1. Section 551.071 Under Texas Government Code - Consultation with City Attorney regarding pending litigation: Anthony Welded Products, Inc. vs. City of Pearland. Darrin Coker, City Attorney**

The regular meeting reconvened at 9:31 p.m. to continue with new business.

IV. NEW BUSINESS

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

A. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1058

Request for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Heavy Industrial District (M-2) on the following described property, to wit:

Zone Change Application No. 1058

Legal Description: Being part of Lot 32 and Lot 33, Section 8 of the H. T. & B. R.R. Co. survey, A-504, as shown by the Allison Richey Gulf Coast Home Co. plat, Volume 2, page 23, plat records of Brazoria Co., TX (1854 Garden Road)

Owner: F.F.& E. Family Limited Partnership
P.O. Box 1462
Delano, CA 93216

Agent: City of Pearland

Commissioner Sederdahl made a motion to forward Zoning Application No. 1058 to City Council for approval. Commissioner Bacon seconded the motion.

Commissioner Sandars stated that she would like to see it documented regarding the stipulation of the land that will remain "SD".

Chairman Iocco reminded the Commission they need to vote on what is being presented.

Chairman Iocco called for a vote.

Motion to approve passed 4 to 2.

Voting Record:

"Aye" – Chairman Iocco, Commissioner's Bacon, Sandars and Sederdahl.

"No" – Vice-Chairman Selemon and Commissioner Greiner.

B. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1057

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

Zone Change Application No. 1057

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

Legal Description: 11.515 acres, Lots 32 and Lot 33, Allison Richey Gulf Coast Home Co. subdivision, A-504, Brazoria Co., TX (1930 Garden Road)

Owner: Anthony Welded Products, Inc.
P.O. Box 1462
Delano, CA 93216

Agent: City of Pearland

Commissioner Sederdahl made a motion to forward Zoning Application No. 1057 to City Council for approval. Commissioner Bacon seconded the motion.

Motion to approve passed 4 to 2.

Voting Record:

“Aye” – Chairman Iocco, Commissioner’s Bacon, Sandars and Sederdahl.

“No” – Vice-Chairman Selemon and Commissioner Greiner.

C. CONSIDERATION& POSSIBLE ACTION – ZONING APPLICATION NO. 1054

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

Zone Change Application No. 1054

Legal Description: Tract 1: 9.51 acres being a part of Lot 18 and all of Lot 19, Allison Richey Gulf Coast Home Co., F.B. Drake Survey, A-504; and Tract 2: .0745 acres, being part of Lot 19, Allison Richey Gulf Coast Home Co., F.B. Drake Survey, A-504, Brazoria Co., TX (2425 Roy Road)

Owner: CPI Group, Inc.
P.O. Box 1710
Pearland, TX 77588

Agent: Becky Cornelius of Pat Griffin Realty, Inc.

Commissioner Bacon made a motion to forward Zoning Application No. 1054 to City Council for approval. Commissioner Sandars seconded the motion.

Chairman Iocco stated that he has concerns regarding the subdividing of this property with the existing traffic problem. Commissioner Bacon reminded him the lane is proposed to be a four-lane road.

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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Commissioner Sandars asked if there is an office building on the property now. Ms. Becky Cornelius of Pat Griffin Realty replied that she is correct. Ms. Cornelius added they would like to keep the building as it is and she explained it could be used for a day care or some kind of doctor's office.

Commissioner Iocco stated there could be no outside storage without a specific use permit. Development Coordinator Mona Phipps corrected Mr. Iocco and stated that rule only applies when the property adjoins residential zoning.

Commissioner Bacon asked what is to the south. Ms. Cornelius presented a map and explained the people to the south are also in favor of the request.

Commissioner Sandars called for a question.

Motion to approve passed 6 to 0.

D. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1056

Request for an amendment to the Land Use and Urban Development Ordinance of said City from classification Commercial District (C) to Multi-Family District (MF) on the following described property, to wit:

Zone Change Application No. 1056

Legal Description: 1.9488 acres, out of Tract 30, George W. Jenkins Subdivision, J.F. Perry and E.M. Austin Survey, A-111, Brazoria Co., TX (Broadway Street)

**Owner: Estate of Francis Jamison,
Jake A. Griffen, Independent Executor
C/o Evelyn Newman, Century 21 Key
Friendswood, TX 77546**

Agent: Sally Gaskin

Zone Change Application No. 1056 was removed from the agenda.

The Commission took no action on this item.

E. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1050

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

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

Zone Change Application No. 1050

Legal Description: 40 acres, located in the F.B. Drake Survey, H. T. & B. R.R. Co. survey, Section 14, A-509, Brazoria Co., TX (Northeast corner of Harkey Road and Bailey Road)

Owner: Kirby Run Associates, L.P.
4719 Backenberry Drive
Friendswood, TX 77546-3138

Agent: Peter Boescher of Vernon Henry and Associates, Inc.

Commissioner Greiner asked for a point of information what a Planned Unit Development is.

Development Coordinator Mona Phipps explained that a Planned Unit Development could be a combination of zoning categories or a stand-alone zoning. She stated the PUD document actually locks the zoning classification in and it allows the applicant to vary on some of the restrictions.

Commissioner Greiner asked for a point of information if an "R-1 PUD" would be equal to a regular "R-1".

Development Coordinator Mona Phipps replied that the PUD allows the applicant to vary the lot width.

Vice-Chairman Selemon added that a PUD also allows for mixed zoning uses, cluster homes, or to allow for more green space.

Commissioner Bacon made a motion to forward Zoning Application No. 1050 to City Council for approval. Vice-Chairman Selemon seconded the motion.

Vice-Chairman Selemon asked if they would be locked into the document presented if they approved it this evening. Development Coordinator Mona Phipps replied that if they approved it then it is approved as is.

Planner I Theresa Grahmann presented a map with the current subdivisions and subdivisions under construction with the zoning.

Chairman Iocco pointed out the R-2PUD at Oakbrook Estates that really has R-3 size lots.

Vice-Chairman Selemon pointed out that the PUD is the size of R-1 lots because they are

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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8,000 square feet lots.

Commissioner Sederdahl brought up the Commercial part of the PUD, which the residents were concerned about.

Vice-Chairman Selemon stated the Commission cannot help the fact that the current developer did not put up a privacy fence and the residents need to take up that with the developer.

Chairman Iocco pointed out two factors that would have helped. He stated first of all that the "Commercial" wasn't documented, and Kirby Run Associates should have met with the residents.

Commissioner Sandars asked why Kirby Run Associates did not take over the plat of Ravenwood Estates Section Three. Pierry Nys of Kirby Run Associates replied that the plat consisted of acre size lots and for the price he paid for the land he could not afford to develop it that way. Mr. Nys commented that in his opinion his layout and entrances are nicer.

Chairman Iocco stated that the major problem in Pearland is that the lots are too small. He stated he cannot support the R-2 zoning and the city needs more R-1 size lots.

Vice-Chairman Selemon commented that the lots are equivalent to R-1 lots.

Commissioner Sandars stated the width is what she looks for and she pointed out that she even lives in the old part of town.

James Johnson, developer of Southgate Subdivision, stated that the side yards are not used for swimming pools. He added that you would have a lot more usable area in the back. He stated you mow the front and live in the back.

Commissioner Sandars argued that you couldn't build a one-story house and have any space left over.

Commissioner Greiner stated she is concerned about the "Neighborhood Services".

Chairman Iocco stated if Commissioner Greiner is concerned then maybe she should deny the request.

Chairman Iocco called for question.

Motion to approve failed 1 to 5.

Voting Record:

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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“Aye” – Commissioner Ray Bacon.

“No” – Chairman Iocco, Vice-Chairman Selemon, Commissioner’s Greiner, Sandars and Sederdahl.

Commissioner Sandars made a motion to forward Zoning Application No. 1050 to City Council for denial. Commissioner Greiner seconded the motion.

Motion to approve passed 5 to 1.

Voting Record:

“Aye” – Chairman Iocco, Vice-Chairman Selemon, Commissioner’s Greiner, Sandars and Sederdahl.

“No” – Commissioner Bacon.

F. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1034

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

Zone Change Application No. 1034

Legal Description: 120.134 acres of land, being Lots 4 & 7 of Section 14, H.T. & B. R.R. Co. survey, A-538, Brazoria Co., TX, R.B. Lyle Assignee, according to the plat recorded in Volume 2, Page 98, plat records of Brazoria Co., TX (Broadway Street @ CR 48)

Owner: John B. Briggs and Meredith Briggs LeBlanc
584 Magnolia Circle
Houston, TX 77024

Agent: James Johnson

Chairman Iocco made a motion to forward Zone Change Application No. 1034 to City Council for denial. Vice-Chairman Selemon seconded the motion.

James Johnson, agent asked when the Commission is making these decisions, are they concerned about the zoning, or is it a density issue.

Chairman Iocco stated there are people who want to move to Pearland and they don’t because they can’t find any acreage. He stated he has spoken to house salesmen (as a customer) and has received a lot of information about what the biggest problems are and that is the biggest problem.

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

“Aye” – Commissioner Ray Bacon.

“No” – Chairman Iocco, Vice-Chairman Selemon, Commissioner’s Greiner, Sandars and Sederdahl.

Commissioner Sandars made a motion to forward Zoning Application No. 1050 to City Council for denial. Commissioner Greiner seconded the motion.

Motion to approve passed 5 to 1.

Voting Record:

“Aye” – Chairman Iocco, Vice-Chairman Selemon, Commissioner’s Greiner, Sandars and Sederdahl.

“No” – Commissioner Bacon.

F. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1034

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

Zone Change Application No. 1034

Legal Description: 120.134 acres of land, being Lots 4 & 7 of Section 14, H.T. & B. R.R. Co. survey, A-538, Brazoria Co., TX, R.B. Lyle Assignee, according to the plat recorded in Volume 2, Page 98, plat records of Brazoria Co., TX (Broadway Street @ CR 48)

Owner: John B. Briggs and Meredith Briggs LeBlanc
584 Magnolia Circle
Houston, TX 77024

Agent: James Johnson

Chairman Iocco made a motion to forward Zone Change Application No. 1034 to City Council for denial. Vice-Chairman Selemon seconded the motion.

James Johnson, agent asked when the Commission is making these decisions, are they concerned about the zoning, or is it a density issue.

Chairman Iocco stated there are people who want to move to Pearland and they don’t because they can’t find any acreage. He stated he has spoken to house salesmen (as a customer) and has received a lot of information about what the biggest problems are and that is the biggest problem.

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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Commissioner Bacon stated he would not have a problem with R-1.

Chairman Iocco stated that R-1 or RE would fit here and he also is not fond of the layout and there are no amenities.

Mr. Caffey stated the subdivision is next to Independence Park.

Chairman Iocco stated that no kid of his is going to cross Pearland Parkway to get to that park.

Mr. Caffey stated that Sunrise Lakes is one of his developments where there is both R-2's and R-3's. He encouraged the Commission to go and see his development.

Commissioner Bacon stated for the record that he does not appreciate receiving any phone calls at his home or his business from the developers. He stated that he feels it is improper and he would not stand for it.

Chairman Iocco stated the Commission is in the process of working on "by-laws" and the phone calls have gotten out of control.

Mr. Caffey apologized to the Commission and stated he did not mean to offend anybody.

Chairman Iocco called for a vote.

Motion to deny passed 6 to 0.

Chairman Iocco stated they need wider lots.

Commissioner Sandars stated it has been a revelation to receive the map from Theresa Grahmann showing the existing and upcoming subdivisions with the zoning. Mrs. Sandars stated it is true what people have been saying about the City needing more of a balance of zoning.

The Commission thanked Theresa Grahmann for the map.

Planner I Theresa Grahmann pointed out the disclaimer and stated the map may not be completely up to date and she is still working on it.

Randall Wong asked if the Commission could table the application or make a motion for R-1 size lots.

Development Coordinator Mona Phipps stated that it would still go to City Council for a final decision.

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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Planner I Theresa Grahmann stated that even if the motion to deny with prejudice is passed the developer can still come back with an R-1 application.

H. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1055 AND SPECIFIC USE APPLICATION NO. 111

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

Zone Change Application No. 1055 and Specific Use Application No. 111

Legal Description: 3.525 acres, out of Tract 9 of the W. Zychlinski Subdivision, H. T. & B. R.R. Co. survey, Sections 1,2,3 and 4, A-233, 542, 232, and 543, Brazoria Co., TX (3521 Orange Street)

Owner: St. Stephen Lutheran Church
3521 Orange Street
Pearland, TX 77581

Commissioner Greiner made a motion to forward Zoning Application No. 1055 to City Council for approval. Commissioner Sandars seconded the motion.

Motion to approve passed 6 to 0.

I. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1053

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

Zone Change Application No. 1053

Legal Description: 0.832 acres, Tract F, out of the H. T. & B. R.R. Co. survey, Section 7, A-219, Brazoria Co., TX (1525 Garden Road)

Owner: Eric and Valerie Hicks
4831 Aspen Drive
Pasadena, TX 77505

Commissioner Bacon made a motion to forward Zoning Application No. 1053 to City Council for approval. Commissioner Greiner seconded the motion.

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

Commissioner Bacon asked for clarification on the setback that would be between 25' and 40'. He asked when Garden Road is widened how that would affect setback issue.

Development Coordinator Mona Phipps replied there should be sufficient right-of-way or else it would say "to be acquired." She stated it would depend on the zoning when the owner comes in for a building permit. She explained at the permitting time it would be determined how far back the house should be built.

Motion to approve passed 6 to 0.

J. CONSIDERATION & POSSIBLE ACTION – Request by Gehan Homes for a variance from the Subdivision Ordinance that requires City Council acceptance on a subdivision before building permits are issued. The request is for Shadow Creek Ranch SF-9B for a sales trailer (lot 59, block 2) and a construction trailer (lot 11, block 1).

Chairman Iocco asked for a point of information when the subdivision would be accepted by City Council.

Secretary Jennifer Gonzales replied it should be up for City Council acceptance on August 26, 2002.

Development Coordinator Mona Phipps stated that typically three days after the subdivision is accepted is when the building permits are turned in.

Commissioner Sederdahl stated that if the Commission is going to stop these variances then they should to stop them all.

Commissioner Greiner made a motion to deny the variance due to the lack of uniqueness with a second made by Chairman Iocco.

Commissioner Bacon pointed out that it would be a temporary deal and the contractors just need a place to get out of the rain.

Chairman Iocco stated that in his opinion that by granting these variances they are setting a precedent.

Commissioner Bacon argued that it should be case-by-case basis. He stated he does not see anything wrong with it because it is just temporary.

Chairman Iocco asked for staff's recommendation.

Development Coordinator Mona Phipps stated that staff does not have a recommendation.

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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She stated that it does change procedure. She explained the addressing procedure to the Commission.

Commissioner Sandars stated they should start now with setting the right precedents.

Commissioner Greiner stated these variances have brought our City to what it is now and they will end up biting you in the end.

Motion to deny passed 4 to 2.

Voting Record:

“Aye” – Chairman Iocco, Vice-Chairman Selemo, Commissioner’s Greiner and Sandars.

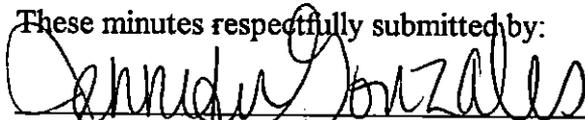
“No” – Commissioner’s Bacon and Sederdahl.

V. NEXT MEETING DATES: AUGUST 19, 2002 (JOINT WORKSHOP W/CITY COUNCIL AT 6:00 P.M. & REGULAR MEETING)

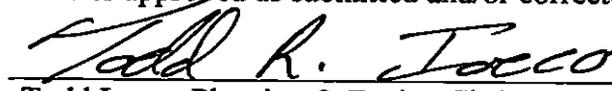
VI. ADJOURNMENT

The meeting adjourned at 10:36 p.m.

These minutes respectfully submitted by:


Jennifer Gonzales, Planning & Zoning Secretary

Minutes approved as submitted and/or corrected on this 7 day of Oct., 2002.


Todd Iocco, Planning & Zoning Chairman

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



Planning Department
3519 Liberty Drive
Pearland, TX 77581
281-652-1635

PUBLIC COMMENT FORM

(Please type or print in black ink)

Zone Change Application No. 1054

Joint Public Hearing to be held Monday, August 12, 2002, at 6:30 PM
in the City Hall Council Chamber, 3519 Liberty Drive, Pearland, Texas

If you are unable to attend the Joint Public Hearing, but wish to have your opinions made a part of the public record, please complete this form and return to the above noted address prior to the Joint Public Hearing.

I am **FOR** the requested zoning as explained on the attached public notice.

I am **AGAINST** the requested zoning as explained on the attached public notice.

Name: LARRY MORGAN

Address: 2430 Roy Rd

Pearland Tax Account No.
(If shown on enclosed map): _____

Signature: Larry Morgan Date: 8-7-02

COMMENTS:

8-12-02
JPH + P+K

**MEMBERS OF THE PLANNING & ZONING COMMISSION
as of 07/02**

<u>MEMBER</u>	<u>TERM EXPIRES</u>	<u>PHONE #'S</u>
<i>yes</i> TODD IOCCO, Chairman 3510 Shadycrest Pearland, TX 77581 Tlocco@Houston.RR.com	April, 2005	Office: 281-997-3747 Mobile: 281-923-8633 Fax: 281-403-1433
<i>yes</i> RAY BACON 1938-168 Garden Rd Pearland, TX 77581 rbacon@rcbcomputers.com	April, 2004	Office: 281-997-2517 Home: 281-412-3837
<i>yes</i> SHERYL GREINER 2607 Rip Van Winkle Pearland, TX 77581 Sheryl.Greiner@compsol.cc	April, 2004	Office: 281-486-4844 Home: 281-997-1203
<i>yes</i> RUBY SANDARS 2402 Frances Dr Pearland, TX 77581 sandarsrl@houston.rr.com	April, 2004	Phone: 281-485-1509
<i>No</i> ROBERT SCHERRER 5315 Colonial Drive Pearland, TX 77584 Bscherrer@dkapl.com <i>out of state</i>	April, 2003	Office: 713-529-3992 Fax: 713-529-8161 Cell: 713-858-7600
<i>left a message</i> DON W. SEDERDAHL 3418 Shady Crest Pearland, TX 77581 dons@ldcm.com	April, 2003	Office: 713-942-7575 Work: 281-412-0091
<i>yes</i> RUSS SELEMON 2312 John Pearland, TX 77581 Russ.Selemon@ANICO.COM	April, 2004	Office: 409-766-6445 Home: 281-996-9785 Fax: 409-766-6541

Planning and Zoning Commission

AGENDA – WORKSHOP OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON AUGUST 12, 2002, IMMEDIATELY FOLLOWING THE REGULAR MEETING, IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

- I. CALL TO ORDER**
- II. PURPOSE FOR THE WORKSHOP:**
DISCUSSION OF PLANNING AND ZONING RULES OF PROCEDURE
- III. 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

DISCUSSION ITEM

TO: Planning and Zoning Commission

FROM: Theresa Grahmann, Planner I *tag*

SUBJECT: Rules of Procedure for the Planning and Zoning Commission

MEETING DATE: August 12, 2002

Attached is the revised Rules of Procedure for the Planning and Zoning Commission. This document has been revised to incorporate comments received from the Commission during previous meetings.

The section of this document that has had the most discussion at previous Planning and Zoning Commission meetings is the section on Conflicts of Interest and Ethics. These sections have been revised to incorporate the provisions from the Texas Local Government Code regarding conflicts of interest. An affidavit is also attached.

PLANNING AND ZONING COMMISSION

CITY OF PEARLAND, TEXAS



**RULES OF
PROCEDURE**

Adopted: _____

SERVING ON A BOARD OR COMMISSION

The City of Pearland Boards and Commissions consist of concerned citizens who volunteer their time and knowledge to make a difference in their community. The works of the citizens that serve on various boards and commissions assists the City Council and directly contributes to the quality of life in Pearland. Each Board or Commission member is selected by the City Council after applications are reviewed and candidates are interviewed. Serving on a board or commission is voluntary; board and commission members are not paid or compensated.

PURPOSE OF POLICIES AND PROCEDURES

The following policies and procedures have been adopted by the Planning and Zoning Commission of the City of Pearland concerning the preparation of their agendas, the scheduling and conduct of their meetings, the holding of public hearings, and the making of reports and recommendations and other similar matters to the City Council.

Planning and Zoning Commission Mission Statement:

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

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ARTICLE I

Section I – NAME

The Planning and Zoning Commission for the City of Pearland will be operating under the title of "Planning and Zoning Commission" and will hereinafter be referred to as the "Commission."

Section II - EMPOWERMENT

The Commission is empowered by the State of Texas in accordance with Chapter 211 of the Texas Local Government Code, in order to allow local municipalities to exercise police powers over local development through the zoning of property and the subdivision of property, via platting.

The Commission is established by the city charter of the City of Pearland, which calls for the appointment of a seven (7) member commission, with the powers and duties outlined below.

SECTION III – POWERS AND DUTIES

As stated in the City Charter, the Commission shall have the power and shall be required to perform the following duties:

- (1) Make recommendations on the amendment, extension, and additions to the master plan for the physical development of the City of Pearland.
- (2) Recommend, approve, or disapprove plats of proposed subdivisions submitted in accordance with City ordinance as adopted or hereafter amended.
- (3) Recommend to the City Council approval or disapproval of proposed changes in the zoning plan.
- (4) Make and recommend to the City Council for adoption, plans for the clearance and rebuilding of slum districts and blighted areas which may develop within the City.
- (5) Recommend to the City Council the amendment, extension, and revision of the building code, which code shall include the minimum standards of construction for building, the minimum standards for plumbing, and the minimum standards for wiring.
- (6) Submit annually to the City Manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommendations for capital

improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five (5) years. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year.

- (7) Meet no less than once each month, meetings to be held at the City Hall unless prior notice of change of meeting place be given by publication in the newspaper in general circulation in the City of Pearland.
- (8) Planning and Zoning Commission to be granted all powers as outlined by civil statutes of the State of Texas.

ARTICLE II

SECTION I – STRUCTURE

The Commission shall consist of seven (7) members, designated "Place 1" through "Place 7", and all shall be appointed by the City Council. The City Manager or designee shall serve as liaison to the Commission.

SECTION II – QUALIFICATIONS OF MEMBERS

All members of the Commission shall be residents of the City of Pearland, qualified voters of the City, real property owners, and shall not be employees of the City. All appointments and reappointments to the Commission will be for three (3) year terms.

SECTION III – APPOINTMENT

Any vacancy occurring during the unexpired term of an appointed Commission Member shall be filled by a City Council appointment for the remainder of the unexpired term. The Chairperson shall advise the City Council of any vacancies and the Commission may make recommendations regarding appointments to fill vacancies.

SECTION IV – RESIGNATION OR REMOVAL

Any Commission Member may resign at any time by giving written notice to the City Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later date specified therein; and, unless otherwise specified therein, the acceptance of such resignation shall be necessary to make it effective. The City Council may choose to remove a Commission Member at its discretion. Cause for removal may include, but not be limited to, absence from three (3) meetings without notice to the Chairperson prior to the meetings (unexcused) within any 12-month period. It is the

responsibility of the Chairperson to ensure attendance requirements are reported to the City Council.

ARTICLE III

SECTION I – POWERS AND DUTIES OF OFFICERS

The Commission shall annually elect from its members a Chairperson, Vice Chairperson, and 2nd Vice Chairperson. Election of officers shall be held at the first regular meeting in October, or at the first meeting following the regular annual appointment by the City Council. The election shall occur by show of hands or confidential ballot, whichever the Commission prefers.

(a) Chairperson

The chairperson shall have the following duties:

- (1) Preside over all meetings of the Commission.
- (2) Decide all points of procedure, subject to objection by a majority of the Commission.
- (3) Limit debate and questioning to the appropriate duration.
- (4) Participate in discussion on all matters before the Commission.
- (5) Vote on all matters before the Commission (unless a conflict of interest exists).
- (6) Sign the minutes of the Planning and Zoning Commission after approval of the minutes by the Commission.
- (7) Be responsible for the efficient and orderly transaction of the Commission's business.

The Chairperson may move, second, and debate from the chair and shall not be deprived of rights and privileges of a Commission by reason of their acting as Chairperson.

(b) Vice Chairperson

The Vice-Chairperson shall have the following duties:

- (1) Perform the duties of the Chairperson in his or her absence, or his or her inability to perform the duties of Chairperson.

- (2) Preside over meetings in the event that the Chairperson steps down in a conflict of interest.
- (3) Succeed the Chairperson if that office is vacated and serve until the date of the next annual election of officers. A new vice-chairperson shall be elected at the next regular meeting following a vacancy of office.

(c) 2nd Vice-Chairperson.

If at any meeting of the Commission, neither the Chairperson nor Vice-Chairperson are present, the second vice chairperson shall be empowered to perform any of the duties or responsibilities of the Chairperson.

(d) Secretary

The Director of Community Development or designee shall serve as the Secretary of the Commission. The Secretary of the Commission shall keep the minutes and records of the Commission and prepare the agendas for meetings. The Secretary shall submit to the Commission the minutes of the previous meeting so that they may be corrected, if necessary, to reflect fairly and accurately the proceedings of the last meeting. Minutes shall not be official until they are approved by a majority vote of the Commission. The minutes of the Planning and Zoning Commission will be forwarded to the City Council for acceptance. All meetings shall be recorded, and tapes of the meetings will be kept on file with the Secretary.

Absent Chair

In the event that the Chairperson, Vice Chairperson, or 2nd Vice Chairperson are not present at a scheduled meeting, and a quorum of the Commission is present, those members present shall elect a temporary Chairperson for that meeting.

ARTICLE IV

SECTION I -- OPEN MEETINGS ACT

In accordance with the Texas Open Meetings Act, official notice of the meetings of the Commission and joint public hearings must be posted 72 hours in advance of the meetings on the City notification bulletin board, which is located at the entrance to City Hall. A record of all proceedings shall be kept by the Secretary and shall become a part of the permanent public record.

Citizens and interested persons are welcome to attend all official meetings of the Commission and all joint public hearings. Members of the public must preserve order, decorum, and good conduct while attending such meetings, and when speaking must refrain from making personal, impertinent, and slanderous remarks. Unauthorized remarks from the audience, stamping of feet, whistles, yells, applause, and other similar demonstrations will not be permitted by the Chairperson.

SECTION II – QUORUM

A quorum shall consist of a majority of the members of the Commission. The quorum, or 4 members, shall be present for the consideration of any agenda items. An affirmative vote of a majority of those present shall be necessary to pass any item before the Commission.

The secretary will poll the members by telephone on the day of the meeting in order to assure that a quorum will be present. Members who are aware of conflicts which will prevent their attendance at a scheduled meeting, are responsible for notifying the Secretary of their absences in advance of the meeting.

SECTION III – REGULAR MEETINGS

The Commission shall hold two (2) meetings per month, at 6:30 p.m. on the first and third Monday of each month, in the second floor conference room of City Hall, unless there is no business to discuss. Under special circumstances, such as holidays, the Chairperson may request a cancellation or postponement of scheduled meeting dates.

SECTION IV – SPECIAL MEETINGS

Special meetings of the Commission may be held when called by the Chairperson, or by any four (4) Commission members.

SECTION V – JOINT PUBLIC HEARINGS

The Commission shall hold a joint public hearing with the City Council at 6:30 p.m. on the second Monday of each month, in the Council Chambers of City Hall. The Chairperson shall be seated to the left of the Mayor at the Council dias; the Commission shall be seated at the table in front of the Council dias. Joint public hearings will be conducted in the order they appear on the joint public hearing agenda. The Mayor will conduct the joint public hearings. Staff will present a Power Point presentation of the items scheduled for the joint public hearing, including any correspondence received relative to the items under consideration.

The Mayor and Chairperson will open the public hearing. The Mayor will first call for those wishing to speak in support of the proposed public hearing item, then those wishing to speak in opposition. Any person wishing to submit testimony shall identify himself or herself, state their address, and any organization that he or she represents.

Following testimony from both sides of an issue, the public hearing will be closed. Once a public hearing is closed, no further testimony will be taken. The Commission and Council may ask questions and conduct a fact finding process, but they may not begin deliberation on the request. The purpose of the public hearing is for the Council, Commission, Staff, and the applicant to identify any potential issues that need to be addressed and resolved before the Commission makes a recommendation to the Council. Voting shall not take place during the joint public hearings.

Immediately following the joint public hearings, the Planning and Zoning Commission shall adjourn and reconvene in the second floor conference room of City Hall to vote on the items that are on the joint public hearing agenda and any other items as specified on the regular agenda of the Commission.

SECTION VI – ORDER OF BUSINESS

The meeting shall follow the order of the agenda. The order of the agenda may be changed in order to ensure the efficient operation of the meeting, at the request of any Commission member.

The following procedure will normally be observed in the conduct of business at a regular meeting:

- (1) Call to order
- (2) The Secretary shall record the members present and absent.
- (3) Approval of minutes with any corrections
- (4) Consent Agenda
 - Items listed on the consent agenda will be those considered by the Commission to be of a routine nature, and may be acted upon by one motion. There will be no separate discussion of these items unless desired by the Commission, in which case any item may be removed from the Consent Agenda at the request of any member and discussed and enacted separately.
- (5) New Business
 - Description of item
 - Staff presentation
 - Applicant's comments (at the Chairperson's discretion)
 - Motions and amendments
 - Discussion of motion
 - Voting
 - Reconsideration (upon a motion and second from the prevailing side and approval of the majority of the voting members present. Must occur before adjournment of the meeting).
- (6) Adjournment

If the agenda and discussion becomes lengthy, a recess in the meeting can be taken at the discretion of the Chairperson or upon a motion approved by a majority of the Commission. When such recess occurs, the Chairperson or the Commission member making the motion should specify the period of time for the recess.

Since the agenda has to be posted 72 hours in advance of the meeting, the Commission cannot take action on any item other than the ones specifically posted on the agenda.

SECTION VII – VOTING

All Commission members shall have one (1) vote equal in weight. All voting shall be by voice or hand vote at the discretion of the Chairperson; however, any member may at his or her own discretion, call for a written ballot. Each member of the Commission present must vote unless he or she has a conflict of interest, either as defined by state law or as expressed to the Commission by the Commission member. Members voting in opposition to a motion should state the reasons for their opposition.

Motions

A motion concerning an item may be made by a member of the Commission at anytime following the presentation of an item. A motion must receive a second from another member of the Commission before it may be discussed. If no second is received, the motion fails. Motions receiving a second are open for discussion among the Commission. When the Commission completes its discussion of the item, the chairperson will call for the vote.

A motion is approved if it receives a positive vote by the majority of the members present and voting.

A motion fails if it does not receive a positive vote by the majority of the members present and voting. A motion receiving a tie vote fails.

Failure of a motion to deny shall no constitute approval of the motion and further consideration is required.

Consideration of an item is concluded when a motion is approved.

Abstaining from voting

Each member in attendance shall vote on every matter that comes before the Commission. A member shall, after stating the reason, abstain from discussing and voting on a matter before the Commission when:

- (1) The member has insufficient information due to a prior absence.
- (2) The member has a conflict of interest under state law or city charter.

- (3) The member, because of personal circumstances, believes that he or she cannot render a fair and impartial decision in the matter.

Legislative Items – Zoning Changes

The Commission may vote to approve a zoning change, approve the zoning change with amendments or conditions, table the zoning change for a specified or unspecified period of time but not to exceed 90 days, or deny in whole or in part the application. When an application is denied by the Commission, the Commission shall offer reason to the applicant for such denial.

When the Commission recommends denial of a zoning application, it may deny said application with or without prejudice. If the City Council's final decision is for denial with prejudice, no application may be filed for all or a part of the subject tract of land for the same type of zoning, for a period of one full year. Denial without prejudice will permit a zoning change application on the same piece of property with no waiting period.

When a zoning change application is recommended for denial by the Commission, a super majority vote (6 affirmative votes) by the City Council is required in order to approve the zoning change.

Administrative Items - Plats

The Commission may vote to approve a plat, approve a plat with amendments or conditions, or deny a plat. The Texas Local Government Code requires that a City either approve or deny a plat within 30 days of its application submittal to the City. Therefore, the Commission may not table a plat without the applicant's verbal concurrence and statement of waiving the 30 day statutory approval time for plats. Any plat that is not acted upon within 30 days of its submittal to the City is automatically approved, as stated in the Texas Local Government Code.

For any type of replat, if a variance is requested by the applicant and the owners of 20% of the land area to whom notice is sent file with the City a written protest of the replatting before or at the hearing, the replat must be approved by three-fourths of all members of the Commission (6 affirmative votes).

SECTION VIII – WORKSHOPS

Workshops shall be held at the call of the Chairperson or the Director of Community Development. The types of issues presented during work sessions shall include code amendments, rezoning requests, or controversial issues of significant impact. The Commission may comment, give direction to Staff, or request additional information on the request or issues, but the Commission may not take action during the work session on any item.

Workshops shall be scheduled after the regular agenda is completed, in order to allow sufficient time for discussion of workshop items without interfering with the starting time for the regular meeting.

ARTICLE V

SECTION I – CONFLICT OF INTEREST

Members have the right and the obligation to vote on all issues before them and to participate in the business of the Commission, except when a conflict of interest exists, or there is a perception of a conflict of interest.

A public official has a conflict of interest when he or she considers a matter in which he or she has some personal interest that could influence his or her independent judgment. Conflicts of interest are defined by State law, by the City Charter, and by the common law.

State Law. The Texas Conflict of Interest Law is aimed at preventing local officials from using their positions to financially benefit themselves and/or their relatives. The law requires that if a local official (or close relative) either (1) has a "substantial interest" in or (2) stands to gain a financial benefit from a matter pending before a public agency upon which the official serves, then the official must publicly disclose his/her interest in such matter and abstain from deliberation and voting on it. The official must also sign a disclosure statement.

Business Interests:

An official is considered to have a substantial interest in a business entity if he or she:

- (a) owns ten percent (10%) or more of the voting stock or shares of the business entity,
- (b) owns \$15,000 or more of the fair market value of the business entity, or
- (c) if funds received by the person from the business entity exceed ten percent (10%) of the person's gross income for the previous year.

For purposes of the law, a business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized in law.

Real Estate Interests:

The official has a substantial interest in real property if:

- (1) it is reasonable foreseeable that an action on the matter will have a specific economic effect distinguishable from its effect on the public; and
- (2) the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

If a Commissioner has a substantial interest in a business entity or in real property, the Commissioner must file an affidavit with the Secretary, before a vote or decision on any matter involving the business entity or the real property, stating the nature and extent of the Commissioner's interest, and abstain from voting on the matter if:

- (a) in the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
- (b) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

Kin Interests

The official has a substantial interest if a person related to him or her in the first or second degree by blood or marriage has a substantial interest in the matter. The official should disclose the relationship and abstain from voting. First degree relatives include the parents, spouses, children, or siblings of the official. Second degree relatives include grandparents, grandchildren, or their spouses or siblings, of the official.

Interest in Subdivision Plats. A Commissioner has a "substantial interest" in a subdivided tract if the person:

- (a) has an equitable or legal ownership interest in the tract with a fair market value of \$2,500 or more;
- (b) acts as a developer of the tract;
- (c) owns ten percent (10%) or more of the voting stock or shares of or owns either 10% percent or more or \$5,000 or more of the fair market value of a business entity that:
- (d) receives in a calendar year funds from a business entity described above that exceed 10 percent of the person's gross income for the previous year.

If a Commissioner has a substantial interest in a subdivided tract, the Commissioner must file an affidavit with the Secretary, before a vote or decision

regarding the approval of a plat for the tract, stating the nature and extent of the Commissioner's interest and shall abstain from voting on the matter.

The affidavits, copies of which are attached, are available from the Secretary.

A Commission Member is subject to penalty for the following actions:

- (1) participates in a decision on a matter involving a business entity in which he has a substantial interest if it is reasonably foreseeable that the action would confer an economic benefit to the business involved;
- (2) acts as a surety for a business entity that has a contract, work, or business with the governmental entity; or
- (3) acts as a surety on an official bond required of an officer of the governmental entity.

SECTION II – ETHICS

Ethical considerations in the decision making process of public officials are at the forefront of public scrutiny. Even the mere appearance of impropriety impacts the effectiveness of Pearland public officials. Public confidence and respect can best be promoted if Pearland public officials, whether paid or unpaid, whether elected or appointed, uniformly treat all citizens with courtesy, impartiality, fairness, and equality under the law and avoid both actual and potential conflicts between their private self-interest and the public trust. Ethics is often defined as the principle of right and good conduct, a system of moral turpitude, the study of the general nature of morals, and the specific moral choices to be made by the individual in his or her relationship with others.

A Commission member may also declare an ethical conflict of interest. This would include involvement with a case, which while not meeting the requirements for a statutory conflict of interest, would create an ethical concern by the Commission Member for his or her impartiality. A Commission member with an ethical conflict of interest shall inform the Chairperson prior to the meeting, and shall declare for the public record such conflict at the introduction of the case at the meeting. After notifying the Chairperson, any member of the Commission having a conflict of interest in a case must refrain from discussing the case during briefing or the business meeting, or from voting on the case during the business meeting.

A Commission Member should leave the public meeting room if he or she has a conflict of interest on a particular item for the entirety of deliberations on the case at issue.

SECTION III – MEETING WITH APPLICANTS OR NEIGHBORHOOD REPRESENTATIVES

Commission members are prohibited from meeting with applicants or neighborhood representatives prior to the public meeting. Adherence to this policy will dispel any speculation that a decision was made on any issue prior to the public meeting where all

of the information and testimony is presented, or that any member has access to the information which was not available to the entire Commission.

If the Commission wishes information to be given to a group prior to a business meeting at which action will be taken on a particular item, the Commission may request that Staff meet with the group or to provide such written information as may be available.

An applicant that wishes to present information to the Commission prior to consideration of any item may submit such information to the Director of Community Development, who in turn will convey such information to the Commission.

SECTION IV – CONDUCT

During Commission meeting, in dealings with each other, with City Staff, and with the public appearing before the Commission, the members shall conduct themselves in a courteous manner, refraining from rude and derogatory remarks, reflection as to integrity, abusive comments, and statements as to motives and personalities. Commission members must preserve order and decorum during meeting and when wishing to speak, should address the Chairperson, and upon receiving recognition, confine their question to the matters before the Commission.

Standards of conduct

- (1) A Commission member shall not accept or solicit any benefit or economic gain or advantage, nor use his/her position to secure special privileges or exemptions.
- (2) A Commission member shall not grant any special consideration, treatment, or advantage to a person or organization beyond that which is available to every other person or organization.
- (3) A Commission member shall not personally represent, or appear on behalf of, the private interests of others.

ARTICLE VI

SECTION I – RULES OF ORDER

All meetings shall generally be conducted according to the basic Parliamentary procedures. The Chairperson will facilitate meetings and will assist the Commission in focusing on agenda items and deliberations, limiting discussions to relevant topics, and generally directing the order of business. The Commission will govern themselves as to the length of the comments or presentations. The Chairperson will conduct public

hearings and limit citizen or proponent comments to the specific agenda item and the amount of time allotted to any speaker.

SECTION II – ROBERT’S RULES OF ORDER

Robert’s Rules of Order, latest revision, shall be the Commission’s final authority on all questions of procedure and parliamentary law not covered by these Rules of Procedure.

SECTION III – AMENDMENTS AND REVIEW

The Commission at its discretion may amend these rules of procedure. A majority vote by the Commission is required to amend the rules of procedure. Any proposed amendment must be presented to the Commission Secretary 30 days prior to the meeting in which the rules of procedure will be discussed and amended.

SECTION IV – CONFLICTS BETWEEN RULES OF PROCEDURE AND ORDINANCES

In the case of any conflict between any City Ordinance and these rules of procedure, the applicable Ordinance will take precedence.

ADMINISTRATIVE PROCEDURES FOR ZONING AND SUBDIVISION MATTERS

Staff Attendance at Meetings

The Director of Community Development or his or her designee, is to attend all meetings of the Commission in order to provide necessary administrative liaison and assistance as required by the Planning and Zoning Commission.

Applications

All applications must be filed with the Community Development Department on a form provided by the City. All required information must be submitted with the application before the item will be scheduled for a Commission meeting. A schedule of filing deadlines for the upcoming year shall be published by the Community Development Department on an annual basis.

Files and Public Record

All applications coming before the Commission shall be filed and maintained by the Director of Community Development for as long as essential for permanent record. The official minutes and applications presented to the Commission shall be on file in the office of the Director of Community Development and shall be open to public inspection during customary working hours.

Notification of Public Hearing

Where required, specific case and official meeting notification will be sent by regular mail to each registered property owner, based on the most current tax roll, within 200 feet of the boundary of the property in question, in accordance with state law. These notices will be mailed no later than ten (10) days prior to the hearing date. Notification of public hearings on applications for a change in zoning include the Zone Change Application Number, the name of the applicant and landowner, a general description of the request, a location map, and the date, time and place of the public hearing.

AFFIDAVIT

CITY OF PEARLAND

I, _____, as a member of the City of Pearland, Texas, Planning and Zoning Commission, make this affidavit and hereby an oath state the following: I, and/or a person or persons related to me, have a substantial interest in a business entity that would be peculiarly affected by a vote or decision of the Planning and Zoning Commission as those terms are defined in the Texas Local Government Code.

The business entity is _____.

_____ have/has a substantial interest in the business entity for the following reasons: (check all which are applicable)

- Ownership of 10% or more of the voting stock or shares of the business entity.
- Ownership of \$15,000 or more of the fair market value of the business entity.
- Funds received from the business entity exceed 10% of gross income for the previous year.
- Real property is involved with an equitable or legal ownership with a fair market value of at least \$2,500 or more.
- A relative of mine has a substantial interest in the business entity or property that would be affected by a decision of the Planning and Zoning Commission.
- I reside within 200 feet of the subject property under consideration.

Upon the filing of this affidavit, I affirm that I will abstain from voting on any decision involving this business entity and from any further participation on this matter whatsoever.

Signed this _____ day of _____, 2002.

Signature of Official

BEFORE ME, the undersigned authority, this day personally appeared _____ an on oath stated that the facts hereinabove stated are true to the best of knowledge or belief.

Sworn to and subscribed before me on this _____ day of _____, 2002.

Notary Public in and for the State of Texas

My Commission expires



August 6, 2002

P & Z Commission
3519 Liberty Dr.
Pearland, TX 77581

Attention: Jennifer Gonzales

This letter is requesting a variance from the subdivision ordinance that requires City Council acceptance prior to the issue of building permits. The request is for only two lots in **Shadow Creek Ranch, section SF-9B**. The lots will be permitted for a sales trailer (Lot 59 Block 2) and construction trailer (Lot 11 Block 1).

Thank you,

A handwritten signature in cursive script, appearing to read "Jennifer Beckert", written in black ink.

Jennifer Beckert
Starts and Permits Assistant

Gehan Homes LTD
9700 Richmond Ave. Ste 300
Houston, TX 77042
713 952-3800 – phone
713 952-3919 – fax

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