

Planning and Zoning Commission

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON DECEMBER 3, 2001, IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The meeting was called to order at 8:09 p.m. with the following present:

P&Z Chairman	H. Charles Viktorin
P&Z Vice-Chairman	Donald Glenn
P&Z Commissioner	Todd Iocco
P&Z Commissioner	Kevin McDonald
P&Z Commissioner	Robert Scherrer
P&Z Commissioner	Russ Selemon
Executive Director of Community Development	Tobin Maples
Development Coordinator	Mona Phipps
Plans and Plant Administrator	Richard Keller
P&Z Secretary	Jennifer Gonzales

P&Z Commissioner Don Sederdahl was absent.

II. APPROVAL OF MINUTES: November 19, 2001

Commissioner Scherrer made a motion to approve the November 19, 2001 minutes as presented, with a second made by Commissioner McDonald.

Motion to approve passed 5 to 0. (1 abstention made by Commissioner Iocco).

III. NEW BUSINESS

City Attorney Darrin Coker gave a brief speech to make the Commission aware of potential legal implications that could occur. He stated that several of the previous applications for zoning cases, which were voted unanimously by the P&Z Commission, require a super majority vote by City Council and that is unlikely to happen on several of the applications. Mr. Coker also explained, "spot zoning". He stated that some of the applications have been brought back with more information being provided, hoping that the Commission would reconsider their recommendations. Mr. Coker stated that he is not saying the Commission voted wrong, however he did want to make the Commission aware of what could happen.

A. CONSIDERATION & POSSIBLE ACTION – Final Plat of Silverlake Commercial Park Phase 11, A subdivision of 17.4427 acres of land out of the H.T.&B. R.R. Co. Survey, Abstract 300 and the R.B.Lyle Survey, Abstract 539, 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 Keller stated that this plat was tabled at the last meeting due to *several* corrections that needed to be made. He stated that the corrections have been made, with the exception that some dimensions need to be added to the lift station, and the engineer has already agreed to add the dimensions.

Vice-Chairman Glenn made a motion to approve the Final Plat of Silverlake Commercial Park Phase 11 with a second made by Commissioner Selemon.

Motion to approve passed 6 to 0.

B. CONSIDERATION & POSSIBLE ACTION – Final Plat of Silverlake Commercial Park Phase 12, A subdivision of 2.5703 acres of land out of the R.B. Lyle Survey, Section No. 86, Abstract No. 539, Brazoria County, Texas.

Plat and Plans Administrator Keller stated that this plat was also tabled at the last meeting and all corrections have been made with the exception that the recordation data for the adjacent easement needs to be added, and the engineer has agreed to do this. He stated that staff recommends approval.

Commissioner Iocco made a motion to approve the Final Plat of Silverlake Commercial Park Phase 12 with a second made by Vice-Chairman Glenn.

Motion to approve passed 6 to 0.

C. CONSIDERATION & POSSIBLE ACTION – Final Plat of Park Village Estates Section Five, A subdivision of 13.3427 acres of land out of the H.T.&B. R.R. Co., Survey, A-509, City of Pearland, Brazoria County, Texas.

Plat and Plans Administrator Keller stated that staff recommends approval as presented.

Commissioner Iocco made a motion to approve the Final Plat of Park Village Estates Section Five with a second made by Commissioner Selemon.

Motion to approve passed 6 to 0.

D. CONSIDERATION & POSSIBLE ACTION – Partial Amending Plat of 518 – Dixie Plaza, a subdivision of 26.255 acres of land being a replat of lot 18 & 19, George W. Jenkins Subdivision, Vol. 79, Pg. 616, B.C.D.R., Lots 5-12, S.W. Narregang Subdivision, Vol. 3, Pg. 52, B.C.P.R., and all of the wise subdivision, Vol. 17, Pg.99, B.C.P.R., in the W.D.C. Hall League, A-70, City of Pearland, Brazoria County, Texas.

Plat and Plans Administrator Keller stated that this is the site for the new Wal-Mart on the east side of town, and staff recommends approval with eight corrections:

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1. They need to show evidence that the pipeline easement, which was shown on their previous plat, has been abandoned.
2. The meets and bounds description calls for southeast line along Dixie Farm Road, and should only refer to "Reserve A".
3. They need to show the temporary benchmark on the plat.
4. They need to make the waterline easement along Dixie Farm Road a "water and sewer easement".
5. They need to label block 1.
6. They need to correct the spelling of "access" in Note 16.
7. The waterline easement needs to match the alignment of the water line along Dixie Farm Road and northwest edge of property.
8. They need to restore the sanitary sewer easement to serve the Restricted Reserve B.

Commissioner Iocco made a motion to approve the Partial Amending Plat of 518-Dixie Plaza with staff's comments, and Vice-Chairman Glenn seconded the motion.

Motion to approve passed 6 to 0.

E. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of E & A Estates, Being a subdivision of 4.0509 acres of land being the east portion of lot 26, of the Allison Richey Gulf Coast Home Company Subdivision in the H.T.&B. R.R. Co. Survey, Abstract 219, Brazoria County, Texas.

Plat and Plans Administrator Keller stated that staff recommends approval with the comment that sanitary sewer will be required prior to the development of Lot 1, and they will need to process a retention agreement.

Vice-Chairman Glenn made a motion to approve the Preliminary Plat of E&A Estates with staff's comments, and Commissioner Iocco seconded the motion.

Motion to approve passed 6 to 0.

F. CONSIDERATION & POSSIBLE ACTION – Zoning Application No. 1012

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

Zone Change Application No. 1012

Legal Description: 10.20 acres, A. C. H. & B. Survey, Section 2, A-507, as recorded in Volume 767, page 299, Deed Records of Brazoria Co., TX

Owner: Jud G. Alexander

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

**P.O. Box 769
Brenham, TX 77834**

Agent: Dale Hurt

Commissioner McDonald asked if they are setting a precedent by bringing back zoning applications for reconsideration, and he asked if there are any legal standards that allow for this to happen.

Commissioner Iocco also showed concerns about the application being brought back to the Commission after a recommendation has already been made to City Council.

Chairman Viktorin clarified that there cannot be any moratorium on any particular zoning, and he stated that an owner could apply over and over again.

Executive Director of Community Development Maples stated that a precedent is not being set, and there is nothing illegal about the applications being brought back to the Commission. Mr. Maples assure the Commission that the integrity of the schedule is being maintained.

Commissioner McDonald suggested having Chairman Viktorin only vote when a tie-breaker is needed, and he referred to how the mayor votes, and Mr. Maples replied that the Mayor does not vote because that is what the City Charter says to do.

Discussion ensued between staff and the Commission about the process of amending the City Charter. Chairman Viktorin also showed the Commission the City Charter and requested that staff provide the new members with the Charter.

Commissioner Scherrer made a motion to forward Zoning Application No. 1012 to City Council for denial, and Commissioner Iocco seconded the motion.

Commissioner Iocco pointed out that the major thoroughfare plan calls for a road to be extended right through this property, and he stated that if that road were to go through then that could be a good buffer to separate residential development from the railroad.

Executive Director of Community Development Maples explained that if the Comprehensive Plan is amended for this area then that would eliminate the collector streets, therefore the Major Thoroughfare Plan would have to be amended as well.

Commissioner Scherrer stated that he would like to incorporate everything he said two weeks ago on all of these same applications in the Veterans area.

Mr. Hurtt briefly explained that they have had a preliminary plan done, and they would like to provide a 300' buffer along the railroad, and he stated that you cannot cost effectively put any streets or homes on this section.

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Commissioner Iocco verified that Mr. Hurtt is going to have 300' green space along the railroad, and Mr. Hurtt replied that they plan to work with staff to provide more than adequate detention.

Commissioner Selemon asked if they plan on putting houses within a football yard length, and Mr. Hurtt replied that they do.

Commissioner Scherrer stated that if the area is zoned "R-2", then they could build houses anywhere they want to.

Mr. Hurtt reminded the Commission that they still have the whole platting approval process to go through, and Mr. Maples clarified that the Commission has to approve any plat that meets all the city requirements.

Commissioner McDonald asked if a legal binding contract could be created with the City stating that this area would be reserved for detention, and Mr. Maples replied that the Commission needs to either vote for or against the requested R-2 zoning, and a "PUD" would be the only way to change the development plan, or make any agreements with the City.

Mr. Hurtt reminded the Commission that from talking with the City Attorney he has learned that even if this is denied the City is going to eventually re-apply.

Chairman Viktorin brought up a previous issue discussed regarding the need for more Industrial area, and Mr. Maples reminded the Commission that the City just annexed three areas as Industrial zoning.

Discussion ensued between staff and the Commission about re-evaluating the Comprehensive Plan and it was noted that staff has been instructed that this area is one of the areas to be changed. Mr. Maples reported that it would probably be in January.

Commissioner Iocco pointed out that the tract to the south, which has been zoned for R-2, there is a buffer between the residential area and the railroad tracks. He stated that he has concerns about approving this request with no buffer to separate the residential development from the railroad tracks.

Chairman Viktorin called for a vote.

Motion to deny passed 6 to 0.

G. CONSIDERATION & POSSIBLE ACTION – Zoning Application No. 1013

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

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Zone Change Application No: 1013

Legal Description: 23.12 acres, being Lot 9, Section 12, H. T. & B. R.R. Co. survey, A-508, recorded in Volume 355, page 550, Deed Records of Brazoria Co., TX

Owner: Sheesley Trust, Alan Swenson, Trust Officer
Three G Investments Ltd, Larry Gardner
Delmer Q. Bowman Family Trust

Agent: Dale Hurt

Commissioner Iocco made a motion to forward Zoning Application No. 1013 to City Council for denial, with a second made by Commissioner Scherrer.

Commissioner Iocco stated that he would like to reiterate the same comments as before regarding there not being enough adequate space between the houses and the railroad.

Motion to deny passed 6 to 0.

H. CONSIDERATION & POSSIBLE ACTION – Zoning Application No. 1008

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

Zone Change Application No. 1008

Legal Description: Being Lots 9A and 12A, Section 12, H. T. & B. Survey, A-508, Brazoria Co., TX

Owner: Randall L. Ferguson
2414 S. Park
Pearland, TX 77581

Agent: Dale Hurt

Commissioner Scherrer made a motion to forward Zoning Application No. 1008 to City Council for denial with a second made by Commissioner Iocco.

Commissioner Iocco stated that he has the same comments as before.

Commissioner Scherrer stated that he would also like to incorporate his comments from two weeks ago on this application.

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Commissioner Selemo stated that he could see the western half as R-2, but not next to Heavy Industrial zoning.

Commissioner McDonald stated that he would like to see the developer bring forward an application for a Planned Unit Development (PUD) so that they can work with staff.

Motion to deny passed 6 to 0.

I. CONSIDERATION & POSSIBLE ACTION – Zoning Application No. 1005

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

Zone Change Application No. 1005

Legal Description: 260 acres, more or less, being generally located in the H T. & B. R.R. Co. survey, A-308, and the H. T. & B. R.R. Co. survey, A-551, Brazoria Co., TX (Tract 5 - near Main Street 35 @ CR 112)

Executive Director of Community Development Tobin Maples stated that this is one of the six annexation tracts that were tabled by the Commission. He stated that the tract has been annexed and City Council is asking for either an approval or a denial by the Commission.

Commissioner Selemo verified that this is the tract where an owner of 60 acres wanted to do a residential development, and Mr. Maples replied that this is the application. Mr. Maples also stated that from staff's standpoint, this should be an Industrial area.

Commissioner Scherrer asked if the same notices were sent out to the same people, and Mr. Maples replied that no notifications were required to be sent out for this meeting.

Commissioner Scherrer made a motion to forward Zoning Application No. 1005 to City Council for approval with a second made by Commissioner Selemo.

Commissioner Iocco stated that Industrial is all that could probably go in the area due to the number of pipelines.

Motion to approve passed 6 to 0.

J. CONSIDERATION & POSSIBLE ACTION – Zoning Application No. 1003

Request for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Estate Lot Single Family Dwelling District (RE) 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.

Zone Change Application No. 1003

Legal Description: 76 acres of land, more or less, being generally located in Section 18, H. T. & B. R.R. Co. survey, or George C. Smith Survey, A-547, Brazoria Co., TX (Tract 3 - Manvel Road @ Bailey Road)

Commissioner Scherrer made a motion to forward Zoning Application No. 1003 to City Council for approval with a second made by Commissioner Iocco.

Motion to approve passed 6 to 0.

K. CONSIDERATION & POSSIBLE ACTION – Specific Use Application No. 99

Request for an amendment to the Land Use and Urban Development Ordinance of said City from classification Commercial District (C) to Commercial District-Specific Use (C(S)) for warehouse and open storage on the following described property, to wit:

Specific Use Application No. 99

Legal Description: 4.69 acres, being Lot 7A, which is the South ½ of Lot 7, Allison Richey Gulf Coast Home Co. Subdivision of Suburban Gardens, Section 19, H. T. & B. R.R. Co. survey, A-243, as recorded in Volume 111, pg 184, Deed Records of Brazoria Co., TX (2109 Cullen Boulevard)

Owner: Classic Storage
8909 Hughes Ranch Road
Pearland, TX 77584

Vice-Chairman Glenn made a motion to forward Specific Use Application No. 99 to City Council for approval. Motion failed due to lack of second.

Commissioner McDonald made a motion to table Specific Use Application No. 99 until the Cullen Blvd Plan is finished, and Commissioner Iocco seconded the motion.

Executive Director of Community Development Tobin Maples stated that this item was tabled at the last meeting and at the request of the owners, after meeting with City Manager Bill Eisen and City Attorney Darrin Coker and learning that the Cullen Blvd Land Use Plan would not be done for a while, the application has been brought back to the Commission. He explained that the owners did not want to wait for the Land Plan to be revised.

Chairman Viktorin called for a vote on the motion to table before any further discussion.

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 table failed 2 to 4.

Voting Record

“Aye” – Commissioners Iocco and Scherrer.

“No” – Chairman Viktorin, Vice-Chairman Glenn, Commissioners Selemon and McDonald.

Commissioner Selemon asked the owners why they could not wait, and Mr. Craig replied that they are 98% capacity in their existing building, and when if they sit dormant they will lose customers. Mr. Craig explained that they are a very critical point with the business.

Karen Craig stated that she has met with Pat Pounds and Emma Vaughn on this issue and she feels like she has their support.

Commissioner Selemon stated that all the residents spoke highly of their existing business however they still had concerns.

Commissioner McDonald stated that he does not want to slow their business down, but it seems like everything the Commission does sets a precedent.

Mr. Craig stated that the Cullen issue has been drug out too long and in his opinion if the City is going to go out and annex an area then they need to have a plan. He stated that he never even received notification that he is in the City.

Commissioner Scherrer made a motion to table Specific Use Application no. 99 and Commissioner Iocco seconded the motion.

Motion to table failed 3 to 3.

Voting Record

“Aye” – Commissioners Scherrer, Iocco, and McDonald.

“No” – Chairman Viktorin, Vice-Chairman Glenn, and Commissioner Selemon.

Vice-Chairman Glenn made a motion to forward Specific Use Application no. 99 to City Council for approval, and Commissioner Selemon seconded the motion.

Chairman Viktorin stated that he doesn't realistically think the Cullen Blvd plan is going to be done for a long time.

Commissioner Selemon stated that he doesn't see this request being inconsistent with what the Commission has been discussing for this area.

Commissioner Iocco pointed out that with “Commercial” zoning, there could be another business there that is completely undesirable.

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

Mr. Craig also pointed out that from where they are located, there is nothing other than business all the way to FM 518.

Motion to approve passed 5 to 1.

Voting Record

“Aye” – Chairman Viktorin, Vice-Chairman Glenn, Commissioners Iocco, McDonald and Selemon.

“No” – Commissioner Scherrer.

L. DISCUSSION ITEM – Cullen Blvd Land Use Plan.

Chairman Viktorin clarified that from previous discussions he has gathered that since Cullen will be a major artery, then the Commission agreed that there should be “Commercial” or “General Business.” He stated that the Commission was supposed to go out and review the area and now make their comments.

Commissioner Iocco explained that there are three different possibilities and listed them as:

1. Old FM 518 (mix-match of business/residential)
2. Hway 6 (all business area)
3. Major collectors/thoroughfares (residential)

Mr. Iocco stated that he would like to see the corners of Cullen and McHard and the corners of Stone and McHard as business, and then he would like to see trees and nice gateways into residential subdivisions along Cullen. He stated that he would like to keep Industrial along Highway 35. Mr. Iocco stated that he doesn’t think there should be any entertainment zoning next to the creek.

Commissioner McDonald echoed Mr. Iocco’s comments and suggested an architectural overlay along Cullen.

Commissioner Selemon also liked Mr. Iocco’s comments and he is all for the architectural overlay along Cullen, however he likes option A. He also stated that he would like to see something done soon. Mr. Selemon suggested cluster homes or town homes.

Vice-Chairman Glenn stated that he also like option A with business along Cullen.

Commissioner Scherrer stated that he would like to see a continuation of General Business or Commercial through the entire strip of Cullen.

Commissioner McDonald suggested having Commercial/Industrial along McHard Road.

Chairman Viktorin stated that his vision is more along the option B approach with the architectural overlay requirements.

AGENDA OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD DECEMBER 3, 2001, AT 6:30 P.M. 1IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES: November 19, 2001

III. NEW BUSINESS

- A. CONSIDERATION & POSSIBLE ACTION** – Final Plat of Silverlake Commercial Park Phase 11, A subdivision of 17.4427 acres of land out of the H.T.&B. R.R. Co. Survey, Abstract 300 and the R.B.Lyle Survey, Abstract 539, Brazoria County, Texas.
- B. CONSIDERATION & POSSIBLE ACTION** – Final Plat of Silverlake Commercial Park Phase 12, A subdivision of 2.5703 acres of land out of the R.B. Lyle Survey, Section No. 86, Abstract No. 539, Brazoria County, Texas.
- C. CONSIDERATION & POSSIBLE ACTION** – Final Plat of Park Village Estates Section Five, A subdivision of 13.3427 acres of land out of the H.T.&B. R.R. Co., Survey, A-509, City of Pearland, Brazoria County, Texas.
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F. CONSIDERATION & POSSIBLE ACTION – Zoning Application No. 1012

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Owner: Jud G. Alexander
P.O. Box 769
Brenham, TX 77834

Agent: Dale Hurt

G. CONSIDERATION & POSSIBLE ACTION – Zoning Application No. 1013

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Three G Investments Ltd, Larry Gardner
Delmer Q. Bowman Family Trust

Agent: Dale Hurt

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Pearland, TX 77581

Agent: Dale Hurt

I. CONSIDERATION & POSSIBLE ACTION – Zoning Application No. 1005

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Owner: Classic Storage
8909 Hughes Ranch Road
Pearland, TX 77584

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

MEMBER

TERM EXPIRES

PHONE #'S

Yes
H. CHARLES VIKTORIN, Chairman
2905 Smith Road
Pearland, TX 77584

November, 2002

Home: 281-485-4111
Mobile: 281-413-1844
Work: 281-997-3438
Fax: 281-997-3728

left a message
DONALD GLENN, Vice-Chairman
1112 Gulfon
Pearland, TX 77581

March, 2002

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

left a
TODD IOCCO
3510 Shadycrest
Pearland, TX 77581

March, 2002

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

Yes
KEVIN A. MCDONALD
1802 Oak Hollow Dr. W
Pearland, TX 77581

September, 2004

Office: 832-736-9300
Work: 281-992-1693

mediator
ROBERT SCHERRER
5315 Colonial Drive
Pearland, TX 77584

April, 2004

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

DON W. SEDERDAHL
3418 Shady Crest
Pearland, TX 77581

September, 2004

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

Yes
RUSS SELEMON
2312 John
Pearland, TX 77581

November, 2002

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

Classic Storage Station

P.O. Box 3388
Pearland, TX 77588-3388

(281) 485-8200

8909 Hughes Ranch Rd.
Pearland, TX 77584

December 3, 2001

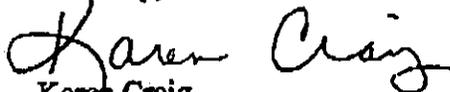
Dear Planning and Zoning Board:

We would like to say a few words at your December 3, 2001 meeting.

On November 19, 2001, Classic Storage Station (Mini-Storage/Warehouse facility) on 2109 Cullen was tabled. We would like to see if it can be untabled, we are working with the neighbors to show them how a storage facility would be a cleaner business instead of others we could put there. Please call me if you have questions, 281-932-4711.

Thank you for your consideration to this matter.

Sincerely,



Karen Craig
Classic Storage Station, Inc.