

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND TO BE HELD MONDAY, AUGUST 13, 2001, IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARINGS, IN THE SECOND FLOOR CONFERENCE ROOM OF THE CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES: August 6, 2001

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – SPECIFIC USE NO. 94

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Light Industrial District (M-1) to Light Industrial District - Specific Use (M-1(S)) for a Specific Use to allow chemical blending and packaging on the following described property, to wit:

Specific Use Application No. 94

Legal Description: 17.5664 acres, H. T. & B. R.R. Co. survey, Section 11, A-239 and the A. C. H. & B. R.R. Co. survey, Section 2, A-147, described in deed recorded in Vol. 1228, pg 894, deed records of Brazoria Co., TX (3807 Magnolia)

Owner: Correia Holdings, Inc.
P.O. Box 42242
Houston, TX 77242

Agent: Bernard A. Correia

B. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 985

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

Zone Change Application No. 985

Legal Description: Lot 2, Allison Richey Gulf Coast Home Co. Subdivision, Section 10, H. T. & B. R. R. Co. survey, A-505, said lot containing 10 acres, more or less, more fully described in Deed to I.L. Mewlin, recorded in Volume 116, pg 111, deed records of Brazoria Co., TX (1445 Stone Road)

Owner: Kerry and Evelyn White
2423 Green Tee
Pearland, TX 77581

C. CONSIDERATION & POSSIBLE ACTON – ZONING APPLICATION NO. 984

Request of owners 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-3) on the following described property, to wit:

Zone Change Application No. 984

Legal Description: 173.496 acres, H. T. & B. R.R. Co. survey, Section 81, A-300, being all of the SW 1/4 of said H. T. & B. R.R. Co. survey, Section 81, together with all of Lot 5, Allison Richey Gulf Coast Home Co. Subdivision, as recorded in Vol. 2, pg 98, map records of Brazoria Co., TX (Dallas Road (CR 59))

Owner: Larry Briggs
1330 Post Oak Blvd, Suite 1600
Houston, TX 77056

Agent: James Johnson of LinGo Properties, Inc.

D. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 988

Request of owners 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. 988

Legal Description: 80 acres out of the F. B. Drake Survey, A-508, Section 12, H. T. & B. R.R. Co. survey, City of Pearland, Brazoria Co., TX (Veterans Road @ Springfield Avenue)

Owner: Mary F. Edwards
7412 Kelvin
Houston, TX 77030

Agent: James Cornelius of Sowell & Co.

E. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 987

Request of owners 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-2) on the following described property, to wit:

Zone Change Application No. 987

Legal Description: 49.85 acres, consisting of 29.12 acres in Lot 126 and 7.46 acres in Lot 121, both located in A-147, A. C. H. & B. Survey; and 13.27 acres located in Tracts 1A & 1B, A-399, T.D. Yocum Survey, Brazoria Co., TX (John Lizer Road)

Owner: Amvest Properties, Inc.
7676 Woodway, Ste 238
Houston, TX 77063

Agent: Ken Caffey

F. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 982 & 983

Request of owners 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:

1. Zone Change Application No. 982

Legal Description: Lot 18, Garden Acres, Section 3, as recorded in Vol. 10, pg 77, of the plat records of Brazoria Co., TX (2632 O'Day Road)

Owner: R. West Development Co., Inc.
6302 Broadway, Ste 250
Pearland, TX 77581

Agent: Bruce A. Coligan

2. Zone Change Application No. 983

Legal Description: 3.030 acres in Lot 11, H. T. & B. R.R. Co. survey,
Section 14, A- 509, Brazoria Co., TX (Bailey Road)

Owner: Anthony and Donna Spriggins
3915 Beechwood Drive
Pearland, TX 77584

IV. NEXT MEETING DATES: August 20, 2001 (Regular P&Z)
September 10, 2001 (JPH & Regular P&Z)

V. ADJOURNMENT

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

Planning and Zoning Commission

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, HELD MONDAY, AUGUST 13, 2001, IN THE SECOND FLOOR CONFERENCE ROOM OF THE CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The regular meeting was called to order at 9:41 p.m. with the following present:

P&Z Chairman	H. Charles Viktorin
P&Z Commissioner	Todd Iocco
P&Z Commissioner	Robert Scherrer
P&Z Commissioner	Russ Selemo
City Engineer	John W. Hargrove
Executive Director	Tobin Maples
P&Z Secretary	Jennifer Gonzales

Vice-Chairman Donald Glenn was absent.

II. APPROVAL OF MINUTES: August 6, 2001

Commissioner Iocco made a motion to approve the August 6, 2001 minutes and Commissioner Scherrer seconded the motion with the correction that a motion be added to the first agenda item.

Motion to approve passed 4 to 0.

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – SPECIFIC USE NO. 94

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Light Industrial District (M-1) to Light Industrial District - Specific Use (M-1(S)) for a Specific Use to allow chemical blending and packaging on the following described property, to wit:

Specific Use Application No. 94

Legal Description: 17.5664 acres, H. T. & B. R.R. Co. survey, Section 11, A-239 and the A. C. H. & B. R.R. Co. survey, Section 2, A-147, described in deed recorded in Vol. 1228, pg 894, deed records of Brazoria Co., TX (3807 Magnolia)

Owner: Correia Holdings, Inc.

Planning and Zoning Commission

P.O. Box 42242
Houston, TX 77242

Agent: Bernard A. Correia

Commissioner Scherrer made a motion to forward Specific Use Application No. 94 to City Council for denial, and Commissioner Iocco seconded the motion.

Commissioner Scherrer stated that this requested zoning for chemical blending and packaging is not very specific as to what chemicals and what quantities would be used, the location is in the middle of town and too close to schools, and it's not a good idea.

Commissioner Iocco agreed and stated that if there is ever a disaster then either a housing unit or a school would be hit.

Commissioner Scherrer stated that even if a Traffic Impact Analysis is submitted, he feels that this particular location wouldn't work because it is only two lanes.

Commissioner Iocco stated that he and Commissioner Scherrer do not have a problem with the Industrial zoning, what they have a problem with is the chemical blending part. He then stated that he wouldn't be able to sleep at night if they killed children or killed anyone for that matter.

Commissioner Selemon stated that he thinks the Comprehensive Plan for this area needs to be re-evaluated.

Commissioner Iocco pointed out that it is the "chemical" aspect that is bothering him.

Commissioner Scherrer stated that he doesn't think it's fair that schools can encroach on zoning and he stated that City Council should change the classification of this area due to the location of the school.

Chairman Viktorin pointed out that the governing body who chose this location to build a school is not present.

Commissioner Iocco pointed out that on Page 9 of the Land Use and Urban Development Ordinance it states that the Commissioners have to protect the safety of the City.

Commissioner Scherrer pointed out that the location of the new hospital is real close to this property.

Mike Chance, Executive Director of PEDC, stated that although PEDC is not recruiting chemical blending companies, he stated that this company has went

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through their "good faith" effort by attending pre-development meetings with staff, obtained their zoning, and they were only delayed because they had to find out what was going to happen with the overpass. Mr. Chance stated that Magnolia is a commercial truck route.

Chairman Viktorin called for a vote.

Motion to deny passed 4 to 0.

B. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 985

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

Zone Change Application No. 985

Legal Description: Lot 2, Allison Richey Gulf Coast Home Co. Subdivision, Section 10, H. T. & B. R. R. Co. survey, A-505, said lot containing 10 acres, more or less, more fully described in Deed to I.L. Mewlin, recorded in Volume 116, pg 111, deed records of Brazoria Co., TX (1445 Stone Road)

Owner: Kerry and Evelyn White
2423 Green Tee
Pearland, TX 77581

Commissioner Iocco made a motion to forward Zoning Application No. 985 to City Council for denial, and Commissioner Selemon seconded the motion.

Commissioner Scherrer stated that he certainly understands why the motion for denial has been made, however, he asked if there is any other way for the owner to do what he is requesting.

Executive Director of Community Services Tobin Maples stated that the two existing mobile homes can stay, but to bring in two more mobile homes the owner would have to meet the correct zoning classification.

Chairman Viktorin stated that he was a graduate of Pearland High School back in 1980, and he knew several people who did live in mobile homes and when he hears cases such as this one he has to lean toward Commissioner Scherrer's feelings on this.

Commissioner Iocco stated that he lived in a mobile home for 10 years. He stated that unfortunately the Commissioners have to go with the City's ordinance.

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Commissioner Selemon agreed and stated that it is the future use of the land that could be a problem.

Commissioner Iocco stated that the federal law stated that every community should have some mobile home and he feels that Pearland does have its share.

Chairman Viktorin asked if there is any zoning classification for a single mobile home lot, and Mr. Maples replied that there is only "MH" zoning, which is for a mobile home park, or to allow for a mobile home by a specific use in an industrial park.

Office Coordinator Mona Phipps pointed out that the City has tried to have an "R-1" zoning with a specific use for a mobile home, but zoning laws does not allow for that.

Commissioner Scherrer stated that he would prefer City Council to allow for a Specific Use Permit for these mobile homes.

Commissioner Iocco stated that the property has never been taken care of, and if they allow for more mobile homes to be put there, he wondered if that would encourage the owner to start taking better care of it.

Chairman Viktorin asked if this is denied can the owner come back and ask for an "R-1" zoning with a specific use, and Mr. Maples replied that that is not allowed, and in order to do that they would have to amend the Land Use and Urban Development Ordinance.

**Motion to deny passed 3 to 1.
(Chairman Viktorin was against the motion to deny.)**

C. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 984

Request of owners 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-3) on the following described property, to wit:

Zone Change Application No. 984

Legal Description: 173.496 acres, H. T. & B. R.R. Co. survey, Section 81, A-300, being all of the SW 1/4 of said H. T. & B. R.R. Co. survey, Section 81, together with all of Lot 5, Allison Richey Gulf Coast Home Co. Subdivision, as recorded in Vol. 2, pg 98, map records of Brazoria Co., TX (Dallas Road (CR 59))

Owner: Larry Briggs

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

1330 Post Oak Blvd, Suite 1600
Houston, TX 77056

Agent: James Johnson of LinGo Properties, Inc.

Chairman Viktorin pointed out that the owner has amended his request to an "R-2" zoning classification by a letter dated August 9, 2001.

Commissioner locco made a motion to forward Zoning Application No. 984 to City Council for denial, and Commissioner Scherrer seconded the motion.

Commissioner locco stated that first of all there are no road, and no infrastructure, and he asked if the developer would help pay for the improvements. Mr. locco stated that this is located on pretty wide-open land and he would feel better with "R-1" zoning.

Commissioner Scherrer stated that he is worried about the traffic. He stated that with 600 lots that will be twice the traffic that hits Highway 288, and that is just a disaster waiting to happen.

Commissioner locco asked about the Traffic Impact Analysis that is required, and Executive Director of Community Services Tobin Maples replied that the City Engineer would process the Traffic Impact Analysis and forward to a certified traffic engineer who reviews all the Traffic Impact Analysis' that come in. Mr. Maples stated that the hired traffic engineer will make necessary comments and the City will forward those comments to the engineer of the project.

Commissioner locco asked how it is determined what the developer will pay for, and Mr. Maples replied that the developer would pay their fair share. Mr. Maples stated that this is determined by the percentage in which the development is going to cause as far as needing improvements. Mr. Maples explained that it is really a case-by-case basis.

Bud Goza of LinGo Properties, Inc. stated that this development would be similar to the South Fork development on the other side of Highway 288. He stated that tonight they are just trying to classify a piece of property and not how they are going to develop it. Mr. Goza gave a brief speech regarding the comparison of other developments such as Silverlake and Shadow Creek Ranch and their road infrastructure. He stated that this land is just a "rice field", and he also pointed out the taxes that would be brought to the City of Pearland. He finished by stating that they are not going to be able to sell "R-1" size lots out in that rice field.

Commissioner Scherrer stated that he would like to keep the taxpayers alive, and this would be too dangerous so put this many cars on that street.

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James Johnson, agent, stated that he is having a hard time understanding what is going on. He stated that the Traffic Impact Analysis is for answering most of their concerns. He stated that according to the Land Use Plan adopted by the City of Pearland, this is planned for low density residential and as defined that is "R-2", and that is what they are asking for. He stated that they would make the necessary improvements. He stated that the best use of the property has been established in the Comprehensive Plan.

Mona Phipps, Office Coordinator, verified that the Comprehensive Plan does show low density residential as "R-2".

Commissioner Iocco again referred to page 9 of the Land Use and Urban Development ordinance where it states that they are to protect the safety of the city.

Chairman Viktorin stated that his comment on that is they could say that about every development and referred to the development going behind the high school. Mr. Viktorin stated that if the Commissioner's are denying the application based on traffic, then they need to wait and let the Traffic Impact Analysis come back negative, and pointed out that that is what a Traffic Impact Analysis is for.

Commissioner Iocco argued that his concern is safety.

Chairman Viktorin called for a vote.

Motion to deny failed 2 to 2.

(Commissioner Iocco and Commissioner Scherrer were for the motion to deny, and Chairman Viktorin and Commissioner Selemon were against the motion to deny.)

D. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 988

Request of owners 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. 988

Legal Description: 80 acres out of the F. B. Drake Survey, A-508, Section 12, H. T. & B. R.R. Co. survey, City of Pearland, Brazoria Co., TX (Veterans Road @ Springfield Avenue)

Owner: Mary F. Edwards
7412 Kelvin
Houston, TX 77030

Planning and Zoning Commission

Agent: James Cornelius of Sowell & Co.

Commissioner Scherrer made a motion to forward Zoning Application No. 988 to City Council for approval, and Commissioner Iocco seconded the motion.

Commissioner Selemo stated that he has no doubt that this is would be a good project, however, he cannot justify changing the Foreign Trade Zone. He stated that the Comprehensive Plan should be looked at first, because this could be compounding a problem.

Chairman Viktorin pointed out how Council Member Marcott noticed that the people who got up to speak and supported the Comprehensive Plan were the same people who go up and said the Comprehensive Plan needs to be re-evaluated.

Commissioner Iocco stated that he thinks the railroad is fine to live by.

Chairman Viktorin called for a vote.

Motion to approve failed 2 to 2.

(Chairman Viktorin and Commissioner Selemo were against the motion to approve, and Commissioner Scherrer and Commissioner Iocco were for the motion to approve.)

E. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 987

Request of owners 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-2) on the following described property, to wit:

Zone Change Application No. 987

Legal Description: 49.85 acres, consisting of 29.12 acres in Lot 126 and 7.46 acres in Lot 121, both located in A-147, A. C. H. & B. Survey; and 13.27 acres located in Tracts 1A & 1B, A-399, T.D. Yocum Survey, Brazoria Co., TX (John Lizer Road)

Owner: Amvest Properties, Inc.
7676 Woodway, Ste 238
Houston, TX 77063

Agent: Ken Caffey

Commissioner Scherrer made a motion to forward Zoning Application No. 897 to City Council for approval and Commissioner Selemo seconded the motion.

Planning and Zoning Commission

Commissioner Selemon stated that he would like to see more gravitation to "R-1", and he asked what kind of price difference there is. Mr. Wong briefly explained that \$150,000 is an average price range for and "R-2" zoning, and the price range would be even lower for an "R-3". Mr. Wong pointed out that it also depends on the surroundings, and he referred to his subdivision of "Sunrise Lakes" and the amenities he created for that subdivision.

Commissioner Iocco stated that from his observation of City Council, he does not think that they will pass this request and he referred to the recent denial of The Villages at Mary's Creek.

Chairman Viktorin called for a vote.

**Motion to approve passed 3 to 0 (1 abstention).
Commissioner Iocco abstained.**

F. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 982 & 983

Request of owners 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:

1. Zone Change Application No. 982

Legal Description: Lot 18, Garden Acres, Section 3, as recorded in Vol. 10, pg 77, of the plat records of Brazoria Co., TX (2632 O'Day Road)

Owner: R. West Development Co., Inc.
6302 Broadway, Ste 250
Pearland, TX 77581

Agent: Bruce A. Coligan

2. Zone Change Application No. 983

Legal Description: 3.030 acres in Lot 11, H. T. & B. R.R. Co. survey, Section 14, A- 509, Brazoria Co., TX (Bailey Road)

Owner: Anthony and Donna Spriggins
3915 Beechwood Drive
Pearland, TX 77584

Planning and Zoning Commission

Commissioner Iocco made a motion to forward zoning application nos. 982 and 983 to City Council for approval, and Commissioner Selemon seconded the motion.

Motion to approve passed 4 to 0.

- IV. NEXT MEETING DATES:** August 20, 2001 (Regular P&Z)
September 10, 2001 (JPH & Regular P&Z)

V. ADJOURNMENT

The regular meeting adjourned at 10:30 p.m.

These minutes respectfully submitted by:


Jennifer Gonzales, Planning & Zoning Secretary

Minutes approved as submitted and/or corrected on this 27 day of sep, 2001.



H. Charles Viktorin, Planning & Zoning Chairman