

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 19, 2007 AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

- I. CALL TO ORDER *8:43 Henry Suertes*
- II. APPROVAL OF MINUTES November 5, 2007 *Susan motion*
- III. NEW BUSINESS *Henry Neil 7-0 apprvd.*

A. Conditional Use Permit No. CUP2007-19

Henry read
A request by Will Benson and TNRG Acquisitions, applicant for Eisie M. Pitsenbarger Living Trust, owner, for approval of a Conditional Use Permit for the following uses: construction contractor with storage yard; machinery sales, storage, and repair; moving and storage company; printing; office warehouse storage or sales; outside storage; storage of used lumber and building products; tool and machinery rental; welding shop; and warehouse and distribution facility; in the General Commercial District (GC), on the following described property, to wit:

Susan / Darrell seconded →
Legal Description: 10.6963 acres of land, out of Abstract 542, H.T. & B.R.R. Company Survey, Tract A, Ray Bellows and Sons Subdivision, City of Pearland, Brazoria County, Texas

General Location: Generally Located on the East Side of SH 35 (Main Street), and on the South Side of Knapp Road

B. Conditional Use Permit No. CUP2007-21

Henry
A request by Barbara Lee, applicant for Lynn Nichols, owner, for approval of a Conditional Use Permit for a "gaming establishment" facility in the Old Townsite General Business District (OT-GB), on the following described property, to wit:

Darrell / Perry seconded
Legal Description: Lots 3, 4, 5, and 6, Block 5, Pearland, City of Pearland, Brazoria County, Texas

Neil concerned w/ curfew.
General Location: Generally Located on the East Side of SH 35 (Main Street), and on the South Side of Plum Street

C. Amendments to the Master Thoroughfare Plan *Mr. Lee - no liquor licence / no one under 21 allowed. →*
Agheim curfew applies to "under 17" only
Henry read...

(A)

Discussion

Screening - Henry

Future ^{Land} use ~~land~~ - Charles had concerns
re: noise & Residential zoning

TAG - ~~existing going to edit~~ addressed

Darrell -

Susan - issues in March. These issues have
mostly been addressed.

Ron - spoke about ~~buffering~~ detention

Henry - reiterated what Susan stated that the
process is working & issues has been
addressed.

Kate - getting better Planned Development
Road will be built to city standards

(B)

B. Lee - most customer 40+ age group.
signs posted in establishment.

Darrell - comment re: public comment - opposed
from Beth Oravetz.

Charles asked how many of these establishments exist.
approx. 10

- vote 6-1 (Charles opposed)
moral element

0/4/2000 10:00 AM

Neil/Gerry

Gerry - heard conflicting comments - who will hold Alexon Ln. (Lata - New Life) Jerry - swap land for ROW. 30' easement between houses on

A request of the City of Pearland, for an amendment to the Master Alexander Thoroughfare Plan, generally affecting the following roadways:

30 ft maintained by appl. They will do landscaping. Susan - The northern end of Alexander Lane, the northern end of Manchester Lane, and the connection of a collector street to Barry Rose Road. If this passes but PD does not then does the Thoroughfare plan still tip thru. Current or future owner

D. **Zone Change No. 2007-19Z** would be required to put in Alexander Ln. Henry road.

A request by New Life Lutheran Church, applicant for Robert Alexander and Tom Alexander, owners, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential - 2 District (R-2) and General Business Retail District (GB) to Planned Development District (PD), on the following described property, to wit:

Legal Description: 20.00 acres of land, out of the Robert L. Alexander 172.0566 acre tract, recorded in Volume 1725, Page 120, of the Brazoria County Deed Records, out of the Thomas J. Green Survey, Abstract 198, City of Pearland, Brazoria County, Texas. Staff recommends tabling due to comments needing to be addressed

General Location: Generally Located on the West Side of Pearland Parkway, and on the South Side of Barry Rose Road. Johnnie Holland asked that due to time constraint could issues be addressed tonight

E. **Amendments to the Unified Development Code** Gerry - if we table now, can we still vote Dec 3rd. & it go to Council Dec-10th. →

A request by the City of Pearland, for an amendment to the Unified Development Code (UDC), Ordinance No. 2000T. → Much discussion among Comm/staff Legal 1-0 approval.

*** ACTION DEADLINE ON THE FOLLOWING PLATS: 11-21-07**

F. CONSIDERATION & POSSIBLE ACTION—Final Plat of Province Village Drive, Office Park and Reserves

A request by Ralph Thomas, LJA Engineering & Surveying, Inc., for The Maverick Group, LLP., owner, for approval of a final plat of 17.314 acres zoned Province Village Planned Unit Development (PUD). The applicant is proposing (6) lots located east of Pearland Parkway, north of FM 518, and west of Country Club Drive, and the property is described as follow:

Being in the Thomas J. Green Survey, Abstract 198, and The Warren D.C. Hall Survey, Abstract 70, Brazoria County, and The Warren D.C. Hall Survey, Abstract 23, Harris County, City of Pearland, Brazoria County and Harris County, Texas. RK real staff rpt. 3 outst

- Items 2, 3, 5, 6 - minor items
- 1 & 4 - defer to atty.
- 7 - taken care of
- 8 - in process

①

cont.

Discussion continued about the positive aspect of the new Alexander Ln. 7-0 approval.

①

Leta - yes because we've worked w/ PD'S before. But if there are still outstanding items then no, can't go before Council

Biggest issue is phasing plan.

Neil - need a timeline

Susan - need to table & work w/ Staff & appl. until issues addressed.

Darrel - 1) 13 items - outstanding
2) completeness of plan doc.

Warrell motion to table

Gerry before zoning, ask that

extension of Alexander Ln.

be open @ time church is completed. Applicant stated this would not be a problem.

Charles asked Staff to tell P&Z what they want in a P.D.

JT

(P) all guidelines. Commission can go a step forward & ask for specific locations of bldgs/playgrounds/dumpsters.

Darrell - Staff's 13 comments & public opposition →

G. CONSIDERATION & POSSIBLE ACTION—Preliminary Plat of Shadow Creek Ranch Commercial Site No. 16B

Made a withdrawal request on 11/14/07. *no action necessary*

A request by LJA Engineering & Surveying, Inc., for Buc-ee's Limited Partnership., owner, for approval of a preliminary plat of 2.694 acres zoned Shadow Creek Ranch Planned Unit Development (PUD). The applicant is proposing (1) lot located west of SH 288 and north of Shadow Creek Parkway, and the property is described as follow:

Being out of The T.C.R.R. Co. Survey, Sec. 4, Abstract 675, in the City of Pearland, Brazoria County, Texas.

H. CONSIDERATION & POSSIBLE ACTION—Preliminary Plat of The Lakes at Highland Glen Section Twelve

Susan / Jerry
Petition for Waiver (Section 1.3.4.1. of Unified Development Code).

Variance request by C.L. Davis & Company to increase the block length from 1,200 feet to 1,344.31 feet on Laurel Leaf Lane between Briarsage Lane and Blakely Grove Lane. *7-0*

I. CONSIDERATION & POSSIBLE ACTION—Preliminary Plat of The Lakes at Highland Glen Section Twelve

Neil / Susan
A request by Chuck Davis, C.L. Davis & Company, for Beazer Homes Texas, L.P., owner, for approval of a preliminary plat of 46.6186 acres zoned Lakes at Highland Glen Planned Unit Development (PUD). The applicant is proposing (58) lots located east of Pearland Parkway and west of Clear Creek, and the property is described as follow:

DK - recommended approval.
46.6186 acres out of The D.H.M. Hunter Survey, Abstract No. 76 City of Pearland, Brazoria County, Texas. *7-0 approval*

J. ELECTION OF OFFICERS - *Ngheiem commented. Suggested pass & not vote.*

K. DISCUSSION ITEMS

IV. ADJOURNMENT

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

(F) *Ngheiem - anticipated completion of items 1 & 4 - will get instrument from center point*

Staff recommends approval. Lata recommends security camera - trail system & Park.

(D)

cont.
if

Tabled to Dec 3rd & approved
could make it to Council Dec 10th

Jerry motion to table
and submitted by Nov. 26th

Ron second w/ something
definitive on the phasing
issue.

7-0 approved.

Charles motion
to
Ron

(F)

Trigheim recommends
post security for all public impr. to be approved by Planning

Barrel recommends approval w/ stipulation
that app. meet all of staffs requirements

Jerry seconded.

Vote - amendment 7-0 appra

* Vote - motion w/ amendments
7-0 appra

(J)

Susan - re-align w/ mtg.
following vacancy.

Nervy - follow
set rules & procedures

Charles - vote Vice chair
now - approach
amend. to Rules
later. →

Nominations for Vice
Chair. Neil nominated Susan

Susan nominated Neil, Darrell nominated Charles.

Nomination: Jerry Koza, Susan Sherrouse, Charles Gooden

vote by paper ballot - & by plurality - Jerry

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD NOVEMBER 5, 2007 AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

Koza is

new Vice-Chair

I. CALL TO ORDER

Chairperson Ruby Sandars called the meeting to order at 6:02 p.m. with the following present:

- P & Z Chairperson Ruby Sandars
- Vice-Chairperson Henry Fuyertes
- P & Z Commissioner Susan Sherrouse
- P & Z Commissioner Neil West
- P & Z Commissioner Jerry Koza, Jr.
- P & Z Commissioner Sheryl Greiner
- P & Z Commissioner Darrell Diggs

Ac. 3rd - Nghiem to discuss

Jerry/Ron - adj.

Also in attendance were: Assistant City Manager Nick Finan, Planning Director Lata Krishnarao, Senior Planner Theresa Grahmann, Plans and Plat Administrator Richard Keller, Planner Tim Chi, City Attorney Darrin Coker, Deputy City Attorney Nghiem Doan, and Planning Administrative Secretary Judy Krajca.

10:45 p.m.

Chairperson Sandars recessed the Regular meeting at 6:03 p.m.

II. EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE

Chairperson Sandars reconvened the Regular meeting at 6:23 p.m.

III. APPROVAL OF MINUTES

Commissioner Greiner made the motion to approve, and Commissioner Koza, Jr. seconded. The vote was 7-0 for approval of the minutes of October 15, 2007.

III. NEW BUSINESS

A. Consideration & Possible Action – Regarding Potential Litigation Associated with Land Use Issues.

No action at this time.

B. Consideration & Possible Action – Preliminary Plat of Menon Enclave

A request by Daniel S. Johnson, Daniel Scott Engineering, LLC., for Dr. Venugopal K. Menon, owner, for approval of a preliminary plat of 2.8825 acres in the Extra Territorial Jurisdiction (ETJ) of the City of Pearland. The applicant is proposing (9) lots located at the southwest corner of the intersection of Amie Lane and McLean Road.

Plans & Plat Administrator Keller read the staff's report. Only one outstanding item remained.

Commissioner Diggs made the motion to approve with staff comments, and Commissioner Koza, Jr. seconded.

There was brief discussion in regards to the outstanding items.

The vote was 7-0. The plat was approved with staff's comments.

C. Consideration & Possible Action – Preliminary Right of Way plat of Shadow Creek Ranch Southcreek Drive and Crosslake Drive

A request by Rene Rodriguez, LJA Engineering & Surveying, Inc, for Pearland Investments Limited Partnership, owner, for approval of a preliminary right of way plat of 14.55 acres in the Shadow Creek Ranch Planned Development (PD). The right of way is located to the south of Broadway and east of Windward Bay Drive.

Plans & Plat Administrator Keller read the staff's report. One outstanding item remained.

Commissioner Greiner made the motion to approve with staff's comments and Commissioner Sherrouse seconded.

There was discussion among the Commission/Staff regarding the street layout with the Right-of-Way. Planning Director Krishnarao stated the Commission should consider denial of this plat until this issue could be resolved on a Master Plat.

The vote was 0-7. The plat was denied.

D. Consideration & Possible Action – Final Plat of Shadow Creek Self Storage

A request by Freddy A. Gormly, for Larry Campbell, owner, for approval of a final plat of 5 acres, with a Pearland annexation of 100 feet wide strip partially contained in the property, in the Extra

Territorial Jurisdiction (ETJ) of the City of Pearland. The applicant is proposing (1) lot located at the northeast corner of the intersection of County Road 48 and County Road 59

Plans & Plat Administrator Keller read the staff reports. There were no outstanding items.

Commissioner Sherrouse made the motion to approve with staff's comments, and Commissioner Diggs seconded.

There was no discussion.

The vote was 7-0. The plat was approved.

E. PUBLIC HEARING— WC Properties Partial Replat No. 1

A request by Stephanie Canady, Huitt-Zollars for W.C. Properties, Ltd., owner, for approval of a partial replat of 13.9564 acres zoned General Business (GB) for commercial purposes. The applicant is proposing (3) lots located to the east of the intersection of Broadway Street and Miller Ranch Road.

Chairperson Sandars opened the public hearing at 6:31 p.m.

Plans & Plat Administrator Keller read the staffs report.

Mr. Steve Garner with Huitt-Zollars spoke on behalf of the applicant.

There was no one present to speak for or against.

There was brief discussion among the Commission/Staff regarding easements.

The public hearing was adjourned at 6:36 p.m.

F. CONSIDERATION & POSSIBLE ACTION— WC Properties Partial Replat No. 1

A request by Stephanie Canady, Huitt-Zollars for W.C. Properties, Ltd., owner, for approval of a partial replat of 13.9564 acres zoned General Business (GB) for commercial purposes. The applicant is proposing (3) lots located to the east of the intersection of Broadway Street and Miller Ranch Road.

Plans & Plat Administrator Keller read the staff's report. There were no outstanding items, except the missing signatures on the plat and the Surveyors seal.

Commissioner Greiner made the motion to approve, and Commissioner Koza, Jr. seconded.

There was discussion among the Commission in regards to the Traffic Impact Analysis.

Commissioner Greiner amended her motion to include a signed mylar with Surveyors seal, and Commissioner Koza, Jr. seconded.

The vote on the motion was 7-0 for approval.

The vote on the amendment with signed mylar and seal of Surveyor was 7-0 for approval.

G. DISCUSSION ITEMS

There was brief discussion in regards to the next meeting, and a Joint UDC Workshop for November 12, 2007.

IV. ADJOURNMENT

Chairperson Ruby Sandars adjourned the meeting at 6:46 p.m.

These minutes are respectfully submitted by:

Judy Krajca, Administrative Planning Secretary

Minutes approved as submitted and/or corrected on this 19th day of November, A.D., 2007.

Henry Fuyertes
P&Z Vice-Chairperson

Consideration and Possible Action—Final Plat of Province Village Drive, Office Park and Reserves

Final Plat—Staff Report

P & Z Meeting Date: November 19, 2007

Location:

The property is located to the east of Pearland Parkway, north of Broadway, and west of Country Club Drive. There is Single Family Residential zone (R-2) located to the north, General Commercial (GC) zone located to the southwest, and Single Family Residential zone (R-3) and General Business (GB) zone located to the southeast of the property.

Applicant:

Ralph Thomas, LJA Engineering & Surveying, Inc., for The Maverick Group, LLP., owner.

Request:

Final plat approval of 17.314 acres zoned Province Village Planned Unit Development (PUD). There are 2 commercial lots, 4 reserves, and a right of way dedication of Province Village Drive located between Pearland Parkway and Country Club Drive.

Zoning:

Province Village PUD.

Traffic and Transportation:

A Traffic Impact Analysis was submitted to the city.

Utilities:

The establishment of water and sewer services is still in progress. No approval for acceptance of public improvements or performance bond in place for this final plat yet.

Stormwater Management:

Detention facility was done in accordance with the master plan.

Parks and Open Space:

Open spaces are dedicated.

Outstanding Item:

1. Obtain City Attorney approval of bond covering the cost of improvements including a completed subdivision Improvement Agreement.
2. Provide recordation data for offsite easement on the plat.
3. Label F.I.R.M. zones on the plat.

4. Obtain City Attorney approval of agreement to use Power Company R-O-W for street, drainage, and utility purposes. If it is acceptable to him, provide recordation data for this document on the plat as was done for gap in Kirby Drive R-O-W.
5. Label D.E. on Reserve "B" as B.D.D. No. 4 and extend the easement to include the entire channel area as well as 30 feet beyond top of bank.
6. Add a note that mutual access between Lots "A" and "B" is hereby granted by this plat.
7. 1% construction inspection fee due.
8. Tax certificate due.

Attachments:

1. Map
2. Application



R-2

R-3

GC

R-1 CLUSTER

R-1

Approximate location of the subject property

SHALLOW CREEK DR

SANDSTONE CREEK DR

HIDDEN CREEK DR

MARBLE CREEK DR

ARROWHEAD CREEK LN

PEBBLE CREEK DR

CREEKS EDGE DR

CLEAN CREEK

PEARLAND PKWY

VILLAGE GARDEN PVT

PROVINCE VILLAGE DR

RUD

PARK CANYON DR

PARK VILLA DR

OXBOW DR PVT

COUNTRY CLUB DR

GREEN TEE DR

WILKINSON RD

E BROADWAY

SMITH LN

63

WILKINSON RD

REGAL OAKS DR

LIBERTY DR

HELVEN

SHADYBEND DR

NS



PLAT WITHDRAWN



C. L. DAVIS & COMPANY

LAND SURVEYING
1500 Winding Way
Friendswood, Texas 77546
281.482.9490
FAX 281.482.1294
cldavis@cldaviscompany.com

November 12, 2007

Mr. Richard Keller
City of Pearland
Engineering & Permits Department
3523 Liberty Drive
Pearland, Texas 77581

Re: The Lakes at Highland Glen Section 12 Variance Request for Block Length on Laurel Leaf Lane between Briarsage Lane and Blakely Grove Lane

Dear Mr. Keller:

On behalf of Beazer Homes we are respectfully requesting a variance as to the block length on Laurel Leaf Lane between Briarsage Lane and Blakely Grove Lane.

Specifically, our request for variance is to allow a 1,344.31' block length measured along the centerline of Laurel Leaf Lane between the above referenced streets.

As shown on the proposed plat, the block is not a continuous chain of platted residential lots. Rather, the adjoining blocks contain detention reserves as a portion of the street frontage for 704.08' along the west right-of-way line.

The land plan is consistent with and complies with the approved planned unit development. At the time of review and approval of the overall planned unit development, the total block lengths were not considered as a matter of discussion and presumed accepted. Moreover, according to the land plan, the approved construction drawings of the detention system, the entire detention system has been in place and functioning since 2002.

As established by the proposed plat and improvements, the differential of the requested block length and the required block length will not be detrimental to the public health, safety or welfare nor will the requested variance affect adjoining property not owned by the developer. Alternatively, the proposed improvements and development will enhance the merchantability of the land, satisfy legitimate government interest in promoting orderly development, and provide adequate drainage and utility availability to the public.

In closing, the variance requested is necessary because of the existing lake detention system which serves the needs of Lakes of Highland Glen not only in terms of runoff storage capacity but also as an amenity to the overall community.

We will be present at the November 19, 2007 meeting of the City of Pearland Planning and Zoning Commission to address any questions that may arise.

As always, we appreciate your consideration of this request.

Sincerely,

C.L. Davis, R.P.L.S.

Consideration and Possible Action—Preliminary Plat of The Lakes at Highland Glen Section Twelve

Preliminary Plat—Staff Report

P & Z Meeting Date: November 19, 2007

Location:

The property is located to the east of Pearland Parkway and west of Clear Creek. There are Single Family Residential zones (R-1 & R-2) located to the northwest and Single Family Estate District (RE) located to the east of The Lakes at Highland Section Twelve.

Applicant:

Chuck Davis, C.L. Davis & Company, for Beazer Homes Texas, L.P., owner.

Request:

Preliminary plat approval of 46.6186 acres zoned The Lakes at Highland Glen Planner Unit Development (PUD). There are 58 residential lots, 7 reserves, and a variance request for increased block length on Laurel Leaf Lane from 1,200 feet to 1,344.31 feet.

Zoning:

The Lakes at Highland Glen PUD.

Traffic and Transportation:

A Traffic Impact Analysis (TIA) was submitted to the city in the past.

Utilities:

Water and sewer services are already available in Section Twelve of The Lakes at Highland Glen.

Stormwater Management:

Detention facilities and drainage are already in place in accordance with the PUD.

Parks and Open Space:

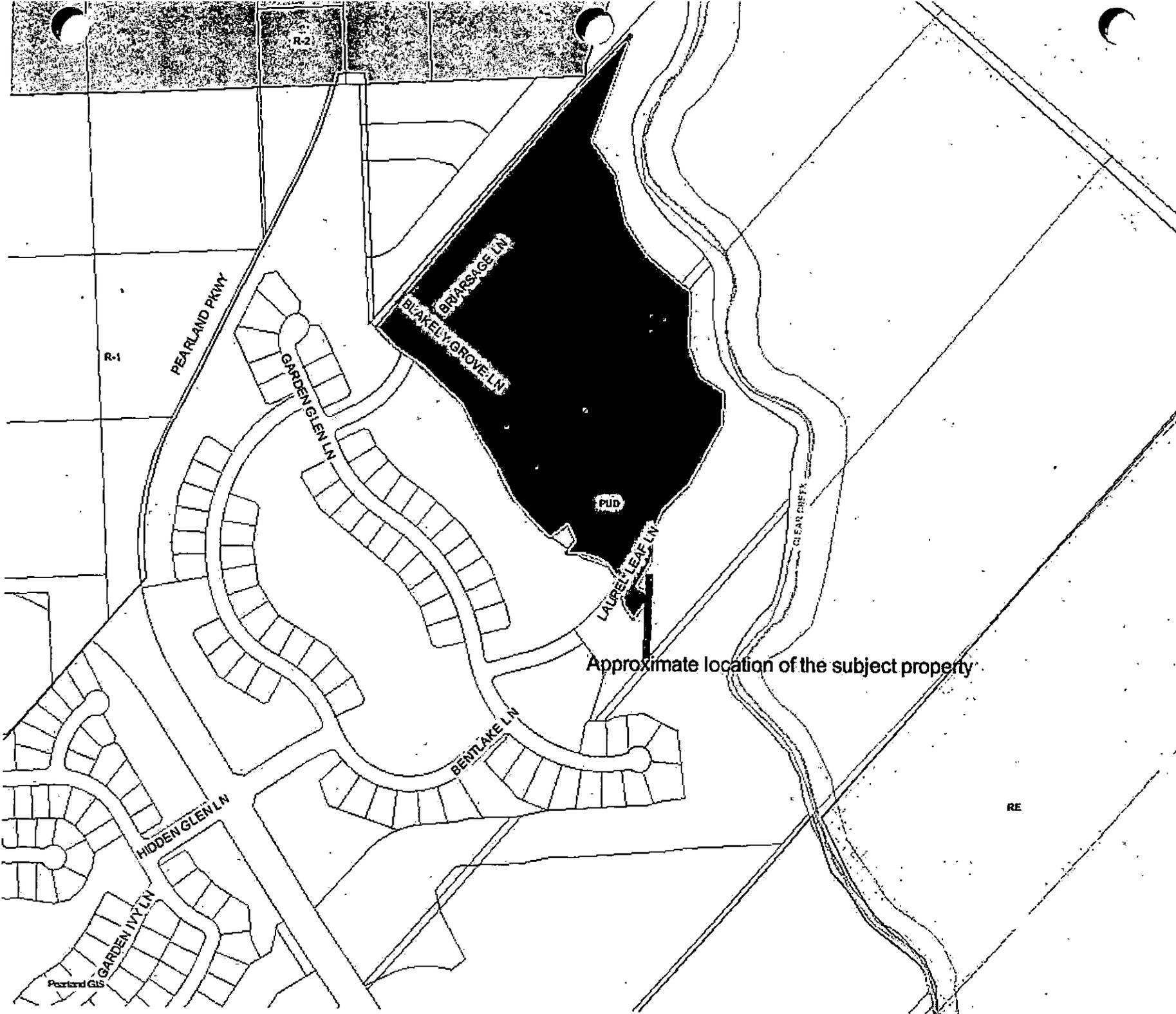
Not applicable to the preliminary phase, but those are already in place.

Outstanding Item:

1. Approval of variance request

Attachments:

1. Map
2. Application
3. Letter of Variance Request



R-2

R-1

PEARLAND PKWY

GARDEN GLEN LN

BLAKELY GROVE LN
BRARSAGE LN

PUD

LAUREL LEAF LN

Approximate location of the subject property

BENTLAKE LN

HIDDEN GLEN LN

GARDEN IVY LN

Pearland Gls

CLEAR CREEK

RE

JAN 2007

PLAT APPLICATION

Page 1 of 2

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

Please Check Type of Plat Requested:

- Preliminary Subdivision Plat
- Final Subdivision Plat
- Minor (Subdivision) Plat
- Amending Plat
- Master Plat
- Preliminary Development Plat
- Final Development Plat
- Replat

*Please send any and all correspondence to:

jkrajca@ci.pearland.tx.us

NOV 12 2007

SUBDIVISION

NAME: LAKE AT HIGHLAND GLEN SECTION 12

NUMBER OF LOTS: 58 Lots, 4 Blocks, 7 RESERVOIR

GENERAL

LOCATION: EAST PEARLAND PARKWAY, WEST OF

CLARK CREEK

PRIMARY CONTACT: CHUCK DAVIS

MAILING ADDRESS: 1500 ILLINOIS WAY

CITY, STATE, ZIP: FRIENDSWOOD, TX 77546

PHONE: 281-482-9490 FAX: 281-482-1294

E-MAIL ADDRESS: CDAVIS & CDAVIS COMPANY, COM

OWNER NAME: BEAZER HOMES, GREG LUKANA

MAILING ADDRESS: 10235 WEST LITTLE YORK SUITE 100

CITY, STATE, ZIP: HOUSTON, TX 77040

PHONE: 713-849-5017 EXT 322 FAX: 832-

E-MAIL ADDRESS: gclukana@BEAZER.COM

A complete application must include all items shown on the corresponding submittal checklist for each different type of plat. See Page 2.

As owner and applicant, I hereby request approval of the above described plat as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: [Signature] Date: 10/25/2007

Applicant's Signature: [Signature] Date: 10/25/2007

I acknowledge that this plat has been submitted on this day, _____, and the Plat filing date is _____, which will be the first day it will be reviewed by the Planning Staff. I hereby sign and date this acknowledgement.

Signature: _____ Date: _____

FEES PAID: _____
DATE PAID: _____
RECEIVED BY: _____
RECEIPT NO.: _____

All waiver requests must be received by the resubmittal time and date that corresponds to the Plat Resubmittal Deadline, per the attached schedule.

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: Johnie Holland

Full Address: 2110 Eton Dr.

(include zip) Pearland, TX 77581

I wish to speak regarding Item No. 4

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: TOM MELENKIC

Full Address: 3007 LONDON CT.

(include zip) 77581

I wish to speak regarding Item No. 2007-197

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: Steve Kenney

Full Address: 2116 Tower Bridge Rd

(include zip) 77581

I wish to speak regarding Item No. 2007-192

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name:

Rev. Dr. Brian Grigg

Full Address:

2223 Manchester Ln

(include zip)

77581

I wish to speak regarding Item No.

344

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: Will Beason

Full Address: 15120 Northwest Freeway

(include zip) Houston, TX 77041

I wish to speak regarding ^{our} Item No. 2007-19

applicant

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: MICHAEL M THOMAS JR

Full Address: 3610 PARKSIDE DR

(include zip) PEARLAND TX 77584

I wish to speak regarding Item No. 3 & 4.

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: DAVID S. MILLER

Full Address: 3603 W. PINE ORCHARD PEARLAND

(include zip) 77581

I wish to speak regarding Item No. 3, 4,

spoke in favor

Joint Public Hearing

SPEAKER'S CARD

If you wish to speak during the Public Hearing, please complete the following information and give this card to the Recording Secretary either before or after your comments. Thank you.

Name: Beth Oravetz
3801 E Plum
Full Address: 2201 N Houston Ave
2209 N Houston Ave
(include zip) Pearland, TX 77581

I wish to speak regarding Item No. ~~008~~ 2 - CUP 2007-21

opposed

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD NOVEMBER 19, 2007 AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

Chairperson Henry Fuertes called the meeting to order at 8:43 p.m. with the following present:

P & Z Chairperson Henry Fuertes
P & Z Commissioner Susan Sherrouse
P & Z Commissioner Neil West
P & Z Commissioner Jerry Koza, Jr.
P & Z Commissioner Darrell Diggs
P & Z Commissioner Charles Gooden, Jr.
P & Z Commissioner Ron Capehart

Also in attendance were: Planning Director Lata Krishnarao, Senior Planner Theresa Grahmann, Plans and Plat Administrator Richard Keller, Planner Tim Chi, City Attorney Darrin Coker, Deputy City Attorney Nghiem Doan, Assistant City Attorney Lawrence Provins, and Planning Administrative Secretary Judy Krajca.

II. APPROVAL OF MINUTES

Commissioner Sherrouse made the motion to approve, and Commissioner West seconded. The vote was 7-0 for approval of the minutes of November 19, 2007.

III. NEW BUSINESS

A. Consideration & Possible Action – Conditional Use Permit No. CUP2007-19

A request by Will Benson and TNRG Acquisitions, applicant for Eisie M. Pitsenbarger Living Trust, owner, for approval of a Conditional Use Permit for the following uses: construction contractor with storage yard; machinery sales, storage, and repair; moving and storage company; printing; office warehouse storage or sales; outside storage; storage of used lumber and building products; tool and machinery rental; welding shop; and warehouse and distribution facility; in the General Commercial District (GC), Regarding Potential Litigation Associated with Land Use Issues.

Commissioner Sherrouse made the motion to approve, and

Commissioner Diggs seconded.

There was brief discussion among the Commission and Staff.

The vote was 7-0. The Permit was approved.

B. Consideration & Possible Action – Conditional Use Permit No. CUP2007-21

A request by Barbara Lee, applicant for Lynn Nichols, owner, for approval of a Conditional Use Permit for a “gaming establishment” facility in the Old Townsite General Business District (OT-GB).

Commissioner Diggs made the motion to approve, and Commissioner Koza, Jr. seconded.

There was discussion among the Commission in regards to curfew, liquor license, and the publics comment in opposition.

The vote was 6-1. The permit was approved. Commissioner Gooden, Jr. voted against, stating his opposition was based on the moral element, and that it draws criminal occupants.

C. Consideration & Possible Action – Amendments to the Master Thoroughfare Plan

Commissioner West made the motion, and Commissioner Koza, Jr. seconded.

There was brief discussion among the Commission and Staff.

The vote was 7-0. The Amendment was approved.

D. Consideration & Possible Action – Zone Change No. 2007-19Z

A request by New Life Lutheran Church, applicant for Robert Alexander and Tom Alexander, owners, for an amendment to Ordinance No. 2000M, the Zoning Map of the City of Pearland, for approval of a change in zoning district from classification Single Family Residential – 2 District (R-2) and General Business Retail District (GB) to Planned Development District (PD).

Commissioner West made the motion, and Commissioner Capehart seconded.

Staff recommended tabling the item due to comments needing to be addressed.

Mr. Johnie Holland, representative for New Life Lutheran Church expressed concern with the timeline for approval.

Commissioner Koza, Jr. inquired if the item is tabled and the applicant brings in corrections on November 26, 2007, could this item appear on the December 3, 2007 agenda for P&Z, as well as, appear on City Council's agenda for December 10, 2007.

There was much discussion among the Commission/Staff/Legal. Planning Director Krishnarao stated that Staff has worked with applicants before on Planned Developments, and if the applicant can address all outstanding items, then the Zone Change can go before City Council on December 10, 2007. However, if they cannot, then it would not go before City Council on December 10, 2007.

Commissioner Diggs made the motion to table, and Commissioner Koza, Jr. stated that before he would second this motion, he asked that the extension of Alexander Lane be open at the time of the church's completion. There was further discussion on this issue.

Commissioner Koza, Jr. made the motion to table, with the applicant making a submission with corrections by November 26, 2007, and Commissioner Capehart seconded, asking for a definitive phasing schedule.

The vote was 7-0 to table Zone Change No. 2007-19Z.

E. Amendments to the Unified Development Code

A request by the City of Pearland, for an amendment to the Unified Development Code (UDC), Ordinance No. 2000T.

Commissioner Koza, Jr. made the motion to approve, and Commissioner Capehart seconded.

There was much discussion among the Commission/Staff/Legal.

The vote was 7-0. The Amendments were approved.

F. CONSIDERATION & POSSIBLE ACTION—Final Plat of Province Village Drive, Office Park and Reserves

A request by Ralph Thomas, LJA Engineering & Surveying, Inc., for The Maverick Group, LLP, owner, for approval of a final plat of 17.314 acres zoned Province Village Planned Unit Development

(PUD). The applicant is proposing (6) lots located east of Pearland Parkway, north of FM 518, and west of Country Club Drive.

Commissioner Koza, Jr. made the motion to approve, and Commissioner Sherrouse seconded.

Plans and Plat Administrator Keller read the Staff report stating there were eight (8) outstanding items. Two of the items have been taken care of; four (4) items were minor, and Mr. Keller deferred the remaining two items to the Deputy City Attorney.

Deputy City Attorney Doan addressed the issues relating to securities and public improvements.

Planning Director Krishnarao recommended the surety include the Trail System and Parks.

Commissioner Diggs recommended an amendment to the motion to approve with the stipulation that the applicant meets all of Staff's requirements, and Commissioner Koza, Jr. seconded.

The vote was 7-0 for the approval of the original motion.

The vote was 7-0 for the amendment to the motion.

G. CONSIDERATION & POSSIBLE ACTION—Preliminary Plat of Shadow Creek Ranch Commercial Site No. 16B

A request by LJA Engineering & Surveying, Inc., for Buc-ee's Limited Partnership, owner, for approval of a preliminary plat of 2.694 acres zoned Shadow Creek Ranch Planned Unit Development (PUD). The applicant is proposing (1) lot located west of SH 288 and north of Shadow Creek Parkway.

Applicant made a withdrawal request on 11/14/07. No action necessary.

H. CONSIDERATION & POSSIBLE ACTION—Preliminary Plat of The Lakes at Highland Glen Section Twelve

Petition for Waiver (Section 1.3.4.1. of Unified Development Code).

Variance request by C.L. Davis & Company to increase the block length from 1,200 feet to 1,344.31 feet on Laurel Leaf Lane, between Briarsage Lane and Blakely Grove Lane.

Commissioner Sherrouse made the motion to approve, and Commissioner Koza, Jr. seconded.

There was no discussion.

The vote was 7-0 for approval.

I. CONSIDERATION & POSSIBLE ACTION—Preliminary Plat of The Lakes at Highland Glen Section Twelve

A request by Chuck Davis, C.L. Davis & Company, for Beazer Homes Texas, L.P., owner, for approval of a preliminary plat of 46.6186 acres zoned Lakes at Highland Glen Planned Unit Development (PUD). The applicant is proposing (58) lots located east of Pearland Parkway and west of Clear Creek.

Commissioner West made the motion to approve, and Commissioner Sherrouse seconded.

Plans and Plat Administrator Keller read the Staff report, stating Staff recommends approval.

The vote was 7-0 for approval.

J. ELECTION OF OFFICERS

Deputy City Attorney Doan ^{asked the Commission} ~~made the motion~~ to pass on this item, with no vote. There was much discussion among the Commission/Legal, with a final decision to elect a Vice-Chairperson. ^{on procedure} Deputy City Attorney Doan recommended that the Rules and Responsibility for the Planning and Zoning Commission be rewritten in regards to the timeline for the annual election of officers. It was decided that training would take place for the Commissioners and this action looked into at this time.

Nominations for Vice-Chairperson were extended to Commissioners Jerry Koza, Jr., Susan Sherrouse, Charles Gooden, Jr., and Neil West. Mr. West withdrew his name.

Private ballot was done, and Commissioner Jerry Koza, Jr. was voted for as Vice-Chairperson for the Planning and Zoning Commission.

K. DISCUSSION ITEMS

There was brief discussion in regards to the next meeting, and future training of the Commission.

IV. ADJOURNMENT

Chairperson Henry Fuertes adjourned the meeting at 10:45 p.m.

These minutes are respectfully submitted by:

Judy Krajca, Administrative Planning Secretary

Minutes approved as submitted and/or corrected on this 3rd day of December, A.D., 2007.

Henry Fuertes
P&Z Chairperson

NOV 12 2007

ENTRY CLUB
CROSSING

80'-R.O.W.

NAD83 GRID COORDINATES
X= 3,159,423.66
Y= 13,768,366.08

C30
159.64.96
159.52
Fnd. 5/8" Iron Rod
S-34-25-57-W
325.85

FINAL PLAT OF PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES

17.421 ACRES

BEING IN THE THOMAS J. GREEN SURVEY,
ABSTRACT 198, AND THE WARREN D.C. HALL
SURVEY, ABSTRACT 70, BRAZORIA COUNTY,
TEXAS AND THE WARREN D.C. HALL SURVEY,
ABSTRACT 23, HARRIS COUNTY, TEXAS CITY OF
PEARLAND, BRAZORIA COUNTY (14.995 ACRES)
AND HARRIS COUNTY (2.425 ACRES), TEXAS

2 LOTS 4 RESERVES (9.002 ACRES) 4 BLOCKS

NOVEMBER 8, 2007 SCALE: 1" = 100'

OWNERS:

THE MAVERICK GROUP, LLP

JOHN KELLY, MANAGING MEMBER

4921 PINEY POINT AVE. BATON ROUGE, LOUISIANA 70817 (225) 235-4997

THE WILL AND ESTATE OF WILLIAM J. DISSEN, JR., DECEASED

JOB NO. 1938-0200C-310

ENGINEER:

LJA Engineering & Surveying, Inc.



2929 Briarpark Drive
Suite 600
Houston, Texas 77042-3703

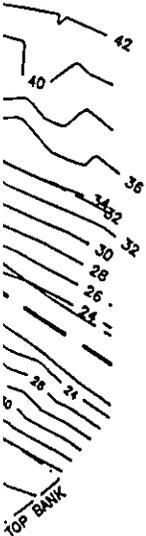
Phone 713.953.5200
Fax 713.953.5026

CONTACT: RALPH THOMAS

il Point
arate Instrument
eed Records
lat Records
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mark
and Power Easement
ment
ent
isement

Telephone Easement
y Esmt.

17. All Utility Easements are for electrical, gas, telephone, cable, and similar dry utilities.
18. All drainage easements shall be kept clear of fences, buildings, foundations, plantings and other obstructions to the operation and maintenance of the drainage facility, side lot fences are an exception.
19. Per FEMA flood insurance rate map, Community panel no. 48039C0035-1, dated 09-22-1999 the base flood elevation is 43.5 (1973 adjustment). Contours and elevations shown are based on H.G.C.S.D. 1987 adjustment. A conversion factor of 1.3' was established based on RM 2-35 (NGS Monument M-456) and RM 3-35 (NGS Monument N-693). Applying the conversion factor, 42.0 contour is shown for base flood elevation.
20. Coordinates and bearings shown are based on the Texas State Plane Coordinate System South Central Zone (NAD 83). Distances shown are surface and can be converted to grid by multiplying by a combined scale factor of 0.999874.
21. Land is in Brazoria County M.U.D. 23 at time of platting.
22. Beazer Homes as grantor of the Town Ditch Easement to Brazoria Drainage District No. 4 retained rights to place trails within said easement meandering the alignment of Town Ditch.
23. 10' Sanitary sewer easement in Vol.(86)188, Pg. 192, Vol.(86)325, Pg. 373, Vol.(86)323, Pg. 234, Vol.(86)308, Pg. 150 Brazoria County Deed Records. Abandoned by City of Pearland Ordinance No. 1315.
24. A minimum side yard setback of 5' with an aggregate dwelling separation of 15' is required.



N: 13,777,453.84
E: 3,156,741.24
(GRID)(NAD83)



PRELIMINARY PLAT OF THE LAKES AT HIGHLAND GLEN SECTION TWELVE

NOV 12 2007

46.6186 ACRES OUT OF THE
D.H.M. HUNTER SURVEY, ABSTRACT No. 76
CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS
58 LOTS 4 BLOCKS 7 RESERVES
NOVEMBER 02, 2007 (23.8667 ACRES)

OWNER:

BEAZER HOMES TEXAS, L.P.
MHI PARTNERSHIP, LTD.
NEWMARK HOMES, L.P.
BRAZORIA COUNTY MUNICIPAL
UTILITY DISTRICT No. 23
GREG COLEMAN
10235 WEST LITTLE YORK, SUITE 240
HOUSTON, TEXAS 77040
713-849-5017

CONSULTING ENGINEER:

LJA ENGINEERING &
SURVEYING, INC.
GARY W. MENSIK, P.E.
2929 BRIARPARK DRIVE, SUITE 500
HOUSTON, TEXAS 77042-3703
713-953-5200

LAND PLANNER:

KERRY R. GILBERT
& ASSOCIATES, INC.
KERRY R. GILBERT
LAND PLANNING CONSULTANTS
15810 PARK TEN PLACE, SUITE 160
HOUSTON, TEXAS 77040
281-579-0340

SURVEYOR:

C.L. DAVIS & CO.
LAND SURVEYING
C.L. DAVIS, R.P.L.S.
1500 WINDING WAY
FRIENDSWOOD, TEXAS 77546
281-482-9490