AGENDA OF A REGULAR MEETING FOR THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON JANUARY 20, 2003 IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARING IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. APPROVAL OF MINUTES: November 18, 2002
December 2, 2002
January 6, 2003

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1079

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:

denied 6-0

Zone Change Application No. 1079

Legal Description: 5 acres, more or less, being Abstract 504, H.T.& B.R.R. Company Survey, Tract 21, N/2 PT (2533 Roy Road and 2537 Roy Road)

Owner: Hollis Bardwell
12746 Roy Road
Pearland, Texas 77581

B. CONSIDERATION & POSSIBLE ACTION – SPECIFIC USE APPLICATION NO. 123

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 distribution facilities, on the following described property, to wit:

approved 6-0

Specific Use Application No. 123

Legal Description: 10.00 acres, Lot 49 of the Allison Richey Gulf Coast Home Company Subdivision of Section 6, H.T.& B.R.R. Company Survey, Abstract 544, according to the map or plat recorded in

Volume 136, Page 501, of the deed records of Brazoria County, Texas (3508 Hatfield Road)

Owner: Harvey Huber and Janet Huber
2402 Byron
Pearland, Texas 77581

Agent: Jack McGuff, Jr., AIA
5208 Broadway Street #208
Pearland, Texas 77581

C. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1080

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

app. 6-0

Zone Change Application No. 1080

Legal Description: 15.18 acres, more or less, situated in the John W. Maxey Survey, Abstract 721, being part of and out of a 208.10 acre tract described by deed recorded in Volume 1107, Page 859 of the Deed Records of Brazoria County, Texas (Northwest Corner of FM 518 and Sunrise Boulevard)

Owner: George Gilman, Trustee
710 N. Post Oak Road, Suite 400
Houston, Texas 77024

Agent: Riverway Commercial Development, LLC
P.O. Box 3083
Pearland, Texas 77588

D. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1081

approved 4-2

Request for an amendment to the Land Use and Urban Development Ordinance of said City from classification Neighborhood Service District (NS) to Single Family Dwelling District (R-4), on the following described property, to wit:

Zone Change Application No. 1081

Legal Description: Lots 1 through 7, Block B, Old Pearland Townsite, Abstract 232, Brazoria County, Texas (2107 Washington Avenue)

Owner: Terry Gray
P.O. Box 597
Pearland, Texas 77588

Agent: Don Long
2310 Lynn
Pearland, Texas 77581

E. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1082

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. 1082

Legal Description: 20 acres, Abstract 564, H.T.& B.R.R. Company Survey, Tract 52-53 (County Road 59)

Owner: Mary Ann Tierney
8000 Springer Road
Bethesda, Maryland 20817

Agent: James Johnson
900 Apollo Lane, Suite C
Houston, Texas 77058

F. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1077 AND SPECIFIC USE APPLICATION NO. 121

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 – Specific Use (R-E(S)), for a church, on the following described property, to wit:

Zone Change Application No. 1077 and Specific Use Application No. 121

Legal Description: 20 acres, consisting of Lots 4 and 20 of the Allison-Richey Gulf Coast Company Subdivision, Section 19, H.T.& B.R.R. Company Survey, Abstract 243, according to the map or plat recorded in Volume 2, Page 23, Plat Records of Brazoria County, Texas (1865 Cullen Boulevard)

Owner: Silverlake Church
5517 West Broadway Street
Pearland, Texas 77581

Agent: Thomas L. Murray
7900 West Fuqua
Missouri City, Texas 77489

G. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 1078

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 (R-E), on the following described property, to wit:

Approved 6-0

Zone Change Application No. 1078

Legal Description: Lot 3, Block 7, Hickory Creek Place Addition, as recorded in Volume 11, Pages 1-2, Plat Records of Brazoria County, Texas (2145 Melanie Lane)

Owner: Gerard Veilleux and Gail Walden
7441 Oscar
Deer Park, Texas 77536

H. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Canterbury Park, Being a subdivision containing 170.748 acres of land out of the B.F. Drake Survey, A–507, and the B.F. Drake Survey, A-508, as recorded under Brazoria County Clerk's file numbers 02-021097, 02-013966, 02-048831, 02-48837, 02-048838 and 02-048832 of the official public records of Brazoria County City of Pearland, Brazoria County, Texas.

Approved 6-0

I. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Bellavita at Green Tee Section Four, a subdivision of 32.6286 acres of land out of the W.D.C. Hall Survey, A-23 City of Pearland, Harris County, Texas.

Approved 6-0

J. CONSIDERATION & POSSIBLE ACTION – Final Plat of Villa Verde Section Three, a subdivision of 34.7337 acres of land out of W.D.C. Hall Survey, Abstract No. 23 Harris County, Texas.

Approved 6-0

Denied 6-0

K. CONSIDERATION & POSSIBLE ACTION – Final Plat of Center at Dixie Farm Road, a subdivision of 1.940 acres of land out of and a part of Lot 73, George W. Jenkins Subdivision, as recorded in Volume 79, Page 616, B.C.D.R. and out of the W.D.C. Hall League, Abstract Number 70 Pearland, Brazoria County, Texas.

approved 5-1

L. CONSIDERATION & POSSIBLE ACTION – Proposed Amendment to the Table of Permitted Uses of the Land Use and Urban Development Ordinance – Manufactured Homes & Coin Operated Amusement Machines/Eight-liners.

approved

M. CONSIDERATION & POSSIBLE ACTION – Request by Lingo Properties, Inc. for a variance from the Subdivision Ordinance that allows for other underground improvements to proceed simultaneously with the completion of the detention facility.

denied

O. CONSIDERATION & POSSIBLE ACTION - Request by Terra Associates, Inc. for a variance from the Subdivision Ordinance to allow a storm water pump station to be installed at the Northwest Corner of F.M. 518 and C.R. 94.

P. DISCUSSION ITEM – Proposed Towne Home Project in SilverLake

IV. NEXT MEETING DATES: **January 25, 2003, Joint Workshop**
February 3, 2003
February 17, 2003

V. ADJOURNMENT

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L. CONSIDERATION & POSSIBLE ACTION – Proposed Amendment to the Table of Permitted Uses of the Land Use and Urban Development Ordinance – Manufactured Homes & Coin Operated Amusement Machines/Eight-liners.

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Posted this day 16th **of** January, **2003 A.D.**

Removed this day 21st **of** January, **2003 A.D.**

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: 1-20-03	**ITEM NO. _____**
DATE SUBMITTED: 1-10-02	**DEPARTMENT OF ORIGIN : Com. Development**
PREPARED BY: Tobin E. Maples	**PRESENTOR: Tobin E. Maples**

SUBJECT: Proposed amendment to the Table of Permitted Uses of the Land Use and Urban Development Ordinance – Manufactured Homes & Coin-Operated Amusement Machines/Eight-liners.

EXHIBITS: N/A

EXPENDITURE REQUIRED: None

AMOUNT BUDGETED: N/A
ACCOUNT NO. N/A

ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO. N/A

FUNDS AVAILABLE N/A **(Finance Department Approval)** Mary A. Ros

EXECUTIVE SUMMARY

At the January 6th Joint City Council and Planning and Zoning Commission workshop, the distinction between "mobile homes" and "manufactured homes" was discussed (see attached agenda request dated 1-6-03). Subsequent to the staff presentation and Council and Commission discussion, staff was directed to proceed accordingly with the proposed amendment subject to adding/establishing regulations for the replacement manufactured home. Specifically, it was determined that regulations governing the age and condition of the replacement manufactured home may be desirable. In order to proceed as directed, staff added the following footnote to the permitted use table as amended:

> * ***Specific Use Permit (S.U.P) may only be granted to replace an existing manufactured home that is determined by the City Manager or designee to pose a threat to the health, safety, and welfare of its inhabitants and such replacement may not exceed two (2) years in age. Any replacement manufactured home will be considered a non-conforming use.***

Additionally, staff is proposing a new category/use within the Entertainment and Recreational use section of the Permitted Use Table. The new use is being established in order to regulate coin-operated machines as defined by the state. The category/use being proposed is "coin-operated amusement machines/eight-liners (5 or more machines)". If the proposed amendment (new use) is approved, establishments with 5 or more coin-operated machines would be allowed to operate within an OP, NS, GB, C, M-1, and M-2 zoning district subsequent to City Council approval of a Specific Use Permit (see attachment).

RECOMMENDED ACTION

Conduct the Joint Public Hearing and consider the proposed amendments.

ZONING SYMBOLS SCHEDULE OF USES	SD	R-1 R-E	R-2	R-3	R-4	MF	MH	OP	NS	GB	C	M-1	M-2
PRIMARY AGRICULTURAL USES													
Agricultural Field Crops	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Agricultural Animal Husbandry	Yes	S	S	S	S	S	S	S	S	S	S	Yes	Yes
Orchard	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Unscheduled/New Agricultural Uses	S	S	S	S	S	S	S	S	S	S	S	S	S
PRIMARY RESIDENTIAL USES													
Single Family Dwelling Detached	S	Yes	Yes	Yes	Yes	Yes	S	S	S	S	No	No	No
Single Family Dwelling Attached Town Houses	No	No	No	No	PUD	Yes	No	S	S	S	No	No	No
Two Family Dwelling	No	No	No	No	No	Yes	No	S	S	S	No	No	No
Multi-Family Dwelling	No	No	No	No	No	Yes	No	No	No	No	No	No	No
Boarding Or Rooming House	No	No	No	No	No	Yes	No	S	No	Yes	Yes	No	No
Apartment Hotel	No	No	No	No	No	Yes	No	S	No	Yes	Yes	No	No
Patio Homes	No	No	No	PUD	Yes	Yes	S	S	No	No	No	No	No
Hotel Or Motel	No	No	No	No	No	No	No	Yes	No	Yes	Yes	No	No
*Manufactured Home	~~No~~ S	~~No~~ S	~~No~~ S	~~No~~ S	~~No~~ S	No	Yes	No	No	No	No	S	S
Mobile Home	No	No	No	No	No	No	No	No	No	No	No	S	S
Unscheduled/New Residential Uses	No	No	No	No	PUD	PUD	PUD	S	No	No	No	No	No
ACCESSORY AND INCIDENTAL USES													
Accessory Building	S	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

** Specific Use Permit (S.U.P) may only be granted to replace an existing manufactured home that is determined by the City Manager or designee to pose a threat to the health, safety, and welfare of its inhabitants and such replacement may not exceed two (2) years in age. Any replacement manufactured home will be considered a non-conforming use.*

ZONING SYMBOLS													
SCHEDULE OF USES	**SD**	**R-1 R-E**	**R-2**	**R-3**	**R-4**	**MF**	**MH**	**OP**	**NS**	**GB**	**C**	**M-1**	**M-2**
Utility Shops or Storage, Yards and Building	No	No	No	No	No	No	No	No	No	S	Yes	Yes	Yes
Water Treatment Plant	S	S	S	S	S	S	S	S	S	S	Yes	Yes	Yes
Water well, Reservoir, Pumping Station or Storage	S	S	S	S	S	S	S	S	S	S	S	S	S
Unscheduled/New Utility & Related Service Uses	S	S	S	S	S	S	S	S	S	S	S	S	S
ENTERTAINMENT AND RECREATIONAL USES													
Amusement, Commercial Outdoor/Indoor	S	No	No	No	No	No	No	S	Yes	Yes	Yes	Yes	Yes
Country Club	S	S	S	S	S	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Drag Strip	No	No	No	No	No	No	No	No	No	No	S	S	S
Fairgrounds	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes
Park Playground	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Private Club	No	No	No	No	No	S	S	S	Yes	Yes	Yes	Yes	Yes
Recreation Center	No	No	No	No	No	S	S	S	Yes	Yes	Yes	Yes	Yes
Tennis or Swim Club	No	S	S	S	S	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Coin-operated amusement machines/eight-liners (5 or more machines)	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**S**	**S**	**S**	**S**	**S**	**S**
Unscheduled/New Recreational Uses	S	S	S	S	S	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
AUTOMOBILE RELATED SERVICE USES													
Auto Car Wash	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
Auto Sales and Repair (in Bldg)	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Auto Sales-New or Used Car Lot (Open)	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Auto Painting & Auto Body Shop	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes

11

1-6-03
workshop Agenda

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF 1/6/03	ITEM NO. _____
DATE SUBMITTED: _____	DEPARTMENT OF ORIGIN: LEGAL
PREPARED BY: DARRIN COKER	PRESENTOR: DARRIN COKER
SUBJECT: MANUFACTURED HOMES	
EXHIBITS: TABLE OF PERMITTED USES	
EXPENDITURE REQUIRED - N/A AMOUNT BUDGETED - N/A ACCOUNT NO. _____ ADDITIONAL APPROPRIATION REQUIRED - N/A ACCOUNT NO. _____	
FUNDS AVAILABLE _____ (Finance Department Approval)	

EXECUTIVE SUMMARY

As you know, the City recently received a request from an individual to move a "manufactured home" on to their property to replace an existing "manufactured home." If you recall, Federal law makes a distinction between "mobile homes" and "manufactured homes." Specifically, "mobile homes" are structures that were constructed prior to June 15, 1976 while "manufactured homes" were constructed on or after June 15, 1976 and comply with HUD regulations. The City's Land Use and Urban Development Ordinance prohibits "mobile homes" except by Specific Use Permit in M-1 and M-2 zones. In addition, the Ordinance prohibits "manufactured homes" except in mobile home parks or by specific use permit in M-1 and M-2 zones. As a result, the current ordinance makes it impossible to move a "manufactured home" on to property that is zoned residentially, however such a policy is consistent with the policy previously promulgated by the City Council.

It should be noted that the City is required to allow the replacement of a "mobile home" with a "manufactured home"; however, problems arise when a individual seeks to replace an older or dilapidated "manufactured home" with a new "manufactured home". As previously mentioned, the City's ordinance does not permit such replacement except

by specific use permit in M-1 and M-2 zones. Consequently, the proposed amendment to the City's Table of Permitted Uses would allow the replacement of "manufactured homes" with "manufactured homes" by specific use permit in all residential zones. I caution the City Council that such action will result in the replacement of "non-conforming uses" with "newer non-conforming uses", thereby extending the life of the non-conforming use. Such action is contrary to consistent land use planning principles; however I empathize with the individuals that are affected by the current ordinance and understand the reasoning and logic behind the proposed change.

It is my understanding that the individuals seeking permission to replace their "manufactured home" are doing so because of the poor condition of their home. If the proposed amendment is adopted, I would recommend granting specific use permits only in those circumstances where the existing "manufactured home" is determined to pose a threat to the health, safety and welfare of its inhabitants.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: 1-25-03	**ITEM NO. _____**
DATE SUBMITTED: 1-20-03	**DEPARTMENT OF ORIGIN : Com. Development**
PREPARED BY: Tobin E. Maples	**PRESENTOR: David L. Pugh (Consultant)**

SUBJECT: Urban Planning Training Workshop – Planning Law, The Planning Commission, The Zoning Board of Adjustment, and Growth Issues in Texas Communities

EXHIBITS: Topic Outline

EXPENDITURE REQUIRED: $500.00 plus travel

AMOUNT BUDGETED: $11,000
ACCOUNT NO. 010-3310-542.38-00

ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO. N/A

FUNDS AVAILABLE _____ (Finance Department Approval)

EXECUTIVE SUMMARY

A presentation to the City Council, Planning and Zoning Commission, Zoning Board of Adjustment, and staff of the City of Pearland.

RECOMMENDED ACTION

Staff, Council, Commission, and Board participation.

PERSONAL RESUME

David L. Pugh, FAICP

1200 Timm Drive
College Station, Texas 77840
Office Telephone: (979) 8445-7881 Residence Telephone: (696) 696-7168 dlpugh@cox-internet.com

◈ EDUCATION

Bachelor of Fine Arts in Art	1966	University of Oklahoma, Norman
Master of Regional & City Planning	1970	University of Oklahoma, Norman
Juris Doctor	1975	University of Missouri School of Law, Kansas City

◈ ACADEMIC AND PROFESSIONAL EXPERIENCE

For the past twenty six years I have been employed as a member of the graduate faculty in the College of Architecture at Texas A&M University. I have taught courses in plan making, planning law, plan implementation, housing and community facilities, information and communication systems, and other related topics. My research interests include land use law and computer applications in urban planning. I have been extensively involved in the provision of outreach services to communities in Texas and in the application of classroom based knowledge to real urban problems. I have continued to practice on a limited basis as a consultant, and my activities in that capacity have largely involved the preparation of comprehensive land use plans and related land use controls for municipal, county, and regional levels of government. I have been employed by governmental agencies and private sector clients in Kansas, Missouri, North Carolina, Oklahoma, and Texas. Much of my work requires legal research and analysis in the areas of land use controls and growth management.

◈ MEMBERSHIPS AND HONORS

Fellow:	American Institute of Certified Planners, #2361 (Charter class)
Member:	American Planning Association (Charter class)
President:	Texas Chapter of the American Planning Association, 1987 - 89
Chair:	Texas Chapter APA Educational Foundation, 1978 - 1982, Board of Directors Member, 1978 to 1997

◈ RECENT SPEAKING ENGAGEMENTS

The Planning Commission and Planning Law, Combined Cities of Round Rock, Cedar Park, Georgetown, and Leander, Texas, April 2002.

The Planning Commission and Land Use Controls, New Braunfels, Texas, June 2001

The Planning Commission and Land Use Controls, Dayton, Texas, June 2000

Introduction to Planning Law, Southeast Section of the Texas Chapter of the American Planning Association, Beaumont, Texas, March 2000.

The Planning Commission and Planning Law, City of McKinney, Texas, February 2000.

Smart Growth, Brazos Greenways Council, November 1999.

County Planning – Regional Planning, Brazos Valley Council of Governments, August 1999.

Texas Planning Law, Annual State Conference of the Texas Chapter of the American Planning Association, South Padre Island Conference Center, South Padre Island, Texas, October 1999.

Introduction to Texas Land Use Law, Texas City Managers Association, Del Lago Conference Center, Conroe, Texas, June 1999.

Introduction to Zoning, City of Hempstead, Texas, June 1998.

County Planning in Concept and Practice, Washington County Steering Committee, Brenham, Texas, November 1997.

Introduction to Land Use Law, Annual Conference of the Texas Chapter of the American Planning Association, Galveston, Texas, October 1997.

Introduction to Urban Planning and Plan Implementation, City of Orange, Texas, June 1997.

◈ RECENT TECHNICAL DOCUMENTS

City of Lorena, Texas, *Lorena Comprehensive Plan*, 2001, (Project Director)

City of Somerville, Texas, *Somerville 2020: A Comprehensive Plan*, 2000, (Project Director)

City of Hempstead, *Texas, Zoning Ordinance*, 1999

City of Lakeway, Texas, *Comprehensive Plan*, 1999, (Project Director)

City of LaGrange, Texas, *Comprehensive Plan*, 1998, (Project Director)

City of Silsbee, Texas, *Comprehensive Plan*, 1997, (Project Director)

City of Giddings, Texas, *Horizon 2010: A Plan for Giddings*, 1996, (Project Director)

City of Santa Fe, Texas, *Subdivision Regulation Ordinance*, 1996.

City of Santa Fe, Texas, *Zoning Ordinance*: 1995.

City of Seabrook, Texas, *Zoning Ordinance*, and Comprehensive Plan 2010*, Spring 1992.
*As a consultant to the firm of Llewelyn, Davies, Sahni.

Town of South Padre Island, Texas, *Plan Implementation Program, Urban Image Regulations, Sign Control Ordinance, Landscaping Ordinance, and Off-Street Parking Regulations,* Summer 1992.

◈

Planning Law, the Planning Commission, & Growth Issues in Texas Communities

David L. Pugh, FAICP

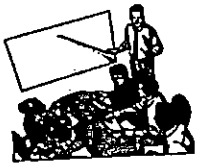
The Plan and the Urban Planner

- Where is the plan?
- Why plan?
- Planning is the triumph of logic over dumb luck!
- Planning will make our community healthier, safer, more economically equitable, more efficient, and more attractive.
- It will improve the quality of life.
- What is quality of life?
- What kind of plan should we prepare?
- The Comprehensive Plan is the most common type of plan used in Texas.
- It has four parts: Land Use, Transportation, Community Facilities/Infrastructure, and an Action Agenda.
- A comprehensive plan is generally "Physically" oriented
- States are empowered to create cities.
- You need enabling legislation - the State Statute.
- Chapter 219 of the Texas Local Government Code empowers cities to plan.
- Chapter 219 has five sections.
- Citizen involvement is critical.
- Science and Public Policy are the planner's only tools.
- Should we adopt the plan?
- How do we implement it?
- How flexible should the plan be?
- The Maryland "change or mistake rule"
- Planners are often schizophrenic!
- Correct the mistakes of the past and make real sure they don't happen again in the future.
- What is the difference between an urban planner, architect, and landscape architect?
- What is the appropriate role of the urban planner?

The Planning Commission

- What is the legal basis of the Planning Commission?
- What roles does it play?
- What are its responsibilities?
- Ethical considerations.
- Planning commission immunity.
- A law case to consider.

The Planning Commission



What is the Planning Commission?

- The first planning commission was created in Hartford, Connecticut in 1907.
- In 1909, the City of Chicago created a planning commission with 328 members.
- The Planning Commissioner is an unpaid appointee charged with representing the average citizen in the planning and coordination of the physical, social, and economic development of a municipality.

What is the legal basis of the Planning Commission?

- Section 211.007 of the Texas Local Government Code (TLGC) says that a City may appoint a zoning commission. The Zoning Commission recommends zoning districts. The Planning Commission can also serve as a Zoning Commission. The city council cannot act on a zoning amendment until it receives a written report from the Zoning Commission.
- The Zoning Commission is subject to the Texas Open Meetings Law - Chapter 551 of the Texas Government Code
- 211.008 - 211.011 of the TLGC outlines the function of the Zoning Board of Adjustment. It always consists of five members. Cases can only be heard by 75% of the members.
- 212.006 of the TLGC states that the Planning Commission is responsible for subdivision platting. The city council can review and approve plats if it wants to.

What roles does the Planning Commission play?

- The Planning Commissioner should be a:
  - Visionary
  - Information Resource
  - Advocate
  - Educator
  - Regulator
  - Referee
  - Facilitator
- The Planning Commission should serve as:
  - An information/research resource.
  - It can act as a sounding board.

- It is a bridge between the city council and the citizens.
- It can serve as a training ground for leaders.
- It melds long-range vision with short-range expediency.
- It recommends goals, objectives, and policies.
- It is a think tank - brain trust. It is citizen participation.
- It should create and maintain a constant dialogue with residents.
- It combats cynicism, complacency, indifference, ignorance, sloth, hatefulness.

What are the responsibilities of the Planning Commission?

- It is specifically responsible for:
  - Planning
  - Zoning
  - Subdivision Regulation
  - Special Issues - urban redevelopment, housing, urban image, etc.
- The Planning Commission's potential workload includes:
  - Development and maintenance of the comprehensive plan
  - Development and maintenance of information databases/GIS
    Zoning
  - Subdivision Regulation
  - Annexation
  - Urban Design
  - Capital Improvements Programming
  - Public Involvement
  - Code Enforcement
  - Visionary Proposals

Ethical Considerations

- The Planning Commissioner should be:
  - Impartial
  - Honest
  - Courageous
  - Dedicated
  - Consistent

"Avoid even the appearance of impropriety"

- American Planning Association Ethical Principles:
  1. Serve the public interest
  2. Support citizen participation
  3. Recognize the comprehensive and long range nature of planning decisions
  4. Expand choice and opportunity for all persons
  5. Facilitate coordination through the planning process

6. Avoid conflict of interest
7. Do not seek or offer favors
8. Do not disclose or improperly use confidential information for personal gain
9. Ensure access to public planning reports and studies on an equal basis
10. Render thorough and diligent planning service
11. Ensure full disclosure at public hearings
12. Maintain public confidence
13. Respect professional codes of ethic and conduct

A person with a "substantial interest" in a business entity is prohibited from voting on matters involving that business entity. (Texas Local Government Code - Chapter 171- Conflicts of Interest)

"A trustee is held to something stricter than the morals of the market place. Not honesty alone, but the punctilio of an honor the most sensitive, is then the standard of behavior." Chief Judge Cardozo in Meinhard v. Salmon, 164 N.E. 545 (1928).

- A planning commissioner should be very careful to avoid conflicts of interest pertaining to:

  - Self-dealing
  - Group membership
  - Campaign contributions
  - Employee relationships
  - Family relationships
  - Friendships
  - Former business dealings
  - Pre judgement
  - A law case on point!

Planning Commission Immunity

- Legislative and judicial functions get absolute immunity.

- The United States Supreme Court has held that government officials performing discretionary functions generally are entitled to qualified immunity from suit and damages where "their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." Harlow v. Fitzgerald, 457 U.S. 800 (1982)

- Public officials are "liable personally only when, in the exercise of the powers conferred upon them, they have acted willfully, maliciously or when activated by malice." Brubaker v. Brookshire Municipal Water District, 808 S.W.2d (1991)

Zoning Law

- Alternatives to zoning.
- What is zoning?
- Zoning is an expression of the Police Power.
- Where did zoning come from?
- What is the statutory foundation for zoning?
- What are the goals of zoning?
- What is the difference between Zoning and Subdivision Regulation?
- What does zoning control?
- Are there different kinds of zoning?
- Euclidian v. Performance zoning.
- Zoning is supposed to be done in accordance with a comprehensive plan.
- The thing to strive for is consistency between the comprehensive plan map and the zoning map.
- How does zoning implement the comprehensive plan?
- What are the zoning related actions?
- Who are the players and what are their roles?
- What does the Board of Adjustment do?
- What are Variances?
- Ms. Utter's Example of permissible Variance.
- "Use variances" are improper and probably illegal because the Board of Adjustment cannot legislate.
- The Seven Methods of Attack:

    1. No plan/bad plan
    2. ultra vires
    3. due process
    4. equal protection
    5. the Taking Issue
    6. Section 1983
    7. First Amendment issues

- A municipality cannot use zoning to control development in the ETJ.
- There is a Presumption of Validity with a municipality's exercise of zoning.

Subdivision Regulations

- What is the purpose of subdivision regulation?
- The key to subdivision regulation is the recorded Plat.
- Chapter 212 of the Texas Local Government Code is the enabling authority and it is a mess!
- A municipality is empowered to control subdivision development in its ETJ.
- Zoning cannot be disguised as Subdivision Regulation - it cannot control land use.
- The Planning Commission and the City Council are the primary players.
- Minor plats can be reviewed and approved by support staff
- Standards for plat approval are reflected in Section 212.010.
- The city is primary concerned with "dedications or exactions"
- The city has 30 days to disapprove of a plat.
- What are the important legal cases?

Growth Issues

- Consistency Between the Comprehensive Plan and the Zoning Ordinance Map
- Infrastructure as a Key Element in Growth Management
- Mixed Use Projects
- Quantity Versus Quality of Development
- Impact Fees
- County Planning and Land Use Controls
- Other Issues

Questions from the Audience

THE END

Trish please copy for PAZ as an FYI item. Tobi

ZONING News

DECEMBER 2002

AMERICAN PLANNING ASSOCIATION

APA

Unified Development Ordinances:
A Coordinated Approach to Development Regulations

By Barry Hogue, AICP

A unified development ordinance (UDO) is generally defined as a single land-use ordinance that combines the provisions usually found within a jurisdiction's zoning code and subdivision regulations. The UDO typically incorporates other development-related regulations that jurisdictions traditionally maintained as freestanding ordinances—things such as sign regulations, design standards, and floodplain ordinances. UDOs can be called unified development codes or, more simply, land development regulations, depending on local custom or state-enabling legislation language.

> The UDO typically incorporates other development-related regulations that jurisdictions traditionally maintained as freestanding ordinances.

While UDOs have evolved over the decades, they reached something of a peak in popularity among planning practitioners in the mid-1980s. UDOs appeared to be a logical way of dealing with outdated and conflicting code provisions, the need for more flexibility in regulating new development, and the desire to improve administrative efficiency in regulating development. The recognition and popularity of UDOs was undoubtedly influenced by the publication in 1985 of Michael Brough's book, *A Unified Development Ordinance* (Planners Press).

UDOs continued to evolve and expand in their application throughout the 1990s and into the new millennium. This issue of *Zoning News* examines the status of UDOs today and provides insight as to how they have worked (or not), who uses them, and why they remain an attractive planning implementation tool.

UDO Structure and Benefits

One UDO benefit (some would argue the primary benefit) is its structure and organization. A good UDO is not just a collection of chapters from the zoning code and subdivision regulations. Rather, it combines the various development regulations in a manner that reflects how the jurisdiction's development and land-use approval process actually proceeds.

Good UDOs also explain the land-use and land development provisions in a broader planning context. For example, the first chapter of the Clay County, Missouri, land development code includes the following language:

"This land development code has been prepared in accordance with the county's comprehensive plan. It is intended that decisions made pursuant to this land development code will implement and be consistent with the comprehensive plan."

Duncan Associates

Wetlands and natural resource protection is a primary element in the Lake County, Illinois, unified development ordinance.

The first chapter also lists "implement the comprehensive plan" as the first item under the purpose and intent section. This is a welcome feature for planners and land-use attorneys who have tried to make a similar connection in the courtroom without the benefit of this type of language.

Most good UDOs also include within the first few chapters a description of the bodies involved in the development approval process (i.e. city council, planning commission, board of adjustment, etc.) along with an explanation of development review procedures—again, further explaining the overall

ASK THE AUTHOR

. . . about this article. . . Join us online!

During January 13–24, go online to participate in our "Ask the Author" forum, an interactive feature of *Zoning News*. Barry Hogue, AICP, will be available to answer questions about this article. Go to the APA website at www.planning.org and follow the links to the "Ask the Author" section. From there, just submit your questions about the article using an e-mail link. The author will reply, posting the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of *Zoning News* at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA *Zoning News* webpages.

planning context within which the land-use and development approval process occurs. Essentially, the first two or three chapters of a UDO provide the public and developers with answers to the why, who, and how questions regarding a jurisdiction's land-use and development regulatory process. This is a major benefit of UDOs and an element often missing from traditional zoning and subdivision regulations.

There are a number of other specific advantages:

- Providing a single document incorporating all of a jurisdiction's land-use and development regulations rather than having them scattered through multiple, often conflicting, ordinances,
- Putting the regulations in "understandable English,"
- Providing a uniform set of definitions that are consistent,
- Arranging the ordinance in a fashion that follows the normal sequence of development and the development review process,
- Providing appropriate flexibility in regulating development to achieve comprehensive plan objectives while still protecting public health, safety, and welfare, and
- Providing a more coordinated system for development approval and code enforcement.

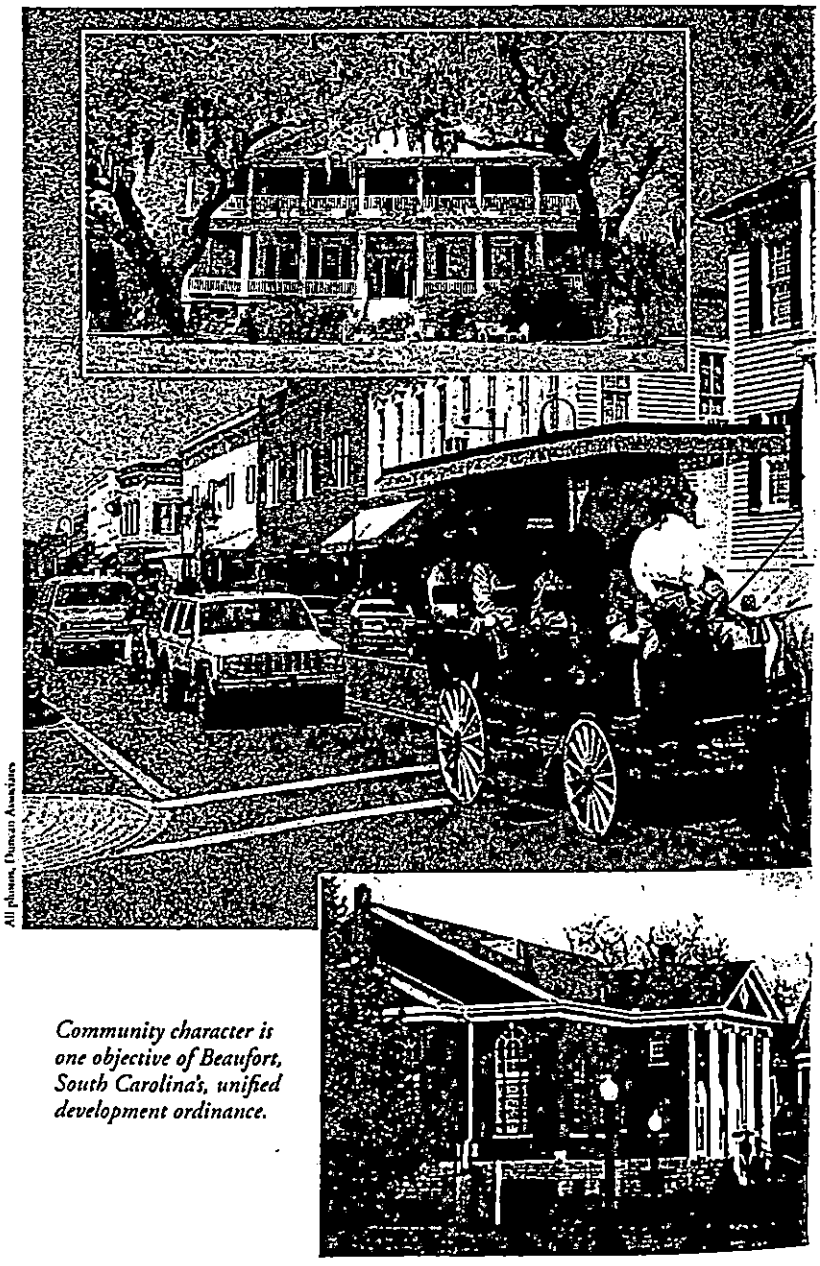
Because not all UDOs are created equally, these benefits are realized in different degrees by the jurisdictions that have adopted them.

One final observation on the structure and benefits of UDOs is worth emphasizing: When seasoned planning practitioners look at the table of contents in a typical UDO, the initial reaction may be somewhat underwhelming. Perhaps 75 percent of the chapter headings appear to be standard zoning and subdivision elements, but the real value added is discovered by digging deeper into the UDO document. This is when the relationships between the chapters and the overall planning context of the document become evident, and the reason why a well-crafted UDO is truly a total regulatory package that is greater than the sum of its parts.

Who Uses UDOs and Why

A couple of hours on the Internet will reveal that UDOs are posted on municipal and county websites nationwide. Many of the early UDOs appear to have been done in North Carolina and Florida. The North Carolina experience is understandable because Michael Brough's book was based on work he did for municipalities in that state. Florida's large number of UDOs is at least partly attributable to the state's planning legislation which encourages, if not mandates, UDOs for implementing comprehensive plans. But geography alone does not determine which jurisdictions use UDOs. Interviews with consultants, communities, and counties that have adopted UDOs suggest several recurring themes behind their decisions.

Implementing a new comprehensive plan. One of the most prevalent reasons given for why a municipality or county opted for a UDO was the need to implement policies outlined in a new comprehensive plan. For example, Lake County, Illinois, an affluent, rapidly developing suburban county north of Chicago, produced a new framework plan in the mid-1990s. The new plan included policies to protect natural resources and encourage affordable housing and infill development. Consequently, Lake County's UDO included regulatory strategies and development standards that encourage and prescribe those results as appropriate. Kirk Bishop, of Austin-based Duncan Associates, and the county's UDO consultant, says, "Lake County has been a leader in natural resource protection for over 20 years. Their UDO is a great example of how to meld policies and regulations to protect critical natural resources." Clay County's UDO helped implement the county's new "tier development" policy based on rural, suburban, and urban development character. Carole Blume, Clay County's planning director, also noted that many local surveyors, civil engineers, and designers like the UDO and several provided input to help evaluate and tailor provisions to be appropriate for the area's physical and market conditions.



All photos, Duncan Associates

Community character is one objective of Beaufort, South Carolina's, unified development ordinance.

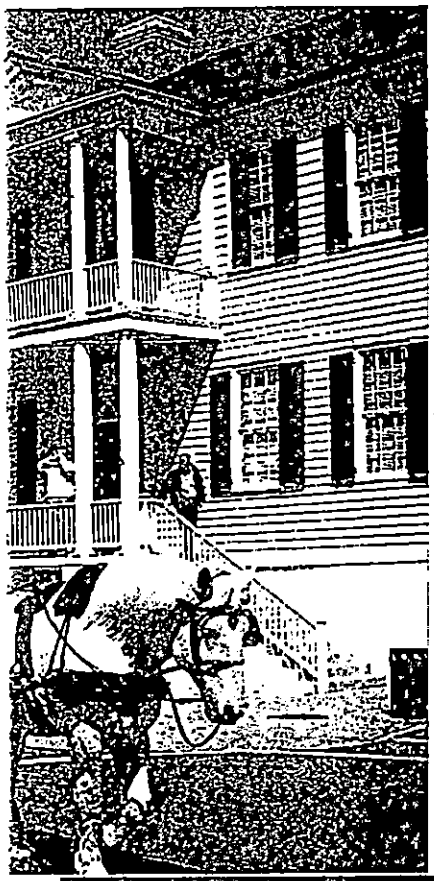
Barry Hogue, AICP, manages the St. Louis office for Parsons Planning Division, a national planning and urban design group with offices across the country. The company's website can be found at www.parsons.com.

Consolidating and updating obsolete regulations. The other most frequently cited reason for undertaking a UDO is the need to revamp outdated and fragmented land-use and development regulations. Over the years, a jurisdiction's development regulations too often become an uncoordinated conglomeration of ordinances cobbled together by numerous authors at different times. Commenting on Beaufort, South Carolina's, similar predicament, Beaufort's community development director, Libby Anderson says, "Over the past five years we had [many] code amendments. There were internal code inconsistencies such as multiple sign ordinances, each with its own set of definitions, different tones in the various ordinances—we needed a complete overhaul of the regulations." Beaufort's land development regulations also make extensive use of tables, drawings, and other graphics to convey information—a feature that other communities should emulate.

Accommodating new development concepts. Many zoning codes and subdivision regulations are not development-friendly for a variety of reasons already mentioned. They become even more problematic in jurisdictions where market conditions are favorable for neo-traditional development, New Urbanist concepts, or other more progressive development models. This represents another reason given by communities for adopting UDOs, especially in areas such as Florida and along the Southeast coast, where market demand is particularly strong for this form of development. In these jurisdictions planners should consider how to accommodate market demand with concepts such as build-to lines rather than setbacks. The UDO can be particularly helpful because it requires a comprehensive reconsideration of how development is to be regulated on the part of the community.

In addition to the preceding reasons—generally considered to be the top reasons—there are others frequently mentioned by jurisdictions and consultants who use and prepare UDOs. They include the desire to incorporate FEMA floodplain and other sensitive natural resource provisions into the community's development regulations; the ease of conveying planning implementation tools and regulations to the public and developers; the ability to make the regulations more database searchable; and the ability to give developers a single document that will answer all their questions about the development standards and process.

UDOs sound like a no-brainer, so does it ever make sense not to use them? There are more issues to consider based on the UDO experience of jurisdictions and consultants over the past 15 years.



Communities with Noteworthy UDOs and Online Links

Clay County, Missouri, Land Development Code (incorporates "tier" development policy) *www.claycogov.com*

City of San Antonio Unified Development Code ("purpose and intent" section noteworthy) *www.ci.sat.tx.us/dsd/udc*

Town of Carroboro, North Carolina, Land Use Ordinance (one of the first adopted, very user-friendly) *www.townofcarroboro.org/pzi/lou*

Lake County, Illinois, Unified Development Ordinance (incorporates recognized natural resource protection provisions and good overview) *www.co.lake.il.us/planning/udo*

Palm Beach County, Florida, Unified Land Development Code (example of state "mandated" consolidation of regulations) *www.co.palm-beach.fl.us/pzb/uldc*

San Juan County, Washington, Unified Development Code (extensive definitions section and shoreline protection provisions) www.co.san-juan.wa.us/planning/UDC

Other Publications and Articles Related to UDOs:

A Unified Development Ordinance. Michael B. Brough, Planners Press, 1985

"Zoning and Subdivision Codes, Unite!" Marya Morris, *Planning* 11/1/93

"Flexible Zoning." Douglas Porter, *Zoning News*, 1/1/98

UDO Issues

First, a UDO is by nature an implementation tool that consolidates and coordinates ordinances. Frequently, these ordinances are administered and enforced by several different staff or departments within a jurisdiction. Under a traditional, separate set of development regulations, there may be much

coordination and cooperation between those responsible for their administration. The UDO might involve a greater level of interdepartmental cooperation than in the past, and jurisdictions contemplating a UDO should evaluate this realistically.

Second, undertaking a UDO requires a commitment of time and other community resources. Of course, this would also be true of a simple update of a zoning code or subdivision regulations. However, undertaking a UDO will generally require stepping further back to evaluate the relationship between a jurisdiction's comprehensive plan and its land-use and development regulations. This frequently requires more front-end policy evaluation that may mean more time and/or money depending upon the formulation and adoption process and type of community participation utilized. Consequently, a jurisdiction needs to make an objective estimate of the time, resources, and commitment needed to prepare and adopt a UDO. Eighteen months is not an unusual time frame for the process.

Another caution is to avoid "the three-ring binder approach" to preparing a UDO. This refers to the practice of simply gathering all of a jurisdiction's development-related ordinances, putting them into a single book, and calling it a UDO without sufficient attention to planning context, administrative integration, consistent language, and the other key elements that characterize a true UDO. This has been known to occur in situations where planning staff or consultants attempt to adapt a UDO template to their jurisdiction without the requisite front-end evaluations—frequently due to budget constraints or unrealistic expectations about the resources and time required to produce a UDO. This mistake, like some of the others previously mentioned, can usually be avoided by reviewing the professional literature about UDOs, talking to communities and consultants who have prepared and implemented UDOs, and scanning the considerable number of UDO websites found on the Internet.

Another related issue regarding UDOs involves format versus content. Mark White, a planner and attorney with Freilich, Leitner, and Carlisle in Kansas City, says that a UDO is essentially a framework for integrating land-use and development ordinances. A community can make all of its definitions consistent and have all the administrative processes integrated, yet still have an ineffective UDO if its basic development standards and land-use regulatory provisions are not well crafted. Of course, the lesson here is that both format and content are critical for an effective UDO.

Conclusion

In the 17 years since the publication of Michael Brough's book, UDOs have become increasingly accepted and endorsed by planners and the communities they serve. UDOs have proven to be an effective planning implementation tool offering numerous benefits to planning staff responsible for administration and enforcement, to the development community, and to citizens. Perhaps the most compelling argument for UDOs is that they help all community stakeholders better understand how land-use and development regulations fit into the jurisdiction's overall planning process. This, combined with their significant improvements in administrative efficiency and ordinance consistency, suggests that UDOs will remain an attractive implementation tool for planners in the foreseeable future.

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PLANNING & ZONING COMMISSION DISCUSSION ITEM

SUBJECT: **Proposed Townhome Projects in Silverlake**

PREPARED BY: **Theresa Grahmann, Planner I** tag

DATE: **January 13, 2003**

ITEM SUMMARY: During the December 16, 2002, Planning and Zoning Commission Meeting, the Commission discussed two proposed townhome projects within the Silverlake Development. The developers for these two townhome projects, Royce Homes and Pulte Homes, presented their proposed developments to the Commission.

In the City of Pearland, townhome developments fall under the R-4 PUD regulations of the Land Use and Urban Development Ordinance. The Commission asked Staff to research other Cities townhome districts in order to provide a comparison of lot sizes, lot widths, street rights-of-way, and open space requirements. The attached document provides this information.

ATTACHMENTS:

- Townhome Districts From Other Cities
- Previous Memo Regarding Proposed Townhome Developments

TOWN HOME DISTRICTS

The following table shows the minimum lot size, lot width, street right-of-way, and open space requirements for town home districts within other cities that are similar to the City of Pearland in size, growth, and location.

City	Lot Size (square feet)	Lot Width (feet)	Street Right-of-Way (feet)	Density (units/ acre)	Open Space
League City	2,000	25	60	Not specified	None required*
Missouri City	1,800	25	50	10	None required*
Sugar Land	3,500	25	50	12.45	15 feet of open space required around each building
McKinney	2,700	25	50	Not specified	None required*
Lewisville	2,000	20	50	Not specified	None required*
Carrollton	3,500	35	50	Not specified	None required*
Flower Mound	5,000	20	50	Not specified	None required*
Plano	2,250	25; 30 on corner	50	12.0	10% of gross platted area if more than 50 lots are platted; none if less than 50 lots are platted
Cedar Park	1,200	20; 45 on corner	60	12.0	20% of site to be developed
Pearland R-4 PUD	3,000	30	50	11.0	900 square feet per unit; 6000 square feet minimum
Royce Homes Proposal	2,835 and 2,970	27	28	9.3	None proposed
Pulte Homes Proposal	1,870	22	50	11.0	2.5 acres (approx. 43 square feet per unit)

* Although open space per development is not required, the development still must comply with park land dedication requirements and landscaping requirements

Memo

To: Planning and Zoning Commission

From: Alan Mueller

Date: 12/04/02

Re: Town home projects in Silverlake

Background
Preliminary site plans have been submitted for two town home sites in Silverlake. I suggested to the builders that these be submitted for informal discussion by the Commission for three reasons: 1) The Subdivision Code as it relates to town homes is ambiguous; 2) Based on staff review, several variances would be required if the plats were to be approved as currently submitted; and 3) Due to the ambiguity in the Subdivision Code, some items that staff classifies as variances may not be variances if the Commission chooses to apply a different standard.

As you know, the Land Use Code does not apply in the ETJ. The Subdivision Code does not specifically address requirements for town homes, so some interpretations need to be made. Subdivision Code Section 27-4(C) (page 1634 in my book) provides the requirements for lot sizes as "The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated." Essentially, it is up to the Commission to determine what are "appropriate" parameters for town homes. To provide some guidance, staff looked to the Land Use Code, even though it does not technically apply in the ETJ.

In the Land Use Code, town homes fall under the R-4 PUD regulations, Section 9.5 (page 41). The regulations call for 30-foot minimum width, 3,000 square foot minimum, maximum 11 units per acre, and 900 square feet of open area per unit (minimum 6,000 square feet).

Building setback lines and minimum right of way widths are defined in the Subdivision Code.

Variances
The two projects as presented would require several variances. Some of these variances would be to the Subdivision Code and some would be variances to the

Commission's definition of "appropriate", which staff is suggesting should follow the Land Use Code. However, the Commission is free to determine their own definition of "appropriate" if you choose to do so.

Project #1 Southwest corner of Southwyck Blvd and CR 90 - Royce Homes
100 Units
10.8 Acres
Typical Lot Size: 27' x 105 and 27' x 110'
9.3 units per acre

Variance	Proposed	Per Code	Source
Lot width	27'	30'	Land Use
Lot size	2,835 sq. ft.	3,000 sq. ft.	Land Use
Right of way/Private Street	28'	50'	Subdivision
Common Open Space	None	2.1 acres	Land Use

Project #2 Near CR 90 and Hidden Mist Ct. - Pulte Homes
107 Units
9.7 acres
Typical Lot Size: 22' x 85'
11.0 units per acre
2.5 acres open space exceeds requirements (2.3 acres)

Variance	Proposed	Per Code	Source
Lot width	22'	30'	Land Use
Lot size	1,870 sq. ft.	3,000 sq. ft.	Land Use

Summary
It would be helpful to get informal feedback on the following questions:

1. Does the Commission want to follow the R-4 PUD Land Use Code regulations for town house projects in the ETJ or would you rather have staff develop another set of "appropriate" guidelines?
2. Are the projects generally acceptable as presented? If not, what items would you like to see changed?
3. Is there additional information that you need in order to make a decision?

Thank you for your time and input.

TO: PLANNING & ZONING COMMISSIONERS

FROM: MONA ANN PHIPPS MAP

DATE: JANUARY 16, 2003

RE: APA CONFERENCE

If you plan to attend the APA Conference March 29-April 2, 2003, in Denver, Colorado, I need your registration by 5:00 PM, January 24th. You may fax that registration form to me at 281-652-1702 or give it to me at the meeting on January 20th.

If you have any questions, please feel free to call me at 281-652-1635.

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JAN 10 2003

9 January, 2003

Ms. Jennifer Gonzalez
City of Pearland
3519 Liberty Drive
Pearland, TX 77581

RE: Variance Request for SouthGate Subdivision
Regarding Ordinance No. 741-3, "Exhibit B"

Dear Ms. Gonzalez,

LinGo Properties, Inc. is currently beginning construction of Section 1 of SouthGate Subdivision. It was brought to our attention recently that the City has a fairly new subdivision ordinance (No. 741-3, Exhibit B, Paragraph 2) that requires all detention improvements be in-place and operational before any other site improvements can be made. We understand the purpose of this ordinance is to insure that no undue flooding risks are generated from site improvements during the course of constructing the improvements.

The changes in runoff characteristics of a developed site (i.e., increased runoff rates) are due almost exclusively to improvements of the site's surface related to cutting and paving roadways, grading lots, and installing surface drainage swales. We agree with the City that making improvements to the surface can cause negative impacts to receiving ditches and should be restricted until appropriate mitigation facilities are in-place and operational. However, the ordinance specifically states that NO other improvements be made, and does not provide a distinction between surface improvements and underground improvements.

The basis of our variance request is that underground improvements (installation of underground sewers and waterlines) would not modify the surface of the site to any significant extent and would therefore not result in changes to the runoff characteristics of the site. We believe that strict compliance with the ordinance would generate an unnecessarily long construction schedule, is not in accordance with generally accepted construction means and methods, and would not provide any additional reduction in flooding risks.

Given the above, we request a variance from Ordinance 741-3 that will allow us to proceed with other underground improvements simultaneously with the completion of the detention facility. We will honor the intent of the ordinance that no surface improvements are made until the detention facility is fully operational.

Please advise us of the next available opportunity for us to present our request to Pearland P&Z. Thank you in advance for your time and consideration.

Sincerely,

Eric Stevens
Lingo Properties, Inc.

Cc: Tracy Goza — Lingo Properties, Inc.
Robert Smith — Lingo Properties, Inc.
Jason Christian — JKC