

Pearland, TX 77588

Agent: C. L. Davis

C. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 969

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

Zoning Application No. 969

Legal Description: 31.1548 acres located in the W.D.C. Hall survey, A-23, Harris Co., TX (Villa Verde, Section II & III)

Owner: Villa Verde, Section II & III, L.P.
6302 Broadway, Ste 250
Pearland, TX 77581

Agent: Renee L. West

D. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Southdown Section Fourteen Townhomes, A replat of 11.91 ac. Southdown Commercial Reserve, Tract "C" in vol. 20, pg. 227-228, B.C.P.R., 11.91 acres of land out of the J. Crawley Survey, Abstract 174, Brazoria County, Texas.

Variance Requests:

1. Use of a 10-foot aggregate setback between houses.
2. Use of a 28-foot lot wide lot.
3. Use of a cul-de-sac greater than 600-feet.
4. Use of a 20-foot building line on lots 105-feet deep or less and on all Cul-de-sac lots.

E. CONSIDERATION & POSSIBLE ACTION – Final Plat of Barclay Place, a subdivision of 9.5268 acres situated in Section 12 of the H.T.&B. Railroad Company Survey, Abstract No. 508, Pearland, Brazoria County, Texas.

Variance Request:

1. Use of an extra long cul-de-sac.

F. CONSIDERATION & POSSIBLE ACTION – Amending Plat of Sawyer's Pond, being a subdivision containing 9.9778 acres out of lot 44 of the Allison Richey Gulf Coast Home Company Subdivision of Section 6, H.T.&B. R.R. Co. Survey (R.B. Lyle Survey), Abstract 544, Brazoria County, Texas.

G. CONSIDERATION & POSSIBLE ACTION – Request by owner, Victor R. Gonzales for a variance from the Subdivision Ordinance that requires all building permits to be issued to platted lots only.

H. DISCUSSION ITEM – Discussion regarding the development of a Mission Statement for the Planning and Zoning Commission.

IV. NEXT MEETING DATE: February 19, 2001 (JPH and Regular P&Z)
March 5, 20001 (JPH and Regular P&Z)

V. ADJOURNMENT

Posted: 2nd Day of February, 2001, A.D.

Removed: 10th Day of February, 2001, A.D.

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

Legal Description: Lots 4-10, Detenbeck & Barnhart Subdivision, Brazoria Co., TX, according to the map or plat thereof recorded in Volume 15, Page 10, plat records of Brazoria Co., TX (5902 Bardett)

Owner: Arthur Partain
6806 Broadway
Pearland, TX 77581

Commissioner Tetens made a motion to forward Zoning Application No. 964 to City Council for denial, and Commissioner Patro seconded the motion.

Commissioner Tetens stated that his reason for this motion is that it does not comply with the Comprehensive Plan, which calls for General Business, and the property to the south is residential.

Chairman Viktorin asked about the Elks Lodge, which supposedly came through for zoning about three to four months ago. He asked if it was zoned "Commercial"? The Commissioners could not remember.

Chairman Viktorin called for a vote.

Motion to deny passed 6 to 0.

B. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 968

Request of owners 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:

Zoning Application No. 968

Legal Description: 3.1092 acres of land out of Lot 46, Allison Richey Gulf Coast Home Co. Subdivision, Section 8, H. T. & B. R.R. Co. survey, A-504, according to the plat recorded in Vol. 2, pg 24, plat records of Brazoria Co., TX (Broadway Street @ Garden Road)

Owner: Orlen O'Day, Executor
P.O. Box 149
Pearland, TX 77588

Agent: C. L. Davis

Commissioner Tetens made a motion to forward Zoning Application No. 968 to *City Council* for approval, and Commissioner Selemon seconded the motion.

Commissioner Beltz asked why the application does not show the application fees paid, and Manager of Administrative Support Tobin Maples assured the Commissioners that the fees have been paid.

Commissioner Tetens stated that he feels there is no reason that this request should not be approved.

Motion to approve passed 6 to 0.

C. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 969

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

Zoning Application No. 969

Legal Description: 31.1548 acres located in the W.D.C. Hall survey, A-23, Harris Co., TX (Villa Verde, Section II & III)

**Owner: Villa Verde, Section II & III, L.P.
6302 Broadway, Ste 250
Pearland, TX 77581**

Agent: Renee L. West

Commissioner Tetens made a motion to forward Zoning Application No. 969 to City Council for approval, and Commissioner Patro seconded the motion.

Commissioner Tetens stated that the request does comply with the Comprehensive Plan and it is just an extension of an existing subdivision.

Motion to approve passed 6 to 0.

D. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Southdown Section Fourteen Townhomes, A replat of 11.91 ac. Southdown Commercial Reserve, Tract “C” in vol. 20, pg. 227-228, B.C.P.R., 11.91 acres of land out of the J. Crawley Survey, Abstract 174, Brazoria County, Texas.

Variance Requests:

- 1. Use of a 10-foot aggregate setback between houses.**
- 2. Use of a 28-foot lot wide lot.**
- 3. Use of a cul-de-sac greater than 600-feet.**
- 4. Use of a 20-foot building line on lots 105-feet deep or less and on all Cul-de-sac lots.**

City Engineer Hargrove stated that on item 4 of the letter of request for variances it should read "...105-feet deep or more."

Steve Gardner of Huitt-Zoillars, Inc. stated that he would like to have that variance request withdrawn.

City Engineer Hargrove stated that the other variances are accurate.

Commissioner Tetens stated that these variances are for the whole subdivision and Planning and Zoning can not grant blanket variances.

Commissioner Patro asked about the zoning, and Mr. Hargrove replied that it is not zoned because it is in the ETJ.

Mr. Gardner stated that it is a duplex product and he has a floor plan available to the Commissioners if they would like to see.

Commissioner Selemon asked if the 10-foot aggregate is between buildings, and Commissioner Patro replied that he is correct.

Chairman Viktorin asked Mr. Maples where the "re-write" stands for the Subdivision Ordinance, and Mr. Maples replied that there are 2 readings scheduled for February 26th, however, the "re-write" is only for the cul-de-sac length.

Commissioner Selemon asked if the developer could just create a PUD, and Mr. Maples replied that they could not do a PUD because it is not in the city limits.

Commissioner Tetens made a motion to deny the Preliminary Plat of Southdown Section 14.

John Hammond of Friendswood Development and Co., stated that they have done 450 houses in the last 5 years and there is no difference from this plat and the rest of Southdown.

Commissioner Beltz stated that they have been approving these plats since the beginning of time, and Commissioner Selemon added that this is the last part of the subdivision.

Commissioner Tetens stated that they cannot legally approve these variances, *and that they need to let City Council approve the variances if they want to.*

Commissioner Beltz stated that he will second the motion to deny the Preliminary Plat of Southdown Section 14, and City Council can overrule the denial.

Motion to deny passed 4 to 1 (1abstention).

Mr. Gardner asked what their options are now, and Mr. Hargrove replied that the Subdivision Ordinance requires a minimum lot width of 35' and an aggregate between buildings of 15'.

E. CONSIDERATION & POSSIBLE ACTION – Final Plat of Barclay Place, a subdivision of 9.5268 acres situated in Section 12 of the H.T.&B. Railroad Company Survey, Abstract No. 508, Pearland, Brazoria County, Texas.

Variance Request:

1. Use of an extra long cul-de-sac.

City Engineer Hargrove stated that the variance request complies with the minute order conditions from City Council, and that the width of the street is 36' rather than 28'. He stated that the plat has been in process for awhile, and they will need to change the Commissioner's names. He stated that they have other comments and listed them as:

1. To change the 5' electrical easement between lots 6 & 7, and lots 12 & 13.
2. The street light symbol needs to be shifted.
3. They need to add the statement "not required by the City of Pearland" under the Brazoria Drainage District #4 signatory block.
4. Construction plans need to be approved.

Vice-Chairman Glenn made a motion to approve the Final Plat of Barclay Place with the variance and the corrections requested by staff, and Commissioner Patro seconded the motion.

Motion to approve passed 6 to 0.

F. CONSIDERATION & POSSIBLE ACTION – Amending Plat of Sawyer's Pond, being a subdivision containing 9.9778 acres out of lot 44 of the Allison Richey Gulf Coast Home Company Subdivision of Section 6, H.T.&B. R.R. Co. Survey (R.B. Lyle Survey), Abstract 544, Brazoria County, Texas.

City Engineer Hargrove stated that the purpose of this amending plat is stated in *the box* on the plat. He stated that they are moving the north line of the subdivision to align with the south line of an unrecorded subdivision plat. He stated that he recommends approval as submitted.

Vice-Chairman Glenn made a motion to approve the Amending Plat of Sawyer's Pond, and Commissioner Selemo seconded the motion.

Motion to approve passed 6 to 0.

G. CONSIDERATION & POSSIBLE ACTION – Request by owner, Victor R. Gonzales for a variance from the Subdivision Ordinance that requires all building permits to be issued to platted lots only.

City Engineer Hargrove stated that there have been a number of cases like this and people have been coming in for building permits on lots that have been in their presence for years and have not been platted. He stated that this gentleman came in for a permit and his property has not been legally platted. He stated that the property is a large lot on Scott Street, and the existing zoning is R-1, the right-of-way width matches what the Comprehensive Plan calls for, and the drainage will be to Scott Street. He stated that the department would charge a detention fee rather than asking for them to build a detention pond. He stated that they would need to have a W.S.E on the front line and a U.E. on the back lot line. He stated that he is recommending approval of this request.

Commissioner Tetens showed confusion as to why they should approve this request.

Chairman Viktorin asked if this was recently annexed, and Mr. Hargrove stated that it has been in the City for years.

Victor Gonzales, owner, stated that he has had this lot since 1992. He stated that he spoke to a gentleman who has built a \$100,000 home in this past year who is not even 50' from his property and he was issued a variance.

Commissioner Tetens asked if he received a variance from platting, and Mr. Gonzales stated that to his knowledge the gentleman was.

Mr. Hargrove stated that if the property were in the gentleman's presence before March of 1981, then he would be exempt from the Subdivision Ordinance.

Commissioner Selemo asked Mr. Hargrove if this request is similar to the others variance requests in the past, and Mr. Hargrove stated that each situation has been a little different.

City Engineer Hargrove stated that he recommends approval.

Chairman Viktorin called for a motion.

Commissioner Tetens made a motion to deny the variance request, and Commissioner Patro seconded the motion.

Commissioner Tetens stated that he does not think they should be circumventing the ordinance, and that he does not see the hardship.

Mr. Gonzales pointed out to the Commissioners that platting can cost anywhere from \$4,000 - \$5,000.

Commissioner Selemon stated that the City Engineer sees no reason for the platting, and Commissioner Tetens argued that the City Engineer did not make the ordinance, he just does not agree with the ordinance. He then stated that we don't have to agree with the ordinance.

Chairman Viktorin called for a vote.

Motion to deny tied 3 to 3.

Chairman Viktorin stated that this would have to go to City Council.

H. DISCUSSION ITEM – Discussion regarding the development of a Mission Statement for the Planning and Zoning Commission.

Chairman Viktorin stated that he requested this item to be put on the agenda, and he would like to create a "mission statement" acknowledging Planning and Zoning's role. He stated that he feels that this would be good for any large group to have so that they can refer back to it. He then stated that he has a draft, and they do not have to approve it tonight. He read his draft:

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

Mr. Viktorin stated that he has been reading the City Charter, and it lists 8 duties of the Planning and Zoning Commission. He read them to the Commission.

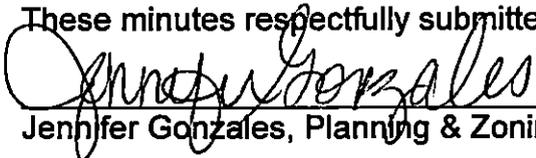
Manager of Administrative Support Tobin Maples stated that if they decide on the statement tonight, they would need to make notation of it and act on it at the next regular meeting under an action item. He stated that it is only on the agenda as a "Discussion Item".

IV. NEXT MEETING DATE: February 19, 2001 (JPH and Regular P&Z)
March 5, 2001 (JPH and Regular P&Z)

V. ADJOURNMENT

The meeting adjourned at 8:00 p.m.

These minutes respectfully submitted by:



Jennifer Gonzales, Planning & Zoning Secretary

Minutes approved as submitted and/or corrected on this 19 day of Feb 2000.



Charles Viktorin, Planning & Zoning Chairman