

AGENDA OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD NOVEMBER 12, 2001, IMMEDIATELY FOLLOWING THE JOINT PUBLIC HEARING IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES: November 5, 2001

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – Zoning Application No. 1007

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

Zone Change Application No. 1007

Legal Description: Lot H, Westgate Park Subdivision, Brazoria Co., TX (2550 Westgate Street)

Owner: Ronnie P. Mueller and John A. Mueller
9421 W. Sterling Drive
Pearland, TX 77584

B. CONSIDERATION & POSSIBLE ACTION – Specific Use Application No. 98

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)) to allow a second phase of mini-storage warehouses to be built on the following described property, to wit:

Specific Use Application No. 98

Legal Description: Lot 1, Broadway West subdivision, out of Lot 20, Allison Richey Gulf Coast Home Co.'s Suburban Garden Subd., as recorded in Volume 2, pg 107-108, Brazoria Co. Plat Records, Brazoria Co., TX (10401 Broadway Street)

Owner: 518 Investments, Ltd.
7757 San Felipe, Suite 204
Houston, TX 77063

Agent: Michael Pollok

C. CONSIDERATION & POSSIBLE ACTION – Specific Use Application No. 96

Request for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Suburban Development District-Specific Use (SD(S)) to allow a school to be built on the following described property, to wit:

Specific Use Application No. 96

Legal Description: 86.913 acres, Section 15, H. T. & B. R.R. Co. survey, A-241, out of the John Massey 160 acre tract recorded in Vol. 708, pg 109, Brazoria Co. Deed Records, and being part of a 10 acre tract recorded in Vol. 1220, pg 413, Brazoria Co Deed Records, Brazoria Co., TX (Manvel Road @ Fite Road)

Owner: Pearland I.S.D.
P.O. Box 7
Pearland, TX 77581

Agent: Phillip Rutter of PBK Architects, Inc.

D. CONSIDERATION & POSSIBLE ACTION – Specific Use Application No. 97

Request for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District Residential (SD-R) to Suburban Development District Residential - Specific Use (SD-R(S)) to allow a new school building to be built on the following described property, to wit:

Specific Use Application No. 97

Legal Description: 36.34 acres out of 41.34 acres, being a part of A.C.H. & B., Section 1, A-147, Brazoria Co., TX (2316 Old Alvin Road)

Owner: Pearland I.S.D.
P.O. Box 7
Pearland, TX 77581

Agent: Phillip Rutter of PBK Architect

E. CONSIDERATION & POSSIBLE ACTION – Zoning Application No. 997

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

Zone Change Application No. 997

Legal Description: 29.9980 acres of land, being all of Lots 10, 11 and 34, Allison Richey Gulf Coast Home Co. subdivision, Section 8, H. T. & B. R.R. Co. survey, A-504, recorded in Vol. 2, pg 24, plat records of Brazoria Co., TX (1938 Garden Road)

Owner: CMH Parks, Inc.
5000 Clayton Road, Dept 203A
Maryville, TN 37804

Agent: Jack Willis, Manager of Raintree Estates

F. CONSIDERATION & POSSIBLE ACTION – Zoning Application No. 1009

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

Zone Change Application No. 1009

Legal Description: Tract 3, Westchester Estates, Jack C. McKnight Survey, Section 17, H. T. & B. R.R. Co. survey, A-242, as recorded in Volume 12, deed records of Brazoria Co., TX (Westchester Circle)

Owner: Walter and Ashley Landry
5502 Cunningham
Pearland, TX 77581

IV. NEXT MEETING DATES

November 19, 2001 (JPH & Regular P&Z)
November 26, 2001 (HGAC Workshop)

V. ADJOURNMENT

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

POSTED: 8th day of November, 2001 A.D.

REMOVED: _____ day of _____, 2001 A.D.

Planning and Zoning Commission

MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON NOVEMBER 12, 2001, IN THE SECOND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The meeting was called to order with the following present:

P&Z Chairman	H. Charles Viktorin
P&Z Vice-Chairman	Donald Glenn
P&Z Commissioner	Todd Iocco
P&Z Commissioner	Kevin McDonald
P&Z Commissioner	Don Sederdahl
P&Z Commissioner	Russ Selemon
Development Coordinator	Mona Phipps
Plans and Plant Administrator	Richard Keller
P&Z Secretary	Jennifer Gonzales

P&Z Commissioner Robert Scherrer was absent.

II. APPROVAL OF MINUTES: November 5, 2001

Commissioner Iocco made a motion to approve the November 5, 2001 minutes as presented with a second made by Commissioner McDonald.

Motion to approve passed 6 to 0.

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – Zoning Application No. 1007

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Legal Description: Lot H, Westgate Park Subdivision, Brazoria Co., TX (2550 Westgate Street)

**Owner: Ronnie P. Mueller and John A. Mueller
9421 W. Sterling Drive
Pearland, TX 77584**

Planning and Zoning Commission

Commissioner McDonald made a motion to forward zoning Application No. 1007 to City Council for approval with a second made by Commissioner Selemon.

Commissioner Sederdahl asked if the other Commissioners took the time to read the Public Comment Form and they stated that they did.

Development Coordinator Mona Phipps stated that there would be code enforcement to check on the things listed in the comment form.

Motion to approve passed 6 to 0.

Commissioner Selemon reminded the owner that the Commission does not make the final decision and that they only send their recommendation to City Council.

B. CONSIDERATION & POSSIBLE ACTION – Specific Use Application No. 98

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**Owner: 518 Investments, Ltd.
7757 San Felipe, Suite 204
Houston, TX 77063**

Agent: Michael Pollok

Commissioner Sederdahl made a motion to forward Specific Use Application NO. 98 to City Council for approval with a second made by Commissioner Iocco.

Commissioner McDonald asked if Commissioner Iocco was looking to see if a wall would be put up, and Mr. Iocco explained that he was curious about whether or not there is going to be masonry since it is facing the highway.

Development Coordinator Mona Phipps explained that the request would have to meet the façade requirements.

Motion to approve passed 6 to 0.

C. CONSIDERATION & POSSIBLE ACTION – Specific Use Application No. 96

Request for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Suburban Development District-Specific Use (SD(S)) to allow a school to be built on the following described property, to wit:

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Owner: Pearland I.S.D.
P.O. Box 7
Pearland, TX 77581

Agent: Phillip Rutter of PBK Architects, Inc.

Commissioner Iocco made a motion to forward Specific Use Application No. 96 to City Council for approval with a second by Commissioner Sederdahl.

Commissioner Iocco stated for the record that the issue regarding the airstrip is a Federal issue and the Commission is dealing with the land use issue. He stated that the school would have to deal with FAA.

Commissioner Sederdahl agreed and stated that this goes beyond the jurisdiction of the Commission.

Commissioner Selemon asked if the trapezoid goes in the runway, and Mr. Wells showed a map of the trapezoid. Mr. Selemon then asked if there were any homes in the trapezoid and Mr. Wells replied that there is not and he pointed out that there is a setback.

Commissioner McDonald asked why they are even continuing with the application after what the City Attorney stated, and Commissioner Iocco replied that after speaking with Tobin Maples, he learned that PISD always comes to the City with their plans as a courtesy.

Motion to approve passed 6 to 0.

D. CONSIDERATION & POSSIBLE ACTION – Specific Use Application No. 97

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P.O. Box 7
Pearland, TX 77581

Agent: Phillip Rutter of PBK Architect

Vice-Chairman Glenn made a motion to forward Specific Use Application No. 97 to City Council for approval with a second by Commissioner Sederdahl.

Motion to approve passed 6 to 0.

E. CONSIDERATION & POSSIBLE ACTION – Zoning Application No. 997

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5000 Clayton Road, Dept 203A
Maryville, TN 37804

Agent: Jack Willis, Manager of Raintree Estates

Commissioner Sederdahl made a motion to forward Zoning Application No. 997 to City Council for approval with a second made by Vice-Chairman Glenn.

Commissioner Iocco stated that he thinks the map is misrepresented and he stated that the shaded area does not match the slides shown.

Planning and Zoning Commission

Development Coordinator Mona Phipps stated that staff gets the property description from the meets and bounds, however, she will verify that the pictures comply with the property description.

Ms. Phipps explained to the Commission that since the Stahlheber situation, the City has been very careful about issuing any placements permits to any properties that are not zoned properly. Ms. Phipps explained that staff has asked for the owner to come in and apply for the zoning. She stated that there would probably be more applications for mobile home parks coming, however, some will not even be able to apply because their acreage is less than three acres.

Commissioner Iocco pointed out that he believes lots 210-290 are not in the shaded area.

Motion to approve passed 6 to 0.

F. CONSIDERATION & POSSIBLE ACTION – Zoning Application No. 1009

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

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Owner: Walter and Ashley Landry
5502 Cunningham
Pearland, TX 77581

Commissioner Iocco stated that he does not think that the frontage meets the 120' requirement.

Development Coordinator Mona Phipps stated that staff would verify the footage and they would have to bring up to City Council.

Commissioner Selemon verified that you could go to a more restrictive classification, but not a less restrictive with out starting the process over again, and Ms. Phipps agreed.

Commissioner Iocco made a motion to forward Zoning Application No. 1009 to City Council for approval with a second by Vice-Chairman Glenn.

Commissioner Selemon stated that he is concerned that if the application is tabled or denied then he would like to recommend that the applicant would not have to pay the fees again.

Planning and Zoning Commission

Motion to approve passed 6 to 0.

IV. NEXT MEETING DATES

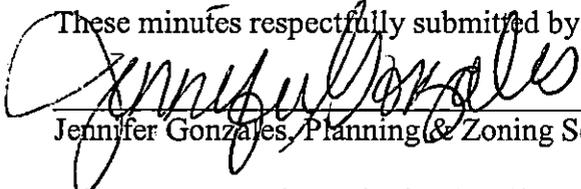
November 19, 2001 (JPH & Regular P&Z)

November 26, 2001 (HGAC Workshop)

V. ADJOURNMENT

The meeting adjourned at 8:45 p.m.

These minutes respectfully submitted by:



Jennifer Gonzales, Planning & Zoning Secretary

Minutes approved as submitted and/or corrected on this 3 day of DEC, 2001.



Charles Viktorin, Planning & Zoning Chairman

**Pearland
Joint public Hearing of the City Council
Re-zoning of Land South of Skyway Manor**

Mr. Mayor, City Council Members;

My name is Richard Wells and I reside in the Skyway Manor Subdivision at 2736 Piper Road, Pearland, Texas. I have been a resident at this address for the past twenty-eight years.

My concern is the construction of a school within the Approach and Departure Zone of an active airport that has been in existence since 1956.

Skyway Manor Airport runs north to south between FM 518, and Fite Road, north of the proposed re-zoning site. This Airport is not identified on the map that was furnished with the re-zoning proposal. (Overhead #1)

The Airport is a Federal registered airport and is governed as a Public Use Landing Facility. This Airport is listed in the Airport Facilities Directory and Sectional Aeronautical charts as T-79. (Overhead #2)

Mr. Mayor and Council Members, Skyway Manor Airport usage rights are taken from Federal Regulatory Requirements, (Advisory Circular) AC 150/5300-13 Chapter 1,2,3. In my discussion with Mike Nicely of the Federal Aviation Administration, he informed me that form 7460-1 (Notice Of Proposed Construction Or Alteration) should be filed with them by person or persons wanting to make changes to land around the Airport.

Federal Regulatory Requirements AC 150/5300-13, Chapter 2, and Paragraph 212 Runway Protection Zone (RPZ), under Standards: " The RPZ's function is to enhance the protection of people and property on the ground..."

212 a. (1) "The RPZ is trapezoidal in shape and centered about the extended runway centerline..." (Overhead #3)

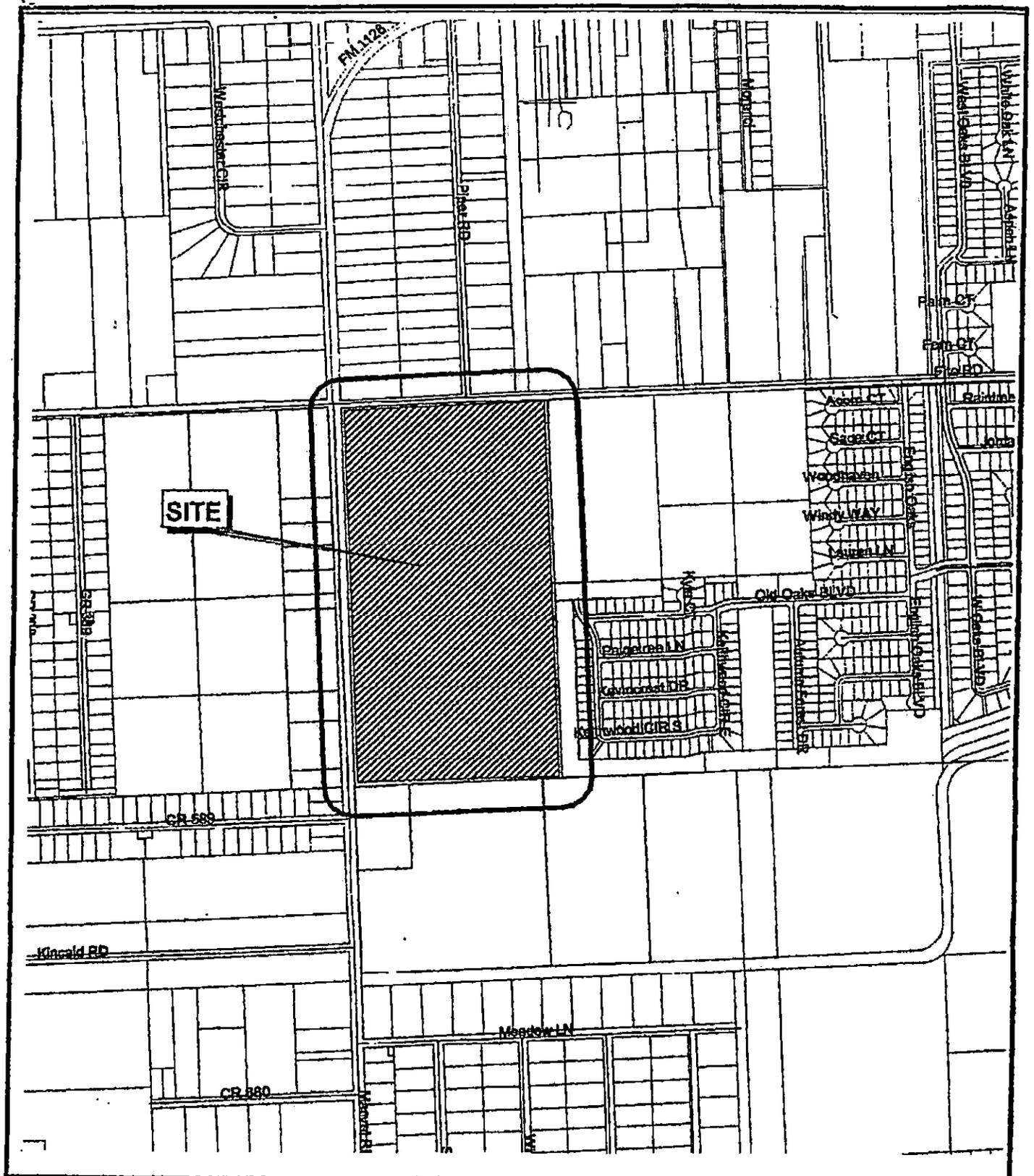
212 (2) (b) "Land uses prohibited from the RPZ are: residences and places of public assembly. (Churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons typify places of public assembly.) Fuel storage facilities should not be located in the RPZ".

Sub-paragraph Recommendations: b. "Where it is determined to be impracticable for the airport owner to acquire and plan the land uses within the entire RPZ, the RPZ land use standards have recommendation status for that portion of the RPZ not controlled by airport owners".

Sub-paragraph Recommendations: c. FAA Studies of Objects and Activities in the Vicinity of Airports.

“The FAA policy is to protect the public investment in the national airport system. To implement this policy, the FAA studies existing and proposed objects and activities, both off and on public-use airports, with respect to their effect upon the safe and efficient use of the airports and safety of persons and property on the ground. These objects need not be obstructions to air navigation, as defined in 14 CFR Part 77. As the result of a study, the FAA may issue an advisory recommendation in opposition to the presence of any off-airport object or activity in the vicinity of a public-use airport that conflicts with an airport planning or design standard or recommendations.”

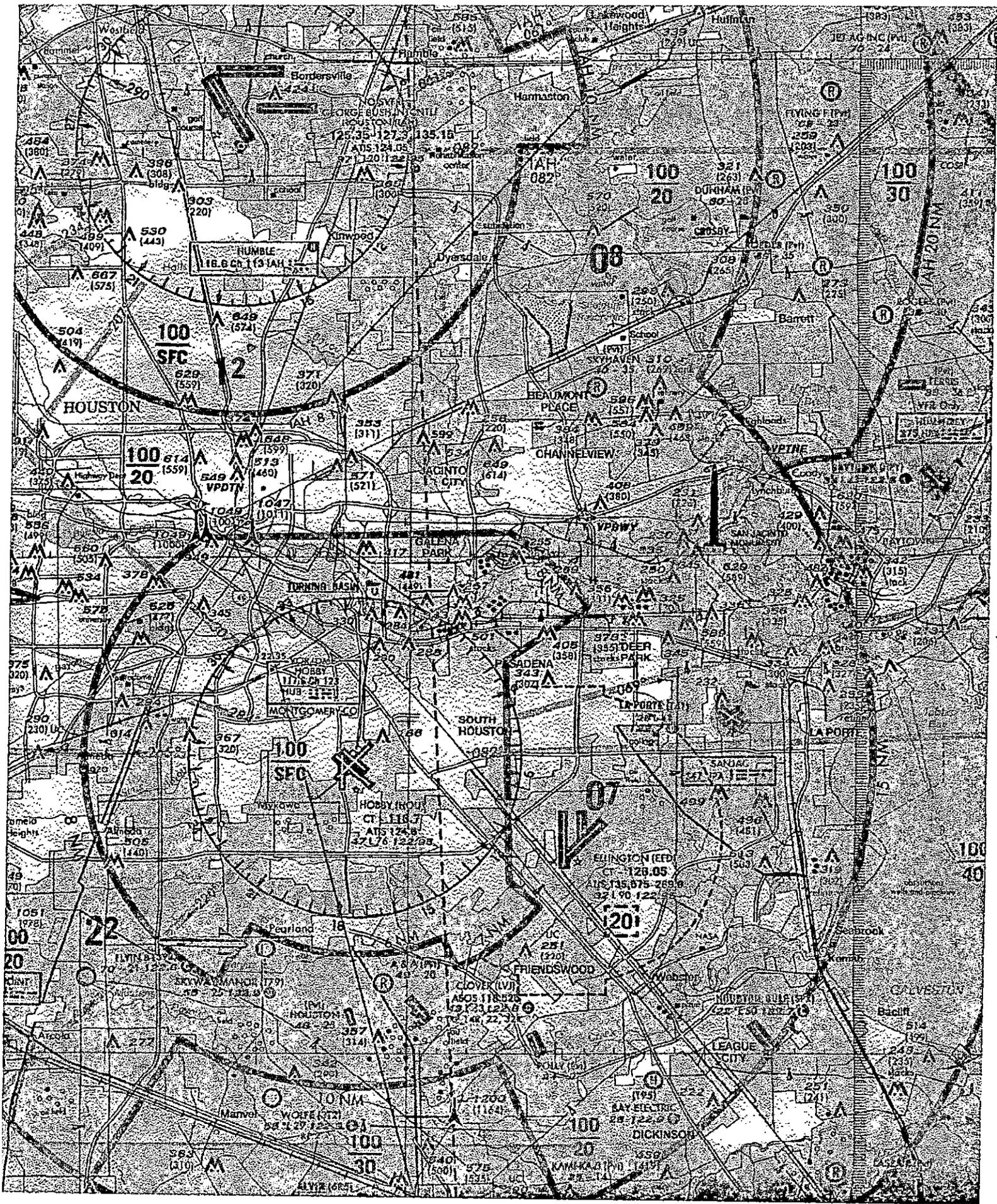
Mr. Mayor and Council Members, the City is described as a planned community. Consideration should be taken to the fact that Skyway Manor Subdivision has been a responsible flying community since 1956. Our desire is to protect and educate the public to necessary precaution that has been put in place for their safety. As a parent I would not want my children in a school where aircraft was making a departure or approach to land over the school. Skyway Manor Pilots certainly do not want to be put in this position. Coexistence could only be with the proper Runway Protective Zone.



SPECIFIC USE APPLICATION NO. 96
Pearland I.S.D./PBK Architects, Inc.
Manvel Road @ Fite Road



overhead #1



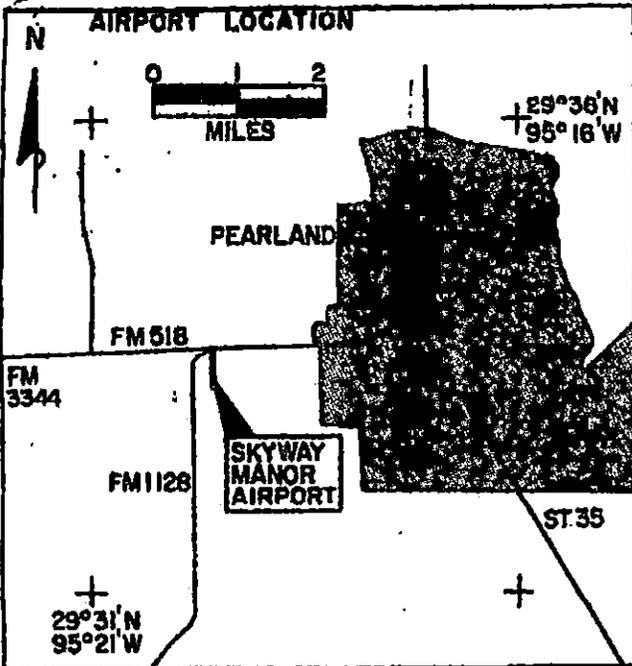
Overhead # 2

SKYWAY MANOR (TX10)

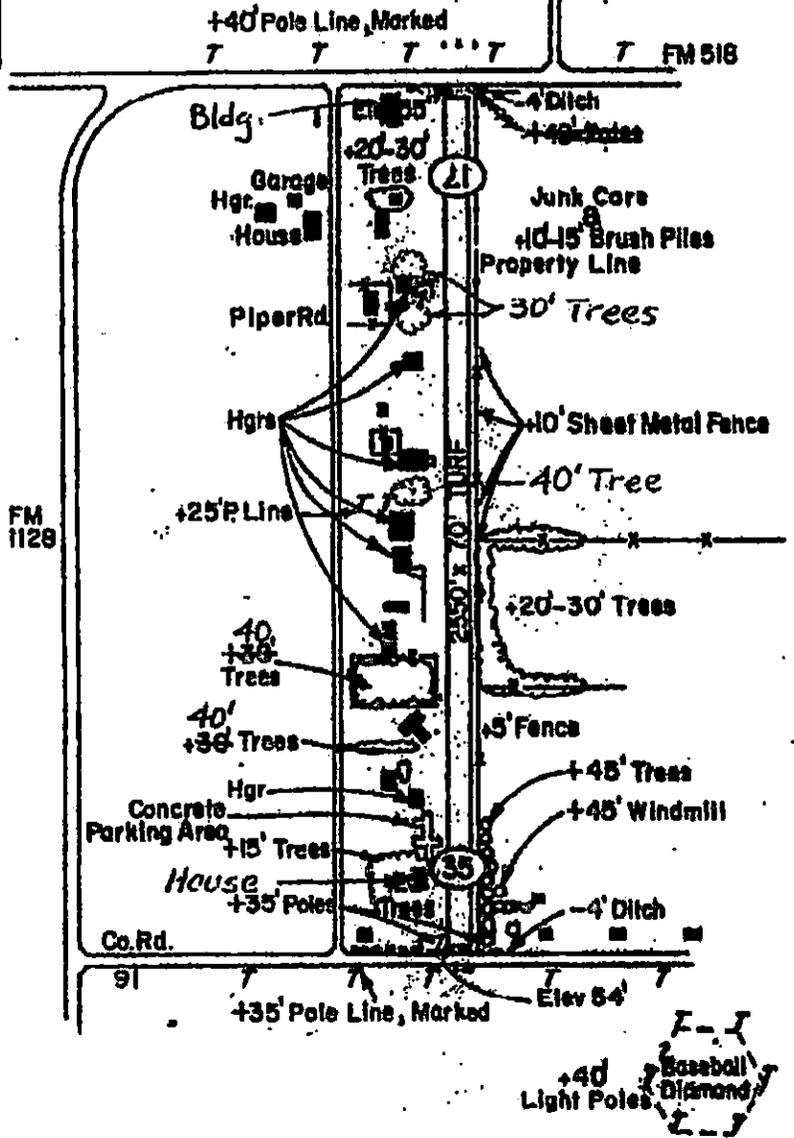
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REMARKS:

1. AIRPORT LOCATED ON 7.5 MIN PEARLAND QUAD



AIRPORT LAYOUT



10/27/98

Overhead #2A

b. Recommendations. Other objects which are desirable to clear, if practicable, are objects which do not have a substantial adverse effect on the airport but, if removed, will enhance operations. These include objects in the controlled activity area and obstructions to air navigation which are not covered in paragraph 211.a, especially those penetrating an approach surface. On a paved runway, the approach surface starts 200 feet (61 m) beyond the area usable for takeoff or landing, whichever is more demanding. On an unpaved runway, the approach surface starts at the end of the area usable for takeoff or landing.

212. RUNWAY PROTECTION ZONE (RPZ). The RPZ's function is to enhance the protection of people and property on the ground. This is achieved through airport owner control over RPZs. Such control includes clearing RPZ areas (and maintaining them clear) of incompatible objects and activities. Control is preferably exercised through the acquisition of sufficient property interest in the RPZ.

a. Standards.

(1) RPZ Configuration/Location. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The controlled activity area and a portion of the Runway OFA are the two components of the RPZ (see figure 2-3). The RPZ dimension for a particular runway end is a function of the type of aircraft and approach visibility minimum associated with that runway end. Table 2-4 provides standard dimensions for RPZs. Other than with a special application of declared distances, the RPZ begins 200 feet (60 m) beyond the end of the area usable for takeoff or landing. With a special application of declared distances, see Appendix 14, separate approach and departure RPZs are required for each runway end.

(a) The Runway OFA.

Paragraph 307 contains the location, dimension, and clearing standards for the Runway OFA.

(b) The Controlled Activity Area.

The controlled activity area is the portion of the RPZ beyond and to the sides of the Runway OFA.

(2) Land Use. In addition to the criteria specified in paragraph 211, the following land use criteria apply within the RPZ:

(a) While it is desirable to clear all objects from the RPZ, some uses are permitted, provided they do not attract wildlife, are outside of the Runway OFA, and do not interfere with navigational aids. Golf courses (but not club houses) and agricultural operations (other than forestry or livestock farms) are expressly permitted under this proviso. Automobile parking facilities, although discouraged, may be permitted, provided the parking facilities and any associated appurtenances, in addition to meeting all of the preceding conditions, are located outside of the object free area extension (as depicted in figure 2-3). Fuel storage facilities should not be located in the RPZ.

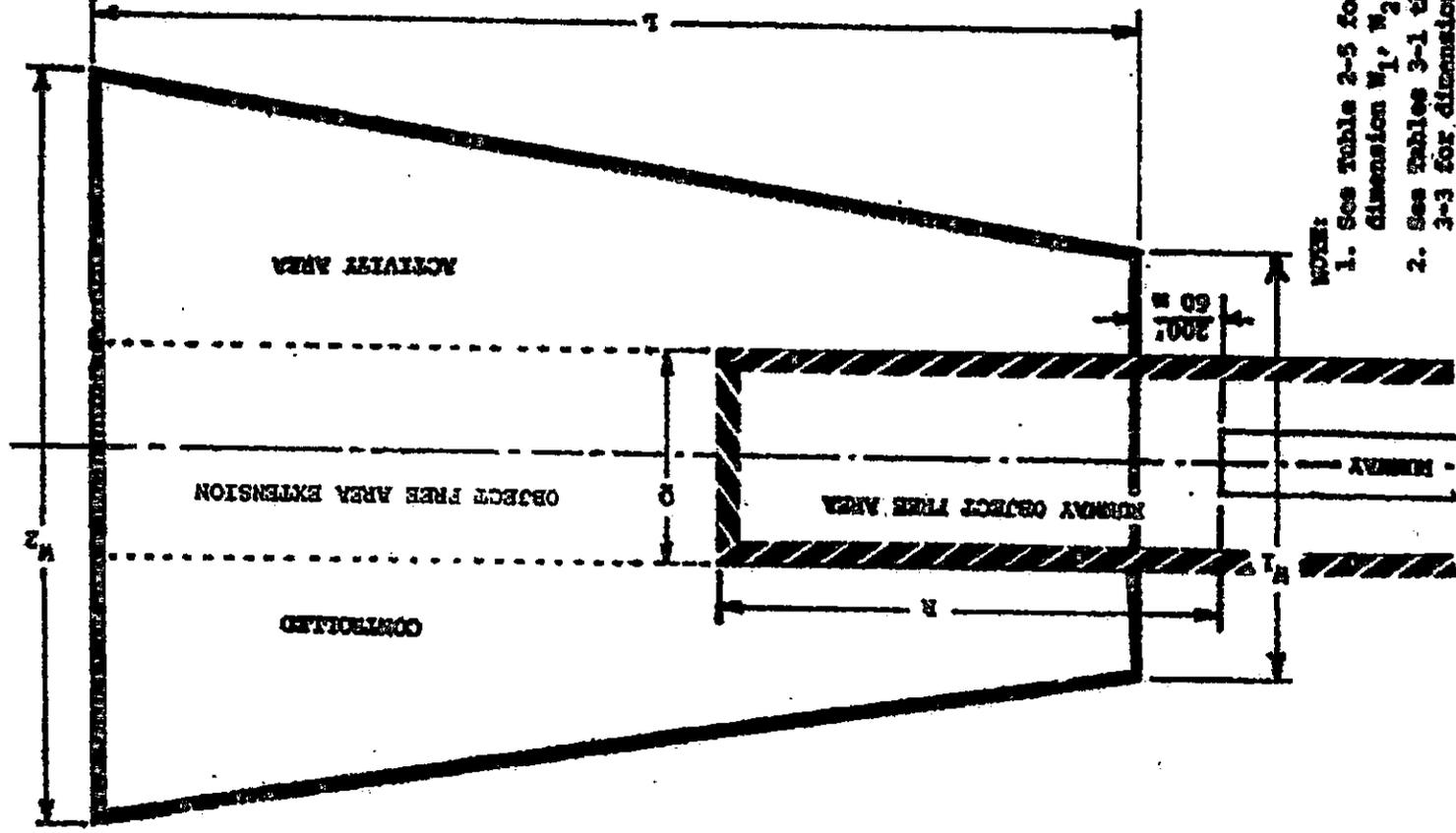
(b) Land uses prohibited from the RPZ are: residences and places of public assembly. (Churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons typify places of public assembly.) Fuel storage facilities should not be located in the RPZ.

b. Recommendations. Where it is determined to be impracticable for the airport owner to acquire and plan the land uses within the entire RPZ, the RPZ land use standards have recommendation status for that portion of the RPZ not controlled by the airport owner.

c. FAA Studies of Objects and Activities in the Vicinity of Airports. The FAA policy is to protect the public investment in the national airport system. To implement this policy, the FAA studies existing and proposed objects and activities, both off and on public-use airports, with respect to their effect upon the safe and efficient use of the airports and safety of persons and property on the ground. These objects need not be obstructions to air navigation, as defined in 14 CFR Part 77. As the result of a study, the FAA may issue an advisory recommendation in opposition to the presence of any off-airport object or activity in the vicinity of a public-use airport that conflicts with an airport planning or design standard or recommendation.

213. to 299. **RESERVED**

overhead #2A + 3
between

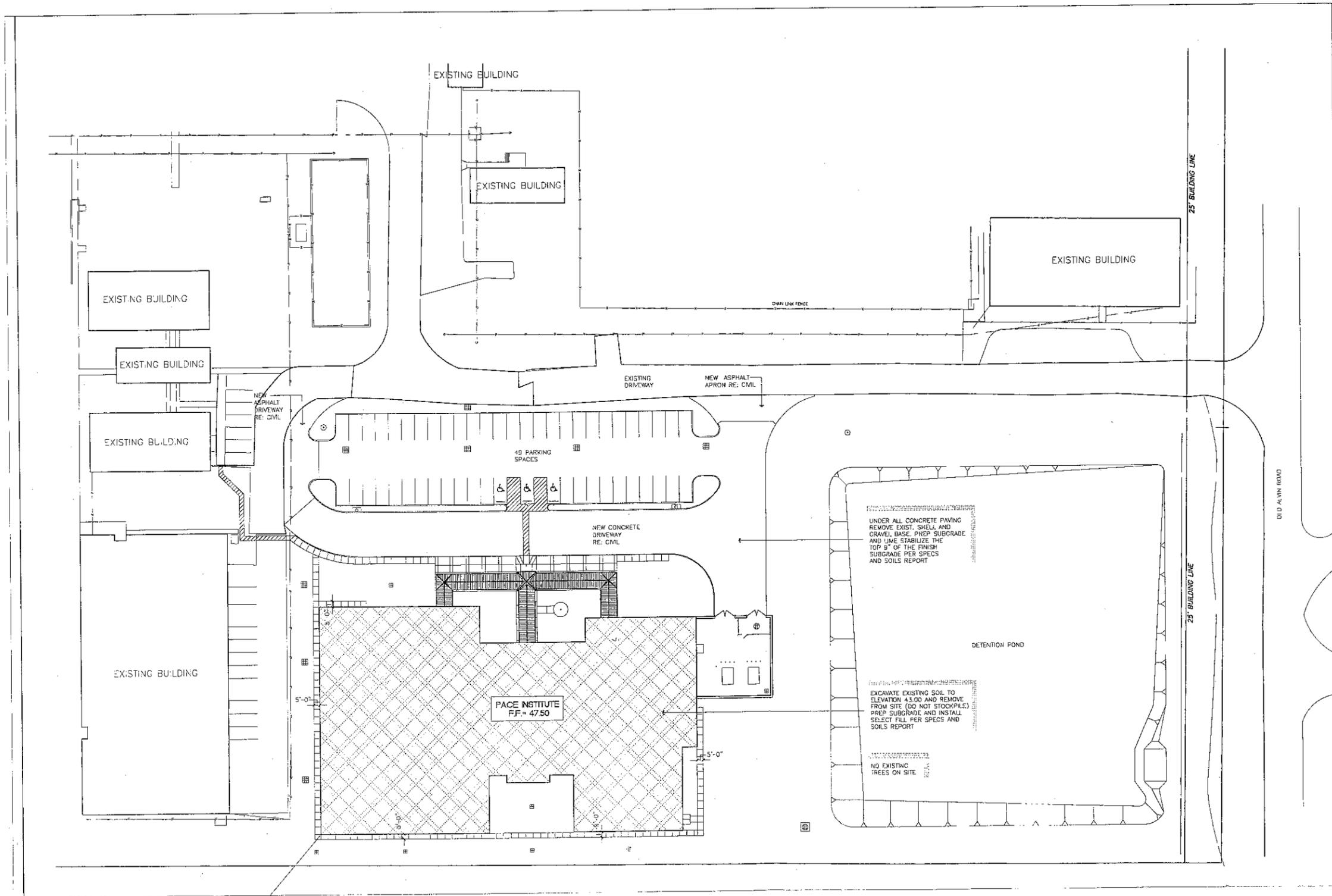


NOTE:
 1. See Table 2-5 for dimension W_1 , W_2 , L
 2. See Tables 3-1 through 3-3 for dimensions R , Q

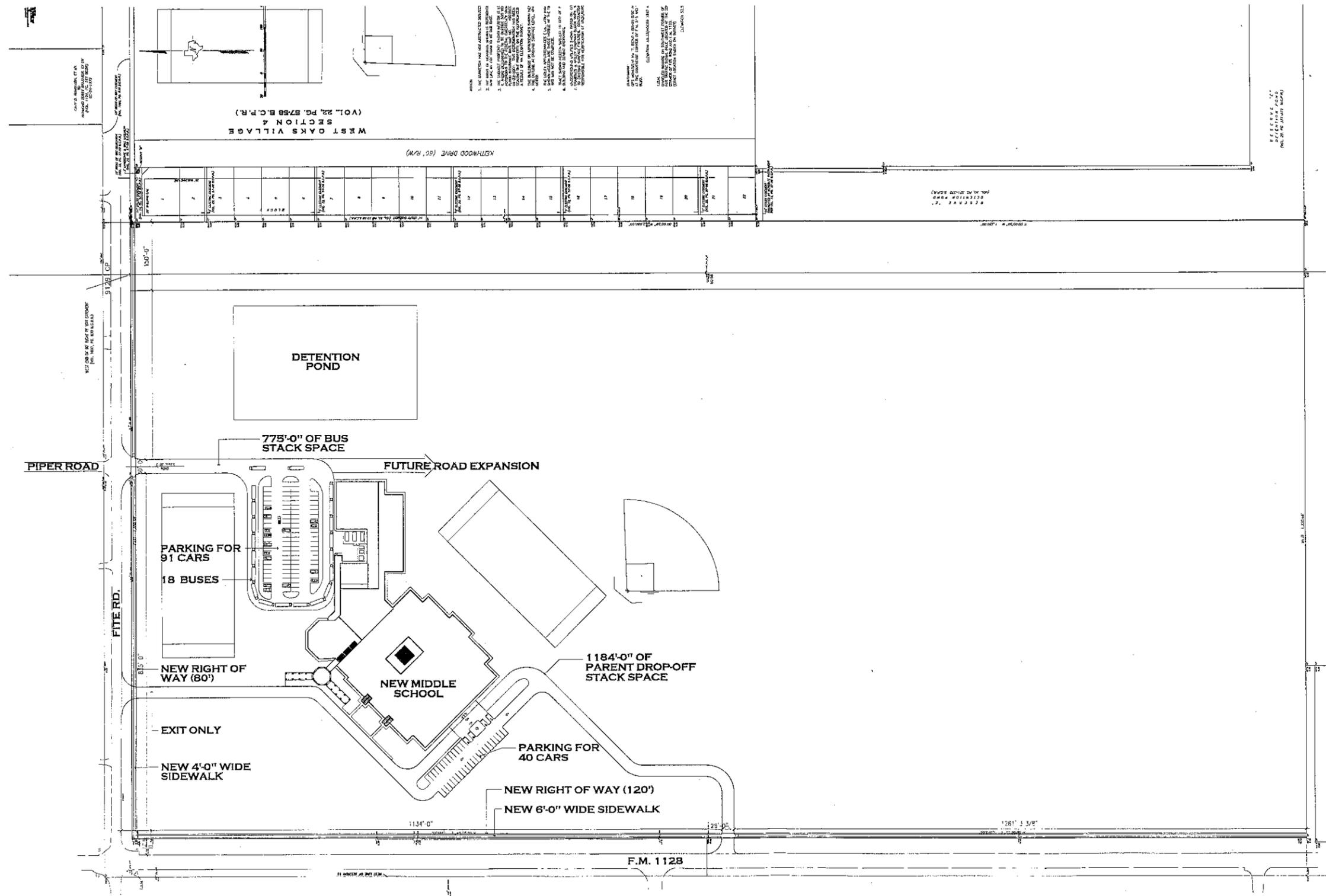
Figure 2-3. Runway protection zone

overhead #3

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1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PEARLAND AND THE STATE OF TEXAS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PEARLAND AND THE STATE OF TEXAS.
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