

AGENDA OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD DECEMBER 17, 2001, AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES: December 3, 2001

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Silverlake Wal-Mart, A subdivision of 20.56 acres of land in the H.T.&B. R.R. Co. Survey, Section 85, A-304 City of Pearland, Texas.

B. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Village Grove, a subdivision of 90.04 acres of land out of the H.T.&B. R.R. Co. Abstract 544, Brazoria County, Texas, being lots 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and the North ½ of lots 34 & 35, in the Allison-Richey Gulf Coast Home Co. Subdivision as recorded in Volume 136, Page 501 of the Brazoria County Deed Records.

C. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Shadow Creek Ranch SF-10, 21.441 acres being out of the T.C.R.R. Co. Survey, Section 82, Abstract 565, Brazoria County, Texas.

D. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Shadow Creek Ranch SF-14A, 12.317 acres being out of the T.C.R.R. Co. Survey, Section 3, abstract 678, and the T.C.R.R. Co. Survey, Section 4, Abstract 675, Brazoria County, Texas.

E. CONSIDERATION & POSSIBLE ACTION – Final Plat of Centennial Village Section One, being 13.6610 acres (595,075 s.f.) of land located in the H.T.&B. R.R. Survey, A-240, Brazoria County, Texas.

F. CONSIDERATION & POSSIBLE ACTION – Request by owner, Sowell Property Partners-Walnut Bend, L.P., for a variance from the Subdivision Ordinance that requires a sidewalk to be built along the perimeter streets.

G. DISCUSSION & POSSIBLE ACTION – Cullen Blvd. Land Use Plan.

IV. NEXT MEETING DATES: January 7, 2001 (Regular Meeting)
January 14, 2001 (JPH & Regular Meeting)
January 21, 2001 (JPH & Regular Meeting)

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: 13th DAY OF December, 2001A.D.
REMOVED: 18th DAY OF December, 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 DECEMBER 17, 2001, IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

The Regular P&Z meeting was called to order at 6:37 p.m. 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	Robert Scherrer
P&Z Commissioner	Don Sederdahl
P&Z Commissioner	Russ Selemon
Plan and Plat Administrator	Richard Keller
Executive Director of Community Development	Tobin Maples
P&Z Secretary	Jennifer Gonzales

II. APPROVAL OF MINUTES: December 3, 2001

Commissioner Iocco made a motion to approve the December 3, 2001 minutes with a second made by Commissioner McDonald.

Commissioner Selemon stated that on page 10 the word "Highway" needs to be spelled out correctly, and on page 5, it needs to read "football field length" rather than "football yard length".

Motion to approve passed 6 to 0 (1 abstention by Commissioner Don Sederdahl).

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Silverlake Wal-Mart, A subdivision of 20.56 acres of land in the H.T.&B. R.R. Co. Survey, Section 85, A-304 City of Pearland, Texas.

Plat and Plans Administrator Richard Keller stated that this is the Walmart that is going behind the RaceTrac Gas station that is on West Broadway, and staff recommends approval with the following corrections:

1. They need to add a note regarding the Mutual Access Agreement with RaceTrac.

Planning and Zoning Commission

2. They need to show existing utilities that are located on the other side of FM 518.

Vice-Chairman Glenn made a motion to approve the Preliminary Plat of Silverlake Wal-Mart with staff's corrections, and Commissioner Iocco seconded the motion.

Motion to approve passed 7 to 0.

B. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Village Grove, a subdivision of 90.04 acres of land out of the H.T&B. R.R. Co. Abstract 544, Brazoria County, Texas, being lots 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and the North ½ of lots 34 & 35, in the Allison-Richey Gulf Coast Home Co. Subdivision as recorded in Volume 136, Page 501 of the Brazoria County Deed Records.

Plat and Plans Administrator Richard Keller stated that he originally had 68 comments and there are 22 items that need to be corrected, and of the 22 new corrections 13 of them were previously noted.

Commissioner Iocco made a motion to table the Preliminary Plat of Village Grove with a second made by Commissioner Sederdahl.

Motion to table passed 7 to 0.

C. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Shadow Creek Ranch SF-10, 21.441 acres being out of the T.C.R.R. Co. Survey, Section 82, Abstract 565, Brazoria County, Texas.

Plat and Plans Administrator Richard Keller stated that staff recommends approval as presented.

Vice-Chairman Glenn made a motion to approve the Preliminary Plat of Shadow Creek Ranch SF-10 with a second made by Commissioner McDonald.

Motion to approve passed 7 to 0.

D. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Shadow Creek Ranch SF-14A, 12.317 acres being out of the T.C.R.R. Co. Survey, Section 3, abstract 678, and the T.C.R.R. Co. Survey, Section 4, Abstract 675, Brazoria County, Texas.

Plat and Plans Administrator Richard Keller stated that staff recommends approval as presented.

Commissioner McDonald made a motion to approve the Preliminary Plat of Shadow Creek Ranch SF-14A with a second made by Vice-Chairman Glenn.

Planning and Zoning Commission

Motion to approve passed 7 to 0.

E. CONSIDERATION & POSSIBLE ACTION – Final Plat of Centennial Village Section One, being 13.6610 acres (595,075 s.f.) of land located in the H.T.&B. R.R. Survey, A-240, Brazoria County, Texas.

Plat and Plans Administrator Richard Keller stated that City Engineer Hargrove reviewed this earlier this year and there are numerous corrections that still need to be made, therefore staff is recommending that this plat be tabled.

Commissioner Iocco made a motion to table the Final Plat of Centennial Village Section One with a second made by Commissioner Selemon.

Motion to table passed 7 to 0.

F. CONSIDERATION & POSSIBLE ACTION – Request by owner, Sowell Property Partners-Walnut Bend, L.P., for a variance from the Subdivision Ordinance that requires a sidewalk to be built along the perimeter streets.

Plat and Plans Administrator Richard Keller stated that he met with City Engineer Hargrove and Mr. Hargrove does recommend that this request be granted and Mr. Hargrove stated that it is not practical to build sidewalks due to the ditches, which the City has requested to be built. Mr. Keller stated that in leu of building the sidewalks they would pay \$4.00 a square foot to the City.

Jamie Cornelius, of Sowell Properties, presented a set of photos to the Commission and he explained that he walked the subdivision with Charlie Stubbs looking for a place to put the sidewalks.

Mr. Keller stated that Charles Stubbs is the Chief Engineering Inspector.

Commissioner Scherrer showed concerns that the money that is put into the fund would be gone and used for something else other then this area.

Commissioner Iocco asked if this variance is for the entire subdivision, and Mr. Cornelius explained that this is only for the perimeter streets, which is on the outside of the subdivision.

Commissioner Iocco was concerned that this variance would be applied to the future sections of this subdivision and Mr. Cornelius clarified that the request is only for Section 1.

The Commission agreed that if this request is approved, it would be noted into the record that it is only for Parks at Walnut Bend Section 1.

Planning and Zoning Commission

Chairman Viktorin stated that he remembers another sidewalk variance that was brought forward for some property along the west side of town on FM 518, and now a domino effect has been created and there are no sidewalks along Broadway.

Commissioner Sederdahl asked what the other options are, and Mr. Cornelius explained that from staff's perspective it would be a total loss.

Commissioner Iocco pointed out that the sidewalks would be lower than the road height.

Commissioner Scherrer suggested denying the request and putting the pressure on the developer to build the sidewalks.

Commissioner McDonald asked about the need for both ditches and the swale, and Mr. Cornelius explained to the Commission that Mr. Hargrove has requested both, and Mr. Hargrove requested this after the plat and plans were approved. Mr. Cornelius explained that Mr. Hargrove requested this due to the summer events that occurred.

Chairman Viktorin asked for the record if staff is recommending approval, and Mr. Keller stated that staff does recommend approval.

Commissioner McDonald stated that he is concerned about the kids playing on the street and their safety.

Mr. Cornelius stated that there is no place to put the sidewalks, and Mr. Scherrer argued that on an 86-acre plat, he cannot imagine that it is impossible to develop sidewalks.

Commissioner Iocco pointed out that unlike the subdivision on John Lizer, when the developer was just trying to get out of developing sidewalks, he feels that this developer does have a legitimate reason for not developing the sidewalks. Mr. Iocco added that with the growth of Veterans, he does not believe that Veterans is going to sit "still" for very long.

Chairman Viktorin called for a motion.

Commissioner Sederdahl made a motion to approve the variance request for Parks at Walnut Bend Section 1 with a second made by Commissioner Iocco.

Motion to approve passed 4 to 3.

Voting Record:

Voting "Aye" – Vice-Chairman Glenn, Commissioners Iocco, Selemon, and Sederdahl.

Voting "No" – Chairman Viktorin, Commissioners McDonald and Scherrer.

G. DISCUSSION & POSSIBLE ACTION – Cullen Blvd. Land Use Plan.

Planning and Zoning Commission

Chairman Viktorin briefly went over the Commission's previous discussion items and he stated that he has gathered that the Commission is recommending "General Business" along Cullen Blvd with the exception of Commissioner Iocco, who would like to see Residential along Cullen Blvd.

Commissioner Selemon pointed out that at the last meeting the Commission was also in favor of an architectural and color overlay for Cullen Blvd.

Commissioner McDonald briefly explained what color he thought would be ideal, and Executive Director of Community Development Tobin Maples reminded the Commission to focus on their vision for the land use for Cullen Blvd.

Discussion ensued among the Commission regarding what type of business they would like to see on Cullen, and Mr. Iocco pointed out that the footage depth needs to be symmetrical on both sides of Cullen and the Commission agreed.

The Commission agreed to leave out Industrial zoning.

Commissioner Iocco stated that he could agree to the General Business along Cullen, but he could not agree to the big red section along the future McHard Road extension.

Commissioner Scherrer suggested having two different proposals of the different scenarios and having the Commission vote on them. Both plans consisted of General Business along Cullen Blvd, however Plan A would be for only having General Business along Cullen Blvd, and Plan B would be for General Business along Cullen Blvd and the future McHard Road.

The Commission voted 7 to 0 for Plan B.

Commissioner Scherrer made a recommendation for staff to have the new maps drawn up, which will consist of plan B discussed previously, and have the maps forwarded to City Council for approval and Commissioner Sederdahl seconded the motion.

Motion to approve passed 7 to 0.

Commissioner Iocco made a recommendation to have an architectural and color overlay along Cullen Blvd, and Commissioner McDonald seconded the motion.

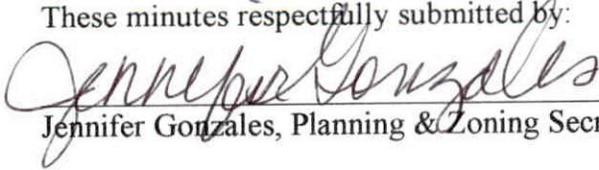
Motion to approve passed 7 to 0.

IV. NEXT MEETING DATES: **January 7, 2002 (Regular Meeting)**
 January 14, 2002 (JPH & Regular Meeting)
 January 21, 2002 (JPH & Regular Meeting)

V. ADJOURNMENT

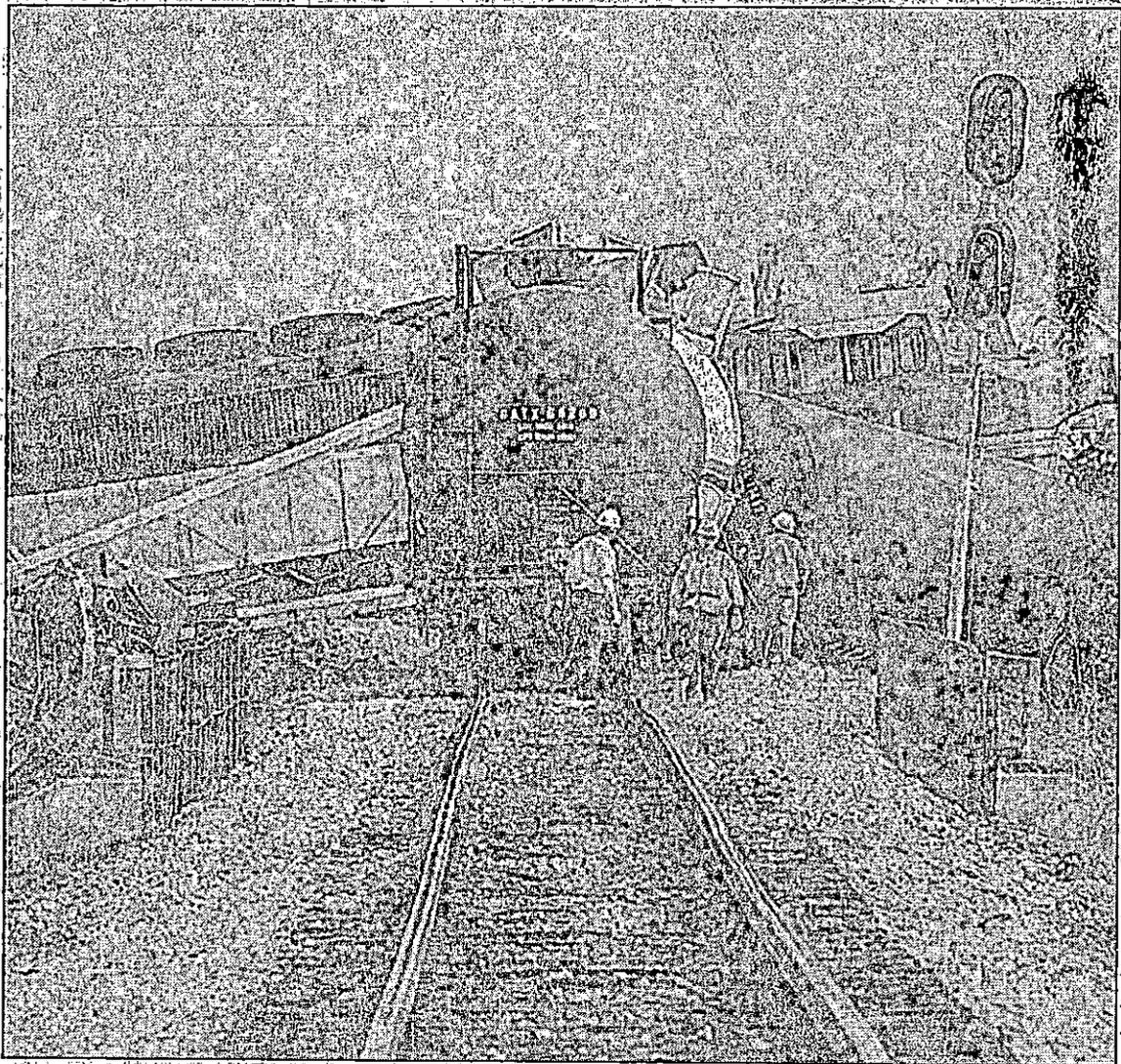
The meeting adjourned at 8:25 p.m.

These minutes respectfully submitted by:


Jennifer Gonzales, Planning & Zoning Secretary

Minutes approved as submitted and/or corrected on this 4 day of JAN, 2002.


Charles Viktorin, Planning & Zoning Chairman



Carlos Antonio Ríos / Chronicle

Seventeen cars derailed in a low-speed, freight train collision Thursday at a switching station in Brazoria County. The engineer and conductor on one train were treated for cuts and bruises.

Train collision in morning fog causes 17-car freight derailment

By **STEVE OLAFSON**
Houston Chronicle

SWEENEY — Heavy fog may have been a factor in a collision that derailed 17 cars on two freight trains Thursday in Brazoria County, authorities said.

The engineer and conductor on one train were treated for cuts and bruises, but no one was injured seriously in the low-speed collision at a switching station near Texas 332, about two miles west of Sweeny, state Department of Public Safety troopers said.

The accident occurred about

6:45 a.m. as a northbound Union Pacific train was exiting the main track onto a sidetrack to let a southbound Burlington Northern Santa Fe train pass, railroad officials said.

Heavy fog may have caused an engineer to miss the red light at the sidetrack juncture, said DPS Sgt. Randy Jones.

"You couldn't see 20 feet," he said.

Four locomotives and five grain cars on the BNSF train and eight cars on the Union Pacific train derailed.

About 2,500 gallons of diesel fuel was spilled into a ditch, but

no other hazardous material from either train was lost, said Donald Smith, chief of Sweeny Fire and Rescue.

"It's a big mess," Smith said. "The ground's soft around the tracks. So it's a big cleanup."

The derailed Union Pacific cars included seven empty tank cars and a hopper car filled with plastic pellets, said company spokesman Mark Davis.

The railroad tracks should be clear for traffic by 10 a.m. today, he said.

The BNSF train was carrying grain to Laredo.

Derailment causes a 'big mess'



Associated Press

About 2,500 gallons of diesel fuel spilled early Thursday when a Union Pacific train collided with a Burlington

Northern Santa Fe train near Sweeny. Fog may have played a part in the accident. **Page 43A.**

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V. ADJOURNMENT

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12/17/01
P+Z mtg.

Melissa D

**MEMBERS OF THE PLANNING & ZONING COMMISSION
(3 YEAR TERM)
(2 TERMS ALLOWED)
as of 09/20/01**

yes
to
renew

MEMBER

TERM EXPIRES

PHONE #'S

H. CHARLES VIKTORIN, Chairman
2905 Smith Road
Pearland, TX 77584

November, 2002

Home: 281-485-4111
Mobile: 281-413-1844
Work: 281-997-3438
Fax: 281-997-3728

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Pearland, TX 77581

March, 2002

Home: 281-996-1809
Office: 713-892-0340
Fax: 713-892-0380

TODD IOCCO
3510 Shadycrest
Pearland, TX 77581

March, 2002

Office: 281-997-3747
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KEVIN A. MCDONALD
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Pearland, TX 77581

September, 2004

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Work: 281-992-1693

ROBERT SCHERRER
5315 Colonial Drive
Pearland, TX 77584

April, 2004

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Fax: 713-529-8161

DON W. SEDERDAHL
3418 Shady Crest
Pearland, TX 77581

September, 2004

Office: 713-942-7575
Work: 281-412-0091

RUSS SELEMON
2312 John
Pearland, TX 77581

November, 2002

Office: 409-766-6445
Home: 281-996-9785
Fax: 409-766-6541

yes

✓

Sowell Property Partners-Walnut Bend, L.P.

1601 Elm Street
Suite 300, Thanksgiving Tower
Dallas, Texas 75201
(214) 871-3320
FAX (214) 871-1620
e-mail: sowell@sowellco.com

JAMES S. CORNELIUS
Vice President
jcornelius@sowellco.com

December 12, 2001

Planning and Zoning Commission
c/o Jennifer Gonzalez
City of Pearland
3519 Liberty Dr.
Pearland, TX 77581

Re: Variance Request – Parks at Walnut Bend

Dear Planning and Zoning Commissioners:

Attached is a copy of the plat for our project Parks at Walnut Bend. One of the requirements of the platting process is that sidewalks are to be built along the perimeter streets with the development of the project. When the plat was originally submitted, everyone felt this could be done.

As we near the completion of development construction, it has become obvious that there is not a location for the sidewalk that is safe, useful, and not a complete throw away. After meeting on site with Pearland's inspector, Mr. Charles Stubbs, he recommended that we approach you for a variance. The attached plat indicates the conflicts which are:

- *Along Walnut Street* – there is a roadside ditch adjacent to Walnut Street that does not provide an area for the sidewalk to be built near the existing pavement.
- *Adjacent to the Project south of Walnut Street* – There is a swale varying in depth from 2 to 4 feet adjoining the north boundary of the lots, preventing the sidewalk from being located here, it's ultimate location when Walnut Street is improved.
- *Along Veterans* – there is a roadside ditch along Veterans that extends from Mary's Creek north to the area indicated. There is not a safe area to install the sidewalk between the pavement and the ditch.
- *Adjacent to the Project, west of Veterans* – From Brazos Bend Drive, that connects to Veterans, to the swale is the only location where the sidewalks could be built in its future location. However, the work required for the improvement of Veterans will most likely destroy any sidewalk built in this location.

The specific variance that is being requested is that we are not required to build these sidewalks, but must pay the cost to the city in the amount of \$4/square foot which is a total of \$31,360.

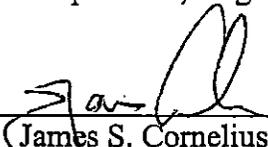
As a point of clarification, I want to tell you that this request does not apply to any sidewalks within the subdivisions where the streets are in the ultimate paving with width curbs.

Thank you for your consideration of this request.

Sincerely,

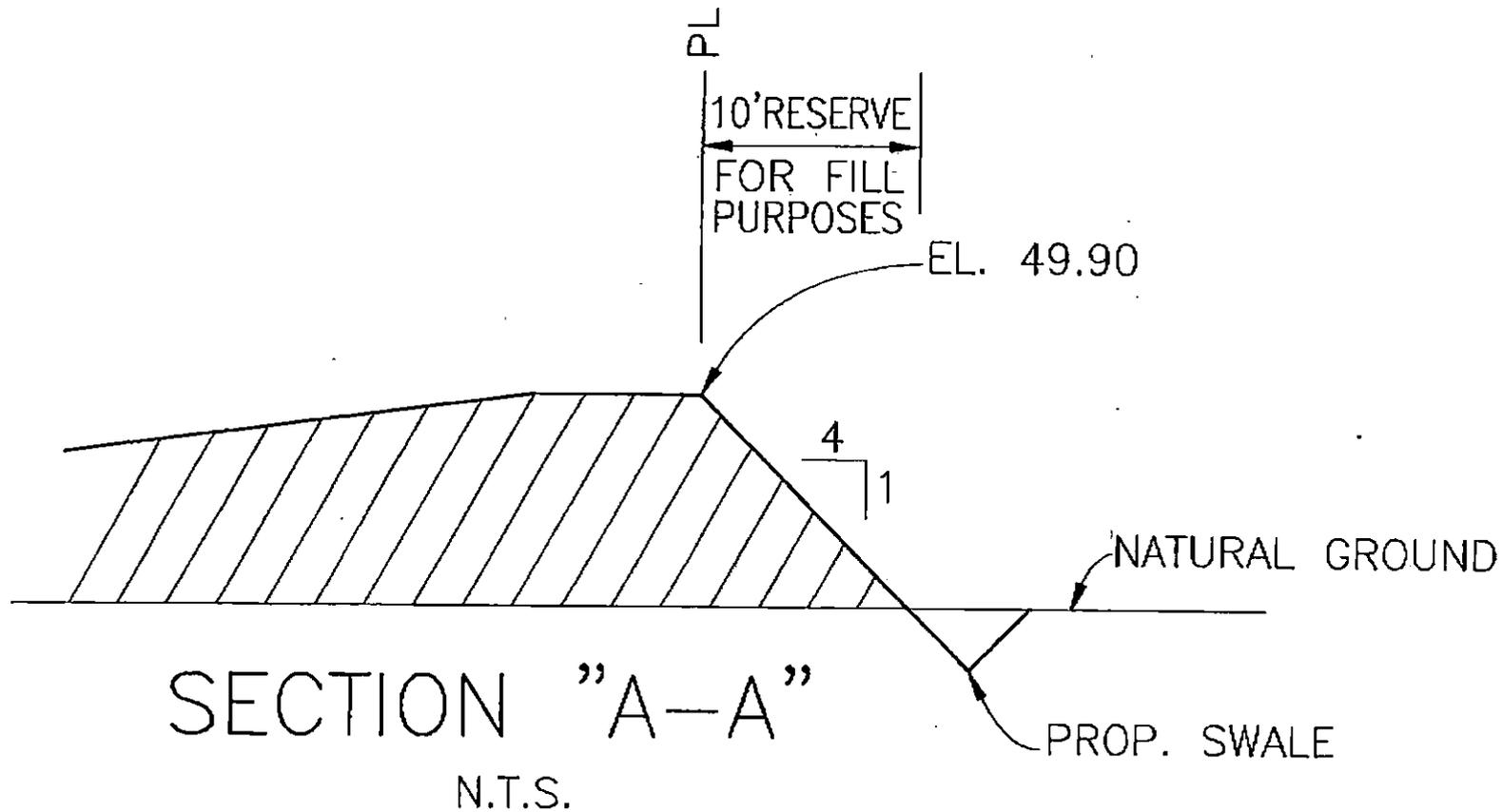
SOWELL PROPERTY PARTNERS-WALNUT BEND, L.P.,
a Texas limited partnership

By: Sowell Property Company-Walnut Bend, Inc.,
a Texas corporation, its general partner

By: 
James S. Cornelius
Vice President

JSC/ps

Enclosure(s)



PARKS AT WALNUT BEND

PERIMETER SWALE



since 1966
12121 Wickchester Lane - Suite 200
Houston, Texas 77079
DATE: DECEMBER 12, 2001 SCALE: N.T.S.

9. BEARINGS ARE BASED ON THE PLAT OF WILLOWICK RECORDED IN VOLUME 16, PAGE 99, OF THE BRAZORIA COUNTY PLAT RECORDS.

10. ALL EASEMENTS SHOWN HEREON AS "UTILITY EASEMENTS" OR "U.E." SHALL BE FOR THE CITY OF PEARLAND FOR WATER AND SANITARY SEWER PURPOSES, RELIANT ENERGY FOR ELECTRICAL SERVICE AND NATURAL GAS SERVICE, CABLE T.V., AND TELEPHONE.

11. THERE ARE 28 STREET LIGHTS INDICATED ON THIS PLAT.

12. NO SIDE LOT DRIVEWAYS ARE ALLOWED, ON CORNER LOTS.

13. NO DRIVEWAY ACCESS IS ALLOWED TO WALNUT STREET OR VETERANS DRIVE.

14. 4' SIDEWALKS ARE REQUIRED ON WALNUT STREET AND VETERANS DRIVE.

AMENDING PLAT

PARKS AT WALNUT BEND SECTION ONE

OCTOBER 2001

BEING A SUBDIVISION CONTAINING
85.7470 ACRES LOCATED IN THE
H.T.&B.R.R. SURVEY, A-239
CITY OF PEARLAND
BRAZORIA COUNTY, TEXAS

133 LOTS 3 BLOCKS 6 RESERVES (46.4885 Ac.)

OWNER:
SOWELL PROPERTY PARTNERS-
WALNUT BEND L.P.

1601 ELM STREET
THIRD FLOOR, THANKSGIVING TOWER
DALLAS, TEXAS 75201
(214) 871-3320
FAX: (214) 871-1620
JAMES S. CORNELIUS

HANNOVER ESTATES, LTD.

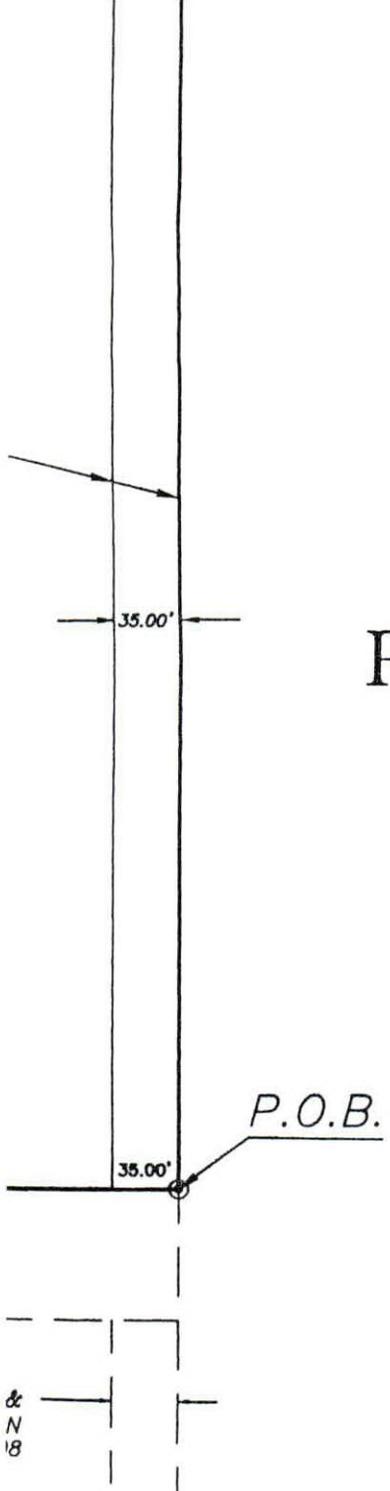
7605 WOODWAY
HOUSTON, TEXAS 77056



1788 W. SAN HOUSTON PKWY. N.
HOUSTON, TX 77043
PHONE: 713.413.1900
FAX: 713.413.1944

SHEET 1 OF 11

Parks @ Walnut Bend



ENGINEER:
c.g.miller
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SINCE 1966
200 - houston, texas 77079
461-9600
c.g., P.E.