

**MINUTES OF A JOINT SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, JUNE 18, 2018, AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

Mayor Reid called the meeting to order 7:49 p.m. with the following present:

Mayor	Tom Reid	P&Z Commissioner Mary Starr
Mayor Pro-Tem	Derrick Reed	P&Z Commissioner Thomas Duncan
Councilmember	Tony Carbone	P&Z Commissioner Troy Pradia
Councilmember	Gary Moore	P&Z Commissioner Lani Cade
Councilmember	Keith Ordeneaux	P&Z Commissioner Darrell Isenberg
Councilmember	J. David Little	P&Z Commissioner Daniel Tunstall
Councilmember	Trent Perez	
Councilmember	Woody Owens	
City Manager	Clay Pearson	
City Attorney	Darrin Coker	
City Secretary	Young Lorfing	

**Others in attendance:** Jon Branson Deputy City Manager; Samin Bazargan Planner I; Trent Epperson Assistant City Manager; Martin Griggs Senior Planner; Jimontanae McBride City Planner; Lawrence Provins Deputy City Attorney; John McDonald Director of Community Development; Vince Husted Planner II; Matthew Brown Associate Engineer.

**JOINT SPECIAL MEETING NO. 1**

**Conditional Use Permit Application No. CUP 18-00012**

A request of Sean Rives, applicant, on behalf of Dennis J. Hayden, owner; for approval of a Conditional Use Permit (CUP) to allow for expansion of nonconformities and office use located in the Light Industrial (M-1) zoning district; on approximately 26.754 acres of land.

**Legal Description:**

A tract containing 26.754 acres of land, more or less, out of Tracts 6 and 15, Section No. 5, H. T. & B. R.R. Co. Survey, Abstract No. 237, Brazoria County, Texas as recorded in Volume 28, Page 6 of the Deed Records of Brazoria County, Texas.

**General Location:**

13600 Hatfield Road, Pearland, TX.

**APPLICATION INFORMATION AND CASE SUMMARY**

**STAFF REPORT:** Senior Planner Martin Griggs reported on the requested Conditional Use Permit for expansion of nonconformities and office use located in the Light Industrial (M-1) zoning district; on approximately 26.754 acres of land.

**APPLICANT PRESENTATION:**

Applicant Dennis Hayden reported on the Conditional Use Permit stating he has a company interested in the lot and he would like to build office spaces to accommodate this purchase.

## **PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST:**

Adam Martinez 1901 Plum Falls Lane spoke in opposition of the proposed CUP Application.

## **PLANNING COMMISSION/COUNCIL/STAFF DISCUSSION**

Commissioner Duncan has no issues and questions how a neighborhood was put so close to Industrial land.

Chairperson Tunstall spoke and has no issues with expansion.

Councilmember Carbone stated more office space will create distance from the residential homes and new zoning will qualify as being a higher use.

Councilmember Ordeneaux states he will vote in favor due to Industrial zoning in that area was done prior to Residential.

Councilmember Little states he has no opposition and is in favor.

Councilmember Perez is in favor of the Permit but has concern with traffic through the neighborhood.

Rajendra Shrestha Assistant Director of Engineering states staff is working with Houston to obtain traffic volumes for Hatfield Road and Mykawa.

Councilmember Owens has no issues with the Permit request.

## **CITY COUNCIL NEW BUSINESS:**

**Council Action Resolution No. R2018- CUP18-00012** – A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow for expansion of nonconformities and office use located in the Light Industrial (M-1) zoning district, A tract containing 26.754 acres of land, more or less, out of Tracts 6 and 15, Section No. 5, H. T. & B. R.R. Co. Survey, Abstract No. 237, Brazoria County, Texas as recorded in Volume 28, Page 6 of the Deed Records of Brazoria County, Texas. (Located at 13600 Hatfield Road, Pearland, TX.) Conditional Use Permit Application No CUP18-00012, within the Light Industrial (M-1) zoning district, at the request of Sean Rives, applicant, on behalf of Dennis J. Hayden, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

Councilmember Ordeneaux made the motion, seconded by Councilmember Moore to approve Resolution R2018-CUP18-00012.

Voting "Aye" Councilmembers Carbone, Moore, Reed, Ordeneaux, Little, Perez and Owens.

Voting "No" None.

Motion Passed 7 to 0.

**JOINT SPECIAL MEETING NO. 2**

**Conditional Use Permit Application No. CUP 18-00011**

A request of Wendell L. Blackburn, applicant, on behalf of Gulshan Hirani, owner; for approval of a Conditional Use Permit (CUP) to allow for locksmith/key shop located in the Old Townsite General Business (OT-GB) zoning district; on approximately 0.3099 acres of land.

**Legal Description:**

Lots twenty (20), twenty-one (21), twenty-two (22), and twenty-three (23), block 35, Pearland Townsite, and addition in Brazoria County, Texas, according to the map or plat thereof, recorded in Volume 29, Page 41 of the Deed Records of Brazoria County, Texas.

**General Location:**

4415 Broadway Street Suite #C, Pearland, TX.

**APPLICATION INFORMATION AND CASE SUMMARY**

**STAFF REPORT:** Planning Technician Samin Bazargan reported on the requested Conditional Use Permit to allow for locksmith/key shop located in the Old Townsite General Business (OT-GB) zoning district; on approximately 0.3099 acres of land.

**APPLICANT PRESENTATION:**

Applicant Wendell L. Blackburn reported on the Conditional Use Permit stating he would like to use the space to open up a business making keys and performing locksmith services.

**PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST:** None

**PLANNING COMMISSION/COUNCIL/STAFF DISCUSSION**

Commissioner Duncan states he would like to know why the owner is being asked to remove the fuel islands.

Chairperson Tunstall shares his issues with requiring the owner to remove the fuel islands.

Councilmember Owens questioned whether the proposed services would expand to going out to homes to help people locked out or to unlock vehicles.

Applicant Wendell L. Blackburn advised he would plan to do those services also.

Councilmember Perez verified the square footage of the business and felt the request to remove the pumps was appropriate.

Councilmember Ordeneaux states he does not agree with requiring the fuel pumps be removed from the fuel islands.

Senior Planner Martin Griggs states the CUP requires the pumps to be removed to elevate the site.

**NEW BUSINESS:**

**Council Action Resolution No.R2018- CUP18-00011** - A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow for locksmith/key shop located in the Old Townsite General Business (OT-GB) zoning district, Lots twenty (20), twenty-one (21), twenty-two (22), and twenty-three (23), block 35, Pearland Townsite, and addition in Brazoria County, Texas, according to the map or plat thereof, recorded in Volume 29, Page 41 of the Deed Records of Brazoria County, Texas. (Located at 4415 Broadway Street #C, Pearland, TX.) Conditional Use Permit Application No CUP18-00011, within the Old Townsite General Business (OT-GB) zoning district, at the request of Wendell L. Blackburn, applicant, on behalf of Gulshan Hirani, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

Councilmember Little made the motion, seconded by Councilmember Moore to approve Resolution R2018-CUP18-00011 as amended.

Councilmember Ordeneaux made the motion, seconded by Councilmember Moore to amend Resolution R2018-CUP18-00011 to amend the permit to not require the applicant to remove the fuel pumps.

Mayor Tom Reid called for the vote on the amended motion.

Voting "Aye" Carbone, Moore, Reed, Ordeneaux, Little and Owens.

Voting "No" Councilmember Perez.

Motion passed 6 to 1.

Mayor Reid called for the vote on the original motion.

Voting "Aye" Carbone, Moore, Reed, Ordeneaux, Little, Perez and Owens.

Voting "No" None.

Motion passed 7 to 0

**JOINT SPECIAL MEETING NO. 3**

**Conditional Use Permit Application No. CUP 18-00013**

A request of Cain Group represented by Chris Holley, applicant, on behalf of Lifepointe Fellowship represented by Cecil K. Whitton, owner; for approval of a Conditional Use Permit (CUP) to allow for expansion of nonconformities and church use located in the Single-Family Residential-1 (R-1) zoning district; on approximately 4.793 acres of land.

**Legal Description:**

A 4.793 acre tract in the W.D.C. Hall League, Abstract No. 70, Brazoria County, Texas. Said 4.793 acre tract is in Tract 1 of the Yost Partition Plat as recorded in Volume 6, Page 142 in the Brazoria County Plat Records and is further described as being a part of a 5.103 acre tract described in a deed to Bethany Assembly of God as recorded in Volume 1158, Page 625 in the Brazoria County Deed Records.

**General Location:**

3011 Yost Boulevard, Pearland, TX.

**STAFF REPORT:** Senior Planner Martin Griggs reported on the requested Conditional Use Permit for approval of a Conditional Use Permit (CUP) to allow for expansion of nonconformities and church use located in the Single-Family Residential-1 (R-1) zoning district; on approximately 4.793 acres of land.

**APPLICANT PRESENTATION:** Applicant Cecil Whitton, 3514 Pinechase, reported on the requested Conditional Use Permit. Mr. Whitton states his church has experienced growth and would like to connect existing buildings and expand the area for children.

**PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST:** None

**PLANNING COMMISSION/COUNCIL/STAFF DISCUSSION**

Commissioner Isenberg expressed concern about bright lights in residential homes.

Commissioner Cade also expressed concern about lighting and requested verification from Cecil Whitton that it would not be an issue.

Councilmember Ordeneaux states he would like to clarify that the church is wanting to expand on the existing asphalt parking lot.

Councilmember Moore verified flooding displacement on the new parking lot.

**NEW BUSINESS**

**Council Action - Resolution No. R2018-CUP18-00013** - A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow for expansion of nonconformities and a church use located in the Single-Family Residential (R-1) zoning district, A 4.793 acre tract in the W.D.C. Hall League, Abstract No. 70, Brazoria County, Texas. Said 4.793 acre tract is in Tract 1 of the Yost Partition Plat as recorded in Volume 6, Page 142 in the Brazoria County Plat Records and is further described as being a part of a 5.103 acre tract described in a deed to Bethany Assembly of God as recorded in Volume 1158, Page 625 in the Brazoria County Deed Records. (Located at 3011 Yost Boulevard, Pearland, TX.) Conditional Use Permit Application No CUP18-00013, within the Single-Family Residential (R-1) zoning district, at the request of Cain Group represented by Chris Holley, applicant, on behalf of Lifepointe Fellowship represented by Cecil K. Whitton, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

Councilmember Perez made the motion, seconded by Councilmember Moore to approve Resolution R2018-CUP18-00013.

Voting "Aye" Carbone, Moore, Reed, Ordeneaux, Little, Perez and Owens..

Voting "No" None.

Motion passed 7 to 0.

**JOINT SPECIAL MEETING NO. 4**

**Conditional Use Permit Application No. CUP 18-00007**

A request of LED Design Builders represented by Ammar Jaber, applicant, on behalf of Jilovani Rodham, owner; for approval of a Conditional Use Permit (CUP) to allow for auto repair (minor) located in the General Business (GB) zoning district; on approximately 1.0526 acres of land.

**Legal Description:**

A tract of land containing 1.0526 acre, more or less, being the east 10.00 feet of Lot 7, & the west 70.00 feet of Lot 6 of the partition of the Mahanay Landes, H.T. & B. Survey, Section 15, Abstract 241, Brazoria County, Texas.

**General Location:**

6834 Broadway Street, Pearland, TX.

**APPLICATION INFORMATION AND CASE SUMMARY**

**STAFF REPORT:** Planning Technician Samin Bazargan reported on the requested Conditional Use Permit to allow for auto repair (minor) located in the General Business (GB) zoning district; on approximately 1.0526 acres of land.

**APPLICANT PRESENTATION:**

Applicant Jason Hendricks reported on the Conditional Use Permit on behalf of the business owner. The business owner would like to build a general automotive repair business.

**PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST:** None

**PLANNING COMMISSION/COUNCIL/STAFF DISCUSSION**

**PLANNING AND ZONING COMMISSION:** No comments

Councilmember Perez stated he has no issues and asked for clarification on how conveyance will be routed without disturbing residential property.

**STAFF WRAP UP:** None

**CITY COUNCIL NEW BUSINESS**

**Council Action - Resolution No. R2018- CUP18-00007-** A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow for auto repair (minor) located in the General Business (GB) zoning district, A tract of land containing 1.0526 acre, more or less, being the east 10.00 feet of Lot 7, & the west 70.00 feet of Lot 6 of the partition of the Mahanay Landes, H.T. & B. Survey, Section 15, Abstract 241, Brazoria County, Texas. (Located at 6834 Broadway Street, Pearland, TX.) Conditional Use Permit Application No CUP18-00007, within the General Business (GB) zoning district, at the request of LED Design Builders represented by Ammar Jaber, applicant, on behalf of Jilovani Rodham, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

Councilmember Owens made the motion, seconded by Councilmember Moore to approve Resolution R2018-CUP18-00007.

Voting "Aye" Carbone, Moore, Reed, Ordeneaux, Little, Perez and Owens.

Voting "No" None.

Motion passed 7 to 0.

#### **ADJOURNMENT**

Meeting was adjourned at 8:42 p.m.

Minutes approved as submitted and/or corrected this the \_\_\_\_ day of \_\_\_\_, A.D., 2018

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Tom Reid  
Mayor

ATTEST:

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Young Lorfing, TRMC  
City Secretary