

**MINUTES OF THE JOINT PUBLIC HEARING FOR THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION, CITY OF PEARLAND, TEXAS, HELD ON MONDAY JUNE 18, 2018 AT 6:30 P.M., IN COUNCIL CHAMBERS, PEARLAND CITY HALL, 3519 LIBERTY DR.**

**CALL TO ORDER**

Mayor Tom Reid opened a series of public hearings at 6:32 p.m.

The following were present:

- |                                |                                    |
|--------------------------------|------------------------------------|
| Mayor Tom Reid                 |                                    |
| Council Member Tony Carbone    | P&Z Chairperson Daniel Tunstall    |
| Council Member Derrick Reed    | P&Z Vice-Chairperson Thomas Duncan |
| Council Member David Little    | P&Z Commissioner Layni Cade        |
| Council Member Trent Perez     | P&Z Commissioner Derrell Isenberg  |
| Council Member Keith Ordeneaux | P&Z Commissioner Mary Starr        |
| Council Member Woody Owens     | P&Z Commissioner Troy Pradia       |
| Councilmember Gary Moore       |                                    |

Also present were Deputy City Attorney Lawrence Provins, Assistant City Manager Trent Epperson, Deputy City Manager Jon Epperson, Planning Manager Martin Griggs, Associate Engineer Matt Brown and Executive Assistant Judy Brown

Planning Manager Martin Griggs read the order of agenda and the format of the meeting.

**CALL TO ORDER**

Mayor Tom Reid opened the public hearing for Zone Change Application No. Zone 18-0006 at 6:36 p.m.

P&Z Chairperson Daniel Tunstall read into the record the Zone Change Application No. Zone 18-00006

**PURPOSE OF HEARING**

**Zone Change Application No. ZONE 18-00006**

A request of Alan Mueller, applicant, on behalf of Louis E Lentz III, Mary Beth Porter, Barbara Brogen, Billy Long, and Brian Long, owners; for approval of a change in the zoning classification from the General Commercial (GC) and Office & Professional (OP) zoning districts to Single-Family Residential-3 (R-3) zoning district; on approximately 25.0 acres of land.

**Legal Description:** Tract 1: 10.0 acres, Tract 61, Section 9, HT&BRR Company Survey, Abstract 234, Brazoria County, Texas, according to the recorded map or plat thereof in Volume 2, Page 23, of the Plat Records of Brazoria County, Texas.

Tract 2: 10.0 acres, Tract 62, Section 9, HT&BRR Company Survey, Abstract 234, Brazoria County, Texas, according to the recorded map or plat thereof in Volume 2, Page 23, of the Plat Records of Brazoria County, Texas.

Tract 3: 5.0 acres, south 1/2 of Tract 60, Section 9, HT&BRR Company Survey, Abstract 234, Brazoria County, Texas, according to the recorded map or plat There of in Volume 2, Page 23, of the Plat Records of Brazoria County, Texas. Being 10.0032 acres of land, more or less, being Lot 24 of the George W. Jenkins Subdivision in the W.D.C. Hall League, Abstract Number 70, Brazoria County Texas.

**General Location:** North of the intersection of Roy Road and Broadway Street, on the west side of Roy Road, immediately north of 2614 Roy Road, Pearland TX.

## **APPLICATION INFORMATION AND CASE SUMMARY**

Planning Manager Martin Griggs presented the Staff report with exhibits and informed that Staff does not recommend approval of the requested change in zoning from OP and GC to R-3 on the approximately 25.0 acre site for the following reasons:

1. The proposed change in zoning is not in conformance with the Comprehensive Plan or the Future Land Use Plan.
  - The FLUP indicates that the property is for Business Commercial development which is in conformance with the current zoning designation.
2. The proposed use of the property for a residential subdivision is not appropriate to the existing development surrounding area of land to be reclassified.
  - Rezoning the subject property would disrupt the potential for a large format commercial development to be developed on the 20 acre parcel.
3. The proposed change in zoning is not in conformance with existing public services and utilities.
  - The intersection of Roy Road and Broadway Street is not a signalized intersection.
  - A public sanitary sewer line would need to be installed for the development of this property.

Applicant representative, Paul Grohman, 420 Broadway, Pear. TX 77581 explained that he felt this request was the highest and best use for the property and was available for questions and comments.

No Staff wrap up

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

None present

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

Councilmember Tony Carbone commented on a phone call received regarding the traffic impact and asked if a TIA would be needed for this zone change and if Staff foresee a need for a traffic light. Associate Engineer Matt Brown explained that the applicant would present a projected turning movements to determine if a TIA would be needed. Councilmember Gary Moore asked when Roy Rd. be widened. Assistant City Manager

Trent Epperson informed it would be a long way out for the street to be widened. Mr. Moore asked Mr. Grohman how many homes would be built, Mr. Grohman informed there would be eighty homes at average of \$343 K a home. Mr. Moore asked if there would be an impact to the waste water treatment plant. Mr. Epperson informed that he would have to look at it but doesn't expect a huge impact. Councilmember Gary Moore asked how this would affect Police and Fire Staff. Deputy City Manager Jon Branson informed that he would have to look at it. Councilmember David Little had concerns with the traffic entering and exiting the subdivision. Councilmember Trent Perez was not in favor of the zone change but may be if it was a larger area. Mr. Perez feels there are infrastructure issues. Councilmember Woody Owens is in favor of the zone change because he feels eighty homes would not make a too much of a traffic impact and it would be hard to develop in that area any other way. Mr. Perez asked if the homes would be septic. Mr. Grohman informed the homes would not have septic. Mr. Perez commented that it would be a good idea to rezone the surrounding area and he feels the bulk of traffic would be going and coming from work.

P&Z Vice-Chair Thomas Duncan commented that most traffic would head towards Broadway (518) with less than fifty cars an hour and would make a huge traffic impact. Mr. Duncan was not in favor of a traffic signal in that location and not in favor of the zone change due to it may be spot zoning. P&Z Commissioner Mary Starr feels the Comp. Plan needs to be updated and it should start with residential in that area. Mrs. Starr was in favor of the zone change. P&Z Chairperson Daniel Tunstall agrees with the Staff recommendations not to approve.

## **ADJOURNMENT**

Mayor Tom Reid adjourned the public hearing for Zone Change Application No. Zone 18-00006 at 6:57 p.m.

## **CALL TO ORDER**

Mayor Tom Reid opened the public hearing for Zone Change Application No. Zone 18-00007 at 6:58 p.m.

P&Z Chairperson Daniel Tunstall read into the record the Zone Change Application No. Zone 18-00007

## **PURPOSE OF HEARING**

### **Zone Change Application No. ZONE 18-00007**

A request of Leon A. Dudley, applicant and owner; for approval of a change in the zoning classification from the Single-Family Residential-1 (R-1) zoning district to Office & Professional (OP) zoning district; on approximately 1.0000 acres of land.

**Legal Description:** Tract 1: A 0.6653 acre tract of land called Lot 1 out of 5.3 acres conveyed by deed from M.N. McGalthery and wife, to L.M. McGalthery, recorded in Volume 661, Page 628, Deed Records of Brazoria County, Texas, said 5.3 acre tract being out of a 27.09 acre tract, being part of Dagg 34 acre tract, in W.D.C. Hall League, Abstract 70, in Brazoria County, Texas which lies North of the centerline of F.M. Road No.

518. Tract 2: A 0.6656 acre tract of land called Lot 2 out of 5.3 acres conveyed by deed from M.N. McGalthery and wife, to L.M. McGalthery, recorded in Volume 661, Page 628, Deed Records of Brazoria County, Texas, said 5.3 acre tract being in W.D.C. Hall League, Abstract 70, in Brazoria County, Texas which lies North of the centerline of F.M. Road No. 518.

**General Location:** 3224 Patricia Lane, Pearland TX.

## **APPLICATION INFORMATION AND CASE SUMMARY**

Planning Manager Martin Griggs gave a presentation with exhibits. Mr. Griggs informed that three calls and twenty seven comment forms were received all opposed to the zone change. Staff recommends approval of a change in the zoning classification from the Single-Family Residential (R-1) zoning district to Office & Professional (OP) zoning district:

1. The proposed change in zoning is in conformance with the Comprehensive Plan and the Future Land Use Plan.
  - The OP zoning classification is the least intense and most restricted commercial zoning classification and is the only recommended zoning district for the "Office" Future Land Use Plan designation.
2. The proposed uses within the OP district are limited, many requiring a CUP, which would provide appropriate levels of development and review for adjacent residential properties.
3. The proposed change in zoning will not have significant impact on streets, water, sanitary sewer, or other public utilities. There would likely be increased stacking on Patricia Lane with the additional commercial traffic coming in and out of the proposed development.
  - A driveway would not be available on Broadway without an engineering variance as the minimum separation distance is 350'.

Property Owner, Leon Dudley, 3224 Patricia Ln. Pear. TX 77581 gave a brief description and was available for questions and comments.

No Staff wrap up

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

1. Al Stryk, 3208 Patricia Pear. TX 77581, opposed due to concerns with noise and traffic impact the change would bring. Heavy traffic on Broadway (518) is already heavy.
2. Joe James, 3220 Regal Oaks Pear. TX 77581, opposed due to concerns with re-zoning on Patricia Ln. would create re-zoning on Regal Oaks and the entrance would be made from Patricia Ln. and not Broadway (518).
3. Michael Hopper, 3210 Patricia Pear. TX 77581, opposed due to concerns with noise and heavy traffic.
4. Dan Mendes, 3219 Patricia Pear. TX 77581, opposed due to concerns with safety and crime.
5. Herma Tafelski, 3203 Patricia Pear. TX 77581 opposed

6. Randy Beaman, 3201 Patricia Pear. TX 77581 opposed due to impact on already heavy traffic, not an urgent need for retail in that area, change would only benefit the property owner and did not feel the notification sign was posted in a timely manner.
7. Susie Simolski, 3206 Patricia Pear. TX 77581, opposed due to concerns with the street presently being asphalt with no curbs or sidewalks. Her concerns included the drainage impact on the street.

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

Councilmember David Little was not in favor of the zone change. Councilmember Derrick Reed had comments regarding the sign notice. Councilmember Gary Moore requested clarification on what OP zoning would allow. Mr. Griggs explained that OP zoning was a most restricted zone which allows commercial offices. Mr. Moore commented that if he was to be in favor of the zone change, a variance would be required for a driveway to be placed on Broadway (518). Councilmember Tony Carbone asked if TxDot controlled street access. Assistant City Manager Trent Epperson replied yes and the city could make a request. Mr. Perez made a comment about the item was not a CUP so you would not be able to put a contingency on the zone change. A discussion ensued in regards to requesting TxDot to install a driveway. Mr. Reed asked if the applicant returned with a CUP request to offer the house as a law office for example, could the city request TxDot to have access to Broadway. Mr. Griggs explained that if the property was zoned OP a CUP could not be granted. Councilmember David little asked what was the large building across the street from the said property, the audience in attendance replied the building was a large garage.

P&Z Commissioners Mary Starr, Layni Cade and Derrell Isenberg were opposed to the zone change. P&Z Commissioner Troy Pradia commented on the impact of thirty four concerned citizens in attendance at the meeting and was also not in favor of the zone change.

## **ADJOURNMENT**

Mayor Tom Reid adjourned the public hearing for Zone Change Application No. Zone 18-00007 at 7:41 p.m.

These minutes are respectfully submitted by:

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Alma Gonzales, Office Assistant

Minutes approved as submitted on this 19th day of March 2018 A.D.

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Mayor Tom Reid