

**MINUTES OF THE JOINT PUBLIC HEARING FOR THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION, CITY OF PEARLAND, TEXAS, HELD ON MONDAY AUGUST 06, 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 6:30 p.m.

The following were present:

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|---------------------------------|-----------------------------------|
| Mayor Tom Reid                  | P&Z Chairperson Daniel Tunstall   |
| Council Member Tony Carbone     | P&Z Commissioner Troy Pradia      |
| Council Member Trent Perez      | P&Z Commissioner Mary Starr       |
| Council Member Adrian Hernandez | P&Z Commissioner Layni Cade       |
| Council Member Gary Moore       | P&Z Commissioner Derrell Isenberg |
| Council Member David Little     | P&Z Commissioner Ronald Wicker    |

Also present were Deputy City Attorney Lawrence Provins, Director of Community Development John McDonald, Planning Manager Martin Griggs, Planner Vince Husted, Planner Mohamed Bireima, Assistant City Engineer Ryan McKinnis, Associate Engineer Matt Brown and Office Assistant Alma Gonzales.

**CALL TO ORDER**

Mayor Tom Reid opened the public hearing for Zone Change Application No. Zone 18-00011 at 6:36 p.m.

P&Z Chairperson Daniel Tunstall read into the record the Zone Change Application No. Zone 18-00011

**PURPOSE OF HEARING**

**Zone Change Application No. ZONE 18-00011**

A request of Hitesh Patel, applicant and owner; for approval of a change in the zoning classification from Suburban Residential-12 (SR-12) zoning district to General Business (GB) zoning district; on approximately 1.20 acres of land.

**Legal Description:** Being a tract of land in the Commercial Reserve of Block 12, Section 3, West Lea Subdivision, an addition in Brazoria County, Texas, according to the plat recorded in Volume 12, Page 23, Plat Records, Brazoria County, Texas same being that tract of land conveyed to Frank A. Travino and wife, Sidella Travino, by deed recorded in Volume 1530, Page 652, Deed Records,

Brazoria County, Texas

**Location:** North of Heron Lane on the east side of FM 1128 immediately north of property addressed 4033 Manvel Road, Pearland TX.

### **APPLICATION INFORMATION AND CASE SUMMARY**

Planning Manager Martin Griggs presented the Staff report with exhibits and informed that 1 call and 5 comment forms had been received opposed to the request. Staff did not recommend approval of a change in the zoning classification from the Suburban Residential-12 (SR-12) zoning district to General Business (GB) zoning district:

1. The proposed change in zoning is not in conformance with the Comprehensive Plan and the Future Land Use Plan.

- A small portion of the site is located within a "minor retail node". That node should not be used as justification to further break up the consistency of the SR-12 zoned properties surrounding on three sides.

2. The proposed change in zoning allows an expanded number of land uses.

- These uses may present a nuisance to the established neighborhood surrounding the subject property.

- The UDC requirements for Corridor Overlay District and Residential Landscape Buffers will significantly reduce the develop-able portion of land.

3. The proposed change in zoning will not have significant impact on streets, water, sanitary sewer, or other public utilities.

- A sanitary sewer line will need to be extended from Heron Lane in order for this property to be developed.

### **APPLICANT REPRESENTATION**

Realtor for the property owner, Brenda Johnwell, 200 S. Friendswood Dr. #203, Friendswood, TX 77546, gave a brief presentation and was able for comments and questions.

No Staff wrap up

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

1. Diane Berreth, 3937 Wingtail Way, Pearland TX 77584, opposed for commercial use at that property.

2. Bill Baldy, 3714 Wingtail Way, Pearland TX 77584, had concerns with the deed restrictions and was opposed to the request.

3. Dr. Viseeta Brown, 4033 Manvel Rd, Pearland TX 77584, opposed to having a business next to their home.

4. Robert Jones, 3910 Wingtail Way, Pearland TX 77584, opposed to the request.

5. Ron Mayfield, 3811 Bluebird Way, Pearland TX 77584, opposed due to flooding and drainage, security lights and the extra traffic a commercial business may present.

6. Jorge De La Garza, 7006 Heron, Pearland TX 77584, opposed due to flooding concerns.

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

Councilmember Woody Owens stated the property should stay residential and was not going to vote for it. Councilmember Gary Moore agreed with Staff recommendations and the property was never meant to be commercial or neighborhood services and was not in favor of the request. Councilmember David Little stated that Council is elected by the Citizens and after listening to the Citizens comments Mr. Little was not in favor. Councilmember Trent Perez stated that he did not think the request was an appropriate zone change for the area and was not in favor of the request. Councilmember Tony Carbone stated it needs to stay residential and was not in favor of the request.

P&Z Commissioners Ronald Wicker commented on the super majority vote, agreed with Staff recommendations and was against the request. P&Z Commissioner Troy Pradia agreed with the Citizens and stated the property should stay residential. P&Z Commissioner Layni Cade agreed with the comments from all and would not be in favor of the request. P&Z Commissioner Derrell Isenberg agreed with City Council comments and was totally against the request.

## **ADJOURNMENT**

Mayor Tom Reid adjourned the public hearing for Zone Change Application No. Zone 18-00011 at 6:56 p.m.

These minutes are respectfully submitted by:

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Alma Gonzales, Office Assistant

Minutes approved as submitted on this 6th day of August 2018 A.D.

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Mayor Tom Reid