

MINUTES OF THE JOINT PUBLIC HEARING FOR THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION, CITY OF PEARLAND, TEXAS, HELD ON MONDAY SEPTEMBER 10, 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 8:17 p.m.

The following were present:

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| Mayor Tom Reid | P&Z Chairperson Daniel Tunstall |
| Council Member Tony Carbone | P&Z Vice - Commissioner Thomas Duncan |
| 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, City Planner Jai McBride, Planning Manager Martin Griggs, Planner Vince Hustead, Director of Engineer Robert Upton, Assistant City Engineer Ryan McKinnis and Office Assistant Alma Gonzales.

CALL TO ORDER

Mayor Tom Reid opened the public hearing for Zone Change Application No. Zone 18-00013 at 8:17 p.m.

P&Z Chairperson Daniel Tunstall read into the record the Zone Change Application No. Zone 18-00013

PURPOSE OF HEARING

Zone Change Application No. ZONE 18-00013

A request of Alan Mueller, applicant on behalf of Marilyn Bullard, owner; for approval of amendments to the text within the Midtown at Magnolia Planned Development regarding development of the townhouse tract; on approximately 7.443 acres of land.

Legal Description: Lot 3 in Block 1 being 7.443 acres of a subdivision of 11.759 acres located in the H.T. B. R.R. Co. Survey, Abstract No. 546 in the City of Pearland, Brazoria County, Texas.

General Location: South and east of property addressed 7110 Magnolia Road, Pearland TX.

APPLICATION INFORMATION AND CASE SUMMARY

Planning Manager Martin Griggs presented the Staff report with exhibits and informed that 1 call and 1 comment form had been received opposed to the request. Staff recommended approval of amendments to the text within the Midtown at Magnolia Planned Development regarding development of the townhouse tract:

1. The proposed change to which the land covered by the proposed PD district fits one or more of the special circumstances in Section 2.2.2.1(b) warranting a PD district classification.
 - The land is proposed for development as a mixed-use development (#3)
2. The proposed change to which the PD district furthers the policies of the City's adopted Comprehensive Plan (as amended) and other formally adopted City planning documents, such as the Parks Plan.
 - The PD provides housing opportunities which allow for increased density and clustering of development along a confined area.
3. The proposed change will result in a superior development than could not be achieved through conventional zoning classifications.
4. The proposed change will mitigate any compatibility issues with surrounding development.
5. The proposed change depicted in the Design Plan are compatible with existing and planned adjoining uses.
6. The proposed change is consistent with adopted public facilities plans, including those related to water, wastewater, transportation, drainage and other public facilities; and
7. The proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally.

APPLICANT REPRESENTATION

Representative for property owner Alan Mueller, 1408 Broadway Pearland TX 77581, gave a brief presentation and was available for questions and comments.

No Staff wrap up

PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

Marilyn Bullard 2411 Walker Ct. Pearland TX 77581 was in favor of the request.

COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

Councilmember Woody Owens stated the property would be a good opportunity for community to have a facility of that type, good location, Mr. Owens was okay with the request. Councilmember Gary Moore did not have a problem with the amendment especially the lots dropped from sixty to forty-four. Councilmember David Little stated this would be a good idea for Mrs. Bullard. Councilmember Adrian Hernandez was in favor of the amendment. Councilmember Trent Perez was in favor for the change. Councilmembers Derrick Reid and Tony Carbone were in favor of the amendment.

P&Z Commissioner Mary Starr stated this would be a good idea. P&Z Commissioner Layni Cade asked Mr. Mueller if the units would be for sale or rent, Mr. Mueller informed they would be for sale.

PURPOSE OF HEARING

Zone Change Application No. ZONE 18-00014

A request of Alan Mueller, applicant on behalf of T & B Alexander Family Limited Partnership and Mary M. Bree Revocable Trust, owners, represented respectively by Thomas P. Alexander, Jr., and John O. Frey; for approval of a change in zoning district from Single-Family Residential-1 (R-1) zoning district to Townhouse Residential (TH) zoning district; on approximately 11.7 acres of land.

Legal Description: Tract 95 H.T. & B. R.R. Co. Survey, Abstract 233, Brazoria County, Texas according to the recorded map or plat thereof in Volume 2, Page 23, of the Plat Records of Brazoria County, Texas.

General Location: On the east side of Old Alvin Road between The Lakes at Highland Glen Section 2 and The Lakes at Highland Glen Section 8, Pearland TX.

Applicant requested to have this case pulled and rescheduled for a future meeting.

PURPOSE OF HEARING

Zone Change Application No. ZONE 18-00015

A request of Alan Mueller, applicant, on behalf of Louis E Lentz III, Mary Beth Porter, Barbara Brogen, Billy Long, and Brian Long, Frances P. Adams Family Int. Partnership, LTD., 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 35.0 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 thereof 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.

Tract 4:

5.0 acres, north 1/2 of Tract 60 (Lot 60A), 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 5:

5.0 acres, Tract 63A, 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

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 1 call was received opposed, 2 calls requesting more information, 4 comment forms opposed and 3 emails. Staff did not recommend approval of the requested change in zoning from OP and GC to R-3 on the approximately 30.0 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 REPRESENTATION

Representative for property owner Alan Mueller, 1408 Broadway Pearland TX 77581, gave a brief presentation and was available for questions and comments.

No Staff wrap up

PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

1. Jimmy Davis 5004 Colmesneil Pearland TX 77584, was opposed due to concerns with traffic impact and the safety of the public.

2. Faye Ausmus, Realtor for the property owner, 13185 Bluffview Dr. Willis TX 77318, in favor of the zone change.

3. Louis Lentz and Marybeth L. Porter, property owner, 815 Wood Bridge Circle Sugarland TX 77498, in favor of the zone change.

COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

Councilmember Tony Carbone asked about a future traffic signal for the intersection, Director of Engineering Robert Upton informed him that the area is not setup for traffic signal. Mr. Carbone asked what would generate more traffic count, Assistant City Engineer Ryan McKinnis explained the morning versus the evening traffic peaks and residential traffic is a lot lower than commercial. Councilmember Trent Perez commented that R1 or R2 would be more appropriate for this property and had concerns with spot zone. Councilmember Adrian Hernandez agreed with Mr. Perez. Councilmember David Little was leaning on allowing the zone change. Councilmember Gary Moore had concerns with commercial tax revenue and the property encroaching with existing commercial and office professional facilities. Councilmember Woody Owens is in favor of the property changing to residential.

P&Z Commissioner Mary Starr stated the property needs to be residential and the current use is not compatible. Commissioner Ronald Wicker concerns with the depth of the property commercial use complying with the comprehensive plan. Vice – Chair Thomas Duncan would rather see the property R1 or R2 and agrees that residential use would generate much less traffic. Commissioner Layni Cade does not like it as an R3 and was inclined to say no. Commissioner Derrell Isenberg agreed with Mr. Duncan having it R1 or R2 and the less traffic would be inclined to vote yes. Chair Daniel Tunstall asked Mr. Mueller would the detention be onsite or off if R1 or R2. Mr. Mueller explained it would be onsite detention with a pump system. Mr. Tunstall asked what the target number of homes would be, Mr. Mueller informed if R3 about 100 homes and if R1 about 80. A tract discussion ensued by Mr. Tunstall and Mr. Mueller. Mr. Mueller informed that they would be open to be an R1 and for disclosure they would probably come back with a cluster plan with approximately 75 to 80 lots. Mr. Tunstall was not in favor of R3 and R2 but would support an R1 coming back as a cluster plan. Mr. Tunstall made a comment on the pump out system. Mr. Tunstall asked Staff if there was a change in the FULP for that area. Planning Manager Martin Griggs informed not immediately. Mr. Tunstall commented that this property if changed residential would be in the middle of lot of existing commercial that have been there since 1989. Mr. Tunstall was possibly a yes on R1 and definitely a no on the rest.

PURPOSE OF HEARING

Zone Change Application No. ZONE 18-00016

A request of Alan Mueller, applicant on behalf of Mary A. Bartlett, owner; for approval of a change in zoning district from General Commercial (GC) zoning district to Single-Family Residential-3 (R-3) zoning district; on approximately 23.8267 acres of land.

Legal Description:

Tract 1

19.1487 acre – Lots 31, 31A, and 31A1, H.T. & B. R.R. Co. 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

4.6786 acre – Part of Tract 32, H.T. & B. R.R. Co. Survey, Abstract 542, Brazoria County, Texas according to the recorded map or plat thereof in Volume 2, Page 23, of the Plat Records of Brazoria County, Texas.

General Location: On the west side of Old Alvin Road generally across from The Lakes at Highland Glen Section 8, Pearland TX

APPLICATION INFORMATION AND CASE SUMMARY

Planning Manager Martin Griggs presented the Staff report with exhibits and informed that 1 call, 1 comment form and 4 emails opposing to the request were received. Staff did not recommend approval of a change in the zoning classification from the General Commercial (GC) zoning district to Single-Family Residential-3 (R-3) zoning district:

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

- The Future Land Use Plan would need to indicate Medium Density Residential to be in conformance with the proposed change.

2. The proposed change in zoning allows additional higher density residential land uses which are not appropriate for the current commercial zoning designation.

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

If City Council were to consider a rezoning of this property to a residential classification, then staff would recommend Single-Family Residential-1 (R-1) zoning district. This zoning district would be in conformance with the Future Land Use Plan.

APPLICANT REPRESENTATION

Representative for property owner Alan Mueller, 1408 Broadway Pearland TX 77581, gave a brief presentation and was available for questions and comments.

No Staff wrap up

PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

1. Elvira Hernandez 3431 Highland Point Lane Pearland TX 77581, was opposed to the request, she commented that the area should stay residential low density.

2. Aaron Lalonde 3433 Highland Point Edge Pearland TX 77581, was opposed.

3. Talley Perez 1902 Lazy Hollow Ln. Pearland TX 77581, opposed to R3

4. Antonio Davala, opposed to R3

5. Greg Cox, was opposed

COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

Councilmember Woody Owens was opposed to R3 but in favor of R1, Mr. Mueller informed they would follow-up with a cluster plan similar to Highland Park Cluster plan. Councilmember Gary Moore commented that it made more sense for the property to be residential and was in favor of R1. Councilmember David Little could not support an R3 but could support an R1. Councilmember Adrian Hernandez overall he did not have an issue with R1. Councilmember Trent Perez had an issue with residents getting notifications and did not think the tract was not appropriate for commercial but agreed R1 would be more appropriate. Councilmembers Derrick Reid and Tony Carbone were in support of R1.

Commissioners Derrell Isenberg, Ronald Wicker and Mary Starr agreed with Council on changing this to R1. Chair Daniel Tunstall was in support of changing the property to R1

and it coming back as a cluster plan or PD. Mr. Tunstall only concern was if it becomes an R1 is the size of the property and the amenities for that small group of neighbors.

PURPOSE OF HEARING

Zone Change Application No. ZONE 18-00017

A request of Lake Park Pearland Ltd. Represented by James Johnson, applicant and owner; for approval of amendments to the text within the Lake Park Planned Development regarding sign regulations; on approximately 21.4007 acres of land.

Legal Description: Lot A in Block 1 being 21.4007 acres of a subdivision of 30.6687 acres / 1,335,927 square feet situated in the W.T. Dobson Survey, Abstract No. 187, City of Pearland, Brazoria County, Texas.

General Location: Northeast corner of Cullen Parkway and McHard Road, Pearland TX.

APPLICATION INFORMATION AND CASE SUMMARY

Planning Manager Martin Griggs presented the Staff report with exhibits. Staff recommended approval of amendments to the text within the Lake Park Planned Development regarding sign regulations for the following reasons:

1. The proposed change to which the land covered by the proposed PD district fits one or more of the special circumstances in Section 2.2.2.1(b) warranting a PD district classification.
 - The land is proposed for development as a mixed-use development (#3)
2. The proposed change to which the PD district furthers the policies of the City's adopted Comprehensive Plan (as amended) and other formally adopted City planning documents, such as the Parks Plan.
3. The proposed change will result in a superior development than could not be achieved through conventional zoning classifications.
4. The proposed change will mitigate any compatibility issues with surrounding development.
5. The proposed change depicted in the Design Plan are compatible with existing and planned adjoining uses.
6. The proposed change is consistent with adopted public facilities plans, including those related to water, wastewater, transportation, drainage and other public facilities; and
7. The proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally.
8. The sign meets the requirements of a subdivision sign for the UDC.

APPLICANT REPRESENTATION

None

No Staff wrap up

PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

John Wengler 5418 Holly St. Bellaire TX 77401, was opposed

COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

Councilmembers Trent Perez and David Little had no issues or concerns with the amendment. Councilmember Gary Moore was not in favor of the amendment. Councilmember Woody Owens asked Staff if there was an existing sign there now, Planning Manager informed there was not a sign. Mr. Owens asked the size of the sign, Mr. Griggs informed the proposed sign is approximately 2 feet by 10 feet on a 2 foot base. Mr. Owens did not have a problem with the amendment.

Vice – Chair Thomas Duncan would not have an issue with the placement of the sign as long as they placed it away from the traffic. Commissioner Layni Cade asked what the height limit would be for this area, Mr. Griggs informed it was 10 feet. Chair Daniel Tunstall did not have an issue with the sign but wished the fountain would have been tied in to this amendment. Mr. Tunstall commented that the fountain was not what they proposed and if he said no it would be for that reason.

ADJOURNMENT

Mayor Tom Reid adjourned the public hearing at 9:20 p.m.

These minutes are respectfully submitted by:

Alma Gonzales, Office Assistant

Minutes approved as submitted on this 15th day of October 2018 A.D.

Mayor Tom Reid