

MINUTES OF A JOINT SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, NOVEMBER 19, 2018, AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

Mayor Reid called the meeting to order 8:34 p.m. with the following present:

Mayor	Tom Reid	P&Z Commissioner Mary Starr
Mayor Pro-Tem	Trent Perez	P&Z Commissioner Thomas Duncan
Councilmember	Tony Carbone	P&Z Commissioner Troy Pradia
Councilmember	Derrick Reed	P&Z Commissioner Lani Cade
Councilmember	Gary Moore	P&Z Commissioner Darrell Isenberg
Councilmember	Adrian Hernandez	P&Z Commissioner Daniel Tunstall
Councilmember	J. David Little	P&Z Commissioner Ronald Wicker
Councilmember	Woody Owens	
Assistant City Manager	Trent Epperson	
City Attorney	Darrin Coker	
Deputy City Secretary	Maria Rodriguez	

Others in attendance: Jon Branson Deputy City Manager, Matt Buchanan President EDC, John McDonald Director of Community Development, Robert Upton City Engineer and Lawrence Provins Deputy City Attorney.

JOINT SPECIAL MEETING NO. 1

Conditional Use Permit Application No. CUP 18-00018 - A request of Daniel Hart, applicant, on behalf of Mehdi Hemani, owner; for approval of a Conditional Use Permit (CUP) to allow for food sales on or off premise (coffee bar with a drive thru) use located in the Light Industrial (M-1) zoning district; on approximately 0.8517 acres of land.

Legal Description:

A remainder 0.8517 acres (37,099 sq. ft.) out of Tract "B" Magnolia Business Park (Vol. 18, Pg. 39, B.C.P.R.), A.C.H. & B. Survey, Abstract No. 147, Brazoria County, Texas.

General Location:

North and West of 3426 South Main Street, Pearland, TX.

APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT: Planner Mohamed Bierima reported on the Conditional Use Permit to allow for food sales on or off premise use located in the Light Industrial (M-1) zoning district.

APPLICANT PRESENTATION:

KW Commercial Representative Bo Faber addressed Council it is his firm's intention to comply with the Uniform Development Code during the development of the proposed business.

Daniel Hart, 5702 Rosehill Court, addressed Council stating he is the business owner and provided an explanation of his intent for the proposed coffee shop.

Jessica Hart, 5702 Rosehill Court, addressed Council stating the variances in what is asked for in the Conditional Use Permit and what will be done regarding the amount of space requested.

PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST:

Clay Benton, P.O. Box 3403, addressed Council stated he is in opposition of the proposed Conditional Use Permit based on concern for traffic.

Jamale Nagi, 3503 Englewood Dr, addressed Council stating his support of the proposed Conditional Use Permit.

PLANNING AND ZONING COMMISSION:

Commissioner Mary Starr stated she is in support of the business type but not of the location due to the possible impact on traffic.

Commissioner Ron Wicker stated he supports the denial of the CUP for the same reasons as previously stated, traffic being a primary concern.

Commissioner Thomas Duncan stated he is not concerned with traffic due to most of the business will be drive through, however he is concerned with the size of the parking lot as it pertains to emergency vehicles.

Commissioner Lani Cade stated she is in support of the business type but agrees the location is not appropriate.

Commissioner Troy Pradia stated as long as the business owners meet the criteria for Planning and Zoning then he is in support.

Commissioner Darrell Isenberg stated he does not oppose the proposal due to there is a similar business in the immediate area.

CITY COUNCIL:

Councilmember Reed stated the business will be great for the City and traffic should not be an issue. He further asked the applicant to clarify the parking issue.

Applicant Jessica Hart stated the intent is to move the building back and create more parking but the idea of the business is a drive through rather than a place to go in and sit.

Councilmember Reed stated there are parking and design issues in the proposal that should have been resolved prior to the request.

Mayor Pro-Tem Perez stated he supports the use but the site plan has the possibility to not be approved if the CUP is voted on and approved. He further stated traffic impact should be minimal and is not a concern. Mayor Pro-Tem Perez asked staff if the plan meets parking requirements.

Planner Mohamed Bierima stated the plan does not meet requirements for the proposed parking.

Mayor Pro-Tem Perez stated he will support the use but there are several design flaws that are too ambitious for the plan and may prove to not be realistic to correct.

Councilmember Hernandez stated he will refrain from participation in this item due to the nature of the business in relation to his personal business.

Councilmember Little stated he approves of the business and agrees with Mayor Pro-Tem Perez with the site plan issues being flawed.

Councilmember Moore stated he shares the concern with the lands detention and does not support the zone change.

Councilmember Owens stated the proposed business type is good but agrees that the location does not fit the business and will cause traffic issues due to the design flaws.

CITY COUNCIL NEW BUSINESS

Council Action - Resolution No. R2018-CUP18-00018 - A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow a food sales on or off premise (coffee shop with a drive-through) located in the Light Industrial (M-1) zoning district, being a remainder 0.8517 acre out of Tract "B" of the Magnolia Business Park Addition, A.C.H. & B. Survey, Abstract No. 147, Brazoria County, Texas (Located North and West of 3426 S. Main Street). Conditional Use Permit Application No CUP18-00018, within the Light Industrial (M-1) zoning district, at the request of Daniel Hart, applicant, on behalf of Mehdi Hemani, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

Councilmember Carbone made the motion, seconded by Councilmember Reed to approve Resolution R2018-CUP18-00018.

Voting "Aye" Councilmember Reed, Perez and Little.

Voting "No" Councilmember Carbone, Moore and Owens.

Voting "Abstain" Councilmember Hernandez.

In order to break the tie vote, Mayor Reid cast his vote.

Voting "No" Mayor Reid

Motion failed 4 to 3.

JOINT SPECIAL MEETING NO. 2

Conditional Use Permit Application No. R2018-CUP 18-00020 - A request by the Universal Church represented by David Micena Neto, applicant, on behalf of Westside SC Pearland Ltd., owner; for approval of a Conditional Use Permit (CUP) to allow a church, temple, or place of worship use on a 5.044 acre tract of land located within the Neighborhood Service (NS) zoning district.

Legal Description:

A certain tract of land out of Tract "A" of the Final Plat of West Side Plaza, an addition to the City of Pearland, Brazoria County, Texas, according to the plat recorded in Volume 17, Pages 279-280, Plat Records, Brazoria County, Texas.

General Location:

5040 Broadway Street, Suite 5070, Pearland, TX.

APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT: Planner Samin Bazargan reported on the Conditional Use Permit to allow a church, temple, or place of worship use on a 5.044 acre tract of land located within the Neighborhood Service (NS) zoning district.

APPLICANT PRESENTATION:

Pastor Fernando Ramirez, 8320 Almeda Genoa Rd., addressed Council and spoke on the history of the Church and its intentions for the City of Pearland.

PLANNING AND ZONING COMMISSION:

Commissioner Ron Wicker asked staff with the Church being in a Commercial Parking lot will it affect the existing businesses with liquor licenses.

Planner Samin Bazargan stated there is an existing Church in that parking lot and staff will do further research but referred to Legal.

City Attorney Darrin Coker stated when the prior Church was proposed those studies were done and the thresholds were met.

Commissioner Thomas Duncan stated he is concerned with the parking issues for the other businesses during times of worship since there is an already existing Church with worshippers.

CITY COUNCIL:

Councilmember Owens stated he does not have an issue with this Cup since there is a Church already there.

Conversation ensued between Councilmember Moore and Planner Samin Bazargan regarding the location of the Church in the existing business structure.

Councilmember Moore stated he approves of the Church but does see parking being an issue since the parking lot is heavily used already.

Councilmember Little states the parking lot is full on Friday evenings and thinks parking will be an issue on Friday evenings.

Councilmember Hernandez stated the application shows one area the Church will focus on is helping persons with addition, and asked the applicant to explain the population he is seeking.

Applicant Fernando Ramirez stated the Church has a television program they use to recruit persons with addition to come to the Church for assistance.

Mayor Pro-Tem Perez stated the occupancy of the church should not affect the parking for the existing businesses but does caution against an evening service on Friday.

CITY COUNCIL NEW BUSINESS

Council Action - Resolution No. R2018-CUP18-00020 - A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow for a church within the Neighborhood Service (NS) zoning district.; a certain tract of land out of Tract "A" of the Final Plat of West Side Plaza, an addition to the City of Pearland, Brazoria County, Texas, according to the plat recorded in Volume 17, Pages 279-280, Plat Records, Brazoria County, Texas.. (Located at 5040 Broadway, Suite 5070, Pearland, TX.) Conditional Use Permit Application No CUP18-00020, within Neighborhood Service (NS) zoning district, at the request of Universal Church represented by David Micena Nieto, applicant, on behalf of Westside SC Pearland Ltd, owners, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

Councilmember Reed made the motion, seconded by Councilmember Moore to approve Resolution R2018-CUP18-00020.

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

Voting "No" None.

Motion passed 7 to 0.

JOINT SPECIAL MEETING NO. 3

Conditional Use Permit Application No. CUP 18-00024 - A request of Kimley Horn Associates, applicant, represented by Colton Morgan, for Magnolia 15.512 Acres, LTD DBA Signature

Companies, owner, represented by Jennifer Pollak Evans; for approval of a Conditional Use Permit (CUP) to allow for gasoline station use located in the General Business (GB) zoning district.

Legal Description:

A tract or parcel containing 1.500 acre or 65,340 square feet of land, being out of a called 15.512 acre tract of land conveyed to Magnolia 15.512 Acres, LTD., recorded under Brazoria County Clerks File (B.C.C.F.) No. 2007012458 and situated in the H.T. & B.R.R. Survey, Abstract 547, Brazoria County, Texas.

General Location:

Southwest corner of Magnolia Parkway and Manvel Road, Pearland, TX.

APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT: Planner Mohamed Bireima reported on the Conditional Use Permit to allow for a convenience store with a gasoline station on approximately a 1.5 acre tract located within the General Business (GB) zoning district.

APPLICANT PRESENTATION:

Colton Morgan, 1400 Woodlock Forest, addressed Council stating he is representing the applicant and there are no objections to Planning conditions.

PLANNING AND ZONING COMMISSION:

Commissioner Thomas Duncan stated there is an abundance of gas stations in Pearland.

Commissioner Daniel Tunstall stated he would like to add the condition that lighting be downward facing only.

CITY COUNCIL:

Conversation ensued between Councilmember Carbone and Planner Mohamed Bireima regarding the proposed conditions for this CUP to be approved.

Mayor Pro-Tem Perez stated the lighting Ordinance in the UDC needs to be reviewed and he has an issue with the elevation being tied into the CUP. He further stated he would prefer it not be added due to it would cause the applicant to have to come back for even small adjustments to the plan. Councilmember Little stated he has no issue with the CUP since no residents came out to speak against the proposal.

CITY COUNCIL NEW BUSINESS

Council Action - Resolution No. R2018- CUP18-00024 - A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow a convenience store

with a gasoline station located within the General Business (GB) zoning district, being a tract containing 1.50 acres (65,340 square feet) of land, being out of a called 15.512 acres tract situated in the H.T. & B.R.R. Survey, Abstract 547, Brazoria County, Texas (Located at the southwest Corner of Magnolia Parkway and Manvel Road, Pearland). Conditional Use Permit Application No CUP18-00024, within the General Business (GB) zoning district, at the request of Colton Morgan, Kimley-Horn Associates, applicant, on behalf of Magnolia 15.512 Acres, Ltd dba Signature Companies, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

Mayor Pro-Tem Perez made the motion, seconded by Councilmember Moore to approve Resolution R2018-CUP18-00024.

Mayor Pro-Tem Perez made the motion seconded by Councilmember Moore to amend the motion to remove the requirement for the elevation to be a part of the CUP.

Mayor Reid called for the vote on the amendment.

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

Voting "No" None.

Motion passed 7 to 0.

Mayor Reid called for the vote on the original motion.

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

Voting "No" None.

Motion passed 7 to 0.

JOINT SPECIAL MEETING NO. 4

Conditional Use Permit Application No. CUP 18-00023 - A request of William and Mai Lacombe, applicant/owner; for approval of a Conditional Use Permit (CUP) to allow for dwelling – four-family (quadriplex) use located in the Old Townsite Mixed Use (OT-MU) zoning district.

Legal Description:

Lot 1 of a subdivision of 0.215 acre of land all of Lots 22, 23, & 24, Block 30 Pearland Townsite recorded in Volume 29, Page 41, B.C.D.R. situated in the R.B. Lyle Survey, Section 2, A-542 City of Pearland, Brazoria County, Texas.

General Location:

Northeast corner of South Texas Avenue and West Walnut Street, Pearland, TX.

APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT: Planner Samin Bazargan reported on the Conditional Use Permit to allow for dwelling – four-family (quadriplex) use located in the Old Townsite Mixed Use (OT-MU) zoning district.

APPLICANT PRESENTATION:

William LaCombe, 10001 Chestnut Creek, addressed Council and stated this this request has gone in front of Council again since permits were not obtained prior to the expiration of the CUP.

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

PLANNING AND ZONING COMMISSION:

Commissioner Isenberg stated he is in support of the CUP due to there are similar homes in close proximity.

CITY COUNCIL NEW BUSINESS

Council Action - Resolution No. R2018-CUP18-00023 - A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow for four-family dwelling (quadriplex) development located within the Old Townsite Mixed Use (OT-MU) zoning district; a 0.192 acre (8,362 sq. ft.) tract of land, out of Lot 1, Block 1, Next Apartments, an addition to the City of Pearland, Brazoria County, Texas, according to the plat recorded in Document No. 2017058287, Plat Records, Brazoria County, Texas. (Located at 2543 S. Texas Avenue, Pearland, TX.) Conditional Use Permit Application No CUP18-00023, within Old Townsite Mixed Use (OT-MU) zoning district, at the request of William Lacombe, applicant, on behalf of Mai and William Lacombe, owners, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

Councilmember Hernandez made the motion, seconded by Councilmember Little to approve R2018-CUP18-00023.

Voting "Aye" Councilmember Carbone, Reed, Perez, Hernandez, Little, Moore and Owens.
Voting "No" None.

Motion passed 7 to 0.

ADJOURNMENT

Meeting was adjourned at 9:55 p.m.

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

Tom Reid
Mayor

ATTEST:

Young Lorfing, TRMC
City Secretary