

MINUTES OF A JOINT SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, DECEMBER 17, 2018, AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

Mayor Reid called the meeting to order 6:40 p.m. with the following present:

Mayor	Tom Reid	P&Z Commissioner Mary Starr
Councilmember	Tony Carbone	P&Z Commissioner Thomas Duncan
Councilmember	Derrick Reed	P&Z Commissioner Troy Pradia
Councilmember	Gary Moore	P&Z Commissioner Lani Cade
Councilmember	Adrian Hernandez	P&Z Commissioner Darrell Isenberg
Councilmember	J. David Little	P&Z Commissioner Daniel Tunstall
Councilmember	Woody Owens	P&Z Commissioner Ronald Wicker
Deputy City Manager	Jon Branson	
City Attorney	Darrin Coker	
City Secretary	Young Lorfing	

Others in attendance: Daniel Baum Assistant Fire Chief, Trent Epperson Assistant City Manager, Roland Garcia Assistant Chief – Community Risk Reduction, Michelle Graham Director of Human Resources, John McDonald Director of Community Development, John McCarter Budget & Procurement Manager, Chris Orlea Director of Parks & Recreation, Johnny Spires Police Chief, Robert Upton Director of Engineering, Clarence Wittwer Director of Public Works, Skipper Jones Assistant Director of Capital Projects, Joshua Lee Communication Director and Daniel McGhinnis Chief Information Officer.

JOINT SPECIAL MEETING NO. 1

Conditional Use Permit Application No. CUP 18-00017

A request of Noma Engineering & Construction represented by Khaled Ghuneim, applicant, on behalf of Mustafa Shurafi, owner; for approval of a Conditional Use Permit (CUP) to allow for auto repair (minor) use located in the Old Townsite – General Business (OT-GB) zoning district; on approximately 0.4796 acres of land.

Legal Description:

A 0.4796 acre tract of land being a part of Lot 21, Block 20, of Pearland Townsite, according to the plat or map recorded in Volume 29, Page 41, of the Deed Records of Brazoria County, Texas, and part of Tract 3, Section 2, of the H. T. & B. R.R. Co. Survey, Abstract 542, City of Pearland, Brazoria County, Texas.

General Location:

2450 Main Street, Pearland, TX.

APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT: Planning Technician Samin Bazargan reported on the requested Conditional Use permit for approval of a Conditional Use Permit (CUP) to allow for auto repair (minor) use located in the Old Townsite – General Business (OT-GB) zoning district; on approximately 0.4796 acres of land.

APPLICANT PRESENTATION: Hussam Ghuneim addressed Council regarding the proposed Conditional Use Permit (CUP).

CITY COUNCIL:

Councilmember Carbone stated the proposal shows the business will tie into City Sewer lines but there does not appear to be any sewer lines in that area.

Applicant Hussam Ghuneim stated they were told there are sewer lines there.

Councilmember Little stated that area needs some revitalization and he is in support of the proposed CUP.

CITY COUNCIL NEW BUSINESS

Consideration and Possible Action - Resolution No. CUP 18-00017 - A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow for auto repair (minor) use located in the Old Townsite – General Business (OT-GB) zoning district; A 0.4796 acre tract of land being a part of Lot 21, Block 20, of Pearland Townsite, according to the plat or map recorded in Volume 29, Page 41, of the Deed Records of Brazoria County, Texas, and part of Tract 3, Section 2, of the H. T. & B. R.R. Co. Survey, Abstract 542, City of Pearland, Brazoria County, Texas.. (Located at 2450 Main Street, Pearland, TX.) Conditional Use Permit Application No CUP18-00017, within the Old Townsite General Commercial (OT-GC) zoning district, at the request of Noma Engineering & Construction represented by Khaled Ghuneim, applicant, on behalf of Mustafa Shurafi, 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 Reed to Approve Resolution No. R2018-CUP 18-00017.

Voting “Aye” Councilmember Carbone, Reed, Hernandez, Little, Moore and Owens.

Voting “No” None.

Motion passed 6 to 0, with Mayor Pro-Tem Perez absent.

JOINT SPECIAL MEETING NO. 2

Conditional Use Permit Application No. CUP 18-00026

A request by Alan Mueller, applicant, on behalf of The Centre at Kirby Ridge LLC, owner; for approval of a Conditional Use Permit (CUP) to allow an art studio on a 3.79-acre lot.

Legal Description:

Lot 1, Block 1 of The Centre at Kirby Ridge, an addition to the City of Pearland according to the plat filed in Document No. 2017057813 in the Plat Records of Brazoria County, Texas.

General Location:
3695 Kirby Drive, Pearland, TX.

APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT: Planning Technician Samin Bazargan reported on the requested Conditional Use permit for approval of a Conditional Use Permit (CUP) to allow an art studio on a 3.79-acre lot.

APPLICANT PRESENTATION: Applicant Alan Mueller reported on the Conditional Use Permit and stated there was a CUP on this property a year ago and the original application was for the wrong business type.

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

CITY COUNCIL:

Councilmember Carbone asked staff why there are two separate categories for similar businesses.

Director of Community Development John McDonald reported the two categories will be reviewed for necessity due to staff agreeing it is not need.

CITY COUNCIL NEW BUSINESS

Consideration and Possible Action - Resolution No. CUP 18-00026 - A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow for an art Studio in the Neighborhood Services (NS) zoning district, Being Lot 1, Block 1 of The Centre at Kirby Ridge, an addition to the City of Pearland according to the plat filed in Document No. 2017057813 in the Plat Records of Brazoria County, Texas. (Located at 3695 Kirby Drive, Pearland, TX.) Conditional Use Permit Application No CUP 18-00026, within the Neighborhood Services (NS) zoning district, at the request of Alan Mueller, applicant, on behalf of Centre at Kirby Ridge LLC, owner, containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

Councilmember Moore made the motion, seconded by Councilmember Little to Approve Resolution No. R2018-CUP 18-00026.

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

Voting "No" None.

Motion passed 6 to 0, with Mayor Pro-Tem Perez absent.

JOINT SPECIAL MEETING NO. 3

Conditional Use Permit Application No. CUP 18-00027

A request by Juan J. Ramos and Monica Marin De Ramos, applicant and owner, for approval of a Conditional Use Permit (CUP) to allow a light manufacturing facility for thermal insulation equipment on a 0.63-acre lot located within the Garden/O'Day Mixed Use (G/O-MU) zoning district.

Legal Description:

Lot 7, Block 9 of Hickory Creek Place Addition, according to the plat recorded in Volume 11, Page 1 in the Plat Records of Brazoria County, Texas.

General Location:

2213 Garden Road, Pearland, TX.

APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT: Planner Mohamed Bireima reported on the requested Conditional Use permit for approval of a Conditional Use Permit (CUP) to allow a light manufacturing facility for thermal insulation equipment on a 0.63-acre lot located within the Garden/O'Day Mixed Use (G/O-MU) zoning district. He further stated staff recommends approval with the condition the applicant removes the remnant of an access along Marsha Lane.

APPLICANT PRESENTATION: Applicant Juan Ramos stated he and his wife purchased the land with the intent to expand his business.

PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST:

Mary Sessums, 314 Forest Lake Dr., address Council and stated she is in opposition of the proposed CUP due to noise level and hours of operation.

PLANNING AND ZONING COMMISSION:

Commissioner Tunstall stated his concern would be does the business produce any noise or smells that would be offensive to the residents.

Applicant Juan Ramos stated the fiberglass used is asbestos free and not harmful and historically not had any issues and the machines are quiet. He further stated the business will have a dumpster to dispose of waste.

Commissioner Starr has no issues with the Conditional Use Permit.

Commissioner Duncan stated he has no issue with the request with the condition that the applicant removes the remnant of an access along Marsha Lane.

Commissioner Cade asked the applicant for the hours of operation and how many employees will be working at a time.

Applicant Juan Ramos stated his hours of operation will be 7:00 a.m. through 3:30 p.m. with office staff working until 5:30 p.m. and there will be 17 employees a shift but not all will be on the sewing machines.

CITY COUNCIL:

Councilmember Moore asked staff what the prediction for taking up businesses for the expansion on Garden Road.

Director of Community Development John McDonald stated there are no current plans in place for the expansion of Garden Road.

Councilmember Moore asked the applicant if there is enough parking available for 17 employees without obstruction on the road.

Applicant Juan Ramos stated there are 38 parking spaces available on the property.

Councilmember Moore stated that if any fabric is left over the applicant may want to contact Keep Pearland Beautiful and get on the recycling list.

Councilmember Hernandez stated he has looked at the existing business location and it appears that it is kept very clean.

Councilmember Owens asked the applicant how the materials are transported.

Applicant Juan Ramos stated the material is shipped to the companies that order the product and none of the equipment the covering are made for will come to the building.

CITY COUNCIL NEW BUSINESS

Consideration and Possible Action - Resolution No. CUP-18-00027 - A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow a light manufacturing facility for thermal insulation equipment on a 0.63-acre lot located within the Garden/O'Day Mixed Use (G/O-MU) zoning district, being all of Lot 7, Block 9 of Hickory Creek Place Addition, according to the plat recorded in Volume 11, Page 1 in the Plat Records of Brazoria County, Texas (Located at 2213 Garden Road, Pearland, TX). Conditional Use Permit Application No CUP18-00027, within the Garden/O'Day Mixed Use (G/O-MU) zoning district, at the request of Juan J. Ramos and Monica Marin De Ramos, applicant and 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 No. R2018-CUP18-00027.

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

Voting "No" None.

Motion passed 6 to 0, with Mayor Pro-Tem Perez absent.

JOINT SPECIAL MEETING NO. 4

Conditional Use Permit Application No. CUP 18-00028

A request by Penh Studio, LLC, applicant, represented by Nahid S. Haimonty, on behalf of Adam & Malik Developer, LLC., owner; for approval of a Conditional Use Permit (CUP) to allow a gasoline station in conjunction with a convenience store on a 2.05-acre lot located within the General Business (GB) zoning district.

Legal Description:

Adam & Malik Developer, LLC, Lot A, an addition to the City of Pearland, Brazoria County, Texas according to the plat filed in Document No. 2017033125 in the Plat Records of Brazoria County, Texas.

General Location:

3201 Pearland Parkway, Pearland, TX.

APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT: Planner Mohamed Bireima reported on the requested Conditional Use permit for approval of a Conditional Use Permit (CUP) to allow a gasoline station in conjunction with a convenience store on a 2.05-acre lot located within the General Business (GB) zoning district. He further stated this CUP was approved prior but construction never took place.

APPLICANT PRESENTATION: Applicant Nahid Haimonty, 2550 Gray Falls Dr., reported on the Conditional Use Permit and stated this was approved last year and was not aware the Permit would expire.

PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST:

Dana Morrison, 3405 Fox Ct., addressed Council and stated she is in opposition of the Conditional Use Permit due to multiple existing businesses.

Walid Roubi, 3213 Barry Moore Dr., addressed Council and stated he is in opposition of the proposed Conditional Use Permit due to there are too many gas stations already existing in that area.

PLANNING AND ZONING COMMISSION:

Commissioner Starr asked if a study of how many trees on that property will have to be removed and what will be done about mitigation.

Director of Community Development John McDonald stated the applicant has already submitted a plan for tree mitigation with the Urban Forester. He further stated that no matter the nature of the business that goes in that location, trees will need to be removed.

Commissioner Starr stated this is not a good place for another gas station.

Commissioner Duncan stated he was opposed to this when it was presented to original time and the reason gas stations go to a CUP is to limit the amount of gas stations in Pearland. He further stated that once the land is developed into a gas station it is highly unlikely to be anything else in the future.

Commissioner Isenberg stated since there is a plan to improve the park in that area he does not see a gas station as tying into that area improvement. He further stated he opposed it the first time and still opposes it.

Commissioner Cade stated she is in opposition to the development of a gas station and after speaking to the Urban Forester she learned there are 40 protected trees on that lot and she does not want to see those destroyed.

Commissioner Tunstall stated the issue he sees is that this was already approved once and when he reviewed the recording for that meeting it shows Mayor Pro-Tem Perez advising the applicant that more leeway would be available if he waited until after the new CUP guidelines. He further stated he is opposed to the gas station and disagrees that this is in line with the Park plan. Commissioner Tunstall stated if this is approved it should tie into the trail and park plan more efficiently.

CITY COUNCIL:

Councilmember Carbone stated this passed under the previous CUP guidelines and now has come back to be opposed. He further stated when it was approved prior he continued to get complaints. Councilmember Carbone stated he cannot support this CUP after hearing all of the opposition.

Councilmember Hernandez asked staff if the crime rate for offenses related to convenience stores is higher than that of other categories. He further stated he was made aware that the City of Houston has a task force focused on just convenience stores.

Police Chief Johnny Spires stated he can provide those numbers at a later date after research and there is no task force for just convenience stores, but the Police Department works with the City of Houston if issues do arise.

Councilmember Little stated he voted in favor of this CUP the first time it was submitted and has not heard a compelling enough argument to change his mind.

Councilmember Moore stated he has received many complaints on this CUP also but will support the request.

Councilmember Owens stated he voted against it at the time it was initially presented and looking at the site plan the exit is too close to the traffic signal and will create traffic congestion.

Councilmember Hernandez stated by looking at the site plan and location of the drive through window, he can see the potential for traffic congestion.

Director of Community Development John McDonald stated the driveways are as far back as they can be and regardless of the type of business, driveways will have to be there.

Mayor Reid stated the amount of gas stations will soon outnumber the amount of franchise restaurants and the lot has been vacant and might ignite growth in that area.

Councilmember Carbone stated that the applicant should be given a chance to work with staff and integrate the construction with the Park.

Deputy City Attorney Lawrence Provins stated whether the CUP is approved or denied, it will go in front of Council again, allowing the applicant to work with staff.

Councilmember Carbone asked the Planning and Zoning Commission if the applicant works to integrate the Park into the build would they be open to that.

Commissioner Tunstall stated he could be swayed to support the CUP if the Park is integrated in the look of the gas station.

CITY COUNCIL NEW BUSINESS

Consideration and Possible Action - Resolution No. CUP 18-00028 - A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow a gasoline station in conjunction with a convenience store on a 2.05-acre lot located within the General Business (GB) zoning district, being Lot A of the Adam & Malik Developer, LLC, an addition to the City of Pearland, Brazoria County, Texas according to the plat filed in Document No. 2017033125 in the Plat Records of Brazoria County, Texas (Located at 3201 Pearland Parkway, Pearland, TX). Conditional Use Permit Application No CUP18-00028, within the General Business (GB) zoning district, at the request of Penh Studio, LLC, applicant, represented by Nahid S. Haimonty, applicant, on behalf of Adam & Malik Developer, LLC., 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 Moore to postpone Resolution No. R2018-CUP18-00028 to the January 28 meeting.

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

Voting "No" Councilmember Owens.

Motion passed 5 to 1, with Mayor Pro-Tem Perez absent.

JOINT SPECIAL MEETING NO. 5

Conditional Use Permit Application No. CUP 18-00030

A request by Michael Hoffman, applicant, on behalf of New Broadway, Ltd., owner; for approval of a Conditional Use Permit (CUP) to allow an auto repair (minor) on a 0.91-acre lot located within the Pearland Town Center Planned Unit Development District.

Legal Description:

Lot 9, Block 1 of Kirby Crossing, Section 2, an addition to the City of Pearland, Brazoria County, Texas according to the plat filed in Document No. 2017028035 in the Plat Records of Brazoria County, Texas.

General Location:

3000 Kirby Drive, Pearland, TX.

APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT: Planner Mohamed Bireima reported on the requested Conditional Use permit for approval of a Conditional Use Permit (CUP) to allow an auto repair (minor) on a 0.91-acre lot located within the Pearland Town Center Planned Unit Development District. He further stated staff is recommending approval with design conditions.

APPLICANT PRESENTATION: Seth Lane, 241 Atlantic Blvd, reported on the requested Conditional Use Permit to allow for minor auto repair.

PLANNING AND ZONING COMMISSION: None

CITY COUNCIL:

Councilmember Reed stated there are other properties in that area that perform the same services and Council denied storage facilities based on the same criteria.

STAFF WRAP UP: None

CITY COUNCIL NEW BUSINESS

Consideration and Possible Action - Resolution No. CUP 18-00030 - A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow an auto repair (minor) on a 0.91-acre lot located within the Pearland Town Center Planned Unit Development District, being all of Lot 9, Block 1 of Kirby Crossing, Section 2, an addition to the City of Pearland, Brazoria County, Texas according to the plat filed in Document No. 2017028035 in the Plat Records of Brazoria County, Texas (Located at 3000 Kirby Drive, Pearland, TX). Conditional Use Permit Application No CUP18-00030, within the Pearland Town Center Planned Unit Development District, at the request of Michael Hoffman, applicant, on behalf of New Broadway, Ltd., 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 Moore to approve Resolution No. R2018-CUP18-00030.

Voting "Aye" Councilmember Carbone, Hernandez, Little, and Moore.

Voting "No" Councilmember Owens and Reed.

Motion passed 4 to 2, with Mayor Pro-Tem Perez absent.

ADJOURNMENT

Meeting was adjourned at 8:20 p.m.

Minutes approved as submitted and/or corrected this the ____ day of _____, 201_.

Tom Reid
Mayor

ATTEST:

Young Lorfing, TRMC
City Secretary