

MINUTES OF A JOINT SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, JANUARY 28, 2019, AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

Mayor Reid called the meeting to order 7:03 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 Ron Wicker
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
City Manager	Clay Pearson	
City Attorney	Darrin Coker	
City Secretary	Young Lorfing	

Absent: Councilmember Derrick Reed, Councilmember Woody Owens and P&Z Commissioner Troy Pradia.

Others in attendance: Jon Branson Deputy City Manager, Matt Buchanan President of EDC, Trent Epperson Assistant City Manager, John McDonald Director of Community Development, John McCarter Budget Officer, Chris Orlea Director of Parks and Recreation, Cynthia Pearson Director of Finance, Vance Riley Fire Chief, Johnny Spires Police Chief, Robert Upton Director of Engineering and Capital Projects, Clarence Wittwer Director of Public Works, Andrea Brinkley Assistant Director of Public Works and Joshua Lee Communication Director.

NEW BUSINESS

Conditional Use Permit Application No. CUP 18-00032

A request by Todd Huntington, GDP Group, applicant, on behalf of CCAC Reserve Holdings, LLC, owner; for approval of a Conditional Use Permit (CUP) to allow a mini-warehouse/self-storage within the Shadow Creek Ranch Planned Unit Development (PUD), on a 2.35-acre tract located within the 2000 Block of Kingsley Drive.

Legal Description:

Being 2.35 acres out of 7.709 acres of land situated in the S.G. Hanyie Survey, Abstract No. 212, City of Pearland, Brazoria County, Texas, more particularly being a portion of that certain called 101.5204 acre tract conveyed to Pearland Investments Limited Partnership by instrument of record under File No. 98-037347 and 98-037348, Official Records of Brazoria County, Texas.

General Location:

2000 Block of Kingsley Drive, Pearland, TX.

APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT: Planner II Mohamed Bireima reported on the Conditional Use Permit (CUP) to allow a mini-warehouse/self-storage within the Shadow Creek Ranch Planned Unit Development (PUD), on a 2.35-acre tract located within the 2000 Block of Kingsley Drive.

APPLICANT PRESENTATION:

GDP Group Representative Todd Huntington addressed Council and stated there is not an issue with conforming to staff recommendations for height and removal of doors but there is not enough room for the proposed 25 feet of vegetation buffer. He further stated a variance will be applied for on the parking spaces.

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

PLANNING AND ZONING COMMISSION:

Commissioner Duncan stated he is opposed to any reduction of the vegetative buffer due to is unappealing to look at without the buffer.

Commissioner Cade asked staff how far away is the nature trail and park from the proposed building.

Planner Mohamed Bireima provided a map of the area that shows the nature trail and park across the street.

Commissioner Tunstall stated he is in opposition of the building being three stories due to it is not visually appealing and would recommend the building be limited to two stories.

CITY COUNCIL:

Councilmember Carbone asked the applicant if the plan is showing a three foot buffer on the east side.

GDP Group Representative Todd Huntington stated it is currently set at three feet and understands it is not sufficient. He further stated the building can be shifted on the east side to accommodate the 25 foot buffer but the same cannot be done on the south side.

Mayor Pro-Tem Perez stated he would like more clarification on the landscape setback discussed.

Senior Planner Martin Griggs stated the property is zoned Shadow Creek Ranch and is part of that land development and no buffer is required for Commercial that backs up to Residential. He further stated that since this is a Conditional Use Permit it has different requirements.

Mayor Pro-Tem Perez stated looking at the plans there is too much building for the land which does not allow enough room to have the proper buffer. He further stated he is not opposed to the use but is opposed to the obstructions it would cause for the apartments right next to it.

Conversation ensued between Mayor Pro-Tem Perez and GDP Group Representative Todd Huntington regarding whether there is room to create parking in the buffer zone located on the east side of the land.

Councilmember Hernandez stated due to proximity of the apartments and the request for variances he agrees that more land is needed to accommodate the requirements of the Conditional Use Permit (CUP).

Councilmember Little stated he has no issue with the use but the amount of land is not sufficient for the requirements of the CUP.

Conversation ensued between Mayor Pro-Tem Perez and GDP Group Representative Todd Huntington regarding postponing the CUP until the land can be acquired and the requirements be met so that the CUP is not voted down.

Greenspace Self-Storage Representative Richard Stockton asked Council if the building size was changed and the requirements for the vegetative buffer were met would the CUP be approved.

Councilmember Carbone stated if the requirements are met, it would be enough to get the CUP approved since no one has opposition to the use.

STAFF WRAP UP: None

CITY COUNCIL NEW BUSINESS

Council Action - Resolution No. CUP 18-00032 - A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow a mini-warehouse/self-storage within the Shadow Creek Ranch Planned Unit Development, being 2.35 acres out of 7.709 acres of land situated in the S.G. Hanyie Survey, Abstract No. 212, City of Pearland, Brazoria County, Texas, more particularly being a portion of that certain called 101.5204 acre tract conveyed to Pearland Investments Limited Partnership by instrument of record under File No. 98-037347 and 98-037348, Official Records of Brazoria County, Texas. (Located at the 2000 Block of Kingsley Drive, Pearland, TX). Conditional Use Permit Application No CUP18-00032, within the Shadow Creek Ranch Planned Unit Development, at the request of Todd Huntington, GDP Group, applicant, on behalf of CCAC Reserve Holdings, 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 approve Resolution No. CUP 18-00032.

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

Voting "No" None.

Motion passed 5 to 0 with Councilmember Reed and Councilmember Owens absent.

JOINT SPECIAL MEETING NO. 2

CITY COUNCIL NEW BUSINESS

Council Action - Resolution No. R2018-00028 - 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.

Mayor Pro-Tem Perez made the motion, seconded by Councilmember Moore to approve Resolution R2018-00028.

Planner II Mohamed Bireima reported this is 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. He further discussed the changes to the site plan that were made at the request of Council.

Deputy City Attorney Lawrence Provins stated two members of the community made a request to speak on the proposed CUP but the Public Hearing for this CUP has previously taken place.

Planner II Mohamed Bireima stated there has been 72 letters in opposition and 1 letter in support of the proposed CUP after the Public Meeting was adjourned.

Senior Planner Martin Griggs stated due to the business type having to obtain a CUP, more requirements are being put on the site plan than would be needed for various types of other businesses.

Councilmember Carbone stated if this CUP is voted down then another type of business could come in and build without Council approval.

Councilmember Little stated a business with more waste and less appealing look could go in that space without Council approval and no need to meet the same requirements.

Mayor Pro-Tem Perez stated no CUP would be needed if this business did not have gas pumps and the landowner has the same right to develop property as the residents. He further stated something is getting developed on that land and it will not just remain undeveloped, but he does represent the residents who do not want the business there.

Councilmember Hernandez stated there has been many people in opposition to this land being developed as a gasoline station and the gas pumps seem to be the area that residents have issue with.

Councilmember Carbone asked staff if Planning and Zoning is allowed to speak on the proposed CUP.

City Attorney Darrin Coker stated the Council does have the power to request Planning and Zoning input.

Commissioner Isenberg stated he has monitored the public response and since it has been so strongly opposed to he cannot support the proposal.

Commissioner Cade stated she cannot support the Conditional Use Permit due to the amount of existing gas stations in the area.

Commissioner Duncan stated he has not been in support of the CUP since the first time it was presented and still is not in support.

Commissioner Wicker stated the Conditional Use Permit was approved previously and does not support it now being denied when another less appealing business can built without approval from Council or obtaining a Conditional Use Permit.

Commissioner Starr stated citizens need to realize other businesses can build on that land without Council input or residents being able to speak in opposition. She further stated if this business is allowed then regulations can be imposed.

Commissioner Tunstall stated it is unfortunate the developer did not build when the first CUP was approved. He further stated that the issue is with the gas pumps which the Residents are in strong opposition of so he cannot support the CUP.

Mayor Pro-Tem Perez stated he would like to hear from the applicant regarding removing the gas pumps.

Applicant Adam Saddi stated this has been approved prior and he was not aware of the Permit expiring so he addressed the floor plan to make it more appealing. He further stated he has met all of the requirements that Council gave him and is willing to meet additional guidelines. Applicant Adam Saadi stated he can put another business there without Council approval and it should be approved again. He further stated he is willing to move the pumps to another side of the building.

Deputy City Attorney Lawrence Provins advised Council that a motion for amendment would have to be made to add in additional requirements for advanced landscaping and buffers.

Mayor Reid stated both sides of the road are zoned as General Business and other businesses can use it without a Conditional Use Permit and that could cause additional traffic.

Councilmember Moore stated most of the comments he received were that it would create traffic and not be appealing with the park. He further stated with the proper landscaping buffer it could blend in with the park rather than allow other businesses to move in without needing approval.

Councilmember Hernandez stated he has received concerns regarding crime and environmental concerns with gas pumps.

Mayor Pro-Tem Perez made the motion, seconded by Councilmember Moore to add the agreed on landscape conditions of the revised site plan.

Mayor Reid called for the vote on the amended motion.

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

Voting "No" None.

Amended motion passed 5 to 0 with Councilmember Reed and Councilmember Owens absent.

Mayor Reid called for the vote on the original motion.

Voting "Aye" Councilmember Little and Moore.

Voting "No" Councilmember Carbone, Perez and Hernandez.

Motion failed 3 to 2 with Councilmember Reed and Councilmember Owens absent.

ADJOURNMENT

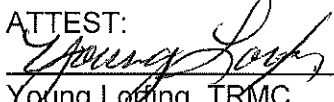
Meeting was adjourned at 8:08 p.m.

Minutes approved as submitted and/or corrected this the 11th day of February, A.D., 2019.



Tom Reid
Mayor

ATTEST:


Young Loring, TRMC
City Secretary