

MINUTES OF THE JOINT PUBLIC HEARING FOR THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION, CITY OF PEARLAND, TEXAS, HELD ON MONDAY NOVEMBER 19, 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 6:35 p.m. The following were present:

Mayor Tom Reid	
Council Member Derrick Reed	P&Z Chairperson Daniel Tunstall
Council Member Tony Carbone	P&Z Vice Chairperson T. Duncan
Council Member Trent Perez	P&Z Commissioner Mary Starr
Council Member David Little	P&Z Commissioner Layni Cade
Council Member Gary Moore	P&Z Commissioner Ronald Wicker
Council Member Woody Owens	P&Z Commissioner Troy Pradia
Council Member Adrian Hernandez	P&Z Commissioner Derrell Isenberg

Also present were Deputy City Attorney Lawrence Provins, Community Development Director John McDonald, Planner Samin Bazargan, Planner Vince Hustead, Assistant City Engineer Ryan McKinnis, Director of Engineering Robert Upton and Office Assistant Alma Gonzales

Director of Community Development John McDonald read the order of the agenda and the format of the meeting. Mr. McDonald informed that item for an animal processing facility had been pulled from the agenda by the applicant.

CALL TO ORDER

Mayor Tom Reid opened the public hearing at 6:35 p.m.

P&Z Chairperson Daniel Tunstall read into the record the Amendments to the Unified Development Code (UDC) No. (T-29)

PURPOSE OF HEARING

CONSIDERATION AND POSSIBLE ACTION –AMENDMENTS TO THE UDC T29

Amendments to the Unified Development Code (UDC) No. (T-29) - A request of the City of Pearland, for a proposed amendment to permit massage establishment only by a Conditional Use Permit (CUP) and to allow additional tree credits to provide commercial developers relief from tree mitigation.

APPLICATION INFORMATION AND CASE SUMMARY

Mr. McDonald presented the staff report with exhibits.

APPLICANT REPRESENTATION

None

No Staff wrap up

PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

Jason Perry, 3903 Cedar wood, Pearland TX 77584
Christian Madison, 3435 Sheldon Dr., Pearland TX 77584
Lety Li, 3115 Spy Ridge, Pearland TX 77578
Joe Madison, 3435 Sheldon Dr., Pearland TX 77584
Vicky Smith, 2324 DaVinci Dr., Pearland TX 77581
Kerri Taylor, 1635 E. Broadway, Pearland TX 77581

All speakers expressed their concerns on massage parlors and the negative effects these type of establishments would bring to the community.

COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION – Massage Establishments

Council Member Tony Carbone made a comment on the on the Staff's definition of massage parlors and asked what needed to happen to get the definition clarified for the first and second Council readings. Deputy City Attorney Lawrence Provins explained that Council input and guidance would be needed to address the issues. Mr. Carbone asked if it was legal to sleep inside a GB or GC zone establishment was allowed. Mr. Provins explained if there were evidence of sleeping in an establishment, an investigation would be initiated with code enforcement. Mr. Carbone asked if current massage establishments would be effected by the new UDC amendment. Mr. Provins and Mr. McDonald explained and made comments. Council Member Derrick Reed would like to see the groups and individuals who spoke to work with Staff on their concerns. Council Member Trent Perez made comments on identifying massage establishments and the services provided. Mr. Perez asked for clarification on adding the amendments to PUD's. Mr. Province explained that yes it would have to add to each PUD. Mr. Perez asked what were the pros and cons of licensing and the CUP requirements. Mr. Provins explained. Council Member Adrian Hernandez commented on the characteristics of a massage establishment, business hours, restrictions and licensing. Council Member David Little had comments on inspections at a massage establishments, Mr. Provins explained the avenues of entry for inspections. Council Member Gary Moore commented on being retroactive to present establishments to make changes to the new guidelines, Mr. Provins explained that no we would not have the authority to make them change, but a new business can be prevented to those new changes through the CUP. Council Member Woody Owens did not have a problem with the message establishment amendments. Mayor Tom Reid clarified the decision process that City Council makes.

P&Z Chairperson Daniel Tunstall made comments on the UDC changes and a simple definition of massage establishments and restrictions. P&Z Commissioner Layni Cade informed that she visited a massage establishment and was refused service. Ms. Cade was in favor of the CUP and licensing requirements. Commissioner Troy Pradia commented on imposing the land owners responsible for an illegal activity on the property. Commissioner Derrell Isenberg informed that he had attended a human trafficking symposium and was in favor of the CUP requirements. Commissioner Mary Starr commented on regulating these type of establishments with a CUP would be a start. Commissioner Ronald Wicker commented that the proposed regulation would be a good start with setting up a procedure.

COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION – Tree Mitigation

Council Member Carbone commenting on limiting the 50 % tree mitigation, Mr. McDonald explained the concept and the credit. Council Member Perez commented on the 50% tree credit, the language provided by Staff and the preservation of present trees. Council Member Hernandez asked Staff the offset of the tree fees. Mr. McDonald explained the tree fund. Council Member Moore asked why pine trees were being counted now and not before, Mr. McDonald explained the preservation and credit of the pine trees. Council Member Owens asked if some trees on Pearland Parkway could be replanted, Mr. McDonald informed that yes they could. Mayor Reid made a brief comment on the tree mitigation changes.

P&Z Commission and Staff had no further comments.

P&Z Chairperson Daniel Tunstall read into the record the Zone Change Application No. ZONE 18-00020

PURPOSE OF HEARING

Zone Change Application No. ZONE 18-00020

A request of Larry West, Sr. and Kathleen Ellis, applicant/owner; for approval of a change in the zoning classification from the Light Industrial (M-1) to Single-Family Estate (RE) zoning district; on approximately 3.238 acres of land.

Legal Description:

Tract "A"

Field note description of 1.619 acres being out of and a part of Lot 14, of Masterson Subdivision, Section 5, in the H.T.&B.R.R. Survey, Abstract 237, Brazoria County, Texas, according to the recorded map or plat thereof recorded in Volume 28, Page 6 of the deed records of Brazoria County, Texas and being a part of that tract of land as conveyed be Robert J. Heinrich and wife, Janice Jo Ann Heinrich to Lenard R. West and wife, Kathleen M. West as recorded in Volume 1301, Page 620 of the Brazoria County Deed Records on July 30, 1976.

Tract "B"

Field note description of 1.619 acres being out of and a part of Lot 14, of Masterson Subdivision, Section 5, in the H.T.&B.R.R. Survey, Abstract 237, Brazoria County, Texas, according to the recorded map or plat thereof recorded in Volume 28, Page 6 of the deed records of Brazoria County, Texas and being a part of that tract of land as conveyed be Robert J. Heinrich and wife, Janice Jo Ann Heinrich to Lenard R. West and wife, Kathleen M. West as recorded in Volume 1301, Page 620 of the Brazoria County Deed Records on July 30, 1976.

General Location: 1915 Hatfield Road, Pearland TX.

APPLICATION INFORMATION AND CASE SUMMARY

Planner Mohamed Bireima presented the Staff report with exhibits and informed one comment form was received in favor of the request. The criteria for approval as follows:

1. The proposed change in zoning is not in conformance with the Comprehensive Plan and the Future Land Use Plan.
2. The proposed change in zoning allows a reduced number of land uses. The standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified providing appropriate development to adjacent properties.
 - During platting, a residential buffer will be required to be provided for the manufacturing

building to remain adjacent to the residential.

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

APPLICANT REPRESENTATION

None

PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

None

COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

Council Members Moore, Perez and Carbone were in favor of the request and agreed with Staff on the recommendations.

P&Z Commission and Staff had no further comments.

ADJOURNMENT


Mayor Tom Reid adjourned the public hearing at 8:34 p.m.

These minutes are respectfully submitted by:



Alma Gonzales, Office Assistant

Minutes approved as submitted on this 14th day of January 2019 AD.



Mayor Tom Reid