

MINUTES OF A JOINT SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, FEBRUARY 25, 2019, AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

Mayor Reid called the meeting to order 6:30 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	Adrian Hernandez	P&Z Commissioner Lani Cade
Councilmember	J. David Little	P&Z Commissioner Darrell Isenberg
Councilmember	Derrick Reed	
City Manager	Clay Pearson	
Deputy City Attorney	Lawrence Provins	
City Secretary	Young Lorfing	

Absent: Councilmember Gary Moore and P&Z Commissioner Troy Pradia and Commissioner Daniel Tunstall.

Others in attendance: Jon Branson Deputy City Manager, Roland Garcia Assistant Chief – Community Risk Reduction, Michelle Graham Director of Human Resources, John McDonald Director of Community Development, Chris Orlea Director of Parks and Recreation, Kim Sinistore Executive Director CVB, Clarence Wittwer Director of Public Works, Andrea Brinkley Assistant Director of Public Works, Joel Hardy Grants – Special Projects Administrator, Mohamed Bireima Planner II and Joshua Lee Communication Director.

JOINT SPECIAL MEETING NO. 1

Conditional Use Permit Application No. CUP 19-00001

A request by Arif Maredia, applicant, on behalf of Golber Investment Pearland, owner, for approval of a Conditional Use Permit (CUP) to allow a smoke and vaping products shop on a 1.02-acre tract zoned General Commercial (GC) District.

Legal Description:

Lot 2-B of Blockbuster Addition No. 2, an addition in the City of Pearland according to the plat recorded in File No. 2017030239 in the Official Records of Brazoria County, Texas.

General Location:

2002 N. Main Street, Pearland, TX.

APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT: Planner II Mohamed Bireima reported on the Conditional Use Permit (CUP) to allow a smoke and vaping products shop on a 1.02-acre tract zoned General Commercial (GC) District.

APPLICANT PRESENTATION:

Golber Investments Representative Brian Bernstein addressed Council and stated the tract of land the business is planned for is not zoned as retail and it is being asked of Council to change the zoning to retail.

Applicant Arif Maredia addressed Council and stated he would like to open a vape shop in Pearland and has no intent to sell loose tobacco.

PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST:

James Presley, 2724 Shauntel Street, addressed Council and stated there is a similar business within a three mile radius of the proposed site and the City should not deny this Conditional Use Permit and limit free market.

PLANNING AND ZONING COMMISSION:

Commissioner Starr stated there are already these types of businesses in Pearland and is in opposition to the proximity of the location to a school building.

Commissioner Wicker stated he is not in opposition of the Conditional Use Permit.

Commissioner Cade stated the applicant explained he will only deal with vaping products but the information for his other businesses state otherwise. She also stated there are enough vape shops in Pearland and is in opposition.

Commissioner Isenburg stated he does not have any opposition to the proposal.

Commissioner Duncan stated the school building is an Administration building with adults and he does not have opposition to the proposal.

CITY COUNCIL:

Councilmember Carbone stated he is not in favor of the business type due to the issues schools are having with students using the products, the business owner does have the right to open his business though.

Mayor Pro-Tem Perez stated zoning is not the issue, a Conditional Use Permit is required due to the business type. He further stated as Councilmembers the responsibility is to address resident concerns and there is opposition to the proposed business.

Conversation ensued between Councilmember Hernandez and Applicant Arif Maredia regarding the signage used on the storefront and dangers of vaping device malfunction.

Councilmember Little stated he is not in opposition to the proposed Conditional Use Permit.

Councilmember Owens asked the applicant if some of the products sold can be used as drug paraphilia.

Applicant Arif Maredia stated his products are intended for tobacco but a person's use cannot be regulated.

Councilmember Owens stated there is an expectation to improve the City, there are already a number of these businesses and is in opposition.

Councilmember Reed stated the City does not want to limit free market but has to keep the image of the City in mind and choose what businesses are allowed within the City.

Mayor Pro-Tem Perez stated it has been discussed that neon signs not be allowed and asked staff if there was anything in place regarding the use of neon signs in a storefront.

Planner Mohamed Biremima stated that he is not aware of anything prohibiting the use of neon signs.

Councilmember Hernandez stated he would like to see the limit of a neon sign used in the store window and asked if it can be added to the amendment to limit any persons under the age of eighteen years old to enter the store. He further stated studies suggest an updated HVAC should be required to limit spillover to other businesses and other safety measures that should be in place.

STAFF WRAP UP: None

CITY COUNCIL NEW BUSINESS

Council Action - Resolution No. R2019-CUP19-00001 - A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow a smoke and vaping products shop on a 1.02-acre tract within the General Commercial (GC) District, being all of Lot 2-B of Blockbuster Addition No. 2, an addition in the City of Pearland according to the plat recorded in File No. 2017030239 in the Official Records of Brazoria County, Texas. (Located at 2002 N. Main Street, Suite 107, Pearland, TX). Conditional Use Permit Application No CUP19-00001, within the General Commercial (GC) District, at the request of Arif Maredia, applicant, on behalf of Golber Investment Pearland, 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 Hernandez to approve Resolution R2019-CUP19-00001 as amended.

Mayor Pro-Tem Perez made the motion, seconded by Councilmember Hernandez to amend the motion to not allow persons under the age of eighteen years old to enter the store and to limit the use of neon signage in the store window to an "Open" sign.

Mayor Reid called for the vote on the amendment.

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

Voting "No" None.

Motion passed 6 to 0 with Councilmember Moore absent.

Mayor Reid called for the vote on the original motion.

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

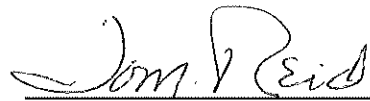
Voting "No" Councilmember Reed and Owens.

Motion passed 4 to 2 with Councilmember Moore absent.

ADJOURNMENT

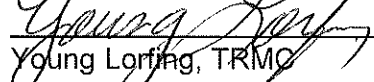
Meeting was adjourned at 7:13 p.m.

Minutes approved as submitted and/or corrected this the 4th day of March, A.D., 2019.



Tom Reid
Mayor

ATTEST:



Young Loring, TRMO
City Secretary