

MINUTES OF A JOINT SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, JUNE 17, 2019, AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

Mayor Reid called the meeting to order 8:50 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	Luke Orlando	P&Z Commissioner Julie Ward
Councilmember	Derrick Reed	P&Z Commissioner Lani Cade
Councilmember	Gary Moore	P&Z Commissioner Daniel Tunstall
Councilmember	Woody Owens	P&Z Commissioner Troy Pradia
Assistant City Manager	Trent Epperson	
Deputy City Attorney	Lawrence Provins	
Interim City Secretary	Maria Rodriguez	

Absent: Councilmember Adrian Hernandez, Councilmember J. David Little and Commissioner Ronald Wicker.

Others in attendance: Matt Buchanan President of EDC, John McDonald Director of Community Development, Vance Riley Fire Chief, Robert Upton Director of Engineering and Capital Projects, Scott Williams Building Official, Jennifer Huhn Court Administrator, Joshua Lee Communications Director, Senior Planner Mohamed Bireima and Planning Manager Martin Griggs.

JOINT SPECIAL MEETING NO. 1

Conditional Use Permit Application No. CUP 18-00031

This request was tabled by the City Council on May 20, 2019 Joint Special Meeting to June 17th 2019, meeting. During the hearing, some neighbors expressed their concern about the site plan and height of the building. by Emily L. Besser, applicant, on behalf of Thomas L. Besser, owner; for approval of a Conditional Use Permit (CUP) to allow two-family dwelling (duplex) use located within the Old Townsite Mixed Use (OT-MU) District; on approximately 0.287 acres of land.

Legal Description:

Lot 6 through 9, inclusive, in block 26 of Pearland Townsite, in Brazoria County, Texas, recorded in Volume 29 page 41 of the Map Records of Brazoria County, Texas

General Location:

2513 S. Grand St., Pearland, TX

APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT: Planning Manager Martin Griggs reported on the proposed Conditional Use permit for approval of a Conditional Use Permit (CUP) to allow two-family dwelling (duplex) use located within the Old Townsite Mixed Use (OT-MU) District.

APPLICANT PRESENTATION:

Applicant Emily Besser addressed Council and spoke in regards to the new site plan and proposed changes submitted with the Conditional Use Permit.

PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST:

Kevin Fuller, 2809 Merlin Lane, addressed Council and spoke on behalf of the residents and provided support of the proposed Conditional Use Permit to include the new site plan.

PLANNING AND ZONING COMMISSION: None

CITY COUNCIL:

Councilmember Owens stated there is an agreement between the land owner and residents and he has no issue with the proposed Conditional Use Permit.

STAFF WRAP UP:

Planning Manager Martin Griggs clarified the terms of the property set back on the Conditional Use Permit.

CITY COUNCIL NEW BUSINESS

Council Action - Resolution No. R2019-CUP18-00031 - A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow a two-family dwelling on 0.287 acre tract of land located within the Old Townsite Mixed Use (OT-MU) District, being lot 6 through 9, inclusive, in block 26 of Pearland Townsite, in Brazoria County, Texas, recorded in Volume 29 page 41 of the Map Records of Brazoria County, Texas. (Located at 2513 S. Grand St., Pearland, TX). Conditional Use Permit Application No CUP18-00031, within the Old Townsite Mixed Use (OT-MU) District, at the request of Emily L. Besser, applicant, on behalf of Thomas L. Besser, 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 No. R2019-CUP18-00031.

Voting "Aye" Councilmember Orlando, Reed, Perez, Moore and Owens.

Voting "No" None.

Motion passed 5 to 0 with Councilmember Hernandez and Councilmember Little absent.

JOINT SPECIAL MEETING NO. 2

Conditional Use Permit Application No. CUP 19-00006

A request by Dustin Jackson, applicant, on behalf of URSAFE Pearland, LLC, owner, for approval of a Conditional Use Permit (CUP) to allow a micro-distillery on 1.8365 acre tract of land located within the General Commercial (GC) District; to wit:

Legal Description:

Being a 1.8365-acre tract of land out of Tract 48 of the Zychlinski Subdivision of Section 2, situated in the H.T. & B.R.R. Company Survey, Abstract No. 542, Brazoria County, Texas, being the same land described in deed recorded in Brazoria County Clerk's File No. 93-034629, and also shown as Lots 1&2 on a plat showing the division of said Tract 48, County Surveyor of Brazoria County, Texas, dated April 29, 1958.

General Location:

1607 N. Main Street, Suite A, Pearland, TX.

APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT:

Senior Planner Mohamed Bireima reported on the proposed Conditional Use Permit to allow a micro-distillery on a tract of land located within the General Commercial (GC) District.

APPLICANT PRESENTATION:

Applicant Justin Jackson addressed Council and provided information on the intended land use for the Conditional Use Permit.

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

PLANNING AND ZONING COMMISSION: None

CITY COUNCIL:

Conversation ensued between Councilmember Reed, Deputy City Attorney Lawrence Provins and City Attorney Darrin Coker regarding whether the legal requirements for manufacturing alcohol have been met and a brief outline of the requirements for a liquor license from the Texas Alcoholic Beverage Commission and the differences.

Mayor Pro-Tem Perez stated he would like to add the condition that no alcohol be consumed on site.

Councilmember Moore asked the applicant Justin Jackson if he is aware and willing to abide by the guidelines set forth in the Unified Development Code.

Applicant Justin Jackson stated he is aware and is willing to comply with all guidelines.

Councilmember Orlando stated surveys have shown there is a lack of things to do in Pearland and he would encourage more diverse types of business.

Conversation ensued between Council regarding the ability to approve this proposed Conditional Use Permit without limiting growth.

STAFF WRAP UP: Senior Planner Mohamed Bireima stated the proposed Amendments to the Conditional Use Permit will limit the business space to 800 feet and not allow on premise consumption.

Conversation ensued between Council and what Amendments could be made to not limit potential growth of the requestor's business.

CITY COUNCIL NEW BUSINESS

Council Action - Resolution No. R2019- CUP19-00006 - A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow a micro-distillery on 1.8365 acre tract of land located within the General Commercial (GC) District, being a 1.8365-acre tract of land out of Tract 48 of the Zychlinski Subdivision of Section 2, situated in the H.T. & B.R.R. Company Survey, Abstract No. 542, Brazoria County, Texas, being the same land described in deed recorded in Brazoria County Clerk's File No. 93-034629, and also shown as Lots 1&2 on a plat showing the division of said Tract 48, County Surveyor of Brazoria County, Texas, dated April 29, 1958. (Located at 1607 N. Main Street, Suite A, Pearland, TX). Conditional Use Permit Application No CUP19-00006, within the General Commercial (GC) District, at the request of Dustin Jackson, applicant, on behalf of URSAFE Pearland, 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 Mayor Pro-Tem Perez to approve Resolution No. R2019-CUP19-00006.

Voting "Aye" Councilmember Orlando, Reed, Perez, Moore and Owens.

Voting "No" None.

Motion passed 5 to 0 with Councilmember Hernandez and Councilmember Little absent.

JOINT SPECIAL MEETING NO. 3

Conditional Use Permit Application No. CUP 19-000005

A request by Tim Garcia, applicant and owner, for approval of a Conditional Use Permit (CUP) to allow "Truck (Heavy) and Bus Rental or Sales" on two tracts of land totaling 0.78 acre located within the General Commercial (GC) District; to wit:

Legal Description:

Being two tracts of land totaling 0.7805 acres situated in the A.C.H. & B.R.R. Company Survey, Abstract No. 147, Brazoria County, Texas, being Tract 119A and Tract 119A-1, a Subdivision of Section 1, of the A.C.H. & B.R.R. Company Survey, Abstract No. 147, Brazoria County, Texas as recorded in Volume 2, Page 1, of the Plat Records of Brazoria County, Texas.

General Location:

3117 S. Main Street, Suite 107, Pearland, TX.

APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT: Senior Planner Mohamed Bireima reported on the proposed approval of a Conditional Use Permit (CUP) to allow “Truck (Heavy) and Bus Rental or Sales” on two tracts of land located within the General Commercial (GC) District.

Mayor Reid called Session into Recess at 9:37 p.m.

Council returned from Recess at 9:40 p.m.

APPLICANT PRESENTATION:

Applicant Tim Garcia addressed Council and spoke about the issues with the limited storage outlined in the Conditional Use Permit.

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

PLANNING AND ZONING COMMISSION:

Commissioner Duncan stated the limitations on this Conditional Use Permit will be too hard to meet for the requestor.

Commissioner Tunstall stated there is a business in the area that displays forklifts visible through a fence and there would be no difference in this business having trucks that are visible.

Commissioner Cade stated if the vehicles are neatly parked then it should not be a condition that the trucks would have to be out of sight, given the business is a 24 hour operation.

Commissioner Ward stated she has no objections as long as the Unified Development Codes are not being violated.

CITY COUNCIL:

Conversation ensued between Mayor Pro-Tem Perez and staff regarding prior Conditional Use Permits for the same business type.

Director of Community Development John McDonald stated the guideline for asking that the trucks be stored behind a fence is to comply with the Corridor Overlay District.

STAFF WRAP UP: None.

CITY COUNCIL NEW BUSINESS

Council Action - Resolution No R2019-CUP19-00005 - A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow "Truck (Heavy) and Bus Rental or Sales" on two tracts of land totaling 0.78 acre located within the General Commercial (GC) District, being two tracts of land totaling 0.7805 acres situated in the A.C.H. & B.R.R. Company Survey, Abstract No. 147, Brazoria County, Texas, being Tract 119A and Tract 119A-1, a Subdivision of Section 1, of the A.C.H. & B.R.R. Company Survey, Abstract No. 147, Brazoria County, Texas as recorded in Volume 2, Page 1, of the Plat Records of Brazoria County, Texas. (Located at 3117 S. Main Street, Suite 107, Pearland, TX). Conditional Use Permit Application No CUP19-00005, within the General Commercial (GC) District, at the request of Tim Garcia, 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. R2019-CUP19-00005.

Voting "Aye" Councilmember Orlando, Reed, Perez, Moore and Owens.


Voting "No" None.

Motion passed 5 to 0 with Councilmember Hernandez and Councilmember Little absent.

ADJOURNMENT

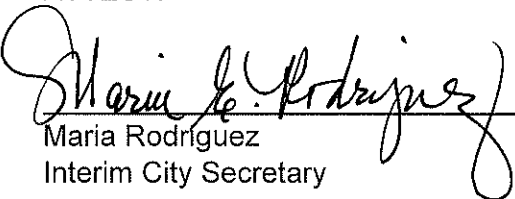
Meeting was adjourned at 9:55 p.m.

Minutes approved as submitted and/or corrected this the 26th day of August, A.D., 2019.



Tom Reid
Mayor

ATTEST:



Maria Rodriguez
Interim City Secretary