

MINUTES OF A JOINT SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, MAY 20, 2019, AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

Mayor Reid called the meeting to order 6:55 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	Derrick Reed	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
Councilmember	Woody Owens	
Deputy City Manager	Jon Branson	
City Attorney	Darrin Coker	
Interim City Secretary	Maria Rodriguez	

Absent: Councilmember Tony Carbone, Commissioner Lani Cade and Commissioner Daniel Tunstall.

Others in attendance: Jon Branson Deputy City Manager, Trent Epperson Assistant City Manager, Young Lorfing City Secretary, John McDonald Director of Community Development, Chris Orlea Director of Parks and Recreation, 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, Joel Hardy Grants – Special Projects Administrator, Joshua Lee Communication Director and Lawrence Provins Deputy City Attorney.

JOINT SPECIAL MEETING NO. 1

Conditional Use Permit Application No. CUP 19-00031

A request 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: Planner Samin Bazargan reported on the Conditional Use Permit (CUP) to allow a two-family dwelling (duplex) use located within the Old Townsite Mixed Use District.

APPLICANT PRESENTATION:

Applicant Emily Besser addressed Council regarding the desire to move forward with the construction of a duplex on her land and offered to speak with any persons opposed to the proposed use.

PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST:

Teofilo Santiago, 2514 Park Avenue, addressed Council and spoke in opposition to the proposed Conditional Use Permit.

Rick Simms, 2438 S. Park Avenue, addressed Council and spoke in opposition of the proposed land use.

Kevin Fuller, 2501 S. Grand Street, addressed Council and stated he is authorized to represent a group of the residents and the group does not support the Conditional Use Permit.

Shauna Bynum, 2522 Park Avenue, addressed Council and does not support the Conditional Use Permit to construct a duplex due to privacy concerns.

PLANNING COMMISSION/COUNCIL/STAFF DISCUSSION

PLANNING AND ZONING COMMISSION:

Commissioner Duncan stated the issue he has with the Conditional Use Permit is privacy for the residents around the proposed duplex.

CITY COUNCIL:

Councilmember Reed asked the applicant Emily Besser if she is opposed to setting the duplex back further in the property.

Applicant Emily Besser stated she is not opposed to setting the duplex back further, the original build was closer to the street because parking was moved to the back. She further stated she is open to changes to the site plan if the residents want to make suggestions.

Councilmember Reed stated there are structures that are less appealing that can be put in place without Council approval and residents should consider that. He further stated the area does need to be preserved and the current site plan has room for improvement.

Mayor Pro-Tem Perez stated the City needs to revisit what types of residential homes need a Conditional Use Permit because the applicant could make some changes and not need this Permit and it be less appealing. He further stated the proposed duplex is not as negative to the area as other uses for the land that would not require Council approval. Mayor Pro-Tem Perez asked the applicant if it would negatively affect the build if Council approved the Permit based on the building only being a single story.

Applicant Thomas Besser stated if the build was approved as a single story they could add the parking to the front and extend the building.

Director of Community Development John McDonald stated parking in the front of the duplex is prohibited in the Uniform Development Code and cannot be a part of the Conditional Use Permit.

Conversation ensued between Mayor Pro-Tem Perez, the applicants and Resident Representative Kevin Fuller regarding various compromises to the structure and land to satisfy the needs of everyone involved.

Councilmember Reed asked for clarification on whether the setback was an issue or not.

Resident Representative Kevin Fuller stated the most important issue for him would be the two-story home and not the setback.

Councilmember Hernandez stated the duplex is not visually appealing and does not blend well with the properties that are existing. He further stated it would be a good idea for the applicant and neighbors to get together and compromise.

Councilmember Little stated the applicant has been cooperative when working with the residents issues and reiterated that another builder could build something else without Council approval on that property, with a build height limit of forty feet.

Councilmember Moore stated the reason the applicant is required to get a Conditional Use Permit is because it does not fit in with the area and he opposes the approval of the Permit.

Councilmember Owens asked staff if there are plans for the City to do improvements on Grand Street.

Assistant City Manager Trent Epperson stated there is nothing in the five year Capital Improvement plan. He further stated Engineering would be aware if there are any pending Right of Way improvements.

Director of Engineering and Capital Projects Robert Upton stated there are no planned Right of Way Improvements at this time.

Councilmember Owens asked the applicant if the building has to be two-story.

Applicant Emily Besser stated the idea is to create something that will rent at a price point that will attract the right kind of renters to the neighborhood.

Councilmembers Owens stated he agrees with the residents' concerns and it would be better for the applicant and residents to discuss compromises.

STAFF WRAP UP: Planning Manager Martin Griggs addressed Council and provided the options for voting 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.

Councilmember Hernandez made the motion, seconded by Councilmember Moore to approve Resolution No. R2019-CUP18-00031.

Councilmember Reed made the motion, seconded by Councilmember Moore to table Resolution No. R2019-CUP18-00031 to the next Joint Public Hearing.

Assistant City Attorney Lawrence Provins verified Resolution No. R2019-CUP18-00031 would need to be tabled until the next Joint Special Meeting.

Mayor Reid called for the vote to table Resolution No. R2019-CUP18-00031 to the next Joint Special Meeting.

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

Voting "No" None.

Motion passed 6 to 0 with Councilmember Carbone absent.

JOINT SPECIAL MEETING NO. 2

Conditional Use Permit Application No. CUP 19-00008

A request by Trevor Luthy, applicant, on behalf of Southfork Centre Partners, LTD, owner, for approval of a Conditional Use Permit (CUP) to allow a music school on 2.0348 acres tract of land located within the Business Park District-288 (BP-288).

Legal Description: Lot 3, Block 1, Medical Resort at Pearland, an addition in the City of Pearland, Brazoria County, Texas, according to the Plat recorded in File No. 2015027678 in the Plat Records of Brazoria County, Texas.

General Location: 3422 Business Center Drive, Suite 122, Pearland, TX.

APPLICATION INFORMATION AND CASE SUMMARY

STAFF REPORT: Planner Samin Bazargan reported on the Conditional Use Permit (CUP) to allow a music school within the Business Park District-288.

APPLICANT PRESENTATION:

Applicant Trevor Luthy addressed Council and spoke regarding the school, its students and desire to offer its services to the residents of Pearland.

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

PLANNING COMMISSION/COUNCIL/STAFF DISCUSSION

PLANNING AND ZONING COMMISSION: None.



CITY COUNCIL:

Councilmember Moore stated he has seen the students from the school perform and supports the Conditional Use Permit.

Councilmember Little stated this is a legitimate business and should not require a Conditional Use Permit.

Councilmember Hernandez stated he is in support of the Conditional Use Permit and its services.

Mayor Pro-Tem Perez stated he appreciates the art of music and is in support of the Conditional Use Permit.

STAFF WRAP UP: None.

CITY COUNCIL NEW BUSINESS

Council Action - Resolution No. R2019-CUP19-00008 - A Resolution of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow for a music school in Business Park-288 (BP-288) zoning district, Lot 3, Block 1, Medical Resort at Pearland, an addition in the City of Pearland, Brazoria County, Texas, according to the Plat recorded in File No. 2015027678 in the Plat Records of Brazoria County, Texas. (Located at 3422 Business Center Drive, Pearland, TX.) Conditional Use Permit Application No CUP 19-00008, within the Business Park-288 (BP-288) zoning district, at the request of Trevor Luthy, applicant, on behalf of Southfork Centre Partners, LTD, 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 Moore to approve Resolution No. R2019-CUP19-00008.

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

Voting "No" None.

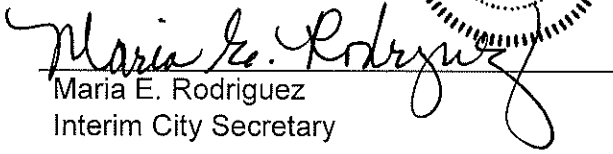
Motion passed 6 to 0 with Councilmember Carbone absent.

ADJOURNMENT

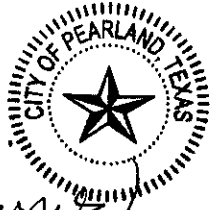
Meeting was adjourned at 7:50 p.m.


Minutes approved as submitted and/or corrected this the 12th day of August, A.D., 2019.

ATTEST:



Maria E. Rodriguez
Interim City Secretary





Tom Reid
Mayor