

# AGENDA

## CITY OF PEARLAND PLANNING & ZONING COMMISSION

June 1, 2015

6:00 p.m.

Henry Fuertes  
P&Z CHAIRPERSON

Daniel Tunstall  
P&Z VICE-CHAIRPERSON

### COMMISSIONERS

Mary Starr

Derrick Reed



Thomas Duncan

Ginger McFadden

In accordance with the Texas Open Meeting Act the Agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located at the front entrance of the City Hall, 3519 Liberty Drive.



**AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, MONDAY, JUNE 1, 2015, AT 6:00 P.M., HELD IN THE CITY COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

**I. CALL TO ORDER**

**II. CONSENT AGENDA**

All items listed under the “Consent Agenda” are considered to be routine and require little or no deliberation by the P&Z Commission. These items will be enacted / approved by one motion unless a commissioner requests separate action on an item, in which event the item will be removed from the Consent Agenda and considered by separate action (*ix. Matters removed from Consent Agenda*). Approval of the Consent Agenda enacts the items of legislation.

**A. CONSIDERATION & POSSIBLE ACTION – APPROVAL OF MINUTES AND EXCUSE OF ABSENCE**

1. Approve the Minutes of the May 18, 2015 P&Z Regular Meeting, held at 6:00 p.m.
2. Excuse the absence of Commissioner Henry Fuertes and Ginger McFadden from the May 18, 2015 regular meeting.

**III. MATTERS REMOVED FROM CONSENT AGENDA**

**IV. NEW BUSINESS**

**A. DISCUSSION ITEMS**

1. Commissioners Activity Report
2. P&Z Commissioners Survey Results
3. Zoning Update
4. Comprehensive Plan Update Joint Workshop – July 6, 2015
5. Next JPH/P&Z Meeting, June 15, 2015

**V. ADJOURNMENT**



**This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.**

I, Jennifer Tatum, Office Assistant of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the 29th day of May 2015, A.D., at 5:30 p.m.

\_\_\_\_\_  
Jennifer Tatum, Office Assistant

Agenda removed \_\_\_\_\_ day of June, 2015.

## II. Consent Agenda Items

All items listed under the “Consent Agenda” are considered to be routine and require little or no deliberation by the P&Z Commission. These items will be enacted / approved by one motion unless a commissioner requests separate action on an item, in which event the item will be removed from the Consent Agenda and considered by separate action (ix. Matters removed from Consent Agenda). Approval of the Consent Agenda enacts the items of legislation.

## A. Approval of Minutes

1. Approve the Minutes of the May 18, 2015 P&Z meeting.

**MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, MONDAY, MAY 18, 2015, AT 6:00 P.M., HELD IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS**

**CALL TO ORDER**

P&Z Vice Chairperson Daniel Tunstall opened the meeting for the P&Z Regular Meeting at 6:59 p.m.

In attendance were:

P&Z Vice Chairperson Daniel Tunstall  
P&Z Member Derrick Reed  
P&Z Member Mary Starr  
P&Z Member Thomas Duncan

Also in attendance were Interim City Planner Ian Clowes, Director of Community Development Lata Krishnarao, Associate Planner Vince Hustead, Interim City Engineer Richard Mancilla, and Office Assistant Jennifer Tatum.

**CONSENT AGENDA**

P&Z Commissioner Mary Starr made the motion to approve all the items on the consent agenda, and Commissioner Derrick Reed seconded the motion.

The vote was 4 to 0. The Consent agenda was approved.

**CONSIDERATION & POSSIBLE ACTION – APPROVAL OF MINUTES AND EXCUSE OF ABSENCE**

Approve the Minutes of the April 20, 2015 P&Z Regular Meeting, held at 6:00 p.m.  
Excuse the absence of Commissioner Thomas Duncan from the April 20, 2015 regular meeting.

**MATTERS REMOVED FROM CONSENT AGENDA**

None

**NEW BUSINESS**

**CONSIDERATION AND POSSIBLE ACTION – CONDITIONAL USE PERMIT NO. 2015-05**

A request of Robert M. Atkinson, applicant; on behalf of MVN Investment LLC, owner; for approval of a Conditional Use Permit (CUP) to allow for an Auto Parts Sales (Indoors)

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Only; With Repair Bays) facility located within the General Commercial (GC) zoning district on approximately .41 acres of land, to wit:

**Legal Description:** Being Lots 7 and 8, Thomas and Gilbert Industrial Tracts, a Subdivision of part of Lot 113, A.C.H. & B. Survey, Section 1, Abstract No. 147, Brazoria County, Texas.

**General Location:** North of Swensen Drive, east of Main Street, Pearland, TX

P&Z Commissioner Derrick Reed made the motion to approve, and P&Z Commissioner Thomas Duncan seconded.

Interim City Planner Ian Clowes stated the applicant was applying for a CUP to allow for auto parts sales (indoors), and that staff recommended approval.

P&Z Commissioner Derrick Reed inquired about the lot being raised and if drainage would be an issue. Contractor Robert Atkinson stated that the lot would have to be raised and that drainage would not be an issue. Resident/neighbor Janice Pasket stated she was required to put in retention and curbs and that 150 ft. lot was required. Robert Atkinson stated the detention would be more that 10 ft away from abutting neighbor. P&Z Vice Chairperson Daniel Tunstall inquired about the setbacks. Mr. Atkinson stated the building would be 45 ft. off of the road.

The vote was 4-0. Conditional Use Permit No. 2015-05 was approved.

#### **CONSIDERATION AND POSSIBLE ACTION – CONDITIONAL USE PERMIT NO. 2015-06**

A request of Ronny Hecht, applicant; on behalf of Westside SC Pearland, Ltd., owner; for approval of a Conditional Use Permit (CUP) to allow for an e-cigarette tenant classified as Cigars, Tobacco Shop (Retail Only) to occupy in the Neighborhood Service (NS) zoning district on approximately 5.044 acres of land, to wit:

**Legal Description:** Being a certain Tract out of Tract “A”, on the Final Plat of West Side Plaza, A Subdivision of Brazoria County, Texas, According to the Map or Plat thereof recorded in Volume 17, Pages 279-280, Plat Records, Brazoria County, Texas.

**General Location:** 5074 Broadway Street, Pearland, TX

P&Z Commissioner Derrick Reed made the motion to approve, and P&Z Commissioner Thomas Duncan seconded.

Interim City Planner Ian Clowes stated the applicant was applying for a CUP in order to open an e-cigarette, cigar, and tobacco shop in The Neighborhood Services (NS) Zone.

P&Z Commissioner Derrick Reed inquired about the time it took the applicant to get to this point. Interim City Planner Ian Clowes stated that the application process so far has been about 30 days. Mr. Reed inquired if the applicant was notified and asked to come to the meeting. Mr. Clowes stated yes. Mr. Reed stated that the applicant should have come to the meeting. P&Z Commissioner Mary Starr stated that the applicant should have come to the meeting. Deputy City Attorney Lawrence Provins stated that the Commission did not have to turn down the proposal if they did not have questions for the applicant. Mr. Provins stated if they had questions they could postpone the item. Mr. Provins stated if the Commission did not have questions then they could move forward without the applicant being present. Mr. Tunstall inquired if the NS zone allowed tobacco. Mr. Clowes stated no. Mr. Tunstall stated he did not like the flashing lights and signs that other e-cigarette businesses used.

The vote was 0-4. Conditional Use Permit No. 2015-06 was denied.

### **CONSIDERATION & POSSIBLE ACTION - FIVE YEAR CAPITAL IMPROVEMENT PROGRAM 2016 – 2020**

A request by the City of Pearland, Engineering and Capital Projects Department, for approval of capital improvement projects for fiscal years 2016-2020.

P&Z Commissioner Thomas Duncan made the motion to approve, and P&Z Commissioner Mary Starr seconded.

The vote was 4-0. The five year Capital Improvement Program 2016-2020 was approved.

### **DISCUSSION ITEMS**

Commissioners Activity Report – Thomas Duncan stated he went to APA National Conference in Seattle and that it was very interesting and full of great ideas. Mr. Duncan stated the city of Seattle was very walkable.

Zoning Update – Ian Clowes stated there were no JPH items in April and that all items in March were approved. Mr. Clowes also stated Bakers Landing would have a joint workshop on June 15, 2015 with some changes.

Comprehensive Plan Update Joint Workshop – Director of Community Development Lata Krishnarao stated this meeting would take place on July 7, 2015.

APA National Conference Takeaway – Ian Clowes stated the sessions were similar to last year and that you can easily walk the city from one place to another. Mr. Clowes also stated that he attended the UIL spring meeting in Houston.

CNU Conference Takeaway – Director of Community Development Lata Krishnarao stated she attend the CNU Conference in Dallas and that it was different from APA. Ms. Krishnarao stated the CNU focused on making places happen. Ms. Krishnarao also stated that small places make a big difference and not to underscore small pieces of property.

Next P&Z Meeting, June 1, 2015 – Regular Meeting – P&Z Commissioner Derrick Reed stated he would be required to resign after the next meeting.

## **ADJOURNMENT**

P&Z Vice Chairperson Daniel Tunstall adjourned the P&Z Regular meeting at 7:29 p.m.

These minutes were respectfully submitted by:

\_\_\_\_\_  
Jennifer Tatum, Office Assistant

Minutes approved as submitted and/or corrected on this 1st day of June 2015, A.D.

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Henry Fuertes, Chairperson

# **EXCUSE ABSENCES**

Excuse the absence of P&Z Commissioner Ginger  
McFadden & Henry Fuyertes from the May 18,  
2015 meeting.

### III. Matters Removed From Consent Agenda

## IV. New Business

## **A. DISCUSSION ITEMS**

1. Commissioners Activity Report
2. P&Z Commissioners Survey Results
3. Zoning Update
4. Comprehensive Plan Update Joint Workshop - July 6, 2015
5. Next JPH/P&Z Meeting, June 15, 2015

## IV. Adjournment