



PLANNING & ZONING COMMISSION

**MINUTES OF A
REGULAR MEETING
HELD THURSDAY, FEBRUARY 18, 2016
AT 7:00 PM**

**CITY HALL
COUNCIL CHAMBERS
910 S. FRIENDSWOOD DRIVE
FRIENDSWOOD, TEXAS**

Regular Meeting

1. The Regular Meeting was called to order at 7:00pm with the following people in attendance:

Chairman David O'Farrell
Commissioner Rhonda Neel
Commissioner Rich Borghese
Aubrey Harbin, City Planner

Commissioner Craig Lovell
Commissioner Tony Annan
Arnold Polanco, City Attorney
Becky Summers, Dev. Coordinator

Absent: Branson, Triplette

2. Communication from the public/committee liaisons
(To comply with the provisions of the Open Meetings Act, the Commission may not deliberate on subjects discussed under this agenda item. However, the Commission may direct such subjects to be placed on a later regular Commission agenda for discussion and/or possible action.)

Skip Evans/CEDC read a prepared statement and said the Commercial and Economic Development Committee agreed with the proposed changes to the Downtown District uses.

Gary Caye/CEDC said they agreed with the Commission's recommendation regarding the proposed changes to the uses allowed in the Downtown District. He mentioned CEDC was also interested to hear what the Commission had to say about the proposed large retail ordinance.

3. Consent Agenda
 - A. Approval of the minutes for the meeting held:
 - 1) **February 1, 2016**

Motion to approve: Lovell

Second: Borghese

Vote: 5 to 0 (unanimous)

Motion Carried

4. Consideration and possible action regarding the **Final plat of Willowick Estates**, a plat of .959 acres being Lots 3, 4, 23, and 24 of Unrecorded Hoover Subdivision, in the Sarah McKissick League, Abstract 151, Galveston County, Texas

Motion to approve subject to staff comments: Neel

Second: Annan

Vote: 5 to 0 (Unanimous)

Motion Carried

Harbin explained the plat would combine two lots in the Downtown District into one lot. Annan asked why the bank was required to sign the plat. Harbin explained all property owners and lienholders were required to acknowledge plats.

5. Consideration and possible action regarding the **Final Plat of Friendswood Complex**, a tract of 1.666 acres of land, Lot 2 and 3, in the Harvey and Stout Subdivision of Lots 6, 7 and 8 inclusive, in Block 2 of Friendswood Subdivision, Galveston County, Texas, being recorded in Volume 315, Page 79, of the County Deed Records in the Office of the County Clerk of Galveston County, Texas

Motion to approve subject to staff comments: Lovell

Second: Neel

Vote: 5 to 0 (Unanimous)

Motion Carried

Harbin said the Commission had previously approved the preliminary plat of Friendswood Complex. She said the plat combined the existing Roberts Business Park with the vacant lot next door.

Sel Thint/developer said the project would be a total of 20,000 square feet of buildings constructed in phases. He explained the project would help alleviate the parking deficit at Roberts Business Park, as well.

6. Consideration and possible action regarding a **recommendation to extend the Specific Use Permit for Tires By Design to be located at 3516 FM 528 (Ordinance 2014-13)**

Motion to approve: Annan

Second: Lovell

Vote: 5 to 0 (Unanimous)

Motion Carried

Harbin stated the Specific Use Permit for Tires By Design was originally approved in 2014. She said the owner had been building another location and ran into setbacks which delayed the construction of the Friendswood location. She said the applicant was requesting more time.

Martin Walsh/owner explained his Seabrook location was 95% complete when the Fire Marshal relayed the need for a booster pump which ended up costing more than \$250,000 and roughly six-months time.

O'Farrell told the Commission this project was a good example of when ordinances do not always work for every site. Harbin explained the site was unique in that it abutted a private driveway into an apartment complex. She said the applicant went through the

variance process and ultimately the ordinance was amending to allow for use buffer exemptions when abutting a 30-foot private road, ditch, open space and the like.

7. Consideration and possible action regarding a **recommendation to City Council regarding a Personal Care Facility to be located at 505 N. Clear Creek Dr.**

Motion to approve subject to staff comments: Borghese

Second: Lovell

Vote: 5 to 0 (Unanimous)

Motion Carried

Harbin explained the facility would be run in an existing home with no exterior changes and parking provided behind new fencing. She said the facility would have their trash picked up like any other residential home. Harbin stated the State will not process the facility's application without City approval. Harbin further explained the care facility was permitted by right under Federal law having six residents and two staff members.

Lovell asked if the facility would be in compliance with the HOA rules. Jon Pulvino and Kris Barton/owners answered they had been researching whether the HOA was active or not. They said they had been unable to locate any HOA members yet. Lovell asked about deed restrictions to which Ms. Barton said they have yet to locate any deed restrictions, either. She stated they would continue searching.

Chairman O'Farrell asked City Attorney Polanco to explain the Federal mandate in regards to personal care facilities. Polanco said care facilities were permitted by right in residential areas and the HOA/Deed Restrictions may be preempted. Polanco told the applicants deed restrictions could be found through the County Clerk's office.

O'Farrell asked if the business would be recognizable from the outside. Mr. Pulvino explained that DADS (Texas Department of Aging and Disability Services) required the exterior to appear as a home. Barton said the only outside change to be made was installing a circular driveway.

Annan asked if the Commission had any choice but to approve the request since it was federally regulated. Harbin responded "correct" and explained the Permitted Use Table listed the use as S1 requiring site plan approval by the City in addition to the federal requirements being met.

O'Farrell thanked the applicant for the attractive idea and for reaching out to their neighbors in advance.

8. Consideration and possible action regarding a **site plan amendment for Towne Square located at 3700 FM 528 – shared parking proposal**

Motion to approve: Lovell

Second: Neel

Vote: 5 to 0 (Unanimous)

Motion Carried

Harbin explained this amendment was being sought for a new building which would like to occupy the second floor but required additional parking. She said the adjacent property owner had agreed to sign a shared parking agreement allowing for the installation of

more parking spaces on their property to be used by Townes Square Center. The owners would install directional signage and construct an ADA sidewalk connecting the two lots.

O'Farrell asked the City Attorney about the durability of the shared parking agreement. Polanco said the agreement read better than most and, once recorded with the County, the agreement would continue in perpetuity.

9. Consideration and possible action regarding **Amendments to Appendix C Zoning Ordinance Section 8.N. Downtown District 4. Architectural standards**

Motion to approve: Lovell
Second: Neel

Motion to amend to have staff provide options: Neel
Second: Borghese
Vote: 5 to 0 (Unanimous)

Motion Carried

Harbin stated there was a recurring issue regarding the Downtown District fenestration requirements and wanted to discuss changing the requirements with the Commission. She gave examples of several recent projects that had difficulties complying. She said Dunn Bros Coffee needed a variance to install the drive-thru as opposed to 40% fenestration; banks had security concerns; medical facilities had security concerns due to the pharmaceuticals they keep on site; energy code compliance was more difficult and expensive, etc. She said even the City library had difficulty installing so many windows because bookshelves generally line the walls.

Neel asked if other districts/zones had fenestration requirements to which Harbin answered only the Downtown District regulated window and door openings.

O'Farrell asked Harbin to get ahead of the problem and said a lot of good developments were coming.

Lovell suggested the developers who could not meet the fenestration requirements seek variances. He stated it did not seem fair to the other developers who already made it work and spent the money to comply. O'Farrell explained ZBOA cannot grant variances for financial reasons. Harbin said a lot of applicants did not want the hassle and uncertainty of going before the ZBOA and would rather build elsewhere.

Neel asked if the fenestration language was original to the Downtown District ordinance. Harbin said the requirements had actually changed a few times over the years. She said the idea seemed to stem from old Texas downtowns where brick buildings abutted each other. She said Friendswood's downtown is mainly free standing buildings and the fenestration does not work quite as well.

Borghese asked if the fenestration requirements had deterred any developers. Harbin said there is a proposed development that does not want to rezone as Downtown District because of the fenestration.

O'Farrell asked staff to draft language to give the Commission flexibility on a case-by-case basis. Lovell said he did not feel ordinances should be rewritten every time someone

complains. He said Downtown should be nice developments, not cheap developments.

Harbin said staff felt the need to bring the recurring issue to the Commission's attention. She said staff can bring back several options for the Commission to discuss. She stated another recurring issue pertained to the façade requirements in Downtown and asked to discuss allowing siding or Hardie plank back in the Downtown District. Chairman O'Farrell said facade could be discussed at a later date.

10. Update from the Subcommittee regarding a possible ordinance amendment and a recommendation to City Council regarding whether or not to require a Specific Use Permit for retail uses 100,000 square feet or larger

Harbin said the subcommittee used Councilman Rockey's AI memo to identify which items were already addressed and which needed to be addressed then created a plan of action.

Subcommittee Chair Lovell said they reviewed the gaps and would like to get input from local developers. He said, in the end, the subcommittee and the commission would come up with a recommendation and provide Council with options to move forward. Lovell estimated the process would take five months before reporting to the Commission.

Borghese asked if five months would be too long since Council had asked for the Commission to work quickly. O'Farrell said moving too fast could make mistakes that would take years to correct. He suggested going slowly and carefully. Lovell answered that Councilman Rockey had since then said the timing was not as critical. Lovell said staff found 24 potential sites for large retail centers and the Commission needed to pay close attention to what was at stake.

Harbin went through the AI Memo and listed what items were currently covered by existing ordinances.

Lovell said the subcommittee intended to coordinate with a lot of people over the next few months. He mentioned that, at the end, one option could be to do nothing. He said the Subcommittee would like to delve into the 528 Strategy. Lovell said part of the strategy report describes the lack of utilities in certain parts of town. He said a potential developer would be paying to install infrastructure, run utilities, etc. and the proposed ordinance would then have the developer pay for environmental studies, impact analysis' plus politicize their project. He finished by saying the proposed ordinance may not appear business friendly and they needed to be careful.

Chairman O'Farrell said it looked as though the subcommittee was heading in the right direction.

11. Consideration and possible action regarding future Planning and Zoning Commission meeting dates.

Motion to move March 3rd meeting to March 7th: Neel

Second: Borghese

Vote: 5 to 0 (Unanimous)

Motion Carried

The next regular meeting would then be March 17th.

12. Communications from the Commission

Neel said she attended Parliamentary Procedure training last week and found it to be most helpful.

13. Reports

A. Council Liaison – Jim Hill (Rockey absent) said he appreciated all the hard work the Commission does.

B. Staff – Harbin said the Land Use Conference was coming up in March. She said early registration saved the City money and requested Commissioners wanting to attend, to please notify her as soon as possible.

14. The meeting was adjourned at 8:12pm.

These minutes respectfully submitted by:

Becky Summers

Becky Summers
Development Coordinator/P&Z Secretary