PLANNING & ZONING COMMISSION

MINUTES OF A
SPECIAL & REGULAR MEETING
HELD MONDAY, JANUARY 11, 2016
AT 5:30 PM

CITY HALL
COUNCIL CHAMBERS & 2ND FLOOR
CONFERENCE ROOM
910 S. FRIENDSWOOD DRIVE
FRIENDSWOOD, TEXAS

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Work Session

1. The Work Session was called to order at 6:38pm with the following people in attendance:

   Chairman David O'Farrell
   Commissioner Sally Branson
   Commissioner Tony Annan
   Becky Summers, Development Coordinator
   Commissioner Craig Lovell
   Commissioner Rhonda Neel
   Aubrey Harbin, City Planner
   Arnold Polanco, City Attorney

   Absent: Triplette, Borghese

2. Discussion regarding updating the Permitted Use Table related to Downtown District discussions

   Harbin explained this item was a follow up from a Work Shop proposing changes to four uses in the Downtown District. She stated the proposal was to prohibit Gas Stations, Warehouses, Rental and Leasing Services, and Automotive Repair. She said concerns for how the changes would affect existing businesses in those use categories are addressed with current ordinances. She said the Commission voted four against two (4-2) in favor of the changes. Harbin stated Commissioners Annan and Borghese felt Specific Use Permits would be favorable over prohibiting most of the uses. Harbin gave a Power Point presentation explaining the changes and giving scenarios.

   Following the presentation, Chairman O'Farrell stated he felt businesses that would become non-conforming uses were protected. Harbin asked Council for direction on whether to proceed with the ordinance change.

   Councilman Hill said buyers of the old Fig Plant were having issues with development standards and said the City should be working with people. Harbin stated the buyers were given options for that particular site, including changing the zoning to Downtown District to take advantage of zero foot setbacks in order to keep the existing metal buildings. Chairman O'Farrell explained the Fig Plant development was not relevant to the discussion about changes to the Permitted Use Table.

Councilman Gustafson said the Commission did a good job explaining that people would not be hurt by the proposed changes.

3. The Work Session adjourned at 6:57pm.

Joint Public Hearing

1. The Public Hearing was called to order at 7:20pm with the same people in attendance.

2. Receive comments from the public, both oral and written, regarding:

   a. **Zone classification change request for a tract on FM 2351,** a .8451 acre (36,812 square feet) tract of land out of Lot 4 in Block 2 of Sherman Place, according to the map or plat thereof recorded in Volume 69, Page 231 of the Deed Records of Harris County, Texas, **from Community Shopping Center (CSC) to Community Shopping Center/Specific Use Permit (CSC/SUP) for NAICS Use #52229 All Other Non-Depository Credit Intermediation (pawn shop)**

      None

   b. **Zone classification change request for 103, 105 and 107 Shadwell Lane,** a .981 acre tract, also known as Lots 1, 2 and 3 in Winding Hollow Subdivision, being a replat of a part of Lot 1, Block 6, Friendswood Subdivision, in the Sarah McKissick or J.R. Williams League, according to the map of record in Volume 238, Page 14, in the office of the County Clerk of Galveston County, Texas, **from Planned Unit Development (PUD)/Specific Use Permits (2000-38, 2005-37, 2011-11 and 2013-41) to revised Planned Unit Development (PUD)**

      None

3. The Joint Public Hearing adjourned at 7:23pm.

Regular Meeting - (2nd Floor Conference Room)

1. The Regular Meeting was called to order at 7:25pm with the same people in attendance minus the City Attorney.

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.)

   None

3. Consent Agenda
   A. Approval of the minutes for the meeting held:
      1) **December 17, 2015**

Motion to approve: Lovell
Second: Neel
Vote: 5 to 0 (unanimous) **Motion Carried**

4. Consideration and possible action regarding a **zone classification change request for a tract on FM 2351,** a .8451 acre (36,812 square feet) tract of land out of Lot 4 in Block 2 of Sherman Place, according to the map or plat thereof recorded in Volume 69, Page 231 of the Deed Records of Harris County, Texas, **from Community Shopping Center (CSC) to Community Shopping Center/Specific Use Permit (CSC/SUP) for NAICS Use #52229 All Other Non-Depository Credit Intermediation (pawn shop)**

Motion to discuss: Branson
Second: Lovell
Vote: 5 to 0 (unanimous) **Motion Carried**

Motion to approve: Lovell
Second: Annan
Vote: 2 to 3 (Annan, O'Farrell, Branson) **Motion Failed**

Harbin explained the proposed project contained a one-story building and would require platting with an access easement through the lot(s). She described the location of the property as being on FM 2351, in front of the old Food Lion. She stated the property lies in the Community Overlay District (COD) and the applicant has met all the COD requirements.

Branson was concerned this development would be one of the first things seen as people enter the City limits. She said Keep Friendswood Beautiful (KFB) had done a nice job of beautifying the medians along FM 2351 and a Pawn Shop at the City entrance gave her pause.

Lovell said he shared the same concerns but there were also mulch yards and the like at the City entrance. He said the applicant had met all the Specific Use Permit (SUP) criteria. He said all of Friendswood cannot be like the Downtown District and a pawn shop would bring needed revenue.

Neel stated the Future Land Use map dictates the zone should be retail. Annan said his only concern was having merchandise on the sidewalk. Harbin answered that City ordinance limited outdoor storage.

O'Farrell stated he would not support the SUP and that he remembered the blowback received after the last pawn shop was allowed in Friendswood. He said a recent survey amongst residents showed they would not be in favor of a pawn shop.

Derek Munz, applicant, said his family has owned eighteen stores over the past twenty-five years. He said he currently owns three pawn shops. He stated, if allowed, his new building would be the best looking site when people came into town. He said he has lived in Friendswood for ten years and was looking to work here, as well. Munz introduced his designer, realtor and contractor stating they all lived and were located in Friendswood as well as the bank that was financing the project.

Munz said his Deer Park store sold over $80,000 per month. He explained pawn shops have changed a lot over the years and were no longer shady businesses once perceived. He said the national average of stolen merchandise was .1%. He further explained the pawn shop owner was the one that loses money if stolen merchandise were confiscated by the Police Department. He said a copy of every transaction was given to law enforcement on a daily basis and in 2015 only .07% of stolen goods made it into his store.

Neel asked about the front part of the building being labeled as retail while the back half was labeled storage. Munz explained he loans money based on the merchandise held, which was kept in the back room during the loan period. He said if a person defaults on the loan, the merchandise was then moved to the retail part of the store for sale. Munz said half the revenue made was from interest while the other half was from outright sale of the merchandise.

O'Farrell said he visited a pawn shop, recently built in Pearland, and noticed the bulletproof glass. He asked Munz if bulletproof glass would be a feature in the proposed building as well as guns for sale. Munz said roughly half of total sales were from guns and jewelry while the other half was from general merchandise (electronics, tools, etc.).

Lovell asked if Munz's stores had ever been robbed. Munz answered someone smashed the jewelry counters once but never had there been an armed robbery.

Lovell told the Commission their concern should be whether the development design would fit in with Friendswood or not. He said they should not be as concerned with the type of business being run within the building. Munz stated 18% of his business at his Alvin location was from Friendswood residents. O'Farrell stated he would not support the SUP and said Friendswood residents would be in revulsion of a pawn shop. Munz said he had the same sentiment expressed in Deer Park when he was seeking approval and now does business with their Councilmen.

Neel asked about a market analysis citing there was not an overabundance of pawn shops in the area. Munz explained the state regulates that pawn shops cannot be located within two miles of each other.

O'Farrell said the "front door" to Friendswood may be ugly with the existing mulch yards, and this new building may be nice, but he still would not support the SUP. Annan stated he was still struggling with a business that could have merchandise displayed on the sidewalk. Marcus Rives, designer, said the site was designed, as required by the City, with adequate landscaping and the shrubs and trees would block a lot of the view of sidewalk merchandise. Munz said he normally used the sidewalk to display rare merchandise to attract customers.

5. Consideration and possible action regarding **a zone classification change request for 103, 105 and 107 Shadwell Lane,** a .981 acre tract, also known as Lots 1, 2 and 3 in Winding Hollow Subdivision, being a replat of a part of Lot 1, Block 6, Friendswood Subdivision, in the Sarah McKissick or J.R. Williams League, according to the map of record in Volume 238, Page 14, in the office of the County Clerk of Galveston County, Texas, **from Planned Unit Development (PUD)/Specific Use Permits (2000-38, 2005-37, 2011-11 and 2013-41) to revised Planned Unit Development (PUD)**

Motion to approve: Branson
Second: Neel
Vote: 5 to 0 (unanimous)

Harbin explained the owner of the three lots had demolished the glass enclosure previously used as Chillin' Time and was seeking to build a new office building plus another building to house Gimmie A Bark. She explained the property had several old PUD/SUPs and this new PUD was to clean up the uses and prevent the owner from needing City Council approval for any small changes.

O'Farrell stated this was an in-fill tract along the floodway. He said the applicant had made a number of accommodations including head-in parking along Shadwell Lane within the public right-of-way.

Branson said the business catered to small dogs only and did not board or kennel animals overnight.

6. Discussion and possible action regarding the **Final Plat of Arbor Gate at West Ranch Section One (a Gated, Private Subdivision),** being a subdivision of 9.768 acres of land located in the John Dickinson Survey, Abstract No. 9, and being a portion of Lots 77 through 80 and Lots 99 through 102 of the Slone Subdivision, a subdivision plat filed for record under Volume 3, Page 61A (Volume 254A, Pg. 6) of the Galveston County Map Records (GCMR), City of Friendswood, Galveston County, Texas

Motion to approve subject to staff comments: Branson
Second: Neel
Vote: 5 to 0 (unanimous)

Summers explained the only outstanding item was that Brown and Gay Engineering were having a surveyor investigate whether or not there is a retaining wall encroachment as described by the Title Report.

Annan asked if streets were failing in West Ranch as mentioned by a Councilman during the Joint Public Hearing regarding another agenda item. Harbin said there had previously been issues with streets on the north side of West Ranch but believed them to be isolated incidents.

7. Consideration and possible action regarding proposed amendments to **Appendix C Zoning Ordinance Section 7.P.6. Permitted Use Table**

Motion to approve: Branson
Second: Lovell
Vote: 4 to 1 (Annan)

Harbin explained the work session item would next need to have a Joint Public Hearing and took a vote.

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

Harbin stated the next regular meeting would be held Thursday, January 21st. She said there were items slated for the next Council meeting and suggested combining the regular and special meetings.

Motion to move Feb 4 meeting to Feb 1: Branson
Second: Lovell
Vote: 5 to 0 (unanimous)

9. Communications from the Commission

   None

10. Reports
    A. Council Liaison – not present

    B. Staff – None

11. The meeting was adjourned at 8:13pm.

These minutes respectfully submitted by:

Becky Summers

Becky Summers
Development Coordinator/P&Z Secretary