PLANNING & ZONING COMMISSION

MINUTES OF A
REGULAR MEETING
HELD THURSDAY, FEBRUARY 15, 2018
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 Rhonda Neel
Commissioner Dick Clark
Becky Summers, Development Coordinator
Aubrey Harbin, City Planner/Dep. Dir. of CDD
Commissioner Richard Sasson
Commissioner Eric Guenther
Mary K. Fischer, City Attorney

Absent: Banfield, Matranga

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.)

Patrick Rudy said he has been a resident since 1983 and his home flooded during Hurricane Harvey. Rudy explained he demolished his home and would like to rebuild on the same site. He said to build an elevated home on the same site, stairs would be required to access the main level. Rudy said the access stairs would encroach the front building line and read definitions of build line, building, build area and questioned whether stairs were considered part of a building or more of a walkway. He stated the flooded home was built 30 years ago with the stairs being allowed past the front build line without a variance.

Jack Burns/Destin Lane resident said he was concerned with a tall, multi-story building being proposed next to his neighborhood. He said he did not want his property value impacted. He said his view of trees would become a view of a building. Burns stated the property is zoned for commercial use not multi-family housing and asked the commission to keep with the current zoning ordinance.

Vincent Detmer/resident said the Community Shopping Center (CSC) zoning district would allow a 40-foot tall building with some exceptions for up to 50-feet. He said the only other building over 50-feet tall was the Gardens at Friendswood Lakes senior apartments and said the complex had very large buildings. He stated the view from the proposed building into backyards would not be as bad as the view of the building by the neighbors. Detmer said people move here for the community feel.

3. Consent agenda

These items are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a commissioner or citizen so requests in which case the item would be removed from the consent agenda and considered separately.

a. **Minutes from March 5, 2018 regular meeting**

Motion to approve: Clark
Second: Guenther
Vote: 4 to 0 Unanimous **Motion passed**

Action Items

According to the Planning and Zoning Rules of Procedure (R2010-09), all action of the Commission shall be made by an affirmative vote of four (4) or more members of the Commission present at such Commission meetings.

4. Consideration and possible action regarding a zone classification for **3.306 acres, Fountains at Friendswood Subdivision, Reserve F (1.428 acres) and Reserve G (1.878 acres) located at 2245 and 2275 Thomas Trace, Friendswood, Galveston County, Texas, to change from Community Shopping Center (CSC) to Community Shopping Center with a Specific Use Permit (CSC/SUP) for the following NAICS Uses: #6231 - Nursing Care Facilities, Skilled Nursing Facilities, #623311 - Continuing Care Retirement Communities (with on-site nursing), and #623312 - Assisted Living Facilities for the Elderly, without on-site nursing (assisted living and memory care)**

Motion to remove from table: Clark
Second: Sasson
Vote: 4 to 0 Unanimous **Motion Passed**

Motion to discuss: Guenther
Second: Sasson

Harbin explained the assisted living use requires a Specific Use Permit (SUP) in Community Shopping Center (CSC) zoning districts. She said the maximum height, with exceptions, of buildings within CSC is 50-feet without an SUP. Harbin said there is a list of requirements for the Commission to use when considering a specific use permit for a specific property.

Neel said additional information had been received since the last meeting. Clark said he had been looking at the mitigation the developer was proposing to soften the building. He asked if the developer would be willing to add more mature landscaping. Louis

Tannos/consultant said 46 live oak trees were being proposed around the detention pond along with benches to create a large landscape buffer.

Tannos presented a line of sight diagram showing the top floor windows around 28-feet high. He mentioned there was only one gable point that exceeded 50-feet, as well. Guenther asked if the developer could decrease the height to 50-feet. Tannos explained the height was necessary to accommodate three floors plus mechanical equipment.

Sasson said he liked the addition of trees and the solutions posed by the developer. Sasson said he understood the neighbors' concerns but felt the building is far away and technically the lot does not abut residential, the detention pond does. He said it seemed to be a win-win for both sides.

Neel said all of her concerns had been addressed with the additional information provided. She said she appreciated the pond becoming a benefit to the community and saw the facility as a good use.

Harbin provided clarification to the public that the commission would be voting on a recommendation tonight and City Council would then consider the item during their April meeting and ultimately vote on approval or denial of the project.

Motion to approve: Sasson
Second: Guenther
Vote: 4 to 0 Unanimous **Motion Passed**

5. Discussion regarding **update to 2017 version of the North American Industry Classification System (NAICS) as referenced in the Zoning Ordinance Section 7.P.5.**

Harbin explained the NAICS was a reference system of uses whose categories and number system corresponded to the City's Permitted Use Table (PUT). She said the reference system is updated every five years and the 2017 publication did not affect the City's PUT. She said staff did want to update the Zoning Ordinance to reference "current" version rather than a specific year. She said that change could be made with the PUT update or the Zoning Ordinance rewrite.

Neel asked if the Ordinance Subcommittee would be the appropriate place to review the NAICS update. Harbin said the subcommittee should discuss and bring a recommendation to the full commission.

6. Discussion regarding **annual review of the Permitted Use Table - Zoning Ordinance Section 7.P.6.**

Harbin said the Zoning Ordinance states that when the NAICS is updated, staff would recommend changes to the ordinance. She said staff recommends adding use 425 because it is missing from the Permitted Use Table (PUT). Harbin said use 447 Gasoline Stations includes uses such as Truck Stops and is permitted by right in zones CSC, NC, OPD, LI, and I. She suggested expanding use 447 Gasoline Stations out to 447190 Other Gasoline Stations and have the subcommittee determine which zones to allow the use.

Neel said she would appreciate staff input in regards to prioritizing the Ordinance subcommittee's new items. Harbin said the current Zoning Ordinance rewrite is a long-term project involving reorganization and clean up. She said the NAICS and PUT changes should be individual items worked on ahead of the rewrite.

7. Discussion regarding **elevated houses and stairs encroaching the front building line as it pertains to Zoning Ordinance Section 20. Definitions – D. Building, E. Building area, F. Building Line, X. Structure, CC. Yard, and DD. Yard, front and the Residential Regulation Matrix in Section 7.Q.2.**

Harbin said that during the public comment portion, Mr. Rudy spoke regarding elevated homes and the need for stairways. She said Rudy read some definitions regarding buildings but other definitions such as structure, yard, and front yard make the situation unclear. She said the Zoning Board of Adjustment heard a variance case for stairs last month and another application had been submitted for this month. Harbin said houses that flooded during Hurricane Harvey are being elevated and stairways are needed for access.

Harbin said staff initially thought to create an administrative policy for the situation but decided the proper channel would be to review the ordinance and possibly make changes. She said staff expects more of these cases to arise as more residents begin to receive their insurance settlements.

Neel said the Ordinance Subcommittee would be the appropriate place to start the discussion.

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

Harbin said the next regular meetings would be Thursday, April 5 and Thursday, April 19.

9. Communications from the Commission

a. Commissioners
No comments.
b. Planning Subcommittee Update
No update.
c. Ordinance Subcommittee Update
Sasson said the subcommittee needed to meet soon to discuss the items brought up during tonight's meeting.
d. Council Liaison
No comments.
e. Staff
Harbin said Walter Lawson resigned from the Commission and staff would begin the process to fill his position.

10. The meeting was adjourned at 7:46 pm.

These minutes respectfully submitted by:

Becky Summers

Becky Summers
Development Coordinator/P&Z Secretary