



PLANNING & ZONING COMMISSION

**MINUTES OF A
SPECIAL & REGULAR MEETING
HELD MONDAY, NOVEMBER 5, 2018
AT 7:00 PM**

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

Joint Public Hearing

1. The Joint Public Hearing was called to order at 7:02pm with the following people in attendance:

Chairman Joe Matranga	Commissioner Richard Sasson
Commissioner Brett Banfield	Commissioner Dick Clark
Commissioner Lisa Lundquist	Commissioner Eric Guenther
Commissioner Marcus Perry	City Council
Aubrey Harbin, Director of CDD/Planner	City Attorney Mary K. Fischer
Becky Summers, Development Coordinator	City Manager Morad Kabiri

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

- A. **Zone change request** for a 55.159 acre tract, in the Beaty Sealy, and Forwood Survey, Abstract 625, in the I&GN RR Company Survey, Section 23, Abstract 624, Friendswood, Galveston County, Texas, also known as at **3099 W. Parkwood Avenue, to change from Light Industrial (LI) to Light Industrial / Specific Use Permit (LI/SUP) to allow NAICS Use #7139 Other Amusement and Recreation Industries (shooting ranges)**

City Planner Harbin stated the project was for an existing business on a developed site. The applicant is proposing to add a classroom building plus two more buildings in the future. She explained the shooting club was classified as an existing, non-conforming use and the site plan amendment initiated a clean up in the zoning designation.

Charles Cotton/applicant representative said the shooting club wants to add the classroom building presently and would not be adding any ranges at this time, but could in the future.

Sherry Angelo stated she was the executor of the estate for the land south of the range property. She said her property is currently under contract with DR Horton

to build a new subdivision, already approved by the City. Angelo stated the estate was requesting conditions be put on the Specific Use Permit: not change the classification to conforming; add only classrooms, not ranges; do not increase membership; maintain the safety berms; operate subject to City regulations; and provide suitable landscaping for surrounding properties.

Jonathan Woodruff/DR Horton and resident explained they would be building over 560 homes on 90-foot lots, closing on the property in December, starting construction in January with homeowners moving in December 2019. He said DR Horton was fully aware of the neighboring gun range. Woodruff said they had already spent a lot of money on the development based on the current shooting club design and wants the City to ensure the zone change does not impact the residential development.

- B. Request to vacate a 40-foot right-of-way of Blackhawk Boulevard** (a portion adjacent to 4650 FM 2351), **a .6061 acre tract of land being out of Unrestricted Reserve “A,” Block 1, of the Benzi Development Garage Condominiums**, a subdivision recorded in Film Code No. 678060, Harris County Map Records, Friendswood, Harris County, Texas

Harbin explained the property was platted in 2016 while the Blackhawk Boulevard extension was still included on the Major Thoroughfare Plan. She said since then, the Major Thoroughfare Plan had been updated and the Blackhawk Blvd. extension remove. The property owner had dedicated 40-feet of right-of-way for the roadway and was now requesting that property back.

Nick Deutsch/property owner said he was the only property owner to dedicate land for the right-of-way and since the road will not be built, he was requesting the land be deeded back.

- C. Request to vacate three water line easements at 1501 W. Parkwood Avenue:**

- 1) A 0.017 of an acre waterline easement, out of Lot 2, Block 1 of Gardens at Friendswood Lakes, recorded in Galveston County Clerk’s File Number (G.C.C.F. No.) 2008040176; and**
- 2) A 0.017 of an acre waterline easement, out of Lot 2, Block 1 of Gardens at Friendswood Lakes, recorded in Galveston County Clerk’s File Number (G.C.C.F. No.) 2008040176; and**
- 3) A 0.070 of an acre waterline easement, out of Lot 2, Block 1 of Gardens at Friendswood Lakes, recorded in Galveston County Clerk’s File Number (G.C.C.F. No.) 2008040176.**

Harbin explained when the property was platted in 2008, the neighboring apartment complex had thought to expand and planned for the future water line placement. She said since then, the expansion has been abandoned and the property was sold. The current owner has a proposed plan which the water line easements are hindering and no longer needed.

3. The joint public hearing adjourned at 7:19pm.

Regular Meeting

1. The Regular Meeting was called to order at 7:24pm with the same people in attendance minus the City Council, Attorney, and Manager.
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.)

No public comments.

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 October 4, 2018 regular meeting

Motion to Approve: Clark

Second: Sasson

Vote: 7 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 request to **vacate three water line easements at 1501 W. Parkwood Avenue:**

- 1) **A 0.017 of an acre waterline easement, out of Lot 2, Block 1 of Gardens at Friendswood Lakes, recorded in Galveston County Clerk's File Number (G.C.C.F. No.) 2008040176; and**
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- 3) **A 0.070 of an acre waterline easement, out of Lot 2, Block 1 of Gardens at Friendswood Lakes, recorded in Galveston County Clerk's File Number (G.C.C.F. No.) 2008040176.**

Motion to Approve: Banfield

Second: Lundquist

Vote: 7 to 0 Unanimous

Motion Passed

Matranga asked if the easements would interfere with the fire lines along FM 528. Harbin said the water line easements within the property are totally separate from the lines along FM 528.

5. Consideration and possible action regarding a request to **vacate a 40-foot right-of-way of Blackhawk Boulevard** (a portion adjacent to 4650 FM 2351), **a .6061 acre tract of land being out of Unrestricted Reserve "A," Block 1, of the Benzi Development Garage Condominiums**, a subdivision recorded in Film Code No. 678060, Harris County Map Records, Friendswood, Harris County, Texas

Motion to Approve: Guenther

Second: Clark

Vote: 7 to 0 Unanimous

Motion Passed

Lundquist asked if the Blackhawk Boulevard extension was feasible at all. Harbin explained the City did not have the necessary funds to build the road and with FM 2351 running parallel, the road did not make sense. Sasson stated there were some oil wells in the way of the proposed extension, as well.

6. Consideration and possible action regarding a **zone change request** for a 55.159 acre tract, in the Beaty Sealy, and Forwood Survey, Abstract 625, in the I&GN RR Company Survey, Section 23, Abstract 624, Friendswood, Galveston County, Texas, also known as at **3099 W. Parkwood Avenue, to change from Light Industrial (LI) to Light Industrial / Specific Use Permit (LI/SUP) to allow NAICS Use #7139 Other Amusement and Recreation Industries (shooting ranges)**

Motion to Approve: Clark

Second: Sasson

Vote: 7 to 0 Unanimous

Motion Passed

Clark recapped the club was proposing to add one building now with three buildings over time.

Charles Cotton/Board member/Attorney stated that the shooting club was not committing to capping their membership nor agreeing to not adding more ranges, as mentioned by DR Horton. He said they are trying to be good neighbors but the things Ms. Angelo is asking for are against the law. Mr. Cotton said he wrote the Sport Shooting Protection Act for Texas. He stated everything the club does is in the mind of safety first. He said they want to add a shoot house and covered range in the future.

Sasson asked staff if the Specific Use Permit could limit the number of gun ranges on site. Harbin explained the site plan could limit the structures but not open ranges. She said the addition of ranges and berms would not come to the City for approval.

Perry spoke to DR Horton saying the last time DR Horton came before the Commission, they said DR Horton was voluntarily adding a berm for their proposed development. Woodruff said the berm they wanted to add would be for aesthetics, no safety function. He explained the berm would be a psychological safety addition for residents. He said after speaking to the club, they have safety precautions in place already. Woodruff explained he was in the business of selling homes and just wants to know what to expect

in the future. He does not want the club to expand and become a nuisance. Woodruff said he did not object to the addition of classrooms.

Lundquist asked to see the list of demands from Ms. Angelo. Matranga stated the Commission would be making a recommendation and City Council could impose further restrictions, if they wished. Harbin explained that with this type of use, the restrictions the City can impose are limited by Local Government Code (LGC).

Bob Collins/representative for Angelo said he would argue that the City can put conditions on the Specific Use Permit. Harbin said LGC would not allow the City to cap the membership but staff would present the list of demands to the City Attorney for review. Banfield reiterated that the Commission could make a recommendation but Council was the deciding body.

Angelo said the application was very vague and she wanted to know what the club would be building. Harbin explained the site plan showed the addition of three metal building to the property.

7. Consideration and possible action regarding a **site plan amendment for Bancorp Bank located at 699 S. Friendswood Drive to add a drive-up ATM on the side of the building**

Motion to Approve: Guenther

Second: Clark

Vote: 7 to 0 Unanimous

Motion Passed

Summers explained the subject property contained office strip centers and the applicant was proposing to add an ATM drive up to the end wall. She said the ATM would have a covered canopy to drive under, the building design met the fenestration requirements of the Downtown District, and the landscaping and required parking spaces were all up to City ordinance.

Clint Conrad and Greg Chaumier of Conrad Building Services said the ATM would be added to the end of the building along with a vacuum tube to reach an inside teller.

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

Harbin said the next regular meeting would be Thursday, November 15 and that there was a pending Joint Public Hearing item for a possible meeting on Monday, December 3.

The Planning Retreat would be held Tuesday, December 4, to be discussed under agenda item 9.

Thursday, December 6 – regular meeting

9. Communications from the Commission

a. Commissioners

1) From the Chairman

Matranga said he established a Downtown District Subcommittee, a special subcommittee to review the requirements of the DD zoning district including the boundary, permitted uses, on-street parking, fenestration, façade materials, etc.

Matranga said the retreat date is set for Tuesday, December 4th at 6pm to be held in the Friendswood Public Library. He wants to discuss the priorities of the Commission and review feedback he has received from staff and Council. He said the Public is invited.

2) Suggestions for future agenda items and general comments; updates from liaison Assignments

Lundquist said she attended the Keep Friendswood Beautiful meeting and that KFB is a huge committee. She said comments were made about businesses not keeping their outsides maintained and questioned what the City could enforce. Summers answered the City does not have a Property Maintenance Code and can only enforce things such as high grass and nuisance odors, nothing aesthetic. Summers said Code Enforcement sometimes mentions items to business owners and KFB may do the same to encourage some clean up.

b. Staff

Harbin said she emailed the draft Impact Fee Study to the Commission for review. The engineer that wrote the study will be at the Commission's meeting on November 15th to discuss. Harbin said she also emailed the Planned Unit Development for the "Whitcomb Property" aka the Clear Creek Community Church property. The church would be submitting their preliminary plat soon and Harbin wanted the Commission to be informed.

10. Adjournment

8. The meeting was adjourned at 8:25pm.

These minutes respectfully submitted by:

Becky Summers

Becky Summers
Development Coordinator/P&Z Secretary