

STATE OF TEXAS
CITY OF FRIENDSWOOD
COUNTIES OF GALVESTON/HARRIS
APRIL 23, 2020

1. Call to order

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD PLANNING AND ZONING COMMISSION THAT WAS HELD ON THURSDAY, APRIL 23, 2020, AT 07:02 PM 910 S. FRIENDSWOOD DRIVE FRIENDSWOOD, TX 77546

COMMISSIONER RICHARD CLARK
CHAIRMAN JOE MATRANGA
COMMISSIONER BRETT BANFIELD
VICE-CHAIRMAN RICHARD SASSON
COMMISSIONER LISA LUNDQUIST
COMMISSIONER MARCUS PERRY
COUNCIL LIAISON TRISH HANKS - VIA PHONE
CITY ATTORNEY MARY KAY FISCHER
DIRECTOR OF CDD/PLANNER AUBREY HARBIN
DEVELOPMENT COORDINATOR BECKY BENNETT

Commissioner Eric Guenther - joined via video conference but lost connection.

2. Communication from the public/committee liaisons

(To comply with 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 be placed on a later regular Commission agenda for discussion and/or possible action)

NO COMMENTS.

3. Public Hearing

A. To receive comments, both oral and written, regarding:

A zone classification change to assign Single Family Residential (SFR) as the zoning district for .1738 acres of vacated right-of-way (request in process); and to allow a Specific Use Permit (SUP) for NAICS Use #8131 Religious Organizations as an overlay on the following properties: .1738 acres of vacated right-of-way (request in process) – Single Family Residential (SFR); 111 E. Heritage Drive, 2.983 acres - Downtown District (DD); 209 S. Friendswood Drive, 1.0528 acres – Downtown District (DD); 201 E. Heritage Drive, .4223 acres - Multi-Family Residential-Low Density (MFR-L); 204 and 206 E. Heritage Dr., .8151 acres, 208 E Heritage Drive. .8913 acres - Single Family Residential (SFR) , and to replace the Specific Use Permit on the property located at 202 E Heritage Drive, 2.98 acres - Single Family Residential/Specific Use Permit (SFR/SUP 2001-09) for Family Life Center

Harbin explained the First Baptist Church of Friendswood has acquired some additional properties and would like to expand and improve the campus. She said the goal for 209 S. Friendswood is to improve the building and increase parking. Harbin stated the property is zoned Downtown District and fronts FM 518. She said amenities such as brick paved sidewalks, benches, and lights would be incorporated. The proposed phasing is included in the backup material. Harbin explained all of the properties have different underlying zoning districts and the Specific Use Permit (SUP) would be an overlay to allow the use of Religious Organizations. Harbin said staff made some considerations for landscaping to preserve the existing trees and allow some of the required trees to be located on the residential lot. Single Family Residential zoning only requires one tree per lot while the sanctuary lot is zoned Downtown District and has large, existing trees that would not accommodate new trees every 25 feet. Harbin said the building height of the main sanctuary is 44' 8" with a proposed ornamental tower plus an ornamental cross that would stand 90-feet 10-inches. She said the zoning ordinance allows the commission to consider alternate heights.

Stephanie Kaup/Zeigler Cooper Architects said the church is eager to unite their campus with a SUP. She stated the design continues the character of the church as already established in Friendswood. Kaup said in regards to the two variances (height and landscaping), two corners of the sanctuary has very large trees that creates a park-like setting. Kaup explained the church tower is one block off FM 518 and the church leaders are interested in portraying a presence from the main street.

4. 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 for the regular meeting held Thursday, March 26, 2020

****Vice-Chairman Richard Sasson moved to approve Minutes for the regular meeting held Thursday, March 26, 2020. Seconded by Commissioner Lisa Lundquist. The motion was approved unanimously.**

5. Discussion Items

A. Staff update regarding changes to Local Government Code Chapter 212, specifically House Bill 3167, which affects approvals and disapprovals of plats and plans

Harbin provided an update of the House Bill that went into effect September 1, 2019 regarding the approval process of plats and plans, as defined by Local Government Code. She explained House Bill (HB) 3167 changed the governing authority's options to either approve, conditionally approve, or disapprove with explanation. She said the bill also added standards for approval. Harbin explained to approve with conditions and to disapprove with explanation are a very similar process. She said both would allow the applicant to address the non-compliant items and resubmit for reconsideration by the commission. Harbin said there is no deadline for an applicant to make corrections but, once the plat/plan is resubmitted, the commission must consider the plat/plan within 15 days. She said it basically creates a loop. Harbin stated once a plat is filed with the city, it has to be on an agenda within 30 days. She said the applicant can request a waiver to that time frame, though. Harbin explained the old compliance memo sent to the commission would have a few items for the applicant to correct and staff would review those corrections before recording the plat. She explained the legislative changes now require the plat to be reconsidered by the commission once those items have been addressed. She said the state is trying to keep cities from arbitrarily denying plats.

Banfield commented that staff historically has not brought plats to the commission if they do not meet the minimum requirements. Harbin answer staff will no longer have that option and must put it on an agenda within 30 days of filing.

Perry clarified that if approved with conditions, the plat will have to come back to commission again. Harbin said yes and that these changes have actually created more red tape for an applicant.

Clark asked the difference between preliminary plat and a final plat. Harbin said a preliminary plat requires contours and to make sure the water and sewer will work. She said preliminary plats do not have signature blocks, either. She said final plats have to remove contours and add signature blocks. Harbin also mentioned that in between the preliminary and final plats is when construction plans are submitted with details on the specifics of the infrastructure.

6. Action Items

According to the Planning and Zoning Rules of Procedure (R2019-15), 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.

- A. Consideration and possible action regarding a recommendation to City Council for the requested zone classification change to assign Single Family Residential (SFR) as the zoning district for .1738 acres of vacated right-of-way (request in process); and to allow a Specific Use Permit (SUP) for NAICS Use #8131 Religious Organizations as an overlay on the following properties: .1738 acres of vacated right-of-way (request in process) – Single Family Residential (SFR); 111 E. Heritage Drive, 2.983 acres - Downtown District (DD); 209 S. Friendswood Drive, 1.0528 acres – Downtown District (DD); 201 E. Heritage Drive, .4223 acres - Multi-Family Residential-Low Density (MFR-L); 204 and 206 E. Heritage Dr., .8151 acres, 208 E Heritage Drive. .8913 acres - Single Family Residential (SFR) , and to replace the Specific Use Permit on the property located at 202 E Heritage Drive, 2.98 acres - Single Family Residential/Specific Use Permit (SFR/SUP 2001-09) for Family Life Center

Sasson said he did not have any issues with the sanctuary lot relocating perimeter trees to keep the legacy trees. Harbin said they would be adding perimeter trees mainly to the East Heritage side since there are existing trees on the Shadowbend side. She further explained the church is installing the required number of trees but need to move them around the various lots.

Sasson said concerning the 90'10" height exemption, he was having an issue. He explained that the maximum height of 70-feet in the Downtown District is already higher than every other zoning district. He said the tallest church steeple in Friendswood is 54-feet and that 90-feet is too much.

Lunquist stated 209 S. Friendswood has been an eyesore for a while. Kaup said that building would be for administration, offices, and a community center with a large open area for events. She said the plan is to renovate the interior and reskin the building during a future phase. She said the facade would be stucco and stone to match the sanctuary.

Perry said he had no issues with the majority of the project except 209 S. Friendswood. He said the highest and best use for that property is mixed use, as it is located on the main street.

Banfield questioned the proposed phasing and timing. Kaup answered the plan would be phased as a 20-year plan. She said Phase 1A would be to expand the parking at 209 S. Friendswood Dr. The next phase, Phase 1B, would expand the church. Banfield said the overall plan looks great. He stated the 90-foot steeple did not bother him but using the corner lot at 209 S. Friendswood Dr. was causing some heartburn. Banfield said that was not the highest and best use for the Downtown District. He agreed to support the zone change, though. Clark said he has the same concerns. He said he is not too concerned with a 90-foot steeple but the administration building was not the best use. Clark said he would reluctantly support the project.

Matranga asked the architect why she would design a 90-foot steeple knowing the allowable height is 70-feet. Kaup answered they are not trying to change too much on the existing structure but want to create a presence. She said the building is set back one block and there are other buildings blocking the view. She said the tower and steeple are to create an identity. Kaup explained the height of the additions are in proportion, architecturally speaking.

Banfield said with a 20 year plan, things change. He asked what about the Dunn Bros. Coffee shop. Kaup said there are no proposed changes at this time.

Matranga said he was concerned with making an exception for height and setting a precedent. He said the city needs to treat all developments same and he thinks 70-feet is tall enough.

- B. Consideration and possible action regarding the partial preliminary plat of Avalon at Friendswood Section One, a private subdivision, being 68.101 acres of land containing 50 lots and 18 reserve in 5 blocks, out of the Mary Fabreau Survey A-69 (along the future Friendswood Lakes Boulevard), City of Friendswood, Galveston County, Texas

**Commissioner Brett Banfield moved to approve the Consideration and possible action regarding the partial preliminary plat of Avalon at Friendswood Section One, a private subdivision, being 68.101 acres of land containing 50 lots and 18 reserve in 5 blocks, out of the Mary Fabreau Survey A-69 (along the future Friendswood Lakes Boulevard), City of Friendswood, Galveston County, Texas Seconded by Commissioner Marcus Perry.

Commissioner Banfield amended his motion to conditionally approve the plat subject to items identified on the compliance memo. The motion was seconded by Lundquist. The motion was approved 6-0 with None opposed.

Harbin reminded the Commission the city recently approved a planned unit development (PUD) for Avalon at Friendswood. She said Section 1 would contain 50 residential lots. Harbin said part of the PUD requirement was that the city would not record any plats until Friendswood Lakes Boulevard is built. She explained there have been a few hiccups in the road project and the city agreed not to hold up progress if the developer built a portion of the boulevard to access section 1. Harbin said the Fire Marshal is comfortable allowing 50 lots with this understanding. Harbin further explained many of the reserves will be re-platted to create additional lots once access is improved.

Harbin said moving forward with the plat will allow the developer to build streets and install water and sewer. Harbin said part of the plat review process requires preliminary plans for utilities and drainage. She said the provided plans depict the water lines dead ending at the city limit line. The Design Criteria Manual require water services to be looped and these plans do not meet that requirement. Harbin said negotiations between the developer and League City have not occurred at this point. She further said fire response, emergency medical services, trash pickup, and water billing are all proving to be confusing. The proposed master plan has no access from League City. Further more, Clear Creek ISD will not be relinquishing the property in League City.

Harbin explained the compliance memo includes some labeling corrections which is not a big deal. She said the remaining items are more substantial since the water line cannot dead end in excess of 500-feet. Harbin talked about the easements that are overlapping, explaining dry and wet utilities need to be separate.

Kathryn Parker/META Planning stated she prepared the plat and introduced Bobby Skinner of Taylor Morrison who is the director of development for Texas. Skinner said their engineers met with League City on Monday and have gained some traction but hesitate to share any more information. He said Taylor Morrison is extremely excited about the project and anxious to get started.

Banfield asked if the developer was up against a hard deadline because a preliminary plat seemed preliminary with so many things to iron out and engineering to do. Skinner said the original lot delivery anticipation was December-January. He said the schedule is sliding and has confidence from their management team in the Friendswood market.

Perry said the water loop and drainage issues cannot be solved quickly following a conditional approval of the plat. Harbin said it puts the ball in the developer's court to make the corrections.

Skinner said it was admittedly a challenging situation and he wished they could have met with League City a week or two sooner. He said he needs to do some homework.

Clark said he supported the development during the zone change but cannot approve the plat in its current condition. He will support either to approve with conditions or disapprove the plat.

Lunquist said the dead end line is a no go and they need to work out an interlocal agreement. Skinner said he will pull out all the stops but he is just not there yet.

Matranga asked if separating the easements was a big deal or little deal. Skinner said it is not an issue. Parker stated she will work on it and that looping the water line is not part of this section. Matranga said he even with the best intentions, things change and questioned the possibility of having permanent dead end lines. Harbin said the developer needs an agreement with League City and then temporary measures can be used to mitigate the dead end lines. Harbin reiterated that they need a timeframe and an agreement. She said, at this point, it is dead end lines with no concrete plans. Harbin stated if League City denies the developer's request, they need to redesign now.

Sasson deduced the impediment is not money but land. Matranga said the memo identifies three concerns; one is easy and two have to be fixed. Banfield said the looped system is a biggie and asked what if the second phase never happens.

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

- A. Regular meeting - Thursday, May 14, 2020
Regular meeting - Thursday, May 28, 2020

8. Communications

- A. From Commissioners - suggestions for future agenda items, general comments and/or updates from liaison assignments

Perry wanted to bring up something a council member asked. He said he wanted to know how many private streets have been changed to public streets.

- B. From Planning Subcommittee – update on tasks

The committee is on hold during pandemic.

- C. From Ordinance Subcommittee – update on tasks

The committee is on hold during pandemic.

- D. From City Council Liaison, Trish Hanks - general comments and communication from City Council

Hanks expressed thanks for those able to attend. She said the Emergency Operations Center is very thankful for residents who are staying home. She mentioned Friendswood residents whom are infected with COVID is one of the lesser affected areas. Hanks said the governor will be deciding if and when the order is lifted or extended. She said many counties have been discussing re-opening plans. Hanks said City Manager Kabiri and his staff have been great, there are other groups providing meals and helping seniors. She reminded everyone to support local. Hanks said most committee meetings have cancelled, except this Commission. She said to be safe.

- E. From Staff - March DRC Report, commercial and residential project updates, City Council action and ordinance updates

Harbin said the March DRC report was included in the backup material. She said meetings have not been held in person but staff is still putting together information for developers/citizens to discuss via phone/email. She said projects and permits are being processed with the aid of a physical drop box and an online permitting system.

9. Adjournment

This meeting was adjourned at 08:42 PM.