

Meeting Minutes
City of League City
Planning and Zoning Commission
Regular Meeting, Monday, February 20, 2023
Council Chambers, 200 W. Walker Street, League City, TX 77573

1. Call to Order and Roll Call of Members

Paul Maaz, Vice Chair, called the meeting to order at 6:00 p.m.

Present: Steven Barron, Chris Dodson, Paul Maaz, Pam Arnold, Frank Dominguez, Tedd Olkowski, Ruth Morrison, Jacqueline Irwin

Absent: None

City Staff: Kris Carpenter, Interim Director of Planning; Mark Linenschmidt, Senior Planner; Masood Malik, Senior Planner; Christopher Sims, City Engineer; Matt Brown, Assistant City Engineer; Michelle Villarreal, Deputy City Attorney.

2. Approval of February 6, 2023, minutes

Mr. Maaz asked if there were any corrections. He stated hearing none, the February 6, 2023, minutes are approved.

3. Citizen Communications

None.

4. Public Hearing and Action Items

A. Hold a public hearing and make a recommendation to City Council for a Special Use Permit Application, SUP-20-0005 (Timewise), to allow a “Fueling Station and Convenience Store” to operate in a “CM” (Commercial Mixed Use) zoning district, generally located at the intersection of North Egret Bay Boulevard (FM 270), Marina Bay Drive (FM 2094), and East FM 518, with the address of 2202 East Main Street (FM 518).

Kris Carpenter, Interim Director of Planning, gave a presentation on behalf of the City of League City.

Mr. Maaz opened the public hearing at 6:02 p.m.

No one spoke at the public hearing.

Mr. Maaz closed the public hearing at 6:05 p.m.

Mr. Dodson asked what the purpose was of the Special Use Permit if a gas station already existed on the site.

Mr. Carpenter responded that the current gas station is grandfathered and can remain in its current state, but once it is moved or demolished the site loses its grandfathering status. A new gas station must be developed to conform with the City’s current regulations.

Mr. Dodson asked if there was a timeline for demo to new construction.

Mr. Carpenter responded that there was not, but if approved, the SUP would be valid for one year for the applicant to receive their permits.

Mr. Maaz expressed safety concerns for the entrance onto the site from the access road. His concern is that someone would try to exit from the entrance-only driveway.

Ms. Arnold agreed with Mr. Maaz on concerns for the entrance.

Mr. Maaz invited the Applicant to speak.

Ebenezer Akita of Interplan Architects, Applicant, stated that the design of the property had public safety in mind. He added that a Traffic Impact Assessment was performed and that in discussions with TxDOT, a directional entry-only access driveway would be allowed with signage to enhance the traffic safety.

Mr. Maaz asked how the traffic design would be enforced.

Mr. Akita responded that it would be through the geometric angle of the driveway entrance.

Ms. Arnold reiterated her concerns for traffic accidents on the curve of the access road. She asked if the site had to have the entrance at that location.

Mr. Akita responded that the site could be redesigned if the Owner desired the entrance to be removed, but the driveway would help the internal circulation of the site.

Mr. Dodson made a motion to recommend approval of the Special Use Permit Application, SUP-20-0005, per staff's recommendations.

Mr. Barron seconded the motion.

Ms. Irwin asked if there was room for deceleration lane.

Christopher Sims, Director of Engineering, replied that he did not believe there was enough room for a deceleration lane.

The motion failed by a vote of 1-7-0.

Mr. Maaz asked if another motion could be made.

Michelle Villarreal, Deputy City Attorney, responded in the affirmative.

Mr. Maaz made a motion to recommend approval of the Special Use Permit Application, SUP-20-0005, per staff's recommendations without the driveway entrance on the access road.

Ms. Morrison seconded the motion.

Ms. Irwin asked if the Commission were to ask for amendment for the site to be redrawn, could the motion require the Applicant to return to the Commission for confirmation.

Ms. Villarreal responded that the Commission's recommendation would be forwarded to City Council. If City Council acts upon the Commission's recommendation, the Applicant is required to meet all applicable conditions prior to receiving the Special Use Permit.

The motion passed by a vote of 8-0-0.

- B.** Hold a public hearing and make a recommendation to City Council on a Zoning Change Application, MAP-22-0005 (Texas DPS Addition), to rezone an 8.881-acre tract from "RSF-7" (Residential Single-Family with a minimum lot size of 7,000 square feet) to "CG" (General Commercial), generally located southwest of the Abilene Street and South Egret Bay Boulevard intersection.

Kris Carpenter, Interim Director of Planning, gave a presentation on behalf of the City of League City.

Mr. Maaz opened the public hearing at 6:22 p.m.

Sandra Campbell, 413 Indian Blanket Dr., stated her largest concern was traffic. She indicated the proposed development would add three entrances onto FM 270, none of which align with the entrance to the Meadows Subdivision. She also asked about the status of the project to widen Farm to Market Road 270 and concluded that she also had another major concern about impacts the development would have on drainage of the area.

Don Campbell, 413 Indian Blanket Dr., expressed concern for traffic with a higher risk of accidents due to the proposed driveway alignments, especially during evening rush hour. Mr. Campbell also expressed concerns of overflow parking based on similar DPS facilities in the region, increasing the already loud traffic noise, and displacing animals. In conclusion, he felt the development provided no added value to the city.

Carlos Villarreal, Property Owner/Developer, stated his appreciation for people taking the time to make comments. A deceleration lane would be added to Egret Bay Boulevard for Abilene Street and that another deceleration lane will be constructed for the main entrance. He added that the property will have a detention pond designed to the city's standards and that it will remain private and thusly subject to property taxes.

Mr. Maaz closed the public hearing at 6:30 p.m.

Ms. Morrison asked if the two entrances were between Smith Street and Webster Street.

Mr. Carpenter responded that the right-of-way along the northern property line was Abilene, the street near the southeast corner of the property was Paintbrush Avenue, and the next cross street with a light was Webster Street.

Ms. Morrison commented her displeasure on the proposed alignment relative to the existing intersections along Egret Bay Boulevard (FM 270) and is opposed to placing a high traffic development in an area that already has a high amount of traffic.

Mr. Dodson asked why the property was rezoned several years ago from commercial to residential when the request before the Commission is to return the property to a commercial zoning district.

Mr. Carpenter responded that the rezoning was made at the previous Owner's request.

Mr. Dodson asked who was responsible for constructing, owning and maintaining Abilene Street.

Mr. Carpenter replied that the property owner would be responsible for constructing the road and once the infrastructure is turned over, the City would be responsible for the road.

Mr. Dodson stated that he agrees that there could be issues with noise, but that a facility is needed because the other DPS facilities in Pasadena and Texas City are crowded. As a person that's taken a CDL test, he is concerned about noise generated from the air brake tests and with trucks using their "Jake brakes" to slow down. He added that he believes the DPS schedules up to 24 tests a day and that a law prohibiting Jake brake use may be needed. He concluded by agreeing that traffic on Egret Bay Boulevard was a nightmare.

Mr. Barron asked if there were any plans to upgrade Egret Bay Boulevard.

Mr. Sims, responded by indicating that Egret Bay is a TxDOT roadway and is on their schedule. He indicated that the roads of this nature are funded through the Houston-Galveston Area Council's (H-GAC) and is in their 10-year traffic plan, but there is no funding in the immediate future. The city was actively working to get the funding for the road sped up that would consist of a 4-lane roadway from Main Street (FM 518) to FM 646. He added that there is a pedestrian bike/trail improvement project that is to be bid late 2023 / early 2024.

Ms. Arnold asked where the deceleration lane is located on the plat.

Mr. Sims responded by showing the proposed deceleration lanes located approximately northeast and east of the subject property.

Ms. Arnold asked if the plat should be redrawn to show the deceleration lanes on the plat if the Commission is to approve it.

Mr. Carpenter responded by stating that the item for the Commission's consideration is just the zoning of the property.

Mr. Maaz asked if there will be further approval required for the site.

Mr. Carpenter responded in the affirmative. He added that the development is still required to submit a fully engineered design package including drainage, streets, parking, landscaping, etc.

Ms. Morrison stated that the proposed DPS facility is not a good location due to the high volume of traffic it would bring, while compounding the existing traffic issues, which is within a mile of four local schools.

Ms. Irwin asked why the previous owner requested the property to be rezoned from commercial to residential.

Mr. Carpenter gave a brief summary of the City's Zoning & Map revision of 2005 where the city had received hundreds of requests to rezone properties. It is speculated that the owner rezoned the property to develop it for a residential neighborhood. It was also noted that if the property was owned and developed by the State of Texas, they would be exempt from the city's development regulations. Since the property remains privately owned, it must meet all of the city's requirements.

Mr. Dodson asked what the practicality was of the State of Texas buying the land.

Mr. Carpenter replied that the state would be within their right to purchase and develop the property, if they so choose.

Mr. Dodson stated a concern that should the request be denied, the state would purchase the property to locate a DPS office at the location.

Mr. Carpenter responded that the reference was made to highlight the differences between development requirements of a property relative to whether the property was owned privately or by the state.

Mr. Maaz permitted Mr. Villarreal to return to the podium.

Mr. Villarreal stated that the only way traffic would not be generated or increased would be for the property to remain undeveloped and that any form of development would generate traffic.

Ms. Irwin asked if it was confirmed that a DPS facility would be the tenant for the property.

Mr. Villarreal restated that he owned the property and that he would like it to be rezoned to develop it. If the request was not approved, he would still need to develop the property to recuperate his expenses. He said that DPS likes the site.

Ms. Irwin asked for confirmation that DPS has not committed yet because the property is not zoned correctly at this time.

Mr. Villarreal confirmed that DPS has not committed, but restated that they like the site.

Mr. Maaz asked if there was an alternative to the general commercial zoning district.

Ms. Villarreal responded that the item for consideration before the Commission tonight regards rezoning. She indicated that if the zoning were to be approved, it is subject to all of the permitted uses

within that commercial zoning district. However, the Commission cannot legally consider rezoning a property based on conditions or stipulations.

Mr. Dominguez made a motion to recommend approval of the Zoning Change Application, MAP-22-0005, per staff's recommendations.

Mr. Barron seconded the motion.

The motion failed by a vote of 4-4-0.

5. New Business

A. Consider and take action on a Final Plat, Samara, Section 2, PLAT-22-0047, generally located north and south of Ervin Street, and west of Hobbs Road.

Mark Linenschmidt, Senior Planner, gave a presentation on behalf of the City of League City.

Mr. Dodson made a motion to approve the Final Plat, Samara, Section 2, PLAT-22-0047, per staff's recommendations.

Mr. Olkowski seconded the motion.

The motion passed by a vote of 8-0-0.

B. Consider and take action on a Replat, League City Townsites, Blocks 25-27, PLAT-22-0049, generally located between N. Wisconsin Avenue, Satsuma Street and N. Kansas Avenue.

Mark Linenschmidt, Senior Planner, gave a presentation on behalf of the City of League City.

Mr. Dodson made a motion to approve the Replat, League City Townsites, Blocks 25-27, PLAT-22-0049, per staff's recommendations.

Mr. Olkowski seconded the motion.

The motion passed by a vote of 8-0-0.

C. Consider and take action on a Final Plat, Pedregal Section 3, PLAT-23-0002, generally located south of Muldoon Parkway, and west of Pedregal Road.

Mark Linenschmidt, Senior Planner, gave a presentation on behalf of the City of League City.

Mr. Dodson made a motion to approve the Final Plat, Pedregal Section 3, PLAT-23-0002, per staff's recommendations.

Mr. Olkowski seconded the motion.

The motion passed by a vote of 8-0-0.

D. Consider and take action on a Preliminary Plat, Pedregal Section 6, PLAT-23-0003, generally located north of Muldoon Parkway, and west of Hobbs Road.

Mark Linenschmidt, Senior Planner, gave a presentation on behalf of the City of League City.

Mr. Dodson made a motion to approve the Final Plat, Pedregal Section 3, PLAT-23-0002, per staff's recommendations.

Mr. Olkowski seconded the motion.
The motion passed by a vote of 8-0-0.

6. Staff Comments

None

7. Adjournment

Mr. Maaz adjourned the meeting at 6:50 p.m.

Kris Carpenter,
Interim Director of Planning

Paul Maaz, Vice Chair
Planning & Zoning Commission