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# MEMO

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**TO:** City Commission  
**FROM:** Don Carroll, City Planner  
**DATE:** March 24, 2008  
**RE:** Grason P.U.D.

This P.U.D. Proposal came before both the Planning Board and Zoning Commission (February 4, 2008 March 4, 2008 and March 18, 2008).

This is a City approved Special District project that is now moving forward through our development review process. The Planning Board and Zoning Commission were both provided a Power Point presentation highlighting the development intent. The 22 stipulations cited by our Planning consultant and Staff were discussed during that Planning Board presentation and agreed to by the Principals for this development.

There was opposition raised by a property owner located adjacent and just west of the proposed site. The concerns associated with this opposition are cited in this formal letter. All concerns cited in the letter were addressed by the Zoning Commission. Staff stated that the Environmental issues and required coordination with the Corps of Engineers are issues that are required to be addressed by the developer and that federal regulatory agency. The proposal as presented, meets all of the criteria established in our Zoning Ordinance, Land Use and Thoroughfare plan. The Staff however, did affirm to the Zoning Commission and property owner in opposition, that we would give reasonable care and every reasonable effort possible to make sure the collector street would not traverse his property (located to the west since this is a source of contention). Staff would exhaust all reasonable alternatives regarding the proposed collector road alignment. The other issue that is note worthy is the fact that Dickinson Independent School District is requesting a site for an elementary school which will eliminate the residential housing originally presented - reference letter and map attached. The Zoning Members present unanimously recommended approval of the P.U.D. after hearing all comments from stake holders and their review of the data provided by Staff. Reference minutes of March 18<sup>th</sup> for a detailed summary.

DC:jm

## ZONING COMMISSION MINUTES

March 4, 2008

The Zoning Commission for the City of Texas City met in a regularly scheduled meeting on Tuesday, April 4, 2006 at 5:15 p.m. Board members present were: Chairman Tom Medlin; Yvonne Chatelain and Perry O'Brien. Staff members present were: Don Carroll, Doug Kneupper, Brian Falk and Julie Morreale. Citizens present were: Anthony Unruh.

Chairman Medlin welcomed everyone and explained the procedure for the Public Hearings.

**APPROVAL OF MINUTES.** The minutes from the February 5, 2008 meeting were approved on a motion by Tom Medlin/Perry O'Brien. All members present voted aye.

**ITEM NO. 1 Grason Communities request to rezone from "A" (Single Family Residential) to "I" (Planned Unit Development) for a commercial and residential development. Being 492.662 acres out of the B.B.B. & C.R.R. Survey, A-629 and the J.S. Jones Survey, A-129. Located North of FM 517 and going south to Dickinson Bayou.** Mr. Carroll stated that 17 property owners were notified of the intent to rezone. One letter of opposition has been received. Mr. Carroll stated the applicant was unable to attend the meeting and he would like to continue this proposal at the next scheduled meeting on March 18, 2008. He then read the letter of opposition (attached). Mr. Carroll then read the comments from the various Department Heads. The comments were as follows: City Planner, "No objection to the P.U.D. Proposal. This is city supported by way of its Special District Policy and the applicant has workshopped all development issues and Staff concerns. The applicant must cite all variance and demonstrate superior design in its P.U.D. proposal. There are no conflicts with the development intent". City Engineer, "Gulf Coast Water Authority may impact the development plan. Otherwise-No objection". Fire Marshall, "No objections". Building Official, "No objections to rezoning request". Tax Assessor-Collector, "Multiple accounts. No delinquent city, county or school tax". Mr. Carroll addressed concerns stated in the letter from Mr. Unruh that the City Planning office denied him information on the Grason proposal. Mr. Carroll stated that Mr. Unruh was given all available information on the request to rezone. He further stated that Special District Projects require presentations to the City Commission, the applicant has come before the City Commission which are open to the public. Mr. Carroll stated that public hearing notices are posted in the city paper and certified letters are sent to property owners within 200 feet, to ensure the City is not in violation of the Zoning Enabling Statutes and it was televised on the City's television channel. Mr. Carroll further stated that on the Land Use Plan Map the area in question is a neighborhood growth area and this proposal presented is appropriate. He stated in regards to the Federal Wetland issue, the applicant is aware that they must receive a permit from the Corps of Engineers and if there are problems that would be the responsibility of the Federal government under the Clean Water Act. Mr. Carroll stated the minutes from the Planning Board Commission meeting on February 4<sup>th</sup> (attached), clearly cites where all relevant issues were properly addressed. The Public Hearing was then opened on a motion by Yvonne Chatelain/Perry O'Brien. All members present voted aye. Chairman Medlin asked what the amount of land is owned by Mr. Unruh and how long he has resided there. Mr. Unruh stated he owns 80 acres and has lived there since 2003. He stated once he received notice of the upcoming Public Hearing he requested a copy be given to him of the proposal and that Mr. Carroll would not provide him with that, but only would let him view the information. He stated that Mr. Carroll told him to contact the developer for a copy of the intended development. He stated that numerous calls were made to the developer and they never returned his calls. Mr. Carroll stated that he was not under the authority to give out copies of a

proposal at that time was subject to change and/or being withdrawn all together, but Mr. Unruh was allowed to view all information available in the City Planning office during his visit. Mr. Unruh stated that looking at the proposal the developer has a road going through a portion of his property. He stated that he is not willing to give up his property and that there is not a permit listed with the Corps of Engineers to allow construction. Mr. Unruh showed the Board the area on a map of his property. Mr. Unruh stated he would withdraw his objection if he could be given something in writing stating that his land will not be touched and no road would traverse his property. Chairman Medlin stated Mr. Unruh should return on the March 18<sup>th</sup> meetings to address his concerns with the Board and developer. **A motion to continue the Grason Communities request to rezone on March 18, 2008 was made by Tom Medlin/Yvonne Chatelain. All members present voted aye.**

After a brief discussion a motion was made by Tom Medlin/Perry O'Brien to adjourn. All members present voted aye.



Don Carroll, Secretary

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Tom Medlin, Chairman

## ZONING COMMISSION MINUTES

March 18, 2008

The Zoning Commission for the City of Texas City met in a regularly scheduled meeting on Tuesday, March 18, 2008 at 5:15 p.m. Board members present were: Chairman Tom Medlin, Yvonne Chatelain, Bert Dahl and Perry O'Brien. Staff members present were: Don Carroll, Doug Kneupper, Brian Falk and Julie Morreale. Citizens present were: Brenda George, David Strom Sr, Donna Myers, Lacey Fleshman, Kerry Gilbert, Anthony Unruh, Don Wyatt, David E. Wyatt, David Heythorne, Gloria Manning, Kenneth Strom, Vicki Seyer, Chris Curran and Brandon Fleshman.

Chairman Medlin welcomed everyone and explained the procedure for the Public Hearings.

**APPROVAL OF MINUTES.** The minutes from the March 4, 2008 meeting were approved on a motion by Bert Dahl/Perry O'Brien. All members present voted aye.

**ITEM NO. 1 Grason Communities request to rezone from "A" (Single Family Residential) to "I" (Planned Unit Development) for a commercial and residential development. Being 492.662 acres out of the B.B.B. & C.R.R. Survey, A-629 and the J.S. Jones Survey, A-129. Located North of FM 517 and going south to Dickinson Bayou.** Mr. Carroll stated this agenda item is being continued from the March 4, 2008 meeting since the applicant was not present. He continued citing that departmental comments were read at that time as well as the opposition letter from Mr. Anthony Unruh. Mr. Carroll stated a slight change was made on the site plan for the Dickinson Independent School District elementary school to be constructed. The Public Hearing was then opened on a motion by Bert Dahl/Perry O'Brien. All members present voted aye. Mr. Kerry Gilbert presented the conceptual plan to the Board. He stated the property is currently zoned A-"Single Family Residential" and the developers are seeking to rezone for a (PUD). This would include neighborhood services, and commercial development at the primary entrance on the north side of FM 517 and mixed use on the south side. Mr. Gilbert continued and further stated they would like to have a retail type development, including a small marina, restaurant, sales and a residential three story condominium project with a maximum of 60 units (for individual purchase and not for rental). Mr. Gilbert then discussed the proposed layout of the streets and emergency access to the property. He also gave a detailed description of conceptual landscaping, recreational areas and residential plans. He stated of the 492-acres, 70 percent will be for single family residential use and the remainder will be a community element that will consist of open space for a recreational center, amenity lakes, detention areas, channels, and landscape reserves. The required 3.4 acres of open area will include trails and landscaping. Mr. Gilbert stated that if they do not gain access into the Dickinson Bayou, then that area would be replaced with a lake development. Mr. Carroll stated all staff review stipulations and concerns (are attached to Planning Board minutes of February 4, 2008) must be adhered to. Chairman Medlin then asked for those in opposition to the request to speak. Mr. Anthony Unruh stated the proposed project shows a collector road going through his property that he resides at. Mr. Carroll stated that the Board and the applicant have been given the opposition letter from Mr. Unruh. (Attached to these minutes) Mr. Gilbert stated that development of the collector road would be through the city of Texas City. Mr. Unruh asks where the soil would be put from the development of the proposed community. Mr. Gilbert stated all soil would be reused on the property lots. Mr. Unruh asked how much traffic is being proposed on the collector road. Mr. Gilbert stated they were still in the conceptual mode but they could consider at least two trips per day for each property owner. Mr. Unruh asked what would be done with the land that is wetlands. Mr. Gilbert stated they would work with the Corps of Engineers

regarding wetlands on the property. Chairman Medlin asked if there was anyone else to speak in opposition to this item. Mrs. Brenda George stated she owned a business on FM 3436 and would like to know how this affects her property. Mr. Carroll informed Mrs. George that this item did not pertain to her property and that she was at the meeting concerning a later agenda item. Mr. Carroll stated that the proposal for the PUD is consistent with the Land Use Plan and is also consistent with the Through Way Plan that the Planning Board and City Commission has approved. Mr. Don Wyatt asked if the entrance of the channel area to the subdivision was going to be kept open with dredging. Mr. Gilbert stated that the Corps of Engineer would give them directions regarding that matter. Mr. Carroll stated that maintenance and upkeep would be managed by the Home Owners Association for the property. **A motion to close the Public Hearing was made by Tom Medlin/Bert Dahl. All members present voted aye.** Mr. Perry O'Brien asked if there had been discussion of the collector road being relocated away from Mr. Unruh's property. Mr. Kneupper stated the city would make all accommodations available to move the collector street north in an attempt to minimize use of Mr. Unruh's property. Both members Dahl and O'Brien agreed that the proposal meets all of the City development requirements. There being no further discussion, **a motion to recommend approval to rezone the Grason Communities from "A" (Single Family Residential) to "I" (Planned Unit Development) for a commercial and residential development was made by Bert Dahl/Perry O'Brien. All members present voted aye.**

**ITEM NO. 2 Brandon Fleshman to rezone from "A" (Single Family Residential) to "O-P" (Office Professional) for dental office. Being part of Lot 185 (185-3), Jemison Addition. Located at 2303 29<sup>th</sup> Street N.** Mr. Carroll stated that 7 property owners were notified of the intent to rezone and to date no correspondence has been received indicating opposition to the request. Mr. Carroll then read the comments from the various Department Heads. The comments were as follows: Planning Director, "Must adhere to Brick Ordinance provisions. The proposal offers an opportunity to have a good transitional buffer between commercial and the residential property south of the site. I would not recommend allowing commercially zoned property south of this request - no objections". Public Works Director, "No objections". Building Official, "Have to meet ADA requirements". Tax Assessor-Collector, "No delinquent city, county or school tax". The Public Hearing was then opened on **a motion by Bert Dahl/Perry O'Brien. All members present voted aye.** Mr. Brandon Fleshman presented his concept to remove the existing housing structure, clear the land and construct a dental office on the property. He further stated the structure would be an approximately 2400 square foot dental office on the northwest corner, a parking lot with two entrances from 29<sup>th</sup> Street North that would accommodate 21 vehicles and a monument sign on 29<sup>th</sup> Street North. A brief discussion followed concerning the road behind the property and the fact that Mr. Fleshman would have to make it accessible to the property owners. One property owner, Mrs. Gloria Manning stated she was in favor of the proposal. There being no further discussion, **a motion to close the Public Hearing was made by Bert Dahl/Perry O'Brien. All members present voted aye. A motion to recommend approval to rezone the property from "A" (Single Family Residential) to "O-P" (Office Professional) for a dental office was made by Perry O'Brien/Bert Dahl. All members present voted aye.**

**ITEM NO. 3 To amend Section 40-94 location of the Gateway Overlay District by adding FM 3436 from SH 646 south to FM 517.** Mr. Carroll stated that 32 property owners were notified of the intent to rezone and to date two letters of opposition have been received indicating opposition to the request. (attached). Mr. Carroll then read the departmental comments from the

staff, "This is an administrative initiated rezoning request to include this State right-of-way with the other State right-of-ways. This was omitted during the last Rezoning Public Hearing initiation. No objection to this, it is consistent with the Gateway Corridor Provision and amendment which dates back to 1999." He further stated that members of the Zoning Commission were given the Gateway Corridor Overlay provisions. Mr. Carroll stated this is to enhance development in the future and all property owners presently there with structures will have a legal non-conforming use classification, but new development will have to comply with the provisions of the Gateway Corridor. Structures currently there can maintain the status quo, but if they are destroyed by 50 % or greater they will have to comply with provisions of the Gateway Corridor. A brief discussion of other highways that are currently under the Gateway Corridor provision was discussed. The Public Hearing was then opened on **a motion by Bert Dahl/Yvonne Chatelain. All members present voted aye.** Mr. David Strom stated he objects because if he chose to build at a later date he does not want to meet the required standards. He also questions if he will have to change what he has on the property now. Mr. Carroll stated this will not change anything for him at this time, but if he developed the land later, he would have to comply with the provisions of the Gateway Corridor. Mrs. Brenda George stated she currently has a business on that roadway and is considering building a new business on her property. She further questioned if she has to stay 40 feet from the edge of the street. Mr. Carroll stated parking in the front of a building would have to adhere to the 40 foot setback from the property line. Mr. Carroll stated if Mrs. George chooses to reconstruct; the city will try to assist in finding an architectural alternative that would be reasonable for her. Mrs. George questioned when they would receive city water and sewage. Mr. Carroll informed Mrs. George she would need to speak with the City Commission on that matter. **A motion to close the Public Hearing was made by Bert Dahl/Perry O'Brien. All members present voted aye. A motion to amend Section 40-94 location of the Gateway Overlay District by adding FM 3436 from SH 646 south to FM 517 was made by Perry O'Brien/Yvonne Chatelain. All members present voted aye.**

After a brief discussion a motion was made by Perry O'Brien/Yvonne Chatelain to adjourn. All members present voted aye.

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Tom Medlin, Chairman

  
Donald R. Carroll, Secretary

**Don Carroll**

**From:** Kent Marsh [kmarsh@marshdarcypartners.com]  
**Sent:** Monday, October 22, 2007 3:22 PM  
**To:** Kerry Gilbert; Don Carroll; James McWhorter  
**Cc:** Sue Darcy  
**Subject:** Grason PUD Meeting Results

Matt, based on my September 18, 2007 letter to you, Grason has agreed to the following action regarding the 17 points therein.

1. All references to the use of the canal system south of FM 517 for detention purposes, have been removed from the October 2007 PUD document.
2. A more-detailed conceptual site plan for the recreation area has been provided in the October 2007 PUD document.
3. Elevations for the proposed monument signage have been provided and this request is complete with the exception of **providing a location for proposed monument signs on a revised October 2007 Exhibit F.**
4. The City has agreed to not require transfer of maintenance of open space and amenities to the HOA in exchange for **the developer providing legal documents for review and approval of the HOA with the first preliminary plat submission. The October 2007 PUD document should be revised to indicate this required action.**
5. The 2007 October PUD document has been revised to include wording indicating the subdivision platting process for the area south of FM 517 will begin no later than 90 days after receipt of Corps of Engineers permits.
6. The October 2007 PUD document has been revised to include the 1570 cap on residential units including a 60 unit cap on condominium units.
7. The October 2007 PUD document has been revised to indicate all dedicated street right-of-way will include paving of stub streets.
8. The October 2007 PUD document has been revised to indicate a single listing of all variances and variations requested, including the specific section of the Zoning or Subdivision Ordinance for the desired variance or variation.
9. The October 2007 PUD document has been revised to indicate that a minimum 4 foot wide sidewalk will be placed on both sides of all local streets.
10. **A written document from the school district will be provided indicating the school district does not require a school site within this development will be provided prior to the City Commission meeting reviewing the PUD submission.**
11. All references to San Leon WWTP have been removed from the October 2007 PUD document.
12. The City will not require parking denial on public or private collectors. This decision was reached based on: a minimum of 30 feet of paving (Back-of-curb to back-of-curb) is the standard paving width for Texas City, a limited amount of traffic can be expected on private collectors, the condition (front loading lots) is not a significant issue at this location. Should any of these assumptions change in the future, a new review of this can be expected. No change in the current October 2007 PUD document is required.
13. The October 2007 PUD document has been revised to include a statement that the developer will provide funds in lieu of providing a municipal safety services site.
14. The October 2007 PUD document has been revised to include a Composition of Land Use Table for the Alternate Conceptual Development Plan.
15. The October 2007 PUD document adequately addresses the definition of measurement of lot width.
16. The October 2007 PUD document has been revised to reflect an increase in the minimum wastewater capacity calculations.

17. The October 2007 PUD document has been revised to reflect a second point of access to the area south of FM 517 in the Alternate Conceptual Development Plan.

As such, you will only need to further address items 3, 4, and 10 above. We understand you intend to provide 15 copies of the corrected October 2007 PUD document to Don Carroll by Monday, October 29 for the November 5, 2007 Planning Board review. If you have any further questions, please let me know.

*J. Kent Marsh, AICP*

President

**Marsh Darcy**



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# DICKINSON INDEPENDENT SCHOOL DISTRICT

Leland Williams, Ed. D.  
Superintendent of Schools

DISD



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lwilliams@dickinsonisd.org

March 11, 2008

James McWhorter, P.E.  
City Engineer  
Director of Transportation and Planning  
City of Texas City  
P.O. Drawer 2608  
Texas City, Texas 77592-2608

Re: 492.6± Acre Planned Unit Development  
Jason Hammonds via Kerry Gilbert and Associates

Dear Mr. McWhorter:

Thank you once again for asking the developer of this site east of Strom Road to verify acceptability of a school site prior to final subdivision approval. After an initial review, the land planning consultant has submitted a revised proposal (March 4, 2008) to us that allocates about 15 acres at the intersection of the proposed north-south collector road and the east-west major collector. Because the development will provide the detention requirements for this site, the allocated acreage would be sufficient for an elementary school or middle school. One site within this subdivision should be sufficient if we can continue to set aside acreage in other subdivisions in the area.

The location of any pipeline easements and other encroachments on the site can make a significant difference, so we are assuming there are none. Access to roadways that can accommodate the traffic can also be an issue. We believe the proposed location will be adequate in that regard, providing roadways are constructed in a timely manner. We will continue to work with the developer to see that adequate drainage, water, and waste water lines are provided at the perimeter of the site, appropriately sized for the construction of the school building. We will continue entertaining discussions regarding city/school parks on site at our schools, which should assist with park requirements in the area.

I trust this provides sufficient information to allow planning in Texas City, and to allow coordination of discussions with developers and planners. If not, please advise.

Sincerely,

Handwritten signature of Leland Williams in cursive script.

Leland Williams, Ed.D.  
Superintendent

Anthony Unruh  
7808 FM 517  
Texas City, Texas 77539  
March 2, 2008

Donald R. Carroll  
Secretary  
Texas City Zoning Commission  
928 – 5<sup>th</sup> Avenue North  
Texas City, Texas 77592-2608

Dear Mr. Carroll:

I am concerned about Grason Communities request to rezone the land along FM 517. I am voicing my objection to this proposal as the major property owner that this proposal adjoins. Several reasons that I object to this proposal are:

The development as a planned unit development would have a serious effect on the environment and native endangered and threatened species currently present on the land this proposal effects. Several species that will be impacted include and which I have seen in the area;

Species	Endangered/Threatened	Identifying Authority
White Tailed Hawk	Threatened	Texas Parks and Wildlife Department,
Reddish Egret	Threatened	Texas Parks and Wildlife Department,
White Faced Ibis	Threatened	Texas Parks and Wildlife Department,
Texas Horned Lizard	Threatened	Texas Parks and Wildlife Department,
Peregrine Falcon	Endangered	Texas Parks and Wildlife Department,
American Peregrine Falcon	Endangered	Texas Parks and Wildlife Department,
Red Wolf	Endangered	Texas Parks and Wildlife Department,
Bald Eagle	Threatened	Texas Parks and Wildlife Department

It could also potentially affect the Attwater's Greater Prairie-Chicken, which is also on the endangered species list.

Other environmental concerns are the fact that a development of this type will increase traffic in the area, increasing pollution in the air. It will also increase the ambient temperature of the area by increasing the amount of paving and decreasing the amount of vegetation.

Because of the broad reaching impact to the environment and to threatened and endangered species the developer needs to submit an Army Core of Engineers Environmental Impact Statement. And the City of Texas City as a responsible community should insist on the study prior to approving the proposal.

Galveston County in its entirety has been designated as a Bottom Lands Hardwood Wetlands by the EPA under Section 404 of the "Clean Water Act" and takes a "No Net Loss Approach" on any development in the Wetlands Area. This is to say the developer must be willing and capable of purchasing the same amount of land being developed and putting this aside as a wetland/conversation area. The rules also say that the developer must obtain an Army Core of Engineer Permit to develop any wetland; this was reinforced by a recent federal court case "Natural Resource Defense Council vs. Callaway". This would also require a public hearing by the Army Core of Engineers to grant the permit, which has not occurred. As a responsible community the City of Texas City should insist that the permit from the Army Core of Engineering be in hand and that other land be purchased or be guaranteed to be purchased under the "No Net Loss Approach" prior to approving the proposal.

When I purchased my property I wanted to live in an area with little or no development. The proposed development would negatively impact my quality of life, to which I am opposed to.

Also the proposal from what I have gathered, from the limited information available, proposes to put a road through my property to feed traffic into the development. I am not now or ever willing to give any of my property up for a road to feed a development that impacts the environment so drastically and destroys my quality of life.

As I stated in the previous paragraph there was limited information on the proposal. I went to the City of Texas City, Transportation & Planning Department to get a copy of the proposal and was refused. I then contacted the developer asking for a copy of the proposal; I was again refused and ignored. Both of these responses bring into question the ethics of both the City of Texas City, Transportation & Planning Department and the developer. Why was the information refused, does either party have something to hide? To agree to the proposal with the hint of impropriety from the City of Texas City, Transportation & Planning Department and the developer is not appropriate.

Sincerely,



Anthony Unruh

Land Owner next to the proposed development