

minutes — only —

Memorandum

To: Mayor Doyle and City Commission

From: Don Carroll, City Planner

Date: March 25, 2008

RE: Rezoning Request to Rezone a Parcel from "A" Single Family Residential to "O-P" Office Professional To Build a Dental Office Being Part of lot 185 (185-3) of the Jemison Addition Located At 2303 29th Street North

This issue was deliberated by the Zoning Commission, the stake holders in attendance and City Staff on March 18, 2008. This deliberation was during a regularly scheduled rezoning public hearing. The proposal is to build a dental office 2,400 square feet on a .4860 parcel address being 2303 29th Street. There were no controversial issues associated with this rezoning request. There was no property owner present to indicated opposition to this rezoning intent. The request is not in conflict with the City's Land Use Plan or Zoning Ordinance. After listening to the property owners in favor of the request and the Staff reports, the Zoning Commission Members present voted to unanimously to recommend approval of this request. Please reference the Zoning Public Hearing Minutes of March 18, 2008 for a detailed summary of the issues discussed.

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

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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 29th 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 29th Street North that would accommodate 21 vehicles and a monument sign on 29th 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.**

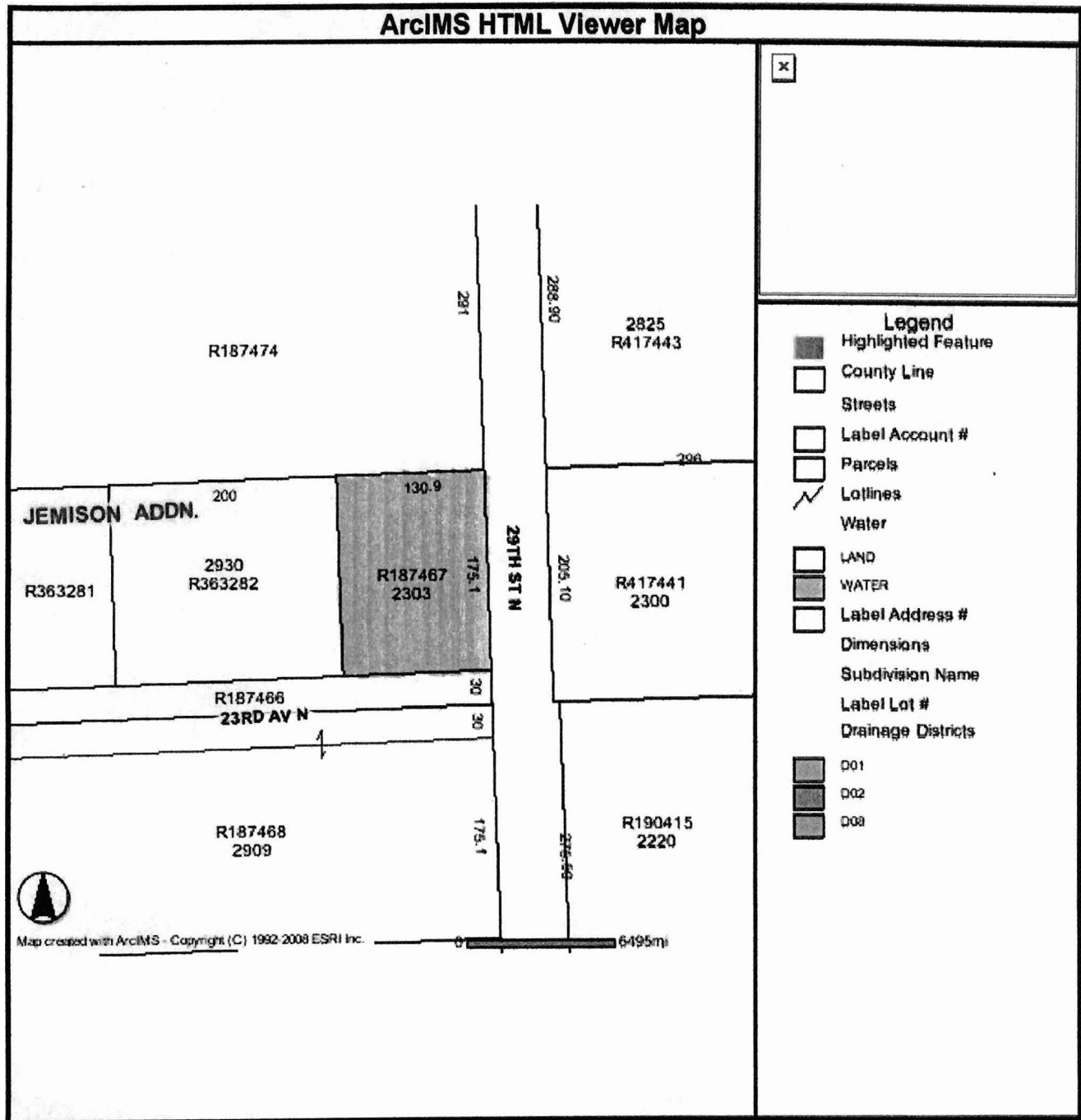
ITEM NO. 3 To amend Section 40-94 location of the Gateway Overlay District by adding FM 3436 from SH 646 south to FM 517. Mr. Carroll stated that 32 property owners were notified of the intent to rezone and to date two letters of opposition have been received indicating opposition to the request. (attached).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


Donald R. Carroll, Secretary

Tom Medlin, Chairman



Property Owner:
William D. Hightower and
Gloria Hightower Manning
2303 29th St. N.
Texas City, TX 77590

Existing house will be removed.

Lot size: 0.48660 ac.

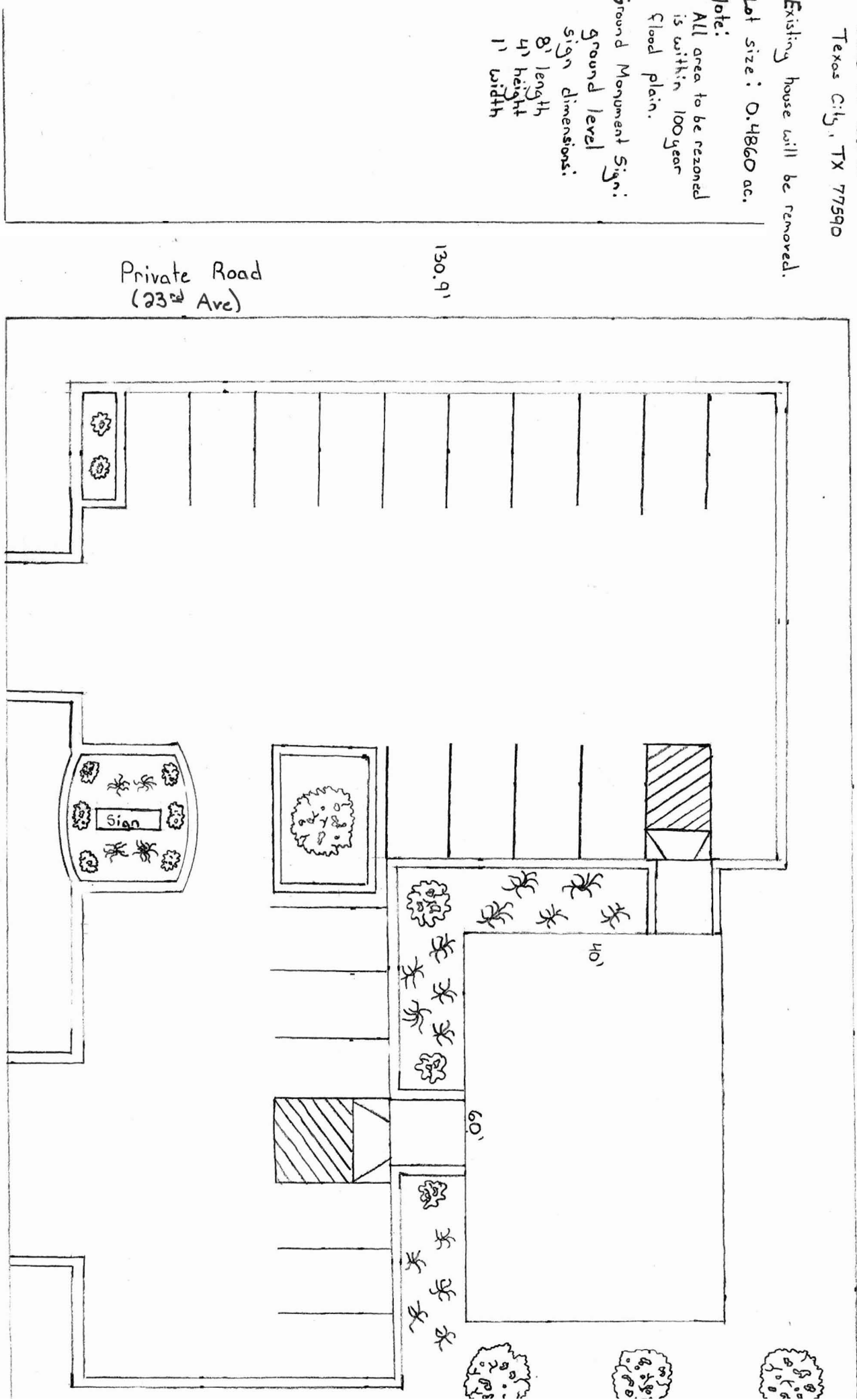
Note:

All area to be rezoned
is within 100 year
flood plain.

Ground Monument Sign:

Ground level
sign dimensions:

- 8' length
- 4' height
- 1' width



Private Road
(23rd Ave)

130.9'

175.1'

29th St. N.