

attach oppositio Betty George and David From

Memorandum

To: Mayor Doyle and City Commission

From: Don Carroll, City Planner

Date: March 25, 2008

RE: Rezoning Request to Amend Section 40-94 and Include FM 3436 as a Gateway Corridor Overlay District. Being the section of right of way located between FM 646 going south and terminating at FM 517.

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. There were two property owners present that submitted letters of opposition. Those letters are attached with this memorandum for the Mayor and Commissioner's review. The aforementioned letters were also presented to the Zoning Commission members present for this public hearing (for proper deliberations). This is a City initiated rezoning request. It is sought for curing an administrative oversight/defect by Staff's omission to include this state right of way in the last group of amendment inclusions (right -of- ways) which were finalized in August of 2006. There are no objections to this intent, as it has been well established as a City initiative that first originated in 1999. Within the Gateway Corridor, the City is simply requiring that all new development within our Gateway entrances adhere to and incorporate enhanced performance and urban design standards in order to make our City more attractive and sustainable. This intent in the end will also equate to a higher investment return for property owners over time. Specifically, this is in the context of appreciation of property values. For a detailed summary of the issues discussed please reference the Rezoning Public Hearing Minutes of March 18, 2008. After hearing Staff reports and the concerns of the stake holders present, the Zoning Commission Members present unanimously voted to recommend adding FM3436 as a component right -of- way to our Gate Way Corridor Overlay District.

## 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

David Strom Sr  
9002 Paseo Lobo  
Texas City, Texas 77591

March 10, 2008

Donald R. Carroll  
City Planner  
Zoning Commission of Texas City  
P.O. Drawer 2608  
Texas City, Texas 77592-1608

Dear Sir,

I am writing in reference to the proposed Gateway Overlay District. Section 40-94, to include FM3436 from SH 646 to FM 517.

As a property owner of property that has been in my family for over 50 years I am opposed to this rezoning. My primary concerns are how this affects existing properties? Are they grandfathered or will there be requirements to bring the property to code?

Concerning areas are 40-92. Item 1a outside storage requiring a masonry enclosure, or wall. I have trallers, tractors and other belongings on my property.

Item 1b trash receptacles. Is this requirement for large dumpsters only or personal trash cans?

40-93 miscellaneous requirements.

Item 1 outside display vehicles for sale. I occasionally have a personal vehicle for sale on my property. I have an asphalt drive, Is this acceptable?

Item 2 exposed utilities. I have electrical service overhead. Does this need to be changed?

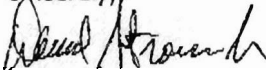
Item 3 Landscaping 15% of property. I have 2.5 acres of which most is woods.

Item 4 Masonry building front? I have a wood front. I cannot afford to upgrade my building front.

Does this new zoning bring additional city services to our areas?

I appreciate the opportunity to object to this rezoning.

Sincerely,



David Strom Sr  
Landowner FM 3436

William Cox here,

Due to a health problem I will be unable to attend the meeting that I signed a letter for! I think this is a very short notice to give someone about a Zone change or what ever the city has planned and stating the the fact that if I am not there it says I don't care what they do! I do care and want to know more about it and will find out some how If I have to set up a meeting with the person in charge to let me know what is happening in my area that nobody carried about until a big developed decided to build something in the area!!!

One of the area Tax Payers

William W. Cox

*For Don Carroll*



Tracy Williams 409-345-4600  
 Jackie Matthews 409-975-3006  
 Tracy McDaniel 409-370-1747

**"Home Is Our Business"**  
**OWN PROPERTIES**  
 1000 EET N., TEXAS CITY, TX 77590  
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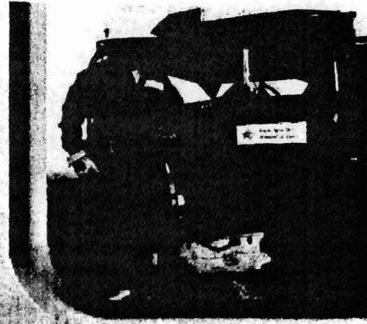


3109 Neptune Drive  
 Bayou Vista, TX 77563

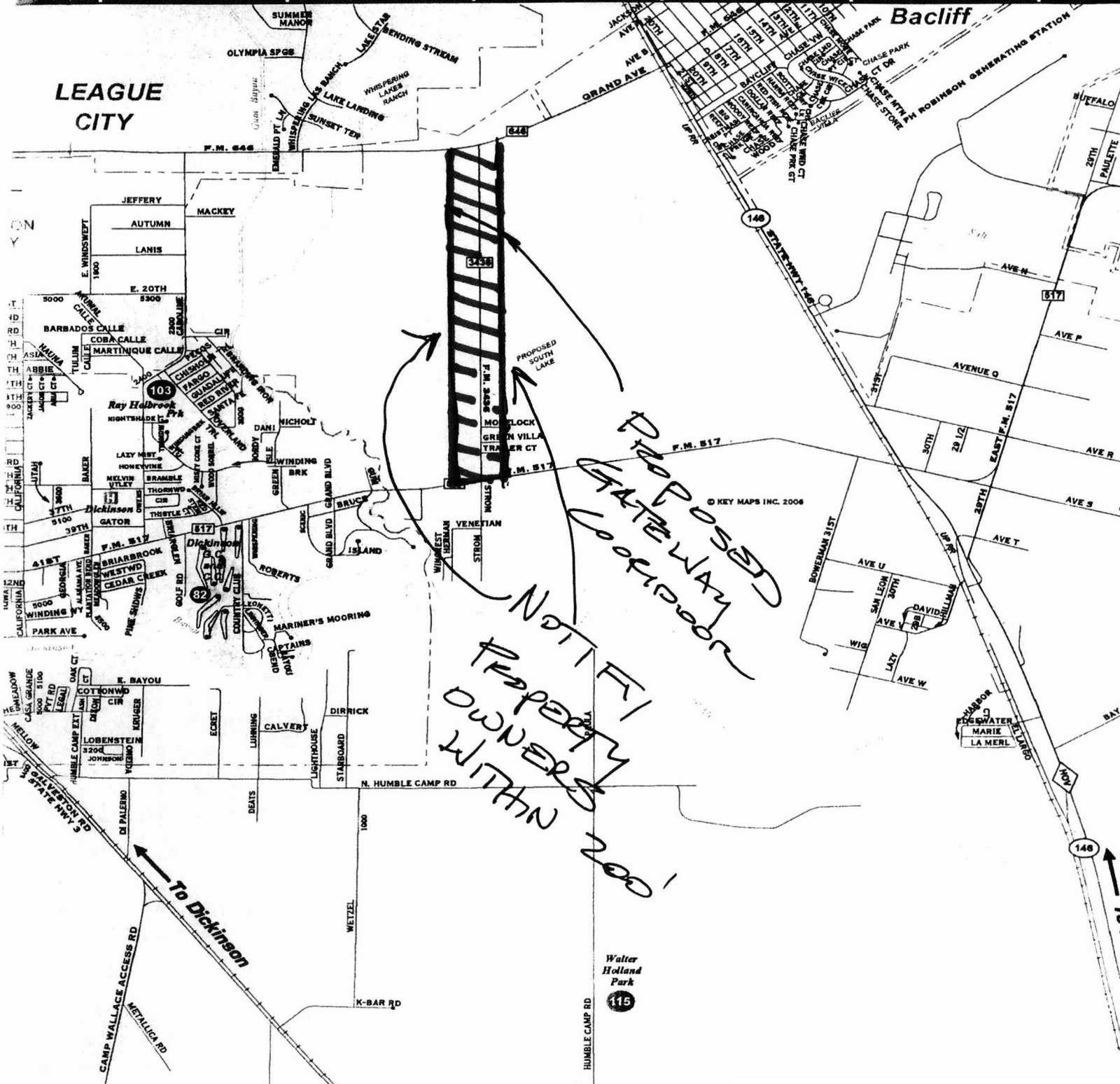
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 Fax: (409) 935-3975  
 Home: (409) 935-1902  
 Cell: (409) 771-0116

**Billie Moore, GRI**  
 Owner/Broker

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E F G H I



ORDINANCE NO. 99-42

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF TEXAS CITY, BY AMENDING CHAPTER 40. ZONING, BY ADDING ARTICLE V. "GWY" GATEWAY OVERLAY DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE READING OF THIS ORDINANCE ON THREE (3) SEPARATE OCCASIONS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE UPON FINAL ADOPTION AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

**SECTION 1:** That the Code of Ordinances of the City of Texas City, Texas, Chapter 40. Zoning, is hereby amended by adding Article V. "GWY" Gateway Overlay District, and shall hereafter read as follows:

APPENDIX A – ZONING

ARTICLE V. "GWY" GATEWAY OVERLAY DISTRICT

Sec. 40-90. Intent and purpose.

The "GWY" Gateway Overlay District shall function as an overlay zoning district. The "GWY" requirements shall supersede the regulations of the underlying zoning district where such district's regulations are in conflict with the provisions of this Article. All regulations of the underlying zoning district shall be in effect except as identified in the "GWY" Gateway Overlay District regulations.

The purpose of the "GWY" Gateway Overlay District is to enhance the aesthetic and visual character of gateways into the city that are adjacent to regional highways. It is intended to ensure that land development adjacent to gateways occurs in a manner that is compatible with the use of the transportation corridor, while minimizing traffic hazards and congestion at key focal points of the community.

Sec. 40-91. Principal and accessory uses.

No land shall be used and no structure shall be erected for, converted to, or used for any principal or accessory use other than such uses as are allowed in the underlying zoning district(s).

Sec. 40-92. Screening requirements.

1. *Screening wall.* Screening walls applicable to the separation of uses, screening of satellite television reception dishes, trash receptacles, and other items shall be provided in accordance with the requirements of the underlying zoning district, except as otherwise provided herein.

a. Outside storage shall be screened on all sides by a solid, opaque brick or stone wall of not less than six feet (6') in

height measured at the highest finished grade, constructed in accordance with the general design standards of the City of Texas City.

b. Trash receptacles shall be visually screened on three (3) sides by a solid, opaque brick or stone wall not less than six feet (6') in height, measured at the highest finished grade. The height of the trash receptacle shall not be permitted to exceed the height of the visual screening device. Screening shall not be required on the side used for access by garbage pickup services. Such side shall not face less than forty-five (45) degrees from any adjacent street.

Trash receptacles already enclosed by a solid, opaque brick or stone wall of at least six feet (6') in height measured at the highest finished grade shall not be required to provide additional screening.

c. Screening walls shall not be allowed in any required landscape setback which is adjacent to a public thoroughfare.

2. **Rooftop Screening.** Roof-mounted equipment, including, but not limited to, storage tanks, compressor units, vent stacks greater than four inches (4") in diameter, and elevator machinery, shall be integrated into the building design and screened from the view from adjacent streets and public facilities. Rooftop screening shall use building materials similar to the facade of the building on which such items are located, to create a smooth, clean, integrated appearance. For purposes of this section, a highway frontage road shall be designated as an "adjacent street".

#### Sec. 40-93. Miscellaneous requirements.

1. **Outside display or storage.** All areas utilized for outside display or storage in conjunction with sales or rental of motor vehicles, mobile homes, trailers or boats, regardless of whether such areas are screened from public view, shall have a concrete or City-approved surface, constructed in accordance with the standards prescribed by the City of Texas City.

2. **Utilities.** All utilities located within two hundred feet (200') of the front property line, which will serve any lot or parcel, shall be installed underground, except for any transmission lines or feeder lines, either existing or proposed, provided that such transmission or feeder lines shall be located within a designated paved easement or alleyway provided by the property owner.

Nothing set forth herein shall prohibit or restrict any utility company from recovering the difference between the cost of overhead facilities and underground facilities. Each utility whose facilities are subject to the provisions of this Article shall develop policies and cost reimbursement procedures with respect to the installation and extension of underground service.

3. **Landscaping.** Landscaping shall be a minimum of fifteen percent (15%) provided of the total land area of any property, in accordance with Section 40-63 of this ordinance.

4. *Masonry content.* One- or two-story structures, regardless of structure height, shall meet the following minimum masonry requirements:

Buildings shall have the following minimum masonry requirement: one hundred percent (100%) of the total exterior walls, front and side walls, which may be seen from any public thoroughfare, excluding doors, windows, and window walls, shall be constructed of brick, stone, masonry, or pre-cast concrete panels.

5. *Setback.* To provide adequate protection of the aesthetic and visual character of the gateways, a minimum setback of forty feet (40') of all buildings, accessory buildings, and structures from the property boundary which is adjacent to a public thoroughfare shall be required. The minimum setback requirement shall be reduced to a setback of twenty-five feet (25') if parking is prohibited within said setback area.


**SECTION 2:** That all ordinances or parts of ordinances in conflict herewith are hereby expressly repealed to the extent of such conflict.

**SECTION 3:** That, in the event any section, clause, sentence, paragraph, or part of this Ordinance shall be for any reason adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, invalidate, or impair the remainder of this Ordinance.

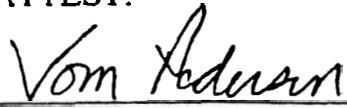
**SECTION 4:** That this Ordinance shall be read on three (3) separate days and shall become effective upon its final reading, passage and adoption, and publication by caption only in the official newspaper of the City.

**SECTION 5:** That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

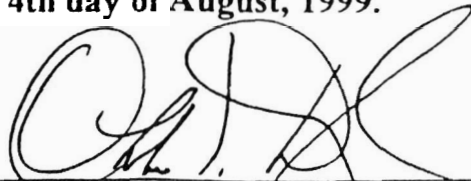
**PASSED ON FIRST READING** this 21st day of July, 1999.

  
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Charles T. Doyle, Mayor  
City of Texas City, Texas


ATTEST:

  
\_\_\_\_\_  
Tom Pedersen  
City Secretary

**PASSED ON SECOND READING** this 4th day of August, 1999.

  
\_\_\_\_\_  
Charles T. Doyle, Mayor  
City of Texas City, Texas

ATTEST:

  
\_\_\_\_\_  
Pamela A. Lawrence  
City Secretary