
MEMO

TO: Mayor Doyle and City Commissioners
FROM: Don Carroll, City Planner *D.R.C.*
DATE: October 7, 2009
RE: Ricky Taylor Rezoning Request

This request came before the Zoning Commission on September 15, 2009 and had its final disposition on October 6, 2009. All concerns raised by the property owners in opposition and the subsequent concerns of the Zoning Commission member were properly addressed and reconciled to the Zoning Commission's satisfaction.

Clarification as to the type of establishment was provided by the applicant (see attached). It enabled the members present to better understand the regulatory requirements and the business development intent in the context of the size and scope of the business. The applicant indicated their intent is to have up to 50 clients.

After reviewing the data presented at the meeting, the members present unanimously voted to approve the request. The Chairman strongly encouraged the business operators to take heed to the concerns of the property owners and be good neighbors. This is in the context of sensitivity to their concerns and utilizing the best practices in providing the service to the clients that will utilize the facility. The owner agreed and affirmed that they would do so.

With regards to that rationale for approval, the members felt that this was the best use of the property instead of denying and running the risk of having a vacant unattended building. For a detailed summary of the issues discussed please reference the Zoning Public Hearing minutes of September 15th and October 6th, 2009.

ZONING COMMISSION MINUTES

October 6, 2009

The Zoning Commission for the City of Texas City met in a regularly scheduled meeting on Tuesday, October 6, 2009 at 5:15 p.m. Board members present were: Tom Medlin, Gilbert Torres, and Perry O'Brien. Staff members present were: Donald Carroll, Doug Kneupper and Brian Falk. Citizens present were: Bill and Jean Vincent; Stan Winter, Steve Lenart, Rachel Wyatt, Bill Bullock III, Rick Ertell, Tracy and Susan High, Richard Taylor, Deborah Sandles, LaVernon Thomas.

Chairman Tom Medlin welcomed everyone and explained the procedures for the Public Hearings.

APPROVAL OF MINUTES. The minutes from the August 18, 2009 and September 15, 2009 meeting were approved on a motion by Perry O'Brien/Gilbert Torres. All members present voted aye.

Item No. 3 was heard first to accommodate the applicant who had a flight to catch.

ITEM NO. 3 Stan Winter/Southlake PUD request to rezone from "A" (Single Family Residential) to PUD (Planned Unit Development) for a mixed use development. Being 434.97 acres out of the W.G. Banks Survey, Abst. 36, P.G. Merritt Survey, Abst. 155 and the J.S. Sherman Survey, Abst. 181. Located between FM 646 and FM 517. Mr. Carroll stated that 27 property owners were notified of the intent to rezone and 2 letters were returned as undeliverable. No letters have been received in favor or in opposition to the request. Mr. Carroll then read the comments from the various Department Heads. The comments were as follows: Fire Marshal, "No objections". Public Works, "No objections". Building Official, "No objections". City Engineer, "Several issues including collector and local streets, pedestrian trails, open space and lot sizes have been discussed and properly addressed." Planning Director, "No objections. This PUD has been carefully vetted with Staff, Planning Board and is now ready to move forward. As the commission will recall, this PUD was previously approved for Marlin Atlantis. Since that approval, the applicant has tweaked and made the development intent even more attractive and able to demonstrate a superior design for sustainability." **A motion was made by Perry O'Brien/Gilbert Torres to open the Public Hearing. All members present voted aye.** Mr. Stan Winter, the applicant addressed the members. He indicated Mr. Steve Lenart, representing the developer was also present to answer any questions. He then explained the revisions to the plan since the first approval was given. He cited the increase in the acreage to 434.97 acres and the relocation of the entrance from one side of the property to the other. Mr. Winters continued by indicating the relocation of the collector street. He explained the green space amount has been increased and the number of smaller lots has decreased and the type of developments has changed and now includes townhomes, more lots that are larger, and more amenities. There will now be townhomes, a civic center, school and other amenities such as winding trails in place of standard sidewalks and

increased landscaping in the entrances and on the residential lots. Mr. Winters then answered questions from the members with regard to utilities and time lines for development. Mr. Doug Kneupper, City Engineer stated the water for the first stage of development would be obtained through an agreement with the City of League City. Once development is completed, the City of Texas City would furnish the utilities and that source would be used as a back up contingency. There was no one present to speak in opposition to the request and **a motion was made by Gilbert Torres/Perry O'Brien to close the Public Hearing. All members present voted aye.** There was brief discussion and **a motion was then made by Gilbert Torres/Perry O'Brien to approve the rezoning request. All members present voted aye.**

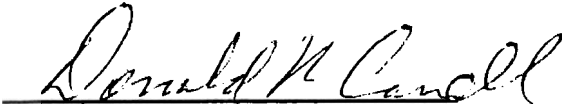
ITEM NO. 1 Richard Taylor Jr. Requests to rezone from "S-P" (Site Plan) to "D-1" (Limited Service) for a structured adult day program. Being the N 61.4' of Lots 6 & 7, S 63.6' of Lot 7 and all of lots 8 thru 16, Block 135, T.C. 2nd Division. Located at 601 4th Street North. Continued from last meeting. Mr. Carroll stated this item was continued from the last meeting because the Commission members asked for input from the Police Chief regarding concerns raised by surrounding property owners. Mr. Carroll then read the information provided by the Chief concerning traffic and crime rates for the area. He also indicated the Fire Marshal had provided his comments of "No objections". **A motion was then made by Perry O'Brien/Gilbert Torres to open the Public Hearing. All members present voted aye.** Mr. William Bullock III provided information to the members with regard to the services provided by this program. He indicated Dr. Rick Ertell was also present and he is on staff and provides treatment to the clients. Dr. Ertell then addressed the members and explained the types of various services provided to the clients such as counseling, job training, socializing, etc. Mr. Bullock addressed questions from the members concerning regulation by State and Federal agencies. He stated they are not regulated like day cares and they do bill direct to Medicare and Medicaid which are State and Federal agencies. They are approved through those agencies as a service provider. Chairman Medlin then stated he now understood the type of services that would be provided and stated he previously misunderstood what the business intent was. There was no one else to speak in favor of the request and those in opposition were asked to speak. Speaking in opposition was Ms. Deborah Sandles. She reiterated her previous objections to the proposal. Her main concerns were increase in traffic, potential increase in crime and potential danger to young children in the neighborhood. Mr. Gilbert Torres asked Ms. Sandles if it would ease her mind if the business had an off duty police officer on staff during operating hours. Ms. Sandles stated it would not. After further discussion, **a motion was made by Gilbert Torres/Perry O'Brien to close the Public Hearing. All members present voted aye.** There was no further discussion and **a motion to approve the request to rezone to "D-1" (Limited Service) was made by Perry O'Brien/Gilbert Torres. All members present voted aye.**

ITEM NO. 2 Rachel Wyatt requests to rezone from "O-P" (Office Professional) to "S-P, E" (Site Plan - General Business) to operate a surf shop. Being Lots 9, 10, Blk. 12, Kohfeldt Heights S/d. Located at 1005 21st St. No. Mr. Carroll stated that 14

property owners were notified of the intent to rezone and to date one letter of opposition has been received. He then read the letter of opposition received from Bill and Jean Vincent adjacent property owners. Mr. Carroll then read the comments from the various Department Heads. The comments were as follows: Fire Marshal, "No objections". Public Works, "I think the parking issues are still prohibitive to make the change". City Engineer, "No objections". Building Official, "Parking issues to be modified". Planning Director, "Please reference information on file. My comments have not changed. However, for the record, the applicant has gone before the Planning Board and the performance standard issues have been reviewed and the Planning Board is not opposed to this development intent. The bench mark survey from Planning Board's request from John Webb and our Police Department is in the files. My comments are still the same because of what was determined to be the highest and best use which was worked out between the Zoning Commission and all affected property owners starting in 2005. There is not a change in dynamics that warrant the change now". Mr. Carroll continued by stating he still has two questions for the applicant and members. The first is what change in conditions exists to support the proposed change. The second is what is the best and highest use of the property. **A motion was made by Gilbert Torres/Perry O'Brien to open the Public Hearing. All members present voted aye.** Mrs. Rachel Wyatt, the applicant, addressed the members and explained the proposed use of the portion of the building would be for a surf and skate board shop. They would sell t-shirts and other surf and skate board items. There was no one else to speak in favor of the request and Chairman Medlin asked for those in opposition to speak. Speaking in opposition was Bill Vincent, adjacent property owner. Mr. Vincent stated that when he purchased the property there was a house next door. He continued by stating Mr. Wyatt approached him when the first rezoning proposal was filed and asked him not to oppose the rezoning request. He further stated that Mr. Wyatt promised the property would never be rezoned if this approval for the office building was given. He said they shook hands on it. He now is opposed to the rezoning of the property for the proposed use. Mrs. Jean Vincent then addressed the members. She supplied pictures showing the current parking conditions and stated she still believes parking will be an issue. She indicated she had other safety concerns with regard to pedestrian traffic and the potential increase in young people being on the busy streets in the neighborhood. She asked Mrs. Wyatt what the hours of operation for the proposal would be as it has not been disclosed. Mrs. Wyatt replied the dates of operation would vary as her son was a firefighter; however, the hours of operation would be 9 a.m. to 5 p.m., Monday through Saturday. There was no one else to speak in opposition and **a motion to close the Public Hearing was made by Gilbert Torres/Perry O'Brien. All members present voted aye.** The commission then discussed the land use of properties located off of Palmer Highway and whether approval would of this request would set a precedent for future rezoning requests. This has previously been discussed and the Commission was in favor of providing a buffer zone between general business uses and residential properties. After further discussion regarding stipulations that could be placed on the approval, **a motion was made by Gilbert Torres/Perry O'Brien to approve rezoning of Suite B, 1005 21st Street from "O-P" to "S-P, E" with the stipulation the property will revert back to "O-P" if this**

business should close and the hours of operation only be from 9 a.m. to 5 p.m., Monday through Saturday. All members present voted aye.

There was no further business to discuss and a motion was made by Gilbert Torres/Perry O'Brien to adjourn. All members presented voted aye.

A handwritten signature in cursive script that reads "Donald N. Carroll". The signature is written in black ink and is positioned above a horizontal line.

Donald Carroll, Secretary

Tom Medlin, Chairman

All clients go through a screening process. Vickie Taylor's Community Health Clinic does not accept clients that have:

- Violent crime history offender
- Active alcohol and abusers
- Sex offenders
- Child molesters
- Mentally retarded-severe cases
- Autistic Individuals

Vickie Taylor's Community Health Clinic is an adult day program; this program is here to help from the young adult's to the elderly in the community. Vickie Taylor's Community Health Clinic is regulated by the Federal and State government. Both the clinic and therapist have Federal and State licenses. The therapist are here to help clients that suffers with:

- Loneliness/ Isolation
- Grief + Loss
- Depression and many other life issues.

The hours of operation's is 9:00 am. to 3:00 pm. Mon-Fri Transportation is provided, meals are served daily. The gate is secured not to keep the clients in, but to keep out the unwanted that could be harmful to our client's and staff.

August 13, 2009

Vickie Taylor Community Health Clinic
601 – 4th Street North
Texas City, Texas 77590

To whom it may concern:

This is a formal request for zoning change at 601 4TH Street North Texas City, TX 77590. Legal description is ABST 205 Page 6 N. 61.4 Ft. of Lots 6 & 7 S. 63.6 Ft of Lot 7 and all lots 8 thru 16 Block 135 Texas City. The reason for the zone change is the business was a daycare for children and is now a structured adult day program. With the help of our licensed and experienced staff, our solution-based services enable clients to achieve well-being, balance, efficiency, adaptability, and confidence.

Vickie Taylor's Community Health Clinic covers every aspect of behavior, emotional, and social health care. Common focus areas include, change management, relationship counseling, healthy lifestyles, goal realization, anger and stress management. We service clients 18 years and older. Our staff is comprised of individuals that possess various elevated licenses such as PhD's, licensed professional counselors, and licensed clinical social workers to name a few.

We are located at 601 4th Street North Texas City, TX 77590. Our hours of operation are 8:30am to 3:00pm Monday thru Friday.

We hope that our existence will enhance the community and the city of Texas City as a whole.

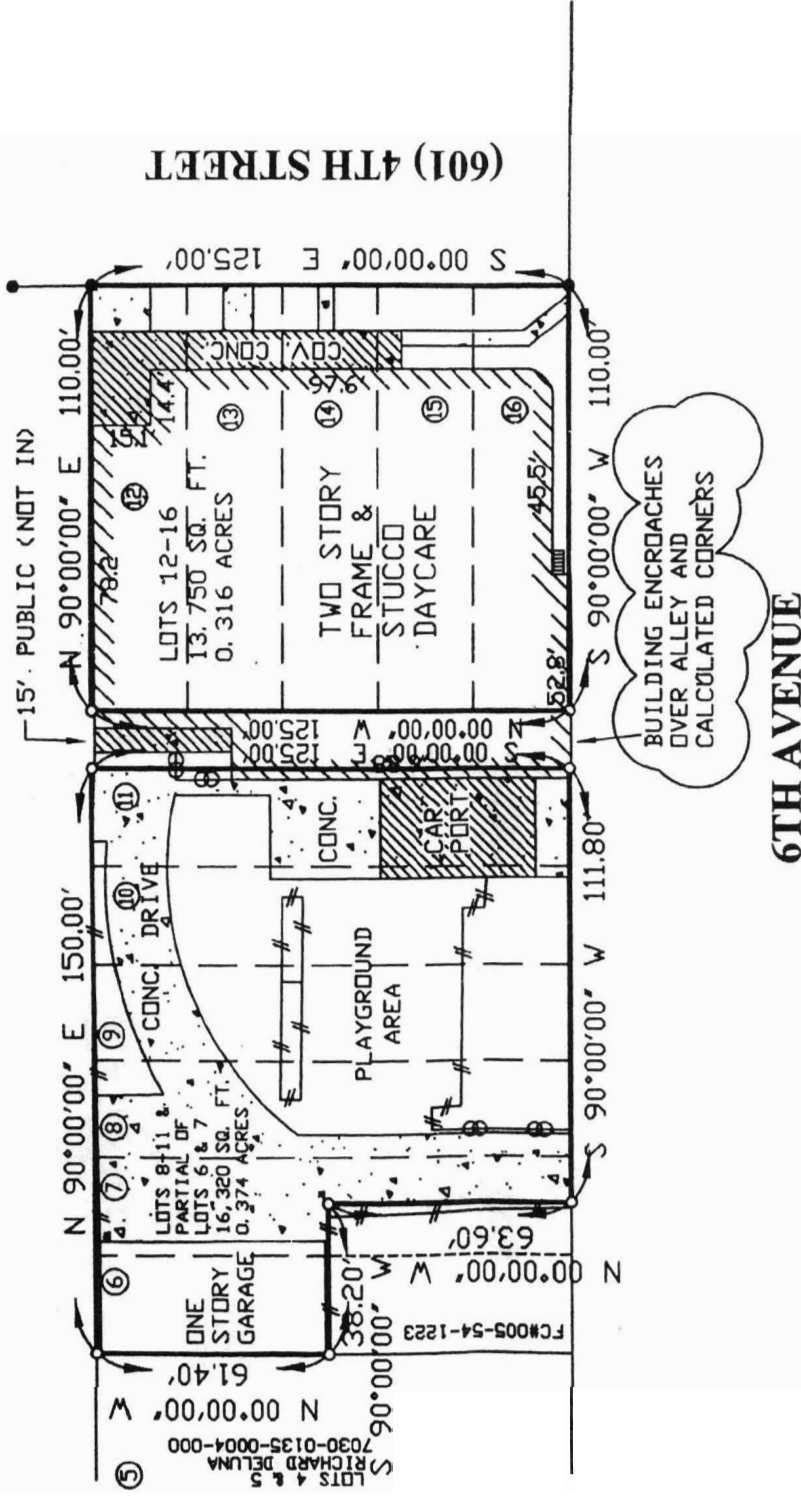
Sincerely,

A handwritten signature in black ink, appearing to read "Richard Taylor Jr.", written in a cursive style.

Richard Taylor Jr.

SCALE: 1"=50'

20' PUBLIC ALLEY



BUILDING ENCRDACHES
OVER ALLEY AND
CALCULATED CORNERS

LEGEND

- = FND IRON ROD
- = SET IRON ROD
- # = WOOD FENCE
- ⊕ = CHAIN LINK FENCE
- ⑩ = LOT NUMBER 10

BUYER: Richard Taylor

601 Fourth Street

DESCRIBED PROPERTY: