

## ZONING COMMISSION MINUTES OCTOBER 19, 2021

The Zoning Commission of the City of Texas City met in a regularly scheduled meeting and Public Hearing on Tuesday, October 19, 2021 at 5:15 p.m. Commission members present were: Chairman Perry O'Brien, Gary Potter, Thelma Bowie and Aric Owens. Staff members present were: Kimberly Golden, Herman Meyers and Veronica Carreon. Citizens present were: Casey Genovese, Linfield, Hunter & Junius, Inc.; Clementine Carter; Francisco and Karina Ortega; Anthony Chapa; Rahim Maknoja; Carlos Garza; Shelia Dixon; Brenda Davis; Mayor Dedrick Johnson; and Dennis Harris, TCFD Fire Marshal.

Chairman O'Brien addressed those present and explained the procedures for the Public Hearing. He indicated a quorum was present and called the meeting to order.

**APPROVAL OF MINUTES:** The minutes from October 12, 2021 were approved on a **motion by Gary Potter/Thelma Bowie. All members present voted aye.**

**ITEM NO. 1 Review and approval of a request from Casey Genovese to rezone from "A" (Single Family Residential) to "E" ((General Business) to construct a retail store. Located at the west side of SH3, approximately 750' southeast of Memorial Drive, Texas City. (Action)**

Ms. Golden provided the background information for this rezoning request. The applicant is requesting to rezone the property from "A" (Single Family Residential) to "E" (General Business). She stated that Mr. Doug Kneupper informed her that the anticipated project is a Dollar General and that past retail developments that have tried to change the zoning on this area have been unsuccessful. This development seems to be compliant with both the Land Use Plan and the zoning of the area and also compliant with being in the midst of residential development. It is on a thoroughfare so it does not interfere with the residential nature of the surrounding properties. Staff has reviewed and have no objections except that it may be tricky to get sewer to the location, but that is something that will be addressed as the developer moves forward. Mr. Casey Genovese explained that he discussed the sewer issue with Corbin Ballast, Utilities Director, and agreed that they would go through the county and a septic system would be installed. After presentation, **a motion was made by Thelma Bowie/Gary Potter to open the Public Hearing. All members present voted aye.** Ms. Clementine Carter, Resident, then expressed that she is against the project because she doesn't like the idea of being in a "commercial" area because of a business. She stated she is concerned about the increase in taxes and in traffic, and is against any type of business in the neighborhood. Ms. Shelia Dixon and Ms. Brenda Davis, Residents, asked where the retail business would be located in reference to their homes. Mr. Genovese indicated the distance between the homes on Opal Street and the back of the proposed lot. He stated that there will be a 6' wood fence installed for screening across the back of the property, and in consideration for the neighbors, the developer is having the building constructed as far from the residents per City requirements. There is also a buffer of approximately 100' between the back of the property and the neighbors on Opal Street. Being in the Gateway Overlay District there are additional requirements that the developer will meet as well. After the discussion, **a motion was made by Gary Potter/Thelma Bowie to close the Public Hearing.** Chairman O'Brien reminded all in attendance that regardless of the rezoning request result at today's meeting, the Zoning Commission is not the last stepping stone. This request will also go before City Commission for final say. Ms. Bowie then expressed her concern and that she understood how the neighboring residents feel about the rezoning request, but that she also knows the owners of the property in question and is split

between the two. Ms. Davis then stated if taxes are not raised, then she is okay with the rezoning request. Chairman O'Brien stated that he could not give an answer to that concern. There were no additional comments or discussion and a **motion was made by Gary Potter/Aric Owens to approve the rezoning request. All members present voted aye, except for Thelma Bowie who voted no.**

**ITEM NO. 2 Review and approval of a request from Rahim Maknoja to rezone from "A" (Single Family Residential) to "E" ((General Business) to construct a fuel station and convenience store. Located at the southwest corner of 25<sup>th</sup> Avenue North and 34<sup>th</sup> Street North, Texas City. (Action)**

Ms. Golden provided the background information for this rezoning request. This request was previously submitted (Sayid Ali – Texas City Express) and approved in April 2020 but expired because the previous applicant did not begin construction within the necessary time frame. The new applicant, Rahim Maknoja is requesting rezoning of this property for the same purpose and it does not look as if much has changed from the previous request. After presentation, **a motion was made by Thelma Bowie/Gary Potter to open the Public Hearing. All members present voted aye.** Ms. Karina Ortega, Resident, stated she was in favor of the rezoning request. There were no questions for the applicant and **a motion was then made by Gary Potter/Thelma Bowie to close the Public Hearing. All members present voted aye.** There were no additional comments or discussion and **a motion was made by Thelma Bowie/Gary Potter to approve the rezoning request. All members present voted aye.**

**ITEM NO. 3 Review and approval of a request from Francisco Ortega to rezone from "A" (Single Family Residential) to "E" ((General Business) to construct an open air pavilion for family gatherings, birthday parties, quinceaneras, small flea market and other similar events. Located at 5801 Emmett F. Lowry Expressway, Texas City. (Action)**

Ms. Golden provided the background information for this rezoning request. The applicant is requesting to rezone the property from "A" (Single Family Residential) to "E" (General Business). This request started as a code violation because it was operating without a Certificate of Occupancy (CO) and without the necessary zoning approvals. Mr. Doug Kneupper has been working on this project with Mr. Carlos Garza and the applicant and it was suggested to change the zoning from "A" to "E". The property is 7.367 acre parcel. It does have an existing open air pavilion and the intended use is for an open air venue. Ms. Golden stated that when she began reading the ordinance for "E", and even "F" (Light Industrial), it was very clear that those uses are intended to be enclosed. Ms. Golden stated it's possible that a legislative solution may need to be applied - which is to provide open air venues in some zone somewhere, because she could not locate a zoning for this type of venue in the ordinance. It's possible the Zoning Commission may have to consider revising a zoning district, especially in the context of covid where we might want to promote this type of option of large gatherings in open spaces. Ms. Golden stated that from a Land Use Plan perspective, the rezoning to "E" would not be appropriate or fit the use for the proposed request. Staff comments for this request were: (1) access to water and sewer for this site is problematic. The closest available appears to be at Willow and FM 1764 (E.F.Lowry Expy). (2) Fire Marshall has no objection to use of the open air pavilion as an assembly venue for parties and gatherings, but advises this use for flea markets or garage sale type activities should be prohibited as this location is in the Gateway Corridor. Mr. Perry O'Brien stated that "S-P" is one of the zoning districts used in the past, but is concerned that if it would be a "catch all" if the scope of the business were to change. Ms. Golden stated that she is not sure that option is not appropriate, but has no basis to apply to this option. Perhaps this request should be deferred until a little more investigating is done or work with the applicant and judge to petition additional time for this request. After presentation, **a motion was**

**made by Gary Potter/Thelma Bowie to open the Public Hearing. All members present voted aye.** Mr. Carlos Garza then began his presentation and stated that Mr. Francisco Ortega would like to propose is to create a facility for quinceaneras, weddings, family gatherings, etc. It is proposed as an open air pavilion. The project is now prohibited from moving forward because the contractors were working without permits. It was agreed with the judge and prosecutor that Mr. Ortega's intent is to continue this project properly through the zoning process and then obtain building permits per City Ordinance. Mr. Garza stated that there are 2 issues with the project. One is access to water and sewer, to which he is not sure if Mr. Ortega is connected to a water line, but Mr. Ortega did build the pavilion with 2 restrooms. The other issue is enclosure. He discussed this issue with Ms. Golden and he suggested she take a look at the "garage doors" at the Showboat Pavilion, which she did. Mr. Garza stated that it does not state in the ordinance that there has to be a permanent closure and if you install garage doors, it is then enclosed. With regards to water access, he suggested that perhaps the applicant could tie in to a neighboring existing business. Regarding the flea market, Mr. Ortega has agreed with the Fire Marshal not to have one. In regards to music, there are no neighbors near the location to disturb. In conclusion, Mr. Garza pointed out that there are will not be any odor, dust or gas fumes emitted; there is no warehousing or manufacturing. The uses that Mr. Ortega has listed are not inclusive, they are only examples of what the pavilion could be used for. There is no prohibition stating that you cannot have a concept to attempt what Mr. Ortega is presenting, has to be enclosed. Mr. Garza stated if the board would like Mr. Ortega to meet with Ms. Golden to work out enclosure details, then he would be happy to do that. There were no questions for the applicant and **a motion was then made by Gary Potter/Thelma Bowie to close the Public Hearing. All members present voted aye.** Ms. Karina Ortega stated that instead of a flea market, they are considering to present a Fall Festival similar to Three Acres in Santa Fe. Chairman O'Brien stated that Mr. Ortega's project is a great project, but is not sure how it would fit into "SP" or "E" and that the board can either agree with Ms. Golden's recommendation or defer the decision and give her 2 weeks to do more research on the proper zoning. There were no additional comments or discussion and **a motion was made by Gary Potter/Perry O'Brien to approve the rezoning request based on the applicant and Ms. Golden coming to an agreement on the exact zoning. The motion failed to pass due to a 2-2 vote.** Aric Owens, stated he did not necessarily vote no, but would like to see a plan. Ms. Bowie stated she would like to defer the decision until more information is presented. **A motion was made by Gary Potter/Thelma Bowie to defer this request till the next meeting to hear the results of the negotiations between Ms. Golden and Mr. Ortega. All members present voted aye.**

**ITEM NO. 4 Other business.**

There was no further business to discuss at this time and **a motion was made by Aric Owens/Gary Potter to adjourn. All members present voted aye.**

  
\_\_\_\_\_  
Kimberly Golden, Secretary

11/2/2021  
\_\_\_\_\_  
Date

Minutes approved by the Zoning Commission at its meeting on November 2, 2021.