

ZONING COMMISSION MINUTES NOVEMBER 2, 2021

The Zoning Commission of the City of Texas City met in a regularly scheduled meeting and Public Hearing on Tuesday, November 2, 2021 at 5:15 p.m. Commission members present were: Chairman Perry O'Brien, Gary Potter, Thelma Bowie and Bruce Clawson. Staff members present were: Kimberly Golden, Herman Meyers and Veronica Carreon. Citizens present were: Francisco and Karina Ortega; and Carlos Garza.

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 19, 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 Francisco Ortega to rezone from "A" (Single Family Residential) to "E" (General Business) to construct an open-air pavilion enclosed building 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 stated that this application was previously considered by the Zoning Commission at the October 19, 2021 meeting and deferred to allow additional time for the Applicant to work with staff regarding the anticipated use of the property. Before meeting with Mr. Carlos Garza (on behalf of Mr. Francisco Ortega) and Mr. Doug Kneupper, Ms. Golden apprised herself with the zoning ordinance and considered District "S-P" (Site Plan) to be a better fit for the applicant's request. When discussed at the meeting, held October 26, 2021, with Mr. Garza, he did not want to change the rezoning request. Mr. Garza maintained that by changing their intended proposition to an enclosed structure this will make their intended use compliant with District "E" (General Business). Ms. Golden and Mr. Kneupper did not disagree with this decision. She stated that other items came up for discussion during their meeting, which included (1) the petting zoo - which is unclear as to whether or not the animals will stay in the facility at all times are just brought in for events. There was no clear answer for this item and is something that should be explored further. The other item is (2) the landscaping requirement of the Gateway Overlay District. Mr. Garza suggested that the applicant may possibly want to use the existing vegetation as landscaping (pictures presented to the board). These are the two items that are still out for compliance with the ordinance. In terms of the application to rezone to District "E", it now syncs up with their intended use as long as they have the enclosed structure. Mr. Bruce Clawson then inquired about the issues raised regarding the water and sewer to which, Ms. Golden stated that the owner has satisfied himself with the water and sewer and believes they have a septic system installed. Mr. Gary Potter then asked about the landscaping and thought that where District "E" is involved there were general requirements that should follow the ordinance and he did not see any on the presented pictures. Ms. Golden replied that the ordinance does also allow for some consideration to be given to whether existing vegetation satisfies the standard or not. In their conversations, Mr. Garza stated that they wanted that considered. The information was brought to Commission so that they were aware it was in the conversation. Chairman O'Brien stated that now that the property would be considered a business, the City could call for improvements of vegetation along the gateway – meaning this is something that could be considered if the zoning change is approved and perhaps add some stipulations. Then when taken to Planning Board those stipulations could be addressed. There was then a brief

conversation about who owned the road in front of the applicant's property, to which Ms. Golden stated that she could speak to the applicant to get that information.

Mr. Garza then gave presentation and stated that in his meeting with Ms. Golden and Mr. Kneupper, they discussed the addendum that Mr. Garza sent on October 28, 2021, and all agreed that the applicant would amend the application from an open air pavilion to an enclosed building in order to comply with District "E" requirements. He stated that they discussed the possibility of installed garage doors on the building and/or permanent enclosure similar to the Showboat Pavilion on 6th Street. As for the concern about water, Mr. Garza stated that there is city water available for the property and a septic tank is currently being used by the applicant. Mr. Garza also stated that the maximum limit of guests would be 100. Another item discussed in the meeting was any electrical wiring, which he agreed would be installed underground. Flea markets and garage sales are not allowed in the requested zoning district, and it was agreed to remove those items from the application. They also agreed to limit the building to the other aspects of what the building would be used for – family gatherings, birthday parties, quinceaneras and other similar events listed on the application. The applicant is aware of the Gateway Ordinance and has agreed to comply and provide proper shrubbery and anything else that needs to be done to minimize any viewing of the inside of the property as required per the ordinance. In the addendum, the applicant has also agreed to follow any building codes required by the City. Parking for the building will be located to the east of the building, so that any noise will be muffled by the building and not disturb the neighbors to the west. Restrooms will be made handicap accessible and stalls provided in the ladies restroom. The issue with regards to the petting zoo, and the cattle behind the building, were discussed and Ms. Golden indicated that they should not be there. Mr. Garza stated that the applicant had no opposition to this and would comply with this requirement. As for the petting zoo, the animals will only be brought in to the property for the occasion. Ms. Thelma Bowie then asked about the garage doors and if the animals would be in the building to which Mr. Garza stated yes. She then asked how the applicant would control the number of attendees. Mr. Garza stated that crowd management would be controlled in the same manner that the City manages crowd control at City facilities. The applicant has agreed to provide security, which will be paid by the renter, as well as a security deposit for use of the building. If alcohol is served, a security officer(s) will be present to monitor the event. Mr. Clawson then expressed his concern about parking, to which Ms. Golden stated that was why she had suggested that the applicant request District "S-P" instead of District "E" for rezoning. If approved as District "E", the applicant will still have to go through all the permitting process for their building, and at that time, staff will review their site plan to ensure they are complying with the applicable codes regarding parking and where the driveway will be located. Although their intention is to enclose the existing building, the building has not yet been determined to be code compliant. The threshold still has to be determined to be code compliant and whatever modifications they intend to make also have to be code compliant. Mr. Garza again stated that the applicant will do whatever needs to be done to comply with the gateway ordinance and building codes. After presentation, **a motion was made by Bruce Clawson/Gary Potter to open the Public Hearing. All members present voted aye.** Ms. Karina Ortega stated that Mr. Ortega will work with an architect to follow the city's ordinance and guidelines. Mr. Clawson stated that this is going to be a huge effort and is concerned that the building will not comply. There were no questions for the applicant and **a motion was then made by Gary Potter/Bruce Clawson to close the Public Hearing. All members present voted aye.** Chairman O'Brien then stated that the one thing not mentioned at the meeting is the fact that this request does fit the Land Use Plan and from his perspective he believes District "S-P" would have been more appropriate, noting that District "E" zoning will give the applicant more responsibility, and more things to have to be compliant with. Mr. Clawson stated his concern that he does not believe the

project is “doable”, to which Mr. Garza replied that Mr. Ortega has found a niche in the Hispanic community and is willing to do what it takes to be compliant. **A motion was made by Perry O’Brien/ to grant the request, noting that this was a code violation to begin with, and that this would be a nice compromise – both an advantage to the city in being a new business, and commending the applicant for pursuing the right steps. All members present voted aye, except for Thelma Bowie who opposed.**

ITEM NO. 2 Other business.

There was no further business to discuss at this time and **a motion was made by Bruce Clawson/Thelma Bowie to adjourn. All members present voted aye.**

Kimberly Golden, Secretary

Date

Minutes approved by the Zoning Commission at its meeting on _____.