

ZONING COMMISSION MINUTES FEBRUARY 1, 2022

The Zoning Commission of the City of Texas City met in a regularly scheduled meeting and Public Hearing on Tuesday, Tuesday, February 1, 2022 at 5:15 p.m. Commission members present were: Chairman Perry O'Brien, Gary Potter, Thelma Bowie, Aric Owens and Bruce Clawson. Staff members present were: Kimberly Golden and Veronica Carreon. Citizens present were: John Denton, Di Yun Wang, Robert Kerber, David & Kara Newmann, Trung Dao and Thuc Le.

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 Consider and take action on a request from David Newmann to rezone from "C" (Multi-Family Residential) to "E-3" (Outdoor Commercial) to construct a plant nursery. Located to the west of Emken-Linton Funeral Home on Emmett F. Lowry Expressway, Texas City. (Action)

Ms. Kim Golden gave the background information on the request from David Newmann to rezone a 6.57 acre site, adjacent to the immediate west of Emken-Linton Funeral Home, from the existing "C" (Multi-Family Residential) to "E-3" (Outdoor Commercial) to open a retail plant nursery. Ms. Golden stated that the project fits well into the Outdoor Commercial zoning, but is located in the Gateway Overlay District and is required to follow the requirements of that ordinance, which includes 100% masonry, that all fences be masonry, that all utilities be underground, minimum 15% landscaping and other screening requirements. This project fits well into the Land Use Plan. There is more than sufficient vehicular access from FM 1764 and driveway permitting will be through TxDOT. Drainage and storm water management will be worked through GCDD #2. Staff have no objection to the requested zoning change request. Mr. Bruce Clawson stated that he spoke with the neighboring owner, Mr. Emken Linton, and Mr. Linton has no objections to the zoning change. **After presentation, a motion was made by Thelma Bowie/Bruce Clawson to open the Public Hearing. All members present voted aye.** Mr. Aric Owens asked Mr. Newmann what the intended plant nursery would look like, to which Mr. Newmann stated there would be a bunch of trees and plants, which eventually will most likely be a 2-phase process. Mr. Newmann added that the plants that will be on site will need time to grow and a lot of them will be potted and come in from Florida. He stated that the nursery would look similar to Maas Nursery in Seabrook, TX. Mr. Clawson asked if customers would be able to drive in to purchase plants, to which Mr. Newmann stated that that part may be in Phase 2, because the plants that come in from Florida would need 6 – 8 months to mature before they are ready for sale. They also plan to have a small office and parking lot that will comply with the City's requirements. **There were no further questions, to which Gary Potter/Bruce Clawson made a motion to close the Public Hearing. All members present voted aye.** Chairman O'Brien asked if there were any additional questions for the applicant, to which there were none. **A motion was made by Bruce Clawson/Thelma Bowie to approve the request to rezone. All members present voted aye.**

ITEM NO. 2 Consider and take action on a request from Thuc Le to rezone from "O" (Open Space) to "P-I" (Planned Industrial) for proposed improvements to include a

22,172 sq. ft. warehouse. Located to the south of FM 646 at 14001 FM 3436, Texas City. (Action)

Kim Golden gave the background information on the request from Thuc Le to rezone the subject location from District "O" (Open Space) to "P-I" (Planned Industrial) to construct and operate a 22,172 sq. ft. warehouse addition to the existing building and to construct a new 8,000 sq. ft. warehouse. The applicant had first submitted a site plan for approval on March 30, 2021 and through the process of that review it was advised that a rezoning request was required because it did not meet what was allowed in Open Space. Ms. Golden stated that she read the definition of P-I and was not sure of the zoning request, but then discussed the matter with Mr. Doug Kneupper and it may have been in the context of knowing that Southlake LTD Subdivision was coming in and in the process it is sort of improving the area and so with the "P-I" zoning you have a little more control over how things look from the outside. It is consistent with the Land Use Plan. Neither water nor sewer are available at the site, but could be extended by the applicant at their expense. Fire protection will need to be considered as they are making the extension. Sewer service is on-site with permitting through Galveston County. With the Southlake LTD Subdivision, which was given Preliminary Zoning Approval in August 2021 by City Commission, it is likely that sewer service could become available to the site. The requirements of the Gateway Overlay District will apply to the location. The existing building is not masonry, but is a very nice exterior to the metal building, but what they add to it must have the masonry content of the Gateway Overlay District. Staff has no objection to the rezoning request, but as they move into the Detailed Site Plan phase, they will have to be sure to nail down the other requirements with some leeway with the Site Plan Process to make sure the look is consistent with what is developing in that area. Mr. Gary Potter then asked about the existing warehouse and how it is there with the current zoning, to which Mr. Clawson replied that it was there before Texas City annexed the property. There was a short discussion about what is in the existing building now to which the owner, Mr. Trung Dao stated that it is used as a freeze and storage. Mr. Dao also stated that he may process seafood from other suppliers in the future. **After presentation, a motion was made by Bruce Clawson/Thelma Bowie to open the Public Hearing. All members present voted aye.** Chairman O'Brien mentioned a concern for water and asked Ms. Golden if she could elaborate on the upcoming development and would it be more readily available within this year or would it be further out. Ms. Golden stated that the Southlake LTD PUD approved back in August 2021 by City Commission, but she is not sure if they have received anything moving that project forward, so there is no timeline available yet. In reviewing the applicant's rezoning request, it was noted that there is no water at the site and it would have to be extended. Chairman O'Brien then asked how does that fall into fire protection for a structure this size, to which Ms. Golden replied that would be handled through the Detailed Site Plan process. Mr. Clawson then added that the City bought the rights to the old HL&P Plant and moved the water line to where the water goes up to the new school, across the way from the site location, so there is water all around the location. Mr. Thuc Le suggested that they could connect to the school and have a fire hydrant on the location. **There were no further questions, to which Thelma Bowie/Bruce Clawson made a motion to close the Public Hearing. All members present voted aye.** Chairman O'Brien asked if there were any additional questions for the applicant, to which there were none. **A motion was made by Bruce Clawson/Aric Owens to approve the request to rezone. All members present voted aye.**

