

ZONING COMMISSION MAY 17, 2022

The Zoning Commission of the City of Texas City met in a regular meeting on Tuesday, May 17, 2022 at 5:15 p.m. at the Nessler Convention Center, Captain's Room. Zoning Commission members present: Co-Chairman Gary Potter, Thelma Bowie, Aric Owens and Bruce Clawson. Staff members present were: Kimberly Golden and Veronica Carreon. Guests were: James Stark, Richard Schwinler, Karen Arnold, Anna Cisneros, Sheryl McGaffey, John White, Mike Bolin, James Gill, S. Capps, J. D. Gray, Jr., Sara Cantu, Shannon Wiesepape, Beazer Homes Texas, LP, Clayton Weishuhn, Brad Sweitzer, EHRA, Charles Chaney, Matthew Connell, Jennifer Garrett, Kurt Ray, Rebecca Hoke, Rolando Garcia, Bryan Huskey, Robby Grubbs, Al Bourgeois, Deano Merrigan, Jayla Weatherspoon, Mark McGaffey, Amanda Daigle, Johnny Racy, Robin Dale Rossman, Stephen M. Huffman, Ruth Garner, Jeff Anderson, Lester Westmoreland, William E. Daigle, Stephen E. Henderson, Debbie Castaneda, M. R. Acosta, Olga Adame and Lisa E. Herrera.

Co-Chairman Potter indicated a quorum was present and called the meeting to order.

APPROVAL OF MINUTES. A motion to approve the minutes of February 22, 2022 was made by Bruce Clawson/Thelma Bowie. All other members present voted aye.

ITEM NO. 1 Consider and take action on a request from Deano Merrigan to rezone from District "F" (Light Industrial) to District "S-P" (Site Plan) for a proposed self-storage facility located at 3630 5th Avenue North, Texas City, TX. (Action)

Ms. Golden stated that the Applicant is requesting to rezone the property located at 3630 5th Avenue North and SH-146 North from District "F" (Light Industrial) to District "S-P" (Site Plan). The reason for the rezoning is the intended use will be mini-warehouses and the outside storage of equipment, such as boats, recreational vehicles and automobiles. If the use of mini-warehouses was the only thing being considered would fit the current zoning, but the use for outdoor storage of equipment is not a principal use in "F" or any of the specific districts of the zoning ordinance. The purpose of the "S-P" is to provide the Zoning Commission and the City Commission with a process for considering other kinds of uses on particular pieces of land. The other reason "S-P" is especially appropriate for this particular request is that this site does have a number of conditions that make it a little bit challenging to develop. There are existing easements for about 20 pipelines that go across it. It is also environmentally challenged and is actually under some orders from TECQ that has some monitoring wells as well as some other similar conditions. The applicant is proposing to take the existing structures, which right now are an existing shed and an open pavilion and convert them into mini-warehouses. The office building would be converted into a controlled-climate mini-warehouses and the other two structures would be renovated into the non-climate controlled mini-warehouses. The existing paved area would be used for the outside storage of the equipment. The site plan that was presented to staff is for the 6 acres that encompassed the southern part of the property. The actual entire site is an estimated 19 acres.

Because "S-P" as a district is specific to the use, the only item coming forward to the Board is the recommendation of the rezoning of the 6 acres and the specific uses that have been identified. There is a Phase 1 and Phase 2, which are detailed in the Staff memo. Phase 1 would include the addition of a screening fence or wall along the property line. Staff recommendations are in the memo as four conditions for the rezoning to "S-P". The first is that the outside equipment storage be limited to paved areas that are fully screened from the thoroughfares. The second recommendation is that the screening wall be composed of masonry or other enhanced material that will stand up in our climate. The third is that any building that isn't screened and can be seen from the thoroughfare should also be of masonry content. Finally, the fourth recommendation is that the zoning be limited to the 6.9 acres that the use has been identified for. Meaning the rest of the property would be closed off for use. The applicant would need to come back for the rezoning of that piece at a time when that use is identified. It would retain its current zoning designation as District "F". Ms. Golden then presented the existing properties around the property are zoned as "F", but that the property is on SH-146. The fencing the applicant is currently proposing is a wooden fence with limited landscaping. Some areas would actually be open and visible through the fence, which are due to the pipelines. The City has not received any documentation of this requirement attributed to the pipelines, which has only been verbally represented to staff. Ms. Golden then presented what the City intends to spend to revitalize SH-146 and Emmett F. Lowry Expressway, which is in close proximity of the proposed property. The City project has been in development for a while and is currently in the final design phase and going through permitting with TxDOT. The project could start construction within the next year or two. In conclusion, staff does not object to the zoning change to "S-P" and with the intended use it is actually a pretty elegant balance of all the challenges. There will be low overhead and it is good for the applicant. Staff recommends the four conditions be made a requirement for the rezoning and should be recommended to City Commission as a part of the ordinance that changes the zoning for this site. The Planning Board, as part of the SP re-zoning process, also looked at it but did not concur with the recommendations of staff. They accepted the applicant's proposed downgrading of the screening wall. Texas City has been very intentional for a long time about wanting to transform itself and the way it is perceived by people traveling into and through it from out of town. The City has been very progressive in the ordinances they've adopted with both the Gateway Overlay District and in the Zoning Ordinance they have several requirements for masonry content and other items that are very progressive. The City has been very consistent in applying these standards administratively. The concern with staff is the precedent established by accepting the lesser degree of enhancement. It becomes a very strong precedent going forward and could limit the City's ability to accomplish the vision it has for itself in terms of transforming its look. Ms. Golden reminded the Board of the proximity of this location to the enhancement project at SH 146 and FM 1764 where the city is investing substantial funds to transform its look. Co-Chairman Gary Potter then stated that when the board last met it was his understanding that the only option they had was to either approve the application as it was or deny the application as it was. Ms. Golden replied that "S-P" is different, in that it specifically provides for the Zoning Commission to recommend conditions for the re-zoning, because it is specific to a site and specific to a use. With the "S-P" zoning there is more leeway for the Zoning Commission and City Commission as the tool the Commission has adopted for itself.

The Applicant, Mr. Deano Merrigan, then presented that he purchased the property in October 2021. He added that it has been challenging due to the 12 monitoring wells and existing easements keeping him from using some of the property due to the pipelines. He met with the Planning Board and showed the fencing that was presented to them because the pipeline companies would not let them screen in the pipelines. For whatever reason, the pipeline companies want to be able to see into the property. The fencing was approved by the Planning Board. Mr. Merrigan stated that the concrete on the building did not make sense. He stated that the buildings on the site are 600' back and can't be seen from SH-146. He added that Ms. Golden keeps stating "fully screened" and he's not sure what that means, and she keeps recommending a block wall. He has motor homes parked out there and does not know how they can be fully screened. He stated they can't build a 13' fence. He stated that he drove through Texas City earlier in the day, and there is nowhere in Texas City on SH-146, Palmer Highway, Texas Avenue or Bay Street that has a block wall screening anything. He stated that Ms. Golden speaks about the consistency in the city but wants to start the standard with him. He does not believe it is fair that he is going to take something that is an eyesore in the town, that is zoned "F". He stated that he could open a trucking facility with a bunch of semi-trucks and tankers and that would be okay, but for him to park a boat or motor home on the property, then it must be fully screened. He stated that there would be 800' feet before you could see the building from the street, and he feels that it doesn't make sense to have a block wall. He feels that it is an unnecessary expense. He noted that he owns 15 buildings and 3 houses in Texas City and has put money back into the city. He has purchased some ugly buildings and fixed them up and they now have national tenants in them. He believes he is an asset to the community and this process has been a challenge. He stated that Ms. Golden refers to the Moses Lake Marina as something that she wants him to emulate. He presented a picture of the facility and said that vehicles are visible from SH-146; the dumpster can be seen; there is no landscaping or screening fence; and there is no concrete on the building. He stated that if that is what she wants him to emulate, then he will copy what they have. He added that they are going to go in and clean up the property. There was a tank farm in the back and he has removed all the tanks. There was a chemical wash station that he is cleaning up and he says it will be the nicest looking property on SH-146, including the City's maintenance yard. He claims he is not in the Gateway Overlay District, so he believes his standard is a little bit lower because he is going above and beyond. He referred to Bay Street where the plants are using green tarp as screening.

Mr. Bruce Clawson then asked Mr. Merrigan if he will allow 18-wheelers to park on the property, to which Mr. Merrigan stated, "If you don't want me to, I won't". Mr. Clawson then stated that the Board has worked with him before, he knows who Mr. Merrigan is and that the City has helped him, and he would go on record to say he did not appreciate Mr. Merrigan's answer. Mr. Clawson then asked him again if he will allow 18-wheelers to park on the property because he has no say-so on that as Mr. Merrigan well knows. Mr. Merrigan replied that it was absolutely not his intention at all and if the Board wanted him to put that in the conditions, then he would put "no" in there. Mr. Clawson stated that there are 18-wheelers that park around town and they are unsightly and that was the intent of his question. Mr. Merrigan replied that currently there is a semi-trailer parked on the property that is zoned "F" and is zoned to do that, but it is not his intention. His intent of the project is boats and recreational vehicles. If there is a need for it he could allow it, but

if it is going to be an eyesore, then he would 100% not do it. There were no further questions from the board. Ms. Golden was asked if she had anything to add to which she replied that the only comment she would make about the parking of 18-wheelers or trucks is that it is an allowed accessory use to a principal use. Just as Mr. Merrigan tried to say that the outside storage would be an accessory use to the mini-warehouses, it's not because it's part of the business. It is a principal intended use. The notion of parking trucks, not as part of the distribution use, but as parking or storage, in and of itself, probably does not qualify as a principal use. It would be an accessory to a principal, but just the mere parking for pay, or for any reason, of semi's or other type of trucking equipment would not be an allowed use. Ms. Golden pointed out that Mr. Merrigan brings things up at these meetings that haven't been screened as staff and she stated that she did not mean to waste the board's time with this, but she felt that she needed to respond to this.

Mr. Clawson recalled that they were down to the issue of how the fence is built and stated that Mr. Merrigan does have a point. If you look 3' or 4' past the Moses Lake Bait Camp, the city had them build a huge masonry wall that in fairness did not show in the presented picture. He also recalled the controversy at the Candlewood Suites on SH-146, behind HEB, where the builder wanted to build a metal fence and the city did not allow that and forced them to build a masonry wall due to the neighbors behind the hotel. He could not recall the name of other projects but did remember that there were some other builders that were made to build masonry walls. Back to the issue of Mr. Merrigan's fence, Mr. Clawson asked if he missed anything to which Ms. Golden replied that in the staff memo are the recommended conditions for the rezoning and one of them is that the screening wall be of masonry content or other enhanced fencing – something more than a slatted wooden fence. Mr. Merrigan then recalled at the Planning Board meeting held on, Ms. Golden recommended concrete, composite or treated lumber with the landscaping. He stated that the Planning Board chose the wood with the screening. Ms. Golden stated that he misunderstood and that it is clearly reflected in the minutes of the Planning Board what was recommended and what they came back with. Mr. Merrigan stated that along the pipelines he can't build a masonry foundation for the wall because the pipeline companies want to have access to the site to replace pole for pole as needed.

There were no further questions, to which a motion was made by Bruce Clawson/Thelma Bowie to open the Public Hearing. All other members voted aye. There were no questions or further discussion, to which a motion was made by Bruce Clawson/Thelma Bowie to close the Public Hearing. All other members voted aye.

Co-Chairman Potter asked if there were any more questions to which Ms. Bowie stated that during the Planning Board meeting that they do have a concern with the precedents presented. In terms of legal repercussions down the road if someone new wants to do something similar, the Board can hold up to what they set as their standards and that was a concern of hers to where she did not vote for or against. Mr. Aric Owens asked if there was a letter from the pipeline companies preventing the city from holding up their requirements, to which Ms. Golden stated we do not have anything in writing. He added that at this point it is just hearsay and how do we know how to vote without something in writing. Mr. Merrigan stated that he provided Ms. Golden all the phone numbers of the

pipeline companies so that she could contact them. Co-Chairman Potter stated that usually these kinds of things are addressed in Rights-of-Way (ROW) requests and then you are told what you can and can't do and that is the bottom line on pipeline ROWs. If we don't have those agreements, then the board really does not know what to decide. Mr. Merrigan replied that the power line company has a 200' easement that nothing can go into, and the pipelines are all coming through there. Mr. Clawson then asked if in the absence of a motion, what occurs. How does this go forward? Ms. Golden replied that they ran into this issue before with City Commission and the City Attorney did some research and found that the issue was not considered. Because of this, the Zoning Commission must do something because it has come to them for consideration. If an action is not made at this meeting, then the item will come back for consideration. They could approve, approve with recommended conditions or deny the request.

After presentation, a motion was made by Bruce Clawson/Thelma Bowie to approve the zoning change request however, that the following conditions be required. All other members present voted aye.

- 1) Outside equipment storage limited to paved areas which are fully screened from visibility to traffic passing on SH-146 and FM 1764.**
- 2) All fencing to be of masonry construction Alternative could be privacy fencing constructed of resin panels or treated lumber with decorative landscaping in excess of minimum requirements along the full extent of the fencing Bare wooden fencing without landscaping should not be considered compliant.**
- 3) Any buildings which are not fully screened with compliant fencing should comply with the requirements for 80% masonry construction.**
- 4) S-P designation limited to the 6.09-acre footprint for Applicant's submittal for Phases I and II.**

ITEM NO. 2 Consider and take action on the request to rezone the revised Moses Lake Tract from District "A-1" (Single Family Residential) to District "I" (Planned Unit Development). Located on 23rd Street North, north of Godard Park and south of 34th Avenue North. (Action)

Ms. Golden stated that the developer, Beazer Homes Texas, LP, is proposing to develop 137 detached single-family homes. They are proposing a variety of mixed lot sizes. There is no single zoning district that accommodates this mix of lots, so that is why this the developer is here for a zoning change from District "A-1" (Single Family Residential) to District "I" (Planned Unit Development). District "I" allows for the mixed lot sizes and for some amenities and enhancements such as a detention pond, park and green spaces. The developer is present to make a presentation and have done more research on drainage and provide staff with a traffic impact study. Because they have two entrances – one on 23rd Street North and one of 21st Street North, the connection at 19th Street North will not be a public street. What the developer is proposing, with staff endorsement, is a gated all-weather access for emergency purposes only. They have looked at drainage very carefully because it was a concern in this area and they are actually going to remove some of the drainage impact to the south into the existing neighborhood and take it directly to the east, to the detention pond and then to the outfall of the canal. They have

addressed many of the concerns that were previously brought up and staff have no objections and recommends approval of the zoning change request. Mr. Clawson stated he understands that 19th Street North will no longer be a thru-street, but asked Ms. Golden if she could refresh their memory on what a crash gate is. Ms. Golden replied that the existing public right of way would be made an all-weather surface and then an all-weather surface in the new subdivision. The road will not be open, it will not be accessible to public traffic and completely gated and will only be used in the event of necessary access by emergency vehicles or Public Works. Mr. Clawson asked for assurance that 19th Street North will not be concrete or have curbs, and it would only allow emergency vehicles, to which Ms. Golden stated that was absolutely correct. He stated that his only concern is that the gravel would block the downhill side of drainage, to which Ms. Golden replied that the applicant's engineers could answer that question. Co-Chairman Potter then stated that when he thinks about a crash gate, he thinks that a vehicle could drive through the gate and asked if this was how it would work. Mr. Clawson mentioned the crash gate near DeMontrond Chevrolet and stated that it has never been an issue, but it is not something that you would want a fire truck to drive through. It is not something the common individual can open; it is not something that has ever been open or abused.

Mr. Brad Sweitzer, EHRA Engineering, then gave a presentation and stated that the crash gate terminology is a term that is used for different purposes and a lot of times these gates are used at security facilities to prevent anyone from crashing their vehicle through there. They will work with Ms. Golden and staff and use whatever materials they recommend. He presented pictures of the homes they plan to build; the annual contribution to TCISD; enforced deed restrictions; open space amenities plan, playground, detention pond, trails, etc. Regarding how the drainage will work in the subdivision, the northern/southern pieces will flow directly east and then the neighborhood would grate toward the center using the streets as the gutter system and storm sewer to flow into the amenity pond and eventually into Moses Lake. A traffic impact analysis was conducted and the next step, if approved, would be to submit plats and then move on to construction.

Mr. Owens then asked what the average size of the homes would be, to which Ms. Shannon Wiesepape replied that the average home would be 2200 sq. ft. There will be an HOA to maintain the deed restrictions. They will be sure to follow the guidelines of the PUD and whatever the city requires. Mr. Clawson then asked about the paver business through the crash gate area and that it is a pipeline ROW is a drainage area and asked if something better will be built to allow drainage to the east. Ms. Wiesepape stated that is correct and they intend to make the drainage better.

Clayton Weishuhn then gave a presentation on how the drainage will work. There are pipelines on the north part, water mains/sewer mains on the south part, and in the middle of the tract there is dead space that is 15' of no restricted easement and no utilities. They will dig the 15' out of the first swale to help get that flow in a more minimal cleaned out drainage system. Currently, there is an indentation that gets the drainage to go out and not just go out on top of subdivision. They have built that 15' swale and cleaned it out just a little bit so that it looks and acts like a swale to improve the drainage in the area. Co-Chairman Potter stated that at the last meeting in February, there were a lot of issues brought up and they have been addressed, in particular 19th Street North – which will not

be open; traffic issues – there was a good study showing that there are not significant problems that this project will cause with traffic in the area; drainage; concerns about wildlife and moving them out of the area, to which a study was done on habitats and found that there was nothing out there that should be a problem; there was also an issue about electric power and how that would work – which he stated he would like to hear more information about; and the school system – which he would also like more information on. Ms. Wiesepape replied that Texas-New Mexico Power will ultimately work on the power design, which has to be approved by the developer and the City. The goal is to tie into existing overhead on the perimeter and all the community would be underground utilities. Mr. Clawson recalled that overhead on the perimeter is on the west end of 23rd Street North and asked if that's where they would tie in and then go underground throughout the community, to which Ms. Wiesepape replied that without a presented plat it is a little too early, but TNMP will either tie into that pole or they will extend overheads on the perimeter to get closer and then that will feed into an underground loop system. She believes this is in the PUD agreement that it will be done that way. She added that regarding the school district, they did obtain a letter from the district stating that they are aware and have the capacity for additional students.

There were no further questions, to which a motion was made by Bruce Clawson/Thelma Bowie to open the Public Hearing. All other members voted aye.

Co-Chairman reminded all in attendance that is an opportunity for them to speak and to remember they are speaking to the Zoning Commission, not to others in attendance and not to the applicant, nor to Ms. Golden. If board members need more information or want the applicant to answer, they will ask the applicant to answer. While waiting on the attendance list, Co-Chairman Potter stated that he will ask for anyone that is in support of the zoning change request to speak and then he will ask anyone that is against to speak. Board members only need to hear a compliant or objection one time, so when it comes to a property owner's time to speak, and their point has already been made they were asked to say that it was already stated. Ms. Golden mentioned that regarding written responses the city has received – they received one letter in support and one letter in opposition. Co-Chairman Potter asked if there was anyone in attendance that wanted to speak in favor of the zoning change request.

- Mr. Les Westmoreland - stated that he is in favor of the crash gate with the stipulation that only emergency personnel utilize it, and it remains closed the entire time. Also, if there is an issue with the drainage after the subdivision is developed, that Beazer Homes Texas LLC is held responsible to come back and fixing this issue so that neighbors in Godard Park Subdivision do not have standing water in their backyards.
- Matt McClellan –is confused about the crash gate and how exactly it is designed. He does not think it is a good idea but does support it as Mr. Westmoreland does. As somebody who drives fire trucks, he stated he is not going to drive through the gate because that is not how it works. Usually there is a lockbox or keypad involved, and a number of other options. And as far as the kind of surface that is used, a fire truck is way too heavy to go on just anything, so he would like to hear about what is going to be used and also if Fire Marshal Dennis Harris or Chief David Zacherl are aware of this to give some stamps of approval on the crash gate.

He believes that a lock box is a good idea – not a keypad, and not a padlock – because that is what gets them in fastest.

Co-Chairman Potter asked Ms. Golden if she would like to reply regarding the surface, to which she replied that they are in the very beginning of the process. The final design of the surface and the gate will be in the next step, which will go through a thorough review process. Fire Marshal Harris is in the loop on that review, and he will be satisfied, as will Chief Zacherl. This right now is saying that the concept of a gate and a road that will hold up a heavy vehicle but is not open to the public – that is what is being recommended. If City Commission approves it, that will be something the developer will have to do from a design standpoint. This actual design has not been done yet and should not be done yet. She does not want the board to think the developer is getting away with something, but it is simply not time in the process for that level of detail engineering. If they recommend it and the City Commission adopts their recommendation, then the developer will have to do it to the satisfaction of the city and will include the Fire Department, Police Department, etc. to look at it and tell staff if they are doing it right. Mr. Clawson added that he spoke with Chief Zacherl and they will use what the Fire Department is familiar with - which is a lockbox.

- Charles Chaney – who is responsible for building or installing the crash gate? Is it the City or the Developer?

Ms. Golden replied that the developer will get a concept plan approved by Zoning Commission and then City Commission. The developer will build the gate to city standards and the acceptance of city staff. It is inspected throughout construction and there is a final acceptance round, where things are videotaped, and test results are thoroughly inspected. Once it is accepted by the city, then the city is responsible for maintaining it. Mr. Chaney replied that some of the fear with the neighbors is that a path will be installed on 19th Street North but that the gate will never be installed. Co-Chairman Potter reminded him that it has already been stated that the gate will be installed.

- James Stark – asked if the crash gate would be installed at the end of 19th Street North or on the tract property because on the picture the developer showed it shows a space between it and then it was on the property line where the fence was for the homes.

Ms. Golden stated that that is part of the design and maybe there will be two gates installed. The concept that there will be a barrier there so that it is not open to traffic is what the developer is offering and what staff is recommending. Again, if it is recommended and accepted by City Commission, it will be something the developer has to do as a condition of constructing the subdivision.

Co-Chairman Potter then asked if there were any other comments in favor. Then he asked if there was anyone who wanted to speak against the applicant.

- Mark McGaffey – according to Ms. Golden, the crash gate is something that will be installed in the future. While construction is taking place, and because the gate will not be up, what will stop construction workers from going through there? Will the gate be installed at the end of the project?

Ms. Golden replied that when these types of things are done, the developer will enter into a development agreement with the city, which is basically a contract. In that contract, it will be agreed that they will not use 19th Street North during construction for access to the site.

- Cheryl McGaffey – wondering with the zoning change to District “F”, it is proposed that the homes in the new subdivision be single family homes. She read the Ordinance and found that the developer could use this zoning for different uses including multiple or mixed housing types or any appropriate combinations. She wants assurance that if the developer gets halfway through and houses aren’t selling that they will not start building multi-family homes.

Ms. Golden replied that what Ms. McGaffey read in the ordinance is correct. Regarding zoning change to District “F” could include a combination of lot sizes and a combination of single family and multi-family types of housing and is permitted under that district designation, but the process is the developer has to come forward with this plan of what they are going to do, and that exact plan is put out for this public input and then there will be another public hearing at the City Commission meeting as well. In the plan, the developer is telling the City Commission that they are only building single family homes. If City Commission approves the request, then the developer has to be compliant with zoning, and it will also be incorporated through the development agreement.

- Steven Henderson – he has property on 34th Avenue North and regarding the ravine that’s just north of the tract, will that be turned into a concrete culvert? Will it also be developed?

Mr. Weishuhn replied that they plan to keep the ditch the same and will not be doing any improvements. If at some point the city needs to expand it or do some maintenance to the ditch, they will have access to it.

- Karen Arnold – she stated that the developer and engineers are all saying they are doing the drainage a certain way, what happens if they get another 51” rain event in the neighborhood, that has never flooded, flood? Are there any repercussions? If the new neighborhood floods and then floods her neighborhood, what are they supposed to do? She believes it is a real possibility. They don’t know if there will be another Hurricane Harvey event.

Ms. Golden replied what the city has managed to design to is the City Commission has established certain criteria for these designs that staff follows. Hurricane Harvey is not the design standard. The fact that Godard Park Subdivision was not affected by the hurricane was an absolute blessing. In reviewing this plan, the city’s charge is to have no adverse impact to existing conditions. She added that if Godard Park Subdivision did not flood during Hurricane Harvey and if you flood again post-Harvey, it would be because of something else and not the new development.

- William Daigle – noted that the tract has been drained and is now dry. He is opposed to the crash gate. As a former employee of the railroads, he stated that the gate has to be made from a heavy-duty material. He also noted that 84 days ago, the developer said they did not need 19th Street North and that Ms. Golden took exception to that. He believes that if the crash gate is installed that the citizens of Texas City will have to bring that road up to grade. Eventually, he believes the

gate will disappear. It will not be here for his grandchildren. He opposes the opening of 19th Street North into the subdivision.

- Rolando Garcia – stated that the developer did a study for the traffic. He stated that on 23rd Street North there is quite a bit of traffic. Will there be a 4-way stop sign or traffic light installed at the subdivision entrance? There are a lot of accidents at 23rd Street North and Loop 197. What will be done with the cars parked on 21st Street North where the apartments are located. What will be done with the traffic coming out of the subdivision? Will there be a turning lane from 23rd Street North into the subdivision?

Ms. Golden replied that the only traffic impact the developer was asked to study was eliminating 19th Street North because it was very limited. It is still too early to be performing traffic studies. They are very extensive and are traditionally done in the design phase. It is not required now.

- Lisa Herrera – regarding the drainage ditch issue, she lives on 34th Avenue North at the ditch area, so how many feet away will houses be built from the drainage ditch?

Mr. Weishuhn replied that the easement will be expanded to 75' and on the developer's side they will be about 15' to 20' from the north house's backlots – around 50' from the current ditch. Ms. Herrera wants assurance that once construction starts that nothing will start crashing and messing up her foundation.

Ms. Bowie then stated that although it has nothing to do with the development, the City received funds from GLO for infrastructure improvements and those funds are devoted strictly to repair pumps A and B. On the flip side there is going to be a mega-pump built. It is currently in the design phase, but it is something that will come to Texas City to help with the drainage issue the city has. The mega-pump will divert water from Moses Lake into the Gulf of Mexico, so there is some relief coming in the future. The City does have the resident's interest in hand with regards to flooding issues. Co-Chairman Potter reminded everyone that during Hurricane Harvey there was an issue with the water on the outside of the dike where it was a problem as far as being able to open the flood gate and added that this super pump should be able to take care of this issue.

There were no questions or further discussion, to which a motion was made by Bruce Clawson/Aric Owens to close the Public Hearing. All other members voted aye.

There were no questions or further discussion.

After presentation, a motion was made by Bruce Clawson/Thelma Bowie to approve the request as presented.

Before a final vote, Mr. Clawson asked to speak to everyone and stated that this has been a very difficult experience and understands that some of the property owners are very emotional, but he is asking everyone to understand that the city, in his opinion, has done an excellent job of addressing everyone's concerns. He believes that as things move on, they will come to know Ms. Golden better and understand how she is going to protect resident's homes and their neighborhood. There is no way to stop this. The developer owns the property, and they have a right to use the property to their highest advantage

that they feel is appropriate. What the Zoning Commission is trying to do is make sure it does not impact the neighboring property owners. 19th Street North was built to be open. That is how it was platted. The original concept is that the street would go all the way back to 34th Avenue North and the city is doing everything it can within its power to preserve our neighborhoods. **All other members present voted aye.**

ITEM NO. 3 Other business. (Any conceptual development proposal requesting to come before the Planning Board)

Co-Chairman Potter asked if there was any other business to which there was none. **A motion was made by Bruce Clawson/Aric Owens to adjourn. All members present voted aye.**

Kimberly Golden, Secretary

Date

Minutes approved by the Planning Board at its meeting on _____.