

PLANNING BOARD MINUTES MARCH 20, 2023

The Planning Board of the City of Texas City met in a regular meeting on Monday, March 20, 2023 at 5:00 p.m. Planning Board members present: Chairman Dickey Campbell, Co-Chairman Perry O'Brien, Commissioner Jami Clark, Commissioner Thelma Bowie and Alternate Member Jose Boix. Staff members present were: Kimberly Golden, Veronica Carreon, Casey Bennett (Chief Building Official), David Kinchen (Deputy Building Official), Kristin Edwards (Economic Development), Jon Branson (Management Services), and Michele McCoy (Inspections). Guests were: Mary Smith, Sybil Glendye, Jeff Nobles, Bryan Smith, Richard Taylor, Melissa Duarte, Don Pursley, Merri Joyas, and Casey Barnes.

Chairman Dickey Campbell indicated a quorum was present and called the meeting to order.

ITEM NO. 1 APPROVAL OF MINUTES

A motion to approve the minutes of March 6, 2023, 2023, was made by Commissioner Jami Clark/Jose Boix. All other members present voted aye.

ITEM NO. 2 PUBLIC COMMENTS - Chairman Campbell noted there were no requests from the public to provide comments.

ITEM NO. 3 Consider and take action regarding denial of a replat and variance request for 10625 Hillman Drive.

Ms. Kimberly Golden stated this item was being presented to the Board for 2 reasons – first as a replat, if the City Engineer does not recommend it being approved it has to come before the Planning Board to confirm the denial. The reason it is being denied is because the area does not have access to municipal sewer (no off-site sewer), it has on-site sewer. City Ordinance 159.050 requires that lots be at least 2 acres, with a 200' frontage, when this is the situation. This replat is creating a non-compliant lot, which is why it was denied.

When the Applicant was made aware of that requirement, they moved forward and applied for the variance to that requirement, which also comes to the Planning Board to make recommendation to the City Commission about that variance request. City Commission can then act upon the Planning Board's recommendation.

Ms. Golden then indicated on the exhibit the existing situation of the Applicant's lot, which is approximately 0.952 acres, and the neighbor's existing lot. What the Applicant wants to do is cut their lot, which would make it smaller, and take that cut piece and add it to the neighbor's lot to make it bigger. But in doing this, it would still make two small lots that are too small per Texas City Ordinances.

Chairman Dickey Campbell then asked the Applicant, Ms. Mary Smith if she would like to speak. Ms. Smith stated she did not know if everyone was familiar with the area, but houses were built beginning in the 1930's. There was not a 2-acre ordinance back then and now there are a lot of properties that are on septic – some having traditional sewer

systems and some having the aerobic systems. There are approximately 50 houses in the area in about a 200-acre space and maybe 14 houses are on 2 acres. She stated that they have been "grandfathered" in for a lot of years and all she wants to do is separate one piece of property and add it to another. Tract 2 does have an aerobic system on it and Tract 1 has the traditional septic system. Nothing will be built on the back piece of property that is being replatted. Her neighbor, Mr. Jeff Nobles, is in attendance with her and he just wishes to have just a little larger property than what he currently has. The lot in the back is empty and nobody can get to it because it is landlocked. Because of the existing small lots, there is nothing that they can do to make it a 2-acre lot.

Ms. Smith then handed out some exhibits she brought for the board members to view and indicated that the first two pages show the current and proposed plats. The third page indicates the acreage of each property in the area and the properties that have aerobic systems. She stated that she is being told that she has to install an aerobic system to have 2 acres, but there are pieces of property on the pages she distributed that only have 1/5 of an acre and are able to install aerobic systems on them. With this 2-acre ordinance it is hard to comply without restrictions.

Chairman Campbell then asked her to state again that an aerobic system could be installed on what size lot. Ms. Smith replied there is one house in the area that has an aerobic system on a lot that is 0.19 acres. Ms. Smith stated that this aerobic system was installed after the current ordinance was in place. Chairman Campbell stated that the County would not approve that now because they require a 1-acre minimum. Ms. Smith then stated that the house was existing and was Chairman Campbell telling her that she could not put in an aerobic system on a piece of property. Chairman Campbell replied that it is not the city that requires a 1-acre minimum, it is the County's requirement for a septic system. He verified this with the County prior to today's meeting.

Ms. Smith asked if someone that doesn't have an aerobic system but has a traditional sewer system can never put an aerobic system on their property. Chairman Campbell stated that he did not know the answer to her question because it does not fall under City requirements – it is a county requirement. The County issues permits for septic systems.

Ms. Smith stated she is trying to understand why the properties can't be split and make the back part more usable by the property owner that is in front of it.

Co-Chairman Perry O'Brien stated he did not know the answer to the septic system requirements. His understanding is the issue at hand is there are two agreeable parties that just want to swap land – this is what he sees on paper and stated this is what can be discussed. He reiterated that he could not help with the septic system issue.

Co-Chairman O'Brien then asked if the purpose of the land swap was to enjoy a larger backyard by one owner versus the other, to which Ms. Smith replied yes. Ms. Smith then added that she and her sisters own Tract 1 as it is now, and Mr. Nobles just wants to purchase the back part of their lot. There is a house on Tract 1, that has never been repaired since Hurricane Ike. The house was built approximately in the 1940's and was inherited from their mother. The house is in a bad condition and pretty much ready to be torn down, but because of lack of funds they have not been able to do so.

Co-Chairman O'Brien asked if the house has a septic system, to which Ms. Smith replied it has a traditional septic system. He asked if she had any plans to develop on the property, to which she stated they have no plans to do so.

Co-Chairman O'Brien stated that his personal feeling is that landowners should be able to do what they want with their property, and he has no problem with the land swap. He asked Ms. Smith if it would affect any other homeowner to which she replied no. He stated that he was prepared to make a motion but did not know if he would get a second.

Chairman Campbell stated that he understands that either they decide whether to ratify Ms. Golden's denial or not, the variance will be sent to City Commission with a recommendation and the Commission will make the final approval or denial, to which Ms. Golden stated yes.

Ms. Golden stated even if the Board ratified her denial because it complied with the ordinance as written, the Planning Board decision would remain in suspension until the variance moves forward to the City Commission for the City Commission's final decision.

Mr. Jose Boix then asked what the 2-acre issue is because he wants to stay consistent and not establish a precedence. Ms. Golden replied that Texas City has established an ordinance that states where property does not have access to municipal service (on-site sewer) the lot has to be a minimum of 2 acres and a minimum of 200' wide. This requirement is triggered by this matter because the lots do not have off-site sewer. Therefore, she could not approve the replat, which makes the lots even smaller. Therefore, Ms. Smith is applying for the variance to the City Commission – to allow the subdividing that is not in compliance. Agree or disagree with the 2-acre minimum, that is Texas City's Ordinance.

Ms. Smith stated that ordinance is for a new build, and these are existing properties. Ms. Golden replied the ordinance applies to subdividing of property. Ms. Smith advised both properties already have existing septic systems.

Chairman Campbell stated if the Board were to approve this, he does not see this as establishing a big precedence for any new development or property because this is a piece that was existing at the time Texas City annexed it. Commissioner Jami Clark stated she agreed with Chairman Campbell.

Mr. Boix stated when you look at how the land splits, nothing is different.

Chairman Campbell stated he knows there are no plans to do anything with the house that is on Tract 1 but asked if there could be problems with obtaining a Certificate of Occupancy for that house later on if it is put on a much smaller footprint and has a septic system. He does not have an answer for a question like this but stated to Ms. Smith that they should be prepared for that – that no occupancy would be given for that house. Ms. Smith stated she understood this.

Mr. Boix asked if it was zoned for residential use, to which Ms. Smith stated yes. Chairman Campbell added that they would still have to have a Certificate of Occupancy because it is in disrepair. Ms. Golden added she was not sure that they could get a building permit now even without the subdividing because the lot as it exists does not meet the minimum requirements.

Chairman Campbell stated he was just thinking of things that Ms. Smith might face later. Mr. Boix then asked if he heard correctly that the Applicant could not get a permit to build a new home because the property is less than 2 acres. Chairman Campbell replied if they were to pull a permit for renovations they would not be able to get that either. Mr. Boix asked what if they wanted to sell to someone and they want to build a house. Chairman Campbell stated they could very well have problems.

Co-Chairman O'Brien stated that he thought it could be similar to the zoning situations that they have had before when repairs can't be made after a certain deterioration of area and now it can't be repaired beyond 50% of the damage.

Ms. Golden stated that City Commission has been very consistent in abiding by the 2-acre minimum requirement. The last time they were presented with a situation that required following the ordinance, they voiced that they intended to continue to be consistent with the ordinance.

Chairman Campbell stated if the Planning Board approved Ms. Smith's request, she would still have to make a case to the City Commission.

Chairman Campbell asked if there were any more questions. There were none.

After presentation, a motion was made by Co-Chairman Perry O'Briend/Commissioner Jami Clark to grant the variance request to swap lands between the two owners, realizing that it does not affect any other perimeter properties and it does not overall change the fact that both of them are underneath the 2-acre minimum requirement. All members present voted three in favor of the motion and one [Bowie] opposed to the motion. The Chair did not vote.

ITEM NO. 4 Consider and take action regarding denial of a variance request for 0002 Wincrest Rd.

Ms. Golden stated this is the same Ordinance 159.050, the minimum lot requirement, being applied to a different situation. This is not a lot split. The Applicant has 4 lots, but all together they do not add up to 2 acres. The Applicant wants to build a house on the lots, but again the properties do not meet the minimum lot size requirement or dimension.

At the time, Ms. Golden was preparing a memo, staff did not have any indication that the Applicant could get a septic permit. When Ms. Veronica Carreon called to inform the Applicant that their request would be on the agenda, he stated, "that he found an engineer that came up with a drawing and he went to the County and received approval for a septic system".

Ms. Golden then indicated on the exhibit where the properties are and that they want to build a house on a total acreage of 20,500 sq. ft, which is less than half an acre.

Commissioner Clark asked how the Applicant got a permit for the septic system, to which Ms. Golden replied she did not know because it was through the County and staff has not been presented with the documentation that that has happened.

Ms. Golden stated that permit for the septic system really doesn't matter. It is the Texas City Ordinance 159.050 that has the 2-acre, 200' requirement and this is what the Board is being asked to speak to.

Chairman Campbell asked if the Applicant was present, to which Ms. Golden stated no.

Chairman Campbell stated he thinks the Applicant should be in attendance and asked if the request should be tabled or concur with a denial.

Mr. Boix asked how this item was similar or different from the first item that was discussed. Ms. Golden replied how this is different is that this area is not built out. This site is in a much more vacant area. The lots were subdivided back in 1962 with no improvements, no water or sewer and no road. It is really a “ghost subdivision” – just on paper.

Mr. Boix stated it is still a 2-acre item and they want to build single family homes. He does not see a difference. Ms. Golden stated again that the first item has existing homes with existing septic systems. This area is total greenfield, no structure on it at all.

Chairman Campbell asked again if the item should be tabled because the Applicant is not present or concur with a recommendation of staff.

Ms. Golden stated that even if the request is denied by the Planning Board, it will still go to City Commission.

After presentation, a motion was made by Commissioner Jami Clark/Co-Chairman Perry O’Brien to concur with City Staff recommendation to deny the Request for Variance for 0002 Wincrest Rd. All other members present voted aye.

ITEM NO. 5 Consider and take action regarding the updated use at Tanger Outlet Mall – Various Events.

Ms. Golden stated the Tanger Outlet Mall is situated in the Lago Mar PUD in the commercial section. This means that there are some special requirements on it because it is in a PUD. Tanger Outlets, nationally, has a strategy of bringing in events that will bring people in for the events and then on to shopping. Because it’s recurring, and may not always be the same event, staff felt like someone needed to look at this and say it’s okay so that Tanger Outlets couldn’t be challenged later for what they are doing. This is why the item is being presented to the Planning Board.

Each event will still go through the special events permitting process, but this takes care of the zoning question – is it an allowed use in this PUD, in this retail area. Because it is tied to the retail, the Applicant is curating and finding events to bringing in to help drive retail customers to the mall.

Because this is how they are handling the events, staff does not have an issue or see that it’s any kind of non-compliance with the zoning. Staff brings this with a recommendation to approve their updated use.

Chairman Campbell asked if there were any questions.

Mr. Boix asked if this would open the door in perhaps putting more different words in the Ordinance so that the board does not have to go through this again. If it is unclear, as he is hearing it, it is not in the Ordinance. He asked why the board should be voting on this since this seems like it is information only or should the Ordinance be changed.

Chairman Campbell stated he did not know the answer to Mr. Boix’s question. However, the PUD is an application and so the Applicant makes application to do certain things with

it in the PUD. If the Applicant doesn't ask to have events the board will not have that knowledge.

Mr. Boix stated if they were not aware now, should they let it hang and then perhaps it would never happen again because things are developing in that realm. Lago Mar has all kinds of events going on. Chairman Campbell replied that this PUD is already established.

Ms. Golden stated if they had looked at it and decided it was a change to the PUD, staff would have presented it to the Zoning Commission as a zoning change. She added if this is what the board thinks needs to happen, it would have to be a redo to the PUD. Staff looked at this carefully and it does seem very tied to their retail activity. It is not a new use in that sense. It is really ancillary to their retail, which is clearly a permitted use in the PUD.

Mr. Boix then asked why they are voting on this item when it seems to him like this is only informational, to which Commissioner Thelma Bowie replied they are voting on the updated use of the outlet mall for these various events. She added that the Bay Area Farmers Market is a big event and it was canceled this past weekend due to the weather. The residents of the Lago Mar Facebook were up in arms because they missed it.

Co-Chairman O'Brien stated that they are looking at this as an appropriate area to which Ms. Golden stated that is correct. She stated this is their designated area for whatever events come in and again, each event will go through the Special Events Permitting process so that each event can be reviewed.

After presentation, a motion was made by Commissioner Thelma Bowie/Co-Chairman Perry O'Brien regarding the updated use at Tanger Outlet Mall – Various Events. All other members present voted aye.

ITEM NO. 6 Consider and take action on the Development Plan for Fat & Juicy BBQ. Located at 6602 FM 1765, Texas City.

Ms. Golden stated this is an existing 0.44 acre lot, which is currently vacant. The previous structure was removed pursuant to active code enforcement. The property fronts on FM 1765. It is adjacent to a residential district with existing residential development around it. It is located in the Gateway Overlay District. Staff has reviewed the Development Plan. The Applicant understands the requirements of the Gateway Overlay District and the application staff is bringing to the Planning Board is compliant with the Gateway Overlay District. There will be masonry construction and a fence between this property and the residential property behind. There will be some landscaping. It is also in compliance with all of the requirements of District "E" (General Business). Staff brings this item to the Board with a recommendation of approval.

Chairman Campbell introduced the Applicant and asked if there were any questions. There were none.

After presentation, a motion was made by Commissioner Jami Clark/Co-Chairman Perry O'Brien to approve the Development Plan for Fat & Juicy BBQ. All other members present voted aye.

ITEM NO.7 Consider and take action on the Development Plan for TCISD Stem Center Renovations. Located at 1015 14th Street North, Texas City.

Ms. Golden stated this is an existing structure that is being renovated. The intended use is compliant with the existing zoning. The Development Plan shows their building finishes will be compliant with the requirements of the Gateway Overlay District. Their landscaping is in excess of 15% of the effective site. Staff have no objection to approval.

Chairman Campbell asked if there were any questions. There were no questions.

After presentation, a motion was made by Jose Boix/Commissioner Thelma Bowie to approve the Development Plan for TCISD Stem Center Renovations. All other members present voted aye.

ITEM NO.8 Consider and take action on the Preliminary Plat for Steed Landing. A subdivision of 6.8710 acres tract of land in the Daniel L. Richardson Survey, Abstract No. 167, Texas City. Located on 16th Avenue between 14th Street North & 15th Street North (formerly St. John's United Methodist Church).

Ms. Golden stated this property is currently being used for soccer practice, but she has been told that the City has other facilities where that soccer use can be moved. There are some memorial benches that can be relocated. What the subdivision will do is extend the proposed 17th Avenue North from the existing 17th Avenue North. There will be a small cul-de-sac installed from an extension of the existing 18th Avenue North. The lots will be 50' x 120', which is the standard for District "A" (Single Family Residential). Water and sewer will come from existing mains. There is an existing ditch along the north boundary for which all of the details have not quite been all worked out, but the Applicant is aware of it and will make provision in the engineered plans. It is not a huge ditch, maybe a 15" culvert.

The property is owned by TCEDC. CastleRock Communities is the developer of this subdivision. CastleRock Communities is also the developer of the Pearlbrook subdivision, so they have experience with Texas City's requirements.

This is brought to the Planning Board by staff with recommendation for approval.

Chairman Campbell asked the Applicant where they came up with the name 'Steed Landing', to which Mr. Bryan Smith replied there is a park named Steed Park that the subdivision is named after. Chairman Campbell and Commissioner Clark replied that the park is located on 21st Street North, which is to the west of this location. Mr. Smith stated the name could be changed if necessary.

Chairman Campbell asked if there were any other questions for the Applicant or staff.

Co-Chairman O'Brien asked if there were any examples of the homes which will built, to which Ms. Golden stated there were none in their agenda packet, but Mr. Smith presented a packet that contained pictures of them.

Chairman Campbell asked about the brick requirement, to which Mr. Smith replied that Texas City requires brick on the front and sides, which follows the Ordinance.

Mr. Boix asked about the elevation and would the property need to be elevated to meet the requirement for flooding. Mr. Smith replied no and then added that they are in a levee-protected flood zone. Chairman Campbell also added that the dirt on this property is not low. Mr. Boix stated that his concern about the elevation is that he doesn't want the existing house/owner closest to the property to be upset about the drainage. Co-

Chairman O'Brien stated during Hurricane Harvey the water never touched the curb. Chairman Campbell stated that the water will drain to the street and there is a ditch nearby that is bigger than the normal ditches for the water to drain into.

After presentation, a motion was made by Co-Chairman Perry O'Brien/Commissioner Jami Clark to approve the Preliminary Plat for Steed Landing. All other members present voted aye.

ITEM NO.9 GENERAL UPDATES

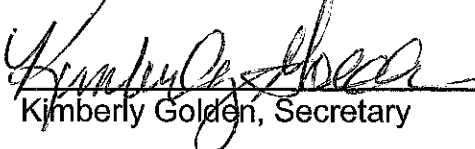
a. City Attorney review of the procedure regarding MFU's in the Texas City Food Truck Park.

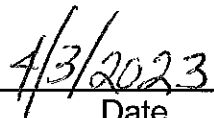
Ms. Golden stated she shared her memo with the City Attorney, Kyle Dickson, and the request from the Planning Board regarding MFU's in the Texas City Food Truck Park and he says it looks fine to him. It is site specific as each truck will have to meet the criteria.

Chairman Campbell stated he appreciated Ms. Golden checking with the City Attorney on this matter.

ITEM NO. 10 OTHER BUSINESS. (Any conceptual development proposal requesting to come before the Planning Board)

Co-Chairman O'Brien asked if there was any other business to which there was none. **A motion was made by Commissioner Jami Clark/Commissioner Thelma Bowie to adjourn. All members present voted aye.**


Kimberly Golden, Secretary


Date

Minutes approved by the Planning Board at its meeting on 04/03/23.