

ZONING COMMISSION SEPTEMBER 5, 2022

The Zoning Commission of the City of Texas City met in a regular meeting on Tuesday, September 5, 2022 at 5:15 p.m. Zoning Commission members present: Chairman Perry O'Brien, Co-Chairman Gary Potter, Thelma Bowie, Aric Owens and Alternate Member Fernando Tello. Staff members present were: Kimberly Golden, Casey Bennett (CBO), David Kinchen (DBO), Kip Urps and Veronica Carreon. Guests were: Jennifer Monroe, Kristin Edwards (TCEDC), Curt Kelly and David Newmann.

Chairman O'Brien indicated a quorum was present and called the meeting to order.

1) APPROVAL OF MINUTES. A motion to approve the minutes of April 24, 2023 was made by Co-Chairman Gary Potter/Commissioner Thelma Bowie. All other members present voted aye.

2) PUBLIC COMMENTS

There were no public comments.

Before presentation, Ms. Kimberly Golden introduced Mr. Kip Urps, the newest Permit Tech for Building Inspections and Mr. Curt Kelly, a former associate of Ms. Golden's from Monroe, Louisiana.

3) Consider and take action on the zoning change request from David Newmann to rezone the property at 5130 Emmett F. Lowry, Texas City from District "C" (Multi-Family Residential) to District "E-3" (Outdoor Commercial) to construct Gulf Coast Growers Nursery – a plant nursery.

Chairman Perry O'Brien asked if this request has been brought to the Zoning Commission before. Ms. Kimberly Golden replied yes and that it was previously approved by the Zoning Commission as a Preliminary Zoning on March 2, 2022. She reminded everyone that by Texas City's ordinance the Applicant has 12 months in which they can make the preliminary approval final or permanent by applying for a building permit. This did not happen within the 12-month period, so the Applicant has returned, re-applied and is ready to move forward with their project.

This is the same project that was presented in 2022 and recommended for the re-zoning.. There have been no significant changes in the surrounding uses.

Staff's recommendation remains unchanged and is to approve the request to rezone.

Chairman O'Brien stated that everything was pretty "cut and dry" and asked if there was anything to add to Ms. Golden's presentation.

The Applicant, Mr. David Newmann, stated he had nothing to add except that the reason for the delay was a new addition to his family and that kind of sidelined them for a little while. Congratulations were then extended to Mr. Newmann.

Co-Chairman Gary Potter then asked Ms. Golden if there were any letters for or against the rezoning request to which she replied none were received.

Chairman O'Brien asked if there were any more questions.

There were no further questions, to which a motion was made by Co-Chairman Gary Potter/Commissioner 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 Commissioner Thelma Bowie/Co-Chairman Gary Potter to close the Public Hearing. All other members voted aye.

After presentation, a motion was made by Co-Chairman Gary Potter/Commissioner Thelma Bowie to recommend approving the zoning change request from District "C" (Multi-Family Residential) to District "E-3" (Outdoor Commercial). All other members present voted aye.

4) Consider and take action on the zoning change request from Saiyad Ali to rezone the property at 921 Texas Avenue, Texas City from District "IBD" (Industrial Business District) to District "E" (General Business) to open Texas City Food Mart – a convenience store with fuel pumps and washateria.

Ms. Golden stated this location has previously been presented to the board for a zoning change but for a different project.

The previous application for a zoning change from District "IBD" (Industrial Business District) to District "E" (General Business) to open and operate the "4 Night Bar & Lounge was denied by the City Commission on August 17, 2022.

At that meeting, the Zoning Commission had recommended not to approve the request and the City Commission did not approve the change in zoning.

This application being presented today is also a request to rezone from District "IBD" (Industrial Business District) to District "E" (General Business). The proposed project is to renovate and expand the existing structure to operate as a convenience store with fuel pumps and a washateria.

The Applicant has told staff that he proposes to add on to the building 10' to 11' in height and also extend it 15' to 20' to the east and to install a washateria that will consist of 25 washers and 25 dryers. The proposed hours of operation would be 9:00 AM – 11:00 PM.

The 0.789-acre lot has a vacant existing structure which has not been open for business for more than 12 months. Prior to COVID-19, it was open as a bar and lounge and has not opened for any use since the covid closure. It has been in a non-conforming use for years. Again, the previous request to rezone was denied.

The property across Texas Avenue is zoned as District "F" (Light Industrial) and is intended to provide for oil and gas warehousing.

The IBD is a transformational zone meaning it is intended to transform the area into a buffer zone between the industry and the businesses north of Texas Avenue. The proposed use does not do this and does not conform with the intent of the IBD. For the reasons enumerated in Ms. Golden's staff memo, staff is recommending that this rezoning request be denied.

The Applicant was provided a copy of Ms. Golden's memo recommending denial of the rezoning application some time ago but wanted to move forward with it.

Chairman O'Brien asked if the Applicant was present, to which Ms. Veronica stated she did not see him present, but she had spoken with him and he had said he would be in attendance.

Ms. Golden added one letter of objection to the zoning change was received and copies provided to the Zoning Commissioners.

Chairman O'Brien reminded everyone that with the Zoning Commission and Planning Board if the Applicant is not in attendance there is certainly no chance of a yes. However, if everyone is okay with it, he believes they can move forward with this and added that this request does not meet the requirements in any form or fashion. Because of this he believes this vote could be wrapped up today.

There were no further comments, to which a motion was made by Co-Chairman Gary Potter/Commissioner 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 Commissioner Thelma Bowie/Co-Chairman Gary Potter to close the Public Hearing. All other members voted aye.

After presentation, a motion was made by Co-Chairman Gary Potter/Commissioner Thelma Bowie to recommend denying the zoning change request from District "IBD" (Industrial Business District) to District "E" (General Business). All other members present voted aye.

5) GENERAL UPDATES

6) Other business. (Any conceptual development proposal requesting to come before the Planning Board)

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

Kimberly Golden, Secretary

Date

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