

ZONING COMMISSION MARCH 5, 2024

The Zoning Commission of the City of Texas City met in a regular meeting on Tuesday, March 5, 2024, at 5:15 p.m. Zoning Commission members present: Chairman Perry O'Brien, Aric Owens, Commissioner Thelma Bowie and Alternate Member Lisa Salinas. Staff members present were: Kimberly Golden and Veronica Carreon. Guests were: David Smith, Jerry LeBlanc, Manuel De La Cerda, Kimberly Brown, Corey Whitley, Teresa Brautigam, Norman Reed, Steve Herrera and Raymond Bennett.

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 January 16, 2024, was made by Commissioner Thelma Bowie/Alternate Member Lisa Salinas. All other members present voted aye.

2) PUBLIC COMMENTS

Kimberly Brown submitted a Request to Address Commission regarding the proposed amendment for Heron's Landing. Chairman Perry O'Brien asked if she would like to speak now or after the presentation to which Ms. Brown replied that she would hear the presentation first and then ask questions.

Mr. David Smith also submitted a Request to Address Commission regarding the proposed amendment for Heron's Landing. Mr. Smith stated he would also like to hear the presentation and then ask questions.

3) PUBLIC HEARING

a. Heron's Landing Development requests approval of amendments to Heron's Landing Planned Unit Development Application, Masterplan and Development Agreement.

Ms. Kim Golden stated this is a proposed amendment to the Planned Unit Development (PUD) which is already in existence in the subdivision. The original PUD received Preliminary Zoning Approval from City Commission on August 19, 2015. At that time, it was upon recommendation from the Planning Board at its meeting on July 6, 2015. The Zoning Commission also held a Public Hearing on July 21, 2015. This is a long way of saying that the original PUD was approved in the correct process.

Now that it is 9 years later, some things have changed. The Developer has come forward to memorializing those changes and the amendments go through the same process as the original PUD.

It is very important for everyone in attendance to know that these changes don't impact Sections 1 and 2 of Heron's Landing. Only Section 3 and the remaining sections of the PUD which have not yet been built will be covered by these amendments. Also, these amendments have been reviewed by the Planning Board and have been brought to the

Zoning Commission with the recommendation for approval without objections by members of the Planning Board.

A Public Hearing Notice was mailed USPS CMRRR to 68 property owners which would be the property owners within 200' of the area being impacted by the application. Staff did not receive any responses in support of or opposition to the application.

The proposed revisions in the PUD recognize Heron's Landing Development, LLC is the developer instead of Galveston Bay Investors as presented in the original PUD. This is important because the City's ordinances require the applicant bringing forth the PUD to have a proprietary interest. There is no evidence that Galveston Bay Investors ever had a proprietary interest in Heron's Landing. According to public records, it still does not have an interest.

The amendment is also revising the boundary of the PUD and updating the Master Plan, which is attached as Exhibit C. A copy of the original land plan was shown to those assembled for comparison to the Updated Master Plan. The Updated Master Plan shows a detention area that's also going to be a park with amenities including a play feature. The density of the updated master plan is essentially unchanged and the lot mix fairly unchanged. The amendment also clarifies the amenities required to be provided for a playground and other improvements to the common areas.

The updates to the Development Agreement are 1) the name change of Heron's Landing Development, LLC as the developer instead of Galveston Bay Investors, which is being recognized; 2) the annexation will also be changed from GCMUD 31 to GCMUD 79; 3) changing the requirement to verify the achievement of an average home value of \$200,000 from the 200th building permit to the 135th permit; 4) changing the requirement for when the funding of a traffic signal on 25th Avenue North & 9th Street North from the 250th building permit to the 168th building permit; 5) clarifying the Development Covenants to specify residences to consist of masonry on three sides of the first floor of each residence; and 6) updating the names and addresses for receipts of notices.

These proposed changes are in line with the character of the original PUD. It is basically updating the original plan and agreement with the Developer to align with the actual development as it has unfolded during the nine (9) years of development. The amendments come to the Zoning Commission with recommendation from staff and from the Planning Board for approval.

Chairman Perry O'Brien questioned that there are no zoning changes taking place. Ms. Golden replied that the PUD is a zone and that some of the details are being changed, but it will still be a PUD. Chairman O'Brien asked for clarification about how the PUD is changing from the original. Ms. Golden replied that it is somewhat changing the 1) number of lots; 2) the arrangement of the lots; 3) how much green space there is going to be; and 4) the development timeline has been updated.

Chairman O'Brien then stated that this is not a zoning change, but an update to the PUD, to which Ms. Golden replied that is correct - staff is taking it through the same process as if it were a zoning change as required by the Zoning Ordinance.

Alternate Member Aric Owens then asked why the MUD is changing from GCMUD 31 to GCMUD 79. Ms. Golden replied that GCMUD 31 is older than GCMUD 79. She spoke

with the MUD lawyers and engineers and the best practice to get a reasonable tax rate is to have all of the houses in the MUD about the same age. From time to time there is some pushback from the MUD boards on the idea of having new houses come in when there are already some older houses in place. The new homeowners feel like they are paying for the prior residences stuff or vice versa. Chairman O'Brien stated this is typical in the maturity of houses, to which Ms. Golden stated that is close.

Chairman O'Brien then stated he noticed a change regarding the detention pond. Ms. Golden explained the land remaining in the PUD District to be developed is low and needs dirt to build it up to the required elevation to build houses. So, the pond is dug out to provide the dirt required. The ponds are not dug out because there is a need for detention.

Jerry LeBlanc agreed with Ms. Golden but added that Swallow's Meadow also drains onto this property. This has caused them to struggle with Sections 1, 2 and 3 as built. They have backlot interceptors that accept the flow from Swallow's Meadow. These devices have to be maintained by the HOA.

Chairman O'Brien asked if there was any additional presentation to be heard.

Mr. LeBlanc stated that the main items they are changing in the PUD are enhancing the subdivision, creating more amenities, more open space, keeping the lot size mix the same, adding more restrictions on the masonry content, and installing the traffic light sooner. Everything in this PUD costs more but is adding to the development of Heron's Landing.

Chairman O'Brien then reiterated that this is not a zoning change, but a clarification and revision to update and bring the PUD more into compliant with the correct names in place, and the correct titles of the company in place. He asked if this was correct, to which Ms. Golden replied that is correct. With that being said, Mr. O'Brien stated when they are done today, they are going to either agree with the recommendation from the Planning Board and agree with the comments that staff have also made or disagree. Ms. Golden replied that the Zoning Commission is making a recommendation to the City Commission, to either approve or deny the amendments, to which Mr. O'Brien agreed.

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

- Chairman O'Brien called upon Ms. Kimberly Brown (1426 29th Avenue North) to address the Commission.

Ms. Brown stated she did not understand the verbiage regarding a PUD or MUD but added that she has been in her house for 24 years and asked what the property was zoned before it was Heron's Landing. Ms. Golden replied that it was most likely Single Family Residential and then changed to a PUD.

Chairman O'Brien asked Ms. Brown to indicate where she lives on the exhibit. After indicating her property, Ms. Brown stated that she is concerned about where the water will drain to from houses being built behind her. She stated that her house has never flooded, and she is concerned about this.

Chairman O'Brien asked Ms. Brown whether she had any other issues or concerns to mention. She stated she had a concern about traffic but that was answered when the installation of the traffic light was stated.

Mr. Jerry LeBlanc added that one of the good things about this area is that flood insurance is not required due to the levy system. In Sections 1 and 2 they actually brought fill dirt in from outside the levy. They decreased the level of the levy by bringing in the fill dirt. Additional dirt will not be brought in. They are moving dirt from one area to another. The detention pond will drain due north into the rainwater canal. The rainwater canal then flows east into the pump station and then pumped into Moses Lake. This is actually better than what was originally put in place.

- Mr. David Smith (1402 29th Avenue North) indicated his property. He stated that he has no opposition to the amendments, but his concern is will there be a spillover. Mr. Steve Herrera replied that there will not be any spillover. There are some emergency swales to the north.

Mr. Smith then asked if the elevations would be the same as what is in The Islands, to which Mr. LeBlanc replied they are using the same elevations that are in Sections 1 and 2 and following the city's requirements of 7' minimum finished floor elevation.

Mr. Smith then asked about the maintenance of the property around the detention pond, to which Mr. LeBlanc replied that the MUD would be responsible.

- Mr. Manuel De La Cerda (1318 29th Avenue North) stated that because of what he experienced during Hurricane Harvey he is concerned because his property is low, and he has a lot of trees against his fence line. He is concerned about keeping the creek behind his property as a retention pond. He asked if the trees behind his fence would remain in place.

Mr. LeBlanc replied that Heron's Landing cannot be raised to the same height as The Islands. He added that they may not keep the canal behind Mr. De La Cerda's property, but they are currently and will continue to accept Heron's Landing's water.

Mr. De La Cerda then asked where the fence line for the new homes would be and will there be a gap between the fences. Mr. LeBlanc replied that the builder would build the fence on the property lines but would work out any issues on an individual basis.

- Mr. Norman Reed stated he owns the property on the west boundary of Heron's Landing and is very much in favor of this project. The drainage is very much improved with the onsite detention pond. He believes that traffic will flow much nicer.

Mr. De La Cerda added that he has never heard of anyone putting in any traffic lights in the neighborhood. Mr. LeBlanc replied that the light would be installed where the current flashing light is located at 25th Avenue North and 9th Street North.

- Ms. Teresa Brautigam (1206 29th Avenue North) stated that she has concerns about flooding. She has listened to the developer say there will be no flooding, but every time it rains there is water at her fence line. She also has a gate leading to the Heron's Landing property and is concerned about the new fence line. She asked about the amenities that will be provided and is concerned about strangers having access to her backyard via the gate. She added that she was told by her real estate agent that nobody would ever build behind her and she is going to lose her wonderful view. Mr. LeBlanc replied that they are enhancing the land plan behind her, not trying to ruin her view.
- Mr. Raymond Bennett (1426 29th Avenue North) asked about the collectors in phase 1 and 2. He understands where the drainage will go, but asked where else the collectors would go. Mr. LeBlanc replied that the collectors are open swales that drain into the canal.
- Mr. Corey Whitley (1014 White Willow Drive) stated he is located in the existing section of Heron's Landing right next to the new sections and has no bulkhead, so he has lost dirt and his property slopes down at the property line. A lot of dirt has washed away from his property so his property slopes before it gets to his fence. There is nothing he can do to correct this because of the way it slopes and the property next to him is so low. Mr. Reed stated that he will go by and take a look at Mr. Whitley's property. Mr. Whitley asked whether when the new section is filled if it would be possible for his property to be filled back in. Mr. Reed replied that his property and Section 4 behind him would match up.

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

- 4) Consider and take action on the recommendation to approve amendments to the PUD Application, Masterplan, and Development Agreement for Heron's Landing Subdivision. Located north of Swallows Meadow Subdivision and west of Pelican Harbour Subdivision.**

After presentation, a motion was made by Commissioner Thelma Bowie/Aric Roberts to recommend approving the amendments to Heron's Landing Planned Development Application, Master Plan and Development Agreement. All other members present voted aye.

5) GENERAL UPDATES

Ms. Golden stated that staff is working to update the current zoning map, which is a PDF map and not user friendly when searching for the zoning designation of a specific

property. Work is underway to upgrade the zoning map to a GIS based web-map so a search can be made for a property by address. The map will take you to the property and tell you what the zoning is and will also include a link to the zoning ordinance to review what can be done in that district. There is also a link to let someone know what the Gateway Overlay District is and what is required. When ready to use, this will be an easier way for the public to find out how a property is zoned, or the uses allowed in each zone. The web-based zoning map was demonstrated for the Zoning Commission.

OTHER BUSINESS (Any conceptual development proposal requesting to come before the Zoning Commission)

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

Kimberly Golden, Secretary

Date

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