

PLANNING BOARD MINUTES FEBRUARY 19, 2024

The Planning Board of the City of Texas City met in a regular meeting on Monday, February 19, 2024, at 5:00 p.m. Planning Board members present: Chairman Dickey Campbell, Co-Chairman Perry O'Brien, Commissioner Jami Clark and Commissioner Thelma Bowie. Staff members present: Kimberly Golden, Casey Bennett (Chief Building Official), David Kinchen (Deputy Building Official), and Veronica Carreon. Guests were: Caitlin King (Meta), Norman Reed (Land Tejas), and Steve Herrera (A & S Engineers).

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 January 8, 2024, was made by Commissioner Thelma Bowie/Co-Chairman Perry O'Brien. All other members present voted aye.

ITEM NO. 2 PUBLIC COMMENTS

There were no public comments.

ITEM NO. 3 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.

Ms. Kim Golden stated that Heron's Landing Subdivision is one of the older PUD's in Texas City. It was approved in 2015. Two sections have been developed in accordance with the original PUD. Staff is now bringing forward an amendment that actually catches up on some of the things that have changed over time as far as the lot layout and acreages being developed.

It still remains in character with the original PUD as approved by the city, but in doing this the Masterplan and Development Agreement are also being updated.

With the Development Agreement, the main thing that is changing is the obligation of the city to consent to annexation from MUD 31 to MUD 79. The reason for this change is that MUD 31 is now full and MUD 79 is going to include the newer subdivisions.

Also, in updating the Development Agreement, some of the triggers were updated to be sooner such as when the Developer will make their contribution to the traffic signal, and the touchpoint at which staff will check the home values.

The role of the Planning Board is to make a recommendation to the Zoning Commission and to the City Commission about whether to approve or deny the amendment to the PUD, Masterplan and Development Agreement.

Chairman Dickey Campbell asked how many houses are already built in Heron's Landing to which Ms. Golden replied there are 2 homes in Sections 1 and 2. The infrastructure in

Section 3 is just about ready for the city to accept. The developer is going through the close out process now and has a few more little things to complete on their punch list.

Chairman Campbell asked what it means that Sections 1 and 2 are not affected, to which Ms. Golden replied since they are already built, they will not be affected by this change in PUD. They will not change MUDs. Sections 1 and 2 will remain in GCMUD 31.

Chairman Campbell then asked what the advantage or disadvantage is to being in the new MUD. Ms. Golden replied that she has been told that there is a more favorable tax rate by splitting the MUD.

Norman Reed, Land Tejas, replied that MUD 31 is getting toward the end of its lifespan and the board members are NOT anxious to sell more bond for additional debt to build infrastructure for the new sections, because they want to reduce the MUD taxes to a maintenance level. So, MUD 79 was created as a more modern MUD. All of the developments that are going into MUD 79 will be about the same age. This way you don't have homes that are 30 years older still paying bonds when these new communities come onboard. The lifespan of MUD 31 was just tapering off.

Mr. Reed added that the HOA will be the same for the whole subdivision. The only difference between the older sections of Heron's Landing and the newer sections will be the MUD tax rate they have to pay depending on which district.

Ms. Golden stated that she has been slow bringing this change from MUD 31 to MUD 79 forward because it is a little unusual. But, after being on 3 conference calls with the MUD attorneys and MUD engineers and visiting with consultants that work with the city on these type issues, she came to understanding that this is appropriate when the housing stock in a development is at significantly different ages and stages of a development. There are also protections in place so this is not something that can be exploited by the developer.

Commissioner Thelma Bowie then asked if this would benefit homeowners in Sections 1 and 2 to stay in MUD 31. Ms. Golden replied if the new sections were allowed into MUD 78, then the older homes would NOT be paying for infrastructure for the new homes, so basically this is keeping everyone paying for new infrastructure which was necessary to develop the property and make it buildable.

Chairman Campbell then asked Mr. Reed if they see different subdivisions being under the same MUD in other cities. Mr. Reed replied that this is not odd because it is a way for the smaller developments to annex into the district without having to create a new MUD from scratch.

Chairman Campbell asked if homeowners that are already there have a say in these transactions. Ms. Golden replied that she understands from the city's consultant that when there are homeowners and they ask to be put on a MUD board, they have priority of appointment to be put on the board rather than the members appointed by the developer. So for MUD 31, since it's almost fully built out, it does have a homeowner resident board as opposed to MUD 79 which will have a developer-controlled board.

Chairman Campbell stated that he is understanding that this change will not affect the current homeowners, to which Ms. Golden replied that is what the MUD attorneys are saying.

Ms. Golden says the developer is also agreeing to the provision that the city is now putting in all the new development agreements about the masonry construction. The state law changed, and the city cannot impose the requirement through the zoning ordinance. But it can be made effective by agreement through the Development Agreement.

Ms. Golden also pointed out that there is going to be an entity name change. Galveston Bay Investors was the entity that set up the original PUD, but it actually never had an ownership interest in this property. It is a requirement of Texas City's zoning ordinances for the applicant to have a proprietary interest in the property being re-zoned. Heron's Landing, LLC is actually the developer that has been doing the development and has the proprietary interest according to the records in GCAD, so there has been an assignment from Galveston Bay Investors to Heron's Landing Development to clean this up. The amended PUD and amended Development Agreement will show this change.

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

A motion was made by Commissioner Thelma Bowie/Co-Chairman Perry O'Brien to recommend approval of the amendments to the PUD Application, Masterplan and Development Agreement for Heron's Landing Subdivision. All other members present voted aye.

ITEM NO. 4 Consider and take action on a Request for Extension of Time for the Marlow Lake Section 5 Preliminary Plat. Located on the west side of SH 3 immediately north and adjacent to Marlow Lake Subdivision.

Ms. Golden stated the Applicant had their preliminary plat for Section 5 approved by the Planning Board in April 2023. Preliminary plats remain valid for 12 months. The Applicant started the process for approval of the final plat for Section 5 but has not yet gotten to the point that it is approvable, so they are requesting an extension of the approval of the preliminary plat for Section 5. This section is actually the first section of the new subdivision – Marlow Lake North - but is being numbered as an extension of the Marlow Lake Subdivision.

Staff have reviewed the request and find nothing has changed that would prevent approval of the preliminary plat if presented again, so there is no reason that the extension should not be approved. This is just keeping it viable so that they can move forward with the final plat.

Chairman Campbell understands that the final plat will not be ready in the next two months, and this is why they are requesting an extension to the preliminary plat that will otherwise expire in April 2024. Ms. Golden replied yes.

Chairman Campbell asked if there was anything else to discuss. There was none.

A motion was made by Commissioner Jami Clark/Co-Chairman Perry O'Brien to approve the Request for Extension of Time for the Marlow Lake Section 5 Preliminary Plat until April 17, 2025. All other members present voted aye.

ITEM NO. 5 Consider and take action on a Request for Extension of Time for the Preliminary Zoning Approval of the Marlow Lake North PUD Application previously approved by City Commission on March 16, 2022, to allow more time to complete

the platting and development of the subdivision. Located on the west side of SH 3 immediately north and adjacent to Marlow Lake Subdivision.

Ms. Golden reminded the board of the process that Brookwater Subdivision recently had to go through to resubmit the re-zoning request for its PUD because the Preliminary Zoning Approval expired without being made final. The Marlow Lake North PUD application was previously approved in March 2022 and because they had the Preliminary Plat approved, that gave the Preliminary Zoning Approval another year of viability. However, because they do not yet have the final plat approved they are at the risk of the Preliminary Zoning Approval expiring. No one wants this to happen, so staff is recommending the Planning Board recommend an extension of the Preliminary Zoning Approval to the City Commission. The City Commission has the authority to extend the Preliminary Zoning Approval if made before it expires.

Marlow Lake North is part of the post-pit plan for the Sprint sand mine which will eventually be a nice lake, but the developer is able to develop some of the lots while the mine is operational.

Ms. Golden recalled that one of the things holding up this second subdivision was the developer being slow in building out the amenities of the first subdivision. The developer has come forward with some landscape and hardscape plans, which she believes the Building Official is currently reviewing.

Chairman Campbell asked when the lake would be dug out. Ms. Caitlin King replied that she was not sure about that timeline, but that she would be glad to ask Mr. Jerry LeBlanc for an update.

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

A motion was made by Commissioner Jami Clark/Commissioner Thelma Bowie to recommend approval of the Request for Extension of Time for the Preliminary Zoning Approval of the Marlow Lake North PUD Application. All other members present voted aye.

ITEM NO. 6 GENERAL UPDATES

a. Kittle Property Group, Inc. – Juniper Landing Multifamily Project

Ms. Golden reminded the board that this project was a zoning application that came in for a multifamily project located to the west of the Gatsby Condominiums. Upon review the project was NOT recommended for approval due to its impact on the City's public safety resources. The Planning Board denied approval of the development plan, which denial was upheld by the City Commission upon appeal by the applicant, Kittle Property Group.

The developer filed a lawsuit challenging the denial of the project. That lawsuit has now been dismissed and basically the court has affirmed that the city has followed its processes.

Chairman Campbell asked how much the appeal cost the city taxpayers, to which Ms. Golden replied it was not very much since the City Attorney filed the motion to dismiss.

Ms. Golden then updated the board on some other items.

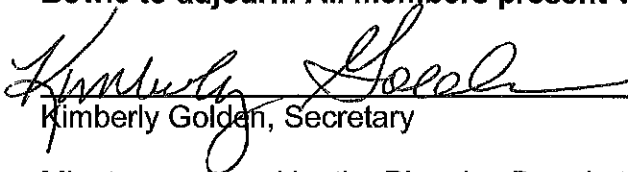
- Staff are looking forward to bringing the site plan for a new Texas Roadhouse very soon.
- Fire Station #4 will have its Grand Opening on Saturday, February 24, 2024, at 10:00 AM.
- The Sports Illustrated Hotel is working a deal with Lagoonfest. It is a 5-story, 5-star hotel that will have the Sports Illustrated theme. They are basically going to recast the Crystal Lagoon District to be in line with that particular branding. It's a little bit different than what has been brought forward previously, but staff are looking to see if it will need a PUD amendment. A site plan has not been submitted yet, but Ms. Golden is looking forward to receiving it and dealing with it expeditiously.

ITEM NO. 7 OTHER BUSINESS (Any conceptual development proposal requesting to come before the Planning Board)

Before adjourning the meeting Commissioner Thelma Bowie asked if there was any news about a grocery store in the Lago Mar area. Ms. Golden replied that staff have been in conversations with Lago Mar, who has been in conversations with a large anchor store that also sells gasoline, and this is all she is allowed to say. Ms. Golden added that staff had a very productive meeting with Lago Mar's design team the week before about how to expedite the platting process so that a sale could be closed quickly. After that, maybe they will tell staff who the anchor store is.

Ms. Golden also informed everyone that there is a possibility that there will be a joint workshop with the Zoning Commission on another big project, but there is no scheduled date yet.

Chairman Dickey Campbell 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 03/18/2024.