

ZONING COMMISSION

APRIL 2, 2024

The Zoning Commission of the City of Texas City met in a regular meeting on Tuesday, April 2, 2024, at 5:15 p.m. Zoning Commission members present: Chairman Perry O'Brien, Aric Owens, Commissioner Thelma Bowie and Fernando Tello. Staff members present were: Kimberly Golden, David Kinchen (DBO) and Veronica Carreon. Guests were: Jake Dahm, Amber Zunlke, Vincent Pham, Brad Sweitzer (EHRA) and Amy Tran.

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 March 5, 2024, was made by Aric Owens/Commissioner Thelma Bowie. All other members present voted aye.

2) PUBLIC COMMENTS

There were no Public Comments.

3) PUBLIC HEARING

- a. **Developer KB Homes seeks to satisfy the requirements of the Development Agreement to establish a Planned Unit Development (PUD) in accordance with the General Plan approved by the City Commission and to complete the process of rezoning the Vida Costera Subdivision from District A - Single Family Residential to District I – Planning Unit Development. Located south of Pearlbrook Subdivision and 25th Avenue North Extension, and west of SH 3.**

Ms. Kim Golden stated this item would be a little confusing. She added that usually a zoning change comes to the Zoning Commission before any construction begins. In this instance some of the Vida Costera subdivision has already been constructed. It has gone through the Planning Board, plats were approved, the Master Plan was approved, and everything has been in order with the Planning Board for development as a planned community.

The Vida Costera Subdivision is part of a larger area that was presented to the City for development as a mixed use planned community back in the early 2000's. At that time, the Planned Unit Development zoning tool was new to the planning community and new to Texas City. Everyone was familiar with the Municipal Utility Districts (MUD) because those had been around for some time. The MUDs had been used as a de facto tool for planned communities for a while. They had been putting conditions into the MUD agreements and the process had been working for them. When the Planned Unit Development (PUD) came along they had to figure out how to use it. The MUD did not involve a zoning change, the PUD did.

The property developed as Vida Costera Subdivision was annexed into GCMUD 66. GCMUD 66 included some surrounding properties as indicated on the exhibits. In the Development Agreement, which was the condition for getting annexed into the MUD, the Development Agreement stated that the property would be developed as a PUD. Some of the area went through the process of creating and rezoning to a PUD, i.e., Pearlbrook. The area along SH 3 was rezoned as a PUD and developed as the Medical Center, as well as the Costa Mariposa Apartments. We have found the records showing these properties were rezoned. It is believed that, in good faith, it was thought that all of the properties had been through the rezoning process, but when staff got to researching and actually checking the legal descriptions it turns out the acreage that ended up

being Vida Costera was not included in those prior rezonings. This process today is basically catching the zoning process up.

The process today is recommending a change in zoning for the Vida Costera Subdivision. The development has already been “performing” as if the PUD was in place. There are a couple of items that have been tweaked over time. When it was originally approved there was going to be a mix of lot sizes, which is now changing. The previous plan was developing more lots, but they have added a detention pond which is why they are developing fewer lots.

The main item that staff has worked out with KBHomes as the developer is the level of amenitization and the quality of playground features they’ll be installing in the park. The standard is higher than they expected when they acquired the project from the previous developer.

KB Homes is actually the third or fourth successor to the original group that came in and had the property annexed into the MUD. It was a condition for being annexed into the MUD, that the property would be rezoned into a PUD. That is the step KBHomes is completing, the rezoning to a PUD.

Ms. Golden added that the developer is building a nice subdivision out there and they are ready to close out the first section and start developing the second section. The plans for Section 2 are close to being approved.

She stated that this has been a learning experience for staff, and the developer has been really great to work with. There was quite a bit of research involved for everyone – finding the city’s archived files, the current developer’s files, the previous developer’s files, and things that people remembered. Staff believe they have established as complete a historical record as is possible, given the available records.

Ms. Golden then asked the Board if they had any questions and also introduced Mr. Brad Sweitzer, a representative for Vida Costera.

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

Chairman O’Brien stated that if anyone would like to address the Board, for or against the developer’s zoning change request, now was the time. Ms. Golden added that there were 115 Public Hearing Notices mailed out for 229 properties and that not one comment was received for or against the zoning change request.

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

4. PRELIMINARY ZONING APPROVAL

- b. Consider and take action on the Vida Costera PUD Application and PUD Document to satisfy the zoning requirements of the Development Agreement and rezone the property from District A - Single Family Residential to District I - Planned Unit Development. The property is located south of Pearlbrook subdivision and 25th Avenue North Extension, and west of SH 3.**

A motion was made by Commissioner Thelma Bowie/Fernando Tello to recommend approval of the application and rezoning from District “A” (Single Family Residential) to District “I” (Planned Unit Development). All other members present voted aye.

