

ZONING COMMISSION
November 19, 2024

The Zoning Commission of the City of Texas City met in a regular meeting on Tuesday, November 19, 2024, at 5:00 p.m. Zoning Commission members present were: Chairman Perry O'Brien, Commissioner Thelma Bowie, Member Bruce Clawson, and Alternate Member Lisa Salinas. Staff members present were: Kimberly Golden, (Secretary), Casey Bennett (Chief Building Official), David Kinchen (Deputy Building Official), Curt Kelly (Engineering & Planning Administrator), Veronica Carreon (Planning & Zoning Technician), and Brianna Galicia (Engineering & Planning Administrative Assistant). Guests were: Donald Carroll, Willie Carroll, Vernesta Jackson, Nancy Tamez, Jorge Suarez, Warren Jackson, Reggie Jackson, Alice Porter, Willie Fuller, Jon Willhoite, Bryan Smith (CastleRock Communities), Andy Zepeda (CastleRock Communities), and Isai Yanez.

Chairman Perry O'Brien indicated a quorum was present and he informed all he would like to reiterate what he stated about Public Comments.

Chairman O'Brien stated public input will be taken into consideration, but board members cannot respond back unless it is on the agenda. There will be an opportunity for all to give comments during Public Hearing.

Chairman O'Brien then called the meeting to order.

1) APPROVAL OF MINUTES

A motion to approve the minutes of August 6, 2024 was made by Member Bruce Clawson/Commissioner Thelma Bowie. All other members present voted aye.

2) PUBLIC COMMENTS

Chairman O'Brien noted two attendees had completed forms for public comments, both of which were regarding the agenda items. He asked whether there were any objections to taking those comments during the public hearing. There were no objections.

3) Zoning Change Request from CastleRock Communities to rezone from District "A" (Single Family Residential) to District "I" (Planned Unit Development) to construct Willow Wood Subdivision- a Master Planned Community within Texas City. Located at SH3 and South FM 1764.

a. STAFF REPORT

Ms. Kim Golden presented the Master Plan for a proposed new subdivision addition to Texas City that sits on 80 acres of land. The Master Plan for Willow Wood Subdivision will develop 213 Single Family Homes on detached lots with developer CastleRock Communities. The city has experience with CastleRock Communities as the developer of the Pearlbrook Subdivision, and as a homebuilder in Lago Mar.

This proposed Willow Wood Subdivision is located just south of Emmett F. Lowry Expy

and east of SH 3 on vacant property which is mostly flat with the northern tract at 11 feet above sea level and southern tract at 14 feet above sea level. The eastern portion of the site is located within the 100-yard flood plain, so the development will be "over detaining" and also will establish finished floor elevations above the base flood elevation for the new homes.

The property surrounding the development is mostly vacant and undeveloped but there are some existing residences south of the site. This site is coming forward for a zoning change to the Planned Unit Development (PUD) because it is located within the existing MUD 99 which is subject to a Development Agreement. The Development Agreement requires the PUD because the city's policy for the use of the special financing district (the MUD) requires some enhancements in the subdivision. These enhancements will include parks and walking trails. Homes will also not use aluminum wire or aluminum clad copper wire and will be built with 60% masonry content.

Water and sewer facilities are available to the site and will be extended within the project. The developer has provided a comprehensive flood plain and drainage model for the watershed which includes more than the 80 acres proposed for development. The modeling and drainage impact analysis was required by the city and Galveston County Drainage District No. 2.

Ms. Golden stated a concern raised by staff is the single point of access to the subdivision, which is located on Willow Street. The developer advises it is intending to acquire more property for a second access once the master plan is approved for the 80 acres.

The subdivision Master Plan has been reviewed and was considered by Planning Board which voted to recommend approval of the master plan. The PUD has been reviewed and comments addressed by the developer. Staff have no objection to approval of the zoning change upon condition that until a second entrance is provided there may be caps placed on the number of permits issued for construction. The Fire Marshal and building officials would work together to set a cap on the number of permits.

Ms. Golden advise the developer's representative, Bryan Smith, was present and could answer any questions.

Commissioner Thelma Bowie asked Ms. Golden if this subdivision would bring in more students to Texas City ISD and Commissioner Bowie was provided an answer of yes.

Commissioner Bowie also raised a concern and asked Mr. Smith if he was aware of the property owners that have livestock in that area and asked if the livestock would butt up again the subdivision property line.

Mr. Smith informed the Commission this had been addressed during the Planning Board meeting, too. The developer has given notice to the three families they purchased land from that the livestock leases would be terminated. The developer acknowledged more livestock being kept near the site and stated a standard solid wooden picket fence will be installed to surround the subdivision.

Mr. Clawson asked Mr. Smith about the drainage studies and wanted to know the purpose of a detention pond next to the Bayou Pierre. Mr. Smith replied that it will serve

two purposes being both detention and on-site mitigation, which means it creates volume in the 100-yard flood plain. Mr. Clawson has concern as to why it would be next to the Bayou Pierre as it has flooded multiple times, and that Moses Lake subject to tidal influence, too. Mr. Clawson said he believes this is a silly idea being that there aren't many banks anyways and cannot grasp the concept.

Mr. Smith informed all that some very smart hydrologists were hired, and he was very confident in what was put into place. Mr. Smith stated the detention ponds will not be directly connected with the Bayou Pierre but there will still be the outfalls of it and the bank will not be removed. Mr. Clawson still didn't understand how it will help owners in a flood. Mr. Smith informed all that the hydrologist did a drainage study.

Ms. Golden then was asked for her input by Mr. Clawson, and she stated the hydrologist modeled when both the tide was up and at a pool stage. Ms. Golden stated it was thoroughly modeled and confirmed the detention would provide for no adverse impact. The developer will not be making any improvements to reduce the flooding or make the condition better, because that is not required. The requirement is to show through the modeling and drainage impact study that the development will not make the flooding any worse. That is the standard required in the city's ordinance. Ms. Golden stated the 100-yard flood was modeled in the study.

Chairman O'Brien wanted to circle back to the fencing surrounding the new subdivision. Mr. Smith stated it is a standard 6' solid picket fence. Chairman O'Brien is concerned that will not hold up well with the livestock as they like to rub on it. Mr. Smith said he will bring that to the home builders' attention to make sure it is substantial enough, so it does not get knocked down due to livestock.

Ms. Golden asked Mr. Smith whether the HOA would be responsible for the fences if knocked down or damaged, and if fences needed to be more robust would that be acceptable to the developer. Mr. Smith said the entry fences along Willow Street would belong to HOA and if he understood what was wanted, he could bring up whether the other perimeter fences would be maintained as to livestock damage.

Commissioner Bowie asked what type of fencing it would be, and Mr. Smith informed all it would be wooden fencing. Commissioner Bowie then raised concern that she would be unhappy and is not an ideal situation for both parties, new and existing residents, if she bought a \$200,000+ house and the fencing was damaged by livestock.

Chairman O'Brien stated it would be ideal if builder can build a wooden fence as well as barbwire in front of the wooden fence, so livestock isn't tempted to rub up against wooden fence. Mr. Smith replied that he will bring that idea up so it can be considered to install.

Chairman O'Brien asked if there any additional questions. There were none.

b. PUBLIC HEARING

A motion was made by Alternate Member Lisa Salinas/Commissioner Thelma Bowie to open the Public Hearing. All other members voted aye.

Ms. Golden reminded Chairman O'Brien about the written requests to give public

comments which had been deferred without objection. Chairman O'Brien then called the citizens who had requested public comments.

Chairman O'Brien then called Mr. Don Carroll to address the commission.

- Don & Willie Carroll (7305 Blue Jay Drive, Texas City 77591)

Mr. Don Carroll spoke on behalf of himself and his father Willie Carroll. The two wrote a letter of concerns in response to the letter they received via certified mail informing them of the rezoning request for CastleRock Communities. Together they have six questions.

1. We would like to see conceptual illustrations of the proposed development intent (all phases).
2. What are all the intended land uses being proposed for the Master Planned Development?
3. Will this development intent conform with the City's LUP?
4. Have the Developer and Staff conducted a Decision Criteria Analysis of the Proposal Intent and is this proposal to the highest and best use for this site? Would an alternative site be more appropriate?
5. Is the Decision Criteria Analysis available for the concerned citizens and adjacent property owners to review and see to determine how this development may impact them?
6. Does the Development Company have an established and verifiable record and the corporate capability needed to develop this Master Planned Development intent successfully?

Mr. Carroll stated to date they don't have enough data to make an intelligent decision and are not opposed to the new development as long as it is done appropriately and will not harm the adjacent property owners. Mr. Carroll in fact wants to see a development that advances economic development and will allow the city to grow in an orderly manner. He then asked for all the concerns from his letter to be addressed and be fair to all parties involved.

Ms. Golden addressed all that there will be another public hearing if this goes forward to the City Commission.

The PUD application that includes all the maps and information will be available on the City's website through Agenda Quick if it is moved forward. Don asked if a hard copy could be provided, and Ms. Golden said it is on the website, but Ms. Veronica Carreon could provide one as well. [Ms. Golden provided Mr. Carroll with a complete hard copy of the agenda packet including all attachments and enclosures at the conclusion of the meeting].

- Alice Porter (15842 Rosebriar, Missouri City 77489)

Ms. Porter addressed all with the concern of why her property was within the red line [a graphic from the GIS showing the parcels within 200ft of the proposed

rezoning].

Ms. Golden informed her that nothing is going to be done with her property it is just state law of Texas that she receives a letter as her lot fell within 200' of the rezoning request.

- Vernesta, Warren, and Reggie Jackson (5205 Everlyn Street, Texas City 77591)

All three addressed their concerns of their property falling in line with the 200' redline that surrounds the new subdivision. They would like to know what happens next for their property.

Ms. Golden informed all that the state law of Texas requires the city to send out a letter via certified mail to those who have property located within 200' from property which is being considered for rezoning. The red line does not mean anything will happen to any of the properties that fall within it. It simply means you are getting a letter that tells you that you are welcome to come and join the meetings to find out what is being built in your surrounding area and ask questions or provide comments about the proposed changes. Ms. Jackson then asked if a copy of Mr. Carroll's letter could be given to all as he had great questions. Staff gave her a copy of Mr. Carroll's letter.

Developer Mr. Smith stated that this area was already zoned for single family homes and no changes are being made to reduce the zoning requirements. The rezoning request is so CastleRock Communities can improve the area with bigger lots and more amenities to those that would be required in a new subdivision without the rezoning.

- Nancy Tamez (702 Oak Street, Texas City 77591)

Ms. Tamez addressed the board with a question regarding property tax increase to the surrounding neighborhoods now that new homes are being built.

Ms. Golden stated that they generally do see an increase of property value when there is a new development around. Ms. Tamez had no other statements.

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

- c. **PRELIMINARY ZONING APPROVAL – Consider and take action on the recommendation regarding the zoning change request from CastleRock Communities.**

Chairman O'Brien explained the Zoning Commission is only asked to make a recommendation about the rezoning request. The Zoning Commission does not change the zoning. The Planning Board and City Staff have recommended approval because the request for rezoning seems valid.

Chairman O'Brien stated the Zoning Commission is not elected. The members of the Zoning Commission are appointed by elected officials and asked to serve and volunteer their time to be present at the meetings. They all reside in Texas City and serve because they care about Texas City and because they have questions too. After this meeting the recommendation of the Zoning Commission will go to another public

hearing which will be with the elected City Commissioners. It's the elected City Commissioners who will decide and vote on whether the zoning change is approved or not.

Chairman O'Brien asked the Zoning Commissioners if there were any other questions or comments and there were none.

A motion was made by Commissioner Thelma Bowie/Member Bruce Clawson to table the Zoning Change Request to allow staff time to address and prepare a response to the concerns in Mr. Carroll's letter. All other members voted aye.

4. GENERAL UPDATES

There were no updates.

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

Ms. Golden introduced Curt Kelly, Engineering & Planning Administrator, and Brianna Galicia, Engineering & Planning Administrative Assistant, as new staff and announced Veronica Carreon's promotion to the new position of Planning and Zoning Technician.

A motion was made by Alternate Lisa Salinas/Member Bruce Clawson to adjourn. All members present voted aye.

Kimberly Golden, Secretary

Date

Minutes approved by the Zoning Commission at its meeting on _____.