

PLANNING BOARD MINUTES JANUARY 13, 2025

The Planning Board of the City of Texas City met in a regular meeting on Monday, January 13, 2025, at 5:00 p.m. Staff members present: Kimberly Golden, P.E. (City Engineer, Secretary), Casey Bennet (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: Jason Pettigrew, Kimberly Pettigrew, LeAnne Garcia, Pam Warwick, Stephen Dickerson, Matt Tucker, Mariah Garza, Laura Boyd, Ronny Boyd, Jose Castela, Linda Cone, Gary Hall, Jevon Miller, Danna Miller, Bill Oakes, Rita Oakes, Mark Humphries, Julie Humphries, and Chris Sharp.

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

1) ROLL CALL

The following members answered roll call: Co-Chairman Perry O'Brien, Member Aric Owens, Commissioner Thelma Bowie, and Commissioner Jami Clark.

2) APPROVAL OF MINUTES

A motion to approve the minutes of December 16, 2024, was made by Commissioner Jami Clark/Commissioner Thelma Bowie. All other members present voted aye.

3) PUBLIC COMMENTS

Several requests to present comments regarding the action item on the agenda regarding the replat of Lot 22 of the Oleander Acres Section Two Subdivision were received. Without objection Co-Chairman O'Brien referred the comments to later in the meeting when the Planning Board would be considering the action item.

4) REGULAR AGENDA

- a) **Consider and take action on the Final Plat for Vida Costera Section 3. Being a subdivision of 10.53 acres out of the John Sellers Survey, Abstract No. 180, and the S.A. & M.G. R.R. Survey, Abstract No. 189, in Texas City, Galveston County, Texas. Also being a partial replat of Lots 18-19 of the Motor Subdivision as recorded in Volume 254-A, Page 13 of the G.C.M.R. Located west of SH 3 and south of Vida Costera Sections 1 and 2, Texas City.**

Ms. Kimberly Golden reported this is the third and final section of Vida Costera. Vida Costera is a master planned community that sits on 49.89 acres and has developed 203 single family residential lots. Within this third and final section it will create 56 lots. The drainage has been approved by Galveston County Drainage District No. 2. The water, sewer, streets and the storm water system have all been extended from Sections 1 and 2 per approved plans. Ms. Golden stated the final plat is going to follow the preliminary plat as it is supposed to. The lots presented are the typical 50' width. As the final section of the subdivision Ms. Golden stated the status of construction of the neighborhood park has been verified. The developers have approved plans and are in the process of moving forward with construction of the park. Ms. Golden stated staff are recommending approval of the final plat upon condition that the park is complete and in service before the plat is recorded.

A motion was made by Commissioner Jami Clark/Commissioner Thelma Bowie to approve the Final Plat for Vida Costera Section 3 upon condition that the neighborhood park be complete and fully operational before recording of the plat. Being a subdivision of 10.53 acres out of the John Sellers Survey, Abstract No. 180, and the S.A. & M.G. R.R. Survey, Abstract No. 189, in Texas City, Galveston County, Texas. Also being a partial replat of Lots 18-19 of the Motor Subdivision as recorded in Volume 254-A, Page 13 of the G.C.M.R. Located west of SH 3 and south of Vida Costera Sections 1 and 2, Texas City. All other members present voted aye.

- b) Consider and make recommendation on a Request for Variance from Mariah Garza to waive the 200' minimum width at the front building line for an unsewered lot per Subdivision Ordinance 159.050 (F). Located at 7509 Wetzel Drive, Texas City.**

Ms. Golden stated the variance request is presented to the Planning Board for the purpose of making a recommendation to the City Commission. She explained the Planning Board is not the deciding authority for the variance. The Planning Board's role is to carefully review and consider the information provided about the request and then make a recommendation to the City Commission. Ms. Golden advised that by ordinance the City Commission is the only body that has the authority to grant the variance being requested by this applicant. A variance is being requested to allow a lot width less than the minimum 200ft required when a lot will have an on-site sewer meaning it does not have municipal sewer, but an on-site septic system is present. The minimum lot size in the ordinance is 200ft wide and 2 acres. Ms. Golden stated the Applicant's situation is that the lot size is slightly more than 2 acres, but the lot width is not sufficient because it is only 106.25ft. The ordinance states the criteria which must be met for a variance to be approved. In other words there are findings that have to be met so that it's acceptable to have less than 200' wide.

Ms. Golden stated she wrote a memo which listed the four findings. 1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his or her land. 2)The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. 3) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area. 4) The granting of the variance will not have the effect of preventing the orderly subdivision of the other land in the area in accordance with the provision of this chapter. Other things that the applicant will need to provide to the City Commission to approve the variance is approval from the health district of the proposed septic system which has not been provided to us just yet. Also, the applicant agrees that platting is required by state law city ordinance as a condition to granting of the variance. The third thing is the property taxes were paid, and proof was given, the last thing is the special findings that were present which would prohibit the applicant from purchasing additional property.

Ms. Golden stated some research was done and found that the City Commission previously approved two very similar cases where the lots met the 2-acre minimum but were not wide enough. Co-Chairman O'Brien then questioned whether the property was being divided into two lots as he followed the drawing. Ms. Golden informed all that though the drawing shows two lots the application is requesting a variance for all of the area together as one lot of over 2 acres and a width of 106.25ft. The variance would not be recommended for approval if the applicant were seeking to subdivide into two lots. Member Aric Owens asked if we happen to know the date of when this lot was carved out and Ms. Golden replied it appears to have happened in 2019 but Ms. Garza did not purchase the property until 2023 and was not the party that created the non-compliant lot.

A motion was made by Commissioner Jami Clark/Commissioner Thelma Bowie to recommend approval of the Request for Variance from Mariah Garza to waive the 200' minimum width and allow a width of 106.25ft at the front building line for an unsewered lot per Subdivision Ordinance 159.050 (F). Located at 7509 Wetzel Drive, Texas City conditioned upon the recording of a plat, the payment of taxes, and the approval of the septic system by the Galveston County Health District. All other members present voted aye.

c) Consider and take action on a Request for a Replat of Lot 22 of Oleander Acres, Section Two, into two (2) lots. Located at 7912 Melody Lane, Texas City.

Ms. Golden stated the proposed replat seeks to divide the existing lot 22 which is 100ft wide into two lots, 22A and 22B, which would each be 50ft wide. Shown on the screen was the Oleander acres section 2 overall subdivision with the ownership as it is reflected on the Galveston County Appraisal District website. Ms. Golden stated it uniformly the one-half acre larger lots. The ownership on this is about 82.5% buildout of the original subdivision which was filed in 1962 and all but one lot is shown with a homestead exemption which means the owner lives there. With it being 82.5% built out there are seven vacant lots and of those seven vacant lots, Lot 22 is the only vacant lot that isn't owned by someone who owns a house there as well. Ms. Golden stated this is a very cohesive neighborhood and once this request was received courtesy letters were sent out to the property owners within 200ft. Six Letters of Objection were received from property owners in the neighborhood. Staff are recommending this replat to be denied because it is not in character with the master subdivision plan and there is also an issue with access to water and sewer. The sewer and water serving the lots in this subdivision are through WCID No. 1 in Dickinson. The lots do not receive municipal water and sewer service from the City of Texas City. Ms. Golden stated the City Commission would have to consent for this lot to be annexed into WCID No. 1 for it to receive water and sewer service.

Mr. Jose Castela, property owner of 7912 Melody Lane (Lot 22), stated he volunteered to get a letter of consent from the water district to show that the property can be built on and meets all the ordinances and he is hoping to build houses there.

Co-Chairman O'Brien then invited comments from the floor about the agenda item. The following comments were received:

- Ms. Leanne Garcia (7908 Melody Lane) began to speak and stated she would not mind property owner of 7912 Melody Lane being her neighbor and building one house, but what hasn't been discussed is the serious flooding concerns of the properties. She stated that even the fill dirt that was added [to Lot 22] maybe a year or two ago has already changed her ability to have her property drained. She has a concern that if two houses are added it is going to make the flooding worse but understands there is a right to build one house on the property you own but firmly believes two houses will be dumping right into her lot where she already has drainage issues without the homes there.
- Ms. Julie Humphries (8105 Melody Lane) stated she has lived in this community for over 12 years and what sold her was the acreage, that all the people living by owned their homes, it is a dead end, it has privacy, and she believes it is just a great place to live. She showed concern that if two homes were built it would change everything.
- Ms. Pam Warwick (8004 Melody Lane) stated they put about 18" of fill dirt on her property and now her yard floods every time it rains. Ms. Warwick was then turned to Chief Building Official Casey Bennet to address those concerns as that was not a direct agenda item but was regarding her home.

- Ms. Linda Cone (7813 Melody Lane) stated she lives with her elderly mother who is 94 years old and stated she is in agreement to deny the replat because her living in one of the older homes on the street she can verify the flooding is a huge concern. She feels as though she has to wear rubber boots after it rains to go onto her property while neighbors can go in their yard with no flooding issue. Ms. Cone stated it is a generational street with hard working people, and she hopes it to stay that way.
- The following residents completed a Request to Address the Commission or Public Hearing form but waived their right to speak during the public comments section - Ms. Rita Oakes, Ms. Kimberley Pettigrew, and Mr. Stephen Dickerson.

Co-Chairman O'Brien then asked if there anyone else who had submitted a written request to make public comment that wanted to speak. No one indicated they wanted to speak.

After all comments were received, Co-Chairman O'Brien asked if there were any other comments to be made during the public hearing. There were no comments made.

The Planning Board members discussed the request to replat. Co-Chairman O'Brien stated he agreed with the recommendation from staff that the replat should be denied because the smaller lots would not be consistent with the other lots in the subdivision and could be detrimental. The other Commissioners agreed and expressed similar thoughts.

A motion was made by Commissioner Thelma Bowie/Commissioner Jami Clark to deny the application to the replat of Lot 22 of Oleander Acres, Section Two, into two (2) lots. Located at 7912 Melody Lane, Texas City. All other members present voted aye.

5) GENERAL UPDATES

Ms. Golden advised a 2025 Planning Board schedule would be provided at the next meeting. She advised the next regular meeting date would be a scheduled holiday, Dr. Martin Luther King, Jr Birthday, so there would be no meeting held. So, the next meeting will be on the first Monday of February, February 3, 2025, if there are items ready to be presented.

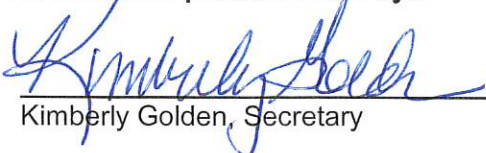
Co-Chairman O'Brien asked if there were going to be as many changes to the schedule and special meetings as there had been in 2024. Ms. Golden advised they would do their best to keep to the regular meeting dates but would not be asking them to meet just to meet, only if applications were ready for action.

6) OTHER BUSINESS (Any conceptual development proposal requesting to come before the Planning Board)

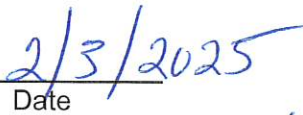
There was no other business.

7) ADJOURNMENT

A motion was made by Co-Chairman Perry O'Brien/ Commissioner Jami Clark to adjourn. All members present voted aye.



 Kimberly Golden, Secretary



 Date

Minutes approved by the Planning Board at its meeting on 02/03/2025.