

The Seabrook Planning and Zoning Commission met on Thursday, January 19, 2017 in regular session at Seabrook City Hall, 1700 First Street, Seabrook, Texas to consider and if appropriate, take action on the agenda items listed below:

THOSE PRESENT WERE:

MICHAEL POTTS	CHAIRMAN
BUDDY HAMMANN	VICE CHAIRMAN
ROSEBUD CARADEC	MEMBER
MIKE DEHART	MEMBER
DODIE MILLER	MEMBER
TRACIE SOICH	MEMBER
STEVE WEATHERED	CITY ATTORNEY
SEAN LANDIS	DIRECTOR OF COMMUNITY DEVELOPMENT
ALESIA HAMMOCK	SECRETARY

Chairman Potts called the meeting to order at 7:00 p.m. and stated there was a quorum present.

1.0 ROUTINE PUBLIC HEARING AND ANNOUNCEMENTS

Rob Haverly, Todville Road, stated that he wanted to discuss Item 3.5. He stated that a home in his neighborhood has become a short-term rental home. Mr. Haverly stated that short-term rentals benefit a few people, but not everyone. He stated that it should be at least a 30 day rental.

2.0 SPECIFIC PUBLIC HEARINGS

2.1 Request for approval for the Morman Home Subdivision Short-Form Plat.

Sean Landis stated that the applicant is requesting to subdivide the property into 2 Lots, 1 Block for the purpose of a residential development. This property is located west of Todville Road and north of Mystic Village at Lake Mija Subdivision. The property is located in the R-1 (Single Family Detached) zoning district. Mr. Landis stated that Staff has reviewed the final plat, and finds it to be compliant with the City's Subdivision and Zoning Ordinances. Staff recommends that the commission approves the final plat.

2.2 Request to change the zoning classification of land described below from the current classification of C-2 (Commercial – Medium District) to R3 (Medium Density Residential District.)

Mr. Landis stated that the subject property is an apartment complex of 89 units operating under the name of Pelican Reef Apartments. It was previously named the Emerald Shores Apartments and consisted of 128 units. There was a fire in February of 2011 that destroyed 39 of the units. An office for the property was rebuilt on a portion of the building area that was destroyed by the fire, but none of the apartment units have ever been rebuilt.

The property is located in both the Cities of Seabrook and El Lago. In the future it is the hope of the applicant to reconstruct some of the lost units on the now vacant land that is located within the City of Seabrook. The current zoning of C-2 does not allow for the reconstruction of the lost apartments. In addition, the applicant's lender has expressed concerns relating to the inconsistency of the zoning and would request the change as well.

The apartment complex was constructed prior to 1984 and at the time of construction was named "Emerald Shores Apartments". At the time of construction the property was zoned C-2, Medium Commercial. This zone allowed the construction of multi-family dwellings until the zoning ordinance was altered in January of 1984. From that date to the present, C-2 zoned land has forbidden further multi-family construction.

Pelican Reef Apartments nonconforming status allows the owners to renovate, remodel, repair or rebuild a nonconforming structure if the work does not increase the degree of the nonconformity of the structure and is approved by the building official by issuance of a permit.

The right to rebuild or repair a nonconforming structure terminates if such structure sustains damage, of any origin, where by the cost of restoring the structure to its undamaged condition would exceed 50 percent of the market value of the structure before the damage occurred. Herein lays the problem relating to the refinancing. The financial institution has communicated that due to the nonconformity, their collateral is at risk of not being repaired or rebuilt if damaged over 50 percent of market value.

2.3 Request for approval for the Y.M. Properties Tract 1 Short-Form Plat.

The applicant is requesting to subdivide the property into 2 Reserves, 1 Block for the purpose of a commercial development.

This property is located immediately south of NASA Parkway, east of Elam Road, and north of Pirate Landing Apartments. The property is located in the C-2 (Medium Commercial) zoning district.

Staff has reviewed the final plat, and finds it to be compliant with the City's Subdivision and Zoning Ordinances. Staff recommends that the commission approves the short form final plat.

Chairman Potts closed the Specific Public Hearing portion of the meeting at 7:17.

3.0 NEW BUSINESS – The Commission will discuss, consider, and if appropriate, take action on the items listed below.

3.1 Consider and take all appropriate action on the request for approval for the Morman Home Subdivision Short-Form Plat.

Motion was made by Buddy Hammann and seconded by Mike DeHart

To approve the Mormon Home Subdivision Short-Form Plat as presented.

MOTION CARRIES BY UNANIMOUS CONSENT.

- 3.2 Consider and take all appropriate action on the request to change the zoning classification of land from the current classification of C-2 (Commercial – Medium District) to R3 (Medium Density Residential District.)**

Motion was made by Buddy Hammann and seconded by Mike DeHart

To approve the request to change the zoning classification of land from the current classification of C-2 (Commercial – Medium District) to R3 (Medium Density Residential District.) as presented.

MOTION CARRIES BY UNANIMOUS CONSENT.

- 3.3 Consider and take all appropriate action on the request for approval for the Y.M. Properties Tract 1 Short-Form Plat.**

Motion was made by Buddy Hammann and seconded by Mike DeHart

To approve the Y.M. Properties Tract 1 Short-Form Plat as presented.

MOTION CARRIES BY UNANIMOUS CONSENT.

- 3.4 Consider and take all appropriate action on the proposed text changes to Appendix A. Comprehensive Zoning, Article 6 “Sign Standards”, Sec. 6.04. Exempt signs, B. Other on-premises real estate signs.**

Sean Landis stated that a request has been made that the Planning and Zoning Commission review the Comprehensive Zoning Ordinance, Article 6, Sec 6.04 B. Other on-premises real estate signs. He stated that it concerns real estate signs on large tracts of property. Sometimes it is difficult for a 32 sq. ft. sign to be seen.

Mr. Landis recommended the following changes:

Sec. 6.04. - Exempt signs.

B. *Other on-premises real estate signs:* Temporary on-premises real estate signs, other than those established in single-family districts, shall comply with the following:

(1) Signs may be located anywhere on property for sale **and/or under construction** provided they are set back a minimum of 25 feet from another freestanding sign and ten feet from the side property line.

(2) Tracts **up** to ~~[less than ten]~~ **one** ~~[acres]~~ **acre** shall be limited to one sign not to exceed ~~[16]-~~**32** square feet in display area and eight feet in height.

(3) Tracts ~~[with]~~ **greater than one acre and up to** ~~[ten]~~ **five** acres ~~[or]~~ shall be limited to two signs, each not to exceed 32 square feet in display area and ~~[ten]~~ **eight** feet in height.

(4) **Tracts with more than five acres shall be limited to three signs, each not to exceed 64 square feet in display area and eight feet in height.**

~~[(4) Construction signs shall not exceed 32 square feet in area and ten feet in height.]~~

(5) **Signs shall** ~~[Must]~~ be removed within 30 days of the completion of construction **or sale of property.**

Mr. Landis stated that the height should be left at ten feet instead of eight feet.

The Commissioners discussed the following changes:

- Change the height back to ten feet in (2), (3), and (4)
- (1) Change (provided they are set back a minimum of 25 feet from another freestanding sign) to (provided they are no closer than of 25 feet from another freestanding sign)
- (1) Change (and ten feet from the side property line) to (and ten feet from the front and side property lines.)

Motion was made by Dodie Miller and seconded by Tracie Soich

To approve the proposed text changes to Appendix A. Comprehensive Zoning, Article 6 "Sign Standards", Sec. 6.04. Exempt signs, B. Other on-premises real estate signs as presented and modified.

MOTION CARRIES BY UNANIMOUS CONSENT.

3.5 Discussion on zoning classification for "Bed and Breakfast."

Mr. Landis gave a brief report. He stated that sharing our homes has been commonplace for as long as there have been spare rooms and comfortable couches. Whether through word of mouth, ads in newspapers or flyers on community bulletin boards, renters and homeowners alike have always managed to rent out or share rooms in their living spaces. Traditionally these transactions were decidedly analog, local and limited in nature, but with advance of the internet and websites such as Airbnb.com and HomeAway.com it has suddenly become possible for people to advertise and rent out their homes and spare bedrooms to complete strangers from far-away with a few mouse-clicks or taps on a smart-phone screen. As a result, the number of homes listed for short-term rent has grown to about 4 million, a 10 fold increase over the last 5 years. With this rapid growth, many communities across the country are for the first time experiencing the many positive and negative consequences of an increased volume of "strangers" in residential communities. While some of these consequences are arguably positive (increased business for local merchants catering to the tourists etc.) there are also many potential issues and negative

side-effects that local government leaders may want to try to mitigate by adopting sensible and enforceable regulation.

The City of Seabrook's zoning ordinances at this time only provides regulations for Bed and Breakfast and does not address the issue of Short Term Vacation Rentals.

City Staff would like to discuss this topic and provide recommendations.

After discussion by the Commission, it was decided that Mr. Landis would bring the item back to the February meeting.

4.0 ROUTINE BUSINESS

4.1 Update on the expansion of Hwy. 146.

Mr. Landis gave a brief report.

4.2 Approve the minutes from the January 5, 2017 Planning & Zoning Commission meeting.

Motion was made by Dodie Miller and seconded by Tracie Soich

To approve the minutes from the January 5, 2017 Planning & Zoning Commission meeting as presented.

MOTION CARRIES BY UNANIMOUS CONSENT.

4.3 Report from the Director of Planning and Community Development on the status of a list of actions taken by Planning & Zoning and sent to City Council for its action or review.

Mr. Landis gave a brief report.

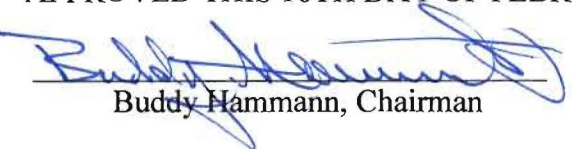
4.4 Establish future agenda items and meeting dates.

Chairman Potts stated that the next meeting would be on February 16, 2017 at 7:00 p.m. to discuss the following item:

- Bed & Breakfast/Short-term Rental
- Design Standards for State Hwy. 146 and Main Street.

Having no further business, the meeting adjourned at 8:21 p.m.

APPROVED THIS 16TH DAY OF FEBRUARY, 2017.


Buddy Hammann, Chairman


Alesia Hammock, Secretary