

The Seabrook Planning and Zoning Commission met on Thursday, February 16, 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 (Excused Absence) | 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<br>DEVELOPMENT |
| ALESIA HAMMOCK                  | SECRETARY                            |

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

**1.0 ROUTINE PUBLIC HEARING AND ANNOUNCEMENTS -None**

**2.0 SPECIFIC PUBLIC HEARINGS**

**2.1 Request to repeal a portion of the Comprehensive Zoning Ordinance, Article 4, "Special Use Regulations", Sec. 4.07. Special Events.**

Sean Landis gave a brief report. He stated that Staff is proposing to repeal Appendix A. Comprehensive Zoning, Article 4, "Special Use Regulations", Sec. 4.07. Special Events. The intent is to convey the responsibility of Special Use permitting to the City's Communications Department. Staff is currently working to create new guidelines and rules relating to the subject and hopes to present them to City Council for approval once the process of repealing Sec 4.07 for the Comprehensive Zoning Ordinance is completed.

**2.2 Request for an amendment to the Seabrook City Code, Appendix A, "Comprehensive Zoning," Article 8, "Nonconformance" to address potential updates and clarification of regulations pertaining to nonconforming structures/uses.**

On November 17, 2014, Staff brought before the Planning and Zoning Commission a request to repeal Section 8.07 Properties Made Nonconforming by Right-of-Way Acquisition. The Commission voted unanimous to recommend approval and City Council concurred.

**Sec. 8.07. Properties made nonconforming by right-of-way acquisition.**

*Where a lot, tract or parcel is occupied by a lawful use or structure which is compliant with all associated regulations of the comprehensive zoning ordinance, and where the acquisition of right-of-way by eminent domain, dedication or purchase by a city, county,*

state or federal agency creates noncompliance of the use, structure or associated regulations of the comprehensive zoning ordinance such use, or structure shall be deemed a lawful use or structure in compliance with the associated zoning regulations. Such designation shall apply only to noncompliance that result directly from the acquisition of right-of-way. Any new construction on the lot, tract or parcel, including expansion of any existing structure, shall comply with all applicable zoning standards and building setbacks of the expansion or new construction and shall be measured relative to the new right-of-way line.

The original intent of the ordinance was to provide relief to property owners required to provide land due to right-of-way acquisition. Staff, the Planning Zoning Commission, along with City Council found that the language originally adopted would have the opposite effect.

The fear was that at the conclusion of the State Hwy 146 expansion the City would have multiple properties that would be constructed with reduced front setbacks, inadequate parking, and no landscaping buffer between the business and newly established Hwy 146 feeder roads.

Staff now requests an amendment to the Seabrook City Code, Appendix A, "Comprehensive Zoning," Article 8, "Nonconformance" to address potential updates and clarification of regulations pertaining to nonconforming structures/uses. Article 8 of the Comprehensive Zoning Ordinance provides regulations for non-conforming uses and structures. Staff requests an addition to this article which would address the issue of structures becoming non-compliant due to right-of-way acquisition by a governmental agency. The proposed regulation will authorize city staff to notice an impacted property owner that if a governmental agency provides compensation to a property owner for the demolition of improvements or for other curative measures which renders the property or its improvements to be in violation of city ordinances, then the property shall not be eligible for exemptions for noncompliance and shall be brought up to the current ordinances and regulations of the district in which it is located.

**Proposed Ordinance Text:**

***Sec. 8.07. - Right-of-way acquisition by governmental agency.***

***(a) Definitions.***

***(1) Governmental agency. United States of America, State of Texas, County of Harris, or any other governmental agency (with the exception of the City), having jurisdiction in the City of Seabrook with the ability to exercise eminent domain powers.***

***(2) Right-of-way acquisition. The securing of right-of-way through negotiation, purchase, bargain, trade, donation, condemnation or other means, but not including the dedication of right-of-way through the platting or zoning processes.***

***(3) Curative measures. Those actions, corrections, repairs and/or improvements identified in an appraisal or similar valuation analysis prepared in the context of considering Damages to the Remainder.***

(4) *Damages to the remainder. The diminution or reduction in value of the remainder property suffered as a result of the acquisition of a portion of a property for a public purpose.*

(b) *Compensation provided; exemption for nonconformance inapplicable.*

(1) *Notwithstanding the foregoing provisions in this article providing for exemptions to application of current regulations for certain nonconforming uses and structures, if a governmental agency provides compensation to a property owner for the demolition of improvements or for other curative measures which renders the property or its improvements to be in violation of city ordinances, then the property shall not be eligible for exemptions for noncompliance and shall be brought up to the current ordinances and regulations of the district in which it is located.*

(2) *The building official is authorized to provide notice to any affected property owner, lienholder, or certificate of occupancy holder, listing the items of noncompliance for which no exemption is being provided under this section.*

(3) *The building official is authorized to file an affidavit in the Harris County Deed Records noting such noncompliance, that the property has been compensated for said noncompliance, and that a certificate of occupancy shall not be issued until such noncompliance is cured.*

(4) *Once the property and its improvements are brought into full compliance with all applicable ordinances of the city, the building official will be authorized to file an affidavit in the Harris County Deed Records noting such compliance.*

(5) *The building official is authorized to revoke a certificate of occupancy for any building or structure for which compensation has been paid to be demolished as part of a right-of-way acquisition by a governmental agency.*

(6) *A certificate of occupancy shall not be issued for any building or structure for which compensation has been paid to be demolished or for other curative measures until such time that the property and its improvements either come into full compliance with all applicable ordinances of the city or the curative measures, for which the compensation was paid, have been completed.*

2.3 **Request for an amendment to Appendix A, "Comprehensive Zoning," Article 3. "Establishment of Zoning Districts and Associated Regulations." by modifying Section 1.10 Definitions by creating a new definition for "Bed and Breakfast" and a definition for "Short Term Vacation Rental" along with a modification to Section 3.15 of the Comprehensive Land Use Matrix by adding "Short Term Vacation Rental" as a listed use.**

As directed by the Planning and Zoning Commission at the January 19<sup>th</sup> regular meeting, city staff has created text to modify the existing definition of a Bed and Breakfast and create a definition for a Short Term Vacation Rental.

Recommended Definition: Bed and Breakfast: A private residence that offers sleeping accommodations for compensation for periods not to exceed 30 consecutive days to lodgers in 5 or fewer rooms for rent, is the innkeeper's principal residence while renting rooms, and serves breakfast at no extra cost.

Recommended Definition: Short Term Vacation Rental: Rental for lodging or sleeping purposes a furnished house, room, apartment, or condominium for periods not to exceed 30 consecutive days.

### Section 3.15 Comprehensive Land Use Matrix

As directed by the Planning and Zoning Commission at the January 19<sup>th</sup> regular meeting, city staff has created text to add "Short Term Vacation Rental" to the Land Use Matrix and list the use as permissible within the following zoning districts: C-1, C-2, C-3, C-S, WAD, MMU, POD, OS and LI. The use permissible as a condition use within an R-3 zoning district and prohibited within an R-LD, R-1 and R-2 zoning districts.

Mike Tollett, Wild Oak Forrest Lane, stated that it was a big investment for him and a supplement to his income. He stated that they pay taxes to the City of Seabrook, Harris County and the State of Texas. Mr. Tollett stated that they use contracts, and that the renters are heavily screened.

Fred Pounds, Quintana Roo, stated that he owned property on Todville that is a short term rental. He stated that they also use contracts, and that the renters are heavily screened.

Doug, Lakewood Lane, stated that all of their short term tenants are heavily screened. He stated that as long as it is well managed, it is constructive.

Rob Haverly, Todville, stated as a homeowner, that it changes the dynamics of the neighborhood and that there is no one on site to control renters.

Vice Chairman Hammann closed the Specific Public Hearing portion of the meeting at 7:20.

## **3.0 EXECUTIVE SESSION**

### **3.1** Pursuant to Section 551.071, Texas Government Code, consult with attorney to receive legal advice relating to legal issues regarding nonconforming uses and structures. (Weathered)

At 7:25 p.m., Vice Chairman Hammann announced that the Planning & Zoning Commission would hold a **closed executive meeting** pursuant to the provisions of the

Open Meetings Act, Chapter 551, Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.071, Consultation with Attorney to discuss legal questions only and no action would be taken.

#### **OPEN MEETING**

At 7:42 p.m., Vice Chairman Hammann reconvened the meeting in open session and stated that no action was taken in executive session.

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

##### **4.1 Consider and take all appropriate action on a recommendation to the City Council to repeal a portion of the Comprehensive Zoning Ordinance, Article 4, "Special Use Regulations", Sec. 4.07. Special Events.**

**Motion was made by Tracie Soich and seconded by Dodie Miller**

*To repeal a portion of the Comprehensive Zoning Ordinance, Article 4, "Special Use Regulations", Sec. 4.07. Special Events as presented.*

#### **MOTION CARRIES BY UNANIMOUS CONSENT.**

##### **4.2 Consider and take all appropriate action on a recommendation to the City Council for an amendment to the Seabrook City Code, Appendix A, "Comprehensive Zoning," Article 8, "Nonconformance" to address potential updates and clarification of regulations pertaining to nonconforming structures/uses.**

**Motion was made by Tracie Soich and seconded by Mike DeHart**

*To approve an amendment to the Seabrook City Code, Appendix A, "Comprehensive Zoning," Article 8, "Nonconformance" to address potential updates and clarification of regulations pertaining to nonconforming structures/uses as presented.*

#### **MOTION CARRIES BY UNANIMOUS CONSENT.**

##### **4.3 Consider and take all appropriate action on a recommendation to the City Council for an amendment to Appendix A, "Comprehensive Zoning," Article 3. "Establishment of Zoning Districts and Associated Regulations." by modifying Section 1.10 Definitions by creating a new definition for "Bed and Breakfast" and a definition for "Short Term Vacation Rental" along with a modification to Section 3.15 of the Comprehensive Land Use Matrix by adding "Short Term Vacation Rental" as a listed use.**

**Motion was made by Dodie Miller and seconded by Rosebud Caradec**

*To approve an amendment to Appendix A, "Comprehensive Zoning," Article 3. "Establishment of Zoning Districts and Associated Regulations." by modifying Section 1.10 Definitions by creating a new definition for "Bed and Breakfast" and a definition for "Short Term Vacation Rental" along with a modification to Section 3.15 of the*

*Comprehensive Land Use Matrix by adding "Short Term Vacation Rental" as a listed use as written.*

Tracie Soich asked, if it was permitted, how it would impact City Staff.

Sean Landis stated that with the limited number that is in the community at this time, there should not be a problem with the permitting process.

Rosebud Caradec asked if they had to pull a permit each time they wanted to rent it.

Sean Landis stated no, it would be an annual permit with an inspection.

Buddy Hammann stated that his biggest concern is it not having an onsite manager.

Ayes: Hammann and Miller

Nays: Caradec, Dehart and Soich

**MOTION FAILS BY MAJORITY VOTE.**

**4.4 Discussion on Design Standards for State Hwy. 146 and Main Street.**

Sean Landis gave a brief presentation.

**5.0 ROUTINE BUSINESS**

**5.1 Approve the minutes from the January 19, 2017 Planning & Zoning Commission meeting.**

**Motion was made by Tracie Soich and seconded by Dodie Miller**

*To approve the minutes from the January 19, 2017 Planning & Zoning Commission meeting as presented.*

**MOTION CARRIES BY UNANIMOUS CONSENT.**

**5.2 Update on the expansion of Hwy. 146.**

Sean Landis gave a brief report.

**5.3 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.**

Sean Landis gave a brief report.

**5.4 Establish future agenda items and meeting dates.**

Vice Chairman Hammann stated that there would be a joint meeting with City Council on March 7, 2017 at 6:00 p.m. to discuss the Chesapeake Bay II and The Commons Planned Unit Developments.

The next regular P&Z meeting will be on March 16, 2017 at 7:00 p.m. to discuss:

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

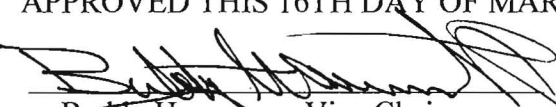
**Motion was made by Dodie Miller and seconded by Tracie Soich**

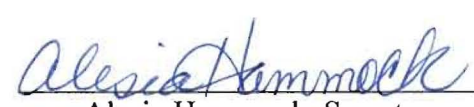
*To adjourn the Planning and Zoning Commission meeting.*

**MOTION CARRIES BY UNANIMOUS CONSENT.**

Having no further business, the meeting adjourned at 8:45 p.m.

APPROVED THIS 16TH DAY OF MARCH, 2017.

  
Buddy Hammann, Vice Chairman

  
Alesia Hammock, Secretary