

The Seabrook Planning and Zoning Commission met in regular session on Thursday, March 16, 2023 at 6:00 PM at Seabrook City Hall to consider and if appropriate, take action on the agenda items listed below:

THOSE PRESENT WERE:

GARY RENOLA	CHAIRMAN
DARRELL PICH	VICE - CHAIR
SCOTT REYNOLDS	MEMBER
ROSEBUD CARADEC	MEMBER
GUY RODGERS	MEMBER
RHONDA THOMPSON	MEMBER
ED KLEIN	MEMBER
SEAN LANDIS	DIRECTOR OF COMMUNITY DEVELOPMENT
PAT PATEL	ADMINISTRATIVE COORDINATOR

Chairman Gary Renola called the meeting to order at 6:00 p.m. and stated there was a quorum present.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

None

2.0 SPECIFIC PUBLIC HEARINGS

2.1 Conduct a public hearing on a request to change the zoning classification of land described below from the current classification of R-1 "Single-Family Detached Residential District" to C-1 "Light Commercial District".

Owner/Applicant: Thomas G. Binig

Legal Description: 2817 Sams Drive, Seabrook, TX 77586. Lot Three (3), of Red Oak Replat, a Subdivision in Harris County, Texas, according to the Map or Plat thereof recorded in Instrument No. 20110381323 of the Map of Records in the Office of the County Clerk of Harris County, Texas.

Location: This property is addressed 2817 Sams Drive, Seabrook, TX 77586, which is located immediately north of Red Bluff Road, and west of Sams Drive.

Gary Renola opened the Public Hearing at 6:02 p.m.

Sean Landis presentation:

The applicant is requesting to rezone 1.76 acres from a 2.48 acres tract of land situated on Lot 3, of Red Oak Replat, from R-1 "Residential Single-Family Detached" to C-1 "Light Commercial District". The owner of the property proposes the rezoning of the 1.76 acre portion of Lot 3 will complement the adjacent Lots 1 and 2 which are currently zoned C-1 "Light Commercial District". The applicant additionally believes if the rezoning is approved the ability for a developer to combine the additional 1.76 acres from Lot 3 with the adjacent 4.47 acres of Lots 2 and 8 creates a 6.23 acres tract of land that would be more attractive for a commercial developer to develop adjacent to Red Bluff Road. The applicant believes the community would benefit for the additional commercial development.

- Applicant requesting rezone 1.76 acres R-1 to C-1
- Currently zoned MMU to the West
- Red Bluff zoned already light commercial
- Applicant owns property that's zoned MMU and C-1 lots
- Applicant owns residential dwelling
- Development will have 50ft buffer – first 20 ft has to be landscaped
- C-1 Allowable Uses (see slide) light retail / restaurants require conditional use

Applicant: Thomas Binig

The rezone of the 1.76 acre portion of Lot 3 to be zoned commercial to compliment the adjacent Lots 1, 2 also zoned for commercial use. Lots 1 & 2 are 4.47 acres combined and with the addition of 1.76 acres rezoned from Lot 3 brings the total acres to 6.23 acres. The City of Seabrook would benefit from a business operating on the property.

- Planning to sell this property
- Beneficial to tax base to the city
- Applicant owns MMU and Lot 2 and Lot 3
- Access to lot 3 is thru lot 2
- Intent is to sell the property – opportunity for good use of land

PUBLIC COMMENTS:

- Gaylen Ramon – Red Bluff traffic issue into subdivision
- Steve Franz – Road into Sams drive – grass road there that hasn't been used – traffic concerns – contractor traffic there speeding – sale price of homes have no regard of trees – what can next owner of property do? Don't like extra traffic
- Kylie Wilson – not correct in acreage of property – applicant does not live in seabrook, lives in Houston – does have an impact on neighboring residential – do not have an HOA will set a precedence for entire subdivision for re-zoning – applicant is renting out homes
- Chris Breiner – unnecessary risk – don't know what people who want to buy this will do – same as above for setting a precedence for entire neighborhood – not interested in finding out what may happen unless there is a plan
- Angela Gonzalez – noise issue already an issue in neighborhood – train traffic – CenterPoint issue – neighborhood already has enough issues – setting a precedent for deterioration of property
- Jose Gonzalez – same issues as his wife – commercial is already there – worried about more commercial coming into neighborhood – already battling train, CenterPoint, Geon, etc. – save the trees and green space
- Stacy Gallon – same as above – further encroaching into our small neighborhood – what will happen down the road – future requests? – whoever buys this could rezone it to MMU again – concerned about what would happen down the road – not for this change
- David Best – end of the cul-de-sac – most impacted resident – highly opposed – buffer zone issue
- George Perez – adjacent to property – wildlife back there – commercializing land would impact the wildlife – we like our animals there – opposed to it
- Joseph Acaba – opposed to this – whoever purchases to this property will be next to the commercial lot – would take away the value of the property

Close Public Hearing 6:39p.m.

- 2.2 Conduct a public hearing on a request to Discuss, consider and take all appropriate action relating to an amendment to the Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 3, "Establishment of Zoning Districts and Associated Regulations", Section 3.15 "Comprehensive Land Use**

Regulation Matrix" by adding "Cannabidiol (CBD) Sales" as a "Use by Right" within a (C-2) "Medium Commercial District".

Sean Landis presentation:

Cannabidiol (CBD) Sales is currently not a listed Land Use Activity within the Comprehensive Land Use Matrix. "The C-2 medium commercial district is designed to facilitate centers which accommodate trade and personal services. These businesses are free (beyond their property lines) of pollution caused by noise, offensive odors, and the emission of airborne particles. Heavy arterial street traffic is characteristic of the district. The regulatory provisions of this district are aimed at achieving the specific goals and objectives identified in Comprehensive Master Plan 2030". The comprehensive zoning ordinance has been written to include a list of permitted uses within the city. Uses not listed in the comprehensive land use regulation matrix are not permitted anywhere within the City of Seabrook.

The Comprehensive zoning ordinance provides authority to staff to reasonably interpret if that a use is similar to a permitted or conditional uses already listed in the district regulations.

Staff has reviewed the Land Use Matrix and could only reasonably interpret the use "Cannabidiol (CBD) Sales" as being similar to the permitted or conditional use of "Smoke and Head Shop". The use, Smoke and Head Shop is only permissible within a C-3 and L-I zoning district.

Additional Information:

The sale of CBD cannot be included in the selling of smoking and tobacco products, drug paraphernalia, and smoking accessories, and other products, devices and components reasonably assumed to be used for smoking and/or the inhalation or ingestion of any substances. Tobacco products may include but are not limited to cigarettes, cigars, loose leaf tobacco, tobacco pipes, Electronic Smoking Devices and accessories, vaporizers and accessories and any other product, device or component used in the inhalation of tobacco, nicotine or other substance. This type of sales would be interpreted to be the Use "Smoke and Head Shop" which currently is only permissible within a C-3 or L-I zoning district.

- Similar head shop type use – permissible w C-3 and LI only*
- Applicant would like in C-2 zoning*
- Applicant not present*
- Grandfathered Uses (at 2900 Nasa) – 180 days of non-use would lose grandfathering*
- Why not allowed? – City Council fear of city full of head shops and vape stores – lower rent rates – Investment in those retail centers*
- Area that applicant is looking at far north of town – by Best Western*

Gary Renola closed the Public Hearing at 6:44 p.m.

3.0 ROUTINE BUSINESS

3.1 Consider and take all appropriate action on a request to change the zoning classification of land described below from the current classification of R-1 "Single-Family Detached Residential District" to C-1 "Light Commercial District".

Motion to approve made by Darrell Picha and seconded by Guy Rodgers

Board Discussion:

- MMU possibilities – clothing alterations, appliance dealers, barber and beauty shops, bar as a CUP, bed and breakfast, bingo, boat engine service, boat sales, bowling alley, caterers, cigar lounge, convenient store without pumps, dry cleaners,.....same as The POINT*
- Access would have to be thru Red Bluff, not residential area*
- Landscaping requirements – prescribed within the ordinance for commercial*

- Process of Rezoning – council makes the final decision – applicant can go to city council
- Rosebud Caradec – has no major issues with the current request
- Guy Rodgers – applicant owns lot 2 – concerned for citizens – although it meets regulations
- Rhonda Thompson – can part of the R-1 be allocated as part of the buffer? – No – straight up zoning change first – only buffer would be from commercial to residential
- Ed Klein – would not like commercial access via residential
- Likes the idea of point to point boundary – top right to lower right
- Darrell Picha – Protect the adjacent property owners while providing commercial benefits
- Applicant can come back and present it differently

MOTION FAILS UNANIMOUSLY

3.2 Consider and take all appropriate action on a request to an amendment to the Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 3, "Establishment of Zoning Districts and Associated Regulations", Section 3.15 "Comprehensive Land Use Regulation Matrix" by adding "Cannabidiol (CBD) Sales" as a "Use by Right" within a (C-2) "Medium Commercial District".

Motion made by Ed Klein and seconded by Guy Rodgers

To approve the request to add CBD Sales as a Use by Right within a C-2 medium commercial district.

Ayes – Rosebud Caradec, Guy Rodgers, Ed Klein, Rhonda Thompson

Nays – Gary Renola, Darrell Picha, Scott Reynolds

MOTION CARRIED BY MAJORITY VOTE

Motion made by Rhonda Thompson and seconded by Ed Klein

To approve adding CBD Sales as a Use by Right within a C-3 and L-I district.

Ayes – Gary Renola, Rosebud Caradec, Ed Klein, Rhonda Thompson, Scott Reynolds, Guy Rodgers

Nays – Darrell Picha

MOTION CARRIED BY MAJORITY VOTE

3.3 Discuss/deliberate the creation of zoning district boundaries, along with zoning regulations for the Red Bluff and Office Warehouse Districts.

Sean Landis explained that there is a warehouse developer that is currently looking at this property that would fit in the Comprehensive Master Plan. They may present a (PUD) Planned Unit Development. They would then present a master plan for what they are trying to do, which would incorporate all their setbacks and landscaping stuff into that master plan and it may reduce some of the work that Planning & Zoning would have to do in this area as far as creating zoning ordinances. Mr. Landis suggested giving the developer another month before continuing the discussion for the creation of zoning district boundaries and zoning regulations for this area.

225 **4.0 ROUTINE BUSINESS**

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227 **4.1 Approve the minutes from the February 16, 2023 Regular P&Z meeting.**

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229 *Motion made by Rhonda Thompson and seconded by Darrell Picha.*

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231 *To approve the minutes as presented.*

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233 MOTION CARRIED BY UNANIMOUS CONSENT

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235 **4.2 Report from the Director of Planning and Community Development on the status**
236 **of a list of actions taken by Planning & Zoning and sent to City Council for its**
237 **action or review.**

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239 *Sean Landis gave a brief report.*

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241 **4.3 Establish future agenda items and meeting dates.**

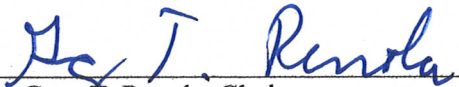
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243 • April 20, 2023 at 6:00 p.m. – Regular P&Z meeting

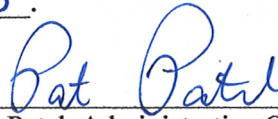
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245 **Motion was made by Ed Klein and seconded by Guy Rodgers.**

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247 *To adjourn the March 16, 2023 Planning & Zoning meeting.*

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249 Having no further business, the meeting adjourned at 7:23 p.m.

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251 APPROVED THIS 20th DAY OF April, 2023.

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254 Gary J. Renola, Chairman


Pat Patel, Administrative Coordinator