

The Seabrook Planning and Zoning Commission met on Thursday, February 21, 2013 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 (Excused Absence)	MEMBER
DODIE MILLER	MEMBER
MICHAEL SHARPE	MEMBER
BOLIVAR LEWIS	MEMBER
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 - None

2.0 SPECIFIC PUBLIC HEARINGS

2.1 Discussion, consideration and possible action concerning the review of the "Sign Ordinance".

Sean Landis asked the Commissioners if he could give his staff report in New Business, Item 3.2 since there was no one in the audience for the Public Hearing.

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

3.1 Discussion, consideration and possible action concerning the appointment of one member of the Seabrook Planning & Zoning Commission to participate in the Seabrook Façade Improvement Incentive Program's review committee.

Paul Chavez, Director of Economic Development, stated that EDC would like the appointment of one member of the Seabrook Planning & Zoning Commission to participate in the Seabrook Façade Improvement Incentive Program's review committee.

Motion was made by Buddy Hammann and seconded by Dodie Miller

To nominate Mike DeHart to participate in the Seabrook Façade Improvement Incentive Program's review committee.

MOTION CARRIES BY UNANIMOUS CONSENT.

3.2 Discussion, consideration and possible action concerning the review of the "Sign Ordinance".

Waterfront Overlay District:

Sean Landis stated that on June 21st and August 16th of 2012 the Planning and Zoning Commission agreed to review the ordinance for possible text changes. As a result, the Commission agreed that it would be their recommendation to City Council that Section 4.15.15 "Signs" should be deleted in its entirety from the Zoning Ordinance. Article 6 "Sign Standards" would then become the regulatory standards for the Overlay Zone.

Mr. Landis stated that on December 4, 2012, City Council at their regular scheduled meeting requested that the Planning and Zoning Commission reconsider the sign regulations relating to "the Point", specifically addressing criteria for monument (freestanding) signs and size of signs.

Mr. Landis stated that staff is recommending to relocate the Point overlay sign standards to Article 6 "Signs" with the following changes: remove prohibition of "Freestanding Signage"; and add language allowing "Freestanding Signs" under "Allowable Signs".

He stated that P&Z would need to determine the size, and number of signs that should be allowed. He is recommending leaving the wall signs allowances alone. He stated that this way, because there are a lot of grandfathered free-standing signs there right now, everyone could have the same type of signs. Mr. Landis stated that he thought that the biggest issue for some of the council members was that they did not want super large freestanding signs down at the Point again.

Mr. Landis has stated that he had created some possible options to scale so that P&Z could see how they would work.

1. 12 ft. tall free-standing sign, 6 x 10, 60 sq. ft. in area.
2. 18 ft. tall free-standing sign, 10 x 10, 100 sq. ft. in area.
3. 20 ft. tall free-standing sign, 10 x 12, 120 sq. ft. in area.

Mr. Landis stated that the largest Pappadeaux sign is 40 ft. tall, which is not allowed under the current ordinance unless adjacent to an overpass, and is 160 sq. ft. in area. The second sign is 21 ft. tall and the third sign was 19 ft. tall. These signs are still there, they are illegal, grandfathered, non-conforming signs prior to constructing anything down there. Under our current ordinance, it has been over 160 – 180 days; these signs are required to be removed.

Mr. Landis stated that it will be important to discuss details like how many signs and setback distances from property lines, during this process. He stated that the current sign ordinance (Article 6) allows for: a 25 foot tall sign and 144 sq. ft per face; any free-standing sign has to be within their property boundaries; cannot hang over any sidewalks or public right-of-way; and it has to be at least 10 feet away from side property lines. There is an allowance for two signs on a corner lot, one facing each street frontage.

Chairman Potts asked if all of the signs on the Point, that are grandfathered, in violation of any of those rules?

Mr. Landis stated that all of the other signs are truly grandfathered and they were there prior to approval of the current ordinance.

Buddy Hammann asked if staff has had inquiries from the property owners on the Point that want to erect signs.

Mr. Landis stated that he has had a few inquiries. Rose's has shown interest in having a free-standing sign. The individuals that currently have free-standing signs are T&H and Golden Seafood. They have not put the signage back up but the frame work and columns are still there. They have not invested in having the signs put back because the City is in the process of purchasing right-of-way down there and they do not want to invest in putting the signs back and then losing them because of road construction.

Chairman Potts asked if they did not have to worry about the road construction, how big of a sign would they want to have.

108 Mr. Landis stated that they would have to maintain the square footage of the original sign that was
109 grandfathered. He stated that the sign roughly falls in the 12 foot range.
110

111 Rosebud Caradec asked if it affects the view from the bridge to be able to see any of these signs at
112 whatever height.
113

114 Mr. Landis stated that staff could not get in touch with Pappas to have this discussion, but he did not
115 think there was any doubt that when they do come back, they are going to want what they have. They
116 want visibility from Kemah, they want people to see them and want to cross the bridge to come to them.
117 He stated that they want the visibility, but to tailor this ordinance around them may not be the way to go.
118

119 Ms. Caradec asked about the other businesses that are there, that they want to support.
120

121 Mr. Landis stated that currently you cannot see those signs from the bridge or from Kemah. He stated
122 that currently they are very lacking in signage. He stated that we have reduced the allowance for
123 signage at the Point in half of what is allowed in the regular sign ordinance. He stated they created a
124 prohibition for free-standing signs and did away with that totally. Wall signage allowance is now half
125 of what is allowed in Article 6. Article 6 allows twice the linear frontage of the building per square area
126 of signage. We have reduced their visibility.
127

128 Mr. Hammann stated that he remembered when they discussed this. They were talking about visibility
129 from the Kemah side. He stated that if you are driving over the bridge either way, unless you have a
130 sign above the bridge, you are not going to see it. If you are going south on Hwy. 146, the best way to
131 have your advertising is on that stretch right before the bridge, not down on the waterfront.
132

133 Chairman Potts asked if we allow off-premise signage.
134

135 Mr. Landis stated no, if it does not already exist, we do not allow it.
136

137 Mr. Hammann stated that if you really wanted to promote the Waterfront and you do not want the
138 businesses to do it, then the City itself should take it on. He stated that with the new highway coming,
139 he did not know what would be available. He stated that it should be like the exit signs on the interstate
140 and maybe the City could put up the physical structure and then lease space to individual businesses.
141 He stated that it was a phase project. The first is to get them on the street and once they are on the
142 street, the businesses are not hard to find. Maybe what we ought to recommend to Council, that EDC
143 coordinates a sign on the highway saying "Exit now for" and each business that wants to participate
144 lease a space. That would be more visible.
145

146 Mr. Landis stated that he did not disagree with Council's position, he could see very easily how it could
147 become very overwhelming down there and once you have sign pollution it is not helping anyone.
148

149 Ms. Caradec stated that she thinks what Mr. Hammann is trying to say is the important thing is to get
150 them off Hwy. 146 and once they are down on the Point they are hooked.
151

152 Dodie Miller stated that he remembered when they discussed the Overlay District. He stated that P&Z's
153 vision was trendy restaurants and be like the San Francisco Wharf with small signs that have lights
154 shining on them. Right now there is not anything but seafood factories. He stated that until we can get
155 some beautiful restaurants down there, we need to ease up on the sign ordinance a little bit.
156

157 Michael Sharpe stated that they should pick one of the options that Mr. Landis presented. He stated that
158 they should choose the smallest and go with that.
159

Ms. Caradec stated that the smaller/lower signs are way more obtrusive than something taller or a monument sign. She stated that the first option is so low that it is obtrusive to even seeing the building.

Mr. Landis stated that the issue with the smaller sign is that the sign is so low that it becomes an issue of visibility. You may have issues with visibility with vehicles driving and not being able to see under the sign. He stated that even a 16 foot sign could cause visibility issues.

Mr. Hammann stated that if you look at the old picture that Mr. Landis showed in his presentation, the smaller signs just cluttered up the area. He would rather see the Rose's sign.

Mr. Landis stated that the Rose's sign was about 25 ft. tall.

Mr. Hammann stated that he would rather see a stretch of Rose's signs than the smaller ones.

Mr. Miller asked about the neon and flashing signs.

Mr. Landis stated that they were not allowed. He stated that this is where there is some discrepancies, some of these businesses have internally lit signs, things that were allowed prior to this ordinance. He stated that he thought that this is where some of the flaws are in the Overlay District, because we have so many existing buildings, to have the theme that they came up with. It will take a lot of time for that to actually develop. He stated that you are almost punishing the businesses that are already down there.

Mr. Hammann asked to go back to the options and look at the 20 ft. sign (option 3).

Chairman Potts stated that it was a 20 ft. sign, but look how little post there is and the size of the sign. He stated that it was about a 120 sq. ft. sign.

Mr. Hammann stated that they could allow the height but reduce the size of the sign.

Chairman Potts stated that they should make it 25 ft. like the rest of the city, but put a limit on the sign size.

Mr. Miller said that he liked the height of 25 ft., but a 10 x 12 sign is too big.

Mr. Hammann stated that they should just go with 12 x 8 and the top of the sign will be 25 ft. He stated that the free-standing signs should not exceed 96 sq. ft, height of 25 ft., and the bottom of the sign no less than 15 ft. He stated that the second recommendation should be that Council considers putting up signage to get people off the highway and advertising Seabrook's Waterfront.

Bolivar Lewis stated that should provide visibility from the road.

Motion was made by Rosebud Caradec and seconded by Dodie Miller

To move forward with pylon signs with the height not to exceed 25 feet, area not to exceed 96 sq. feet, and bottom of sign not below 15 feet.

Ayes: Caradec, Hammann, Lewis, Miller, Potts, and Sharpe

MOTION CARRIES BY UNANIMOUS CONSENT

Sign Spinners:

Sean Landis stated that on June 21th and August 16th of 2012 the Planning and Zoning Commission agreed to review the ordinance for possible text changes. He stated that as a result, the Commission agreed it would make the following recommendations to Article 6. Sign Standards, to City Council:

Create the following definition:

Sign, Human Directional/Sign Spinner

Someone who applies the name of an establishment for commercial advertisement on his or her person which directs vehicular or pedestrian movement to such establishment, most commonly depicted by holding or wearing a sign, including wearing commercial advertising as clothing or as a costume for such purpose.

Create the following prohibition:

6.05.13 Sign, Human Directional/Sign Spinner: Sign, Human Directional/Signs Spinners are prohibited.

Mr. Landis stated that on December 4, 2012, City Council at their regular scheduled meeting requested that the Planning and Zoning Commission reconsider the regulations based on Council's discussion.

Mr. Landis stated that one of the positions that he presented was the safety hazard. He stated that he researched it through the transportation department and could not find anything statistically that would support that this kind of signage causes accidents.

Mr. Landis stated that Council asked staff to research neighboring communities to see if they allow sign spinners. Mr. Landis stated that the following is what staff found:

KEMAH

1/31/2013

Spoke with David Whittaker (Code Enforcement Officer)

Spinners are allowed – have to be approved by police department.

Sandwich Boards are allowed.

LEAGUE CITY

1/31/2013

Spoke with Frank LeBlanc (Code Enforcement Officer)

Spinners are allowed. Police Department determines if hazard.

Sandwich Boards are allowed.

DICKINSON

1/31/2013

Spoke with Jeff Phalman (Code Enforcement Officer)

Spinners are not enforced.

Sandwich Boards are allowed.

EL LAGO

1/31/2013

Spoke with Aaron Jordan (Building Official)

Spinners are permitted (restricted signs)

Sandwich are permitted (restricted signs)

266 Restricted signs have to be approved by City Council
267

268 **WEBSTER**

269 1/31/2013

270 Spoke with Susan Raeihle (Code Enforcement Officer)

271 Spinners are not allowed.

272 Sandwich Boards are not allowed.

273 Violations – Businesses are visited by Code Enforcement Officer and followed up with certified letter.
274

275 **NASSAU BAY**

276 Spoke with Larry Boles (Building Official)

277 Spinners are not allowed.

278 Sandwich Boards are not allowed.
279

280 **TAYOR LAKE VILLAGE**

281 Spoke with Jack Fryday (Building Official)

282 Spinners are not allowed.

283 Sandwich Boards are not allowed.
284

285 Chairman Potts asked if they would have to stay on their property.
286

287 Mr. Landis stated that if the City were to allow this it would come back to P&Z for discussion on the
288 requirements.
289

290 Mr. Landis stated that he had some videos off of the internet showing different positions. In one of the
291 videos, the position is that the business owner loves this kind of signage because they do not have
292 frontage on the main thoroughfare. The spinner signs are guiding people to their business.
293

294 Chairman Potts stated that if we are going to allow this kind of off-premise signage, why we don't allow
295 other types of off-premise signage that are less distracting from the traffic safety issue.
296

297 Mr. Hammann stated that after the Hwy. 146 expansion, this might not be an issue.
298

299 Mr. Landis stated that where they have had a problem in the past is on Nasa Parkway. Many of these
300 types of signs are acting as off-premise advertising; they are 5 to 6 miles away from their place of
301 business. He stated that is the risk of approving this, Seabrook could start having that problem.
302

303 After viewing the internet videos, Mr. Landis stated that he did not know how that was not a safety
304 issue.
305

306 Chairman Potts stated that they were designed to make you take your eyes off of the traffic.
307

308 Mr. Miller stated that was why Seabrook does not allow flashing signs.
309

310 Mr. Landis stated that the videos show the positions of both sides. He stated that the first two show the
311 distraction, and the other shows how it helps the businesses.
312

313 Chairman Potts stated that if he had to allow it, he would rather have a sandwich board type sign than
314 the spinners. He said that they are less distracting. He asked what would happen if someone had a
315 political spinner sign.
316

317 Mr. Landis stated that political signs of any kind are exempt from the sign ordinance. He stated that
318 there is nothing the City could do to prohibit them.

319
320 Mr. Hammann said that assuming they allowed them, what kind of restrictions should we consider in
321 terms of safety, not only for the individuals, but also the drivers. He asked what streets do we allow
322 them on.
323

324 Mr. Landis stated that after watching the videos, the issues that he saw were off-premise signage and I
325 they had multiple spinners within close proximity to the business.
326

327 Mr. Miller stated that in most of the other cities, it is determined by the police department if you can
328 have a spinner sign.
329

330 Chairman Potts stated that the hazard is determined by the police departments.
331

332 Mr. Hammann stated that what they could do is if someone has to have one, they have to have a permit
333 and the permit would define the limitations. He stated that they should not be allowed in any of the
334 residential zones.
335

336 Ms. Caradec asked if they would limit it to on-premise and at certain times.
337

338 Mr. Hammann stated that they were not on premise then it would have to on a defined common area.
339

340 Chairman Potts asked that if they said that they could not be in a traffic right-of-way, what would that
341 do.
342

343 Mr. Landis stated that it would depend on where they were at. If you stated that they could not be in the
344 city or state right-of-way they would technically be prohibited from sidewalks because sidewalks are
345 city and state right-of-ways. It would have to be on-premise.
346

347 Mr. Landis stated that P&Z might want to add language that stated that the signs have to be with a local
348 business. He stated you could easily have someone from another city put spinners on Seabrook's street
349 corners advertising and directing them outside our community.
350

351 Chairman Potts asked the Commissioners if they really wanted to allow the spinner signs or do they
352 want to limit them to sandwich boards.
353

354 Mr. Hammann asked if staff has had a lot of businesses wanting them.
355

356 Mr. Landis stated that there have been two or three requests.
357

358 Mr. Hammann asked if it could be a conditional request.
359

360 Mr. Landis stated that one of the council members had said that maybe it could be part of a grand
361 opening process for a short period of time. He stated that if that was allowed there should be some
362 regulations that set a specific time period.
363

364 Mr. Miller stated that he was firmly against sign spinners and sandwich boards. He stated that if they
365 were allowed it should be on-premise only.
366

367 Ms. Caradec stated that she agreed, with a permit and for a limited time.
368

369 Chairman Potts stated that if they allowed them they should have to have a permit with a limited length
370 of time, but also a limited frequency. He stated maybe a one-time permit within the first two weeks of
371 the grand opening.

Mr. Hammann stated that it could also be for annual events.

Ms. Caradec stated that she thought this would be a burden for the city and staff that is not necessary.

Mr. Hammann stated that he agrees.

Mr. Sharpe stated that he agreed.

Mr. Bolivar stated that he agreed.

Chairman Potts stated that what the Commissioners were saying was that they stand by their original recommendation to City Council.

Motion was made by Buddy Hammann and seconded by Rosebud Caradec

The Planning & Zoning Commissioners stand by their original recommendation to define Human Directional/Sign Spinners and prohibit the use in Seabrook.

Ayes: Caradec, Hammann, Lewis, Miller, Potts, and Sharpe

MOTION CARRIES BY UNANIMOUS CONSENT.

4.0 APPROVAL OF MINUTES

4.1 Discussion, consideration and possible action concerning the revised minutes from the January 17, 2013 meeting.

Motion was made by Rosebud Caradec and seconded by Michael Sharpe

To approve the minutes from the January 17, 2013 meeting as written.

Ayes: Caradec, Lewis, Miller, Potts, and Sharpe

Nays: None

Abstained: Hammann

MOTION CARRIES BY UNANIMOUS CONSENT OF THOSE VOTING.

5.0 ROUTINE BUSINESS

5.1 Discussion and Consideration of the Community Development Activity Summary.

Sean Landis gave a brief report.

5.2 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.

5.3 Discussion with staff and P&Z Commission to establish future agenda items and meeting dates.

Chairman Potts stated that the next meeting will be on March 21, 2013 and the following will be discussed:

- Flood Map Review
- Undeveloped Properties

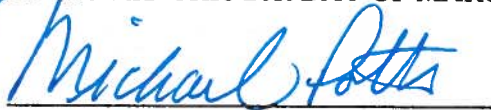
Motion was made by Buddy Hammann and seconded by Dodie Miller

To adjourn the Planning & Zoning Commission meeting.

MOTION CARRIES BY UNANIMOUS CONSENT.

Having no further business, the meeting adjourned at 8:20 p.m.

APPROVED THIS 21st DAY OF MARCH, 2013.


Michael Potts, Chairman


Alesia Hammock, Secretary