

The Seabrook Planning and Zoning Commission met on Tuesday, July 17, 2014 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
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 Request to change the zoning classification of land described below from the current classification of R-1 (Residential – Single Family Detached) to R-2 (Residential – Single Family Detached – Small Lot).

Sean Landis gave a brief report. He stated that the applicant requested to rezone a 28.74 acre tract of land situated in the Ritson Morris Survey, Abstract 52, Harris County, Texas and being out of and a part of Tracts 19A, 22B & 22F from the current classification of R-1 (Residential – Single Family Detached) to R-2 (Residential – Single Family Detached – Small Lot).

Mr. Landis stated that Mr. Swearengin wishes to rezone the property to allow for the development of a master planned residential subdivision. Mr. Swearengin hopes to partner with the land owner to the north (Mr. Lazarri) creating single family home lots for sale. Lee Girard of Girard Interests, Inc. is representing the combined properties. Lee will be offering for sale almost 50 acres which includes approximately 25 acres currently owned by the Lazarri's and already zoned R-2 (Residential- Single Family Detached- Small Lots).

Mr. Landis stated that it is the applicants hope that after obtaining the zoning change to receive commitments to develop from home builders such as Perry and Brighten Homes. If the request is approved the applicant hopes to submit a preliminary plat to the Seabrook Planning and Zoning Commission by the end of 2014.

Sandy Collins stated that he was the co-owner of the property. He stated that they have not been able to develop the property because they did not have any access. Mr. Collins stated that he has been in contact with the land owner to the north with the hopes of combining the properties for development and creating access to Red Bluff. He stated that he has spoken with several builders and that they were interested in the development.

Alma West, Pech Road, Houston, stated that her and her family owned the three tracts of land to the east of the property. She stated that she was in favor of the rezoning request. Ms. West stated that she was interested in rezoning her property also with the hopes that it would improve the opportunities for the property.

2.2 Request to repeal Section 8.07 Properties made non-conforming by right-of-way acquisition.

Sean Landis gave a brief report. He stated that the original intent of the ordinance was to provide relief to property owners required to provide land due to right-of-way acquisition. Staff has found that the language originally adopted could have the opposite effect.

As the State Highway 146 project nears, city staff fears Sec. 8.07 could impact negotiations between TX-Dot and the city's impacted businesses/property owners. The ordinance states: "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". The ordinance provides grandfathering protection to the affected properties to include parking, landscaping, and setbacks.

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

Staff is proposing to repeal Appendix A. Comprehensive Zoning, Article 8. Nonconformance, Section 8.07 Properties Made Nonconforming by Right-of-Way Acquisition.

Chairman Potts stated that with the permission of the Commission he would take New Business Items 3.1, 3.2, and 3.3 out of order.

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 regarding the request to change the zoning classification of land from the current classification of R-1 (Residential – Single Family Detached) to R-2 (Residential – Single Family Detached – Small Lot).

Motion was made by Buddy Hammann and seconded by Mike DeHart

To approve the rezoning request to change the zoning classification of land from the current classification of R-1 to R-2 as presented.

Ms. Caradec stated that she had a problem with changing the zoning on property that is land locked.

Mr. Landis stated that by changing the zoning on the property as requested it presents an opportunity to develop the property which would resolve the issue of being land locked.

Mr. DeHart stated that it seems more natural being R-2 considering the location.

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

Nays: Caradec

MOTION CARRIES BY MAJORITY VOTE.

3.2 Request for approval of the Final Plat of Estates on Lake Mija.

Mr. Landis asked to pull this item from the agenda, stating that the mylar for the final plat had signature issues that needed to be resolved before it could be approved. He asked if the Commission would consider meeting on August 7th to consider this item for approval.

With the consent of the Commission, Chairman Potts stated that the Planning & Zoning Commission would meet on August 7, 2014 to consider the Final Plat of Estates on Lake Mija.

3.3 Discussion, consideration, and possible action regarding the request to repeal Section 8.07 Properties made non-conforming by right-of-way acquisition.

Motion was made by Mike DeHart and seconded by Dodie Miller

To approve the request to repeal Section 8.07 Properties made non-conforming by right-of-way acquisition as presented.

MOTION CARRIES BY UNANIMOUS CONSENT.

2.0 SPECIFIC PUBLIC HEARINGS

2.3 Request regarding changes to the Comprehensive Land Use Matrix.

Mr. Landis gave a brief report. He stated that City Staff recently have found errors within the zoning "Comprehensive Land Use Matrix" that require possible corrective action. It is staff's request to present to the Commission the items of concern for discussion, consideration, and possible action.

Chairman Potts closed the Specific Public Hearing portion of the meeting at 7:24.

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

3.4 Discussion, consideration, and possible action regarding changes to the Comprehensive Land Use Matrix.

Mr. Landis stated that in the Comprehensive Land Use Matrix, there was a line item for "Retail" and "Retail Light". He would like to change that to "Retail Heavy" and "Retail Light", then remove all of the retail uses from the matrix.

Suggested Changes:

Line 11: Add Assisted Living as an Conditional Use in C-1 and C-2

- 151 Line 13: Add Condominiums as Conditional Use in WAD
152 Line 23: Remove Air cleaning & purifying equipment
153 Line 27: Remove Antique shops & dealers – Retail, light
154 Line 33: Remove Auto parts & supplies – Retail, heavy
155 Line 36: Remove Bait & tackle shops – Retail, heavy
156 Line 37: Remove Bakers, retail – Retail, light
157 Line 40: Change C-1 to a Conditional Use
158 Line 44: Remove Bicycle sales – Retail, light
159 Line 47: Remove Boat equipment & supplies – Retail, heavy
160 Line 51: Remove Book dealers, retail – Retail, light
161 Line 54: Remove Candy & confection, retail - Retail, light
162 Line 56: Remove Carpet & rug dealers - Retail, heavy
163 Line 67: Remove Clothing store - Retail, light or heavy
164 Line 68: Remove Coin dealers – Retail, light
165 Line 71: Remove Contractors (with outside storage) from C-S
166 Line 72: Add Contractors (without outside storage) to C-2, C-3, MMU, OS, and LI
167 Line 78: Remove Department stores – Retail, heavy
168 Line 80: Remove Discount Store – Retail, heavy
169 Line 89: Remove Florists – Retail, light
170 Line 90: Remove Food store, specialty - Retail, light or heavy
171 Line 92: Remove Furniture dealers – Retail, heavy
172 Line 98: Remove Gravestone/tombstone sales – Retail, heavy
173 Line 101: Remove Hardware stores / Building materials sales – Retail, heavy
174 Line 104: Change High rise (all uses within must be allowed per the zone) to allow
175 in WAD by right and add Conditional Use in OS and MMU zones
176 Line 107: Change to Hotels & motels to include (with full service restaurant)
177 Line 108: Add Hotels & motels (without full service restaurant) to allow as
178 Conditional Use in C-2, C-3, WAD, MMU and LI
179 Line 113: Remove Liquor store – Retail, heavy
180 Line 126: Remove Musical instrument dealers – Retail, light
181 Line 131: Remove Paint stores, retail – Retail, heavy
182 Line 135: Remove Pharmacies – Retail, heavy
183 Line 139: Remove Produce, retail – Retail, light
184 Line 151: Remove Restaurants (delivery & pickup only) – Combined with
185 Restaurants
186 Line 152: Re-title Retail to Retail, heavy
187 Line 153: Add Retail, light to OS as use by right
188 Line 157: Remove Shopping centers (not a use)
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190 **Motion was made by Rosebud Caradec and seconded by Buddy Hammann**

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192 *To approve the requested changes to the Comprehensive Land Use Matrix as presented and*
193 *revised.*

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195 **MOTION CARRIES BY UNANIMOUS CONSENT.**

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197 **4.0 APPROVAL OF MINUTES**

4.1 Discussion, consideration and possible action concerning the minutes from the June 19, 2014 Planning & Zoning meeting.

Motion was made by Buddy Hammann and seconded by Bolivar Lewis

To approve the minutes from the June 19, 2014 Planning & Zoning meeting as presented.

MOTION CARRIES BY UNANIMOUS CONSENT.

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 there would be a meeting on August 7, 2014 to discuss the request for a final plat for Estates on Lake Mija.

Chairman Potts stated that P&Z would also meet on August 21, 2014 and the following items will be discussed:

- Rezoning The Point
- Consideration of amendment to the Comprehensive Zoning Code to amend requirements for outside storage and display in C-1, C-2, C-3, C-S, WAD, MMU, and OS zoning districts.

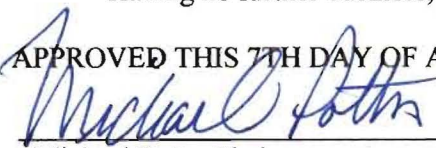
Motion was made by Buddy Hammann and seconded by Mike DeHart

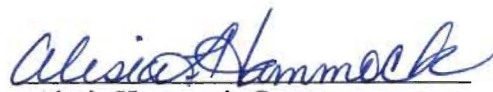
To adjourn the Planning & Zoning Commission meeting.

MOTION CARRIES BY UNANIMOUS CONSENT.

Having no further business, the meeting adjourned at 8:15 p.m.

APPROVED THIS 7TH DAY OF AUGUST, 2014.


Michael Potts, Chairman


Alesia Hammock, Secretary