

**SEABROOK CITY COUNCIL
NOTICE OF REGULAR CITY COUNCIL MEETING
TUESDAY, AUGUST 19, 2014 - 7:00 PM**

NOTICE IS HEREBY GIVEN THAT THE SEABROOK CITY COUNCIL WILL MEET ON **TUESDAY AUGUST 19, 2014 AT 7:00 PM** IN THE SEABROOK CITY HALL COUNCIL CHAMBERS, 1700 FIRST STREET, SEABROOK, TX 77586, **TO DISCUSS, CONSIDER, AND IF APPROPRIATE, TAKE ACTION** WITH RESPECT TO THE ITEMS LISTED BELOW.

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR OTHER ACCOMMODATIONS OR INTERPRETIVE SERVICES, MUST BE MADE, 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (281) 291-5600 OR FAX (281) 291-5710 FOR FURTHER INFORMATION.

PLEDGE OF ALLEGIANCE

1.0 PRESENTATIONS

- 1.1 Recognition of Eagle Scout recipients from Boy Scout Troop 95. (Royal)
- 1.2 Present certificates of appreciation to members of the Bayside Area Little League who won district, sectional and state awards for the 11 year old All-Star Team.
- 1.3 Presentation of Bay Area Houston Convention and Visitors Bureau marketing and advertising efforts for FY 2013/2014. (Summers)

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

At this time we would like to listen to any member of the audience on any subject matter, whether or not that item is on the agenda. All comments are limited to a maximum of four minutes for each speaker. In accordance with the Open Meetings Act, members may not discuss or take action on any item that has not been posted on the agenda. When your name is called, please come to the podium and state your name and address clearly into the microphone before making your comments. Thank you.

- 2.1 Mayor, City Council and/or members of the city staff may make announcements about city/community events. (Council)

3.0 SPECIFIC PUBLIC HEARING(S)

 ATTACHMENT 1

- 3.1 Proposed Ordinance No. 2014-18, "Amendment to the Official Zoning Map to Rezone 28.74 Acres Located South of Red Bluff Road, North of Lake Mija and West

of Friendship Park from R-1 to R-2. (Applicant/P&Z)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING 28.74 ACRES BEING OUT OF AND A PART OF TRACTS 19A, 22B, AND 22F, SITUATED IN ABSTRACT 52 OF THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS FROM R-1 (RESIDENTIAL – SINGLE FAMILY DETACHED) TO R-2 (RESIDENTIAL – SINGLE FAMILY DETACHED – SMALL LOT) ZONING DISTRICT; REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS CHANGE; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

ATTACHMENT 2

- 3.2 Proposed Ordinance No. 2014-19, "Updating and Amending the Comprehensive Land use Regulation Matrix and Related Definitions" (P&Z)

AN ORDINANCE AMENDING 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", TO REVISE AND UPDATE "USES PERMITTED BY RIGHT AND CONDITIONAL USES"; AMENDING RELATED ARTICLE 1, "IN GENERAL", SECTION 1.10 "DEFINITIONS" TO SUPPLEMENT SUCH MATRIX REVISIONS BY ADDING A NEW DEFINITION FOR "RETAIL, HEAVY"; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

ATTACHMENT 3

- 3.3 Proposed Ordinance No. 2014-20, "Repeal of Comprehensive Zoning Ordinance, Section 8.07, Properties Made Nonconforming by Right-Of-Way Acquisition."(P&Z)

AN ORDINANCE AMENDING 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", TO REVISE AND UPDATE "USES PERMITTED BY RIGHT AND CONDITIONAL USES"; AMENDING RELATED ARTICLE 1, "IN GENERAL", SECTION 1.10 "DEFINITIONS" TO SUPPLEMENT SUCH MATRIX REVISIONS BY ADDING

A NEW DEFINITION FOR “RETAIL, HEAVY”; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

4.0 BID AWARDS

ATTACHMENT 4

- 4.1 Award bid to low bidder Pepper-Lawson Waterworks, LLC for the sum of \$525,000 for the Waste Water Treatment Plant Headworks Improvements Project 2014-05. (Chairez)

5.0 CONSENT AGENDA - Council will discuss, consider and if appropriate, take action on the items listed below.

All consent agenda items are considered by the City Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a council member, city manager, city attorney or city secretary so requests, in which event the item will be removed from the Consent Agenda and considered immediately following the Consent Agenda.

- 5.1 Approve excused absences for Councilors Botkin and Miller for the August 6, 2014 regular City Council meeting and for Councilor Kolupski for the August 19, 2014 regular City Council meeting. (Glaser)

ATTACHMENT 5

- 5.2 Approve the July 2014 Public Safety Report. (Wright)

ATTACHMENT 6

- 5.3 Approve the minutes of the August 6, 2014 regular City Council meeting. (Glaser)

ATTACHMENT 7

- 5.4 Approve the minutes of the August 12, 2014 special City Council meeting. (Glaser)

END OF CONSENT AGENDA

6.0 NEW BUSINESS - Council will discuss, consider and if appropriate, take action on the items listed below.

ATTACHMENT 8

- 6.1 Consider first reading of proposed Ordinance No. 2014-18, "Amendment to the Official Zoning Map to Rezone 28.74 Acres Located South of Red Bluff Road, North of Lake Mija and West of Friendship Park from R-1 to R-2." (Applicant/P&Z)

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ATTACHMENT 10

- 6.3 Consider first reading of proposed Ordinance No. 2014-20, "Repeal of Comprehensive Zoning Ordinance, Section 8.07, Properties Made Nonconforming by Right-Of-Way Acquisition." (P&Z)

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 ATTACHMENT 11

- 6.4 Consider Hotel Occupancy Tax budget for FY 2014/15. (Dearman)

 ATTACHMENT 12

- 6.5 Consider requesting staff to move forward on RFP 2014-06, Comprehensive Plan 2030 Update and approval of funding FY 2014/2015 in an amount not to exceed \$100,000. (Landis)

 ATTACHMENT 13

- 6.6 Consider approval of a new decision package for the FY 2014/15 Budget for the purchase of a van for the Parks Department in the amount of \$30,000. (Cook)

7.0 ROUTINE BUSINESS - Council will discuss, consider and if appropriate, take action on the items listed below.

 ATTACHMENT 14

- 7.1 Consider approval of the Action Items Checklist which is attached and made a part of this agenda. (Council)

 ATTACHMENT 15

- 7.2 Establish future meeting dates and agenda items. (Council)

8.0 EXECUTIVE SESSION

The City Council will now hold a closed executive meeting pursuant to the provisions of the open meetings Act, Charter 551, Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in one or more of the following sections: Section 551.071, Consultation with Attorney; Section 551.072, Real Property; Section 551.073, Deliberation Regarding a Prospective Gift; Section 551.074, Personnel Matters; Section 551.076. Security Devices; and Section 551.087, Economic Development.

Section 551.071

 ATTACHMENT 16

- 8.1 Consult with attorney to receive legal advice only in relation to legal issues associated with the regulation of peddlers, hawkers, solicitors and canvassers as provide under Section 551.071 of Texas Government Code. (Weathered)

9.0 OPEN MEETING

Council will reconvene in open session to allow for possible action on any of the agenda items listed above under "Executive Session".

THE CITY COUNCIL RESERVES THE RIGHT TO HEAR ANY OF THE ABOVE DESCRIBED AGENDA ITEMS THAT QUALIFY FOR AN EXECUTIVE SESSION IN AN EXECUTIVE SESSION BY PUBLICLY ANNOUNCING THE APPLICABLE SECTION NUMBER OF THE OPEN MEETINGS ACT, (CHAPTER 551 OF THE TEXAS GOVERNMENT CODE) THAT JUSTIFIES EXECUTIVE SESSION TREATMENT.

CERTIFICATE

I certify that this notice was posted on the bulletin board on or before Friday, August 15, 2014 and that this notice will remain posted until the meeting has ended.

Michele L. Glaser, TRMC
City Secretary



CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: 08-19-2014

Submitter/Requestor: City of Seabrook

Date Submitted: 08-12-2014

Presenter: Sean Landis

Description/Subject:

A request 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).

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING 28.74 ACRES BEING OUT OF AND A PART OF TRACTS 19A, 22B, AND 22F, SITUATED IN ABSTRACT 52 OF THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS FROM R-1 (RESIDENTIAL – SINGLE FAMILY DETACHED) TO R-2 (RESIDENTIAL – SINGLE FAMILY DETACHED – SMALL LOT) ZONING DISTRICT; REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS CHANGE; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

A Public Hearing was held before the Planning and Zoning Commission on July 17, 2014.

Applicant:

Robert Swearengin

Legal Description:

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. This property is located south of Red Bluff, north of the Mija Lake, and west of Friendship Park.

Request:

Agenda Briefing Form
Page 2

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).

Purpose/Need: Policy Issue ☒ Administrative Issue ☐

Mr. Swearengen wishes to rezone the aforementioned property to allow for the development of a master planned residential subdivision. Mr. Swearengen 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).

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.

The proposed change to the zoning map was recommended for approval by the Planning & Zoning Commission by an unanimous vote at the regular meetings held on July 17, 2014.

Background/Issue (What prompted this need?):

Impacted Parties (Expected/Notified):

Recommended Action:

The proposed change to the zoning map was recommended for approval by the Planning & Zoning Commission by an unanimous vote at the regular meetings held on July 17, 2014.

Attachments:

(Please list description of attachments and number of pages in each attachment)

Planning & Zoning Commission Minutes of the July 17, 2014 Meeting
Planning and Zoning Commission Official Report from the July 17, 2014 Meeting

Fiscal Impact: Budgeted _____ Yes _____ No Finance Officer Review:
Budget Amendment Required _____ Yes _____ No
Future/Ongoing Impact _____ Yes _____ No

Budget Dept/Line Item Number N/A

Funding Comments:

N/A

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

Agenda Briefing Form
Page 3

Where on the agenda should this item be placed?

(i.e. Public Hearing, New Business, Old Business, Consent Agenda, Executive Session, etc.)

New Business

Suggested Motion:

The proposed change to the zoning map was recommended for approval by the Planning & Zoning Commission by an unanimous vote at the regular meetings held on July 17, 2014.

City Manager Review:

- ☐ Approved as submitted
- ☐ Submitted for Council consideration without comment
- ☐ Submitted for Council consideration with comments stated below:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances.)

Sent to City Attorney for review _____
(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

Received and accepted by the City Secretary/Assistant _____

Returned by the City Secretary/Assistant (If incomplete) _____

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

Ordinance No. 2014-18

Page 2

SECTION 2. AMENDMENT TO THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP".

The Seabrook City Code of Ordinances, Appendix A, "Comprehensive Zoning", Article 2, "Administration", Section 2.05, "Official Zoning Map" is hereby amended by rezoning 28.74 acres of land being out of and a part of Tracts 19A, 22B, and 22F, situated in Abstract 52 of the Ritson Morris Survey, Harris County, Texas, located south of Red Bluff, north of the Mija Lake, and west of Friendship Park from the current classification of R-1 (Residential – Single Family Detached) to R-2 (Residential – Single Family Detached – Small Lot).

The 28.74 acre Tract to be rezoned is shown by a metes and bounds description attached hereto as Attachment "A," and incorporated herein by reference.

Upon passage of this Ordinance, the official zoning map of the City of Seabrook shall be amended to reflect this change.

SECTION 3. INCORPORATION INTO THE CODE; PENALTY CLAUSE.

This ordinance is hereby incorporated and made a part of the Seabrook City Code. Violation of this Ordinance is subject to the penalty section of said Code including, Section 11.06, "Criminal Enforcement" which provides that any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

SECTION 5. SEVERABILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Ordinance No. 2014-18

Page 3

SECTION 6. NOTICE

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 19th day of August, 2014.

PASSED, APPROVED, AND ADOPTED on second and final reading this 2nd day of September, 2014.

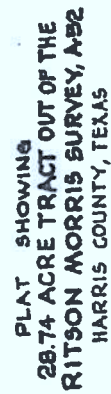
By: _____
Glenn Royal
Mayor

ATTEST:

By: _____
Michele L. Glaser, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney



**DONALD B. SZURCOT, REAL PROPERTY SURVEYOR
#1790, STATE OF TEXAS**

DON SZURGOT LAND SURVEYOR
1008 YVONNE DR. #17-296-1562
JOSHUA, TEXAS 76058

1 The Seabrook Planning and Zoning Commission met on Tuesday, July 17, 2014 in regular session at
2 Seabrook City Hall, 1700 First Street, Seabrook, Texas to consider and if appropriate, take action on the
3 agenda items listed below:
4

5 THOSE PRESENT WERE:
6

7 MICHAEL POTTS	CHAIRMAN
8 BUDDY HAMMANN	VICE CHAIRMAN
9 ROSEBUD CARADEC	MEMBER
10 MIKE DEHART	MEMBER
11 DODIE MILLER	MEMBER
12 MICHAEL SHARPE	MEMBER
13 BOLIVAR LEWIS	MEMBER
14 SEAN LANDIS	DIRECTOR OF COMMUNITY DEVELOPMENT
15	SECRETARY
16 ALESIA HAMMOCK	

17
18 Chairman Potts called the meeting to order at 7:00 p.m. and stated there was a quorum present.
19

20 **1.0 ROUTINE PUBLIC HEARING AND ANNOUNCEMENTS – None**
21

22 **2.0 SPECIFIC PUBLIC HEARINGS**
23

24 **2.1 Request to change the zoning classification of land described below from the current**
25 **classification of R-1 (Residential – Single Family Detached) to R-2 (Residential – Single**
26 **Family Detached – Small Lot).**
27

28 Sean Landis gave a brief report. He stated that the applicant requested to rezone a 28.74 acre
29 tract of land situated in the Ritson Morris Survey, Abstract 52, Harris County, Texas and being
30 out of and a part of Tracts 19A, 22B & 22F from the current classification of R-1 (Residential –
31 Single Family Detached) to R-2 (Residential – Single Family Detached – Small Lot).
32

33 Mr. Landis stated that Mr. Swearingin wishes to rezone the property to allow for the
34 development of a master planned residential subdivision. Mr. Swearingin hopes to partner with
35 the land owner to the north (Mr. Lazarri) creating single family home lots for sale. Lee Girard of
36 Girard Interests, Inc. is representing the combined properties. Lee will be offering for sale almost
37 50 acres which includes approximately 25 acres currently owned by the Lazarri's and already
38 zoned R-2 (Residential- Single Family Detached- Small Lots).
39

40 Mr. Landis stated that it is the applicants hope that after obtaining the zoning change to receive
41 commitments to develop from home builders such as Perry and Brighten Homes. If the request is
42 approved the applicant hopes to submit a preliminary plat to the Seabrook Planning and Zoning
43 Commission by the end of 2014.
44

45 Sandy Collins stated that he was the co-owner of the property. He stated that they have not been
46 able to develop the property because they did not have any access. Mr. Collins stated that he has
47 been in contact with the land owner to the north with the hopes of combining the properties for
48 development and creating access to Red Bluff. He stated that he has spoken with several builders
49 and that they were interested in the development.
50

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

- Line 13: Add Condominiums as Conditional Use in WAD
Line 23: Remove Air cleaning & purifying equipment
Line 27: Remove Antique shops & dealers – Retail, light
Line 33: Remove Auto parts & supplies – Retail, heavy
Line 36: Remove Bait & tackle shops – Retail, heavy
Line 37: Remove Bakers, retail – Retail, light
Line 40: Change C-1 to a Conditional Use
Line 44: Remove Bicycle sales – Retail, light
Line 47: Remove Boat equipment & supplies – Retail, heavy
Line 51: Remove Book dealers, retail – Retail, light
Line 54: Remove Candy & confection, retail – Retail, light
Line 56: Remove Carpet & rug dealers – Retail, heavy
Line 67: Remove Clothing store – Retail, light or heavy
Line 68: Remove Coin dealers – Retail, light
Line 71: Remove Contractors (with outside storage) from C-S
Line 72: Add Contractors (without outside storage) to C-2, C-3, MMU, OS, and LI
Line 78: Remove Department stores – Retail, heavy
Line 80: Remove Discount Store – Retail, heavy
Line 89: Remove Florists – Retail, light
Line 90: Remove Food store, specialty – Retail, light or heavy
Line 92: Remove Furniture dealers – Retail, heavy
Line 98: Remove Gravestone/tombstone sales – Retail, heavy
Line 101: Remove Hardware stores / Building materials sales – Retail, heavy
Line 104: Change High rise (all uses within must be allowed per the zone) to allow
in WAD by right and add Conditional Use in OS and MMU zones
Line 107: Change to Hotels & motels to include (with full service restaurant)
Line 108: Add Hotels & motels (without full service restaurant) to allow as
Conditional Use in C-2, C-3, WAD, MMU and LI
Line 113: Remove Liquor store – Retail, heavy
Line 126: Remove Musical instrument dealers – Retail, light
Line 131: Remove Paint stores, retail – Retail, heavy
Line 135: Remove Pharmacies – Retail, heavy
Line 139: Remove Produce, retail – Retail, light
Line 151: Remove Restaurants (delivery & pickup only) – Combined with
Restaurants
Line 152: Re-title Retail to Retail, heavy
Line 153: Add Retail, light to OS as use by right
Line 157: Remove Shopping centers (not a use)

Motion was made by Rosebud Caradec and seconded by Buddy Hammann

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

MOTION CARRIES BY UNANIMOUS CONSENT.

4.0 APPROVAL OF MINUTES

198
199 **4.1 Discussion, consideration and possible action concerning the minutes from the June 19,**
200 **2014 Planning & Zoning meeting.**

201
202 **Motion was made by Buddy Hammann and seconded by Bolivar Lewis**

203
204 *To approve the minutes from the June 19, 2014 Planning & Zoning meeting as presented.*

205
206 **MOTION CARRIES BY UNANIMOUS CONSENT.**

207
208 **5.0 ROUTINE BUSINESS**

209
210 **5.1 Discussion and consideration of the Community Development Activity Summary.**

211
212 Sean Landis gave a brief report.

213
214 **5.2 Report from the Director of Planning and Community Development on the status of a list**
215 **of actions taken by Planning & Zoning and sent to City Council for its action or review.**

216
217 Sean Landis gave a brief report.

218
219 **5.3 Discussion with staff and P&Z Commission to establish future agenda items and meeting**
220 **dates.**

221
222 Chairman Potts stated that there would be a meeting on August 7, 2014 to discuss the request for
223 a final plat for Estates on Lake Mija.

224
225 Chairman Potts stated that P&Z would also meet on August 21, 2014 and the following items
226 will be discussed:

- 227
228
 - Rezoning The Point
 - Consideration of amendment to the Comprehensive Zoning Code to amend requirements for
229 outside storage and display in C-1, C-2, C-3, C-S, WAD, MMU, and OS zoning districts.

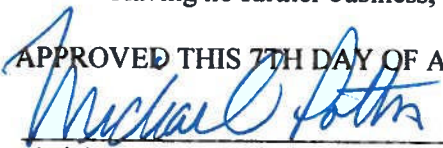
230
231
232 **Motion was made by Buddy Hammann and seconded by Mike DeHart**

233
234 *To adjourn the Planning & Zoning Commission meeting.*

235
236 **MOTION CARRIES BY UNANIMOUS CONSENT.**

237
238 Having no further business, the meeting adjourned at 8:15 p.m.

239
240 **APPROVED THIS 7TH DAY OF AUGUST, 2014.**

241
242
243 
Michael Potts, Chairman


Alesia Hammock, Secretary

Planning & Zoning Commission OFFICIAL REPORT

The Planning and Zoning Commission of the City of Seabrook met on July 17, 2014 to hold a meeting to consider:

Request to change the zoning classification of 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). This property is located south of Red Bluff, north of the Mija Lake, and west of Friendship Park.

THE PLANNING & ZONING COMMISSION MADE THE FOLLOWING RECOMMENDATION:

APPROVAL ☒ **APPROVAL WITH AMENDMENTS/CONDITIONS (SEE BELOW)** ☐ **DENIAL** ☐
by a concurring vote of a majority of members of the Planning and Zoning Commission present at the meeting on July 17, 2014, as designated below and as certified by the signature of the Chairman. **This document is not valid unless signed by the Chairman/Presiding Commissioner.**

VOTE:

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>INITIAL</u>
Rosebud Caradec	me <i>me</i>	X			<i>me</i>
Mike DeHart	X				<i>me</i>
Buddy Hammann	X				me
Bolivar Lewis	X				me
Dodie Miller	X				me
Michael Potts	X				me
Michael Sharpe	X				<i>me</i>

Michael Potts

Michael Potts, Chairman
Planning & Zoning Commission

ATTEST:

Alesia L. Hammock

Alesia L. Hammock
Secretary



CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: 08-19-2014

Submitter/Requestor: City of Seabrook

Date Submitted: 08-12-2014

Presenter: Sean Landis

Description/Subject:

To amend and update the Comprehensive Land Use Regulation Matrix and related definitions.

AN ORDINANCE AMENDING 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", TO REVISE AND UPDATE "USES PERMITTED BY RIGHT AND CONDITIONAL USES"; AMENDING RELATED ARTICLE 1, "IN GENERAL", SECTION 1.10 "DEFINITIONS" TO SUPPLEMENT SUCH MATRIX REVISIONS BY ADDING A NEW DEFINITION FOR "RETAIL, HEAVY"; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

A Public Hearing was held before the Planning and Zoning Commission on July 17, 2014.

Applicant:

City Staff

Legal Description:

Request:

To amend and update the Comprehensive Land Use Regulation Matrix and related definitions.

Agenda Briefing Form
Page 2

Purpose/Need: Policy Issue ☒ Administrative Issue ☐

The Planning & Zoning Commission has long sought to review and update Section 3.15 of the Seabrook Comprehensive Zoning Code, Comprehensive Land Use Regulation Matrix. Over the previous two months the Commission has thoroughly reviewed the uses and is proposing a comprehensive update. The significant changes are as follows:

1. The adoption of a new definition, "Retail Heavy".
2. The removal of all individual retail uses that may be defined as Retail Light or Retail Heavy.
3. The creation of two new uses, "Hotel Motels (with full service restaurant)" and "Hotel Motels (without full service motels)".
4. Allow High Rise uses by right in a WAD (Water Activity District).

Please see attached Exhibit A.

The proposed change to the zoning ordinance was recommended for approval by the Planning & Zoning Commission by a unanimous vote at the regular meetings held on July 17, 2014.

Background/Issue (What prompted this need?):

Impacted Parties (Expected/Notified):

Recommended Action:

The proposed change to the zoning ordinance was recommended for approval by the Planning & Zoning Commission by a unanimous vote at the regular meetings held on July 17, 2014.

Attachments:

(Please list description of attachments and number of pages in each attachment)

Planning & Zoning Commission Minutes of the July 17, 2014 Meeting

Planning and Zoning Commission Official Report from the July 17, 2014 Meeting

Fiscal Impact: Budgeted ☐ Yes ☐ No Finance Officer Review:

Budget Amendment Required ☐ Yes ☐ No

Future/Ongoing Impact ☐ Yes ☐ No

Budget Dept/Line Item Number N/A

Funding Comments:

N/A

Where on the agenda should this item be placed?

(i.e. Public Hearing, New Business, Old Business, Consent Agenda, Executive Session, etc.)

New Business

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

Agenda Briefing Form
Page 3

Suggested Motion:

The proposed change to the zoning ordinance was recommended for approval by the Planning & Zoning Commission by a unanimous vote at the regular meetings held on July 17, 2014.

City Manager Review:

- ☐ Approved as submitted
- ☐ Submitted for Council consideration without comment
- ☐ Submitted for Council consideration with comments stated below:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances.)

Sent to City Attorney for review _____
(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

Received and accepted by the City Secretary/Assistant _____

Returned by the City Secretary/Assistant (If incomplete) _____

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

**CITY OF SEABROOK
ORDINANCE NO. 2014-19
UPDATING AND AMENDING THE COMPREHENSIVE
LAND USE REGULATION MATRIX
AND RELATED DEFINITIONS**

AN ORDINANCE AMENDING 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", TO REVISE AND UPDATE "USES PERMITTED BY RIGHT AND CONDITIONAL USES"; AMENDING RELATED ARTICLE 1, "IN GENERAL", SECTION 1.10 "DEFINITIONS" TO SUPPLEMENT SUCH MATRIX REVISIONS BY ADDING A NEW DEFINITION FOR "RETAIL, HEAVY"; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Seabrook is continually reviewing the provisions of the City Code of Ordinances relating to land use and other circumstances which generally impact the health, safety and well-being of residents, citizens and inhabitants; and

WHEREAS, the Planning and Zoning Commission of the City of Seabrook has conducted a public hearing, received input from staff and is of the opinion and has issued its final report that the amendments hereto are necessary for the public safety, health and welfare and for protection of the residents; and

WHEREAS, the City Council and the Planning and Zoning Commission of the City of Seabrook have studied the present provisions of the Code of Ordinances of the City of Seabrook and have determined the need to revise and update the "Comprehensive Land Use Matrix" which reference uses permitted by right and conditional uses, and supplemental definitions related thereto, to provide for orderly growth and protection of the health, safety and welfare of the inhabitants of the City of Seabrook; and

WHEREAS, all public notices have been posted, published and all required hearings on this matter have been held in accordance with the Comprehensive Zoning Ordinance and law; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

SECTION 1. FINDINGS OF FACT.

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. 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", TO REVISE AND UPDATE "USES PERMITTED BY RIGHT AND CONDITIONAL USES".

The Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 3, "Establishment of Zoning Districts and Associated Regulation" Section 3.15, "Comprehensive Land Use Regulations" is hereby amended by revising, adding and deleting certain land use activities, contained therein as shown on Exhibit A which is hereby made a part of this ordinance.

SECTION 3. AMENDMENT TO THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 1, "IN GENERAL", SECTION 1.10 "DEFINITIONS" TO RE-TITLE AN EXISTING DEFINITION "RETAIL" TO "RETAIL, HEAVY".

The Comprehensive Zoning Ordinance of the Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 1, "In General" Section 1.10, "Definitions" is hereby amended by re-titling the existing definition, "Retail," to "Retail, heavy" in the existing definitions contained in such Section, as provided hereafter.

"Retail, heavy: This land use category is characterized by commerce that caters to a broad range of commercial activity. Uses include those found in the Light Commercial category and those venues usually found in shopping centers and adjacent to grocery stores and the like. **Retail, heavy** uses are located adjacent to arterial and major collector roadways in areas that provide buffering to area residences. This category is exclusive of uses that produce excessive noise, airborne particles or offensive odors."

SECTION 4. INCORPORATION INTO THE CODE, PENALTY CLAUSE.

This Ordinance is hereby incorporated and made a part of the Seabrook City Code. Violation of this Ordinance is subject to the penalty section of said Code of Ordinances, Section 1-15 "General Penalty" and Appendix A, 11.06, "Criminal Enforcement" which provides that any person who shall violate any provision of this Ordinance shall be deemed guilty of an offense and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

SECTION 5. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

SECTION 6. SEVERABILITY.

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 7. NOTICE.

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 19th day of August, 2014.

PASSED AND APPROVED on second and final reading this 2nd day of September, 2014.

BY: _____
Glenn R. Royal
Mayor

ATTEST:

By: _____
Michele L. Glaser, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney

Attachment A

Sec. 3.15 Comprehensive land use regulation matrix.

TABLE 3-A

Uses Permitted by Right and Conditional Uses *

X = Use by right. C = Conditional use permit required. PUD = Planned unit development. * = Active sales office required.

Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	C-S	WAD	MMU	OS	MH	LI
Residential Uses													
Apartments				X									
Assisted Living Facilities				X	C	C							
Cluster housing			X	X							X		
Condominium				X					C				
Duplex				X							X		
Group homes	X	X	X	X									
Manufactured home / manufactured home park												X	
Single-family detached residence	X	X	X	X							X	X	
Townhouse				X									
Zero lot line homes			X	X						C			
Non-Residential Uses													
Accessory building/uses (all uses must be allowed per the zone)	X	X	X	X	X	X	X	X	X	X	X	X	X
Air-cleaning & purifying equipment	-	-	-	-	-	-	X	X	-	-	-	-	X
Alterations, clothing					X	X	X	X	X	X	X		X
Ambulance service						X	X	X					X
Animal training schools						X	X	X					X
Antique-shops & dealers	-	-	-	-	X	X	X	X	X	X	X	-	X
Appliance dealers / rental						X	X	X	X	X	X		X
Auction house						C	X				X		X
Auto body repair / painting							X						X
Auto dealers							X						X
Auto repair/detailing						X	X	X					X
Auto-parts & supplies	-	-	-	-	-	X	X	X	-	-	-	-	X
Auto rental & leasing						X	X	X	C	C			X
Auto wrecker service							X						X
Bait & tackle shops	-	-	-	-	-	X	X	X	X	X	X	-	X
Bakers, retail	-	-	-	-	X	X	X	X	X	X	X	-	X
Bakers, wholesale							X						X

[illegible]

Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	C-S	WAD	MMU	OS	MH	LI
Delivery services						X	X	X		X			X
Department stores--	-	-	-	-	-	X-	X-	-	G-	X-	-	-	X-
Dinner theatre						X	X		X	X	X		X
Discount stores--	-	-	-	-	-	X-	X-	X-	-	X-	-	-	X-
Domestic animal training schools						X	X	X					X
Dry cleaners (pickup only)					X	X	X	X	X	X	X		X
Electrical equipment & supplies, wholesale						C	X						X
Electronics manufacturer													X
Exterminators & pest control						X	X	X					X
Farm	X												X
Fish & seafood, retail					C	X	X	X	X	X	C		X
Fish & seafood, wholesale						C	X		X	X			X
Florists	-	-	-	-	X-	X-	X-	X-	X-	X-	X-	-	X-
Food store, specialty--	-	-	-	-	X-	X-	X-	X-	X-	X-	X-	-	X-
Fraternal organizations						C	C		C				C
Furniture dealers--	-	-	-	-	-	X-	X-	X-	X-	X-	X-	-	X-
Funeral home / mortuary					C	X	X						X
Game rooms & billiard parlors						C	C		C	C			C
Gasoline service stations / convenience stores						X	X						X
Glass sales, tinting & replacement						X	X	X					X
Golf course/country club	C	C	X	X									X
Gravestone/monument sales--	-	-	-	-	-	X-	X-	X-	-	-	-	-	X-
Greenhouse						X	X						X
Gunsmiths						X	X	X	X	X	X		X
Hardware stores / Building materials sales--	-	-	-	-	G-	X-	X-	X-	X-	X-	X-	-	X-
Health club					C	X	X		X	X	C		X
Heavy machinery sales							X						X
High rise (all uses within must be allowed per the zone)									G-X	C	C		
Hospice	C					X	X						X
Hospital						X	X						X
Hotels & motels (with full service restaurant)						X	X		X	X			X
Hotels & motels (without full service restaurant)						C-	C-		C	C-			C-
Janitorial services & supplies						X	X	X					X
kennel, outdoor							X						X
Laundry, self-service						X	X	X	C	C			X
Limousine service					X	X	X	X	C				X
Liquor store						X-	X-	X-	X-	X-	-	-	X-
Machine shops & welding						X	X	X					X

Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	C-S	WAD	MMU	OS	MH	LI
Mailbox rentals					X	X	X	X	C	X	X		X
Mailing service, bulk					X	X	X	X	X	X	X		X
Manufacturing													X
Marina									X	X	C		
Medical emergency clinics (w/ambulance)										X			X
Medical equipment and supplies						X	X	X		X			X
Medical laboratories					C	X	X	X					X
Monastery or convent	C			C		C	C						C
Motion picture theatre						X	X		C				X
Motorcycle sales & repair						C	X	X					X
Museums					C	C	X	X	X	X	X		X
Musical-instrument-dealers--	-	-	-	-	X-	X-	X-	X-	X-	X-	X-	-	X-
Nurseries					X	X	X	X			X		X
Nursing homes	C			X	C	C							X
Office, professional					X	X	X	X	X	X	X		X
Open air market (all uses must be allowed per the zone)											C		
Paint-stores, retail--	-	-	-	-	X-	X-	X-	X-	X-	X-	X-	-	X-
Pawnbrokers						X	X	X					X
Personal care home (assisted living)				X	X	X	X				C		X
Pet shops (indoor kennels only)					X	X	X	X	X	X	X		X
Pharmacies--	-	-	-	-	X-	X-	X-	X-	X-	X-	X-	-	X-
Printers							X	X					X
Private clubs (as per TABC)						C	C		C	C			C
Private schools					X	X	X	X		X	X		X
Produce, retail--	-	-	-	-	X-	X-	X-	X-	X-	X-	X-	-	X-
Public use (governmental)	X	X	X	X	X	X	X	X	X	X	X	X	X
Pumps, industrial sales and service							X						X
Quick lube/oil change						X	X	X					X
Radio/television transmission tower (commercial)										C			X
Recreational vehicle park													C
Recreational vehicle sales, rental & repair							X						X
Recycling center													C
Rental service store (no heavy equipment)						X	X	X					X
Rental, trucks & heavy equipment							X						X
Restaurant equipment & supplies						X	X	X					X
Restaurants					C	X	X	X	X	X	X		X
Restaurants (delivery & pickup only)--	-	-	-	-	-	X-	X-	X-	-	-	-	-	X-
Retail, heavy						X	X	X	X	X	X		X

Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	C-S	WAD	MMU	OS	MH	LI
Retail, light					X	X	X	X	X	X	X		X
Sailmakers					X	X	X	X	X	X	X		X
Sexually oriented business													X
Shipyard									X	X			X
Shopping centers--	-	-	-	-	-	X	X	-	X	-	-	-	X
Signs, manufacturing							X	X					
Skating rinks						C	X	X		X			X
Small engine repair						X	X	X					X
Smoke & head shop													X
Sports and recreational arenas										C			X
Stables	C												X
Storage, auto; inside							X						X
Storage, auto; outside							C						
Storage, boat; inside							X	X	X	X			X
Storage, boat; outside							X	X		X			X
Swimming pool & spa sales & supplies					C	X	X	X	C				X
Tele-video production						X	X	X	X	X			X
Theatre					C	X	X	X	X	X			X
Tire dealers and service						X	X	X					X
Trucking company													X
Upholstery shop					C	X	X	X	X	X	X		X
Veterinarians & animal hospitals (no outside kennels)					C	X	X	X	X	X			X
Veterinarians (with outside kennels)							X						X
Warehouse													X
Warehouses, offices & mini							X			X			X
Woodwork shops						X	X	X	X	X	X		X
Yacht/sailing club									X	X	X		

! A property is prohibited from having an accessory use/structure without the presence of a principal use/structure.

1 The Seabrook Planning and Zoning Commission met on Tuesday, July 17, 2014 in regular session at
2 Seabrook City Hall, 1700 First Street, Seabrook, Texas to consider and if appropriate, take action on the
3 agenda items listed below:
4

5 THOSE PRESENT WERE:
6

7 MICHAEL POTTS	CHAIRMAN
8 BUDDY HAMMANN	VICE CHAIRMAN
9 ROSEBUD CARADEC	MEMBER
10 MIKE DEHART	MEMBER
11 DODIE MILLER	MEMBER
12 MICHAEL SHARPE	MEMBER
13 BOLIVAR LEWIS	MEMBER
14 SEAN LANDIS	DIRECTOR OF COMMUNITY DEVELOPMENT
15	SECRETARY
16 ALESIA HAMMOCK	

17
18 Chairman Potts called the meeting to order at 7:00 p.m. and stated there was a quorum present.
19

20 **1.0 ROUTINE PUBLIC HEARING AND ANNOUNCEMENTS – None**
21

22 **2.0 SPECIFIC PUBLIC HEARINGS**
23

24 **2.1 Request to change the zoning classification of land described below from the current**
25 **classification of R-1 (Residential – Single Family Detached) to R-2 (Residential – Single**
26 **Family Detached – Small Lot).**
27

28 Sean Landis gave a brief report. He stated that the applicant requested to rezone a 28.74 acre
29 tract of land situated in the Ritson Morris Survey, Abstract 52, Harris County, Texas and being
30 out of and a part of Tracts 19A, 22B & 22F from the current classification of R-1 (Residential –
31 Single Family Detached) to R-2 (Residential – Single Family Detached – Small Lot).
32

33 Mr. Landis stated that Mr. Swearengin wishes to rezone the property to allow for the
34 development of a master planned residential subdivision. Mr. Swearengin hopes to partner with
35 the land owner to the north (Mr. Lazarri) creating single family home lots for sale. Lee Girard of
36 Girard Interests, Inc. is representing the combined properties. Lee will be offering for sale almost
37 50 acres which includes approximately 25 acres currently owned by the Lazarri's and already
38 zoned R-2 (Residential- Single Family Detached- Small Lots).
39

40 Mr. Landis stated that it is the applicants hope that after obtaining the zoning change to receive
41 commitments to develop from home builders such as Perry and Brighten Homes. If the request is
42 approved the applicant hopes to submit a preliminary plat to the Seabrook Planning and Zoning
43 Commission by the end of 2014.
44

45 Sandy Collins stated that he was the co-owner of the property. He stated that they have not been
46 able to develop the property because they did not have any access. Mr. Collins stated that he has
47 been in contact with the land owner to the north with the hopes of combining the properties for
48 development and creating access to Red Bluff. He stated that he has spoken with several builders
49 and that they were interested in the development.
50

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

- Line 13: Add Condominiums as Conditional Use in WAD
- Line 23: Remove Air cleaning & purifying equipment
- Line 27: Remove Antique shops & dealers – Retail, light
- Line 33: Remove Auto parts & supplies – Retail, heavy
- Line 36: Remove Bait & tackle shops – Retail, heavy
- Line 37: Remove Bakers, retail – Retail, light
- Line 40: Change C-1 to a Conditional Use
- Line 44: Remove Bicycle sales – Retail, light
- Line 47: Remove Boat equipment & supplies – Retail, heavy
- Line 51: Remove Book dealers, retail – Retail, light
- Line 54: Remove Candy & confection, retail – Retail, light
- Line 56: Remove Carpet & rug dealers – Retail, heavy
- Line 67: Remove Clothing store – Retail, light or heavy
- Line 68: Remove Coin dealers – Retail, light
- Line 71: Remove Contractors (with outside storage) from C-S
- Line 72: Add Contractors (without outside storage) to C-2, C-3, MMU, OS, and LI
- Line 78: Remove Department stores – Retail, heavy
- Line 80: Remove Discount Store – Retail, heavy
- Line 89: Remove Florists – Retail, light
- Line 90: Remove Food store, specialty – Retail, light or heavy
- Line 92: Remove Furniture dealers – Retail, heavy
- Line 98: Remove Gravestone/tombstone sales – Retail, heavy
- Line 101: Remove Hardware stores / Building materials sales – Retail, heavy
- Line 104: Change High rise (all uses within must be allowed per the zone) to allow in WAD by right and add Conditional Use in OS and MMU zones
- Line 107: Change to Hotels & motels to include (with full service restaurant)
- Line 108: Add Hotels & motels (without full service restaurant) to allow as Conditional Use in C-2, C-3, WAD, MMU and LI
- Line 113: Remove Liquor store – Retail, heavy
- Line 126: Remove Musical instrument dealers – Retail, light
- Line 131: Remove Paint stores, retail – Retail, heavy
- Line 135: Remove Pharmacies – Retail, heavy
- Line 139: Remove Produce, retail – Retail, light
- Line 151: Remove Restaurants (delivery & pickup only) – Combined with Restaurants
- Line 152: Re-title Retail to Retail, heavy
- Line 153: Add Retail, light to OS as use by right
- Line 157: Remove Shopping centers (not a use)

Motion was made by Rosebud Caradec and seconded by Buddy Hammann

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

MOTION CARRIES BY UNANIMOUS CONSENT.

4.0 APPROVAL OF MINUTES

198
199 **4.1 Discussion, consideration and possible action concerning the minutes from the June 19,**
200 **2014 Planning & Zoning meeting.**

201
202 **Motion was made by Buddy Hammann and seconded by Bolivar Lewis**

203
204 *To approve the minutes from the June 19, 2014 Planning & Zoning meeting as presented.*

205
206 **MOTION CARRIES BY UNANIMOUS CONSENT.**

207
208 **5.0 ROUTINE BUSINESS**

209
210 **5.1 Discussion and consideration of the Community Development Activity Summary.**

211
212 Sean Landis gave a brief report.

213
214 **5.2 Report from the Director of Planning and Community Development on the status of a list**
215 **of actions taken by Planning & Zoning and sent to City Council for its action or review.**

216
217 Sean Landis gave a brief report.

218
219 **5.3 Discussion with staff and P&Z Commission to establish future agenda items and meeting**
220 **dates.**

221
222 Chairman Potts stated that there would be a meeting on August 7, 2014 to discuss the request for
223 a final plat for Estates on Lake Mija.

224
225 Chairman Potts stated that P&Z would also meet on August 21, 2014 and the following items
226 will be discussed:

- 227
228
 - Rezoning The Point
 - Consideration of amendment to the Comprehensive Zoning Code to amend requirements for
229 outside storage and display in C-1, C-2, C-3, C-S, WAD, MMU, and OS zoning districts.

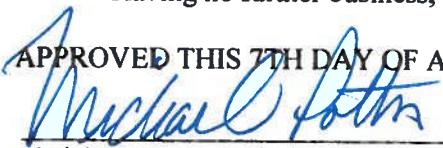
230
231
232 **Motion was made by Buddy Hammann and seconded by Mike DeHart**

233
234 *To adjourn the Planning & Zoning Commission meeting.*

235
236 **MOTION CARRIES BY UNANIMOUS CONSENT.**

237
238 Having no further business, the meeting adjourned at 8:15 p.m.

239
240 **APPROVED THIS 7TH DAY OF AUGUST, 2014.**

241
242
243 
Michael Potts, Chairman


Alesia Hammock, Secretary

Planning & Zoning Commission OFFICIAL REPORT

The Planning and Zoning Commission of the City of Seabrook met on July 17, 2014 to hold a meeting to consider:

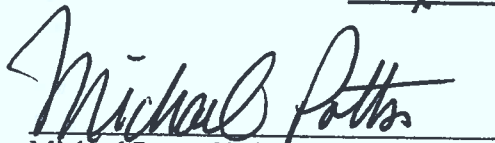
Request regarding changes to the Comprehensive Land Use Matrix.

THE PLANNING & ZONING COMMISSION MADE THE FOLLOWING RECOMMENDATION:

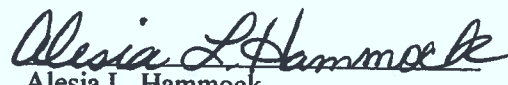
APPROVAL ☒ **APPROVAL WITH AMENDMENTS/CONDITIONS (SEE BELOW)** ☐ **DENIAL** ☐
by a concurring vote of a majority of members of the Planning and Zoning Commission present at the meeting on July 17, 2014, as designated below and as certified by the signature of the Chairman. **This document is not valid unless signed by the Chairman/Presiding Commissioner.**

SEE ATTACHMENT

<u>VOTE:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>INITIAL</u>
Rosebud Caradec	X				RC
Mike DeHart	X				MD
Buddy Hammann	X				BH
Bolivar Lewis	X				BL
Dodie Miller	X				DM
Michael Potts	X				MP
Michael Sharpe	X				MS


Michael Potts, Chairman
Planning & Zoning Commission

ATTEST:


Alesia L. Hammock
Secretary

Comprehensive Land Use Matrix 07/17/2014 Markup

Suggested Changes:

- Line 11: Add Assisted Living as an Conditional Use in C-1 and C-2
- Line 13: Add Condominiums as Conditional Use in WAD
- Line 23: Remove Air cleaning & purifying equipment
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- Line 153: Add Retail, light to OS as use by right
- Line 157: Remove Shopping centers (not a use)

Sec. 3.15 Comprehensive land use regulation matrix.

TABLE 3-A

Uses Permitted by Right and Conditional Uses¹

X = Use by right. C = Conditional use permit required. PUD = Planned unit development. * = Active sales office required.

Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	C-S	WAD	MMU	OS	MH	LI
Residential Uses													
Apartments				X									
Assisted Living Facilities			X	X	C	C							
Cluster housing			X	X							X		
Condominium			X	X					C	C			
Duplex				X							X		
Group homes	X	X	X	X									
Manufactured home / manufactured home park												X	
Single-family detached residence	X	X	X	X							X	X	
Townhouse				X						C			
Zero lot line homes			X	X									
Non-Residential Uses													
Accessory building/uses (all uses must be allowed per the zone)	X	X	X	X	X	X	X	X	X	X	X	X	X
Air cleaning & purifying equipment													
Alterations, clothing					X	X	X	X	X	X	X	X	X
Ambulance service						X	X	X					X
Animal training schools						X	X	X					X
Antique shops & dealers						X	X	X	X	X	X	X	X
Appliance dealers / rental						X	X	X	X	X	X	X	X
Auction house						C	X				X		X
Auto body repair / painting							X						X
Auto dealers							X						X
Auto repair/detailing						X	X	X					X
Auto parts & supplies						X	X	X					X
Auto rental & leasing						X	X	X	C	C			X
Auto wrecker service							X						X
Bait & tackle shops						X	X	X	X	X	C		X
Bakers, retail						X	X	X	X	X	X		X
Bakers, wholesale							X						X
Banks or financial services					X	X	X	X	X	C	C		X
Banquet hall					C	X	X	X	X	C	C		

Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	C-S	WAD	MMU	OS	MH	LI
Barbers / beauty salons / day spa					X	X	X	X	X	X	X		X
Bars						C	C		C	C			C
Bed & breakfast				C	X	X	X	X	X	X	X		X
Bicycle sales	-	-	-	-	X	X	X	X	X	X	X	-	X
Bingo parlor						C	C	C	C	C			C
Boat engine repair & service						C	X	X	C	X			X
Boat equipment & supplies	-	-	-	-	-	X	X	X	X	X	X	-	X
Boat hull repair & construction						C	X	C	C	X			X
Boat rental								X	X	X	X		X
Boat sales						C	X	X	X	X	C*		X
Book dealers, retail	-	-	-	-	X	X	X	X	X	X	X	-	X
Bowling alleys						C	X			C			X
Cabinet makers & millwork shops					X	X	X	X	C	X	X		X
Candy & confection, retail	-	-	-	-	X	X	X	X	X	X	X	-	X
Candy & confection, wholesale							X						X
Carpet & rug dealers	-	-	-	-	-	X	X	X	-	-	X	-	X
Caterers					X	X	X	X	X	X	X		X
Cellular communications tower							C						X
Cemetery or mausoleum	C	C	C	C	C	C	C						X
Charter boat-service					C				X	X			
Child day care center					C	X	X				X		X
Child day care family home				C	C						X		
Church / place of worship	X	X	X	X	X	X	X	X	X	X	X	X	X
Cigar lounge						X	X	X	X	X			X
Cigar & tobacco shop						X	X	X	X	X			X
Civic club						C	C	C	C	C	C		C
Clothing store	-	-	-	-	X	X	X	X	X	X	X	-	X
Coin dealers	-	-	-	-	X	X	X	X	X	X	X	-	X
Commercial automobile parking lot / garage						C	X						X
Computer sales & service					X	X	X	X	X	X	X		X
Contractors (with outside storage)							X	X		C	C		X
Contractors (without outside storage)						X	X			X	X		X
Convenience stores (without fuel pumps)					C	X	X	X	X	X	X		X
Copy & duplicating services					X	X	X	X	X	X	X		X
Dancehalls						C	C		C	C			X
Dance instruction					X	X	X	X	X	X	X		X
Delivery services						X	X	X	X	X			X
Department stores	-	-	-	-	-	X	X	-	C	X	-	-	X

Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	C-S	WAD	MMU	OS	MH	LI
Dinner theatre						X	X		X	X	X		X
Discount stores—	—	—	—	—	—	X—	X—	X—	—	X—	—	—	X—
Domestic animal training schools						X	X	X					X
Dry cleaners (pickup only)					X	X	X	X	X	X	X		X
Electrical equipment & supplies, wholesale						C	X						X
Electronics manufacturer							X	X					X
Exterminators & pest control													X
Farm	X												X
Fish & seafood, retail					C	X	X	X	X	X	C		X
Fish & seafood, wholesale						C	X		X	X			X
Florists	—	—	—	—	X—	X—	X—	X—	X—	X—	X—	—	X—
Food store, specialty—	—	—	—	—	X—	X—	X—	X—	X—	X—	X—	—	X—
Fraternal organizations						C	C		C				C
Furniture dealers—	—	—	—	—	—	X—	X—	X—	X—	X—	X—	—	X—
Funeral home / mortuary					C	X	X						X
Game rooms & billiard parlors						C	C		C	C			C
Gasoline service stations / convenience stores						X	X						X
Glass sales, tinting & replacement						X	X	X					X
Golf course/country club	C	C	X	X									X
Gravestone/tombstone sales—	—	—	—	—	—	X—	X—	X—	—	—	—	—	X—
Greenhouse						X	X						X
Gunsmiths						X	X	X	X	X	X		X
Hardware stores / Building materials sales—	—	—	—	—	C—	X—	X—	X—	X—	X—	X—	—	X—
Health club					C	X	X		X	X	C		X
Heavy machinery sales							X						X
High rise (all uses within must be allowed per the zone)									G-X	C	C		
Hospice	C					X	X						X
Hospital						X	X						X
Hotels & motels (with full service restaurant)						X	X		X	X			X
Hotels & motels (without full service restaurant)						C	C		C	C			C
Janitorial services & supplies						X	X	X					X
Kennel, outdoor							X						X
Laundry, self-service						X	X	X	C	C			X
Limousine service				X	X	X	X	X	C				X
Liquor store						X—	X—	X—	X—	X—	—	—	X—
Machine shops & welding							X	X					X
Mailbox rentals				X	X	X	X	X	C	X	X		X
Mailing service, bulk				X	X	X	X	X	X	X	X		X

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Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	C-S	WAD	MMU	OS	MH	LI
Manufacturing													X
Marina									X	X	C		
Medical emergency clinics (w/ambulance)										X			X
Medical equipment and supplies						X	X	X		X			X
Medical laboratories					C	X	X	X					X
Monastery or convent	C			C		C	C						C
Motion picture theatre						X	X		C				X
Motorcycle sales & repair						C	X	X					X
Museums					C	C	X		X	X	X		X
Musical instrument dealers—	—	—	—	—	X—	X—	X—	X—	X—	X—	X—	—	X—
Nurseries					X	X	X	X			X		X
Nursing homes	C			X	C	C							X
Office, professional					X	X	X	X	X	X	X		X
Open air market (all uses must be allowed per the zone)											C		
Paint stores, retail—	—	—	—	—	X—	X—	X—	X—	X—	X—	X—	—	X—
Pawnbrokers						X	X	X					X
Personal care home (assisted living)				X	X	X	X				C		X
Pet shops (indoor kennels only)					X	X	X	X	X	X	X		X
Pharmacies—	—	—	—	—	X—	X—	X—	X—	X—	X—	X—	—	X—
Printers							X	X					X
Private clubs (as per TABC)						C	C		C	C			C
Private schools					X	X	X			X	X		X
Produce, retail—	—	—	—	—	X—	X—	X—	X—	X—	X—	X—	—	X—
Public use (governmental)	X	X	X	X	X	X	X	X	X	X	X	X	X
Pumps, industrial sales and service							X						X
Quick lube/oil change						X	X	X					X
Radio/television transmission tower (commercial)										C			X
Recreational vehicle park													C
Recreational vehicle sales, rental & repair							X						X
Recycling center													C
Rental service store (no heavy equipment)						X	X	X					X
Rental, trucks & heavy equipment							X						X
Restaurant equipment & supplies						X	X	X					X
Restaurants					C	X	X	X	X	X	X		X
Restaurants (delivery & pickup only)—	—	—	—	—	—	X—	X—	X—	—	—	—	—	X—
Retail, heavy						X	X	X	X	X			X
Retail, light					X	X	X	X	X	X	X		X
Sailmakers					X	X	X	X	X	X	X		X

Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	C-S	WAD	MMU	OS	MH	LI
Sexually oriented business													X
Shipyard									X	X			X
Shopping centers—	—	—	—	—	—	X—	X—	—	X—	—	—	—	X—
Signs, manufacturing						X	X	X					
Skating rinks						C	X			X			X
Small engine repair						X	X	X					X
Smoke & head shop							X						X
Sports and recreational arenas										C			X
Stables	C												X
Storage, auto; inside							X						X
Storage, auto; outside							C						
Storage, boat; inside							X	X	X	X			X
Storage, boat; outside							X			X			X
Swimming pool & spa sales & supplies							X	X	C				X
Tele-video production					C	X	X	X	X	X			X
Theatre					C	X	X	X	X	X			X
Tire dealers and service						X	X	X					X
Trucking company													X
Upholstery shop						X	X	X	X	X	X		X
Veterinarians & animal hospitals (no outside kennels)					C	X	X	X	X	X			X
Veterinarians (with outside kennels)							X						X
Warehouse													X
Warehouses, offices & mini							X			X			X
Woodwork shops						X	X	X	X	X	X		X
Yacht/sailing club									X	X	X		

! A property is prohibited from having an accessory use/structure without the presence of a principal use/structure.

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING," ARTICLE 8, "NONCONFORMANCE", BY REPEALING SECTION, 8.07 "PROPERTIES MADE NONCONFORMING BY RIGHT- OF- WAY ACQUISITION"; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Seabrook is continually reviewing the provisions of the City Code of Ordinances relating to land use and other circumstances which generally impact the health, safety and well-being of residents, citizens and inhabitants; and

WHEREAS, the Planning and Zoning Commission of the City of Seabrook has conducted a public hearing, received input from staff and has issued its final report that the amendments hereto are necessary for the public safety, health and welfare and for protection of the residents; and

WHEREAS, the City Council and the Planning and Zoning Commission of the City of Seabrook have studied the present provisions of the Code of Ordinances of the City of Seabrook and have determined the need to repeal the provisions relative to nonconforming uses and structures occasioned by right-of-way acquisition in an effort to provide for orderly growth and protection of the health, safety and welfare of the inhabitants of the City of Seabrook; and

WHEREAS, all public notices have been posted, published and all required hearings on this matter have been held in accordance with the Comprehensive Zoning Ordinance and law; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK,
STATE OF TEXAS:**

SECTION 1. FINDINGS OF FACT.

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**SECTION 2. AMENDMENT TO THE SEABROOK CITY CODE,
APPENDIX A, ARTICLE 8. "NONCONFORMANCE", SECTION, 8.07
"PROPERTIES MADE NONCONFORMING BY RIGHT- OF- WAY
ACQUISITION".**

The Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 8, "Nonconformance" is amended by repealing Section 8.07 entitled "Properties Made Nonconforming by Right-of-Way Acquisition," as specifically provided hereafter:

~~"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 results 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."~~

SECTION 3. INCORPORATION INTO THE CODE, PENALTY CLAUSE.

This Ordinance is hereby incorporated and made a part of the Seabrook City Code. Violation of this Ordinance is subject to the penalty section of said Code of Ordinances, Section 1-15 "General Penalty" and Appendix A, 11.06, "Criminal Enforcement" which provides that any person who shall violate any provision of this Ordinance shall be deemed guilty of an offense and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

SECTION 5. SEVERABILITY.

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each and every part of the

same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 6. NOTICE.

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 19th day of August, 2014.

PASSED AND APPROVED on second and final reading this 2nd day of September, 2014.

BY: _____
Glenn R. Royal
Mayor

ATTEST:

By: _____
Michele L. Glaser, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney

1 **ORDINANCE NO. 2014-20**
2 **REPEAL OF SECTION, 8.07 "PROPERTIES MADE**
3 **NONCONFORMING BY RIGHT- OF- WAY ACQUISITION,"**
4

5 **AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A,**
6 **"COMPREHENSIVE ZONING," ARTICLE 8, "NONCONFORMANCE", BY**
7 **REPEALING SECTION, 8.07 "PROPERTIES MADE NONCONFORMING BY**
8 **RIGHT- OF- WAY ACQUISITION"; PROVIDING FOR A PENALTY IN AN**
9 **AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY**
10 **PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL**
11 **ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN**
12 **CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.**
13

14 **WHEREAS**, the City Council of the City of Seabrook is continually
15 reviewing the provisions of the City Code of Ordinances relating to land use and
16 other circumstances which generally impact the health, safety and well-being of
17 residents, citizens and inhabitants; and
18

19 **WHEREAS**, the Planning and Zoning Commission of the City of Seabrook
20 has conducted a public hearing, received input from staff and has issued its final
21 report that the amendments hereto are necessary for the public safety, health
22 and welfare and for protection of the residents; and
23

24 **WHEREAS**, the City Council and the Planning and Zoning Commission of
25 the City of Seabrook have studied the present provisions of the Code of
26 Ordinances of the City of Seabrook and have determined the need to repeal the
27 provisions relative to nonconforming uses and structures occasioned by right -of-
28 way acquisition in an effort to provide for orderly growth and protection of the
29 health, safety and welfare of the inhabitants of the City of Seabrook; and
30

31 **WHEREAS**, all public notices have been posted, published and all
32 required hearings on this matter have been held in accordance with the
33 Comprehensive Zoning Ordinance and law; now, therefore,
34

35 **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK,**
36 **STATE OF TEXAS:**
37

38 **SECTION 1.** **FINDINGS OF FACT.**
39

40 That the facts and matters set forth in the preamble of this Ordinance are
41 hereby found to be true and correct.
42
43
44
45
46

47 **SECTION 2. AMENDMENT TO THE SEABROOK CITY CODE,**
48 **APPENDIX A, ARTICLE 8. "NONCONFORMANCE", SECTION, 8.07**
49 **"PROPERTIES MADE NONCONFORMING BY RIGHT- OF- WAY**
50 **ACQUISITION".**

51
52 The Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 8,
53 "Nonconformance" is amended by repealing Section 8.07 entitled "Properties Made
54 Nonconforming by Right-of-Way Acquisition," as specifically provided hereafter:

55
56 ~~"Sec. 8.07. Properties Made Nonconforming by Right of Way Acquisition.~~

57
58 ~~Where a lot, tract or parcel is occupied by a lawful use or structure which is~~
59 ~~compliant with all associated regulations of the comprehensive zoning ordinance, and~~
60 ~~where the acquisition of right of way by eminent domain, dedication or purchase by a~~
61 ~~city, county, state or federal agency creates noncompliance of the use, structure or~~
62 ~~associated regulations of the comprehensive zoning ordinance such use, or structure~~
63 ~~shall be deemed a lawful use or structure in compliance with the associated zoning~~
64 ~~regulations. Such designation shall apply only to noncompliance that results directly~~
65 ~~from the acquisition of right of way. Any new construction on the lot, tract or parcel,~~
66 ~~including expansion of any existing structure, shall comply with all applicable zoning~~
67 ~~standards and building setbacks of the expansion or new construction and shall be~~
68 ~~measured relative to the new right of way line."~~

69
70 **SECTION 3. INCORPORATION INTO THE CODE, PENALTY CLAUSE.**

71
72 This Ordinance is hereby incorporated and made a part of the Seabrook City
73 Code. Violation of this Ordinance is subject to the penalty section of said Code of
74 Ordinances, Section 1-15 "General Penalty" and Appendix A, 11.06, "Criminal
75 Enforcement" which provides that any person who shall violate any provision of this
76 Ordinance shall be deemed guilty of an offense and, upon conviction, shall be fined in
77 an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate
78 offense.

79
80 **SECTION 4. REPEAL OF CONFLICTING ORDINANCES.**

81
82 All ordinances or parts of ordinances in conflict or inconsistent with this
83 Ordinance are hereby expressly repealed.

84
85 **SECTION 5. SEVERABILITY.**

86
87 In the event any clause, phrase, provision, sentence, or part of this Ordinance or
88 the application of the same to any person or circumstances shall for any reason be
89 adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not
90 affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof
91 other than the part declared to be invalid or unconstitutional; and the City Council of the
92 City of Seabrook, Texas, declares that it would have passed each and every part of the

same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 6. NOTICE.

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BY: _____
Glenn R. Royal
Mayor

ATTEST:

By: _____
Michele L. Glaser, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney

1 The Seabrook Planning and Zoning Commission met on Tuesday, July 17, 2014 in regular session at
2 Seabrook City Hall, 1700 First Street, Seabrook, Texas to consider and if appropriate, take action on the
3 agenda items listed below:
4

5 THOSE PRESENT WERE:
6

7 MICHAEL POTTS	CHAIRMAN
8 BUDDY HAMMANN	VICE CHAIRMAN
9 ROSEBUD CARADEC	MEMBER
10 MIKE DEHART	MEMBER
11 DODIE MILLER	MEMBER
12 MICHAEL SHARPE	MEMBER
13 BOLIVAR LEWIS	MEMBER
14 SEAN LANDIS	DIRECTOR OF COMMUNITY DEVELOPMENT
15	SECRETARY
16 ALESIA HAMMOCK	

17
18 Chairman Potts called the meeting to order at 7:00 p.m. and stated there was a quorum present.
19

20 **1.0 ROUTINE PUBLIC HEARING AND ANNOUNCEMENTS – None**
21

22 **2.0 SPECIFIC PUBLIC HEARINGS**
23

24 **2.1 Request to change the zoning classification of land described below from the current**
25 **classification of R-1 (Residential – Single Family Detached) to R-2 (Residential – Single**
26 **Family Detached – Small Lot).**
27

28 Sean Landis gave a brief report. He stated that the applicant requested to rezone a 28.74 acre
29 tract of land situated in the Ritson Morris Survey, Abstract 52, Harris County, Texas and being
30 out of and a part of Tracts 19A, 22B & 22F from the current classification of R-1 (Residential –
31 Single Family Detached) to R-2 (Residential – Single Family Detached – Small Lot).
32

33 Mr. Landis stated that Mr. Swearengin wishes to rezone the property to allow for the
34 development of a master planned residential subdivision. Mr. Swearengin hopes to partner with
35 the land owner to the north (Mr. Lazarri) creating single family home lots for sale. Lee Girard of
36 Girard Interests, Inc. is representing the combined properties. Lee will be offering for sale almost
37 50 acres which includes approximately 25 acres currently owned by the Lazarri's and already
38 zoned R-2 (Residential- Single Family Detached- Small Lots).
39

40 Mr. Landis stated that it is the applicants hope that after obtaining the zoning change to receive
41 commitments to develop from home builders such as Perry and Brighten Homes. If the request is
42 approved the applicant hopes to submit a preliminary plat to the Seabrook Planning and Zoning
43 Commission by the end of 2014.
44

45 Sandy Collins stated that he was the co-owner of the property. He stated that they have not been
46 able to develop the property because they did not have any access. Mr. Collins stated that he has
47 been in contact with the land owner to the north with the hopes of combining the properties for
48 development and creating access to Red Bluff. He stated that he has spoken with several builders
49 and that they were interested in the development.
50

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)
- 189

Motion was made by Rosebud Caradec and seconded by Buddy Hammann

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

MOTION CARRIES BY UNANIMOUS CONSENT.

4.0 APPROVAL OF MINUTES

198
199 **4.1 Discussion, consideration and possible action concerning the minutes from the June 19,**
200 **2014 Planning & Zoning meeting.**

201
202 **Motion was made by Buddy Hammann and seconded by Bolivar Lewis**

203
204 *To approve the minutes from the June 19, 2014 Planning & Zoning meeting as presented.*

205
206 **MOTION CARRIES BY UNANIMOUS CONSENT.**

207
208 **5.0 ROUTINE BUSINESS**

209
210 **5.1 Discussion and consideration of the Community Development Activity Summary.**

211
212 Sean Landis gave a brief report.

213
214 **5.2 Report from the Director of Planning and Community Development on the status of a list**
215 **of actions taken by Planning & Zoning and sent to City Council for its action or review.**

216
217 Sean Landis gave a brief report.

218
219 **5.3 Discussion with staff and P&Z Commission to establish future agenda items and meeting**
220 **dates.**

221
222 Chairman Potts stated that there would be a meeting on August 7, 2014 to discuss the request for
223 a final plat for Estates on Lake Mija.

224
225 Chairman Potts stated that P&Z would also meet on August 21, 2014 and the following items
226 will be discussed:

- 227
228
 - Rezoning The Point
 - Consideration of amendment to the Comprehensive Zoning Code to amend requirements for
230 outside storage and display in C-1, C-2, C-3, C-S, WAD, MMU, and OS zoning districts.

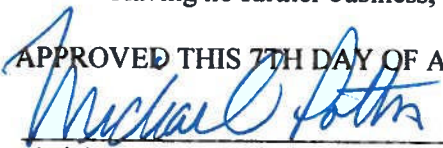
231
232 **Motion was made by Buddy Hammann and seconded by Mike DeHart**

233
234 *To adjourn the Planning & Zoning Commission meeting.*

235
236 **MOTION CARRIES BY UNANIMOUS CONSENT.**

237
238 Having no further business, the meeting adjourned at 8:15 p.m.

239
240 **APPROVED THIS 7TH DAY OF AUGUST, 2014.**

241
242
243 
Michael Potts, Chairman


Alesia Hammock, Secretary



CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: 08-19-2014

Submitter/Requestor: City of Seabrook

Date Submitted: 08-12-2014

Presenter: Sean Landis

Description/Subject:

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

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING," ARTICLE 8, "NONCONFORMANCE", BY REPEALING SECTION, 8.07 "PROPERTIES MADE NONCONFORMING BY RIGHT-OF- WAY ACQUISITION"; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

A Public Hearing was held before the Planning and Zoning Commission on July 17, 2014.

Applicant:

City Staff

Legal Description:

Request:

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

Purpose/Need: Policy Issue ☒ Administrative Issue ☐

Agenda Briefing Form
Page 2

On November 17, 2011, Staff brought before the Planning and Zoning Commission a request to add Section 8.07 Properties Made Nonconforming by Right-of-Way Acquisition, for consideration. The Commission voted unanimous to recommend approval and City Council concurred.

The original intent of the ordinance was to provide relief to property owners required to provide land due to right-of-way acquisition. The Planning and Zoning Commission has found that the language originally adopted could have the opposite effect.

As the State Highway 146 project nears, the Planning and Zoning Commission 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.

The Planning and Zoning Commission'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.

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

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 proposed change to the zoning ordinance was recommended for approval by the Planning & Zoning Commission by a unanimous vote at the regular meetings held on July 17, 2014.

Background/Issue (What prompted this need?):

Impacted Parties (Expected/Notified):

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

Recommended Action:

The proposed change to the zoning ordinance was recommended for approval by the Planning & Zoning Commission by a unanimous vote at the regular meetings held on July 17, 2014.

Attachments:

(Please list description of attachments and number of pages in each attachment)

Planning & Zoning Commission Minutes of the July 17, 2014 Meeting
Planning and Zoning Commission Official Report from the July 17, 2014 Meeting

Fiscal Impact: Budgeted _____ Yes _____ No Finance Officer Review:
Budget Amendment Required _____ Yes _____ No
Future/Ongoing Impact _____ Yes _____ No

Budget Dept/Line Item Number N/A

Funding Comments:

N/A

Where on the agenda should this item be placed?

(i.e. Public Hearing, New Business, Old Business, Consent Agenda, Executive Session, etc.)

New Business

Suggested Motion:

The proposed change to the zoning ordinance was recommended for approval by the Planning & Zoning Commission by a unanimous vote at the regular meetings held on July 17, 2014.

City Manager Review:

- ☐ Approved as submitted
- ☐ Submitted for Council consideration without comment
- ☐ Submitted for Council consideration with comments stated below:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances.)

Sent to City Attorney for review _____
(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

Received and accepted by the City Secretary/Assistant _____

Returned by the City Secretary/Assistant (If incomplete) _____

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

Planning & Zoning Commission OFFICIAL REPORT

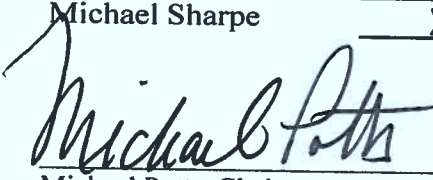
The Planning and Zoning Commission of the City of Seabrook met on July 17, 2014 to hold a meeting to consider:

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

THE PLANNING & ZONING COMMISSION MADE THE FOLLOWING RECOMMENDATION:

APPROVAL ☒ **APPROVAL WITH AMENDMENTS/CONDITIONS (SEE BELOW)** ☐ **DENIAL** ☐
by a concurring vote of a majority of members of the Planning and Zoning Commission present at the meeting on July 17, 2014, as designated below and as certified by the signature of the Chairman. **This document is not valid unless signed by the Chairman/Presiding Commissioner.**

<u>VOTE:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>INITIAL</u>
Rosebud Caradec	X				RC
Mike DeHart	X				MD
Buddy Hammann	X				BH
Bolivar Lewis	X				BL
Dodie Miller	X				DM
Michael Potts	X				MP
Michael Sharpe	X				MS


Michael Potts, Chairman
Planning & Zoning Commission

ATTEST:


Alesia L. Hammock
Secretary



CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: 08/19/14

Submitter/Requestor: Arthur Chairez

Date Submitted: 08/12/14

Presenter: Arthur Chairez

Description/Subject: Bid Award WWTP Headworks Improvements Project 2014-05

Purpose/Need: Replace manual bar screen with a mechanical bar screen to remove debris.

Background/Issue: This project will consist of installing a mechanical bar screen with a screening conveyer at the plants headwork to reduce intake of solids such as rags, grit and debris that disrupt the daily treatment process. It will reduce maintenance such as having to periodically replace mechanical seals on both clarifiers due to heavy intake of solids, minimize draft tube clogging and maximize tank volume and will make the treatment process smoother.

Impacted Parties: Wastewater Treatment Plant Operations

Miscellaneous Comments: The automatic bar screen rake does not require an operator. As a standard unit, it is simply wired to run continuously or flow paced (variable) with the incoming plant flow. The automatic rake scrapers travel slowly from the bottom of the bar screen to the top, dumping the debris before it makes its return down the upstream side of the sprocket.

Recommended Action: Award bid to low bidder Pepper-Lawson Waterworks, LLC. for the sum of \$525,000.00

Attachments: Engineer Recommendation Letter, Bid Tabulation.

Fiscal Impact:

Budgeted	<u>X</u>	Yes	<u> </u>	No
Budget Amendment Required	<u> </u>	Yes	<u>X</u>	No
Future/Ongoing Impact	<u> </u>	Yes	<u>X</u>	No
Budget Dept/Line Item Number	<u>Operating Funds</u>			
Approximate Total Amount of Expenditure	<u>\$ 525,000.00</u>			

Finance Officer Review:

Where on the agenda should this item be placed: Bid Awards

Suggested Motion: Award bid to Pepper-Lawson LLC. for the sum of \$ 525,000.00

Agenda Briefing Form
Page 2

Approvals:

Initials

Date

Approved by City Manager (If applicable) _____

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances.)

Sent to City Attorney for review _____

(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

Received and accepted by the City Secretary/Assistant _____

Returned by the City Secretary/Assistant (If incomplete) _____

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.



August 6, 2014

Mr. Arthur Chairez
Director of Public Works
City of Seabrook
1700 First Street
Seabrook, Texas 77586

Re: **Recommendation of Award**
Wastewater Treatment Plant Headworks Improvements
Seabrook Project No. 2014-05

Dear Mr. Chairez,

Bids for the referenced project were received on August 5, 2014 and a tabulation of those is attached to this letter. The low bid was submitted by **Pepper-Lawson Waterworks, LLC**. Based on our review of the bids and qualifications of the bidder, we recommend award of the contract to **Pepper-Lawson Waterworks, LLC** for a total Bid Price of **\$525,000.00**. If you have any questions or require additional information, I can be contacted at 713-462-3242.

Sincerely,

COBB, FENDLEY & ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "Mark Urback".

Mark Urback, P.E.
Project Manager

cc: Gayle Cook, City of Seabrook
File

Attachment

Client: City of Seabrook
Project Name: Headworks Improvements
Bid Date: August 5, 2014

				Bidder No. 1		Bidder No. 2		Bidder No. 3		Bidder No. 4	
				Pepper-Lawson Waterworks, LLC		R+B Group, Inc.		T&C Construction, Ltd.		SiteCon Services, Inc.	
Item No.	Item Description	Unit	Quantity	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
	BASE BID ITEMS										
	GENERAL AND SITE WORK ITEMS										
1	Wastewater Treatment Plant Headworks Improvements Including but not limited to, Mobilization, Plan As-Built, SWPPP, Demolition and Disposal, Remove Excess Excavation Dirt, Concrete Headworks Structure, Duperon Mechanical Fine Screen, Washer Compactor, Discharge Chute, Chute Support, Manual Bar Screen, Electrical and Piping.	LS	1	\$ 525,000.00	\$ 525,000.00	\$ 545,000.00	\$ 545,000.00	\$ 550,000.00	\$ 550,000.00	\$ 570,000.00	\$ 570,000.00
GENERAL AND SITE WORK ITEMS SUBTOTAL					\$ 525,000.00		\$ 545,000.00		\$ 550,000.00		\$ 570,000.00
	DEDUCTIVE ALTERNATE BID ITEM										
D-1	In lieu of providing Mechanically Cleaned Bar Screening System specified in Section 11307 provide deduct for Substitute Mechanically Cleaned Bar Screening System, including all required components from alternate Manufacturer: *	LS	1	\$ (75,000.00)	\$ (75,000.00)	\$ (65,000.00)	\$ (65,000.00)	\$ (80,000.00)	\$ (80,000.00)	\$ (125,000.00)	\$ (125,000.00)
	Alternate Manufacturer			Fairfield or Headworks		Headworks				Headworks	
TOTAL BASE BID PRICE				\$ 525,000.00		\$ 545,000.00		\$ 550,000.00		\$ 570,000.00	

*Note: The BIDDER may elect to substitute a manufacture for the specified equipment and reflect the “net” installed cost of the Alternate Bid Items for the OWNER’S consideration. The BIDDER understands that after a Contract is awarded, the OWNER may elect to select either the equipment as described on the plans and specifications or the proposed Substitute equipment that meets General Conditions (Part 1) and Service Conditions (2.02) in Section 11307 of the specifications. If awarded a Contract, the BIDDER agrees to furnish and install the equipment selected by the OWNER with appropriate price adjustment as indicated above. The Total Bid Price will then be adjusted accordingly.



CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: August 19, 2014

Submitter/Requestor: Chief Wright

Date Submitted: August 11, 2014

Presenter: N/A

Description/Subject: *Monthly Public Safety Statistics Report July 2014*

Purpose/Need: Policy Issue ☐ Administrative Issue ☒ The public safety agencies will show activity through the statistical data monthly.

Background/Issue:

Mayor and City Council request a monthly report for the activity of the public safety agencies for the city. The reports are created by the individual agencies and submitted by the Chief of Police.

Impacted Parties (Expected/Notified):

Miscellaneous Comments:

Recommended Action:

Attachments:

Police Department Report, Fire Department Report, CLEMC Report

Fiscal Impact: Budgeted ☐ Yes ☐ No
Budget Amendment Required ☐ Yes ☐ No
Future/Ongoing Impact ☐ Yes ☐ No

Finance Officer Review:

Budget Dept/Line Item Number _____

Funding Comments:

Where on the agenda should this item be placed?

CONSENT AGENDA

Agenda Briefing Form
Page 2

Suggested Motion:

City Manager Review:

- ☐ Approved as submitted
- ☐ Submitted for Council consideration without comment
- ☐ Submitted for Council consideration with comments stated below:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances.)

Sent to City Attorney for review _____

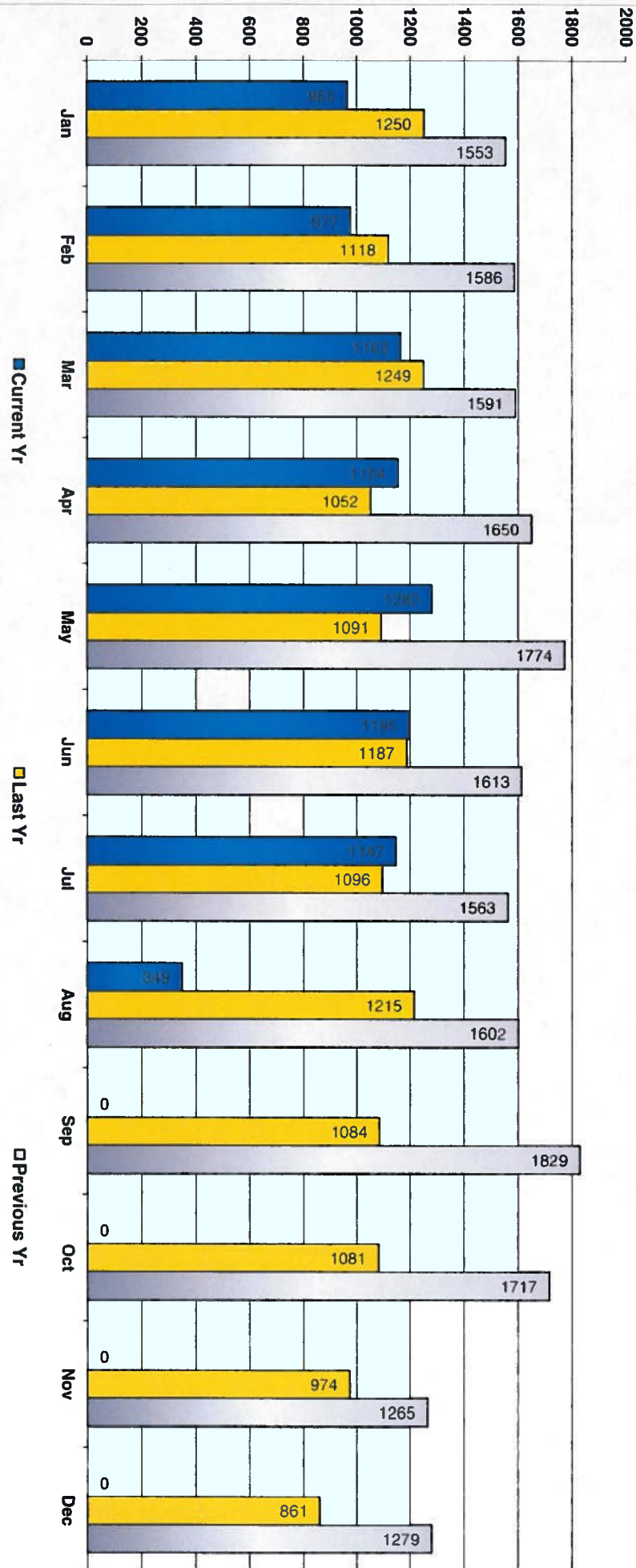
(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

Received and accepted by the City Secretary/Assistant _____

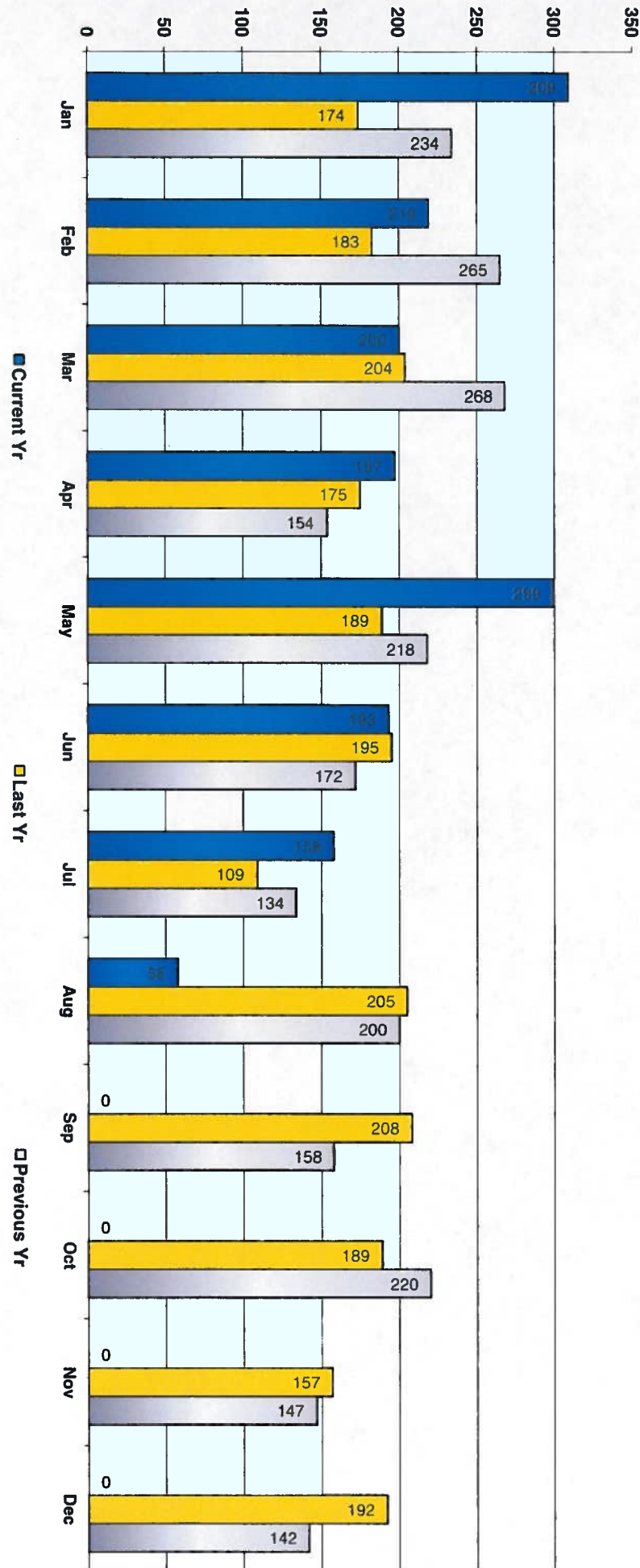
Returned by the City Secretary/Assistant (If incomplete) _____

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

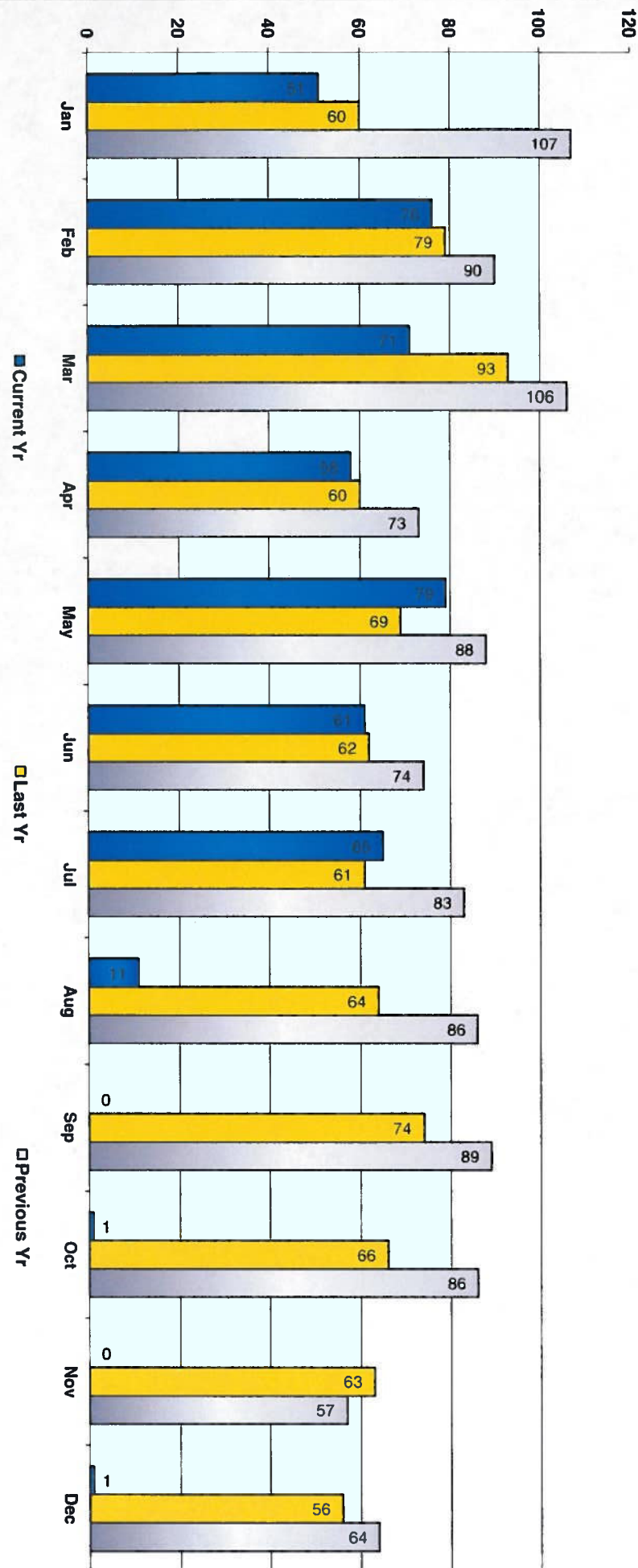
**Seabrook Police Department
Total Calls-For-Service
As Of August 11, 2014**



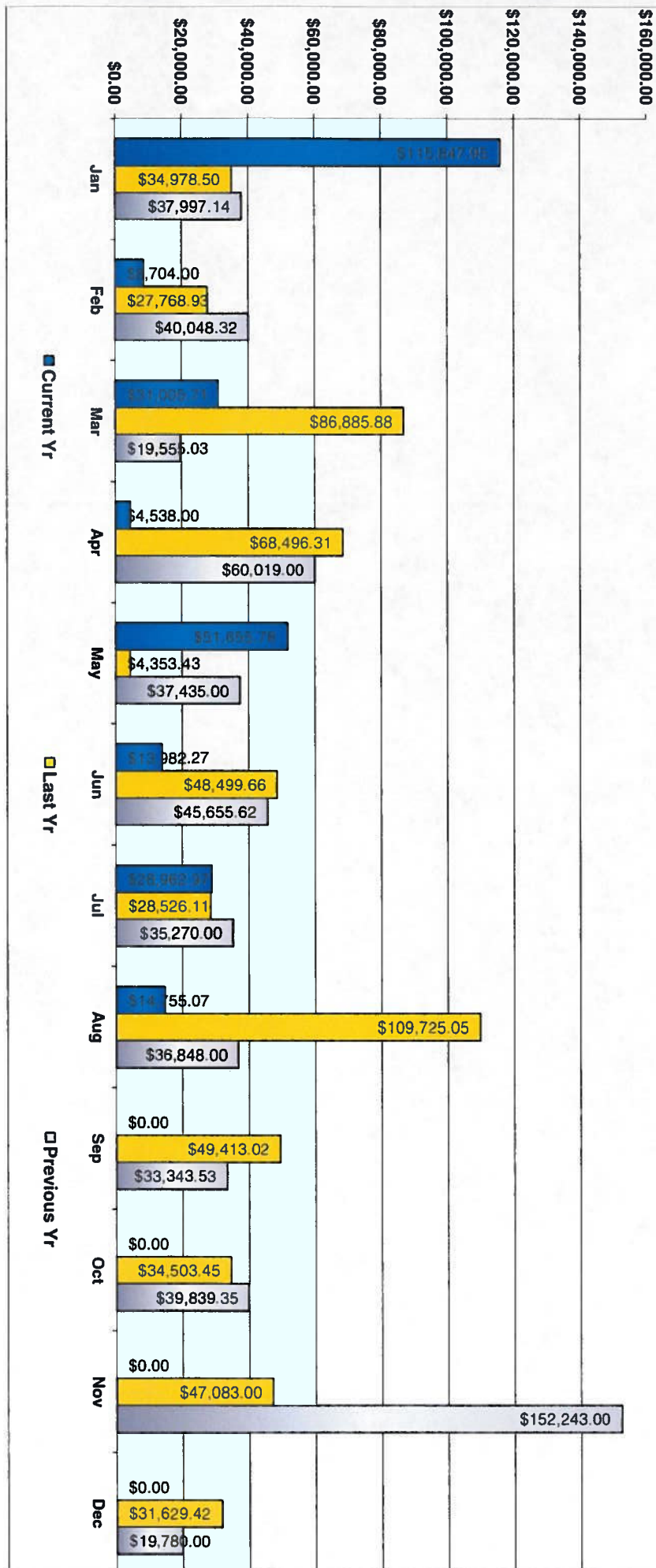
**Seabrook Police Department
Total Traffic Tickets
As Of August 11, 2014**



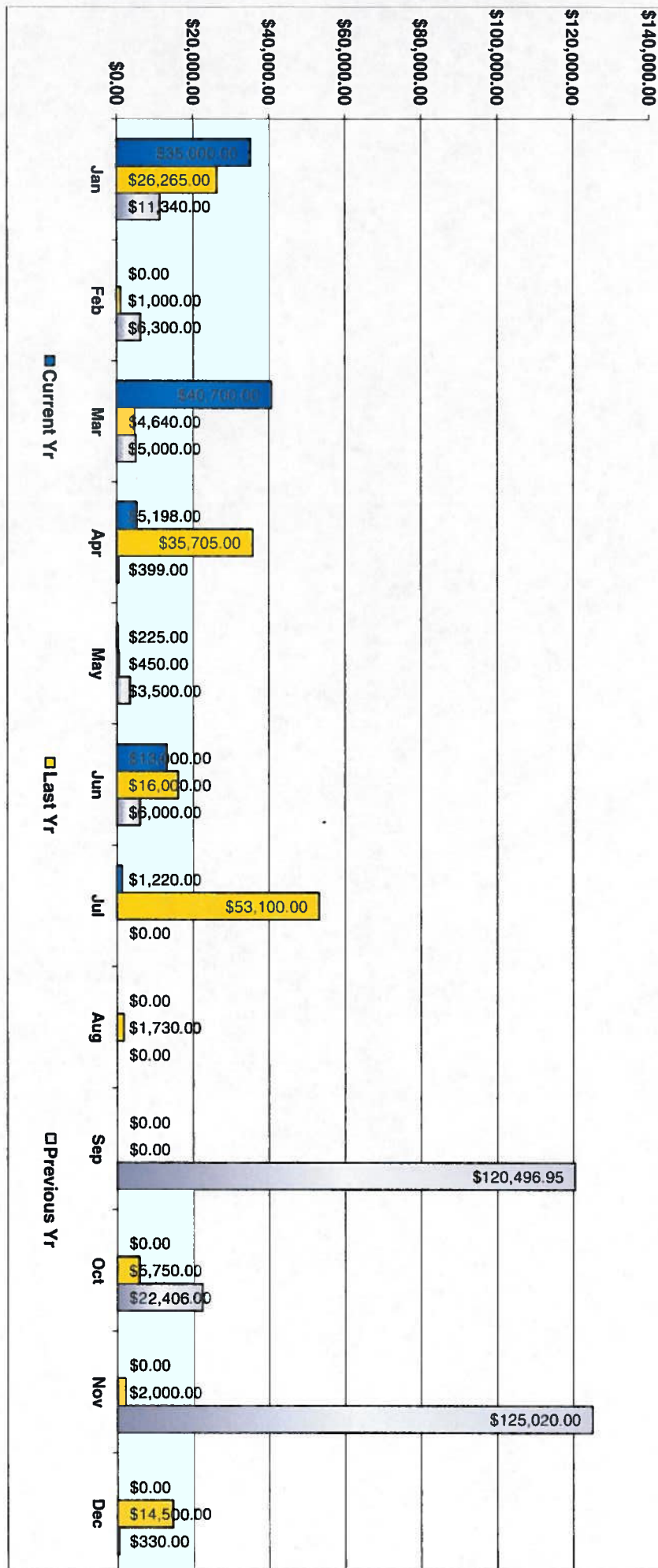
**Seabrook Police Department
Total Arrests
As Of August 11, 2014**



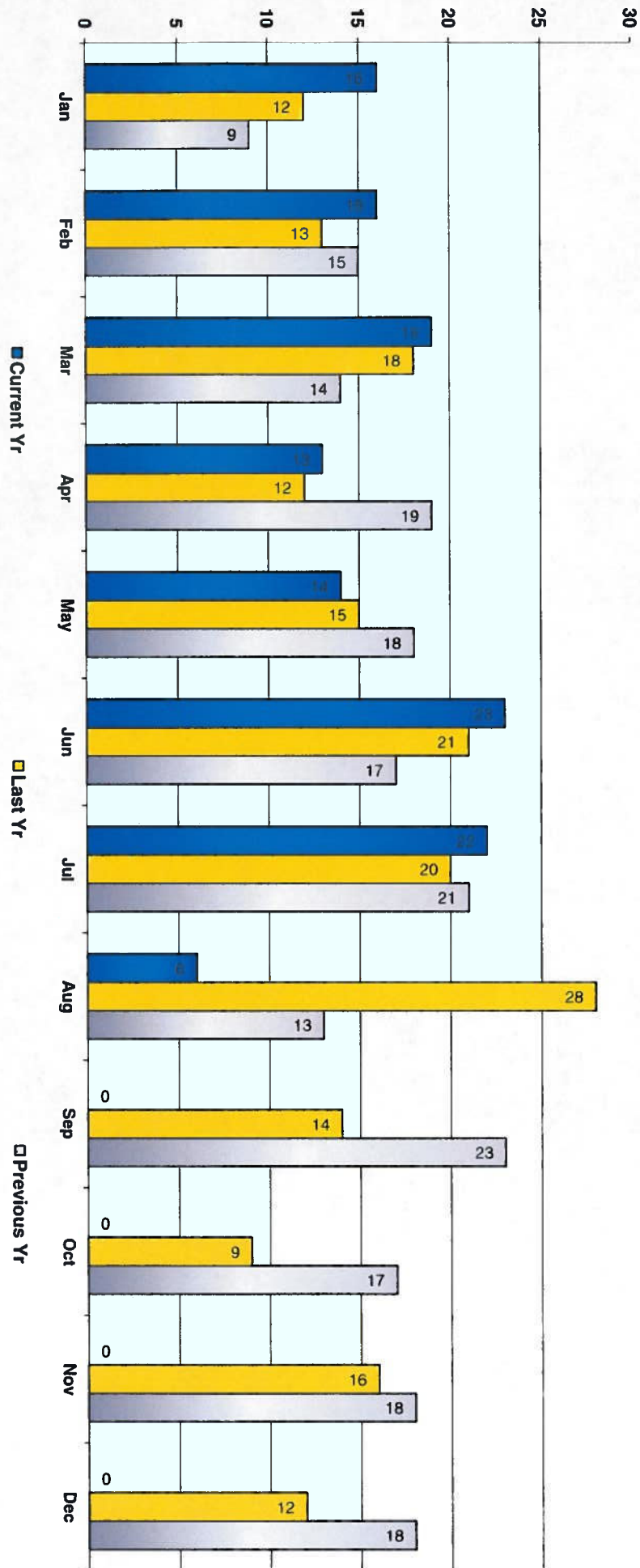
Seabrook Police Department
Stolen Property Value
As Of August 11, 2014



**Seabrook Police Department
Recovered Property Value
As Of August 11, 2014**



**Seabrook Police Department
ALL PART-I OFFENSES
As Of August 11, 2014**



SEABROOK POLICE DEPARTMENT DETECTIVE ACTIVITY REPORT

7/1/2014 Through 7/31/2014

Case Status Change This Period																	
Selected Investigators	Previously Assigned Cases Carried Over (Active / Pending)	Cases Assigned This Period	Cleared								Inactivated		Closed/Unf.		Active/Warrant/Pending Cases Continuing	Stolen Property Recovered (Value)	Supplements Submitted
			Cleared Exceptionally	Cleared By Arrest / Charges	Charges Filed				Total Cases Cleared	% Of Assigned Cases Cleared	Total Cases Suspende / Open Not Active	% Of Assigned Cases Suspended	Total Cases Closed or Unfounded	% Of Assigned Cases Closed			
					Class-C Filed	Class-A/B Filed	Felonies Filed	Total Charges Filed									
Department Totals:	196	81	5	1	10	23	11	44	6	7.4%	3	3.7%	45	55.6%	225	\$4,640	59
Sel. Investigator's Tots:	190	81	5	1	10	23	11	44	6	7.4%	3	3.7%	45	55.6%	219	\$4,640	49
Sel. Investigator's Avg:	27.1	11.6	0.7	0.1	1.4	3.3	1.6	6.3	0.9	7.4%	0.4	3.7%	6.4	55.6%	31.3	\$663	7.0
Imbrie, David	27	19	0	0	5	1	1	7	0	0.0%	0	0.0%	4	21.1%	42	\$0	18
Morris, Clinton	44	7	2	0	0	0	0	0	2	28.6%	1	14.3%	2	28.6%	46	\$0	9
Breeding, Ross	22	10	1	0	0	0	0	0	1	10.0%	0	0.0%	5	50.0%	26	\$0	11
Pickell, Michael	14	5	0	0	1	5	2	8	0	0.0%	0	0.0%	1	20.0%	18	\$0	0
Warner, Robert	40	8	2	1	0	0	1	1	3	37.5%	2	25.0%	0	0.0%	43	\$0	11
Bryant, Hulien	11	0	0	0	0	0	0	0	0	0.0%	0	0.0%	0	0.0%	11	\$4,640	0
Patrol	32	32	0	0	4	17	7	28	0	0.0%	0	0.0%	33	103.1%	33	\$0	0

CITY OF SEABROOK TEXAS
MONTHLY HUMANE OFFICER REPORT
MONTH OF July 2014

	THIS MONTH	THIS MONTH LAST YEAR	YEAR TO DATE	YEAR TO DATE LAST YEAR
Dogs and Cats Picked Up	12	08	115	147
Wildlife: Deceased & Alive	18	08	121	82
Animals Adopted Out	01	02	16	37
Animals Returned to Owners From Shelter	04	01	36	40
Animals Returned to Owners on the Street	07	00	21	41
Animals Destroyed	11	04	43	44
Rabid Animals Verified	00	00	00	00
Complaints Received by Residents	90	32	459	542
Revenue: Pound Fees & ID Tags	\$90.00	\$100.00	\$1620.00	\$1241.00
Animal Bites Reported	00	02	08	06
Citations Issued	00	01	25	64
Calls Received at the Shelter	98	--	311	--

Humane Officer D.VANSELOUS

Seabrook**City of Seabrook Monthly Statistics**

**Alarm Date Between {07/01/2014} And
{07/31/2014} and District = "1"**

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
1 Fire				
131 Passenger vehicle fire	1	2.63%	\$0	0.00%
142 Brush or brush-and-grass mixture fire	1	2.63%	\$0	0.00%
	<u>2</u>	<u>5.26%</u>	<u>\$0</u>	<u>0.00%</u>
3 Rescue & Emergency Medical Service Incident				
311 Medical assist, assist EMS crew	23	60.53%	\$0	0.00%
322 Motor vehicle accident with injuries	1	2.63%	\$0	0.00%
365 Watercraft rescue	1	2.63%	\$0	0.00%
381 Rescue or EMS standby	1	2.63%	\$0	0.00%
	<u>26</u>	<u>68.42%</u>	<u>\$0</u>	<u>0.00%</u>
4 Hazardous Condition (No Fire)				
413 Oil or other combustible liquid spill	1	2.63%	\$0	0.00%
422 Chemical spill or leak	1	2.63%	\$0	0.00%
	<u>2</u>	<u>5.26%</u>	<u>\$0</u>	<u>0.00%</u>
5 Service Call				
542 Animal rescue	1	2.63%	\$0	0.00%
	<u>1</u>	<u>2.63%</u>	<u>\$0</u>	<u>0.00%</u>
6 Good Intent Call				
611 Dispatched & cancelled en route	1	2.63%	\$0	0.00%
651 Smoke scare, odor of smoke	1	2.63%	\$0	0.00%
671 HazMat release investigation w/no HazMat	1	2.63%	\$0	0.00%
	<u>3</u>	<u>7.89%</u>	<u>\$0</u>	<u>0.00%</u>
7 False Alarm & False Call				
735 Alarm system sounded due to malfunction	2	5.26%	\$0	0.00%
740 Unintentional transmission of alarm, Other	1	2.63%	\$0	0.00%
745 Alarm system activation, no fire - unintentional	1	2.63%	\$0	0.00%
	<u>4</u>	<u>10.53%</u>	<u>\$0</u>	<u>0.00%</u>

Total Incident Count: 38**Total Est Loss: \$0**

Seabrook

City of Seabrook Monthly Statistics

**Alarm Date Between {07/01/2014} And {07/31/2014}
and District = "1"**

Total Number of Incidents 38	Total Number of Responding Personnel 187
Average Turnout per Incident 5	

Seabrook**City of Seabrook Monthly Statistics**

**Alarm Date Between {07/01/2014} And {07/31/2014}
and District = "1"**

1 Seabrook

Incident	Alarm Date & Time		Arrival Date & Time		Stn	Shift	Response Time
131 Passenger vehicle fire							
14-0000319	07/28/2014	16:08:36	07/28/2014	16:18:24	1	2	00:09:48
Average Response Time for District/Incident Type							00:09:48
142 Brush or brush-and-grass mixture fire							
14-0000280	07/04/2014	16:07:27	07/04/2014	16:16:46	1	2	00:09:19
Average Response Time for District/Incident Type							00:09:19
311 Medical assist, assist EMS crew							
14-0000278	07/02/2014	19:23:30	07/02/2014	19:27:22	1	2	00:03:52
14-0000279	07/02/2014	22:29:44	07/02/2014	22:35:50	1	2	00:06:06
14-0000281	07/04/2014	18:05:45	07/04/2014	18:09:04	1	3	00:03:19
14-0000282	07/05/2014	00:41:29	07/05/2014	00:45:18	1	3	00:03:49
14-0000283	07/05/2014	18:20:47	07/05/2014	18:26:08	1	2	00:05:21
14-0000284	07/05/2014	22:45:24	07/05/2014	22:52:05	1	2	00:06:41
14-0000285	07/06/2014	20:00:16	07/06/2014	20:05:39	1	2	00:05:23
14-0000286	07/07/2014	15:43:53	07/07/2014	15:53:56	1	2	00:10:03
14-0000288	07/08/2014	16:09:29	07/08/2014	16:11:19	1	2	00:01:50
14-0000289	07/09/2014	19:12:30	07/09/2014	19:15:54	1	2	00:03:24
14-0000292	07/10/2014	17:24:21	07/10/2014	17:30:20	1	2	00:05:59
14-0000295	07/11/2014	09:30:24	07/11/2014	09:37:30	1	1	00:07:06
14-0000296	07/11/2014	12:04:09	07/11/2014	12:10:00	1	1	00:05:51
14-0000297	07/13/2014	13:56:35	07/13/2014	13:56:35	1	1	00:00:00
14-0000298	07/14/2014	14:50:48	07/14/2014	14:57:08	1	1	00:06:20
14-0000300	07/14/2014	18:52:00	07/14/2014	18:54:51	1	2	00:02:51
14-0000302	07/15/2014	16:25:16	07/15/2014	16:31:43	2	2	00:06:27
14-0000304	07/17/2014	08:03:38	07/17/2014	08:11:25	2	1	00:07:47
14-0000309	07/21/2014	17:26:48	07/21/2014	17:31:42	1	2	00:04:54
14-0000312	07/26/2014	12:06:51	07/26/2014	12:13:03	1	1	00:06:12
14-0000314	07/26/2014	20:41:27	07/26/2014	20:41:27	1	2	00:00:00
14-0000316	07/26/2014	23:55:39	07/27/2014	00:04:35	1	3	00:08:56
14-0000317	07/27/2014	17:06:50	07/27/2014	17:09:05	1	2	00:02:15
Average Response Time for District/Incident Type							00:04:59
322 Motor vehicle accident with injuries							
14-0000294	07/11/2014	00:58:49	07/11/2014	01:04:22	1	3	00:05:33
Average Response Time for District/Incident Type							00:05:33
365 Watercraft rescue							
14-0000303	07/16/2014	13:57:10	07/16/2014	14:14:34	1	1	00:17:24
Average Response Time for District/Incident Type							00:17:24
381 Rescue or EMS standby							
14-0000308	07/21/2014	03:51:59	07/21/2014	03:54:05	1	3	00:02:06
Average Response Time for District/Incident Type							00:02:06

Seabrook**City of Seabrook Monthly Statistics**

**Alarm Date Between {07/01/2014} And {07/31/2014}
and District = "1"**

1 Seabrook

Incident	Alarm Date & Time		Arrival Date & Time		Stn	Shift	Response Time
413 Oil or other combustible liquid spill							
14-0000310	07/22/2014	19:32:05	07/22/2014	19:44:36	1	2	00:12:31
Average Response Time for District/Incident Type							00:12:31
422 Chemical spill or leak							
14-0000276	07/01/2014	08:42:09	07/01/2014	08:50:27	1	1	00:08:18
Average Response Time for District/Incident Type							00:08:18
542 Animal rescue							
14-0000315	07/26/2014	21:07:10	07/26/2014	21:15:04	1	2	00:07:54
Average Response Time for District/Incident Type							00:07:54
651 Smoke scare, odor of smoke							
14-0000293	07/11/2014	00:47:13	07/11/2014	00:57:28	1	3	00:10:15
Average Response Time for District/Incident Type							00:10:15
671 HazMat release investigation w/no HazMat							
14-0000305	07/18/2014	07:26:02	07/18/2014	07:43:29	1	1	00:17:27
Average Response Time for District/Incident Type							00:17:27
735 Alarm system sounded due to malfunction							
14-0000306	07/20/2014	16:40:00	07/20/2014	16:44:36	1	1	00:04:36
14-0000307	07/20/2014	16:59:36	07/20/2014	17:03:14	1	2	00:03:38
Average Response Time for District/Incident Type							00:04:07
740 Unintentional transmission of alarm, Other							
14-0000320	07/29/2014	15:58:10	07/29/2014	16:14:00	1	2	00:15:50
Average Response Time for District/Incident Type							00:15:50
745 Alarm system activation, no fire - unintentional							
14-0000290	07/10/2014	10:02:12	07/10/2014	10:14:39	1	1	00:12:27
Average Response Time for District/Incident Type							00:12:27
Overall Average Response Time for District 00:06:48							

Total Incident Count: 37**Overall Average Response Time: 00:06:48**

Seabrook City Council Regular Meeting
Minutes of August 6, 2014
Page 1

The City Council of the City of Seabrook met in regular session on Wednesday, August 6, 2014 at 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

GLENN R. ROYAL	MAYOR
ROBERT LLORENTE	COUNCIL PLACE NO. 1
MIKE GIANGROSSO	COUNCIL PLACE NO. 2
GARY JOHNSON	COUNCIL PLACE NO. 3 &
	MAYOR PRO TEM
MELISSA BOTKIN Ex. Abs.	COUNCIL PLACE NO. 4
THOM KOLUPSKI	COUNCIL PLACE NO. 5
O. J. MILLER -Ex. Abs	COUNCIL PLACE NO. 6
GAYLE COOK	CITY MANAGER
SEAN LANDIS	ASSISTANT CITY MANAGER
STEVEN L. WEATHERED	CITY ATTORNEY
MICHELE L. GLASER	CITY SECRETARY

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS – None.

1.1 Mayor, City Council and/or members of the city staff may make announcements about city/community events. (Council)

Mayor Royal reported on a public hearing held by the state legislature regarding the need for a proposed coastal storm surge barrier

2.0 CONSENT AGENDA

2.1 Approve Investment Report for third quarter FY 2013-14. (Lab)

2.2 Approve minutes of the City Council Budget Workshop of July 8, 2014. (Brant)

2.3 Approve minutes of the regular City Council meeting of July 15, 2014. (Brant)

2.4 Approve minutes of the City Council Budget Workshop of July 22, 2014. (Brant)

2.5 Approve minutes of the Town Meeting of July 24, 2014. (Brant)

Motion was made by Councilor Llorente and seconded by Councilor Johnson

To approve the Consent Agenda as presented.

MOTION CARRIED BY UNANIMOUS CONSENT.

END OF CONSENT AGENDA

Seabrook City Council Regular Meeting
Minutes of August 6, 2014
Page 2

3.0 NEW BUSINESS

3.1 Approve contract agreement with Leidos, Inc., a company which provides full service disaster planning, response and recovery with debris monitoring assistance in the event of a disaster such as a hurricane and whose services are eligible for FEMA reimbursement. (Chairez)

Motion was made by Councilor Giangrosso and seconded by Councilor Llorente

To approve the contract as recommended.

Director of Public Works Arthur Chairez stated that this is the same company used by the city after Hurricane Ike. As the name of the company has changed, a new contract is recommended. He also stated that the contract meets FEMA requirements and was negotiated and approved by the Harris – Galveston Area Council.

MOTION CARRIED BY UNANIMOUS CONSENT.

3.3 Consider approval of first and final reading of Ordinance 2014-21, "Ordering a Special Bond Election to be Held on November 4, 2014." (Cook)

AN ORDINANCE CALLING A BOND ELECTION TO BE HELD IN THE CITY OF SEABROOK, TEXAS; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION

Marcus Dietz, Bond Attorney stated that the ordinance meets all state law requirements and includes proposition and ballot language.

John Robuck, Financial Advisor, presented an impact analysis based on the issuance of the proposed bonds. (See Attachment A.)

Councilor Llorente asked how the proposed bond rates would increase the tax rate. Mayor Royal and Councilor Kolupski stated that the bonds, if approved, will add approximately \$.05 per hundred valuation or approximately \$100 annually for a house valued at \$200,000. Mr. Robuck stated that this estimate is based on current assumptions and is somewhat variable depending on valuations and interest of the bonds.

Mrs. Cook reviewed changes to the bond propositions. (See Attachment B.) She explained that the training facility have been enlarged and additional kennels have been added. After consultation with the Attorney General's office regarding bond language, the public works and animal control facility have been connected under one roof. This change will allow for shared personnel. In addition to planned upgrades at the swimming pool complex in Meador Park, a new splash pad and associated parking will be added at Monroe Field on the west side of town. A conceptual drawing of the new splash pad is shown in Attachment C.

Seabrook City Council Regular Meeting
Minutes of August 6, 2014
Page 3

Mrs. Cook reviewed the four propositions with Council as follows:

PROPOSITION 1

“THE ISSUANCE OF NOT TO EXCEED \$6,850,000 OF CITY OF SEABROOK, TEXAS GENERAL OBLIGATION BONDS FOR DESIGNING, ACQUIRING, CONSTRUCTING, AND EQUIPPING A PUBLIC WORKS AND ANIMAL SHELTER AND ADOPTION CENTER BUILDING AND RELATED STORAGE AND SUPPORT STRUCTURES AND FACILITIES, AND THE LEVYING OF A TAX IN PAYMENT THEREOF”

PROPOSITION 2

“THE ISSUANCE OF NOT TO EXCEED \$725,000 OF CITY OF SEABROOK, TEXAS GENERAL OBLIGATION BONDS FOR PUBLIC SAFETY EQUIPMENT, INCLUDING A NEW FIRE ENGINE, AND THE LEVYING OF A TAX IN PAYMENT THEREOF”

PROPOSITION 3

“THE ISSUANCE OF NOT TO EXCEED \$525,000 OF CITY OF SEABROOK, TEXAS GENERAL OBLIGATION BONDS FOR DESIGNING, CONSTRUCTING AND INSTALLING TECHNOLOGY IMPROVEMENTS, INCLUDING A FIBER OPTIC NETWORK, AND THE LEVYING OF A TAX IN PAYMENT THEREOF”

PROPOSITION 4

“THE ISSUANCE OF NOT TO EXCEED \$450,000 OF CITY OF SEABROOK, TEXAS GENERAL OBLIGATION BONDS FOR PARKS AND RECREATION FACILITIES, INCLUDING THE CONSTRUCTION OF SPLASH PADS AT PELICAN BAY MUNICIPAL POOL COMPLEX AND MONROE FIELDS ON REPSDORPH ROAD, AND THE LEVYING OF A TAX IN PAYMENT THEREOF”

Mr. Weathered stated that that he would like the opportunity to check with bond counsel regarding updates. He stated that affirmative action tonight would constitute approval of Ordinance No. 2014-21 and if any updates are required, they can be considered by the City Council at a special meeting next week.

Motion was made by Councilor Kolupski and seconded by Councilor Llorente

To approve proposed Ordinance No. 2014-21 on first and final reading with the reading of the caption serving as the reading of the ordinance.

Ayes: Royal, Giangrosso, Johnson, Llorente, Kolupski.

Nays: No one.

Abstentions: No one.

MOTION CARRIED BY UNANIMOUS CONSENT.

3.2 Consider approval of proposed Fleet Replacement Program and funding from FY 2015 and Reserves, if appropriate. (Cook)

Seabrook City Council Regular Meeting
Minutes of August 6, 2014
Page 4

Mrs. Cook reviewed the proposed fleet replacement program as shown on Attachment D. She stated that the city has attempted to implement a replacement fund in the past, but has been unable to sustain the program due to other budget constraints. Amortization will require approximately \$50,000 to \$100,000 per year to begin the program. She stated that this proposal allows for vehicles to be replaced on a five-year rotation so that there is an actual trade in value to be help fund the new purchase.

Mayor Royal stated that some of the \$800,000 currently in the SH 146 Stabilization Fund could possibly be used toward this replacement program, if not needed to offset impacts of the SH 146 improvements.

Councilor Kolupski asked why a 2011 vehicle would be replaced before older model year vehicles. Mrs. Cook stated that the older vehicles would be replaced as monies became available. Mrs. Cook added that this proposal was for review by Council and can be refined if Council wishes to begin a Fleet Replacement Program.

Councilor Johnson recommended that the city add \$83,000 for the purchase of vehicles this year. In answer to a question by Mayor Royal, Mrs. Cook confirmed that the additional expenditure of \$83,000 was not requested by staff. She said that the age of the fleet will need to be addressed, especially as the city is losing staff through retirement who had been able to repair aging vehicles.

Councilor Kolupski suggested that one new vehicle be approved for the Parks Department as replacement vehicles for other departments have been included in the FY 2014/15 budget decision packages. Mayor Royal stated that a new parks vehicle had not been requested by staff.

Motion was made by Councilor Johnson and seconded by Councilor Kolupski

To add a new decision package in the amount of \$30,000 to replace the parks van.

MOTION WAS WITHDRAWN FROM CONSIDERATION at the request of Mrs. Cook to allow staff to obtain an updated quote for the van for future Council consideration.

No other action was taken on this item.

4.0 ROUTINE BUSINESS

4.1 Consider approval of the Action Items Checklist which is attached and made a part of this agenda. (Council)

Concerning Item 19, Mrs. Cook stated that Harris County is in the bid process to resurface Surf Oaks.

Motion was made by Councilor Llorente and seconded by Councilor Kolupski

**Seabrook City Council Regular Meeting
Minutes of August 6, 2014
Page 5**

To approve the Action Items Checklist with the removal of Item 26 as the delineators on SH 146 have been installed.

MOTION CARRIED BY UNANIMOUS CONSENT.

4.2 Establish future meeting dates and agenda items. (Council)

If needed, a special council meeting will be held on August 12, 2014 at 7:00 p.m.

5.0 EXECUTIVE SESSION

At 7:33 p.m. Mayor Royal announced that the City Council would hold a closed executive meeting pursuant to the provisions of the open meetings Act, Charter 551, Government Code, and Vernon's Texas Codes Annotated, in accordance with the authority contained in Section 551.071, "Consultation with Attorney" or in Section 551.072, "Real Property".

Section 551.071

5.1 Consult with attorney to receive legal advice on legal issues associated with litigation: Matter of the Arbitration of Michael Krumrey v. the City of Seabrook; F5 Appeal: TCOLE Appeal of Michael Krumrey v. the City of Seabrook, and Texas Workforce Commission Tribunal Appeal of the City of Seabrook v. Michael Krumrey, Claimant; as provided by Section 551.071 of the Texas Government Code. (Weathered)

Section 551.071

5.2 Consult with attorney to receive legal advice on legal issues only associated with potential land acquisition as provided above, pursuant to Government Code Section 551.071. (Weathered)

Section 551.072

5.3 Pursuant to 551.072 of the Texas Government Code, deliberate the sale, purchase, exchange, lease or value of real property to avoid detrimental effect on position of the City in negotiations with third parties if the matter was to be discussed in open meeting. (Weathered)

6.0 OPEN MEETING

At 7:55 p.m. Mayor Royal reconvened the meeting in open session. He stated that no action had been taken during Executive Session, but that a motion would be entertained for Agenda Item 5.3.

Motion was made by Councilor Kolupski and seconded by Councilor Johnson

To direct staff to proceed with the purchase of property in an amount not to exceed \$406,400.

Seabrook City Council Regular Meeting
Minutes of August 6, 2014
Page 6

226
227 MOTION CARRIED BY UNANIMOUS CONSENT.
228
229

230 Upon motion, Mayor Royal adjourned the meeting at 7:59 p.m.
231

232 Approved this 19th day of August 2014.
233
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235
236

237 _____
238 Glenn R. Royal, Mayor
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241

242 _____
243 Michele L. Glaser, TRMC
244 City Secretary
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Seabrook City Council Special Meeting
Minutes of August 12, 2014
Page 1

The City Council of the City of Seabrook met in special session on Tuesday, August 12, 2014 at 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if appropriate, take action on the items listed below.

THOSE PRESENT WERE:

GLENN R. ROYAL	MAYOR
ROBERT LLORENTE	COUNCIL PLACE NO. 1
MIKE GIANROSSO	COUNCIL PLACE NO. 2
GARY JOHNSON	COUNCIL PLACE NO. 3 &
	MAYOR PRO TEM
MELISSA BOTKIN	COUNCIL PLACE NO. 4
THOM KOLUPSKI	COUNCIL PLACE NO. 5
O. J. MILLER	COUNCIL PLACE NO. 6
GAYLE COOK	CITY MANAGER
SEAN LANDIS	ASSISTANT CITY MANAGER
STEVEN L. WEATHERED	CITY ATTORNEY
MICHELE L. GLASER	CITY SECRETARY

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS – None.

2.0 CONSENT AGENDA

2.1 Consider ratification of Ordinance 2014-21 “Calling a Bond Election to be held in the City of Seabrook, Texas” for the purpose of ordering an election to be held on November 4, 2014 to allow voters to consider approval of the issuance of general obligation bonds of the City of Seabrook, Texas for the construction, acquisition, installation and equipment of various public improvements, including, without limitation, (i) construction of a Public Works and Animal Shelter and Adoption Center building and related storage and support structures and facilities, (ii) acquisition of public safety equipment, including a new fire engine, (iii) acquisition and installation of technology improvements, including a fiber optic network, and (iv) improvements to City parks and recreation facilities, including the construction of splash pads at Pelican Bay municipal pool complex and Monroe Fields on Repsdorph Road.

AN ORDINANCE CALLING A BOND ELECTION TO BE HELD IN THE CITY OF SEABROOK, TEXAS; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION.

Motion was made by Councilor Johnson and seconded by Councilor Llorente

To ratify Ordinance No. 2014-21.

Mrs. Cook stated that a typographical error in Section 14, line 222 had been corrected from \$21.90 per hundred to \$0.2190 per hundred.

Seabrook City Council Special Meeting
Minutes of August 12, 2014
Page 2

46 MOTION CARRIED BY UNANIMOUS CONSENT.
47
48

49 Upon motion, Mayor Royal adjourned the meeting at 7:02 p.m.
50

51 Approved this 19th day of August 2014.
52
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56 _____
57 Glenn R. Royal, Mayor
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62 _____
63 Michele L. Glaser, TRMC
64 City Secretary
65
66

ORDINANCE NO. 2014-18
AMENDMENT TO THE OFFICIAL ZONING MAP TO
REZONE 28.74 ACRES LOCATED SOUTH OF RED BLUFF, NORTH OF
LAKE MIJA, AND WEST OF FRIENDSHIP PARK FROM R-1 (RESIDENTIAL –
SINGLE FAMILY DETACHED) TO R-2 (RESIDENTIAL – SINGLE FAMILY
DETACHED – SMALL LOT).

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, “COMPREHENSIVE ZONING”, ARTICLE 2, “ADMINISTRATION”, SECTION 2.05, “OFFICIAL ZONING MAP”, BY REZONING 28.74 ACRES BEING OUT OF AND A PART OF TRACTS 19A, 22B, AND 22F, SITUATED IN ABSTRACT 52 OF THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS FROM R-1 (RESIDENTIAL – SINGLE FAMILY DETACHED) TO R-2 (RESIDENTIAL – SINGLE FAMILY DETACHED – SMALL LOT) ZONING DISTRICT; REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS CHANGE; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the applicant, Robert S. Swearengin has applied for a zoning change for 28.74 acres of land being out of and a part of Tracts 19A, 22B, and 22F, situated in Abstract 52 of the Ritson Morris Survey, Harris County, Texas, located south of Red Bluff, north of the Mija Lake, and west of Friendship Park; and

WHEREAS, all public notices have been published, mailed and provided in accordance with statute and the City Code of Ordinances, Appendix A of the City Code of Ordinances (Zoning Code); and

WHEREAS, the Planning and Zoning Commission and the City Council have conducted public hearings on such request, in the time and manner required by law and the Zoning Code of the City; and

WHEREAS, the Planning and Zoning Commission recommended this zoning change at its meeting of July 17, 2014, and has made its final report;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

SECTION 1. FINDINGS.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Ordinance No. 2014-18

Page 2

SECTION 2. AMENDMENT TO THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP".

The Seabrook City Code of Ordinances, Appendix A, "Comprehensive Zoning", Article 2, "Administration", Section 2.05, "Official Zoning Map" is hereby amended by rezoning 28.74 acres of land being out of and a part of Tracts 19A, 22B, and 22F, situated in Abstract 52 of the Ritson Morris Survey, Harris County, Texas, located south of Red Bluff, north of the Mija Lake, and west of Friendship Park from the current classification of R-1 (Residential – Single Family Detached) to R-2 (Residential – Single Family Detached – Small Lot).

The 28.74 acre Tract to be rezoned is shown by a metes and bounds description attached hereto as Attachment "A," and incorporated herein by reference.

Upon passage of this Ordinance, the official zoning map of the City of Seabrook shall be amended to reflect this change.

SECTION 3. INCORPORATION INTO THE CODE; PENALTY CLAUSE.

This ordinance is hereby incorporated and made a part of the Seabrook City Code. Violation of this Ordinance is subject to the penalty section of said Code including, Section 11.06, "Criminal Enforcement" which provides that any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

SECTION 5. SEVERABILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Ordinance No. 2014-18

Page 3

SECTION 6. NOTICE

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 19th day of August, 2014.

PASSED, APPROVED, AND ADOPTED on second and final reading this 2nd day of September, 2014.

By: _____
Glenn Royal
Mayor

ATTEST:

By: _____
Michele L. Glaser, TRMC
City Secretary

APPROVED AS TO FORM:

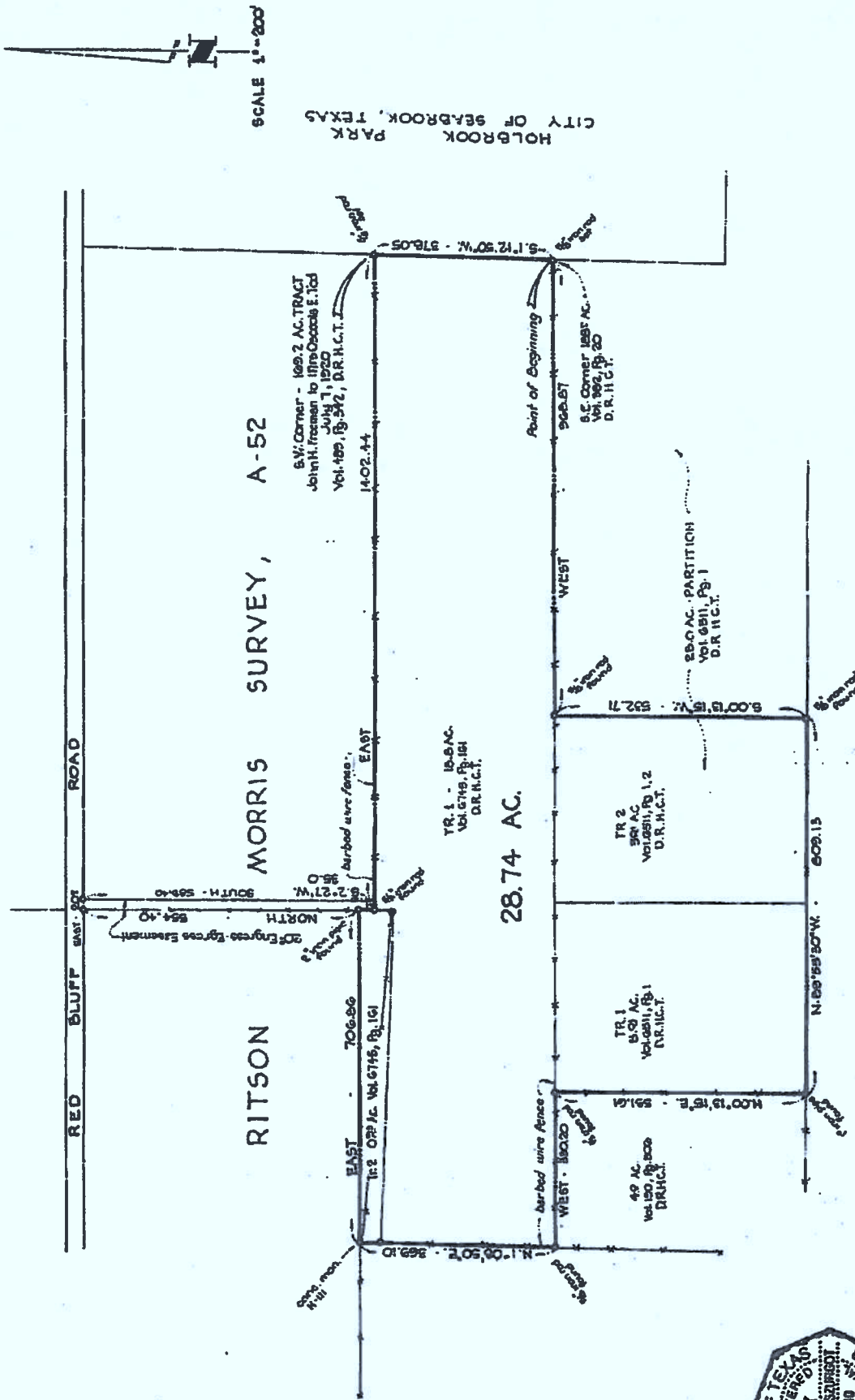
Steven L. Weathered
City Attorney

ATTACHMENT A

DON SZURGOT LAND SURVEYOR
1008 YVONNE DR. #17-295-1892
JOSHUA, TEXAS 76058

PLAT SHOWING
28.74 ACRE TRACT OUT OF THE
RITSON MORRIS SURVEY, A-52
HARRIS COUNTY, TEXAS

THIS PLAT REPRESENTS AN ACTUAL
SURVEY MADE ON THE GROUND DURING
THE MONTH OF SEPTEMBER, 1990 AND IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE.
DONALD B. SZURGOT, LAND SURVEYOR
HARRIS COUNTY, TEXAS





CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: 08-19-2014

Submitter/Requestor: City of Seabrook

Date Submitted: 08-12-2014

Presenter: Sean Landis

Description/Subject:

A request 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).

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SEABROOK WHICH IS PART OF THE SEABROOK CITY CODE OF ORDINANCES, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING 28.74 ACRES BEING OUT OF AND A PART OF TRACTS 19A, 22B, AND 22F, SITUATED IN ABSTRACT 52 OF THE RITSON MORRIS SURVEY, HARRIS COUNTY, TEXAS FROM R-1 (RESIDENTIAL – SINGLE FAMILY DETACHED) TO R-2 (RESIDENTIAL – SINGLE FAMILY DETACHED – SMALL LOT) ZONING DISTRICT; REQUIRING THAT THE ZONING MAP BE AMENDED TO REFLECT THIS CHANGE; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

A Public Hearing was held before the Planning and Zoning Commission on July 17, 2014.

Applicant:

Robert Swearengin

Legal Description:

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. This property is located south of Red Bluff, north of the Mija Lake, and west of Friendship Park.

Request:

Agenda Briefing Form
Page 2

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).

Purpose/Need: Policy Issue ☒ Administrative Issue ☐

Mr. Swearengen wishes to rezone the aforementioned property to allow for the development of a master planned residential subdivision. Mr. Swearengen 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).

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.

The proposed change to the zoning map was recommended for approval by the Planning & Zoning Commission by an unanimous vote at the regular meetings held on July 17, 2014.

Background/Issue (What prompted this need?):

Impacted Parties (Expected/Notified):

Recommended Action:

The proposed change to the zoning map was recommended for approval by the Planning & Zoning Commission by an unanimous vote at the regular meetings held on July 17, 2014.

Attachments:

(Please list description of attachments and number of pages in each attachment)

Planning & Zoning Commission Minutes of the July 17, 2014 Meeting
Planning and Zoning Commission Official Report from the July 17, 2014 Meeting

Fiscal Impact: Budgeted _____ Yes _____ No Finance Officer Review:
Budget Amendment Required _____ Yes _____ No
Future/Ongoing Impact _____ Yes _____ No

Budget Dept/Line Item Number N/A

Funding Comments:

N/A

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

Agenda Briefing Form
Page 3

Where on the agenda should this item be placed?

(i.e. Public Hearing, New Business, Old Business, Consent Agenda, Executive Session, etc.)

New Business

Suggested Motion:

The proposed change to the zoning map was recommended for approval by the Planning & Zoning Commission by an unanimous vote at the regular meetings held on July 17, 2014.

City Manager Review:

- ☐ Approved as submitted
- ☐ Submitted for Council consideration without comment
- ☐ Submitted for Council consideration with comments stated below:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances.)

Sent to City Attorney for review _____
(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

Received and accepted by the City Secretary/Assistant _____

Returned by the City Secretary/Assistant (If incomplete) _____

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

Planning & Zoning Commission OFFICIAL REPORT

The Planning and Zoning Commission of the City of Seabrook met on July 17, 2014 to hold a meeting to consider:

Request to change the zoning classification of 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). This property is located south of Red Bluff, north of the Mija Lake, and west of Friendship Park.

THE PLANNING & ZONING COMMISSION MADE THE FOLLOWING RECOMMENDATION:

APPROVAL ☒ **APPROVAL WITH AMENDMENTS/CONDITIONS (SEE BELOW)** ☐ **DENIAL** ☐
by a concurring vote of a majority of members of the Planning and Zoning Commission present at the meeting on July 17, 2014, as designated below and as certified by the signature of the Chairman. **This document is not valid unless signed by the Chairman/Presiding Commissioner.**

VOTE:

AYE

NAY

ABSTAINED

ABSENT

INITIAL

Rosebud Caradec

~~me~~ X

Mike DeHart

X

Buddy Hammann

X

Bolivar Lewis

X

Dodie Miller

X

Michael Potts

X

Michael Sharpe

X

me

me

me

me

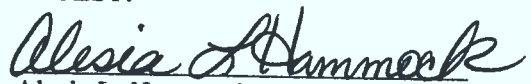
me

me

me


Michael Potts, Chairman
Planning & Zoning Commission

ATTEST:


Alesia L. Hammock
Secretary



CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: 08-19-2014

Submitter/Requestor: City of Seabrook

Date Submitted: 08-12-2014

Presenter: Sean Landis

Description/Subject:

To amend and update the Comprehensive Land Use Regulation Matrix and related definitions.

AN ORDINANCE AMENDING 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", TO REVISE AND UPDATE "USES PERMITTED BY RIGHT AND CONDITIONAL USES"; AMENDING RELATED ARTICLE 1, "IN GENERAL", SECTION 1.10 "DEFINITIONS" TO SUPPLEMENT SUCH MATRIX REVISIONS BY ADDING A NEW DEFINITION FOR "RETAIL, HEAVY"; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

A Public Hearing was held before the Planning and Zoning Commission on July 17, 2014.

Applicant:

City Staff

Legal Description:

Request:

To amend and update the Comprehensive Land Use Regulation Matrix and related definitions.

Agenda Briefing Form
Page 2

Purpose/Need: Policy Issue ☒ Administrative Issue ☐

The Planning & Zoning Commission has long sought to review and update Section 3.15 of the Seabrook Comprehensive Zoning Code, Comprehensive Land Use Regulation Matrix. Over the previous two months the Commission has thoroughly reviewed the uses and is proposing a comprehensive update. The significant changes are as follows:

1. The adoption of a new definition, "Retail Heavy".
2. The removal of all individual retail uses that may be defined as Retail Light or Retail Heavy.
3. The creation of two new uses, "Hotel Motels (with full service restaurant)" and "Hotel Motels (without full service motels)".
4. Allow High Rise uses by right in a WAD (Water Activity District).

Please see attached Exhibit A.

The proposed change to the zoning ordinance was recommended for approval by the Planning & Zoning Commission by a unanimous vote at the regular meetings held on July 17, 2014.

Background/Issue (What prompted this need?):

Impacted Parties (Expected/Notified):

Recommended Action:

The proposed change to the zoning ordinance was recommended for approval by the Planning & Zoning Commission by a unanimous vote at the regular meetings held on July 17, 2014.

Attachments:

(Please list description of attachments and number of pages in each attachment)

Planning & Zoning Commission Minutes of the July 17, 2014 Meeting

Planning and Zoning Commission Official Report from the July 17, 2014 Meeting

Fiscal Impact:	Budgeted	___ Yes ___ No	Finance Officer Review:
	Budget Amendment Required	___ Yes ___ No	
	Future/Ongoing Impact	___ Yes ___ No	

Budget Dept/Line Item Number N/A

Funding Comments:

N/A

Where on the agenda should this item be placed?

(i.e. Public Hearing, New Business, Old Business, Consent Agenda, Executive Session, etc.)

New Business

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

Agenda Briefing Form
Page 3

Suggested Motion:

The proposed change to the zoning ordinance was recommended for approval by the Planning & Zoning Commission by a unanimous vote at the regular meetings held on July 17, 2014.

City Manager Review:

- ☐ Approved as submitted
- ☐ Submitted for Council consideration without comment
- ☐ Submitted for Council consideration with comments stated below:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances.)

Sent to City Attorney for review _____
(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

Received and accepted by the City Secretary/Assistant _____

Returned by the City Secretary/Assistant (If incomplete) _____

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

Attachment A

Sec. 3.15 Comprehensive land use regulation matrix.

TABLE 3-A

Uses Permitted by Right and Conditional Uses *

X = Use by right. C = Conditional use permit required. PUD = Planned unit development. * = Active sales office required.

Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	C-S	WAD	MMU	OS	MH	LI
Residential Uses													
Apartments				X									
Assisted Living Facilities				X	C	C							
Cluster housing			X								X		
Condominium				X					C				
Duplex				X							X		
Group homes	X	X	X	X									
Manufactured home / manufactured home park												X	
Single-family detached residence	X	X	X	X							X	X	
Townhouse				X									
Zero lot line homes			X	X						C			
Non-Residential Uses													
Auxiliary building/uses (all uses must be allowed per the zone)	X	X	X	X	X	X	X	X	X	X	X	X	X
Air-cleaning & purifying equipment	-	-	-	-	-	-	X	X	-	-	-	-	X
Alterations, clothing					X	X	X	X	X	X	X		X
Ambulance service						X	X	X					X
Animal training schools						X	X	X					X
Antique shops & dealers	-	-	-	-	X	X	X	X	X	X	X	-	X
Appliance dealers / rental						X	X	X	X	X	X		X
Auction house						C	X				X		X
Auto body repair / painting							X						X
Auto dealers							X						X
Auto repair/detailing						X	X	X					X
Auto parts & supplies	-	-	-	-	-	X	X	X	-	-	-	-	X
Auto rental & leasing						X	X	X	C	C			X
Auto wrecker service							X						X
Bait & tackle shops	-	-	-	-	-	X	X	X	X	X	X	-	X
Bakers, retail	-	-	-	-	X	X	X	X	X	X	X	-	X
Bakers, wholesale							X						X

[illegible]

Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	C-S	WAD	MMU	OS	MH	LI
Delivery services						X	X	X		X			X
Department stores—						X	X	X		X			X
Dinner theatre						X	X	X		X			X
Discount stores—						X	X	X		X			X
Domestic animal training schools						X	X	X		X			X
Dry cleaners (pickup only)						X	X	X		X			X
Electrical equipment & supplies, wholesale						C	X						X
Electronics manufacturer													X
Exterminators & pest control						X	X	X					X
Farm	X												X
Fish & seafood, retail						X	X	X		X			X
Fish & seafood, wholesale						C	X	X		X			X
Florists						X	X	X		X			X
Food store, specialty—						X	X	X		X			X
Fraternal organizations						X	X	X		X			X
Furniture dealers—						X	X	X		X			X
Funeral home / mortuary						C	X	X		X			X
Game rooms & billiard parlors						C	C			C			C
Gasoline service stations / convenience stores						X	X						X
Glass sales, tinting & replacement						X	X	X					X
Golf course/country club	C	C	X	X									X
Gravestone/monument sales—						X	X	X					X
Greenhouse						X	X						X
Gunsmiths						X	X	X		X			X
Hardware stores / Building materials sales—						X	X	X		X			X
Health club						C	X	X		X			X
Heavy machinery sales							X						X
High rise (all uses within must be allowed per the zone)													
Hospice	C					X	X						X
Hospital						X	X						X
Hotels & motels (with full service restaurant)						X	X			X			X
Hotels & motels (without full service restaurant)						C	C			C			C
Janitorial services & supplies						X	X	X					X
kennel, outdoor							X						X
Laundry, self-service						X	X	X		C			X
Limousine service						X	X	X		C			X
Liquor store						X	X	X		X			X
Machine shops & welding							X	X					X

Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	C-S	WAD	MMU	OS	MH	LI
Mailbox rentals					X	X	X	X	C	X	X		X
Mailing service, bulk					X	X	X	X	X	X	X		X
Manufacturing													X
Marina									X	X	C		
Medical emergency clinics (w/ambulance)										X			X
Medical equipment and supplies						X	X	X		X			X
Medical laboratories					C	X	X	X					X
Monastery or convent	C			C		C	C						C
Motion picture theatre						X	X		C				X
Motorcycle sales & repair						C	X	X					X
Museums					C	C	X	X	X	X	X		X
Musical-instrument-dealers--	-	-	-	-	X-	X-	X-	X-	X-	X-	X-	-	X-
Nurseries					X	X	X	X			X		X
Nursing homes	C			X	C	C							X
Office, professional					X	X	X	X	X	X	X		X
Open air market (all uses must be allowed per the zone)											C		
Paint-stores, retail--	-	-	-	-	X-	X-	X-	X-	X-	X-	X-	-	X-
Pawnbrokers						X	X	X					X
Personal care home (assisted living)				X	X	X	X				C		X
Pet shops (indoor kennels only)					X	X	X	X	X	X	X		X
Pharmacies--	-	-	-	-	X-	X-	X-	X-	X-	X-	X-	-	X-
Printers							X	X					X
Private clubs (as per TABC)						C	C		C	C			C
Private schools					X	X	X	X		X	X		X
Produce, retail--	-	-	-	-	X-	X-	X-	X-	X-	X-	X-	-	X-
Public use (governmental)	X	X	X	X	X	X	X	X	X	X	X	X	X
Pumps, industrial sales and service							X						X
Quick lube/oil change						X	X	X					X
Radio/television transmission tower (commercial)										C			X
Recreational vehicle park													C
Recreational vehicle sales, rental & repair							X						X
Recycling center													C
Rental service store (no heavy equipment)						X	X	X					X
Rental, trucks & heavy equipment							X	X					X
Restaurant equipment & supplies						X	X	X					X
Restaurants					C	X	X	X	X	X	X		X
Restaurants (delivery & pickup only)--	-	-	-	-	-	X-	X-	X-	-	-	-	-	X-
Retail, heavy						X	X	X	X	X	X		X

Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	C-S	WAD	MMU	OS	MH	LI
Retail, light					X	X	X	X	X	X	X		X
Sailmakers					X	X	X	X	X	X	X		X
Sexually oriented business													X
Shipyard									X	X			X
Shopping centers--	-	-	-	-	-	X	X	-	X	-	-	-	X
Signs, manufacturing							X	X					
Skating rinks						C	X	X		X			X
Small engine repair						X	X	X					X
Smoke & head shop							X						X
Sports and recreational arenas										C			X
Stables	C												X
Storage, auto; inside							X						X
Storage, auto; outside							C						
Storage, boat; inside							X	X	X	X			X
Storage, boat; outside							X			X			X
Swimming pool & spa sales & supplies					C	X	X	X	C				X
Tele-video production						X	X	X	X	X			X
Theatre					C	X	X		X	X			X
Tire dealers and service						X	X	X					X
Trucking company													X
Upholstery shop					C	X	X	X	X	X	X		X
Veterinarians & animal hospitals (no outside kennels)					C	X	X	X	X	X			X
Veterinarians (with outside kennels)							X						X
Warehouse													X
Warehouses, offices & mini							X			X			X
Woodwork shops						X	X	X	X	X	X		X
Yacht/sailing club									X	X	X		

1 A property is prohibited from having an accessory use/structure without the presence of a principal use/structure.

**CITY OF SEABROOK
ORDINANCE NO. 2014-19
UPDATING AND AMENDING THE COMPREHENSIVE
LAND USE REGULATION MATRIX
AND RELATED DEFINITIONS**

AN ORDINANCE AMENDING 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", TO REVISE AND UPDATE "USES PERMITTED BY RIGHT AND CONDITIONAL USES"; AMENDING RELATED ARTICLE 1, "IN GENERAL", SECTION 1.10 "DEFINITIONS" TO SUPPLEMENT SUCH MATRIX REVISIONS BY ADDING A NEW DEFINITION FOR "RETAIL, HEAVY"; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Seabrook is continually reviewing the provisions of the City Code of Ordinances relating to land use and other circumstances which generally impact the health, safety and well-being of residents, citizens and inhabitants; and

WHEREAS, the Planning and Zoning Commission of the City of Seabrook has conducted a public hearing, received input from staff and is of the opinion and has issued its final report that the amendments hereto are necessary for the public safety, health and welfare and for protection of the residents; and

WHEREAS, the City Council and the Planning and Zoning Commission of the City of Seabrook have studied the present provisions of the Code of Ordinances of the City of Seabrook and have determined the need to revise and update the "Comprehensive Land Use Matrix" which reference uses permitted by right and conditional uses, and supplemental definitions related thereto, to provide for orderly growth and protection of the health, safety and welfare of the inhabitants of the City of Seabrook; and

WHEREAS, all public notices have been posted, published and all required hearings on this matter have been held in accordance with the Comprehensive Zoning Ordinance and law; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:

SECTION 1. FINDINGS OF FACT.

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. 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", TO REVISE AND UPDATE "USES PERMITTED BY RIGHT AND CONDITIONAL USES".

The Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 3, "Establishment of Zoning Districts and Associated Regulation" Section 3.15, "Comprehensive Land Use Regulations" is hereby amended by revising, adding and deleting certain land use activities, contained therein as shown on Exhibit A which is hereby made a part of this ordinance.

SECTION 3. AMENDMENT TO THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 1, "IN GENERAL", SECTION 1.10 "DEFINITIONS" TO RE-TITLE AN EXISTING DEFINITION "RETAIL" TO "RETAIL, HEAVY".

The Comprehensive Zoning Ordinance of the Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 1, "In General" Section 1.10, "Definitions" is hereby amended by re-titling the existing definition, "Retail," to "Retail, heavy" in the existing definitions contained in such Section, as provided hereafter.

"Retail, heavy: This land use category is characterized by commerce that caters to a broad range of commercial activity. Uses include those found in the Light Commercial category and those venues usually found in shopping centers and adjacent to grocery stores and the like. **Retail, heavy** uses are located adjacent to arterial and major collector roadways in areas that provide buffering to area residences. This category is exclusive of uses that produce excessive noise, airborne particles or offensive odors."

SECTION 4. INCORPORATION INTO THE CODE, PENALTY CLAUSE.

This Ordinance is hereby incorporated and made a part of the Seabrook City Code. Violation of this Ordinance is subject to the penalty section of said Code of Ordinances, Section 1-15 "General Penalty" and Appendix A, 11.06, "Criminal Enforcement" which provides that any person who shall violate any provision of this Ordinance shall be deemed guilty of an offense and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

SECTION 5. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

SECTION 6. SEVERABILITY.

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 7. NOTICE.

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 19th day of August, 2014.

PASSED AND APPROVED on second and final reading this 2nd day of September, 2014.

BY: _____
Glenn R. Royal
Mayor

ATTEST:

By: _____
Michele L. Glaser, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney

Planning & Zoning Commission OFFICIAL REPORT

The Planning and Zoning Commission of the City of Seabrook met on July 17, 2014 to hold a meeting to consider:

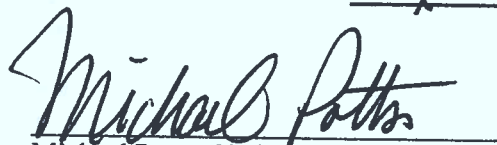
Request regarding changes to the Comprehensive Land Use Matrix.

THE PLANNING & ZONING COMMISSION MADE THE FOLLOWING RECOMMENDATION:

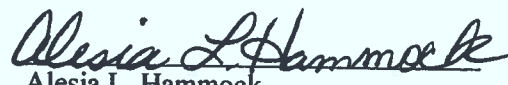
APPROVAL ☒ **APPROVAL WITH AMENDMENTS/CONDITIONS (SEE BELOW)** ☐ **DENIAL** ☐
by a concurring vote of a majority of members of the Planning and Zoning Commission present at the meeting on July 17, 2014, as designated below and as certified by the signature of the Chairman. **This document is not valid unless signed by the Chairman/Presiding Commissioner.**

SEE ATTACHMENT

<u>VOTE:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>INITIAL</u>
Rosebud Caradec	X				RC
Mike DeHart	X				MD
Buddy Hammann	X				BH
Bolivar Lewis	X				BL
Dodie Miller	X				DM
Michael Potts	X				MP
Michael Sharpe	X				MS


Michael Potts, Chairman
Planning & Zoning Commission

ATTEST:


Alesia L. Hammock
Secretary

Comprehensive Land Use Matrix 07/17/2014 Markup

Suggested Changes:

- Line 11: Add Assisted Living as an Conditional Use in C-1 and C-2
- Line 13: Add Condominiums as Conditional Use in WAD
- Line 23: Remove Air cleaning & purifying equipment
- Line 27: Remove Antique shops & dealers – Retail, light
- Line 33: Remove Auto parts & supplies – Retail, heavy
- Line 36: Remove Bait & tackle shops – Retail, heavy
- Line 37: Remove Bakers, retail – Retail, light
- Line 40: Change C-1 to Conditional Use
- Line 44: Remove Bicycle sales – Retail, light
- Line 47: Remove Boat equipment & supplies – Retail, heavy
- Line 51: Remove Book dealers, retail – Retail, light
- Line 54: Remove Candy & confection, retail - Retail, light
- Line 56: Remove Carpet & rug dealers - Retail, heavy
- Line 67: Remove Clothing store - Retail, light or heavy
- Line 68: Remove Coin dealers – Retail, light
- Line 71: Remove Contractors (with outside storage) from C-S
- Line 72: Add Contractors (without outside storage) to C-2, C-3, MMU, OS, and LI
- Line 78: Remove Department stores – Retail, heavy
- Line 80: Remove Discount Store – Retail, heavy

- Line 89: Remove Florists – Retail, light
- Line 90: Remove Food store, specialty - Retail, light or heavy
- Line 92: Remove Furniture dealers – Retail, heavy
- Line 98: Remove Gravestone/tombstone sales – Retail, heavy
- Line 101: Remove Hardware stores / Building materials sales – Retail, heavy
- Line 104: Change High rise (all uses within must be allowed per the zone) to allow in WAD by right and Conditional Use in the OS and MMU zones.
- Line 107: Change to Hotels & motels to include (with full service restaurant)
- Line 108: Add Hotels & motels (without full service restaurant) to allow as conditional use in C-2, C-3, WAD, MMU and LI
- Line 113: Remove Liquor store – Retail, heavy
- Line 126: Remove Musical instrument dealers – Retail, light
- Line 131: Remove Paint stores, retail – Retail, heavy
- Line 135: Remove Pharmacies – Retail, heavy
- Line 139: Remove Produce, retail – Retail, light
- Line 151: Remove Restaurants (delivery & pickup only) – Combined with Restaurants
- Line 152: Re-title Retail to Retail, heavy
- Line 153: Add Retail, light to OS as use by right
- Line 157: Remove Shopping centers (not a use)

Sec. 3.15 Comprehensive land use regulation matrix.

TABLE 3-A

Uses Permitted by Right and Conditional Uses¹

X = Use by right. C = Conditional use permit required. PUD = Planned unit development. * = Active sales office required.

Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	C-S	WAD	MMU	OS	MH	LI
Residential Uses													
Apartments				X									
Assisted Living Facilities			X	X	C	C							
Cluster housing			X	X							X		
Condominium				X					C	C			
Duplex				X							X		
Group homes	X	X	X	X									
Manufactured home / manufactured home park												X	
Single-family detached residence	X	X	X	X							X	X	
Townhouse				X						C			
Zero lot line homes			X	X									
Non-Residential Uses													
Accessory building/uses (all uses must be allowed per the zone)	X	X	X	X	X	X	X	X	X	X	X	X	X
Air cleaning & purifying equipment													
Alterations, clothing					X	X	X	X	X	X	X	X	X
Ambulance service						X	X	X					X
Animal training schools						X	X	X					X
Antique shops & dealers						X	X	X	X	X	X	X	X
Appliance dealers / rental						X	X	X	X	X	X	X	X
Auction house						C	X				X		X
Auto body repair / painting							X						X
Auto dealers							X						X
Auto repair/detailing						X	X	X					X
Auto parts & supplies						X	X	X					X
Auto rental & leasing						X	X	X	C	C			X
Auto wrecker service							X						X
Bait & tackle shops						X	X	X	X	X	C		X
Bakers, retail						X	X	X	X	X	X		X
Bakers, wholesale							X						X
Banks or financial services					X	X	X	X	X	C	C		X
Banquet hall					C	X	X	X	X	C	C		

Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	C-S	WAD	MMU	OS	MH	LI
Barbers / beauty salons / day spa					X	X	X	X	X	X	X		X
Bars						C	C		C	C			C
Bed & breakfast				C	X	X	X	X	X	X	X		X
Bicycle sales	-	-	-	-	X	X	X	X	X	X	X	-	X
Bingo parlor						C	C	C	C	C			C
Boat engine repair & service						C	X	X	C	X			X
Boat equipment & supplies	-	-	-	-	-	X	X	X	X	X	X	-	X
Boat hull repair & construction						C	X	C	C	X			X
Boat rental								X	X	X	X		X
Boat sales						C	X	X	X	X	C*		X
Book dealers, retail	-	-	-	-	X	X	X	X	X	X	X	-	X
Bowling alleys						C	X			C			X
Cabinet makers & millwork shops					X	X	X	X	C	X	X		X
Candy & confection, retail	-	-	-	-	X	X	X	X	X	X	X	-	X
Candy & confection, wholesale							X						X
Carpet & rug dealers	-	-	-	-	-	X	X	X	-	-	X	-	X
Caterers					X	X	X	X	X	X	X		X
Cellular communications tower							C						X
Cemetery or mausoleum	C	C	C	C	C	C	C						X
Charter boat service					C				X	X			
Child day care center					C	X	X				X		X
Child day care family home				C	C						X		
Church / place of worship	X	X	X	X	X	X	X	X	X	X	X	X	X
Cigar lounge						X	X	X	X	X			X
Cigar & tobacco shop						X	X	X	X	X			X
Civic club						C	C	C	C	C	C		C
Clothing store	-	-	-	-	X	X	X	X	X	X	X	-	X
Coin dealers	-	-	-	-	X	X	X	X	X	X	X	-	X
Commercial automobile parking lot / garage						C	X						X
Computer sales & service					X	X	X	X	X	X	X		X
Contractors (with outside storage)							X	X		C	C		X
Contractors (without outside storage)						X	X			X	X		X
Convenience stores (without fuel pumps)					C	X	X	X	X	X	X		X
Copy & duplicating services					X	X	X	X	X	X	X		X
Dancehalls						C	C		C	C			X
Dance instruction					X	X	X	X	X	X	X		X
Delivery services						X	X	X	X	X			X
Department stores	-	-	-	-	-	X	X	-	C	X	-	-	X

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Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	C-S	WAD	MMU	OS	MH	LI
Dinner theatre						X	X		X	X	X		X
Discount stores—	—	—	—	—	—	X—	X—	X—	—	X—	—	—	X—
Domestic animal training schools						X	X	X					X
Dry cleaners (pickup only)					X	X	X	X	X	X	X		X
Electrical equipment & supplies, wholesale						C	X						X
Electronics manufacturer							X	X					X
Exterminators & pest control													X
Farm	X												X
Fish & seafood, retail					C	X	X	X	X	X	C		X
Fish & seafood, wholesale						C	X		X	X			X
Florists	—	—	—	—	X—	X—	X—	X—	X—	X—	X—	—	X—
Food store, specialty—	—	—	—	—	X—	X—	X—	X—	X—	X—	X—	—	X—
Fraternal organizations						C	C		C				C
Furniture dealers—	—	—	—	—	—	X—	X—	X—	X—	X—	X—	—	X—
Funeral home / mortuary					C	X	X						X
Game rooms & billiard parlors						C	C		C	C			C
Gasoline service stations / convenience stores						X	X						X
Glass sales, tinting & replacement						X	X	X					X
Golf course/country club	C	C	X	X									X
Gravestone/tombstone sales—	—	—	—	—	—	X—	X—	X—	—	—	—	—	X—
Greenhouse						X	X						X
Gunsmiths						X	X	X	X	X	X		X
Hardware stores / Building materials sales—	—	—	—	—	C—	X—	X—	X—	X—	X—	X—	—	X—
Health club					C	X	X		X	X	C		X
Heavy machinery sales							X						X
High rise (all uses within must be allowed per the zone)									G-X	C	C		
Hospice	C					X	X						X
Hospital						X	X						X
Hotels & motels (with full service restaurant)						X	X		X	X			X
Hotels & motels (without full service restaurant)						C	C		C	C			C
Janitorial services & supplies						X	X	X					X
Kennel, outdoor							X						X
Laundry, self-service						X	X	X	C	C			X
Limousine service				X	X	X	X	X	C				X
Liquor store						X—	X—	X—	X—	X—	—	—	X—
Machine shops & welding							X	X					X
Mailbox rentals				X	X	X	X	X	C	X	X		X
Mailing service, bulk				X	X	X	X	X	X	X	X		X

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Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	C-S	WAD	MMU	OS	MH	LI
Manufacturing													X
Marina									X	X	C		
Medical emergency clinics (w/ambulance)										X			X
Medical equipment and supplies										X			X
Medical laboratories						X	X	X					X
Monastery or convent					C	X	X	X					X
Motion picture theatre	C			C		C	C						C
Motorcycle sales & repair						X	X		C				X
Museums						C	X	X					X
Musical instrument dealers—	—	—	—	—	X—	X—	X—	X—	X—	X—	X—	—	X—
Nurseries					X	X	X	X			X		X
Nursing homes	C			X	C	C							X
Office, professional					X	X	X	X	X	X			X
Open air market (all uses must be allowed per the zone)											C		
Paint stores, retail—	—	—	—	—	X—	X—	X—	X—	X—	X—	X—	—	X—
Pawnbrokers						X	X	X					X
Personal care home (assisted living)				X	X	X	X				C		X
Pet shops (indoor kennels only)					X	X	X	X	X	X	X		X
Pharmacies—	—	—	—	—	X—	X—	X—	X—	X—	X—	X—	—	X—
Printers							X	X					X
Private clubs (as per TABC)						C	C		C	C			C
Private schools					X	X	X			X	X		X
Produce, retail—	—	—	—	—	X—	X—	X—	X—	X—	X—	X—	—	X—
Public use (governmental)	X	X	X	X	X	X	X	X	X	X	X	X	X
Pumps, industrial sales and service							X						X
Quick lube/oil change						X	X	X					X
Radio/television transmission tower (commercial)										C			X
Recreational vehicle park													C
Recreational vehicle sales, rental & repair							X						X
Recycling center													C
Rental service store (no heavy equipment)						X	X	X					X
Rental, trucks & heavy equipment							X						X
Restaurant equipment & supplies						X	X	X					X
Restaurants					C	X	X	X	X	X	X		X
Restaurants (delivery & pickup only)—	—	—	—	—	—	X—	X—	X—	—	—	—	—	X—
Retail, heavy						X	X	X	X	X			X
Retail, light					X	X	X	X	X	X	X		X
Sailmakers					X	X	X	X	X	X	X		X

Land Use Activity	R-LD	R-1	R-2	R-3	C-1	C-2	C-3	C-S	WAD	MMU	OS	MH	LI
Sexually oriented business													X
Shipyard									X	X			X
Shopping centers—	—	—	—	—	—	X—	X—	—	X—	—	—	—	X—
Signs, manufacturing						X	X	X					
Skating rinks						C	X			X			X
Small engine repair						X	X	X					X
Smoke & head shop							X						X
Sports and recreational arenas										C			X
Stables	C												X
Storage, auto; inside							X						X
Storage, auto; outside							C						
Storage, boat; inside							X	X	X	X			X
Storage, boat; outside							X			X			X
Swimming pool & spa sales & supplies					C	X	X	X	C				X
Tele-video production						X	X	X	X	X			X
Theatre					C	X	X	X	X	X			X
Tire dealers and service						X	X	X					X
Trucking company													X
Upholstery shop					C	X	X	X	X	X	X		X
Veterinarians & animal hospitals (no outside kennels)					C	X	X	X	X	X			X
Veterinarians (with outside kennels)							X						X
Warehouse													X
Warehouses, offices & mini							X			X			X
Woodwork shops						X	X	X	X	X	X		X
Yacht/sailing club									X	X	X		

! A property is prohibited from having an accessory use/structure without the presence of a principal use/structure.

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING," ARTICLE 8, "NONCONFORMANCE", BY REPEALING SECTION, 8.07 "PROPERTIES MADE NONCONFORMING BY RIGHT- OF- WAY ACQUISITION"; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Planning and Zoning Commission of the City of Seabrook has conducted a public hearing, received input from staff and has issued its final report that the amendments hereto are necessary for the public safety, health and welfare and for protection of the residents; and

WHEREAS, all public notices have been posted, published and all required hearings on this matter have been held in accordance with the Comprehensive Zoning Ordinance and law; now, therefore,

SECTION 1. FINDINGS OF FACT.

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**SECTION 2. AMENDMENT TO THE SEABROOK CITY CODE,
APPENDIX A, ARTICLE 8. "NONCONFORMANCE", SECTION, 8.07
"PROPERTIES MADE NONCONFORMING BY RIGHT- OF- WAY
ACQUISITION".**

The Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 8, "Nonconformance" is amended by repealing Section 8.07 entitled "Properties Made Nonconforming by Right-of-Way Acquisition," as specifically provided hereafter:

~~"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 results 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."~~

SECTION 3. INCORPORATION INTO THE CODE, PENALTY CLAUSE.

This Ordinance is hereby incorporated and made a part of the Seabrook City Code. Violation of this Ordinance is subject to the penalty section of said Code of Ordinances, Section 1-15 "General Penalty" and Appendix A, 11.06, "Criminal Enforcement" which provides that any person who shall violate any provision of this Ordinance shall be deemed guilty of an offense and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

SECTION 5. SEVERABILITY.

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each and every part of the

Ordinance No. 2014-20
Page 3

same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 6. NOTICE.

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 19th day of August, 2014.

PASSED AND APPROVED on second and final reading this 2nd day of September, 2014.

BY: _____
Glenn R. Royal
Mayor

ATTEST:

By: _____
Michele L. Glaser, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING," ARTICLE 8, "NONCONFORMANCE", BY REPEALING SECTION, 8.07 "PROPERTIES MADE NONCONFORMING BY RIGHT- OF- WAY ACQUISITION"; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Planning and Zoning Commission of the City of Seabrook has conducted a public hearing, received input from staff and has issued its final report that the amendments hereto are necessary for the public safety, health and welfare and for protection of the residents; and

WHEREAS, all public notices have been posted, published and all required hearings on this matter have been held in accordance with the Comprehensive Zoning Ordinance and law; now, therefore,

SECTION 1. FINDINGS OF FACT.

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**SECTION 2. AMENDMENT TO THE SEABROOK CITY CODE,
APPENDIX A, ARTICLE 8. "NONCONFORMANCE", SECTION, 8.07
"PROPERTIES MADE NONCONFORMING BY RIGHT- OF- WAY
ACQUISITION".**

The Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 8, "Nonconformance" is amended by repealing Section 8.07 entitled "Properties Made Nonconforming by Right-of-Way Acquisition," as specifically provided hereafter:

~~"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 results 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."~~

SECTION 3. INCORPORATION INTO THE CODE, PENALTY CLAUSE.

This Ordinance is hereby incorporated and made a part of the Seabrook City Code. Violation of this Ordinance is subject to the penalty section of said Code of Ordinances, Section 1-15 "General Penalty" and Appendix A, 11.06, "Criminal Enforcement" which provides that any person who shall violate any provision of this Ordinance shall be deemed guilty of an offense and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

SECTION 5. SEVERABILITY.

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each and every part of the

Ordinance No. 2014-20
Page 3

same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 6. NOTICE.

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 19th day of August, 2014.

PASSED AND APPROVED on second and final reading this 2nd day of September, 2014.

BY: _____
Glenn R. Royal
Mayor

ATTEST:

By: _____
Michele L. Glaser, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney

Planning & Zoning Commission OFFICIAL REPORT

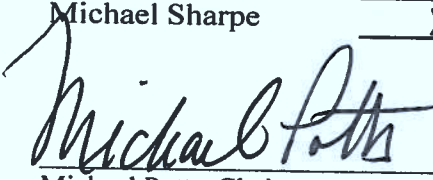
The Planning and Zoning Commission of the City of Seabrook met on July 17, 2014 to hold a meeting to consider:

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

THE PLANNING & ZONING COMMISSION MADE THE FOLLOWING RECOMMENDATION:

APPROVAL ☒ **APPROVAL WITH AMENDMENTS/CONDITIONS (SEE BELOW)** ☐ **DENIAL** ☐
by a concurring vote of a majority of members of the Planning and Zoning Commission present at the meeting on July 17, 2014, as designated below and as certified by the signature of the Chairman. **This document is not valid unless signed by the Chairman/Presiding Commissioner.**

<u>VOTE:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>INITIAL</u>
Rosebud Caradec	X				RC
Mike DeHart	X				MD
Buddy Hammann	X				BH
Bolivar Lewis	X				BL
Dodie Miller	X				DM
Michael Potts	X				MP
Michael Sharpe	X				MS


Michael Potts, Chairman
Planning & Zoning Commission

ATTEST:


Alesia L. Hammock
Secretary



CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: 08-19-2014

Submitter/Requestor: City of Seabrook

Date Submitted: 08-12-2014

Presenter: Sean Landis

Description/Subject:

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

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING," ARTICLE 8, "NONCONFORMANCE", BY REPEALING SECTION, 8.07 "PROPERTIES MADE NONCONFORMING BY RIGHT-OF- WAY ACQUISITION"; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

A Public Hearing was held before the Planning and Zoning Commission on July 17, 2014.

Applicant:

City Staff

Legal Description:

Request:

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

Purpose/Need: Policy Issue ☒ Administrative Issue ☐

Agenda Briefing Form
Page 2

On November 17, 2011, Staff brought before the Planning and Zoning Commission a request to add Section 8.07 Properties Made Nonconforming by Right-of-Way Acquisition, for consideration. The Commission voted unanimous to recommend approval and City Council concurred.

The original intent of the ordinance was to provide relief to property owners required to provide land due to right-of-way acquisition. The Planning and Zoning Commission has found that the language originally adopted could have the opposite effect.

As the State Highway 146 project nears, the Planning and Zoning Commission 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.

The Planning and Zoning Commission'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.

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

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 proposed change to the zoning ordinance was recommended for approval by the Planning & Zoning Commission by a unanimous vote at the regular meetings held on July 17, 2014.

Background/Issue (What prompted this need?):

Impacted Parties (Expected/Notified):

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

Agenda Briefing Form
Page 3

Recommended Action:

The proposed change to the zoning ordinance was recommended for approval by the Planning & Zoning Commission by a unanimous vote at the regular meetings held on July 17, 2014.

Attachments:

(Please list description of attachments and number of pages in each attachment)

Planning & Zoning Commission Minutes of the July 17, 2014 Meeting
Planning and Zoning Commission Official Report from the July 17, 2014 Meeting

Fiscal Impact: Budgeted _____ Yes _____ No Finance Officer Review:
Budget Amendment Required _____ Yes _____ No
Future/Ongoing Impact _____ Yes _____ No

Budget Dept/Line Item Number N/A

Funding Comments:

N/A

Where on the agenda should this item be placed?

(i.e. Public Hearing, New Business, Old Business, Consent Agenda, Executive Session, etc.)

New Business

Suggested Motion:

The proposed change to the zoning ordinance was recommended for approval by the Planning & Zoning Commission by a unanimous vote at the regular meetings held on July 17, 2014.

City Manager Review:

- ☐ Approved as submitted
- ☐ Submitted for Council consideration without comment
- ☐ Submitted for Council consideration with comments stated below:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances.)

Sent to City Attorney for review _____
(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

Received and accepted by the City Secretary/Assistant _____

Returned by the City Secretary/Assistant (If incomplete) _____

All requests must be submitted to the City Secretary's Office no later than 5:00 p.m. on the Wednesday preceding the regular Tuesday Council Meeting. All required attachments are to be submitted with the request. Incomplete items cannot be placed on the agenda.

**CITY OF SEABROOK
MULTI-YEAR FINANCIAL OVERVIEW
HOTEL/MOTEL FUND**

HOTEL/MOTEL	FOR FISCAL YEAR ENDING SEPTEMBER 30,									
	ACTUALS			2014	2014	2015	PROJECTED			
	2011	2012	2013	BUDGET	FORECAST	BUDGET	2016	2017	2018	2019
BASE REVENUES										
HOTEL OCCUPANCY TAX	317,684	367,316	451,977	360,000	454,031	450,000	450,000	450,000	450,000	450,000
INTEREST INCOME	913	861	734	800	283	368	800	800	800	800
SALTWATER DERBY REVENUE	5,955	5,594	1,660	0	10,265	0	0	0	0	0
TOTAL REVENUES	324,552	373,771	454,371	360,800	464,579	450,368	450,000	450,000	450,000	450,000
BASE EXPENSES										
PERSONNEL SERVICES	14,738	50,549	65,167	71,251	68,552	73,851	76,067	78,349	80,699	83,120
MATERIALS & SUPPLIES	13,261	5,532	260	1,500	216	2,000	2,060	2,122	2,185	2,251
SERVICES	228,730	212,136	215,718	286,465	261,065	352,350	362,921	373,808	385,022	396,573
CAPITAL OUTLAY	11,940	0	37,425	150,000	36,281	0	0	0	0	0
TOTAL EXPENSES	268,669	268,217	318,569	509,216	366,113	428,201	441,047	454,279	467,907	481,944
NET REVENUES	55,883	105,554	135,801	(148,416)	98,466	22,167	8,953	(4,279)	(17,907)	(31,944)
FUND BALANCE										
BEGINNING BALANCE	426,704	414,686	520,240	656,041	656,041	754,508	776,675	785,627	781,349	763,442
NET REVENUES	55,883	105,554	135,801	(148,416)	98,466	22,167	8,953	(4,279)	(17,907)	(31,944)
BUILDING FUND RESERVE - 25%*	(67,901)	0	0	0	0	0	0	0	0	0
ENDING BALANCE-UNRESERVED	414,686	520,240	656,041	507,625	754,508	776,675	785,627	781,349	763,442	731,497
* CUMMULATIVE - BUILDING FUND	359,176	359,176	359,176	359,176	359,176	359,176	359,176	359,176	359,176	359,176
TOTAL COMBINED FUND BALANCE	773,862	879,416	1,015,217	866,801	1,113,684	1,135,851	1,144,803	1,140,525	1,122,618	1,090,673

**CITY OF SEABROOK
2014-15 BUDGET
FUND 15 - HOTEL/MOTEL FUND**

EXPENSE ACCOUNTS	FOR FISCAL YEAR ENDING SEPTEMBER 30,						2014 BUDGET VS 2013 FORECAST		2014 BUDGET VS 2013 BUDGET	
	2011	2012	2013	2014 BUDGET	2014 FORECAST	2015 BUDGET	\$CHANGE	%CHANGE	\$CHANGE	%CHANGE
3010 SALARIES	11,773	37,261	48,577	50,441	47,824	52,684	4,860	10.16%	2,243	4.45%
3012 OVERTIME	1,011	0	0	0	0	0	0	0.00%	0	0.00%
3014 CAR ALLOWANCE	600	4,823	5,400	5,400	5,698	5,400	(298)	-5.22%	0	0.00%
3015 CONTRACT LABOR	0	0	0	0	0	0	0	0.00%	0	0.00%
3100 FICA TAXES	1,044	3,209	4,094	4,272	4,050	4,443	393	9.70%	172	4.02%
3110 RETIREMENT	211	4,835	6,958	5,765	5,819	5,348	(470)	-8.08%	(416)	-7.22%
3120 HOSPITALIZATION	0	0	0	5,073	4,839	5,629	790	16.32%	556	10.95%
3130 WORKER'S COMPENSATION	0	101	81	91	89	137	48	54.25%	46	50.06%
3150 GIFT CERTIFICATES	0	48	48	75	48	75	28	57.89%	0	0.00%
3350 UNEMPLOYMENT BENEFITS	99	272	9	135	186	135	(51)	-27.27%	0	0.00%
TOTAL PERSONNEL	14,738	50,549	65,167	71,251	68,552	73,851	5,300	7.73%	2,600	3.65%
4010 OFFICE SUPPLIES	13,261	139	204	1,000	61	1,000	939	1532.30%	0	0.00%
4011 POSTAGE	0	1	28	500	82	1,000	918	1114.62%	500	100.00%
4150 SMALL EQUIPMENT	0	5,392	28	0	72	0	(72)	-100.00%	0	0.00%
TOTAL SUPPLIES	13,261	5,532	260	1,500	216	2,000	1,784	827.85%	500	33.33%
5010 ADVERTISING	175,767	163,413	82,106	116,050	86,894	152,700	65,806	75.73%	36,650	31.58%
5020 DUES & SUBSCRIPTIONS	0	40	248	240	(12,435)	250	12,685	-102.01%	10	4.17%
5030 RENTALS & SERVICE AGREEMENTS	28,195	6,215	0	4,250	253	0	(253)	-100.00%	(4,250)	-100.00%
5175 JANITORIAL	0	0	0	0	180	0	0	0.00%	0	0.00%
5293 ARTS	8,000	0	0	3,000	1,043	5,000	3,957	379.17%	2,000	66.67%
5294 HISTORICAL PRESERVATION	0	0	15,000	5,000	0	5,000	5,000	0.00%	0	0.00%
5295 FUTURE DEVELOPMENT/PROJECTS	0	0	0	0	0	0	0	0.00%	0	0.00%
5296 CONVENTION CENTER	0	0	0	0	0	0	0	0.00%	0	0.00%
5300 TRAVEL & CONFERENCE	108	4,282	8,901	9,425	7,121	3,000	(4,121)	-57.87%	(6,425)	-68.17%
5330 INSURANCE	0	0	0	0	0	0	0	0.00%	0	0.00%
5400 TELEPHONE	2,495	1,175	900	0	900	900	0	0.00%	900	0.00%
5410 UTILITIES	5,155	599	0	0	0	0	0	0.00%	0	0.00%
5464 SPORTS	0	0	0	0	0	0	0	0.00%	0	0.00%
5465 MISCELLANEOUS	1,268	524	476	1,500	328	1,500	1,172	356.96%	0	0.00%
5466 EVENTS	7,579	35,888	108,087	147,000	176,779	179,000	2,221	1.26%	32,000	21.77%
5475 CONTINGENCY	163	0	0	0	0	5,000	5,000	0.00%	5,000	0.00%
5616 BEACH IMPROVEMENTS	0	0	0	0	0	0	0	0.00%	0	0.00%
TOTAL SERVICES	228,730	212,136	215,718	286,465	261,065	352,350	91,465	35.04%	65,885	23.00%
6010 AUTOS & TRUCKS	0	0	0	0	0	0	0	0.00%	0	0.00%
6020 EQUIPMENT	0	0	0	0	0	0	0	0.00%	0	0.00%
6035 FACILITIES/PARKS	0	0	0	0	0	0	0	0.00%	0	0.00%
6039 SIGNAGE	11,940	0	37,425	150,000	36,281	0	(36,281)	-100.00%	(150,000)	-100.00%
TOTAL CAPITAL OUTLAY	11,940	0	37,425	150,000	36,281	0	(36,281)	-100.00%	(150,000)	-100.00%
TOTAL EXPENDITURES	268,669	268,217	318,569	509,216	366,113	428,201	62,268	17.01%	(81,015)	-15.91%

HOTEL/MOTEL FUND 2014-2015 BUDGET DETAIL

VENDOR/PROJECT/ITEM NAME	DESCRIPTION	FUNDS
150-4010 & 4011 SUPPLIES		
4010 Office Supplies	Paper, printer ink, card stock, envelopes etc.	1000
4011 Postage	Postage	1,000
TOTAL		2,000
150-5010 ADVERTISING		
Bay Area Houston CVB	15% of total funds to support CVB	68,000
Carothers Advertising	Various ads and websites promoting Carothers	8,200
Brochures	Updating and printing Seabrook visitor brochures	10,000
Event/Conference Materials	Exhibitor tables and conference materials	5,500
TV/Video	Co-Ops and/or TV ads with plus freelance video projects	15,000
Print	CVB Co-Op and/or discounted print ads (TTIA, Visitors Guide, Texas Monthly, & various other publications as funds permit)	15,000
Web	Social media advertising - Visitor Websites	7,500
Web Services	Website development, hosting and maintenance	6,000
Signage/Banners	Light pole promotional banners and signs	5,000
Promotional Items	Pens, mugs, shirts, etc.	7,500
Contingency		5,000
Total		152,700
150-5020 DUES & SUBSCRIPTIONS		
TAMIO	Texas Association of Municipal Information Officers (Marketing Group)	75
TATOA	Texas Association of Telecommunication Officers and Advisors (Video Marketing)	75
Misc.	Credit Card, misc.	100
Total		250
150-5293 ARTS		
Art Programs	Funds set aside for art programs	5,000
Total		5,000
150-5294 HISTORICAL PRESERVATION		
Historical Maintenance	Signs, Pelicans, etc. as needed	5,000
Total		5,000
150-5300 TRAVEL AND CONFERENCE		
TAMIO	Marketing and communication conference held in June - travel, fees, etc.	1,500
TATOA	Video programming conference held in November - travel, fees, etc.	1,500
Total		3,000
150-5466 EVENTS		
J/Fest	Two day Sailboat race held in October	15,000
Yacht Gras	Three day event bringing boaters from out of the area to enter in parade held in Feb	1,500
Lucky Trails	Two day marathon run held on Seabrook Trails in March	25,000
Keels and Wheels	Two day classic car and boat show held at Lakewood Yacht Club	50,000
Texas Outlaw Challenge	Three day poker run held in June	20,000
Gulf Coast Film Festival	Three day event in the Clear Lake Area	2,500
Saltwater Derby	Fishing tournament held in late September or early October	5,000
Seabrook Festival of the Arts	One to two day event held in September	15,000
Bay Access Sailing Programs	Yearly sailing programs with 3 to 4 major events each year	25,000
Contingency		20,000
Total		179,000
150-5465 MISC./CONTINGENCY		
Contingency	Additional funds set aside for misc. expense	5,000
Total		5,000
TOTAL SERVICES		349,950



CITY OF SEABROOK

AGENDA BRIEFING

Date of Meeting: TUESDAY, AUGUST 19, 2014

Submitter/Requestor: Cook/Landis

Date Submitted: 8/11/2014 11:32:11 AM

Presenter: Landis

Description/Subject:

Consideration and take appropriate action on RFP 2014-06, Comprehensive Plan 2030 Update and if appropriate, approval of funding in the proposed FY 2014-15 in an amount not to exceed \$100,000.

Purpose/Need: NA

Background/Issue(What prompted this need):

This item has been presented and proposed on August 14, 2014 to the Seabrook Economic Development Corporation for partial or full funding. Due to a recent ruling by the Attorney General, EDC tax funds could be expended to hire a consultant for developing such a long term plan for the future development of the city.

The current Comprehensive Plan was last approved in 2010. This plan was reviewed and updated in-house by the City Council appointed Comprehensive Master Plan Committee.

Due to the timeline of the SH 146 expansion project moving forward and funding allocated if it proceeds, staff recommends that the Comprehensive Plan update this cycle be conducted by a consultant for a more comprehensive approach. The city is close to build out in many areas and is prime in other areas for redevelopment. A overall unified vision for the city would allow staff direction in reviewing current ordinances.

How the city moves forward in visioning and land use is critical to the sustainability of the city in the future. Therefore, by contracting with a consultant on this project allows the process to be more inclusive and will include not only the Comp Plan Committee, but the city council, Seabrook Economic Development Corporation, the Planning and Zoning Commission and potentially other focus groups in the community to play a vital role in its development.

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

Attachments:

(Please list description of attachments and number of pages in each attachment)

Fiscal Impact:	Budgeted	Yes	Finance	Officer
	Budget Amendment Required	Yes	Review:	
	Future/Ongoing Impact	Yes		
	Budget Dept/Line Item Number			

Funding Comments:

Where on the agenda should this item be placed?

New Business

Suggested Motion:

Approve requesting staff to move forward on RFP 2014-06, Comprehensive Plan 2030 Update and approval of funding in the proposed FY 2014-15 in an amount not to exceed \$100,000.

Agenda Language:

Consider requesting staff to move forward on RFP 2014-06, Comprehensive Plan 2030 Update and approval of funding FY 2014/2015 in an amount not to exceed \$100,000. (Landis)

City Manager Review:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances)

(City Attorney should review all ordinances, resolutions, contracts and executive session items.)



***CITY
OF
SEABROOK***

**AGENDA
BRIEFING**

Date of Meeting: TUESDAY, AUGUST 19, 2014

Submitter/Requestor: Cook

Date Submitted: 8/12/2014 3:44:26 PM

Presenter:

Description/Subject:

Consider approval of a new decision package for the FY 2014/15 budget for the purchase of a van for the Parks Department in the amount of \$30,000.

Purpose/Need: NA

Background/Issue(What prompted this need):

On the August 5, 2014, council meeting, the City Manager presented a proposed fleet replacement plan for all of the City of Seabrook Departments. After review of the plan, council did not take action on approving the Five Year Fleet Replacement Plan and directed staff to bring an item back to council for approving one additional decision package for the Parks Department.

The Director of Public Works requested an updated quote from the co-op purchasing group for the van that was discussed at the meeting for replacement and found that \$30,000 as shown on the table is still accurate.

Impacted Parties(Expected/Notified):

Miscellaneous Comments:

Attachments:

(Please list description of attachments and number of pages in each attachment)

Decision Package

Fiscal Impact:	Budgeted	Yes	Finance Review:	Officer
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Budget Amendment Required	Yes
Future/Ongoing Impact	Yes

Budget Dept/Line Item Number

Funding Comments:

The proposed FY 2014/15 budget before council still reflects a surplus. By approving this additional decision package, council will be deducting from the surplus that is being left to repay the approved advance for Seascope in the FY 2013/14.

Where on the agenda should this item be placed?

New Business

Suggested Motion:

Agenda Language:

Consider approval of a new decision package for the FY 2014/15 Budget for the purchase of a van for the Parks Department in the amount of \$30,000. (Cook)

City Manager Review:

(All items are to be reviewed and approved by the city manager, except items submitted by the mayor or any council member or routine consent agenda items such as minutes and second & third readings of ordinances)

(City Attorney should review all ordinances, resolutions, contracts and executive session items.)

CITY OF SEABROOK **2007-08 BUDGET: DECISION PACKAGES**

400 - Parks

CATEGORY <i>Personnel, Supplies, Services or Capital Improvement</i>	DESCRIPTION <i>Who (Title, FT /PT & if FT - grade; if PT #hours/rate)/What Why & When Buying/Hiring</i>	\$AMOUNT <i>If Personnel list salary only</i>	RANK IN TERMS OF PRIORITY
Capital	Van for Parks Department / Building and Facilities	30,000	1
		30,000	

ACTION ITEM CHECK LIST STATUS

#	STATUS	DATE ASSIGNED	NEXT REVIEW DATE	PROPOSED CLOSURE DATE	RESPONSIBLE ORGANIZATION	City Council RESPONSIBILITY	PLANNING OBJECTIVE #	AGENDA ITEM NUMBER	DESCRIPTION OF ACTION ITEM	STATUS AND DATE
19	OPEN/IN WORK	8/20/2013			City Manager			4.5	Coordinate and lead project to attempt to have Surf Oaks Drive dedicated to allow Precinct 2 to repave.	Dedication of right-of-way complete. Waiting for Harris County to repave.
23	OPEN/IN WORK	12/3/2013			Mayor/ City Mgr.			5.1	Provide periodic updates on TxDOT's progress to improve/widen SH 146.	Town Meeting held in July 2014
28	OPEN/IN WORK	8/6/2014			Staff			3.2	Obtain an updated quote to replace old Parks Van for consideration by council	On 8/19/14 agenda for consideration by Council.

August 2014

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2 5K Fun Run
3	4	5 City Council	6	7 Open Space	8	9
10	11	12 City Council	13	14 EDC	15 Midnite Slice/Seabrook Music Festival	16
17	18	19 City Council	20	21 P&Z	22	23 Outloud Productions Bike Ride
24	25	26	27	28	29	30
31						