

1 The Seabrook Planning and Zoning Commission met on Thursday, February 19, 2015 in regular session
2 at Seabrook City Hall, 1700 First Street, Seabrook, Texas to consider and if appropriate, take action on
3 the agenda items listed below:

4
5 THOSE PRESENT WERE:

6		
7	MICHAEL POTTS	CHAIRMAN
8	BUDDY HAMMANN (Excused Absence)	VICE CHAIRMAN
9	ROSEBUD CARADEC	MEMBER
10	MIKE DEHART	MEMBER
11	DODIE MILLER	MEMBER
12	MICHAEL SHARPE	MEMBER
13	BOLIVAR LEWIS	MEMBER
14	STEVE WEATHERED	CITY ATTORNEY
15	SEAN LANDIS	DIRECTOR OF COMMUNITY DEVELOPMENT
16	ALESIA HAMMOCK	SECRETARY
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 C-2 (Commercial Medium) to R-3 (Residential – Medium Density).**

26
27 Sean Landis gave a brief report. He stated that the applicant recently attempted to refinance the
28 existing multi-family apartment complex when they were denied by Fannie Mae. The denial was
29 due to the use being a grandfathered nonconforming use.

30
31 Mr. Landis stated that the apartment complex was constructed prior to 1984 and at the time of
32 construction was named "Seatree Apartments". At the time of construction the property was
33 zoned C-2, Medium Commercial. This zone allowed the construction of multi-family dwellings
34 until the zoning ordinance was altered in January of 1984. From that date to the present, C-2
35 zoned land has forbidden further multi-family construction. He stated that Villas by the Bay
36 nonconforming status allows the owners to renovate, remodel, repair or rebuild a nonconforming
37 structure if the work does not increase the degree of the nonconformity of the structure and is
38 approved by the building official by issuance of a permit.

39
40 Mr. Landis stated that the right to rebuild or repair a nonconforming structure terminates if such
41 structure sustains damage, of any origin, where by the cost of restoring the structure to its
42 undamaged condition would exceed 50 percent of the market value of the structure before the
43 damage occurred. Herein lays the problem relating to the refinancing. The financial institution
44 has communicated that due to the nonconformity, their collateral is at risk of not being repaired or
45 rebuilt if damaged over 50 percent of market value.

46
47 Rosebud Caradec asked if there was a permit on file verifying the date the apartment were built.

48
49 Mr. Landis stated yes.

50
51 Aaron and Shelly Nichols, Blue Canoe Court, stated that Villa by the Bay Apartments had 220
52 units and was approximately 8 ½ acres. Ms. Nichols stated that they have owned the property for

53 five years and tried to refinance. She stated that they could not get refinancing because of the
54 risk. They could not get enough insurance because the current city code requires for demolition
55 of non-conforming entities if damage of more than 50% of value occurs. She stated that every
56 apartment complex in Seabrook is zoned R-3 except Villas by the Bay and Edgelake. The current
57 land size is 8.52 acres and is rectangular in shape. Use by a C-2 entity would be limited to 244.25
58 feet of Nasa Road frontage and the remaining land would not be visible and thus not desirable.
59 She stated that the current C-2 at the back of the property would not be able to be used as the
60 access and visibility are limited. Villas by the Bay is valued at \$7 million and the land at \$2
61 million, the loss in revenue to the city is a potential of \$4.8 million if demolished and sold.
62

63 Chairman Potts closed the Specific Public Hearing portion of the meeting at 7:12.
64

65 **3.0 NEW BUSINESS – The Commission will discuss, consider, and if appropriate, take action**
66 **on the items listed below.**
67

68 **3.1 Discussion, consideration, and possible action regarding the request to change the zoning**
69 **classification of land from the current classification of C-2 (Commercial Medium) to R-3**
70 **(Residential – Medium Density).**
71

72 **Motion was made by Mike DeHart and seconded by Dodie Miller**
73

74 *To approve the request to change the zoning classification of land from the current classification*
75 *of C-2 (Commercial Medium) to R-3 (Residential – Medium Density) as presented.*
76

77 Ms. Caradec stated that she considered this was spot zoning.
78

79 Steve Weathered stated that he did not have a legal determination to share with the Commission.
80

81 Mr. Landis stated that apartment complexes were not usually grouped together in one zoning
82 district; he did not consider this spot zoning.
83

84 Mike DeHart stated that he did not consider this spot zoning.
85

86 Michael Sharpe stated that if the apartments were not already there it might be spot zoning, but
87 there were built when apartments were allowed in that zone and he did not consider it spot
88 zoning.
89

90 Ms. Caradec stated that she always liked to look at the future, and in the future this land is going
91 to be much more valuable to the City as a commercial zone.
92

93 Mr. Weathered stated that the Commission should determine what the best use for this property
94 is.
95

96 Ayes: DeHart, Lewis, Miller, Potts, and Sharpe
97

98 Nays: Caradec
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100 **MOTION CARRIES BY MAJORITY VOTE.**
101

102 Chairman Potts stated that Items 3.2 and 3.3 would be moved to the April agenda.

3.2 Discussion, consideration, and possible action regarding planning aspects of the Planning & Zoning Commission.

No action taken.

3.3 Discussion, consideration, and possible action regarding the review of undeveloped property in the City of Seabrook.

No action taken.

4.0 APPROVAL OF MINUTES

4.1 Discussion, consideration and possible action concerning the minutes from the January 6, 2015 joint meeting with City Council and Planning & Zoning Commission.

Motion was made by Buddy Hammann and seconded by Rosebud Caradec

To approve the minutes from the January 6, 2015 joint meeting with City Council and Planning & Zoning Commission as presented.

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

Nays: None

Abstained: Lewis

MOTION CARRIES BY UNANIMOUS CONSENT OF THOSE VOTING.

4.2 Discussion, consideration and possible action concerning the minutes from the January 15, 2015 Planning & Zoning meeting.

Motion was made by Dodie Miller and seconded by Mike DeHart

To approve the minutes from the January 15, 2015 Planning & Zoning meeting as presented.

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

Nays: None

Abstained: Lewis

MOTION CARRIES BY UNANIMOUS CONSENT OF THOSE VOTING.

5.0 ROUTINE BUSINESS

5.1 Discussion and consideration of the Community Development Activity Summary.

Sean Landis gave a brief report.

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

Sean Landis gave a brief report.

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

Chairman Potts stated that they would meet on March 17, 2015 for the joint public hearing with City Council to discuss final approval of the Senior Living PUD.

Chairman Potts stated that they would meet on April 16, 2015 to discuss:

- Planning aspects of the Planning & Zoning Commission.
- Review of undeveloped property in the City of Seabrook.
- Report from City Engineer and Public Works Director.
- Update on Hwy. 146 Expansion.

Chairman Potts requested that the update on Hwy. 146 Expansion be added to all future agendas for discussion.

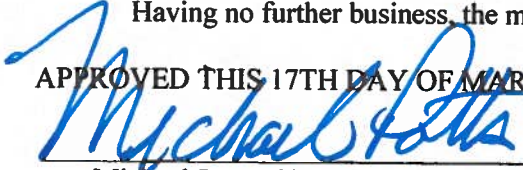
Motion was made by Michael Sharpe and seconded by Mike DeHart

To adjourn the Planning & Zoning Commission meeting.

MOTION CARRIES BY UNANIMOUS CONSENT.

Having no further business, the meeting adjourned at 7:28 p.m.

APPROVED THIS 17TH DAY OF MARCH 2015.


Michael Potts, Chairman


Alesia Hammock, Secretary