



**MINUTES  
CITY OF LEAGUE CITY  
PLANNING AND ZONING COMMISSION  
Monday, June 1, 2015 at 6:00 P.M.  
COUNCIL CHAMBERS  
200 W WALKER ST.**

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**I. Call to Order and Roll Call of Members**

**A. Eric Froeschner opened the meeting at 6:00 PM.**

**Members Present:**

Hank Dugie  
James Brockway  
Kimberlee Prokhorov  
Marc Edelman, Vice Chairman *Arrived at 6:02 PM*  
Eric Froeschner, Chairman  
Shane Hamilton  
Ron Wicker  
Doug Turner

**Members Absent:**

**Planning Staff:**

Paul Menzies, Director of Planning & Zoning  
Richard Werbiskis, Assistant Director of Planning & Development  
Ryan Granata, Planning Manager  
Casey Rohrich, Planner  
Matthew Grooms, Planner  
Nghiem Doan, City Attorney  
Earl Smith, Director of Engineering

**II. Approval of Minutes**

**A. May 18, 2015**

*Ron Wicker motioned to approve the minutes of May 18, 2015.*

*Shane Hamilton seconded the motion.*

*Motion passed 8-0-0.*

**IV. Items Tabled and Subject to Recall**

**A. Make a recommendation to City Council on Zone Change Application, Z15-09 (Davis Road and FM 2094), a request to rezone approximately 1.3 acres from “PS” (Public / Semi-Public) to “CG” (General Commercial), legally described as a portion of Block 11 (11-0-8) of the Lakeside Addition Subdivision, generally located south of the GENCO cooling canal, east of Davis Road and west of Marina Bay Drive (FM 2094), with the approximate address being in the 2400 block of Marina Bay Drive in League City, Texas. (PUBLIC HEARING IS CLOSED)**

*Marc Edelman motions to remove to untable Z15-09 (Davis Road and FM 2094)*

*Ron Wicker seconded the motion*

*Ryan Granata presented for the City of League City. The subject property is currently zoned “PS” (Public/Semi-Public) and the City is requesting that the zoning be changed to “CG” (General*

Commercial). On May, 18<sup>th</sup>, The Planning and Zoning Commission tabled this item due to concerns over the intensity of the proposed land use, incongruence with the Comprehensive Plan's Future Land Use Plan, and concerns over congestion and traffic flow. The Future Land Use Plan was not intended to provide specific guidance at the parcel level, but rather serve as a more general guide. The Planning and Zoning Commission also identified the possibility of converting the parcel into a park. The Parks Department does intend to retain a portion of the property along the GENCO canal for a proposed trail. There are no plans for a park due to its location; proximity to other businesses and nearby traffic. The Commission also had some concerns about traffic impacts. Traffic impacts are difficult to determine, as they are based off of the proposed use. Traffic impacts are not typically reviewed until the Site Plan Development Phase of a given project. According to City Ordinances, If a development meets certain requirements, they will be required to have a traffic impact analysis completed. This may also necessitate the need for surrounding roadway improvements. These would be required prior to the issuance of Occupancy Permits. "CG" is recommended by staff as adjacent properties are also zoned "CG" and there is also legal precedent which would discourage choosing another zoning classification. City Staff recommends approving Z15-09 (Davis Road and FM 2094).

*CQ – Could you tell us what is being developed across the street?*

*RG – There is nothing currently being developed on this site. It is being graded and cleared to help facilitate its sale. There are no active permit applications on file for that site.*

*CQ – Is the site zoned for "CG" (General Commercial)?"*

*RG – The property is zoned for Residential use.*

*CC – That site has been cleared twice in the past.*

*CC – One concern is that if the site is developed as apartments or townhomes, traffic intensity will increase on that street. There is an existing 45,000 square foot property that exits out onto that street, and if a commercial property is developed there, it will significantly add to traffic.*

*CC – There was an envisioning process that occurred three months earlier, and in that process, there was discussion of land-banking properties along major thoroughfares. The City Manager felt that this was a good idea for the future of the City. This piece of land is perfect for the City to maintain. It seems that the City is in a hurry to rezone and dispose of this property. If the Commission approves this rezone, then it shows support for this site becoming a commercial property.*

*CC – The Amegy Bank has a cut-in for an adjacent commercial property built into the parking lot. It appears that a rezone to a commercial property could work out very well.*

*CC – That is only if Amegy Bank is willing to share and provide an access easement. They may not be willing to provide an easement.*

*CC – As in the previous case, it would be beneficial to see exact dimensions of the property with the portion allocated for the trail removed before making any decisions.*

*RG – The Parks Department is proposing to put in a ten foot wide trail that would run along the GENCO Canal pursuant to the Parks and Trails Master Plan. Staff can ascertain those dimensions. The size of the property will not change, as a trail can still cross a property zoned "CG" (General Commercial).*

*CC – General Commercial makes the most sense for this particular piece of property. Land Banking may be the best idea, but is it the role of the Commissioners to land bank properties? If this request were*

*posed by a private applicant, it would likely be approved. However since this property is likely to be sold off, we are hesitant. For this reason, it should be approved.*

*CQ – Is that a motion?*

*Hank Dugie motioned to approve Z15-09 (Davis Road and FM 2094)*

*Hank Dugie withdrew motion to approve Z15-09 (Davis Road and FM 2094)*

*CC – The Planning and Zoning Commission would likely see an individual business attempting to rezone this property to “CG” (General Commercial) as a logical decision. However, as part of our Planning role, it is appropriate for us to not assist in the disposition of this property by changing the zoning. Based on the discussions held at the envisioning meeting, it is appropriate to maintain this piece of property as is.*

***Hank Dugie motioned to approve Z15-09 (Davis Road and FM 2094)***

***Shane Hamilton seconded the motion.***

***Motion failed on a vote of 3-5-0 with Hank Dugie, Shane Hamilton and Eric Froeschner in favor and Marc Edelman, James Brockway, Kimberlee Prokhorov, Doug Turner and Ron Wicker opposed.***

***Marc Edelman moved to deny with prejudice Z15-09 (Davis Road and FM 2094)***

***James Brockway seconded the motion.***

*Nghiem Doan (ND) – The denial of the motion to approve is in effect a denial. There is no need to motion to deny.*

*CC – A denial negates the ability to come back within a year.*

*ND – I believe that you are wanting to motion a denial with prejudice.*

*Marc Edelman withdrew motion to deny Z15-09 (Davis Road and FM 2094)*

*James Brockway withdrew the second.*

*Marc Edelman motioned to deny with prejudice Z15-09 (Davis Road and FM 2094)*

*James Brockway seconded the motion.*

*CQ – What does deny with prejudice mean exactly? Can this property not be rezoned at all, or only as “CG” (General Commercial)?*

*ND – This would bar a future request to rezone this property “CG” (General Commercial) within the time frame of one year. My opinion and counsel is that given that this is a City initiated request, it would not make sense to tie the hands of the city by voting to deny with prejudice. This would prevent staff from being able to propose an alternative within that time-frame if one arises.*

*CC – This would only be a recommendation to City Council and they make the final decision on this request. A denial would be one way of communicating our opinion on this matter.*

*ND – Yes, that is a way to send a message to City Council.*

*CC – Given our limited communication with City Council, it is important to say that we denied with prejudice as opposed to it not being approved, especially since this is only a recommendation and not final approval.*

*CQ – Is that a motion to recommend to City Council to deny with prejudice?*

*CC – We are recommending denial with prejudice, but not tying the hands of the City. Does the City Attorney agree?*

*ND – If this is a symbolic gesture and you feel the need to send a message to City Council then this is understandable. However, it is perplexing that the Planning and Zoning Commission would not support a City initiated zoning change.*

*CQ – Does City-initiated mean that it comes directly from City staff?*

*ND – The applicant in this situation is the City of League City. Zoning is done pursuant to the City's regulations. Professionally trained staff looks at the zoning of a given property and ensures its conformity with the surrounding uses. These considerations are used in making a recommendation to the Planning and Zoning Commission and City Council. These efforts took place in making this recommendation.*

*CC – When City Council receives our recommendation, it is important that we denied it as opposed to not approved it.*

*ND – A vote to not pass a motion to approve is in effect a denial.*

*CC – In the past, denials have been recommended by voting a denial. City Council does not always understand our intent, and so a denial vote clearly communicates that. The Commission, in performing its planning duties, does not universally approve this zoning change.*

*ND – The City Council is likely sensitive to the significance of these votes.*

***Motion failed on a vote of 4-4-0 with Marc Edelman, James Brockway, Kimberlee Prokhorov and Ron Wicker in favor and Hank Dugie, Shane Hamilton, Eric Froeschner and Doug Turner opposed.***