



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

I. Call to Order and Roll Call of Members

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

Members Present:

Eric Froeschner, Chairman
Hank Dugie
Kimberlee Prokhorov
James Brockway
Ron Wicker
Doug Turner, *arrived at 6:02 p.m.*
Marc Edelman, Vice Chairman, *arrived at 6:03 p.m.*

Members Absent:

Shane Hamilton

Planning Staff:

Paul Menzies, Director of Planning & Zoning
Richard Werbiskis, Assistant Director of Planning & Development
Ryan Granata, Planning Manager
Mark Linenschmidt, Senior Planner

II. Approval of Minutes

A. June 15, 2015

Hank Dugie motioned to approve the minutes of June 15, 2015.

James Brockway seconded the motion.

Motion passed 5-0-0.

III. Public Hearing and Action Items from Public Hearing

A. Hold a public hearing and take action on Zone Change Application, **Z15-13 (Cypress Bay Commercial)**, a request a request to rezone approximately 2.4 acres from “RSF-7” (Single-family residential with a minimum lot size of 7,000 square feet) to “CG” (General Commercial), legally described as Lots 1 thru 5, Block 2, Restricted Reserve ‘B’ and approximately 280-feet of 60-foot wide private street of Appia Drive of the Cypress Bay, Section 1 Subdivision, generally located north of Marina Bay Drive (FM 2094), east of Twin Oaks Boulevard and west of Seminole Drive, with the approximate address being in the 2100 block of Marina Bay Drive in League City, Texas.

Mark Linenschmidt (ML) addressed the commission. This request is to go from RSF-7 to CG (General Commercial). It’s approximately 2.4 Acres, currently located in the Cypress Bay Residential Subdivision. The applicant has no other plans proposed other than to prepare the property for commercial development. If this should get approved this property would be converted from residential to a

commercial use. The timeline shows that the property has been rezoned several times beginning in 1999, the property was zoned Suburban Development Commercial in 1999, and subsequently in 2005, in subject to the City's revised rezoning of their zoning ordinances and map revisions, and shortly thereafter, a review was submitted. Development was submitted for an apartment. However, those weren't approved. As a result the property was rezoned to RSF-7, in which the Cypress Bay subdivision was developed. Future Land Use Plan calls for the property to be "Enhanced Auto Dominant Commercial" along Marina Bay Drive. In addition, should this request be approved, a 50-foot buffer will be required between the commercial development and the Cypress Bay subdivision, in which no buildings could be built. An eight and a half foot high fence, along Marina Bay Drive will be relocated. Approval will cause a chain of events to move the property from residential to commercial. That's dealing with amendments to the private streets agreements, removing the pavement, the utilities related to the residential, and relocation of some lines to continue on some lines that are already in place.

Mr. Froeschner - Commissioner Doug Turner and Marc Edelman are here and are being marked in attendance.

Ms. Prokhorov – Who pays for the repairs, demolition, structural changes, etc?

ML – The Developer.

Mr. Brockway – Can you tell me in that 500 feet circle, what property owners are there now, in the area to be changed to commercial property?

ML – Can you restate the question?

Mr. Brockway – Is there someone in the general area there in the lot that actually have homes on the ground, that could see this?

ML – There are a few lots to the north that have been developed, but I'm not aware of their ownership the commercial properties are separately owned. I'm not able to provide parcel-by-parcel information at this time.

Mr. Brockway – If someone bought their house there as residential, thinking it was going to continue, and then it got converted to commercial. Is there anyone that's affected by that?

ML – I'm not aware of that. The issue is that we base it off of the County Tax Roles, which are not updated as needed, but a semi-annual basis. People who've moved in recently wouldn't have been part of the notification process, but someone who has been here for a year would.

Mr. Edelman – There was a sign for a neighborhood meeting?

ML – The applicant notified via mail for a neighborhood meeting. The posting of signs is a City requirement. Three signs were posted, one interior to the development and two along Marina Bay Drive.

Mr. Edelman – The applicant had a more up-to-date list of residents.

ML- No. It's possible; the applicant did ask for a list of addresses, but which list they used, I'm not aware of.

Mr. Edelman – There was only one person that came to the meeting? He was apparently satisfied?

ML – Yes.

Mr. Edelman – You haven't had any letters of rejection?

ML – I haven't even received any phone calls.

Mr. Brockway – Can the applicant address whether or not there are any homes in that vicinity?

Jared Rigginbock (JR) – I'm Jared Rigginbock, with Base Line Corporation. I'm the surveyor of the project; I can answer some of the questions about the project. None of the lots north of the area to be rezoned, immediately adjacent, have been conveyed to homeowners yet. There are a few residents in the development so far. I don't think anyone will be surprised if that's your concern. One of our primary concerns for these five lots is the amount of noise coming from FM 2094, and the circulation pumps near the canal (points to canal on map). The noise of the traffic and pumps would make the property less desirable for residential development, thus commercial development is improving the area.

Nick Scotto (NS) – Most people are in favor of building the wall because of the noise from the pumps.

Mr. Wicker – Can you explain the rationale for the development of the cul-de-sac street? A commercial street will generate more traffic than a residential street. Why didn't you come off Cypress Bay or Marina Bay, instead of a residential?

ML – For clarification, this part of the roadway (points to map), would actually be removed if approved. This cul-de-sac and up to the black line would be removed. These two properties would be combined into one large commercial tract, where there would be access along Cypress Bay and Marina Bay.

Public Hearing is opened at 6:12 p.m.

Public Hearing is closed at 6:13 p.m.

*Kimberlee Prokhorov motioned to approve **Zone Change Application Z15-13 (Cypress Bay Commerical)***

Hank Dugie seconded the motion

Motion Passed 6-1-0, Mr. Brockway voting against the motion.

IV. Items Tabled and Subject to Recall

A. Hold a public hearing and make a recommendation to City Council on Zone Change Application, **Z15-11 (Texas Ave./Power St.)**, a request to rezone approximately 2.0 acres from "OS" (Open Space) to "RSF-20" (Single-family residential with a minimum lot size of 20,000 square feet), legally described as a portion of the northwestern 231.3 feet of Lot 35 (35-3) of the League City Division B Subdivision, generally located south of Power Street, east of Dickinson Avenue and west of Texas Avenue, with the approximate address being in the 1000 block of Power Street and the 1000 block of Texas Avenue in League City, Texas. **(PUBLIC HEARING IS CLOSED)**

Mr. Froeschner – Are there any comments or questions?

ML – No, I just wanted to give an update. At this time we are still waiting on the finalization of the document the commission requested, and we're asking to have the item remain being tabled.

Ryan Granata (RG) – My name is Ryan Granata and I'm the planning manager. Our questions arose from last week's special session, and last week's training with the City Attorney. There were a couple of questions regarding special use permits and the scope of them. Typically, in the past, our zoning ordinance is silence on the scope of special use permits, but if you read the ordinance that the City

Council adopts it's typically tied to the use and the property. Staff tries to craft the ordinances so that they're as narrow as possible, but as it stands if a piece of property did change hands or if someone came in for the exact same use, that special use permit would continue. City staff would make the scope narrower, by limiting it to property owners, if directed to by the members.

CQ – In the past, we've put conditions on this where they expire after one year. Could we put a condition on the UP where once it changes hands they have to come before City again?

RG – Yes, reasonable conditions can be put on special use permits.

RG– What access do residents have to City's GIS capabilities? The City's website does have an interactive zoning map. There is GIS available to the residents; though it is limited. We will start providing suggestion motion sheets, in order to help everyone be able to craft a motion. A new item will be appearing on the agenda, thanks to the recommendation of the City Attorney; we will start excusing commissioners' absences. That will be at the beginning of the agenda, following the minutes, so that we can keep track of it, in accordance to your guidelines and procedures.

Mr. Froeschner – It would be good to add public hearing guideline.

RG – Yes, that is something we are working on. We will have it ready for the next hearing.

V. Adjournment

A. Eric Froeschner adjourned the meeting at 6:19 PM.

CERTIFICATE

THIS IS TO CERTIFY THAT THE ABOVE NOTICE OF MEETING WAS POSTED ON THE BULLETIN BOARD AT CITY HALL OF THE CITY OF LEAGUE CITY, TEXAS, ON OR BEFORE THE 29th DAY OF MAY 2015, BY 6 PM, AND WAS POSTED IN ACCORDANCE WITH CHAPTER 551, LOCAL GOVERNMENT CODE (THE TEXAS OPEN MEETINGS ACT). ITEMS POSTED IN THE OPEN SESSION PORTIONS OF THIS AGENDA MAY ALSO BE DISCUSSED IN CLOSED OR EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE TEXAS OPEN MEETINGS ACT.

NOTICE IS HEREBY GIVEN THAT THE PRESENCE OF A QUORUM OF THE MEMBERS OF CITY COUNCIL AT ANY TIME DURING THE COURSE OF THE ABOVE-REFERENCED PROCEEDING MAY CONSTITUTE A MEETING OF CITY COUNCIL PURSUANT TO THE TEXAS OPEN MEETINGS ACT, CHAPTER 551 OF THE TEXAS GOVERNMENT CODE. BY THIS NOTICE, THE PUBLIC IS HEREBY ADVISED OF SAID MEETING NOT LESS THAN 72 HOURS IN ADVANCE OF THE DATE, TIME AND LOCATION NOTED ABOVE.

Richard Werbiskis, AICP
City Planner

Eric Froeschner
Chairman

Date minutes approved: _____