



1111 Bayou
La Marque, Texas 77568
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**CITY OF LA MARQUE
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
OF
FEBRUARY 13, 2018**

Regular Meeting Minutes of the City of La Marque Planning and Zoning Commission held on February 13, 2018, beginning at 4 p.m. at 1109-Bayou Road with the following members present: Deanna Bethea, Greg Cornett, Augustino Molis, Hugh Cash and Jean Gutierrez.

(1) CALL TO ORDER

Vice Chairperson Deanna Bethea called the meeting to order at 4 p.m.

**(2) ROLL CALL
PRESENT:**

Chairperson Deanna Bethea
Vice Chairperson Greg Cornett
Commissioner Augustino Molis
Commissioner Hugh Cash
Commissioner Jean Gutierrez

OTHER OFFICIALS/STAFF PRESENT:

Robert Michetich – Council Member
Carol Buttler – City Manager
Kathleen Van Stavern – Code Enforcement
Sussie Sutton – Development Coordinator

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was dispensed by the Planning & Zoning Commission, led by Commissioner Hugh Cash.

(4) APPROVAL OF MINUTES

Regular Meeting Minutes of January 9, 2018.

Commissioner Cash made a motion to accept the Minutes of January 9, 2018.
Commissioner Gutierrez seconded. **MOTION PASSED UNANIMOUSLY.**

(5) CITIZENS PARTICIPATION

Councilmember Michetich informed the Commission that at the regular Council meeting of February 12, 2018, the Council made an amendment to the final plat for The Landing at Delany Cove Section 9. Since Friendswood Development had made a commitment to repair the sidewalks in the previously noted and have not yet started the repairs, they now have 30-days to start sidewalk repairs and 90-days to complete said repairs; after this



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time, a stop work order on all building will be issued until the sidewalk work has been completed.

Councilmember Michetich noted that work is being done on a new ordinance to address residential subdivision developments and that a section may be added to have the builder carry a five year bond that the City can execute should any failures occur on their infrastructure that they construct.

The presence of Commissioner Augustino Molis is noted at 4:06 p.m.

(6) NEW BUSINESS

- a. Discussion/possible action regarding a **Master Preliminary Plat** of Trails at Woodhaven Lakes being a plat of 21.74 acres or 947018.15 square feet tract out of a 75.62 acres or 3,293,858 square feet tract of land situated in the Stephen F. Austin League Survey, Abstract No. 297 in Galveston County, Texas. (FM 1765 at Delany Road)

Chairperson Bethea was pleased that the lots were 60-foot lots but was concerned that the plat did not show any amenities for the entire subdivision.

Commissioner Molis was concerned with flooding since there is more development in the area. City Manager Buttler noted that each development has to have drainage plan approvals prior to plat approvals from the City.

Public Services Director Rumburg noted that FM 1765 was zoned for commercial in the hopes that it would develop commercially. This parcel is part of another 30 acres which was separated almost 3 years ago when they came to the City to construct an RV Park and is zoned commercial. So there is this residential section between two commercially zoned areas.

Mr. Tony Padua, developer of this plat, informed the Commission that there is history to this 80+ acres. He explained that one partnership owned all the property and the partnership had planned to start a residential subdivision project. The partnership got hit with a crisis and the plan stopped. After a group came in to start an RV Park and the project died, they decided to buy those partners out. Their family were limited partners of the original partnership. They are moving forward with development of this property. They had a Preliminary Plat Section One approved last time and are trying to approve a Master Preliminary Plat Section 2 through to 5.

Chairperson Bethea noted that the Commission has an issue with no green space on the Plat.



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Mr. Padua noted that there is ten acres of reserved sections for walking trail, parks, playgrounds and picnic tables with three ponds/lakes that will act as detention. He noted that the ponds are not needed as detention per the drainage district but will act as such. When he presents the Commission with a re-zone of the property, he will also bring an illustrated general land plan showing all amenities.

Councilmember Michetich asked, "How do you plan to capture your infrastructure development costs?" Mr. Padua stated that the last developer had an approved PID agreement and that as new owners of the properties, they plan to pursue that route with the Economic Development Corporation and Mr. Alex Getty. They have also spoken with MUD 68 for annexation into that MUD.

Commissioner Cash would like to see the amenity land plan when they come back for the re-zoning.

Commissioner Cash motioned to table the Master Preliminary Plat for Trails at Woodhaven Lakes. The motion was seconded by Commissioner Molis. **MOTION PASSED UNANIMOUSLY.**

- b. Discussion/possible action regarding a **Preliminary Plat** of Sunset Grove Section One being a subdivision of 14.97 Acres located in the Stephen F. Austin League No. 4, Abstract-2 City of La Marque, Galveston County, Texas; also being a partial Re-Plat of Lots 13 and 14 of Delany Road Acres Vol. 18, Pg. 760 G.C.M.R. **(East of Delany Rd; South of FM 1765)**

Shawn Mashack of 7Gen introduced himself as the land planner of this property sold to KB Homes.

Chairperson Bethea noted the lot sizes are not all 50 frontage lots.

Mr. David Corbin with Costello Engineers, contracted by KB Homes, introduced himself and noted his organization is working with 7Gen as their land planner. Mr. Corbin noted that this property is 96 acres, part of the 181 acres that Bill Frey previously came to the City and received approval on a land plan. This property is a portion totaling 96 acres sold to KB Homes for development. Section one lots are all 50 and 55-foot wide lots. There are six sections, four sections in La Marque and two sections in Hitchcock. This is the first section of the KB Homes and all of the KB lots are 50 & 55-foot wide. These are part of the properties previously approved by Mr. Bill Frey (Saltgrass Crossing) and some lots were approved to have (two sections) lots sizes of 45x120's and another section to be 50x120.



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Commissioner Cash noted he was having an issue with the lot sizes and asked the City attorney if this Commission could throw out a variance or vote out a variance and go back to the 60-foot lots that are currently required. The City attorney noted that the City Council would have to reverse what was previously approved by them.

Councilmember Michetich noted, "When a property is sold, those rights granted in the beginning those rights are gone. When you buy property and it changes hands and you are coming in and doing something different, you are bound by the current laws or current guidelines. You can ask for a variance and depending on what amenities there happens, but it would be up to this board to as I see it and as I would view it as a Councilmember, I would not want to be bound by something that was done years ago and if it has changed hands and it's a new entity coming in, you have to play with the rules in place at the time."

Mr. Corbin noted that Mr. Frey and a KB Homes representative came to the City and all this was discussed and nothing was discussed on going back on something that was previously approved.

Chairperson Bethea asked the City attorney if the Commission was legally bound to approve something that was previously approved for someone else or are we now approving now as them? The City attorney noted he would have to research the issue. Chairperson Bethea suggested that, "Until there are some clear cut answers, since we are not happy with this plat, to table the plat until more research is done to provide answers."

Commissioner Cash motioned to table the plat. The motion was seconded by Commissioner Molis. **MOTION PASSED UNANIMOUSLY.**

c. Discussion/presentation regarding an Impact Fee Study for the City of La Marque

Director Rumburg addressed the Commission and noted that, "Council has given approval to look at an Impact Fee Study for the City of La Marque. Impact Fees in essence are imposing a fee on new development to help pay for the impacts that the new development brings to our utility systems. The more people you bring into town, the more people are contributing to our wastewater treatment systems and more water they are using, etc. Impact fees are new to the City but certainly not our surrounding communities."

The study is carefully regulated by TCEQ with guidelines to enact any fees which we must recommend to Council. AARK Engineers have been contracted to put the study together. An advisory board committee will need to be appointed and by regulation, the Planning and Zoning Commission is the advisory board with one realtor or real estate interested party; if there isn't one on the board currently.



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Director Rumburg would like to present at the March meeting of City Council this board as the Impact Fee Advisory Board and they can select one person to hold the Real Estate position. The tentative time line was presented to the commission for review. There will be many public meetings prior to enactment of any impact fee.

In conjunction with this impact fee study is a Capital Improvement Plan which looks at estimations of our population over the years and the impact it will have on our utilities and based on that will determine a reasonable fee which would match our cost in extending our infrastructure.

(7) CHAIRPERSON'S REPORT

Noted she is pleased that the shipping containers are now gone from the dog track. Thank you for the Christmas card from Council and we felt appreciated.

(8) EXECUTIVE SESSION

There was no executive session.

(9) REQUESTS AND ANNOUNCEMENTS.

Commissioner Cornett requested to be put on E-Notifications so that he can be aware of all public meetings held by the City.

(10) ADJOURNMENT

It was the consensus of the Board to adjourn the meeting at 4:51 P.M.

Deanna Bethea, Chairperson
Planning & Zoning Commission