



1111 Bayou
La Marque, Texas 77568
409-938-9202

**CITY OF LA MARQUE
PLANNING AND ZONING COMMISSION
PUBLIC HEARING / REGULAR MEETING
MINUTES
OF
August 14, 2018**

Public Hearing / Regular Meeting Minutes of the City of La Marque Planning and Zoning Commission held on August 14, 2018, beginning at 4 p.m. at 1109-B Bayou Road with the following members present: Deanna Bethea, Greg Cornett, Augustino Molis, Jean Gutierrez and Hugh Cash.

(1) CALL TO ORDER

Chairperson Deanna Bethea called the meeting to order at 4:02 p.m.

(2) ROLL CALL

PRESENT:

Chairperson Deanna Bethea - Present
Vice Chairperson Greg Cornett - Present
Commissioner Hugh Cash - Present
Commissioner Jean Gutierrez - Present
Commissioner Augustino Molis - Present
Alternate Nancy Vidotto - Absent
Alternate Lillian Petty - Absent

OTHER OFFICIALS/STAFF PRESENT:

Robert Michetich - Council Member
Carol Buttler - City Manager
Ellis Ortego - City Attorney
Kathleen Van Stavern - Code Compliance Supervisor
Sussie Sutton - Development Coordinator
Colleen Merritt - La Marque Economic Development

(3) INVOCATION AND PLEDGE OF ALLEGIANCE

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

(4) INTRODUCTION OF NEW ALTRNATE COMMISSIONER - Lillian Petty

Ms. Lillian Petty was ill and did not attend this meeting.

(5) APPROVAL OF MINUTES

Regular Meeting Minutes of July 11, 2018.



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Commissioner Molis made a motion to accept the Minutes of July 11, 2018.
Commissioner Cash second. **MOTION PASSED UNANIMOUSLY.**

(6) CITIZENS PARTICIPATION

None.

The Planning & Zoning Commission Meeting closed at 4:04 p.m. and the Public Hearing convened at 4:05 p.m.

(7) PUBLIC HEARING

- a. Conduct public hearing to hear public input regarding a request to re-zone from R-1 Single Family Residential to C-1 General Commercial, Being a tract or parcel of land containing 1.3684 acres of land or 59,606 square feet, located in the S.F. Austin League, Abstract 2, Galveston County, Texas; Said 1.3684 acre tract being all of Tracts 1 and 2 of record in the name of Garner Environmental Services, Inc., a Texas corporation in Galveston County Clerk File (G.C.C.F.) Number 2018013844 and being all of that tract of land of record in the name of Omi Garner Properties LLC, a Texas limited liability company of record in G.C.C.F. Number 2018028504; Said 1.3684 acre tract. **(3197 Main Street, La Marque, Texas)**

As a discovery question, Council Member Michetich inquired if there was a landscape ordinance that required Blvd. trees be planted along Main Street and any trees with curbs inside parking areas with have an irrigation system due to the number of parking spaces that you might be utilizing; would that be an encumbrance to your property, would render it impossible to develop it for the use that you want?

The surveyors said that they could work with any ordinances imposed by the city; however, they are not the owners of the property and they have not seen a set of plans for the project.

The Public Hearing closed and the Planning & Zoning Commission meeting reconvened at 4:06 p.m.

(8) NEW BUSINESS

- a. Discussion/possible action regarding a request to **Re-Zone** from R-1 Single Family Residential to C-1 General Commercial, Being a tract or parcel of land containing 1.3684 acres of land or 59,606 square feet, located in the S.F. Austin League, Abstract 2, Galveston County, Texas; Said 1.3684 acre tract being all of Tracts 1 and 2 of record in the name of Garner Environmental Services, Inc., a Texas corporation in Galveston County Clerk File (G.C.C.F.)



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Number 2018013844 and being all of that tract of land of record in the name of Omi Garner Properties LLC, a Texas limited liability company of record in G.C.C.F. Number 2018028504; Said 1.3684 acre tract. (3197 Main St., La Marque, Texas)

Commissioner Cash was concerned that this location is very close to existing Residential R-1 zoned areas and there are no other commercial zone areas there. The area that they want to zone to commercial is actually not on Main Street but on the side street, Duroux. Since it is going beyond the existing boundary, it looks like it would be spot zoning. He did not know if it would be completely legal for them to rule on it.

Commissioner Cash made a motion to send this request to City Council and let them rule on this request, and then he asked City Attorney Ellis Ortego if he was out of line with his request. Mr. Ortego said spot zoning is a vague term and there is no real definition that you could use for each and every incident. The question is whether or not; if you do approve the amendment to the ordinance, is whether or not you are being arbitrary capricious and not having to do anything with health, safety, morals, and general welfare of the community. The course of rule is that if reasonable minds differ that if it does establish as a substantial relationship to the health, safety, general welfare of the community, then it is not spot zoning. Commissioner Cash then noted that the requestors did not make a determination as to whether it would be used for parking or storage of environmental materials. Staff then noted that the agenda commentary did inform the Commission that the property was going to be used for employee parking. Chair Bethea compared this request to the re-zone request on Bayou where the four corners were re-zoned to commercial to keep from showing that as spot zoning. The first motion died for lack of a second to the motion.

Commissioner Cash motioned to deny the request to re-zone from R-1 Single Family Residential to C-1 General Commercial, Being a tract or parcel of land containing 1.3684 acres of land or 59,606 square feet, located in the S.F. Austin League, Abstract 2, Galveston County, Texas. Second by Commissioner Molis. **MOTION PASSED UNANIMOUSLY.**

- b. Discussion/possible action regarding a **Re-Plat** of property known as KSOLV being a subdivision of 1.3684 acres located in the Stephen F. Austin League Survey No. 2, City of La Marque, Galveston County. (**Contiguous to 3197 Main St.**)



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Commissioner Cash motioned to deny the re-plat. Commissioner Gutierrez noted that it made good sense to re-plat the properties into one lot. The motion made by Commissioner Cash died for a lack of a second.

City Engineer Dinh Ho informed the Commission that if the re-zone of this property is not approved by City Council and the re-plat is approved by City Council; then the approval of the re-plat should be contingent on removing the wording "Restricted to Commercial Use" from face of re-plat.

Commissioner Cornett made a motion to approve the re-plat. Second by Commissioner Gutierrez. The votes were two Ayes, cast by Commissioners Cornett and Gutierrez, and two Nays cast by Commissioners Cash and Molis. The tie was broken by Chair Bethea with a Nay vote.

- c. Discussion/possible action concerning a **Preliminary Plat** of Sunset Grove Section 1, being a subdivision of 12.4 Acres located in the Stephen F. Austin League No. 4, Abstract-2 City of La Marque, Galveston County, Texas. (known as 5008 and 5010 FM 1765, between Garrett and Delany Rd.)

Council Member Michetich addressed the Commission to inform them that he and staff are in meetings to compile a developer's agreement for all residential subdivisions. He requested that the Commission table this request at this time until the developer's agreement has been completed.

Commissioner Gutierrez noted if we are not making a final decision and if it is going to City Council for approval; she would not like the Commission revisiting this request again, especially if we are okay with these plans. Staff noted that preliminary plats do not proceed to City Council.

Commissioner Cash inquired as to when the final developer's agreement would be completed. Commissioner Cornett noted the next meeting would be September 13, 2018.

Katheryn Edwards with BG Kerry Gilbert Associates noted that this plat is a preliminary plat and they would like the plat to be approved since they have met all the required guidelines. Those negotiations can still proceed while they are addressing the rest of the plans and final plat that they are working on. Commissioner Cash motioned to table the re-plat until after the meeting has transpired. Seconded by Commissioner Molis. The motion passed with one Nay vote cast by Commissioner Gutierrez.



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- d. Discussion/possible action regarding a **Re-Zone** of the I-45 Freeway corridor.
(Robert Michetich)

City Manager Carol Buttler addressed the Commission informing them that Council would like to make sure the entirety of I-45 within the city limits is zoned commercial and to decide how far back from the road frontage the City should consider as well.

Zoning maps will be distributed to all Commissioners for their use in their considerations.

(9) CHAIRPERSON'S REPORT

Inquired when the Commission would hold a developer's agreement meeting and requested that one is requested soon. Staff noted that there would be an Impact Fee Study Special Meeting in a few weeks that perhaps we could have a joint meeting then.

(10) REQUESTS AND ANNOUNCEMENTS.

There were no requests nor announcements.

(11) ADJOURNMENT

It was the consensus of the Board to adjourn the meeting at 4:42 P.M.


Greg Cornett, Vice Chairperson
Planning & Zoning Commission