

**MINUTES  
PLANNING COMMISSION  
CITY OF NASSAU BAY  
MARCH 5, 2013  
6:00 PM**

**MEMBERS OF PLANNING COMMISSION PRESENT:** Chairman Roscoe Lee and Commissioners John Nugent, Louis Nguyen, Arlene Phillips, and Miguel Zamora.

**MEMBERS OF PLANNING COMMISSION ABSENT:** Commissioners Kirk Walker and Don Johnson.

**OTHER CITY OFFICIALS PRESENT:** Community Development Director Mary Chambers, Building Official Larry Boles, and Planning Commission Secretary Kathy George.

Also in attendance was Gary Mitchell, Vice President of Kendig Keast Collaborative.

**PRESIDING:** Roscoe Lee.

**CALL TO ORDER AND ROLL CALL OF MEMBERS**

Chairman Lee called the meeting to order at 6:01pm.

Mr. Lee announced a quorum of the Commission was present. Commission members Johnson and Walker were absent.

**APPROVAL OF MINUTES**

The minutes of regular meeting of August 7, 2012 were presented for approval. It was moved by Commissioner Zamora, seconded by Commissioner Phillips, that the minutes be approved.

Motion passed 5 – 0.

The minutes of Joint Workshop on September 10, 2012 were presented for approval. It was moved by Commissioner Nguyen, seconded by Commissioner Nugent, that the minutes be approved.

Motion passed 5 – 0.

**NEW BUSINESS**

**Discussion and Input Regarding Proposed Changes to the City's Zoning Ordinance**

As in past meetings, the Commission continued its work on updating the City's zoning ordinance led by Gary Mitchell of Kendig Keast. Highlights of the discussion at this meeting were as follows:

1. The Planning Commission concurred with the proposed boundary for the Urban District, as discussed at the joint City Council/Planning Commission on September 10, 2012.
2. Mr. Mitchell explained that the changes proposed for Section 15-100 (A) (1) through (7) replaced the originally proposed set of disallowed uses. This original approach of listing disallowed uses could set a legal precedent that any uses which are not explicitly listed would be allowed. It is not possible to have an inclusive list of disallowed uses. The revised approach is to add qualifications to allowed uses in Table 15-400A, Uses. This was acceptable to the Commission.
3. In Section 15-100 (B) (1) clarification will be added to indicate that this requirement applies to development that abuts property which is entirely in residential use or within a residential zoning district. It was also agreed that residential use and residential zoning includes multi-family structures.
4. The Commission agreed with setting a 5 acre minimum size in the urban zoning (Section 15-200). This requirement is consistent with the requirement for a PUD.
5. Table 15-400.A will be modified to provide a linkage to the use constraints cited in Section 15-100 (A) and Section 15-200 (A).
6. In the table of Property Development Regulations in Article 16, the "N/A" for side, side (corner) and rear yard setbacks allows the developer to set these setbacks as long as they conform to other regulations such as fire safety regulations.

The Commission agreed with the proposed rear setback of 20 feet for the Commercial district, even though our current SC-1 zone allows a setback of 8 feet. The proposed height limit of 150 feet was accepted since it allows 12 story buildings. As discussed at the joint workshop with City Council, the proposed Livable Center Study recommended limit of 3 – 4 stories would present unacceptable financial challenges for future development. The Commission also accepted the 80% maximum percentage of lot coverage for the Commercial District.

7. Gary Mitchell agreed to add labeling to Figure 16A which show fronts on a public street or other public right-of-way.
8. The Commission accepted the height-setback requirements as defined in Figure 16.B.
9. The proposed design standards in 16.5-200 (1) (c) 2 were accepted. However, 2c will be modified to expand its applicability to visibility from any public street or public right-of-way.

The definition of 50% damaged for FEMA considerations is based on value of the structure; the definition of 50% of damage in 2b is based on area. It was agreed that this is an appropriate definition since the concern is the size of the reconstruction, not the value of the reconstruction.

10. Mr. Mitchell explained the proposed changes in Table 16.5-200A which were accepted by the Commission.

(A copy of Mr. Mitchell's handout is attached to these minutes.)

### **Planning Commission's Recommendations to City Council on Changes to the City's Zoning Ordinance**

Chairman Lee proposed that the Commission not formally accept the proposed set of zoning changes which were discussed, since some modifications are required. The Commission will wait for completion of the next review of the remaining sections and the updated sections at the next Commission meeting in April. It was the consensus of the Commission to make no recommendations to City Council at this time.

### **ADJOURNMENT**

There being no further discussion, the workshop adjourned at 7:11 pm.

Minutes approved as submitted and/or corrected this \_\_\_ day of \_\_\_\_\_, A.D., 2013.

CITY OF NASSAU BAY, TEXAS

---

Roscoe Lee  
Planning Commission Chairman

ATTEST:

---

Kathy George  
Planning Commission Secretary