

**MINUTES
PLANNING COMMISSION
CITY OF NASSAU BAY
JULY 28, 2015
6:00 PM**

MEMBERS OF PLANNING COMMISSION PRESENT: Chairman Roscoe Lee, Commissioners Kirk Walker, Arlene Phillips, John Nugent, Miguel Zamora, and Don Johnson.

OTHER CITY OFFICIALS PRESENT: Building Official Mark Stelly and Building Secretary Kathy George.

Also in attendance was Allison Horton, owner of 1506 Davon Lane, Lot 8, Block 17 Nassau Bay Sec 5.

PRESIDING: Roscoe Lee.

CALL TO ORDER AND ROLL CALL OF MEMBERS

Chairman Lee called the meeting to order at 6:00 pm.

Chairman Lee announced a quorum of the Commission was present.

APPROVAL OF MINUTES

The minutes of regular meeting of July 7, 2015 were presented for approval. It was moved by Commissioner Kirk Walker, seconded by Commissioner Miguel Zamora, that the minutes be approved.

Motion passed 6 – 0.

NEW BUSINESS

Chairman Roscoe Lee requested New Business start by addressing the request by Stephen and Allison Horton for a Specific Use Permit to construct a 2 story garage apartment. Chairman Lee requested that Allison Horton give a brief description of the plans. Resident Allison Horton of 1506 Davon explained they would be using the garage apartment for her recently widowed mother.

Commissioner Zamora requested that the definition of "garage apartment" be defined in the ordinance. Chairman Lee agreed.

The challenge to the Planning Commission is that there are no provisions in the zoning ordinance for garage apartments. During deliberations, the Planning Commission generally agreed with the Horton's request, but could not make any recommendations to City Council for approval of the request, since there are no provisions in the ordinance for garage apartments.

Mark Stelly asked the Commission if it was acceptable to grant a Specific Use Permit tonight. Roscoe Lee stated the ordinance states when SUP's can be given and garage apartments is not listed in either category in any of the residential districts; therefore, a Specific Use Permit could not be granted at this point in time.

Consider and take action regarding a request by Stephen and Allison Horton to construct a 2-story garage.

Chairman Lee read resident Ann Thomas email requesting that the Planning Commission approve the construction.

Resident Guillermo Musso of 1507 Davon stepped to the podium and requested the Planning Commission to approve the construction of the 2-story garage apartment. He stated he had no objections to the construction; however, wanted to ensure that the ordinance change stated that it could not be a rental space as a separate dwelling.

The Planning Commission supported the request from the Horton's, but felt that the only course of action was an expeditious update to the city's zoning ordinance to address garage apartments. The proposed plan is as follows:

1. City Staff has approved a foundation permit and the foundation for a garage apartment at 1506 Davon Lane. Based on discussions at the meeting on 28 July 2015, the Building Official is willing to approve additional construction, but the property owners will take the risk that the proposed ordinance changes, which would allow this construction, may not be approved.
2. The Planning Commission will hold another Special Meeting on 11 August 2015 to review ordinance changes to address garage apartments.
 - 2A. The proposed ordinance changes would define what a garage apartment is; identify which residential districts would allow garage apartments, either as a permitted use or a special use; place restrictions on the height of garage apartments; and exclude renting/leasing of garage apartments.
 - 2B. The proposed ordinance changes would not require a Specific Use Permit for garage apartments in the R-1 district.

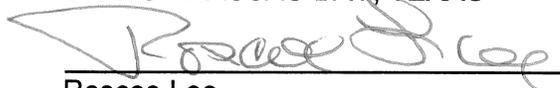
Therefore, with City Council approval of the proposed ordinance change, no approvals from the Planning Commission or City Council would be required for the Horton's to complete their development.

ADJOURNMENT

There being no further discussion, the meeting adjourned at 7:20 pm.

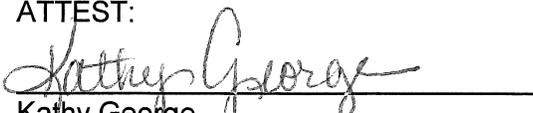
Minutes approved as submitted and/or corrected this 11 day of August, A.D., 2015.

CITY OF NASSAU BAY, TEXAS



Roscoe Lee
Planning Commission Chairman

ATTEST:



Kathy George
Planning Commission Secretary