AGENDA
PLANNING COMMISSION
REGULAR MEETING
3:30 p.m. Tuesday, April 2, 2019
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

1. Call Meeting To Order
2. Attendance
3. Conflict Of Interest
4. Approval Of Minutes: March 19, 2019
   Documents:
   2019-03-19 PC MINUTES.PDF
5. Request To Address Commission On Agenda Items Without Public Hearings And Non-Agenda Items (Three Minutes Maximum Per Speaker)
6. New Business And Associated Public Hearings
   A. 19P-021 (11707 Beachside) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Construct A New Single-Family Dwelling, Driveway And Perimeter Fence. Property Is Legally Described As BEACHSIDE VILLAGE (2004) ABST 121, LOT 134, ACRES 0.432, A Subdivision Located In The City And County Of Galveston, Texas. Applicant: RNH 03 Inc. (Mike Roll) Owner: Same As Listed Above
      Documents:
      19P-021 REVISED STAFF REPORT - ATTACHMENTS - SIGNATURES.PDF
   B. 19P-022 (2428 Avenue P) Request For A Replat In Order To Increase The Number Of Lots From Four (4) To Seventeen (17) Lots That Includes One Lot As Common Area. Properties Are Legally Described As Lots 5 Through 7 And The South 19-Feet Of Lot 4, Southwest Block 67, Galveston Outlots, In The City And County Of Galveston, Texas. Applicant: Tricon Land Surveying Property Owner: Galveston Condos 1.0, LLC, Clay Conrad
      Documents:
      19P-022 PKT.PDF
7. Discussion Items
8. Adjournment

I certify that the above Notice of Meeting was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on March 29, 2019 at 5:00 P.M.

Prepared by: Karen White, Planning Technician
IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE (3) DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY SECRETARY'S OFFICE, SUITE 201, 823 ROSENBERG, GALVESTON, TX 77550 (409-797-3510)

MEMBERS OF CITY COUNCIL MAY BE ATTENDING AND PARTICIPATING IN THIS MEETING
CALL MEETING TO ORDER

The meeting was called to order at 3:30 p.m.

ATTENDANCE

Members Present: Jeff Antonelli, Cate Black, Lisa Blair, Eugene Cook, Jeffrey Hill, Carol Hollaway, Bruce Reinhart, CM John Paul Listowski

Members Absent: None

Staff Present: Tim Tietjens, Development Services Director; Catherine Gorman, AICP, Asst. Director/HPO; Janice Norman, Planning Manager; Daniel Lunsford, Planner; Donna Fairweather, Assistant City Attorney

APPROVAL OF MINUTES

The March 5, 2019 minutes were approved as presented.

CONFLICT OF INTEREST

Cate Black – 19P-018

REQUEST TO ADDRESS COMMISSION ON AGENDA ITEMS AND NON-AGENDA ITEMS (THREE MINUTE MAXIMUM PER SPEAKER)

None

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

19P-018 (Adjacent to 3304 Market /Avenue D) Request for an Abandonment of approximately 49,000 square-feet of an unimproved section of Market Street. Adjacent property is legally described as the South 130-Feet of Blocks 573 and 574 along with the adjacent 34th Street and the East 20-Feet of Adjacent 35th Street (573-0-1), in the City and County of Galveston, Texas.

Applicant and Adjacent Property Owner: Galveston Historical Foundation, Dwayne Jones

Property Owner: City of Galveston

Staff presented the Staff Report.

Vice-Chairperson Cate Black recused herself citing a conflict of interest.

Chairperson Carol Hollaway opened the public hearing on case 19P-018. Representative of the applicant Steve Schulz presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Bruce Reinhart made a motion to recommend approval of case 19P-018 with Staff’s Recommendations. Jeff Antonelli seconded, and the following votes were cast:

In favor: Antonelli, Blair, Cook, Hill, Hollaway, Reinhart

Opposed: None

Abstain: Black

Non-voting participant: CM Listowski
The motion passed.

19P-020 (6615 and 6627 Stewart Road and Adjacent Vacant Parcels) Request for a replat in order to reduce the number of lots from six (6) to one (1). Properties are legally described as North 100- Feet of Lots 1 and 2 and the South 49.06- Feet of Lots 1 and 2 (1-2), Lots 3, 4, 5 and 6, Block 4, Jones Addition and Part of Lot 87 (-87-2) Trimble and Lindsey, in the City and County of Galveston, Texas.  
Applicant: Richard Singleton  
Property Owner: SCA Stewart Rd Storage, LP

Staff presented the Staff Report and noted that of twenty-six (26) notices of public hearing sent, one (1) had been returned in favor and one (1) had been returned in opposition.

Chairperson Carol Hollaway opened the public hearing on case 19P-020. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Chairperson Carol Hollaway made a motion to approve case 19P-020 with Staff’s Recommendations. Vice-Chairperson Cate Black seconded, and the following votes were cast:

In favor: Antonelli, Black, Blair, Cook, Hill, Hollaway, Reinhart  
Opposed: None  
Abstain: None  
Non-voting participant: CM Listowski

The motion passed.

19ZA-002 Request for a text amendment to the Galveston Land Development Regulations, Section 5.109 Signs in Central Business (CB), Urban Neighborhood (UN), Neighborhood Services (NS), and Traditional Neighborhood (TN) Districts to allow internally illuminated wall signs in Central Business (CB) district.  
Applicant: Dean Gray, Moody Bank

Staff presented the Staff Report.

Chairperson Carol Hollaway opened the public hearing on case 19ZA-002. Applicant Dean Gray presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Bruce Reinhart made a motion to continue case 19ZA-002 in order to give the applicant and Staff an opportunity to develop an alternate solution. Lisa Blair seconded. Bruce Reinhart amended his motion to specify that case 19ZA-002 will be deferred until the regular meeting on April 2, 2019. Lisa Blair seconded, and the following votes were cast:

In favor: Antonelli, Black, Blair, Cook, Hill, Hollaway, Reinhart  
Opposed: None  
Abstain: None  
Non-voting participant: CM Listowski

The motion passed.

DISCUSSION ITEMS

- Recommendations for Beach Access and Dune Protection Plan Review Ad Hoc Committee (Staff)

THE MEETING ADJOURNED AT 4:28 PM
Executive Summary:
The City of Galveston’s Dune Protection and Beach Access Plan designates the Planning Commission as the authority to review and consider for approval permits for construction when it is to occur seaward of the Dune Protection Line – which is defined as the area within 75-feet landward of the north toe of the critical dune area, or for those beach areas where no dunes exist west of the terminus of the Seawall, within 200 feet landward of the line of vegetation.

The applicant is requesting approval to construct a single-family dwelling in an area approximately 26-feet from the north toe of the dune, which is landward of the Dune Protection Line, though within the Planning Commission review area. The proposed construction activities appear to be landward of dunes and dune vegetation, according to the application materials, therefore no mitigation activities are proposed.

Site and Surrounding Area:
The subject site is a 0.432-acre lot located in the Beachside Village Subdivision. There are single-family lots and dwellings located to the East and West of the subject property, a beach access path and walkover to the East, Beachside to the North, and beach area to the South.

According to the Bureau of Economic Geology, between the 1930s and 2012 this beach area has experienced an average shoreline change rate of -7.4 to -9.2 feet per year.
Analysis:
Details from the applicant’s site plan and survey (Attachments “B” and “C”) regarding the proposed new construction and its location in relation to conditions on the site are summarized in the table below.

<table>
<thead>
<tr>
<th>Proposed Structure’s Distance from:</th>
<th>Distance (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>...North Toe of the Dune</td>
<td>26</td>
</tr>
<tr>
<td>...the Line of Vegetation</td>
<td>121.2</td>
</tr>
<tr>
<td>...South Toe of the Dune</td>
<td>127.1</td>
</tr>
</tbody>
</table>

In accordance with Chapter 29: Planning – Beach Access Dune Protection & Beach Front Construction, before issuing a permit, the Planning Commission must find that the proposed construction conforms with the following Beachfront Construction Certificate and Dune Protection Permit standards:

(1) The proposed activity is not a prohibited activity as defined in these standards.

The request partially conforms to the City of Galveston’s Dune Protection and Beach Access Plan, and Erosion Response Plan. The drawings submitted with this request (Attachment “C”) appear to indicate paving under the uncovered stairs located on the seaward side of the structure leading to the habitable structure. In the area located landward of 25-feet from the north toe of the critical dune area to 200-feet landward of the line of vegetation in eroding beach areas, paving is limited to unreinforced fibercrete in 4-foot by 4-foot sections, 4-inches thick and separated by expansion joints beneath the footprint of a habitable structure and for a driveway connecting the habitable structure to the street. Note: the footprint of a habitable structure does not include areas beneath uncovered decks and stairs.

The proposed construction is landward of the Dune Protection Line and the Dune Conservation Area, therefore a ground floor enclosure is permitted. Note: the City’s locally adopted flood ordinance requires ground floor enclosures to be no greater than 299 square feet as measured from the inside of the enclosure.

Staff has reviewed the application materials, and no proposed prohibited activities seaward of the Dune Protection Line have been identified.

(2) The proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the Dune Protection Line based on substantive findings as defined in "Technical Standards" of these standards.

According to Section 29-2(k) Technical Standards, the Planning Commission shall not approve an application for construction if it is determined that it will result in a material weakening and material damage of dune vegetation. The following standards are to be used to make this determination:

a. The activity shall not result in the potential for increased flood damage to the proposed construction site or adjacent property;
b. The activity shall not result in runoff or drainage patterns that aggravate erosion on or off the site;
c. The activity shall not result in significant changes to dune hydrology;
d. The activity shall not result in adverse affects on dune complexes or dune vegetation;
e. The activity shall not significantly increase the potential for washovers or blowouts to occur; or
f. The Commission shall not issue a Beachfront Construction Certificate and Dune Protection Permit authorizing construction unless the construction and property design is designed so as to minimize impacts on natural hydrology. Such projects shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

The Technical Standards also state that the Planning Commission should take into consideration all comments from the Texas General Land Office when deciding whether to grant a Beachfront Construction Certificate/Dune Protection Permit. Comments from the Texas General Land Office for this request are found in Attachment “E” and recommended as specific conditions for this request, should the Planning Commission approve this request.

The proposed construction will be required to be consistent with FEMA minimum requirements, which should not increase the potential for increased flood damage to the construction site or adjacent property.

The applicant did not supply a drainage plan with this application. As a result of the construction, the applicant is prohibited from affecting runoff or drainage patterns that would aggravate erosion on or off site, result in significant changes to dune hydrology, or significantly increase the potential for washovers or blowouts to occur. Runoff should be directed away from the dune area. The applicant is required to direct all non-natural drainage on the lot away from the beach and dunes, and toward the drainage infrastructure in the subdivision and in the street landward of the lot. Drainage plans are to be reviewed and approved by the City Engineering Department.

Given the proposed construction activities are taking place landward of the Dune Conservation Area, staff finds that the proposed construction will not materially weaken dunes or materially damage dune vegetation, as defined by these Technical Standards.

(3) There are no practicable alternatives to the proposed activity that is located seaward of the Dune Protection Line and adverse effects cannot be avoided as provided in the Mitigation sequence as outlined in these Standards.

The City’s Dune Protection and Beach Access Plan states that the Planning Commission shall utilize the Mitigation Sequence in determining whether to issue a permit for an activity located seaward of the Dune Protection Line, after the determination that no material weakening of dunes or material damages to dunes will occur within critical dune areas or seaward of the Dune Protection Line. The mitigation sequence is as follows:

1) **Avoid** the impact altogether by not taking a certain action or parts of an action;

2) **Minimize** impacts by limiting the degree or magnitude of the action and its implementation;

3) **Rectify** the impact by repairing, rehabilitating, or restoring the affected environment; and,

4) **Compensate** for the impact by replacing resources lost or damaged.

According to the application materials, the entirety of the proposed construction will be located landward of the Dune Protection Line, therefore no adverse effects to dunes or dune vegetation are anticipated.

(4) The applicant’s mitigation plan, for an activity seaward of the Dune Protection Line, if required, will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects.
No construction activities seaward of the Dune Protection Line are proposed with this request, and no adverse effects to dunes or dune vegetation are expected.

(5) The proposed activity complies with any applicable requirements of: Requirements for Beachfront Construction Certificate and Dune Protection Permits and Management of the Public Beach of this Section; and

It appears that paving is proposed beneath the newly proposed staircase on the seaward side of the structure. The applicant is prohibited from paving the ground in this area since the area is not located beneath the footprint of the habitable structure.

(6) The structure is located as far landward as practicable.

The site plan depicts the proposed main structure will be placed abutting the 20-foot building line and the stairs will be placed abutting the 10-foot utility easement which will be as far landward as practicable.

Staff Recommendation:
Staff recommends approval of 19P-021 with the following conditions:

Specific Conditions to Case 19P-021:

1) It appears that paving is proposed beneath the newly proposed staircase on the seaward side of the structure. The applicant is prohibited from paving the ground in this area since the area is not located beneath the footprint of the habitable structure. The paving shall be omitted.

2) In the area located landward of 25-feet from the north toe of the critical dune area to 200-feet landward of the line of vegetation in eroding beach areas, paving is limited to unreinforced fibercrete in 4-foot by 4-foot sections, 4-inches thick and separated by expansion joints beneath the footprint of a habitable structure and for a driveway connecting the habitable structure to the street. Note: the footprint of a habitable structure does not include areas beneath uncovered decks and stairs;

3) The applicant shall ensure that, as a result of the construction, runoff or drainage patterns are not affected such that they would aggravate erosion on or off site, result in significant changes to dune hydrology, or significantly increase the potential for washovers or blowouts to occur. Runoff should be directed away from the dune area;

4) The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment “E”:

   a. It appears that paving is proposed beneath the newly proposed staircase on the seaward side of the structure. The applicant is prohibited from paving the ground in this area since the area is not located beneath the footprint of the habitable structure.

   b. In the area between 25 feet landward from the north toe of the dune to 200 feet landward of the line of vegetation, the applicant may use unreinforced fibercrete in 4-foot by 4-foot sections, 4 inches thick and separated by expansion joints to pave the ground beneath the footprint of the habitable structure. The footprint does not include areas beneath uncovered decks and stairs.

   c. The City must ensure that a minimum of 15% of the front yard be maintained as open or unimproved area. The grass paver parking area is considered improved area, and its construction should not reduce open space requirements set by the City.
d. The proposed construction activities must not result in the potential for increased flood damage to the proposed construction site or adjacent property, result in runoff or drainage patterns that aggravate erosion, cause significant changes to dune hydrology, adversely affect dune complexes or dune vegetation, or significantly increase the potential for washovers or blowouts to occur.

e. The proposed construction activities must minimize impacts on natural hydrology and not cause erosion of adjacent properties, critical dune areas, or the public beach.

f. The City must ensure the proposed construction is consistent with FEMA minimum requirements or with the FEMA approved local ordinance.

g. The City may permit the applicant to construct an enclosure beneath the habitable structure provided that the walls are breakaway or louvered and the construction is consistent with the requirements of the National Flood Insurance Program.

h. The City must ensure the proposed habitable structure is designed for feasible relocation.

Standard Conditions:

5) Work approved under this permit shall be completed within one (1) year from the date this permit is issued. If work is not completed in this time period, it will be necessary for the applicant to reapply for a Beachfront Construction Certificate/Dune Protection Permit, unless an extension of the period, prior to the expiration, has been submitted to the Texas General Land Office for review and approved by the City;

6) The applicant shall adhere to all comments/conditions received from city departments. Should conformance with the comments/conditions require alterations to the project, as approved, the case must be returned to the Planning Commission for additional review and approval;

7) All non-natural drainage from the dwelling shall be directed away from the beach and dunes, toward the street landward of the lot and to the drainage infrastructure in the subdivision, and drainage plans shall be submitted to the City of Galveston Public Works Department, Division of Engineering for approval;

8) The area seaward of the dwelling shall be designated a dune protection area, prohibiting any alteration of natural conditions in this area, except for any future proposed dune walkovers, approved by the Development Services Department and the Texas General Land Office under separate review;

9) The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,

10) The applicant must adhere to all aspects of Section 29: Planning-Beach Access Dune Protection & Beachfront Construction.

ERP PRACTICABLE DEFINITION
Practicable means available and capable of being done after taking into consideration existing building practices, siting alternatives, and the footprint of the structure in relation to the area of the building portion of the lot, and considering the overall development plan for the property.

TEXAS ADMINISTRATIVE CODE PRACTICABLE DEFINITION 15.2(57)
In determining what is practicable, local governments shall consider the effectiveness, scientific feasibility, and commercial availability of the technology or technique. Local governments shall also consider the cost of the technology or technique.

Respectfully Submitted,

Virginia Greb
Coastal Resources Assistant Manager

Catherine Gorman, AICP
Assistant Planning Director / HPO

3/29/2019
Date

3/29/2019
Date
ADDRESS: 11707 BEACHSIDE, GALVESTON, TX 77554

SURVEY MADE TO SHOW TOPOGRAPHICAL ELEVATIONS AND CURRENT CONDITIONS OF VACANT LOT
LEGAL DESCRIPTION
LOT 134, OF BEACHSIDE VILLAGE, SECTION ONE (1), A SUBDIVISION IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 20011, PAGES 94 AND 95, OF THE NAP RECORDS IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS.

DRAWN BY: ELEVATION EXPRESS LAND SURVEYS
521 W. GRAND AVENUE, SUITE C-158
KATY, TX 77450
713-671-5488
WWW.ELEVATIONEXPRESSANDSURVEYS.COM

ORDERED BY: KNSK, INC.

DRAFTS: A. CORREA

STATE OF TEXAS
COUNTY OF GALVESTON
SECTION ONE

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ORDERED BY: KNSK, INC.

DRAFTS: A. CORREA

STATE OF TEXAS
COUNTY OF GALVESTON
SECTION ONE
Final Fence Style to be

Scale

Date

4x4 Treated Posts

1'-0"
LOCAL CODES REQUIRE...

1. VERIFY ELECTRICAL REQUIREMENTS WITH OWNER.

2. PROVIDE POWER AND GAS IN ATTIC.

3. PROVIDE POWER AND TELEPHONE FOR ELEVATOR - SEE MFG REQUIREMENTS.

4. PROVIDE 1 DUPLEX PLUG WITH 2 USB CHARGERS IN EACH BEDROOM, FLOOR PLUG - LOCATED BY OWNER.

5. ALL LIGHTING TO BE LED.

6. Niche

7. STEP LIGHT/WALL LIGHT - ALWAYS ON.

8. SHELF LIGHTS - SEE OWNER.

9. PROPOSED BEACH HOUSE FOR S. CULWELL.

10. INTERRUPHER DW = DISHWASHER.

11. EXTENSION ARM.

12. WALL MT. LT. (SCONCE LT.).

13. RECESSED CAN LIGHT.

14. WB = WEATHER PROOF.

15. GD = GARBAGE DISPOSAL.

16. POWER AND TELEPHONE FOR ELEVATOR - SEE MFG REQUIREMENTS.

17. 220V.

18. RFZ = REFRIGERATOR.

19. CH = CHANDELIER.

20. WP = WEATHER PROOF, GDO = GARAGE DISPOSAL.

21. PEND.

22. CHAND.

23. TV.

24. TV.

25. FRZ = REFRIGERATOR.

26. BREAKER BOX TO BE LOCATED PER OWNER AND ALL CIRCUITS CLEARLY LABELED.

27. SCALE.

28. S. CULWELL.

29. DRAWN BY S. CULWELL.

30. 03/20/19.

31. DATE.
Window/Door Trim Detail

Trim Band at House

6x6 Column

1x6

A & B TO BE APPLIED AT DECK HEIGHT

A, B & C TO BE APPLIED AT BASE AND AROUND DECKS

A & B TO BE APPLIED AT DECK HEIGHT

12' - 0"
March 29, 2019

Virginia Greb
Coastal Resources Assistant Manager
Development Services Department
City of Galveston
823 Rosenberg, Room 401
Galveston, Texas 77550-2103

Dear Ms. Greb:

The General Land Office (GLO) has reviewed the additional application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes a material change to the construction of a single-family residence by locating the structure farther landward than originally proposed. The originally proposed 24-foot by 50-foot and one 12-foot by 50-foot permeable paver driveways are now proposed to be 22 feet by 20 feet and 11 feet by 20 feet. The structure now includes a staircase on the seaward side of the structure. The proposed construction is located within 200 feet from the line of vegetation, within the City of Galveston Enhanced Construction Zone, and adjacent to the City of Galveston Dune Conservation Area. According to the Bureau of Economic Geology, the area is eroding at a rate of nine to ten feet per year.

Based on the materials forwarded to our office for review, we have the following comments:

- It appears that paving is proposed beneath the newly proposed staircase on the seaward side of the structure. The applicant is prohibited from paving the ground in this area since the area is not located beneath the footprint of the habitable structure.\(^1\)

- In the area between 25 feet landward from the north toe of the dune to 200 feet landward of the line of vegetation, the applicant may use unreinforced fibercrete in 4-foot by 4-foot sections, 4 inches thick and separated by expansion joints to pave the ground beneath the footprint of the habitable structure.\(^2\) The footprint does not include areas beneath uncovered decks and stairs.\(^3\)

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\(^1\) 31 Tex. Admin. Code § 15.6(f)(3).
\(^2\) City of Galveston Beach Access Plan § 29-90(m)(2).
\(^3\) 31 Tex. Admin. Code § 15.2(37).
The City must ensure that a minimum of 15% of the front yard be maintained as open or unimproved area. The grass paver parking area is considered improved area, and its construction should not reduce open space requirements set by the City.

The proposed construction activities must not result in the potential for increased flood damage to the proposed construction site or adjacent property, result in runoff or drainage patterns that aggravate erosion, cause significant changes to dune hydrology, adversely affect dune complexes or dune vegetation, or significantly increase the potential for washovers or blowouts to occur.

The proposed construction activities must minimize impacts on natural hydrology and not cause erosion of adjacent properties, critical dune areas, or the public beach.

The City must ensure the proposed construction is consistent with FEMA minimum requirements or with the FEMA approved local ordinance.

The City may permit the applicant to construct an enclosure beneath the habitable structure provided that the walls are breakaway or louvered and the construction is consistent with the requirements of the National Flood Insurance Program.

The City must ensure the proposed habitable structure is designed for feasible relocation.

Please be advised that the line of vegetation is dynamic. Structures may not encroach on the public beach. If the structure becomes located seaward of the line of vegetation because of loss of elevation, the structure may be allowed to remain in place if it does not significantly interfere with public access to the beach or present a public health and safety risk. Structures located seaward of the line of vegetation and landward of the line of mean high tide will periodically be reassessed on a case-by-case basis, and owners may be allowed to make certain repairs under the Beach/Dune rules and local government plans.

If any part of a structure comes to be located seaward of the line of mean high tide, it becomes an unauthorized structure on state-owned lands. Repairs are prohibited and the state may take action to remove the structure.

If you have any questions, please contact me at (512) 463-9109 or at rajiv.vedamanikam@glo.texas.gov.

Sincerely,

Rajiv Vedamanikam
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

cc: Dustin Henry, Coastal Resources Manager

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4 City of Galveston Beach Access Plan § 29-90(m)(2).
6 31 Tex. Admin. Code § 15.6(g).
7 31 Tex. Admin. Code § 15.6(e)(3).
STAFF REPORT

19P-022

**ADDRESS:**
2428 Avenue P

**LEGAL DESCRIPTION:**
Properties are legally described as Lots 5 through 7 and the South 19-feet of Lot 4, Southwest Block 67, Galveston Outlots, in the City and County of Galveston, Texas.

**APPLICANT/REPRESENTATIVE:**
Tricon Land Surveying

**PROPERTY OWNER:**
Galveston Condos 1.0, LLC, Clay Conrad

**ZONING:**
Urban Neighborhood (UN)

**REQUEST:**
Request for a replat from four (4) to seventeen (17) lots that also includes one common area.

**STAFF RECOMMENDATION:**
Approval based on findings and conditions.

**EXHIBITS:**
A – Aerial Map
B – Current Survey
C – Replat Survey

**STAFF:**
Janice Norman, Planning Manager
409-797-3670
jnorman@galvestontx.gov

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**Public Notice and Comment:**

<table>
<thead>
<tr>
<th>Sent</th>
<th>Returned</th>
<th>In Favor</th>
<th>Opposed</th>
<th>No Comment</th>
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</thead>
<tbody>
<tr>
<td>19</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**City Department Notification Responses:**

**Building Division:** The applicant must install additional fire material to comply with the Building Code. Once installed Building has no issues.

**Background**

The applicant is in the process of rehabilitating the existing apartments and converting them into townhomes. On February 6, 2019, a variance was approved for a reduction in lot area from 2,500 square-feet to 1,494 square-feet under case 19Z-002.

**Executive Summary**

The applicant is requesting a replat from four (4) lots into seventeen (17) lots that includes one common area with a pool.

The Texas Local Government Code, Chapter 212.015, requires a public hearing for replats that involve more than four lots.
<table>
<thead>
<tr>
<th>Location</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Site</td>
<td>Urban Neighborhood (UN)</td>
<td>Residential</td>
</tr>
<tr>
<td>North</td>
<td>Residential, Single Family, Historic (R-3-H)</td>
<td>Residential</td>
</tr>
<tr>
<td>South</td>
<td>Commercial (C)</td>
<td>Commercial</td>
</tr>
<tr>
<td>East</td>
<td>Residential, Single Family, Historic (R-3-H)</td>
<td>Residential</td>
</tr>
<tr>
<td>West</td>
<td>Urban Neighborhood (UN) and Residential, Single Family (R-1)</td>
<td>Residential</td>
</tr>
</tbody>
</table>

**Site and Surrounding Area**

The site being replatted is approximately 18,000 square feet with an existing apartment complex that has been rehabilitated into townhomes. In order to be sold as individual townhome units the property is being divided into separate lots with garages. The lot area includes the associated garages with each townhome unit.

The surrounding area is a mix of zoning districts with Residential, Single Family (R-1) and Urban Neighborhood (UN) to the west, Residential, Single Family, Historic (R-3-H) to the north and east and Commercial (C) to the south.

**Drainage/Public Infrastructure and Easements**

There were no objections from Public or Private Utilities. The Building Division did have a comment:

The applicant must install additional fire material to comply with the Building Code. Once installed Building has no issues.

**Minimum Lot Standards**

The replat meets the minimum standards for lots in the Urban Neighborhood (UN) zoning district. Article 3, Addendum for the Urban Neighborhood zoning district has a minimum lot area of 2500 square-feet with no minimum lot width or depth. As stated above a variance was approved to reduce the lot area in the Urban Neighborhood (UN) from 2500 to 1494. The variance allows the existing apartments to be converted to townhomes with a garage for each townhome unit. The total lot area includes the 400 square-foot garages.

**Plat Approval Criteria**

According to Section 13.502 of the Land Development Regulations, the following are the approval criteria for plats:

A. Generally. Preliminary plats, final plats, and development plats shall be approved if, following review by City staff, it is determined that the plat meets all applicable regulations. The staff report may include “standard conditions” that serve as a checklist of ordinary regulatory requirements, but which are not corrections or changes necessary to conform to applicable regulations.

1. If a plat is submitted to the Planning Commission with only the “standard conditions” in the staff report and no other conditions are required, then the plat will be considered to meet all applicable regulations, approval will be recommended, and the item may be placed on a consent agenda of the Planning Commission.
2. If a plat does not meet all applicable regulations, the plat will be denied, except that readily verifiable conditions may be attached to preliminary approval, the satisfaction of which becomes a prerequisite for final approval.

Staff Recommendation

Staff recommends the plat be denied without prejudice subject to the following corrections:

*Specific conditions to Case 19P-022:*

1. The applicant shall accommodate the filing of the plat by October 2, 2019;
2. The applicant shall install all fire material in compliance with the Building Division prior to the filing of the plat;

*Standard conditions:*

3. The applicant shall adhere to all comments/conditions received from City Departments. Should conformance with the comments/conditions require alterations to the project, as approved, the case must be returned to the Planning Commission for additional review and approval. Failure to comply with all comments/conditions may result in penalties and/or revocation of this plat; and
4. The applicant shall comply with all recordation requirements; and, shall provide the Development Services Department and with all Galveston County filing fees by certified check or money order.

Respectfully Submitted,

Janice Norman, Planning Manager

03/29/19

Catherine Gorman, Assistant Director, AICP, HPO

Date

Development Services
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The data presented on these pages is not legally binding on the City of Galveston or any of its departments. These maps and the associated data are representations ONLY and may contain errors in the databases. Therefore, the information presented on this map is for informational purposes only and should not be construed to be legally binding.
Survey of that certain tract or parcel of land being Lots Five (5), Six (6), Seven (7) and part of Lot Four (4), of RUNGE'S SUBDIVISION, of the Southwest Block of Outlot Sixty-Six (66) in the City and County of Galveston, Texas, according to the map or plat thereof recorded in Volume 105, Page 583 and transferred to Plat Record 1, Map No. 2, both of the Map Records of Galveston County, Texas and being that same tract as conveyed to Galveston Condos 1, LLC as recorded in Galveston County Clerk's File No. 2017073140 in the Official Public Records of Real Property, said tract being more particularly described by metes and bounds on attached Exhibit "A".

I hereby certify that on the below date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

Brené Addison  
Registered Professional  
Land Surveyor No. 6598
SITE PLAN/PROPOSED REPLAT of that certain tract or parcel of land being Lots Five (5), Six (6), Seven (7) and part of Lot Four (4), of RUNGE'S SUBDIVISION, of the Southwest Block of Outlot Sixty-Seven (67) in the City and County of Galveston, Texas, according to the map or plat thereof recorded in Volume 105, Page 583 and transferred to Plat Record 1, Map No. 2, both of the Map Records of Galveston County, Texas and being that same tract as conveyed to Galveston Condos 1.0, LLC as recorded in Galveston County Clerk's File No. 2017073140 in the Official Public Records of Real Property, said tract being more particularly described by metes and bounds on attached Exhibit "A".

I hereby certify that on the below date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

Brene Addison
Registered Professional Land Surveyor No. 6598
Exhibit "A"

Being that certain tract or parcel of land being Lots Five (5), Six (6), Seven (7) and part of Lot Four (4), of RUNGE’S SUBDIVISION, of the Southwest Block of Outlot Sixty–Seven (67) in the City and County of Galveston, Texas, according to the map or plat thereof recorded in Volume 105, Page 583 and transferred to Plat Record 1, Map No. 2, both of the Map Records of Galveston County, Texas and being that same tract as conveyed to Galveston Condos 1.0, LLC as recorded in Galveston County Clerk’s File No. 2017073140 in the Official Public Records of Real Property, said tract being more particularly described by metes and bounds as follows;

BEGINNING at the Southwest corner of said Lot Seven (7) and the intersection of the East line of 25th Street (120 foot width) with the North line of Avenue P (aka Bernardo de Galvez Avenue, 70 foot width), a set 1/2 inch rod;

THENCE N 16 43’ W along the West line of said Lots Seven (7), Six (6), Five (5) and Four (4), also being the East line of 25th Street, 131.25 feet to the Northwest corner of the herein described tract, a set 1/2 inch rod;

THENCE N 73 05’ E, along a called chain link fence, 140.00 feet to the West line of a 20 foot alley, a metal fence post bearing East 0.7 feet;

THENCE S 16 43’ E, along the East line of Lots Four (4), Five (5), Six (6) and Seven (7), also being the West line of said 20 foot alley, 131.75 feet to the Southeast corner of said Lot Seven (7), being the intersection of the North line of said Avenue P and said 20 foot alley, a set 1/2 inch rod;

THENCE S 73 17’ W, along the North line of said Avenue P and the South line of said Lot Seven (7), 140.00 feet to the PLACE OF BEGINNING, containing 0.423 acres (18,409 square feet) of land, more or less.