

AGENDA
PLANNING COMMISSION
REGULAR MEETING
3:30 p.m. Tuesday, July 21, 2020
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

In order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19), the meeting will be held by videoconference and there will be no public access to the location described above.

Public Comment can be submitted on-line: <https://forms.galvestontx.gov/Forms/PublicComment> or by calling 409-797-3665.

1. Call Meeting To Order
2. Attendance
3. Conflict Of Interest
4. Approval Of Minutes: June 16, 2020

Documents:

[2020-06-16 PC MINUTES.PDF](#)

5. Meeting Format (Staff)
6. Public Comment

Members of the public may submit a public comment using the web link below. All comments submitted prior to the meeting will be provided to the Planning Commission.

[HTTPS://FORMS.GALVESTONTX.GOV/FORMS/PUBLICCOMMENT](https://forms.galvestontx.gov/forms/publiccomment)

- a. Agenda Items
- b. Non-Agenda Items

7. Old Business And Associated Public Hearings
 - A. 20P-010 (21618 Kennedy Dr.) Request For A Beachfront Construction Certificate/Dune Protection Permit In Order To Construct A Single-Family Dwelling And Driveway. The Property Is Legally Described As Lot 60 & Adj 30 Ft Tr (60-1), Sea Isle, A Subdivision In The City And County Of Galveston, Texas. Applicant: Galveston Beach Houses, LLC, Gerald Meritt Property Owner: Lee And Kim McCurry

Documents:

[20P-010 - STAFF REPORT - 07.21.2020.PDF](#)

8. New Business And Associated Public Hearings
 - A. 20P-021 (23700 San Luis Pass Rd / FM 3005) Request For A Change Of Zoning From

Residential Single-Family (R-1) To A Resort/Recreation (RES/REC) Zoning District.
Property Is Legally Described As Lot 1R (1-18), 38.249 Acres, Galveston Island RV
Resort (2015), In The City And County Of Galveston Texas. Applicant: Russell J. Walla
Property Owner: Galveston Island RV Resort LP

Documents:

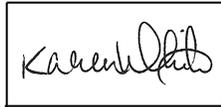
[20P-021 - STF PKT.PDF](#)

9. Discussion And Action Items

- Planning Commission Awards (Staff)

10. 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 July 16, 2020 at 2:00 P.M.



Prepared by: Karen White 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



City of Galveston

MINUTES OF THE PLANNING COMMISSION OF THE CITY OF GALVESTON
REGULAR MEETING – June 16, 2020

CALL MEETING TO ORDER

The meeting was called to order at 3:45 p.m.

ATTENDANCE

Members Present via Videoconference: Jeff Antonelli, Cate Black, Bob Brown, Eugene Cook, Jeffrey Hill, Carol Hollaway, CM John Paul Listowski

Members Absent: None

Staff Present: Tim Tietjens, Development Services Director; Catherine Gorman, AICP, Assistant Director/HPO

Staff Present via Telephone: Dustin Henry, AICP, Coastal Resource Manager; Virginia Greb, Assistant Coastal Resource Manager; Daniel Lunsford, Planner; Karen White, Planning Technician; Donna Fairweather, Assistant City Attorney

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The June 2, 2020 minutes were approved as presented.

MEETING FORMAT

Staff explained the adjusted meeting format to the Commission and the public.

PUBLIC COMMENT

None

OLD BUSINESS AND ASSOCIATED PUBLIC HEARINGS

20P-010 (21618 Kennedy Dr.) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to construct a single-family dwelling and driveway. The property is legally described as Lot 60 & Adj 30 Ft Tr (60-1), Sea Isle, a Subdivision in the City and County of Galveston, Texas.
Applicant: Galveston Beach Houses, LLC, Gerald Meritt
Property Owner: Lee and Kim McCurry

Staff presented a memorandum requesting that case 20P-010 be continued until the regular meeting of July 21, 2020 in order to allow the applicant more time to prepare revised drawings of the proposed single-family dwelling that encroaches into the Dune Conservation Area.

Chairperson Cate Black opened the public hearing on case 20P-010. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Carol Hollaway made a motion to continue case 20P-010 per staff's request. Chairperson Cate Black seconded, and the following votes were cast:

In favor: Antonelli, Black, Brown, Cook, Hill, Hollaway
Opposed: None
Non-voting participant: CM Listowski (Ex-Officio)

The motion passed.

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

20P-019 (4127 Avenue T 1/2) Request to replat one lot into two lots. Property is legally described as M.B. Menard Survey, Lot 1, Southeast Block 183, Galveston Outlots, in the City and County of Galveston, Texas. Applicant: Lindsey Polk, Tricon Land Surveying, LLC. Property Owners: Ha Hoa Quoc & Ngoc-Hanh Thi Nguyen

Staff presented the staff report noting 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 Cate Black opened the public hearing on case 20P-019. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Jeff Antonelli made a motion to approve case 20P-019. Carol Hollaway seconded, and the following votes were cast:

In favor: Antonelli, Black, Brown, Cook, Hill, Hollaway
Opposed: None
Non-voting participant: CM Listowski (Ex-Officio)

The motion passed.

20P-020 (5228 Broadway /Avenue J, 5100 Sealy, Avenue I, and 5215 Winne/Avenue G) Request for a Planned Unit Development (PUD) Overlay District to construct a "Multi-Family Residential" complex. Properties are legally described as M.B. Menard Survey (0-0), Block 232 and the South 1/2 of Adjacent Avenue I; M.B. Menard Survey (0-0), Block 291, 292, and Adjacent Streets; M.B. Menard Survey (0-0), Block 351 and Part of Adjacent Avenue H and 52nd Street; and M.B. Menard Survey (0-0), Block 352 and Part of Adjacent Avenue H and 52nd Street; in the City and County of Galveston, Texas. Applicant: Michael Saunders, McCormack Baron Salazar, Inc. Property Owner: Galveston Housing Authority

Staff presented the staff report noting that of thirty-three (33) notices of public hearing sent, two (2) had been returned in favor and one (1) had been returned in opposition.

Chairperson Cate Black opened the public hearing on case 20P-020. Representatives of the applicant Michael Saunders, Dustin Higgins, Adi Shamir Baron, Louis Bernardy, and Monique Chavoya presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Jeff Antonelli made a motion to recommend approval of case 20P-020. Chairperson Cate Black seconded, and the following votes were cast:

In favor: Antonelli, Black, Brown, Cook, Hill, Hollaway
Opposed: None
Non-voting participant: CM Listowski (Ex-Officio)

The motion passed.

20PA-11 (5228 Broadway /Avenue J, 5100 Sealy, Avenue I, and 5215 Winne/Avenue G) Request for a recommendation to City Council regarding Public Housing for property commonly known as "Oleander Homes" as required by Article X (2)(7) of the Charter of the City of Galveston. Properties are legally described as M.B. Menard Survey (0-0), Block 232 and the South 1/2 of Adjacent Avenue I; M.B. Menard Survey (0-0), Block 291, 292, and Adjacent Streets; M.B. Menard Survey (0-0), Block 351 and Part of Adjacent Avenue H and 52nd Street; and M.B. Menard Survey (0-0), Block 352 and Part of Adjacent Avenue H and 52nd Street; in the City and County of Galveston, Texas. Applicant: Michael Saunders, McCormack Baron Salazar, Inc.

Property Owner: The Galveston Housing Authority

Staff presented the memorandum.

Chairperson Cate Black opened the public hearing on case 20PA-011. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Jeff Antonelli made a motion to recommend approval of case 20PA-011. Carol Hollaway seconded, and the following votes were cast:

In favor:	Antonelli, Black, Brown, Cook, Hill
Opposed:	Hollaway
Non-voting participant:	CM Listowski (Ex-Officio)

The motion passed.

DISCUSSION AND ACTION ITEMS

- Discussion of changes to Beachfront Construction and Dune Protection Permit staff reports (Staff)

THE MEETING ADJOURNED AT 5:41 PM



20P-010

STAFF REPORT

ADDRESS:

21618 Kennedy Dr.

LEGAL DESCRIPTION:

The legal description of the property is Lot 60 and Adjacent 30 Ft Tr (60-1), Sea Isle, a subdivision located in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Galveston Beach
Homes, LLC, Gerald
Meritt

PROPERTY OWNER:

Lee and Kim McCurry

REQUEST:

Beachfront Construction
Certificate/Dune
Protection Permit for
construction of a single-
family dwelling and
driveway.

APPLICABLE LAND USE REGULATIONS:

Chapter 29, Article 2,
Beach Access Dune
Protection and Beachfront
Construction Regulation.

STAFF RECOMMENDATION:

Approval with Conditions

EXHIBITS:

A – Aerial Map
B – Topographic Survey
C – Site Plan & Drawings
D – Site Photos
E – GLO Comment Letter

STAFF:

Virginia Greb
Coastal Resources Asst. Mgr.
VGreb@GalvestonTX.gov



Note: 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.

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 applications for a Beachfront Construction Certificate/Dune Protection Permit when proposed construction activities occur in areas within or seaward of the Dune Conservation Area or up to 50-foot landward of the Dune Protection Line. The Dune Protection Line is the area within 25-foot landward of the North Toe of the Critical Dune Area or within 200-foot landward of the Line of Vegetation for those beach areas where no dunes exist west of the terminus of the Seawall.

Background:

Case 20P-010 was originally scheduled for Planning Commission review and consideration of approval June 2, 2020. The case was deferred until the June 16, 2020 Planning Commission meeting. The applicant requested the deferral in order to prepare revised drawings of the single-family dwelling that encroaches in the Dune Conservation Area. On June 16, 2020, staff requested a second deferral of the case in order to allow more time for the applicant to prepare revised drawing of the proposed single-family home that encroaches in the Dune Conservation Area. The Planning Commission approved the staff request and deferred the case until the July 21, 2020 Planning Commission meeting.

Site and Surrounding Area:

The subject site is a 0.1377-acre lot located in the Sea Isle Subdivision. A single-family dwelling and unimproved road are located to the North of the subject property. Undeveloped lots are located to the east and west of the subject property and beach area is located to the South of the subject property. According to the Bureau of Economic Geology, the area is eroding at a rate of one to two feet per year.

City Department Notification Responses:

Fire Marshal: The ‘not improved’ road is not suitable for City fire truck access. An all-weather access road suitable for City fire truck access shall be installed before any additional homes are permitted.

Public Works: There is a two-inch water line within the utility easement. There are already too many connections for 2” on this line. We cannot allow a connection here.

Analysis:

The table below summarizes the applicant survey and site plan (Attachments “B” and “C”) regarding the proposed new construction and the location of proposed construction in relation to on-site conditions:

Proposed Structure’s Distance from:	Distance (Feet)
...North Toe of the Dune	~7
...the Line of Vegetation	~165

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 Dune Protection and Beach Access Plan and Erosion Response Plan. The drawings, (Attachment “C”), are submitted with this request.

The applicant is proposing construction within the Enhanced Construction Zone and to place pilings within seven-feet of the North Toe of the Critical Dune Area, which is prohibited without an exemption. The applicant is proposing fibercrete for the single-family dwelling footprint located 25-feet landward of the North Toe of the Critical Dune Area with no paving proposed in the area south of 25-feet from the NTD. A 40-foot by 20-foot gravel driveway is proposed in the ‘not improved’ 30-foot roadway easement.

It is prohibited to pave or alter the ground below the lowest habitable floor in the area between the Line of Vegetation and 25-feet landward of the North Toe of the Critical Dune Area without an exemption. The applicant provided a letter requesting an exemption to build in the Dune Conservation Area (DCA) and a mitigation plan for construction seaward of the Dune Protection Line (DPL). The exemption request and mitigation plan, (Attachment “C”), are submitted with this request.

The City of Galveston Dune Protection and Beach Access Plan defines the DCA as areas along Galveston’s Gulf Coast where beachfront dunes naturally occur and where restored (man-made) dunes may be located. The DCA shall also include lands within 25-feet of the north toe of existing or restored (man-made) dunes.

The City of Galveston Dune Protection and Beach Access Plan defines the DPL as a line located at the North Toe 25-feet landward of the NTD of the Critical Dune Area.

Staff finds the applicant does not meet the following criteria provided in Section 4 of the City of Galveston Erosion Response Plan in order to amend existing regulations to allow an exemption from the prohibition on

construction within or seaward of the Dune Conservation Area:

- Properties for which the owner has demonstrated to the satisfaction of the City that there is no practicable alternative to construction within or seaward of the Dune Conservation Area. For the purposes of this ERP, 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.

The construction of a proposed deck is avoidable in order to minimize adverse impacts to dunes and dune vegetation and allow natural dune fluctuations, migration, and recovery following coastal storm events. The Texas Administrative Code does not define a deck as necessary for habitation. The Texas Administrative Code Rule 15.2 (38) defines a habitable structure as the area of a lot covered or by a structure used or usable for habitation. The habitable structure perimeter or footprint does not include incidental projecting eaves, balconies, ground-level paving, landscaping, open recreational facilities, or other similar features.

The proposed construction is partially landward of the Dune Protection Line and the Dune Conservation Area. Therefore, a ground floor enclosure is permitted in the area 25-feet landward of the North Toe of the Critical Dune Area. Note: the City's locally adopted flood ordinance requires ground floor enclosures to be no greater than 299 square feet as measured from the outside of the enclosure.

(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 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. Attachment "E" lists the comments from the Texas General Land Office for this request. Should the Planning Commission approve this request, the GLO comments are recommended as specific conditions for 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.

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.

According to the application materials, the proposed construction activities appear to be landward of dunes and dune vegetation. Therefore, 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.

Proposed construction is within the Dune Conservation Area and seaward of the Dune Protection Line. According to the application materials, no dunes or dune vegetation are proposed to be disturbed in the construction area. Therefore, no adverse effects to dunes or dune vegetation are expected.

(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.

Proposed construction is within the Dune Conservation Area and seaward of the Dune Protection Line. According to the application materials, no dunes or dune vegetation are proposed to be disturbed in the construction area. Therefore, 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

The application partially conforms to the City of Galveston requirements for a Beachfront Construction Certificate and Dune Protection Permit and the City requirements for the management of the public beach.

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

The proposed construction is within the Enhanced Construction Zone, which is an area defined as being 125-foot landward of the Dune Conservation Area along Galveston's Gulf coast with an aggregate shoreline change of -2 to -8 feet per year. The City's Erosion Response Plan requires the following additional construction standards for any proposed construction activities within the Enhanced Construction Zone:

- Plans and certifications for proposed structures shall be sealed by a registered professional engineer licensed in the State of Texas, providing evidence of the adequacy of elevated building foundations and the proper placement, compaction, and protection of fill when used as construction for all newly constructed, substantially damaged, and substantially improved buildings elevated on pilings, posts, piers,

or columns in accordance with the latest edition of specifications outlined in American Society of Civil Engineers, Structural Engineering Institute, Flood Resistant Design and Construction, ASCE 24-05.

Staff Recommendation:

Staff recommends approval of 20P-010 with the following conditions:

Specific Conditions to Case 20P-010:

1. The applicant shall submit revised plans indicating the proposed uncovered deck will not disturb the Dune Conservation Area;
2. The applicant shall address the comments provided by the City of Galveston Public Works Department and Fire Marshal prior to the filing of a building permit;
3. Plans and certifications for proposed structures within the enhance construction zone shall be sealed by a registered professional engineer licensed in the State of Texas, providing evidence of the adequacy of elevated building foundations and the proper placement, compaction, and protection of fill when used as construction for all newly constructed, substantially damaged, and substantially improved buildings elevated on pilings, posts, piers, or columns in accordance with the latest edition of specifications outlined in American Society of Civil Engineers, Structural Engineering Institute, Flood Resistant Design and Construction, ASCE 24-05;
4. The applicant shall adhere to all comments from the Texas General Land Office (GLO) included in Attachment "E":
 - a. The applicant does not propose to adversely impact dunes and dune vegetation and is prohibited from doing so.
 - b. The applicant proposes to construct a single-family residence with a deck within the Dune Conservation Area, which is prohibited without an exemption. The City must approve the applicant's determination that there is no practicable alternative to construction and that the proposed construction avoids and minimizes adverse impacts to dunes and dune vegetation to qualify for an exemption.
 - c. In the area within 25-feet of the north toe of the dune, paving or altering the site, which includes mowing, grading, filling fertilizing, or the use of fibercrete and crushed concrete, is not proposed and is prohibited.
 - d. In the area from 25-feet landward of the north toe of the dune to 150-feet landward of the north toe of the dune, paving used under the habitable structure and for driveways connecting the habitable structure and the street is limited to the use of unreinforced fibercrete in four-foot by four-foot sections, four-inches thick with sections separated by expansion joints or pervious material. A habitable structure is defined as a structure used or usable for habitation. The area beneath uncovered decks or stairs may not be paved.
 - e. The driveway must be limited to the linear width of the primary structure, along the main street, and a minimum of 15% of the front yard must be maintained as open/unimproved area.
 - f. The City may only permit the applicant to construct an enclosure beneath the habitable structure if the walls are breakaway or louvered and the construction is consistent with the requirements of the National Flood Insurance Program. An enclosure may not be constructed below the base flood elevation within the Dune Conservation Area.

- g. The City shall require the construction to be located as far landward as practicable.
- h. The City must ensure the proposed construction is consistent with at least the minimum FEMA requirements or with the FEMA approved local ordinance.
- i. The City must ensure the proposed habitable structure is designed for feasible relocation.
- j. 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.
- k. The City shall not issue a certificate or permit authorizing construction unless the construction activities will minimize impacts on natural hydrology. Such projects shall not cause erosion of adjacent properties, critical dune areas, or the public beach.
- l. 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.

Additionally, the GLO provided the following recommendations included in Attachment "E":

- m. The use of permeable materials such as brick, pavers, limestone, or gravel is recommended for drives or parking areas.

Standard Conditions:

- 5. Upon completion of the development, and prior to the issuance of a "Certificate of Occupancy," for those structures requiring Planning Commission approval, the permittee shall provide the Development Services Department with a final survey indicating finished elevations, surfaces, drainage patterns, fences, dune walkovers and landscape detail, or certification by a registered professional engineer that all Permit conditions have been met. No "Certificate of Occupancy" shall be approved until the Development Services Department approves a "Certificate of Completion," verifying that all Permit conditions have been satisfied;
- 6. 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;
- 7. 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;
- 8. 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;

9. 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;
10. The applicant shall coordinate any/all dune enhancement plans with the Development Services Department; and,
11. 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

07/15/2020

Virginia Greb
Coastal Resources Assistant Manager

Date

Catherine Gorman, AICP
Assistant Planning Director / HPO

Date

Attachment “A”

Aerial Map

**21618 Kennedy Drive
Case #20P-010**

Aerial & BEG Map

Legend

End Point Rate (ft/yr)

- Eroding (-1ft or more)
- Stable (-1 to +1ft)
- Accreting (+1ft or more)

- Parcels
- Subdivisions



0 50 100 200 300 Feet

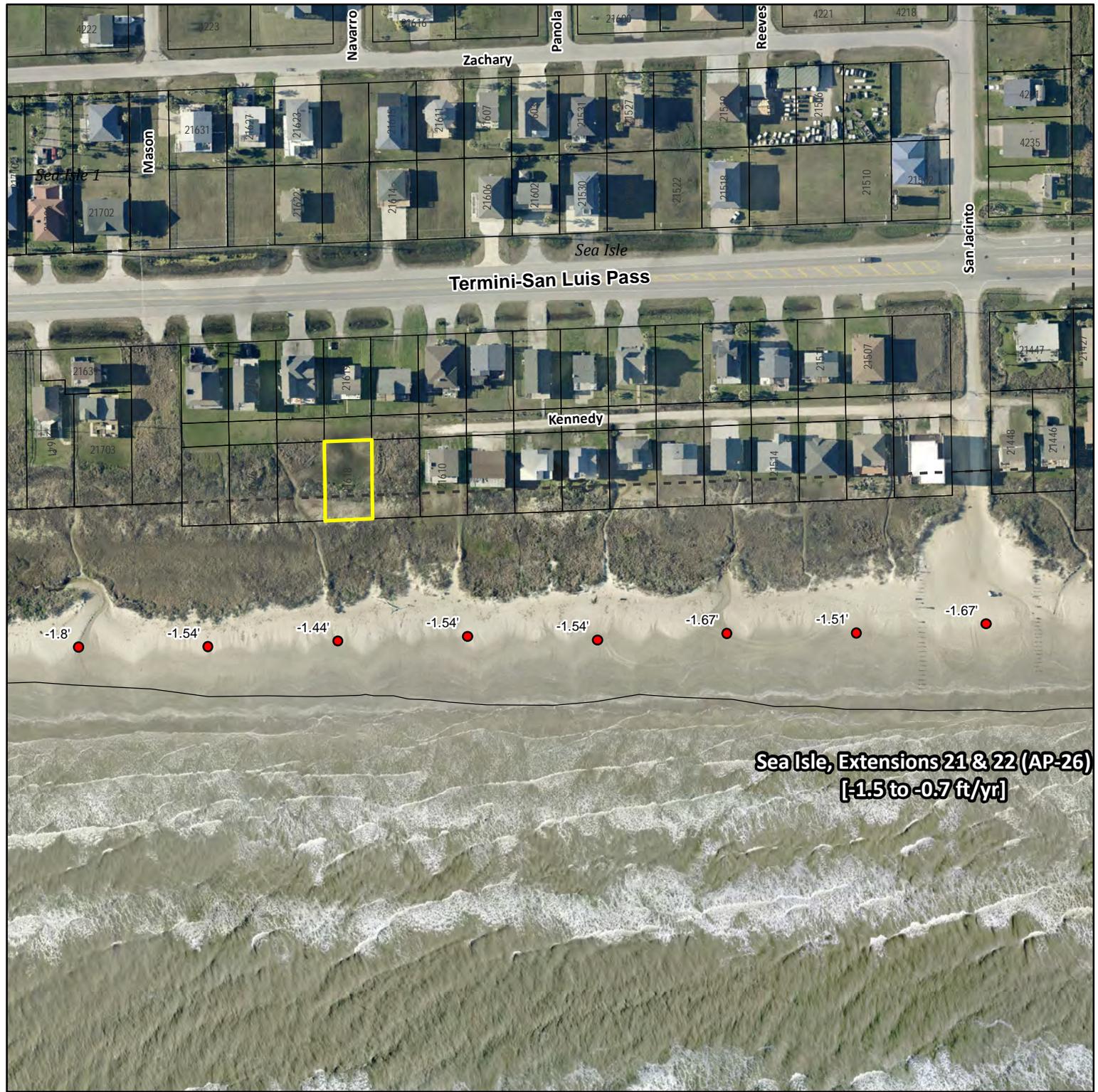
1 inch = 172 feet

Data Sources:
*Aerial Imagery and Parcel Data from Galveston CAD,
 Shoreline Change Data from U.T. Bureau of Economic
 Geology, Flood Insurance Rate Map from FEMA.*

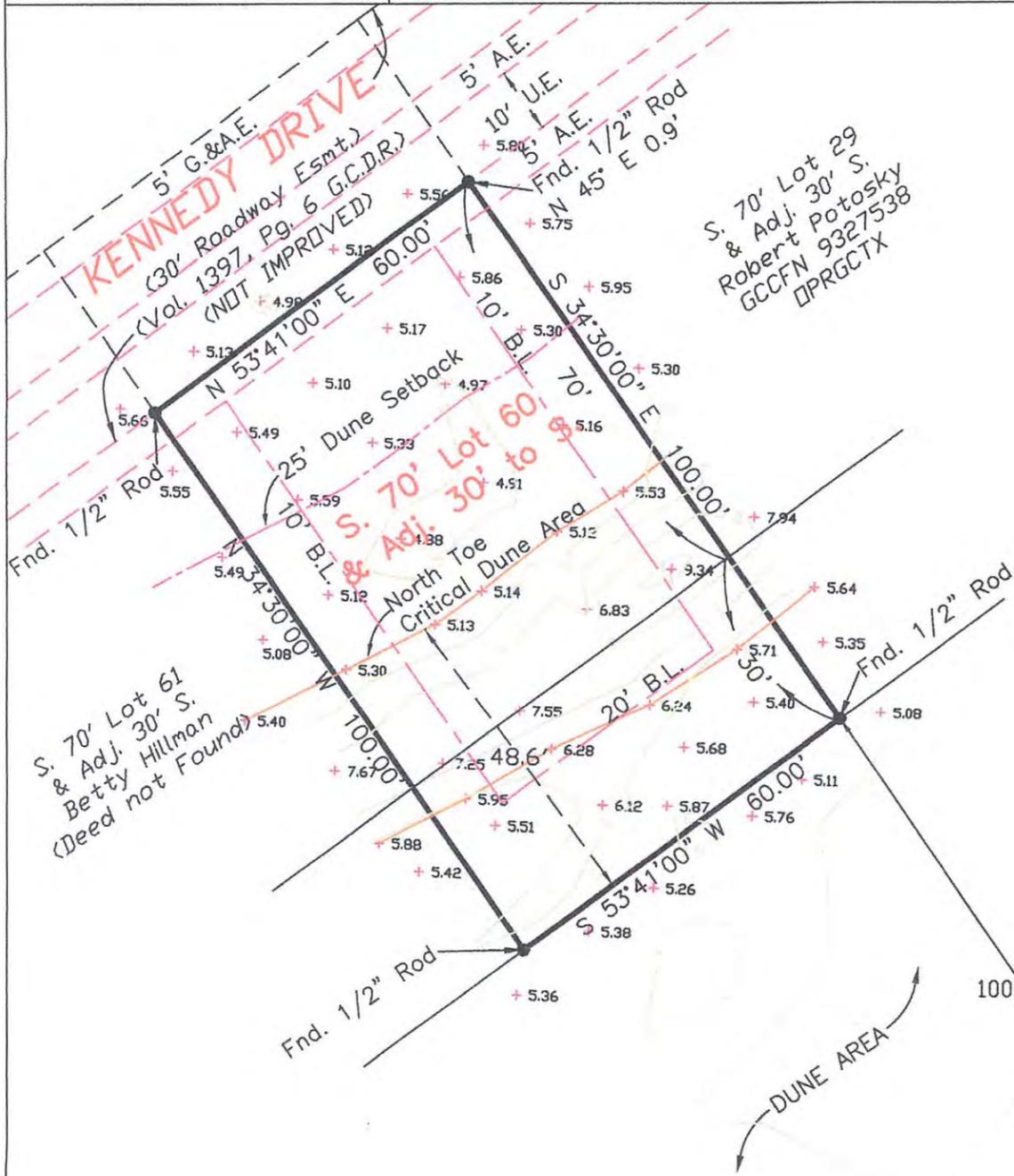
**Map prepared by the City of Galveston
 Development Services Department (VGreb) -**

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.



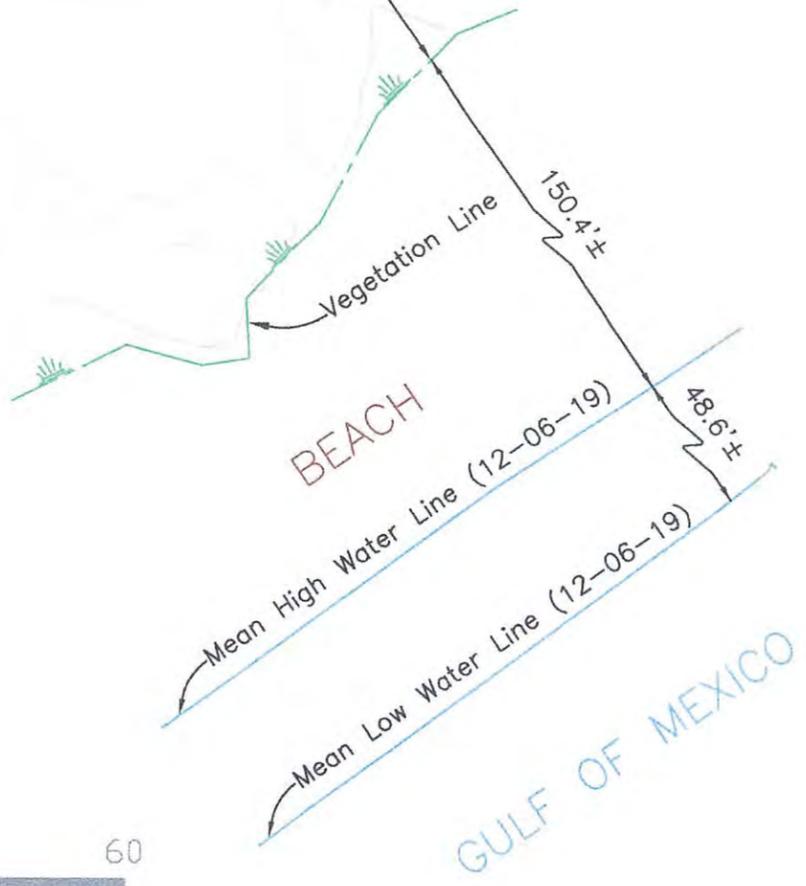
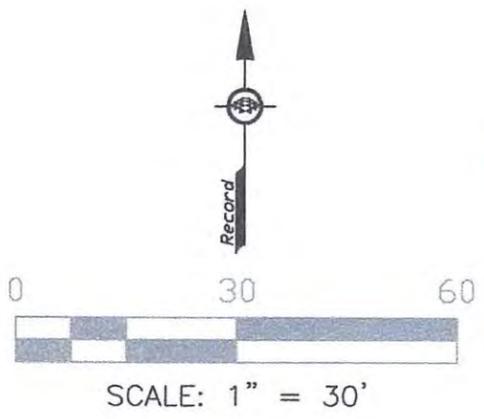
Attachment “B”
Topographic Survey



Survey of the South Seventy (70) feet of Lot Sixty (60) of SEA ISLE, a subdivision in the East two-third (2/3rd) of the West one-half (1/2) of Section Twelve (12), of the Hall and Jones Survey, Abstract 121, of Galveston Island, in Galveston County, Texas, according to the Map or Plat thereof recorded in Volume 254-A, Page 76, and transferred to Plat Record 5, Map Number 52, of the Map Records in the Office of the County Clerk of Galveston County, Texas, together with a Thirty (30) foot strip of land adjoining Lot Sixty (60) on the South in Sea Isle.

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
 Brene Addison
 Registered Professional
 Land Surveyor No. 6598



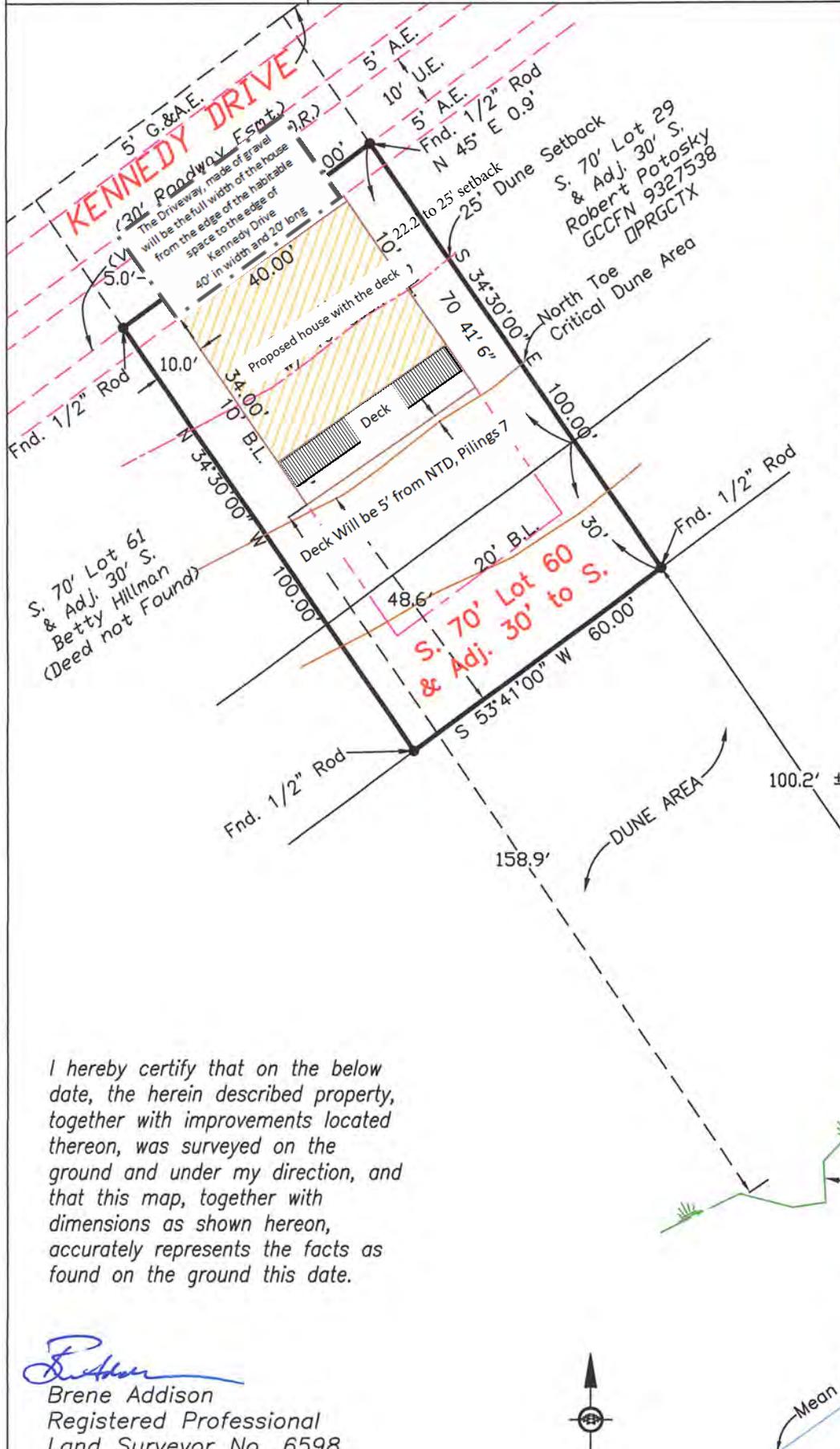
- NOTES:
- 1) This property is subject to the building and zoning ordinances of the City of Galveston.
 - 2) This property does lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency.
 - 3) This property is subject to any restrictions of record and may be subject to setbacks from power lines as established by OSHA and/or the local power company.
 - 4) Bearings are based on the monumentation of the South right-of-way line of Kennedy Drive.
 - 5) Elevation expressed hereon are based on NAVD 88 Datum.

<p>Legend:</p> <ul style="list-style-type: none"> — Overhead Power — Contour Line — Contour Elevation (Typ.) + 5.49 Spot Elevation (Typ.) --- Building Line --- Easement Line --- B.L. Building Setback Line --- U.E. Utility Easement --- A.E. Aerial Easement 	<p>TRICON LAND SURVEYING, LLC</p> <p>Mailing: 6341 Stewart Rd. #251 Physical: 2011 59th Street Galveston, TX 77551 409-497-2772 TriconLandSurveying.com T.B.P.L.S. Firm No. 10194309</p>
---	--

Drafting: LP Survey Date: December 6, 2019
 Surveyed for: Galveston Beach Houses LLC

Surveyed without the benefit of a title commitment. This property may be subject to matters of record not shown hereon that might be revealed by title report or title commitment.

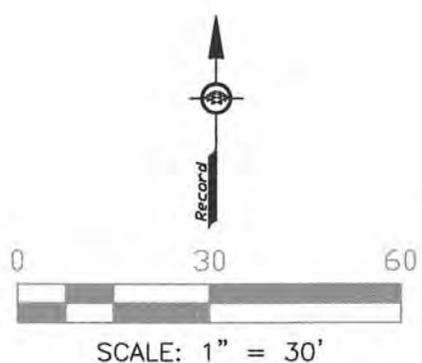
Attachment “C”
Site Plan
&
Drawings



Survey of the South Seventy (70) feet of Lot Sixty (60) of SEA ISLE, a subdivision in the East two-third (2/3rd) of the West one-half (1/2) of Section Twelve (12), of the Hall and Jones Survey, Abstract 121, of Galveston Island in Galveston County, Texas, according to the Map or Plat thereof recorded in Volume 254-A, Page 76, and transferred to Plat Record 5, Map Number 52, of the Map Records in the Office of the County Clerk of Galveston County, Texas, together with a Thirty (30) foot strip of land adjoining Lot Sixty (60) on the South in Sea Isle.

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
 Brene Addison
 Registered Professional
 Land Surveyor No. 6598

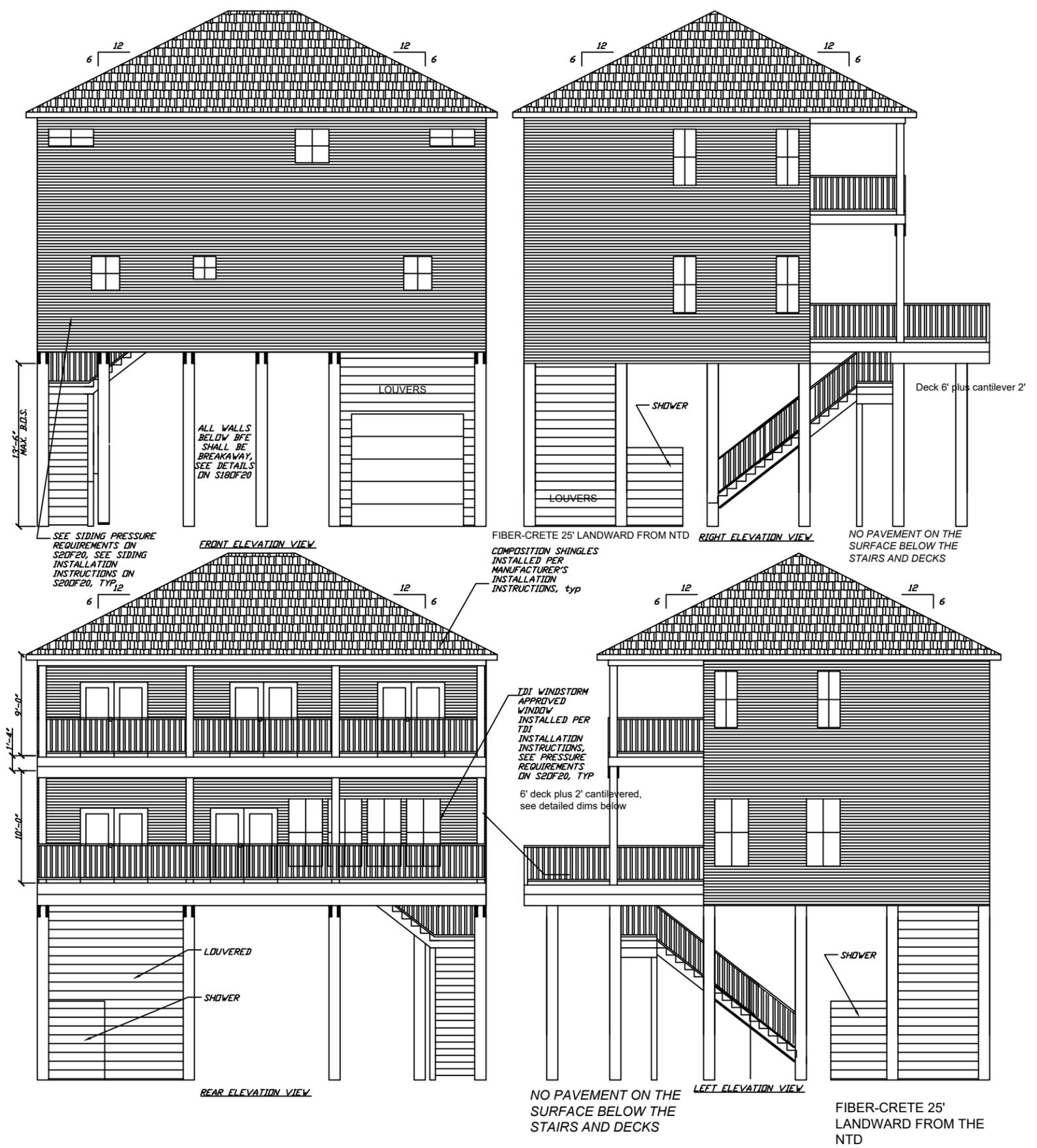


- NOTES:
- 1) This property is subject to the building and zoning ordinances of the City of Galveston.
 - 2) This property does lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency.
 - 3) This property is subject to any restrictions of record and may be subject to setbacks from power lines as established by OSHA and/or the local power company.
 - 4) Bearings are based on the monumentation of the South right-of-way line of Kennedy Drive.
 - 5) Elevation expressed hereon are based on NAVD 88 Datum.

<p>Legend:</p> <ul style="list-style-type: none"> Overhead Power Contour Line Contour Elevation (Typ.) Spot Elevation (Typ.) Building Line Easement Line B.L. Building Setback Line U.E. Utility Easement A.E. Aerial Easement 		<p>TRICON LAND SURVEYING, LLC</p> <p>Mailing: 6341 Stewart Rd. #251 Galveston, TX 77551 Physical: 2011 59th Street Galveston, TX 77551 409-497-2772 TriconLandSurveying.com T.B.P.L.S. Firm No. 10194309</p>
<p>Drafting: LP</p>		

Surveyed without the benefit of a title commitment. This property may be subject to matters of record not shown hereon that might be revealed by title report or title commitment.

Survey Date: December 6, 2019
 Surveyed For: Galveston Beach Houses LLC



WES BUCHHORN, PE
TIM BUCHHORN, PE

THIS DRAWING SET SHALL NOT BE USED FOR PERMITTING OR CONSTRUCTION UNLESS AN ENGINEERING SEAL FROM SOUTHEAST TEXAS ENGINEERING AND INSPECTIONS IS AFFIXED
FIRM REGISTRATION #13882

NO.	ISSUE / REVISION	DATE
	ORIGINAL RELEASE	6-12-20


 SOUTHEAST TEXAS
 ENGINEERING AND
 INSPECTIONS, LLC
 (OFFICE) 409-741-8741
 (WES) 409-795-1415
 (TIM) 409-795-1181

 8017 HARBORSIDE DRIVE,
 GALVESTON, TX 77554
 SOUTHEASTTEXASENGINEERING.COM

ENGINEER STAMP AND SIGNATURE

6-12-20

NEW RESIDENCE
 BUILDER: GERALD MERRIT
 21618 KENNEDY DRIVE
 GALVESTON, TEXAS

TITLE ELEVATION VIEWS	
DATE JUNE 12, 2020	
SCALE 3/32" = 1'-0"	SHEET S3 OF 20

WES BUCHHORN, PE
TIM BUCHHORN, PE

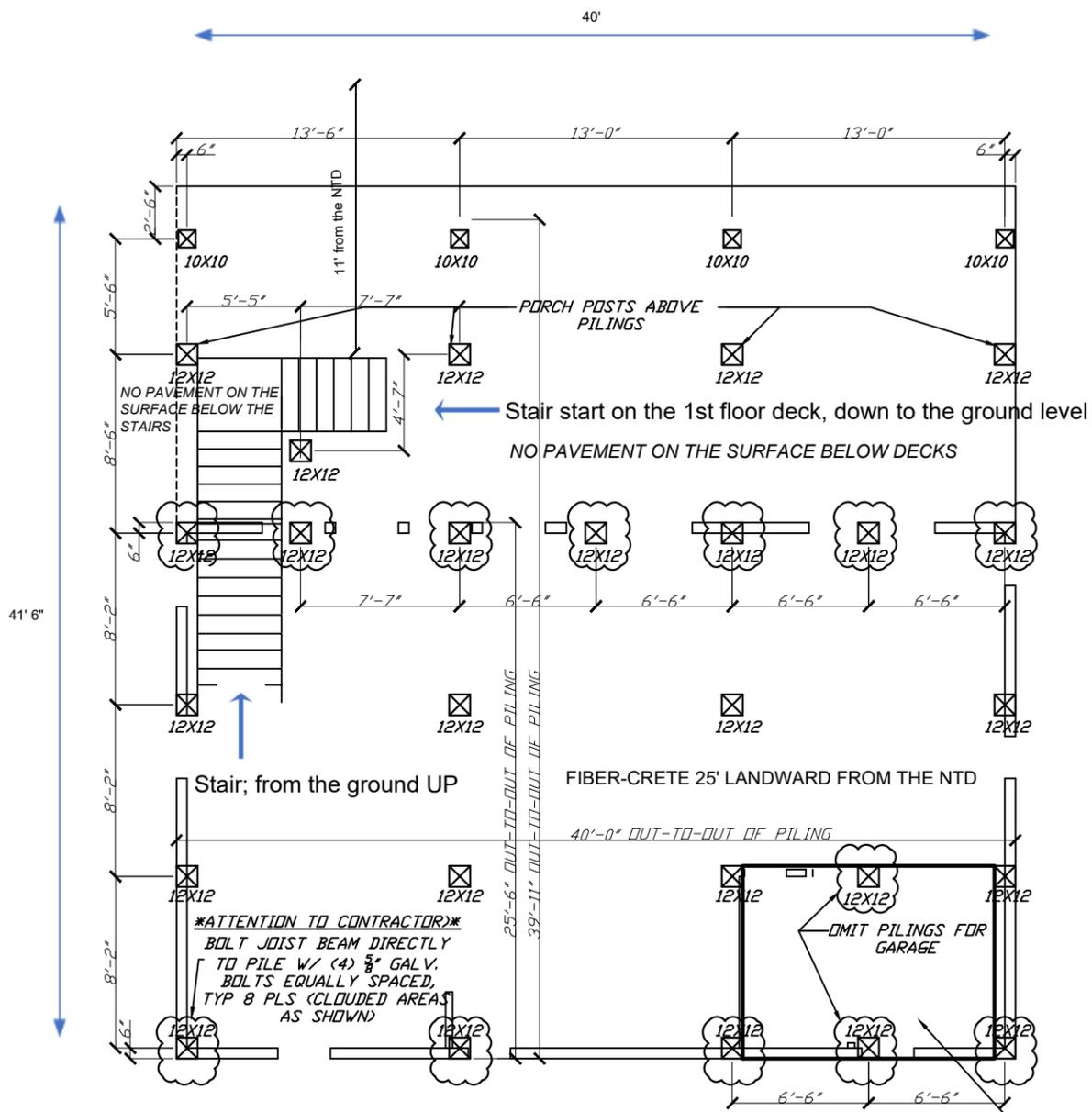
THIS DRAWING SET SHALL NOT BE USED FOR PERMITTING OR CONSTRUCTION UNLESS AN ENGINEERING SEAL FROM SOUTHEAST TEXAS ENGINEERING AND INSPECTIONS IS AFFIXED

FIRM REGISTRATION #13882

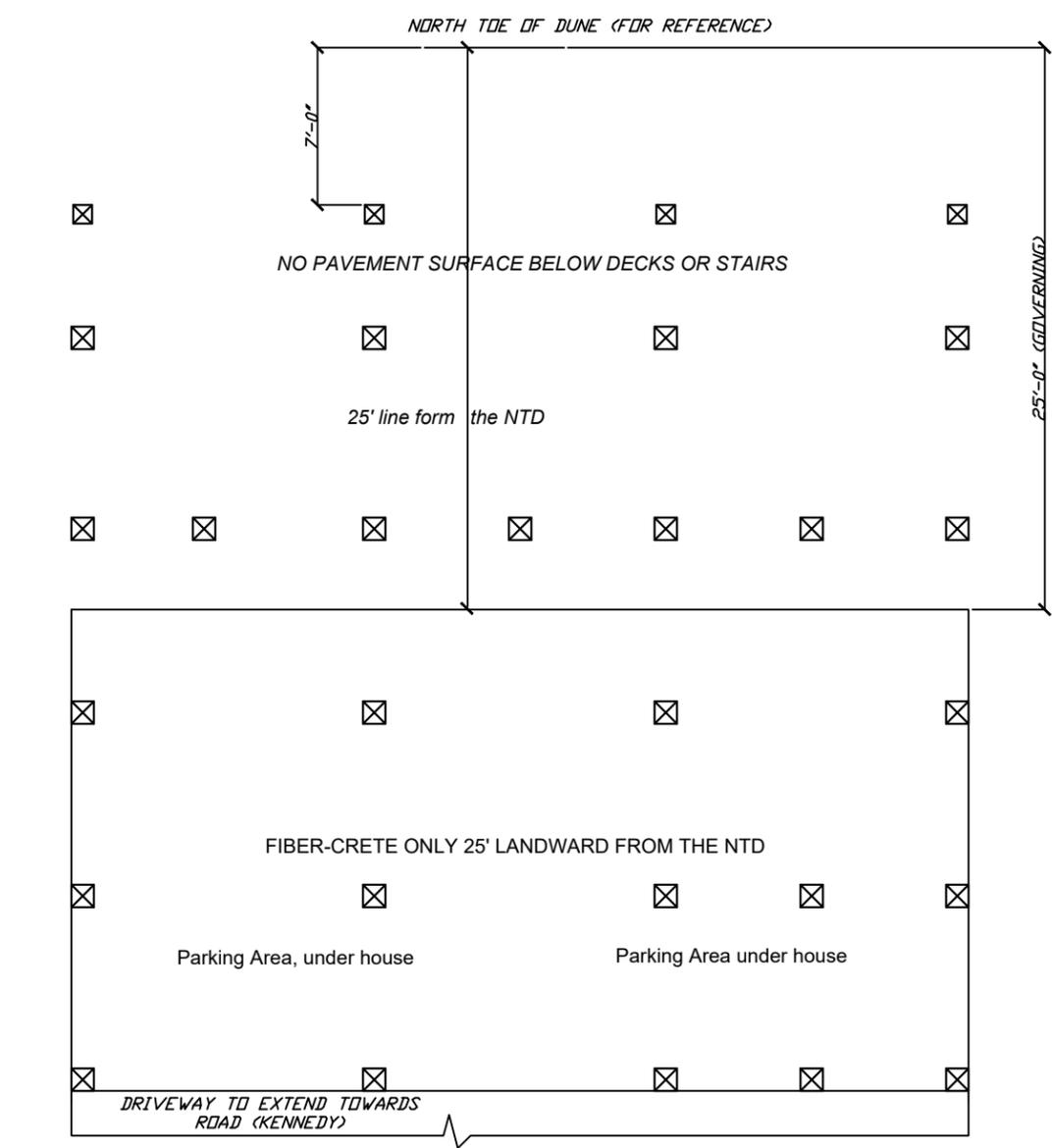
NO.	ISSUE / REVISION	DATE
	ORIGINAL RELEASE	6-12-20

SOUTHEAST TEXAS ENGINEERING AND INSPECTIONS, LLC
(OFFICE) 409-741-8741
(WES) 409-795-1415
(TIM) 409-795-1181

8017 HARBORSIDE DRIVE,
GALVESTON, TX 77554
SOUTHEASTTEXASENGINEERING.COM



PILE LAYOUT
12"x12" TREATED SYP#2 DENSE/DRIVEN PILING, SEE DETAILS ON S9DF20, TYP 26 PLS
10"x10" TREATED SYP#2 DENSE/DRIVEN PILING, SEE DETAILS ON S9DF20, TYP 4 PLS
13 PILING TO BE LEFT 11" HIGHER THAN TOP OF STRINGER FOR BOLTING JOIST BEAM (CLOUDED AREAS)



FOUNDATION LAYOUT

ENGINEER STAMP AND SIGNATURE

6-12-20

NEW RESIDENCE
BUILDER: GERALD MERRIT

21618 KENNEDY DRIVE
GALVESTON, TEXAS

TITLE PILE GROUND LAYOUT	
DATE JUNE 12, 2020	
SCALE 1/8" = 1'-0"	SHEET S4 OF 20



City of Galveston
Planning and Development Division

REVISED 07/02/2020

REF: 21618 Kennedy Drive Galveston TX 77554 Beachfront construction certificate dated 01/31/2020

Dear Sirs / Ladies:

1. Summary:

The following is the revised plan per the request by the City of Galveston. The application was initially submitted on February 2020. In keeping with paragraph 4 of the City of Galveston Erosion Control we seek an Exemption for Construction in the Dune Conservation Area. The house will be a single-family residence two story. The footprint will be approximately 41' 6" x 40", the most seaward piles will be located approximately 7' from the NTD, the area under the deck or the stairs, within the DCA, will not be paved. There will not be buildings or pavement south of the 25' line from the NTD. The off-street parking will be fibercrete but only under the habitable structure and north of the 25' line from the NTD. There will be a small storage room under on the north west corner but 25' north of the NTD. There is a construction plan to avoid disturbing the vegetation and dune.

2. Lot:

The lot described as ABST 121 HALL & JONES SUR S 70 FT OF LOT 60 & ADJ 30 FT TR (60-1) SEA ISLE on Kennedy street. There are no building restrictions, taxes have been duly paid for over 30 years, and the 2020 tax is \$2,610.96.

3. Request:

In keeping with paragraph 4 of the City of Galveston Erosion Control we seek an Exemption for Construction in the Dune Conservation Area . There are no practicable alternatives to the proposed activity. Consider:

- Designed the house such that will minimize the footprint, especially in the north / south direction.
- The house living space has been extended to fit in the east west direction, 40' wide allowing for the 10' building line in each side, to meet the building line requirements

- The house will be located as far north as possible but respecting the building line requirement
 - Parking will be below the house, will construct a fibercrete surface but only 25' north of the NTD and under the habitable structure. Will locate a small storage area 10'x10' constructed of louvers (per FEMA) on the north west corner, under the habitable structure. Will also install a 6'x4' shower.
 - The proposed activity will not materially weaken dunes or materially damage dune vegetation, we will implement the actions listed in our plan dated 07/01/2020, see below (Construction plan to avoid dune and vegetation damage)
4. **Summary and answers to several questions by the Staff, they were clarified in the drawings as notes:**

The application was submitted on February 2020 and was re-scheduled several times, there were several requests for additional information and questions, following is a summary of the responses;

- 1) Off street parking planned to be under the house, will be fibercrete, will extend from the landward edge of the habitable space and up to the 25' line north of the NTD.
- 2) The gravel driveway will be the full width of the house extending north of the edge of the habitable space up to Kennedy Drive, that is approximately 40' in width and 20' long.
- 3) There will not be construction on the DCA, under the decking, house and or stairs, no impervious surfaces or buildings to be constructed, see notes on the drawings.
- 4) See the new construction plan submitted on 06/03/2020, indicating the proposal to avoid disturbing the dune and vegetation, during construction.
- 5) Will use Fibercrete under the habitable space but only north from the edge to the 25' line north of the NTD, see drawings.
- 6) The storage area to be built using louvers will be approximately 10x10 (around four piles) with a roll up / garage door to be located on the north west corner of the house and north of the DCA
- 7) The main door to the house is on the south side deck, and therefore to reach it, the stairs will commence on the ground level approximately 31' north of the NTD, on the Fibercrete and will be supported with the piles and supports. There will not be pavement under the stairs inside the DCA
- 8) The South deck was reduced to 8' that is 6' plus 2' that will be cantilevered, the most southward row of piles will be approximately 7' from the NTD

5. Construction plan to avoid dune and vegetation damage

As requested during the 06/02/2020 telephone conversation with the City of Galveston and the Builder, find additional details related to the above referenced application.

Per the Galveston Dune Protection and Beach Access Plan, we are proposing to avoid activities near the dunes and dune vegetation. The proposed construction will not materially weaken dunes or materially damage dune vegetation, we will implement the following actions to avoid disturbing the dunes and vegetation, as part of the construction plan;

Lot preparation;

Will clearly mark with signs and will use a temporary fence to separate the dunes. The temporary fence and signs will be located landward of the NTD to keep off pedestrian traffic, equipment and or materials.

During the construction phase;

All contractors will be advised, on initial mobilization, related to keeping off the dune and vegetation, the requirements will be explained on order award and enforced on mobilization

Pile Driving; will access the most seaward row of pilings from the north to not disturb the dune / vegetation and will keep landward of the NTD

As noted, no traffic over the dune, no storage of materials

Enforcement of the proper disposal of materials using the north side of the lot. The temporary fence and signage will be maintained during the construction phase.

Storage of the material will be on the north side of the site, away from the dunes

Parking during the construction phase will be limited to an area north of the house

Waste management;

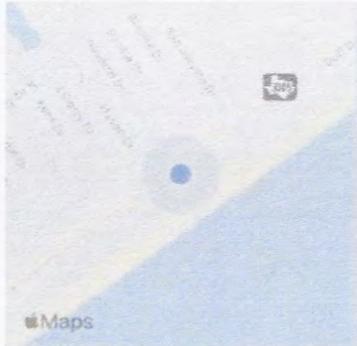
Waste disposal management; as noted all waste will be stored and deposited using a container to be located north of the site and or other approved methodologies, but always using the northward side of the lot. Daily cleanup of the site will be per our current practices and enforced especially in areas around the dune.

Post-Delivery;

Final clean up and removal of the temporary fence and signage, will prepare 'off dunes' signs for the homeowner to be installed on delivery.

Attachment “D”

Site Photos



Maps

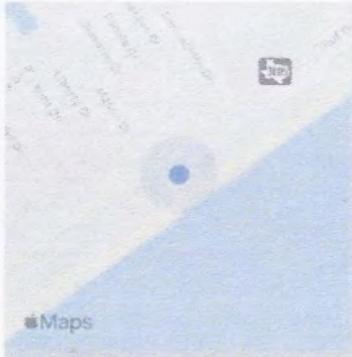
Feb 18, 2020 at 4:30:32 PM
21619 Termini San Luis Pass Rd
Galveston TX 77554
United States
Altitude:3.2meter
Speed:0.2km/h





Feb 18, 2020 at 4:30:54 PM
21623 Termini San Luis Pass Rd
Galveston TX 77554
United States
Altitude:3.1meter
Speed:5.1km/h





Feb 18, 2020 at 4:31:43 PM
21619 Termini San Luis Pass Rd
Galveston TX 77554
United States
Altitude:4.7meter
Speed:4.7km/h





Feb 18, 2020 at 4:31:59 PM
21619 Termini San Luis Pass Rd
Galveston TX 77554
United States
Altitude: 3.5 meter
Speed: 6.0 km/h





Feb 18, 2020 at 4:32:58 PM
21606 Kennedy
Galveston TX 77554
United States
Altitude: 2.4 meter
Speed: 4.8 km/h



Attachment “E”
GLO Comment Letter



TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

March 19, 2020

Via Electronic Mail

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

Beachfront Construction Certificate and Dune Protection Permit in the City of Galveston

Site Address: 21618 Kennedy Dr, Galveston
Legal Description: ABST 121 Hall & Jones Sur S 70 Ft of Lot 60 & ADJ 30 Ft TR (60-1) Sea Isle
Lot Applicant: Lee & Kim Merrit McCurry c/o Galveston Beach Houses, LLC – Gerald Meritt
Case Number: 20P-010
GLO ID No.: BDCOG-20-0084

Dear Ms. Greb:

The General Land Office (GLO) has reviewed the application materials for a beachfront construction certificate and dune protection permit for the above-referenced location. The applicant proposes to construct a single-family residence with a 10-foot by 40-foot gravel driveway. The construction is located partially within 200 feet of the line of vegetation, within the Enhanced Construction Zone, and within the Dune Conservation Area. According to the Bureau of Economic Geology, the area is eroding at a rate of one to two feet per year.

Based on the information provided to our office for review, we have the following comments:

- The applicant does not propose to adversely impact dunes and dune vegetation and is prohibited from doing so.
- The applicant proposes to construct a single-family residence with a deck within the Dune Conservation Area, which is prohibited without an exemption. The City must approve the applicant's determination that there is no practicable alternative to construction and that the proposed construction avoids and minimizes adverse impacts to dunes and dune vegetation to qualify for an exemption.¹
- In the area within 25 feet of the north toe of the dune, paving or altering the site, which includes mowing, grading, filling fertilizing, or the use of fibercrete and crushed concrete, is not proposed and is prohibited.²

¹ City of Galveston Erosion Response Plan § 5.

² City of Galveston Erosion Response Plan § 5.

- In the area from 25 feet landward of the north toe of the dune to 150 feet landward of the north toe of the dune, paving used under the habitable structure and for driveways connecting the habitable structure and the street is limited to the use of unreinforced fibercrete in four-foot by four-foot sections, four-inches thick with sections separated by expansion joints or pervious material.³ A habitable structure is defined as a structure used or usable for habitation.⁴ The area beneath uncovered decks or stairs may not be paved.
- The driveway must be limited to the linear width of the primary structure, along the main street, and a minimum of 15% of the front yard must be maintained as open/unimproved area.⁵
- The use of permeable materials such as brick, pavers, limestone, or gravel is recommended for drives or parking areas.⁶
- The City may only permit the applicant to construct an enclosure beneath the habitable structure if the walls are breakaway or louvered and the construction is consistent with the requirements of the National Flood Insurance Program.⁷ An enclosure may not be constructed below the base flood elevation within the Dune Conservation Area.⁸
- The City shall require the construction to be located as far landward as practicable.⁹
- The City must ensure the proposed construction is consistent with at least the minimum FEMA requirements or with the FEMA approved local ordinance.¹⁰
- The City must ensure the proposed habitable structure is designed for feasible relocation.¹¹
- 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.¹²
- The City shall not issue a certificate or permit authorizing construction unless the construction activities will minimize impacts on natural hydrology. Such projects shall not cause erosion of adjacent properties, critical dune areas, or the public beach.¹³

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

³ City of Galveston Erosion Response Plan § 5.

⁴ City of Galveston Beach Access Plan § 29-54.

⁵ City of Galveston Erosion Response Plan § 5.

⁶ 31 Tex. Admin. Code § 15.5(b)(3).

⁷ 31 Tex. Admin. Code § 15.6(f)(4).

⁸ City of Galveston Erosion Response Plan § 5.

⁹ 31 Tex. Admin. Code § 15.6(b) & City of Galveston Erosion Response Plan § 5.

¹⁰ 31 Tex. Admin. Code § 15.6(e)(3).

¹¹ 31 Tex. Admin. Code § 15.6(f)(2).

¹² 31 Tex. Admin. Code § 15.4(d).

¹³ 31 Tex. Admin. Code § 15.6(g).

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.¹⁴

If you have any questions, please contact me at (512) 463-5232 or at michelle.culver@glo.texas.gov.

Sincerely,



Michelle Culver
Beach Access & Dune Protection Program
Coastal Resources Division
Texas General Land Office

cc: Dustin Henry, Coastal Resources Manager



20P-021

STAFF REPORT

ADDRESS:

23700 San Luis Pass Road / FM 3005

LEGAL DESCRIPTION:

Property is legally described as Lot 1R (1-18), 38.249 Acres, Galveston Island RV Resort (2015), in the City and County of Galveston Texas.

APPLICANT/REPRESENTATIVE:

Rusty J. Walla

PROPERTY OWNER:

Galveston Island RV Resort LP

ZONING DISTRICT:

Residential, Single-Family (R-1)

REQUEST:

Request for a change of zoning from Residential Single-Family (R-1) to a Resort/Recreation (RES/REC) zoning district.

STAFF RECOMMENDATION:

Approval

EXHIBITS:

- A – Zoning Map
- B – Narrative
- C – Land Use Comparison

STAFF:

Adriel Montalvan, Senior Project Manager
 409-797-3645
 amontalvan@galvestontx.gov

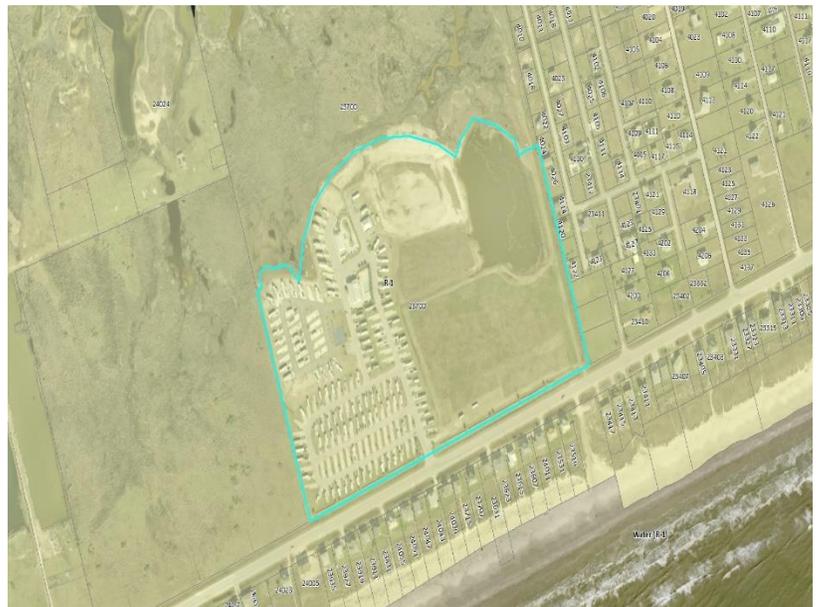
Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
51				

Per Section 13.808 of the Land Development Regulations and state law, written public notice of this request is required. Public notices are sent to all property owners within 200 feet of the subject site and are sent to the address on file with the Galveston Central Appraisal District.

City Department Notification Responses:

No Objections



Background

In February 2014, a General Land Use Plan (GLUP) was approved to establish an RV Park at the subject property. At the time, the property was zoned Planned Development (PD). In accordance with the 1991 Zoning Standards, any proposed land use in the PD zoning district required a GLUP. A GLUP was a site plan review process that required approval by the Planning Commission. During the 2015 zoning map amendments, the property was zoned Residential, Single-Family (R-1) which made the RV Park a nonconforming use.

Executive Summary

The applicant is requesting a change of zoning from Residential, Single-Family (R-1) to Resort/Recreation (RES/REC). There is no proposed change to the current RV Park land use. If this request is approved, the use will remain as a nonconforming use continuing to operate under the approved GLUP. As currently configured, the RV Park does not meet zoning regulations currently in effect regarding the required minimum distance separation to residential zoning. In accordance with the current Land Development Regulations (LDR), RV Park improvements may not be developed within 300 feet of a lot or tract zoned R-0, R-1, R-3 or an UN zoning district. Currently, existing improvements are less than 300 feet to the R-1 lots directly to the south of the subject property.

Zoning and Land Use

Location	Zoning	Land Use
Subject Site	Residential, Single-Family (R-1)	RV Park
North	Residential, Single-Family (R-1)	Residential/Vacant
South	Residential, Single-Family (R-1)	Residential
East	Residential, Single-Family (R-1)	Residential
West	Residential, Single-Family (R-1)	Residential/Vacant

Interpretation of Use Classification

As changes of zoning are of a permanent nature, regardless of the present proposed land use for the properties, which will remain as an RV Park, the Planning Commission and City Council must consider all potential future land uses that will become permitted uses should the request for a change of zoning be approved. Please see Exhibit C for a comparison list of the permitted uses in the Residential, Single-Family (R-1) and Resort/Recreation (RES/REC) zoning districts.

Compatibility with Surrounding Land Use and Zoning

No proposed change to present land use. The use will remain as an RV Park. Therefore, this request does not affect compatibility with surrounding uses and zoning.

Criteria for Approval

According to Division 13.601 (C) of the Land Development Regulations, the Planning Commission may recommend approval, and City Council may grant the approval of a rezoning request if it is demonstrated that:

1. The proposed zoning is preferable to the existing zoning in terms of its likelihood of advancing the goals, objectives and policies of the City's 2011 Comprehensive Plan and other adopted neighborhood plan, special area plan, redevelopment plan, or other plan applicable to the area;
2. The proposed zoning is consistent with the future land use map of the 2011 Comprehensive Plan (a future land use map amendment may be processed concurrently with the rezoning);
3. The proposed change is consistent with the implementation of existing or pending plans for providing streets, water and wastewater, other utilities and the delivery of public services to the area in which the parcel proposed for rezoning is located;

4. The range of uses and the character of development that is allowed by the proposed zone will be compatible with the properties in the immediate vicinity of the parcel proposed for rezoning, and the parcel proposed for rezoning has sufficient dimensions to accommodate reasonable development that complies with the requirements of these Land Development Regulations, including parking and buffering requirements; and
5. The pace of development and/or the amount of vacant land currently zoned for comparable development in the vicinity suggests a need for the proposed rezoning in order to ensure an appropriate inventory of land to maintain a competitive land market that promotes economic development.

Conformance

Staff finds the request is consistent with the change of zoning approval criteria as prescribed in Section 13.601 (C) of the Land Development Regulations. The site will remain as an RV Park, hence not creating any adverse effect or incompatibility issues with existing surrounding uses.

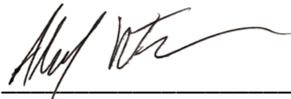
Staff Recommendation

Staff recommends the request for a change of zoning from Residential, Single-Family (R-1) to Resort/Recreation (RES/REC) be approved.

City Council

City Council has the final decision authority and will hear this request at the August 13, 2020 meeting.

Respectfully Submitted,



Adriel Montalvan
Senior Projects Manager

07/10/2020

Date



Catherine Gorman, AICP
Assistant Planning Director / HPO

07/13/2020

Date



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.



Legend

Parcels

June 11, 2020

Zoning Change Request: Galveston Island RV Resort, Lot 1R, 38.24 Acres

a/k/a 23700 San Luis Pass Rd., Galveston, TX 77554

Initially zoned as Planned Development (PD), Galveston Island RV Resort submitted and received approval of GLUP 13P-98 in February 2014 for the development of a Travel Trailer Park. A replat of the property was required prior to the issuance of a Building Permit and the property recorded the approved plat map 2014A/41 with Galveston County Clerk's Office file #2014025194. Galveston Island RV Resort was issued Building Permit COM2014-00066 In April 2014 and construction of the park began immediately thereafter. Construction of the first phase of the park was completed in March 2015.

Even though the property had an approved GLUP, Recorded Plat, Building Permit and was open for business the zoning was changed to R-1 with the approval of the 2015 Land Development Regulations. Certainly, this was done in haste and our request to have the zoning changed to RES/REC is to have this error corrected.

As for our future plans, we are not looking to change the use, we just want the property zoned correctly. Though we currently do not have anything on the drawing board, the last time we met with planning staff we wanted to add some cottages and were told zoning could be a problem. Technically speaking we can't even sell a snow cone. Planning staff has always been willing to help us get over any hurdles, but nonetheless these have been hurdles that we should not have to overcome. Additionally, we may sell the property at some point in the future and having a non-conforming zoning use could be a problem for potential buyers. Bottom line is the property should have never been zoned R-1, especially given the fact we had an approved GLUP, Recorded Plat, Building Permit and an operating business that in no form or fashion was a R-1 use when the changes went into effect. Oddly enough there is a vacant parcel very close to us on the bayfront that has RES/REC zoning. Thank you for your consideration.

Rusty Walla, Owner

Galveston Island RV Resort

Table 2.201

Permitted Uses: Agricultural and Residential Uses

P = permitted use; L = limited use; S = specific use review; "-" = prohibited use

Zoning Districts

Agricultural Land Use	R-1	RES/ REC	Use Standard
Agricultural Support	-	-	
Agriculture/Urban Farming	L	P	LIMITED
Commercial Stable	-	-	
Residential Stable	-	P	LIMITED
Veterinarian, Large Animal	-	-	
Residential Land Uses	R-1	RES/ REC	Use Standard
Accessory Dwelling Unit	L	-	LIMITED
Bed and Breakfast	-	L	LIMITED
Boarding House, Dormitory, Fraternity or Sorority	-	P	LIMITED
Child Care Facility, Day Care (Residential)	-	P	LIMITED
Community Garden	L	P	LIMITED
Cottage Food Production	P	P	State Law
Home Based Business	-	P	LIMITED
Home Based Occupation	P	P	
Hospital House Establishment	-	P	LIMITED
Live-Work Unit	-	P	LIMITED
Condominium	-	P	LIMITED
Duplex	L	P	LIMITED
Multi-Family Residential	-	P	LIMITED

Personal Care Homes (DADS)	P	P	State Law
Short Term Rental Residential Dwelling	P	P	
Single-Family Detached	P	P	LIMITED
Townhouse	-	P	
Commercial Land Uses	R-1	RES/ REC	Use Standard
Adult Day Care	-	P	LIMITED
Adult Use (SOB)	-	-	SUP
Alcoholic Beverage Sales, Liquor Store or Package	-	P	SUP
Arena / Stadium	-	P	
Auto Service/Fueling or Charging Station	-	L	LIMITED
Bar	-	P	LIMITED/ SUP
Boat Repair Facility	-	-	LIMITED
Boat Sales or Rental	-	L	LIMITED
Child Care Facility, Day Care (Commercial)	-	P	LIMITED
Cleaning / Laundry Pick-Up Station	-	P	LIMITED
Cleaning / Laundry-Mat Self Service	-	P	LIMITED
College / University / Vo-Tech	-	P	
Commercial Amusement, Indoor	-	L	LIMITED
Commercial Amusement, Outdoor	-	L	LIMITED
Commercial Lodging (Hotel)	-	L	SUP

Commercial Warehousing and Logistics	-	-	
Correctional or Rehabilitation Facility	-	-	SUP
Credit Access Business	-	-	
Family Care Facility	-	S	SUP
Fine Arts Instruction	L	P	LIMITED
Flea Market	-	L	LIMITED
Golf Carts, Sales and Service	-	L	LIMITED
Heavy Vehicle, Manufactured Home, Watercraft or Aircraft Sales or Rental	-	L	LIMITED
Homeless Shelter	-	S	SUP
Hospital	-	P	
Kennel	-	L	LIMITED
Library	-	P	
Medical Office / Clinic / Lab	-	P	LIMITED
Nursery or Greenhouse, Retail	-	P	
Nursing / Convalescent Home	-	P	LIMITED/SUP
Office	-	L	LIMITED
Outdoor Storage	-	L	Limited
Parking Lot, Commercial Surface Parking Area	-	-	LIMITED
Parking Structure or Lot Incidental to Main Use	-	L	LIMITED
Parking Structure – Mixed Use	-	L	LIMITED
Passenger Motor Vehicle Sales or Rental	-	-	LIMITED

Pawn Shop	-	-	
Personal Fitness	-	P	LIMITED
Pet Grooming Services	-	P	LIMITED
Place of Private Assembly	-	P	SUP
Place of Public Assembly	-	P	LIMITED
Private Club	-	P	SUP
Professional Services, Instruction/Counseling	-	P	LIMITED
Public Safety Facility	-	P	
Recreation Indoor	L	P	LIMITED
Recreation Outdoor	L	P	LIMITED
Recycling Center	-	L	LIMITED
Restaurant, Drive-In / Through	-	P	LIMITED
Restaurant, No Drive-In / Through	-	P	LIMITED
Retail - Big Box	-	L	LIMITED
Retail - Commercial	-	P	
RV Park	-	L	LIMITED
School, Private	-	P	LIMITED
School, Public	P	P	
Self Storage	-	-	LIMITED

Commercial Land Uses	R-1	RES/ REC	Use Standard
Shooting Range	-	P	
Short Term Rental Residential Dwelling	P	P	
Small Scale Food And Beverage Production	-	L	LIMITED
Substance Abuse Facility	-	-	SUP
Vehicle Wash	-	P	
Vending Kiosk/ATM	-	L	LIMITED
Veterinarian, Small Animal	-	P	
Wholesale	-	P	LIMITED
Industrial Land Use	R-1	RES/ REC	Use Standard
Automotive Wrecking and Salvage Yard; Junkyard; Recycling Business	-	-	
Excavation	L	L	LIMITED
Heavy Industry	-	-	LIMITED
Light Industry	-	-	LIMITED
Mining / Extraction	-	-	
Research and Testing Laboratory	-	P	
Parking and/or Multimodal Transportation Facility	-	L	LIMITED
Power Generation	-	-	
Towing Service Facility	-	-	Limited/SUP
Uses involving Radioactive Material, not including	-	-	

uses related to diagnosis and treatment of illness; and, construction applications; and, academia and scientific research			
Public/Private Land Uses	R-1	RES/ REC	Use Standard
Airport	-	-	
Cemetery	-	S	SUP
Heliport	-	-	LIMITED
Helistop	-	L	LIMITED
Marina	-	P	SUP
Port and Harbor Facilities	-	P	
Public Utility Plant	-	P	SUP
Rail Yard	-	-	
Wireless Telecommunication Facility	-	S	SUP w/ Standards