MINUTES
CITY OF GALVESTON
PLANNING COMMISSION
Regular Meeting
3:30 p.m., Tuesday, May 8, 2012
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

THESE PROCEEDINGS HAVE BEEN FULLY RECORDED AND ARE AVAILABLE IN THE PLANNING DEPARTMENT FOR REVIEW AND OR REPRODUCTION FOR THE PERIOD OF TIME REQUIRED BY THE CITY OF GALVESTON'S RECORDS RETENTION POLICY.

Members Present: Terry Conrad, David Miller, Joe Rozier, Dominick Sasser, Nathaniel Wilson, Council Member Elizabeth Beeton

Members Absent: Willy Gonzalez, Johnny Smecca

Department Staff Present: Wendy ODonohoe, Director; Lori Feild Schwarz AICP, Assistant Director/HPO, Catherine Gorman AICP, Planning Manager/Assistant HPO; Libby Stone, Coastal Development Planner; Dustin Henry, AICP, Planning GIS Analyst; Pete Milburn, Planner II; Janice Norman, Planner I; Robin Cross, Assistant City Attorney

Attendance

Attendance was taken by Staff.

Conflict of Interest

None

Approval of Minutes

Terry Conrad moved to approve the April 17, 2012 minutes. Nathaniel Wilson seconded and the following votes were cast:

In Favor:Terry Conrad, David Miller, Joe Rozier, Dominick Sasser, Nathaniel Wilson
Against:None
Abstain:
Absent:Willy Gonzalez, Johnny Smecca

The motion to approve the April 17, 2012 minutes, passed.

Old Business and associated Public Hearing:
12P-12 (22518 Kennedy Dr) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to construct a new single-family dwelling. Property is legally described as Lot 13, Section 23 of Sea Isle, a Subdivision, in the City and County of Galveston, Texas.

Applicant: Billy Stokley
Property Owner: Barry McGonigal

Staff presented a Memorandum.

Vice-Chairperson Joe Rozier opened the public hearing on Case 12P-12.

Billy Stokley, applicant, made a presentation to the Commission. See attached list for additional comments made to the Commission.

Vice-Chairperson Joe Rozier closed the public hearing on Case 12P-12 and called for questions or comments from the Commission.

Dominick Sasser moved to deny Case 12P-12. Terry Conrad seconded and the following votes were cast:

In Favor: Terry Conrad, David Miller, Dominick Sasser, Nathaniel Wilson
Against: Joe Rozier
Abstain: None
Absent: Willy Gonzalez, Johnny Smecca

The motion to deny Case 12P-12, passed.

12P-37 (527 Moody) Request for a Permanent License to Use for the placement of a dumpster in the alley. Property is legally described as the South half of lots 8 and 9 of Block 441, in the City and County of Galveston, Texas.

Applicant: Bayou Bend Construction and Development c/o Steven Schulz
Property Owner: City of Galveston

Staff presented the Staff report and reported that 29 notices of public hearing were mailed to property owners within a 200 radius of the subject property. As of May 9, 2012, none had been returned.

Vice-Chairperson Joe Rozier opened the public hearing on Case 12P-37.

Vice-Chairperson Joe Rozier closed the public hearing on Case 12P-37 and called for questions or comments from the Commission.

Terry Conrad moved to approve Case 12P-37 with Staff Recommendations. Nathaniel Wilson seconded and the following votes were cast:
In Favor:Terry Conrad, David Miller, Joe Rozier, Dominick Sasser, Nathaniel Wilson
Against:None
Abstain:None
Absent:Willy Gonzalez, Johnny Smecca

The motion to approve Case 12P-37 with Staff Recommendations, passed.

12PA-20 Recommendation to City Council regarding Public Housing for property commonly known as “Cedar Terrace”. Property is located at 2901 Ball and 2901 Church and is legally described as Blocks 269, 329, and 389 and adjacent Avenue G, in the City and County of Galveston, Texas.
Applicant: Galveston Initiative II, L.P.
Property Owner: Galveston Housing Authority

Staff presented a Memorandum.

Vice-Chairperson Joe Rozier opened the public hearing on Case 12PA-20.

Betty Massey, representative of the property owner, made a presentation to the Commission. See attached list for additional comments made to the Commission.

Vice-Chairperson Joe Rozier closed the public hearing on Case 12PA-20 and called for questions or comments from the Commission.

David Miller moved to continue Case 12PA-20 until the June 5, 2012 regular meeting. Dominick Sasser seconded and the following votes were cast:

In Favor:Terry Conrad, David Miller, Joe Rozier, Dominick Sasser, Nathaniel Wilson
Against:None
Abstain:None
Absent:Willy Gonzalez, Johnny Smecca

The motion to continue Case 12PA-20 until the June 5, 2012 regular meeting, passed.

12PA-21 Recommendation to City Council regarding Public Housing for property commonly known as “Magnolia Homes”. Property is located at 1502, 1601, and 1701 Strand/Avenue B and is legally described as Blocks 616, 617, and 675 and adjacent 17th Street, in the City and County of Galveston, Texas.
Applicant: Galveston Initiative I, L.P.
Property Owner: Galveston Housing Authority

Staff presented a Memorandum.

Vice-Chairperson Joe Rozier opened the public hearing on Case 12PA-21.
Betty Massey, representative of the property owner, made a presentation to the Commission. See attached list for additional comments made to the Commission.

Vice-Chairperson Joe Rozier closed the public hearing on Case 12PA-21 and called for questions or comments from the Commission.

David Miller moved to continue Case 12PA-21 until the June 5, 2012 regular meeting. Dominick Sasser seconded and the following votes were cast:

In Favor: Terry Conrad, David Miller, Joe Rozier, Dominick Sasser, Nathaniel Wilson
Against: None
Abstain: None
Absent: Willy Gonzalez, Johnny Smecca

The motion to continue Case 12PA-21 until the June 5, 2012 regular meeting, passed.

New Business and associated Public Hearing:

12P-38 (17600-17700 Glei - Karankawa Beach Subdivision) Request for a Beachfront Construction Certificate in order to obtain an Annual Beach Maintenance Permit to clean beach of debris and seaweed. Properties are legally described as Lots 10-21, of Karankawa Beach, a subdivision, in the City and County of Galveston, Texas.
Applicant and Property Owner: Karankawa Beach Property Owners Association % Ginger E. Gates

Staff presented the Staff report and reported that 66 notices of public hearing were mailed to property owners within a 200 radius of the subject property. As of May 9, 2012, none had been returned.

Vice-Chairperson Joe Rozier opened the public hearing on Case 12P-38.

See attached list for additional comments made to the Commission.

Vice-Chairperson Joe Rozier closed the public hearing on Case 12P-38 and called for questions or comments from the Commission.

Terry Conrad moved to approve Case 12P-38 with Staff Recommendations and the following changes:

1. Change the condition 9: Ensure that there is a certified turtle monitor present to observe the work and add condition 12: ensure that all public access is maintained by the subdivision.

Dominick Sasser seconded and the following votes were cast:

In Favor: Terry Conrad, David Miller, Joe Rozier, Dominick Sasser, Nathaniel Wilson
Against: None
The motion to approve Case 12P-38 with staff recommendations and changes, passed.

**12P-39 (4161 Pointe West Drive-Pointe West Subdivision)** Request for a Beachfront Construction Certificate/Dune Protection Permit in order to obtain an Annual Beach Maintenance Permit to clean beach of debris and seaweed. Property is legally described as Abstract 121, Villas at Pointe West Condos (2006), Common Area, Pointe West, Section 2-A (2007) Common Area J (0-10), Acres 20.895 and Phase 3 (2007) Common Area A (0-1), Acres 27.945, Pointe West Section 1 (2005), Beach Area (0-11), Acres 31.907, of Pointe West Subdivision, a Subdivision, in the City and County of Galveston, Texas.

Applicant and Property Owner: Property Owners Association of Pointe West % Michael Shadle

Staff presented the Staff report and reported that 225 notices of public hearing were mailed to property owners within a 200 radius of the subject property. As of May 9, 2012, none had been returned.

Vice-Chairperson Joe Rozier opened the public hearing on Case 12P-39.

See attached list for additional comments made to the Commission.

Vice-Chairperson Joe Rozier closed the public hearing on Case 12P-39 and called for questions or comments from the Commission.

Terry Conrad moved to approve Case 12P-39 with Staff Recommendations and the following changes:

1. Change to Condition 9: ensure that there is a certified turtle monitor present to observe the work and add condition 12: ensure that all public access is maintained by the subdivision.

Vice-Chairperson Joe Rozier seconded and the following votes were cast:

In Favor: Terry Conrad, David Miller, Joe Rozier, Dominick Sasser, Nathaniel Wilson
Against: None
Abstain: None
Absent: Willy Gonzalez, Johnny Smecca

The motion to approve Case 12P-39 with staff recommendations and changes, passed.

**12P-40 (19320 San Luis Pass Road – Silverleaf Resort)** Request for a Beachfront Construction Certificate/Dune Protection Permit in order to obtain an Annual Beach Maintenance Permit to clean beach of debris and seaweed. Property is legally described as Hall & Jones Survey Common Area (0-1), Silverleafs Seaside Resort, Sections 1 and 3, a Subdivision, in the City and County of Galveston, Texas.

Applicant and Property Owner: Silverleaf Resorts, Inc. % Andrea S. Madison, Director of Planning
Staff presented the Staff report and reported that 11 notices of public hearing were mailed to property owners within a 200 radius of the subject property. As of May 9, 2012, none had been returned.

Vice-Chairperson Joe Rozier opened the public hearing on Case 12P-40.

Andrea Madison, representative for applicant, made a presentation to the Commission.

Vice-Chairperson Joe Rozier closed the public hearing on Case 12P-40 and called for questions or comments from the Commission.

David Miller moved to approve Case 12P-40 with Staff Recommendations and the following changes:

1. Change to condition 9: ensure that there is a certified turtle monitor present to observe the work and add condition 12: ensure that all public access is maintained by the subdivision.

Vice-Chairperson Joe Rozier seconded and the following votes were cast:

In Favor: Terry Conrad, David Miller, Joe Rozier, Dominick Sasser, Nathaniel Wilson
Against: None
Abstain: None
Absent: Willy Gonzalez, Johnny Smecca

The motion to approve Case 12P-40 with staff recommendations and changes, passed.

12P-42 (719 59th Street) Request for a General Land Use Plan for the construction of a structure in conjunction with the land use “Office, professional or general business” in a Light Industrial, Gateway Development Zone, Zone 1 (LI-GDZ-1) zoning district. Property is legally described as Hall and Jones Survey, part of Lot 8 (8-11), Trimble and Lindsey Section 1, a subdivision in the City and County of Galveston, Texas.

Applicants and Property Owners: Mark Diaz and Charles Kaufman

Staff presented the Staff report and reported that 19 notices of public hearing were mailed to property owners within a 200 radius of the subject property. As of May 9, 2012, none had been returned.

Vice-Chairperson Joe Rozier opened the public hearing on Case 12P-42.

Charles Kaufman and Mark Diaz, applicant and property owner, made a presentation to the Commission.

Vice-Chairperson Joe Rozier closed the public hearing on Case 12P-42 and called for questions or comments from the Commission.

David Miller moved to approve Case 12P-42 with Staff Recommendations and the following change:
1. The applicant shall install a sidewalk within the city right-of-way at the front of the property.

Vice-Chairperson Joe Rozier seconded and the following votes were cast:

- In Favor: Terry Conrad, David Miller, Joe Rozier, Dominick Sasser, Nathaniel Wilson
- Against: None
- Abstain: None
- Absent: Willy Gonzalez, Johnny Smecca

The motion to approve Case 12P-42 with Staff Recommendations and change, passed.

**12P-43 (Adjacent to 2415 Winnie/Avenue G)** Request for a Permanent License to Use the City Right-of-Way for the placement of a light pole in the 25th Street median. Adjacent property is legally described as Lots 1 thru 7, Block 324, in the City and County of Galveston, Texas.

Applicant: First Evangelical Lutheran Church ? Fred Huddleston
Property Owner: City of Galveston

Staff presented the Staff report and reported that 24 notices of public hearing were mailed to property owners within a 200 radius of the subject property. As of May 9, 2012, none had been returned.

Vice-Chairperson Joe Rozier opened the public hearing on Case 12P-43.

Fred Huddleston, applicant, made a presentation to the Commission.

Vice-Chairperson Joe Rozier closed the public hearing on Case 12P-43 and called for questions or comments from the Commission.

Nathaniel Wilson moved to approve Case 12P-43 with Staff Recommendations and the following changes:

- 1. The light shall only remain lit during church services or functions.
- 2. Eliminate the second pole located at alley and 25th Street

Vice-Chairperson Joe Rozier seconded and the following votes were cast:

- In Favor: Joe Rozier, Nathaniel Wilson
- Against: David Miller, Dominick Sasser
- Abstain: Terry Conrad
- Absent: Willy Gonzalez, Johnny Smecca

The motion to approve Case 12P-43 with Staff Recommendations and changes, failed due to lack of four (4) affirmative votes.
Terry Conrad moved to continue Case 12P-43 until the June 5, 2012 regular meeting in order to research whether any other lighting poles are installed into the right-of-way. Nathaniel Wilson seconded and the following votes were cast:

In Favor: Terry Conrad, David Miller, Joe Rozier, Dominick Sasser, Nathaniel Wilson
Against: None
Abstain: None
Absent: Willy Gonzalez, Johnny Smecca

The motion to continue Case 12P-43 until the June 5, 2012 regular meeting, passed.

12P-44 (9402 Seawall Boulevard) Request for a Specific Use Permit in conjunction with the development of an “Amusement, Commercial (Indoor)” land use, an “Amusement, Commercial (Outdoor)” land use, and a “Resort” land use including, but not limited to the operation of a Resort, Bumper Boats, Go Cart Tracks, Laser Tag, Arcade, Kiddie Pool, Water Slides, Rope Walk, Zip Lines, and Miniature Golf in a Recreation, within Zone 4 of the Seawall Development Zone, and Zone 5 of the Height and Density Development Zone (REC-SDZ-4-HDDZ-5) zoning district. Property is legally described as Part of Lots 293 thru 396 & Adjacent Abandoned Road (295-1), Trimble & Lindsey Section 1, in the City and County of Galveston, Texas.

Applicant: Michael Gaertner Architects
Property Owner: Jungle Surf Partners, LP

Staff presented the Staff report and reported that 228 notices of public hearing were mailed to property owners within a 200 radius of the subject property. As of May 9, 2012, none had been returned.

Vice-Chairperson Joe Rozier opened the public hearing on Case 12P-44.

Michael Gaertner, applicant, made a presentation to the Commission. Please see attached list for additional comments made to the Commission.

Vice-Chairperson Joe Rozier closed the public hearing on Case 12P-44 and called for questions or comments from the Commission.

Terry Conrad moved to recommend approval of Case 12P-44 with Staff Recommendations and the following changes:

1. Bumper boats shall be omitted from the request;
2. Only one go cart track shall be permitted (track #2 as depicted on the site plan);
3. Hours of operation shall be until 10 p.m. Sunday through Thursday, and until 11 p.m. on Fridays, Saturdays, Memorial Day, Labor Day, and the 4th of July;
4. A fence shall be erected along the common property line between the subject property and the property to the west;

David Miller seconded and the following votes were cast:
In Favor: Terry Conrad, David Miller, Dominick Sasser, Nathaniel Wilson
Against: Joe Rozier
Abstain: None
Absent: Willy Gonzalez, Johnny Smecca

The motion to recommend approval of Case 12P-44 with Staff Recommendations and changes, passed.

**12P-45 (712 7th Street)** Request for a Specific Use Permit in order to operate a “Cafeteria or restaurant” land use in the Neighborhood Services (NS) zoning district. Property is legally described as Lots 1 and 2, Block 306, in the City and County of Galveston, Texas.

Applicant and Property Owner: Claude A Chmielewski

Staff presented the Staff report and reported that 30 notices of public hearing were mailed to property owners within a 200 radius of the subject property. As of May 9, 2012, none had been returned.

Vice-Chairperson Joe Rozier opened the public hearing on Case 12P-45.

Claude Chmielewski, applicant and property owner, made a presentation to the Commission.

Vice-Chairperson Joe Rozier closed the public hearing on Case 12P-45 and called for questions or comments from the Commission.

David Miller moved to recommend approval of Case 12P-45 with Staff Recommendations. Dominick Sasser seconded and the following votes were cast:

In Favor: Terry Conrad, David Miller, Joe Rozier, Dominick Sasser, Nathaniel Wilson
Against: None
Abstain: None
Absent: Willy Gonzalez, Johnny Smecca

The motion to recommend approval of Case 12P-45, with Staff Recommendations, passed.

The meeting adjourned at 7:55 p.m.