



City of Galveston

MINUTES OF THE PLANNING COMMISSION OF THE CITY OF GALVESTON
REGULAR MEETING – April 21, 2020

CALL MEETING TO ORDER

The meeting was called to order at 1:33 p.m.

ATTENDANCE

Members Present via Videoconference: Jeff Antonelli, Cate Black, Lisa Blair, 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, Coastal Resource Assistant Manager; Daniel Lunsford, Planner; Karen White, Planning Technician; Donna Fairweather, Assistant City Attorney

CONFLICT OF INTEREST

None

APPROVAL OF MINUTES

The March 3, 2020 minutes were approved as presented.

COVID-19 UPDATE

Staff updated the Commission and the public on the City's steps to reduce the spread of COVID-19.

MEETING FORMAT

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

PUBLIC COMMENT

Eugene Cook presented to the Commission regarding ongoing measures to reduce the spread of COVID-19.

CONSENT AGENDA

BEACH MAINTENANCE – PARK BOARD OF TRUSTEES

19BF-085 - (R.A. Appfel East Beach Park, 1923 Boddeker Rd.) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to conduct annual beach maintenance. Property is legally described as follows: Abst 628 M Menard Sur Tr 62 230.840 Acres, a subdivision in the City and County of Galveston, Texas.

Applicant: Galveston Park Board of Trustees c/o Rueben Trevino

Property Owner: City of Galveston

19BF-087 - (Seawall Urban Park, 1400 Seawall Blvd – 8900 Seawall Blvd.) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to conduct annual beach maintenance. Property is legally described as follows: Seawall Urban Park, in the City and County of Galveston, Texas.

Applicant: Galveston Park Board of Trustees c/o Rueben Trevino

Property Owner: City of Galveston

19BF-088 - (Dellanera Park, 10901 San Luis Pass Rd.) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to conduct annual beach maintenance. Property is legally described as follows: Abst 121 Page 75 PT of Lots 441, 442 & Adj Road (442-1), Trimble & Lindsey Sec 1; Abst 121 Page 75 Pt of Lot 441 (441-1), Trimble & Lindsey Sec 1; and Abst 121 Page 75 Pt of Lot 422 (422-1), Trimble & Lindsey Sec 1, a subdivision in the City and County of Galveston, Texas.

Applicant: Galveston Park Board of Trustees c/o Rueben Trevino

Property Owner: City of Galveston

Staff presented the consent agenda.

Carol Hollaway requested that case 19BF-086 be considered separately.

Chairperson Cate Black called for questions or comments from the Commission.

Chairperson Cate Black made a motion to approve cases 19BF-085, 19BF-087, and 19BF-088 with staff's recommendations and the following change:

- The Park Board's Best Practices document be included with the action letter.

Jeff Antonelli seconded, and the following votes were cast:

In favor: Antonelli, Black, Blair, Brown, Cook, Hill, Hollaway

Opposed: None

Abstain: None

Non-voting participant: CM Listowski (Ex-Officio)

The motion passed.

19BF-086 - (Stewart Beach, 201 Seawall Blvd.) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to conduct annual beach maintenance and to redistribute stockpiled sand. Property is legally described as follows: Abst 628 Page 141 & 142 M Menard Sur TR 59 7.909 Acrs; Abst 628 M B Menard Sur (241-0-0) Blk 241 Galveston; Abst 628 M B Menard Sur (242-0-0) Blks 242 & Pt of 243 Galveston; Abst 628 M B Menard Sur (242-0-0) Blks 242 & Pt of 243 Galveston; Abst 628 M B Menard Sur (183-0-0) Blk 183 Galveston; Abst 628 M B Menard Sur (182-0-0) Blk 182 Galveston; Abst 628 M B Menard Sur (181-0-0) Blk 181 Galveston; Abst 628 M B Menard Sur (121-0-0) Blk 121 Galveston; Abst 628 M B Menard Sur (122-0-0) Blk 122 Galveston; Abst 628 M B Menard Sur (123-0-0) Blk 123 Galveston, a subdivision in the City and County of Galveston, Texas.

Applicant: Galveston Park Board of Trustees c/o Rueben Trevino

Property Owner: City of Galveston

Staff presented the staff report.

Chairperson Cate Black called for questions or comments from the Commission.

Carol Hollaway made a motion to continue case 19BF-086 until the regular meeting of May 5, 2020 in order to review newly submitted materials. Vice-Chairperson Jeffrey Hill seconded, and the following votes were cast:

In favor: Antonelli, Black, Blair, Brown, Cook, Hill, Hollaway

Opposed: None

Abstain: None

Non-voting participant: CM Listowski (Ex-Officio)

The motion passed.

BEACH MAINTENANCE – EXTREME INUNDATION

20BF-006 - (Pirates Beach & Pirates Beach West) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to perform annual beach maintenance. The properties are legally described as

follows: ABST 121 Page 45 & 46 S PT of Lots 1,14,15,30,31,46,47,58,59,68,69 & 78 (1-2), Trimble & Lindsey Sec 3; ABST 121 Page 41 PT of Lots 98,99,108 & 109 (98-1) & ABND STS, Trimble & Lindsey Sec 3, subdivisions in the City and County of Galveston, Texas.

Applicant: Susan L. Gonzalez, Manger & Managing Agent for Pirates POA

Property Owner: Pirates Property Owners Association, c/o CKM Management, Inc.

20BF-017 - (Riviera I, Riviera II, West Beach Grand Condos) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to perform annual beach maintenance. The property is legally described as follows: Tracts A and C, and Lot 1, West Beach Grand Condo and Interest in Common Elements, a subdivision in the City and County of Galveston, Texas.

Applicant: Brittini Gualandri / Peggy Rapp

Property Owner: Riviera I, Riviera II, West Beach Grand Council of Co-Owners

20BF-019 - (Kahala Beach Estates) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to perform annual beach maintenance. The property is legally described as follows: Lot 1, Blk 1, Kahala Beach Estates through Lot 20, Blk 1, Kahala Beach Estates Addn, a subdivision in the City and County of Galveston, Texas.

Applicant: Rapp Management Co., c/o Brittini Gualandri

Property Owner: Kahala Beach Estates Home Owners Association, Inc. c/o Rapp Management Co., Inc.

20BF-021 - (Spanish Grant Subdivision) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to perform annual beach maintenance. The property is legally described as follows: Lots 1-11 and Reserve 2 (0-2), Section 11 and Lots 1-10 and 18, 19, 42, 43, and Reserve 2 (0-2), of Spanish Grant a subdivision in the City and County of Galveston, Texas.

Applicant: Peggy Zahler & Carolyn Bilski

Property Owner: Spanish Grant Civic Assoc c/o Peggy Zahler

20BF-022 - (Terramar Beach Subdivision) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to perform annual beach maintenance. The property is legally described as follows: Lots 1-17, Section 5, and Lots 1-25, Section 1, of Terramar Beach a subdivision in the City and County of Galveston, Texas.

Applicant: Terramar Beach Community Improvement Association (TBCIA), c/o Craig Vance

Property Owner: Terramar Beach Community Improvement Assn

Staff presented the consent agenda.

Chairperson Cate Black called for questions or comments from the Commission.

Carol Hollaway made a motion to approve cases 20BF-006, 20BF-017, 20BF-019, 20BF-021, and 20BF-022 with staff's recommendations. Bob Brown seconded, and the following votes were cast:

In favor: Antonelli, Black, Blair, Brown, Cook, Hill, Hollaway

Opposed: None

Abstain: None

Non-voting participant: CM Listowski (Ex-Officio)

The motion passed.

BEACH MAINTENANCE – BEACH CLEANING

20BF-003 - (Palisade Palms Condominiums, 801 E. Beach Drive) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to conduct annual beach maintenance. The property is legally described as follows: Abst 628 M Menard Sur Lot 3 (5-0), Palisade Palms Replat (2008), a subdivision in the City and County of Galveston, Texas.

Applicant: Ron Gwin

Property Owner: East Beach Project Phase 1, Ltd.

20BF-010 - (The Galvestonian) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to perform annual beach maintenance. The property is legally described as follows: ABST 628 M Menard Sur Unit #301 Galveston Condo & .5449 % Common Element Galvez East, a subdivision in the City and County of Galveston, Texas.

Applicant: Sunrise Beach Cleaning, Santiago Mejia

Property Owner: The Galvestonian, c/o Silvia Aguirre

20BF-011 - (Sandhill Shores Subdivision) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to conduct annual beach maintenance. Properties are legally described as follows: ABST 121 Page 18, 19 & 22, Hall & Jones Sur TR 37-1, 41.982 Acres, a subdivision in the City and County of Galveston, Texas.

Applicant: Sunrise Beach Cleaning, Santiago Mejia

Property Owner: Sandhill Shores Property Owners Association Inc.

20BF-012 - (Pointe West Subdivision) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to conduct annual beach maintenance. The property is legally described as follows: Pointe West Sec 1 (2005), Beach Area (0-11), Pointe West Sec 2-A (2007), Common Area J (0-10), a subdivision in the City and County of Galveston, Texas.

Applicant: Sunrise Beach Cleaning, Santiago Mejia

Property Owner: Property Owners Association of Pointe West, c/o Deborah Hassell

Staff presented the consent agenda.

Chairperson Cate Black called for questions or comments from the Commission.

Jeff Antonelli made a motion to approve cases 20BF-003, 20BF-010, 20BF-011, and 20BF-012 with staff's recommendations. Bob Brown seconded, and the following votes were cast:

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

The motion passed.

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

BEACHFRONT

20P-006 (12618 W Buena Vista 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 Reserve 2 (0-2) Spanish Grant, Sec 11, a Subdivision in the City and County of Galveston, Texas.

Applicant: Sandcastle Construction, Ronnie Hansen

Property Owner: Mike & Sandra Chambers

Staff presented the staff report.

Chairperson Cate Black called for questions or comments from the Commission.

Jeff Antonelli made a motion to approve case 20P-006 with staff's recommendations. Eugene seconded, and the following votes were cast:

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

The motion passed.

20P-008 (11 Grand Beach Blvd) Request for a Beachfront Construction Certificate/Dune Protection Permit in order to construct a single-family dwelling, driveway, and perimeter fence. Property is legally described as Lot 17, Block 1, The Preserve at Grand Beach (2014), a Subdivision in the City and County of Galveston, Texas.

Applicant: Galveston Custom Homes, Tom Tran

Property Owner: John & Ann Nguyen

Staff presented the staff report.

Chairperson Cate Black called for questions or comments from the Commission.

Carol Hollaway made a motion to approve case 20P-008 with staff's recommendations. Chairperson Cate Black seconded, and the following votes were cast:

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

The motion passed.

20P-011 (11205 Bernice) 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 12R (12-0) Replat of Lots 12 & 17, Block 5, Sunny Beach Extension, a Subdivision in the City and County of Galveston, Texas.

Applicant: Curtis Meritt
Property Owner: Lee Nicholas

Staff presented the staff report.

Chairperson Cate Black called for questions or comments from the Commission.

Carol Hollaway made a motion to approve case 20P-011 with staff's recommendations. Vice-Chairperson Jeffrey Hill seconded, and the following votes were cast:

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

The motion passed.

20P-014 (24313 San Luis Road/FM 3005) 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 2, Kristiansand Beach (2012), a Subdivision in the City and County of Galveston, Texas.

Applicant: DE Custom Homes Inc., Doug Ender
Property Owner: Richard and Karen Killmartin

Staff presented the staff report.

Chairperson Cate Black called for questions or comments from the Commission.

Bob Brown made a motion to approve case 20P-014 with staff's recommendations. Chairperson Cate Black seconded, and the following votes were cast:

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

The motion passed.

LANDMARK DESIGNATION

20P-009 (1521 Broadway/Avenue J) Request for designation as a Galveston Landmark. Property is legally described as the east 25 feet and 10 inches of Lot 2 and west 28 feet and seven inches of Lot 3 (2-1), Block 135, in the City and County of Galveston, Texas.

Applicant: Susan Cutaia
Property Owners: Louis and Susan Cutaia, 1521 Broadway, LLC.

Staff presented the staff report.

Chairperson Cate Black called for questions or comments from the Commission.

Chairperson Cate Black made a motion to recommend approval of case 20P-009 with staff's recommendations. Bob Brown seconded, and the following votes were cast:

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

The motion passed.

LICENSE TO USE

20P-007 (Adjacent to 2 Hammock Trail) Request for a License to Use for one front stair and part of a retaining wall constructed in the right of way. Adjacent property is legally described as Lot 134, Evia Phase One (2005), a Subdivision, in the City and County of Galveston, Texas.

Applicant: Ted Shook

Adjacent Property Owners: Karen Flowers and Ted Shook

Easement Holder: City of Galveston

Staff presented the staff report and noted that of forty (40) notices of public hearing sent, two (2) were returned in favor.

Chairperson Cate Black called for questions or comments from the Commission.

Jeff Antonelli made a motion to approve case 20P-007 with staff's recommendations. Chairperson Cate Black seconded, and the following votes were cast:

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

The motion passed.

20P-012 (Adjacent to 1602 16th Street) Request for a License to Use in order to place an elevated deck in the right-of-way. Adjacent property is legally described as M.B. Menard Survey, North One-Half of Lot 1 (3001-1), Southeast Block 46, Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: James Pope

Adjacent Property Owner: James Pope

Easement Holder: City of Galveston

Staff presented the staff report and noted that of forty (20) notices of public hearing sent, three (3) had been returned in favor and one (1) had been returned without comment.

Staff presented the applicant's prepared statement, Vice-Chairperson Jeffrey Hill's question for the applicant, and the applicant's response to Vice-Chairperson Jeffrey Hill's question (attached).

Chairperson Cate Black called for questions or comments from the Commission.

Vice-Chairperson Jeffrey Hill made a motion to deny case 20P-012. Chairperson Cate Black seconded, and the following votes were cast:

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

The motion passed.

20P-013 (Adjacent to 1928 Avenue K) Request for a License to Use in order to place HVAC equipment and a screening fence in the right-of-way. Adjacent property is legally described as M.B. Menard Survey, South 80 Feet of Lot 14 (14-1), Block 139, in the City and County of Galveston, Texas.

Applicant: Brian Broesche

Adjacent Property Owner: Brian Broesche

Easement Holder: City of Galveston

Staff presented the staff report.

Staff presented the applicant's prepared statement, Vice-Chairperson Jeffrey Hill's question for the applicant, and the applicant's response to Vice-Chairperson Jeffrey Hill's question (attached).

Chairperson Cate Black called for questions or comments from the Commission.

Carol Hollaway made a motion to deny case 20P-013 per staff's recommendation. Chairperson Cate Black seconded, and the following votes were cast:

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

The motion passed.

DISCUSSION AND ACTION ITEMS

THE MEETING ADJOURNED AT 4:02 PM

Planning Commissioner Questions
April 21, 2020

Case Number	Question	Answer
Beach Maintenance	<p>CH: All cases pertaining to beach maintenance permits are missing the referenced Galveston Park Board of Trustee's "Best Practices for Beach Maintenance." This document is either referenced in the applicant's narrative, as is the case with the Park Board's applications, or by the GLO in their comment letter and subsequent conditions. Would you please make this document available to the Planning Commissioners as well as to the applicants? I believe that any referenced document that is part of conditions specified for approval should be included in the applicants' case packets to make them complete.</p>	<p>The "Best Practices" document was emailed to the Commission on 4/16.</p>
	<p>JH: Clarification regarding "The applicant must minimize the raking of the beach to only when the influx of materials is heavy enough to impact the public's ability to use the public beach easement and may not rake the beach for aesthetic purposes, as proposed." How does the GLO define what is "heavy enough" to impact the public's ability to use the public beach easement?</p>	<p>There is not a definition to determine what 'heavy' means in a GLO or City guide.</p> <p>The definition is broad in order for each coastal city and Planning Commission to determine what 'heavy' means for their community by exercising their professional judgement.</p> <p>Example: Can the public and city emergency and/or maintenance crews access the beach? Can the public walk over the seaweed or debris?</p> <p>The GLO intention is for beach maintenance to occur to remove an influx of seaweed or debris in order for the public to access the beach - not to maintain for aesthetic purposes only.</p>
19BF-085	<p>CH: Pages 4 and 5 of the GLO comment letter is missing.</p>	<p>An updated staff report has been uploaded to Agenda Center.</p>
20P-006	<p>JH: Per Specific Condition 3.a., "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."</p>	<p>The site plan provided indicates a fibercrete driveway, which is permitted.</p> <p>The plans provided indicate the stairs will be located beneath the roof of the habitable structure. Therefore, the proposed fibercrete beneath the stairs is a permitted activity.</p>

	<p>On the plans submitted, I see fibercrete under the stairway and a paved concrete driveway. Is the applicant fully aware of the changes we are asking for and set to comply with same?</p>	
	<p>CB: Case 20P-006 has both fibercrete and concrete driveways shown (looks like they corrected one but not the other, or the other should have been removed?)</p>	<p>See above. The site plan indicating concrete was part of the original submittal and has since been revised to specify fibercrete. The original site plan has been removed from the packet so as to prevent confusion.</p>
<p>20P-012</p>	<p>JH: I share the concerns of Chiefs Hale and Olsen. For the applicant: is there some reason he cannot use a temporary scaffolding/ladder when he needs to make repairs or shutter for storms? Why is he adding a permanent structure for such infrequent uses? Can the applicant add any information that might convince me that we should allow this?</p>	<p>From Applicant: It would be difficult to obtain a temporary LTU from the city for the ROW use at short notice. Cost of scaffolding, man lift or even finding affordable contractor just before a storm is difficult as we learned for hurricane Ike. At 62 years of age I would not feel safe on a 25 ladder attempting to securing plywood on the windows. As an essential employee (E-1) for the City of Galveston it might also be difficult to remove myself from needed tasks during that time.</p> <p>The small walk extension from the porch will be permanent. A minimal foot print over the sidewalk allowing me access. My home is across from Austin Middle School. School children stand near and under my home daily (when school is in session) finding some shade or cover from the rain waiting on parents or rides. That small over hang would even help them. Even the GISD police officer stands there when he's not providing traffic control. Respectfully I would ask your favorable approval.</p>
<p>20P-013</p>	<p>JH: Can the applicant demonstrate in a sufficient manner that locating the HVAC unit in the backyard is unfeasible? An a/c simply being beside a master bedroom or living room is not sufficient reason to push a unit into a ROW. People all over the city have a/c units outside their bedrooms.</p>	<p>From Applicant: I can try to get pictures if you like, but I need to get back over there to take them. The right side of the house has a walkway that leads up to the side door that the A/c would Block. Behind the side door and still on the right side of the house, it would be in the way of the pathway to the backyard. There is only a 4 foot space between the carport and the house. On the back of the house there will be stairs coming down off of the rear door on one side and the electrical meter is on the other side of the house. I hope this helps. Thanks</p>