



# City of Galveston

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

## CALL MEETING TO ORDER

The meeting was called to order at 3:40 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: Catherine Gorman, AICP, Assistant Director/HPO

Staff Present via Telephone: Tim Tietjens, Development Services Director; Dustin Henry, AICP, Coastal Resource Manager; Virginia Greb, Assistant Coastal Resource Manager; Adriel Montalvan, Senior Project Manager; Karen White, Planning Technician; Donna Fairweather, Assistant City Attorney

## CONFLICT OF INTEREST

None

## APPROVAL OF MINUTES

The June 16, 2020 minutes were approved as presented.

## MEETING FORMAT

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

## PUBLIC COMMENT

Public comment (attached) was provided to the Planning Commission via email.

## 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 the staff report.

Jeff Antonelli arrived at 3:58 p.m.

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

Carol Hollaway made a motion to approve case 20P-010 with staff's recommendations and the following changes:

Specific Conditions:

5. Both rear porches shall be omitted; and
6. In the event of damage to dune vegetation, the applicant shall be responsible for restoration to the satisfaction of city staff and the Texas General Land Office.

Vice-Chairperson Jeffrey Hill seconded.

Carol Hollaway withdrew her motion.

Chairperson Cate Black made a motion to deny case 20P-010 because of her determination that there is enough space on the lot to build a home without encroaching into the Dune Conservation Area. Jeff Antonelli seconded, and the following votes were cast:

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

**The motion passed.**

#### **NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS**

**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

Staff presented the staff report and noted that of fifty-one (51) notices of public hearing sent, zero (0) had been returned in favor, seven (7) had been returned in opposition, and one (1) had been returned without comment.

Chairperson Cate Black opened the public hearing on case 20P-021. Applicant Russell J. Walla presented to the Commission. The public hearing was closed and the Chairperson called for questions or comments from the Commission.

Vice-Chairperson Jeffrey Hill made a motion to recommend denial of case 20P-021 because of her determination that the application did not satisfy the criteria for approval from Division 13.601 (C) of the Land Development Regulations, specifically:

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.

Carol Hollaway seconded, and the following votes were cast:

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

**The motion failed due to a lack of four affirmative votes.**

Chairperson Cate Black made a motion to recommend approval of case 20P-021 with staff's recommendations. Carol Hollaway seconded, and the following votes were cast:

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

Absent: None  
Non-voting participant: CM Listowski (Ex-Officio)

**The motion failed due to a lack of four affirmative votes. Due to the two failed motions, the request will be forwarded to City Council without a recommendation.**

**DISCUSSION AND ACTION ITEMS**

- Planning Commission Awards (Staff)

**THE MEETING ADJOURNED AT 5:56 PM**



**COMMISSIONER QUESTIONS**

Case 20P-010	
Commissioner Questions	Staff Responses
<p><b>Commissioner Brown:</b> Public Works comments that the current two inch water line cannot support an additional connection for this project. How is the applicant to address this? He cannot go without water and installing a larger water line would be would incur a large expense, one that the subdivision developer should probably take on instead of a homeowner. I am unclear as to what the alternative solution would be for the applicant.</p>	<p><b>Staff:</b> The issues addressed by Public Works and the Fire Marshal are the responsibility of the developer and/or applicant to resolve. The issues addressed by Public Works and the Fire Marshal are not within the beachfront purview. Coastal Resources staff encouraged the applicant to schedule a pre-development meeting with city staff in order to prepare for issues other departments may have during the review process. The application will be reviewed by multiple city departments after the beachfront review is complete. Although not related to the Beachfront Construction Permit, these issues are noted to document that the applicant has been made aware of them early in the permitting process.</p>
<p><b>Commissioner Brown:</b> Fire Marshall comments that an all-weather access road must be installed. Same comment as above. How can the applicant be expected to pay for a road that benefits the subdivision as a whole in order to get his project built. Again this should be the responsibility of the developer. Does the applicant have a solution to this and the above requirement for this project to go forward?</p>	<p><b>Staff:</b> The issues addressed by Public Works and the Fire Marshal are the responsibility of the developer and/or applicant to resolve. The issues addressed by Public Works and the Fire Marshal are not within the beachfront purview. Coastal Resources staff encouraged the applicant to schedule a pre-development meeting with city staff in order to prepare for issues other departments may have during the review process. The application will be reviewed by multiple city departments after the beachfront review is complete. Although not related to the Beachfront Construction Permit, these issues are noted to document that the applicant has been made aware of them early in the permitting process.</p>
<p><b>Commissioner Brown:</b> The deck on the south side is 7' from the "North Toe of the Critical Dune Area, which is prohibited without an exemption" and it lies within the Dune Conservation Area. Staff finds that this deck projection does not meet the criteria for exemption as described in the Erosion Response Plan. (here's where I get confused) Upon studying the ERP, I gathered that any structure within or south of the Dune Conservation Area, which includes land within 25' of the north toe of the dune, needs an exemption for construction within that Area (page 13,14,15 of the ERP). The site plan provided for case 20P-010 shows that half of the proposed house (including the deck) is within 25' of the north toe of the dune. So, are we saying that there is "no practical alternative to the construction" of the main house in the Dune Conservation Area (warranting an exemption for that part of the main house) but there is an alternative to the deck on the south side - just remove it because it's not necessary for habitation or, have I misunderstood</p>	<p><b>Staff:</b> The applicant is waiting for Planning Commission action in order to move forward with this project. The applicant discussed this project with multiple city departments and submitted multiple revisions to city staff. Coastal Resources staff informed the applicant 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 NTD of the Critical Dune Area without an exemption. The applicant submitted the exemption request in response to city and state regulations. This is the proposal the applicant is presenting to the Commission after receiving comments from city and state staff. The Planning Commission may add a condition to address any application issues. Example: the applicant shall submit revised plans indicating no construction will occur within 25-feet landward of the NTD (this includes decks and the single-family dwelling OR the applicant shall submit revised drawings</p>

<p>something? (By removing the southernmost line of pilings that support the deck that lies 7' from the dune, only 5-1/2' is gained (per "Pile Ground Layout" in staff report), leaving ground construction 12-1/2' from the north toe of the dune.)</p>	<p>indicating the uncovered and covered deck will be removed as they are not necessary for habitation.</p> <p>Staff asked the applicant to provide the proposed piling distances from the NTD. Please see the applicant response below:</p> <ol style="list-style-type: none"> <li>1. The distance from the NTD to the pilings beneath the uncovered deck. <b>7 feet</b></li> <li>2. The distance from the NTD to the pilings beneath the covered deck. 7 feet + 5 feet 5 inches = <b>12 feet 5 inches</b></li> <li>3. The distance from the NTD to the pilings beneath the single-family dwelling. 7 feet + 5 feet 5 inches + 8 feet 6 inches = <b>20 feet 11 inches</b></li> </ol>
<p><b>Commissioner Hollaway:</b> The applicant states the following in a letter to the City dated REVISED 07/02/2020:</p> <p>"There will not be buildings or pavement south of the 25' line from the NTD."</p> <p>As I review the plans and drawings it appears that approximately 30-40% of the structure itself lies within the Dune Protection Line, 25' north of the NTD.</p>	<p><b>Staff:</b></p> <p>Paving: (Staff Report – pg. 2)          The applicant is proposing fibercete 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.</p> <p>Structure: (Staff Report – pg. 2)          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. (Staff Report – page 2.)</p> <p>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.</p> <p><u>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:</u></p> <ul style="list-style-type: none"> <li>• <u>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</u></li> </ul>

	<p><u>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.</u></p> <p><u>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.</u></p>
<p><b>Commissioner Hollaway:</b> Are you expecting the applicant to revise their drawings to comply with their statement of July 2? Am I misinterpreting the drawings?</p>	<p><b>Staff:</b>          Specific Conditions to Case 20P-010: (Staff Report – pg. 5)</p> <ol style="list-style-type: none"> <li>1. The applicant shall submit revised plans indicating the proposed uncovered deck will not disturb the Dune Conservation Area;</li> </ol> <p>The applicant is waiting for Planning Commission action in order to move forward with this project. The applicant discussed this project with multiple city departments and submitted multiple revisions to city staff. Coastal Resources staff informed the applicant 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 NTD of the Critical Dune Area without an exemption. The applicant submitted the exemption request in response to city and state regulations. <u>This is the proposal the applicant is presenting to the Commission after receiving comments from city and state staff.</u></p> <p>The Planning Commission may add a condition to address any application issues.          Example: the applicant shall submit revised plans indicating no construction will occur within 25-feet landward of the NTD (this includes decks and the single-family dwelling) OR the applicant shall submit revised drawings indicating the uncovered and covered deck will be removed as they are not necessary for habitation.</p>

	<p>Staff requested the applicant to provide the proposed piling distances from the NTD. Please see the applicant response below:</p> <ol style="list-style-type: none"> <li>1. The distance from the NTD to the pilings beneath the uncovered deck. (7 feet)</li> <li>2. The distance from the NTD to the pilings beneath the covered deck. (7 feet + 5 feet 5 inches = <u>12 feet 5 inches</u>)</li> <li>3. The distance from the NTD to the pilings beneath the single-family dwelling. (7 feet + 5 feet 5 inches + 8 feet 6 inches = <u>20 feet 11 inches</u>)</li> </ol> <p>Contact the coastal resources division if you have questions or require additional clarification.          We are happy to help.</p>
<b>Case 20P-021</b>	
<b>Commissioner Questions</b>	<b>Staff Responses</b>
<p><b>Commissioner Brown:</b> I have one question regarding the other agenda item # 20P-021. If approved, and zoning is changed to RES/REC will any subsequent development on the applicants property be restricted to maintain a 300' setback for a buffer from the south, east and north property lines where they abut R-1 neighborhoods?</p>	<p><b>Staff:</b> If approved, the use will remain nonconforming. Subsequent development in relation to the RV Park use may occur in accordance with the site plan approved as part of the GLUP process. Per the approved site plan (attached), the applicant may choose to develop an additional 39 RV pad sites on the southeast portion of the property, which will be less than 300 feet from the surrounding R-1 lots. Any other development not associated with the approved GLUP will be subject to applicable regulations in the RES/REC zoning district, and may require replatting the lot.</p>
<p><b>Commissioner Hill:</b> I have a couple of further historical questions on #20P-21 for staff. Pre-LDRs, was a GLUP used in a similar manner as a PUD is used now? In other words, for a specific development within stated parameters. I'm trying to determine if the land in question could be used for <i>anything</i> other than exactly what is stated on their approved site plan, or a more restrictive use. Pre-LDRs is this how all RV parks were approved—thru GLUP?</p>	<p><b>Staff:</b> Prior to adoption of the LDR, a GLUP was a comparable process to the PUD. The primary distinction between both processes is that the GLUP only required Planning Commission approval and the PUD requires Planning Commission review/recommendation, but City Council has the final decision authority. Like a PUD, a GLUP was approved for a specific project. The use of the land for anything else would have required another GLUP approved by the Planning Commission.</p> <p>Below is an excerpt from the 1991 Zoning Standards:</p> <p><i>Requirements for Travel Trailer Parks</i></p> <ol style="list-style-type: none"> <li>1) <i>Zoning Districts and Area:</i> <ol style="list-style-type: none"> <li>a. <i>Travel trailer parks may be located in the Planned Development (PD) district as a permitted use.</i></li> <li>b. <i>Travel trailer parks may be located as specific use pursuant to Section 29.69 (Specific Use Permits) of the Zoning Standards in the following zoning districts:                Recreation District (REC) Resort District (RES)</i></li> </ol> </li> </ol>

	<p>c. <i>All travel trailer parks shall contain a contiguous area of one (1) city block (1.8 acres minimum) in the developed areas of the City and two acres (2.0 acres minimum) in undeveloped areas. A minimum of twenty percent (20%) of the total required area shall be maintained as streets, utility easements and common area.</i></p>
<p><b>Commissioner Hollaway:</b> What are the differences in signage, lighting, setbacks, and other regulations with the change in zoning from the current R-1 designation to the proposed RES/REC designation? I understand that a variety of new uses would be compatible with the RES/REC designation but I would like to have a broader picture of what that might actually look like to the surrounding area. As an example, a “biker bar” is generally perceived as a “worst case scenario” when changes in zoning are proposed for the West End. With what regulations would a “biker bar” located on FM3005 within the applicant’s parcel be required to comply? What would the signage, lighting, and noise regulations be as compared with what is allowed now within the RV Park operating under the GLUP?</p>	<p><b>Staff:</b> Here’s a link to the Land Development Regulations (LDR): <a href="https://www.galvestontx.gov/DocumentCenter/View/8823/Land-Development-Regulations-PDF?bidId=">https://www.galvestontx.gov/DocumentCenter/View/8823/Land-Development-Regulations-PDF?bidId=</a>. The signage allotments for RES/REC are in Table 5.108. R-1 signage regulations are in Table 5.110. Lighting is in Article 7 – generally all exterior lighting must be shielded and aimed down and minimal light may encroach a property line. Setbacks for the districts are in Article 3 Addendums – R-1 is page 3-6 and RES/REC is page 3-23. Noise is regulated by City Code and is the same for all properties in the City: <a href="https://library.municode.com/tx/galveston/codes/code_of_ordinances?nodeId=PTIICOCI_CH24OFIS">https://library.municode.com/tx/galveston/codes/code_of_ordinances?nodeId=PTIICOCI_CH24OFIS</a>. A “Bar” is a permitted use in the RES/REC zoning district.</p> <p>I’ve attached the Zoning Standards – these are the regulations that the LDRs replaced in 2015. Because the property is legally non-conforming (grandfathered), the RV Park is subject to these regulations for signage and lighting. I’m pretty rusty on these regs, since we haven’t used them in 5+ years! Signage for the PD zoning district is in Section 29-82(k). Lighting is 29-106(C).</p>
<p><b>Commissioner Hollaway:</b> The current RV Park does not conform to the Limited Use requirements stipulated in the LDRs. Did the GLUP exempt the RV Park development from all the current requirements including landscaping and visual screening? How about the length of stay at the RV Park? Is that exempted too?</p>	<p><b>Staff:</b> Since the RV Park is grandfathered, it is governed by the GLUP approval and the Zoning Standards. We can’t apply current regulations to it. Standards for “Travel Trailer” – the Zoning Standards name for RV Parks – is in Section 29-87. There is a 60 day restriction on length of stay.</p>
<p><b>Commissioner Hollaway:</b> I understand that the current operation of the RV Park is nonconforming with the current LDRs. Even if the zoning change were to occur, the operation of the RV Park remains nonconforming. If I have misinterpreted the information provided, please correct me. If this is correct, what are the advantages of changing the zoning from the City’s perspective and from the applicant’s? I can speculate regarding the market advantage to the applicant, but I am having difficulty understanding how a change in zoning would be</p>	<p><b>Staff:</b> The staff uses the Criteria for Approval in developing our recommendation. In this case, we’ve found that the criteria has been met. I can’t speculate as to the applicant’s motivations.</p>

Planning Commission  
July 21, 2020

beneficial to the City since the current use would remain nonconforming.	
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**PROPERTY OWNER NOTIFICATIONS & PUBLIC COMMENT**

Case 20P-021					
In favor	Opposed	No Comment	Comments	Within 200'	Outside 200'
	X		<p><b>Jeffrey &amp; Kathy Starling:</b> We live directly across the street from subject property. We are <b>against</b> the zoning change from R1 to RES/REC. In 2014 the subject property received a General Land Use Plan special approval to operate as a RV Park only. Due to its close proximity to adjacent residential neighborhoods, there was major opposition to this decision. Homeowners were told at the time that the city had no legal recourse due to the zoning laws back then. If the zoning is changed to RES/REC, the 2015 LDR provides for 51 permitted uses, including Gas Stations, Bar, Condo, and Restaurants to name a few. This property is surrounded on 3 sides with R1 zoning, the bay is on the fourth side. There are built out neighborhoods on two sides, Bay Harbor and Miramar. Commercial activity is not appropriate for residential neighborhoods. The RV Park does not meet today's regulations for RV Parks. RV Spaces are within the 300 foot setback required from R1 residential homes. Leaving the zoning at the current R1 will limit the uses of the property to a RV Park only and prevent further disruption to our neighborhoods. Why did the applicant wait 5 years to request this change? Perhaps there are currently no plans to not vary from what was previously approved, but changing the zoning to RES/REC leaves the door open to undesirable changes in the future. We ask that the Planning Commission vote against the proposed zoning change for the welfare of the surrounding neighborhoods.</p>	X	
	X		<p><b>Martin &amp; Susan Ferron:</b> We live in the residential area to the south of the RV park and are totally <b>against</b> the proposed zoning change, for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The current R1 zoning is the right one for an area in the middle of other R1 zones, just as it has been for the last six years.</li> <li>2. A RES/REC zoning would provide the owner with too much freedom to further disrupt our neighborhood with a bar, restaurant, gas station etc.</li> <li>3. The owner states that he has no plans to use the proposed zoning, yet site preparations are clearly underway on the east side of the property.</li> </ol>	X	

			<p>4. Current regulations calling for a minimum of 300 ft of separation, between RV bays and residential homes, should be enforced as more of a priority.</p> <p>Conclusion: the current R1 zoning preserves an appropriate balance of interests between the RV park owner and the owners of many adjacent residential properties.</p>		
	X		<b>Marty Teague:</b> Reduction of home values, noise, and fuel smell	X	
	X		<p><b>Misty Ventura:</b> I am opposed to the rezoning of property located at 23700 San Luis Pass Road/FM 3005 from R-1 to RES/REC. Such a rezoning is inconsistent with the recently approved 2015 zoning map amendments. In addition, as staff correctly notes in the executive summary of their staff report, existing improvements are less than 300 feet to R-1 lots directly to the south of the subject property (i.e., the subject property does not meet current standards for compatible land uses). Changing the zoning from R-1 to RES/REC opens the door for the expansion of this incompatible use. The fact that there is "no proposed change to present land use" is not relevant and there is no guaranty that "the use will remain as an RV Park." Instead, there is a likelihood that the incompatible commercial uses will expand if the rezoning is approved.</p> <p>The request is not consistent with Section 13.601(C) because the zoning change is not compatible with the properties in the immediate vicinity of the parcel proposed for rezoning. As a property owner within 200 feet of the proposed rezoning, I respectfully request that this zoning case be denied and that this email be shared with each Planning Commissioner in advance of the planned July 21<sup>st</sup> public hearing and each City Council Member in advance of the planned August 13<sup>th</sup> public hearing.</p>	X	
		X	<b>Calvin D. Meeks:</b> N/A	X	
	X		<b>Paul Stephenson:</b> This property was zoned R-1 in 2015 for a reason, even after the RV park was underway. Please explain.	X	
	X		<b>Joe &amp; Linda Trinkle:</b> N/A	X	
	X		<b>Alan O'Neill:</b> N/A	X	
	X		<b>West Galveston Island POA:</b> The West Galveston Island Property Owners Association is against a request in zoning change for 20P-021 (23700 San Luis Pass Rd / FM 3005) from Residential Single-Family (R-1) to A Resort/Recreation (RES/REC) Zoning District. The Fifty Five Hundred Association		X

			is a member of our organization and have members, Miramar, Stravangar, Half Moon Beach) that live across the street from the RV Park. Thank you. Jerry Mohn President.		
	X		<b>Mark Garza:</b> I am concerned with the reasoning of the parcel near my residence for the submission reference above. I am opposed to the change.		X
	X		<b>Dana Kurtin:</b> I oppose the zoning change request for Galveston Island RV Resort, 23700 San Luis Pass Road. The expansion is too close to residential homes in Bay Harbor.		X
	X		<b>Lisa Porter:</b> I am the property manager for Terramar Beach CIA. We strongly object to the request for rezoning by the RV Park west of Bay Harbor. This request, if approved, will adversely affect the Terramar Beach community. There are already plenty of stores, gasoline opportunities, groceries, bars and liquor within one minute of the RV park. Please forward my comment to the planning committee. Thank you for your consideration.		X

**Totals**

**Property Owner Notices**

Returned: 8/51  
 In favor: 0/8  
 Opposed: 7/8  
 No comment: 1/8

**Public Comment**

Received: 6  
 In favor: 0/6  
 Opposed: 6/6

# **PROPERTY OWNER NOTICE RESPONSES**



# City of Galveston

DEVELOPMENT SERVICES  
823 Rosenberg, Rm 401 | Galveston, TX 77550  
planningcounter@galvestontx.gov | 409-797-3660

## NOTICE OF PUBLIC HEARING REGULAR MEETING

Notice is hereby given that on July 21, 2020, at 3:30 p.m., a Public Hearing will be held by the **PLANNING COMMISSION** on the following request, in City Council Chambers, Second Floor of City Hall, 823 Rosenberg, in the City of Galveston, Texas:

**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

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. The public may view the meeting on Channel 16, online on GTV at galvestontx.gov, or Facebook Live.

Because you own property in the vicinity of the subject property, the Planning Commission invites you to attend the meeting and/or share your opinion by returning this form. Prior to the meeting date, you may mail the comment form to the address below, deliver it in person, or scan and e-mail to [planningcounter@galvestontx.gov](mailto:planningcounter@galvestontx.gov). The Commission will be informed of the number of responses in support and opposition. Do not duplicate. Only one notice per property will be accepted.

Public Comment can also be submitted on-line: <https://forms.galvestontx.gov/Forms/PublicComment>.

A detailed staff report will be posted online at least 72 hours before the meeting. You may view the staff report by visiting <https://galvestontx.gov/agendacenter> and selecting the meeting date under "Planning Commission."

*If you have any questions regarding this notice, please contact our office at (409) 797-3660 and ask to speak to the staff member indicated below.*

*Para preguntas o mayor información en español, comuníquese con el Departamento de Planificación de la Ciudad de Galveston al (409) 797-3645.*

Planning and Development Division  
PO Box 779 (823 Rosenberg Room 401)  
Galveston, Texas 77553-0934  
Attn: Adriel Montalvan

- I am in favor
- I am opposed
- I have no comment

20P-021  
July 21, 2020

COMMENTS: See attached comments

*Kathy Starling*  
Signature of Property Owner

Jeffrey M. Starling  
Kathy W. Starling  
Printed Name

24047 San Luis Pass Rd  
Address of property within notification area

[REDACTED]  
\*Contact Phone Number

\*Please be advised that any and all comments received, are subject to the Texas Public Information Act. However, the contact phone number is to be used by Planning Staff only. You may be contacted regarding additional information and/or changes in meeting dates.

Please note local and state law requires that written notice of a public hearing shall be sent to each owner, as indicated by the most recently approved municipal tax roll. It is possible for property ownership to change as notices are generated. The City of Galveston will accept any notification of property owner changes in our offices for correction with regard to legal notice of planning and zoning cases.



20P-021 July 21,2020

Comment from Jeffrey and Kathy Starling, 24047 San Luis Pass Road

We live directly across the street from subject property. We are against the zoning change from R1 to RES/REC.

In 2014 the subject property received a General Land Use Plan special approval to operate as a RV Park only. Due to its close proximity to adjacent residential neighborhoods, there was major opposition to this decision. Homeowners were told at the time that the city had no legal recourse due to the zoning laws back then.

If the zoning is changed to RES/REC, the 2015 LDR provides for 51 permitted uses, including Gas Stations, Bar, Condo, and Restaurants to name a few. This property is surrounded on 3 sides with R1 zoning, the bay is on the fourth side. There are built out neighborhoods on two sides, Bay Harbor and Miramar. Commercial activity is not appropriate for residential neighborhoods.

The RV Park does not meet today's regulations for RV Parks. RV Spaces are within the 300 foot setback required from R1 residential homes.

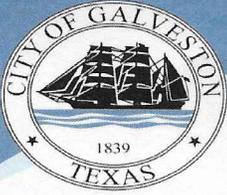
Leaving the zoning at the current R1 will limit the uses of the property to a RV Park only and prevent further disruption to our neighborhoods.

Why did the applicant wait 5 years to request this change? Perhaps there are currently no plans to not vary from what was previously approved, but changing the zoning to RES/REC leaves the door open to undesirable changes in the future.

We ask that the Planning Commission vote against the proposed zoning change for the welfare of the surrounding neighborhoods.



Kathy Starling



# City of Galveston

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planningcounter@galvestontx.gov | 409-797-3660

## NOTICE OF PUBLIC HEARING REGULAR MEETING

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**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

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Para preguntas o mayor información en español, comuníquese con el Departamento de Planificación de la Ciudad de Galveston al (409) 797-3645.

Planning and Development Division  
PO Box 779 (823 Rosenberg Room 401)  
Galveston, Texas 77553-0934  
Attn: Adriel Montalvan

- I am in favor
- I am opposed
- I have no comment

20P-021  
July 21, 2020

COMMENTS: SEE ATTACHED.

Signature of Property Owner

23607 SAN LUIS PASS RD.  
Address of property within notification area

M. FERLOW  
Printed Name

[REDACTED]  
\*Contact Phone Number

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20P-021: July 21,2020

Martin and Susan Ferron, 23607 San Luis Pass Road.

We live in the residential area to the south of the RV park and are totally **against** the proposed zoning change, for the following reasons:

1. The current R1 zoning is the right one for an area in the middle of other R1 zones, just as it has been for the last six years.
2. A RES/REC zoning would provide the owner with too much freedom to further disrupt our neighborhood with a bar, restaurant, gas station etc.
3. The owner states that he has no plans to use the proposed zoning, yet site preparations are clearly underway on the east side of the property.
4. Current regulations calling for a minimum of 300 ft of separation, between RV bays and residential homes, should be enforced as more of a priority.

Conclusion: the current R1 zoning preserves an appropriate balance of interests between the RV park owner and the owners of many adjacent residential properties.



# City of Galveston

DEVELOPMENT SERVICES  
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Planning and Development Division  
PO Box 779 (823 Rosenberg Room 401)  
Galveston, Texas 77553-0934  
Attn: Adriel Montalvan

- I am in favor
- I am opposed
- I have no comment

20P-021  
July 21, 2020

COMMENTS: Reduction of home values, Noise, and fuel smell

Marty W Teague  
Signature of Property Owner

23411 4th Ave Galveston, TX  
Address of property within notification area  
77554

Marty W Teague  
Printed Name

[REDACTED]  
\*Contact Phone Number

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PO Box 779 (823 Rosenberg Room 401)  
Galveston, Texas 77553-0934  
Attn: Adriel Montalvan

- I am in favor
- I am opposed
- I have no comment

20P-021  
July 21, 2020

COMMENTS:

Proposed use not compatible with adjacent  
single family homes  
Misty Ventura

23631 SAN LUIS PASS RD

Signature of Property Owner

Address of property within notification area

MISTY VENTURA

[Redacted]

Printed Name

\*Contact Phone Number

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## Karen White

---

**From:** Misty Ventura <[REDACTED]>  
**Sent:** Saturday, July 18, 2020 12:25 PM  
**To:** Planning Counter  
**Cc:** Adriel Montalvan  
**Subject:** [EXTERNAL] Zoning Case 20P-021

I am opposed to the rezoning of property located at 23700 San Luis Pass Road/FM 3005 from R-1 to RES/REC. Such a rezoning is inconsistent with the recently approved 2015 zoning map amendments. In addition, as staff correctly notes in the executive summary of their staff report, existing improvements are less than 300 feet to R-1 lots directly to the south of the subject property (i.e., the subject property does not meet current standards for compatible land uses). Changing the zoning from R-1 to RES/REC opens the door for the expansion of this incompatible use. The fact that there is "no proposed change to present land use" is not relevant and there is no guaranty that "the use will remain as an RV Park." Instead, there is a likelihood that the incompatible commercial uses will expand if the rezoning is approved.

The request is not consistent with Section 13.601(C) because the zoning change is not compatible with the properties in the immediate vicinity of the parcel proposed for rezoning. As a property owner within 200 feet of the proposed rezoning, I respectfully request that this zoning case be denied and that this email be shared with each Planning Commissioner in advance of the planned July 21<sup>st</sup> public hearing and each City Council Member in advance of the planned August 13<sup>th</sup> public hearing.

**Misty Ventura**  
23631 San Luis Pass Road  
Galveston, Texas

214.328.1101 - office  
214.450.8753 - cell  
[misty.ventura@svlandlaw.com](mailto:misty.ventura@svlandlaw.com)  
[www.svlandlaw.com](http://www.svlandlaw.com)

This electronic message contains information from the law firm of Shupe Ventura, PLLC. The contents may be privileged and confidential and are for the use of the intended addressee(s) only. If you are not an intended addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this email in error, please contact me at [misty.ventura@svlandlaw.com](mailto:misty.ventura@svlandlaw.com).



# City of Galveston

DEVELOPMENT SERVICES  
823 Rosenberg, Rm 401 | Galveston, TX 77550  
planningcounter@galvestontx.gov | 409-797-3660

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Property Owner: Galveston Island RV Resort LP

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Planning and Development Division  
PO Box 779 (823 Rosenberg Room 401)  
Galveston, Texas 77553-0934  
Attn: Adriel Montalvan

RECEIVED  
JUL 20 2020

- I am in favor
- I am opposed
- I have no comment

20P-021  
July 21, 2020

PLANNING

COMMENTS: \_\_\_\_\_

*Salvador J. Meeks*  
Signature of Property Owner

*4024-7<sup>th</sup> ST. BAY HARBOR*  
Address of property within notification area

*CAVIN D. MECKS*  
Printed Name

\_\_\_\_\_  
\*Contact Phone Number

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Planning and Development Division  
PO Box 779 (823 Rosenberg Room 401)  
Galveston, Texas 77553-0934  
Attn: Adriel Montalvan

- I am in favor
- I am opposed
- I have no comment

20P-021  
July 21, 2020

COMMENTS: This property was zoned R-1 in 2015 for a reason, even after the RV park was underway. Please explain.

[Signature]  
Signature of Property Owner

4022 TIT  
Address of property within notification area

Russell J. Walla  
Printed Name

[Redacted]  
\*Contact Phone Number

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PO Box 779 (823 Rosenberg Room 401)  
Galveston, Texas 77553-0934  
Attn: Adriel Montalvan

RECEIVED

JUL 20 2020

- I am in favor
- I am opposed
- I have no comment

PLANNING

20P-021  
July 21, 2020

COMMENTS: \_\_\_\_\_

Joe & Linda Trinkle  
Signature of Property Owner

24051 San Luis Pass Rd, Galveston  
Address of property within notification area

Joe & Linda Trinkle  
Printed Name

\_\_\_\_\_  
\*Contact Phone Number

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Planning and Development Division  
PO Box 779 (823 Rosenberg Room 401)  
Galveston, Texas 77553-0934  
Attn: Adriel Montalvan

- I am in favor
- I am opposed
- I have no comment

20P-021  
July 21, 2020

COMMENTS:

*Adriel Montalvan*

Signature of Property Owner

23831 San Luis Pass

Address of property within notification area

ADRIEL MONTALVAN

Printed Name

[REDACTED]

\*Contact Phone Number

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## **PUBLIC COMMENT**

**Please note that some comments are from property owners within the notification area. Only one notice per property will be tallied.**



# City of Galveston

## Public Comment Form

**First Name \***

Jeffrey

**Last Name \***

Starling

**Email \***

[REDACTED]

**Phone \***

8173012958

**Street Address \***

24047 Termini San Luis Pass Rd

**City \***

Galveston

**State \***

Texas

**ZIP \***

77554

**Subject \***

Planning Commission 7/21/2020 Public Hearing 20P-021

**Comments \*** (?)

500 character maximum

We live directly across the street from subject property. We are against the zoning change from R1 to RES/REC.

If the zoning is changed to RES/REC, the 2015 LDR provides for 51 permitted uses, including Gas Stations, Bar, Condo, and Restaurants to name a few. This property is surrounded on 3 sides with R1 zoning. There are built out neighborhoods on two sides, Bay Harbor and Miramar. Commercial activity is not appropriate for residential neighborhoods.

Please do not approve this.



# City of Galveston

## Public Comment Form

**First Name \***

Misty

**Last Name \***

Ventura

**Email \***

misty.ventura@svlandlaw.com

**Phone \***

2143281101

**Street Address \***

23631 San Luis Pass Road/FM 3005

**City \***

Galveston

**State \***

TX

**ZIP \***

77554

**Subject \***

Zoning Case 20P-021

**Comments \* (?)**

500 character maximum

I am opposed to the rezoning of property located at 23700 San Luis Pass Rd to RES/REC. Such a rezoning is inconsistent with the recently approved 2015 zoning map amendments. Existing improvements are less than 300 feet to R-1 lots directly to the south of the subject property. Changing the zoning to RES/REC opens the door for the expansion of this incompatible use. It is likely that the incompatible commercial uses will expand if the rezoning is approved. Please deny this request.



# City of Galveston

## Public Comment Form

**First Name \***

West Galveston Island Property Owners

Asso

**Last Name \***

Mohn

**Email \***

[REDACTED]

**Phone \***

409-737-5768

**Street Address \***

4210 Silver Reef

**City \***

Galveston

**State \***

Texas

**ZIP \***

77554

**Subject \***

New Business And Associated Public Hearings 20P-021 (23700 San Luis Pass Rd / FM 3005)

**Comments \* (?)**

500 character maximum

The West Galveston Island Property Owners Association is against a request in zoning change for 20P-021 (23700 San Luis Pass Rd / FM 3005) from Residential Single-Family (R-1) To A Resort/Recreation (RES/REC) Zoning District. The Fifty Five Hundred Association is a member of our organization and have members, (Miramar, Stravangar, Half Moon Beach) that live across the street from the RV Park. Thank you. Jerry Mohn President .

## Karen White

---

**From:** Planning Counter  
**Sent:** Tuesday, July 21, 2020 10:22 AM  
**To:** Adriel Montalvan  
**Subject:** FW: Reference 20P-021

-----Original Message-----

**From:** Mark Garza <[REDACTED]>  
**Sent:** Tuesday, July 21, 2020 10:21 AM  
**To:** Planning Counter <PlanningCounter@GalvestonTX.Gov>  
**Subject:** [EXTERNAL] Reference 20P-021

I am concerned with the reasoning of the parcel near my residence for the submission reference above. I am opposed to the change.

Regards,

Mark Garza  
23131 Fresca Avenue  
Galveston TX 77554



# City of Galveston

## Public Comment Form

**First Name \***

Dana

**Last Name \***

Kurtin

**Email \***

[REDACTED]

**Phone \***

7137249392

**Street Address \***

3710 Tradewinds Dr

**City \***

Galveston

**State \***

TX

**ZIP \***

77554

**Subject \***

Galveston Island RV Resort Request for Zoning Change - Oppose

**Comments \*** (?)

500 character maximum

I oppose the zoning change request for Galveston Island RV Resort, 23700 San Luis Pass Road.

The expansion is too close to residential homes in Bay Harbor.



# City of Galveston

## Public Comment Form

**First Name \***

Lisa

**Last Name \***

Porter

**Email \***

[REDACTED]

**Phone \***

2819247874

**Street Address \***

4301 Dorothy

**City \***

Bellaire

**State \***

Texas

**ZIP \***

77401

**Subject \***

RV Park Rezoning Request

**Comments \* (?)**

500 character maximum

I am the property manager for Terramar Beach CIA. We strongly object to the request for rezoning by the RV Park west of Bay Harbor. This request, if approved, will adversely affect the Terramar Beach community. There are already plenty of stores, gasoline opportunities, groceries, bars and liquor within one minute of the RV park. Please forward my comment to the planning committee. Thank you for your consideration.