



**CITY OF LA MARQUE
PLANNING & ZONING COMMISSION
REGULAR MEETING AGENDA**

**TUESDAY, September 27th, 2022
4:00 PM
COUNCIL CHAMBERS
1109-B BAYOU
LA MARQUE, TX 77568**

<https://ci.la-marque.tx.us/AgendaCenter>

**TO PARTICIPATE VIA ZOOM:
PUBLIC TOLL-FREE DIAL-IN NUMBER: 1 (346) 248-7799
MEETING ID: 92887385489
<https://zoom.us/j/92887385489>**

Alan Waters	Chairman
Greg Cornett	Vice Chairman
Augustino Molis	Member
Bradley Stephenson	Member
Chris Colombo	Member
Graylan Alexander	Member
Stephanie Gordon	Member



**CITY OF LA MARQUE
PLANNING AND ZONING COMMISSION
Regular Meeting
AGENDA
Of
September 27, 2022**

Notice is hereby given that the City of La Marque Planning and Zoning Commission will conduct a Regular Meeting in the Council Chambers at 1109-B Bayou Road, La Marque, Texas as well as via teleconference hosted through (ZOOM) on Tuesday, September 27, 2022, beginning at 4:00 p.m., for the purpose of considering and taking action on the following agenda:

- (1) **CALL MEETING TO ORDER**
- (2) **PLEDGE AND INVOCATION**
Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."
- (3) **ROLL CALL**
- (4) **PUBLIC COMMENTS**
At this time, any person who wishes to speak on Commission-related business, including any item on the agenda, should speak at this time by giving the Chairman your name and the item you wish to speak about. Comments are limited to three (3) minutes. In compliance with Texas Open Meetings Act, the Planning and Zoning Commission may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours. **Press *6 to mute or unmute if you are participating by telephone, press the unmute button if attending via zoom on a smartphone, tablet, or computer, or stand if attending in person, and the Chairperson will call on you in turn.**
- (5) **MINUTES:**
 - a. Discussion / possible action to approve July 26, 2022, Special Meeting Minutes
- (6) **PUBLIC HEARINGS**
None

(7) **OLD BUSINESS**

- a. None

(8) **NEW BUSINESS**

- a. Discussion / possible action regarding a preliminary plat application of Ocean - La Marque, being +/- 1.5434 acres situated in the W K Wilson League, Abstract 208, La Marque, Texas, Galveston County

(9) **DIRECTORS REPORT**

- a. No Report

(10) **REQUESTS AND ANNOUNCEMENTS**

- a. None

(11) **ADJOURNMENT**

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas, on **September 23, 2022**, at _____

Kierra K. Nance, TRMC
City Clerk

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. . Please contact the City Clerk's office at (409) 938-9259, or Fax (409) 935-0401, or e-mail cityclerk@cityoflamarque.org for further information.



**CITY OF LA MARQUE
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
July 26, 2022**

Special Meeting Minutes of the City of La Marque Planning and Zoning Commission held on Tuesday, July 26, 2022, beginning at 4:00 p.m. at 1109-B Bayou Road with the following members present:

(1) CALL MEETING TO ORDER

4:00 pm by Chairman Alan Waters

(2) PLEDGE AND INVOCATION

Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."

Pledge and Invocation led by Chairman Alan Waters

(3) ROLL CALL

Absentees: Commissioners: Augustino Molis, Graylan Alexander

Present: Chairman Alan Waters, Commissioner Greg Cornett, Commissioner Brad Stephenson, Commissioner Chris Colombo and Commissioner Stephanie Gordon

(4) PUBLIC COMMENTS

At this time, any person who wishes to speak on Commission-related business, including any item on the agenda, should speak at this time by giving the Chairman your name and the item you wish to speak about. Comments are limited to three (3) minutes. In compliance with Texas Open Meetings Act, the Planning and Zoning Commission may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours. **Press *6 to mute or unmute if you are participating by telephone, press the unmute button if attending via zoom on a smartphone, tablet, or computer, or stand if attending in person, and the Chairperson will call on you in turn.**

1. Danny Barnes - 26 N Flamingo - Stated he built his 1st home in 2003 in Omega Bay on a 50ft lot and He has 40 ft of concrete that was approved without issue. He built a 2nd house in 2015 with 40 ft of concrete that was approved with no issue since all drainage goes into the canal. Mr. Barnes stated the 33% of concrete was not an issue in the past. Mr. Barnes requested the amendment to the Residential Canal Ordinance exempting Omega Bay from the 33% requirement be approved.

2. Richard Matthews - no comment

3. DJ Matthews - no comment

(5) MINUTES:

- a. Discussion / possible action to approve July 5, 2022, Special Meeting Minutes.
Motion to Approve

1st - Commissioner Greg Cornett, 2nd Commissioner Stephanie Gordon - None Opposed

(6) PUBLIC HEARINGS

Conduct Public Hearing to hear public input on:

- a. Amending Section 71.29(d) of The Code of Ordinances, entitled “Residential Canal Zone”, Providing for Discussion of All Residential properties within The Omega Bay Subdivision only will be Exempt from Sec. 71-22 (b)(2) f, g, & h with conditions.

Kathleen Van Stavern DVS Director - requested that a letter received from Scenic Galveston Inc. to be placed in the meeting record. - The letter was read by Commission Chairman Alan Waters - Letter attached

Also, discussed is where the letter came from. Kathleen Van Stavern explained that due to requirements for amending a zoning ordinance, certified letters must be sent to all residents of Omega Bay and surrounding properties within 200 feet.

1. *Jason Fennelly - 2 South Skimmer - discussed scope of the letter received.*
2. *Jim Lewis - 25 N. Sandpiper - question regarding changes to ordinance, and if it will affect existing homeowners with more than 33% concrete. Kathleen advised NO it will not.*
3. *Lalise Mason, Scenic Galveston Inc. Habitat Restoration Chairman - Stated her concerns mentioned in the letter.*
4. *Jason Fennelly - 2 South Skimmer - stated there may be an agreement to dredge the canals of Omega Bay to replenish the highlands watershed for the wetlands. The only problem within the canals is that all the drainage is tided so there are no currents that run thru them.*
5. *David Wix - 7 S. Flamingo - asked to confirm the 33% did not include the entire property, it was explained that it is for the street side only.*
6. *Sylvia Penson - 14 N. Red Herron - stated she was a 44-year resident of Omega Bay asked for clarification, “If her driveway needs replacing, can they do so or would they need to follow the 33%?”*
7. *Katy Wright - 16 N. Omega St - homeowner since May 2022, voiced concerns on the ability to expand her driveway. Currently she cannot park all their vehicles due to limited parking space. A discussion followed explaining the process of a variance request if the ordinance is not passed.*
8. *Denise Schoonover - 31 N. Omega - commented that Scenic Galveston, Inc seems to be the only one opposed to the ordinance change.*
9. *Dinh Ho - Consulting City Engineer - Completed a high-level evaluation on the impervious cover. Mr. Ho agrees that we want water to drain as fast as possible, but the most important thing is the water quality. Mr. Ho explained that the 20 ft buffer currently in Omega Bay requiring vegetation along the canal is important because it filters the runoff before draining into the canal. Mr. Ho had No Objections to the increase of the impervious cover. Mr. Ho added that we will still require plans to be submitted for review as we currently do, and that process will not change in permitting process if this ordinance amendment is approved.*
10. *Patty Shipley - 1 N Pelican - Requested that anyone that has never been to Omega Bay to come by and take a look. She added that when it rains, they do not have flooding and it’s the highway construction work is what is currently impacting the runoff.*

11. *Richard Matthews - 1A N. Curlew - stated he disagrees with the comment about the letter from Scenic Galveston Inc concerning the water quality, he added that in 2010 a project was proposed to drain the canals which would improve the water quality, but it was cancelled. Mr. Matthews also stated that no one opposed that project except the MUD. Mr. Matthews added that in 2018 a project to dredge the canals was proposed by the Texas Core of Engineers, but no one supported the project except for Omega residents.*
12. *Commission Chairman Alan Waters - commented that the 33% is restrictive for Omega Bay and residents will still need to submit plans for review.*

(7) OLD BUSINESS

- a. None

(8) NEW BUSINESS

- a. Discussion / possible action regarding an Ordinance of the City of La Marque, Texas, Amending Section 71.29(d) of The Code of Ordinances, entitles “Residential Canal Zone”, Providing for Discussion of All Residential properties within The Omega Bay Subdivision only will be Exempt from Sec. 71-22 (b)(2) f, g, & h with conditions.

Motion to Accept the amendment to the residential canal ordinance.

1st - Commissioner Greg Cornett 2nd Commissioner Brad Stephenson - None Opposed

(9) DIRECTORS REPORT

- a. No Report

(10) REQUESTS AND ANNOUNCEMENTS

- a. None

(11) ADJOURNMENT

Motion to Adjourn was requested

1st - Chairman Alan Waters, 2nd- Commissioner Brad Stephenson @ 4:41 pm

Alan Waters, Chairman
Planning & Zoning Commission

Thursday, September 22, 2022

Todd Slaton
True Meridian, PLLC
PO Box 566
Pearland, TX 77588

Re: Ocean – La Marque, Preliminary Plat
Lot 1, Block 1, Being 1.5434 Acres in the W.K. Wilson League, Abstract 208, Galveston County, TX
Letter of Recommendation to Approve
COLM Project No. PZ2022-020
Adico, LLC Project No. 18100-2-099

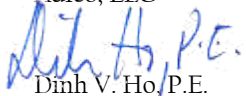
Dear Mr. Slaton;

On behalf of the City of La Marque, Adico, LLC has reviewed the second submittal of Ocean – La Marque, Preliminary Plat, Lot 1, Block 1, being 1.5434 acres in the W.K. Wilson League, Abstract 208, Galveston County, Texas, received on or about September 21, 2022.

Based on our review, we have no objections to the preliminary plat as resubmitted on September 21, 2022. Please provide ten (10) folded copies of the preliminary plat Giovanna Bonsignore, Development Services, 1130 1st St., La Marque, TX 77563, by no later than Thursday, September 22, 2022, for consideration at the October 27th Planning and Zoning meeting.

Should you have any questions, please do not hesitate to call our office.

Sincerely,
Adico, LLC



Dinh V. Ho, P.E.
TBPE Firm No. 16423

Cc: Permits
File: 18100-2-098

STATE OF TEXAS
COUNTY OF GALVESTON

I, Sergio Fernandez – President, of Fernandez Holdings, LP., owners of the property subdivided in this plat of OCEAN – LA MARQUE, being 1.5434 acres situated in the W.K. WILSON LEAGUE, Abstract 208, in Galveston County, Texas, do hereby make subdivision of said property for and on behalf of said individual, according to the lines, lots, streets, alleys, reserves, parks, and easements as shown hereon and dedicate for public use as such the streets, alleys, parks, and easements shown hereon forever, and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigns to warrant and defend the title to the land so dedicated.

In testimony hereto, has cause these presents to be signed by

_____ this ____ day of _____, 2022.
Sergio Fernandez – President

STATE OF TEXAS
COUNTY OF GALVESTON

Before me, the undersigned authority, on this day personally appeared Sergio Fernandez, known to me to be the persons whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated.

Given under my hand and seal of office, this _____ day of _____, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

We hereby certify that the above and foregoing plat of OCEAN – LA MARQUE, was approved by the Planning Commission of the City of La Marque, Texas on the

_____ day of _____, A.D. 2022, and by the City Council of the

City of La Marque, Texas on the _____, day of _____, A.D. 2022.

Alan Waters
Chairperson of Planning and Zoning

Keith Bell
Mayor of the City of La Marque, Texas

I, Dwight D. Sullivan, County Clerk, Galveston County, Texas, do hereby certify that the written instrument was filed for record in my office on

_____, 2022, at _____ O'clock, ____ m, and duly recorded on

_____, 2022, at _____ O'clock, ____ m,

Instrument # _____, Galveston County Records.
Witness my hand and seal of office, at Galveston County, Texas, the day and date last above written.

Dwight D. Sullivan, County Clerk, Galveston County, Texas

By: _____
Deputy

FIELD NOTES DESCRIPTION OF 1.5434 ACRES, SITUATED IN THE W.K. WILSON LEAGUE, ABSTRACT 208, BEING OUT OF A 46.437 ACRE TRACT CONVEYED TO YODE INVESTMENTS LLC, AS DESCRIBED UNDER GALVESTON COUNTY CLERK'S FILE NO. 2015015559 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at a found 2 inch iron pipe on the Southeast right-of-way line of F.M. 1764 (200' R.O.W.), being the Westerly corner of a tract of land conveyed to Gulf Greyhound Partners, LTD as described under Galveston County Clerk's File No. 9118189 and the Northerly corner of said 46.437 acre tract of land conveyed to Yode Investments LLC, as described under Galveston County Clerk's File No. 2015015559;

THENCE S 48°57'00" W along the Southeast right-of-way line of F.M. 1764 and the Northwest line of said 46.437 acre tract, a distance of 175.10 feet to a 3/8 inch iron rod found for the PLACE OF BEGINNING, same being the Northwest corner of a 2.500 acre tract of land conveyed to Briya Hospitality LLC as described under Galveston County Clerk's File No. 2019007028;

THENCE S 43°01'43" E along the Westerly line of said 2.500 acre tract, a distance of 350.21 feet to a 1/2 inch iron rod set with a cap stamped "True Meridian" at the Southeast corner of the herein described tract of land;

THENCE S 48°57'00" W a distance of 198.14 feet to a 1/2 inch iron rod set with a cap stamped "True Meridian" at the Southwest corner of the herein described tract of land;

THENCE N 41°03'00" W a distance of 350.00 feet to a 1/2 inch iron rod set with a cap stamped "True Meridian" on the Southeast right-of-way line of F.M. 1764 at the Northwest corner of the herein described tract of land;

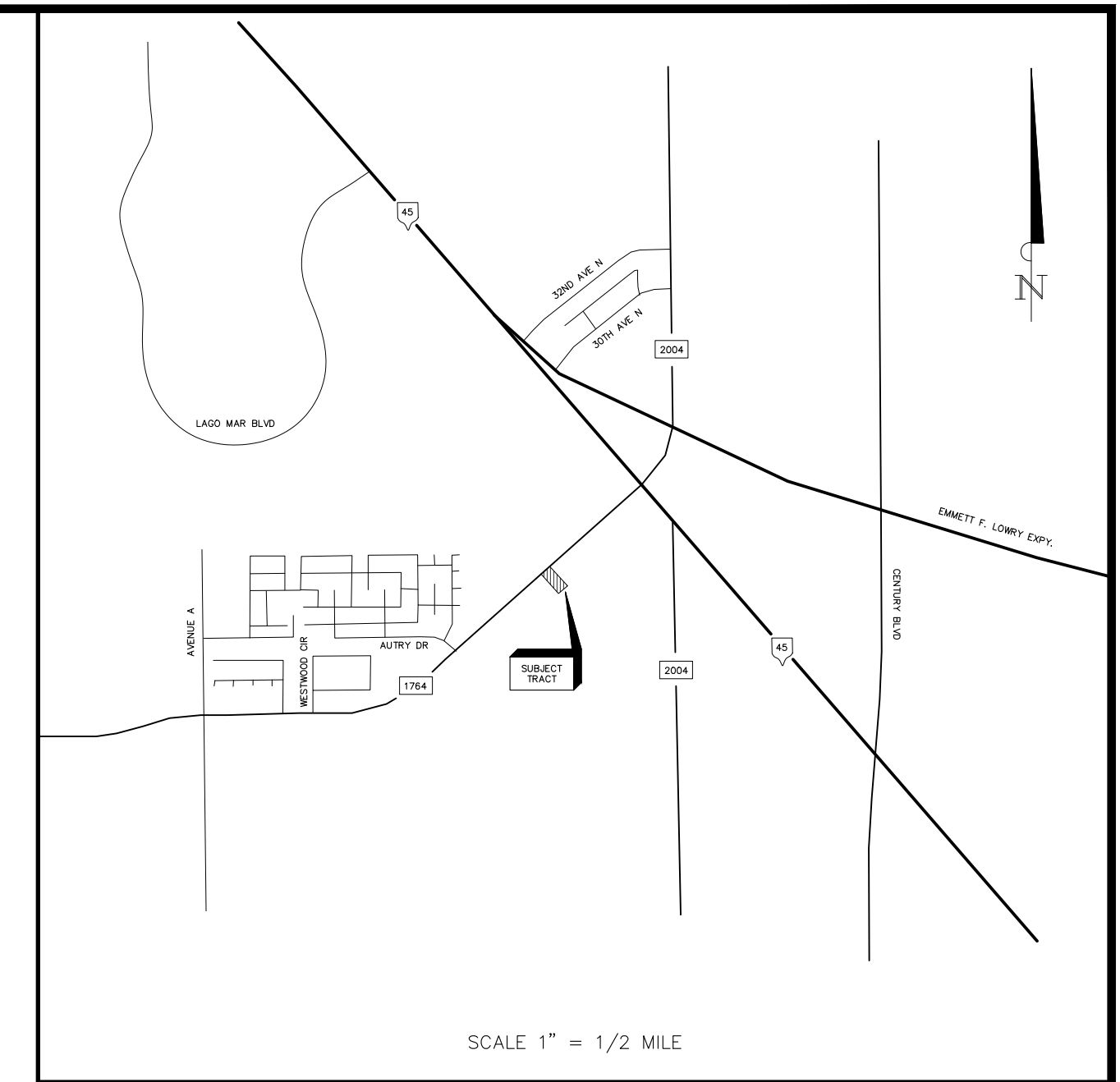
THENCE N 48°57'00" E along the Southeast right-of-way line of F.M. 1764 and the Northwest line of said 46.437 acre tract, a distance of 186.04 feet to the PLACE OF BEGINNING and containing 1.5434 acres of land, more or less.

NOTES

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Map No. 48167C0402G, with the effective date of August 15, 2019, the property is located in Flood Zone "X", reduced flood risk due to levee. Areas determined to be outside of the 100 year floodplain and Floodway. All Floodplain information noted in the plat reflects the status per the FEMA FIRM map that is effective at the time that the plat is recorded. Floodplain status is subject to change as FEMA FIRM maps are updated.

I, Todd J. Slaton, Registered Professional Land Surveyor No. 5082, do hereby certify that this plat correctly represents a survey made under my supervision on the ground in accordance with the information provided me and correctly represents the facts as found at the time of survey and is true and correct and that all boundary corners, lot corners, angle points, and points of curvature are properly marked with 5/8 inch diameter iron rods three feet long or as shown on the plat.

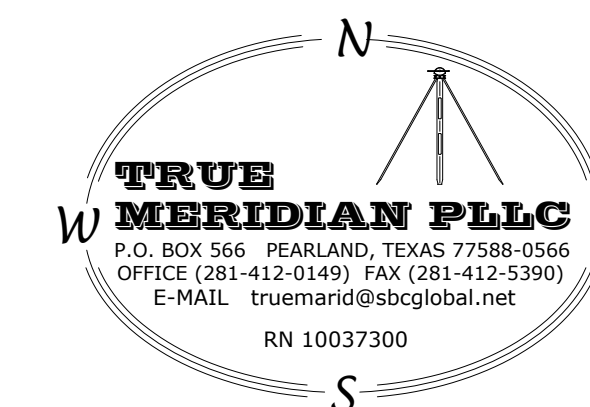
Todd J. Slaton, RPLS No. 5082



PRELIMINARY PLAT
OF
OCEAN – LA MARQUE
IN THE CITY OF LA MARQUE
1 BLOCK, 1 LOT
BEING
1.5434 ACRES
SITUATED IN
THE W.K. WILSON LEAGUE
ABSTRACT 208
GALVESTON COUNTY, TEXAS

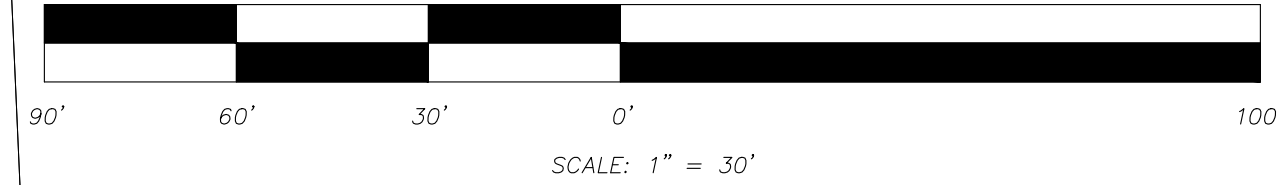
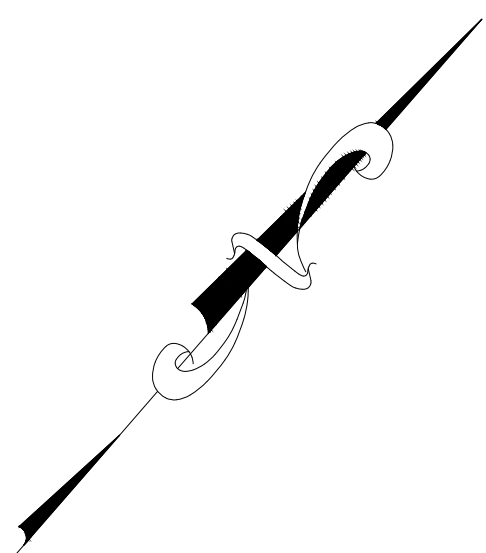
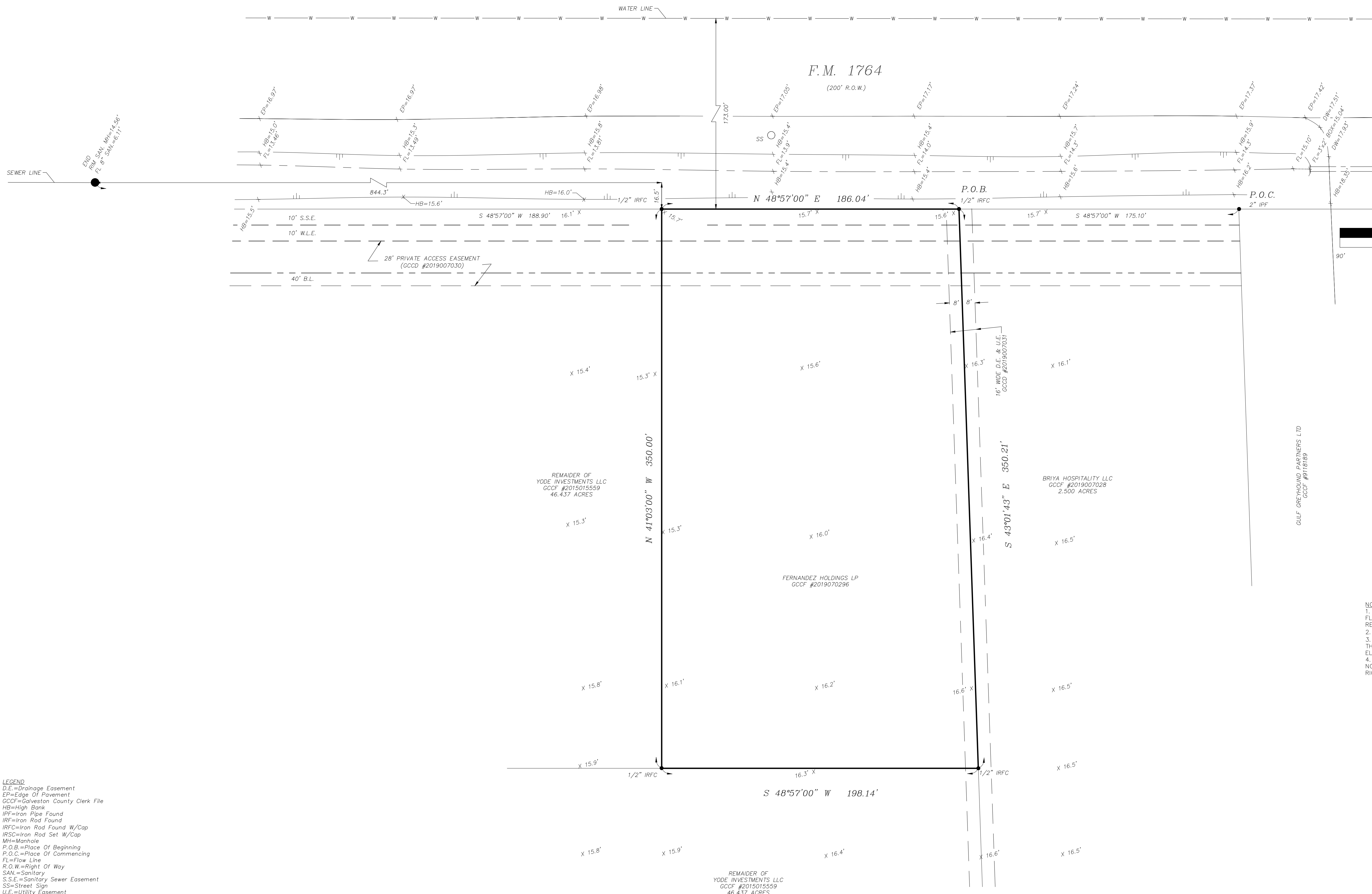
PREPARED: AUGUST 31, 2022

SERGIO FERNANDEZ
11613 BROADWAY STREET
PEARLAND, TX, 77584
281-741-0055



TRUE MERIDIAN PLLC
PO BOX 566
PEARLAND, TX, 77588
281-412-0149

SHELMARK ENGINEERING LLC
921 FM 517 RD., E.
DICKINSON, TX, 77539
832-864-2601



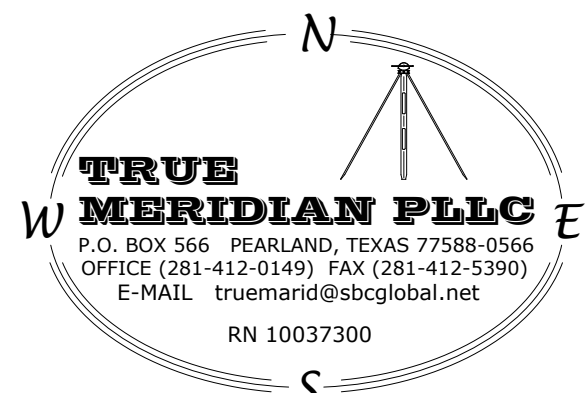
AREA TABLE		
LOT 1	1.5434 ACRES	67,231 SQUARE FEET

- NOTES
- IT APPEARS THROUGH VISUAL INTERPOLATION THAT ACCORDING TO THE FLOOD INSURANCE RATE MAPS, COMMUNITY-PANEL NO. 485486 0245 G, MAP REVISED AUG. 15, 2019, THIS PROPERTY LIES IN FLOOD ZONE X AND SHADE X.
 - 1/2 INCH IRON RODS FOUND WITH A CAP STAMPED "TRUE MERIDIAN".
 - BENCHMARK: (PID - A65578) STAINLESS STEEL ROD IN SLEEVE NEAR THE INTERSECTION OF MAIN STREET AND 3RD AVENUE IN LA MARQUE, TEXAS. ELEVATION = 5.22 FEET. NAVD88.
 - TEMPORARY BENCHMARK: RAILROAD SPIKE IN POWER POLE NEAR THE NORTHEAST CORNER OF HIGH POINT SELF STORAGE NEAR THE SOUTH RIGHT-OF-WAY LINE OF F.M. 1764. ELEVATION = 16.64 FEET. NAVD88.

PRELIMINARY PLAT
OF
OCEAN - LA MARQUE
IN THE CITY OF LA MARQUE
1 BLOCK, 1 LOT
BEING
1.5434 ACRES
SITUATED IN
THE W.K. WILSON LEAGUE
ABSTRACT 208
GALVESTON COUNTY, TEXAS

PREPARED: AUGUST 31, 2022

SERCIO FERNANDEZ
 11613 BROADWAY STREET
 PEARLAND, TX, 77584
 281-741-0055



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 832-864-2601

- LEGEND
- D.E.=Drainage Easement
 - EP=Edge Of Pavement
 - GCCF=Galveston County Clerk File
 - HB=High Bank
 - IP=Iron Pipe Found
 - IRF=Iron Rod Found
 - IRFC=Iron Rod Found W/Cap
 - IRSC=Iron Rod Set W/Cap
 - MH=Manhole
 - P.O.B.=Place Of Beginning
 - P.O.C.=Place Of Commencing
 - FL=Flow Line
 - R.O.W.=Right Of Way
 - SAN=Sanitary
 - S.S.E.=Sanitary Sewer Easement
 - SS=Street Sign
 - U.E.=Utility Easement

REMAINDER OF
 YODE INVESTMENTS LLC
 GCCF #2015015559
 46.437 ACRES

BRIYA HOSPITALITY LLC
 GCCF #2019007028
 2.500 ACRES

FERNANDEZ HOLDINGS LP
 GCCF #2019070296

REMAINDER OF
 YODE INVESTMENTS LLC
 GCCF #2015015559
 46.437 ACRES



City of La Marque Planning & Zoning Commission

STAFF REPORT

Meeting Date: September 27, 2022

Agenda Item: Discussion / possible action regarding a preliminary plat application of Ocean - La Marque, being +/- 1.5434 acres situated in the W K Wilson League Abstract 208, La Marque, Texas, Galveston County.

Item Type: Plat - Preliminary Plat

Standard for Approval:

Plats that comply with the requirements of City Code Chapter 41 and Chapter 212 of the Texas Local Government Code must be approved. Preliminary plats will always be approved with conditions because they will not comply with all of the requirements by nature of being a preliminary plat. Plats that do not comply with the requirements and need major changes will be denied and the reasons stated.

References: City Code Chapter 41;
Chapter 212, Texas Local Government Code

Council approval: Required

Public comments: None

Recommendation: