

**MINUTES
PLANNING COMMISSION MEETING
CITY OF NASSAU BAY
MARCH 2, 2021
6:00 PM**

MEMBERS OF PLANNING COMMISSION PRESENT: Chairman Roscoe Lee, Commissioners Omar Abotteen, Angela Braun, Jeff Horton, Louis Nguyen, John Nugent, and Arlene Phillips.

OTHER CITY OFFICIALS PRESENT: Assistant City Manager Mary Chambers and City Secretary Sandra Ham.

PRESIDING: Roscoe Lee.

CALL TO ORDER AND ROLL CALL OF MEMBERS

Chairman Lee called the Zoom meeting to order at 6:00 pm and announced that all Commissioners were present.

APPROVAL OF MINUTES

The minutes of the meeting of October 27, 2020 were presented for approval. Chairman Lee and Commissioner Phillips identified several modifications and typographical errors. Commissioner Horton made a motion to approve the minutes as approved and Commissioner Nugent seconded the motion.

Motion passed 7 – 0

CITIZEN REQUEST FOR HEARING

Because this is a Zoom virtual meeting, requests for citizen comments were to be made by request to City Staff prior to meeting. Staff confirmed that there were no submittals.

NEW BUSINESS

- A. Consider and take action on the election of a Planning Commission Chairperson.
Commissioner Phillips nominated Roscoe Lee for Chairperson, which was seconded by Commissioner Nugent. There were no other nominations. The nomination was approved 7 – 0.

- B. Consider and take action on the election of a Planning Commission Vice-Chairperson.

Commissioner Nguyen nominated John Nugent to be Vice-Chairperson, which was seconded by Commissioner Horton. There were no other nominations. The nomination was approved 7 – 0.

City Secretary Sandra Ham swore the Chairperson and Vice-Chairperson in.

- C. Hold a Public Hearing and take action on an Ordinance regulating Garage Sales in the City of Nassau Bay.

Assistant City Manager Mary Chambers stated that the City has received complaints from residents regarding “continuous” garage sales. When these vendors were contacted by the Building Official and Code Enforcement Officer, they found that the items for sale were not “typical” household goods sold at garage sales. City Staff continued to monitor the situation and extracted a draft ordinance from another city. Ms. Chambers had received some comments from Chairman Lee and said that the ordinance was just a draft and could be amended as desired. Staff would like to have a tool to control garage sales.

In response to a question from Commissioner Nugent, Ms. Chambers said that they have only received a few complaints about continuous garage sales, but are concerned that such activities could expand, with control. The specific vendor asked for a copy of the ordinance, which regulates garage sales. Since none exist, the City has difficulty controlling garage sales.

For uniformity and control, Commissioner Nugent suggested that all garage sales be held on one day each month with a fee charged, which results in the garage sale being advertised on the City's website and social media. This proposal was not generally supported because of the high traffic associated with a single day per month for garage sales and challenges to individual residents for scheduling garage sales.

Commissioners generally agreed to provide the City Staff with some control over continuous garage sales, but did not agree with requiring a fee and permit for garage sales and restrictions on signs. There was general agreement to limit the number of garage sales by a resident to three per year.

In response to a question from Commissioner Horton, any approved ordinance carries a penalty for violation.

Commissioner Nugent moved that the City Attorney develop an ordinance which limits the number of garage sales at a residence to three per year and Commissioner Horton seconded the motion. The motion was passed 7 – 0.

- D. Hold a Public Hearing and take action on an amendment to Section 11.300 (Home Occupation) of the Nassau Bay Zoning Ordinance

Ms. Chambers said that Staff is trying to be proactive regarding home occupations with the current pandemic situation, with many people working from home. The City does not want to preclude legitimate home occupations, but does not want to open the door to specific occupations. As an example, our current ordinance precludes real estate offices. Ordinances of other cities contain this restriction because they consider a real estate office as a business and not a home occupation.

Commissioner Nugent said that as a realtor and former president of the Houston Realtor's Association, realtors are having to look at how to conduct their business even after the pandemic passes. He cautioned that the ordinance needs research to avoid creating problems with future ways of doing business.

Chairman Lee said that he is aware that a number of people are doing their "office work" from home and was concerned that the current ordinance precludes this. However, the current ordinance allows occupations without the installation of any machinery or equipment other than that customary to normal household operations. His opinion is that this would allow computers, internet connections, etc., since these equipment are customary to normal household operations. Commission Nguyen agreed with the addition of printers.

Commission Nguyen noted that the current ordinance precludes a school in a residence, but said that home schooling is a common situation. Families exchange teaching specialties for several students. This led to a discussion about virtual schooling of kids in homes as well as a teacher instructing from home. It was agreed that this needs to be addressed carefully.

Ms. Chamber noted that regardless of what is contained in the ordinance, the City will not go in to residences and check on the uses in the home. They would react to complaints. She said that a possible change would be not to list what is allowable, but only list uses that are not allowed.

Commissioner Horton stated that the current ordinance has restrictions on advertising, traffic, and storage of materials other than household goods.

Chairman Lee asked the Commissioners to provide inputs to Ms. Chambers with their suggestions for modifications to this ordinance.

D. Hear a presentation on Ordinance 2020-806 (Short Term Rentals)

Ms. Chambers said that she wanted the Commissioners to be aware of this ordinance and its contents. It will go live in March and the City has contracted with a company to identify the STR's and do the collections. The ordinance provides protection for the residents and is consistent with what state laws allow.

There are additional bills coming to the State Legislature which may require modifications to this ordinance.

Chairman Lee noted that it has been a challenge for the City to develop this ordinance. The STR industry has lobbied heavily and the State has agreed to limit the controls that a city may exert. A city cannot preclude any STR.

Some highlights of requirements on STR's from the ordinance are:

- Must register with the City annually on 31 December, with the first year's fee of \$300 waived;
- Will have an annual safety review
- Must pay Hotel Occupancy Tax
- Must inform tenants of ordinance requirements regarding noise, lighting, etc.
- Must provide insurance

Chairman Lee noted that one of the biggest complaints about STR's is the extra vehicles that are parked on the streets. He had suggested adding a requirement for additional parking for an STR, but after some research, such a restriction is not allowed.

Commissioner Phillips asked how many STR's are in the City. There may be 30 to 50. City Manager Jason Reynolds provided a map at one of the City Manager's Morning Coffee. The map was interesting because there were none on the waterfront, but some in apartments.

Commissioner Nguyen asked about whether this ordinance applies to homes who rent out rooms to JSC interns. Chairman Lee said that City Manager Reynolds had been asked this question and the answer is no, since the intern housing are for more than 30 days.

In response to a question from Commissioner Braun, Ms. Chambers agreed that STR's do not currently have to comply. However, once the ordinance goes live in March, STR's must register and abide by the regulations. The waiver of the first-year's permit is an incentive for STR's to register.

Commissioner Nugent asked about future plans for Commission meetings. Ms. Chambers said that Staff is assessing the situation, given Governor Abbott' recent decision. She will inform Commissioners on future plans for meetings.

OLD BUSINESS

None

COMMENTS FROM PLANNING COMMISSION CHAIRMAN

- Methodist Hospital development is progressing rapidly with the exterior of the office building almost complete. The front area with fencing is being developed and will have open sections as we requested. They took down the remainder of the shopping center and are already installing the extension of Space Park Dr. into the Hospital Complex. This will be a private road and will not have a name.
- Ground next to Bucky's has been broken for McDonald's.
- Ground has been broken for the parking garage for the Moody Neurological Rehabilitation Center.
- Mediterraneo has opened next to Domino's and the Economic Development Corporation (EDC) contributed to the outdoor dining area.
- Java Owl is almost ready to open and they will also install a small outdoor area.
- Dickey's BBQ is taking the site of Brewings and haven't received their liquor license.
- At a workshop, the request from Griffin Partners to rezone Tracts 1 and 2 for multi-family was not supported. As a result, Mr. Griffin withdrew his application, since if the request had been officially disapproved by City Council, he could not resubmit for a year.

COMMENTS FROM ASSISTANT CITY MANAGER

- Ms. Chambers said that the City has received some plans for the empty tract between Five Guys and Wendy's for an office/retail complex, but nothing more has happened.
- In response to a question from Commissioner Nugent, Ms. Chambers said that the City has no definite news on what will happen with Luby's. It is being marketed but nothing specific has been defined. She said that she has discussed with Chairman Lee the possibility of establishing a development overlay zoning district on the area. Chairman Lee said that the area is zoned Commercial and the Ordinance defines allowed uses in the Commercial zone. If a developer decides to use this site for one of the allowed uses, the City can't preclude it. If the use is not permitted, the developer would have to get a Specific Use Permit, which is the technique that Ms. Chambers is using to block attempts to install a car wash at the site.

The overlay that Ms. Chambers is considering provides some additional protection but also give potential developers an idea of what the City would desire in the area.
- At the request of Ms. Chambers, Chairman Lee noted that, in 2019 the State Legislature passed House Bill 2349, which precluded cities from requiring specific

- materials and aesthetics. Instead, a developer or remodeler could use any material listed in the National Building Code, which includes corrugated sheet metal.

However, 2021 House Bill 233 would exempt city with a population less than 25,000 from this onerous restriction. He wrote letters to State Senator Larry Taylor and State Representative Dennis Paul asking them to support Bill 233 since they are very familiar with Nassau Bay. Chairman Lee encouraged Commissioners to let our legislators know our desire for their support.

ADJOURNMENT

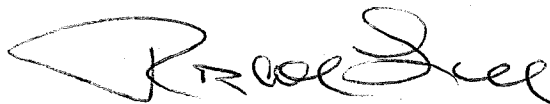
Chairman Lee asked for a motion to adjourn. Commissioner Nugent made the motion to adjourn and Commissioner Horton seconded the motion.

Motion passed 7 – 0

There being no further discussion, the meeting adjourned at 7:02 pm.

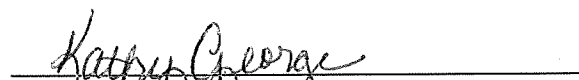
Minutes approved as submitted and/or corrected this 6 day of July, A.D., 2021.

CITY OF NASSAU BAY, TEXAS



Roscoe Lee
Planning Commission Chairman

ATTEST:


Kathy George
Planning Commission Secretary