



PLANNING COMMISSION

CITY OF BAY CITY

Wednesday, July 19, 2023 at 5:00 PM
COUNCIL CHAMBERS | 1901 5th Street

Vision Statement

Through a united and collaborative effort, we seek to grow the City of Bay City with a diverse culture that is proud to call Bay City home. We envision a thriving family-centered community where citizens are involved in the future development of our city. We desire our citizens to work, play, worship and shop in the community in which we live. Visitors are welcomed and encouraged to enjoy the friendly environment and amenities the citizens and business owners have created together.

AGENDA

CALL TO ORDER

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. Meeting minutes of March 7, 2023

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL:

2. Variance ~ Discuss, consider, and/or approve a variance to the Municipal Code of Ordinances, Sec. 54-29 through 54-83, Sec. 54-110 through 54-201, Sec. 54-203, Sec. 54-240 through 54-259 at East Heights S/D, Block 8, Lot 7 & 8 (2600 Sycamore). Malanie Patterson/Herbert Hawkins Jr.
3. Review, discuss, and/or approve preliminary and/or final plat of D.P. Moore's First Addition commercial development of 1.033 acres out of the P.T. Ruben Stone Survey, Abstract No. 92, located at 1221 Avenue F, Dollar General.
4. Review of minor plats recently reviewed and approved by Public Works: Chick-fil-A (5512 7th St), Speedy Stop parking lot expansion (3107 7th St), SRMA Nichols (NW corner of Hamman & Nichols), SRMA 7th (NW corner of 12th St & Hwy 35).
5. Update of subdivisions currently in development process: TIRZ #1A – Valor Park Sec. 1; TIRZ #2 – Sandhill LLC (Bay City 35, LLC) Sec. 1; TIRZ #3 – Meadow Oaks Phase 2; TIRZ #4 – Russell Ranch.

ITEMS / COMMENTS FROM BOARD MEMBERS

PUBLIC COMMENTS

State Law prohibits any deliberation of or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff places the item on an agenda for a subsequent meeting.

ADJOURNMENT**CERTIFICATION OF NOTICE**

This is to certify that the above notice of a Special Called Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on **Friday, July 14, 2023 before 5:00 p.m.** Any questions concerning the above items, please contact Mayor Robert K. Nelson at (979) 245-2137.

AGENDA NOTICES:Bay City Planning Commission:

The Bay City Planning Commission serves as an advisory body to City Council and the Mayor. Therefore, although the Board does not fall under the purview of the Texas Open Meetings Act, its meetings shall be open to members of the public.

Attendance by Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

The facility is wheelchair accessible and accessible parking spaces available. Request for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the City Secretary's Office at 979-245-5311 or email, jthompson@cityofbaycity.org for further information.

Jeanna Thompson
City Secretary

CITY OF BAY CITY

MINUTES • MARCH 7, 2023

**COUNCIL
CHAMBERS | 1901
5th Street**

Planning Commission Meeting

5:00 PM

**1901 5TH STREET
BAY CITY TX, 77414**



CALL TO ORDER

The meeting was called to order by Chairperson Jessica Russell at 5:12 pm.

PRESENT

Commissioner Erik Frankson
Commissioner Joshua Fortenberry
Chairperson Jessica Russell
Commissioner Marion Garcia

ABSENT

Commissioner Zeinab Ghais
Commissioner Raihan Khondker
Commissioner Carolyn Barclay

Also in attendance were Shawna Burkhart, City Manager, Councilwoman Becca Sitz, Krystal Mason, Planning Manager, Bruce Grover, Developer, John Peden, Developer, Janet Baccus, Quiddity Engineering, Bill Frohms, resident, and Billy Gray, resident.

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. Meeting minutes of December 15, 2022

Motion made by Commissioner Fortenberry to approve the minutes of December 15, 2022, Seconded by Commissioner Frankson. Voting Yea: Commissioner Frankson, Commissioner Fortenberry, Chairperson Russell, Commissioner Garcia. Motion carried.

2. Meeting minutes of February 9, 2023

Motion made by Commissioner Garcia to approve the minutes of February 9, 2023, Seconded by Commissioner Fortenberry. Voting Yea: Commissioner Frankson, Commissioner Fortenberry, Chairperson Russell, Commissioner Garcia. Motion carried.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL:

3. Discussion ~ Discuss results of poll and input of emergency services regarding the development of Meadow Oaks subdivision.

Janet Baccus reviewed their traffic study. John Peden stated that he was frustrated that they only surveyed Marguerite residents and not Pearl Street residents. Chairperson Russell replied that the reason was a prior approval of exit by Planning Commission. Bill Frohms presented a traffic study from 2017 that the residents paid for that projected a traffic impact up 277%. Bruce Grover asked if they were doing anything against code if only on exit. Shawna Burkhart and Krystal Mason both replied that it is in Chapter 98 that anything over 5 acres must have two exits.

Kyrstal Mason presented the results of the poll; 14 pieces of correspondence returned and 2 phone calls. Only 1 voted for Marguerite Street.

4. Plat ~ Review and consider Meadow Oaks preliminary plat with secondary access road on Marguerite instead of Pearl St. (Bruce Grover)

Motion made by Commissioner Fortenberry to approve the preliminary plat with changes to include Marguerite Street and Pearl Street entrances, Seconded by Commissioner Garcia. Voting Yea: Commissioner Frankson, Commissioner Fortenberry, Chairperson Russell, Commissioner Garcia. Motion carried.

ITEMS / COMMENTS FROM BOARD MEMBERS

Commission recommends that Chapter 98 of the City Code of Ordinances specify that the two entrances must be on separate roads.

ADJOURNMENT

Motion made by Commissioner Frankson to adjourn, Seconded by Commissioner Fortenberry. Voting Yea: Commissioner Frankson, Commissioner Fortenberry, Chairperson Russell, Commissioner Garcia. Motion carried and the meeting adjourned at 5:45 pm.

PASSED AND APPROVED, this ____ day of _____, 20____.

JESSICA RUSSELL, CHAIRMAN

Herbert Hawkins Law Offices

1720 Longhorn Ave
P. O. Box 1867.
Bay City, Texas 77414
hawkinslawoffices@gmail.com

Herbert L. Hawkins, Jr.
Attorney at Law
MAILING ADDRESS: P. O. Box 1867, Bay City, Texas 77414

(281) 701-6498 Phone
(866) 896-0737 (FAX)

June 2, 2023

**City Secretary
City of Bay City
1901 Fifth Street
Bay City, TX 7741**

**Re: VARIANCE REQUEST
APPLICANT: MELANIE PATTERSON
PROPERTY ADDRESS: 2600 Sycamore, Bay City, Texas**

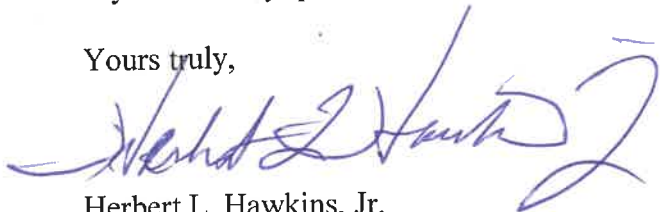
Dear Madam,

Enclosed herein you will find REQUEST FOR VARIANCE and supporting exhibits which I am submitting on behalf of my client, Melanie Patterson. Also enclosed is a check for \$75.00 for filing the Request. The exhibits include a DVD that is part of the Variance Request.

Please set this matter for a hearing before the VARIANCE COMMITTEE at the earliest possible date.

If you have any questions, please feel free to call me, text me or email my office.

Yours truly,



Herbert L. Hawkins, Jr.
Attorney at Law
P.O. Box 1867, 1720 Longhorn Ave.
Bay City, Texas 77414
(281) 701-6498 Fax (866) 896-0737
hawkinslawoffices@gmail.com

Enclosures: Variance Request & Exhibits
Hawkins Law Offices TRUST ACCOUNT CHECK \$75.00
DVD Exhibits to Variance Request

Cc: Melanie Patterson



CITY OF BAY CITY VARIANCE REQUEST

1901 5th Street
Bay City, TX 77414
(979) 245-5311
(979) 323-1681 fax

All requests for a variance shall be filed with the City Secretary. Each request shall be accompanied by a \$75.00 filing fee, a drawing/illustration depicting the property affected by the request, and any additional supplemental documentation that you want the Variance Committee to consider. **Incomplete requests will not be accepted.**

Date: May 22, 2023

Name of Requestor (please print): MELANIE PATTERSON

Address of Requestor: 1720 Misty Lane Phone Number: 1-346-800-6555
Fresno, Texas 77545 Email Address: melanie_p1@outlook.com
hawkinslawoffices@gmail.com

Address of subject property: 2600 Scycamore, Bay City, Matagorda County, Texas 77414

Legal description of subject property: EAST HEIGHTS S/D, BLOCK 8, LOT 7 & 8, Bay City, Matagorda County, Texas

Section(s) of the City's Code of Ordinances from which the variance is being sought:

Sec. 54-29 thru 83 of the Code of Ordinances Chapter **54, Article II, Mobile Homes**
Sec. 54-110 thru 201 of the Code of Ordinances Chapter **54, Article III, Mobile Homes Parks**
Sec. 54-203,54-240-259 of the Code of Ordinances Chapter **54, Article III, Mobile Homes Parks**

In detail, please state the reason for the request: Applicant is owner of a "NON-CONFORMING TRAILER HOME PARK"

When Applicant purchased the Trailer Home Park there were or previously existed three trailers on site." Applicant demolished the old trailers.

Within 180 days of demolition, Applicant placed one Trailer on the premises and continued to to make arrangements for more trailers in

compliance with City Codes, regulations and Ordinances. She submitted a Proposed PLAT which which was denied due to alleged violations of spacing requirements and other issues. Applicant contested the alleged violations and was willing to comply with all codes and regulations.

Applicant now seeks authorization to proceed and place at least Three (3) trailers on the premises in accordance with all city, state and federal laws.

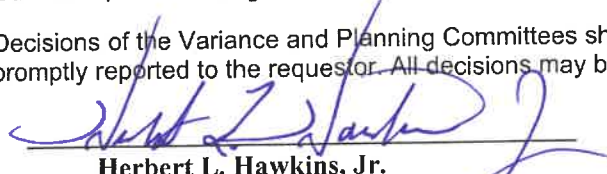
Applicant will suffer undue hardship if this Variance is not granted. Applicant submits that a VARIANCE is not contrary to the public interest and, due to special circumstances.

The Variance Committee will consider variance requests from the following:

- | | |
|---|---|
| (a) Ch. 22 (Buildings and Building Regulations) | (e) Ch. 94 (Streets, Sidewalks and Other Public Places) |
| (b) Ch. 46 (Flood Damage Prevention) | (f) Ch. 98, Sec. 98-122 – Subdivision Streets |
| (c) Ch. 54 (Mobile Homes, etc.) | (g) Ch. 110, Sec. 110-178 (Traffic and Vehicles (Angle Parking)). |
| (d) Ch. 78 (Off Street Parking (Angle Parking)) | |

Otherwise, the Planning Commission will consider the variance request.

Decisions of the Variance and Planning Committees shall be filed with the City Secretary's Office and promptly reported to the requestor. All decisions may be appealed to the City Council.


Herbert L. Hawkins, Jr.
Attorney for Melanie Patterson

1720 Longhorn Ave., Bay City, Texas 77414
(281) 701-6498 Fax (866)896-0737
email: hawkinslawoffices@gmail.com


Melanie Patterson
Requestor Signature

Memorandum in Support of Application for Variance

To: Variance Committee, City of Bay City

From: Herbert L. Hawkins, Jr, Attorney of Record for Melanie Patterson
Melanie Patterson

Re: SECOND VARIANCE Request for Property at 2600 Sycamore, Bay City, Texas

Date: June 3, 2022

Members of the Variance Committee:

This Memorandum is submitted in support of the attached Variance Request submitted by and on behalf of Melanie Patterson. Attached are Exhibits in support of this Variance Request.

Ms. Patterson has been diligently and continuously taking affirmative steps to complete the development of a "Non-Conforming Trailer Park", within the City of Bay City, at 2600 Sycamore, Bay City, Texas which replaced an abandoned "Non-Conforming Trailer Park.

Ms. Patterson submitted a formal Variance Request August 5, 2022. A hearing was held. After presentations Ms. Patterson's Attorney and City Officials, the parties were told to work on changing the modification in a manner that would be more feasible.

Ms. Patterson, through her representative met with City Officials and was advised that several mandatory changes were required.

1. The existing Trailer on the property and new trailers would have to be moved three (3) feet so that no trailer would be located in the Utility Easement.
2. Approved and paid Building permits for Plumbing, Electrical, Sewage and Water line must be issued before any work was started.
3. Licensed Plumbers, Electrical and other contractors requiring licenses must be retained and used for all work on the premises.
4. A moving permit must be approved for each new Trailer to be located on the premises.
5. All improvements to Plumbing, Electrical, Sewage and Water lines, etc must be accordance with City, State and Federal Codes and Regulations pertaining to and governing a "Non-Conforming Trailer Park".
6. A proposed Plat or Plats showing the location of new Trailers must be submitted and approved by the Variance Committee or the City Council of the City of Bay City.

After demolition, Ms. Patterson started the process of replacing three four previously existing Trailer homes with Four Trailers or Five Trailers. One trailer was placed on the property in May 2021 within six months of the demolition of the last of the old trailers. However, due to other city inspections requirements and other conditions beyond her control she was not able finish and to proceed with locating the other trailers on the property within six months of the original demolition.

Ms. Patterson is seeking this VARIANCE so that she can proceed and finish the development of the “Non-Conforming Trailer Park”.

She is submitting drawings of two proposed plats labled Exhibit “1” and Exhibit “2” . In addition she is submitting exhibits which include a (1) a video of the old Trailer Home Park. (2) The new existing Trailer on the “Non Conforming Trailer”. and (3) current relevant pictures of the Trailer Home Park.

“Under Texas state law this Variance Committee, may authorize this Variance “if the variance is not contrary to public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done. Tex. Local Gov’t Code Ann. Sec 211.009(a)*3) Vernon 1999.)

All of these conditions apply to Ms. Patterson’s situations.

Finally, denial of this Variance would cause Ms. Patterson as substantial financial hardship.

The Texas Municipal League (TML) published new legislative updates in August of 2021(see attached) stating the following:

Zoning Variances: Then and Now

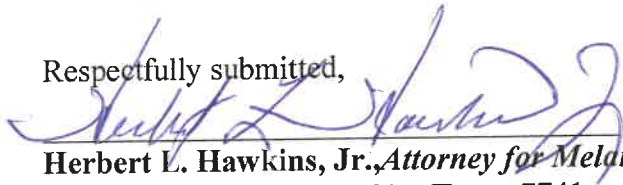
A BOA is authorized to grant a variance if, among other things, enforcing the ordinance as written would result in "unnecessary hardship." The term, hardship" is not defined in State law, so over time courts have grappled with the sorts of facts that can constitute an "unnecessary hardship" and justify granting a variance. Until the passage of H.B. 1475, an unnecessary hardship would be one that was not self-imposed, personal in nature, related to the property for which the variance is sought, and not a solely financial hardship. The hardship needed to be a condition unique, oppressive, and not common to other property.

**This changes the above analysis in a couple ways. It adds more objective criteria which a BOA can consider to determine whether compliance with a city's zoning ordinance as applied to a structure would result in an unnecessary hardship. For the first time, purely financial considerations can qualify an applicant for a variance. Additionally, if the proposed structure would be considered a nonconforming structure, that could be grounds to grant a variance. Those are two significant shifts in variance analysis, which allow an applicant to get over the "unnecessary hardship" hurdle a little more easily. Under the new law, there might be an unnecessary hardship if:
the cost of compliance with the zoning ordinance is greater than 50 percent Of the appraised value of the structure as shown on the most recent certified appraisal roll; or**

compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur; Or compliance would result in the structure not in compliance with a requirement of another city ordinance, building code, or other requirement; or compliance would result in the unreasonable encroachment on an adjacent property or easement; or the city considers the structure to be a nonconforming structure. Keep in mind that to grant a variance, the variance must not be contrary to the public interest, and the spirit of the zoning ordinance must be observed, So even if a proposed structure fits an "unnecessary hardship" category above, granting the variance is not automatic. The facts surrounding each variance request still have to be analyzed by the BOA, but starting September 1, 2021, H.B. 1475 changes part of the analysis. Cities and their BOAs should look at their zoning rules, policies, documentation, and electronic or printed materials to make sure they are updated to reflect this change in state law and be ready for new arguments from zoning applicants in the fall.

Ms. Patterson respectfully requests that her Variance Request be granted so that she can complete this project under the current provisions City, State and Federal law.

Respectfully submitted,



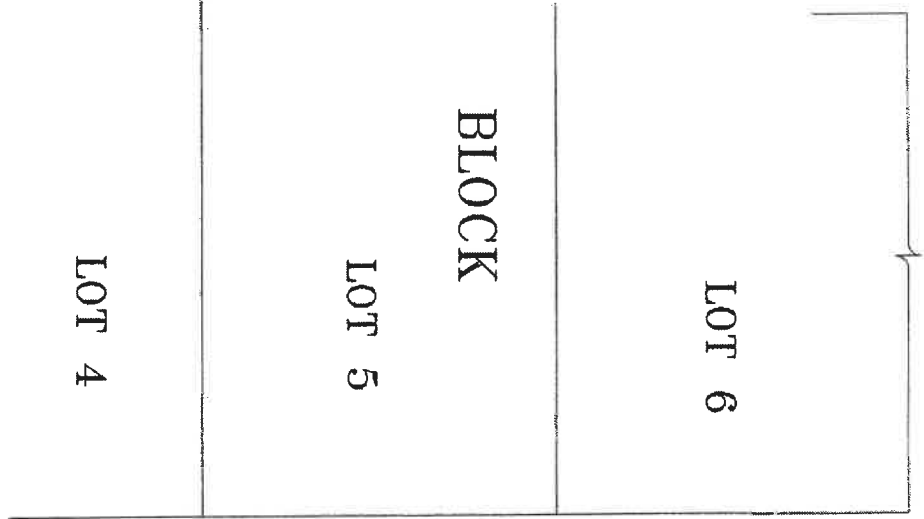
Herbert L. Hawkins, Jr., Attorney for Melanie Patterson
1720 Longorn Ave. Bay City, Texas 7741
(281)701-6498 Fax (866)896-0737
hawkinslawoffices@gmail.com

ITEM #2.

ITEM #1.

Exhibit "1"

PLAT SHOWING PROPOSED LAYOUT OF
MANUFACTURED HOMES AND ACCESS
LOTS 7 & 8 IN BLOCK 8 OF
THE EAST HEIGHTS ADDITION
TO THE CITY OF BAY CITY
VOLUME 43, PAGE 332 OF THE
MATAGORDA COUNTY DEED RECORDS
I. & G. N. R. R. CO. SURVEY
ABSTRACT NO. 269
MATAGORDA COUNTY, TEXAS



[20' ∞ ALLEY]

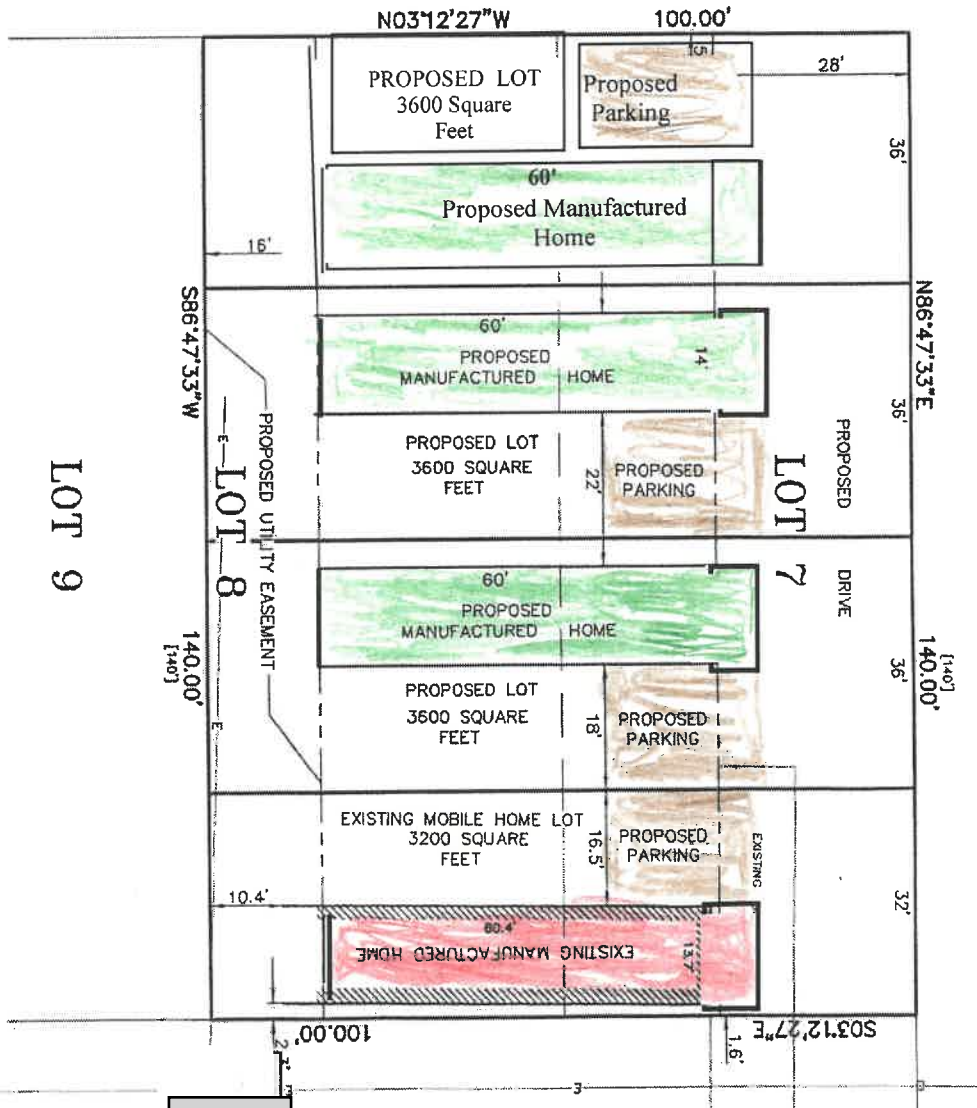


Exhibit "1"

2600 SYCAMORE STREET

Sycamore Street

SECOND STREET
RAILROAD

BOUNDARY AND CORNER MARKS SHOWN
EXCEPT WHERE NOTED OTHERWISE
SHOULD BE CONSIDERED AS APPROXIMATE



LEGEND

- E— OVERHEAD POWERLINE
- () PLAT OR DEED CALL

DRAWN BY	G.N.M.
CHECKED BY	W.E.G.
DATE:	FEB. 9, 2022
SCALE:	1" = 20'



PLAT SHOWING PROPOSED LAYOUT OF MANUFACTURED HOMES AND ACCESS LOTS 7 & 8 IN BLOCK 8 OF THE EAST HEIGHTS ADDITION TO THE CITY OF BAY CITY VOLUME 43, PAGE 332 OF THE MATAGORDA COUNTY DEED RECORDS I. & G. N. R. R. CO. SURVEY ABSTRACT NO. 269 MATAGORDA COUNTY, TEXAS

LOT 9
Exhibit "2"
2600 SYCAMORE STREET

PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

02-09-2022
RELEASE DATE

MELANIE PATTERSON

G & W ENGINEERS, INC.
ENGINEERING SURVEYING PLANNING

205 W. LIVE OAK STREET, PORT LAVACA, TEXAS 77979
FIRM NO.: 10022100
LAVACA (979) 323-7100; BAY CITY (361) 552

FILE NO.:	10112-001A
JOB NO.:	10112-001
SHEET NO.:	1 OF 1

DRAWN BY
G.N.M.
CHECKED BY
W.E.G.
DATE:
FEB. 9, 2022
SCALE:
1" = 20'

LEGEND
-E- OVERHEAD POWERLINE
[] PLAT OR DEED CALL

REFERENCES AND COORDINATE SYSTEM
BAY AREA COORDINATE SYSTEM
NAD 83
SOUTH CENTRAL ZONE NAD 83 GRID.

G & W ENGINEERS, INC.
ENGINEERING SURVEYING PLANNING
205 W. LIVE OAK STREET, PORT LAVACA, TEXAS 77979
TPELS FIRM NO.: 10022100
(361) 552-4509; PORT LAVACA (979) 323-7100; BAY CITY

FILE NO.: 10112-001A
JOB NO.: 10112-001
SHEET NO.: 1 OF 1

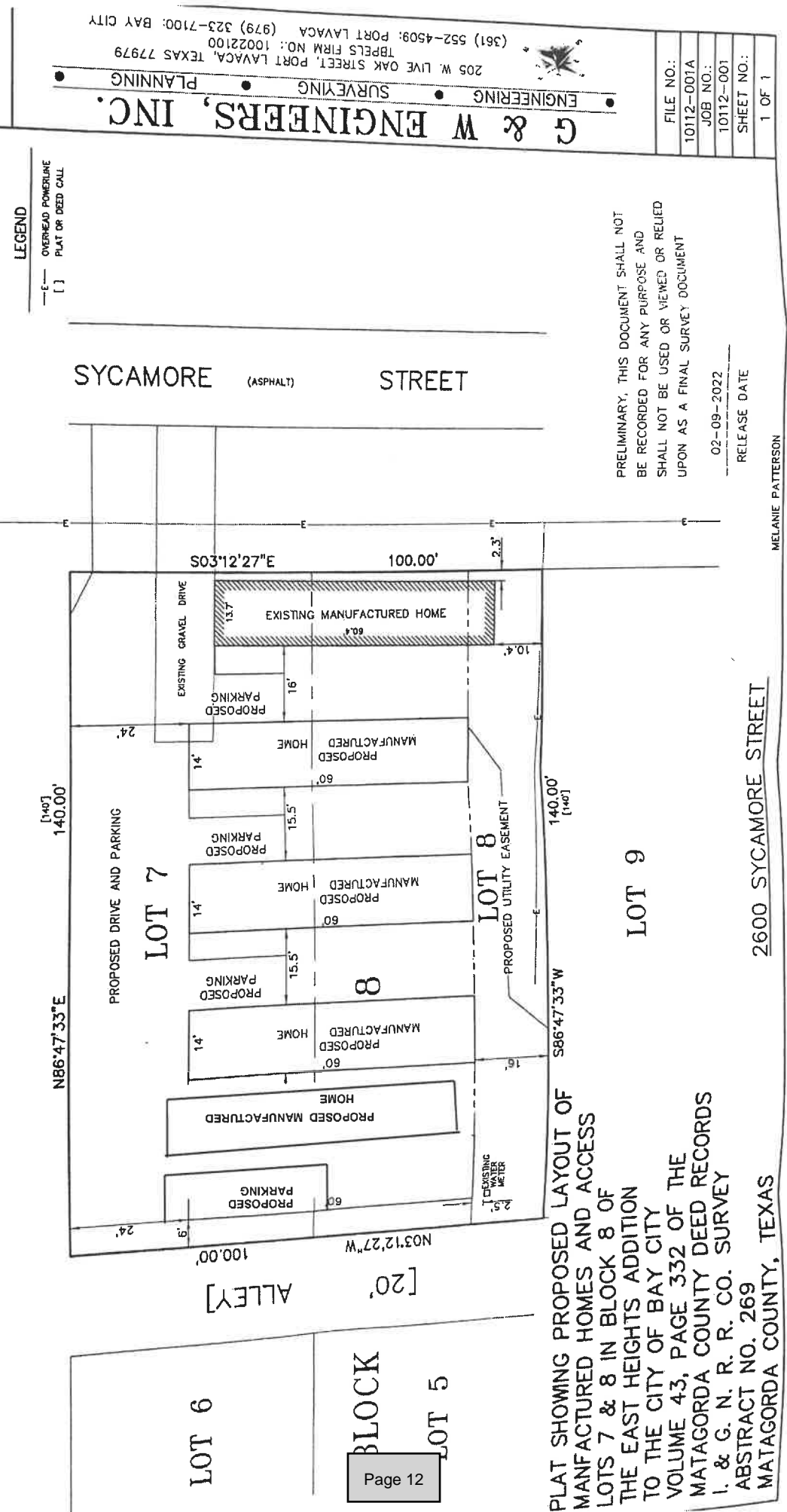
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02-09-2022
RELEASE DATE
MELANIE PATTERSON

SYCAMORE (ASPHALT) STREET

2600 SYCAMORE STREET

ALLEY [20']

LOT 6
BLOCK
LOT 5



PLAT SHOWING PROPOSED LAYOUT OF MANUFACTURED HOMES AND ACCESS LOTS 7 & 8 IN BLOCK 8 OF THE EAST HEIGHTS ADDITION TO THE CITY OF BAY CITY VOLUME 43, PAGE 332 OF THE MATAGORDA COUNTY DEED RECORDS I. & G. N. R. R. CO. SURVEY ABSTRACT NO. 269 MATAGORDA COUNTY, TEXAS

Page 12

Exhibit 3

DRAWN BY
G.N.M.
CHECKED BY
W.E.G.
DATE:
FEB. 9, 2022
SCALE:
1" = 20'

LEGEND
-E- OVERHEAD POWERLINE
[] PLAT OR DEED CALL

REFERENCE AND COORDINATE SYSTEM
NAD 83
SOUTH CENTRAL ZONE
NAD 83
UTM
ZONE 16R
Easting
600000
Northing
13200000
Datum
North American
1983
Datum
North American
1983
Datum
North American
1983

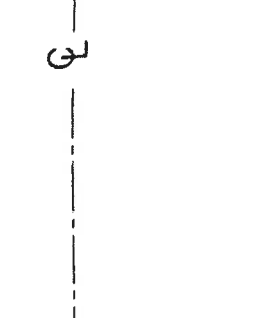
ENGINEERING
G & W ENGINEERS, INC.
SURVEYING
PLANNING
205 W. LIVE OAK STREET, PORT LAVACA, TEXAS 77979
TBPETS FIRM NO.: 10022100
(361) 552-4509; PORT LAVACA (979) 323-7100; BAY CITY

FILE NO.:
10112-001A
JOB NO.:
10112-001
SHEET NO.:
1 OF 1

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02-09-2022
RELEASE DATE

MELANIE PATTERSON

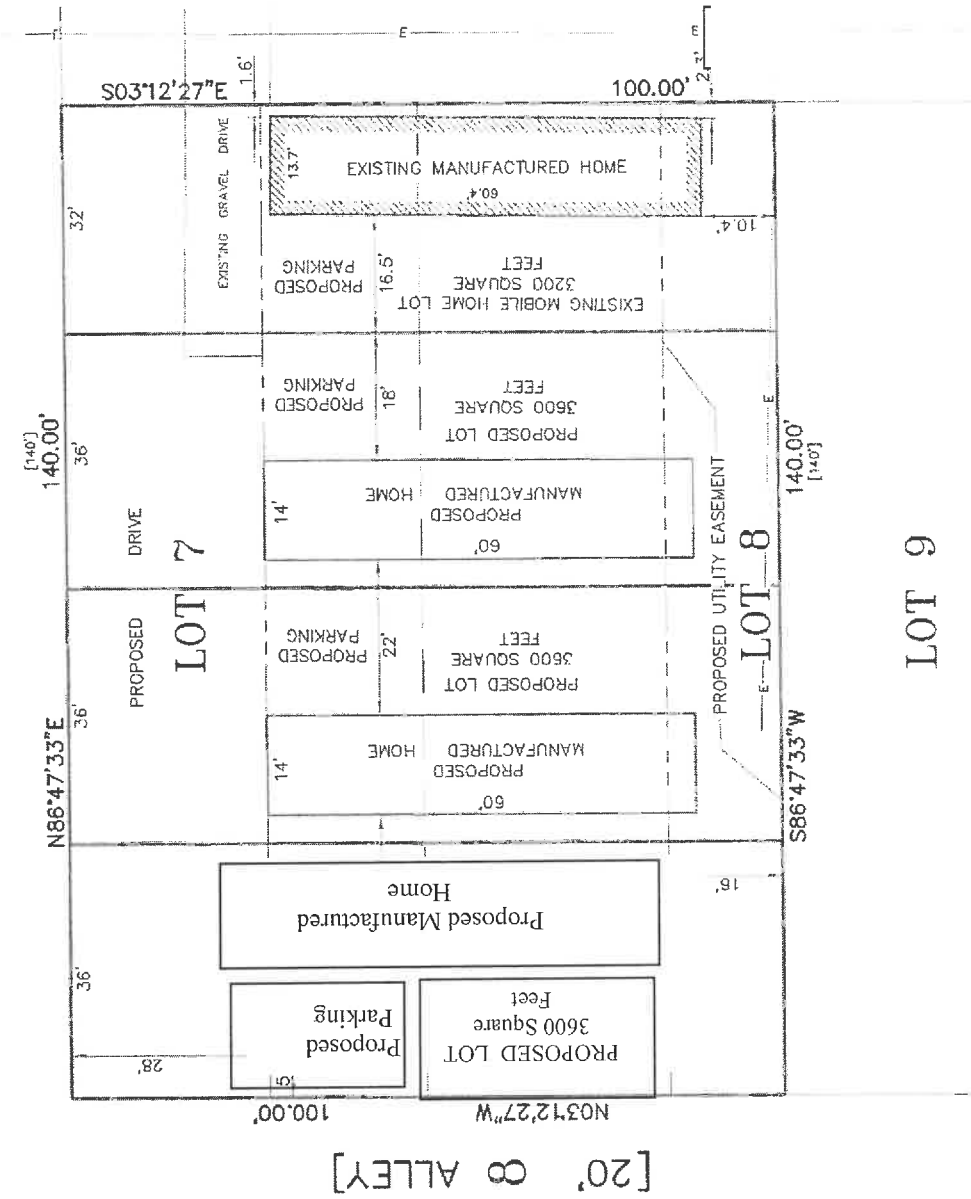
SYCAMORE STREET (ASPHALT)



2600 SYCAMORE STREET

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MANUFACTURED HOMES AND ACCESS
LOTS 7 & 8 IN BLOCK 8 OF
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VOLUME 43, PAGE 332 OF THE
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Exhibit 4



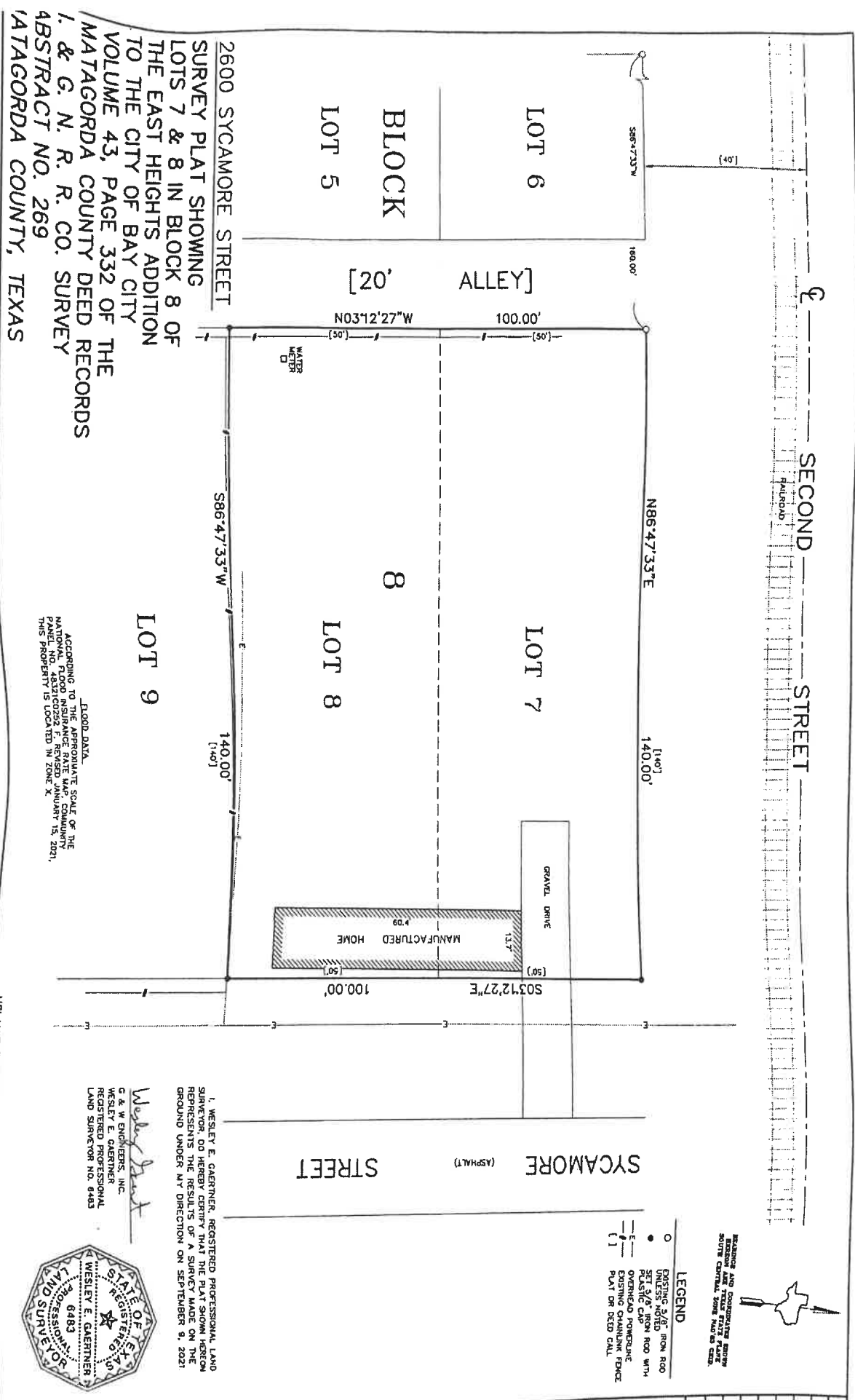
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2600 SYCAMORE STREET

Exhibit 1

ITEM #2.

97, 7, 14, 9, 13



2600 SYCAMORE STREET
 SURVEY PLAT SHOWING
 LOTS 7 & 8 IN BLOCK 8 OF
 THE EAST HEIGHTS ADDITION
 TO THE CITY OF BAY CITY
 VOLUME 43, PAGE 332 OF THE
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 ABSTRACT NO. 269
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GOOD DATA
 ACCORDING TO THE APPROXIMATE SCALE OF THE
 NATIONAL FIRE INSURANCE RATE MAP, COMMUNITY
 PLAN NO. 48321C0252 F, REVISED JANUARY 15, 2021,
 THIS PROPERTY IS LOCATED IN ZONE X.

MELANIE PATTERSON

1. WESLEY E. GAERTNER, REGISTERED PROFESSIONAL LAND
 SURVEYOR DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON
 REPRESENTS THE RESULTS OF A SURVEY MADE ON THE
 GROUND UNDER MY DIRECTION ON SEPTEMBER 9, 2021

Wesley E. Gaertner
 WESLEY E. GAERTNER, INC.
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 8483



- LEGEND**
- BOTTLED AND RIGID IRON ROD
 - SET 3/8" IRON ROD WITH PLASTIC CAP
 - DIMENSIONED FROM SURFACE
 - - - DIMENSIONED FROM CENTER LINE OF ROAD
 - PLAT OR DEED CALL

BOUNDARY AND CONSTRUCTION SHOWN
 SHALL BE CONSIDERED AS SHOWN
 UNLESS OTHERWISE NOTED
 NORTH CENTRAL ZONE, NAD 83 DATA

G & W ENGINEERS, INC.
 ENGINEERING SURVEYING PLANNING

Page 15

205 W. LIVE OAK STREET, PORT LAVACA, TEXAS 77979

FILE NO	10112-0
JOB NO	10112-0
SHEET NO	1 OF 1

DRAWN BY	M.M.A.
CHECKED BY	W.E.G.
DATE	SEPT 16, 2021
SCALE	1" = 20'

Exhibit "7"



Legislative **UPDATE**

August 20, 2021
Number 32

Exhibit "5A"

Post-Session Update: Grounds for Zoning Variances Expanded

In cities with zoning regulations, the Board of Adjustment ("BOA") serves as the appellate body for certain zoning-related decisions. BOAs are authorized by state law to hear appeals of administrative decisions, decide whether or not to grant special exceptions to terms of the zoning ordinance, authorize variances from the zoning ordinance, and hear and decide "other matters" authorized under the city's zoning ordinance. H.B. 1475 changes BOA authority related to variances and gives additional objective grounds for which a variance from a municipal zoning ordinance may be granted.

Exhibit "6"

127 S.W.3d 220
CITY OF DALLAS, Texas, Board of
Adjustment of the City of Dallas, Texas
and Raj Sharma, in his capacity as the
Building Official of the City of Dallas,
Appellants,

v.

Doug VANESKO and Grace Vanesko,
Appellees.

No. 05-03-00022-CV.
Court of Appeals of Texas, Dallas.
November 19, 2003.
Rehearing Overruled February 9,
2004.

[127 S.W.3d 222]

Christopher D. Bowers, Assistant City
 Attorney, Dallas, for Appellants.

Roger Albright, Law Offices of Roger
 Albright, Dallas, for Appellees.

Before Justices MOSELEY, MARTIN
 RICHTER and FRANCIS.

OPINION

Opinion by Justice MARTIN RICHTER.

This is a zoning case. The Vaneskos sought a variance from a local zoning ordinance, but the Board of Adjustment refused to grant a variance. The Vaneskos filed an application for writ of certiorari in the trial court in order to seek review of the Board of Adjustment decision. The cause was tried to the court below without a jury. The only evidence considered was the record of the Board of Adjustment proceedings submitted upon the return and supplemental return of the writ of certiorari. The trial court reversed the Board of Adjustment on the basis that its decision was an abuse of discretion and remanded for further proceedings consistent with the holdings of *Town of S. Padre*

[127 S.W.3d 223]

Island v. Cantu, 52 S.W.3d 287 (Tex.App.-Corpus Christi, 2001, no pet.) and *Board of Adjustment v. McBride*, 676 S.W.2d 705, 709 (Tex.App.-Corpus Christi, 1984, no writ). The City of Dallas, the Board of Adjustment for the City of Dallas, and Raj Sharma, in his capacity as the Building Official for the City of Dallas¹, bring three issues, claiming the trial court erred by abusing its discretion when it 1) remanded the case for the Board to consider *Cantu* and *McBride*, 2) concluded a city inspector's mistake in approving a building permit was a unique oppressive condition resulting in unnecessary hardship to the Vaneskos, and 3) made findings of fact and conclusions of law that ignored substantial evidence that supported the Board's decision. We affirm the decision of the trial court.

I. Factual Background

The Vaneskos purchased their property in Dallas in 1991 and lived in an existing single family residence until 1996, when they moved into an apartment located above their garage. The Vaneskos then had the existing home demolished in order to build a newer and larger home. The record indicates that this section of North Dallas was, at the time, a "hotbed" of redevelopment.

Doug Vanesko designed his own home and acted as his own general contractor. Realizing he was a novice contractor, Doug Vanesko paid the city building inspector an additional sum of money to approve his construction plans. The city not only approved those plans, but also made periodic inspections to monitor the construction.

As the home was nearing completion, and after the structure's steel truss roof was completely framed in, the building inspector stated that he thought that the roof appeared two feet too high. The Vaneskos were not advised or ordered to stop construction, but were told to seek a variance from the Board.



With the support of the building inspector's office, the Vaneskos filed for a variance.

After the building inspector first advised that the structure appeared to be too high, and the procedure for seeking a variance commenced, the parties discovered that the permit and the plans approved by the building inspector were in error. The Vaneskos' property is in an R-10 zoning area, which provides for a maximum structure height of thirty feet. Apparently, the plan reviewer in the city inspector's office believed the lot to be in an R-1 or R-2 zoning area, which would allow a maximum height of thirty-six feet.

The approved plans provided for a 38.25 foot height². The house is actually 38.11 feet high. Although the house is 8.11 feet too high as per the zoning ordinance in issue, it was substantially built in accordance with the plans approved by the city.

The evidence indicates that it would cost the Vaneskos between \$50,000—\$100,000 to remove and replace the roof. Further, 80% of the neighbors surrounding the property supported the granting of the variance, while the remaining 20% expressed no opinion other than to indicate that they were unhappy with the City that the situation had gotten to that point.

During the hearings before the Board on the request for a variance, the Board

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was specifically instructed by an assistant city attorney to not consider the fact that the permit had been issued in error or that the home was already completely built. Accordingly, the Board denied the request for a variance.

II. Standard of Review

A board of adjustment is a quasi-judicial body. *Bd. of Adjustment v. Flores*, 860 S.W.2d 622, 625 (Tex.App.-Corpus Christi 1993, writ denied). Section 211.011 of the local government code provides a means for challenging an action taken by a city's zoning board of adjustment. See Tex. Local Gov't Code Ann. § 211.011 (Vernon Supp.2003). This statute provides that a person aggrieved by a zoning board's action may petition the court for a writ of certiorari within ten days after the board's decision is filed. See *id.* at 211.011(a), (b). The district court sits only as a court of review, and the only question that may be raised by a petition for writ of certiorari is the legality of the board's order. See Tex. Local Gov't Code Ann. § 211.011(a) (Vernon Supp. 2003); *City of San Angelo v. Boehme Bakery*, 144 Tex. 281, 286-87, 190 S.W.2d 67, 70 (1945); *Southwest Paper Stock, Inc. v. Zoning Bd. of Adjustment of Fort Worth*, 980 S.W.2d 802, 805 (Tex.App.-Fort Worth 1998, pet. denied). The board's order is presumed to be legal, and the party attacking it has the burden of establishing its illegality. See *Board of Adjustment of Dallas v. Patel*, 882 S.W.2d 87, 88 (Tex. App.-Amarillo 1994, writ denied).

If the court determines that testimony is necessary for the proper disposition of the matter, it may take evidence. See Tex. Local Gov't Code Ann. § 211.011(e) (Vernon Supp.2003). However, review of the board's decision is not by trial de novo. See *Boehme Bakery*, 144 Tex. at 286-87, 190 S.W.2d at 70. The trial court must only answer a question of law, i.e., whether the board abused its discretion. See *Nu-Way Emulsions, Inc. v. City of Dalworthington Gardens*, 617 S.W.2d 188, 189 (Tex.1981) (per curiam); *Dengler v. City of Groves*, 997 S.W.2d 418, 420 (Tex.App.-Beaumont 1999, pet. denied).

It is an abuse of discretion for a zoning board to act arbitrarily and unreasonably without reference to any guiding rules or principles. See *Downer v. Aquamarine Operators, Inc.*, 701 S.W.2d 238, 241-42



(Tex.1985). A board of adjustment abuses its discretion if it clearly fails to analyze or apply the law correctly. *See Walker v. Packer*, 827 S.W.2d 833, 840 (Tex.1992) (original proceeding). The Board does not abuse its discretion as long as some evidence of substantive and probative character exists to support the board's decision. *See Southwest Paper Stock, Inc.*, 980 S.W.2d at 805-06.

The district court may reverse or affirm, in whole or in part, or modify the decision that is appealed. *See Tex. Local Gov't Code Ann. § 211.011(f)* (Vernon Supp.2003). However, the district court cannot put itself in the adjustment board's position or substitute its discretion for that of the board. *See Board of Adjustment of Corpus Christi v. Flores*, 860 S.W.2d 622, 625 (Tex.App.-Corpus Christi 1993, writ denied); *see also Downer*, 701 S.W.2d at 241-42.

III. Applicable Law

Under state law, a board of adjustment "may authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and

[127 S.W.3d 225]

substantial justice is done." *Tex. Local Gov't Code Ann. § 211.009(a)(3)* (Vernon 1999).

In Dallas, which is a home rule city,³ the Board's decision-making authority in variance cases is further limited by city ordinance. The guiding principles which govern the Board's decision are found in the Dallas Development Code, which authorizes the Board to grant variances from zoning regulations if the variance is "necessary to permit development of the specific parcel of land which differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot

be developed in a manner commensurate with the development upon other parcels of land in districts with the same zoning classification." Dallas, Tex., Dallas City Code § 51A-3.102(d)(10) (2000). "A variance may not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor may a variance be granted to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land in districts with the same zoning classification." *See id.*

The Corpus Christi court of appeals has encountered a case remarkably similar to the one before us. *See Town of S. Padre Island v. Cantu*, 52 S.W.3d 287 (Tex.App.-Corpus Christi 2001, no pet.). The Cantus prepared plans for the construction of their home and submitted them to the building department for approval. *Id.* at 288. The town issued a building permit for construction in accordance with the plans submitted. *Id.* When the home was nearly 80% complete, a building inspector informed the Cantus that a portion of their house protruded two feet over a setback line mandated by the zoning ordinance. *Id.* at 288-89.

The Cantus subsequently requested a variance from the board of adjustment. *Id.* at 289. Evidence was presented that the protrusion did not pose a health or safety risk, and at least some of the neighbors supported the granting of a variance. *Id.* The board denied the variance, and the Cantus appealed to the trial court by writ of certiorari. *Id.* The trial court and, ultimately, the *Cantu* court, determined that the board abused its discretion in failing to grant the variance. *Id.* at 289, 291.

In so holding, the *Cantu* court noted that enforcement of the ordinance would substantially change the house's appearance and would make the house and the area less aesthetically pleasing. *Id.* at 290. The *Cantu* court considered the rule that in order to justify a variance, a hardship must not be self-

fast

CITY OF BAY CITY

MINUTES • JULY 28, 2022

**COUNCIL
CHAMBERS | 1901
5th Street**

Planning Commission Meeting

5:00 PM

**1901 5TH STREET
BAY CITY TX, 77414**



Bay City is committed to developing and enhancing the long-term prosperity, sustainability, and health of the community.

CALL TO ORDER

The meeting was called to order by Chairperson Jessica Russell at 5:02 pm.

PRESENT

Commissioner Joshua Fortenberry
Chairperson Jessica Russell
Commissioner Zeinab Ghais
Commissioner Marion Garcia

ABSENT

Commissioner Erik Frankson
Commissioner Raihan Khondker
Commissioner Carolyn Barclay

APPROVAL OF AGENDA

Motion made by Commissioner Ghais to approve the agenda, Seconded by Commissioner Fortenberry. Voting Yea: Commissioner Fortenberry, Chairperson Russell, Commissioner Ghais, Commissioner Garcia. Motion carried.

APPROVAL OF MINUTES

1. Meeting Minutes of July 28, 2022

Motion made by Commissioner Ghais to approve the minutes, Seconded by Commissioner Fortenberry.

Voting Yea: Commissioner Fortenberry, Chairperson Russell, Commissioner Ghais, Commissioner Garcia. Motion carried.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL:

- 2. Variance ~ Discuss, consider, and/or approve a variance to the Municipal Code of Ordinances, Sec. 54-29 through 54-83, Sec. 54-110 through 54-201, Sec. 54-203, Sec. 54-240 through 54-259 at East Heights S/D, Block 8, Lot 7 & 8 (2600 Sycamore).** Malanie Patterson/Herbert Hawkins Jr.

Krystal Mason, City Planning Manager, gave a summary of the background of the property stating the Code Enforcement had had a case of three substandard mobile homes in 2020 that were demolished and the new owner had needed to put new mobile homes on the property within 180 days to maintain the "Non-Conforming" Mobile Home Park. Ms. Patterson was able to get one mobile home on the property but due to delays because of permitting and lack of permitting has not been able to get the others on the property yet. The current placed home is in the Utility Easement and needs to be moved. Ms. Mason also stated that the proposed plats to add one or two more trailers will not provide the requires set backs and spacing.

Mr. Herbert Hawkins Jr., Attorney representing Ms. Patterson, and Shawna Burkhart, City Manager, both discussed what Texas Municipal League advised. Mr. Hawkins stated that the City gives setback variances all the time and that neighborhood is having a housing shortage and this is a financial hardship for Ms. Patterson.

Chairman Russell stated that she is concerned for the residents safety in regards to a fire, but believes allowing additional time for Ms. Patterson to get the homes on the property.

Motion made by Commissioner Ghais to extend the time to an additional 180 days, not to remove the status and table the replat with setback and spacing variances, Seconded by Commissioner Fortenberry. Voting Yea: Commissioner Fortenberry, Chairperson Russell, Commissioner Ghais, Commissioner Garcia. Motion carried.

- 3. Review, discuss, and/or approve preliminary or final plat of Bay City 35, LLC Sec. 1 development being a subdivision of 31.01 acres out of the John Duncan Survey No. 3, A-150 in Bay City, Matagorda County, Texas which is located north of Hwy 35 (7th St), south of Old Van Vleck Rd, and east of McCrosky Rd.**

Chairman Russell advised the commission to approve as the final plat.

Motion made by Commissioner Ghais to approve as the final plat of Bay City 35, LLC Sec. 1 development being a subdivision of 31.01 acres out of the John Duncan Survey No. 3, A-150 in Bay City contingent on Public Works approval. Seconded by Commissioner Fortenberry. Voting Yea: Commissioner Fortenberry, Chairperson

Russell, Commissioner Ghais, Commissioner Garcia. Motion carried.

4. Variance ~ Discuss, consider and/or approve a variance to the City of Bay City Code of Ordinance, Sec. 98-100 "Building Lines" at the Bay City Original Townsight, Block 82, Lots 1-3 and 10-12. UPRR (G-W Engr)

Krystal Mason, City Planning Manager, stated that the property was owned by Union Pacific and structures have been there for about 50 years.

Motion made by Commissioner Ghais to approve the variance to building lines at the Bay City Original Townsite, Block 82, Lots 1-3 and 10-12, Seconded by Commissioner Fortenberry. Voting Yea: Commissioner Fortenberry, Chairperson Russell, Commissioner Ghais, Commissioner Garcia. Motion carried.

ITEMS / COMMENTS FROM BOARD MEMBERS

Chairman Russell commended Public Works and their time spent.

PUBLIC COMMENTS

State Law prohibits any deliberation of or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff places the item on an agenda for a subsequent meeting.

There were no public comments.

ADJOURNMENT

Motion made by Commissioner Ghais to adjourn, Seconded by Commissioner Fortenberry. Voting Yea: Commissioner Fortenberry, Chairperson Russell, Commissioner Ghais, Commissioner Garcia. Motion carried and the meeting adjourned at 5:55 pm.

PASSED AND APPROVED, this ____ day of _____, 20____.

JESSICA RUSSELL
CHAIRMAN

STATE OF TEXAS
COUNTY OF MATAGORDA
CITY OF BAY CITY

We Stuart A. Lynn being officer of SAL Holding, LLC, owner of the 1.033 tract described in the above and foregoing map of D.P. Moore's Addition, Replat No. 1, do hereby make and establish said subdivision and development plat of said property according to all lines, dedications, restrictions and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets, alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself, my heirs and assigns to warrant and forever defend the title to the land so dedicated.

IN TESTIMONY WHEREOF, the SAL Holding, LLC has caused these presents to be signed by Stuart A. Lynn, its Managing Members, hereunto authorized, this _____ day of _____, 2023.

SAL Holdings, LLC

By: Stuart A. Lynn, Managing Member

STATE OF TEXAS
COUNTY OF MATAGORDA

Before me, the undersigned authority of this day personally appeared Stuart A. Lynn, known to me to be the persons whose names are subscribed to the forgoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, A.D. 2023.

Notary Public of Matagorda County, Texas

On behalf of the City of Bay City, Texas, I hereby certify that this plat and subdivision of D.P. Moore's Addition, Replat No. 1 was approved in conformance with the laws of the State of Texas and the ordinances of the City of Bay City as shown hereon; and that the dedications on this plat are hereby accepted by the City of Bay City; and authorize the recording of this plat this _____ day of _____, 2023, provided however, this approval shall be invalid, null and void unless this plat is filed with the County Clerk of Matagorda County within six (6) months.

Robert Nelson, Mayor

Jeanna Thompson, City Secretary

STATE OF TEXAS
COUNTY OF MATAGORDA

I, Stephanie Wurtz, Clerk of the County of Matagorda County, Texas, do hereby certify that the foregoing Plat was filed for

record in my office on the _____ day of _____

_____ 2023, at _____ o'clock .m., in Plat File

Number _____ of the Plat Records of Matagorda County, Texas.

Stephanie Wurtz, County Clerk

This is to certify that the Bay City Planning Commission of the City of Bay City, Texas has approved this plat and subdivision of D.P. Moore's Addition, Replat No. 1 in conformance with the laws of the State of Texas and the ordinances of the City of Bay City as shown hereon and authorizes the recording of this plat this

_____ day of _____, 2023.

Jessica Russell, Chairman

PLAT NOTES:

1. This plat lies within the City of Bay City full purpose jurisdiction or; ETJ.
2. No improvements including but not limited to buildings, fences, or landscaping shall be allowed in a drainage easement.
3. The property owner shall provide access to drainage and utility easements as may be necessary and shall not prohibit access for inspection, operation, and maintenance.
4. All drainage easements on private property shall be maintained by the property owner or his/her assigns.
5. This subdivision is subject to all general notes and restrictions appearing on the plat of D.P. Moore's First Addition, Lots 1 through 3 and Lots 10 through 12, recorded in Volume 6, Page 3 of the Plat Records of Matagorda County, Texas.
6. Lot consolidation to create one, for commercial purposes.
7. No construction work shall be done on the ground until the final plat has been approved.
8. One Lot - 1.033 acres.
9. Address: 1221 Avenue F, Bay City, Tx 77414

GENERAL NOTES:

1. LEGAL DESCRIPTION SHOWN HEREON.
2. BEARINGS ARE ORIENTED TO GRID NORTH OF THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, TEXAS SOUTH CENTRAL ZONE 4204, SURVEY FEET.
3. SITE ELEVATION DATUM IS NAVD 88.
4. CONTOUR INTERVAL = 1.0'
5. TEMPORARY SITE BENCHMARK 1
TOP OF "X" CUT IN CONCRETE BEING S 55°40'54" E 66.34' FROM THE SOUTH WEST CORNER OF TRACT ELEVATION = 50.94'
6. TEMPORARY SITE BENCHMARK 2
TOP OF "X" CUT IN CONCRETE BEING S 03°28'45" E 41.61' FROM THE SOUTH WEST CORNER OF TRACT ELEVATION = 51.38'
7. THE SUBJECT TRACT LIES IN ZONE "X" AREA OF MINIMAL FLOOD HAZARD, PER FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 48321C0255F WITH A MAP EFFECTIVE DATE OF JANUARY 15, 2021, COUNTY OF MATAGORDA, TEXAS.

THE UNDERSIGNED, CHAIRMAN OF THE MATAGORDA COUNTY DRAINAGE DISTRICT NO. 1, DOES HEREBY CERTIFY THAT AT ITS REGULAR MEETING HELD ON THE _____ DAY OF _____, 2023, THE BOARD OF DIRECTORS OF SAID DISTRICT APPROVED THIS SUBDIVISION PLAT FOR EASEMENT LOCATION AND DEDICATIONS ONLY. IT SHALL BE UNDERSTOOD THAT THE CITY OF BAY CITY SHALL NOT ISSUE A BUILDING PERMIT FOR ANY CONSTRUCTION IN THIS SUBDIVISION WITHOUT THE CONSTRUCTION PLANS FOR THE DRAINAGE IMPROVEMENTS BEING FIRST REVIEWED AND APPROVED BY MATAGORDA COUNTY DRAINAGE DISTRICT NO. 1.

BARRETT FRANZ, CHAIRMAN

THE ABOVE HAS SIGNED THESE PLANS AND/OR PLAT BASED ON THE RECOMMENDATION OF THE DISTRICT'S ENGINEER WHO HAS REVIEWED ALL SHEETS PROVIDED AND FOUND THEM TO BE IN GENERAL COMPLIANCE WITH THE DISTRICT'S "RULES AND REGULATIONS". THIS APPROVAL IS ONLY VALID FOR THREE HUNDRED SIXTY-FIVE (365) CALENDAR DAYS. AFTER THAT TIME RE-APPROVAL IS REQUIRED. PLEASE NOTE, THIS DOES NOT NECESSARILY MEAN THAT ALL THE CALCULATIONS PROVIDED IN THESE PLANS AND/OR PLATS HAVE BEEN COMPLETELY CHECKED AND VERIFIED. PLANS SUBMITTED HAVE BEEN PREPARED, SIGNED AND SEALED BY A PROFESSIONAL ENGINEER LICENSED TO PRACTICE ENGINEERING IN THE STATE OF TEXAS AND PLAT HAS BEEN SIGNED AND SEALED BY A REGISTERED PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE IN THE STATE OF TEXAS, WHICH CONVEYS THE ENGINEER'S AND/OR SURVEYOR'S RESPONSIBILITY AND ACCOUNTABILITY.

STATE OF TEXAS
COUNTY OF MATAGORDA

I hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

Philip W. Cornett, R.P.L.S.
Registration No. 5515



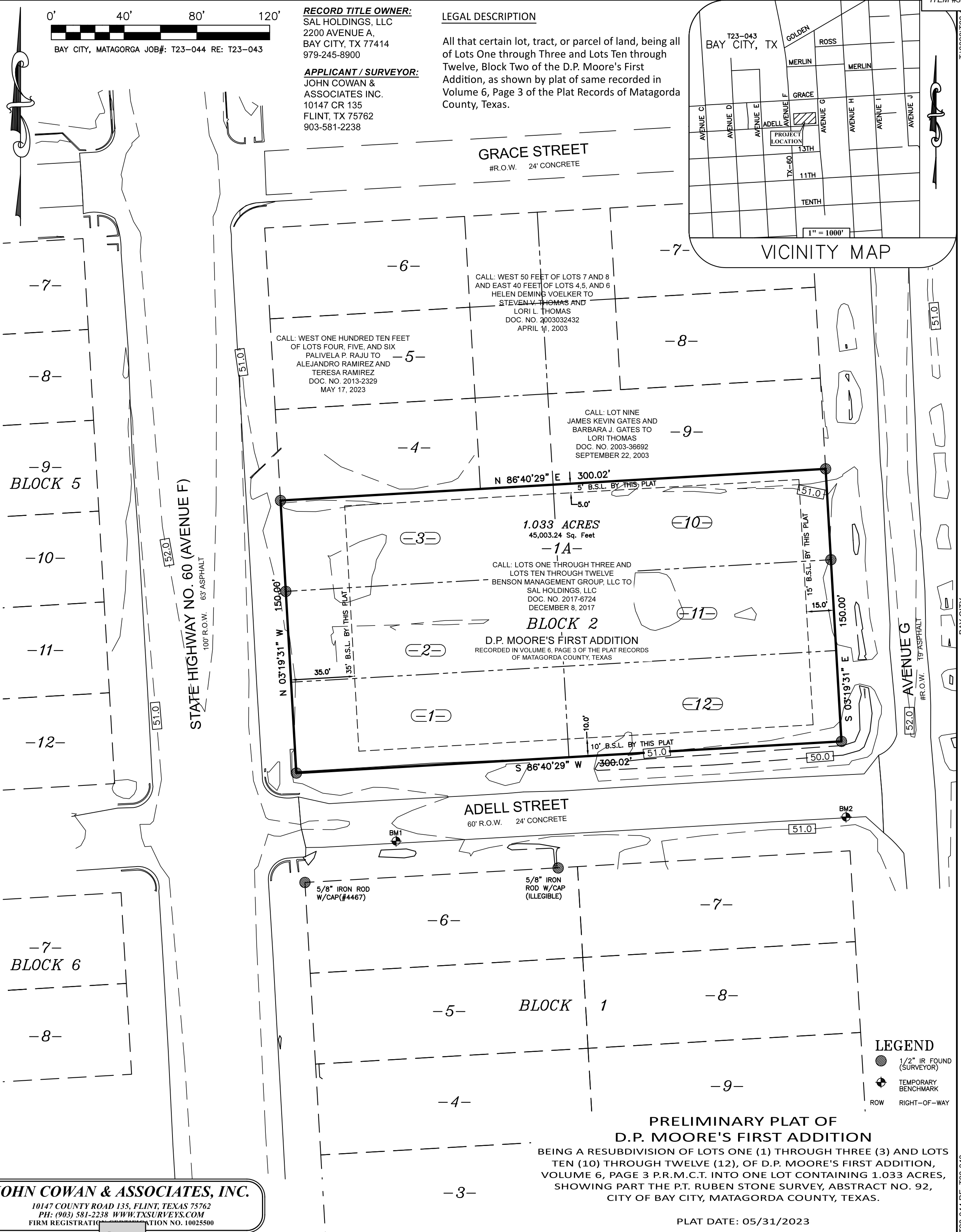
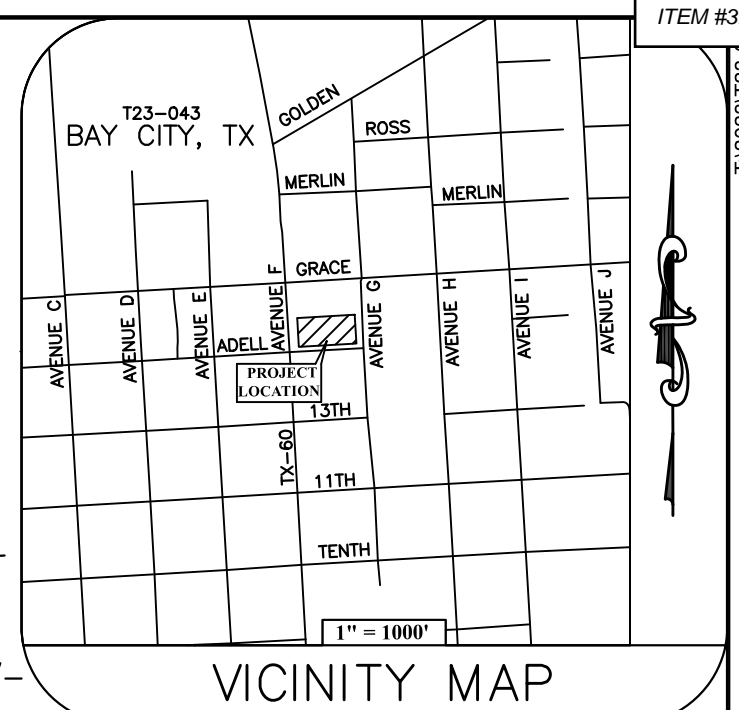
BAY CITY, MATAGORDA JOB#: T23-044 RE: T23-043

RECORD TITLE OWNER:
SAL HOLDINGS, LLC
2200 AVENUE A,
BAY CITY, TX 77414
979-245-8900

APPLICANT / SURVEYOR:
JOHN COWAN &
ASSOCIATES INC.
10147 CR 135
FLINT, TX 75762
903-581-2238

LEGAL DESCRIPTION

All that certain lot, tract, or parcel of land, being all of Lots One through Three and Lots Ten through Twelve, Block Two of the D.P. Moore's First Addition, as shown by plat of same recorded in Volume 6, Page 3 of the Plat Records of Matagorda County, Texas.



LEGEND

- 1/2" IR FOUND (SURVEYOR)
- ⊕ TEMPORARY BENCHMARK
- ROW RIGHT-OF-WAY

**PRELIMINARY PLAT OF
D.P. MOORE'S FIRST ADDITION**
BEING A RESUBDIVISION OF LOTS ONE (1) THROUGH THREE (3) AND LOTS TEN (10) THROUGH TWELVE (12), OF D.P. MOORE'S FIRST ADDITION, VOLUME 6, PAGE 3 P.R.M.C.T. INTO ONE LOT CONTAINING 1.033 ACRES, SHOWING PART THE P.T. RUBEN STONE SURVEY, ABSTRACT NO. 92, CITY OF BAY CITY, MATAGORDA COUNTY, TEXAS.

PLAT DATE: 05/31/2023

JOHN COWAN & ASSOCIATES, INC.
10147 COUNTY ROAD 135, FLINT, TEXAS 75762
PH: (903) 581-2238 WWW.TXSURVEYS.COM
FIRM REGISTRATION NO. 10025500

ITEM #3.
T23-044 RE: T23-043

July 13, 2023

Planning Commission
City of Bay City
1901 5th Street
Bay City, TX 77414

**RE: Final Plat Approval for Dollar General
Located at 1221 Ave F, Bay City, TX 77414**

Dear Planning Commission Chairman,

Public Works is submitting the re-plat for Dollar General D.P. Moore’s First Addition for consideration and/or approval to the Planning Commission at their meeting on July 19, 2023.

The 1.033-acre property is located on the northeast corner of Ave F (SH 60) and Adell St. and consists of six (6) individually platted lots: one (1), two (2), three (3), ten (10), eleven (11), and twelve (12) in block two (2) of D.P. Moore’s First Addition. The property is not located within the floodplain. The owner of the property is SAL Holdings, LLC. The purpose of the plat is to consolidate the six (6) lots to one (1). The existing structure on the property will be demolished to make way for new commercial construction of a retail store. The property fronts Ave F (SH60) and Adell St. Drainage plans have been submitted to the Matagorda County Drainage District No. 1 but have not been approved as of the draft of this memorandum.

Plat approval involves three stages as required by Part II – Code of Ordinance, Chapter 98 – Subdivisions, Article II. Platting Procedures, etc.:

- (1) Departmental review by City Public Works and Gas Company;
- (2) Completeness Review by the Director of Public Works; and
- (3) Final Approval by City Planning Commission.

Departmental review and the Completeness Review have been completed. This report is a summary of the completeness review and is prepared for the consideration of the third stage in the process, Final Approval. The final plat complies with the following as specified in Section 98-40 (c):

- (1) Plat is on 18x24 with an appropriate scale.
- (2) Title and other drawing details required by this item are shown.
- (3) No new easements are being dedicated.
- (4) All data necessary to reproduce the plat on the ground is shown.
- (5) Certificate of ownership is shown on the plat
- (6) Certificate of approval for the Mayor and City Secretary is on the face of the plat
- (7) Title report and tax certificates have been provided.

- (8) No covenants or restrictions have been removed by the replat.
- (9) The appropriate note regarding the flood zone is on the plat.
- (10) Electronic files have been submitted.

Public Works has examined the plat and it conforms to all applicable criteria and standards. The final filing fee, as prescribed in Section 98-42, has been collected.

Approval of this Final Plat is recommended and a Certificate of Completeness is attached.

Report Prepared By: Krystal Mason, Assistant Director of Public Works

Sincerely,

Shawna Burkhart
City Manager
Interim Director of Public Works
City of Bay City

cc: Jeanna Thompson, City Secretary
File

Preliminary