



PLANNING COMMISSION

CITY OF BAY CITY

Tuesday, September 21, 2021 at 5:30 PM
COUNCIL CHAMBERS | 1901 5th Street

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

AGENDA

CALL TO ORDER

APPROVAL OF AGENDA

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.

APPROVAL OF MINUTES

1. Meeting Minutes of February 11, 2021

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL:

2. Discuss, consider, and/or approve a variance to City Code of Ordinance, Chapter 98 "Subdivisions", Section 98-128 "Lots", to replat according to actual existing structures located at 1703 & 1705 Moore Avenue, South 110' of Lots 11 & 12, Block 11, Bay City Original Townsite. Humberto Lopez, owner and Gary Murphree, Bay City Survey

ITEMS / COMMENTS FROM BOARD MEMBERS

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, September 17, 2020 before 5:30 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 • FEBRUARY 11, 2021

COUNCIL
CHAMBERS | 1901
5th Street

Planning Commission Meeting

6:00 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

Meeting was called to order at 6:00 pm by Jessica Russell.

COMMISSIONERS PRESENT:

Commissioner Erik Frankson
Commissioner Joshua Fortenberry
Chairperson Jessica Russell (Conference call)
Commissioner Zeinab Ghais

Also present:

Shawna Burkhart, City Manager
Barry Calhoun, Public Works Director
Tim Riggs, City Building Director

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

1. Meeting Minutes of October 15, 2020

Motion to approve the minutes of October 15, 2020 by Commissioner Fortenberry, Seconded by Commissioner Frankson. Voting Yea: Commissioner Frankson,

Commissioner Fortenberry, Chairperson Russell, Commission Ghais. Motion carried.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL:

- 2. Variance ~ Discuss, consider, and/or approve a variance to Section 114.162 (f) at Nichols & Norvell, Lots 3-6 (less 5x25), Block 12 (3322 6th Street) (Dianne Brown, William M. Bell).

Shawna Burkhart presented the variance. Ms. Burkhart stated that this was a new funeral home and the City ordinance, since 2017, does not except whole blood. Ms. Burkhart added that there are existing funeral homes that do do this currently. Barry Calhoun stated that it is a TCEQ requirement at that time the ordinance was done, but there is a tipping point. If found tipping point, we can go back to it and address the origin.

Motion made by Commission Ghais to approve the variance, Seconded by Commissioner Frankson.

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

- 3. **Presentation ~ Training presentation of Planning Commission duties**

Training was tabled, instructor unable to attend due to inclement weather.

ITEMS / COMMENTS FROM BOARD MEMBERS

PUBLIC COMMENTS

None.

ADJOURNMENT

Motion made by Commissioner Frankson to adjourn, Seconded by Commissioner Fortenberry. Voting Yea: Commissioner Frankson, Commissioner Fortenberry, Chairperson Russell, Commission Ghais. Motion carried and meeting adjourned at 6:10 pm.

PASSED AND APPROVED, this ____ day of _____, 2020.

JESSICA RUSSELL
CHAIRMAN



**CITY OF BAY CITY
VARIANCE REQUEST**

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

ITEM #2.

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: 07-14-2021

Name of Requestor (please print): Humberto Lopez

Address of Requestor: 1304 6th Street Phone Number: 979-557-1922

Email Address: _____

Address of subject property: 1703 & 1705 Moore Avenue

Legal description of subject property: South 110' of lots 11 & 12 Block 11 Bay City Townsite

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

Sec. 98-6 & 98-190 of the Code of Ordinances

Sec. _____ of the Code of Ordinances

Sec. _____ of the Code of Ordinances

In detail, please state the reason for the request: _____

1705 Moore is being sold due to family needs and retaining 1703 Moore and allow for separate tax accounts .

The Variance Committee will consider variance requests from the following:

- (a) Ch. 22 (Buildings and Building Regulations)
- (b) Ch. 46 (Flood Damage Prevention)
- (c) Ch. 54 (Mobile Homes, etc.)
- (d) Ch. 78 (Off Street Parking (Angle Parking))

- (e) Ch. 94 (Streets, Sidewalks and Other Public Places)
- (f) Ch. 98, Sec. 98-122 – Subdivision Streets
- (g) Ch. 110, Sec. 110-178 (Traffic and Vehicles (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.

Requestor Signature

CITY OF BAY CITY, TX
979-245-0035

REC#: 00700163 8/05/2021 3:52 PM
OPER: AC TERM: 205
REF#: CK 26083
PAID BY: G & W ENGINEERS, INC

TRAN: MISC BLD MISC BLDG FEES
VARIANCE REQUEST
1703 & 1705 MOORE
11 -3535
BUILDING PERMITS 75.00CR

TENDERED: 75.00 CHECK
APPLIED: 75.00-
CHANGE: 0.00

Re: HUMBERTO LOPEZ property division

August 5, 2021

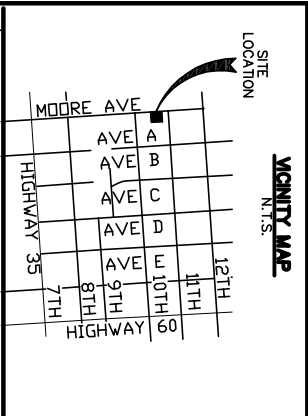
Attn: Jeanna Thompson, City Secretary

Mr. Lopez is trying to clear up a blunder of errors in the deed process that has taken place due greatly to the inability for them to communicate what was intended. We were approached to divide the South 110' of Lots 11 and 12 in Block 11 of the Original Townsite of Bay City in early 2020. Due to the Covid situation and it's financial strain that came into play it has taken this long to get to the end of the tunnel. We spoke with Marla Jasek, in early 2020 about the possibility of dividing the property. The property had two separate houses built according to the tax roll in 1935. The properties have had separate addresses and services since then. Marla did not see any reason that they could not be split since they had been established that long and said a simple subdivision plat should be in order. We proceeded to divide the property and got thru the process to a preliminary plat being approved, at that point when Covid interrupted the process. Mr. Lopez asked us to halt the process due to him losing his job and his ability to pay for the plat at that time. Spring forward to being able to proceed with the process. Now Marla has left, the City staff is mostly replaced and moved around and we start with the preliminary plat being out of date and needing new flood info and new city names to be changed. Then, the plat is rejected by the new members of the city process (do to their understanding of the rules for a subdivision plat, we can understand that) and we have tried to answer any questions and concerns as best we can. It was decided it should go thru the Planning Commission for a Variance do to the size of one of the lots. We divided the property according to the fences that have been in place for years. One lot will be 4300 square feet and the other will be 6700 square feet, that is how they have been historically since the 1940's. They have separate addresses, utilities and now separate owners. In the process of trying to separate the properties, we told them that it should be re-plated. We could have just called it out to be "the North 43' of the South 110' of lots 11 & 12" and "the South 67" feet of the South 110' of lots 11 & 12" of Block 11. But, that could be altered with another change of description in the future if someone so desired. Allowing the re-plat will lock the properties in as plated lots 11A and 12A of block 11. It will give the lots a true identity for taxing purposes and any future changes of ownership. In the process of trying to transfer the properties the ownership was not represented properly for the transfer and the correction for it gave all of Mr. Lopez's rights away. Bay City Abstract has worked with Mr. Lopez to correct the title issues and discrepancies to get us ready to transfer the property to the right owners as Lot 11A and 12A and will pass on to the Appraisal District the legal info for the taxes. It also usually will create a small increase in value with it being called a "lot" for taxes, we have noticed in the past. Not so good for the owner, but better for the City and better tracking for the taxes. We ask you consider all the issues that have been corrected and efforts put into trying to make a proper identity for the two tracts and grant a variance for the lot size needed to complete the process.

Thank you.

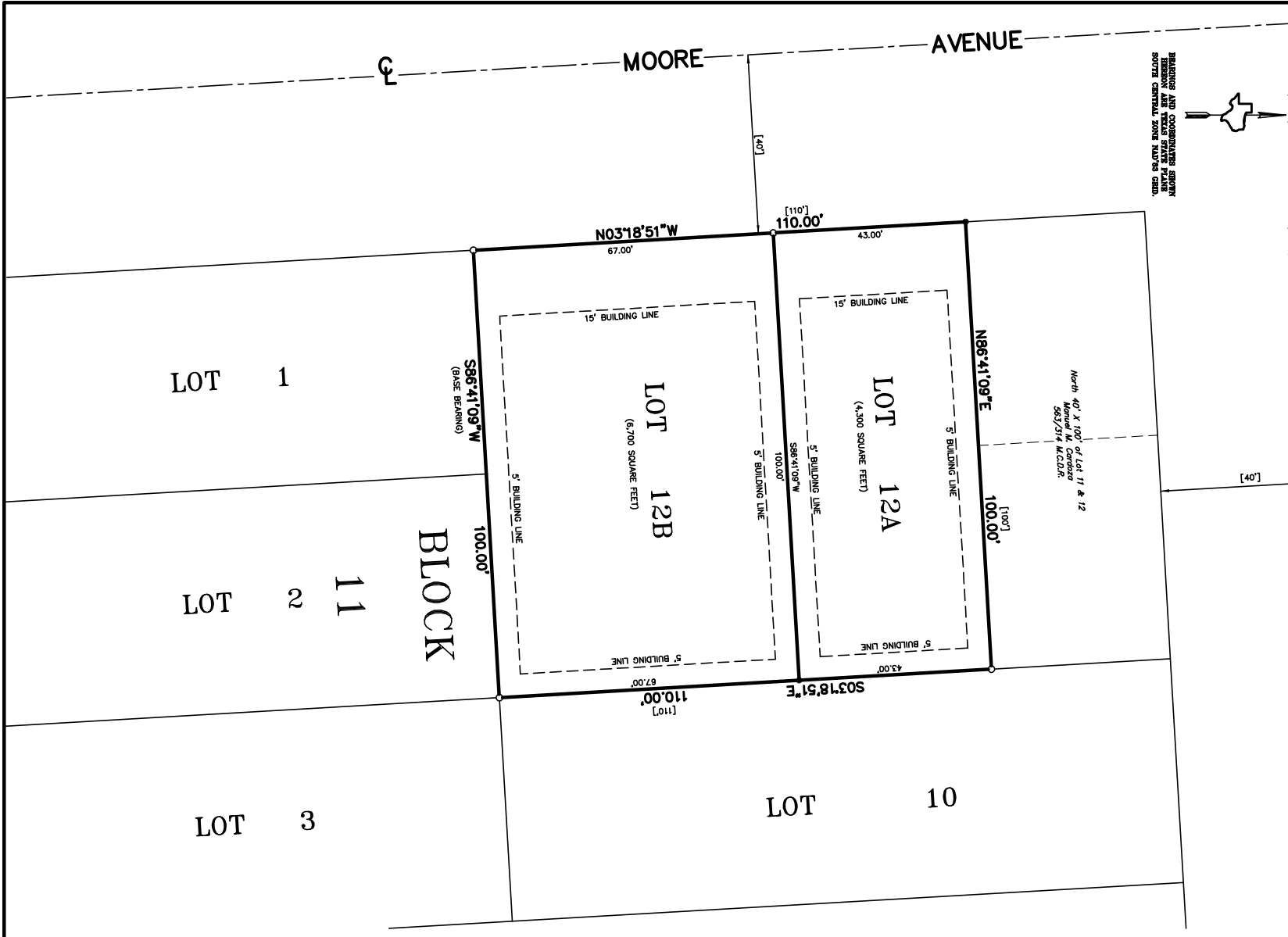
Gary Murphree

Survey Tech – G & W Engineers



REPLAT OF THE SOUTH 110.00 FEET OF LOTS 11 & 12 IN BLOCK 11 OF THE ORIGINAL TOWNSITE OF BAY CITY

FILE NO. 20211660 M.C.O.R.
 I. & G.N.R.R. CO. SURVEY, ABSTRACT NO. 269
 MATAGORDA COUNTY, TEXAS



CERTIFICATE OF OWNERSHIP

I, HUMBERTO LOPEZ, OWNER OF PART OF LOTS 11 AND 12 IN BLOCK 11 OF THE ORIGINAL TOWNSITE OF BAY CITY, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION PLAT OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS (EXCEPT THOSE STREETS DESIGNATED AS PRIVATE STREETS), ALLEYS, PARKS, WATER COURSES, GRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND DO HEREBY BIND MYSELF, MY HEIRS AND ASSONS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

HUMBERTO LOPEZ, OWNER
 STATE OF TEXAS
 COUNTY OF MATAGORDA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED HUMBERTO LOPEZ, KNOWN TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.
 GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2021.
 NOTARY PUBLIC, STATE OF TEXAS

DIRECTOR OF PUBLIC WORKS CERTIFICATE OF APPROVAL

THIS IS TO CERTIFY THAT THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF BAY CITY, TEXAS HAS APPROVED THIS MINOR PLAT OF PART OF LOTS 11 AND 12 IN BLOCK 11 OF THE ORIGINAL TOWNSITE OF THE CITY OF BAY CITY AND 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 AUTHORIZES THE RECORDING OF THIS PLAT THIS DAY OF _____, 2021.

_____ DIRECTOR OF PUBLIC WORKS

CITY ADMINISTRATION APPROVAL

STATE OF TEXAS
 COUNTY OF MATAGORDA

ON BEHALF OF THE CITY OF BAY CITY, TEXAS, I HEREBY CERTIFY THAT THIS MINOR PLAT OF THE REPLAT OF PART OF LOTS 11 AND 12 IN BLOCK 11 OF THE ORIGINAL TOWNSITE OF THE CITY OF BAY CITY 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 AUTHORIZED THE RECORDING OF THIS PLAT THIS DAY OF _____, 2021, PROVIDED HOWEVER, THIS APPROVAL SHALL BE INVALID, NULL AND VOID UNLESS THIS PLAT IS FILED WITH THE COUNTY CLERK OF MATAGORDA COUNTY WITHIN SIX MONTHS.

ROBERT NELSON, MAYOR
 CITY OF BAY CITY
 STATE OF TEXAS

JEANNA THOMPSON, CITY SECRETARY
 CITY OF BAY CITY
 STATE OF TEXAS

COUNTY CLERK'S CERTIFICATION

STATE OF TEXAS
 COUNTY OF MATAGORDA

I, STEPHANIE WURTZ, CLERK OF COUNTY COURT AND COUNTY CLERK OF MATAGORDA COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 2021, OF CLOCK _____ M., IN PLAT FILE NUMBER _____ OF THE PLAT RECORDS OF MATAGORDA COUNTY, TEXAS.

_____ COUNTY CLERK
 COUNTY OF MATAGORDA
 STATE OF TEXAS

NOTES:

1. THIS PLAT LIES WITHIN THE CITY OF BAY CITY FULL PURPOSE JURISDICTION.
2. THE SOUTH 110 FEET OF LOTS 11 AND 12 OF BLOCK 11 WILL NO LONGER EXIST, THEY WILL BECOME LOTS 12A AND LOT 12B OF THIS SUBDIVISION.
3. EXISTING 5/8" INCH IRON RODS LOCATED AT THE PROPERTY CORNERS WERE REPLACED WITH 4 X 4 INCH WOOD FENCE POST (NEW EXISTING)
4. THE PURPOSE OF THIS PLAT IS TO CREATE TWO TRACTS FOR FUTURE USE.

ADDRESS:
 LOT 12A = 1703 MOORE AVENUE
 LOT 12B = 1705 MOORE AVENUE

LEGEND

- EXISTING 4 X 4 INCH WOOD FENCE POST
- SET 5/8" IRON ROD WITH PLASTIC CAP
- M.C.O.R. MATAGORDA COUNTY DEED RECORDS
- M.C.O.R. MATAGORDA COUNTY OFFICIAL RECORDS
- [] PLAT OR DEED CALL

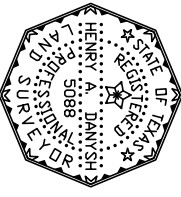


GRAPHIC SCALE
 (IN FEET)
 1 inch = 20 ft.

FLOOD DATA

ACCORDING TO THE APPROXIMATE SCALE OF THE NATIONAL FLOOD INSURANCE RATE MAP, COMMUNITY FLOOD HAZARD IDENTIFICATION NUMBER 17082L, THIS PROPERTY IS LOCATED IN ZONE X 0.2Z.

I, HENRY A. DANVSH, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON REPRESENTS THE RESULT OF A SURVEY MADE ON THE GROUND UNDER MY DIRECTION ON MARCH 23, 2020



FINAL PLAT

| | | |
|-------------------------|--|--|
| DRAWN BY: C.V.M. | G & W ENGINEERS, INC. ENGINEERING • SURVEYING • PLANNING | 205 W. LIVE OAK STREET, PORT LAVACA, TEXAS 77979 |
| CHECKED BY: H.A.D. | | TBPLS FIRM NO.: 10022100 |
| DATE: MARCH 23, 2020 | | (361) 552-4509; PORT LAVACA (979) 323-7100; BAY CITY |
| SCALE: 1" = 20' | | |
| FILE NO.: 8495-001 | | |
| JOB NO.: 8495-001 | | |
| SHEET NO.: 1 OF 1 | | |