



PLANNING COMMISSION

CITY OF BAY CITY

Thursday, April 21, 2022 at 5:30 AM
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

APPROVAL OF MINUTES

1. Meeting minutes of September 21, 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 98-98 "Lots" of a proposed plat of a 1.03 Acre Subdivision described in General Warranty Deed recorded in file no. 2021-6196 of the M.C.O.R. Elesha Hall League, Abstract No. 45 with variance to Lot 1 and 2. Alyssa Dibbern, Engineering Tech
3. Report and update on open requests for land use: Battery Energy Storage Facility (BESS), Popeyes, Palm Village Boat Storage, Other past minor plats.
4. Upcoming Developments - Preliminary: TIRZ #1, TIRZ #1a, TIRZ #2, and TIRZ #4

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 **Monday, April 18, 2022 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 • SEPTEMBER 21, 2021

**COUNCIL
CHAMBERS | 1901
5th Street**

Planning Commission Meeting

5:30 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 by Jessica Russell, Board Chair, at 5:30 pm. and a quorum was certified.

COMMISSIONERS PRESENT:

Commissioner Erik Frankson
Commissioner Joshua Fortenberry
Chairperson Jessica Russell
Commissioner Zeinab Ghais

ABSENT

Commissioner Raihan Khondker
Commissioner Carolyn Volkmer

Also present:

Barry Calhoun, Public Works Director
Gary Murphree, G&W Engineers

APPROVAL OF AGENDA

Motion made by Commissioner Fortenberry to approve the agenda. Second by Chairman Russell.

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

PUBLIC COMMENTS

There were no public comments

APPROVAL OF MINUTES

1. Meeting Minutes of February 11, 2021

Motion made by Commissioner Fortenberry to approve the Minutes of February 11, 2021. Seconded by Commissioner Ghais. Voting Yea: Commissioner Frankson, Commissioner Fortenberry, Chairperson Russell, Commissioner Ghais. Motion carried.

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

Motion made by Commissioner Frankson to approve the variance to replat according to actual existing structures. Seconded by Commissioner Fortenberry. Voting Yea: Commissioner Frankson, Commissioner Fortenberry, Chairperson Russell, Commissioner Ghais. Motion carried.

ITEMS / COMMENTS FROM BOARD MEMBERS

There were no items or comments from the board.

ADJOURNMENT

Motion made by Commissioner Frankson to adjourn, Seconded by Commissioner Fortenberry. Voting Yea: Commissioner Frankson, Commissioner Fortenberry, Chairperson Russell, Commissioner Ghais. Motion carried and the meeting adjourned at 5.35 pm.

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

JESSICA RUSSELL

CHAIRMAN

LEE AVENUE SUBDIVISION

1.03 ACRE SUBDIVISION

BEING ALL OF 1.03 ACRES DESCRIBED IN GENERAL WARRANTY DEED
RECORDED IN FILE NO. 2021-6196 OF THE M.C.O.R.

ELISHA HALL LEAGUE, ABSTRACT NO. 45

5/36 M.C.P.R.

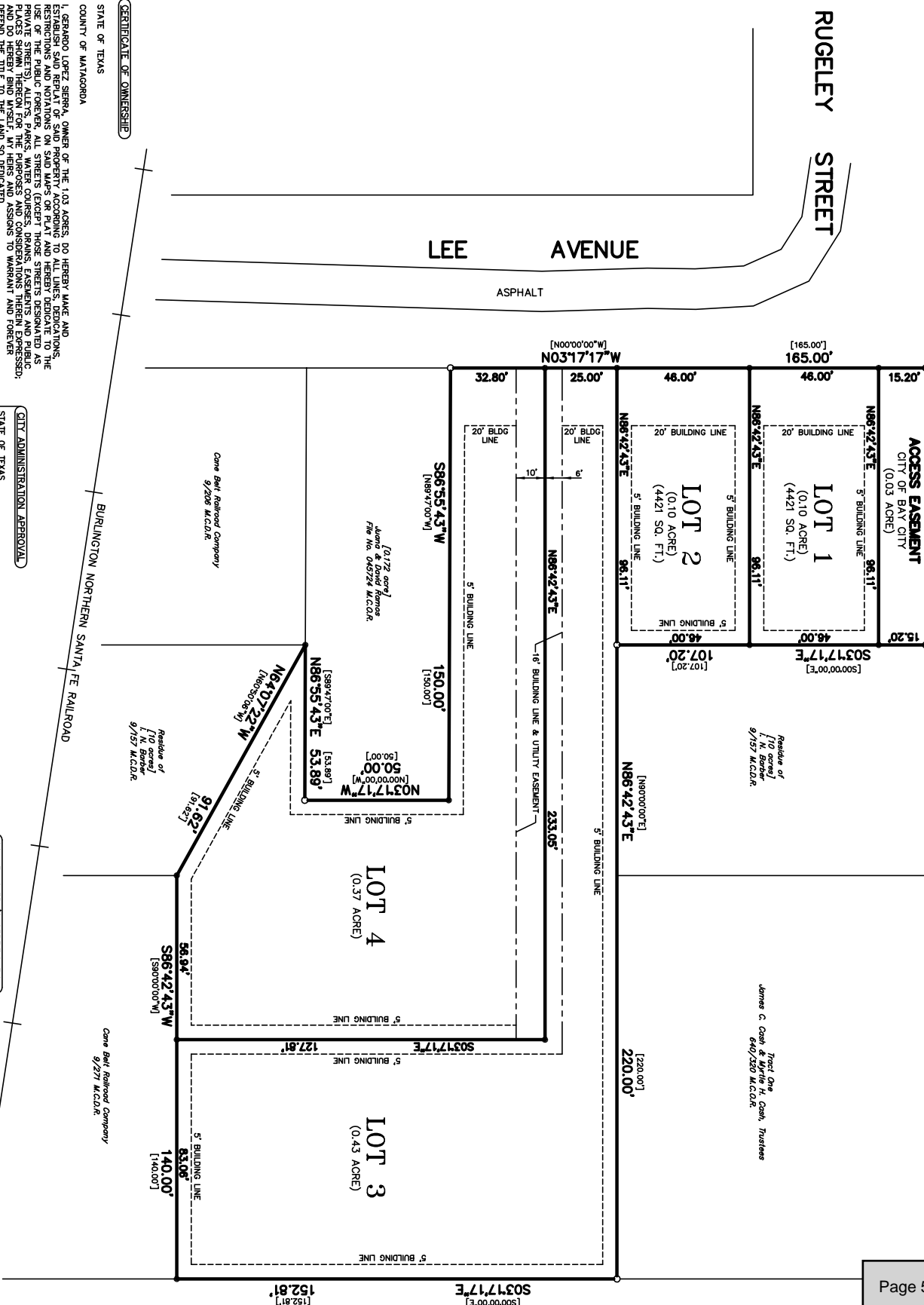
BAY CITY ORIGINAL TOWNSITE
LOT 1
BLOCK 169

LOT 12
ACCESS EASEMENT
CITY OF BAY CITY
(0.03 ACRE)
N86°42'43"E 96.11'

AVENUE "M"

LOT 1
BLOCK 196
LOT 7

Page 5



CERTIFICATE OF OWNERSHIP
STATE OF TEXAS
COUNTY OF MATAGORDA

I, GERARDO LOPEZ SIERRA, OWNER OF THE 1.03 ACRES, DO HEREBY MAKE AND ESTABLISH SAID REPLAT 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 (EXCEPT THOSE STREETS DESIGNATED AS PRIVATE STREETS) SHOWN HEREON 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.

CITY ADMINISTRATION APPROVAL
STATE OF TEXAS
COUNTY OF MATAGORDA

ON BEHALF OF THE CITY OF BAY CITY, TEXAS, I HEREBY CERTIFY THAT THIS REPLAT OF 1.03 ACRES 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 I AUTHORIZE THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2022, 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.

COUNTY CLERK'S CERTIFICATION
STATE OF TEXAS
COUNTY OF MATAGORDA

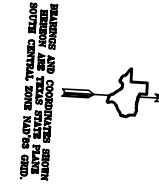
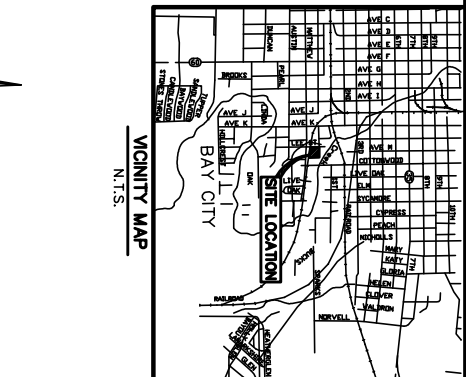
I, STEPHANIE WINTZ, CLERK OF COUNTY COURT AND COUNTY CLERK OF MATAGORDA COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 2022, AT _____ O'CLOCK _____ A.M., IN PLAT FILE NUMBER _____ OF THE PLAT RECORDS OF MATAGORDA COUNTY, TEXAS.

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 REPLAT OF THE 1.03 ACRES OF TEXAS AND THE ORDINANCES OF THE CITY OF BAY CITY AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2022.

NOTES:
1. ALL LOTS WILL HAVE INDIVIDUAL WATER AND SANITARY SEWER SUPPLIED BY THE CITY OF BAY CITY.
2. THE PURPOSE OF THE PLAT IS TO CREATE FOUR TRACTS FOR FUTURE USE AND ONE ACCESS EASEMENT TO THE CITY OF BAY CITY.
3. BEARINGS SHOWN HEREON ARE TEXAS STATE BEARINGS BASED ON STATION 1448-0219 ON THE RIK NETWORK.

FLOOD DATA:
ACCORDING TO THE APPROXIMATE SCALE OF THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 482102022, FLOOD ZONING APPLICABLE TO THIS PROPERTY IS LOCATED IN ZONES X & A (2.5%).

PRELIMINARY PLAT



- LEGEND**
- EXISTING 5/8" IRON ROD
 - UNLESS NOTED
 - EXISTING 3/8" IRON ROD
 - SET 3/8" IRON ROD WITH PLASTIC CAP
 - MATAGORDA COUNTY PLAY RECORDS
 - MATAGORDA COUNTY OFFICIAL RECORDS
 - MATAGORDA COUNTY DEED RECORDS
 - [] PLAT OR DEED CALL

G & W ENGINEERS, INC.
ENGINEERING • SURVEYING • PLANNING

205 W. LIVE OAK STREET, PORT LAVACA, TEXAS 77979
TBPELS FIRM NO.: 10022100
(361) 552-4509; PORT LAVACA (979) 323-7100; BAY CITY

FILE NO.:	10251-001
JOB NO.:	10251-001
SHEET NO.:	1 OF 1

GERARDO LOPEZ SIERRA
OWNER
STATE OF TEXAS

DATE _____

COUNTY OF MATAGORDA

ROBERT NELSON, MAYOR
CITY OF BAY CITY
STATE OF TEXAS

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

NOTARY PUBLIC, STATE OF TEXAS
DAY OF _____, 2022.

STATE OF TEXAS
COUNTY OF MATAGORDA

ROBERT NELSON, MAYOR
CITY OF BAY CITY
STATE OF TEXAS

STATE OF TEXAS
COUNTY OF MATAGORDA

STATE CLERK

STATE OF TEXAS
COUNTY OF MATAGORDA

BARREY CAULON, DIRECTOR OF PUBLIC WORKS



DATE: April 4, 2022

TO: Planning Commission
1901 5th Street
Bay City, Texas 77414

FROM: Alyssa Dibbern - Public Works
1217 Avenue J
Bay City, Texas 77414

SUBJECT: Lee Avenue/Lopez Subdivision - Variance Request - Minimum Lot Size deficiency due to needed access easement for City utilities

A variance is being requested on behalf of Mr. Lopez by the city of Bay City.

Reference: Variance to allow under sizing of lots due to a needed city access easement.

Mr. Lopez is subdividing 1.03 acres off Lee Avenue; recorded in File No. 2021-6196 of the M.CO.R. Elisha Hall League, Abstract No. 45. The city has a small lift station near Cottonwood Creek (referred to as 'Little Cottonwood Lift Station') in which Lopez's land is currently used as an access point. Lopez is dividing his land into lots for sale. In order to keep maintenance on Little Cottonwood Lift Station, the city will need an access easement. Due to this needed access easement, Lots 1 & 2 of Mr. Lopez's proposed subdivision, do not meet Municipal Code requirements (they would otherwise). Lots 1 & 2 will be 46 feet by 96 feet with a square foot of 4421 each.

According to Municipal Code Sec. 98-98. Lots. (f) subsection (1,2, &4):

(f) Minimum lot sizes shall be as follows:

- (1) 50-foot width.
- (2) 100-foot depth, unless otherwise approved.
- (4) Lot area minimum: 6,000 square feet where served by sanitary sewers. A review of the Municipal Code found in:

Sec. 98-6. - Variances (a-c)

(a) The planning commission shall hear all requests for a variance from the provisions of this chapter. The planning commission may authorize a variance from this chapter when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the planning commission shall prescribe any condition or conditions that it deems necessary or desirable considering the public interest; in making the findings required in subsection (b), the variance committee shall take into consideration the following:

- (1) The nature of the proposed use of the land involved and existing uses of land in the vicinity;

- (2) The number of persons who will reside or work in the proposed subdivision;
 - (3) The probable effect of such variances upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity; and
 - (4) Any and all other facts the variance committee may deem relevant.
- (b) No variance shall be granted unless the planning commission finds that:
- (1) There are special circumstances or conditions affecting the land involved such that the strict application of these requirements would deprive the applicant of the reasonable use of his land;
 - (2) The granting of the variance will not be detrimental to the public health, safety or welfare, or be injurious to other property in the area; and
 - (3) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.

Such findings of the planning commission, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the variance committee meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of these requirements so that the public health, safety and welfare may be secure and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute hardship requiring variance under this chapter.

(c) No variance shall be granted as to required improvements, minimum lot sizes or utilization except that variance may be granted for drainage improvements outside the city.

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

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

Departmental review is still underway. Planning commission's guidance is being sought for further instructions.

Options:

- 1. Allow variance to allow minimum lot size due to needed city access easement.
- 2. Deny the variance for (2) lots under minimum lot size and agree for a shared driveway for access to lift station.

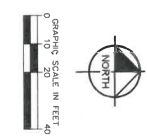
Requirements:

- 1. Depending on the outcome of the variance, a note will be added to the face of the plat stating the decision.

This situation, and others to be like it, will be considered on a case-by-case basis. The circumstances will determine to conclusion.

Alyssa Dibbern
Engineering Technician, Public Works

This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse or improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates.



LEGEND

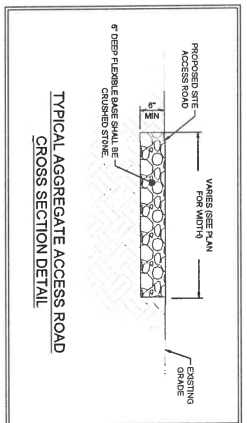
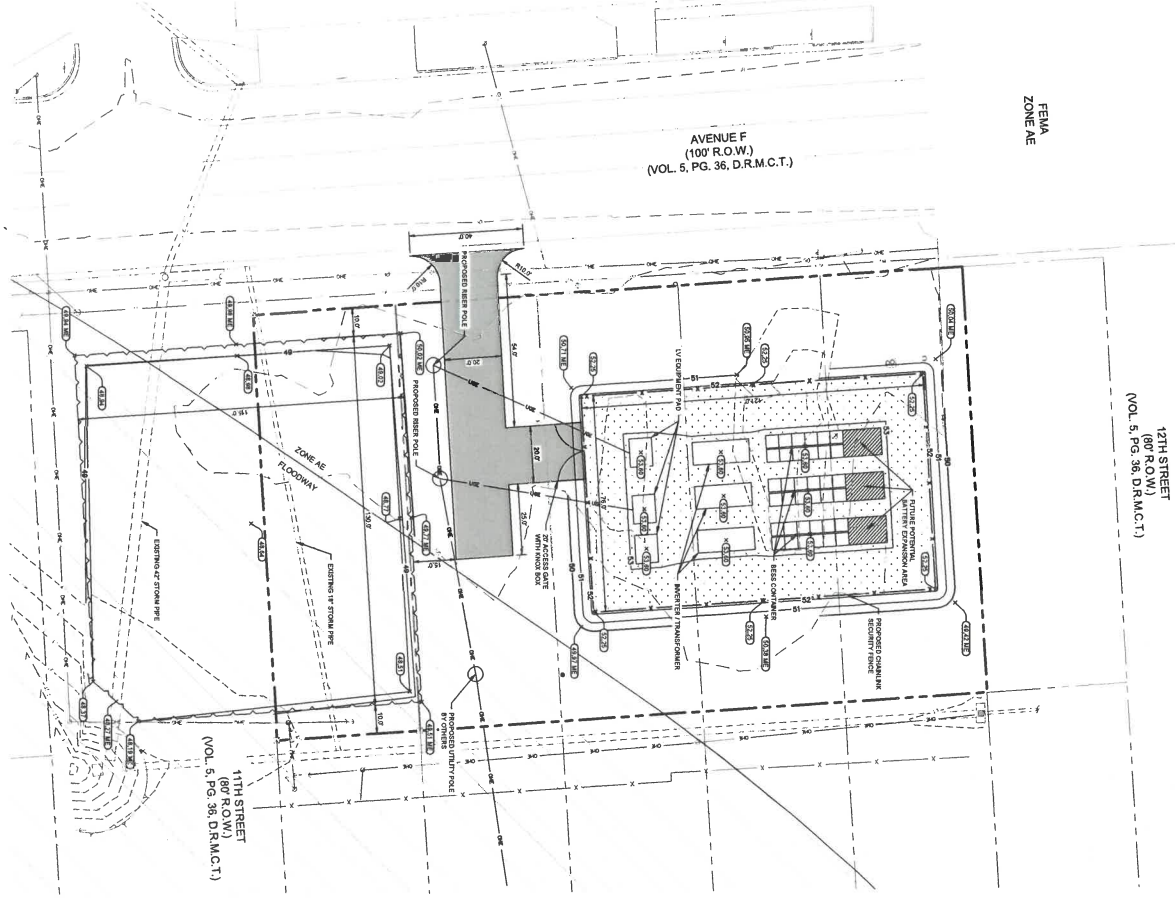
- PROPERTY LINE
- EXISTING GRADE CONTOUR
- SECTION LINE
- EXISTING OVERHEAD ELECTRIC
- EXISTING STORM SEWER
- EXISTING STORM SEWER
- EXISTING DRIVEL PAVEMENT TO BE REMOVED
- EXISTING CONCRETE TO BE REMOVED
- FEMA FLOODWAY
- EXISTING BUILDING TO BE DEMOLISHED

FEMA FLOODPLAIN NOTE

THIS TRACT LIES WITHIN FEMA FLOOD ZONE AE, ACCORDING TO THE FEMA FIRM MAP NUMBER 82272C02 OF DATE JANUARY 15, 2015. THE MAP SCALE OF SA.F. IS 1"=200'. THE FLOODPLAIN IS SHOWN IN SHADING OF SA.F.

EXISTING GRADE CALCULATIONS		25 YEAR		100 YEAR	
CHANNEL	AREA	TC (MIN)	1.2' (IN/FT)	1.25' (IN/FT)	1.30' (IN/FT)
AREA	0.18	0.24	0.25	0.25	0.25
		0.24	0.25	0.25	0.25

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LEGEND

- PROPERTY LINE
- EXISTING GRADE CONTOUR
- FUTURE GRADE CONTOUR
- PROPOSED AREA OR CUT
- SECTION LINE
- PROPOSED CHAINLINK FENCE
- PROPOSED OVERHEAD ELECTRIC
- EXISTING OVERHEAD ELECTRIC
- UNDERGROUND MEDIUM VOLTAGE LINE
- EXISTING STORM SEWER
- EXISTING STORM SEWER
- PROPOSED AGGREGATE ACCESS ROAD
- PROPOSED WALKWAY
- FEMA FLOODWAY



FEMA FLOODPLAIN NOTE

THIS PROJECT DESIGNATION BEHIND IS CLASSIFIED AS 'FLOODPLAIN' ACCORDING TO THE FEMA FLOOD MAP NUMBER 48077C0025F DATED JANUARY 15, 2009. THE 100-YEAR BASE FLOOD ELEVATION IS 56.6' EQUIPMENT TO BE PLACED AT A MINIMUM ELEVATION OF 54.0'.

FLOODPLAIN CUT/FILL VOLUME TABULATION

TYPE	EXISTING GRADE	FUTURE GRADE	FLOODPLAIN STORAGE VOLUME (BELOW 56.6')
AC-F	0.88	0.88	128.91
C	1.12	1.12	11.72
TOTAL	2.00	2.00	140.63

FLOODPLAIN DRAINAGE CALCULATIONS

DRAINAGE AREA (AC)	C	TC (MIN)	Q (CFS)	Q (MGD)	Q (MGD)	Q (MGD)
1	0.56	0.24	27.78	3.44	0.72	1.09
2	0.56	0.24	27.78	3.44	0.72	1.09
TOTAL	1.12	0.48	55.56	6.88	1.44	2.18

EXISTING IMPROVED AREAS

EXISTING IMPROVED AREAS	0.111 AC
PROPOSED IMPROVED AREAS	0.111 AC

April 21st 2022 - Planning Commission

Other Minor Plats (and Subdivisions):

Magills

Humberto Lopez

Hurley

Blackcat Substation

Anderson

Hinojosa Subdivision

Folse Subdivision



50'x120' = 155 LOTS
 60'x120' = 55 LOTS
 70'x120' = 17 LOTS
 226 TOTAL RESIDENTIAL LOTS

This document is prepared for the purposes of
 under the authority of N. Mitchell Certificate P.E. 120070 on
 05-04-2022

PROJECT NO.	38743
DATE	01/17/22
DESIGNED BY	SP
CHECKED BY	NMC
DATE	01/17/22
PROJECT NAME	VALOR PARK
CLIENT NAME	
PROJECT ADDRESS	
PROJECT CITY	
PROJECT STATE	
PROJECT ZIP	
PROJECT PHONE	
PROJECT FAX	
PROJECT EMAIL	
PROJECT WEBSITE	
PROJECT SOCIAL MEDIA	
PROJECT VIDEO	
PROJECT AUDIO	
PROJECT IMAGES	
PROJECT DOCUMENTS	
PROJECT FILES	
PROJECT LINKS	
PROJECT REFERENCES	
PROJECT NOTES	
PROJECT COMMENTS	
PROJECT REVISIONS	
NO.	REVISIONS
01/17/2020	REVISION 1
02/02/2020	REVISION 2
02/02/2020	REVISION 3
01/17/2020	REVISION 4
01/17/2020	REVISION 5
01/17/2020	REVISION 6
01/17/2020	REVISION 7
01/17/2020	REVISION 8
01/17/2020	REVISION 9
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01/17/2020	REVISION 50

VALOR PARK
 Y, TEXAS
 T LAYOUT

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LYNNENGINEERING

1221 AVENUE F
 BAY CITY, TEXAS 77414
 PH: (879) 245-8900
 FAX: (879) 245-5345

Legal Description

STATE OF TEXAS
 COUNTY OF MATAGORDA

All of that certain tract or parcel containing 49.71 acres situated in the I. & G. N. R. R. Company Survey, Abstract No. 270 and in the I. & G. N. R. R. Company Survey, Abstract No. 271 of Matagorda County, Texas and being a part of the same property described as 40.40 acres in Deed dated February 20, 1937 from Amalia Teresa Meschkat to A. Uher, recorded in Volume 116, Page 516 of the Deed Records of Matagorda County, Texas and a part of the same property described as 5.09 acres in Deed dated June 14, 1937 from Gulf Coast Water Company to A. Uher, recorded in Volume 120, Page 402 of the Deed Records of Matagorda County, Texas and a part of the same property described as 28.68662 acres in Deed dated April 10, 1950 from G. A. Bailey and Myrtle Bailey to A. Uher, recorded in Volume 214, Page 28 of the Deed Records of Matagorda County, Texas. This 49.71 acres is more particularly described by metes and bounds as follows:

BEGINNING at an existing 1/2 inch iron rod (N=13,555,407.98; E=2,946,942.49) located in the West line of Old Van Vleck Road and at the Southeast corner of a 0.72 acre tract described in Deed recorded in File No. 20173019 of the Official Records of Matagorda County, Texas for the Northeast corner of this 49.71 acres being described;

THENCE South 03° 17' 50" East, with the West line of Old Van Vleck Road a distance of 393.66 feet to an existing fence corner post located at the Northeast corner of a 1.0 acre tract described in Deed recorded in File No. 112151 of the Official Records of Matagorda County, Texas and at the Southeast corner of a 20 Foot Wide Utility Easement described in Deed recorded in File No. 20176742 of the Official Records of Matagorda County, Texas for East corner of this 49.71 acres being described;

THENCE South 86° 25' 58" West [deed call = South 86° 26' 30" West] crossing a portion of the said 28.68662 acre tract with the North line of the said 1.0 acre tract and the South line of the said Utility Easement, a distance of 295.31 feet [deed call = 295.40 feet] to an existing 1/2 inch iron rod located in the East line of an 8.214 acre tract described in Deed recorded in File No. 20176743 of the Official Records of Matagorda County, Texas and at the Northwest corner of the said 1.0 acre tract and at the Southwest corner of the said Utility Easement for a corner of this 49.71 acres being described;

