



**CITY OF WHARTON
SPECIAL CALLED PLANNING COMMISSION
MEETING**

**Friday, March 06, 2020
10:00 AM**

120 E. CANEY ST., WHARTON, TX 77488

**NOTICE OF
CITY OF WHARTON
SPECIAL CALLED PLANNING COMMISSION MEETING**

Notice is hereby given that a Special Called Planning Commission Meeting will be held on Friday, March 06, 2020 at 10:00 AM at the Wharton City Hall, 120 East Caney Street, Wharton, Texas, at which time the following subjects will be discussed to-wit:

SEE ATTACHED AGENDA

Dated this 02 day of March 2020.


By: /s/ I. O. Coleman, Jr.
I.O. Coleman, Jr., Chairperson

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Special Called Planning Commission Meeting is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board, at City Hall of said City in Wharton, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on March 02, 2020, at 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

The Wharton City Hall is wheelchair accessible. Access to the building and special parking is available at the primary entrance. Persons with disabilities, who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at (979) 532-4811 Ext. 225 or by FAX (979) 532-0181 at least two (2) days prior to the meeting date. BRAILLE IS NOT AVAILABLE.

Dated this 02 day of March 2020.

CITY OF WHARTON

By: 
Paula Favors
City Secretary



A G E N D A
CITY OF WHARTON
Special Called Planning Commission Meeting
Friday, March 06, 2020
City Hall - 10:00 AM

Call to Order.

Roll Call.

Review & Consider:

1. [Reading](#) of the minutes from the special meeting held December 9, 2019.
2. Request by Greg Janak for Re-Plat of High School Addition, Lots 4 & 5.
3. Request from Greg Janak, High School Addition, Lots 5A & 5B for a side property line setback variance of 2' 8" residential development.

Adjournment.

City of Wharton
120 E. Caney Street
Wharton, TX 77488

PLANNING COMMISSION

Meeting Date:	3/2/2020	Agenda Item:	Reading of the minutes from the special meeting held December 9, 2019.
<p>At this time, the Commission may review and approve the minutes from the special meeting held December 9, 2019.</p>			
Community Development Director: Gwyneth Teves		Date: Thursday, February 27, 2020	
Approval:			
Chairman: I. O. Coleman, Jr.			

**MINUTES
OF
CITY OF WHARTON
SPECIAL CALLED
PLANNING COMMISSION MEETING
CITY HALL
120 EAST CANEY STREET
WHARTON, TEXAS 77488**

**Thursday, December 9, 2019
4:30 P.M.**

Chairman I. O. Coleman, Jr. declared the meeting of the Planning Commission duly open for the transaction of business at 4:30 p.m.

Commissioners present were: I. O. Coleman, Jr., Russell Cenko, Michael Quinn, Billie Jones and Marshall Francis.

Commissioners absent were: Mike Wootton and Rob Kolacny.

Staff members present were: Community Development Director Gwyneth Teves.

Visitors present were:

Call to Order.

Roll Call.

Review and Consider:

The first item on the agenda was to review and consider reading of the minutes from the special called meeting held November 7, 2019. Commissioner Marshall Francis moved to approve the minutes as presented. Commissioner Russell Cenko seconded the motion. All voted in favor.

The second item on the agenda was to review and consider request by the Wharton Long Term Recovery Team on behalf of Annie Allen to Re-Plat Cline Addition, Block 3, Lots 6 & 7 for residential reconstruction. After a brief discussion, Commissioner Russell Cenko moved to recommend the replat to the City Council for final approval. Commissioner Michael Quinn seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request from Tom Cockerill of DRC Construction, LLC on behalf of Theresa Holmes of 217 Pecan St., Harrison Addition, Block 10, Lot 6B for a front property line setback variance of 10', a side property line setback variance of 2', a rear property line setback variance of 0' and a variance to build over a property line for new residential reconstruction. After a brief discussion, Commissioner Billie Jones moved to recommend the variances to the City Council for final approval. Commissioner Marshall Francis seconded the motion. All voted in favor.

Adjournment. Chairman I. O. Coleman, Jr. adjourned the meeting at 4:36 p.m.

I. O. Coleman, Jr., Chairman

Billie H. Jones, Secretary

City of Wharton
120 E. Caney Street
Wharton, TX 77488

PLANNING COMMISSION

Meeting Date:	3/2/2020	Agenda Item:	Request by Greg Janak for Re-Plat of High School Addition, Lots 4 & 5.
<p>At this time, the Commission may review and consider a request by Greg Janak for a Re-Plat of High School Addition, Lots 4 & 5.</p> <p>See attached application and Draft Re-Plat.</p>			
Community Development Director: Gwyneth Teves		Date: Thursday, February 27, 2020	
Approval:			
Chairman: I. O. Coleman, Jr.			

**CITY OF WHARTON
PLANNING COMMISSION
APPLICATION
FOR
PLAT OR RE-PLAT**

NOTE: If plat or re-plat request is approved by the Planning Commission, the request will then be presented at the next City Council meeting for City Council consideration. Attendance by the applicant requesting the variance is mandatory during the City Council meeting. If applicant fails to attend the meeting, the variance request will not be considered by the City Council at that time.

Breg Janak
Name (Printed)
1123 College St
Physical Address
High School Lot 4,5
Legal Address

2/26/20
Date
163 163 2947 Turtle Creek Dr
Mailing Address
Wharton 77488
Phone
979-533-3230

***ATTACH A PRELIMINARY/FINAL DRAWING OF THE RE-PLAT.
*ATTACH TAX CERTIFICATES.**

SIGNATURE OF APPLICANT:


Signature

2/26/20
Date

Planning Commission Meeting: 3-2-2020 430p
City Council Meeting: 3-9-2020 7pm

ADJACENT PROPERTY OWNER(S):

Chapel Creek Investments
Name
High School, Lots 6,7 + NW corner of 8
Legal Address

Phone
707 Ave E, El Campo, TX 77437
Physical Address

Name

Phone

Legal Address

Physical Address

Name

Phone

Legal Address

Physical Address

APPROVAL:


Planning Department

2.27.2020
Date

Chairman of the Planning Commission

Date

Mayor

Date

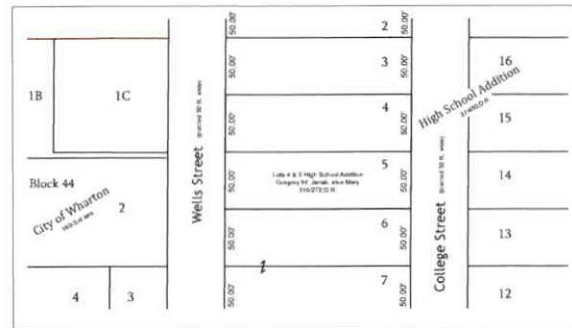


Preliminary -

This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

- Preliminary -

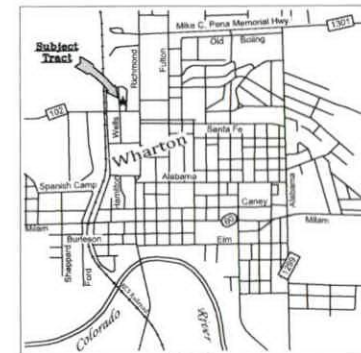
This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.



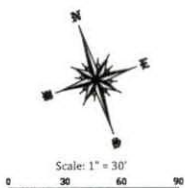
Property Before Development
Scale: 1" = 50'

- 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.



Vicinity Map
No Scale



THE STATE OF TEXAS
COUNTY OF WHARTON
CITY OF WHARTON

Known all men by these presents

That I, Gregory W. Janak, owner of the property shown in the above and foregoing map, do hereby make a Plat of said property according to the lines, streets, drives, lots, common areas, building lines and easements therein shown, and designate said property as the "Plat of Lots 4 & 5, High School Addition" in the City of Wharton, Wharton County, Texas, and do hereby bind myself, my heirs and assigns to warrant and forever defend the title to the land so dedicated.

Witness my hand in Wharton, Wharton County, Texas, this _____ day of _____, 2020.

Gregory W. Janak
Owner

- 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.

Note:
This tract is located wholly within the city limits of the City of Wharton, Wharton County, Texas.

Flood Hazard Boundary Information

As of this date (February 2020), the "Plat of Lots 4 & 5, High School Addition" is located, by scaled map location and graphic plotting only, in Flood Hazard Boundary Zone "C", Community No. 480654, Map No. 48481C0355F, dated December 21, 2017. Property ID: 1021 in the area subject to inundation by the 1% annual chance flood event, as a 100 Year Flood Plain, as designated on FEMA's National Flood Insurance Program Flood Insurance Rate Map. The National Flood Insurance Program FIRM is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources, or all planimetric features outside Special Flood Hazard Areas. This flood statement does not imply that the property and/or structures located thereon will be free from flooding or flood damage. The Flood hazard area is subject to change as detailed studies occur and/or watershed or channel conditions change. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

Known all men by these presents

That I, Mary L. Janak, owner of the property shown in the above and foregoing map, do hereby make a Plat of said property according to the lines, streets, drives, lots, common areas, building lines and easements therein shown, and designate said property as the "Plat of Lots 4 & 5, High School Addition" in the City of Wharton, Wharton County, Texas, and do hereby bind myself, my heirs and assigns to warrant and forever defend the title to the land so dedicated.

Witness my hand in Wharton, Wharton County, Texas, this _____ day of _____, 2020.

Mary L. Janak
Owner

THE STATE OF TEXAS
COUNTY OF WHARTON

Before me, the undersigned authority, on this day personally appeared Gregory W. Janak and Mary L. Janak, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledgment to me that they executed the same for the purposes and considerations therein expressed.

Witness my hand and seal of office this _____ day of _____, 2020.

Notary Public in and for the State of Texas

THE STATE OF TEXAS
COUNTY OF WHARTON

I, Barbara Swatek, County Clerk in and for Wharton County, Texas, hereby certify that the foregoing instrument was filed for recordation in my office on the _____ day of _____, 2020.

At _____ o'clock _____ M. in Side Number _____ of _____

the Plat Cabinet Records III, of Wharton County, Texas.

Witness my hand and seal of office, at Wharton, Wharton County, Texas, this day and date last above written.

County Clerk, Wharton County, Texas

By _____ Deputy

THE STATE OF TEXAS
COUNTY OF WHARTON
CITY OF WHARTON

This plat is hereby approved by the Planning Commission of the City of Wharton, Wharton County, Texas. In testimony whereof witness the official signature:

Chairman, Planning Commission _____ Secretary, Planning Commission _____

Approved by the Planning Commission this _____ day of _____, 2020.

THE STATE OF TEXAS
COUNTY OF WHARTON
CITY OF WHARTON

This plat is hereby approved by the City Council of the City of Wharton, Wharton County, Texas. In testimony whereof witness the official signature:

Mayor _____ City Secretary _____

Approved by the City Council this _____ day of _____, 2020.

I, Robert W. Kolacny, am authorized under the laws of the State of Texas to practice the Profession of Land Surveying and hereby certify that the above plat is true and correct, was prepared from an actual survey of the property made under my supervision on the ground and that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron monuments.

Dated: February 25, 2020

Robert W. Kolacny
Registered Professional Land Surveyor No. 5319
Ph. (979) 532-8056

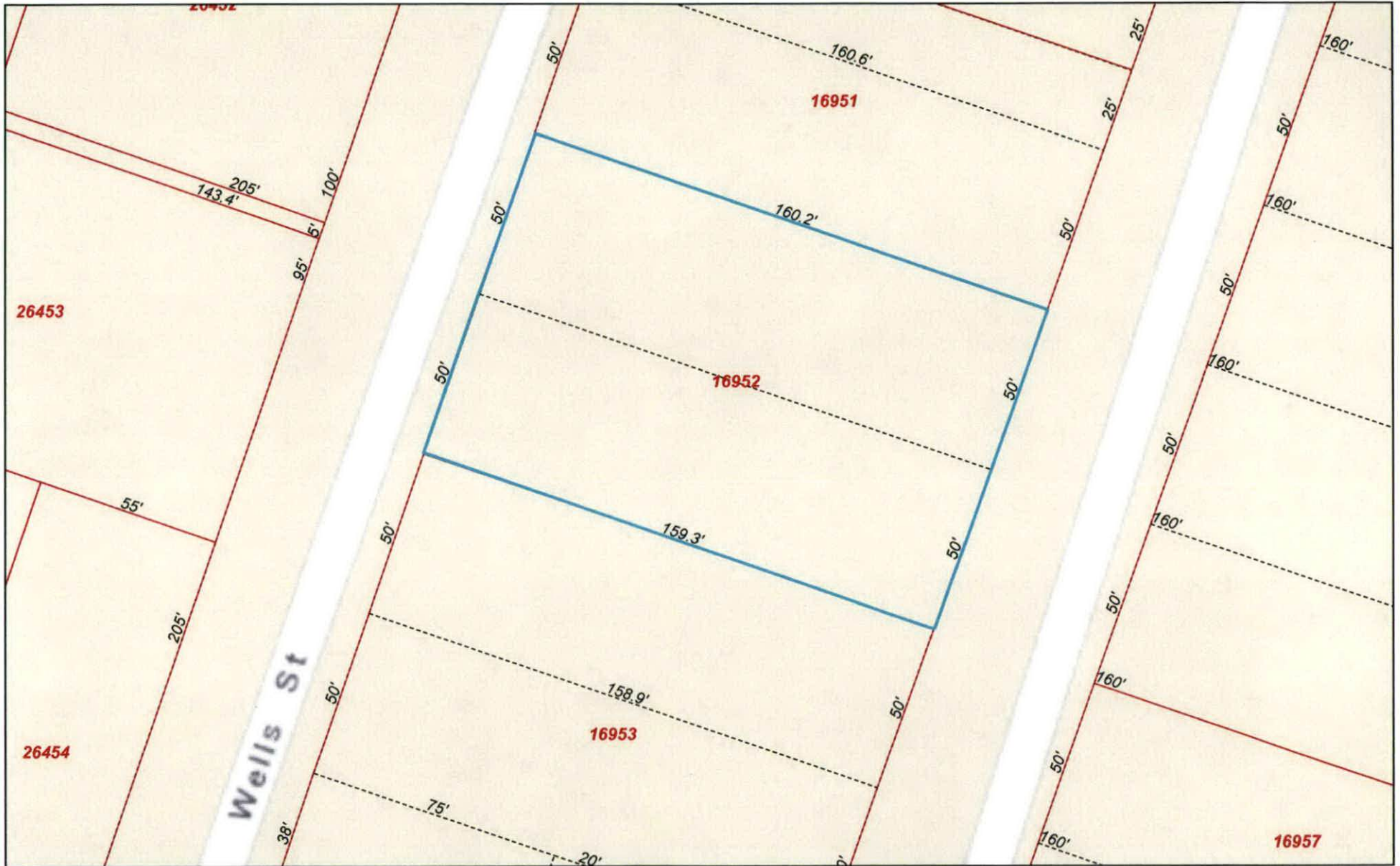
Preliminary Plat
of the
**Replat of Lots 4 & 5,
High School Addition**
in the City of Wharton, William Kincheloe
League, Abstract No. 38, Wharton County, Texas

3 Lots 0 Reserves 1 Block 02/26/2020

ROBERT W. KOLACNY
REGISTERED PROFESSIONAL LAND SURVEYOR

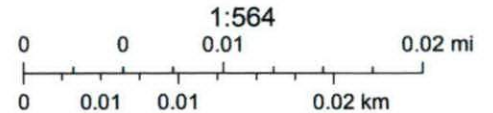
180 S. WASHINGTON STREET | WAXAHATCHI, TEXAS 75165-1800
OFFICE: (979) 532-8056 | kolacny.rw@gmail.com

Janak Property - College St



2/26/2020, 5:09:04 PM

Parcels Abstracts Lot Lines



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Wharton Central Appraisal District, BIS Consulting - www.bisconsulting.com

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.

February 26, 2020

To City of Wharton - Planning Commission

Re Greg Janak submission of:

1 Subdivision Application

2 Variance Applications

Item #1 Subdivision Application

I own 1123 College Street, Wharton which is comprised of two 50'w x 162.03'd lots (legal description High School Lot 4,5).

Chapel Creek Investments, LLC, owned by Lance Lurker, now owns through a State of Texas GLO Affordable Rental Program grant award, the adjacent lot on which two houses currently sit: 1111 & 1113 College Street, Wharton.

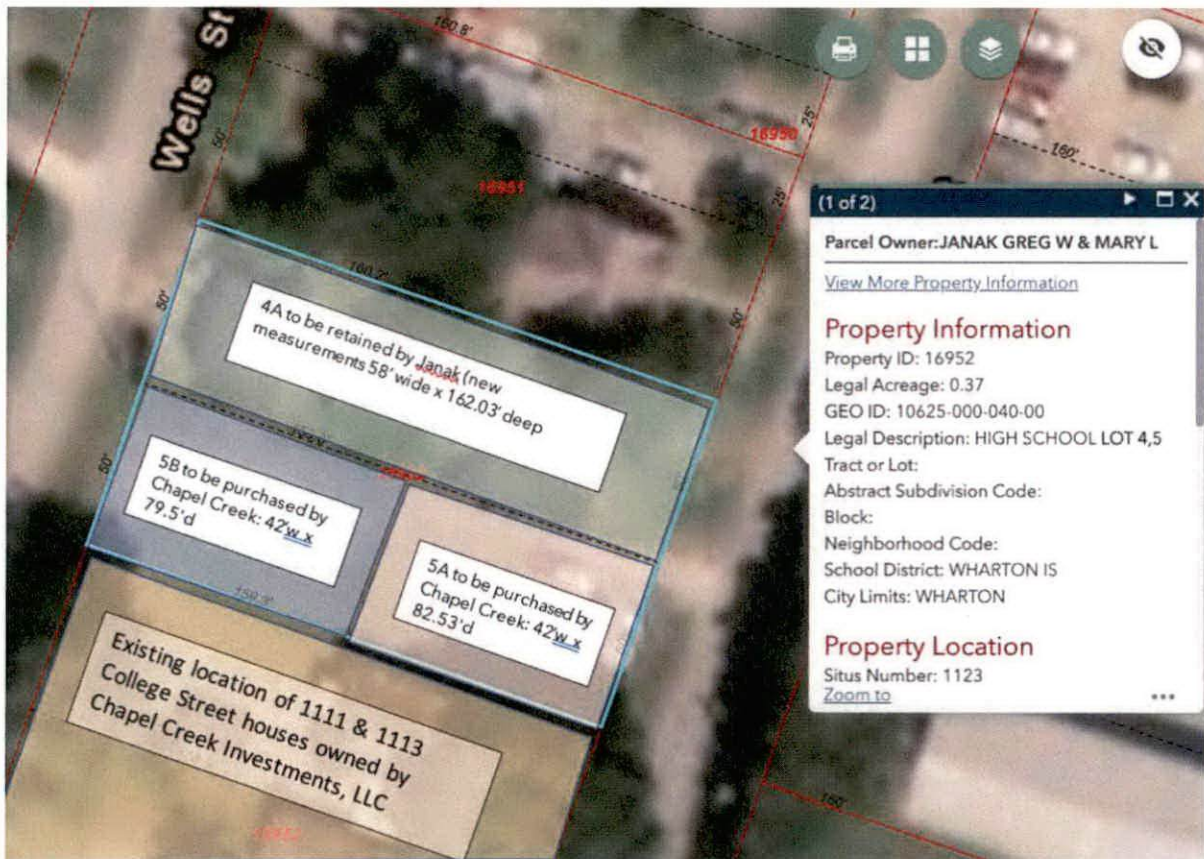
Because of the nature of the GLO funding, the 2 existing houses, currently owned by Chapel Creek and located at 1111 & 1113 College Street were supposed to be demolished to make room for the construction of a new house on the site.

Mr. Lurker and I have made an agreement, if acceptable to the Planning Board and City Council, that would allow our neighborhood to retain the existing houses that can't remain on their existing site to be relocated to the adjacent lot that I currently own, but am willing to sell Mr. Lurker.

I am requesting to create 3 new lots out of my existing HIGH SCHOOL LOT 4,5 as follows:

- 4A to be retained by me with new measurements of 58' wide x 162.03' deep (full depth between Wells & College)
- 5A to be purchased by Chapel Creek to measure 42' wide x 82.53' deep from College Street
- 5B to be purchased by Chapel Creek to measure 42' wide x 79.5' from Wells Street

Please see the diagrams below for additional information.



Item #2 Variance Applications

Since Mr. Lurker desires to purchase my newly subdivided property for the explicit purpose of relocating the 2 existing houses, he has provided a site plan that shows how both existing houses will be placed on the 2 new parcels as well as where he will be building his new house.

The width of the existing houses is such that once relocated to the adjacent lot, a variance will be necessary.

For Mr. Lurker to feel confident in moving forward with the purchase of my land for his purpose of relocating these lots, I am submitting the variance applications today, that represents his intended future actions. Mr. Lurker understands that he will need to resubmit a new variance application after purchase, but that I am proactively submitting a variance application today to assure him of the Planning Board's acceptance of his site plan.

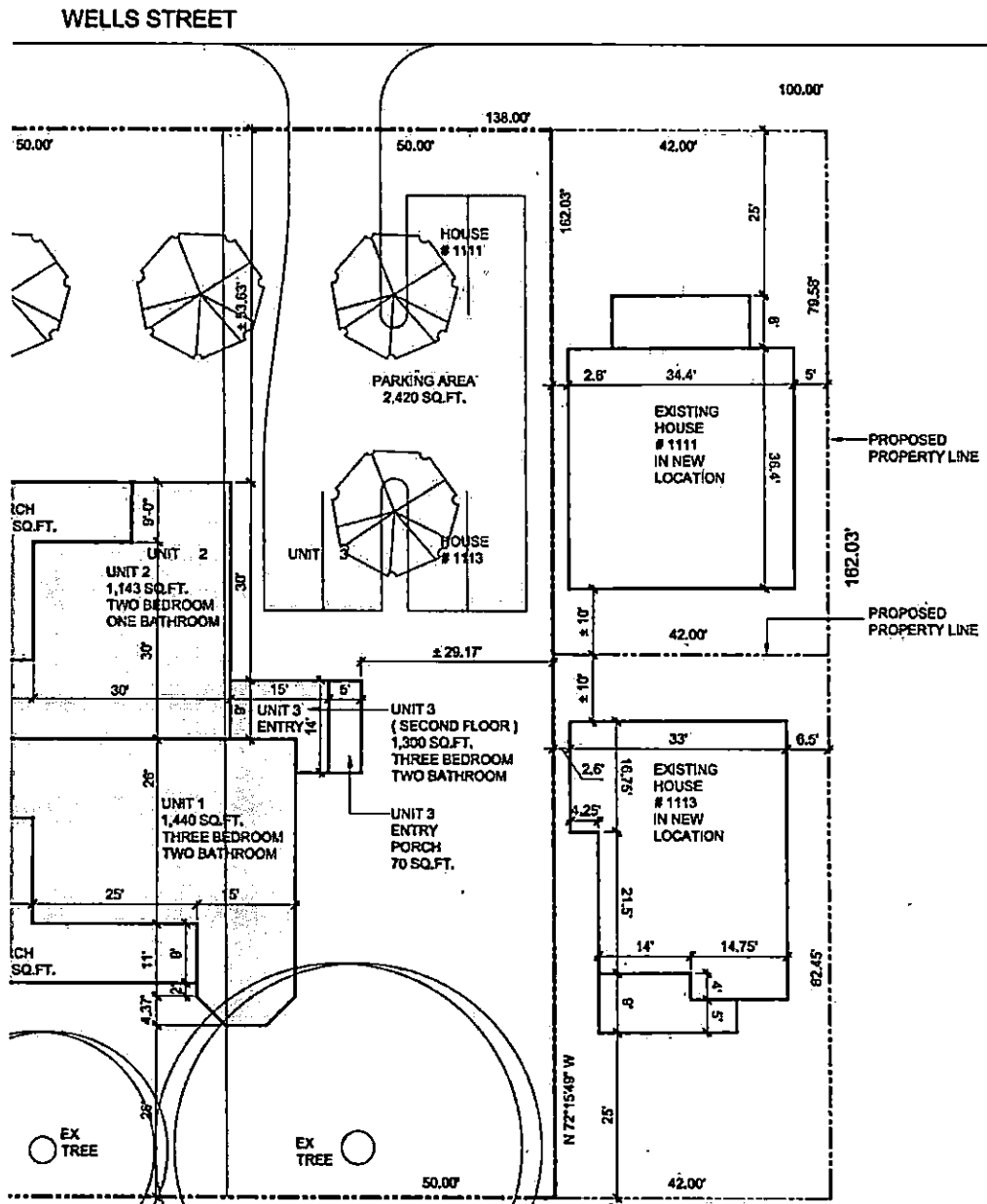
1111 College and 1113 College are required to have a 5' interior side lot setback. But the width of them means that they will only have a 2'8" setback instead of the required 5', creating the need for a variance for the 2'4" shortfall.

Mr. Lurker is submitting as part of this package a Letter of Intent to get an easement on his property for the 2'4" shortfall to be added to the already required 5' setback. His LOI states that the variance would preserve 7'4" of his lot to be restricted to prevent any future structure to exist within this area, ensuring the 10' building separation minimums the City has for adjacent lot structures.

On the site plan that Mr. Lurker has provided, you can see that although the easement will ensure that nothing is built within this 7'4" zone, in actuality, the structure that he will be building will be approximately 29' from 1113 and that there won't be any structure next to 1111.

While there is sufficient space for parking 2 cars within the 25' setback for the new location of 1111 & 1113, Mr. Lurker also plans on building parking on his adjacent lot for these tenants to use if desired.

In retaining these 2 existing houses for relocation instead of demolition, Mr. Lurker is going to fully renovate them, which will include painting the exterior and adding porches. I hope that the Planning Board will approve my applications so that our neighborhood can enjoy the conversion of currently uninhabitable homes, to houses that will increase the desirability of our street.

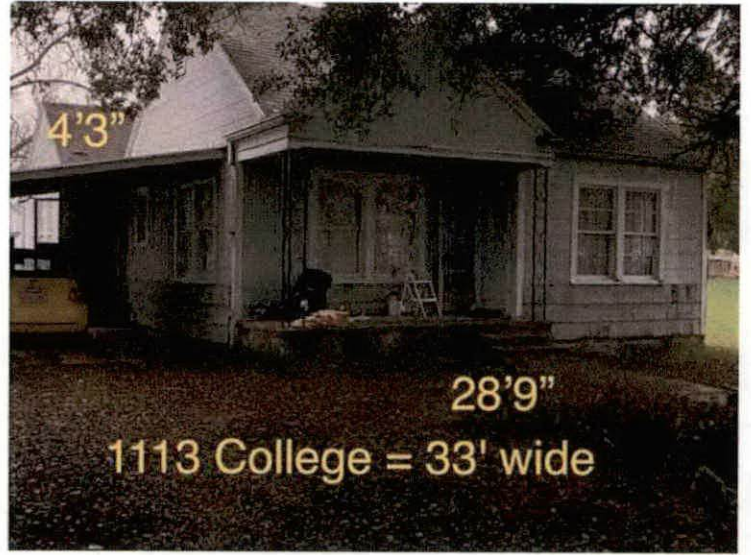
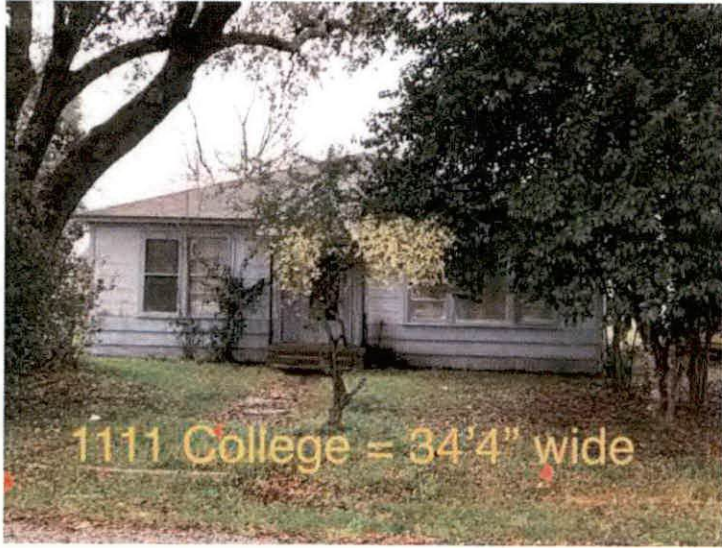


Lance and I are both available to answer any questions you have.

Best,

Greg Janak
Owner of 1123 College Street Property

Houses to be renovated once relocated



New Location



City of Wharton
 120 E. Caney Street
 Wharton, TX 77488

PLANNING COMMISSION

Meeting Date:	3/2/2020	Agenda Item:	Request from Greg Janak, High School Addition, Lots 5A & 5B for a side property line setback variance of 2' 8" residential development.
<p>At this time, the Commission may review and consider a request from Greg Janak, High School Addition, Lots 5A & 5B for a side property line setback variance of 2' 8" residential development See attached application and supporting documentation.</p>			
Community Development Director: Gwyneth Teves		Date: Thursday, February 27, 2020	
Approval:			
Chairman: I. O. Coleman, Jr.			

**CITY OF WHARTON
PLANNING COMMISSION
APPLICATION FOR VARIANCE**

NOTE: If variance request is approved by the Planning Commission, the request will then be presented at the next City Council meeting for City Council consideration. Attendance by the applicant requesting the variance is mandatory during the City Council meeting. If applicant fails to attend the meeting, the variance request will not be considered by the City Council at that time. The expiration date for approved variance application will be six months from the date of approval of the variance. If construction has not commenced within that six month period, the applicant must re-apply for the variance.

Greg Janak
Name (Printed)

8/26/20
Date

Physical Address

2947 Turtle Creek Dr
Mailing Address

Lot 5A ~~20225B~~
Legal Address

979-533-3230
Phone

Describe the variance request and the reason for requesting variance:

Request an interior side building setback of 2'8" setback from the required 5' side setback.

ATTACH A SITE PLAN WITH DIMENSIONS TO PROPERTY LINES:

SIGNATURE OF APPLICANT:

[Signature]
Signature
Date 2/26/20
Planning Commission Meeting: 3.2.2020 430p
City Council Meeting: 3.9.2020 7pm

Building line setbacks Only

Residential \$100.00 X

Non-Residential \$150.00

Non-Refundable fee

Effective November 3, 2006

ADJACENT PROPERTY OWNER (S):

Chapel Creek Investments
Name
High School, Lots 6, 7 + NW Corner of 8
Legal Address

Phone
1111 College St. Wharton, TX
Physical Address

Name

Phone

Legal Address

Physical Address

Name

Phone

Legal Address

Physical Address

APPROVAL:

[Signature]
Planning Department

2.27.2020
Date

Chairman of the Planning Commission

Date

Mayor

Date

**CITY OF WHARTON
PLANNING COMMISSION
APPLICATION FOR VARIANCE**

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Greg Janak
Name (Printed)

8/26/20
Date

Physical Address
Lot 5B

2947 Turtle Creek Drive
Mailing Address

Legal Address

Phone

Describe the variance request and the reason for requesting variance:

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[Signature]
Signature
2/26/20
Date
Planning Commission Meeting: 3.2.2020 430p
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Building line setbacks Only	
Residential	\$100.00 <input checked="" type="checkbox"/>
Non-Residential	\$150.00
Non-Refundable fee	
Effective November 3, 2006	

ADJACENT PROPERTY OWNER (S):

Chapel Creek Investments
Name
High School, Lots 6, 7 + NW Corner of 8
Legal Address

Phone
7111 College St., Wharton, TX
Physical Address

Name

Phone

Legal Address

Physical Address

Name

Phone

Legal Address

Physical Address

APPROVAL:

[Signature]
Planning Department

2.27.2020
Date

Chairman of the Planning Commission

Date

Mayor

Date

February 26, 2020

To City of Wharton - Planning Commission

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1 Subdivision Application
2 Variance Applications

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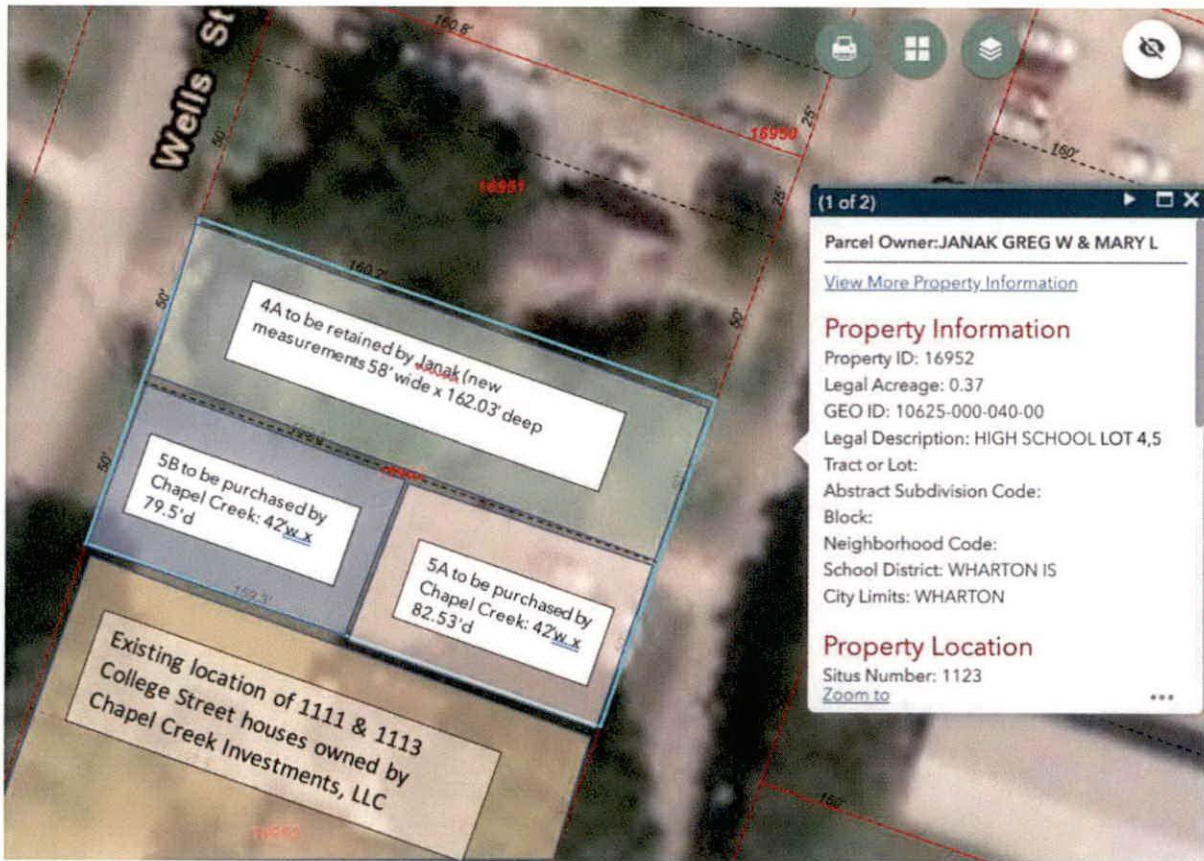
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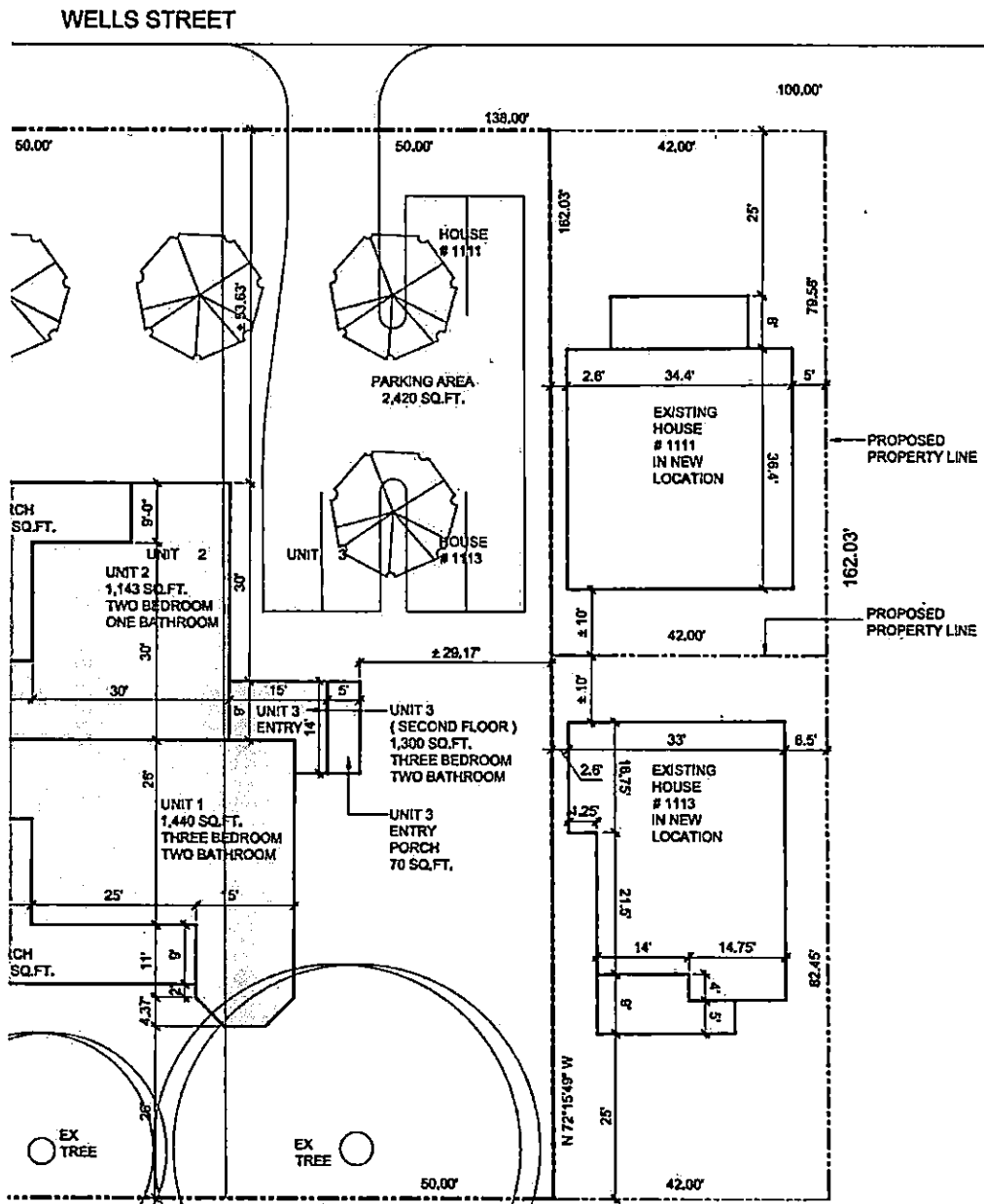
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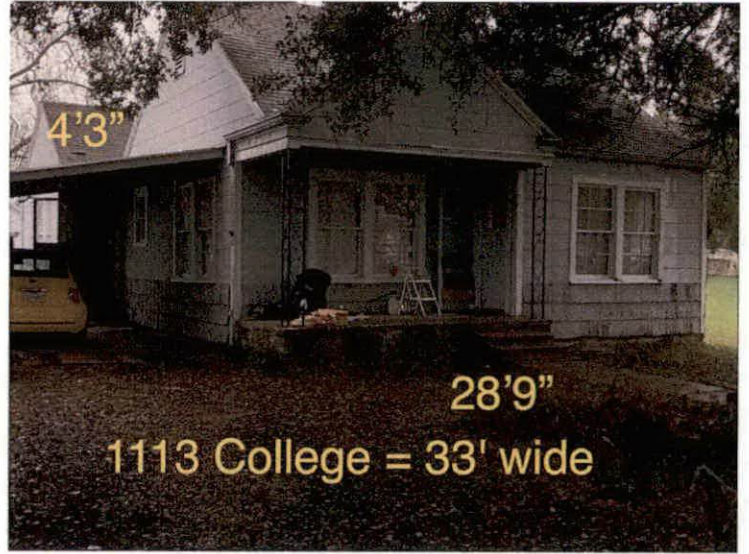
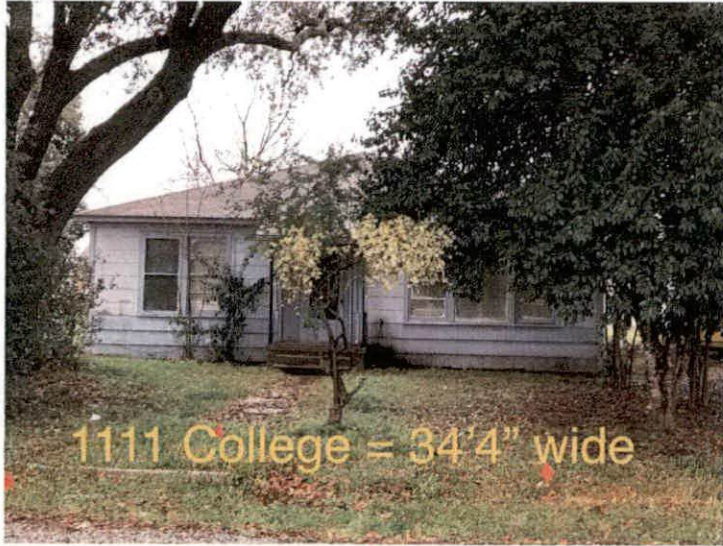


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Best,

Greg Janak
Owner of 1123 College Street Property

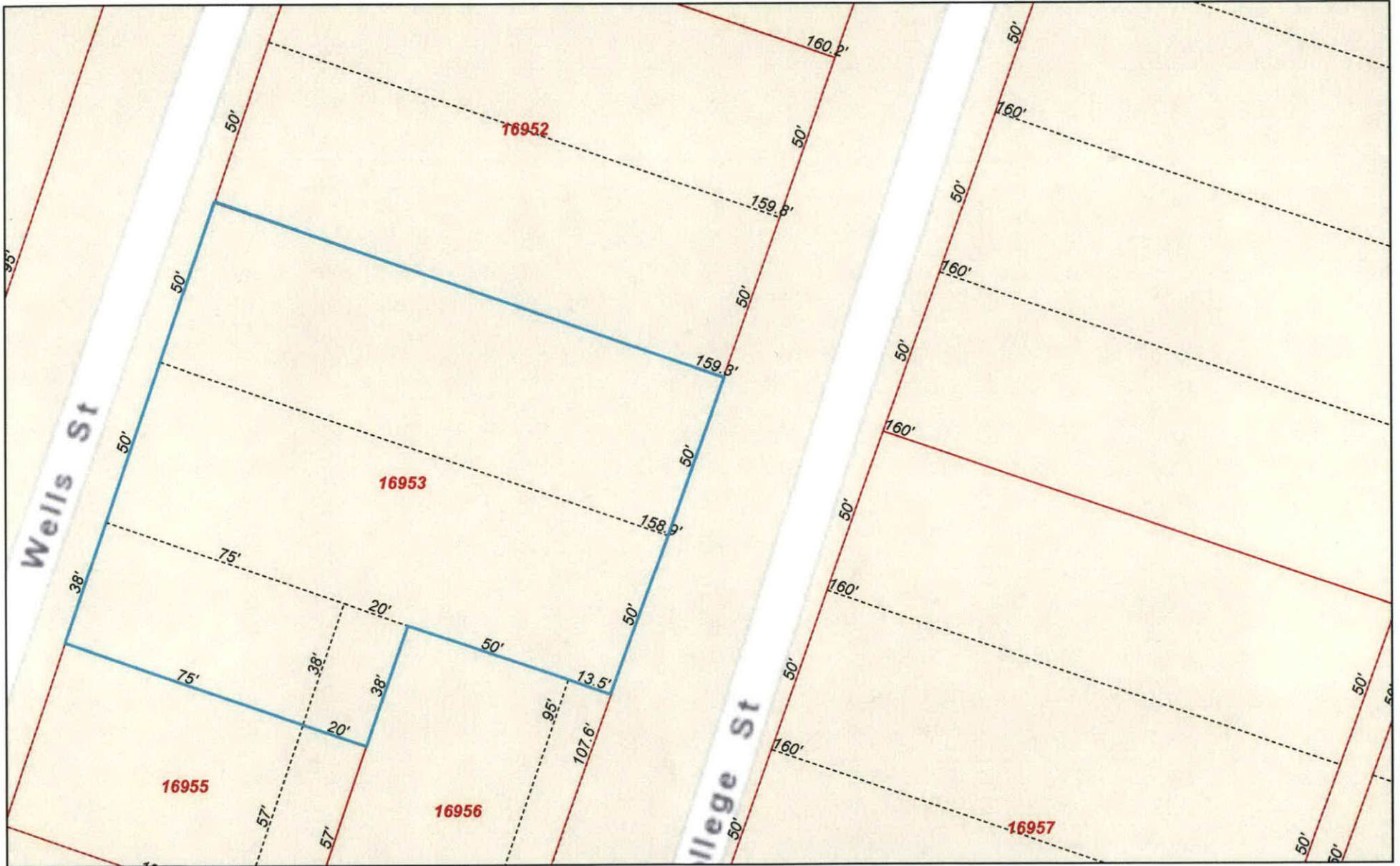
Houses to be renovated once relocated






New Location

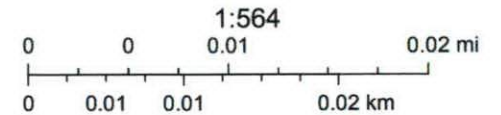


Chapel Creek Investments



2/26/2020, 3:24:10 PM

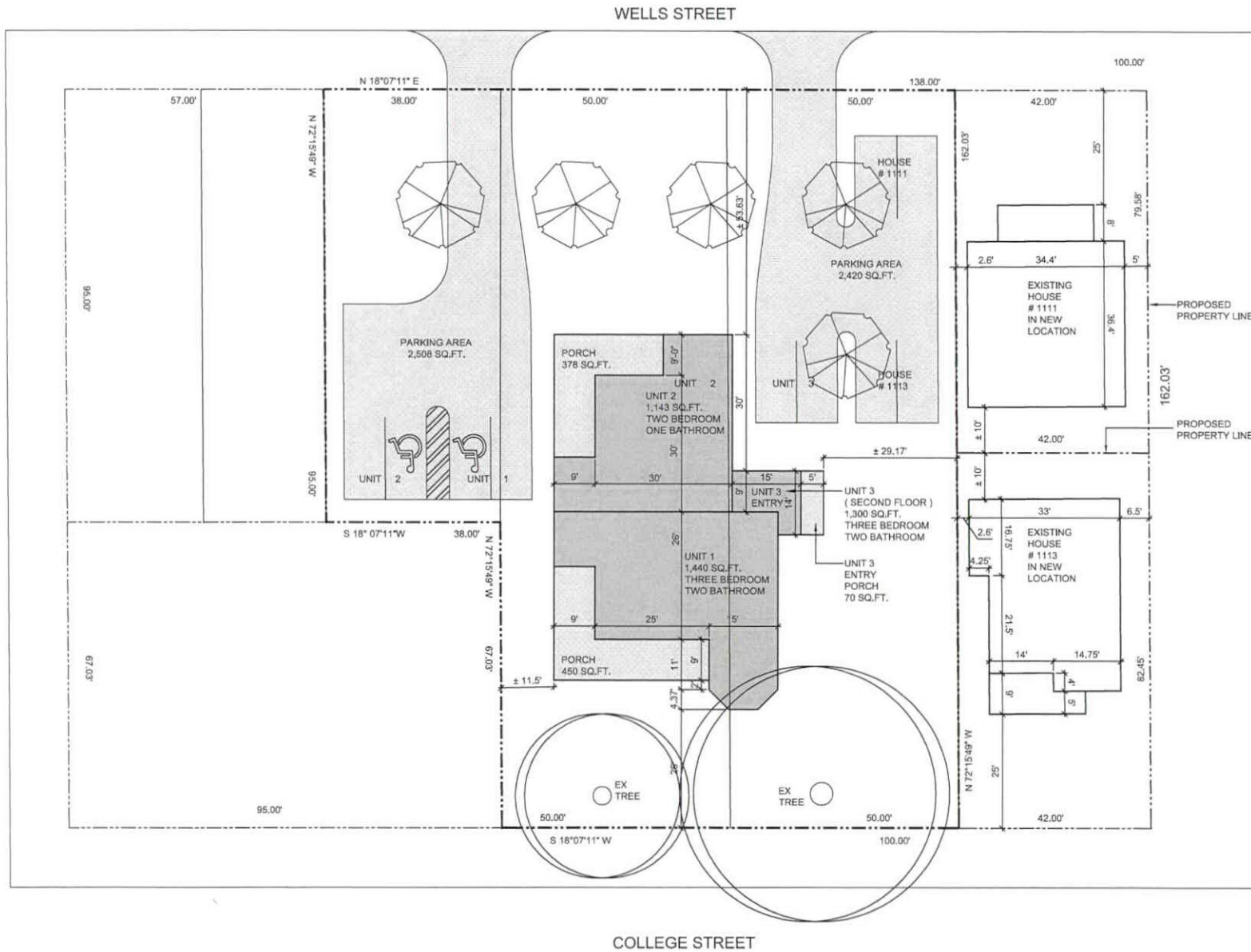
 Parcels  Abstracts  Lot Lines



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Wharton Central Appraisal District, BIS Consulting - www.bisconsulting.com

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.



NOTE:
 SURVEYING INFORMATION
 ON THIS DRAWING
 IS FROM A SURVEY PLAT
 PREPARED BY:
 ROBERT KOLACNY
 AND ASSOCIATES, L.L.C.
 REGISTERED PROFESSIONAL
 LAND SURVEYORS
 140 S. HOUSTON STREET
 WHARTON, TEXAS 77488
 TEL 979 532 - 8056
 DATED: FEBRUARY 8, 2019

SITE PLAN
 SCALE : 1" = 10'
 GRAPHIC SCALE IN FEET
 0 5 10 20

DRAFT

PROJECT TITLE
1111 & 1113 COLLEGE STREET
 WHARTON, TEXAS 77488
 PROJECT NO.: 1907

GOTHAM DESIGN
 AND COMMUNITY DEVELOPMENT LTD.

329 Broadway
 Dobbs Ferry, N.Y. 10522
 Phone: (914) 693-5093
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ISSUED FOR / REVISIONS:

SHEET TITLE:
SITE PLAN

DATE: 02-26-2020	DRAWN BY: MR
SCALE: AS NOTED	CHECKED BY: PRS

A-1
 PARKING DESIGN 1

Letter of Intent Easement

Date: 2/26/20

Owner Information

Owner Name: CHAPEL CREEK INVESTMENTS LLC

Mailing Address: 707 AVE E

Mailing Address City: EL CAMPO

Mailing Address State: TX

Mailing Address Zip: 77437

Address/Legal Description:

Wharton CAD Property ID: 16953

Legal Acreage: 0.45

GEO ID: 10625-000-060-00

Legal Description: HIGH SCHOOL LOT 6,7, NW CORNER OF 8

Situs Number: 1113

Situs Street Name: COLLEGE

Situs City: WHARTON

Deed Information

Deed Sequence: 46

Deed Date: 10/31/2019

Deed Volume: 1152

Deed Page: 128

Because the owner of the adjacent property located at Wharton CAD Property ID: 16952
Legal Description: HIGH SCHOOL LOT 4, 5 intends to locate 2 houses with an interior side
property line setback of 2'8" instead of the required 5', I am agreeing to add an easement area
of 7'4" on my Lot 16953 to restrict any future structures (not inclusive of landscaping, paving or
parking) from existing in this area so as to create the City's required 10' minimum distance
between adjacent lot structures.

Lance Lurker

Owner

Chapel Creek Investments, LLC