



PLANNING COMMISSION

CITY OF BAY CITY

Thursday, December 07, 2023 at 5:00 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

APPROVAL OF MINUTES

1. Meeting minutes of July 19, 2023

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL:

2. Plat ~ Review, discuss, and/or approve final plat of The Cedars at Van Vleck Subdivision being a 51.43 acre tract in the W.J. Maynard Survey, Abstract 356 located along 8th Street in Van Vleck.

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 Planning Commission Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on **Monday, December 4, 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 • JULY 19, 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 Board Chairperson, Jessica Russell at 5:00 pm.

PRESENT

Commissioner Erik Frankson
Commissioner Joshua Fortenberry
Chairperson Jessica Russell
Commissioner Zeinab Ghais
Commissioner Carolyn Barclay
Commissioner Patti McKelvy

ABSENT

Commissioner Marion Garcia

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

1. Meeting minutes of March 7, 2023

Motion made by Commissioner Frankson to approve the minutes, Seconded by Commissioner Barclay. Voting Yea: Commissioner Frankson, Commissioner

Fortenberry, Chairperson Russell, Commissioner Ghais, Commissioner Barclay, Commissioner McKelvy. 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, Assistant Public Works Director, provided background and previous commissioner's decision. Mr. Hawkins stated that Ms. Patterson would like 5 trailers. The commissioners discussed the health and safety issues of allowing 5 trailers and their close proximity to each other.

Motion made by Commissioner Ghais to grant another 180 day extension, Seconded by Commissioner Fortenberry. Voting Yea: Commissioner Frankson, Commissioner Fortenberry, Chairperson Russell, Commissioner Ghais, Commissioner Barclay, Commissioner McKelvy. Motion carried.

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.**

Commissioner Frankson recused himself. Krystal Mason, Assistant Public Works Director, reviewed the re-plat consolidating six (6) lots to one (1) for commercial development. Ms. Mason stated that they have not yet received the letter from the Drainage District approving the variance.

Motion made by Commissioner McKelvy to approve the plat contingent on the Drainage Districts approval, Seconded by Commissioner Ghais. Voting Yea: Commissioner Fortenberry, Chairperson Russell, Commissioner Barclay, Commissioner McKelvy. Voting Abstaining: Commissioner Frankson. Motion carried.

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).**

Krystal Mason, Assistant Public Works Director, reviewed the the minor plats and status of each.

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.**

Krystal Mason, Assistant Public Works Director, reviewed the subdivision projects and gave a status of each.

ITEMS / COMMENTS FROM BOARD MEMBERS - none

PUBLIC COMMENTS

Shawna Burkhart, City Manager, stated that the city is moving forward with TIRZ developments and PID's requested.

ADJOURNMENT

Motion made by Commissioner Ghais to adjourn, Seconded by Commissioner McKelvy. Voting Yea: Commissioner Frankson, Commissioner Fortenberry, Chairperson Russell, Commissioner Ghais, Commissioner Barclay, Commissioner McKelvy. Motion carried and the meeting adjourned at 5:30 pm.

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

JESSICA RUSSELL, CHAIRMAN

MATAGORDA COUNTY TEXAS

SURVEYOR'S NOTES:

1. ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83).
2. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS. (S.F. = 0.99988077805)
3. THIS SURVEY RELIED ON A TITLE COMMITMENT FROM BAY CITY ABSTRACT & TITLE COMPANY, G. F. NO.: 202207473, EFFECTIVE DATE: AUGUST 10, 2022, ISSUED DATE: AUGUST 17, 2022, FOR ALL ITEMS OF RECORD.
4. THIS PROPERTY IS LOCATED WITHIN THE LIMITS OF ZONE 'X', AREAS OF MINIMAL FLOOD HAZARD, ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 48321C0145F, DATED: JANUARY 15, 2021.
5. THIS PROPERTY MAY BE SUBJECT TO THE TERMS AND CONDITIONS DESCRIBED IN THE PIPELINE RIGHT-OF-WAY GRANTED TO THE DOW CHEMICAL COMPANY AS RECORDED IN VOLUME 198, PAGE 317 OF THE M.C.D.R., INCLUDING A TERMINATION CLAUSE DEFINED THEREIN.

GENERAL NOTES:

1. THIS PROPERTY IS LOCATED PARTIALLY WITHIN THE LIMITS OF THE ETJ OF BAY CITY AND PARTIALLY WITHIN THE CITY LIMITS OF BAY CITY, ACCORDING TO THE ANNEXATION HISTORY MAP OF THE CITY OF BAY CITY, DATED: JULY 8, 2016.
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. TREES SHALL NOT BE PLANTED IN UTILITY EASEMENTS.
6. THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE A PORTION OF THE PARENT 51.43 ACRE TRACT INTO FIVE LOTS.

MICHAEL JOSEPH RIDGLEY, II
CALLED 28.0876 ACRE TRACT
CLERK'S FILE NO. 2017-4134
M.C.D.R.

HUBBARD SUBDIVISION
PLAT FILE NO. 616A
M.C.P.R.

LEGEND

- FOUND IRON PIPE/ROD
- SET 3/4" I.R. W/ SURVEY CAP "TTW 6577"
- PL PIPELINE MARKER
- BURIED PIPELINE
- BUILDING LINE
- EASEMENT LINE
- LOT LINE
- SUBJECT PROPERTY LINE
- B.L. BUILDING LINE
- D. & U. E. DRAINAGE & UTILITY EASEMENT

OWNER'S DEDICATION

STATE OF TEXAS
COUNTY OF MATAGORDA
CITY OF BAY CITY

I, TROY A. OWEN, OWNER OF ALL THAT CERTAIN CALLED 51.43 ACRE TRACT OF LAND CONVEYED BY WARRANTY DEED ON SEPTEMBER 28, 2022, AS RECORDED IN CLERK'S FILE NO. 2022-6728 OF THE MATAGORDA COUNTY OFFICIAL RECORDS, IN THE W. J. MAYNARD SURVEY, ABSTRACT 356, MATAGORDA COUNTY, SHOWN ON THE ABOVE AND FOREGOING MAP, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION AND DEVELOPMENT PLAT OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID MAP OR PLAT AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS (EXCEPT THOSE STREETS DESIGNATED AS PRIVATE STREETS), ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

WITNESS MY HAND IN _____ COUNTY, TEXAS,
THIS THE ____ DAY OF _____, 20____.

TROY A. OWEN

NOTARY PUBLIC
STATE OF TEXAS
COUNTY OF MATAGORDA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED TROY A. OWEN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,
THIS ____ DAY OF _____, 20____.

NOTARY PUBLIC
MATAGORDA COUNTY, TEXAS

DATE

I, TRAVIS T. WACHSTETTER, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION, ON THE GROUND, AND THAT THERE ARE NO EXCESSES NOR INTRUSIONS ON THIS PROPERTY, EXCEPT AS SHOWN HEREON.
DATE SURVEYED: AUGUST 14, 2023



PRELIMINARY

TRAVIS T. WACHSTETTER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 6577

COUNTY CLERK CERTIFICATION

STATE OF TEXAS
COUNTY OF MATAGORDA
CITY OF BAY CITY

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 _____, 20____, AT ____ O'CLOCK ____ M., IN PLAT FILE NUMBER ____ OF THE PLAT RECORDS OF MATAGORDA COUNTY, TEXAS.

STEPHANIE WURTZ, COUNTY CLERK
MATAGORDA COUNTY, TEXAS

DATE

PUBLIC WORKS CERTIFICATION

STATE OF TEXAS
COUNTY OF MATAGORDA
CITY OF BAY CITY

THIS IS TO CERTIFY THAT THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF BAY CITY, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF THE CEDARS AT VAN VLECK SUBDIVISION 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 _____, 20____.

HERB BLOMQUIST, DIRECTOR OF PUBLIC WORKS

DATE

PLANNING COMMISSION APPROVAL

STATE OF TEXAS
COUNTY OF MATAGORDA
CITY OF BAY CITY

THIS IS TO CERTIFY THAT THE BAY CITY PLANNING COMMISSION OF THE CITY OF BAY CITY, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF THE CEDARS AT VAN VLECK SUBDIVISION 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 _____, 20____.

JESSICA RUSSELL, CHAIRMAN

DATE

TROY A. OWEN
REMAINDER OF A
CALLED 51.43 ACRE TRACT
CLERK'S FILE NO. 2022-6728
M.C.O.R.

LIEN HOLDER'S DEDICATION

PROSPERITY BANK, HOLDER OF A LIEN ON ALL THAT CERTAIN CALLED 51.43 ACRE TRACT OF LAND CONVEYED BY WARRANTY DEED ON SEPTEMBER 28, 2022 TO TROY A. OWEN, AS RECORDED IN CLERK'S FILE NO. 2022-6728 OF THE M.C.O.R., DO HEREBY RATIFY AND CONFIRM SAID SUBDIVISION AND DEDICATION AND DO HEREBY IN ALL THINGS SUBORDINATE TO SAID SUBDIVISION AND DEDICATION THE LIEN AGAINST SAID LAND OWNED AND HELD BY SAID PROSPERITY BANK.

WITNESS MY HAND IN _____ COUNTY, TEXAS,
THIS THE ____ DAY OF _____, 2023.

REPRESENTATIVE
PROSPERITY BANK

CITY ADMINISTRATION APPROVAL

STATE OF TEXAS
COUNTY OF MATAGORDA
CITY OF BAY CITY

ON BEHALF OF THE CITY OF BAY CITY, TEXAS, I HEREBY CERTIFY THAT THE CEDARS AT VAN VLECK SUBDIVISION WAS APPROVED IN 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 _____, 20____. 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

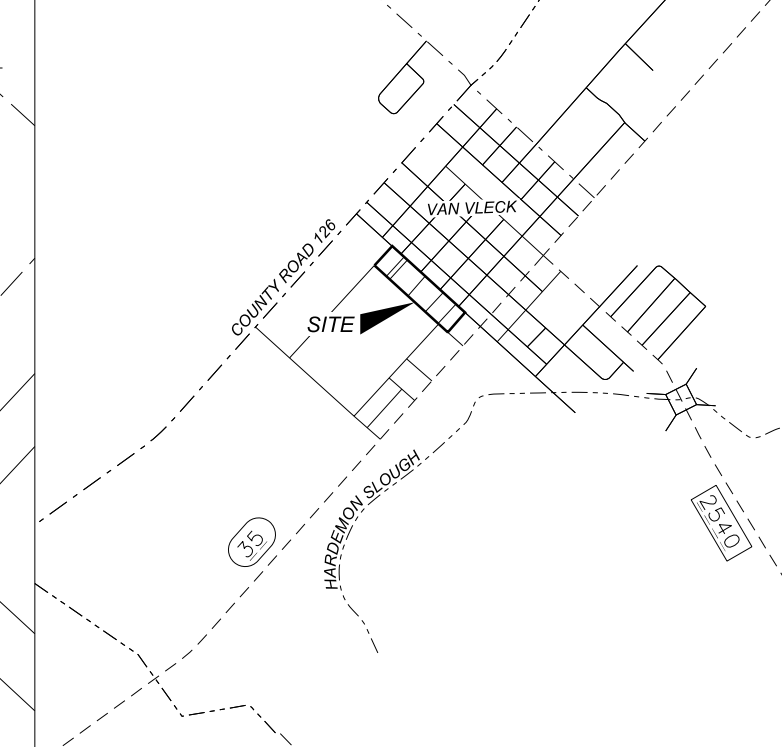
DATE

JEANNA THOMPSON, CITY SECRETARY

DATE

MONICAL & REA LTD
CALLED 6.76 ACRE TRACT
CLERK'S FILE NO. 2008-089060
M.C.O.R.

W. J. MAYNARD SURVEY
ABSTRACT 356



VICINITY MAP
SCALE: 1" = 1/4 MILE

PUBLIC SQUARE

VAN VLECK TOWNSITE
VOLUME 7, PAGE 299
M.C.D.R.

BLOCK 30

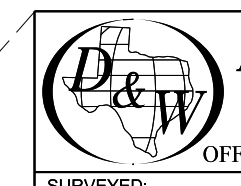
SUBDIVISION PLAT OF THE CEDARS AT VAN VLECK

BEING A SUBDIVISION OF A PORTION OF ALL THAT CERTAIN TROY A. OWEN CALLED 51.43 ACRE TRACT, AS RECORDED IN CLERK'S FILE NO. 2022-6728 OF THE MATAGORDA COUNTY OFFICIAL RECORDS, AND ALL THAT CERTAIN LOT 1 AND A PORTION OF LOT 2, BLOCK 1, OF HUBBARD SUBDIVISION, AS RECORDED IN PLAT FILE NO. 616A OF THE MATAGORDA COUNTY PLAT RECORDS IN THE W. J. MAYNARD SURVEY, ABSTRACT 356 MATAGORDA COUNTY, TEXAS

OWNERS:

TROY A. OWEN
4149 COUNTY ROAD 166
BAY CITY, TX 77414

SURVEYOR:



Doyle & Wachstetter, Inc.
Surveying and Mapping GPS/GIS
151 COMMERCE STREET, CLUTE, TEXAS 77531
OFFICE: 979.265.3622 FAX: 979.265.9940 FIRM NO.: 10024500
SURVEYED: CAC 08-14-23 BOOK NO.: MAT. CO. VOL. 278 PROJECT NO.: 15866-23-01
DRAWN BY: TTW 08-28-23 CHECKED: TTW 11-14-23 REVISED: NONE