

# 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 (7<sup>th</sup> 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