# CITY OF FREEPORT PLANNING COMMISSION Monday, April 16,, 2018 5:30 P.M.

Freeport Police Department, Municipal Courtroom
430 North Brazosport Boulevard

Freeport, Texas

# **AGENDA**

Sandra Loeza Cindy Cain Lesa Girouard Stuart Herbst Eric Hayes

NOTICE is hereby given that the Planning Commission of the City of Freeport, Texas will meet in a Regular meeting on **Monday, April 16, 2018 at 5:30 P.M.** at the Freeport Police Department, Municipal Courtroom, and 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

- 1. Open Meeting.
- 2. Invocation.
- 3. Consideration of approving the minutes of January 30, 2018
- 4. Discuss and consider whether or not to recommend to the City Council amending the truck route in Chapter 76 of the Code of Ordinances, to start diverting trucks onto 5<sup>th</sup> and Terminal and the short section of 2<sup>nd</sup> St.(Terminal to Gate 14) and at the same time cease using 4<sup>th</sup>, Sycamore and the longer section of 2<sup>nd</sup> St.
- 5. Discuss and consider the rezoning of an R-3 to C-2 for the property 1003 North Ave B Lot 13,14,15 Block 670 Velasco Town site City of Freeport, Brazoria County Texas according to the map or plat thereof recorded in volume 32, page 14 of the Deed records of Brazoria County Texas
- 6. Discuss and consider approving a re-plat of Southeast 1 acres out of Lot 15, Block 8 Bastrop Bayou acres.

- 7. Discuss and consider a Re Plat of Joe Rosales 2.3130 acre tract and a 30' access easement being a portion of all that certain Tract 5 of the Stern and Stern Subdivision Tract "A" (unrecorded) and being a portion of all that certain Joe Rosales called 10.00 acre tract recorded in Clerk's file No. 2005-027212 of the Brazoria County official records in the John McNeel, abstract 92 Brazoria County, Texas February 2018
- 8. Discuss and consider approving a re-plat of a portion of the Freeport Townsite to be called Brazos Shore Section 1 and if necessary calling a joint public hearing with the City Council to consider such re-plat.
- 9. Adjourn.

NOTE: ITEMS NOT NECESSARILY DISCUSSED IN THE ORDER THEY APPEAR ON THE AGENDA. THE PLANNING COMMISSION, AT ITS DISCRETION, MAY TAKE ACTION ON ANY OR ALL OF THE ITEMS LISTED.

I, Yvette Ruiz, Building Secretary, City of Freeport, Texas, hereby certify that this Agenda was posted on the official bulletin board/glass door of City Hall facing the rear parking lot of the building with 24-hour access at 200 West 2<sup>nd</sup> Street, Freeport, Texas on or before **Friday**, **April** 13, 2018 at 5:00 P.M.

Yvette Ruiz, Building Secretary City of Freeport, Texas

### **State of Texas**

### **County of Brazoria**

### City of Freeport

BE IT REMEMBERED, that the Planning Commission of Freeport met on Tuesday, January 30, 2018 at 5:30 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

Planning Commission:

Eric Hayes

Stuart Herbst Lesa Girouard

Cindy Cain - Absent

Sandra Loeza

Staff:

Billy Shoemaker, Building Official

Iveet Rivas, Code Officer

Yvette Ruiz, Building Secretary Nat Hickey, Property Manager

Visitors:

Melanie Oldham

Maria Owens

Monique Edwards

Victoria Rodriquez

Lila Diehl

Jason Hull / Port Freeport

### Open Meeting.

Lesa Girouard called the meeting to order at 5:30 p.m.

### Invocation.

Lesa Girousrd offered the invocation.

# Introduction of new members and recognition that oath has been taken and statement sighed

Lisa introduced new members, Yvette confirmed oath was taken and signed.

### Consideration of approving the minutes of December 12, 2017

On a motion by Sandra Loeza, seconded by Stewart Herbst, with all present voting "Aye", the Planning Commission unanimously approved the minutes of December 12, 2017

# Election of Chairman and Assistant Chairman.

On a motion by Sandra Loeza, seconded by Eric Hayes with all present voting "Aye", the Planning Commission unanimously approved to appoint a Chairman and Assistant Chairman they voted in Lesa Girousrd as Chairman and Sandra Loeza as Assistant Chairman.

<u>Discuss and consider whether or not to recommend to the City Council amending the Code of Ordinances in truck routes, to start diverting trucks onto 5<sup>th</sup> and Terminal and the short section of 2<sup>nd</sup> St. (Terminal to Gate 14) and at the same time cease using 4<sup>th</sup>, Sycamore and the longer section of 2<sup>nd</sup> St.</u>

On a motion by Sandra Loeza, seconded by Eric Hayes, with all present voting "Aye", the Planning Commission unanimously tabled said idem.

Note: Lesa would like legal representation at next Planning Commission meeting to discuss agreement between Port Freeport and City of Freeport

### **Adjourn**

Lesa Girouard adjourned the meeting at 5:54 p.m.

Lesa Girouard - Chairman City of Freeport, Texas Yvette Ruiz, Building Secretary City of Freeport, Texas

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT AND DECLARING THE USE OF THE PUBLIC STREETS AUTHORIZED IN ITEM (19) OF DIVISION ( C) OF SECTION 76.02 OF THE CODE OF ORDINANCES OF SAID CITY TO TRANSPORT CARGO, AS DEFINED IN SECTION 76.01 OF SAID CODE, ON SYCAMORE STREET, BETWEEN EAST FOURTH STREET AND EAST SECOND STREET, AND ON EAST SECOND STREET, BETWEEN NAVIGATION BOULEVARD (F.M.1495) AND TERMINAL STREET, CONSTITUTES PUBLIC NUISANCE WHICH SHOULD BE ABATED; AMENDING ITEM (19) OF DIVISION ( C) OF SECTION 76.02 OF SAID CODE TO EXCLUDE THE USE OF EAST SECOND STREET AND ANY OTHER STREET OR HIGHWAY WITHIN THE CITY TO TRANSPORT CARGO BETWEEN NAVIGATION BOULEVARD AND TERMINAL STREET; AMENDING DIVISION ( C) OF SECTION 76.02 OF SAID CODE TO ADD A NEW ITEM (30) TO PROVIDE A ROUTE FOR TRANSPORTING CARGO EAST OF NAVIGATION BOULEVARD (F.M. 1495) WITHIN THE CITY; PROVIDING THAT ANY PERSON VIOLATING SAID CODE, AS AMENDED BY THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR AND ASSESSED A FINE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 10.99 OF SAID CODE OF ORDINANCES; PROVIDING THAT EACH PART OF ANY DAY SUCH VIOLATION OCCURS OR CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, the City of Freeport, Texas, ("the City") is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, Sections 51.072, 54.001, 54.004 and 217.042 of the Local Government Code of Texas, Section 621.303 of the Texas Transportation Code and Sections 2.01, 2.02 and 3.07(k), (p) and (u) of the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City has determined does here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of said City and persons using the public streets of said city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

First, the City Council of the City finds that the use of  $2^{nd}$  Street, between Navigation Boulevard (F.M. 1495) and Terminal Street, and the use of Sycamore Street, between East  $4^{th}$  Street and East  $2^{nd}$  Street, for the transportation of cargo, as defined in Section 76.01 of the Code of Ordinances of the City, has caused excessive damage to such portions of said streets, and creates a hazard to persons using such streets for other lawful purposes and constitutes a public nuisance which should be abated.

Second, Item (19) of Section 76.02 of the Code of Ordinances of the City is hereby amended to add thereto at the end thereof the following:

Provided further, East 2<sup>nd</sup> Street and any other street and highway within the City, except State Highways 36 and 288, shall not be used to transport cargo between Navigation Boulevard (F.M.1495) and Terminal Street.

Third, a new Item (30) is hereby added to Division (C) of Section 76.02 of the Code of Ordinances of the City which shall read as follows:

(30) Any cargo East of Navigation Boulevard (F.M. 1495), shall use State Highways 36 or 288.

Fourth, any person violating the Code of Ordinances of the City, as amended by this ordinance, shall be guilty of a misdemeanor and upon conviction assessed a fine as prescribed in Section 10.99 of said Code; and each day such violation occurs and each part thereof during which such violation continues shall constitute a separate offense.

Fifth, nothing contained herein shall cause any rights here-tofore vested to be altered, affected or impaired in any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

Sixth, this ordinance is cumulative of and in addition to all other ordinances of the City on the same subject and all such ordinances are hereby expressly saved from repeal. Provided however, where this ordinance and another ordinance conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

Seventh, no offense committed and no fine, forfeiture or penalty incurred prior to the effective date hereof is to be affected by the adoption hereof but the punishment for any offense committed and the recovery of any fines or forfeitures incurred prior to such date shall take place as if this ordinance had not been adopted.

Eighth, if any section or provision hereof is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions and such remaining sections and provisions shall remain in full force and effect.

Ninth, the City Manager shall cause signs giving notice of the fact and location of the truck routes established by this Ordinance to be posted at appropriate locations.

Tenth, this ordinance shall take effect and be in force from and after the descriptive caption of this ordinance has been published twice in the Brazosport Facts, the official newspaper of the City.

READ, PASSED	AND ADOPTED	the _	day	of	, 2016.
		-	Norma Mo	oreno Garcia, N	fayor,
				Freeport, Texa	
ATTEST:					
Delia Munoz, City					
City of Freeport,	Texas				
APPROVED AS TO FOR	M ONLY:				
Wallace Shaw, City City of Freeport,	_				
ord, or recepore,	IGAGO				

C\Freeport.Ord\East End Truck Route-Amn-Ord #2

### Agreement between City of Freeport and Port Freeport

This agreement is entered into by the City of Freeport ("City") and Port Freeport ("Port").

### 1. Purpose of Agreement.

a. The City and Port are in agreement regarding the completion of certain roadway repairs and improvements and the authorization of a new temporary Port truck route in the East End according to the details herein.

# 2. Repairs to 2<sup>nd</sup> Street and New Temporary 5<sup>th</sup> Street Truck Route.

- a. As soon as practicable following the execution of this agreement by both parties, the City will engage Texas A1 Contractors to make repairs to the roadways at the intersection of 2<sup>nd</sup> Street and Sycamore Street as set forth on Exhibit "A". The Port will route all Port truck traffic through the Port's Gate 8 entrance to and from FM 1495 while the repairs to the 2<sup>nd</sup> Street and Sycamore Street intersection are completed. The contractor anticipates repairs to take less than one week to construct once they arrive on the job site.
- b. The repairs as quoted by Texas A1 Contractors on Exhibit "C" will be cost-shared; City of Freeport 50% and Port Freeport 50% of the total cost.
- c. Once the roadway repairs are complete on Sycamore and Second Street, the following truck route modification will be permitted. All East End Port Freeport inbound empty commercial truck traffic will enter the East End area and Port Freeport's Second Street gate utilizing the Sycamore and Second Street improved roadway route. Loaded trucks exiting the Port will use the temporary 5<sup>th</sup> Street, Terminal and 2<sup>nd</sup> Street route (the 5<sup>th</sup> Street Route") as set forth on Exhibit "B", exiting onto FM 1495. This split empty and loaded route system will remain in place until such time Port Freeport's contractor is ready to begin the improvements to the 5<sup>th</sup> Street Route.
- d. When the Port's contractor begins the 5<sup>th</sup> Street Route improvements, all Port Freeport loaded trucks will begin exiting the assigned main gate system of the Port that exits upon a Texas Department of Transportation roadway. All inbound empty commercial trucks will use the Sycamore and Second Street route until such time the 5<sup>th</sup> Street Route improvements are completed, which is estimated to be January, 2017. The Port will pay 100% of the 5<sup>th</sup> Street Route improvements necessary for relocating all inbound and outbound commercial truck traffic to this new temporary commercial truck route. Upon completion of the 5<sup>th</sup> Street Route repairs, the Sycamore Street portion of the truck route will be eliminated. All inbound or outbound truck traffic to the Port's 2 acre leased space fronting East 8<sup>th</sup> Street will continue to be allowed access on East 8<sup>th</sup> to and from FM 1495.

- e. Upon the opening of the 5<sup>th</sup> Street Route, the Port will make every reasonable effort to ensure all Port commercial truck traffic adheres to the new route system. Furthermore, the Port will make all reasonable efforts to ensure Port Freeport commercial truck traffic enters this route and area using FM 1495. Second Street between Terminal and Hwy 288 (Brazosport Blvd) and any other non-Texas Department of Transportation roadway is prohibited.
- f. Any further necessary repairs to Sycamore or the Second Street improved area during the transition process will be mutually agreed upon and cost-shared in the same agreed percentages as detailed in Section 2(b). Any and all repairs, maintenance and/or improvements of the 5<sup>th</sup> Street Route leading to the Port Freeport Second Street gate will be the responsibility of Port Freeport until commercial truck traffic is relocated to a permanently located truck route through East End.

This agreement shall remain in force from the date the agreement is signed until modified or terminated by mutual written agreement of both parties or by either party upon failure by the other party to fulfill their obligations as set forth herein.

PORT FREEPORT

By: Phyllis Saathoff, CEO

7-29-2016

Date

CITY OF FREEPORT

By: Jeff Pynes, City Manager

8-10-2016 Date

**EXHIBIT A** 

**EXHIBIT B** 



# **A-1 CONSTRUCTION SERVICES**

Concrete • Asphalt Paving & Repair • Demolition • Earthwork • Site Work Striping • Signage • Shot Blasting • Parking Accessories • Fencing & Iron Work



For a full list of Services, please visit our website at WWW.A1SP.COM

### **PROPOSAL**

June 24, 2016

City of Freeport 200 W. 2<sup>nd</sup> Street Freeport, Texas 77541

To: David Hoelewyn

Email: dhoelewyn@freeport.tx.us

Property Name: Asphalt Reclaim – 2<sup>nd</sup> Street Property Address: Freeport, TX 77541

Project / Job #: 16F0611

### Reclaim & Asphalt - East 2nd Street and Sycamore Street (10,715 SF)

- Pricing based on performing work in (1) mobilization and (1) phase.
- Layout and barricade area of work.
- Reclaim existing 28'-0" x 155'-0" at 2<sup>nd</sup> Street and 25'-0" x 255'-0" at Sycamore Street crushed base with Portland Cement (6%) to a depth of 8", up to 10,715 SF.
- Blade off excess and rough grade. Haul excess material to City of Freeport Street Department Yard.
- Fine grade, blade excess, and compact base material.
- Apply tack oil at a rate of 0.18 gallons/SY
- Install 24'-0" x 155'-0" at 2<sup>nd</sup> Street and 21'-0" x 255'-0" of 2 ½" Type D Asphalt compacted to 2 inches, up to 9,075 SF.

Contract Amount: \$49,758.00 \*\* Price does not include sales tax.

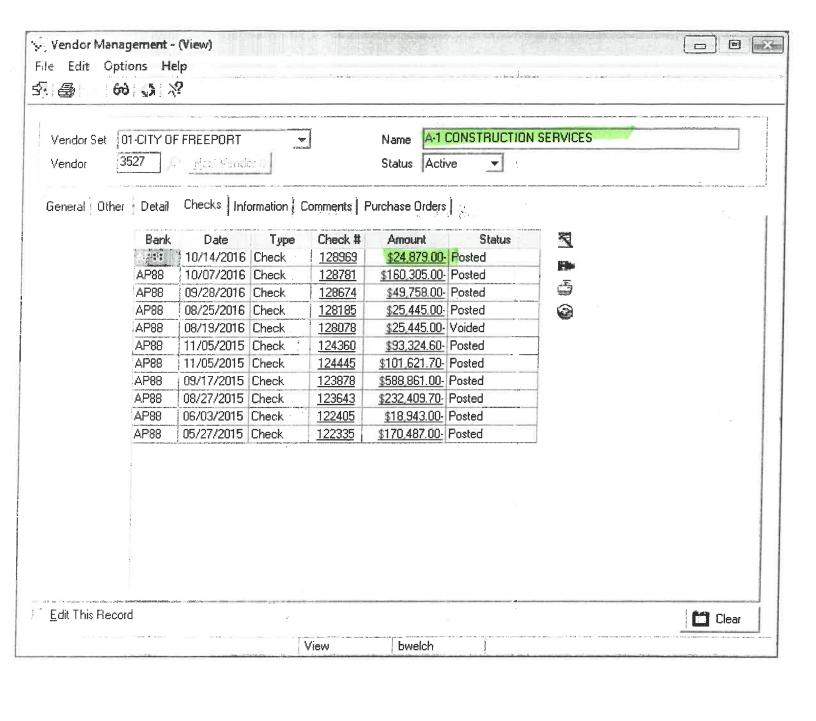
### Clarifications:

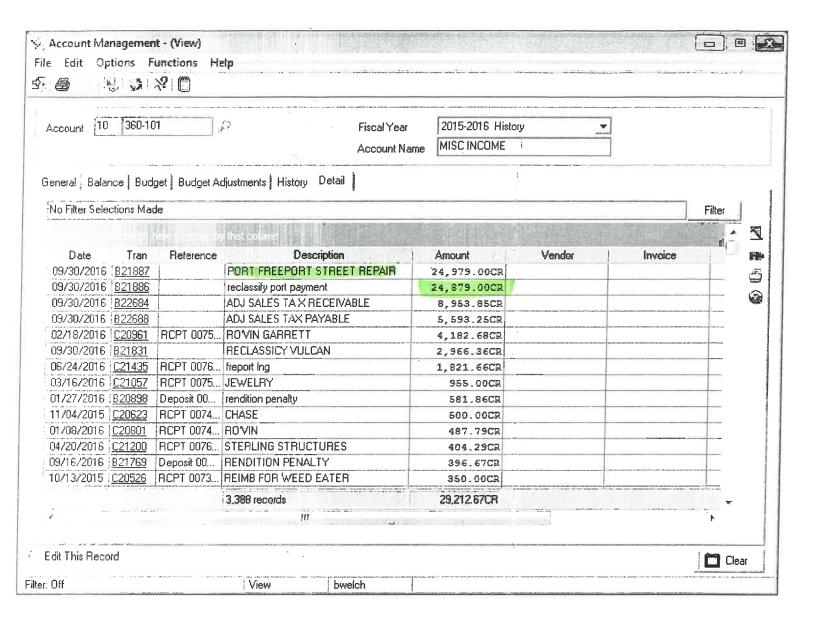
- Pricing excludes any work not specifically listed above.
- Pricing excludes supplying new crushed base material for subgrade.

Thank you for the opportunity to work with you on this project.

Justin Wing/Ben Dolan

A-1 Construction Services Cell: (832) 914-7353 Email: jwing@alsp.com









200 West 2nd Street • Freeport, TX 77541-5773

(979) 233-3526 • Fax: (979) 233-8867 • www.freeport.tx.us

# **RE-ZONING PROCEDURE**

# Chapter 155.064, Code of Ordinances

The governing body may, from time to time, amend this chapter by changing the boundaries or districts or by changing any other provision thereof whenever the public necesity and convenience and general welfare require such amendment.

# (A) Application

MAR 23 2018

- (1) Who may initiate
  - ... City Council
  - ... Planning commission
  - . . . an application of one or more owners of property affected by the proposed amendment

# (2) Application fee

... Each application by a property owner shall be accompanied by a fee as established by the City Council (\$\sum\_{150.00}\$) to cover cost of administrative and processing costs.

... If an applicant withdraws his application prior to publication of joint public hearing by the City Council and Planning Commission, half of the fee will be refunded.

# (3) Accompanying data.

An application for an amendment shall be accompanied by

- ... an accurate legal description of the property
- ... map of the property
- ... site plan
- ... any data necessary to demonstrate that the proposed amendment is in general conformance with the Comprehensive Plan of the City

# (B) Joint public hearing.

- (1) Upon filing of the application with the City Secretary,
  - ... the City Council, at their next regular scheduled meeting, shall call a public hearing on said application to be held jointly before the City Council and Planning Commission, and
  - ... the request is referred to the Planning Commission for consideration at their next regular scheduled meeting.

# Re-zoning procedure, continued

# (2) Notice of Public Hearing

... Written notice of the public hearing shall be sent to the owner of the property or his agent and to all owners of real property lying within 200 feet of the property on which the change in classification is proposed

... Written notice to be given not less than ten (10) days before the date set for hearing to all such owners who have rendered their property for city taxes and the ownership appears on the last approved city tax roll.

... Such notice may be served by depositing same, properly address and postage paid in the city post office.

... Notice of time and place set for the public hearing shall be given by one publication in the official newspaper at least 15 days prior to such hearing

# (3) Action by Planning Commission at conclusion of hearing

... If the Planning Commission decides to recommend amendment to the City Council, the recommendation shall be by resolution of the Planning Commission carried by the affirmative votes of not less than a majority of its total membership

... A copy of any recommended amendment shall be submitted to the City Council and shall be accompanied by a report of findings, summary of hearing, and any other pertinent data.

# (C) Action by the City Council

- (1) ... After recommendation of the Planning Commission has been received by City Council, they may
  - (a) recommend approval of the amendment to the Zoning Ordinance, or, in recommending approval of the amendment to the Zoning Ordinance impose such requirements and conditions or changes as they may deed necessary pursuant to 155.001, or
  - (b) by simple majority vote, recommend disapproval of the application for amendment to the Zoning Ordinance.
- (2) ... A vote of three-fourths of the City Council is required in order to
  - (a) adopt proposed amendments that have recommended for disapproval by City Planning Commission, or
  - (b) adopt proposed amendments that have been recommended for approval by the City Planning Commission against which a written protest has been filed with the City Secretary, duly signed and acknowledged by one of the following:
    - ... the owners of 20% of the land included in proposed amendment
    - ... the owners of 20% of the land immediately adjacent to the land included in the proposed amendment and extending 200 feet therefrom.

# Re-zoning procedure

(c) The owners of 20% of the land directly opposite the land included in the proposed amendment and 200 feet from the street frontage of such opposite land.

(3) Effect of denial of application.

In case an application for an amendment to the Zoning Ordinance is denied by the council . . . application shall not be eligible for reconsideration for one (1) year subsequent to such denial

... a new application affecting or including all or part of the same property must be substantially different from the application denied, in the opinion of the Planning Commission, to be eligible for consideration, within one (1) year of the denial of the original petition.

(Ord. 1100 amend 13, passed 4-3-64; Adm. Ord. 1100-Z, passed 5-5-78)

Miles fees

# **ZONE or RE-ZONE REQUEST**

Such request shall be in written form to the Chairperson of the Freeport Planning Commission, 200 West 2nd
Street, Freeport, Texas 77541. Additional pages may be attached, along with any information, documenta-
tion, photographs, etc., which you deem necessary. Your request will be placed on the next regular agenda of
the Planning Commission, the 4th Monday of the month, 6:00 p.m., Council Chambers, Police Department
building, Brazosport Blvd, Freeport.
I, (please print) Elda Judith COMEZ whose address is 1003 N. Ave B and whose telephone number is 979-299-2118
request the rezone of the following property (location, legal description or situs address) which I own:
1003 North Ave B Lot 13, 14, 15 Block 670
Velasco Tominsite City of Freeport Brazoria County TX
for the following reason(s):
t tor the purpose of establishing a dine-in restaurant
(attach additional pages if necessary)
Signed: (date) 200 .

# **RE-ZONE REQUEST**

### 23 March 2018

I, Elda Judith Gomez whose address is 1003 N. Avenue B, Freeport Texas, 77541 and whose telephone number is 979-299-2118 request the rezone of the following property which I own:

### 1003 N AVENUE B LOT13, 14, 15, BLOCK 670 VELASCO TOWNSITE

for the purpose of establishing a new restaurant-type business.

I understand that my property is currently zoned as R-3, which is suitable for two-family or multiple-family development, and so are surrounding properties on my block; however, I believe that its proximity to a main highway with large amounts of traffic and an established restaurant business across the street, makes it most appropriate for a business as is being requested.

Additionally, our area has been growing so much and so fast, I strongly believe that change is inevitable. So, I am asking that you please, carefully consider the positive change that approving this request will bring to our city and our community.

This request was previously presented last year, and there was concern about the rezoning of this property due to adjacent/nearby residences. So I've done some research and have come across the following examples throughout our city:

- Across Brazosport Blvd. on Avenue B, there are residential homes by the Community Center.
- On Avenue D, a new VFW was built; it is on first block off of Gulf Blvd; there are residences across the street (all similar to proposed property re-zoning). This is a large establishment which brings lots of outside traffic and noise.
- Last two blocks of Avenue A and Avenue B consist of commercial buildings close to residences.
- Fourth St. between Hickory St. and railroad tracks, there is a construction company as well as a Repair Shop within residential properties.
- There are also many churches throughout our community within residential neighborhoods which bring noise and large amounts of traffic to nearby residences.

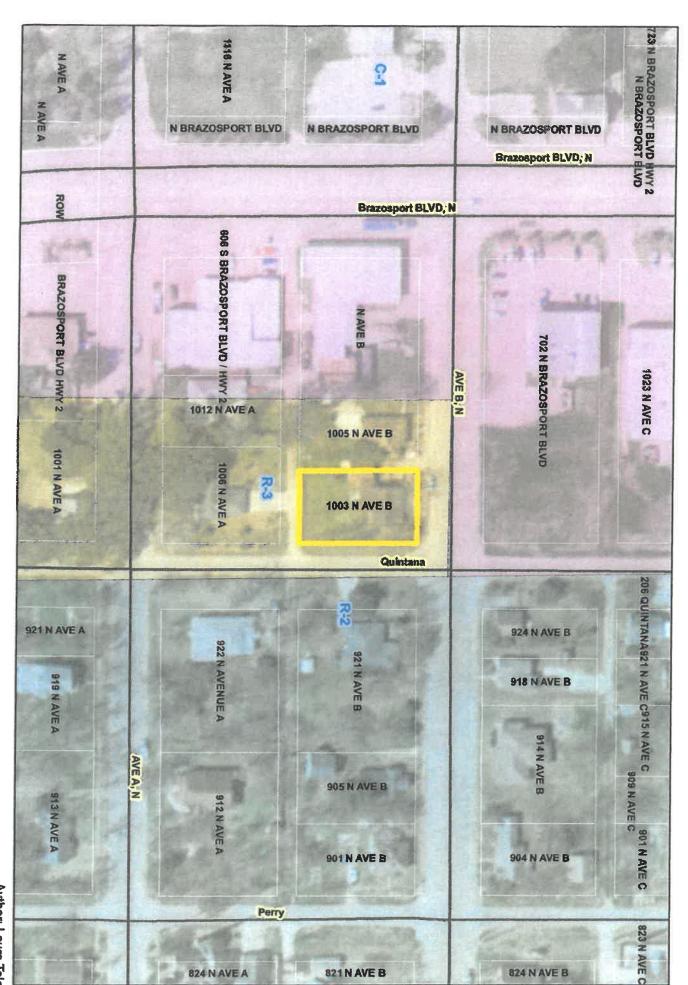
I've also considered some concerns that our neighbors might have such as noise, additional traffic and safety; please be assured that I will work with them and do what I can to address those concerns.

We feel so confident of the success of this business that we also have future plans of building a new building and removing the current one.

Elda Judith Goméz Ph: 979-299-2118

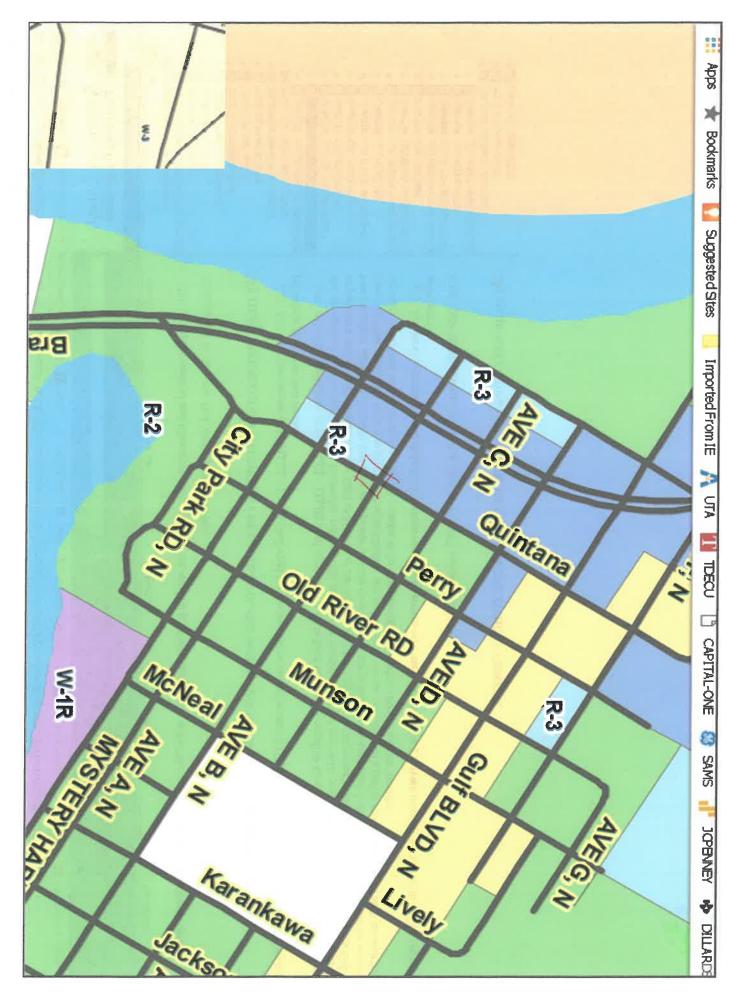
Email: gomeze.judith@gmail.com

# Zone Map - 1003 North Ave. B





Stripes (c) (c)	
North Ave	nue D
ST. North Ave	C
R	Y ST.
SUBJUDITY VACANT LOT IN (C) PERR	
	nue B
NAVEC NAVES	
N AVE A N AVE A (R)	
NOCTH A	venue A



3/9/18

To whom it may concern:

Elda Gomez is applying to have her lot next door to me rezoned so that she may build a restaurant there.

I would like to say that I think a restaurant would be an asset to our neighborhood and would bring good tax revenue to Freeport. There is a Subway cater-cornered across the street from our two lots which does a good business. I think Elda's restaurant would do very well, too

Elda is highly intelligent and very hardworking. She is a wonderful neighbor, and I think she would do a great job carrying on a business that would make Freeport proud.

So I am very much in favor of Freeport's rezoning Elda's lot to allow a restaurant to be built there.

Brenda Laird

Brenda Laird

1005 N. Avenue B

Freeport, Texas 77541

979-313-9214