

ZONING COMMISSION MINUTES

February 3, 2004

The Zoning Commission for the City of Texas City met in a regularly scheduled meeting on Tuesday, February 3, 2004 at 5:15 p.m. Board members present were: Acting Chairman, Tom Medlin, Jim Horan, Tommy Lambright and Brent Patterson. Staff members present were: James McWhorter, Larry Iles and Don Carroll. Citizens present were: Munroe Kelsay; Lynn Honeycutt; James R. McCain; Les Patterson; Clayton Honey; Yvette McCain; Eugene Scott; Sedrick Miles; Bonnie and Kenneth Dillon; Mike & Linda Dillon; Herb Wesson; Deborah Sandles; Joseph & Kathryn Anderson; James Gatewood; Leslie Muckelroy and Richard Taylor Jr.

APPROVAL OF MINUTES. The minutes from the January 20, 2004 meeting were approved on a motion by Brent Patterson/Tommy Lambright. All members present voted aye. Item No. 2 was heard first as the applicant for Item No. 1 was not present at the beginning of the meeting.

ITEM NO. 2 Eugene Scott/Richard Taylor requests to rezone from "D-1" (Limited Service) to "S-P" (Site Plan) to operate a facility for children. Being Lots 6-16, Save and except the south 63.6' of Lot 6 and the west 13.2' of Lot 7, Blk. 135, T.C. 2nd Division. Located at 601 4th Street North. Mr. Carroll provided an overview of the request and presented the decision criteria analysis for this request. **A motion was then made by Brent Patterson/Tommy Lambright to open the Public Hearing. All members present voted aye.** Speaking on behalf of the request was Leslie Muckelroy, an owner of a similar type facility and the person who will be an advisor to this business. Mr. Muckelroy provided an overview of the type of facility being proposed. Also speaking in favor of the request was Eugene Scott, the applicant. Mr. Scott stated the children would come from all over the State and the maximum number of children that would be at the facility was 48; however, this facility would probably not have that many. He further stated the children who lived at the facility would be incorporated into the Texas City Independent School system. There was no one else to speak in favor of the request and those in opposition were asked to speak. Speaking in opposition to the request was Barbara Baines. Her opposition was due to the fact that these children were coming from abusive homes and wanted to know what would stop them from being abusive to children in the area. The applicant's were unsure of what the question was and Mr. Carroll clarified that the applicant should explain the security measures that would be taken to ensure the children at the facility would comply with the rules and regulations. Mr. Scott replied there would be 1 staff member per every 5 children and the children who did not comply with the rules or meet the criteria will not be allowed to stay at the facility per State criteria. Ms. Deborah Sandles also spoke in opposition to the request. She stated that she believed the business would devalue the surrounding property and she felt this was not the best location for this type of facility. Sedrick Miles then spoke in opposition to the request. He stated he was opposed to the number of children that would be allowed and had concerns with regard to parking facilities. He further stated these children would be rebellious and this location would probably not work. Mr. Scott reiterated the children must comply with the criteria to stay at the facility or they would be removed per State criteria. There was no one else to speak and **a motion was made by Brent Patterson/Tommy Lambright to close the Public Hearing. All members present voted aye.** Tommy Lambright asked a question concerning unsuitable behavior and risks involved with the children being at this facility. Mr. Scott replied the State has outlined criteria that must be followed and any children who do not follow the guidelines or criteria would be removed from the facility. Mr. Medlin reminded everyone at the Public Hearing that this type of facility is protected by the Fair Housing Act of 1988 and there is little that the City can do to deny this type of residential housing facility. After this discussion, **a motion was made by Tommy Lambright/James Horan to approve the request to rezone to "S-P" (Site Plan). All members present voted aye.**

TALKING POINTS FOR HONEYCUTT'S SITE PLAN
REZONING PROPOSAL 2-3-2004

ITEM NO. 1 Eldridge Simpson requests to rezone from "E" (General Business) to "B" (Single Family, Duplex) to construct a duplex. Being Lots 36 & 37, Ida Justice S/d. Located at Eugenia and Justice Streets. Mr. Carroll indicated that 19 property owners were notified of the intent to rezone. Five letters were returned undeliverable or unclaimed and to date no letters in favor or in opposition to the request have been received. He then read the comments from the various Department Heads. The comments were as follows: Tax Assessor, "No delinquent tax". Building Inspection, "No objections". Planning Director, "No objection to rezoning request. Not in conflict with the Zoning Ordinance or Land Use Plan. This request will still offer a housing option that is not a negative or unreasonable request." Utility Director, "No objection to the request". Public Works, "No objections". Mr. Carroll indicated the applicant was present to speak on behalf of the request. **A motion was made by Tommy Lambright/Brent Patterson to open the Public Hearing. All members present voted aye.** Mr. Simpson, the applicant, addressed the members and provided the rationale for this proposal. He stated he would build a single duplex unit on these lots. There was no one else to speak in favor of or in opposition to the request and **a motion was made by Brent Patterson/James Horan to close the Public Hearing. All members present voted aye.** Since there was no opposition from the surrounding property owners or department heads, **a motion was made by Brent Patterson/James Horan to approve the rezoning request. All members present voted aye.**

ITEM NO. 3 Lynn Honeycutt requests to rezone from "A" (Single Family Residential) to "S-P" (Site Plan) to construct two sand pits. Being 45 acres out of Lot 1, Blk. 1, Ginn S/d. Located on Hwy. 3 and DiPalermo Road. Mr. Carroll stated that 18 property owners were notified of the intent to rezone. He provided the members with copies of the 5 letters received from concerned property owners. Mr. Carroll provided the members with an overview of the request and the comments from the various Department Heads. The comments were as follows: Tax Assessor, "No delinquent tax". Public Works, "No objections". Planning Director, "Not in conflict with the Land Use Plan or Zoning Ordinance. No objection, must meet all performance standard provisions established by our Zoning Ordinance for a pit excavation operation including a development agreement, annual survey, restoration bond, and fencing requirements. Applicant should consider eliminating the finger section of Phase II. Are there plotted lots or any homes within 325 feet of this finger section of the pit?" Building Inspections, "No objections." Utility Director, "No objection." **A motion was made by Tommy Lambright/Brent Patterson to open the Public Hearing. All members present voted aye.** Speaking in favor of the request was Lynn Honeycutt, the applicant. He explained that he had received copies of the initial letters of opposition from Mr. Carroll. He then addressed these concerns. **Mr. Honeycutt stated that the issue of exiting the plant on DiPalermo had been addressed and the trucks would exit on Wetzel Road. He continued by addressing the subsidence issue and stated he met with Mr. Neighbors the subsidence district manager and their consultant, Bob Gabrysch. He provided a copy of the report from this conversation. Mr. Honeycutt also addressed the issue of drainage and stated Mr. Allen Kuehl of the Drainage District had reviewed the site plan and saw no problems with the drainage. (A copy of the letter is contained in the report presented to the members.) Mr. Honeycutt stated the gas pipeline is an issue and stated he met with representatives from Florida Gas Transmission Company and further stated they would adhere to the recommendations stated in their letter. He deferred to Mr. Wesson to address the issue of noise level and hours of operation. Mr. Honeycutt stated he had met with Michael Bratsen from Environmental Service concerning the water wells. He stated there would be no effect on his water wells or any surrounding water wells since the depth of the pit would only be 35 feet at the deepest location. Mr. Wesson then addressed the members concerning the noise levels. He provided an**

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wells or any surrounding water wells since the depth of the pit would only be 35 feet at the deepest location. Mr. Wesson then addressed the members concerning the noise levels. He provided an overview with regard to the design of the pit and addressed the issues of noise and view of the pit from surrounding property owners. Also speaking in favor of the request was Mr. Munroe Kelsay from JKC & Associates. He addressed the issue of drainage and the design of the pit. Those in opposition were asked to speak. Speaking in opposition was Les Patterson who owns 48 acres approximately 600 feet from the proposed operation. He expressed concerns about noise pollution and suggested they needed to do a study on this. This is based on the fact they can hear the existing pit operations from down the road. He also stated ground water well fall out and water wells should be studied and stated he wanted to see the studies on this. Soil erosion was also a concern and he wanted to know what would be done to prevent soil erosion and who would be responsible for overseeing this. He asked if the issue of devaluation of property values had been addressed. Mr. Carroll stated this had not been studied but Martin Marietta had submitted data with regard to this issue. Mr. James McCain then addressed the commission. He cited concerns about the hours of operation. He also asked about the level of noise with regard to the decibel allowed under City code. Mr. Carroll responded that anything above 95 decibels was considered noise pollution. He further stated the City has an ordinance with regard to noise levels. Mr. McCain also expressed concerns about the water wells being affected by the pit as he has a shallow well for watering purposes. He also asked about the ditch slope in the area and stated concerns about the amount of rain already received. He then addressed the location of the roadway and the pipeline running through the roadway. Mr. Honeycutt addressed this concern and reiterated what was discussed with the pipeline company. Mr. McCain stated the road needed to be shored up where they turn out on Wetzel Road. He stated that he and Mr. Clayton Honey had concerns about the subsidence. He further stated his property has lost some of its elevation since the pits started operation. Mr. Clayton Honey then addressed the members and stated he had concerns about the subsidence. He addressed concerns about the tap wells that would be located around the 75 acre sand pit. He stated this would have an impact on the water wells and also on the subsidence. The tap wells will drain thousands of gallons of water from the area and this would saturate the land and any further development in the area would create major problems for the property owners out there. Mr. Honey then addressed the noise level and the issue of sound traveling over the greenery around the pit. He further stated the pit would operate 24 hours a day and the noise on the street does not. He also stated that his wife had concerns about the sand blowing over to their house. Mr. Honey continued that when Mr. Honeycutt first addressed this proposal with him it was only going to be a 35 acre pit and now the dimensions have changed. He alleged that Mr. Honeycutt had not been honest and could possibly skew the facts in his favor. Mr. Mike Dillon also spoke in opposition to the request. His opposition was based upon drainage issues and the lack of action from the City or Drainage District in cleaning out the ditches in the areas. He also addressed the issue of safety concerns with regard to ingress/egress on the streets. He wanted assurances that five to ten years down the road they would not be allowed to use Humble Camp Road to enter or leave the pit. Mr. Dillon also wanted to know about the notification process for rezoning and who was notified of the intent to rezone. Mr. Carroll explained that the Site Plan request would not allow them to change the location of the road. He also addressed the issue of who was notified of the intent to rezone. Mr. Carroll stated that State statutes dictate that property owners within 200 feet be notified and the City adhered to this statute. He further stated this would not preclude property owners in the area from notifying other property owners of the intent to rezone. Mr. Les Patterson then readdressed the Commission concerning the traffic problems with ingress/egress on Wetzel Road that came out when Martin Marietta was granted rezoning approval and explained the situation with the spur they proposed with regard to the traffic on Wetzel Road.

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Mrs. Linda Dillon then addressed the members and stated her opposition based upon the traffic. She stated there was already a large amount of traffic on the road. Mr. James Gatewood addressed the members and stated he had concerns about the finger lot on Humble Camp Road. Mr. Medlin indicated this would be addressed shortly. There was no one else to speak in opposition to the request and **a motion was made by Brent Patterson/Tommy Lambright to close the Public Hearing. All members present voted aye.** The meeting was then convened for a 5 minute break. The meeting reconvened and the issues raised were addressed. Mr. Medlin then explained the conditions of Site Plan rezoning and the restrictions placed on this type of rezoning. Mr. Medlin then asked about the hours of operation. Mr. Wesson addressed this and stated the hours of operation would be from 7 a.m. to 5 p.m. on weekdays. On Saturdays the hours of operation would be 7 a.m. to 12 p.m. They would not operate on Sunday. Mr. Medlin asked about the life expectancy of the pits. Mr. Wesson replied the life expectancy was 5 years. Mr. Honeycutt explained that he did not propose to have any residential lots around the pit and the only use would be a private lake for his family to enjoy. Mr. Carroll explained the Site Plan would preclude Mr. Honeycutt from expanding the pit but would not prevent him from reducing the size of the finger lot pit. Mr. Carroll also stated the commission could request that Mr. Honeycutt reduce the size of the Phase II finger lot pit. Mr. Medlin asked Mr. Honeycutt if he would be amenable to approval of only Phase I at this time and coming back in five years or so to consider Phase II. Mr. Honeycutt stated he was open to the recommendations of the members. Mr. Medlin explained he was trying to accommodate both the property owners and Mr. Honeycutt in trying to resolve the issues. The question arose regarding who was responsible for maintaining the proper slope on the pit excavation. Mr. Wesson responded that once the pit is completely excavated the water will keep the slope from eroding and will maintain the slope as graded. Mr. McWhorter then addressed the request for information on Wetzel Road being able to accommodate the weight of the trucks. He stated that Public Works was in charge of the roads and that the road would have to be maintained during the operation of the pit and the owner would have to provide a \$75,000 bond for maintenance of the road. He continued by stating they would have to provide an annual survey of the pit providing the slope of the pit as it is excavated. The applicant would also have to enter into a development agreement with the City prior to excavation. Mr. Wesson then addressed the issue of Wetzel Road maintenance. He stated the bond would be in place for maintenance of the road and any damages that would occur during the operation of the pit. He further explained that any damages would be paid for by him. Mr. Patterson then readdressed the need for a study of the noise pollution, contamination of ground water and leaching. He wanted to know what impact this would have on his property. Mr. Carroll explained that a study of sand pits had been done by the City due to the number of pits being requested along Highway 3. He further stated this was referred to Mr. McWhorter the City Engineer who had indicated there would be no significant impact on the traffic. Mr. Wesson explained there would be only 10 trucks per day during the week and 6 trucks on the weekends. He also explained about the noise and the berm that would be around the pit to help mitigate the noise levels. Mr. Medlin then asked for the opportunity to do a reconnaissance of the site and look at the drainage and proposed location of the site. Mr. Medlin asked what options were available to the members. Mr. Carroll then stated they could continue the Public Hearing for February 17th this would allow the applicant adequate time to address the concerns raised by Mr. Patterson. It was decided a reconnaissance would be conducted by the Commission members on February 9th at 2 p.m. **A motion was then made by Brent Patterson/Tommy Lambright to continue the Public Hearing until February 17th. All members present voted aye.**

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ZONING COMMISSION MINUTES

February 17, 2004

The Zoning Commission for the City of Texas City met in a regularly scheduled meeting on Tuesday, February 17, 2004 at 5:15 p.m. Board members present were: Acting Chairman, Tom Medlin, Jim Horan, Robert Lundy and Brent Patterson. Staff members present were: James McWhorter, Larry Iles, George Fuller and Don Carroll. Citizens present were: Bonnie & Kenneth Dillon; Linda Dillon; Mike Dillon; Norman Reed; Tom Moughon; Lori Honeycutt; Munroe Kelsay; Ernie Deats; Lynn Honeycutt; Lyman Reed; Les Patterson; J.R. McCain; Troy Alexander; Clayton Honey; Herb Wesson; Camile Pahwa; Betty Polk; Kathy Clark; Clayton Clark; Carl Guillory; Dorreen Davis and Ken Armstrong.

APPROVAL OF MINUTES. The minutes from the February 3, 2004 meeting were were approved on a motion by Brent Patterson/Jim Horan. All members present voted aye. Item No. 2 and 3 were heard first to accommodate the applicants.

ITEM NO. 2 Lyman S. Reed Family Limited Partnership requests to rezone from "G-2" (Recreation Waterfront) to "PUD" (Planned Unit Development) to develop a marina, townhomes, A-2, Patio Homes and A, Single Family Residential homes. Being 265± acres out of the Stephen F. Austin Survey. Located west of the T.C. Flood Protection Levee and on Moses Lake. Mr. Carroll stated that only one property owner was notified of the intent to rezone. He then read the comments from the various Department Heads. The comments were as follows: Tax Assessor-Collector, "No delinquent tax". Public Works, "No objections to rezoning". Building Inspection, "No objections". Utility Director, "No comments at this time". Planning Director, "No objection to P.U.D. rezoning request. Must address the variances being sought and justify that in granting the variances the community will yield a superior design. The proposal is consistent with the City's Goals 2000 and Vision 20/20 Comprehensive Plans. After reconnaissance taken on January 30, 2004, no objections to variances. All similar developments looked at have long cul-de-sac streets. Approval will allow this community to have an urban design feature that to date has been absent. Reference pictures taken on January 30, 2004." **A motion to open the Public Hearing was made by Robert Lundy/Jim Horan. All members present voted aye.** Mr. Norman Reed, project manager, addressed the members and provided an overview of the proposed development. He provided a map that was color coded to represent the proposed areas of development. Mr. Carroll reminded the members of the provisions of Planned Unit Developments. Mr. Carroll also addressed the issues of the variances. He further stated these would be variances to the Subdivision Ordinance and would be addressed by the Planning Board. He stated that was the rationale behind his Departmental Comment about the length of the streets. Mr. Reed gave an overview of the number of proposed residential lots. He also presented a brochure that gave an idea of the overall development proposal. There was no one else to speak in favor of or in opposition to the request and **a motion was made by Robert Lundy/Brent Patterson to close the Public Hearing. All members present voted aye.** Mr. Lundy then asked about the entrance to the development. Mr. Reed replied the entrance would come off of Skyline and explained the proposal to widen the entrances from Bay Street Extension to the development. Mr. Carroll explained to the members this would be considered by City Commission for a Special District Use. This is currently being reviewed by Staff and a consulting firm. After discussion, **a motion was made by Robert Lundy/Brent Patterson to recommend approval of the request to rezone from "G-2" (Recreational Waterfront) to "Planned Unit Development". All members present voted aye.**

TALKING POINTS
CONTINUED AT THE
2-17-2004 ZONING
P.H. MEETING

ITEM NO. 3 DMA Community Partners II Inc. Requests to rezone from "E" (General Business) to "C" (Multi-Family Residential) to construct a 100 unit apartment complex. Being all of Lots 1,2 and part of Lot 3, Blk. 114, 115 and Lots 10,11, Blk. 113 and 116, Kohfeldt's 2nd Addition. Located in the 3400 block of Magnolia Ave. Mr. Carroll stated that 26 property owners were notified of the intent to rezone. To date no letters either in favor of or in opposition to the request have been received. Mr. Carroll stated this proposal previously came before the Commission in 2003 and the City was supportive of this development. He stated the applicants were now seeking rezoning to add to the original development proposal. Mr. Carroll also stated the anniversary date of the original rezoning request was coming up March 1st and the applicants should ask for an extension of the initial rezoning. He then read the comments from the various Department Heads. The comments were as follows: Tax Assessor-Collector, "No delinquent tax." Public Works, "No objections". Building Inspection, "No objections". Planning Director, "No objections, not in conflict with Zoning Ordinance or Land Use Plan. This would be an extension of Morningstar which is a City supported development initiative". **A motion to open the Public Hearing was made by Brent Patterson/Jim Horan. All members present voted aye. Speaking in favor of the request was Camile Pawah who addressed the members and explained this would be an expansion of the original proposal. Also speaking in favor of the request was George Fuller, Director of Community Development, who explained the development would be a senior citizen development with a gated community. This would include low income housing along with regular housing units for senior citizens. He further explained the scoring of the development in receiving funds from the government to develop this property. There was no one else to speak and **a motion was made by Brent Patterson/Jim Horan to close the Public Hearing. All members present voted aye.** Discussion followed that included what percentage would be available for lower income seniors, on site management of the facilities, and what type of facility this would be. Ms. Pawah addressed these issues along with input from George Fuller. Ms. Doreen Davis, a property owner in the area, asked about the appearance of the development. Mr. Fuller addressed this and stated it would be a gated community that would be well kept. **A motion to approve the request to rezone to "C" (Multi-family Residential) was made by Brent Patterson/Robert Lundy. All members present voted aye.****

✓ **ITEM NO. 1 Lynn Honeycutt requests to rezone from "A" (Single Family Residential) to "S-P" (Site Plan) to construct two sand pits. Being 45 acres out of Lot 1, Blk. 1, Ginn S/d. Located on Hwy. 3 and DiPalermo Road. Mr. Carroll provided a review of the issues from the last meeting. He also provided the members with an outline of the issues from that time. Mr. Carroll also stated he had done a reconnaissance of the site on February 12th and provided a summary of this reconnaissance along with pictures taken. He then read the report provided to the members. **A motion was then made by Brent Patterson/Jim Horan to open the Public Hearing. All members present voted aye.** Mr. Honeycutt, the applicant, then addressed the members and provided the new data addressing the concerns previously cited by the property owners. He stated the 10 foot wall around the proposed pit would be to obscure the visibility and to prevent noise pollution. Mr. Honeycutt also stated that Munroe Kelsey would present information with regard to the traffic study and Mr. Wesson would provide additional information about the development of the pit. Mr. Carroll stated the Site Plan had been reviewed by the City Engineer and himself and they would ask Mr. Honeycutt to submit a revised plat indicating the changes to be made with regard to the finger lot and other issues previously discussed. This revised plat would need to be submitted prior to the request going to City Commission. Mr. Kelsey then presented information with regard**

to the traffic study. Copies were distributed to the members. He stated this information was similar to the traffic study done by Martin Marietta. The two businesses are similar and the information is valid for both operations. Mr. Wesson then explained the revision to the berm. **He stated they would build a 10' wall completely around the site to eliminate the noise pollution.** Mr. Clark, a property owner in the area also spoke in favor of the request. Mr. Troy Alexander then addressed the members and stated he was also in favor of the request. Mr. Carl Guillory, a property owner who owns 31 acres of land in close proximity to the location, stated he had no concerns about the operation and was in favor of the request. Also speaking in favor were Mrs. Betty Polk, Lori Honeycutt and Ernie Deats. Mr. Carroll then summarized the Staff recommendations for mitigation of the issues previously discussed. Those in opposition were then asked to speak. Speaking in opposition was Les Patterson who cited information he received from the EPA with regard to the amount of fuel, how many vehicles would be using the facility each day and other data needed to determine if an EPA permit would be required. **He further stated he still had concerns about the hours of operation and the number of business operations coming out on Highway 3. Mr. Patterson continued with concerns about the road conditions of the existing roads that would be used by the trucks.** Also speaking in opposition was Mike Dillon who had questions and concerns about the trucks coming onto Wetzel Road. He also asked if the finger lot was going to be eliminated. It was affirmed that the this lot was being eliminated from the plan. Mr. J.R. McCain also spoke. **He stated that Mr. Honeycutt had addressed the concerns he previously cited and that if all stipulations are met, he would not be opposed to the proposal.** There was no one else to speak in opposition and **a motion was made by Robert Lundy/Brent Patterson to close the Public Hearing. All members present voted aye.** A period of general discussion followed which included EPA permit requirements, hours of operation, road width and the effort to reduce noise pollution. Mr. Honeycutt provided additional information and stressed he needed the hours of operation to include Saturdays from 7 a.m. to 12:00 noon. After discussion, **a motion was made by Robert Lundy/Brent Patterson to recommend approval with the stipulations that the trucks only exit on Wetzel Road, only electric pumps be used to remove the water, the hours of operation would be 7 a.m. to 6 p.m. Monday - Friday and 7 a.m. to 12 on Saturday, there not be any excessive noise from the slamming of tail gates on the trucks and a 12 foot berm be constructed around the pit. All members present voted aye.** The members also reminded those present that the elected officials would have the final approval of denial of the request. They recommended those property owners that still have concerns be present for that meeting. There was no further business to discuss at this time and **a motion was made by Robert Lundy/Brent Patterson to adjourn. All members present voted aye.**

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Donald R. Carroll, Secretary

Tom Medlin, Acting Chairman

There was no further business to discuss at this time and a motion was made by Brent Patterson/James Horan to adjourn. All members present voted aye.



Donald R. Carroll, Secretary

Tom Medlin, Acting Chairman

Planning Board Minutes

On Monday, December 1, 2008 at 5:00 p.m. the Planning Board met in a regularly scheduled meeting. Board members present were: Mayor Doyle, Jose Boix, Dickie Campbell and Commissioner Haney. Staff members present were: Don Carroll, Brian Falk, Doug Kneupper and Julie Morreale. Citizens present were Herb Wesson.

APPROVAL OF MINUTES. A motion to approve the minutes of November 3, 2008 was made by Mayor Doyle/Jose Boix. All members present voted aye. Commissioner Haney presided over the meeting. The chairperson indicated a quorum was present and called the meeting to order.

ITEM NO. 1. Mr. Herb Wesson Site Plan to extend/combine sand pit on Wetzel. *T.P. 15, 16, 17*
(Action) Mr. Carroll provided an overview of the request. Mr. Wesson presented the Post Plan/Site Plan for the Wesson Sandpit. Commissioner Haney asked how far to the adjacent property was to the sandpit. Mr. Kneupper stated previously a 60 foot buffer was approved by the Planning Board. Mr. Wesson stated they have extended the buffer to 160 feet to the adjacent property. Mayor Doyle asked if there would be enough room on the lots to build with the Post Plan due to the 60' wide easement community public service company posted on the Site Plan (Post Plan after the sand pit use is terminated). Mr. Kneupper stated that the lots could be combined for a larger property. Mr. Carroll stated that the lots to be concerned with are Lots 11, 12 and 13. Mr. Jose Boix asked if any further expansions would be requested. Mr. Wesson stated there is no other expansions. Mr. Carroll stated that an expansion would not be foreseeable but it would have to come before the Planning Board. Mr. Wesson stated they would also like to extend the operation hours on Saturdays from 7:00 AM - 12:00 PM to 7:00 AM - 2:00 PM. Mayor Doyle stated that the expansion and hours of operation change must be included in the notice sent out to the property owners within 200 feet of this requested rezone. After a brief discussion, a motion to approve Site Plan to extend/combine sand pit on Wetzel was made by Jose Boix/Mayor Doyle. All members present voted aye. *18*

There being no further business, a motion was made to adjourn by Dickie Campbell/ Jose Boix. All members present voted aye.

Commissioner Haney, Acting Chairperson


Donald Carroll, Secretary

MEMO

TO: Planning Board
FROM: Don Carroll, City Planner
DATE: December 1, 2008
RE: Wesson Sandpit

19

Update since the last Planning Board where this issue was considered - Since that meeting held on 11/3/08 the applicant has made a good faith effort to address the concerns raised by the Mayor and Planning Board.

Specifically submit a definitive post plan after the life of the pit that conveys a reasonable and attainable subdivision layout that will have adequate buffer and not negatively impact any adjacent property owners near the proposed site. The post plan must promote sustainability.

If approved the proposal will also be governed by the existing development agreement that was formulated and in place when Mr. Honeycutt obtained the initial Site Plan Rezoning approval.

The applicant has expressed an interest in seeking relief from one stipulation in particular that mandates a specific time to operate on Saturday. The applicant's request is based upon being at a disadvantage to other pit operations that are not required to operate from 7:00 AM to 12 Noon.

DEVELOPMENT AGREEMENT

The State Of Texas §
County of Galveston §

KNOW ALL MEN BY THESE PRESENTS:

TALKING
POINT
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D.A.
APPROVED
BY Z.C.
CITY COM

April 21,

Pursuant to the request of the City of Texas City Commission at its meeting held on _____, 2004 the undersigned stipulates and agrees as follows:

(A) IRREVOCABLE LETTER OF CREDIT

Lynn Honeycutt agrees to provide an Irrevocable Letters of Credit, a copy of which is attached hereto as Exhibit "A", in favor of the City of Texas City in the sum total of Seventy-five Thousand and No/100 Dollars (\$75,000.00) to insure Lynn Honeycutt's compliance of all ordinances, codes and other stipulations including road maintenance as set out by the City of Texas City and in accordance with the site plan rezoning request which has been approved concerning the property described in that General Warranty Deed attached hereto as Exhibit "B". This irrevocable letter of credit shall remain in full force and effect throughout the term of seven years that the Material Excavation Facility Site is in operation and should the Material Excavation Facility Site not be totally completed according to codes, ordinances and site plan rezoning request, applicant must reapply for extension of site plan rezoning and extension of letter of credit.

(B) SURVEY

Lynn Honeycutt shall provide, on an annual basis from date City Commission approves, a sealed survey to the City of Texas City, and said survey shall confirm the slopes, depth, and buffer distances at the material excavation site as of the date of the survey. Lynn Honeycutt shall be prohibited from further development of the site unless the annual survey is provided and presented to the Zoning Commission on the annual basis.

(C) ACCESS

Lynn Honeycutt covenants and agrees that all ingress and egress of traffic equipment, and of material from the subject site shall be taken westward along Wetzel Road to Hwy. 3 only and that no equipment and/or materials trucks will use DiPalermo Road. At no time shall material and equipment be moved eastward along Wetzel Road.

(D) DUST, NOISE, HOURS OF OPERATION

Applicant must provide 12-foot screening berm around perimeter of facility where shown on site plan. Dust shall be controlled at all times by wetting or sprinkling. No excessive amounts of dust shall be permitted to leave the site boundary. For unloading of material on site, tail gates shall be removed from trucks in order to prevent banging and noise. Hours of Operation shall be within 7:00 a.m. to 6:00 p.m., Monday through Friday and from 7:00 a.m. to 12:00 p.m. on Saturdays.

(F) WATER REMOVAL

To further abate noise pollution, Lynn Honeycutt agrees to utilize electrical pumps only to remove excess water. No well points/taps will be used to preclude the possibility of subsidence.

(E) MISCELLANEOUS

Lynn Honeycutt covenant and agree to comply with all other requirements as stipulated in the site plan zoning agreement and the final proposed survey, attached hereto as Exhibit "C".

Lynn Honeycutt, Landowner, Developer/Operator

EXECUTED this _____ day of _____, A.D. 2004.

Carlos Garza, Mayor
City of Texas City, Texas

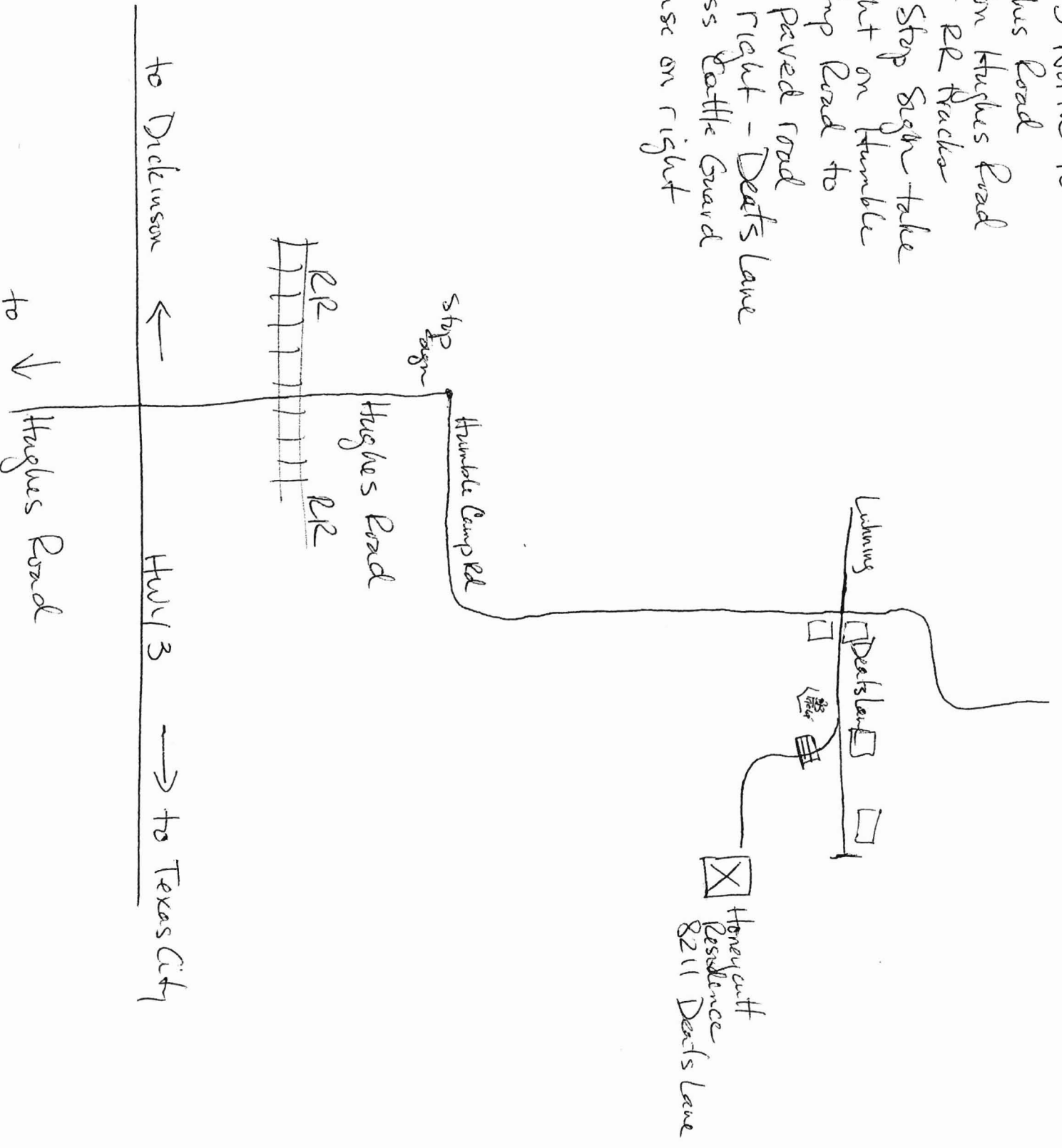
ATTEST:

Pamela A. Lawrence
City Secretary

APPROVED AS TO FORM:

Robert Gervais
City Attorney

WY 3 North to
 Hughes Road
 2+ on Hughes Road
 over RR tracks
 1st Stop Sign take
 Right on Humble
 Camp Road to
 1st Paved road
 on right - Deat's lane
 Cross Deat's Guard
 House on right



**DISTANCES IN FEET FROM RESIDENTS HOUSE
TO CLOSEST POINT OF SAND PIT**

- 1. MCCAIN-940 FT.**
- 2. HONEY-880 FT.**
- 3. PATTERSON-1300 FT.**
- 4. DILLON #1-1280 FT.**
- 5. DILLON #2-1450 FT.**
- 6. RICHARD GINN-800 FT.**
- 7. PAUL BOWLS-920 FT.**
- 8. BETTY POLK-1600 FT.**
- 9. KEN ARMSTRONG-890 FT.**
- 10. MIKE SPEIGLE-880 FT.**

***THESE DISTANCES REFLECT CLOSEST
DISTANCE TO PROPOSED SAND PIT BE IT PHASE
1 OR 2**