

# PLANNING BOARD MINUTES

August 4, 2025

The Planning Board of the City of Texas City met in a regular meeting on Monday, August 4, 2025, at 5:00 p.m. Staff members present: Ms. Kimberly Golden, P.E. (City Engineer, Secretary), Casey Bennett (Chief Building Official), David Kinchen (Deputy Building Official), Curt Kelly (Engineering & Planning Administrator), Veronica Carreon (Planning & Zoning Technician) and Caroline Luke (Administrative Assistant). Guests were: Kevin McDonald (Langan Engineering), Sherri McElwee (Quiddity Engineering), Nasser Zia (Nasser Zia Construction), Phil Newton (Highway 66 Partners), Simon Labrosse (Alpha Omega Renewables), & Mohsinal Umatiya (Owner of Paks Food Store).

Co-Chairman Perry O'Brien indicated a quorum was present and called the meeting to order.

## (1) ROLL CALL

The following members answered roll call: Commissioner Jami Clark, Commissioner Thelma Bowie, Co-Chairman Perry O'Brien, and Member Aric Owens.

## (2) APPROVAL OF MINUTES

A motion to approve the minutes of July 21, 2025 was made by Commissioner Jami Clark/Commissioner Thelma Bowie. All other members present voted aye.

## (3) PUBLIC COMMENTS

There were no public comments.

## (4) REGULAR AGENDA

- a. **Consider and take action on the Final Plat for Lago Mar Commercial Replat No. 5. A portion of unrestricted Reserve "B", Block 2 Lago Mar Commercial according to the map or plat thereof recorded under Instrument Number 2016044734 map records of Galveston County, Texas situated in the Alexander Farmer League Abstract No. 11, Texas City. Located south of Crystal View Blvd Extension on the frontage road of I-45 S and containing 14.24 acres.**

Ms. Kim Golden gave a brief overview of the layout of the commercial replats in Lago Mar to reorient the board with the proposed development location. This replat is south of the HEB location and will be subdivided into seven lots. Ms. Golden pointed out that one of the lots does not have access to a public roadway, but there is an access easement to allow entry and exit from the lot. One of the conditions for approving this project is securing a mutual access agreement for the lots that abut the access easement. Drafting the mutual access agreement may take some time, but the developer indicates the process has begun. Establishing the pending agreement as a condition of approval allows other aspects of the project to continue while the agreement is prepared and executed before the Final Plat is recorded.

Ms. Golden said there are many developers interested in these lots, so it is appropriate to keep the project moving.

Co-Chairman Perry O'Brien asked about the function of the access agreement. Ms. Golden said the agreement would formalize who is responsible for the upkeep and maintenance of the access road since it is not a public road maintained by the City. She also mentioned that this road is

important because it leads to a lift station. This is not a public street that will be dedicated to the City, so there must be an agreement. Agreements like this are conventional practice and are simply a matter of getting it worked out between the lawyers. Ms. Golden said she is comfortable with this being a condition for approval so the plat will not be recorded until the agreement is signed and received by the City.

Member Aric Owens asked if there is any way to access Lot 3 from Lot 7. Ms. Golden said that there is access, but Lot 7 is still considered land-locked because it does not have frontage on a public street. Ms. Sherri McElwee, a representative of Quiddity Engineering, said that there is a 60-foot public access easement on the south side of Lot 7 that exists now. The easement goes all the way from Lago Mar Boulevard to Lot 7 because of the lift station site.

**A motion was made by Commissioner Jami Clark/Commissioner Thelma Bowie to approve the Final Plat for Lago Mar Commercial Replat No. 5 upon condition that a mutual access agreement providing for perpetual maintenance be executed and recorded prior to the recording of the plat and that the construction drawings be revised to address the final comments and to include the TxDOT approved plans for improvements to the frontage road. All other members present voted aye.**

**Motion carried 4-0.**

- b. Consider and take action on the Final Plat for Lago Mar Commercial Replat No. 6. Being a portion of unrestricted Reserve "A", Block 1 Lago Mar Commercial, according to the map or plat thereof recorded under Instrument Number 2016044734, map records of Galveston County, Texas situated in the Alexander Farmer League, Abstract No. 11, City of Texas City. Located north of Lago Mar Blvd on frontage road of 1-45S and containing 6.51 acres to create 5 lots.**

Ms. Golden showed a map of the area to familiarize the board with the location of this project. She then said all lots have frontage on the south bound frontage road which is considered a public street. Everything has been sorted out except for the approval from TxDOT for the changes that will need to be made on the frontage road. The construction plans have been submitted to TxDOT and are under review. This is why the City has not released the construction plans. Approving the Final Plat will allow the project to continue moving forward and reserve the City's authority to withhold recording of the plat until TxDOT gives their approval.

Member Owens asked what the developers are waiting for from TxDOT. Ms. Golden said that there are changes to be made to the deceleration lane to add a driveway for the project. Member Owens asked if there was a timeline on hearing back from TxDOT. Ms. Golden said there is no clear timeline which means the developer will be proceeding at its own risk if it chooses to start construction before it has TxDOT's final approval.

**A motion was made by Commissioner Jami Clark/Commissioner Thelma Bowie to approve the Final Plat for Lago Mar Commercial Replat No. 6. All other members present voted aye.**

**Motion carried 4-0.**

- c. Consider and take action on a Request for Extension of Time for the Preliminary Zoning Approval of Southern Select Energy Storage, a Battery Energy Storage System (BESS) project to be located on 6.29 acres at 701 Hwy 146 N.**

Ms. Golden informed the Planning Board that they reviewed this project approximately a year ago and gave a brief overview of the site location. Last year, the Planning Board and Zoning Commission heard and made a recommendation to approve the initial preliminary zoning change. City Commission granted preliminary zoning approval for 12 months in September 2024.

The 12 months are almost over and not granting an extension will result in the applicant restarting the application process. The applicant has started the permitting process, but this process can take a while. This extension will give them another 12 months to complete the permitting process.

Commissioner Clark asked if anything about the plan had changed. Ms. Golden said nothing in the plans had changed. This request for extension is simply a matter of making sure the applicant doesn't have to repeat the entire rezoning approval process.

Ms. Golden showed the board the Development Plan and said the applicant has complied with spacing, masonry, and landscaping requirements. The site will also include a paved road and two means of access. Ms. Golden said that the plan complies with the City's requirements for these kinds of projects.

Member Owens asked about the connection between Southern Select and Alpha Omega. Mr. Simon Labrosse, a representative of Alpha Omega Renewables, said that Alpha Omega is the development platform that issues project names and LLCs. This relationship allows there to be liability on a certain project instead of the entirety of Alpha Omega. If something happens with a project, it only affects that one project instead of the entire company.

Ms. Golden asked if it would be appropriate to identify Southern Select as a subsidiary of Alpha Omega. Mr. Labrosse said that would be a feasible explanation.

**A motion was made by Commissioner Jami Clark/Commissioner Thelma Bowie to approve the Request for Extension of Time for the Preliminary Zoning Approval of Southern Select Energy Storage. All other members present voted aye.**

**Motion carried 4-0.**

- d. Consider and make recommendation to the Zoning Commission on a zoning change request from Nasser Zia (NZ Construction Corp.) to change the zoning from District "F" (Light Industrial) to District "D" (Neighborhood Service) for the purpose of remodeling and bringing the convenience store and fuel station into compliance. Located at 1025 5<sup>th</sup> Avenue North.**

Ms. Golden explained the project location and informed the board that this location was formerly known as Tiger Mart. This location has had numerous code compliance issues and has been unoccupied for over one year. The lot is currently zoned as District "F" (Light Industrial) which is why it is on the agenda for a zoning change. The underground gasoline storage tanks that were previously on the property have been removed because it was determined that the tanks had been leaking. The remodel will install new underground gasoline storage tanks in the vacant area east of the existing building. The new location will allow the canopy and the development to meet the setback requirements. One of the existing driveways on 11<sup>th</sup> Street will be closed and the developer is in the process of securing an easement agreement on the adjacent property which is owned by the Texas City Economic Development Corporation for a new driveway on 5<sup>th</sup> Ave. The new driveway is needed to allow the fuel trucks to service the fuel station without disrupting traffic on the main roadway. Obtaining an easement agreement with TCEDC is a condition of approval, because this is not a feasible development without the easement for the driveway.

Ms. Golden introduced Mr. Nasser Zia, a representative for the project. Commissioner Jami Clark stated her excitement in seeing something moving to this location since it has been an eyesore for some time.

Co-Chairman O'Brien asked if there were any foreseen issues with TCEDC in obtaining the easement agreement. Ms. Golden said she was unsure, and the conversations had just begun between the parties.

Member Owens asked if there is any need for remediation from the leaking tanks. Ms. Golden said she was unaware if any soil testing had been completed. Mr. Zia said testing was done and no evidence of contamination was found.

**A motion was made by Commissioner Jami Clark/Commissioner Thelma Bowie to approve the recommendation of a zoning change request to the Zoning Commission for Nasser Zia for the purpose of remodeling and bringing the owner's convenience store and fuel station into compliance conditioned upon Applicant obtaining the additional easement from TCEDC upon terms acceptable to the TCEDC. All other members present voted aye.**

**Motion carried 4-0.**

- e. Consider and take action on the Development Plan for Paks Food Store (Tiger Express) to remodel and bring a convenience store and fuel station into compliance. Located at 1025 5<sup>th</sup> Avenue North. Subject to approval of District "D" (Neighborhood Service) rezoning.**

**A motion was made by Commissioner Jami Clark/Commissioner Thelma Bowie to approve the Development Plan for Paks Food Store (Tiger Express) to remodel and bring a convenience and fuel station into compliance contingent upon the approval of the zoning change request. All other members present voted aye.**

**Motion carried 4-0.**

- f. Consider and take action on the Affirmation of Planned Development District for Hwy 66 Partners. Located at SH-3 and FM 1764.**

Ms. Golden said that this is not a typical agenda item and required to fill in a gap in City records. The property was rezoned as a PUD to District "I" (Planned Unit Development) via ordinance in 2009, but the documents explaining the terms of the PUD cannot be found. The actual development which has already been permitted and occurred to date gives an idea of the intent for development of the area and is consistent with the records that can be found. To help continue this development without hinderance, the Planning Board has been asked to consider the affirmation of the PUD to fill in the blanks.

Ms. Golden showed a map of the existing site and the areas that have not yet been developed. This affirmation will pertain only to the areas in the existing PUD that are vacant. The affirmation document is simple and outlines the acceptable uses for these undeveloped areas. With this documentation in place, proposed projects in the PUD can move forward. Ms. Golden informed the board that Phil Newton, from Hwy 66 Partners, is present.

Co-Chairman O'Brien asked if there was anything that could be added to the list of possible developments in the area. Ms. Golden said the developer had the opportunity to add whatever he wanted but chose to keep it simple. Co-Chairman O'Brien said it was a good document, and he supports the staff recommendation.

**A motion was made by Commissioner Jami Clark/Member Aric Owens to approve the Affirmation of Planned Development District for Hwy 66 Partners. All other members present voted aye.**

**Motion carried 4-0.**

## **(5) GENERAL UPDATES**

