



**CITY OF TEXAS CITY  
SPECIAL-CALLED ZONING COMMISSION MEETING**

**AGENDA**

**TUESDAY, MARCH 25, 2025 – 5:00 P.M.  
ENGINEERING & PLANNING BUILDING – CONFERENCE ROOM 2  
7800 Emmett F. Lowry Expressway  
Texas City, TX 77591**

**PLEASE NOTE:** Public comments and matters from the floor are generally limited to 3 minutes in length. If you would like to request to speak, please make your request in advance of the meeting by filling out a Request to Address Zoning Commission form and providing it to Ms. Brianna Galicia, Administrative Assistant.

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**(1) ROLL CALL**

**(2) APPROVAL OF MINUTES – February 18, 2024**

**(3) PUBLIC COMMENTS**

**(4) PUBLIC HEARING**

- a. Public Hearing to receive comments regarding the Zoning Change Request from Hugh Patrick Constructors, Inc.

**(5) PRELIMINARY ZONING APPROVAL**

- a. Consider and take action on a Zoning Change Request from Hugh Patrick Constructors, Inc. to rezone their property from District "E" (General Business) to District "F-1" (Outdoor Industrial) for 3<sup>rd</sup> party storage of industrial equipment and supplies, and other uses. Located at 2628 Texas Avenue, Texas City.

**(6) REGULAR ITEMS**

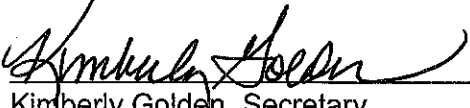
- a. Consider and make recommendation regarding an amendment to the zoning ordinance to designate Battery Energy Storage Systems (BESS) and similar projects as a use restricted to Section 160.051 District "S-P" (Site Plan) and further providing therewith.

**(7) GENERAL UPDATES**

**(8) OTHER BUSINESS** (Any conceptual development proposal requesting to come before the Zoning Commission)

**(9) ADJOURNMENT**

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE BULLETIN BOARDS AT CITY HALL, 1801 9TH AVENUE NORTH, TEXAS CITY, TEXAS, AT A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AND ON THE CITY'S WEBSITE ON MARCH 19, 2025, PRIOR TO 5:00 P.M. AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.

  
\_\_\_\_\_

Kimberly Golden, Secretary

**ZONING COMMISSION**  
**February 18, 2025**

The Zoning Commission of the City of Texas City met in a regular meeting on Tuesday, February 18, 2025, at 5:00 p.m. Zoning Commission members present were: Chairman Perry O'Brien, Commissioner Thelma Bowie, Member Bruce Clawson, and Alternate David Zacherl. Staff members present were: Kim Golden (Secretary), Casey Bennett (Chief Building Official), David Kinchen (Deputy Building Official), Kip Urps (Assistant Building Official), Curt Kelly (Engineering & Planning Administrator), Veronica Carreon (Planning & Zoning Technician), Jason Brown (Fire Marshal), Dennis Harris (Fire Chief), and Joe Tumbleson (Emergency Operations Manager). Guests were: Simon Labrosse, Chris Johnson, Felix Herrera, Nick Coil, Amber Zuhlke, Laura Boyd, Ronny Boyd, and Bobby Ruiz.

Chairman Perry O'Brien indicated a quorum was present.

Chairman O'Brien then called the meeting to order.

**1) ROLL CALL**

The following members answered roll call: Member Bruce Clawson, Commissioner Thelma Bowie, Chairman Perry O'Brien, and Alternate David Zacherl.

**2) APPROVAL OF MINUTES**

A motion to approve the minutes of December 17, 2024, was made by Member Bruce Clawson/Commissioner Thelma Bowie. All other members present voted aye.

**3) PUBLIC COMMENTS**

**Chairman O'Brien opened Public Comments and reminded the floor that all who choose to speak are limited to three minutes.**

- Bobby Ruiz (Agenda Item #4) - Mr. Bobby Ruiz stated he would like to discuss the BESS Ordinance. As he read through the ordinance, he felt there was a lot of misinformation. He stated that what he hears on a regular basis is toxins being blown out into the neighborhood and exposing those nearby. He stated he's been with the Hillen Company for the past three years and has been following incidents with BESS all over the country. He stated he has run reports on air quality, and nothing has ever generated beyond the perimeters of the BESS site. He stated even on the bigger projects like in Mesa or San Francisco, where buildings are thousands of square footages, the most readings they have gotten back of poisonous toxins being let out into the air was about fifteen feet away from the building. He also stated they have done readings on water contamination and the only report they've ever gotten back was a very low amount of sulfur found. He stated one report that's he's viewed and found very well documented was a site in California in September of 2024

that was for air quality. He stated that the San Diego Fire Department went out there to test as well and they did not find anything alarming or far from the containers. A third-party company was hired by the Utility department in which they came out and picked eighteen spots where they felt air quality needed to be tested and within one to two miles away from those containers nothing was detected. He stated nothing was found in the water contamination reports and that everything was within the ranges it needed to be in. He stated he does a lot of teaching on the fire department's safety and stated the discipline for these chemicals is to not put any water at all and let them consume/burn themselves. He stated hydrogen is ten times lighter than air and will go straight into the air whether it burns itself or not. He stated he does not want people to think BESS is scary because of the explosion reported in Surprise, AZ and added there were things within the site that added to the explosion. He stated that now there are sensors and a management system in the containers that relay the information and balance out the temperature/voltages and that information is transferred into another site and to a third party as well.

- Nick Coil (Agenda Item #4) - Mr. Nick Coil stated after viewing the ordinance there are some concerns from Spearmint Energy. He believes it is critical and is in 100% support to have a good ordinance for BESS, not only for the community that the project is being built in but for the company as well so that they have clear understanding. He stated ordinances are very critical for the success of the project. He added that health, safety, and the general welfare of the community need to be addressed. He stated he would like to express that he would be 100% in favor of an ordinance being passed for BESS but he would really appreciate some working sessions so Spearmint Energy could come up to speed with the technology and have a clear understanding of all the moving parts.
- Simon Labrosse (Agenda Item #4)- Mr. Simon Labrosse stated he is with AOP, and his comments are going to be like the ones already heard but first he wanted to start off by saying the ordinance is impressively comprehensive and he can see a deep dive was taken to understand the technology and he is very appreciative of that. He stated some concern and need for clarification about how the approval of the ordinance would affect the projects that already have preliminary zoning approval. He also asked a question about re-powering and, even though it is off in the future for his project, how the new ordinance will affect the upgrading of the equipment used. He believes the new ordinance is going to create a lot of difficulties for companies like the one he is at to develop these type of projects because it has a lot of requirements needed and he stated if all those requirements are needed at a rezone level he is concerned his company will be putting a lot of dollars at risk so he would like to have a conversation to see what they can do to develop these projects and respect the ordinances. He stated he had a few more concerns, but he hopes to address those if a conversation is to be had.

- Mr. Chris Johnson (Agenda Item #4) - Mr. Chris Johnson stated he is an attorney and represents a couple of BESS developers that have applied to the city to develop these sites. He stated he has concerns about the ordinance and the fact it is being recommended to City Commission whether to vote on this ordinance as drafted. He believes there are serious constitutional concerns regarding this ordinance that need to be explored. He stated there are eighteen pages of new rules applied to these sites. Nobody disagrees that rules are needed because of the influx of these types of developments in this community and everybody needs to know what the rules are. He stated the problem is the rules must balance the private property interest in the ability to use the property for this use without creating a total bar on its use. He stated creating a total bar on this use in this community would be unconstitutional. Mr. Johnson had an example of one of the requirements requiring masonry walls all the way around the site. He stated there are three million feet of pipelines in the city, and you can't build a masonry wall over any pipeline easement. He stated everybody knows almost every piece of property within the city is encumbered by some sort of pipelines. If you insist on a masonry wall all the way around any site, you are basically determining that no BESS site can be put on that property and that's going to be the majority of properties in this town. Mr. Johnson believes that everybody sitting on this commission knows that. He stated that it's an example of unreasonable restriction on the development of property and its unconstitutional. He stated another example is saying 50% of the site must be pervious to water but also requiring any water put on the site by fire fighters to be collected is an impossibility and that's unconstitutional. Another example Mr. Johnson stated is you're not going to remove them from the tax rules but you're going to force them to sign a payment agreement that will require the payment of taxes, which is not disclosed. Also, even though you've set rules for distancing, and separation, all those rules could be changed at the Zoning Commission's discretion, which means no rules have been established for anybody to follow and he believes that's what this ordinance does. Mr. Johnson stated all these rules are being passed out there, but they could all be changed. All these rules are being put out there that create impossible conditions for these developments. Mr. Johnson believes this comes across as we are telling these folks we don't want their business in the city. He stated he's had conversations saying these types of infrastructures are recommended to the Board for approval because these types of infrastructures are needed to support grid stability. Mr. Johnson stated it can be chosen to either look at the balances of the private property interest for the need of this infrastructure versus health and safety or you can decide you don't want them all and can pass on these ordinances.

**4) AMENDMENT TO ZONING ORDINANCE – Consider and make recommendation regarding an amendment to the zoning ordinance to designate Battery Energy Storage Systems (BESS) and similar projects as a use restricted to Section**

### **160.051 District “S-P” (Site Plan) and further providing therewith.**

Ms. Kimberly Golden stated the ordinance being presented to the Zoning Commission, has been prepared jointly by the City Attorney, Fire Marshal, Fire Chief, Emergency Operations Manager, Chief Building Official, and herself. She stated this represents a combination of work for about eighteen months. She noted the Commissioners may recall that this process was started about a year ago with a workshop and the introduction of a proposed ordinance to the City Commission. The legislative process did what it was supposed to do and provoked a good amount of interaction with the industry people and the developers. As a result of the conversations started by the process, staff asked the City Commission not to do the third reading of the previously introduced ordinance.

She stated the process of developing the ordinance has taken some time to be sure it's right and in the best interest of Texas City. Being prepared by the city attorney she doesn't believe it would be presented to the Zoning Commission or the City Commission if it was not a constitutional ordinance.

She stated the ordinance being presented to the City Commission will do two things. First, it is amending the Zoning Ordinance [Chapter 160] to make BESS projects exclusive to District S-P (Site Plan). Second, it is creating a new chapter in the Texas City Code of Ordinances that is specific to BESS. The Zoning Commission is responsible for considering and making a recommendation about the amendment to the Zoning Ordinance. Everything else [the creation of the new chapter] is for City Commission to decide. The Zoning Commission is only asked to provide its recommendation about the amending the Zoning Ordinance to make the District S-P (Site Plan) designation mandatory for BESS projects.

Ms. Golden stated the Zoning Commissioners may recall that we have been processing the BESS projects through the District S-P process already because the Zoning Ordinance allows District S-P to be used for projects that are not common in other zoning districts. She stated staff is recommending to now make BESS projects exclusive to S-P for several different reasons - it provides clarity for everybody about what the process is, it creates a flexible process with a lot of transparency for the public and the Commission because it goes through every level of review. The District S-P process starts with the Planning Board, which looks at and reviews the site plan and make their recommendation about approving the site plan. It will then go to Zoning Commission in which they will hold a public hearing on mailed notices to adjacent property owners and then make its recommendations about the proposed project to the City Commission. Then the project will I go to City Commission where they will hold another public hearing on advertised notice. The City Commission can also use its discretion to have any ordinance read three times.

She stated the process can be used to give the project a very thorough review if that is what the City Commission chooses to do. The City Commission will first act to give the project a preliminary zoning approval. Under the Zoning Ordinance, the preliminary zoning approval is made final by ordinance if within twelve months the project comes forward with its building permit.

Ms. Golden then stated she wanted to remind the Commission of the thirteen uses that are already exclusive to the District S-P (Site Plan) zoning designation.

1. Aviation fields and airports;
2. Bed and breakfast establishments;
3. Cemeteries, mausoleums and crematories;
4. Child care institutions;
5. Gun clubs, skeet shoots and target ranges;
6. Halfway houses;
7. Prisons;
8. Radio, television and microwave towers;
9. Refuse dumps;
10. Sexually oriented business;
11. RV Parks;
12. Quarries, mines, sand, clay or gravel pits;
13. Hotels

She stated Texas City has used District S-P for projects where they want this amount of transparency and review. She also wanted to help everyone understand the context of the City's history with existing projects. The City has four projects that have been approved in Texas City. Two of them are the smaller projects at ten megawatts and two projects that are the larger at 200 megawatts. She indicated the location of the projects on a map and noted that all projects are located south of Palmer Hwy (FM 1764).

Ms. Golden noted her appreciation to Fire Chief Dennis Harris, Emergency Operations Manager Joe Tumbleson, Fire Marshal Jason Brown, and all of the Building Officials for their time being at the meeting today and available to answer any questions.

The City has also retained a recognized subject matter industry expert, Code Concepts and Mr. Davidson, who has been an advisor to the city since the beginning of this process. He was identified to staff by a member of the Zoning Commission. The Zoning Commission will recall that he conducted a workshop for us on code history, which took us through the development of the relevant codes from the very beginning up to the most current codes. He remains current with evolving technology in real time because he is one of the persons involved as independent observers for the certifying of new technologies and amending the codes to keep up. He is known to most of the industry representatives who are present at this meeting, and they acknowledge the depth and breadth of his expertise.

Ms. Golden stated the City also engaged outside legal counsel with expertise in public utilities to review the original ordinance for us and gave some feedback on the limits of the City's authorities to regulate the land use, to tell us the things we can and cannot do by ordinance. Basically, the major thing we cannot do is exclude the projects out right and everywhere, because they are considered a private energy generation facility, and they do have some rights to be located in a city. Of course, Texas City does not want to exclude them because the projects are important to maintaining the stability of the grid as has been previously stated during the public comments.

Ms. Golden stated that technology moves fast but codes move slowly, and so the

protection that we have for Texas City is to have a framework that allows us to look at these projects in context in time and to make the best decision for Texas City. She added that we also have benefit of the information received from industry contacts and trade associations as a result of the conversations started with the introduction of the previously drafted ordinance.

Ms. Golden noted the ordinance is based upon an extensive literature review which included access through the National Fire Protection Association to an extensive body of information. The NFPA holds annual conferences about Battery Energy Storage Systems specifically for firefighting professionals and industry to interact. Several trade associations, including the Advanced Power Alliance and the American Clean Power Association were all forthcoming with some very good information which informed the drafting of the Ordinance. The American Planning Association is also developing quite a body of information from its members who are planners having experience with regulation and permitting of BESS projects across the United States and in other countries.

She stated the drafting of the ordinance was informed by model ordinances from several jurisdictions, including especially the state of New York. She also found a research paper that was done by the Pacific Northwest National Laboratory that looked at every local zoning ordinance that was in existence in October 2023. There was a total of fifty-seven local zoning ordinances reviewed. She noted the ordinance being presented to the City Commission is specifically patterned after League City which approved its ordinance back in June 2024.

Ms. Golden noted all of this research support brings the proposed ordinance forward through a good legislative process that is going to help Texas City regulate the projects to provide consistency for industry and to protect the health and safety of the public going forward.

Ms. Golden reminded the Commissioners that their charge by ordinance is to consider the proposed change to the zoning ordinance which would require all BESS projects to be zoned District S-P (Site Plan) and make a recommendation to the City Commission about the proposed zoning change.

The proposed Chapter 162 will provide overall regulation of the BESS projects. It is adding the requirement of an application fee because it does take a lot of time to review the projects, plus we do use third party professionals so the reviews will remain current with evolving technology. The chapter will add the requirement for a reimbursement agreement so that the applicant will be paying for the third-party consultant who will be doing the detailed review once the site is approved, and they move into permitting.

Ms. Golden stated the ordinance is on the agenda for the City Commission to introduce at its regular meeting on February 19, 2025. There will be a total of three readings. Before acting on the ordinance they will hold a public hearing, tentatively at the last meeting in March. Between now and then we will be open to input about the ordinance that has been presented from members of industry and the public.

Chairman Perry O'Brien stated he is aware of the in-depth work taking place and he does value all it takes to bring this forward. It is no secret that he is a supporter of the

BESS system, and he feels he made that very clear in his comments and feels there were no arguments against that. He stated we have used [District] Site Plan for a lot of things and that was one of his comments on the very first one brought to the commission. He is very supportive and believes it is a good fit for the Site Plan [District].

He also stated as far as the rules and all that is associated with this ordinance, he believes that the continued dialogue to understand during the process of three readings is important.

He is very appreciative of the man-hours that have been put into this and acknowledges that he feels no one can say Texas City isn't in support of the industry because he can see with all the details presented that's exactly what we are. He added that to exclude something in the way of the safety protocols being put out there would be a misunderstanding and Texas City is supportive of this industry. He stated that was his initial comment and then called upon his colleagues to ask any questions they may have.

Member Bruce Clawson stated to him this site is no different than the plants we already have and there is going to be a steep learning curve that everyone is going to have to do but there seems to be access to most of this and we seem to have adequate information.

Mr. Clawson stated he doesn't see this as any more dangerous than the ammonia plant we have as he recalls that being the last plant built. He stated as much as he dislikes these things he does like them to have a future, and he believes we are going to see more of these facilities. He asked if it was truly more dangerous than what we have already brought into the city.

Mr. Joe Tumbleson stated he completely agrees with Mr. Clawson. He stated he thinks these types of things are needed and he thinks things now are better off than they were four years ago.

Mr. Tumbleson stated he believes BESS sites are less dangerous than what is already in the city. He stated in context of the ammonia plant he knows there is a mass amount of planning and drilling and has still been in precaution of the city. He added that the ammonia plant developers bought air monitors for the City, and they have gone above and beyond to ensure safety and knowledge.

Mr. Tumbleson stated he can't speak about how hard the ordinance will be to comply with as far as the masonry wall, but as far as an emergency response he states this site would be less dangerous.

Mr. Clawson agreed and stated that was one of his main concerns. He knows we are going to see a whole bunch of these things, so he believes they need to be safely managed, and he likes how in the ordinance it mentions they will sit down with Fire to ensure the safety and knowledge of equipment.

Mr. Tumbleson stated he agrees with the safety management of things because to his memory eight fire fighters were injured in the MOSS incident. He knows there is training, but he does know they were in a situation without the proper equipment and believes that needs to be heavily discussed.

Commissioner Thelma Bowie stated she appreciated the clarity the ordinance brings to the table with the relationship with BESS. She stated with technology constantly changing that it shows her the closeness we will always maintain. She added she is for bringing these facilities to Texas City if the close relations are a main priority.

Chairman O'Brien asked Ms. Golden if she could go over the requirements of this panel. Ms. Golden replied that what is required of the Zoning Commission by the city ordinances and by state law is that before the City Commission makes any changes to the Texas City Zoning Ordinance that they need a recommendation from the Zoning Commission about that change.

Mr. O'Brien asked if the Commission understood the requirements and Commissioner Bowie, Member Clawson, and Alternate Zacherl acknowledged understanding.

**A motion was made by Chairman Perry O'Brien/Commissioner Thelma Bowie to recommend approval regarding an amendment to the zoning ordinance to designate Battery Energy Storage Systems (BESS) and similar projects as a use restricted to Section 160.051 District "S-P" (Site Plan) and further providing therewith. Three members voted aye and Member Clawson voted nay.**

#### **5) GENERAL UPDATES**

There were no updates.

#### **6) OTHER BUSINESS** (Any conceptual development proposal requesting to come before the Zoning Commission)

There was no other business.

#### **7) ADJOURNMENT**

**A motion was made by Member Bruce Clawson/Alternate David Zacherl to adjourn. All members present voted aye.**

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Kimberly Golden, Secretary

Date

Minutes approved by the Zoning Commission at its meeting on \_\_\_\_\_.




*Texas City*

EST. 1911

ENGINEERING & PLANNING

## STAFF REPORT

**To:** Zoning Commission – Special Called Meeting March 25, 2025

**From:** Kim Golden, P.E., City Engineer 

**Cc:** Doug Kneupper, P.E., Consulting Engineer

**Date:** Request to rezone from District “E” (General Business) to District “F-1” (Outdoor Industrial) for third party storage of industrial equipment and supplies and other uses

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**Background:** Applicant, Donald P. Tarpey on behalf of owner, Hugh Patrick Constructors, Inc, and Co-applicant, Texas City Terminal Railway seeks a rezoning as a condition for the leasing of the subject location to Texas City Terminal Railway for the purpose of outside storage of industrial equipment and supplies and other uses. The site was originally constructed and operated as a grocery store from 1959 to 1979 (Texas Superfoods, Inc.). It has operated as the principal office and yard facility for a construction company since 1980 (Don Tarpey Construction, Tarpey, Inc., and Hugh Patrick Constructors, Inc.).

**Requested Action:** The co-applicants request a recommendation to the City Commission to approve the rezoning from District “E” (General Business) to District “F-1” (Outdoor Industrial) to facilitate the leasing of the property to the co-applicant, Texas City Terminal Railway. The applicants are not proposing any physical changes to the site.

**Existing conditions:** The 6.0821-acre site is currently developed with a large parking lot adjacent to Texas Avenue, an existing building which is the former grocery store converted into office and/warehouse space, and fenced open space in the rear with some pavement, loading docks and miscellaneous storage type buildings. The site is not vacant, being occupied and used as an office facility, but it does not appear to have an active construction yard with stored materials.

**Existing zoning:** The subject location is currently zoned District “E” (General Business) which purpose is to provide an extensive variety of **enclosed retail and commercial** services to serve the overall needs of the community. Due to the variety and potential intensity of these uses, they should be located along major transportation corridors and appropriately buffered from residential areas. The property adjacent to the front section of the parcel is also zoned District “E” (General Business). The adjacent property to the east and north is zoned District “A” (Single Family Residential). The property across 27<sup>th</sup> Street N to the west is also zoned District “A” (Single Family Residential). The property across Texas Avenue is zoned District “IBD” (Industrial Business District). The property does not have any buffering or screening between the residential and commercial uses as required by current Zoning Ordinance.

*“the place where COMMUNITY MATTERS”*

1801 9th Avenue North \* P.O. Drawer 2608 \* Texas City, TX 77592-2608

(409) 948-3111 \* [www.texascitytx.gov](http://www.texascitytx.gov)

**GATEWAY OVERLAY DISTRICT:** The subject property is also subject to the requirements of Secs 160.065 - 160.069 Gateway Overlay District. This district requires 100% masonry construction, that all fences be masonry, that all utilities be underground, a minimum area of 15% landscaping, and other screening requirements. The existing building is of masonry construction and landscaping is limited. No site plan was provided with the application to show compliance with the 15% landscaping requirement of the Gateway Overlay District. The existing fencing is chain-link which does not comply with the Gateway Overlay District.

**LAND USE PLAN:** The subject property is located in a Revitalization Corridor. The revitalization corridors are characterized by dilapidated structures, fair to poor housing conditions, incompatible mixture of land uses and declining numbers of housing units and small businesses. The designation is linked directly to the Goals 2000 report and strategy for revitalization of Sixth Street and Texas Avenue. Any rezoning should help to reverse the deterioration being experienced along this corridor.

**Existing infrastructure:** There is more than sufficient vehicular access from FM 1765/Texas Avenue. Existing water, sewer and drainage are adequate for the site.

**Proposed re-zoning:** The requested rezoning from Section 160.035 District "E" (General Business) to Section 160.042 District "F-1" (Outdoor Industrial) is a downgrade of the zoning district based upon a comparison of the allowable uses in each district. See attached comparison of the allowable uses and of the area and height regulations from the applicable ordinances. Uses allowed in District "E" (General Business) are required to be enclosed, whereas the uses allowed in District "F-1" (Outdoor Industrial) are some of the most incompatible exterior uses identified in the zoning ordinance. The allowable uses in District "F-1" include motor freight terminals, trucking terminals, railway freight terminals, the outdoor storage of sand, gravel, rock or earth, and the outdoor storage of industrial equipment or supplies. The district does require screening alongside and rear lot lines adjacent to any district zoned for residential use.

**Analysis:** The purpose of the rezoning is to allow the applicant owner to lease the subject property to the co-applicant tenant (Texas City Terminal Railway) for the purpose of storing industrial equipment and supplies at the site. The applicants indicate the tenant intends for all storage to be maintained inside the enclosed buildings and acknowledge that any outside storage will require screening.

Given these voluntary restrictions, a better zoning designation would be Section 160.041 District "F" (Light Industrial). District "F" (Light Industrial) allows "any manufacturing, research, wholesale or warehouse operations which do not involve the primary production or storage of wood, metal or chemical products from raw materials, provided that such uses shall be **contained within an enclosed building.**" District "F" also allows the outdoor storage incidental to the primary use; provided that such use shall be completely encompassed by a solid screening wall or fence of at least six feet in height, and, provided that, materials shall be stacked no higher

than one foot below the wall or fence. As shown in the side-by-side comparison attached, the District "F" (Light Industrial) designation would be less incompatible with the adjacent residential uses than the District "F-1" (Outdoor Industrial) uses, because the Light Industrial uses are to be enclosed. This is consistent with the requirements of the District "E" (General Business) district for most retail and commercial services to be enclosed.

**Recommendation:** Staff do not recommend rezoning to District "F-1" (Outdoor Industrial) due to incompatibility of the allowable uses with the adjacent residential uses. Rather, staff **recommend rezoning to District "F" (Light Industrial)** which zone is compliant with the applicant's expressed intent to use the site for enclosed storage within the building and some incidental outside storage. The enclosed nature of the allowable uses of the District "F" (Light Industrial) district are less likely to conflict with the existing residential uses of the adjacent properties.

In any event, due to the change in use, the site will need to be made compatible with the requirements of the Gateway Overlay District regarding the screening fences and landscaping.

# HUGH PATRICK

CONSTRUCTORS, INC.

P. O. BOX 1757  
TEXAS CITY, TEXAS 77592-1757

2628 TEXAS AVENUE

TELEPHONE: (409) 948-2949  
FAX: (409) 948-2282

October 15, 2024

## **Applicant's Statement**

The purpose of this zoning change request is to better match the current use with the right zoning district. I have been trying to sell this property and have it listed on and off the market for 20 years. A zoning change to match its current use will make the property more marketable.

This property does not have any restrictive covenants of record in Galveston County

## **Property History of 2628 Texas Avenue, Texas City**

1959 to 1979 – Texas Superfoods Inc. operating as a grocery store.

1980 to Present – Don Tarpey Construction, Tarpey Inc., and Hugh Patrick Constructors Inc.

Property operations for the past 44 years:

**3<sup>rd</sup> Party Storage of Industrial Equipment and Supplies**

**Industrial Construction**

**Industrial Pipe and Fabrication Operations**

**Prefabrication of Industrial Precast Concrete Structures**

**Industrial Materials Storage**

**Municipal Utilities Material Storage**

**Heavy Equipment/Tractor Trailer Storage**

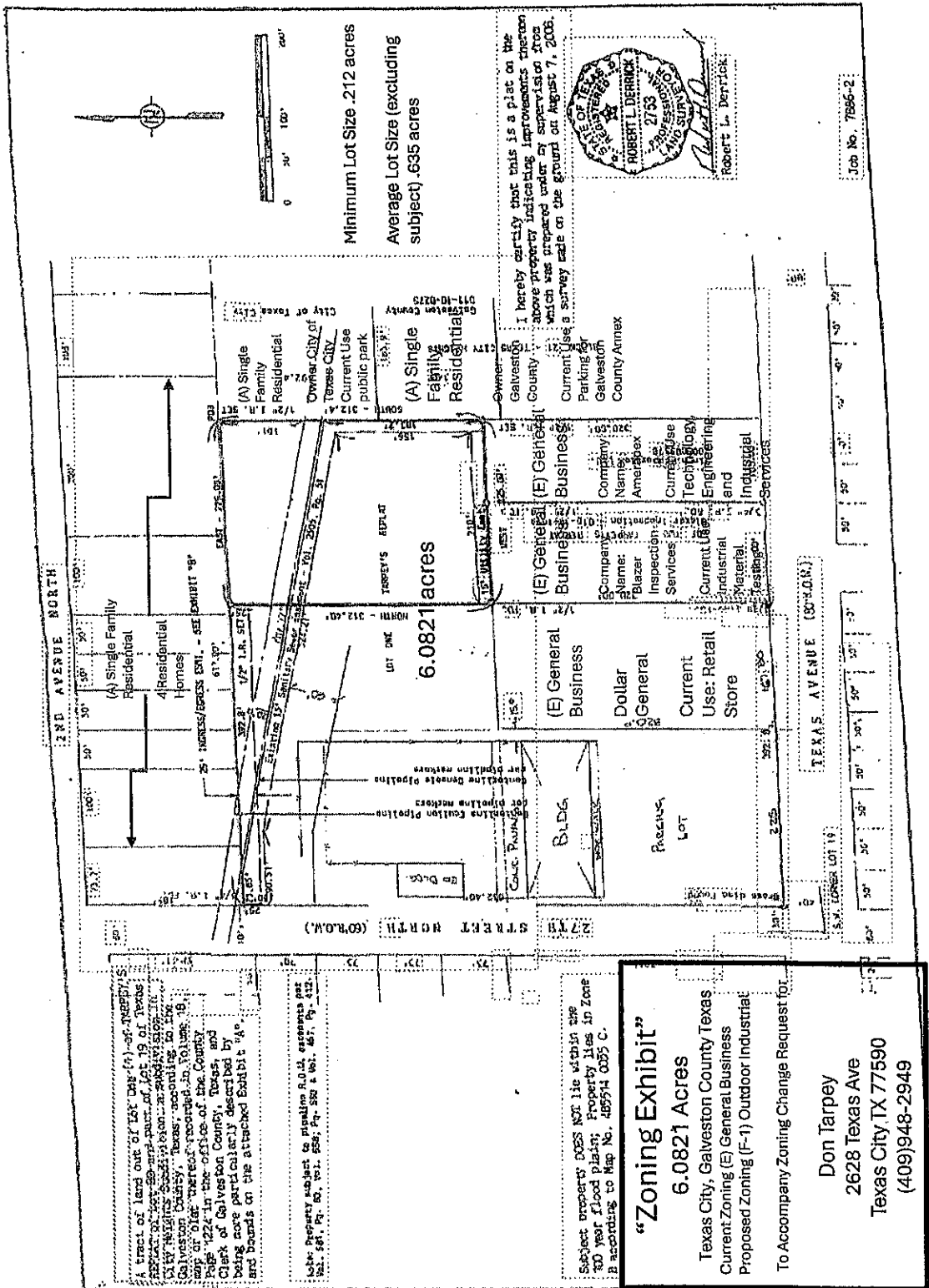
**Industrial Roll-Off Container, Terminal, Repair and Storage**

**Soils and Aggregate Storage**

Your consideration will be appreciated.

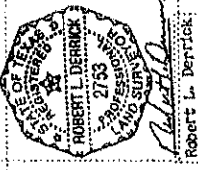
Sincerely,

  
Patrick D. Tarpey



Minimum Lot Size .212 acres  
 Average Lot Size (excluding subject) .635 acres

I hereby certify that this is a plat on the above property indicating improvements thereon which was prepared under my supervision and a survey made on the ground on August 7, 2006.



Robert L. Derrick

Job No. 7896-2

A tract of land out of Lot One (1) of Jarpey's Subdivision, Section 36, T19N, R10E, S1E, Galveston County, Texas, according to the plat on file thereof recorded in Volume 18, Page 1224 in the office of the County Clerk of Galveston County, Texas, and being more particularly described by and lands on the attached Exhibit 'A'.

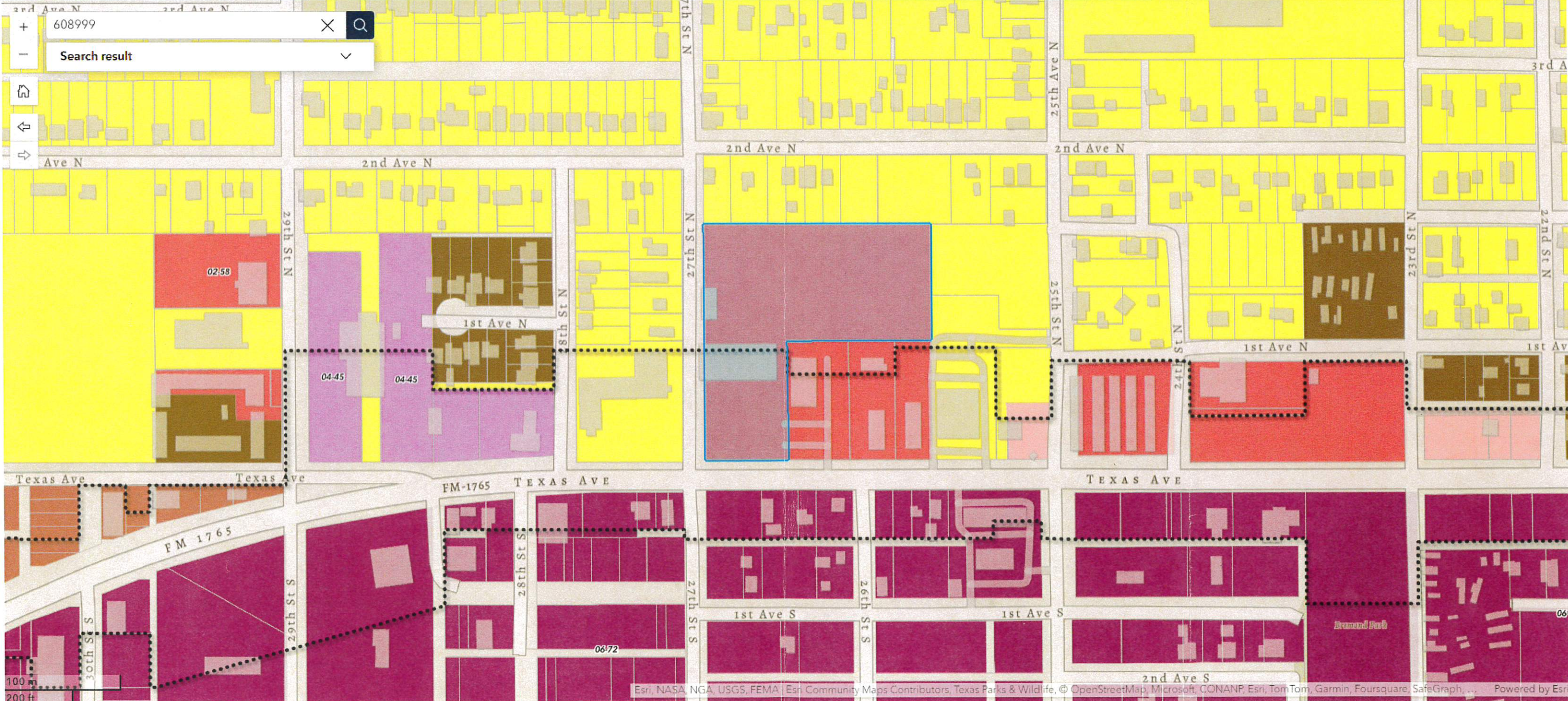
Subj. Property subject to pipeline R.O.W. easements per Vol. 587, Pg. 62, Vol. 588, Pg. 580 & Vol. 457, Pg. 412.

Subject property DOES NOT lie within the 100 year flood plain; Property lies in Zone B according to Map No. 485714 0395 C.

**"Zoning Exhibit"**  
 6.0821 Acres  
 Texas City, Galveston County Texas  
 Current Zoning (E) General Business  
 Proposed Zoning (F-1) Outdoor Industrial  
 To Accompany Zoning Change Request for:  
 Don Jarpey  
 2628 Texas Ave  
 Texas City, TX 77590  
 (409)948-2949



# Zoning Search Tool | City of Texas City, Texas



Comparison of uses – District E (General Business) to District F-1 (Outdoor Industrial)

	160.035 District E – General Business	160.042 District F-1 – Outdoor Industrial	160.041 District F – Light Industrial
Purpose	District E is intended to provide for an extensive variety of <b>enclosed retail and commercial</b> services to serve the overall needs of the community. Due to the variety and potential intensity of these uses, they should be located along major transportation corridors and be appropriately buffered from residential areas.	District F-1 is intended to provide for light industrial uses which are <b>predominately operated outdoors</b> . Because of the potential visual and noise impacts of the uses permitted in this district, additional buffering may be required for protection of adjacent areas.	District F is intended to provide for light manufacturing, wholesale and warehousing operations <b>in an enclosed area</b> . These uses are <b>not of the variety to emit excessive noise, vibration, smoke or odor</b> .
Principal Uses	<ul style="list-style-type: none"> <li>(1) Any use permitted in the O-P (Office-Professional), D (Neighborhood Service) or D-1 (Limited Service) Districts subject to the regulations of District E;</li> <li>(2) Automobile repair garages; provided that, the storage of inoperable or wrecked vehicles shall not be permitted outside of the business building unless the vehicles are completely encompassed by a solid screening fence or wall at least six feet high;</li> <li>(3) Automobile, motorcycle and light load truck sales and leasing, new or used;</li> <li>(4) Hospitals;</li> <li>(5) Ambulance services;</li> <li>(6) Motion picture theatres within an enclosed building;</li> <li>(7) Spa, health studio or fitness centers;</li> <li>(8) Coin-operated amusement machine arcades;</li> <li>(9) Bowling alley and skating rinks;</li> <li>(10) Establishments where alcoholic beverages are sold or consumed on premises (see restrictions below), except sexually oriented businesses: taverns, night clubs, dance halls and ice houses or any similar uses where alcoholic beverages are consumed on the premises and where at least 50% of the business use is attributable to the sale of alcoholic beverages shall</li> </ul>	<ul style="list-style-type: none"> <li>(1) Any use permitted in the F (Light Industrial) District subject to the regulations of District F-1;</li> <li>(2) Motor freight terminals;</li> <li>(3) Trucking terminals;</li> <li>(4) Railway freight terminals;</li> <li>(5) Outdoor storage of sand, gravel, rock or earth;</li> <li>(6) Outdoor storage of industrial equipment or supplies; and</li> <li>(7) Sales, rental and storage of heavy load vehicles, tractor trailers, cranes, bulldozers or similar equipment.</li> </ul>	<ul style="list-style-type: none"> <li>(1) Any use permitted in the E-4 (Commercial Warehouse) District subject to the regulations of District F;</li> <li>(2) Any manufacturing, research, wholesale or warehouse operations which do not involve the primary production or storage of wood, metal or chemical products from raw materials; provided that, such uses shall be contained within an enclosed building;</li> <li>(3) Testing laboratories; and</li> <li>(4) Railroad facilities required to serve the district.</li> </ul>

	<p>not be less than 300 feet from any property zoned District A, A-1, A-2 or B-1. Distance shall be measured from the nearest public door of the facility to the property line of the property zoned District A, A-1, A-2 or B-1;</p> <p>(11) Car washes, self-service, full-service or automated; and</p> <p>(12) Any retail sales, commercial business or service not included in the O-P, D or D-1 Zoning Districts; provided that, <b>all such uses shall be completely within an enclosed building and are not noxious or offensive by reason of the emission of odor, dust, gas fumes, noise or vibration</b>, and provided that no warehousing or manufacturing, or treatment of products or equipment, shall be permitted, <a href="#">except such as is clearly incidental to the conduct of a permitted use and provided that the use is not prohibited by any other section of this chapter or by any other ordinances of the city.</a></p>		
<p>Accessory Uses</p>	<p>(1) Paved automobile parking lots incidental to the principal use;</p> <p>(2) Other uses which are subordinate to and incidental to the principal uses; and</p> <p>(3) Signs advertising services provided on the same premises.</p>	<p>(1) Paved automobile parking lots incidental to the principal use;</p> <p>(2) Other uses which are subordinate to and incidental to the principal uses;</p> <p>(3) Signs advertising services provided on the same premises; and</p> <p>(4) Office space used in conjunction with a principal use.</p>	<p>(1) Paved automobile parking lots incidental to the principal use;</p> <p>(2) Other uses which are subordinate to and incidental to the principal uses;</p> <p>(3) Signs advertising services provided on the same premises;</p> <p>(4) Office space used in conjunction with a principal use; and</p> <p>(5) Outdoor storage incidental to the primary use; <b>provided that, such storage shall be completely encompassed by a solid screening wall or fence of at least six feet in height; and, provided that, materials shall be stacked no higher than one foot below the wall or fence.</b></p>

Screening	Per 160.084 along side and rear lot lines adjacent to any district zoned for residential use	Per 160.084 along side and rear lot lines adjacent to any district zoned for residential use	Per § <a href="#">160.084</a> along side and rear lot lines adjacent to any district zoned for residential uses.
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Comparison of Area and Height regulations

	District E – General Business	District F-1 – Outdoor industrial	District F – Light Industrial
Maximum Height	75ft	50ft	
Max Lot Coverage – all	95%	95%	
Max Lot Coverage – structures	50%	95%	70%
Max Distance btwn structures	12ft	30ft	30ft
Min front yard	25ft	30ft	30ft
Min lot area	None	20,000 sq ft	15,000 sq ft
Min lot depth	None	150ft	150ft
Min lot width	None	80ft	80ft
Min rear yard	None	30ft	30ft
If adjacent to residential	15ft		
Min side yard	None	None	None
If adjacent to residential	10ft	30ft	30ft
If adjacent to street	25ft	30ft	30ft