

**ORDINANCE NO. 2021-022**

**AN ORDINANCE OF THE CITY OF CLUTE, BRAZORIA COUNTY, TEXAS CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY TO PERMIT THE SPECIFIC USE OF LOT TEN (10) OUT OF TRACT 575 IN DIVISION 14 OF THE BRAZOS COAST INVESTMENT COMPANY'S SUBDIVISION OF THE A. CALVIT LEAGUE, ABSTRACT 49 IN BRAZORIA COUNTY, TEXAS AND WITHIN THE CORPORATE LIMITS OF SAID CITY, KNOWN LOCALLY AS 157 EAST PLANTATION DRIVE, CLUTE, TEXAS AS SET FORTH SPECIFICALLY IN THE ATTACHED EXHIBIT "A" AS A LOCATION FOR OPERATION OF A TRUCKING FACILITY UNDER CERTAIN CONDITIONS THEREIN SPECIFIED; PROVIDING THAT SAID SPECIFIC USE PERMIT SHALL NOT BE TRANSFERABLE; CONTAINING A REPEALER CLAUSE IN THE EVENT OF PARTIAL INVALIDITY; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE TEN (10) DAYS AFTER ITS PASSAGE AND APPROVAL.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLUTE, BRAZORIA COUNTY, TEXAS:**

**SECTION ONE – FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The City Council of the City of Clute, Brazoria County, Texas, makes the following findings of fact and conclusions of law, viz:

First, that all public hearings required by the Zoning Enabling Act of the State of Texas, codified as Chapter 211 of the Local Government Code and the present Comprehensive Zoning Ordinance of the City of Clute, Texas read, passed and approved as Ordinance No. 75-45 on the 6<sup>th</sup> day of December, A.D. 1975, were conducted in the manner and at the time required by said Code and said Ordinance.

Second, that not less than fifteen (15) days prior to the date of such hearings, a public notice thereof was published once in the Brazosport Facts, a newspaper of general circulation in and the official newspaper of the City of Clute, stating the time and place of such hearings.

Third, that not less than ten (10) days before the date of such public hearings, written notice of the application for the Specific Use Permit hereinafter mentioned was sent to all owners of real

property located within two hundred (200') feet of the hereinafter described real property for which such permit is sought.

Fourth, that after giving due regard to the nature and conditions of all adjacent uses and structures, the City Council of the City of Clute, Texas is of the opinion that such proposed use conforms to the requirements and intent of such Comprehensive Zoning Ordinance and the Comprehensive Plan of the City; that conditions herein below attached to the granting of such permit as hereby amended, are necessary to the public interest; and that such use under such conditions will not under the circumstances of this particular case, constitute a nuisance or be detrimental to the public welfare of the community.

Fifth, that the health, safety, morals, and general welfare of the City of Clute, Brazoria County, Texas will best be served by the adoption of this ordinance and granting of the Specific Use Permit hereinafter mentioned.

**SECTION TWO – COMPREHENSIVE ZONING ORDINANCE AMENDED AND  
SPECIFIC USE PERMIT GRANTED**

Said Comprehensive Zoning Ordinance is hereby amended, and a Specific Use Permit is hereby GRANTED with respect to the following described real property located within the City of Clute, Brazoria County, Texas:

**LOT TEN (10) OUT OF TRACT 575 IN DIVISION 14 OF THE BRAZOS  
COAST INVESTMENT COMPANY'S SUBDIVISION OF THE A. CALVIT  
LEAGUE, ABSTRACT 49 IN BRAZORIA COUNTY, TEXAS AND WITHIN  
THE CORPORATE LIMITS OF SAID CITY, AS SET FORTH  
SPECIFICALLY IN THE ATTACHED EXHIBIT A ATTACHED and**

known locally as **157 E. PLANTATION DRIVE**, Clute, Texas hereinafter called "the premises", and the Comprehensive Zoning Ordinance is hereby amended to authorize the use of the premises as a location for the operation of a trucking facility, by Travis Burgess, hereinafter referred to as "Permittee". Further, this specific use permit is granted exclusively to Permittee, is not

transferrable, and shall immediately expire upon if Permittee ceases operate a Trucking Facility on this premises for more than thirty (30) consecutive days. Further, this specific use permit is granted and continues subject to compliance with the following conditions:

First, the Permit herein granted shall automatically terminate upon the first to occur of the following events:

- (1) The Permittee ceases to use the premises as a location for the operation of a Trucking Facility for thirty (30) consecutive days;
- (2) The Permittee rents or leases the premises to any third party or parties;
- (3) The Permittee ceases to be legally recognized entity authorized to do business as in the State of Texas;
- (4) The Permittee parks or allows to be parked more than one (1) truck tractor (as defined in Section 541.201 of the Texas Transportation Code and one (1) tractor trailer at any time.

Second, this permit may also be terminated by the City Council for any violation of any condition set forth herein, or any amendment hereto. Such termination by the City Council shall be effected by the adoption of an ordinance terminating this ordinance, or any amendment hereto, adopted by the affirmative vote of the majority of the members of the City Council present and voting at any regular or special meeting thereof on the agenda of which such termination appears as an action item, such meeting to be held after at least ten (10) days prior written notice of the date, time and place of such meeting and of such proposed action is sent by certified mail, return receipt requested and addressed to the Permittee at the premises, specifying the particular violation or violations for which such termination is based. Any decision of the City Council thereon shall be final and non-appealable.

**SECTION THREE – AUTOMATIC REPEALER CLAUSE**

All of the sections or provisions of this ordinance were adopted and are intended by the City Council of the City of Clute, Texas, to be an integrated whole. Therefore, if any section or provision is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared not to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions and this ordinance shall thereupon automatically cease to be of any further force or effect.

**SECTION FOUR – EFFECTIVE DATE**

This ordinance shall take effect and be in force from and after the tenth (10<sup>th</sup>) day following its passage and adoption indicated below if, within such ten (10) day period, it is agreed to and accepted by the Permittee as evidenced by Permittee’s signature below; otherwise, this ordinance shall not take effect and shall be of no force or effect.

READ, PASSED AND ADOPTED this 14<sup>th</sup> day of October 2021



Calvin Shiflet, Mayor  
City of Clute, Texas

ATTEST:

APPROVED AS TO FORM ONLY:



Rosie Poitevint, City Clerk  
City of Clute, Texas



Christopher Duncan, City Attorney  
City of Clute, Texas

# EXHIBIT "A"



979-265-2541  
Fax: 979-265-4551  
www.ci.clute.tx.us

APPLICATION FOR SPECIFIC USE PERMIT

**PAID**  
8/19/21  
check

A Specific Use Permit is an amendment to the district regulations of the Zoning Ordinance that permits the establishment of a specific use within a Zoning District in which such specific use may be established. In granting a specific use permit the City Council may impose conditions which shall be complied with by the grantee. The Specific Use Permit can take up to 60 - to 90 days to grant.

This application must be accompanied by a site plan and any other documents requested, such as plot plans, photographs, topographic contour maps that are necessary to properly review the application.

Pursuant to Resolution passed by the City Council, a fee of \$150.00 shall be paid to the City Clerk at the time application is filed for a Specific Use Permit and I understand the filing fee is not refundable.

**PROPERTY OWNER INFORMATION:**

**APPLICANT/AGENT INFORMATION**

Name Travis Burgess  
Business Name: Killin Time Hotshots  
Address: 107 Treasure Ln  
City: Freeport State Tx zip 77541  
Phone: 972-880-8340  
E-mail Address: travis.killintime@gmail.com

Name: Travis Burgess  
Business Name Killin Time Hotshots  
Address: 157 E. Plantation  
City Clute State Tx zip 77531  
Phone: 972-880-8340  
Email Address: travis.killintime@gmail.com

(NOTE: If the person making the request is not the owner, an affidavit from the owner must accompany this application showing person named is acting as certified agent.

**DESCRIPTION OF PROPERTY**

LOCATION: STREET ADDRESS: 157 E. Plantation Clute, Tx

ATTN! STEVE UPTON He knows what I want to do.

LEGAL DESCRIPTION: 157 E. Plantation

USE OF PROPERTY:

Present Zoning Classification: \_\_\_\_\_

Present use of Land or structure and land: \_\_\_\_\_

Proposed use of property: Bizée B's Boutique/Killin Time Hotshots tractor & trailer

Number of parking spaces: 5 out front

Use of Adjoining Property: \_\_\_\_\_

Are there any nonconforming used found within two hundred (200) feet of the above described property?

If yes describe location, use, and length of time in existence. NO. ONLY TO PARK A 13 WHEELER TRAILER ON PROPERTY FOR NIGHTS @ WEEKENDS

Acknowledgements:

I hereby request approval of the above described Specific Use Permit and further that I am the owner and/or certified agent of owner(s).

I understand that in the event that I am not present or represented at the Planning Zoning Meeting and Public Hearing the boards shall have the power to dismiss the proposal either at the call of the case or after the hearing, and that such dismissal shall constitute denial.

  
Signature

8-19-21  
Date

Tentative schedule Meeting Date:

Planning and Zoning: \_\_\_\_\_

City Council: \_\_\_\_\_

**AFFIDAVIT**

DATE: 8-19-1963

I/WE TRAVIS/DONNA BURGESS owner(s) of the property located  
at 157E. Plantation, Clute, Texas, do hereby authorize \_\_\_\_\_ to act  
as certified agent for the purpose of obtaining s Specific Use Permit for the above mentioned  
property.

Travis Burgess

OWNER

Donna Burgess

OWNER

BEFORE ME, the undersigned authority, on this day personally appeared  
\_\_\_\_\_ Known to me to be the person/persons whose name  
is subscribed to the foregoing instrument, and acknowledged to me that he/she  
executed the same for the purpose therein expressed.

GIVEN UNDER MY HAND and seal of office  
this \_\_\_\_\_ day Of \_\_\_\_\_ 2017

\_\_\_\_\_  
NOTARY PUBLIC

(SEAL)





132 COMMERCE ST

157 E PLANTATION DR

170 COMMERCE ST

203 E PLANTATION DR

157 E PLANTATION DR

Plantation DR

202 E PLANTATION DR

216 E PLANTATION DR

208 E PLANTATION DR

204 E PLANTATION DR

143 E PECAN LN



+ Show Search Results



# Brazoria CAD

## Property Search Results > 1 - 3 of 3 for Year 2021

10/20/2021 11:00 AM  
New

"Map" link view

to

Property Address Legal Description

Property ID	Address	Type	Legal Description	Value	Actions
<input type="checkbox"/> 246297	7487-0005-110	Real	157 E PLANTATION DR OFF CLUTE, TX KING RIKFORD DEGGES & MICKEY NELL	STREET ROD CONCEPTS \$29,240	<a href="#">View Details</a> <a href="#">View Map</a>
<input type="checkbox"/> 246296	7487-0005-000	Real	157 E PLANTATION DR CLUTE, TX 77531 KING RIKFORD DEGGES & MICKEY NELL	STREET ROD CONCEPTS \$78,940	<a href="#">View Details</a> <a href="#">View Map</a>
<input type="checkbox"/> 520996	9318-3794-060	Personal	157 E PLANTATION DR CLUTE, TX 77531 STREET ROD CONCEPTS	STREET ROD CONCEPTS \$14,590	<a href="#">View Details</a>

Page:

Questions Please Call (979) 849-7792

N. Harris

# Brazoria CAD

## Property Search Results > 246296 KING RIKFORD DEGGES & MICKEY NELL for Year 2021

2021

### Property

#### Account

Property ID: 246296      Legal Description: SEABRON (A0049 A CALVIT DIV 14 (B C I C)(CLUTE) LOT 10  
 Geographic ID: 7487-0005-000      Zoning: 3/9/2012 JMJ  
 Type: Real      Agent Code:  
 Property Use Code:  
 Property Use Description:

#### Location

Address: 157 E PLANTATION DR      Mapsco: COMMSBR  
 CLUTE, TX 77531  
 Neighborhood: COMM ACCTS      Map ID:  
 Neighborhood CD: COMM

#### Owner

Name: KING RIKFORD DEGGES & MICKEY NELL      Owner ID: 254041  
 Mailing Address: 1603 NORTH RD      % Ownership: 100.0000000000%  
 LAKE JACKSON, TX 77566-3612

#### Exemptions:

### Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$65,860	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$13,080	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$78,940	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$78,940	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$78,940	

#### Taxing Jurisdictions

Owner: KING RIKFORD DEGGES & MICKEY NELL  
 % Ownership: 100.0000000000%  
 Total Value: \$78,940

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	0.000000	\$78,940	\$78,940	\$0.00
CCL	CITY OF CLUTE	0.595392	\$78,940	\$78,940	\$470.01
DR2	VELASCO DRAINAGE DISTRICT	0.078150	\$78,940	\$78,940	\$61.70
GBC	BRAZORIA COUNTY	0.342017	\$78,940	\$78,940	\$269.98

JBR	BRAZOSPORT COLLEGE	0.297866	\$78,940	\$78,940	\$235.13
NAV	PORT FREEPORT	0.040100	\$78,940	\$78,940	\$31.65
RDB	ROAD & BRIDGE FUND	0.050000	\$78,940	\$78,940	\$39.47
SBR	BRAZOSPORT INDEPENDENT SCHOOL DISTRICT	1.181700	\$78,940	\$78,940	\$932.84
Total Tax Rate:		2.585225			

Taxes w/Current Exemptions: \$2,040.78  
Taxes w/o Exemptions: \$2,040.78

### Improvement #1 Building

Improvement #1: Commercial State Code: F1 Living Area: 1800.0 sqft Value: \$58,131

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
406	STORAGE WAREHOUSE	S - 2.5		1984	1800.0
CP6	CANOPY ROOF/SLAB	C		2019	80.0

Improvement #2: Misc Imp State Code: F1 Living Area: sqft Value: \$7,729

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
YPC1	CONCRETE PAVING AVERAGE	C		1980	2500.0

### Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	S1	PRIMARY SITE	0.2001	8718.00	0.00	0.00	\$13,080	\$0

### Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2022	N/A	N/A	N/A	N/A	N/A	N/A
2021	\$65,860	\$13,080	0	78,940	\$0	\$78,940
2020	\$65,860	\$13,080	0	78,940	\$0	\$78,940
2019	\$54,570	\$13,080	0	67,650	\$0	\$67,650
2018	\$47,810	\$13,080	0	60,890	\$0	\$60,890
2017	\$47,810	\$13,080	0	60,890	\$0	\$60,890
2016	\$44,560	\$13,080	0	57,640	\$0	\$57,640
2015	\$44,380	\$13,080	0	57,460	\$0	\$57,460
2014	\$45,390	\$13,080	0	58,470	\$0	\$58,470
2013	\$45,390	\$13,080	0	58,470	\$0	\$58,470
2012	\$33,050	\$13,080	0	46,130	\$0	\$46,130
2011	\$33,280	\$13,080	0	46,360	\$0	\$46,360
2010	\$33,540	\$13,080	0	46,620	\$0	\$46,620
2009	\$46,550	\$13,080	0	59,630	\$0	\$59,630
2008	\$42,230	\$13,080	0	55,310	\$0	\$55,310

### Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	1/30/1996	DM	MISCELLANEOUS DEED	LONG REACH CONSTRUCTION CO	KING RIKFORD DEGGS & MICKEY NELL	96	005131	0

### Tax Data

Property Tax Information as of 08/19/2021

Amount Due if Paid on: 

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
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NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

**Questions Please Call (979) 849-7792**