

ORDINANCE NO. 2021-023

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 A 2.60 ACRE TRACT AND A 1.52 ACRE TRACT OUT OF BLOCKS 4 AND 5 OF OAK PARK PLAZA, JARED K. GROCE LEAGUE ABSTRACT 66 IN BRAZORIA COUNTY, TEXAS AND WITHIN THE CORPORATE LIMITS OF SAID CITY, KNOWN LOCALLY AS 101 N. BRAZOSPORT BOULEVARD, CLUTE, TEXAS AS SET FORTH SPECIFICALLY IN THE ATTACHED EXHIBIT "A" AS A LOCATION FOR OPERATION OF A SELF-STORAGE 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 6th 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:

A 2.60 ACRE TRACT AND A 1.52 ACRE TRACT OUT OF BLOCKS 4 AND 5 OF OAK PARK PLAZA, JARED K. GROCE LEAGUE ABSTRACT 66 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 **101 NORTH BRAZOSPORT BOULEVARD**, 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 self-storage facility by Blacklock Partners LLC, 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 self-storage 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 self-storage facility for thirty (30) consecutive days;
- (2) The Permittee rents or leases the premises to any third party or parties, other than the stated business for individual space rentals;
- (3) The Permittee ceases to be legally recognized entity authorized to do business as in the State of Texas;

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 (10th) 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 18th day of November 2021



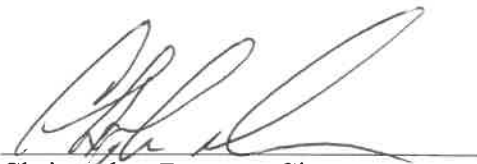
Calvin Shiflet, Mayor
City of Clute, Texas

ATTEST:

APPROVED AS TO FORM ONLY:



Rosie Poitevint, City Clerk
City of Clute, Texas



Christopher Duncan, City Attorney
City of Clute, Texas

EXHIBIT "A"



PAID
9-16-21 Check

979-265-2541
Fax: 979-265-4551
www.clutetexas.gov

APPLICATION FOR SPECIFIC USE PERMIT

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:

Name 101 N Brazosport LLC
Business Name: " " *ATTN: Rob Gierdecke*
Address: 7122 CPA
City Dano State TX Zip 77430
Phone: 281-335-8889
E-mail Address: ROBG@Anchor-Cre.com

APPLICANT/AGENT INFORMATION

Name: Blacklock Partners LLC
Business Name Blacklock STORAGE
Address: 9385 Janssen Hwy
City Farmers State TX Zip 76135
Phone: 940-299-3224
Email Address: Mark@blacklock-storage.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: 101 N Brazosport Bldg Clute TX 77551

LEGAL DESCRIPTION: DAK PARK PLAZA BLDG 4 LOTA BKS 5 LOT B (ADD 6 J E GRAY

USE OF PROPERTY:

Present Zoning Classification: C-1

Present use of Land or structure and land: Vacant building

Proposed use of property: Self-Storage

Number of parking spaces: 15

Use of Adjoining Property: Car wash, shopping center, restaurant

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

If yes describe location, use, and length of time in existence.

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.

Blackout Partners LLC
by J.D. Blackout
Signature

9/10/21
Date

Tentative schedule Meeting Date:


Planning and Zoning: _____

City Council: _____

AFFIDAVIT

DATE: 9/13/21

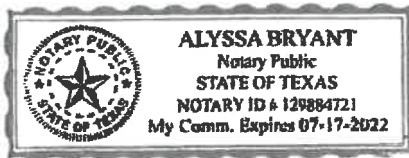
I/WE 101 N Brazosport LLC owner(s) of the property located
at 101 N Brazosport Blvd Clute, Texas, do hereby authorize Blacklock Partners, LLC to act
as certified agent for the purpose of obtaining a Specific Use Permit for the above mentioned
property.


By: Robert Giesecke
OWNER Managing Member

OWNER

BEFORE ME, the undersigned authority, on this day personally appeared
Robert Giesecke 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 13th day of September, ~~2020~~ ²⁰²¹ AB



(SEAL)



NOTARY PUBLIC

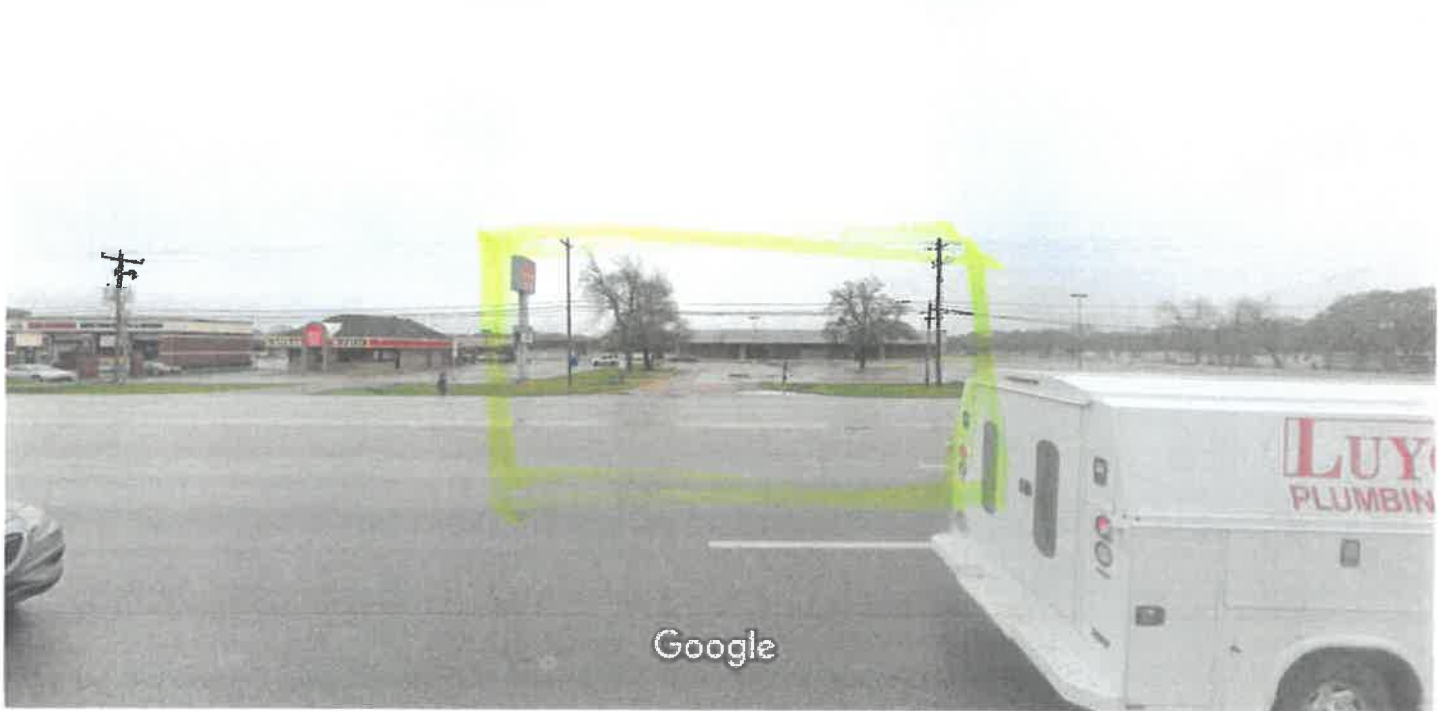


Image capture: Feb 2019 © 2021 Google

Clute, Texas



Street View - Feb 2019



Brazoria CAD

Property Search Results > 234049 101 N BRAZOSPORT LLC for Year 2021

2021

Property

Account

Property ID: 234049 Legal Description: OAK PARK PLAZA (A0066 J E GROCE) (CLUTE) BLK 4 LOT A - BLK 5 LOT B (SAFEWAY STORE #991) ACRES 4.116
 Geographic ID: 6826-0400-000 Zoning: 12/13/05KER
 Type: Real Agent Code:
 Property Use Code:
 Property Use Description:

Location

Address: 101 N BRAZOSPORT BLVD Map No: COMMSBR
 CLUTE, TX 77531
 Neighborhood: COMM ACCTS Map ID:
 Neighborhood CD: COMM

Owner

Name: 101 N BRAZOSPORT LLC Owner ID: 1195959
 Mailing Address: 7122 COUNTY ROAD 4 % Ownership: 100.0000000000%
 DAMON, TX 77430

Exemptions:

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$1,079,180	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$167,820	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$1,247,000	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$1,247,000	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$1,247,000	

Taxing Jurisdiction

Owner: 101 N BRAZOSPORT LLC
 % Ownership: 100.0000000000%
 Total Value: \$1,247,000

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	0.000000	\$1,247,000	\$1,247,000	\$0.00
CCL	CITY OF CLUTE	0.595392	\$1,247,000	\$1,247,000	\$7,424.54
DR2	VELASCO DRAINAGE DISTRICT	0.078150	\$1,247,000	\$1,247,000	\$974.53
GBC	BRAZORIA COUNTY	0.342017	\$1,247,000	\$1,247,000	\$4,264.95

JBR	BRAZOSPORT COLLEGE	0.297866	\$1,247,000	\$1,247,000	\$3,714.38
NAV	PORT FREEPORT	0.040100	\$1,247,000	\$1,247,000	\$500.04
RDB	ROAD & BRIDGE FUND	0.050000	\$1,247,000	\$1,247,000	\$623.50
SBR	BRAZOSPORT INDEPENDENT SCHOOL DISTRICT	1.181700	\$1,247,000	\$1,247,000	\$14,735.80
Total Tax Rate:		2.585225			

Taxes w/Current Exemptions:	\$32,237.74
Taxes w/o Exemptions:	\$32,237.74

Improvement / Building

Improvement #1: Commercial State Code: F1 Living Area: 40853.0 sqft Value: \$695,718

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
CP6	CANOPY ROOF/SLAB	C		1982	3670.0
LD4	TRUCK AND TRAIN WELLS	C		1998	1680.0
406	STORAGE WAREHOUSE	C - 2.5		1982	40853.0
LD4	TRUCK AND TRAIN WELLS *			1998	1700.0

Improvement #2: Misc Imp State Code: F1 Living Area: sqft Value: \$376,498

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
YPC1	CONCRETE PAVING AVERAGE *			1982	119536.0

Improvement #3: Misc Imp State Code: F1 Living Area: sqft Value: \$6,964

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
LPL2	LIGHT POLE DOUBLE MERC OR FLOUR 20' C	C		2009	5.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	S1	PRIMARY SITE	1.0000	43560.00	0.00	0.00	\$40,770	\$0
2	S1	PRIMARY SITE	3.1160	135733.00	0.00	0.00	\$127,050	\$0

Historical Market Value

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2022	N/A	N/A	N/A	N/A	N/A	N/A
2021	\$1,079,180	\$167,820	0	1,247,000	\$0	\$1,247,000
2020	\$1,079,180	\$167,820	0	1,247,000	\$0	\$1,247,000
2019	\$1,079,180	\$167,820	0	1,247,000	\$0	\$1,247,000
2018	\$1,079,180	\$167,820	0	1,247,000	\$0	\$1,247,000
2017	\$1,088,020	\$139,850	0	1,227,870	\$0	\$1,227,870
2016	\$996,420	\$139,850	0	1,136,270	\$0	\$1,136,270
2015	\$824,510	\$139,850	0	964,360	\$0	\$964,360
2014	\$790,150	\$139,850	0	930,000	\$0	\$930,000
2013	\$790,150	\$139,850	0	930,000	\$0	\$930,000
2012	\$586,920	\$107,580	0	694,500	\$0	\$694,500
2011	\$444,280	\$107,580	0	551,860	\$0	\$551,860
2010	\$498,340	\$107,580	0	605,920	\$0	\$605,920
2009	\$459,770	\$107,580	0	567,350	\$0	\$567,350
2008	\$385,620	\$107,580	0	493,200	\$0	\$493,200

History (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	6/23/2021	DV	DEED RETAINING VENDORS LIEN	JPNANU PROPERTIES LLC	101 N BRAZOSPORT LLC	21		042892
2	3/11/2013	WD	WARRANTY DEED	TSP GROUP LLC	JPNANU PROPERTIES LLC	13		011562
3	3/9/2000	DM	MISCELLANEOUS DEED	BRAZORIA COUNTY	TSP GROUP LLC	00		010846 0

Tax Due

Property Tax Information as of 09/16/2021

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

N. Harris



Myjonesproperties@gmail.com





Sec. VI. - C-1 Neighborhood commercial district.

- (A) *Purpose.* This district includes land which is used primarily for retail business establishments designed to serve the residents of the area adjacent to it.
- (B) *Permitted uses.* In the C-1 district, no buildings or land shall be used and no building shall be erected or converted to any use other than:
- (1) Automobile parking lots.
 - (2) Bakery, retail only.
 - (3) Bank.
 - (4) Barber and beauty shops.
 - (5) Bookstore.
 - (6) Cafeteria.
 - (7) Child care facilities, as defined by state.
 - (8) Christmas tree lot.
 - (9) Clinic, other than veterinary.
 - (10) Cleaning and pressing shops.
 - (11) Computer sales/repair - Cell phone - electronics.
 - (12) Drug store/pharmacy.
 - (13) Filling station - Convenient Store.
 - (14) Fitness center.
 - (15) Florists shops.
 - (16) Grocery stores.
 - (17) Ice retail distributing; no manufacture.
 - (18) Mortuaries.
 - (19) Motels/hotels.
 - (20) Moving picture (motion picture) theater, not including drive-in theaters.
 - (21) Office.
 - (22) Private club.
 - (23) Radio/TV repair and sales.
 - (24) Radio/TV studio (excluding tower).
 - (25) Real estate office.
 - (26) Restaurants.
 - (27) Shoe repair.
 - (28) Small appliance repair/sales.
 - (29) Stores and shops for the sale indoors of products at retail only (exception: occasional sidewalk/parking lot sales by established indoor business on its premises).
 - (30) Studio (art, music, photo).
 - (31) Taxidermist.

- (32) Video tape sales/rental.
 - (33) Washeteria.
 - (34) Garden center.
 - (35) Lumber yard.
 - (36) A residential apartment may be located above any business; and, by specific use permit, a ground floor residential apartment at any business to be occupied by the owner or owner's agent and the immediate family of the owner or owner's agent.
 - (37) Any other commercial use, provided such use is not noxious or offensive by reason of emission of odors, soot, dust, smell, gas, fumes or vibrations which can be seen, smelled, heard or felt on the adjoining land of another person but excluding such uses as are enumerated in section VIII(A)(2) below in the M-1 industrial district. Provided, however, a specific use permit must be obtained for any such other commercial use.
- (C) *Height regulations.* No building hereafter erected or structurally altered shall exceed 22 stories or 35 feet. See section X for special exceptions.
- (D) *Area regulation.*
- (1) *Front yard.* Same as required in R-1 district.
 - (2) *Rear yard.* There shall be a rear yard having a depth of not less than 15 feet from the property line. Accessory buildings not exceeding one story in height may occupy as much as 50 percent of a required rear yard. Accessory buildings exceeding one story in height may occupy as much as 40 percent of a required rear yard; provided however that no part of an accessory building may extend over the rear property line.
 - (3) *Side yard.* For additional uses in this district, no side yards are required, except that on a corner lot the side yard on the street side shall not be less than 122 feet in width. If side yards are provided, on interior lots, they shall be not less than five feet in width. The side yard of a lot which abuts upon property zoned for R-1 or R-2 use shall have a minimum width of five feet on the abutting side, and conform to article VI, section 6.3.
 - (4) *Lot area.* There are no minimum lot area or lot width requirements for other uses permitted in this district.
- (E) *Parking.* See schedule [of] minimum off-street parking requirements, section XII.
- (F) *Materials of construction.* Uses allowed in a C-1 district, all customary material of construction may be used so as to conform to the Standard Building Code with the following exceptions:
- (1) Corrugated tin; and
 - (2) Transite.
- (G) *Screening fences.* Screening fences shall be required as in section 6.3 of this ordinance.
- (H) *Specific uses permitted.* Refer to section XIII below.
- (Ord. No. 79-22, § 2(18), 8-9-79; Ord. No. 79-34, § 2(1), 11-29-79; Ord. No. 80-13, § 2, 3-27-80; Ord. No. 83-23, § 2, 12-8-83; Ord. No. 92-17, §§ 2(g), (h), 11-5-92; Ord. No. 2008-7, § 2, 3-13-08; Ord. No. 2010-16, § 2(a), 8-26-10; Ord. No. 2016-008, § 2, 3-24-16)