

**CITY OF FREEPORT
SPECIAL JOINT MEETING OF THE FREEPORT PLANNING AND
ZONING COMMISSION, ECONOMIC DEVELOPMENT
CORPORATION, AND MAIN STREET ADVISORY BOARD
THURSDAY, JANUARY 26, 2023 at 6:00 P.M.**

SPECIAL MEETING MINUTES

Planning and Zoning Commission in Attendance:

Eric Hayes

Andrew Dill

James Saccomano

Pam Dancy

Karla Clark

Visitors in Attendance:

Betty Alcala

Jason Hayes

Keith Stumbaugh

Jose Lopez

Jana Barnes

Margaret McMahan

Kent Holle

Jeff Pena

Sandra Barbree

Retha Danais

Ronnie Martin

Irene Ocanas

Gerah Denais

Joe Penfield

Mingo Marquez

Sandra Loeza

Shonda Marshall

George Matamoros

Josh Mitchell

Jerry Cain

Ken Tyner

Wade Dillan

Kent Holle

Chris Duncan

City Staff in Attendance:

Kacey Roman-Director Building/Code

Robert Johnson-EDC Director

Ana Silbas-Main Street Coordinator

Kaytee Ellis-EDC staff

Yvette Ruiz-P/Z Coordinator

Tim Kelty-City Manager

I. Call to Order

Eric Hayes called the meeting to order at 6:03 PM. A P/Z quorum was present.

II. Invocation and Pledge

Andrew Dill led the invocation and Eric Hayes led the pledge.

III. Citizens Comments

David McGinty submitted his comments electronically as he was unable to attend the meeting. Tim Kelty read David McGinty's email as follows:

Good evening yall! Hope this finds everyone well.

My apologies for needing to skip this very important meeting. Cathy's B-day is today, and all was okay. and I was going to be able to attend that was before her sister came in from the east coast to be here for her day!!!! So, I beg for a pass this evening!!!

I would like my position on this issue to be a part of the public record....

I believe the un-restricted residential by right in our downtown zone would be detrimental to the revitalization efforts put forth by the state of Texas Main Street program!

I am however open to the compromise that would allow residential for the rear 50% of a single-story bldg. be given as a special use permit that can be attached to the structure for the length of its existence if it has a rear entry and parking. Thanks for the dedication to moving Freeport forward by all present here this evening!

Joe Penfield discussed downtown occupancy. Joe Penfield stated that of the 25 occupied buildings downtown, there is one church, three industrial, three government, six retail, and eleven residential. Mr. Penfield stated that the residential use of downtown makes up 43% of the Downtowns' current use. Joe Penfield said we all want to see life, people, and activity Downtown. We are tired of seeing buildings fall apart. The buildings that are occupied are being maintained. Mr. Penfield said Jeff Pena wants to add three more residential properties in the downtown and if this is successful it would mean a 12% increase in occupancy downtown. Joe Penfield said anything downtown is better than a boarded-up storefront.

IV. Discussion Items

1. Joint Workshop – Planning and Zoning Commission, Historical Commission and Main Street Advisory Board, and the Freeport Economic Development Corporation to discuss Zoning issues in the downtown and sign regulations.

Ana Silbas, Main Street Coordinator, gave a presentation over the Texas Historical Commission's Main Street Program and Freeport's Main Street Program. Ana Silbas stated Main Street's goals will be to add wayfinding signage, historic preservation, and the creation of the Historic District. Ana Silbas stated that the Texas Historical Commission's Main Street Staff discourage the use of first floor residential at the core of downtown districts. Ana Silbas highlighted Elgin, Tx downtown structure as an example Freeport could model.

Chris Duncan stated two Texas cities have been nationally awarded for their downtowns, Galveston and Denton; neither of which have restrictions on residential property in the downtown district.

George Matamoros said he wanted to be sure to note that the statement by Chris Duncan was personal, as a downtown property owner and to be clear Mr. Duncan was not acting as the EDC Attorney.

Tim Kelty stated Elgin, TX was used in comparison due to the condition of their Main Street at the time of designation.

Karla Clark asked if Main Street has a written statement discouraging residential.

Margaret McMahan read an email from Amy Hammonds with Texas Historical Commission Main Street.

Jeff Pena said his understanding is that zoning on Main Street is not a “one size fits all” and this could be left up to each community to decide. Jeff Pena said we have to work on what works best for Freeport.

Ana Silbas responded yes; although first floor residential is specifically discouraged by the Main Street program, Freeport is able to decide upon best practices in the Main Street District.

Margaret McMahan said it is also important to have uninterrupted pedestrian commercial blocks. Margaret McMahan said she emailed all cities in the Main Street program and was able to get twenty responses. Margaret McMahan said there is an opportunity to compromise and this would not be set in stone forever; it could be tweaked as the City sees fit.

Shonda Marshall thanked Ana Silbas for the presentation and suggested visiting Denton and Elgin to see what works for those cities and how we could make it work for Freeport. Shonda Marshall said there is a need for a strategic plan and she would like to see a committee that represents everyone; business owners and residents.

Mingo Marquez said he would rather see an Air BNB than decay. Mingo Marquez said we should not be trying to restrict anyone from coming into Freeport.

Sandra Barbree said her concern is someone taking a commercial building and splitting it into several kitchenettes.

Pan Dancy said she would like to work together but is curious how many board members in the room live downtown.

Betty Alcala said she would like to take the question a step further and ask how many have skin in the game and how many are willing to join her in investing into downtown.

Sandra Barbree suggested Betty Alcala join the Main Street Advisory Board.

Margaret McMahan said she does not live downtown, nor does she have a business downtown, but she wants the people who are there to stay. Margaret said the fact that she does not live downtown may allow her to look at the issue objectively. Margaret McMahan said residents and business owners should have been present for this discussion.

Pan Dancy said everyone wants the best for Freeport and Councilman Pena is another person trying to put money into downtown. Pam Dancy asked why we can't come together and support this; what are we afraid of?

Keith Stumbaugh said he is afraid of an overrun of residential due to no restrictions. Keith Stumbaugh said this is why Main Street exists; to have some sort of regulation and limits. Keith Stumbaugh said if the Main Street is overrun with residential then there will eventually be no Main Street and all our resources would be wasted.

Jeff Pena said there are specific roles of the EDC and specific roles of Main Street. Jeff Pena said EDC is for development and Main Street is for historic preservation. Jeff Pena said when talking design and code, these are code enforcement specifics and they lean on engineers and their stamps to certify projects. Jeff Pena said his lofts are all built by code and he is not trying to do anything “in the shadows.” Jeff Pena states he wants to make sure residents have a safe home. Jeff Pena said he believes this is a private matter and the City boards should be used for public matters, not private. Jeff Pena said he does not just live in Downtown; he invests in downtown. Jeff Pena said he wanted to note that this is a matter of economics and the truth is that banks are not lending for commercial projects right now, but they are for residential.

Sandra Barbree asked Jeff Pena to bring the designs he has for his buildings to the next Main Street meeting and asked why Jeff Pena is not the City Council Liaison to the board since he is the representative for Ward A.

Jeff Pena responded yes; he will bring the designs. Jeff Pena said he wanted to be clear, residential is not new to the downtown and already exists. Jeff Pena said he wants to continue to do so intelligently and inclusively.

Jerry Cain said not every downtown is the same, but Elgin is similar to Freeport’s. Jerry Cain suggested following a zoning map similar to Elgin’s where some areas have strict zoning requirements and others are more lenient.

Robert Johnson said he spent ten years with Texas Historical Commission Main Street. Robert Johnson said what he has not heard tonight is that we are a Main Street because of our Historic Downtown and what worries him is a lack of guidelines. Without guidelines, the city is open to allow someone to do something crazy with a building or tear it down. Robert Johnson said we need to remember why we are here.

Andrew Dill said he would feel better about residential in Downtown if there were façade restrictions to preserve the aesthetic of Downtown.

Margaret McMahan said the Main Street Advisory Board is in the process of identifying all historic buildings downtown and will propose color schemes and ideas. Margaret McMahan said she would like to see input from business owners.

Shonda Marshall said she appreciates everyone working toward a solution and would like to see more inclusion of the EDC. Shonda Marshall said the EDC can put money into downtown.

Mingo Marquez said he does not want to lose the downtown and said the EDC can look at ways to help facilitate development downtown. Mingo Marquez said he always imagined Main Street would create goals and then come to the EDC for funding.

Margaret McMahan agreed there needs to be more collaboration and reminded everyone that the Main Street program is relatively new, and a new coordinator has been hired.

Sandra Barbree added that Main Street can invite trainers from the State to come in.

Ronnie Martin said Main Street would like to meet with business owners and wants to work with them, not against them. Ronnie Martin said he sits on a committee of Main Street and was invited to fill a board seat. Ronnie Martin said after tonight's meeting, he would not accept and will leave the seats available to business owners in the downtown. Ronnie Martin said we are not working as a team and all we do is talk while businesses are falling apart.

Joe Penfield said there is talk about investment Downtown, yet Jeff Pena wants to open three more businesses and is being told no.

George Matamoros said he sits on the Board of Adjustments as well as EDC. George Matamoros said the BOA denied Jeff Pena's application of lofts in an effort to prevent what is happening now and suggested Jeff Pena take it to Planning and Zoning then to City Council. George Matamoros said he has personally taken an ice cream shop business to the EDC owned buildings Downtown and once they heard there was residential in the downtown zone, the business chose not to move forward in developing Downtown. George Matamoros said we need to come up with ideas to help Freeport and have a positive discussion.

Eric Hayes said there have been a lot of good ideas and Planning and Zoning will discuss further. Eric Hayes said he would like to move on to discussion of the sign ordinance.

Tim Kelty said this item was added because it affects all of the City. Tim Kelty said as the current ordinance stands, it is very restrictive and unenforceable. The current ordinance was last updated in 2010.

Andrew Dill said his issue with signage is not the size or the location, but the quality.

Mingo Marquez suggested creating a steering committee to include local businesses to review and suggest changes to the ordinance.

Eric Hayes recommended Jason Hayes be added to the committee since he is a business owner present at the meeting.

Jason Hayes said he would accept the invitation to join the steering committee.

Eric Hayes asked those in attendance to send in recommendations for the steering committee and Planning and Zoning would move forward.

ADJOURN @ 7:50 pm

On a motion by Pam Dancy and seconded by Karla Clark with all present voting "Aye" Eric Hayes adjourned the meeting at 7:50 pm

Eric Hayes - Chairman
City of Freeport, Texas

Yvette Ruiz
City of Freeport, Texas