



PLANNING AND ZONING COMMISSION AGENDA

Regular Meeting
Tuesday, August 14, 2012
7:00 p.m.
City Hall - Council Chamber
Daniel P. Moore Community Center Complex
1900 Billy G. Webb Drive
Portland, Texas

1. **CALL TO ORDER:** CHAIRPERSON WORST
2. **MINUTES:** THE PLANNING AND ZONING COMMISSION WILL CONSIDER THE MINUTES OF ITS JULY 10, 2012 REGULAR MEETING - CHAIRPERSON WORST
3. **PUBLIC HEARING - REQUEST TO AMEND SPECIAL USE PERMIT NO. 750:** THE PLANNING AND ZONING COMMISSION WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING A REQUEST FROM BASE LINE DATA, INC. TO AMEND SPECIAL USE PERMIT NO. 750 (ENACTED IN ORDINANCE ON DECEMBER 2, 1986) WHICH GOVERNS THE DEVELOPMENT AND USE OF ITS PROPERTY/FACILITY AT 206 LANG ROAD - CHAIRPERSON WORST, DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT AS WELL AS A REPRESENTATIVE OF BASE LINE DATA, INC.
4. **REQUEST TO AMEND SPECIAL USE PERMIT NO. 750:** THE PLANNING AND ZONING COMMISSION WILL CONSIDER A REQUEST FROM BASE LINE DATA, INC. TO AMEND SPECIAL USE PERMIT NO. 750 (ENACTED IN ORDINANCE ON DECEMBER 2, 1986) WHICH GOVERNS THE DEVELOPMENT AND USE OF ITS PROPERTY/FACILITY AT 206 LANG ROAD - DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT
5. **ADJOURNMENT:** CHAIRPERSON WORST

RULES OF PARTICIPATION FOR ATTENDEES

- a. Persons who wish to speak must fill out and turn in a speaker card before the meeting is convened (The Chairperson will notify you when it's your turn speak and direct you to the podium).
- b. Persons who wish to speak must identify themselves and their places of residence.
- c. All comments, requests and proposals must be presented to or through the Chairperson.
- d. Persons who wish to speak will be given 4 minutes to do so. The Chairperson may permit persons to speak more than once if he/she believes doing so will improve the planning process and facilitate deliberation.

NOTICE OF ASSISTANCE

If you plan to attend this public meeting and you have a disability that requires special arrangements to be made, please contact City Secretary Annette Hall at 361-777-4513 or annette.hall@portlandtx.com in advance of the meeting. Reasonable accommodations will be made to facilitate your participation. The City Hall is wheelchair accessible and specially marked parking spaces are located in front of its entrance. Special seating will be provided in the Council Chambers during the meeting.

BRAILLE IS NOT AVAILABLE

**Posted: August 10, 2012 by 5 p.m.
City Hall**

By: 
**Annette Hall
City Secretary**

MINUTES

PLANNING AND ZONING COMMISSION

July 10, 2012 REGULAR MEETING

The Planning and Zoning Commission conducted a July 10, 2012 Regular Meeting in the Council Chambers of City Hall (1900 Billy G. Webb) that began at 7:00 p.m. It did so in compliance with requirements of the Texas Open Meetings Act, City of Portland City Charter and Unified Development Ordinance. The following persons were in attendance:

MEMBERS PRESENT

David Worst (Chairman)
Pete Stricker
Marcus Naiser
Coco Wendland
Craig Forsythe
John Rooney

MEMBERS ABSENT

Theresa Nix

STAFF PRESENT

Mike Tanner (City Manager)
Brian DeLatte (Director of Public Works and Development)
Michel Weaver (Assistant to the City Manager)

OTHERS PRESENT

Murph Hudson (Urban Engineering)

1. **CALL TO ORDER:** CHAIRMAN DAVID WORST

Chairman Worst called the meeting to order at 7:00 p.m.

2. **MINUTES:** CONSIDERATION WILL BE GIVEN TO THE MINUTES OF THE JUNE 12, 2012 REGULAR MEETING.

Mr. Rooney made a motion to accept the minutes of the June 12, 2012 Regular Meeting. Mr. Forsythe seconded the motion and the Commission voted to accept the minutes.

The motion passed (6-0) with Theresa Nix absent.

3. **SUBDIVISION PLAT:** THE PLANNING AND ZONING COMMISSION WILL CONSIDER THE FINAL PLAT OF BAY RIDGE SUBDIVISION UNIT 11 – DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT

Brian DeLatte, Director of Public Works and Development, presented to the Planning and Zoning Commission the following for consideration:

Plat: Bay Ridge Unit 11
Applicant: Shaws Development Joint Venture
Surveyor: Urban Engineering

Location and General Description: Bay Ridge Unit 11 is generally located east of Imperial Street from California Street to Bay Breeze Drive. It proposes 84 lots with widths generally ranging between 50-52 feet and depths of 120 feet.

Zoning: This area was annexed and zoned R-8 in 2004 (Ordinance 1114), although the City's zoning map incorrectly shows the tract as R-6. The proposed lot sizes are consistent with the zoning district.

Utilities: Water and sewer service is proposed to connect from California Street to Bay Breeze Drive and is consistent with the preliminary plat and master utility plan for Bay Ridge.

Access: The applicant has proposed a 50-foot right-of-way for Santa Catalina Street, similar to the existing streets to the west in Bay Ridge. The extension of Bay Breeze Drive continues its 60-foot right-of-way to the east. The Fire Department has approved the layout.

Drainage: The applicant has noted that the property lies within FEMA FIRM Zones "A1" and "C". The minimum finished floor elevations of the lots are specified to be elevated above the adjacent flood elevations.

Comments and Conclusion: This subdivision plat was reviewed and found to be in conformance with the Unified Development Ordinance and City of Portland regulations. The plat generally conforms to the approved preliminary plat.

Mr. Forsythe made a motion that approves the final subdivision plat of Bay Ridge Unit 11. Mr. Naiser seconded the motion and the Commission voted to approve the final subdivision plat of Bay Ridge Unit 11.

The motion passed (6-0) with Theresa Nix absent.

4. **ADJOURNMENT:** CHAIRMAN DAVID WORST

Chairman Worst adjourned the meeting at 7:02 p.m.

APPROVED:

David Worst, Chairman

ATTEST:

Brian DeLatte, P.E.
Director of Public Works and Development

REGULAR MEETING AGENDA BILL

SUBJECT: PUBLIC HEARING - REQUEST TO AMEND SPECIAL USE PERMIT NO. 750: THE PLANNING AND ZONING COMMISSION WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING A REQUEST FROM BASE LINE DATA, INC. TO AMEND SPECIAL USE PERMIT NO. 750 (ENACTED IN ORDINANCE ON DECEMBER 2, 1986) WHICH GOVERNS THE DEVELOPMENT AND USE OF ITS PROPERTY/FACILITY AT 206 LANG ROAD - CHAIRPERSON WORST, DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT AS WELL AS A REPRESENTATIVE OF BASE LINE DATA, INC.

REQUEST TO AMEND SPECIAL USE PERMIT NO. 750: THE PLANNING AND ZONING COMMISSION WILL CONSIDER A REQUEST FROM BASE LINE DATA, INC. TO AMEND SPECIAL USE PERMIT NO. 750 (ENACTED IN ORDINANCE ON DECEMBER 2, 1986) WHICH GOVERNS THE DEVELOPMENT AND USE OF ITS PROPERTY/FACILITY AT 206 LANG ROAD - DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT

SUBMITTED BY: Brian DeLatte, Director of Public Works and Development

DATE: August 14, 2012

ATTACHMENTS: Base Line Data Application and supporting narrative
Ordinance No. 750
Existing Conditions Aerial Photo
Notice of Public Hearings

SUMMARY STATEMENT: A Special Use Permit (SUP) application was submitted to the City of Portland on July 17, 2012, to amend the following Special Use Permit:

<u>Property Location:</u>	206 Lang Road
<u>Legal Description:</u>	2.0 Acres out of Section Q of George H. Paul Subdivision of the Coleman Fulton Pasture Company's Lands
<u>Applicant:</u>	Clark Smith, Authorized Agent for Base Line Data, Inc.
<u>Current SUP:</u>	Ordinance 750, 12/2/86

Reason for SUP Request

The City of Portland was notified on May 14, 2012, that Base Line Data, Inc. (BLD) had constructed a sixty (60) foot tall telecommunications tower on its property at 206 Lang Road to replace an existing

sixty-five (65) foot tall antenna. This construction was not permitted and appeared to be in violation of City of Portland Code of Ordinances Section 4-1. On May 16, the City requested that BLD remove the tower or submit the appropriate permit application for review. BLD submitted the permit application on May 29, which was subsequently denied for not complying with Section 4-1. During the review of the permit application, it became apparent to City staff that BLD was in violation of its existing SUP in regards to use of the facility and location of the activities on site. BLD submitted the SUP application in an effort to bring the current activities on site into compliance with zoning regulations.

Existing Special Use Permit

Ordinance 750 was passed on December 2, 1986, changing the use of the property to operate under the following conditions:

- Use is restricted to indoor education, recreation, and leisure activities in the “new metal building”
- Hours of operation shall be no later than 10:30 p.m. Sunday through Thursday and 1:00 a.m. Friday and Saturday for activities attended by adults and 12:00 p.m. [sic] Friday and Saturday for activities attended by person under 18 years of age not accompanied by a parent or guardian.

Current Activities on Site

In reviewing the tower permit application, a few activities on site are not in conformance with the above-referenced SUP conditions:

- BLD operates corporate offices and production headquarters in the facility. This use would have been out of compliance since BLD’s purchase of the facility in January 1996.
- The location of activities on the site are both indoor and outdoor. An outdoor lab had been constructed for training purposes and is in direct conflict with requirements that all use is restricted to indoors in the new metal building.

Application

BLD is requesting the following modifications to the SUP:

- The use of the site be changed to “Multi-use, Education/Career Center, Corporate/Operations Office”
- The tower be an allowed use on the site

BLD has provided documentation and a narrative requesting approval of a modified SUP.

Special Use Approval Criteria

Section 310 of the Unified Development Ordinance (UDO) outlines the following criteria for which the Planning and Zoning Commission and City Council shall base approval. BLD has provided a response for each criterion:

1. *Impacts Minimized.* Whether and the extent to which the site plan minimizes adverse effects, including adverse visual impacts, on adjacent properties.

BLD Response: "Base Line Data, Inc (BLD) does not currently nor anticipates adverse impact to the surrounding properties. The planned removal of the existing guided antenna and transfer of service to the subject newly placed structure will be a marked improvement to the aesthetics and general appearance of the Property. The subject new antenna is not as tall, self-supported and its location at the rear of the building makes it less visible, much less obtrusive and inherently stronger as a replacement. Given current fencing, adjacent property orientation and facility structures, BLD does not believe there is currently or will be any adverse visual impact to adjacent properties."

Staff Comment: In its written application, BLD focused on the impacts minimized by the tower construction and did not summarize any efforts to minimize impacts of the proposed change in use. In additional discussions, staff notified BLD that conditions would be recommended to mitigate the impact from the change in use of the facility. Staff recommends additional screening and buffering than what is currently provided on site.

2. *Consistent with this Ordinance.* Whether and the extent to which the proposed special use would conflict with any portion of this Ordinance, including the applicable zoning district intent statement.

BLD Response: "The subject antenna is a lattice type. However, the antenna is a superior design to the structure it will replace. It is important to note that the new antenna is attached to the building by twice the recommended bracket support with a substantial, engineered concrete foundation. Furthermore, the proposed is not a free standing, large footprint, guided mast generally associated with significantly taller lattice structures as may be indicated by subjective interpretation of Code language."

Staff Comment: The tower structure as constructed is in violation of Section 4-1. Proposed amendments to Section 4-1 would bring the tower as constructed into compliance. If Section 4-1 is amended, staff is supportive of this shorter tower replacing the existing antenna.

3. *Compatible with Surrounding Area.* Whether and the extent to which the proposed special use is compatible with existing and anticipated uses surrounding the subject land.

BLD Response: "BLD in relationship to other properties directly across Lang and the same 200 block to the east, is consistent with existing and combatable [sic] uses of surrounding land. It is important to make an emphatic point that all residential structures and neighborhood areas adjacent to the subject property are oriented away from the site with frontage on interior streets of their respective subdivisions, not Lang Rd."

Staff Comment: This particular property is located directly across Lang from the AEP substation. Enforcing proposed conditions that limit the use, set the hours of operation, and provide screening and buffering would assist in ensuring compatibility with surrounding areas. Additionally, the usage of an existing outdoor public address system should be restricted.

4. *Traffic Circulation.* Whether and the extent to which the proposed special use is likely to result in extraordinarily prolonged or recurrent congestion of surrounding streets, especially minor residential streets.

BLD Response: "BLD neither currently or anticipates any unusual or higher level of traffic and associated recurrent congestion to surrounding streets and especially, minor residential streets."

Staff Comment: Since the application is attempting to "legalize" the existing use of the property, additional traffic is not anticipated. Staff does recommend conditions regarding internal circulation and improved emergency access.

Additionally, if the Planning and Zoning Commission determines that Conditions 10 or 11 are appropriate, it should be noted that the building's required parking is 82 spaces (20,500 sf @ 1:250). The existing site has 91 parking spaces, with an additional 45 spaces located in the BLD parking lot across Lang Road. Removal of 21 spaces along the Lang right-of-way will still allow BLD to maintain the parking count required by UDO Sec. 711.

5. *Effect on Natural Environment.* Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to water or air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

BLD Response: "BLD neither currently or anticipates any adverse impact to the environment, summarily. The outdoor petrochemical mock-up lab is NON-functional. Located on an otherwise unusable slab of a building lost to fire prior to subject property acquisition, the structures assembled are for training purposes only. There are not now, in the past or will ever be fluids, fuels, corrosives, gases, or conditions present within the lab that would be considered hazardous to the natural environment or pose a risk to the surrounding area."

Staff Comment: Staff is in general agreement, although a condition concerning light pollution is recommended.

6. *Community Need.* Whether and the extent to which the proposed special use addresses a demonstrated community need.

BLD Response: "BLD strongly believes that it operates as a good neighbor, adding significant value to the community by meeting the needs of the immediate and surrounding area. As a major local employer, recognized industry leader and innovative entity BLD routinely offers its facilities and resources to civic and other community groups. As an American Welding Society (AWS), American Petroleum Institute (API) and Texas Workforce Solutions (TWS) certified career training center, Base Line Data curriculum and course offering benefit the participants and the communities where they live and work."

Staff comment: Staff concurs.

7. *Development Patterns.* Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.

BLD Response: "BLD believes that the proposed Special Use would result in a logical and orderly pattern of urban development in the community."

Staff comment: Staff concurs.

Conditions to the Special Use Permit

Staff recommends the following conditions to the Special Use Permit. The applicant has indicated general agreement with the imposition of Conditions 1 through 9:

1. The use of the facility shall be limited to business offices, operations support spaces and education and career center activities. Industrial or production activities are prohibited on the site. For the purposes of this special use permit, "industrial or production activity" is any activity that involves the use of attended or autonomous equipment, power tool or other device to cut, bend, bond, coat, melt, weld, perforate or fabricate metal, wood, or other construction material. The term does not include activities required to maintain the building and grounds.
2. Outdoor activities may only be conducted between the hours of 8:00 a.m. and 8:30 p.m. Indoor activities may be conducted between the hours of 7:00 a.m. and 12:00 midnight.
3. Outdoor activities on the property are limited to the mock petrochemical training lab. The training lab shall never utilize fluids, fuels, corrosives, gases, or create conditions that would be considered hazardous to the natural environment or pose a risk or nuisance to the surrounding area.
4. The mock petrochemical lab must be screened to prevent viewing from Lang Rd. with either a privacy fence or opaque vegetative screening not less than eight (8) feet tall. The screening shall be located immediately adjacent to the lab.
5. A minimum eight (8) foot tall privacy fence shall be erected and/or maintained on the north, east, and west property lines of the facility. For the purposes of this special use permit, the fence height shall be calculated from the higher of the adjacent parking spaces or the adjacent residential lot.
6. Outdoor public address systems shall only be used between 8:00 a.m. and 5:00 p.m.
7. Only one telecommunications tower, antenna, or structure conforming to City Ordinance Section 4-1 shall be allowed on site and shall be located as indicated on the attached site plan. In addition to any other requirements of Section 4-1, the tower shall not exceed sixty (60) feet in height and shall be secured to the building using appropriate structural connections to reduce the "fall radius." The existing roof-mounted sixty-five (65) foot antenna shall be removed.
8. All vehicles and trailers on site must park in appropriately marked spaces and a fire lane must be established and maintained on the site as approved by the Fire Marshal.
9. Exterior security or aesthetic lighting must be of a type and situated to prevent adjacent residences from receiving direct lighting.

Additionally, if the Planning and Zoning Commission finds that Conditions 1-9 do not adequately buffer the proposed use from the surrounding neighborhood, staff recommends that the Planning and Zoning Commission deliberate the following conditions for inclusion into the above list:

10. All "production" or "commercial" vehicles shall utilize the Base Line Data parking lot on the south side of Lang Rd.

11. The existing row of parking adjacent to Lang Road (21 spaces) that occupies City right-of-way shall be eliminated or shifted sufficiently to vacate the right-of-way and allow space for a landscape buffer as required by the City's Unified Development Ordinance. *(Staff comment: Alternatively, this condition can be reduced to include only the 9 spaces occupying the right-of-way in front of the lab)*

Adjacent Property Notification

There are 33 adjacent properties within 200 feet of the subject lot. Property owners were notified by mail, postmarked July 27, 2012, of Public Hearings at the Planning and Zoning Commission and City Council meetings. Notice was also posted in the Coastal Bend Herald on July 26, 2012, in conformance with UDO Section 302.

The following residents have commented on the proposed application:

- Homer Schelling—132 Catalina—Concerned that the tower as proposed is too low. Would prefer to see it not constructed at all or at a higher height to prevent cancer and interference to his electronic equipment. Concerned about the noise from dumpsters getting serviced at 5:30 a.m.
- Sharon George—1810 Portland—Concerned about previous sandblasting work, lighting, and noise. The property has traditionally been a nuisance, although somewhat quieter in the past. Mrs. George is appreciative of the proposed conditions to screen the facility.

Hearing and Recommendation by Planning and Zoning Commission

In accordance with UDO Section 310, the Planning and Zoning Commission shall, after appropriate notice, conduct a public hearing on each request for approval of a special use. At the public hearing, the Planning and Zoning Commission shall consider the application, any pertinent comments by City staff, other relevant support materials and public testimony given at the public hearing.

After the close of the public hearing, the Planning and Zoning Commission shall recommend that the City Council approve the request, approve the request with additional conditions, or deny the request. The Planning and Zoning Commission may propose such conditions as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: screening, buffer zones, limitations on size, bulk and location, provision of adequate ingress and egress, duration of special use approval, and hours of operation for the special use so allowed.

Comments and Conclusion

BLD's application and the recommended conditions would allow the operation of the facility to continue as the applicant desires while mitigating to the greatest extent practical the adverse impacts of such operations.

RECOMMENDATION: Conduct the public hearing and deliberate the request by Base Line Data, Inc., to amend Special Use Permit No. 750 at 206 Lang Road, subject to recommended conditions.

7.17.12

Application for Special Use Permit: Section 310

Base Line Data, Inc.
206 Lang Rd.
Portland, TX 78374

Brian DeLatte, PE
Director of Public Works
and Development/City
Engineer

Mr. DeLatte,

Please accept the attached Application for Special Use Permit: Replacement of an existing Communication tower at the Base Line Data, Inc. (BLD) Career Center /Corporate offices located at 206 Lang Rd. and restatement of use of facility as a multi-use; Education/Career Center and Corporate/Operations Offices.

BLD has determined that the current guided antenna cannot efficiently support certain equipment deemed necessary for an educational and corporate communication technology upgrade.

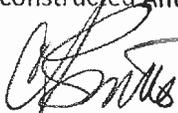
BLD has constructed a replacement tower. This new structure is a substantial, well supported and much improved design compared to the current tower. However, BLD, in error, did not, in advance of placement, obtain a Permit for the tower as defined in the City of Portland, Code of Ordinances.

BLD respectfully requests that the current Special Use Permit on file as "Ordinance No. 750", passed and approved by the City Council, December 2, 1986 be considered for review by the Planning and Zoning Commission (PZC).

BLD seeks a revised Special Use Permit to be consistent with current use and coinciding needs as a multi-use facility containing the BLD Career Education & Training Campus along with the Corporate/Operations Center(s).

BLD expects that a PZC approved, revised Special Use Permit will be submitted for public notification and hearing as dictated by the policy and procedures set forth by the Code of Ordinances in advance of presentation to the Portland City Council for final review, reading and vote of approval for passage.

Should the current and forecast use of the subject facility be determined out of compliance to the Code of Ordinances, BLD will seek a variance to the Code allowing the transfer of services to the newly constructed Antenna and the ongoing Educational /Corporate activities at 206 Lang Rd.



Clark Smith
Authorized Agent
Base Line Data, Inc

Supportive Documentation and narrative: Special Use Permit Application

Base Line Data, Inc. (BLD) offers a wide range of Career and Professional Certification Training at the 206 Lang Rd. location. Additionally, BLD Corporate Executive, Marketing, Operations and Administration offices share the facility.

The original Special Use Permit on file as Ordinance No. 750 was Passed and Approved by the Portland City Council on December 2, 1986. It is important to note that at the time of approval the facilities were not owned or occupied by BLD. The property and improvements at the subject location otherwise know as 206 Lang Rd were acquired by BLD in or around January, 1996.

Within sight, in the 200 block of Lang Rd and less than ½ mile of the Subject location there are several other properties that contain structures that would be deemed Commercial or General Business use. Immediately across Lang, in front of BLD there is a large electric power substation owned and operated by AEP. Frontage along the 100 and 200 block of Lang is essential Commercial and General Business use. BLD would expect similar or same CG zoning consideration as the vicinity and neighborhood peers.

The subject replacement Antenna as described previously within the Application for Special Use Permit is a substantial, well supported, foundation based structure. The subject antenna is and will be an aesthetically more attractive, suitable, stable and superior to the structure it will replace.

Under the current Special Use Permit, facility use is limited to "indoor education". BLD has constructed an "outdoor" mock API Petrochemical Training Lab. The Lab is used in conjunction with current curriculum associated with the Career Training and Education Center. The Lab is an essential element of the teaching and learning process.

BLD believes that the Lab offers students at all levels of experience the opportunity to develop important technical application skills and hands-on knowledge. Given the size and purpose of the Lab it would be impractical to move or place indoors.

Over the last several years BLD has offered a variety of API, AWS Code Certification and custom developed curriculum for an average of 225 participants. The cost and fees associated with the courses and certification vary; most of the participants travel a long distance at great expense to attend the BLD Career and Training Center.

It is important to note that there is no "Industrial – Heavy Industry" welding, fabrication, machining or other shop type operations conducted at the Lang Rd. facility. These activities are part of BLD day to day operations but, these activities take place at either the Commerce St. location in Portland or the Weld Shop in Aransas Pass.

Supportive Pictures are available and will be provided. Also, BLD is open to discussion regarding particular concerns or questions from the City of Portland Administration & staff, PZC members, and the Mayor and each City Council elected representative.

ORDINANCE NO. 750

AN ORDINANCE AMENDING APPENDIX A OF THE CODE OF THE CITY OF PORTLAND, TEXAS, SAME BEING THE ZONING ORDINANCE, AMENDING THE ZONING MAP OF SAID CITY BY CHANGING THE USE OF PROPERTY DESCRIBED HEREIN, GRANTING A SPECIAL PERMIT UNDER SPECIFIED CONDITIONS, KEEPING ALL OTHER PROVISIONS IN SAID ORDINANCE IN EFFECT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Portland, Texas, after notice of public hearing was duly given and such hearing held in accordance with the City Charter of Portland and the laws of the State of Texas, has made its report and has recommended that the City Council of the City of Portland amend the Zoning Ordinance of said City and issue a special permit under Appendix A of the Code of Ordinances of the City of Portland so that the use of the property described herein be changed, with conditions hereinafter set out.

WHEREAS, subsequently thereto, a City Council public hearing was held, at which hearing all persons wishing to appear and be heard were heard, to consider the same before the City Council in accordance with the proper notice of such hearing to the public, said hearing having been held on the 17th day of November, 1986, at a meeting of the City Council, in the City Hall in the City of Portland, notice of same having been duly given as required by the City Charter and the laws of the State of Texas;

WHEREAS, by motion duly made, seconded and carried, it was decided by the City Council that to approve the hereinafter set forth special permit, subject to certain conditions, would best serve public health, necessity and convenience and the general welfare of the City and its citizens;

NOT, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, TEXAS, as follows, to-wit:

SECTION ONE: That the Zoning Ordinance of the City of Portland, Texas, passed on the 5th day of October, 1971 being Ordinance No. 396, and being Appendix A to the Code of Ordinances of the City of Portland, be and the same is hereby amended by making the changes hereinafter set out.

SECTION TWO: That use of a portion of a tract of land, described as: Two (2.0) acres of land out of Section Q of George H. Paul Subdivision of the Coleman Fulton Pasture Company's Lands and as being further described in attached metes and bounds, be changed and a special permit be issued for the use of such portion to operate thereon under the following conditions:

(a) Use is restricted to indoor education, recreation and leisure activities in the "new metal building" as designated on the attached site plan labeled Exhibit B.

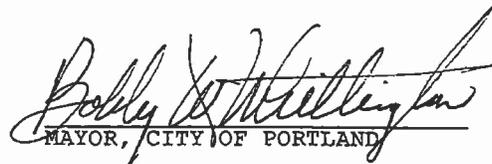
(b) hours of operation shall be no later than 10:30 p.m. Sunday through Thursday and 1:00 a.m. Friday and Saturday for activities attended by adults and 12:00 p.m. Friday and Saturday for activities attended by persons under 18 years of age not accompanied by a parent or guardian.

SECTION THREE: That the official Zoning Map of the City of Portland be and the same is hereby amended as herein ordained.

SECTION FOUR: That the Zoning Ordinance and the Map of the City of Portland, approved on the 5th day of October, 1987, except as amended prior hereto and as changed herein, shall remain in full force and effect.

SECTION FIVE: That this Ordinance shall take effect and be in full force and effect from and after its passage and approval on second reading.

PASSED AND APPROVED this 2nd day of December, 1986.


MAYOR, CITY OF PORTLAND

ATTEST:


City Secretary

Two (2.0) acres of land out of Section Q of George H. Paul Subdivision of the Coleman Fulton Pasture Company's Lands, as recorded in Volume 1, Page 32, Map Records, San Patricio County, Texas, and being described by metes and bounds as follows, to-wit:

BEGINNING at the most Westerly corner of a correction plat of Portland Heights Unit 1, as shown by map of record filed in Volume 8, Page 25, Map Records, San Patricio County, Texas, for the Southeast corner of this tract and the POINT OF BEGINNING:

THENCE with a portion of the Westerly boundary of Portland Heights Unit 1, N. 15 deg. E. 191.70 feet to the point of curve of a circular curve to the right;

THENCE with said curve having a central angle - 14 deg. 08' 56", radius 316.59 feet, tangent - 39.29 feet for an arc distance of 78.18 feet to the Northeast corner of this tract;

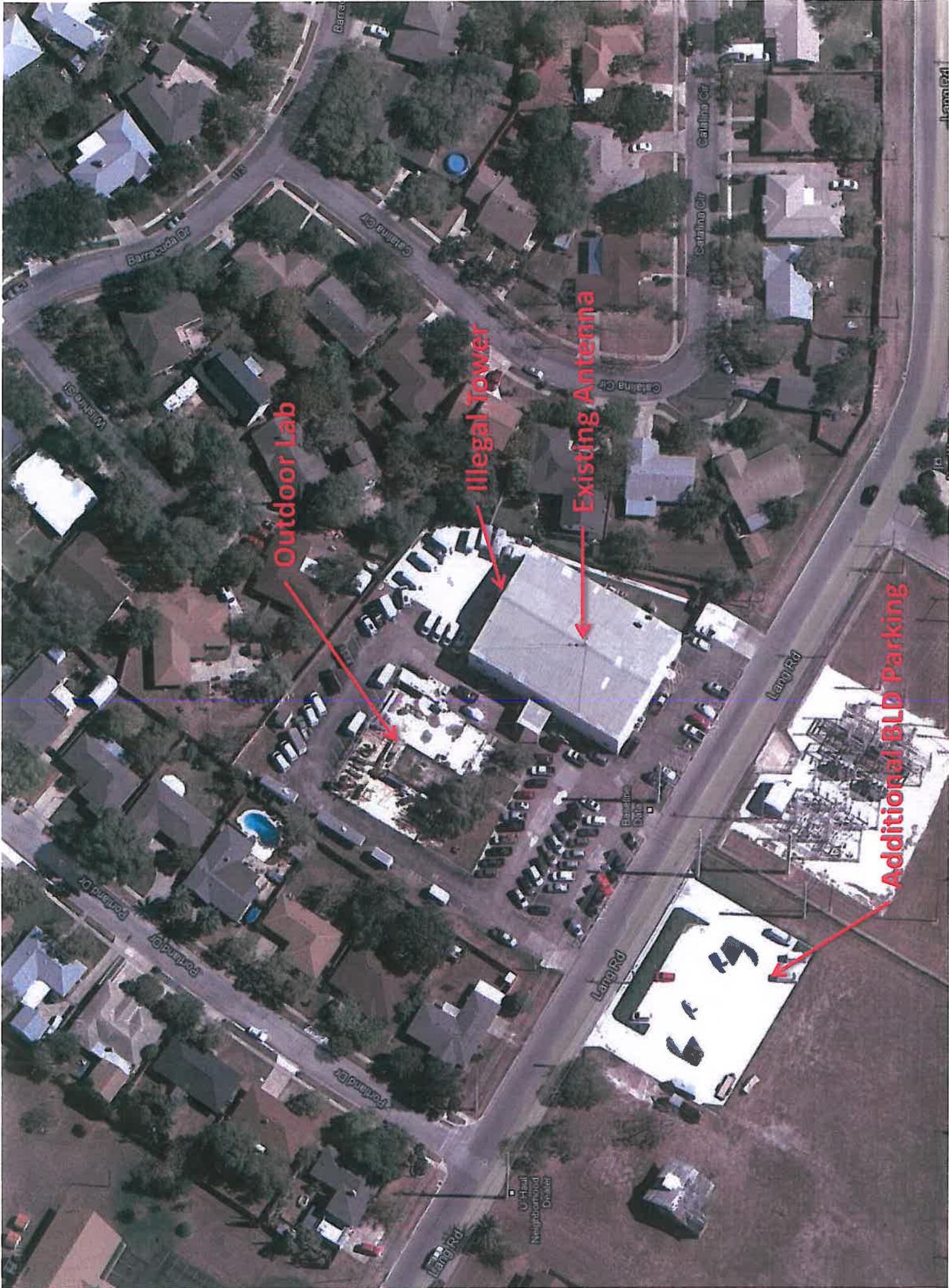
THENCE N. 52 deg. 33' 47" W. 276.60 feet to a point on a circular curve for the Northwest corner of this tract;

THENCE in a Southwesterly direction, tangent to and to the left of the tangent line having the bearing S. 37 deg. 26' 13" W; with said curve having a central angle - 7 deg. 59' 13", radius - 2,134.27 feet, tangent - 148.99 feet, for an arc distance of 297.51 feet to the point of tangency;

THENCE S. 29 deg. 27' W. 4.45 feet to a point in the Northerly right of way of a county road for the Southwest corner of this tract;

THENCE with said right of way S. 60 deg. 13' E. 349.49 feet to the Point of Beginning;

which has the address of 206 Lang Road, Portland
(Street) (City)
 Texas 78374 (herein "Property Address");
(State and Zip Code)



Outdoor Lab

Illegal Tower

Existing Antenna

Additional BLD Parking

Condition 5: Screen property from residences

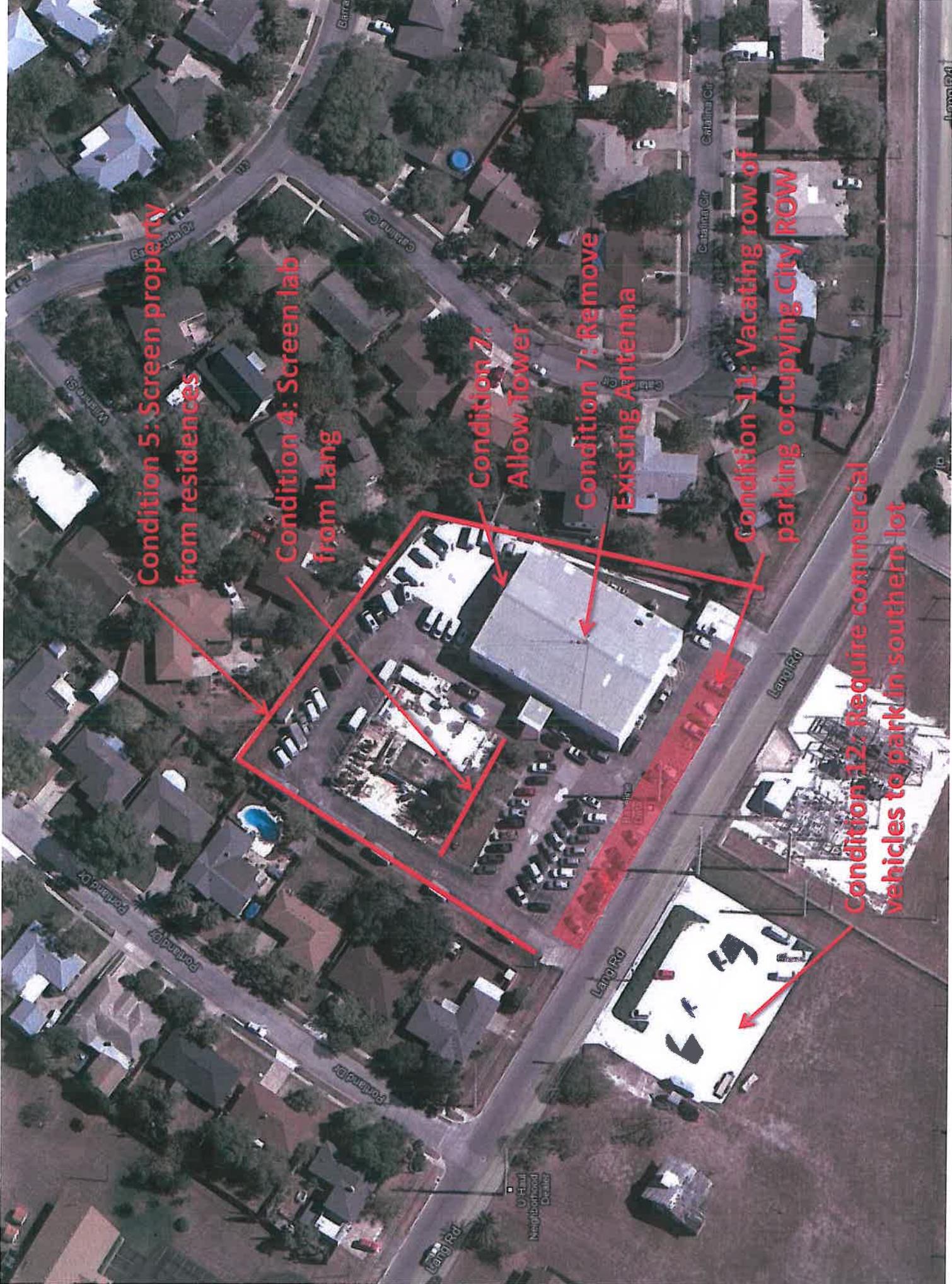
Condition 4: Screen lab from Lang

Condition 7: Allow Tower

Condition 7: Remove Existing Antenna

Condition 11: Vacating row of parking occupying City ROW

Condition 12: Require commercial vehicles to park in southern lot





NOTICE OF PUBLIC HEARINGS

Notice is hereby given that Public Hearings will be held before the Planning and Zoning Commission of the City of Portland on August 14, 2012 (Tuesday) and the City Council of the City of Portland on August 21, 2012 (Tuesday) in the Council Chamber of the City Hall (1900 Billy G. Webb Drive - Daniel P. Moore Community Center Complex) at 7:00 p.m. on each date to solicit comments from citizens and other interested parties concerning a request from Base Line Data, Inc., to amend the Special Use Permit for 206 Lang Road. The revised Special Use Permit would allow the operation of the company's corporate service headquarters, education and career center, outdoor laboratory, and replacement of an existing telecommunication antenna with a shorter tower.

Any questions concerning this matter should be directed to Brian DeLatte, Director of Public Works and Development at (361) 777-4601 or brian.delatte@portlandtx.com