



# PLANNING AND ZONING COMMISSION AGENDA

Regular Meeting  
Tuesday, October 14, 2014  
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 Forsythe
2. **MINUTES:** The Planning and Zoning Commission will consider approval of the minutes of its September 9, 2014 Regular Meeting – Chairperson Forsythe
3. **PUBLIC HEARING – SPECIAL USE PERMIT NO. 2095:** The Planning and Zoning Commission will conduct a Public Hearing to solicit comments from citizens and other interested parties concerning a request from Gregory-Portland Independent School District via Urban Engineering, Inc., to approve Special Use Permit No. 2095 governing the use of its property at 1200 Broadway Blvd. as a “School, College or Vocational” – Assistant City Manager
4. **REQUEST FOR SPECIAL USE PERMIT NO. 2095:** The Planning and Zoning Commission will consider a request from Gregory-Portland Independent School District via Urban Engineering, Inc., to recommend to the City Council approval of Special Use Permit No. 2095 governing the use of its property at 1200 Broadway Blvd. as a “School, College or Vocational” – Assistant City Manager
5. **PUBLIC HEARING – SPECIAL USE PERMIT NO. 2096:** The Planning and Zoning Commission will conduct a Public Hearing to solicit comments from citizens and other interested parties concerning a request from Robert M. Kennedy to approve Special Use Permit No. 2096 for the construction of a self-storage facility at 215 Seventh Avenue – Assistant City Manager

6. **REQUEST FOR SPECIAL USE PERMIT NO. 2096:** The Planning and Zoning Commission will consider a request from Robert M. Kennedy to recommend to the City Council approval of Special Use Permit No. 2096 for the construction of a self-storage facility at 215 Seventh Avenue – Assistant City Manager
7. **SUBDIVISION PRELIMINARY PLAT:** The Planning and Zoning Commission will consider the preliminary plat of Wes Ridge – Assistant City Manager
8. **ADJOURNMENT:** Chairperson Forsythe

**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](mailto: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: October 10, 2014 by 5 p.m.  
City Hall

By:   
**Annette Hall**  
**City Secretary**

## MINUTES

### PLANNING AND ZONING COMMISSION

#### SEPTEMBER 9, 2014 REGULAR MEETING

The Planning and Zoning Commission conducted its September 9, 2014, 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

Craig Forsythe (Chairperson)  
Pete Stricker  
Jerry Browning  
Mark Wendland  
Theresa Nix  
Mark Roach

#### MEMBERS ABSENT

John Rooney (Vice-Chairperson)

#### STAFF PRESENT

Randy Wright, City Manager  
Brian DeLatte, Assistant City Manager

1. **CALL TO ORDER**: Chairperson Forsythe called the meeting to order at 7:00 p.m.
2. **MINUTES**: The Planning and Zoning Commission will consider approval of the minutes of its August 12, 2014, Regular Meeting

Mr. Stricker made a motion to accept the minutes of the August 12, 2014, Regular Meeting. Mr. Browning seconded the motion.

The motion passed (5-0) with Ms. Nix abstaining.

3. **PUBLIC HEARING**: The Planning and Zoning Commission will conduct a Public Hearing to solicit comments from citizens and other interested parties concerning possible Unified Development Ordinance Text Amendments. A general description of possible Unified Development Ordinance Text Amendments follows:
  - Revisions to Section 401. Establishment of Districts.
  - Revisions to Section 404. Newly Annexed Areas.
  - Revisions to Section 405. Zoning District Intent Statements.
  - Revisions to Section 406. Permitted Use Table.
  - Revisions to Section 409. District Dimensional Standards.
  - Revisions to Section 410. Supplementary Yard Regulations.

- Revisions to Section 502. Bars, Saloons, Lounges and Dance Halls, Private Clubs.
- Revisions to Section 508. Storage, Self-Service.
- Revisions to Section 606. Lot Standards.
- Revisions to Section 705. Nonresidential Design Requirements.
- Revisions to Section 707. Fences.
- Revisions to Section 712. Signs.
- Revisions to Section 1003. Defined Terms.

Chairperson Forsythe opened the Public Hearing at 7:01 p.m. Mr. DeLatte presented the following information:

### **Proposed Text Amendments**

- Creating an R-2, Single-Family Zoning District
- Updating non-residential building materials and facade articulation requirements
- Revising the Permitted Use Table to allow vocational schools in residential zoning districts by Special Use Permit

### **R-2 Zoning District**

- 1,863 Acres – Annexation Area (north and west of the city)
- Comprehensive Plan specifies the following lot dimensions in the proposed annexation area:
  - B = 6,000 sf lots = R-7 Zoning
  - A = 7,000 sf lots = R-6 Zoning
  - AA = 20,000 sf lots = R-2 Zoning
- Proposed R-2 Zoning District
  - Minimum lot area 20,000 sf
  - Minimum width 100 ft
  - Front setback 35 ft
  - Side setback 15 ft
  - Rear setback 25 ft
  - Maximum height 35 ft
- All territory annexed to the City of Portland after the effective date of this Ordinance shall be initially classified in accordance with the City of Portland Comprehensive Plan until permanently zoned by the City Council.
- Permitted Use table updated for R-2 to match all uses permitted or disallowed in R-6
- R-2 designations were added into regulations concerning:
  - Yard regulations
  - Bars, Saloons, Lounges and Dance Halls, Private Clubs

- Storage, Self-Service
- Lot Standards
- Fences
- Signs

### **Non-Residential Design Requirements**

- City Council adopted building façade articulation requirements in February 2013
- Façade articulation requirements were adopted for several reasons:
  - To improve the quality of building design
  - Allows for varied aesthetic quality in the community
- Depth articulation (horizontal)
  - City code: 3' for every 30' of building façade length
- Height articulation (vertical)
  - City code: 5' for every 50' of building façade length
- Proposed façade articulation revisions:
  - Depth articulation (horizontal): Depth articulation of at least 10% shall be required on any front façade exceeding thirty (30) horizontal feet. In no event shall a front façade segment exceed forty-five (45) feet without depth articulation.
  - Height articulation (vertical): Height articulation of at least 10% shall be required on any front façade exceeding fifty (50) horizontal feet. In no event shall a front façade segment exceed seventy-five (75) feet without height articulation.
  - The front façade of a building shall be defined as any façade that includes front entry doors or that faces a public or private street.
- Proposed building materials revisions
  - Any side or rear wall facing a public or private street or residential zoning district shall consist of the same facing materials as the building front.
  - The roof side of any parapet wall shall consist of the comparable facing materials as the front of the parapet if viewable from a public or private street.
  - Rooftop mechanical equipment shall be screened from the view of any parking lot and public or private street at a height of six (6) feet above natural grade at a horizontal distance of five hundred (500) feet.
  - Metal buildings without a masonry façade will be allowed anywhere in the I, Industrial district or in the OT-2, Olde Town Mixed Use district if they are located at least two hundred (200) feet from Hwy. 181 or Moore Avenue.

### **Vocational School Special Use Permit**

- Proposed SUP at existing church at new East Cliff Elementary
  - Vocational school: A school or training facility that offers instruction and practical introductory experience in skilled trades such as mechanics, carpentry, plumbing, and construction.
  - Allows vocational schools by SUP in the R-2 through R-8 zoning districts

Mr. Browning and Mr. Wendland discussed the proposed language of the mechanical screening requirements. Mr. Roach questioned the need for the nonresidential design requirements, as well as the locations where the ordinance would be applied.

Mr. Wright commented that the City has worked to allow the Gregory-Portland ISD to apply for a Special Use Permit for a vocational training facility and that the SUP process would prohibit general commercial activities on the site. Mr. Browning commented that he would be concerned with outdoor industrial activities. Mr. Wright responded that the SUP would be written to prohibit those activities. Mr. Stricker questioned whether 1200 Broadway would be the location of the welding school. Mr. Wright indicated that the welding school would be located at the high school site. Mr. Roach commented on the school's use of the 1200 Broadway facility.

Chairperson Forsythe asked for any additional comment from the public. Hearing and seeing none, the Public Hearing was closed at 7:33 p.m.

4. **UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENTS:** The Planning and Zoning Commission will consider recommending Unified Development Ordinance Text Amendments to the City Council—Assistant City Manager

Mr. Stricker made a motion to approve the UDO text amendments to the City Council. Mr. Wendland seconded the motion.

The motion passed (5-1) with Mr. Roach voting against.

5. **ADJOURNMENT:**

Chairperson Forsythe adjourned the meeting at 7:36 p.m.

APPROVED:

\_\_\_\_\_  
Chairperson Craig Forsythe

ATTEST:

\_\_\_\_\_  
Brian DeLatte, P.E.  
Assistant City Manager

**AGENDA TITLE**      **PUBLIC HEARING – SPECIAL USE PERMIT NO. 2095**

The Planning and Zoning Commission will conduct a Public Hearing to solicit comments from citizens and other interested parties concerning a request from Gregory-Portland Independent School District via Urban Engineering, Inc., to approve Special Use Permit No. 2095 governing the use of its property at 1200 Broadway Blvd. as a “School, College or Vocational” – Assistant City Manager

**REQUEST FOR SPECIAL USE PERMIT NO. 2095**

The Planning and Zoning Commission will consider a request from Gregory-Portland Independent School District via Urban Engineering, Inc., to recommend to the City Council approval of Special Use Permit No. 2095 governing the use of its property at 1200 Broadway Blvd. as a “School, College or Vocational” – Assistant City Manager

**MEETING DATE**      10/14/2014

**DEPARTMENT**      Building and Development

**SUBMITTED BY**      Brian DeLatte, P.E., Assistant City Manager

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**EXECUTIVE SUMMARY**

A Special Use Permit (SUP) application has been submitted by Gregory-Portland Independent School District (GPISD) via Urban Engineering, Inc. (UE), to allow its existing facility at 1200 Broadway Blvd. to be utilized as a vocational training facility. The Unified Development Ordinance (UDO) was recently amended to allow such a use through the SUP process. City Staff has negotiated a set of conditions with GPISD and UE that would require any use of the facility for vocational training to appear in similar nature to the previous church and daycare facility that operated on site. As a result, the visual and auidal net impacts of approving the Special Use Permit are negligible.

**SPECIAL USE PERMIT REQUEST**

GPISD’s facility at 1200 Broadway was previously utilized as a church and daycare facility. GPISD desires to utilize the building as a vocational training facility for Cheniere Energy. Since the property is located in an R-7 Single-Family Residential District, the use of the property as a vocational training facility is not permitted without an SUP.

## **SPECIAL USE PERMIT APPROVAL CRITERIA**

Section 315 of the UDO outlines the following criteria for which the Planning and Zoning Commission and City Council shall base approval. UE 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.

*GPISD Response: "The Special Use Permit will be for an existing facility. There will be no adverse effects or visual impact on adjacent properties."*

*Staff Comment: The negotiated conditions have been fashioned so that the use of the facility as a vocational training school does not have adverse impacts on the the surrounding properties.*

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.

*GPISD Response: "The proposed office and training facility use is consistent with adjoining school facility permitted in the residential district. This facility was formerly used as a church and daycare facility which is not significantly different from the proposed use."*

*Staff Comment: Staff concurs.*

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.

*GPISD Response: "The proposed use as a training/office and the adjacent East Cliff Elementary School now under construction are compatible uses."*

*Staff Comment: The negotiated conditions have been fashioned so that the use of the facility as a vocational training school does not have adverse impacts on the the surrounding properties.*

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.

*GPISD Response: "Existing facilities will be used and a significant increase in traffic is not anticipated."*

*Staff Comment: Condition 12 prohibits parking within the Broadway right-of-way.*

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.

*GPISD Response: "The granting of the Special Use Permit would not result in significant adverse impacts on the natural environment."*

*Staff Comment: Condition 9 prohibits activities that would have adverse impacts on the natural environment.*

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

*GPISD Response: "Cheniere Energy has been unable to locate facilities large enough for expansion in the community. Both the size and location of the proposed facilities will allow for the expansion of an existing contributor to the economic growth of the City. Other tenants with similar needs would also benefit from the availability and location of the facilities if needed."*

*Staff comment: None.*

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.

*GPISD Response: "The proposed special use would allow for the continued growth of the community. The granting of the special use permit would allow an already existing contributor to the community to grow and remain in the community."*

*Staff comment: None.*

### **CONDITIONS TO THE SPECIAL USE PERMIT**

If the Planning and Zoning Commission desires to recommend to the City Council that a Special Use Permit be granted, City Staff recommends that the following conditions are imposed. The applicant agreed in writing on September 23, 2014, with the imposition of these conditions.

1. The use of the facility shall be limited to those permitted uses in the R-7, Single-Family Residential District or to those uses permitted by this Special Use Permit.
2. The Special Use Permit permits the operation of a vocational training facility at the location described in the metes and bounds in Exhibit "A". The Special Use Permit is not applicable nor is transferable to the remainder of the property.
3. "Vocational school" is defined in the Unified Development Ordinance. This Special Use Permit allows indoor education and career center activities, training activities,

and offices designed to support the educational and training mission. Professional, commercial, retail, industrial, or corporate offices are prohibited.

4. This Special Use Permit expires in the event that Gregory-Portland Independent School District sells, transfers, or otherwise divests ownership of the property.
5. Outdoor activities are prohibited on the site. This term does not include activities required to maintain the building and grounds.
6. Outdoor public address systems or other exterior sound systems are prohibited.
7. Exterior security or aesthetic lighting must be of a type and situated to prevent adjacent residences from receiving direct lighting. New exterior lighting installation or replacement of existing exterior lighting shall conform to Unified Development Ordinance Section 713.
8. Hours of operation shall not begin prior to 7:00 a.m. nor extend beyond 9:00 p.m.
9. 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 tools, or other devices to cut, bend, bond, coat, melt, weld, perforate or fabricate metal, wood, or other construction material. "Industrial or production activity" shall also include any activity subject to the National Pollutant Discharge Elimination System Industrial Permits as defined in 40 CFR, Section 122.26. The term does not include indoor simulated training stations, indoor educational displays, indoor storage or use of non-hazardous chemicals for training purposes, or activities required to maintain the building and grounds.
10. In compliance with Unified Development Ordinance Section 712, no new signage shall be installed on the property. Any modification to the existing ground sign located at the site's entrance shall be limited to the existing sign size, height, and material type. The proposed sign text shall identify the facility as a "vocational training facility," "educational training facility," or other similar wording that denotes vocational or educational use. The proposed sign text shall not identify the facility as an "office," "corporate office," "professional office," or other similar wording that denotes office, commercial, professional, or other non-residential uses.
11. Any new building construction, modification, renovation, or expansion shall meet the requirements of Unified Development Ordinance Section 802.
12. The Gregory-Portland Independent School District and Cheniere Energy, Inc., must provide all necessary off-street parking on site. Parking shall be prohibited within

public right-of-way.

**ADJACENT PROPERTY NOTIFICATIONS AND PUBLIC HEARING NOTICES**

There are 25 adjacent properties within 200 feet of the subject lot. Property owners were notified by mail, postmarked September 26, 2014, of Public Hearings at the Planning and Zoning Commission and City Council meetings. Notice was also posted in the Coastal Bend Herald on September 25, 2014, in conformance with UDO Section 302. There has been no written or oral comment to the Development Services Department as of October 10, 2014.

**PUBLIC HEARING HEARING AND RECOMMENDATION BY PLANNING AND ZONING COMMISSION**

In accordance with UDO Section 315, 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.

**ATTACHMENTS**

- Application for Special Use Permit
- Proposed Ordinance No. 2095

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**RECOMMENDED ACTION**

Adopt one of the following motions:

- (1)** Recommend to City Council approval of the Special Use Permit with the negotiated conditions

**OR**

- (2)** Recommend to City Council approval of the Special Use Permit with the negotiated conditions and additional conditions

**OR**

- (3)** Recommend to City Council denial of the Special Use Permit



CITY OF PORTLAND  
1101 Moore Avenue  
Portland, TX 78374  
Phone: (361) 777-4553  
Fax: (361) 643-5709

**APPLICATION FOR ZONING CHANGE**

APPLICANT: G.P.I.S.D. PHONE: (361)777-1091

ADDRESS: 608 College Street, Portland, Texas 78374

(If other than owner, attach a written authorization from owner.)

AGENT OR ATTORNEY: Urban Engineering

PHONE: (361)854-3101 ADDRESS: 2725 Swantner Drive, Corpus Christi, Texas 78404

PROPERTY ADDRESS: 1200 Broadway, Portland, Texas

LEGAL DESCRIPTION: Lot 1, Block 1, North Shore Unit 6

CURRENT ZONING: R-7 Single Family Residential PROPOSED ZONING: SPU

REASON FOR REQUEST:  
to allow School, College or vocational uses in R-6, R-7  
and R-8 zones by special permit.

PRINTED NAME: PAUL CLORE DATE: 9-9-14

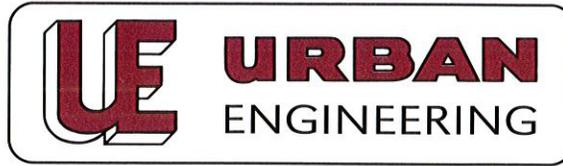
SIGNATURE OF APPLICANT OR AGENT: *Paul Clore*

FILING FEE: \$500.00 plus actual engineering and legal costs

Make check payable to the City of Portland

Mail or bring application and filing fee to:

Office of the City Engineer  
Public Works Building  
1101 Moore Avenue  
Portland, Texas 78374  
(361) 777-4553



September 10, 2014

Mr. Brian DeLatte, P.E.  
City of Portland, Texas  
1101 Moore Avenue  
Portland, TX 78374

Subject: Lot 1, Block 1, North Shore Unit 6 (Special Use Permit request)

Brian,

We, Urban Engineering, on behalf of Gregory Portland Independent School District, submit this request for a special use permit for the subject property. Included with this request are the following items:

- 1.) Signed zoning application
- 2.) Metes and bounds description of area of request
- 3.) Exhibit to accompany metes and bounds description
- 4.) Exhibit of area with site plan/aerial photo
- 5.) Check in the amount of \$1000.00 (No. 027623), made payable to the City of Portland.

We believe that this request meets the criteria for the approval for the Special Use Permit based on the following information.

The proposed use of the facilities will be for training facilities and office space associated with the use of the educational facilities for Chenier Energy. The initial hours of operation have not been established but normal hours of operation from 8:00 a.m. to 5:00 p.m. are likely with the possibility of a second shift schedule possibly extending to 9:00 p.m. The existing facility currently contains 7 classrooms that will be used for this purpose. Anticipated number of attendees is 150 with 70 support members. There are 54 existing parking spaces, including 4 handicap-accessible parking spaces. The ordinance requires a total of 6 spaces per classroom, for a required amount of 42 spaces. The total area of the building is approximately 10745 square feet. Per the ordinance, 1 space is required per 250 square feet, for a requirement of 43 parking spaces. Based on this information, all parking requirements have been met.

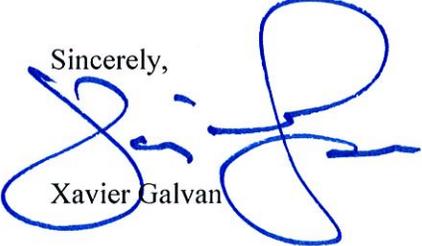
- Impacts minimized – The Special Use Permit will be for an existing facility. There will be no adverse effects or visual impact on adjacent properties.
- Consistent with this Ordinance – The proposed office and training facility use is consistent with adjoining school facility permitted in the residential district. This facility

was formerly used as a church and daycare facility which is not significantly different from the proposed use.

- Compatible with Surrounding Area – The proposed use as a training/office and the adjacent East Cliff Elementary School now under construction are compatible uses.
- Traffic Circulation – Existing facilities will be used and a significant increase in traffic is not anticipated.
- Effect on Natural Environment – The granting of the Special Use Permit would not result in significant adverse impacts on the natural environment.
- Community Need – Cheniere Energy has been unable to locate facilities large enough for expansion in the community. Both the size and location of the proposed facilities will allow for the expansion of an existing contributor to the economic growth of the City. Other tenants with similar needs would also benefit from the availability and location of the facilities if needed.
- Development Patterns – The proposed special use would allow for the continued growth of the community. The granting of the special use permit would allow an already existing contributor to the community to grow and remain in the community.

Based on the information provided we respectfully ask that the City grant our client the Special Use Permit as requested.

Sincerely,



Xavier Galvan

1 **ORDINANCE NO. 2095**

2  
3 **AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A**  
4 **VOCATIONAL TRAINING FACILITY AT 1200 BROADWAY BLVD.;**  
5 **PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT**  
6 **HEREWITH; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A**  
7 **PENALTY FOR VIOLATIONS; PROVIDING AND ESTABLISHING AN**  
8 **EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION**  
9

10 **WHEREAS** Gregory-Portland Independent School District, the owner of 1200 Broadway  
11 Blvd., has submitted a Special Use Permit application to lease its existing facility to Cheniere  
12 Energy, Inc., for use as a vocational training facility; and  
13

14 **WHEREAS** a vocational training facility is classified as a “School, College or Vocational”  
15 on the Unified Development Ordinance Permitted Use Table as requiring a Special Use Permit  
16 prior to the issuance of a building permit or certificate of occupancy; and,  
17

18 **WHEREAS** the Planning and Zoning Commission conducted a Public Hearing on October  
19 14, 2014, and recommended that the request be granted by the City Council with conditions;  
20 and,  
21

22 **WHEREAS** the City Council conducted a Public Hearing on October 21, 2014, to solicit  
23 comments concerning revisions to the Unified Development Ordinance; and,  
24

25 **WHEREAS** no formal written protest was filed by adjacent property owners and a  
26 majority vote is required to approve both readings of this ordinance; and,  
27

28 **WHEREAS** the City Council deliberated approval of the Special Use Permit on October  
29 21, 2014.  
30

31 **NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,**  
32 **TEXAS:**  
33

34 **SECTION 1:** Special Use Permit No. 2095 is hereby granted with the following conditions  
35 as set forth in the Unified Development Ordinance Section 315.  
36

- 37 1. The use of the facility shall be limited to those permitted uses in the R-7, Single-  
38 Family Residential District or to those uses permitted by this Special Use Permit.  
39
- 40 2. The Special Use Permit permits the operation of a vocational training facility at the  
41 location described in the metes and bounds in Exhibit “A”. The Special Use Permit is  
42 not applicable nor is transferable to the remainder of the property.  
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3. “Vocational school” is defined in the Unified Development Ordinance. This Special Use Permit allows indoor education and career center activities, training activities, and offices designed to support the educational and training mission. Professional, commercial, retail, industrial, or corporate offices are prohibited.
  4. This Special Use Permit expires in the event that Gregory-Portland Independent School District sells, transfers, or otherwise divests ownership of the property.
  5. Outdoor activities are prohibited on the site. This term does not include activities required to maintain the building and grounds.
  6. Outdoor public address systems or other exterior sound systems are prohibited.
  7. Exterior security or aesthetic lighting must be of a type and situated to prevent adjacent residences from receiving direct lighting. New exterior lighting installation or replacement of existing exterior lighting shall conform to Unified Development Ordinance Section 713.
  8. Hours of operation shall not begin prior to 7:00 a.m. nor extend beyond 9:00 p.m.
  9. 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 tools, or other devices to cut, bend, bond, coat, melt, weld, perforate or fabricate metal, wood, or other construction material. “Industrial or production activity” shall also include any activity subject to the National Pollutant Discharge Elimination System Industrial Permits as defined in 40 CFR, Section 122.26. The term does not include indoor simulated training stations, indoor educational displays, indoor storage or use of non-hazardous chemicals for training purposes, or activities required to maintain the building and grounds.
  10. In compliance with Unified Development Ordinance Section 712, no new signage shall be installed on the property. Any modification to the existing ground sign located at the site’s entrance shall be limited to the existing sign size, height, and material type. The proposed sign text shall identify the facility as a “vocational training facility,” “educational training facility,” or other similar wording that denotes vocational or educational use. The proposed sign text shall not identify the facility as an “office,” “corporate office,” “professional office,” or other similar wording that denotes office, commercial, professional, or other non- residential uses.
  11. Any new building construction, modification, renovation, or expansion shall meet the requirements of Unified Development Ordinance Section 802.

88 12. The Gregory-Portland Independent School District and Cheniere Energy, Inc., must  
89 provide all necessary off-street parking on site. Parking shall be prohibited within  
90 public right-of-way.  
91

92 **SECTION 2:** The failure of of the facility owner (Gregory-Portland Independent School  
93 District) or the tenant (Cheniere Energy, Inc.) to comply with any conditions of this Ordinance  
94 shall immediately render this Ordinance null and void. In such an event, the City of Portland  
95 shall strictly enforce the requirements of the R-7, Single-Family Residential District by any and  
96 all legal means necessary.  
97

98 **SECTION 3:** If any provision, section, clause or phrase of this Ordinance, or the  
99 application of same to any person or set of circumstances is, for any reason held to be  
100 unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall  
101 not be affected thereby, it being the intent of the City Council in adopting this Ordinance that  
102 no portion hereof, or provisions or regulations contained herein, shall become inoperative or  
103 fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this  
104 Ordinance are declared severable for that purpose.  
105

106 **SECTION 4:** Any previously adopted ordinance, resolution, rule, regulation or policy in  
107 conflict with this Ordinance is hereby repealed.  
108

109 **SECTION 5:** Any person who violates this Ordinance shall be guilty of a misdemeanor  
110 and, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars  
111 (\$500.00). Each and every day that a violation of this Ordinance occurs shall constitute a  
112 separate offense.  
113

114 **SECTION 6:** This Ordinance shall be published after second reading hereof by publishing  
115 the caption thereof in the official newspaper with a statement the public may view the  
116 Ordinance in the Office of the City Secretary. This Ordinance shall be effective from and after  
117 the publication provided herein.  
118

119 **PASSED** and **APPROVED** on second reading this \_\_\_ day of \_\_\_\_\_ 2014.  
120

121 **CITY OF PORTLAND**  
122

123  
124 \_\_\_\_\_  
125 **David Krebs**  
126 **Mayor**  
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**ATTEST:**

---

**Annette Hall**  
**City Secretary**

# EXHIBIT "A"



September 9, 2014  
Job No. 29914.B4.01

2.73 Acre

**STATE OF TEXAS  
COUNTY OF SAN PATRICIO**

Fieldnotes, for a 2.73 Acre tract, of Lot 1, Block 1, North Shore Unit 6, as recorded in Instrument No. 484248, Envelope A276 and A277, Tube 4-3, of the Map Records of San Patricio County, Texas, said 2.73 Acre tract being more fully described as follows:

Beginning at a 5/8 inch iron rod found, with red plastic cap stamped "Urban Engr C.C. Tx", on the Southwest R-O-W of Broadway Boulevard, a public roadway, for the North corner of the said Lot 1 and the beginning of a non-tangent curve to the right, having a radius point which bears, South 55°08'29" West, 1435.35 feet, a central angle of 14°08'50", a radius of 1435.35 feet, a tangent length of 178.11 feet and an arc length of 354.41 feet;

Thence, with the said Southwest R-O-W and the arc of the said non-tangent curve to the right, 354.41 feet, to the East corner of this tract;

Thence, South 44°13'47" West, 303.39 feet, to the Southeast corner of this tract;

Thence, North 72°19'07" West, 154.89 feet, for a corner of this tract;

Thence, North 59°58'34" West, 85.70 feet, to the West line of the said Lot 1, for the Southwest corner of this tract, from whence, a 5/8 inch iron rod with cap stamped "RPLS 2212" found, for the Southwest corner of the said Lot 1 bears, South 30°01'26" West, 804.85 feet;

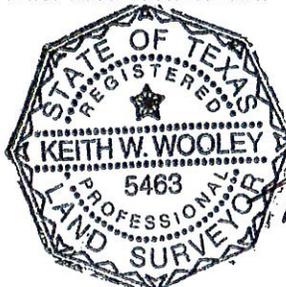
Thence, North 30°01'26" East, with the West line of the said Lot 1, 485.84 feet, to a 5/8 inch iron rod with a red plastic cap stamped "Urban Engr C.C. Tx" found, for a corner of this tract;

Thence, North 52°31'09" East, 32.16 feet to the Point of Beginning, containing 2.73 acres (118,880 square feet) of land, more or less.

Bearings based on GPS, NAD83, State Plane Coordinates, Texas South Zone 4205.

Unless this Field Notes Description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility or liability for its accuracy.

*Also reference accompanying sketch of tract described herein.*



URBAN ENGINEERING

*Keith W. Wooley*  
Keith W. Wooley, R.P.L.S.  
License No. 5463

(361)854-3101

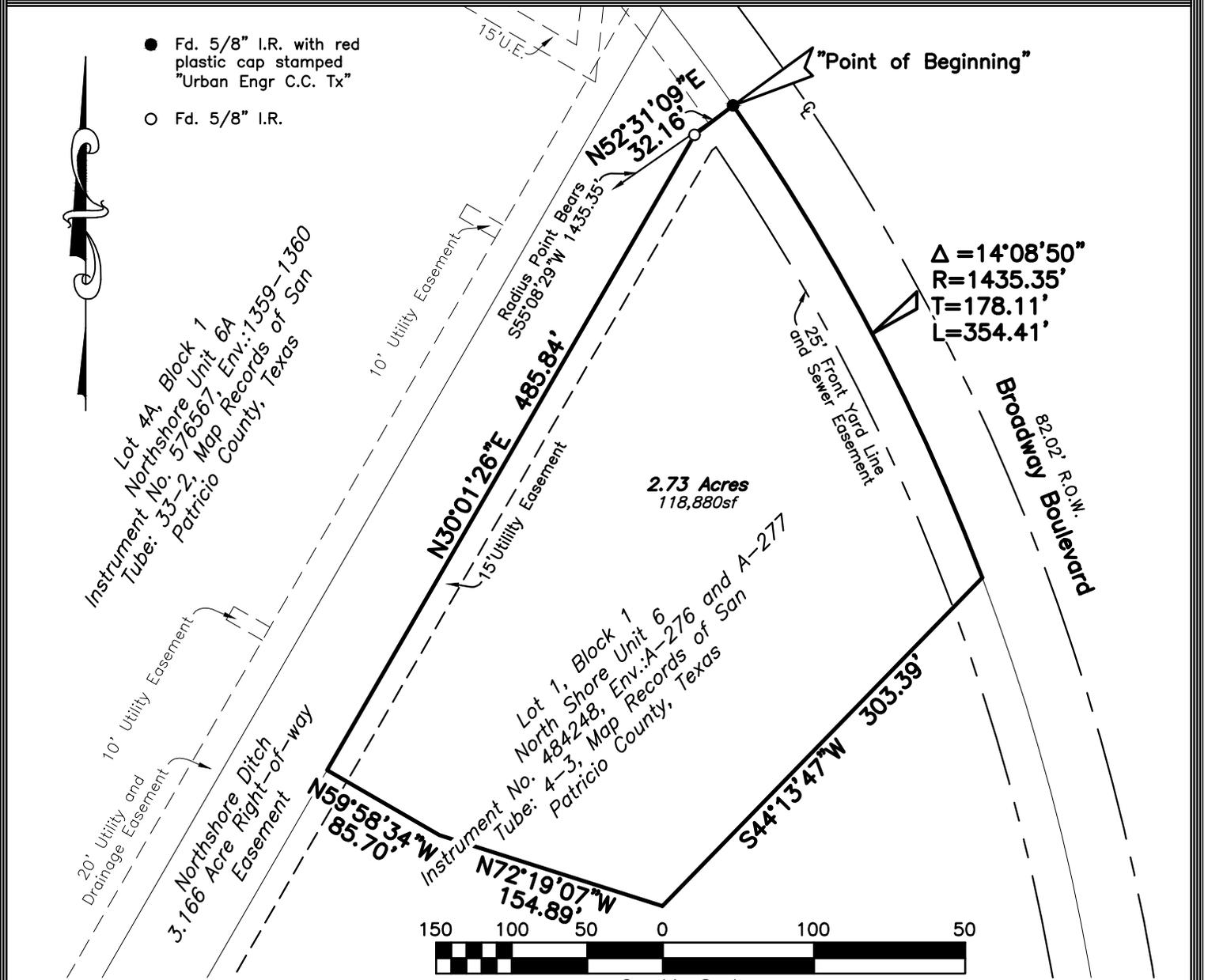
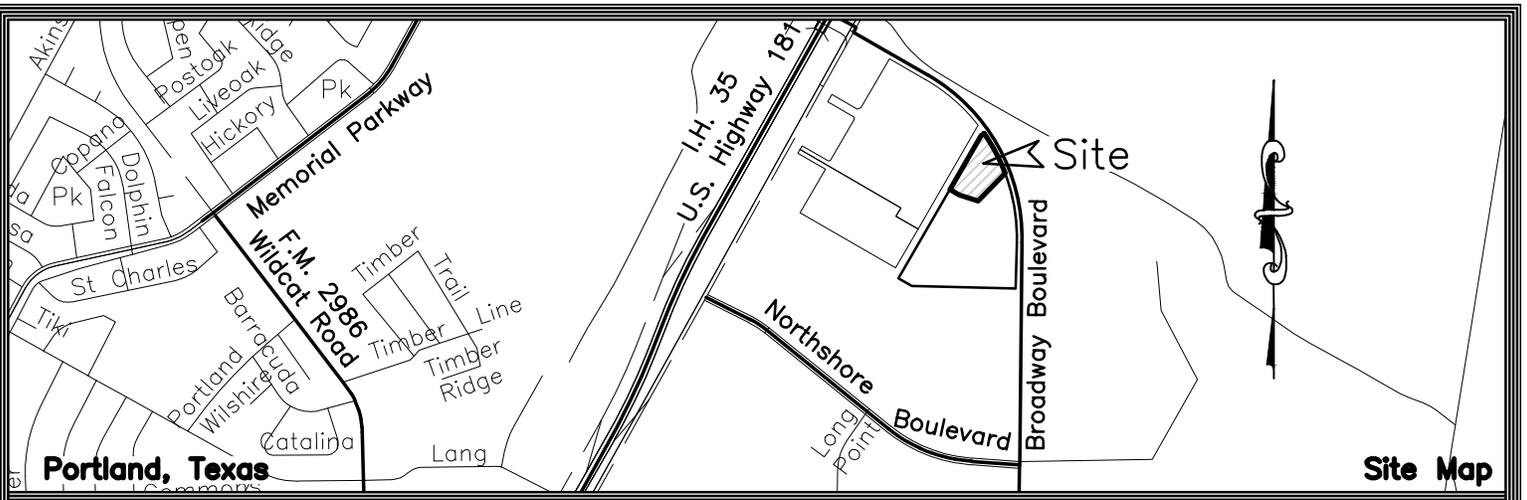
2725 SWANTNER DR. • CORPUS CHRISTI, TEXAS 78404

FAX (361)854-6001

www.urbaneng.com  
S:\Surveying\29914\B401\OFFICEMETES AND BOUNDS\029914B401-2.73Ac.-20140908.docx  
TBPE Firm #145

Page 1 of 1

TBPLS Firm #10032400

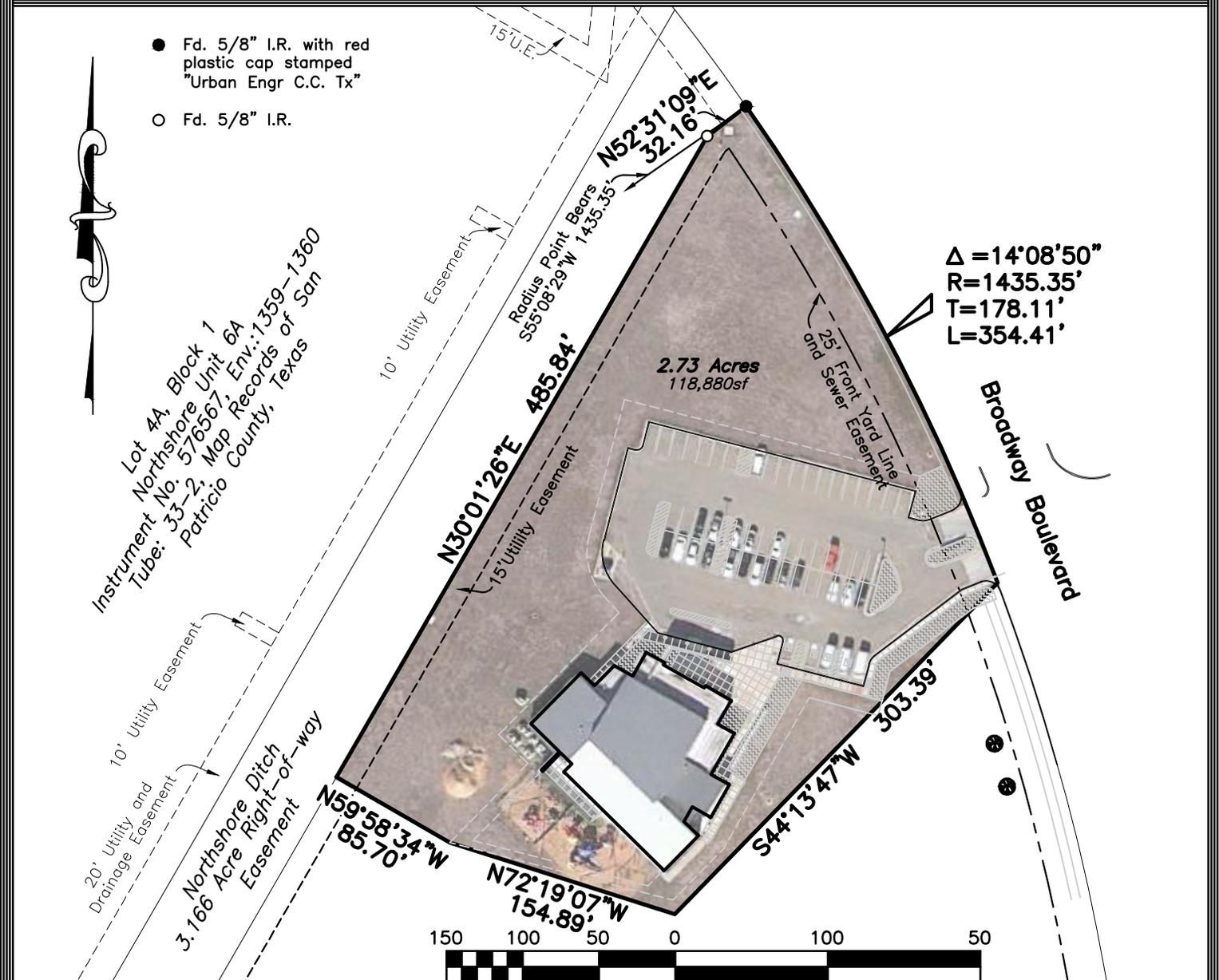
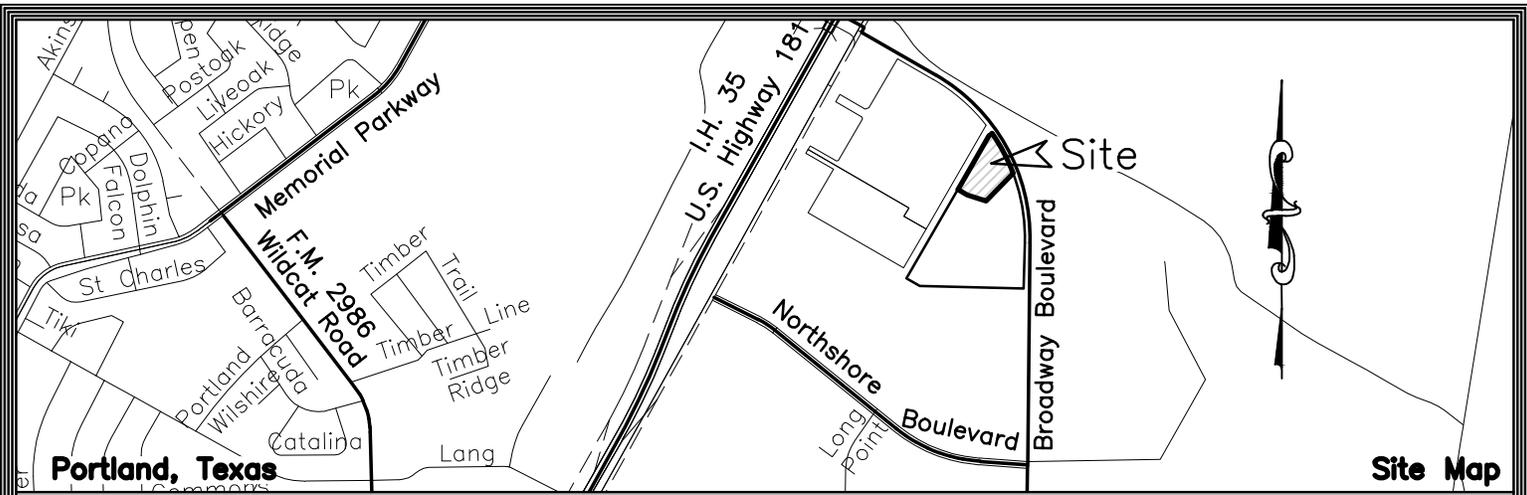


**Sketch to Accompany**

fieldnotes for a 2.73 Acre Tract out of Lot 1, Block 1, North Shore Unit 6, a map of which is recorded in Instrument No. 484248, Envelope A276 and A277, Tube 4-3, of the Map Records of San Patricio County, Texas

2725 Swantner St., Corpus Christi, TX 78404  
 TBPE Firm No. 145 TBPLS Firm No. 10032400  
 PHONE: (361) 854-3101 FAX: (361) 854-6001

DATE: Sept. 9, 2014  
 SCALE: 1"=100'  
 JOB NO.: 29914.B4.01  
 SHEET: 1 of 1  
 DRAWN BY: XG  
 © 2014 by Urban Engineering



**Site Plan for**

a 2.73 Acre Tract out of Lot 1, Block 1, North Shore Unit 6, a map of which is recorded in Instrument No. 484248, Envelope A276 and A277, Tube 4-3, of the Map Records of San Patricio County, Texas

**URBAN ENGINEERING**  
 2725 Swantner St., Corpus Christi, TX 78404  
 TBPE Firm No. 145 TBPLS Firm No. 10032400  
 PHONE: (361) 854-3101 FAX: (361) 854-6001

DATE: Sept. 9, 2014  
 SCALE: 1"=100'  
 JOB NO.: 29914.B4.01  
 SHEET: 1 of 1  
 DRAWN BY: XG  
 © 2014 by Urban Engineering

**AGENDA TITLE**      **PUBLIC HEARING – SPECIAL USE PERMIT NO. 2096**

The Planning and Zoning Commission will conduct a Public Hearing to solicit comments from citizens and other interested parties concerning a request from Robert M. Kennedy to approve Special Use Permit No. 2096 for the construction of a self-storage facility at 215 Seventh Avenue – Assistant City Manager

**REQUEST FOR SPECIAL USE PERMIT NO. 2096**

The Planning and Zoning Commission will consider a request from Robert M. Kennedy to recommend to the City Council approval of Special Use Permit No. 2096 for the construction of a self-storage facility at 215 Seventh Avenue – Assistant City Manager

**MEETING DATE**      10/14/2014

**DEPARTMENT**      Building and Development

**SUBMITTED BY**      Brian DeLatte, P.E., Assistant City Manager

---

**EXECUTIVE SUMMARY**

A Special Use Permit (SUP) application has been submitted by Robert M. Kennedy for a self-storage facility at 215 Seventh Avenue. Staff analysis shows that the request meets the technical requirements for granting the SUP. Staff recommends that the Planning and Zoning Commission recommends approval of the SUP with conditions to the City Council.

**SPECIAL USE PERMIT REQUEST**

215 Seventh Avenue is located on the abandoned railroad corridor right-of-way between Ken-Air and Railroad Avenue. The adjacent properties are:

- East—Ken-Air
- South—Seventh Street and abandoned railroad corridor right-of-way
- West—Railroad Avenue and McWhorter Electric
- North—Coastal Bend Lawn and Garden

The construction of a self-storage facility is not permitted by right in the OT-2 Olde Town Mixed Use District. An SUP is required so that the Planning and Zoning Commission and City Council can review the merits of the application and enforce any conditions necessary to prevent or minimize adverse effects on other properties in the neighborhood.

## **SPECIAL USE PERMIT APPROVAL CRITERIA**

Section 315 of the UDO outlines the following criteria for which the Planning and Zoning Commission and City Council shall base approval. Kennedy 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.

*Kennedy Response: "We don't feel that there is any impact on adjacent properties. The building is architecturally very similar to the existing neighborhood buildings. The area buildings are predominantly metal buildings with wainscot or face brick as required by city ordinance. This building will be the same."*

*Staff Comment: Pictures presented at the Public Hearing will show the existing surrounding buildings.*

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.

*Kennedy Response: "The proposed special use is for dry storage of household or office furnishings and equipment, perhaps some sporting and recreational equipment. All stored items will be indoors with none visible to the exterior. Storage compartments are accessed from interior halls minimizing the number of exterior doors. There are 5 doors, two on each end and one on the west side in the middle. These are minimal fire safety and access as required. The present zoning is Old Town -2 (mixed use), there should be no conflict having a storage use. The building to the east is a converted train station and warehouse space was prevalent in the past."*

*Staff Comment: None.*

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.

*Kennedy Response: "Present use in the area are a small engine repair shop, an air conditioning contractor, a home builders offices, and an electrical contractor's office and yard. The proposed use will be absolutely minimal disturbance to the existing businesses."*

*Staff Comment: Staff concurs.*

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.

*Kennedy Response: "The proposed project will not impact traffic. Typically such self-storage businesses have fewer than 3 visitors per hour, parking is being provided. Peak traffic will typically occur on the weekends when other businesses are closed."*

*Staff Comment: Staff concurs.*

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.

*Kennedy Response: "Environmental impact will not occur, dry storage facilities use little to no water and discharge no liquids from any process. There is one toilet in the facility and there will be use of the toilet and some hand washing, but no anticipated use of pollutant materials."*

*Staff Comment: Staff concurs.*

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

*Kennedy Response: "The community need for this facility is typical. Similar facilities are generally filled within 3 to 6 months of their construction and remain at full capacity for a very long time. Available storage facilities reduce the clutter in people's yards, which aids in promoting attractive neighborhoods."*

*Staff comment: None.*

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.

*Kennedy Response: "We don't anticipate that the project will result in any pattern of development. The area is already fairly well developed and this project simply fills existing vacant land in the midst of a nearly fully developed subdivision."*

*Staff comment: Staff concurs.*

### **CONDITIONS TO THE SPECIAL USE PERMIT**

If the Planning and Zoning Commission desires to recommend to the City Council that a Special Use Permit be granted, City Staff recommends that the following conditions. The applicant agreed in writing on October 9, 2014, with the imposition of these conditions.

1. The use of the facility shall be limited to those permitted uses in the OT-2, Ode Town Mixed Use District or to those uses permitted by this Special Use Permit.

2. The Special Use Permit allows the operation of an 118-unit self-storage facility at 215 Seventh Street. The Special Use Permit is not applicable nor is transferable to the remainder of the property.
3. A final plat must be approved by the Planning and Zoning Commission prior to the issuance of a building permit.
4. A final Site Plan for Nonresidential Use must be approved prior to the issuance of a building permit. The plan shall generally conform to the site plan depicted in Exhibit "A".
5. The self-storage shall fully comply with all City of Portland ordinances, rules, and regulations, including the regulation of "Storage, Self-Service" facilities in Unified Development Ordinance Section 508.
6. Outdoor storage is prohibited on the site.
7. Outdoor public address systems or other exterior sound systems are prohibited.

#### **ADJACENT PROPERTY NOTIFICATIONS AND PUBLIC HEARING NOTICES**

There are 24 adjacent properties within 200 feet of the subject lot. Property owners were notified by mail, postmarked September 26, 2014, of Public Hearings at the Planning and Zoning Commission and City Council meetings. Notice was also posted in the Coastal Bend Herald on September 25, 2014, in conformance with UDO Section 302. There has been no written or oral comment to the Development Services Department as of October 10, 2014.

#### **PUBLIC HEARING HEARING AND RECOMMENDATION BY PLANNING AND ZONING COMMISSION**

In accordance with UDO Section 315, 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.

## **ATTACHMENTS**

- Application for Special Use Permit
- Proposed Ordinance No. 2096

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## **RECOMMENDED ACTION**

Adopt one of the following motions:

**(1)** Recommend approval of the Special Use Permit with the negotiated conditions

**OR**

**(2)** Recommend approval of the Special Use Permit with the negotiated conditions and additional conditions

**OR**

**(3)** Recommend denial of the Special Use Permit



CITY OF PORTLAND
1101 Moore Avenue
Portland, TX 78374
Phone: (361) 777-4553
Fax: (361) 643-5709

(SUP)
APPLICATION FOR ZONING CHANGE

APPLICANT: Robert M. Kennedy PHONE: 361-290-1970
ADDRESS: 219 Seventh St. Portland, Tx.

(If other than owner, attach a written authorization from owner.)

AGENT OR ATTORNEY: -

PHONE: - ADDRESS: -

PROPERTY ADDRESS: 215 Seventh St.

LEGAL DESCRIPTION: -

CURRENT ZONING: OT-2 PROPOSED ZONING: OT-2 SUP

REASON FOR REQUEST:
SEE ATTACHED

PRINTED NAME: Robert M. Kennedy DATE: 9-3-2014

SIGNATURE OF APPLICANT OR AGENT: Robert M. Kennedy
r.kennedy@ken-air.biz

FILING FEE: \$500.00 plus actual engineering and legal costs

Make check payable to the City of Portland

Mail or bring application and filing fee to:

Office of the City Engineer
Public Works Building
1101 Moore Avenue
Portland, Texas 78374
(361) 777-4553

- SUBMITTALS:
(1) APPLICATION
(2) RESPONSE - HARD COPY & WORD DOC
(3) SITE PLAN - HARD COPY & PDF
(4) FILING FEE



Answers to questions 1 through 7 page 2 of the Special Use Permit (SUP)

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

We don't feel that there is any impact on adjacent properties. The building is architecturally very similar to the existing neighborhood buildings. The area buildings are predominantly metal buildings with wainscot or face brick as required by city ordinance. This building will be the same.

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.

The proposed special use is for dry storage of household or office furnishings and equipment, perhaps some sporting and recreational equipment. All stored items will be indoors with none visible to the exterior. Storage compartments are accessed from interior halls minimizing the number of exterior doors. There are 5 doors, two on each end and one on the west side in the middle. These are minimal fire safety and access as required. The present zoning is Old Town -2 (mixed use), there should be no conflict having a storage use. The building to the east is a converted train station and warehouse space was prevalent in the past.

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.

Present use in the area are a small engine repair shop, an air conditioning contractor, a home builders offices, and an electrical contractors office and yard.. The proposed use will be absolutely minimal disturbance to the existing businesses.

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.

The proposed project will not impact traffic. Typically such self storage businesses have fewer than 3 visitors per hour, parking is being provided. Peak traffic will typically occur on the weekends when other businesses are closed.

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.

Environmental impact will not occur, dry storage facilities use little to no water and discharge no liquids from any process. There is one toilet in the facility and there will be use of the toilet and some hand washing, but no anticipated use of pollutant materials.

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

The community need for this facility is typical. Similar facilities are generally filled within 3 to 6 months of their construction and remain at full capacity for a very long time. Available storage facilities reduce the clutter in peoples yards, which aids in promoting attractive neighborhoods.

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.

We don't anticipate that the project will result in any pattern of development. The area is already fairly well developed and this project simply fills existing vacant land in the midst of a nearly fully developed subdivision.

RA R

EIGHTH STREET (70' R.O.W.)

RAILROAD AVENUE  
(100' R.O.W.)

0.797 ACRES  
347.10'

115.73'  
N89°48'01"E

347.10'  
S30°01'07"W

G

KEN-AIR

115.73'  
S89°48'01"W

SEVENTH STREET (70' R.O.W.)

SCALE: 1" = 16'

C1

KEN-AIR INDOOR AIR QUALITY INC.  
219 SEVENTH STREET  
PORTLAND, TEXAS 78374  
(361) 643-1414

# SITE PLAN



RAYMOND W. STONE  
REGISTERED PROFESSIONAL  
ENGINEER  
AND  
ARCHITECTURAL  
SERVICES

R. W. STONE, ENGINEER, PLLC  
REGISTERED FIRM #1627  
2072 FM 2725  
INGLESIDE, TX. 78362  
PHONE (361) 232-4020  
raywstone@cableone.net

- ISSUED FOR REVIEW
- ISSUED FOR PERMIT
- ISSUED FOR CONSTRUCTION



1 **ORDINANCE NO. 2096**

2  
3 **AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A SELF-**  
4 **STORAGE FACILITY AT 215 SEVENTH AVENUE; PROVIDING FOR THE**  
5 **REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A**  
6 **SEVERABILITY CLAUSE; ESTABLISHING A PENALTY FOR VIOLATIONS;**  
7 **PROVIDING AND ESTABLISHING AN EFFECTIVE DATE; AND**  
8 **PROVIDING FOR PUBLICATION**  
9

10 **WHEREAS** Robert M. Kennedy, the owner of 215 Seventh Avenue, has submitted a  
11 Special Use Permit application to construct a self-storage facility on the property; and  
12

13 **WHEREAS** the Planning and Zoning Commission conducted a Public Hearing on October  
14 14, 2014, and recommended that the request be granted by the City Council with conditions;  
15 and,  
16

17 **WHEREAS** the City Council conducted a Public Hearing on October 21, 2014, to solicit  
18 comments concerning revisions to the Unified Development Ordinance; and,  
19

20 **WHEREAS** no formal written protest was filed by adjacent property owners and a  
21 majority vote is required to approve both readings of this ordinance; and,  
22

23 **WHEREAS** the City Council deliberated approval of the Special Use Permit on October  
24 21, 2014.  
25

26 **NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,**  
27 **TEXAS:**  
28

29 **SECTION 1:** Special Use Permit No. 2096 is hereby granted with the following conditions  
30 as set forth in the Unified Development Ordinance Section 315.  
31

- 32 1. The use of the facility shall be limited to those permitted uses in the OT-2, Ode Town  
33 Mixed Use District or to those uses permitted by this Special Use Permit.  
34
- 35 2. The Special Use Permit allows the operation of an 118-unit self-storage facility at  
36 215 Seventh Avenue. The Special Use Permit is not applicable nor is transferable to  
37 the remainder of the property.  
38
- 39 3. A final plat must be approved by the Planning and Zoning Commission prior to the  
40 issuance of a building permit.  
41
- 42 4. A final Site Plan for Nonresidential Use must be approved prior to the issuance of a  
43 building permit. The plan shall generally conform to the site plan depicted in Exhibit  
44 "A".

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- 5. The self-storage shall fully comply with all City of Portland ordinances, rules, and regulations, including the regulation of “Storage, Self-Service” facilities in Unified Development Ordinance Section 508.
- 6. Outdoor storage is prohibited on the site.
- 7. Outdoor public address systems or other exterior sound systems are prohibited.

**SECTION 2:** The failure of of the facility owner or tenant to comply with any conditions of this Ordinance shall immediately render this Ordinance null and void. In such an event, the City of Portland shall strictly enforce the requirements of the OT-2, Olde Town Mixed Use District by any and all legal means necessary.

**SECTION 3:** If any provision, section, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

**SECTION 4:** Any previously adopted ordinance, resolution, rule, regulation or policy in conflict with this Ordinance is hereby repealed.

**SECTION 5:** Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars (\$500.00). Each and every day that a violation of this Ordinance occurs shall constitute a separate offense.

**SECTION 6:** This Ordinance shall be published after second reading hereof by publishing the caption thereof in the official newspaper with a statement the public may view the Ordinance in the Office of the City Secretary. This Ordinance shall be effective from and after the publication provided herein.

**PASSED and APPROVED** on second reading this \_\_\_\_ day of \_\_\_\_\_ 2014.

**CITY OF PORTLAND**

\_\_\_\_\_  
**David Krebs**  
**Mayor**

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**ATTEST:**

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**Annette Hall**  
**City Secretary**

|                     |  |
|---------------------|--|
| <b>AGENDA TITLE</b> | <b><u>SUBDIVISION PRELIMINARY PLAT</u></b><br>The Planning and Zoning Commission will consider the preliminary plat of Wes Ridge |
| <b>MEETING DATE</b> | 10/14/2014   |
| <b>DEPARTMENT</b>   | Building and Development   |
| <b>SUBMITTED BY</b> | Brian DeLatte, P.E., Assistant City Manager  |

---

**EXECUTIVE SUMMARY**

A preliminary plat has been submitted for 30.3 acres located at the southwest corner of CR 1612 and CR 3767. The property is located outside of the city limits, but within the extraterritorial jurisdiction (ETJ). The preliminary plat proposes 26 approximately 1 acre lots. While the property is not zoned, it would meet the newly-created R-2, Single-Family Residential Zoning District lot standards.

**PRIOR ACTIONS OR REVIEWS**

None.

**DETAILS / STAFF ANALYSIS**

The City has limited authority to control subdivision characteristics within the ETJ. The City's approval focus is on right-of-way and easement preservation, lot dimensions, drainage, and utility service. Texas Local Government Code prohibits the City, for example, from controlling the bulk or size of buildings in the ETJ. Additionally, the number of driveways that front onto CR 3767 cannot be regulated by the City as CR 3767 is currently a county facility.

The plat has been reviewed and recommended for approval by the San Patricio Drainage District, as well as the consulting City utilities engineer.

**ATTACHMENTS**

- Preliminary Plat of Wes Ridge

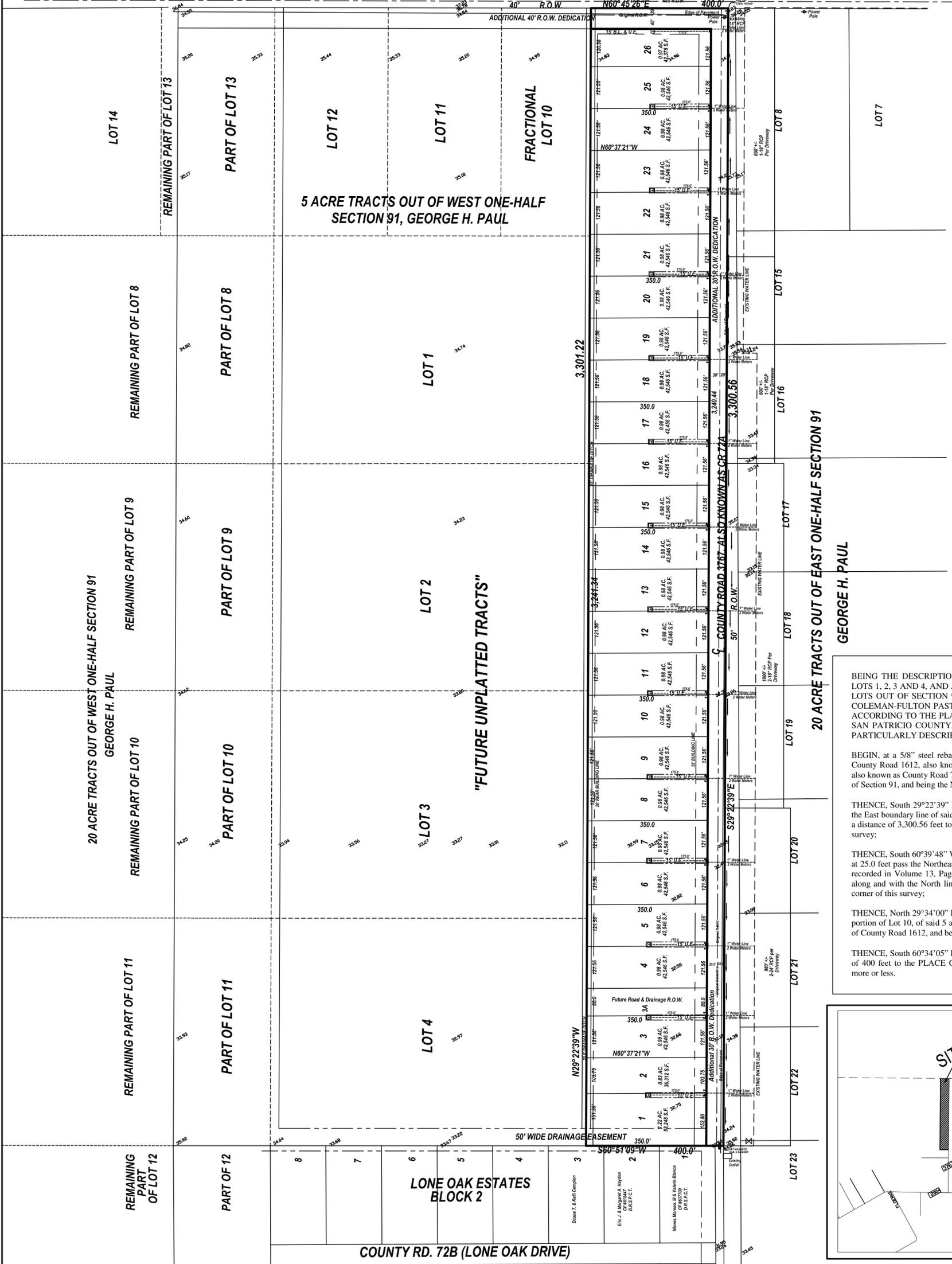
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**RECOMMENDED ACTION**

Adopt a motion that approves the preliminary plat of Wes Ridge subject to the following conditions:

- (1) Compliance with all City of Portland ordinances, rules, and regulations
- (2) Payment of all platting fees and review fees

COUNTY ROAD 1612



### Legend

-  - Water Meter
-  - Transformer
-  - Pull Box
-  - Existing Power Pole

BEING THE DESCRIPTION OF 30.3 ACRES OF LAND EMBRACING A PORTION OF LOTS 1, 2, 3 AND 4, AND ALL OF LOT 9, AND A PORTION OF LOT 10 OF THE 5 ACRE LOTS OUT OF SECTION 91, GEORGE H. PAUL COMPANY'S SUBDIVISION, OF THE COLEMAN-FULTON PASTURE COMPANY LANDS, SAN PATRICIO COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGE 32, MAP RECORDS OF SAN PATRICIO COUNTY, TEXAS, WITH SAID 30.3 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

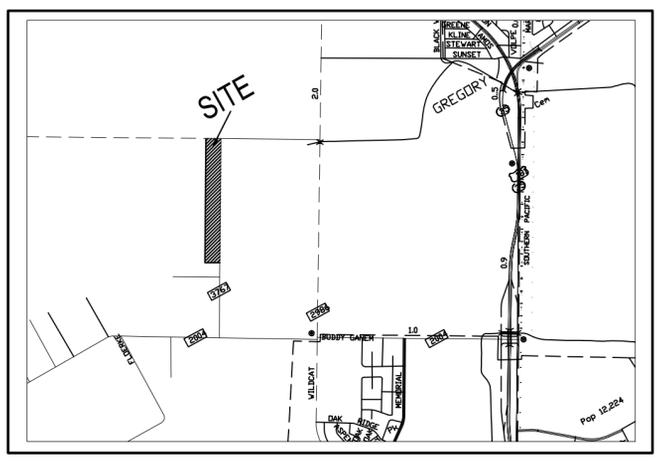
BEGIN, at a 5/8" steel rebar found in asphalt at the point of intersection of the centerline of County Road 1612, also known as County Road 78, with the centerline of County Road 3767, also known as County Road 72-A, and being the Northeast corner of Lot 9, of said 5 acre lots out of Section 91, and being the NORTHEAST corner and PLACE OF BEGINNING of this survey;

THENCE, South 29°22'39" East, along and with the centerline of County Road 3767, and with the East boundary line of said Lot 9, and Lots 1, 2, 3 and 4, of said 20 acre lots out of Section 91, a distance of 3,300.56 feet to a magnetic nail and washer set for the SOUTHEAST corner of this survey;

THENCE, South 60°39'48" West, at 23.18 feet pass a 5/8" steel rebar found online for reference, at 25.0 feet pass the Northeast corner of Lot 1, Block 2, Lone Oak Estates, according to the plat recorded in Volume 13, Page 34, Map Records of San Patricio County, Texas, and continuing along and with the North line of Lone Oak Estates a distance of 400.0' for the SOUTHWEST corner of this survey;

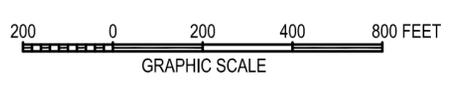
THENCE, North 29°34'00" East, crossing Lots 1, 2, 3 and 4, of said 20 acre lots, and crossing a portion of Lot 10, of said 5 acre lots, a total distance of 3,301.34 feet to a point in the centerline of County Road 1612, and being the NORTHWEST corner of this survey;

THENCE, South 60°34'05" East, along and with the centerline of County Road 1612, a distance of 400 feet to the PLACE OF BEGINNING of this survey and containing 30.3 acres of land more or less.



**Griffith & Brundrett**  
 Surveying & Engineering, Inc.  
 411 S. Pearl St., P.O. Box 2322  
 Rockport, Texas 78381  
 Phone: 361-729-6479  
 Phone: 361-729-7933  
 Email: jerryb@gsurveyor.com  
 Website: www.gsurveyor.com

DATE: AUGUST 5, 2014  
 SCALE: 1" = 200'  
 FILE NAME: 140624BB2



# PRELIMINARY PLAT OF WES RIDGE

CITY OF PORTLAND  
 SAN PATRICIO COUNTY, TEXAS

## OWNER INFORMATION

RAMIRO GARCIA  
 PO BOX 1864  
 INGLESIDE, TX 78362  
 361-960-3677

## Notes:

Soil Survey maps of San Patricio County indicate a VcA soil series with seasonal groundwater expected in the >6' range. This was consistent with on site findings.

Side set backs are 15'

All lots to have septic tanks

Electrical as Designed by A.E.P

Connections with Cable, Telephone To Be Determined At A Later Date.