



PLANNING AND ZONING COMMISSION AGENDA

Regular Meeting
Tuesday, November 11, 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 October 14, 2014 Regular Meeting – Chairperson Forsythe
3. **PUBLIC HEARING – REZONING REQUEST:** The Planning and Zoning Commission will conduct a Public Hearing to solicit comments from citizens and other interested parties concerning a request from Northshore Properties II, LLC, to rezone 4.79 acres in Lots 2R and 3R, Block 14, Northshore Unit 3, from C-R, Retail Commercial District, to R-20, Multifamily Residential District – Assistant City Manager
4. **ORDINANCE NO. 2097 – REZONING REQUEST:** The Planning and Zoning Commission will consider a request from Northshore Properties II, LLC, to rezone 4.79 acres in Lots 2R and 3R, Block 14, Northshore Unit 3, from C-R, Retail Commercial District, to R-20, Multifamily Residential District – Assistant City Manager
5. **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 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: November 7, 2014 by 5 p.m.
City Hall

By: 
Annette Hall
City Secretary

MINUTES

PLANNING AND ZONING COMMISSION

October 14, 2014 REGULAR MEETING

The Planning and Zoning Commission conducted its October 14, 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)
John Rooney (Vice-Chairperson)
Pete Stricker
Jerry Browning
Mark Wendland
Theresa Nix
*Mark Roach**

STAFF PRESENT

Randy Wright, City Manager
Brian DeLatte, Assistant City Manager
Annette Hall, City Secretary
Brandon Lemon, Accounting Assistant
Drew Schell, IT Technician

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 September 9, 2014, Regular Meeting

Mr. Stricker made a motion to accept the minutes of the September 9, 2014, Regular Meeting. Ms. Nix seconded the motion.

The motion passed (5-1) with Mr. Rooney abstaining.

****Mr. Roach arrived after the vote was taken.***

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

Chairperson Forsythe opened the Public Hearing at 7:01 p.m.
Assistant City Manager Brian DeLatte presented the following information:

Special Use Permit Application

- Current Zoning is R-7, Single-Family Residential
- Proposal to utilize the existing church building as a vocational training facility for Cheniere Energy
- Application states that “the proposed use of the facilities will be for training facilities and office space associated with the use of the educational facilities”
- “School, College or Vocational” is allowed by SUP
 - SUP allows additional regulation and scrutiny of noise, traffic, hours of operation, and visual impacts

Proposed 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.

Approval Criteria

1. Impacts Minimized
2. Consistent with this Ordinance
3. Compatible with Surrounding Area
4. Traffic Circulation
5. Effect on Natural Environment
6. Community Need
7. Development Patterns

GPISD Representatives, Construction Manager David Batot and DeAngelo Reyes with Urban Engineering were present to answer questions.

Chairperson Forsythe asked for any additional comment from the public. Hearing and seeing none, the Public Hearing was closed at 7:15 p.m.

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

Board Members and Assistant City Manager Brian DeLatte discussed the following:

- The possibility of tying the lease period to the tenant in the proposed ordinance.
- The party responsible for notify the City of a change in tenants.
- **SECTION 2 OF THE PROPOSED ORDINANCE**: The failure of the facility owner (Gregory-Portland Independent School District) or the 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 R-7, Single-Family Residential District by any and all legal means necessary.

Mr. Stricker made the motion to recommend the City Council approve the request for Special Use Permit No. 2095 with the proposed negotiated conditions, Mr. Rooney seconded the motion.

The motion passed (7-0).

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

Chairperson Forsythe opened the Public Hearing at 7:19 p.m.

Assistant City Manager Brian DeLatte presented the following information:

Special Use Permit Application

- Current Zoning is OT-2, Olde Town Mixed Use District
- Application proposes 118-unit interior access self-storage facility
- “Storage, Self-Service or Mini-Storage” is allowed by SUP in OT-2
 - SUP allows additional regulation and scrutiny of noise, traffic, hours of operation, and visual impacts
 - Self-storage is further regulated by UDO Sec. 508, including:
 - Security lighting
 - Prohibition of hazardous materials
 - Drive aisle access
 - Outside storage
 - Location with respect to zoning boundaries
 - Decorative fencing and landscaping

Proposed Conditions

1. The use of the facility shall be limited to those permitted uses in the OT-2, Olde 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.

Approval Criteria

1. Impacts Minimized
2. Consistent with this Ordinance
3. Compatible with Surrounding Area
4. Traffic Circulation
5. Effect on Natural Environment
6. Community Need
7. Development Patterns

Planning and Zoning Consideration

- Submit recommendation to the City Council
 - Recommend approval with negotiated conditions
 - Recommend approval with additional conditions
 - Recommend denial
- Public Hearing at City Council 10/21/14

Chairperson Forsythe asked for any additional comment from the Public Hearing and seeing none, the Public Hearing was closed at 7:27 p.m.

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

Board Members and Assistant City Manager, Brian DeLatte, discussed the following requirements:

- Decorative fencing
- Metal Building or Masonry Façade
- Outside lighting
- Interior storage only
- No outside storage allowed

Mr. Rooney made the motion to recommend the City Council approve the request for Special Use Permit No. 2096 with the proposed negotiated conditions, Mr. Stricker seconded the motion.

The motion passed (7-0).

7. **SUBDIVISION PRELIMINARY PLAT:** The Planning and Zoning Commission will consider the preliminary plat of Wes Ridge – Assistant City Manager

Assistant City Manager, Brian DeLatte, explained that 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). It should be noted that a portion this property will be contiguous at the end of the proposed annexation process, so during the final plat process the property owner will be required to submit a voluntary annexation application to receive water service.

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. 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.

Board members and Assistant City Manager, Brian DeLatte, discussed that the timing the final plat submittal and the proposed annexation may require a portion of the un-platted property to be voluntarily annexed in order to receive water service.

Mr. Stricker made the motion to approve the preliminary plate 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

Mr. Wendland seconded the motion.

The motion passed (7-0).

8. **ADJOURNMENT:** Chairperson Forsythe

Chairperson Forsythe adjourned the meeting at 7:40 p.m.

APPROVED:

Chairperson Craig Forsythe

ATTEST:

Brian DeLatte, P.E.
Assistant City Manager

AGENDA TITLE **PUBLIC HEARING – REZONING REQUEST**

The Planning and Zoning Commission will conduct a Public Hearing to solicit comments from citizens and other interested parties concerning a request from Northshore Properties II, LLC, to rezone 4.79 acres in Lots 2R and 3R, Block 14, Northshore Unit 3, from C-R, Retail Commercial District, to R-20, Multifamily Residential District – Assistant City Manager

ORDINANCE NO. 2097 – REZONING REQUEST

The Planning and Zoning Commission will consider a request from Northshore Properties II, LLC, to rezone 4.79 acres in Lots 2R and 3R, Block 14, Northshore Unit 3, from C-R, Retail Commercial District, to R-20, Multifamily Residential District – Assistant City Manager

MEETING DATE 11/11/2014

DEPARTMENT Building and Development

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

EXECUTIVE SUMMARY

A zoning application has been submitted by Northshore Properties II, LLC, to rezone approximately 4.79 acres in Lots 2R and 3R, Block 14, Northshore Unit 3, from C-R, Retail Commercial District, to R-20, Multifamily Residential District. The applicant is proposing to construct an apartment complex on Centerpointe Drive by combining the existing undeveloped tract that is currently zoned R-20 with the proposed 4.79 acres to be rezoned R-20. Staff analysis shows that the rezoning is generally consistent with the Comprehensive Plan and Unified Development Ordinance. However, scrutiny should be given in approving R-20 zoning due to its inability in requiring design elements such as masonry requirements.

REZONING REQUEST

Northshore Properties II, LLC, holds approximately 17.6 acres of property bounded by North Shore Blvd., Centerpointe Drive, Pipeline Alley, and the Northshore Landing Apartments. The property is zoned C-R, Retail Commercial, and R-20, Multifamily Residential. The portion of the property currently zoned R-20 is the last remaining undeveloped R-20 within the city limits. The proposal will increase the area available for multifamily development to generally south of the intersection of Esplanade Drive and Centerpointe Drive.

REZONING APPROVAL CRITERIA

Section 318 of the UDO outlines the following criteria for which the Planning and Zoning Commission and City Council shall base approval of zoning requests, although the wisdom of amending the Official Zoning Map is a matter committed to the sound legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt, adopt with modifications or deny the proposed amendment, the City Council shall consider the following factors. J. Schwarz & Associates, Inc., has provided a response for each criterion:

1. **Compatible with Plans and Policies.** Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning and Zoning Commission or City Council.

JSA comment: The property in question does not have consistent zoning across the entire tracts. Lot 2-R and Lot 3-R are zoned both C-R and R-20. The zoning change will allow for each property to have consistent R-20 zoning across the entire lot and to be platted with one zone. This will eliminate any issues moving forward with the development of the site.

2. **Consistent with this Ordinance.** Whether and the extent to which the proposed amendment would conflict with any portion of this Ordinance.

JSA comment: The proposed zoning change will not conflict with any portion of the ordinance.

3. **Compatible with Surrounding Area.** Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.

JSA comment: The zoning change will allow for R-20 development across the entire Lot 2-R and Lot 3-R site. This will only increase the R-20 zone by 3.985 acres and 67 units. As a portion of each lot is already zoned R-20, there will be no significant change to the surrounding area.

4. **Changed Conditions.** Whether and the extent to which there are changed conditions that require an amendment.

JSA comment: The existing zoning line bisects two tracts and does not encapsulate either. The change will allow for the entire tracts to be zoned cohesively thus eliminating future issues with the development of the sites.

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

JSA comment: The proposed zoning change will have no greater adverse impact to the environment as the existing zoning.

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

JSA comment: The proposed change will allow for the R-20 zoning to remain tightly situated together in one district in the city. Housing is at a premium in the area and the change will allow for the development of an addition 67 units.

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

JSA comment: The proposed change will not affect the pattern of urban development as a portion of both the lots in question are already zoned R-20. The existing zoning map bisected the affected tracts with two different zones. The proposed change will insure zoning continuity across the tracts and facilitate future development of the tracts.

STAFF ANALYSIS

City Staff generally concurs with the appropriateness of this tract being utilized as multifamily as its location, size, and shape are ideal for a multifamily tract. However, City Staff believes that scrutiny must be given to several items concerning the application’s congruence with the City’s Comprehensive Plan as an R-20 request. The first concern relates to how many multifamily units are allowed to be constructed in accordance with Section 704 of the Unified Development Ordinance:

Sec. 704. - Multifamily Residential Design Requirements.

A. Project Design.

1. *Multifamily residential dwelling units shall not exceed twenty-five (25) percent of all dwelling units within the City.*
 - a. *Multifamily developments may exceed the above requirement, but shall be required to rezone to a Planned Unit Development (PUD) (see [Section 316](#), Planned Unit Development (PUD)).*
 - b. *These PUD developments are intended to result in high quality and innovative mixed density housing developments.*

The City’s current housing mix is:

Housing Type	Count	Percentage
Single Family Residential Accounts	5030	74.85%
Medium-density residential units	61	0.91%
Multifamily units	1589	23.79%
	6720	100.00%
Number of multifamily units allowed prior to multifamily reaching 25%		108

As the table illustrates, there is the ability for an additional 108 multifamily units to be

constructed and still stay within the 25% threshold. Approximately 6.2 acres of the tract that is already zoned R-20 would yield approximately 104 units. These units are permitted by right even though they would exceed the 25% threshold. The 4.79 acres requested for rezoning would yield an additional 67 units. As the first 104 units are legally permitted by right, the City Attorney has indicated that rezoning for an additional 67 units would not exceed the threshold. Therefore, the analysis shows that the rezoning request can be legally considered as it does not violate the UDO Section 704.

A second concern that the Planning and Zoning Commission and City Council should evaluate is whether the application meets the Comprehensive Plan's intent to construct high quality and innovative development, which is identified in approval criteria 1 and 2. The UDO has been recently amended to allow for additional multifamily construction within the City through a Planned Unit Development (PUD) process. The PUD process is similar in nature to a zoning case, but it attaches a concept plan to the approval. The concept plan would include site plans, building elevations, landscape plans, and other items that would assist in demonstrating a high quality and innovative development. The PUD approval would not simply be for a zoning change, but rather would tie the zoning change to the concept plan that could only be modified by additional City Council action.

While the applicant is not legally required to do so, City Staff recommended that the rezoning occur through a PUD request rather than an R-20 request. Rezoning to R-20 provides a benefit to the applicant in that the property is then zoned for any type of multifamily project without the expense of preparing a concept plan. The vulnerability to the City rezoning to R-20 is that the property is then not subject to any requirements that would normally be included in a PUD case, including masonry requirements, building layout restrictions, parking lot material requirements, or site amenities. R-20 construction is governed by UDO Section 704 which does not contain masonry requirements and contains limited site design constraints. It is important to note that these additional requirements or constraints cannot be added to an R-20 zoning case, as the PUD process is designed to accommodate such conditions.

ADJACENT PROPERTY NOTIFICATIONS AND PUBLIC HEARING NOTICES

There are 10 adjacent properties within 200 feet of the subject lot. Property owners were notified by mail, postmarked October 31, 2014, of Public Hearings at the Planning and Zoning Commission and City Council meetings. Notice was also posted in the Coastal Bend Herald on October 23, 2014, in conformance with UDO Section 302. There has been no written or oral comment to the Development Services Department as of November 6, 2014.

PUBLIC HEARING HEARING AND RECOMMENDATION BY PLANNING AND ZONING COMMISSION

In accordance with UDO Section 318, the Planning and Zoning Commission shall, after required notice, conduct a public hearing on each request for an amendment of the Official Zoning Map. At the public hearing, the Planning and Zoning Commission shall consider the application, comments and recommendations of 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, approve with modifications, or deny the proposed amendment based on the amendment criteria. A tie vote by the Planning and Zoning Commission on any proposed amendment to the Official Zoning Map or the text of this Ordinance shall be forwarded without recommendation to the City Council.

ATTACHMENTS

- Application for Zoning Change
- Notice of Public Hearing
- Proposed Ordinance No. 2097

RECOMMENDED ACTION

Adopt one of the following motions:

(1) Recommend to City Council approval of the rezoning request

OR

(2) Recommend to City Council approval with modifications the rezoning request

OR

(3) Recommend to City Council denial of the rezoning request



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

APPLICATION FOR ZONING CHANGE

APPLICANT: William C. Cocke PHONE: 361-815-0140

ADDRESS: 101 Cedar Dr. Portland, TX

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

AGENT OR ATTORNEY: n/a

PHONE: n/a ADDRESS: n/a

PROPERTY ADDRESS: Corner of Esplanade and Centerpointe

LEGAL DESCRIPTION: A 4.79 acres tract out of Lot 2R and 3R, Block 14 Northshore Unit 3

CURRENT ZONING: C-R PROPOSED ZONING: R-20

REASON FOR REQUEST:
Change zoning of part of Lots 2R and 3R of Block 14 Northshore Unit 3

PRINTED NAME: William C. Cocke DATE: 10-13-14

SIGNATURE OF APPLICANT OR AGENT: _____

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



J. Schwarz & Associates, Inc.

Professional Engineering Solutions

October 30, 2014

Brian Delatte, PE
City of Portland
1900 Billy G. Webb Dr.
Portland, TX 78374

Re: Zoning Approval Criteria

Mr. DeLatte:

Per your email dated October 21, 2014 regarding the rezoning application for William C. Cocke, we offer the following responses:

1. Tax certificate on the property showing Bill owns it. **Attached is the requested tax certificate.**
2. Explanations on how we meet the approval criteria in UDO Section 318.G:
 - I. Compatible with Plans and Policies. Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning and Zoning Commission or City Council. **The property in question does not have consistent zoning across the entire tracts. Lot 2-R and Lot 3-R are zoned both C-R and R-20. The zoning change will allow for each property to have consistent R-20 zoning across the entire lot and to be platted with one zone. This will eliminate any issues moving forward with the development of the site.**
 - II. Consistent with this Ordinance. Whether and the extent to which the proposed amendment would conflict with any portion of this Ordinance. **The proposed zoning change will not conflict with any portion of the ordinance.**
 - III. Compatible with Surrounding Area. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land. **The zoning change will allow for R-20 development across the entire Lot 2-R and Lot 3-R site. This will only increase the R-20 zone by 3.985 acres and 67 units. As a portion of each lot is already zoned R-20, there will be no significant change to the surrounding area.**

- IV. Changed Conditions. Whether and the extent to which there are changed conditions that require an amendment. *The existing zoning line bisects two tracts and does not encapsulate either. The change will allow for the entire tracts to be zoned cohesively thus eliminating future issues with the development of the sites.*
- V. Effect on Natural Environment. Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment. *The proposed zoning change will have no greater adverse impact to the environment as the existing zoning.*
- VI. Community Need. Whether and the extent to which the proposed amendment addresses a demonstrated community need. *The proposed change will allow for the R-20 zoning to remain tightly situated together in one district in the city. Housing is at a premium in the area and the change will allow for the development of an addition 67 units.*
- VII. Development Patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community. *The proposed change will not affect the pattern of urban development as a portion of both the lots in question are already zoned R-20. The existing zoning map bisected the affected tracts with two different zones. The proposed change will insure zoning continuity across the tracts and facilitate future development of the tracts.*

Should you have any questions or require any additional information, please do not hesitate to call.

Sincerely,
J. Schwarz & Associates, Inc.

James Schwarz, P.E.
Project Engineer
encl.:
C:\JSA\Cocke\Rezoneletter103014.Doc



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 November 11, 2014 (Tuesday) and the City Council of the City of Portland on November 18, 2014 (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 North Shore Properties, Inc., to rezone 4.79 acres generally located at the southwest corner of Esplanade Drive and Centerpointe Drive from C-R, Commercial Retail District, to R-20, Multifamily Residential District:

A 4.79 Acre tract of land being being out of Lot 2R and 3R of the Replat of Block 14 North Shore Unit 3, of San Patricio County, Texas, and being more particularly described as follows:

BEGINNING at the lower Northwest corner of this zoning tract in the Southwest line of Esplanade Drive.

THENCE, with the Southwest line of said Esplanade Drive and the Southeast line of Centerpointe Drive as follows:

S 59° 57' 36" E 138.56 feet to an angle point;

With a curve to the right, having a radius of 20.00 feet, an arc of 31.42 feet, a tangent of 20.00 feet, and a central angle of 90° 00' 04", and a chord bearing S 14° 57' 32" E 28.28 feet to an angle point;

S 30° 02' 31" W 5.00 feet to an angle point;

S 59° 57' 35" E 60.00 feet to an angle point;

N 30° 02' 24" E 1078.36 feet to the upper Northwest corner of this zoning tract;

THENCE, with the Southwest line of North Shore Boulevard as follows: S 50° 30' 13" E 712.80 feet to the Northeast corner of this zoning tract;

THENCE, S 27° 25' 55" W 1558.57 feet to the Southwest corner of said Lot 1R, the Southeast corner of said Lot 2R, and an interior corner of this zoning tract.

THENCE, N 88° 19' 51" W 343.35 feet to the POINT OF BEGINNING.

A map of the proposed zoning is located at <http://www.portlandtx.com/index.aspx?nid=102>

Any questions concerning this matter should be directed to Brian DeLatte, Assistant City Manager, at (361) 777-4601 or brian.delatte@portlandtx.com

1 **ORDINANCE NO. 2097**

2
3 **AN ORDINANCE REZONING APPROXIMATELY 4.79 ACRES OF**
4 **PORTIONS OF LOTS 2R AND 3R, BLOCK 14, NORTSHORE UNIT 3,**
5 **FROM C-R, RETAIL COMMERCIAL DISTRICT, TO R-20, MULTIFAMILY**
6 **RESIDENTIAL DISTRICT AT THE REQUEST OF THE OWNER;**
7 **AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PORTLAND;**
8 **PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT**
9 **HEREWITH; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A**
10 **PENALTY FOR VIOLATIONS; PROVIDING AND ESTABLISHING AN**
11 **EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION**

12
13 **WHEREAS** Northshore Properties II, LLC, the owner of Lots 2R and 3R, Block 14,
14 Northshore Unit 3, has requested that 4.79 acres of its property be rezoned from C-R, Retail
15 Commercial District, to R-20, Multifamily Residential District; and

16
17 **WHEREAS** the Planning and Zoning Commission conducted a Public Hearing on
18 November 11, 2014, to solicit comments from citizens and other interested parties and
19 recommended that the request be granted by the City Council; and,

20
21 **WHEREAS** the City Council conducted a Public Hearing on November 18, 2014, to solicit
22 comments from citizens and other interested parties concerning the request; and,

23
24 **WHEREAS** no formal written protest was filed by adjacent property owners and a
25 majority vote is required to approve both readings of this ordinance.

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

29
30 **SECTION 1:** The request of Northshore Properties II, LLC, is hereby granted. 4.79 acres
31 of portions of Lots 2R and 3R, Block 14, Northshore Unit 3 is hereby rezoned to R-20,
32 Multifamily Residential District, a legal description of which is attached hereto and incorporated
33 herein.

34
35 **SECTION 2:** The Official Zoning Map of the City of Portland is hereby amended to reflect
36 that the 4.79 acres of portions of Lots 2R and 3R, Block 14, Northshore Unit 3 is hereby rezoned
37 from C-R, Retail Commercial District, to R-20, Multifamily Residential District.

38
39 **SECTION 3:** If any provision, section, clause, or phrase of this Ordinance, or the
40 application of same to any person or set of circumstances is, for any reason held to be
41 unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall
42 not be affected thereby, it being the intent of the City Council in adopting this Ordinance that
43 no portion hereof, or provisions or regulations contained herein, shall become inoperative or

44 fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this
45 Ordinance are declared severable for that purpose.

46

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

49

50 **SECTION 5:** Any person who violates this Ordinance shall be guilty of a misdemeanor
51 and, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars
52 (\$500.00). Each and every day that a violation of this Ordinance occurs shall constitute a
53 separate offense.

54

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

59

60 **PASSED** and **APPROVED** on second reading this ____ day of _____ 2014.

61

62

CITY OF PORTLAND

63

64

65

David Krebs

66

67

Mayor

68

69

ATTEST:

70

71

72

Annette Hall

73

74

City Secretary

FIELD NOTES TO DESCRIBE

A 4.79 Acre Tract of land for zoning purposes being situated in the City of Portland in San Patricio County, Texas, being out of Lot 2R and 3R of the Replat of Block 14 North Shore Unit 3, of San Patricio County, Texas and being more particularly described as follows:

BEGINNING: At the lower Northwest corner of this zoning tract in the Southwest line of Esplanade Drive.

THENCE: With the Southwest line of said Esplanade Drive and the Southeast line of Centerpointe Drive as follows:

S 59° 57' 36" E 138.56 feet to an angle point;

With a curve to the right, having a radius of 20.00 feet, an arc of 31.42 feet, a tangent of 20.00 feet, and a central angle of 90° 00' 04", and a chord bearing S 14° 57' 32" E 28.28 feet to an angle point;

S 30° 02' 31" W 5.00 feet to an angle point;

S 59° 57' 35" E 60.00 feet to an angle point;

N 30° 02' 24" E 1078.36 feet to the upper Northwest corner of this zoning tract;

THENCE: With the Southwest line of North Shore Boulevard as follows:

S 50° 30' 13" E 712.80 feet to the Northeast corner of this zoning tract;

THENCE: S 27° 25' 55" W 1558.57 feet to the Southwest corner of said Lot 1R, the Southeast corner of said Lot 2R, and an interior corner of this zoning tract.

THENCE: N 88° 19' 51" W 343.35 feet to the POINT OF BEGINNING;

Bearings shown herein are from GPS observations Texas Coordinate System NAD (83).

I hereby certify that the foregoing field note description for zoning purposes is to the best of my belief and knowledge true and correct.

This the 10th day of October, 2014.

Keith Howard

Keith Howard, R.P.L.S. No. 5949
Howard Surveying, LLC
402 State Highway 173 South
Hondo, Texas 78861
(830) 426-4776



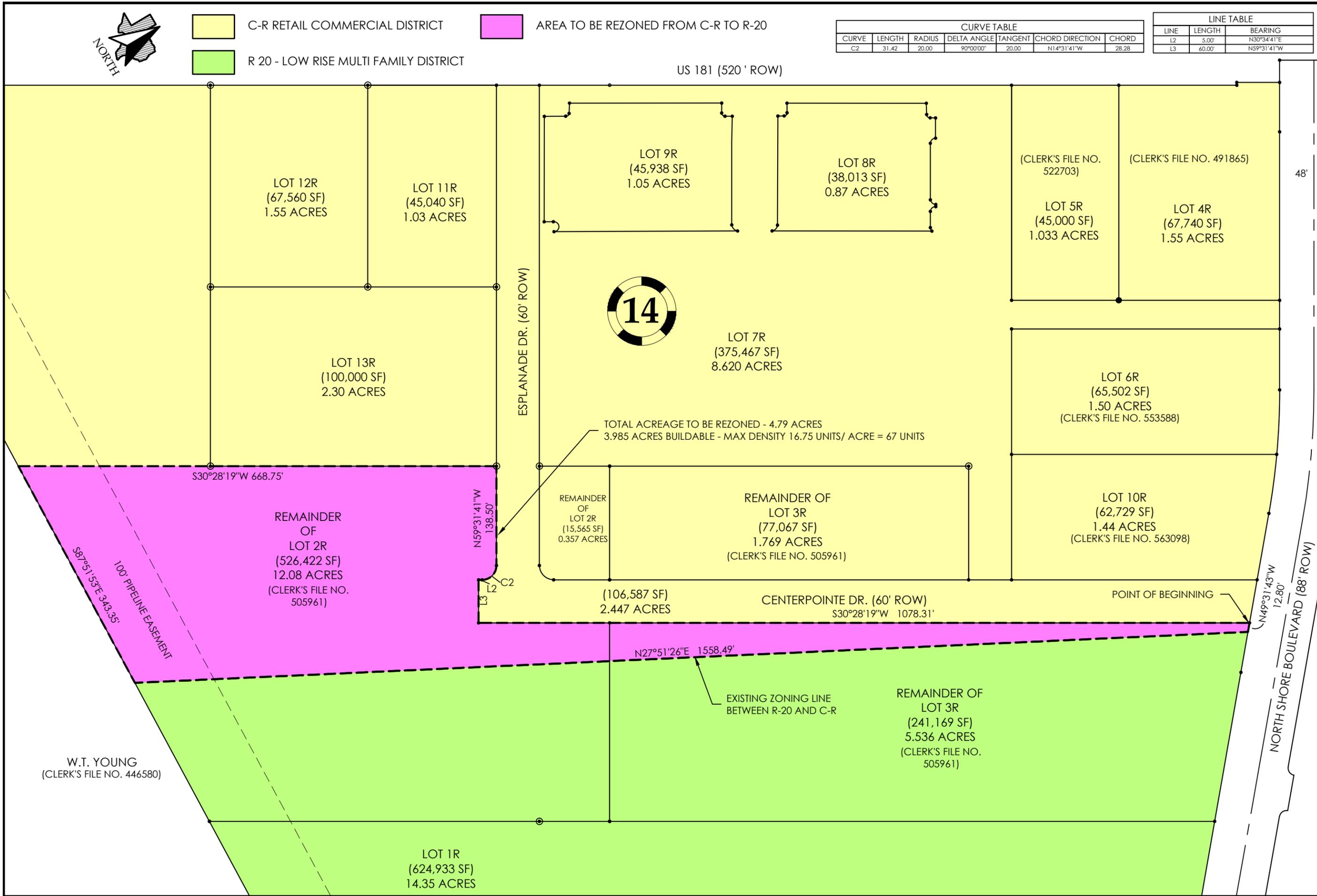


 C-R RETAIL COMMERCIAL DISTRICT
 R 20 - LOW RISE MULTI FAMILY DISTRICT

 AREA TO BE REZONED FROM C-R TO R-20

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA ANGLE	TANGENT	CHORD DIRECTION	CHORD
C2	31.42	20.00	90°00'00"	20.00	N14°31'41"W	28.28

LINE TABLE		
LINE	LENGTH	BEARING
L2	5.00'	N30°34'41"E
L3	60.00'	N59°31'41"W



J. SCHWARZ & ASSOCIATES, INC.
 Professional Engineering Solutions

 E-8138

REZONE MAP
ZONING CHANGE
 NORTHSHORE PROPERTIES, INC.

NO.	DATE	REVISION

DATE	10/7/14	JOB NUMBER	255	TITLE	APT ZONING	ENGINEER	F-8138	REVISION NUMBER	0	SCALE	1"=60'
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FOR INTERIM REVIEW:
 NOT FOR CONSTRUCTION,
 BIDDING OR PERMITTING
 PURPOSES.

JAMES SCHWARZ, PE
 NAME
 TX 89833
 LICENSE NO.
 10-7-14
 DATE

SHEET NUMBER
001
 OF 001