



PLANNING AND ZONING COMMISSION AGENDA

Regular Meeting
Tuesday, December 9, 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 November 11, 2014 Regular Meeting – Chairperson Forsythe
3. **SUBDIVISION PRELIMINARY PLAT:** The Planning and Zoning Commission will consider the preliminary plat of Northshore OVD Units 3, 4 and 5 – Assistant City Manager
4. **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: December 5, 2014 by 5 p.m.
City Hall

By: 
Annette Hall
City Secretary

MINUTES

PLANNING AND ZONING COMMISSION

November 11, 2014 REGULAR MEETING

The Planning and Zoning Commission conducted its November 11, 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
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 October 14, 2014, Regular Meeting

Mr. Rooney made a motion to accept the minutes of the October 14, 2014, Regular Meeting. Mr. Browning seconded the motion.

The motion passed (7-0).

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

Chairperson Forsythe opened the Public Hearing at 7:01 p.m.

Assistant City Manager Brian DeLatte presented the following information:

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	75.30%
Medium-density residential units	61	0.91%
Multi-family units	1589	23.79%
	6680	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.

Mr. Cocke spoke in support of the application and indicated that the complex would be 100% masonry, concrete parking lots, and upscale in quality.

Mr. Forsythe closed the Public Hearing at 7:16 p.m.

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

Board Members, the City Manager, Assistant City Manager, the applicant, and engineer discussed the need for a “mature, upscale” project, the City’s 25% multifamily threshold, the construction levels of the proposed complex, and the applicant’s future plans for the project.

Mr. Rooney made the motion to recommend that the City Council deny the application. The motion failed on a lack of second.

Mr. Browning made the motion to recommend that the City Council approve the rezoning request. Mr. Wendland seconded the motion.

The motion passed (6-1), with Mr. Rooney voting against.

5. **ADJOURNMENT:** Chairperson Forsythe

Chairperson Forsythe adjourned the meeting at 7:29 p.m.

APPROVED:

Chairperson Craig Forsythe

ATTEST:

Brian DeLatte, P.E.
Assistant City Manager

AGENDA TITLE **SUBDIVISION PRELIMINARY PLAT**
 The Planning and Zoning Commission will consider the preliminary plat of Northshore OVD Units 3, 4 and 5

MEETING DATE 12/9/2014

DEPARTMENT Building and Development

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

EXECUTIVE SUMMARY

A preliminary plat has been submitted for a 196 lot subdivision near the intersection of Broadway Blvd. and John Russell Drive. Staff analysis shows that the preliminary plat meets Unified Development Ordinance requirements and approval is recommended.

PRIOR ACTIONS OR REVIEWS

None.

DETAILS / STAFF ANALYSIS

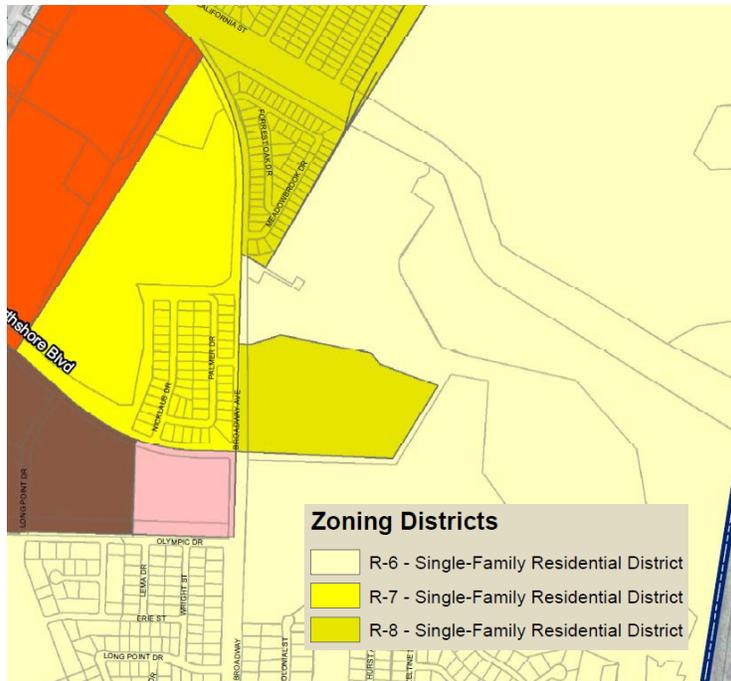
A preliminary plat application was submitted to the City of Portland for the following property:

Property Location:	Northeast intersection of Broadway Blvd. and John Russell Drive
Legal Description:	Northshore OVD Units 3, 4, & 5
Applicant/Owner:	Ocean View Development, Ltd.
Engineer/Surveyor:	Urban Engineering

A preliminary plat was submitted for the property prior to the current UDO taking effect. Since a final plat was not submitted on the property within six months, the preliminary plat expired and must be resubmitted designed to current codes.

Lot Layout and District Regulations: The proposed lots are located in the R-6, Single-Family Residential District and the R-8, Single-Family Residential District:

District	Min. Lot Area (SF)	Min. Average Lot Width and Required Yards (FT)				Max. Bldg. Height
		Width	Front	Side	Rear	
R-6, Single-Family	7,000	65	25	6	20	35
R-8, Single-Family	5,000	50	20	5	15	35



It should be noted that Block 2 Lots 15-23 and Block 9 Lots 1-9, while located in the R-6, Single-Family Residential District, have proposed 20-foot setbacks. This is necessary because the dedication of Simpson Park to the south and the golf course to the north was predicated on 20-foot front yards on the original preliminary plat. While the preliminary plat expired, the golf course and park were constructed with these dimensions and 25-foot setbacks would make these 18 lots unbuildable.

Access: Access is provided onto Broadway Blvd. at John Russell Drive. Staff requested that the entry and exit into the subdivision match the type of intersection at Broadway and Country Club Blvd. John Russell Drive is 80 feet wide as a result. Separate right and left turn lanes will be provided onto Broadway Blvd. from John Russell Drive.

Utilities: 6-inch and 8-inch water lines are proposed to serve the site, connecting into the existing water system on Broadway Blvd., Meadowbrook Drive, and a future extension to California Drive. The lines are sized appropriately for current and future demands. Wastewater service is proposed to tie into the wastewater main on Broadway Blvd. The lines are sized appropriately.

Drainage: The applicant has noted that the property lies within FEMA FIRM Zone “C”. Finished floor elevations will be based on adjacent curb elevations in conformance with City codes. Curb inlet spacing is shown appropriately to connect into the existing drainage systems.

Conclusions: The following entities have reviewed the plat and find no objections other than the conditions listed below:

City of Portland Fire Department
 Consulting City Utilities Engineer

San Patricio County Drainage District
City Engineer/Public Works Department

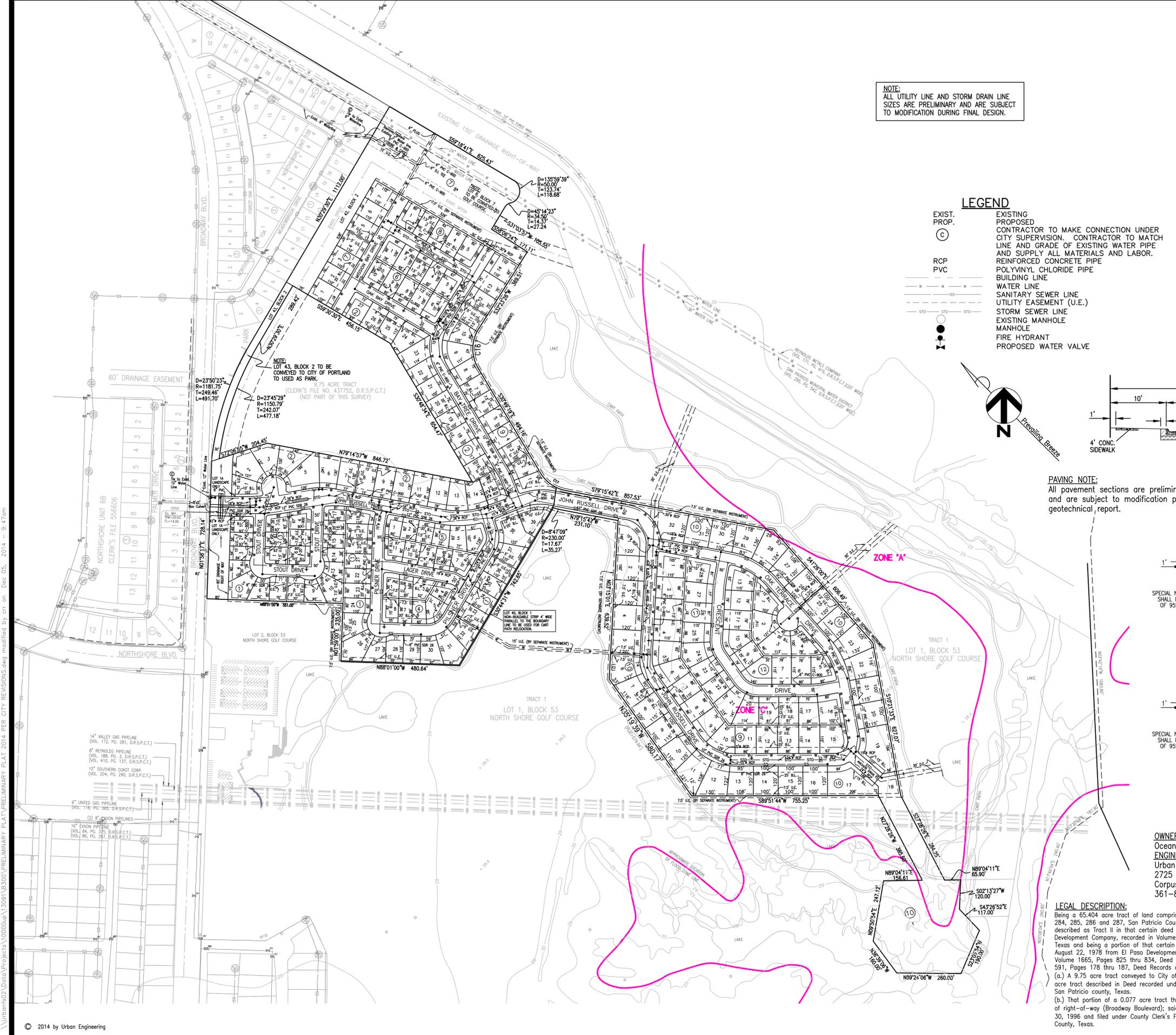
ATTACHMENTS

- Preliminary Plat of Northshore OVD Units 3, 4 and 5

RECOMMENDED ACTION

Adopt a motion that approves the preliminary plat of Northshore OVD Units 3, 4 and 5, subject to the following conditions:

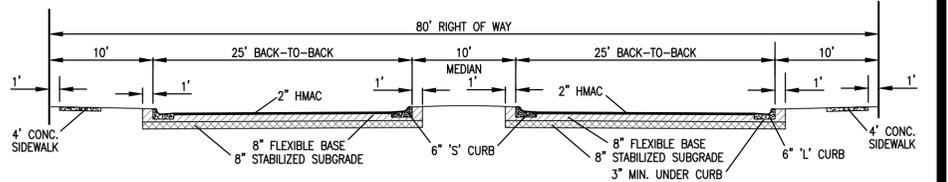
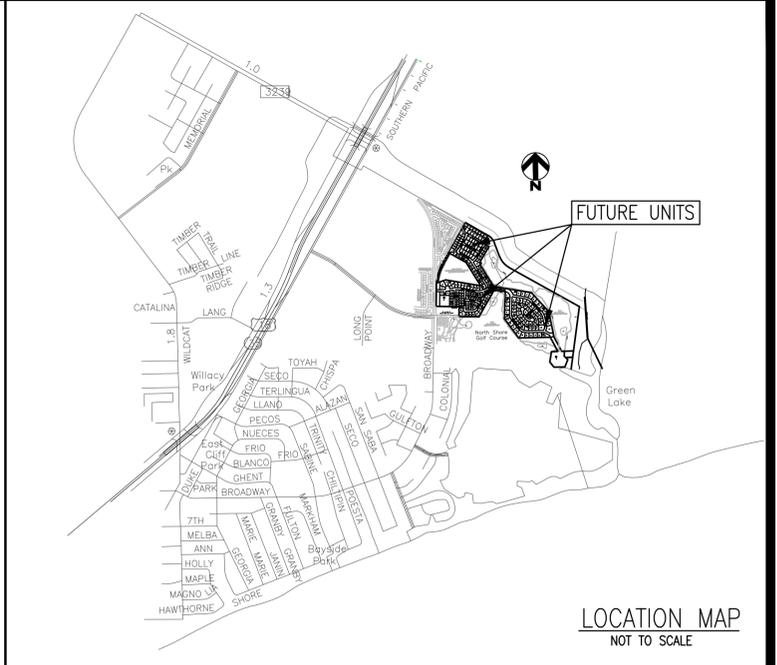
- (1)** Compliance with all City of Portland ordinances, rules, and regulations
- (2)** Payment of all platting fees and review fees



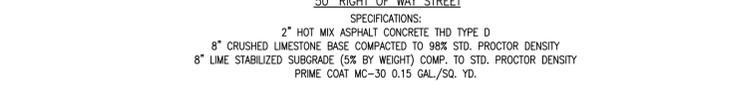
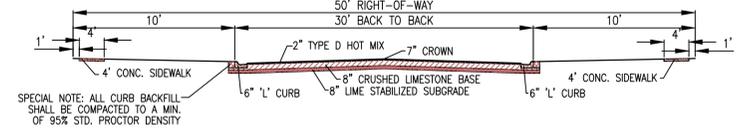
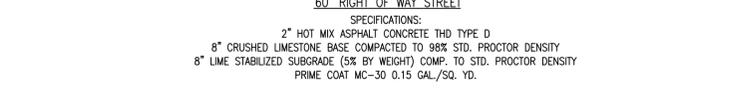
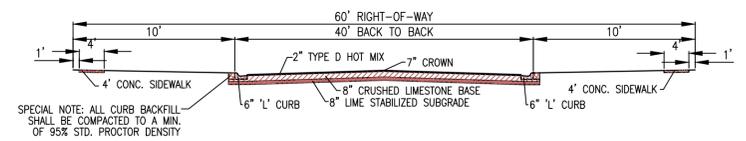
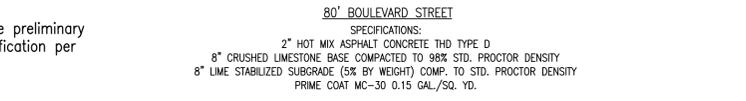
NOTE:
ALL UTILITY LINE AND STORM DRAIN LINE
SIZES ARE PRELIMINARY AND ARE SUBJECT
TO MODIFICATION DURING FINAL DESIGN.

LEGEND

EXIST. PROP.	EXISTING PROPOSED
⊙	CONTRACTOR TO MAKE CONNECTION UNDER CITY SUPERVISION. CONTRACTOR TO MATCH LINE AND GRADE OF EXISTING WATER PIPE AND SUPPLY ALL MATERIALS AND LABOR.
—	REINFORCED CONCRETE PIPE
—	POLYVINYL CHLORIDE PIPE
—	BUILDING LINE
—	WATER LINE
—	SANITARY SEWER LINE
—	UTILITY EASEMENT (U.E.)
—	STORM SEWER LINE
—	EXISTING MANHOLE
—	MANHOLE
—	FIRE HYDRANT
—	PROPOSED WATER VALVE



PAVING NOTE:
All pavement sections are preliminary and are subject to modification per geotechnical report.



OWNER/DEVELOPER:
Ocean View Development, LTD.
ENGINEER:
Urban Engineering Firm #145
2725 Swantner Drive
Corpus Christi, Texas 78404
361-854-3101

PRELIMINARY PLAT
for
NORTHSHORE OVD UNITS 3, 4 AND 5
Portland, Texas

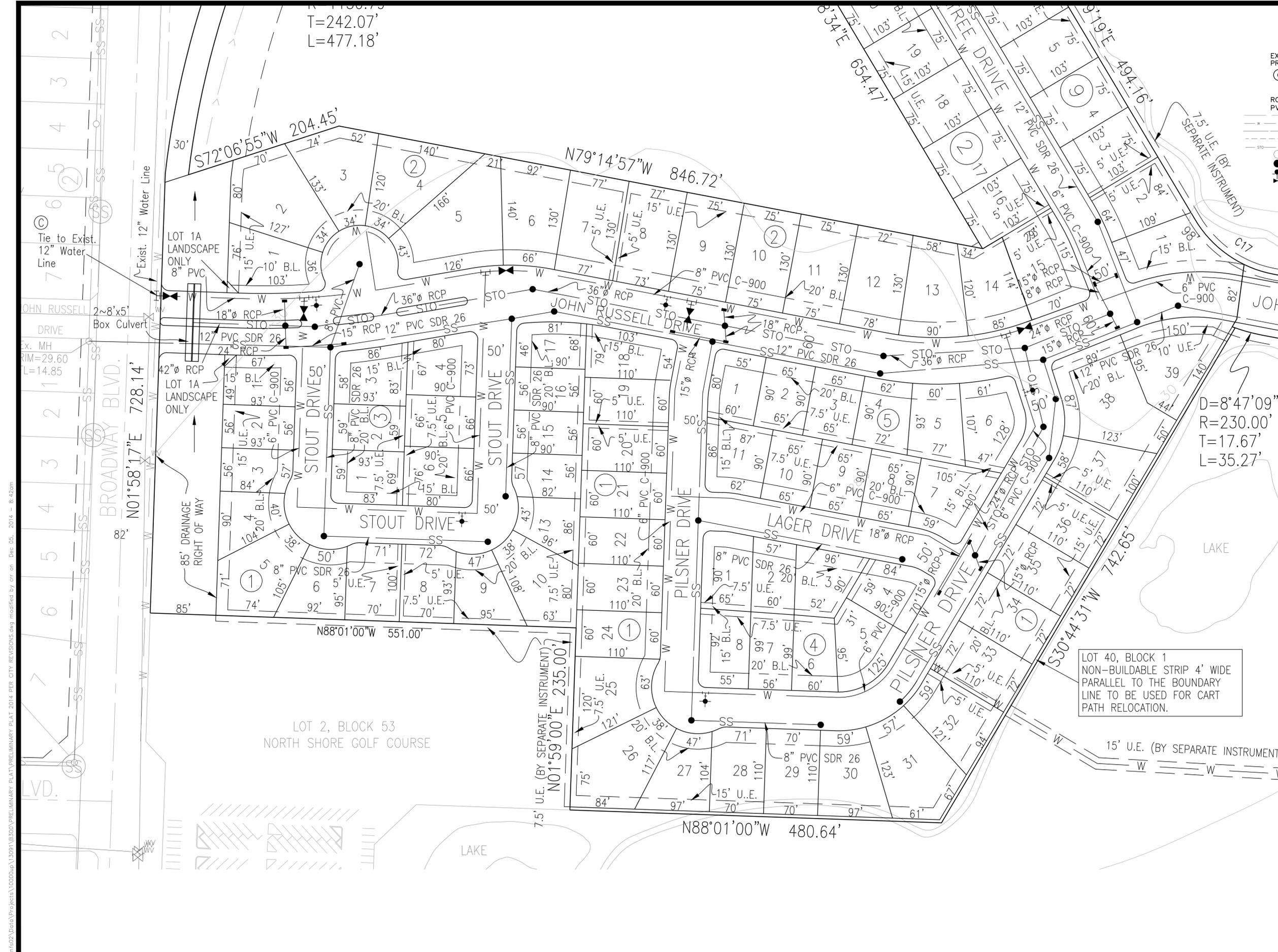


UTBE FIRM NO. 145, TBPLS FIRM NO. 10032400
2725 SWANTNER DR., CORPUS CHRISTI, TX 78404
PHONE: 361.854.3101 WWW.URBANENG.COM

JOB NO. 13091.B3.00
RCU/crr November 4, 2014



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- LEGEND**
- EXIST. PROP.
 - PROPOSED
 - CONTRACTOR TO MAKE CONNECTION UNDER CITY SUPERVISION. CONTRACTOR TO MATCH LINE AND GRADE OF EXISTING WATER PIPE AND SUPPLY ALL MATERIALS AND LABOR.
 - RCP REINFORCED CONCRETE PIPE
 - PVC POLYVINYL CHLORIDE PIPE
 - BUILDING LINE
 - WATER LINE
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NOTE:
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LOT 40, BLOCK 1
 NON-BUILDABLE STRIP 4' WIDE
 PARALLEL TO THE BOUNDARY
 LINE TO BE USED FOR CART
 PATH RELOCATION.

OWNER/DEVELOPER:
 Ocean View Development, LTD.
ENGINEER:
 Urban Engineering Firm #145
 2725 Swantner Drive
 Corpus Christi, Texas 78404
 361-854-3101

PRELIMINARY PLAT
 for
NORTHSHORE OVD UNIT 3
 Portland, Texas



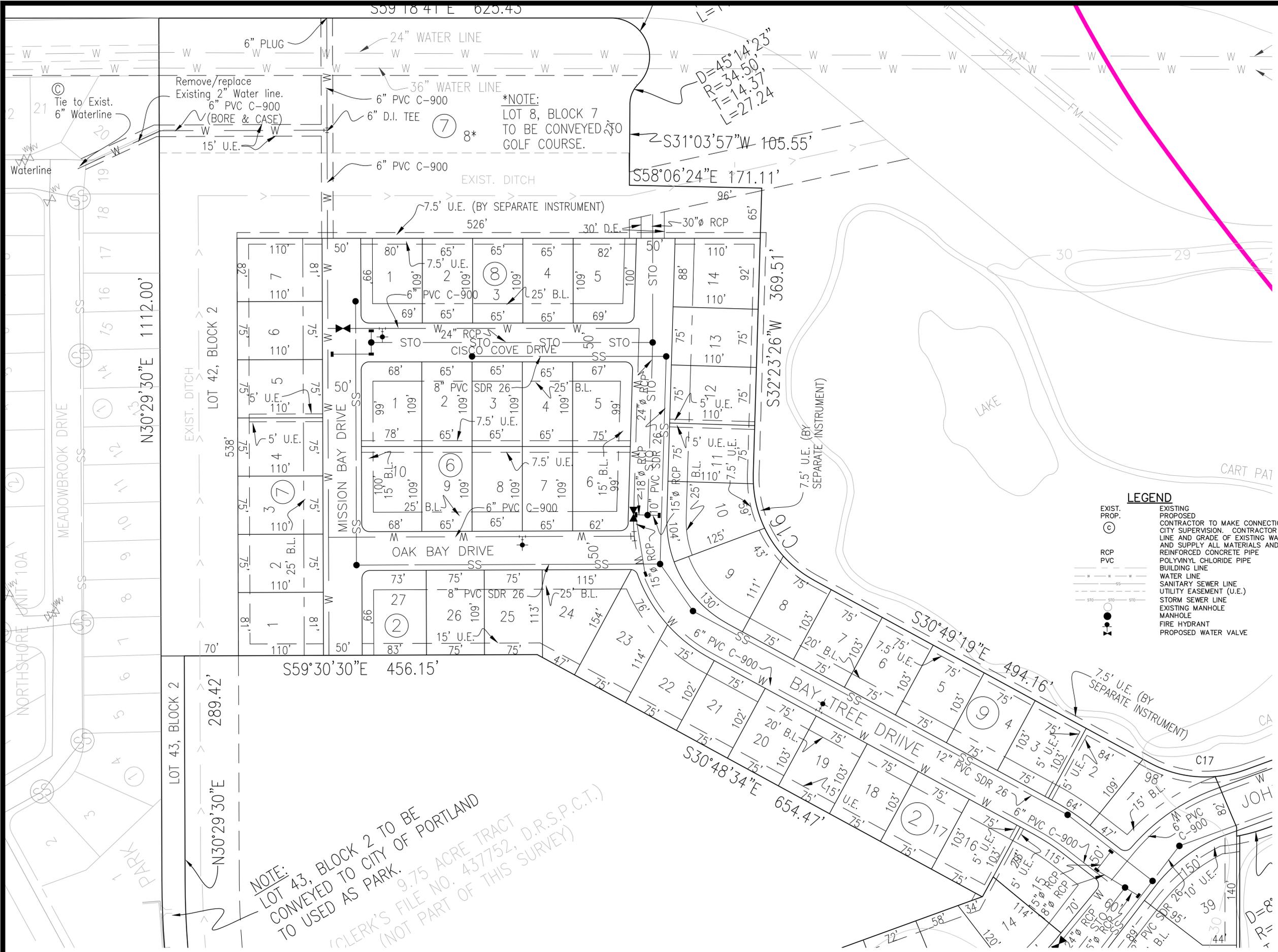
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*NOTE:
LOT 8, BLOCK 7
TO BE CONVEYED TO
GOLF COURSE.

NOTE:
LOT 43, BLOCK 2 TO BE
CONVEYED TO CITY OF PORTLAND
TO USED AS PARK.
9.75 ACRE TRACT
(CLERK'S FILE NO. 437752, D.R.S.P.C.T.)
(NOT PART OF THIS SURVEY)

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LEGEND

- EXIST. PROP. (circle with dot)
- PROPOSED (circle with cross)
- CONTRACTOR TO MAKE CONNECTION UNDER CITY SUPERVISION. CONTRACTOR TO MATCH LINE AND GRADE OF EXISTING WATER PIPE AND SUPPLY ALL MATERIALS AND LABOR.
- RCP (circle with horizontal lines)
- PVC (circle with vertical lines)
- REINFORCED CONCRETE PIPE
- POLYVINYL CHLORIDE PIPE
- BUILDING LINE (dashed line)
- WATER LINE (line with 'W')
- SANITARY SEWER LINE (line with 'SS')
- UTILITY EASEMENT (U.E.) (line with 'U.E.')
- STORM SEWER LINE (line with 'STO')
- EXISTING MANHOLE (circle with 'M')
- MANHOLE (circle with 'M')
- FIRE HYDRANT (circle with 'H')
- PROPOSED WATER VALVE (circle with 'V')



OWNER/DEVELOPER:
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ENGINEER:
Urban Engineering Firm #145
2725 Swantner Drive
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361-854-3101

PRELIMINARY PLAT
for
NORTHSHORE OVD UNIT 4
Portland, Texas



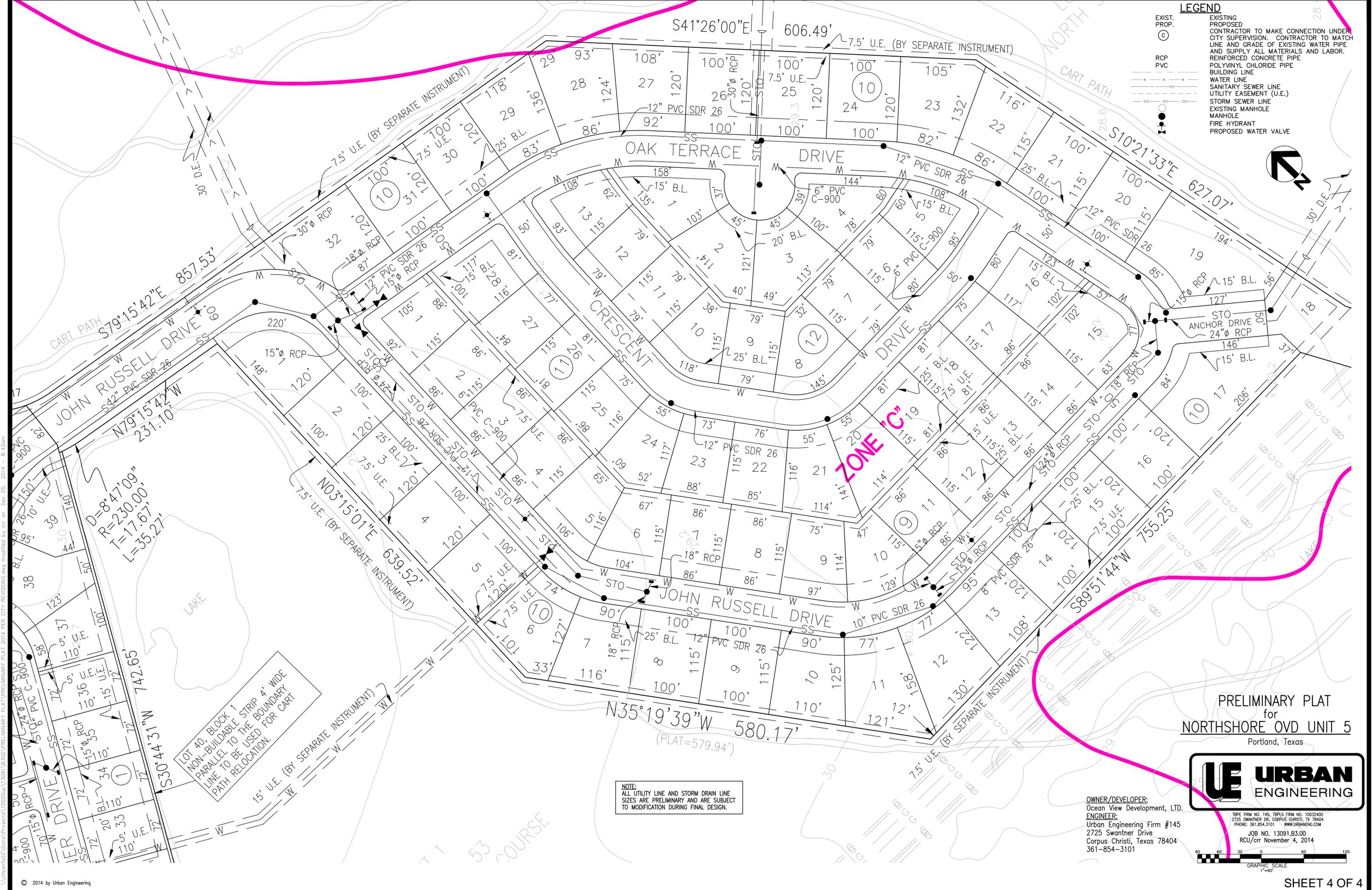
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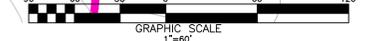
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