



## CITY COUNCIL AGENDA

### NOTICE OF WORKSHOP

Tuesday, January 20, 2015

5:00 p.m.

Council Chamber - City Hall

Daniel P. Moore Community Center Complex

1900 Billy G. Webb

Portland, Texas 78374

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This workshop may be recessed before the Regular City Council meeting begins at 7:00 p.m. and reconvened after the Regular City Council meeting ends.

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1. **CALL TO ORDER:** MAYOR KREBS
2. **OIL AND GAS INSPECTION SERVICES:** THE CITY COUNCIL WILL DISCUSS WELL AND PIPELINE INSPECTION SERVICES AND POSSIBLE CHANGES TO THE CITY'S OIL AND GAS ORDINANCE – CITY MANAGER
3. **SINGLE-FAMILY OCCUPANCY LIMITS:** THE CITY COUNCIL WILL DISCUSS LIMITING THE NUMBER OF NON-RELATED PERSONS LIVING IN A SINGLE FAMILY RESIDENCE – CITY MANAGER
4. **RENTAL PROPERTY MAINTENANCE STANDARDS AND INSPECTION:** THE CITY COUNCIL WILL DISCUSS REGULATION AND INSPECTION OF RENTAL PROPERTIES – CITY MANAGER
5. **DOG PARK DESIGN CONCEPT:** THE CITY COUNCIL WILL DISCUSS REPURPOSING BAKER PARK AS A DOG PARK – CITY MANAGER, ASSISTANT CITY MANAGER, CITIZEN SUPPORT GROUP
6. **JUNK VEHICLE ORDINANCE:** THE CITY COUNCIL WILL DISCUSS THE CURRENT YARD PARKING AND JUNK VEHICLE ORDINANCES – COUNCIL MEMBER MOORE
7. **MULTIFAMILY DESIGN STANDARDS:** THE CITY COUNCIL WILL DISCUSS POSSIBLE CHANGES TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO) TO RAISE MULTIFAMILY DESIGN STANDARDS – CITY MANAGER

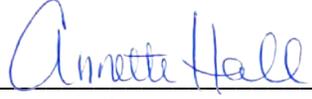
8. **PLANNED UNIT DEVELOPMENT POLICY AND PROCEDURES:** THE CITY COUNCIL WILL DISCUSS ITS POLICY ON MULTIFAMILY PLANNED UNIT DEVELOPMENTS AS WELL AS THE PROCESS OF EVALUATING MULTIFAMILY PLANNED UNIT DEVELOPMENTS – CITY MANAGER
9. **LEGISLATIVE AGENDA:** THE CITY COUNCIL WILL DISCUSS THE ADOPTION OF A LEGISLATIVE AGENDA – CITY MANAGER
10. **ADJOURNMENT:** MAYOR KREBS

***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 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. 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 Chamber during the meeting.

***BRAILLE IS NOT AVAILABLE***

Posted: January 16, 2015 by 5 p.m.  
Portland City Hall

By:   
Annette Hall  
City Secretary



# CITY COUNCIL AGENDA

## NOTICE OF REGULAR MEETING

Tuesday, January 20, 2015

7:00 p.m.

City Hall - Council Chamber

Daniel P. Moore Community Center Complex

1900 Billy G. Webb Drive

Portland, Texas

### **A. PROCEDURAL MATTERS, HONORS AND RELATED NON-ACTION ITEMS:**

1. **CALL TO ORDER:** MAYOR KREBS
2. **INVOCATION AND PLEDGE:** MAYOR KREBS OR DESIGNEE
3. **FORMAL ANNOUNCEMENTS, RECOGNITION, PRESENTATIONS AND REPORTS THAT MAY BE DISCUSSED:**
4. **CITY COUNCIL AND STAFF COMMENTS CONCERNING ITEMS OF COMMUNITY INTEREST THAT MAY NOT BE DISCUSSED:**

Members of the City Council may present reports regarding items of community interest and/or be presented reports from the Staff regarding items of community interest, provided no action is taken or discussed. Items of community interest include the following:

- Expressions of thanks, congratulations, or condolence
- Information regarding holiday schedules
- Honorary recognition of city officials, employees, or other citizens
- Reminders about upcoming events sponsored by the city or another entity that is scheduled to be attended by a city official or city employee
- Announcements involving imminent threats to the public health and safety of the city

### **B. ACTION ITEMS, RESOLUTIONS AND ORDINANCES:**

Members of the audience who wish to (1) comment on issues concerning an agenda item, (2) present questions concerning an agenda item, (3) request assistance concerning an

agenda item or (4) propose regulatory changes concerning an agenda item, must comply with the following rules of procedure:

- Persons who wish to speak must fill out and turn in a speaker card before the meeting is convened (The Mayor will notify you when it's your turn to speak and direct you to the podium)
  - Persons who wish to speak must identify themselves and their places of residence
  - All comments, requests and proposals must be presented to or through the Mayor
  - Persons who wish to speak will be given 4 minutes to do so
5. **MINUTES OF PREVIOUS MEETINGS:** THE CITY COUNCIL WILL CONSIDER THE MINUTES OF ITS JANUARY 6, 2015 REGULAR MEETING - MAYOR KREBS AND CITY SECRETARY
  6. **RESOLUTION NO. 692 - CALLING GENERAL ELECTION:** THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 692 WHICH CALLS FOR A MAY 9, 2015 GENERAL ELECTION FOR THE PURPOSE OF ELECTING FOUR (4) COUNCIL MEMBERS TO TWO (2) YEAR TERMS – CITY SECRETARY
  7. **PUBLIC HEARING – PLANNED UNIT DEVELOPMENT REZONING REQUEST:** THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING A REQUEST FROM OLDHAM GOODWIN DEVELOPMENT, LLC, TO REZONE APPROXIMATELY 13.255 ACRES OUT OF LOT 5 OF AMENDING PLAT OF GREGORY-PORTLAND INDEPENDENT SCHOOL TRACTS OF LOTS 1 AND 5 FROM R-6, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, PLANNED DEVELOPMENT DISTRICT – ASSISTANT CITY MANAGER
  8. **ORDINANCE NO. 2103 – PLANNED UNIT DEVELOPMENT REZONING REQUEST:** THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2103 TO REZONE APPROXIMATELY 13.255 ACRES OUT OF LOT 5 OF AMENDING PLAT OF GREGORY-PORTLAND INDEPENDENT SCHOOL TRACTS OF LOTS 1 AND 5 FROM R-6, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, PLANNED DEVELOPMENT DISTRICT – ASSISTANT CITY MANAGER
  9. **PUBLIC HEARING – PLANNED UNIT DEVELOPMENT REZONING REQUEST:** THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING A REQUEST FROM RICHARD FINCH TO REZONE APPROXIMATELY 22.925 ACRES OF LAND OUT OF THE W.B. RHEW SURVEY, ABSTRACT 318, SAN PATRICIO COUNTY, TEXAS, FROM C-G, GENERAL COMMERCIAL DISTRICT, TO PUD, PLANNED DEVELOPMENT DISTRICT – ASSISTANT CITY MANAGER
  10. **ORDINANCE NO. 2104 – PLANNED UNIT DEVELOPMENT REZONING REQUEST** THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2104 TO REZONE APPROXIMATELY 22.925 ACRES OF LAND OUT OF THE W.B. RHEW SURVEY, ABSTRACT 318, SAN PATRICIO COUNTY, TEXAS, FROM C-G GENERAL

COMMERCIAL DISTRICT, TO PUD, PLANNED DEVELOPMENT DISTRICT – ASSISTANT CITY MANAGER

**11. PUBLIC HEARING:** THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING PROPOSED REVISIONS TO THE COMPREHENSIVE PLAN CHAPTER 5 HOUSING POLICIES – ASSISTANT CITY MANAGER

**12. ORDINANCE NO. 2105 – COMPREHENSIVE PLAN TEXT AMENDMENTS:** THE CITY COUNCIL WILL CONSIDER ORDINANCE NO. 2105 THAT ADOPTS TEXT AMENDMENTS TO THE COMPREHENSIVE PLAN CHAPTER 5 HOUSING POLICIES – ASSISTANT CITY MANAGER

**13. ORDINANCE NO. 2102 – DROUGHT CONTINGENCY PLAN REVISIONS:** THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2102 THAT REVISES THE CITY OF PORTLAND DROUGHT CONTINGENCY PLAN – ASSISTANT CITY MANAGER

**C. CITIZEN COMMENTS, QUESTIONS, REQUESTS AND PROPOSALS NOT APPEARING ON THE AGENDA:**

Members of the audience who wish to (1) comment on issues for which there is no item on this agenda, (2) present questions for which there is no item on this agenda, (3) request assistance for which there is no item on this agenda or (4) propose regulatory changes for which there is no item on this agenda, must comply with the following rules of procedure:

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Neither the City Council nor the Staff is legally permitted to respond to citizen comments, questions, requests or proposals at the time of the meeting. A member of the City Council or the City Manager may place an item on the agenda of a future City Council workshop or meeting to legally do so. If that is done, the audience member seeking a response will be given advance notice.

**D. ADJOURNMENT: MAYOR KREBS**

**NOTICE OF ASSISTANCE**

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(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 Chamber during the meeting.

**BRaille IS NOT AVAILABLE**

**Posted:** January 16, 2015 by 5:00 p.m.  
Portland City Hall

**By:**   
Annette Hall  
City Secretary

**CITY OF PORTLAND  
CITY COUNCIL  
REGULAR MEETING  
MINUTES  
JANUARY 6, 2015 – 7:00 P.M.**

On this the 6<sup>th</sup> day of January 2015, the Council of the City of Portland convened in a regular meeting session at 7:00 p.m. in the Council Chambers of City Hall, Daniel P. Moore Community Center Complex and notice of regular meeting giving the time, place and date and subject having been posted as described by Section 551 of the Government Code.

**MEMBERS PRESENT:**

David Krebs	Mayor
Cathy Skurow	Mayor Pro Tem
Ron Jorgensen	Council Member
John Vilo	Council Member
Gary Moore, Sr.	Council Member
John Green	Council Member
David Lewis	Council Member

**STAFF PRESENT:**

Randy Wright	City Manager
Brian DeLatta	Assistant City Manager
Annette Hall	City Secretary
Michel Sorrell	Finance Director
Kristin Connor	Director of Parks and Recreation
Dorothy Torres	Interim Library Director
Drew Schell	IT Technician
Brandon Lemon	Accounting Assistant

And with a quorum being present, the following business was transacted:

**A. PROCEDURAL MATTERS, HONORS, AND RELATED NON-ACTION ITEMS:**

**1. CALL TO ORDER: MAYOR KREBS**

Mayor Krebs called the meeting to order at 7:00 pm.

**2. INVOCATION AND PLEDGE: MAYOR KREBS OR DESIGNEE**

Council Member Lewis gave the invocation and Mayor Krebs led the Pledge of Allegiance.

**3. FORMAL ANNOUNCEMENTS, RECOGNITION, PRESENTATIONS, AND REPORTS THAT MAY BE DISCUSSED:**

- REPORT ON HOLIDAY ACTIVITIES – DIRECTOR OF PARKS AND RECREATION

Director of Parks and Recreation Kristin Conner gave a brief update on the Christmas in Portland Event, Parade of Lights Parade, Seniors New Year’s Eve Party and the upcoming Valentine’s Sweet Heart Ball scheduled in February.

**4. CITY COUNCIL AND STAFF COMMENTS CONCERNING ITEMS OF COMMUNITY INTEREST THAT MAY NOT BE DISCUSSED:**

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- Expressions of thanks, congratulations, or condolence
- Information regarding holiday schedules
- Honorary recognition of city officials, employees, or other citizens
- Reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by a city official or city employee
- Announcements involving imminent threats to the public health and safety of the city

Council Member Jorgensen announced that he would like to recognize the group of local Cheerleaders that attended the London New Year’s Eve Parade.

**B. ACTION ITEMS, RESOLUTIONS, AND ORDINANCES:**

Members of the audience who wish to (1) comment on issues concerning an agenda item, (2) present questions concerning an agenda item, (3) request assistance concerning an agenda item or (4) propose regulatory changes concerning an agenda item, must comply with the following rules of procedure:

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- Persons who wish to speak must identify themselves and their places of residence
- All comments, requests and proposals must be presented to or through the Mayor

- Persons who wish to speak will be given 4 minutes to do so

There were none.

**5. MINUTES OF PREVIOUS MEETINGS: THE CITY COUNCIL WILL CONSIDER THE MINUTES OF ITS DECEMBER 16, 2014 REGULAR MEETING - MAYOR KREBS AND CITY SECRETARY**

Council Member Green made the motion to approve the minutes of the December 16, 2014 regular meeting as presented, seconded by Mayor Pro Tem Skurow.

The motion passed 7-0.

**6. STREET IMPROVEMENT PROGRAM PHASE 9B (SEAL COATS AND REPAIRS) CHANGE ORDER NO. 1, FINAL PAYMENT, AND PROJECT ACCEPTANCE: THE CITY COUNCIL WILL CONSIDER CHANGE ORDER NO. 1 (\$12,053.22 CONTRACT PRICE INCREASE), FINAL PAYMENT, AND PROJECT ACCEPTANCE FOR THE STREET IMPROVEMENT PROGRAM PHASE 9B (SEAL COATS AND REPAIRS – ASSISTANT CITY MANAGER**

Assistant City Manager Brian DeLatte explained that the construction on the Street Improvement Program Phase 9B (Seal Coats and Repairs) has been completed. The project included two-course surface treatments, pothole repairs, and subgrade repairs on 23 streets throughout the City. Haas-Anderson Construction, Ltd., completed the project in fewer working days than anticipated but exceeded its allotted calendar days due to inclement weather. Change Order No. 1 adjusts the final contract price by \$12,053.22 to compensate for a waterline break on Starlite requiring the resealing of a street just completed, as well as additional base repairs. Donnie Rehmet with Coym, Rehmet & Gutierrez Engineering, LP, has inspected the work and recommends acceptance. The project was completed \$187,975.28 under the Combination Tax and Revenue Certificate of Obligation Series 2014 issuance construction budget.

Mayor Pro Tem Skurow made the motion to approve Change Order No. 1 (\$12,053.22 Contract Price Increase), Final Payment, And Project Acceptance for The Street Improvement Program Phase 9B (Seal Coats And Repairs), seconded by Council Member Lewis.

The motion passed 7-0.

**7. ORDINANCE NO. 2097 – REZONING REQUEST: THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2097 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**

Assistant City Manager Brian DeLatte explained that this is the second and final reading of Ordinance No. 2097. A zoning application has been submitted by Northshore Properties II, LLC, and represented by Bill Cocke 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 enforcing design elements such as masonry requirements. The Planning and Zoning Commission voted 6-1 recommending approval. A change has been made to the ordinance since the first reading, at the City Attorney's request, adding a penalty clause.

Council, Staff and Bill Cocke discussed the proposed rezoning request and development plans for the property.

Mayor Pro Tem Skurow made the motion to approve the second and final reading of Ordinance No. 2097 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, seconded by Council Member Vilo.

The motion passed 7-0.

Mayor Krebs read the following caption:

**ORDINANCE NO. 2097**

**AN ORDINANCE REZONING APPROXIMATELY 4.79 ACRES OF PORTIONS OF LOTS 2R AND 3R, BLOCK 14, NORTHSHORE UNIT 3, FROM C-R, RETAIL COMMERCIAL DISTRICT, TO R-20, MULTIFAMILY RESIDENTIAL DISTRICT AT THE REQUEST OF THE OWNER; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PORTLAND; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY FOR VIOLATIONS AND SPECIFICALLY NEGATING A REQUIREMENT OF A CULPABLE MENTAL STATE; PROVIDING AND ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION**

- 8. ORDINANCE NO. 2101 - INCREASING WATER AND WASTEWATER RATES: THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2101 AUTHORIZING UTILITY RATE INCREASES – DIRECTOR OF FINANCE**

Director of Finance Michel Sorrell explained that the proposed ordinance increases water and sewer rates in order to meet our current costs and to ensure the City has funds to complete planned capital improvements to the system.

This proposed increase in utility rates includes the following two separate increases:

1. A pass through increase in water rates from the San Patricio Municipal Water District of \$0.18. The new rate is \$3.07 per 1,000 gallons.
2. Increases to both water and sewer rates recommended by our rate consultants and that are needed to pay for capital utility projects. Increases to both water and sewer rates recommended by our rate consultants and that are needed to pay for capital utility projects

The Capital Improvement Program (CIP) which includes a total of \$10,255,000 in capital utility projects as well as the maintenance and operations will be supported by the proposed utility rates increase.

NewGen Strategies used historical information, including billing and consumption data, the Capital Improvement Program (CIP), drought data, debt service analysis, both current and future, and cost recovery analysis to create a rate model. Through the creation of the rate model, revenue and expenditure forecasts are formed using “what if” analysis to come up with their recommendation.

Council Member Jorgensen made the motion to adopt the second and final reading of Ordinance No. 2101 increasing water and wastewater rates, seconded by Council Member Moore.

The motion passed 7-0.

Mayor Krebs read the following caption:

**ORDINANCE NO. 2101**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES;  
INCREASING THE RATES CHARGED FOR WATER SERVICE;  
INCREASING THE RATES CHARGED FOR WASTEWATER SERVICES;  
PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT  
HEREWITH; PROVIDING A SEVERABILITY CLAUSE AND  
ESTABLISHING AN EFFECTIVE DATE.**

9. **ORDINANCE NO. 2102 – DROUGHT CONTINGENCY PLAN REVISIONS:** THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2102 THAT REVISES THE CITY OF PORTLAND DROUGHT CONTINGENCY PLAN – ASSISTANT CITY MANAGER

Assistant City Manager Brian DeLatte explained that the City of Portland's Drought Contingency Plan was last revised in June 2013. As the City purchases water indirectly from the City of Corpus Christi, the Texas Commission on Environmental Quality (TCEQ) requires that our plan match the City of Corpus Christi's plan, which was recently modified. Previously, our plan indicated that our stages would match the City of Corpus Christi's, however TCEQ has notified us that we must set explicit trigger points for beginning different drought stages as the City of Corpus Christi has done. The updates contain no other major revisions to the plan and TCEQ has approved the proposed plan for adoption.

The drought stages remain unchanged:

- Watering is prohibited between 10 a.m. and 6 p.m. year round, regardless of drought stage
- Stage 1—50% lake levels—Voluntary restrictions—Residents are asked to restrict watering to once a week.
- Stage 2—40% lake levels—Mandatory restrictions—Customers are required to restrict watering to once a week. Hand-held or drip irrigation can continue any day. Recreational use of water (car wash, pools, etc.) must occur only on watering day. Non-essential use of water (cleaning driveways) is prohibited.
- Stage 3—30% lake levels—Mandatory restrictions—Customers are required to restrict watering to once every other week. Recreational use of water (car wash, pools, etc.) must occur only on watering day. Hand-held or drip irrigation can continue any day. Drought surcharge may be implemented.
- Stage 4—20% lake levels—Mandatory restrictions—Irrigation is prohibited. Recreational use of water (car wash, pools, etc.) is prohibited. Drought surcharge may be implemented. New water connections may be prohibited.
- Stage 5—Emergency—Mandatory restrictions—Irrigation is prohibited. Recreational use of water (car wash, pools, etc.) is prohibited. Drought surcharge may be implemented. New water connections may be prohibited.

Council and Staff discussed the proposed ordinance, enforcement procedures and keeping the residents informed of the restrictions.

Council Member Moore made the motion to approve the first reading of Ordinance No. 2102 which revised the City of Portland Drought Contingency Plan, seconded by Council Member Green.

Mayor Krebs read the following caption:

**ORDINANCE NO. 2102**

**AN ORDINANCE MODIFYING THE CITY OF PORTLAND DROUGHT CONTINGENCY PLAN; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A**

**SEVERABILITY CLAUSE; ESTABLISHING A PENALTY AND SPECIFICALLY NEGATING A REQUIREMENT OF A CULPABLE MENTAL STATE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE**

**Mayor Krebs announced that Item C. CITIZEN COMMENTS, QUESTIONS, REQUEST AND PROPOSALS would be discussed before Item 10. EXECUTIVE SESSION.**

**C. CITIZEN COMMENTS, QUESTIONS, REQUESTS, AND PROPOSALS NOT APPEARING ON THE AGENDA:**

**Members of the audience who wish to (1) comment on issues for which there is no item on this agenda, (2) present questions for which there is no item on this agenda, (3) request assistance for which there is no item on this agenda or (4) propose regulatory changes for which there is no item on this agenda, must comply with the following rules of procedure:**

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There were none.

**10. EXECUTIVE SESSION: THE CITY COUNCIL WILL CONDUCT AN EXECUTIVE SESSION ACCORDING TO §551.074 OF THE TEXAS GOVERNMENT CODE TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE (CITY MANAGER) - MAYOR**

At 7:47 p.m. Mayor Krebs announced that the City Council will conduct an Executive Session according to §551.074 Of The Texas Government Code to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of a Public Officer or Employee (City Manager).

Mayor Krebs announced that the Executive Session was concluded at 9:33 p.m. and reconvened the regular meeting at 9:34 p.m.

Mayor Pro Tem Skurow made the motion to give the City Manager Randy Wright, a one-time pay for performance of \$3,500, seconded by Council Member Jorgensen.

The motion passed 7-0.

**D. ADJOURNMENT: MAYOR**

Mayor Krebs adjourned the meeting at 9:35 p.m.

**E. NOTICE OF ASSISTANCE:**

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**BRaille IS NOT AVAILABLE**

Approved:

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David Krebs  
Mayor

Attest:

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City Secretary



## CITY COUNCIL ACTION ITEM

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<b>AGENDA TITLE</b>	<b><u>RESOLUTION NO. 692 - CALLING GENERAL ELECTION:</u></b> THE CITY COUNCIL WILL CONSIDER RESOLUTION NO. 692 WHICH CALLS FOR A MAY 9, 2015 GENERAL ELECTION FOR THE PURPOSE OF ELECTING FOUR (4) COUNCIL MEMBERS TO TWO (2) YEAR TERMS.
<b>MEETING DATE</b>	1/20/2015
<b>DEPARTMENT</b>	Administration
<b>SUBMITTED BY</b>	Annette Hall, City Secretary

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### **EXECUTIVE SUMMARY**

Resolution No. 692 authorizes a May 9, 2015 General Election for the purpose of:

- Electing four (4) Council Members to two (2) year term
- Establishes an Early Voting Clerk (Pam Hill), presiding and an alternate judges
- Designates the Daniel P. Moore Community Center Complex as the single voting site
- Establishes voting hours and a recommendation of extended voting hours of 7:00 a.m. to 7:00 p.m. on Monday, April 27, 2015 and Monday, May 4, 2015

### **PRIOR ACTIONS OR REVIEWS**

The City Charter requires a regular election be held annually.

### **DETAILS / STAFF ANALYSIS**

In order to meet election requirements Resolution No. 692 calling the May Election must be adopted.

### **ALTERNATIVES CONSIDERED**

None

### **FINANCIAL IMPACT**

Approximate impact will be \$10,000.

### **ATTACHMENTS**

- Resolution No. 692
- Election Order
- Notice of Election

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**RECOMMENDED ACTION**

Adopt Resolution No. 692 which calls for a May 9, 2015 General Election for the purpose of electing four (4) Council Members to two (2) year terms.

## **RESOLUTION NO. 692**

### **A RESOLUTION ORDERING A GENERAL ELECTION TO BE HELD ON MAY 9, 2015 FOR THE PURPOSE OF ELECTING FOUR (4) COUNCIL MEMBERS FOR TWO (2) YEAR TERMS**

**WHEREAS**, the Mayor and City Council of the City of Portland, Texas has ordered that a General Election be held in said City on the 9th day of May 2015, for the purpose of electing:

Four (4) Council Members for two (2) year terms

**NOW, THEREFORE, BE IT RESOLVED** that in accordance with the order adopted by the City Council of said City, said election shall be held at the following place in said City, and the following named persons are hereby appointed officers and establishing an Election Administrator/Early Voting Clerk (Pam Hill) for said election:

In Election Precincts No. 108, No 116, No. 119, and No. 121 on Election Day and Early Voting by Personal Appearance shall be held at Daniel P. Moore Community Complex (Portland Community Center), 2000 Billy G. Webb Dr.

JOANN LUEHRING as Presiding Judge and MARY GARZA as Alternate Judge are hereby appointed and said Presiding Judge shall appoint the necessary clerks to assist with the election not to exceed two (2) clerks for said election.

The polls of the above designated polling place shall on said Election Day be open 7:00 a.m. to 7:00 p.m.

Early voting by personal appearance for the above said place of early voting shall remain open for at least eight hours on each day for early voting which is not a Saturday, a Sunday, an official holiday, or an Official State Holiday, beginning April 27, 2015 and continuing through May 5, 2015, and for at least twelve hours on Monday, April 27, 2015 and Monday May 4, 2015, preceding the election. The mailing address for an application for ballot by mail is Pam Hill, Early Voting Clerk, 410 W. Market St. Sinton, Texas, 78387.

Early voting by mail shall be offered by paper ballot. Electronic voting will be offered during early voting by personal appearance and on Election Day.

A copy of this resolution shall also serve as a writ of election which shall be delivered to the above appointed Presiding Judges, for said election.

**PASSED AND APPROVED THIS 6<sup>th</sup> DAY OF JANUARY 2015.**

CITY OF PORTLAND, TEXAS

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David Krebs, Mayor

ATTEST:

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Annette Hall, City Secretary

## ORDER OF ELECTION FOR MUNICIPALITIES

An election is hereby ordered to be held on May 9, 2015 for the purpose of:

Electing Four (4) Council Members for two (2) year terms

Early voting by personal appearance will be conducted each weekday at

Daniel P. Moore Community Center 2000 Billy G. Webb Dr., Portland, Texas

(location)

Recommended but not required

Between the hours of 8 a.m. and 5 p.m. beginning on April 29, 2015 and ending on  
(date)  
May 5, 2015 and from 7 a.m. to 7 p.m. on Monday, April 29, 2015 and Monday, May 4, 2015.  
(date)

Applications for ballot by mail shall be mailed to:

Pam Hill, Election Administrator

(Name of Early Voting Clerk)

410 W. Market Street

(Address)

Sinton, Texas 78387

(City) (Zip Code)

Applications for ballots by mail must be received no later than the close of business on  
April 30, 2015.

(date)

Issued this the 20<sup>th</sup> day of January, 2015.

\_\_\_\_\_  
Signature of Mayor

\_\_\_\_\_  
Signature of Councilperson

**Instruction Note: A copy of this election order must be delivered to the County Clerk/Elections Administrator and Voter Registrar not later than 60 days before Election Day.**

## ORDEN DE ELECCION PARA MUNICIPIO

Por la presente se ordena que se llevará a cabo una elección el día 9 de Mayo, 2014 con el propósito (fecha)

de: elegir Cuatro Miembros de Concilio (Termino de Dos Anos)

La votación adelantada en persona se llevará a cabo de lunes a viernes en

Daniel P. Moore Community Center, 2000 Billy G. Webb Dr., Portland, Tx  
(sitio)

Entre las 8 de la mañana y las 5 de la tarde empezando el día 29 de Abril 2015 (fecha) y terminando el día 5 de Mayo 2015 y entre las 7 de la mañana y las 7 de la tard, (lunes) día el 29 de Abril 2015 y (lunes) el día 4 de Mayo 2015 (fecha)

Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:

Pam Hall, Election Administrator  
(Nombre del Secretario(a) de Votación Adelantada)

410 W. Market Street  
(Dirección)

Sinton, Texas 78387  
(Ciudad) (Zona Postal)

Las solicitudes para boletas que se votarán en ausencia por correo deberán recibirse para el fin de las horas de las horas de negocio el día 30 de Abril 2015.  
(fecha)

Emitida este día 20 de Enero, 2015.

\_\_\_\_\_  
Firma del Alcalde

\_\_\_\_\_  
Firma de la Persona del Concilio

Nota de instrucción: Se deberá entregar una copia de esta orden de elección al/a la Secretario(a) del Condado/Administrador(a) de Elecciones y el/la Registrador(a) de Votantes a más tardar 60 días antes del día de elección.



## CITY COUNCIL ACTION ITEM

---

**AGENDA TITLE**      **PUBLIC HEARING – PLANNED UNIT DEVELOPMENT REZONING REQUEST**

THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING A REQUEST FROM OLDHAM GOODWIN DEVELOPMENT, LLC, TO REZONE APPROXIMATELY 13.255 ACRES OUT OF LOT 5 OF AMENDING PLAT OF GREGORY-PORTLAND INDEPENDENT SCHOOL TRACTS OF LOTS 1 AND 5 FROM R-6, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, PLANNED DEVELOPMENT DISTRICT – ASSISTANT CITY MANAGER

**ORDINANCE NO. 2103 – PLANNED UNIT DEVELOPMENT REZONING REQUEST**

THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2103 TO REZONE APPROXIMATELY 13.255 ACRES OUT OF LOT 5 OF AMENDING PLAT OF GREGORY-PORTLAND INDEPENDENT SCHOOL TRACTS OF LOTS 1 AND 5 FROM R-6, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, PLANNED DEVELOPMENT DISTRICT – ASSISTANT CITY MANAGER

**MEETING DATE**      1/20/2015

**DEPARTMENT**      Building and Development

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

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**EXECUTIVE SUMMARY**

A rezoning application has been submitted by Oldham Goodwin Development, LLC, to rezone approximately 13.255 acres out of Lot 5 of Amending Plat of Gregory-Portland Independent School Tracts of Lots 1 and 5 from R-6, Single-Family Residential District, to PUD, Planned Development District at the southwest corner of Cedar and Billy G. Webb Drives. Staff analysis shows the proposed 250-unit complex has been designed to minimize impacts to the adjacent residential neighborhood. The site layout, construction materials, and amenity packages are consistent with executive-style developments. The application is consistent with the Comprehensive Plan and Unified Development Ordinance. City Staff recommends approval.

**REZONING REQUEST**

The Oldham Goodwin Development, LLC, has applied to rezone approximately 13.255 acres out of Lot 5 of Amending Plat of Gregory-Portland Independent School Tracts of Lots 1 and 5 from R-6, Single-Family Residential District, to PUD, Planned Development District. The purpose of the request is to construct a 250-unit apartment complex located at the southwest corner of Billy G. Webb and Cedar Drives. The applicant has been authorized by the property's owner (Texas District Church Extension Fund / Texas District of the Lutheran Church—Missouri Synod) to submit the request.

The applicant has noted that “(t)he proposed two hundred and fifty (250) unit community will target young professionals, families, and retirees with a unit mix that includes 1 bedroom/1 bathroom, 2 bedroom/2 bathroom and 3 bedroom/3 bathroom. The unit mix and architectural design includes a townhouse feel, which is purposeful in providing an appeal for a broad demographic of age and family size.”

The project consists of ten two-story or three-story apartment buildings surrounding a central clubhouse. The units range in size from 700 sf to 1,270 sf. Approximately 37% of the parking will be covered (via garage, tandem overhang, or carport). A detailed breakdown of the unit types is located on the Concept Site Plan.

#### **PLANNED UNIT DEVELOPMENT APPROVAL CRITERIA**

Section 316 of the UDO outlines the following criteria for which the Planning and Zoning Commission and City Council shall base approval of Planned Unit Development requests:

1. The proposal is consistent with the City's Comprehensive Plan.
2. The PUD is necessary to address a unique situation or represents a substantial benefit to the City, compared to what could have been accomplished through strict application of the otherwise applicable zoning district standards.
3. The proposed plan mitigates any potential significant adverse impacts to the maximum practical extent.

Section 704 further states that multifamily PUD's “are intended to result in high quality and innovative mixed density housing developments.” PUD projects do not count against the City's policy on multifamily units not exceeding 25% of the City's housing stock.

While these requirements are a matter of sound legislative discretion of the City Council, City Staff has interpreted these criteria to demand creative and high-end executive-style housing. Furthermore, any multifamily housing constructed through the PUD process should eclipse any existing complexes in the City in site planning, construction materials, and amenities. It is also imperative that any multifamily project constructed through the PUD process protects the surrounding environment and adjacent properties from undesirable effects of higher density housing.

#### **STAFF ANALYSIS**

Based on the above approval criteria, City Staff has directed the applicant to focus on achieving two primary goals throughout the design process: (1) protecting adjacent properties from potentially undesirable effects of higher density housing; and (2) providing a high-end innovative design superior to existing complexes in the City. In reviewing the application, City Staff has examined detailed site plans, building elevations, renderings, landscape plans, civil plans, and amenity package descriptions in order to fully analyze whether these criteria are met.

#### Utilities and Drainage

Urban Engineering has provided a preliminary utility and drainage plan for the proposed project. Water service will be looped through the site and tied into three existing mains on Billy G. Webb, Cedar, and Timber Line Drives. The existing mains are all 8-inch lines and will provide adequate capacity for the project. Wastewater service will be provided into the existing 12-inch wastewater main on Cedar Drive. The 12-inch main has adequate capacity for the project. On-site underground storm drains are proposed to collect and convey runoff to the adjacent Cedar ditch. The ditch has adequate capacity to accommodate the increase in impervious cover.

#### Street Access and Capacity

The applicant is proposing a single entrance onto Billy G. Webb with a secondary gated emergency vehicle entrance/exit onto Timber Line Drive. This contrasts with the current R-6 zoning, which would require entrances on Billy G. Webb, Cedar, and Timber Line Drives. City Staff has requested that the applicant avoid connecting in to the existing street connection on Timber Line Drive in order to reduce any vehicular impact on the adjacent neighborhood of the proposed development.

Urban Engineering has provided calculations that both Billy G. Webb and Cedar Drives have the capacity to accommodate an increase in traffic due to the rezoning.

#### Building Heights, Locations, and Setbacks

City Staff requested that the applicant consider lower-height buildings adjacent to the existing residential neighborhood. As a result of this request, the applicant has stated that “we paid special attention to the single family neighborhood to our west by purposely moving all units as far off the western boundary as possible and utilizing a two (2) story building type throughout the entirety of this area, as to limit any adverse impact to the adjacent single family homes.” The two-story buildings have an approximate height to the parapet of 19.5 feet. The applicant is proposing that these two-story buildings that are adjacent to Timber Trail Circle (Buildings 5, 10, and 6) be setback approximately 115, 110, and 96 feet from the adjacent property line, respectively. This is in contrast to the 20-foot setbacks required in the existing R-6 zoning district. The three-story buildings, which are located adjacent to Billy G. Webb and Cedar Drives, have an approximate height to the parapet of 34.6 feet. The applicant has noted that these three-story buildings have been designed to “discreetly hide the majority of the interior of the complex from the public’s view.”

### Building Architectural Design and Construction

The architect has noted that “(f)rom the outside the community will give the urban feel while connecting with the local architectural styles that are present in Portland. The exterior facades will be composed of light to moderate tones of brick at the ground and transform into a stucco veneer above. The project will feature exterior balconies for each individual unit which will project from the main façade of the project creating articulation as one views from the outside.” The exterior facades are 100% masonry.

The applicant has noted that “(t)he units quality will be consistent with that of a Class A multifamily apartment project. The units shall include balconies, black or stainless appliance packages, granite tops in kitchen areas, washer and dryer in each unit, ceiling fans, showers and selective tub surrounds, crown molding in select areas, hard surface tile, carpet, and double sink vanities.”

### Landscaping and Perimeter Fencing

The proposed landscaping significantly exceeds UDO Section 709 requirements to further screen the complex from adjacent roadways. The site plan proposes a wrought iron fence with masonry columns on its west, north, and east sides and a cedar fence on its south side in compliance with the UDO.

### Amenities

The applicant has proposed that “(t)he common area amenity package shall include a modernized clubhouse consisting of a fitness facility, business center and a resort style pool. Additional amenities shall include several BBQ pavilions, a sports court, playground, gazebo, walking trail and a dog park. Lastly, this facility will offer a variety of covered parking options, with tuck under unit garages, carports and detached garages designed with excess storage capacity.”

### Staff Analysis Conclusions and Recommendations

In reviewing the application materials and the approval criteria, City Staff’s analysis shows that the proposed complex protects adjacent properties through intentional building placement and design, screening, and site planning efforts. City Staff’s scrutiny shows that the impact of this PUD on the adjacent subdivision is lower than a traditional R-6 single-family development due to the increased setbacks offered by the applicant and the reduced heights of the adjacent structures. Additionally, the applicant has given particular consideration to providing a high-end development through its use of quality building materials, innovative site design, and proposed amenities.

City Staff recommends that the Planning and Zoning Commission recommends to the City Council the approval of the Planned Unit Development.

### **PROPOSED ORDINANCE CONDITIONS**

Planned Unit Development approvals are accomplished by attaching the proposed plans to the zoning ordinance. The Planning and Zoning Commission may recommend modifications to any of the submitted materials or ordinance conditions. The applicant has agreed in writing to the conditions.

1. All uses and development of the property shall conform to the following plans which are attached hereto and incorporated herein:
  - a. Exhibit "A" – Concept Site Plan
  - b. Exhibit "B" – Site Utility and Drainage Plan (schematic level)
  - c. Exhibit "C" – Landscape Plan
  - d. Exhibit "D" – Typical Motorcourt, Street Front, and 2-Story Renderings (Two Sheets)
  - e. Exhibit "E" – Typical Building Elevations (Eight Sheets)
2. All exterior facades shall be 100% masonry as defined by the City of Portland Unified Development Ordinance.
3. All driveways and parking lots shall be concrete.
4. All exterior lighting shall comply with City of Portland Unified Development Ordinance Section 713 to minimize light pollution.
5. Apartment units shall be consistent with that of a Class A multifamily apartment project. The units shall include balconies, black or stainless appliance packages, granite tops in kitchen areas, washer and dryer in each unit, ceiling fans, showers and selective tub surrounds, crown molding in select areas, hard surface tile, carpet, and double sink vanities.
6. The common area amenity package shall include a modernized clubhouse consisting of a fitness facility, business center, and a resort-style pool. Additional amenities shall generally include a minimum of two BBQ pavilions, a sports court, playground, gazebo, and walking trail.

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

There are 38 adjacent properties within 200 feet of the subject lot. Property owners were notified by mail, postmarked December 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 December 25, 2014, in conformance with UDO Section 302. There has been no written or oral comment to the Development Services Department as of January 14, 2015.

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

The Planning and Zoning Commission conducted a Public Hearing on January 13, 2015, to solicit comments from citizens and other interested parties concerning the rezoning request. There was no public comment at the Public Hearing.

The Planning and Zoning Commission discussed:

- Unit layouts, stairwell locations, and building heights
- Driveway location

- Drainage of the adjacent subdivision

The Planning and Zoning Commission deliberated the request and voted 7-0 to recommend approval of the PUD request to the City Council.

#### **ATTACHMENTS**

- Application for Zoning Change
- Notice of Public Hearing
- Amenities Description Letter
- Proposed Ordinance, including Exhibits “A” through “E”

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#### **RECOMMENDED ACTION**

Adopt one of the following motions:

- (1) Approve the first reading of Ordinance No. 2103. (CITY STAFF RECOMMENDED ACTION)**

**OR**

- (2) Approve the first reading of Ordinance No. 2103 with modifications.**

**OR**

- (3) Reject the first reading of Ordinance No. 2103.**



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

**APPLICATION FOR ZONING CHANGE**

Oldham Goodwin

APPLICANT: Development, LLC PHONE: 979-268-2000

ADDRESS: 2800 South Texas Avenue, Suite 401 Bryan, TX 77802

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

AGENT OR ATTORNEY: Amy Clough  
302 Holleman Drive East, Suite 76,  
PHONE: 979-696-9889 ADDRESS: College Station, TX 77840

PROPERTY ADDRESS: TBD (SWC Cedar Dr. and Billy G. Webb Dr.)  
13.255 acres out of Lot Five (5), of Amending plat of

LEGAL DESCRIPTION: Gregory-Portland Independent School Tract of Lots 1

CURRENT ZONING: R-6 and 5. PROPOSED ZONING: Planned Unit  
Development ("PUD")

REASON FOR REQUEST:  
The intended future use is for a 250 unit multifamily project, which  
requires a Planned Unit Development ("PUD") in order to build within  
the City of Portland

PRINTED NAME: R. Hunter Goodwin DATE: 11-21-14

SIGNATURE OF APPLICANT OR AGENT: Oldham Goodwin Development, LLC  
by Oldham Goodwin Group, LLC  
it's manager by: R. Hunter Goodwin  
R. Hunter Goodwin, Manager

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



## **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 January 13, 2015 (Tuesday) and the City Council of the City of Portland on January 20, 2015 (Tuesday) in the Council Chambers 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 Oldham Goodwin Development, LLC, to rezone approximately 13.255 acres out of Lot 5 of Amending Plat of Gregory-Portland Independent School Tracts of Lots 1 and 5 from R-6, Single-Family Residential District, to PUD, Planned Development District. The tract is generally located at the southwest corner of Cedar Drive and Billy G. Webb Drive.

The applicant is proposing a 250-unit multifamily development. The site plan and renderings of the proposed development are 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](mailto:brian.delatte@portlandtx.com)

Brian DeLatte  
City of Portland  
1101 Moore Avenue  
Portland, TX 78374  
brian.delatte@portlandtx.com

November 18, 2014

**VIA ELECTRONIC MAIL**

Re: Amenities Description

Mr. DeLatte:

Oldham Goodwin Development would like the City of Portland to consider the attached (Exhibit A) multifamily project site application for a rezoning to a Planned Unit Development ("PUD").

We have done exhaustive research on the local Portland market, as well as the surrounding Competitive Market Area ("CMA"). This research was done with a purpose of deriving at what we believe is the desired physical product that best compliments the existing high standard of asset quality within the City of Portland, maximizing our ability to be successful while targeting a resident clientele that compliments the City of Portland, becoming high quality contributing citizen's.

The PUD for consideration will be located on an approximately ~13.255 acre site at the northwest corner of Billy G. Webb Dr. and Cedar Dr. in Portland, Texas. The proposed two hundred and fifty (250) unit community will target young professionals, families, and retirees with a unit mix that includes 1 bedroom/1 bathroom, 2 bedroom/2 bathroom and 3 bedroom/3 bathroom. The unit mix and architectural design includes a townhouse feel, which is purposeful in providing an appeal for a broad demographic of age and family size.

The common area amenity package shall include a modernized clubhouse consisting of a fitness facility, business center and a resort style pool. Additional amenities shall include, several BBQ pavilions, a sports court, playground, gazebo, walking trail and a dog park. Lastly, this facility will offer a variety of covered parking options, with tuck under unit garages, carports and detached garages designed with excess storage capacity.

The units quality will be consistent with that of a Class A multifamily apartment project. The units shall include balconies, black or stainless appliance packages, granite tops in kitchen areas, washer and dryer in each unit, ceiling fans, showers and selective tub surrounds, crown molding in select areas, hard surface tile, carpet, and double sink vanities.

The architectural design paid special attention to the appropriate activation along the major visible corridors of both Billy G. Webb Dr. and Cedar Dr., as well as making the clubhouse the centerpiece of a grand divided boulevard style main entry. Buildings #1 and #9, both of which front Billy G. Webb Dr., have a townhouse look and feel with unique front door access directly onto the parallel parking contained along the driveway that is parallel to the main road. Additionally, Buildings #2 and #3 have a specifically designed unit characteristic that will be appealing aesthetically from the street, as well as the utilization of a 6' decorative iron fence along the entirety of the property boundary fronting Cedar Dr. in order to further enhance public views. We purposely designed the site plan with Buildings #1, #2, #3, a small portion of #7, and all of #9 being three (3) story in order to discreetly hide the majority of the interior of the complex from the public's view. Lastly, we paid special attention to the single family neighborhood to our west by purposely moving all units as far off the western boundary as possible and utilizing a two (2) story building type throughout the entirety of this area, as to limit any adverse impact to the adjacent single family homes.

We hope that our meticulous efforts to fully understand and accommodate the immediate surrounding conditions, as well as the overarching high quality goals and objectives of the City of Portland show up in our design, product offering and overall amenity package.

Your consideration in this matter is greatly appreciated.

Sincerely,



R. Hunter Goodwin

President & COO

Oldham Goodwin Development, LLC

1 **ORDINANCE NO. 2103**

2  
3 **AN ORDINANCE REZONING APPROXIMATELY 13.255**  
4 **ACRES OUT OF LOT 5 OF AMENDING PLAT OF**  
5 **GREGORY-PORTLAND INDEPENDENT SCHOOL TRACTS**  
6 **OF LOTS 1 AND 5 FROM R-6, SINGLE-FAMILY**  
7 **RESIDENTIAL DISTRICT, TO PUD, PLANNED UNIT**  
8 **DEVELOPMENT DISTRICT AT THE REQUEST OF**  
9 **OLDHAM GOODWIN GROUP, LLC; PROVIDING FOR THE**  
10 **REPEAL OF ORDINANCES IN CONFLICT HEREWITH;**  
11 **PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A**  
12 **PENALTY AND SPECIFICALLY NEGATING A**  
13 **REQUIREMENT OF A CULPABLE MENTAL STATE; AND**  
14 **PROVIDING FOR PUBLICATION AND AN EFFECTIVE**  
15 **DATE**

16  
17 **WHEREAS** the owner of Lot 5 of Amending Plat of Gregory-Portland Independent  
18 School Tracts of Lots 1 and 5 (Texas District Church Extension Fund / Texas District of the  
19 Lutheran Church—Missouri Synod) has authorized the Oldham Goodwin Group, LLC, to  
20 request that the property be rezoned from "R-6 Single-Family Residential District" to  
21 "PUD Planned Unit Development"; and,

22  
23 **WHEREAS** the Planning and Zoning Commission has conducted a Public Hearing  
24 according to law and recommended that the request be granted by the City Council with  
25 conditions; and,

26  
27 **WHEREAS** the City Council has conducted a Public Hearing according to law and  
28 determined that the request meets the criteria for approval established by the Unified  
29 Development Ordinance with conditions; and,

30  
31 **WHEREAS** no formal written protest was filed by adjacent property owners and a  
32 simple majority vote is required to approve both readings of this ordinance.

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

36  
37 **SECTION 1. REZONING REQUEST GRANTED**

38  
39 The request of Oldham Goodwin Group, LLC, is hereby granted. Lot 5 of Amending Plat  
40 of Gregory-Portland Independent School Tracts of Lots 1 and 5 is hereby rezoned from  
41 from "R-6 Single-Family Residential District" to "PUD Planned Unit Development". The  
42 request is granted with the following conditions:

- 43 1. All uses and development of the property shall conform to the following plans  
44 which are attached hereto and incorporated herein:  
45 a. Exhibit "A" – Concept Site Plan  
46 b. Exhibit "B" – Site Utility and Drainage Plan (schematic level)  
47 c. Exhibit "C" – Landscape Plan  
48 d. Exhibit "D" – Typical Motorcourt, Street Front, and 2-Story Renderings  
49 (Two Sheets)  
50 e. Exhibit "E" – Typical Building Elevations (Eight Sheets)  
51 2. All exterior facades shall be 100% masonry as defined by the City of Portland  
52 Unified Development Ordinance.  
53 3. All driveways and parking lots shall be concrete.  
54 4. All exterior lighting shall comply with City of Portland Unified Development  
55 Ordinance Section 713 to minimize light pollution.  
56 5. Apartment units shall be consistent with that of a Class A multifamily apartment  
57 project. The units shall include balconies, black or stainless appliance packages,  
58 granite tops in kitchen areas, washer and dryer in each unit, ceiling fans, showers  
59 and selective tub surrounds, crown molding in select areas, hard surface tile,  
60 carpet, and double sink vanities.  
61 6. The common area amenity package shall include a modernized clubhouse  
62 consisting of a fitness facility, business center, and a resort-style pool. Additional  
63 amenities shall generally include a minimum of two BBQ pavilions, a sports  
64 court, playground, gazebo, and walking trail.  
65

66 **SECTION 2. OFFICIAL ZONING MAP AMENDED**

67  
68 The Official Zoning Map is hereby amended to reflect that of Lot 5 of Amending  
69 Plat of Gregory-Portland Independent School Tracts of Lots 1 and 5 is hereby  
70 rezoned "R-6, Single-Family Residential District" to "PUD, Planned Unit  
71 Development".  
72

73 **SECTION 3. REPEALER**

74  
75 All previously adopted rules, regulations, policies and ordinances in conflict with this  
76 Ordinance are hereby repealed.  
77

78 **SECTION 4. SEVERABILITY**

79  
80 If any provision, section, clause or phrase of this Ordinance, or the application of same  
81 to any person or set of circumstances is, for any reason held to be unconstitutional, void  
82 or invalid, the validity of the remaining portions of this Ordinance shall not be affected  
83 thereby, it being the intent of the City Council in adopting this Ordinance that no portion  
84 hereof, or provisions or regulations contained herein, shall become inoperative or fail by  
85 reason of any unconstitutionality of any other portion hereof, and all provisions of this  
86 Ordinance are declared severable for that purpose.

87 **SECTION 5. PENALTY**

88

89 Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon  
90 conviction thereof, shall be subject to a fine not exceeding two thousand dollars  
91 (\$2,000.00). Each and every day that a violation of this Ordinance occurs shall  
92 constitute a separate offense. The culpable mental state required by Chapter 6.02,  
93 Texas Penal Code, is specifically negated and dispensed with and a violation is a strict  
94 liability offense.

95

96 **SECTION 6. PUBLICATION AND EFFECTIVE DATE**

97

98 This Ordinance shall be published after second reading hereof by publishing the caption  
99 thereof in the official newspaper with a statement the public may view the Ordinance in  
100 the Office of the City Secretary. This Ordinance shall take effect upon its publication.

101

102 **PASSED** and **APPROVED** on second reading this \_\_\_\_\_ of \_\_\_\_\_, 2015.

103

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105

**CITY OF PORTLAND**

106

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109

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

110

**Mayor**

111

112 **ATTEST:**

113

114

\_\_\_\_\_  
**Annette Hall**

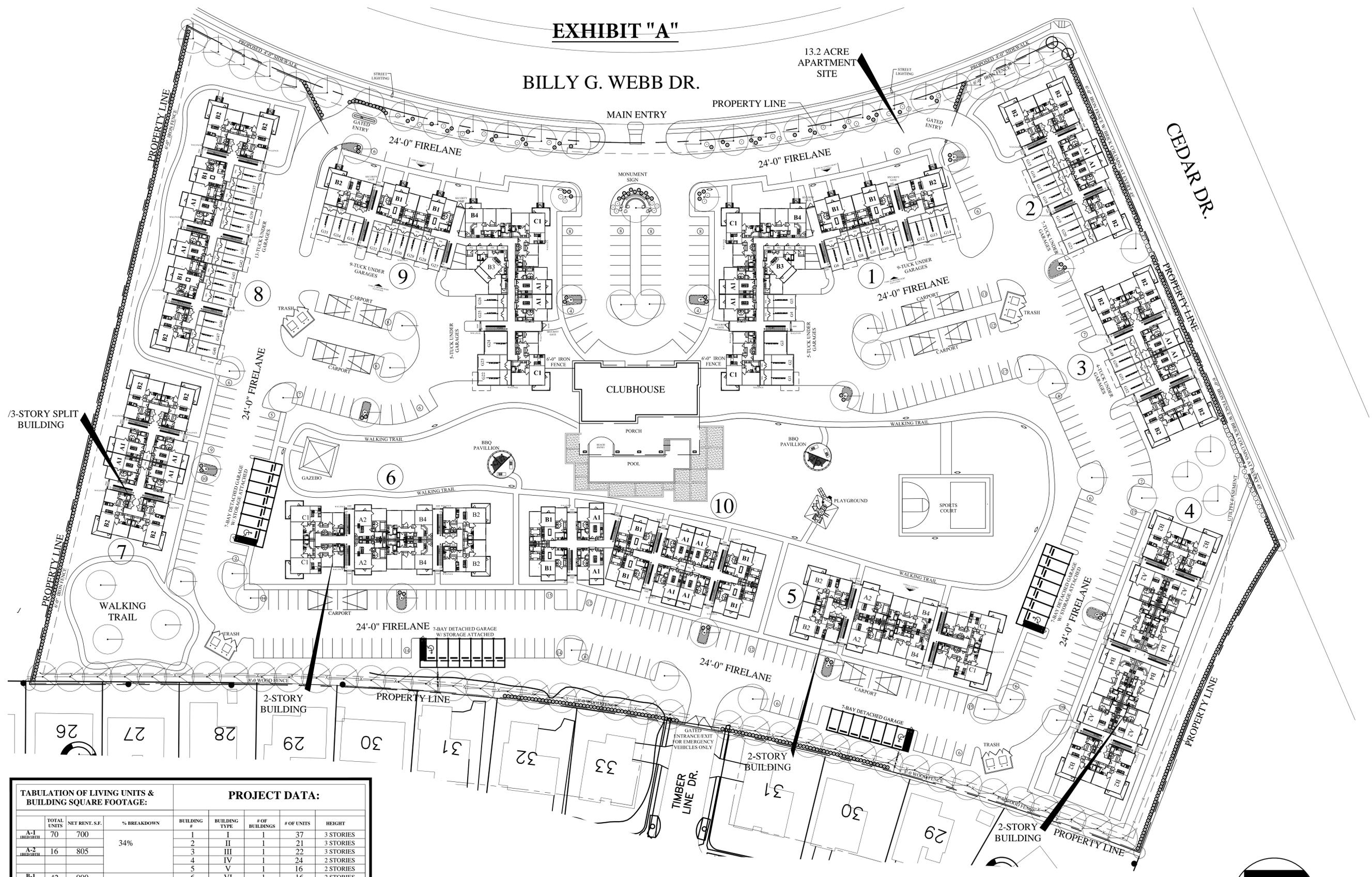
**City Secretary**

116

**EXHIBIT "A"**

**BILLY G. WEBB DR.**

13.2 ACRE APARTMENT SITE



3-STORY SPLIT BUILDING

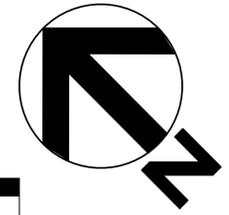
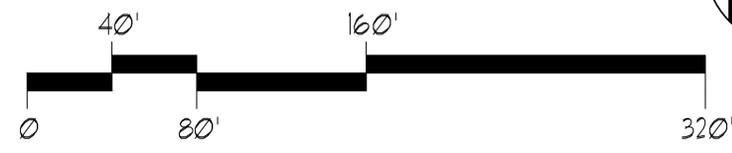
2-STORY BUILDING

2-STORY BUILDING

2-STORY BUILDING

TABULATION OF LIVING UNITS & BUILDING SQUARE FOOTAGE:				PROJECT DATA:			
	TOTAL UNITS	NET RENT S.F.	% BREAKDOWN	BUILDING #	BUILDING TYPE	# OF BUILDINGS	# OF UNITS
A-1	70	700	34%	1	I	1	37
A-2	16	805		2	II	1	21
B-1	42	990		3	III	1	22
B-2	70	1,021		4	IV	1	24
B-3	6	1,068		5	V	1	16
B-4	22	1,126	56%	6	VI	1	16
C-1	24	1,270		7	VII	1	22
TOTAL UNITS	250			8	VIII	1	31
				9	IX	1	37
				10	X	1	24
				TOTAL			250
			10%	PARKING: REQUIRED:			
				PROVIDED: 282 SURFACE PARKING SPACES 52 TUCK UNDER GARAGE SPACES 52 TANDEM PARKING SPACES 28 DETACHED GARAGE SPACES 36 CARPORT SPACES 450 TOTAL PARKING			

CONCEPT SITE PLAN  
SCALE: 1" = 40'-0"



**Palm Bluff Place**

Portland, Texas

**Galler Tolson French**  
Architecture  
Planning  
Project Management

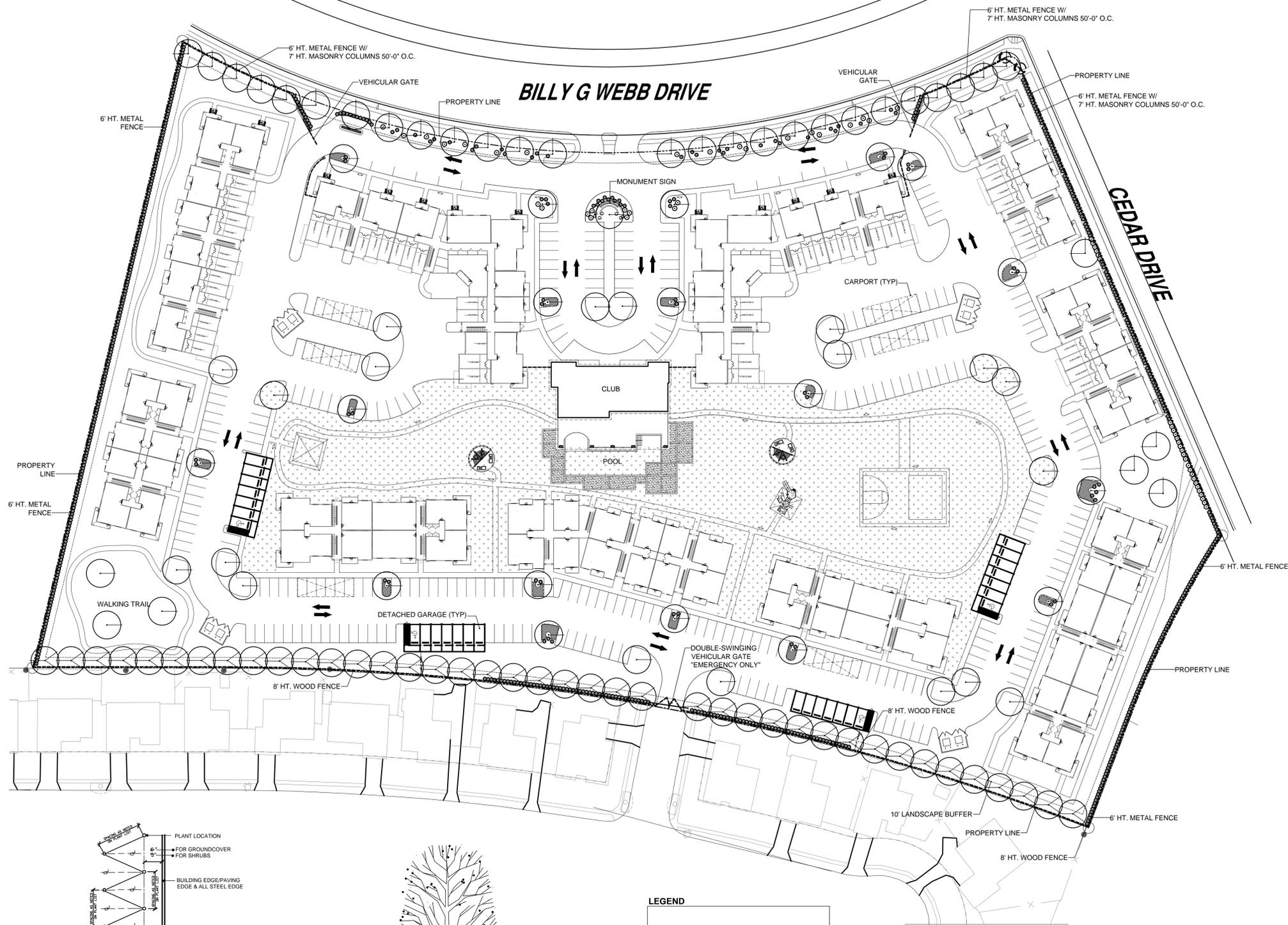
Phone: 817.514.0584  
Fax: 817.514.0584  
Web: www.GTFdesign.com  
2344 State Highway 121, Suite 100 · Bedford, Texas, 76021

REVISION	
1.	
2.	
3.	
4.	
5.	
6.	
7.	

DRAWN BY: GTF	CHECKED BY: JMT
PLOT DATE: 09-04-14	REV. DATE: ---
SUBMITTAL DATE: ---	PROJECT NUMBER: ---
ISSUED FOR: CONCEPT	SHEET NO. ---
SCALE: AS NOTED	



# EXHIBIT "C"



## LANDSCAPE NOTES:

PLAN MEETS OR EXCEEDS THE FOLLOWING STANDARDS:

### OPEN SPACE REQUIREMENT

LOT AREA: 574,912.2 S.F. (13.2 AC.)  
 REQUIRED: 15% OF TOTAL LOT AREA TO BE OPEN SPACE  
 574,912.2 X 15% = 86,236.8 S.F. (2 AC.)  
 PROVIDED: 101,951.1 S.F. (2.3 AC.)

### RESIDENTIAL BUFFER

REQUIRED: MIN. 10' BUFFER PROVIDED AT PROPERTY LINE ADJACENT TO A SINGLE-FAMILY DISTRICT, WITH THE FOLLOWING ELEMENTS:  
 -6 HT. MINIMUM OPAQUE FENCE OR MASONRY WALL  
 -ONE SMALL TREE OR SHRUB PER EVERY 10 LINEAR FEET  
 1,007.3 L.F. / 10 = 100.7 SHRUBS  
 -ONE CANOPY TREE PER EVERY 25 LINEAR FEET  
 1,007.3 L.F. / 25 = 40.3 TREES  
 PROVIDED: (101) SHRUBS AND (40) TREES, PLUS 8' HT. WOOD FENCE

### PARKING LOT PERIMETER LANDSCAPING

REQUIRED: THE AREA BETWEEN ANY STREET AND PARKING LOT SHALL BE LANDSCAPED WITH THE FOLLOWING ELEMENTS:  
 -ONE SMALL TREE OR SHRUB PER EVERY 10 LINEAR FEET  
 776.3 L.F. / 10 = 77.6 SHRUBS  
 -ONE CANOPY TREE PER EVERY 30 LINEAR FEET  
 776.3 L.F. / 30 = 25.9 TREES  
 PROVIDED: (78) SHRUBS AND (26) TREES

### PARKING LOT INTERIOR LANDSCAPING

REQUIRED: 10% OF INTERIOR AREA OF PARKING LOTS SHALL BE LANDSCAPED WITH THE FOLLOWING ELEMENTS:  
 -ONE SMALL TREE OR SHRUB PER EVERY 10 PARKING SPACES  
 307 SPACES / 10 = 30.7 SHRUBS  
 -ONE CANOPY TREE PER EVERY 20 PARKING SPACES  
 307 SPACES / 20 = 15.4 TREES  
 PROVIDED: (32) SHRUBS AND (16) TREES

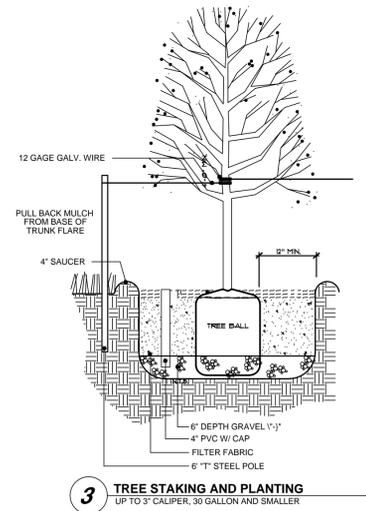
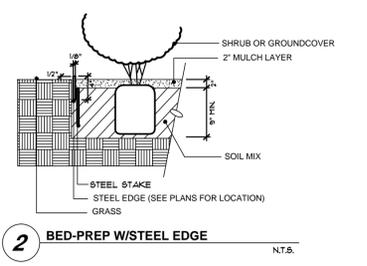
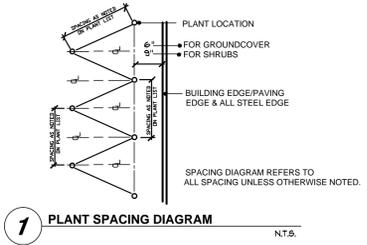
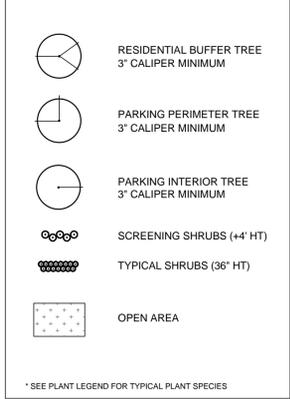
### GENERAL MAINTENANCE:

TREES, SHRUBS, WALLS, IRRIGATION IMPROVEMENTS AND OTHER LANDSCAPE FEATURES APPROVED BY THE CITY SHALL BE CONSIDERED ELEMENTS OF THE PROJECT IN THE SAME MANNER AS PARKING AND OTHER DETAILS. THE OWNER SHALL BE RESPONSIBLE FOR REGULAR MAINTENANCE OF ALL LANDSCAPING IN A WAY THAT PRESENTS A HEALTHY, NEAT AND ORDERLY APPEARANCE. ALL LANDSCAPING SHALL BE MAINTAINED FREE FROM DISEASE, PESTS, WEEDS AND LITTER. THIS MAINTENANCE SHALL INCLUDE WEEDING, WATERING, FERTILIZING, PRUNING, MULCHING, EDGING AND MOWING AS NEEDED AND IN ACCORDANCE WITH ACCEPTABLE HORTICULTURAL PRACTICE. IT ALSO INCLUDES THE REPAIR OR REPLACEMENT OF REQUIRED STRUCTURES SUCH AS WALLS, AND THE REPLACEMENT OF DEFECTIVE LANDSCAPING REQUIRED BY THIS SECTION. ALL LANDSCAPE AREAS SHALL BE IRRIGATED THROUGH AN IRRIGATION SYSTEM OR MUST BE WITHIN SEVENTY-FIVE (75) FEET OF A HOSE ATTACHMENT.

### PLANT LEGEND

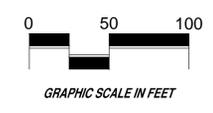
BOTANICAL NAME	COMMON NAME	SIZE
<b>TYPICAL CANOPY TREES</b>		
Phoenix canariensis	Canary Island Date Palm	3" Cal. min.
Quercus virginiana	Southern Live Oak	3" Cal. min.
Sabal mexicana	Texas Sabal	3" Cal. min.
Trachycarpus fortunei	Windmill Palm	3" Cal. min.
Ulmus crassifolia	Cedar Elm	3" Cal. min.
Washingtonia robusta	Mexican Fan Palm	3" Cal. min.
<b>TYPICAL SHRUBS</b>		
Ilex vomitoria	Yaupon Holly	5 Gal.
Lantana horrida	Texas Lantana	5 Gal.
Leucophyllum frutescens	Texas Sage	5 Gal.
Malvaviscus arboreus	Giant Turk's Cap	5 Gal.
Muhlenbergia capillaris	Gulf Muhly	5 Gal.
Tacoma stans	Yellow Bells	5 Gal.
Yucca spp.	Yucca	5 Gal.

### LEGEND



**1 CITY PLAN**

SCALE: 1" = 50'-0"



**ISSUES:**

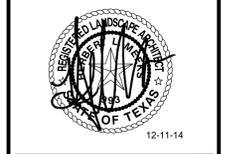
11-21-14	ISSUE FOR PERMIT

**REVISIONS:**

12-11-14	PUD COMMENTS

**CLIENT:**  
 GTF Architects  
 2344 Highway 121  
 Suite 100  
 Bedford, Texas  
 (817) 514-0584  
 FAX: (817) 514-0694

**PALM BLUFF PLACE**  
 PORTLAND, TEXAS



**ISSUE FOR PERMIT**  
 PORTLAND APARTMENTS  
 PORTLAND, TEXAS  
 JOB NUMBER: GTF-1416

**CITY PLAN**  
**LP0.01**

# EXHIBIT "D-1"



**TYPICAL MOTORCOURT ELEVATION**



**TYPICAL STREET FRONT ELEVATION**

EXHIBIT "D-2"



TYPICAL 2-STORY ELEVATION

# EXHIBIT "E-1"

MARKETING

DATE: 12-12-14  
DRAWN BY: RN

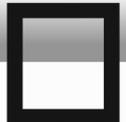
PALM BLUFF PLACE

Portland, Texas

Phone 817.514.0584  
Fax 817.514.0694  
Web www.GTFdesign.com

**Galier Tolson French**  
Architecture  
Planning  
Project Management

2344 Highway 121 Suite 100 Bedford, Texas 76021



1 BLDG. 1 & 9 TYP. SOUTH ELEVATION  
SCALE



2 BLDG. 1 & 9 TYP. - NORTH ELEVATION  
SCALE



# EXHIBIT "E-3"



1 BLDG. 3 WEST ELEVATION  
SCALE



2 BLDG. 3 - EAST ELEVATION  
SCALE

MARKETING	DRAWN BY:	
	DATE:	12-12-14
		RN

PALM BLUFF PLACE  
Portland, Texas

**Galier Tolson French**  
Architecture  
Planning  
Project Management

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Fax 817.514.0694  
Web www.GTFdesign.com

2344 Highway 121 Suite 100 Bedford, Texas 76021



# EXHIBIT "E-5"



BLDG. 5 & 6 - TYP. NORTH/SOUTH ELEVATION

SCALE

MARKETING

DATE:	12-12-14	DRAWN BY:	RN
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PALM BLUFF PLACE  
Portland, Texas

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Web www.GTFdesign.com

**Galier Tolson French**  
Architecture  
Planning  
Project Management  
2344 Highway 121 Suite 100 Bedford, Texas 76021



# EXHIBIT "E-6"



1 BLDG. 7 - EAST ELEVATION  
SCALE



2 BLDG. 7 - WEST ELEVATION  
SCALE

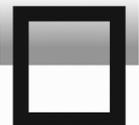
MARKETING

DATE:	DRAWN BY:
12-12-14	RN

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Portland, Texas

Phone 817.514.0584  
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Architecture  
Planning  
Project Management  
2344 Highway 121 Suite 100 Bedford, Texas 76021



# EXHIBIT "E-7"



1 BLDG. 8 - EAST ELEVATION  
SCALE



2 BLDG. 8 - WEST ELEVATION  
SCALE

MARKETING

DATE: 12-12-14	DRAWN BY: RN
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PALM BLUFF PLACE  
Portland, Texas

Phone 817.514.0584  
Fax 817.514.0694  
Web www.GTFdesign.com

**Galier Tolson French**  
Architecture  
Planning  
Project Management  
2344 Highway 121 Suite 100 Bedford, Texas 76021



# EXHIBIT "E-8"



1 BLDG. 10 - TYP. NORTH/SOUTH ELEVATION  
SCALE

MARKETING

DATE:	12-12-14	DRAWN BY:	RN
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PALM BLUFF PLACE  
Portland, Texas

Phone 817.514.0584  
Fax 817.514.0694  
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**Galier Tolson French**  
Architecture  
Planning  
Project Management  
2344 Highway 121 Suite 100 Bedford, Texas 76021



## CITY COUNCIL ACTION ITEM

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**AGENDA TITLE**      **PUBLIC HEARING – PLANNED UNIT DEVELOPMENT REZONING REQUEST**

THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING A REQUEST FROM RICHARD FINCH TO REZONE APPROXIMATELY 22.925 ACRES OF LAND OUT OF THE W.B. RHEW SURVEY, ABSTRACT 318, SAN PATRICIO COUNTY, TEXAS, FROM C-G, GENERAL COMMERCIAL DISTRICT, TO PUD, PLANNED DEVELOPMENT DISTRICT – ASSISTANT CITY MANAGER

**ORDINANCE NO. 2104 – PLANNED UNIT DEVELOPMENT REZONING REQUEST**

THE CITY COUNCIL WILL CONSIDER THE FIRST READING OF ORDINANCE NO. 2104 TO REZONE APPROXIMATELY 22.925 ACRES OF LAND OUT OF THE W.B. RHEW SURVEY, ABSTRACT 318, SAN PATRICIO COUNTY, TEXAS, FROM C-G GENERAL COMMERCIAL DISTRICT, TO PUD, PLANNED DEVELOPMENT DISTRICT – ASSISTANT CITY MANAGER

**MEETING DATE**      1/20/2015

**DEPARTMENT**      Building and Development

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

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### **EXECUTIVE SUMMARY**

A rezoning application has been submitted by Richard Finch to rezone approximately 22.925 acres of land out of the W.B. Rhew Survey, Abstract 318, San Patricio County, Texas, from C-G, General Commercial District, to PUD, Planned Development District at the northwest corner of Moore Avenue and Marriott Drive. Staff analysis shows the proposed 164-unit complex has been designed with amenities consistent with executive-style developments. However, there are City Staff concerns regarding the site layout.

### **REZONING REQUEST**

Richard Finch has applied to rezone approximately 22.925 acres of land out of the W.B. Rhew Survey, Abstract 318, San Patricio County, Texas, from C-G, General Commercial District, to PUD, Planned Development District. The purpose of the request is to construct a 164-unit apartment complex located at the northwest corner of Moore Avenue and Marriott Drive.

The applicant has been authorized by the property’s owner (Virginia L. Vaughan Family) to submit the request.

The applicant has noted via email that “Oak Manor Villas Portland is an exclusive multi-family, executive housing development offering individuals and families high quality, spacious living without the headaches of home ownership, care and maintenance.”

The project consists of forty-one (41) two-story apartment buildings surrounding a central lake. Approximately 24% of the parking will be covered (via garage). The units range in size from 1,080 sf to 1,479 sf. A detailed breakdown of the unit types is as follows:

Name	Bedrooms	Baths	Square Footage	Garage	Units
The Cypress	2	2	1080	No	41
The Aspen	2	2.5	1313	Yes	41
The Maple	3	2	1368	No	41
The Oak	3	2.5	1479	Yes	41

**PLANNED UNIT DEVELOPMENT APPROVAL CRITERIA**

Section 316 of the UDO outlines the following criteria for which the Planning and Zoning Commission and City Council shall base approval of Planned Unit Development requests:

1. The proposal is consistent with the City’s Comprehensive Plan.
2. The PUD is necessary to address a unique situation or represents a substantial benefit to the City, compared to what could have been accomplished through strict application of the otherwise applicable zoning district standards.
3. The proposed plan mitigates any potential significant adverse impacts to the maximum practical extent.

Section 704 further states that multifamily PUD’s “are intended to result in high quality and innovative mixed density housing developments.” PUD projects do not count against the City’s policy on multifamily units not exceeding 25% of the City’s housing stock.

While these requirements are a matter of sound legislative discretion of the City Council, City Staff has interpreted these criteria to demand creative and high-end executive-style housing. Furthermore, any multifamily housing constructed through the PUD process should eclipse any existing complexes in the City in site planning, construction materials, and amenities. It is also imperative that any multifamily project constructed through the PUD process protects the surrounding environment and adjacent properties from undesirable effects of higher density housing.

**STAFF ANALYSIS**

Based on the above approval criteria, City Staff has directed the applicant to focus on achieving two primary goals throughout the design process: (1) protecting adjacent properties from potentially undesirable effects of higher density housing; and (2) providing a high-end innovative design superior to existing complexes in the City. In reviewing the application, City Staff has examined detailed site plans, building elevations, renderings, landscape plans, civil plans, and amenity package descriptions in order to fully analyze whether these criteria are met.

#### Utilities and Drainage

Duplantis Design Group, PC, has provided a preliminary utility and drainage plan for the site. A waterline system will be looped through the site and connect into the 10-inch line on Moore Avenue in two locations. Final design may require a third connection on Marriott Drive. Wastewater service is proposed to tie into the existing wastewater main on Marriott Drive. The existing main has adequate capacity.

The stormwater runoff for the site is proposed to be routed through an on-site wet bottom detention pond prior to its overflow release into the TxDOT storm drain system. TxDOT has approved the drainage plan. As a condition of approval, City Staff recommends requiring an operations and maintenance plan on the pond, fountains, and pond lighting prior to building permit issuance. Furthermore, City Staff recommends that pond be properly and perpetually maintained according to the operations and maintenance plan as a condition of the Planned Unit Development rezoning.

#### Street Access and Capacity

The applicant is proposing two driveways onto Moore Avenue and one driveway onto Marriott Drive. TxDOT has approved the Moore Avenue locations. City Staff has a significant concern that Marriott Drive can accommodate a potential increase in traffic due to the rezoning request. City Staff requested the following from the applicant during the preliminary review:

“Provide calculations showing the proposed traffic onto Marriott, the proposed traffic generated by a typical C-G zoning, and whether an increase (if observed) can be accommodated by Marriott Drive’s geometry.”

The applicant responded that a traffic impact study would be performed upon rezoning approval. This condition can be added to the proposed ordinance.

#### Building Locations and Layouts

The applicant is proposing 41 4-plex buildings staggered throughout the development. Given that the 4-plexes are designed to mimic single-family housing, City Staff recommended that the applicant design a site plan resembling a high-end neighborhood with the concept that a multifamily project that visually appeared like a high-end single-family subdivision would be innovative and appealing and thus meeting the PUD requirements. In the applicant’s effort to do so, it is City Staff’s judgment that the proposed site plan more closely resembles tract

housing or the Bridge Pointe Landing Apartments. Given that each of the buildings' exterior elevations is similar, this tract housing feel is magnified.

After the applicant's initial submittal, City Staff recommended that the applicant revise the site plan in an attempt to add innovation as required by the UDO. The applicant noted after the initial submittal via email on December 17 that it is "looking at making distinct neighborhoods that have different looks and feels." The applicant subsequently declined to do so. The resubmittal of the site plan resulted in generally every other building being shifted five feet in an attempt to create a staggered look throughout the project. Even with these revisions, City Staff's conclusion remains unchanged that the site plan lacks the desired innovation required in a PUD. City Staff does not believe there to be any conditions that could be added to the proposed ordinance that would rectify this concern without a complete redesign of the site plan.

#### Building Architectural Design and Construction

The applicant is proposing that each building mimic the visual look of a single-family residence. While there are no codified masonry requirements for multifamily projects, City Staff strongly recommended the use of 100% masonry throughout the project in order to meet the high-quality intent of the PUD code and the City Council's strong desires for the increased use of masonry in order to demonstrate that quality intent. The masonry requirement is important, in City Staff's judgment, to protect the aesthetics of the complex over time. There is visual evidence in the City of other similar projects where the masonry and fiber cement siding age at differing speeds, accelerating the visual degradation of the development. As a PUD must eclipse other existing projects in the City, City Staff believes allowing sub-optimal building facades to front a major future growth corridor would be a regrettable mistake.

The applicant on December 17 indicated via email that "We will definitely go 100% masonry." The applicant subsequently declined to do so in its resubmittal. As part of its final document submittal for the Planning and Zoning Commission agenda, the applicant proposed the following masonry levels for the project:

- East (front) Elevation—66%
- West (rear) Elevation—76%
- North (right) Elevation—86%
- South (left) Elevation—85%
- Total four sides—78%

As the project attempts to mimic single-family homes, it should be noted that the front elevation masonry percentage does not meet the minimum required for single-family homes.

After the final document preparation for the Planning and Zoning Commission agenda, the applicant has agreed to utilize 100% masonry on the project. An ordinance condition has been added to that effect.

The applicant has noted that “each building is home to four luxury units and has the appearance and feel of a single family home with individual private entrances. The four floor plans all offer a fully equipped kitchen, washer and dryer, high ceilings, and an open floor plan with high end finishes offering a custom-home feeling. The Aspen and Oak floor plans offer garages and all units are two stories which has the advantage of no neighbors above or below.”

#### Landscaping and Perimeter Fencing

The proposed landscaping significantly exceeds UDO Section 709 requirements to further screen the complex from adjacent roadways. The site plan proposes a wood fence with masonry columns along Moore Avenue and a wood fence on its western side. The project is ungated. City Staff recommends that the fence along Moore Avenue be wrought iron with masonry columns.

#### Amenities

The applicant has proposed “open green space, a pool with sun deck, and a club house with a fitness room. Oak Manor Villas Portland will boast a ‘walking nature trail’ with educational stations around a well landscaped pond featuring local flora and fauna. A playground for families is located near the clubhouse and benches will be located throughout the neighborhood to enjoy the extensive landscaping.”

#### Staff Analysis Conclusions and Recommendations

In reviewing the application materials and the approval criteria, City Staff’s judgment is that the project as proposed does not meet the innovative requirements for a Planned Unit Development. While there is little doubt that the applicant’s intention is a high quality development, the creativity or unique characteristics that are imperative in a PUD miss the mark in this application. The applicant has even noted via email on December 29 that “I think (the development team) ha(s) done a poor job on visually representing the look and feel of the development.”

City Staff believes that the site layout must be revised to more closely resemble a higher-end single-family residential neighborhood in order for PUD approval to be considered. This could be done by clustering buildings together and by creating landscaped cul-de-sacs, medians, or boulevards throughout the development. Any of these methods could be utilized to help avoid a tract housing feel similar to Bridge Pointe Landing Apartments.

#### **PROPOSED ORDINANCE CONDITIONS**

Planned Unit Development approvals are accomplished by attaching the proposed plans to the zoning ordinance. The Planning and Zoning Commission may recommend modifications to any of the submitted materials or ordinance conditions.

If the Planning and Zoning Commission finds that the rezoning request should be approved as submitted, the following conditions should be used. The applicant has agreed to the conditions.

1. All uses and development of the property shall conform to the following plans which are attached hereto and incorporated herein:
  - a. Exhibit "A" – Site Plan
  - b. Exhibit "B" – Easement Plan
  - c. Exhibit "C" – Conceptual Landscape Plan
  - d. Exhibit "D" – Typical Building Elevations (Eight Sheets)
2. All driveways and parking lots shall be concrete.
3. All exterior lighting shall comply with City of Portland Unified Development Ordinance Section 713 to minimize light pollution.
4. Apartment units shall be consistent with that of a Class A multifamily apartment project. The units shall include fully equipped kitchen, washer and dryer, high ceilings, and an open floor plan with high end finishes. A minimum of 50% of the units shall offer attached garages.
5. The common area amenity package shall include a pool with sun deck and a club house with a fitness room. A walking nature trail shall be constructed with educational stations around a landscaped pond featuring local flora and fauna. A playground shall be constructed as depicted on Exhibit "A" and benches shall be located throughout the neighborhood.
6. A Traffic Impact Analysis (TIA) shall be completed by the Owner/Applicant and approved by the Administrative Official prior to the submission of a building permit application. The TIA shall include all information necessary to determine whether there will be an increase in traffic on Marriott Drive as a result of the rezoning and whether Marriott Drive can accommodate any such traffic increase given its current geometric configuration and condition. The Owner/Applicant will be required to construct at its sole expense any improvements to Marriott Drive in the event that the geometric configuration and condition are inadequate to accommodate the rezoning at the sole discretion of the Administrative Official.
7. Exhibit "C" shall be modified to depict a wrought iron fence with masonry columns spaced at maximum fifty (50) foot intervals along Moore Avenue and Marriott Drive.
8. An operations and maintenance plan for the drainage/landscape pond must be submitted and approved by the Administrative Official prior to issuance of a building permit.
9. The drainage/landscape pond must be operated and maintained according to the approved operations and maintenance plan.
10. The exterior facades of all buildings shall be 100% masonry as defined by the City of Portland Unified Development Ordinance.

City Staff is not proposing ordinance conditions for the site layout issues since it is believed that ordinance conditions alone cannot rectify our concerns.

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

There are 20 adjacent properties within 200 feet of the subject lot. Property owners were notified by mail, postmarked December 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 December 25, 2014, in conformance with UDO Section 302. There has been no written or oral comment to the Development Services Department as of January 7, 2015.

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

The Planning and Zoning Commission conducted a Public Hearing on January 13, 2015, to solicit comments from citizens and other interested parties concerning the rezoning request. There was one citizen that gave comment at the Public Hearing:

- Narendra Davli—1521 Skyline—Concerns regarding access onto Marriott, drainage

Deliberation by the Planning and Zoning Commission included:

- Unit sizes and rental rates
- Drainage concerns
- Access on Marriott, driveway locations, and required traffic impact analysis
- Fencing masonry column spacing and landscape maintenance

The Planning and Zoning Commission deliberated the request and voted 7-0 to recommend approval of the PUD request to the City Council with the addition of the following condition:

11. The driveway entrance onto Marriott shall be gated and used for emergency ingress/egress only.

The Fire Department has determined that the condition proposed by the Planning and Zoning Commission would meet fire code and is acceptable. If the City Council chooses to include Condition 11, Condition 6 concerning the TIA should then be removed from the ordinance.

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**RECOMMENDED ACTION**

Adopt one of the following motions:

- (1) Approve the first reading of Ordinance No. 2104.

**OR**

- (2) Approve the first reading of Ordinance No. 2104 with modifications.

**OR**

- (3) Reject the first reading of Ordinance No. 2104.



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

**APPLICATION FOR ZONING CHANGE**

APPLICANT: Richard Finch PHONE: 901-300-3584

ADDRESS: 5101 Wheelis Drive - Suite 310, Memphis, TN 38117

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

AGENT OR ATTORNEY: N/A

PHONE: N/A ADDRESS: N/A

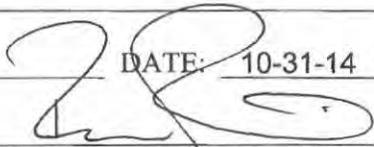
PROPERTY ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION: See attached survey.

CURRENT ZONING: C-G-General PROPOSED ZONING: PUD - Planned  
Commercial Unit Development

REASON FOR REQUEST:  
For the construction of a townhome development.

PRINTED NAME: Richard Finch DATE: 10-31-14

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



## **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 January 13, 2015 (Tuesday) and the City Council of the City of Portland on January 20, 2015 (Tuesday) in the Council Chambers 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 Richard Finch to rezone approximately a 22.925 acre tract of land out of the W.B. Rhew Survey, Abstract 318, San Patricio County, Texas, from C-G General Commercial District, to PUD, Planned Development District. The tract is generally located at the northwest corner of Marriott Drive and Moore Avenue.

The applicant is proposing a 164-unit multifamily development. The site plan and renderings of the proposed development are 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](mailto:brian.delatte@portlandtx.com)



Oak Manor Villas Portland  
Executive Housing

Oak Manor Villas Portland is an exclusive multi-family, executive housing development offering individuals and families high quality, spacious living without the headaches of home ownership, care and maintenance.

Each building is home to four luxury units and has the appearance and feel of a single family home with individual private entrances. The four floor plans all offer a fully equipped kitchen, washer and dryer, high ceilings, and an open floor plan with high end finishes offering a custom-home feeling. The Aspen and Oak floor plans offer garages and all units are two stories, which has the advantage of no neighbors above or below.

All Oak Manor properties feature open green space, a pool with sun deck, and a clubhouse with a fitness room. Oak Manor Villas Portland will boast a "walking nature trail" with educational stations around a well-landscaped pond featuring local flora and fauna. A playground for families is located near the clubhouse and benches will be located throughout the neighborhood to enjoy the extensive landscaping.

Oak Manor Villas Portland will have a full-time, on-site property manager whose purpose is to create a community with a sense of community and build a neighborhood we can be proud to call home. We accomplish this by creating monthly community events and utilization of a unique and deliberate communication plan. Our on-site Property Managers are compensated by key performance indicators that drive behavior which will foster positive experiences with our neighbors. The core values of our management company are:

- We are passionate about what we do and handle our business with intensity and urgency.
- We treat people with fairness and respect, ALWAYS!
- We believe in positively affecting the lives of all those we come in contact.
- Problems are opportunities to delight our clients.

For More information please contact:

Richard Finch, *President*  
White Oak Development  
5101 Wheelis Drive, Suite 310  
Memphis, TN 38117  
P | 901-300-3584  
C | 901-218-4191

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**ORDINANCE NO. xxxx**

**AN ORDINANCE REZONING APPROXIMATELY 22.925 ACRES OF LAND OUT OF THE W.B. RHEW SURVEY, ABSTRACT 318, SAN PATRICIO COUNTY, TEXAS, FROM C-G, GENERAL COMMERCIAL DISTRICT, TO PUD, PLANNED DEVELOPMENT DISTRICT, AT THE REQUEST OF RICHARD FINCH; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY AND SPECIFICALLY NEGATING A REQUIREMENT OF A CULPABLE MENTAL STATE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE**

**WHEREAS** the owner of approximately 22.925 acres of land out of the W.B. Rhew Survey, Abstract 318, San Patricio County, Texas (Virginia L. Vaughan Family), has authorized Richard Finch to request that the property be rezoned from "C-G, General Commercial District" to "PUD, Planned Development District"; and,

**WHEREAS** the property is described as follows:

Field Notes of a 22.925 acre tract of land being out of the W.B. Rhew survey, Abstract 318, San Patricio County, Texas. Said 22.925 acres being more particularly described as follows:

**BEGINNING** at a 5/8" iron rod set in the intersection of the north right of way of County Road 70 B and the west right of way of Moore Avenue for the southeast comer of this survey.

**THENCE** with the north right of way of County Road 70 B, North 87°47'40" West, a distance of 1185.32 feet to a 3/4" iron rod found in the north right of way of County Road 70 B, for the southeast comer of the Church of Jesus Christ of Latter Day Saints 3.00 acre tract, and for the southwest comer of this survey.

**THENCE** North 00°13'50" East, a distance of 974.69 feet to a 5/8" iron rod found in the south right of way of Moore Avenue, for the northeast comer of the Texas Eastern Transmission 5.01 acres tract, and for the northwest comer of this survey.

**THENCE** with the south right of way of Moore Avenue, South 89°46' 10" East, a distance of 269.10 feet to a 5/8" iron rod set in

43 the south right of way of Moore Avenue for the point of curvature  
44 of a curve to the right with a radius of 914.94.

45  
46 **THENCE** with said curve to the right of the right of way, with a  
47 chord bearing of South 44°55'40" East, a chord distance of  
48 1290.34 feet, a curve distance of 1432.13 feet to a 5/8" iron rod  
49 set in the west right of way of Moore Avenue for an outside  
50 comer of this survey.

51  
52 **THENCE** with the west right of way of Moore Avenue, South  
53 00°05'10" East, a distance of 105.66 feet to the POINT OF  
54 BEGINNING of this survey, and containing 22.925 acres of land,  
55 more or less.

56  
57 **WHEREAS** the Planning and Zoning Commission has conducted a Public Hearing  
58 according to law and recommended that the request be granted by the City Council with  
59 conditions; and,

60  
61 **WHEREAS** the City Council has conducted a Public Hearing according to law and  
62 determined that the request meets the criteria for approval established by the Unified  
63 Development Ordinance with conditions; and,

64  
65 **WHEREAS** no formal written protest was filed by adjacent property owners and a  
66 simple majority vote is required to approve both readings of this ordinance.

67  
68 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**  
69 **PORTLAND, TEXAS:**

70  
71 **SECTION 1. REZONING REQUEST GRANTED**

72  
73 The request of Richard Finch is hereby granted. 22.925 acres of land out of the W.B.  
74 Rhew Survey, Abstract 318, San Patricio County, Texas is hereby rezoned from from "C-  
75 G, General Commercial District" to "PUD, Planned Development District".

76  
77 The request is granted with the following conditions:

- 78 1. All uses and development of the property shall conform to the following plans  
79 which are attached hereto and incorporated herein:  
80 a. Exhibit "A" – Site Plan  
81 b. Exhibit "B" – Easement Plan  
82 c. Exhibit "C" – Conceptual Landscape Plan  
83 d. Exhibit "D" – Typical Building Elevations (Eight Sheets)
- 84 2. All driveways and parking lots shall be concrete.  
85 3. All exterior lighting shall comply with City of Portland Unified Development  
86 Ordinance Section 713 to minimize light pollution.

- 87 4. Apartment units shall be consistent with that of a Class A multifamily apartment  
88 project. The units shall include fully equipped kitchen, washer and dryer, high  
89 ceilings, and an open floor plan with high end finishes. A minimum of 50% of the  
90 units shall offer attached garages.
- 91 5. The common area amenity package shall include a pool with sun deck and a club  
92 house with a fitness room. A walking nature trail shall be constructed with  
93 educational stations around a landscaped pond featuring local flora and fauna.  
94 A playground shall be constructed as depicted on Exhibit "A" and benches shall  
95 be located throughout the neighborhood.
- 96 6. A Traffic Impact Analysis (TIA) shall be completed by the Owner/Applicant and  
97 approved by the Administrative Official prior to the submission of a building  
98 permit application. The TIA shall include all information necessary to determine  
99 whether there will be an increase in traffic on Marriott Drive as a result of the  
100 rezoning and whether Marriott Drive can accommodate any such traffic increase  
101 given its current geometric configuration and condition. The Owner/Applicant  
102 will be required to construct at its sole expense any improvements to Marriott  
103 Drive in the event that the geometric configuration and condition are inadequate  
104 to accommodate the rezoning at the sole discretion of the Administrative  
105 Official.
- 106 7. Exhibit "C" shall be modified to depict a wrought iron fence with masonry  
107 columns spaced at maximum fifty (50) foot intervals along Moore Avenue and  
108 Marriott Drive.
- 109 8. An operations and maintenance plan for the drainage/landscape pond must be  
110 submitted and approved by the Administrative Official prior to issuance of a  
111 building permit.
- 112 9. The drainage/landscape pond must be operated and maintained according to  
113 the approved operations and maintenance plan.
- 114 10. The exterior facades of all buildings shall be 100% masonry as defined by the City  
115 of Portland Unified Development Ordinance.

116

117 **SECTION 2. OFFICIAL ZONING MAP AMENDED**

118

119 The Official Zoning Map is hereby amended to reflect that 22.925 acres of land  
120 out of the W.B. Rhew Survey, Abstract 318, San Patricio County, Texas, is hereby  
121 rezoned from from "C-G, General Commercial District" to "PUD, Planned  
122 Development District".

123

124 **SECTION 3. REPEALER**

125

126 All previously adopted rules, regulations, policies and ordinances in conflict with this  
127 Ordinance are hereby repealed.

128

129 **SECTION 4. SEVERABILITY**

130

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

138 **SECTION 5. PENALTY**

139

140 Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon  
141 conviction thereof, shall be subject to a fine not exceeding two thousand dollars  
142 (\$2,000.00). Each and every day that a violation of this Ordinance occurs shall  
143 constitute a separate offense. The culpable mental state required by Chapter 6.02,  
144 Texas Penal Code, is specifically negated and dispensed with and a violation is a strict  
145 liability offense.

146

147 **SECTION 6. PUBLICATION AND EFFECTIVE DATE**

148

149 This Ordinance shall be published after second reading hereof by publishing the caption  
150 thereof in the official newspaper with a statement the public may view the Ordinance in  
151 the Office of the City Secretary. This Ordinance shall take effect upon its publication.

152

153 **PASSED** and **APPROVED** on second reading this \_\_\_\_ of \_\_\_\_\_, 2015.

154

155

156

**CITY OF PORTLAND**

157

158

159

160

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

161

**Mayor**

162

163 **ATTEST:**

164

165

166

\_\_\_\_\_  
**Annette Hall**

167

**City Secretary**

# EXHIBIT "A"

## AREA ANALYSIS

NUMBER OF UNITS 164 UNITS  
 TOTAL AREA 22.925 ACRES  
 UNITS PER ACRE 7.15 UNITS/ACRE

## PARKING RATIO

●PARKING PROVIDED 390 SPACES  
 ●●PARKING REQUIRED 344 SPACES

\*2 SPACES PER BUILDING IN GARAGE AND 2 SPACES PER DRIVEWAY  
 \*\*REQUIRED PARKING ASSUMES 8 SPACES PER BUILDING AND 16 SPACES FOR CLUBHOUSE.  
 #PER THE OFF-STREET PARKING STANDARDS:  
 TOWNHOME REQUIRES 2 PER DWELLING  
 COMMUNITY BUILDING/RECREATION FIELD, PRIVATE REQUIRES 1 SPACE/100 SF

### LEGEND - STRIPING

- SWSL/4" - SINGLE WHITE SOLID LINE / 4" WIDE
- DYSL/4" - DOUBLE YELLOW SOLID LINE / 4" WIDE EACH
- SYSL/4" - SINGLE YELLOW SOLID LINE / 4" WIDE
- SWSL/4" - SINGLE WHITE DASHED LINE / 4" WIDE
- SWSL/4" - SINGLE BLUE SOLID LINE / 4" WIDE
- SWSL/24" - SINGLE WHITE SOLID LINE / 24" WIDE
- SWSL/8" - SINGLE WHITE SOLID LINE / 8" WIDE

### LEGEND - NEW IMPROVEMENTS

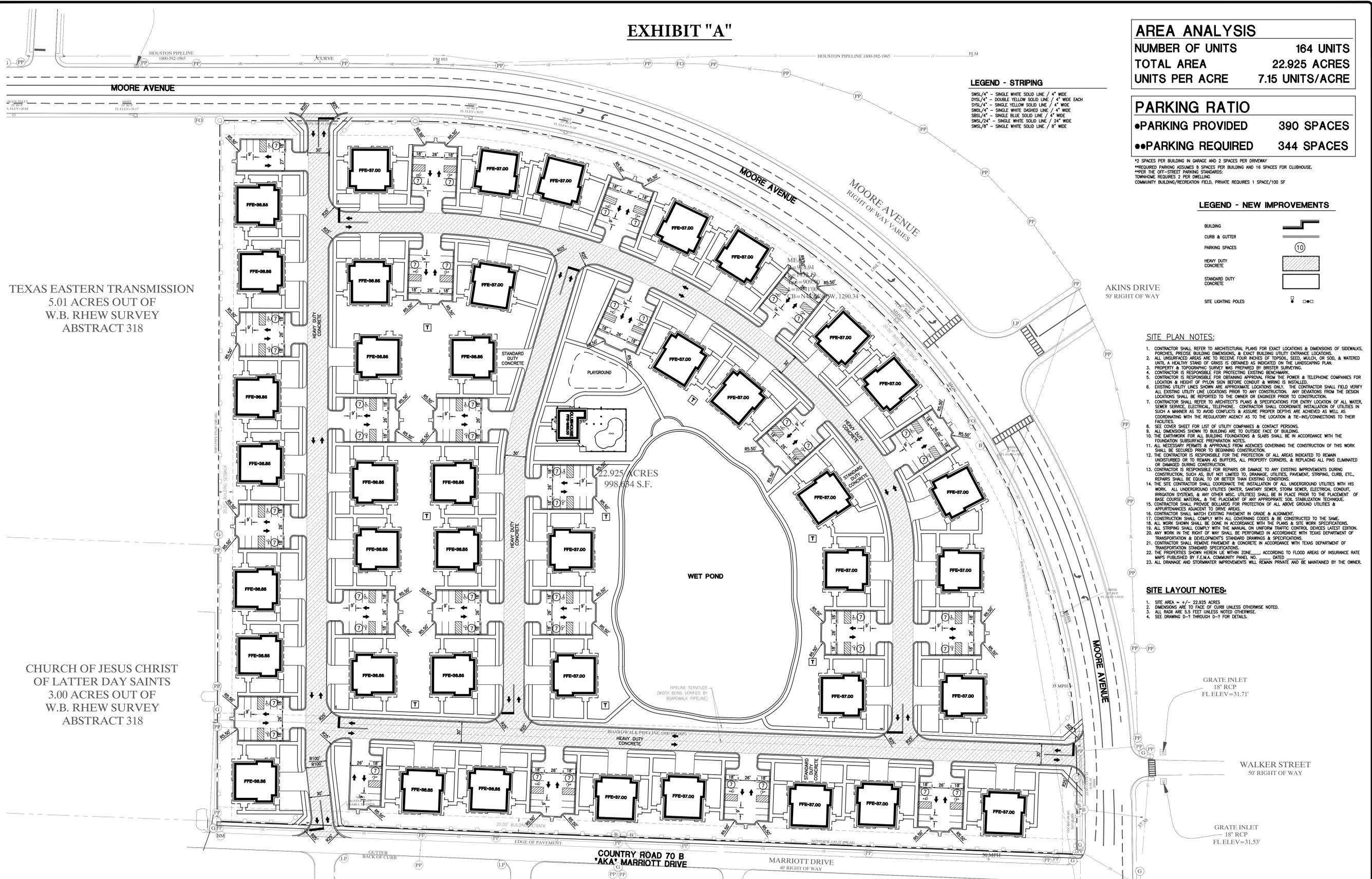
- BUILDING
- CURB & GUTTER
- PARKING SPACES
- HEAVY DUTY CONCRETE
- STANDARD DUTY CONCRETE
- SITE LIGHTING POLES

### SITE PLAN NOTES:

1. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS & DIMENSIONS OF SIDEWALKS, PORCHES, PRECISE BUILDING DIMENSIONS, & EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
2. ALL UNSURFACED AREAS SHALL BE TOPSOIL, SEED, MULCH, OR SOLO, & WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED AS INDICATED ON THE LANDSCAPING PLAN.
3. PROPERTY & TOPOGRAPHIC SURVEY WAS PREPARED BY BROTHER SURVEYING.
4. CONTRACTOR IS RESPONSIBLE FOR PROTECTING EXISTING BENCHMARK.
5. CONTRACTOR IS RESPONSIBLE FOR OBTAINING APPROVAL FROM THE POWER & TELEPHONE COMPANIES FOR LOCATION & HEIGHT OF Pylon SIGN BEFORE CONDUIT & WIRING IS INSTALLED.
6. EXISTING UTILITY LINES SHOWN ARE APPROXIMATE LOCATIONS ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING UTILITY LINE LOCATIONS PRIOR TO ANY CONSTRUCTION. ANY DEVIATIONS FROM THE DESIGN LOCATIONS SHALL BE REPORTED TO THE OWNER OR ENGINEER PRIOR TO CONSTRUCTION.
7. CONTRACTOR SHALL REFER TO ARCHITECT'S PLANS & SPECIFICATIONS FOR ENTRY LOCATION OF ALL WATER, SEWER SERVICES, ELECTRICAL, TELEPHONE. CONTRACTOR SHALL COORDINATE INSTALLATION OF UTILITIES IN SUCH A MANNER AS TO AVOID CONFLICTS & ASSURE PROPER DEPTHS ARE ACHIEVED AS WELL AS COORDINATING WITH THE REGULATORY AGENCY AS TO THE LOCATION & TIE-INS/CONNECTIONS TO THEIR FACILITIES.
8. SEE COVER SHEET FOR LIST OF UTILITY COMPANIES & CONTACT PERSONS.
9. ALL DIMENSIONS SHOWN TO BUILDING ARE TO CURB FACE OF BUILDING.
10. THE EARTHWORK FOR ALL BUILDING FOUNDATIONS & SLABS SHALL BE IN ACCORDANCE WITH THE FOUNDATION SUBSPECIFICATIONS PREPARATION NOTES.
11. ALL NECESSARY PERMITS & APPROVALS FROM AGENCIES GOVERNING THE CONSTRUCTION OF THIS WORK SHALL BE SECURED PRIOR TO BEGINNING CONSTRUCTION.
12. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL AREAS INDICATED TO REMAIN UNDISTURBED OR TO REMAIN AS BUFFERS, ALL PROPERTY CORNERS, & REPLACING ALL PINS ELIMINATED OR DAMAGED DURING CONSTRUCTION.
13. CONTRACTOR IS RESPONSIBLE FOR REPAIRS OR DAMAGE TO ANY EXISTING IMPROVEMENTS DURING CONSTRUCTION, SUCH AS, BUT NOT LIMITED TO, DRAINAGE UTILITIES, PAVEMENT, STRIPING, CURBS, ETC., REPAIRS SHALL BE EQUAL TO OR BETTER THAN EXISTING CONDITIONS.
14. THE SITE CONTRACTOR SHALL COORDINATE THE INSTALLATION OF ALL UNDERGROUND UTILITIES WITH HIS WORK. ALL UNDERGROUND UTILITIES (WATER, SANITARY SEWER, STORM SEWER, ELECTRICAL CONDUIT, IRRIGATION SYSTEMS, & ANY OTHER MISC. UTILITIES) SHALL BE IN PLACE PRIOR TO THE PLACEMENT OF BASE COURSE MATERIAL, & THE PLACEMENT OF ANY APPROPRIATE SOIL STABILIZATION TECHNIQUE.
15. CONTRACTOR SHALL PROVIDE BOLLARDS FOR PROTECTION OF ALL ABOVE GROUND UTILITIES & APPLIANCE ADJACENT TO DRIVE AREAS.
16. CONTRACTOR SHALL MATCH EXISTING PAVEMENT IN GRADE & ALIGNMENT.
17. CONSTRUCTION SHALL COMPLY WITH ALL GOVERNING CODES & BE CONSTRUCTED TO THE SAME.
18. ALL WORK SHOWN SHALL BE DONE IN ACCORDANCE WITH THE PLANS & SITE WORK SPECIFICATIONS.
19. ALL STRIPING SHALL COMPLY WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES LATEST EDITION.
20. ANY WORK IN THE RIGHT OF WAY SHALL BE PERFORMED IN ACCORDANCE WITH TEXAS DEPARTMENT OF TRANSPORTATION & DEVELOPMENT'S STANDARD DRAWINGS & SPECIFICATIONS.
21. CONTRACTOR SHALL REMOVE PAVEMENT & CONCRETE IN ACCORDANCE WITH TEXAS DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS.
22. THE PROPERTIES SHOWN HEREIN ARE WITHIN ZONE \_\_\_\_\_ ACCORDING TO FLOOD AREAS OF INSURANCE RATE MAPS PUBLISHED BY F.E.M.A. COMMUNITY PANEL NO. \_\_\_\_\_ DATED \_\_\_\_\_
23. ALL DRAINAGE AND STORMWATER IMPROVEMENTS WILL REMAIN PRIVATE AND BE MAINTAINED BY THE OWNER.

### SITE LAYOUT NOTES:

1. SITE AREA = +/- 22.925 ACRES
2. DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
3. ALL PAVI ARE 5.5 FEET UNLESS NOTED OTHERWISE.
4. SEE DRAWING D-7 THROUGH D-9 FOR DETAILS.



TEXAS EASTERN TRANSMISSION  
 5.01 ACRES OUT OF  
 W.B. RHEW SURVEY  
 ABSTRACT 318

CHURCH OF JESUS CHRIST  
 OF LATTER DAY SAINTS  
 3.00 ACRES OUT OF  
 W.B. RHEW SURVEY  
 ABSTRACT 318

COUNTRY ROAD 70 B  
 "AKA" MARRIOTT DRIVE

- B = BOLLARD
- BM = PROJECT BENCHMARK
- FH = FIRE HYDRANT
- FL = FLOW LINE
- FO = FIBER OPTIC CABLE
- G = GUY WIRE
- MHST = MANHOLE STORM
- MHSS = MANHOLE SEWER
- PP = POWER POLE
- RCP = REINFORCED CONCRETE PIPE
- S = STOP SIGN
- WV = WATER VALVE

THIS SURVEY DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

- NOTES:
- 1.) TOTAL SURVEYED AREA IS 22.925 ACRES.
  - 2.) MEASURED BEARINGS ARE BASED ON GLOBAL POSITIONING SYSTEM NAD 83 (93) 4205 DATUM.
  - 3.) MEASURED ELEVATIONS ARE BASED ON NAVD 88, US SURVEY FEET.
  - 4.) PROJECT BENCHMARK IS RAILROAD SPIKE SET IN PAVEMENT WITH AN ELEVATION OF 33.78'
  - 5.) A METES AND BOUNDS DESCRIPTION OF EQUAL DATE ACCOMPANIES THIS SURVEY.

- = FOUND 3/4" IRON PIPE
- ⊙ = FOUND 5/8" IRON ROD

GRATE INLET  
 18" RCP  
 FL ELEV = 31.71'

GRATE INLET  
 18" RCP  
 FL ELEV = 31.53'



## SITE PLAN

SCALE IN FEET  
 0 25 50 100 150

REVISION	BY

**DDG**  
 DUPONTIS DESIGN GROUP, PC  
 CIVIL ENGINEERING - ARCHITECTURE  
 34 LOUISE PRIMA DRIVE COVINGTON, LA 70439  
 WWW.DDPC.COM Phone: 985-449-6186 || Fax: 985-449-6190  
 THIBODAUX | COVINGTON | HOUSTON | BATON ROUGE | HOUMA

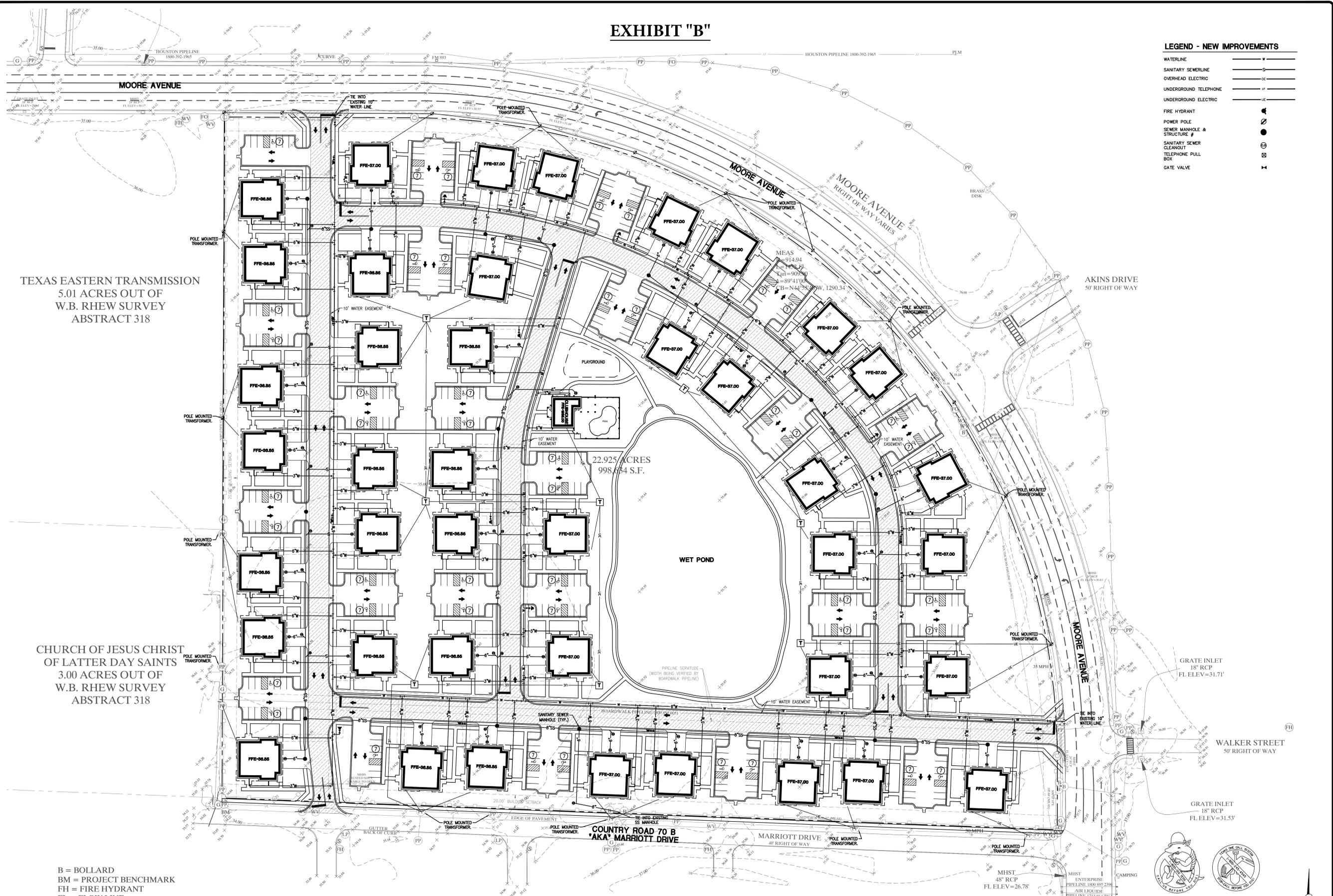
PROGRESS SET - FOR REVIEW ONLY  
 Issued 12/22/14  
 These comments are for Design Review and not for construction. They are prepared by, or under the supervision of, Luke M. Cooley, P.E., #972555 Dupontis Design Group, P.C.

OAK MANOR VILLAS PORTLAND  
 PORTLAND, TX  
 SAN PATRICIO COUNTY  
 FOR WHITE OAK DEVELOPMENT  
 MEMPHIS, TN

DRAWN DJG  
 CHECKED LMC  
 ISSUED DATE 12-22-14  
 ISSUED FOR REZONING  
 PROJECT NO. 14-390  
 FILE SITE (CLEANED UP 12-22-14)

SHEET  
**C-1**

# EXHIBIT "B"



**LEGEND - NEW IMPROVEMENTS**

WATERLINE	—
SANITARY SEWERLINE	—
OVERHEAD ELECTRIC	—
UNDERGROUND TELEPHONE	—
UNDERGROUND ELECTRIC	—
FIRE HYDRANT	—
POWER POLE	—
SEWER MANHOLE & STRUCTURE #	—
SANITARY SEWER CLEANOUT	—
TELEPHONE PULL BOX	—
GATE VALVE	—

TEXAS EASTERN TRANSMISSION  
5.01 ACRES OUT OF  
W.B. RHEW SURVEY  
ABSTRACT 318

CHURCH OF JESUS CHRIST  
OF LATTER DAY SAINTS  
3.00 ACRES OUT OF  
W.B. RHEW SURVEY  
ABSTRACT 318

- B = BOLLARD
- BM = PROJECT BENCHMARK
- FH = FIRE HYDRANT
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- G = GUY WIRE
- MHST = MANHOLE STORM
- MHSS = MANHOLE SEWER
- PP = POWER POLE
- RCP = REINFORCED CONCRETE PIPE
- S = STOP SIGN
- WV = WATER VALVE

THIS SURVEY DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

- = FOUND 3/4" IRON PIPE
- ⊙ = FOUND 5/8" IRON ROD

- NOTES:**
- TOTAL SURVEYED AREA IS 22.925 ACRES.
  - MEASURED BEARINGS ARE BASED ON GLOBAL POSITIONING SYSTEM NAD 83 (93) 4205 DATUM.
  - MEASURED ELEVATIONS ARE BASED ON NAVD 88, US SURVEY FEET.
  - PROJECT BENCHMARK IS RAILROAD SPIKE SET IN PAVEMENT WITH AN ELEVATION OF 33.78'
  - A METES AND BOUNDS DESCRIPTION OF EQUAL DATE ACCOMPANIES THIS SURVEY.

**EASEMENT PLAN**

SCALE IN FEET

REVISION	BY

**DDG**  
DUPLANTIS DESIGN GROUP, P.C.  
CIVIL ENGINEERING - ARCHITECTURE  
34 LOUISIANA DRIVE COVINGTON, LA 70433  
WWW.DDGPC.COM PHONE: 985-496-6180 FAX: 985-496-6190  
THIBODAUX | COVINGTON | HOUSTON | BATON ROUGE | HOUMA

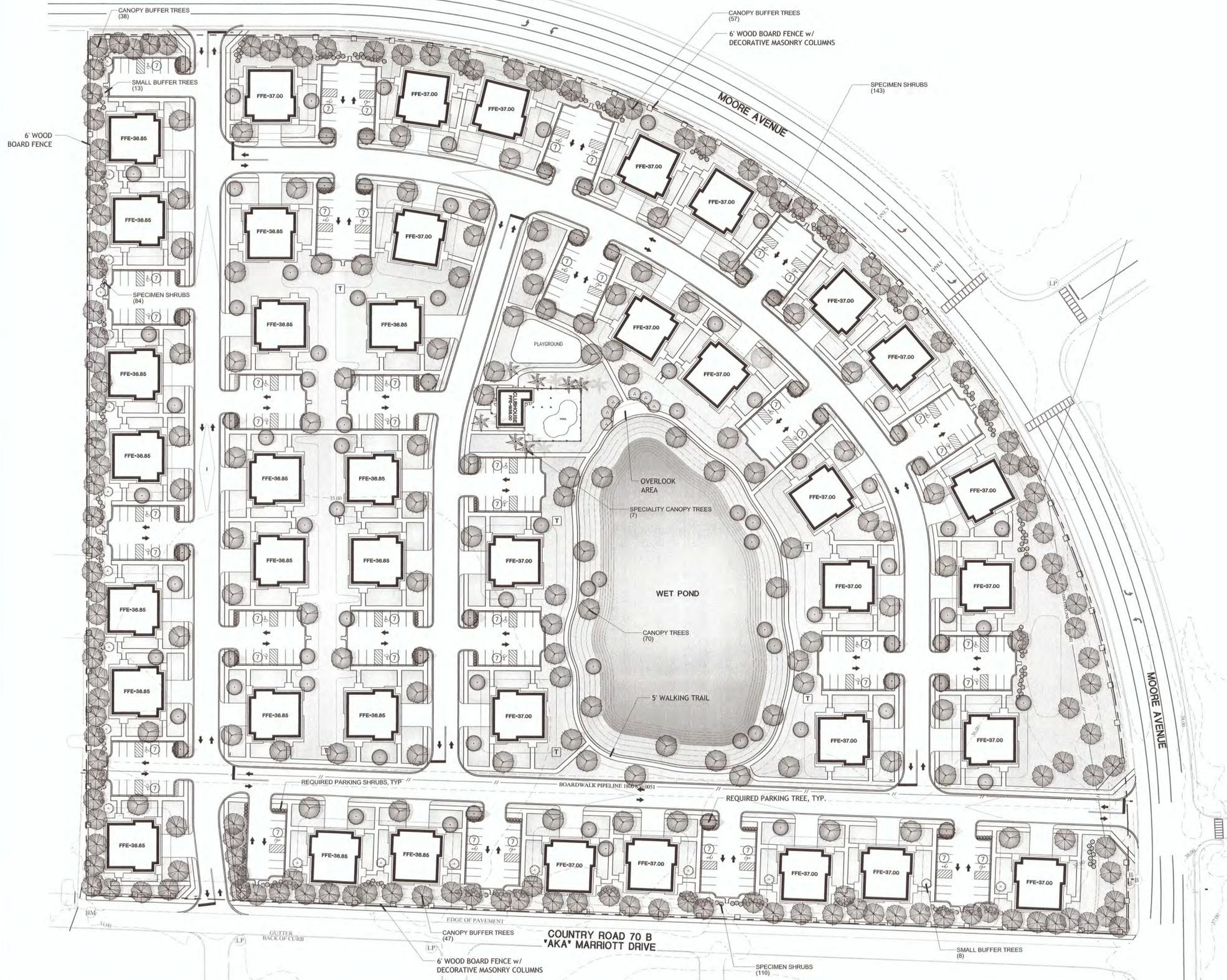
PROGRESS SET - FOR REVIEW ONLY  
Issued 12/22/14  
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OAK MANOR VILLAS PORTLAND  
PORTLAND, TX  
SAN PATRICIO COUNTY  
FOR WHITE OAK DEVELOPMENT  
MEMPHIS, TN

DRAWN	DJG
CHECKED	LMC
ISSUED DATE	12-22-14
ISSUED FOR	REZONING
PROJECT NO.	14-390
FILE	EASEMENT
SHEET	C-5

\\s:\CAD\Drawings\14-0000\14-390\DWG\EASEMENT.dwg

# EXHIBIT "C"



## CONCEPT PLANT SCHEDULE

	<b>BUFFER   SMALL TREES</b> Ilex vomitoria / Yaupon Holly Lagerstroemia indica / Crape Myrtle Prunus mexicana / Mexican Plum Rhus lanceolata / Praine Sumac Sophora secundiflora / Texas Mountain Laurel	21
	<b>BUFFER   CANOPY TREES</b> Gleditsia tinacanthos inermis / Thornless Common Honeylocust Prosopis glandulosa / Honey Mesquite Quercus fusiformis / Texas Live Oak Quercus polymorpha 'Monterey' / Monterey Oak Ulmus crassifolia / Cedar Elm	144
	<b>ADDITIONAL   SPECIALTY CANOPY TREES</b> Chamaecyparis humilis / Mediterranean Fan Palm Phoenix canariensis / Canary Island Date Palm Trachycarpus fortunei / Windmill Palm	7
	<b>PARKING LOT TREES</b> Quercus fusiformis / Texas Live Oak Quercus polymorpha 'Monterey' / Monterey Oak Ulmus crassifolia / Cedar Elm	30
	<b>ADDITIONAL   CANOPY TREES</b> Chamaecyparis humilis / Mediterranean Fan Palm Prunus mexicana / Mexican Plum Quercus fusiformis / Texas Live Oak Quercus polymorpha 'Monterey' / Monterey Oak Trachycarpus fortunei / Windmill Palm Ulmus crassifolia / Cedar Elm Washingtonia robusta / Mexican Fan Palm	104
	<b>ADDITIONAL   SMALL TREES</b> Gleditsia tinacanthos inermis / Thornless Common Honeylocust Ilex vomitoria / Yaupon Holly Lagerstroemia indica / Crape Myrtle Prunus mexicana / Mexican Plum Rhus lanceolata / Praine Sumac	6
	<b>ADDITIONAL   NATIVE TREES</b> Additional Native Trees	71
	<b>PARKING LOT SHRUBS</b> Lantana horrida / Texas Lantana Leucophyllum frutescens / Texas Sage Muhlenbergia capillaris 'Gulf Coast' / Gulf Coast Muhly Sabal texana / Texas Palmetto Salvia greggii / Autumn Sage	242
	<b>BUFFER   SPECIMEN SHRUBS</b> Larrea tridentata / Creosote Bush Malvaviscus arboreus / Giant Turk's Cap Plumbago auriculata / Blue Plumbago Salvia coccinea / Scarlet Sage	340
	<b>TURF</b> Cynodon dactylon 'Celebration' / Celebration Bermuda Grass	417,251 sf

### PORTLAND, TEXAS PUD CODE MATRIX FOR: Proposed Community Development

**Residential Buffer: (Section 709: Item B/C)**

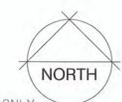
Min. 10' Depth @ Property Line	3591 LF of Property Line	
1. Decorative Masonry Wall/Opaque Fence	=	6' Wood Board Fence @ Rear Property
2. Sod or Permanent Veg. Ground Cover	=	Turf Provided
3. Small Trees / Shrubs (1/10 LF)	359 REQ'D	361 PROVIDED
4. Canopy Trees (1/25 LF)	144 REQ'D	144 PROVIDED
5. Grasses &/or Grass-like Ground Cover	=	Grasses Provided
6. Irrigation Designed to support Vegetation	=	Automatic Irrigation will be Provided

**Parking Lot Perimeter: (Section 709: Item F/G)**

846 LF		
Parking Lot Shrubs (1/10 LF)	85	242 PROVIDED
Parking Lot Trees (1/30 LF)	28	30 PROVIDED

**Additional Plant Material: (Not Required by Code)**

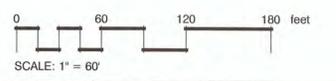
1. Specialty Canopy Trees:	7 Provided
2. Canopy Trees:	104 Provided
3. Small Trees:	6 Provided
4. Native Trees:	71 Provided



PROGRESS SET - FOR REVIEW ONLY  
Issued 12-29-2014

These documents are for Design Review and not intended for Construction, Bidding, Recordation, Conveyance, Sales, or as the Basis for Issuance of a Permit. They were prepared by, or under the supervision of:  
LANDSCAPE ARCHITECT JASON LANDREM #TX-2256  
Duplantis Design Group, P.C.

# Not For Construction CONCEPTUAL LANDSCAPE PLAN



REVISION	BY

**DDG**  
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PHONE 985-447-0090 || FAX: 985-447-7009  
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THIBODAUX | COVINGTON | HOUSTON | BATON ROUGE | HOUMA

STAMP  
LANDSCAPE ARCHITECT JASON LANDREM  
STATE OF LOUISIANA  
12-29-14  
DATE

PROPOSED COMMUNITY DEVELOPMENT  
PORTLAND, TEXAS  
SAN PATRICIO COUNTY  
FOR WHITE OAK DEVELOPMENT  
MEMPHIS, TN

DRAWN JPL
CHECKED ODD
ISSUED DATE 11-9-14
ISSUED FOR REZONING
PROJECT NO. 14-390
FILE 14-390 Concept Landscape Plan L-1
SHEET L 1.1

# EXHIBIT "D-1"



**william b.  
ferguson,  
architect**

Architecture  
Planning  
Interior Design

1500 Union Avenue  
Memphis, TN 38104  
Tel. 901-278-6868  
www.anfa.com



**1 NORTH ELEVATION**  
1/4" = 1'-0"

**NOTES:**

1. EXTERIOR TRIM & SIDING TO RECEIVE TWO COATS OF SHERWIN WILLIAMS A100 EXTERIOR LATEX OR EQUAL OVER FACTORY PRIMER.
2. ALLOW \$450.00 PER THOUSAND FOR BRICK & \$3.00 PER BLOCK FOR SPLIT FACE CONCRETE BLOCK. COLOR TO BE SELECTED BY OWNER AND ARCHITECT.



**2 SOUTH ELEVATION**  
1/4" = 1'-0"

Revision Schedule		
Number	Date	Description

PROJECT STATUS  
**SCHEMATIC DESIGN**

PROJECT NAME  
OAK MANOR EXECUTIVE HOUSING

PORTLAND, TEXAS

SHEET TITLE  
EXTERIOR ELEVATIONS-OPTION 1

DRAWN	CHECKED	PROJECT NUMBER
JD	LA	14091

DATE  
12/04/2014

SHEET NO.  
**A301**

# EXHIBIT "D-2"



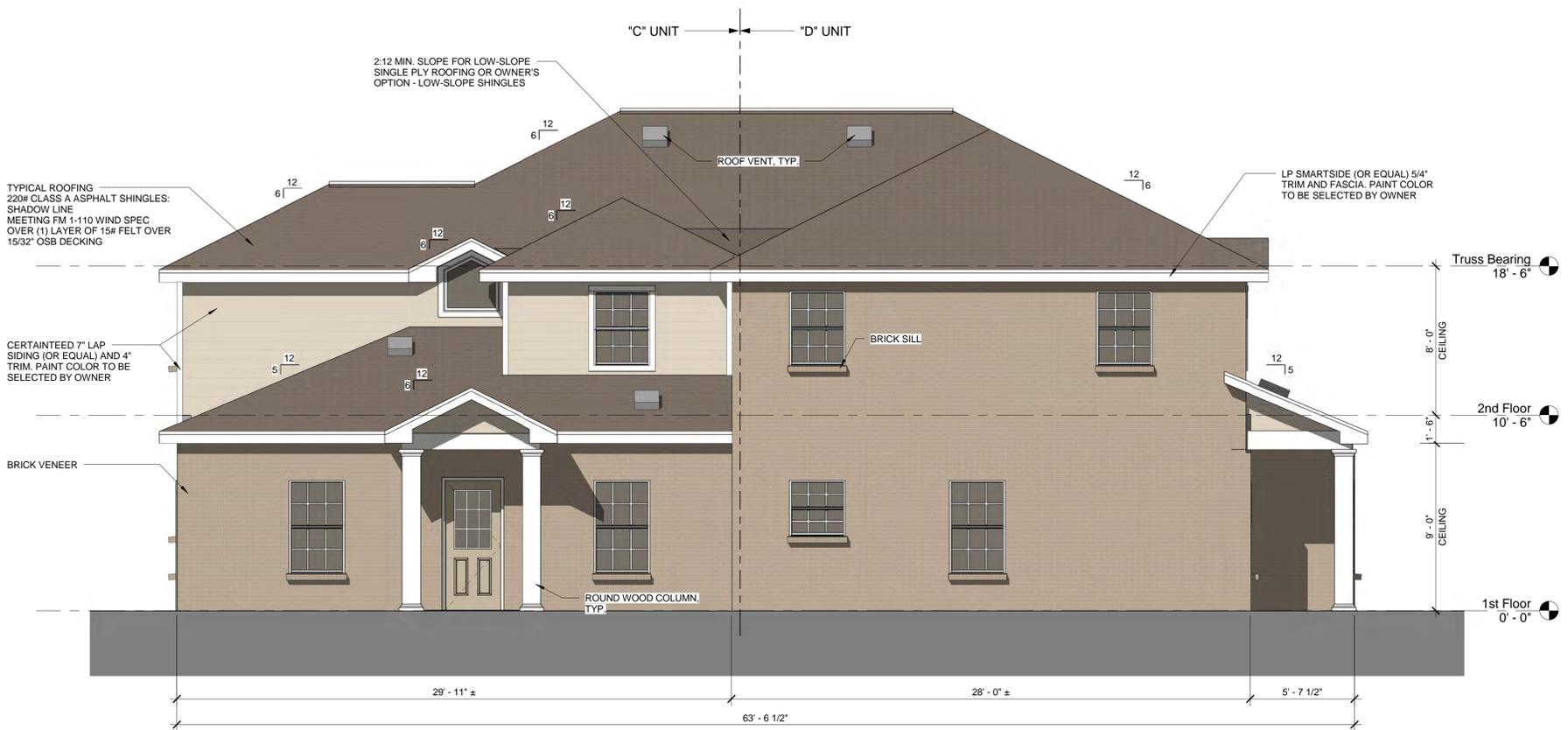
**william b.  
ferguson,  
architect**

Architecture  
Planning  
Interior Design

1500 Union Avenue  
Memphis, TN 38104  
Tel. 901-278-6868  
www.anfa.com



**1 NORTH ELEVATION**  
1/4" = 1'-0"



**2 SOUTH ELEVATION**  
1/4" = 1'-0"

**NOTES:**

1. EXTERIOR TRIM & SIDING TO RECEIVE TWO COATS OF SHERWIN WILLIAMS A100 EXTERIOR LATEX OR EQUAL OVER FACTORY PRIMER.
2. ALLOW \$450.00 PER THOUSAND FOR BRICK. COLOR TO BE SELECTED BY OWNER AND ARCHITECT.

Revision Schedule		
Number	Date	Description

PROJECT STATUS  
**SCHEMATIC DESIGN**

PROJECT NAME  
OAK MANOR EXECUTIVE HOUSING

PORTLAND, TEXAS

SHEET TITLE  
EXTERIOR ELEVATIONS-OPTION 2

DRAWN JD	CHECKED LA	PROJECT NUMBER 14091
DATE 12/03/2014	SHEET NO. A301	

# EXHIBIT "D-3"



**william b.  
ferguson,  
architect**

Architecture  
Planning  
Interior Design

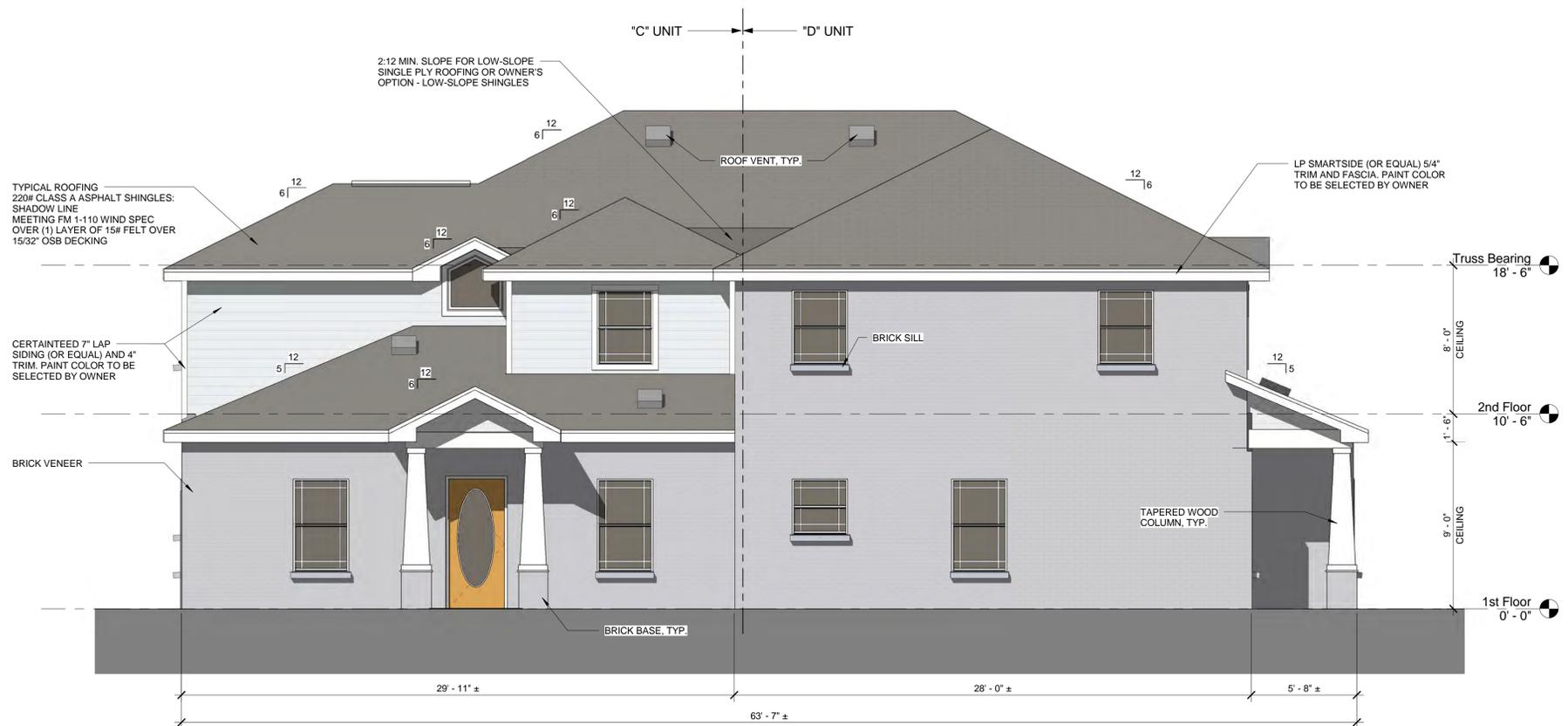
1500 Union Avenue  
Memphis, TN 38104  
Tel. 901-278-6868  
www.anfa.com



**1 NORTH ELEVATION**  
1/4" = 1'-0"

**NOTES:**

1. EXTERIOR TRIM & SIDING TO RECEIVE TWO COATS OF SHERWIN WILLIAMS A100 EXTERIOR LATEX OR EQUAL OVER FACTORY PRIMER.
2. ALLOW \$450.00 PER THOUSAND FOR BRICK. COLOR TO BE SELECTED BY OWNER AND ARCHITECT.



**2 SOUTH ELEVATION**  
1/4" = 1'-0"

Revision Schedule		
Number	Date	Description

PROJECT STATUS

**SCHEMATIC DESIGN**

PROJECT NAME

OAK MANOR EXECUTIVE HOUSING

PORTLAND, TEXAS

SHEET TITLE

EXTERIOR ELEVATIONS-OPTION 3

DRAWN CHECKED PROJECT NUMBER

JD LA 14091

DATE SHEET NO.

12/04/2014 A301

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# EXHIBIT "D-4"



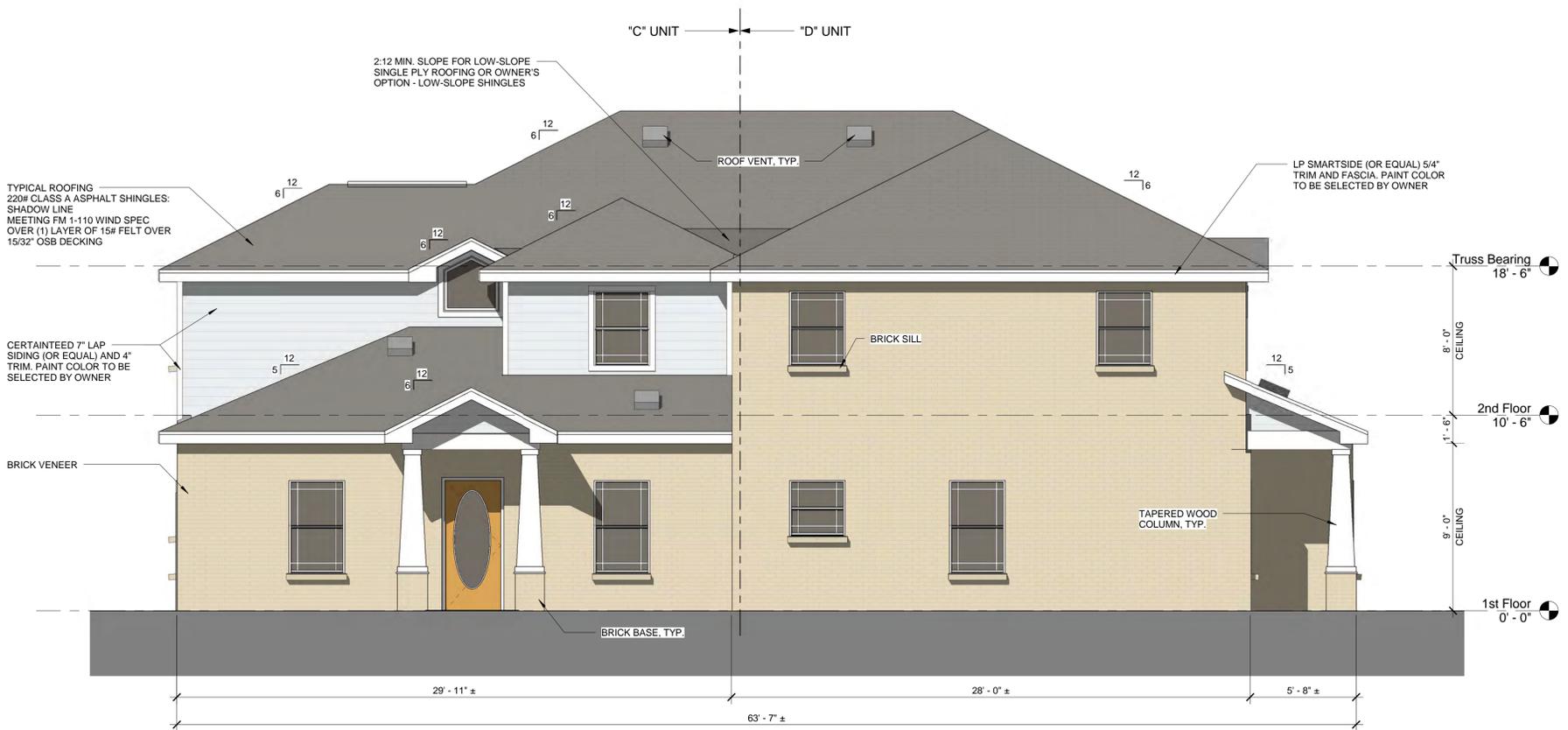
**william b.  
ferguson,  
architect**

Architecture  
Planning  
Interior Design

1500 Union Avenue  
Memphis, TN 38104  
Tel. 901-278-6868  
www.anfa.com



**1 NORTH ELEVATION**  
1/4" = 1'-0"



**2 SOUTH ELEVATION**  
1/4" = 1'-0"

**NOTES:**

1. EXTERIOR TRIM & SIDING TO RECEIVE TWO COATS OF SHERWIN WILLIAMS A100 EXTERIOR LATEX OR EQUAL OVER FACTORY PRIMER.
2. ALLOW \$450.00 PER THOUSAND FOR BRICK. COLOR TO BE SELECTED BY OWNER AND ARCHITECT.

Revision Schedule		
Number	Date	Description

PROJECT STATUS

**SCHEMATIC DESIGN**

PROJECT NAME

OAK MANOR EXECUTIVE HOUSING

PORTLAND, TEXAS

SHEET TITLE

EXTERIOR ELEVATIONS-OPTION 3

DRAWN CHECKED PROJECT NUMBER

JD LA 14091

DATE SHEET NO.

12/04/2014 A301

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# EXHIBIT "D-5"



**william b. ferguson, architect**

Architecture  
Planning  
Interior Design

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Memphis, TN 38104  
Tel. 901-278-6868  
www.anfa.com



1 EAST ELEVATION  
1/4" = 1'-0"



2 WEST ELEVATION  
1/4" = 1'-0"

NOTES:

1. EXTERIOR TRIM & SIDING TO RECEIVE TWO COATS OF SHERWIN WILLIAMS A100 EXTERIOR LATEX OR EQUAL OVER FACTORY PRIMER.
2. ALLOW \$450.00 PER THOUSAND FOR BRICK & \$3.00 PER BLOCK FOR SPLIT FACE CONCRETE BLOCK. COLOR TO BE SELECTED BY OWNER AND ARCHITECT.

Revision Schedule		
Number	Date	Description

PROJECT STATUS

**SCHEMATIC DESIGN**

PROJECT NAME

OAK MANOR EXECUTIVE HOUSING

PORTLAND, TEXAS

SHEET TITLE

EXTERIOR ELEVATIONS-OPTION 1

DRAWN CHECKED PROJECT NUMBER

JD LA 14091

DATE SHEET NO.

12/04/2014 A302

# EXHIBIT "D-6"



**william b. ferguson, architect**

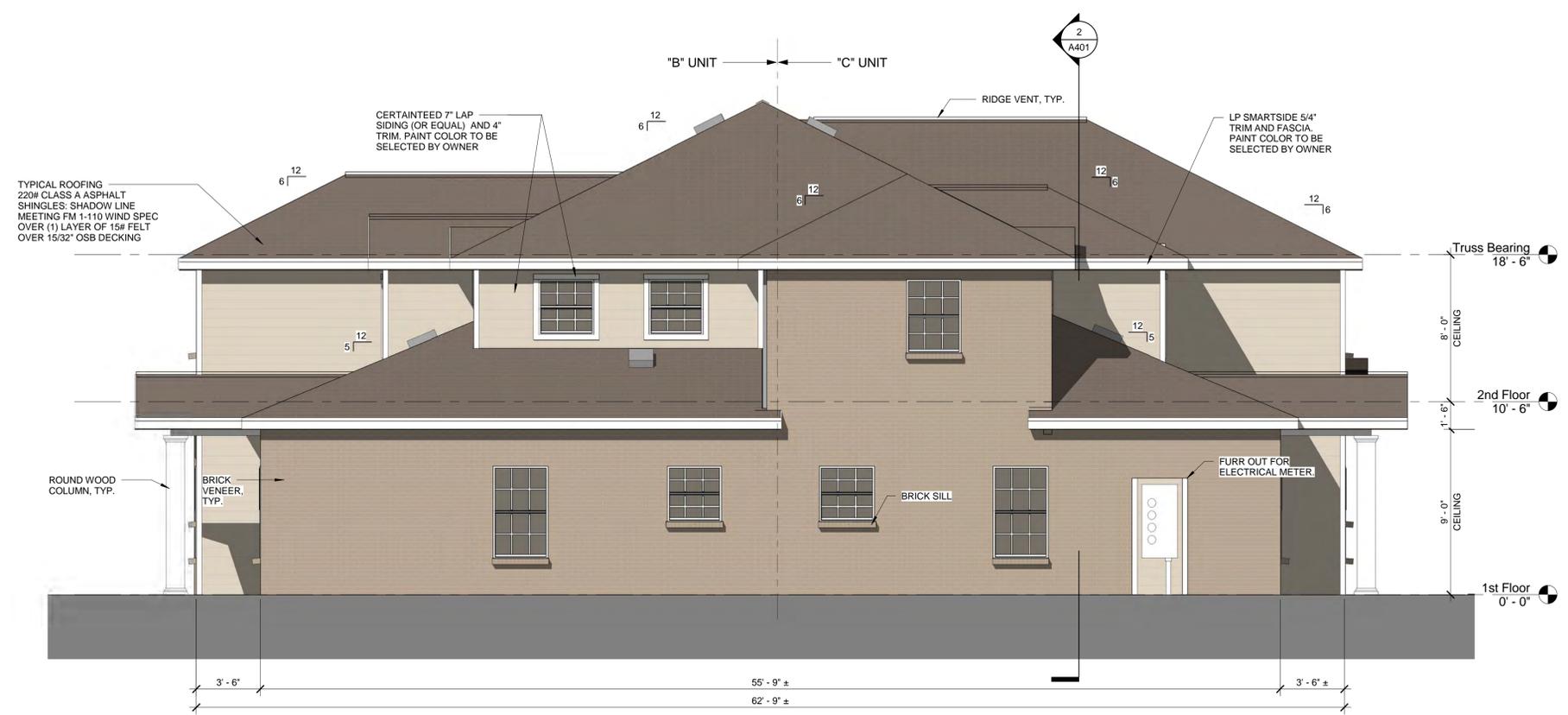
Architecture  
Planning  
Interior Design

1500 Union Avenue  
Memphis, TN 38104  
Tel. 901-278-6868  
www.anfa.com



1 EAST ELEVATION  
1/4" = 1'-0"

- NOTES:
- EXTERIOR TRIM & SIDING TO RECEIVE TWO COATS OF SHERWIN WILLIAMS A100 EXTERIOR LATEX OR EQUAL OVER FACTORY PRIMER.
  - ALLOW \$450.00 PER THOUSAND FOR BRICK. COLOR TO BE SELECTED BY OWNER AND ARCHITECT.



2 WEST ELEVATION  
1/4" = 1'-0"

Revision Schedule		
Number	Date	Description

PROJECT STATUS  
**SCHEMATIC DESIGN**

PROJECT NAME  
OAK MANOR EXECUTIVE HOUSING

PORTLAND, TEXAS

SHEET TITLE EXTERIOR ELEVATIONS-OPTION 2		SEAL
DRAWN JD	CHECKED LA	PROJECT NUMBER 14091
DATE 12/03/2014		SHEET NO. A302

# EXHIBIT "D-7"



**william b. ferguson, architect**

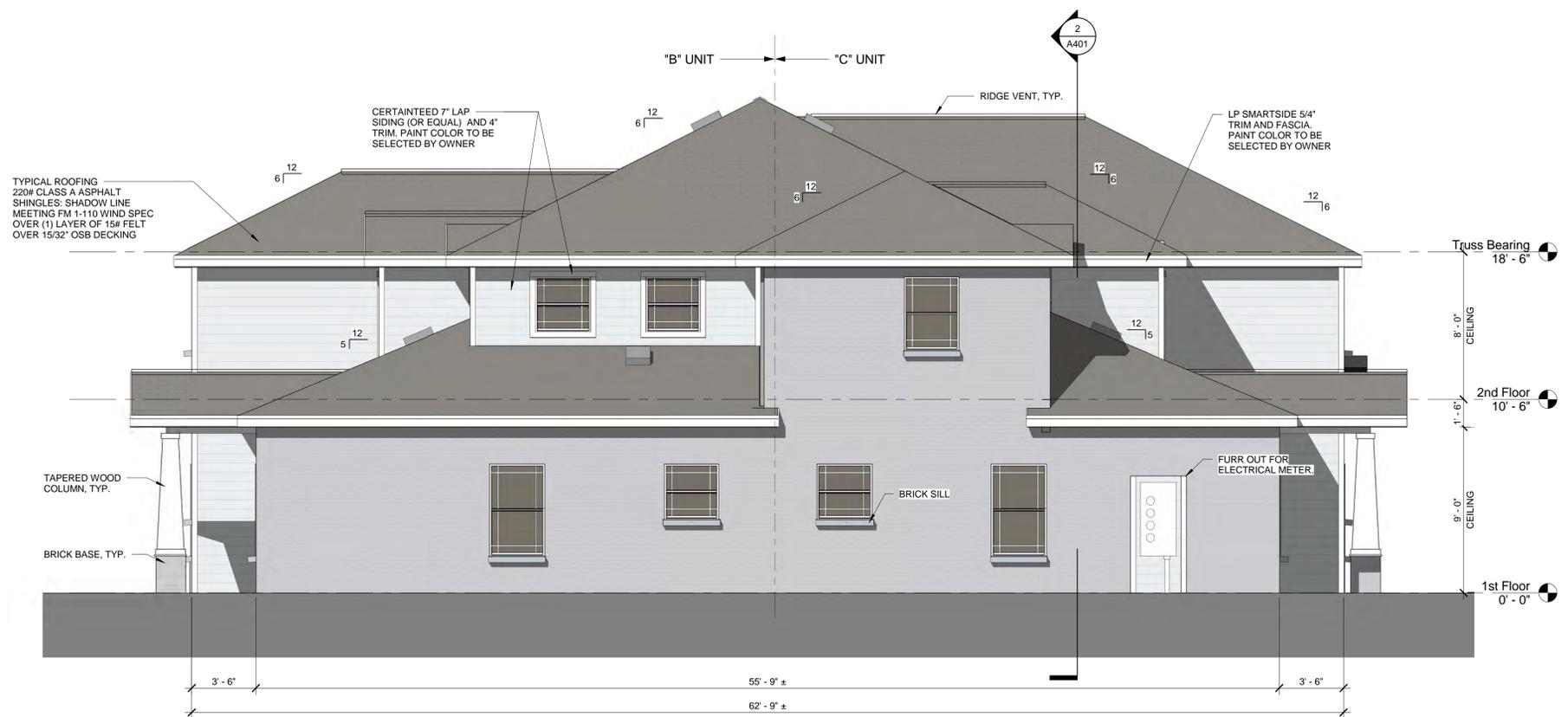
Architecture  
Planning  
Interior Design

1500 Union Avenue  
Memphis, TN 38104  
Tel. 901-278-6868  
www.anfa.com



① EAST ELEVATION  
1/4" = 1'-0"

- NOTES:
- EXTERIOR TRIM & SIDING TO RECEIVE TWO COATS OF SHERWIN WILLIAMS A100 EXTERIOR LATEX OR EQUAL OVER FACTORY PRIMER.
  - ALLOW \$450.00 PER THOUSAND FOR BRICK. COLOR TO BE SELECTED BY OWNER AND ARCHITECT.



② WEST ELEVATION  
1/4" = 1'-0"

Revision Schedule		
Number	Date	Description
2		A401

PROJECT STATUS  
**SCHEMATIC DESIGN**

PROJECT NAME  
OAK MANOR EXECUTIVE HOUSING

PORTLAND, TEXAS

SHEET TITLE  
EXTERIOR ELEVATIONS-OPTION 3

DRAWN	CHECKED	PROJECT NUMBER
JD	LA	14091
DATE		SHEET NO.
12/04/2014		A302

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# EXHIBIT "D-8"



**william b. ferguson, architect**

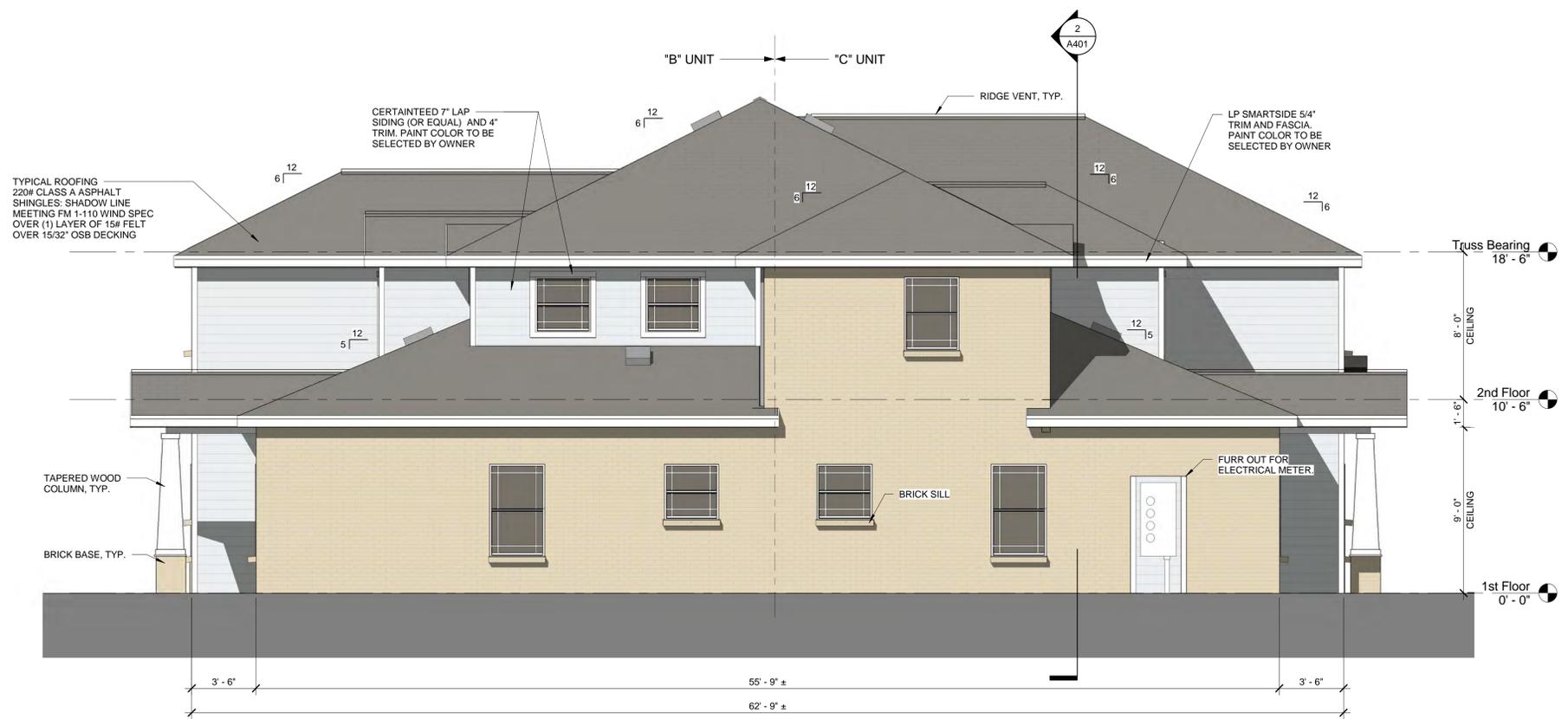
Architecture  
Planning  
Interior Design

1500 Union Avenue  
Memphis, TN 38104  
Tel. 901-278-6868  
www.anfa.com



① EAST ELEVATION  
1/4" = 1'-0"

- NOTES:
1. EXTERIOR TRIM & SIDING TO RECEIVE TWO COATS OF SHERWIN WILLIAMS A100 EXTERIOR LATEX OR EQUAL OVER FACTORY PRIMER.
  2. ALLOW \$450.00 PER THOUSAND FOR BRICK. COLOR TO BE SELECTED BY OWNER AND ARCHITECT.



② WEST ELEVATION  
1/4" = 1'-0"

Revision Schedule		
Number	Date	Description
2	A401	

PROJECT STATUS  
**SCHEMATIC DESIGN**

PROJECT NAME  
OAK MANOR EXECUTIVE HOUSING

PORTLAND, TEXAS

SHEET TITLE  
EXTERIOR ELEVATIONS-OPTION 3

DRAWN	CHECKED	PROJECT NUMBER
JD	LA	14091
DATE		SHEET NO.
12/04/2014		A302





## CITY COUNCIL ACTION ITEM

---

<b>AGENDA TITLE</b>	<b><u>PUBLIC HEARING:</u></b> THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING PROPOSED REVISIONS TO THE COMPREHENSIVE PLAN CHAPTER 5 HOUSING POLICIES  <b><u>ORDINANCE NO. 2105 – COMPREHENSIVE PLAN TEXT AMENDMENTS:</u></b> THE CITY COUNCIL WILL CONSIDER ORDINANCE NO. 2105 THAT ADOPTS TEXT AMENDMENTS TO THE COMPREHENSIVE PLAN CHAPTER 5 HOUSING POLICIES
<b>MEETING DATE</b>	1/20/2015
<b>DEPARTMENT</b>	Building and Development
<b>SUBMITTED BY</b>	Brian DeLatte, P.E., Assistant City Manager

---

### **EXECUTIVE SUMMARY**

Ordinance No. 2105 proposes several text amendments to the Comprehensive Plan. The policy revisions are recommended to protect the desirable qualities and characteristics of single-family subdivisions and lay the framework for future ordinances designed to require those protections. The Planning and Zoning Commission conducted a Public Hearing on January 13, 2015, and unanimously recommended approval of the policy revisions. A Public Hearing by the City Council is required prior to the deliberation of the ordinance.

### **PRIOR ACTIONS OR REVIEWS**

- None.

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

The Public Hearing Notice was published in *The Coastal Bend Herald* on December 25, 2014. There have not been any comments from citizens or other interested parties to the proposed revisions.

The Planning and Zoning Commission conducted a Public Hearing and recommended approval of the revisions at its January 13, 2015, meeting by a 7-0 vote. No citizens or other interested parties commented at the Public Hearing.

### **STAFF ANALYSIS**

The revisions to the Comprehensive Plan are recommended to protect the quality and

fundamental intent of single-family subdivisions. The proposed policy revisions would lay the framework for future ordinances concerning property maintenance codes, occupancy limits, and rental certificate of occupancy or license programs.

**ATTACHMENTS**

- Proposed Ordinance No. 2105

---

**RECOMMENDED ACTION**

Motion to approve the first reading of Ordinance No. 2105.

1 **ORDINANCE NO. 2105**

2  
3 **AN ORDINANCE ADOPTING REVISIONS TO THE COMPREHENSIVE**  
4 **PLAN; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT**  
5 **HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AND**  
6 **ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR**  
7 **PUBLICATION**

8  
9 **WHEREAS** the City of Portland adopted a Comprehensive Plan in 2013 by Ordinance No.  
10 2064; and,

11  
12 **WHEREAS** the Planning and Zoning Commission conducted a public hearing on January  
13 13, 2015, to solicit comments concerning revisions to the Comprehensive Plan; and,

14  
15 **WHEREAS** the Planning and Zoning Commission, after considering and evaluating  
16 comments presented at the public hearing, recommended approval of Comprehensive Plan  
17 revisions to the City Council on January 13, 2015; and,

18  
19 **WHEREAS** the City Council on January 20, 2015, received a recommendation from the  
20 Planning and Zoning Commission concerning revisions to the Comprehensive Plan and  
21 deliberated approval; and,

22  
23 **WHEREAS** the City Council has found that the approval of Comprehensive Plan revisions  
24 will promote the health, safety and welfare of Portland residents,

25  
26 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,**  
27 **TEXAS:**

28  
29 **SECTION 1:** Chapter 5, Housing Policies, of the Comprehensive Plan is hereby amended  
30 to read as follows:

31  
32 Following are the recommended housing policies for the City of Portland:

- 33  
34 1. The Comprehensive Plan's Future Land Use Plan should designate sufficient land  
35 for residential uses to meet the needs of the community's projected population.  
36 Enough additional land should be designed for residential development to ensure  
37 sufficient market flexibility.  
38 2. The Comprehensive Plan should designate sufficient land for residential use within  
39 areas where adequate services are presently available to meet the needs of  
40 population growth for the next five years.

41 **3. The City should encourage high quality construction of single-family homes.**

42 **4. The City should adopt single-family property maintenance standards and**  
43 **enforcement methods.**

44 5. The City should identify existing substandard housing units, and should encourage  
45 the revitalization and rehabilitation of the structures. The City should develop a  
46 framework for a volunteer housing maintenance program for those areas  
47 identified as Type 2 or Type 3 on **Figure 12. Housing Conditions Map (Core)** (in the  
48 Baseline Analysis element).

49 **6. The City should recognize the role of single-family rental homes and encourage**  
50 **maintenance standards by adopting a rental Certificate of Occupancy or license**  
51 **program.**

52 **7. The City should protect the desirable qualities and characteristics of single-family**  
53 **neighborhoods by adopting single-family occupancy limits.**

54 8. The City should recognize the unique characteristics of senior households, and  
55 should encourage the provision of housing designed to meet their special needs.

56 9. The City should plan locations appropriate for a diverse range of housing types  
57 including conventional single-family homes, patio homes and multi-family units to  
58 provide a range of housing alternatives for future residents. The targeted ratios of  
59 different types of housing units should be approximately the same that exist  
60 within the community today.

61 10. The City's Zoning Ordinance should include appropriate zoning districts to  
62 implement the residential density classifications as suggested herein.

63 11. The City's development regulations should provide mechanisms to permit  
64 flexibility and innovation in residential project design in order to promote land use  
65 efficiency and environmental protection.

66 12. The City should ensure that development (and redevelopment) within existing  
67 neighborhoods is similar in density and compatible with the character of the  
68 existing neighborhood in terms of general housing types and densities.

69 13. The City should promote housing compatibility between adjacent residential areas  
70 developed at different residential densities with different unit types, and should  
71 encourage the use of design techniques to minimize the impact between these  
72 areas.

73 14. The City should evaluate all development requests based upon the following  
74 ultimate mix and density of residential uses within a neighborhood area:

75 a) Multi-family and other high density residential (over 10 units per acre)  
76 should be limited to 25 percent of the total expected or ultimate dwellings;

77 b) Medium density residential dwelling types (6 to 10 dwelling units per acre)  
78 should be limited to an additional 5 percent of the total dwelling units. Both  
79 (a) and (b) will enable approximately 30 percent of the total dwelling units  
80 within a given neighborhood to be of medium or high density type;

81 c) All medium and high density type developments should have principal  
82 access to a major or secondary arterials (60 feet in width or wider); and

83 d) Single-family areas should achieve a mixture of lot sizes which should  
84 generally be the balance of single-family lot sizes within a particular  
85 neighborhood area, as shown in **Figure 25. Recommended Single Family**  
86 **Densities.**

87  
88 **SECTION 2:** If any provision, section, clause, or phrase of this Ordinance, or the  
89 application of same to any person or set of circumstances is, for any reason held to be  
90 unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall  
91 not be affected thereby, it being the intent of the City Council in adopting this Ordinance that  
92 no portion hereof, or provisions or regulations contained herein, shall become inoperative or  
93 fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this  
94 Ordinance are declared severable for that purpose.

95  
96 **SECTION 3:** Any previously adopted ordinance, resolution, rule, regulation, or policy in  
97 conflict with this Ordinance is hereby repealed.

98  
99 **SECTION 4:** This Ordinance shall be published after second reading hereof by publishing  
100 the caption thereof in the official newspaper with a statement the public may view the  
101 Ordinance in the Office of the City Secretary. This Ordinance shall be effective from and after  
102 the publication provided herein.

103  
104 **PASSED and APPROVED** on second reading this \_\_\_ day of \_\_\_\_\_ 2015.

105  
106 **CITY OF PORTLAND**

107  
108  
109  
110 \_\_\_\_\_  
111 **David Krebs**  
112 **Mayor**

113 **ATTEST:**

114  
115  
116 \_\_\_\_\_  
117 **Annette Hall**  
118 **City Secretary**

<b>AGENDA TITLE</b>	<b><u>ORDINANCE NO. 2102 – DROUGHT CONTINGENCY PLAN REVISIONS</u></b> THE CITY COUNCIL WILL CONSIDER THE SECOND AND FINAL READING OF ORDINANCE NO. 2102 THAT REVISES THE CITY OF PORTLAND DROUGHT CONTINGENCY PLAN
<b>MEETING DATE</b>	1/20/2015
<b>DEPARTMENT</b>	Public Works
<b>SUBMITTED BY</b>	Brian DeLatte, P.E., Assistant City Manager

---

**EXECUTIVE SUMMARY**

The City of Portland’s Drought Contingency Plan was last revised in June 2013. As the City purchases water indirectly from the City of Corpus Christi, the Texas Commission on Environmental Quality (TCEQ) requires that our plan match the City of Corpus Christi’s plan, which was recently modified. Previously, our plan indicated that our stages would match the City of Corpus Christi’s, but TCEQ has notified us that we must set explicit trigger points for beginning different drought stages as the City of Corpus Christi has done. The updates contain no other major revisions to the plan and TCEQ has approved the proposed plan for adoption.

**PRIOR ACTIONS OR REVIEWS**

- June 18, 2013 – Passed Ordinance No. 2073 revising the Drought Contingency Plan

**DETAILS / STAFF ANALYSIS**

The drought stages remain unchanged:

- Watering is prohibited between 10 a.m. and 6 p.m. year round, regardless of drought stage
- Stage 1—50% lake levels—Voluntary restrictions—Residents are asked to restrict watering to once a week.
- Stage 2—40% lake levels—Mandatory restrictions—Customers are required to restrict watering to once a week. Hand-held or drip irrigation can continue any day. Recreational use of water (car wash, pools, etc.) must occur only on watering day. Non-essential use of water (cleaning driveways) is prohibited.
- Stage 3—30% lake levels—Mandatory restrictions—Customers are required to restrict watering to once every other week. Recreational use of water (car wash, pools, etc.) must occur only on watering day. Hand-held or drip irrigation can continue any day. Drought surcharge may be implemented.
- Stage 4—20% lake levels—Mandatory restrictions—Irrigation is prohibited. Recreational use of water (car wash, pools, etc.) is prohibited. Drought surcharge may

be implemented. New water connections may be prohibited.

- Stage 5—Emergency—Mandatory restrictions—Irrigation is prohibited. Recreational use of water (car wash, pools, etc.) is prohibited. Drought surcharge may be implemented. New water connections may be prohibited.

**ALTERNATIVES CONSIDERED**

N/A.

**FINANCIAL IMPACT**

N/A.

**ATTACHMENTS**

- Ordinance No. 2102

---

**RECOMMENDED ACTION**

Motion to approve the second and final reading of Ordinance No. 2102.

1 **ORDINANCE NO. 2102**

2  
3 **AN ORDINANCE MODIFYING THE CITY OF PORTLAND**  
4 **DROUGHT CONTINGENCY PLAN; PROVIDING FOR THE**  
5 **REPEAL OF ORDINANCES IN CONFLICT HEREWITH;**  
6 **PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A**  
7 **PENALTY AND SPECIFICALLY NEGATING A**  
8 **REQUIREMENT OF A CULPABLE MENTAL STATE; AND**  
9 **PROVIDING FOR PUBLICATION AND AN EFFECTIVE**  
10 **DATE**

11  
12 **WHEREAS** Section 11.1272 of the Texas Water Code requires all public water  
13 supply systems in Texas to prepare a drought contingency plan; and,

14  
15 **WHEREAS** the City of Portland adopted a Drought Contingency Plan (Plan) on  
16 June 18, 2013, and the City Council has determined it is necessary to make revisions to  
17 the Plan; and,

18  
19 **WHEREAS** the City Council has determined that the revisions to the Plan are  
20 necessary for the orderly and efficient management of limited water supplies during  
21 drought and other water supply emergencies.

22  
23 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**  
24 **PORTLAND, TEXAS:**

25  
26 **SECTION 1. CITY OF PORTLAND DROUGHT CONTINGENCY PLAN ADOPTION**

27  
28 The City of Portland Drought Contingency Plan attached hereto and made a part hereof  
29 by this reference is hereby adopted.

30  
31 **SECTION 2. REPEALER**

32  
33 All previously adopted rules, regulations, policies and ordinances in conflict with this  
34 Ordinance are hereby repealed.

35  
36 **SECTION 3. SEVERABILITY**

37  
38 If any provision, section, clause or phrase of this Ordinance, or the application of same  
39 to any person or set of circumstances is, for any reason held to be unconstitutional, void  
40 or invalid, the validity of the remaining portions of this Ordinance shall not be affected  
41 thereby, it being the intent of the City Council in adopting this Ordinance that no portion  
42 hereof, or provisions or regulations contained herein, shall become inoperative or fail by

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

45

46 **SECTION 4. PENALTY**

47

48 Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon  
49 conviction thereof, shall be subject to a fine not exceeding one thousand dollars  
50 (\$1,000.00). Each and every day that a violation of this Ordinance occurs shall  
51 constitute a separate offense. The culpable mental state required by Chapter 6.02,  
52 Texas Penal Code, is specifically negated and dispensed with and a violation is a strict  
53 liability offense.

54

55 **SECTION 5. PUBLICATION AND EFFECTIVE DATE**

56

57 This Ordinance shall be published after second reading hereof by publishing the caption  
58 thereof in the official newspaper with a statement the public may view the Ordinance in  
59 the Office of the City Secretary. This Ordinance shall take effect upon its publication.

60

61 **PASSED** and **APPROVED** on second reading this \_\_\_\_ of \_\_\_\_\_, 2015.

62

63

64

**CITY OF PORTLAND**

65

66

67

68

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

69

**Mayor**

70

71 **ATTEST:**

72

73

\_\_\_\_\_  
74 **Annette Hall**  
75 **City Secretary**



1  
2  
3 **City of Portland Drought Contingency Plan**

4  
5 **Section 1. Introduction**

6  
7 This document is the Drought Contingency Plan (DCP) for the City of Portland (City). This DCP  
8 was created so that the City can reduce demand when supplies are low so the residents have  
9 enough water to make it through a drought. This DCP clearly explains the triggers initiated by a  
10 drought and the steps to be taken during each stage of a drought. There is also information in  
11 this DCP which explains the steps to be taken in a water emergency, such as when supplies are  
12 cut off or contaminated. The DCP has been prepared in accordance with Texas Administrative  
13 Code Title 30 Chapter 288 Subchapter B Rule §288.20 for Municipal Uses by Public Water  
14 Suppliers.

15  
16  
17 **Section 2. Declaration of Policy and Reason**

18  
19 In order to conserve the available water supply, to protect the integrity of water supply  
20 facilities with particular regard for domestic water use, sanitation, and fire protection, to  
21 protect and preserve public health, welfare, and safety, and to minimize the adverse impacts of  
22 water supply shortage or other water-supply emergency conditions, the City hereby adopts the  
23 following regulations and restrictions on the delivery and consumptions of water.

24  
25 Water uses regulated or prohibited under this DCP are considered to be non-essential, and  
26 continuation of such uses during times of water shortage or other emergency water-supply  
27 conditions are deemed to constitute a waste of water, which subjects the offender(s) to  
28 penalties as defined in this ordinance.

29  
30 Currently, the City's water supply is delivered by the San Patricio Municipal Water District and is  
31 comprised of three reservoirs: Lake Corpus Christi, Choke Canyon Reservoir and Lake Texana.  
32 However, the criteria to trigger drought response stages are based on the combined capacity of  
33 Lake Corpus Christi and Choke Canyon Reservoir. Since Choke Canyon Reservoir filled in June  
34 1987, the combined storage of Choke Canyon Reservoir and Lake Corpus Christi has exceeded  
35 60% capacity only about 62% of the time. The water storage levels in Choke Canyon Reservoir  
36 and Lake Corpus Christi have generally been 2-4% higher since Lake Texana supplies were  
37 added in October 1998.

38  
39 Even with three reservoirs, the City still faces drought conditions (<50% storage levels) 16% of  
40 the time. It is because of this frequency that the following DCP has been developed. This DCP  
41 adopts measures that will dramatically cut water consumption in order to conserve water

42 supplies.

43

44

45 **Section 3. Public Education**

46

47 Public meetings to receive comments on the DCP were held on June 4, 2013 and June 18, 2013.

48 The City will periodically provide the public with information about the DCP, including  
49 information about the conditions under which each stage of the DCP is to be initiated or  
50 terminated, and the drought response measures to be implemented in each stage. This  
51 information will be provided by utility bill inserts, notices in the *Coastal Bend Herald* and/or  
52 *Corpus Christi Caller-Times*, and notice on the City's website ([www.portlandtx.com](http://www.portlandtx.com)).

53 Notification to the public about when drought stages go into effect or when restrictions are  
54 lifted is explained in more detail in Section 5.

55

56

57 **Section 4. Coordination with Regional Water Planning Groups**

58

59 The service area of the City of Portland is located within the Coastal Bend Regional Water  
60 Planning Area (Region N) and the City has provided a copy of this DCP to Region N in care of the  
61 Nueces River Authority. The City of Portland shall review and update, as appropriate, the DCP  
62 at least every five years based on new or updated information, such as the adoption or revision  
63 of the regional water plan.

64

65

66 **Section 5. Drought Stages Response Notification**

67

68 The City Manager, or designee, shall monitor water supply and/or demand conditions on a  
69 weekly basis and, in accordance with the triggering criteria set forth in Section 6 of this Chapter,  
70 shall determine that a mild, moderate, severe, critical, or emergency water shortage condition  
71 exists and shall implement the following notification procedures.

72

73 Notification of the Public:

74 The City Manager, or designee, shall notify the public for every change in drought stage status  
75 by any or all of the following:

- 76 • City's website ([www.portlandtx.com](http://www.portlandtx.com))
- 77 • Publication in the *Corpus Christi Caller-Times*
- 78 • Notice on the monthly billing
- 79 • Public Service Announcements
- 80 • Signs posted in public places

81

82 Additional Notification:

83 The City Manager, or designee shall, at a minimum, notify directly, or cause to be notified  
84 directly, the following individuals and entities for every change in drought stage status:

- 85 • Mayor and members of the City Council
- 86 • Fire Chief
- 87 • City and/or County Emergency Management Coordinator
- 88 • County Judge and Commissioner(s)
- 89 • Major water users (such as industries)
- 90 • Critical water users (such as hospitals)
- 91 • Parks/street superintendents and public facilities managers
- 92 • Texas Commission on Environmental Quality (TCEQ) – note TCEQ executive director
- 93 must be informed within five (5) business days of mandatory water use restrictions
- 94 being imposed

95  
96

97 **Section 6. Drought Best Management Practices Per Stage**

98

99 A summary of water use reduction targets for each drought stage response is presented in the  
100 following table. Further discussion on best management practices and implementation  
101 practices associated with each stage of response is included below.

102

Drought Stage Response	CCR/LCC Combined Reservoir Storage Level	Target Demand Reduction Levels
Stage 1- Mild	<50% or if Lake Texana is <40%	5%
Stage 2- Moderate	<40%	10%
Stage 3- Severe	<30%	15%
Stage 4- Critical	<20%	30%
Stage 5- Emergency	Not Applicable	50%

103

104

105 **Sec. 23-121. - Prohibition and regulation of uses.**

106

107 For the purposes of this division, the following provisions shall apply:

108

109 (1) No person shall knowingly, recklessly, or with criminal negligence, make,  
110 cause, use or permit the use of water from the city system for residential,  
111 commercial, industrial, agricultural, governmental, or any other purpose  
112 in a manner contrary to any provision of this section, or in an amount in  
113 excess of that use permitted by the conservation stage in effect pursuant  
114 to action taken by the city manager, or his designee, in accordance with  
115 the provisions of this section. The provisions of this section shall apply to  
116 all uses of water from the city water supply system wherever situated. As  
117 used in this division, "person" includes individuals, corporations,  
118 partnerships, associations, and all other legal entities.

119

120 (2) The city manager shall promulgate guidelines which shall set forth the

121 criteria for determining when a particular conservation stage is to be  
122 implemented and terminated. Such guidelines shall be updated when, in  
123 the opinion of the city manager, the conditions of the water system have  
124 changed so as to necessitate such update, such guidelines to be  
125 published and filed in the office of the city.

126  
127 (3) The use or withdrawal of water from the water supply system of the city  
128 for the following purposes or uses is hereby regulated during any period  
129 of water shortage commencing with the promulgation of water  
130 conservation guidelines and implementation of same by the City Manager  
131 and continuing until such water conservation measures are no longer  
132 deemed necessary by the city manager in accordance with such  
133 guidelines:

134  
135 a. Stage 1 Response - MILD Water Shortage Conditions - Target: Achieve a  
136 5% reduction in daily water demand with the following water use  
137 restrictions:

- 138  
139 1. Best Management Practices for Supply Management: The City will  
140 enact voluntary measures to reduce or discontinue the flushing of  
141 water mains if practicable and utilize reclaimed water for non-  
142 potable uses to the greatest extent possible.  
143  
144 2. Water Use Restrictions for Reducing Demand:  
145 a. Water customers are requested to voluntarily limit the irrigation  
146 of landscaped areas to once per week. The watering schedule  
147 will be determined by the City Manager.  
148 b. Water customers are requested to practice water conservation  
149 and to minimize or discontinue water use for non-essential  
150 purposes.

151  
152 b. Stage 2 Response - MODERATE Water Shortage Conditions - Target:  
153 Achieve a 10% reduction in daily water demand with the following water  
154 use restrictions:

- 155  
156 1. Best Management Practices for Supply Management: In addition to  
157 the best management practices for supply management listed under  
158 Stage 1, the City will also do the following during Stage 2:  
159 a. Use more repair crews if necessary to allow for a quicker  
160 response time for water-line leak repair; and  
161 b. City crews will monitor customers' compliance with Stage 2  
162 restrictions during the course of their daily rounds.  
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2. The following water use restrictions shall apply to all persons during Stage 2:
  - a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to once per week. The watering schedule will be determined by the City Manager. However, irrigation of landscaped areas is permitted on any day if it is by means of a hand-held hose (with positive shutoff nozzle), a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system. Exceptions for this restriction may be permitted, upon review and approval by the Water Allocation and Review Committee, for the following uses: new plantings (for up to 60 days), vegetable gardens, athletic playing fields, and botanical gardens. In addition, this restriction does not apply to customers irrigating with well water or an aerobic septic system. Customers irrigating with well water or an aerobic septic system must apply for a permit from the City Water Department to be prominently posted on the premises within two (2) feet of the street number located on the premises.
  - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations upon review of the Water Allocation and Review Committee if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
  - c. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days.
  - d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life.
  - e. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Portland.
  - f. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days.



252 shall still apply for a permit from the City Water Department to  
253 be prominently posted on the premises within two (2) feet of the  
254 street number located on the premises.

255 b. The watering of golf course fairways is prohibited. The watering  
256 of greens and tees are limited to once every other week unless  
257 the golf course utilizes a water source other than that provided  
258 through City of Portland Water Department infrastructure or  
259 done by means of hand-held hoses, hand-held buckets, or drip  
260 irrigation.

261

262 d. Stage 4 Response - CRITICAL Water Shortage Conditions - Target:  
263 Achieve a 30% or greater reduction in daily water demand with the  
264 following water use restrictions:

265

266 1. Best Management Practices for Supply Management: In addition to  
267 the best management practices for supply management listed under  
268 Stage 3, the City will also do the following:

269 a. Upon written notice, disconnect the water meters of willful  
270 violators if absolutely necessary to prevent the deliberate  
271 wasting of water.

272

273 2. Water Use Restrictions for Demand Reduction: All requirements of  
274 Stage 2 and 3 shall remain in effect during Stage 4 except:

275 a. Irrigation of landscaped areas shall be prohibited at all times.

276 b. Use of water to wash any motor vehicle, motorbike, boat, trailer,  
277 airplane or other vehicle not occurring on the premises of a  
278 commercial car wash and not in the immediate interest of public  
279 health, safety, and welfare is prohibited.

280 c. The filling, refilling, or adding of water to swimming pools,  
281 wading pools, and jacuzzi-type pools, and water parks (unless  
282 utilizing water from a non-city alternative source) is prohibited.

283 d. The use of water to maintain the integrity of a building  
284 foundation is still permitted on the designated Stage 3 watering  
285 day.

286 e. During Stage 4, the following measures are optional water use  
287 restrictions that may be implemented by the City Manager, with  
288 approval of the City Council, as conditions warrant:

289 i. No application for new, additional, expanded, or  
290 increased- in-size water service connections, meters,  
291 service lines, pipeline extensions, mains, or water service  
292 facilities of any kind shall be approved, and time limits for  
293 approval of such applications are hereby suspended for  
294 such time as this drought response stage shall be in  
295 effect.



- 340 establishment or any location where water is used on the premises.  
341 Defective plumbing includes out-of-repair water closets,  
342 underground leaks, defective or leaking faucets and taps.
- 343 3. Allow water to flow constantly through a tap, hydrant, valve, or  
344 otherwise by any use of water connected to the City water system.  
345  
346 4. Use any non-recycling decorative water fountain.  
347  
348 5. Allow irrigation heads or sprinklers to spray directly on paved  
349 surfaces such as driveways, parking lots, and sidewalks in public  
350 right-of-ways.  
351  
352 6. Operate an irrigation system at water pressure higher than  
353 recommended, causing heads to mist, or to operate with broken  
354 heads.  
355
- 356 b. Time of Irrigation: Irrigation by spray or sprinklers is prohibited between  
357 the hours of 10:00 AM and 6:00 PM. It is still permissible to water by  
358 hand or by drip irrigation at any time of day, unless the City enters Stage  
359 4 Drought.  
360

361 **Sec. 23-122. - Allocation and review committee.**  
362

- 363 (a) The allocation and review committee shall be composed of five (5) members  
364 appointed to indefinite terms by the city council and serving at its  
365 pleasure. The city council shall appoint one (1) of the members to be  
366 chairman.  
367
- 368 (b) The committee shall consider requests of water users for special  
369 consideration to be given as to their respective particular circumstances  
370 and the committee shall hear and decide such requests and is hereby  
371 authorized to, in special cases, grant such variance from the terms of this  
372 division as will not be contrary to the public interest, where, owing to  
373 special conditions, a literal enforcement of the provisions of this division  
374 will result in unnecessary hardship, and so that the spirit of this division  
375 shall be observed and substantial justice done. Should a permit for  
376 special exception be granted by such committee, it shall be in effect from  
377 the time of granting; provided, that the permit is prominently posted on  
378 the premises within two (2) feet of the street number located on the  
379 premises. Should protest be received after the granting of any such  
380 special permit, the committee shall reconsider the revocation of such  
381 permit and shall consider the granting of such permit at a public hearing,  
382 notice of which shall have been given at least one

383 (1) day prior to the holding of such hearing. After the conclusion of such  
384 hearing, the committee shall take such action, by way of revocation of  
385 such permit, or refusal to revoke the same, or modification of such  
386 permit, as the committee may deem proper under the circumstances.  
387

388 **Sec. 23-123. - Violations, penalty and enforcement.**  
389

- 390 (a) Any person violating any provision of this division shall be deemed  
391 guilty of a misdemeanor and, upon conviction, shall be punished by a  
392 fine as provided in article IV of this chapter. The commission of a  
393 violation of each provision, and each separate violation thereof, shall  
394 be deemed a separate offense, and upon conviction thereof shall be  
395 fined as hereinabove provided. If any person or a second person in the  
396 same household or premises is found guilty of a second violation of  
397 this article, the director of public works shall be authorized to  
398 discontinue water service to the premises where such violation occurs.  
399
- 400 (b) Any police officer, or other city employee designated by the city manager,  
401 may issue a citation to a person he reasonably believes to be in violation  
402 of this division. The citation shall be prepared in duplicate and shall  
403 contain the name and address of alleged violator, if known, and the  
404 offense charged, and shall direct him to appear in the city's municipal  
405 court no sooner than ten (10) days and no later than twenty-one (21) days  
406 of service of the citation. The alleged violator shall be requested to sign  
407 the citation and shall be served with a copy of the citation. Service of the  
408 citation shall be complete upon the attempt to give it to the alleged  
409 violator, to an agent or employee of a violator, or to a person over  
410 fourteen (14) years of age who is a member of the violator's immediate  
411 family or is a resident at the violator's residence. The alleged violator shall  
412 appear in municipal court to make his plea no sooner than ten (10) days  
413 and no later than twenty-one (21) days of service of the citation, and  
414 failure to so appear shall be a violation of this division. A police officer  
415 may arrest for any offense under this division where permitted by state  
416 arrest law. Such cases shall be expedited and given preferential setting in  
417 municipal court before all other cases.  
418
- 419 (c) A person in apparent control of the property where the violation occurs  
420 or originates shall be presumed to be the violator, and proof of facts  
421 showing apparent control by such person of the premises and proof that  
422 the violation occurred on the premises shall constitute prima facie  
423 evidence that such person committed the violation, but such person shall  
424 have the right to show that he did not commit the violation. Any person  
425 whose name is on file with the utilities department as the customer on  
426 the water account for the property where the violation occurs or

427 originates shall be presumed to be the violator, and proof that the  
428 violation occurred on such premises shall constitute prima facie evidence  
429 that the customer committed the violation, but such customer shall have  
430 the right to show that he did not commit the violation. Parents shall be  
431 presumed to be responsible for violations of their minor children, and  
432 proof that a child committed a violation on property within the parent's  
433 control shall constitute prima facie evidence that such parent committed  
434 the violation, but such parent may be excused if he proves that he  
435 previously directed the child not to use the water as it was used in the  
436 violation and that the parent could not have reasonably known of the  
437 violation.  
438

439 **Sec. 23-124. - Surcharges for Drought Stages 3, 4, 5 and Service Measures**

440  
441 (a) General  
442

- 443 1. The surcharges established herein are solely intended to regulate  
444 and deter the use of water during a period of serious drought in  
445 order to achieve necessary water conservation. The City Council  
446 expressly finds that the drought poses a serious and immediate  
447 threat to the public and economic health and general welfare of  
448 this community, and that the surcharges and other measures  
449 adopted herein are essential to protect said public health and  
450 welfare.
- 451 2. This section, and the surcharges and measures adopted herein  
452 are an exercise of the City's regulatory and police power, and the  
453 surcharges and connection fees are conservation rates intended  
454 to meet fixed costs as a result of lost revenue.
- 455 3. The City Manager or designee is authorized to determine trigger  
456 points and surcharges during Stages 3, 4 and 5 Emergency Water  
457 Shortage conditions.
- 458 4. In this section, institutional customer means city utility  
459 customer which operates as a not-for-profit entity.
- 460 5. A customer may appeal an allocation or drought surcharge  
461 triggering point established under this Section to the Water  
462 Allocation and Review Committee on grounds of unnecessary  
463 hardship.

464  
465 (b) Residential water customers, who are not billed through a master water  
466 meter.  
467

- 468 1. A monthly water usage trigger point shall be 3,000 gallons for  
469 residential customers. This trigger point is the maximum amount of

- 470 water that a customer can use in a month before being charged a  
471 drought rate surcharge.
- 472 2. The drought surcharge can be up to and including 100% of the most  
473 current water rate.
- 474
- 475 (c) Residential customers who are billed from a master water meter.
- 476
- 477 1. A monthly water usage trigger point shall be 3,000 gallons for each  
478 residential unit. This trigger point is the maximum amount of water  
479 that a customer can use in a month before being charged a drought  
480 rate surcharge.
- 481 2. The drought surcharge can be up to and including 100% of the most  
482 current water rate.
- 483
- 484 (d) Commercial or institutional customer
- 485 1. A monthly water usage allocation shall be established by the City  
486 Manager or designee for each commercial or institutional  
487 customer.
- 488 2. Method of establishing allocation:
- 489 a. During Stage 4, the commercial or institutional customer's  
490 allocation shall be 90 percent of the customer's usage for  
491 the corresponding month's billing period during the previous  
492 12 months prior to the implementation of Stage 2 condition.
- 493 b. If the customer's billing history is shorter than 12 months, the  
494 monthly average for the period for which there is a record  
495 shall be used for any monthly period for which no history  
496 exists.
- 497 c. Provided, however, a customer, 90 percent of whose monthly  
498 usage is less than 6,000 gallons, shall be allocated 6,000  
499 gallons.
- 500 d. The City Manager shall give best effort to see that notice of each  
501 commercial or institutional customer's allocation is mailed to  
502 such customer.
- 503 e. If, however, the customer does not receive such notice, it  
504 shall be the customer's responsibility to contact the City'  
505 Utilities Billing Office to determine the allocation, and the  
506 allocation shall be fully effective notwithstanding lack of  
507 receipt of written notice.
- 508 f. Upon request of the customer or at the initiative of the City  
509 Manager, the allocation may be reduced or increased by the City  
510 Manager,
- 511 1. if one nonresidential customer agrees to transfer part of its  
512 allocation to another nonresidential customer, or

- 513                           2. if other objective evidence demonstrates that the  
514                           designated allocation is inaccurate under present  
515                           conditions.  
516
- 517           (e)   Commercial, institutional, and industrial customers shall pay the  
518           following surcharges:  
519
- 520                   1.     Customers whose allocation is 6,000 gallons through 20,000  
521                   gallons per month:  
522
- 523                           a.   \$5.00 per 1,000 gallons for the first 1,000 gallons over allocation.  
524                           b.   \$8.00 per 1,000 gallons for the second 1,000 gallons over allocation.  
525                           c.   \$16.00 per 1,000 gallons for the third 1,000 gallons over allocation.  
526                           d.   \$40.00 for each additional 1,000 gallons over allocation.  
527
- 528
- 529                   2.     Customers whose allocation is 21,000 gallons per month or more:  
530
- 531                           a.   One times the block rate for each 1,000 gallons in  
532                           excess of the allocation up through 5 percent above  
533                           allocation.  
534                           b.   Three times the block rate for each 1,000 gallons from 5 percent  
535                           through 10 percent above allocation.  
536                           c.   Five times the block rate for each 1,000 gallons from 10 percent  
537                           through 15 percent above allocation.  
538                           d.   Ten times the block rate for each 1,000 gallons more than 15 percent  
539                           above allocation.  
540                           e.   The surcharges shall be cumulative.  
541                           f.   As used herein, "block rate" means the charge to the customer  
542                           per 1,000 gallons at the regular water rate schedule at the level  
543                           of the customer's allocation.  
544
- 545           (f)   Nonresidential customer is billed from a master meter.  
546
- 547                   1.     When a nonresidential customer is billed from a master meter  
548                   which jointly measures water to multiple residential dwelling  
549                   units (for example: apartments, mobile homes), the customer  
550                   may pass along any surcharges assessed under this plan to the  
551                   tenants or occupants, provided that:  
552                           a.   The customer notifies each tenant in writing:  
553                                   1.   That the surcharge will be passed along.  
554                                   2.   How the surcharge will be apportioned.

- 555                   3. That the landlord must be notified immediately of any  
556                   plumbing leaks.
- 557                   4. Methods to conserve water (which shall be obtained from the  
558                   City).
- 559                   b. The customer diligently maintains the plumbing system to prevent  
560                   leaks.
- 561                   c. The customer installs water saving devices and measures (ideas  
562                   for which are available from the City) to the extent reasonable  
563                   and practical under the circumstances.
- 564
- 565                   (g) Water service to the customer may be terminated under the following  
566                   conditions:
- 567                   1. Monthly residential water usage exceeds allocation by 4,000  
568                   gallons or more two or more times (which need not be  
569                   consecutive months).
- 570                   2. Monthly water usage on a master meter which jointly measures  
571                   water usage to multiple residential dwelling units exceeds  
572                   allocation by 4,000 gallons times the number of dwelling units or  
573                   more two or more times (which need not be consecutive months).
- 574                   3. Monthly nonresidential water usage for a customer whose  
575                   allocation is 6,000 gallons through 20,000 gallons exceeds its  
576                   allocation by 7,000 gallons or more two or more times (which need  
577                   not be consecutive months).
- 578                   4. Monthly nonresidential water usage for a customer whose  
579                   allocation is 21,000 gallons or more exceeds its allocation by 15  
580                   percent or more two or more times (which need not be  
581                   consecutive months).
- 582                   5. For residential customers and nonresidential customers whose  
583                   allocation does not exceed 20,000 gallons, after the first  
584                   disconnection water service shall be restored upon request for a  
585                   fee of \$50.
- 586                   6. For such customers, after the second disconnection, water  
587                   service shall be restored within 24 hours of the request for a fee  
588                   of \$500.
- 589                   7. If water service is disconnected a third time for such customer,  
590                   water service shall not be restored until the City re-enters a level of  
591                   water conservation less than Stage 3. For master meter customers,  
592                   the service restoration fees shall be the same as above times the  
593                   number of dwelling units.
- 594                   8. For nonresidential customers whose allocation is 21,000 gallons  
595                   per month or more:
- 596                   a. After the first disconnection, water service shall be restored  
597                   upon request for a fee in the amount of "X" in the following

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formula:

$$X = \$ 50 \times \text{Customer's Allocation in gallons} / 20,000 \text{ gallons}$$

- b. After the second disconnection for said customers, water service shall be restored within 24 hours of the request for a fee of 10 times "X".
- c. If water service is disconnected a third time for such customer, water service shall not be restored until the City re-enters a level of water conservation less than Stage 3.
- d. The City Manager is directed to institute written guidelines for disconnection of water service under this provision, which will satisfy minimum due process requirements, if any.

- (h) It shall be a defense to imposition of a surcharge hereunder, or to termination of service, that water used over allocation resulted from loss of water through no fault of the customer (for example, a major water line break) for the following conditions:
  - 1. The customer shall have the burden to prove such defense by objective evidence (for example, a written certification of the circumstances by a plumber).
  - 2. A sworn statement may be required of the customer.
  - 3. This defense shall not apply if the customer failed to take reasonable steps for upkeep of the plumbing system, failed to reasonably inspect the system and discover the leak, failed to take immediate steps to correct the leak after discovered, or was in any other way negligent in causing or permitting the loss of water.
- (i) When this section refers to allocation or water usage periods as "month," monthly," "billing period," and the like, such references shall mean the period in the City's ordinary billing cycle which commences with the reading of a meter one month and commences with the next reading of that meter which is usually the next month.
  - 1. The goal for the length of such period is 30 days, but a variance of five days, more or less, will necessarily exist as to particular meters.
  - 2. If the meter reader system is prevented from timely reading a meter by any obstacle which is attributable to the customer, the original allocation shall apply to the longer period without modification.



**STAFF  
WEEKLY  
REPORTS**

# Portland Fire Department

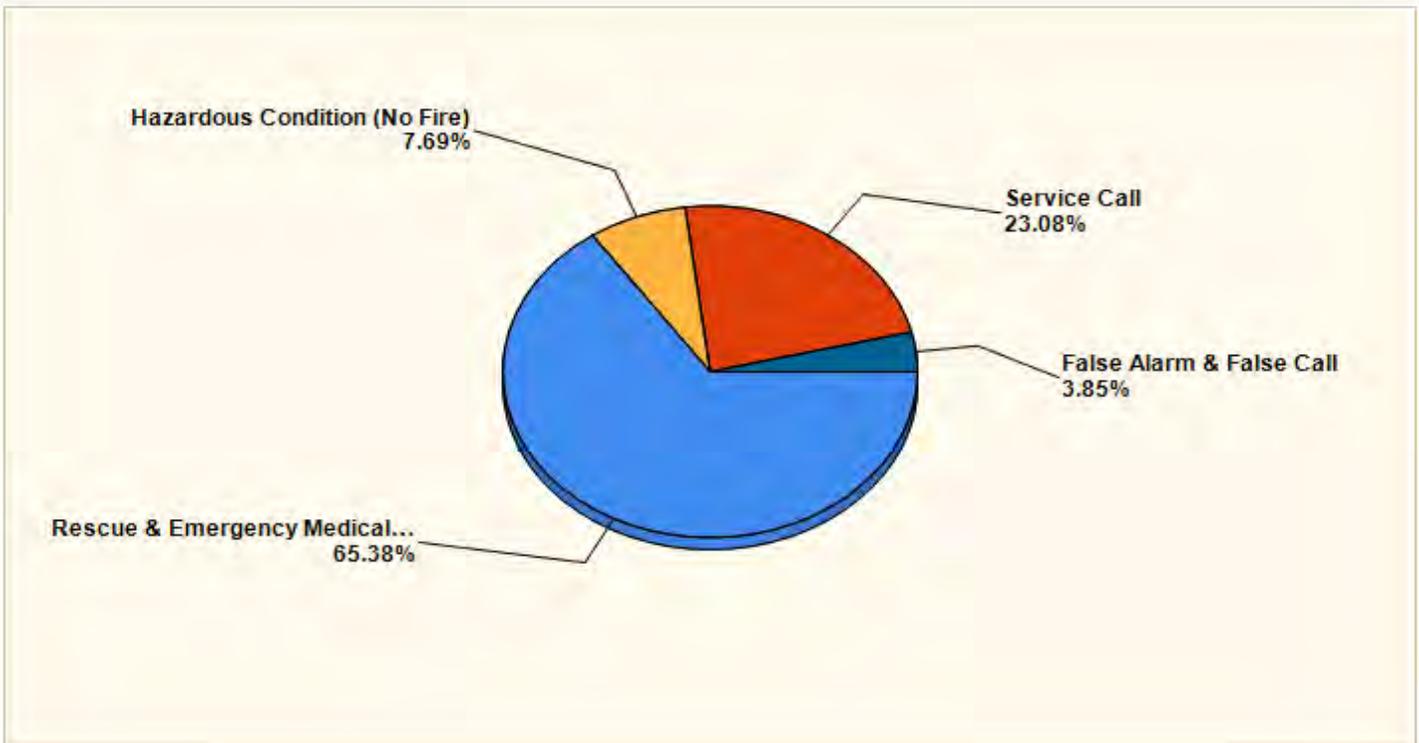
Portland, TX

This report was generated on 1/5/2015 8:10:40 AM



## Breakdown by Major Incident Types for Date Range

Start Date: 12/29/2014 | End Date: 01/04/2015



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Rescue & Emergency Medical Service	17	65.38%
Hazardous Condition (No Fire)	2	7.69%
Service Call	6	23.08%
False Alarm & False Call	1	3.85%
<b>TOTAL</b>	<b>26</b>	<b>100.00%</b>

Detailed Breakdown by Incident Type		
INCIDENT TYPE	# INCIDENTS	% of TOTAL
311 - Medical assist, assist EMS crew	10	38.46%
320 - Emergency medical service, other	3	11.54%
321 - EMS call, excluding vehicle accident with injury	3	11.54%
322 - Motor vehicle accident with injuries	1	3.85%
412 - Gas leak (natural gas or LPG)	1	3.85%
445 - Arcing, shorted electrical equipment	1	3.85%
510 - Person in distress, other	2	7.69%
531 - Smoke or odor removal	1	3.85%
550 - Public service assistance, other	1	3.85%
561 - Unauthorized burning	2	7.69%
743 - Smoke detector activation, no fire - unintentional	1	3.85%
<b>TOTAL INCIDENTS:</b>	<b>26</b>	<b>100.00%</b>

Number of times on scene or enroute to a call when a call was dispatched: 2

Average Response Time: 3.65 Min.



Portland Fire Department  
595 Buddy Ganem  
Portland, TX 78374  
361-643-0155  
361-643-0369

## Completed Activities

12/28/2014 through 01/03/2015

Page 1 of 1

Report run on: 01-05-2015

Activity Date	Record Type	Activity	Party	Site Address	Inspector	Status
12/29/2014	ANNUAL INSPECTION	Annual	AL WILLEFORD CHEVROLET	200 Lang	Dan Willott	SCHEDULED
12/30/2014	ANNUAL INSPECTION	Annual	ACADEMY SPORTS	1900 U.S. 181	Dan Willott	FAIL
12/31/2014	ANNUAL INSPECTION	Annual	SECURITY FINANCE CORPORATION	1605 U.S. Highway 181 Suite #C	Dan Willott	FAIL
12/31/2014	ANNUAL INSPECTION	Annual	TEXAS A1 RESTAURANT	407 Cedar	Dan Willott	FAIL
01/01/2015	ANNUAL INSPECTION	Annual	LAB CORP	1702 U.S. Highway 181 Suite B-12	Dan Willott	SCHEDULED
01/01/2015	ANNUAL INSPECTION	Annual	VHP CATERING	917 Commerce St.	Dan Willott	SCHEDULED

**Total Completed Activities: 6**