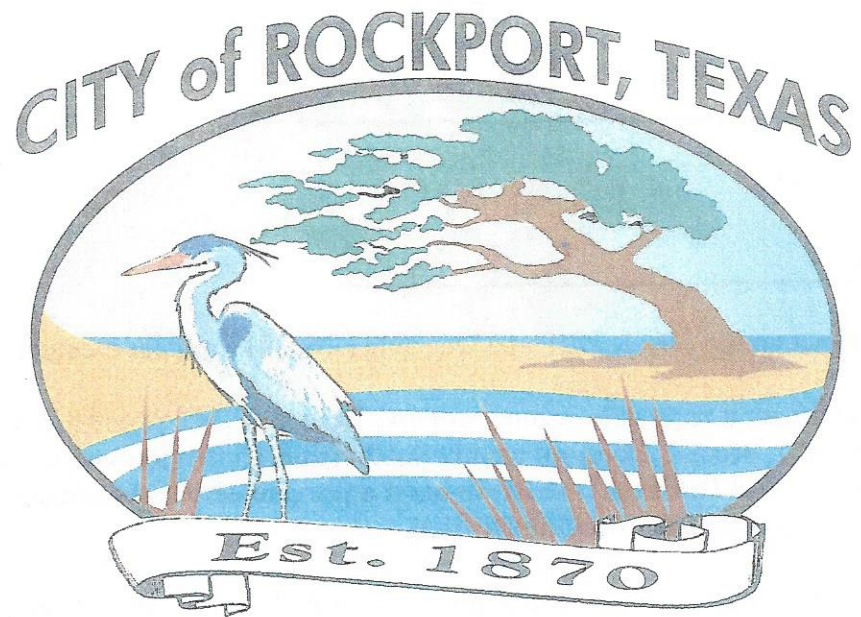




PLANNING AND ZONING PACKET

JANUARY 20, 2020

PLANNING & ZONING COMMISSION AGENDA

Notice is hereby given that the Rockport Planning & Zoning Commission will hold a meeting on Monday, January 20, 2020, at 5:30 p.m. The meeting will be held at Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas. The matters to be discussed and acted upon are as follows:

Opening Agenda

1. Call meeting to order.

Regular Agenda

2. Deliberate and act on the July 1, 2019 and December 16, 2019 regular meeting minutes.
3. Deliberate and act on a request to rezone property located at 243 State Highway 35 Bypass; also known as Lot 2, Block 1, Muskopf Family Subdivision, City of Rockport, Aransas County, Texas; to B-1 (General Business District) to build a pet cemetery and crematorium; currently zoned R-1 (1st Single Family Dwelling District).
4. Deliberate and act on a request to rezone property located at 1740 W. Corpus Christi Street; also known as Lot 4 & Part of 5, Peninsula Oaks Unit 3, City of Rockport, Aransas County, Texas; to B-1 (General Business District) for an investment and potential shop space; currently zoned R-1 (1st Single Family Dwelling District).
5. Adjournment.

Special Accommodations

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213 ext. 225 or fax (361) 790-5966 or e-mail citysec@cityofrockport.com for further information. Braille is not available.

Certification

I certify that the above notice of meeting was posted on the bulletin board at City Hall, 2751 State Highway 35 Bypass, Rockport, Texas on January ____, 2020, by 5:00 p.m. and on the City's website at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot* and *Corpus Christi Caller Times*.

Teresa Valdez, City Secretary

PLANNING AND ZONING COMMISSION MINUTES

On this the 1st day of July 2019, the Planning and Zoning Commission held a Meeting at 5:30 p.m., at Rockport Service Center, 2751 SH 35 Bypass, Rockport, Texas and notice of meeting giving time, date and subject having been posted as described in V.T.C.A., Government Code § 551.041.

Members Present

G Maynard Green - Vice Chairman
Diana Severino-Saxon – Secretary
Kim Hesley
Warren Hassinger

Members Absent

Ruth Davis – Chair (EX)
Kent Howard (EX)

Staff Members Present

Mike Donoho, Director
Amanda Torres, Community Planner
Mary Bellinger, Assistant to Director

Guest(s) Present

Four (4)

Open Meeting

1. Meeting called to order at 5:35 p.m.

Regular Agenda

2. Deliberate and act on the June 17, 2019 regular meeting minutes.

Vice Chairman Green asked for a motion to approve the June 17, 2019 meeting minutes as presented. Secretary Severino-Saxon moved to accept the minutes as presented. Member Hassinger seconded the motion. All voted in favor, motion carried.

3. Deliberate and act on a request to rezone property located at 1325 W. Market Street: also known as West Terrace Unit1, Block 3, Lots 1 through 5 and 26 through 30, Rockport, Aransas County, Texas; to I-1 (Light Industrial District) to place a dumpster and portable toilet rental business on the site; currently zoned R-1 (1st Single Family Dwelling District).

Mike Donoho spoke
Amanda Torres spoke

After a brief discussion Vice Chairman Green asked if there were any more questions, hearing none Vice Chairman Green asked for a motion.

MOTION:

Secretary Severino-Saxon moved to deny the request to rezone property located at 1325 W. Market Street, Member Hesley seconded the motion. Member Hassinger voted to deny, Vice Chairman Green voted to deny, with all voting, motion carried unanimously.

Adjournment

There being no further business, Vice Chairman Green adjourned the meeting at approximately 5:45 pm.

Prepared by:

Assistant to Director, Mary Bellinger

Approved by:

Vice Chairman, Maynard Green

Secretary, Diana Severino-Saxon

PLANNING AND ZONING COMMISSION MINUTES

On this the 16th day of December 2019, the Planning and Zoning Commission held a Meeting at 5:30 p.m., at Rockport Service Center, 2751 SH 35 Bypass, Rockport, Texas and notice of meeting giving time, date and subject having been posted as described in V.T.C.A., Government Code § 551.041.

Members Present

Ruth Davis – Chair
G Maynard Green - Vice Chairman
Kent Howard
Warren Hassinger

Members Absent

Kim Hesley (EX)
Diana Severino-Saxon – Secretary (EX)

Staff Members Present

Mike Donoho, Director
Amanda Torres, Community Planner
Mary Bellinger, Assistant to Director

Guest(s) Present

Six (6)

Open Meeting

1. Meeting called to order at 5:33 p.m.

Regular Agenda

2. Deliberate and act on the September 30, 2019, and December 5, 2019, regular meeting minutes.

Vice Chairman Green moved to accept the September 30, 2019, and December 5, 2019, regular meeting minutes as presented, Member Hassinger seconded the motion. Chair Davis voted for, Member Howard voted for, motion carried unanimously.

3. Deliberate and act on a final Plat submitted by Sote, LLC, for development of a new single-family dwelling development subdivision to be known as Sunset Shores Subdivision – located at 3361 Loop 1781.

Property owners represented Brandi Karl spoke.

After a brief discussion, Chair Davis asked if there any other questions or comments. Hearing none Chair Davis asked for a motion.

MOTION:

Vice Chairman Green moved to accept the final Plat submitted by Sote, LLC, for development of a new single-family dwelling development subdivision to be known as Sunset Shores Subdivision

– located at 3361 Loop 1781 as presented, Member Hassinger seconded the motion. Chair Davis voted for, Member Howard voted for, motion carried unanimously.

4. Deliberate and act on a request to rezone property located at 1352 Mack Road; also known as 2.165 acres of land out of Farm Lot fifteen (15), Block 225, Burton and Danforth Subdivision, Rockport, Aransas County, Texas; to B-1 (General Business District) to develop and prepare land for commercial land uses; currently zoned R-1 (1st Single Family Dwelling District).

Property owners representative Shana Brader presented.

After a brief discussion, Chair Davis asked if there any other questions or comments. Hearing none Chair Davis asked for a motion.

MOTION:

Vice Chairman Green moved to accept the request to rezone property located at 1352 Mack Rd, to B-1 (General Business District), Member Hassinger seconded the motion. Chair Davis voted for, Member Howard voted for, motion carried unanimously.

5. Deliberate and act on a request to revise a Planned Unit Development agreement for property located at 3086-3098 State Highway 35 Bypass and 430 McLester; also known as 11.348 acres out of the Joseph Fessenden Survey, and 38.111 acres embracing all of Tracts 12-14 and the northern portions of Tracts 15-21, C.H. Moore Subdivision, Joseph Fessenden Survey, City of Rockport Aransas county, Texas, to develop property as a subdivision consisting of single-family parcels.

Property owners representative Brandi Karl spoke.

Dan Pugh spoke.

After some discussion Chair Davis if there any other questions or comments. Hearing none Chair Davis asked for a motion.

MOTION:

Member Hassinger moved to accept the request to revise a Planned Unit Development agreement for property located at 3086-3098 State Highway 35 Bypass, Vice Chairman Green seconded the motion. Chair Davis voted for, Member Howard voted for, motion carried unanimously.

6. Deliberate and act on a request to rezone property located at 345 SH 35 Bypass; also known as 134.343 total acres of land embracing four tracts of land called Tract 1: 67.984 acres of land out of the remainder of Farm Lot 3, all of Farm Lots 4, 5, 6, 7 and 8; and fractional Farm Lots 9, 10, 11, 12. Landblock 20, T.P. McCampbell Subdivision; Tract 2: 55.932 acres of land out of the remainder of Farm Lot 1, all of Farm Lots 2 and 3, and fractional Farm Lots 4, 5, 6, 7, 8, 9 and 10, Landblock 21, T.P. McCampbell Subdivision; Tract 3: 7.257 acres of land out of the remainder of Farm Lot 1, and fractional Farm Lots 2, 3 and 4, Landblock 22,

T.P. McCampbell Subdivision, and including 3.17 acres of platted R.O.W. adjacent to said tracts as shown on the plat of T.P. McCampbell Subdivision, City of Rockport, Aransas County, Texas according to the plat recorded in Volume 1, pages 3 and 4, Plat Records of Aransas County, Texas, and above tracts being described in a deed of record to D & R Self Storage, Inc., under Clerks File Number 368317, Official Public Records of Aransas County, Texas; to B-1 (General Business District) to build a boutique hotel and apartment complex; currently zoned R-1 (1st Single Family Dwelling District).

Property owners representative Brandi Karl spoke.

After a brief discussion Chair Davis if there any other questions or comments. Hearing none Chair Davis asked for a motion

MOTION:

Member Hassinger moved to accept a request to rezone property located at 345 SH 35 Bypass, Vice Chairman Green seconded the motion. Chair Davis voted for, Member Howard voted for, motion carried unanimously.

Adjournment

There being no further business, Chair Davis adjourned the meeting at approximately 6:10 pm.

Prepared by:

Approved by:

Assistant to Director, Mary Bellinger

Chair, Ruth Davis

PLANNING & ZONING AGENDA
Regular Meeting: Monday, January 20, 2020

AGENDA ITEM: 3

Deliberate and act on a request to rezone property located at 243 State Highway 35 Bypass; also known as Lot 2, Block 1, Muskopf Family Subdivision, City of Rockport, Aransas County, Texas; to B-1 (General Business District) to build a pet cemetery and crematorium; currently zoned R-1 (1st Single Family Dwelling District).

SUBMITTED BY: Community Planner Amanda Torres

BACKGROUND: Applicant William Bradley has submitted an application seeking a request to rezone property located at 243 State Highway 35 Bypass; also known as Lot 2, Block 1, Muskopf Family Subdivision, City of Rockport, Aransas County, Texas; to B-1 (General Business District) to build a pet cemetery and crematorium; currently zoned R-1 (1st Single Family Dwelling District).

A public notice regarding this item was published in The Rockport Pilot in the Saturday, December 21, 2019 edition and mailed out to eight property owners within a 200-foot radius of the property. No letters for or against the request were received. A Joint Public Hearing was held on Tuesday, January 14th. No comments were made.

Please see the accompanying zoning change request application and Section 118-15 of Code of Ordinances for detail information.

RECOMMENDATION: : Staff recommends **approval** of the request to rezone property located at 243 State Highway 35 Bypass; also known as Lot 2, Block 1, Muskopf Family Subdivision, City of Rockport, Aransas County, Texas; to B-1 (General Business District) to build a pet cemetery and crematorium; currently zoned R-1 (1st Single Family Dwelling District).

STAFF REPORT

Building & Development Services | Amanda Torres, Community Planner
2751 SH 35 Bypass, Rockport, TX 78362
Phone: (361) 790-1125, x. 226 | Email: communityplanner@cityofrockport.com



PROPERTY ADDRESS/LOCATION
243 State Highway 35 Bypass

APPLICANT/PROPERTY OWNER
William Bradley

PUBLIC HEARING DATE
Tuesday, January 14, 2020

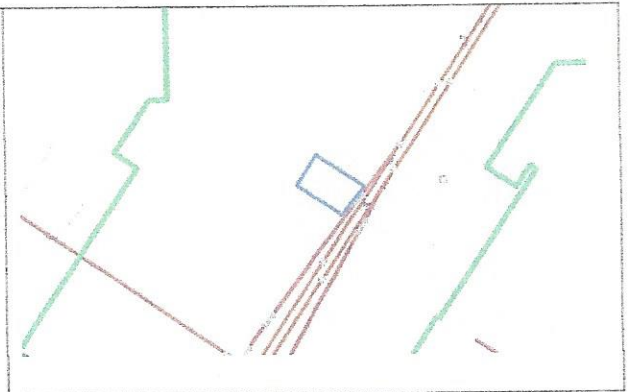
P&Z DATE
Monday, January 20, 2020

CITY COUNCIL DATE(S)
1st Reading - Tuesday, January 28, 2020
2nd Reading - Tuesday, February 11, 2020

BRIEF SUMMARY OF REQUEST

Applicant would like to develop the property into a pet cemetery and crematorium. It is currently zoned R-1 1st Single Family Dwelling District.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, December 21, 2019 edition and mailed out to eight property owners within a 200-foot radius of the property. No letters for or against the request were received. A Joint Public Hearing was held on Tuesday, January 14th. No comments were made.



MAP SOURCE: Pictometry

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-1 1 st Single Family Dwelling District	Undeveloped	North: R-1 1 st Single-Family Dwelling, vacant/agricultural East: R-1 1 st Single-Family Dwelling, vacant/agricultural South: R-1 1 st Single-Family Dwelling, warehouses West: Highway	None	6.697 acres

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY with the ZONING ORDINANCE & FUTURE LAND USE MAP

Any future development will meet all setback requirements of the B-1 General Business District if approved.

Although this iteration of the future land use map indicates the area as industrial, this land use is compatible with the land use associated with this area as indicated.

PROPERTY HISTORY

Compatibility with the planned development (or other controlling documents); traffic/parking; public works/utilities; engineering/flood plain/soil; building code/fire or design

The property is not within the Special Flood Hazard Area. Applicant will work with the City to either extend infrastructure or comply with County regulations for well and/or septic systems. City drainage standards will apply.

ATTACHMENTS
(CIRCLE)

SUBMITTED PLANS

**PUBLIC HEARING PETITION/
APPLICATION FORM**

LEGAL NOTICE

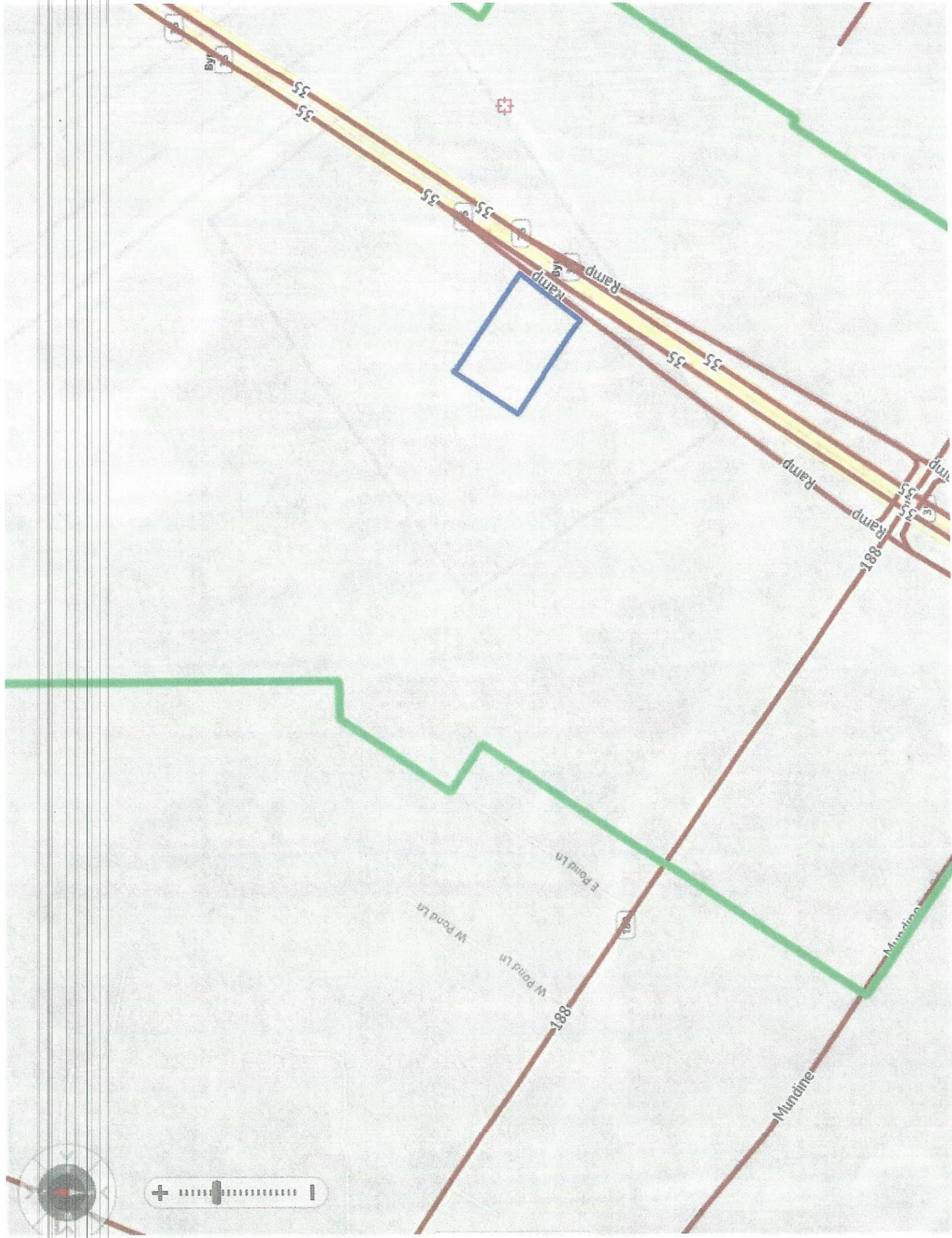
LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

OTHER (DESCRIBE)

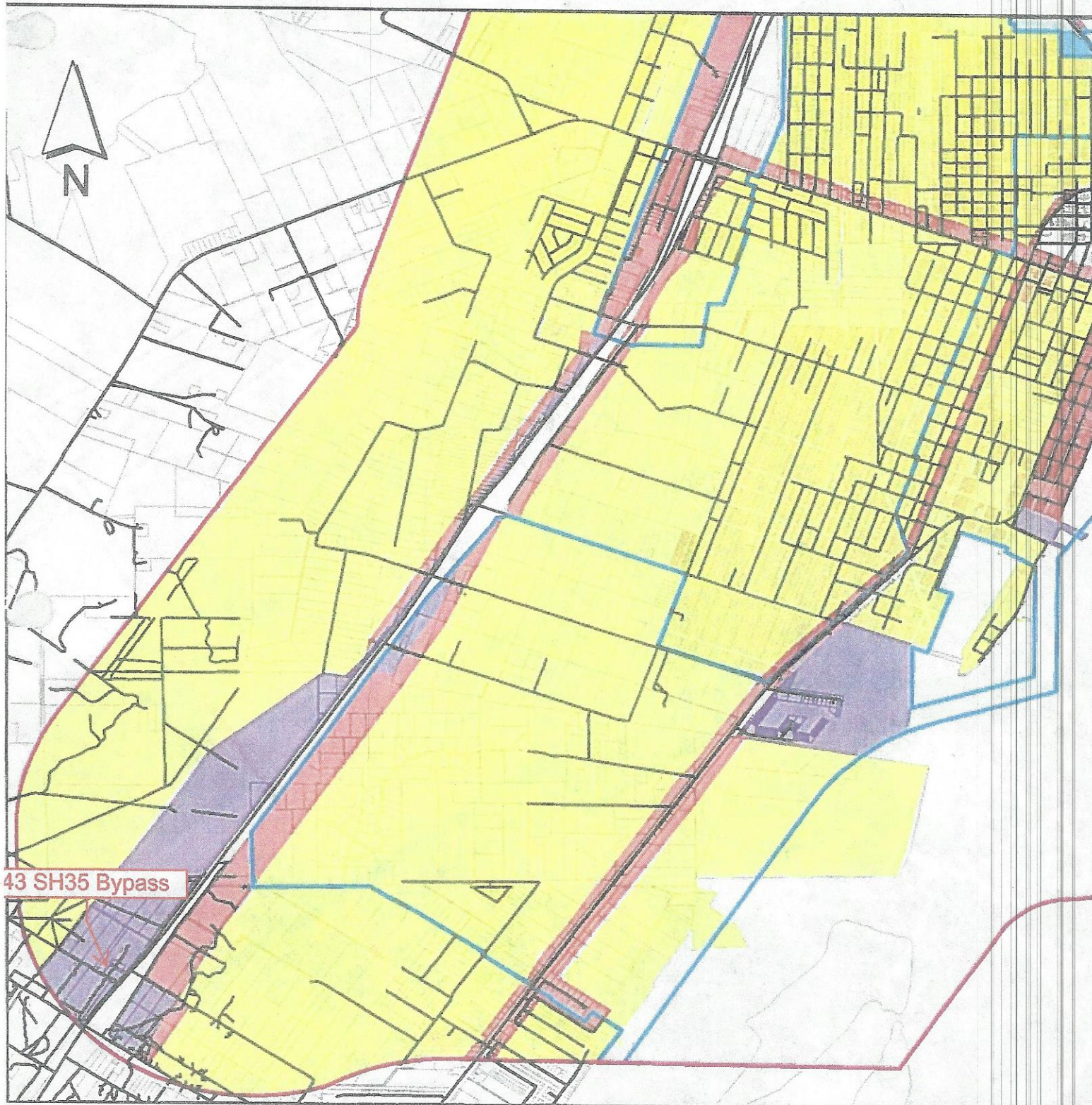






City of Rockport, Texas Study Area

Future Land Use Map: Exhibit A



Legend

- | | | |
|----------------------|--------------------------|-----------------------|
| Rockport ETJ | Commercial/Business | Parks and Green Space |
| Rockport City Limits | Industrial | Public |
| Roads | Low Density Residential | Aransas Parcels |
| | Multi-family Residential | |

Article I. Zoning Ordinance*

Sec. 118-15. B-1 General Business District.

15.1 *Use Regulations.* The purpose of this district is to provide suitable locations for a wide variety of business and mercantile uses. In addition to the previous listed uses in R-1 through R-7 districts, land and premises may be used for:

1. Restaurants, cafes, food catering services.
2. Offices, banks, libraries, museums, etc.
3. Service stations, car washes, laundromats.
4. Malls, shopping centers, retail stores.
5. Shops (butcher shops, shoe shops, shell shops, etc., including pawn shops that have been licensed to transact business by the Consumer Credit Commissioner under Chapter 371, Finance Code).
6. Grocery stores, convenience stores, markets.
7. Retail markets (seafood/meat) and bait stands.
8. Entertainment facilities (theaters, bowling alleys, pool halls, clubs and lounges, etc).
9. Sales, service and repair shops (radio, television, shoe repair, tool repair and rental, lawn mower repair, auto and boat repair shops, etc).
10. Personal service shops (beauty salons, barber shops, tailoring and dressmaking shops, etc).
11. Storage buildings, auto storage yards.
12. Animal hospitals, boarding kennels and grooming shops.
13. Mortuaries and funeral homes.
14. Agricultural services, greenhouses and landscaping services.
15. Outdoor welding, fabricating operations, by CUP.
16. Permanent or long term (more than 30 days) public entertainment facilities or uses, by CUP. Such uses may include, but not be limited to, amusement parks, carnivals, circuses, marine life shows, dance/theatrical productions and natatoriums.
17. Fish houses, seafood processing plants, by CUP.
18. Adult entertainment, by CUP.

15.2 *Area and Yard Regulations.*

15.2.1 *Area of the Lot.* None required for non-dwelling uses. For dwelling uses, See [[section 118-20](#)] Table 20.

15.2.2 *Width of the Lot.* The minimum width of the lot shall be fifty (50) feet. See [[section 118-20](#)] Table 20.

15.2.3 *Area of the Building.* For a primary use structure, the minimum floor area shall be five hundred (500) square feet. See [[section 118-20](#)] Table 20.

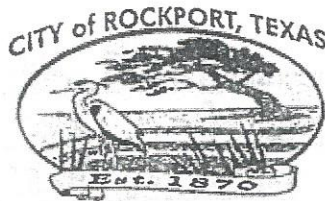
15.2.4 *Yard Area and Building Setbacks.* See [[section 118-20](#)] Table 20

15.3 *Height of the Building.* No building shall exceed forty five (45) feet in height. See Article 3 [[section 118-3](#)] Definitions and Article 20 [[section 118-20](#)].

15.4 *Parking Regulations.* Parking regulations for permitted uses as contained in Article 21 [[section 118-21](#)].

15.5 *Accessory Use Regulations.* Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22 [[section 118-22](#)].

(Ord. No. 1027, art. 15, 4-9-96)



CITY OF ROCKPORT
ZONING AND LAND DEVELOPMENT APPLICATION

INSTRUCTION: Please fill out completely. If more space is needed, attach additional pages. Please print or use typewriter.

A. REQUESTING: Rezoning ☒ Conditional Permit ☐

Planned Unit Development (P.U.D.) by Conditional Permit ☐

B. ADDRESS AND LOCATION OF PROPERTY _____

243 SH 35 Bypass, Rockport, TX 78382

C. CURRENT ZONING OF PROPERTY: Residential

D. PRESENT USE OF PROPERTY: Unoccupied

E. ZONING DISTRICT REQUESTED: B1

F. CONDITIONAL USE REQUESTED: _____

G. LEGAL DESCRIPTION: (Fill in the one that applies)

• Lot or Tract 2, Acres 6.697 Block 1 ^{Muskopf} (Family Subdivisn)

• Tract _____ of the _____
Survey as per metes and bounds (field notes attached)

• If other, attach copy of survey or legal description from the Records of Aransas County or Appraisal District.

H. NAME OF PROPOSED DEVELOPMENT (if applicable) _____

I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): Acres: 6.697

J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:
(Please be specific)

Pet Cemeteries And Pet cremation

K. OWNER'S NAME: (Please print) Bill's Pet Service & Cremation, LLC
ADDRESS: 679 Lisa Ann Dr.
CITY, STATE, ZIP CODE: Aransas Pass TX 78336
PHONE NO 361-816-7628, 361-205-0463

L. REPRESENTATIVE: (If Other Than Owner) _____
ADDRESS: _____
CITY, STATE, ZIP CODE: _____
PHONE NO _____

NOTE: Do you have property owner's permission for this request?
YES ☒ NO ☐

M. FILING FEE:

REZONING	\$150.00 + \$10.00 PER ACRE
PLANNED UNIT DEVELOPMENT	\$200.00 + \$10.00 PER ACRE
P.U.D. REVISION	\$200.00 + \$10.00 PER ACRE
CONDITIONAL PERMIT	\$150.00 + \$10.00 PER ACRE

(Make check payable to the City of Rockport)

- Submit application and filing fee to the Department of Building & Development, City of Rockport; 2751 S.H. 35 Bypass, Rockport, Texas 78382.

Signed: Walter Bradley
(Owner or Representative)

(FOR CITY USE)

Received by: _____ Date: _____ Fees Paid: \$ _____

Submitted Information (_____ accepted) (_____ rejected) by: _____

If rejected, reasons why: _____

Receipt No. _____

Farm Lot 4, Landblock 20

FND. 5/8"
STEEL REBAR
1' W. OF WIRE
FENCE

Remaining Portion of Farm Lot 3, Landblock 20. (Vol. 1, Pgs. 3-4, P.R.A.C.T.)

FND. 5/8"
STEEL REBAR

S34°37'25"W

433.99'

+20.63

657.47'

686.90'

LOT 1
Vol. 6, Pg. 102,
P.R.A.C.T.

LOT 2



Farm
T.P. McC
Vol. 1,

CL of a 40' Platted, Unimproved R.O.W.
(Per Map recorded in Volume 1, Pgs. 3-4, P.R.A.C.T.)

Farm I
T.P. McC
Vol. 1,

S55°22'35"E

N55°22'35"W

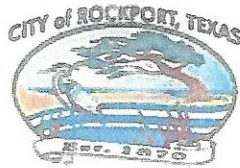
FND. 5/8"
STEEL REBAR

N38°30'12"E

434.98'

FND. 5/8"
STEEL REBAR

Edge of Pavement



JOINT PUBLIC HEARING
Rockport City Council
and
Planning & Zoning Commission

NOTICE is hereby given that the Rockport City Council and the Planning & Zoning Commission will hold a Joint Public Hearing on Tuesday, January 14, 2020, at 6:30 p.m., at the City of Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request to rezone property located at 243 State Highway 35 Bypass; also known as Lot 2, Block 1, Muskopf Family Subdivision, City of Rockport, Aransas County, Texas; to B-1 (General Business District) to build a pet cemetery and crematorium; currently zoned R-1 (1st Single Family Dwelling District).

The City encourages citizens to participate and make their views known at this Public Hearing. For further information on this request, please contact the Building Department at (361) 790-1125. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213 ext. 225 or fax (361) 790-5966 or e-mail citysec@cityofrockport.com for further information. Braille is not available.

POSTED the 13th day of December 2019, by 5:00 p.m., on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, and on the website www.cityofrockport.com.

PUBLISHED in *The Rockport Pilot* in the Saturday, December 21, 2019, Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS


Teresa Valdez, City Secretary

<u>Property ID</u>	<u>Property Owner</u>	<u>Situs Address</u>	<u>Mailing Address</u>	<u>City</u>	<u>State</u>	<u>ZIP</u>
71189*	Mandy & Cory Knighton	243 S H 35 Bypass	102 Lara Garza	Rockport	TX	78382-7295
70146	Came 1st Ranch LLC	227 S H 35 Bypass	653 Everhart Rd. #105	Rockport	TX	78411-1948
28293	D&R Self Storage Inc.	345 S H 35 Bypass	25100 IH 35N	New Braunfels	TX	78132-4937
	Bill's Pet Service & Cremation, LLC		679 Lisa Ann Dr.	Aransas Pass	TX	78336

Handwritten text, likely bleed-through from the reverse side of the page. The text is arranged in several vertical columns and is mostly illegible due to fading and the quality of the scan. Some fragments of text are visible, such as "The first", "The second", "The third", "The fourth", "The fifth", "The sixth", "The seventh", "The eighth", "The ninth", "The tenth", "The eleventh", "The twelfth", "The thirteenth", "The fourteenth", "The fifteenth", "The sixteenth", "The seventeenth", "The eighteenth", "The nineteenth", "The twentieth", "The twenty-first", "The twenty-second", "The twenty-third", "The twenty-fourth", "The twenty-fifth", "The twenty-sixth", "The twenty-seventh", "The twenty-eighth", "The twenty-ninth", "The thirtieth", "The thirty-first", "The thirty-second", "The thirty-third", "The thirty-fourth", "The thirty-fifth", "The thirty-sixth", "The thirty-seventh", "The thirty-eighth", "The thirty-ninth", "The fortieth", "The forty-first", "The forty-second", "The forty-third", "The forty-fourth", "The forty-fifth", "The forty-sixth", "The forty-seventh", "The forty-eighth", "The forty-ninth", "The fiftieth", "The fifty-first", "The fifty-second", "The fifty-third", "The fifty-fourth", "The fifty-fifth", "The fifty-sixth", "The fifty-seventh", "The fifty-eighth", "The fifty-ninth", "The sixtieth", "The sixty-first", "The sixty-second", "The sixty-third", "The sixty-fourth", "The sixty-fifth", "The sixty-sixth", "The sixty-seventh", "The sixty-eighth", "The sixty-ninth", "The seventieth", "The seventy-first", "The seventy-second", "The seventy-third", "The seventy-fourth", "The seventy-fifth", "The seventy-sixth", "The seventy-seventh", "The seventy-eighth", "The seventy-ninth", "The eightieth", "The eighty-first", "The eighty-second", "The eighty-third", "The eighty-fourth", "The eighty-fifth", "The eighty-sixth", "The eighty-seventh", "The eighty-eighth", "The eighty-ninth", "The ninetieth", "The ninety-first", "The ninety-second", "The ninety-third", "The ninety-fourth", "The ninety-fifth", "The ninety-sixth", "The ninety-seventh", "The ninety-eighth", "The ninety-ninth", "The hundredth".

ZONING CASE: 243 STATE HIGHWAY 35 BYPASS
JOINT PUBLIC HEARING SUMMARY
JANUARY 14, 2020

No comments were made.

PLANNING & ZONING AGENDA

Regular Meeting: Monday, January 20, 2020

AGENDA ITEM: 4

Deliberate and act on a request to rezone property located at 1740 W. Corpus Christi Street; also known as Lot 4 & Part of 5, Peninsula Oaks Unit 3, City of Rockport, Aransas County, Texas; to B-1 (General Business District) for an investment and potential shop space; currently zoned R-1 (1st Single Family Dwelling District).

SUBMITTED BY: Community Planner Amanda Torres

BACKGROUND: Property owners James & Jill Farnsworth have submitted an application seeking a request to rezone property located at 1740 W. Corpus Christi Street; also known as Lot 4 & Part of 5, Peninsula Oaks Unit 3, City of Rockport, Aransas County, Texas; to B-1 (General Business District) for an investment and potential shop space; currently zoned R-1 (1st Single Family Dwelling District).

A public notice regarding this item was published in The Rockport Pilot in the Saturday, December 28, 2019 edition and mailed out to eight property owners within a 200-foot radius of the property. Two letters for the request and two letters against the request were received at the time of the hearing. A Joint Public Hearing was held on Tuesday, January 14th. An adjacent property owner spoke against the request and presented a petition that included signatures from seven out of twelve property owners in the notice area. Therefore, **it would require a super majority from City Council in order to approve this request.**

The Future Land Use Map indicates this area as Commercial/Business, and properties to the north along the Bypass were rezoned to B-1 General Business. This property was previously brought before Planning & Zoning Commission and City Council in May/June 2017. At that time, residents were concerned about the impact of increased traffic, increased crime, and lowered property values. Residents are still concerned about that same impact in this request.

A section of the 1999 Comprehensive Plan's "Urban Design Criteria" has been included. The neighborhood concept method indicates that "commercial land use within a neighborhood unit should be limited to retail sale of goods and personal services primarily for persons residing in the adjacent residential areas. These commercial uses should be located on the periphery of the neighborhood at intersections of arterial streets."

The commercial corridor concept method warns of encroachment of commercial land uses into neighborhoods, explaining that commercial activity should not "draw traffic into the interior of the neighborhood, all traffic patterns are directed toward the arterial, and the commercial use abuts an existing commercial use that has access to the arterial," adding that "the continuation of commercial uses into residential neighborhoods should be practiced with caution, and should not be allowed on a regular basis.

As presented, staff recommends **denial** of this request. However, Planning & Zoning Commission may want to discuss alternatives with the applicant and attending neighbors, such as rezoning a portion of the property instead of the entire property or looking into a different zoning district type more complementary for a neighborhood such as the R-7 Residential and Office District.

THE HISTORY OF THE
CITY OF BOSTON

FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME

BY
JOHN HUTCHINGS

IN TWO VOLUMES.

LONDON:
PRINTED BY J. JOHNSON, ST. PAULS CHURCH-YARD.

1795.

THE HISTORY OF THE
CITY OF BOSTON

FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME

Please see the accompanying zoning change request application and Section 118-15 of Code of Ordinances for detail information.

RECOMMENDATION: : Staff recommends **denial** of the request to rezone property located at 1740 W. Corpus Christi Street; also known as Lot 4 & Part of 5, Peninsula Oaks Unit 3, City of Rockport, Aransas County, Texas; to B-1 (General Business District) for an investment and potential shop space; currently zoned R-1 (1st Single Family Dwelling District).

STAFF REPORT

Building & Development Services | Amanda Torres, Community Planner
2751 SH 35 Bypass, Rockport, TX 78362
Phone: (361) 790-1125, x. 226 | Email: communityplanner@cityofrockport.com



PROPERTY ADDRESS/LOCATION
1740 W. Corpus Christi Street

APPLICANT/PROPERTY OWNER
James & Jill Farnsworth

PUBLIC HEARING DATE
Tuesday, January 14, 2020

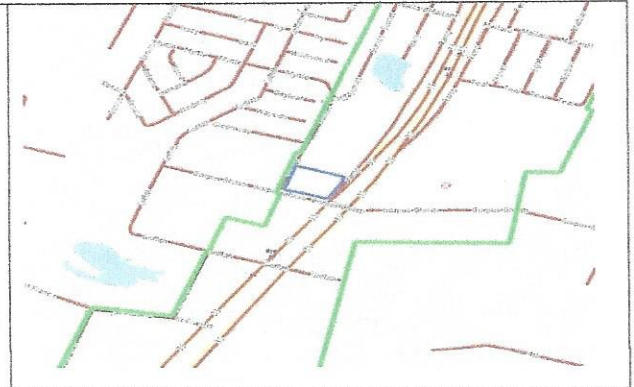
P&Z DATE
Monday, January 20, 2020

CITY COUNCIL DATE(S)
1st Reading - Tuesday, January 28, 2020
2nd Reading - Tuesday, February 11, 2020

BRIEF SUMMARY OF REQUEST

Applicant would like to develop the property for an investment and potential shop space. It is currently zoned R-1 1st Single Family Dwelling District.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, December 28, 2019 edition and mailed out to eight property owners within a 200-foot radius of the property. Two letters for the request and two letters against the request were received. A Joint Public Hearing was held on Tuesday, January 14th. The property owner/applicant spoke in favor of the request.



MAP SOURCE: Pictometry

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-1 1 st Single Family Dwelling District	Undeveloped	North: R-1 1 st Single-Family Dwelling, residential and B-1 General Business, vacant East: outside city limits, residences South: R-1 1 st Single-Family Dwelling, vacant West: Highway	None	4.118 acres

STAFF RECOMMENDATION**APPROVE****APPROVE WITH CONDITIONS****DENY****COMPATIBILITY with the ZONING ORDINANCE & FUTURE LAND USE MAP**

Any future development will meet all setback requirements of the B-1 General Business District if approved.

This land use is compatible with the land use associated with this area as indicated in the Future Land Use Map.

PROPERTY HISTORY

Compatibility with the planned development (or other controlling documents); traffic/parking; public works/utilities; engineering/flood plain/soil; building code/fire or design

The property is not within the Special Flood Hazard Area. Applicant will work with the City to either extend infrastructure or comply with County regulations for well and/or septic systems. City drainage standards will apply.

ATTACHMENTS
(CIRCLE)

SUBMITTED PLANS

PUBLIC HEARING PETITION/
APPLICATION FORM

LEGAL NOTICE

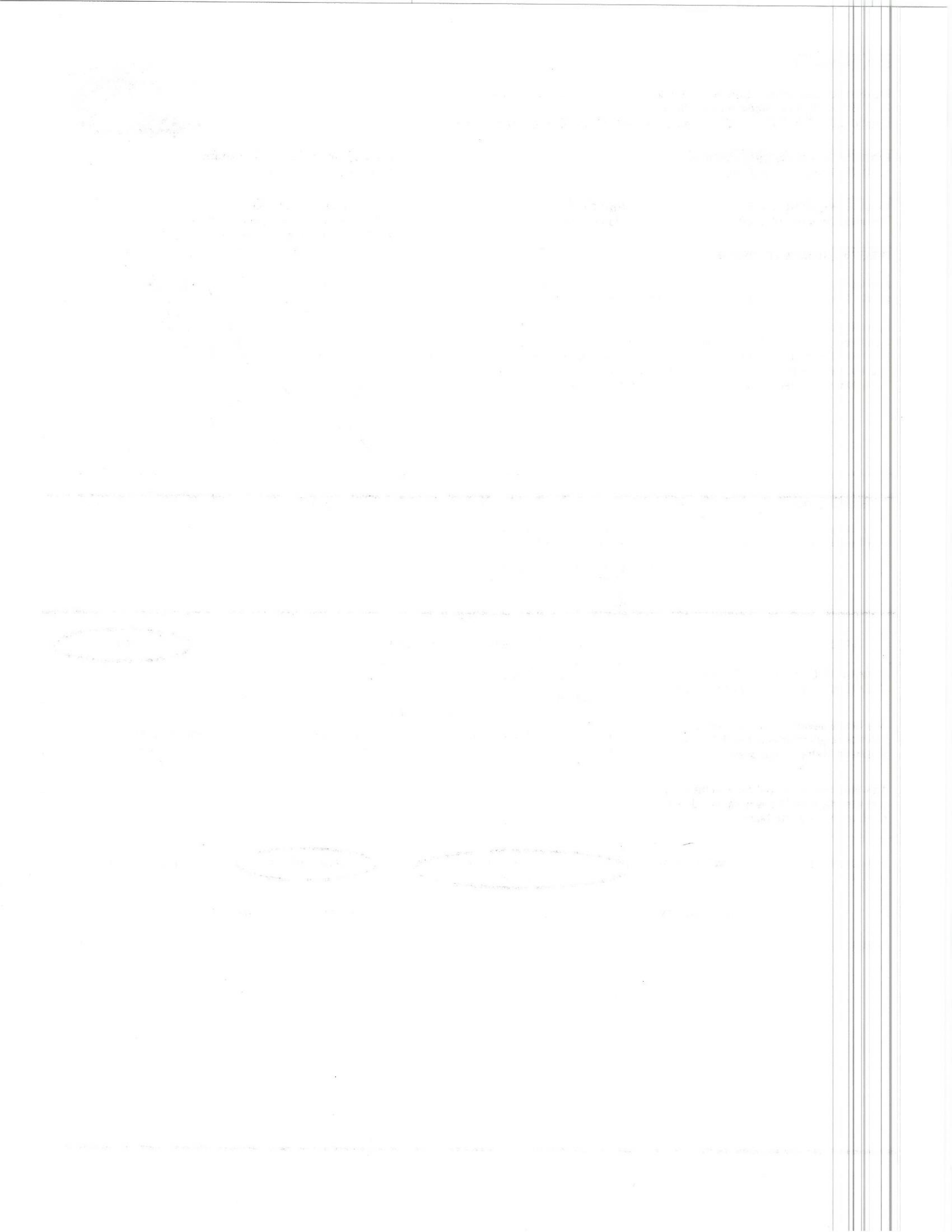
LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

OTHER (DESCRIBE)



ZONING CASE: 1740 W. CORPUS CHRISTI ST.

JOINT PUBLIC HEARING SUMMARY

JANUARY 14, 2020

1. **Kay Clark, 760 Sunset Dr.:** Mrs. Clark gave an information packet to Council members as well as the City Secretary and stated that she was there to oppose the rezoning request for the following reasons: 1) increased traffic, 2) increased crime, and 3) lowered property values. Mrs. Clark quoted Section 118-2 of the Zoning Ordinance in which the purpose is to "promote the health, safety and general welfare" and "encouraging the most appropriate use of land throughout the city." She said that she has lived in her home for a long time and her father had lived in the house previously. She is concerned about property values and the safety of children in the neighborhood. Once it is zoned B-1, the property could be used for any land use allowed in the zoning district. She also said that there had been multiple accidents along this intersection. The ramp onto Bypass 35 hits right at this intersection. She said her husband had spoken with TxDOT, and they said that they would not allow any driveways on that stretch and a setback of 425 feet would be required. The zoning change would allow this intersection to become more dangerous and affect the community.

URBAN DESIGN CRITERIA

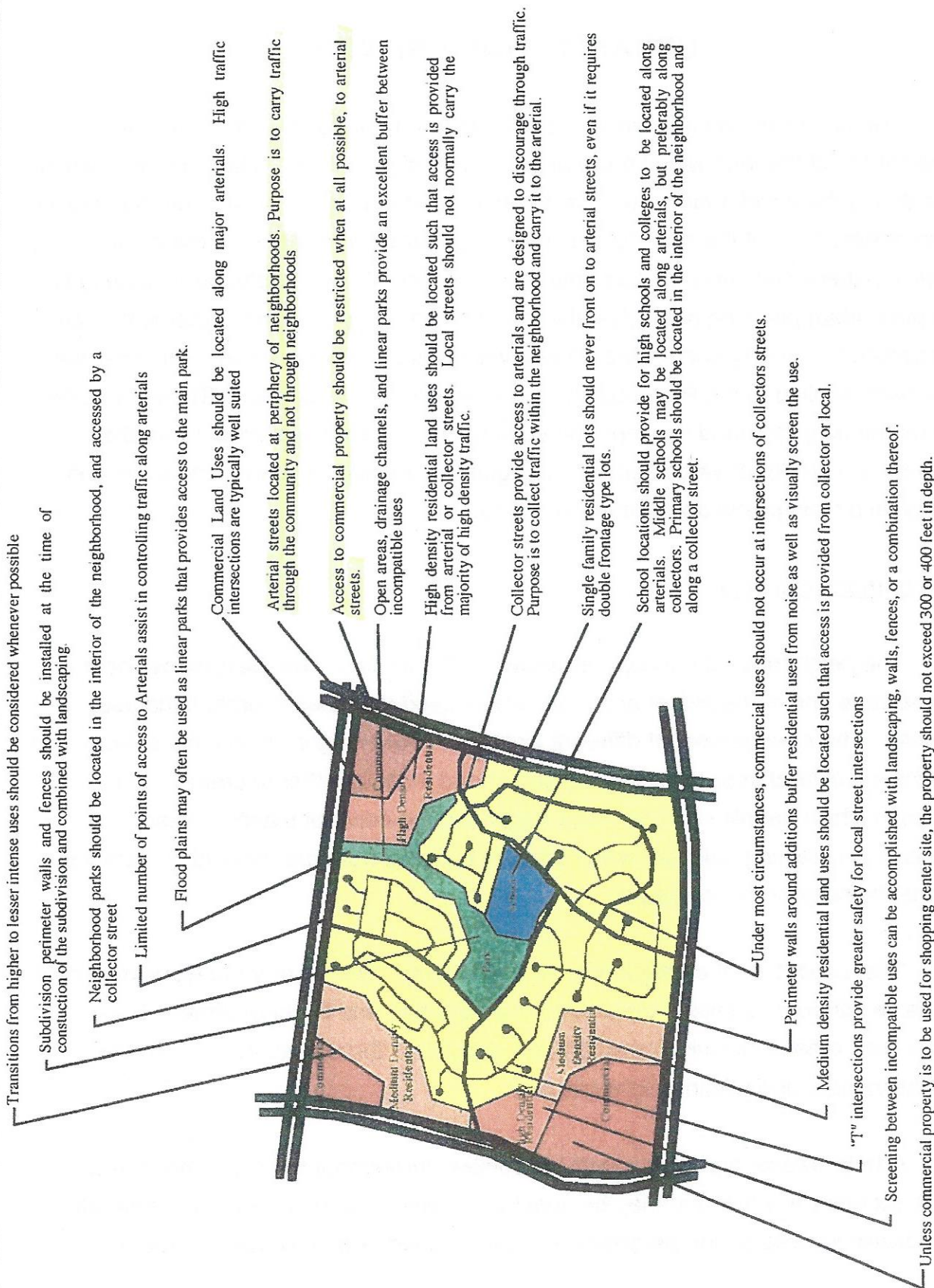
The practices and techniques used in shaping and forming the physical development of the land within a city are "urban design criteria." These criteria, when used during the development process, enable city staff to effectively guide the creation of the desired form of the city. "Urban form" is generally interpreted to mean the physical pattern that cities take as land is developed. When developed according to accepted urban planning principles, the form of a city may establish patterns that are appropriate for orderly and progressive development. Several urban form principles have been applied to the Rockpoint Comprehensive Land Use Plan. These principles include the neighborhood concept, the commercial node development form, the commercial corridor development form, edges and transitions, screening walls and buffers, and focal points and entry statements.

Neighborhood Concept

The neighborhood concept, as shown in Figure 10 - **The Neighborhood Concept**, is one of the oldest and most widely used practices in urban land use planning. The arrangement of different elements of the neighborhood, the streets, and the location of land uses within the neighborhood work together to create quality spaces in which people may live. The neighborhood concept places primary emphasis on creating neighborhoods that are buffered from the impacts of elements outside the neighborhood system.

The foundation of a neighborhood is its streets. There are three types of streets that serve different functions; the arterial, the collector, and the local street. These streets form a network which provide traffic circulation throughout the city, among neighborhoods, and within neighborhoods.

Arterial streets provide for traffic circulation throughout the city. They are usually four to six lanes in width and may be constructed with or without medians. Arterials are typically located on the periphery of neighborhoods with a limited number of



THE NEIGHBORHOOD CONCEPT

access points in order to facilitate traffic movement. The purpose of the arterial is to carry large volumes of traffic across or through the city as quickly and unhampered as possible. The number of entrances into the neighborhood from arterial streets should be limited, in order to control the amount of traffic through neighborhoods.

Collector streets are typically curvilinear in design, and are usually two to four lanes wide. The curvilinear form of collector streets is different from the grid pattern typically found in older areas. While the grid pattern encourages through traffic to bisect neighborhoods, curvilinear streets discourage this type of traffic, while still providing access to the arterial streets. Collector streets serve the neighborhood by leading traffic from local streets within the neighborhood to the arterials.

Local streets are generally short, curvilinear in design, and are often characterized by loops and cul-de-sacs. These streets provide direct access to residences and feed the collector street system. Local streets should not provide direct access to arterials if possible, and local streets with through traffic potential should be discouraged. The purpose of local streets is to transport people to the collectors, and to facilitate travel within the neighborhood.

The neighborhood concept considers the location of different land uses within and on the periphery of the neighborhood. Low density housing should typically be located in the interior of the neighborhood close to the schools, parks, and other community facilities. Moderate density and high density housing may be located near the periphery of the neighborhood and on collector streets. High density and moderate density residential land uses may also be used as a buffer between commercial and low density residential land use. Commercial land use within a neighborhood unit should be limited to retail sale of goods and personal services primarily for persons residing in the adjacent residential areas. These commercial uses should be located on the periphery of the neighborhood at intersections of arterial streets. The use of buffer yards and/or screening fences between residential and commercial uses would also be recommended.

There are a number of design elements which should be incorporated into neighborhood planning. The intersection of streets at angles less than ninety degrees should be avoided in favor of "T" intersections, which are safer. Additional criteria for lot design should also be considered. Lots adjacent to arterial streets and on corners should be deep and wide, with large rear and side yard setbacks, in order to facilitate adequate sight distances at street intersections. Low density residential lots should not have direct access to adjacent arterial streets. This access would create safety hazards to the residents and impede traffic flows on the arterials. Typically, larger neighborhoods should also provide for the location of schools and community facilities such as parks and fire stations within the area. The above criteria function collectively to protect the integrity of the neighborhood from external pressures and enhance its identity.

While the neighborhoods in the northern and central portions of the City are mostly developed with fixed street patterns, there is a great deal of undeveloped land in the southwestern and southeastern portions of the City. These undeveloped areas can be planned such that the neighborhood unit principles and street functions are followed. Issues such as commercial encroachment and "cut through" traffic can be avoided by following the criteria set forth by the neighborhood concept. While the above standards apply primarily to the planning of new neighborhoods, these concepts can also be applied with flexibility to older areas of town as redevelopment and revitalization occur.

Commercial Node Development Form

The commercial node development form, as shown on Figure 11- **Commercial Development Forms**, consists of commercial land that generally develops around intersections of major thoroughfares and around intersections of collector streets with arterial streets. A distinguishing characteristic of nodal development is that the commercial activity is directed toward the intersection, and does not extend along the intersecting streets. The node may be small, containing neighborhood service type uses, or large, incorporating shopping centers or a large number of commercial structures. High intensity commercial uses are typically located at the intersection of

arterial streets, while less intense uses such as professional offices may be located between the high intensity commercial uses and neighboring residential land use. Additional screening or landscaping should be used in order to further reduce the effects of the commercial uses on adjacent residential land uses, and define the boundary of the adjoining land uses. In addition, in areas where unique or special conditions exist, such as the Central Business District area of Rockpoint, additional design guidelines and standards may be necessary.

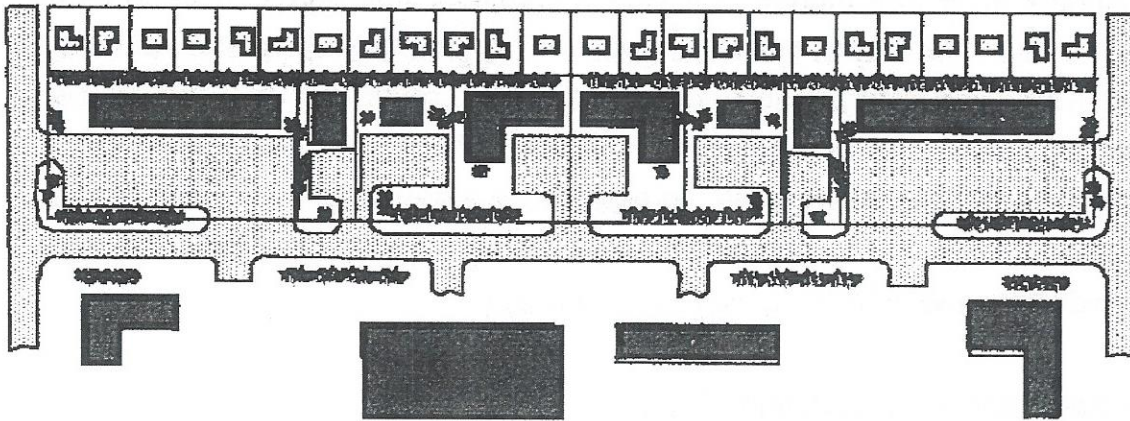
Commercial Corridor Development Form

In contrast to the commercial node development form, commercial corridor development locates commercial uses along an arterial. The commercial corridor development form is also illustrated on Figure 11 - **Commercial Development Forms**. This development form is characterized by high intensity commercial uses located near the intersections of major arterials, and less intense commercial uses located along the arterial between intersections. While the area of nodal development is usually not limited, but is determined by the particular uses at the given location, commercial corridors should be limited in depth to 300 feet. Commercial development which extends deeper than 400 feet may create conflicts in land use and could land-lock some properties. In order to create cohesiveness among a variety of commercial uses, development guidelines should require uniform signage, shared driveways, and landscaping along the thoroughfares in commercial corridor developments.

At intersections of streets with the corridor, a tendency may be to permit commercial uses to extend into the surrounding residential neighborhood. On occasion, this may occur where the continuation of the commercial use along the intersecting street with the arterial does not introduce commercial uses that are high volume or environmentally unpleasant. This practice is not inconsistent with the corridor concept, so long as the commercial activity does not draw traffic into the interior of the neighborhood, all traffic patterns are directed toward the arterial, and the commercial use abuts an existing commercial use that has access to the arterial. The continuation of commercial uses into residential neighborhoods should be practiced with caution, and should not be allowed on a regular basis.

- ① Incompatible land uses require buffering using trees & walls or a combination thereof.

- ② Depth of Corridor Commercial should be not more than 300 feet and not less than 150 feet.



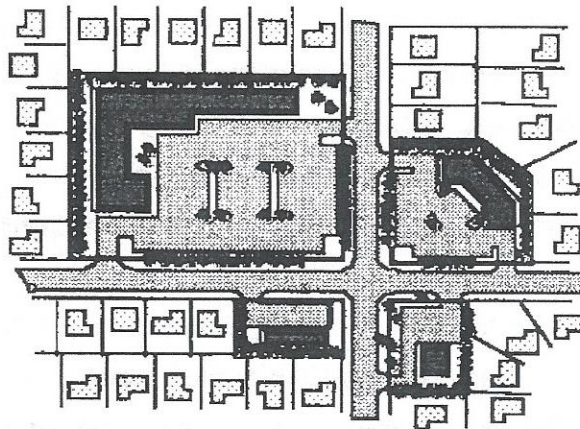
- ③ Design along corridors include uniform signage, shared drives, landscape buffers between roadways and parking lots, and landscaping in the street yards

- ④ Corridor development should orient traffic toward Arterial Streets and discourage entering residential neighborhoods

Corridor Commercial

- ① Access to commercial property does not encroach into residential neighborhoods. All access is directly from thoroughfare streets.

- ② Buffering between single family and commercial uses may consist of landscaping, and/or solid walls. In addition dumpsters and mechanical equipment areas should be screened.



- ③ Interior of parking lots should be landscaped.

- ④ Commercial node may include all corners of the intersection or any combination thereof. Primary characteristic is that the commercial activity is directed toward the intersection and does not extend laterally down the intersecting streets

- ⑤ Size of Commercial Node is not restricted by width or depth, whatever is sufficient to perform the necessary commercial activity, unlike Corridor Commercial which is encouraged to not exceed 300 feet in depth.

Node Commercial

Commercial Development Forms

If commercial development along arterials is not controlled and developed according to the commercial corridor concept, it is likely that development of a "strip commercial" nature will occur. The characteristics of strip commercial which should be avoided include the following:

1. Shallow lots, usually between 100 and 200 feet deep;
2. Numerous small ownerships;
3. Numerous curb cuts for entrances;
4. Numerous small buildings with no architectural unity;
5. Little or no landscaping in and around the parking lots;
6. Limited parking usually restricted to the front setback area or along the street; and
7. The lack of landscaping or other buffers, especially in the rear, with the adjacent residential areas exposed to a blighting influence.

Edges and Transitions

Well-defined edges and gradual transitions of land use are important to the function of the Comprehensive Land Use Plan. Edges are boundaries of land uses which clearly indicate the beginning and termination of a land use type, while transitions are uses which serve as a buffer zone between uses of differing intensity.

Edges are generally recognized as physical elements such as railroads, interstates or rivers. These physical elements may serve as a barrier to contain intense land uses, such as industrial or heavy commercial use. Land use edges are especially important in areas of industrial or heavy commercial use because the tendency with these types of uses is to gradually expand the intense use into adjacent light commercial or residential neighborhoods. The sensitive nature of these neighborhoods makes them susceptible to negative industrial impacts. Industrial encroachment, which usually occurs when a few light industrial or heavy commercial uses occupy a number of residential lots, may have detrimental effects. Residential property values will eventually diminish in the area, and the established neighborhood will tend to become unstable and transitional in nature. It is therefore recommended that the limits, or edges, of incompatible land uses be clearly defined by the Comprehensive Land Use Plan.

Transitional land uses are also an important element of the Comprehensive Land Use Plan. While it is recognized that not all land uses are compatible with one other, some land uses are quite compatible with others. For example, an industrial land use is generally not considered to be compatible with a low density single family residential use. It is therefore desirable to avoid development of these two uses adjacent to one another. By limiting the number of areas where these incompatible land uses are located adjacent to one another, we recognize the interrelationship between land uses and avoid encroachment of non-residential uses into residential neighborhoods. On the other hand, industrial land use is often considered to be compatible with commercial land uses, so it would be more appropriate to develop these two uses adjacent to one another. In the same manner, a professional office building which exhibits characteristics of residential development would be compatible with residential development in some instances. In situations where incompatible land uses are developed adjacent to one another, it is important to keep impact relationships in mind and provide either transitions or buffers to protect the less intense use.

Because of this recognition of land use compatibility, it is desirable to transition from more intense uses to less intense uses. Usually this is considered to be from an industrial use on one extreme and low density residential use on the other extreme. The Comprehensive Land Use Plan uses commercial land use as a transition between industrial and residential land use. However, this transitional process should be ultimately refined through the zoning process. This is accomplished in Rockpoint's zoning ordinance by using a variety of intensities within each land use.

Screening Walls and Buffers

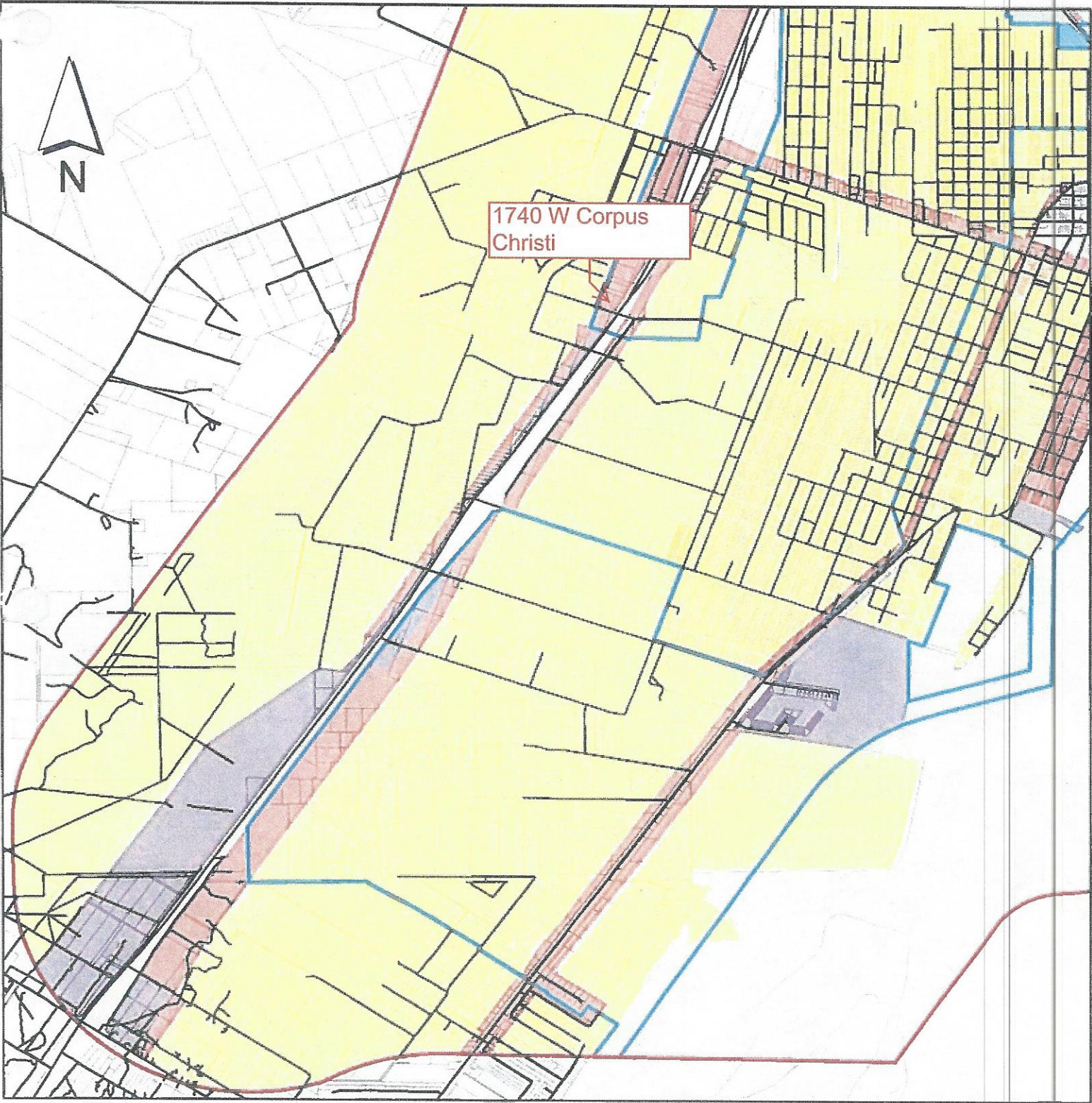
Incompatible land uses will inevitably be located next to one another, on occasion. When this occurs, the appropriate action is to provide a means to soften the impact of the more intense use. This may be accomplished in two ways: 1) by constructing screening walls or 2) by providing a buffer area between the two incompatible uses. The preferred option would be to have a significant open space







City of Rockport, Texas Study Area Future Land Use Map: Exhibit A



Legend

- Rockport ETJ
- Rockport City Limits
- Roads
- Commercial/Business
- Industrial
- Low Density Residential
- Multi-family Residential
- Parks and Green Space
- Public
- Aransas Parcels

Article I. Zoning Ordinance*

Sec. 118-15. B-1 General Business District.

15.1 *Use Regulations.* The purpose of this district is to provide suitable locations for a wide variety of business and mercantile uses. In addition to the previous listed uses in R-1 through R-7 districts, land and premises may be used for:

1. Restaurants, cafes, food catering services.
2. Offices, banks, libraries, museums, etc.
3. Service stations, car washes, laundromats.
4. Malls, shopping centers, retail stores.
5. Shops (butcher shops, shoe shops, shell shops, etc., including pawn shops that have been licensed to transact business by the Consumer Credit Commissioner under Chapter 371, Finance Code).
6. Grocery stores, convenience stores, markets.
7. Retail markets (seafood/meat) and bait stands.
8. Entertainment facilities (theaters, bowling alleys, pool halls, clubs and lounges, etc.
9. Sales, service and repair shops (radio, television, shoe repair, tool repair and rental, lawn mower repair, auto and boat repair shops, etc).
10. Personal service shops (beauty salons, barber shops, tailoring and dressmaking shops, etc).
11. Storage buildings, auto storage yards.
12. Animal hospitals, boarding kennels and grooming shops.
13. Mortuaries and funeral homes.
14. Agricultural services, greenhouses and landscaping services.
15. Outdoor welding, fabricating operations, by CUP.
16. Permanent or long term (more than 30 days) public entertainment facilities or uses, by CUP. Such uses may include, but not be limited to, amusement parks, carnivals, circuses, marine life shows, dance/theatrical productions and natatoriums.
17. Fish houses, seafood processing plants, by CUP.
18. Adult entertainment, by CUP.

15.2 *Area and Yard Regulations.*

15.2.1 *Area of the Lot.* None required for non-dwelling uses. For dwelling uses, See [section 118-20] Table 20.

15.2.2 *Width of the Lot.* The minimum width of the lot shall be fifty (50) feet. See [[section 118-20](#)] Table 20.

15.2.3 *Area of the Building.* For a primary use structure, the minimum floor area shall be five hundred (500) square feet. See [[section 118-20](#)] Table 20.

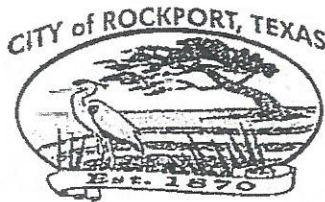
15.2.4 *Yard Area and Building Setbacks.* See [[section 118-20](#)] Table 20

15.3 *Height of the Building.* No building shall exceed forty five (45) feet in height. See Article 3 [[section 118-3](#)] Definitions and Article 20 [[section 118-20](#)].

15.4 *Parking Regulations.* Parking regulations for permitted uses as contained in Article 21 [[section 118-21](#)].

15.5 *Accessory Use Regulations.* Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22 [[section 118-22](#)].

(Ord. No. 1027, art. 15, 4-9-96)



CITY OF ROCKPORT
ZONING AND LAND DEVELOPMENT APPLICATION

INSTRUCTION: Please fill out completely. If more space is needed, attach additional pages. Please print or use typewriter.

- A. REQUESTING: Rezoning ☒ Conditional Permit ☐
Planned Unit Development (P.U.D.) by Conditional Permit ☐
- B. ADDRESS AND LOCATION OF PROPERTY
1740 W. Corpus Christi St. Rockport, TX 78382
- C. CURRENT ZONING OF PROPERTY: Residential
- D. PRESENT USE OF PROPERTY: Empty-Undeveloped
- E. ZONING DISTRICT REQUESTED: B1
- F. CONDITIONAL USE REQUESTED: Investment
- G. LEGAL DESCRIPTION: (Fill in the one that applies)
☒ Lot or Tract 4 & 5 Peninsula Oaks Subdivision Unit 3 Block _____
☐ Tract _____ of the _____
Survey as per metes and bounds (field notes attached)
☐ If other, attach copy of survey or legal description from the Records of
Aransas County or Appraisal District.
- H. NAME OF PROPOSED DEVELOPMENT (if applicable) —
- I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 4.1 acres
- J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:
(Please be specific)
Investment and potentially shop space

K. OWNER'S NAME: (Please print) James Farnsworth & Jill F Farnsworth
ADDRESS: 852 Hickory Ave
CITY, STATE, ZIP CODE: Rockport, TX 78382
PHONE NO 830-279-4102

L. REPRESENTATIVE: (If Other Than Owner) Matthew Farnsworth
ADDRESS: 852 Hickory Ave
CITY, STATE, ZIP CODE: Rockport, TX 78382
PHONE NO 361-386-0295

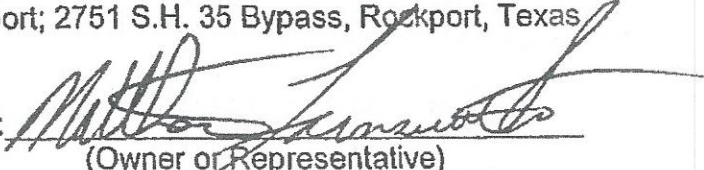
NOTE: Do you have property owner's permission for this request?
YES ☒ NO ☐

M. FILING FEE:

REZONING	\$150.00 + \$10.00 PER ACRE
PLANNED UNIT DEVELOPMENT	\$200.00 + \$10.00 PER ACRE
P.U.D. REVISION	\$200.00 + \$10.00 PER ACRE
CONDITIONAL PERMIT	\$150.00 + \$10.00 PER ACRE

(Make check payable to the City of Rockport)

- Submit application and filing fee to the Department of Building & Development, City of Rockport; 2751 S.H. 35 Bypass, Rockport, Texas 78382.

Signed: 
(Owner or Representative)

(FOR CITY USE)

Received by: _____ Date: _____ Fees Paid: \$ _____

Submitted Information (_____ accepted) (_____ rejected) by: _____

If rejected, reasons why: _____

Receipt No. _____

Nunta Pintongkum
6208 Sawyer Road,
San Antonio, TX 78238

December 31, 2019

Re: Rezoning property located At 1740 W. Corpus Christy Street.

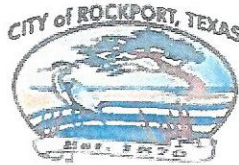
To: Whom it may concern,

I, Nunta pintongkum, am no longer the owner of said property since December 11, 2019.
The property was sold to James F Fransworth and jill Frazier-Farnsworth, who are now a new
owner of the property. You may contact Stewart Title Company Tel. (361) 729-5151 about
their addresses.

Respectfully,

A handwritten signature in black ink, appearing to read 'Nunta Pintongkum', with a long horizontal flourish extending to the right.

Nunta Pintongkum



JOINT PUBLIC HEARING
Rockport City Council
and
Planning & Zoning Commission

NOTICE is hereby given that the Rockport City Council and the Planning & Zoning Commission will hold a Joint Public Hearing on Tuesday, January 14, 2020, at 6:30 p.m., at the City of Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request to rezone property located at 1740 W. Corpus Christi Street; also known as Lot 4 & Part of 5, Peninsula Oaks Unit 3, City of Rockport, Aransas County, Texas; to B-1 (General Business District) for an investment and potential shop space; currently zoned R-1 (1st Single Family Dwelling District).

The City encourages citizens to participate and make their views known at this Public Hearing. For further information on this request, please contact the Building Department at (361) 790-1125. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213 ext. 225 or fax (361) 790-5966 or e-mail citysec@cityofrockport.com for further information. Braille is not available.

POSTED the 19th day of December at 9:30 a.m., on the bulletin board at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, and on the website www.cityofrockport.com.

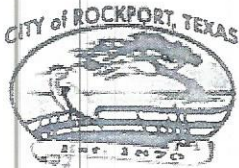
PUBLISHED in *The Rockport Pilot* in the Saturday, December 28, 2019, Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS


Teresa Valdez, City Secretary

Property ID	Property Owner	Situs Address	Mailing Address	City	State	ZIP
30715	Nunta Pintongkum	1740 W Corpus Christi St	6208 Sawyer Rd	San Antonio	TX	78238-2205
58467	Jingqiu Chen	1739 W Corpus Christi St	7948 Greenhollow Ln	Dallas	TX	75240-3708
30720	Merle & Patricia Lindsey	1803 W Corpus Christi St	P O Box 123	Sutherland Spring	TX	78161-0123
51814	Roy Lee Pina	841 Sunset Dr	1812 W Corpus Christi St	Rockport	TX	78382-6319
46494	Phillip & Brenda Herring	831 Sunset Dr	831 Sunset Dr	Rockport	TX	78382-7025
51815	Gary & Cindy Mizener	821 Sunset Dr	422 Palmetto St	Rockport	TX	78382-7969
44424	Shannon Mizener	811 Sunset Dr	811 Sunset Dr	Rockport	TX	78382
52165	David & Rebecca Mays	121 Greenway Lane	121 Greenway Lane	Rockport	TX	78382-7054
52171	Ernestino L Surell	123 Greenway Lane	123 Greenway Lane	Rockport	TX	78382-7055
57851	Floyd & Brenda Clark	760 Sunset Drive	760 Sunset Drive	Rockport	TX	78382-7024
57856	Connie Miller & Donna Barnes	800 Sunset Drive	P O Box 236	Fulton	TX	78358-0236
63911	Randall & Mary Bellinger	2035-2053 S H 35 Bypass	P O Box 1392	Rockport	TX	78381-1392
	James & Jill Farnsworth	1740 W Corpus Christi St	852 Hickory Avenue	Rockport	TX	78382

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57856	Connie Miller & Donna Barnes	800 Sunset Drive	P O Box 236	Fulton	TX	78358-0236
63911	Randall & Mary Bellinger	2035-2053 S H 35 Bypass	P O Box 1392	Rockport	TX	78381-1392
	James & Jill Farnsworth	1740 W Corpus Christi St	852 Hickory Avenue	Rockport	TX	78382



JOINT PUBLIC HEARING
Rockport City Council and
Planning & Zoning Commission

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CITY OF ROCKPORT, TEXAS
/s/ Teresa Valdez, City Secretary

TO BE ON RECORD, THIS FORM MUST BE FILLED OUT, SIGNED BY THE CURRENT PROPERTY OWNER(S) AND MAILED IN ITS ENTIRETY TO THE BUILDING & DEVELOPMENT SERVICES DEPARTMENT, 2751 STATE HIGHWAY 35 BYPASS, ROCKPORT, TX 78382. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.

NOTE: In accordance with the Open Meetings Act and Public Information Act, no discussion shall be held by a member or members of this Commission, either at home or office, or in person, by telephone call or by letter.

Printed Name: Phillip Herring
Address: 831 Sunset Dr

City/State: Rockport, TX

() IN FAVOR (☒) IN OPPOSITION

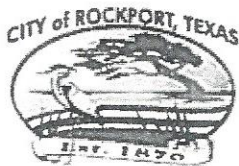
Phone: 361-727-0532

REASON:

The section on Sunset Dr. is and should be restricted to residential. This is a neighborhood and we have gone through this w/ the lot next to this one last year.

Phillip Herring
Signature

See map on reverse side.



JOINT PUBLIC HEARING
Rockport City Council and
Planning & Zoning Commission

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CITY OF ROCKPORT, TEXAS

/s/ Teresa Valdez, City Secretary

TO BE ON RECORD, THIS FORM MUST BE FILLED OUT, SIGNED BY THE CURRENT PROPERTY OWNER(S) AND MAILED IN ITS ENTIRETY TO THE BUILDING & DEVELOPMENT SERVICES DEPARTMENT, 2751 STATE HIGHWAY 35 BYPASS, ROCKPORT, TX 78382. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.

NOTE: In accordance with the Open Meetings Act and Public Information Act, no discussion shall be held by a member or members of this Commission, either at home or office, or in person, by telephone call or by letter.

Printed Name: Randy Bellinger
Address: 1616 Sunset

City/State: Rockport, TX

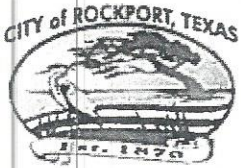
☒ IN FAVOR () IN OPPOSITION

Phone: 361-727-7009

REASON:

Randy Bellinger
Signature

See map on reverse side.



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Printed Name: JINGQIU CHEN

Address: 7948 Greenhollow Lane

City/State: Dallas/TX

☒ IN FAVOR () IN OPPOSITION

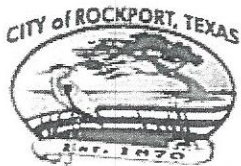
Phone: 214-500-9228

REASON:

Encourage Local Business.

Signature Jingqiu Chen 1/2/2020

See map on reverse side.



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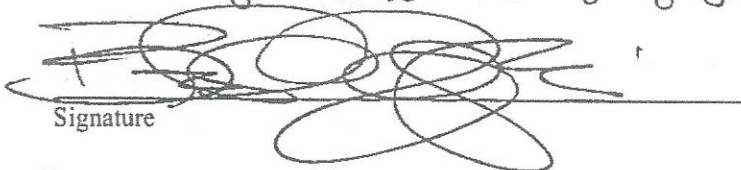
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Printed Name: Shannon Mizener & Brenda Mizener
Address: 811 Sunset Dr. City/State: Rockport TX 78382
() IN FAVOR ☒ IN OPPOSITION Phone: 361-816-1886 or 361-790-6095
Brenda Shannon

REASON: lots of reasons why however as a parent one of the most important reasons to me is the safety of my children who are dropped off by the school bus on sunset Corpus & griffith and have to walk home to sunset where there would be more heavy traffic on an already dangerous street. We are homes with families and young children that like to play outside.
See attached.


Signature

See map on reverse side.

RED = Proposed zone change
Yellow = Residential zoning



REASONS AGAINST RE-ZONE OF 1740 W CORPUS CHRISTI ST

1. THROT LAWS DO NOT ALLOW ACCESS TO PROPERTY FROM HIGHWAY.
2. ZONE CHANGE ADDS PUBLIC SAFETY HAZARD TO DANGEROUS INTERSECTION THAT HAS CAUSED MULTIPLE FATALITIES.
3. ZONING COMMERCIAL WOULD FORCE COMMERCIAL TRAFFIC THROUGH DANGEROUS INTERSECTION INTO CURRENTLY QUITE RESIDENTIAL STREETS AND NEIGHBORHOODS.
4. A.C.S.D. SCHOOL BUS DROP OFF LOCATIONS ARE LOCATED ON SUNSET AND CORPUS CHRISTI STREET AND REQUIRE CHILDREN TO WALK OVER A HALF A MILE DOWN THESE STREETS TO THEIR HOMES EACH DAY, SINCE COMMERCIAL TRAFFIC WILL NOT BE ALLOWED TO ENTER FROM THE HIGHWAY ALL COMMERCIAL TRAFFIC WILL BE FORCED TO ENTER THROUGH THE SAME STREETS AS OUR CHILDREN PUTTING THEIR SAFETY AT RISK.
5. REZONE TO COMMERCIAL ADDS NO VALUE TO SURROUNDING HOMEOWNERS AND LOWERS PROPERTY VALUES OF HOMES IN YELLOW RESIDENTIAL ZONES.
6. REZONING COMMERCIAL IN A RESIDENTIAL NEIGHBORHOOD ADVERSELY AFFECTS ADJACENT PROPERTIES
7. SUCH USE IS INCOMPATIBLE WITH THE EXISTING RESIDENTIAL CHARACTER AND ALLOWABLE USES OF ADJACENT PROPERTIES.
8. SUCH USE WILL CREATE UNDOE TRAFFIC CONGESTION ON RESIDENTIAL STREETS AND CAUSE SAFETY RISK TO CHILDREN.
9. THE PURPOSE OF ZONING LAWS IS TO IMPROVE PUBLIC SAFETY, AND THE WELFARE OF ITS CITIZENS, TO PRESERVE THE EXISTING CHARACTER OF AN AREA AND TO PROTECT THE VALUE AND ENJOYMENT OF PROPERTIES BY SEPARATING INCOMPATIBLE LAND USES AND MINIMIZING THEIR POTENTIALLY NEGATIVE IMPACTS UPON EACH OTHER. THE COMMERCIAL REZONING OF 1740 W CORPUS CHRISTI ST WOULD BE IN DIRECT CONFLICT WITH THESE INTENDED GOALS.

ZONING PETITION FORM

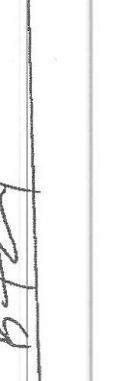
Zoning Case Description: 1740 E. Corpus Christi Street (Lot 4 and Part of 5, Peninsula Oaks Unit 3, City of Rockport, Aransas County)

Brenda Mizener

Signature of Person Collecting Names: _____

We, the undersigned owners of property affected by the requested zoning change of 1740 W. Corpus Christi Street, Rockport, Texas do hereby protest against any change of the Land Development Code which would change the property to any classification other than R-1 because:

1. The surrounding area on both Corpus Christi Street and Sunset Drive, as a part of Peninsula Oaks, is completely residential and a General Business Zoning is not compatible nor consistent with the surrounding area. This certainly looks like spot zoning.
2. As a General Business District, in the near or distant future, could allow a large business such as a convenience store/gas station, among many other possibilities, to be built in our quiet neighborhood. No driveway is allowed by TXDOT near this already-dangerous intersection so said driveway would be on our neighborhood side.
 - a. This puts undo strain on the road infrastructure.
 - b. This adds to the already confusing intersection.
 - c. The added traffic will be an increased and unnecessary danger to us and our children and grandchildren.
 - d. The added traffic will bring additional noise which takes away from the attractiveness of this quiet area. Businesses, such as a possible convenience store, have been proven to bring distracting light and to raise the crime rate in nearby neighborhoods.
3. Section 118-2 of the Zoning Code states that one of its purposes for existence is "with a view of conserving the value of buildings."
 - a. Small rental properties will bring our property values down.
 - b. Large commercial buildings such as a convenience store, or, worse, an adult entertainment establishment, will bring our property values down.

SIGNATURE:	PRINTED NAME:	ADDRESS:
	GARY MIZENER	821 Sunset Dr. Rockport
	Cindy Mizener	422 N. PALMETTO ST Rockport TX
	Brenda Mizener	821 Sunset Drive Rockport TX
	Philip Herring	811 Sunset Dr. Rockport TX
	Brenda Herring	831 Sunset Dr. Rockport TX
	Sarah Piner	833 Sunset Dr. Rockport, TX
	Betty Adams	1822 W. Corpus Christi Rockport TX
	Bruce Baird	1822 W. Corpus Christi. Rockport, TX

ZONING PETITION FORM

Zoning Case Description: 1740 E. Corpus Christi Street (Lot 4 and Part of 5, Peninsula Oaks Unit 3, City of Rockport, Aransas County)

Signature of Person Collecting Names:

Floyd Clark, 760 Sunset Dr., Rockport, Texas

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3. Section 18-2 of the Zoning Code states that one of its purposes for existence is "with a view of conserving the value of buildings."
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SIGNATURE:

PRINTED NAME:

ADDRESS:

[Signature] David L. May, Sr. 121 Greenway Ln.

[Signature] Becky May 131 Greenway Dr.

[Signature] Kay Clark 760 Sunset Drive

[Signature] Susan Surell 123 Greenway Ln

[Signature] Ernestine Surell 123 Greenway Ln

[Signature] Floyd Clark 760 Sunset Drive

ZONING PETITION FORM

Zoning Case Description: 1740 E. Corpus Christi Street (Lot 4 and Part of 5, Peninsula Oaks Unit 3, City of Rockport, Aransas County)

Signature of Person Collecting Names:

Brenda Mizner

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SIGNATURE:

PRINTED NAME:

ADDRESS:

Bryce & Brenda Mizner
Carol Pina Land Agent
1812 W. Corpus Christi St
Peninsula Oaks Unit 3, Rockport, TX



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Printed Name: CAROL PINTA

Address: 1812 W. CORPUS CHRISTI ST.

City/State: _____

() IN FAVOR (✓) IN OPPOSITION

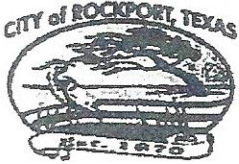
Phone: 361-205-7512

REASON:

TO MUCH TRAFFIC

Carol Pinta
Signature

See map on reverse side.



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Printed Name: Roy L. Pina
Address: 1815 W. Corpus Christi St City/State: _____

() IN FAVOR () IN OPPOSITION

Phone: 361 790 2565

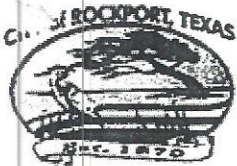
REASON:

*Traffic
conc*

Signature

Roy L. Pina

See map on reverse side.



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Printed Name: Susan B. Surell
Address: 123 Greenway Ln.

City/State: Rockport, TX 78382

Phone: 361 463-1899

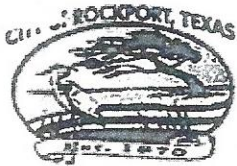
() IN FAVOR ☒ IN OPPOSITION

REASON:

Property Values

Susan B. Surell
Signature

See map on reverse side.



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Printed Name: Brenda Herring City/State: Rockport, TX
Address: 541 Sunset Dr

Phone: 361-533-5054

() IN FAVOR (X) IN OPPOSITION

REASON: Peninsula Oaks is a neighborhood.
We do not need businesses in a neighborhood
where children play.

Brenda Herring
Signature

See map on reverse side.



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Printed Name: Floyd Clark

Address: 760 Sunset Drive

City/State: Rockport TX

Phone: 361-230-0542

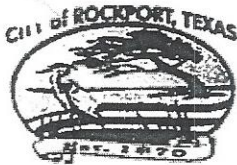
☐ IN FAVOR ☒ IN OPPOSITION

REASON:

I am opposed because of to name a few reasons. Increased traffic at a already dangerous intersection + our neighbor has increased crime and health risks depending on type of business. Lower value of existing residential properties.

Floyd Clark
Signature

See map on reverse side.



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Printed Name:

GARY MIZENER

Address:

4224 PARMETTO ST.

City/State:

Rockport, Texas

Phone:

361-215-2211

() IN FAVOR (X) IN OPPOSITION

REASON:

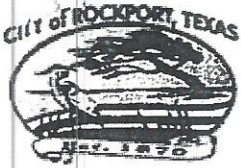
DANGEROUS INTERSECTION, PEOPLE HAVE BEEN KILLED THERE!
WE WENT THRU THIS A FEW YEARS AGO. IT ~~WILL~~ WILL BE IF PASSED THE
ONLY BUSINESS ON THE BYPASS THAT WILL HAVE AN ENTRANCE, EXIT
ON A RESIDENTIAL STREET THAT I KNOW OF. WHY IS IT SO IMPORTANT
TO HAVE A BUSINESS HERE. EVERYTHING ALWAYS SEEMS TO BE SECRET

Signature

KNOW ONE KNOWS WHAT IS PLANNED FOR THIS PROPERTY ALWAYS SEEMS
TO BE TOP SECRET. WILL AFFECT MY GRANDCHILDREN!

See map on reverse side.

NICE RESIDENTIAL HOUSES ALL AROUND PROPERTY



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CITY OF ROCKPORT, TEXAS
/s/ Teresa Valdez, City Secretary

TO BE ON RECORD, THIS FORM MUST BE FILLED OUT, SIGNED BY THE CURRENT PROPERTY OWNER(S) AND MAILED IN ITS ENTIRETY TO THE BUILDING & DEVELOPMENT SERVICES DEPARTMENT, 2751 STATE HIGHWAY 35 BYPASS, ROCKPORT, TX 78382. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.

NOTE: In accordance with the Open Meetings Act and Public Information Act, no discussion shall be held by a member or members of this Commission, either at home or office, or in person, by telephone call or by letter.

Printed Name:

Brenda Mizener

Address:

811 Sunset Dr

City/State:

Rockport TX 78382

() IN FAVOR

☒ IN OPPOSITION

Phone:

361-816-1886

REASON:

Very dangerous for children in our neighborhood loading & unloading bus + walking home. Heavy traffic on a residential street / neighborhood where there are children at play

[Signature]
Signature

See map on reverse side.



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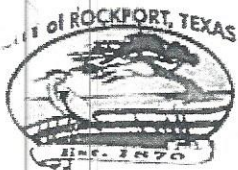
Printed Name: Phillip Herring City/State: Rockport, TX
Address: 831 Sunset Dr Phone: 361-727-0532

() IN FAVOR (X) IN OPPOSITION

REASON: The lot that is being considered is on sunset dr. which is and should remain single family, the section along the bypass I couldn't care less what you do with

[Signature]
Signature

See map on reverse side.



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Printed Name: David & Becky Mays City/State: Rockport, TX.
Address: 121 Greenway Ln

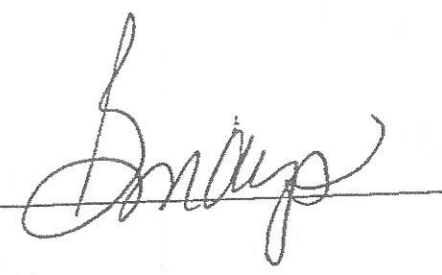
Phone: 361-205-5130
361-205-5131

() IN FAVOR ☒ IN OPPOSITION

REASON:

*We would hate to see
our value go down
due to traffic & noise
in our community.*


Signature


See map on reverse side.



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Printed Name: Sarah Pina
Address: 833 Sunset Dr.

City/State: Rockport, TX
Phone: 361-205-7499

() IN FAVOR () IN OPPOSITION

REASON:

Dangerous
intersection
family
residence.

Sarah Pina
Signature

See map on reverse side.

JOINT PUBLIC HEARING
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information is not available.

ROCKPORT, TEXAS
City Secretary

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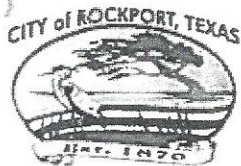
Cindy Mizener
N. Palmetto Street
() IN OPPOSITION

City/State: Rockport TX
Phone: 361-205-3589

Business does not belong in a Single Family Dwelling District
hood. We are Peninsula Oaks and business is unnecessary
e. It will not contribute to the well-being of the surrounding area
ate undue traffic congestion on a residential street where
y.

Cindy Mizener
Signature

See map on reverse side.



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Printed Name: Kay Clark

Address: 7100 Sunset Drive

City/State: Rockport, TX 78382

() IN FAVOR ☒ IN OPPOSITION

Phone: 361-230-3053

REASON: Opens the door for many commercial uses which may be in the owner's best interest but not in the best interest of the adjoining neighborhood + community. Will greatly increase risk at an already dangerous intersection. Entrance will have to be from a residential street. Increasing potential risk of crime. Lowers property values.

Kay Clark
Signature

See map on reverse side.

REZONING SPEECH: (1/14/20)

Good evening, Mr. Mayor and City Council Members. My name is Kay Clark. I live at 760 Sunset Drive. I am here representing my family and my neighbors in opposition to the request for rezoning 1740 W. Corpus Christi Street to B1 Commercial.

The first observation that I would like to make is that we went through this same process 2 ½ years ago (May 2017) and the Council voted at that time to deny rezoning for multiple reasons. Nothing has changed.

I have three main **objections**: this will increase traffic at an already dangerous intersection and in the neighborhood, increase the likelihood of crime in our quiet neighborhood, and lower our property values.

Rockport Zoning Ordinance Sec. 118-2. Purpose. The first paragraph states that among other responsibilities, it is your task to

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; **to promote health, safety and the general welfare**; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district and its particular suitability for certain uses, and **with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.**

Once zoned B1, this property can be used or sold for any of a number of uses including gas stations/convenience stores/fabrication operations/processing plants/pool halls/clubs/lounges/or even adult entertainment buildings by CUP.

One of my greatest concerns is in the research I did (if you would, please see your YELLOW packet), **the researcher shows that crime increases in proximity to convenience stores.** Please see pg. 1-2.(and other highlighted areas)

Gas stations also bring **health concerns** (BLUE packet, pg. 1 including a number of studies supporting that) for nearby homes as well as light/noise/odor—all of which take away from the desirability of the neighborhood. Will there be any bumper boundaries or contingency regulations concerning these possibilities?

Our home has been in this neighborhood for 45 years. **It has been what we have invested our life into with plans to sell it and down-size for our retirement.** We raised our children here. **Sunset and Corpus Christi Streets are both residential areas full of families' homes. (MAP)** When Mr. Nunta/Bellinger/? bought his piece of property, **he knew that it, and all of the surrounding properties, were residential.** **We are not against commercial growth but this is not an appropriate place for it.** Out the highway a little past Corpus Christi Street such growth **WOULD** be appropriate in that it would not touch any residential property.

One of the articles (in the BLUE packet) corroborates our concern that commercial zoning and the building that will come with it **WILL lower our property values.** Please look with me at

pg. 2-3. We realize that this gentleman says that he simply wants to build a shop **BUT** once that property is changed to B1 you know and we know that it can be sold or changed to many other things—anywhere from a gas station/convenience store to an adult entertainment business under CUP. None of these belong in a neighborhood.

In your Planning and Zoning Ordinance 1113, on p.4, in the fourth full paragraph is stated:

At intersections of streets with the corridor, a tendency may be to permit commercial uses to extend into the surrounding residential neighborhood. On occasion, this may occur where the continuation of the commercial use along the intersecting street with the arterial does not introduce commercial uses that are HIGH VOLUME OR ENVIRONMENTALLY UNPLEASANT. This practice is not inconsistent with the corridor concept, so long as the commercial use does not draw traffic into the interior of the neighborhood, all traffic patterns are directed toward the arterial, and THE COMMERCIAL USE ABUTS AN EXISTING COMMERCIAL USE THAT HAS ACCESS TO THE ARTERIAL. The continuation of commercial uses into residential neighborhoods SHOULD BE PRACTICED WITH CAUTION, AND SHOULD NOT BE ALLOWED ON A REGULAR BASIS.

As I'm about to point out, this intersection in particular is not "regular" in any way.

The final concern that I would like to speak to is the increase in traffic and the dangers that would bring. This intersection is a very dangerous one already with the ramp coming onto the highway at the point of intersection. Since 2010 TxDOT reports 15 accidents. A query done on the TxDOT website shows that the "Crash Total Injury Count" is higher at this intersection than the intersections at 188 or 1069, both of which already have commercial development on them. I know that there have been at least 2 fatalities. My husband's fancy truck even announces it as "an AVOID zone" because of the danger.

A few years ago, my husband contacted the TxDOT engineers and requested a permit to build a driveway into the back of our property. He was told at that time that they were not permitting any more driveways on that section of highway where the ramp is. I contacted TxDOT assistant engineer Martinez in Sinton this past week. He reiterated that he would not advise any driveways on the highway side and that the "book" they use states that any intersection involving 50 mph or more would require a set-back of 425 feet. The highway frontage of this man's property is only 367.65 feet. Therefore, any driveway access would have to be on the Corpus Christi Street or the Sunset Drive side-- thus necessitating increased traffic in our neighborhood. (Mr. Bellinger

has illegally put a driveway with PVC drainage pipe on his property out to the bypass ramp, but this should NOT be considered "Abutting an existing commercial use that has access to the arterial." since it was illegally installed. (Ordinance 1113 above)

Adding additional traffic to and from ANY type of business will be putting the lives of the community at stake—anyone who uses that business and even anyone who drives by will be in greater danger than if it is left as a residential property. Do you really want that on your conscience?

In closing, I feel the need to mention that in my research preparing for this evening, I discovered a very disturbing fact. When I pulled up the Final City Zoning Map for 2018 (the most recent one available online), it showed the property in question in red—as already rezoned to Commercial as well as the front part of Mr. Gordon's property—neither of which are, in fact, zoned commercial at this time. I feel this could be a litigious matter-- in that it makes it appear that city government has already made a decision without giving the public its rightful due process to input. I realize that it is probably a human error but you can imagine how it makes my neighbors and I feel. It also makes us wonder if this incorrect map has ever been used to influence decision-makers or the public by making it look like zoning this property Commercial would be an appropriate continuation of use, whereas, in actuality the map shows or should show a huge predominance of yellow—residential property, making this look a lot more like SPOT ZONING.

Please consider what you would want done if this was your neighborhood and uphold the code that you are under to promote the general welfare and conserve value of buildings. I hope as people of integrity you will not allow this decision to be made based only on the slightly higher taxes that can be levied from a commercial piece of property. Please consider the community and the neighborhood as a whole. **Please don't just consider a plan but consider the people involved**—their lifelong investment, their safety, their health, their peace. Remember the issues on increased crime, harmful air pollution, and traffic accidents. Please, please do what is right.

See especially p. 2 and pp. 4-5

RESEARCH-BASED FINDINGS ON DANGERS OF COMMERCIAL USES IN RESIDENTIAL neighborhoods (Higher Crime Rates)

In contrast, criminologists emphasize that mixed uses and high residential density generate more contact between potential offenders and potential victims. The "routine activities" theory of Cohen and Felson (1979) argues that direct-contact predatory crime requires the "convergence in space and time of likely offenders, suitable targets and the absence of capable guardians," which is arguably more likely to occur in higher-density, mixed-use areas. Stark (1987) argues that mixed uses and high density result in greater transience, anonymity, and "moral cynicism among residents," reducing neighborhood collective efficacy. This follows a long tradition in the sociology literature of linking high densities to pathological behavior (Sampson 1983, Wirth 1938). Additionally, specific commercial uses such as bars and liquor stores may serve as crime generators (Roncek and Bell 1981). The fact that crime is typically concentrated on a small number of street segments and intersections ("hot spots") lends further credence to the notion that place characteristics can be criminogenic (Weisburd, Groff and Yang 2012).

Since local governments exert substantial influence over the built environment through zoning, quantifying the criminogenic externalities of commercial and residential land use is of first-order importance. To this end, I study the effect of commercial and high-density residential use on street crime. I develop a unique high-resolution dataset on land use types in the City of Chicago using a compre

hensive 2005 land use survey supplemented with exact locations and descriptions of every licensed restaurant, (late-hour) bar, and liquor store in the city. I combine this with detailed, spatially-referenced crime data covering all crime incidents over the period 2008–2013. My sample consists of approximately 20,000 street segments. This fine spatial scale implies that the analysis maps directly to the theory, allowing me to avoid the ecological inference problems which made the results of previous studies difficult to interpret. This approach also allows for the measurement of the spatial scale of land use effects, which has been largely ignored by the previous literature despite its important

implications for the extent to which negative land use externalities can be mitigated through alternative policing strategies. I am also able to determine the extent to which the effect of commercial activity on crime is driven by particular uses, which has not been previously documented.

To address unobserved neighborhood characteristics and reverse causality, I employ an instrumental variables approach, using the city's 1923 zoning code as an instrument for modern land use. I show that historical zoning is a strong predictor of modern land use, and I validate the assumption of exogeneity by showing that unobservable neighborhood characteristics (Sherman, Gartin and Buerger (1989) find that 3% of addresses/intersections in Minneapolis are responsible for 50% of calls to the police. Braga, Papachristos and Hureau (2010) find a similar result for gun crime in Boston and show that these hot spots tend to persist over long time horizons. This pattern has been documented in Seattle and Tel Aviv-Jaffa as well, suggesting that this is a general feature of urban areas (Weisburd and Amram 2014, Weisburd, Bushway, Lum and Yang 2004).

Three characteristics affecting crime and zoning in the 1920s were not persistent. To identify the impact of specific commercial uses such as restaurants, (late-hour) bars, and liquor stores, I apply a spatial matching approach, examining how the level of crime differs within pairs of street segments that differ in their land use composition but are so proximate spatially that they arguably share the same unobservable neighborhood characteristics. Previous empirical studies in this area relied on a very limited set of control variables to account for neighborhood characteristics. This is the first study to use these more rigorous approaches to identify the causal effects of land use.

My results indicate that commercial uses lead to substantially more street robberies and

batteries in their immediate vicinity. The spillover effect into neighboring areas is relatively

small for robberies but more substantial for batteries and assaults.

Stucky and Ottensmann (2009) examine the relationship between violent crimes and land use patterns in Indianapolis. They find that robberies are much more common in commercial areas, even when the comparison is between commercial areas with above-average measured socioeconomic status...

Anderson et al. (2013) use zoning as a proxy for land use and study the relationship between crime, land use, and other built environment characteristics such as physical disorder, territoriality, and the condition of buildings, sidewalks, and streets. They measure the number of crimes within 100 and 250 meters of each of 205 blocks in Los Angeles County. They match blocks so that they have comparable demographic composition. They find that residential zoning is associated with less crime than mixed-use zoning, and that commercial zoning is associated with substantially more crime than mixed-use zoning.

Bernasco and Block (2011) study the spatial pattern of street robberies in Chicago. Their measure of commercial land use is derived from retail business counts collected by the marketing firm Claritas. They focus on a subset of these businesses selected so that the proportion of cash transactions would be high; this subset includes small bars, fast-food restaurants, liquor stores, laundromats, as well as other businesses. They find that every in-block commercial use they measure has a statistically significant positive relationship with the number of robberies, as does almost every adjacent-block commercial use. Of particular relevance to my analysis, they find that bars, fast-food restaurants, and liquor stores are associated with more robberies.

Table 4. Descriptive Statistics: Outcomes

(1) (2)

Robberies

1.66 1.23 (3.026) (1.720)

Robberies (per 1000 residents)

2.56 1.37 (6.919) (2.062)

Assaults

1.24 1.14 (2.010) (1.677)

Assaults (per 1000 residents)

1.75 1.30 (3.481) (2.056)

Batteries

3.79 3.06 (6.309) (4.255)

Batteries (per 1000 residents)

5.54 3.55 (11.392) (5.383)

Observations 18,712 9,125

Sample restrictions None Residential

Higher statistical

Descriptive statistics on circle crime counts. In column (1), statistics for the entire sample are reported. In column (2), statistics are reported for circles that are exclusively residential. In summary, the baseline results indicate a strong positive relationship between commercial uses and street robberies and batteries in their immediate vicinity; this relationship does not hold for assaults. For all three types of street crime, nearby commercial uses are associated with more crime in neighboring areas.

Twinam, Tate, Danger Zone: The Causal Effects of High-Density and Mixed-Use Development on Neighborhood Crime (October 13, 2014). Available at SSRN:

or

1. James M Anderson, M John, Ricky Macdonald, J Scott Bluthenthal, Ashwood

Reducing crime by shaping the built environment with zoning: An empirical study of Los Angeles, volume 161, p. 699 - 861

Posted: 2013

2. Joshua D Angrist, N William, Evans

Children and their parents labor supply: Evidence from exogenous variation in family size

American Economic Review, volume 88, issue 3, p. 450 - 477

Posted: 1998

3. Steven Balkin, John F McDonald

The market for street crime: An economic analysis of victim-offender interaction

Journal of Urban Economics, volume 10, issue 3, p. 390 - 405

Posted: 1981

4. Gary S Becker

Crime and punishment: An economic approach

Journal of Political Economy, volume 76, issue 2, p. 169 - 217

Posted: 1968

The first of these is the fact that the majority of the population is now urban.

The second is the fact that the majority of the population is now urban.

The third is the fact that the majority of the population is now urban.

A fourth is the fact that the majority of the population is now urban.

A fifth is the fact that the majority of the population is now urban.

A sixth is the fact that the majority of the population is now urban.

A seventh is the fact that the majority of the population is now urban.

An eighth is the fact that the majority of the population is now urban.

The first of these is the fact that the majority of the population is now urban.

The second is the fact that the majority of the population is now urban.

The third is the fact that the majority of the population is now urban.

A fourth is the fact that the majority of the population is now urban.

Crime

Convenience store hold-ups account for about 6% of all robberies in the nation. One study noted that:

"Convenience store employees suffer from high rates of workplace homicide, second only to taxicab drivers."

A study of the relationship between violence of other factors found an increasing trend as the number of alcohol outlets in an area rose. Following is a principal finding from this study:

"A larger number of alcohol outlets and a higher rate of violence might be expected in poorer neighborhoods or in neighborhoods with a larger population young people. But as the research described above shows, even when levels of poverty and the age and the ethnic background of residents are taken into account, a high density of outlets is strongly related to violence regardless of a neighborhood's economic, ethnic or age status."

Another study only noted an increase in crime in relation to number of alcohol outlets in low-income communities.

A National Association of Convenience Stores report noted that the following steps were the most effective in reducing convenience store crime:

- cash control (by frequently putting excess cash in an in-store safe);
- locating a store where there are few escape routes (e.g. nearby highways);
- good lighting;
- visibility (locating stores in areas with lots of passersby); and
- employee training.

Top

Health Effects

A number of compounds injurious to human health are released while fueling a vehicles. Health effects range from nausea to cancer. The cancer risk posed by gas station emissions stems from benzene and other compounds released to the atmosphere while pumping gas. Following is a sampling of relevant research:

- A 2003-2004 study conducted in France documented a significant relationship between childhood leukemia and living near a gas station.
- A 2010 study conducted in Spain documented elevated air pollution within 100 meters (328 feet) of a gas station.
- In 2012, Brazilian researchers found that air quality was significantly degraded up to 150 meters (492 feet) from gas stations.

- Benzene is arguably the gasoline constituent most harmful to human health. Adverse health effects of benzene include cancer, anemia, increased susceptibility to infections, and low birth weight. According to the *World Health Organization Guidelines for Indoor Air Quality* there is no safe level for benzene. The following studies document the extent of benzene releases from gas stations:
 - A study published by the Canadian petroleum industry found average benzene concentrations of 146 and 461 parts per billion (ppb) at the gas station property boundary in summer and winter, respectively.
 - A South Korean study examined outdoor and indoor benzene concentrations at numerous residences within 100 feet and between 196 to 328 feet of gas stations and found median outdoor benzene concentrations of 3.1 and 1.9 ppb, respectively. Median indoor concentrations at these locations were higher, reaching 4.1 and 5.2 ppb, respectively.
 - Another study found median ambient benzene levels of 1.9 ppb in houses both <165 and >328 feet from a service station.
 - Yet, another study found that benzene and other gasoline vapor releases from service stations can be discerned from traffic emissions as far as 246 feet from service stations and that the contribution of service stations to ambient benzene is less important in areas of high traffic density. This is because vehicle exhaust is usually the most abundant volatile organic compound (VOC) in urban areas, often followed by gasoline vapor emissions from fuel handling and vehicle operation.

The California Air Resources Board publication *Air Quality and Land Use Handbook: A Community Health Perspective*, recommends a minimum 300-foot separation distance between gas stations and "sensitive land uses such as residences, schools, daycare centers, playgrounds, or medical facilities." The State of California is widely recognized as having some of the most effective air pollution control requirements in the nation. Yet even with these controls a minimum separation is still required to protect public health.

Furthermore, the U.S. Environmental Protection Agency echoed the concerns about the health risk associated with fueling emissions in their *School Siting Guidelines*. The USEPA recommended screening school sites for potential health risk when located within 1,000 feet of a high-volume gas station.

Property Value

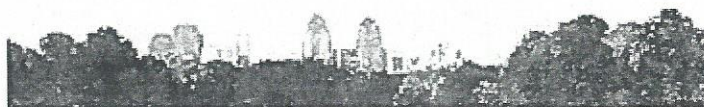
A convenience store or gas station can lower the value of nearby homes. One of the most plausible effects is on mortgages. Federal Housing Administration (FHA) insurance is not available for properties located within 300 feet of tanks capable of storing 1,000 gallons or more of gasoline or other flammable-explosive materials. Most gas station storage tanks have a capacity far in excess of 1,000 gallons.

A Georgia study noted that commercial development in general can depress residential property value when first completed then the effect diminishes with time. However, this study examined homes located 0.5- to 1.0-miles distant. Several studies documented that commercial uses can depress nearby property value but not at a distance. In King County, Washington commercial uses were found to depress residential properties within 300 feet but not beyond 1,000 feet or so.

Traffic

As a rough rule of thumb, each proposed pump at a gas station generates about 100 to 130 trips per day. By "pump" we mean fueling position. The convenience store will generate 800 to 1,200 trips per day per 1,000 square feet. So a 2,000 square foot store with ten pumps would generate around 3,150 trips per day. We provide these numbers so you can compare them with those for a proposed store to see if they are in the right range. However, the standard reference is ITE's Trip Generation manual.

CEDS



Community & Environmental Defense Services

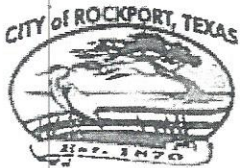
<https://ceds.org/>

Rockport Zoning Ordinance Sec. 118-2. Purpose. The first paragraph states that among other responsibilities, it is your task to

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health, safety and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district and its particular suitability for certain uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

Ordinance 1113

At intersections of streets with the corridor, a tendency may be to permit commercial uses to extend into the surrounding residential neighborhood. On occasion, this may occur where the continuation of the commercial use along the intersecting street with the arterial does not introduce commercial uses that are HIGH VOLUME OR ENVIRONMENTALLY UNPLEASANT. This practice is not inconsistent with the corridor concept, so long as the commercial use does not draw traffic into the interior of the neighborhood, all traffic patterns are directed toward the arterial, and THE COMMERCIAL USE ABUTS AN EXISTING COMMERCIAL USE THAT HAS ACCESS TO THE ARTERIAL. The continuation of commercial uses into residential neighborhoods SHOULD BE PRACTICED WITH CAUTION, AND SHOULD NOT BE ALLOWED ON A REGULAR BASIS.



JOINT PUBLIC HEARING
Rockport City Council and
Planning & Zoning Commission

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CITY OF ROCKPORT, TEXAS
/s/ Teresa Valdez, City Secretary

TO BE ON RECORD, THIS FORM MUST BE FILLED OUT, SIGNED BY THE CURRENT PROPERTY OWNER(S) AND MAILED IN ITS ENTIRETY TO THE BUILDING & DEVELOPMENT SERVICES DEPARTMENT, 2751 STATE HIGHWAY 35 BYPASS, ROCKPORT, TX 78382. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.

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Printed Name: Kay Clark
Address: 7600 Sunset Drive City/State: Rockport, TX 78382

() IN FAVOR ☒ IN OPPOSITION

Phone: 361-230-3053

REASON: Opens the door for many commercial uses which are in the owner's best interest but not in the best interest of the adjoining neighborhood & community. Will greatly increase risk at an already dangerous intersection. Entrance will have be from a residential street. Increasing potential risk of crime. Lowers property values.

Kay Clark
Signature

See map on reverse side.



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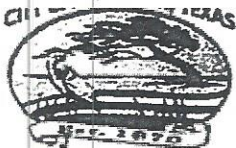
Printed Name: GARY MIZENER
Address: 422 N. MARSH ST. City/State: ROCKPORT, TEXAS

☐ IN FAVOR ☒ IN OPPOSITION Phone: 361-215-2211

REASON: DANGEROUS INTERSECTION, PEOPLE HAVE BEEN KILLED THERE!
WENT THRU, THIS A FEW YEARS AGO. IT WILL BE IF PASSED THE
LY BUSINESS ON THE BYPASS THAT WILL HAVE AN ENTRANCE, EXIT
A RESIDENTIAL STREET THAT I KNOW OF. WHY IS IT SO IMPORTANT
HAVE A BUSINESS HERE, EVERYTHING ALWAYS SEEMS TO BE SECRET

Signature
See map on reverse side.
HOW ONE KNOWS WHAT IS PLANNED FOR THIS PROPERTY ALWAYS SEEMS
TO BE TOP SECRET. WILL AFFECT MY GRANDCHILDREN!

NEAR RESIDENTIAL HOUSES ALL AROUND PROPERTY



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Printed Name: Brenda Herrings

Address: 821 Sunset Dr

City/State: Rockport, TX

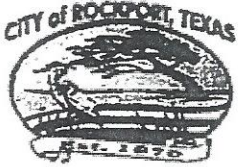
() IN FAVOR (X) IN OPPOSITION

Phone: 361-533-5054

REASON: Peninsula Oaks is a neighborhood.
We do not need businesses in a neighborhood
where children play.

Brenda Herrings
Signature

See map on reverse side.



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Printed Name: Brenda Mizener

Address: 811 Sunset Dr

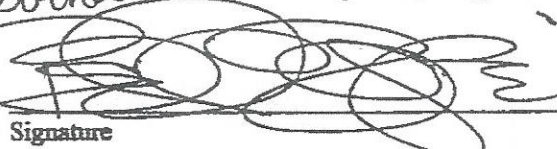
City/State: Rockport TX 78382

() IN FAVOR ☒ IN OPPOSITION

Phone: 361-816-1886

REASON:

Very dangerous for children in our neighborhood loading & unloading bus + walking home. Heavy traffic on a residential street / neighborhood where there are children at play


Signature

See map on reverse side.



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Printed Name: Flavio Clark

Address: 760 S. 1st St. Suite 210

City/State: Rockport Texas

() IN FAVOR ☒ IN OPPOSITION

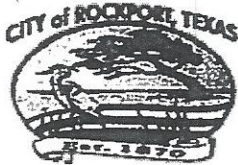
Phone: 361-230-0542

REASON:

I am opposed because of to name a few reasons. Increased traffic at a already dangerous intersection + our neighbor has increased crime and health risks depending on type of business. Lower value of existing residential properties.

Flavio Clark
Signature

See map on reverse side.



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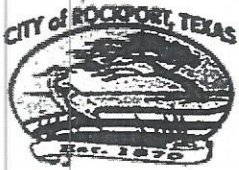
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Printed Name: Cindy Mizener
Address: 422 N Palmetto Street City/State: Rockport TX
() IN FAVOR (X) IN OPPOSITION Phone: 361-205-3589

REASON: a business does not belong in a single family dwelling district
PKIA Neighborhood. We are Peninsula Oaks and a business is unnecessary
nor desirable. It will not contribute to the well-being of the surrounding
and will create undue traffic congestion on a residential street with
children play.

Cindy Mizener
Signature

See map on reverse side.



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Printed Name: Sarah Pina
Address: 833 Sunset Dr.

City/State: Rockport, TX

Phone: 361-285-7499

() IN FAVOR () IN OPPOSITION

REASON:

Dangerous
intersection
family
residence.

Sarah Pina
Signature

See map on reverse side.



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Printed Name: David & Becky Mays

Address: 121 Greeway Ln

City/State: Rockport TX

() IN FAVOR ☒ IN OPPOSITION

Phone: 361-205-5130

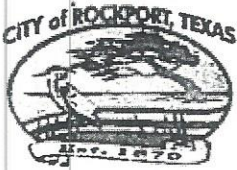
361-205-5131

REASON:

*We would hate to see
our value go down
due to traffic & noise
in our community.*

Signature

See map on reverse side.



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Printed Name: Phillip Herring
Address: 831 Sunset Dr City/State: Rockport, TX

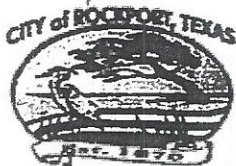
() IN FAVOR (X) IN OPPOSITION

Phone: 361-727-0532

REASON: The lot that is being considered is on sunset Dr.
which is and should remain Single Family. The Section
along the bypass I couldn't care less what you do with.

Phillip Herring
Signature

See map on reverse side.



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Printed Name: Susan B. Surell
Address: 123 Greenway Ln.

City/State: Rockport, TX 78382

Phone: 361 463-1899

() IN FAVOR ☒ IN OPPOSITION

REASON:

Property Values

Susan B. Surell
Signature

See map on reverse side.