



PLANNING AND ZONING PACKET

FEBRUARY 15, 2021

PLANNING & ZONING COMMISSION AGENDA

Notice is hereby given that the Rockport Planning & Zoning Commission will hold a meeting on Monday, February 15, 2021, at 5:30 p.m. The meeting will be held using the video conferencing application ZOOM. **No in-person meeting will be conducted at the Rockport Service Center.** A temporary suspension of the Open Meetings Act to allow telephone or video conference public meeting has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code. Video conferencing capabilities will be utilized to allow individuals to address the Planning & Zoning Commission. Members of the public are entitled to participate remotely via Zoom at <https://us02web.zoom.us/j/81039080569> or scan the QR code to the right.



Due to the COVID-19 pandemic, the attorney general has said: “statutes that may be interpreted to require face-to-face interaction between members of the public and public officials are suspended; provided, however, that the governmental bodies must offer alternative methods of communicating with their public officials.” Public participation is valued and citizens wishing to express their views on agenda items can either electronically submit a citizen participation form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/BoardsCitizenParticipation> or scanning the QR code to the right. Using the same form, citizens can also provide written comments to the Community Planner by 4:00 p.m. on the day of the meeting. The Chair will read the comments and they will be summarized in the minutes of the meeting.



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 approval of the regular meeting minutes of January 18, 2021.
3. Deliberate and act on a request to rezone property located at 345 SH 35 Bypass; also known as 28.071 acres of land out of Farm Lots 1, 2 And 3, Land Block 22, T.P. McCampbell Subdivision: a portion of the Northeast one-half of a 40.0 foot wide platted, unimproved roadway, adjacent to Farm Lots 1, 2, And 3, Land Block 21; and a portion of a 40.0 foot wide platted, unimproved roadway adjacent to Farm Lot 1, 2, And 3 Land Block 22, 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 being out of a called 7.311 acre tract (Tract 3) and a called 56.463 acre tract (Tract 2), as described in a deed of record under Clerks File Number 368317, Official Public Records Of Aransas County, Texas, with said 28.071 acres of land; to B-1 (General Business District) to develop

warehouse/office space currently zoned R-6 (Hotel/Motel Dwelling District).

4. Discuss updating or changing Section 118-15 of the Code of Ordinances, B-1 (General Business 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 the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, on Tuesday, February 9, 2021, 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 & ZONING COMMISSION MINUTES

On this the 18th day of January 2021, the Planning and Zoning Commission of the City of Rockport held a meeting at 5:30 p.m. The meeting was held using the video conferencing application ZOOM. No in-person meeting was held at the Rockport Service Center. A temporary suspension of the Open Meetings Act to allow telephone or video conference public meeting has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Members Present

Ruth Davis – Chair
Maynard Green – Vice Chairman
Diana Severino-Saxon – Secretary
Kim Hesley
Ric Young
Warren Hassinger

Members Absent

Kent Howard – (EX)

Staff Members Present

Mike Donoho, Director Building and Development
Amanda Torres, Community Planner
Mary Bellinger, Assistant to Director
J D Villa – Liaison

Guest(s) Present

None

Call to Order

1. Called meeting to order at approximately 5:30 p.m.
2. Deliberate and act on approval of the regular meeting minutes of December 14, 2020.

Chair Davis asked for a motion to accept the December 14, 2020 regular meeting minutes. Vice Chairman Green moved to accept the December 14, 2020 minutes as presented. Member Young seconded the motion. All voted in favor.

3. Deliberate and act on a request to rezone property located at 309 West Market Street; also known as East 90 feet of Lots 9,10, and 11, Block 153, Doughty and Mathis Division, City of Rockport, Aransas County, Texas; to B-1 (General Business District) for retail and office space, currently zoned R-1 (1st Single Family Dwelling District).

Community Planner Amanda Torres spoke.

After a brief discussion Chair Davis asked if there were 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 309 West Market Street to B-1 (General Business District). Member Young seconded the motion. With all members voting in favor and no one opposed - motion carried unanimously.

4. Deliberate plan for future discussions on potential ordinance amendments to Chapter 118 "Zoning".

Adjournment

There being no further business, Chair Davis adjourned the meeting at approximately 5: 55 p.m.

Prepared By:

Mary Bellinger, Assistant to Director

Approved By:

Ruth Davis, Chair

Diana Severino-Saxon, Secretary

PLANNING & ZONING AGENDA
Regular Meeting: Monday, February 15, 2021

AGENDA ITEM: 3

Deliberate and act on a request to rezone property located at 345 SH 35 Bypass; also known as 28.071 acres of land out of Farm Lots 1, 2 And 3, Land Block 22, T.P. McCampbell Subdivision: a portion of the Northeast one-half of a 40.0 foot wide platted, unimproved roadway, adjacent to Farm Lots 1, 2, And 3, Land Block 21; and a portion of a 40.0 foot wide platted, unimproved roadway adjacent to Farm Lot 1, 2, And 3 Land Block 22, 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 being out of a called 7.311 acre tract (Tract 3) and a called 56.463 acre tract (Tract 2), as described in a deed of record under Clerks File Number 368317, Official Public Records Of Aransas County, Texas, with said 28.071 acres of land; to B-1 (General Business District) to develop warehouse/office space currently zoned R-6 (Hotel/Motel District).

SUBMITTED BY: Community Planner Amanda Torres

APPROVED FOR AGENDA:

BACKGROUND: Property owner Don Buttrum and representative Jamise Fisher has submitted an application seeking a request to rezone 28.071 acres of land out of Farm Lots 1, 2 And 3, Land Block 22, T.P. McCampbell Subdivision: a portion of the Northeast one-half of a 40.0 foot wide platted, unimproved roadway, adjacent to Farm Lots 1, 2, And 3, Land Block 21; and a portion of a 40.0 foot wide platted, unimproved roadway adjacent to Farm Lot 1, 2, And 3 Land Block 22, 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 being out of a called 7.311 acre tract (Tract 3) and a called 56.463 acre tract (Tract 2), as described in a deed of record under Clerks File Number 368317, Official Public Records Of Aransas County, Texas, with said 28.071 acres of land; to B-1 (General Business District) to develop warehouse/office space currently zoned R-6 (Hotel/Motel District).

In late 2019/early 2020, the applicant submitted a zoning change request to re-zone his entire parcel to B-1 (General Business District). After discussions with City Council, this request was then changed to R-6 (Hotel/Motel District) and approved. Mr. Buttrum would like to build office space for his company, Buttrum Construction, and also provide lease space on the front portion of his property.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, January 16, 2021 edition and mailed out to three property owners within a 200-foot radius of the property. No letters for or against the request have been received. A Joint Public Hearing was held on Tuesday, February 9. No comments for or against the request were made.

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

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends approval of a request to rezone property located at 345 SH 35 Bypass; also known as 28.071 acres of land out of Farm Lots 1, 2 And 3, Land Block 22, T.P. McCampbell Subdivision: a portion of the Northeast one-half of a 40.0 foot wide platted, unimproved roadway, adjacent to Farm Lots 1, 2, And 3, Land Block 21; and a portion of a 40.0 foot wide platted, unimproved roadway adjacent to Farm Lot 1, 2, And 3 Land Block 22, 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 being out of a called 7.311 acre tract (Tract 3) and a called 56.463 acre tract (Tract 2), as described in a deed of record under Clerks File Number 368317, Official Public Records Of Aransas County, Texas, with said 28.071 acres of land; to B-1 (General Business District) to develop warehouse/office space currently zoned R-6 (Hotel/Motel 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
345 SH 35 Bypass

APPLICANT/PROPERTY OWNER
Jamise Fisher/Don Buttrum

PUBLIC HEARING DATE
Tuesday, February 9, 2021

P&Z DATE
Monday, February 15, 2021

CITY COUNCIL DATE(S)
1st Reading - Tuesday, February 23, 2021
2nd Reading - Tuesday, March 9, 2021

BRIEF SUMMARY OF REQUEST:

Property owner Don Buttrum and representative Jamise Fisher has submitted an application seeking a request to rezone 28.071 acres of land out of Farm Lots 1, 2 And 3, Land Block 22, T.P. McCampbell Subdivision: a portion of the Northeast one-half of a 40.0 foot wide platted, unimproved roadway, adjacent to Farm Lots 1, 2, And 3, Land Block 21; and a portion of a 40.0 foot wide platted, unimproved roadway adjacent to Farm Lot 1, 2, And 3 Land Block 22, 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 being out of a called 7.311 acre tract (Tract 3) and a called 56.463 acre tract (Tract 2), as described in a deed of record under Clerks File Number 368317, Official Public Records Of Aransas County, Texas, with said 28.071 acres of land; to B-1 (General Business District) to develop warehouse/office space currently zoned R-6 (Hotel/Motel Dwelling District).

A public notice regarding this item was published in The Rockport Pilot in the Saturday, January 16, 2020 edition and mailed out to three property owners within a 200-foot radius of the property. No letters for or against the request have been received. A Joint Public Hearing was held on Tuesday, February 9. No comments for or against the request were made.



MAP SOURCE: Pictometry

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-6 Hotel/Motel Dwelling District	Undeveloped	North: R-1 1 st Single-Family Dwelling, undeveloped South: B-1 General Business and R-1 1 st Single-Family Dwelling, businesses East: R-1 1 st Single-Family Dwelling, B-1 (General Business), undeveloped, RV Park West: R-6 Hotel/Motel District, currently undeveloped	Will be extending water and sewer	28.07 acres (Frontage)

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.

The 2011 Future Land Use Map indicates this portion of the Bypass corridor should be Industrial.

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. Commercial plans including parking, drainage, building design, etc. will need to conform to the approved zoning district, if zoning is approved.

The property in question was annexed by the City of Rockport in 2016. Because this property was incorporated into the city as part of an annexation, this and surrounding properties were designated as R-1 (1st Single Family Dwelling District) in accordance to the City's zoning policy for newly annexed territory (City of Rockport Code of Ordinances, Chapter 118 Zoning, Article 5 Newly Annexed Territory).

ATTACHMENTS
(CIRCLE)

SUBMITTED PLANS

**PUBLIC HEARING PETITION/
APPLICATION FORM**

LEGAL NOTICE

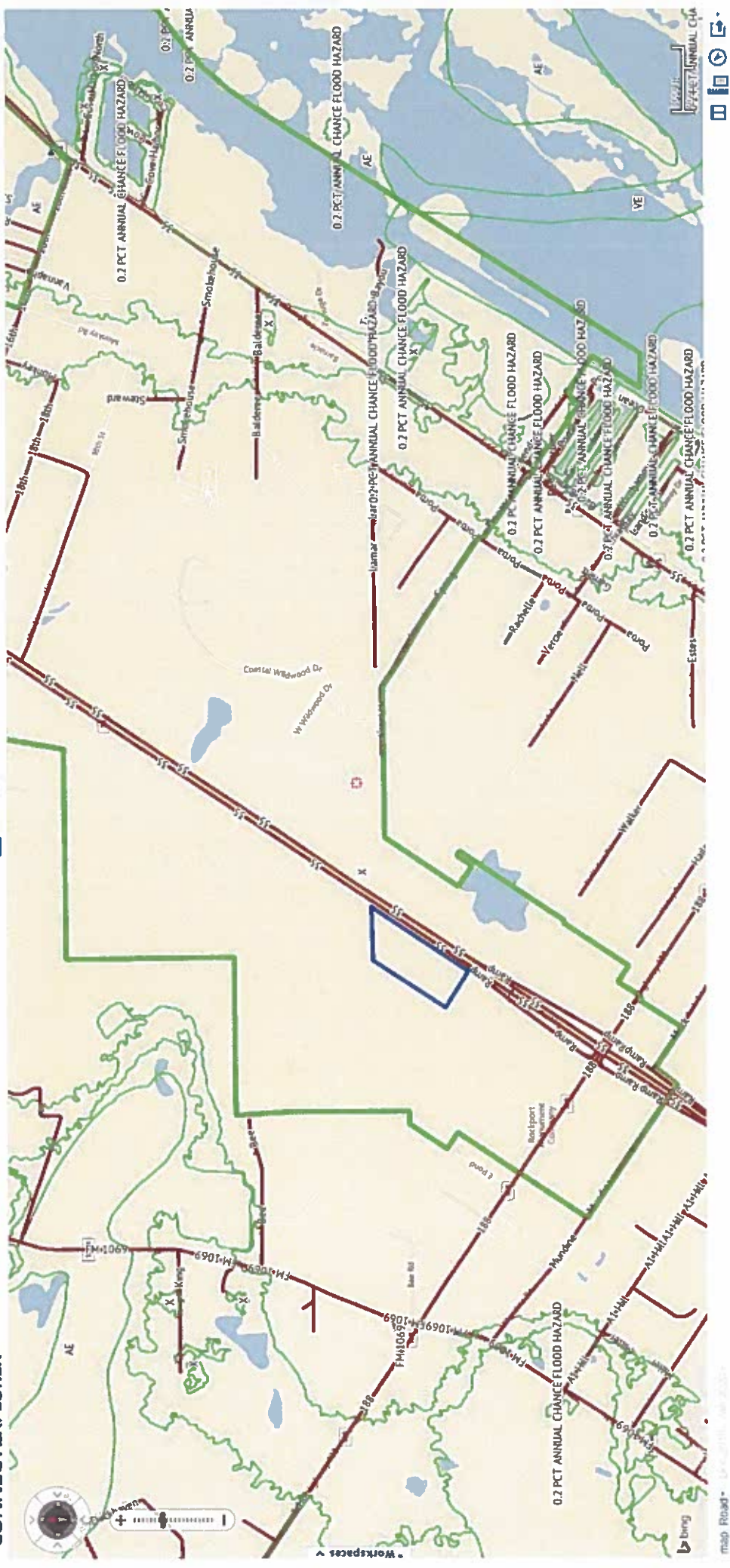
LEGAL DESCRIPTION

PUBLIC COMMENTS

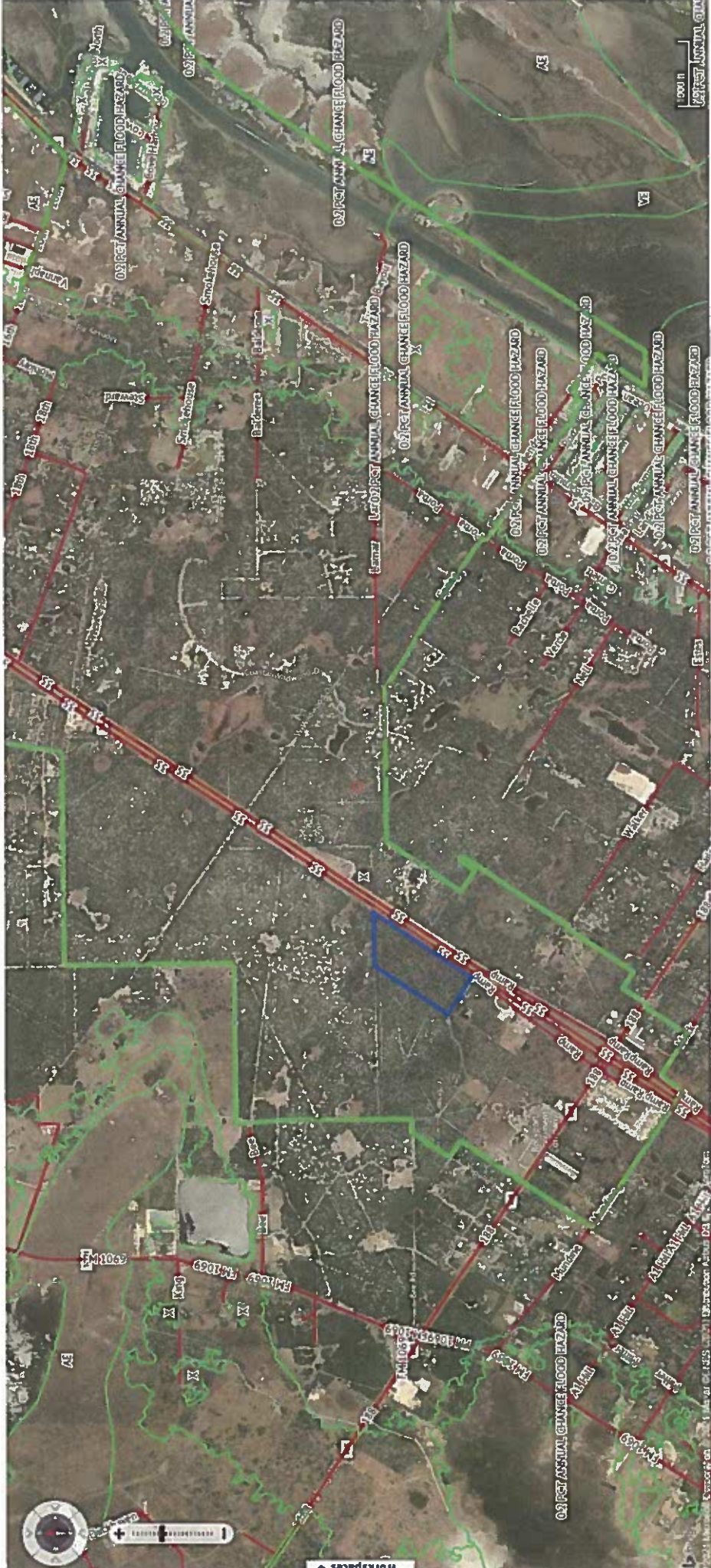
AGENCY COMMENTS

RESPONSE TO STANDARDS

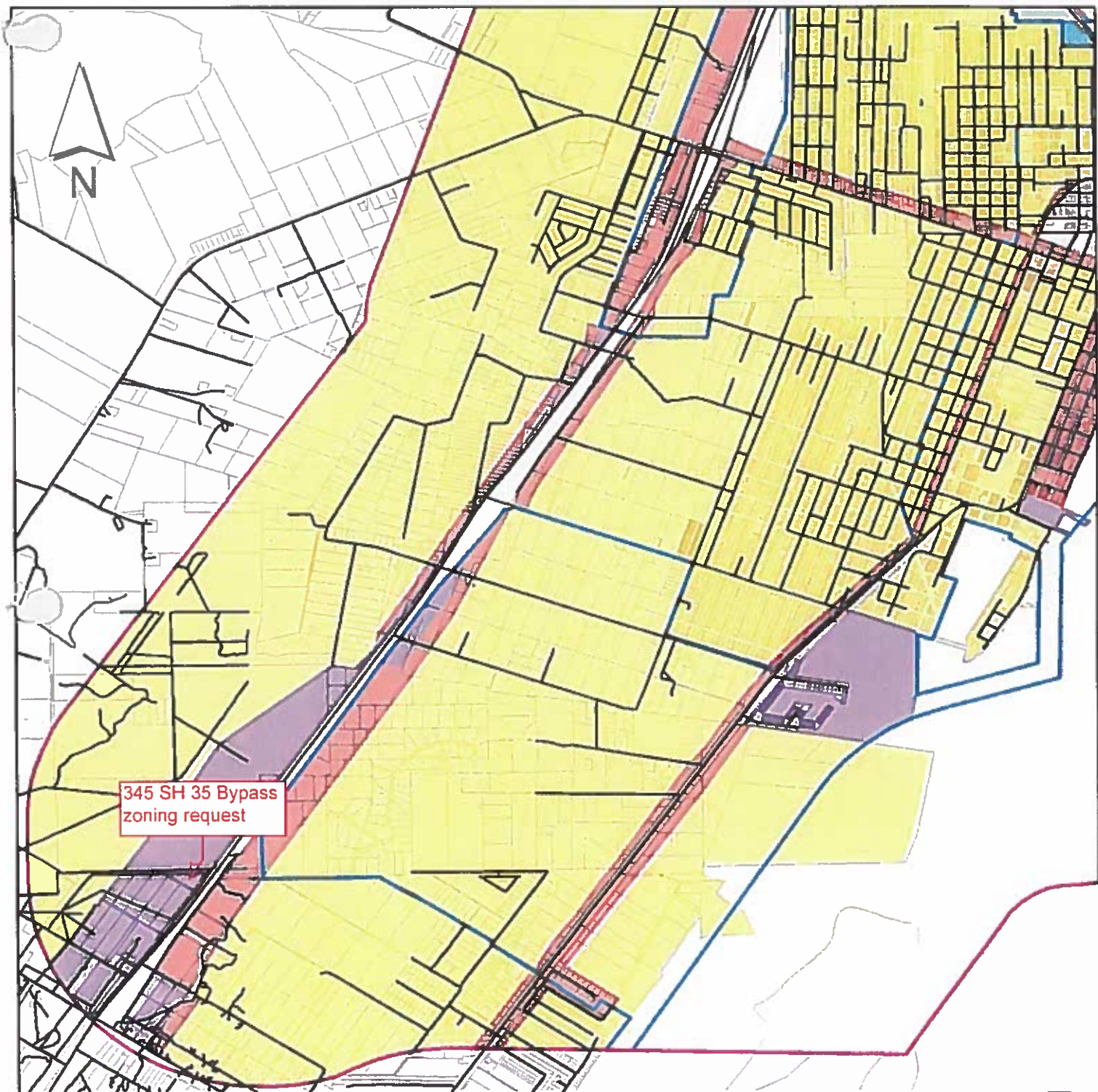
OTHER (DESCRIBE)







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 345 SH 35 BYPASS
ROCKPORT, TX
- C. CURRENT ZONING OF PROPERTY: R-6
- D. PRESENT USE OF PROPERTY: NONE
- E. ZONING DISTRICT REQUESTED: B-1
- F. CONDITIONAL USE REQUESTED: _____
- G. LEGAL DESCRIPTION: (Fill in the one that applies)
- Lot or Tract _____ Block _____
 - Tract 28.07 ACRES of the T.P. McCampbell
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) _____
Buttrum Development
- I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): Rezoning 28.07 acre frontage
out of 134.34 acre tract
- J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:
(Please be specific)
- Entire property was rezoned to R-6 based on developer's plans in January, 2020.
He now wishes to develop warehouse / office space and retail business along the
SH 35 Bypass, which require a B-1 zoning designation.

K. OWNER'S NAME: (Please print) Don Buttrum
ADDRESS: 8012 N. Interstate 35
CITY, STATE, ZIP CODE: New Braunfels, TX 78130
PHONE NO 623-251-9432

L. REPRESENTATIVE: (If Other Than Owner) Jamise Fisher
ADDRESS: 2121 FM 3036
CITY, STATE, ZIP CODE: Rockport, TX 78382
PHONE NO 214-675-7384 Email: jamisefisher@att.net

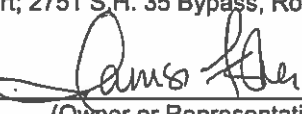
NOTE: Do you have property owner's permission for this request?
YES X NO

M. FILING FEE:

REZONING	\$150.00 + \$10.00 PER ACRE	\$430.70
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. _____

EXHIBIT "A"

BEING THE DESCRIPTION OF 28.071 ACRES OF LAND OUT OF FARM LOTS 1, 2 AND 3, LANDBLOCK 21; FARM LOTS 1, 2 AND 3, LANDBLOCK 22, T.P. MCCAMPBELL SUBDIVISION; A PORTION OF THE NORTHEAST ONE-HALF OF A 40.0 FOOT WIDE PLATTED, UNIMPROVED ROADWAY, ADJACENT TO FARM LOTS 1, 2, AND 3, LANDBLOCK 21; AND A PORTION OF A 40.0 FOOT WIDE PLATTED, UNIMPROVED ROADWAY ADJACENT TO FARM LOTS 1, 2, AND 3, LANDBLOCK 21 AND FARM LOTS 1, 2 AND 3, LANDBLOCK 22, 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 BEING OUT OF A CALLED 7.311 ACRE TRACT (TRACT 3) AND A CALLED 56.463 ACRE TRACT (TRACT 2), AS DESCRIBED IN A DEED OF RECORD UNDER CLERKS FILE NUMBER 368317, OFFICIAL PUBLIC RECORDS OF ARANSAS COUNTY, TEXAS, WITH SAID 28.071 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN, at a point in the Northwestern R.O.W. line of Texas State Highway 35 Relief Route, and being in the South boundary line of a called 437.175 acre tract out of the Charles Zenn Survey A-226, as described in a deed of record under Clerks File Number 326488, Official Public Records of Aransas County, Texas, and being the Northeast corner of said 7.257 acre tract, and being the existing Northeast corner of Fractional Farm Lot 1, of said Landblock 22, and being the NORTHEAST corner and PLACE OF BEGINNING of this description;

THENCE, South 32°51'51" West, along and with the Northwestern R.O.W. line of said Texas State Highway 35 Relief Route, a distance of 1912.53 feet to an angle point and EXTERIOR corner of this description;

THENCE, South 36°04'35" West, continuing along and with the Northwestern R.O.W. line of said Texas State Highway 35 Relief Route, a distance of 97.06 feet to a point in the centerline of said 40.0 foot wide platted, unimproved roadway, and being the SOUTHEAST corner of this description;

THENCE, North 57°07'30" West, along and with the centerline of said 40.0 foot wide, platted, unimproved roadway, a distance of 688.05 feet to a point for the SOUTHWEST corner of this description;

THENCE, North 32°51'31" East, crossing said 56.463 acre tract and said 7.311 acre tract, along and with the portions of said 40.0 foot wide platted unimproved roadway, a distance of 1517.29 feet to a point in the Southerly boundary line of said 437.175 acre tract, and being in the North boundary line of said Farm Lot 3, Landblock 22, and being the NORTHWEST corner of this description;

THENCE, North 87°30'53" East, along and with the common boundary line of said 437.175 acre tract and said called 7.311 acre tract, a distance of 850.42 feet to the PLACE OF BEGINNING of this description and containing 28.071 acres of land, more or less.

SEE ACCOMPANYING EXHIBIT "B"

201222BB1FN

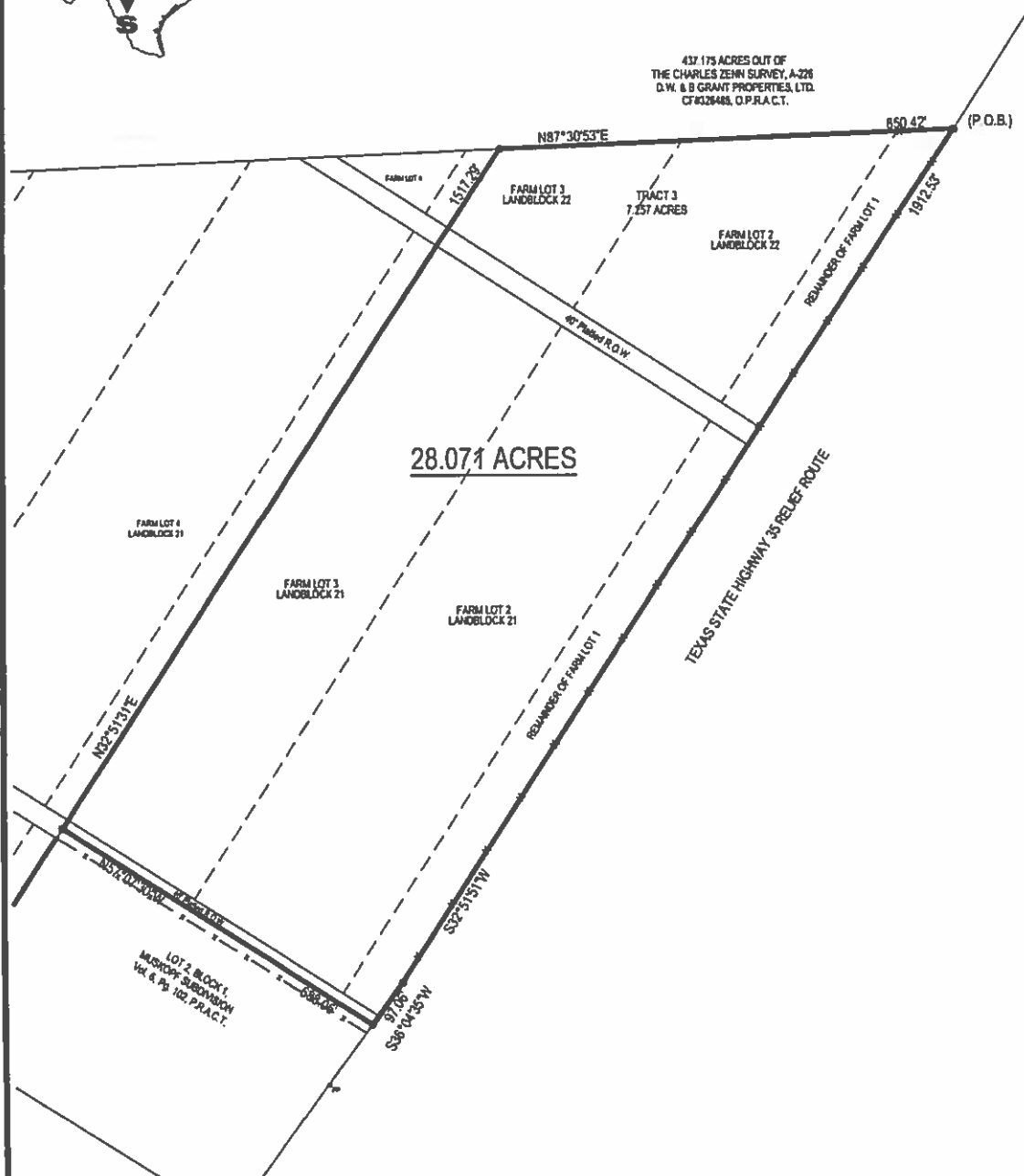
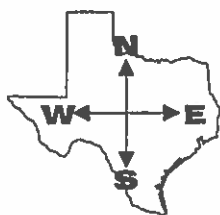


EXHIBIT "B"

28.071 ACRES OF LAND OUT OF FARM LOTS 1, 2 & 3, LANDBLOCK 21; FARM LOTS 1, 2 & 3, LANDBLOCK 22, T.P. MCCAMPBELL SUBDIVISION; AND A PORTION OF THE NORTHEAST ONE-HALF OF A 40.0 FOOT WIDE, PLATTED, UNIMPROVED ROADWAY ADJACENT TO SAID LOTS 1-3, LANDBLOCK 21; AND A PORTION OF A 40.0 FOOT WIDE, PLATTED, UNIMPROVED ROADWAY, ADJACENT TO SAID LOTS 1-3, LANDBLOCK 21 AND LOTS 1-3, LANDBLOCK 22

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 BEING OUT OF A CALLED 7.311 ACRE TRACT (TRACT 3) AND A CALLED 56.483 ACRE TRACT (TRACT 2), AS DESCRIBED IN A DEED OF RECORD UNDER CLERKS FILE NUMBER 368317, OFFICIAL PUBLIC RECORDS OF ARANSAS COUNTY, TEXAS

Filename: 201228B84

Griffith & Brundrett
Surveying & Engineering, Inc.

411 S. Pearl St., P.O. Box 2322
Rockport, Texas 78381

☎ 361-729-6479

☎ 361-729-7933

✉ jerry@gbssurveyor.com

🌐 www.gbssurveyor.com

Scale 1" = 250

DECEMBER 28, 2020



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, February 9, 2021, at 6:30 p.m., to consider a request to rezone property located at 345 State Highway 35 Bypass; also known as 28.071 acres of land out of Farm Lots 1, 2 and 3, Land Block 22, T.P. McCampbell Subdivision: a portion of the Northeast one-half of a 40.0 foot-wide platted, unimproved roadway, adjacent to Farm Lots 1, 2, and 3, Land block 21; and a portion of a 40.0 foot-wide platted, unimproved roadway adjacent to Farm Lot 1, 2, and 3 Land Block 22, 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 being out of a called 7.311 acre tract (Tract 3) and a called 56.463 acre tract (Tract 2), as described in a Deed Of Record under Clerks File Number 368317, Official Public Records of Aransas County, Texas, with said 28.071 acres of land, to B-1 (General Business District) to develop office space and retail space; currently zoned R-6 (Hotel/Motel Dwelling District).

The meeting will be held using the video conferencing application ZOOM. **No in-person meeting will be conducted at the Rockport Service Center.** A temporary suspension of the Open Meetings Act to allow telephone or video conference public meeting has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code. **Video conferencing capabilities will be utilized to allow individuals to address the Planning & Zoning Commission and City Council.** Email comments may also be submitted to communityplanner@cityofrockport.com by 3:00 p.m. the day of the meeting. Members of the public are entitled to participate remotely via Zoom at <https://us02web.zoom.us/j/81147494003> or scan the QR code to the right.



Due to the COVID-19 pandemic, the attorney general has said: "statutes that may be interpreted to require face-to-face interaction between members of the public and public officials are suspended; provided, however, that the governmental bodies must offer alternative methods of communicating with their public officials." Public participation is valued and citizens wishing to express their views on any topic or agenda item can either electronically submit a citizen participation form in order to register to speak by going to <https://rockport.seamlessdocs.com/l/CouncilCitizenParticipation> or scanning the QR code to the right. Using the same form, citizens can also provide written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The Mayor will read the comments and they will be summarized in the minutes of the meeting.



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.

POSTED the 13th day of January 2021 at 8:00 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, January 16, 2021, 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
35529	DW & B GRANT PROPERTIES LTD	501-651 SH 35 BYPASS	P O BOX 798	BALLINGER	TX	76821-0798
28293	D & R SELF STORAGE INC	349-499 SH 35 BYPASS	25100 IH 35 N	NEW BRAUNFELS	TX	78132-4937
71189	BILLS PET SERVICE & CREMATION LLC	243 SH 35 BYPASS	679 LISA ANN DR	ARANSAS PASS	TX	78336-2119

PLANNING & ZONING AGENDA
Called Meeting: Monday, February 15, 2021

AGENDA ITEM: 4

Discuss updating or changing Section 118-15 of the Code of Ordinances, B-1 (General Business District).

SUBMITTED BY: Building and Development Department Staff

BACKGROUND: In accordance with Chapter 118, "Zoning", Sec 118-4 states that staff should thoroughly review and reorganize, if necessary, the Zoning Ordinance at least every five (5) years. Such reorganization shall reflect compliance with the master plan, local state, and federal laws. It has been several years since the last update. There is a need to look at all sections, starting with Sec 118.15 - B-1 General Business District.

When a request for a zoning change is submitted for the B-1 General Business District, most citizens have expressed their concerns with the multiple uses within the B-1 district, particularly nuisance land uses such as auto and boat repair shops, auto storage yard, gas stations etc. There is a need for zoning district(s) that support those types of uses. We need to take a closer look at the uses and perhaps create additional districts, such as a C-1 (Commercial District).

Attached are copies of zoning districts for the City of Ingleside and the City of Portland, which have district similar to the type that we are considering.

FISCAL ANALYSIS: N/A.

STAFF RECOMMENDATION: Discussion only.

Sec. 118-4. Districts and general provisions.

4.1 *Districts Established.* Zoning districts as herein set forth are established. The city is hereby divided into the following districts:

R-1	1st Single-Family Dwelling District
R-2	2nd Single-Family Dwelling District
R-2B	Zero Lot Line Single-Family District
R-2M	Manufactured Housing District
R-3	Duplex Dwelling District
R-4	1st Multi-Family Dwelling District
R-5	2nd Multi-Family Dwelling District
R-6	Hotel/Motel District
R-7	Residential and Office District
B-1	General Business District
B-2	Central Business District
I-1	Light Industrial District
I-2	Heavy Industrial District
P.U.D.	Planned Unit Development District

The boundaries of the districts listed above are shown on the official Zoning Map. The map and all markings, notations, references and other information shown on said map shall be and are hereby made a part of this ordinance as if all were fully set forth or described herein. The original drawing of this map, properly signed and attested, is on file with the City Secretary.

4.2 *General Provisions.*

4.2.1 Except as herein provided, the use of premises and buildings, the lot area and height of buildings in the city shall be in accordance with the minimum standards hereinafter established.

4.2.2 Except as provided in subsections (a) and (b) below, every building shall be on a platted lot.

(a) Development within R-4 through I-2 districts, except one- and two-family dwellings, incorporating multiple buildings to be constructed simultaneous, platted lots for each building is not required.

(b) Re-plating is not required when an improvement (including any detached structure) crosses a lot line(s) for single-family dwelling uses in R-1 through R-6 districts only. When a building or detached structure crosses a lot line(s), building set backs shall be measured to the next lot line of record. In no case shall this exception apply to more than four (4) lots without re-plating.

(c) Re-plating is required when an improvement (including any detached structure) violates any applicable building setback or open yard requirement as regulated herein.

4.2.3 The provisions in 4.2.2 shall not affect the validity of any deed restriction that is otherwise valid.

4.2.4 When streets and rights-of-way are closed and abandoned by the city that portion of street or right-of-way area adjacent to the real property shall thereafter become the zoning designation of said

adjacent property upon platting or re-platting of the closed street or right-of-way.

4.2.5 Yards, parking space or lot area required for one building or use cannot be used for another building or use; nor can the size of a lot be reduced below the requirements of this ordinance.

4.2.6 Mobile Homes, as defined, are prohibited within the city limits of the City of Rockport on individual lots unless such mobile home existed prior to annexation.

4.2.6.1 Replacement of an existing mobile home shall be with a HUD-Code Manufactured Home.

4.2.6.2 A one time replacement of an existing HUD-Code Manufactured Home shall be with a HUD-Code Manufactured Home of equal size (square footage) or greater and be a newer model.*

4.2.6.3 Manufactured Homes damaged by fire or natural disaster may always be replaced with another HUD-Code Manufactured Home meeting the same criteria described in 4.2.6.2.

* **NOTE:** Newer model is defined as a manufactured home with a manufactured date being not more than ten (10) years prior to the calendar year it is to be placed on the property.

4.2.7 Utility distribution facilities and appurtenances, including water, sewer, electric, gas, telephone and cable television, may be permitted in any district. Wind power generation facilities shall comply with Wind Powered Systems in [Article VI, Chapter 42](#), Rockport Code of Ordinances.

4.2.8 For fence regulations in all Districts of the City, see Section 22.2 [\[section 118-22\]](#), subsection 22.2].

4.2.9 In interpreting and applying these provisions, they shall be held to be the minimum requirements for the protection of the public safety, health, convenience, comfort, prosperity and general welfare.

4.2.10 This ordinance shall be reviewed on an annual basis by the Planning & Zoning Commission and city staff or legal and technical compliance with local, state and federal laws, with the intent to include sound zoning concepts and practices. Furthermore, this ordinance shall be thoroughly reviewed and completely reorganized, if necessary, at least every five (5) years. Such reorganization shall reflect compliance with the master plan, local, state, and federal laws and other laws and regulations governing zoning within the City of Rockport.

4.2.11 See [Article II, Chapter 6](#), Rockport Code of Ordinances for sign regulations in all zoning districts. (Ord. No. 1027, art. 4, 4-9-96; Ord. No. 1600, § 1, 3-26-13; Ord. No. 1715, § 1, 5-10-18)

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 Portland

Sec. 405. - Zoning District Intent Statements.

- A. *Purpose.* Zoning district intent statements are provided for the following purposes:
1. To indicate the general nature of permitted and prohibited uses;
 2. To indicate the nature and intensity of uses permitted;
 3. To assist with interpretation of ordinance requirements applicable to a specific zoning district;
 4. To indicate the necessity for adequate public services, including roads, potable water, sanitary sewer, drainage, etc.; and
 5. To minimize or mitigate any adverse impacts, such as noise, dust, glare, vibration, etc., between and among uses located within the same zoning district.
- B. *R-2, Single-Family Residential, R-6, Single-Family Residential, R-7, Single-Family Residential, and R-8, Single-Family Residential Districts.* The intent of these districts is to provide, consistent with the City's comprehensive plan, for the location of single-family residential uses in areas where such uses will be protected from commercial and industrial intrusions and compatible with surrounding land uses. The maximum density for R-2, Single-Family Residential shall be two (2) dwelling units per acre; R-6, Single-Family Residential shall be six (6) dwelling units per acre; for R-7, Single-Family Residential, seven (7) units per acre; and for R-8, Single-Family Residential, eight (8) units per acre.
- C. *R-8D, Two-Family Residential District.* The intent of this district is to provide, consistent with the City's comprehensive plan, for the location of single-family dwellings and two-family dwellings (duplexes) in areas where such uses will be protected from and compatible with surrounding land uses. The R-8D, Two-Family Residential district, may be used as a transitional district between the R-6, Single-Family Residential, R-7, Single-Family Residential, or R-8, Single-Family Residential districts and higher density residential districts. The maximum density for the R-8D, Two-Family Residential district, shall be eight (8) dwelling units per acre.
- D. *R-15, Townhouse Residential District.* The intent of this district is to provide, consistent with the City's comprehensive plan, the location of townhouse units on individual platted lots, in areas where such uses will be protected from and compatible with surrounding land uses. The R-15, Townhouse Residential district may be used as a transitional district between the R-6, Single-Family Residential, R-7, Single-Family Residential, or R-8, Single-Family Residential districts and higher density residential or nonresidential districts. The maximum density for the R-15, Townhouse Residential district shall be fifteen (15) dwelling units per acre.
- E. *RMH, Manufactured Housing District.* The intent of this district is to recognize, consistent with the City's comprehensive plan, locations where manufactured housing is compatible with surrounding residential and nonresidential land uses. The maximum density for the RMH, Manufactured Housing district is six and one-half (6.5) dwelling units per acre. This district may be used as a buffer between other residential districts and nonresidential districts.
- F. *R-20, Multifamily Residential District.* The intent of this district is to recognize, consistent with the

City's comprehensive plan, locations where multifamily housing is compatible with surrounding residential and nonresidential land uses. The maximum density for the R-20, Multifamily Residential district, shall be twenty (20) units per acre. This district may be used as a transitional district between lower density residential districts and nonresidential districts.

- G. *RST, Multifamily Resort District.* The intent of this district is to provide, consistent with the City's comprehensive plan, locations for high density single-family and multifamily residential uses, hotel and motel accommodations, marinas, and other recreational facilities for residents and visitors. The maximum density for single-family and two-family units in the RST, Multifamily Resort district, shall be nine (9) units per acre, and twenty-five (25) units per acre for multifamily dwelling units. The maximum density for hotel/motel rooms shall be twenty-five (25) rooms per acre.
- H. *P, Professional Office District.* The intent of this district is to provide, consistent with the City's comprehensive plan, locations for professional offices, medical facilities, limited retail uses and even more limited commercial activities.
- I. *C-R, Retail Commercial District.* The intent of this district is to provide, consistent with the City's comprehensive plan, locations for retail uses throughout the community without the intrusion of more intensive general commercial uses.
- J. *C-G, General Commercial District.* The intent of this district is to provide, consistent with the City's comprehensive plan, locations for retail and commercial activities of a more intense nature that serve the general community.
- K. *OT-1, Olde Town Residential District.* The intent of this district is to recognize, consistent with the City's comprehensive plan, the unique potential of this historic center of the community, to promote low density residential development and permit medium to high density residential development when conditions are suitable. The maximum residential density for the OT-1, Olde Town Residential district, shall be twenty (20) units per acre. Overnight accommodations are prohibited in their entirety within the OT-1, Olde Town Residential district.
- L. *OT-2, Olde Town Mixed Use District.* The intent of this district is to recognize, consistent with the City's comprehensive plan, the unique potential of this historic center of the community, and to encourage retail, entertainment, commercial and residential activities to attract both tourists and residents. Uses that do not create activity, such as warehousing or industrial uses, are discouraged. The maximum residential density for the OT-2, Olde Town Mixed Use district, shall be twenty (20) units per acre.
- M. *I, Industrial District.* The intent of this district is to provide, consistent with the City's comprehensive plan, locations for light industrial, light manufacturing, and commercial activities that are either too intensive for more restrictive zoning districts or create nuisances. I, Industrial districts are to be located adjacent to major transportation facilities, including freeways, arterials, collectors, railroads, etc. I, Industrial districts are to provide additional setback or buffer areas to minimize objectionable impacts on adjacent property.

N. *PUD, Planned Unit Development District.* The intent of this district is to encourage, consistent with the City's comprehensive plan, the use of innovative and creative development techniques to benefit the City and to provide a mixture of residential and nonresidential uses in a manner that preserves natural resources, encourages non-vehicular circulation, provides a sense of community, and allows the use of flexible development standards.

(Ord. No. 1001, § 1, 12-21-99; Ord. No. 2005, § 1, 5-5-09; Ord. No. 2065, § 1, 2-5-13; Ord. No. ~~2094~~, § 3, 10-7-14)

City of Ingleside

Sec. 78-116. - Establishment of districts and boundaries.

(a) For the purposes of this chapter, the city is hereby divided into the following districts:

AG	agricultural district
R-1	single-family residential district
R-2	two-family residential district
R-3	three- and four-family residential district
M	multiple-family district
P	professional office district
C-1	local commercial district
C-2	general commercial district
L-I	light industrial district
I	industrial district
IP	industrial park
T1-A	travel trailer/recreational vehicle park district
T1-B	HUD-Code manufactured home park district

T1-C	HUD-Code manufactured home subdivision district
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- (b) The location and boundaries of the districts established in this section are shown upon the official zoning map, which is hereby incorporated into this chapter. The zoning map, together with all notations, references and other information shown thereon and all amendments thereto, shall be as much a part of this chapter as if fully set forth and described in this section. The zoning map, properly attested, is on file in the office of the city secretary.

(Code 1979, ch. 12, § 2; Ord. No. 326, § III, 9-11-79; Ord. No. 460, 10-14-86; Ord. No. 521, 8-6-91)

Sec. 78-117. - Rules for the interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map accompanying and made a part of this chapter, the following rules apply:

- (1) The district boundaries are either streets or alleys, unless otherwise shown, and where the district designated on the map accompanying and made part of this chapter is bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.
- (2) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made part of this chapter are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
- (3) In any unsubdivided property the district boundary lines on the zoning map accompanying and made part of this chapter shall be determined by use of the scale appearing on the map.
- (4) In case of a district boundary line dividing a property into two parts, the district boundary line shall be construed to be the property line nearest the district line as shown.
- (5) Where the streets or alleys on the ground differ from the streets or alleys as shown on the zoning map, the streets or alleys on the ground shall control.

(Ord. No. 326, § IV, 9-11-79)

Sec. 78-118. - Compliance with article.

- (a) No land shall be used except for a purpose permitted in the district in which it is located.
- (b) No building shall be erected or structurally altered, nor shall any building or premises be used for

any purpose other than permitted in the district in which such building or premises is located. No lot area shall be reduced or diminished so the yards shall be smaller than prescribed by this chapter, nor shall the lot area per family be reduced in any manner except in conformity with the regulations hereby established for the district in which such building is located.

(Ord. No. 326, § V, 9-11-79)

Sec. 78-119. - Newly annexed areas.

All territory annexed to the city shall be temporarily classified as R-1 single-family residential district, until permanently zoned by the city council. The planning and zoning commission shall, as soon as practicable after annexation of any territory, recommend to the city council a plan for permanent zoning in the area. The procedure to be followed for adoption shall be the same as is provided by law for the adoption of original zoning regulations.

(Ord. No. 326, § XXII-3, 9-11-79)