



PLANNING & ZONING PACKET

October 17, 2022

PLANNING & ZONING COMMISSION AGENDA

Notice is hereby given that the Rockport Planning & Zoning Commission will hold a meeting on Monday, October 17, 2022, at 5:30 p.m. The meeting will be held in person at the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas. Members of the public can view the meeting via live stream at <https://www.youtube.com/channel/UCuF3nzgKHU1OjXHv8Yyj4QQ>.

Public participation is valued and citizens wishing to express their views on agenda items can 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. Conduct a Public Hearing to consider a request for a Conditional Use Permit (CUP) to allow the use of a manufactured home on the property, while the property owners rebuild their home that was recently burned located at 157 Kluge Tr; also known as McCombs, Lot 55 & 56, part of each, being 3.494 acres, City of Rockport, Aransas County, Texas; currently zoned R-1 (1st Single Family Dwelling District)
3. Deliberate and act on approval of the regular meeting minutes of September 19, 2022.
4. Deliberate and act on a request for a Conditional Use Permit to allow the use of a manufactured home on the property, while the property owners rebuild their home that was recently burned located at 157 Kluge Tr; also known as McCombs, Lot 55 & 56, part of each, being 3.494 acres, City of Rockport, Aransas County, Texas; currently zoned R-1 (1st Single Family Dwelling District)
5. Discussion, consideration, and action regarding the process for conducting public hearings as per Section 118-26 of the Rockport Code of Ordinances.
6. 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. The City of Rockport reserves the right to convene into executive session under Government Code §§ 551.071-551.074 and 551.086.

In accordance with the requirements of Texas Government Code Section 551.127, a member of the governing body may participate in this meeting from a remote location. A quorum of the governing body as well as the presiding officer shall be physically present at the above posted location, which shall be open to the public. Those participating remotely shall be visible and audible to the public for all open portions of the meeting. A member of a governmental body who participates in a meeting remotely as provided by law, shall be counted as present at the meeting for all purposes.

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 Friday, October 14, 2022, 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*.

Carey Dietrich

Carey Dietrich,
Asst Director Building & Development
Community Planner

PLANNING & ZONING COMMISSION
Regular Meeting: Monday, October 17, 2022

AGENDA ITEM: 2

Conduct a Public Hearing to consider a request for a Conditional Use Permit (CUP) to allow the use of a manufactured home on the property, while the property owners rebuild their home that was recently burned located at 157 Kluge Tr; also known as McCombs, Lot 55 & 56, part of each, being 3.494 acres, City of Rockport, Aransas County, Texas; currently zoned R-1 (1st Single Family Dwelling District)

SUBMITTED BY: Carey Dietrich / Asst Director Building & Development/Community Planner

BACKGROUND: Property owner, Richard Kretschmann, states their home located at 157 Kluge Trail was destroyed by fire earlier in the year and they moved a manufactured home onto the property to reside in while rebuilding their dwelling but was not aware of the zoning regulations. Mr. Kretschmann is requesting a four (4) year allowance for the use of the manufactured home.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, October 1, 2022, edition and mailed out to seven (7) property owners within a 200-foot radius of the property. No letters For and or Against the request have been received at time of PH.

Please see the accompanying zoning change request application and Section 118-23 of Code of Ordinances for detail information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: No action required. Public hearing only.



PUBLIC HEARING

Planning & Zoning Commission

NOTICE is hereby given that the Planning & Zoning Commission will hold a Public Hearing on Monday, October 17, 2022, at 5:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request for a Conditional Use Permit to allow the use of a manufactured home on the property, while they rebuild their home that was recently burned, located at 157 Kluge Trail; also known as McCombs, part of Lots 55 & 56, being 3.494 acres, City of Rockport, Aransas County, Texas and currently zoned R-1 (1st Single Family Dwelling District).

Members of the public can view the meeting remotely via live stream at the address that will be provided on the Planning & Zoning Commission Agenda of October 17, 2022, and posted on the City's website www.cityofrockport.com.

Public participation is valued and citizens wishing to express their views during the Joint Public Hearing can electronically submit a Citizen Participation Form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation>, or if attending the meeting in person register at the meeting before the meeting begins. 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 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 27th day of September 2022, 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, October 1, 2022, Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS


Teresa Valdez, City Secretary

PLANNING AND ZONING COMMISSION MINUTES

On this the 19th day of September 2022, 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
Warren Hassinger – Vice Chairman
Kim Hesley – Secretary
Tom Blazek
Patty Impens

Members Absent

W. Kent Howard
Ric Young

Staff Members Present

Mike Donoho, Director
Carey Dietrich, Community Planner
Belinda Garcia, Administrative Coordinator
Andria Hattman, Council Liaison

Guest(s) Present

Four (4)

Open Meeting

1. Meeting called to order at 5:30 p.m.

Regular Agenda

2. Deliberate and act on approval of the regular meeting minutes of August 29, 2022,
After brief discussion Chair Davis asked if there were any other questions or comments?
Chair Davis asked for a motion.

MOTION:

Vice-Chairman Hassinger moved to approve the August 29, 2022 minutes. Secretary Kim Hesley seconded the motion. All voted in favor, motion carried.

3. Deliberate and act on a Final Plat submitted by R & F Development, LLC for development of a single-family dwelling subdivision to be known as Heritage Park, Phase I, on property located at 2701 FM 3036 otherwise known as A76 Joseph Hollis Survey, Acres 16.260, City of Rockport, Aransas County, Texas.
Community Planner Carey Dietrich spoke

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

MOTION:

Member Blazek moved to approve the Final Plat submitted by R & F Development, LLC for development of a single-family dwelling subdivision to be known as Heritage Park, Phase I on property located at 2701 FM 3036 otherwise known as A76 Joseph Hollis Survey, Acres 16.260, City of Rockport, Aransas County, Texas.

Secretary Kim Hesley seconded the motion. All in favor, motion carried.

4. Deliberate the act on a Final Plat submitted by Fulton Shores, LLC for development of a single-family dwelling subdivision to be known as Fulton Shores, on property located at 417 S Fulton Beach Rd otherwise known as Part of Lots 1 & 2, Gibbs Addition and Water Front East (WFE), Acres 14.1036, City of Rockport, Aransas County, Texas.

Director Mike Donoho spoke
Community Planner Carey Dietrich spoke
Gary Sweetman spoke

After brief discussion Chair Davis asked if there were any other questions or comments: Hearing non, Chair Davis asked for a motion.

MOTION:

Vice-Chair Hassinger moved to approve the Final Plat submitted by Fulton Shores, LLC, for development of a single-family dwelling subdivision to be known as Fulton Shores, on property located at 417 S. Fulton Beach Rd otherwise known as Part of Lots 1 & 2, Gibbs Addition and Waterfront East (WFE), Acres 14.1036, City of Rockport, Aransas County, Texas.

Member Blazek seconded the motion to have a vote. Tom Blazek-yes, Vice-Chairman Hassinger-yes, Patty Impens-no, Secretary Henley-yes, Chair Davis-yes.

Four in favor and one in opposed, motion carried.

5. Adjournment

There being no further business, Chair Davis adjourned the meeting at approximately 5:43 pm.

Prepared by:

Belinda Garcia, Assistant to Director

Approved by:

Ruth Davis, Chair

Kim Hesley, Secretary

DRAFT

PLANNING & ZONING COMMISSION
Regular Meeting: Monday, October 17, 2022

AGENDA ITEM: 4

Deliberate and act on a request for a Conditional Use Permit (CUP) to allow the use of a manufactured home on the property, while the property owners rebuild their home that was recently burned located at 157 Kluge Tr; also known as McCombs, Lot 55 & 56, part of each, being 3.494 acres, City of Rockport, Aransas County, Texas; currently zoned R-1 (1st Single Family Dwelling District)

SUBMITTED BY: Carey Dietrich / Asst Director Building & Development/Community Planner

BACKGROUND: Property owner, Richard Kretschmann, states their home located at 157 Kluge Trail was destroyed by fire earlier in the year and they moved a manufactured home onto the property to reside in while rebuilding their dwelling but was not aware of the zoning regulations. Mr. Kretschmann is requesting a four (4) year allowance for the use of the manufactured home.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, October 1, 2022, edition and mailed out to seven (7) property owners within a 200-foot radius of the property. No letters For and or Against the request have been received at time of PH.

Please see the accompanying zoning change request application and Section 118-23 of Code of Ordinances for detail information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff recommends approval of the request for a Conditional Use Permit (CUP) to allow the use of a manufactured home on the property, while the property owners rebuild their home that was recently burned located at 157 Kluge Tr; also known as McCombs, Lot 55 & 56, part of each, being 3.494 acres, City of Rockport, Aransas County, Texas; currently zoned R-1 (1st Single Family Dwelling District) with an allowance of one (1) year with the ability of the Building Official to extend up to six (6) months for completion of a residential dwelling.

STAFF REPORT

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

**PROPERTY ADDRESS/LOCATION**

157 Kluge Tr

APPLICANT/PROPERTY OWNER

Richard Kretschmann, Owner

PUBLIC HEARING DATE

CC - Tuesday, September 27, 2022
 P&Z - Monday, October 17, 2022

P&Z DATE

Monday, October 17, 2022

CITY COUNCIL DATE(S)

1st Reading - Tuesday, October 25, 2022
 2nd Reading - Tuesday, November 8, 2022

BRIEF SUMMARY OF REQUEST

Property owner Richard Kretschmann is seeking approval for a Conditional Use Permit (CUP) in order to allow the use of a manufactured home (MH) on his property while they reconstruct their home that was recently burned. The MH is currently set up on the property as Mr. Kretschmann states they were not aware they needed a CUP in order to reside in the MH while they rebuild.

A public notice regarding this item was published in The Rockport Pilot in the Saturday, October 1, 2022, edition and mailed out to Seven (7) property owners within a 200-foot radius of the property. No letters For or Against the request have been received at time of PH.



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)	Previously Single Family Residential Dwelling	N – R-1 (1 st Single Family Dwelling District) with SFD S - R-1 (1st Single Family Dwelling District) with SFD E – R-1 (1st Single Family Dwelling District) vacant land W – Not in City Limits	Manufactured Home moved onto property	3.494 acres

STAFF RECOMMENDATION**APPROVE****APPROVE WITH CONDITIONS****DENY****COMPATIBILITY with the ZONING ORDINANCE**

There can be no future development without approval of the CUP.

The Current Future Land Use Map suggests Residential Use

PROPERTY HISTORY

The property is not in a Special Flood Hazard Area.

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
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 157 Kluge Trl
Rockport, TX, 78382
- C. CURRENT ZONING OF PROPERTY: R1
- D. PRESENT USE OF PROPERTY: None
- E. ZONING DISTRICT REQUESTED: _____
- F. CONDITIONAL USE REQUESTED: ☒
- G. LEGAL DESCRIPTION: (Fill in the one that applies)
- Lot or Tract McCombs Lot 55 + 56 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): 3.494 acres
- J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:
(Please be specific)
- MANUFACTURED HOME RK
Need electricity permit for trailer on the
property while rebuilding dwelling that
was destroyed during a structure fire.
for 4 years.

K. OWNER'S NAME: (Please print) Richard J. Kretschmann
ADDRESS: 157 Kluge Trl
CITY, STATE, ZIP CODE: Rockport, TX, 78382
PHONE NO 830-708-7709

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: _____
(Owner or Representative)

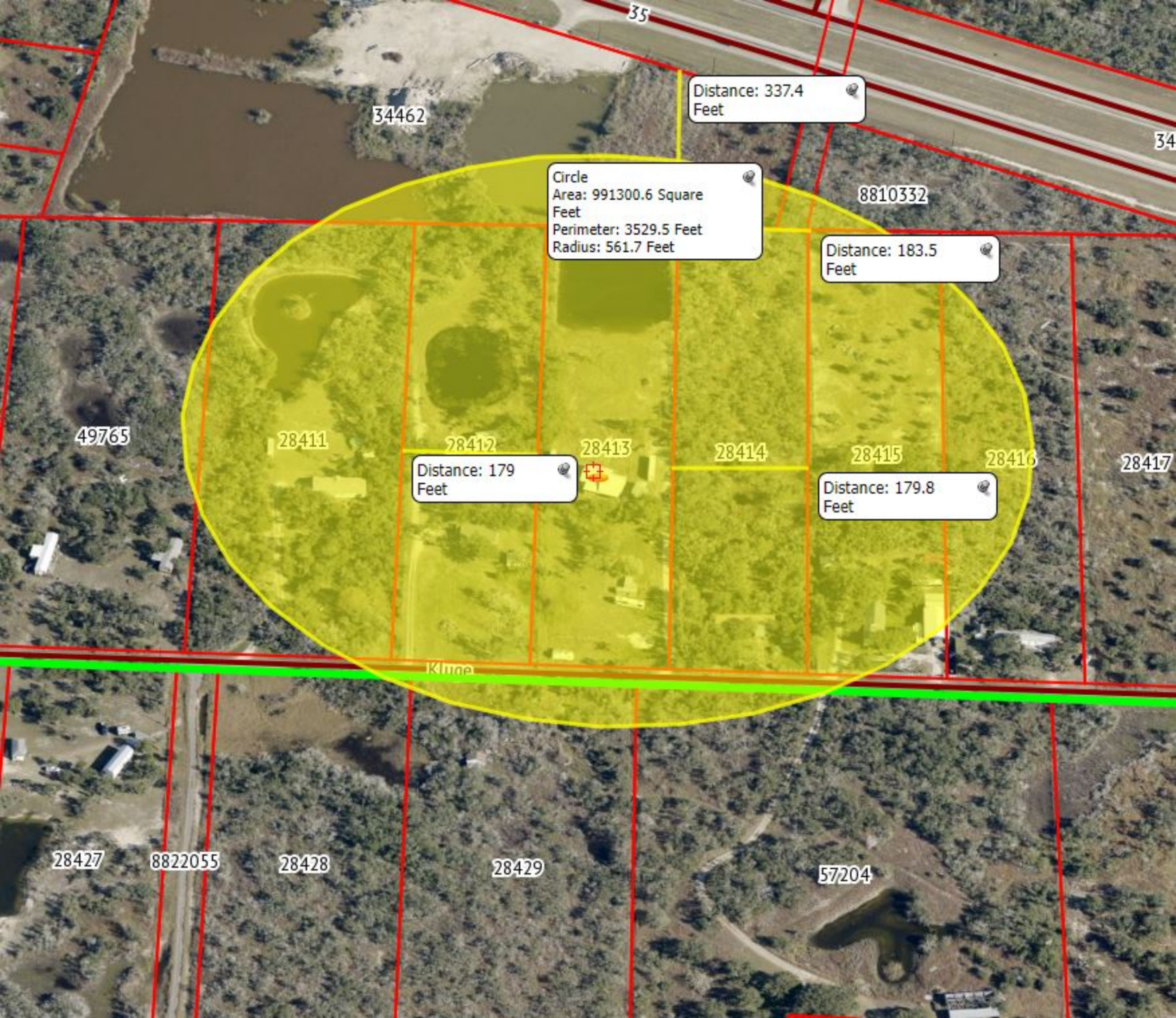
(FOR CITY USE)

Received by: CO Date: 8/24/22 Fees Paid: \$ 190.00/xx

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

If rejected, reasons why: _____

Receipt No. _____



34462

Distance: 337.4
Feet

Circle
Area: 991300.6 Square
Feet
Perimeter: 3529.5 Feet
Radius: 561.7 Feet

8810332

Distance: 183.5
Feet

49765

28411

28412

28413

28414

28415

28416

Distance: 179
Feet

Distance: 179.8
Feet

28417

Klinge

28427

8822055

28428

28429

57204

35

34

[illegible]

ZONING MAP EXHIBIT



FUTURE LAND USE MAP EXHIBIT



PLANNING & ZONING COMMISSION
Regular Meeting: Monday, October 17, 2022

AGENDA ITEM: 5

Discussion, consideration, and action regarding the process for conducting public hearings as per Section 118-26 of the Rockport Code of Ordinances.

SUBMITTED BY: Carey Dietrich / Asst Director Building & Development/Community Planner

BACKGROUND:

As you know the City of Rockport has held Joint Public Hearings for review of rezone requests and other items requiring a PH and recommendation from P&Z Commission for many years. This creates the need for four (4) meetings for applicants to attend. Section 118-26 states:

Sec. 118-26. Amendment of the ordinance.

26.1 Procedure. The City Council may from time to time, on petition, in form and content as prescribed by the City Council, or on its own motion, amend, supplement, change, or modify by ordinance the boundaries of districts, or the regulations or restrictions herein established. Any proposed amendment, supplement, change or modification shall first be submitted to the Commission. ***The Commission and City Council shall hold a public hearing, either jointly or separately.*** The Commission shall then make a report and recommendation to the City Council. The City Council shall not take action until it has received the report and recommendations from the Commission.

Given that the JPH is not required, if we had separate Public Hearings for P&Z and Council it would reduce the need for four (4) meetings, requiring approximately eight (8) weeks, to three (3) meetings, reducing the timeline to approximately six (6) weeks.

Please see the accompanying Section 118-26 of Code of Ordinances for detail information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: Staff requests the P&Z Commission make a recommendation to City Council to discontinue holding Joint Public Hearings and allow both the City Council and the P&Z Commission to hold separate public hearings.

Sec. 118-26. Amendment of the ordinance.

26.1 *Procedure.* The City Council may from time to time, on petition, in form and content as prescribed by the City Council, or on its own motion, amend, supplement, change, or modify by ordinance the boundaries of districts, or the regulations or restrictions herein established. Any proposed amendment, supplement, change or modification shall first be submitted to the Commission. The Commission and City Council shall hold a public hearing, either jointly or separately. The Commission shall then make a report and recommendation to the City Council. The City Council shall not take action until it has received the report and recommendations from the Commission. Notice of required hearings shall be in accordance with state law. If the Commission does not make its report within thirty (30) days, it shall be considered to have made a report approving the proposed amendment, supplement, modification or change. Notice of such hearings shall be published in the official paper or a paper of general circulation at least one time. Such hearing shall not be held earlier than fifteen (15) days from the date of publication of such notice.

26.2 *Twenty Percent Rule.* If a protest against such proposed amendment, supplement, change or modification shall be presented to the City Secretary, duly signed and acknowledged by the owners of twenty percent or more, either of the area of lots or land immediately adjoining the same extending 200 feet therefrom, such amendment, supplement, change or modification shall not become effective except by favorable vote of three-fourths of the members of the City Council.

26.3 *Fees.* Before any action shall be taken as provided in this article, the applicant for such action shall pay the fees prescribed in the Rockport Zoning and Platting Fee Ordinance.

(Ord. No. 1027, art. 26, 4-9-96)