



# PLANNING AND ZONING COMMISSION AGENDA

Regular Meeting  
Tuesday, August 11, 2015  
7:00 p.m.  
City Hall - Council Chamber  
Daniel P. Moore Community Center Complex  
1900 Billy G. Webb Drive  
Portland, Texas

1. **CALL TO ORDER:** Chairperson Forsythe
2. **MINUTES:** The Planning and Zoning Commission will consider approval of the minutes of its July 14 , 2015, Regular Meeting – Chairperson Forsythe
3. **PUBLIC HEARING – REZONING REQUEST:** The Planning and Zoning Commission will conduct a Public Hearing to solicit comments from citizens and other interested parties concerning a request from Northshore Properties, LLC, to rezone 2.76 acres generally located on the east right-of-way line of US 181 north of East Cliff Unit 16, from R-6, Single Family Residential District to C-R, Retail Commercial District – Director of Public Works and Development
4. **REZONING REQUEST:** The Planning and Zoning Commission will consider a request from Northshore Properties, LLC, to rezone 2.76 acres generally located on the east right-of-way line of US 181 north of East Cliff Unit 16, from R-6, Single Family Residential District to C-R, Retail Commercial District – Director of Public Works and Development
5. **ADJOURNMENT:** Chairperson Forsythe

## **RULES OF PARTICIPATION FOR ATTENDEES**

- a. Persons who wish to speak must fill out and turn in a speaker card before the meeting is convened (The Chairperson will notify you when it's your turn to speak and direct you to the podium.).


- b. Persons who wish to speak must identify themselves and their places of residence.
- c. All comments, requests and proposals must be presented to or through the Chairperson.
- d. Persons who wish to speak will be given 4 minutes to do so. The Chairperson may permit persons to speak more than once if he/she believes doing so will improve the planning process and facilitate deliberation.

*NOTICE OF ASSISTANCE*

If you plan to attend this public meeting and you have a disability that requires special arrangements to be made, please contact City Secretary Annette Hall at 361-777-4513 or [annette.hall@portlandtx.com](mailto:annette.hall@portlandtx.com) in advance of the meeting. Reasonable accommodations will be made to facilitate your participation. The City Hall is wheelchair accessible and specially marked parking spaces are located in front of its entrance. Special seating will be provided in the Council Chambers during the meeting.

**BRaille IS NOT AVAILABLE**

Posted: August 7, 2015 by 5 p.m.  
City Hall

By:   
**Annette Hall**  
**City Secretary**

## MINUTES

### **PLANNING AND ZONING COMMISSION**

#### **JULY 14, 2015 REGULAR MEETING**

The Planning and Zoning Commission conducted its July 14, 2015, Regular Meeting in the Council Chambers of City Hall (1900 Billy G. Webb) that began at 7:00 p.m. It did so in compliance with requirements of the Texas Open Meetings Act, City of Portland City Charter and Unified Development Ordinance. The following persons were in attendance:

#### **MEMBERS PRESENT**

John Rooney (Vice-Chairperson)  
Mark Wendland  
Pete Stricker  
Mark Roach

#### **MEMBERS ABSENT**

Craig Forsythe (Chairperson)  
Theresa Nix  
Jerry Browning

#### **STAFF PRESENT**

Randy Wright, City Manager  
Brian DeLatte, Assistant City Manager  
Jamie Pyle, Director of Public Works and Development  
Drew Schell, IT Technician  
Fred Bussman, IT Technician

#### **1. CALL TO ORDER:**

Vice-Chairperson John Rooney called the meeting to order at 7:00 p.m.

#### **2. MINUTES:** The Planning and Zoning Commission will consider approval of the minutes of its June 9, 2015, Regular Meeting

Mr. Roach made a motion to accept the minutes of the June 9, 2015, Regular Meeting. Mr. Stricker seconded the motion.

The motion passed (4-0).

#### **3. SUBDIVISION FINAL PLAT:** The Planning and Zoning Commission considered a final plat of Lot 1, Block 1, ZIZ Hospitality Tracts.

Assistant City Manager Brian DeLatte presented the following information:

**EXECUTIVE SUMMARY**

A final plat has been submitted for 2.05 acres generally located at the southwest corner of US 181 and Buddy Ganem Drive. The property is being subdivided for future development. The plat meets the C-G, General Commercial Zoning District lot standards. Staff recommends approval.

**PRIOR ACTIONS OR REVIEWS**

None

**DETAILS / STAFF ANALYSIS**

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

Property Location: Generally located 159 feet west of the southwest corner of US 181 and Buddy Ganem Drive

Legal Description: ZJZ Hospitality Tracts, Block 1, Lot 1

Applicant/Owner: ZJZ Holdings, LLC

Engineer/Surveyor: Urban Engineering

Lot Layout and District Regulations: The proposed lots are located in the C-G, General Commercial District. The C-G district has the following regulations:

District	Min. Lot Area (SF)	Min. Average Lot Width and Required Yards (FT)				Max. Bldg. Height
		Width	Front	Side	Rear	
C-G, General Commercial	7,500	50	20	0	0	--

Staff review of the final plat shows that the dimensions proposed meet the district's requirements.

Utilities: The subdivision of the property leaves a remainder that would otherwise not have access to wastewater service. The applicant provided a conceptual utility plan that allows for the extension of water and wastewater service through the site to the unplatted portions of the property. The plat delineates appropriate easements for the extensions and the developer will be required to install those extensions through the 2.05 acre lot prior to

the recordation of the plat. Alternatively, the developer may choose to submit a performance bond or letter of credit for the construction.

Access: Per TxDOT requirements, access to Lot 1 will be restricted to an access easement from Buddy Ganem Drive and from US 181. These driveway locations meet the City's emergency access requirements.

Drainage: Drainage to the site is provided by the storm drain system on Buddy Ganem Drive and by the Cedar ditch. No offsite drainage improvements are required.

Mr. Roach made a motion to approve the final plat of ZJZ Hospitality Tracts, Block 1, Lot 1, subject to the following conditions:

- (1) Compliance with all City of Portland ordinances, rules, and regulations
- (2) Payment of all platting fees and review fees
- (3) Installation of water and wastewater service to the unplatted portions of the property

Mr. Wendland seconded the motion.

The motion passed (4-0).

4. **SUBDIVISION FINAL PLAT:** The Planning and Zoning Commission considered the final plat of Bay Ridge Unit 13 – Director of Public Works and Development

Director of Public Works and Development, Jamie Pyle, presented the following information:

**EXECUTIVE SUMMARY**

A final plat has been submitted for Bay Ridge Subdivision Unit 13. The unit consists of 68 lots on 11.94 acres. Staff analysis shows that the final plat meets Unified Development Ordinance requirements and approval is recommended.

**PRIOR ACTIONS OR REVIEWS**

None

**DETAILS / STAFF ANALYSIS**

Staff review of the final plat shows that the layout conforms to the approved preliminary plat. The dimensions of the proposed lots and right-of-way meet the district's requirements.

Access: This final plat access is looped from California Drive to Santa Catalina Street by the extension of Ventura Drive. The proposed right-of-way and street design conforms to the Unified Development Ordinance.

Utilities: 6-inch water lines and 8-inch wastewater lines are proposed to run between the curb and sidewalks. There is also a dead end 8-inch water line on the north and east sides of the lots for future units. The lines are sized appropriately for current and future demands.

Drainage: The applicant has noted that the majority of the property lies within FEMA FIRM Zone "C". Sixteen (16) lots lie within Zone "A1". Finished floor elevations will be based on adjacent\_curb elevations in conformance with City codes. Underground storm drains are proposed to connect into the existing drainage systems.

Conclusions: The City of Portland Fire Department, City Engineer, and Public Works Department have reviewed the plat and find no objections other than the following minor technical revisions:

- (1) Add recording information for offsite utility easement on the north and east side of the subdivision
- (2) Provide record information for adjoining property on north and east
- (3) Provide closure report of platted area

Additionally, Staff recommends that the plat approval be contingent upon the approval of the construction documents. It is likely that the existing lift station pumps will be required to be upgraded at the developer's expense as part of the Unit 13 construction. These improvements will be shown on the construction documents.

Mr. Stricker made a motion to approve of the final plat of Bay Ridge Unit 13, subject to the following conditions:

- (1) Compliance with all City of Portland ordinances, rules, and regulations
- (2) Payment of all platting fees and review fees
- (3) Compliance with City Staff plat technical comments
- (4) Approval of the construction documents

Mr. Roach seconded the motion.

The motion passed (4-0).

5. **SUBDIVISION FINAL PLAT:** The Planning and Zoning Commission considered the final plat of Lots 6A and 6B, Block 1, Oak Ridge Estates Unit 10 – Director of Public Works and Development

Director of Public Works and Development, Jamie Pyle, presented the following information:

**EXECUTIVE SUMMARY**

A final plat has been submitted for Lots 6A and 6B, Block 1, Oak Ridge Estates Unit 10, being a replat of Lot 6, Block 1, Oak Ridge Estates Unit 10. The plat consists of 2 lots on 3.389

acres. Staff analysis shows that the final plat meets Unified Development Ordinance requirements and approval is recommended.

**PRIOR ACTIONS OR REVIEWS**

None

**DETAILS / STAFF ANALYSIS**

Staff review of the final plat shows that the layout conforms to the Unified Development Ordinance. The dimensions of the proposed lots meet the district’s requirements.

Access: This final plat access is the US Highway 181 Frontage Road. The right-of-way and street design are existing.

Utilities: 12-inch water line existing adjacent to the east side of the property and an 8-inch wastewater line existing on the west side of the property. The lines are sized appropriately for current and future demands.

Drainage: The applicant has noted that the entire property lies within FEMA FIRM Zone “C”. Finished floor elevations will be based on adjacent curb elevations in conformance with City codes. There is an existing 50 foot drainage easement adjacent to US 181.

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

- City of Portland Fire Department
- City Engineer/Public Works Department

The surveyor has been provided with minor technical corrections to the plat which have been resolved.

Mr. Wendland made a motion to approve of the final plat of Lots 6A and 6B, Block 1, Oak Ridge Estates Unit 10, subject to the following conditions:

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

Mr. Roach seconded the motion.

The motion passed (4-0).

**6. ADJOURNMENT:**

Vice-Chairperson Rooney adjourned the meeting at 7:18 p.m.

APPROVED:

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Chairperson Craig Forsythe

ATTEST:

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Brian DeLatte, P.E.  
Assistant City Manager



**AGENDA TITLE**      **PUBLIC HEARING – REZONING REQUEST**

The Planning and Zoning Commission will conduct a Public Hearing to solicit comments from citizens and other interested parties concerning a request from Northshore Properties, LLC, to rezone 2.76 acres generally located on the east right-of-way line of US 181 north of East Cliff Unit 16 from R-6, Single-Family Residential District to C-R, Retail Commercial District – Director of Public Works and Development

**REZONING REQUEST**

The Planning and Zoning Commission will consider a request from Northshore Properties, LLC, to rezone 2.76 acres generally located on the east right-of-way line of US 181 north of East Cliff Unit 16, from R-6, Single-Family Residential District, to C-R, Retail Commercial District – Director of Public Works and Development

**MEETING DATE**      8/11/2015

**DEPARTMENT**      Building and Development

**SUBMITTED BY**      Jamie Pyle, P.E., Director of Public Works and Development

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**EXECUTIVE SUMMARY**

A zoning application has been submitted by Northshore Properties, LLC, to rezone approximately 2.76 acres generally located on the east right-of-way line of US 181 north of East Cliff Unit 16, from R-6, Single-Family Residential District, to C-R, Retail Commercial District. The applicant is proposing to construct a commercial retail business in the rezoned lot by subdividing the 2.76 acres from the 46.92 acre existing undeveloped parent tract that is currently zoned R-6. The adjacent tract will remain R-6, Single-Family Residential District which is currently being proposed as a 34-lot single family subdivision. Staff analysis shows that the rezoning is generally consistent with the Comprehensive Plan and Unified Development Ordinance.

**REZONING REQUEST**

Northshore Properties, LLC, holds approximately 46.92 acres of property bounded by US 181, East Cliff Unit 16 subdivision, undeveloped Northshore Lot 2R, Block 14 (zoned C-R, Retail Commercial) and undeveloped land (zoned R-6, Single-Family Residential). The tracts to the north and along US 181 are being developed as Retail Commercial with restaurants, personal services, general retail, Hotel/Motel/Inn, gas station, professional office, and medical

clinic/office.

### **REZONING APPROVAL CRITERIA**

Section 318 of the UDO outlines the following criteria for which the Planning and Zoning Commission and City Council shall base approval of zoning requests, although the wisdom of amending the Official Zoning Map is a matter committed to the sound legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt, adopt with modifications or deny the proposed amendment, the City Council shall consider the following factors. J. Schwarz & Associates, Inc., has provided a response for each criterion:

1. Compatible with Plans and Policies. Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning and Zoning Commission or City Council.

JSA comment: The zoning change will allow for C-R zoning on the only remaining undeveloped portion of US 181 south of Northshore Blvd. The current zoning plan has an R-6 zoned area adjacent to a C-R zone. As the existing zoning map allows for this condition, the location of this transition should not affect the compatibility with the Comprehensive plan and any other land use policies adopted by the P&Z.

2. Consistent with this Ordinance. Whether and the extent to which the proposed amendment would conflict with any portion of this Ordinance.

JSA comment: The proposed zoning change will not conflict with any portion of the ordinance.

3. Compatible with Surrounding Area. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.

JSA comment: The zoning change will allow for C-R zoning on the only remaining undeveloped portion of US 181 south of Northshore Blvd. The current zoning plan has an R-6 zoned area adjacent to a C-R zone. As the existing zoning map allows for this condition, the location of this transition should not affect the compatibility with existing and proposed uses surrounding the site.

4. Changed Conditions. Whether and the extent to which there are changed conditions that require an amendment.

JSA comment: The amount of developable commercial property in the City of Portland is limited and with the recent boom in construction along US 181, the original R-6 zoning of this tract limits the highest and best use of a tract with US 181 frontage and high visibility in an area of existing commercial development.

5. Effect on Natural Environment. Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

JSA comment: The proposed zoning change will have no greater adverse impact to the

environment as the existing zoning.

6. Community Need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.

JSA comment: The proposed change will allow for the only remaining undeveloped portion of US 181 frontage south of Northshore Blvd. to be developed for commercial use. The amount of developable commercial property in Portland is limited and this tract's location and visibility lend it highest and best use to commercial.

7. Development Patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.

JSA comment: The proposed change will not affect the pattern of urban development as the majority of the existing undeveloped frontage of US 181 is already zoned C-R. This change will allow for the highest and best use of the subject property.

### **STAFF ANALYSIS**

City Staff generally concurs with the appropriateness of this tract being utilized as retail commercial as its location, size, and shape are ideal for a commercial retail tract. City Staff believes that the application's congruence with the City's Comprehensive Plan as a C-R request is appropriate. This tract is more suited as a retail tract due to its location and proximity to other commercial tracts and that impacts on the adjacent single family subdivision will be mitigated through the Unified Development Ordinance's exterior lighting, buffering, landscaping and building material requirements.

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

There are 30 adjacent properties within 200 feet of the subject lot. Property owners were notified by mail, postmarked July 24, 2015, of Public Hearings at the Planning and Zoning Commission and City Council meetings. Notice was also posted in the Coastal Bend Herald on July 23, 2015, in conformance with UDO Section 302. There has been no written or oral comment to the Development Services Department as of August 5, 2015. Three residents have contacted the City Manager's Office to request additional information on the proposed development; none of the three requestors voiced support or opposition to the proposed request.

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

In accordance with UDO Section 318, the Planning and Zoning Commission shall, after required notice, conduct a public hearing on each request for an amendment of the Official Zoning Map. At the public hearing, the Planning and Zoning Commission shall consider the application, comments and recommendations of City staff, other relevant support materials and public testimony given at the public hearing. After the close of the public hearing, the Planning and Zoning Commission shall recommend that the City Council approve, approve with modifications, or deny the proposed amendment based on the amendment criteria. A tie vote by the Planning and Zoning Commission on any proposed amendment to the Official Zoning Map or the text of this Ordinance shall be forwarded without recommendation to the City

Council.

**ATTACHMENTS**

- Application for Zoning Change
- Notice of Public Hearing
- Proposed Ordinance No. 2117

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**RECOMMENDED ACTION**

Adopt one of the following motions:

**(1)** Recommend to City Council approval of the rezoning request

**OR**

**(2)** Recommend to City Council approval of the rezoning request with modifications

**OR**

**(3)** Recommend to City Council denial of the rezoning request



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

**APPLICATION FOR ZONING CHANGE**

APPLICANT: North Shore Property PHONE: 815 0140  
ADDRESS: 101 Cedar Dr. Portland TX

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

AGENT OR ATTORNEY: Self

PHONE: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

PROPERTY ADDRESS: NS UNIT # 5 C

LEGAL DESCRIPTION: 12.61 AC

CURRENT ZONING: R6 PROPOSED ZONING: CR

REASON FOR REQUEST: Partial Rezone

Submission Development

PRINTED NAME: William Cooke DATE: 7/13/15

SIGNATURE OF APPLICANT OR AGENT: [Signature]

FILING FEE: \$500.00 plus actual engineering and legal costs

Make check payable to the City of Portland

Mail or bring application and filing fee to:

Office of the City Engineer  
Public Works Building  
1101 Moore Avenue  
Portland, Texas 78374  
(361) 777-4553

12.61 AC  
3.68 AC Comm  
8.93 AC R6

RECEIVED

JUL 13 2015

City of Portland

PAID  
7/22/15



## **NOTICE OF PUBLIC HEARINGS**

Notice is hereby given that Public Hearings will be held before the Planning and Zoning Commission of the City of Portland on August 11, 2015 (Tuesday) and the City Council of the City of Portland on August 18, 2015 (Tuesday) in the Council Chamber of the City Hall (1900 Billy G. Webb Drive - Daniel P. Moore Community Center Complex) at 7:00 p.m. on each date to solicit comments from citizens and other interested parties concerning a request from North Shore Properties, Inc., to rezone 2.76 acres generally located at the on the east right-of-way line of US 181 Frontage Road north of East Cliff Unit 16 from R-6, Single-Family Residential District to C-R, Retail Commercial District:

A 2.76 Acre tract of land being out of 46.92 acres of land consisting of 46.54 acres of land out of Abstract No. 284 of the T.T. Williamson Survey, San Patricio County, Texas and being out that certain deed dated December 6, 1972, form Jennie Hunt Hester, Et al, to El Paso Development Company recorded in Volume 458, Pages 469-474, of the Deed Records of San Patricio County, Texas, and also being a portion of that certain 1,557.298 acre tract designated as Tract II in that certain deed dated August 22, 1978, from El Paso Development Company to G. Phil Berryman and William C. Cocke, recorded in Volume 1665, Pages 825-834, Deed Records of Nueces County, Texas, and recorded in Volume 591, Pages 178-187 of the Deed Records of San Patricio County, Texas; and 0.38 acres of land out the 100.00 foot wide Southern Pacific Railroad Right of Way which was conveyed to San Antonio and Aransas Pass Railway Company by the Coleman Fulton Cattle Company on January 27, 1890, and recorded in Volume 1, Page 491 of the Deed of Records of San Patricio County, Texas, and being more particularly described as follows:

**COMMENCING** at a 5/8 inch steel rod found on the east right-of-way line of US 181 Frontage Road for the southwest corner of Lot 12R, Block 14, North Shore Unit 3;

**THENCE**, South 30°02'24" West, a distance of 775.30 feet to a 5/8 inch steel rod found for the southwest corner of said 2.76 tract same being the northwest corner of Lot 26, Block 26, East Cliff Unit 16, a map of which is recorded in Volume 13, Page 83 of the Official Map Records of San Patricio County, Texas, and the **POINT OF BEGINNING** of this tract;

**THENCE**, South 59°58'18" East, a distance of 388.44 feet to an iron rod found for an angle point in the north boundary line of said East Cliff Unit 16 and an angle point of this tract;

**THENCE**, North 89°50'42" East, a distance of 137.53 feet to a point for the southeast corner of this tract;

**THENCE**, North 01°42'13" East, a distance of 313.22 feet to a point for the northeast corner of this tract;

**THENCE**, North 88°19'51" West, a distance of 198.38 feet to a point of this tract, also being the point of curvature of a circular curve to the right which has a radius of 260.00 feet, a central angle of 28°22'15" and an arc length of 128.74 feet;

**THENCE**, along a said circular curve to the right, an arc length of 128.74 feet to a point for the point of tangency of this tract;

**THENCE**, North 59°57'36" West, a distance of 60.55 feet to a point on the aforementioned east right-of-way line of US 181 Frontage Road;

**THENCE**, South 30°02'24" West, along said right-of-way line, a distance of 219.45 feet to the **POINT OF BEGINNING** of this tract containing approximately 2.76 acres of land.

A map of the proposed zoning is located at <http://www.portlandtx.com/index.aspx?nid=102>

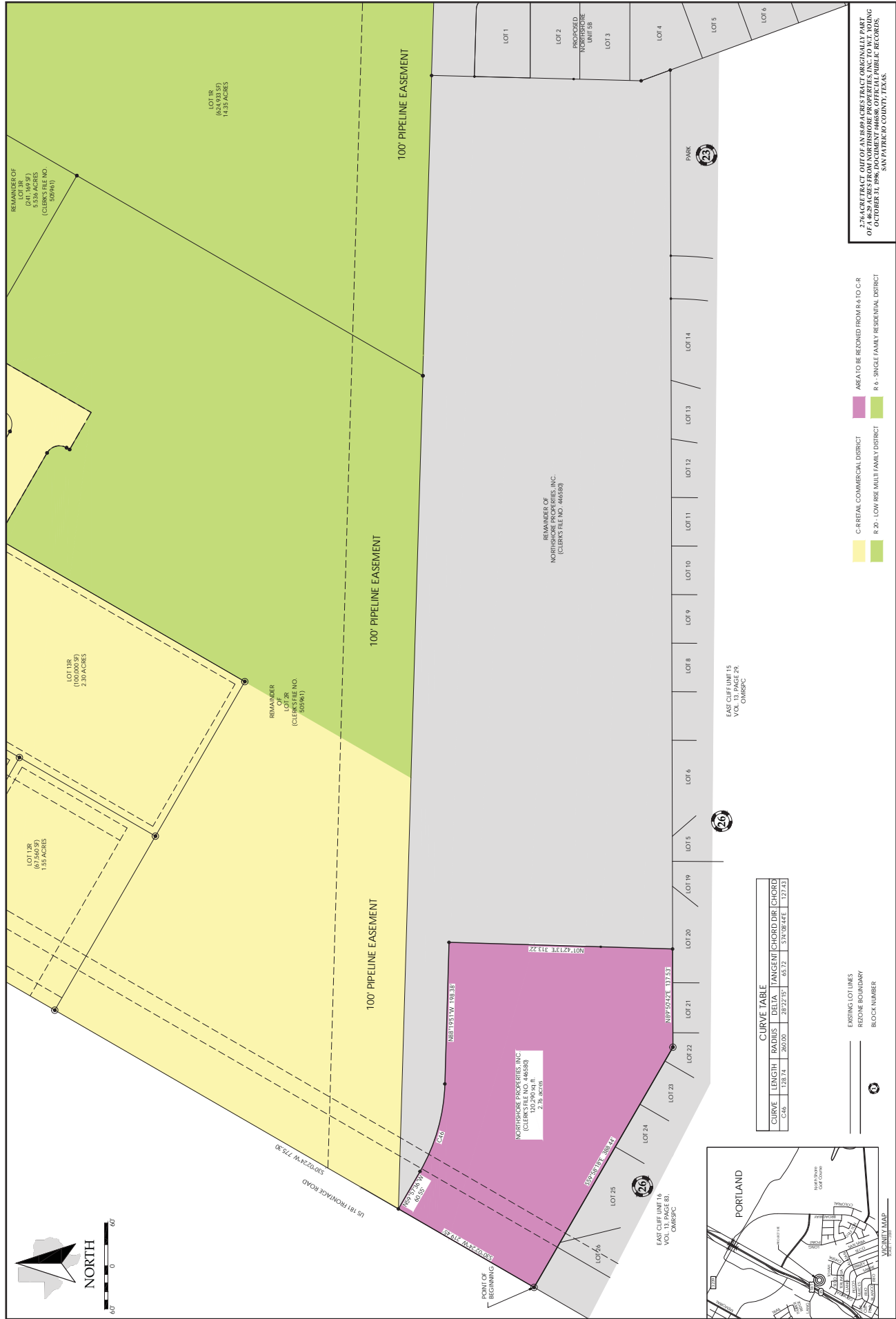
Any questions concerning this matter should be directed to Brian DeLatte, Assistant City Manager, at (361) 777-4601 or [brian.delatte@portlandtx.com](mailto:brian.delatte@portlandtx.com)

DATE	7/15/15
JOB NUMBER	444
PLAT	F-1318
ENGINEER	
REVISION NUMBER	0
SCALE	1"=60'

FOR INTERIM REVIEW:  
THIS MAP IS NOT TO BE USED FOR ANY BUILDING OR PERMITTING PURPOSES.

NAME: SCHWARZ, J.E.  
DATE: 7/15/15  
JOB NO: 444  
JOB TITLE: ENGINEER

SHEET NUMBER  
**0001**  
OF 0002



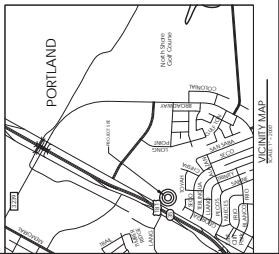
2.74 ACRES TRACT OUT OF AN 8.00 ACRES TRACT ORIGINALLY PLATTED AND RECORDED IN PUBLIC RECORDS AS TRACT 10000000000000000000 OF OCTOBER 31, 1996, DOCUMENT #44698, OFFICIAL PUBLIC RECORDS, SAN PATRICK COUNTY, TEXAS.

- AREA TO BE REZONED FROM R.6 TO C-R
- C-RETAIL COMMERCIAL DISTRICT
- R.20 - LOW DENSITY RESIDENTIAL DISTRICT
- R.6 - SINGLE FAMILY RESIDENTIAL DISTRICT

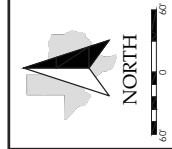
**CURVE TABLE**

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD DIR	CHORD
C16	178.74	280.00	28°27'05"	26.72	574°08'44E	177.21

EXISTING LOT LINES  
REZONE BOUNDARY  
BLOCK NUMBER



VICINITY MAP



NORTH



1 **ORDINANCE NO. 2117**

2  
3 **AN ORDINANCE REZONING APPROXIMATELY 2.76 ACRES**  
4 **GENERALLY LOCATED ON THE EAST RIGHT-OF-WAY LINE OF US 181**  
5 **NORTH OF EAST CLIFF UNIT 16, FROM R-6, SINGLE-FAMILY**  
6 **RESIDENTIAL DISTRICT, TO C-R, COMMERCIAL RETAIL DISTRICT AT**  
7 **THE REQUEST OF THE OWNER; AMENDING THE OFFICIAL ZONING**  
8 **MAP OF THE CITY OF PORTLAND; PROVIDING FOR THE REPEAL OF**  
9 **ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY**  
10 **CLAUSE; ESTABLISHING A PENALTY FOR VIOLATIONS AND**  
11 **SPECIFICALLY NEGATING A REQUIREMENT OF A CULPABLE MENTAL**  
12 **STATE; PROVIDING AND ESTABLISHING AN EFFECTIVE DATE; AND**  
13 **PROVIDING FOR PUBLICATION**

14  
15 **WHEREAS** Northshore Properties, LLC, the owner of approximately 18.09 acres of  
16 property bounded by US 181, East Cliff Unit 16 subdivision, undeveloped Northshore Lot 2R,  
17 Block 14 and the remaining 10.376 acres of undeveloped land, has requested that 2.76 acres of  
18 its property be rezoned from R-6, Single-Family Residential District, to C-R, Commercial Retail  
19 District; and

20  
21 **WHEREAS** the Planning and Zoning Commission conducted a Public Hearing on August  
22 11, 2015, to solicit comments from citizens and other interested parties and recommended that  
23 the request be granted by the City Council; and,

24  
25 **WHEREAS** the City Council conducted a Public Hearing on August 18, 2015, to solicit  
26 comments from citizens and other interested parties concerning the request; and,

27  
28 **WHEREAS** no formal written protest was filed by adjacent property owners and a  
29 majority vote is required to approve both readings of this ordinance.

30  
31 **NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,**  
32 **TEXAS:**

33  
34 **SECTION 1:** The request of Northshore Properties, LLC, is hereby granted. 2.76 acres  
35 generally located on the east right-of-way line of US 181 north of East Cliff Unit 16, is hereby  
36 rezoned to C-R, Commercial Retail District, a legal description of which is labelled Exhibit "A",  
37 attached hereto, and incorporated herein.

38  
39 **SECTION 2:** The Official Zoning Map of the City of Portland is hereby amended to reflect  
40 that the 2.76 acres described in Exhibit "A" is hereby rezoned from R-6, Single-Family  
41 Residential District, to C-R, Commercial Retail District.

42  
43 **SECTION 3:** If any provision, section, clause, or phrase of this Ordinance, or the  
44 application of same to any person or set of circumstances is, for any reason held to be

45 unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall  
46 not be affected thereby, it being the intent of the City Council in adopting this Ordinance that  
47 no portion hereof, or provisions or regulations contained herein, shall become inoperative or  
48 fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this  
49 Ordinance are declared severable for that purpose.

50

51 **SECTION 4:** Any previously adopted ordinance, resolution, rule, regulation, or policy in  
52 conflict with this Ordinance is hereby repealed.

53

54 **SECTION 5:** Any person who violates this Ordinance shall be guilty of a misdemeanor  
55 and, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars  
56 (\$500.00). Each and every day that a violation of this Ordinance occurs shall constitute a  
57 separate offense. The culpable mental state required by Chapter 6.02, Texas Penal Code, is  
58 specifically negated and dispensed with and a violation is a strict liability offense.

59

60 **SECTION 6:** This Ordinance shall be published after second reading hereof by publishing  
61 the caption thereof in the official newspaper with a statement the public may view the  
62 Ordinance in the Office of the City Secretary. This Ordinance shall be effective from and after  
63 the publication provided herein.

64

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

66

67

**CITY OF PORTLAND**

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

72

**Mayor**

73

74

**ATTEST:**

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76

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

79

**City Secretary**

## EXHIBIT "A"

### Field Note Description For

A 2.76 Acre tract of land being out of 46.92 acres of land consisting of 46.54 acres of land out of Abstract No. 284 of the T.T. Williamson Survey, San Patricio County, Texas and being out that certain deed dated December 6, 1972, from Jennie Hunt Hester, Et al, to El Paso Development Company recorded in Volume 458, Pages 469-474, of the Deed Records of San Patricio County, Texas, and also being a portion of that certain 1,557.298 acre tract designated as Tract II in that certain deed dated August 22, 1978, from El Paso Development Company to G. Phil Berryman and William C. Cocke, recorded in Volume 1665, Pages 825-834, Deed Records of Nueces County, Texas, and recorded in Volume 591, Pages 178-187 of the Deed Records of San Patricio County, Texas; and 0.38 acres of land out the 100.00 foot wide Southern Pacific Railroad Right of Way which was conveyed to San Antonio and Aransas Pass Railway Company by the Coleman Fulton Cattle Company on January 27, 1890, and recorded in Volume 1, Page 491 of the Deed of Records of San Patricio County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8 inch steel rod found on the east right-of-way line of US 181 Frontage Road for the southwest corner of Lot 12R, Block 14, North Shore Unit 3;

THENCE, South 30°02'24" West, a distance of 775.30 feet to a 5/8 inch steel rod found for the southwest corner of said 2.76 tract same being the northwest corner of Lot 26, Block 26, East Cliff Unit 16, a map of which is recorded in Volume 13, Page 83 of the Official Map Records of San Patricio County, Texas, and the POINT OF BEGINNING of this tract;

THENCE, South 59°58'18" East, a distance of 388.44 feet to an iron rod found for an angle point in the north boundary line of said East Cliff Unit 16 and an angle point of this tract;

THENCE, North 89°50'42" East, a distance of 137.53 feet to a point for the southeast corner of this tract;

THENCE, North 01°42'13" East, a distance of 313.22 feet to a point for the northeast corner of this tract;

THENCE, North 88°19'51" West, a distance of 198.38 feet to a point of this tract, also being the point of curvature of a circular curve to the right which has a radius of 260.00 feet, a central angle of 28°22'15" and an arc length of 128.74 feet;

THENCE, along a said circular curve to the right, an arc length of 128.74 feet to a point for the point of tangency of this tract;

THENCE, North 59°57'36" West, a distance of 60.55 feet to a point on the aforementioned east right-of-way line of US 181 Frontage Road;

THENCE, South 30°02'24" West, along said right-of-way line, a distance of 219.45 feet to the POINT OF BEGINNING of this tract containing approximately 2.76 acres of land.