



PLANNING & ZONING PACKET

September 16, 2024

PLANNING & ZONING COMMISSION AGENDA

Notice is hereby given that the Rockport Planning & Zoning Commission will hold a meeting on Monday, September 16, 2024, 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/@rockporttxgov>

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.

Public Hearing

2. Conduct a Public Hearing to consider a request to rezone the property located at 1306 Smokehouse Rd.; also known as Lot 3, Oak Bay Subdivision, 1.879 acres, to R-2M (Manufactured Housing District), currently zoned R-1 (1st Single Family Dwelling District).

Regular Agenda

3. Deliberate and act on approval of the regular meeting minutes of September 3, 2024.
4. Deliberate and act on a request to rezone the property located at 1306 Smokehouse Rd.; also known as Lot 3, Oak Bay Subdivision, 1.879 acres, to R-2M (Manufactured Housing District), currently zoned R-1 (1st Single Family Dwelling District).
5. Adjourn

Special Accommodations

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation 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 email 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, September 13, 2024, at 11:00 am 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

PLANNING & ZONING COMMISSION
Regular Meeting: Tuesday, September 3, 2024

AGENDA ITEM: 2

Conduct a Public Hearing to consider a request to rezone property located at 1306 Smokehouse Rd.; also known as Lot 3, Oak Bay Subdivision, 1.879 acres, to R-2M (Manufactured Housing District), currently zoned R-1 (1st Single Family Dwelling District).

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

BACKGROUND: Property owner, Bettie Hearn, is requesting to rezone to R2M in order to have a manufactured home placed on the property so that her daughter, Ms. Margarette Little, can be close to her elderly parents who need assistance daily. The majority of the surrounding properties are all zoned R2M as well.

A public notice regarding this item was published in The Rockport Pilot in the Thursday, August 29, 2024 edition and mailed out to fourteen (14) property owners within a 200-foot radius of the property. No letters For and one Against the request have been received at this time.

Please see the accompanying zoning change request application and Section 118-9 of the Code of Ordinances for detail information.

FISCAL ANALYSIS: N/A

RECOMMENDATION: No action required. Public Hearing only.



PUBLIC HEARING

Planning & Zoning Commission
and City Council

NOTICE is hereby given that the Planning & Zoning Commission will hold a Public Hearing on Monday, September 16, 2024, at 5:30 p.m. and the Rockport City Council will hold a Public Hearing on Tuesday, September 24, 2024, at 6:30 p.m., at the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, to consider a request to rezone the property located at 1306 Smokehouse Rd.; also known as Lot 3, Oak Bay Subdivision, 1.879 acres, to R-2M (Manufactured Housing District), 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 September 16, 2024, and the City Council Agenda of September 24, 2024, and posted on the City's website www.cityofrockport.com.

Public participation is valued and citizens wishing to express their views during the 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 City Planner by 3:00 p.m. on the day of the Planning & Zoning Commission meeting or to the City Secretary by 4:00 p.m. on the day of the City Council meeting. The comments will be read and summarized in the minutes of the meeting.

The City encourages citizens to participate and make their views known at the Public Hearings. For further information on this request, please contact the Building Department at (361) 790-1125.

POSTED the 30th day of August, 2024 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 Thursday, August 29, 2024, Edition, in accordance with the City of Rockport Code of Ordinances.

CITY OF ROCKPORT, TEXAS

Carey Dietrich

Carey Dietrich, Asst. Director Building & Development

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**

1306 Smokehouse Rd

APPLICANT/PROPERTY OWNER

Bettie Little Hearn - Owner

PUBLIC HEARING DATE

P&Z – Monday, September 16, 2024
 CC – Tuesday, September 24, 2024

P&Z DATE

P&Z – Monday, September 16, 2024

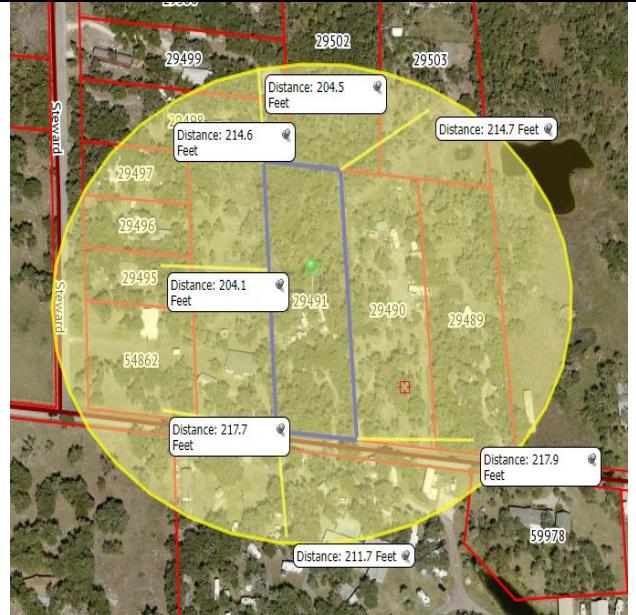
CITY COUNCIL DATE(S)

1st Reading – Tuesday, September 24, 2024
 2nd Reading – Tuesday, October 8, 2024

BRIEF SUMMARY OF REQUEST

Property owner, Bettie Little Hearn, is requesting to rezone to R2M in order to have a manufactured home placed on the property so that her daughter, Margarett Little, can be close to her elderly parents who need assistance daily. The majority of the surrounding properties are all zoned R2M as well.

A public notice regarding this item was published in The Rockport Pilot in the Thursday, August 29, 2024 edition and mailed out to fourteen (14) property owners within a 200-foot radius of the property. No letters For or Against the request have been received at this time.



MAP SOURCE: Pictometry

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R1 – 1 st Single Family Dwelling District	Single Family Dwelling	N – R2M – Manufactured Housing District S – CUP – RV Park E – R2M – Manufactured Housing District W – R1 – 1 st Single Family Dwelling District	Single Family Dwelling	1.879 acres

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY with the ZONING ORDINANCE	PROPERTY HISTORY
The Current Future Land Use Map suggests Residential Use	Ms. Hearn has owned the property since 1990 and resided there since 1991. She is requesting to install a home for her daughter to be close to her. The R2M zoning also allows for more than one residence per property.

ATTACHMENTS
(CIRCLE)

SUBMITTED PLANS

**PUBLIC HEARING PETITION/
APPLICATION FORM**

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

OTHER (DESCRIBE)

PLANNING AND ZONING COMMISSION MINUTES

On this the 3rd day of September 2024, 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 Chair
Kim Hesley – Secretary
Rocky Gudim
Tom Blazek

Members Absent

Ric Young
Josh Dowling

Staff Members Present

Mike Donoho, Director
Carey Dietrich, Asst Director Bldg. & Dev./Community Planner
Patti Dodson, Planning Technician
Belinda Garcia, Administrative Coordinator
Robert Decker, Building Inspector
David Lowell, Building Inspector
Robert Argetsinger, IT Director

Guest(s) Present

Five (5): Brad Brundrett, Elizabeth Brundrett
Don Van Velzer with JW Turner Construction
Sue Pash and Guest

Open Meeting

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

Public Hearing

Open 5:31pm.

2. Conduct a Public Hearing to consider a request to replat property previously platted located at 3542 Loop 1781; also known as Lot 16, Spanish Woods Estate #5, being 19.426 acres, City of Rockport, Aransas County, Texas.

Elizabeth Brundrett spoke. Chair Davis read into record two (2) citizen responses who were in favor of the replat.

3. Conduct a Public Hearing to consider a request to replat the property located at 1117 N Live Oak St.; also known as Lots 5 – 12, Block 245, Smith & Wood Subdivision.

Don Van Velzer with JW Turner Construction spoke. He emphasized that the proposed townhouse style duplexes, although affordable, are not Section 8 housing. Chair Davis read into record one (1) citizen response with accompanied letter who was in opposition to the replat.

4. Conduct a Public Hearing to consider a request to rezone the property located at 1117 N Live Oak St.; also known as Lots 5 – 12, Block 245, Smith & Wood Subdivision to R3 (Duplex Dwelling District), currently zoned R1 (1st Single Family Dwelling District).

Don Van Velzer spoke. Chair Davis read into record 28 (twenty-six) citizen responses were in opposition of the rezone, noting that 26 of the 28 citizen responses in opposition are not within 200 feet of the request for rezone property.

Regular Agenda

Close Public Hearing and Open Regular Meeting 5:46 pm.

5. Deliberate and act on approval of the regular meeting minutes of August 5, 2024.

Motion: Vice Chair Hassinger made a motion to approve the August 5, 2024 minutes as presented. Secretary Hesley seconded. Motion Passed Unanimously.

6. Deliberate and act on a request to replat property previously platted located at 3542 Loop 1781; also known as Lot 16, Spanish Woods Estate #5, being 19.426 acres, City of Rockport, Aransas County, Texas.

Secretary Hesley spoke. Member Gudim spoke.

Motion: Member Gudim made a motion to approve the replat. Vice Chair Hassinger seconded. Motion passed Unanimously.

7. Deliberate and act on a request to replat the property located at 1117 N Live Oak St.; also known as Lots 5 – 12, Block 245, Smith & Wood Subdivision.

Community Planner Carey Dietrich spoke.

Motion: Vice Chair Hassinger made a motion to approve the replat. Member Blazek seconded. Motion Passed Unanimously.

8. Deliberate and act on a request to rezone the property located at 1117 N Live Oak St.; also known as Lots 5 – 12, Block 245, Smith & Wood Subdivision to R3 (Duplex Dwelling District), currently zoned R1 (1st Single Family Dwelling District).

Community Planner Carey Dietrich spoke explaining that there was misinformation circulating in the community that the rezone was to allow for low-income Section 8 housing. Don Van Velzer spoke again stating that the townhouse style duplexes were for sale and not Section 8 housing. Secretary Hesley spoke. Vice Chair Hassinger spoke. Member Gudim spoke. Citizen Sue Pash spoke in opposition. Chair Davis spoke.

Motion: Member Gudim made a motion to approve the rezone. Member Blazek seconded. Roll call with all in favor. Motion passed unanimously.

6. Adjournment 6:02 pm

Motion: Vice Chair Hassinger made a motion to adjourn. Secretary Hesley seconded. Motion passed Unanimously.

Prepared by:

Patti Dodson, Planning Technician

Approved by:

Ruth Davis, Chair

Kim Hesley, Secretary

DRAFT

PLANNING & ZONING COMMISSION AGENDA

Regular Meeting: Monday, September 16, 2024

AGENDA ITEM: 4

Deliberate and act on a request to rezone property located at 1306 Smokehouse Rd.; also known as Lot 3, Oak Bay Subdivision, 1.879 acres, to R-2M (Manufactured Housing District), currently zoned R-1 (1st Single Family Dwelling District).

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

BACKGROUND: Property owner, Bettie Hearn, is requesting to rezone to R2M in order to have a manufactured home placed on the property so that her daughter, Ms. Margarette Little, can be close to her elderly parents who need assistance daily. The majority of the surrounding properties are all zoned R2M as well.

A public notice regarding this item was published in The Rockport Pilot in the Thursday, August 29, 2024 edition and mailed out to fourteen (14) property owners within a 200-foot radius of the property. No letters For or Against the request have been received at this time.

Please see the accompanying zoning change request application and Section 118-9 of the Code of Ordinances for detail information.

RECOMMENDATION: Staff recommends approval of the request to rezone property located at 1306 Smokehouse Rd.; also known as Lot 3, Oak Bay Subdivision, 1.879 acres, to R-2M (Manufactured Housing District), currently zoned R-1 (1st Single Family Dwelling District).

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**

1306 Smokehouse Rd

APPLICANT/PROPERTY OWNER

Bettie Little Hearn - Owner

PUBLIC HEARING DATE

P&Z – Monday, September 16, 2024
 CC – Tuesday, September 24, 2024

P&Z DATE

P&Z – Monday, September 16, 2024

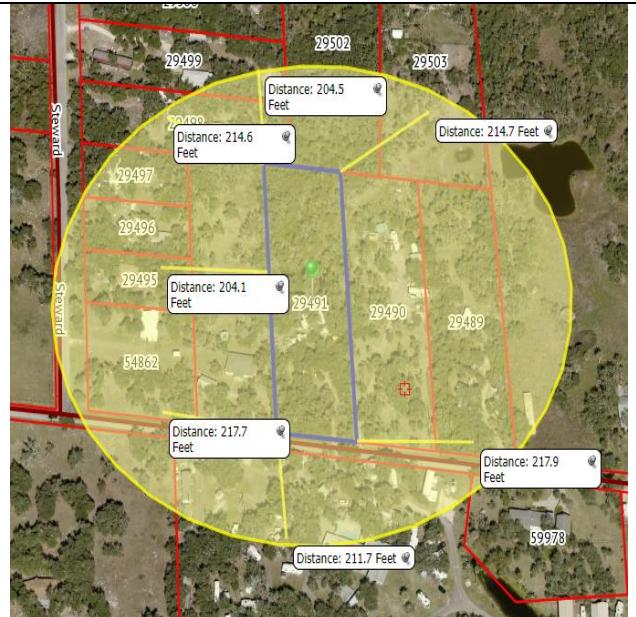
CITY COUNCIL DATE(S)

1st Reading – Tuesday, September 24, 2024
 2nd Reading – Tuesday, October 8, 2024

BRIEF SUMMARY OF REQUEST

Property owner, Bettie Little Hearn, is requesting to rezone to R2M in order to have a manufactured home placed on the property so that her daughter, Margarett Little, can be close to her elderly parents who need assistance daily. The majority of the surrounding properties are all zoned R2M as well.

A public notice regarding this item was published in The Rockport Pilot in the Thursday, August 29, 2024 edition and mailed out to fourteen (14) property owners within a 200-foot radius of the property. No letters For or Against the request have been received at this time.



MAP SOURCE: Pictometry

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STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY with the ZONING ORDINANCE The Current Future Land Use Map suggests Residential Use	PROPERTY HISTORY Ms. Hearn has owned the property since 1990 and resided there since 1991. She is requesting to install a home for her daughter to be close to her. The R2M zoning also allows for more than one residence per property.
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ATTACHMENTS
(CIRCLE)

SUBMITTED PLANS

**PUBLIC HEARING PETITION/
APPLICATION FORM**

LEGAL NOTICE

LEGAL DESCRIPTION

OTHER (DESCRIBE)

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS



RECEIVE
AUG 16 2024
BY: *PLB*

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 1305 Smokehouse Rd
Rockport TX 78382

C. CURRENT ZONING OF PROPERTY: _____

D. PRESENT USE OF PROPERTY: _____

E. ZONING DISTRICT REQUESTED: _____

F. CONDITIONAL USE REQUESTED: _____

G. LEGAL DESCRIPTION: (Fill in the one that applies) Block 300 Oak Bay Sub.
• Lot or Tract 3 Block _____
• Tract _____ of the _____
Survey as per metes and bounds (field notes attached)
• If other, attach copy of survey or legal description from the Records of
Aransas County or Appraisal District.

H. NAME OF PROPOSED DEVELOPMENT (if applicable) _____

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

J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:
(Please be specific)
put a mobile home next to my elderly parents as they can no longer stand to themselves and need help with daily items & care

K. OWNER'S NAME: (Please print) Bettie Hearn (Little)
ADDRESS: 1306 Smokehouse Rd
CITY, STATE, ZIP CODE: Rockport TX 78382
PHONE NO (361) 249-6147
(361) 450-0006

L. REPRESENTATIVE: (If Other Than Owner) Margarette Little
ADDRESS: 1306 Smokehouse Rd
CITY, STATE ZIP CODE: Rockport TX 78382
PHONE NO (361) 249-6147

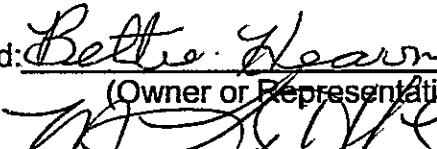
NOTE: Do you have property owner's permission for this request?
YES NO

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

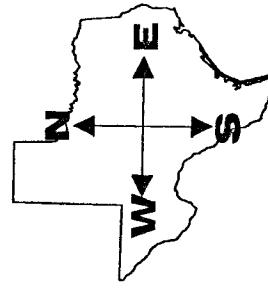
(Make check payable to the City of Rockport)

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

Signed: Bettie Hearn
(Owner or Representative)

(FOR CITY USE)

Received by: _____ Date: _____ Fees Paid: \$ _____
Submitted Information (accepted) (rejected) by: _____
If rejected, reasons why: _____

Receipt No. _____



Lot 10

Lot 14

**SURVEY OF LOT NO. 3
OAK BAY
SUBDIVISION
VOLUME 3, PAGE 105
PLAT RECORDS
ARANSAS COUNTY
TEXAS**

SCALE 1" = 30'

111

THIS IS TO CERTIFY THAT I HAVE CONSULTED
THE FEDERAL FLOOD HAZARD MAP DATED
2/17/16, AND FOUND THAT THE
PROPERTY DESCRIBED HEREIN IS (OR)
IS NOT LOCATED IN A 'SPECIAL FLOOD
HAZARD AREA.
UNLESS OTHERWISE SHOWN.

PANEL NO. <u>0350G</u>	COMMUNITY NO. <u>484542</u>
<p>THIS INFORMATION IS BASED ON SCALING THE LOCATION OF THIS SURVEY ON THE FEMA MAP, AND IS INTENDED TO BE USED TO DETERMINE INSURANCE RATES ONLY, AND NOT TO IDENTIFY SPECIFIC FLOODING CONDITIONS.</p>	
<p>5/8" STEEL REBARS FOUND OR SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE SHOWN. ALL SET RODS ARE CAPPED WITH</p>	

SURVEYOR HAS MADE NO INVESTIGATION OR
INDEPENDENT SEARCH FOR EASEMENTS OF
RECORD, ENCUMBRANCES, RESTRICTIVE
COVENANTS OR OWNERSHIP OF TITLE
EVIDENCE. SURVEYOR DID NOT REVIEW

COPYRIGHT NOTICE

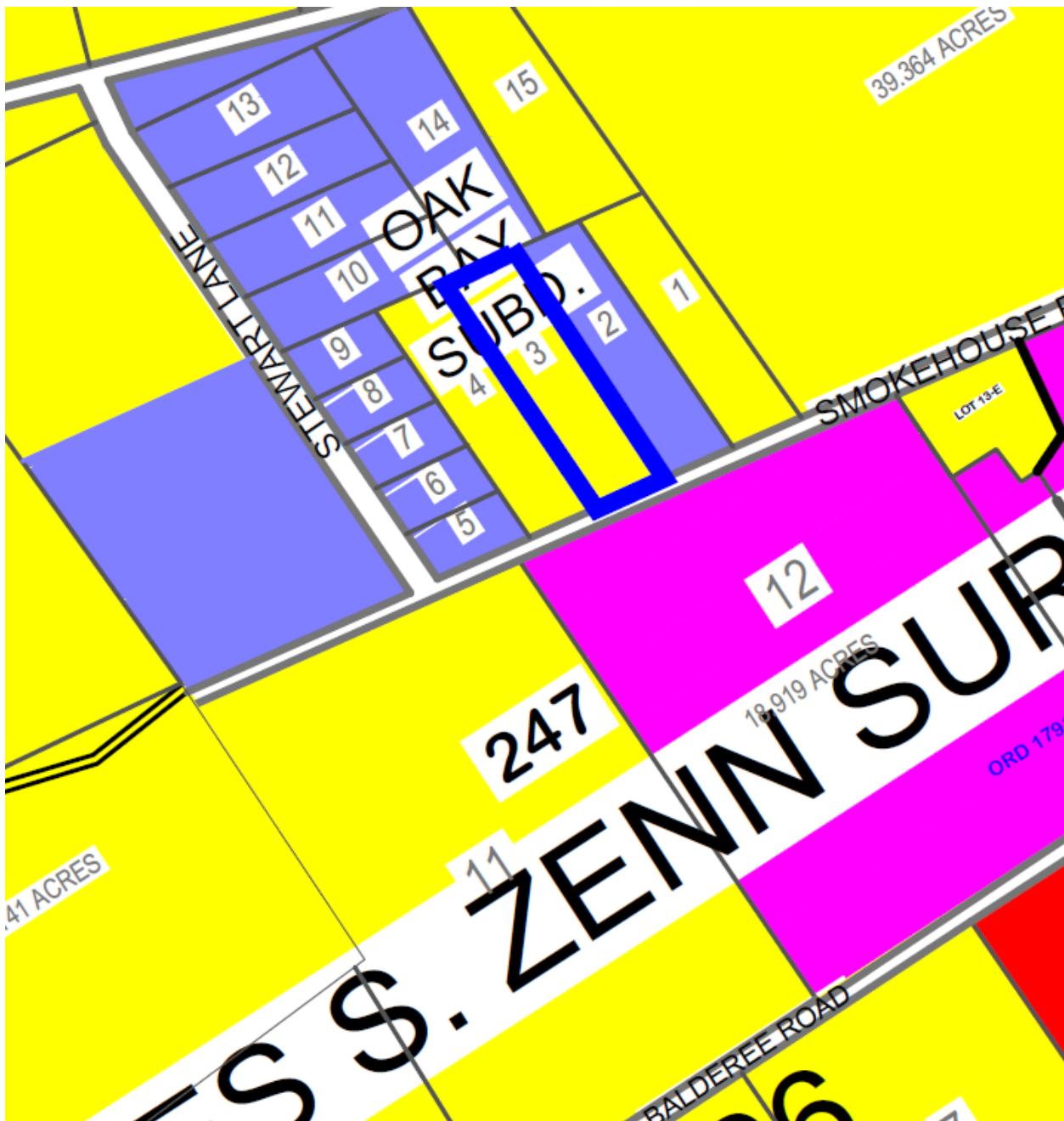
ANY COPY OF THIS DRAWING MUST BEAR THE SURVEYOR'S ORIGINAL SEAL AND SIGNATURE IN RED INK OR THE DRAWING IS AN UNAUTHORIZED REPRODUCTION WHICH MAY HAVE BEEN ALTERED OR CHANGED WITHOUT THE SURVEYOR'S KNOWLEDGE

THIS ORIGINAL WORK IS PROTECTED UNDER
COPYRIGHT LAW, TITLE 17, UNITED STATES, CONF.

<p>PROSECUTED TO THE FULLEST EXTENT OF THE LAW.</p>	<p>I, J. L. BRUNDRETT, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PLAT CORRECTLY SHOWS A SURVEY ON THE GROUND OF THE FOREGOING PROPERTY AND THAT THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS OR PROTRUSIONS (EXCEPT AS SHOWN HEREON.)</p>	<p>J. L. BRUNDRETT, JR., B.P.S. REG. NO. 2133 TRIBES SURVEYING, INC. NO. 10004800</p>
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Property ID	Property Owner	Situs Address	Mailing Address	City	State	ZIP
29491	Bettie Little Hearn	1306 Jim's Smokehouse Rd.	1306 Jim's Smokehouse Rd.#865	Rockport	TX	78382
29502	M/M James Ballou	1403 Eighteenth St.	1403 18th St.	Rockport	TX	78382
29503	Jess & Shaleen Parker	1401 Eighteenth St.	1401 18th St.	Rockport	TX	78382
29490	Nancy Richmond	1304 Jim's Smokehouse Rd.	1304 Jim's Smokehouse Rd.	Rockport	TX	78382
29489	Trudy J. Wright	1302 Jim's Smokehouse Rd.	1302 Jim's Smokehouse Rd.	Rockport	TX	78382
59977	Sampatti LLC	1301 Jim's Smokehouse Rd.	409 Palmer Dr.	Portland	TX	78374
29492	Javier Lopez	1308 Jim's Smokehouse Rd.	1308 Jim's Smokehouse Rd.	Rockport	TX	78382
54862	Lawrence E. Williams	106 Steward Ln.	106 Steward Ln.	Rockport	TX	78382
29495	Jeff Jackson	110 Steward Ln.	110 Steward Ln.	Rockport	TX	78382
29496	Robert & Debbie Jackson	114 Steward Ln.	6 Spoonbill Ln.	Rockport	TX	78382
29497	Weaver Squared LLC	118 Steward Ln.	118 Steward Ln.	Rockport	TX	78382
29498	Harry Boyd Jr.	122 Steward Ln.	337 S. Commercial St.	Rockport	TX	78382
29499	Larry A. & Anna Maria Flores	124 Steward Ln.	124 Steward Ln.	Rockport	TX	78382
	Josh Dowling	Planning and Zoning Commi	102 N Santa Clara Drive	Rockport	TX	78382
	Rocky Gudim	Planning and Zoning Commi	1016 S. Magnolia St.	Rockport	TX	78382
	Ruth Davis	Planning and Zoning Commi	P.O. Box 706	Fulton	TX	78358
	Ric Young	Planning and Zoning Commi	123 Royal Oaks Dr	Rockport	TX	78382
	Kim Hesley	Planning and Zoning Commi	2003 Tule Park Drive	Rockport	TX	78382
	Warren Hassinger	Planning and Zoning Commi	2517 Turkey Neck Circle	Rockport	TX	78382
	Thomas Blazek	Planning and Zoning Commi	102 St Andrews St	Rockport	TX	78382

ZONING MAP



FUTURE LAND USE MAP

