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## CITY COUNCIL AGENDA

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Notice is hereby given that the Rockport City Council will hold a regular meeting on Tuesday, February 23, 2016, at 6:30 p.m. The meeting will be held at Rockport City Hall, 622 E. Market, Rockport, Texas. The matters to be discussed and acted upon are as follows:

### **Opening Agenda**

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1. Call meeting to order.
2. Pledge of Allegiance.
3. Proclamation: Read Across Aransas County Day – March 2, 2016.

4. Citizens to be heard.

At this time, comments will be taken from the audience on any subject matter that is not on the agenda. To address the Council, please sign the speaker's card located on the table outside the Council Chamber and deliver to the City Secretary before the meeting begins. Please limit comments to three (3) minutes. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda.

### **Consent Agenda**

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All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

5. Deliberate and act on approval of City Council Regular Meeting Minutes of February 9, 2016.
6. Deliberate and act on request from Rockport Yacht Club for the City to allow temporary directional signage at the intersection of Market Street and Highway 35 South on May 6-9, 2016, for the 15<sup>th</sup> Annual Rockport Nautical Flea Market.

### **Public Hearing**

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7. Conduct and deliberate a Public Hearing for the purpose of considering abolishing, continuance, or modification of the Juvenile Curfew Ordinance for the City of Rockport, Aransas County, Texas.

### **Regular Agenda**

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8. Deliberate and act on Planning & Zoning Commission recommendation to deny request for a Conditional Use Permit on property located at 3021-3099 Loop 1781; also known as A76 Joseph Hollis Survey, being 47.981 acres, also includes Lago Vista Village, Lot B, Rockport, Aransas County, Texas, currently zoned B-1 (General Business District) to Conditional Use Permit Overlay to allow development of an RV Resort Park.
9. Deliberate and act on Planning & Zoning Commission recommendation to deny request for a zoning change from R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District) on property located at 104 Woodland Drive; also known as .678 acre out of 1.51

acres at the northwest corner of FM 2165 & entry road, Rockport County Club Estates, Unit 2, Rockport, Aransas County, Texas, to allow construction of two storage units for personal property, RV, home office, and shop space.

10. Deliberate and act on approval of scope of work for Bayshore Drive.

11. Reports from Council.

At this time, the City Council will report/update on all committee assignments, which may include the following: Aransas Pathways Steering Committee; Building and Standards Commission; Coastal Bend Bays and Estuaries Program; Coastal Bend Council of Government; Environmental Committee for Water Issues; Parks & Leisure Services Advisory Board; Planning & Zoning Commission; Rockport Heritage District Board; Rockport-Fulton Chamber of Commerce; Aransas County Storm Water Management Advisory Committee; Swimming Pool Operations Advisory Committee; Tourism Development Council; Tree & Landscape Committee; YMCA Project Committee; Texas Maritime Museum, Fulton Mansion, Rockport Center for the Arts, Aransas County, Aransas County Independent School District, Aransas County Navigation District, Town of Fulton, and Texas Municipal League. No formal action can be taken on these items at this time.

### **Executive Session**

City Council will hold an executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

12. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: a) Templeton, b) Pena/Dack, and c) Bay Education Center.
13. Section 551.071(2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.
14. Section 551.072 Deliberation regarding real property - deliberate the purchase, exchange, lease, or value of real property: Project Red Fish.
15. Section 551.074 Personnel Matters: City Secretary evaluation.
16. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.

### **Open Session**

17. City Council will reconvene into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.
18. 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 email [citysec@cityofrockport.com](mailto: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.

**Certification**

I certify that the above notice of meeting was posted on the bulletin board at City Hall, 622 E. Market Street, Rockport, Texas on Thursday, February 19, 2016, by 5:00 p.m. and on the City's website at [www.cityofrockport.com](http://www.cityofrockport.com). I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot*, *Coastal Bend Herald*, and *Corpus Christi Caller Times*.

  
\_\_\_\_\_  
Teresa Valdez, City Secretary

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, February 23, 2016**

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**AGENDA ITEM: 3**

Proclamation: Read Across Aransas County Day – March 2, 2016

**SUBMITTED BY:** Mayor Charles J. Wax

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** March 2, 2016 is National Education Association Read Across America Day. The Aransas County Public Library, Aransas County Independent School District, ABC Learning Center, First Learning Tree, Little Lights Learning Center, Odyssey and Connections Family Services have joined together and are hosting events and activities to promote “Read Across Aransas County Day.” See the accompanying flyer and proclamation for more information.

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**FISCAL ANALYSIS:** N/A

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**RECOMMENDATION:** Not an action item.

## PROCLAMATION

**WHEREAS**, the citizens of Rockport, Texas stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

**WHEREAS**, the city of Rockport, Texas has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well-being and long-term quality of life; and

**WHEREAS**, "Read Across Aransas County" in conjunction with "NEA's Read Across America," a national celebration of reading on March 2, 2016, sponsored by the National Education Association, promotes reading and adult involvement in the education of our community's students;

**THEREFORE, BE IT RESOLVED** that the City Council of Rockport, Texas calls on the citizens of Rockport to assure that every child is in a safe place reading together with a caring adult on March 2, 2016; and

**BE IT FURTHER RESOLVED** that this body enthusiastically endorses "Read Across Aransas County" and recommits our community to engage in programs and activities to make America's children the best readers in the world.

**NOW, THEREFORE**, I Charles J. Wax, Mayor of the City of Rockport, do hereby proclaim March 2, 2016 as

### **READ ACROSS ARANSAS COUNTY DAY**

in the City of Rockport, Aransas County, Texas.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the City of Rockport, Texas, to be affixed this 23<sup>rd</sup> day of February 2016.

**CITY OF ROCKPORT, TEXAS**

\_\_\_\_\_  
Charles J. Wax, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Valdez, City Secretary

# Oh the Places You'll Go when you read!

March 2, 2016 is NEA's Read Across America Day. Here in Aransas County we are calling all children, both young and old, to celebrate the joys of reading. Readers of all ages are encouraged to join the Seussational celebrations February 28 - March 4, 2016.

## About NEA's Read Across America

The National Education Association is building a nation of readers through its signature program, NEA's Read Across America. Now in its 19th year, this year-round program focuses on motivating children and teens to read through events, partnerships, and reading resources.

*"You're never too old, too wacky, too wild, to pick up a book and read with a child."*

Our reading party at Aransas County ISD starts early with a proclamation by the ACISD School Board declaring February 18 – March 4, 2016, Read Across Aransas County Week. The high school and middle school will host author April Henry on February 18<sup>th</sup> and 19<sup>th</sup>. A group of high school and middle school students will attend the Second Annual Teen Bookfest by the Bay, Saturday, February 20, 2016 at Tuloso-Midway High School!! Then on February 23<sup>rd</sup>, Little Bay Primary will host a Seussical Family Night at the Library.

The Aransas County Public Library, Aransas County Independent School District, ABC Learning Center, First Learning Tree, Little Lights Learning Center, Odyssey and Connections Family Services invite you to join in fun activities, story times, crafts and cake on February 28<sup>th</sup> from 2:00 to 4:00 pm in Memorial Park.

During the week of February 29 – March 4, 2016, each ACISD campus will host events and activities culminating with Live Oak Learning Center's Fairy Tale Ball on March 4<sup>th</sup>. Our community partners ABC Learning Center, Little Lights Learning Center, First Learning Tree and Odyssey will also hold special celebrations. So please mark your calendars now and help us celebrate reading.

**READ  
ACROSS  
ARANSAS  
COUNTY DAY**



**March 2, 2016**

[www.nea.org/readacross](http://www.nea.org/readacross)



# The Early Literacy Collaborative of Aransas County:

*Partnering to Improve Early Literacy*

## **ABOUT US**

Concerned about the low pre-literacy and oral language skills of students entering school, the Early Literacy Collaborative of Aransas County formed to partner across the community to address these challenges. Their goal is to shine a spotlight on the importance of families helping young children develop early literacy skills.

From the time they start school, children need to be on track. According to research, kindergarteners who start school without basic literacy skills needed to succeed will struggle to read competently by third grade. Third grade reading scores are a strong indicator of future academic and workplace success.

Children begin developing language abilities from birth and these can later be directly related to reading abilities. Parents, who read, sing and tell stories help their preschool children develop richer vocabularies. Children with larger vocabularies become better readers and perform better in school. Reading is one of the most important things a parent can do with their child.

Adults who are centers of influence in a child's life can promote and incorporate daily literacy activities that support reading success. This helps build reading proficiency by the end of third grade. However, many families and caregivers are not aware of the important role they play. Creating awareness of the importance of early literacy is critical. We can build partnerships and guide families to talk with their infants and toddlers to build vocabulary, to share daily literacy activities and provide resources that can help promote reading readiness.

From home, to school and in the community, we want to offer the children of Aransas County learning experiences that are rich in language acquisition and literacy. Our community can play an important part in strengthening literacy outcomes to help our children grow and thrive.

## **Our Partners**

Little Bay Primary  
 ABC Learning Center  
 First Learning Tree  
 Little Lights Learning Center  
 Odyssey After School  
 Aransas County Public Library  
 ACISD Parent Resource Center  
 Aransas County ISD

## **Partner Programs**

Read for the Record – October 22, 2015  
 Dr. Seuss in the Park – February 28, 2016  
 Week of the Young Child – April 10-16, 2016  
 Children's Book Week – May 2-8, 2016

## **Dr. Seuss in the Park**

The Early Literacy Collaborative created and produced the first community wide literacy event on March 1, 2015 called Dr. Seuss in the Park. The event was held at Memorial Park in Rockport, Texas. We planned a Sunday afternoon of story times, literacy activities, face painting, balloon sculptures and invited the community to join in the fun. The goal was to bring families together, and to highlight the importance of reading with your children.

We planned for approximately 100 children, and through donations, bought 100 Dr. Seuss books, book bags, bookmarks and reading tattoos to give to each child. Despite the drizzly weather, families began arriving early and soon all the books were gone. In all, over 200 children plus their families attended. Each family registered so that we could get an accurate account of how many attended.

This year a second Dr. Seuss in the Park event is scheduled for Sunday February 28, 2016, 2:00 to 4:00 PM at Memorial Park. From the response and requests we have received we are anticipating 275 to 300 children. Instead of purchasing 100 copies of one title, we are providing 200 assorted titles by Dr. Seuss to meet children's different reading levels. We increased our story time stations from 3 to 4 and added additional literacy activity and craft stations.

We are very excited to bring this event to our community again this year and appreciate the support and sponsorships we have received.

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, February 23, 2016**

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**AGENDA ITEM: 5**

Deliberate and act on approval of City Council Regular Meeting Minutes of February 9, 2016.

**SUBMITTED BY:** City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** Please see the accompanying minutes of the Regular Meeting of February 9, 2016.

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**FISCAL ANALYSIS:** N/A

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**RECOMMENDATION:** Staff recommends Council approve the Minutes, as presented.

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, February 9, 2016 Rockport City Hall, 622 East Market Street

On the 9<sup>th</sup> day of February 2016, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:30 p.m., at the regular meeting place in City Hall, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

#### CITY COUNCIL MEMBERS PRESENT

Mayor Charles J. Wax  
Mayor Pro-Tem Pat Rios, Ward 3  
Council Member Rusty Day, Ward 1  
Council Member J. D. Villa, Ward 2

#### CITY COUNCIL MEMBER(S) ABSENT

Council Member Barbara Gurtner, Ward 4 (*ill*)

#### PLANNING & ZONING COMMISSION MEMBERS PRESENT

Edward Bellion  
Graham Wilson  
Brian Olsen  
Shawn Johnston  
Diana Severino-Saxon

#### STAFF MEMBERS PRESENT

City Manager Kevin Carruth  
City Attorney Terry Baiamonte  
City Secretary Teresa Valdez  
Police Chief Tim Jayroe  
Public Works Director Mike Donoho  
Public Works Assistant Director Art Smith  
Finance Director Patty Howard  
Park & Leisure Services Director Tom Staley  
Community Planner Kimber Clark

#### ELECTED OFFICIALS

#### Opening Agenda

##### 1. Call to Order.

With a quorum of the Council Members present, the Regular Meeting of the Rockport City Council was called to order by Mayor Wax at 6:32 p.m. on Tuesday, February 9, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

## 2. Pledge of Allegiance.

Council Member Villa led the Pledge of Allegiance to the U.S. flag.

## 3. Citizens to be heard.

At this time comments will be taken from the audience on any subject matter that is not on the agenda. To address the Council, please sign the speaker's card located on the table outside the Council Chamber and deliver to the City Secretary before the meeting begins. Please limit comments to three (3) minutes. In accordance with the Open Meetings Act, Council may not discuss or take any action on any item that has not been posted on the agenda.

There were no citizen comments.

## Consent Agenda

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

4. **Deliberate and act on approval of City Council Regular Meeting Minutes of January 26, 2016, and the Planning Workshop Minutes of February 2, 2016.**
5. **Deliberate and act to appoint member to YMCA Development Committee.**
6. **Deliberate and act on 1<sup>st</sup> quarter report from Rockport Center for the Arts for Fiscal Year 2015-2016 marketing expenditures.**
7. **Deliberate and act on a Resolution setting the Capital Recovery Fee owed by the Town of Fulton and setting the interest rate for the period February 1, 2016, to January 31, 2017.**
8. **Deliberate and act on an interlocal agreement with Harris County Department of Education for participation in the Choice Partners cooperative purchasing program.**
9. **Deliberate and act on an interlocal agreement with 1Government Procurement Alliance for participation in the 1GPA cooperative purchasing program.**

Mayor Wax called for requests to remove any item from the Consent Agenda for separate discussion. There being no requests, Mayor Wax called for a motion.

**MOTION:** Council Member Villa moved to adopt the Consent Agenda Items as presented. Mayor Pro-Tem Rios seconded the motion. Motion carried unanimously.

## Public Hearing

### 10. Call to Order- Rockport Planning & Zoning Commission.

With a quorum of the Rockport Planning & Zoning Commission present, the meeting of the Rockport Planning & Zoning Commission was called to order by Chairman Brian Olsen at

6:33 p.m. on Tuesday, February 9, 2016, in the Council Chambers of the Rockport City Hall, 622 E. Market Street, Rockport, Texas.

**11. Conduct and deliberate a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a Conditional Use Permit on property located at 3021-3099 Loop 1781; also known as A76 Joseph Hollis Survey, being 47.981 acres, also includes Lago Vista Village, Lot B, Rockport, Aransas County, Texas, currently zoned B-1 (General Business District) to Conditional Use Permit Overlay to allow development of an RV Resort Park.**

Mayor Wax opened the Joint Public Hearing at 6:33 p.m.

Mayor Wax stated the Planning & Zoning Commission will consider this request at their meeting on Monday, February 15, 2016, at 5:30 p.m.

Randy Wells of 198 Lago Vista Drive addressed the Council. Mr. Wells asked if an environmental study had been performed on this site. Mr. Wells stated he feeds 15-20 sandhill cranes and he is concerned about taking away the natural environment for wildlife.

James Carson of 199 Lago Vista Drive addressed the Council. Mr. Carson stated this property adjoins his land and he is concerned about the location and type of entrance into the RV resort park. Mr. Carson voiced concerns in regard to privacy, dust from the road and the environmental effect on the whooping cranes.

Tim Smith of 190 Lago Vista Drive addressed the Council. Mr. Smith stated he has lived here for seven (7) years and he is quite used to not having development near him. Mr. Smith added that he is concerned about how the development will be fenced; will it be a four-foot chain link fence that is easy to crawl over and collects debris? Mr. Smith said he would like to see an eight-foot cement or wood fence built. Mr. Smith voiced concern about noise and road dust. Mr. Smith added that the City maintains a right-of-way through the property and residents have access to Salt Lake, which would be lost with this development.

J.R. Gimler representing the developer addressed the Council. Mr. Gimler stated that the roads are going to be cement and there will be a wood fence constructed between the properties. Mr. Gimler stated it is hard to access the back of the property at this point and he is aware that there have been children with BB guns on the property and others accessing Salt Lake. Mr. Gimler reminded everyone that this is private property. Mr. Gimler added that they will do their best to be a good neighbor.

Frank Simmons of 414 Old Salt Lake Road addressed the Council. Mr. Simmons stated he has lived here for 14 years. Mr. Simmons informed the Council that in the 2014 bird count, there were 141 species of birds in Rockport and 77 of those species live in the wetlands. Mr. Simmons said the wetlands need to be protected. Mr. Simmons voiced concern regarding protection of wildlife, environmental issues – sewage, pollution into Salt Lake, and the density of this property – 350 people with only a single ingress and egress.

James Smith of 3002 FM 1781 addressed the Council. Mr. Smith stated he was concerned about the roads and the entrance into the RV resort park.

Sandy Monty of 149 Old Salt Lake Road addressed the Council. Ms. Monty stated she was concerned about water usage, pollution of Salt Lake, destruction of shoreline, and noise. Ms. Monty said the proposed entrance into the RV resort park looks to be very dangerous; there is one little bridge over the wetlands. Ms. Monty added that if this is allowed to be built there will be nowhere for the wildlife to go.

Gordon Stanley addressed the Council. Mr. Stanley stated he is acquainted with the developer for this property and it will be a quality development. Mr. Stanley added that he knows the developer will consider the concerns voiced tonight.

Russell Jackson of 302 Baywatch Drive, addressed the Council. Mr. Jackson said his main concern is that there will be a RV park next to his property and this will affect the value of his home. Mr. Jackson stated he was also concerned about the wildlife. Mr. Jackson asked how many RV sites the Council wants in Rockport.

Frank Simmons stated there is a gas line that runs through his property that is inactive but not abandoned. Mr. Simmons asked what the requirement is for this pipeline.

Mr. Gimler stated he has a 40-foot pipeline easement.

Mayor Wax encouraged everyone who voiced comments tonight to attend the Planning & Zoning Commission meeting on Monday at 5:30 p.m.

Mayor Wax closed the Joint Public Hearing at 6:54 p.m.

## **12. Adjourn – Rockport Planning & Zoning Commission.**

At 6:55 p.m., the Rockport Planning & Zoning Commission adjourned.

## **13. Conduct a Public Hearing to consider a request from Steve Pham for permanent closure/abandonment/vacation of a 20-foot wide alleyway lying between Lots 1 and 9, in Block 107, Manning Addition, and a 20-foot wide alleyway lying between Lots 15-16 and 7-8 in Block 108, Manning Addition, Rockport, Aransas County, Texas, also known as 1803 Young Street.**

Mayor Wax opened the Public Hearing at 7:04 p.m.

Steve Pham addressed the Council. Mr. Pham said these two alleyways have been vacant for a long time with no taxes being paid on the property. Mr. Pham informed the Council that he is seeking closure of the alleyways so he can replat his property to include these alleyways and build rental cottages. Mr. Pham stated he believes the appraisal of the alleyways received by the City is too high and he is asking if the Council would reconsider the tax appraisal. Mr. Pham called the Council's attention to an appraisal he received from the Appraisal District that shows an appraisal of \$1.20 per foot on his property in the rear and \$2.00 per foot on his property in the front. Mr. Pham stated the appraisal received by the City shows an appraisal of \$2.40 all the way around the property.

Mayor Wax stated that it has been a policy of the Council not to sell property lower than the appraised value.

Discussion was held among Council and Mr. Pham.

Mayor Wax asked that the City Secretary email Mr. Pham's appraisal from the Appraisal District to each Council Member for consideration.

Mayor Wax closed the public hearing at 7:04 p.m.

### **Regular Agenda**

#### **14. Hear and deliberate on presentation of City of Rockport Police Department 2015 Racial Profiling Report.**

Rockport Police Chief Tim Jayroe addressed the Council and stated the 2015 Racial Profiling Report was being presented in compliance with Texas Code of Criminal Procedure Article 2.134 related to Statutory Prohibition of Racial Profiling. Chief Jayroe said the number of "9" searches was inaccurate due to a software glitch. Chief Jayroe stated that in order to amend the report, someone would have to read each of the 800 reports and enter the correct information.

Brief discussion was held among Council and Chief Jayroe in regard to the 2015 Racial Profiling Report.

#### **15. Deliberate and act on proposal to replace audio and visual equipment in the Public Safety Center Emergency Operations Center. – Tabled January 26, 2016.**

**MOTION:** Mayor Wax moved to remove this item from the table. Council Member Villa seconded the motion. Motion carried unanimously.

Aransas County IT Director Collin Jackson addressed the Council. Mr. Jackson said he had been asked by the City Council to find out how long the installation process would take. Mr. Jackson stated that if the contractor begins work in April, and training is conducted on the use, it should be ready by the middle of May.

Mayor Wax informed the Council that the Aransas County Commissioners' Court voted on Monday to support replacement of audio and visual equipment in the Public Safety Center Emergency Operations Center.

Council Member Villa asked if Mr. Jackson had requested any additional bids.

Mr. Jackson answered Mr. Villa that he did not, due to the time frame necessary to complete this before hurricane season.

**MOTION:** Mayor Wax moved to approve the project with the unbudgeted cost for the City of Rockport to not exceed \$32,000.00. Council Member Villa seconded the motion. Motion carried unanimously.

## 15. Reports from Council.

At this time, the City Council will report/update on all committee assignments, which may include the following: Aransas Pathways Steering Committee, Building and Standards Commission; Coastal Bend Bays and Estuaries Program; Coastal Bend Council of Government; Environmental Committee for Water Issues; Keep Rockport Beautiful Advisory Board; Parks & Leisure Services Advisory Board; Planning Zoning Commission; Rockport Heritage Board; Rockport-Fulton Chamber of Commerce; Aransas County Storm Water Management Advisory Committee; Swimming Pool Operations Advisory Committee; Tourism Development Council; Tree & Landscape Committee; YMCA Project Committee; Texas Maritime Museum; Fulton Mansion; Rockport Center for the Arts; Aransas County; Aransas County Independent School District; Aransas County Navigation District; Town of Fulton; and Texas Municipal League. No formal action can be taken on these items at this time.

Mayor Wax read a letter from Luce Properties thanking the City for the purchase of the property located on Broadway.

Mayor Wax distributed to the City Council the City Secretary evaluation form and asked that the Council return the forms to him by February 19, 2016.

Park & Leisure Services Director Tom Staley addressed the Council. Mr. Staley informed the Council that he will be meeting with two fencing companies to seek proposals for fencing the property recently purchased along Broadway. Mr. Staley called the Council's attention to an overhead projection of different types of fencing and recommended the cedar, rustic look fence.

Discussion was held among Council.

It was the consensus of Council that Mr. Staley seek a proposal for the cedar, rustic type of fence with an add-in option of putting fence on the backside of the property along Business Highway 35.

Mayor Pro-Tem Rios stated the YMCA Development Committee held a meeting on Monday, February 8, 2016. He said a full size drawing of the proposed facility was presented to the Committee. Mayor Pro-Tem Rios informed the Council that the proposed facility is 28,280 square feet, will incorporate the existing aquatic pool and the estimated cost is \$4.5-\$5 million.

Council Member Villa announced that there will be a meet-and-greet at Spencer Park this Saturday at 10:00 a.m. Council Member Villa stated the Aransas County Leadership Class will be presenting their refurbishing ideas for Spencer Park.

### Executive Session

**City Council will hold an executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:**

**16. Section 551.071(1)(A) Consultation with Attorney on pending or contemplated litigation: a) Templeton, b) Pena/Dack, and c) Bay Education Center.**

**17. Section 551.071(2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.**

- 18. Section 551.072 Deliberation about Real Property: Deliberate the purchase, exchange, lease, or value of real property: a) 1501 and 1505 Broadway and b) Project Red Fish.**
- 19. Section 551.074 Personnel Matters: City Manager Evaluation.**
- 20. Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.**

At 7:32 p.m., Mayor Wax convened the Rockport City Council into an executive session pursuant to provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.071910(A) Consultation with Attorney on pending or contemplated litigation: a) Templeton, b) Pena/Dack, and c) Bay Education Center; Section 551.071(2) Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rule of Professional Conduct of the State Bar of Texas clearly conflicts with the chapter; Section 551.072 Deliberation about Real Property: Deliberate the purchase, exchange, lease, or value of real property: a) 1501 and 1505 Broadway and b) Project Red Fish; Section 551.074 Personnel Matters: City Manager Evaluation; and Section 551.087 Deliberation Regarding Economic Development Negotiations: Project Cardinal.

**Open Session**

- 21. City Council will reconvene into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.**

At 7:54 p.m., Mayor Wax reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any necessary actions related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

There was no action taken.

**18. Adjournment**

At 7:55 p.m., Council Member Villa moved to adjourn. Motion was seconded by Mayor Pro-Tem Rios and carried unanimously.

**APPROVED:**

\_\_\_\_\_  
Charles J. Wax, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Valdez, City Secretary

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, February 23, 2016**

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**AGENDA ITEM: 6**

Deliberate and act on request from Rockport Yacht Club for the City to allow temporary directional signage at the intersection of Market Street and Highway 35 South on May 6-9, 2016, for the 15<sup>th</sup> Annual Rockport Nautical Flea Market.

**SUBMITTED BY:** City Secretary Teresa Valdez

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** The Rockport Yacht Club (RYC) conducts a nautical flea market each year as a fundraiser. They request is for temporary signage to guide visitors to their location. The 15<sup>th</sup> annual Rockport Nautical Flea Market will be held May 7-8, 2016, and will have numerous booths to buy, sell, or trade nautical items. RYC has been approved for temporary directional and banner signs for the last several years. RYC's request accompanies this briefing sheet.

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**FISCAL ANALYSIS:** N/A

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**RECOMMENDATION:** Staff recommends Council approve the Rockport Yacht Club's request to place temporary directional signage for the 15<sup>th</sup> Annual Rockport Nautical Flea Market, as presented.



# ROCKPORT YACHT CLUB

February 15<sup>th</sup>, 2016

Rockport City Council

Attn: City Secretary

622 E. Market St, Rockport, TX 78382

Request for off premise signs placement to provide directional guidance to The Rockport Nautical Flea Market, 2016.

Dear Mrs. Valdez:

Planning for the 15<sup>th</sup> Annual Rockport Nautical Flea Market is well underway and, barring adverse weather conditions on May 7<sup>th</sup> and 8<sup>th</sup>, I'm predicting another successful event. As we have done for the past 14 years, we would like to put up signs directing our visitors to the flea market site at Rockport Harbor. Most of these are small unobtrusive signs which are put up just before Friday's set up date and are taken down by May 9<sup>th</sup>. We would again like to erect a large temporary direction sign at the intersection of Highway 35-South and Market Street. We have received approval from the Texas DOT and the Aransas County Navigation District for signage on their property. Rest assured we will do everything possible to keep Rockport safe and picturesque.

We appreciate the past support of our City Council and respectfully request your approval of this request.

Sincerely,

Peter W. Chamberlain

Chairman, Rockport Nautical Flea Market

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, February 23, 2016**

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**AGENDA ITEM: 7**

Conduct and deliberate a Public Hearing for the purpose of considering abolishing, continuance, or modification of the Juvenile Curfew Ordinance for the City of Rockport, Aransas County, Texas.

**SUBMITTED BY:** Police Chief Tim Jayroe

**APPROVED FOR AGENDA:** PKC

**BACKGROUND:** Local Government Code § 370.002 “Review of Juvenile Curfew Order or Ordinance” requires the following:

- 
- (a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year thereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:
    - (1) review the ordinance or order’s effects on the community and on problems the ordinance or order was intended to remedy;
    - (2) conduct public hearings on the need to continue the ordinance or order; and
    - (3) abolish, continue, or modify the ordinance or order.
  - (b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire.
- 

The juvenile curfew Ordinance was first adopted by Ordinance No. 1181 in 2001 and subsequently amended by Ordinance No. 1282 in 2004 and Ordinance No. 1603 in 2013. The review was conducted in 2007 and 2010.

This is the first of the two required public hearings to be conducted. The second public hearing will be held at the March 8, 2016, City Council meeting. The public hearing notice was posted on the bulletin board at Rockport City Hall, 622 E. Market Street, Rockport, Texas, on the City’s website at [www.cityofrockport.com](http://www.cityofrockport.com), and published in *The Rockport Pilot* on Saturday, February 6, 2016, and will be published in *The Rockport Pilot* on Saturday, March 5, 2016.

Since 2013 there were 29 people ticketed, but there were only 16 calls for service where an officer was dispatched. Some calls for service resulted in multiple tickets.

In order to clarify the “curfew hours” the Police Department is recommending amending the Ordinance to restate the hours and include a graphic. In addition, an earlier amendment inadvertently dropped the Monday hours from the ordinance and the proposed ordinance reinstates Monday. Please see the accompanying ordinance for additional information.

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**FISCAL ANALYSIS:**

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**RECOMMENDATION:** Not an action item.



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## **PUBLIC HEARING**

### **Rockport City Council**

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**NOTICE** is hereby given that the Rockport City Council will hold Public Hearings on Tuesday, February 23, 2016, and on March 8, 2016, at 6:30 p.m., Rockport City Hall, 622 E. Market, Rockport, Texas, for the purpose of considering abolishing, continuance, or modification of the Juvenile Curfew Ordinance for the City of Rockport, Aransas County, Texas. The City encourages citizens to participate and make their views known at this Public Hearing. For further information on this request please contact the City Secretary at (361) 729-2213. 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](mailto:citysec@cityofrockport.com) for further information. Braille is not available.

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**POSTED:** this the 3<sup>rd</sup> day of February 2016, by 5:00 p.m., on the bulletin board at Rockport City Hall, 622 E. Market Street, Rockport, Texas and on the webpage [www.cityofrockport.com](http://www.cityofrockport.com).

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**PUBLISHED:** in *The Rockport Pilot* in the Saturday, February 6, 2016, and Saturday, March 5<sup>th</sup> Editions, in accordance with the City of Rockport Code of Ordinances.

**CITY OF ROCKPORT, TEXAS**

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Teresa Valdez, City Secretary

**Citations Search Results**

Agency	Number	Cit. Date	Court Date	Violation	Name String	Viol. Description
RPD	101679	09/19/2015	10/05/2015	00000N61	DRUTAR, BRANDON	CURFEW-NIGHTTIME
RPD	102084	10/03/2015	10/19/2015	00000N61	GRACIA, WILLIAM	CURFEW-NIGHTTIME
RPD	102569	10/24/2015	11/09/2015	00000N61	JOHNSON, CHRISTIAN	CURFEW-NIGHTTIME
RPD	102570	10/24/2015	11/09/2015	00000N61	GARCIA, NOAH	CURFEW-NIGHTTIME
RPD	102704	10/24/2015	11/10/2015	00000N61	ALLEN, JIMMY	CURFEW-NIGHTTIME
RPD	102728	10/24/2015	11/11/2015	00000N61	OLIVAREZ, ANDRES	CURFEW-NIGHTTIME
RPD	103143	12/02/2015	12/16/2015	00000N61	HALL, TINA	CURFEW-NIGHTTIME
RPD	103579	12/02/2015	12/16/2015	00000N61	WEST, JARRED	CURFEW-NIGHTTIME
RPD	103580	12/02/2015	12/16/2015	00000N61	VARNER, BRYCE	CURFEW-NIGHTTIME
RPD	83153	01/20/2014	01/31/2014	00000N61	HAMILTON, EVAN	CURFEW-NIGHTTIME
RPD	88535	06/30/2014	07/11/2014	00000N61	RODRIGUEZ, ISIAH	CURFEW-NIGHTTIME
RPD	88549	07/04/2014	07/18/2014	00000N61	KNIGHT, JUSTINE	CURFEW-NIGHTTIME
RPD	88550	07/04/2014	07/18/2014	00000N61	WILLIAMS, CAITLYN	CURFEW-NIGHTTIME
RPD	89247	07/27/2014	08/11/2014	ZCURF	GONZALES, VIRGINIA	ZCURFEW VIOLATIONS
RPD	90785	08/24/2014	09/05/2014	ZCURF	HALL, AMBER	ZCURFEW VIOLATIONS
RPD	90786	08/24/2014	09/05/2014	ZCURF	HALL, TINA	ZCURFEW VIOLATIONS
RPD	90787	08/24/2014	09/05/2014	ZCURF	GONZALES, AURORA	ZCURFEW VIOLATIONS
RPD	90788	08/24/2014	09/05/2014	ZCURF	TWITCHELL, BRANDY	ZCURFEW VIOLATIONS
RPD	93206	08/05/2014	08/19/2014	ZCURF	MONTEMAYOR, ALLISON	ZCURFEW VIOLATIONS
RPD	95700	01/31/2015	02/16/2015	ZCURF	PAHANY, NATHANIEL	ZCURFEW VIOLATIONS
RPD	95959	01/31/2015	02/13/2015	ZCURF	SIMPSON, CALEB	ZCURFEW VIOLATIONS
RPD	95961	01/31/2015	02/13/2015	ZCURF	POIASEK, KAYLIE	ZCURFEW VIOLATIONS

29  
Order: Number

Print Results View Citation Close

Search from 01/01/2013 to 12/31/2015

There were 16 incidents where curfew violations were involved and a total of 29 curfew violations.

**ORDINANCE No. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CITY OF ROCKPORT CODE OF ORDINANCES CHAPTER 66 "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE I, "IN GENERAL", ARTICLE II. "MINORS", AMENDING SECTION 66-36 "DEFINITIONS" ITEM (1) SETTING CURFEW DAYS FOR MINORS; REPEALING ALL SECTIONS IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:**

**SECTION 1: AMENDMENT**

That the City of Rockport Code of Ordinances, Chapter 66 "Offenses and Miscellaneous Provisions", Article II "Minors", Section 66-36 "Definitions" Item (1) is hereby amended as follows:

Section 66-36. Definitions.

~~(1) — Curfew hours means:~~

- ~~a. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day;~~
- ~~b. 12:30 a.m. until 6:00 a.m. on any Friday and Saturday; and~~
- ~~c. 9:00 a.m. until 3:30 p.m. on any Tuesday, Wednesday, Thursday, or Friday when Aransas County Independent School District is in regular session~~

(2) *Curfew hours, as listed below and shown in the Table 1 below, means:*

- a. Sunday – Midnight to 6:00 a.m. and 11:00 p.m. to 11:59 p.m.
- b. Monday – Midnight to 6:00 a.m. and 11:00 p.m. to 11:59 p.m.
- c. Tuesday – Midnight to 6:00 a.m. and 11:00 p.m. to 11:59 p.m.
- d. Wednesday – Midnight to 6:00 a.m. and 11:00 p.m. to 11:59 p.m.
- e. Thursday – Midnight to 6:00 a.m. and 11:00 p.m. to 11:59 p.m.
- f. Friday – Midnight to 6:00 a.m.
- g. Saturday – Midnight to 6:00 a.m.
- h. Aransas County Independent School District regular sessions Monday through Friday – 9:00 a.m. until 3:30 p.m.

Sec. 66-36 Table 1 - Curfew Hours

TIME	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
MIDNIGHT							
12:30 AM							
1:00 AM							
1:30 AM							
2:00 AM							
2:30 AM							
3:00 AM							
3:30 AM							
4:00 AM							
4:30 AM							
5:00 AM							
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7:00 AM							
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8:00 AM							
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9:00 AM							
9:30 AM							
10:00 AM							
10:30 AM							
11:00 AM							
11:30 AM							
NOON							
12:30 PM							
1:00 PM							
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8:30 PM							
9:00 PM							
9:30 PM							
10:00 PM							
10:30 PM							
11:00 PM							
11:30 PM							

 In effect only when Arkansas County Independent School District is in session.

**SECTION 2: REPEALER**

Any previously adopted ordinances, and any subsequent amendments to them, which are in conflict with this ordinance, are hereby repealed .

**SECTION 3: SEVERABILITY**

If at any provision, section, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this ordinance are declared severable for that purpose.

**SECTION 4: EFFECTIVE DATE**

This ordinance shall become effective immediately upon adoption by second and final reading.

**APPROVED and PASSED** on first reading this \_\_\_\_\_ day of March 2016.

**CITY OF ROCKPORT**

\_\_\_\_\_  
Charles J. Wax, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Valdez, City Secretary

**APPROVED, PASSED and ADOPTED** on second and final reading this \_\_\_\_\_ day of March 2016.

**CITY OF ROCKPORT**

\_\_\_\_\_  
Charles J. Wax, Mayor

**ATTEST:**

\_\_\_\_\_  
Teresa Valdez, City Secretary

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, February 23, 2016**

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**AGENDA ITEM: 8**

Deliberate and act on Planning & Zoning Commission recommendation to deny request for a Conditional Use Permit (CUP) on property located at 3021-3099 Loop 1781; also known as A76 Joseph Hollis Survey, being 47.981 acres, also includes Lago Vista Village, Lot B, Rockport, Aransas County, Texas, currently zoned B-1 (General Business District) to Conditional Use Permit Overlay to allow development of an RV Resort Park.

**SUBMITTED BY:** Public Works Director Michael S. Donoho, Jr.

**APPROVED FOR AGENDA:** PKC

---

**BACKGROUND:** J R Gimler/Triumph Builders is seeking approval for a Conditional Use Permit on property that is currently zoned B-1 (General Business District), located at 3021-3099 Loop 1781. Mr. Gimler's intent is to construct an RV Resort Park consisting of 207 RV sites and 32 cottages. This project proposes developing over an existing wetlands area. No permit has been provided documenting approval by the Army Corps of Engineers. Without the Army Corps of Engineer's report and permit, there is insufficient data for staff to make land use decisions regarding drainage, floodplain management, environmental impact, and utility infrastructure for this potential project.

For more detailed information, please see the accompanying zoning and land development application along with project documentation and a 2007 Wetlands Report by Belaire Environmental, Inc.

This item was heard at a Joint Public Hearing with the City Council on February 9, 2016. Seven neighboring residents expressed objection or concern, while one expressed support of the project. The developer was present to respond to public concerns.

On February 15<sup>th</sup>, 2016, the Planning and Zoning Commission deliberated and acted upon the request. The public was given an opportunity to express concerns and support for the endeavor. The developer was also present to speak on behalf of his proposed project. City staff stated their recommendation. The Planning and Zoning Commission unanimously voted to concur with the staff recommendation to deny the Conditional Use Permit until an Army Corps of Engineer's wetlands jurisdictional determination report and permit can be provided and reviewed for decision making purposes.

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**FISCAL ANALYSIS:** N/A

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**RECOMMENDATION:** Staff and the Planning & Zoning Commission recommend that Council deny this request for a Conditional Use Permit and request the owner first acquire an Army Corps of Engineers' jurisdictional determination report and permit documenting approval of the plan for review by the City.

**City of Rockport  
Office of Building &  
Development**

## Memo

**To:** Mayor and City Council  
**From:** Planning & Zoning Commission Vice Chairman Ruth Davis  
**CC:** City Manager Kevin Carruth  
**Date:** 02/18/2016  
**Re:** Commission action on requested CUP zoning for RV Resort at 3021-3099 Loop 1781.

---

At our meeting held February 15, 2016, the Planning & Zoning Commission discussed the request for a Conditional Use Permit (CUP) to develop a recreational vehicle park with 207 RV sites and 32 cottages, to be located at 3021-3099 Loop 1781. The Commission voted unanimously to recommend that this request for a CUP be **denied** due to the following reasons:

This project proposes developing over an existing wetlands area. No permit has been provided documenting approval by the Army Corps of Engineers. Without the Army Corps of Engineer's report and permit, there is insufficient data to make land use decisions regarding drainage, floodplain management, environmental impact, and utility infrastructure for this potential project. We recommend that an Army Corps of Engineer's Wetlands Jurisdictional Determination Report and Permit be submitted prior to the project being reconsidered for approval.

Respectfully submitted,

Ruth Davis, Vice Chairman.

**From:** [Sandy Swanson](#)  
**To:** [Teresa Valdez](#)  
**Subject:** City Council meeting 2/23  
**Date:** Wednesday, February 17, 2016 2:10:11 PM

---

Teresa,

At the request of JR Gimler applicant and the request for a conditional use permit overlay for the property located at 3021-3099 Loop 1781, which is scheduled to be heard at the next council meeting on Tuesday, 2/23. Mr. Gimler is asking that the hearing be postponed and moved to mid-April, the reasoning is that at the P&Z meeting, Mike Donoho, Public Works asked for a letter from the Army Corps of Engineers defining the wetlands which was located and notated on the environmental report done by Belaire Environmental of which a summary was given to P&Z. In order to obtain this letter from the Army Corps Mr. Gimler will need approximately 6 weeks to do so and at that time will be able to provide the needed documents to get the approval of P&Z. Please let us know if this can be done my contact information is below.

Thank you,  
Sandy Swanson, for John Gimler.

*Sandy Swanson, Broker Gri, Crs, Abr, Sfr  
Key Allegro Real Estate  
1798 Bay Shore Drive, Rockport, TX 78382  
(cell) 361-463-1293 (fax) 361-729-7967*

Salt Lake

100-Yr Floodplain

FM 1781

AREA	ACREAGE	SQ FEET
Jurisdictional (Natural) Ditch	0.33	14236.39
Non-Jurisdictional (Man-Made) Ditch	0.05	2078.97
Non-Jurisdictional Pond	0.68	29516.35

**Overview Map  
JR Gimler Property  
Rockport, Texas**

**Notes:**  
 -All areas including unvegetated areas below the AHT Line are jurisdictional under Section 404 guidelines.  
 -Man-made ditches in uplands are not regulated by Section 404 and may be filled without a permit except to the extent where the MHW Line extends into the ditch (Section 10).  
 -Pile supported structures such as piers may be constructed above the MHW Line so long as the structure is for a water dependent purpose and minimizes impacts.  
 -Base Map Source: 2004 1-meter TNRIS DOQQ, Aransas County Quadrangle  
 -See attached map for detailed view of wetland vicinity and vegetation communities.  
 -Prepared by: Belaire Environmental, Inc. 3-30-2007 (KN)  
 -For planning purposes only, not for construction.



**Legend**

- Pits
- ▬ Transects
- - AHT Line
- - MHW Line
- ▭ Existing Culverts
- ▬ Property Boundary
- ▬ Ditch Jurisdictional Line
- ▭ Wetland Boundary
- ▭ 100-Year Floodplain
- ▭ Section 10 Jurisdictional Area
- ▭ Pond

Jurisdictional Ditch

Ditch Jurisdictional Line

Non\_Jurisdictional Ditch

Property Boundary

PIT 4 PIT\_22  
 PIT 9  
 PIT 2 A  
 PIT 1  
 PIT 17  
 PIT 18  
 PIT 5 A  
 PIT 3  
 PIT 7

PIT 8

PIT 16

PIT 15

PIT 14

PIT 10

PIT 11

PIT 12

PIT 9

PIT 13

PIT 20

PIT 21



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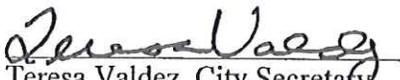
**JOINT PUBLIC HEARING**  
**Rockport City Council**  
**and**  
**Planning & Zoning Commission**

**NOTICE** is hereby given that the Rockport City Council and the Planning & Zoning Commission will hold a Joint Public Hearing on Tuesday, February 9, 2016, at 6:30 p.m., Rockport City Hall, 622 E. Market, Rockport, Texas, to consider a request for a Conditional Use Permit on property located at 3021-3099 Loop 1781; also known as A76 Joseph Hollis Survey, Acres 47.981, also includes Lago Vista Village, Lot B, Rockport, Aransas County, Texas, currently B-1 (General Business District) to Conditional Use Permit Overlay. Reason for request: to allow development of an RV Resort Park.

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

**POSTED** this the 18th day of January, 2016, by 5:00 p.m., on the bulletin board at Rockport City Hall, 622 E. Market Street Rockport, Texas and on the website [www.cityofrockport.com](http://www.cityofrockport.com). **PUBLISHED** in *The Rockport Pilot* in the Saturday, January 23, 2016, Edition, in accordance with the Rockport Zoning Ordinance.

**CITY OF ROCKPORT, TEXAS**

  
Teresa Valdez, City Secretary



**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 3021. 3099. Loop  
1781 Rockport Tx, 78382
- C. CURRENT ZONING OF PROPERTY: B-1
- D. PRESENT USE OF PROPERTY: VACANT
- E. ZONING DISTRICT REQUESTED: \_\_\_\_\_
- F. CONDITIONAL USE REQUESTED: RV park
- G. LEGAL DESCRIPTION: (Fill in the one that applies)
  - Lot or Tract \_\_\_\_\_ Block \_\_\_\_\_
  - Tract A 76 Joseph Hollis Survey 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) \_\_\_\_\_  
Not Available
- I. TOTAL ACREAGE OR SQ. FT. OF SITE(S): 48 ACRES
- J. REASON FOR REQUEST AND DESCRIPTION OF DEVELOPMENT:  
(Please be specific)  
Going to be developing R.V. Resort  
park

K. OWNER'S NAME: (Please print) Triumph Builders  
 ADDRESS: 411 W Market  
 CITY, STATE, ZIP CODE: Rockport Tx, 78382  
 PHONE NO 729-9210

L. REPRESENTATIVE: (If Other Than Owner) ANNA MARBACH or Jr Ginter  
 ADDRESS: \_\_\_\_\_  
 CITY, STATE, ZIP CODE: SAME AS ABOVE  
 PHONE NO \_\_\_\_\_

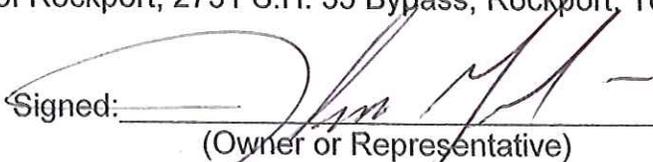
**NOTE:** Do you have property owner's permission for this request?  
 YES  NO

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)**

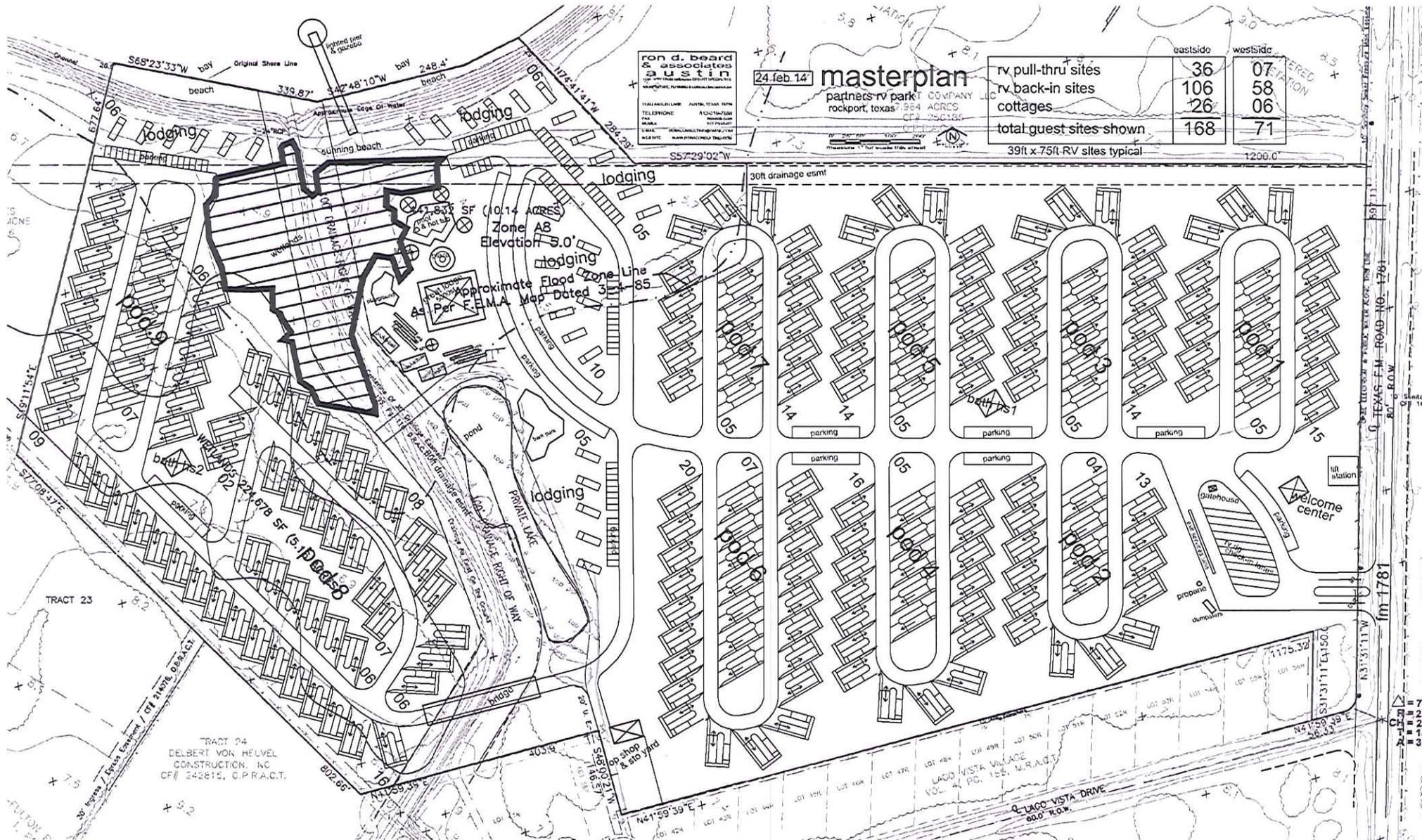
Received by: MB Date: 1/11/16 Fees Paid: \$ 630.00

Submitted Information (  accepted ) (  rejected ) by: MB, FT, KC, MD

If rejected, reasons why: \_\_\_\_\_

Receipt No. \_\_\_\_\_



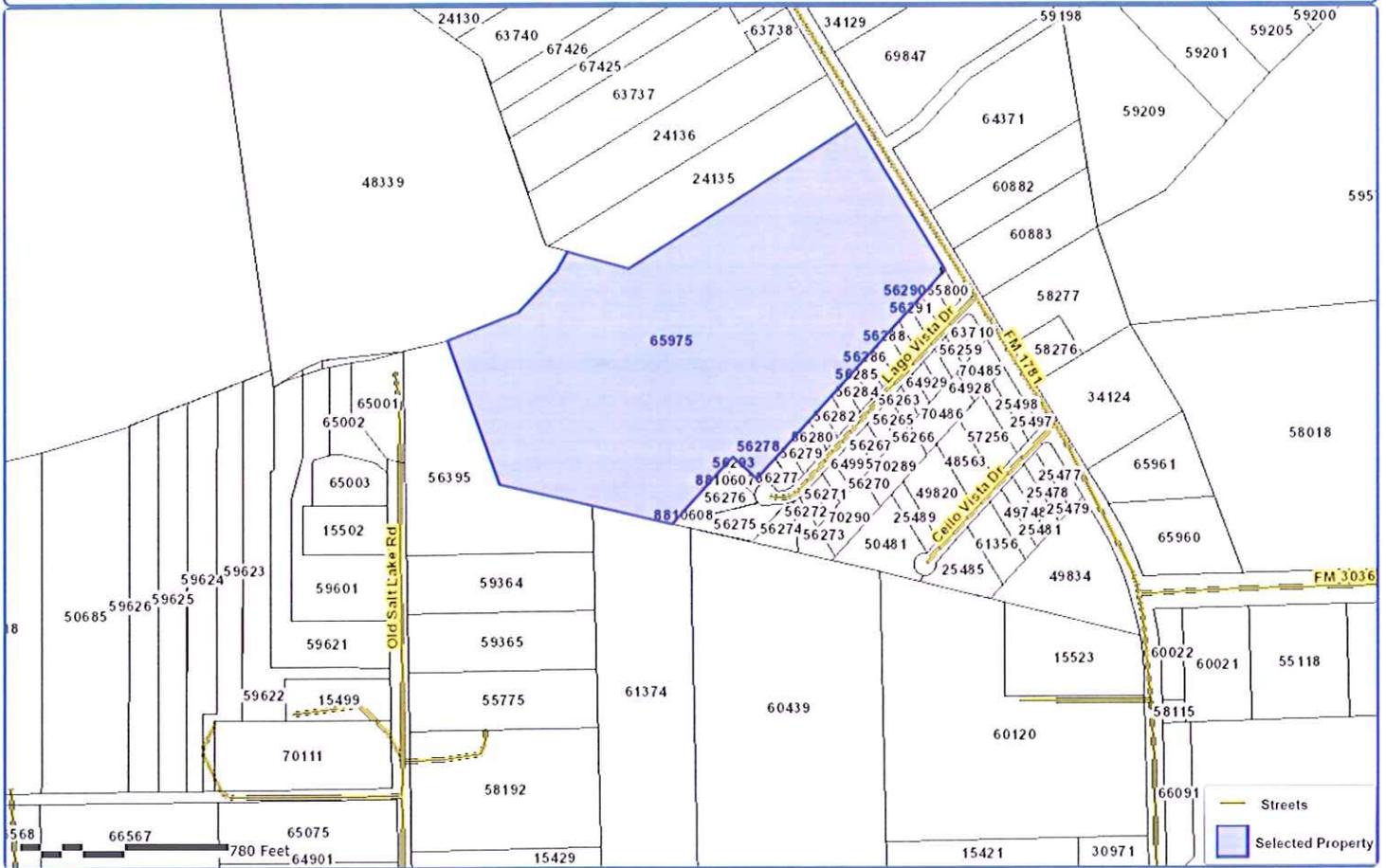




# 3021-3099 LOOP 1781

**Print Date:** 02/03/2016  
**Image Date:** 01/25/2007  
**Level:** Community

## Aransas CAD - Map of Property ID 65975 for Year 2016



### Property Details

**Account**

Property ID: 65975  
 Geo ID: 2749-076-045-000  
 Type: Real

Legal Description: A76 Joseph Hollis Survey, ACRES 47.981, ALSO INCLUDES LAGO VISTA VILLAGE, LOT B

**Location**

Situs Address: 3021-3099 LOOP 1781 ROCKPORT, TX 78382  
 Neighborhood: NULL  
 Mapsco: NULL  
 Jurisdictions: CAD, CRO, GAR, NVD, SAR, XSP

**Owner**

Owner Name: TRIUMPH BUILDERS LLP  
 Mailing Address: NULL, 411 W...

**Property**

Appraised Value: N/A

<http://propertyaccess.aransascad.org/Map/View/Map/1/65975/2016>



Map Disclaimer: This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Aransas County Appraisal District expressly disclaims any and all liability in connection herewith.

**STAFF PRELIMINARY PREVIEW****Date: 1/18/16**

TYPE OF REQUEST:	CUP
LOCATION:	3021-3099 Loop 1781 Rockport, TX
OWNER/AGENT:	Triumph Builders: Ana Marbach/JR Gimler (729-9210)
PROJECT DESCRIPTION:	48 acres of RV Park
APPLICATION DOCUMENTS NEEDED:	***Need signature before application can be processed <input checked="" type="checkbox"/> Survey & Site Plan provided

**ARTICLE 23-CONDITIONAL USE PERMIT REVIEW CRITERIA:**

- Areas of Concern:

	1. That such use is necessary or desirable and provides a service or facility that contributes to the general well-being of the surrounding area.
X	2. That such use shall not adversely affect adjacent properties.
	3. That such use is compatible with the existing or allowable uses of adjacent properties.
X	4. That such use can demonstrate that adequate public facilities, including roads, drainage, potable water and sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed. (Art Smith)
	5. That such use can demonstrate adequate provision for maintenance of the use in question along with any associated structures.
X	6. That such use has minimized, to the degree possible, adverse effects on the natural environment.
	7. That such use will not create undue traffic congestion.
X	8. That such use will not adversely affect the public health, safety or welfare.
X	9. That such use conforms to all applicable provisions of this Code.
X	10. That such use is consistent with all applicable provisions of the comprehensive plan.

**NOTES:**

- Wetlands and areas located in Special Flood Hazard Area need to be taken into consideration
- Drainage system and impact of development on this system and neighboring properties
- RV Park Regulations:

**RV PARK MINIMUM STANDARDS**

- The applicant will be required to meet all relevant minimum standards of Article 24: Special Conditions, however these are areas highlighted for specific consultation. These are issues not discernible from the plans.
- Article 24.2.13:

	9. Scaled plans and specifications showing details of the proposed park layout shall be submitted and reviewed by city staff prior to any zoning approval and/or building permit activity. Future additions to the park shall be processed in the same manner as an original proposal.
	10. There shall be no minimum lot/space area except that each RV/Manufactured Housing unit shall be located on each space so that there is at least twenty (20) feet unobstructed clearance between units, side-to-side and end-to-end and ten (10) feet unobstructed clearance between units and adjacent permanent structures or lots. No unit shall be closer than ten (10) feet from any internal road and no closer than twenty (20) feet from any external access road.
	11. Manufactured Housing and RV's/Travel Trailers located in the park shall be connected to city water and wastewater systems if available.
	12. Interior access drives shall be maintained with a hard surface, with approved drainage and be of sufficient width in each area to conform with the type of unit to be assigned to the area, as determined by the Zoning Administrator. Parking on interior access drives shall be permitted only if sufficient clearance exists for one (1) car passage in addition to parking.
	13. A service building to provide necessary sanitation and laundry facilities shall be provided. Such building(s) shall be conveniently located and shall provide fixtures as required by the Plumbing Code. <i>(Needs to be part of Phase 1)</i>
	14. The park shall conform to all other City of Rockport regulations and codes relating to planning and zoning, building, gas, mechanical, plumbing, electrical installations and tie-downs for windstorm compliance. All manufactured housing units unoccupied during hurricane season (June 1 to November 30) must be tied down (see Building Code) or removed from the park. Lot spaces shall be labeled with numbers to augment identification by 911 operations. Fire hydrants shall be required as specified by the Director of Public Works and shall be included in the park layout plans submitted for approval. <i>(Chapter 50: Flood Ordinance &amp; Drainage Design Manual)</i>
	15. Out-side lighting shall be in accordance with the city's Light Nuisance Ordinance.
	16. Storage, collection and disposal of refuse shall be so conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazard or air pollution. Pets shall be leashed (Animal Control Ordinance).
	17. The property owner/operator shall at all times operate the park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean, sanitary and orderly condition at all times. <i>(On-site management???)</i>
	18. There shall be at least one (1) recreation area which shall be accessible from all spaces. The site or sites of such recreation area or areas shall total not less than eight percent (8%) of the gross site area of the park. <i>(Needs to be part of Phase 1)</i>
	19. The park shall be screened from a public place or public right-of-way and adjacent occupied property by a solid screening fence in accordance with subsection 22.2 of this ordinance. Planted vegetation may be allowed as an alternate screening device by the Tree and Landscape Regulations in <a href="#">Chapter 106</a> , Rockport Code of Ordinances.
	<b>OTHER:</b> Parts of the proposed development are located in the <b>Special Flood Hazard Area</b> . The City is required by FEMA (50-48:1-5) to: (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities. (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. (3) Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters. (4) Control filling, grading, dredging and other development which may increase flood damage. (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands. ***Prior to any approval of any development in the SFHA, the floodplain administrator is required to review permits for proposed development to ensure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

24.2.13 *Regulation of Recreational Vehicle/Manufactured Housing Parks.*

1. *General Provisions.* The following general provisions are required for the development or the expansion of RV/Manufactured Housing Parks within the R-1 up through and including the R-7 zoning districts.

2. Mobile Homes, as defined, are prohibited within RV/Manufactured Housing Parks inside the city limits of the City of Rockport unless such mobile home existed prior to annexation. Replacement of an existing mobile home shall be with a HUD-Code Manufactured Home. Replacement of an existing HUD-Code Manufactured Home shall be with a HUD-Code Manufactured Home of equal size, but not less than 320 square feet, or larger, and be a newer model.\*

\* NOTE: Newer model means a manufactured home built and identified by the manufacturer as the next years' model to the manufactured home being replaced.

3. Upon application, the installation of a Recreational Vehicle/Manufactured Home Park shall be permitted as determined appropriate by the City through a conditional-use permit (CUP), including a Planned Unit Development (PUD) that may contain a RV/Manufactured Home Park. An application to install a HUD CODE Manufactured Home for use and occupancy as a residential dwelling is deemed approved and granted unless the City denies the application in writing within forty-five (45) days from receipt of the application setting forth the reason.

4. This section shall not affect the applicability of any deed restriction that is otherwise valid.

5. *Specific Provisions.* In addition to CUP approval, land used as a RV/Manufactured Home Park shall be developed according to the following criteria.

6. The above described park may include Manufactured Homes, RV's/Travel Trailers and Campgrounds or any combination thereof. Other uses, in addition to the uses described herein, shall be conditioned or amended, as the case may be, by Special Permit.

7. Parks containing a combination of Manufactured Homes, RV's/Travel Trailers or Campgrounds must designate separate areas for each classification. No mixture of Manufactured Homes, RV's/Travel Trailers, campgrounds or other approved uses is permitted in any designated area (Density control).

8. The park area shall consist of at least four (4) acres in size. The number and location of external access drives shall be approved by the Zoning Administrator and the Director of Public Works.

9. Scaled plans and specifications showing details of the proposed park layout shall be submitted and reviewed by city staff prior to any zoning approval and/or building permit activity. Future additions to the park shall be processed in the same manner as an original proposal.

10. There shall be no minimum lot/space area except that each RV/Manufactured Housing unit shall be located on each space so that there is at least twenty (20) feet unobstructed clearance between units, side-to-side and end-to-end and ten (10) feet unobstructed clearance between units and adjacent permanent structures or lots. No unit shall be closer than ten (10) feet from any internal road and no closer than twenty (20) feet from any external access road.

11. Manufactured Housing and RV's/Travel Trailers located in the park shall be connected to city water and wastewater systems if available.
12. Interior access drives shall be maintained with a hard surface, with approved drainage and be of sufficient width in each area to conform with the type of unit to be assigned to the area, as determined by the Zoning Administrator. Parking on interior access drives shall be permitted only if sufficient clearance exists for one (1) car passage in addition to parking.
13. A service building to provide necessary sanitation and laundry facilities shall be provided. Such building(s) shall be conveniently located and shall provide fixtures as required by the Plumbing Code.
14. The park shall conform to all other City of Rockport regulations and codes relating to planning and zoning, building, gas, mechanical, plumbing, electrical installations and tie-downs for windstorm compliance. All manufactured housing units unoccupied during hurricane season (June 1 to November 30) must be tied down (see Building Code) or removed from the park. Lot spaces shall be labeled with numbers to augment identification by 911 operations. Fire hydrants shall be required as specified by the Director of Public Works and shall be included in the park layout plans submitted for approval.
15. Out-side lighting shall be in accordance with the city's Light Nuisance Ordinance.
16. Storage, collection and disposal of refuse shall be so conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazard or air pollution. Pets shall be leashed (Animal Control Ordinance).
17. The property owner/operator shall at all times operate the park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean, sanitary and orderly condition at all times.
18. There shall be at least one (1) recreation area which shall be accessible from all spaces. The site or sites of such recreation area or areas shall total not less than eight percent (8%) of the gross site area of the park.
19. The park shall be screened from a public place or public right-of-way and adjacent occupied property by a solid screening fence in accordance with subsection 22.2 of this ordinance. Planted vegetation may be allowed as an alternate screening device by the Tree and Landscape Regulations in [Chapter 106](#), Rockport Code of Ordinances.

(Ord. No. 1027, art. 24, 4-9-96)

LAUREN R BARNEBEY  
P O BOX 998  
ROCKPORT TX 78381-0998

JAMES & MAXINE SMITH  
3002 FM 1781  
ROCKPORT TX 78382-7713

WESTCOR LTD INC  
P O BOX 676  
CIBOLO TX 781080676

HAROLD COLLINS  
106 LAGO VISTA DR  
ROCKPORT TX 78382-7725

JAMES & MARY DALE  
112 LAGO VISTA DR  
ROCKPORT TX 78382-7725

JAVIER MARTINEZ  
1192 RIP JAY CIR  
CANYON LAKE TX 78133-4000

ADAM PHILIPPI  
P O BOX 236  
INGLESIDE TX 78362-0236

LIVE OAK ESTUARY LLC  
% HUGH DOBSON  
3701 DENVER AVE  
CORUS CHRISTI TX 78411-1313

DEREK HURST  
P O BOX 1951  
ROCKPORT TX 78381-1951

CODY & JUSTIN BELL  
P O BOX 1801  
CORPUS CHRISTI TX 78403-1801

FRANK & MARCELLA SIMMONS  
P O BOX 1994  
ROCKPORT TX 78381-1994

AURORA TRISTAN  
P O BOX 440  
ROCKPORT TX 78381-0440

DELBERT VON HEUVEL CONST INC  
3208 POE CV APT A  
LAGO VISTA TX 78645-6720

JAMES & RONNIE CARSON  
199 LAGO VISTA DR  
ROCKPORT TX 78382-7674

TERRI LONG  
P O BOX 924  
ROCKPORT TX 78381-0924

FERN QUINTERO  
8615 PENDRAGON ST  
SAN ANTONIO TX 78254-2055

TIMMIE & HELEN SMITH  
P O BOX 2316  
ROCKPORT TX 78381-2316

ANN EMERY  
P O BOX 2535  
ROCKPORT TX 78381-2535

JAMES & RONNIE CARSON  
199 LAGO VISTA DR  
ROCKPORT TX 78382-7674

TIMOTHY MURPHY  
178 LAGO VISTA DR  
ROCKPORT TX 78382-7725

ROBERT WOOD  
195 LAGO VISTA DR  
ROCKPORT TX 78382-7674

AARON & JAMIE MIKE  
189 LAGO VISTA DR  
ROCKPORT TX 78382-7674

*mailed  
1-20-16*



U.S. Fish and Wildlife Service

# National Wetlands Inventory

RV CUP on Loop  
1781

Jan 13, 2016



## Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

**User Remarks:**  
Wetland Concerns



TEXAS COASTAL WATERSHED  
P R O G R A M

February 1, 2016

City of Rockport  
622 E. Market St.  
Rockport, TX 78382

Re: Wetlands

Wetlands are important features in a community's landscape that provide numerous beneficial services for people and for fish and wildlife. Some of these services, or functions, include storing floodwaters and maintaining surface water flow during dry periods, protecting and improving water quality, and providing robust ecological habitats.

Texas has lost over half the wetlands it had before settlement by Europeans. Approximately 7 million acres of Texas wetlands have been destroyed by being drained and filled with dirt to use for farming or as land on which to build homes and businesses. Many of the wetlands that are left have been partially filled by sedimentation, polluted, and altered to the point they no longer function naturally.

***Protecting wetlands can protect our safety and welfare***

Wetlands form in low spots on the landscape. Wetlands function as natural sponges that trap and slowly release surface water, rain, snowmelt, groundwater and flood waters. Trees, root mats and other wetland vegetation also slow the speed of flood waters and distribute them more slowly over the floodplain. This combined water storage and braking action lowers flood heights and reduces erosion. Preserving and restoring wetlands together with other water retention can often provide the level of flood control otherwise provided by expensive dredge operations and levees.

***Wetlands improve water quality***

Healthy wetlands slow down and filter runoff from storms and snowmelt, sediment, and other pollutants to settle out before reaching lakes, rivers, streams, and drinking water aquifers. Wetlands also have the ability to absorb and transform or metabolize nutrients and contaminants. Preserving these water purification functions of wetlands can save your community money by eliminating or reducing the need for costly upgrades to your community's water management systems. Because water quality improves as wetland acreage increases in the watershed, and property values increase as water quality improves, preserving wetlands can help increase your community's tax base.

***Wetlands are among the most productive ecosystems in the world, comparable to rain forests and coral reefs.***

An immense variety of species of microbes, plants, insects, amphibians, reptiles, birds, fish and mammals can be part of a wetland ecosystem. The combination of shallow



TEXAS COASTAL WATERSHED  
P R O G R A M

water, high levels of nutrients and primary productivity is ideal for the development of organisms that form the base of the food web and feed many species of fish, amphibians, shellfish and insects. Many species of birds and mammals rely on wetlands for food, water and shelter, especially during migration and breeding.

***Wetland protection can reduce flood insurance premiums***

Through the National Flood Insurance Program's Community Rating System (CRS), communities that engage in the following actions can reduce flood insurance premiums for their citizens:

- Designating open space corridors or connected networks of wetlands, woodlands, wildlife habitats, wilderness, and other areas that support native species, maintain natural ecological processes, and sustain air and water resources.
- Having local regulations that prohibit buildings and filling in wetlands or other designated natural areas, wetland or riparian habitat restoration.
- Having a plan that identifies existing wetlands or other natural open space areas to be preserved from development so that natural attenuation, retention, or detention of runoff is provided

As Rockport's population and development is projected to increase over the next several years, developing strong wetland protection practices is an important proactive step in achieving long term resiliency and preserving an important natural and ecological component of the community.

*Sincerely,*

**Race A. Hodges, CFM**  
Senior Planner - Resiliency Program Coordinator  
Certified Floodplain Manager  
Texas A&M University  
Texas Coastal Watershed Program  
1250 Bay Area Blvd., Ste. C  
Houston, TX 77058  
tcwp.tamu.edu  
281-210-6067

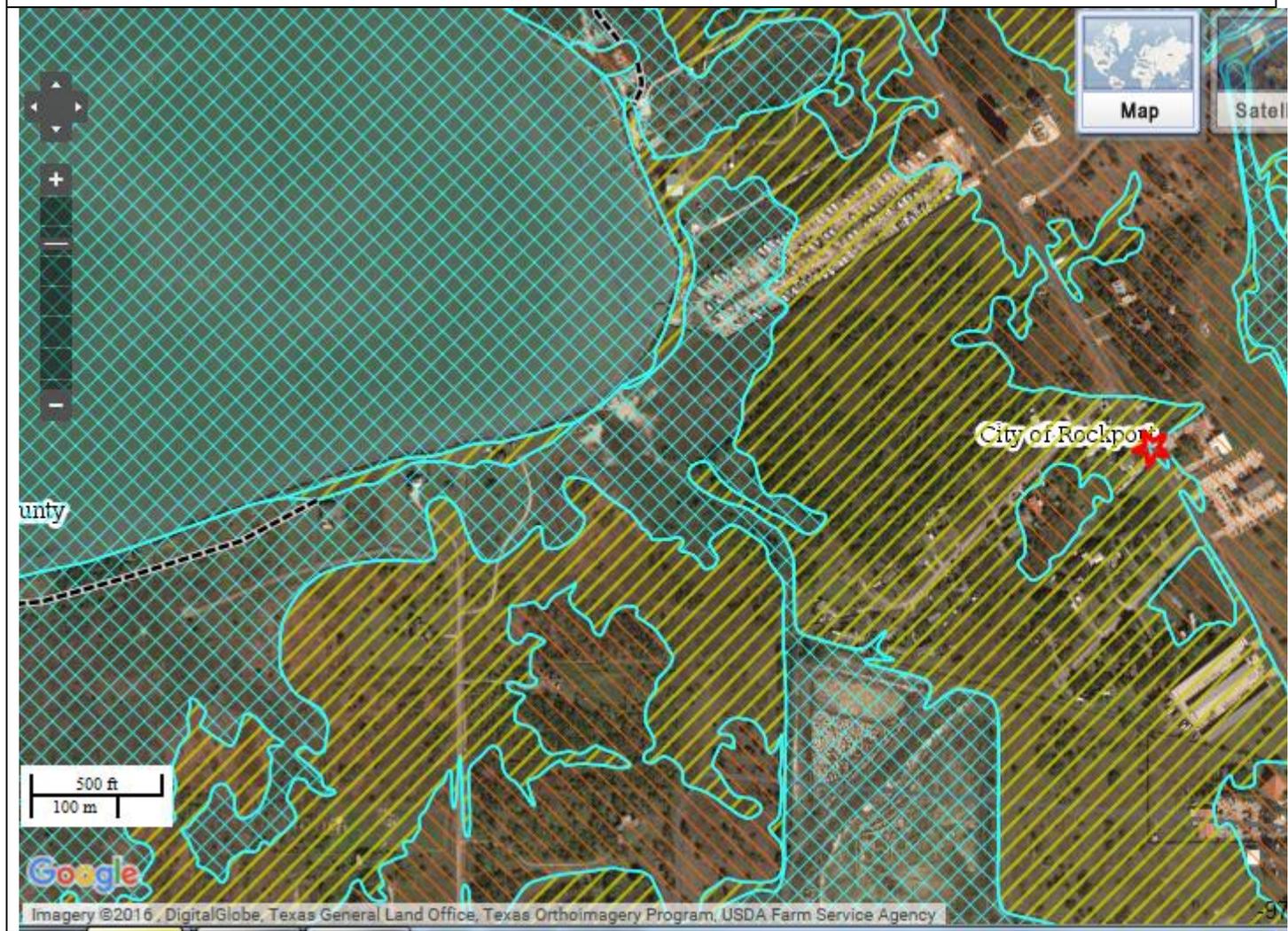
Texas A&M University System  
Texas AgriLife Extension Service / Texas Sea Grant  
1250 Bay Area Blvd., Suite C  
Houston, TX 77058

Office: (281) 218-0570  
Fax: (281) 218-6352  
tcwp.tamu.edu

SPECIAL FLOOD HAZARD AREA INFORMATION:

Address: 3021-3099 Loop 1781

Image from Riskmap6.com (FIRM effective date February 17, 2016) **BFE: 6 (+ 18" freeboard) = 7.5 feet**



**SPECIAL FLOOD HAZARD AREA (SFHA) REQUIREMENTS (as of February 17, 2016)**

<p>IN ALL SFHAS</p> <p><b>All documentation is required before issuance of Certificate of Occupancy</b></p>	<ol style="list-style-type: none"> <li>1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.</li> <li>2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.</li> <li>3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage.</li> <li>4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as <b>to be eighteen (18") inches above the base flood elevation or</b>, to prevent water from entering or accumulating within the components during conditions of flooding.</li> <li>5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.</li> <li>6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.</li> </ol>
<p>IN ALL SFHAS WITH BASE FLOOD ELEVATION (BFE) DATA</p>	<p><b>Residential construction:</b> New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, <b>elevated a minimum of eighteen (18") inches above the base flood elevation. An Elevation Certificate prepared by a registered professional engineer, architect or land surveyor is required for documentation.</b></p> <p><b>Non-residential construction:</b> New construction or substantial improvements of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, <b>elevated a minimum of eighteen (18") inches above the base flood level</b> or, <u>together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.</u> A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice of the City's Flood Ordinance. <b>An Elevation Certificate or Flood-proofing Certificate, which includes the specific elevation in relation to mean sea level, to which such structures are elevated or flood-proofed, shall be submitted for documentation.</b></p> <p><b>Enclosures:</b> New construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. <b>An Elevation Certificate from a registered professional engineer or architect is required for documentation to prove the following minimum criteria has been met:</b> A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.</p>
<p>COASTAL HIGH HAZARD AREAS: <b>Zones V1-30, VE / V</b></p>	<ol style="list-style-type: none"> <li>1. Obtain the elevation, in relation to mean sea level, of the bottom of the <b>lowest structural member of the lowest floor</b> (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement. <b>An Elevation Certificate prepared by a registered professional engineer, architect or land surveyor is required for documentation.</b></li> <li>2. All new construction shall be located landward of the reach of mean high tide.</li> <li>3. All new construction and substantial improvements, including manufactured homes, shall be elevated on pilings and columns so that: <b>the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated a minimum of eighteen (18") inches above the base flood level.</b> Also, the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting these provisions.</li> <li>4. All new construction and substantial improvements are required to have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions: a) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.</li> <li>5. If breakaway walls are used, such enclosed space shall be usable solely for parking of vehicles, building access or storage. <u>Such spaces shall not be used for human habitation.</u></li> <li>6. Prohibit the use of fill for structural support of buildings.</li> <li>7. Prohibit manmade alteration of sand dunes and mangrove stands which would increase potential flood damage.</li> </ol>
<p>MANUFACTURED HOMES</p>	<p><b>Zone A:</b> All manufactured homes to be placed within Zone A on City FIRM shall be installed using methods and practices which minimize flood damage. manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.</p> <p><b>Zones A1-30, AH, AE, V1-30, VE and/or V:</b> Manufactured homes that are placed or substantially improved within zones A1-30, AH and AE, V1-30, VE and/or V on City's FIRM on sites: outside of a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, are required to <b>be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of eighteen (18") inches above the base flood elevation</b> and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.</p> <p><b>Zones A1-30, AH and AE:</b> Manufactured homes that are placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE are required to be elevated so that either: 1. The lowest floor of the manufactured home is <b>a minimum of eighteen (18") inches above the base flood elevation;</b> or 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.</p>
<p>RECREATIONAL VEHICLES</p>	<p><b>Zones A1-30, AH, AE, V1-30, V or VE:</b> 1. Be on the site for fewer than 180 consecutive days; 2. Be fully licensed and ready for highway use; or 3. Meet the permit requirements and the elevation and anchoring requirements for manufactured homes above.</p>
<p><b>OUTSIDE OF THE SFHA</b></p>	<p>As per the City Drainage Design Manual, the finished floor of any structure should be a minimum of 12" above the centerline of the adjacent perimeter street (at any point). Site grading shall provide positive drainage and not block drainage from adjacent property. Any exceptions to this provision must be approved by the City of Rockport.</p>

**CITY COUNCIL AGENDA**  
**Regular Meeting: Tuesday, February 23, 2016**

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**AGENDA ITEM: 9**

Deliberate and act on Planning Zoning Commission recommendation to deny a request for a zoning change to property located at 104 Woodland Drive; also known as Rockport Country Club Estates, Unit 2, .678 acres out of 1.51 acres at the northwest corner of FM 2165 & entry road, Rockport, Aransas County, Texas from R-1 (1st Single Family Dwelling District) to B-1 (General Business District). Reason for request: to allow construction of two storage units for personal property, RV, home office, and shop space.

**SUBMITTED BY:** Community Planner Kimber Clark

**APPROVED FOR AGENDA:** PKC

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**BACKGROUND:** Mr. Paul M. Strunk (owner) requests to re-zone the above described property to commercial land use (B-1 - General Business District) for construction of two storage units for personal property, RV, home office, and shop space. See the accompanying map and documents for additional details.

1. Although this tract of land is within the City's Comprehensive Plan Future Land Use Map for projected commercial land use, the shape of the lot does not allow for TX DOT approvable access to F.M. 2165.
2. A violation to the Comprehensive Plan will exist by allowing traffic to access a commercial use through a residential street. Woodland Drive provides access to a residential subdivision and is not intended to provide direct access to commercial development not accessible from a major thoroughfare.
3. The tract of land is directly adjacent to residential developed lots.

This item was heard at a Joint Public Hearing with the City Council on January 12, 2016, and there was no public input. The issue was deliberated by P&Z at their January 18, 2016, meeting and an alternate zoning designation of R-7 (Residential and Office District) was discussed with one of the project owners. Comments by the property owner and neighbors were heard. The action on this item was tabled. The owners did not respond to the Commission's action or the R-7 alternative prior to the next Commission meeting.

On February 15, 2016, P&Z met again and chose to remove the item from the table. The request was deliberated and voted to be denied because the requested B-1 zoning was not compatible with the residential street and because the owners did not respond to the R-7 proposal or multiple attempts to contact them. On February 17th the representative for the owner contacted the building department to indicate that they were requesting the alternate zoning (R-7) that was discussed on January 18<sup>th</sup>. Since the original public notice was for the less restrictive B-1 zoning, changing

P&Z's recommendation to the more restrictive (than B-1) R-7 is acceptable. In addition, R-7 is a transitional use between the B-1 use fronting on Pearl Street and R-1.

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**FISCAL ANALYSIS:** N/A

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**RECOMMENDATION:** Staff recommends that City Council override the Planning and Zoning recommendation for denial of B-1 zoning and approve the alternate zoning (R-7) recommendation based on the above mentioned reasons.

**City of Rockport  
Office of Building &  
Development****Memo**

**To:** Mayor and City Council  
**From:** Planning & Zoning Commission Vice Chairman Ruth Davis  
**CC:** City Manager Kevin Carruth  
**Date:** 02/19/2016  
**Re:** Commission action on requested re-zoning for 104 Woodland Dr.

---

At our meeting held January 18, 2016 and February 15, 2016, the Planning & Zoning Commission discussed the request for a re-zone to property located at 104 Woodland Drive. The Commission voted unanimously to recommend this request for a re-zone be **denied** due to the following reasons:

1. Although this tract of land is within the City's Comprehensive Plan Future Land Use Map for projected commercial land use, the shape of the lot does not allow for TXDOT approvable access to F.M. 2165.
2. A violation to the Comprehensive Plan will exist by allowing traffic to access a commercial use through a residential street. Woodland Drive provides access to a residential subdivision and is not intended to provide direct access to commercial development not accessible from a major thoroughfare.
3. The tract of land is directly adjacent to residential developed lots.



---

**JOINT PUBLIC HEARING  
Rockport City Council  
and  
Planning & Zoning Commission**

**NOTICE** is hereby given that the Rockport City Council and the Planning & Zoning Commission will hold a Joint Public Hearing on Tuesday, January 12, 2016, at 6:30 p.m., at Rockport City Hall, 622 E. Market St., Rockport, Texas, to consider a request for rezoning property located at 104 Woodland Drive; also known as .678 acre out of 1.51 acres at the northwest corner of FM 2165 & entry road, Rockport Country Club Estates, Unit 2, Rockport, Aransas County, Texas, from R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District). The reason for the request is to allow construction of two storage units for personal property, RV, home office, and shop space.

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

**POSTED** the 16th day of December, 2015, by 5:00 p.m., on the bulletin board at Rockport City Hall, 622 E. Market Street Rockport, Texas, and on the website [www.cityofrockport.com](http://www.cityofrockport.com). **PUBLISHED** in *The Rockport Pilot* in the Saturday, December 19, 2015, Edition, in accordance with the Rockport Zoning Ordinance.

**CITY OF ROCKPORT, TEXAS**

  
Diana R. Leonard, Administrative Assistant



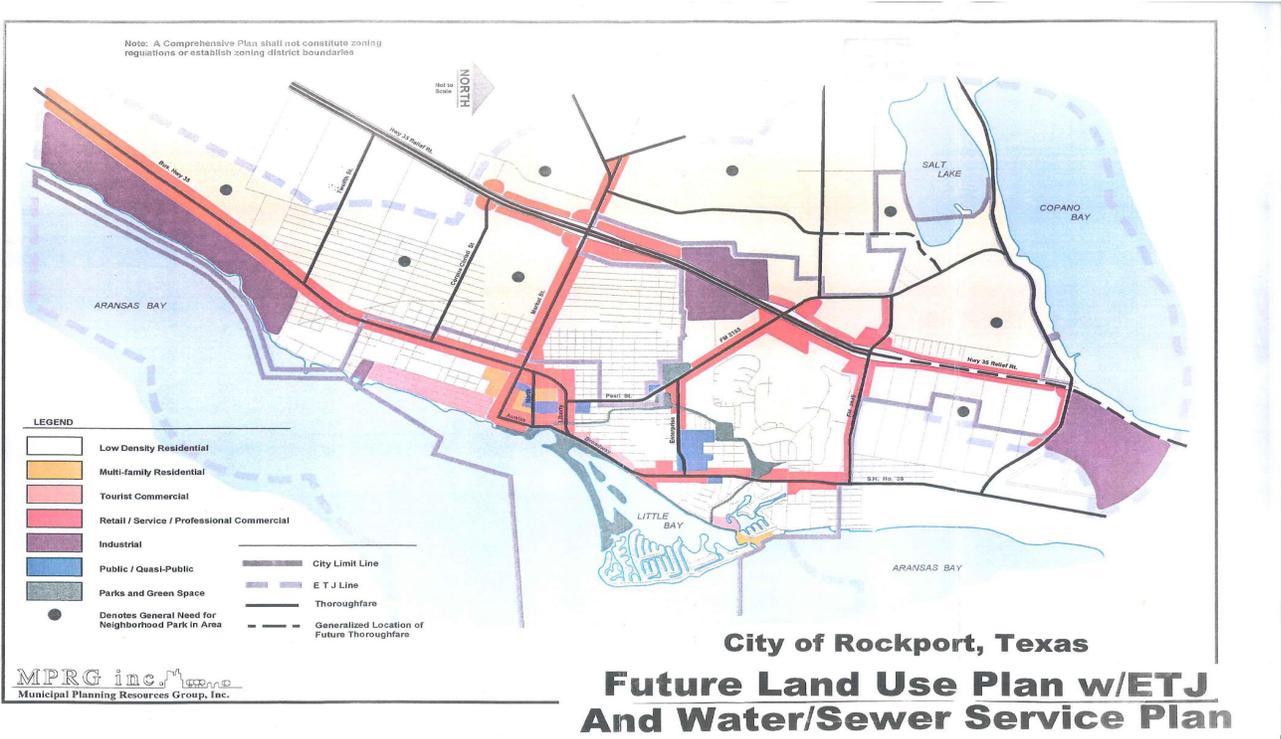
# 104 WOODLAND DR

**Print Date:** 11/24/2015  
**Image Date:** 03/03/2014  
**Level:** Neighborhood

**FUTURE LAND USE PLAN  
WITH ETJ  
City of Rockport, Texas**

**LEGEND**

	Low Density Residential		City Limit Line
	Multi-family Residential		E T J Line
	Tourist Commercial		Thoroughfare
	Retail / Service / Professional Commercial		Generalized Location of Future Thoroughfare
	Industrial		
	Public / Quasi-Public		
	Parks and Green Space		
	Denotes General Need for Neighborhood Park in Area		





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**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, December 8, 2015, at 6:30 p.m., at Rockport City Hall, 622 E. Market St., Rockport, Texas, to consider a request for rezoning property located at 104 Woodland Drive; also known as .678 acre out of 1.51 acres at the northwest corner of FM 2165 & entry road, Rockport Country Club Estates, Unit 2, Rockport, Aransas County, Texas, from R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District). The reason for the request is to allow construction of two storage units for personal property, RV, home office, and shop space.

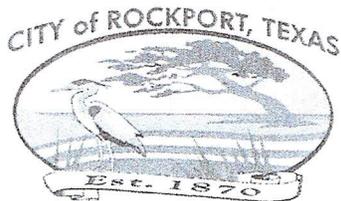
The City encourages citizens to participate and make their views known at this Public Hearing. For further information on this request, please contact the Building Department at (361) 790-1125. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations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

**POSTED** the 16th day of November, 2015, by 5:00 p.m., on the bulletin board at Rockport City Hall, 622 E. Market Street Rockport, Texas, and on the website [www.cityofrockport.com](http://www.cityofrockport.com). **PUBLISHED** in *The Rockport Pilot* in the Saturday, November 21, 2015, Edition, in accordance with the Rockport Zoning Ordinance.

**CITY OF ROCKPORT, TEXAS**

A handwritten signature in blue ink, appearing to read "Teresa Valdez", is written over a horizontal line.

Teresa Valdez, City Secretary



RECEIVED  
NOV 02 2015  
BY: MB

**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 \_\_\_\_\_

Corner of Pearl St. / F. M. 2165 and Woodland Drive

C. CURRENT ZONING OF PROPERTY: R-1

D. PRESENT USE OF PROPERTY: Vacant

E. ZONING DISTRICT REQUESTED: B-1

F. CONDITIONAL USE REQUESTED: \_\_\_\_\_

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

• Lot or Tract \_\_\_\_\_ Block \_\_\_\_\_

• Tract Survey Attached 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): 0.678 Acres

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

The owner wants to build two storage units for personal property, RV,  
home office, and shop space

K. OWNER'S NAME: (Please print) Paul M. Strunk  
 ADDRESS: 318 Olympic Dr.  
 CITY, STATE, ZIP CODE: Rockport, Texas 78382  
 PHONE NO 361 7298991 or 361 8884496

L. REPRESENTATIVE: (If Other Than Owner) Clayton W. Black  
 ADDRESS: P.O Box 1374  
 CITY, STATE, ZIP CODE: Rockport, TX 78381  
 PHONE NO 361-463-9458

**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: Paul M Strunk  
 (Owner or Representative)

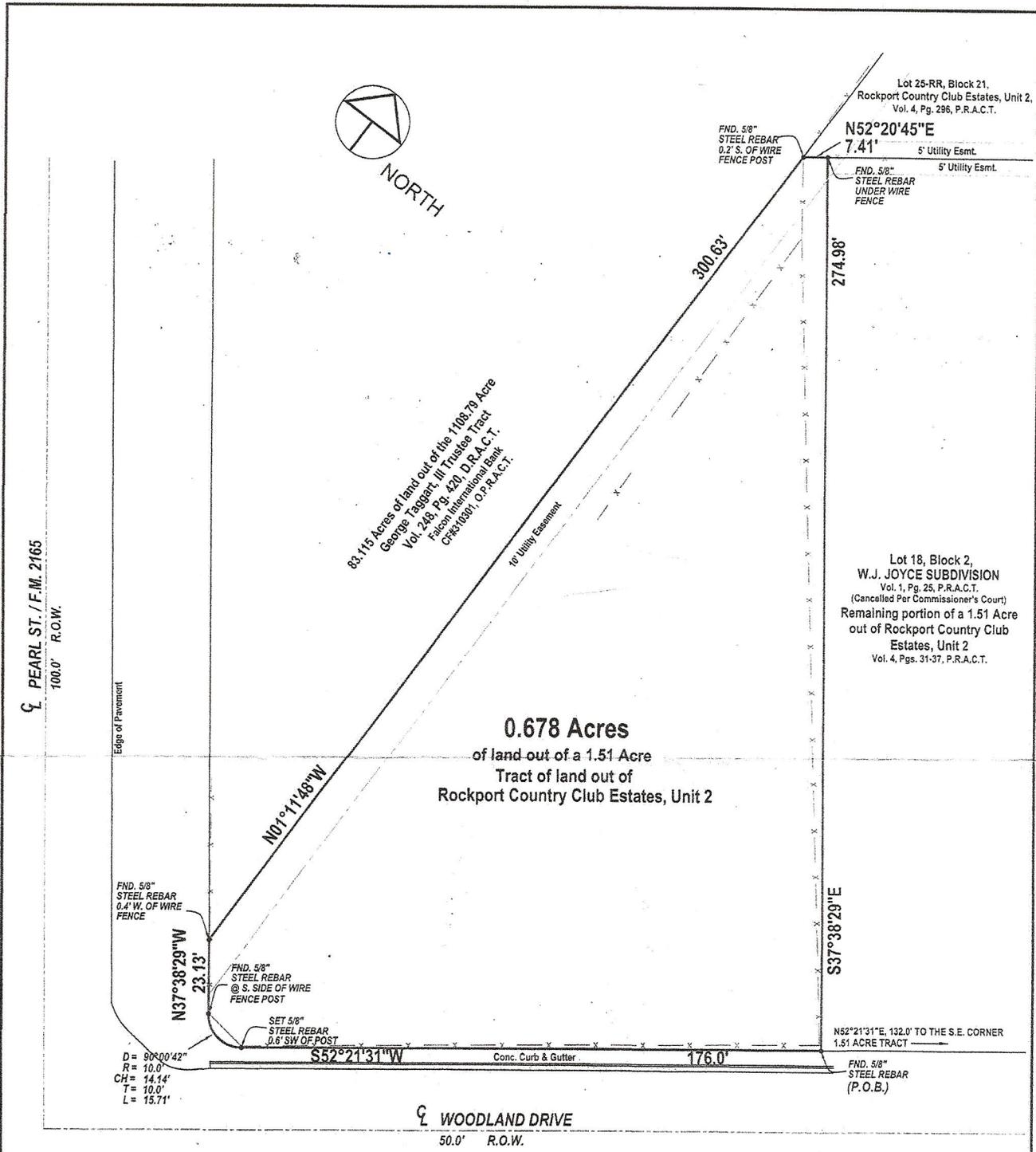
**(FOR CITY USE)**

Received by: MB Date: 11-2-15 Fees Paid: \$ 150.-

Submitted Information (  accepted ) (  rejected ) by: \_\_\_\_\_

If rejected, reasons why: \_\_\_\_\_

Receipt No. 025354



"SEE ACCOMPANYING FIELD NOTES DESCRIPTION"

THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD HAZARD MAP DATED 3-4-85, AND FOUND THAT THE PROPERTY DESCRIBED HEREIN IS OR IS NOT X LOCATED IN A "SPECIAL FLOOD HAZARD AREA" ZONE C BASE ELEVATION N/A. PANEL NO. 00010, COMMUNITY NO. 485504. THIS INFORMATION IS BASED ON SCALING THE LOCATION OF THIS SURVEY ON THE ABOVE REFERENCED MAP AND IS INTENDED TO BE USED TO DETERMINE INSURANCE RATES ONLY, AND NOT TO IDENTIFY SPECIFIC FLOODING CONDITIONS.

PLAT BEARING USED FOR DIRECTIONAL CONTROL UNLESS OTHERWISE SHOWN.  
SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS OR OWNERSHIP OF TITLE EVIDENCE. SURVEYOR DID NOT REVIEW EXCEPTIONS IN SCHEDULE "B" OF THE TITLE COMMITMENT TO DETERMINE WHETHER THEY DO OR DO NOT AFFECT SUBJECT PROPERTY.

**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 LAWS, TITLE 17, UNITED STATES CODE SECTIONS 101 AND 102. ALL VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.

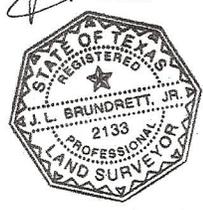
**0.678 ACRES OF LAND**  
**OUT OF A 1.51 ACRE TRACT, OUT OF**  
**ROCKPORT COUNTRY CLUB ESTATES, UNIT 2**

CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS.

ACCORDING TO THE PLAT RECORDED IN  
VOLUME 4, PAGES 31-37,  
PLAT RECORDS OF ARANSAS COUNTY, TEXAS.

J.L. BRUNDRETT, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY SHOWS A SURVEY ON THE GROUND OF THE FOREGOING PROPERTY AND THAT THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS OR PROVISIONS (EXCEPT AS SHOWN HEREON).

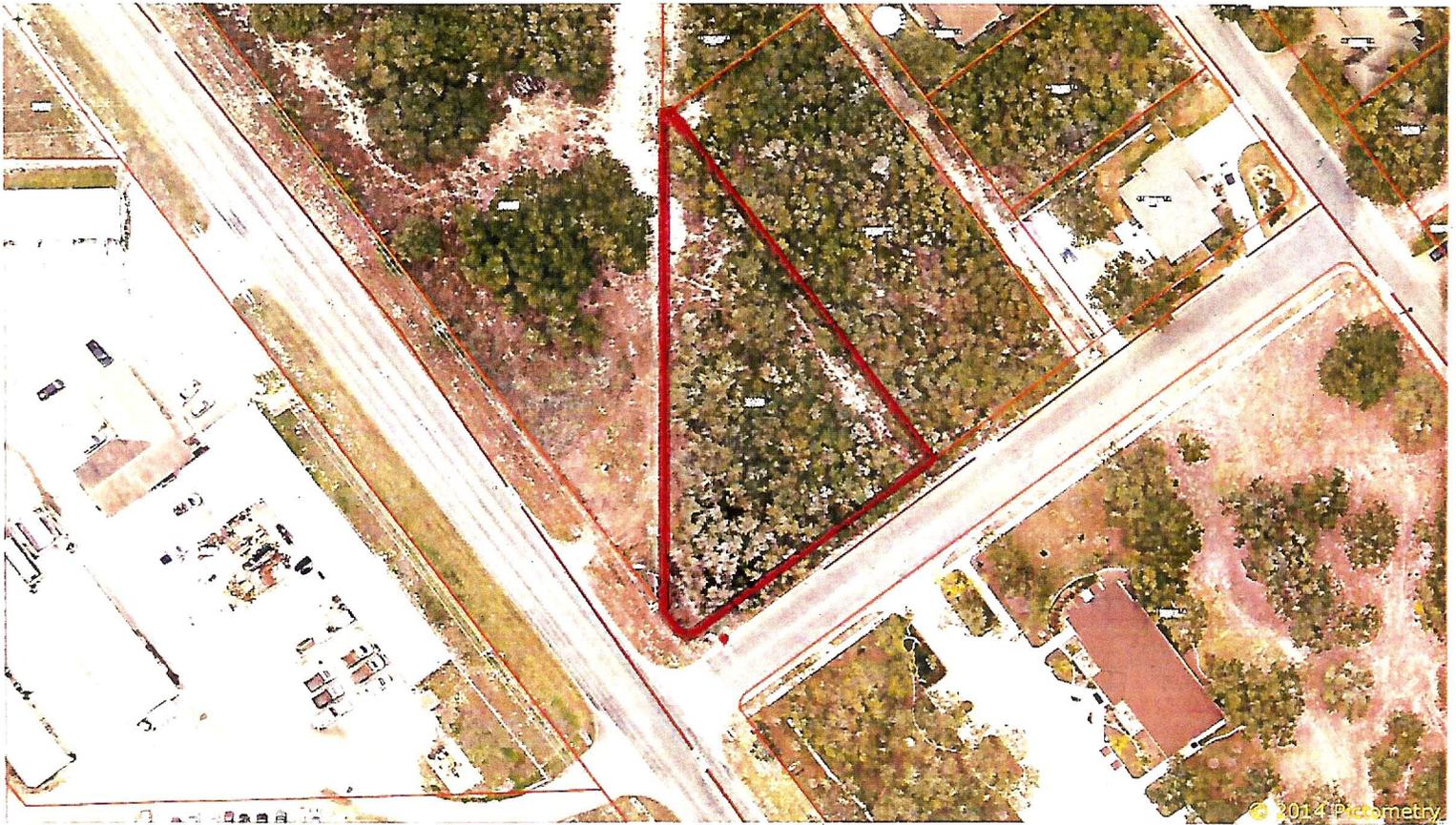
J.L. BRUNDRETT, JR., R.P.L.S. REG. NO. 2133  
TSPL# 18M NO. 10004880



**Griffith & Brundrett**  
Surveying & Engineering, Inc.  
411 S. Pearl St., P.O. Box 2322  
Rockport, Texas 79331  
361-729-6479  
361-729-7933  
jerryb@gsurveyor.com  
www.gsurveyor.com

DATE: JULY 16, 2015  
SCALE: 1" = 30'  
FILE NAME: 150716BB1  
REVISED  
DATE:

PREPARED FOR:  
**PAUL STRUNK**  
TITLE CO.:  
**STEWART TITLE CO. - ROCKPORT**



# 104 WOODLAND DR

**Print Date:** 11/24/2015  
**Image Date:** 03/03/2014  
**Level:** Neighborhood

October 30, 2015

To Whom It May Concern:

Please be advised that I authorize Clayton Black to be my representative on the zoning matter change.

A handwritten signature in cursive script that reads "Paul Strunk".

Paul Strunk

PAUL STRUNK  
802 N CARANCAHUA #1250  
CORUS CHRISTI TX 78401-0019

DAVID L CROWELL FAMILY  
ESTATE AND TRUSTS  
23 SAN JACINTO DR  
GALVESTON TX 77550-5713

ARANSAS COUNTY  
301 N LIVE OAK ST  
ROCKPORT TX 78382-2744

CHURCH OF JESUS CHRIST  
TAX ADM DIV 546-3173 50 E N TEMPLE  
FLOOR 22  
SALT LAKE CITY UT 84150-3620

MICHAEL GEER JR  
P O BOX 1802  
FULTON TX 78358-1802

MARCELINO & ANITA GONZALEZ  
15821 GYPSY ST  
CORPUS CHRISTI TX 78418-6513

MICHAEL & PHYLLIS DONOHO  
467 AUGUSTA DR  
ROCKPORT TX 78382-6948

JOHN & ADELAIDE MARLATT  
456 AUGUSTA DR  
ROCKPORT TX 78382-6945

FALCON INTERNATIONAL BANK  
5219 MCPHERSON RD  
LAREDO TX 78041

DAVIS & GLENDA MERRELL  
P O BOX 1802  
FULTON TXS 78358-1802

*Mailed  
11-17-15*

*2nd  
Mailing  
12-22-15*

PAUL STRUNK  
802 N CARANCAHUA #1250  
CORUS CHRISTI TX 78401-0019

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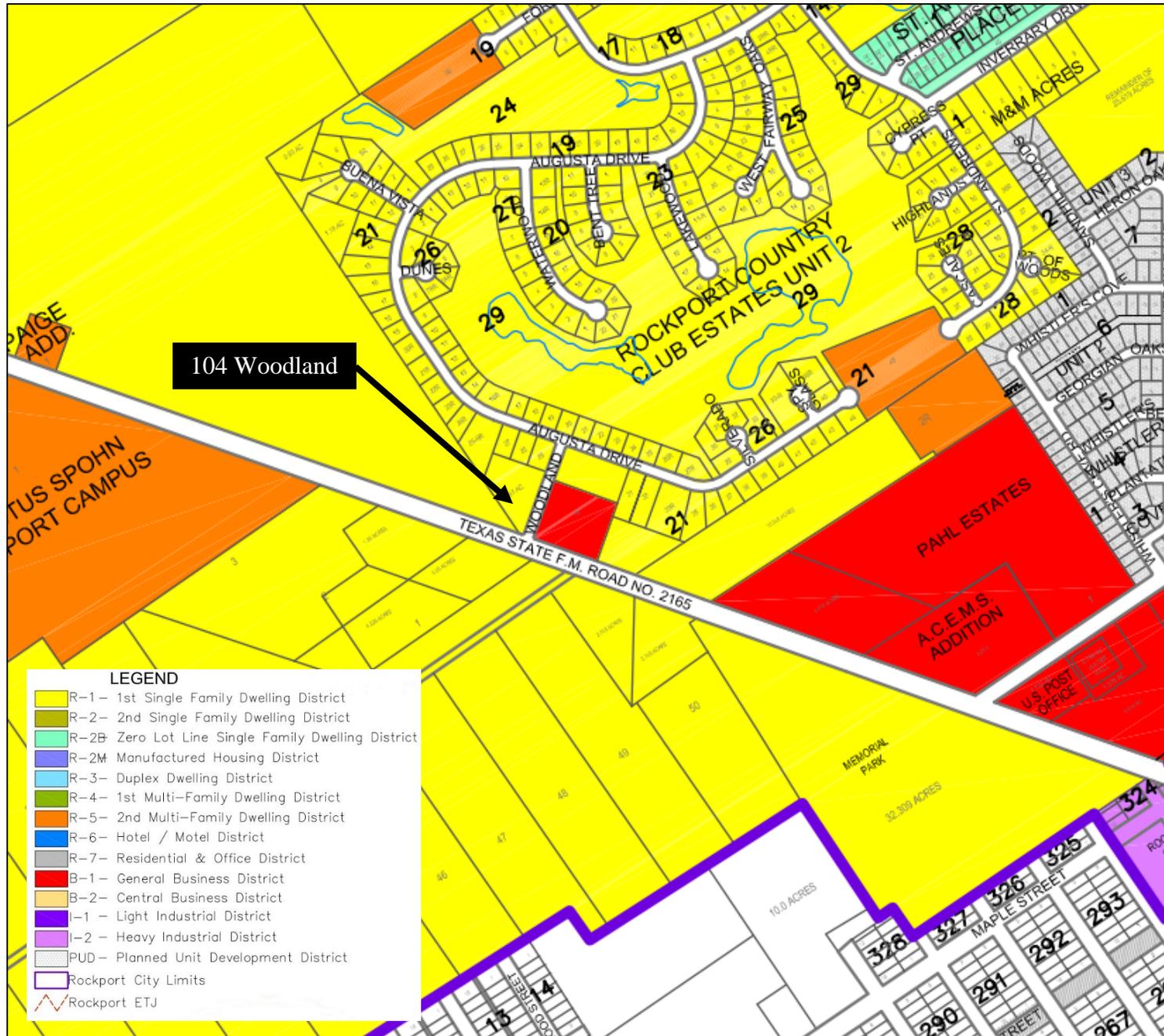
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*Mailed  
11-17-15*

104 Woodland Drive



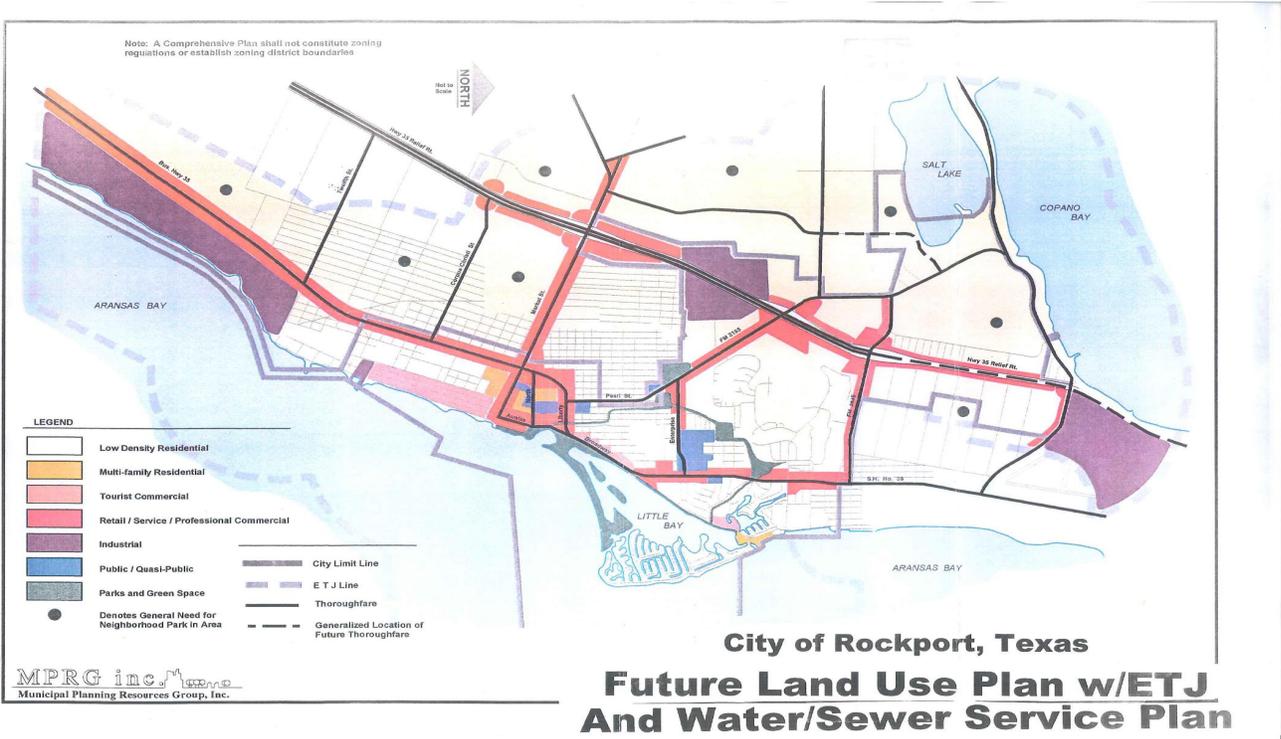
# 104 Woodland Drive Zoning



**FUTURE LAND USE PLAN  
WITH ETJ  
City of Rockport, Texas**

**LEGEND**

	Low Density Residential		City Limit Line
	Multi-family Residential		E T J Line
	Tourist Commercial		Thoroughfare
	Retail / Service / Professional Commercial		Generalized Location of Future Thoroughfare
	Industrial		
	Public / Quasi-Public		
	Parks and Green Space		
	Denotes General Need for Neighborhood Park in Area		



Article I. Zoning Ordinance*
------------------------------

**Sec. 118-6. R-1 1st Single-Family Dwelling District.**

6.1 *Use Regulations.* The purpose of this district is to provide for low density residential areas and to protect and conserve them permitting only such accessory and supporting uses as are compatible with the primary purpose of one-family residential use. The district also functions as a holding district, where land is not yet developed or committed for other use. Land and premises may be used only for:

1. One-family dwellings (see [Article 24](#) regarding Industrialized Housing).
2. Public parks, public buildings (except detention centers, penal and mental institutions).
3. Churches, schools and colleges.
4. Golf courses and golf clubs, but no commercial miniature courses or driving ranges.
5. Oil, gas and service wells provided they comply with the Rockport Oil and Gas Well Drilling Ordinance, as amended.
6. Bed and breakfast, by CUP.
7. Agricultural purposes.
8. Cemeteries in accordance with state law.
9. Child nurseries or pre-kindergarten schools, by CUP.
10. The keeping and raising of farm animals or non-domestic animals, by CUP. Agricultural land annexed into the city is exempt where such uses existed at time of annexation.
11. Wind powered systems in accordance with [Article VI., Chapter 42](#), Rockport Code of Ordinances.

6.2 *Area and Yard Regulations.*

6.2.1 *Area of the Lot.* The minimum area of the lot shall be seven thousand (7,000) square feet. See Table 20.

6.2.2 *Width of the Lot.* The minimum width of the lot shall be fifty (50) feet. See Table 20.

6.2.3 *Area of the Dwelling.* The minimum living area of the dwelling shall be eight hundred (800) square feet. See Table 20.

6.2.4 *Yard Areas and Building Setback.* See Table 20.

6.3 *Height of the Building.* No building shall exceed thirty five (35) feet in height. See Article 3-Definitions and Article 20.

6.4 *Parking Regulations.* Parking regulations for permitted uses as contained in Article 21.

6.5 *Accessory Use Regulations.* Accessory uses, which are auxiliary or incidental to the primary use of a building or premises, as contained in Article 22

(Ord. No. 1027, art. 6, 4-9-96)

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 COUNCIL AGENDA**  
**Regular Meeting: Tuesday, February 23, 2016**

---

**AGENDA ITEM: 10**

Deliberate and act on an emergency scope of work for Bayshore Drive Shoreline Stabilization.

**SUBMITTED BY:** Public Works Director Michael Donoho

**APPROVED FOR AGENDA:** PKC

---

**BACKGROUND:** In January 2015 the City of Rockport began discussions with the Key Allegro HOA about shoreline stabilization along Bayshore Drive. The Key Allegro Canal and Property Owner's Association submitted a request to the US Army Corps of Engineers for a permit to replace two failed groins along the public portion of Bayshore Drive. Several years ago the City of Rockport installed a rock revetment along the southern portion of Bayshore Drive (Blue Heron to Finistere) to protect the public road and utilities. A portion of this revetment has undersized top cap rock that has failed and exposed the geo – textile fabric along the shoreline to weathering deterioration. The soil in this area is beginning to erode through the fabric and into the bay during significant rain and wave events. If it collapses in a storm event, Bayshore Drive and parallel utilities will be at risk. Key Allegro HOA hired Coast & Harbor Engineering to conduct a shoreline erosion and stabilization engineering study of Bayshore Drive. The study recommends the reconstruction of the two failed groins at the intersection of Bayshore and Curlew. The study specifically recommended repairing the failed rock revetment on the south end of Bayshore. Hatch Mott MacDonald (formerly Coast & Harbor Engineering) is assisting in the submission of a grant request on behalf of the City of Rockport for Texas General Land Office CEPRF Funding to be used for this project. Since January there has been significant advancement of erosion in this area through the fabric and into the bay during rain and wave events. If it collapses in a storm event, Bayshore Drive and parallel utilities will be at risk. Hatch Mott MacDonald has developed a scope of work for emergency repairs in this area, including planning, regulatory coordination, engineering, designing, and preparing construction – ready plans and specifications for the repairs of damaged sections of the existing rock revetments and installation of scour protection at the toe of the existing concrete bulkheads.

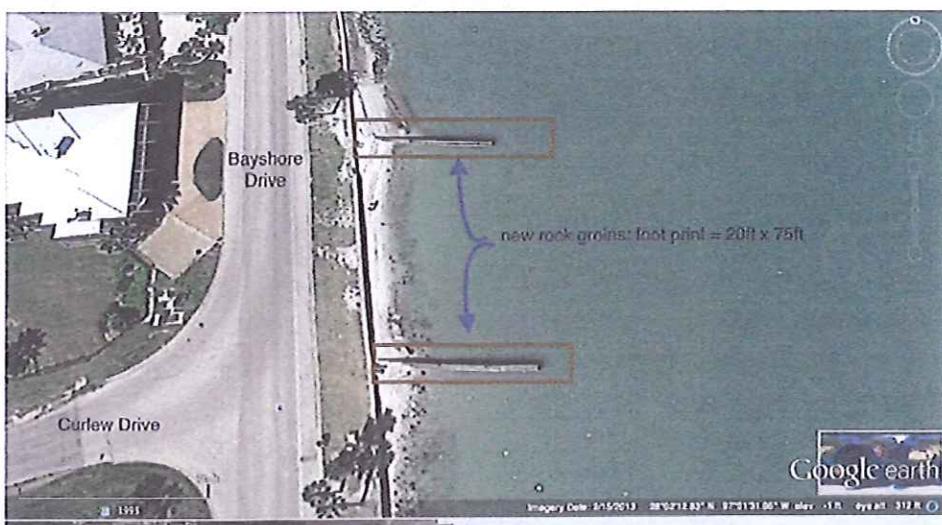
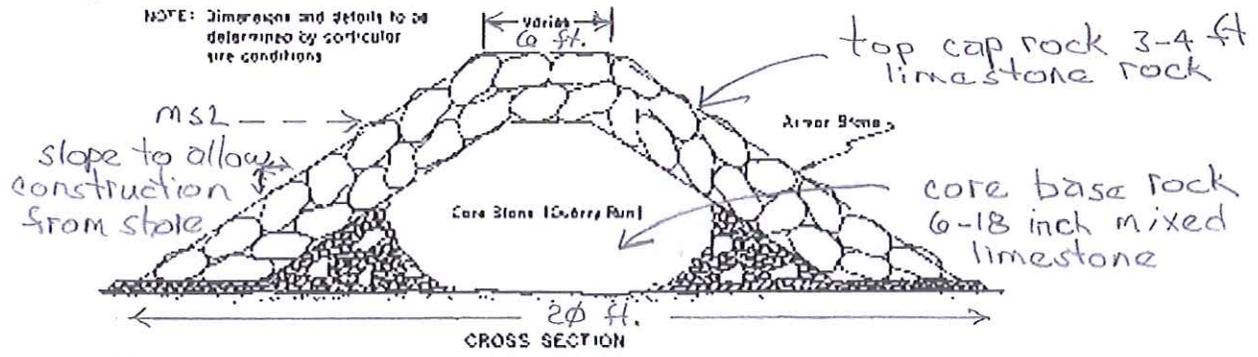
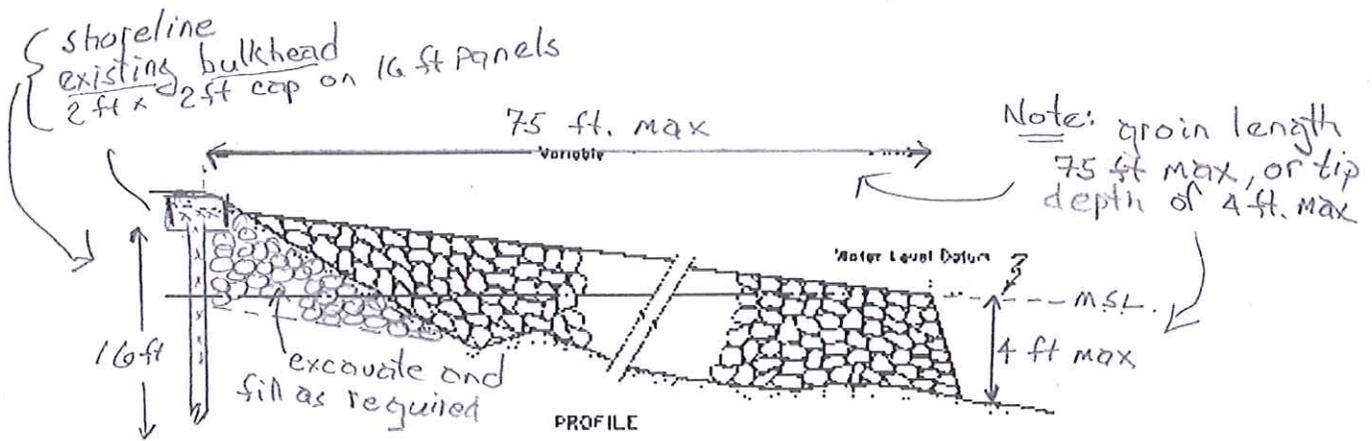
See the accompanying proposal for additional details.

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**FISCAL ANALYSIS:** Shoreline stabilization is an eligible hotel occupancy tax (HOT) expense. This is not a not a budgeted expense so a new account (27-6602095) has been created. Project cost is not to exceed \$31,500. With this expense our HOT fund balance will be approximately 437 days, 72 days above our 365 fund balance goal.

---

**RECOMMENDATION:** Staff recommends Council approve hiring Hatch Mott MacDonald to provide a scope of work for the implementation of emergency repairs to failed portions of shoreline structures for an amount not to exceed \$31,500.



{ Key Allegro  
Groins  
replace existing  
with rock. ✓



D.B. McDaniel  
4 Dec. 2014

### **Key Allegro Groins - Environmental Impact**

The Coast & Harbor Engineering study dated 10 September 2014 indicates that groins along the Key Allegro Bayshore drive are effective at trapping sediment if they are oriented in an easterly direction. And only where there is existing shoreline hardening (bulkhead, rock revetment, etc.)

Littoral transport of sand sediment is essentially non-existent along this coast due to the 2 bounding, dredged channels, Blevins channel to the north and Leggett Channel to the south. Historical erosion and loss of land has resulted by the strong NE and SE wind events pulling the sediment offshore. Strong NE winds in the winter and SE winds in the summer dominate the erosion along this coast. Wave numerical modeling indicates "wave shadowing" can occur during both of the these events with an East oriented groin.

Even though there is very limited littoral sand drift, the existing groin field where oriented East-West, do exhibit oyster shell accretion. See the pictures attached;





The creation of this “public beach” both protects the shore line structure (and public utility easement) from failure and creates a public recreational opportunity. The existing groin system indicates that proper groin orientation and shoreline hardening creates a stable and growing oyster shell beach.

The project proposes to replace 2 failed groins, constructed out of vertical sheet panels and timber with 100% rock groins. The 2 failed groins are an eyesore and provide minimal benefit. The referenced engineering study, indicates that vertical faced groins actually reflect wave energy onto the shoreline and contribute to erosion of the accreted shell offshore. A rock groin will absorb wave energy and not reflect it. In addition to wave energy mitigation, the Rock groin itself will create a fish habitat, where there is only sand shell bottom now.

Photos of the 2 existing failed groins are below:



These failed groins were approximately 75 ft in length. Study of the existing groin field and wave modeling suggests this is the optimum length. These failed structures will be removed and replaced with a tiered rock groin designed to withstand the NE and SE strong wind events. They will be constructed from the shore side, progressing out. The end result will be about a 20 ft by 75 ft footprint. It is anticipated that shell accretion around these new structures will develop rapidly, creating a public and marine environmental benefit.

Additionally it is important to note at the Key Allegro groin field consisted of 53 groin structures of different lengths, orientation, material, all in various stages of failure. Building these 2 rock groins in the optimal East orientation will provide valuable input to future decisions on the remaining groin field.

*Key Allegro Canal and Property Owner's Association, Inc.  
c/o Key Allegro Coastal Luce Properties  
1809 Bay Shore Drive  
Rockport, Texas 78382*

US Army Corps of Engineers  
Galveston District, Corpus Christy Regulatory Office  
5151 Flynn Parkway, Suite 306  
Corpus Christi, Texas 78411-4318

**Attention: Mathew L. Kimmel - Project Manager**

**Subject: Request for permit to replace and construct 2 failed groins**

Dear Sir;

Pursuant the conversation we have had with yourself and the COE concerning the failed groins on Key Allegro, we submit the following request. Specifically we request a "standard permit" to remove 2 failed sheet pile groins and replace them with rock groins. This memo clarifies some design modifications to our existing COE permit application # SWG201300779.

To arrive at this recommendation The KACPOA commissions an engineering study of the full Aransas Bay shoreline of Key Allegro. This study by Coast and Harbor Engineering has been provided to you and forms the basis for this request. Key Allegro's Aransas Bay front shoreline has experience considerable erosion over time, and is composed of both public and private lands. To combat the erosion in addition to various "Shoreline hardening structures, a groin field consisting of 53 groins was installed over time. These groins are all in various stages of failure. The CHE study indicated that groins orientated East-West and constructed to dissipate wave energy are effective at both protecting shoreline structures and growing shell beach.

2 failed groins, in front of public land, and help protect public utility easements, are failed eyesores and are oriented to the east for optimum benefit. These are located on the southern end of Bayshore Drive at the intersection of Curlew drive on Key Allegro. The KACPOA seek to replace these with more efficient rock groin structures. This request replaces the existing permit request through Floyd Clark Construction (COE permit # SWG201300779) for repair of failed groins on Key Allegro.

Attached are 2 supporting documents:

1. Key Allegro Groins - Environmental Impact
2. Key Allegro Groin Design

Michael Mahoney  
Key Allegro Permit Manager  
621 S. Fulton Beach Rd., #200  
Fulton Point Office Bldg.  
[mkmplm@gmail.com](mailto:mkmplm@gmail.com), 361-463-1168,



**BAY SHORE DRIVE  
EMERGENCY SHORELINE REPAIR PROJECT  
ROCKPORT, TX**

**Scope of Work and Fee Estimates**

**Introduction:**

The City of Rockport, Texas (City) has requested Hatch Mott MacDonald (HMM) to provide a scope of work for the implementation of emergency repairs to failed portions of shoreline structures. The following scope of services is for the purpose of planning, regulatory coordination, engineering, designing, and preparing construction-ready plans and specifications for the repairs of damaged sections of the existing rock revetment and installation of scour protection at the toe of the existing concrete bulkhead.

**ASSUMPTIONS:**

The following assumptions were made during the development of this Scope of Work:

1. HMM will not perform any land right services under this contract and assumes that the City will acquire all right of entry easements required for the execution of the project.
2. The revetment repairs and scour protection will be designed using information gathered from a previous CHE study (CHE, 2014).
3. HMM will utilize topographic, hydrographic, and geotechnical data as provided by the City
4. No new data will be collected as part of this scope.
5. The revetment repairs to failed sections are intended to protect those damaged portions until full revetment repairs can be made. Evaluation and design of the full revetment repairs are not included in this scope of work.
6. Permitting process will not require mitigation, Endangered Species consultation, or additional habitat characterization within the project limits.
7. The revetment has been previously authorized by the USACE and will not require any permitting for repairs
8. The scour protection will be applied for as a permit amendment to the current USACE permit secured by the Key Allegro POA for other adjacent shoreline repairs or the permit for the existing revetment.
9. For design of the rock structures, HMM will use hurricane conditions unless otherwise directed by the City.

**Scope of Services: Tasks, Timelines, and Deliverables**

**TASK 1: PRELIMINARY DESIGN**

Coastal engineering analysis results from the previous CHE study will be used to describe the design criteria required for the proposed revetment repairs and scour protection. No more than

four (4) additional modeling scenarios will be required to develop design criteria for the revetment repair and scour protection design relative to the extremal events determined in the previous study. A brief Basis of Design technical memorandum will be developed for the proposed repairs and will include design criteria, anticipated function, design life, and evaluation of any constructability issues. The preliminary design will be taken to 30% design level and will include drawings with a site plan, detailed plan views and cross-sections of all project elements. The results of the preliminary design will be presented to the City and modifications, if needed, will be made based on this review.

**Task 1 Schedule:** *Task 3 completed within 3 weeks from execution of NTP.*

**Task 1 Deliverables:** **Preliminary Design Plans** - Three (3) half size copies (ANSI "B" sheet size 11" x 17") and one (1) digital file in PDF format. **Basis of Design Technical Memorandum** – One (1) digital file in PDF format.

## TASK 2: REGULATORY COORDINATION

This task includes the necessary regulatory coordination for acquiring federal (USACE) and state (GLO Coastal Use Permit) authorizations, approvals, and permit amendments to construct the proposed project. The work outlined in this task is necessary for the purpose of obtaining a U.S. Army Corps of Engineers (USACE) permit under Section 10 and 404 jurisdictions permit modification. HMM will assemble the necessary application documents for obtaining the permit and or permit amendment and be responsible for coordinating and communicating with the resource agencies during the permitting process.

**Task 2 Schedule:** *Permit applications submitted to the USACE within 6 weeks of NTP.*

**Task 2 Deliverables:** *USACE Section 10/404 Permit Application and Attachments – One (1) electronic file in PDF format.*

## TASK 3: FINAL DESIGN

This task includes all work necessary to develop final design and 100% level Construction Contract plans and specification sections for the construction of the revetment repairs and scour protection for the concrete bulkhead. The services for this task will include the following:

### 3.1 PLANS AND SPECIFICATIONS

HMM will conduct engineering analyses in support of design of the revetment repairs and scour protection and will prepare technical specifications, construction level drawings. No more than two progress submittals will occur during this task. HMM will submit a 70% and 100% completion level set of construction documents to the City for acquisition of contractor proposals and bids. HMM will only provide technical specifications and associated plans in relation to the revetment repair and concrete bulkhead scour protection. No front end contract documents or complete bid package will be assembled by HMM.

**Task 3 Schedule:** *This task will commence after the submittal of the USACE permit application and will proceed along with the permitting phase of the project to assure inclusion of special*

conditions and comments from agencies into the design. Task 3 completed within 2 weeks from permit modification approval by USACE.

**Task 3 Deliverables:**

- (1) 70% Construction Plans, Specifications - one (1) electronic file in PDF format. Drawing files –Three (3) half size copies (ANSI “B” sheet size 11” x 17”) and one digital file in AutoCAD (\*.dwg) format on CD-ROM.
- (2) 100% Construction Plans, Specifications –one (1) electronic file in PDF format. Drawing files –Three (3) half size copies (ANSI “B” sheet size 11” x 17”) and one digital file in AutoCAD (\*.dwg) format on CD-ROM.

**TASK 4: CONSTRUCTION OVERSIGHT AND ENGINEERING ASSISTANCE**

HMM will provide construction phase engineering services during implementation of the revetment repairs and scour protection installation and will only include site visits to evaluate conformance to contract documents and provide technical and construction engineering support to the City’s coordination with the contractor. HMM will conduct three (3) site visits during construction at the request of the City to review the progress of the work and the work's conformance to the Contract Documents; and will notify the City when work is not in conformance with the contract documents.

**Task 4 Deliverables:**

- (1) Written recommendations (technical memorandums) to the City for engineering support during construction via email.

**TASK 5: COORDINATION, PRESENTATION, AND REPORTING**

The project is assumed to last approximately 12 weeks. HMM will do two (2) in-person presentations at the City’s office: one (1) interim technical presentation and one (1) final results presentation. HMM will provide updated and coordination and updates via teleconference where necessary.

**Engineering Fee and Schedule**

Payment is on a time and material basis not to exceed \$31,500. Progress invoices will be submitted for approval and paid monthly. The budget is valid for 60 days from the date of this Scope of Work. HMM will begin work immediately upon Notice to Proceed.

Task #	Tasks	Fee
1	Preliminary Design	\$ 4,000
2	Regulatory Coordination	\$ 8,200
3	Final Design (PS&E)	\$ 13,200
4	Construction Oversight and Engineering Assistance	\$ 3,400
5	Coordination, Presentation, and Reporting	\$ 2,700
	<b>TOTAL</b>	<b>\$ 31,500</b>