
PLANNING & ZONING COMMISSION MINUTES

On this the 29th day of August, 2016, the Planning and Zoning Commission of the City of Rockport held a Meeting at 5:30 p.m. at the City Hall, 622 E. Market Street, Rockport, Texas and notice of meeting giving time, date and subject having been posted as described in V.T.C.A., Government Code § 551.041.

Members Present

Brian Olsen - Chairman
Ruth Davis – Vice Chairman
Diana Severino-Saxon – Secretary
Graham Wilson
Edward Bellion

Members Absent

Shawn Johnston (EX)

Staff Members Present

Mike Donoho, Director of Public Works
Amanda Torres, Community Planner
Mary Bellinger, Assistant to Building Director

Guest(s) Present

Two (2)

Call to Order

1. **Called meeting to order at approximately 5:30 p.m.**
2. **Deliberate and act on the July 18, 2016, regular meeting minutes.**

Chairman Olsen asked for a motion to accept July 18, 2016, regular meeting minutes. Secretary Severino-Saxon moved to accept the minutes as written. Vice Chairman Davis second the motion. All voted in favor. Motion carried unanimously.

3. **Deliberate and act on appeal of staff's decision on re-plat application filed for property located at 229 S. Verne Street; also known as Lots 7 and 8, Block 154, Doughty & Mathis Division, Rockport, Aransas County, Texas.**

Chairman Olsen asked the property owner to present their request. Property owner stated; my name is Sharon Martin and this is my husband Curtis Martin and we are the property owners of 229 South Verne which we have owned for approximately ten (10) years and has been a rental property until the first of June, at which time we decided to sell the property. Mrs. Martin continued: we also own the two (2) lots that face Morgan Street, and it has always been our (Martin) intent to sell lot "7-R" and keep lot "8-R" as a buffer between lot "7-R" and the two (2) lots facing Morgan

Street. I (Martin) was disappointed when I was told the re-plat would not be approved because lot "8-R" would be required to connect to city sewer. The lot currently has a water well with no structures. So our (Martin) desire is to sell the home on lot "7-R" which has city water and city sewer, and keep lot "8-R" as a buffer. We stay at the home at 308 West Morgan on weekends and do not intend to sell, or build on lot "8-R" at this time. Member Bellion asked: did you build the house and garage at 229 South Verne? Mrs. Martin replied: "no" we bought the house. Member Bellion asked: so the property was already divided into two (2) lots? Mrs. Martin replied: "yes, sir". When we (Martin) first bought the property we immediately put up a fence and our tenants never had access to lot 8-R. Member Bellion stated; I noticed that the garage at 229 South Verne is right up against the property line. Staff member Torres stated: that is correct, however this property is in the ETJ (Extra Territorial Jurisdiction) and the city does not regulate set-backs in the ETJ. Ms. Torres stated: all we (city) are managing is the water and sewer. The City of Rockport sub-division regulations states; if the property is within a thousand (1000) feet of water and within three hundred (300) feet of sewer, the property owner must connect to those utilities. Therefore, if someone wants a plat variance the Planning and Zoning Commission does that. Member Bellion asked: so you (Martin) want to keep the fifty (50') by one hundred (100) foot lot. Mrs. Martin responded: that is correct. Member Bellion then asked: is the fifty (50') by one hundred (100) foot lot a buildable lot? Ms. Torres responded; if we (city) annex in the future then yes it is a buildable lot. Ms. Torres continued; the agreement between the city and the Martins is; if in the future they were to sell the property then at that time the new property owners would be required to connect to city water and city sewer.

Chairman Olsen asked Ms. Torres to recap. Ms. Torres stated: so, the Martins are requesting that lot "8-R" be re-orientated from facing South Verne to facing West Morgan. According to the City of Rockport Sub-Division Regulations, "Article VI Design Requirements and Standards" sub-point "G" which states: Potable Water Facilities, Public system. All new development shall connect to an approved public water system where such water supply is within 1,000 feet of subject development. Likewise, City of Rockport Sub-Division Regulations, "Article VI Design Requirements and Standards" sub-point "G" which states: Sewage Facilities, Public system. All subdivision development shall be connected to a public sanitary sewer system where such system is within 300 feet of subject development. Where a public sanitary sewage system is not, in the judgment of the city, accessible, the applicant shall comply with all state and county laws regarding private or package sewage facilities.

Both water and sewer is within 300 feet of both properties. With that said the Martins would need to connect to city water and sewer on lot "8-R". They are asking for a variance to connecting to utilities until such time that the property is either sold or built on.

Member Bellion stated: I have one more question. The ordinance states that they must connect to utilities. How are we (P&Z) sure it will be done? Does this set a precedence for other similar situations? Mr. Donoho responded: that is what this board is here for, the granting of a zoning variance. The variance you (P & Z) would be granting would only allow the Martins "not" to connect to utilities until such time the property is developed. When an application to develop the property comes in that is when the owner of the property would be required to connect to utilities. Member Bellion asked: where do the utilities lines stop right now? Staff member Art Smith stated: right now I believe the sewer line stops on Kossuth Street about two hundred feet to the south of

Morgan. There is a line on Verne Street and continues down Verne Street. There is a manhole on the corner of Verne Street and Morgan Street. The sewer line extension will be relatively expensive. Secretary Severino-Saxon stated: so basically the reason we (P & Z) are here is to grant a variance for non-connection to water and sewer at this time. Mr. Donoho and Ms. Torres responded: that is correct.

After a brief discussion Chairman Olsen asked; are there any more questions or comments. Hearing none Chairman Olsen asked for a motion.

MOTION:

Vice Chairman Davis moved to accept a request for a re-plat application filed for property located at 229 S. Verne Street; also known as Lots 7 and 8, Block 154, Doughty & Mathis Division, Rockport, Arkansas County, Texas. With the condition if or when the property sells or the lot is developed the owner will connect to city utilities. Member Wilson seconded the motion. With 4 members voting for and Chairman Olsen abstaining. Motion carried.

Adjournment

There being no further business, Chairman Olsen adjourned the meeting at approximately 6:00 p.m.

Prepared By:


Mary Bellinger, Assistant to Director

Approved By:


Brian Olsen, Chairman


Diana Severino-Saxon, Secretary