

**CITY OF FREEPORT
PLANNING COMMISSION AND CITY COUNCIL
JOINT PUBLIC HEARING
Tuesday, September 6, 2011, 6:00 p.m.
Freeport Police Department, Municipal Courtroom
430 North Brazosport Boulevard
Freeport, Texas**

AGENDA

Edward Garcia
Tobey Davenport
Eddie Virgil

Rueben Cuellar
Jesse Aguilar

NOTICE is hereby given that the Planning Commission of The City of Freeport, Texas will meet in a Joint Public Hearing with the Freeport City Council on Tuesday, **September 6, 2011 at 6:00 P.M.** at the Police Department Municipal Courtroom, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

1. Call to order.
2. Conduct a Joint Public Hearing to consider whether or not the Comprehensive Zoning Ordinance and Map of said City, codified as Chapter 155 of the Code of Ordinances Of said City, should be amended to add a new zoning district, to be called W-4 Marina District, and whether or not the zoning classification of all the land Located North of Second Street, East of Cherry, West of Terminal Street and South Of the centerline of the Old Brazos River should be changed to W-4 Marina District.
3. Make a recommendation to the City Council concerning whether or not the Comprehensive Zoning Ordinance and Map of said City, codified as Chapter 155 of the Code of Ordinances Of said City, should be amended to add a new zoning district, to be called W-4 Marina District, and whether or not the zoning classification of all the land Located North of Second Street, East of Cherry, West of Terminal Street and South Of the centerline of the Old Brazos River should be changed to W-4 Marina District.
4. Adjourn.

NOTE: ITEMS NOT NECESSARILY DISCUSSED IN THE OREDER THEY APPEAR ON THE AGENDA. THE PLANNING COMMISSION, AT ITS DISCRETION, MAY TAKE ACTION ON ANY OR ALL OF THE ITEMS LISTED.

I, Melissa Farmer, Building/Permit Department Secretary, City of Freeport, Texas, hereby certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building with 24-hour access, at 200 West 2nd Street, Freeport, Texas, on or before **Friday, September 2, 2011, at 5:00 P.M.**



Melissa Farmer
Melissa Farmer
Building/Permit Department
City of Freeport

Melissa Farmer

From: Wallace Shaw <wallace.shaw@sbcglobal.net>
Sent: Monday, August 29, 2011 10:28 AM
To: Melissa Farmer
Cc: Delia Munoz; Jeff Pynes
Subject: Include in Commission Members' packet for joint public hearing on 9-6-2011

Melissa,

In an e-mail I sent to Delia on July 28, 2011, I asked her to include the following in the City Council packets. I am now asking you to do the same with the Commission Members' packets.

The paperwork which the Planning Commission looked at did not include adding a definition of "marina" to the zoning ordinance so the ordinary definition will apply. According to Webster's Dictionary, the ordinary definition is:

"A dock or basin providing secure moorings for pleasure boats and often offering supply, repair, and other facilities."

Thus, by including the words "and often", the "offering (of) supply, repair, and other facilities" is optional. If the Planning Commission and the City Council want to require more than "a dock or basin providing secure moorings for pleasure boats", then a specific definition will need to be added to the zoning ordinance setting forth those requirements, e.g.

"A dock or basin providing secure moorings for pleasure boats offering supply, repair, and other facilities."

By deleting the words "and often" from the ordinary definition, "offering supply, repair, and other facilities" becomes mandatory.

The other matter not included in the paperwork which the Commission looked at is that there is no required distance between marinas. This could become a safety issue with regard not only to the parking of motor vehicles but also a safety issue regarding the docking of boats, e.g. the Old River could become like an airport with runways too close together.

Thank you.

Wallace Shaw

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NEW MARINA ORDINANCE

First, Section 155.002 of the Code of Ordinances would be amended to add, in its alphabetical sequence, the following definition:

“MARINA RELATED BUSINESS. Any business which primarily provides goods and services to any customer of any marina located in the W-4 Marina Zoning.”

Second, a new Section 155.048 would be added to the Code of Ordinance which would read as follows:

“SECTION 155.048 – W-4 MARINA DISTRICT

This district included all of the land within the City which is located North of Second Street, East of Cherry Street and its northerly extension to the centerline of the Old Brazos River and West of a northerly extension of Terminal Street to the centerline of the Old Brazos River.

(A) *Minimum requirements for lot area, width and setback.*

Lot area: 10,000 SF

Lot width: 100 ft.

Setback:

Front: 15 ft.

Rear: 25 ft.

Side: 10 ft.

(B) See Section 155.023 for supplementary district regulations, exceptions and parking requirements applying to the W-4 District.

(C) See Section 155.060 (D) and (E) for temporary use permits that may be granted by the Board of Adjustments and specific use permits that may be recommended by the City Planning Commission within the W-4 District under certain circumstances and conditions.

(D) *Permitted uses and parking requirements.*

W-4 Permitted Uses

Parking Ratio

A marina and, by specific use permit only, any marina related business.

See Section 155(D)(2)

(E) *Other required conditions.*

(1) *Site plan.* A site plan shall be submitted to and approved by the Building Official prior to the issuance of a Certificate of Occupancy and Compliance.

(2) *Floor area.* The total floor area of any building or buildings on a lot in the W-4 District shall not exceed the number of square feet in the lot.

Third, Paragraph (1) of Division (E) of Section 155.060 of the Code of Ordinances would be amended to add the following:

<u>Parking Ratio</u>	<u>Specific Use</u>	<u>District</u>
"1/100	Marina related business	W-4

JOIN US AS WE

KEEP FREEPORT

BEAUTIFUL



BECAUSE IT'S OUR TOWN.

THE PROPOSED MARINA ZONING DISTRICT (W-4)

PRESENTED BY:

Kola (Olay) Olayiwola
Building Codes Official
Master City Planner (MCP)



INTRODUCTION

- ❑ Definition/Vision for the Marina Zoning District
- ❑ The Geographic Boundary of the Marina Area
- ❑ Existing Zoning Categories in the Marina Area
- ❑ Establishing the "THEME" for the Marina Area
- ❑ Comparative Analysis of the best fit Zoning Categories for the Marina Area (W-1R vs. W-4)

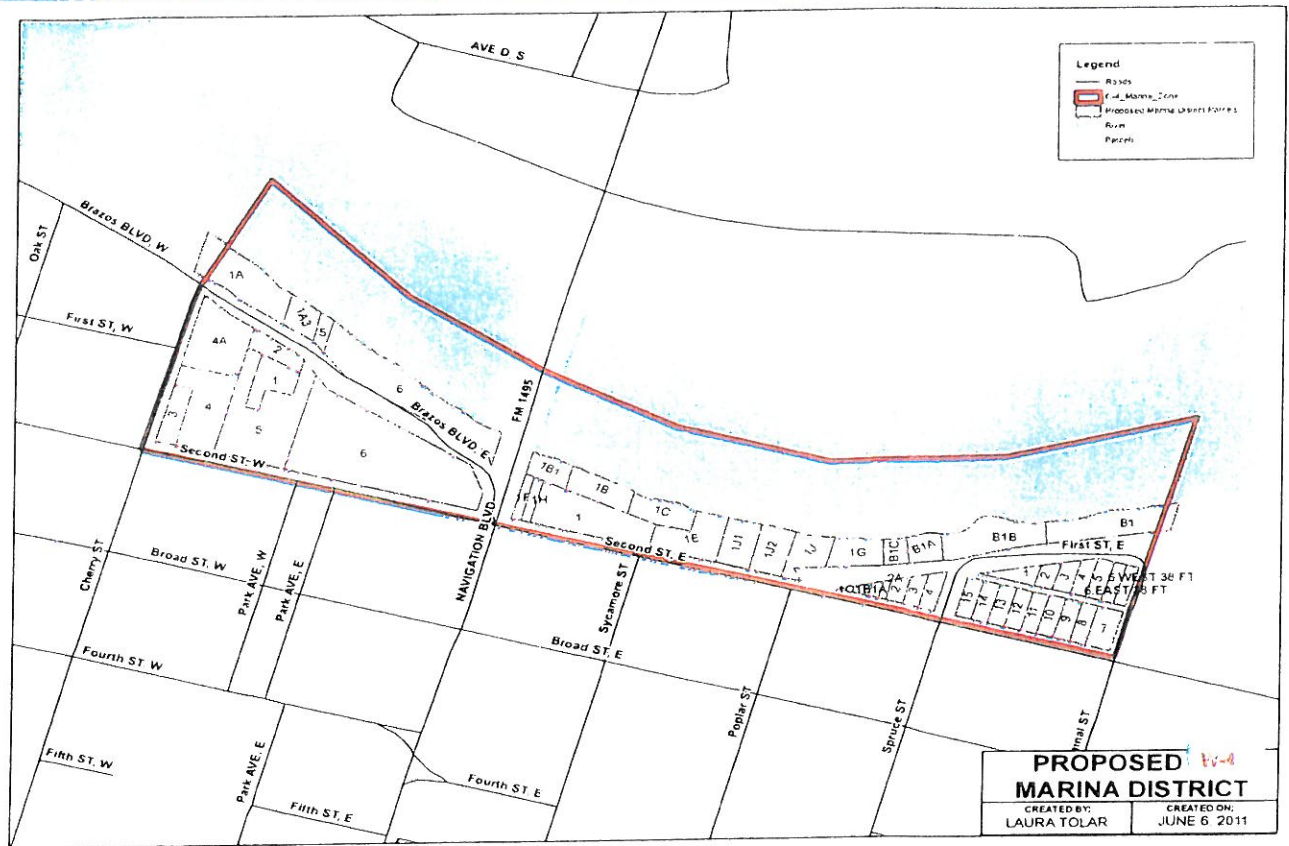


VISION FOR THE MARINA DISTRICT

Vision for the Marina District

- ❖ *The Marina District (The Downtown, Marina and Waterfront properties), represent the nucleus growth center for Freeport, as a place for people to live, shop, work and play. A managed growth in the Marina District with a small-town charm will reflect the City's rich history and invites new businesses, development, shoppers and residents. Mixed services in the District will encourage residents to shop locally and serve as a destination for visitors. Design guidelines and Land Use regulations shall be critical for this region to preserve and celebrate the City's unique location and maritime heritage.*

THE PROPOSED MARINA ZONE





Existing Zoning Categories in the Marina Area

West Quadrant/C-2 (Cherry to Navigation)

✓ *C-2 District, General Commercial*

Suitable for retail and wholesale activities- particularly, commercial uses that are not appropriate for Retail Business District. This District will permit almost any type of land use.

Central Quadrant/W-2 (Navigation to Poplar)

✓ *W-2 District, Waterfront- Light*

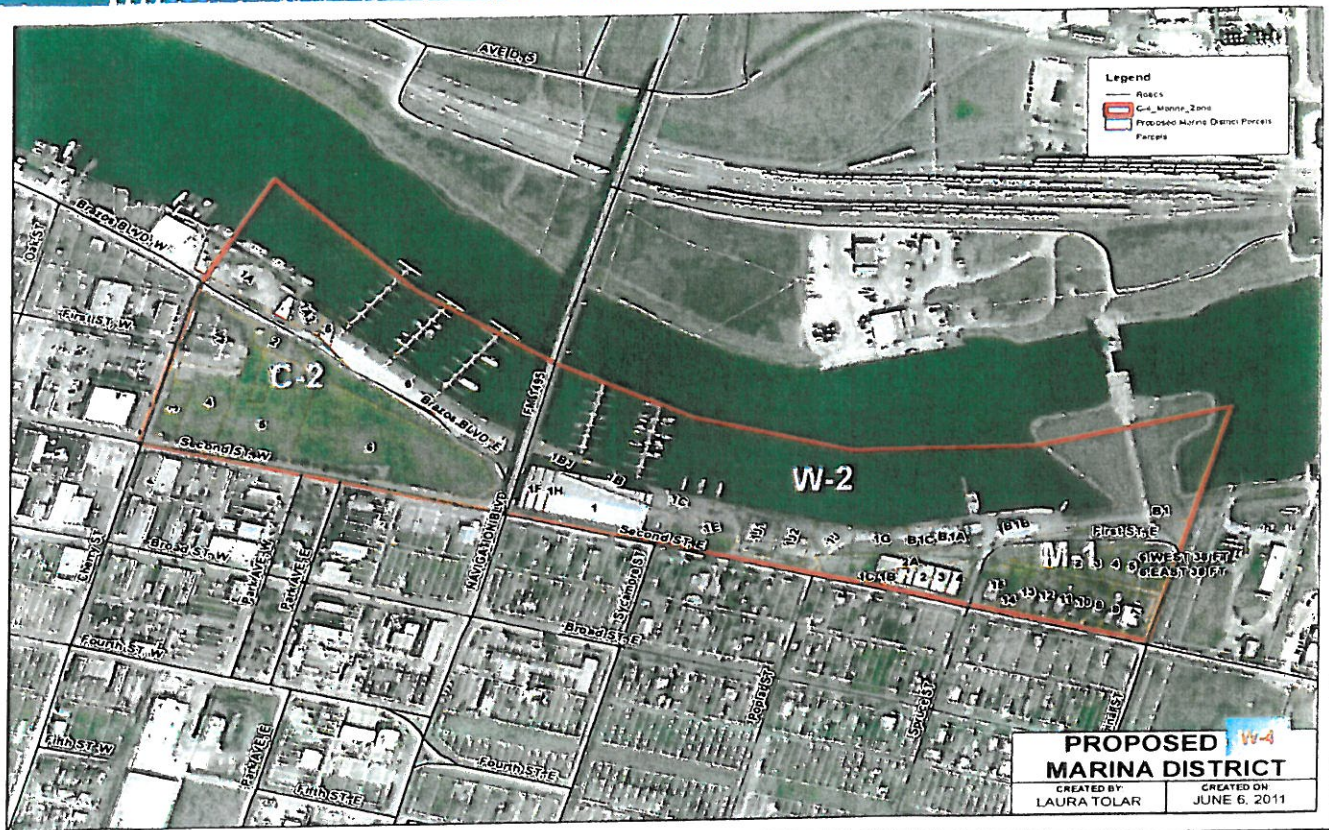
Supports wide range of retail and wholesale activities relating to port, harbor or marine activities including manufacture, storage, transport and handling of goods as well as commercial.

East Quadrant/M-1 (Poplar to Terminal)

✓ *M-1 District, Light Manufacturing*

Fitted for commercial and industrial activities subject to limitations to protect nearby residential districts from nuisance.

EXISTING ZONING IN MARINA DISTRICT



"THEME" for the Marina Area

The Marina District is currently governed by three (3) zoning categories, i.e., C-2, W-2 and M-1.

The "Theme" is to have one (1) zoning category for the entire region, which will preserve the City Maritime Heritage and support growth. None of the above serves as the best fit for this criteria.

Then, consider W-1R that is in place at Bridge Harbor and a new zoning category (W-4) as proposed by the City Attorney.



COMPARATIVE ANALYSIS
Waterfront District (W-1R) vs. Marina Zone (W-4)

Land Use Attributes	Existing Water Front Zone (W-1R) <i>Residential Oriented</i>	Proposed Marina Zone (W-4) <i>Residential/Commercial</i>	Comment
DEFINITION	Waterfront Single Family Residential- consists of waterfront areas occupied by/or suitable for single family dwellings and open space. District will also support pleasure boats and recreational boats, including fishing charter for six or less by SUP. This Zoning District (W-1R) currently exists in the Bridge Harbor waterfront community.	Marina zone- will entail the designated land area on the map, traversing; North of 2nd St, East of Cherry St., extending North to the centerline of Brazos River and north extension to Terminal St. This District will support any business/structure which primarily provides goods and services to any marina located in the Marina Zone.	Note that W-4 is geared towards supporting Commercial and Residential activities, while W-1R is restrictive and prefers Residential as the primary use.
PERMITTED USES/PARKING	Any use permitted in R-1 & R-2 (1/1000-sq.ft. Parking); Docking for pleasure & recreation boats (1/200 sq.ft... Parking); Fishing charter up to 6 by SUP. (Parking as see fit by P&Z).	Will support a Marina and, any marina related business by Specific Use Permit (SUP) only. Parking Ratio to be 1-space per 100-sq.ft.	The applicability of the SUP tool gives the City (P&Z) more authorized liberty in regulating what type of activities may occur in the Marina (W-4) Zone.
LOT AREA REQUIREMENTS	Area = 4200-sqf, Width = 30', Setbacks are; 25' Front, 10' Rear and 5' Side.	Area = 10,000-sqf. Width = 100ft. Setbacks are; 15' Front, 25' Rear and 10' Side	Setbacks will be keyed to property line- regardless of lots being platted or not.
SITE PLAN APPLICABILITY	Master Planned Community with platted lots- new Site Plans are not required.	Currently in this district, only Blocks 1 & 16 are platted, as such site plans will be required for vacant lots.	For lots that are not currently platted in W-4 Zone, site plan shall be submitted to and approved by the Building Official prior to issuance of a Certificate of Occupancy.
BUILDING FLOOR AREA	Shall not exceed the area that fits within the required setbacks. Granting of Variance is not popular in this District.	Shall not exceed the number of square feet in the lot. Seems friendly to Variance.	Granting of Variance to encroach into required setbacks seems more plausible in W-4 Zone.
HEIGHT REGULATION	No building or boat/ship (covered) shall exceed 35' or 2-1/2 stories in height.	No structure shall exceed 100 feet in height. But will allow additional height of 1-ft for every 4-ft setback from yard line.	Building height regulation is more flexible in the proposed W-4 Marina zone.



CONCLUSION

- By the virtue of elimination process, C-2, W-2 and M-1 zoning categories that presently exist at the Marina District are not the best characterization for the Marina area.
- Comparative Analysis of the W-1R vs. W-4, purport that, the proposed W-4 zoning category would create the best type managed growth for the Marina District.

