

**CITY OF FREEPORT
PLANNING COMMISSION
Tuesday, September 27, 2011, 6:00 P.M.
Freeport Police Department, Municipal Court Room,
430 North Brazosport Boulevard
Freeport, Texas**

AGENDA

Edward Garcia, Acting Chairman
Tobey Davenport
Jesse Aguilar, Jr.

Reuben Cuellar
Eddie Virgil

NOTICE is hereby given that the Planning Commission of the City of Freeport, Texas will meet in a regular meeting on **Tuesday, September 27, 2011 at 6:00 P.M.** at the Freeport Police Department Municipal Courtroom, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

1. Open Meeting.
2. Invocation.
3. Approval of the Minutes for August 23, 2011 and the Minutes for the Joint Public Hearing on September 6, 2011.
4. Discuss/consider amending Section 155.023, L, 1-3 of the Code of Ordinances book to include decorative fences and provide regulations for such fences.
5. Adjourn.

NOTE: ITEMS NOT NECESSARILY DISCUSSED IN THE ORDER 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 23, 2011 at 5:00 P.M.



Melissa Farmer
Melissa Farmer
Building/Permit Department

COUNTY OF BRAZORIA)(

CITY OF FREEPORT)(

BE IT REMEMBERED that the Planning and Traffic Commission of the City of Freeport, Texas met in a regular meeting on, **Tuesday, August 23, 2011 at 6:00 P.M.** at the Police Department Conference Room, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

Planning Commission:

Edward Garcia – Acting-Chairperson
Reuben Cuellar
Tobey Davenport - Absent
Jesse Aguilar
Eddie Virgil

Staff: Kola Olayiwola
Melissa Farmer
Wallace Shaw
Councilwoman, Michelle Kent
Councilwoman, Nicolosa Mireles
Nat Hickey

Guest: Joyce Adkins
Wright Gore
Beth Gore
Melanie Oldham

Open Meeting.

Mr. Edward Garcia called the meeting to order at 6:00 P.M.

Invocation.

Mr. Wallace Shaw opened the meeting with a prayer.

Approval of the Minutes for July 26, 2011.

Mr. Reuben Cuellar moved to accept the minutes for July 26, 2011, seconded by Ms. Eddie Virgil, unanimous vote for approval.

Discuss/consider Cortez & Garcia re-plat, Block Six (6), Lot Six (6), Twenty-Three (23) through Twenty-Four (24), South View Gardens Subdivision, Freeport, Texas.

The Planning Commission discussed the need for the re-plat. Mr. Kola Olayiwola stated to the Board that the owners wanted to add-on a 22'x28' addition to their home. Mr. Edward Garcia wanted to know why they needed to re-plat the property located on West 10th Street. Mr. Kola Olayiwola explained to the Board that the owners had built a structure on that piece of property and that in order for it to be in compliance that they needed to re-plat that property also.

Mr. Reuben Cuellar made a motion to deny the request of the re-plat, seconded by Ms. Eddie Virgil, by a vote of 3-to-1, with Mr. Reuben Cuellar, Mr. Edward Garcia and Ms. Eddie Virgil voting against and Mr. Jesse Aguilar voting for, the motion passed.

Final PowerPoint presentation by the Building Official, Mr. Kola Olayiwola on the railroad crossings located on Navigation, Gulf Boulevard and South Avenue D.

Mr. Kola Olayiwola presented his final PowerPoint presentation to the Board of the final results of all the railroad crossings in the City of Freeport. He showed the Board before and after pictures and stated that the railroad company had complied with the City's request and that they were all completed.

Adjourn.

Mr. Reuben Cuellar made a motion to adjourn, seconded by Ms. Eddie Virgil, unanimous vote for approval. Meeting was adjourned at 6:30 P.M.

These minutes read and approved this _____ day of _____, 2011.

Edward Garcia, Acting Chairperson

STATE OF TEXAS)(

COUNTY OF BRAZORIA)(

CITY OF FREEPORT)(

BE IT REMEMBERED that the Planning Commission of the City of Freeport, Texas met in a special meeting on **Tuesday, September 6, 2011 at 6:00 P.M.** at the Freeport Police Department, Municipal Courtroom, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

Planning Commission:

Edward Garcia – Acting Chairman - Absent
Reuben Cuellar
Jesse Aguilar
Tobey Davenport
Eddie Virgil

City Council:

Mayor Norma Moreno - Garcia
Michelle Kent
Fred Bolton - Absent
Sandra Barbree
Nicolosa Mireles

Staff:

Jeff Pynes
Kola Olayiwola
Wallace Shaw
Delia Munoz
Gilbert Arispe
Nat Hickey
Chief Tyrone Morrow
Brian Davis
Bob Welch

Guests:

Jim Pirrung	Dorothy Pirrung
Margaret Pollard	Joyce Adkins
Wright Gore Jr.	Paula Hammond
Jack Reid	Daniel Woodley
Eva Woodley	Estella Gomez
Marjorie Clark	Annette Sanford
Bertha Kelly	Brenda Laird
John Hoss	Bobby Bass
Candelaria Gomez	Victoria Castenda
Melanie Oldham	Lila Lloyd
Manning Rollerson	Walker Royall

Open Meeting.

Mayor Norma Moreno-Garcia called the meeting to order at 6:00 PM.

Invocation.

Mr. Wallace Shaw offered the invocation.

City Council

There being a quorum with the City Council and Planning Commission, Mayor McDonald opened the meeting.

Planning Commission

There being a quorum with the Planning Commission and City Council, Mr. Tobey Davenport, Acting as Chairman, opened the meeting.

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.

Mr. Kola Olayiwola, Building Official presented to Council and audience a PowerPoint presentation of the proposed W-4 zoning category that would create the best type managed growth for the marina, vision for the Marina Zoning District, geographic boundary of the marina area, existing zoning categories of C-2, W-2, M-1, establishing the theme for the marina area, and a new zoning category (W-4) as proposed and recommended by the Planning Commission.

Mr. Jeff Pynes asked what happens to an existing house in a W-4 Zone. Mr. Kola Olayiwola stated that it's a non-conforming structure and that the owners had what's called a "vested right" to the property.

Mr. Tobey Davenport, acting as Chairman in Mr. Edward Garcia's absence, read out the marina definition that will be used in the proposed ordinance, "Marina a dock or basin providing secured moorings for pleasure boats offering supply, repair and other facility."

Ms. Joyce Adkins asked why the proposed zone didn't fit the Bridge Harbor Marina. And why should anybody want to purchase a business or property and then have to go through the process of a Specific Use Permit; and what if it didn't suit the City, it would be difficult to sell. The City would be in control of the entire marina district. She opposed the new proposed W-4 zoning.

Mr. Walker Royall voiced his opinion and didn't think that putting restrictions on properties was a good idea. The parking ratio is unnecessary and onerous. One parking space for every 100 ft. would restrict your ability to develop certain businesses. Having to go before the City for a Specific Use Permit was cumbersome for someone who wants to buy or sell property.

Wright Gore, Jr. stated his business is in the commercial shrimping business. The City spent the last 6 years trying to take his property by eminent domain and now the City is trying to rezone his property. He said it was a ridiculous situation.

Mr. Scott Glick and his brothers have vacant lots in the marina district and asked if the new zone would require them to plant flowers or palm trees. He also asked if housing was prohibited in the area and that no consideration was given to the people that are already there.

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.

Mr. Tobey Davenport, acting as Chairman in Mr. Edward Garcia's absence, recommended to the City Council that the new proposed Marina Zone, W-4 be withdrawn for further research.

Adjourn.

Mayor Norma Moreno-Garcia adjourned the Joint Public Hearing at 6:40 P.M.

These minutes read and approved the _____ day of _____ 2011.

Edward Garcia – Acting Chairman

Board Members,

This is a history on the fencing issues that have been discussed in prior Planning Commission meetings.

4/16/2007

Building Department (Mr. Caffey) discussed the setbacks that are required for fences along with prohibition of shrubs, trellis or anything that acts as a fence in the front yard. Planning Commission's opinion was that the City Council worked hard with the Fire Chief when passing the ordinance of no fences in the front yard.

8/24/2010

Fire Department (Chief Chris Motley) explained to the Planning Commission Commissioners that fences in the front yard could hinder the firefighters ability to access the building. He also contends that, fencing the front yard may lead to owners allowing dangerous dogs to roam the front yard, this may reduce response time for Emergency Personnel, i.e., Firefighters and EMS. Motion was made, seconded and unanimously approved to keep the fence ordinance "As Is."

(4) For any temporary use permit application, a site plan shall be submitted to and reviewed by the Board of Adjustment prior to being approved by the Building Official for the purpose of issuing a Certificate of Occupancy and Compliance.

(5) The reviewing body (the City Planning Commission or the Board of Adjustment) may recommend disapproval of a site plan, or in recommending approval of a site plan may require revisions of the proposed arrangement of buildings, streets, parking areas and ingress and egress. They may recommend the installation of storm sewers, storm sewer inlets, sidewalks, paving, platting of streets, protective screening and/or additional open space for rights-of-way or other public use.

(6) Disapproval, approval or conditional approval of a site plan together with all recommendations or revisions shall be indicated on the site plan together with the date of review and the signatures of the Chairman of the reviewing body and the Building Official. This site plan shall be the official copy and kept on file together with all previous site plans.

(7) A duplicate copy of the official site plan disapproved, approved or conditionally approved shall be given to the applicant together with all the recommendations of the reviewing body.

(8) The purpose of site plan approval is to determine compliance with this chapter and to promote the orderly and harmonious development of the city.

(L) *Fences.*

(1) No fences or fencing will be allowed forward of the main building or structure on any premises within an R-1, R-2, & R-3 district within the city. Fencing will be permitted at or behind the front wall of the main building facing the front street. Fencing, in all cases where the side yard is adjacent to a side street, the side yard fence or fencing, shall not be closer than ten feet (10') to side lot line or right-of-way line, whichever is the more stringent or restrictive provision; rear lot fence or fencing will be allowed to follow the rear lot line with the exception

where a rear fence or fencing line has been established by special ordinance and such rear fence line requires a less or greater setback than is prescribed by this section in the district in which the fence line is located. No fence or fencing shall be erected closer to the street, right-of-way or alley than the fence line so established.

(2) Fences in violation of this section on the date of its adoption will be permitted to remain but shall not be extended and shall not be repaired or reconstructed if the repairs or reconstruction proposed would extend over 50 feet of existing fence.

(3) *Yard fencing obstructions.*

(a) No person shall place or allow to be placed any fence, wall, barrier or other obstruction upon or across any area between the private property or fence line and curb line which will or may in any way restrict the use of this area to pedestrians.

(b) On any corner lot on which front and side yards are required, no fence, structure, sign, tree, shrub or hedge may be maintained within a 25 foot isosceles triangle formed by the lot lines on the corner, as to cause danger to traffic by obstructing the view. Any above stated obstruction in violation of this section on the date of its adoption will be permitted to remain but shall not be replaced and shall be maintained to meet the maximum height of low growing shrubs of 24 inches above the curb or roadway and the minimum height of visibility for high growing shrubs or trees, that being 96 inches above the curb or roadway.

(4) *Special exception to fencing requirements within an R-3 District.* Fencing will be permitted forward of the main structures on apartment complexes only, having multi-unit structures and having a minimum of eight units per structure and a maximum of 125 housing units per complex. Fence or fencing shall be wrought iron fencing, a minimum of six feet above natural ground level and a maximum of seven feet above natural ground level with wrought iron pickets on four inch centers with brick columns seven feet above natural ground level and 24 inches by 24 inches square. Brick columns to be on 30 feet centers. Above stated fencing shall be used in front