



PLANNING AND ZONING COMMISSION MEETING AGENDA

Notice is hereby given of a **Regular Meeting** of the La Porte **Planning and Zoning Commission** to be held on **Thursday, February 15, 2018** at 6:00 p.m. at City Hall Council Chambers, 604 W. Fairmont Parkway, La Porte, Texas, regarding the items of business according to the agenda listed below:

- 1. CALL TO ORDER**
- 2. ROLL CALL OF MEMBERS.**
- 3. CONSIDER APPROVAL OF THE MEETING MINUTES:**
 - a. January 18, 2018 Meeting
- 4. PUBLIC HEARING:** Open Public Hearing to receive input on an application for Special Conditional Use Permit (SCUP) #18-91000002, a request by Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of Bayforest Ranch, Ltd, owner; to allow for a multi-family apartment complex, to locate on a 20 acre tract of land legally described as Tract 1L, Abstract 35, J Hunter Survey.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (for, against, or question)
 - d. Question and Answer
- 5. ADJOURN PUBLIC HEARING**
- 6. CONSIDERATION:** Consider recommendation to City Council on SCUP #18-91000002
- 7. GENERAL PLAN:** Consider approval or other action regarding a request by Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of Bayforest Ranch, Ltd, owner; to allow for a multi-family apartment complex, to locate on a 20 acre tract of land legally described as Tract 1L, Abstract 35, J Hunter Survey.
- 8. FUTURE LAND USE MAP AMENDMENT:** Consider a recommendation to the La Porte City Council on a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 20 acre tract of land legally described as Tract 1L, Abstract 35, J Hunter Survey s, from "Commercial" and "Mixed Use" to "Mid-High Density Residential."
- 9. PUBLIC HEARING** Open Public Hearing to receive input on an application for Special Conditional Use Permit (SCUP) #18-91000003, a request by Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of 92 Fairmont Lakes, Inc., owner; to allow for a patio home

development, to locate on a 19.17 acre tract of land legally described as Tract 1, Abstract 35, J Hunter Survey.

- a. Staff Presentation
- b. Applicant Presentation
- c. Public Comments (for, against, or question)
- d. Question and Answer

10. ADJOURN PUBLIC HEARING

11. CONSIDERATION: Consider recommendation to City Council on SCUP #18-91000003

12. GENERAL PLAN: Consider approval or other action regarding a request by Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of 92 Fairmont Lakes, Inc., owner; to allow for a patio home development, to locate on a 19.17 acre tract of land legally described as Tract 1, Abstract 35, J Hunter Survey.

13. FUTURE LAND USE MAP AMENDMENT: Consider a recommendation to the La Porte City Council on a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 19.17 acre tract of land legally described as Tract 1, Abstract 35, J Hunter Survey, from “Commercial” and “Mixed Use” to “Mid-High Density Residential.”

14. PUBLIC HEARING: Open Public Hearing to receive input on an ordinance amending Chapter 106 “Zoning” of the Code of Ordinances of the City of La Porte, amending section 106-310, regarding NAICS code 721110, Hotels (except Casino Hotels) and Motels.

- a. Staff Presentation
- b. Applicant Presentation
- c. Public Comments (for, against, or question)
- d. Question and Answer

15. ADJOURN PUBLIC HEARING

16. CONSIDERATION: Consider recommendation to City Council on changes to Chapter 106 “Zoning” of the Code of Ordinances.

17. DISCUSSION ITEMS:

- a. Development Agreement amendments for Port Crossing

18. ADMINISTRATIVE REPORTS

19. COMMISSION COMMENTS on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.

20. ADJOURN

A quorum of City Council members may be present and participate in discussions during this meeting; however, no action will be taken by the Council.

In compliance with the Americans with Disabilities Act, The City of La Porte will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received 24 hours prior to the meetings. Please contact Patrice Fogarty, City Secretary, at 281-470-5019.

CERTIFICATION

I certify that a copy of the Thursday, January 18, 2018, agenda of items to be considered by the Planning and Zoning Commission was posted on the City Hall bulletin board on the ____ day of _____, 2018.

Title: _____

**City of La Porte, Texas
Planning and Zoning Commission**



February 15, 2018

AGENDA ITEM 3

Consider approval of the Meeting Minutes:

a. January 18, 2018

Ian Clowes, City Planner

Planning and Development Department

City of La Porte, Texas

**Planning and Zoning Commission
Minutes of January 18, 2018**

Commissioners Present: Trey Kendrick, Helen LaCour, Richard Warren, Nick Barrera, Lou Ann Martin, Mark Follis, Wyatt Smith, Christina Tschappat and Chairman Hal Lawler

Commissioners Absent:

City Staff Present: Assistant City Manager Jason Weeks, Assistant City Attorney Clark Askins, Planning and Development Director Richard Mancilla, City Planner Ian Clowes, Economic Development Coordinator Ryan Cramer, and Office Coordinator Peggy Lee

1. CALL TO ORDER.

Chairman Hal Lawler called the meeting to order at 6:00 p.m.

2. ROLL CALL OF MEMBERS.

All Commissioners were present for roll call.

3. CONSIDER APPROVAL OF THE MEETING MINUTES:

a. October 19, 2017 Meeting

b. November 16, 2017 Meeting

Motion by Commissioner LaCour to approve the meeting minutes of October 19, 2017, and November 16, 2017. **Second by** Commissioner Smith. **Motion carried.**

Ayes: Commissioners Kendrick, Warren, Follis, Martin, LaCour, Smith, Barrera, Tschappat, and Chairman Lawler.

Nays: None

4. PUBLIC HEARING: Open public hearing to receive input on an application for Zone Change #18-92000001, a request by Terry Medders, applicant and owner, for approval of a zone change from Mid Density Residential (R-2) to General Commercial (GC), on a 1.2 acre tract of land, legally described as Lots 17-32, Block 789, La Porte Subdivision.

The applicant did not arrive to the meeting on time so the Commission opted to table the item until he arrived.

Motion by Commissioner Follis to table discussion of this item until the applicant arrives.
Second by Commissioner Smith. **Motion carried.**

Ayes: Commissioners Martin, Warren, LaCour, Smith, Kendrick, Barrera, Follis, Tschappat, and Chairman Lawler.

Nays: None

Upon arrival of the applicant, Chairman Lawler opened the public hearing at 6:17 p.m.

a. Staff Presentation

Ian Clowes, City Planner, presented staff's report on a request by Terry Medders to rezone property along the west side of S. 15th St., south of W. C St. from Mid-Density Residential (R-2) to General Commercial (GC) for future business expansion.

b. Applicant Presentation

Terry Medders, with Medder's Construction, stated he is requesting the zone change so he can utilize the extra space for a lay down yard.

c. Public Comments (for, against, or question)

John Ybarra, 312 S. 15th St., spoke against the rezone. Mr. Ibarra believes it would allow for additional truck traffic and noise, which is already a problem in the area.

Terri Ybarra, is concerned with use of the right-of-way, declining home values, and for safety of the children if the zoning is changed.

Jose Manuel Elizondo expressed concern with drainage and heavy equipment parking if the zoning is changed. Mr. Elizondo also described other negative experiences he's had with area businesses.

Jorge Reynaga, pastor of the church across the street from the property in question, spoke about trucks and heavy equipment parking illegally and tearing up the church's parking lot when they use it to turn around.

Martin Vasquez, 321 S. 15th St., spoke in opposition to the zone change. Mr. Vasquez is concerned with increased traffic, drainage, and for safety of the children.

John Coody, 326 S. 15th St., expressed concern with increased truck traffic and additional street maintenance that will become necessary.

d. Question and Answer

The applicant responded to questions from the Commission.

5. ADJOURN PUBLIC HEARING

Chairman Lawler closed the public hearing at 6:58 p.m.

- 6. CONSIDERATION:** Consider recommendation to City Council on Zone Change request #18-92000001.

Motion by Commissioner Warren to recommend City Council denial of Zone Change request #18-92000001. **Second** by Commissioner Barrera. **Motion carried.**

Ayes: Commissioners Kendrick, Follis, Warren, Martin, LaCour, Smith, Barrera, Tschappat, and Chairman Lawler.

Nays: None

- 7. FUTURE LAND USE MAP AMENDMENT:** Consider a recommendation to the La Porte City Council on a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 1.2 acre tract of land, legally described as Lots 17-32, Block 789, La Porte Subdivision, from "Mid-High Density Residential" to "Commercial."

Mr. Clowes presented staff's report for a Future Land Use Map amendment for 1.2 acres, Lots 17-32, Block 789, from "Mid-High Density Residential" to "Commercial."

Motion by Commissioner Warren to recommend City Council denial of an amendment to the Future Land Use Map Amendment. **Second** by Commissioner Follis. **Motion carried.**

Ayes: Commissioners Martin, LaCour, Warren, Smith, Kendrick, Barrera, Follis, Tschappat, and Chairman Lawler.

Nays: None

- 8. PUBLIC HEARING:** Open public hearing to receive input on an application for Zone Change #18-92000002, a request by the City of La Porte. The request is for approval of a zone change from High Density Residential (R-3) to Low Density Single Family Residential (R-1), for a 34,217 square foot tract of land located at 330 Bayside Dr. and legally described as Lots 8-10 and the S. ½ of Lot 7, Block 1, Bayside Terrace Subdivision.

Chairman Lawler opened the public hearing at 6:10 p.m.

a. Staff Presentation

Ian Clowes, City Planner, presented staff's report for a City of La Porte initiated zone change for property located at 330 Bayside Dr. The property was previously occupied

by a small apartment complex that has since been demolished. A change in zoning from High Density Residential (R-3) to Low Density Residential (R-1) would be more cohesive with adjacent single family development to the east and west.

b. Applicant Presentation

Presented under *Staff Presentation*.

c. Public Comments (for, against, or question)

Marcus Marin, 3027 Fondren, President of Bayside Terrace Civic Club, spoke in favor of the zone change to single family residential.

d. Question and Answer

No questions were presented

9. ADJOURN PUBLIC HEARING

Chairman Lawler closed the public hearing at 6:15 p.m.

10. CONSIDERATION: Consider recommendation to City Council on Zone Change request #18-92000002.

Motion by Commissioner Kendrick to recommend City Council approval of Zone Change request #18-92000002. **Second** by Commissioner Barrera. **Motion carried.**

Ayes: Commissioners Martin, LaCour, Smith, Warren, Kendrick, Barrera, Follis, Tschappat, and Chairman Lawler.

Nays: None

11. FUTURE LAND USE MAP AMENDMENT

Mr. Clowes presented staff's report on an amendment to the Future Land Use Map from Mid-High Density Residential to Low Density Residential in conjunction with Zone Change #18-92000002 for 330 Bayside Dr.

Motion by Commissioner Kendrick to approve an amendment to the Future Land Use Map from Mid-High Density Residential to Low Density Residential for property located at 330 Bayside Dr. **Second** by Commissioner Warren. **Motion carried.**

Ayes: Commissioners Martin, LaCour, Smith, Warren, Kendrick, Barrera, Follis, Tschappat, and Chairman Lawler.

Nays: None

12. PUBLIC HEARING: Open public hearing to receive input on an application for Special Conditional Use Permit (SCUP) #18-91000001, a request by Brian Downey, applicant, on

behalf of Aldersgate Trust, owner, to allow for an active senior living facility to locate on a 6.96 acre tract of land legally described as Tracts 718B, 719, and 719A, La Porte Outlots.

Chairman Lawler opened the public hearing at 7:03 p.m.

a. Staff Presentation

Mr. Clowes presented staff's report for Special Conditional Use Permit to develop a 114-unit active senior living facility on the west side of Underwood Rd., north of Fairmont Pkwy. and south of Caniff Rd. Tax credits from the State will help fund the project.

b. Applicant Presentation

Brian Downey, representing Dwayne Henson Investments, and Mark Mucasey described plans for the project and presented images of what the development will look like.

c. Public Comments (for, against, or question)

Bob Wagstaff, 9614 Rustic Gate, President of Summer Winds HOA, spoke in opposition to the project because it would increase traffic on Underwood Rd., decrease property values, be a detriment to his way of living, and the exit across the street will be in conflict with the entrance to this project.

Mike Cobb, 109 Summer Winds Dr., spoke in opposition to the project. Mr. Cobb is concerned about traffic conflicts on Underwood. Mr. Cobb does not believe there is a need for another senior living facility.

Dwayne Henson spoke about state requirements that requires the project to stay a senior project for 35 years.

Jill Anthony, 323 Bayside Dr., questioned what would happen to the project if it failed and the bank had to take it back.

Phillip Thomas, 113 Summer Winds Dr., is concerned with the negative traffic impacts the project would have on Underwood Rd.

Donald Davis, 3621 E. Desert Dr., has drainage, flooding, and traffic concerns.

Richard Lead, 9610 Rustic Gate, spoke about negative impacts the project would cause.

d. Question and Answer

Staff and the applicant responded to questions.

13. ADJOURN PUBLIC HEARING

Chairman Lawler closed the public hearing at 7:50 p.m.

14. CONSIDERATION: Consider recommendation to City Council on SCUP #18-91000001.

Motion by Commissioner Kendrick to recommend City Council approval of SCUP 18-91000001 with the nine permit conditions listed by staff, as well as requiring a traffic impact analysis. **Second** by Commissioner Follis. **Motion Carried.**

Ayes: Commissioners Warren, LaCour, Kendrick, Barrera, Follis, Tschappat, and Chairman Lawler.

Nays: Commissioners Martin and Smith

15. GENERAL PLAN: Consider approval or other action regarding a request by Brian Downey, applicant, on behalf of **Aldersgate** Trust, owner, to allow for an active senior living facility, to locate on a 6.96 acre tract of land legally described as Tracts 718B, 719, and 719A, La Porte Outlots.

Mr. Clowes presented staff's report for the General Plan for an active senior living facility on 6.96 acres of land on the west side of Underwood Rd., north of Fairmont Pkwy. and south of Caniff Rd.

Motion by Commissioner Kendrick to recommend City Council approval of the General Plan for an active senior living facility on 6.96 acres of land on the west side of Underwood Rd., north of Fairmont Pkwy. and south of Caniff Rd. **Second** by Commissioner Follis. **Motion Carried.**

Ayes: Commissioners Warren, LaCour, Kendrick, Barrera, Follis, Tschappat, and Chairman Lawler.

Nays: Commissioners Martin and Smith

16. FUTURE LAND USE MAP AMENDMENT: Consider a recommendation to the La Porte City Council on a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 6.96 acre tract of land legally described as Tracts 718B, 719, and 719A, La Porte Outlots, from "Neighborhood Commercial" to "Mid-High Density Residential."

Mr. Clowes presented staff's report for an amendment to the Future Land Use Map.

Motion by Commissioner Kendrick to recommend City Council approval of an amendment to the Future Land Use Map component of the Comprehensive Plan by amending the land use designation of a 6.96 acre tract of land legally described as Tracts 718B, 719, and 719A, La Porte Outlots, from "Neighborhood Commercial" to "Mid-High Density Residential." **Second** by Commissioner Follis. **Motion Carried.**

Ayes: Commissioners Warren, LaCour, Kendrick, Barrera, Follis, Tschappat, and Chairman Lawler.

Nays: Commissioners Martin and Smith

17. DISCUSSION ITEM

a. Discuss formation of a review committee for Chapter 106 of the Code of Ordinances.

Chairman Lawler authorized the formation of a committee to review Chapter 106 of the Code of Ordinances. Volunteers include Trey Kendrick, Mark Follis, Wyatt Smith, and Richard Warren. Additionally, two to three staff members will assist.

Chairman Lawler spoke about the importance of addressing city regulations for future multi-family development in La Porte.

b. Discuss changes to Chapter 106 of the Code of Ordinances regarding Hotel/Motel uses.

As a result of recent activity, the Commission has been asked to discuss possible changes to the code regarding hotel/motel uses. The Commission agreed to take this matter up as the first priority of the Chapter 106 review committee.

18. ADMINISTRATIVE REPORTS

Mr. Clowes introduced Jason Weeks as the new Assistant City Manager for the City. Mr. Weeks will be attending Planning and Zoning Commission meetings.

Mr. Clowes announced that Ryan Cramer has been promoted to Economic Development Coordinator.

19. COMMISSION COMMENTS

Commissioners welcomed Jason Weeks to the City and congratulated Ryan Cramer on his promotion.

Staff was asked to check on removal of hurricane damaged cars on both Fairmont and Main at the overpasses.

20. ADJOURN

Motion by Commissioner Kendrick to adjourn. **Second** by Commissioner LaCour. **Motion carried.**

Ayes: Commissioners Martin, Warren, LaCour, Smith, Kendrick, Barrera, Follis, Tschappat, and Chairman Lawler.

Nays: None

Chairman Lawler adjourned the meeting at 7:28 p.m.

Respectfully submitted,

Trey Kendrick
Secretary, Planning and Zoning Commission

Passed and Approved on _____, 2018.

Hal Lawler
Chairman, Planning and Zoning Commission

**City of La Porte, Texas
Planning and Zoning Commission**



February 15, 2018

AGENDA ITEMS 4-6

Special Conditional Use Permit #18-91000002

A request by Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of Bayforest Ranch, Ltd, owner; to allow for a multi-family apartment complex, to locate on a 20 acre tract of land legally described as Tract 1L, Abstract 35, J Hunter Survey

*Ian Clowes, City Planner
Planning and Development Department
City of La Porte, Texas*

Planning and Development Department Staff Report

ISSUE

Should the Planning and Zoning Commission recommend approval of a SCUP to allow for a multi-family apartment complex, to locate on a 20 acre tract of land legally described as Tract 1L, Abstract 35, J Hunter Survey?

DISCUSSION

Location:

The subject site is located on the east side of SH 146, north of Wharton Weems Blvd.

Background Information:

The property is currently undeveloped and zoned Planned Unit Development (PUD). The applicant is interested in developing a multi-family apartment complex that will consist of 17 individual residential buildings with a club house/fitness facility and pool area. The total number of units will not exceed 294 allowing for a proposed density of 15.5 units per acre.

The attached Exhibit B shows the zoning of the subject property and surrounding properties. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	PUD, Planned Unit Development	Undeveloped
South	PUD, Planned Unit Development	Undeveloped
West	PUD, Planned Unit Development	Port Crossing
East	PUD, Planned Unit Development	City Golf Course

Notification Requirements:

Staff finds that the public hearing notification requirements outlined in Section 106-171 were performed in accordance with code provisions, including the following: notice in a newspaper of general circulation at least 15 days prior to the hearing; written notice mailed to owners of real property within 200 feet of the site within 10 days of the hearing and in this case notice was sent to all property owners and residents within the rezoning area; 4 signs were posted in the area of the rezoning within 15 days of the

hearing. In accordance with state law, notice of the public hearing was also posted at City Hall and on the City’s website.

Analysis:

There are a number of different considerations staff evaluated during the review of this application. The following describes staff’s analysis of those considerations:

1. *Land Use.* The proposed apartment complex is a good fit with the surrounding land uses and will act as a buffer between the existing and proposed single family residential to the north and the possible future commercial to the south.
2. *Access.* There is sufficient existing right-of-way access along SH 146 for the proposed development. As proposed, access in and out of the site does not meet current fire code requirements. This will need to be addressed prior to approval of the General Plan.
3. *Utilities.* Sewer services are available along the eastern edge of the property. Water service is available the SH 146 feeder road. Any extensions or tie ins to city facilities will need to be constructed by the developer.

Additionally, the City’s Comprehensive Plan identifies a number of items to be considered prior to making land use decisions. The following table breaks down each item and staff’s finding:

Criterion:	Staff Findings:
Ability of infrastructure to support the permitted use.	Existing infrastructure in the area is sufficient to support the proposed use.
Impact on the value and practicality of the surrounding land uses.	Proposed development would be consistent with development patterns in the area and would serve as a transitional buffer between existing and proposed residential to the north and possible future commercial to the south.
Conformance of a zoning request with the land use plan.	The proposed SCUP will be in conformance with the future land use plan.
Character of the surrounding and adjacent areas.	The proposed SCUP will enhance this section of SH 146. Additionally, the developer has gone to great lengths to ensure they have a site that will have as little visual impact on the adjacent city owned golf course as possible.
Suitability of the property for the uses which would be permissible, considering density, access and circulation, and adequacy of public facilities and services.	The site is an ideal location for a development of this nature. Access to the site is adequate, though the proposed layout will need to be addressed due to fire code issues. The proposed density is only slightly above our code allowances yet is still much lower when compared to other projects of this scale in neighboring communities.
The extent to which the proposed use designation would adversely affect the capacity or safety of that portion of the road.	SH 146 feeder should have enough built in capacity to handle the additional traffic from the proposed development. Staff does recommend that a traffic impact analysis be conducted prior to any site plan approvals.

The extent to which the proposed use designation would create excessive air pollution, water pollution, noise pollution, or other environmental harm to adjacent properties.	The proposed SCUP will not create any additional excessive air pollution or other negative environmental issues.
The gain, if any, to the public health, safety, and welfare of the City.	The proposed SCUP furthers the city’s desire to create a more diversified stock of housing options for citizens in all phases of their life.

RECOMENDATION

Based on the above analysis, staff recommends that the Planning and Zoning Commission recommend approval of the proposed SCUP to allow for a multi-family apartment complex in the PUD zoning district with the following conditions:

1. Approval of a General Plan that meets all fire code requirements.
2. A traffic impact analysis must be submitted for review by city staff prior to approval of the required site plan.

ATTACHMENTS

- Exhibit A: Aerial Map
- Exhibit B: Zoning Map
- Exhibit C: Future Land Use (FLUP) Map
- Exhibit D: Proposed SCUP
- Exhibit E: Application
- Exhibit G: General Plan



EXHIBIT A

AERIAL MAP

SCUP

18-91000002

East SH 146

Legend

 Subject Parcel



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 421 feet



FEBRUARY 2018
PLANNING DEPARTMENT

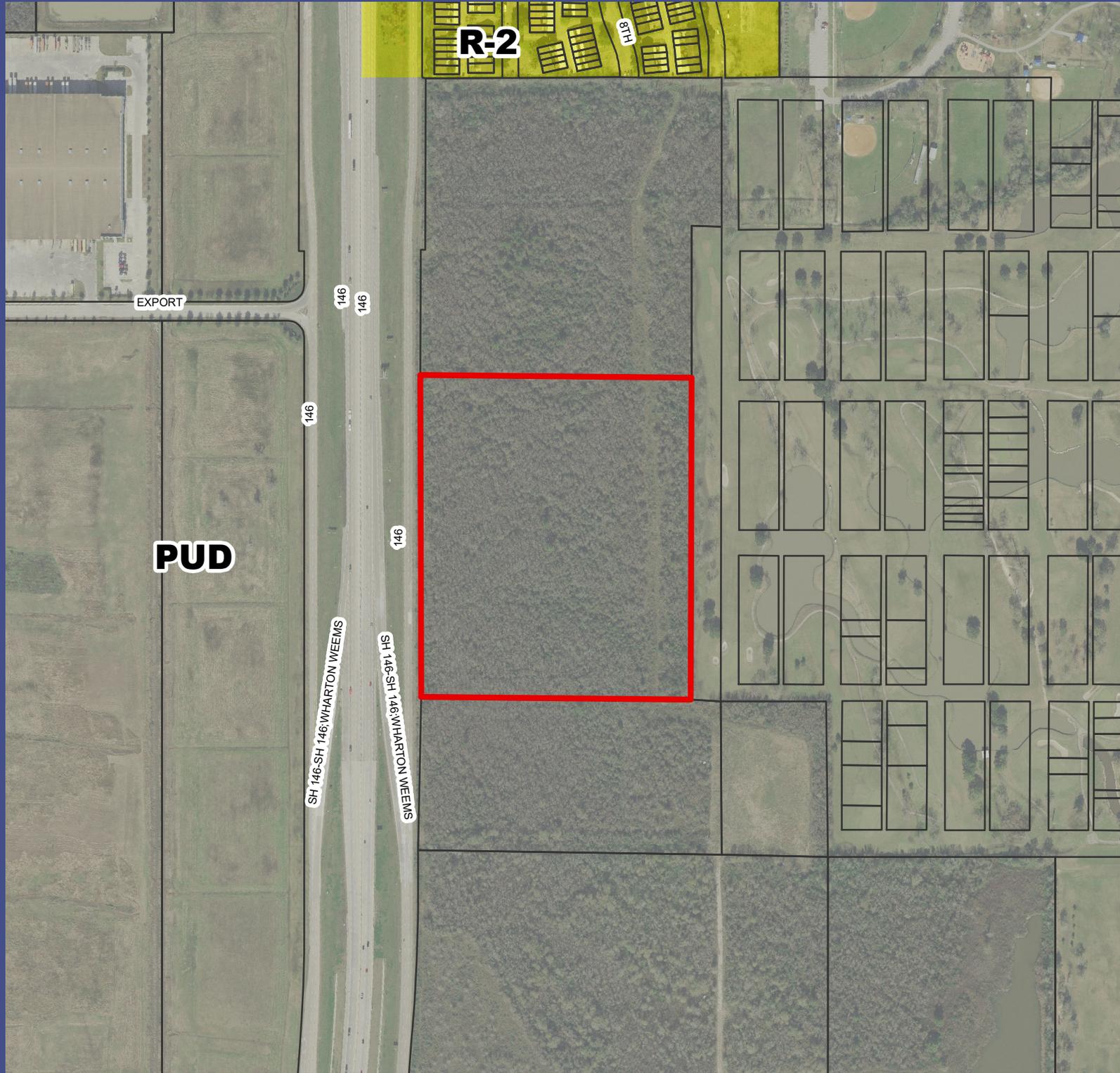


EXHIBIT B

ZONING MAP

**SCUP
18-91000002**

East SH 146

Legend

 Subject Parcel



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**FEBRUARY 2018
PLANNING DEPARTMENT**

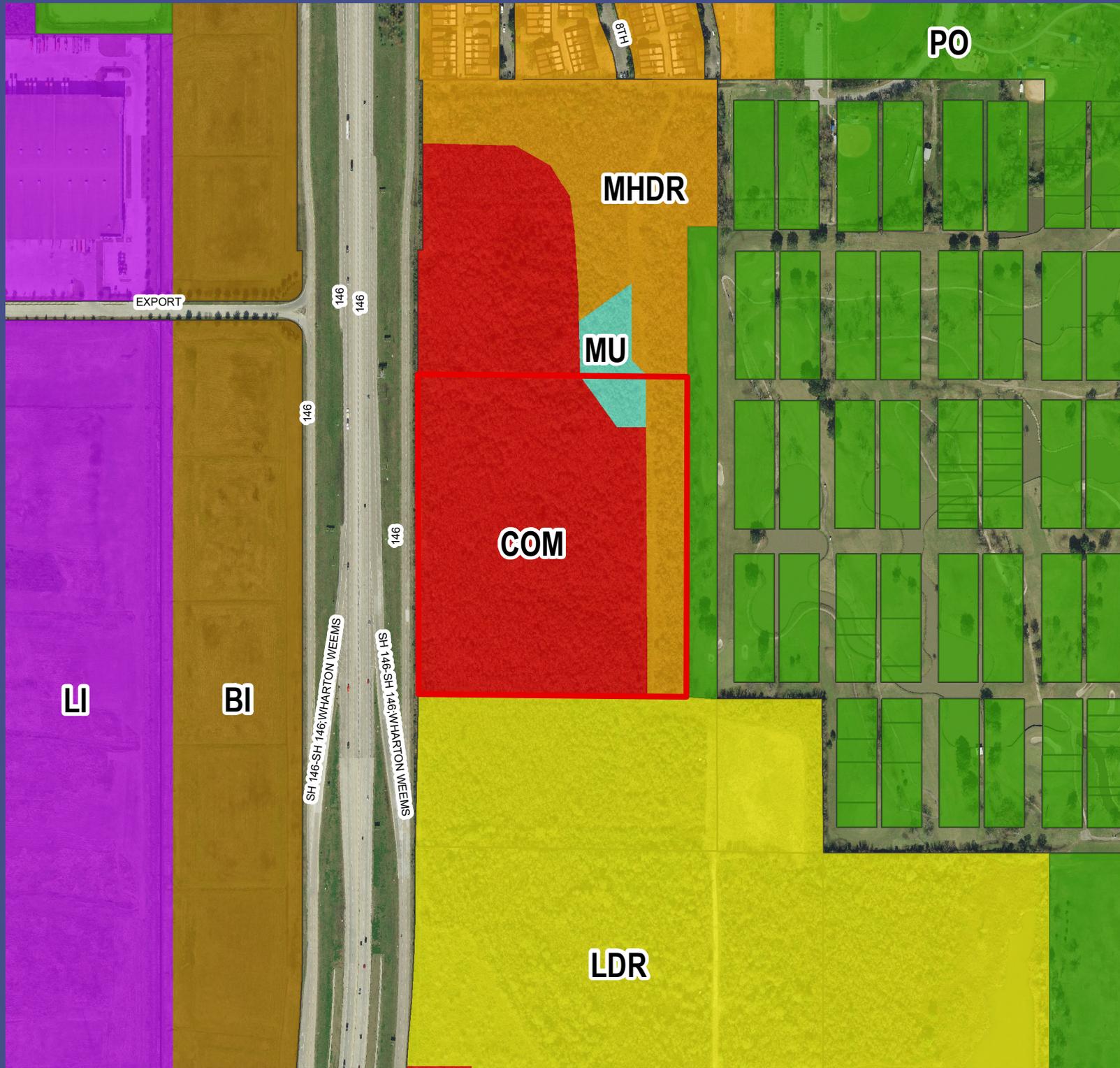


EXHIBIT C

FLUP MAP

**SCUP
18-91000002**

East SH 146

Legend

 Subject Parcel



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**FEBRUARY 2018
PLANNING DEPARTMENT**

City of La Porte
Special Conditional Use Permit #18-91000002

This permit is issued to: Doak Brown
Owner or Agent

Address

For Development of: Brownstone Apartments – Legacy at La Porte
Development Name

E 146 North of Wharton Weems
Address

Legal Description: A 20 acre tract of land legally described Tract 1L, Abstract 35,
J Hunter Survey, Harris County, La Porte, TX

Zoning: PUD, Planned Unit Development

Use: Multi-family

Permit Conditions:

This Special Conditional Use Permit (SCUP) is applicable for the subject property, a copy of which shall be maintained in the files of the City’s Planning and Development Department upon approval. Project development shall be in accordance with the following conditions:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte’s Development Ordinance and shall comply with all provisions of Chapter 106, “Zoning” of the City’s Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. Permitted use on site will be described as Multi-family.
3. The underlying zoning will be R-3. All Multi-family development requirements will need to be met.
4. All fire code requirements must be met, specifically regarding total number of required ingress and egress points. Approved General Plan must reflect these requirements.
5. Permitted density will not exceed 15.5 units/acre. This is in contrast to section 106-33 (a) of the City of La Porte Zoning Ordinance.
6. A Traffic Impact Analysis will be performed and submitted to the city for review prior to approval of the required site plan.
7. All necessary documentation for building permit review must be submitted in conjunction with the city’s building permit application process.
8. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, “Zoning” of the City’s Code of Ordinances.

Failure to start construction of the site within 12 months after issuance or as scheduled under the terms of a special conditional use permit shall void the permit as approved, except upon an extension of time granted after application to the Planning and Zoning Commission.

If contract or agreement is terminated after completion of any stage and there is ample evidence that further development is not contemplated, the ordinance establishing such special conditional use permit may be rescinded by the City Council, upon its own motion or upon the recommendation of the Planning and Zoning Commission of the City of La Porte, and the previous zoning of the entire tract shall be in full effect on the portion which is undeveloped.

Validation Date: _____

Director of Planning and Development

City Secretary



Special Conditional Use Permit Application

Planning and Development Department

PROJECT INFORMATION

Address where SCUP is being requested: Vacant 20 acre parcel; located on E side of SH 146 north of Wharton Weems Blvd.

Legal description where SCUP is being requested: TR 1L, ABST 35, J Hunter Survey

HCAD Parcel Number where SCUP is being requested: 0402780010034

Zoning District: PUD, Planned Unit Development Lot area: 871,200 sq ft

A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte.

Description of Request: Approval of the proposed conceptual site plan

Attached hereto is a Project Description Letter describing the project and outlining the reasons why such SCUP should be approved.

PROPERTY OWNER(S) INFORMATION

Name: Bayforest Ranch, Ltd.

Company (if applicable): Attn: Barry Kahn

Address: 5325 Katy Freeway, Suite 1

City: Houston State: Texas Zip: 77007

Phone: 713-871-0063 Email: bkahn@hettig-kahn.com

AUTHORIZED AGENT (If other than owner)

Name: Brownstone Ventures, LLC

Company (if applicable): Attn: Doak Brown

Address: 6517 Mapleridge

City: Houston State: Texas Zip: 77081

Phone: 713-705-3507 Email: doak@thebrownstonegroup.net

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: [Signature] Date: 1/17/18

Owner(s)' Signature(s): [Signature] Date: 1/17/18

STAFF USE ONLY:

Case Number:

Date Application Received:



Special Conditional Use Permit Application

Planning and Development Department

AFFIDAVIT OF POSTING

PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

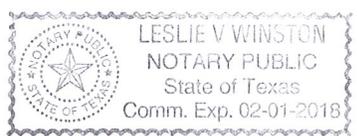
The undersigned hereby duly swears on oath and says:

1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:
ADDRESS: 20 acre parcel located on E side of SH 146 North of Wharton Weems Blvd
LEGAL DESCRIPTION: TR 1L, ABST 35, J Hunter Survey
2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date: January 31, 2018.
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

Doak Brown
Applicant's Signature

Doak Brown
Applicant's Printed Name

Subscribed and sworn before me this 19th day of January, 2018, by Doak Brown (Print Applicant's Name).



(Seal)

Leslie V. Winston
Notary Public

My commission expires: 2/1/18



*The Legacy
at
La Porte*

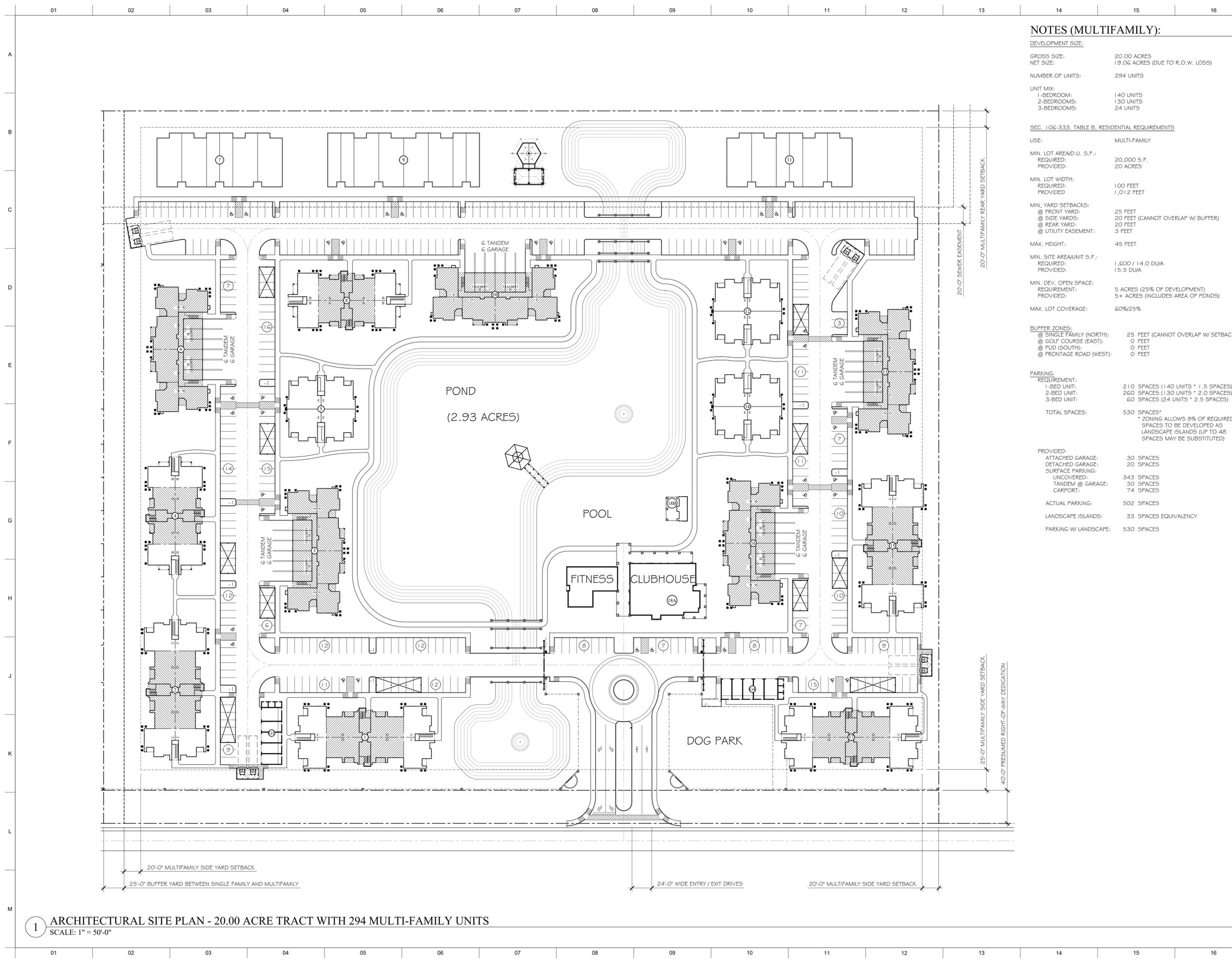


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Proposed Development Site :

*East Side of SH 146
South of Fairmont Pkwy and
North of Warton Weems Blvd.*





NOTES (MULTIFAMILY):

DEVELOPMENT SIZE:
 GROSS SIZE: 20.00 ACRES
 NET SIZE: 19.06 ACRES (DUE TO R.O.W. LOSS)
 NUMBER OF UNITS: 294 UNITS

UNIT MIX:
 1-BEDROOM: 140 UNITS
 2-BEDROOMS: 130 UNITS
 3-BEDROOMS: 24 UNITS

SEC. 106-333, TABLE B, RESIDENTIAL REQUIREMENTS

USE: MULTI-FAMILY

MIN. LOT AREA/D.U. S.F.:
 REQUIRED: 20,000 S.F.
 PROVIDED: 20 ACRES

MIN. LOT WIDTH:
 REQUIRED: 100 FEET
 PROVIDED: 1,012 FEET

MIN. YARD SETBACKS:
 @ FRONT YARD: 25 FEET (CANNOT OVERLAP W/ BUFFER)
 @ SIDE YARDS: 20 FEET
 @ REAR YARD: 20 FEET
 @ UTILITY EASEMENT: 3 FEET

MAX. HEIGHT: 45 FEET

MIN. SITE AREA/UNIT S.F.:
 REQUIRED: 1,600 / 14.0 DUA
 PROVIDED: 15.5 DUA

MIN. DEV. OPEN SPACE REQUIREMENT: 5 ACRES (25% OF DEVELOPMENT)
 PROVIDED: 5+ ACRES (INCLUDES AREA OF PONDS)

MAX. LOT COVERAGE: 60%/25%

BUFFER ZONES:
 @ SINGLE FAMILY (NORTH): 25 FEET (CANNOT OVERLAP W/ SETBACK)
 @ GOLF COURSE (EAST): 0 FEET
 @ PUD (SOUTH): 0 FEET
 @ FRONTAGE ROAD (WEST): 0 FEET

PARKING:
 REQUIREMENT:
 1-BED UNIT: 210 SPACES (140 UNITS * 1.5 SPACES)
 2-BED UNIT: 260 SPACES (130 UNITS * 2.0 SPACES)
 3-BED UNIT: 60 SPACES (24 UNITS * 2.5 SPACES)

TOTAL SPACES: 530 SPACES*
 * ZONING ALLOWS 8% OF REQUIRED SPACES TO BE DEVELOPED AS LANDSCAPE ISLANDS (UP TO 48 SPACES MAY BE SUBSTITUTED)

PROVIDED:
 ATTACHED GARAGE: 30 SPACES
 DETACHED GARAGE: 20 SPACES
 SURFACE PARKING:
 UNCOVERED: 343 SPACES
 TANDEM @ GARAGE: 30 SPACES
 CARPORT: 74 SPACES

ACTUAL PARKING: 502 SPACES

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PARKING W/ LANDSCAPE: 530 SPACES



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 WILLIAM L. BROWN, ARCHITECT
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 HOUSTON, TEXAS 77081
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PROGRESS PRINT
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NOT FOR REGULATORY APPROVAL,
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REGISTRANT'S NAME: WILLIAM L. BROWN
 TEXAS REGISTRATION NUMBER: 4886

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LEGACY AT LA PORTE
 294 Multi Family Units
 Highway 146, La Porte, Texas

△ DRAWING ISSUE: DATE:
 ○

PROJECT NUMBER:
ARCHITECTURAL SITE PLAN - MULTI-FAMILY

A1-3

1 ARCHITECTURAL SITE PLAN - 20.00 ACRE TRACT WITH 294 MULTI-FAMILY UNITS
 SCALE: 1" = 50'-0"

LEGACY AT LA PORTE - UNIT MIX

	UNIT TYPE	QUANTITY	NET AREA		GROSS AREA	
			PER UNIT	TOTAL	PER UNIT	TOTAL
A	1-BED / 1-BATH	24	748 SF	17,952 SF	831 SF	19,944 SF
B	1-BED / 1-BATH	36	785 SF	28,260 SF	871 SF	31,356 SF
C	2-BED / 2-BATH	40	1,035 SF	41,400 SF	1,099 SF	43,960 SF
D	2-BED / 2-BATH	60	1,043 SF	62,580 SF	1,129 SF	67,740 SF
E	3-BED / 2-BATH	24	1,271 SF	30,504 SF	1,339 SF	32,136 SF
F	1-BED / 1-BATH	60	834 SF	50,040 SF	910 SF	54,600 SF
G	2-BED / 2-BATH	30	1,101 SF	33,030 SF	1,188 SF	35,640 SF
H	1-BED / 1-BATH + STUDY	20	876 SF	17,520 SF	876 SF	17,520 SF
UNIT SUB TOTALS:		294		281,286 SF		302,896 SF
CLUBHOUSE				7,857 SF		11,192 SF
MAINTENANCE				550 SF		550 SF
PROJECT TOTALS:				289,693 SF		314,638 SF

DEVELOPMENT SUMMARY

The Legacy at La Porte (“Legacy”) will be a Class A residential apartment community that provides 294 new luxury units to the City of La Porte. While offering a wide range of residential options – including one, two, and three bedroom floor plans, the interior features and exterior amenities will remain top-notch and exceed similar existing Class A apartment communities in the surrounding cities.

The Legacy has been designed in a Texas Hill Country architectural style, while additionally blending the garden-style-apartment model to accommodate the increasing multi-family market demand in La Porte. Situated on twenty acres of land east of SH 146 between Fairmont Parkway and Wharton Weems Blvd., the Legacy development will serve residents from the increasing petrochemical job growth and economic expansion that is impacting the nearby ship channel. Moreover, this new community will provide luxury apartment options for nearby businesses and working residents in the La Porte vicinity which is not currently available in La Porte.

Rental rates at the Legacy will range from approximately \$1,150 for the smallest one bedroom units up to \$1,700 for the three bedroom units. Residents will be responsible for paying all their utilities and will have the option to rent garages and covered parking for additional fees. Additionally, all residents will need to pass criminal background checks and credit checks.

At Legacy, the interiors will feature luxury kitchens with designer cabinets, stainless steel appliances, luxury plank style flooring, crown molding, granite countertops, full size washers and dryers, and open living areas. Other distinctive features will include pantries, large walk in closets, garden size tubs with enclosed shower areas, desk alcoves in select units, and spacious balconies and patios with convenient outside storage.

The exterior of Legacy will include a pleasurable design of stone, stucco, and cementitious siding construction on two and three story buildings. These attractive Class-A buildings will provide a comfortable residential feel situated around an internal water feature with a heavy use of pleasing landscaping and fencing around the perimeter. The clubhouse will feature a furnished community room with custom home finishes and a fitness center, outdoor grilling areas, along with the Legacy’s resort style swimming pool. Additionally, Legacy will be a gated access community and have attached and detached garages and covered parking options.

The Legacy complies with La Porte’s zoning ordinance except that the development will need to obtain a variance for four items. First, the zoning ordinance only allows 14 units per acre. The Legacy’s proposed density is 14.7 units per acre. Second, the zoning ordinance limits multifamily developments to 180 units. The Legacy is proposing 294 units. Third, the zoning ordinance states that buildings cannot be closer than one-half the sum of the building heights of the two buildings. Fourth, the zoning ordinance prevents 3-story buildings adjacent to planned single family developments.

Legacy is proposing 3 story buildings adjacent to the proposed single family development to the north. The Legacy development site was selected because of its PUD zoning which allows a multifamily use.

We believe that the Legacy is worthy of a variance for density and spacing because La Porte needs this type of housing to be competitive with surrounding communities. There is currently no Class A apartment community in the City of La Porte. The City of La Porte is most likely losing residents who choose to live in surrounding communities despite working in or near the City of La Porte because of the lack of new multifamily developments. The proposed density and number of units of this development allows for nicer amenities than the 14 units per acre and 180 units limitations would allow. Additionally, strict compliance with the zoning ordinance is economically infeasible these days because of the cost of construction associated with Class A multifamily developments.

Expected to exceed \$35 million dollars in development costs at approximately \$120,000 per unit, The Legacy at La Porte will benefit from the Brownstone Companies' experience and expertise in developing and constructing quality residential apartment communities. With successful existing developments in Pasadena, Pearland, Laredo, Bryan/College Station, and multiple other areas throughout Texas and the neighboring Gulf Coast States, the Brownstone Companies will deliver a quality product to the City of La Porte.



PROPERTY DESCRIPTION & LOCATION

<i>Location:</i>	<i>The site is located on the east side of SH 146 south of Fairmont Parkway and north of Warton Weems Blvd.</i>	
<i>Units:</i>	<i>294 Total Units</i>	
<i>Parcel Size:</i>	<i>20.0 Acres</i>	
<i>Density:</i>	<i>14.7 Units per Acre</i>	
<i>Stories:</i>	<i>Two- and Three-Story wood frame construction</i>	
<i>Parking:</i>	<i>502 surface spaces (1.7 per unit)</i>	
<i>Unit Mix:</i>	<i>140 one bedroom / one bath units</i>	<i>(47.6%)</i>
	<i>130 two bedroom / two bath units</i>	<i>(44.2%)</i>
	<i>24 three bedroom / two bath units</i>	<i>(8.2%)</i>
<i>Average Unit Size:</i>	<i>945 square feet</i>	

Unit Amenities

- *Central Heating and Air Conditioning*
- *2 Inch Wooden Mini Blinds*
- *Personal Balcony/Patio with Storage*
- *Brushed Nickel Plumbing Fixtures*
- *Luxury Plank Style Flooring*
- *Designer Ceiling Fans*
- *Deep Kitchen Sinks*
- *Designer Paint and Finish*
- *Built-In Desk (available in some units)*
- *Modern Kitchens with Breakfast Bars*
- *Large Soaking Tubs (available in some units)*
- *Upgraded Shower Heads*
- *Open Concept Floor Plans*
- *Tile Backsplash in Kitchens*
- *Granite Countertops Throughout*
- *Built-In Microwave*
- *USB Charging Ports*
- *Energy Efficient Stainless Steel Appliances*

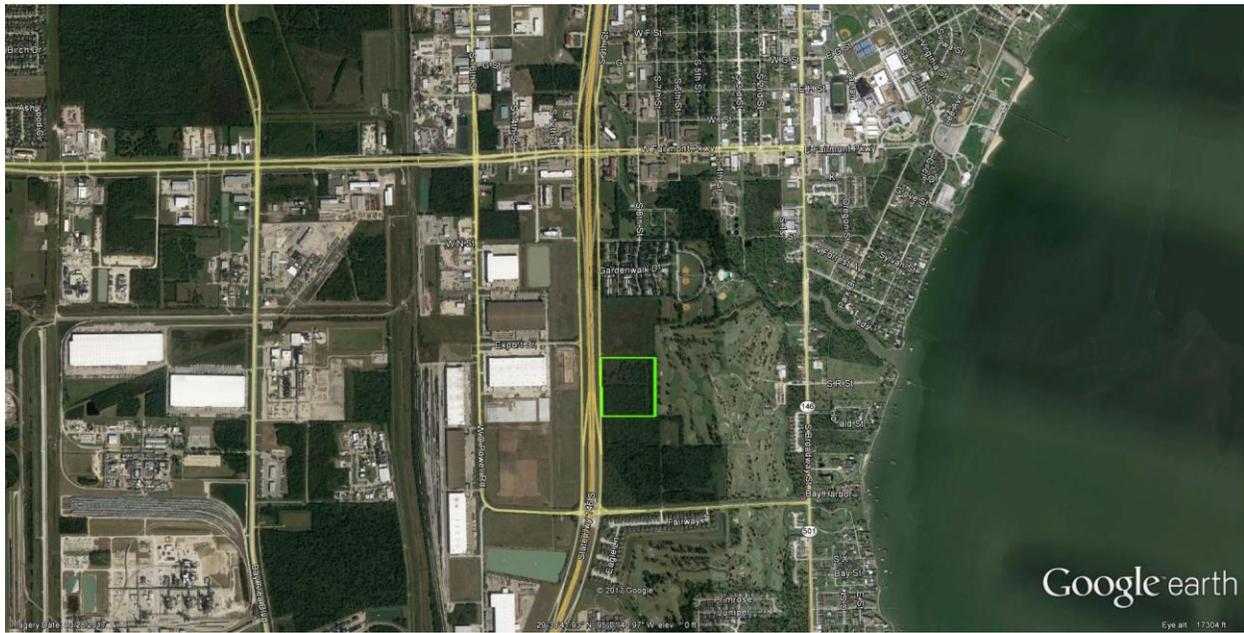
- *Walk-In Closets*
- *Attached and Detached Garages and Carports Available*
- *Two-Tone Paint*
- *Full Size Washer and Dryer*
- *Two Custom Finish Packages Available*

Community Amenities:

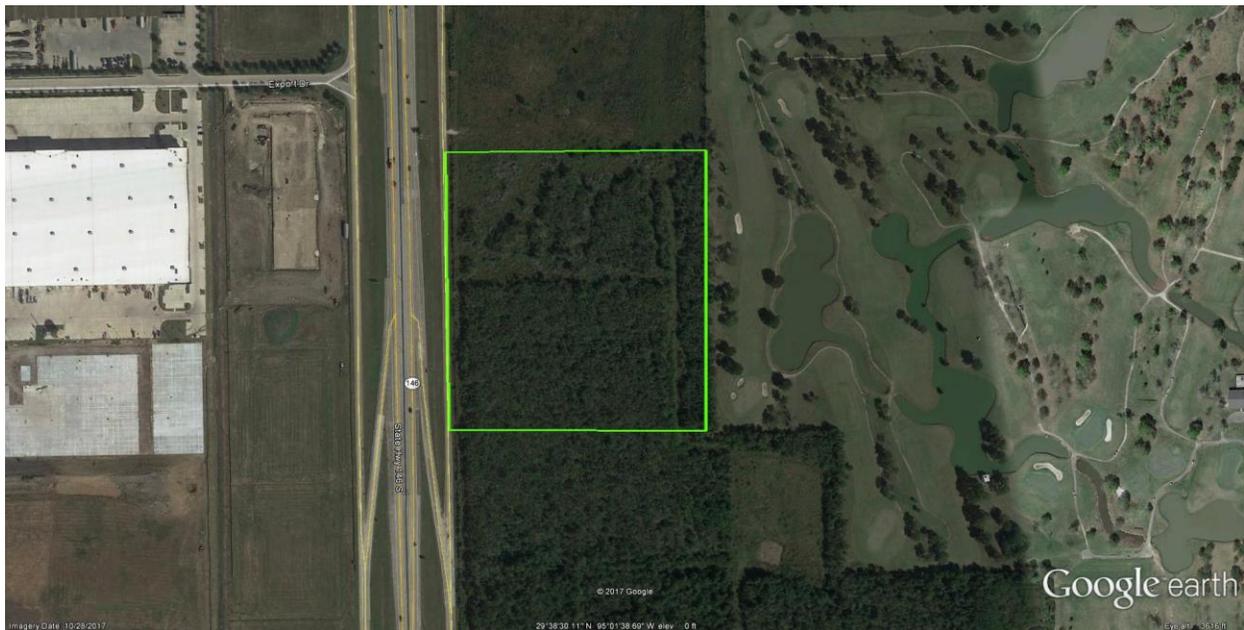
- *24-Hour Emergency Maintenance Available*
- *Clubhouse with Resident Lounge*
- *Billiard Room*
- *24 Hour Cyber Café*
- *Complimentary Coffee Bar*
- *Outdoor Lounge/Grilling Areas With Fireplace and Flat Screen TVs*
- *Resort Style Pool with Wifi*
- *Professional On-Site Management*
- *Pet Friendly*
- *Leash-Free Bark Park with Agility Equipment and Hydration Station*
- *Pet Washing Station*
- *Playground*
- *Resident Social Events*
- *Valet Waste*
- *Huge 24 Hour Fitness Center with State-of-the-Art Fitness Equipment*
- *Free Weights in Fitness Center*
- *Resident Package Receiving*
- *BBQ/Picnic Areas*
- *Business Center*
- *High Speed Internet*

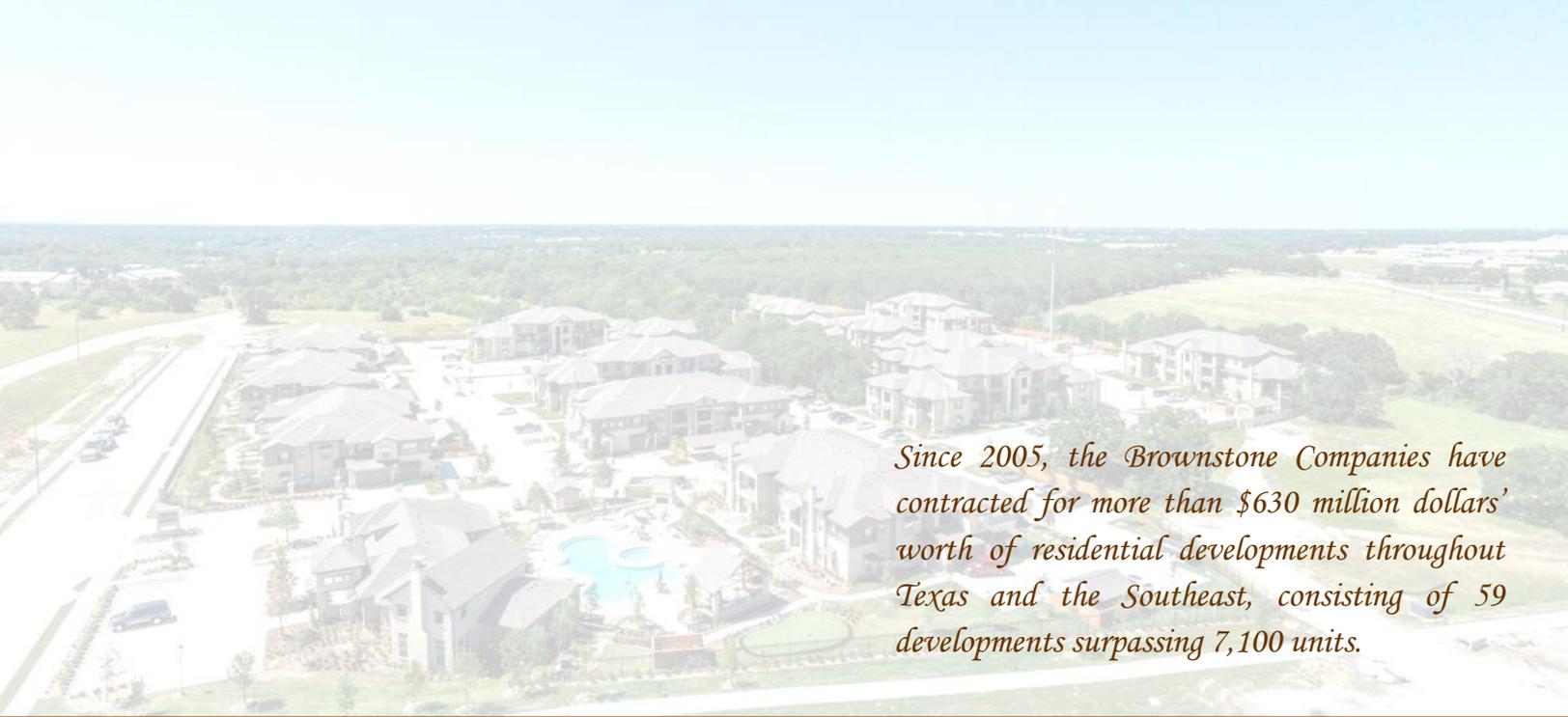


AERIAL MAPS



The Legacy At La Porte - Texas

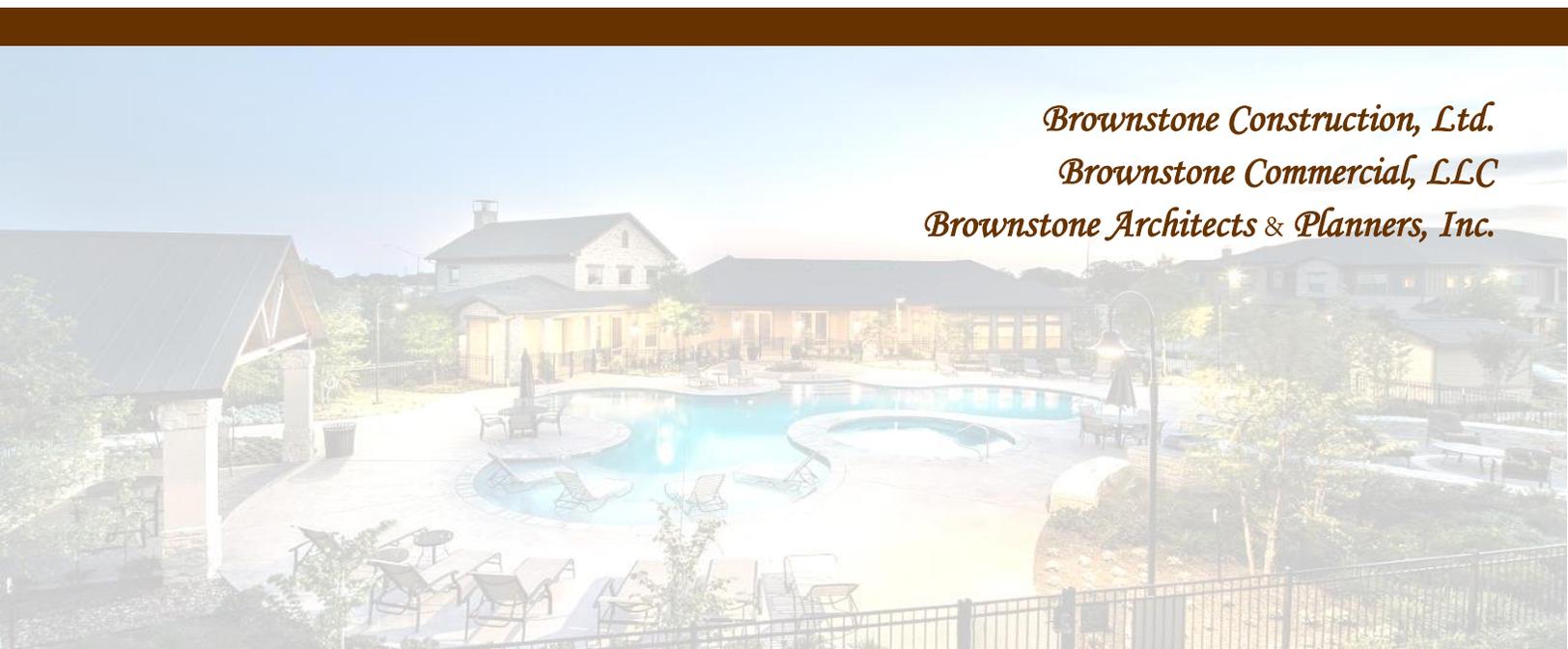




Since 2005, the Brownstone Companies have contracted for more than \$630 million dollars' worth of residential developments throughout Texas and the Southeast, consisting of 59 developments surpassing 7,100 units.



OUR COMPANIES



*Brownstone Construction, Ltd.
Brownstone Commercial, L.L.C
Brownstone Architects & Planners, Inc.*

RESIDENTIAL COMMUNITIES

The following is a list of developments that Brownstone has been a part of since 2005. The below list of developments are either completed, under construction, or in the pre-development phase.



Completed

NAME	CITY	UNITS
San Diego Creek Apts	Alice, TX	72
San Gabriel Senior Village	Georgetown, TX	100
Easterling Village	Alice, TX	48
Thomas Ninke Senior Village	Victoria, TX	80
Retama Village	McAllen, TX	128
Gulfbreeze Plaza II	Port Arthur, TX	148
Bluebonnet Senior Village	Alamo, TX	36
Retama Village Phase II	McAllen, TX	74
Sunset Terrace	Pharr, TX	100
Bluffs Landing Senior Village	Round Rock, TX	144
Gulfbreeze Plaza I	Port Arthur, TX	86
Creekside Villas	Buda, TX	144
Villas at Beaumont	McAllen, TX	36
Pearland Senior Village	Pearland, TX	126
Parkview Terrace	Pharr, TX	100
Heights at Corral	Kingsville, TX	80
Belmont Senior Village	Leander, TX	192
Citrus Gardens	Brownsville, TX	148
Casa Ricardo	Kingsville, TX	60
Merrit Lakeside	Schertz, TX	176
Shiloh Crossing	Laredo, TX	156
Braeburn Village	Houston, TX	140
Gary Street Village	Winnsboro, LA	35
Aedian	Vicksburg, MS	60
Blooms	Tallah, LA	30
The Reserve at Traditions	Bryan, TX	240
Merritt Legacy	Leander, TX	208
Carr Central Apartments (Village Oaks I & II)	Vicksburg, MS	72
Gulf Coast Arms	Houston, TX	160
Elm Street Village	Tallah, LA	34
River Bank Village	Laredo, TX	152
Canton	Canton, TX	80
Austin Village	Bastrop, LA	30
La Esperanza del Rio	Rio Grande City, TX	60
Preston Apartments	Magnolia, AR	40
Cibolo Crossing	Laredo, TX	236
La Esperanza del Alton	Alton, TX	80
Sunset Terrace Senior Village	Pharr, TX	80
Madison Oaks	Winnsboro, TX	60
Hawthorne at Traditions II	Bryan, TX	156
Hawthorne at Pasadena	Pasadena, TX	294
Henderson Village	Henderson, TX	80
Merritt Hill Country (major subcontractor)	Dripping Springs, TX	80

RESIDENTIAL COMMUNITIES

The following is a list of developments that Brownstone has been a part of since 2005. The below list of developments are either completed, under construction, or in the pre-development phase.



Under Construction

NAME	CITY	UNITS
Legacy at Lake Charles	Lake Charles, LA	268
Lake Park Townhomes	Pearland, TX	247
Casa Verde	Laredo, TX	152
Canton High Apartments I & II	Canton, MS	80
Taylor Senior Village	Mission, TX	112
Nash Senior Village	Nash, TX	100
Whitehouse Senior Village	Whitehouse, TX	72
Ariza Apartments	College Station, TX	266
Merritt Heritage	Georgetown, TX	244
Liberty Village	Edinburg, TX	124
Lumberton Senior Village	Lumberton, TX	76
Merritt Monument	Odessa, TX	104
Reserve at Pinewood	Port Arthur, TX	190
Gonzales	Gonzales, LA	212

Pre Development

NAME	CITY	UNITS
Las Palomas	McAllen, TX	122
Skye-Headwaters	Dripping Springs, TX	175





Exteriors





Exteriors





Interiors





Interiors

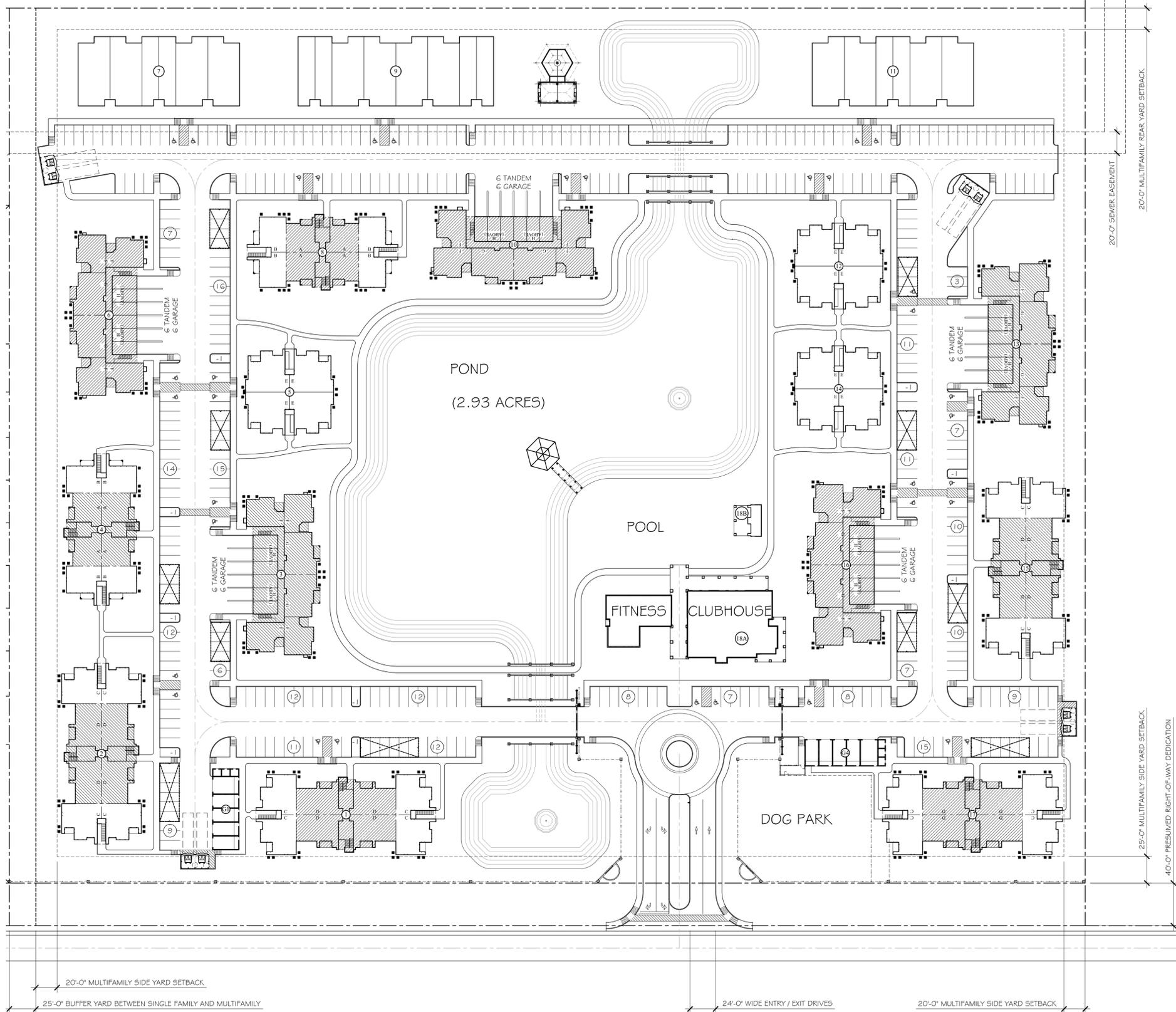




Interiors



EXHIBIT F



NOTES (MULTIFAMILY):

DEVELOPMENT SIZE:
 GROSS SIZE: 20.00 ACRES
 NET SIZE: 19.06 ACRES (DUE TO R.O.W. LOSS)
 NUMBER OF UNITS: 294 UNITS

UNIT MIX:
 1-BEDROOM: 140 UNITS
 2-BEDROOMS: 130 UNITS
 3-BEDROOMS: 24 UNITS

SEC. 106-333, TABLE B, RESIDENTIAL REQUIREMENTS

USE: MULTI-FAMILY

MIN. LOT AREA/D.U. S.F.:
 REQUIRED: 20,000 S.F.
 PROVIDED: 20 ACRES

MIN. LOT WIDTH:
 REQUIRED: 100 FEET
 PROVIDED: 1,012 FEET

MIN. YARD SETBACKS:
 @ FRONT YARD: 25 FEET (CANNOT OVERLAP W/ BUFFER)
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 @ REAR YARD: 20 FEET
 @ UTILITY EASEMENT: 3 FEET

MAX. HEIGHT: 45 FEET

MIN. SITE AREA/UNIT S.F.:
 REQUIRED: 1,600 / 14.0 DU/A
 PROVIDED: 15.5 DU/A

MIN. DEV. OPEN SPACE REQUIREMENT: 5 ACRES (25% OF DEVELOPMENT)
 PROVIDED: 5+ ACRES (INCLUDES AREA OF PONDS)

MAX. LOT COVERAGE: 60%/25%

BUFFER ZONES:
 @ SINGLE FAMILY (NORTH): 25 FEET (CANNOT OVERLAP W/ SETBACK)
 @ GOLF COURSE (EAST): 0 FEET
 @ PUD (SOUTH): 0 FEET
 @ FRONTAGE ROAD (WEST): 0 FEET

PARKING REQUIREMENT:
 1-BED UNIT: 210 SPACES (140 UNITS * 1.5 SPACES)
 2-BED UNIT: 260 SPACES (130 UNITS * 2.0 SPACES)
 3-BED UNIT: 60 SPACES (24 UNITS * 2.5 SPACES)

TOTAL SPACES: 530 SPACES*
 * ZONING ALLOWS 8% OF REQUIRED SPACES TO BE DEVELOPED AS LANDSCAPE ISLANDS (UP TO 48 SPACES MAY BE SUBSTITUTED)

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PARKING W/ LANDSCAPE: 530 SPACES



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REGISTRANT'S NAME: WILLIAM L. BROWN
 TEXAS REGISTRATION NUMBER: 4886

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LEGACY AT LA PORTE
 294 Multi Family Units
 Highway 146, La Porte, Texas

△ DRAWING ISSUE: DATE:
 ○

PROJECT NUMBER:
ARCHITECTURAL SITE PLAN - MULTI-FAMILY

A1-3

1 ARCHITECTURAL SITE PLAN - 20.00 ACRE TRACT WITH 294 MULTI-FAMILY UNITS
 SCALE: 1" = 50'-0"

**City of La Porte, Texas
Planning and Zoning Commission**



February 15, 2018

AGENDA ITEM 7

A request by Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of Bayforest Ranch, Ltd, owner; for approval of the proposed General Plan for a 20 acre tract of land legally described as Tract 1L, Abstract 35, J Hunter Survey s.

Ian Clowes, City Planner

Planning and Development Department

City of La Porte, Texas

Planning and Development Department Staff Report

ISSUE

Consider approval of a request by Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of Bayforest Ranch, Ltd, owner; for approval of the proposed General Plan on a 20 acre tract of land legally described as Tract 1L, Abstract 35, J Hunter Survey. This item would become an exhibit to the Special Conditional Use Permit (Agenda Item #4), should it be approved by the Planning and Zoning Commission and City Council.

RECOMMENDATION

Staff is unable to recommend approval of the proposed General Plan for the Brownstone (Legacy at La Porte) Development due to the proposed layout not being in conformance with fire code requirements.

DISCUSSION

The subject site is approximately 20 acres in area and is located on the east side of SH 146 north of Wharton Weems Blvd. The attached Exhibit B is an Aerial Map showing the location of the subject property. The General Plan identifies the scale and scope of the proposed development.

The site is zoned PUD, Planned Unit Development, and is vacant. The attached Exhibit C shows the zoning of the subject property and surrounding properties. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	PUD, Planned Unit Development	Undeveloped
South	PUD, Planned Unit Development	Undeveloped
West	PUD, Planned Unit Development	Port Crossing
East	PUD, Planned Unit Development	City Golf Course

The attached Exhibit D identifies this parcel on the city's Future Land Use Plan, as adopted in the Comprehensive Plan. Currently the site is identified as "Commercial," "Mixed Use," and "Mid-High Density Residential."

Analysis:

General Plan review requires approval by the Planning and Zoning Commission; there is no review of the document by the City Council required. However, should the Commission approve the proposed General Plan, it would become an exhibit to the Special Conditional Use Permit (SCUP) application that is being reviewed as Agenda Item #4 and which recommendation will be forwarded to City Council for final approval. The General Plan is intended to provide for a conceptual layout of the proposed development.

Should City Council approve the proposed SCUP, the applicant will be required to submit application for a site development plan in compliance with applicable code requirements. The site plan will be required to comply with all requirements of the approved SCUP document as well as Chapter 106, Zoning, of the city's Code of Ordinances including but not limited to parking, detention, façade design, landscaping, etc.

The proposed development will include 17 residential buildings with a total of 294 units. Total density will be 15.5 units per acre.

As proposed, the development exceeds the number of units permitted with only 1 access point (30). The Fire Marshal will be unable to approve the proposed layout as is.

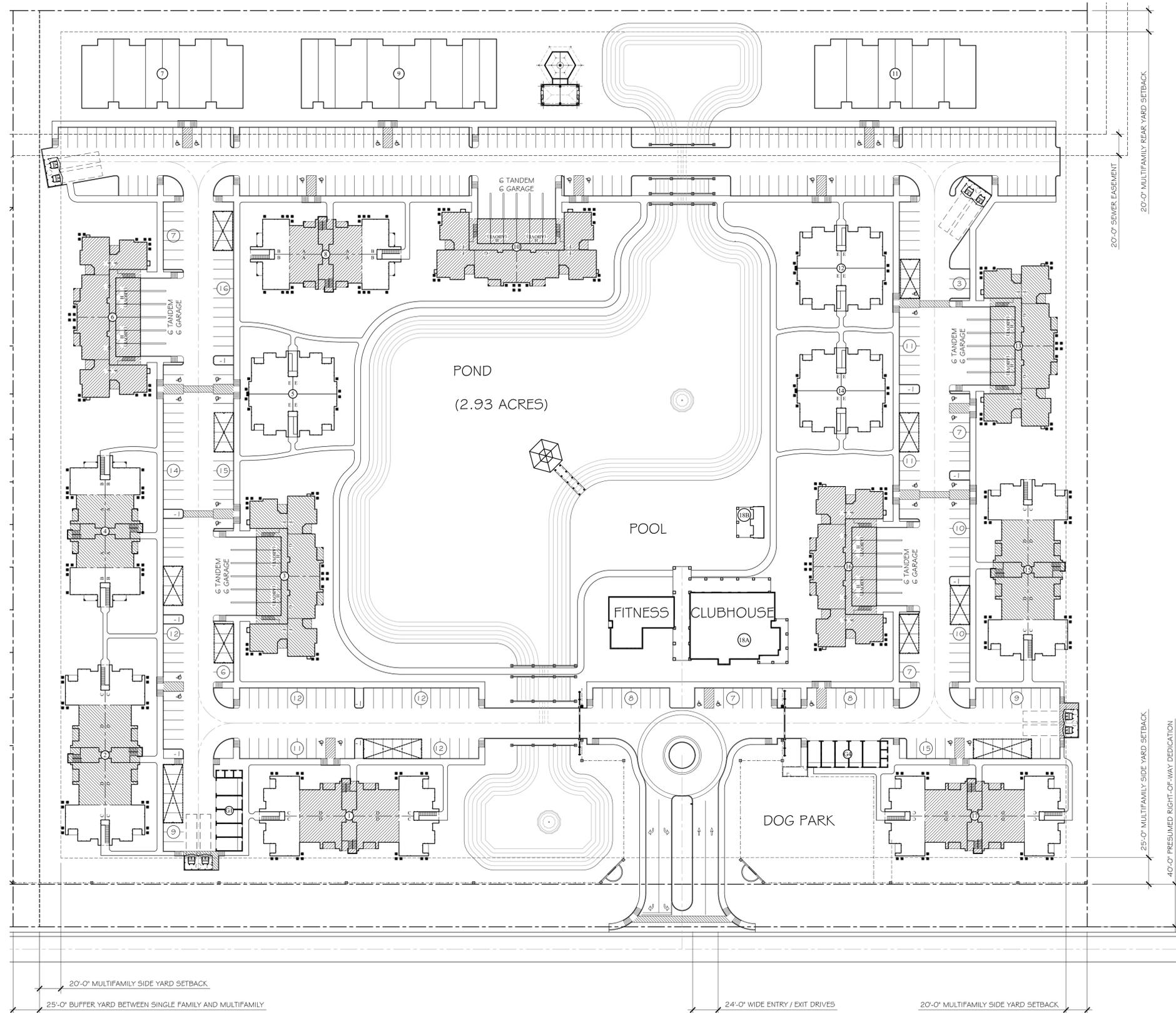
RECOMMENDATION

Based on the above analysis, staff recommends the Planning and Zoning Commission deny the proposed General Plan as an exhibit to SCUP #18-91000002, to allow for a Multi-Family Apartment Complex in the PUD zoning district.

ATTACHMENTS

- Exhibit A: Proposed General Plan
- Exhibit B: Area Map
- Exhibit C: Zoning Map
- Exhibit D: Land Use Map

EXHIBIT A



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PROVIDED:	5+ ACRES (INCLUDES AREA OF PONDS)

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SURFACE PARKING:	
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REGISTRANT'S NAME: WILLIAM L. BROWN
TEXAS REGISTRATION NUMBER: 4886

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LEGACY AT LA PORTE 294 Multi Family Units

Highway 146, La Porte, Texas

△ DRAWING ISSUE: DATE:
○

PROJECT NUMBER:
**ARCHITECTURAL
SITE PLAN -
MULTI-FAMILY**

A1-3

1 ARCHITECTURAL SITE PLAN - 20.00 ACRE TRACT WITH 294 MULTI-FAMILY UNITS
SCALE: 1" = 50'-0"



EXHIBIT B

AERIAL MAP

SCUP
18-9100002

East SH 146

Legend

 Subject Parcel



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 421 feet



FEBRUARY 2018
PLANNING DEPARTMENT

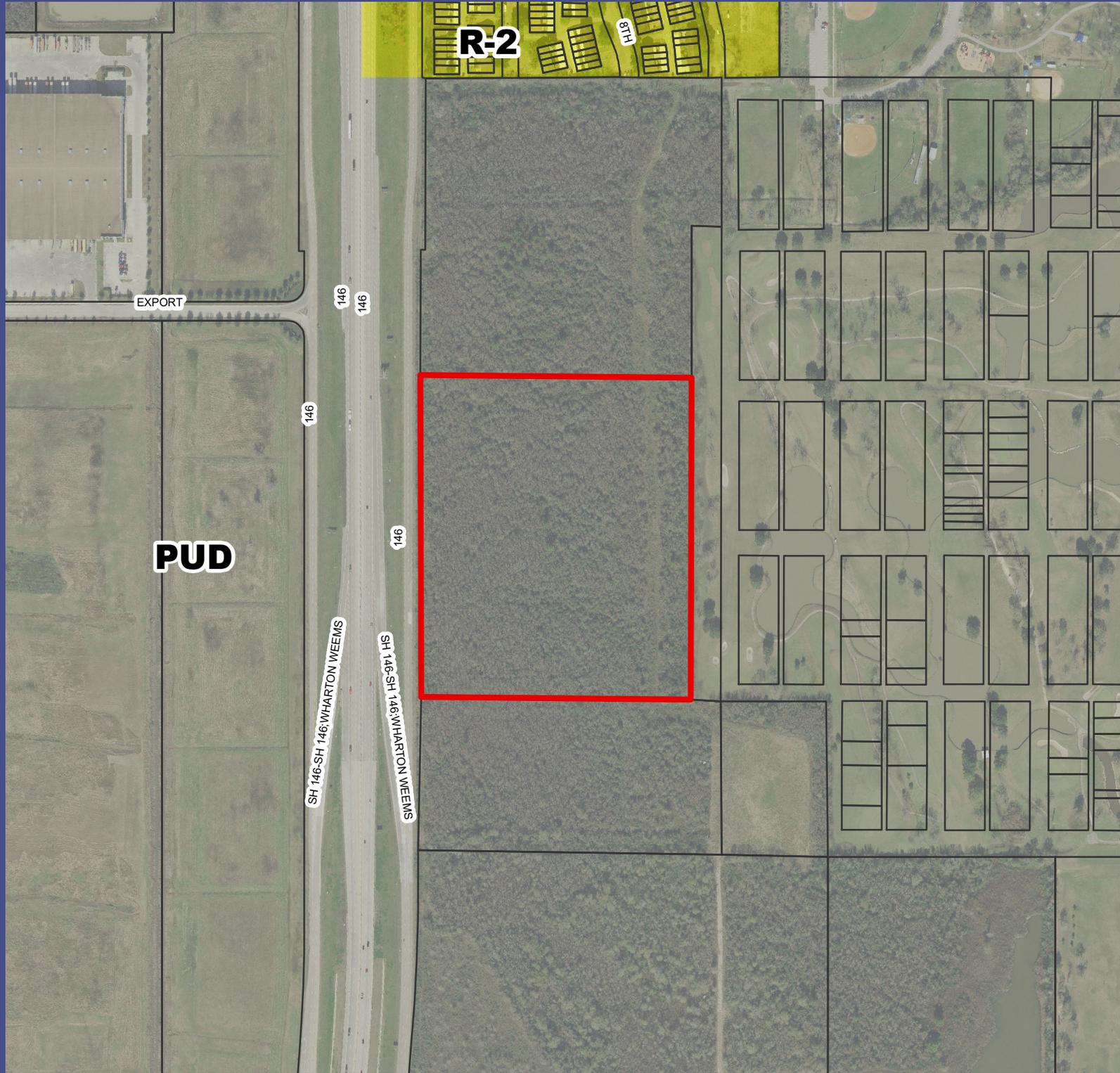


EXHIBIT C

ZONING MAP

**SCUP
18-91000002**

East SH 146

Legend

 Subject Parcel



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**FEBRUARY 2018
PLANNING DEPARTMENT**

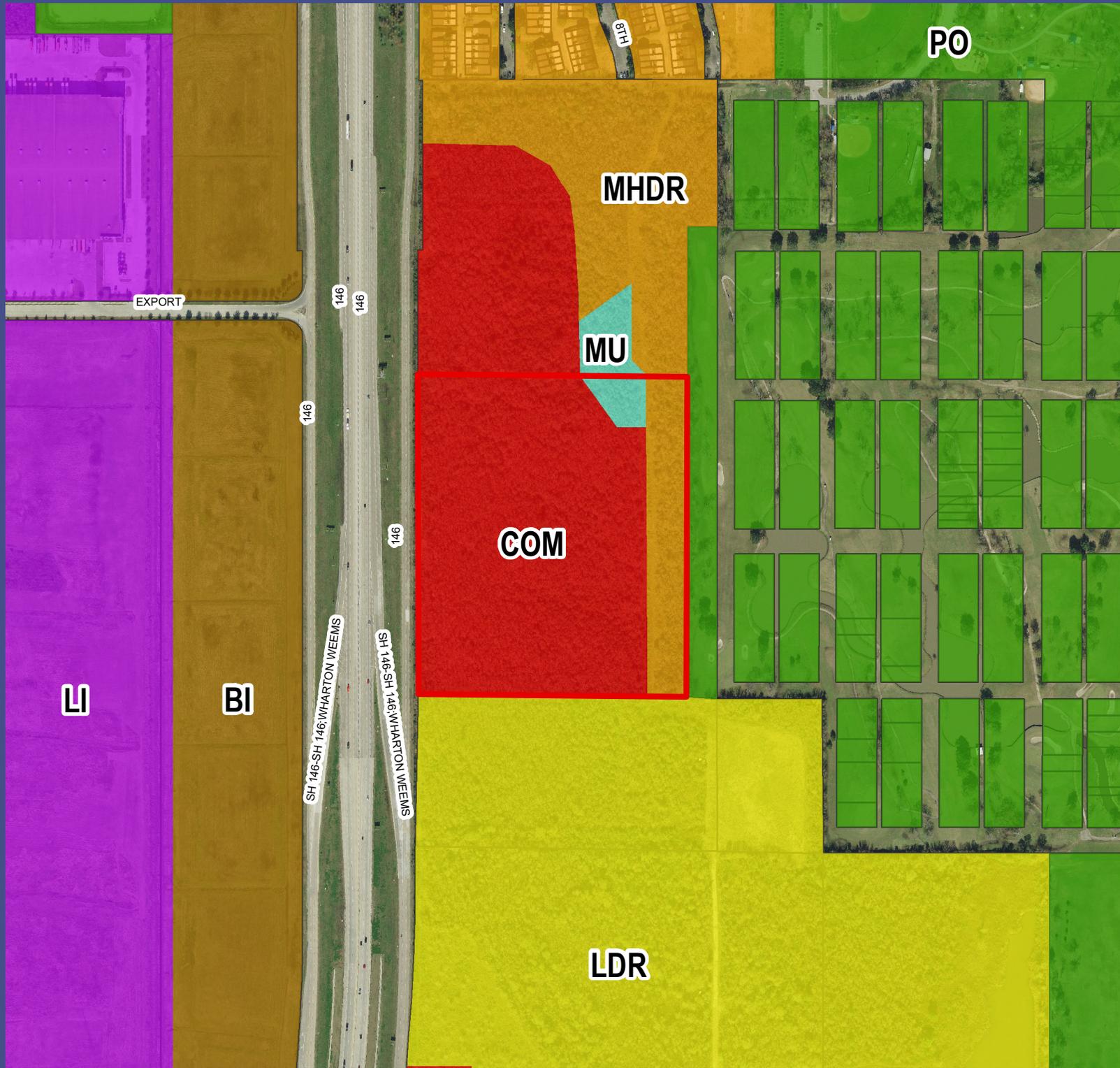


EXHIBIT D

FLUP MAP

SCUP

18-91000002

East SH 146

Legend

 Subject Parcel



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1 inch = 421 feet



**FEBRUARY 2018
PLANNING DEPARTMENT**

**City of La Porte, Texas
Planning and Zoning Commission**



February 15, 2018

AGENDA ITEM 8

Future Land Use Map Amendment #18-91000002

A request by Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of Bayforest Ranch, Ltd, owner; for an amendment to the City of La Porte's Future Land Use Plan by amending the land use designation for a 20 acre tract of land legally described as Tract 1L, Abstract 35, J Hunter Survey from "Commercial" and "Mixed Use" to "Mid-High Density Residential."

Ian Clowes, City Planner

Planning and Development Department

City of La Porte, Texas

Planning and Development Department Staff Report

ISSUE

Consider a recommendation of approval to the City Council for an amendment to the city's Future Land Use Plan as demonstrated in the attached Exhibits A and B.

DISCUSSION

Staff is presenting for consideration an amendment to the city's Future Land Use Plan in conjunction with a SCUP request on a 20 acre tract of land to allow for a multi-family apartment complex development. The site is currently undeveloped and is located on the east side of SH 146 north of Wharton Weems Blvd.

The city's Future Land Use Plan (FLUP) identifies this property as "Commercial," "Mixed Use," and "Mid-High Density Residential" land uses. In order to accommodate the proposed development, the FLUP would need to be amended to allow for only "Mid-High Density Residential" use. The FLUP may be amended from time to time if approved by the City Council, upon recommendation by the Planning and Zoning Commission. The attached Exhibit A demonstrates the existing land use while Exhibit B shows the proposed future land use plan.

Section 213.003 of the Texas Local Government Code (LGC) specifies requirements for amending the city's Future Land Use Plan, which was adopted as a component of the Comprehensive Plan. The LGC requires review of the proposed amendment by the Planning and Zoning Commission and consideration by the City Council. A public hearing will be scheduled at the time of City Council review.

The Future Land Use Plan identifies the following surrounding land uses (see the attached Exhibit A):

	Land Use	Development
North	Commercial, MHDR, MU	Undeveloped
South	Low Density Residential	Undeveloped
West	SH 146/Business Industrial	Freeway/Port Crossing
East	Public/Park	City Golf Course

RECOMMENDATION

Should the Planning and Zoning Commission desire to recommend approval for SCUP 18-91000002, then the city's Future Land Use Plan should be amended as described in this item.

ATTACHMENTS

- Exhibit A: Current Future Land Use Plan
- Exhibit B: Proposed Future Land Use Plan

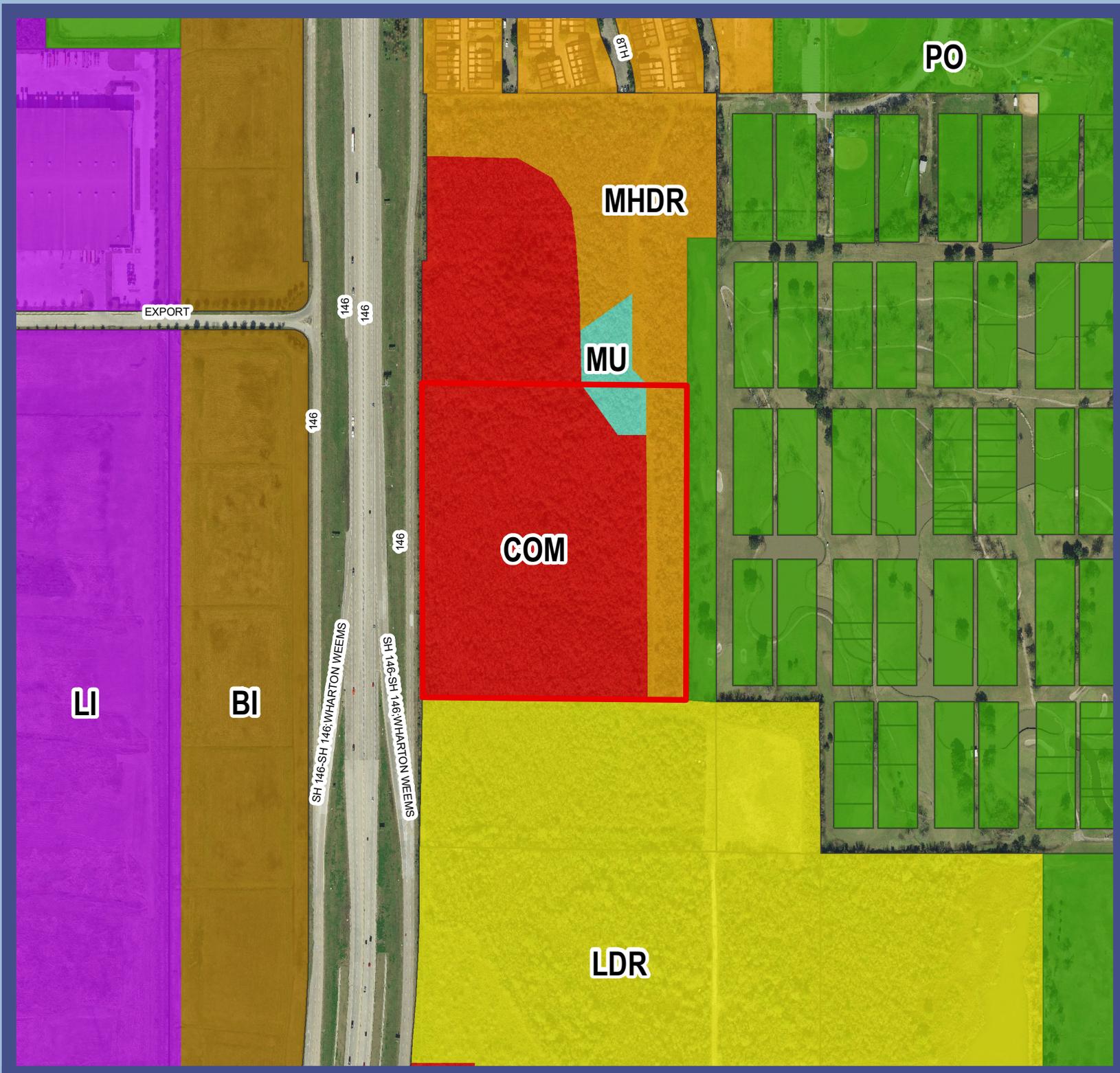


EXHIBIT A

FLUP MAP

SCUP

18-91000002

East SH 146

Legend

 Subject Parcel



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**FEBRUARY 2018
PLANNING DEPARTMENT**

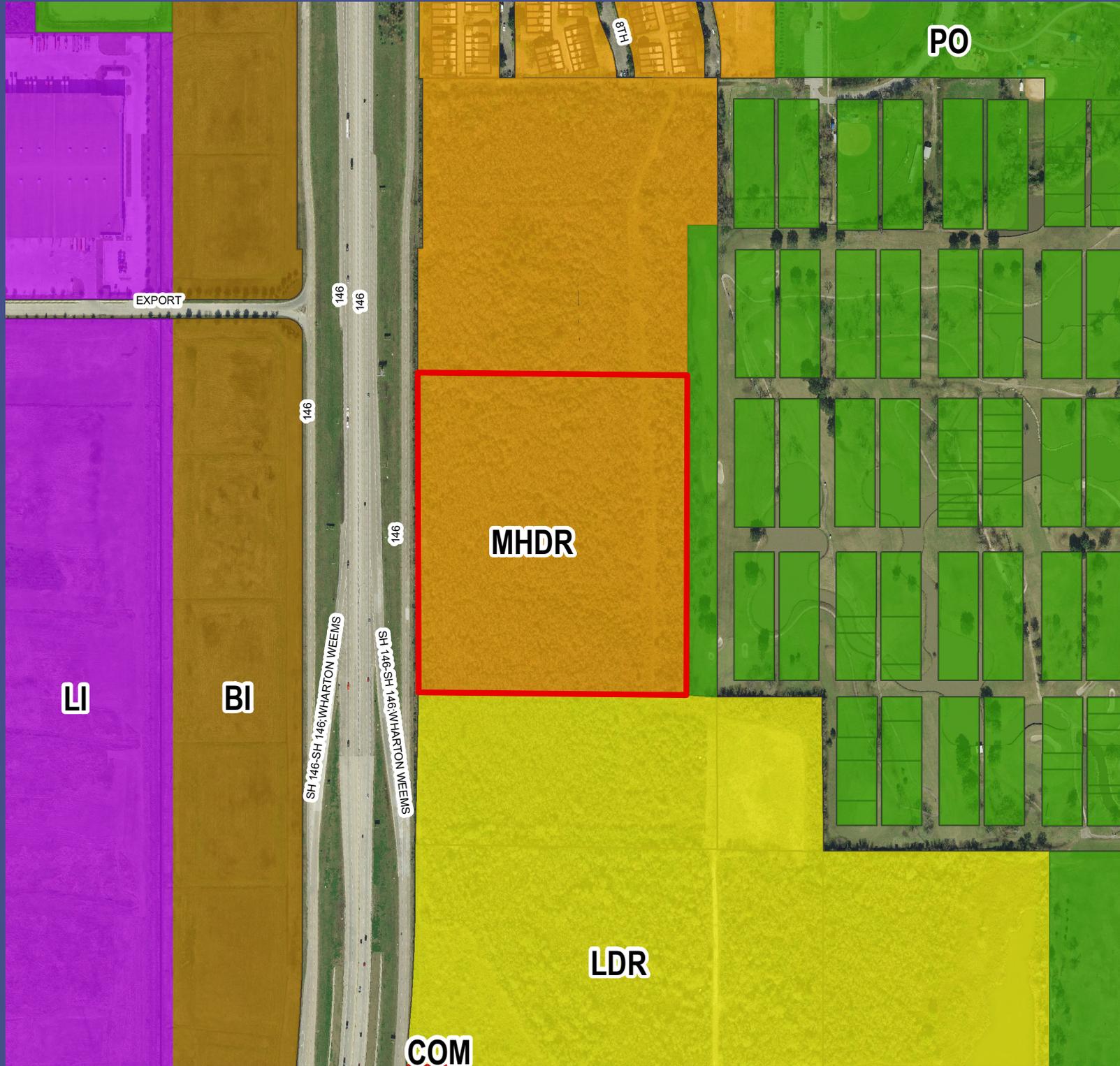


EXHIBIT B

**PROPOSED
FLUP**

**SCUP
18-91000002**

East SH 146

Legend

 Subject Parcel



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**FEBRUARY 2018
PLANNING DEPARTMENT**

**City of La Porte, Texas
Planning and Zoning Commission**



February 15, 2018

AGENDA ITEMS 9-11

Special Conditional Use Permit #18-91000003

A request by Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of 92 Fairmont Lakes, Inc., owner; to allow for a patio home development, to locate on a 19.17 acre tract of land legally described as Tract 1, Abstract 35, J Hunter Survey

*Ian Clowes, City Planner
Planning and Development Department
City of La Porte, Texas*

Planning and Development Department Staff Report

ISSUE

Should the Planning and Zoning Commission recommend approval of a SCUP to allow for a patio home development, to locate on a 19.17 acre tract of land legally described as Tract 1, Abstract 35, J Hunter Survey?

DISCUSSION

Location:

The subject site is located on the east side of SH 146, south of Baypoint Townhomes.

Background Information:

The property is currently undeveloped and zoned Planned Unit Development (PUD). The applicant is interested in developing a patio home development that will consist of 85 individual residential lots.

The attached Exhibit B shows the zoning of the subject property and surrounding properties. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	R-2, Medium Density Residential	Baypoint Townhomes
South	PUD, Planned Unit Development	Undeveloped
West	PUD, Planned Unit Development	Port Crossing
East	PUD, Planned Unit Development	City Golf Course

Notification Requirements:

Staff finds that the public hearing notification requirements outlined in Section 106-171 were performed in accordance with code provisions, including the following: notice in a newspaper of general circulation at least 15 days prior to the hearing; written notice mailed to owners of real property within 200 feet of the site within 10 days of the hearing and in this case notice was sent to all property owners and residents within the rezoning area; 4 signs were posted in the area of the rezoning within 15 days of the hearing. In accordance with state law, notice of the public hearing was also posted at City Hall and on the City's website.

Analysis:

There are a number of different considerations staff evaluated during the review of this application. The following describes staff’s analysis of those considerations:

1. *Land Use.* The proposed patio home development is a good fit with the surrounding land uses and will act as a transitional buffer between the existing townhome residential to the north and the proposed apartment complex to the south.
2. *Access.* There is sufficient existing right-of-way access along SH 146 for the proposed development. As proposed, access in and out of the site does not meet current fire code requirements. This will need to be addressed prior to approval of the General Plan.
3. *Utilities.* Sewer services are available along the eastern edge of the property. Water service is available the SH 146 feeder road. Any extensions or tie ins to city facilities will need to be constructed by the developer.

Additionally, the City’s Comprehensive Plan identifies a number of items to be considered prior to making land use decisions. The following table breaks down each item and staff’s finding:

Criterion:	Staff Findings:
Ability of infrastructure to support the permitted use.	Existing infrastructure in the area is sufficient to support the proposed use.
Impact on the value and practicality of the surrounding land uses.	Proposed development would be consistent with development patterns in the area and would serve as a transitional buffer between existing residential to the north and proposed multi-family to the south.
Conformance of a zoning request with the land use plan.	The proposed SCUP will be in conformance with the future land use plan.
Character of the surrounding and adjacent areas.	The proposed SCUP will enhance this section of SH 146 and act as a continuation of the existing Baypoint Townhomes to the north. .
Suitability of the property for the uses which would be permissible, considering density, access and circulation, and adequacy of public facilities and services.	The site is an ideal location for a development of this nature. Access to the site is adequate, though the proposed layout will need to be addressed due to fire code issues.
The extent to which the proposed use designation would adversely affect the capacity or safety of that portion of the road.	SH 146 feeder should have enough built in capacity to handle the additional traffic from the proposed development. Staff does recommend that a traffic impact analysis be conducted prior to any site plan approvals.
The extent to which the proposed use designation would create excessive air pollution, water pollution, noise	The proposed SCUP will not create any additional excessive air pollution or other negative environmental issues.

pollution, or other environmental harm to adjacent properties.	
The gain, if any, to the public health, safety, and welfare of the City.	The proposed SCUP furthers the city's desire to create a more diversified stock of housing options for citizens in all phases of their life.

RECOMENDATION

Based on the above analysis, staff recommends that the Planning and Zoning Commission recommend approval of the proposed SCUP to allow for a patio home development in the PUD zoning district with the following conditions:

1. Approval of a General Plan that meets all fire code requirements.
2. A traffic impact analysis must be submitted for review by city staff prior to approval of the required site plan.

ATTACHMENTS

- Exhibit A: Aerial Map
- Exhibit B: Zoning Map
- Exhibit C: Future Land Use (FLUP) Map
- Exhibit D: Proposed SCUP
- Exhibit E: Application
- Exhibit G: General Plan

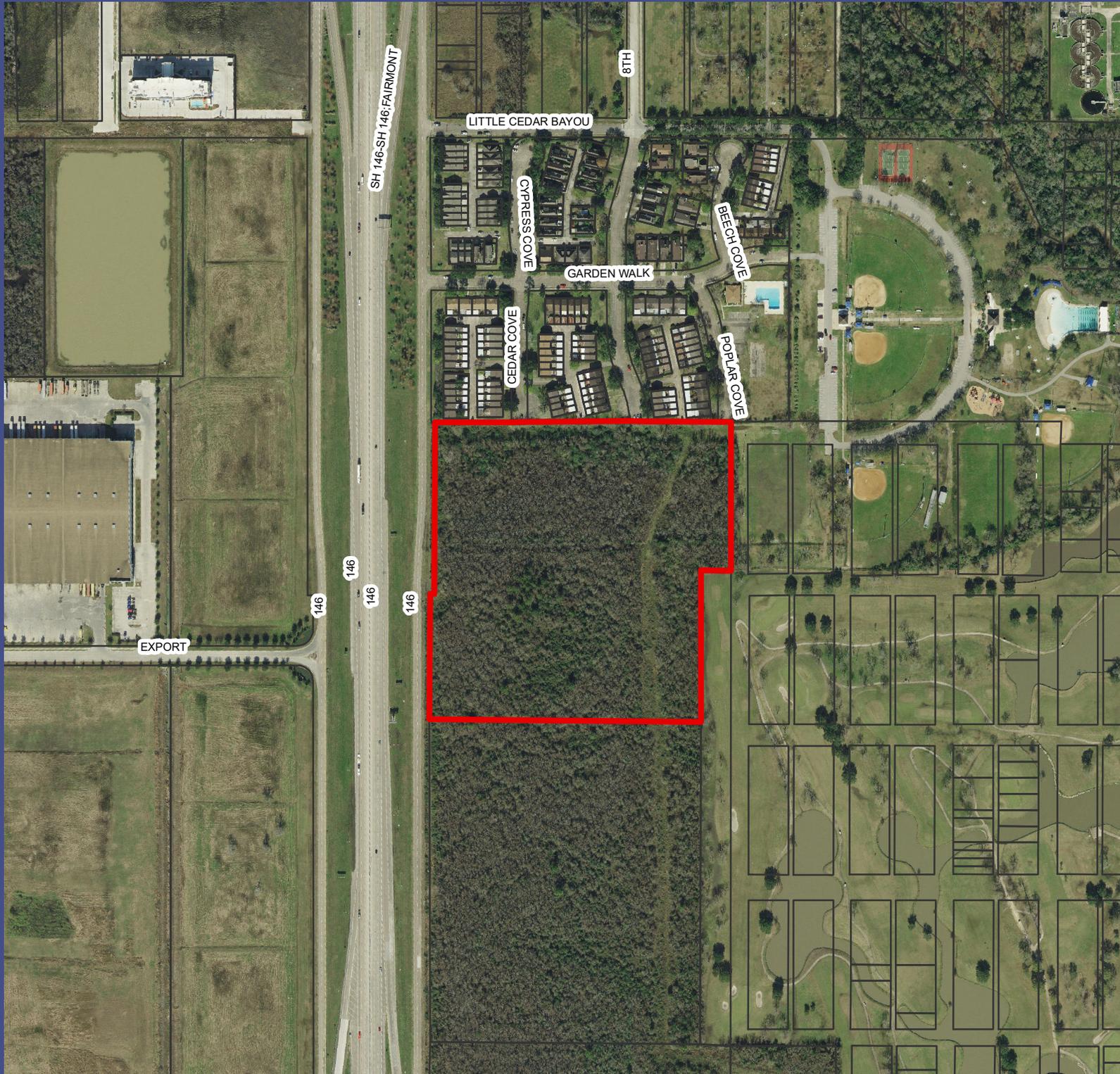


EXHIBIT A
AERIAL MAP

SCUP
18-91000003

East SH 146

Legend

 Subject Parcel



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1 inch = 421 feet



FEBRUARY 2018
PLANNING DEPARTMENT

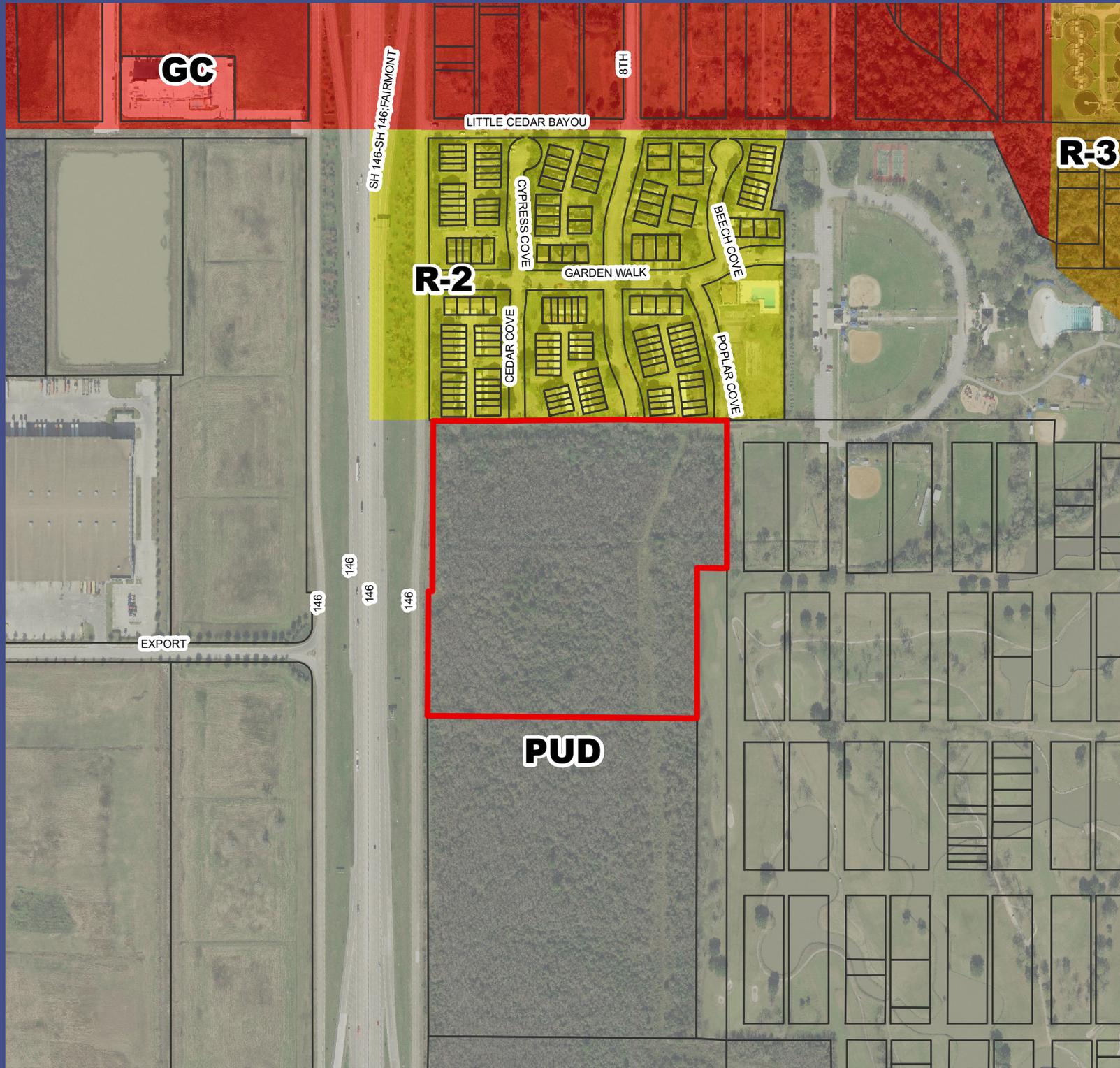


EXHIBIT B
ZONING MAP

SCUP
18-91000003

East SH 146

Legend

 Subject Parcel



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FEBRUARY 2018
PLANNING DEPARTMENT

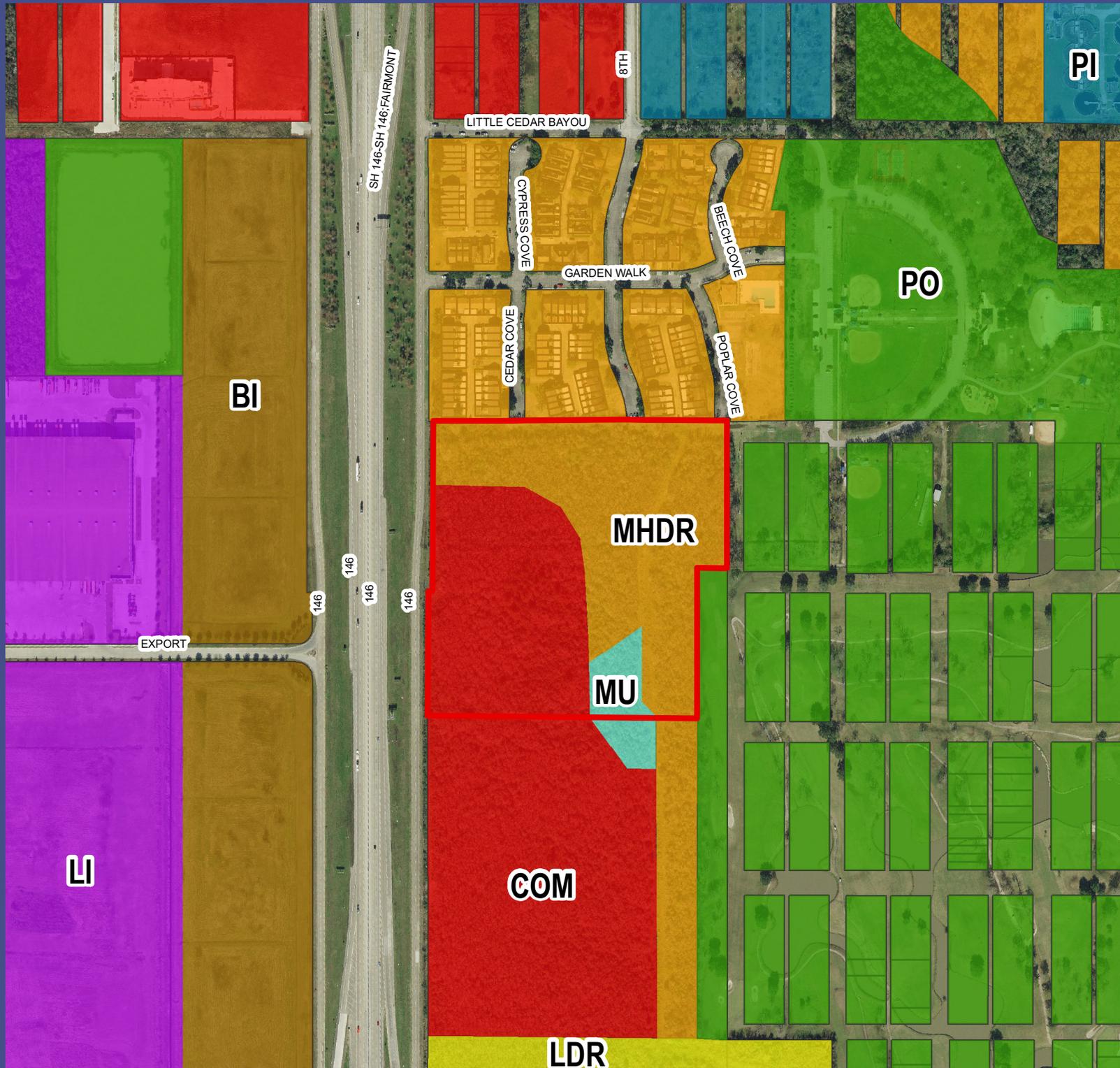


EXHIBIT C

FLUP MAP

**SCUP
18-91000003**

East SH 146

Legend

 Subject Parcel



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**FEBRUARY 2018
PLANNING DEPARTMENT**

City of La Porte
Special Conditional Use Permit #18-91000003

This permit is issued to: Doak Brown
Owner or Agent

Address

For Development of: Fairmont Lakes North
Development Name

E 146 south of Baypoint Townhomes
Address

Legal Description: A 19.17 acre tract of land legally described Tract 1, Abstract 35,
J Hunter Survey, Harris County, La Porte, TX

Zoning: PUD, Planned Unit Development

Use: Patio Homes

Permit Conditions:

This Special Conditional Use Permit (SCUP) is applicable for the subject property, a copy of which shall be maintained in the files of the City’s Planning and Development Department upon approval. Project development shall be in accordance with the following conditions:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte’s Development Ordinance and shall comply with all provisions of Chapter 106, “Zoning” of the City’s Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. Permitted use on site will be described as Patio Home.
3. The underlying zoning will be R-3. All Patio Home development requirements will need to be met.
4. In lieu of a zero lot line with an adjoining side setback of 10 feet, the developer is permitted to provide a 5 foot side setback on both side lot lines.
5. All fire code requirements must be met, specifically regarding total number of required ingress and egress points. Approved General Plan must reflect these requirements.
6. A Traffic Impact Analysis will be performed and submitted to the city for review prior to approval of the required site plan.
7. All necessary documentation for building permit review must be submitted in conjunction with the city’s building permit application process.
8. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, “Zoning” of the City’s Code of Ordinances.

Failure to start construction of the site within 12 months after issuance or as scheduled under the terms of a special conditional use permit shall void the permit as approved, except upon an extension of time granted after application to the Planning and Zoning Commission.

If contract or agreement is terminated after completion of any stage and there is ample evidence that further development is not contemplated, the ordinance establishing such special conditional use permit may be rescinded by the City Council, upon its own motion or upon the recommendation of the Planning and Zoning Commission of the City of La Porte, and the previous zoning of the entire tract shall be in full effect on the portion which is undeveloped.

Validation Date: _____

Director of Planning and Development

City Secretary



Special Conditional Use Permit Application

Planning and Development Department

PROJECT INFORMATION

Address where SCUP is being requested: Vacant 19.17 acre parcel; located on E side of SH 146 S of Bay Point Townhomes

Legal description where SCUP is being requested: TR 1, ABST 35, J Hunter Survey

HCAD Parcel Number where SCUP is being requested: 0402780010007

Zoning District: PUD, Planned Unit Development Lot area: 835,045 sq ft

A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte.

Description of Request: Approval of the proposed conceptual site plan

Attached hereto is a Project Description Letter describing the project and outlining the reasons why such SCUP should be approved.

PROPERTY OWNER(S) INFORMATION

Name: 92 Fairmont Lakes, Inc.

Company (if applicable): Attn: Dr. Malladi S. Reddy

Address: 2398 Baycrest Dr.

City: Houston State: Texas Zip: 77058

Phone: 281-333-0800 Email: malladireddy@yahoo.com

AUTHORIZED AGENT (If other than owner)

Name: Brownstone Ventures, LLC and Historymaker Homes

Company (if applicable): Attn: Doak Brown

Address: 6517 Mapleridge

City: Houston State: Texas Zip: 77081

Phone: 713-705-3507 Email: doak@thebrownstonegroup.net

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: [Signature] Date: 1/16/2018

Owner(s)' Signature(s): [Signature] Date: 1/16/2018

STAFF USE ONLY:

Case Number:

Date Application Received:



Special Conditional Use Permit Application

Planning and Development Department

AFFIDAVIT OF POSTING PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:

ADDRESS: 19.17 acre parcel located on E side of SH 146 North of Wharton Weems Blvd

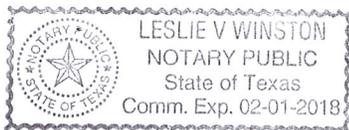
LEGAL DESCRIPTION: TR 1, ABST 35, J Hunter Survey

2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date: January 31, 2018.
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

[Signature]
Applicant's Signature

Doak Brown
Applicant's Printed Name

Subscribed and sworn before me this 19th day of January, 2018, by Doak Brown (Print Applicant's Name).



(Seal)

[Signature]
Notary Public

My commission expires: 2/1/18

NOTES (SINGLE FAMILY):

ZONING FOLLOWED = R-2

DEVELOPMENT SIZE:

GROSS SIZE: 19.17 ACRES
 NET SIZE: 18.36 ACRES (DUE TO R.O.W. LOSS)
 NUMBER OF LOTS: 85 LOTS

SEC. 106-333, TABLE B, RESIDENTIAL REQUIREMENTS

USE: SINGLE-FAMILY SPECIAL LOT LINE, 0 LOT LINE "PATIO HOMES"

MIN. LOT AREA/D.U. S.F.:
 REQUIRED: 4,500 S.F.
 PROVIDED: SMALLEST LOT IS 4,576 S.F.

MIN. LOT WIDTH:
 REQUIRED: 40 FEET
 PROVIDED: SMALL RECTANGULAR LOT WIDTH IS 40 FEET
 NOTE: CORNER TRIANGLE LOTS HAVE 40' WIDTH DIMENSION AT THE 20' FRONT SETBACK LINE

MIN. YARD SETBACKS:
 FRONT: 20 FEET
 REAR: 10 FEET
 SIDE 1: 0 FEET (0 LOT LINE)
 SIDE 2: 10 FEET (PER TABLE B, FOOTNOTE G)

MAX. HEIGHT: 35 FEET

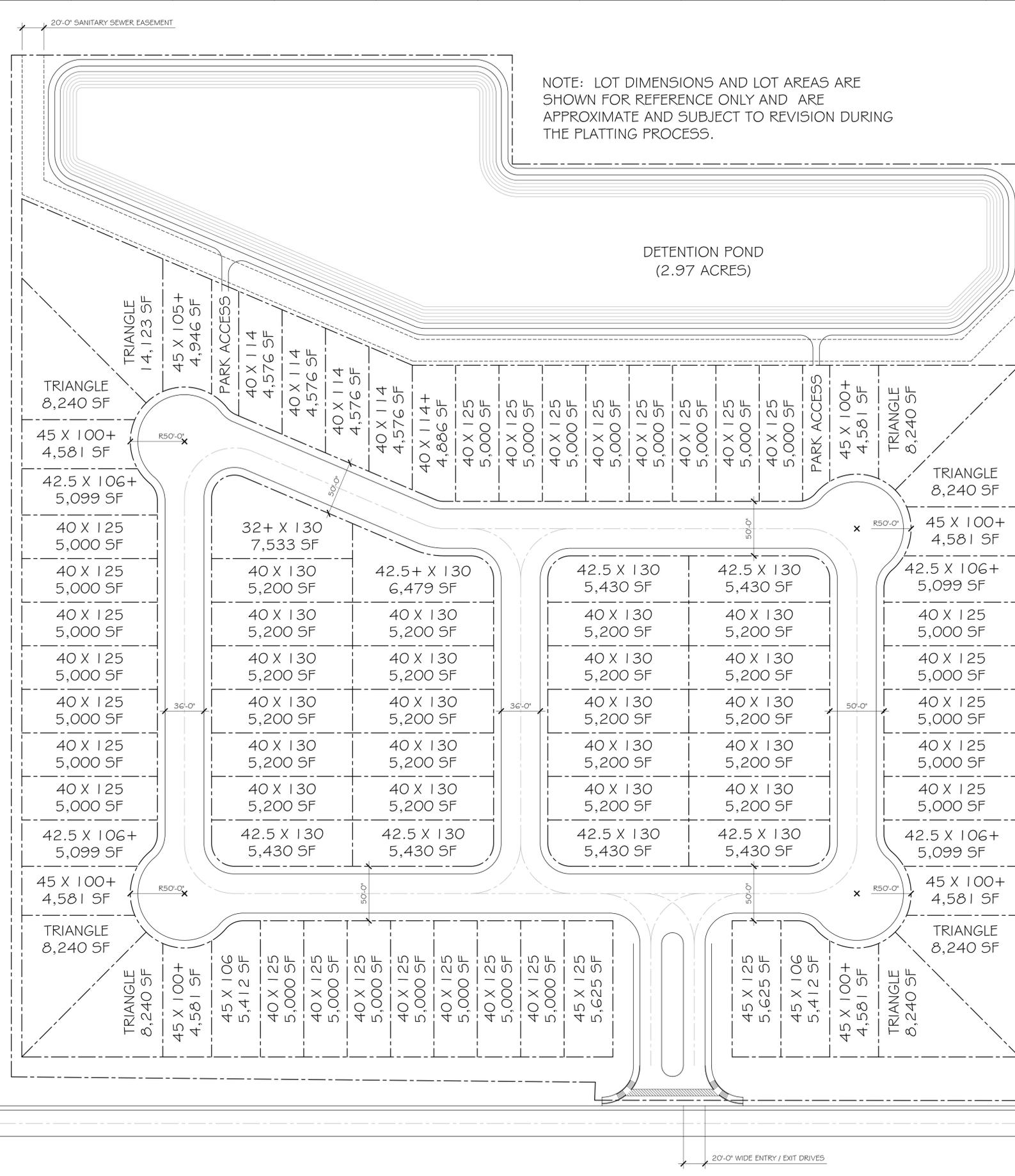
MIN. SITE AREA/UNIT S.F.:
 REQUIRED: 7,300 / 6.0 DU/A
 PROVIDED: 4.4 DU/A

MIN. DEV. OPEN SPACE:
 REQUIRED: 1 ACRE (MIN. 1/2 PER 80 UNITS OR FRACTION THEREOF)
 PROVIDED: 4.3 ACRES (THE AREA NORTH OF THE LOTS WHERE THE DETENTION POND IS LOCATED)

MAX. LOT COVERAGE: 50% (PER TABLE B, FOOTNOTE I 9)

NOTE: LOT DIMENSIONS AND LOT AREAS ARE SHOWN FOR REFERENCE ONLY AND ARE APPROXIMATE AND SUBJECT TO REVISION DURING THE PLATTING PROCESS.

DETENTION POND
 (2.97 ACRES)



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BROWNSTONE ARCHITECTS AND PLANNERS, INC.
 WILLIAM L. BROWN, ARCHITECT
 6517 MAPLERIDGE HOUSTON, TEXAS 77081
 713.432.7727

PROGRESS PRINT
 01/19/2018
 NOT FOR REGULATORY APPROVAL,
 PERMITTING, OR CONSTRUCTION.
 REGISTERANT'S NAME: WILLIAM L. BROWN
 TEXAS REGISTRATION NUMBER: 4886

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This sheet is only one component of the total document package which consists of all sheets of drawings and the project manual.

FAIRMONT LAKES NORTH
 85 Single Family Homes
 Highway 146, La Porte, Texas

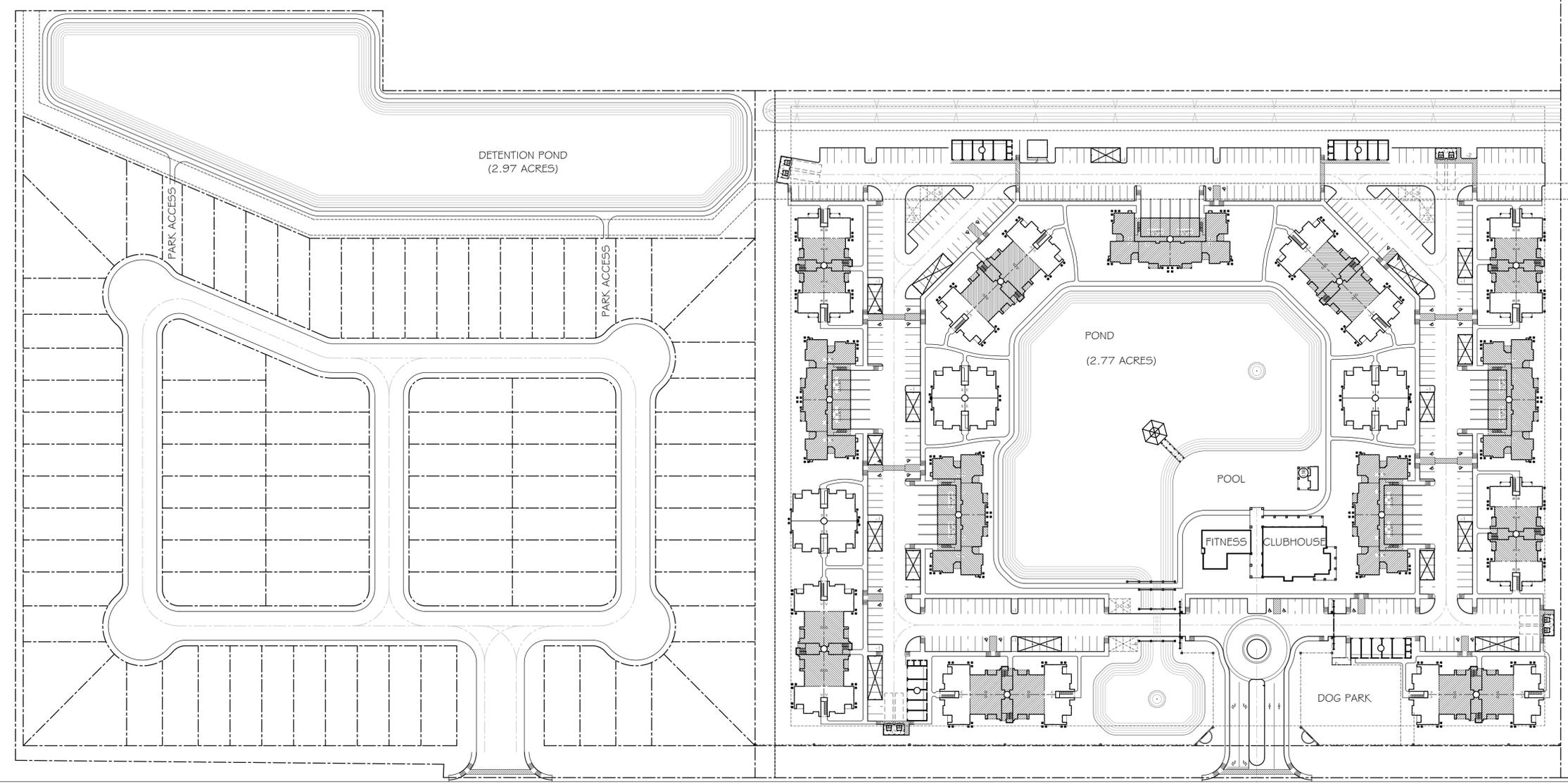
△ DRAWING ISSUE: DATE:
 0

PROJECT NUMBER:
ARCHITECTURAL SITE PLAN - SINGLE-FAMILY

A1-2

01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16

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 WILLIAM L. BROWN, ARCHITECT
 6517 MAPLERIDGE
 HOUSTON, TEXAS 77081
 713.432.7727

PROGRESS PRINT
 12/16/2017
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 PERMITTING, OR CONSTRUCTION.
 REGISTERANT'S NAME: WILLIAM L. BROWN
 TEXAS REGISTRATION NUMBER: 4086

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FAIRMONT LAKES NORTH
 85 Single Family Homes
LEGACY AT LA PORTE
 294 Multi Family Units
 Highway 146, La Porte, Texas

△ DRAWING ISSUE: DATE:
 ○

PROJECT NUMBER:
**ARCHITECTURAL
 SITE PLAN -
 SINGLE FAMILY &
 MULTI FAMILY**

A1-1

1 ARCHITECTURAL SITE PLAN - 19.17 ACRE TRACT WITH 85 SINGLE-FAMILY HOME SITES & 20.00 ACRE TRACT WITH 294 MULTI-FAMILY UNITS
 SCALE: 1" = 75'-0"

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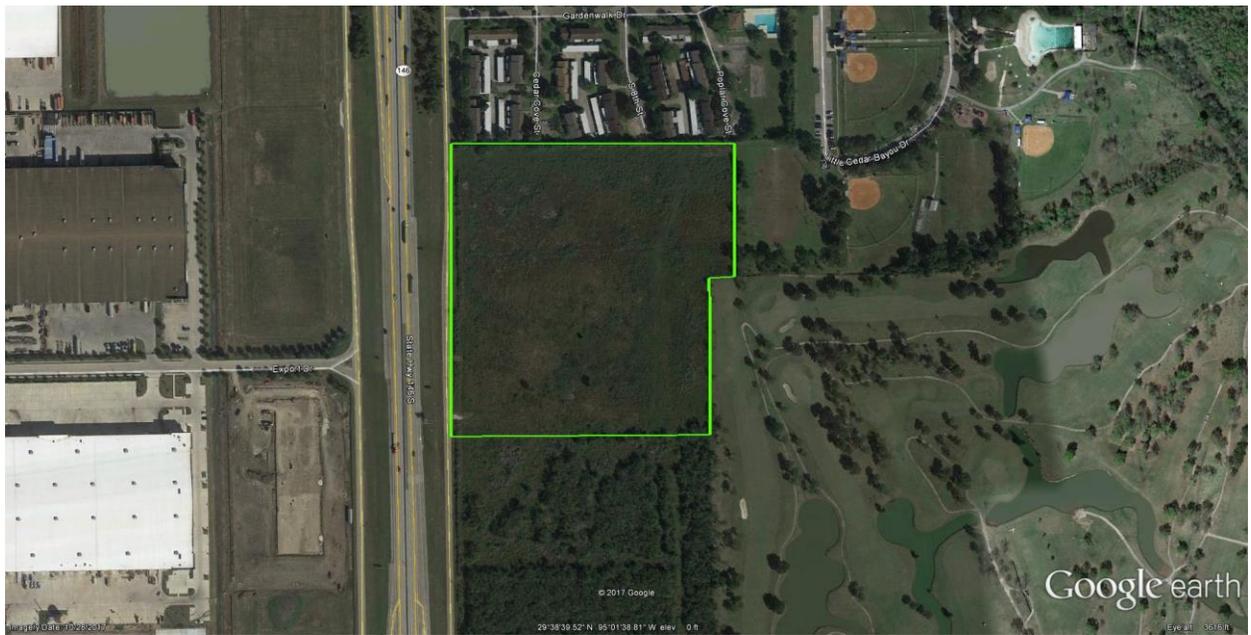
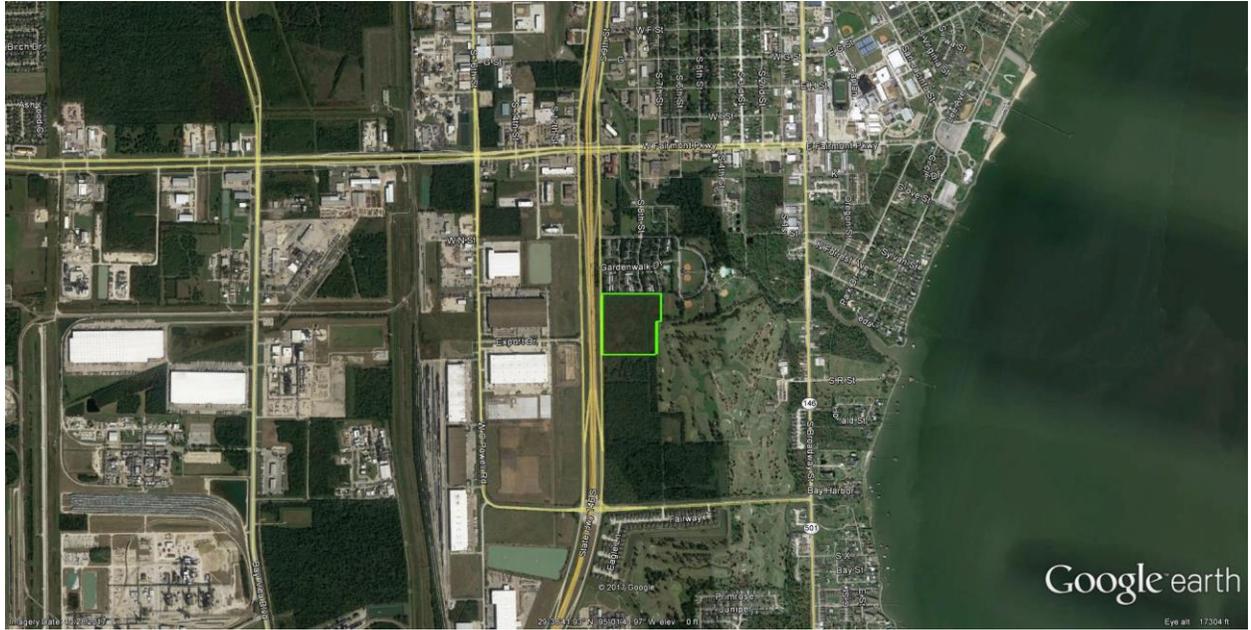
DEVELOPMENT SUMMARY

Fairmont Lakes North will be an approximately 85 lot single family residential subdivision situated on 19.17 acres of land east of SH 146 between Fairmont Parkway and Wharton Weems Blvd.

The residential lots will be a minimum of 40 feet wide with the majority of the lots being in excess of 5,000 sq. ft. It is currently anticipated that homes in this subdivision will range in price from \$180,000 to \$258,000 with the average sales price being around \$220,000. The homes are anticipated to range from 1,540 sq. ft. up to 2,900 sq. ft. with the average being around 2,200 sq. ft.

Fairmont Lakes North complies with La Porte's zoning ordinance except that the subdivision will need to obtain a variance for one item. The 40 foot width lot is allowed under the zoning ordinance for patio homes meaning that one side of the home is required to be on the lot line. With a 40 foot wide lot the patio home would be 30 foot wide, and there would be 10 feet between each house. In lieu of placing the 30 foot wide home on the lot line, we are requesting to place the 30 foot wide home in the middle of the lot. With the 30 foot wide home being in the middle of the lot there would be 5 feet on either side of the house and 10 feet total between every house which is the exact same as if the home were on the actual lot line.

We believe that *Fairmont Lakes North* is worthy of a variance for allowing the home to be moved 5 feet off the lot line because this type of patio home is more desirable from an ownership perspective. With the home not being on the lot line, maintenance of the home is much easier because one side of your home will not be on your neighbor's property. Additionally, by moving the home 5 feet off the lot line, the home can have windows on both sides of the house to allow more natural light into the house.





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HOMES
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6516

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B. Nelson Mitchell, Jr.

CEO since 1999

4th generation CEO of HISTORYMAKER Homes
Grew HISTORYMAKER Homes from 400 to 1,150 closings
Awarded National Housing Quality Award in 2002
YPO Member since 2002
Texas A&M University, BA - Agriculture Business

Lane Wright

President - Hired 2013

Former Division President of Centex
More than 26 years in residential construction serving in executive roles for construction practices, operations, planning and acquisition
Texas A&M University, BS - Building Construction

Mickey Pizzitola

Division President, Houston Division - Hired 2017

More than 35 years of management experience as a Division Manager, Vice President, Co-Founder and President within the home building industry
Le Tourneau University, BA - Business Management

Francis J. McCarthy

Chief Financial Officer - Hired 2012

Senior Relationship Manager for HISTORYMAKER Homes at various banks from 1996 to 2010
28 years experience managing construction and development lending portfolios
Texas Christian University, BBA - Finance and Real Estate

Carrie Stumfall

Vice President of Finance - Hired 2017

More than 25 years experience of finance experience with multibillion-dollar company, Hunt Consolidated
Southern Methodist University, BA - Fine Arts and Business Administration
The University of Texas at Dallas, MBA - Finance and Marketing

Bruce French

Vice President of Land and Development - Hired 2007

Former Division President for Beazer Homes and Vice President of Land for KB Homes
35 years of land development experience
University of Vermont, BBA - Finance

Mike Tadlock

Vice President of Sales - Hired 2004

15 years of sales management experience
Managed sales teams generating in excess of \$100 million in revenue annually
Southeastern University, BA - Humanities, Music, Education

Richie Keene

Sr. Vice President of Construction - Hired 2017

More than 20 years of combined operational and construction experience as Vice President, Director of Operations and Executive Vice President
University of Louisiana at Monroe, BS - Construction Management

Terry Tondre

Vice President of Construction, Houston Division - Hired 2003

Responsible for all construction and warranty including multiple years of 1,000+ annual closings
Previously managed construction and warranty operations for KB Homes and Rayco Custom Homes in San Antonio, TX, including "build on your lot"

Patrick Duggan

VP Land Acquisition and Development, Houston Division - Hired 2017

More than 35 years of land acquisition and development experience as a Division President, Chief Operating Officer and President within the home building industry
University of San Francisco, BS - Business Administration

Jorge Gomez

Vice President of Management Systems - Hired 2015

More than 14 years of IT management experience dedicated to managing home-building systems and more than 25 years of IT experience
Experienced in leading software development teams in multiple cities

Ron Groeneveld

Director of Rendition Luxury Homes - Hired 2013

Former Vice President of Urban Development for John Laing Homes Realty and Construction, Inc.
Former Managing Director at Paladin Asset Preservation & Management, Inc.
29 years related experience as Lender, Superintendent, Asset Manager and Construction Manager
California State University Fullerton, BA - Business Administration and Real Estate
Licensed General Contractor

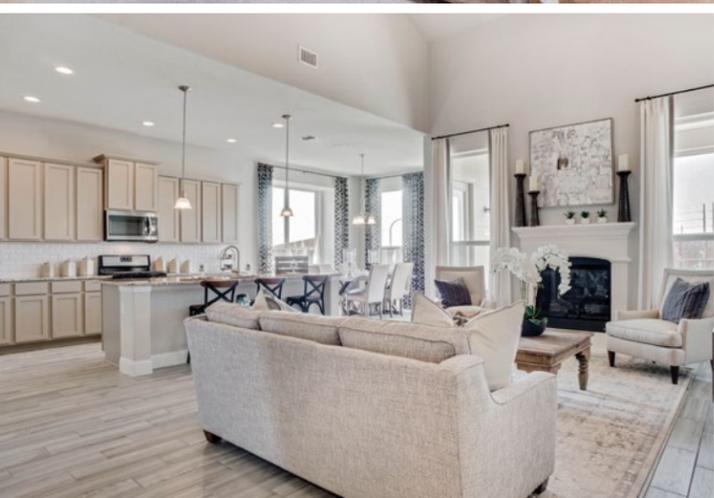
GRAPEVINE OFFICE

1038 TEXAN TRAIL, GRAPEVINE, TX 76051
817.849.5100

HOUSTON OFFICE

7906 N SAM HOUSTON PKWY W, STE 102, HOUSTON, TX 77064
832.648.1300

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Family-owned and operated, HISTORYMAKER Homes continually strives to exceed the expectations of our customers. We understand that the purchase of a new home remains one of the single greatest purchases you'll ever make. That's why we're committed to helping you maximize your home buying dollar by offering you the most space, choice, and overall value of any builder in the market.

From our timeless designs and quality craftsmanship, to our caring and knowledgeable sales team and meticulous design experts, we provide everything needed to ensure your peace of mind and confidence in choosing HISTORYMAKER Homes.



MORE SPACE

WHEN IT COMES TO SPACE — MORE IS MORE. Every floor plan we design and build is crafted to provide buyers with more livable space and less wasted square footage. With open concept kitchens and living rooms, generous bedroom sizes, and large walk-in closets, our homes are spacious and functional enough for a growing family, able to be tailored to accommodate individual tastes, and still fit within a realistic budget.

MORE CHOICE

HELPING YOU MAKE IT HOME — WITH MORE CHOICES. From distinctive exterior options such as stone accents and covered patios, to flexible use rooms, we provide buyers more choices from the start. Add to that our generous offering of interior options and the possibilities are endless — resulting in homes as unique as our customers. Our team of knowledgeable new construction experts deliver superior customer focused service, an excellent home buying experience, and can help you explore the countless choices to find the one that's right for you and your family.

MORE VALUE

STRETCHING YOUR HOME BUYING DOLLARS. As one of the oldest, most trusted builders in Texas, we leverage our excellent reputation and buying power to provide homebuyers with the most space and choice for their investment. We deliver more value by providing better designs, more options, and exceptional service, at a competitive price.



WE SPECIALIZE IN WORKING WITH HOMEBUYERS TO MAKE THE DREAM OF OWNING A HOME A REALITY. IF MORE SPACE, MORE CHOICE AND MORE VALUE ARE WHAT YOU'RE LOOKING FOR, LET HISTORYMAKER HOMES HELP GUIDE YOU HOME.

Fourth-generation CEO rewriting DFW's History Maker Homes



[Enlarge](#)

Nelson Mitchell, president and CEO of HistoryMaker Homes and Rendition Homes at the builder's new corporate office in Grapevine. JAKE DEAN

By [Candace Carlisle](#) – Senior Reporter, Dallas Business Journal
Oct 31, 2017, 12:45pm

[Nelson Mitchell](#), the fourth-generation president and CEO of Grapevine-based [History Maker Homes](#) and [Rendition Homes](#), didn't always know he wanted to go into the family's homebuilding business.

Being in the 100-plus-degree Texas heat and cleaning up trash from job sites didn't appeal to Mitchell. It took working for someone else to make the Texas A&M graduate in agricultural economics to wise up to his family's enterprise.

"When you build a house, you start with a piece of dirt, and several weeks later, you are handing the keys to some really happy customers," said the 46-

year-old executive. "I thought, 'This is really gratifying,' and you get to see the fruits of your work over time. It's very tangible gratification."

Recently, the long-time North Texas homebuilder moved its corporate office to Grapevine, more than doubling its office operations in the region and matching rapidly-growing revenues.

Mitchell moved the family-owned operations of [History Maker Homes](#), [Rendition Homes](#) and [Rendition Luxury Homes](#), as well as about 130 employees, into the 28,000-square-foot office and showroom in Grapevine Station at 1038 Texan Trail. The new headquarters was custom-built for the builder.

"We've grown a lot, and the company is a lot different than it was in the early 1990s," Mitchell said. "It's a much larger organization in multiple markets with three different product lines. We also have a lot more land development now, and I get a lot of personal satisfaction from that."

That personal satisfaction has paid off for [History Maker Homes](#) and its affiliates, with the 68-year-old company on track to deliver an annual revenue of about \$250 million, representing a 12 percent to 15 percent year-over-year boost in returns.

The builder plans on delivering 850 to 900 homes this year in North Texas, with additional homes slated to arrive in Houston. Last year, [History Maker Homes](#) ranked No. 9 on the Largest North Texas Homebuilders list, based on closing 800 homes in the region.

We sat down to chat with Mitchell about the company's history and his plans for future business:

Why did you decide you wanted to be in the family business?

In a multi-generational family business, the opportunity is always there. But you have to come in and earn it. I have one sister who chose not to pursue anything with the family business, but it was an opportunity that was available if it was something we thought we would be passionate about and enjoy. Ultimately, my dad always told me, 'You want to be excited every day you roll out of bed and put your two feet on the ground.' You want to be excited about the work you do and be passionate about it. That was the most important lesson I learned.

What makes you personally passionate about the homebuilding industry?

I think the greatest thing about being a developer or homebuilder is that we get to go out there and see a raw tract of land, buy it, plan it, and then we end up building on it. If you fast forward a few years, a community is built with schools and buses dropping kids off at school. And you realize, you took a field with nothing on it and created a community. I think that's really special. I don't think a lot of people are able to have such an impact on so many people's lives and families by developing a community.

How has the business grappled with rising land development costs?

In Dallas-Fort Worth and Houston, it's highly advantageous to be able to self-develop home lots. We are all fighting for land because both markets are hyper competitive. To have those skill sets and to not be completely reliant on third-party land lot developers gives us a competitive advantage we think is necessary. All the big homebuilders are doing it. We've developed a good land development team that works alongside engineers, consultants and other trade partners we have worked with for decades.

Where are you finding your home lots in North Texas and Houston?

We moved to Houston a year ago and it's still a new market for us. We are in five communities. In Dallas-Fort Worth, we hit on all quadrants of the region, from west Fort Worth to East Dallas to Denton to Waxahachie to along the 380 corridor to the north Fort Worth-Alliance corridor to Mansfield and South Arlington. We are looking at more projects on the far east side of Interstate 30 on the other side of Lake Ray Hubbard. We want to find affordable land and deliver a home for under \$300,000 for our History Maker brand.

How do you compete against the bigger builders?

Longevity in the marketplace is a big advantage for us. We are one of the larger private builders in the market. The private company structure allows us to remain nimble with local management and ownership living in the market that understands the dynamics of the submarket. We have a good network of land sellers and developers in town, and are able to get good looks at opportunities as they are being planned. Every developer wants a builder that has a good-looking product and is able to move inventory, and we do that.

What could trip up North Texas' housing market?

The two biggest hurdles are land prices and overall costs continuing to go up. I've heard new home prices are up 50 percent in the last five years, and that has never happened in my 22-year career, so that's very concerning. We can't continue that trend. Texas and Dallas-Fort Worth have been such great places that have been affordable over the last few decades. Hopefully, we don't get to a place where we lose that. That would slow things down quite a bit. Anecdotally, we are hearing there's definitely a push back from consumers who can't continue to absorb the price increases year-over-year.

How long do you think this building boom will continue to occur?

I feel good about the next couple of years. Anything beyond two to three years is hard for anyone to be accurate on what that looks like. The way the supply and demand is looking right now shows us that Dallas-Fort Worth will continue to see good opportunity for the next two to three years. We are still eagerly looking for lot positions. It's competitive to find and buy, and it's increasingly becoming difficult to work with cities to get entitlements as municipalities get overrun by work.

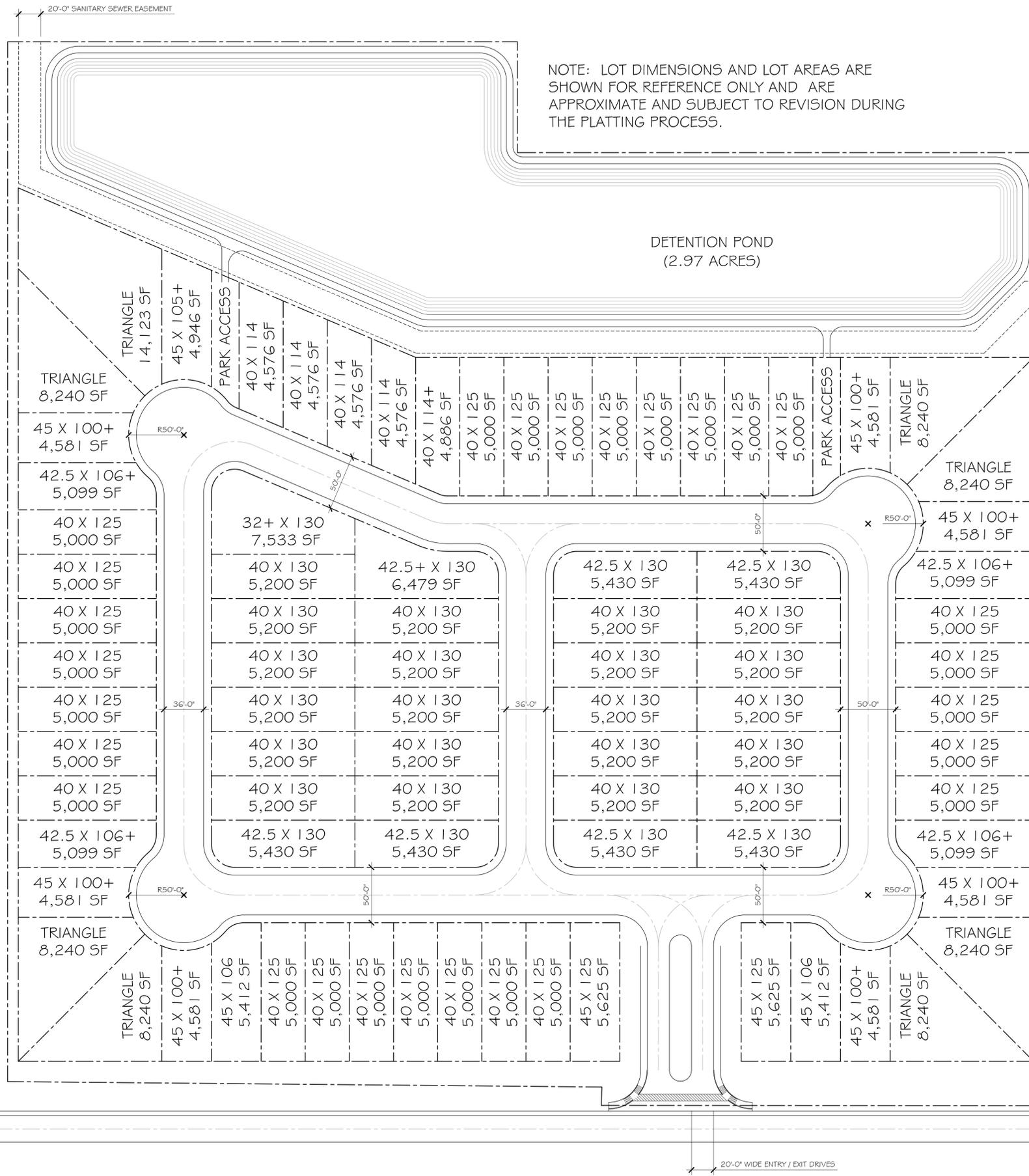
Will we still see homes under \$300,000 in the future? I sure hope so, but if this trend continues, the answer is probably not. Or we will continue to push out further and further into the fringes of the market, which has risks to it. The further you go, the further you are from job corridors and undeveloped school districts.

A little more on Nelson Mitchell

- **Words of wisdom:** These words come from Mitchell's father: "You need to be excited every morning when you put your two feet on the floor to go to work. You need to be passionate about what you do."
- **Neighborhood:** Colleyville
- **Family:** Wife with three teenage boys. The eldest son headed off to Texas A&M this fall to study construction science, which tells Mitchell he may have an interest in the family business.

<https://www.bizjournals.com/dallas/news/2017/10/31/fourth-generation-ceo-rewriting-dfws-history-maker.html>

EXHIBIT F



NOTES (SINGLE FAMILY):

- ZONING FOLLOWED = R-2
- DEVELOPMENT SIZE:
 GROSS SIZE: 19.17 ACRES
 NET SIZE: 18.36 ACRES (DUE TO R.O.W. LOSS)
- NUMBER OF LOTS: 85 LOTS
- SEC. 106-333, TABLE B, RESIDENTIAL REQUIREMENTS
- USE: SINGLE-FAMILY SPECIAL LOT LINE, 0 LOT LINE "PATIO HOMES"
- MIN. LOT AREA/D.U. S.F.:
 REQUIRED: 4,500 S.F.
 PROVIDED: SMALLEST LOT IS 4,576 S.F.
- MIN. LOT WIDTH:
 REQUIRED: 40 FEET
 PROVIDED: SMALL RECTANGULAR LOT WIDTH IS 40 FEET
 NOTE: CORNER TRIANGLE LOTS HAVE 40' WIDTH DIMENSION AT THE 20' FRONT SETBACK LINE
- MIN. YARD SETBACKS:
 FRONT: 20 FEET
 REAR: 10 FEET
 SIDE 1: 0 FEET (0 LOT LINE)
 SIDE 2: 10 FEET (PER TABLE B, FOOTNOTE G)
- MAX. HEIGHT: 35 FEET
- MIN. SITE AREA/UNIT S.F.:
 REQUIRED: 7,300 / 6.0 DU/A
 PROVIDED: 4.4 DU/A
- MIN. DEV. OPEN SPACE:
 REQUIRED: 1 ACRE (MIN. 1/2 PER 80 UNITS OR FRACTION THEREOF)
 PROVIDED: 4.3 ACRES (THE AREA NORTH OF THE LOTS WHERE THE DETENTION POND IS LOCATED)
- MAX. LOT COVERAGE: 50% (PER TABLE B, FOOTNOTE I 9)



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BROWNSTONE ARCHITECTS AND PLANNERS, INC.
 WILLIAM L. BROWN, ARCHITECT
 6517 MAPLERIDGE
 HOUSTON, TEXAS 77081
 713.432.7727

PROGRESS PRINT
 01/19/2018

NOT FOR REGULATORY APPROVAL,
 PERMITTING, OR CONSTRUCTION.

REGISTRANT'S NAME: WILLIAM L. BROWN
 TEXAS REGISTRATION NUMBER: 4886

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This sheet is only one component of the total document package which consists of all sheets of drawings and the project manual.

FAIRMONT LAKES NORTH
 85 Single Family Homes

Highway 146, La Porte, Texas

△ DRAWING ISSUE: DATE:
 0

PROJECT NUMBER:
 ARCHITECTURAL
 SITE PLAN -
 SINGLE-FAMILY

A1-2

**City of La Porte, Texas
Planning and Zoning Commission**



February 15, 2018

AGENDA ITEM 12

A request by Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of 92 Fairmont Lakes, Inc., owner; for approval of the proposed General Plan for a 19.17 acre tract of land legally described as Tract 1, Abstract 35, J Hunter Survey.

Ian Clowes, City Planner

Planning and Development Department

City of La Porte, Texas

Planning and Development Department Staff Report

ISSUE

Consider approval of a request by Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of 92 Fairmont Lakes, Inc., owner; for approval of the proposed General Plan on a 19.17 acre tract of land legally described as Tract 1L Abstract 35, J Hunter Survey. This item would become an exhibit to the Special Conditional Use Permit (Agenda Item #9), should it be approved by the Planning and Zoning Commission and City Council.

RECOMMENDATION

Staff is unable to recommend approval of the proposed General Plan for the Patio Home Development, due to the proposed layout not being in conformance with fire code requirements.

DISCUSSION

The subject site is approximately 19.17 acres in area and is located on the east side of SH 146 south of Baypoint Townhomes. The attached Exhibit B is an Aerial Map showing the location of the subject property. The General Plan identifies the scale and scope of the proposed development.

The site is zoned PUD, Planned Unit Development, and is vacant. The attached Exhibit C shows the zoning of the subject property and surrounding properties. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	R-2, Medium Density Residential	Baypoint Townhomes
South	PUD, Planned Unit Development	Undeveloped
West	PUD, Planned Unit Development	Port Crossing
East	PUD, Planned Unit Development	City Golf Course

The attached Exhibit D identifies this parcel on the city's Future Land Use Plan, as adopted in the Comprehensive Plan. Currently the site is identified as "Commercial," "Mixed Use," and "Mid-High Density Residential."

Analysis:

General Plan review requires approval by the Planning and Zoning Commission; there is no review of the document by the City Council required. However, should the Commission approve the proposed General Plan, it would become an exhibit to the Special Conditional Use Permit (SCUP) application that is being reviewed as Agenda Item #9 and which recommendation will be forwarded to City Council for final approval. The General Plan is intended to provide for a conceptual layout of the proposed development.

Should City Council approve the proposed SCUP, the applicant will be required to submit application for a site development plan in compliance with applicable code requirements. The site plan will be required to comply with all requirements of the approved SCUP document as well as Chapter 106, Zoning, of the city's Code of Ordinances including but not limited to parking, detention, façade design, landscaping, etc.

The proposed development will include 84 patio home lots. Each lot will be a minimum of 40' wide with an average area exceeding the minimum requirement of 4500 square feet.

As proposed, the development exceeds the number of units permitted with only 1 access point (30). The Fire Marshal will be unable to approve the proposed layout as is.

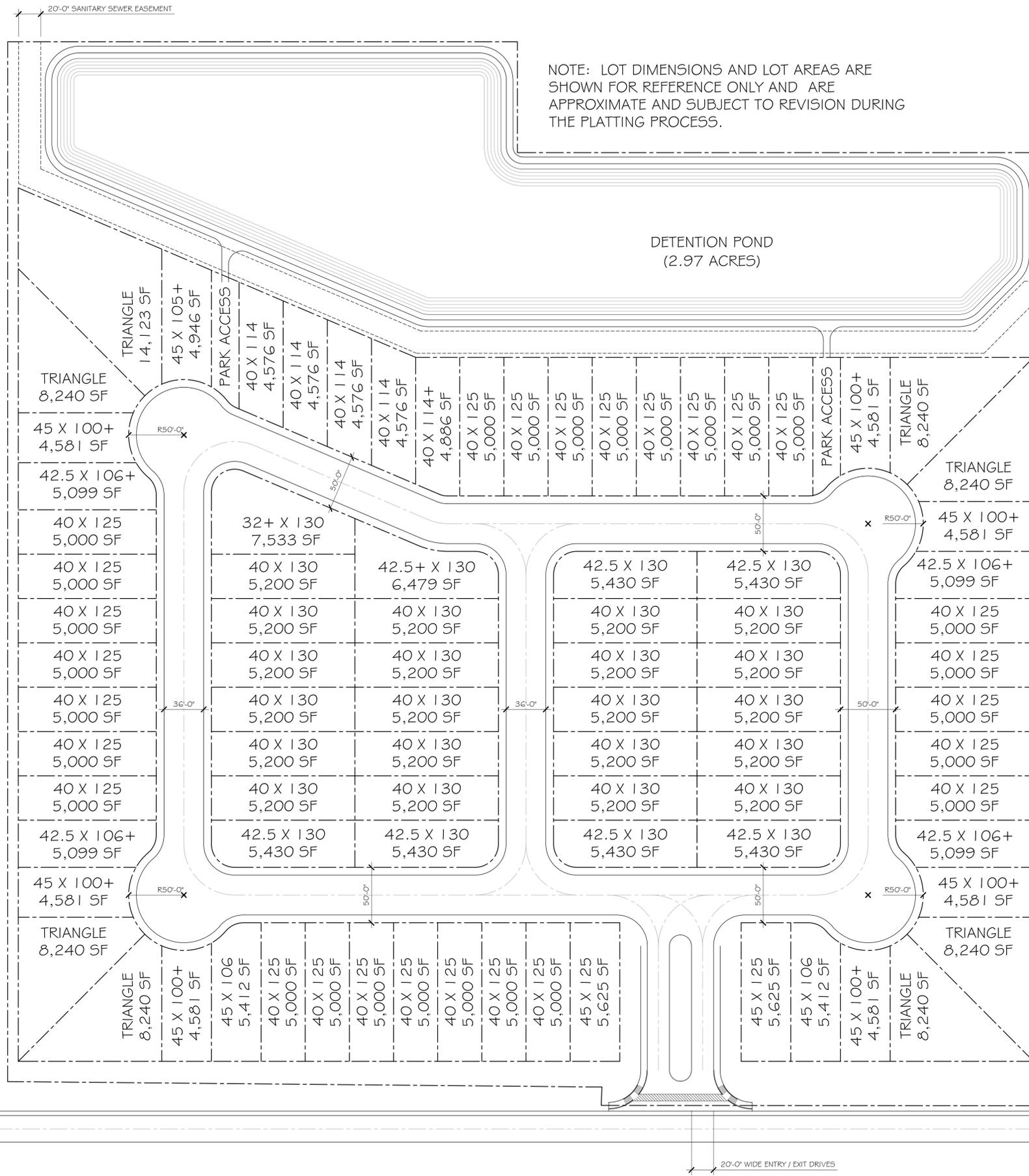
RECOMMENDATION

Based on the above analysis, staff recommends the Planning and Zoning Commission deny the proposed General Plan as an exhibit to SCUP #18-91000003, to allow for a Patio Home development in the PUD zoning district.

ATTACHMENTS

- Exhibit A: Proposed General Plan
- Exhibit B: Area Map
- Exhibit C: Zoning Map
- Exhibit D: Land Use Map

EXHIBIT A



NOTE: LOT DIMENSIONS AND LOT AREAS ARE SHOWN FOR REFERENCE ONLY AND ARE APPROXIMATE AND SUBJECT TO REVISION DURING THE PLATTING PROCESS.

NOTES (SINGLE FAMILY):

- ZONING FOLLOWED = R-2
- DEVELOPMENT SIZE:
- GROSS SIZE: 19.17 ACRES
NET SIZE: 18.36 ACRES (DUE TO R.O.W. LOSS)
- NUMBER OF LOTS: 85 LOTS
- SEC. 106-333, TABLE B, RESIDENTIAL REQUIREMENTS
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- MIN. LOT WIDTH:
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REAR: 10 FEET
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PROVIDED: 4.4 DU/A
- MIN. DEV. OPEN SPACE:
REQUIRED: 1 ACRE (MIN. 1/2 PER 80 UNITS OR FRACTION THEREOF)
PROVIDED: 4.3 ACRES (THE AREA NORTH OF THE LOTS WHERE THE DETENTION POND IS LOCATED)
- MAX. LOT COVERAGE: 50% (PER TABLE B, FOOTNOTE I 9)



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FAIRMONT LAKES NORTH
85 Single Family Homes
Highway 146, La Porte, Texas

△ DRAWING ISSUE: DATE:

PROJECT NUMBER:
ARCHITECTURAL SITE PLAN - SINGLE-FAMILY

A1-2

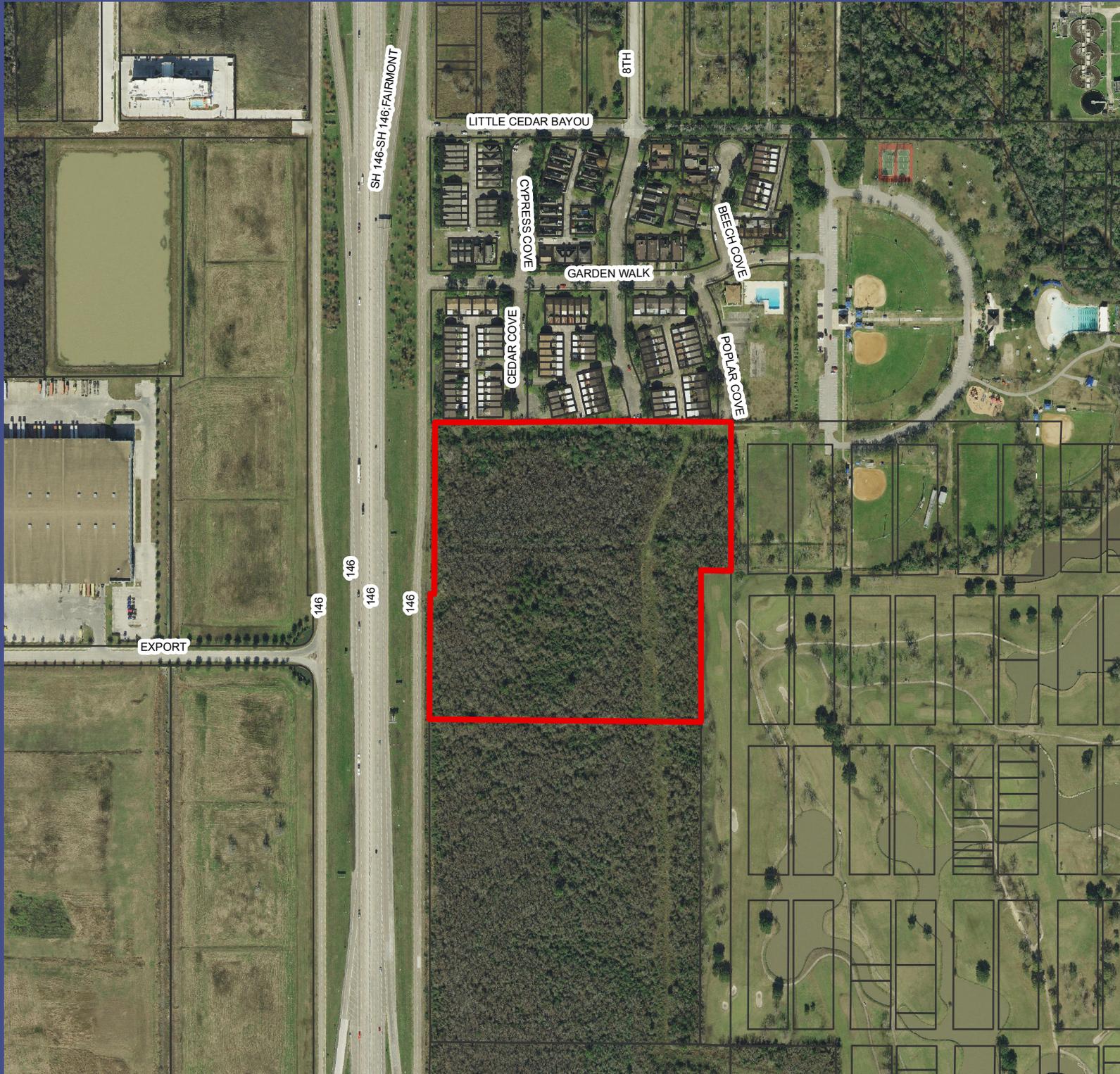


EXHIBIT B
AERIAL MAP

SCUP
18-91000003

East SH 146

Legend

 Subject Parcel



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 421 feet



FEBRUARY 2018
PLANNING DEPARTMENT

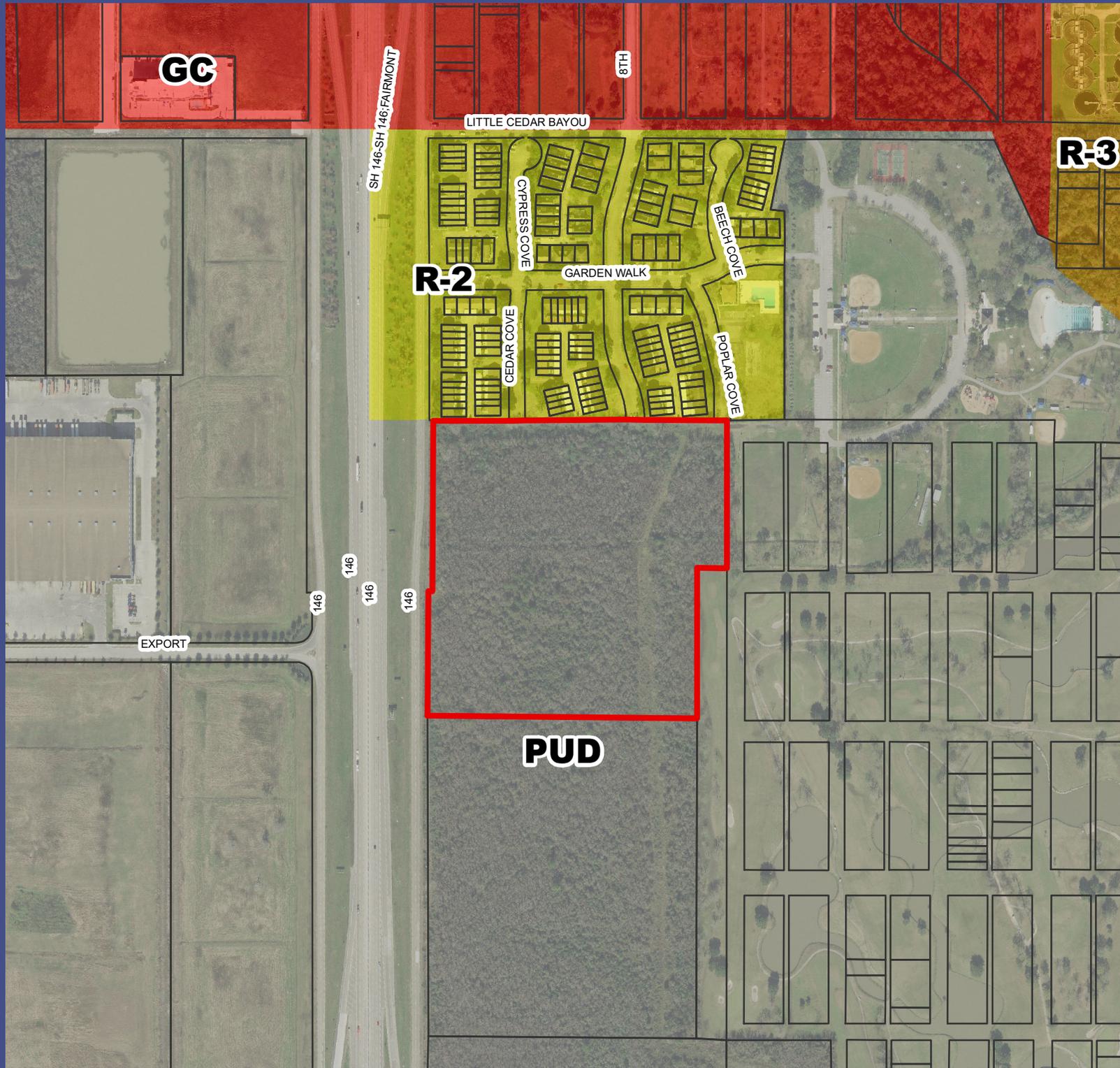


EXHIBIT C
ZONING MAP

SCUP
18-91000003

East SH 146

Legend

 Subject Parcel



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FEBRUARY 2018
PLANNING DEPARTMENT

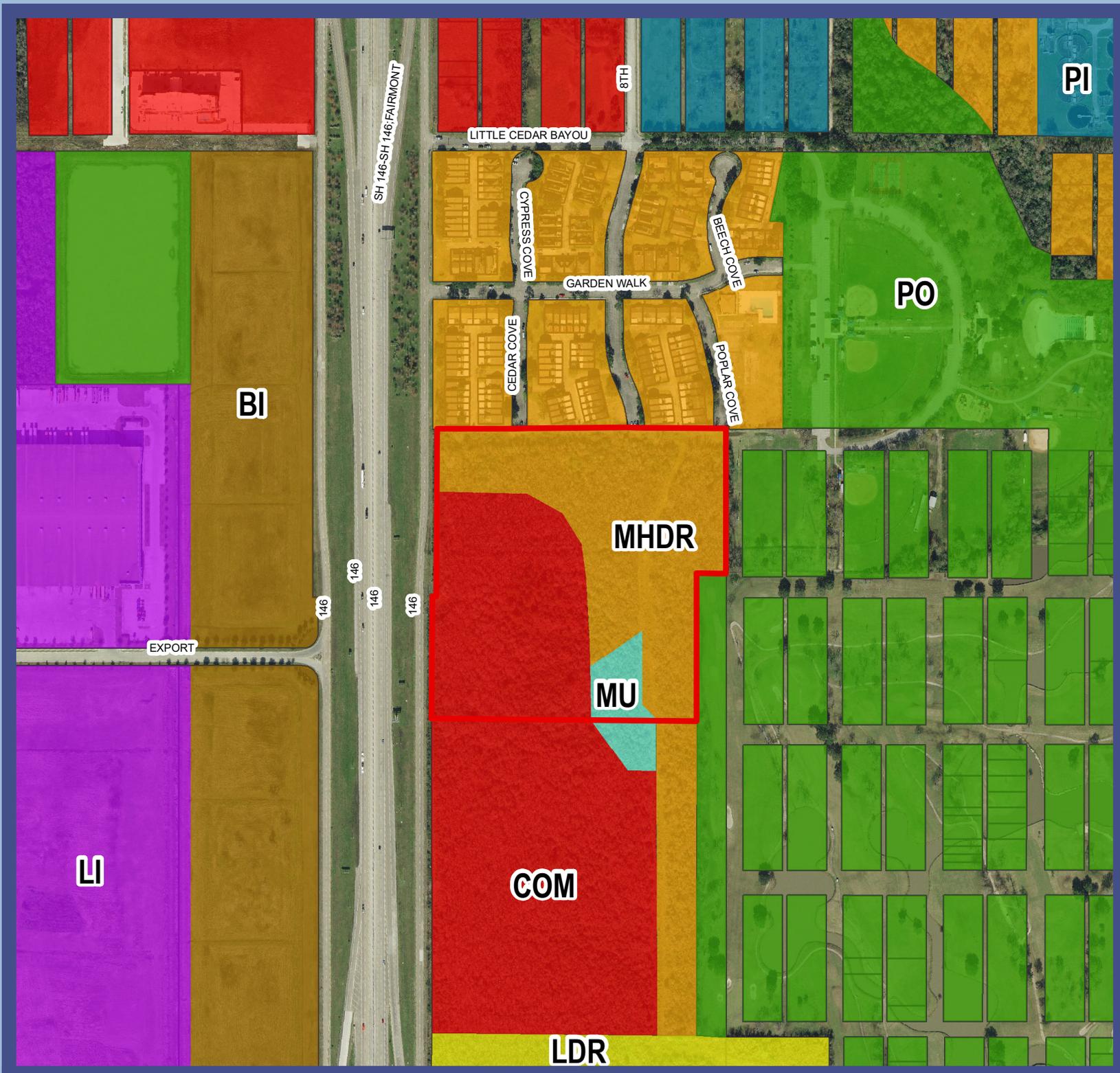


EXHIBIT D

FLUP MAP

**SCUP
18-91000003**

East SH 146

Legend

 Subject Parcel



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1 inch = 421 feet



**FEBRUARY 2018
PLANNING DEPARTMENT**

**City of La Porte, Texas
Planning and Zoning Commission**



February 15, 2018

AGENDA ITEM 13

Future Land Use Map Amendment #18-9100003

A request by Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of 92 Fairmont Lakes, Inc., owner; for an amendment to the City of La Porte's Future Land Use Plan by amending the land use designation for a 19.17 acre tract of land legally described as Tract 1, Abstract 35, J Hunter Survey from "Commercial" and "Mixed Use" to "Mid-High Density Residential."

Ian Clowes, City Planner

Planning and Development Department

City of La Porte, Texas

Planning and Development Department Staff Report

ISSUE

Consider a recommendation of approval to the City Council for an amendment to the city's Future Land Use Plan as demonstrated in the attached Exhibits A and B.

DISCUSSION

Staff is presenting for consideration an amendment to the city's Future Land Use Plan in conjunction with a SCUP request on a 19.17 acre tract of land to allow for a patio home development. The site is currently undeveloped and is located on the east side of SH 146 south of Baypoint Townhomes.

The city's Future Land Use Plan (FLUP) identifies this property as "Commercial," "Mixed Use," and "Mid-High Density Residential" land uses. In order to accommodate the proposed development, the FLUP would need to be amended to allow for only "Mid-High Density Residential" use. The FLUP may be amended from time to time if approved by the City Council, upon recommendation by the Planning and Zoning Commission. The attached Exhibit A demonstrates the existing land use while Exhibit B shows the proposed future land use plan.

Section 213.003 of the Texas Local Government Code (LGC) specifies requirements for amending the city's Future Land Use Plan, which was adopted as a component of the Comprehensive Plan. The LGC requires review of the proposed amendment by the Planning and Zoning Commission and consideration by the City Council. A public hearing will be scheduled at the time of City Council review.

The Future Land Use Plan identifies the following surrounding land uses (see the attached Exhibit A):

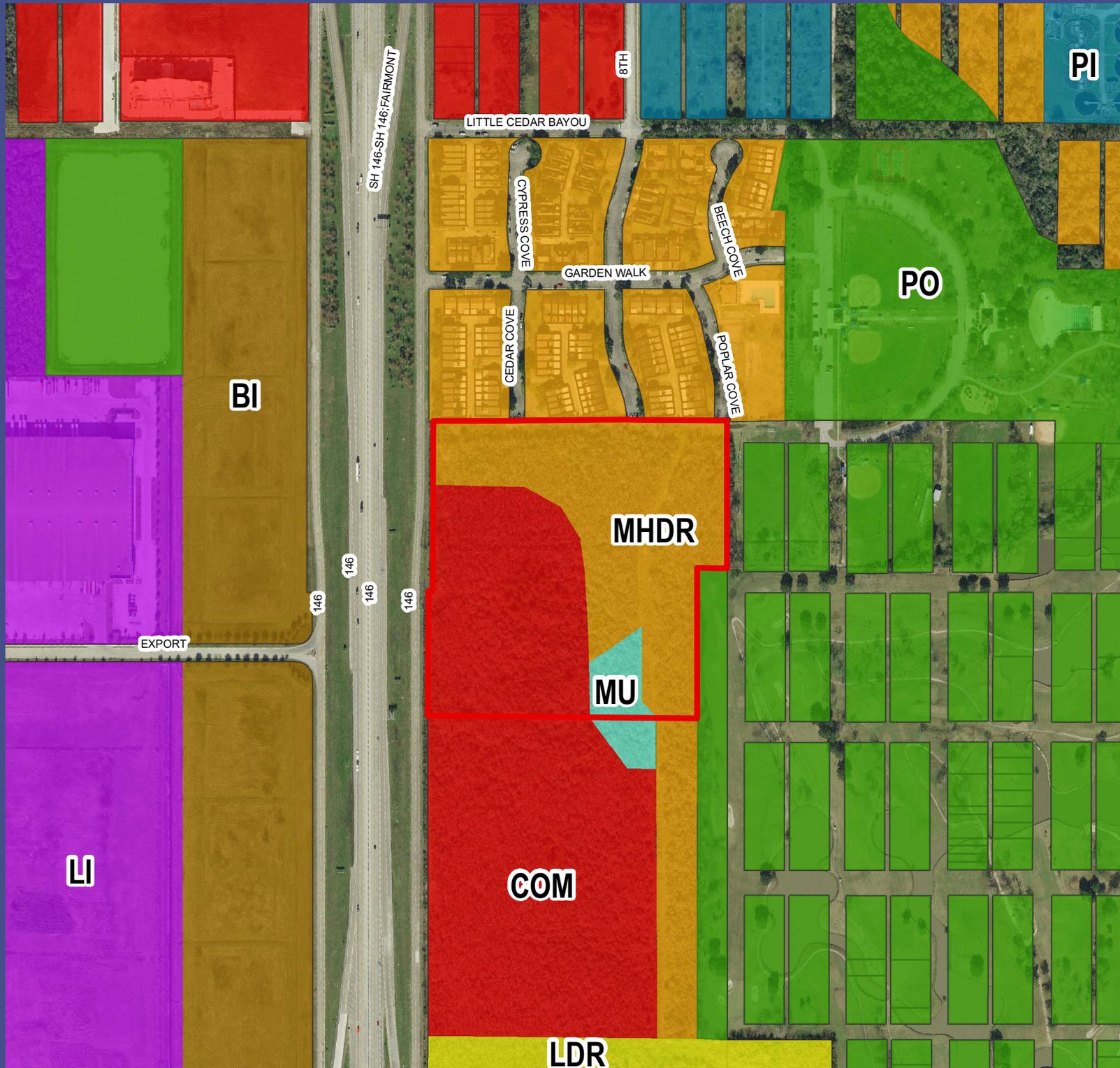
	Land Use	Development
North	Mid-High Density Residential	Baypoint Townhomes
South	Commercial, MHDR, MU	Undeveloped
West	SH 146/Business Industrial	Freeway/Port Crossing
East	Public/Park	City Golf Course

RECOMMENDATION

Should the Planning and Zoning Commission desire to recommend approval for SCUP 18-91000003, then the city's Future Land Use Plan should be amended as described in this item.

ATTACHMENTS

- Exhibit A: Current Future Land Use Plan
- Exhibit B: Proposed Future Land Use Plan



FLUP MAP

SCUP
18-91000003

East SH 146

Legend

 Subject Parcel



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 421 feet

FEBRUARY 2018
PLANNING DEPARTMENT



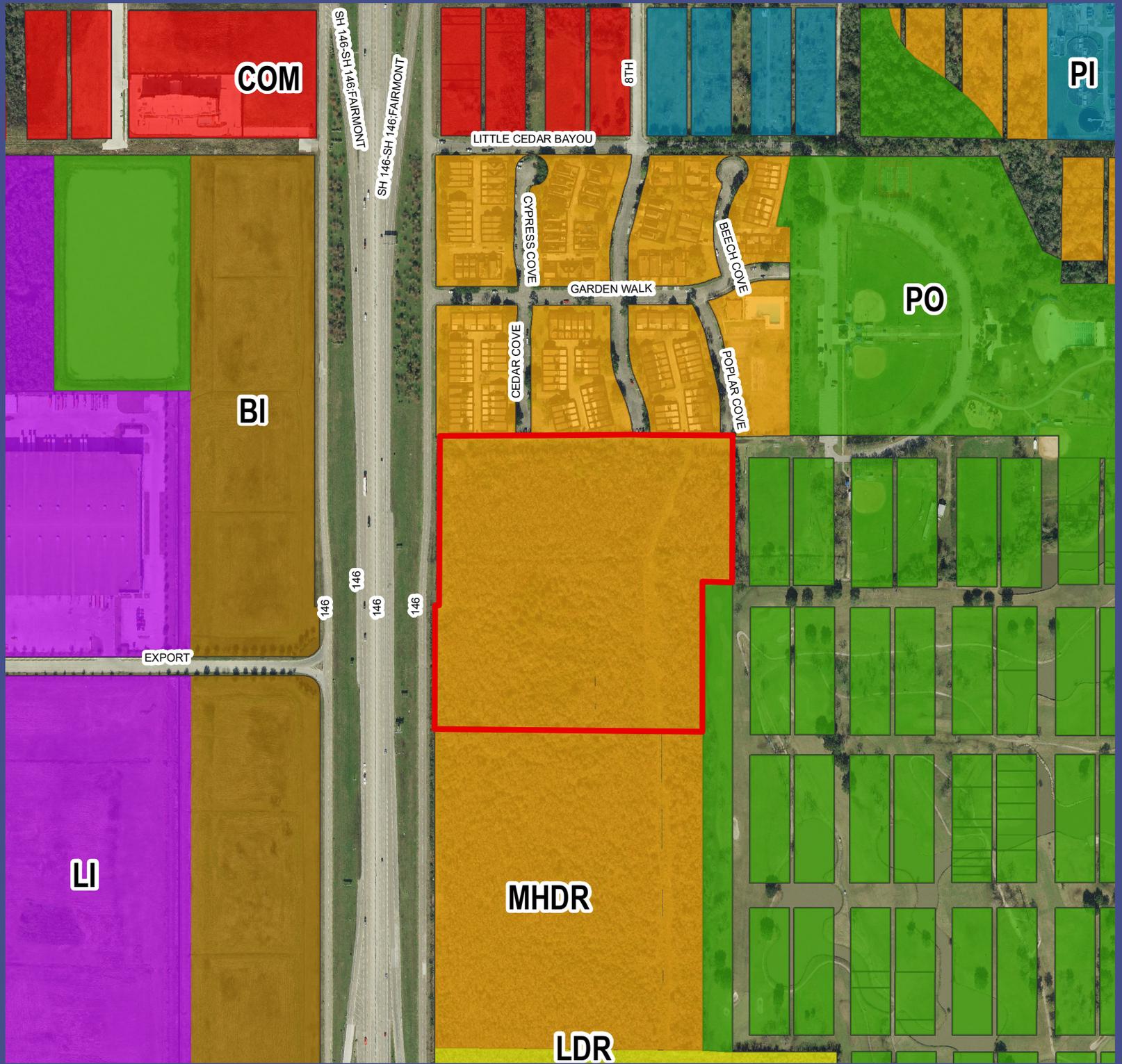


EXHIBIT B

**PROPOSED
FLUP**

**SCUP
18-91000003**

East SH 146

Legend

 Subject Parcel



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1 inch = 421 feet



**FEBRUARY 2018
PLANNING DEPARTMENT**

**City of La Porte, Texas
Planning and Zoning Commission**



February 15, 2018

AGENDA ITEMS 14-16

Proposed Ordinance language for Chapter 106 regarding NAICS code 721110, Hotels (except Casino Hotels) and Motels

*Ian Clowes, City Planner
Planning and Development Department
City of La Porte, Texas*

Planning and Development Department Staff Report

BACKGROUND

Staff was asked to look into possible amendments to Chapter 106 that would add additional requirements to where hotels and motels are allowed to locate throughout the city. Currently hotels/motels are permitted in the NC, MS, GC, BI, LI, and HI zoning districts by right. The only restriction is that when located within 250 feet of residential zoned properties, a conditional use permit is required.

Staff's recommendation is to require approval of a special conditional use permit for hotels/motels within all zoning districts. This would require that any future hotels/motels proposed in the city, obtain approval from the Planning and Zoning Commission and City Council. This would ensure that any future developments could be look at on an individual basis.

Sec. 106-310, Table A, Commercial and Industrial Uses

2012 NAICS Code	2012 NAICS Title	**	NC	MS	GC	MU	BI	LI	HI
721110	Hotels (except Casino Hotels) and Motels			P-C 12	P-C 12		P-C 12	P-C 12	P-C 12

12 ~~Hotels and Motel Uses. Hotels and motels are allowed as a conditional use under this Chapter when within 250 feet of residential zoned properties (R-1, R-2, R-3, MH, and LL zoning districts).~~

All hotel and motels are required to install and operate a security and surveillance system to monitor the parking lot area and all ingress/egress points to the building.

REQUESTED ACTION

Staff recommends the Planning and Zoning Commission recommend approval of the proposed amendments to Chapter 106.

**City of La Porte, Texas
Planning and Zoning Commission**



February 15, 2018

AGENDA ITEM 17

-Discuss Development Agreement amendments for Port Crossing

Ian Clowes, City Planner

Planning and Development Department

City of La Porte, Texas

2500 Fannin Street
Houston, Texas 77002

713.222.9000 *main*
713.229.8824 *fax*

rwilson@wcglaw.com
713.547.8504 *direct*

February 8, 2018

Via Email: clowesi@laportetx.gov

Mr. Ian Clowes, City Planner
City of La Porte
604 W. Fairmont Parkway
La Porte, Texas 77571

Re: Amended Development Agreement between Liberty Property Limited Partnership, a Pennsylvania limited partnership, as successor to Port Crossing Land, LP, a Texas limited partnership by Assignment of Developer Rights recorded in Harris County Clerk's File No. 20150414841, recorded on September 11, 2015 ("**Owner-Developer**") and the City of La Porte, Texas, a Texas municipal corporation ("**City**")

Dear Ian:

As you know, this firm represents Liberty in this matter. We appreciate the prior support of the City of the Port Crossing development and specifically the prior amendments to the Port Crossing Development Agreement originally executed September 11, 2006, and previously amended and restated in 2015 and 2017.

Liberty proposes an amendment to add the following at the end of the discussion of "BI" uses in Exhibit "C":

"In addition to the foregoing, the following uses are permitted within Reserves E1 and E2 as shown on the Port Crossing General Plan attached as Exhibit B:

Uses permitted under North American Industry Classification System (NAICS) use codes 484110, 484121 and 484122 (and any functionally equivalent uses upon any modification of or replacement of the NAICS system."

These uses are under the "Transportation and Warehousing" NAICS classification section and are specifically as follows (with corresponding SIC codes shown):

484110- General Freight Trucking, Local (SIC 4212)
484121- General Freight Trucking, Long-Distance, Truckload (SIC 4213)
484122- General Freight Trucking, Long-Distance, Less Than Truckload (SIC 4213)

Reserves E1 and E2 are shown on the General Plan attached as Exhibit "B" to the agreement as being permitted to have Business/Industrial ("BI") uses, and Exhibit "C" provides that all BI permitted uses under the City Zoning Ord. eff. 9/11/06 are allowed uses, except for those uses specifically prohibited by Exhibit "C". The prior City Zoning Ord. used SIC code (now replaced by NAICS codes) for permitted use classifications. The comparable SIC codes for the requested use are in the 421 series (Motor Freight transportation and warehousing), and are not permitted currently by the agreement. None of the specific prohibitions in Exhibit "C" apply to this use. To permit these uses requires an affirmative statement.

Mr. Ian Clowes, City Planner
City of La Porte
February 8, 2018
Page 2

Except for these modifications to Exhibit "C", the agreement would be unchanged and would carry forward with the same provisions and exhibits as the 2017 version. We propose the execution of an Amended and Restated Development Agreement which will validate and bring forward the prior agreement, as previously amended and restated, and with the above change.

These changes are designed to permit the sale of Reserves E1 and E2 to Core Trucking for its development of an administrative/office facility and trans-loading facility. The property is under contract for that purpose and the closing is contingent upon these changes.

Liberty would appreciate it if you would set this matter on the Agenda for the Planning & Zoning Commission meeting to be held at 6:00 o'clock p.m. on Thursday, February 15, 2018. I would appreciate a confirmation as soon as possible that it will be possible so that I can make arrangements for the appropriate representatives for Liberty and Core Trucking.

Very truly yours,

WILSON, CRIBBS & GOREN, P.C.

Reid C. Wilson

RCW/dms
G:\Clients\6180\036- Port Crossing\Clowes Ltr.docx

cc: Corby Alexander
City Manager, City of La Porte

Via Email: citymanager@laportetx.gov

Clark Askins
City Attorney, City of La Porte

Via Email: ctaskins@swbell.net

Hans Brindley
Vice President, Market Leader, Houston
Liberty Property Trust

Via Email: hbrindley@libertyproperty.com

Kenneth Chang
Liberty Property Trust

Via Email: kchang@libertyproperty.com

Allen Baity
Core Trucking

Via Email: allen@coreoftx.com

EXHIBIT C

Land Use Exceptions¹

In reserves where the General Plan indicates “GC” uses, all uses permitted in the City of La Porte Zoning Ordinance Use Chart effective on September 11, 2006, under GC indicated with a “P”) are permitted here with the exception of:

Building Construction – General Contractors and Special Trade Contractors (152-161, 171-179)
Automotive Repair Services (751-754)
Outdoor Sales as a Primary or Accessory Use
Outdoor Storage as a Primary or Accessory Use
Residential Uses

In reserves where the General Plan indicates “BI” uses, all uses permitted in the City of La Porte Zoning Ordinance Use Chart effective on September 11, 2006, under BI (indicated with a “P”) are permitted here with the exception of:

Building Construction – General Contractors and Special Trade Contractors (152-161, 171-179)
Automotive Repair Services (751-754)
Outdoor Sales as a Primary or Accessory Use
Outdoor Storage as a Primary or Accessory Use, including any storage of Shipping Containers, unless:

A) The owner, lessee or other entity in legal control of the property complies with the following requirements:

- 1) The area used for Outdoor Storage is situated east of Powell Road and west of the drainage corridor.
- 2) The area used for Outdoor Storage is surrounded on all sides by screen fencing no less than eight (8) feet in height at any point.
- 3) A landscaping buffer is installed adjacent to and along all portions of the exterior side of the screen fencing, unless both the Owner-Developer and the City agree in writing that any portion of the landscaping can be omitted for practical purposes.
- 4) Height of any Outdoor Storage item does not exceed the height of the screen fencing.
- 5) No Outdoor Storage items consist of hazardous materials, including hazardous chemicals.
- 6) Surface used for Outdoor Storage is constructed of concrete.

1 Attached to and incorporated into this exhibit is the use chart for the City of La Porte Zoning Ordinance as of September 11, 2006. To the extent that the zoning ordinance for the City of La Porte has been or is amended, after the date Special Conditional Use Permit #SCU06-006 was first adopted, to modify, eliminate or replace the permitted uses or the districts described in this exhibit, this exhibit controls unaffected by any change.

B) Additionally, as a prerequisite to the continued allowance for Outdoor Storage contained in subparagraph “A” above for eligible tracts, Owner-Developer (as that term is defined in the Development Agreement) must:

1) Commence construction of two buildings fronting State Hwy 146, within twenty-four (24) months of March 27, 2017.

2) Commence construction of all buildings proposed along State Hwy 146, within thirty-six (36) months of March 27, 2017.

3) Should Owner-Developer fail to construct any building fronting State Hwy 146 in the prescribe timeline, a masonry fence shall be installed by Owner-Developer, or its successor, to provide additional screening along the eastern boundary of the BI portion of the Tract .

General Contractors, Heavy Construction (161, 162, 1541)
Off Premises Signs

In addition to the foregoing, the following uses are permitted within Reserves E1 and E2 as shown on the Port Crossing General Plan attached as Exhibit B:

Uses permitted under North American Industry Classification System (NAICS) use codes 484110, 484121 and 484122 (and any functionally equivalent uses upon any modification of or replacement of the NAICS system.

In reserves where the General Plan indicates “LI” uses, all uses permitted in the City of La Porte Zoning Ordinance Use Chart effective on September 11, 2006, under LI (indicated with a “P”) are permitted here with the exception of:

Building Construction – General Contractors and Special Trade Contractors (152-161, 171-179)

Automotive Repair Services (751-754)

Outdoor Sales as a Primary or Accessory Use

Outdoor Storage as a Primary or Accessory Use, including any storage of Shipping Containers

General Contractors, Heavy Construction (161, 162, 1541)

Manufacturing of Chemicals and Allied Products (282-285)

Off Premises Signs

An additional permitted use shall be SIC Manual Major Group 30 (Rubber and Misc. Plastics Products

In Reserve “A4” labeled “Rail Yard” on the General Plan, all uses permitted in the City of La Porte Zoning Ordinance Use Chart effective on September 11, 2006, under LI (indicated with a “P” are permitted here with the exception of:

Building Construction – General Contractors and Special Trade Contractors (152-161, 171-179)

Automotive Repair Services (751-754)

Outdoor Sales as a Primary or Accessory Use

Outdoor Storage as a Primary or Accessory Use, including any storage of Shipping Containers

General Contractors, Heavy Construction (161, 162, 1541)

Manufacturing of Chemicals and Allied Products (282-285)

Off Premises Signs

An additional permitted use shall be SIC Manual Major Group 30 (Rubber and Misc. Plastics Products)

Additional permitted uses are certain HI uses permitted in the City of La Porte Zoning Ordinance associated with rail services such as:

A rail yard with a maximum of 22 rail lines is permitted;

Rail service to and distribution from warehouses proposed;

Rail service to light manufacturing not otherwise exempted herein.