

PHILLIP HOOT
Board Member Position 1
THOMAS DEEN
Board Member Position 2
ROD ROTHERML
Board Member Position 3
ZBOA Chairman



DENNIS OIAN
Board Member Position 4
NETTIE WARREN
Board Member Position 5
PAT MCCABE
Board Member Alternate 1
JOHN BLAKEMORE
Board Member Alternate 2

**LA PORTE ZONING BOARD OF ADJUSTMENT AGENDA
THURSDAY, OCTOBER 22, 2020
REGULAR SESSION 6 P.M.**

**CITY COUNCIL CHAMBER
LA PORTE CITY HALL, 604 WEST FAIRMONT PARKWAY, LA PORTE, TEXAS, 77571**

Social Distancing protocols will be in effect in the Council Chambers. To attend remotely, join the Zoom meeting online at <https://us02web.zoom.us/j/83475279909?pwd=Y3dKUGk1TGIZSIZ1eTRqMzRaV0c5Zz09> and use password 791773. To dial in, call 877-853-5257 or 888-475-4499 and use the meeting ID 834 7527 9909, password 791773

- 1. CALL TO ORDER**
- 2. ROLL CALL OF MEMBERS**
- 3. PUBLIC COMMENT** (Generally limited to five (5) minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.)
- 4. CONSIDER APPROVAL OF THE MEETING MINUTES:**
 - a. Approve the minutes of the meeting held on September 17, 2020.
- 5. APPEAL #20-95000001:** Open public hearing to consider Appeal #20-95000001, filed by Ted A. Cox, applicant; on behalf of SV Sons Hwy. 146 LLC, owner. The applicant is appealing the decision by the city's enforcement officer to deny issuance of a certificate of occupancy for the convenience store complex located at 1900 S. Highway 146, La Porte, Texas, legally described as Reserve H, Block 4, Port Crossing Amending Plat.
 - a. Staff Introduction
 - b. Applicant Presentation
 - c. City Presentation
 - d. Public Comments (Limited to 5 minutes per person)
 - e. Question and Answer
- 6. ADJOURN PUBLIC HEARING**
- 7. CONSIDERATION:** Consider Appeal Request #20-95000001
- 8. ADMINISTRATIVE REPORTS**

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

10. 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.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (281-470-5021) two (2) working days prior to the meeting for appropriate arrangements.

CERTIFICATION

I do hereby certify that a copy of the **OCTOBER 22, 2020** Planning and Zoning Commission agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, LaPorteTX.gov, in compliance with Chapter 551, Texas Government Code.

_____ Title: _____

DATE OF POSTING _____

TIME OF POSTING _____

TAKEN DOWN _____

**City of La Porte, Texas
Zoning Board of Adjustment**



October 22, 2020

AGENDA ITEM 4

Consider approval of the Meeting Minutes:

- a. September 17, 2020

*Chase Stewart, Planning Technician
Planning and Development Department
City of La Porte, Texas*

PHILLIP HOOT
Board Member Position 1
THOMAS DEEN
Board Member Position 2
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Board Member Position 3
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Board Member Alternate 1
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Board Member Alternate 2

MINUTES OF THE REGULAR MEETING OF THE LA PORTE ZONING BOARD OF ADJUSTMENT SEPTEMBER 17, 2020

The Zoning Board of Adjustment of the City of La Porte met in a regular meeting on Thursday, September 17, 2020, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m., with the following in attendance:

Board Members present: Phillip Hoot, Thomas Deen, Dennis Oian, and Nettie Warren,

Alternates present: Pat McCabe and John Blakemore.

Board Members absent: Chairman Rod Rothermel

City Staff present: Teresa Evans, Planning and Development Director; Chase Stewart, Planning Technician

1. **CALL TO ORDER** – Acting Chairwoman Warren called the meeting to order at 6:00 p.m.
2. **ROLL CALL OF MEMBERS:** – All members and alternates were present with the exception of Chairman Rothermel.
3. **CITIZEN COMMENT** (*Generally limited to five minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.*)

No Comment.

4. **CONSIDER APPROVAL OF THE MEETING MINUTES:**

- a. **Approve the minutes of the meeting held on May 28, 2020.**

Board Member Oian moved to approve the meeting minutes; the motion was adopted, 5-0. Board Member Hoot abstained.

5. **VARIANCE #20-93000001:** Open public hearing to consider Variance #20-93000002, a request by Kay Martin for a tract of land located at 218 North 2nd St., and legally described as Lots 1 & 2, Block 62, Town of La Porte. The applicant is seeking approval of a variance from the requirements of Section 106-771 (2) of the city code of ordinances

Planning Technician, Chase Stewart, presented the variance to the board and explained why a variance was needed for this item.

Applicant Kay Martin, 218 N. 2nd St. spoke in favor of the variance and provided details regarding her need for the additional handrails on her deck.

6. **ADJOURN PUBLIC HEARING:** Public Hearing was adjourned at 6:22 PM.

7. **CONSIDERATION:**

Board Member Hoot made a motion to approve the requested variance as stated; the motion was adopted, 5-0. Acting Chairwoman Warren recused herself.

8. ADMINISTRATIVE REPORTS

None

9. BOARD COMMENTS regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies.

None

ADJOURN – Board Member Hoot made a motion to adjourn the meeting at 6:25 PM; the motion was adopted 5-0.

Chase Stewart, Zoning Board of Adjustment Secretary

Rod Rothermel, Zoning Board of Adjustment Chairman

**City of La Porte, Texas
Zoning Board of Adjustment**



October 22, 2020

AGENDA ITEM 5-7

Consider an appeal of a staff decision for the project located at
1900 S. Highway 146 and legally described as
Reserve H, Block 4, Port Crossing Amending Plat, La Porte.

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



Zoning Board of Adjustment Meeting
October 22, 2020
Appeal #20-95000001

GENERAL INFORMATION

Applicant: Ted A. Cox, applicant; on behalf of SV Sons Hwy. 146 LLC

Requested Action: Approval of an appeal to overturn a decision made by the city's enforcement officer to deny issuance of a certificate of occupancy for the convenience store complex at 1900 S. Highway 146, La Porte, Texas. The appeal is being sought under the terms of Section 106-88 (1) of the City of La Porte Code of Ordinances, which provides: *to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the enforcement officer in the enforcement of this chapter.*

Location: 1900 S. Highway 146, La Porte, TX 77571

SITE BACKGROUND

Platting: The subject property is platted as part of the Port Crossing Amending Plat

Zoning: PUD – Planned Unit Development

Land Use: Business Commercial

Surrounding Zoning and Land Uses:

	Zoning	Land Use
North	PUD – Planned Unit Development	Undeveloped
South	PUD – Planned Unit Development	Detention Facility
West	PUD – Planned Unit Development	Warehouse/Distribution
East	PUD – Planned Unit Development	State Highway 146/Single-family homes

CASE SUMMARY

The applicant has filed an appeal to overturn a decision made by the city's enforcement officer to deny issuance of a certificate of occupancy (CO) for the convenience store complex at 1900 S. Highway 146, La Porte, Texas due to 1) failure to meet minimum landscaping standards, and 2) non-compliance with the conditions of Special Conditional Use Permit (SCUP) 15-91000004. The appeal is being sought under the terms of Section 106-88 of the City of La Porte Code of Ordinances.

The applicant approached staff in September of 2018 requesting a Pre-development Application Consultation (PAC) meeting regarding the proposed development. At that



Zoning Board of Adjustment Meeting
October 22, 2020
Appeal #20-95000001

meeting, the applicant stated their intentions of developing the site at 1900 S. Highway 146 as a gas station/convenience store business with potentially two (2) restaurant tenants. The proposed site is located within the Port Crossing Commerce Center which is governed by a Special Conditional Use Permit (SCUP), Development Agreement, as well as the city zoning code. Staff reviewed these documents with the applicant, making a point to review the SCUP in detail. The SCUP prohibits the development of a truck stop anywhere within the defined limits of the Port Crossing Commerce center and provides a clear distinction between what elements make up a truck stop development versus a gas station development. The SCUP states that any gas station that provides two (2) of the following: truck parking, more than one diesel dispenser for every ten (10) gasoline dispensers, or has a canopy over the dispensers that is greater than sixteen (16) feet in height shall be deemed a truck stop and thus is prohibited. Staff specifically discussed which elements could not be part of the development and the applicant was in agreement.

The site plan application for the development was submitted to staff in November of 2018. The plans showed a roughly 3.5 acre development with two fuel canopies, a convenience store and a large paved area. Previous discussions with the applicant indicated that they would comply with the 16' canopy height restriction and they would not have an area for truck parking. They also indicated to staff that the plan was to have more than the 1 diesel pump per 10 gasoline pump allotment as discussed in the SCUP. Per the language in the SCUP document, this proposal was permitted. The site plan was reviewed by staff and ultimately approved in February of 2019.

Construction commenced once building permits were issued and was substantially complete by April of 2020. A final inspection was requested and by the applicant and completed by staff. At that time a number of development items were still deficient or not complete and issuance of the CO was withheld.

Of those original deficient items, the only remaining issue is in regards to the site landscaping (see Attachment 2 and 3) The site is missing 2 required pine trees, a row of shrubs along Wharton Weems Blvd. and requires replacement of 8 dead/dying trees. Once these items are completed, Planning Staff can sign off on the final inspection.

Staff has provided the applicant with a detailed list of deficient items on at least four (4) different occasions throughout the final inspection process. A number of the items on the original list have been completed, but the applicant has failed to complete the landscape plan as approved.

The other remaining item was brought to staff's attention during the end stages of the construction process. As noted on the site plan (Attachment 2), there is a large paved area on the south side of the development which is denoted as Parking Lot (Detention/Retention). Since the completion of the development, staff has observed on numerous occasions, 18 wheeler trucks parked in this section of the development (see Attachment 4). Additionally, Police Staff have had discussions with the applicant at which time the applicant stated that they will allow truck parking on site once the development is operational. After numerous discussions with the applicant regarding the removal of a



Zoning Board of Adjustment Meeting
October 22, 2020
Appeal #20-95000001

portion of the concrete or removal of the diesel fuel canopy, staff was forced to determine that the development is in violation of the approved SCUP and thus a CO could not be issued until all violations are resolved.

APPEAL APPROVAL CRITEREA

Section 106-89 (a) states the following regarding the findings needed in order for the board to grant an appeal.

- (3) *Action on appeal.* In exercising the powers set forth in Section 106-88 (Powers and Duties), the board of adjustment may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the enforcement officer from whom the appeal is taken. The board must find the following in order to grant an appeal:
- a. That there is a reasonable difference of interpretation as to the specific intent of the zoning regulations or zoning map, provided the interpretation of the enforcement officer is a reasonable presumption and the zoning ordinance is unreasonable.
 - b. That the resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated.
 - c. The decision of the board must be in the best interest of the community and consistent with the spirit and interest of the city's zoning laws and the comprehensive plan of the city

PUBLIC NOTICE

Public notice was published in the local newspaper on October 8, 2020.

ATTACHMENTS

1. Appeal Application
2. Approved Site Plan/Landscape Plan
3. Site Photos - Landscaping
4. Site Photos - Truck Parking

City of La Porte
604 W. Fairmont Pkwy.
La Porte, TX 77571

Planning & Development Department
**APPLICATION FOR APPEAL
OF ENFORCEMENT OFFICER'S DECISION**

Phone: 281.470.5073
Fax: 281.470.5005
www.laportetx.gov

1. PROPERTY OWNER CONTACT INFORMATION:

OWNER NAME: SV Sons Hwy 146, LLC PHONE 1: _____
PHONE 2: _____ FAX #: _____
E-MAIL: _____
MAILING ADDRESS: 7603 Hampton Court, Sugar Land, Texas 77479

2. AGENT/CONTRACTOR REPRESENTING PROPERTY OWNER (If Applicable):

AGENT / CONTRACTOR COMPANY: Ted A. Cox, Attorney
PHONE 1: (713) 956-9400 PHONE 2: _____
E-MAIL: ted@tedacox.com FAX #: (713) 956-8485
MAILING ADDRESS: 2855 Mangum Road, Suite 100A, Houston, Texas 77092
CONTACT PERSON'S NAME: Ted A. Cox *Ted A Cox* PHONE: (713) 956-9400

3. PROPERTY DESCRIPTION:

HCAD PARCEL NO(s) 13-digit Tax ID(s): 1292170040005
PROPERTY ADDRESS (if existing): 1900 S. Highway 146, La Porte, Texas 77571
PROPERTY LEGAL DESCRIPTION: Restricted Reserve H of Port Crossing Amended Plat Subdivision, Film Code # 676291, Harris County

4. SUPPORTING INFORMATION:

- 1. Fact(s) relevant to this matter: See detailed facts in attached Appeal incorporated herein
- 2. Type of relief being sought: reversal of decision by City official to issue certificate of occupancy
- 3. Grounds for the request: see detailed grounds in attached Appeal incorporated herein

5. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION (Check applicable boxes):

- COMPLETE ITEMS 1-5 OF PERMIT APPLICATION
- SUBMIT COMPLETED APPLICATION & \$150 (NON-REFUNDABLE) APPLICATION FEE TO CITY PLANNER
- ATTACH APPLICANT'S AUTHORIZATION TO ACT ON BEHALF OF PROPERTY OWNER (IF APPLICABLE)

APPLICANT PRINTED NAME: SV Sons Hwy 146, LLC
by Shahidali Maknoja, Manager/Member APPLICANT SIGNATURE: *[Signature]*

(STAFF USE ONLY): APPLICATION NO: _____

DATE OF APPLICATION: _____ ZBOA MEETING DATE: _____

ZBOA ACTION TAKEN: APPROVED DENIED

Comments/Conditions: _____

DATE OF NOTIFICATION TO APPLICANT: _____ BY: _____

TED A. COX, P.C.
Attorney at Law
2855 Mangum Rd., Suite 100A
Houston, Texas 77092-7463
(713) 956-9400 Office
(713) 956-8485 Telefax
ted@tedacox.com

TED A. COX

Date: June 2 2020

Client: SV Sons Hwy 146 LLC

Legal Matter: Dispute with City of La Porte TEXAS

AGREEMENT FOR LEGAL SERVICES

Client hereby retains Ted A. Cox, P.C. ("Attorney") to perform legal services in the referenced legal matter. Client agrees to pay all legal fees charged by Attorney billed at the rate of \$250.00 per hour, and paralegal time billed at \$85.00 per hour, plus all out-of-pocket expenses incurred by Attorney in connection with this legal matter. Client has paid \$ _____ as a retainer to be applied against the first invoice for these legal services. All invoices for legal services are due upon receipt. If an unpaid invoice is more than 30 days old, Client agrees to pay interest on the outstanding balance at the rate of 18% per annum beginning on the 31st day after the date of the invoice.

AGREED:

CLIENT: SV Sons Highway 146 LLC


Name: Shahid Makhoul Pres
Address: _____

Cell: _____
Fax: _____
E-Mail: _____

NOTICE TO CLIENTS

The State Bar of Texas investigates and prosecutes professional misconduct committed by Texas attorneys. Although not every complaint against or dispute with a lawyer involves professional misconduct, the State Bar Office of the General Counsel will provide you with information about how to file a complaint. For more information, please call 1-800-932-1900. This is a toll free phone call.

September 17, 2020

Corby Alexander
City Manager
City of Laporte
604 W. Fairmont Parkway
La Porte, Texas 77571

Via email: AlexanderC@laportetx.gov
and Hand Delivery

Mark Huber
Chief Building Official
City of Laporte
604 W. Fairmont Parkway
La Porte, Texas 77571

Via email: huberm@laportetx.gov

Clark T. Askins
City Attorney
City of La Porte
702 W. Fairmont Parkway
La Porte, Texas 77511

Via email: ctaskins@swbell.net

City of La Porte
604 W. Fairmont Parkway
La Porte, Texas 77511

Via Hand Delivery

RE: Swift Convenience Store with Dunkin Donuts located at 1900 S. Highway 146, La Porte, Harris County, Texas ("Project") owned by SV Sons Hwy 146 LLC ("Owner").

APPEAL OF SV and SONS LLC

In accordance with City of La Porte ("City") Ordinance 106-89 this is an appeal by SV SONS HWY 146, LLC ("Owner") of the decision of the City Manager Corby Alexander and those representatives of the City working in concert with him, including, but not limited to, Mark Huber, Chief Building Official, Ian Clowes, City Planner, and Alfonso Acosta, Deputy Building Official, in denying the issuance of a Certificate of Occupancy to the Owner for the referenced convenience store located at 1900 S. Highway 146, La Porte, Harris County, Texas ("Project").

This is Owner's appeal from the following decision made by Corby Alexander as contained in the email of August 18, 2020, from Clark Askins City Attorney for City of La Porte which

provided that before the City would issue the Certificate of Occupancy for the Project that (1) the City would have to examine the status of the trees and grass planted by Owner as part of the landscape plan (and as yet not approved by the City); and (2) that the Owner would have to remove the diesel dispensers installed on the south side of the Project which had been previously approved by the City and provided for in the construction drawings submitted to and approved by the City.

The email reads as follows:

Date: Tue, 18 Aug 2020 21:38:16 +0000 (UTC)
From: Clark Askins <ctaskins@swbell.net>
Reply-To: "ctaskins@swbell.net" <ctaskins@swbell.net>
To: "ted@tedacox.com" <ted@tedacox.com>,
"AlexanderC@laportetx.gov" <AlexanderC@laportetx.gov>
Subject: Re: Certificate of Occupancy--- 1900 S. Highway 146

Ted:

Sorry for the delay. I was in a meeting and then had court this afternoon. I wanted to talk with Corby before I got back with you and just spoke to him.

City sent an email late last certifying that canopy height is correct and that equipment for DD is properly installed.

Concerning the landscaping, Corby said city officials will go out this week (possibly tomorrow) to examine status of trees and grass.

On the matter of the pumps, Corby advised that he is maintaining his position that the diesel dispensers on the south side should be removed.

Clark

The exact basis of Mr. Alexander's decisions is unclear.

Background

In September 2018, Owner's engineer and Owner's principal, Mr. Maknojia, had a preliminary meeting (PAC meeting) with officials from the City of La Porte to discuss the overall project. Owner's representatives informed the City representatives of the nature of the improvements to be built at the Project that being a convenience store with the sale of gasoline and

diesel fuel. See Exhibit 1 attached. The City representatives advised that they would not approve construction of a truck stop and the Owner's representatives advised them that Owner was not building a truck stop. The Project is part of the real property covered by the Special Conditional Use Permit #15-91000004, governing the development of truck stops in La Porte. See Exhibit 2 attached. The convenience store building and improvements constructed by Owner at the Project do not qualify as a truck stop in accordance with the definition provided in such Special Conditional Use permit because, at Owner's designed and completed and City approved Project, there is no truck parking at the facility and no canopy over the dispensers is higher than 16 feet. All parking spaces are 9 feet and not the size for an 18-wheeler.

Owner, in accordance with the local ordinances, complied with and submitted to the City for its review and approval all required documents including but not limited to site and construction drawings and specifications (showing diesel canopy and pumps on the south side of the Project as part of the planned improvements) See Exhibit 3 attached being the cover page of the entire set of drawings and page 32 showing the diesel fuel pump canopy. After review by the City and revisions, the drawings were approved, and construction and zoning permits were issued by the City. See Exhibit 4 attached City of La Porte building and zoning permits based upon the approved construction drawing.

The store as designed and approved by the City and constructed by Owner is a traditional convenience store with fuel pumps for both gasoline and diesel fuel and a Dunkin Donuts. The construction of the Project began in approximately April 2019. In August 2019, Ian Clowes, Deputy Building Official sent to Owner the emails attached hereto as Exhibit 5 inquiring as to the type of gasoline and diesel pumps that were being installed at the Project. As shown in the emails, the Owner assured Mr. Clowes that the pumps were not for a truck stop but a traditional convenience store. No additional inquiries or comments on the diesel pumps was made by Mr.

Clowes or anyone else from the City until after completion of the construction. The construction was substantially complete on or about February 15, 2020. After all inspections had been done and passed, Owner requested the City issue the Certificate of Occupancy allow the convenience store to open for business.

Grounds for Appeal

The decision of August 18, 2020 made by Corby Alexander to deny the issuance of the Certificate of Occupancy until the additional conditions were met came after months of discussions and negotiations between Owner and the City and its representatives regarding the issuance of the Certificate of Occupancy. During this time after substantial completion of the Project, the City representatives required numerous items of work first be completed by the Owner which were done by the Owner. Additionally, during this process Mr. Alexander requested that the Owner modify the design of its City of La Porte previously approved and already completed Project as follows:

(a) replacement of the diesel pumps and nozzles with smaller versions to slow the flow of the diesel fuel—In response, at significant expense the Owner installed a restrictor on the diesel fuel pumps slowing the rate the fuel is pumped to less than 20 gallons per minute (substantially the same as the rate that gasoline pump operates) which is far less than the 60 gallons per minute rate for a typical pump at a truck stop. (See Exhibits 6 and 7 attached)

(b) City requested that Owner fill in with landscaping a large portion of the approved and completed concrete parking lot to reduce the area for trucks to turn around or navigate---Owner had spent many thousands of dollars in construction of the parking lot and constructed it in the exact manner previously approved by the City and so the Owner declined this request.

(c) At the City's request the Owner hydroseeded the land for the landscaping and planted numerous trees. The City representatives later complained that the trees were dying, the grass was

not growing and the property had weeds. Owner had its landscaper replace 13 trees and now the grass is growing. The City is yet to advise if the landscaping is sufficient.

Based upon the email of August 18, 2020, the issues remaining asserted by Corby Alexander to deny the issuance of the Certificate of Occupancy to Owner are the following:

- (1) incomplete compliance with the Landscape Plan regarding trees and grass;
and
- (2) directive to Owner to remove the diesel pumps from the diesel canopy on the southside of the Project.

1. Sufficiency of Landscaping

Owner has complied or substantially and sufficiently complied with the requirements of the Landscape Plan approved by the City. The City's position that the landscaping is incomplete or not acceptable because portions of the grass are not growing or there are weeds on the Property, or some trees are dying is not a legitimate basis for denial of the issuance of the Certificate of Occupancy. The temperature in the area is routinely between 90 to 100 degrees or more. Little rain has fallen but the City fails to acknowledge the impact of these conditions or the work done by Owner and its contractors to complete the Landscape Plan. After the initial refusal by the City to approve the work, the Owner replaced 13 trees and the grass is now growing and spent almost \$50,000.00 on the landscaping. The City is yet to acknowledge the Owner's compliance with the Landscape Plan.

2. Requirement for removal of diesel pumps from south side of the Project

As set forth above, the plans for construction of the improvements, which were reviewed and approved by the City and upon which building permits issued, specifically show on page 32 the Diesel Pump and Canopy" for construction, installation and use at the project. Now after construction is completed, the City requires removal of previously approved diesel dispensers. Further, there is no rule, ordinance, law or regulation in effect in the City of La Porte which

prohibits the installation and use of such diesel pumps on the Project. The Project does not constitute a truck stop as defined in of Special Conditional Use Permit #15-91000004. The actions and decisions of Mr. Alexander are not based on the facts and law or City ordinance and are unreasonable, arbitrary and capricious and are an interference with Owner's property rights.

The installation of the diesel dispensers in question was approved and authorized by the City and its representatives. No objection was made by Mr. Alexander until after completion of construction. Owner relied upon the actions and approvals by the City in the construction and installation of the diesel pumps by spending hundreds of thousands of dollars for the installation of such diesel pumps at the Project. The City is estopped to complain or use as a justification for denial of the Certificate of Occupancy the installation of such diesel pumps and such estoppel will not interfere with the City's governmental functions.

Certificate of Occupancy

The City of La Porte Ordinances contain no provisions regarding the requirements for the issuance of the Certificate of Occupancy. However, the City has adopted the International Building Code 2002 edition and the relevant provisions of the IBC regarding the Certificate of Occupancy and the issues in this appeal are the following:

SECTION 101 GENERAL

The purpose of this Code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, *means of egress* facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operation.

The IBC provides in Section 111 for the issuance of a Certificate of Occupancy as follows:

SECTION 111
CERTIFICATE OF OCCUPANCY

[A] 111.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

[A] 111.2 Certificate issued. After the *building official* inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy..." (*emphasis added*)

None of the reasons relied upon by Mr. Alexander and the City for the refusal to issue the Certificate of Occupancy have anything to do with or involve the intent of the IBC to "safeguard the public health, safety and general welfare through structural strength and the other listed requirements.

Section 111.3 of the IBC provides for the issuance of a temporary Certificate of Occupancy as follows:

[A] 111.3 Temporary occupancy. The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

Despite the uncontested fact that all of the building can be occupied safely without the landscaping and without removal of the diesel pumps, the City has refused to issue even a Temporary Certificate of Occupancy, causing significant loss and hardship to Owner.

Owner hired approximately 20 employees months ago who live in the La Porte area who are ready to go to work at the store but cannot start work because of the decisions of the City Manager as set forth herein. The Owner has spent approximately \$5.5 million dollars on this Project. The Owner has been paying approximately \$1300.00 a day in interest on the two (2) construction loans for the many months waiting to open this store, which totals approximately

\$195,000.00. This is an extreme hardship to Owner. Owner has brought additional tax value to the tax rolls and this Project will generate significant tax revenue for the taxing districts if allowed to open.

To the extent that Mr. Alexander is relying on Special Conditional Use Permit #15-91000004 as his justification to require the removal of the diesel pumps on the southside of the Project and on any other ordinance not to approve the location of the diesel pumps and the existing landscaping to deny the issuance of the Certificate of Occupancy, there is a reasonable difference of interpretation as to the zoning regulations and Special Conditional Use Permit #15-91000004 and any other ordinance and the resulting interpretation allowing the issuance of the Certificate of Occupancy with the diesel canopy and diesel pumps and landscaping in place will not grant a special privilege to Owner inconsistent with other properties or uses similarly situated. Further the decision of the Board of Adjustment to order the issuance of the Certificate of Occupancy with the diesel pumps on the southside in place and the existing landscaping in place would be in the best interest of the community of La Porte and is consistent with the spirit and interest of the city's zoning laws and the comprehensive plan of the City of La Porte.

Relief Requested

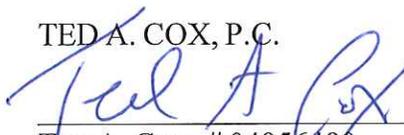
Owner requests the Board of Adjustment reverse and modify the decision of Corby Alexander of August 18, 2020, and declare that the Landscape Plan is sufficiently complete and Owner is not required to remove the diesel fuel dispensers from the south side of the Property and Owner is entitled to the issuance of the Certificate of Occupancy for the Project, and that the City instruct Corby Alexander to approve the issuance and direct Mark Huber to issue the Certificate of Occupancy.

Alternatively, if the Board determines one or more items of compliance with the landscape plan are not met, then Owner requests the Board of Adjustment reverse or modify the decision of

Corby Alexander; declare that the Owner is not required to remove the diesel fuel dispensers from the south side of the Property and Owner is entitled to the issuance of the Temporary Certificate of Occupancy for the Project; order the City instruct Corby Alexander to approve the issuance; and, direct Mark Huber to issue the Temporary Certificate of Occupancy to last until the Owner completes the incomplete items of the landscape plan when a permanent Certificate of Occupancy will be issued

Respectfully submitted,

TED A. COX, P.C.



TED A. COX, # 04956480
Attorney for Owner,
SV SONS HWY 146, LLC
2855 Mangum Rd., Suite 100A
Houston, Texas 77092-7463
Telephone: 713-956-9400
Facsimile: 713-956-8485
E-Mail: service@tedacox.com

SV SONS HWY 146, LLC

By:



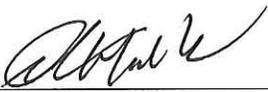
Shahidali Maknoja, Manager/Member

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared SHAHIDALI MAKNOJIA who, after being by me duly sworn, states on oath that:

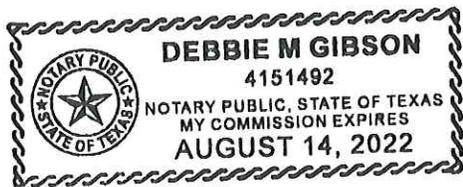
1. He is the Manager and Member of Plaintiff, SV SONS HWY 146, LLC, a Texas limited liability company duly incorporated and existing under and by virtue of the laws of the State of Texas (the owner of the property located at 1900 S. Highway 146, La Porte, Harris County, Texas), and he is duly qualified and authorized to make this Affidavit.
2. He has read the above and foregoing Appeal, and that every statement therein is within his knowledge true and correct.

SV SONS HWY 146, LLC

BY: 

SHAHIDALI MAKNOJIA,
Manager/Member

SWORN TO AND SUBSCRIBED TO BEFORE ME on this 17th day of September, 2020.





Notary Public in and for the State of Texas



PAC MEETING SIGN-IN SHEET

Meeting Date: 9-25-18 Meeting Time: 2 PM
 Project Description: C-Store / Gas Station
 Contact Name: _____

NAME	PHONE	DEPARTMENT	CONTACT	PHONE	E-MAIL
KANA MAXIMOW	832-999-4764	Planning & Development City Planner	Ian Clowes	281.470.5063	iclowesi@laportetx.gov
Sam Maximow	832-666-8256	Planning & Development Planning Technician	Chase Stewart	281.470.5065	stewartc@laportetx.gov
		Economic Development Coordinator	Ryan Cramer	281.470.5016	cramerr@laportetx.gov
		Public Works City Engineer	Lorenzo Wingate	281.470.5058	wingatel@laportetx.gov
		Public Works Engineering Technician	Peter Pourazizian	281.471.5062	pourazizianp@laportetx.gov
		Public Works Utility Superintendent	Curtis Herrod	281.471.9653	herrodcc@laportetx.gov
		Planning & Development Chief Bldg. Official	Mark Huber	281.470.5067	huberm@laportetx.gov
		Fire Prevention Fire Marshal	Cliff Meekins	281.867.4603	meekinsc@laportetx.gov
		Assistant City Manager	Jason Weeks	281.470.5013	weeksi@laportetx.gov

Handwritten notes:
 ASST. Utility Supervisor
 Robert Bowles 281-823-2104
 Corby Alexander 5011
 Dan Lyst @laportetx.gov
 alexander@laportetx.gov
 CM D

EXHIBIT A

City of La Porte Special Conditional Use Permit #15-91000004

This permit is issued to: Port Crossing, L.P.; Port Crossing A3, L.P.; Port Crossing A4, L.P.; Port Crossing B5, L.P.
Owner or Agent

3330 S. Sam Houston Parkway E., Houston, Texas 77047
Address

For Development of: Port Crossing Business Park; Approximately 300 acre mixed use development (formerly Texas Import Export).
Development Name

Legal Description: 300 acres of land out of the George B. McKinstry League, A-47; William Harris Survey, A-30; Johnson Hunter Survey, A-35; and more particularly described in the Development Agreement, as further described in "Attachment 1" of this document.

Zoning: PLD, Planned Unit Development

Permit Conditions:

This Special Conditional Use Permit 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. This Special Conditional Use Permit (SCUP) would be applicable to specific development anticipated or proposed by the General Plan.
2. Uses are as described in the Land Use Exceptions (Exhibit C of the Amended Development Agreement).
3. This SCUP outlines in general terms the proposed Planned Unit Development. The developer recognizes and understands that any future construction or development of the private or public improvements anticipated by this SCUP and the General Plan shall require further submittal and approval of plats, site plans, construction drawings, and building plans, etc. In addition, this SCUP supersedes SCUP #06-006.
4. This SCUP, the General Plan, Restrictive Covenants, and Land Use Exceptions are exhibits to and are a part of the Amended Development Agreement.
5. Submittals for site plan approval shall be in accordance with this SCUP, General Plan, Development Agreement, Restrictive Covenants, and Land Use Exceptions approved by the City of La Porte. For uses not authorized by this SCUP, approval pursuant to Section 106-216 & 106-217 of the City of La Porte Code of Ordinances, as it now exists or may be amended from time to time, shall be required.
6. The business park identification and entry features shall remain and be maintained as constructed unless approved by the City Council.
7. Truck parking on any lot fronting State Highway 146 will be prohibited on the east side of any structure.
8. Truck stops as defined in Chapter 106 of the La Porte Code of Ordinances shall be prohibited within any part of the 300 acre Port Crossing business park. Any gas station that provides any two (2) of the following: truck parking, more than one diesel dispenser for every ten (10)

EXHIBIT A

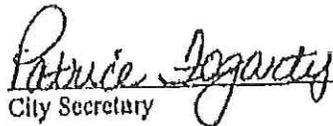
- gasoline dispensers, or has a canopy over the dispensers that is greater than sixteen (16) feet in height shall also be deemed a truck stop.
9. Within reserves B, J1, and L fronting State Highway 146, warehouses are prohibited if the warehouse has a 36 foot clear or higher space; has more than 250,000 feet of storage area; has truck docks on more than two sides or any facing Highway 146; or contains any trailer storage other than necessary for loading and unloading operations. Additionally, each building located thereon must have grade-level store-front entries with windows facing Highway 146. Where warehouses exceed 200,000 square feet in size, building articulation will be required in accordance with Section 106-928 (b)(1) a and b of the La Porte Code of Ordinances. Additionally in the event of truck-bay parking on the north or south side any allowed building screening shall be required to screen such trucks. Screening may consist of a masonry wall or landscaping, or a combination thereof, at a sufficient height to screen such trucks.
 10. The Developer shall comply with all other applicable laws and ordinances of the City of La Porte and the State of Texas. To the extent there is a conflict between those laws and ordinances and this SCUP, the SCUP controls.
 11. This SCUP is binding on all owners of property included in the legal description and their successors and assigns.

If contract or agreement is terminated after completion of any stage and there is ample evidence that further development has been abandoned, 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:

8-24-15


Director of Planning and Development


City Secretary



PROPOSED C-STORE AND GAS STATION

SCOPE OF WORK:

1. NEW 7,300 S.F. ONE STORY SHOPPING CENTER WITH A 5,000 S.F. C-STORE BUILD-OUT AND 1,300 S.F. FUTURE LEASE SPACE
2. NEW 4,250 S.F. FUEL CANOPY WITH 6 GAS PUMP AND A 32,000 GAL. UNDERGROUND FUEL TANK

CODE ANALYSIS:

- A. APPLICATION CODES**
- 2012 INTERNATIONAL BUILDING CODE
 - 2011 NATIONAL ELECTRICAL CODE
 - 2012 NATIONAL MECHANICAL CODE
 - 2012 INTERNATIONAL PLUMBING CODE
 - 2015 INTERNATIONAL FIRE CODE
 - 2015 INTERNATIONAL ENERGY CONSERVATION CODE
 - ACCESSIBILITY - TEXAS ACCESSIBILITY STANDARDS
 - CITY OF LA PORTE CODE AMENDMENT (IF ANY)

B. OCCUPANCY GROUP
GROUP M - RETAIL

C. CONSTRUCTION TYPE TYPE II-B

FIRE RESISTIVE RATING REQUIRED FOR BUILDING ELEMENTS

BEAMS	0 HRS
EXTERIOR BEARING WALLS	0 HRS
INTERIOR BEARING WALLS	0 HRS
EXTERIOR NON-BEARING WALLS	0 HRS - TABLE 602
INTERIOR NON-BEARING WALLS	0 HRS - TABLE 602
FLOOR / CEILING CONSTRUCTION	0 HRS
FLOOR / CEILING CONSTRUCTION	0 HRS
COLUMNS	0 HRS

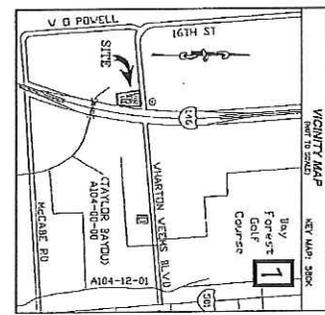
D. MAXIMUM BUILDING HEIGHT AND AREA

TABLE 503	ALLOWABLE	PROPOSED
GROUP M	2 STORY - 12,500 S.F.	1 STORY - 7,300 S.F.

PROPOSED BLDG. HEIGHT = 28'-0" (FROM F.F.L. TO PARAPET / ROOF)

E. SPRINKLER SYSTEM CRITERIA
RETAIL (GROUP M) - NO SPRINKLER SYSTEM REQUIRED (903.2.7)
THE FIRE AREA OF SHOPPING CENTER LESS THAN 12,000 S.F. AND NO MORE THAN THREE STORES IN HEIGHT.

F. OCCUPANCY LOAD AND EXIT
TOTAL OCCUPANCY LOAD = 100 P. (PLEASE REFER A2.01)
REQUIRED EXIT = 2 NOS.
REQUIRED WIDTH = 100 X 0.2 = 20 INCHES
PROVIDED EXIT = 3 NOS.
PROVIDED TOTAL WIDTH = 174 INCHES



*Vic Materials Per Owner -
Control Sheet Mail room with
this set of signed plans.*

Final 12 2011

CONTRACTOR COPY

**REVIEWED FOR
CODE COMPLIANCE**

Exhibit 1

DA-Space Concept
 1102 Southwest Blvd, J1001
 Houston, Texas 77002
 Phone: 281.486.4444
 Fax: 281.486.4444
 Email: info@da-space.com

Proposed C-Store + Gas Station
SWIFT
 1900 S HWY 146, SUITE 100 AND 200
 LA PORTE TEXAS 77571

Contract No. _____
 Project No. _____
 Date: _____
 Scale: _____
 Sheet: _____ of _____

Prepared by: _____
 Checked by: _____
 Date: _____
 Title: _____

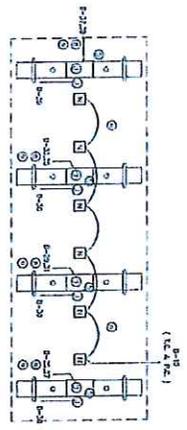
Code No: **A100**

Page 2

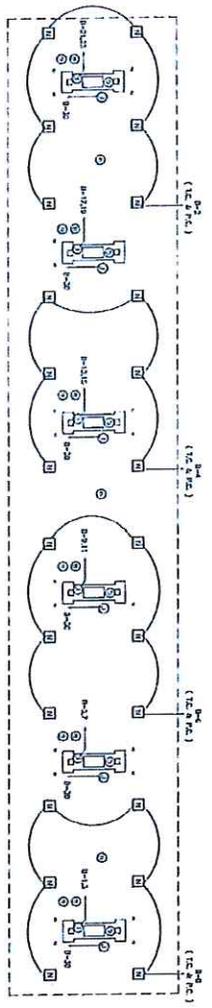
- ELECTRICAL LEGS NOTES:**
1. TRANSFORMER FEED TO LOCAL MOUNT SERVICE EQUIPMENT (ELECTRICAL MOUNT) WITH POINT OF SERVICE TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.
 2. MAIN SERVICE TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.
 3. SERVICE TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.
 4. SERVICE TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.
 5. SERVICE TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.
 6. SERVICE TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.
 7. SERVICE TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.
 8. SERVICE TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.
 9. SERVICE TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.
 10. SERVICE TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.

NOTES:

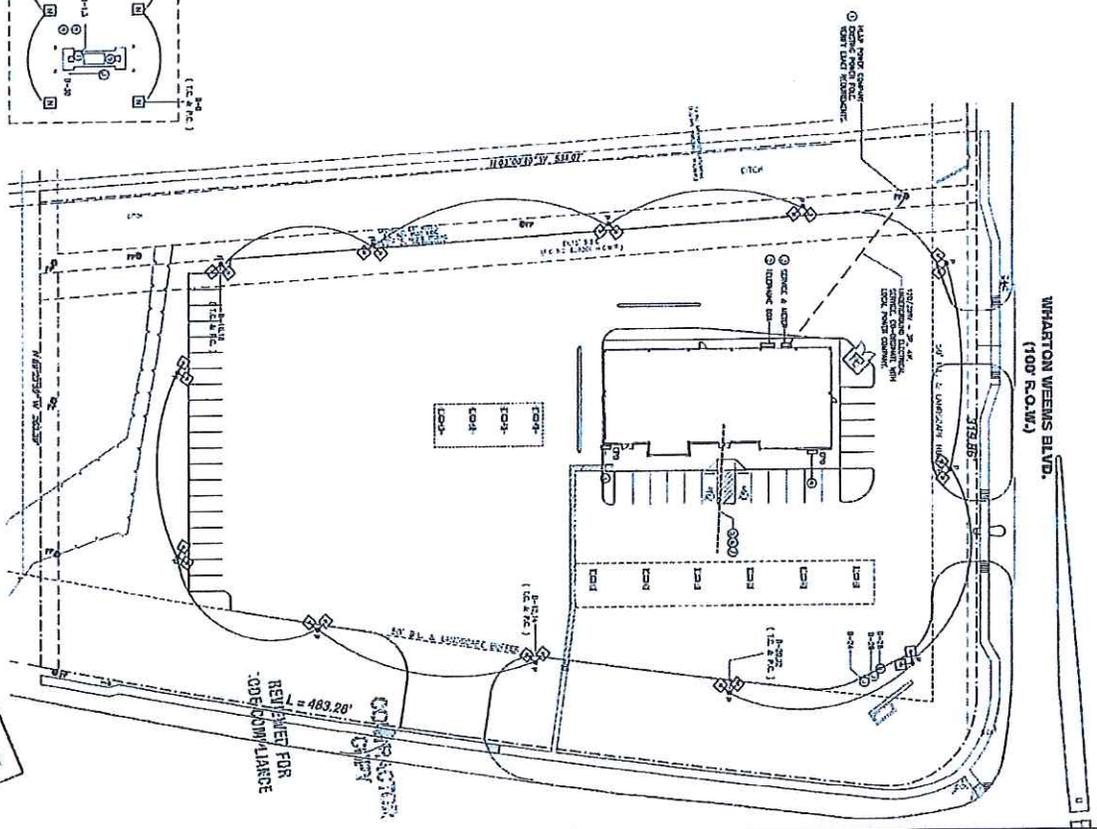
1. ALL ELECTRICAL LEGS TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.
2. ALL ELECTRICAL LEGS TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.
3. ALL ELECTRICAL LEGS TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.
4. ALL ELECTRICAL LEGS TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.
5. ALL ELECTRICAL LEGS TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.
6. ALL ELECTRICAL LEGS TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.
7. ALL ELECTRICAL LEGS TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.
8. ALL ELECTRICAL LEGS TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.
9. ALL ELECTRICAL LEGS TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.
10. ALL ELECTRICAL LEGS TO BE LOCATED IN FRONT OF SERVICE EQUIPMENT.



(08) DIESEL FUEL PUMP AND CANOPY
SCALE: 1" = 10'-0"



(02) ENLARGED FUEL PUMP AND CANOPY
SCALE: 1" = 10'-0"



(01) ELECTRICAL SITE PLAN
SCALE: 1" = 30'-0"

EXTERIOR LIGHTING NOTES:

1. ALL EXTERIOR LIGHTING SHALL BE PROVIDED FOR ALL CHANGES TO THE EXTERIOR LIGHTING PLAN.

2. ALL EXTERIOR LIGHTING SHALL BE PROVIDED FOR ALL CHANGES TO THE EXTERIOR LIGHTING PLAN.

3. ALL EXTERIOR LIGHTING SHALL BE PROVIDED FOR ALL CHANGES TO THE EXTERIOR LIGHTING PLAN.

4. ALL EXTERIOR LIGHTING SHALL BE PROVIDED FOR ALL CHANGES TO THE EXTERIOR LIGHTING PLAN.

5. ALL EXTERIOR LIGHTING SHALL BE PROVIDED FOR ALL CHANGES TO THE EXTERIOR LIGHTING PLAN.

Proposed C-Store + Gas Station
SWIFT
1800 S HWY 146, SUITE 100 AND 200
LA PORTE TEXAS 77571

DA-Space Concept

1800 S HWY 146, SUITE 100 AND 200
LA PORTE TEXAS 77571
PH: 281-294-4000
WWW.DA-SPACE.COM

DATE: 10/13/2010

PROJECT: 100 S HWY 146, SUITE 100 AND 200, LA PORTE, TEXAS 77571

SCALE: 1" = 30'-0"

DATE: 10/13/2010

PROJECT: 100 S HWY 146, SUITE 100 AND 200, LA PORTE, TEXAS 77571

SCALE: 1" = 30'-0"

DATE: 10/13/2010

PROJECT: 100 S HWY 146, SUITE 100 AND 200, LA PORTE, TEXAS 77571

SCALE: 1" = 30'-0"

E1

City of La Porte
 604 W Fairmont Pkwy
 La Porte, Tx 77571
 INSPECTION LINE: (281) 470-5130
 (281) 470-5073
 ****BUILDING PERMIT****

Application Number 19-00000296 Date 3/28/19
 Property Address 1900 S HWY 146 100
 HCAD Number: 129-217-004-0005
 Alternate Search Method:
 Application type description NEW, COMMERCIAL
 Subdivision Name PORT CROSSING
 Property Use
 Property Zoning PLANNED UNIT DEVELOPMENT
 Application valuation 730000

Type of Work
 NEW GAS STATION SWIFT DUNKIN DONUTS

Owner ----- LIBERTY PROPERTY LIMITED PARTN 500 CHESTERFIELD PKWY MALVERN PA 193558707	Contractor ----- KINGS CONSTRUCTION 35 CADENCE CT RICHMOND TX RICHMOND TX 77469 (713) 349-3718
---	--

Structure Information	000 000
Construction Type	NON-COMBUSTIBLE II
Occupancy Type	BUSINESS
Other struct info	FLOOD ZONE AE

Permit	BLDG PERMIT-NEW COMMERCIAL	
Additional desc	NEW GAS STATION DUNKIN DONUTS	
Permit pin number	591503	
Permit Fee	3292.50	Plan Check Fee 1646.25
Issue Date	3/28/19	Valuation 730000
Expiration Date	9/24/19	

	Qty	Unit Charge	Per		Extension
				BASE FEE	2487.50
	230.00	3.5000 THOU		BLDG - 500,001 - UP	805.00

Special Notes and Comments
 March 28, 2019 7:10:44 AM lapoklk.
 COMMERCIAL PERMIT NOTES
 1. ALL NEW DEVELOPMENT MUST OBTAIN A WATER ACCOUNT THROUGH THE CITY OF LA PORTE WATER DEPARTMENT AT 281-470-5020, PRIOR TO BUILDING PERMIT ISSUANCE.
 2. ALL WORK MUST COMPLY WITH THE APPROVED PLANS, INSPECTIONS.
 3. CONTRACTOR MUST COMPLY WITH ATTACHED FIRE MARSHAL PLAN REVIEW COMMENTS IF APPLICABLE.



Application Number 19-00000296
Page 2
Date 3/28/19

Special Notes and Comments

4. OWNER/CONTRACTOR RESPONSIBLE TO COMPLY WITH TEXAS ACCESSIBILITY STANDARDS (TAS) AS REQUIRED.
5. THIS BUILDING PERMIT APPROVED SUBJECT TO CITY APPROVED SUBJECT TO CITY APPROVED CONSTRUCTION DRAWINGS WITH RED LINES, PLAN REVIEW COMMENTS AND CERTIFIED SITE PLAN & INSPECTIONS.
6. CONTRACTOR IS REQUIRED TO FURNISH UNDER CONSTRUCTION ELEVATION CERTIFICATE PRIOR TO CALLING IN FOR A FOUNDATION PRE POUR INSPECTION IF APPLICABLE.
7. CONTRACTOR IS REQUIRED TO FURNISH A FINAL ELEVATION CERTIFICATE PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, AS REQUIRED BY THE CITY OF LA PORTE FOR CONSTRUCTION IN FLOOD ZONES IF APPLICABLE.
8. IF ANY FILL DIRT IS BROUGHT ONTO THE SITE OTHER THAN INSIDE THE BUILDING FOOTPRINT, A SEPARATE FILL DIRT PERMIT IS REQUIRED.
9. ANY FUTURE REMODEL OR BUILDOUT OF OFFICE SPACE REQUIRES SEPARATE PERMITS AND INSPECTIONS.
10. SEPARATE ELECTRICAL, PLUMBING, AND MECHANICAL PERMITS REQUIRED FOR ANY RELATED WORK.
11. ANY NEW OR PROPOSED SIGNAGE REQUIRES A SEPARATE SIGN PERMIT BEFORE INSTALLING ANY SIGNAGE.
12. CALL FOR INSPECTIONS BEFORE ANY WORK IS COVERED.
13. FINAL ENERGY CODE CERTIFICATE OF COMPLIANCE REQUIRED FROM ICC CERTIFIED 3RD PARTY ENERGY CODE INSPECTOR BEFORE BUILDING FINAL INSPECTION IF APPLICABLE.
14. ANY CHANGES TO THE APPROVED SET OF PLANS OR APPROVED SCOPE OF WORK MUST BE APPROVED BY THE INSPECTIONS DIVISION PRIOR TO COMMENCING CHANGES IN THE FIELD.
15. SEPARATE IRRIGATION PLANS AND PERMIT REQUIRED PRIOR TO INSTALLING THE IRRIGATION SYSTEM. IRRIGATION PLANS

City of La Porte
604 W Fairmont Pkwy
La Porte, Tx 77571

(281)470-5073

INSPECTION LINE: (281) 470-5130

****BUILDING PERMIT****

Application Number 19-00000296
Page 3
Date 3/28/19

Special Notes and Comments
REQUIRED TO BE SEALED BY A TEXAS STATE
LICENSED IRRIGATOR.
16. SMOKE DETECTORS REQUIRED TO BE
INSTALLED AS PER THE 2011 NEC HARDWIRED
AND INTERCONNECTED IF APPLICABLE.
17. GFCI RECEPTACLES REQUIRED TO COMPLY
WITH THE 2011 NEC FOR THE KITCHEN
COUNTER TOPS AND BATHROOMS WHERE
REQUIRED.
18. ALL AREAS INTENDED TO BE UTILIZED
FOR PARKING SPACE AND DRIVEWAYS SHALL BE
SURFACED WITH MATERIALS SUITABLE TO
CONTROL DUST AND DRAINAGE.

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	3292.50	3292.50	.00	.00
Plan Check Total	1646.25	1646.25	.00	.00
Grand Total	4938.75	4938.75	.00	.00

Paid

3/28/19

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT)

DATE

JW

(APPROVED BY BUILDING OFFICIAL OR AUTHORIZED AGENT)

DATE

CITY OF LA PORTE, TX
*** CUSTOMER RECEIPT ***

Batch ID: LAPOLLR 3/28/19 75 Receipt no: 57087

Year	Number	Type	SvcCd	Description	Amount
2019	506	BP		PERM TS	\$50.00

1900 S HWY 146 # 100
1900 S HWY 146 100
LA PORTE, TX 77571
Trans number:

CLP
3538367

Tender detail
CK Ref#: 1168 \$8778.75
Total tendered: \$8778.75
Total payment: \$8778.75

Trans date: 3/28/19 Time: 11:32:47

THANK YOU FOR YOUR PROMPT PAYMENT

PAID
MAR 28 2019
CITY OF LA PORTE

CITY OF LA PORTE, TX
*** CUSTOMER RECEIPT ***

Batch ID: LAPOLLR 3/28/19 50 Receipt no: 57089

Customer	Location	Type	SvcCd	Description	Amount
99461	47180	UD	VA	CX UTILITY DEPOSIT	\$100.00

SWFT MART INC, LLC					3538369
Trans number:					
	US			CX NEW SERVICE FEE	
		Qty		1.00	\$10.00

1900 S HWY 146 #100					3538370
Trans number:					
UTILITY FUND / NEW			00200004080507		
POOLED CASH / POOLE			80000001010100		

Tender detail	
OP CRED CARD -	\$110.00
Total tendered:	\$110.00
Total payment:	\$110.00

Trans date: 3/28/19 Time: 11:51:33

THANK YOU FOR YOUR PROMPT PAYMENT

P A I D
MAR 28 2019
CITY OF LA PORTE

City of La Porte
604 W Fairmont Pkwy
La Porte, Tx 77571

(281)470-5073

INSPECTION LINE: (281)470-5130

****ZONING PERMIT****

Application Number 19-00000503
Page 2
Date 3/28/19

Special Notes and Comments
REQUIREMENTS PRIOR TO PLACEMENT OF ANY
NEW/FUTURE SIGNAGE.
9. PLACEMENT OF ANY SHIPPING CONTAINERS
REQUIRES PRIOR CITY APPROVAL.
10. APPLICANT IS REQUIRED TO NOTIFY THE
INSPECTION DEPARTMENT FOR REQUIRED
INSPECTION OF PROPERTY BEFORE UTILITIES
WILL BE APPROVED/RELEASED. PLEASE CALL
281-470-5130 TO SCHEDULE INSPECTION IF
INSPECTION WAS NOT REQUESTED DURING
PERMIT ISSUANCE.

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	50.00	50.00	.00	.00
Grand Total	50.00	50.00	.00	.00

Paid

3/28/19
GN

Signature of Contractor or Authorized Agent

Date

Approved by BUilding Official or Authorized Agent Date

City of La Porte
604 W Fairmont Pkwy
La Porte, Tx 77571

(281)470-5073

INSPECTION LINE: (281)470-5130

****ZONING PERMIT****

Application Number 19-00000506
Page 2
Date 3/28/19

Special Notes and Comments
REQUIREMENTS PRIOR TO PLACEMENT OF ANY
NEW/FUTURE SIGNAGE.
9. PLACEMENT OF ANY SHIPPING CONTAINERS
REQUIRES PRIOR CITY APPROVAL.
10. APPLICANT IS REQUIRED TO NOTIFY THE
INSPECTION DEPARTMENT FOR REQUIRED
INSPECTION OF PROPERTY BEFORE UTILITIES
WILL BE APPROVED/RELEASED. PLEASE CALL
281-470-5130 TO SCHEDULE INSPECTION IF
INSPECTION WAS NOT REQUESTED DURING
PERMIT ISSUANCE.

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	50.00	50.00	.00	.00
Grand Total	50.00	50.00	.00	.00

Paid

3/28/19
GW

Signature of Contractor or Authorized Agent

Date

Approved by BUIlding Official or Authorized Agent Date

On Aug 26, 2019, at 1:10 PM, Clowes, Ian <ClowesI@laportetx.gov> wrote:

Mr. Maknojia,

It appears that I may have mistyped your email on my last attempt to reach you.

I've been asked by my City Manager to reach out and set up a meeting with you and/or your project representative. We would like to go over some of the details of your ongoing project, specifically regarding the number of diesel vs. gasoline pumps that are planned.

Are you available this week Tuesday, August 27th in the afternoon? Let us know and we can set it up. If need be we can also do it via conference call.

Thanks,

Ian Clowes | City Planner
604 W. Fairmont Parkway | La Porte, TX 77571 p. 281.470.5063 | f.
281.470.5005
website | map | email

-----Original Message-----

From: Shahid Maknojia [mailto:maknojias@gmail.com]
Sent: Monday, August 26, 2019 1:43 PM
To: Clowes, Ian <ClowesI@laportetx.gov>
Subject: Re: Convenience Store/Dunkin Project - La Porte

Can you let me know what is this in regards to so I can bring concern people on call.

S. Maknojia
832-606-8254

On Aug 26, 2019, at 1:56 PM, Clowes, Ian <ClowesI@laportetx.gov> wrote:

I believe he just has some questions regarding the fuel pumps themselves, specifically how many, if any will be diesel only and if any of them will be high capacity diesel pumps. There have been some concerns amongst the community that this site could potential operate as a truck stop as opposed to a traditional gas station.

Ian Clowes | City Planner
604 W. Fairmont Parkway | La Porte, TX 77571 p. 281.470.5063 | f.
281.470.5005
website | map | email



-----Original Message-----

From: Shahid Maknojia [mailto:maknojias@gmail.com]
Sent: Monday, August 26, 2019 2:03 PM
To: Clowes, Ian <ClowesI@laportetx.gov>
Cc: Stewart, Chase <StewartC@laportetx.gov>
Subject: Re: Convenience Store/Dunkin Project - La Porte

It's a traditional gas station with 3 diesel lane and Dunkin Donut drive thru. No truck stop. We have build as per the approved plans.

S. Maknojia
832-606-8254

On Aug 26, 2019, at 2:08 PM, Clowes, Ian <ClowesI@laportetx.gov> wrote:

I understand. The 3 diesel lanes you mentuioned, are they high capacity diesel pumps meant for large truck fueling?

Ian Clowes | City Planner
604 W. Fairmont Parkway | La Porte, TX 77571 p. 281.470.5063 | f.
281.470.5005
website | map | email

-----Original Message-----

From: Shahid Maknojia [mailto:maknojias@gmail.com]
Sent: Monday, August 26, 2019 2:29 PM
To: Clowes, Ian <ClowesI@laportetx.gov>
Cc: Stewart, Chase <StewartC@laportetx.gov>
Subject: Re: Convenience Store/Dunkin Project - La Porte

No, they are standard pumps operate on regular POS system. The site is not suitable for truck stop and we are not expert in truck stop operations.

S. Maknojia
832-606-8254

Kings Construction

35 Cadence Ct
Richmond TX 77469

INVOICE

DATE: March 10, 2020
INVOICE # 9900

Shipped by:
Petroleum Solution, INC.

FOR: C-store

Bill To:
Swift Mart 146

	AMOUNT
Dispensers S700 - diesel flow restrictor	\$ 8,000.00
Hardware - new 2hp motor speed.	\$ 8,000.00
Veeder Root TLS 450 Plus tank monitor with system consc	\$ 800.00
Cashier/Manager workstation unit re test	\$ 800.00
TOTAL	\$ 17,600.00





Texas Department of Licensing and Regulation

Device Performance Report (DPR2021000085)

<https://www.tdlr.texas.gov/DPROnline/DeviceReport/DPR2021000085>



Report Number

DPR2021000085

DPR Date

8/31/2020

Created By

jamie@allstarpetroleumservices.com

Service Company

Allstar Petroleum Services

Service Company License Number

803237

Technician Name

Gerry Saltsman

Technician TDLR License Number

753126

Facility Name

Swiftmart

Facility TDLR Registration Number

Facility is not registered

Facility Physical Address

1320 Wharton Weems

La Porte, TX 77571

Devices delivering multiple products per nozzle (rated flow <20 GPM)

10

Devices delivering a single gasoline product per nozzle (rated flow <20 GPM)

0

Device delivering a single diesel or non-gasoline product per nozzle (rated flow <20 GPM)

4

Device delivering a single E85 ethanol fuel product per nozzle (rated flow <20 GPM)

0

Device rated flow >20-100 GPM

3

Device rated flow >100 GPM

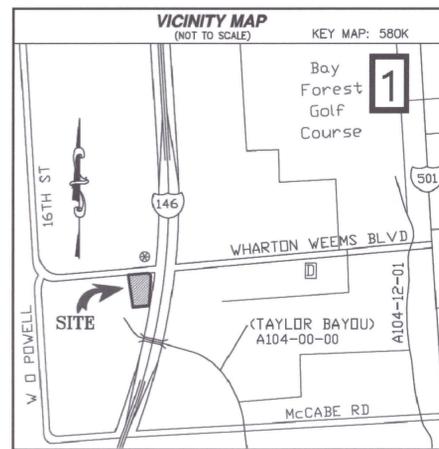
0

Liquid petroleum gas (LPG) meter

0

Skimmer found?

No



SCOPE OF WORK : PROPOSED 7,290 S.F. ONE STORY C-STORE & GAS STATION

ADDRESS

C-STORE: 1900 S HWY 146, SUITE 100, LA PORTE, TX 77571
DUNKIN: 1900 S HWY 146, SUITE 200, LA PORTE, TX 77571

LEGAL DESCRIPTION

A TRACT OF 3.9455 ACRES OF RESTRICTED RESERVE "H" THE PORT CROSSING AMENDING PLAT, A SUBDIVISION AS RECORDED UNDER FILM CODE NO. 676291 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

HCAD INFORMATION

HCAD NUMBER : 129-217-004-0005
RES H BLK 4
PORT CROSSING AMEND

REQUIRED PARKING ANALYSIS:

RETAIL (C-STORE): 4 MINIMUM PLUS 3 PER 1000 S.F.
4 + (7290 / 1000 x 3) = 26 NOS.
TOTAL PROVIDED PARKING SPACES = 49 SPACES INCLUDING 2 HANDICAP PARKING

OVERALL LOT COVERAGE CALCULATION

TOTAL SITE AREA = 170,253 S.F.
ALLOWABLE SITE COVERAGE = 40% OF THE LOT AREA = 170,253 S.F. X 40% = 68,101 S.F.
PROPOSED TOTAL SITE COVERAGE = 7,290 S.F. (BUILDING)

REQUIRED LANDSCAPE AREA

TOTAL GREEN AREA REQUIRED = 5% OF SITE = 170,253 S.F. X 5% = 8,513 S.F.
TOTAL GREEN AREA PROVIDED = 48,248 S.F. + 16,006 S.F. + 3,258 S.F. + 310 S.F. = 67,822 S.F.

TREES AND SHRUBS REQUIREMENTS

TOTAL STREET TREES REQUIRED : = 483' + 320' / 30'-0" = 27 TREES
TOTAL PARKING LOT TREES REQUIRED = 49 / 10 = 5 TREES (MIN. 2" DIA., 6' HT.)
TOTAL TREE PROVIDED = 11 TREES (MIN. 2" CALIPER AND 6' HIGH)
TOTAL SHRUB PROVIDED = 152 NOS. (MIN. 5 GAL.)

PARKING REQUIREMENTS

TOTAL 7,290 S.F. BUILDING
PER 106.839 - 4 MIN. + 3 PER 1000 S.F. (C-STORE)
- 4 MIN. + 10 PER 1000 S.F. (FOOD)
4 + (5,890 / 1000 x 4) = 28 NOS.
4 + (1,400 / 1000 x 10) = 18 NOS.
TOTAL 46 NOS. - REQUIRED
PROPOSED PARKING = 49 NOS. - PROVIDED

I, Shehnil Mathya, as Owners of the 3.9455 acres tract described in the above and foregoing site plan of SWIFT, do hereby establish said development of said property according to all lines, dedications, restrictions and notations on said site plan. I (We) further certify that all improvements shown on said site plan shall be constructed in the locations shown.

FURTHER, Owners agree to keep all of the property within the boundaries of this site plan and adjacent to any drainage easement, ditch, drainage ways and easements clear of fences, buildings, planting and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

FURTHER, Owners agree that those streets and utilities located within the boundaries of this site plan specifically noted as private, shall be maintained as private streets and utilities by the owners, heirs, successors and assigns and, further, that said private streets shall always be available for the general use of the public for firemen, firefighting equipment, police and other emergency vehicles of whatever nature at all times.

Shehnil Mathya (Name of Owner's)

In TESTIMONY WHEREOF, the (Suzanne Hwy 146, LLC Name of company) has caused these presents to be signed by (Shehnil Mathya Name of President), its President thereto authorized, attested by its Secretary (or authorized trust officer), (Name of Secretary of authorized trust officer), and its common seal hereunto affixed by this day of, 20 19.

By: Suzanne Hwy 146, LLC (President of Authorized Agent)

Suzanne Hwy 146, LLC (Name of Company)

Owner/President

ATTEST: By: Secretary or Authorized Trust Officer

Title: Affix Corporate Seal

FLOOD STATEMENT

ALL OF THIS PROPERTY LIES WITHIN ZONE "AE" FLOODPLAIN PER THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 48201C0945-M, WHICH BEARS AN EFFECTIVE DATE JANUARY 06, 2017. ZONE "AE" DENOTES AREA INSIDE THE 100 YEAR FLOODPLAIN. BFE=12.00

PROP. DEVELOPMENT

PROJECT NAME: SWIFT
TYPE OF DEVELOPMENT: COMMERCIAL

ZONING

PUD

NAICS

NAICS CODE 445120 CONVENIENCE STORES

OWNER AND DEVELOPER

SV & SONES, LLC
7603 HAMPDEN CT
SUGAR LAND, TX 77479
PH: 832-606-8254
EMAIL: MAKNOJIAS@GMAIL.COM

ENGINEER:

HEIGHTS ENGINEERING LLC
7324 SOUTHWEST FWY, STE 995
HOUSTON, TX 77074
PH: 713-333-0393
EMAIL: RANA@HEIGHTSENGINEERING.COM

SURVEYOR

HOVIS SURVEYING COMPANY
5000 CABBAGE ST
SPRING, TX 77379
PH: 281-320-9591
EMAIL: HOVIS@HOVISSURVEYING.COM

CITY APPROVING AUTHORITY CERTIFICATE
THIS IS TO CERTIFY THE CITY OF LA PORTE, TEXAS HAS APPROVED THIS SITE PLAN AND DEVELOPMENT OF SWIFT IN CONFORMANCE WITH THE ORDINANCES OF THE CITY OF LA PORTE.

BY: Teresa Vazquez Evans
DIRECTOR, PLANNING DEPARTMENT

SITE PLAN ACCURACY CERTIFICATE

I, RANA MAHMOOD, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSIONAL OF ENGINEERING (OR SURVEYING) AND HEREBY THAT ABOVE PLAT OR SITE PLAN IS TRUE AND CORRECT; AND THAT ALL BEARINGS, DISTANCES, ANGLES, CURVE RADII, AND CENTRAL ANGLES ARE ACCURATELY SHOWN ON THE PLAT.



RANA MAHMOOD, P.E.
TEXAS REGISTRATION NO. 101163
(AFFIX SEAL)

Signature of City Planner

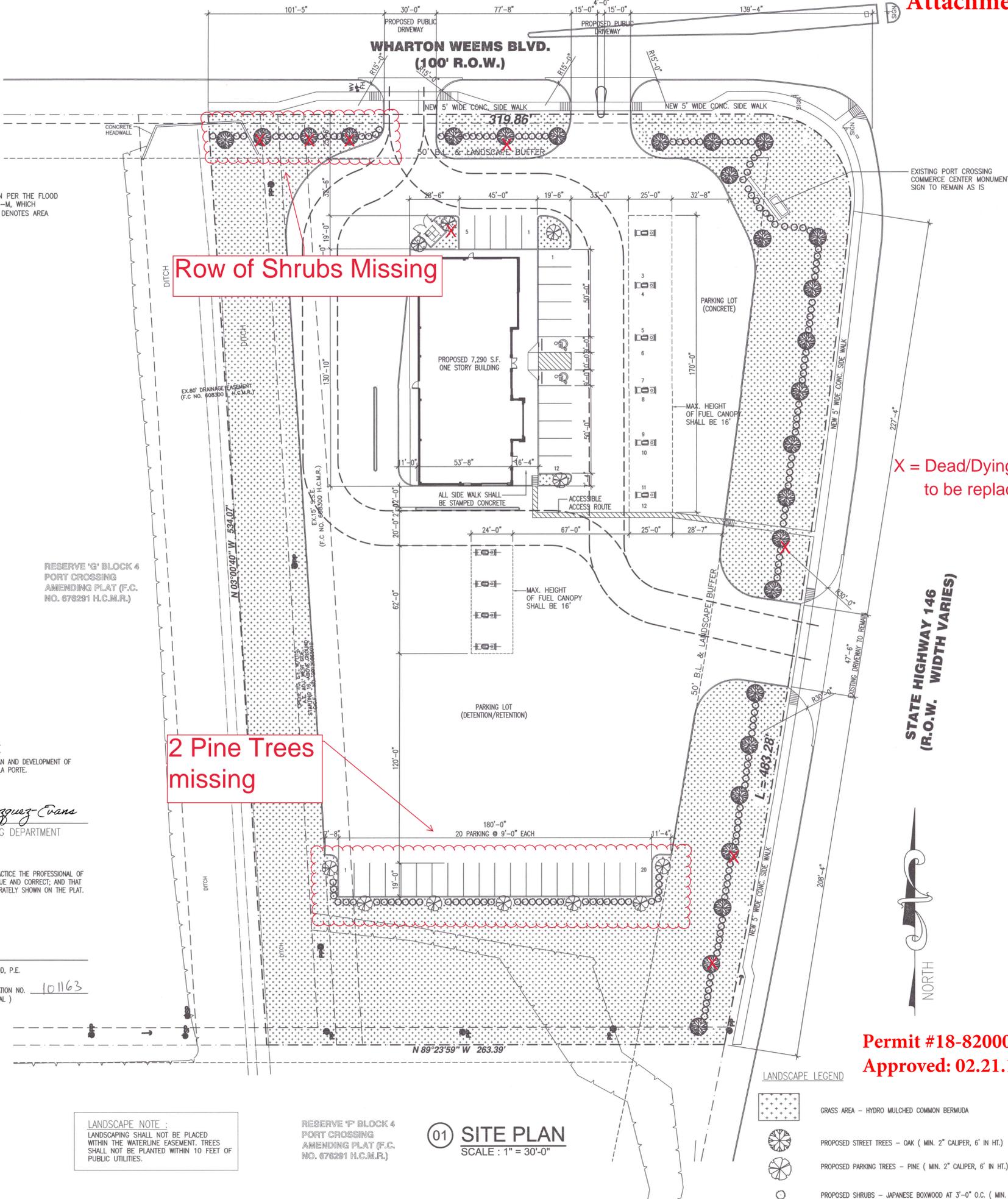
Signature of City Engineer

RESERVE "G" BLOCK 4
PORT CROSSING
AMENDING PLAT (F.C.
NO. 676291 H.C.M.P.R.)

LANDSCAPE NOTE :
LANDSCAPING SHALL NOT BE PLACED WITHIN THE WATERLINE EASEMENT. TREES SHALL NOT BE PLANTED WITHIN 10 FEET OF PUBLIC UTILITIES.

RESERVE "P" BLOCK 4
PORT CROSSING
AMENDING PLAT (F.C.
NO. 676291 H.C.M.P.R.)

01 SITE PLAN
SCALE : 1" = 30'-0"



X = Dead/Dying Tree to be replaced.

STATE HIGHWAY 146
(R.O.W. WIDTH VARIES)



Permit #18-8200021
Approved: 02.21.19

Landscape Legend table with symbols for grass area, proposed street trees, proposed parking trees, and proposed shrubs.

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DA-Space Concept

Space Planning - City Permitting - Code Consulting
11152 Westheimer Road, # 1001, Houston Texas 77042
Telephone : 832-755-4009
Email : dospacconcept@gmail.com

Proposed C-Store + Gas Station
SWIFT
1900 S HWY 146, SUITE 100 AND 200
LA PORTE TEXAS 77571

TRYL & ASSOCIATES
11707 CHAPPELLE COURT
HOUSTON TX 77077
FIRM # F-5762

Drawn By:

Checked By:

Issue Date:

Table with columns for No., Date, Issue / Revision.

SITE PLAN AND CODE INFORMATION

Sheet: A1.01

Dead Trees Along SH 146



Dead Tree along Wharton Weems Blvd.



Missing Shrubs and Dead Tree along Wharton Weems Blvd.



Dead Trees – 10.14.2020





Missing Shrubs along Wharton Weems – 10.14.2020



Truck Parking – 08.07.2020



Truck Parking – 09.28.2020



Truck Parking – 10.06.2020 AM



Truck Parking – 10.06.2020 PM



Truck Parking – 10.14.2020



Truck Parking – 10.15.2020 AM

