



City of La Porte Planning and Zoning Commission Agenda

Notice is hereby given of a **Regular Meeting** of the La Porte Planning and Zoning Commission to be held on **Thursday, February 19, 2015 at 6:00 p.m.** at City Hall Council Chambers, 604 West 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 meeting minutes: January 29, 2015.
4. Consider a recommendation to the City Council on an amendment to the city's Future Land Use Map amending a tract of land approximately 1.0 acres in area further described as Tracts 262 and 262A, La Porte Outlots, situated in the Enoch Brinson Survey, A-5, City of La Porte, Harris County, Texas, from "Large Lot Residential" to "Commercial."
5. Open public hearing to receive input on an application for Zone Change #15-92000001 by Jose Marroquin & Martina Guadalupe Marroquin on behalf of Dennis Noseworthy, owner of a 1.0 acre tract of land, described as Tracts 262 and 262A, La Porte Outlots, situated in the Enoch Brinson Survey, A-5, City of La Porte, Harris County, Texas, from Large Lot District (LL) to General Commercial (GC).
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (for, against, or questions)
 - d. Question and Answer
6. Close public hearing.
7. Consider recommendation to City Council on Zone Change request #15-92000001.
8. Consider a recommendation to City Council on an amendment to the city's Future Land Use Map amending a tract of land approximately 6.43 acres in area further described as Tracts 351 and 352, La Porte Outlots, situated in the Enoch Brinson Survey, A-5, Harris County, Texas, from "Large Lot Residential" to "Light Industrial."
9. Open public hearing to receive input on an application for Zone Change #15-92000002 by QualaWash Holdings LLC on behalf of Louisiana Chemical Co. LLC, owner of a 6.43 acre tract of land, described as Tracts 351 and 352, La Porte Outlots, situated in the Enoch Brinson Survey, A-5, Harris County, Texas, from Large Lot Residential (LL) to Light Industrial (LI).
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (for, against, or questions)
 - d. Question and Answer

10. Close public hearing.
11. Consider recommendation to City Council on Zone Change request #15-92000002.
12. Discussion on Chapter 106 (Zoning) follow-up items for review.
13. Discussion on establishing a Subcommittee for review of the Development Ordinance and Commission Bylaws.
14. Administrative reports.
15. Commission comments on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
16. 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, October 30, 2014, agenda of items to be considered by the Planning and Zoning Commission was posted on the City Hall bulletin board on the ____ day of _____, 2015.

Title: _____

**Planning and Zoning Commission
Minutes of January 29, 2015**

Commissioners Present: Richard Warren, Helen LaCour, Mark Follis, Wyatt Smith, Trey Kendrick, Nick Barrera, and Hal Lawler

Commissioners Absent: Lou Ann Martin and Les Bird

City Staff Present: Planning and Development Director Tim Tietjens, City Planner Eric Ensey, City Engineer Bob Eng, Assistant City Attorney Clark Askins, and Office Coordinator Peggy Lee

1. Call to order.

Chairman Hal Lawler called the meeting to order at 6:03 p.m.

2. Roll Call of Members.

Commissioners Warren, LaCour, Barrera, Follis, Smith, and Lawler were present for roll call. Commissioner Kendrick arrived shortly thereafter.

3. Consider approval of meeting minutes: December 18, 2014.

Motion by Commissioner Warren to approve the December 18, 2014, meeting minutes, with the following correction: Remove names of Commissioners shown under Agenda Item 2. "Roll Call of Members", and replace with the names listed under "Commissioners Present", which include Richard Warren, Mark Follis, Wyatt Smith, Lou Ann Martin, Trey Kendrick, Nick Barrera, and Hal Lawler.

Second by Commissioner Smith. Motion carried.

Ayes: Commissioners Warren, LaCour, Barrera, Follis, Smith, Kendrick, and Lawler

Nays: None

4. Open public hearing to receive input on an application for Special Conditional Use Permit #14-91000003 by Medders Construction, Inc., to allow for construction of an off-site parking lot on a 6,250 square foot lot further described as Lots 1 & 2, Block 789, Town of La Porte, City of La Porte, Harris County, Texas.

Chairman Lawler opened the public hearing at 6:05 p.m.

a. Staff Presentation

City Planner Eric Ensey presented the staff report on Special Conditional Use Permit request #14-91000003 to allow construction of an off-site parking lot with covered parking at the southeast corner of 16th and W. "C" Streets. The applicant owns and operates a general contractor construction company at 311 S. 16th Street. If approved, the site will provide additional parking for vehicles and flat-bed trailers (wheeled stock).

Notice of public hearing was mailed to property owners within 200' of the subject site. Of the eleven notices mailed, two responses were received: one in favor of the request, and one opposed.

b. Applicant Presentation

Terry Medders, Sr. and Terry Medders, Jr. explained the parking lot is needed to provide additional parking for the company's vehicles and trailers. There are currently only ten parking spaces for their business.

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

There were no public comments.

d. Question and Answer

The Commission and staff discussed driveway placement.

5. Close public hearing.

Chairman Lawler closed the public hearing at 6:40 p.m.

6. Consider recommendation to City Council on Special Conditional Use Permit #14-91000003.

Motion by Commissioner Follis to recommend approval to City Council of Special Conditional Use Permit #14-91000003 as presented in the staff report with a change to condition 5 regarding an alternate driveway along "C" Street, as shown below:

- 1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance.**
- 2. The plan shall comply with all other 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.**
- 3. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.**
- 4. The applicant shall provide screening in accordance with the provision of Section 106-444(a) on the east property line to mitigate impacts of the proposed parking lot on the residential properties to the east.**
- 5. Driveway access shall only be permitted on S. 16th Street, or alternatively, on West C Street at 40' from the eastern right-of-way line of S. 16th Street at its point of intersection with W. C Street.**
- 6. No outside storage of materials is permitted on site.**

7. **Parking shall be only for Medders Construction Co., Inc. or subsequent owner of the property at 311 S. 16th Street.**
8. **The paved surface shall be either asphalt or concrete.**
9. **The pavement shall remain in good, operable, dust free condition over time, and that repairs shall be made as necessary, or upon written notification by the city.**
10. **No storage of placard hazardous materials permitted on-site.**
11. **Minor amendments to the plans shall be subject to approval by the Director of Planning and Development. A significant change in the approved concept shall be subject to the Planning and Zoning Commission's review.**

Second by Commissioner Barrera. Motion carried.

Ayes: Commissioners Warren, LaCour, Barrera, Follis, Smith, Kendrick, and Lawler
Nays: None

7. **Consider approval of Major Development Site Plan #14-8300003; a request by La Porte Independent School District for construction of an addition to and other site improvements for La Porte High School located at 301 E. Fairmont Parkway.**

Eric Ensey presented the staff report on a Major Development Site Plan for LPISD's addition and site improvements for La Porte High School located at 301 E. Fairmont Parkway.

Walter Smith, owner of Arbor Leaf Engineering, Tomball, Texas, and Adam Hutchinson, Project Manager, responded to questions from the Commission regarding fire hydrant placement and project/traffic plans.

Motion by Commissioner Warren to approve Major Development Site Plan #14-8300003 to allow construction of an addition and other site improvements for La Porte High School located at 301 E. Fairmont Parkway with the condition that staff ensure all site plan comments are addressed, including placement of the existing and proposed fire hydrants and locations of onsite and offsite utilities being shown on the plan.

Second by Commissioner LaCour. Motion carried.

Ayes: Commissioners Warren, LaCour, Barrera, Follis, Smith, Kendrick, and Lawler
Nays: None

8. **Administrative reports.**

Planning and Development Director Tim Tietjens reminded the Commission of City Council's recent adoption of amendments to the Zoning Ordinance. As part of that approval, the Council requested the Planning and Zoning Commission perform a review of the provisions of the code related to:

tree preservation, temporary signs, and outdoor storage. Additionally, as a result of the Planning and Development Department audit, the Commission is being asked to develop Bylaws and to perform a comprehensive review of the Development Ordinance.

City Planner Eric Ensey informed the Commission of a Neighborhood Meeting scheduled for February 5th with the property owners/residents in the "circle" areas adjacent to Sylvan Beach Park. The purpose of the meeting is to provide information about the proposed city initiated rezoning of their property from Neighborhood Commercial District to Mixed Use District. A notice for this meeting will be posted.

In response to questions from the Commission, Mr. Tietjens updated the Commission on the status of the Planning and Development Department audit and on Kobelco Compressor's efforts to develop a site in La Porte.

Commissioner Follis suggested a review of the Thoroughfare Plan in the next few months.

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

Commissioners commented on having a good meeting and well wishes for a great 2015. There was a request for Peggy Lee to email a reminder of the February 5th neighborhood meeting.

10. Adjourn

Motion by Commissioner Kendrick to adjourn.

Second by Commissioner LaCour.

Chairman Lawler adjourned the meeting at 7:25 p.m.

Respectfully submitted,

Peggy Lee
Secretary, Planning and Zoning Commission

Passed and Approved on _____, 2015.

Hal Lawler
Chairman, Planning and Zoning Commission

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



February 19, 2015

AGENDA ITEM 4

Consider approval of an amendment to
the City of La Porte's Future Land Use Plan amending
Tracts 261, 261A, 262 and 262A, La Porte Outlots, situated in the Enoch Brinson Survey, A-5,
City of La Porte, Harris County, Texas,
from split "Large Lot Residential" and "Commercial" to "Commercial"

***Eric J. Ensey, 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 to the City Council of an amendment to the city's Future Land Use Map amending a tract of land approximately 1.0 acres in area further described as Tracts 262 and 262A, La Porte Outlots, situated in the Enoch Brinson Survey, A-5, City of La Porte, Harris County, Texas, from split Large Lot Residential and Commercial to all Commercial?

RECOMMENDATION

Staff recommends the Planning and Zoning Commission recommend approval to the City Council of an amendment to the city's Future Land Use Map amending the subject parcel as described above from split Large Lot Residential and Commercial to all Commercial.

DISCUSSION

Staff is presenting a request for an amendment to the city's Future Land Use Plan as a result of an application by Jose Marroquin & Martina Guadalupe Marroquin for a rezoning of a tract of land owned by Dennis Noseworthy. Mr. Noseworthy is currently the owner of a 2.14 acre tract of land known as Tracts 261, 261A, 262 and 262A, La Porte Outlots. Tracts 261 and 261A are already zoned GC, General Commercial and are identified as "Commercial" on the city's Future Land Use Map. The applicant plans to acquire the property and construct an automobile and truck repair facility. The proposed rezone would make entire 2.14 acre parcel of land GC, General Commercial.

The City of La Porte's Land Use Map currently identifies the subject site with a split of land uses: Large Lot Residential on the western portion of the site and Commercial on the eastern portion of the site along Sens Road. See the attached Exhibit B identifying the Land Use Map for this area. In order to rezone the property, the city's Land Use Map would need to be amended to identify the entire site as Commercial use.

Section 213.003 of the Texas Local Government Code (LGC) specifies requirements for amending the city's Future Land Use Map, 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 approval 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 B):

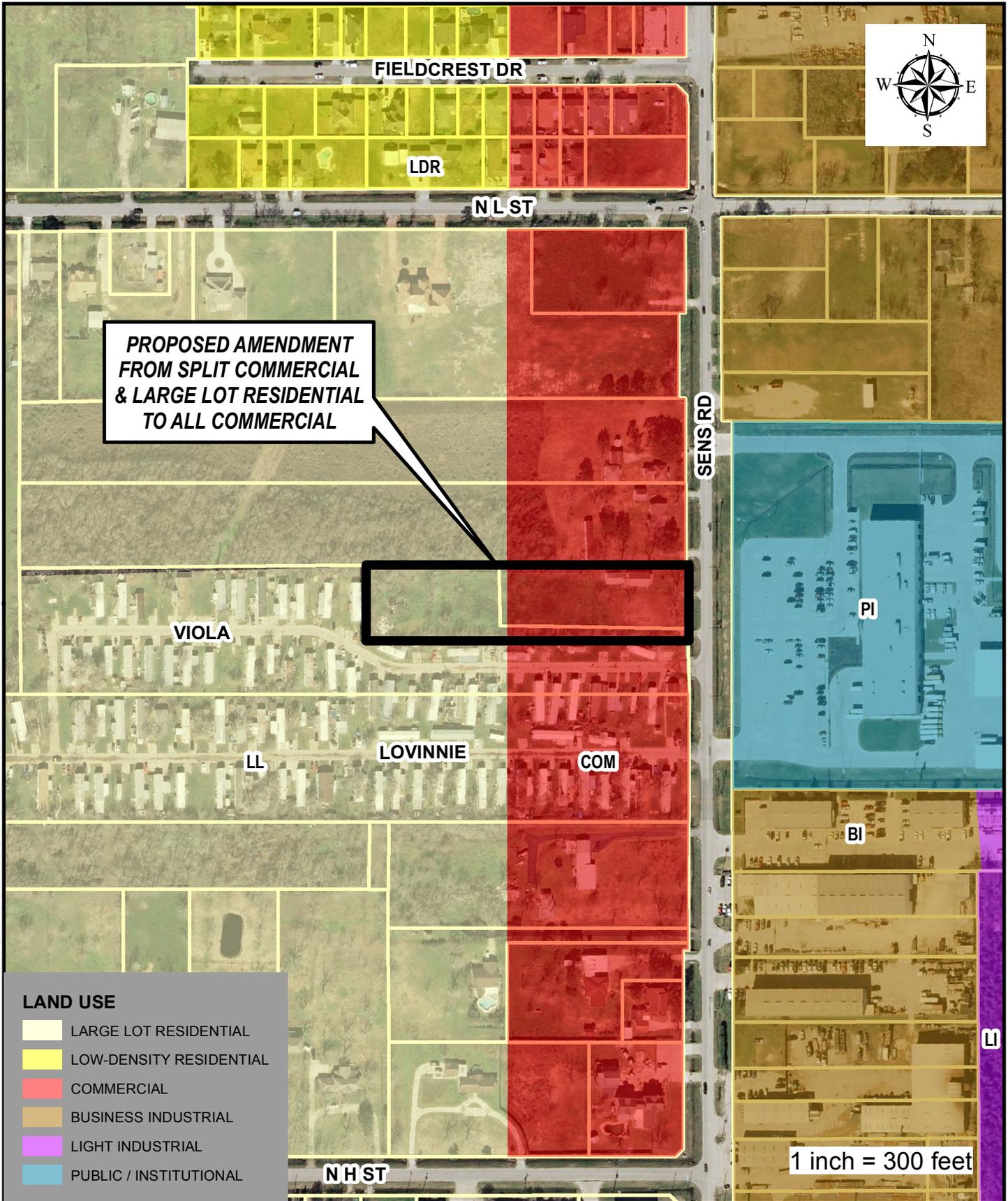
	Zoning	Land Use
North	GC, General Commercial and LL, Large Lot Residential	Existing non-conforming residential (2000 Sens Road)
South	MH, Manufactured Housing	Existing manufactured housing park
West	MH, Manufactured Housing	Existing manufactured housing park
East	BI, Business Industrial	La Porte ISD Administration and Bus Facility

With the proposed amendment, the subject property would be consistent with the commercial uses identified along Sens Road. Additionally, staff has concerns that the portion of the site identified for Large Lot Residential use will have a difficult time developing as large lot residential because it would be required to be accessed from Sens Road through a “flag pole” lot configuration and would be surrounded on the south and west by a manufactured housing park and to the east by commercial development.

ATTACHMENTS

Exhibit A: Future Land Use Map

EXHIBIT 'A' - FUTURE LAND USE MAP



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



February 19, 2015

AGENDA ITEM 5

Consider approval of a Zone Change
to rezone a tract of land approximately 1.0 acres in area further described as
Tracts 262 and 262A, La Porte Outlots, situated in the Enoch Brinson Survey, A-5,
City of La Porte, Harris County, Texas,
from LL, Large Lot Residential, to GC, General Commercial
Applicant: Jose Marroquin & Martina Guadalupe Marroquin (on behalf of Dennis Noseworthy).

***Eric J. Ensey, 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 to the City Council of the proposed rezoning of a tract of land approximately 1.0 acres in area further described as the 262 and 262A, La Porte Outlots, situated in the Enoch Brinson Survey, A-5, City of La Porte, Harris County, Texas, from LL, Large Lot Residential, to GC, General Commercial?

RECOMMENDATION

Staff recommends the Planning and Zoning Commission recommend approval of the request by the Marroquins (on behalf of the property owner Dennis Noseworthy) to rezone the subject property from LL to GC.

DISCUSSION

Applicant/Property Owner:

The applicant is Jose Marroquin & Martina Guadalupe Marroquin on behalf of the property owner Dennis Noseworthy.

Applicant's Request:

The applicant has agreed to purchase the entire 2.14 acre tract of land from the property owner. The applicant desires to construct an automobile and truck repair facility at the subject site. The attached Exhibit B is a copy of the application and project description letter provided by the applicant.

Background Information:

The subject site proposed to be rezoned is a 1.0 acre portion of a parcel of land 2.14 acres in area. The site is generally located on the west side of Sens Road between N. H Street and N. L Street.

The entire 2.14 acre site has a legal description of: Tracts 261, 261A, 262 and 262A, La Porte Outlots, situated in the Enoch Brinson Survey, A-5, City of La Porte, Harris County, Texas. Tracts 261 and 261A are already zoned GC, General Commercial, while Tracts 262 and 262A are split zoned GC and Large Lot Residential.

The attached Exhibit C is an area vicinity map with zoning that shows the location of the parcel. The subject site is split-zoned with a portion of the site along Sens Road zoned GC and the western portion zoned LL. In order to construct the proposed facility, the property would need to be zoned. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	GC, General Commercial and LL, Large Lot Residential	Existing non-conforming residential (2000 Sens Road)
South	MH, Manufactured Housing	Existing manufactured housing park
West	MH, Manufactured Housing	Existing manufactured housing park
East	BI, Business Industrial	La Porte ISD Administration and Bus Facility

The site is currently identified in the Future Land Use Map with a split-land use designation with Large Lot Residential on the western portion of the site and Commercial on the eastern portion of the site along Sens Road (see Exhibit D). As a result, in order to rezone the property the city’s Future Land Use Map will need to be amended to identify this site as Commercial. The previous item on the agenda represents this request.

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; sign posted on the site 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 entire 2.14 acre site is currently split-zoned LL, Large Lot Residential, and GC, General Commercial and the City’s adopted Future Land Use Map identifies it as split as well with Large Lot Residential on the western portion of the site and Commercial along Sens Road. The applicant seeks to have the entire site rezoned to GC (General Commercial) for the purpose of constructing an automobile and truck repair facility (NAICS classification number 811111). NAICS does not separate truck repair from automotive repair. Therefore truck repair is a permitted use in the GC district. Although Sens Road is not currently designated as a high frequency truck use, the code does not restrict truck repair to high frequency truck use roads.

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Marroquin Zone Change

The 1.0 acre portion of the site zoned LL will have a difficult time developing as large lot residential because access would be required from Sens Road through a “flag pole” lot configuration and would be surrounded on the south and west by a manufactured housing park and to the east by commercial development.

2. *Utilities.* Water and sanitary sewer facilities are located along Sens Road and provide the site adequately.
3. *Buffer.* Section 106-444(a) of the city’s Code of Ordinances outlines buffer requirements that the applicant will need to adhere to as part of their development. As a result, the applicant will be required to provide an 8-foot high solid wood or masonry fence adjacent to any residentially zoned property to minimize any potential impact to the existing residential. This buffer is reviewed by staff as part of the site development plan process.

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.	There is access to existing utilities to support the proposed use.
Impact on the value and practicality of the surrounding land uses.	The applicant will be required to provide the necessary screening in accordance with Section 106-444(a) of the city’s Code of Ordinances to mitigate impacts on adjacent residential uses.
Conformance of a zoning request with the land use plan.	A request to consider amending the city’s land use map is being presented concurrently with this request. The proposed commercial use is consistent with the planned commercial uses to the north of the site along Sens Road.
Character of the surrounding and adjacent areas.	The future land use map identifies commercial uses along Sens Road. As a result, the proposed rezoning would be consistent with that goal of promoting commercial development along Sens.
Suitability of the property for the uses which would be permissible, considering density, access and circulation, and adequacy of public facilities and services.	The proposed rezone would be consistent in terms of density with other GC uses. The proposed use would be a suitable use for the site.
The extent to which the proposed use designation would adversely affect the capacity or safety of that portion of the road.	The proposed rezoning will not adversely impact the traffic in the vicinity as Sens Road is slated for expansion beginning in 2015 by Harris County.
The extent to which the proposed use designation would create excessive air pollution, water pollution, noise pollution, or other environmental harm	The applicant will be required by the code to provide screening that will mitigate the impacts of the development on adjacent properties.

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Marroquin Zone Change

to adjacent properties.	
The gain, if any, to the public health, safety, and welfare of the City.	The proposed rezone promotes development of the Sens Road corridor.

Conclusion:

Based on the above analysis, staff supports the request by the applicant to rezone the subject property from split GC, General Commercial and LL, Large Lot Density Residential, to all GC, General Commercial.

ATTACHMENTS

- Exhibit A: Zone Change Permit Application and Supplemental Information Provided by the Applicant
- Exhibit B: Area and Zoning Map
- Exhibit C: Land Use Map

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

Planning & Development Department
ZONE CHANGE PERMIT APPLICATION

EXHIBIT A
Phone: 281.470.5073
Fax: 281.470.5005
www.laportetx.gov

1. PROPERTY OWNER CONTACT INFORMATION:

OWNER'S NAME: Jose Marroquin & Martina Guadalupe Marroquin PHONE 1: 281-932-7433
PHONE 2: n/a FAX #: n/a
E-MAIL: jmtruckservices@yahoo.com
MAILING ADDRESS: 2507 Mulberry Lane, Pasadena TX 77502

2. AGENT REPRESENTING PROPERTY OWNER (If Applicable):

AGENT / CONTRACTOR COMPANY: Hilda Cantu - Cannon Realty and Associates
PHONE 1: 832-215-5349 PHONE 2: _____
E-MAIL: hcantu@cannonrealtyassociates.com FAX #: 281-936-0450
MAILING ADDRESS: 25511 Budde Road, Suite 1603 The Woodlands, TX 77380
CONTACT PERSON'S NAME: Hilda Cantu PHONE: 832-215-5349

3. PROPERTY DESCRIPTION:

HCAD PARCEL NO(s) 13-digit Tax ID(s):
1.) 0231360000257
2.) 0231360000258
3.) _____
PROPERTY ADDRESS (If existing): 2014 & 2022 Sens Road, La Porte, TX 77571
PROPERTY LEGAL DESCRIPTION: TRS 261A & 262 La Porte Outlots | TRS 261 & 262A La Porte Outlots

4. ZONING INFORMATION OF PROPERTY:

CURRENT ZONING DESIGNATION: Commercial/Residential REQUESTED ZONING DESIGNATION: Commercial
CURRENT SIC/NAICS USE NO.: None PROPOSED USAGE: General Auto/Truck Repair NAICS Code: 811111

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

- COMPLETE ITEMS 1-5 OF PERMIT APPLICATION
- ATTACH CERTIFIED PLAN [check applicable box(es)]:
 - GENERAL PLAN
 - MINOR DEV. SITE PLAN
 - MAJOR DEV. SITE PLAN
 - PRELIM. PLAT
- SUBMIT NON-REFUNDABLE \$300.00 APPLICATION FEE

PRINTED NAME: Jose E. Marroquin SIGNATURE: [Signature] DATE: 01-02-2015
Martina Gpe Marroquin [Signature]

(STAFF USE ONLY): APPLICATION NO: 15-92000001

DATE OF P&Z PUBLIC HEARING: Feb 19, 2015 RECOMMENDATION: YES NO
APPLICANT & ADJACENT OWNERS NOTIFIED: YES NO DATE OF NOTIFICATION: _____
DATE OF CITY COUNCIL AGENDA: _____ APPROVED: YES NO
ADOPTED BY ORDINANCE NO.: _____
COMMENTS: _____

January 2, 2015

Jose Marroquin
Martina Guadalupe Marroquin
2507 Mulberry Lane
Pasadena, TX 77502

City of La Porte Texas
Planning & Development Department
604 W. Fairmont
La Porte, TX 77571

To Whom It May Concern:

We are applying for a rezone change to an unimproved property, 2014 & 2022 Sens Road. Currently, the front of the property is zoned commercial (1 acre). The remaining 1.140 acres are zoned residential. My petition is for the property to be rezoned to all commercial. My plans for the property are to expand my current business, General Auto/Truck Repair.

Please find enclosed the application, the HCAD plot map and the HCAD property information.

Thank you for your time and consideration.

Sincerely,

Jose Marroquin



Martina Guadalupe Marroquin

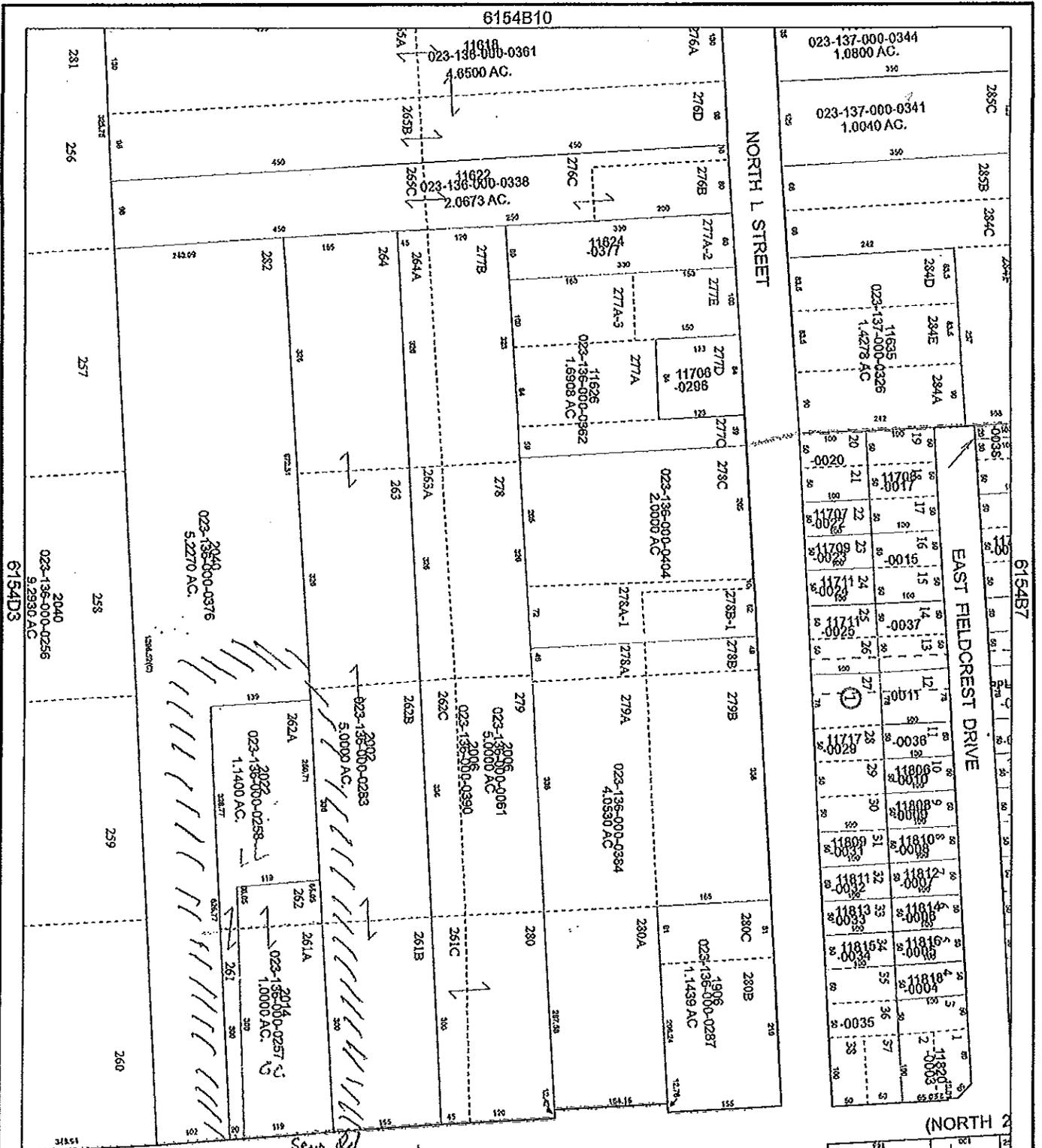


Ensey, Eric

From: dkdesigns2 [dkdesigns2@earthlink.net]
Sent: Tuesday, January 27, 2015 7:56 PM
To: Ensey, Eric
Subject: Authorization

This is to give authorization to buyers of property located at 2022 and 2014 Sens Road as commercial property.
Dennis Noseworthy

Sent from my Verizon Wireless 4G LTE smartphone

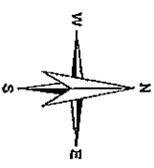


FACET 6154B

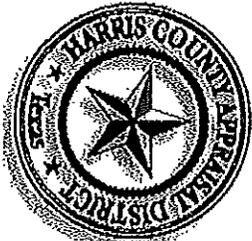
1	2	3	4
5	6	7	8
9	10	11	12



MAP LOCATION



0 100 200
 PUBLICATION DATE: 2/24/2009



Harris County Appraisal District

6154B12

NORTH 2

EXHIBIT 'B' - AREA & ZONING MAP

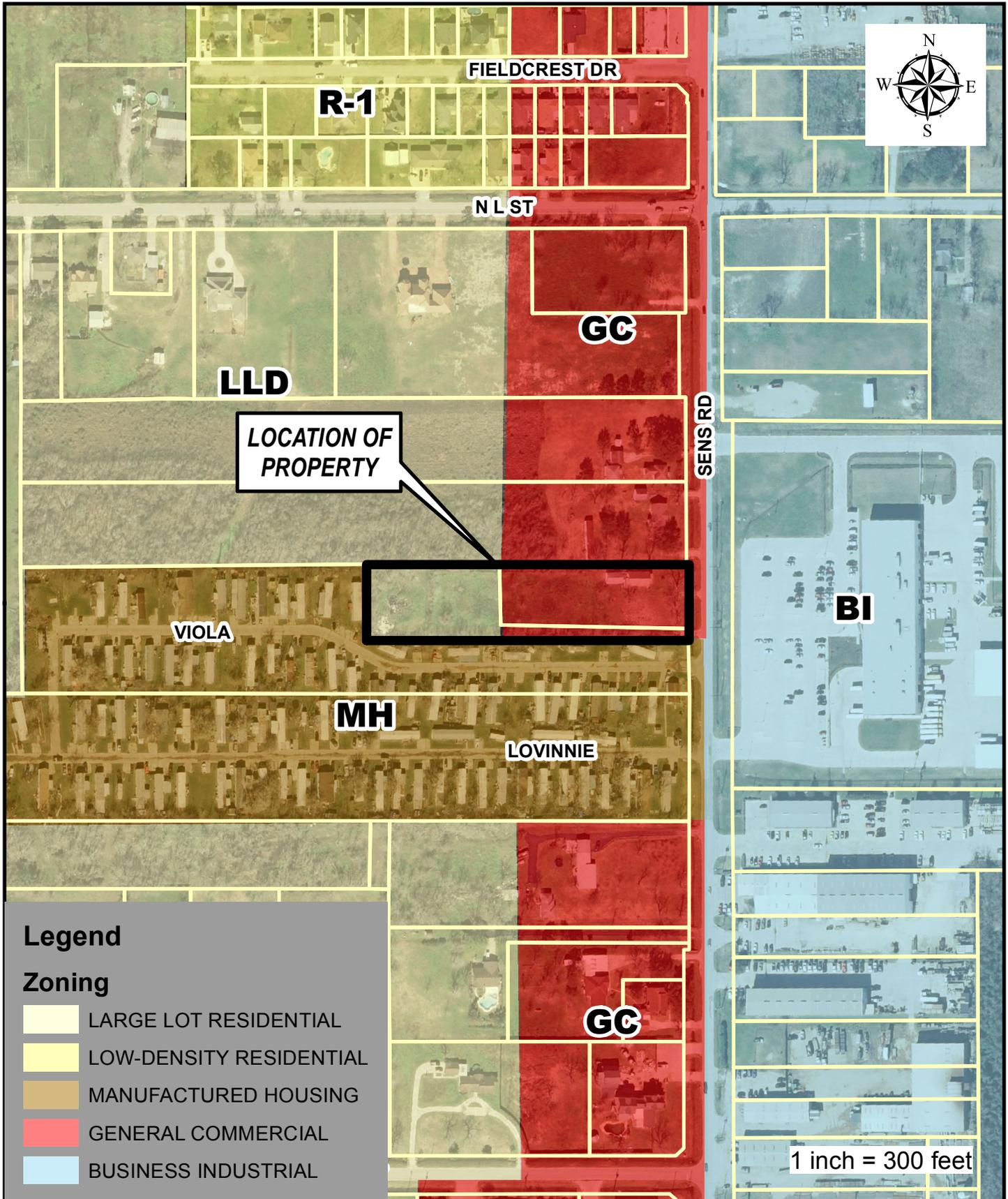
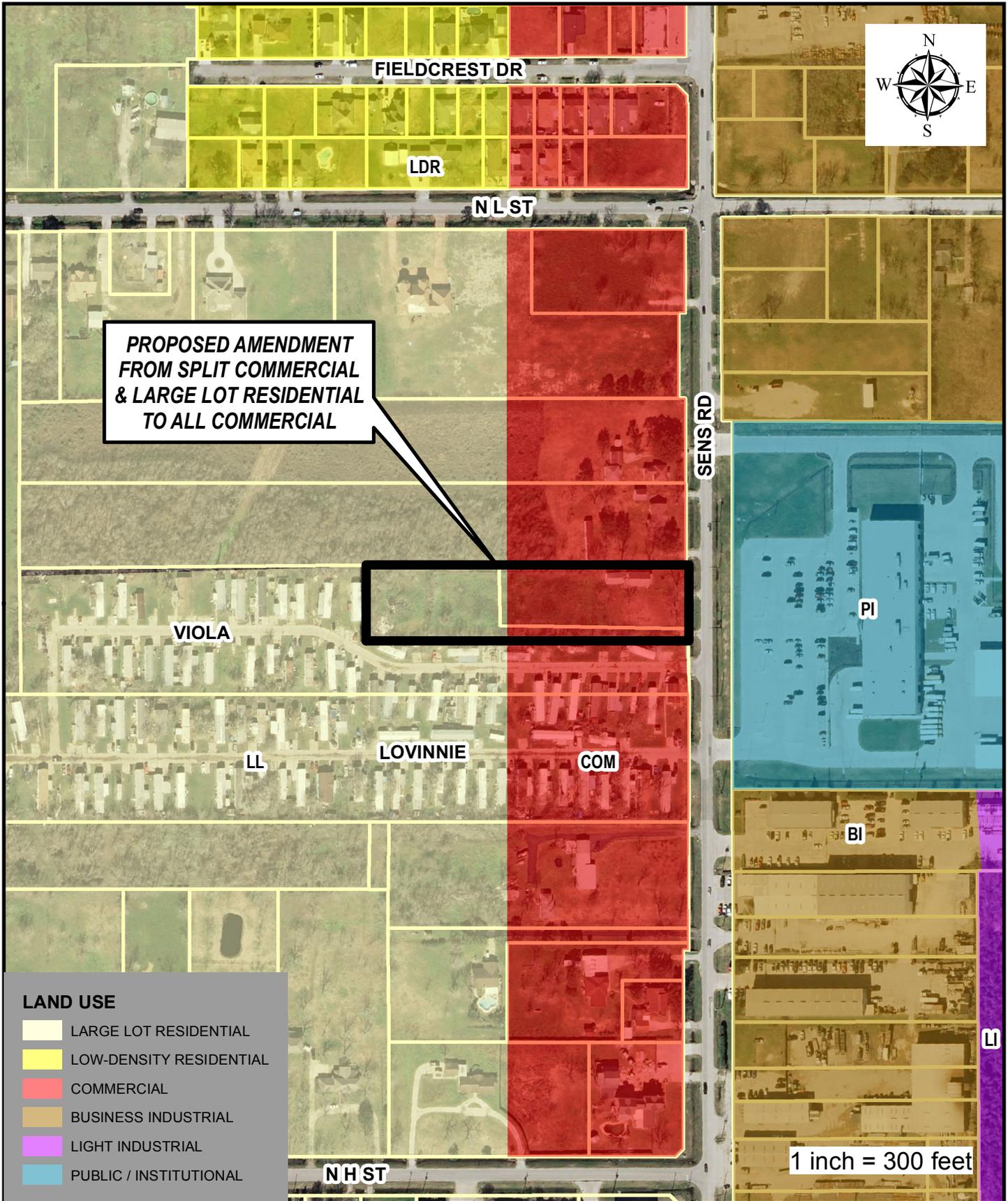


EXHIBIT 'C' - LAND USE MAP



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



February 19, 2015

AGENDA ITEM 8

Consider approval of an amendment to
the City of La Porte's Future Land Use Plan amending
Tracts 351 and 352, La Porte Outlots, situated in the Enoch Brinson Survey, A-5,
City of La Porte, Harris County, Texas,
from "Large Lot Residential" to "Light Industrial"

***Eric J. Ensey, 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 to the City Council of an amendment to the city's Future Land Use Plan amending a 6.43 acre tract of land further described as Tracts 351 and 352, La Porte Outlots, situated in the Enoch Brinson Survey, A-5, Harris County, Texas, from Large Lot Residential to Light Industrial?

RECOMMENDATION

Staff recommends the Planning and Zoning Commission recommend approval to the City Council of an amendment to the city's Future Land Use Plan amending the subject parcel as described above from Large Lot Residential to Light Industrial.

DISCUSSION

Staff is presenting a request for an amendment to the city's Future Land Use Plan as a result of an application by QualaWash Holdings LLC for a rezoning of a tract of land owned by Louisiana Chemical Co. LLC. The proposal is to rezone the entire 6.43 acre parcel of land from LL, Large Lot Residential, to LI, Light Industrial.

The City of La Porte's Land Use Map currently identifies Tracts 351 and 352 as Large Lot Residential. See the attached Exhibit A identifying the Land Use Map for this area. In order to rezone the property, the city's Land Use Map would need to be amended to identify this site as Light Industrial.

Section 213.003 of the Texas Local Government Code (LGC) specifies requirements for amending the city's Future Land Use Map, 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 approval 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):

Planning and Zoning Commission Regular Meeting
February 19, 2015
Louisiana Chemical/QualaWash Future Land Use Map Amendment

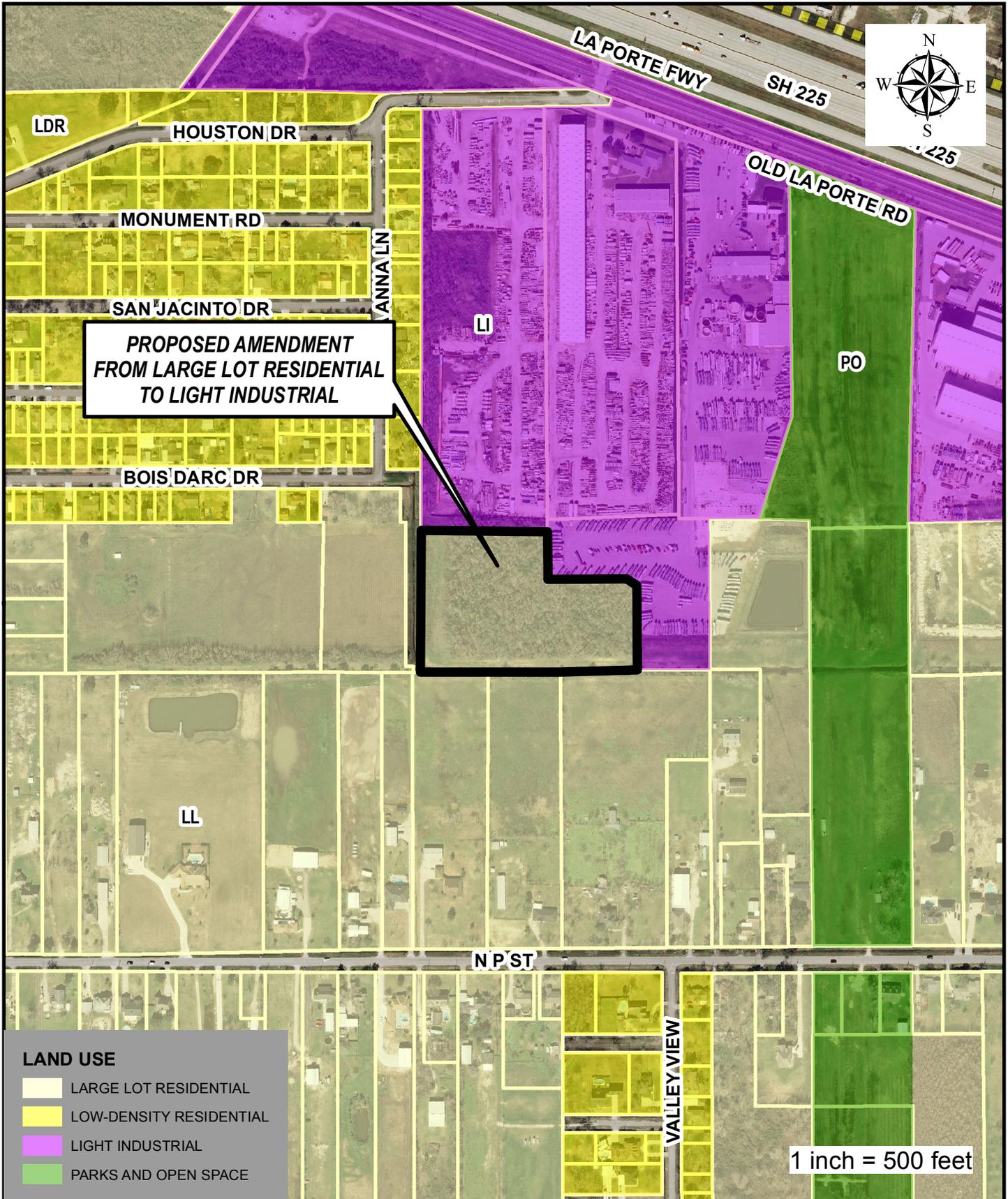
	Zoning	Land Use
North	LI, Light Industrial	Louisiana Chemical property
South	LL, Large Lot Residential	Existing large lot residential lots at 11201, 11211, and 11223 N. P Street
West	LL, Large Lot Residential	Existing large lot residential lot at 11102 Bois D'Arc Drive
East	LI, Light Industrial	QualaWash Holdings property

With the proposed amendment, the subject property will be a consistent use with those properties located adjacent to the north and east. Additionally the location of the existing F101-80-00 drainage channel located adjacent to the west and south property line of the subject site make it difficult and costly for the site to develop residentially.

ATTACHMENTS

Exhibit A: Future Land Use Map

EXHIBIT 'A' - FUTURE LAND USE MAP



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



February 19, 2015

AGENDA ITEM 9

Consider approval of a Zone Change to rezone a 6.43 acre tract of land further described as Tracts 351 and 352, La Porte Outlots, situated in the Enoch Brinson Survey, A-5, City of La Porte, Harris County, Texas, from LL, Large Lot Residential, to LI, Light Industrial
Applicant: QualaWash Holdings LLC (on behalf of Louisiana Chemical Co. LLC).

*Eric J. Ensey, 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 to the City Council of the proposed rezoning of a 6.43 acre tract of land further described as Tracts 351 and 352, La Porte Outlots, situated in the Enoch Brinson Survey, A-5, Harris County, Texas, from LL, Large Lot Residential, to LI, Light Industrial?

RECOMMENDATION

Staff recommends the Planning and Zoning Commission recommend approval of the request by Louisiana Chemical and QualaWash to rezone the subject property from LL to LI. Further, as agreed to by the applicant, the recommendation should be conditioned on the property owner establishing and maintaining a 30' buffer parallel to the south property line and a 20' buffer to the west property line. The existing trees shall remain within the buffer area to minimize the impact of the property on the existing residential large lot development.

DISCUSSION

Applicant/Property Owner:

QualaWash Holdings LLC (11110 Old La Porte Road) on behalf of the property owner Louisiana Chemical Co. LLC (11100 La Porte Freeway).

Applicant's Request:

As a means of background information, the property owner Louisiana Chemical Co. LLC has agreed to lease a 5.0 acre portion of the subject 6.43 acres to the applicant QualaWash Holdings LLC. The applicant desires to construct an additional parking lot for trucks and trailers. The attached Exhibit B is the application submitted to the city. Attached to that exhibit is a project description letter, conceptual site plan and rendering prepared by the applicant that explains their intended use of the property. At this time there is no plan for the remaining 1.43 acres that will remain under ownership of Louisiana Chemical.

Background Information:

The subject site proposed to be rezoned is approximately 6.43 acres and is located south of Highway 225 and east of Miller Cut-Off Road. The attached Exhibit C is an area map

that identifies the subject site and the ownership interests of both Louisiana Chemical and QualaWash.

The legal description of the parcel is: Tracts 351 and 352, La Porte Outlots, situated in the Enoch Brinson Survey, A-5, Harris County, Texas.

The site is currently zoned LL, Large Lot Residential, and is vacant and wooded. The F101-80-00 drainage channel runs adjacent to the subject site on the west and the curves along the south property line of the subject site.

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

	Zoning	Land Use
North	LI, Light Industrial	Louisiana Chemical property
South	LL, Large Lot Residential	Existing large lot residential lots at 11201, 11211, and 11223 N. P Street
West	LL, Large Lot Residential	Existing large lot residential lot at 11102 Bois D'Arc Drive
East	LI, Light Industrial	QualaWash Holdings property

The site is currently identified as Large Lot Residential in the Future Land Use Map (see Exhibit E). As a result, in order to rezone the property the city's Future Land Use Map will need to be amended to identify this site as Large Lot Residential. The previous item on the agenda represents this request.

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; sign posted on the site 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 subject site is currently zoned LL, Large Lot Residential, and the City's adopted Future Land Use Map identifies it as Large Lot Residential. The applicant seeks to have the subject property rezoned from LL (Large Lot Residential) to LI (Light Industrial) for the purpose of constructing a parking lot addition. There are a number of physical constraints associated with the site that

warrant consideration for the proposed rezone. The location of the F101-80-00 drainage channel located parallel to the west and south property line of the subject site provide a physical constraint that, in effect, limits access to the parcel to develop as a large lot residential use.

2. *Access.* Although the subject site is adjacent to a public right-of-way to the west (a continuation of Bois D'Arc Drive), that R.O.W. is currently being utilized as a significant drainage channel. Because of this, access to the site to develop as a large lot residential use would be costly and very difficult; requiring culverting of the channel and/or construction of a bridge. Staff finds that access to the adjacent industrial parcels to the north would be more reasonable.
3. *Utilities.* Water and sewer lines are not in the vicinity of the subject site, therefore requiring extensions of those lines in order for the site to develop residentially. Since the applicant has direct access to public water and sewer along Old La Porte Road, they could tie into their existing private systems if utilities are needed. However, in the case of the proposed parking lot expansion, there would be no need for water or sewer utilities.
4. *Buffer.* The applicant has met with the surrounding property owners to discuss their proposal and address any of the neighbor's concerns. The applicant has agreed to maintain a 30' buffer parallel to the south property line and a 20' buffer to the west property line and not remove the existing wooded area within that buffer areas. Also, Section 106-444(a) of the city's Code of Ordinances outlines buffer requirements that the applicant will need to adhere to as part of their development. As a result, the applicant will be required to provide an 8-foot high solid wood or masonry fence to minimize any potential impact to the existing residential. The location of the fence will be between the parking area and the wooded buffer.

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:

Planning and Zoning Commission Regular Meeting
 February 19, 2015
 Louisiana Chemical/QualaWash Zone Change

Criterion:	Staff Findings:
Ability of infrastructure to support the permitted use.	As proposed the subject site will tie into the existing industrial development to the north and will tie into utilities on those properties, if required.
Impact on the value and practicality of the surrounding land uses.	With the agreement of the applicant to maintain a 30' wooded buffer along the south property line and a 20' buffer along the west perimeter of the site and the required 8' fence between the parking lot and the wooded buffer, the applicant has provided mitigation intended to minimize any impact on adjacent properties.
Conformance of a zoning request with the land use plan.	A request to consider amending the city's land use map is being presented concurrently with this request. The proposed light industrial use is consistent with the existing uses of properties immediately adjacent to the north and east of the subject site.
Character of the surrounding and adjacent areas.	Rezoning to LI is consistent with the existing LI zoned properties to the north and west. The proposed use will not negatively impact the character of the surrounding area.
Suitability of the property for the uses which would be permissible, considering density, access and circulation, and adequacy of public facilities and services.	The proposed rezone would be consistent in terms of density with surrounding properties to the north and east. The proposed use is a suitable use for the site. The location of the F-101-80-00 drainage channel adjacent to the west and south make it difficult for the subject site to develop residentially.
The extent to which the proposed use designation would adversely affect the capacity or safety of that portion of the road.	The proposed rezoning will not adversely impact the traffic in the vicinity as access to the site will be from Old La Porte Road and Highway 225 and through the Louisiana Chemical and QualaWash properties.
The extent to which the proposed use designation would create excessive air pollution, water pollution, noise pollution, or other environmental harm to adjacent properties.	Although the proposed use will bring truck traffic to the subject site and closer to some residential properties, the applicant has agreed to maintain a 30' wooded buffer along the south property line and a 20' buffer along the west property line that will substantially minimize pollution and other environmental harm to adjacent properties.
The gain, if any, to the public health, safety, and welfare of the City.	The proposed rezone does not provide a gain to the public health, safety, and welfare of the City.

Conclusion:

Based on the above analysis, staff supports the request by the applicant to rezone the subject property from LL, Large Lot Residential, to LI, Light Industrial. Subject to the property owner establishing and maintaining a 30' buffer parallel to the south property line and a 20' buffer parallel to the west property line of the subject site to mitigate potential impacts of the proposed development on the existing large lot residential uses to the south and west of the site. The applicant has agreed not to remove any of the trees in the buffer area.

ATTACHMENTS

- Exhibit A: Zone Change Permit Application and Supplemental Information Provided
by the Applicant
- Exhibit B: Area Map
- Exhibit C: Zoning Map
- Exhibit D: Land Use Map

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

Planning & Development Department
ZONE CHANGE PERMIT APPLICATION

Phone: 281.470.5073
Fax: 281.470.5005
www.laportetx.gov

1. PROPERTY OWNER CONTACT INFORMATION:

OWNER'S NAME: Louisiana Chemical Co. LLC PHONE 1: 281-471-4900
PHONE 2: _____ FAX #: _____
E-MAIL: _____
MAILING ADDRESS: PO Box 1490, La Porte Tx 77572

2. AGENT REPRESENTING PROPERTY OWNER (If Applicable):

AGENT / CONTRACTOR COMPANY: SDC Construction / Tony Garcia Jr., President
PHONE 1: 832-724-0206 PHONE 2: _____
E-MAIL: tonyjr@sdcbuilds.com FAX #: _____
MAILING ADDRESS: 4221 McKinney St, Houston Tx 77023
CONTACT PERSON'S NAME: Mr. Tony Garcia PHONE: 832-724-0206

3. PROPERTY DESCRIPTION:

HCAD PARCEL NO(s) 13-digit Tax ID(s): 1.) 023-139-000-0351
2.) _____
3.) _____
PROPERTY ADDRESS (if existing): 11100 La Porte Fwy
PROPERTY LEGAL DESCRIPTION: TRS 351 7 352 La Porte Outlots

4. ZONING INFORMATION OF PROPERTY:

CURRENT ZONING DESIGNATION: Large Lot Residential Undeveloped REQUESTED ZONING DESIGNATION: Light Industrial
CURRENT SIC/NAICS USE NO.: 811310 PROPOSED USAGE: Parking Lot for QualaWash Holdings

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

- COMPLETE ITEMS 1-5 OF PERMIT APPLICATION
- ATTACH CERTIFIED PLAN [check applicable box(es)]:
 - GENERAL PLAN
 - MINOR DEV. SITE PLAN
 - MAJOR DEV. SITE PLAN
 - PRELIM. PLAT
- SUBMIT NON-REFUNDABLE \$300.00 APPLICATION FEE

PRINTED NAME: Tony Garcia SIGNATURE: *Tony Garcia* DATE: 1-16-15

(STAFF USE ONLY):

APPLICATION NO: 15-92000002

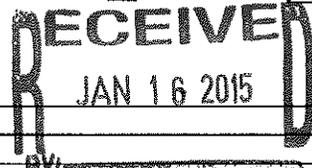
DATE OF P&Z PUBLIC HEARING: 2/19/2014 RECOMMENDATION: YES NO

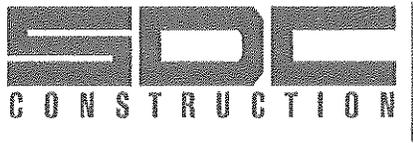
APPLICANT & ADJACENT OWNERS NOTIFIED: YES NO DATE OF NOTIFICATION: _____

DATE OF CITY COUNCIL AGENDA: _____ APPROVED: YES NO

ADOPTED BY ORDINANCE NO.: _____

COMMENTS: _____





General Contractor, Construction
Management, and Design-Build Services

EXHIBIT A

January 16, 2015

City of La Porte Zone Change Permit Application for QualaWash Holdings LLC (From Large Lot Residential to Light Industrial)

**Owner: Louisiana Chemical Co LLC
Address: 11100 La Porte Fwy.**

Project Description and Basis for Rezoning Request:

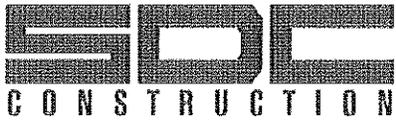
SDC Construction, as Agent representing QualaWash Holdings LLC, hereby submits a City of La Porte Zone Change Permit Application for consideration by the Planning & Zoning Commission on February 19, 2015, and the City Council, in accordance with the provisions of Section 106 of the City of La Porte Code of Ordinances.

The basis for the request is to seek a rezoning designation from Large Lot Residential to Light Industrial of a 6.4 acre undeveloped property (described as Trs 351 & 352 La Porte Outlots) currently owned by Louisiana Chemical Co. LLC, (11100 La Porte Fwy.), adjacent to a 12.74 acre property (described as Trs 351A & 352A La Porte Outlots, and TR 8D-1 Staashen Subd, 11100 La Porte Fwy), and a 12.87 acre property (described as Tr 8B Staashen, 11100 La Porte Fwy) owned by Louisiana Chemical Equipment Co. which are both zoned Light Industrial.

The Light Industrial zoning designation is necessary to enable QualaWash Holdings LLC to expand its La Porte operations on the Louisiana Chemicals 6.4 acre site by developing new leasehold parking lot improvements (205 Proposed Spaces) to stage Truck Containers that it is servicing. The 6.4 acre site is abutted by a drainage easement bordering its southern property line which creates a natural boundary with the adjacent properties currently zoned Large Lot Residential.

QualaWash Holdings LLC is a Tampa FL based company that is the nation's leader of truck tank and container washing facilities, with over 60 locations nationally, and growing. The La Porte project Parking lot improvements will be designed to City of La Porte construction and landscape standards. Additionally, Quala will provide for enhanced buffer features along the southern property line perimeter, adjacent to the Large Lot Residential properties.

SDC and QualaWash Holdings looks forward to discussing the project further with City Planning & Development Department Staff, and presenting our request for Rezoning designation to the Planning & Zoning Commission and seeking an affirmative decision from the P&Z Commission and from City Council.



General Contractor, Construction
Management, and Design-Build Services

EXHIBIT A

January 16, 2015

City of La Porte Zone Change Permit Application for QualaWash Holdings LLC (From Large Lot Residential to Light Industrial)

Owner: Louisiana Chemical Co LLC

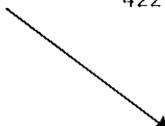
Address: 11100 La Porte Fwy.

Project Description Legend:

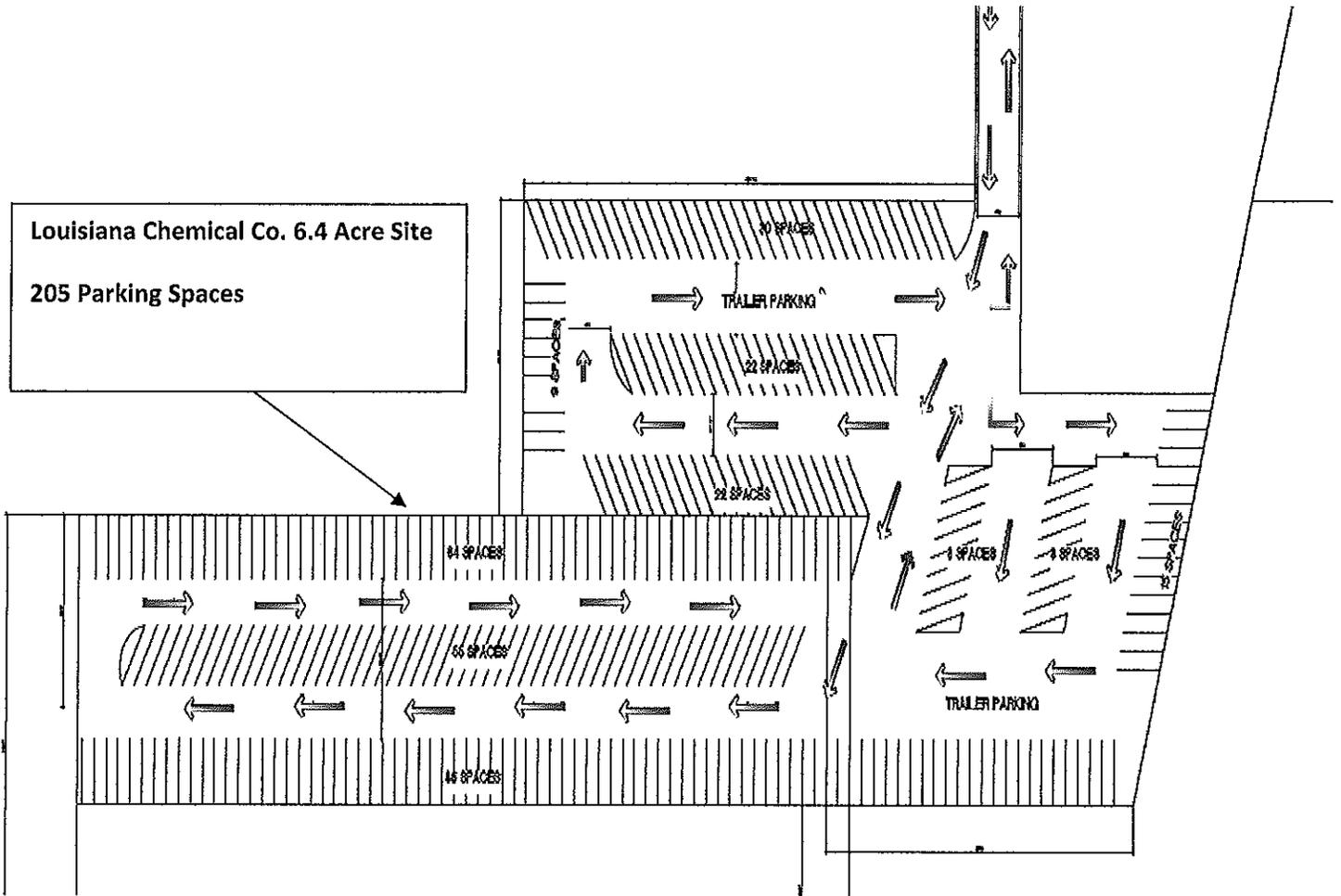
- 1- Ground cover: SDC Construction shall leave 30' of existing tree line on the south property line for noise and sound mitigation.
- 2- Light mitigation: Yellow low sodium lighting with directional hoods to be incorporated on all parking lot lighting.
- 3- Paving: Asphalt paving and drainage shall be incorporated into existing parking lot.
- 4- Landscape: Trees and shrubs to be added as needed for ground cover on South property line.

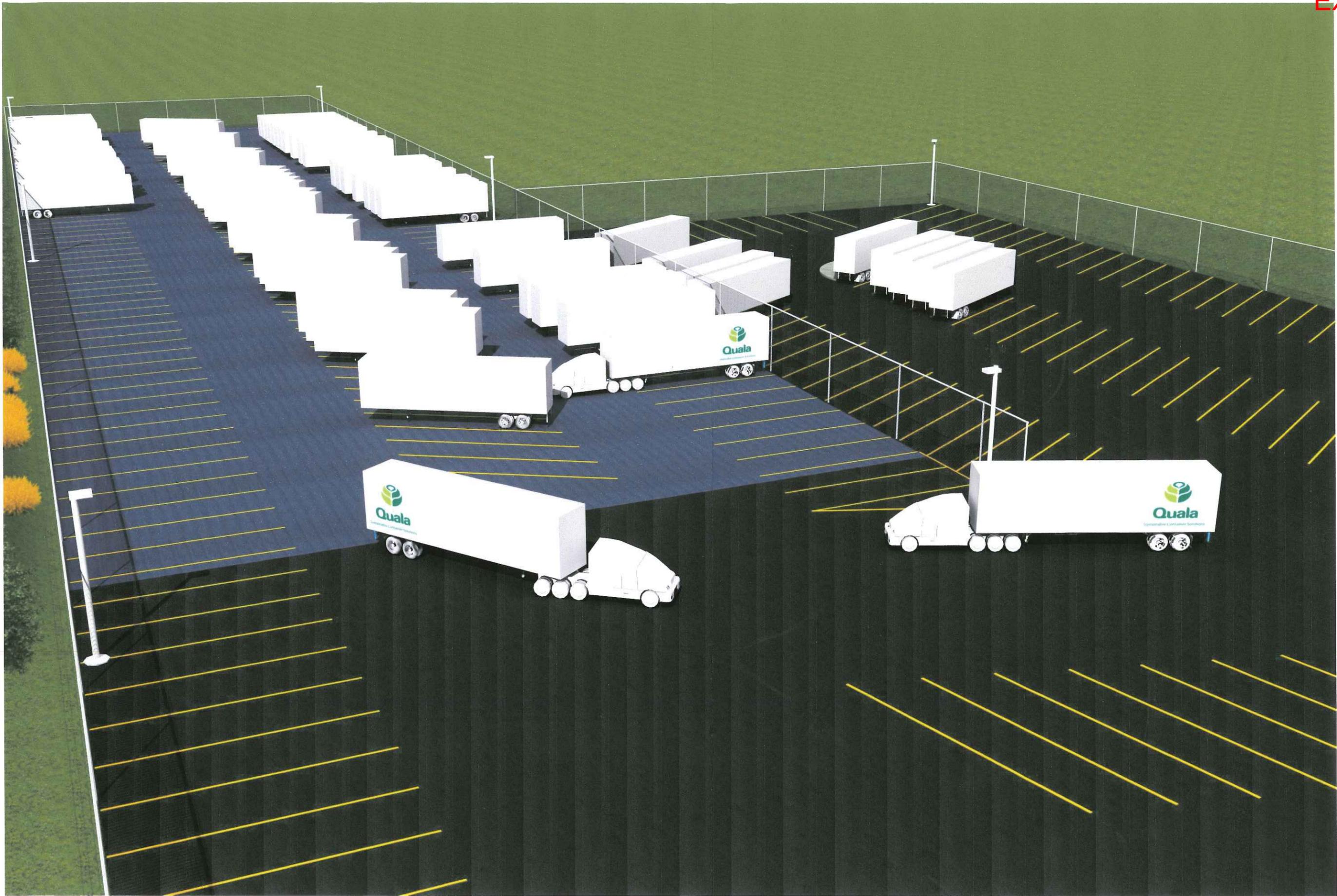
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205 NEW PARKING SPACES





Ensey, Eric

From: Terry O'Brien [tobrien@quala.us.com]
Sent: Friday, February 13, 2015 9:52 AM
To: Ensey, Eric
Subject: City of La Porte Zone Change Application for Quala (Large Lot Residential to Light Industrial), Address: 11100 La Porte Fwy
Attachments: Quala - La Porte Rezoning Meeting Recap 021115.pdf

Dear Mr. Ensey:

Thank you for taking the time to meet with Dan Langdon and Jim Carlson of Quala, Tony Garcia Jr., and Rene Martinez with SDC Construction Monday, February 9, 2015 regarding our application for a City of La Porte Zone Change from Large Lot Residential to Light Industrial use. We look forward to the Planning & Zoning Commission favorably considering our Zone Change Application at the public hearing scheduled for February 19, 2015, in accordance with the provisions of Section 106 of the City of La Porte Code of Ordinances, and recommending the Rezoning Ordinance to the City Council for consideration at the March 23rd Council meeting.

As we articulated in our Rezoning Application and in Monday's meeting, Quala seeks to rezone a 6.4 acre undeveloped property (TRS 351 & 352 La Porte outlots) currently owned by Louisiana Chemical Co. LLC, (11100 La Porte Fwy.), which is adjacent to Quala's leasehold operations located on a 12.74 acre and a 12.87 acre property owned by Louisiana Chemical Equipment Co. which are both zoned Light Industrial. Quala will utilize approximately 5 acres of the 6.4 acre tract for the development of a new parking lot to stage truck containers that Quala currently services. Note, from a historical land use perspective, the 6.4 acre site is land locked and isolated from the Large Lot Zoned Residential properties on N. P Street – bordered to the south and west by a Harris County Flood Control easement and a berm on the north side of the easement -- and should provide an easy transition in being zoned Light Industrial, as the site's only access is from Old La Porte Road (11100 La Porte Frwy), which is Quala's main entrance.

Quala is highly committed to being a good corporate citizen and to meeting with surrounding neighbors to listen to any concerns they may have with respect to the proposed use. To-date, we have reached out to surrounding property owners within 200 feet of the 6.4 acre parcel and have met with and briefed five homeowners on our plans to develop the parking lot facility -- owners located to the west, south, and southeast of the site. Our meetings have been favorable; with homeowners expressing the desire to see a tree buffer preserved on the perimeter of the property to screen the parking lot, and to have directional lighting installed that illuminates the parking lot only.

It is our intent to have the parking facility fully engineered and comply with the City's development and building codes, which, as you indicated, will require the installation of an 8 foot high boundary fence or an

Evergreen hedge that can grow to 8 feet, within two years. Please let us know if there are any other issues that you believe we may need to consider in order to rezone the property and subsequently developing the parking lot to expand our La Porte Quala business operations.

Respectfully,

Terry O'Brien
President

Tel 813-321-6477
1302 N. 19th St., Ste 300, Tampa, FL 33605
tobrien@quala.us.com / www.quala.us.com



Please consider the environment before printing this email



February 9, 2015

Mr. Eric Ensey
City Planner
City of La Porte Planning & Development Department
604 W. Fairmont Parkway
La Porte, Texas 77571

**Re: City of La Porte Zone Change Application for Quala (Large Lot Residential to Light Industrial),
Address: 11100 La Porte Fwy.**

Dear Mr. Ensey:

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Respectfully,

A handwritten signature in blue ink, appearing to read "Terry O'Brien".

Terry O'Brien
President

Ensey, Eric

From: rene@sdcbuilds.com
Sent: Friday, February 13, 2015 11:50 AM
To: Ensey, Eric
Cc: tgarciajr@structuradesign.com; Daniel Langdon; Jay Langness; James Carlson; Terry O'Brien
Subject: Quala Rezoning from Large Lot Residential to Light Industrial

Eric:

Good morning. Regarding the Rezoning for the 6.4 acre parcel, Quala proposes to preserve a 20 foot tree line on the west side of the parcel and a 30 foot tree line on the southern perimeter of the property.

Best Regards,
Rene Martinez
SDC Construction
713-248-1298

EXHIBIT 'B' - AREA MAP

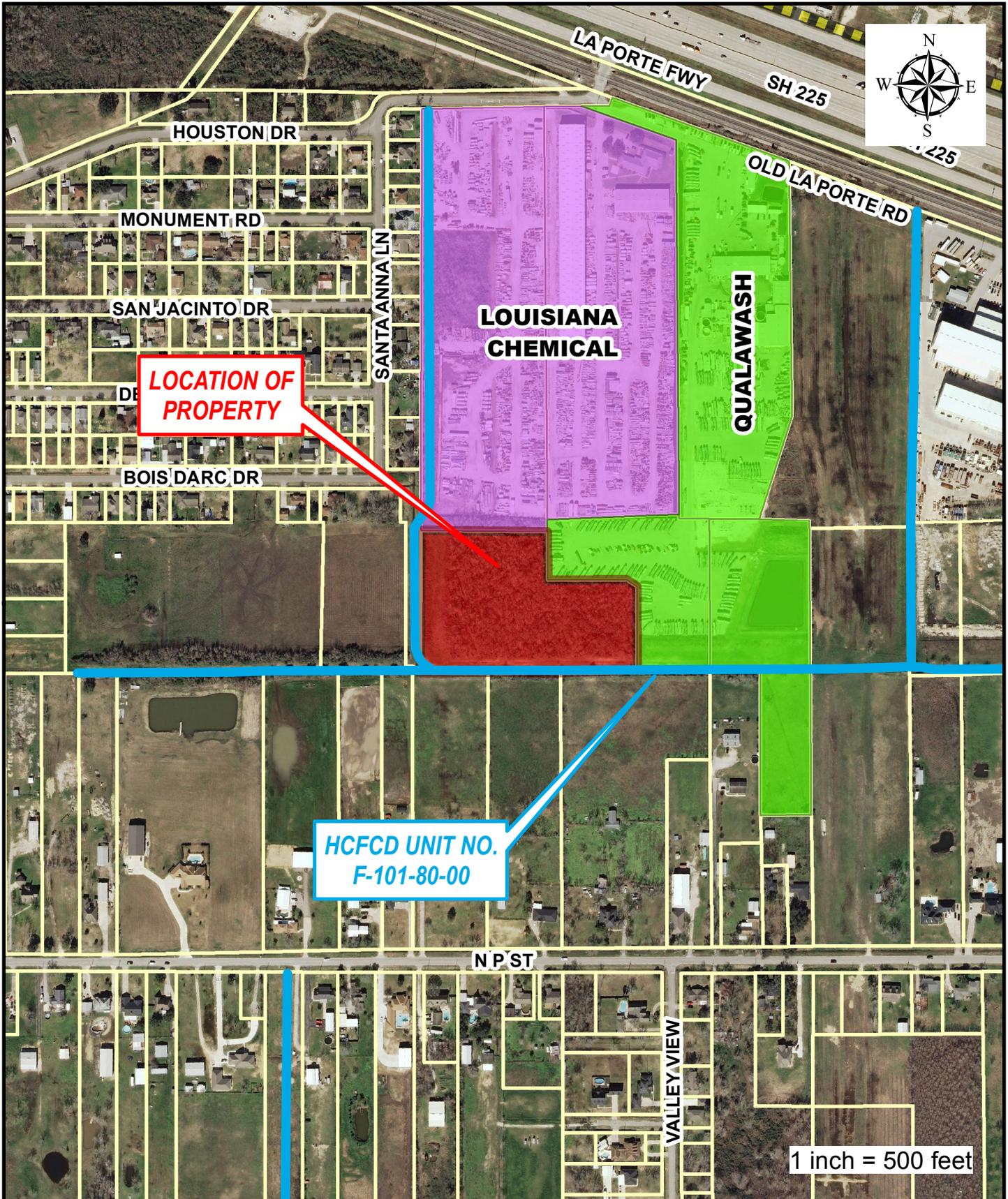


EXHIBIT 'C' - ZONING MAP

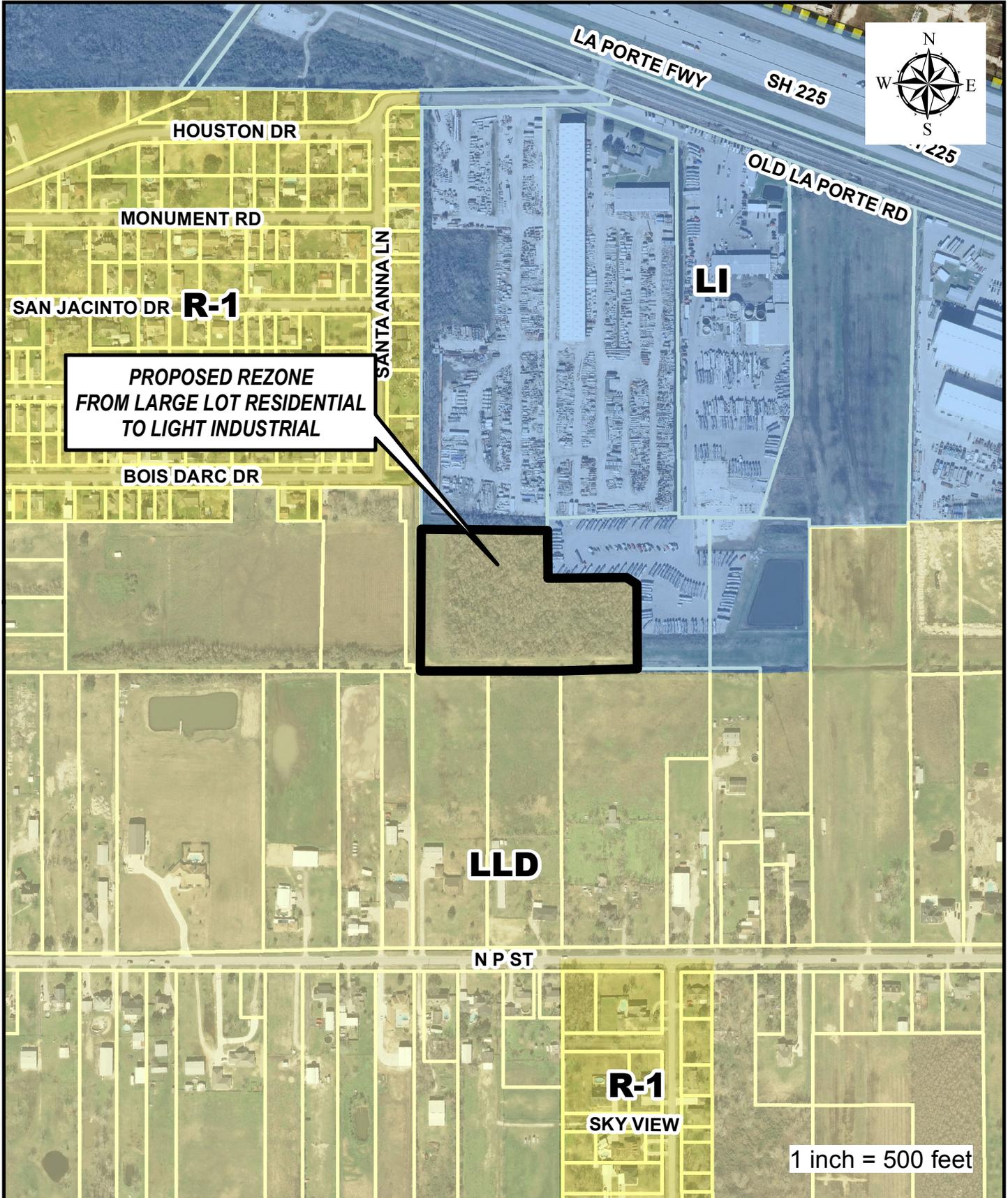
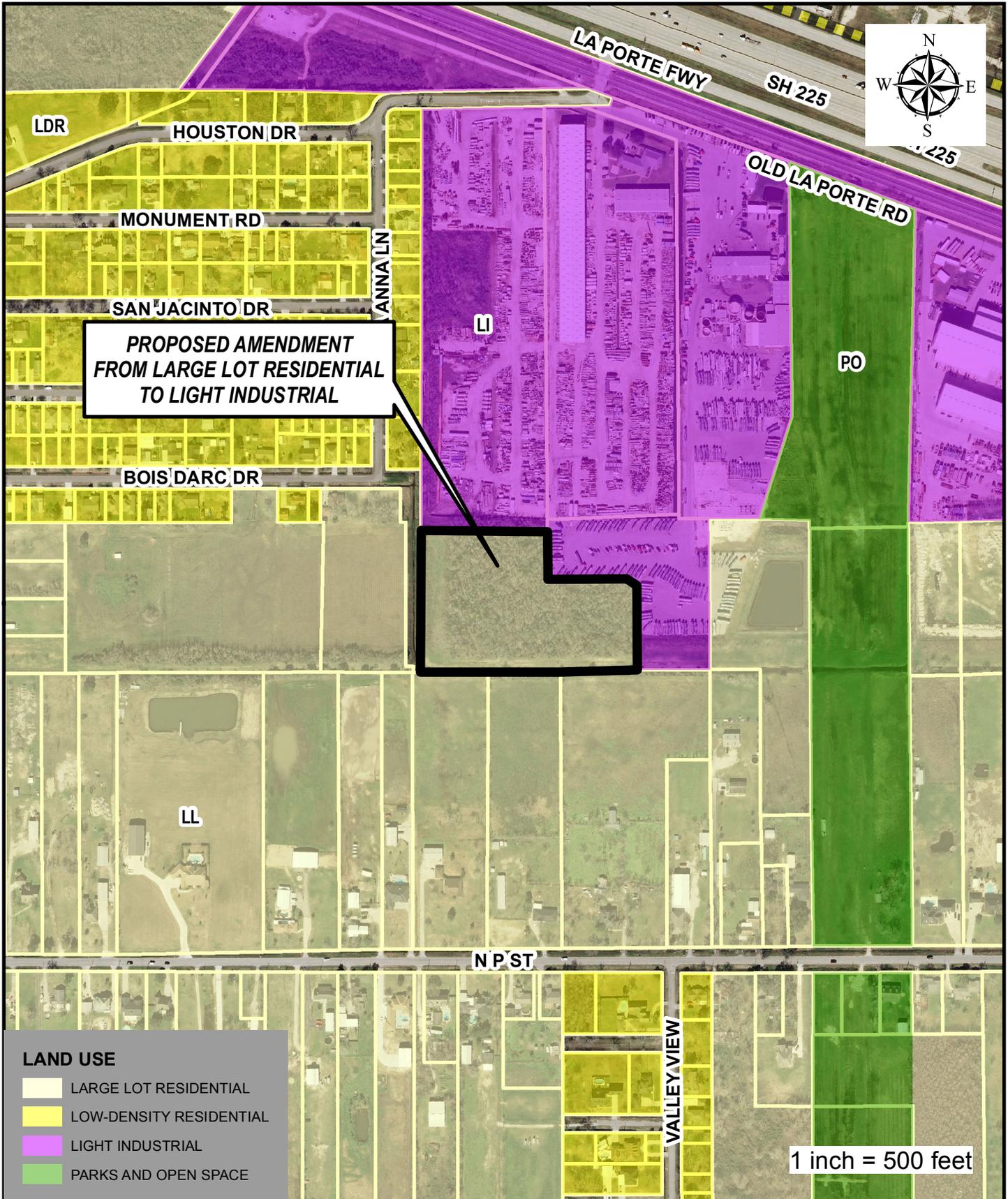


EXHIBIT 'D' - FUTURE LAND USE MAP



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



February 19, 2015

AGENDA ITEM 12

Discussion on Chapter 106 (Zoning) follow-up items for review.

*Eric J. Ensey, City Planner
Planning and Development Department
City of La Porte, Texas*

Planning and Development Department Staff Report

DISCUSSION

On November 10, 2014 the City Council approved an ordinance adopting various modifications to Chapter 106 (Zoning) of the city's Code of Ordinances as recommended by the Planning and Zoning Commission. During their discussion, there were there were three items that the Council wanted the Commission to further review.

The following is a brief discussion of each item including applicable excerpts from the code, where applicable. The purpose of this discussion is to introduce the item and the discussion by City Council. Following this discussion, staff will present recommended language for consideration at the next P&Z meeting.

1.) Tree Preservation (Section 106-801, 802, 803)

The City Council expressed some concern with the city's requirements for tree preservation and specifically the amount of the tree replacement fee. As you may recall, the recommendation from the Commission included reducing the replacement fee from \$100 per inch of caliper to \$50 per inch. Additionally, a cap was place on the amount of payment at \$100,000.

Clarification should be made to who is subject to the tree preservation ordinance. Council expressed some concern with requiring a individual homeowner to mitigate for the removal of a tree on their residential property.

There was also concern about the requirements for a tree survey and tree disposition plan and the additional expense and burden placed on the property owner.

2.) Outdoor Storage in Main Street District (Section 106-511(c))

The modifications in this section of the code indicated that outdoor storage in the Main Street Overlay is prohibited between Highway 146 and Virginia Street. The question that arose from the City Council was what defines outdoor storage. It was discovered at the time that there was no definition for outdoor storage. This question also brought up discussion on outdoor storage elsewhere in the

community, including residential.

3.) Temporary Signage (106-877)

Council expressed concerns about temporary signage, especially location, size and what signs are considered a temporary sign. There was also discussion on the banners and event signage the city installs within the rights-of-way throughout the city and how they were addressed in the code. The code currently does not address this type of signage.

Since the modifications to Chapter 106 went into effect, Council requested one additional item be discussed that also relates to temporary signage. There have been requests by property owners in the Main Street District requesting consideration of allowing sandwich boards and other similar temporary signs common in Main Street areas. Council has requested this item be discussed as well.

Attachments:

Exhibit A- Tree Preservation (Section 106-801, 802, 803)

Exhibit B- Outdoor Storage in Main Street District (Section 106-511(c))

Exhibit C- Temporary Signage (106-877)

Sec. 106-801. Tree preservation.

- (a) It is the intent of this section to encourage the preservation of existing trees within the city and to prohibit their unwarranted destruction. The city encourages site planning which furthers the preservation of trees and natural areas by the following methods: To protect trees during construction; to facilitate site design and construction which contributes to the long term viability of existing trees; and to control premature removal of trees; require on-site replacement of trees that must be removed and require off-site replacement of trees that cannot be replaced on-site, either by direct planting or through a contribution to the tree fund established in [section 106-803](#) (Tree fund) of this chapter. It is the further intent of this section to achieve the following objectives:
- (1) Protect healthy trees and preserve the natural, environmental, and aesthetic qualities of the city to the degree possible.
 - (2) Protect and increase the value of residential and commercial properties within the city.
 - (3) Discourage premature clear-cutting of property.
 - (4) Maintain and enhance a positive image for the attraction of new developments to the city.
- (b) It shall be unlawful for any person to cause or permit the destruction of any healthy native tree within the city if such tree has a trunk which exceeds six inches in diameter (or 18.84-inch circumference) at a point 18 inches above the natural ground level. Provided, however, it shall not be a violation of this provision if a tree is removed and/or destroyed if the tree is obviously diseased or determined to be diseased by an arborist or in the opinion of the planning director or his designated representative, said tree constitutes a hazard to pedestrian and/or vehicular traffic along any such right-of-way.
- (c) No person, firm or corporation desirous of developing or improving any parcel of property, shall remove or cause the removal of any tree from said property without first obtaining a clearing permit which would allow clearing of buildable areas only.

Sec. 106-802. Tree replacement

A tree disposition plan or tree survey must be submitted and approved prior to the removal or destruction of any qualifying protected tree. In the event that it is necessary to remove a protected tree, as a condition of a building permit issuance, applicant shall be required to replace the tree(s) being removed with replacement trees as follows:

- (a) *Number of replacement trees.* Tree disposition conditions and tree permit authorizing removal of or damage to large trees or protected trees shall normally require replacement by one or more newly planted trees on the same subject site. If this is not feasible, the owner or developer must plant and maintain off-site replacement trees in reasonable proximity to the subject site.
- (b) *Minimum size.* Replacement trees must normally have a trunk caliper of at least two inches measured six inches from the ground. The enforcement officer may prescribe a proportionally smaller trunk caliper for certain species of trees, i.e. Crepe Myrtle.
- (c) *Qualified trees.* To be a "qualified tree", a tree must comply with the recommended tree list "native or protected" of the city.
- (d) *Standard of review.* The enforcement officer shall use reasonable best efforts to determine the type and number of replacement trees required in an attempt to minimize undue burden resulting from this section.
- (e) *Trees in street area.* Before authorizing establishment or maintenance of tree or decorative landscaping, such as lighting or a watering system in a street area, the building official must be satisfied that Tex. Trans. Code, Chapter 316 has been complied with and also confirms there would be no violation of the provisions relating to visibility triangles and future overhead obstruction.

A sufficient number and diameter of replacement trees shall be planted on the subject site in order to equal the total diameter inches, as determined above. If this is not feasible, the applicant may, upon approval by the director, plant and maintain off-site replacement trees in accordance with this section.

Sec. 106-803. Tree fund.

There is hereby established a tree fund, which shall be administered by the director of parks and recreation or his/her designee. All revenues, mitigation fees, and penalties received pursuant to this section, or for the enforcement thereof, and any donations or grant monies received to achieve the purpose of tree preservation or replacement, shall be deposited into the tree fund. Monies in the tree fund may be used to purchase trees required for replacement but may not be used in any manner that will profit the grantee. Tree replacement fee shall be calculated at the rate of \$50.00 per caliper inch of tree otherwise required or shall be periodically adjusted as the market value of replacement trees warrants. The amount paid to the tree fund shall be applied at a maximum of \$5,000 per acre (or fraction thereof) with a maximum total payment of \$100,000 per development.

The owner or developer of any lot or tract of land required to replace trees in accordance with this chapter may, as an alternative, and upon approval by the city, pay a prescribed fee/amount into the tree fund in accordance with the following conditions:

- (1) *Residential and non-residential site plans/plats.* Payment to the tree fund must be received by the city prior to the submission of the development site plan and/or final plat approval by the planning and zoning commission.
- (2) *Building permits not requiring site plans/plats.* Payment to the tree fund must be received by the city prior to the issuance of a building permit.

Sec. 106-511. Permitted, accessory, and special conditional uses.

- (a) Commercial and all residential activities are permitted, as indicated in Section 106-310 Table A, Main Street Overlay uses.
- (b) Main Street overlay maximum 5000 square feet per floor.
- (c) No outdoor storage within the Main Street Overlay between Highway 146 and Virginia.
- (d) Within the Main Street Overlay, residential activities are only allowed above the first floor.
- (e) Single family detached is prohibited in Main Street Overlay, but permitted in Main Street District.

Sec. 106-877. Temporary signs.

- (a) Subject to the provision of this section, temporary signs are prohibited except in the following instances:
- (1) Temporary signs shall be a maximum of 18 inches by 24 inches in size and constructed of all-weather corrugated plastic sheeting with a wooden stake or greater as support.
 - (2) Temporary signs may only be placed between the hours of 5:00 p.m. on Friday and 7:00 p.m. on the following Sunday.
 - (3) Temporary signs shall be free of balloons, banners, or streamers.
- (b) Location of temporary signs:
- (1) Temporary signs shall not be placed in a manner that will interfere with a ~~site~~ visibility triangle or otherwise create a traffic hazard as referenced in section 106-805 (Visibility triangles).
 - (2) Temporary signs may not be located within five feet of the edge of any pavement.
 - (3) Temporary signs may only be placed at the following locations within the city, with a maximum of two temporary signs permitted at any one time at any specified intersection:
 - SH 146 at Fairmont (northeast, southwest and southeast corners)
 - SH 146 at Wharton Weems (northeast and southeast corners)
 - SH 146 at McCabe (northeast corner and feeder and southeast corner of northbound SH 146 and McCabe)
 - SH 225 at Underwood (southwest corner of Underwood eastbound lane and southeast corner of Underwood eastbound lane of SH 225)
 - SH 225 at Sens (northwest and northeast corners SH 225 and southwest corner of SH 225 on westbound feeder on Sens)
 - Spencer at Sens (northwest and northeast corners SH 225 and southwest corner of SH 225 on westbound feeder on Sens)
 - Spencer at Sens (northwest and southeast corners)
 - Spencer at Valleybrook (southeast corner)
 - Spencer at Driftwood (southeast corner) Spencer at Luella (southeast corner)
 - Fairmont at Luella (northwest corner Luella, eastbound lane W. Fairmont)
 - Fairmont at Driftwood (northwest corner westbound on Fairmont)
 - S. Broadway at Fairmont (northwest and southwest corners)
 - S. Broadway at Wharton Weems (northwest and southwest corners)
 - N. "L" at Underwood (northeast and southeast corners)
 - Bay Area Blvd. at Fairmont (northwest corner of Bay Area Blvd. and eastbound lane on W. Fairmont and southeast corner of Bay Area Blvd. eastbound lane on W. Fairmont)
- (c) Temporary sign permits:

EXHIBIT C

- (1) No temporary sign may be erected within the city limits of the City of La Porte without a permit first having been obtained from the building official.
 - (2) Application for temporary sign permits shall be made upon forms provided by the building official, and shall contain and be accompanied by information sufficient to identify the location of the proposed sign, consistent with the location criteria established in subsection (b)(2) above.
 - (3) No person shall be issued a temporary sign permit under this section until such person has filed with the city secretary a bond or insurance policy, or both, in the amount of \$200.00 per sign approved, in form approved by the city attorney, such bond or policy to be conditioned on the placement of temporary signs in accordance with the provisions of this article, the other ordinances of the City of La Porte, and further providing for the indemnification of the city for any and all damages or liability that may accrue to or against the city by reason of the placement, maintenance, alteration, repair or removal, or defects in any temporary sign erected by or under the direction of such applicant, and further providing for the indemnification of any person who shall, while on public property or public right-of-way of the City of La Porte, incur damages for which the person erecting any such temporary sign is legally liable by reason of his act or omission in regard to erection of such temporary signage.
 - (4) No permit issued under this ordinance shall be transferable.
- (d) Number of temporary sign permits: No permittee for a temporary sign may obtain a permit for placement of more than two temporary signs at any one particular location specified in [section 106-877\(b\)](#) (Temporary signs) above with a maximum of ten temporary signs per permittee, and a maximum of two temporary signs per permittee per location.
 - (e) Further limitations on permit: No permittee may obtain permits for location of temporary signs for more than four consecutive weeks. Upon the expiration of four consecutive weeks of permits for a particular permittee, no permit shall be issued by the city for any temporary signs for 30 days following said four consecutive week period.
 - (f) Revocation of permit: Upon learning of any violation of this article or the ordinances of the City of La Porte by any temporary sign permit holder, the building official shall give notice of said violation to the responsible permit holder. Two or more violations of this article, or other ordinances of the City of La Porte shall result in denial of future temporary sign permits to the responsible permittee by the City of La Porte.

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



February 19, 2015

AGENDA ITEM 13

Discussion on establishing a Subcommittee
for review of the Development Ordinance and Commission Bylaws.

*Eric J. Ensey, City Planner
Planning and Development Department
City of La Porte, Texas*

Planning and Development Department Staff Report

DISCUSSION

As part of the Planning and Development Audit conducted by the City Council there were a couple items identified as long-term goals of the department: 1) Review and codify the city's Development Ordinance (Ord. 1444), and 2) Establish bylaws for the Planning and Zoning Commission. Now that the modifications to the Zoning Ordinance have been adopted by City Council and are in effect, staff is recommending that we begin reviewing these two items. The subcommittee approach worked well during the review of the Zoning Ordinance, and staff requests consideration of this approach for review of these two items.

Should the Commission agree, one or two subcommittees should be formally appointed by the P&Z as the review of these items will begin in March.