



NOTICE OF PUBLIC HEARING ON APPEAL REQUEST 14-95000001

Notice is hereby given that the La Porte Zoning Board of Adjustment will conduct a public hearing at **6:00 p.m.** on the **11th day of December, 2014**, in the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, in accordance with the provisions of Section 106-194 of the City of La Porte Code of Ordinances, and the provisions of the Texas Local Government Code.

The purpose of the hearing is to receive public input on Appeal Request 14-95000001, requested by Kobelco Compressors America Inc., owner of the property located at the southeast corner of Spencer and Fleetwood, further described as Reserve 7, Spencer Highway Subdivision Addition No. 3 Reserve 7. The applicant is appealing a determination of a decision by the city's enforcement officer to deny a zoning permit. The applicant asserts SIC Code #7699 (Repair shops and related services, not elsewhere classified) is the use proposed for the site. The applicant has stated that the site will be used to "inspect, repair and overhaul compressors." The permit was denied because the enforcement officer determined that the use of the site as described by the applicant should not be categorized within SIC Code #7699. The appeal is being sought under the terms of Section 106-88 of the City of La Porte Code of Ordinances.

Following the public hearing, the Zoning Board of Adjustment will act upon the public hearing item and conduct other matters pertaining to the Board.

Citizens wishing to address the Board pro or con during the public hearing are required to sign in before the meeting is convened.

CITY OF LA PORTE

A handwritten signature in blue ink that reads "Patrice Fogarty". The signature is written in a cursive, flowing style.

Patrice Fogarty, City Secretary

A quorum of City Council members may be present and participate in discussions during this meeting; however, no action will be taken by 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 this public hearing notice was posted on the City Hall bulletin board on the ____ day of _____, 2014.

Title: _____

ITEM POSTPONED



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CERTIFICATION

I certify that a copy of this public hearing notice was posted on the City Hall bulletin board on the 26th day of November, 2014.

Title: City Planner



December 4, 2014

Re: Appeal Request #14-95000001
Kobelco Compressors America, Inc.

Dear Resident:

Since you are an affected property owner within 200 feet of the Kobelco facility proposed at the southeast corner of Spencer and Fleetwood, further described as Reserve 7, Spencer Highway Subdivision Addition No. 3 Reserve 7, you are being notified of some recent changes in application status for the facility.

The City of La Porte on November 19, 2014, received a request seeking an appeal of a decision by the city's enforcement officer to deny a zoning permit for the property. This request was scheduled for review at the December 11, 2014 Zoning Board of Adjustment meeting. However, the city received a subsequent request on the behalf of the property owner, Kobelco Compressors America, Inc., on December 3, 2014 to postpone their Appeal Request until after the public hearing for a Special Conditional Use Permit (SCUP) (please see attached request). **As a result, there will be no public hearing for the Appeal Request on December 11, 2014 as previously scheduled.**

As is allowed under the La Porte Zoning Ordinance, the applicant is first proceeding with its request for a Special Conditional Use Permit to allow development of the site as a facility to inspect, repair and overhaul compressors prior to its appeal to the Zoning Board of Adjustment. The subject site is zoned GC, General Commercial. Per Section 106-441 of the Code of Ordinances, a SCUP is required in order to allow development of uses not listed in the Table of Commercial Uses.

The SCUP request is scheduled for public hearing before the Planning and Zoning Commission on Thursday, December 18, 2014 at 6:00 p.m., and then it will be subsequently scheduled for City Council review on January 26, 2015 at 6:00 p.m. You are invited to attend both meetings to offer comment on the proposal or submit the comment response form sent to you with the official public hearing notice.

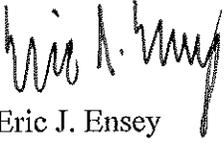
In regards to the Appeal being rescheduled to the Zoning Board of Adjustment, you will be provided separate notice of the rescheduled meeting which will occur February 23, 2015.

Please contact me directly if you have any questions or would like more information at 281-470-5063 or via email at enseye@laportetx.gov.

December 4, 2014

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Sincerely,



Eric J. Ensey
City Planner

cc: Tim Tietjens, Director of Planning and Development

Attached: December 3, 2014 Letter from WCG Attorneys at Law

WCG

Wilson, Cribbs & Goren, P.C.
Attorneys at Law

December 3, 2014

Via Email: enseye@laportetx.gov
Mr. Eric J. Ensey, City Planner
City of La Porte, Texas
604 W. Fairmont Parkway
La Porte, Texas 77571-6215

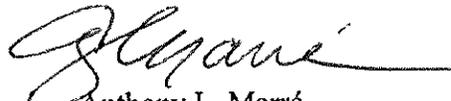
Re: Appeal by Kobelco Compressors America Inc. ("Kobelco") to the Board of Adjustment of the City of La Porte from the denial of an application for a Zoning Permit for the property located at 10902 Spencer Highway, La Porte, Texas 77571(Our File No. 8239-002).

Dear Mr. Ensey:

This firm represents Kobelco in connection with **Appeal Request 14-95000001**. As discussed with Clark Askins yesterday, Kobelco respectfully requests that the public hearing for this appeal be postponed until after Kobelco's public hearing for its Special Conditional Use Permit application (which relates to the same subject matter).

Please let me know if you have any questions regarding this letter.

Very truly yours,



Anthony L. Marré

cc: Mr. Stanley S. Kawahara Via Email: stanley.kawahara@kobelco-kca.com
Kobelco Compressors America, Inc.

Mr. Tim Tietjens Via Email: tietjenst@laportetx.gov
Director of Planning and Development
City of La Porte, Texas

Mr. Clark Askins, Assistant City Attorney Via Email: ctaskins@swbell.net
City of La Porte, Texas

Reid C. Wilson [*Firm*]