



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, January 21, 2016 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: December 17, 2015 Meeting.
4. Open a public hearing to receive input on an application for Zone Change Request #15-92000003, a request by Bayway Homes Inc. to rezone a 0.575 acre tract of land located at the southeast corner of N. 1st Street and the unimproved E Street right-of-way also known as Lots 1-8, Block 108, Town of La Porte Subdivision from General Commercial (GC) to Medium Density Residential (R-2).
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (for, against, or questions)
 - d. Question and Answer
5. Close public hearing.
6. Consider a recommendation to the La Porte City Council on Zone Change Request #15-92000003.
7. Consider a recommendation to the La Porte City Council on a proposed amendment to the Future Land Use Plan component of the La Porte Comprehensive Plan by amending the land use designation for a 0.575 acre tract of land located at the southeast corner of N. 1st Street and the unimproved E Street right-of-way also known as Lots 1-8, Block 108, Town of La Porte Subdivision from "Commercial" use to "Low-Density Residential" use.
8. Open a public hearing to receive input on an application for Zone Change Request #15-92000004, a request by Warwick Homes Inc. and the City of La Porte to rezone an approximately 3.9 acre tract of land located on Fairmont Parkway east of Willmont Road further described as Reserve B and C, Willmont Commercial Park Amended Subdivision (owned by Warwick Homes) and Tract 33 Treat Plant Site, Abstract 482, Williams Jones Survey (owned by the City of La Porte) from Neighborhood Commercial (NC) to General Commercial (GC).
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (for, against, or questions)
 - d. Question and Answer
9. Close public hearing.
10. Consider a recommendation to the La Porte City Council on Zone Change Request #15-92000004.
11. Consider a recommendation to the La Porte City Council on a proposed amendment to the Future Land Use Plan component of the La Porte Comprehensive Plan by amending the land use designation for an approximately 3.9 acre tract of land located on Fairmont Parkway east of Willmont Road further described as Reserve B and C, Willmont Commercial Park Amended Subdivision (owned by Warwick Homes) and Tract 33 Treat Plant Site, Abstract 482, Williams

Jones Survey (owned by the City of La Porte) from "Neighborhood Commercial" use to "Commercial" use.

12. Administrative reports.
13. Commission comments on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
14. Adjourn.

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

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

CERTIFICATION

I certify that a copy of the Thursday, January 21, 2016, agenda of items to be considered by the Planning and Zoning Commission was posted on the City Hall bulletin board on the ____ day of _____, 2016.

Title: _____

**Planning and Zoning Commission
Minutes of December 17, 2015**

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

Commissioners Absent:

City Staff Present: City Manager Corby Alexander, Assistant City Manager Traci Leach, Planning and Development Director Tim Tietjens, City Planner Eric Ensey, Planning Technician Ryan Cramer, Economic Development Coordinator Scott Livingston, Assistant City Attorney Clark Askins, and Office Coordinator Peggy Lee

Council Members Present: Dottie Kaminski

1. Call to order.

Chairman Hal Lawler called the meeting to order at 6:01 p.m.

Chairman Lawler announced that Item 6 on the agenda had been withdrawn from consideration.

2. Roll Call of Members.

Commissioners Kendrick, LaCour, Warren, Barrera, Martin, Follis, Smith, Bird, and Lawler were present for roll call.

3. Consider approval of meeting minutes: November 19, 2015 Meeting

Motion by Commissioner Kendrick to approve the meeting minutes of November 19, 2015.

Second by Commissioner LaCour. **Motion carried.**

Ayes: Kendrick, LaCour, Warren, Barrera, Martin, Follis, Smith, Bird, and Lawler

Nays: None

4. Item continued from November 19, 2015: Consider approval or other action on Special Conditional Use Permit #15-91000007, a request by Turfway FEC, LLC to allow for construction of an entertainment, commercial and residential mixed use development on a 20-acre tract of land known as Tract 1L, Johnson Hunter Survey, Abstract 35 generally located on the east side of State Highway 146 north of Wharton Weems Boulevard. Public hearing was held November 19, 2015.

With no objection presented from the Commission, Chairman Lawler announced that public comments on this request would be allowed following staff's presentation.

City Planner Eric Ensey presented the staff report on a request by Turfway FEC, LLC, on behalf of the property owner Bayforest Ranch LTD, for a Special Conditional Use Permit for the development of the La Porte Town Center mixed use development on a 20-acre tract of land located on the east

side of State Highway 146 north of Wharton Weems Boulevard. The public hearing for this request was held on November 19, 2015. At the conclusion of the hearing, the Commission tabled the item to allow time for staff and the applicant to address several concerns voiced by the Commission.

Mr. Ensey presented the modifications being proposed to the Special Conditional Use Permit.

David Miles, Turfway FEC, LLC, 907 S. Friendswood Dr., Friendswood, TX, addressed the Commission. Mr. Miles provided an overview of development plans.

Vincent Worley, 1635 Pebble Banks Lane, Seabrook, TX, introduced Bill Ngyuen. Mr. Ngyuen is considering offering shops specializing in furniture, shoes, full service day spa, creams and lotions, eye lash/brow services, and a Pan-Asian restaurant.

The Commission discussed a range of issues including traffic patterns, hours of operation, lighting, getting assurance from the developer that local businesses would be utilized when possible to secure building materials and services for the development. Additionally, Commissioner Barrera was concerned about beer being served in the presence of children in a family entertainment setting.

Debra Gallington, 222 S. Y, spoke in favor of the development. Ms. Gallington believes the development would be good for La Porte and would attract customers to her Main Street business.

Mark Graham, 1523 Hwy. 146, spoke in favor of the project. Mr. Graham was concerned about the animals that would be displaced by the development and suggested a wall to keep them away from the Bay Point Townhomes.

John Wehlen, 603 Fairway Dr., likes the project for what it offers the City, but is concerned about excess traffic, lights, and crime that may be generated. Mr. Wehlen would like efforts made to ensure there will not be any problems associated with alcohol consumption on the premises and that the development remains a family entertainment venue.

Hope Diamond, 522 Fairway Dr., requested consideration be given to locating the development in an area that is not near residential subdivisions.

Billy Hardcastle, 1504 Cedar Cove, spoke in favor of the development, stating it would be good for La Porte.

Elizabeth Whelen, 603 Fairway Dr., expressed concern with the traffic flow on Wharton Weems.

Rene Garrett, 1001 Garden Walk, spoke in favor of the project, stating it would be good for the community.

Trudy Bolen, 1411 Beach Cove, spoke in favor of the project.

Kathy Gilley, daughter of Mickey Gilley, has plans to operate a western wear store onsite and is interested in offering for sale items made by citizens of La Porte.

Jimmy Permitter, owner of property at 312 S. 6th St. and in Shoreacres at 211 Forest Ave. believes the project will benefit the economy. In response to a previous comment, he does not believe the development will cause an increase in criminal activity.

Motion by Commissioner Bird to recommend to City Council, approval of Special Conditional Use Permit #15-91000007 to allow for construction of an entertainment, commercial and residential mixed use development on a 20-acre tract of land located on the east side of State Highway 146 north of Wharton Weems Boulevard, subject to the following conditions.

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. All buildings shall meet or exceed the Design Standards outlined in Article IX, Chapter 106 of the Code of Ordinances.
3. Land uses permitted in accordance with the La Porte Town Center General Plan, as may be amended from time-to-time. Any modifications to the approved General Plan require approval by the Planning and Zoning Commission in accordance with the city's Development Ordinance.
4. Land uses permitted in the commercial area (all areas excluding residential land uses) shall be in accordance with the uses permitted in Chapter 106, Zoning, of the city's Code of Ordinances Use Chart under GC (General Commercial) at the effective date of this SCUP, excluding the following uses:
 - a. Automobile repair and maintenance (811111-811198);
 - b. Construction, Mining and Forestry Machinery and Equipment Rental and Leasing (532412);
 - c. Office Machinery and Equipment Rental and Leasing (532420);
 - d. Other Commercial and Industrial Machinery and Equipment Rental and Leasing (532490);
 - e. Transit and Ground Passenger Transportation (485111-485999);
 - f. Motor Vehicle Parts and Dealers (441110-441228);
 - g. Furniture and Related Product Manufacturing (337110-337122);
 - h. Construction of Buildings (236115-236118);
 - i. Contractors (238110-238390).
5. The commercial area shall be developed in accordance with the requirements for the General Commercial zone district. However, if the developer desires to subdivide the commercial area, then setbacks shall be as follows: external property line adjacent to Highway 146 – 25 feet; external property line adjacent to north and south public right-of-way – 10 feet; internal property lines – 0 feet.
6. The residential land uses identified in the General Plan as "Townhouse" shall be constructed in accordance with the requirements outlined in Section 106-333 of the Code of Ordinances and applicable building code requirements and shall be limited to townhouse development only – not multifamily apartments or condominiums. Front setbacks for the townhouse development shall be permitted at a minimum of 5 feet from the front property line if the units contain rear-loaded parking and/or garages.
7. Additionally, the "Live-Work" units are permitted and shall comply with applicable setbacks that would be required for buildings in the Main Street Overlay District. If an attached garage is provided, then the rear setback for the building shall be 5 feet.

8. The perimeter boundaries of the property along the north and south property lines shall include the installation of an 8-foot high solid masonry fence intended to mitigate the impact of development on future residential development, as identified in the city's Future Land Use Plan. Additionally, shade trees shall be planted at 20' on center along the fence line. If land uses on the adjacent properties are modified in the future allowing for similar uses, then such fence and landscaping shall not be required. Such fence shall be constructed prior to the completion of the final phase of development.
9. The applicant shall install the segment of the city's Hike and Bike Trail through the development area as identified in the city's Comprehensive Plan. The construction of the trail shall be in accordance with all applicable requirements and specifications required by the City Engineer. Additionally, following construction of the Hike and Bike Trail, the developer shall dedicate to the City of La Porte a permanent public trail easement 20' on center for the Hike and Bike Trail.
10. The developer shall provide internal connection between the city's Hike and Bike Trail to the development.
11. The developer shall work with staff at the time of site plan review to minimize the amount of parking stalls along the Highway 146 frontage. This should be accommodated by relocating buildings in a manner that places parking on the side of the building or internal to the development. If this is not possible, the developer may install planter islands at 1 per 10 spaces for both rows of parking along a drive aisle parallel to Highway 146. Additionally, hedges shall be planted at 3-foot on center in two rows of plantings. Such hedge row shall be installed with a variety of plant material to provide visual diversity of plant materials.
12. For the commercial portion of the development, parking shall be calculated based on the aggregate amount of parking required and proposed; joint parking is allowed. Additionally the applicant may include on-street parking, only where permitted by the city, toward the amount of parking provided for the development.
13. Parking is not permitted within any alley right-of-way.
14. The developer will be required to replat the subject property in accordance with the requirements of the city's code requirements.
15. All public streets internal to the development site shall be constructed in accordance with the city's Public Improvement Criteria Manual and shall be dedicated to the city. Regardless of phasing of the development, any dedication of public improvements identified as part of the plat must be accepted by the city prior to the recordation of the Final Plat. Should the developer desire to construct such public streets at a later time, then a development agreement shall be required between the city and developer that provides a financial guarantee, as approved by the city, that will ensure that said public roads will be installed and a date for which those improvements must be made.
16. Parking on any public street shall only be permitted on one side of the street and shall be signed by the developer in accordance with applicable sign requirements.
17. Access to any public right-of-way is subject to the requirements of Section 106-835, Figure 10-3 and will be reviewed at the time of Site Development Plan. TXDOT right-of-way access permits shall be presented prior to permit issuance for all driveways requested on Highway 146. Maximum driveway widths shall be provided in compliance with city code requirements.
18. The developer will be required to submit for approval by the City Engineer, a drainage report indicating how the proposed development will accommodate the requirements for storm water detention in accordance with the city's Public Improvement Criteria Manual, or if discharging in a TXDOT or Harris County system, approval by such authority.

19. Because Highway 146 has been identified as a significant corridor in the community, the developer shall work with the Planning and Zoning Commission at the time of site plan review on a landscape theme along the Highway 146 frontage. Such theme shall be above and beyond the requirements outlined in Section 106-800 of the city's Code of Ordinances.
20. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
21. A traffic impact analysis, performed by a licensed engineer agreed to by both the City and the applicant, shall be required. If any mitigation is required by the study, the applicant will be responsible for their proportion of the impact. All contributions would be subject to reimbursement through the TIRZ, pursuant to approval by the TIRZ Board.
22. If extension of any public water or sanitary sewer line is required as part of this development, the applicant will be required to execute a utility extension agreement with the city and install such improvements at the cost of the developer.
23. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.
24. The hours of operation for the family entertainment center shall be 10:00 a.m. to 12:00 a.m. Sunday through Thursday and 10:00 a.m. to 2:00 a.m. on Friday and Saturday. There may be up to two days in a calendar month where the family entertainment center may remain open from 10:00 a.m. to 2:00 a.m. to accommodate special performances. The operator of the family entertainment center will be responsible for informing the city in writing at least two (2) weeks before such event.
25. The residential townhouses are required to be platted as part of the first phase of the development. A minimum of seven (7) townhouse units are required to be available for development as part of the initial phase of development.
26. A photometric plan will be required at the time of site plan submittal that will identify site lighting and the lumens proposed across the site. Lighting will need to be in compliance with the requirements of Section 106-310, Footnote A, of the city's Code of Ordinances.

Second by Commissioner Kendrick. **Motion carried.**

Ayes: Bird, Kendrick, Follis, Warren

Nays: Martin, Barrera, Lawler

Abstain: Smith, LaCour

5. **Item continued from November 19, 2015: Consider a recommendation to the La Porte City Council on a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 20 acre tract of land known as Tract 1L, Johnson Hunter Survey, Abstract 35, from "Low Density Residential" to "Commercial," "Mid to High Density Residential" and "Mixed Use."**

City Planner Eric Ensey presented the staff report on an amendment to the Future Land Use Map changing the land use designation for a 20 acre tract of land located on the east side of State Highway 146 north of Wharton Weems Boulevard, from Low Density Residential to Commercial, Mid to High Density Residential, and Mixed Use. The proposed amendment is the result of a special conditional use permit requested for the subject property.

Motion by Commissioner Kendrick to recommend to City Council, approval of an amendment to the Future Land Use Map changing the land use designation for a 20 acre tract of land located on the east side of State Highway 146 north of Wharton Weems Boulevard, from Low Density Residential to Commercial, Mid to High Density Residential, and Mixed Use.

Second by Commissioner Bird. **Motion carried.**

Ayes: Kendrick, Bird, LaCour, Follis, Warren, Lawler
Nays: Martin, Barrera
Abstain: Smith

6. **Discussion on a request to designate a portion of Bay Area Boulevard as a truck route.**

Item withdrawn from consideration.

7. **Administrative Reports**

There were no administrative reports.

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

Commissioner Smith requested staff keep the Commission apprised of possible projects as they become known.

City Manager Corby Alexander assured the Commission it is never the intent to withhold information and suggested ways to keep the group better informed.

Commissioners thanked staff for their work with the Town Center project and thanked the public for their participation.

9. **Adjourn**

Motion by Commissioner Warren to adjourn.

Second by Commissioner Kendrick.

Chairman Lawler adjourned the meeting at 7:44 p.m.

Respectfully submitted,

Peggy Lee
Secretary, Planning and Zoning Commission

Passed and Approved on _____, 2016.

Hal Lawler
Chairman, Planning and Zoning Commission

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



January 21, 2016

AGENDA ITEMS 4-6

Consider approval of Zone Change Request #15-92000003,
a rezoning of Lots 1-8, Block 108, Town of La Porte Subdivision,
City of La Porte, Harris County, Texas,
from General Commercial (GC) to Medium Density Residential (R-2).
(Applicant: Bayway Homes)

***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 Lots 1-8, Block 108; Lots 1-28, Town of La Porte Subdivision, Harris County, Texas, from General Commercial (GC) to Medium Density Residential (R-2)?

RECOMMENDATION

Staff recommends the Planning and Zoning Commission consider a recommendation for approval of the proposed zone change request.

DISCUSSION

Applicant:

The applicant and property owner is Bayway Homes Inc.

Location:

The following is the legal description of the subject property: Lots 1-8, Block 108, Town of La Porte Subdivision, Harris County, Texas.

The subject site is located at the southeast corner of N. 1st Street and the unimproved E Street right-of-way. The site is vacant and undeveloped.

Background Information:

The applicant owns eight (8) lots in the Northside area and is requesting consideration of the proposed zoned change to construct four (4) single family detached houses on those lots. The subject lots were zoned GC as part of the Ordinance 1501 zoning modifications in 1987.

The attached Exhibit A shows the zoning of the subject property and surrounding properties. Additionally, the attached Exhibit B shows the current and proposed land use in the city's Future Land Use Plan. The current land use is identified as "Commercial" use. If the proposed zone change is approved the Future Land Use Plan will need to be amended to allow for "Low-Density Residential" use.

Notification Requirements:

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

Analysis:

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

1. *Land Use.* The subject site is currently zoned General Commercial (GC) and the City's adopted Future Land Use Map identifies it as General Commercial use. The rezoning of the subject properties to GC requires an amendment to the city's Future Land Use Plan, which is also presented on this agenda. The proposed zone change is consistent with the development pattern on the west side of N. 1st Street, which is zoned R-2. Staff sent notice to the owners of the remaining lots on the east side of N. 1st Street (Lots 9-16, Block 108) to see if there was interest in participating in the zone change request, as it would be better to rezone the entire half of the block (Lots 1-16); however, those property owners were not interested in participating.
2. *Access.* There is sufficient right-of-way access to allow the various lots to develop.
3. *Utilities.* Water and sewer lines are already existing in the vicinity, therefore allowing for properties to tap into those utilities.

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
 January 21, 2016
 Bayway Zone Change

| Criterion: | Staff Findings: |
|--|---|
| Ability of infrastructure to support the permitted use. | Existing infrastructure in the area is sufficient to support the potential single family detached use. |
| Impact on the value and practicality of the surrounding land uses. | The proposed rezoning should lead to development of these properties, therefore increasing values of surrounding properties. |
| Conformance of a zoning request with the land use plan. | There is an item on the agenda for consideration of an amendment to the city's Future Land Use Plan that would bring the proposed zone change into conformance with the Comprehensive Plan. |
| Character of the surrounding and adjacent areas. | Rezoning Lots 1-8, Block 108, would be consistent with the development pattern on the west side of N. 1 st Street, which is already zoned R-2. The applicant also owns a number of lots on the west side of N. 1 st Street that will be developed as residential in the future. |
| 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 the surrounding Northside neighborhood. The proposed uses would be suitable for the subject properties and will be provided sufficient access and circulation with existing infrastructure. |
| 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 the existing road system has sufficient capacity. |
| The extent to which the proposed use designation would create excessive air pollution, water pollution, noise pollution, or other environmental harm to adjacent properties. | The proposed rezone will not create excessive air pollution or other negative environmental issues. |
| The gain, if any, to the public health, safety, and welfare of the City. | The proposed rezone will likely encourage development in an area that has historically not seen much development. |

Conclusion:

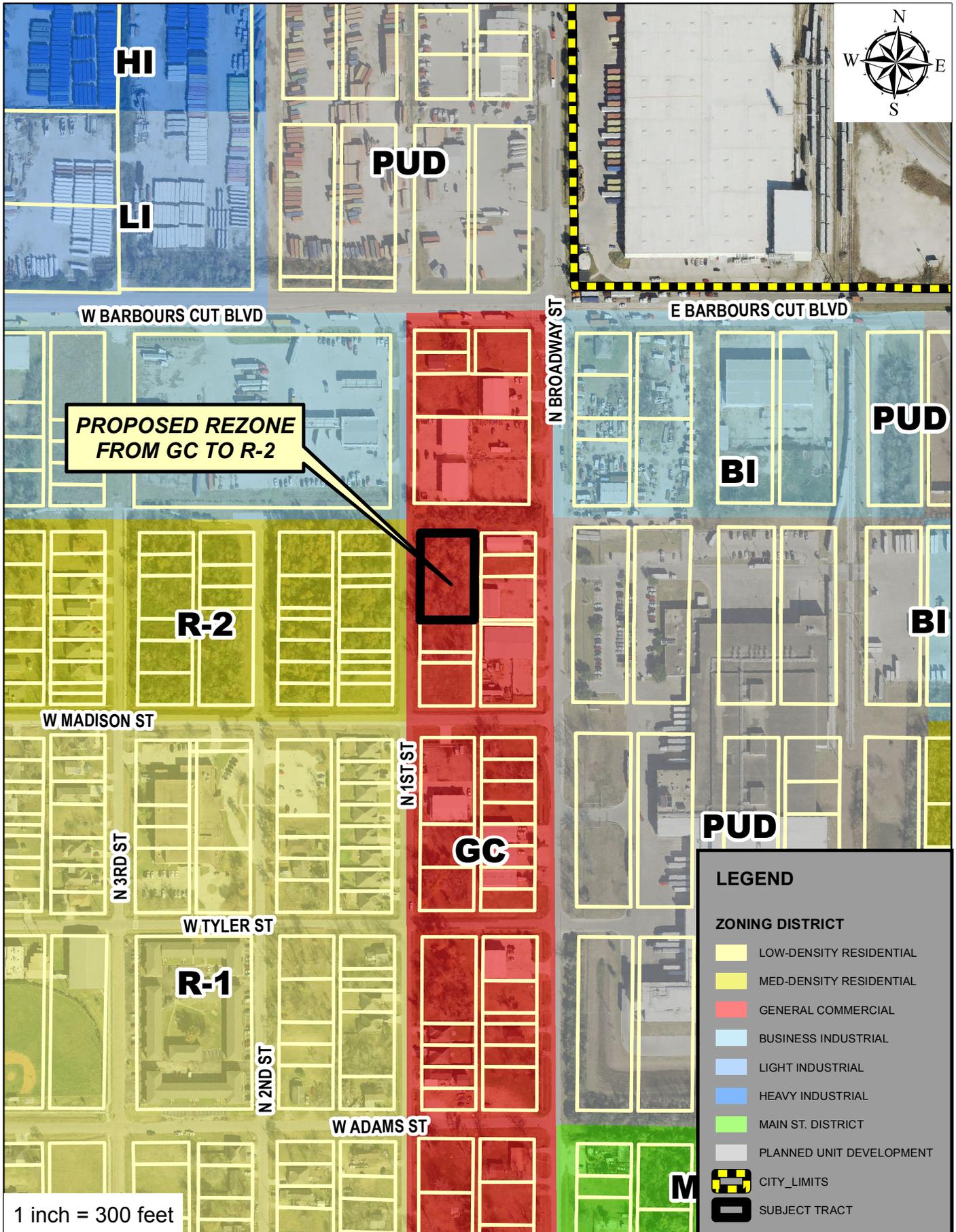
Based on the above analysis, staff recommends the Planning and Zoning Commission recommend approval of the proposed rezone from General Commercial (GC) to Medium Density Residential (R-2).

ATTACHMENTS

- Exhibit A: Zoning Area Map
- Exhibit B: Land Use Area Map

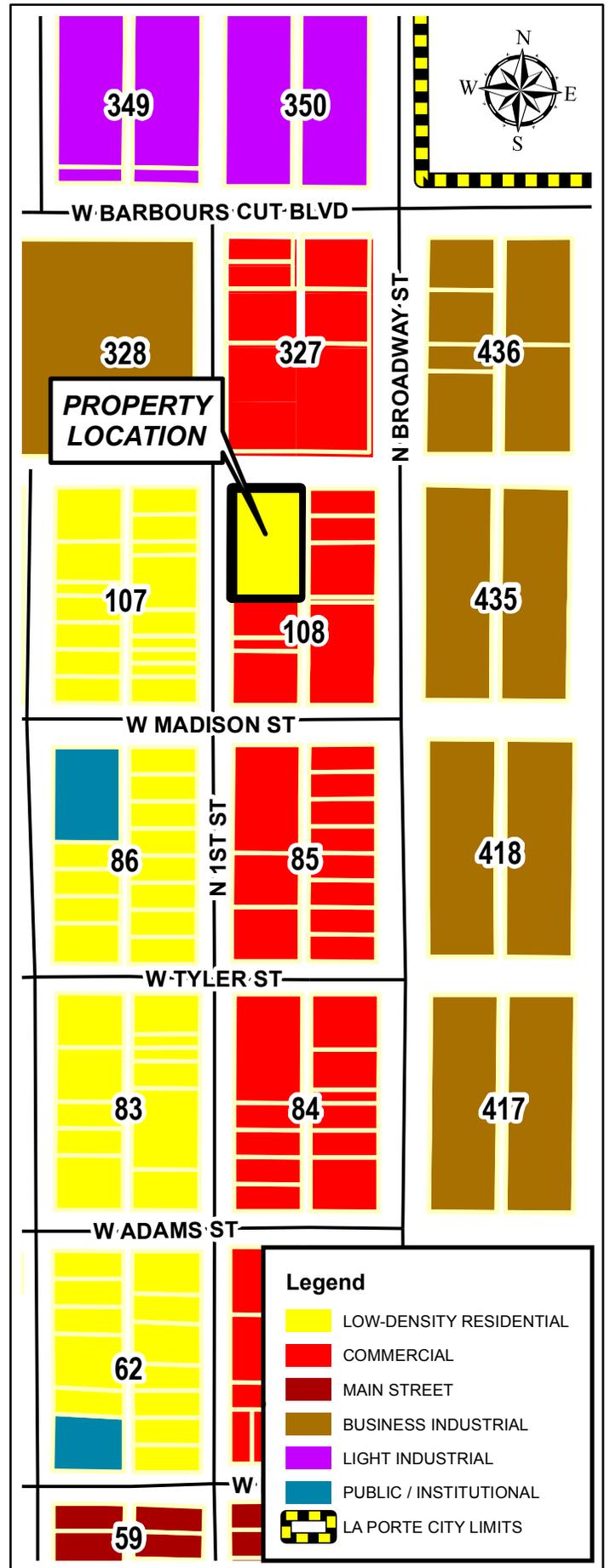
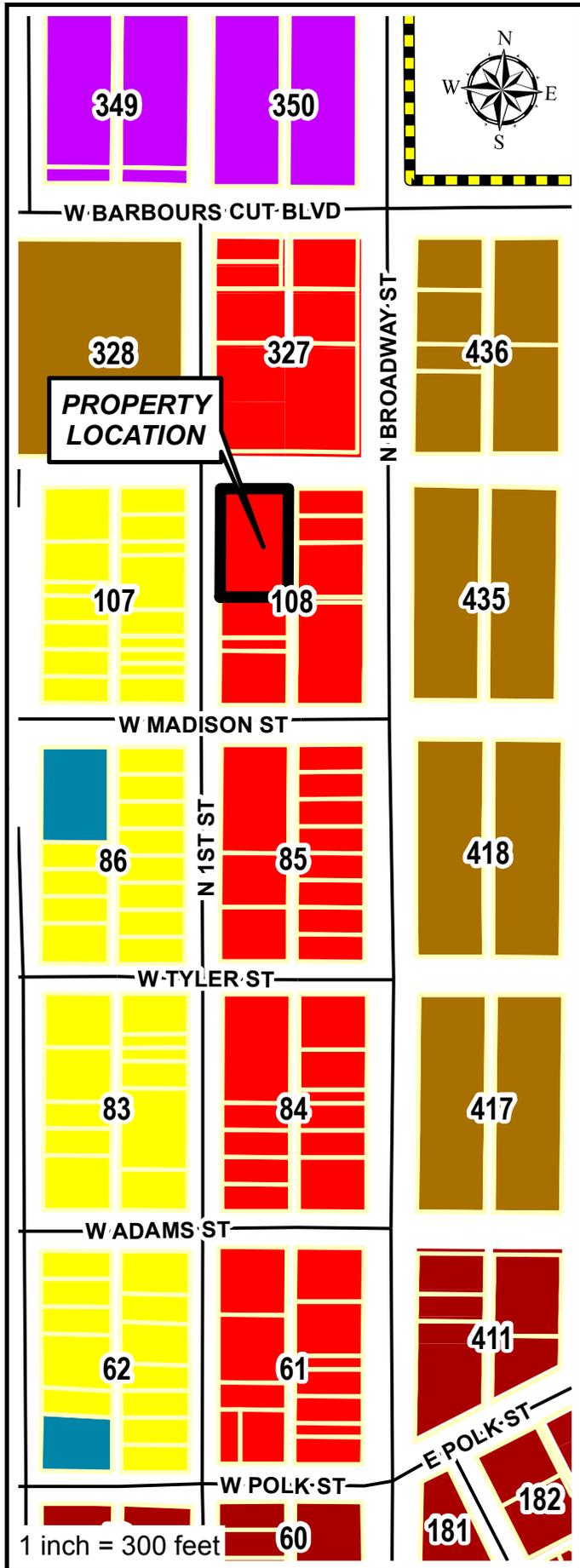
ZONING AREA MAP

EXHIBIT A



EXISTING FUTURE LAND USE

PROPOSED FUTURE LAND USE



Legend

| | |
|--|-------------------------|
| | LOW-DENSITY RESIDENTIAL |
| | COMMERCIAL |
| | MAIN STREET |
| | BUSINESS INDUSTRIAL |
| | LIGHT INDUSTRIAL |
| | PUBLIC / INSTITUTIONAL |
| | LA PORTE CITY LIMITS |

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



January 21, 2016

AGENDA ITEM 7

Consider approval of an amendment to the City of La Porte's Future Land Use Plan by amending the land use designation for Lots 1-8, Block 108, Town of La Porte Subdivision from "Commercial" use to "Low-Density Residential".

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

Planning and Development Department Staff Report

ISSUE

Consider a recommendation of approval to the City Council for an amendment to the city's Future Land Use Plan from "Commercial" use to "Low-Density Residential" use for Lots 1-8, Block 108, Town of La Porte Subdivision as demonstrated in the attached Exhibit A.

RECOMMENDATION

Should the Planning and Zoning Commission desire to recommend approval of Agenda Item (6) pertaining to Zone Change Request #15-92000003 from General Commercial (GC), to Medium Density Residential (R-2) then the city's Future Land Use Plan should be amended from "Commercial" use to "Low-Density Residential" use for said tracts.

DISCUSSION

Staff is presenting for consideration an amendment to the city's Future Land Use Plan in conjunction with a request by Bayway Homes Inc. for the rezoning of Lots 1-8, Block 108, Town of La Porte Subdivision, from GC to R-2. The applicant is proposing to construct four (4) single family detached residential houses on the eight (8) lots.

The city's Future Land Use Plan (FLUP) identifies this property as "Commercial" use. In order to accommodate the proposed development, the FLUP would need to be amended to allow for "Low-Density Residential" use. The FLUP may be amended from time to time, if approved by the City Council, upon recommendation by the Planning and Zoning Commission. The attached Exhibit A demonstrates the existing land use versus what is being proposed.

The proposed "Low-Density Residential" use would be consistent with the land use on the west side of N. 1st Street across from the subject site. The remaining lots on Block 108 that front N. 1st Street (Lots 9-16) would remain Commercial. Although not an ideal situation, there are other instances in the vicinity where residential uses exist on the east side of N. 1st Street where zoned GC. The original intent when the city initially rezoned those blocks between N. 1st Street and Broadway to GC was that the entire block would be combined and develop commercially; however, this did not happen. Over time, there were a number of lots on N. 1st Street that did not develop

commercially. Generally, commercial uses prefer visibility and access from an arterial street to generate usage. N. 1st Street does not provide the traffic that Broadway does. As a result, single family detached residential uses would be a better use of property fronting N. 1st Street.

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

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

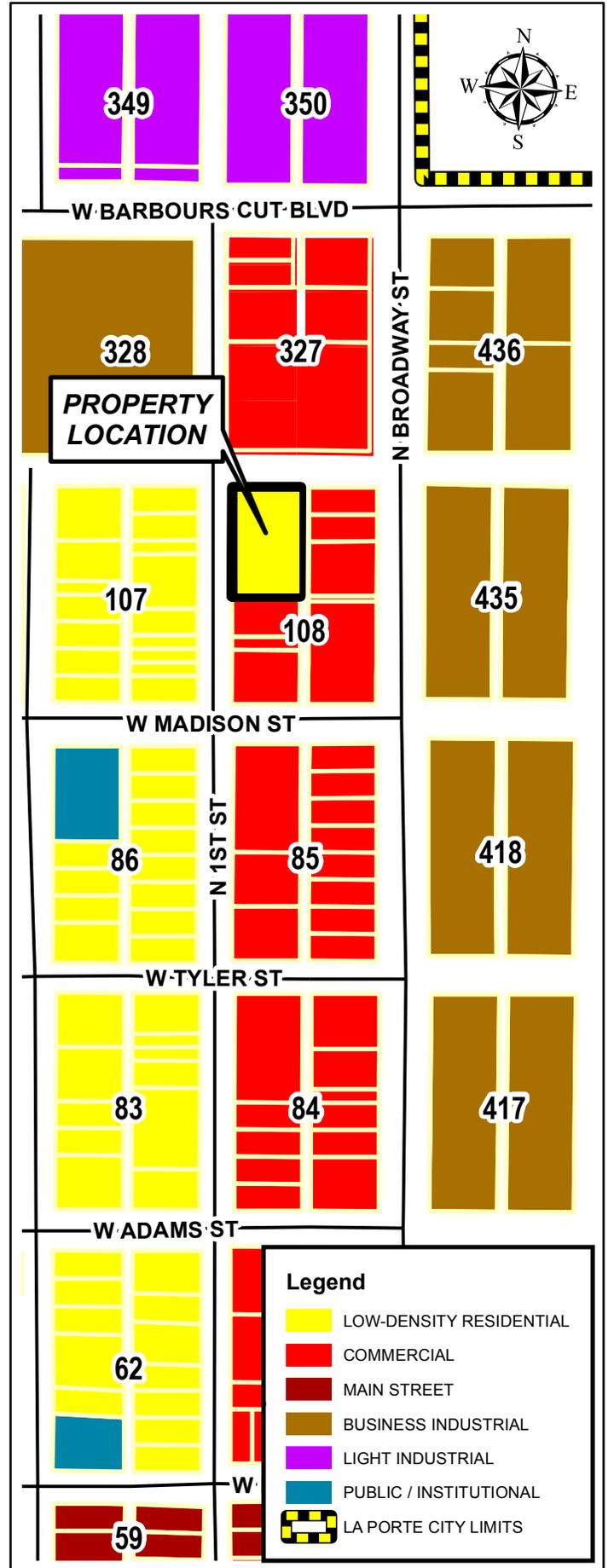
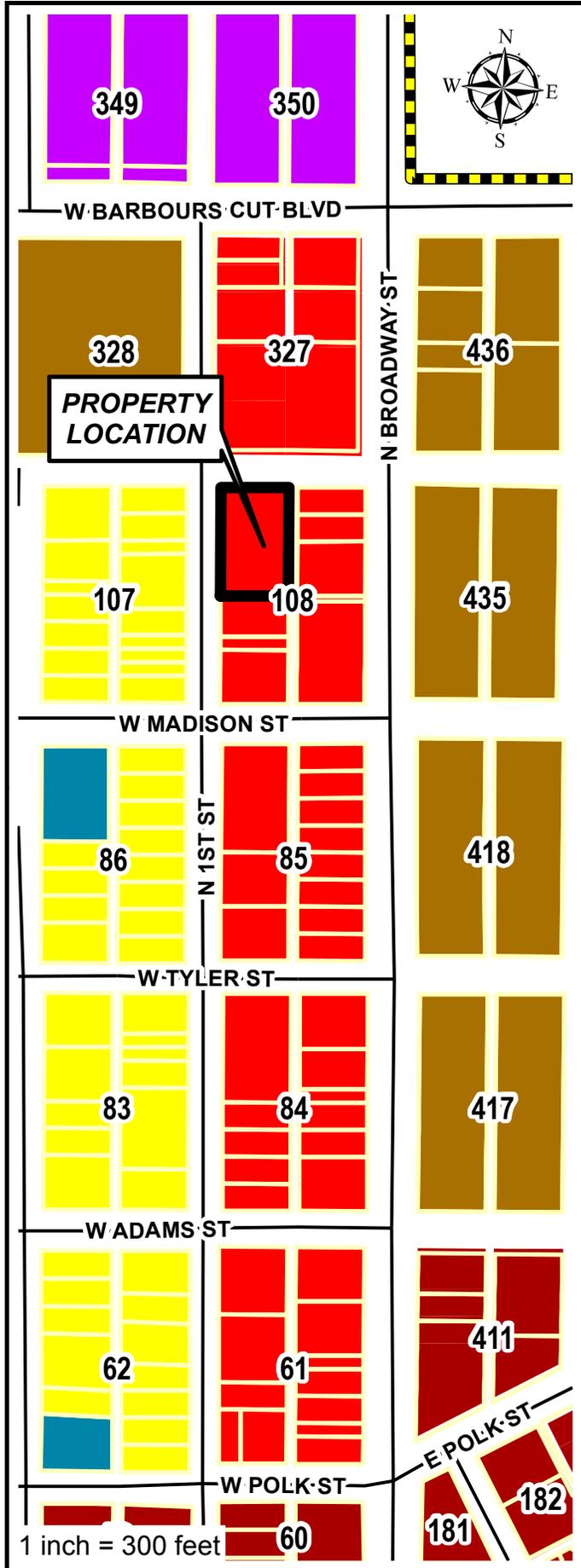
| | Land Use | Development |
|--------------|-------------------------|---|
| North | Business Industrial | Industrial office/warehouse across undeveloped E Street ROW |
| South | Commercial | Currently undeveloped |
| West | Low Density Residential | Currently undeveloped across N. 1 st Street |
| East | Commercial | Commercial development across alley |

ATTACHMENTS

Exhibit A: Existing and Proposed Future Land Use Plan

EXISTING FUTURE LAND USE

PROPOSED FUTURE LAND USE



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



January 21, 2016

AGENDA ITEMS 8-10

Consider approval of Zone Change Request #15-92000004,
a rezoning of Reserve B and C, Block 1, Willmont Commercial Park Amended Subdivision, and
Tract 33 Treat Plant Site, Abstract 482, William Jones Survey,
City of La Porte, Harris County, Texas,
from Neighborhood Commercial (NC) to General Commercial (GC).
(Applicant: Warwick Homes)

***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 Reserve B and C, Block 1, Willmont Commercial Park Amended Subdivision and Tract 33 Treat Plant Site, Abstract 482, William Jones Survey, from Neighborhood Commercial (NC) to General Commercial (GC)?

RECOMMENDATION

Staff recommends the Planning and Zoning Commission consider a recommendation for approval of the proposed zone change request.

DISCUSSION

Applicant:

The applicant is Warwick Homes Inc., the owner of Reserve B and C. The City of La Porte is also an applicant and owner of Tract 33.

Location:

The following is the legal description of the subject property:

1. Reserve B and C, Block 1, Willmont Commercial Park Amended Subdivision.
2. Tract 33 Treat Plant Site, Abstract 482, William Jones Survey.

The subject site is located on the north side of Fairmont Parkway between Big Island Slough and Willmont Road. The site is vacant and undeveloped.

Background Information:

Warwick Homes owns approximately 3.4 acres of undeveloped land and is seeking to sell the land for development purposes; the adjacent city-owned tract utilized for a sanitary sewer lift station is approximately 0.5 acres in size. The applicant has indicated that they have had a difficult time selling the land as it is currently zoned. The NC district is the most restrictive commercial district in the city and is limited generally to less intense commercial uses such as retail and food establishments. Should the Commission desire to recommend approval of the proposed zone change, then those uses permitted in the GC district would be permitted on this site.

Because of its proximity to existing residential development, any future commercial development would be required to comply with the screening requirements established in Section 106-444 of the city's Code of Ordinances. These requirements include either construction of an 8-foot high wood or masonry fence or hedges of a height to provide screening. The required screening would be reviewed at the time of site plan submittal. This screening is required to mitigate any potential impact that commercial development might have on adjacent residential uses.

Future development of the site will be required to remedy a drainage issue associated with this property. It has been brought to staff's attention that some ponding of water occurs during storm events on this site. Similar to what was done when the adjacent site developed, this site will be required to provide an underground drainage system to transfer water to the detention pond. This will remedy the issue of ponding on the site.

The attached Exhibit A shows the zoning of the subject property and surrounding properties. Additionally, the attached Exhibit B shows the current and proposed land use in the city's Future Land Use Plan. The current land use is identified as "Neighborhood Commercial" use. If the proposed zone change is approved the Future Land Use Plan will need to be amended to allow for "Commercial" use.

Notification Requirements:

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

Analysis:

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

1. *Land Use.* The subject site is currently zoned Neighborhood Commercial (NC) and the City's adopted Future Land Use Map identifies it as "Neighborhood Commercial" use. The rezoning of the subject property to GC requires an amendment to the city's Future Land Use Plan, which is also presented on this agenda. The proposed zone change is consistent with the development patterns on Fairmont Parkway to the east of this site. Staff sent notice to the owners of the adjacent tract of land to the west to gauge interest in participating in the zone change request as it would be better to rezone the entire half of the block. Staff never heard back from the property owner.

Planning and Zoning Commission Regular Meeting
 January 21, 2016
 Warwick Zone Change

2. *Access.* There is sufficient right-of-way access to allow the various lots to develop.
3. *Utilities.* Water and sewer lines are already existing in the vicinity, therefore allowing for properties to tap into those utilities.

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

| Criterion: | Staff Findings: |
|--|--|
| Ability of infrastructure to support the permitted use. | Existing infrastructure in the area is sufficient to support the potential commercial use. |
| Impact on the value and practicality of the surrounding land uses. | The proposed rezoning should lead to development of these properties, therefore increasing values of surrounding properties. |
| Conformance of a zoning request with the land use plan. | There is an item on the agenda for consideration of an amendment to the city’s Future Land Use Plan that would bring the proposed zone change into conformance with the Comprehensive Plan. |
| Character of the surrounding and adjacent areas. | The proposed rezoning would be consistent with the development pattern on Fairmont Parkway to the east of the subject site, which is already zoned GC. |
| 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 the surrounding commercial development on Fairmont Parkway and will provide a transition of uses from the industrial Bayport Industrial District on the south side of Fairmont Parkway to the adjacent residential subdivision to the north. As with all other commercial development adjacent to residential development, screening will be required in conformance with applicable code provisions. |
| 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 there would not be a significant difference between neighborhood commercial development and general commercial development. |
| The extent to which the proposed use designation would create excessive air pollution, water pollution, noise pollution, or other environmental harm to adjacent properties. | The proposed rezone will not create excessive air pollution or other negative environmental issues. |
| The gain, if any, to the public health, safety, and welfare of the City. | The proposed rezone will likely encourage development of the subject lot, which will be a benefit to the greater community. |

Conclusion:

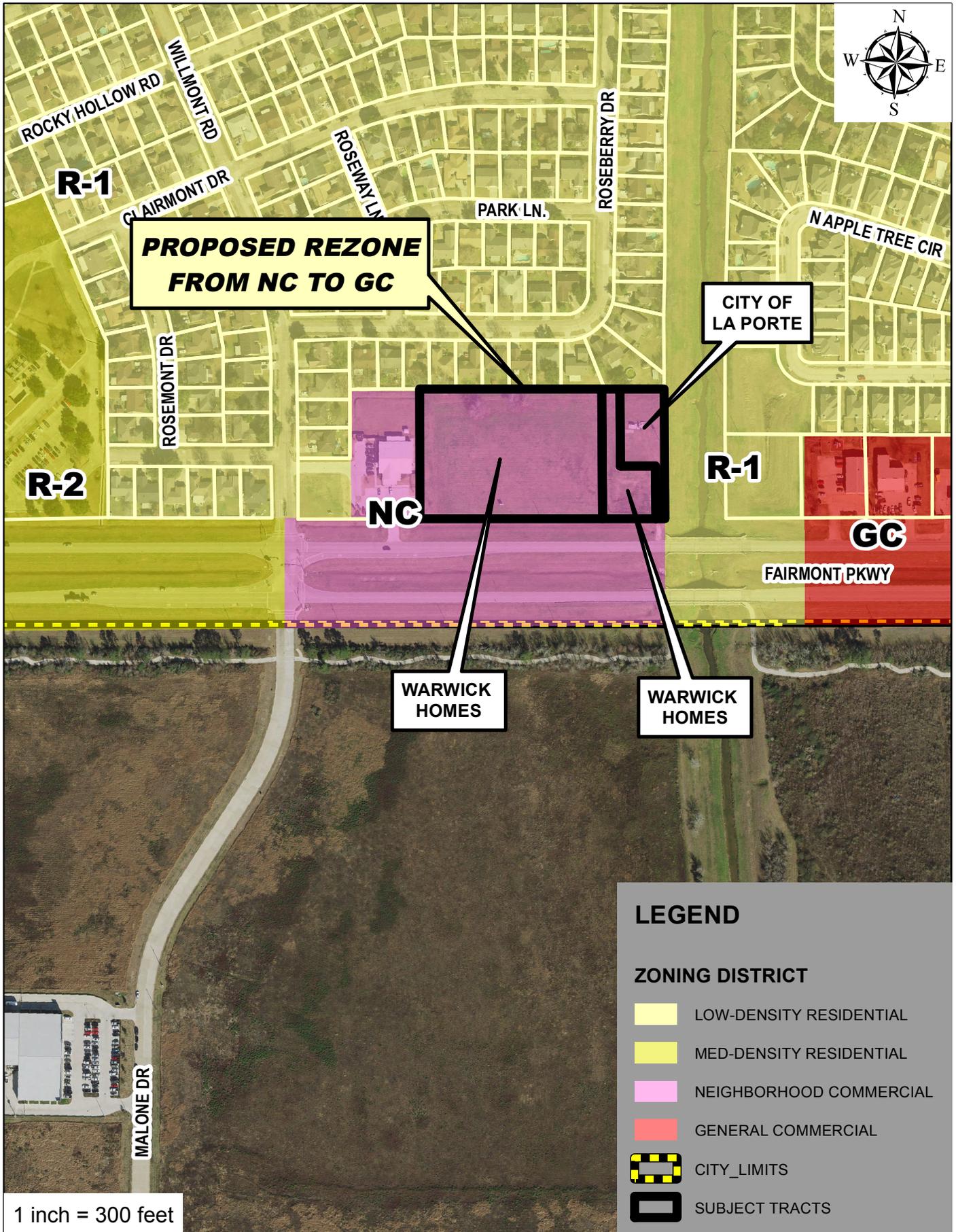
Based on the above analysis, staff recommends the Planning and Zoning Commission recommend approval of the proposed rezone from Neighborhood Commercial (NC) to General Commercial (GC).

ATTACHMENTS

- Exhibit A: Zoning Area Map
- Exhibit B: Land Use Area Map

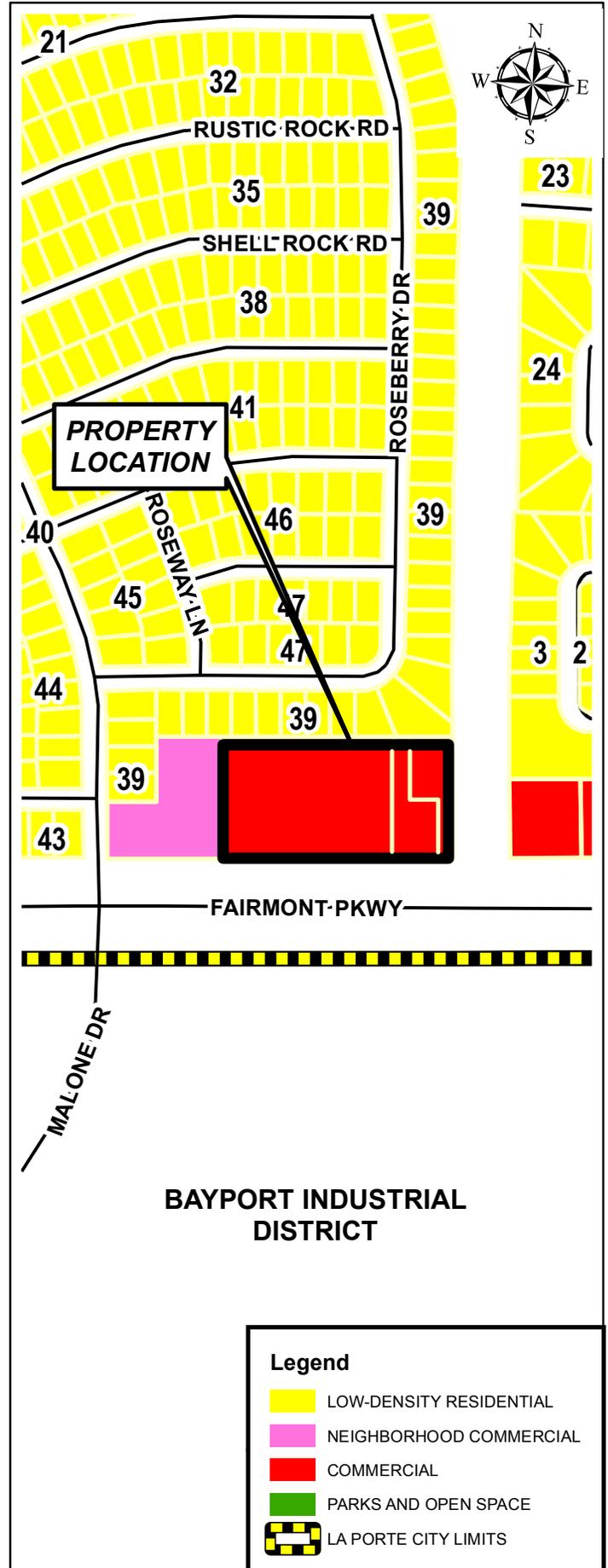
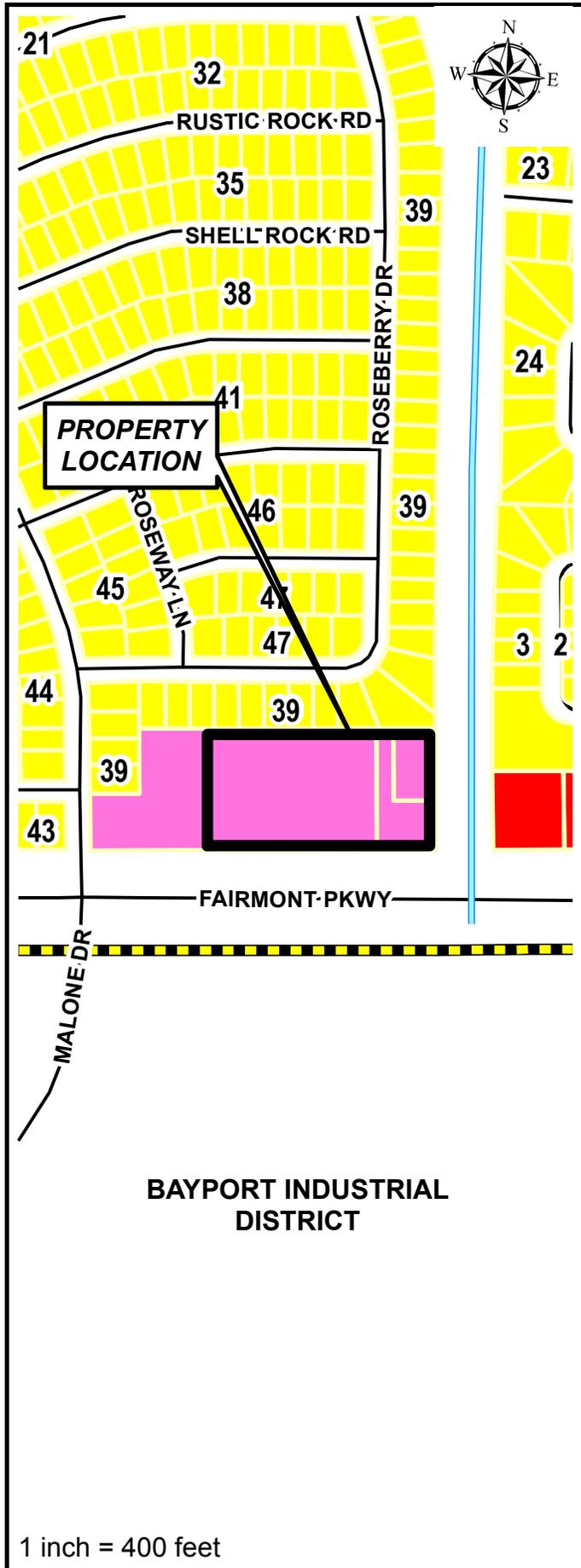
ZONING AREA MAP

EXHIBIT A



EXISTING FUTURE LAND USE

PROPOSED FUTURE LAND USE



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



January 21, 2016

AGENDA ITEM 11

Consider approval of an amendment to the City of La Porte's Future Land Use Plan by amending the land use designation for Reserve B and C, Block 1, Willmont Commercial Park Amended Subdivision and Track 33 Treat Plant Site, Abstract 482, William Jones Survey from "Neighborhood Commercial" use to "Commercial" use.

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

Planning and Development Department Staff Report

ISSUE

Consider a recommendation of approval to the City Council for an amendment to the city's Future Land Use Plan from "Neighborhood Commercial" use to "Commercial" use for Reserve B and C, Block 1, Willmont Commercial Park Amended Subdivision and Tract 33 Treat Plant Site, Abstract 482, William Jones Survey, as demonstrated in the attached Exhibit A.

RECOMMENDATION

Should the Planning and Zoning Commission desire to recommend approval of Agenda Item (10) pertaining to zone change request #15-92000004 from Neighborhood Commercial (NC) to General Commercial (GC) then the city's Future Land Use Plan should be amended from "Neighborhood Commercial" use to "Commercial" use for said tract.

DISCUSSION

Staff is presenting for consideration an amendment to the city's Future Land Use Plan in conjunction with a request by Warwick Homes Inc. for the rezoning of Reserve B and C, Block 1, Willmont Commercial Park Amended Subdivision, from NC to GC. The proposal would allow for the subject site to be developed in accordance to those uses permitted in the GC district. The city owns Tract 33, which is adjacent to the Warwick homes site, and is also zoned NC. This tract is utilized as a sanitary sewer lift station and will continue to be used as such in the future. However the city has included it as part of the zone change so as not to leave a remnant NC zoned property between the applicant's property and the adjacent drainage channel, should the City Council approve the rezoning.

The city's Future Land Use Plan (FLUP) identifies this property as "Neighborhood Commercial" land use. In order to accommodate the proposed rezoning, the FLUP would need to be amended to allow for "Commercial" use. The FLUP may be amended from time to time, if approved by the City Council, upon recommendation by the Planning and Zoning Commission. The attached Exhibit A demonstrates the existing land use versus what is being proposed.

The NC zone district is the city’s most restrictive commercial zone district. The applicant asserts that he has found it difficult to sell the subject property under the current zoning. The GC district allows for other uses, which the applicant believes will make his property more marketable. Modifying the proposed land use would be consistent with other commercial uses to the east of the site on Fairmont Parkway, which also are designated as “Commercial” uses. There are a concentration of “Neighborhood Commercial” uses to the east of the subject site, specifically centered on the intersection of Underwood and Fairmont.

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

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

| | Land Use | Development |
|--------------|-------------------------|--|
| North | Low-Density Residential | Single family detached development (Fairmont Park West) |
| South | | Outside municipal boundaries (Bayport Industrial District) |
| West | Neighborhood Commercial | Commercial development (veterinarian clinic) |
| East | | Big Island Slough |

ATTACHMENTS

Exhibit A: Existing and Proposed Future Land Use Plan

EXISTING FUTURE LAND USE

PROPOSED FUTURE LAND USE

