



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, June 16, 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: May 19, 2016.
4. Open a public hearing to receive input on an application for Zone Change Request #16-92000002, a request by Grove Enterprises to rezone a 3.7062 acre tract of land legally described as Tracts 9A & 50A of Abstract 30 of the WP Harris Survey, from Neighborhood Commercial (NC) 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 #16-92000002.
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 3.7062 acre tract of land legally described as Tracts 9A & 50A of Abstract 30 of the WE Harris Survey, from "Neighborhood Commercial" use to "Low Density Residential" use.
8. Open a public hearing to receive input on an application for Zone Change Request #16-92000003, a request by Mark Follis to rezone a Lots 11-17, Block 1114, Town of La Porte Subdivision, from Neighborhood Commercial (NC) to Low Density Residential (R-1). Additionally, the City of La Porte is initiating the rezoning for the adjacent Lots 18-23, Block 1114, Town of La Porte Subdivision from General Commercial (GC) to Low Density Residential (R-1), and Lot 24, Block 1114, Town of La Porte Subdivision, from split zoned General Commercial (GC) and High Density Residential (R-3) to Low Density Residential (R-1).
 - 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 #16-92000003.
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 the tract of land legally described as Lots 11-24, Block 1114, Town of La Porte Subdivision, from "General Commercial" and "Mid- to High-Density Residential" use to "Low-Density Residential" use.

12. Open a public hearing to receive input on an application for Special Conditional Use Permit #16-91000001, a request by Bayway Homes for development of 9 single family attached duplex homes on Lots 7-17, 20-21, 22-27, Block 32, Beach Park Subdivision, generally located on the west side of Bayshore Drive northeast of Sylvan Beach Park.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (for, against, or questions)
 - d. Question and Answer
13. Close public hearing.
14. Consider approval or other action on Special Conditional Use Permit request #16-91000001.
15. Open a public hearing to receive input on an application for Special Conditional Use Permit #15-91000002, a request by Priority Towing to allow development of a towing wrecker yard on approximately 2 acres of the 5.2 acre tract of land, legally described as Tract 6 of the La Porte Outlots, generally located on the south side of Spencer Highway west of Bay Area Boulevard.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (for, against, or questions)
 - d. Question and Answer
16. Close public hearing.
17. Consider approval or other action on Special Conditional Use Permit request #16-91000002.
18. Consider approval or other action on a request by The Urban Companies for the Sens Road Business Park General Plan to allow for development of a commercial/industrial business park on a 62 acre tract located on the northeast corner of Sens Road and N. C Street.
19. Administrative reports.
20. Commission comments on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
21. 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, June 16, 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 May 19, 2016**

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

Commissioners Absent: Lou Ann Martin

City Staff Present: City Attorney Knox Askins, City Planner Eric Ensey, and Planning Technician Ryan Cramer

1. Call to Order.

Chairman Hal Lawler called the meeting to order at 5:59 p.m.

2. Roll call of members.

Lou Ann Martin was the only Commission member not present.

3. Consider approval of meeting minutes: March 17, 2016, and April 28, 2016.

Motion by Trey Kendrick to approve the meeting minutes of the March 17, 2016 and April 28, 2016 meetings.

Second by Helen LaCour. **Motion carried.**

Ayes: Nick Barrera, Richard Warren, Trey Kendrick, Larry Stockham, Wyatt Smith, Mark Follis, Helen LaCour and Chairman Hal Lawler

Nays: None

4. Consider a request for approval of Replat #16-97000001 by S. 16th Street Partners LTD for the proposed 16th Street Partners Subdivision, a replat of Blocks 1172, 1173, 1174, 1179, 1180 and 1181, Town of La Porte Subdivision.

Chairman Lawler opened the public hearing at 6:01 p.m.

a. Staff Presentation

City Planner Eric Ensey presented staff's report on a replat request by S. 16th Street Partners LTD.

City Planner Ensey said this is in conjunction with agenda item number five, which is a major development site plan for a proposed warehouse distribution facility located at 1401 S. 16th Street.

b. Applicant Presentation

The applicant Joe Llamas, said he did not have anything to add to City Planner Ensey's presentation.

c. Public Comments

There were no public comments.

Chairman Lawler closed the public hearing at 6:06 PM.

d. Question and Answer

There were no questions.

Motion by Trey Kendrick to approve Replat #16-97000001 by S. 16th Street Partners LTD for the proposed 16th Street Partners Subdivision, a replat of Blocks 1172, 1173, 1174, 1179, 1180 and 1181, Town of La Porte Subdivision.

Second by Wyatt Smith. **Motion Carried.**

Ayes: Nick Barrera, Richard Warren, Trey Kendrick, Larry Stockham, Wyatt Smith, Mark Follis, Helen LaCour and Chairman Hal Lawler

Nays: None

5. Consider a request for approval of a Major Development Site Plan #16-83000001 by S. 16th Street Partners LTD for a proposed warehouse distribution facility at 1401 S. 16th Street (southeast corner of S. 16th Street and the unimproved W. M Street right-of-way).

City Planner Ensey presented staff's report on the major development site plan.

City Planner Ensey noted while this development is zoned Planned Unit Development like Port Crossing to the south, it is not part of the Port Crossing Development.

City Planner Ensey reported there were minor comments that must be addressed as it pertains to drainage.

Motion by Commissioner Kendrick to approve Major Development Site Plan #16-83000001 by S. 16th Street Partners LTD for a proposed warehouse distribution facility at 1401 S. 16th Street (southeast corner of S. 16th Street and the unimproved W. M Street right-of-way) with the condition that all drainage comments be satisfied.

Second by Commissioner Warren. **Motion Carried.**

Ayes: Nick Barrera, Richard Warren, Trey Kendrick, Larry Stockham, Wyatt Smith, Mark Follis, Helen LaCour and Chairman Hal Lawler

Nays: None

6. Consider a request for approval of Replat #16-97000002 by W. Dean Lawther for the proposed Loc Loma – Section 1 Replat, a replat of Lots 6-9 and 11-13, Block 1, Loc Loma Subdivision – Section 1.

Chairman Lawler opened the public hearing at 6:36 PM.

a. Staff Presentation

City Planner Eric Ensey presented staff's report on a replat application by W. Dean Lawther.

City Planner Ensey noted staff has reviewed the plat to ensure the plat has met all City requirements. City Planner Ensey also recommended if the Commission were to approve the plat that they include the previous deed restrictions with the new plat.

b. Applicant Presentation

The applicant's representative did not have anything to add. Commissioner Follis asked if any of the surrounding neighbors had been notified. City Planner Ensey said that because it was a plat they were not required to send mailed notice to residents within 200 feet of the property and the applicant's representative said the parent company had not made contact with the neighbors either.

c. Public Comments

Chairman Lawler closed the public hearing at 6:36 PM.

d. Question and Answer

There were no questions.

Motion by Commissioner Barrera to approve Replat #16-97000002 by W. Dean Lawther for the proposed Loc Loma – Section 1 Replat, a replat of Lots 6-9 and 11-13, Block 1, Loc Loma Subdivision – Section 1 with the condition that all deed restrictions from the previous plat be continued to the new plat.

Second by Commissioner Warren. Motion Carried.

Ayes: Nick Barrera, Richard Warren, Trey Kendrick, Larry Stockham, Wyatt Smith, Mark Follis, Helen LaCour and Chairman Hal Lawler

Nays: None

7. Administrative Reports

City Planner Ensey said the Texas APA conference will be in San Antonio November 2nd-4th and if any Commissioners would like to go they should e-mail him or Planning Technician Cramer.

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

Commissioner Follis told the Commission City Council had continued their Chapter 106 Zoning discussion.

Commissioner Smith reiterated his desire to see the Port Crossing development's outside storage stopped.

9. Adjourn

Motion by Commissioner Warren to adjourn.

Second by Commissioner Follis. **Motion Carried.**

Ayes: Nick Barrera, Richard Warren, Trey Kendrick, Larry Stockham, Wyatt Smith, Mark Follis, Helen LaCour and Chairman Hal Lawler

Nays: None

Chairman Lawler adjourned the meeting at 6:46 p.m.

Respectfully submitted,

Ryan Cramer
Secretary, Zoning Board of Adjustment

Passed and Approved on _____, 2016.

Hal Lawler
Chairman, Planning and Zoning Commission

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



June 16, 2016

AGENDA ITEMS 4-6

Consider approval of a Zone Change to rezone a tract of land further described as
Tracts 9A and 50A of Abstract 30 of the WP Harris Survey,
from NC, Neighborhood Commercial, to R-2, Medium Density Residential .
Applicant: Dave Strickland RPLS (on behalf of Grove Enterprises)

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

Planning and Development Department Staff Report

ISSUE

Consideration of a recommendation of approval or other action to the City Council for the proposed zone change application #16-92000002, a rezoning of Tracts 9A and 50A of Abstract 30 of the WP Harris Survey, from NC, General Commercial, to R-2, Medium Density Residential.

RECOMMENDATION

Staff recommends approval of the proposed zone change request.

DISCUSSION

Property Owners:

Grove Enterprises

Agent Representing Property Owner:

Dave Strickland, Dave Strickland RPLS

Applicant's Request:

The applicant is requesting approval of a rezoning of Tracts 9A and 50A of Abstract 30 of the WP Harris Survey to R-2 in order to develop the property with single family detached patio homes ("single family special lot line"). The attached Exhibit A is the application submitted to the city along with a project description letter, rezoning exhibit and conceptual site plan prepared by the applicant.

Background Information:

The parcels included as part of this zone change request are located on the west side of S. Broadway Street across from Bayside Drive. The attached Exhibit B is an area map that identifies the subject site.

The legal description of the entire tract is: Tracts 9A and 50A of Abstract 30 of the WP Harris Survey. The subject site is currently zoned NC, Neighborhood Commercial, and is undeveloped.

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

	Zoning	Land Use
North	R-3, High Density Residential	Multifamily Apartment Complex
South	NC, Neighborhood Commercial	Shell Gas Station
	R-1, Low Density Residential	Shady River Subdivision
West	R-1, Low Density Residential	Taylor Bayou and Shady River Subdivision beyond
East	R-3, High Density Residential	Vacant Undeveloped and Multifamily Apartment Complex

The site is currently identified as Neighborhood Commercial in the Future Land Use Map (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 Low Density Residential, which is Item 7 on the agenda.

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. *Patio Homes*. The applicant proposes the construction of “single family special lot line” residential patio homes. The proposed development will be required to comply with the residential area requirements for such use Section 106-333 of the city’s code of ordinance. For instance, each lot will need to be a minimum 4,500 square feet in area, 40’ of lot frontage, setbacks of 20’ in the front, 10’ in the rear, and 0’ on the sides, and a maximum density of 6.0 units per acre. These will be reviewed as part of the preliminary and final platting of the site. The applicant can still also construct single family detached residential as well.
2. *Land Use*. Allowing for the R-2 zoning on this site and the development of patio homes will provide a reasonable transition from the multifamily apartment (zoned R-3) to the north of the site and the existing single family detached Shady River Subdivision (zoned R-1) to the west and south. The proposed patio homes would be a less intense use than possible Neighborhood Commercial uses that could develop on this property as it is currently zoned.

Although the applicant submitted a survey with lots on it, that drawing is only conceptual in nature. The applicant will be required to comply with all applicable development standards for R-2 development.

3. *Access.* Although the site has direct access to S. Broadway Street, the applicant will need to provide a public or private street to provide access for each of the individual lots.
4. *Utilities.* There are existing water and sanitary sewer utilities in the S. Broadway Street right-of-way. As part of the platting of this property, the applicant will be required to submit construction drawings for extension of those lines to provide utilities for the individual lots within a street right-of-way or through separate easements.
5. *Floodplain.* The subject site is located within the 100 year floodplain. As a result, part of the review of the building of the individual houses will require compliance with the city's floodplain regulations.

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.	The city's infrastructure has the capacity to support the proposed development. Although water lines are in proximity of the proposed development, the applicant will have to extend the water and sanitary sewer lines before any building permits may be issued.
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 to R-2 will provide a reasonable transition of residential uses in the vicinity from the R-3 multifamily to the north and R-1 Shady River Subdivision to the west and south.
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 providing a reasonable density transition with the surrounding neighborhood and existing zoning. 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	The proposed rezoning will not adversely impact the traffic in the vicinity, as the existing road system has sufficient capacity.

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 Grove Enterprises Zone Change

road.	
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 to Low Density Residential (R-1).

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

1. PROPERTY OWNER CONTACT INFORMATION:

OWNER'S NAME: GROVE ENTERPRIZES PHONE 1: (346) 970-8909
PHONE 2: HAROLD POLK FAX #: _____
E-MAIL: _____
MAILING ADDRESS: _____

2. AGENT REPRESENTING PROPERTY OWNER (If Applicable):

AGENT / CONTRACTOR COMPANY: DAVE STRICKLAND
PHONE 1: (281) 705-4297 PHONE 2: _____
E-MAIL: dave@replats.com FAX #: (713) 643-9797
MAILING ADDRESS: 4118 DUVAL, HOUSTON, TX 77087
CONTACT PERSON'S NAME: DAVE STRICKLAND PHONE: (281) 705-4297

3. PROPERTY DESCRIPTION:

HCAD PARCEL NO(s) 13-digit Tax ID(s): 1.) 0402440010024
2.) _____
3.) _____
PROPERTY ADDRESS (if existing): 3104 HIGHWAY 146 S
PROPERTY LEGAL DESCRIPTION: TRACTS 9A & 50A, WP HARRIS, A-30

4. ZONING INFORMATION OF PROPERTY:

CURRENT ZONING DESIGNATION: NEIGHBORHOOD COMMERCIAL REQUESTED ZONING DESIGNATION: MEDIUM DENSITY RESIDENTIAL
CURRENT SIC/NAICS USE NO.: _____ PROPOSED USAGE: SINGLE FAMILY RESIDENTIAL

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

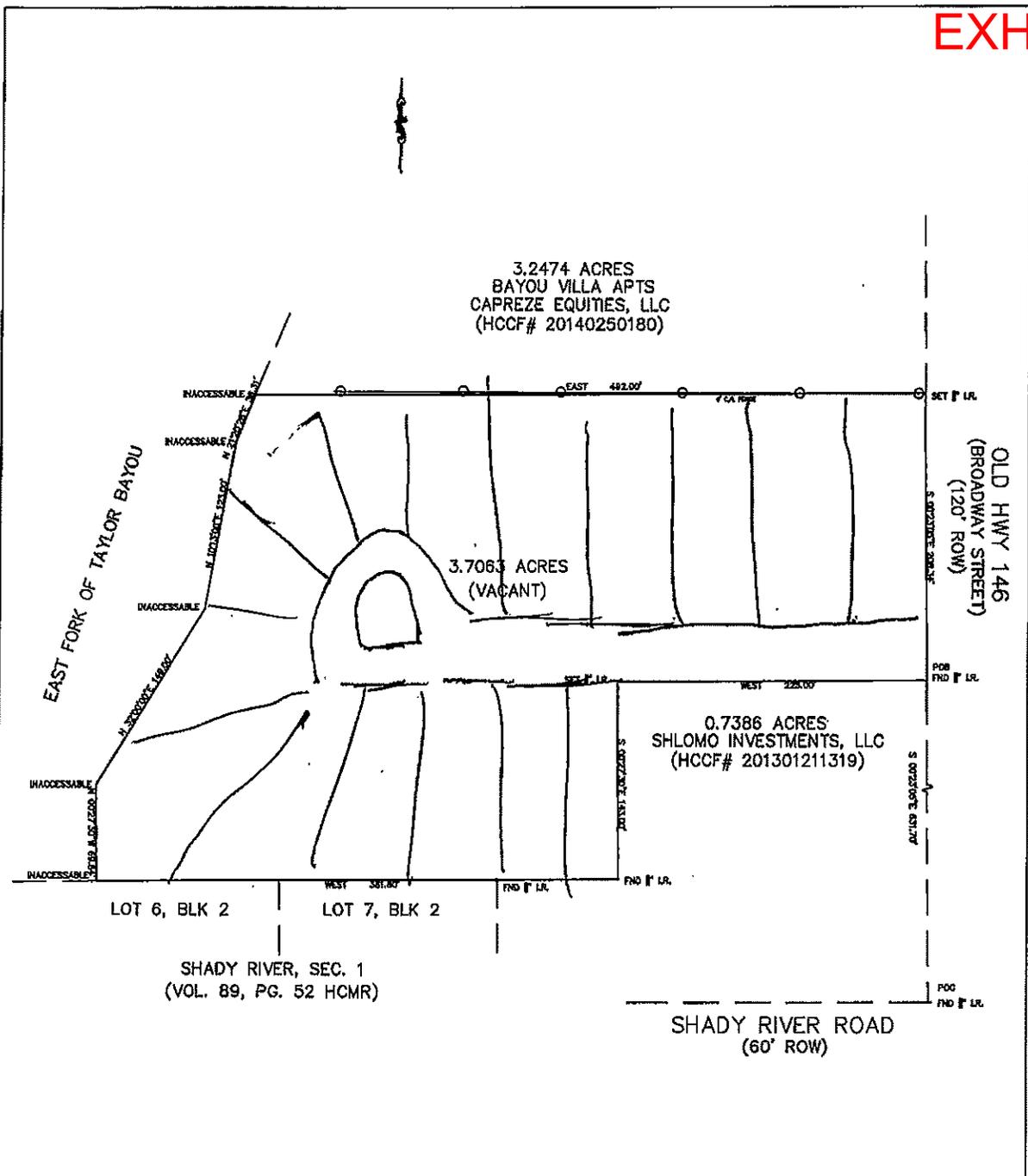
PRINTED NAME: DAVE STRICKLAND SIGNATURE:  DATE: 05/05/16

(STAFF USE ONLY):

APPLICATION NO: _____

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

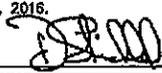
COMMENTS: _____

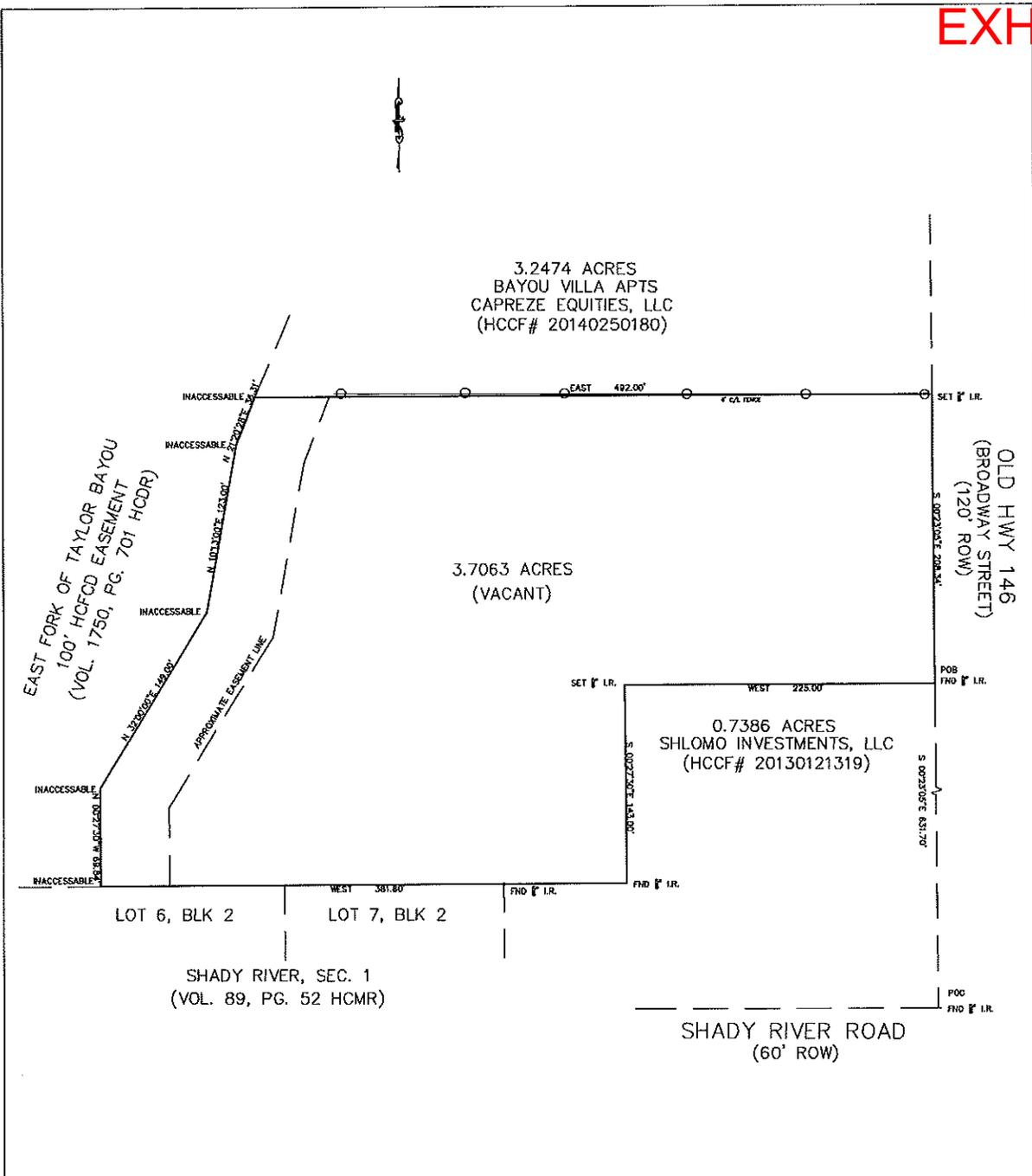


NOTES:
 1.) TITLE COMMITMENT FROM TITLE RESOURCES GUARANTY COMPANY (CF# 1709-16-1008) WAS RELIED UPON DURING THE PREPARATION OF THIS PLAT.
 2.) SUBJECT TO 50' WIDE HARRIS COUNTY FLOOD CONTROL EASEMENTS AS RECORDED IN VOL. 1750, PG. 701 AND VOL. 1445, PG. 584, DEED RECORDS OF HARRIS COUNTY, TEXAS.
 - ABSTRACTING BY TITLE COMPANY.
 - ALL BEARINGS SHOWN ARE REFERENCED PER TEXAS STATE PLANE COORDINATES.

SUBJECT PROPERTY IS LOCATED IN A FEDERAL INSURANCE ADMINISTRATION DESIGNATED FLOOD HAZARD AREA SHOWN "AC" AS PER MAP AMEND 2726L, 02/20/17. FOR INFORMATION, SEE FEDERAL FLOOD INSURANCE RATE MAP, W. 42 AND SURROUNDING AREAS FOR FURTHER INFORMATION.

SCALE 1" = 60'

<p>DAVE STRICKLAND, RPLS LAND CONSULTING (281) 705-4297</p>	<p>3.7063 ACRES OUT OF W.P. HARRIS SURVEY, A-30 HARRIS COUNTY, TEXAS (SEE LEGAL DESCRIPTION OF EVEN DATE)</p> <p>I HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON THE 29th DAY OF JANUARY, 2016.</p> 	
<p>PURCHASER: GROVE ENTERPRIZES ADDRESS: 3104 OLD HWY 146 MORT. CO.: BAY MOUNTAIN FUND 1, LLC.</p>	<p>TITLE CO.: TITLE RESOURCES GUARANTY CO. FIELD WORK: 01/29/16 JL DRAFTING: ML FINAL CHECK: DS</p>	<p>JOB NO.: 4052 KEY MAP: 580P GF#: 1709-16-1008 REVISED: N/A</p> <p style="text-align: center;">BOUNDARY SURVEY</p>
<p>DAVE STRICKLAND, RPLS 4118 DUVAL HOUSTON, TX 77087</p>		



NOTES:
 1.) TITLE COMMITMENT FROM TITLE RESOURCES GUARANTY COMPANY (GF# 1709-16-1008) WAS RELIED UPON DURING THE PREPARATION OF THIS PLAT.
 2.) SUBJECT TO 50' WIDE HARRIS COUNTY FLOOD CONTROL EASEMENTS AS RECORDED IN VOL. 1750, PG. 701 AND VOL. 1445, PG. 664, DEED RECORDS OF HARRIS COUNTY, TEXAS.

- ABSTRACTING BY TITLE COMPANY.
 - ALL BEARINGS SHOWN ARE REFERENCED PER TEXAS STATE PLANE COORDINATES.

SUBJECT PROPERTY IS LOCATED IN A FEDERAL INSURANCE ADMINISTRATION DESIGNATED FLOOD HAZARD AREA ZONE "AE" AS PER MAP AERIOIC PANEL 06645 L DATED 06-16-07. THIS INFORMATION IS BASED ON GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

SCALE: 1" = 50'

DAVE STRICKLAND, RPLS LAND CONSULTING (281) 705-4297	3.7063 ACRES OUT OF W.P. HARRIS SURVEY, A-30 HARRIS COUNTY, TEXAS (SEE LEGAL DESCRIPTION OF EVEN DATE) I HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON THE 29th DAY OF JANUARY, 2016, AND THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON. 	
PURCHASER: GROVE ENTERPRIZES ADDRESS: 3104 OLD HWY 146 MDRT. CO.: BAY MOUNTAIN FUND 1, LLC. TITLE CO.: TITLE RESOURCES GUARANTY CO. FIELD WORK: 01/29/16 JL DRAFTING: ML FINAL CHECK: DS	JOB NO.: 4052 KEY MAP: 580P GF#: 1709-16-1008 REVISED: N/A	BOUNDARY SURVEY
DAVE STRICKLAND, RPLS 4118 DUVAL HOUSTON, TX 77087		

LEGAL DESCRIPTION

BEING 3.7063 ACRES OF LAND OUT OF THE W.P. HARRIS SURVEY, A-30, AND BEING THE CONGLOMERATE OF FOUR (4) TRACTS AS DESCRIBED BY METES AND BOUNDS IN DEED FROM GRACE HALL HOOEY ET AL, TO JANIS SMITH AND TERRY SMITH-HEDRICK AND RECORDED UNDER CLERK'S FILE NUMBER P742275 IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD FOUND MARKING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF OLD HIGHWAY 146 (120' ROW) AND THE NORTHERLY RIGHT-OF-WAY LINE OF SHADY RIVER ROAD (60' ROW);

THENCE; N 00°23'05"W, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF AFORESAID OLD HIGHWAY 146, A DISTANCE OF 631.70 FEET TO A 5/8" IRON ROD MARKING THE NORTHEAST CORNER OF A 0.7386 ACRE TRACT AS CONVEYED TO SHLOMO INVESTMENTS, LLC BY DEED AS RECORDED IN HARRIS COUNTY CLERK'S FILE No. 20130121319 FOR THE MOST EASTERLY SOUTHEAST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE; WEST, ALONG THE NORTHERLY BOUNDARY OF THE SAID SHLOMO TRACT, A DISTANCE OF 225.00 FEET TO A 5/8" IRON ROD SET FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 00°27'30" E, ALONG THE WESTERLY BOUNDARY OF SAID SHLOMO TRACT, A DISTANCE OF 143.00 FEET TO A 5/8" IRON ROD FOUND FOR THE MOST SOUTHERLY SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE; WEST, ALONG THE NORTHERN BOUNDARY OF SHADY RIVER SUBDIVISION, SECTION ONE (1) AS RECORDED IN VOLUME 89, PAGE 52 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, A DISTANCE OF 381.80 FEET TO A POINT IN THE CENTERLINE OF THE EAST FORK OF TAYLOR BAYOU FOR THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE; IN A NORTHERLY DIRECTION, ALONG THE MEANDER OF THE CENTERLINE OF THE EAST FORK OF TAYLOR BAYOU, THE FOLLOWING FOUR (4) COURSES;

N 00°27'30" W, A DISTANCE OF 69.84 FEET TO A POINT FOR CORNER;

N 32°00'00" E, A DISTANCE OF 149.00 FEET TO A POINT FOR CORNER;

N 10°13'00" E, A DISTANCE OF 123.00 FEET TO A POINT FOR CORNER;

N 21°20'28" E, A DISTANCE OF 36.31 FEET TO A POINT FOR CORNER IN THE SOUTHERLY BOUNDARY OF A 3.247 ACRE TRACT AS CONVEYED TO CAPREZE EQUITIES, LLC BY DEED AS RECORDED IN HARRIS COUNTY CLERK'S FILE No. 20140250180 OF THE RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, FOR THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

EXHIBIT A

THENCE; EAST, ALONG THE SOUTH BOUNDARY OF AFORESAID CAPREZE TRACT, A DISTANCE OF 492.00 FEET TO A 5/8" IRON ROD SET IN THE WESTERLY RIGHT-OF-WAY LINE OF AFORESAID OLD HIGHWAY 146 FOR THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE; S 00°23'05" E, ALONG AND WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID OLD HIGHWAY 146, A DISTANCE OF 208.34 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.7063 ACRES OF LAND, MORE OF LESS.

SEE PLAT OF EVEN DATE.


David R. Strickland RPLS #5124



AREA MAP

REZONE #16-9200002

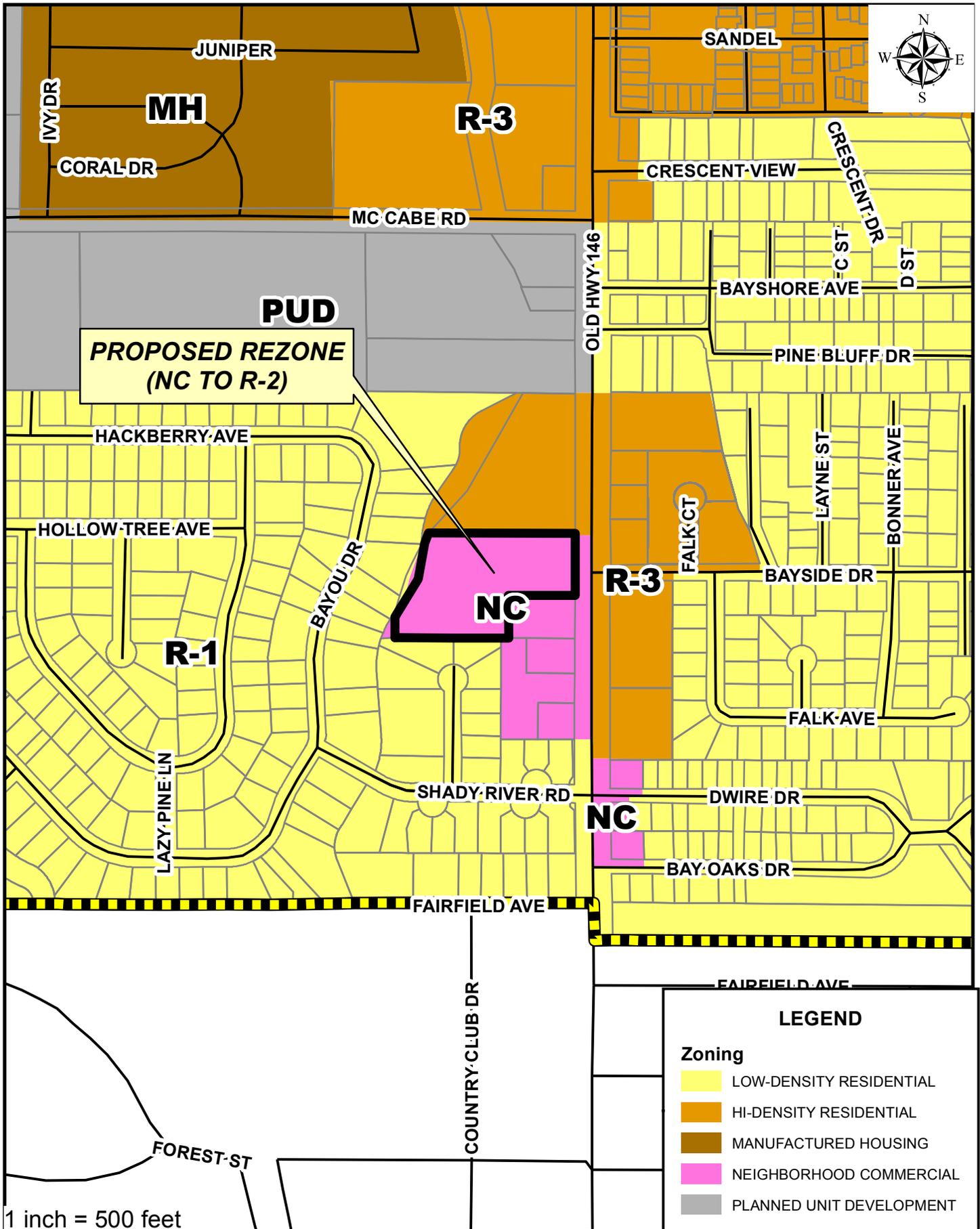
EXHIBIT B



ZONING EXHIBIT

EXHIBIT C

REZONE #16-9200002



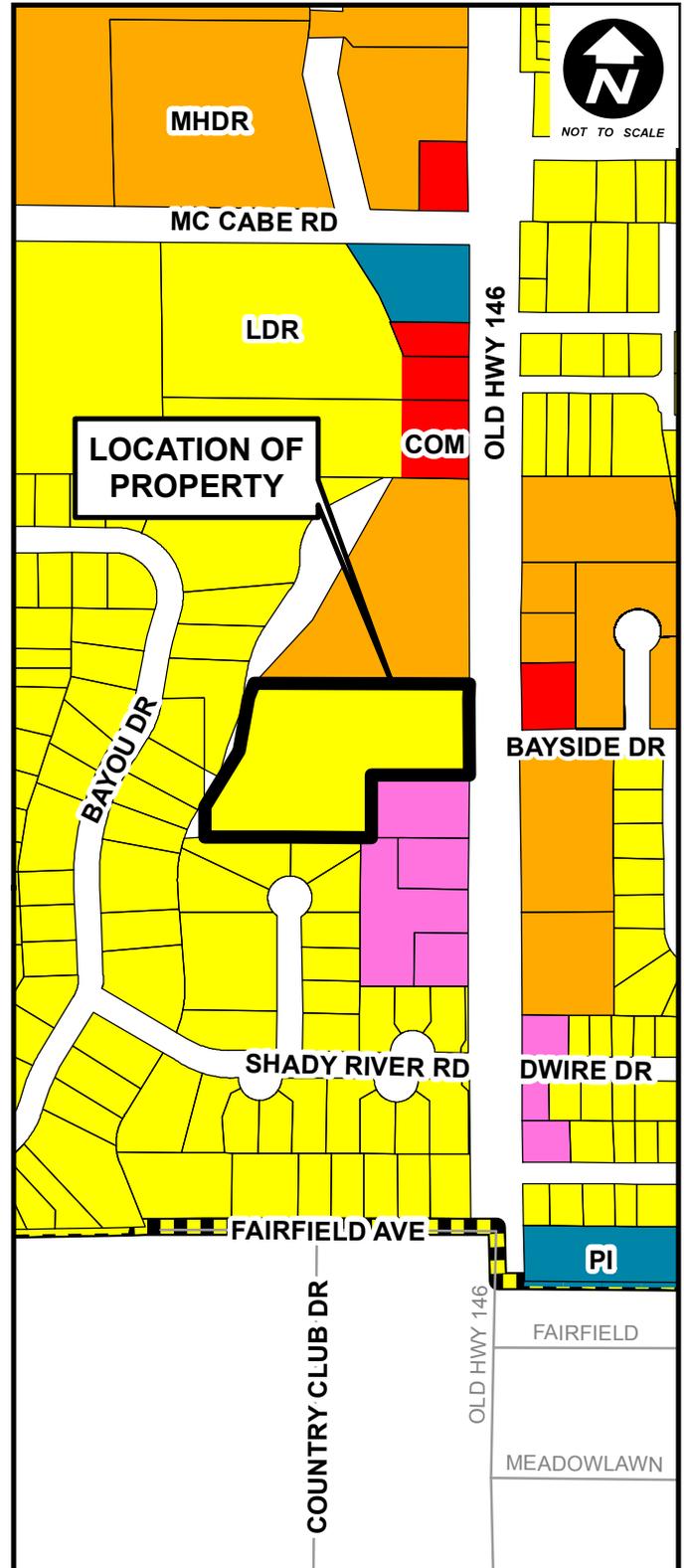
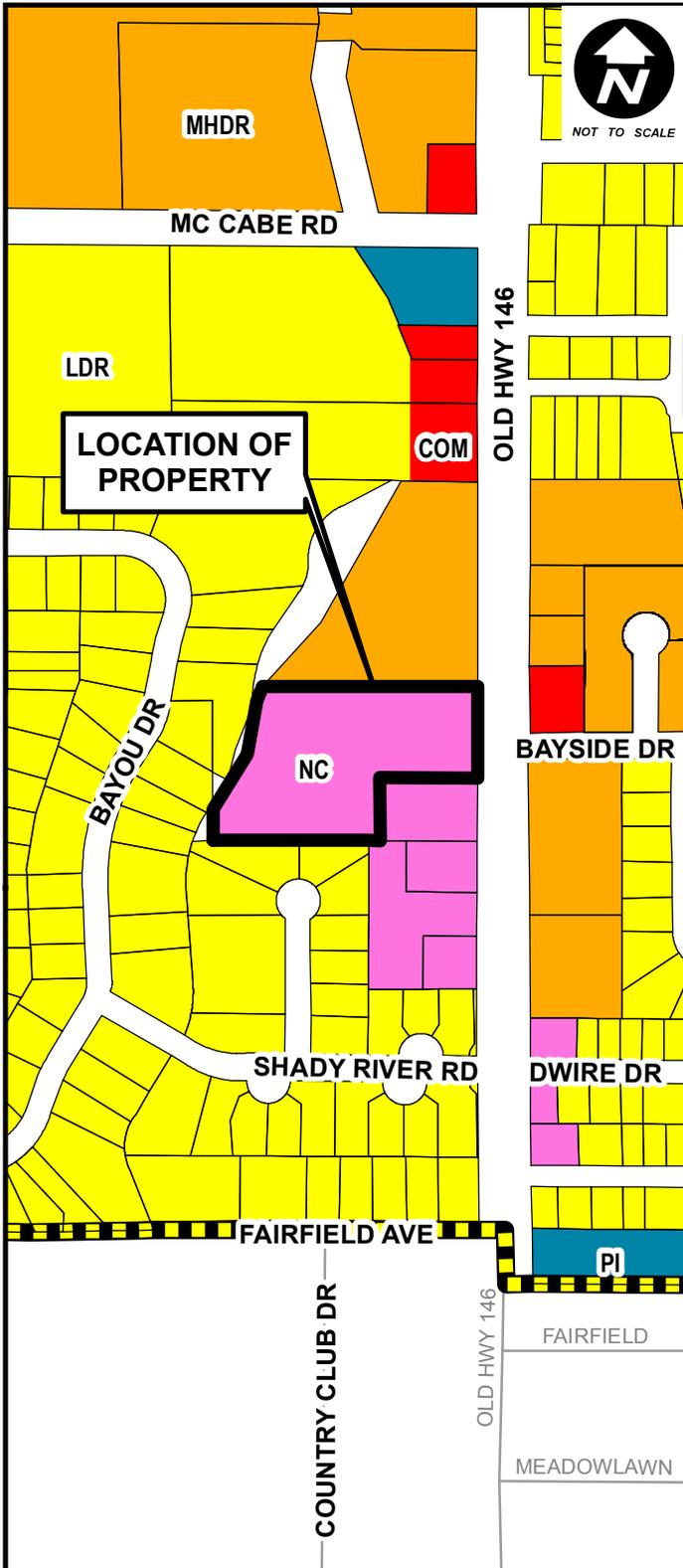
LAND USE EXHIBIT

EXHIBIT D

REZONE #16-9200002

EXISTING FUTURE LAND USE

PROPOSED FUTURE LAND USE



LAND USE LEGEND

- | | | |
|--|---|--|
|  LOW-DENSITY RESIDENTIAL |  NEIGHBORHOOD COMMERCIAL |  PUBLIC / INSTITUTIONAL |
|  MID-HIGH DENSITY RESIDENTIAL |  COMMERCIAL | |

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



June 16, 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 Tracts 9A and 50A of Abstract 30 of the WP Harris Survey from "Neighborhood 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 "Neighborhood Commercial" use to "Low-Density Residential" use for Tracts 9A and 50A of Abstract 30 of the WP Harris Survey as demonstrated in the attached Exhibit A.

RECOMMENDATION

Should the Planning and Zoning Commission desire to recommend approval of Agenda Item (4-6) pertaining to Zone Change Request #16-92000002 to R-2, Medium Density Residential, then the city's Future Land Use Plan should be amended from "Neighborhood Commercial" use to "Low-Density Residential" 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 Follis Construction and the City of La Porte for the rezoning of Tracts 9A and 50A of Abstract 30 of the WP Harris Survey to R-2. The applicant proposes the development of single family detached "special lot line" residential patio homes in accordance with applicable code requirements.

The city's Future Land Use Plan (FLUP) identifies this property as "Neighborhood 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 surrounding land use to the west and south (Shady Acres Subdivision) and will provide a reasonable transition of uses.

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):

	Zoning	Land Use
<i>North</i>	R-3, High Density Residential	Multifamily Apartment Complex
<i>South</i>	NC, Neighborhood Commercial R-1, Low Density Residential	Shell Gas Station Shady River Subdivision
<i>West</i>	R-1, Low Density Residential	Taylor Bayou and Shady River Subdivision beyond
<i>East</i>	R-3, High Density Residential	Vacant Undeveloped and Multifamily Apartment Complex

ATTACHMENTS

Exhibit A: Existing and Proposed Future Land Use Plan

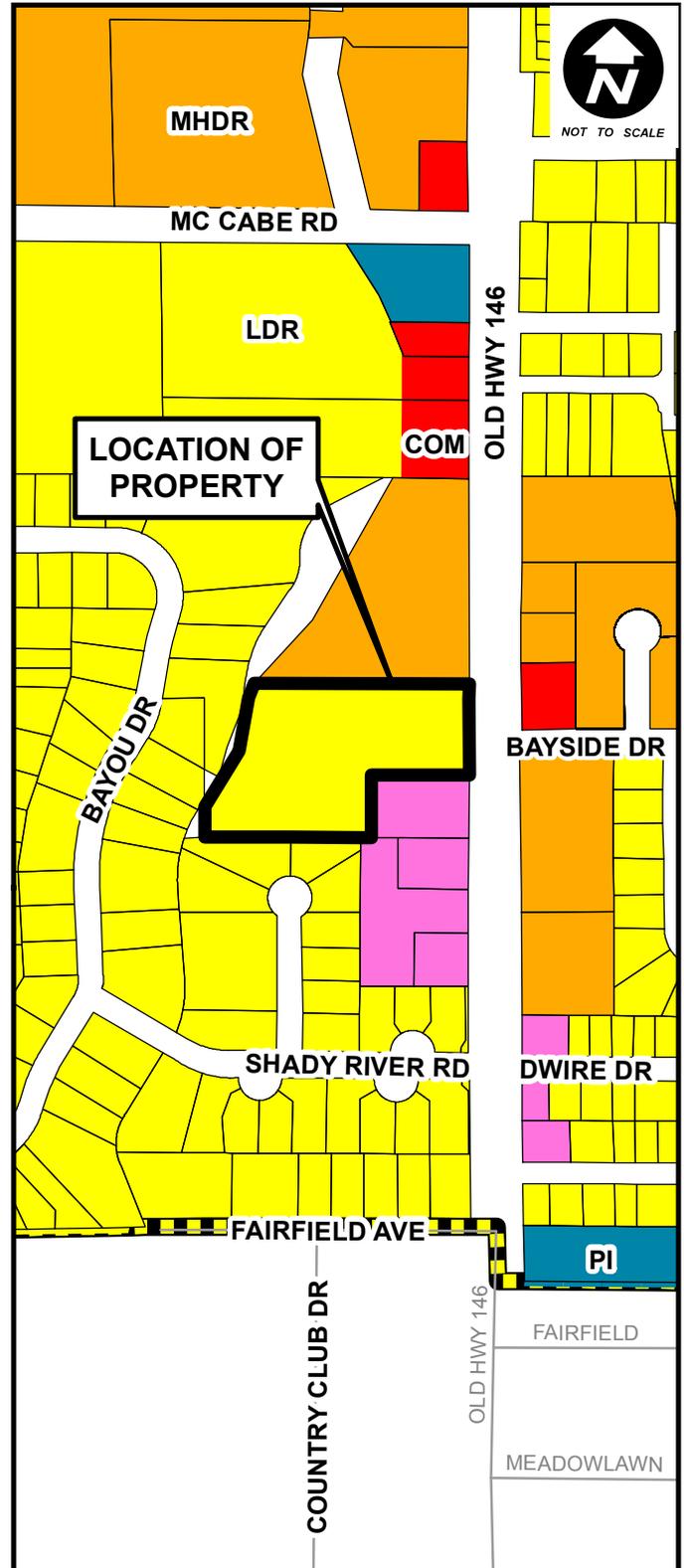
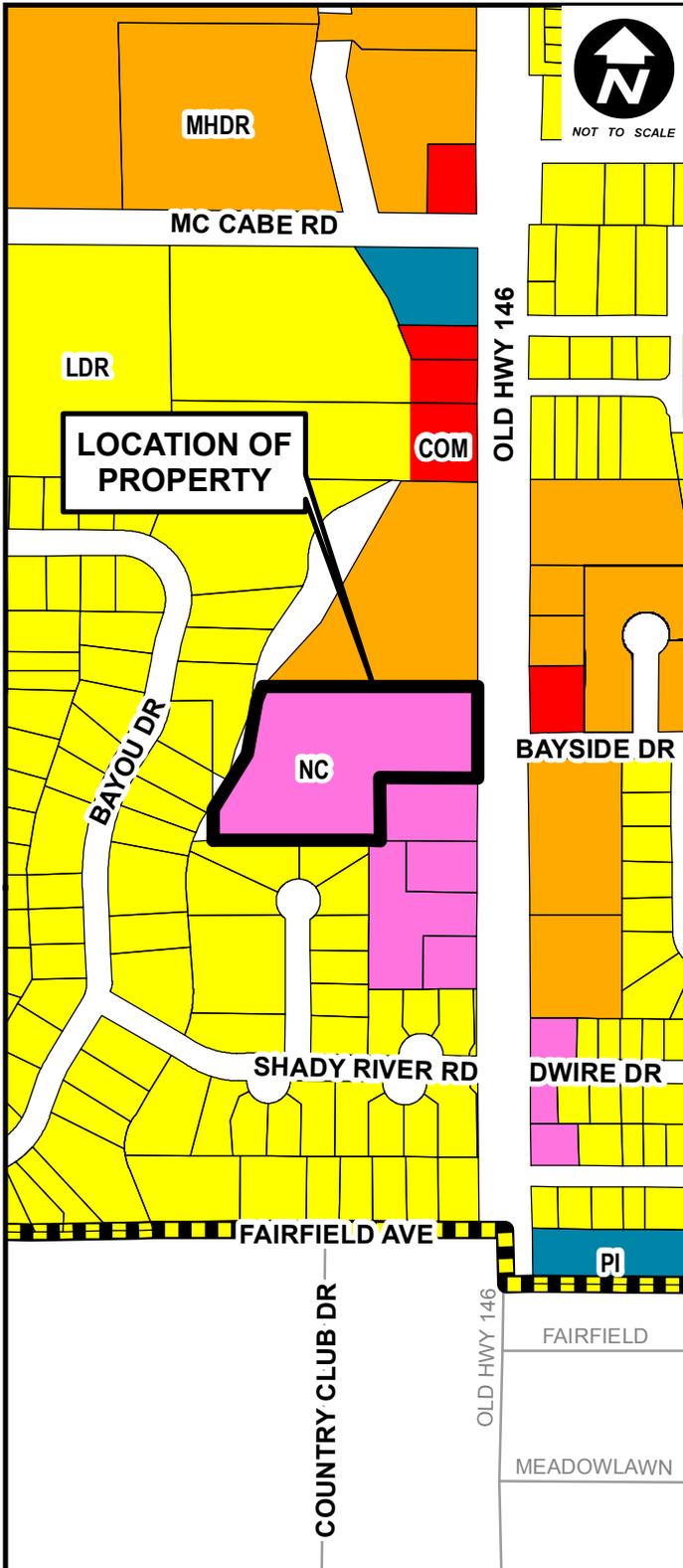
LAND USE EXHIBIT

EXHIBIT A

REZONE #16-9200002

EXISTING FUTURE LAND USE

PROPOSED FUTURE LAND USE



LAND USE LEGEND

- LOW-DENSITY RESIDENTIAL
- MID-HIGH DENSITY RESIDENTIAL
- NEIGHBORHOOD COMMERCIAL
- COMMERCIAL
- PUBLIC / INSTITUTIONAL

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



June 16, 2016

AGENDA ITEMS 8-10

Consider approval of a Zone Change to rezone a tract of land further described as
Lots 11-23, Block 1114, Town of La Porte Subdivision,
from GC, General Commercial, to R-1, Low Density Residential
and Lot 24, Block 1114, Town of La Porte Subdivision,
from split zoned GC, General Commercial, and R-3, High Density Residential,
to R-1, Low Density Residential.

Applicant: Mark Follis, Follis Construction and City of La Porte

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

Planning and Development Department Staff Report

ISSUE

Consideration of a recommendation of approval or other action to the City Council of the proposed zone change application #16-92000003, a rezoning of Lots 11-23, Block 1114, Town of La Porte Subdivision, from GC, General Commercial, to R-1, Low Density Residential, and also rezoning Lot 24, Block 1114, Town of La Porte Subdivision, from split-zoned GC, General Commercial, and R-3, High Density Residential, to R-1, Low Density Residential.

RECOMMENDATION

Staff recommends approval of the proposed zone change request.

DISCUSSION

Property Owners:

Mark Follis, Follis Construction (owner of Lots 11-17, Block 1114).
City of La Porte (owner of Lots 18-23, Block 1114).
Emmeline J. Renis (owner of Lot 24, Block 1114).

Applicant's Request:

Mr. Follis is requesting approval of a zone change for Lots 11-17, Block 1114, to R-1 in order to develop the property with single family detached houses. In order to continue the low density residential use on that portion of Park Avenue, staff is recommending the city rezone the lots under its ownership (Lots 18-23) and initiate the rezoning of Lot 24, owned by Emmeline Renis, to R-1 as well. This will maintain a consistent residential land use along Park Avenue in the area. The attached Exhibit A is the application submitted to the city along with a project description letter, rezoning exhibit and conceptual site plan prepared by Mr. Follis that explains his intended use of the property.

Staff attempted to notify the owner of Lot 24, Emmeline Renis; however, Harris County tax records provide no address to contact the property owner. This lot is a standard 25' by 125' lot. The intent of including this lot as part of this zone change is to "clean up" the lot, which is currently split zoned, and is consistent with the adjacent lots to the north.

Background Information:

The parcels included as part of this zone change request (Lots 11-24) are located on the north side of Park Avenue between Fairmont Parkway and Grove Avenue. The attached Exhibit B is an area map that identifies the subject site and ownership information.

The legal description of the entire tract is: Lots 11-24, Block 1114, Town of La Porte Subdivision. Lots 11-23 are currently zoned GC, General Commercial, and are undeveloped. Lot 24 is split-zoned GC, General Commercial, and R-3, High Density Residential.

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

	Zoning	Land Use
North	GC, General Commercial	City's Hike and Bike Trail
South	R-3, High Density Residential	Undeveloped
West	GC, General Commercial	Undeveloped
East	MU, Mixed Use R-1, Low Density Residential	Undeveloped Existing single family detached residential homes on Grove Avenue.

The site is currently identified as Commercial in the Future Land Use Map (see Exhibit D). As a result, in order to rezone the property the city's Future Land Use Map should be amended to identify this site as Low Density Residential, which is Item 11 on the agenda.

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.* Staff finds that allowing for single family detached houses to be constructed on this site is consistent with the use pattern of the area. There are currently houses located to the south of Park Avenue. General Commercial is a

Planning and Zoning Commission Regular Meeting
 June 16, 2016
 Follis/COLP Zone Change

reasonable use along Fairmont Parkway; however, the city’s hike and bike trail, located at the intersection of Fairmont Parkway and Park Avenue, is a reasonable transition line to single family detached residential development.

2. *Access.* All lots have direct access to the Park Avenue public right-of-way.
3. *Utilities.* There is an existing 6” water line in Park Avenue. There are no sanitary sewer lines in the vicinity. The applicant will be required to extend sanitary sewer lines in accordance with the city’s Public Improvement Criteria Manual (PICM) guidelines prior to the issuance of any building permits.

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.	The city’s infrastructure has the capacity to support the proposed development. Although water lines are in proximity of the proposed development, the applicant or future developer will have to extent the sanitary sewer line before any building permits may be issued.
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 the east side of Park Avenue, which is already zoned R-1. The tracts south of the proposed rezone are currently zoned R-3 and allow for residential use.
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 neighborhood. The proposed uses would be suitable for the subject properties and with 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,	The proposed rezone will likely encourage development in an

safety, and welfare of the City.	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 to Low Density Residential (R-1).

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: Mark Follis PHONE 1: 713-254-8358
PHONE 2: 281-471-6881 FAX #: _____
E-MAIL: _____
MAILING ADDRESS: mfollis@follisconstruction.com

2. AGENT REPRESENTING PROPERTY OWNER (If Applicable):

AGENT / CONTRACTOR COMPANY: Follis Construction, Inc.
PHONE 1: 281-471-6881 PHONE 2: _____
E-MAIL: mfollis@follisconstruction.com FAX #: _____
MAILING ADDRESS: 111 N. Broadway, La Porte, Tx 77571
CONTACT PERSON'S NAME: Mark Follis PHONE: 713-254-8358

3. PROPERTY DESCRIPTION:

HCAD PARCEL NO(s) 13-digit Tax ID(s):
1.) 0241910000011
2.) _____
3.) _____
PROPERTY ADDRESS (If existing): _____
PROPERTY LEGAL DESCRIPTION: Lts 11 thru 17 Blk 1114

4. ZONING INFORMATION OF PROPERTY:

CURRENT ZONING DESIGNATION: General Commercial REQUESTED ZONING DESIGNATION: Low Density Residential
CURRENT SIC/NAICS USE NO.: _____ PROPOSED USAGE: _____

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: _____ SIGNATURE: _____ DATE: _____

(STAFF USE ONLY):

APPLICATION NO: _____

DATE OF P&Z PUBLIC HEARING: _____ 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: _____



Follis Construction, Inc.

111 N Broadway • La Porte, Texas 77571 • Ph. 281-471-6881 • Fax 281-471-6038

May 18, 2016

Eric J Ensey
City Planner
City of La Porte
Planning & Development Department
604 W Fairmont Parkway
La Porte TX 77571-6215

RE: Zone Change Request for Follis – (Lots 11-24, Block 1114)

Mr. Ensey:

This is a request for a Zone Change for (Lots 11-24, Block 1114) currently zoned (GC) General Commercial to rezone to (R1) Low Density Residential.

The vision for all these properties is to build single family homes starting south of the bike trail located at Fairmont and Park Avenue heading south on Park Avenue from lots 11-17 but also to maintain (R1) Low Density Residential through lots 19-24.

Sincerely,

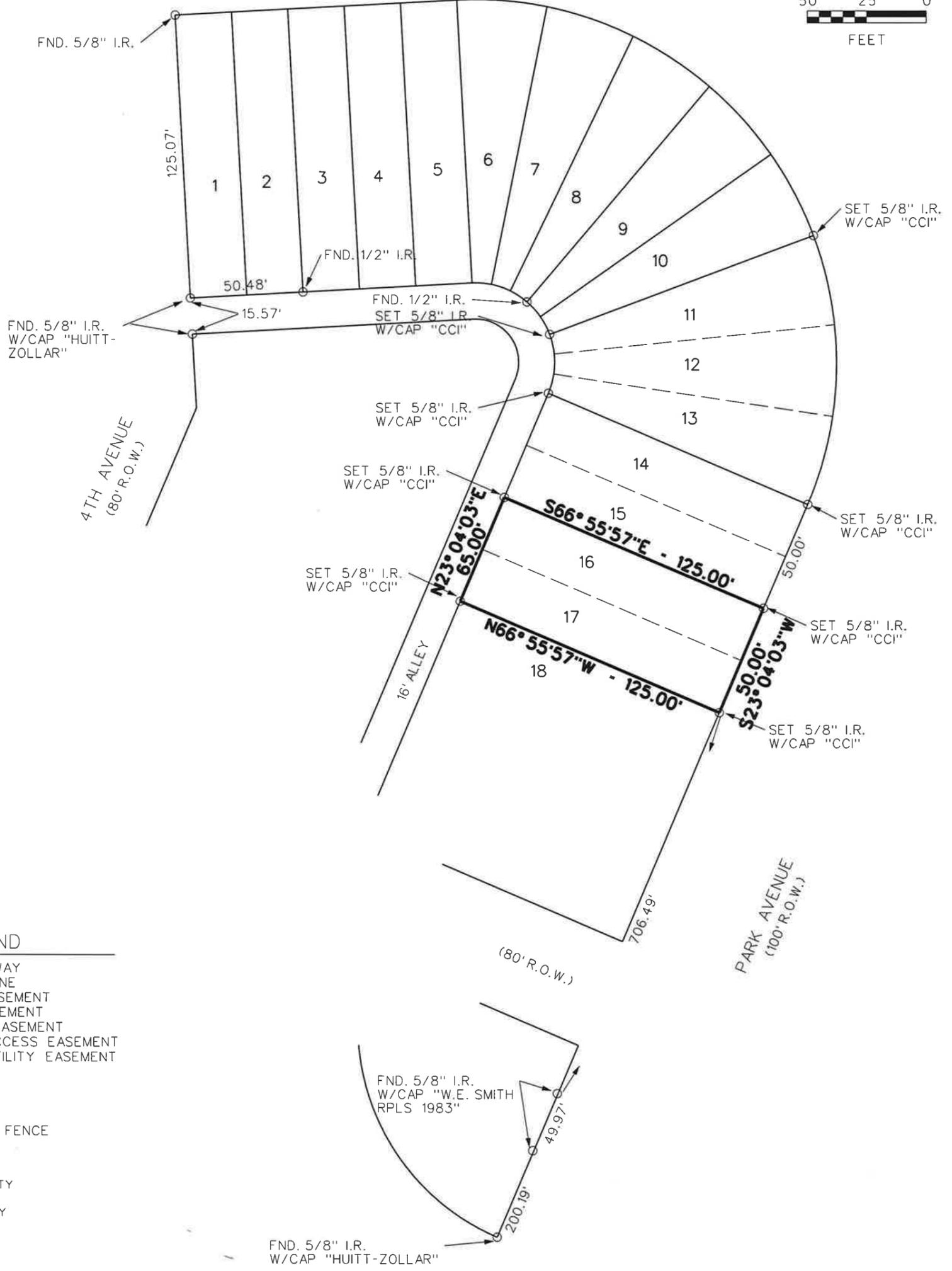
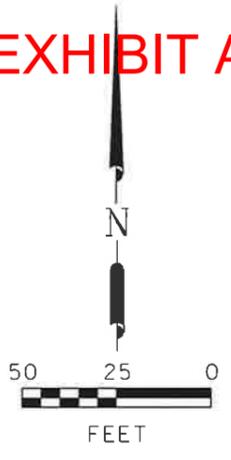
Mark Follis

Attachments

NOTES:

1. THE LOCATION OF THE SUBJECT TRACT ON THE FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 485487-0945-L EFFECTIVE DATE OF JUNE 18, 2007, INDICATES THAT THE SUBJECT TRACT IS WITHIN ZONE "AE". BASE FLOOD ELEVATION TO BE DETERMINED. THIS STATEMENT IS BASED ON SCALING THE LOCATION OF SAID SURVEY ON THE ABOVE REFERENCE MAP. THIS INFORMATION IS TO DETERMINE FLOOD INSURANCE RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC FLOODING CONDITIONS.
2. BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NAD 83. ALL COORDINATES HEREON WERE CALCULATED USING HORIZONTAL SURFACE DISTANCES.
3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE EASEMENTS AND OTHER INSTRUMENTS MAY EXIST THAT ARE NOT SHOWN HEREON. NO FURTHER RESEARCH OF THE HARRIS COUNTY DEED RECORDS WAS PERFORMED BY CIVIL CONCEPTS, INC. REGARDING THESE EASEMENTS.

EXHIBIT A



LEGEND

R.O.W.	RIGHT-OF-WAY
B.L.	BUILDING LINE
U.E.	UTILITY EASEMENT
A.E.	AERIAL EASEMENT
D.E.	DRAINAGE EASEMENT
P.A.E.	PRIVATE ACCESS EASEMENT
P.U.E.	PRIVATE UTILITY EASEMENT
FND.	FOUND
I.R.	IRON ROD
FNC.	FENCE
WD.	WOOD
C.L.F.	CHAIN LINK FENCE
CONC.	CONCRETE
S/W	SIDEWALK
0.5'	OFF PROPERTY
0.5'	ON PROPERTY

I, DAVID C. NEWELL, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY.



[Signature]
 DAVID C. NEWELL
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 4085

PURCHASER: N/A
 ADDRESS: PARK AVENUE, LA PORTE, TEXAS

LEGAL DESCRIPTION:
 LOTS 16 & 17, BLOCK 1114, TOWN OF LA PORTE, RECORDED IN VOLUME 60, PAGE 112, OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS.

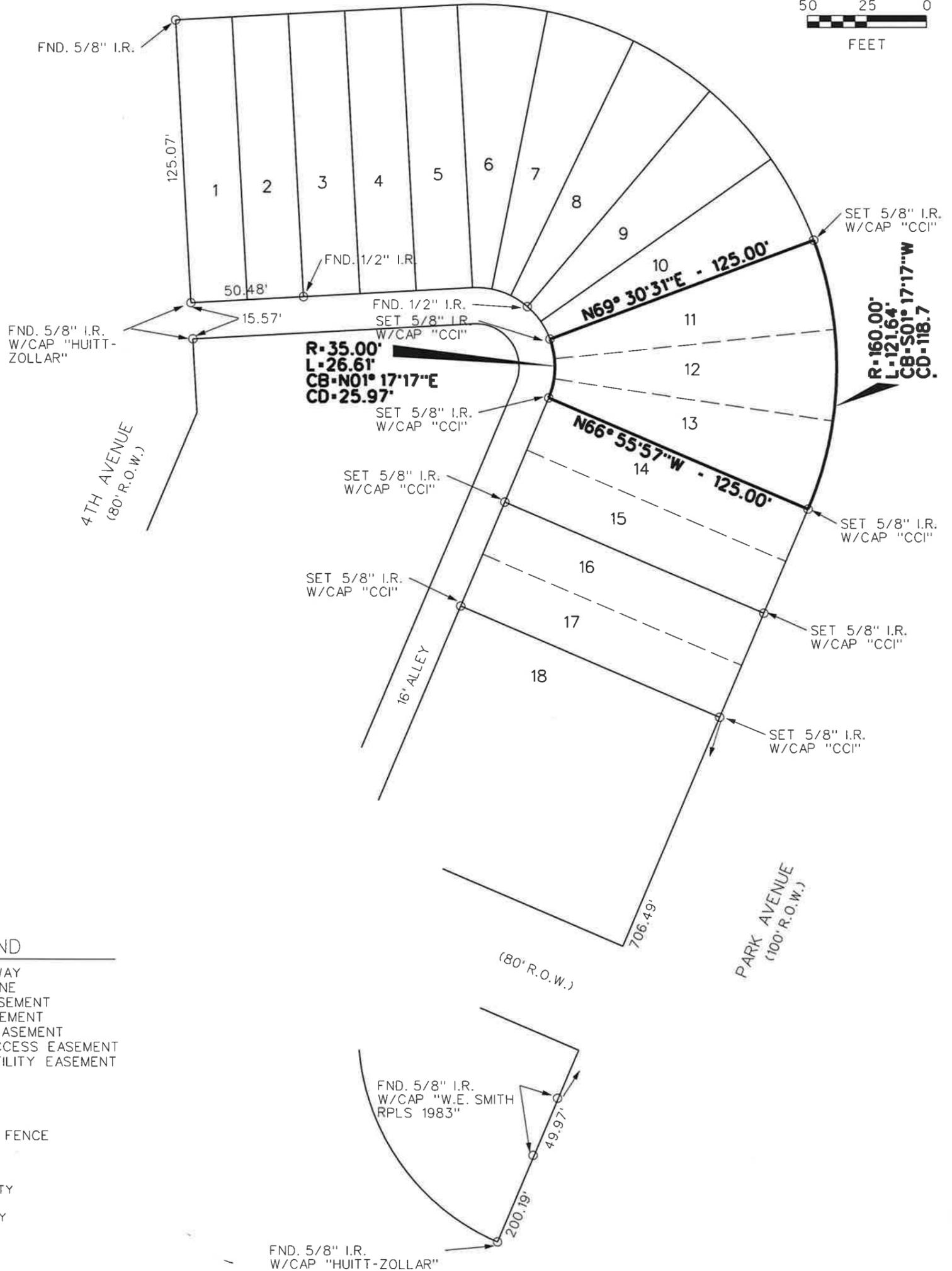
DATE: 04-03-16
 SCALE: 1" = 50'
 GF. NO: N/A

Civil Concepts, Inc.
 3425 Federal Street
 Pasadena, Texas 77504
 Phone: 713.947.6606
 SURVEYING & MAPPING
 CIVIL ENGINEERING
 T.B.P.L.S. FIRM REG. NO. 10039400
 T.B.P.E. FIRM REG. NO. F-004636

NOTES:

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0.5'	OFF PROPERTY
0.5'	ON PROPERTY

I, DAVID C. NEWELL, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY.



David C. Newell

DAVID C. NEWELL
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4085

PURCHASER: N/A

ADDRESS: PARK AVENUE, LA PORTE, TEXAS

LEGAL DESCRIPTION:

LOTS 11, 12 & 13, BLOCK 1114, TOWN OF LA PORTE, RECORDED IN VOLUME 60, PAGE 112, OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS.

DATE: 04-03-16

SCALE: 1" = 50'

GF. NO: N/A



Civil Concepts, Inc.

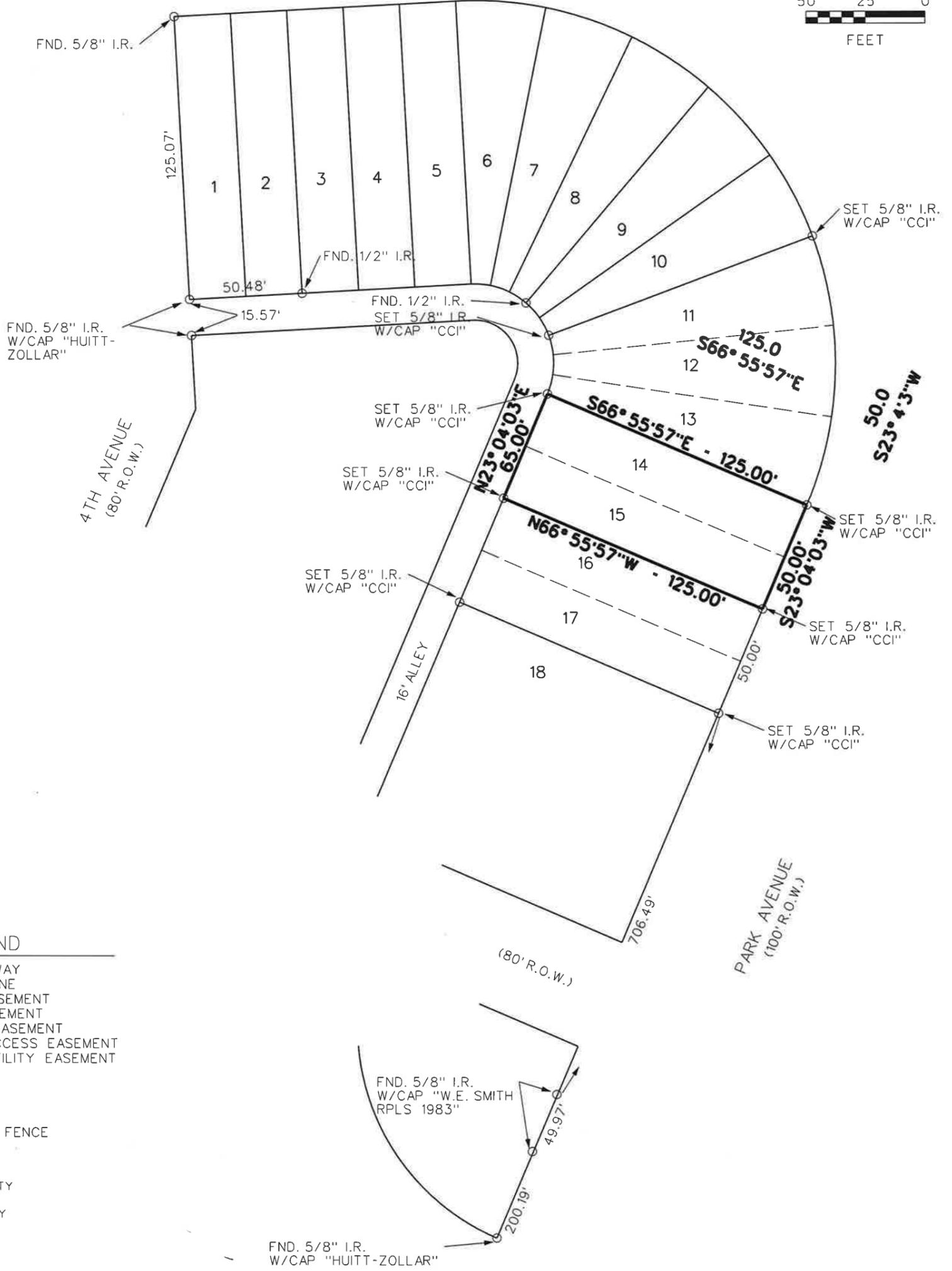
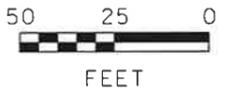
3425 Federal Street
Pasadena, Texas 77504
Phone: 713.947.6606
SURVEYING & MAPPING
CIVIL ENGINEERING

T.B.P.L.S. FIRM REG. NO. 10039400
T.B.P.E. FIRM REG. NO. F-004636

NOTES:

1. THE LOCATION OF THE SUBJECT TRACT ON THE FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 485487-0945-L EFFECTIVE DATE OF JUNE 18, 2007, INDICATES THAT THE SUBJECT TRACT IS WITHIN ZONE "AE", BASE FLOOD ELEVATION TO BE DETERMINED. THIS STATEMENT IS BASED ON SCALING THE LOCATION OF SAID SURVEY ON THE ABOVE REFERENCE MAP. THIS INFORMATION IS TO DETERMINE FLOOD INSURANCE RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC FLOODING CONDITIONS.
2. BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NAD 83. ALL COORDINATES HEREON WERE CALCULATED USING HORIZONTAL SURFACE DISTANCES.
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EXHIBIT A



LEGEND

R.O.W.	RIGHT-OF-WAY
B.L.	BUILDING LINE
U.E.	UTILITY EASEMENT
A.E.	AERIAL EASEMENT
D.E.	DRAINAGE EASEMENT
P.A.E.	PRIVATE ACCESS EASEMENT
P.U.E.	PRIVATE UTILITY EASEMENT
FND.	FOUND
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FNC.	FENCE
WD.	WOOD
C.L.F.	CHAIN LINK FENCE
CONC.	CONCRETE
S/W	SIDEWALK
0.5'	OFF PROPERTY
0.5'	ON PROPERTY

I, DAVID C. NEWELL, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY.



[Signature]

DAVID C. NEWELL
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4085

PURCHASER: N/A
ADDRESS: PARK AVENUE, LA PORTE, TEXAS

LEGAL DESCRIPTION:
LOTS 14 & 15, BLOCK 1114, TOWN OF LA PORTE, RECORDED IN VOLUME 60, PAGE 112, OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS.

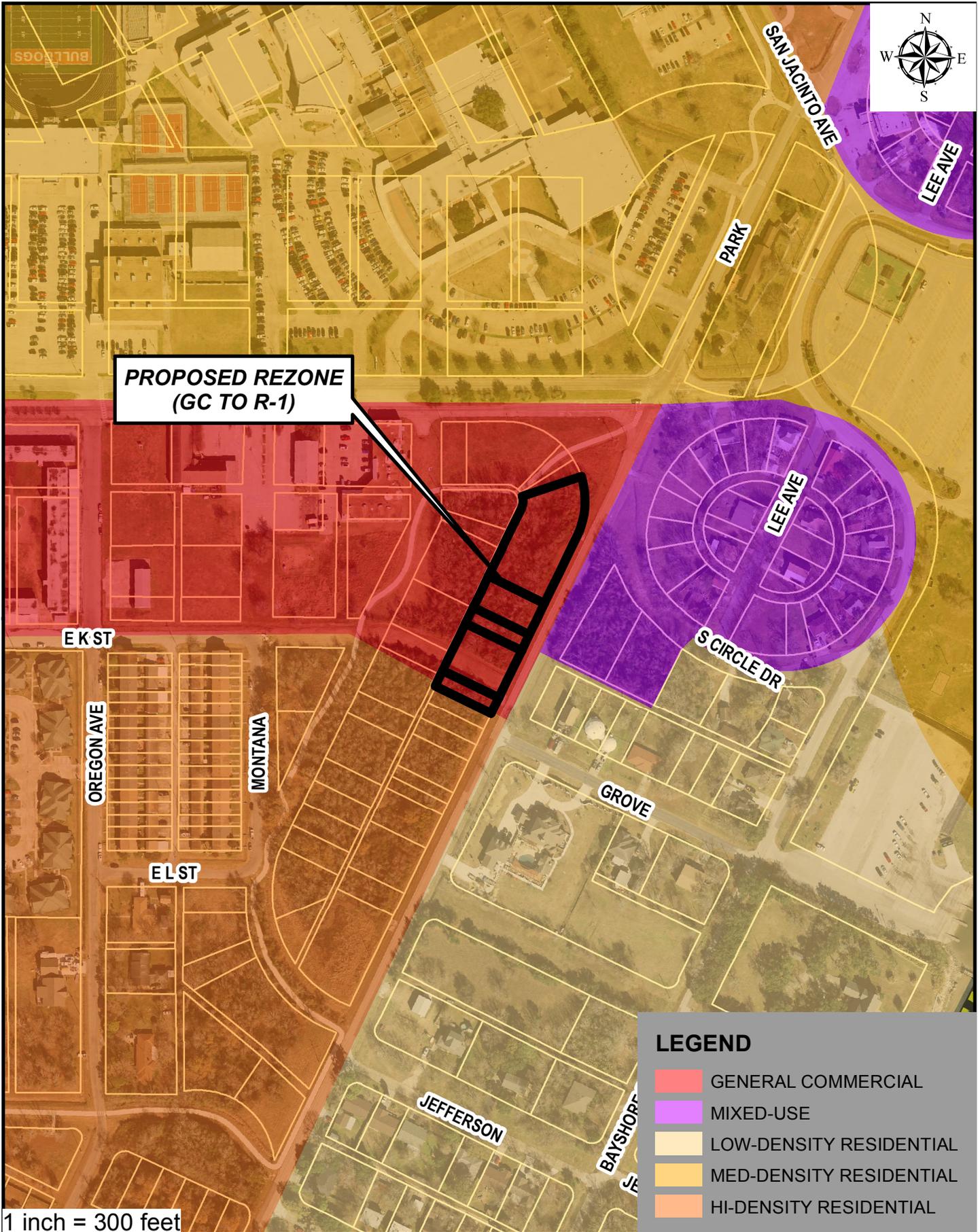
DATE: 04-03-16
SCALE: 1" = 50'
GF. NO: N/A

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T.B.P.L.S. FIRM REG. NO. 10039400
T.B.P.E. FIRM REG. NO. F-004636

AREA MAP

EXHIBIT B

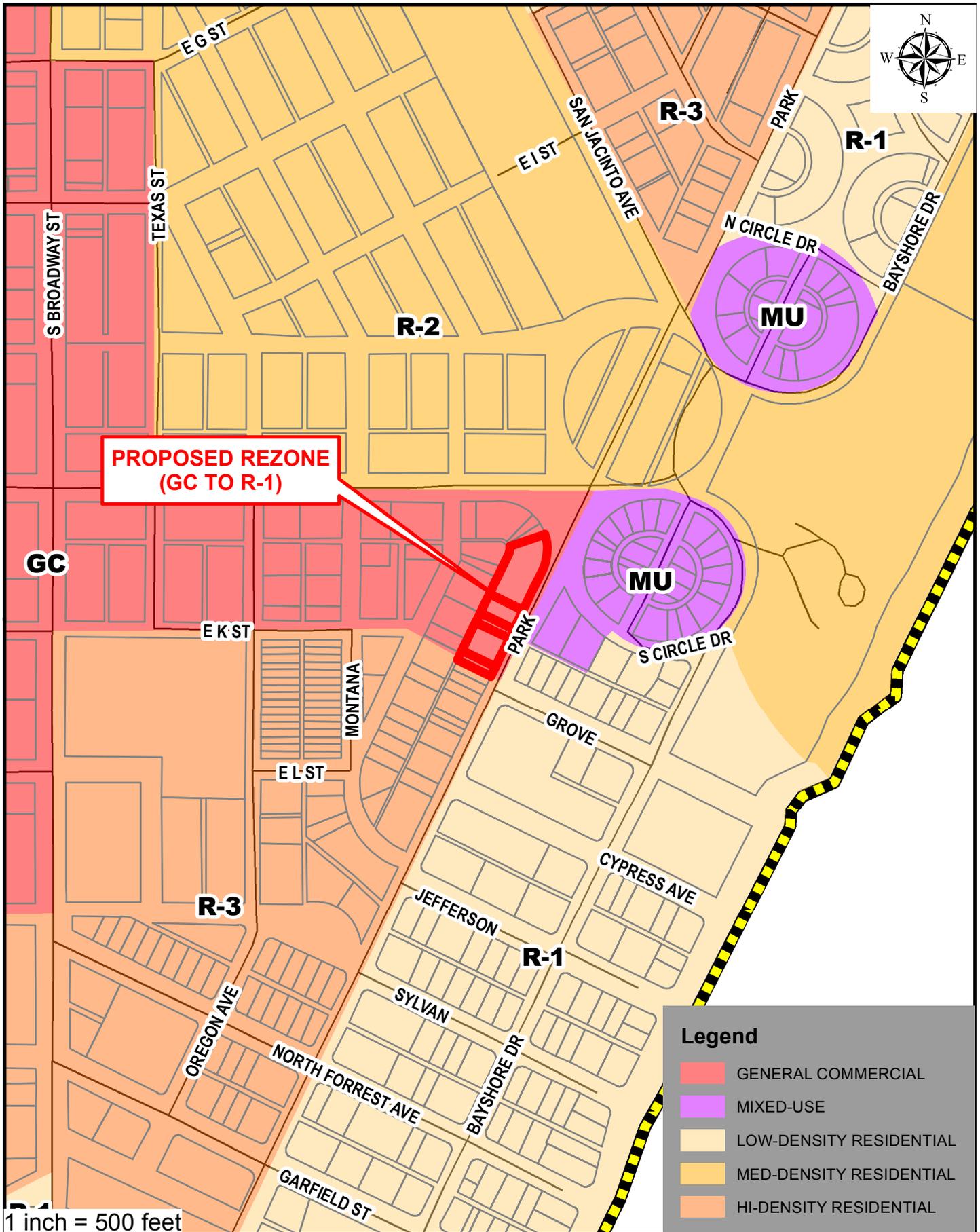
ZONE CHANGE REQ. #16-9200003



ZONING EXHIBIT

EXHIBIT C

REZONE #16-9200003



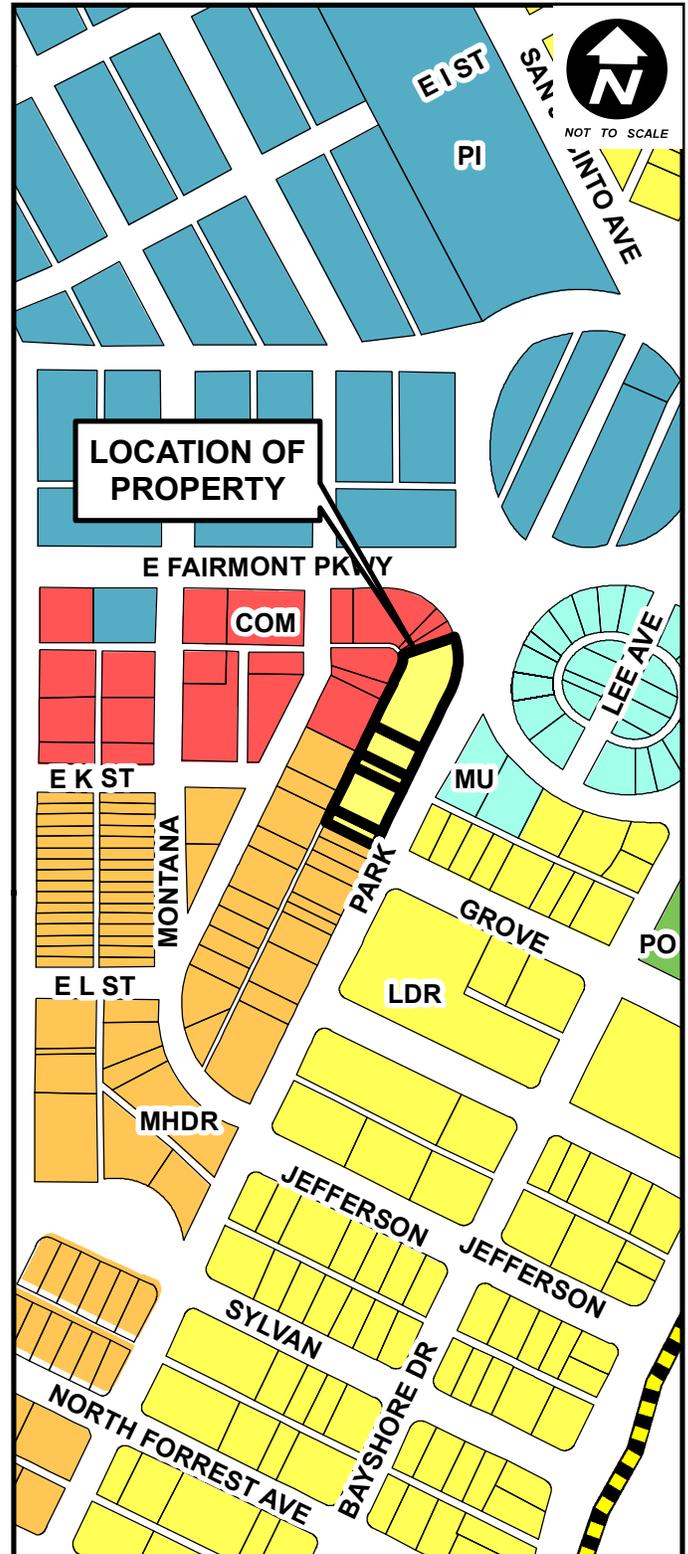
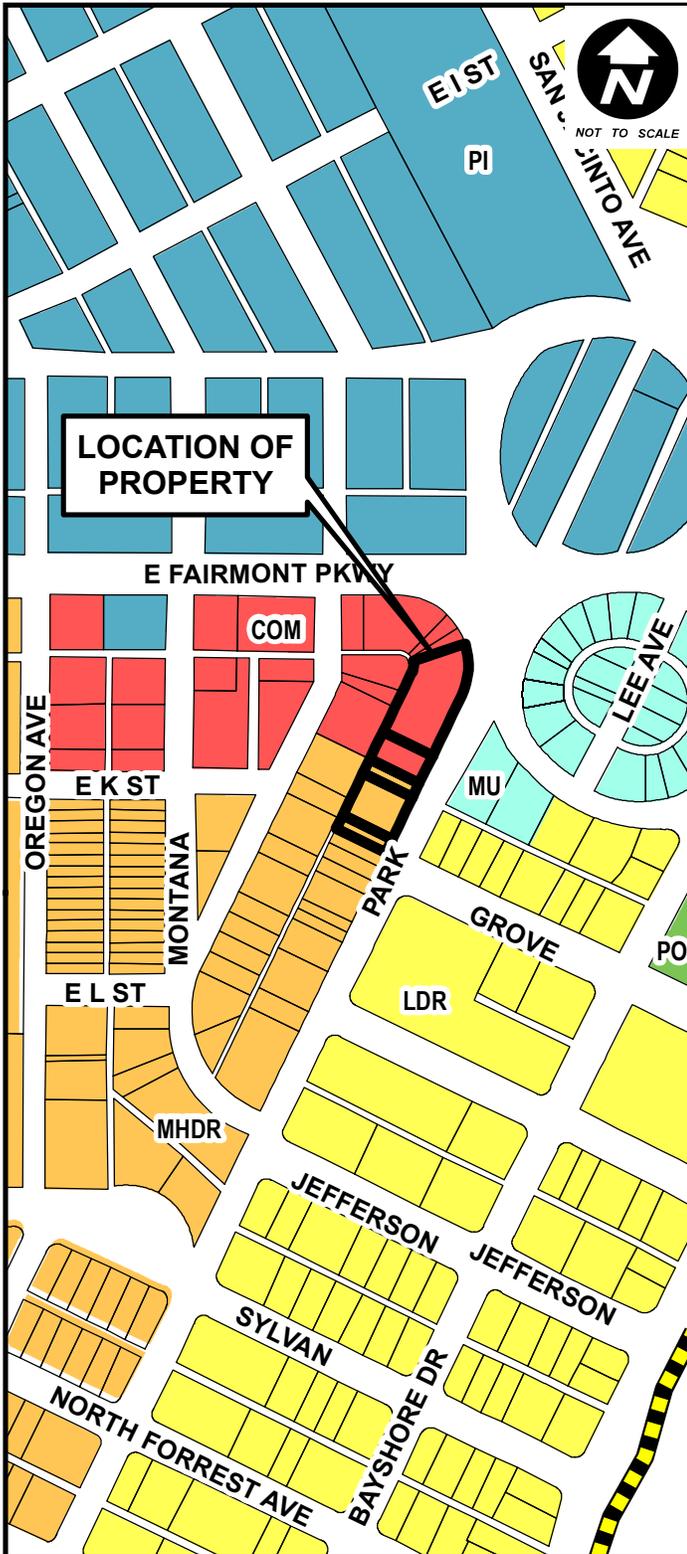
LAND USE EXHIBIT

EXHIBIT D

REZONE #16-9200003

EXISTING FUTURE LAND USE

PROPOSED FUTURE LAND USE



LAND USE LEGEND

- | | | |
|--|--|--|
|  LOW-DENSITY RESIDENTIAL |  MIXED USE |  PARKS AND OPEN SPACE |
|  MID-HIGH DENSITY RESIDENTIAL |  COMMERCIAL |  PUBLIC / INSTITUTIONAL |

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



June 16, 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 Lots 11-24, Block 1114, 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 or other action 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 11-24, Block 1114, 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 (8-10) pertaining to Zone Change Request #16-92000003 to R-1, Low Density Residential, then the city's Future Land Use Plan should be amended from "Commercial" and "Mid- to High-Density Residential" 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 Follis Construction and the City of La Porte for the rezoning of Lots 11-24, Block 1114, Town of La Porte Subdivision, to R-1. The rezoning would allow for the lots to develop as single family detached residential in accordance with applicable code requirements.

The city's Future Land Use Plan (FLUP) identifies this property as "Commercial" and "Mid- to High-Density Residential" 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 east side of Park Avenue.

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
<i>North</i>	Commercial	City's Hike and Bike Trail
<i>South</i>	Mid- to High-Density Residential	Undeveloped
<i>West</i>	Commercial	Undeveloped
<i>East</i>	Mixed Use Low Density Residential	Undeveloped Existing single family detached residential homes on Grove Avenue

ATTACHMENTS

Exhibit A: Existing and Proposed Future Land Use Plan

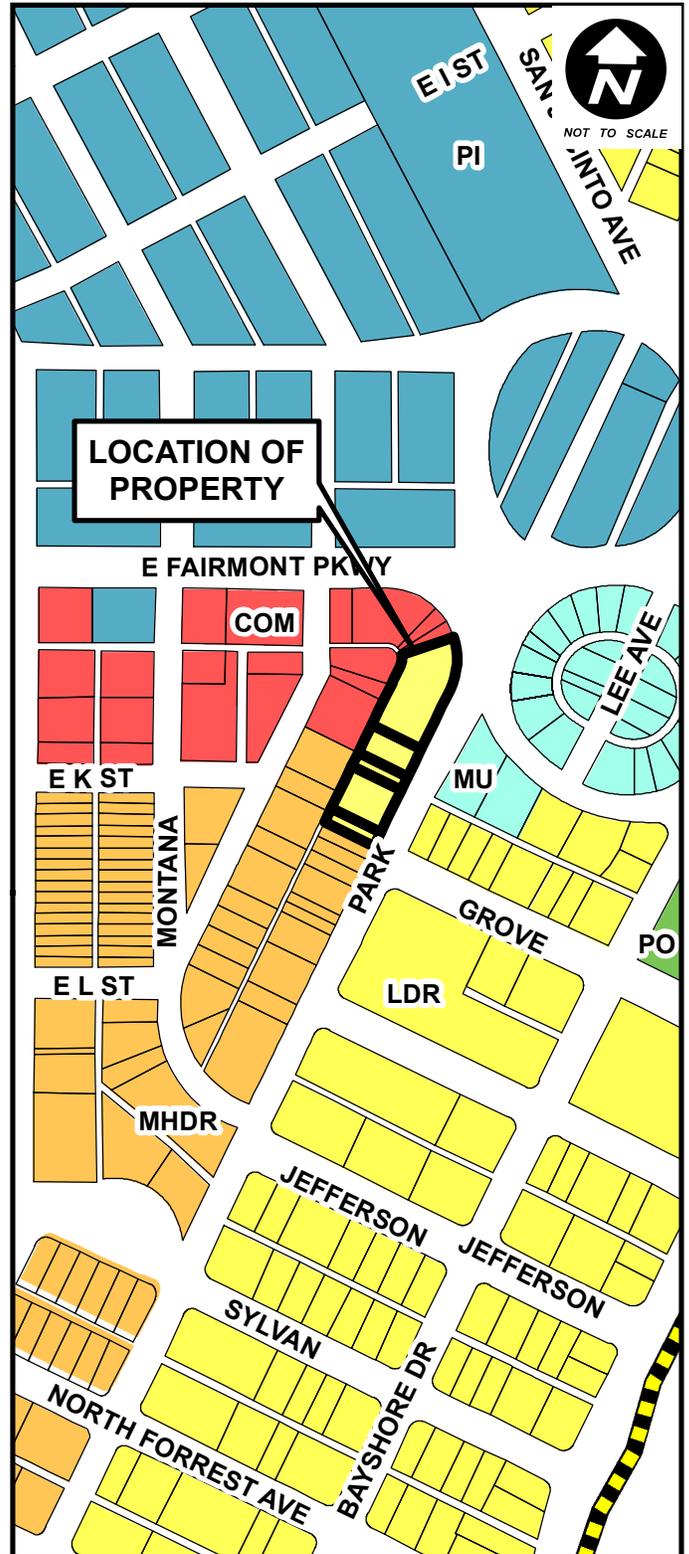
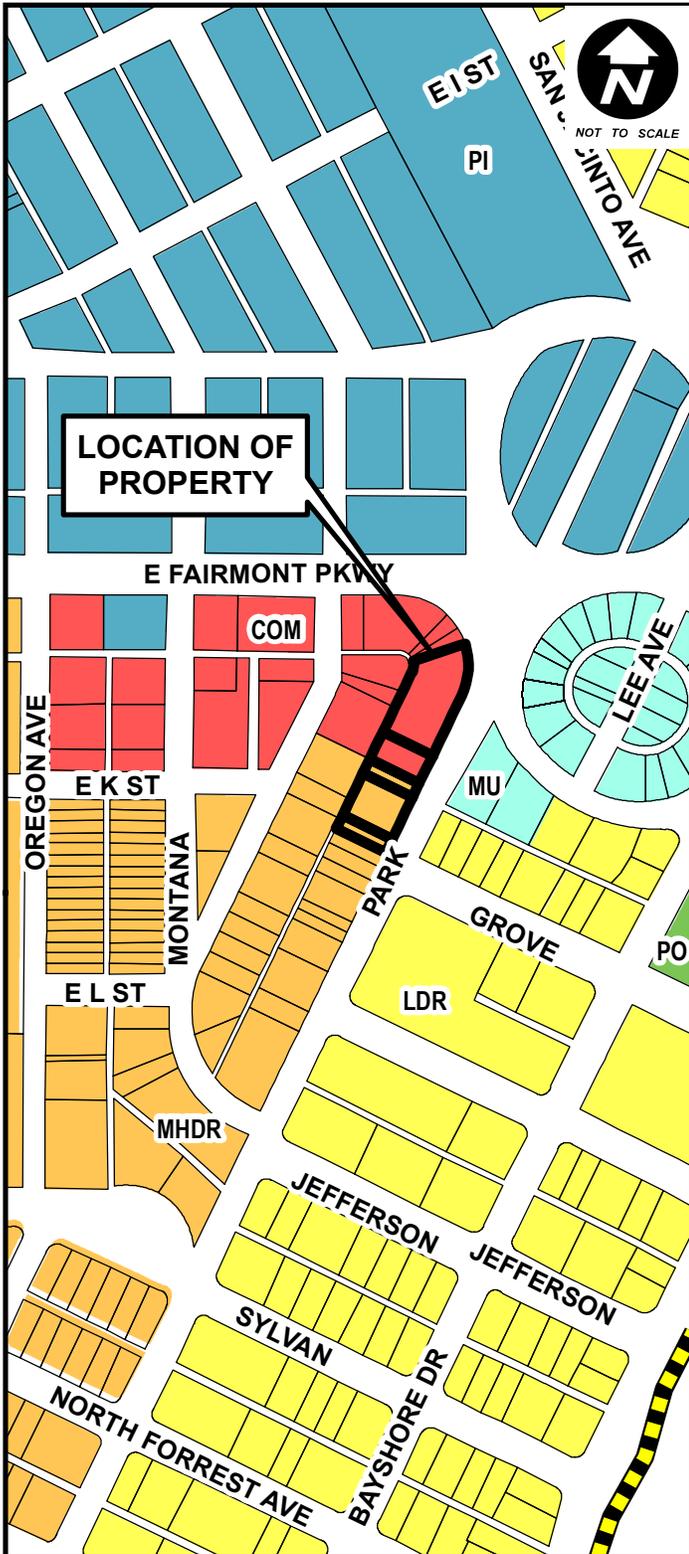
LAND USE EXHIBIT

EXHIBIT A

REZONE #16-9200003

EXISTING FUTURE LAND USE

PROPOSED FUTURE LAND USE



LAND USE LEGEND

- | | | |
|--|--|--|
|  LOW-DENSITY RESIDENTIAL |  MIXED USE |  PARKS AND OPEN SPACE |
|  MID-HIGH DENSITY RESIDENTIAL |  COMMERCIAL |  PUBLIC / INSTITUTIONAL |

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



June 16, 2016

AGENDA ITEMS 12-14

Consider recommendation on Special Conditional Use Permit (#16-91000001),
a request to allow for development of 9 single-family attached duplex homes
on Lots 7-17, 20-21, 22-27, of Block 32, Beach Park Subdivision,
La Porte, Harris County, Texas
Applicant: Bayway Homes

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

Planning and Development Department Staff Report

ISSUE

Consider a recommendation to the City Council on a request by the applicant Bayway Homes for a Special Conditional Use Permit (SCUP) to allow development of 9 single family attached duplex homes on Lots 7-17, 20-21 and 22-27, of Block 32, Beach Park Subdivision located on the northern-most of the "Circles" across from Sylvan Beach Park.

RECOMMENDATION

Should the Commission desire to consider a recommendation for approval of this request, staff recommends considering various conditions, as described later in this staff report.

DISCUSSION

Property Owner:

CR Lofstead

Developer/Applicant:

Bayway Homes has the subject property under contract and is applying on behalf of the Property Owner.

Applicant's Request:

The applicant is seeking approval of this SCUP to allow for development of nine single family attached townhomes on various lots located on the northern-most "Circle" near Sylvan Beach Park and legally described as Lots 7-17, 20-21 and 22-27, of Block 32, Beach Park Subdivision. The applicant is under contract for the subject parcels. The attached Exhibit B includes the SCUP Application, project description letter and conceptual site plan submitted by the applicant. Section 106-310 of the city's Code of Ordinances allows for single family detached residential as a permitted use in the Mixed Use (MU) zone district, however the code does not address single family attached duplex units. As a result, the use table allows for consideration of the use only with approval of a SCUP.

Background Information:

The subject site is legally described as Lots 7-17, 20-21 and 22-27, of Block 32, Beach Park Subdivision and is generally located on the northern-most “Circle” adjacent to Sylvan Beach Park off Bayshore Drive. The attached Exhibit C is an Area Map showing the location of the subject property.

The attached Exhibit D identifies this parcel on the city’s Future Land Use Plan, as adopted in the Comprehensive Plan, as existing and proposed. Currently the site is identified as “Mixed Use” uses.

The lots are zoned MU, Mixed Use, and are currently undeveloped. The attached Exhibit E shows the zoning of the subject property and surrounding properties. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	MU, Mixed Use	Existing single family residential within the “Circle”
South	R-2, Medium Density Residential	Sylvan Beach Park
West	GC, General Commercial	Existing single family residential within the “Circle”; also an existing single family residential home on Lots 18 and 19 between the proposed development.
East	R-2, Medium Density Residential	Sylvan Beach Park

Notification Requirements:

The public hearing notification requirements outlined in Section 106-171 were performed in accordance with all applicable 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. Additional notice of the public hearing was posted at City Hall and on the City’s website in compliance with state law.

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:

House design.

The applicant has included a complete description of the proposed homes. The proposed homes are designed to be stilt-homes with cementitious fibrous materials. The homes will be approximately 2,300 square feet in area. The applicant is proposing four different buildings with different house sizes based on the irregular shape of the lots. The attached Exhibit B includes the applicant’s project description letter, proposed layout, and example building elevations.

Setbacks.

Section 106-443 outlines area requirements for development in the MU district. Staff is recommending, as a condition of approval, that the proposed development provide setbacks consistent with the MU district requirements for single family detached development with the exception of the shared property line between each duplex unit. In the case of the shared property line a setback of 0' shall be permitted. The front setback requirement is a 15' minimum to 25' maximum from the property line, the side setback is 5' and the rear setback is 10'. There is one lot that is significantly smaller and more irregular than most of the lots. Staff is recommending that consideration be given to a 0' setback from the side/rear setback adjacent to the unimproved alley on the perimeter of the lot due to the irregularity of the curve of the lot.

Land Use.

Section 106-310 of the city's Code of Ordinances outlines "Commercial and Industrial Uses" permitted in the various zone districts, including the Mixed Use (MU) district. The MU district was recently adopted by the City Council in 2014 and allows for single family detached residential as a permitted use in the MU district. Although single family detached use is permitted in the MU district, the district is categorized under the commercial uses. The applicant is proposing a single family attached product on the various parcels. The proposal includes a duplex home on two of the platted lots. Although the use of "single family attached" is not expressly permitted in the use table for the MU district, it is similar in nature to the permitted "single family detached" units in that each will be sold individually and will have ownership of the lot on which the unit sits. The proposed duplex use provides a unique use and innovative development consistent with the goal of the MU district to "accommodate, encourage and promote innovatively designed development."

Site Plan.

No site plan is required for single family residential. The applicant will be required to submit for a building permit consistent with the requirements of the city's residential building codes, fire codes and zoning ordinance. Because the proposed development includes attached units on a property line, the proposed attached units will require a fire wall in compliance with code standards.

Off-street Parking.

In conformance with code requirements, the applicant is proposing two car parking spaces or garages on under the units. Staff is recommending that a condition be included in the SCUP requiring those spaces provide the ability to be garages in the future, as is required for all single family detached residential.

Conclusion:

Based on the analysis above, staff finds that if the Planning and Zoning Commission desires to recommend approval of the proposed Special Conditional Use Permit, then a

number of conditions should be considered in the approval. Staff has included those conditions as part of the SCUP in Exhibit A.

Section 106-217 of the Zoning Ordinance outlines specific conditions for approval of SCUP applications. There are three different conditions that must be met in order to approve a SCUP. The following table identifies each of the three conditions and staff’s finding on each:

Condition:	Staff Analysis:
(1) That the specific use will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values within the immediate vicinity.	The proposed use of single family attached duplex development will be compatible with the existing development in the area, as each unit will be sold as owner occupied. The proposed development will be consistent with applicable development requirements outlined for single family detached residential in the MU district, with the exception of the shared property line between duplex units.
(2) That the conditions placed on such use as specified in each district have been met by the applicant.	The applicant will be required to comply with all conditions place on such development as part of this SCUP and will be reviewed for compliance at the time of building permit submittal.
(3) That the applicant has agreed to meet any additional conditions imposed, based on specific site constraints, and necessary to protect the public interest and welfare of the community.	The applicant will need to confirm on the record at the public hearing that they are agreeable to the conditions imposed by the SCUP. Staff has provided a list of conditions as part of this report. However, the Commission and City Council may remove, alter, or impose additional conditions, should they approve the proposed SCUP.

Should the Planning and Zoning Commission recommend approval of the requested SCUP application, staff recommends the following conditions be considered:

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. One single family attached duplex unit is permitted on two platted lots within the development area.
3. A fire wall is required along the shared property line separating each unit in accordance with applicable residential building and fire codes.
4. A 0’ setback is permitted on the shared property line separating the two units of each duplex. Perimeter setbacks are 15’ minimum to 25’ maximum from the front property line, a minimum of 5’ from the side property lines and a minimum of 10’ from the rear property line. Special

allowance should be given to the setback for Lot 22 due to the irregular shape of the lot. The side/rear setback adjacent to the alley should be permitted at 0'.

5. A minimum of two off-street parking spaces shall be included for each individual unit.
6. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
7. 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.

[Any additional conditions requested by the Planning and Zoning Commission.]

ATTACHMENTS

- Exhibit A: Draft SCUP
- Exhibit B: SCUP Application and Supplemental Information from the Applicant
- Exhibit C: Area Map
- Exhibit D: Land Use Map
- Exhibit E: Zoning Map

**City of La Porte
Special Conditional Use Permit #16-9100001**

This permit is issued to: Bayway Homes
Owner or Agent

P.O. Box 1244, Friendswood, Texas, 77549
Address

For Development of: Bayway Homes Circles Single Family Attached Development
Development Name

9 single family attached duplex homes on Lots 7-17, 20-21, 22-27, Block 32, Beach Park Subdivision; generally located on the northern-most of the "Circles" across from Sylvan Beach Park.
Address

Legal Description: Lots 7-17, 20-21, 22-27, of Block 32, Beach Park Subdivision

Zoning: MU, Mixed Use

Use: Single family attached duplex homes

Permit Conditions:

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

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. One single family attached duplex unit is permitted on two platted lots within the development area.
3. A fire wall is required along the shared property line separating each unit in accordance with applicable residential building and fire codes.
4. A 0' setback is permitted on the shared property line separating the two units of each duplex. Perimeter setbacks are 15' minimum to 25' maximum from the front property line, a minimum of 5' from the side property lines and a minimum of 10' from the rear property line. Special allowance should be given to the setback for Lot 22 due to the irregular shape of the lot. The side/rear setback adjacent to the alley should be permitted at 0'.
5. A minimum of two off-street parking spaces shall be included for each individual unit.
6. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
7. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

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

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

Validation Date: _____

Director of Planning and Development

City Secretary

Planning & Development Department
SPECIAL CONDITIONAL USE
PERMIT APPLICATION

1. PROPERTY OWNER CONTACT INFORMATION:

OWNER NAME: CR Lofstedt/Bayway Homes PHONE 1: 832 276 9609
PHONE 2: 832 818 4021 FAX #: 281 648 2462
E-MAIL: jskeele@baywayhomes.com
MAILING ADDRESS: PO Box 1244, Friendswood, Texas 77549

2. BUSINESS INFORMATION:

BUSINESS NAME: Bayway Homes BUSINESS TYPE: Home Builder
CONTACT NAME: Charles Anders PHONE #: 832 276 9609
E-MAIL: canders@baywayhomes.com FAX #: 281 648 2462
MAILING ADDRESS: PO Box 1244, Friendswood, Texas 77549

3. PROPERTY DESCRIPTION:

PARCEL NO(s) (13-digit HCAD Tax ID #): 0070040000007 0070040000020
PROPERTY ADDRESS (If existing): Circle Drive and Lee Avenue
PROPERTY LEGAL DESCRIPTION: Lots 7 to 17 and 20 to 27, Block 32, Beach Park

4. SUPPORTING DOCUMENTATION (Check Applicable):



GENERAL PLAN

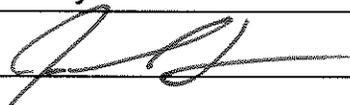


SITE PLAN



PLAT

REASON FOR REQUEST?: to permit Single Family Attached in the MU zone

OWNER or AUTHORIZED AGENT'S SIGNATURE: 

PRINTED NAME: Jon Skeele DATE: 5/19/2016

5. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION:



COMPLETE ITEMS 1 THRU 4 OF APPLICATION



ATTACH APPLICABLE PLAN(S)



SUBMIT \$300.00 NON-REFUNDABLE APPLICATION FEE

(STAFF USE ONLY):

DATE RECEIVED: _____ RECEIVED BY: _____

PROJECT NUMBER: _____

SCHEDULED DATE FOR PLANNING & ZONING COMMISSION AGENDA: _____

Beach Park Special Conditional Use Permit

This application is for a Special Conditional Use Permit (SCUP) for Lots 7 to 17 and 20 to 27, Block 32, Beach Park, La Porte, Texas located in the Mixed Use (MU) zoning classification, more commonly known as the Sylvan Beach Circles.

The intended use is Single Family Attached which the Mixed Use district standards do not address. The ordinance does make provision for single family attached as it defines , "*Single Family residential development* means a grouping of single-family dwelling units (attached or detached)" and , "*Dwelling, attached* means a dwelling which is joined to another dwelling at one or more sides by party wall or wall." The ordinance provides that "Unlisted Uses" be permitted as long as they receive a Special Conditional Use Permit. Mixed Use district does specifically permit Single Family Detached. On a typical lot a Single Family Detached home could be around 1,700 square feet, with a Single Family Attached home the square feet could be around 2,300, or an increase of 600 square feet, a 35 % increase in living space. The additional square feet allow for a more livable home, with more design options. The larger the home the higher the property value, as well.

The Mixed Use District was specifically set up to "accommodate, encourage and promote innovatively designed developments" and "The district regulations allow flexibility and encourage more creative, efficient and aesthetically desirable design." We believe that we have created a development that is attractive, innovative and will "contribute to the surrounding residential neighborhood and maintain a residential character."

The proposed homes are stilt-homes clad in cement fibrous materials. The typical home will most likely include front and rear decks designed for viewing Sylvan Beach Park, Galveston Bay and enjoying the outdoors. The first living floor will be raised nine (9)feet or more feet above the concrete parking area with parking under the structure. The first living floor will probably have a kitchen and living room and ten (10) feet high ceilings. The second living floor most likely will contain the master bedroom and master bath and a secondary bedroom and bathroom and most likely be nine (9) feet high ceilings. By building the homes on pilings, we will build the homes out of the proposed flood zones being proposed by the Army Corp of Engineers. This will also allow homeowners a better view of Sylvan Beach Park and Galveston Bay. Homeowners will be allowed to store their recreational equipment, be it cars, boats, golf carts, etc.. under their homes. The heights of each floor will depend upon meeting the 35 feet height average roof limit which will be calculated from the concrete parking area under the structure. They may have three bedrooms and three full baths, and three decks. Attached is a sample floor plan and elevation to demonstrate what a home will look like.

The second attached plan is the lot layout. At a minimum we will have five different floor plans in the Beach Park SCUP. The current use of the lots is undeveloped except for a single story home that is in poor condition.

Lot 22 has a special shape and dimensions and only a front building line of 15 feet is appropriate with no other building setbacks. The right side/rear property line of the lot is an arc. The buildable area of this lot is very small, less than 600 square feet when there is a 10 feet building line next to the arc. The adjacent property to the arc is an unpaved sixteen (16) feet alleyway. The two houses on the same street with the same shaped lots appear to have built to the property line because of the limited building area of the lots.

Construction will start after receiving building permits and continue building as the market will absorb the homes. To be conservative, from granting the application to completion of the project could take 4 years. In addition to building homes, we will create a homeowners' association.

We have built homes in La Porte for many years, both in the North Side and in Sylvan Beach and believe this project will make a significant positive impact on the Sylvan Beach neighborhood.

Attachments:

- 1) Park Beach Special Conditional Use Permit Development Standards
- 2) Floor Plans and Elevation
- 3) Lot Layout
- 4) Lots and homes superimposed on the neighborhood

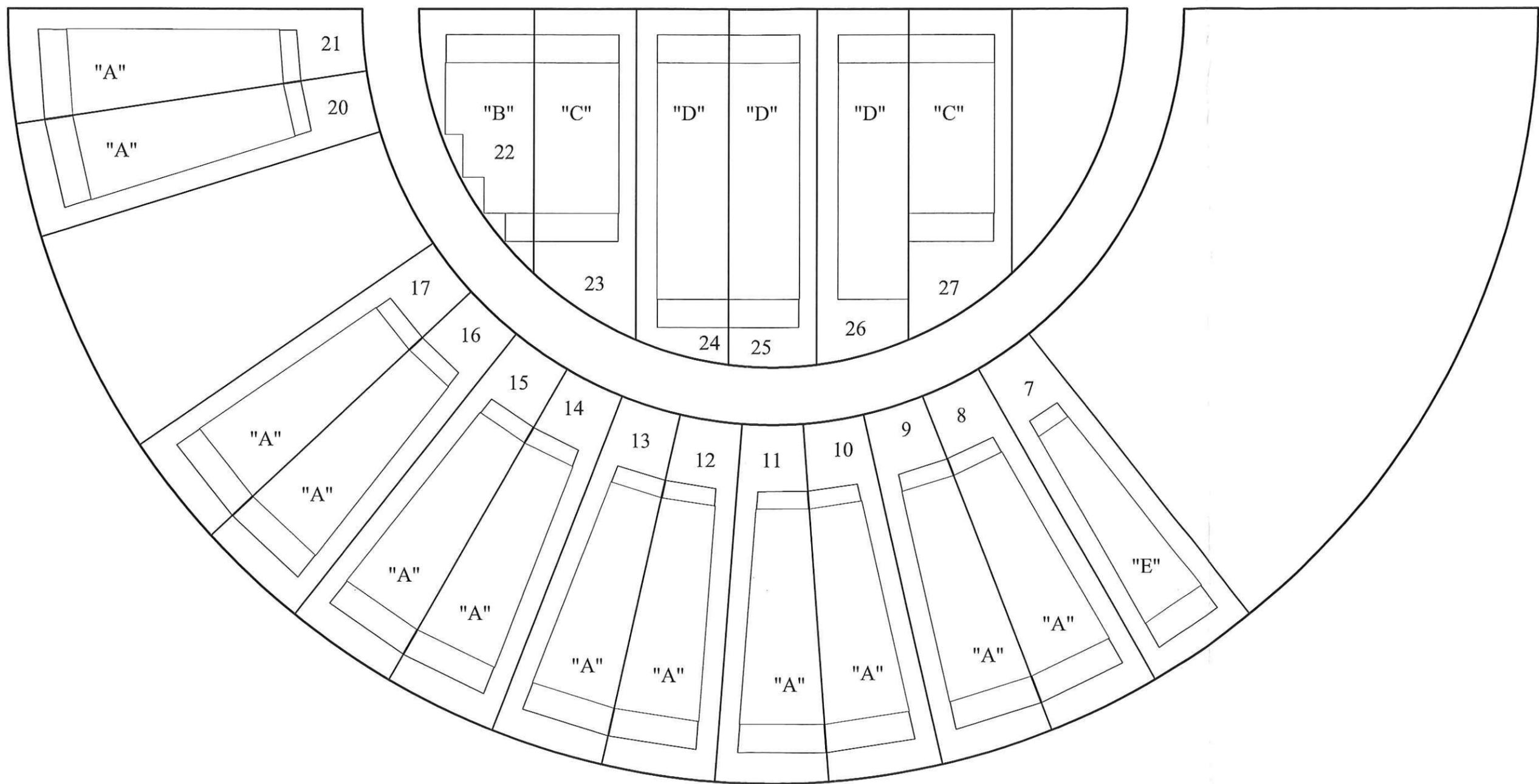
Park Beach Special Conditional Use Permit Development Standards

Beach Park Special Conditional Use Permit (SCUP) is intended to to accommodate land use activity within the Mixed Use (MU) zoning district. The SCUP is designed to enhance the special charastics of La Porte, small town character and create a "unique" place. Beach Park SCUP will be served by public utilities and public streets. Beach Park SCUP is intended for sale single family homes that are attached on one wall.

Below is a table for the Mixed Use zoning and the Park Beach SCUP.

	Mixed Uses Zoning Single Family Detached	Park Beach SCUP Single Family Attached
1. Density	One dwelling unit per lot	One dwelling unit per lot
2. Front Yard	min 15, max 25 feet	min 15, max 25 feet
3. Rear Yard	10 feet	10 feet
4. Side Yard	5 feet	5 feet
5. Maximum Height	35 feet, average height	35 Feet, average height
6. Building Area	60% Lot coverage	60% Lot coverage
7. Boats and Recreational vehicle storage	Allowed	Allowed
8. Office Street Parking	2 per dwelling unit	2 per dwelling unit under dwelling unit
9. Dominant Color	Muted shades of color	Muted shades of color
10. Terraces, Decks, Patios	one foot above finished grade	same height as adjacent floor

Bayway Homes © COPYRIGHT 2016	Subdivision Beach Park City/Jurisdiction La Porte, TX	Title BEACH PARK SCUP LOTS 7-17 AND 20-27 Buyer Signature	Plan Number Date 5-17-2016
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LOT LAYOUT

Plan Number	Single Family Detached			
	Area	1st flr	2nd flr	TOTAL
	Living	1151 #	1119 #	2270 #
	Lot Coverage			58.3 %

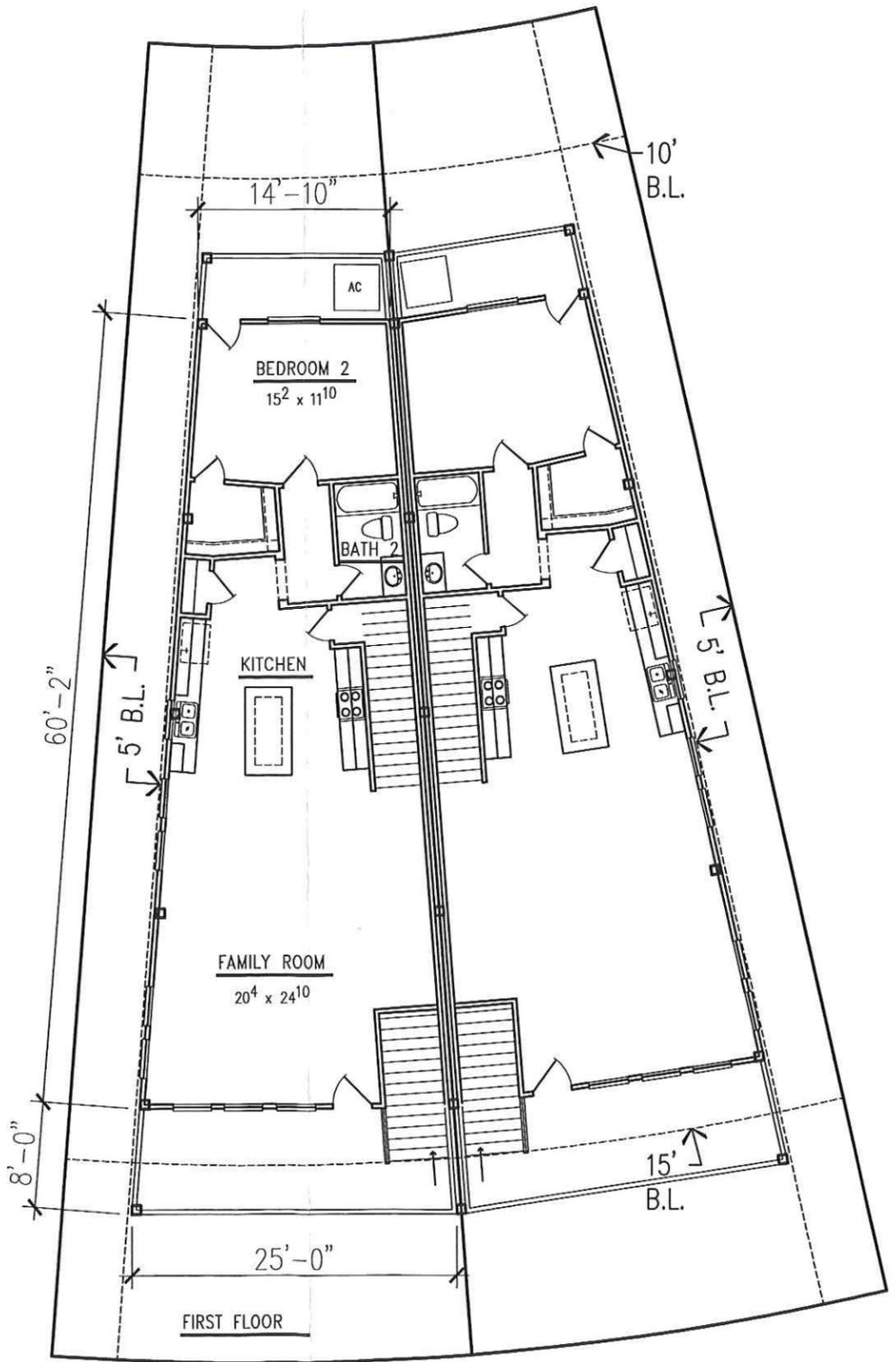
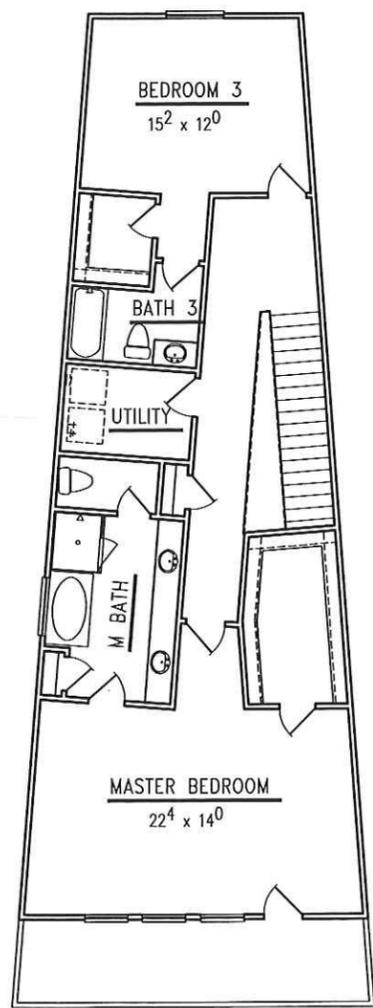
Date 5-17-2016

Buyer Signature

Title
BEACH PARK SCUP
LOTS 7-17 AND 20-27

Subdivision
Beach Park
City/Jurisdiction
La Porte, TX

Bayway Homes
© COPYRIGHT 2016



TYPICAL "A" UNIT

Bayway Homes

Subdivision
Beach Park

Title
BEACH PARK SCUP
LOTS 7-17 AND 20-27

Plan Number

© COPYRIGHT 2016

City/Jurisdiction
La Porte, TX

Buyer Signature

Date 5-17-2016

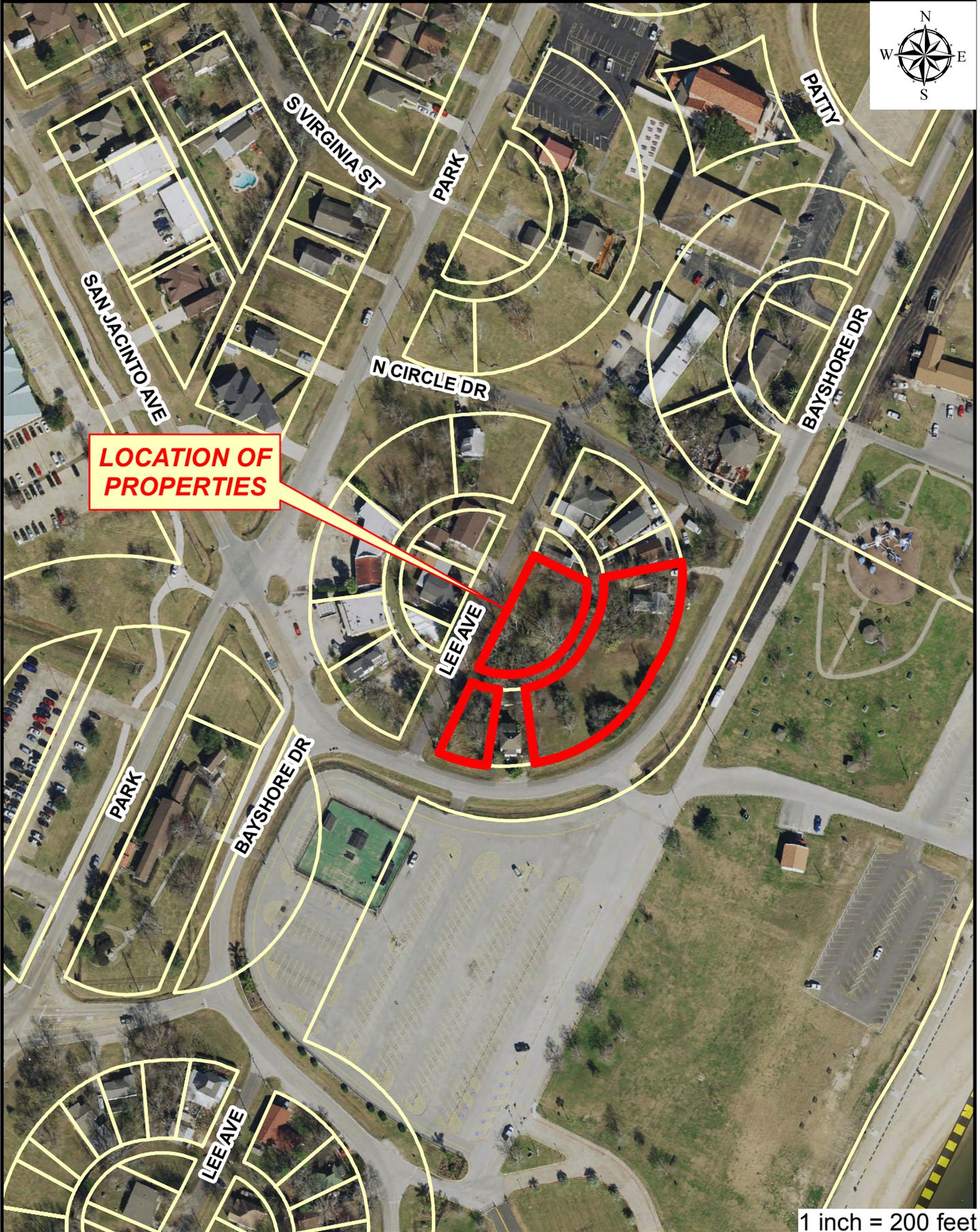


EXHIBIT B

AREA MAP

EXHIBIT C

SCUP REQ. #16-9100001



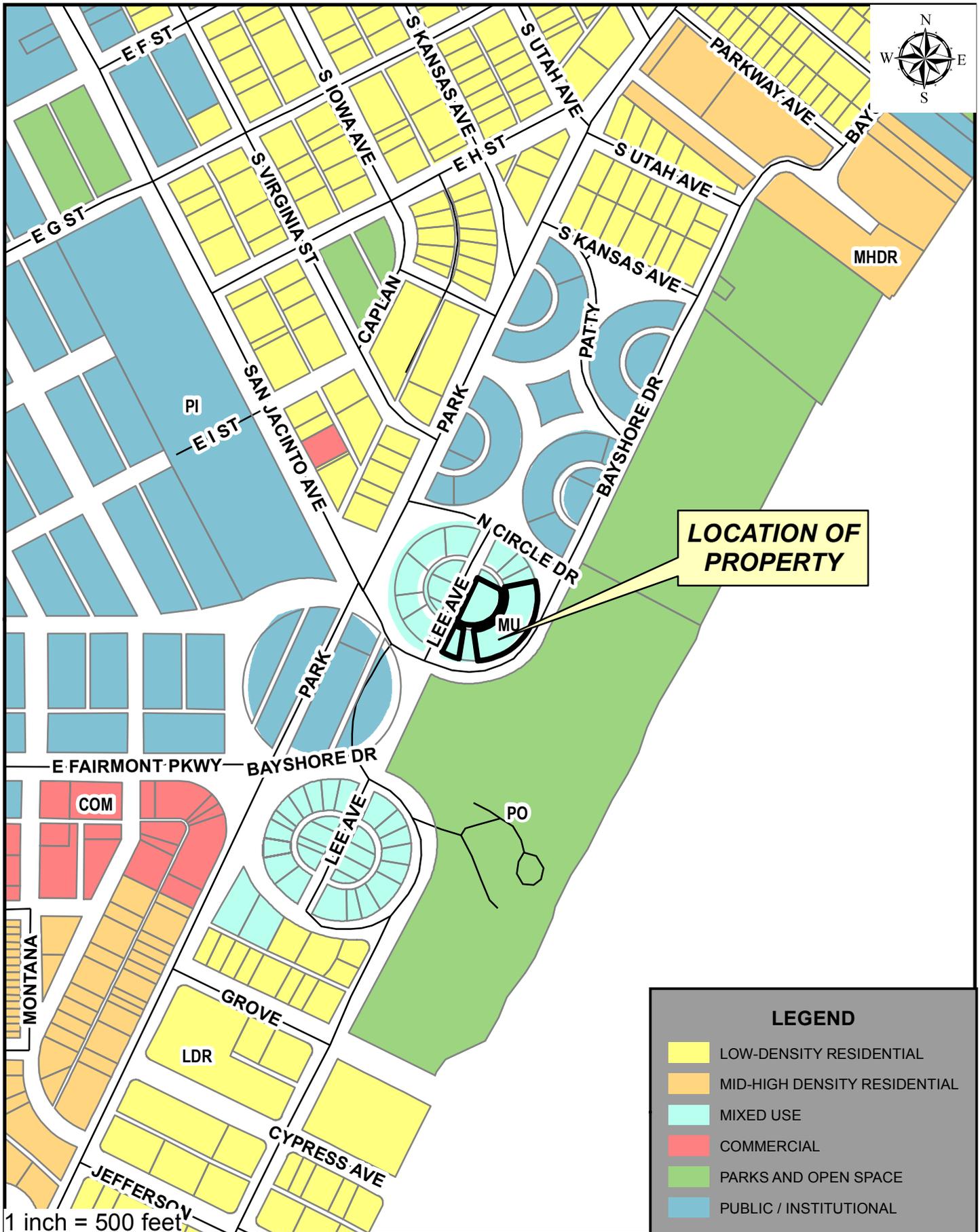
LOCATION OF PROPERTIES

1 inch = 200 feet

LAND USE EXHIBIT

EXHIBIT D

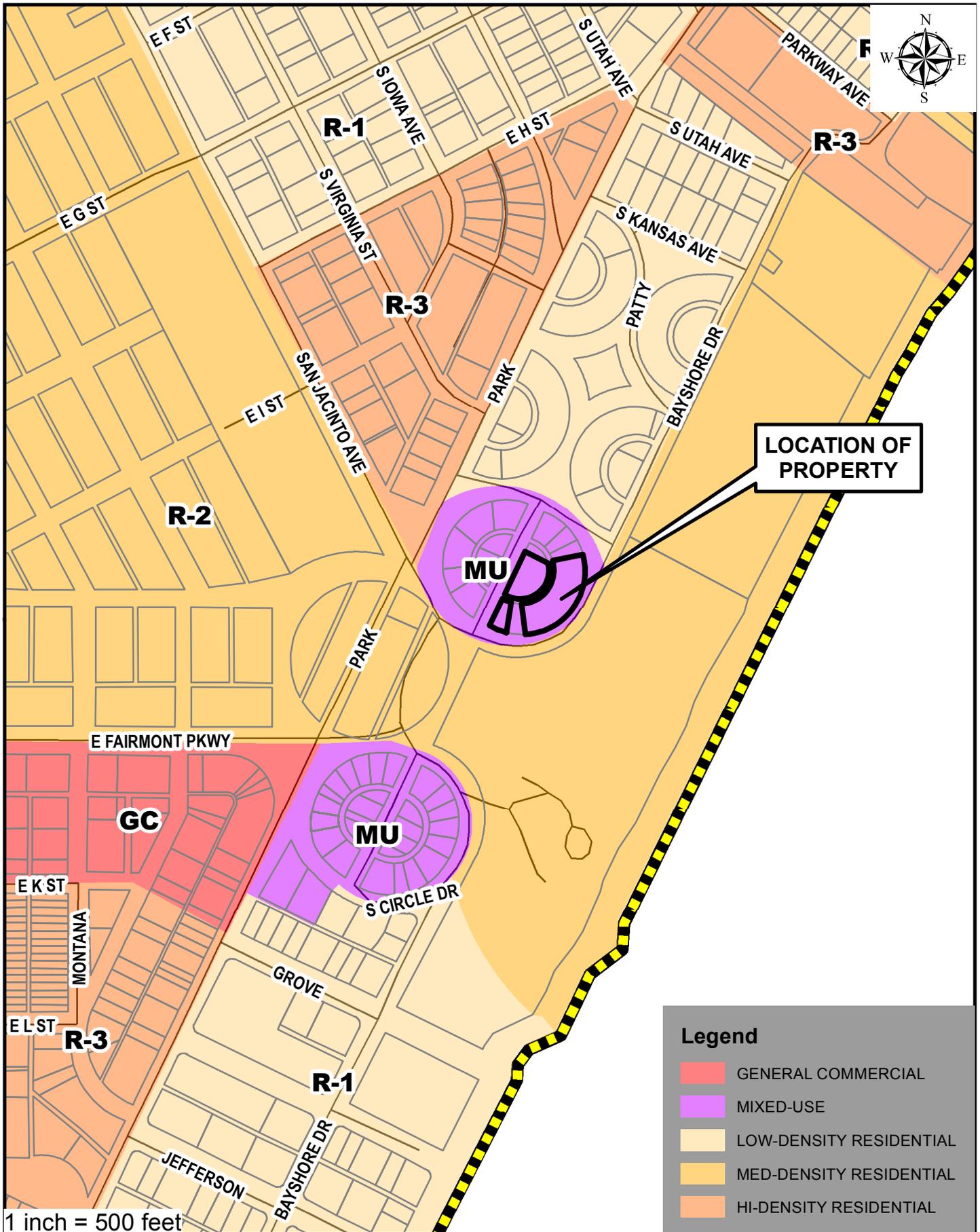
SCUP #16-9100001



ZONING EXHIBIT

EXHIBIT E

REZONE #16-9100001



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



June 16, 2016

AGENDA ITEMS 15-17

Consider recommendation on Special Conditional Use Permit (#16-91000002),
a request to allow for development of a towing wrecker yard
on approximately 2 acres of a 5.2 acre tract legally described as Tracts 6, La Porte Outlots,
La Porte, Harris County, Texas
Applicant: Priority Towing

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

Planning and Development Department Staff Report

ISSUE

Consider a recommendation to the City Council on a request by the applicant Priority Towing for a Special Conditional Use Permit (SCUP) to allow development of a towing and wrecker yard on approximately 2 acres of a 5.2 acre tract described as Tract 6, La Porte Outlots Subdivision.

RECOMMENDATION

Should the Commission desire to consider a recommendation for approval of this request, staff recommends considering various conditions, as described later in this staff report.

DISCUSSION

Property Owner:

Ahmadali Virani

Developer/Applicant:

Priority Towing has the subject property under contract and is applying on behalf of the Property Owner.

Applicant's Request:

The applicant is seeking approval of this SCUP to allow for development of a towing and wrecker yard on approximately 2 acres of a portion of Tract 6, La Porte Outlots Subdivision. The applicant is under contract to acquire the entire 5.2 acre tract of land. The proposed towing wrecker yard would be located on the southern-most 2 acres of the site, leaving the front 3.2 acres for future commercial development. The attached Exhibit B includes the SCUP Application, project description letter and conceptual site plan submitted by the applicant. Section 106-310 of the city's Code of Ordinances allows towing wreckers yards in the General Commercial (GC) zone district only with approval of a SCUP.

Background Information:

The subject site is approximately 5.2 acres in area and is located on the south side of Spencer Highway, approximately ½ mile west of Bay Area Boulevard. The attached Exhibit C is an Area Map showing the location of the subject property.

Planning and Zoning Commission Regular Meeting
 June 16, 2016
 Priority Towing SCUP

The legal description of the property is Tract 6, La Porte Outlots, La Porte, Harris County, Texas.

The attached Exhibit D identifies this parcel on the city’s Future Land Use Plan, as adopted in the Comprehensive Plan. Currently the site is identified as “Commercial” uses.

The site is zoned GC, General Commercial, and is undeveloped. The attached Exhibit E shows the zoning of the subject property and surrounding properties. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	R-1, Low Density Residential	Spencer Landing Subdivision
	R-3, High Density Residential	Bayshore Baptist Church
South	PUD, Planned Unit Development	Vacant, undeveloped (identified in the Future Land Use Plan as “Mid- to High-Density Residential”)
West	GC, General Commercial	Undeveloped
East	GC, General Commercial	Undeveloped

Notification Requirements:

The public hearing notification requirements outlined in Section 106-171 were performed in accordance with all applicable 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. Additional notice of the public hearing was posted at City Hall and on the City’s website in compliance with state law.

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:

Land Use.

Section 106-310 of the city’s Code of Ordinances outlines “Commercial and Industrial Uses” permitted in the various zone districts. The applicant is proposing development of the southern-most 2 acres of the site as a towing wrecker yard, which is categorized as NAICS #488410, Motor Vehicle Towing in the North American Industry Classification System. NAICS #488410 is allowed only if a Special Conditional Use Permit is approved.

The city's Future Land Use Plan identifies the undeveloped land to the south of this parcel as residential uses. Should the SCUP be approved, staff is recommending a condition be included that requires an 8-foot high masonry wall along the south property line with a minimum 10-foot landscape buffer with landscaping as required in Section 106-444(a).

Additionally, staff is recommending a minimum 6-foot high solid wood or masonry fence be required along the remaining sides of the yard to screen the use from adjacent uses.

Site Plan.

The applicant has submitted a conceptual site layout as part of their SCUP application; however, this is not a formal site plan submittal and staff has not reviewed the document for compliance with all applicable requirements. At this time there has been no formal application for a site development plan as required in the city's Development Ordinance. A formal application for a site development plan is not required until after a SCUP is approved. Should City Council approve the proposed SCUP, the applicant will be required to submit application for a site development plan to the Planning and Zoning Commission for approval. Said site plan will be required to be in compliance with applicable code requirements.

Surfacing.

The surfacing of the towing wrecker yard will need to be a dust-free surface. The code allows for asphalt, concrete or chip seal (TXDOT Standard 316).

Detention.

On-site detention for the site will be required in accordance with the city's Public Improvement Criteria Manual (PICM) and Harris County, as this site will discharge stormwater run-off in to their facilities. This will be reviewed by the City Engineer at the time of site plan submittal.

Compliance with Chapter 78.

This SCUP would only allow for approval of the use of the site for the towing wrecker yard. The applicant would still be subject to review and approval in accordance with the provisions of Article III, Chapter 78 of the city's Code of Ordinances (Automobile Wreckers and Towing Vehicles) and all applicable state laws. The attached Exhibit F includes the provisions of Chapter 78.

Conclusion:

Based on the analysis above, staff finds that if the Planning and Zoning Commission desires to recommend approval of the proposed Special Conditional Use Permit, then a number of conditions should be considered in the approval. Staff has included those conditions as part of the SCUP in Exhibit A.

Planning and Zoning Commission Regular Meeting
 June 16, 2016
 Priority Towing SCUP

Section 106-217 of the Zoning Ordinance outlines specific conditions for approval of SCUP applications. There are three different conditions that must be met in order to approve a SCUP. The following table identifies each of the three conditions and staff's finding on each:

Condition:	Staff Analysis:
(1) That the specific use will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values within the immediate vicinity.	Staff has concerns with locating a towing wrecker yard on Spencer Highway and adjacent to future residential development. There may be other locations zoned GC, where such use is not immediately adjacent to residential uses. However, if the Commission desires to recommend approval of the proposed development, then staff recommends that the applicant be required to place an 8-foot high masonry wall along the entire south property line adjacent to the future residential use.
(2) That the conditions placed on such use as specified in each district have been met by the applicant.	As a condition of approval of the proposed SCUP, the applicant is required to submit a site development plan in accordance with the requirements of the city's Development Ordinance. Additionally, the site development plan will need to comply with all other provisions of the city's Zoning Ordinance and will be reviewed during the site development review.
(3) That the applicant has agreed to meet any additional conditions imposed, based on specific site constraints, and necessary to protect the public interest and welfare of the community.	The applicant will need to confirm on the record at the public hearing that they are agreeable to the conditions imposed by the SCUP. Staff has provided a list of conditions as part of this report. However, the Commission and City Council may remove, alter, or impose additional conditions, should they approve the proposed SCUP.

Should the Planning and Zoning Commission recommend approval of the requested SCUP application, staff recommends the following conditions be considered:

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 surfacing shall be dust-free in accordance with code requirements. Approved dust-free surface material includes asphalt, concrete or chip seal (TXDOT 316 Standard).
3. The developer will be required to submit for approval by the City Engineer, drainage calculations indicating how the proposed development will accommodate the requirements for storm water detention in accordance with the city's Public Improvement Criteria Manual. Additionally, the applicant shall provide approval from Harris County as the project will discharge into their facilities.

4. The applicant shall construct an 8-foot high solid masonry fence along the entire length of the south property line with a 10-foot landscape buffer with required landscaping in accordance with Section 106-444(a).
5. A minimum 6-foot high solid wood or masonry fence shall be constructed on the north, east and west property lines to screen the proposed use from adjacent uses.
6. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
7. 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.

[Any additional conditions requested by the Planning and Zoning Commission.]

ATTACHMENTS

- Exhibit A: Draft SCUP
- Exhibit B: SCUP Application and Supplemental Information from the Applicant
- Exhibit C: Area Map
- Exhibit D: Land Use Map
- Exhibit E: Zoning Map
- Exhibit F: Article III, Chapter 78 of the La Porte Code of Ordinances

City of La Porte
Special Conditional Use Permit #16-9100002

This permit is issued to: Priority Towing
Owner or Agent

1522 Brook Grove Drive, Katy, Texas, 77450
Address

For Development of: Priority Towing Wrecker Yard
Development Name

2 acre portion of a vacant 5.2 acre tract of land generally located on the south side of Spencer Highway approximately 1/2 mile west of Bay Area Boulevard
Address

Legal Description: Tracts 6, La Porte Outlots Subdivision

Zoning: GC, General Commercial

Use: Towing Wrecker Yard

Permit Conditions:

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

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte’s Development Ordinance and shall comply with all provisions of Chapter 106, “Zoning” of the City’s Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. All surfacing shall be dust-free in accordance with code requirements. Approved dust-free surface material includes asphalt, concrete or chip seal (TXDOT 316 Standard).
3. The developer will be required to submit for approval by the City Engineer, drainage calculations indicating how the proposed development will accommodate the requirements for storm water detention in accordance with the city’s Public Improvement Criteria Manual. Additionally, the applicant shall provide approval from Harris County as the project will discharge into their facilities.
4. The applicant shall construct an 8-foot high solid masonry fence along the entire length of the south property line with a 10-foot landscape buffer with required landscaping in accordance with Section 106-444(a).
5. A minimum 6-foot high solid wood or masonry fence shall be constructed on the north, east and west property lines to screen the proposed use from adjacent uses.
6. All necessary documentation for building permit review must be submitted in conjunction with the city’s building permit application process.
7. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, “Zoning” of the City’s Code of Ordinances.

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

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

Validation Date: _____

Director of Planning and Development

City Secretary

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

Planning & Development Department
**SPECIAL CONDITIONAL USE
PERMIT APPLICATION**

Phone: 281.470.5073
Fax: 281.470.5005
www.laportetx.gov

1. PROPERTY OWNER CONTACT INFORMATION:

OWNER NAME: AHMA DALI VIRANI PHONE 1: _____
PHONE 2: _____ FAX #: _____
E-MAIL: _____
MAILING ADDRESS: 2814 ACORN WOOD WAY, HOUSTON TX 77059-5808

2. BUSINESS INFORMATION:

BUSINESS NAME: PRIORITY TOWING INC BUSINESS TYPE: Tow Service Storage Lot
CONTACT NAME: Joseph A. Davis Jr PHONE #: 713-459-9619
E-MAIL: PRIORITYTOW@AOL.COM FAX #: 281-574-8884
MAILING ADDRESS: 1522 BLOOM GROVE DR. KATY TX 77450

3. PROPERTY DESCRIPTION:

PARCEL NO(s) (13-digit HCAD Tax ID #): 023-131-000-0072
PROPERTY ADDRESS (if existing): NONE
PROPERTY LEGAL DESCRIPTION: TR 6 - LA PORTE OUTLOTS

4. SUPPORTING DOCUMENTATION (Check Applicable):

GENERAL PLAN SITE PLAN PLAT

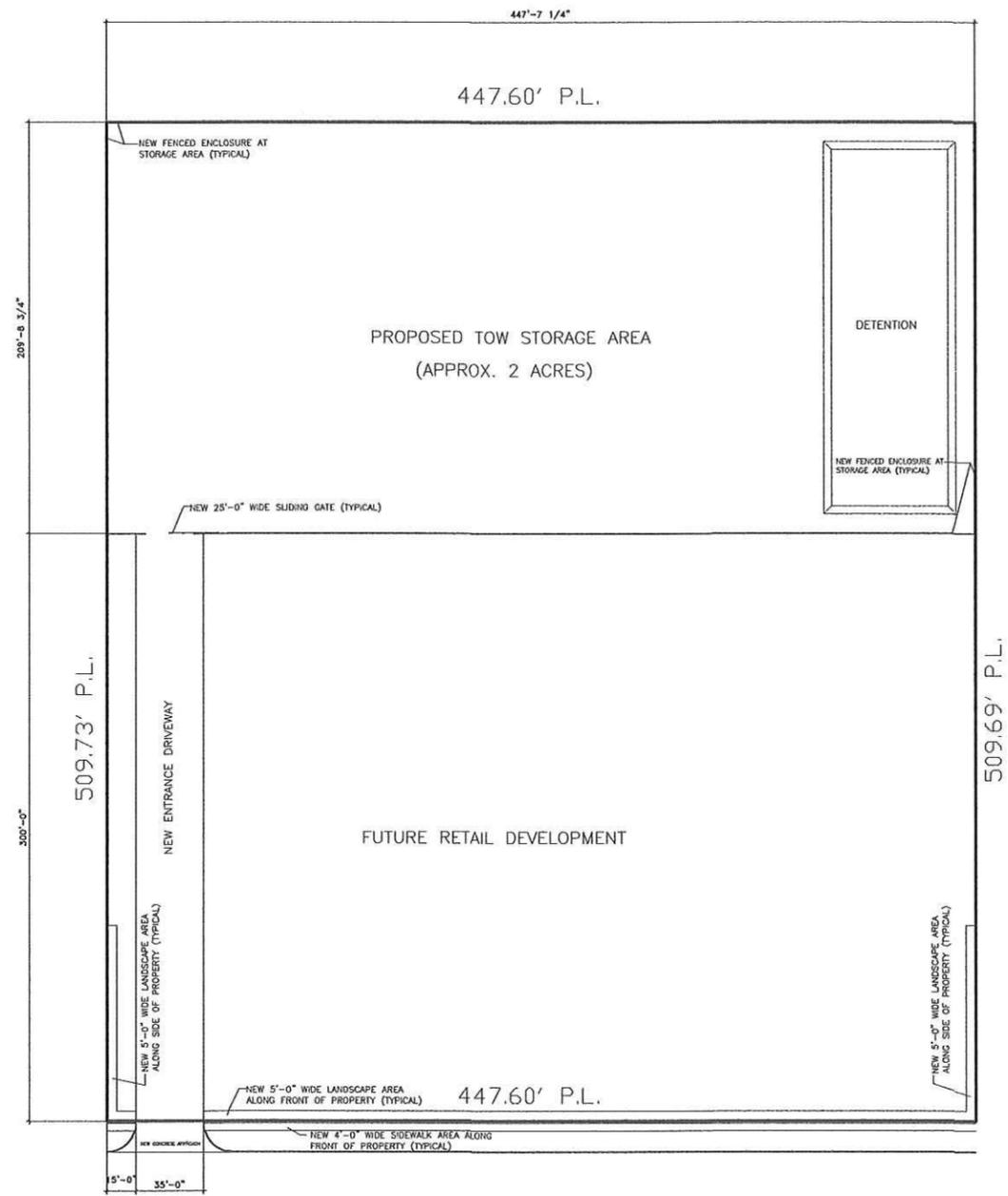
REASON FOR REQUEST?: TRUCK STORAGE YARD FOR TOWED VEHICLES
OWNER or AUTHORIZED AGENT'S SIGNATURE: [Signature] RANDY STOCKWELL
PRINTED NAME: RANDY STOCKWELL DATE: 5-23-16

5. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION:

- COMPLETE ITEMS 1 THRU 4 OF APPLICATION
- ATTACH APPLICABLE PLAN(S)
- SUBMIT \$300.00 NON-REFUNDABLE APPLICATION FEE

(STAFF USE ONLY):

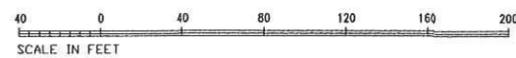
DATE RECEIVED: _____ RECEIVED BY: _____
PROJECT NUMBER: _____
SCHEDULED DATE FOR PLANNING & ZONING COMMISSION AGENDA: _____



11320 SPENCER HWY. (APPROXIMATELY)
 SPENCER HWY. (120'R.O.W.)

**PRELIMINARY ARCHITECTURAL
 SITE DEVELOPMENT PLAN**

1' = 40'-0"



UNLESS THIS DOCUMENT IS SIGNED, SEALED AND DATED, THEN IT IS NOT FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION

cad file no.
 2016-07SP1
 job no.
 2016-07
 drn. by
 Guy L. Ford Jr.
 date
 05-11-2016
 revised
 05-16-2016

C-1

**PRIORITY TOWING
 MR. JOE DAVIS**

NEW TOWING STORAGE LOT

11320 SPENCER HWY.

LA PORTE, TEXAS

THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS HAS JURISDICTION OVER COMPLAINTS REGARDING THE PROFESSIONAL PRACTICES OF PERSONS REGISTERED AS ARCHITECTS IN TEXAS. T.B.A.E. 313 GUILDFORD DRIVE 3-D01, AUSTIN, TEXAS 78704-5842, PH. 512-551-4600
guy l. ford jr. a.i.a. architect
 1821 N. Carlsbad Ln. Deer Park, Texas

Proposed Priority Towing

Legend **EXHIBIT B**

- Bayshore Baptist Church
- Feature 1
- Federal Credit Union
- Jacinto Medical Group
- La Porte

La Porte
Airport

Bayshore
Baptist

Sens Road

Spencer Highway

Priority
Towing
Site

509.69'

447.60'

Shell Federal
Credit Union

Bay Area Blvd.

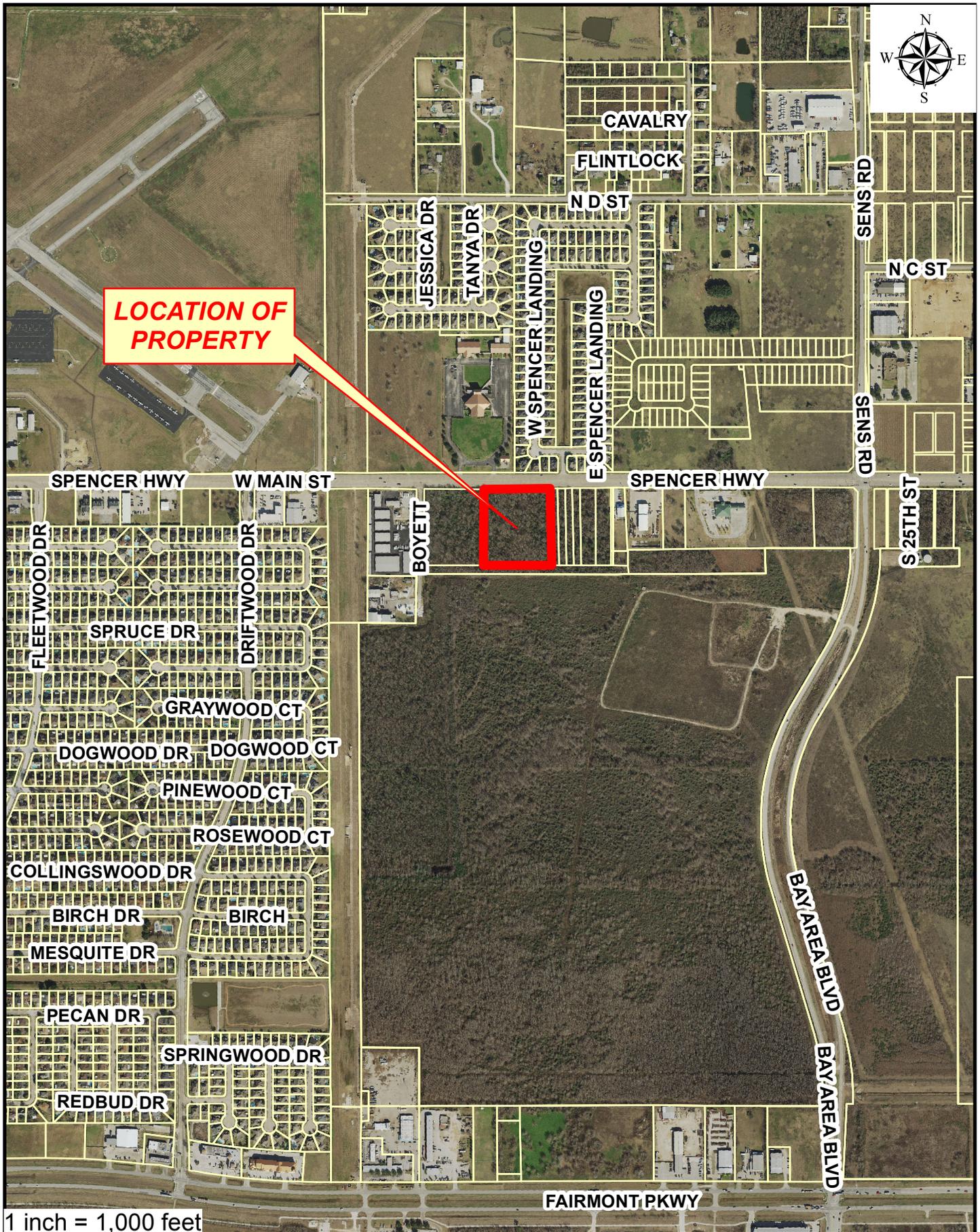


1000 ft

AREA MAP

EXHIBIT C

SCUP REQ. #16-91000002

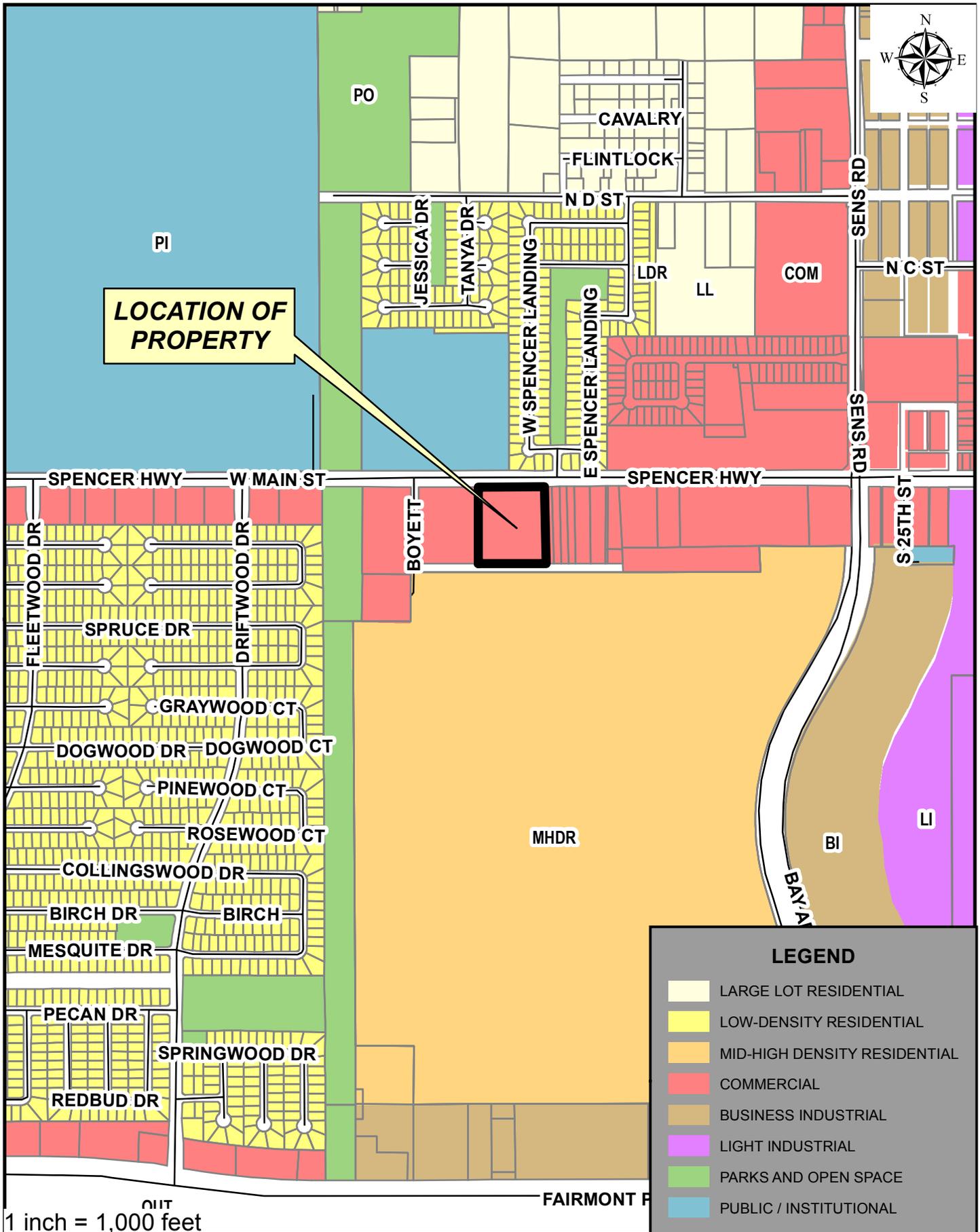


1 inch = 1,000 feet

LAND USE EXHIBIT

EXHIBIT D

SCUP #16-9100002



LOCATION OF PROPERTY



LEGEND	
	LARGE LOT RESIDENTIAL
	LOW-DENSITY RESIDENTIAL
	MID-HIGH DENSITY RESIDENTIAL
	COMMERCIAL
	BUSINESS INDUSTRIAL
	LIGHT INDUSTRIAL
	PARKS AND OPEN SPACE
	PUBLIC / INSTITUTIONAL

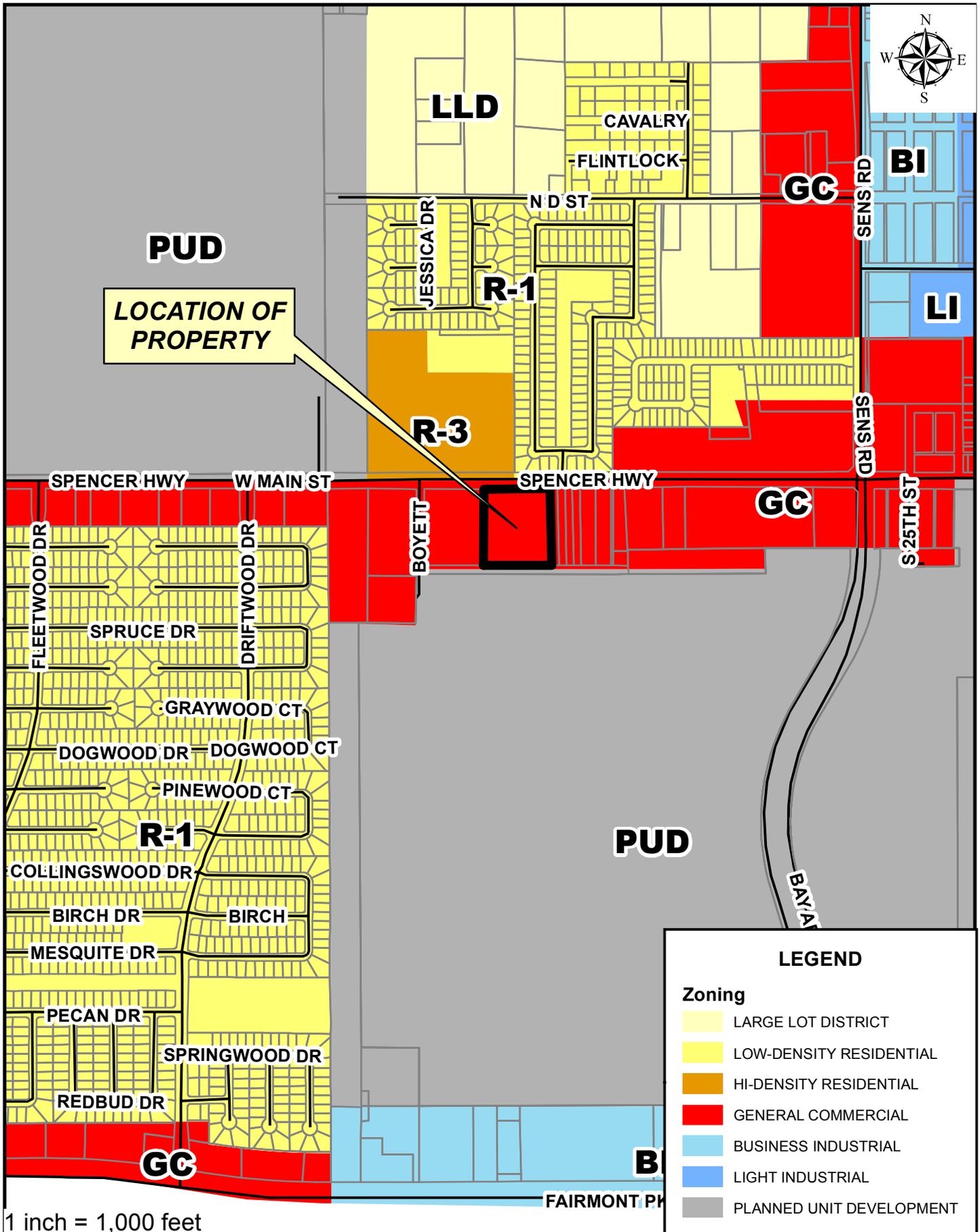
1 inch = 1,000 feet

FAIRMONT P

ZONING EXHIBIT

EXHIBIT E

SCUP REQ. #16-9100002



ARTICLE III. - AUTOMOBILE WRECKERS AND TOWING VEHICLES^[3]

Footnotes:

--- (3) ---

State Law reference— *Texas tow truck act, Vernon's Ann. Civ. St. art. 6687-96.*

DIVISION 1. - GENERALLY

Sec. 78-196. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Auto wrecker means a towing vehicle which may lawfully appear at the scene of an accident where a vehicle has collided with another vehicle or other object or which has been wrecked or disabled in any manner for the purpose or expectation of towing, removing or hauling away the wrecked vehicle from the scene of the accident having been expressly summoned there by the police department or the owner of one of the vehicles involved in the accident.

Consent towing means any tow of a motor vehicle with the consent of the owner or operator of the vehicle.

Heavy duty wrecker means an auto wrecker which is not less than five tons in size.

Non-consent towing means any tow of a motor vehicle without the consent of the owner or operator of the vehicle.

Owner means any person engaged in the business of towing motor vehicles for hire or engaged in the business of storing, wrecking or repairing motor vehicles for hire and who owns or is entitled to use any auto wrecker or towing vehicle, and who uses such vehicle in the conduct of his business or any part thereof.

Towing vehicle means any automobile, truck or other motor vehicle used for the purpose of towing, carrying, pushing or otherwise transporting any motor vehicle which has collided with another motor vehicle or other object, or which has been wrecked or disabled in any manner, from one place to another for any purpose including, but not limited to, the purpose of wrecking, storing or repairing the vehicle, and does not appear at the scene of an accident where a vehicle has been disabled upon a public street or public place for the purpose or expectation of towing one of the vehicles from the scene. The term "towing vehicle" shall not be construed to include a service car or other vehicle not equipped with mechanical devices for transporting wrecked vehicles and not used for such purposes, such as service cars, equipped with compressed air containers and tools for repairing punctured tires or otherwise equipped with tools for performing minor repairs not involving towage or transportation of wrecked or disabled vehicles.

Wrecker driver means any individual who actually operates and drives a towing vehicle or an auto wrecker on the streets of the city, either on his own account or in the employ of another.

(Code 1970, § 6-1; Ord. No. 1746, § 1(6-1-B), 2-25-91; Ord. No. 96-2136, § 1(6-1-B), 9-23-96; Ord. No. 2136-A, § 1, 1-22-07; Ord. No. 3320, § 1, 2-14-11)

EXHIBIT F

Cross reference— Definitions generally, § 1-2.

Sec. 78-197. - Effect of state law and regulations.

The provisions of this article are subject to the provisions of V.T.C.A., Transportation Code §§ 502.281, 502.051 and 502.102 and the Texas Vehicle Storage Facility Act, Vernon's Ann. Civ. St. art. 6687-9a. In the event of any conflict between the provisions of this article and any provisions of such state statutes and the regulations promulgated thereunder, the provisions of the relevant state statutes and regulations thereunder shall control, to the extent of such conflict. Specifically, and without limiting the generality of the foregoing, the city may not require a tow truck registered under the provisions of the state Tow Truck Act, to obtain city registration, license or permit for consent tows unless the tow truck owner has a place of business located within the boundaries of the city. The city may require city registration, license or permit for all tow trucks performing nonconsent tows within the boundaries of the city without regard to the location of the place of business of the tow truck owner. The city registration, license or permit will be in addition to the requirements of the state Tow Truck Act.

(Ord. No. 1746, § 1(6-1-A), 2-25-91; Ord. No. 96-2136, § 1(6-1-A), 9-23-96)

State Law reference— Similar provisions, Vernon's Ann. Civ. St. art. 6687-9b, § 5.

Secs. 78-198—78-220. - Reserved.

DIVISION 2. - WRECKER COMMITTEE

Sec. 78-221. - Creation; composition.

There is hereby created a wrecker committee. The wrecker committee shall be composed of the following persons:

- (1) The chief of police, or his duly designated representatives;
- (2) The city secretary;
- (3) The city manager or his duly designated representative.

(Ord. No. 1746, § 1(6-1-B), 2-25-91; Ord. No. 96-2136, § 1(6-1-B), 9-23-96)

Sec. 78-222. - Authority to promulgate rules of operation.

The wrecker committee is hereby authorized to promulgate any and all rules and regulations relating to the operation of towing vehicle and auto wreckers, insofar as such rules and regulations are not inconsistent with any of the provisions of this article and deemed necessary to protect public safety and welfare. Specifically, but without limitation, the committee is hereby authorized to promulgate any rules relating to restrictions on the number of auto wreckers which may operate on the streets of the city at any one time, to the extent any such rules are directly related to the promotion of public safety. The committee shall cause the city secretary to serve copies of such rules on owners at their registered addresses by certified mail. Such notices shall fully set out any rules promulgated, and the effective dates of such rules. Any permit holders shall have the right, in accordance with the provisions of section 78-224, to appeal to the city council with regard to any rules and restrictions promulgated by the committee felt by such permit holder to be unduly onerous.

(Code 1970, § 6-16; Ord. No. 1746, § 1(6-16), 2-25-91; Ord. No. 96-2136, § 1(6-16), 9-23-96; Ord. No. 2136-A, § 2, 1-22-07)

EXHIBIT F

Sec. 78-223. - Revocation or suspension of auto wrecker or towing permits.

- (a) Upon a complaint being filed by any person with the city secretary, or upon motion of any member of the committee, alleging either 1) a violation of any of the terms or provisions of this article, 2) the violation of any of the laws of the state, federal government or city, or 3) substandard or non-performance by a permit holder under the requirements of Division 4 "regulations" of this chapter, the committee may, after ten days' written notice to the permit holder stating the grounds of such complaint, conduct a hearing to hear evidence with reference to such complaint or motion. Should such hearing reveal a violation of any of the terms of this article or the laws of this state or federal government or other ordinances of the city, the committee may suspend, cancel or revoke the permit or permits of such permit holder, as the offense may direct.
- (b) After the committee has held its hearing and investigation upon the complaint or motion for the suspension, cancellation or revocation of a permit of any owner of a towing vehicle or an auto wrecker shall have the right to appeal to the city council within ten days from the receipt of the written decision of the committee, but only in the event of a revocation of the permit of the owner by the committee. Such appeal shall be in the form of a letter addressed and delivered to the city secretary, stating that an appeal is desired from the revocation of the committee. The city secretary shall notify the city council of such appeal, and the council, as soon as practicable thereafter, shall notify the appellant as to whether or not such an appeal will be heard. If the city council grants such an appeal, it shall either sustain or reverse the revocation of the committee. If no appeal is taken from the committee's action within ten days, as set out in this subsection, the decision of the committee shall be final.

(Code 1970, § 6-13; Ord. No. 1746, § 1(6-13), 2-25-91; Ord. No. 96-2136, § 1(6-13), 9-23-96; Ord. No. 3413, § 3, 5-14-12)

Sec. 78-224. - Right of appeal from the rulings or findings of the committee.

Subject to restrictions on appeal under section 78-223 of this article, on all issues heard by the committee there is a general right of appeal to the city council. After the wrecker committee has made its findings and declares such findings, the applicant, or any person opposing the application who entered an appearance at the hearing before the committee, shall have the right to file an appeal within ten days from the receipt of the city secretary's written notice, or from the date of the published notice, as applicable. The appeal shall be in the form of a letter addressed to the city secretary stating that an appeal from the decision of the committee is desired. The city secretary shall notify the city council of such appeal, and the council, as soon as practicable, after receiving such notice of appeal, together with the findings of the committee, shall grant or deny, in open session, such application for a hearing. If a hearing is granted, the city council shall sustain, modify or reverse the findings made by the committee and shall so notify the city secretary of its findings. The findings of the city council shall be final. If no appeal is made to the city council from the committee's decision within ten days, as indicated in this section, then such decision shall become final.

(Code 1970, § 6-10; Ord. No. 1746, § 1(6-10), 2-25-91; Ord. No. 96-2136, § 1(6-10), 9-23-96; Ord. No. 2136-A, § 3, 1-22-07; Ord. No. 3413, § 4, 5-14-12)

Secs. 78-225—78-245. - Reserved.

DIVISION 3. - PERMITS

Subdivision I. - In General

Sec. 78-246. - Insurance; required coverages.

EXHIBIT F

- (a) Before any permit shall be issued to any owner of an auto wrecker or emergency auto wrecker, or before any renewal of such permit shall be granted, the owner shall be required to file an insurance policy and/or certificate of insurance policy and/or certificate of insurance with the city secretary, evidencing insurance coverage complying with the requirements contained in subsection (b) of this section.
- (b) Insurance coverage in subsection (a) of this section means an insurance policy and/or a certificate of insurance covering all licensed towing vehicles or auto wreckers of the insured, issued by a company qualified to do business in the state and performable in this county. All insurance policies or certificates of insurance, including garage liability policies, must show the year, make and model, state license number and motor number of all towing vehicles or auto wreckers, which have been authorized to operate by the city. Further, all insurance policies or certificates of insurance must include an endorsement listing the city as an additional named insured party. All such insurance policies and/or certificates of insurance must contain a provision, or an endorsement, requiring that the city secretary shall be given at least ten days' written notice prior to the date of cancellation before such policy may be canceled by the insurer, for any cause. All such policies shall provide the minimum coverage to show "proof of financial responsibility" as that term is defined in the state Motor Vehicle Safety Responsibility Act, as now in force or hereafter amended. Each tow truck with the gross vehicle weight of 26,000 pounds or less must carry \$300,000.00 combined single limit coverage. Each tow truck with a gross vehicle weight over 26,000 pounds must carry \$500,000.00 combined single limit coverage. Insurance coverage shall comply with the provisions of the state Tow Truck Act in all respects. The city shall immediately suspend, cancel or revoke any towing vehicle or auto wrecker permit heretofore issued without further notice to the owner, if satisfactory insurance as required in this section is not in full force and effect at all times, with satisfactory evidence that such insurance is in full force and in effect, being on file with the city secretary.

(Ord. No. 1746, § 1(6-3), 2-25-91; Ord. No. 96-2136, § 1(6-3), 9-23-96)

Sec. 78-247. - Permits are personal to owners; transferal.

A permit issued under this article for a towing vehicle or an auto wrecker shall be a personal permit to the owner and shall not entitle any other person or corporation to operate such towing vehicle or auto wrecker. For such purposes permit holders are prohibited from subcontracting out or leasing permitted vehicles to persons or corporations not holding a permit to operate the vehicle. The permits issued pursuant to this article are transferable as between owners only upon the express approval of the committee, and shall be subject to a transfer fee in an amount established by the city and listed in appendix A of this Code, if approved. A denial of the right to transfer a permit may be appealed to the city council, in compliance with the terms of section 78-224. Upon cancellation of any permit no portion of the permit fee shall be refunded to the owner.

(Code 1970, § 6-15; Ord. No. 1746, § 1(6-15), 2-25-91; Ord. No. 96-2136, § 1(6-15(a)), 9-23-96; Ord. No. 2136-A, § 4, 1-22-07; Ord. No. 3320, § 2, 2-14-11)

Sec. 78-248. - Operation of unlicensed vehicle.

In any prosecution for not obtaining a permit as required in sections 78-271 and 78-296, proof that an owner's wrecking vehicle was present at the scene of a collision or accident in which a vehicle was wrecked or disabled shall constitute prima facie evidence that such owner was operating or causing to be operated his wrecking vehicle as an unlicensed towing vehicle or auto wrecker as the case may be.

EXHIBIT F

(Ord. No. 1746, § 1(6-2), 2-25-91; Ord. No. 96-2136, § 1(6-2(c)), 9-23-96)

Secs. 78-249—78-270. - Reserved.

Subdivision II. - Towing Vehicle Permit

Sec. 78-271. - Required.

It shall be unlawful for any person to drive or operate, or cause to be driven or operated, any towing vehicle upon any public street in the city for the purpose of towing or hauling wrecked or disabled vehicles, either for hire, or as an incident to obtaining the business of storing, wrecking or repairing such wrecked or disabled vehicles, without having first obtained a towing vehicle permit, from the city, duly issued to such person to operate the vehicle on the streets of the city under the terms and provisions of this article.

(Code 1970, § 6-2(a); Ord. No. 1746, § 1(6-2(a)), 2-25-91; Ord. No. 96-2136, § 1(6-2(a)), 9-23-96)

Sec. 78-272. - Application.

Any owner desiring to operate a towing vehicle in the city shall apply in writing for a permit to the city secretary, and shall state the following in his application:

- (1) The name and address of the owner. If an individual, the application shall so state. If a partnership, the partnership name and address shall be given, together with names and addresses of all partners. If a corporation, the corporate name and office address shall be given, together with the names and addresses of the president and secretary.
- (2) The number of towing vehicles the owner desires to operate, listing the make, model, vehicle identification number and correct state license number of each towing vehicle.
- (3) The true ownership of each towing vehicle. If not owned outright by the owner, the name and address of the true owner shall be given. If the towing vehicle is operated under the terms of a contract with some company other than the owner, a copy of the contract shall also be attached.
- (4) A statement that the owner will obey the provisions of this article, the rules and regulations promulgated by the chief of police, and all other ordinances and statutes applicable to motor vehicles and agrees that upon his failure to so obey such laws that his permit may be revoked or suspended after a public hearing by the committee with ten days prior written notice.
- (5) The application shall be signed by the owner. If a partnership, it shall be signed by a member of the firm. If a corporation, it shall be signed by the president and attested by the secretary and the corporate seal affixed. In all cases, the person signing shall execute an affidavit, on the application form, that the statements contained in such affidavit are true and correct. Such application shall be accompanied by an annual towing vehicle permit fee in an amount established by the city and listed in appendix A of this Code for each towing vehicle the owner desires to operate. All permits shall expire on December 31 of each year and shall then be renewed upon submission of a properly executed application and the annual auto wrecker permit fee until the next succeeding December 31. If a permit is granted subsequent to January 1 in any permit year, the fee shall be paid pro rata for the balance of the year, and any portion of a month shall be considered as an entire month in calculating the fee to be charged.

(Code 1970, § 1(6-4); Ord. No. 1746, § 1(6-4), 2-25-91; Ord. No. 96-2136, § 1(6-4), 9-23-96; Ord. No.

EXHIBIT F

2136-A, § 5, 1-22-07)

Sec. 78-273. - Issuance.

After the owner has filed his towing vehicle application, permit fee and insurance policy, and the city secretary or his designee has examined them and found them to be in compliance with the terms of this article, he shall issue to the owner a permit for each towing vehicle licensed, which permit shall bear upon its face a notice that the permit expires on the succeeding December 31. Each permit shall be dated and numbered and shall show on its face the make, model, motor number and state license number of the towing vehicle licensed. The committee is empowered to prescribe regulations for the displaying of signs on towing vehicles showing that the same have been licensed as provided in this section.

(Code 1970, § 6-5; Ord. No. 1746, § 1(6-5), 2-25-91; Ord. No. 96-2136, § 1(6-5), 9-23-96)

Sec. 78-274. - Additional and replacement.

- (a) When an owner has obtained a towing vehicle permit and thereafter desires to increase the number of towing vehicles to be operated, he shall file a supplemental application setting forth his permit number and the fact that he desires to operate additional towing vehicles, giving the make, model, motor number and state license number of each additional towing vehicle. He shall also file the proper permit fee to cover the additional number of towing vehicle permits.
- (b) He shall also file with the city secretary or his designee a new insurance policy, or a proper endorsement on the existing policy, covering the additional towing vehicles.
- (c) The city secretary or his designee shall examine such supplemental towing vehicle application, fee and policy, and if they are in order, shall issue towing vehicle permits covering each additional towing vehicle.
- (d) Whenever an owner wishes to discontinue the use of a towing vehicle during the period covered by his permit and replace it with another, he shall file an affidavit stating that he has discontinued using the towing vehicle covered by his permit, and desires to use another towing vehicle in its place. He shall also attach a certificate from his insurer that such insurer has been notified and has agreed to make the appropriate transfer of coverage. The city secretary shall, upon the payment of a transfer fee in an amount established by the city and listed in appendix A of this Code, issue the owner a new permit covering the replacement towing vehicle as provided in section 78-273, and cause the old towing vehicle permit to be canceled and voided. In the affidavit, as well as the certificate from the insurer, the old and new towing vehicle shall be described by make, model, motor number and license number.

(Code 1970, § 6-6; Ord. No. 1746, § 1(6-6), 2-25-91; Ord. No. 96-2136, § 1(6-6), 9-23-96)

Secs. 78-275—78-295. - Reserved.

Subdivision III. - Auto Wrecker Permit

Sec. 78-296. - Required.

It shall be unlawful for any person to drive or operate, or cause to be driven or operated, any auto wrecker upon any public street in the city for the purpose of towing or hauling wrecked or disabled vehicles, either for hire or as an incident to obtaining the business of storing, wrecking or repairing such wrecked or disabled vehicles, without having first obtained an auto wrecker permit, from the city, duly issued to such person to operate an emergency auto wrecker on the streets of the city. The holder of an auto wrecker permit shall not be required to obtain a towing vehicle permit in addition thereto.

EXHIBIT F

(Code 1970, § 6-2(b); Ord. No. 1746, § 1(6-2(b)), 2-25-91; Ord. No. 96-2136, § 1(6-2(b)), 9-23-96)

Sec. 78-297. - Application.

Any owner desiring to operate an emergency auto wrecker in the city shall make application to the city secretary for an auto wrecker permit. Such application shall be submitted upon forms to be furnished by the city secretary, and the applicant shall furnish the following proof and information with his application:

- (1) The name and address of the owner shall be stated, and if the auto wrecker is to be operated under the name of some company other than the name of the owner, then the name of the company shall be stated. Accompanying the application shall be a signed copy of the agreement and contract between the owner and the company in whose name the auto wrecker is to operate. The auto wrecker permit shall be issued in the joint names, and no transfer from one company to another company by the owner shall be permitted. If the applicant is an individual, the application shall so state. If the applicant is a partnership, the partnership name and address shall be given together with the names and addresses of all partners. If the applicant is a corporation, the corporate name and office address shall be given, together with the names and addresses of the president and secretary. All of the provisions and requirements applicable to persons in this article shall apply to and be required of each partner or each principal officer, and the failure of any of them to meet such requirements shall be grounds to deny the application of the corporation or partnership. All changes of such officers or partners shall be reported to the city secretary within ten days after the change, and such new officers or partners shall individually file applications certifying to their individual qualifications within such time. The failure to certify within such time or to possess such qualifications required of such persons under this article shall be cause for the suspension of all permits held by such corporation or partnership.
- (2) The application shall list the make, model, motor number and correct state license number of the vehicle to be licensed by the applicant as an auto wrecker.
- (3) Any person making application for an auto wrecker permit shall deposit with the city secretary, upon making the application, a sum of money in the amount established by the city and listed in appendix A of this Code. Such sum shall be used to pay for the advertising of such application in the newspaper for two consecutive weeks, and for staffing, processing, and reproduction costs incurred in connection with the application. Within 15 days after receiving such sum and qualifying data, the city shall cause to be published in the newspaper for two consecutive weeks a notice to all holders of auto wrecker permits and all other interested persons. Such notice shall advertise the time and place of the public hearing, which hearing shall be held not less than 15 days from the date of the first publication. Such notice shall give the name of the applicant, the name of the business under which the applicant proposes to operate and any other pertinent data that the city secretary may deem necessary. If the amount deposited is insufficient to pay the cost of the advertising, staffing, processing, and reproduction costs associated with the application, the city secretary shall then require the applicant to pay for the deficiency.
- (4) The committee shall have in attendance at such hearing a representative from the city legal department, and any other persons that it may deem necessary to conduct such hearing.
- (5) In determining whether the permit shall be granted, the committee shall take into

EXHIBIT F

consideration the following:

- a. The financial responsibility of the applicant;
 - b. Make, model and type of vehicle to be used;
 - c. Whether or not all insurance required by this article has been procured, or will be procured;
 - d. That the applicant provide proof of 1) ownership of a properly fenced storage facility for towed vehicles or a contract with the owner, lessee, or other authorized user of a properly fenced storage facility for towed vehicles, allowing applicant to use the facility. In those cases where an applicant relies on a contract made with a party other than the actual owner of the facility, applicant shall provide satisfactory evidence that the use of the facility by applicant is permitted by the owner; 2) the size of his business location and lot; and 3) that the lot is located within the city limits and conforms to the use, setbacks, parking, screening, landscaping and any other applicable regulations as set for in chapter 106 of this Code. It is the responsibility of the applicant to request a site inspection from the planning department, inspections division, prior to the hearing;
 - e. Determine that all city ad valorem taxes and other taxes of the applicant have been paid;
 - f. Whether the vehicle shall be operated by the owner, or by his employee with a bona fide employer/employee relationship;
 - g. Whether the applicant proposes to own, rent or lease the vehicle to be used;
 - h. The number of auto wreckers for the applicant then in existence and licensed;
 - i. Whether the applicant shall be able to demonstrate the ability to at all times respond to police calls for emergency wreckers within 20 minutes of the call; and
 - j. Any and all other facts the committee may deem relevant.
- (6) An applicant that fails to satisfy one or more of the requirements for acquiring an auto wrecker permit as established in this section may petition the committee for a variance. A request for a variance shall be submitted simultaneously with the application for operation of an emergency auto wrecker(s), and shall state specifically the grounds for the request, including a showing why compliance with this article is not reasonably possible. The committee may impose additional requirements in any variance granted to a wrecker operator, but in no case shall it be empowered to grant a variance for use of a storage facility that is not located within the city limits, or that is contrary to federal and state laws, or city regulations established outside of this article. A person may appeal the grant or denial of a variance by the committee to the La Porte City Council, but only as part of an appeal of the committee's final ruling on the underlying application for an emergency auto wrecker permit (s), in accordance with the general appeal procedures in section 78-224 of this chapter.

(Code 1970, § 6-7; Ord. No. 1746, § 1(6-7), 2-25-91; Ord. No. 96-2136, § 1(6-7), 9-23-96; Ord. No. 2136-A, § 6, 1-22-07; Ord. No. 3320, § 3, 2-14-11; Ord. No. 3413, §§ 1, 2, 5-14-12)

Sec. 78-298. - Notification of applicant of status.

If the committee finds, after the hearing and investigation, that an applicant has met all of the criteria listed in this division, the committee shall then instruct the city secretary to notify the applicant in writing within ten days from the last date of the hearing that such vehicle is authorized to operate

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under the provisions of this article so long as they are in compliance with all of the provisions of this article and all federal, state, county and city laws and ordinances. The committee shall also instruct the city secretary to publish an official notice of its findings in the newspaper within such time.

(Code 1970, § 6-8; Ord. No. 1746, § 1(6-8), 2-25-91; Ord. No. 96-2136, § 1(6-8), 9-23-96; Ord. No. 2136-A, § 7, 1-22-07)

Sec. 78-299. - Denial.

If the wrecker committee finds from its hearings and investigation that the applicant has not met the criteria in section 78-297(5), it shall instruct the city secretary to so notify the applicant in writing within ten days from the last date of the hearing. An applicant who has been denied a permit by the committee, and whose appeal to the city council is denied, or the decision has not been appealed to the city council, shall not be permitted to make another application for six months from the date of his filing of the application for the auto wrecker permit.

(Code 1970, § 6-9; Ord. No. 1746, § 1(6-9), 2-25-91; Ord. No. 96-2136, § 1(6-9), 9-23-96)

Sec. 78-300. - Fee.

The permit fee to operate an auto wrecker shall be an amount established by the city and listed in appendix A of this Code per year for each auto wrecker which the owner is permitted to operate. All permits shall expire on December 31 of each year and shall then be renewed until the next succeeding December 31. If a permit is granted subsequent to January 1 in any permit year, the fee shall be paid pro rata for the balance of the year, and any portion of a month shall be considered an entire month in calculating the fee to be charged.

(Code 1970, § 6-11; Ord. No. 1746, § 1(6-11), 2-25-91; Ord. No. 96-2136, § 1(6-11), 9-23-96; Ord. No. 2136-A, § 8, 1-22-07)

Sec. 78-301. - Issuance.

After the owner has filed his application for an auto wrecker permit, a hearing has been held, the applicant has been approved by the wrecker committee, the applicant has filed the required insurance, the auto wrecker to be permitted has been presented to the police department for an inspection, the auto wrecker has passed such inspection, a certificate of passage of inspection has been presented by the police department to the chief building official, and the city secretary and city attorney have examined same and found them to be in compliance with the terms of this article, the city secretary shall issue to the owner a permit to operate an auto wrecker in the city upon the public streets, which permit shall bear upon its face the make, model, motor number, permit number and the license number of the auto wrecker. Such permits shall be issued by the city secretary upon authorization of the wrecker committee, and shall be delivered to the applicant. In addition thereto, the city shall deliver a vehicle sticker indicating the permit number and permit expiration date, which shall be displayed on the front windshield of the wrecker, immediately above the inspection sticker. Such stickers shall be color coded, and issued at the beginning of each permit year during the required annual inspection. Auto wrecker permits are and shall always remain the property of the city. In the event of suspension or revocation of a permit, for any cause, it shall be unlawful for the owner of the permit to retain such permit, and he shall cause the permit to be destroyed or surrendered to the city secretary immediately upon notification of such suspension or revocation, as is feasible.

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(Code 1970, § 6-12; Ord. No. 1746, § 1(6-12), 2-25-91; Ord. No. 96-2136, § 1(6-12), 9-23-96; Ord. No. 2136-A, § 9, 1-22-07; Ord. No. 3320, § 4, 2-14-11)

Sec. 78-302. - Transfer.

Whenever an owner wishes to discontinue the use of an auto wrecker during the period covered by his permit and replace it with another, he shall file an affidavit stating that he has discontinued using the auto wrecker covered by his permit, and desires to use another auto wrecker in its place. He shall also attach a certificate from his insurer that such insurer has been notified and agrees thereto. The city secretary shall, upon the payment of a transfer fee in an amount established by the city and listed in appendix A of this Code, issue the owner a new permit covering the new auto wrecker, as provided in section 78-301, and cause the old auto wrecker permit to be canceled and voided. In the affidavit, as well as the certificate from the insurer, the old and new auto wrecker shall be described by make, model, motor number and license number.

(Code 1970, § 6-14; Ord. No. 1746, § 1(6-14), 2-25-91; Ord. No. 96-2136, § 1(6-14), 9-23-96)

Secs. 78-303—78-325. - Reserved.

DIVISION 4. - REGULATIONS

Sec. 78-326. - Wrecker rotation list.

- (a) All auto wrecker or towing service companies desiring to be called for wrecker service by the city police department shall request in writing to be placed on a qualified auto wrecker rotation list to be maintained by the police department. The auto wrecker rotation list shall contain a slot for each company or persons owning a permit or permits to operate auto wreckers in the city. However, a company shall never be entitled to more than one slot on the auto wrecker rotation list, regardless of the number of individual vehicles a company is permitted to operate. The auto wrecker rotation list shall contain the name, address and telephone number of each company.
- (b) The qualified auto wrecker rotation list shall be used for all vehicles on which a pull is requested by the city police department, except in a nonarrest situation, where the vehicle owner has requested a specific wrecker.
- (c) When a police officer investigating an accident determines that any vehicle which has been involved in a collision or accident upon a public street is unable to proceed safely under its own power, or when the owner of a vehicle is physically unable to drive such vehicle, the officer shall request the owner to designate the auto wrecker or towing company the owner desires to remove that vehicle. When the owner has designated the wrecker or towing company desired, the police officer shall communicate the fact immediately to police department headquarters, and it shall be the duty of the dispatcher receiving such information at headquarters to call the designated company, provided the company can respond to the location within 20 minutes. If the company cannot respond in the designated time, the owner shall be so informed and given an opportunity to designate another company.
- (d) If the owner of a vehicle involved in an accident or collision is physically unable to designate the wrecker company desired, or refuses to designate one, the investigating officer shall communicate the fact immediately to police department headquarters. The police department shall maintain a wrecker rotation list which shall contain the names and addresses of each wrecker or towing service company that complies with the provisions of this article in order that such company might be called upon for wrecker service by the police department. The police officer receiving a call at police headquarters for wrecker service shall call the first auto wrecker or towing service company

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on the list to tow the disabled vehicle or move the vehicle from the public streets of the city. A company holding more than one wrecker or tow truck permit is permitted to respond with any available permitted vehicle, so long as the vehicle selected can respond within the time frame established in subparagraph (e) below. After the company at the top of the list receives a call, then the company's name shall be placed at the bottom of the list and the next company shall be moved to the top of the list and it shall receive calls. This process shall be repeated until each company providing wrecker or towing service under the provisions of this article has received calls. The police department shall notify each wrecker company in sufficient time prior to its rendering such wrecker service in order that the company might adequately provide the necessary men and equipment to answer the calls. Specifically requested wreckers must be duly licensed by the state and able to respond to the scene within a 20-minute time frame. If they cannot respond in that time frame, the officer in charge will advise the requesting party and request a wrecker from the rotating list.

- (e) If an auto wrecker or towing service company is requested by the police department to make a call and the company agrees to make the call, then the company shall proceed immediately to the scene where it is directed and shall be given a 20-minute time frame to reach such location. If the auto wrecker or towing service company answering the call has not reached the location within 20 minutes, then the officer at the scene may proceed to call the next auto wrecker or towing service company on the list, and that company shall have priority over that particular call. If the auto wrecker or towing service company called fails to comply with the provisions of this article by proceeding to the designated place within the time specified in this subsection, then this auto wrecker or towing service company shall be removed from the top of the list and placed at the bottom of the list.
- (f) This section only applies to accident scenes and not to custodial arrests. The 20-minute time frame does not apply if the officer in charge deems the situation to be too dangerous in nature to wait that period of time.

(Ord. No. 1746, § 1(6-19), 2-25-91; Ord. No. 96-2136, § 1(6-18), 9-23-96; Ord. No. 3320, § 6, 2-14-11)

Sec. 78-327. - Procedure by auto wrecker operators at scene of disabled vehicle.

- (a) Whenever an auto wrecker arrives at the place where a motor vehicle has been disabled by an accident, the auto wrecker driver shall legally park his vehicle as close to the street curb as possible and otherwise dispose of it in such a manner as not to interfere with traffic. He shall not park his vehicle within a distance of 50 feet from a wrecked or disabled vehicle.
- (b) It shall be unlawful for any wrecker owner, driver or agent to solicit the business of towing, removing or repairing any wrecked or disabled vehicle at the place where an accident has occurred, by words, cards, circulars or gestures.
- (c) All auto wrecker drivers arriving at the place where any accident has occurred shall obey all orders given them by any police officer of the city investigating such accident and shall not in any manner interfere with such police officer in the performance of his duty.
- (d) No auto wrecker or auto wrecker driver shall remove any wrecked or disabled vehicle from the place where an accident has occurred, or attach his wrecker to the wrecked or disabled vehicle until:
 - (1) The police officers have completed their investigation; and
 - (2) The driver of the vehicle, or the police officer where the driver is unable, has given permission.

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- (e) The fact that no police officer of the city is present at the scene of the accident when an auto wrecker or a towing vehicle that has been summoned to the scene by the vehicle owner arrives shall not constitute an exception to this section, and it shall be the duty of any wrecker owner to cause the police department of the city to be notified of the occurrence of the accident and to await the arrival of the police officers of the city and the completion of their investigation.
- (f) All wrecker drivers shall, at all times, obey all traffic laws of the state and the city.

(Ord. No. 1746, § 1(6-20), 2-25-91; Ord. No. 96-2136, § 1(6-17), 9-23-96)

Sec. 78-328. - Specifications and required equipment.

- (a) *Minimum size.* Each auto wrecker and emergency auto wrecker shall not be less than one ton in size and shall be equipped with booster brakes.
- (b) *Standards of winch.* Each auto wrecker and emergency auto wrecker shall be equipped with a power takeoff operated winch, winch line and boom, with a factory rated lifting capacity (or city tested capacity) of not less than 5,000 pounds, single line capacity. The winch line shall be at least three-eighths of an inch in diameter.
- (c) *Flashing light.* Each auto wrecker and emergency auto wrecker shall have a flashing light of at least four inches in diameter on the top of the cab, as prescribed or permitted by state law, visible from both the front and rear of the truck.
- (d) *Wheels and tires.* Each auto wrecker and emergency auto wrecker shall have dual wheels on the rear with heavy duty tires thereon.
- (e) *Required equipment.* Each emergency auto wrecker, and all auto wreckers that are to be eligible to be summoned to an accident scene when requested by a driver, shall be provided with the following:
 - (1) *Fire extinguishers.* Such fire extinguishers are defined as that piece of equipment commonly carried to extinguish fires caused as a result of an auto accident or collision. The fire extinguisher shall be a standard type, chemical fire extinguisher designed to combat motor vehicle fires.
 - (2) *Parking flares.* The parking flares are defined as that piece of equipment commonly used in motor transportation as a signal flare or light to warn of an obstruction on the highway.
 - (3) *Tow bars.* The tow bars are that piece of equipment sometimes known as the A-frame, which is a part of the auto wrecker and is used to hold a vehicle which has been elevated for towing, stability and to prevent swinging of the raised vehicle as it is being towed. When a vehicle is being towed, the tow bar shall be in place to prevent swinging.
 - (4) *Broom and sand box.* There shall be a broom and a sand box with at least a three-gallon capacity for the purpose of cleaning up oil and other liquids.
 - (5) *Shovel and pinch bar.* There shall be a shovel and pinch bar.
 - (6) *Container for debris.* There shall be a container to hold glass and debris.
 - (7) *Sign.* There shall be a permanently affixed sign, with a minimum one-inch lettering, identifying the owner name and phone number of the emergency auto wrecker (if applicable), three inch lettering identifying the permit holder's name, and two inch letter identifying such permit holder's phone number, address and name of his or her business.

Every emergency auto wrecker and those auto wreckers which are to be eligible to be summoned to an accident scene shall carry the equipment required by this section at all times. Every emergency auto wrecker and those auto wreckers which are to be eligible to be summoned to an accident scene shall

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be annually inspected by the police department of the city for compliance with the equipment requirements. In addition, the police department shall perform a Level I, CDSA inspection on all heavy duty wreckers as part of the annual equipment compliance inspection.

- (f) *Clearing streets of debris and glass.* It shall be the duty of the driver of each emergency auto wrecker and auto wrecker that picks up a wrecked or disabled vehicle for the purpose of towing the vehicle away to clear the street of any and all debris, parts or glass. If two or more wreckers pick up vehicles for towing, it shall be the duty of each driver to clear the street of debris, parts or glass.

(Code 1970, § 6-20; Ord. No. 1746, § 1(6-20), 2-25-91; Ord. No. 96-2136, § 1(6-19), 9-23-96; Ord. No. 3320, § 5, 2-14-11)

Cross reference— Removal of injurious material from streets, § 58-4.

Sec. 78-329. - Permissible fees and charges for non-consent towing.

- (a) *Maximum charge for non-consent tow, per wrecker.* Except as otherwise provided in this section, the maximum charge for all non-consent tows from the scene of an accident in the city limits to the place of business of the wrecker operator, or other location, shall not exceed an amount established by the city and listed in appendix A of this Code. A non-consent tow means picking up the vehicle or moving and towing the vehicle from the street to a location, where the tow was not initiated by the vehicle owner or operator or the consent of the vehicle owner or operator has not been otherwise secured. Fees charged for non-consent tows by heavy duty wreckers shall not be subject to this regulation, except in those cases where a heavy duty wrecker is used for tows not requiring a heavy duty wrecker.
- (b) *Additional per mile charge for out of town tows.* An additional per mile charge not to exceed an amount established by the city and listed in appendix A of this Code, may be assessed for non-consent tows requiring transport of vehicles to a location or destination outside the city limits, for distances up to 50 miles.
- (c) *Storage charges.* A charge not to exceed an amount established by the city and listed in appendix A of this Code, per day may be made for the storage of vehicles after the first 12 hours, when resulting from non-consent tows. If the vehicle is picked up during a time other than 8:00 a.m. to 5:00 p.m., Monday through Friday, the storage charge may be charged in any event.
- (d) *Wrecker tickets; required information.* Every holder of an emergency auto wrecker permit and those auto wrecker permit holders that are eligible to be summoned to scenes of accidents shall utilize an official wrecker ticket provided by the city. A city police department inventory form may be utilized as an official wrecker ticket as long as it contains the following information:
- (1) Name and address of the wrecker company.
 - (2) Time and location of the accident.
 - (3) Name, address and phone number of the place to which the vehicle is to be towed.
 - (4) Description of the vehicle and a general description of the parts of the vehicle that have been damaged.
 - (5) An itemized list of services to be performed, charges for each and total charges.
 - (6) A place for the signatures of the auto owner or other person (including a police officer) authorizing the tow of a vehicle.
 - (7) One copy of the wrecker ticket is to be given to the customer, and one copy is to be given to the investigating police officer.

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(Code 1970, § 6-18; Ord. No. 1746, § 1(6-21), 2-25-91; Ord. No. 96-2136, § 1(6-20), 9-23-96; Ord. No. 2136-A, §§ 10—15, 1-22-07; Ord. No. 2008-2136-B, § 1, 11-10-08; Ord. No. 3320, § 7, 2-14-11)

Sec. 78-330. - Prohibited acts.

- (a) The selling or other granting of the right to tow any disabled vehicle is prohibited. The person signing for the disabled vehicle shall be able to account for the vehicle at all times. A violation of this section shall constitute the basis of cancellation of the license without further notice.
- (b) Once a wrecker has been attached to a vehicle for the purpose of towing it to a location, the wrecker driver shall not disengage such vehicle and leave it parked prior to its arrival at the designated location.

(Ord. No. 1746, § 1(6-22), 2-25-91; Ord. No. 96-2136, § 1(6-21), 9-23-96)

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



June 16, 2016

AGENDA ITEM 18

Consider approval or other action for the Sens Road Business Park General Plan to allow for development of a commercial/industrial business park on a 62 acre tract located on the east side of Sens Road north of N. C Street and legally described as Lots 1-16 of Block 658, and all of Blocks 620-626, 635-641, 659-662, Town of La Porte Subdivision, City of La Porte, Harris County, Texas.

Applicant: The Urban Companies

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

Planning and Development Department Staff Report

ISSUE

Consider approval or other action on a request by the applicant The Urban Companies for the Sens Road Business Park General Plan to allow construction of commercial/industrial business park on a 62 acre tract described as Lots 1-16 of Block 658, and all of Blocks 620-626, 635-641, 659-662, Town of La Porte Subdivision, City of La Porte, Harris County, Texas.

RECOMMENDATION

Should the Planning and Zoning Commission desire to approve the proposed Sens Road Business Park General Plan, staff would recommend the following conditions:

1. The General Plan be revised to show location of any public water and sanitary sewer lines.
2. A note be added on the General Plan requiring submittal of an amendment for any future phases of development.
3. A Traffic Impact Analysis shall be submitted as part of the next phase of development along with the amendment to the General Plan.
4. A replat must be approved for the entire 62 acre tract. The proposed replat must include the dedication of the proposed Sens Park Drive right-of-way along with any utility easements. The replat cannot be recorded until all public improvements have been installed and accepted by the city.
5. The applicant must submit plans for construction of all public utilities and public right-of-way improvements in accordance with the City's Public Improvement Criteria Manual.
6. Building permits cannot be issued until the replat has been recorded with Harris County.
7. Detention shall be constructed as part of the initial phase to accommodate drainage requirements for the proposed development.

DISCUSSION

Developer/Applicant:
The Urban Companies.

Applicant’s Request:

The applicant is seeking approval of this General Plan to allow for construction of a commercial/industrial business park on the subject property. The applicant has purchased the entire 62 acre tract of land. The attached Exhibit A includes the proposed General Plan along with a project description letter submitted by the applicant. The General Plan identifies the scale and scope of the proposed development along with all proposed land uses.

The applicant is proposing to phase the development. As part of the initial phase of development, the applicant is proposing the construction on the southeast 17.6 acre portion of the site. This first phase will consist of four buildings ranging in size from 6,400 square feet to 26,000 square feet in area. The applicant proposes to develop the remaining phases of the site in the same manner.

Background Information:

The subject site is approximately 62 acres in area and is located northeast of the intersection of Sens Road and N. C Street. The attached Exhibit B is an Area Map showing the location of the subject property.

The legal description of the property is Lots 1-16 of Block 658, and all of Blocks 620-626, 635-641, 659-662, Town of La Porte Subdivision, City of La Porte, Harris County, Texas.

The attached Exhibit C identifies this parcel on the city’s Future Land Use Plan, as adopted in the Comprehensive Plan. Currently the site is identified as “Business Industrial” use along Sens Road and “Light Industrial” use on the remainder of the site.

The site is split-zoned BI, Business Industrial, along the first two blocks from Sens Road and LI, Light Industrial, on the remainder of the 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	BI, Business Industrial LI, Light Industrial	F-216 Drainage Channel
South	BI, Business Industrial LI, Light Industrial	Existing industrial development
West	GC, General Commercial	Across Sens Road, existing commercial development and undeveloped
East	LI, Light Industrial	Union Pacific Railroad Corridor; Industrial development beyond

Analysis:

General Plan review requires approval by the Planning and Zoning Commission; there is no review of the document by the City Council required. General Plans are reviewed in accordance with the provisions of Section 4.01 of the City's Development Ordinance (see the attached Exhibit E). The General Plan is intended to provide for a conceptual layout of uses and is required for developments that exceed 10 acres in size.

Should the Planning and Zoning Commission consider approval of the proposed General Plan, the applicant will still be required to Replat the site and submit for necessary site plan approvals for development of individual reserves.

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

Phasing.

The applicant has proposed phasing the development. The proposed General Plan only identifies the initial phase of development as being a 17.6 acre tract at the southeast portion of the site. Staff recommends the Commission condition approval requiring the applicant to amend the General Plan when future phases are contemplated.

Public Improvements.

The proposed development will require a number of public improvements including the extension of water and sanitary sewer lines as well as the construction and dedication of a new public road. These improvements must be installed by the applicant and shall comply with the city's Public Improvement Criteria Manual (PICM). All such public improvements will be required to be installed and accepted by the City before any building permits can be issued and before the city will record any Replat of the site. The General Plan does not currently show the location of proposed water and sewer lines. The General Plan should include the general location of any public improvements, including water and sanitary sewer lines.

The applicant proposes a 60' right-of-way for the proposed Sens Park Road. The proposed width is consistent with the PICM for a two-lane local street. The PICM requires the roadway be 28' in width from curb face to curb face. The proposed public road will be required to be constructed to the City's PICM standards.

Traffic.

Staff has requested submittal of a Traffic Impact Analysis (TIA) as part of this application to review the proposed impact of the proposed development overall on the roadway system in the area. The applicant has submitted a request that a TIA not be required at this time. Instead, the applicant has provided a letter requesting submittal of that at a later time with a future phase. Staff finds that review of a proposed TIA is vital as part of the overall review of this development, and would not suggest that this be entirely

waived. A TIA will analyze intersections and roadways and offer recommendations on potential improvements or design that would facilitate safe traffic flow and movements. Should the Commission desire to recommend approval of the proposed General Plan at this time, staff would suggest a condition requiring a TIA as part of the review and submittal of the next phase of development, which staff is recommending be brought forward to the Commission as an amendment to this General Plan.

Zoning and Land Use.

The applicant has indicated that the site will be developed as a business park. The uses allowed to occupy the various buildings will be based on the land uses permitted in the zone district for which the use will occupy, either BI or LI. Section 106-310 of the City's Code of Ordinances outlines the various uses in both the LI and BI zone districts. Use is verified through approval of a Zoning Permit prior to occupancy by a tenant. However, the concept of development proposed by the applicant is consistent with the intent of the BI and LI zone districts.

Fire Hydrant Installation.

The applicant will be required to provide fire hydrants in accordance with Fire Code requirements and must be approved by the Fire Marshal. The Fire Marshal will review fire hydrant locations as part of the review of public infrastructure and will be installed when the public water lines are installed.

Drainage and Detention.

Stormwater drainage and detention is required with all development. The applicant will be required to comply with the City's PICM requirements as well as Harris County requirements, as the site will discharge into Harris County stormwater facilities. General Plans do not require drainage studies; however, staff is recommending that a condition be considered requiring the proposed detention pond or a portion of that pond be constructed as part of the initial phase to accommodate the proposed development. Staff encourages the regional detention facility proposed in the General Plan to accommodate the required detention for the initial phase and all future phases.

ATTACHMENTS

- Exhibit A: Proposed General Plan and Project Description Letter
- Exhibit B: Area Map
- Exhibit C: Land Use Map
- Exhibit D: Zoning Map
- Exhibit E: Section 4.01 of the Development Ordinance, General Plans

SENS ROAD BUSINESS PARK

General Plan Narrative

Sens Road Business Park, to be located on ±61 acres situated at the northeast intersection of Sens Road and North C Street, is being developed as a mixed-use business park for small warehousing, light industrial and shop use, to be constructed in a consistent and similar appearance to promote a unified and identifiable business park environment. The following information should be helpful in understanding the development and phasing of the Sens Road Business Park.

The Sens Road Business Park will contain new interior 35 foot wide roadway (contained within a 60 foot dedicated right of way) aligned with North 23rd Street on the south, then extending north about +/-890' before turning west and connecting to Sens Road. The proposed name for the new interior road is Sens Park Drive.

The far eastern portion of the site (about 6.8 acres) is dedicated to a variety of easements and is not intended for use ("Easement Reserve"). Constructed to the west of the Easement Reserve will be the storm detention facilities to serve the Sens Road Business Park, which is expected to use about 6.5 acres ("Detention Reserve"). To the west of the Detention Reserve will be the business park, to be divided into two commercial reserves, consisting of approximately 27.5 acres east and north of Sens Park Drive ("27.5 Acre Reserve"), and approximately 17.6 acres to the south of Sens Park Drive (bordered by Sens Road to the west, and North C Street to the south)("17.6 Acre Reserve").

The proposed initial phase of development uses the south east quarter of the 17.6 Acre Reserve, and is comprised of four buildings and associated tracts of different sizes. This pattern of building groups, type, and approximate sizes is what is intended and proposed throughout the useable areas; though the configuration of future buildings is unknown and therefore not represented on the remaining use areas outside of our initial phase.

The property is covered by zoning designations of Business Industrial and Light Industrial. The Business industrial zone covers from Sens road frontage eastward about 600' with the balance of the property to the east being Light Industrial.

Building types are proposed to be pre-engineered metal buildings with masonry, stone veneer, and EIFS or stucco finish at entry elements. Building uses are for a variety of business types that need limited amounts of indoor and outdoor storage while also having an office or showroom type conditioned space. It is currently intended that all buildings will be constructed in a consistent and similar manner.

Users types will confirm to those permitted by City Ordinance with regard to SIC type and in context of existing zoning.

Development Team

Sens Road 60, LP, the developer of the Sens Road Business Park, is an affiliated entity of The Urban Companies (“Urban”) and The National Realty Group (“TNRG”).

Urban is a Houston-based full-service real estate development company with over 25 years’ experience in the Houston area, with the capacity to oversee every aspect of a project, from design through the completion of construction. Urban has developed numerous projects in Texas, as well as other states, including, but not limited to, manufacturing facilities, industrial spaces, shopping centers, office buildings, business parks and commercial centers.

TNRG has been active in the Houston market since 1992, providing a comprehensive line of services in the real estate field, including brokerage, development, management, and construction. TNRG has successfully made its mark as a convenient, single-source solution for all phases of commercial and industrial real estate. By gathering all aspects of commercial and industrial real estate together under one umbrella, TNRG offers high-quality solutions without time-consuming hassles.

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Director of Planning
604 W. Fairmont Parkway
La Porte Texas, 77571

RE: SENS ROAD BUSINESS PARK – General Plan TRAFFIC STUDY

Planning,

General Plan requirements indicate a need for a traffic impact analysis which was confirmed by Mr Ensey as being needed. We have requested that several weeks ago and I am told by our engineer that results will be in at the end of the month and the report will be ready for submission on June 13th. Please allow a deferred submission of the TIA until that time.

Sincerely,



Robert Hooper, AIA
Urban Construction SW, Inc.

The *Sens Road Business Park* General Plan is as proposed in this document. I/we acknowledge that this document identifies the intended development of the subject parcel.

Developer/Owner _____

This General Plan was reviewed and accepted by the City of La Porte Planning and Zoning Commission on the _____ day of _____, 2016.

By: _____
Chair of the Planning and Zoning Commission

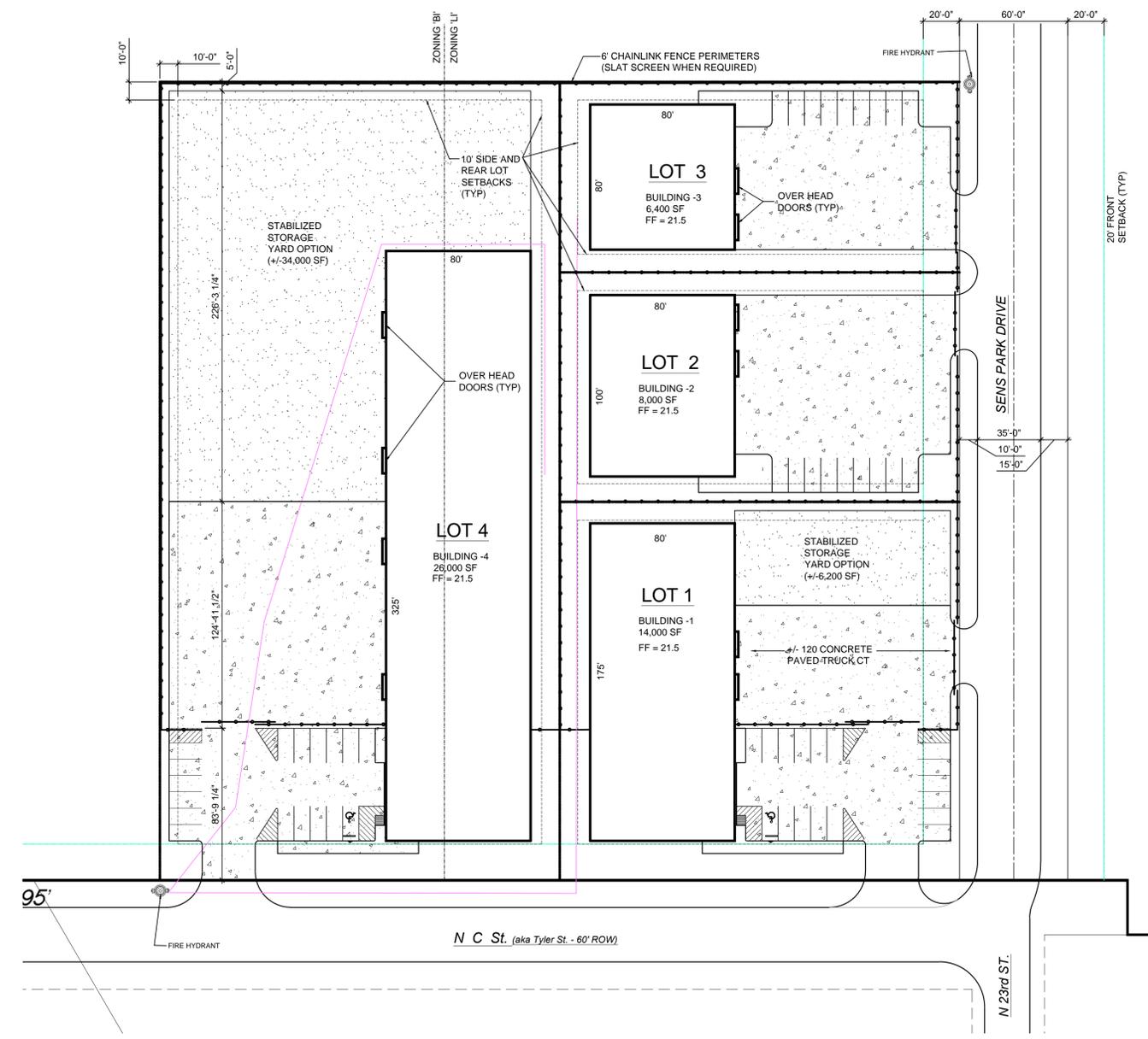
Attest: _____
Secretary, Planning and Zoning Commission

ISSUE AND REVISION LOG

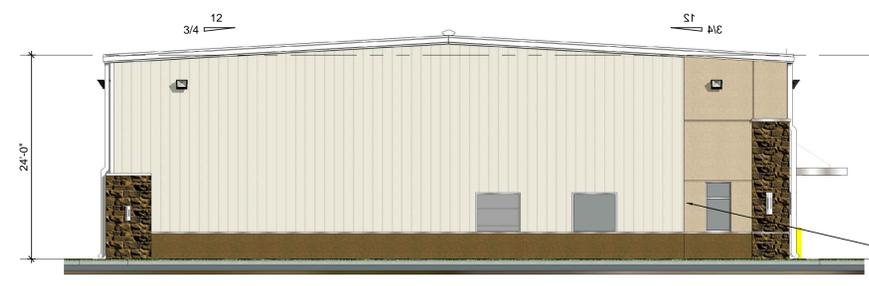
DATE	ACTIVITY
5-24-16	GENERAL PLAN

SENS ROAD BUSINESS PARK PHASE 1 STATISTICS:

	LOT 1	LOT 2	LOT 3	LOT 4	Block 1	Block 2
Front Faces	S/E	E	E	S	Varies	Varies
Land Area in Lot (SF)	46128	27987	23230	97345		
Land Area in Lot Acres	1.059	0.642	0.533	2.235	17.67	26.79
Building Area (SF)	14000	8000	6400	26000	160670	326074
Paved Area (SF)	15100	12500	9920	23600	(Potential Max SF cover)	
Stabilized Storage (SF)	6200	0	0	34000		
Total (SF)	35300	20500	16320	83600		
Landscape Area (SF)	10828	7487	6910	13745		
Landscape/ Permeable Area (% of Lot)	23%	27%	30%	14%		
Parking Required (4 min+3/1000 sf office +1 per non office emp)	12	8	8	14		
Parking Provided	4+6+2	4+3+1	4+3+1	4+8+2		
	17	9	9	17		



01 ENLARGED PHASE 1 SITES
1" = 40'



03 TYPICAL ENDWALL ELEVATION
1:10



02 TYPICAL SIDEWALL ELEVATION
1:10

TYPICAL STREET FACING ENTRY DESIGN FINISHES WILL CONSIST OF STUCCO FIELD WITH STONE ACCENT AND ALUMINUM STOREFRONT.

PRE-FINISHED METAL PANEL SIDING, DOWNSOUTS, AND GUTTERS. PAINT DOORS TO MATCH (TYP)

SENS ROAD BUSINESS PARK
SENS PARK DRIVE A N 23RD ST
LA PORTE, TEXAS



GENERAL PLAN

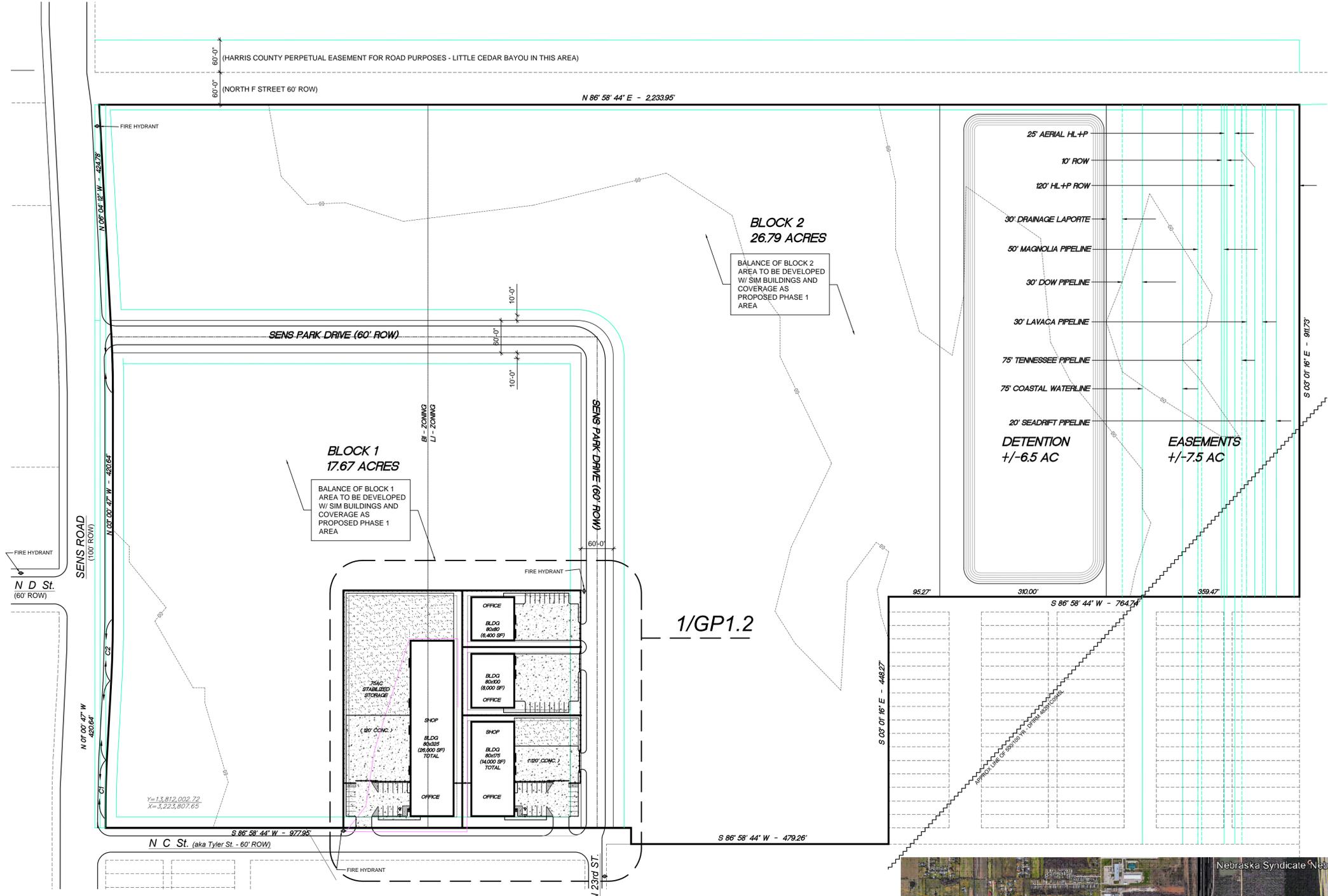
SCALE: AS NOTED

GP1.2

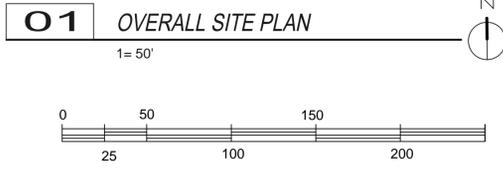
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The Sens Road Business Park General Plan is as proposed in this document. I/we acknowledge that this document identifies the intended development of the subject parcel. Developer/Owner: This General Plan was reviewed and accepted by the City of La Porte Planning and Zoning Commission on the ___ day of ___, 2016. By: Chair of the Planning and Zoning Commission. Attest: Secretary, Planning and Zoning Commission

ISSUE AND REVISION LOG table with columns DATE and ACTIVITY. Row 1: 5-24-16 GENERAL PLAN



DEVELOPER: SENS ROAD 60, LP ATTN: DON WEAVER 2537 S GESSNER #220 HOUSTON, TX 77063 DESIGN/ BUILD /CONTRACTOR: URBAN CONSTRUCTION SOUTHWEST, INC. ATTN CONST: DAVID LEE ATTN DESIGN: ROBERT HOOPER, AIA 2537 S GESSNER #220 HOUSTON, TX 77063



SENS ROAD BUSINESS PARK SENS PARK DRIVE A N 23RD ST LA PORTE, TEXAS



Expires 4/30/2017 GENERAL PLAN

SCALE: AS NOTED GP1.1

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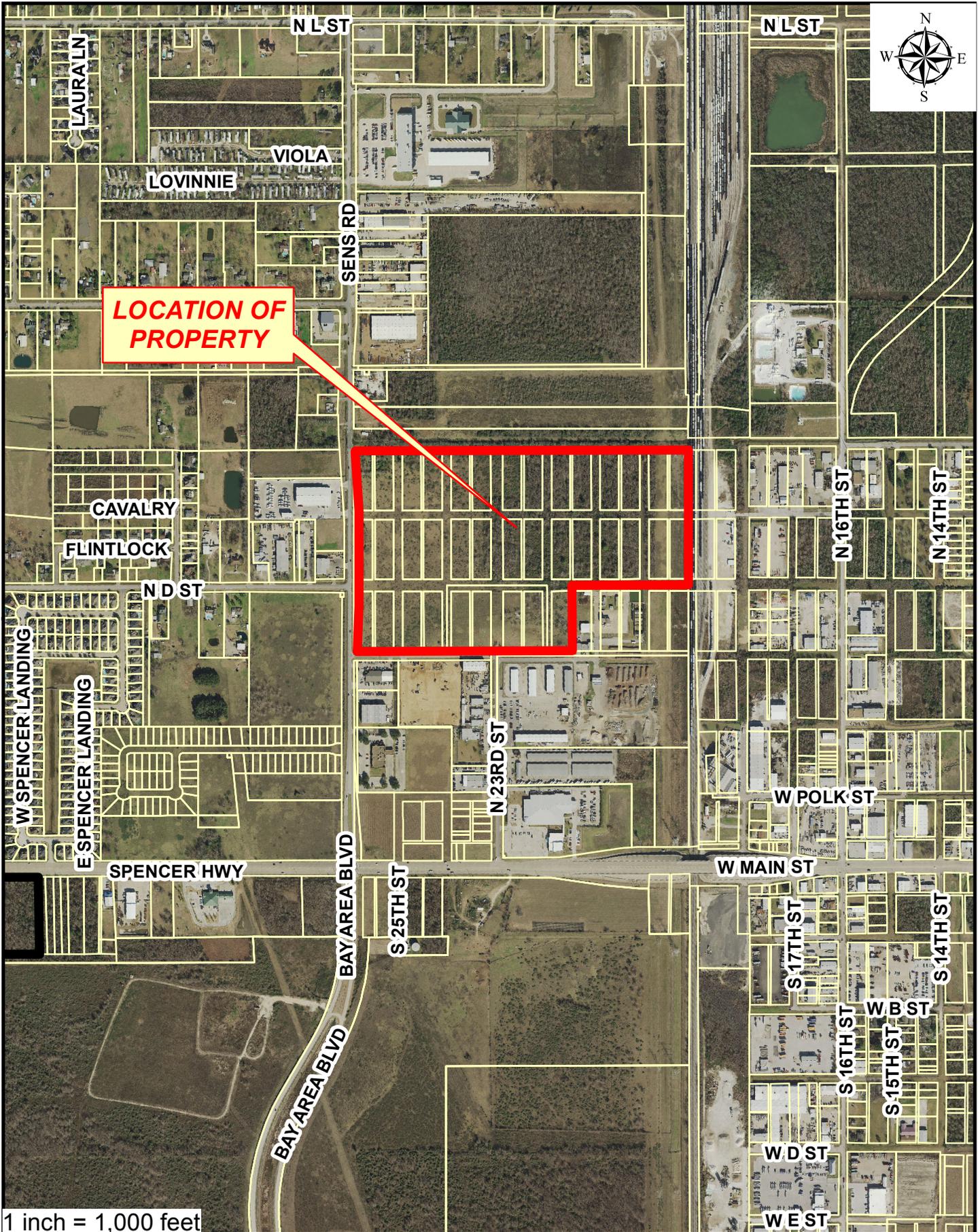




AREA MAP

GEN PLAN #16-8900001

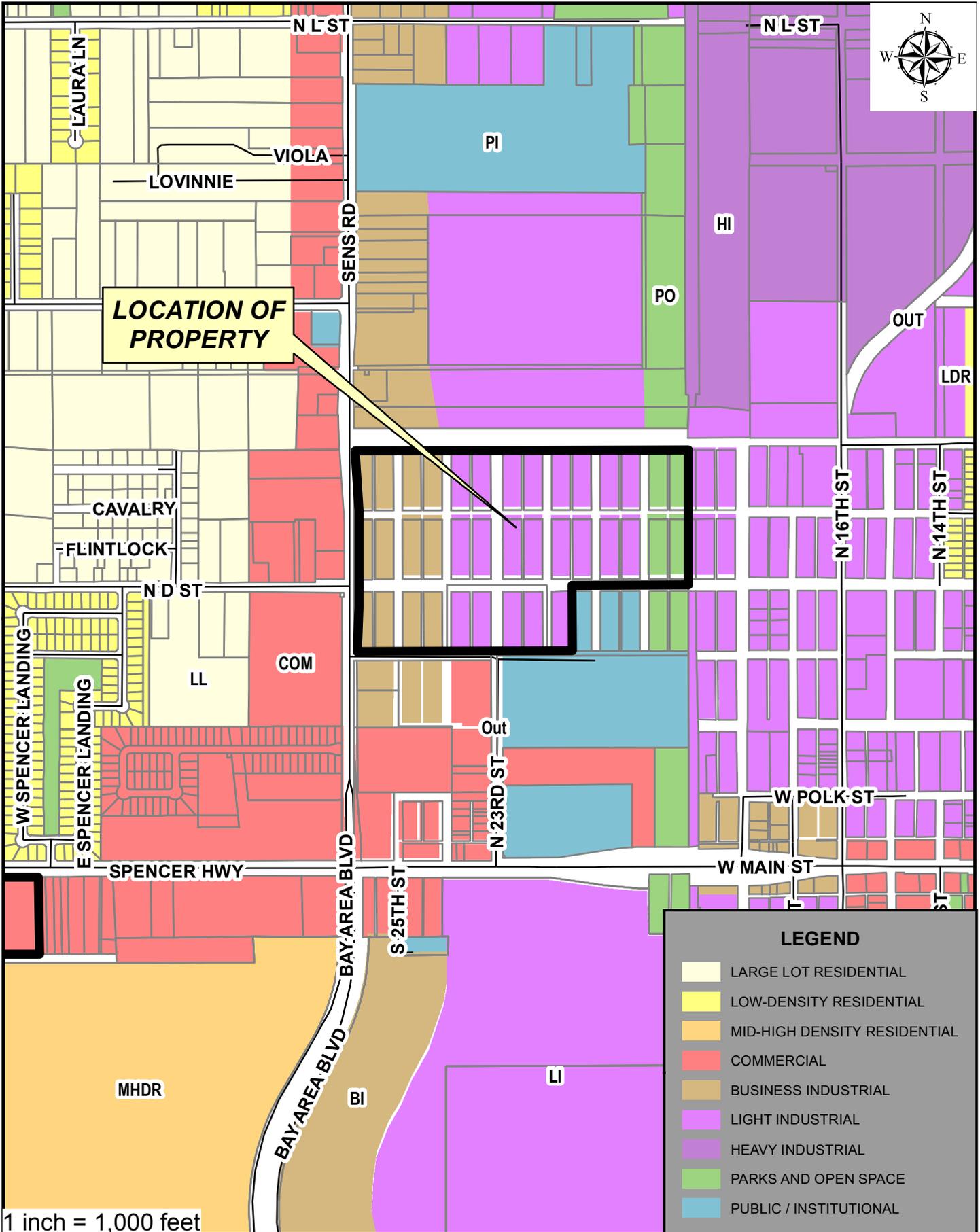
EXHIBIT B



LAND USE EXHIBIT

EXHIBIT C

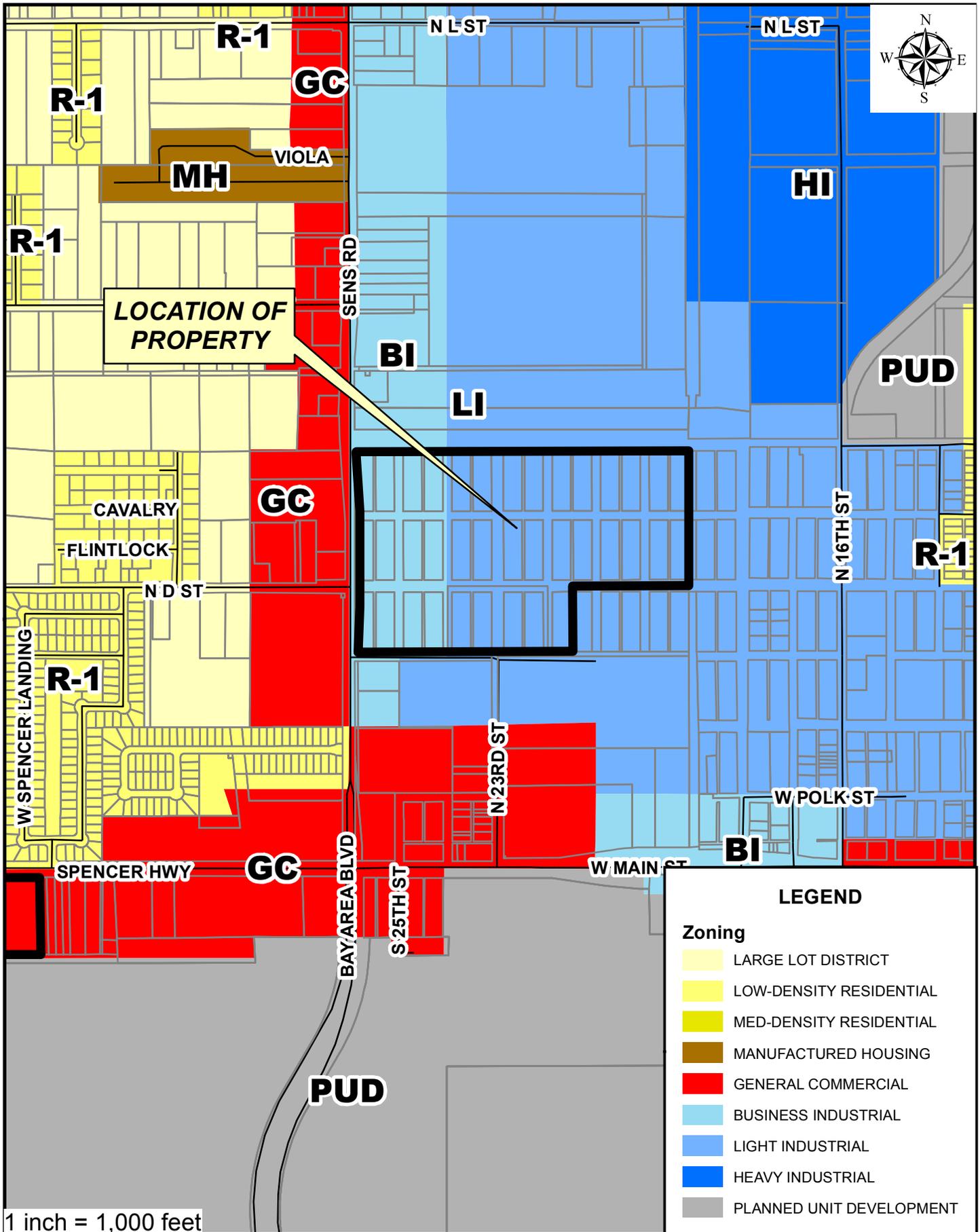
GEN PLAN #16-8900001



ZONING EXHIBIT

GEN PLAN #16-8900001

EXHIBIT D



prior to the date he intends to submit his first formal plan or plat.

C. SKETCH PLANS: EFFECT OF SKETCH PLAN REVIEW

Sketch Plan review is optional and informational in nature and no city approval or disapproval results from its review. The developer may file a formal plan or plat, regardless of the outcome of Sketch Plan review.

4.01 GENERAL PLANS

General Plans are required for all phased projects involving Major Subdivisions or Major Developments. The General Plan is to be designed to illustrate the general design features of a subdivision or development which is proposed to be developed or platted in phases or sections. This plan, when approved by the Commission, constitutes a guide which the Commission will refer to in the subsequent review of plans or plats that cover portions of the land contained within the general overall plan and adjacent properties. Should the developer's future plans change, such changes are to be disclosed to the Department by filing a new General Plan.

A. GENERAL PLANS REQUIREMENTS AND SUBMISSION (SEE APPENDIX C)

Five (5) copies of the General Plan, certified by the developer and planning consultants, and one (1) copy of all required documentation shall be submitted to the Department for review at least two (2) weeks before the date at which Commission review is requested. Complete

instruction for preparing General Plans are contained in Appendix C.

B. GENERAL PLANS: ACTION BY THE APPROVING AUTHORITY

All General Plans require final approval from the Commission. Following review of the General Plan, the Commission shall, within thirty (30) calendar days of the filing date, take one of the following actions;

1. Approve the General Plan as filed;
2. Conditionally approve the General Plan as filed, provided, the reasons for such conditional approval are stated in writing and a copy of the statement is signed by the Chairman of the Planning Commission.
3. Disapprove the General Plan as filed, provided, the reasons for such disapproval are stated in writing and a copy of the statement is signed by the Chairman of the Planning Commission.

Commission action shall be noted on three (3) copies of the General Plan, which shall be distributed to the developer, Department, and official files of the Commission. Unless stipulation for additional time is agreed to by the developer, the failure of the Planning Commission to act within thirty (30) days from the date of the filing of the plan by the developer will cause the plan to be deemed approved.

C. GENERAL PLANS: EFFECT OF APPROVING AUTHORITY ACTION

1. Approval: Commission approval of the General Plan authorizes the developer to file a Preliminary Subdivision Plat or a Development Site Plan.
2. Conditional Approval: Commission conditional approval requires submission of an amended General Plan and additional documentation as specified by the Planning Commission for final Commission approval; which may be filed concurrently with the next Preliminary Plat or Development Site Plan, as the case may be.
3. Disapproval: Commission disapproval of a General Plan requires submission of a new General Plan.

D. OFFICIAL GENERAL PLAN

The original approved mylar of the General Plan, signed by the developer and planning consultant, shall be retained by the Department in the official files of the Commission. No subsequent plan or plat will be approved until the original mylar has been delivered to the department. In the event the developer or subdivider fails to file a Preliminary Plat or Development Site Plan within one year of Commission approval of the General Plan, approval of said General Plan shall terminate upon written notice to the subdivider, developer, or owner. The developer, subdivider, or owner may request in writing a one year extension specifying the reason why a Preliminary Plat or Development Site Plan has not been filed.