



City of La Porte Planning and Zoning Commission Agenda

Notice is hereby given of a **Regular Meeting** of the La Porte Planning and Zoning Commission to be held on **Thursday, January 19, 2017 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. Open a public hearing to receive input on an application for Zone Change #16-92000004, a request by Justin Bennett of DCT La Porte LLC to rezone the property known as an 8.3 acre parcel legally described as Tracts 30A and 31A, Strang Subdivision, City of La Porte, Harris County, Texas from Business Industrial (BI) to Light Industrial (LI).
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (for, against, or questions)
 - d. Question and Answer
4. Close public hearing.
5. Consider recommendation to the City Council or other action on Zone Change #16-92000004.
6. Open a public hearing to receive input on an application for Zone Change #16-92000005, a request by Justin Bennett of DCT La Porte LLC to rezone the property known as a 12 acre parcel legally described as Tracts 17-1A and 18A, Strang Subdivision, City of La Porte, Harris County, Texas from Business Industrial (BI) to Light Industrial (LI).
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (for, against, or questions)
 - d. Question and Answer
7. Close public hearing.
8. Consider recommendation to the City Council or other action on Zone Change #16-92000005.
9. Open a public hearing to receive input on an application for Zone Change #16-92000006, a request by Steve Hess of Exel Logistics Dist. Corp. to rezone the property known as a 13.2 acre parcel legally described as Tracts 30 and 31 and Tracts 17A and 18, Perry Strang Subdivision, City of La Porte, Harris County, Texas from Business Industrial (BI) to Light Industrial (LI).
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (for, against, or questions)
 - d. Question and Answer
10. Close public hearing.
11. Consider recommendation to the City Council or other action on Zone Change #16-92000006.
12. Consider approval or other action regarding a request by David Miles, Western Spherical Developers, LLC for approval of the proposed La Porte Town Center General Plan for the 40 acre tract of land known as Tracts 1 and 1L, Johnson Hunter Survey, Abstract 35 generally located on the east side of State Highway 146 north of Wharton Weems Boulevard.

13. Open a public hearing to receive input on an application for Special Conditional Use Permit #16-91000004, a request by David Miles, Western Spherical Developers, LLC to allow for construction of an entertainment, commercial and residential mixed use development, known as La Porte Town Center, on a 40-acre tract of land known as Tracts 1 and 1L, Johnson Hunter Survey, Abstract 35 generally located on the east side of State Highway 146 north of Wharton Weems Boulevard.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (for, against, or questions)
 - d. Question and Answer
14. Close public hearing.
15. Consider approval or other action on Special Conditional Use Permit request #16-91000004.
16. Administrative reports.
17. Commission comments on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
18. Adjourn.

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

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

CERTIFICATION

I certify that a copy of the Thursday, January 19, 2017, agenda of items to be considered by the Planning and Zoning Commission was posted on the City Hall bulletin board on the ____ day of _____, 2017.

_____ Title: _____

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



January 19, 2017

AGENDA ITEMS 3-5

Consider approval of Zone Change Request #16-92000004,
a rezoning of an 8.3 acre parcel legally described as Tracts 30A and 31A, Strang Subdivision,
City of La Porte, Harris County, Texas,
from Business Industrial (BI) to Light Industrial (LI).
Applicant: Justin Bennett of DCT La Porte LLC

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

Planning and Development Department Staff Report

ISSUE

Should the Planning and Zoning Commission recommend approval to the City Council of the proposed rezoning of an 8.3 acre parcel legally described as Tracts 30A and 31A, Strang Subdivision, from Business Industrial (BI) to Light Industrial (LI)?

RECOMMENDATION

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

DISCUSSION

Applicant:

The applicant is Justin Bennett of DCT La Porte LLC, the owner of the 8.3 acre parcel legally described as Tracts 30A and 31A, Strang Subdivision.

Location:

The subject site is located on the north side of SH 225 east of Independence Pkwy. The site is currently developed as a warehousing and logistics center.

Background Information:

DCT La Porte is the owner of the parcel and operates a roughly 115,000 square foot warehouse facility on the site. This use is currently a legal non-conforming use in the BI zone. The applicant is seeking a zone change to LI in order to bring their current use into conformance.

Notification Requirements:

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

Analysis:

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

1. *Land Use.* The subject site is currently zoned Business Industrial (BI) and the City’s adopted Future Land Use Map identifies it as “Light Industrial” use. The rezoning of the subject property to LI is in conformance with the land use plan.
2. *Access.* There is sufficient existing right-of-way access.
3. *Utilities.* The current facility has access to water and sewer facilities.

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

Criterion:	Staff Findings:
Ability of infrastructure to support the permitted use.	Existing infrastructure in the area is sufficient to support the existing use.
Impact on the value and practicality of the surrounding land uses.	No changes are proposed on site.
Conformance of a zoning request with the land use plan.	The proposed zone change is in conformance with the land use plan.
Character of the surrounding and adjacent areas.	The proposed rezoning would be consistent with the development pattern along this section of SH 225.
Suitability of the property for the uses which would be permissible, considering density, access and circulation, and adequacy of public facilities and services.	No changes are proposed for the existing site. Furthermore, the site is surrounded on three sides with heavy industrial uses within the Battleground Industrial District. Property located to the south across SH 225 is currently zoned LI.
The extent to which the proposed use designation would adversely affect the capacity or safety of that portion of the road.	The proposed zone change will have no impact on the traffic in the vicinity, as there is no proposed change in use.
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 zone change 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 zone change will be bringing an existing non-conforming use into conformance.

Conclusion:

Based on the above analysis, staff recommends the Planning and Zoning Commission recommend approval of the proposed rezone from Business Industrial (BI) to Light Industrial (LI).

ATTACHMENTS

- Exhibit A: Application
- Exhibit B: Zoning Area Map



Zone Change Application

Planning and Development Department

604 West Fairmont Parkway

La Porte, Texas 77571

281-470-5057

OVERVIEW

Zoning protects the rights of property owners while promoting the general welfare of the community. The purpose of zoning is to locate particular land uses where they are most appropriate. A property owner may submit an application requesting consideration of a zone change or modification to the zone district that their property is located. Requests for a rezoning are reviewed in accordance with the provisions of Section 106-171 of the City of La Porte Code of Ordinances and the city's Comprehensive Plan. Rezoning requests are reviewed by the Planning and Zoning Commission as a public hearing. The Commission consists of residents of the community appointed by City Council. The Commission meets on the third Thursday of every month, as necessary. The Commission will forward a recommendation to the City Council for final consideration.

SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department at least three (3) weeks prior to the desired hearing date.

- Completed **application form**.
- Application fee** of \$400; nonrefundable. *(sent to Paula Bradstreet)*
- Site plan, conceptual site plan or general plan**, drawn to scale and dimensioned to depict the development being proposed.
- Project description/justification letter** that thoroughly explains what is being requested and why such SCUP should be approved by the Planning and Zoning Commission and City Council.
- Affidavit of posting** fully executed that ensures the applicant will post the required public hearing sign on the property for at least 10 days prior to the Planning and Zoning Commission meeting date. Such sign will be provided by the Planning and Development Department.

PROCESS

- Upon receipt of a complete application package by the Planning and Development Department, the zone change request will be scheduled for the next available Planning and Zoning Commission meeting date as a public hearing.
- The Planning and Development Department will provide the applicant with a Notice of Public Hearing sign that must be posted on the property where the zone change is being requested. The sign must be posted on the property visible and within 20 feet from the abutting street for a minimum of 10 days before the scheduled public hearing.
- The Planning and Development Department will publish notice of the public hearing in the Bay Area Observer and at City Hall in conformance with legal requirements. Additionally, the city will send notice of the public hearing to all property owners within 200 feet of the subject property where the zone change is being requested.



Zone Change Application

Planning and Development Department

- The Planning and Zoning Commission public hearing will be held in the City Council Chamber at City Hall (604 W. Fairmont Parkway). At the meeting, the Planning and Zoning Commission will conduct a public hearing and provide a recommendation to the City Council on the proposed rezoning. If additional information is requested by the Commission, the public hearing may be continued to a future meeting date.
- The Commission is tasked to review the proposed zone change and offer a recommendation to the City Council for approval, denial, or approval with conditions.
- Following the Commission's public hearing, their recommendation on the proposed rezoning is then forwarded to City Council for consideration.
- For the City Council public hearing, the Planning and Development Department will publish notice of the public hearing in the Bay Area Observer and post notice at City Hall in conformance with legal requirements.
- The City Council public hearing will be held in the City Council Chamber at City Hall (604 W. Fairmont Parkway). At the meeting, the City Council will conduct a public hearing and render a decision on the proposed zone change. However, if additional information is requested by the City Council, the public hearing may be continued to a future meeting date.
- The following is an excerpt from the City of La Porte's Code of Ordinances pertaining to zone change requests.

CODE REQUIREMENTS

Rezoning Requests

Sec. 106-171. - Amendment procedures.

The city council may from time to time, on its own motion, the motion of the planning and zoning commission, or on petition, amend, supplement, change, modify or repeal the regulations, restrictions, and boundaries herein established.

- (1) *Public hearing before the city planning and zoning commission.* Before taking any action on any proposed amendment, supplement, change, or modification, the city council shall submit the same to the city planning and zoning commission which shall make a preliminary report and hold a public hearing thereon before submitting its final report to the city council.
- (2) *Notice of public hearing before city planning and zoning commission.*
 - a. Written notice of all public hearings before the city planning and zoning commission on proposed changes in classification shall be sent to owners of real property lying within 200 feet of the property on which the change in classification is proposed as well as the La Porte Independent School District, such notice to be given not less than ten days before the date set for hearing, to all owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office. At least 15 days notice of the time and place of such hearing shall be published once in a newspaper of general circulation in the city.
 - b. Requirements for public notice by sign posting:
 1. Public notice for procedures requiring public notice by sign posting shall be provided by the city at least 15 days before the public hearing.
 2. The applicant shall place public notice sign on the property within 20 feet of the abutting street.
 3. The sign shall be clearly visible, readable, and not to create hazard to traffic on the public right-of-way abutting the property.
 4. Public notice sign shall include the date, time, place, and purpose of public hearing.
 5. The applicant must return the sign to the city within ten days after the appeal period for the public hearing has ended.
 6. The erection of this sign shall not require a permit from the city.



Zone Change Application

Planning and Development Department

- (3) *Publication of notice.* In the event a public hearing shall be held by the city planning and zoning commission in regard to a change of this chapter not involving particular property but involving a change in the chapter generally, notice of such hearing shall be given by publication once in a newspaper of general circulation in the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the day of such publication.
- (4) *Submission of findings and recommendations to city council.* The city planning and zoning commission shall forward its written findings of fact and recommendations to city council within 15 days of the close of the hearings.
- (5) *Public hearing before city council.*
 - a. Upon receipt of the written recommendations from the planning and zoning commission, a public hearing shall be held by the city council before adopting any proposed amendment, supplement, change, modification or repeal of the regulations, restrictions, and boundaries herein established.
 - b. Notice of such hearing shall be given by publication once in a newspaper of general circulation on the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the day of such publication.
- (6) *Council actions.* The city council shall act upon such motion or petition within 30 days from the date the final report of the city planning and zoning commission was submitted to the city council.
- (7) *Protests.*
 - a. In case of a protest against any such amendment, supplement, change, or repeal of the regulations, restrictions, and boundaries herein established, a written protest filed with the enforcement officer and signed by the owners of 20 percent or more of either:
 1. The area of lots or land covered by the proposed change; or
 2. The area of lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

Such amendment, supplement, change, modification, or repeal shall not become effective except by the favorable vote of three-fourths of all the members of the city council.
 3. Streets and alleys shall be included when computing the area of land from which a protest may be filed.
- (8) *Vote to overrule.* The affirmative vote of at least three-fourths of the city council is required to overrule a recommendation of the city planning and zoning commission that a proposed change to this chapter or boundary be denied.



Zone Change Application

Planning and Development Department

PROJECT INFORMATION

Address where zone change is being requested: 9701 Highway 225, LaPorte, Texas 77571

Legal description where zone change is being requested: TRS 30A & 31A-1 Strang

HCAD Parcel Number where zone change is being requested: 0642230000167

Zoning District: Business Industrial Lot area: 360,586 square-feet

A request for approval of a zone change is hereby made to the City of La Porte.

Description of Request: Zoning Change from Business Industrial to Light Industrial

Attached hereto is a Project Description Letter describing the project and outlining the reasons why such SCUP should be approved.

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): DCT LaPorte LLC; Attention: Justin E. Bennett

Address: 518 17th Street, 8th Floor

City: Denver State: CO Zip: 80202

Phone: (713) 502-2704 Email: jbennett@dctindustrial.com

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____

Date: _____

Owner(s)' Signature(s): 

Date: 12/5/2016

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



AFFIDAVIT OF POSTING
PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:
ADDRESS: 9701 Highway 225, LaPorte Texas 77571
LEGAL DESCRIPTION: TRS 30A & 31A-1 Strang
2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date: December 19, 2016.
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

[Signature]
Applicant's Signature

Justin E. Bennett
Applicant's Printed Name

Subscribed and sworn before me this 5th day of December, 2016, by
Justin E Bennett (Print Applicant's Name).

[Signature]
Notary Public

My commission expires: 03/13/2018



(Seal)



DCT Industrial Trust | 10796 Kempwood Drive | Houston, TX 77043

December 6, 2016

City of LaPorte
Attention: Planning and Zoning Commission
604 West Fairmount Parkway
LaPorte, Texas 77571

Re: **Zoning Change Application**
9701 and 9705 State Highway 225
LaPorte, Texas 77571

Dear Ladies and Gentlemen:

DCT LaPorte, LLC (“**DCT**”) owns those certain warehouse facilities at 9701 and 9705 State Highway 225 in LaPorte, Texas (collectively, “**DCT Facilities**”) and Exel Logistics Dist. Corp (“**Exel**”) owns that certain land tract located at 9701 State Highway 225 in LaPorte, Texas (“**Exel Land**”).

The DCT Facilities and the Exel Land are located North of Highway 225 between Independence Parkway and Miller Cut Off Road adjacent to the Battleground Industrial District. The facilities and the land are currently zoned Business Industrial.

Based on conversations with City of LaPorte (“**City**”) planning staff, we understand that the current use within the DCT Facilities has been “grandfathered” prior to current City Zoning Codes, which would permit the existing uses within Business Industrial; however, such existing uses would not be permitted within an area zoned Business Industrial pursuant to the City Zoning Code, as amended.

DCT hereby requests a zoning change from Business Industrial to Light Industrial to accommodate the current use within the DCT Facilities, which are occupied by Exel, Inc., to comply with the City Zone Code, as amended.

DCT, as authorized agent of Exel, hereby requests a zoning change from Business Industrial to Light Industrial to accommodate the future use of the Exel Land. DCT and Exel are currently negotiating a build-to-suit transaction whereby DCT will purchase the Exel Land and construct a new warehouse facility on the Exel Land to be occupied by Exel, Inc.

Our zoning change request to Light Industrial is consistent with the existing uses that are adjacent to the DCT Facilities and the Exel Land. The adjacent owners are Braskem,

Lubrizol, Clean Harbours and Akzo Nobel. Such uses are heavier manufacturing and petrochemical/refining operations located within the Battleground Industrial District.

Additionally, State Highway 225 serves as a High Frequency Truck Route, which supports the desire to mitigate heavier truck traffic within the City. Both the DCT Facilities and the Exel Land are located along a High Frequency Truck Route. In this regard, the requested zoning change is accretive to City's goals of encouraging development while confining industrial uses to zoned areas and reducing heavier truck traffic off designated truck routes.

We look forward to working with the City, and would greatly appreciate your favorable consideration of our Zoning Change Application.

Please contact me if you have any questions regarding this matter.

Very Truly Yours,

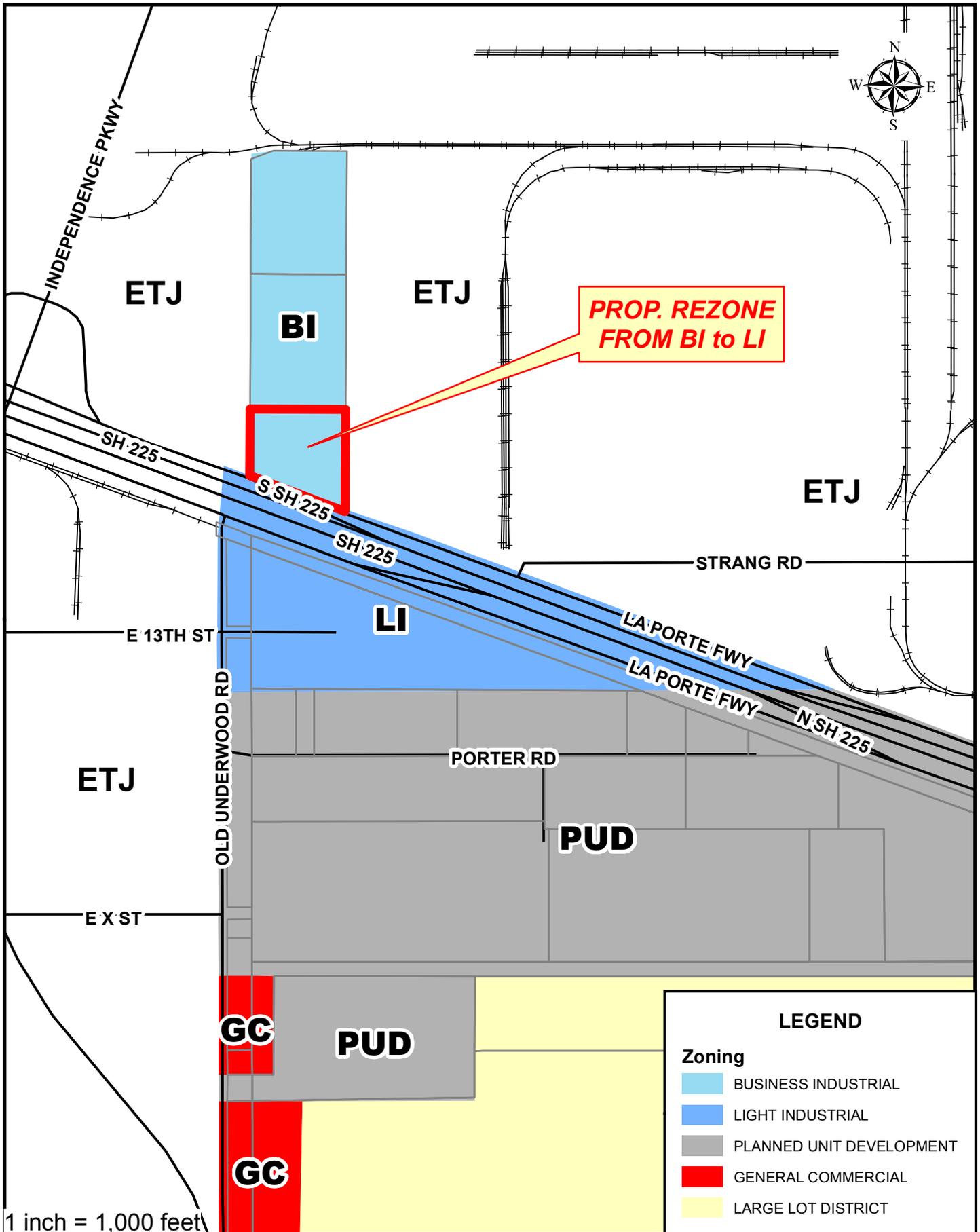
A handwritten signature in black ink, appearing to read "Justin E. Bennett" with a stylized flourish at the end.

Justin E. Bennett
Senior Vice President

cc: Steve Hess, Exel, Inc. dba DHL Supply Chain
Bonnie Roberts, Exel, Inc. dba DHL Supply Chain
David Lawrence, DCT Industrial Trust

ZONING EXHIBIT

CLP FILE #16-9200004



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



January 19, 2017

AGENDA ITEMS 6-8

Consider approval of Zone Change Request #16-92000005,
a rezoning of a 12 acre parcel legally described as Tracts 17-1A and 18A, Strang Subdivision,
City of La Porte, Harris County, Texas,
from Business Industrial (BI) to Light Industrial (LI).
Applicant: Justin Bennett of DCT La Porte LLC

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

Planning and Development Department Staff Report

ISSUE

Should the Planning and Zoning Commission recommend approval to the City Council of the proposed rezoning of a 12 acre parcel legally described as Tracts 17-1A and 18A, Strang Subdivision, from Business Industrial (BI) to Light Industrial (LI)?

RECOMMENDATION

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

DISCUSSION

Applicant:

The applicant is Justin Bennett of DCT La Porte LLC, the owner of the 12 acre parcel legally described as Tracts 17-1A and 18A, Strang Subdivision.

Location:

The subject site is located on the north side of SH 225 east of Independence Pkwy. The site is currently developed as a warehousing and logistics center.

Background Information:

DCT La Porte is the owner of the parcel and operates a roughly 200,000 square foot warehouse facility on the site. This use is currently a legal non-conforming use in the BI zone. The applicant is seeking a zone change to LI in order to bring their current use into conformance.

Notification Requirements:

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

Analysis:

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

1. *Land Use.* The subject site is currently zoned Business Industrial (BI) and the City’s adopted Future Land Use Map identifies it as “Light Industrial” use. The rezoning of the subject property to LI is in conformance with the land use plan.
2. *Access.* There is sufficient existing right-of-way access.
3. *Utilities.* The current facility has access to water and sewer facilities.

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

Criterion:	Staff Findings:
Ability of infrastructure to support the permitted use.	Existing infrastructure in the area is sufficient to support the existing use.
Impact on the value and practicality of the surrounding land uses.	No changes are proposed on site.
Conformance of a zoning request with the land use plan.	The proposed zone change is in conformance with the land use plan.
Character of the surrounding and adjacent areas.	The proposed rezoning would be consistent with the development pattern along this section of SH 225.
Suitability of the property for the uses which would be permissible, considering density, access and circulation, and adequacy of public facilities and services.	No changes are proposed for the existing site. Furthermore, the site is surrounded on three sides with heavy industrial uses within the Battleground Industrial District. Property located to the south across SH 225 is currently zoned LI.
The extent to which the proposed use designation would adversely affect the capacity or safety of that portion of the road.	The proposed zone change will have no impact on the traffic in the vicinity, as there is no proposed change in use.
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 zone change 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 zone change will be bringing an existing non-conforming use into conformance.

Conclusion:

Based on the above analysis, staff recommends the Planning and Zoning Commission recommend approval of the proposed rezone from Business Industrial (BI) to Light Industrial (LI).

ATTACHMENTS

- Exhibit A: Application
- Exhibit B: Zoning Area Map



Zone Change Application

Planning and Development Department

604 West Fairmont Parkway

La Porte, Texas 77571

281-470-5057

OVERVIEW

Zoning protects the rights of property owners while promoting the general welfare of the community. The purpose of zoning is to locate particular land uses where they are most appropriate. A property owner may submit an application requesting consideration of a zone change or modification to the zone district that their property is located. Requests for a rezoning are reviewed in accordance with the provisions of Section 106-171 of the City of La Porte Code of Ordinances and the city's Comprehensive Plan. Rezoning requests are reviewed by the Planning and Zoning Commission as a public hearing. The Commission consists of residents of the community appointed by City Council. The Commission meets on the third Thursday of every month, as necessary. The Commission will forward a recommendation to the City Council for final consideration.

SUBMITTAL REQUIREMENTS

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PROCESS

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Zone Change Application

Planning and Development Department

- The Planning and Zoning Commission public hearing will be held in the City Council Chamber at City Hall (604 W. Fairmont Parkway). At the meeting, the Planning and Zoning Commission will conduct a public hearing and provide a recommendation to the City Council on the proposed rezoning. If additional information is requested by the Commission, the public hearing may be continued to a future meeting date.
- The Commission is tasked to review the proposed zone change and offer a recommendation to the City Council for approval, denial, or approval with conditions.
- Following the Commission's public hearing, their recommendation on the proposed rezoning is then forwarded to City Council for consideration.
- For the City Council public hearing, the Planning and Development Department will publish notice of the public hearing in the Bay Area Observer and post notice at City Hall in conformance with legal requirements.
- The City Council public hearing will be held in the City Council Chamber at City Hall (604 W. Fairmont Parkway). At the meeting, the City Council will conduct a public hearing and render a decision on the proposed zone change. However, if additional information is requested by the City Council, the public hearing may be continued to a future meeting date.
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CODE REQUIREMENTS

Rezoning Requests

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- (1) *Public hearing before the city planning and zoning commission.* Before taking any action on any proposed amendment, supplement, change, or modification, the city council shall submit the same to the city planning and zoning commission which shall make a preliminary report and hold a public hearing thereon before submitting its final report to the city council.
- (2) *Notice of public hearing before city planning and zoning commission.*
 - a. Written notice of all public hearings before the city planning and zoning commission on proposed changes in classification shall be sent to owners of real property lying within 200 feet of the property on which the change in classification is proposed as well as the La Porte Independent School District, such notice to be given not less than ten days before the date set for hearing, to all owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office. At least 15 days notice of the time and place of such hearing shall be published once in a newspaper of general circulation in the city.
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 6. The erection of this sign shall not require a permit from the city.



Zone Change Application

Planning and Development Department

- (3) *Publication of notice.* In the event a public hearing shall be held by the city planning and zoning commission in regard to a change of this chapter not involving particular property but involving a change in the chapter generally, notice of such hearing shall be given by publication once in a newspaper of general circulation in the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the day of such publication.
- (4) *Submission of findings and recommendations to city council.* The city planning and zoning commission shall forward its written findings of fact and recommendations to city council within 15 days of the close of the hearings.
- (5) *Public hearing before city council.*
 - a. Upon receipt of the written recommendations from the planning and zoning commission, a public hearing shall be held by the city council before adopting any proposed amendment, supplement, change, modification or repeal of the regulations, restrictions, and boundaries herein established.
 - b. Notice of such hearing shall be given by publication once in a newspaper of general circulation on the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the day of such publication.
- (6) *Council actions.* The city council shall act upon such motion or petition within 30 days from the date the final report of the city planning and zoning commission was submitted to the city council.
- (7) *Protests.*
 - a. In case of a protest against any such amendment, supplement, change, or repeal of the regulations, restrictions, and boundaries herein established, a written protest filed with the enforcement officer and signed by the owners of 20 percent or more of either:
 1. The area of lots or land covered by the proposed change; or
 2. The area of lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

Such amendment, supplement, change, modification, or repeal shall not become effective except by the favorable vote of three-fourths of all the members of the city council.
 3. Streets and alleys shall be included when computing the area of land from which a protest may be filed.
- (8) *Vote to overrule.* The affirmative vote of at least three-fourths of the city council is required to overrule a recommendation of the city planning and zoning commission that a proposed change to this chapter or boundary be denied.



Zone Change Application

Planning and Development Department

PROJECT INFORMATION

Address where zone change is being requested: 9705 Highway 225, LaPorte, Texas 77571

Legal description where zone change is being requested: TRS 17A-1 & 18A Strang

HCAD Parcel Number where zone change is being requested: 0642240000030

Zoning District: Business Industrial Lot area: 522,020 square-feet

A request for approval of a zone change is hereby made to the City of La Porte.

Description of Request: Zoning Change from Business Industrial to Light Industrial

Attached hereto is a Project Description Letter describing the project and outlining the reasons why such SCUP should be approved.

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): DCT LaPorte LLC; Attention: Justin E. Bennett

Address: 518 17th Street, 8th Floor

City: Denver State: CO Zip: 80202

Phone: (713) 502-2704 Email: jbennett@dctindustrial.com

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s):  Date: 12/5/2016

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



AFFIDAVIT OF POSTING
PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS
COUNTY OF HARRIS
CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

- 1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application: ADDRESS: 9705 Highway 225, LaPorte Texas 77571 LEGAL DESCRIPTION: TRS 17A-1 & 18A Strang
2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date: December 19, 2016.
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

Justin E. Bennett
Applicant's Signature

Justin E. Bennett
Applicant's Printed Name

Subscribed and sworn before me this 5th day of December, 2016 by Justin E. Bennett (Print Applicant's Name).

Sarah Covington
Notary Public

(Seal)

My commission expires: 03/13/2018





DCT Industrial Trust | 10796 Kempwood Drive | Houston, TX 77043

December 6, 2016

City of LaPorte
Attention: Planning and Zoning Commission
604 West Fairmount Parkway
LaPorte, Texas 77571

Re: **Zoning Change Application**
9701 and 9705 State Highway 225
LaPorte, Texas 77571

Dear Ladies and Gentlemen:

DCT LaPorte, LLC (“**DCT**”) owns those certain warehouse facilities at 9701 and 9705 State Highway 225 in LaPorte, Texas (collectively, “**DCT Facilities**”) and Exel Logistics Dist. Corp (“**Exel**”) owns that certain land tract located at 9701 State Highway 225 in LaPorte, Texas (“**Exel Land**”).

The DCT Facilities and the Exel Land are located North of Highway 225 between Independence Parkway and Miller Cut Off Road adjacent to the Battleground Industrial District. The facilities and the land are currently zoned Business Industrial.

Based on conversations with City of LaPorte (“**City**”) planning staff, we understand that the current use within the DCT Facilities has been “grandfathered” prior to current City Zoning Codes, which would permit the existing uses within Business Industrial; however, such existing uses would not be permitted within an area zoned Business Industrial pursuant to the City Zoning Code, as amended.

DCT hereby requests a zoning change from Business Industrial to Light Industrial to accommodate the current use within the DCT Facilities, which are occupied by Exel, Inc., to comply with the City Zone Code, as amended.

DCT, as authorized agent of Exel, hereby requests a zoning change from Business Industrial to Light Industrial to accommodate the future use of the Exel Land. DCT and Exel are currently negotiating a build-to-suit transaction whereby DCT will purchase the Exel Land and construct a new warehouse facility on the Exel Land to be occupied by Exel, Inc.

Our zoning change request to Light Industrial is consistent with the existing uses that are adjacent to the DCT Facilities and the Exel Land. The adjacent owners are Braskem,

Lubrizol, Clean Harbours and Akzo Nobel. Such uses are heavier manufacturing and petrochemical/refining operations located within the Battleground Industrial District.

Additionally, State Highway 225 serves as a High Frequency Truck Route, which supports the desire to mitigate heavier truck traffic within the City. Both the DCT Facilities and the Exel Land are located along a High Frequency Truck Route. In this regard, the requested zoning change is accretive to City's goals of encouraging development while confining industrial uses to zoned areas and reducing heavier truck traffic off designated truck routes.

We look forward to working with the City, and would greatly appreciate your favorable consideration of our Zoning Change Application.

Please contact me if you have any questions regarding this matter.

Very Truly Yours,

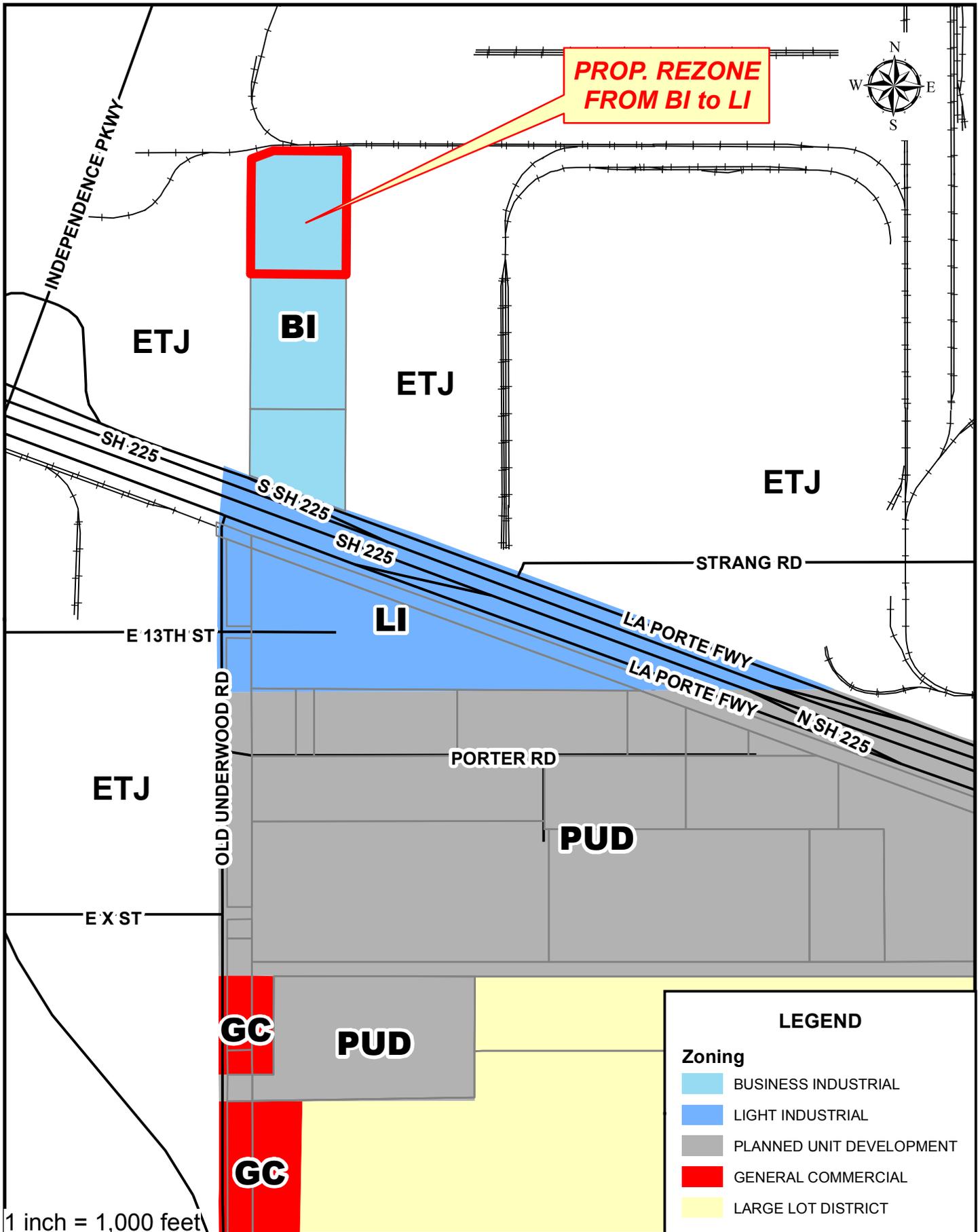
A handwritten signature in black ink, appearing to read "Justin E. Bennett". The signature is stylized with a large initial "J" and a long horizontal stroke extending to the right.

Justin E. Bennett
Senior Vice President

cc: Steve Hess, Exel, Inc. dba DHL Supply Chain
Bonnie Roberts, Exel, Inc. dba DHL Supply Chain
David Lawrence, DCT Industrial Trust

ZONING EXHIBIT

CLP FILE #16-92000005



1 inch = 1,000 feet

LEGEND	
Zoning	
	BUSINESS INDUSTRIAL
	LIGHT INDUSTRIAL
	PLANNED UNIT DEVELOPMENT
	GENERAL COMMERCIAL
	LARGE LOT DISTRICT

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



January 19, 2017

AGENDA ITEMS 9-11

Consider approval of Zone Change Request #16-92000006,
a rezoning of a 13.2 acre parcel legally described as
Tracts 30 and 31 and Tracts 17A and 18, Perry Strang Subdivision,
City of La Porte, Harris County, Texas,
from Business Industrial (BI) to Light Industrial (LI).
Applicant: Steve Hess of Exel Logistics Dist. Corp.

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

Planning and Development Department Staff Report

ISSUE

Should the Planning and Zoning Commission recommend approval to the City Council of the proposed rezoning of a 13.2 acre parcel legally described as Tracts 30 and 31 and Tracts 17A and 18, Perry Strang Subdivision, from Business Industrial (BI) to Light Industrial (LI)?

RECOMMENDATION

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

DISCUSSION

Applicant:

The applicant is Steve Hess of Exel Logistics Dist. Corp., the owner of the 13.2 acre parcel legally described as Tracts 30 and 31 and Tracts 17A and 18, Perry Strang Subdivision.

Location:

The subject site is located on the north side of SH 225 east of Independence Pkwy. The site is currently developed as a warehousing and logistics center.

Background Information:

Exel Logistics Dist. Corp. is the owner of the parcel and would like to construct a large warehouse/distribution facility on the site, similar to the ones adjacent to it on the north and south. Warehouse/Distribution use is currently not permitted in the BI zone. The applicant is seeking a zone change to LI in order to allow them to construct and operate a warehouse on this site.

Notification Requirements:

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

hearing. In accordance with state law, notice of the public hearing was also posted at City Hall and on the City’s website.

Analysis:

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

1. *Land Use.* The subject site is currently zoned Business Industrial (BI) and the City’s adopted Future Land Use Map identifies it as “Light Industrial” use. The rezoning of the subject property to LI is in conformance with the land use plan.
2. *Access.* There is sufficient existing right-of-way access.
3. *Utilities.* The applicant will need to extend city sewer services to the site. Water is already provided on site.

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

Criterion:	Staff Findings:
Ability of infrastructure to support the permitted use.	Existing infrastructure in the area is sufficient to support the existing use.
Impact on the value and practicality of the surrounding land uses.	Proposed development will be consistent with adjacent properties.
Conformance of a zoning request with the land use plan.	The proposed zone change is in conformance with the land use plan.
Character of the surrounding and adjacent areas.	The proposed rezoning would be consistent with the development pattern along this section of SH 225.
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 development will be consistent with the adjacent properties. Furthermore, the site is surrounded on three sides with heavy industrial uses within the Battleground Industrial District. Property located to the south across SH 225 is currently zoned LI.
The extent to which the proposed use designation would adversely affect the capacity or safety of that portion of the road.	The proposed zone change will have minimal impact on the traffic in the vicinity.
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 zone change 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 zone change will allow a vacant parcel to develop in a manner consistent with adjacent properties.

Conclusion:

Based on the above analysis, staff recommends the Planning and Zoning Commission recommend approval of the proposed rezone from Business Industrial (BI) to Light Industrial (LI).

ATTACHMENTS

- Exhibit A: Application
- Exhibit B: Zoning Area Map



Zone Change Application

Planning and Development Department

604 West Fairmont Parkway

La Porte, Texas 77571

281-470-5057

OVERVIEW

Zoning protects the rights of property owners while promoting the general welfare of the community. The purpose of zoning is to locate particular land uses where they are most appropriate. A property owner may submit an application requesting consideration of a zone change or modification to the zone district that their property is located. Requests for a rezoning are reviewed in accordance with the provisions of Section 106-171 of the City of La Porte Code of Ordinances and the city's Comprehensive Plan. Rezoning requests are reviewed by the Planning and Zoning Commission as a public hearing. The Commission consists of residents of the community appointed by City Council. The Commission meets on the third Thursday of every month, as necessary. The Commission will forward a recommendation to the City Council for final consideration.

SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department at least three (3) weeks prior to the desired hearing date.

- Completed **application form**.
- Application fee** of \$400; nonrefundable.
- Site plan, conceptual site plan or general plan**, drawn to scale and dimensioned to depict the development being proposed.
- Project description/justification letter** that thoroughly explains what is being requested and why such SCUP should be approved by the Planning and Zoning Commission and City Council.
- Affidavit of posting** fully executed that ensures the applicant will post the required public hearing sign on the property for at least 10 days prior to the Planning and Zoning Commission meeting date. Such sign will be provided by the Planning and Development Department.

PROCESS

- Upon receipt of a complete application package by the Planning and Development Department, the zone change request will be scheduled for the next available Planning and Zoning Commission meeting date as a public hearing.
- The Planning and Development Department will provide the applicant with a Notice of Public Hearing sign that must be posted on the property where the zone change is being requested. The sign must be posted on the property visible and within 20 feet from the abutting street for a minimum of 10 days before the scheduled public hearing.
- The Planning and Development Department will publish notice of the public hearing in the Bay Area Observer and at City Hall in conformance with legal requirements. Additionally, the city will send notice of the public hearing to all property owners within 200 feet of the subject property where the zone change is being requested.



Zone Change Application

Planning and Development Department

- The Planning and Zoning Commission public hearing will be held in the City Council Chamber at City Hall (604 W. Fairmont Parkway). At the meeting, the Planning and Zoning Commission will conduct a public hearing and provide a recommendation to the City Council on the proposed rezoning. If additional information is requested by the Commission, the public hearing may be continued to a future meeting date.
- The Commission is tasked to review the proposed zone change and offer a recommendation to the City Council for approval, denial, or approval with conditions.
- Following the Commission's public hearing, their recommendation on the proposed rezoning is then forwarded to City Council for consideration.
- For the City Council public hearing, the Planning and Development Department will publish notice of the public hearing in the Bay Area Observer and post notice at City Hall in conformance with legal requirements.
- The City Council public hearing will be held in the City Council Chamber at City Hall (604 W. Fairmont Parkway). At the meeting, the City Council will conduct a public hearing and render a decision on the proposed zone change. However, if additional information is requested by the City Council, the public hearing may be continued to a future meeting date.
- The following is an excerpt from the City of La Porte's Code of Ordinances pertaining to zone change requests.

CODE REQUIREMENTS

Rezoning Requests

Sec. 106-171. - Amendment procedures.

The city council may from time to time, on its own motion, the motion of the planning and zoning commission, or on petition, amend, supplement, change, modify or repeal the regulations, restrictions, and boundaries herein established.

- (1) *Public hearing before the city planning and zoning commission.* Before taking any action on any proposed amendment, supplement, change, or modification, the city council shall submit the same to the city planning and zoning commission which shall make a preliminary report and hold a public hearing thereon before submitting its final report to the city council.
- (2) *Notice of public hearing before city planning and zoning commission.*
 - a. Written notice of all public hearings before the city planning and zoning commission on proposed changes in classification shall be sent to owners of real property lying within 200 feet of the property on which the change in classification is proposed as well as the La Porte Independent School District, such notice to be given not less than ten days before the date set for hearing, to all owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office. At least 15 days notice of the time and place of such hearing shall be published once in a newspaper of general circulation in the city.
 - b. Requirements for public notice by sign posting:
 1. Public notice for procedures requiring public notice by sign posting shall be provided by the city at least 15 days before the public hearing.
 2. The applicant shall place public notice sign on the property within 20 feet of the abutting street.
 3. The sign shall be clearly visible, readable, and not to create hazard to traffic on the public right-of-way abutting the property.
 4. Public notice sign shall include the date, time, place, and purpose of public hearing.
 5. The applicant must return the sign to the city within ten days after the appeal period for the public hearing has ended.
 6. The erection of this sign shall not require a permit from the city.



Zone Change Application

Planning and Development Department

- (3) *Publication of notice.* In the event a public hearing shall be held by the city planning and zoning commission in regard to a change of this chapter not involving particular property but involving a change in the chapter generally, notice of such hearing shall be given by publication once in a newspaper of general circulation in the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the day of such publication.
- (4) *Submission of findings and recommendations to city council.* The city planning and zoning commission shall forward its written findings of fact and recommendations to city council within 15 days of the close of the hearings.
- (5) *Public hearing before city council.*
 - a. Upon receipt of the written recommendations from the planning and zoning commission, a public hearing shall be held by the city council before adopting any proposed amendment, supplement, change, modification or repeal of the regulations, restrictions, and boundaries herein established.
 - b. Notice of such hearing shall be given by publication once in a newspaper of general circulation on the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the day of such publication.
- (6) *Council actions.* The city council shall act upon such motion or petition within 30 days from the date the final report of the city planning and zoning commission was submitted to the city council.
- (7) *Protests.*
 - a. In case of a protest against any such amendment, supplement, change, or repeal of the regulations, restrictions, and boundaries herein established, a written protest filed with the enforcement officer and signed by the owners of 20 percent or more of either:
 1. The area of lots or land covered by the proposed change; or
 2. The area of lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

Such amendment, supplement, change, modification, or repeal shall not become effective except by the favorable vote of three-fourths of all the members of the city council.
 3. Streets and alleys shall be included when computing the area of land from which a protest may be filed.
- (8) *Vote to overrule.* The affirmative vote of at least three-fourths of the city council is required to overrule a recommendation of the city planning and zoning commission that a proposed change to this chapter or boundary be denied.



Zone Change Application

Planning and Development Department

PROJECT INFORMATION

Address where zone change is being requested: 9701 State Highway 225, LaPorte, Texas 77571

Legal description where zone change is being requested: TRS 30 & 31 & TRS 17A & 18 Perry Strang

HCAD Parcel Number where zone change is being requested: 0642230000021

Zoning District: Business Industrial Lot area: 576,001 square-feet

A request for approval of a zone change is hereby made to the City of La Porte.

Description of Request: Zoning Change from Business Industrial to Light Industrial

Attached hereto is a Project Description Letter describing the project and outlining the reasons why such SCUP should be approved.

PROPERTY OWNER(S) INFORMATION

Name: _____

Company (if applicable): Exel Logistics Dist. Corp.; Attention: Steve Hess

Address: 570 Polaris Parkway

City: Westerville State: OH Zip: 43082

Phone: (614) 865-8500 Email: steve.hess@dhl.com

AUTHORIZED AGENT (If other than owner)

Name: Justin E. Bennett

Company (if applicable): DCT Industrial Trust, Inc.

Address: 10796 Kempwood Drive

City: Houston State: TX Zip: 77043

Phone: (713) 502-2704 Email: jbennett@dctindustrial.com

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: [Signature]

Date: 12/5/2016

Owner(s)' Signature(s): [Signature] E.V.P.

Date: 12/2/16

STAFF USE ONLY:

Case Number:

Date Application Received:



Zone Change Application

Planning and Development Department

AFFIDAVIT OF POSTING

PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:

ADDRESS: 9701 State Highway 225, LaPorte Texas 77571

LEGAL DESCRIPTION: TRS 30 & 31 & TRS 17A & 18 Perry Strang

2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date: December 19, 2016.
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

Marvin I. Larger
Applicant's Signature

MARVIN I. LARGER
Applicant's Printed Name

Subscribed and sworn before me this 2nd day of December, 2016 by
MARVIN I. LARGER (Print Applicant's Name).



SHERRY CASTLE
Notary Public, State of Ohio (Seal)
My Commission Expires 02-06-2017

Sherry Castle
Notary Public

My commission expires: 02-06-2017



DCT Industrial Trust | 10796 Kempwood Drive | Houston, TX 77043

December 6, 2016

City of LaPorte
Attention: Planning and Zoning Commission
604 West Fairmount Parkway
LaPorte, Texas 77571

Re: **Zoning Change Application**
9701 and 9705 State Highway 225
LaPorte, Texas 77571

Dear Ladies and Gentlemen:

DCT LaPorte, LLC (“**DCT**”) owns those certain warehouse facilities at 9701 and 9705 State Highway 225 in LaPorte, Texas (collectively, “**DCT Facilities**”) and Exel Logistics Dist. Corp (“**Exel**”) owns that certain land tract located at 9701 State Highway 225 in LaPorte, Texas (“**Exel Land**”).

The DCT Facilities and the Exel Land are located North of Highway 225 between Independence Parkway and Miller Cut Off Road adjacent to the Battleground Industrial District. The facilities and the land are currently zoned Business Industrial.

Based on conversations with City of LaPorte (“**City**”) planning staff, we understand that the current use within the DCT Facilities has been “grandfathered” prior to current City Zoning Codes, which would permit the existing uses within Business Industrial; however, such existing uses would not be permitted within an area zoned Business Industrial pursuant to the City Zoning Code, as amended.

DCT hereby requests a zoning change from Business Industrial to Light Industrial to accommodate the current use within the DCT Facilities, which are occupied by Exel, Inc., to comply with the City Zone Code, as amended.

DCT, as authorized agent of Exel, hereby requests a zoning change from Business Industrial to Light Industrial to accommodate the future use of the Exel Land. DCT and Exel are currently negotiating a build-to-suit transaction whereby DCT will purchase the Exel Land and construct a new warehouse facility on the Exel Land to be occupied by Exel, Inc.

Our zoning change request to Light Industrial is consistent with the existing uses that are adjacent to the DCT Facilities and the Exel Land. The adjacent owners are Braskem,

Lubrizol, Clean Harbours and Akzo Nobel. Such uses are heavier manufacturing and petrochemical/refining operations located within the Battleground Industrial District.

Additionally, State Highway 225 serves as a High Frequency Truck Route, which supports the desire to mitigate heavier truck traffic within the City. Both the DCT Facilities and the Exel Land are located along a High Frequency Truck Route. In this regard, the requested zoning change is accretive to City's goals of encouraging development while confining industrial uses to zoned areas and reducing heavier truck traffic off designated truck routes.

We look forward to working with the City, and would greatly appreciate your favorable consideration of our Zoning Change Application.

Please contact me if you have any questions regarding this matter.

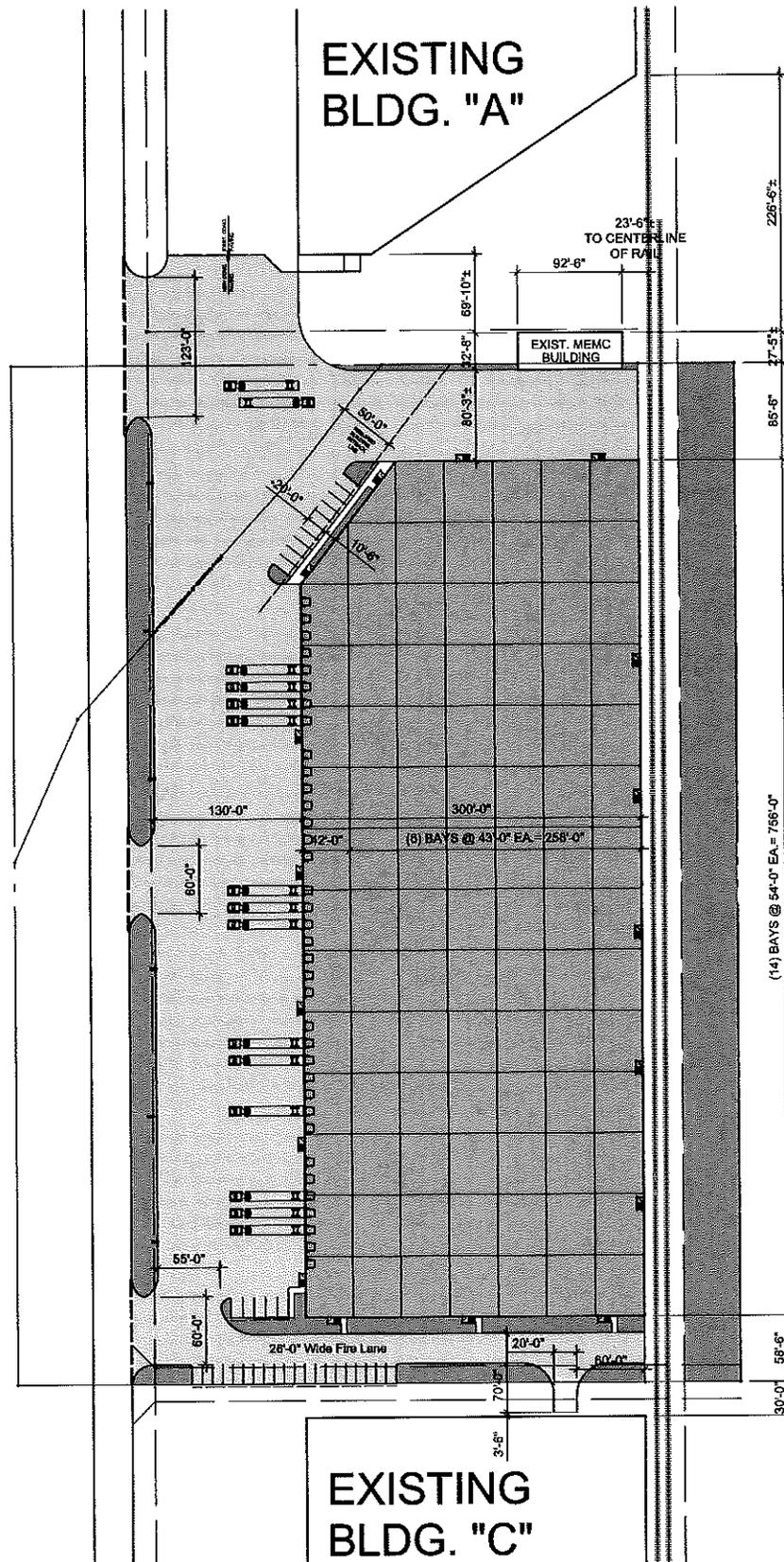
Very Truly Yours,

A handwritten signature in black ink, appearing to read "Justin E. Bennett". The signature is stylized and somewhat cursive.

Justin E. Bennett
Senior Vice President

cc: Steve Hess, Exel, Inc. dba DHL Supply Chain
Bonnie Roberts, Exel, Inc. dba DHL Supply Chain
David Lawrence, DCT Industrial Trust

**PROPOSED
BLDG. "B"
222,210 S.F.**



TERRY L. KENNEDY, AIA

NOT FOR REGULATORY
APPROVAL, PERMITTING,
OR CONSTRUCTION

ARCHITECT



MUNSON
KENNEDY
PARTNERSHIP



SITE PLAN - STUDY No. 9

0" 50' 100' 200'

© 2012 MUNSON KENNEDY PARTNERSHIP

EXEL, INC. - LaPORTE FACILITY

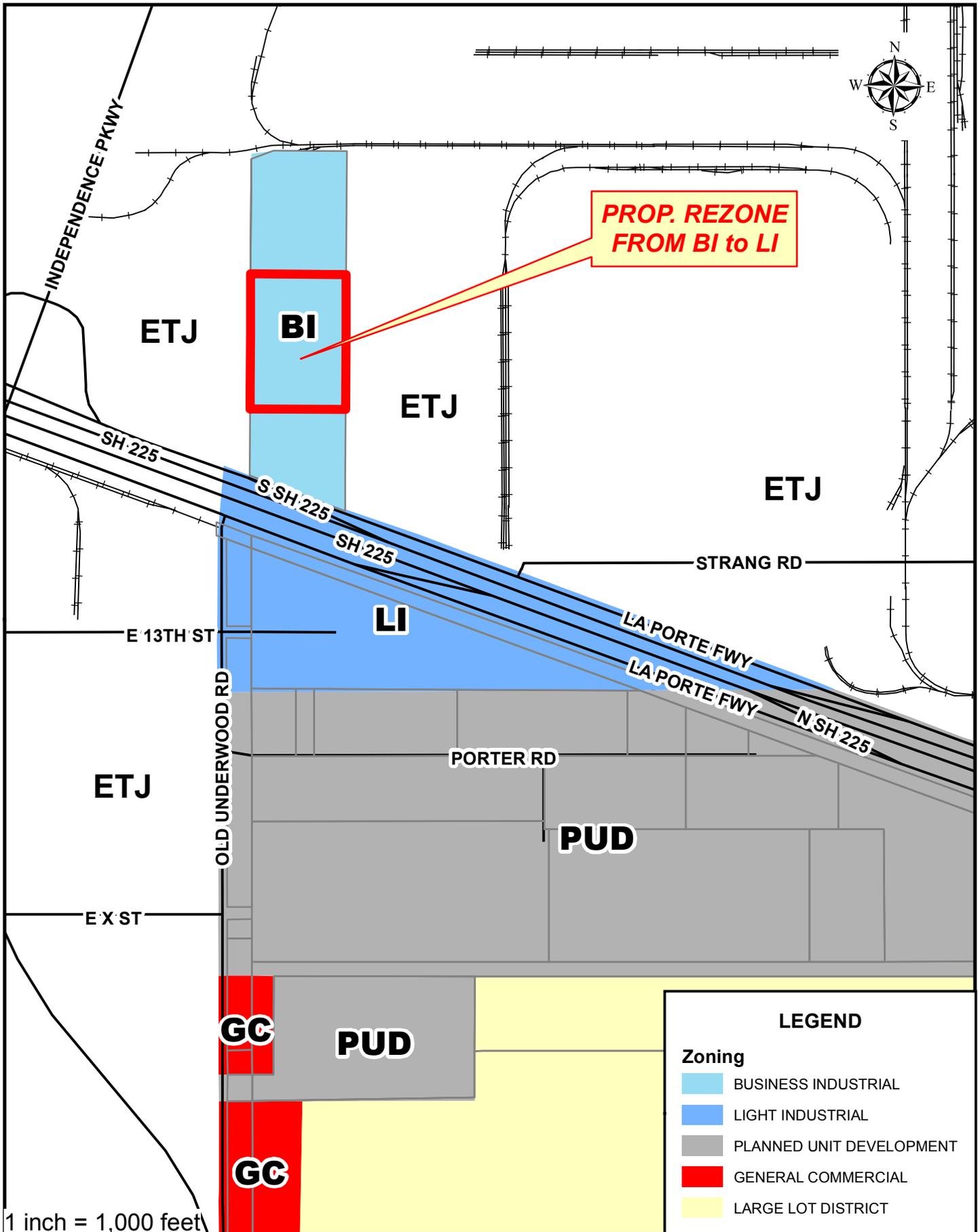
9700 BLOCK OF HIGHWAY 225 LaPORTE, TEXAS

Marketing\Cadence McShane\Exel - LaPorte
02/15/12

ps_Prelim_Alt9.dwg

ZONING EXHIBIT

CLP FILE #16-9200006



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



November 19, 2015

AGENDA ITEM 12

Consider approval or other action for the La Porte Town Center General Plan
to allow for construction of an
entertainment, commercial and residential mixed use development
on a 40 acre tract described as Tracts 1 and 1L, Johnson Hunter Survey, Abstract 35,
La Porte, Harris County, Texas

Applicant: David Miles, Western Spherical Developers, LLC

*Ian Clowes, 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 David Miles, Western Spherical Developers, LLC for the La Porte Town Center General Plan to allow construction of an entertainment, commercial and residential mixed use development on a 40 acre tract described as Tracts 1 and 1L, Johnson Hunter Survey, Abstract 35, La Porte, Harris County, Texas. This item would become an exhibit to the Special Conditional Use Permit (Agenda Item #5), should it be approved by the Planning and Zoning Commission and City Council.

RECOMMENDATION

Staff recommends approval of the proposed General Plan for the La Porte Town Center development, subject to a condition that any substantial deviation require an amendment to the General Plan approved by the Planning and Zoning Commission.

DISCUSSION

Property Owner:

Bayforest Ranch LTD/ Dr. Malladi S. Reddy (92 Fairmont Lake, Inc.)

Developer/Applicant:

David Miles, Western Spherical Developers, LLC.

Applicant's Request:

The applicant is seeking approval of this General Plan to allow for construction of a mixed use town center development on the subject property. The applicant is under contract to acquire 2 separate 20 acre tracts of land. The attached Exhibit A includes the proposed General Plan/Land Use 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.

Background Information:

The subject site is approximately 40 acres in area and is located on the east side of State Highway 146 just north of Wharton Weems. The attached Exhibit B is an Area Map showing the location of the subject property.

Planning and Zoning Commission Regular Meeting
 January 19, 2017
 La Porte Town Center General Plan

The legal description of the property is Tracts 1 and 1L, Johnson Hunter Survey, Abstract 35, 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, as existing and proposed. Currently the site is identified as “Low Density Residential” uses.

The site is zoned PUD, Planned Unit Development, and is vacant. The attached Exhibit B shows the zoning of the subject property and surrounding properties. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	PUD, Planned Unit Development	Vacant, undeveloped (identified in the Future Land Use Plan as “Low Density Residential”)
South	PUD, Planned Unit Development	Vacant, undeveloped (identified in the Future Land Use Plan as “Low Density Residential”)
West	PUD, Planned Unit Development	State Highway 146 right-of-way, with undeveloped Port Crossing Industrial Business Park on the west side of the ROW
East	PUD, Planned Unit Development	La Porte Municipal Golf Course

Analysis:

General Plan review requires approval by the Planning and Zoning Commission; there is no review of the document by the City Council required. However, should the Commission approve the proposed General Plan, it would become an exhibit to the Special Conditional Use Permit (SCUP) application that is being reviewed as Agenda Item #6 and which recommendation will be forwarded to City Council for final approval. 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 City Council approve the proposed SCUP, the applicant will be required to submit application for a site development plan in compliance with applicable code requirements, which will be required to be presented to the Planning and Zoning Commission for approval. The site plan will be required to comply with all requirements of Chapter 106, Zoning, of the city’s Code of Ordinances including but not limited to parking, detention, façade design, landscaping, etc. unless a variance is approved by the Board of Adjustment.

The proposed development includes a mix of land uses on a 40 acre parcel of land. The uses proposed are laid out in the La Porte Town Center General Plan, included as Exhibit A. The following is a breakdown of land uses outlined by the applicant in the attached project description letter:

- 62,000 square foot entertainment center
- 20,000 square foot conference, theater and museum
- 90,000 square foot retail cluster
- 50,000 square feet of office space
- 30,000 square foot Portrait of a Warrior Memorial Art Gallery
- 14 brownstone townhomes
- 12 live-work units
- 72 townhome units
- 14 brownstone units
- 114 room hotel
- 2 acres of park and water features

As part of the SCUP, staff has included a number of conditions related to the proposed land uses, including limitation on certain uses within the development area. The intent of the development is to provide retail, restaurant and service uses along with some brownstone townhouse and live-work units.

In 2007, the city approved a General Plan for the adjacent tracts of land north and south of the subject site called “Lakes at Fairmont Greens” (see the attached Exhibit E). The development included various phases of single family detached residential development. The phases developed to this point are the DR Horton Homes development at the southeast corner of Wharton Weems and Highway 146 and Bayshore Elementary School at the northeast corner of Mc Cabe and Highway 146.

Although the proposed development is not consistent with the current Future Land Use Plan (FLUP) as adopted in the Comprehensive Plan, staff has brought forward an amendment to the FLUP. The city may, from time to time, amend its FLUP. As part of the SCUP, a condition has been added to ensure compatibility with surrounding land uses by requiring the construction of an 8-foot high solid masonry fence with landscaping along the north and south perimeter boundary of the property.

The proposed General Plan shows phasing of the development into three phases. The first phase includes development of the Family Entertainment Center, hotel, and commercial pad sites along Highway 146 along with associated detention. Phase II includes the remainder of the commercial along with a portion of the townhomes and the live-work units. And finally, the third phase is the rest of the public road and remaining townhomes.

The proposed development will tie into the existing 16” water line in the Highway 146 right-of-way and a 24” sanitary sewer line that traverses the eastern portion of the site though an easement. The applicant will be required to extend public utility lines through the development to provide those utilities to all properties. As a result, the applicant

will be required to enter into a Utility Extension Agreement with the city for extension of any utility lines.

The subject development is a portion of a future trail system running from Little Cedar Bayou Park to Bayshore Elementary. The developer will be responsible for construction of that portion of the hike and bike trail on this property in accordance with city requirements in terms of location and construction specifications. In order to provide connectivity between the hike and bike trail and the development, the applicant shall also provide a trail spur to and through the site.

ATTACHMENTS

- Exhibit A: Proposed General Plan and Project Description Letter
- Exhibit B: Area Map/Zoning Map
- Exhibit C: Land Use Map



Special Conditional Use Permit Application

Planning and Development Department

604 West Fairmont Parkway

La Porte, Texas 77571

281-470-5057

OVERVIEW

Approval of a Special Conditional Use Permit (SCUP) is required under the following circumstances:

1. To consider approval of certain uses identified as "Conditional Uses" in the city's Commercial and Industrial Use table (Section 106-310 of City of La Porte Code of Ordinances) and Residential Use table (Section 106-331).
2. When developing property in a Planned Unit Development (PUD) zone district, consideration of a SCUP is required in accordance with Section 106-659 of the Code of Ordinances.

SCUP requests are reviewed by the Planning and Zoning Commission as a public hearing. The Commission consists of residents of the community appointed by City Council. The Commission meets on the third Thursday of every month, as necessary. The Commission will forward a recommendation to the City Council for final consideration.

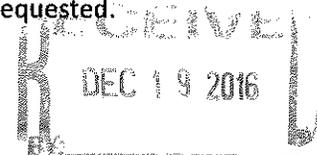
SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department at least three (3) weeks prior to the desired hearing date.

- Completed **application form**.
- Application fee** of \$400; nonrefundable.
- Site plan, conceptual site plan or general plan**, drawn to scale and dimensioned to show the location of proposed improvements for the development.
- Project description/justification letter** that thoroughly explains what is being requested and why such SCUP should be approved by the Planning and Zoning Commission and City Council.
- Affidavit of posting** fully executed that ensures the applicant will post the required public hearing sign on the property for at least 10 days prior to the Planning and Zoning Commission meeting date. Such sign will be provided by the Planning and Development Department.

PROCESS

- Upon receipt of a complete application package by the Planning and Development Department, the SCUP request will be scheduled for the next available Planning and Zoning Commission meeting date as a public hearing.
- The Planning and Development Department will provide the applicant with a Notice of Public Hearing sign that must be posted on the property where the SCUP is being requested. The sign must be posted on the property visible and within 20 feet from the abutting street for a minimum of 10 days before the scheduled public hearing.
- The Planning and Development Department will publish notice of the public hearing in the Bay Area Observer and at City Hall in conformance with legal requirements. Additionally, the city will send notice of the public hearing to all property owners within 200 feet of the subject property where the SCUP is being requested.





Special Conditional Use Permit Application

Planning and Development Department

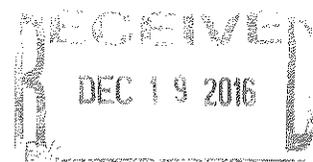
- The Planning and Zoning Commission public hearing will be held in the City Council Chamber at City Hall (604 W. Fairmont Parkway). At the meeting, the Planning and Zoning Commission will conduct a public hearing and provide a recommendation to the City Council on the proposed SCUP. If additional information is requested by the Commission, the public hearing may be continued to a future meeting date.
- The Commission and City Council may impose special conditions on an SCUP in an attempt to ensure compatibility of the proposed development with surrounding properties and the community as a whole.
- The Commission is tasked to review the proposed SCUP and offer a recommendation to the City Council for approval, denial, or approval with conditions.
- Following the Commission's public hearing, their recommendation on the proposed SCUP is then forwarded to City Council for consideration.
- For the City Council public hearing, the Planning and Development Department will publish notice of the public hearing in the Bay Area Observer and post notice at City Hall in conformance with legal requirements.
- The City Council public hearing will be held in the City Council Chamber at City Hall (604 W. Fairmont Parkway). At the meeting, the City Council will conduct a public hearing and render a decision on the proposed SCUP. However, if additional information is requested by the City Council, the public hearing may be continued to a future meeting date.
- The following is an excerpt from the City of La Porte's Code of Ordinances pertaining to SCUP requests.

CODE REQUIREMENTS

Conditional Use Permits

Sec. 106-216. - General conditions for all conditional uses in all zoning districts.

- (a) A special conditional use permit may be granted by the city council for the construction of a building and/or the establishment of a use as described in this or any other section, upon a tract of land in single ownership or under unified control.
- (b) Upon application for a special conditional use permit and submission of a general plan, major development site plan, minor development site plan, or preliminary plat (as the case may be), the city planning and zoning commission shall conduct a public hearing, duly advertised and with proper notice being given to all parties affected, as provided in [section 106-171](#) (Amendment procedures). The general site plan, major development site plan, minor development site plan, or preliminary plat shall be drawn to scale and shall show the arrangement of the project in detail, including parking facilities, location of buildings, building uses to be permitted, means of ingress and egress, and other pertinent information, together with the information required by the development ordinance of the city.
- (c) After public hearing and upon recommendation of the city planning and zoning commission, the city council may modify the final planned unit development plan and issue a special conditional use permit containing such requirements and safeguards as are necessary to protect adjoining property.
- (d) Failure to begin construction within one year 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.





Special Conditional Use Permit Application

Planning and Development Department

(e) If construction is terminated after the completion of any stage and there is ample evidence that further development is not contemplated, the division 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, and the previous zoning of the entire tract shall be in full effect on the portion which is undeveloped.

(f) Every special conditional use permit granted as provided herein shall be considered as an amendment to the zoning ordinance as applicable to such property.

Sec. 106-217. - Conditions for approval.

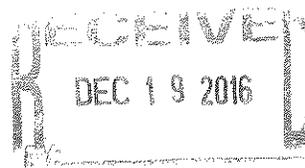
A special conditional use permit shall be issued only if all of the following conditions have been found:

- (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.
- (2) That the conditions placed on such use as specified in each district have been met by the applicant.
- (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.

Sec. 106-218. - Amendments.

The procedure for amendments for a special conditional use permit shall be the same as for a new application.

Please note that requirements for notification of the public hearing are subject to the provisions of Section 106-171 of the Code of Ordinances.





Special Conditional Use Permit Application

Planning and Development Department

PROJECT INFORMATION

Address where SCUP is being requested: Not assigned at this time

Legal description where SCUP is being requested: Tract 1L, Abstract 35 J Hunter & Tr 1 Abstract 35 J Hunter

HCAD Parcel Number where SCUP is being requested: 0402780010034 & 0402780010007

Zoning District: PUD Residential Lot area: 20 acres & 19.45

A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte. Parcel #0402780010034 / 0402780010007

Description of Request: PUD residential to PUD Conditional Use Permit

Attached hereto is a Project Description Letter describing the project and outlining the reasons why such SCUP should be approved.

PROPERTY OWNER(S) INFORMATION

Name: BayForest Ranch, LTD / Dr. Malladi S. Reddy

Company (if applicable): BayForest Ranch, LTD / 92 Fairmont Lakes, Inc.

Address: 5325 Katy Freeway, Ste 1, Houston, TX 77007 / 2398 Baycrest Drive, Houston, TX 77058

City: Houston State: Tx Zip: 77007 / 77058

Phone: 832-489-6077 / 281-468-5190 Email: judith@mbafundingcorp.com/Dr. Reddy email is unavailable

AUTHORIZED AGENT (if other than owner)

Name: David Miles

Company (if applicable): Western Spherical Developers, LLC

Address: 907 S. Friendswood Dr, Ste 303

City: Friendswood State: TX Zip: 77546

Phone: 936-675-0054 Email: dcmiles@sphericaldev.com

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature:

Date: 12/18/2016

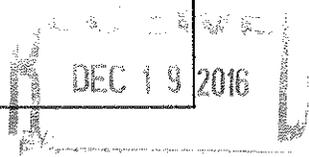
Owner(s)' Signature(s): _____

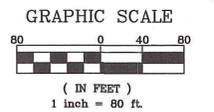
Date: _____

STAFF USE ONLY:

Case Number: _____

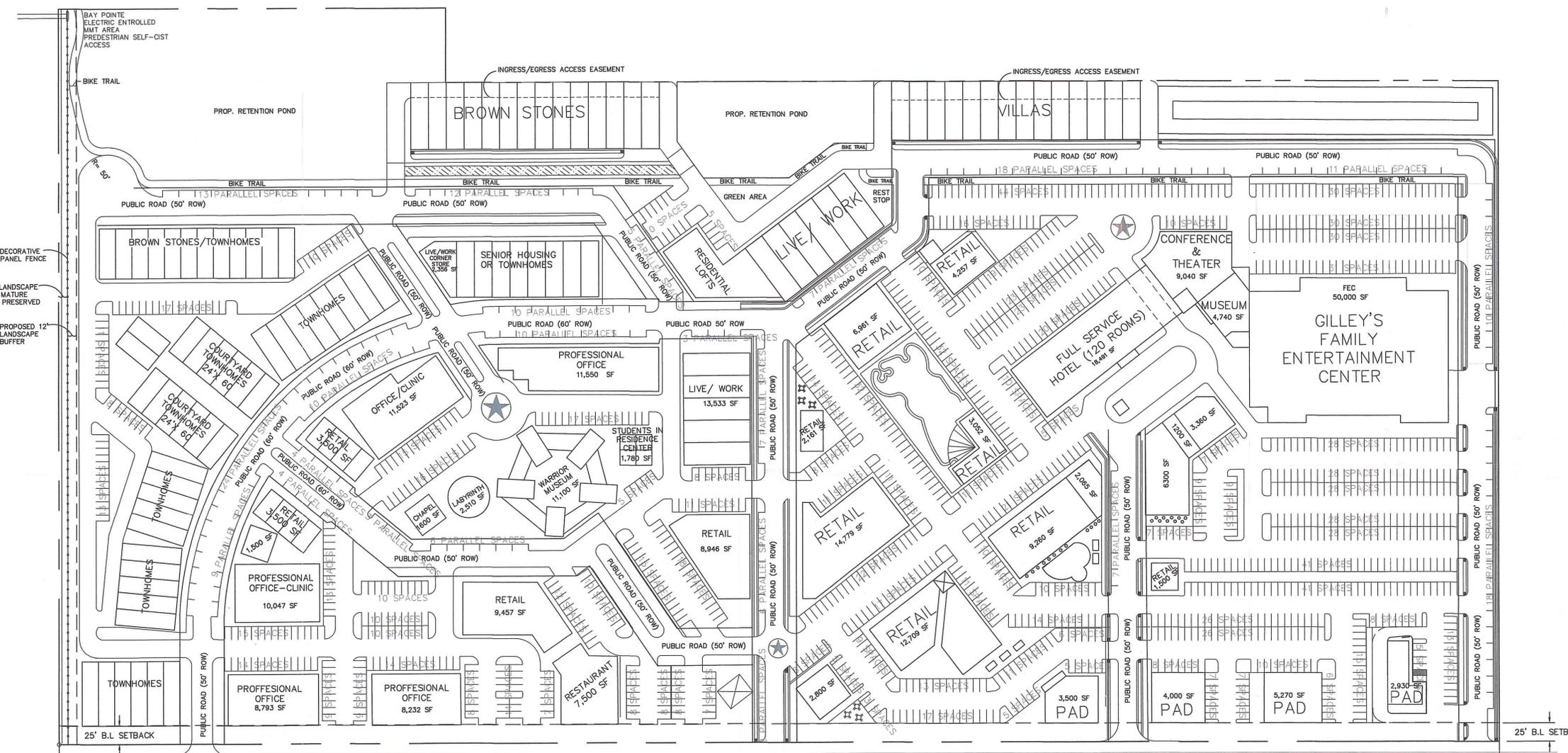
Date Application Received: _____





PARKING TABULATION

1. TOWNHOMES:
REQUIRED = 96 UNITS X 2 = 192 SPACES
PROVIDED = 192 SPACES
 2. LIVE/WORK:
REQUIRED = 11 UNITS X 2 = 22 SPACES
PROVIDED = 22 SPACES
 3. OFFICE(S):
REQUIRED = 51,000 SF X 0.003 = 153 SPACES
PROVIDED = 153 SPACES
 4. RETAIL:
REQUIRED = 94,500 SF X 0.004 = 378 SPACES
PROVIDED = 378 SPACES
 5. RESTAURANT:
REQUIRED = 26,000 SF X 0.008 = 208 SPACES
PROVIDED = 265 SPACES
 6. EVENT:
REQUIRED = 30,800 SF X 0.004 = 123 SPACES
PROVIDED = 152 SPACES
 7. ENTERTAINMENT:
REQUIRED = 68,350 SF X 0.005 = 342 SPACES
PROVIDED = 395 SPACES
- TOTAL REQUIRED SPACES = 1,418 SPACES
TOTAL PROVIDED SPACES = 1,557 SPACES



FAIRMONT PARKWAY
0.7 MI NORTH

STATE HWY 146
R.O.W VARIES

WHARTON WEEMS BLVD
0.4 MI SOUTH

APP.	REVISIONS	DATE

Everest Design Group, llc
Planning, Engineering, Construction Management
TBPE FIRM NO. F-9440
907 S. Friendswood Drive, Suite 200
Friendswood, Texas 77546
P: 281-993-3770 FAX: 281-648-2294

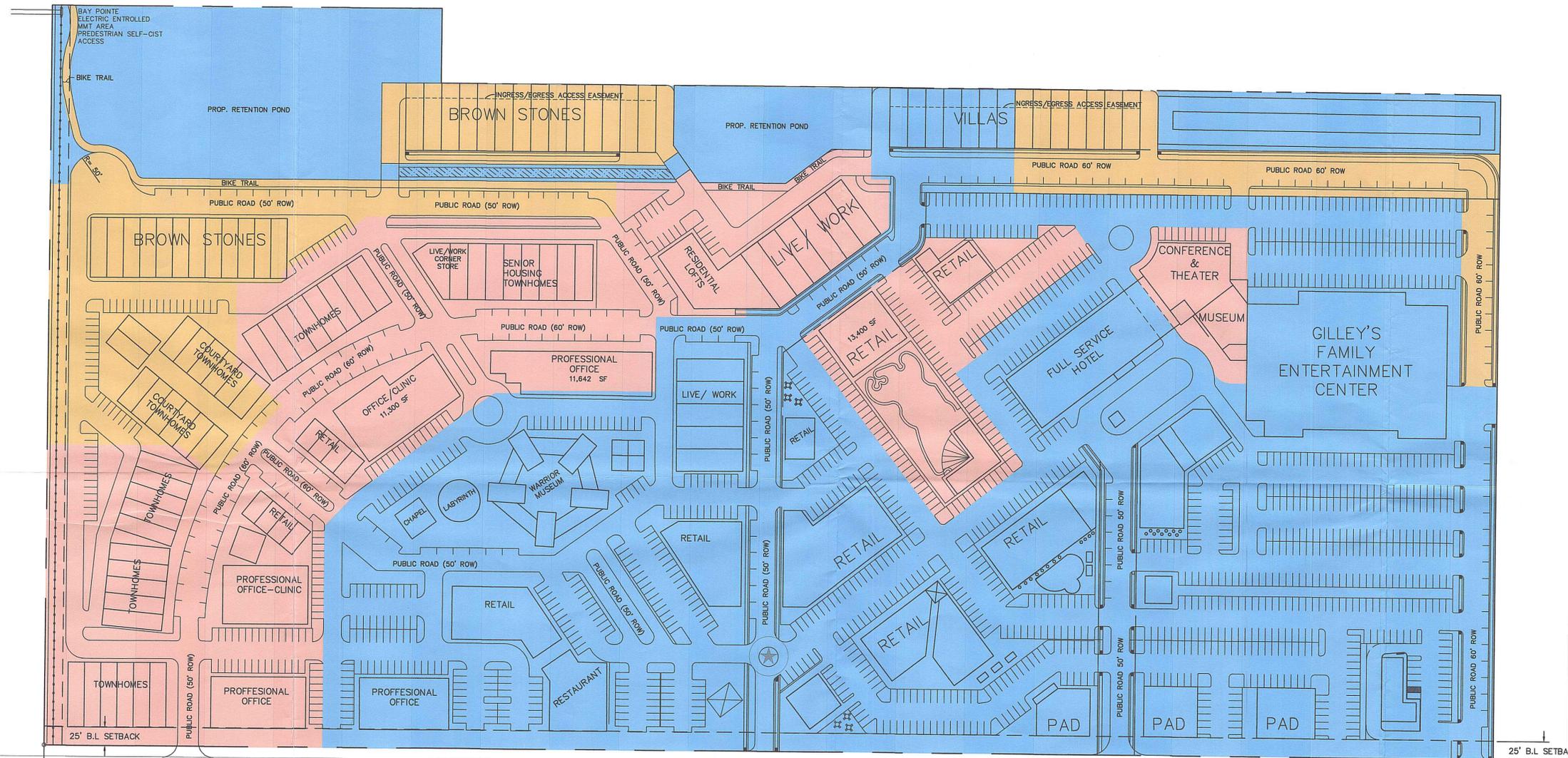
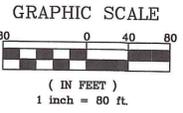
PROJECT: **LA PORTE TOWN CENTER**
STATE HWY 146, LA PORTE, TX 77571

OVERALL LAND USE PLAN

CITY OF LA PORTE, TEXAS

PROJECT NO:	
DRAWING SCALE	
HORZ: AS SHOWN	
VERT:	

RECEIVED
DEC 19 2016



LEGEND

	PHASE I
	PHASE II
	PHASE III

APP.	REVISIONS	DATE

Everest Design Group, llc
 Planning, Engineering, Construction Management
 TBPE FIRM NO. F-9440
 907 S. Friendswood Drive, Suite 200
 Friendswood, Texas 77546
 P: 281-993-3770 FAX: 281-648-2294

PROJECT: **LA PORTE TOWN CENTER**
 STATE HWY 146, LA PORTE, TX 77571

PHASING PLAN

CITY OF LA PORTE, TEXAS

PROJECT NO:	
DRAWING SCALE	
HORZ: AS SHOWN	
VERT:	

RECEIVED
DEC 19 2006

FAIRMONT PARKWAY
0.7 MI NORTH

STATE HWY 146
R.O.W VARIES

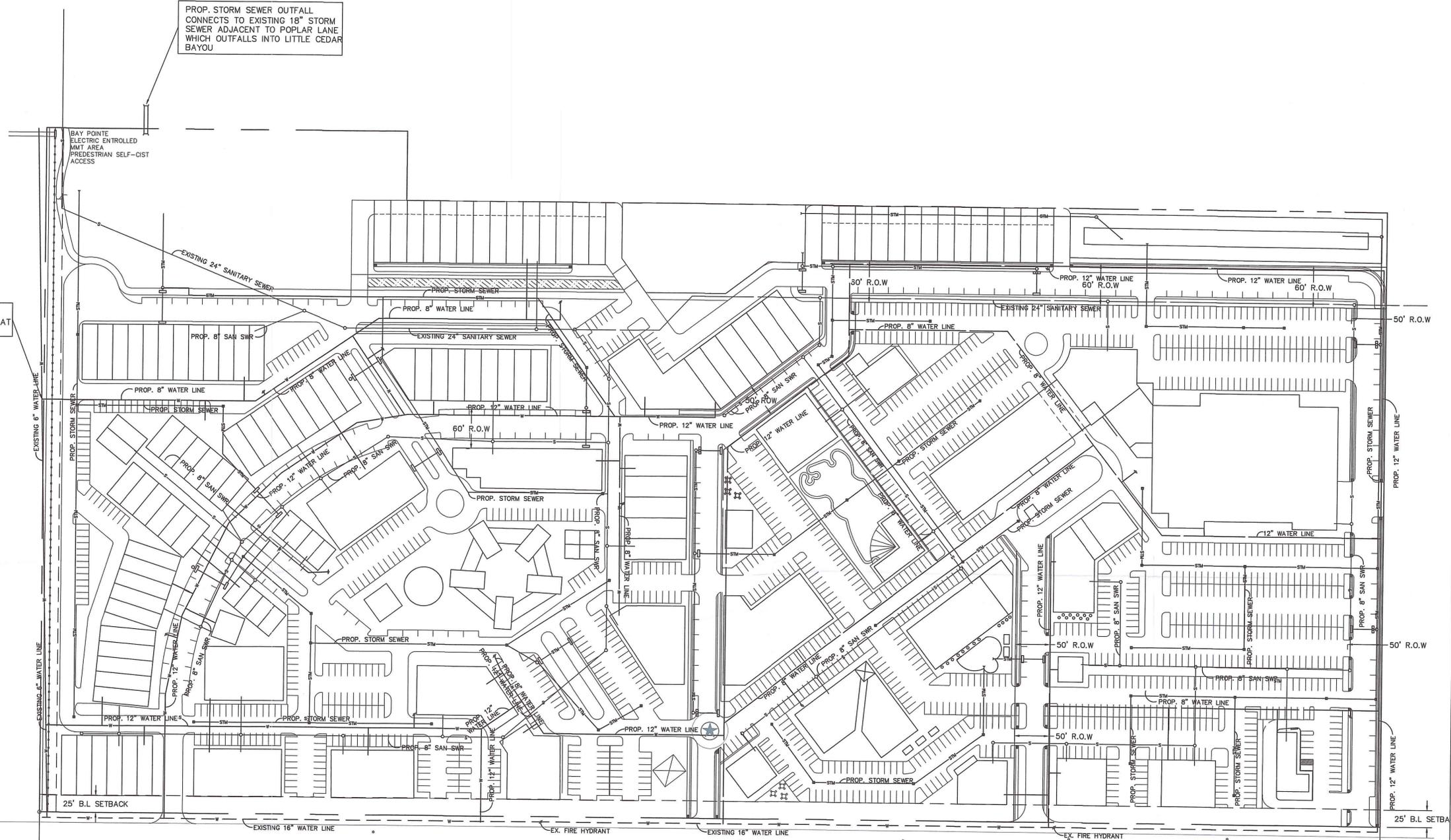
WHARTON WEEMS BLVD
0.4 MI SOUTH

25' B.L. SETBACK

25' B.L. SETBACK

PROP. STORM SEWER OUTFALL
CONNECTS TO EXISTING 18" STORM
SEWER ADJACENT TO POPLAR LANE
WHICH OUTFALLS INTO LITTLE CEDAR
BAYOU

PROP. 8" WATER LINE WILL
CONNECT TO EX. 6" WATER LINE AT
POPLAR LANE



FAIRMONT
PARKWAY
0.7 MI
NORTH

STATE HWY 146
R.O.W VARIES

WHARTON WEEMS
BLVD
0.4 MI
SOUTH

APP.	REVISIONS	DATE
▲		
▲		
▲		

Everest Design Group, llc
 Planning, Engineering, Construction
 Management
 TBPE FIRM NO. F-9440
 907 S. Friendswood Drive, Suite 200
 Friendswood, Texas 77546
 P. 281-993-3770 FAX: 281-648-2294

PROJECT: **LA PORTE TOWN CENTER**
 STATE HWY 146, LA PORTE, TX 77571

**OVERALL
 UTILITY PLAN**

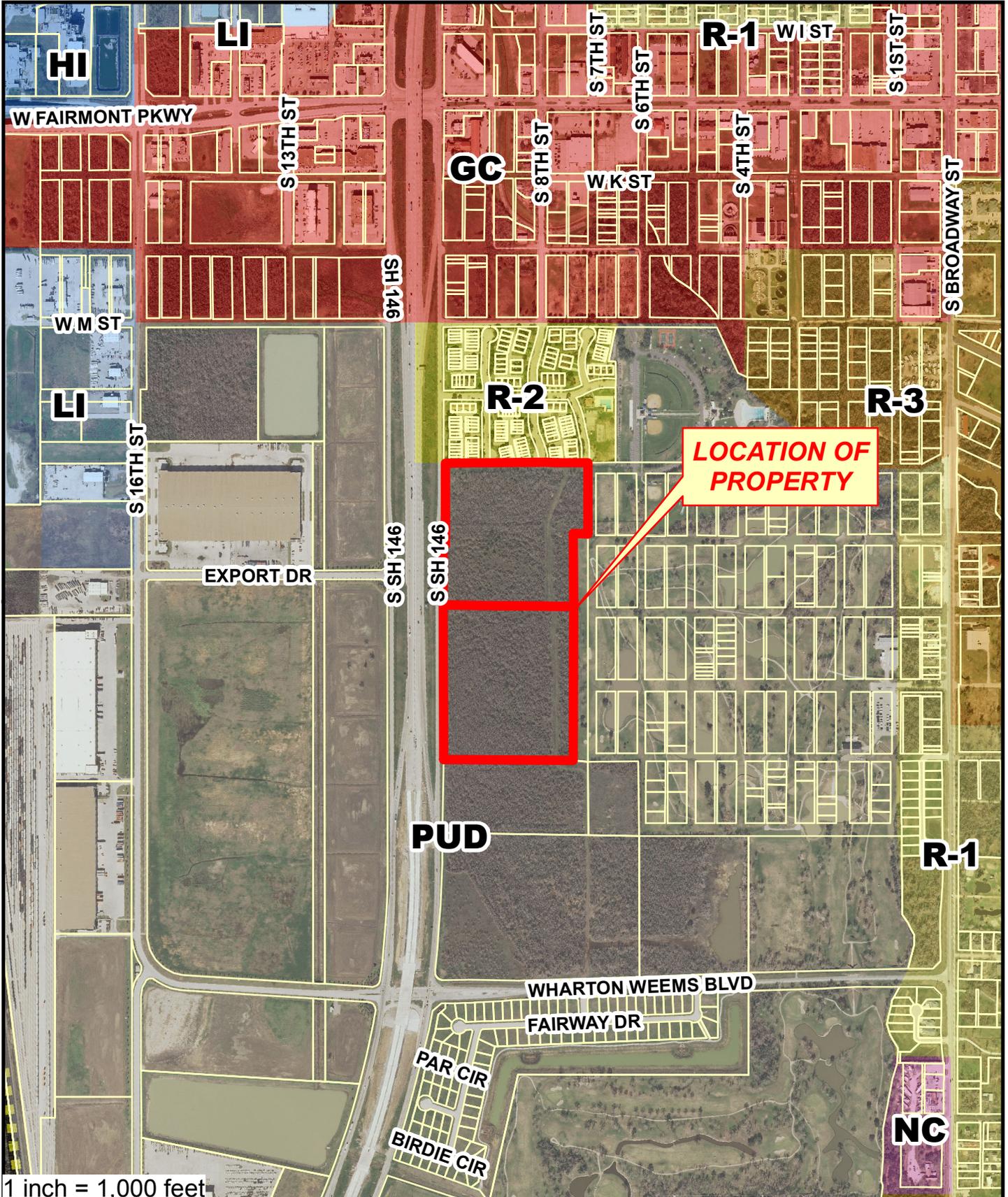
CITY OF LA PORTE, TEXAS

PROJECT NO:	
DRAWING SCALE	
HORZ: AS SHOWN	
VERT:	

RECEIVED
 DEC 19 2016

AREA/ZONING MAP

SCUP REQ. #16-9100004

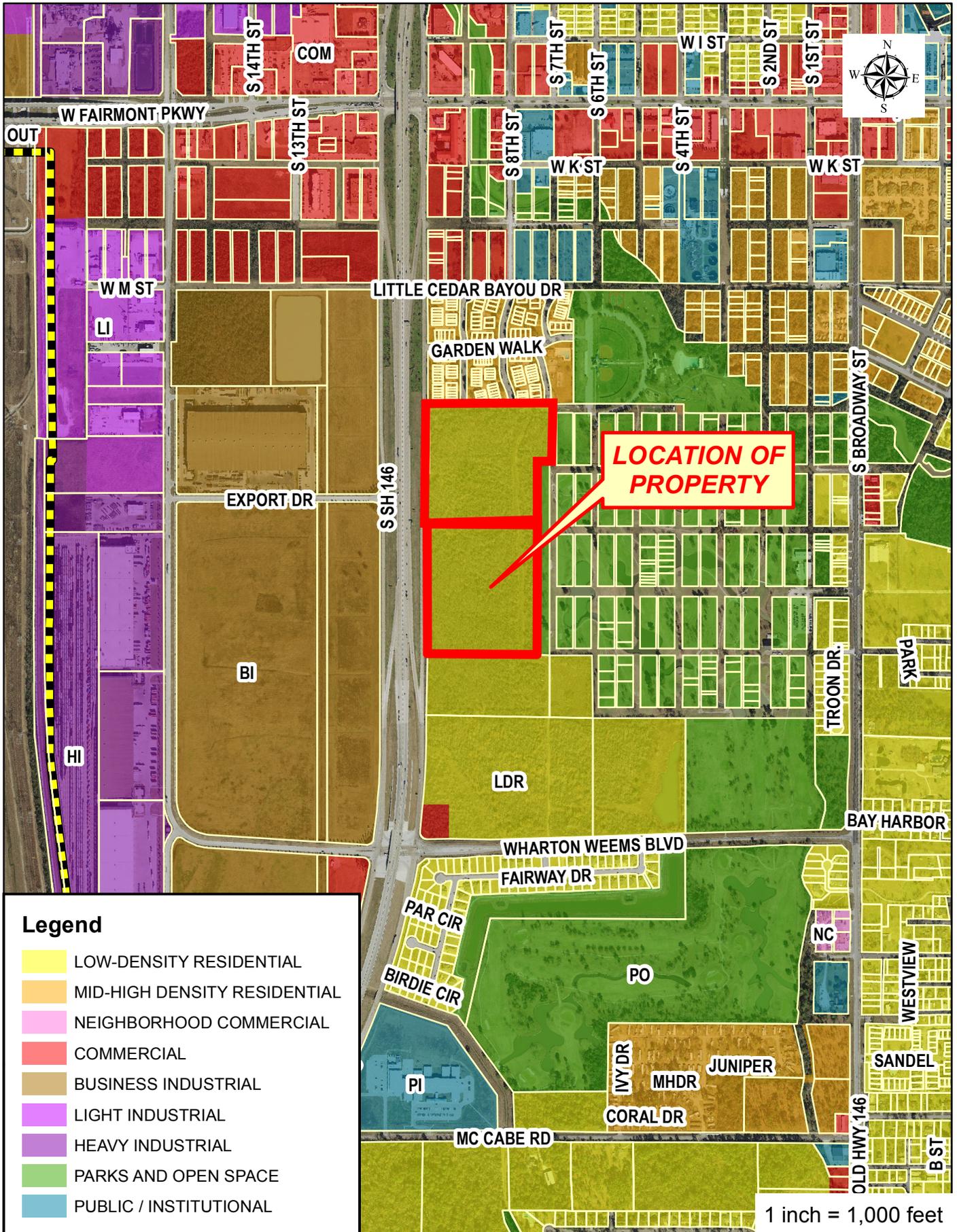


1 inch = 1,000 feet

LAND USE MAP

EXHIBIT C

SCUP REQ. #16-91000004



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



January 19, 2017

AGENDA ITEMS 13-15

Consider recommendation on Special Conditional Use Permit (#16-91000004),
a request to allow for construction of an
entertainment, commercial and residential mixed use development
on a 40 acre tract described as Tracts 1 and 1L Johnson Hunter Survey, Abstract 35,
La Porte, Harris County, Texas

Applicant: David Miles, Western Spherical Developers, LLC

*Ian Clowes, 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 David Miles of Western Spherical developers, LLC for a Special Conditional Use Permit (SCUP) to allow construction of an entertainment, commercial and residential mixed use development on a 40 acre tract described as Tracts 1 and 1L, Johnson Hunter Survey, Abstract 35, La Porte, Harris County, Texas.

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:

Bayforest Ranch, LTD/Dr. Malladi S. Reddy (92 Fairmont Lake, Inc.)

Developer/Applicant:

David Miles, Western Spherical Developers, LLC.

Applicant's Request:

The applicant is seeking approval of this SCUP to allow for construction of a mixed use town center development on the subject property. The applicant is under contract to acquire two 20 acre tracts of land. The proposed development will encompass the previously approved La Porte Town Center Phase I, which is about to expire, with an additional 20 acres, for a total of 40 acres. The attached Exhibit A includes the SCUP Application, project description letter and conceptual site plan submitted by the applicant. The attached Exhibit B is the General Plan for the tract of land that indicates the approximate scale of development and proposed use of the property.

Background Information:

The subject site is approximately 40 acres in area and is located on the east side of State Highway 146 north of Wharton Weems. The attached Exhibit C is an Area/Zoning Map showing the location of the subject property with the current and surrounding zoning. The site is currently zoned PUD, Planned Unit Development, and is vacant

The legal description of the property is Tracts 1 and 1L, Johnson Hunter Survey, Abstract 35, La Porte, Harris County, Texas. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	PUD, Planned Unit Development	Vacant, undeveloped (identified in the Future Land Use Plan as "Low Density Residential")
South	PUD, Planned Unit Development	Vacant, undeveloped (identified in the Future Land Use Plan as "Low Density Residential")
West	PUD, Planned Unit Development	State Highway 146 right-of-way, with undeveloped Port Crossing Industrial Business Park on the west side of the ROW
East	PUD, Planned Unit Development	La Porte Municipal Golf Course

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 "Low Density Residential" uses.

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.

The proposed development includes a mix of land uses. Those uses are laid out in the La Porte Town Center General Plan presented as Agenda Item #4 on tonight's agenda and included as part of Exhibit B of this report. The following is a breakdown of land uses outlined by the applicant in the attached project description letter:

- 62,000 square foot entertainment center
- 20,000 square foot conference, theater and museum
- 90,000 square foot retail cluster
- 50,000 square feet of office space
- 30,000 square foot Portrait of a Warrior Memorial Art Gallery

- 14 brownstone townhomes
- 12 live-work units
- 72 townhome units
- 14 brownstone units
- 114 room hotel
- 2 acres of park and water features

Staff is recommending a number of conditions associated with land use be required as part of the SCUP:

1. Land uses are permitted in accordance with the La Porte Town Center General Plan. Any modifications to such plan in the future will require consideration by the Planning and Zoning Commission.
2. Approval of this SCUP would allow for General Commercial uses in the commercial area, excluding a number of uses that are more intense than retail/service/office uses, including automotive related, general contractors, etc.
3. The townhouse development should be constructed in accordance with the provisions of Section 106-333 of the Code of Ordinances, which outlines general requirements for townhouse development. Any deviation from these requirements would require approval of a variance by the Board of Adjustment. These units would be subject to all applicable building code requirements for fire rating.
4. Live-work units are a concept intended to provide for businesses on the main floor and residential above. The live-work units are permitted subject to the setback requirements outlined for development in the Main Street Overlay District, which stipulates a 0' front setback, 20' rear setback, and 0' side setback. These units would be subject to all applicable building code requirements for fire rating. Any deviation from these requirements would be subject to approval of a variance by the Board of Adjustment.

Adjacent Development.

In 2007, the city approved a General Plan for the adjacent tracts of land north and south of the subject site called "Lakes at Fairmont Greens" (see the attached Exhibit E). The development included various phases of single family detached residential development. The phases developed to this point are the DR Horton Homes development at the southeast corner of Wharton Weems and Highway 146 and Bayshore Elementary School at the northeast corner of Mc Cabe and Highway 146.

The previously approved La Porte Town Center only included the 20 acre parcel sandwiched between the northern and southern sections of the Lakes at Fairmont Green proposed development. This new proposal for La Porte Town Center now includes the northern 20 acre parcel of Lakes at Fairmont Green. The northern boundary of the new project now abuts the existing Bay Pointe Townhome community.

As a result, the applicant is proposing a fence along the northern boundary to create separation between the two communities.

Site Plan.

The applicant has submitted a conceptual site layout as part of their General Plan, however this is not a formal site plan submittal and staff has not reviewed the document for compliance with 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, in compliance with applicable code requirements, to the Planning and Zoning Commission for approval. The site plan will be required to comply with all requirements of Chapter 106, Zoning, unless a variance is approved by the Board of Adjustment.

Design Guidelines.

Article IX of Chapter 106 outlines the city's design guidelines for exterior building façades. Because the site is along Highway 146 which is the primary corridor through the city, it is categorized as a Tier 1 building that requires certain specific design and façade treatments. The development will be required to comply with such requirements.

Hike and Bike Trail.

The city's Comprehensive Plan describes a desire for a hike and bike trail system connection north and south from Little Cedar Bayou Park to Bayshore Elementary School. The subject development is a portion of that future trail system. As a condition of this SCUP, the developer shall construct that portion of the hike and bike trail on this property in accordance with city requirements in terms of location and construction specifications. Additionally the applicant shall, upon completion of trail construction, dedicate to the city a permanent public trail easement 20-foot on center for future maintenance of the trail. In order to provide connectivity between the hike and bike trail and the development, the applicant shall provide a trail spur to and through the site.

Parking.

The applicant will be required to provide parking in accordance with the city's parking requirements. The number of parking spaces required in relation to the amount of parking provided will be worked out at the time of site plan review. Staff does have some concern that the amount of parking might not be sufficient to accommodate all the proposed uses. However, until site development plans are submitted for review, staff cannot accurately verify whether the amount of parking is in compliance with applicable code requirements. This will be verified at the time the site plans are submitted.

Staff is also concerned with the location of parking along Highway 146. Staff encourages parking be toward the center of the development, where possible, meaning that buildings should be moved closer to the public right-of-way. A condition has been included requesting the applicant to minimize the amount of parking stalls along the Highway 146 frontage or install landscaping and planter islands in such a manner as to break up the parking.

Public Streets.

The applicant has indicated a desire to subdivide parcels and sell off those out-parcels or pad sites to others for development. As a result, public streets are required for access to those parcels. The applicant will be required to replat the tract of land and as part of such replatting will be required to dedicate rights-of-way for any required public roads. Typically all public improvements are required to be installed and accepted by the city prior to the recordation of the final plat. Since the applicant is proposing to develop the project in phases, staff is recommending a condition that allows the applicant to enter into a development agreement with the city to ensure that such improvements be installed. Said development agreement will further outline a time-frame for completion of such improvements along with a financial guarantee, approved by the city, for such improvements.

Traffic Impacts.

There is not enough information at this time to determine traffic impacts associated with the proposed development. As a result, staff is requesting consideration of a condition that would require submittal of a traffic impact analysis that will review the potential traffic generated from this facility and its impacts on the system. Any potential negative impacts directly associated with the development of the property would have to be mitigated and incorporated in the site development plan, on a proportionate level.

Public Utilities.

Public utility facilities and services are sufficient to handle the proposed development. Water and sanitary sewer lines are both available in the vicinity, with water in the Highway 146 right-of-way and sanitary sewer in an easement that runs through the parcel on the east side. The applicant is proposing a public street along the easement, which is acceptable. The applicant will be required to enter into a utility extension agreement with the city for any extension of public water and sewer lines associated with the development. Any utility extensions will be determined at the time of site development plan review and shall be constructed at the cost of the developer.

Drainage.

The development of this site will require on-site detention. All drainage and detention requirement will be reviewed as part of the site plan submittal. Sufficient detention will be required.

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.

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 development has been designed in a manner to be compatible with and provide services to surrounding development and conditions have been included in the proposed SCUP to ensure compatibility with future development of the adjacent undeveloped tracts of land immediately to the north and south of the proposed development. The development of this site will enhance the property values in the area and is a significant investment in the community.
(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.

Planning and Zoning Commission Regular Meeting
January 19, 2017
La Porte Town Center SCUP

2. All buildings shall meet or exceed the Design Standards outlined in Article IX, Chapter 106 of the Code of Ordinances.
3. Land uses permitted in accordance with the La Porte Town Center General Plan. Any modifications to the approved General Plan require approval by the Planning and Zoning Commission in accordance with the city's Development Ordinance.
4. Land uses permitted in the commercial area (all areas excluding residential land uses) shall be in accordance with the uses permitted in Chapter 106, Zoning, of the city's Code of Ordinances Use Chart under GC (General Commercial) at the effective date of this SCUP, excluding the following uses:
 - a. Automobile repair and maintenance (811111-811198);
 - b. Construction, Mining and Forestry Machinery and Equipment Rental and Leasing (532412);
 - c. Office Machinery and Equipment Rental and Leasing (532420);
 - d. Other Commercial and Industrial Machinery and Equipment Rental and Leasing (532490);
 - e. Transit and Ground Passenger Transportation (485111-485999);
 - f. Motor Vehicle Parts and Dealers (441110-441228);
 - g. Furniture and Related Product Manufacturing (337110-337122);
 - h. Construction of Buildings (236115-236118);
 - i. Contractors (238110-238390).
5. The residential land uses identified in the General Plan as "Townhouse" or "Brownstone" shall be constructed in accordance with the requirements outlined in Section 106-333 of the Code of Ordinances and applicable building code requirements and shall be limited to townhouse development only – not multifamily apartments or condominiums. Additionally, the "Live-Work" units are permitted and shall comply with applicable setbacks that would be required for buildings in the Main Street Overlay District.
6. The perimeter boundaries of the property along the north, south and east property lines shall include the installation of an 8-foot high solid masonry fence intended to mitigate the impact of development on future residential development, as identified in the city's Future Land Use Plan. Additionally, shade trees shall be planted at 20' on center along the fence line. If land uses on the adjacent properties are modified in the future allowing for similar uses, then such fence and landscaping shall not be required.
7. The applicant shall install the segment of the city's Hike and Bike Trail through the development area as identified in the city's Comprehensive Plan. The construction of the trail shall be in accordance with all applicable requirements and specifications required by the City Engineer. Additionally, following construction of the Hike and Bike Trail, the developer shall dedicate to the City

of La Porte a permanent public trail easement 20' on center for the Hike and Bike Trail.

8. The developer shall provide internal connection between the city's Hike and Bike Trail to the development.
9. The developer shall work with staff at the time of site plan review to minimize the amount of parking stalls along the Highway 146 frontage. This should be accommodated by relocating buildings in a manner that places parking on the side of the building or internal to the development. If this is not possible, the developer may install planter islands at 1 per 10 spaces for both rows of parking along a drive aisle parallel to Highway 146. Additionally, hedges shall be planted at 3-foot on center in two rows of plantings. Such hedge row shall be installed with a variety of plant material to provide visual diversity of plant materials.
10. The developer will be required to replat the subject property in accordance with the requirements of the city's code requirements.
11. All public streets internal to the development site shall be constructed in accordance with the city's Public Improvement Criteria Manual and shall be dedicated to the city. Regardless of phasing of the development, any dedication of public improvements identified as part of the plat must be accepted by the city prior to the recordation of the Final Plat. Should the developer desire to construct such public streets at a later time, then a development agreement shall be required between the city and developer that provides a financial guarantee, as approved by the city, that will ensure that said public roads will be installed and a date for which those improvements must be made.
12. Parking on any public street shall only be permitted on one side of the street and shall be signed by the developer in accordance with applicable sign requirements.
13. Access to any public right-of-way is subject to the requirements of Section 106-835, Figure 10-3 and will be reviewed at the time of Site Development Plan. TXDOT right-of-way access permits shall be presented prior to permit issuance for all driveways requested on Highway 146. Maximum driveway widths shall be provided in compliance with city code requirements.
14. The developer will be required to submit for approval by the Engineering Manager, a drainage report indicating how the proposed development will accommodate the requirements for storm water detention in accordance with the city's Public Improvement Criteria Manual, or if discharging in a TXDOT or Harris County system, approval by such authority.
15. Because Highway 146 has been identified as a significant corridor in the community, the developer shall work with the Planning and Zoning Commission at the time of site plan review on a landscape theme along the Highway 146 frontage. Such theme shall be above and beyond the requirements outlined in Section 106-800 of the city's Code of Ordinances.
16. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.

17. A traffic impact analysis, performed by a licensed engineer agreed to by both the City and the applicant, shall be required. If any mitigation is required by the study, the applicant will be responsible for their proportion of the impact. All contributions would be subject to reimbursement through the TIRZ, pursuant to approval by the TIRZ Board.
18. If extension of any public water or sanitary sewer line is required as part of this development, the applicant will be required to execute a utility extension agreement with the city and install such improvements at the cost of the developer.
19. No development permits shall be issued for any work within the 40 acre project prior to the applicant obtaining construction permits and commencing construction of the required drainage interconnect under Wharton Weems Blvd. This interconnect is meant to connect two existing detention basins and is vital to the entire projects overall drainage system.
20. 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/Zoning Map
- Exhibit D: Future Land Use Map
- Exhibit E: Lakes at Fairmont Green General Plan

**City of La Porte
Special Conditional Use Permit #16-9100004**

This permit is issued to: David Miles, Western Spherical Developers, LLC
Owner or Agent

907 S. Friendswood Drive, Suite 303; Friendswood, TX 77546
Address

For Development of: La Porte Town Center Mixed Use Development
Development Name

Vacant 40 acre parcel; located on State Highway 146 north of Wharton
Weems Boulevard
Address

Legal Description: Tracts 1 and 1L, Abstract 35, Johnson Hunter Survey

Zoning: PUD, Planned Unit Development

Use: Entertainment, Hotel and Conference Center, Commercial and Medium-Density Residential

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 buildings shall meet or exceed the Design Standards outlined in Article IX, Chapter 106 of the Code of Ordinances.
3. Land uses permitted in accordance with the La Porte Town Center General Plan. Any modifications to the approved General Plan require approval by the Planning and Zoning Commission in accordance with the city’s Development Ordinance.
4. Land uses permitted in the commercial area (all areas excluding residential land uses) shall be in accordance with the uses permitted in Chapter 106, Zoning, of the city’s Code of Ordinances Use Chart under GC (General Commercial) at the effective date of this SCUP, excluding the following uses:
 - a. Automobile repair and maintenance (811111-811198);
 - b. Construction, Mining and Forestry Machinery and Equipment Rental and Leasing (532412);
 - c. Office Machinery and Equipment Rental and Leasing (532420);
 - d. Other Commercial and Industrial Machinery and Equipment Rental and Leasing (532490);
 - e. Transit and Ground Passenger Transportation (485111-485999);

- f. Motor Vehicle Parts and Dealers (441110-441228);
 - g. Furniture and Related Product Manufacturing (337110-337122);
 - h. Construction of Buildings (236115-236118);
 - i. Contractors (238110-238390).
5. The residential land uses identified in the General Plan as “Townhouse” shall be constructed in accordance with the requirements outlined in Section 106-333 of the Code of Ordinances and applicable building code requirements and shall be limited to townhouse development only – not multifamily apartments or condominiums. Additionally, the “Live-Work” units are permitted and shall comply with applicable setbacks that would be required for buildings in the Main Street Overlay District.
 6. The perimeter boundaries of the property along the north, south and east property lines shall include the installation of an 8-foot high solid masonry fence intended to mitigate the impact of development on future residential development, as identified in the city’s Future Land Use Plan. Additionally, shade trees shall be planted at 20’ on center along the fence line. If land uses on the adjacent properties are modified in the future allowing for similar uses, then such fence and landscaping shall not be required.
 7. The applicant shall install the segment of the city’s Hike and Bike Trail through the development area as identified in the city’s Comprehensive Plan. The construction of the trail shall be in accordance with all applicable requirements and specifications required by the City Engineer. Additionally, following construction of the Hike and Bike Trail, the developer shall dedicate to the City of La Porte a permanent public trail easement 20’ on center for the Hike and Bike Trail.
 8. The developer shall provide internal connection between the city’s Hike and Bike Trail to the development.
 9. The developer shall work with staff at the time of site plan review to minimize the amount of parking stalls along the Highway 146 frontage. This should be accommodated by relocating buildings in a manner that places parking on the side of the building or internal to the development. If this is not possible, the developer may install planter islands at 1 per 10 spaces for both rows of parking along a drive aisle parallel to Highway 146. Additionally, hedges shall be planted at 3-foot on center in two rows of plantings. Such hedge row shall be installed with a variety of plant material to provide visual diversity of plant materials.
 10. The developer will be required to replat the subject property in accordance with the requirements of the city’s code requirements.
 11. All public streets internal to the development site shall be constructed in accordance with the city’s Public Improvement Criteria Manual and shall be dedicated to the city. Regardless of phasing of the development, any dedication of public improvements identified as part of the plat must be accepted by the city prior to the recordation of the Final Plat. Should the developer desire to construct such public streets at a later time, then a development agreement shall be required between the city and developer that provides a financial guarantee, as approved by the city, that will ensure that said public roads will be installed and a date for which those improvements must be made.
 12. Parking on any public street shall only be permitted on one side of the street and shall be signed by the developer in accordance with applicable sign requirements.
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15. Because Highway 146 has been identified as a significant corridor in the community, the developer shall work with the Planning and Zoning Commission at the time of site plan review on a landscape theme along the Highway 146 frontage. Such theme shall be above and beyond the requirements outlined in Section 106-800 of the city's Code of Ordinances.
16. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
17. A traffic impact analysis, performed by a licensed engineer agreed to by both the City and the applicant, shall be required. If any mitigation is required by the study, the applicant will be responsible for their proportion of the impact. All contributions would be subject to reimbursement through the TIRZ, pursuant to approval by the TIRZ Board.
18. If extension of any public water or sanitary sewer line is required as part of this development, the applicant will be required to execute a utility extension agreement with the city and install such improvements at the cost of the developer.
19. 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 building 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



Special Conditional Use Permit Application

Planning and Development Department

604 West Fairmont Parkway

La Porte, Texas 77571

281-470-5057

OVERVIEW

Approval of a Special Conditional Use Permit (SCUP) is required under the following circumstances:

1. To consider approval of certain uses identified as "Conditional Uses" in the city's Commercial and Industrial Use table (Section 106-310 of City of La Porte Code of Ordinances) and Residential Use table (Section 106-331).
2. When developing property in a Planned Unit Development (PUD) zone district, consideration of a SCUP is required in accordance with Section 106-659 of the Code of Ordinances.

SCUP requests are reviewed by the Planning and Zoning Commission as a public hearing. The Commission consists of residents of the community appointed by City Council. The Commission meets on the third Thursday of every month, as necessary. The Commission will forward a recommendation to the City Council for final consideration.

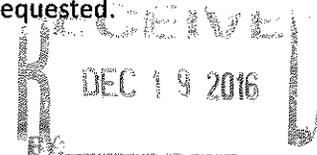
SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department at least three (3) weeks prior to the desired hearing date.

- Completed **application form**.
- Application fee** of \$400; nonrefundable.
- Site plan, conceptual site plan or general plan**, drawn to scale and dimensioned to show the location of proposed improvements for the development.
- Project description/justification letter** that thoroughly explains what is being requested and why such SCUP should be approved by the Planning and Zoning Commission and City Council.
- Affidavit of posting** fully executed that ensures the applicant will post the required public hearing sign on the property for at least 10 days prior to the Planning and Zoning Commission meeting date. Such sign will be provided by the Planning and Development Department.

PROCESS

- Upon receipt of a complete application package by the Planning and Development Department, the SCUP request will be scheduled for the next available Planning and Zoning Commission meeting date as a public hearing.
- The Planning and Development Department will provide the applicant with a Notice of Public Hearing sign that must be posted on the property where the SCUP is being requested. The sign must be posted on the property visible and within 20 feet from the abutting street for a minimum of 10 days before the scheduled public hearing.
- The Planning and Development Department will publish notice of the public hearing in the Bay Area Observer and at City Hall in conformance with legal requirements. Additionally, the city will send notice of the public hearing to all property owners within 200 feet of the subject property where the SCUP is being requested.





Special Conditional Use Permit Application

Planning and Development Department

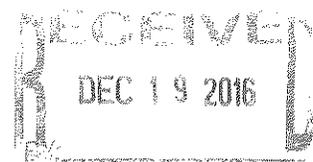
- The Planning and Zoning Commission public hearing will be held in the City Council Chamber at City Hall (604 W. Fairmont Parkway). At the meeting, the Planning and Zoning Commission will conduct a public hearing and provide a recommendation to the City Council on the proposed SCUP. If additional information is requested by the Commission, the public hearing may be continued to a future meeting date.
- The Commission and City Council may impose special conditions on an SCUP in an attempt to ensure compatibility of the proposed development with surrounding properties and the community as a whole.
- The Commission is tasked to review the proposed SCUP and offer a recommendation to the City Council for approval, denial, or approval with conditions.
- Following the Commission's public hearing, their recommendation on the proposed SCUP is then forwarded to City Council for consideration.
- For the City Council public hearing, the Planning and Development Department will publish notice of the public hearing in the Bay Area Observer and post notice at City Hall in conformance with legal requirements.
- The City Council public hearing will be held in the City Council Chamber at City Hall (604 W. Fairmont Parkway). At the meeting, the City Council will conduct a public hearing and render a decision on the proposed SCUP. However, if additional information is requested by the City Council, the public hearing may be continued to a future meeting date.
- The following is an excerpt from the City of La Porte's Code of Ordinances pertaining to SCUP requests.

CODE REQUIREMENTS

Conditional Use Permits

Sec. 106-216. - General conditions for all conditional uses in all zoning districts.

- (a) A special conditional use permit may be granted by the city council for the construction of a building and/or the establishment of a use as described in this or any other section, upon a tract of land in single ownership or under unified control.
- (b) Upon application for a special conditional use permit and submission of a general plan, major development site plan, minor development site plan, or preliminary plat (as the case may be), the city planning and zoning commission shall conduct a public hearing, duly advertised and with proper notice being given to all parties affected, as provided in [section 106-171](#) (Amendment procedures). The general site plan, major development site plan, minor development site plan, or preliminary plat shall be drawn to scale and shall show the arrangement of the project in detail, including parking facilities, location of buildings, building uses to be permitted, means of ingress and egress, and other pertinent information, together with the information required by the development ordinance of the city.
- (c) After public hearing and upon recommendation of the city planning and zoning commission, the city council may modify the final planned unit development plan and issue a special conditional use permit containing such requirements and safeguards as are necessary to protect adjoining property.
- (d) Failure to begin construction within one year 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.





Special Conditional Use Permit Application

Planning and Development Department

(e) If construction is terminated after the completion of any stage and there is ample evidence that further development is not contemplated, the division 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, and the previous zoning of the entire tract shall be in full effect on the portion which is undeveloped.

(f) Every special conditional use permit granted as provided herein shall be considered as an amendment to the zoning ordinance as applicable to such property.

Sec. 106-217. - Conditions for approval.

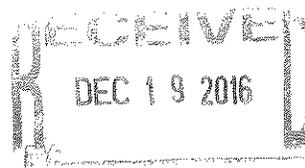
A special conditional use permit shall be issued only if all of the following conditions have been found:

- (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.
- (2) That the conditions placed on such use as specified in each district have been met by the applicant.
- (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.

Sec. 106-218. - Amendments.

The procedure for amendments for a special conditional use permit shall be the same as for a new application.

Please note that requirements for notification of the public hearing are subject to the provisions of Section 106-171 of the Code of Ordinances.





Special Conditional Use Permit Application

Planning and Development Department

PROJECT INFORMATION

Address where SCUP is being requested: Not assigned at this time

Legal description where SCUP is being requested: Tract 1L, Abstract 35 J Hunter & Tr 1 Abstract 35 J Hunter

HCAD Parcel Number where SCUP is being requested: 0402780010034 & 0402780010007

Zoning District: PUD Residential Lot area: 20 acres & 19.45

A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte. Parcel #0402780010034 / 0402780010007

Description of Request: PUD residential to PUD Conditional Use Permit

Attached hereto is a Project Description Letter describing the project and outlining the reasons why such SCUP should be approved.

PROPERTY OWNER(S) INFORMATION

Name: BayForest Ranch, LTD / Dr. Malladi S. Reddy

Company (if applicable): BayForest Ranch, LTD / 92 Fairmont Lakes, Inc.

Address: 5325 Katy Freeway, Ste 1, Houston, TX 77007 / 2398 Baycrest Drive, Houston, TX 77058

City: Houston State: Tx Zip: 77007 / 77058

Phone: 832-489-6077 / 281-468-5190 Email: judith@mbafundingcorp.com/Dr. Reddy email is unavailable

AUTHORIZED AGENT (if other than owner)

Name: David Miles

Company (if applicable): Western Spherical Developers, LLC

Address: 907 S. Friendswood Dr, Ste 303

City: Friendswood State: TX Zip: 77546

Phone: 936-675-0054 Email: dcmiles@sphericaldev.com

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature:

Date: 12/18/2016

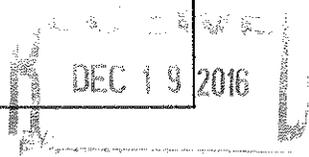
Owner(s)' Signature(s): _____

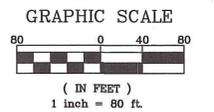
Date: _____

STAFF USE ONLY:

Case Number: _____

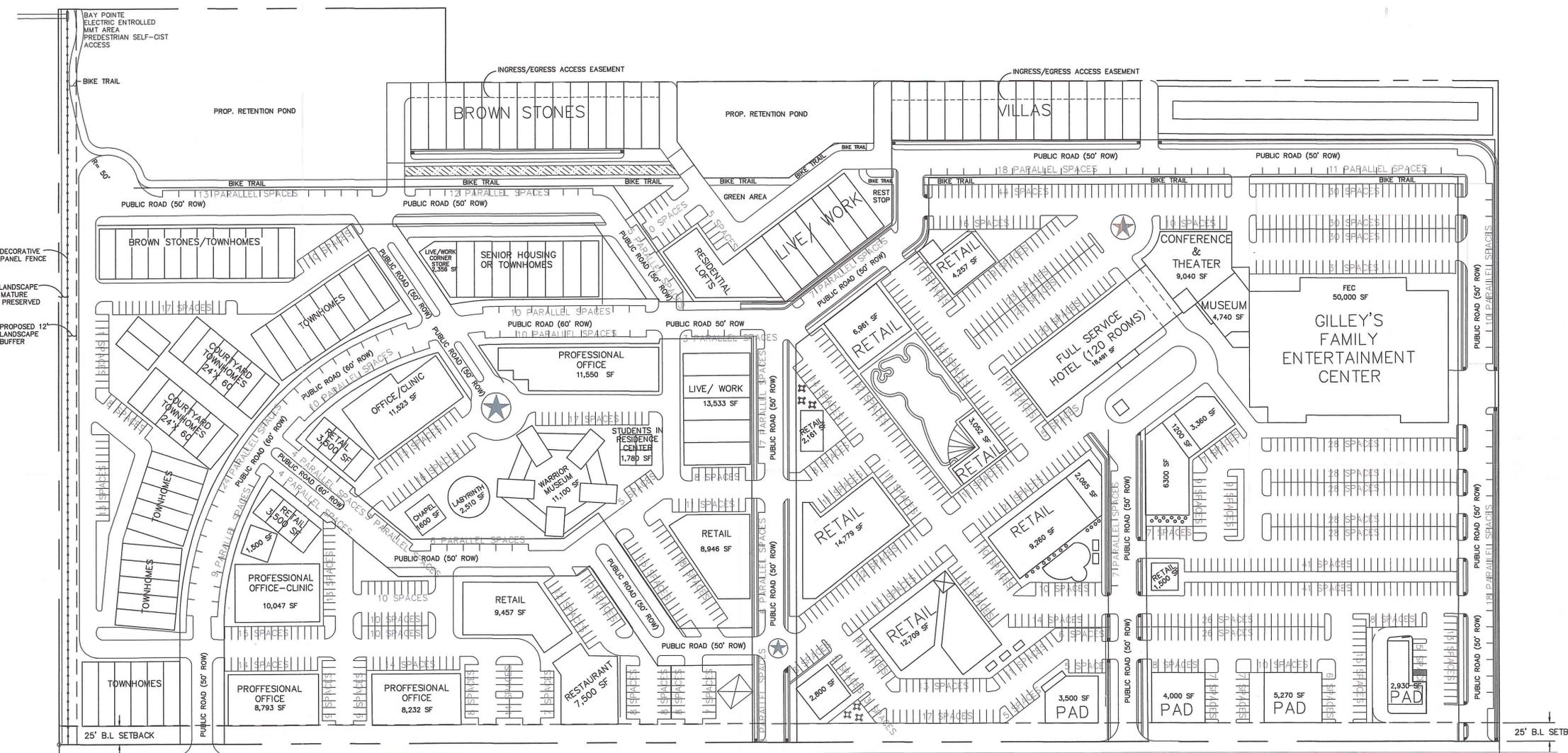
Date Application Received: _____





PARKING TABULATION

1. TOWNHOMES:
REQUIRED = 96 UNITS X 2 = 192 SPACES
PROVIDED = 192 SPACES
 2. LIVE/WORK:
REQUIRED = 11 UNITS X 2 = 22 SPACES
PROVIDED = 22 SPACES
 3. OFFICE(S):
REQUIRED = 51,000 SF X 0.003 = 153 SPACES
PROVIDED = 153 SPACES
 4. RETAIL:
REQUIRED = 94,500 SF X 0.004 = 378 SPACES
PROVIDED = 378 SPACES
 5. RESTAURANT:
REQUIRED = 26,000 SF X 0.008 = 208 SPACES
PROVIDED = 265 SPACES
 6. EVENT:
REQUIRED = 30,800 SF X 0.004 = 123 SPACES
PROVIDED = 152 SPACES
 7. ENTERTAINMENT:
REQUIRED = 68,350 SF X 0.005 = 342 SPACES
PROVIDED = 395 SPACES
- TOTAL REQUIRED SPACES = 1,418 SPACES
TOTAL PROVIDED SPACES = 1,557 SPACES



8' HIGH DECORATIVE CEMENT PANEL FENCE
EXISTING 12' LANDSCAPE BUFFER WITH MATURE TREES TO BE PRESERVED
PROPOSED 12' LANDSCAPE BUFFER

FAIRMONT PARKWAY
0.7 MI NORTH

STATE HWY 146
R.O.W VARIES

WHARTON WEEMS BLVD
0.4 MI SOUTH

APP.	REVISIONS	DATE
▲		
▲		
▲		

Everest Design Group, llc
Planning, Engineering, Construction Management
TBPE FIRM NO. F-9440
907 S. Friendswood Drive, Suite 200
Friendswood, Texas 77546
P: 281-993-3770 FAX: 281-648-2294

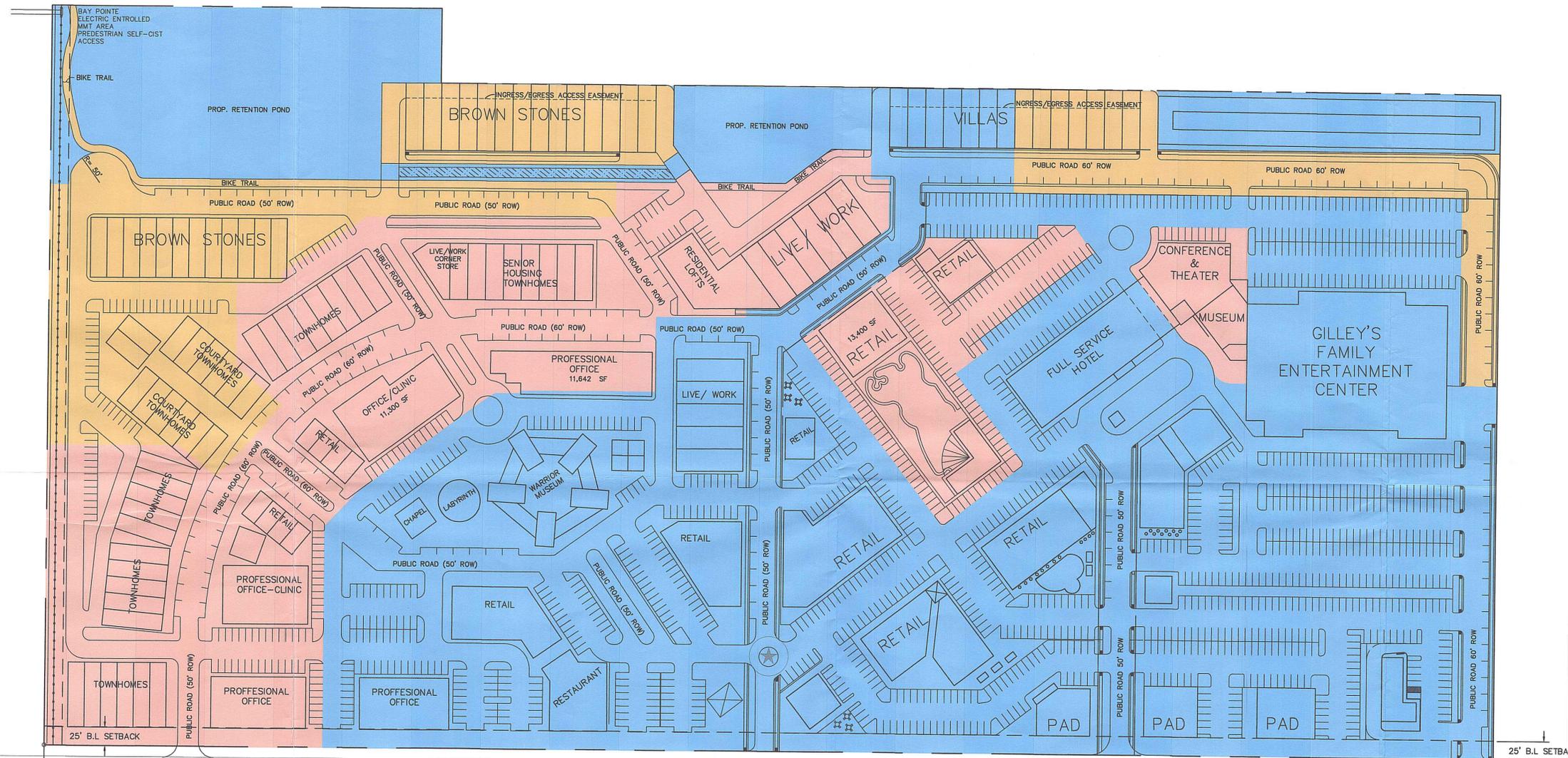
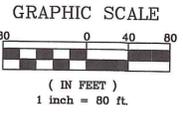
PROJECT: **LA PORTE TOWN CENTER**
STATE HWY 146, LA PORTE, TX 77571

OVERALL
LAND USE PLAN

CITY OF LA PORTE, TEXAS

PROJECT NO:	
DRAWING SCALE	
HORZ: AS SHOWN	
VERT:	

RECEIVED
DEC 19 2016



LEGEND

	PHASE I
	PHASE II
	PHASE III

APP.	REVISIONS	DATE
▲		
▲		

Everest Design Group, llc
 Planning, Engineering, Construction Management
 TBPE FIRM NO. F-9440
 907 S. Friendswood Drive, Suite 200
 Friendswood, Texas 77546
 P: 281-993-3770 FAX: 281-648-2294

PROJECT: **LA PORTE TOWN CENTER**
 STATE HWY 146, LA PORTE, TX 77571

PHASING PLAN

CITY OF LA PORTE, TEXAS

PROJECT NO:	
DRAWING SCALE	
HORZ: AS SHOWN	
VERT:	

FAIRMONT PARKWAY
0.7 MI NORTH

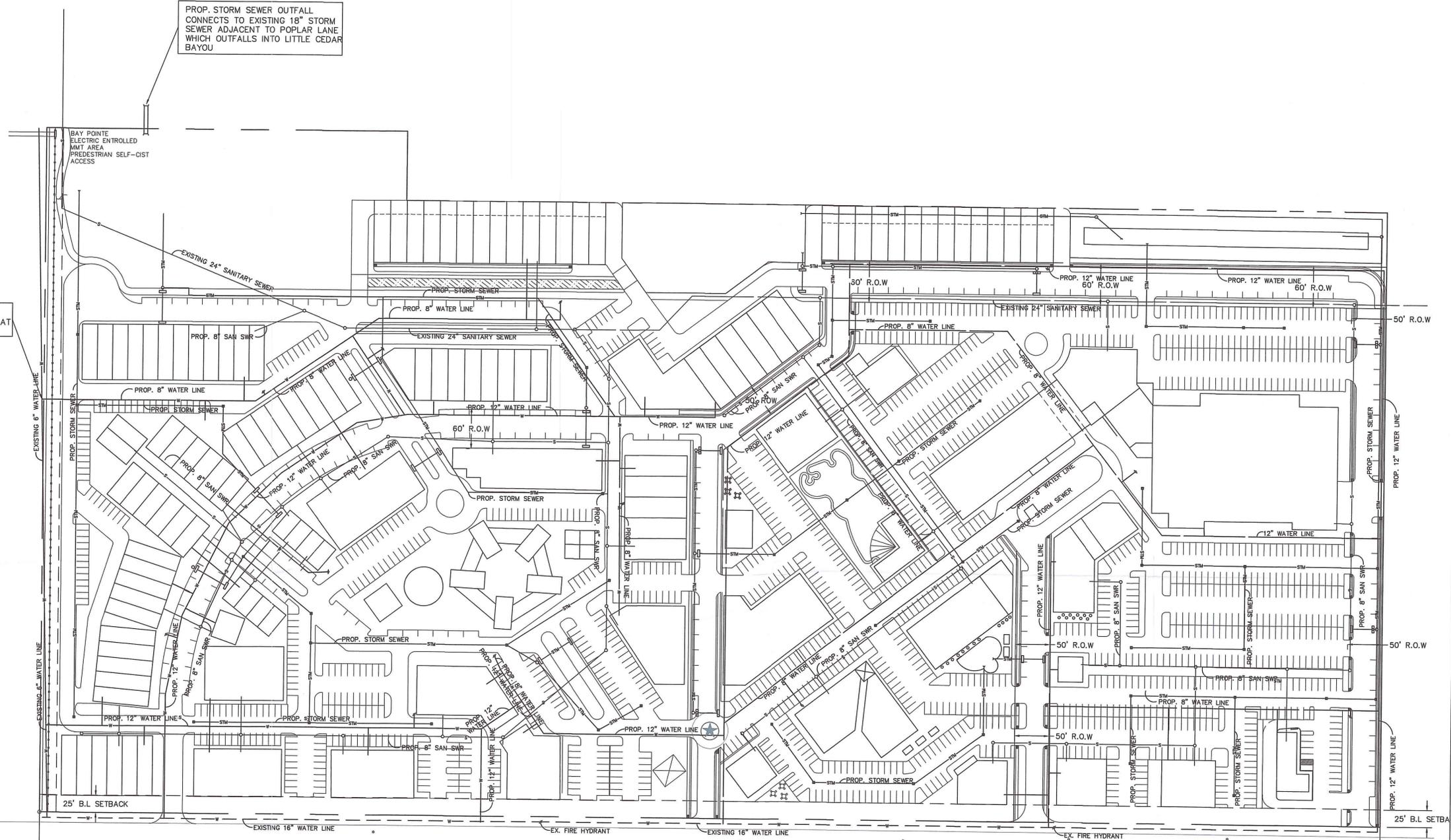
STATE HWY 146
R.O.W VARIES

WHARTON WEEMS BLVD
0.4 MI SOUTH

RECEIVED
DEC 19 2006

PROP. STORM SEWER OUTFALL
CONNECTS TO EXISTING 18" STORM
SEWER ADJACENT TO POPLAR LANE
WHICH OUTFALLS INTO LITTLE CEDAR
BAYOU

PROP. 8" WATER LINE WILL
CONNECT TO EX. 6" WATER LINE AT
POPLAR LANE



FAIRMONT
PARKWAY
0.7 MI
NORTH

STATE HWY 146
R.O.W VARIES

WHARTON WEEMS
BLVD
0.4 MI
SOUTH

APP.	REVISIONS	DATE
▲		
▲		
▲		

Everest Design Group, llc
Planning, Engineering, Construction
Management
TBPE FIRM NO. F-9440
907 S. Friendswood Drive, Suite 200
Friendswood, Texas 77546
P. 281-993-3770 FAX: 281-648-2294

PROJECT: **LA PORTE TOWN CENTER**
STATE HWY 146, LA PORTE, TX 77571

**OVERALL
UTILITY PLAN**

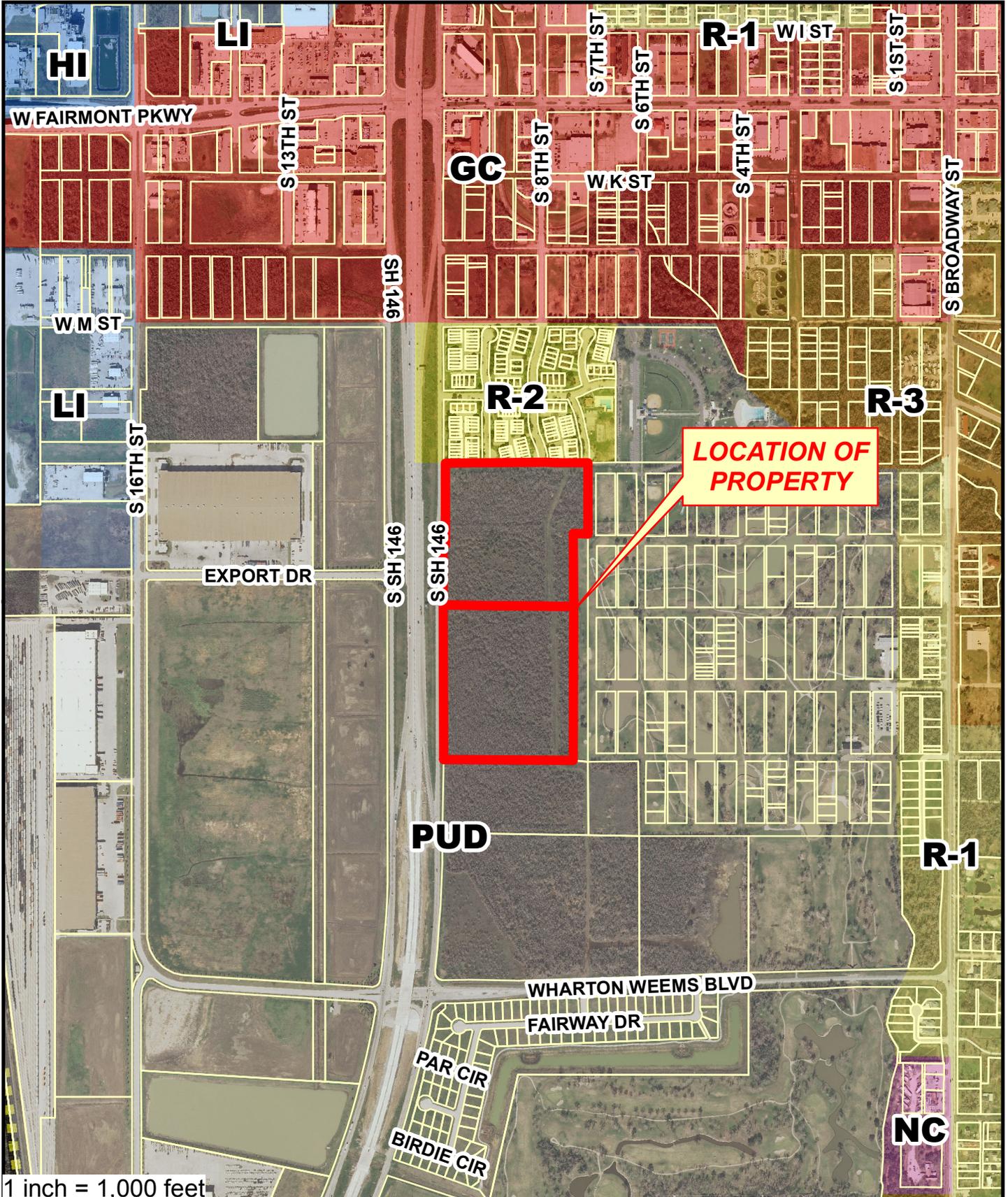
CITY OF LA PORTE, TEXAS

PROJECT NO:
DRAWING SCALE
HORZ: AS SHOWN
VERT:
SHEET NO. 3

RECEIVED
DEC 19 2016

AREA/ZONING MAP

SCUP REQ. #16-9100004

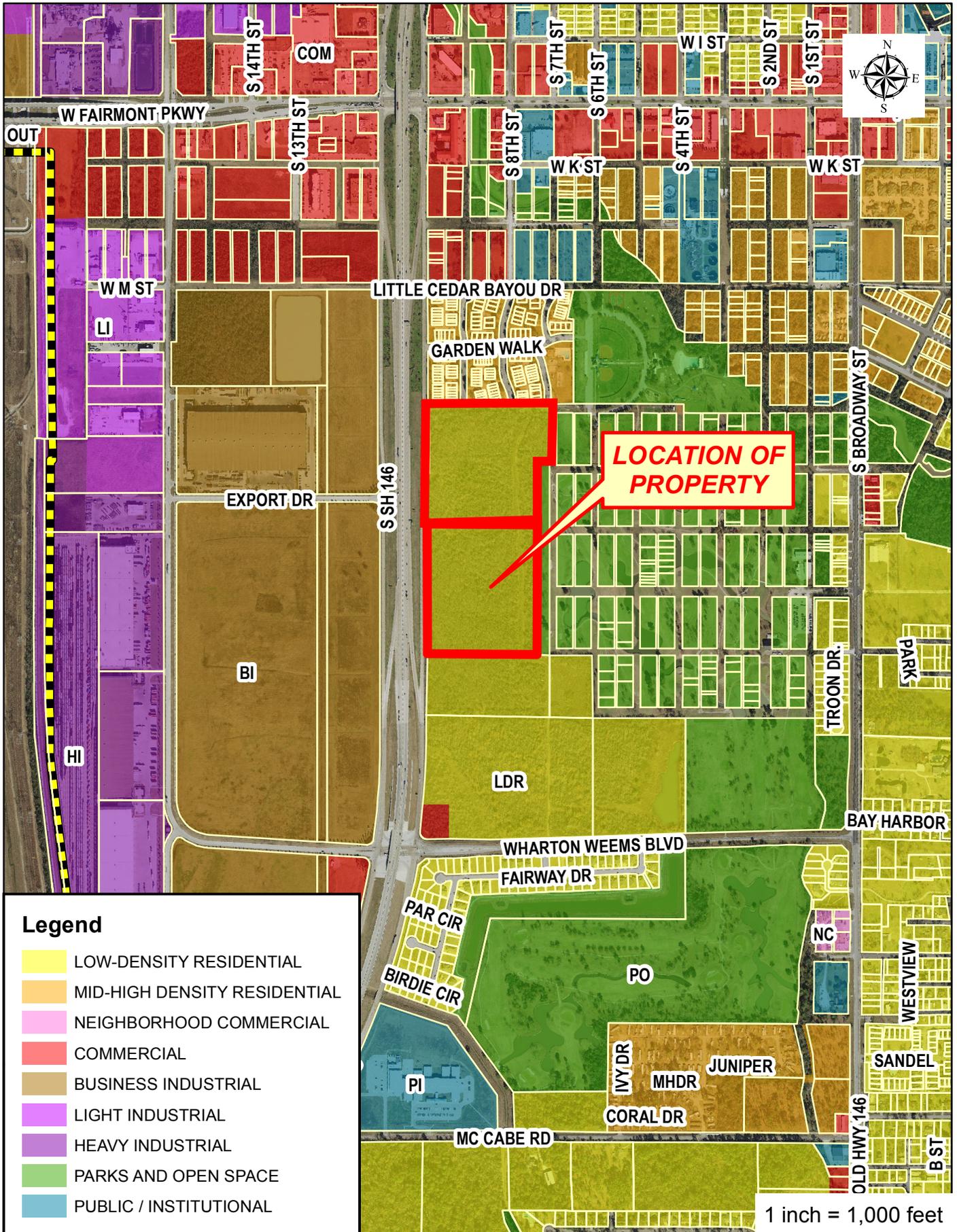


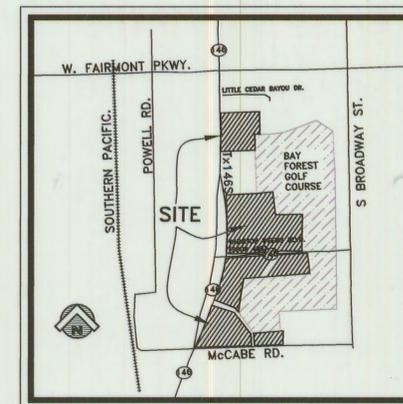
1 inch = 1,000 feet

LAND USE MAP

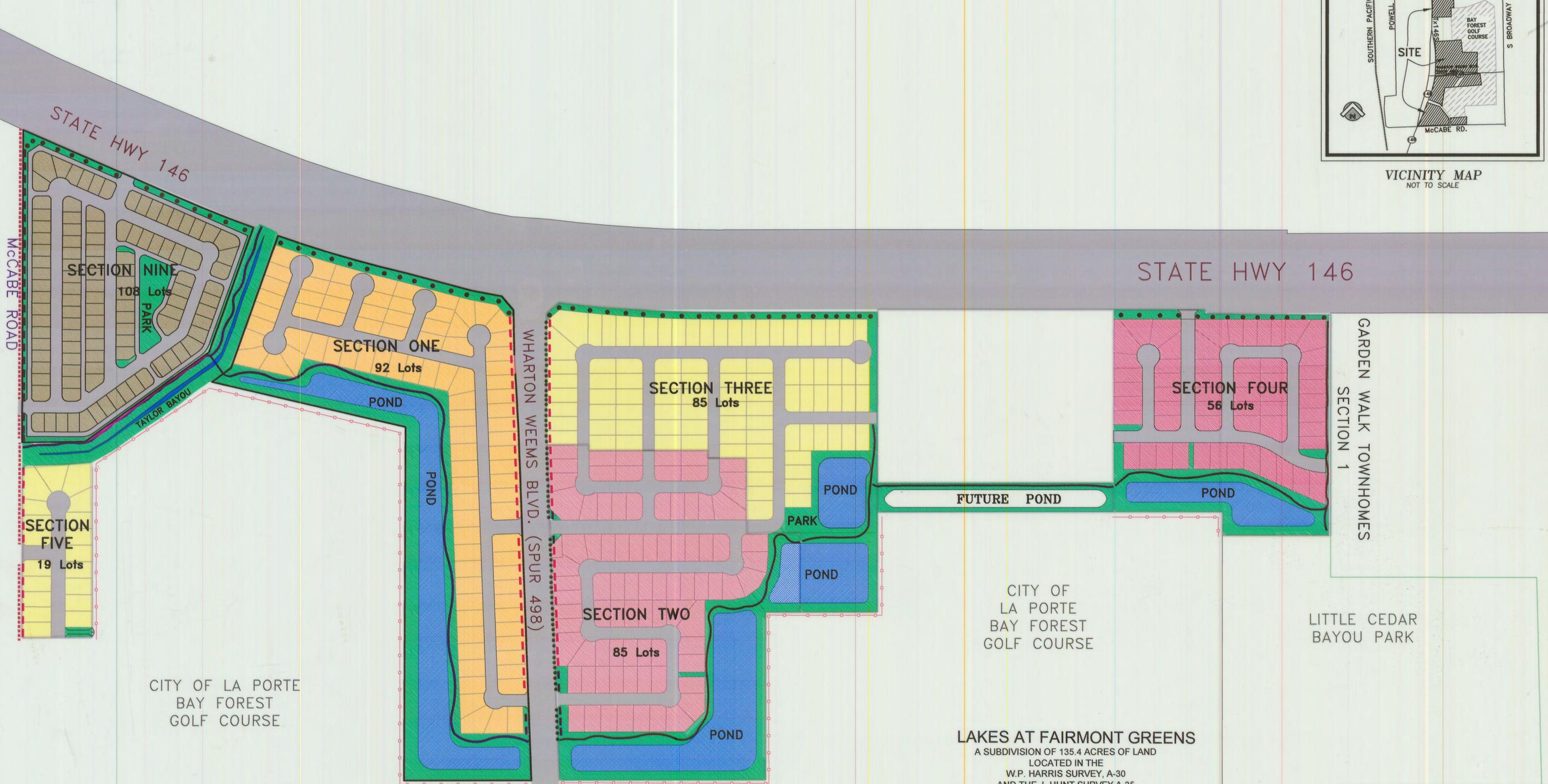
EXHIBIT D

SCUP REQ. #16-91000004





VICINITY MAP
NOT TO SCALE



CITY OF LA PORTE
BAY FOREST
GOLF COURSE

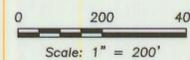
CITY OF
LA PORTE
BAY FOREST
GOLF COURSE

LITTLE CEDAR
BAYOU PARK

LAKES AT FAIRMONT GREENS

A SUBDIVISION OF 135.4 ACRES OF LAND
LOCATED IN THE
W.P. HARRIS SURVEY, A-30
AND THE J. HUNT SURVEY A-35
CITY OF LA PORTE
HARRIS COUNTY, TEXAS

SCALE: 1"=200' DECEMBER 2007



THE GENERAL PLAN OF RESIDENTIAL DEVELOPMENT IS ALSO SUBJECT TO THE TERMS AND PROVISIONS OF A SPECIAL CONDITION OF USE PERMIT AND A DEVELOPER'S AGREEMENT. THIS GENERAL PLAN AND THE SPECIAL CONDITION USE PERMIT ARE EXHIBIT TO THE DEVELOPER'S AGREEMENT.

NOTE :
THIS EXHIBIT IS FOR ILLUSTRATION PURPOSES ONLY THE ACTUAL SPLIT OF PHASE LINES, LOT SIZE AND LAYOUT FOR EACH PHASE IS SUBJECT TO ADJUSTMENT AT THE TIME EACH PHASE IS SCHEDULED FOR DEVELOPMENT.

OWNER / DEVELOPER:
65 LA PORTE, LTD.
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