

**Planning and Zoning Commission
Minutes of August 16th, 2018**

Commissioners Present: Nick Barrera, Mark Follis, Wyatt Smith, Richard Warren, Christina Tschappatt, and Chairman Hal Lawler

Commissioners Absent: Helen LaCour, Lou Ann Martin, Trey Kendrick

City Staff Present: City Attorney Clark Askins, Assistant City Manager Jason Weeks, City Planner Ian Clowes, Planning Technician Chase Stewart

CALL TO ORDER.

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

ROLL CALL OF MEMBERS.

Commissioners Martin, Kendrick, and La Cour were absent for the meeting

CONSIDER APPROVAL OF THE MEETING MINUTES:

a. June 21st, 2018 Meeting

Motion by Commissioner Smith to approve the meeting minutes of July 19th, 2018. **Second** by Commissioner Warren **Motion to approve carried.**

Ayes: Commissioners Barrera, Follis, Smith, Tschappatt, Warren, and Chairman Lawler

Nays: None **Motion to approve Passes Unanimously**

Replat (6:04pm): Open Public Hearing to receive input on an application for approval of a replat for Crenshaw Real Properties; an 11.416 acre commercial tract located on Barbours Cut Blvd. between N. 8th St & N 6th St.

Staff Report: Mr. Ian Clowes, City Planner, presented staff's report on a request for a replat of Crenshaw Real Properties by Jay Morales. Mr. Clowes explained that the plat is currently industrial in nature and was originally part of the Nebraska Syndicate plat. Mr. Clowes also mentioned to the commission that there was a very minor comment staff in the engineering department that still needed to be addressed, but assured the commission that it shouldn't hinder the approval.

Applicant Presentation: N/A

Public Comments (for, against, question): N/A

Question and Answer: Commissioner Follis asks Mr. Clowes and Council Askins about the 7th St R.O.W and deed without warranty for the history of the property. Commissioner Warren asks for clarification of if replatting can manipulate the use that can be present in the area.

Motion by Commissioner Smith to approve the Replat present to the commission

Second by Commissioner Tschappat **Motion to approve Replat carried.**

Ayes: Commissioners Barrera, Follis, Smith, Tschappat, Warren, and Chairman Lawler

Nays: None **Motion to Replat Passes Unanimously**

Replat (6:09pm): Open Public Hearing to receive input on an approval of a Replat for the Port Crossing Partial Replat of Reserve “L”, Block 2; a 6.944 commercial tract located on the west side of SH 146, south of W. M St R.O.W.

Staff Presentation: Mr. Ian Clowes, City Planner, presented staff’s report on a request of a replat for Port Crossing Partial Replat of Reserve “L”. Mentions the same comment from the engineering department is applicable on this replat as well. Mr. Clowes goes into detail as to why the replat is occurring and how the La Quinta is going to be placed on the reserve.

Applicant Presentation: N/A

Public Comments (for, against, or question): Robin French provides clarification as to the reason behind the replat. Mentions that the replat would sidestep the façade requirements for a hotel development adjacent to 146.

Question and Answer: Commissioner Tschappatt asks for clarification for reserves and their proposed orientations. Commissioner Smith asks for the reasoning for the replat and Mr. Clowes clarifies that the size of the parcel only having 1 use wouldn’t fully maximize the potential of the property as a whole.

ADJOURN PUBLIC HEARING

Chairman Lawler closed the public hearing at 6:46pm

Motion by Commissioner Warren to approve the Replat

Second by Commissioner Barrera **Motion to approve Carried**

Ayes: Commissioners Barrera, Follis, Smith, Tschappat, Warren, and Chairman Lawler

Nays: None

Motion to approve passes unanimously

Public Hearing (6:19pm): Open Public Hearing to receive input on an application for Zone Change #18-92000008, a request by Michael Anderson of Business Venture Group, applicant, on behalf of Texas Cargoways, LLC, owner; for approval of a zone change from Mid-density Residential (R-2) to General Commercial (GC), on a 6.92 acre tract of land, legally described as Reserve A, Block 1 Dawson Subdivision.

Staff Report: Mr. Ian Clowes, City Planner, presented staff's report on a request by Michael Anderson of Business Venture Group, on behalf of Texas Cargoways, LLC, for a zone change from Mid-density Residential (R-2) to General Commercial (GC) off of Canada Road.

Applicant Presentation: Neil Mohammad: spoke behalf on the car dealership and was available to answer questions for the zone change. Commissioner Follis asked if the adjacent business was going to be affiliated the tract looking to be rezoned.

Public Comments (for, against, question):

Against – Joe Gomer: A lifelong resident of the area spoke of the history of the area and how an introduction of new commercial wouldn't conform to the area.

Against – Hugo Rule: Pecan Crossing resident concerned about petrochemical uses being brought into a commercial zone.

Against – Robin French: local resident claims that the traffic situation will deteriorate if this commercial use is brought into the area. Also, the pipeline will hinder any business there.

Against – Ronica Minor: supported other public comments in denial

Against – Laura Merit: Pecan Crossing resident, concerned about increased traffic and the link to surrounding residents' health.

Against – Mary and Johnny Mohana: Pecan Crossing residents that went through the history of the surrounding area

Against – Margret Anderson: referenced the previous words of the commission or city council of dwindling residential

Against – Robert Philips: reinforced the concerns of other surrounding residents

Question and Answer: Commissioner Smith asked Mr. Clowes what structures can be built on pipeline easements. Commissioner Follis inquired about the timeframe for replacement of non-conforming uses.

ADJOURN PUBLIC HEARING

Chairman Lawler closed the public hearing at 6:47pm

Motion by Commissioner Warren to deny the proposed Zone Change #18-92000008

Second by Commissioner Smith **Motion to deny carried**

Ayes: Commissioners Barrera, Follis, Smith, Warren, Tschappat, and Chairman Lawler

Nays: None

Motion to deny passes, 6-0

Future Land Use Map Amendment (6:48pm): Consider a recommendation to the La Porte City Council on a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 6.92 acre tract of land located at the 3400 Block of Canada Rd., and legally described as Reserve A, Block 1 Dawson Subdivision, from “Mid-Density Residential” to “Commercial”

Motion by Commissioner Warren to deny the FLUP amendment associated with the previously denied Zone Change #18-92000008

Second by Commissioner Tschappat **Motion to deny carried**

Ayes: Commissioners Barrera, Follis, Smith, Warren, Tschappat, and Chairman Lawler

Nays: None

Motion to deny passes, 6-0

Public Hearing (6:48pm): Open Public Hearing to receive input on an application for Special Conditional Use Permit (SCUP) #18-91000010, a request by Nilvarni LP, applicant/owner; to allow for a Hotel/Motel Use, to locate on a 2.28 acre tract of land legally described as Lots 1-16 and 19-32, Block 1103 and East 30 of 7th St. R.O.W and Adjacent 16 foot Alley La Porte Subdivision.

Staff Presentation: Mr. Ian Clowes, City Planner, presented staff’s report on a request by Nilvarni LP for a Special Conditional Use Permit to allow for a Hotel/Motel Use to be constructed on the 2.28 acre tract of land aforementioned. Accessibility to the property as it currently sits was a concern from staff in regards to this request. Coupled with the high number of pre-existing hotels in the area, staff was unable to recommend approval of the SCUP for the Hotel/Motel Use. Staff also recommended amenities if the commission were to approve the SCUP.

Applicant Presentation: Dimpel Patel, owner and proprietor, approaches the commission with the history of similar business ventures (hotels/motels) that have been previously developed in the area. Also went into detail of how the area chosen for this use is idea because of proximity away from residential areas, highway 146 (quality for guests), and the stop light at the entrance.

Public Comments: For- Anita Desai: Explains her relation (sister) to the applicant, came in front of the commission to give history into the family's previous business developments within the area.

Question and Answer: Commissioner Follis asks staff if the purchasing of parking lot space from the adjacent post office would render the post office unable to meet parking requirements. Mr. Clowes wasn't entirely sure on the answer, but was confident that it would still be within code requirements. Commissioner Tschappatt questions what will happen to the already established hotel owned by Mr. Patel, his response is that it's likely to be rebranded to a Best Western. Commissioner Follis asks City's Legal Counsel about if the name brand for the hotel is to be revoked, can the SCUP be revoked as well? It appeared that could potentially be the case. Commissioner Smith asks about a potential decrease in Hotel/Motel tax funds from previous budget meetings. Assistant City Manager Jason Weeks points to the high number of extended stay hotels in the City that sidestep the hotel/motel tax from less than 30 day occupancy. Mr. Weeks also divulged the commission with a preliminary breakdown of our budget in relation to Hotel/Motel tax projections. Commissioner Smith asked what deterrents can be done by staff to prevent commercial truck parking.

ADJOURN PUBLIC HEARING

Chairman Lawler closed the public hearing at 7:25pm

Motion by Commissioner Follis to deny the SCUP for a hotel/motel use

Second by Commissioner Smith **Motion to approve carried.**

Ayes: Commissioners Barrera, Follis, Smith, Warren, and Chairman Lawler

Nays: Commissioner Tschappatt

Motion Passes 5-1

Public Hearing (7:26pm): Open Public Hearing to receive input on an application for Special Conditional Use Permit (SCUP) #18-91000011, a request by Michael Gartner, applicant; on

behalf of Sailesh & Paresh Gandhi, owner; to allow for a Hotel/Motel Use, to locate on a 2.39 acre tract of land legally described as Reserve A, Block 1, Home Porte.

Staff Presentation: Mr. Ian Clowes, City Planner, presented staff's report on a request of a Special Conditional Use Permit (SCUP) to allow for a hotel/motel use, to locate on a 2.39 acre tract of land legally described as Reserve A, Block 1, Home Porte. Mr. Clowes disclosed to the commission that there would have to be significant improvement of infrastructure (extension of K Street for access) to be able to even facilitate this use. After presenting that the hotel/motel use would technically conform to the Future Land Use Plan Map for the area, staff was not able to recommend approval of this SCUP.

Applicant Presentation: Michael Gardner, Project Architect: gave a presentation in support of the development. The presentation also divulged to the commission the history of Marriot as a company and how a cluster (the same that staff has been advocating against) of hotels can be beneficial to the area because of brand distinction.

Public Comments: N/A

Question and Answer: Commissioner Wyatt expresses concern about truck parking at this hotel/motel use as well. Commissioner Follis explains that when first establishing the conditions on this use, this development's proposed area is the area that was originally in mind. Chairman Lawler suggests the revival of the hotel/motel subcommittee.

ADJOURN PUBLIC HEARING

Chairman Lawler closed the public hearing at 8:14pm

Motion by Commissioner Follis to approve the SCUP for a hotel/motel use under the conditions that certain amenities are included in the development

Second by Commissioner Warren. **Motion to approve carried.**

Ayes: Commissioners Barrera, Follis, Smith, Tschappat, Warren, and Chairman Lawler

Nays: None

Motion Passes Unanimously

Public Hearing (8:22pm): Open Public Hearing to receive input on an ordinance amending Chapter 106 "Zoning" of the Code of Ordinances of the City of La Porte, based on the annual review conducted by the Planning and Zoning Commission.

Staff Presentation: Mr. Clowes explained to the commission the reasoning for the changes to Chapter 106, such as a shift to the 2017 NAICS number system from the previous 2012. Another notable change is to multi-family, stating that there must be a 1000 ft. buffer, a discarding of 180 unit maximum citing the SCUP approval of 300+ developments currently. Also, amendments to permitted NAICS numbers within the Main Street District, while restricting the impact of the use by manipulating density/area requirements for the uses within the Main Street District.

Assistant City Manager, Jason Weeks, clarifies if Chapter 106 can manage garage sale signs per the request of Commissioner Wyatt.

Applicant Presentation: N/A

Public Comments (for, against, or question)

ADJOURN PUBLIC HEARING

Chairman Lawler closed the public hearing at 8:38pm

Motion to approve the proposed amendments to Chapter 106 of the City of La Porte's Code Of Ordinances, as developed by Planning and Zoning Commission Subcommittee by Commissioner Follis **Second** Commissioner Warren

Ayes: Commissioners Barrera, Follis, Smith, Tschappat, Warren, and Chairman Lawler

Nays: None

Motion Passes Unanimously

Administrative Reports (8:38pm): Mr. Clowes informs the commission that Mr. Mancilla had taken a new position in a different municipality. Wished him all the best going forward. Mr. Weeks will be the interim Planning Director. Commissioner La Cour will be replaced in the coming meetings if confirmations go as planned. Mr. Clowes shared the information learned from the Robert's Rules of Meeting to the commission.

Commission Comments (8:41pm)

Adjournment of Meeting (8:44pm)

Motion to adjourn Planning and Zoning Commission meeting by Commissioner Warren

Second Commissioner Barrera

Ayes: Commissioners Barrera, Follis, Smith, Tschappat, Warren, and Chairman Lawler

Nays: None **Passes Unanimously**

Chairman Lawler adjourned the meeting at 8:44 p.m.

Respectfully submitted,

Chase Stewart
Planning Technician

Passed and Approved on _____, 2018.

Hal Lawler
Chairman, Planning and Zoning Commission