

**Planning and Zoning Commission  
Minutes of February 15, 2018**

**Commissioners Present:** Trey Kendrick, Richard Warren, Nick Barrera, Lou Ann Martin, Mark Follis, Wyatt Smith, Christina Tschappat and Chairman Hal Lawler

**Commissioners Absent:** Helen LaCour

**City Staff Present:** Assistant City Manager Jason Weeks, Assistant City Attorney Clark Askins, Planning and Development Director Richard Mancilla, City Planner Ian Clowes, City Engineer Lorenzo Wingate, and Office Coordinator Peggy Lee

**1. CALL TO ORDER.**

Chairman Hal Lawler called the meeting to order at 6:04 p.m.

**2. ROLL CALL OF MEMBERS.**

Commissioner LaCour was not present for the meeting.

**3. CONSIDER APPROVAL OF THE MEETING MINUTES:**

**a. January 18, 2018 Meeting**

**Motion** by Commissioner Kendrick to approve the meeting minutes of January 18, 2018.

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

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

**Nays:** None

**4. PUBLIC HEARING:** Open public hearing to receive input on an application for Special Conditional Use Permit (SCUP) #18-91000002, a request by Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of Bayforest Ranch, Ltd, owner, to allow for a multi-family apartment complex to locate on a 20 acre tract of land legally described as Tract 1L, Abstract 35, J Hunter Survey.

Chairman Lawler opened the public hearing at 6:05 p.m.

**a. Staff Presentation**

Ian Clowes, City Planner, presented staff's report on a request by Doak Brown for a Special Conditional Use Permit to allow a multi-family apartment complex on 20 acres on the east side of SH 146, north of Wharton Weems Blvd.

**b. Applicant Presentation**

Doak Brown, 6517 Maple Ridge, Houston TX 77081, with Brownstone Ventures, addressed the Commission. The proposed development, to be known as The Legacy at La Porte, will consist of 294 Class-A one to three bedroom units with monthly rental rates ranging from \$1150 to \$1700.

**c. Public Comments (for, against, or question)**

Maggie Anderson, 909 Garden Walk, La Porte TX expressed concern about mosquitos and inquired as to whether the detention pond would have circulation. Mr. Brown stated there would be fountain water features.

**d. Question and Answer**

Lorenzo Wingate, City Engineer, responded to questions from the Commission regarding detention requirements.

**5. ADJOURN PUBLIC HEARING**

Chairman Lawler closed the public hearing at 6:44 p.m.

**6. CONSIDERATION:** Consider recommendation to City Council on SCUP #18-91000002.

**Motion** by Commissioner Kendrick to recommend to City Council, approval of SCUP #18-91000002 with the 8 conditions proposed by staff; inserting the verbiage "apartment complex" after "Multi-family" in condition #2; and adding two additional conditions 9 and 10 as follows:

9. Drainage requirements must meet Harris County Flood Control District standards.
10. Property will be developed as a Class A facility based upon rates and amenities proposed by the Developer.

**Second** by Commissioner Martin. **Motion carried.**

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

**Nays:** None

**7. GENERAL PLAN:** Consider approval or other action regarding a request by Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of Bayforest Ranch, Ltd, owner, to allow for a multi-family apartment complex, to locate on a 20 acre tract of land legally described as Tract 1L, Abstract 35, J Hunter Survey.

Mr. Clowes presented staff's report for a General Plan requested by Doak Brown for a multi-family apartment complex proposed along the east side of SH 146, north of Wharton Weems Blvd to be known as The Legacy at La Porte.

**Motion** by Commissioner Kendrick to approve the General Plan for a multi-family apartment complex proposed for the east side of SH 146, north of Wharton Weems Blvd. with the following conditions:

- Wrought iron fence shall be installed along the east property line.
- Setback from buildings along the east side of the property shall be 50'.
- Detention pond shall be wet bottom.

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

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

**Nays:** None

8. **FUTURE LAND USE MAP AMENDMENT:** Consider a recommendation to the La Porte City Council on a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 20 acre tract of land legally described as Tract 1L, Abstract 35, J Hunter Survey, from "Commercial" and "Mixed Use" to "Mid-High Density Residential."

Mr. Clowes presented staff's report on an amendment to the Future Land Use Plan from Commercial and Mixed Use to Mid-High Density Residential in conjunction with SCUP #18-91-000002 for property located along the east side of SH 146, north of Wharton Weems Blvd.

**Motion** by Commissioner Follis to approve an amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 20 acre tract of land legally described as Tract 1L, Abstract 35, J Hunter Survey, from "Commercial" and "Mixed Use" to "Mid-High Density Residential."

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

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

**Nays:** None

Chairman Lawler called for a 10 minute recess, prior to moving to Agenda Item #9. The meeting reconvened at 7:27 p.m.

9. **PUBLIC HEARING:** Open public hearing to receive input on an application for Special Conditional Use Permit (SCUP) #18-91000003, a request by Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of 92 Fairmont Lakes, Inc., owner, to allow for a patio

home development to locate on a 19.17 acre tract of land legally described as Tract 1, Abstract 35, J Hunter Survey.

Chairman Lawler opened the public hearing at 7:28 p.m.

**a. Staff Presentation**

Mr. Clowes presented staff's report on a request by Doak Brown for a Special Conditional Use Permit to allow a single-family patio home development consisting of 86 individual residential lots along the east side of SH 146, south of Baypoint Townhomes.

**b. Applicant Presentation**

Doak Brown, explained that in the future Patrick Duggan, with History Maker Homes, would be developing the patio homes, if approved. Mr. Duggan spoke about the project and responded to questions from the Commission.

**c. Public Comments (for, against, or question)**

At the request of Chairman Lawler, Commissioner Kendrick read aloud the public responses received by mail. One response was received in favor of the SCUP and five were received in opposition.

Maggie Anderson, 909 Garden Walk, requested the Commission consider incorporating changes to the plan that would protect the existing Baypoint Townhomes.

**d. Question and Answer**

Staff and the Commission discussed SCUP #18-91000003.

**10. ADJOURN PUBLIC HEARING**

Chairman Lawler closed the public hearing at 8:15 p.m.

**11. CONSIDERATION:** Consider recommendation to City Council on SCUP #18-91000003.

**Motion** by Commissioner Smith to recommend to City Council, approval of SCUP 18-91000003 with the eight permit conditions presented by staff.

**Second** by Commissioner Barrera. **Motion Carried.**

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

**Nays:** None

**12. GENERAL PLAN:** Consider approval or other action regarding a request by Doak Brown of Brownstone Ventures, LLC, applicant, on behalf of 92 Fairmont Lakes, Inc., owner, to allow

for a patio home development to locate on a 19.17 acre tract of land legally described as Tract 1, Abstract 35, J Hunter Survey.

Mr. Clowes presented staff's report for the General Plan of a patio home development proposed for the east side of SH 146 south of Baypoint Townhomes.

**Motion** by Commissioner Kendrick to approve the General Plan for a patio home development on a 19.17 acre tract of land located along the east side of SH 146 south of Baypoint Townhomes, with the condition that a wrought iron fence be installed the entire length of the eastern property line.

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

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

**Nays:** None

13. **FUTURE LAND USE MAP AMENDMENT:** 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 19.17 acre tract of land legally described as Tract 1, Abstract 35, J Hunter Survey, from "Commercial" and "Mixed Use" to "Mid-High Density Residential."

Mr. Clowes presented staff's report for an amendment to the Future Land Use Map in conjunction with Special Conditional Use Permit request #18-9100003 for property located along the east side of SH 146 south of Baypoint Townhomes.

**Motion** by Commissioner Kendrick to recommend to City Council, approval of an amendment to the Future Land Use Map component of the Comprehensive Plan by amending the land use designation of a 19.17 acre tract of land legally described as Tract 1, Abstract 35, J Hunter Survey, from "Commercial" and "Mixed Use" to "Mid-High Density Residential."

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

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

**Nays:** None

14. **PUBLIC HEARING:** Open public hearing to receive input on an ordinance amending Chapter 106 "Zoning" of the Code of Ordinances of the City of La Porte, amending section 106-310 regarding NAICS code 721110, Hotels (except Casino Hotels) and Motels.

Chairman Lawler opened the public hearing at 8:24 p.m.

**a. Staff Presentation**

Mr. Clowes presented staff's report on an amendment to Chapter 106 of the Code of Ordinances, which would require a special conditional use permit for development of hotels/motels within all zoning districts.

**b. Applicant Presentation**

Presented under *Staff Presentation*.

**c. Public Comments (for, against, or question)**

There were no public comments.

**15. ADJOURN PUBLIC HEARING**

Chairman Lawler adjourned the public hearing at 8:26 p.m.

**16. CONSIDERATION:** Consider recommendation to City Council on changes to Chapter 106 "Zoning" of the Code of Ordinances.

**Motion** by Commissioner Barrera to recommend to City Council, approval of an amendment to Chapter 106 of the Code of Ordinances requiring a special conditional use permit for development of hotels/motels within all zoning districts.

**Second** by Commissioner Smith. **Motion Carried.**

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

**Nays:**

**17. DISCUSSION ITEMS:**

**a. Development Agreement amendments for Port Crossing**

Mr. Clowes described proposed changes to Exhibit C – Land Use Exceptions of the Development Agreement with Port Crossing, to add additional permitted uses within Reserves E1 and E2 as follows:

*Uses permitted under North American Industry Classification (NAICS) use codes 484110, 484121, and 484122 (and any functionally equivalent uses upon any modification of or replacement of the NAICS system).*

Hans Brindley, with Liberty Property Trust, 8905 Crescent (sp) Dr., Houston, TX spoke about plans to sell Reserves E1 and E2 to Core Trucking for development of an administrative/office facility and trans-loading facility.

The Commission discussed the proposed changes and requested staff prepare and bring forward an amended Special Conditional Use Permit for Port Crossing, which would place the Development Agreement as an exhibit to the SCUP rather than the SCUP being an exhibit to the Development Agreement.

**18. ADMINISTRATIVE REPORTS**

Mr. Clowes reported the Planning Technician position has been filled with the hiring of Chase Stewart, who begins employment with the City on March 5<sup>th</sup>.

**19. COMMISSION COMMENTS**

Commissioners spoke positively about the new developments coming in. Commissioner Follis spoke briefly about the review committee for Chapter 106.

**20. ADJOURN**

**Motion** by Commissioner Kendrick to adjourn.

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

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

**Nays:**

Chairman Lawler adjourned the meeting at 8:52 p.m.

Respectfully submitted,

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Trey Kendrick  
Secretary, Planning and Zoning Commission

Passed and Approved on March 15, 2018.

  
Hal Lawler  
Chairman, Planning and Zoning Commission