

HAL LAWLER
Chairman
DONNA O'CONNER
Commissioner At Large A
NICK BARRERA
Commissioner At Large B
TREY KENDRICK
Commissioner District 1
RICHARD WARREN
Commissioner District 2
Vice Chairman



JAMES WALTER
Commissioner District 3
MARK FOLLIS
Commissioner District 4
LOU ANN MARTIN
Commissioner District 5
CHRISTINA TSCHAPPAT
Commissioner District 6

**LA PORTE PLANNING AND ZONING COMMISSION AGENDA
THURSDAY, MAY 21, 2020
REGULAR SESSION 6 P.M.**

**CITY COUNCIL CHAMBER
LA PORTE CITY HALL, 604 WEST FAIRMONT PARKWAY, LA PORTE, TEXAS, 77571**

Social Distancing protocols will be in effect in the Council Chambers. To attend remotely, join the Zoom meeting online at <https://us02web.zoom.us/j/83541824455>. To dial in, call 877-853-5257 or 888-475-4499 and use the meeting ID 835 4182 4455

- 1. CALL TO ORDER**
- 2. ROLL CALL OF MEMBERS**
- 3. PUBLIC COMMENT** (Generally limited to five (5) minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.)
- 4. CONSIDER APPROVAL OF THE MEETING MINUTES:**
 - a. Approve the minutes of the meeting held on February 20, 2020.
- 5. ZONE CHANGE #20-92000001:** Open a public hearing on a request for approval of Zone Change Request #20-92000001 by Charles Anders of Bayway Homes Inc., applicant; on behalf of Jack McCoy, Noah M. Jones, and Bayway Homes Inc., owners; for approval of a zone change from High Density Residential (R-3) to Planned Unit Development (PUD), on a 5.798 acre tract of land legally described as E 115' of Lots 1-16, Lots 17-32, & Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A & 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave. ROW, Harris County, La Porte, TX.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (Limited to 5 minutes per person)
 - d. Question and Answer
- 6. ADJOURN PUBLIC HEARING**
- 7. CONSIDERATION:** Consider approval or other action on Zone Change Request #20-92000001
- 8. SCUP REQUEST #20-91000001:** Open a public hearing on a request for approval of Special Conditional Use Permit (SCUP) #20-91000001 by Charles Anders of Bayway Homes Inc., applicant; on behalf of Jack McCoy, Noah M. Jones, and Bayway Homes Inc., owners; for approval of a SCUP to allow for a zero lot line single family development, on a 5.798 acre tract of land legally described as E 115' of Lots

1-16, Lots 17-32, & Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A & 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave. ROW, Harris County, La Porte, TX.

- a. Staff Presentation
- b. Applicant Presentation
- c. Public Comments (Limited to 5 minutes per person)
- d. Question and Answer

9. ADJOURN PUBLIC HEARING

10. CONSIDERATION: Consider approval or other action on SCUP Request #20-91000001

11. SCUP REQUEST #20-91000002: Open a public hearing on a request for approval of Special Conditional Use Permit (SCUP) #20-91000002 by Brandon Lundsford of Garden of Eden Floral, applicant; on behalf of Dan Marrouf of Tri-Star Aviation Inc., owner; for approval of a SCUP to allow a floral shop and tea room to locate on a 0.75 acre tract of land legally described as a portion of Lots 3 & 4, and a portion of Tract 5, Block 2, Payne W J Survey, Harris County, La Porte, TX.

- a. Staff Presentation
- b. Applicant Presentation
- c. Public Comments (Limited to 5 minutes per person)
- d. Question and Answer

12. ADJOURN PUBLIC HEARING

13. CONSIDERATION: Consider approval or other action on SCUP Request #20-91000002

14. ADMINISTRATIVE REPORTS

15. COMMISSION COMMENTS on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.

16. 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.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (281-470-5021) two (2) working days prior to the meeting for appropriate arrangements.

Pursuant to Texas Government Code Sec. 551.127, on a regular, non-emergency basis, members may attend and participate in the meeting remotely by video conference. Should that occur, a quorum of the members will be physically present at the location noted above on this agenda

CERTIFICATION

I do hereby certify that a copy of the **May 21, 2020** Planning and Zoning Commission agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, LaPorteTX.gov, in compliance with Chapter 551, Texas Government Code.

Title: _____

DATE OF POSTING _____

TIME OF POSTING _____

TAKEN DOWN _____

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



May 21, 2020

AGENDA ITEM 4

Consider approval of the Meeting Minutes:

- a. February 20, 2020

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

HAL LAWLER
Chairman
DONNA O'CONNER
Commissioner At Large A
NICK BARRERA
Commissioner At Large B
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Vice Chairman



JO ANN PITZER
Commissioner District 3
MARK FOLLIS
Commissioner District 4
LOU ANN MARTIN
Commissioner District 5
CHRISTINA TSCHAPPAT
Commissioner District

MINUTES OF THE REGULAR MEETING OF THE LA PORTE PLANNING AND ZONING COMMISSION February 20, 2020

The Planning and Zoning Commission of the City of La Porte met in a regular meeting on Thursday, January 16, 2020, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m., with the following in attendance:

Commissioners present: Hal Lawler, Nick Barrera, Donna O'Conner, Christina Tschappat, Richard Warren, Jo Ann Pitzer, Mark Follis, Trey Kendrick

Councilpersons absent: None

City Staff present: Teresa Evans, Planning and Development Director; Ian Clowes, City Planner; Chase Stewart, Planning Technician

1. **CALL TO ORDER** – Chairman Lawler called the meeting to order at 6:01 p.m.
2. **ROLL CALL OF MEMBERS:** – All Commissioners were present.
3. **CITIZEN COMMENT** (*Generally limited to five minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.*)

No Comment.

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

- a. **Approve the minutes of the meeting held on January 16, 2020.**

Commissioner Kendrick moved to approve the meeting minutes; the motion was adopted, 8-0.

5. **WORKSHOP**

- a. **Review of Comprehensive plan 2018**
- b. **Discuss possible action steps for the Planning and Zoning Commission regarding implementation of the Comprehensive Plan 2018.**

Commissioner Kendrick made a motion to suggest approaching City Council with the proposal of outside input from a consultant for Main St. District improvements; the motion was adopted, 8-0

6. **ADMINISTRATIVE REPORTS**

Ian Clowes discussed the upcoming National APA Conference to be held in Houston, April 25-28, 2020.

7. **COMMISSION COMMENTS** regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies.

ADJOURN – Without objection, Chairman Lawler adjourned the meeting at 7:26 p.m.

Trey Kendrick, Planning and Zoning Commission Secretary

Hal Lawler, Planning and Zoning Commission Chairman

Chase Stewart, Planning Technician

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



May 21, 2020

AGENDA ITEMS 5-7

Zone Change Request #20-92000001

A request by Bayway Homes Inc., applicant; on behalf of Jack McCoy, Noah M. Jones, and Bayway Homes Inc., owners; for approval of a zone change from High Density Residential (R-3) to Planned Unit Development (PUD), on a 5.798 acre tract of land legally described as E 115' of Lots 1-16, Lots 17-32, & Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A & 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave. ROW.

***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 of a change in zoning from High Density Residential (R-3) to the Planned Unit Development (PUD) zoning district; on approximately 5.798 acres of land, legally described as E 115' of Lots 1-16, Lots 17-32, & Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A & 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave. ROW?

DISCUSSION

Location:

The subject site is located at the 1300 Block of S. Broadway St.

Background Information:

The property is currently undeveloped. The applicant would like to develop the site for a residential duplex development. In order to allow the proposed development, the site must be rezoned to Planned Unit Development (PUD) in addition to the approval of a Special Conditional Use Permit (SCUP). The proposed SCUP will allow for a number of possible conditions and variances dealing mostly with lot size, setbacks, and driveway separation.

The applicant is in the process of requesting abandonment of two (2) separate sections of public right of way (East L St. and Texas Ave.) that are located within a portion of the proposed development. This request will be going before City Council later this summer.

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	R-3, High Density Residential	Churchill Place Apartments
South	R-3, High Density Residential	Single Family Residential
West	MH, Manufactured Housing	COLP Recreation Center
East	R-3, High Density Residential	Single Family Residential

The site is currently identified as Mid-High Density Residential in the Future Land Use Map. The current future land use designation is in line with the proposed development and would not need to be amended at this time. .

Notification Requirements:

Planning and Zoning Commission Regular Meeting
 May 21, 2020
 Zone Change #20-92000001

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; signs were posted in the area of the rezoning within 10 days of the hearing. In accordance with state law, notice of the public hearing was also posted at City Hall and on the City's website.

Analysis:

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

1. *Land Use.* Staff finds that allowing for a duplex development on this site would be consistent with the development patterns in the area and would act as a transitional development between the apartments to the north and the single family residential to the south and east.
2. *Access.* There is sufficient existing right-of-way access along S. Broadway St. and Oregon St.
3. *Utilities.* Water and sewer services are available along S. Broadway St. and Oregon St.

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 proposed use.
Impact on the value and practicality of the surrounding land uses.	Proposed zone change would be consistent with adjacent properties.
Conformance of a zoning request with the land use plan.	The proposed zone change will be in conformance with the future land use plan.
Character of the surrounding and adjacent areas.	The proposed zone change to PUD with an underlying land use of Mid-High Density Residential would be consistent with current zoning along this section of S. Broadway.
Suitability of the property for the uses which would be permissible, considering density, access and circulation, and adequacy of public facilities and services.	Development of the proposed site for residential uses would be suitable for this site.
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 along S. Broadway St.
The extent to which the proposed use designation would create excessive air pollution, water	The proposed development should not have a significant negative impact on the surrounding areas.

Planning and Zoning Commission Regular Meeting
May 21, 2020
Zone Change #20-92000001

pollution, noise pollution, or other environmental harm to adjacent properties.	
The gain, if any, to the public health, safety, and welfare of the City.	The proposed site would be developing in a manner consistent with envisioned future land use proposal and would be a good fit with the surrounding developments.

RECOMENDATION

Based on the above analysis, staff recommends the Planning and Zoning Commission consider the proposed zone change from High Density Residential (R-3) to Planned Unit Development (PUD).

ATTACHMENTS

- Exhibit A: Area Map
- Exhibit B: Zoning Map
- Exhibit C: Land Use Map
- Exhibit D: Application

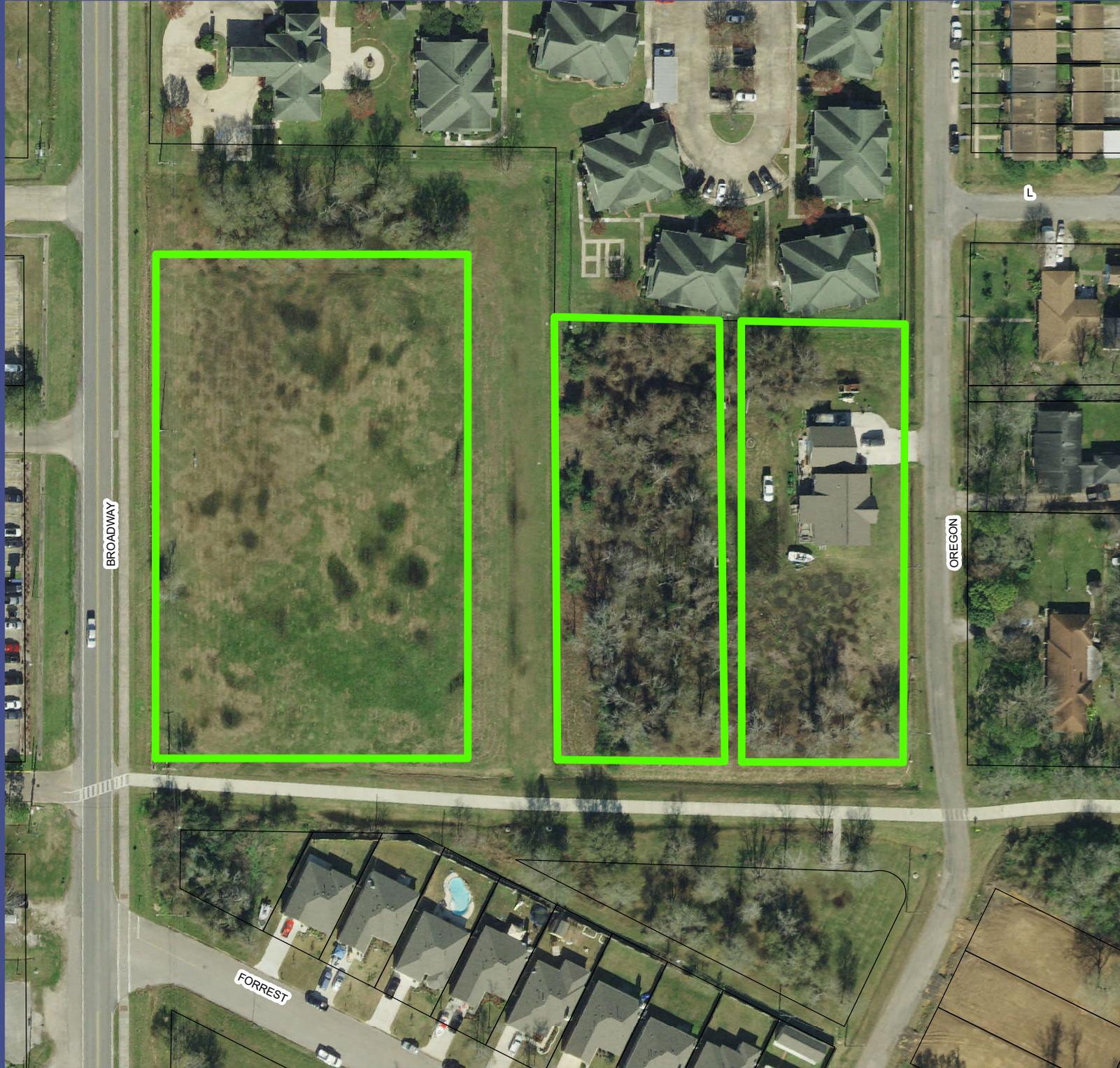


EXHIBIT A

AREA MAP

**Zone Change
#20-9200001**

**1300 Block
S. Broadway**

Legend

 Subject Parcel



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 107 feet

MAY 2020

PLANNING DEPARTMENT



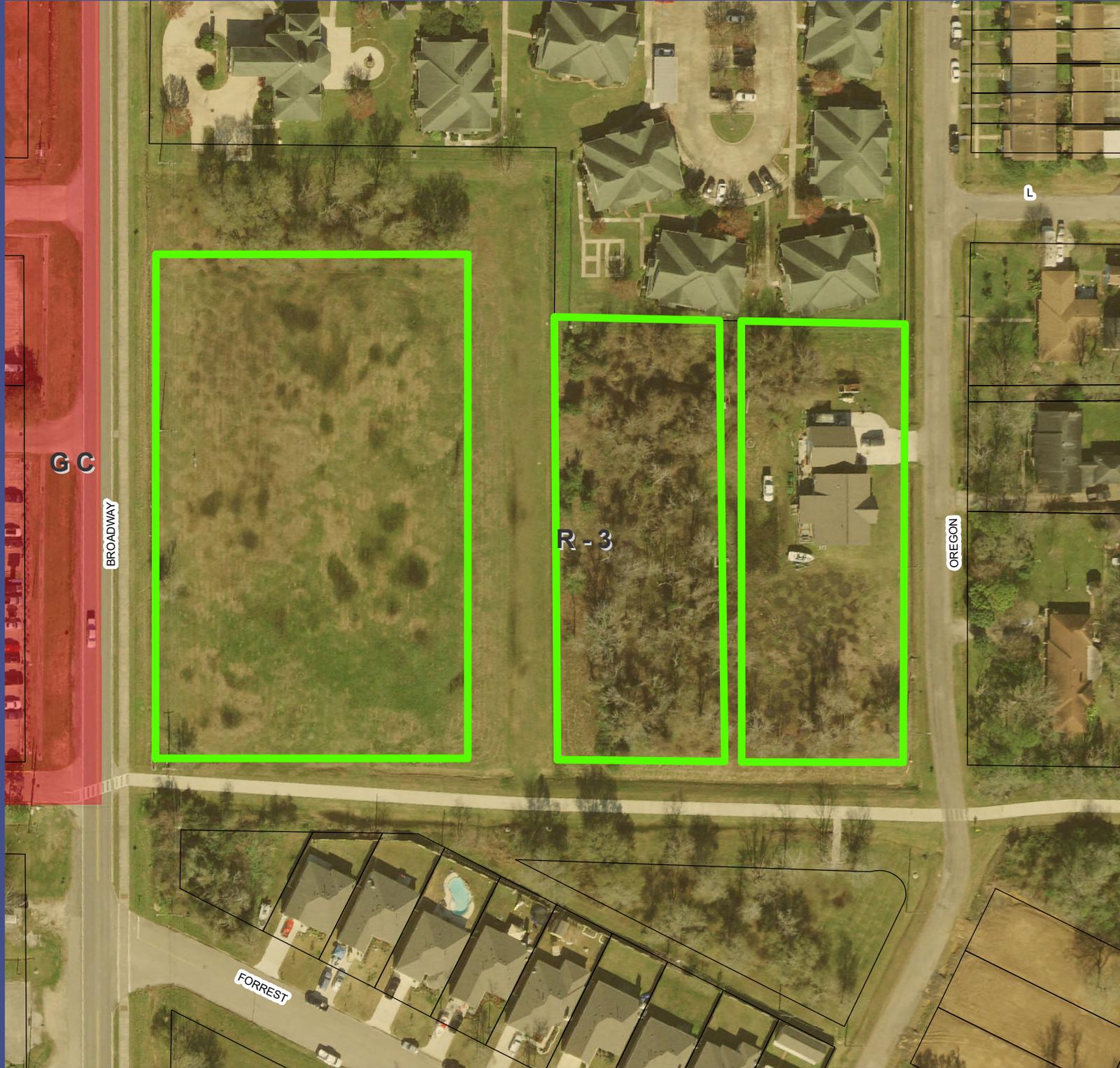


EXHIBIT B

ZONING MAP

**Zone Change
#20-9200001**

**I300 Block
S. Broadway**

Legend

 Subject Parcel



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MAY 2020
PLANNING DEPARTMENT



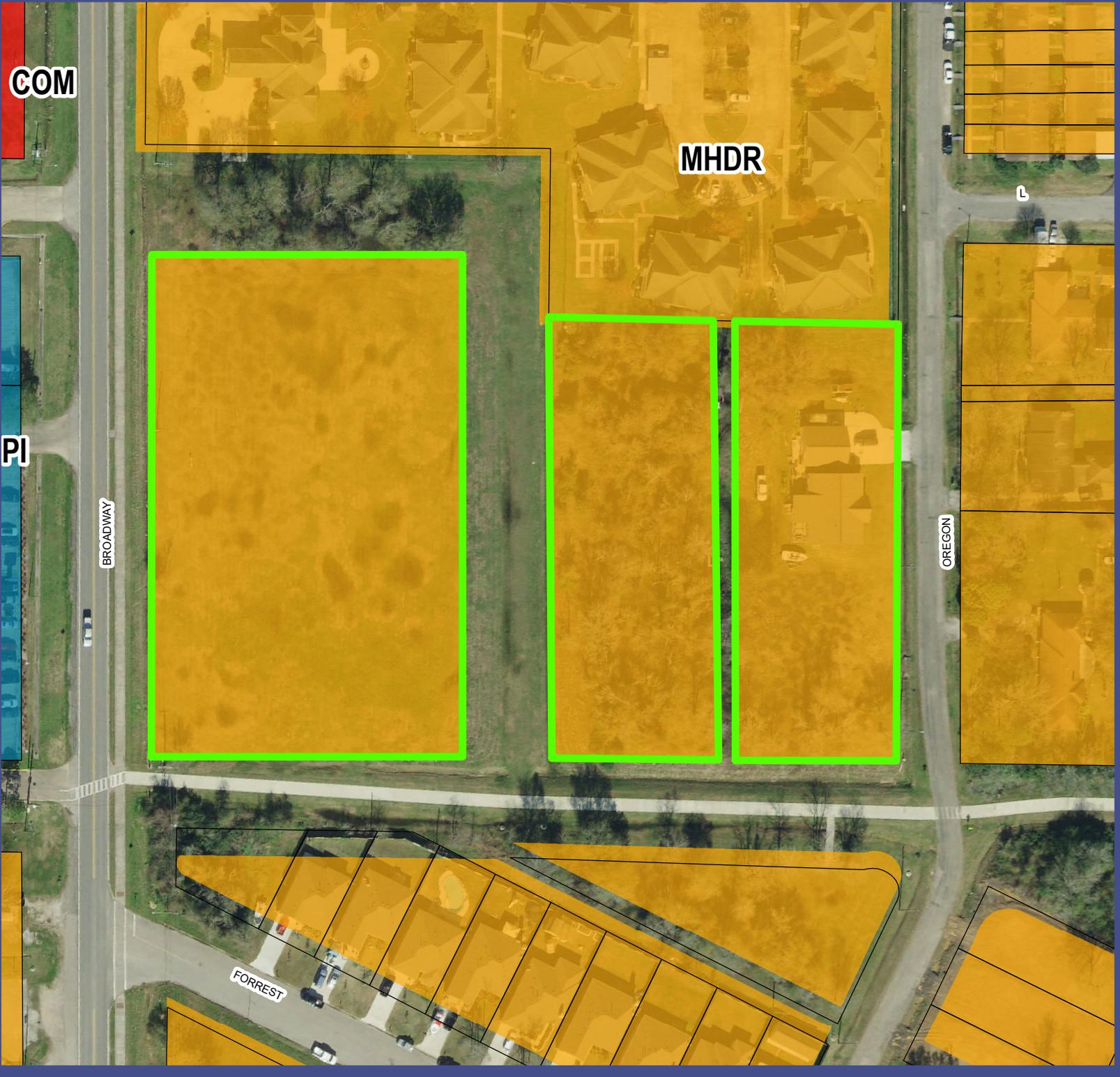


EXHIBIT C

FLUP MAP

**Zone Change
#20-9200001**

**I300 Block
S. Broadway**

Legend

 Subject Parcel



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MAY 2020
PLANNING DEPARTMENT



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



May 21, 2020

AGENDA ITEMS 8-10

Special Conditional Use Permit #20-91000001

A request by Bayway Homes Inc., applicant; on behalf of Jack McCoy, Noah M. Jones, and Bayway Homes Inc., owners; to allow for a residential duplex development, to locate on a 5.798 acre tract of land legally described as E 115' of Lots 1-16, Lots 17-32, & Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A & 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave. ROW.

***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 of a SCUP to allow for a residential duplex development, to locate on a 5.798 acre tract of land legally described as E 115' of Lots 1-16, Lots 17-32, & Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A & 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave. ROW?

DISCUSSION

Location:

The subject site is located at the 1300 Block of S. Broadway St.

Background Information:

The property is currently undeveloped. The applicant for the Special Conditional Use Permit (SCUP) is in the process of changing the zoning to PUD. The proposed SCUP, will allow them to develop the site for a residential duplex development with a number of possible conditions and variances dealing mostly with lot size, setbacks, and driveway separation. The development will consist of thirty seven (37) individual lots with an average size of 3,750 square feet (30' x 125'). Each individual unit will sit on its own lot with a shared wall acting as the center lot line. The proposed development will look similar to other Bayway Homes developments along N. 1st, N. 6th, and N. 7th Streets.

The applicant is in the process of requesting abandonment of two (2) separate sections of public right of way (East L St. and Texas Ave.) that are located within a portion of the proposed development. This request will be going before City Council later this summer

Staff has provided a list of 10 conditions of approval. These conditions are meant to ensure that, if approved, this development will fit seamlessly into the surrounding neighborhood while having as little impact on surrounding infrastructure as possible. The list of conditions can be found in Exhibit D.

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	R-3, High Density Residential	Churchill Place Apartments
South	R-3, High Density Residential	Single Family Residential
West	MH, Manufactured Housing	COLP Recreation Center
East	R-3, High Density Residential	Single Family Residential

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.* Staff finds that allowing for a duplex development on this site would be consistent with the development patterns in the area and would act as a transitional development between the apartments to the north and the single family residential to the south and east.
2. *Access.* There is sufficient existing right-of-way access along S. Broadway St. and Oregon St.
3. *Utilities.* Water and sewer services are available along S. Broadway St. and Oregon St.

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 proposed use.
Impact on the value and practicality of the surrounding land uses.	Proposed zone change would be consistent with adjacent properties.
Conformance of a zoning request with the land use plan.	The proposed zone change will be in conformance with the future land use plan.
Character of the surrounding and adjacent areas.	The proposed zone change to PUD with an underlying land use of Mid-High Density Residential would be consistent with current zoning along this section of S. Broadway.
Suitability of the property for the uses which would be permissible, considering density, access and circulation, and adequacy of public facilities and services.	Development of the proposed site for residential uses would be suitable for this site.
The extent to which the proposed use designation would adversely	The proposed zone change will have minimal impact on the traffic along S. Broadway St.

affect the capacity or safety of that portion of the road.	
The extent to which the proposed use designation would create excessive air pollution, water pollution, noise pollution, or other environmental harm to adjacent properties.	The proposed development should not have a significant negative impact on the surrounding areas.
The gain, if any, to the public health, safety, and welfare of the City.	The proposed site would be developing in a manner consistent with envisioned future land use proposal and would be a good fit with the surrounding developments.

RECOMENDATION

Based on the above analysis, staff recommends the Planning and Zoning Commission consider the proposed SCUP #20-91000001. If the Commission chooses to recommend approval, staff has listed a number of conditions that should be considered as part of the approval.

ATTACHMENTS

- Exhibit A: Area Map
- Exhibit B: Zoning Map
- Exhibit C: Future Land Use (FLUP) Map
- Exhibit D: Proposed SCUP
- Exhibit E: Application

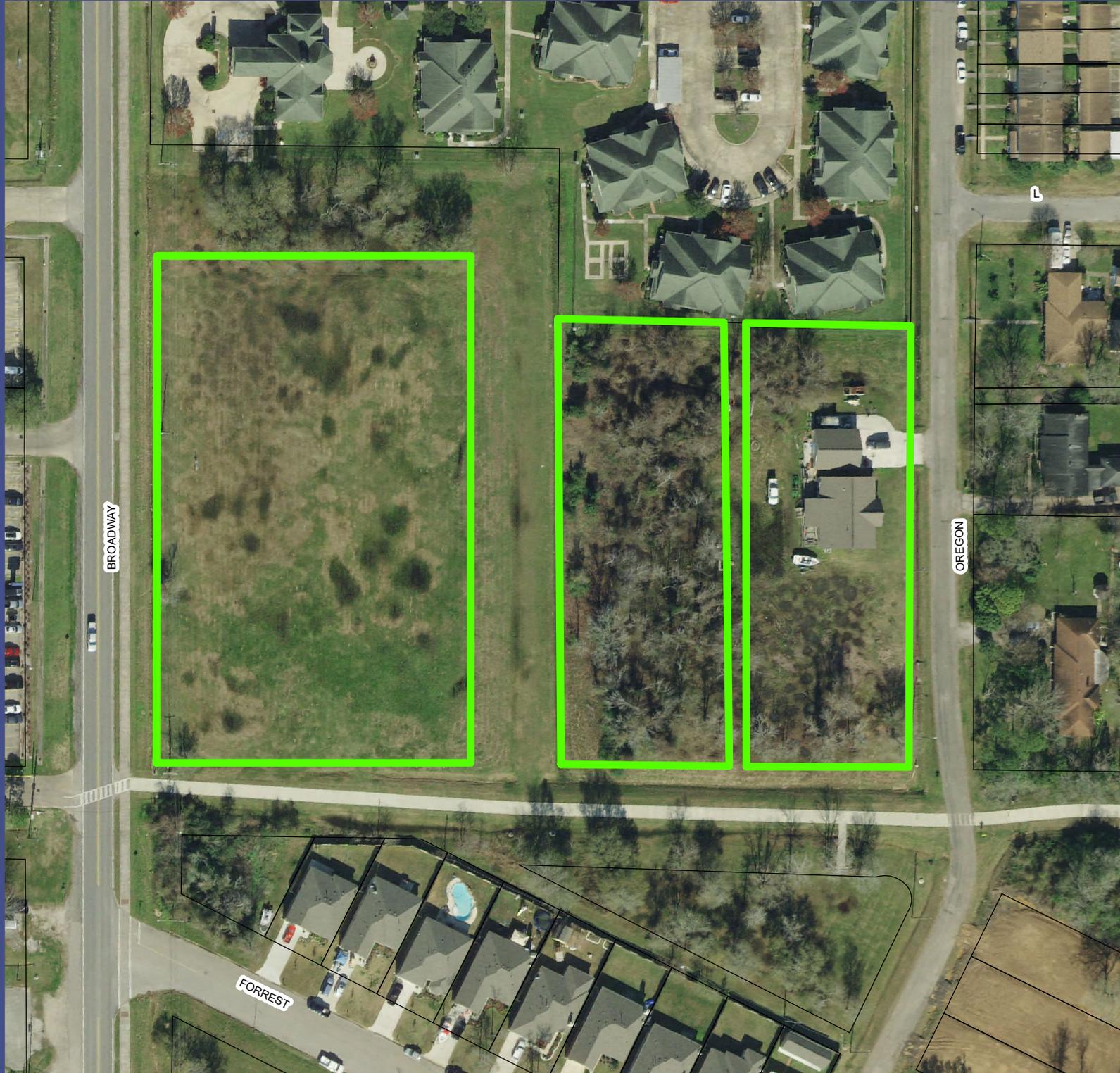


EXHIBIT A

AREA MAP

**SCUP
#20-9100001**

**1300 Block
S. Broadway**

Legend

 Subject Parcel



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MAY 2020
PLANNING DEPARTMENT



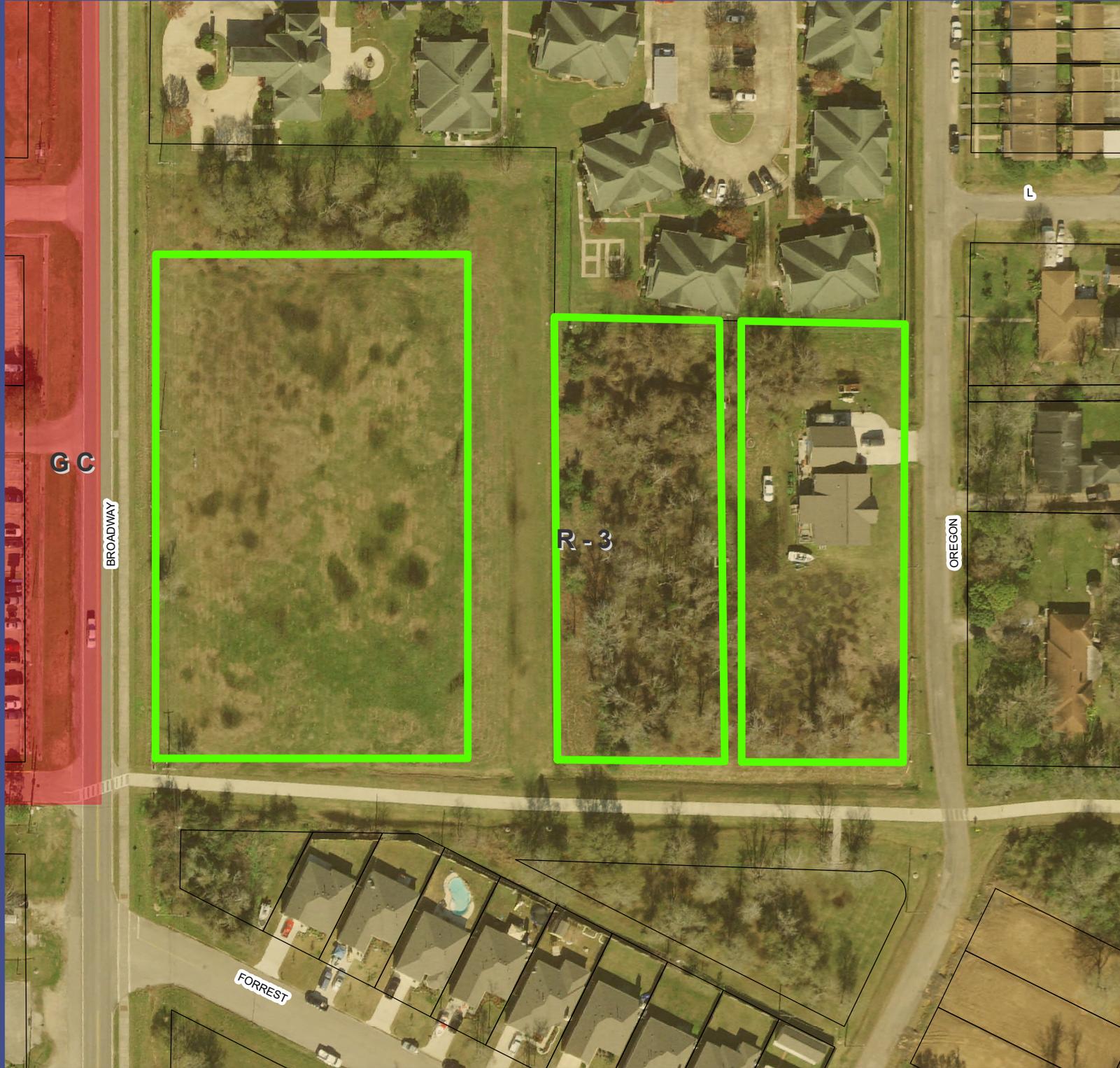


EXHIBIT B

ZONING MAP

**SCUP
#20-9100001**

**1300 Block
S. Broadway**

Legend

 Subject Parcel



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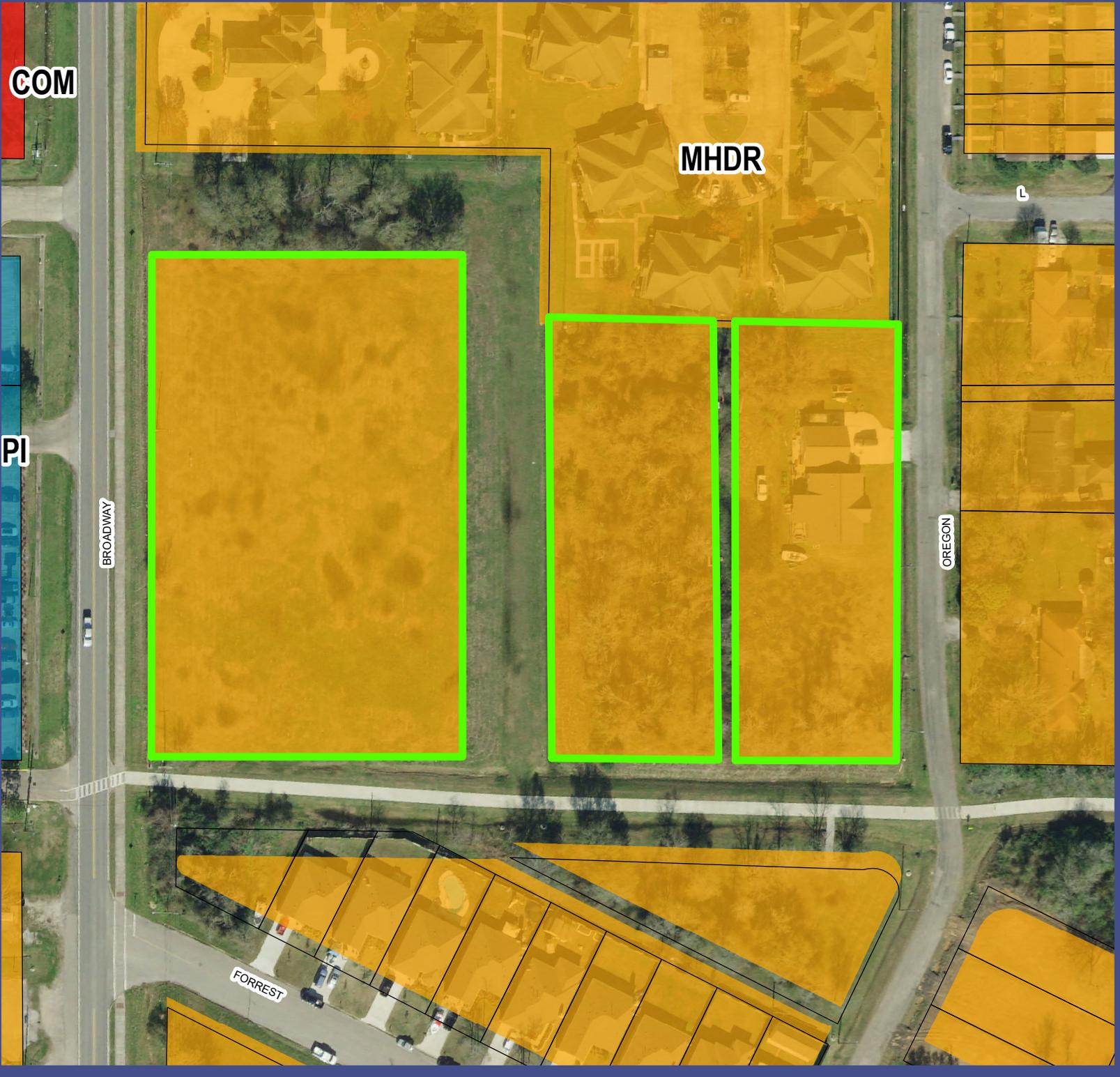


EXHIBIT C

FLUP MAP

SCUP

#20-9100001

**1300 Block
S. Broadway**

Legend

 Subject Parcel



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MAY 2020

PLANNING DEPARTMENT



EXHIBIT D

City of La Porte
Special Conditional Use Permit #20-91000001

This permit is issued to: Charles Anders, Bayway Homes Inc.
Owner or Agent

PO Box 1244, Friendswood, TX 77549
Address

For Development of: Sylvan Beach Enclave - Residential Duplex Development
Development Name

1300 Block of S. Broadway St.
Address

Legal Description: 5.798 acre tract of land legally described as E 115' of Lots 1-16, Lots 17-32, & Abandoned alley, Block 1159, Lots 4-29 & Tracts 3A & 30A, Block 1160, La Porte Subdivision, Lot 5, Block 19, Sylvan Beach Subdivisions and a portion of the East L St. and Texas Ave. ROW, Harris County, TX

Zoning: PUD, Planned Unit Development

Use: Residential Duplex Development

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. The underlying zoning is Mid Density Residential. All R-2 zoning and development requirements will need to be met, outside of any conditions listed below.
3. Permitted use is limited to residential duplex or standalone single family. No other uses are permitted.
4. Minimum lot area shall for each individual lot shall be 3,000 square feet, with a minimum lot width of 30 feet.
5. Minimum setbacks shall be as follows:
 - a. Front – 20'
 - b. Rear – 10'
 - c. Side – 0'/10' (5' for sides abutting public right of way)
 - d. Minimum distance between primary structures – 10'
6. Maximum height of any structure shall be 35 feet.
7. Maximum dwelling units per acre shall be 8 with a maximum lot coverage of 60%.

EXHIBIT D

8. Minimum distance between driveways shall be 2 feet with a minimum of 1 foot distance between side property lines and each driveway.
9. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process for any proposed building improvements.
10. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

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

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

Validation Date: _____

Director of Planning and Development

City Secretary



Special Conditional Use Permit Application

Planning and Development Department

PROJECT INFORMATION

Address where SCUP is being requested: 1303 S Broadway / 1320 Oregon / 0 N Forrest Ave.

Legal description where SCUP is being requested: See HCAD and Attached Surveys

HCAD Parcel Number where SCUP is being requested: 242110590001 / 0242110600002 / 0352150190001

Zoning District: High Density Residential Lot area: 5.798

A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte.

Description of Request: For the City of LaPorte to allow a subdivision of single-family residential attached dwelling units. The project is a mixture Single- Family Special Lot Line, 0Lot Line, and Townhomes.

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: Jack McCoy / Noah M Jones / Bayway Homes Inc.

Company (if applicable): _____

Address: 0 Broadway LaPorte 77571 / 1320 Oregon LaPorte 77571 / PO Box 1244 Friendswood 77549

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

AUTHORIZED AGENT (If other than owner)

Name: Charles Anders

Company (if applicable): Bayway Homes Inc.

Address: PO Box 1244

City: Friendswood State: Texas Zip: 77549

Phone: 8322769609 Email: canders@baywayhomes.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: *Charles Anders* Date: 4-6-2020

Owner(s)' Signature(s): *Jack McCoy* Date: 5-0-2020

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



Special Conditional Use Permit Application

Planning and Development Department

PROJECT INFORMATION

Address where SCUP is being requested: 1303 S Broadway / 1320 Oregon / 0 N Forrest Ave.

Legal description where SCUP is being requested: See HCAD and Attached Surveys

HCAD Parcel Number where SCUP is being requested: 242110590001 / 0242110600002 / 0352150190001

Zoning District: High Density Residential Lot area: 5.798

A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte.

Description of Request: For the City of LaPorte to allow a subdivision of single-family residential attached dwelling units. The project is a mixture Single- Family Special Lot Line, 0Lot Line, and Townhomes.

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PROPERTY OWNER(S) INFORMATION

Name: Jack McCoy / Noah M Jones / Bayway Homes Inc.

Company (if applicable): _____

Address: 0 Broadway LaPorte 77571 / 1320 Oregon LaPorte 77571 / PO Box 1244 Friendswood 77549

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

AUTHORIZED AGENT (If other than owner)

Name: Charles Anders

Company (if applicable): Bayway Homes Inc.

Address: PO Box 1244

City: Friendswood State: Texas Zip: 77549

Phone: 8322769609 Email: canders@baywayhomes.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: 4-6-2020

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number:

Date Application Received:

Bayway Homes

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Subdivision

City/Jurisdiction

Title

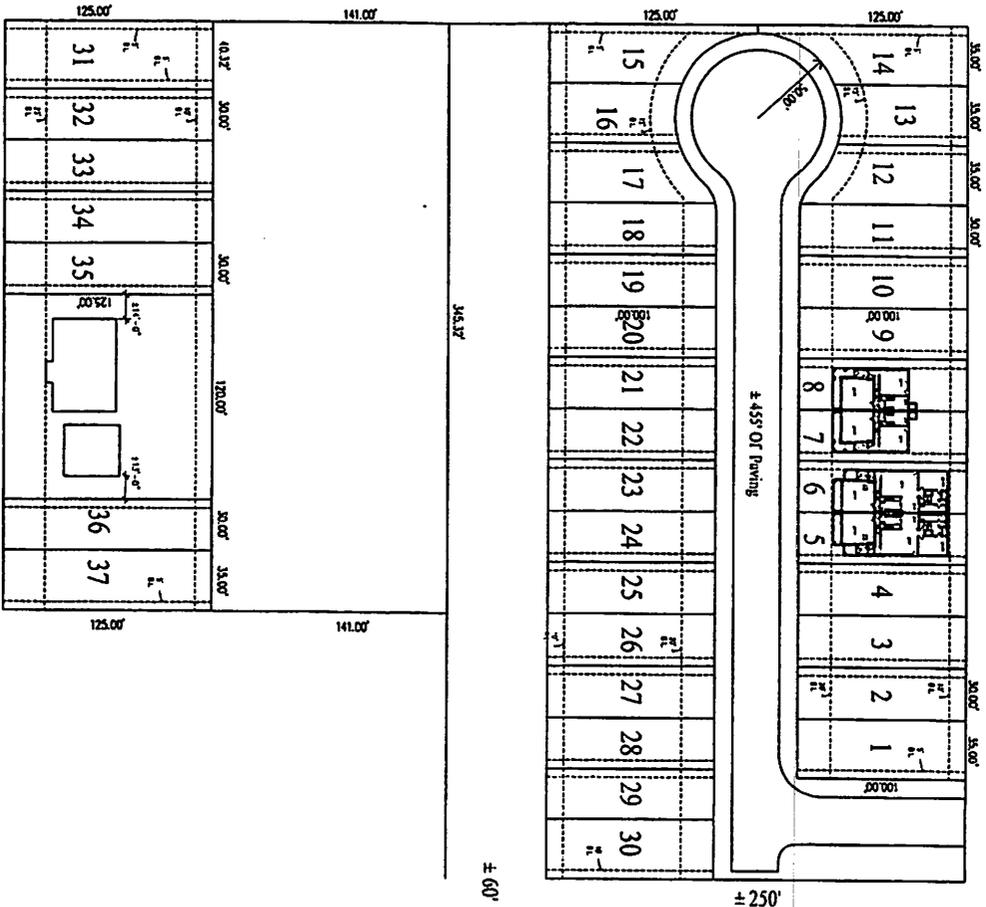
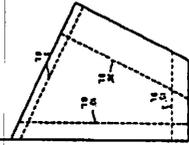
Proposed Plot

Buyer Signature

Plan Number

Date 4-6-2020

Total Approximate area
5.798Acres



South Broadway

South Oregon St.



Bayway Homes

© COPYRIGHT 2020

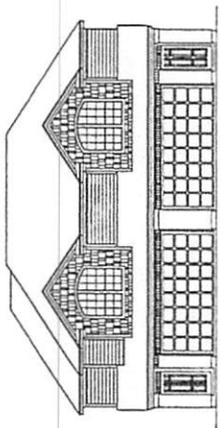
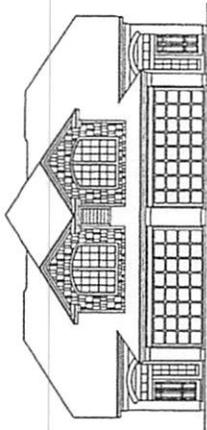
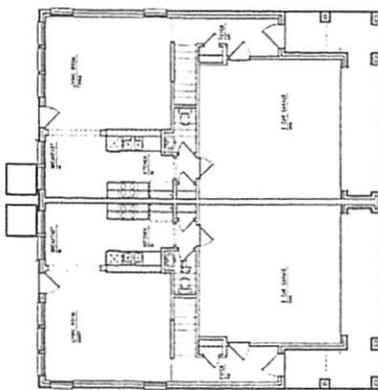
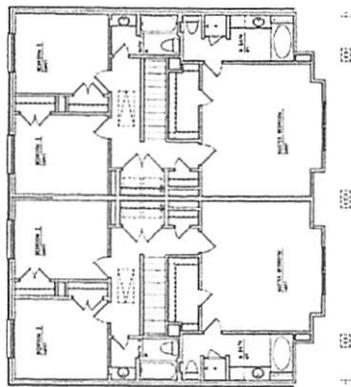
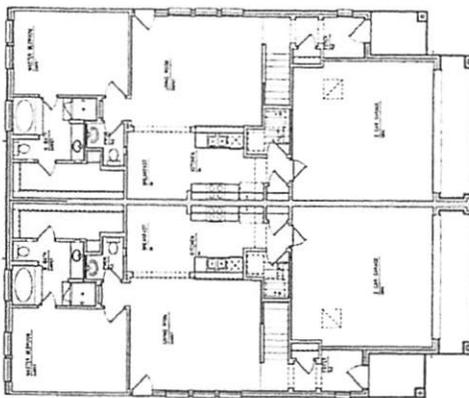
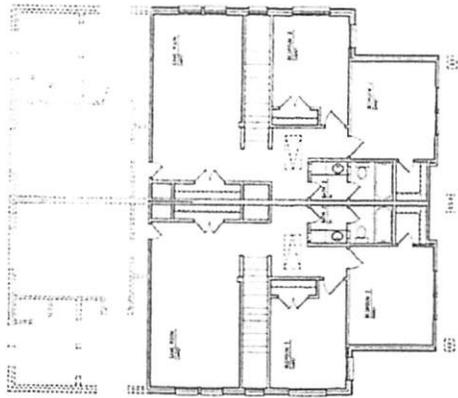
Subdivision
City/Jurisdiction

Title
Proposed Plot

Buyer Signature

Plan Number

Plans 4-6-2020



Sylvan Beach Enclave Planned Unit Development and Special Conditional Use Permit

Sylvan Beach Enclave, the project is located near Sylvan Beach Park and is bounded by South Broadway, South Oregon Street, Churchill Place Senior Living Community and City of La Porte's Hike and Bike Trail. Sylvan Beach Enclave is also located across the street from the City of La Porte's Recreation and Fitness Center. The site is currently zoned for High Density Residential District (R-3). We are applying for both a Planned Unit Develop (PUD) and Special Conditional Use Permit (SCUP). Sylvan Beach Enclave's use is single-family residential attached dwelling units. The Residential Area Requirements are a mixture of the Single-Family Special Lot Line, O Lot Line and Townhomes.

The City of La Porte's Comprehensive Plan encourages small infill development and the supply of diverse housing. Sylvan Beach Enclave is designed as an age in place development. This project is designed to appeal to single parents with one or two children, couples just starting home ownership and empty nester who are looking for reduced maintenance living and compact building design. The community promotes walkability as it is on the City's Hike and Bike Trail, across the street from the City's Recreation and Fitness and Senior Center and a short walk to Sylvan Beach Park.

All 38 proposed home sites will be slab on grade homes of one story, one and half stories and two stories. The exteriors of the homes will be a combination of brick, fibrous cement horizontal siding and fibrous faux wood shake siding. First floors will have nine feet ceilings and second floors a combination of eight- and nine-foot ceilings. All the homes will have a two-car garage. Back yards will vary in size depending on the size of the first floor of the house. We will need to install water, sanity sewer, drainage and a concrete street in the Broadway property. The first row of houses, lots 1 to 14, that back up to South Broadway will have a fence on the property line between the property and Broadway. We will work with Texas Department of Transportation to install trees in the right-of-way, to give the neighborhood a visual barrier between Broadway and the neighborhood.

The development is in the flood plain and the homes need to be raised three to four feet above the existing grade so that the finish floor height is not in the flood plain. In order to raise the homes, we will remove soil between the row of houses on South Oregon Street and second row of homes on the South Broadway and place the soil on the building sites. Where the soil has been removed, we will install tress to create a park like environment. The area we are removing soil from will be deep in the flood plain, we do not anticipate building any structures. Sylvan Beach Enclave will have a homeowner's association who will maintain the flood mitigation area and enforce maintenance standards on the appearance of the homes.

There are three landowners that we need to acquire property for this project. We currently have both properties, the property on Broadway and the property on Oregon under contact to be purchased. The third property owner is the City of La Porte who owns the 100 feet street right-of-way between the Broadway property and Churchill Senior Living Community and 60 feet street right-of-way between the Broadway and Oregon properties. The 60 feet right-of-way contains both a large sanity sewer main and a drainage ditch/facility. When we purchase the property from the city, the property will have an easement agreement allowing both facilities to remain and not allowing us to build over the sanity sewer main. The entrance to the subdivision is in the 100' right-of-way.

If we receive approval of this PUD and SCUP application and after we develop the property, we will start construction of homes after receiving building permits. We will continue building as the market will allow for absorption of the homes. To be conservative, from the granting the application to completion of the project could take four years.

We have been building in La Porte for many years in the North Side, at Sylvan Beach Park and on the nearby streets of Forrest Avenue, South Oregon Street and Park Street. We believe this project will be a significant addition to Sylvan Beach.

Attachments:

- 1) Sylvan Beach Enclave Residential Area Requirements
- 2) Site Plan
- 3) Proposed Typical Home Plans

Sylvan Beach Enclave

Planned Unit Development and Special Conditional Use Residential Area Requirements

The Development is in the High Density Residential District (R-3) which has several types of housing, two of which are Single-Family Special Lot Line, Zero Lot Line and Townhouses. We are using some of the restrictions from both districts to design Sylvan Beach Enclave. All the homes in the community will be for sale single-family homes that are attached on one wall.

	Sylvan Beach Enclave	Single-Family Zero Lot Line	Townhouses
Minimum Lot Area	3,000 feet	4,500 feet	2,000 feet
Minimum Lot Width	30 feet	40 feet	20 feet
Front Yard Setback	20 feet	20 feet	25 feet
Rear Yard Setback	10 feet	10 feet	20 feet
Side Yard Setback	0 and 5 feet	0 and 10 feet	20 feet
Side Yard Setback At end of blocks	5 feet	10 feet	20 feet
Distance between Dwelling Units	10 feet	10 feet	20 feet
Maximum Height	35 feet	35 feet	45 feet
Dwelling Units Per Acre	8	6	10
Maximum Lot Coverage	60%	60%	75%
Distance between Side Property Line And Driveway	1 feet	3 feet	3 feet
Spacing between Driveways	2 feet	10 feet	10 feet

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



May 21, 2020

AGENDA ITEMS 11-13

Special Conditional Use Permit #20-91000002

A request by Brandon Lundsford of Garden of Eden Floral, applicant; on behalf of Dan Marrouf of Tri-Star Aviation Inc., owner; for approval of a SCUP to allow a floral shop and tea room to locate on a 0.75 acre tract of land legally described as a portion of Lots 3 & 4, and a portion of Tract 5, Block 2, Payne W J Survey.

***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 of a SCUP to allow for a floral shop and tea room, to locate on a 0.75 acre tract of land legally described as a portion of Lots 3 & 4, and a portion of Tract 5, Block 2, Payne W J Survey?

DISCUSSION

Location:

The subject site is located at 10515 Spencer Hwy.

Background Information:

The property is currently developed as part of the La Porte Municipal Airport site. The proposed uses would occupy a roughly 6,000 square foot building that had previously been utilized as a restaurant/bar use. The building has sat vacant for a number of years.

Staff has provided a list of 5 conditions of approval. If approved, the proposed SCUP with conditions would limit the uses on site to a floral shop and/or tea room. Any other proposed uses would require the approval of a new SCUP.

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	La Porte Municipal Airport
South	GC, General Commercial	COLP EMS Headquarters
West	PUD, Planned Unit Development	La Porte Municipal Airport
East	PUD, Planned Unit Development	La Porte Municipal Airport

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.

Planning and Zoning Commission Regular Meeting
 May 21, 2020
 SCUP #20-91000002

Analysis:

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

1. *Land Use.* Staff finds that allowing for a floral shop/tea room use at this site would be consistent with other commercial uses in this area along Spencer Hwy.
2. *Access.* There is sufficient existing right-of-way access from Spencer Hwy.
3. *Utilities.* Water and sewer services are available along Spencer Hwy.

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 proposed use.
Impact on the value and practicality of the surrounding land uses.	Proposed SCUP would be consistent with other commercial properties in the area along Spencer Hwy.
Conformance of a zoning request with the land use plan.	The proposed SCUP is in conformance with the future land use plan as the site is part of the overall airport development.
Character of the surrounding and adjacent areas.	The proposed use is consistent with the commercial character of Spencer Hwy.
Suitability of the property for the uses which would be permissible, considering density, access and circulation, and adequacy of public facilities and services.	Development of the proposed site for commercial uses would be permissible. Uses would be limited to the stated uses within the final SCUP document.
The extent to which the proposed use designation would adversely affect the capacity or safety of that portion of the road.	The proposed SCUP should have minimal impact on the traffic along Spencer Hwy.
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 use should not have a significant impact on environmental integrity of the surrounding area.
The gain, if any, to the public health, safety, and welfare of the City.	The proposed use would allow a local business to expand its operations while utilizing a long vacant building along one of the city's major commercial arteries.

RECOMENDATION

Based on the above analysis, staff recommends the Planning and Zoning Commission consider the proposed SCUP #20-91000002. If the Commission chooses

to recommend approval, staff has listed a number of conditions that should be considered as part of the approval.

ATTACHMENTS

- Exhibit A: Area Map
- Exhibit B: Zoning Map
- Exhibit C: Future Land Use (FLUP) Map
- Exhibit D: Proposed SCUP
- Exhibit E: Application



EXHIBIT A

AREA MAP

**SCUP
#20-9100002**

10515 Spencer Hwy.

Legend

 Subject Parcel



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 160 feet
MAY 2020
PLANNING DEPARTMENT



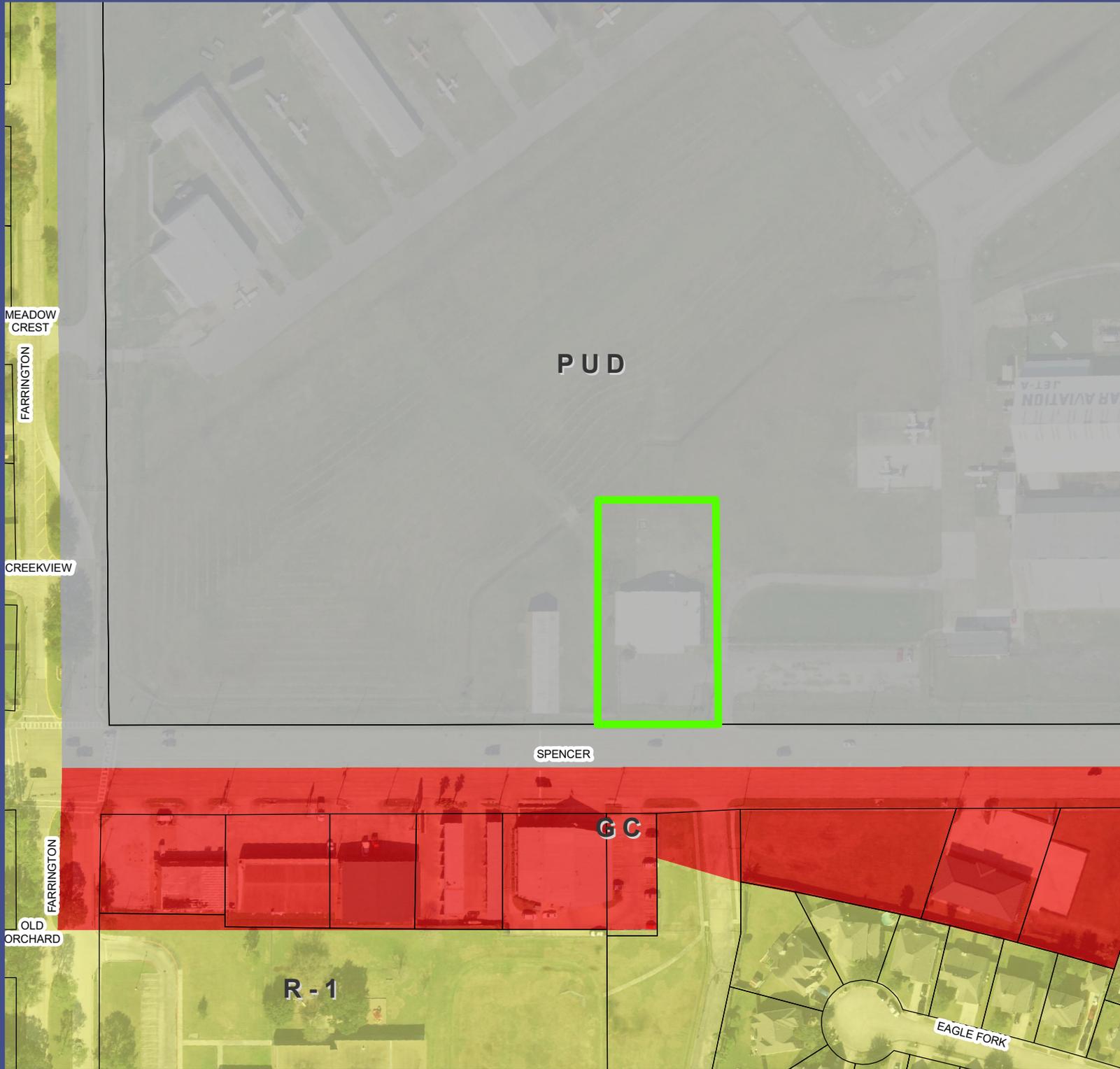


EXHIBIT B

ZONING MAP

**SCUP
#20-9100002**

10515 Spencer Hwy.

Legend

 Subject Parcel



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 160 feet
MAY 2020
PLANNING DEPARTMENT



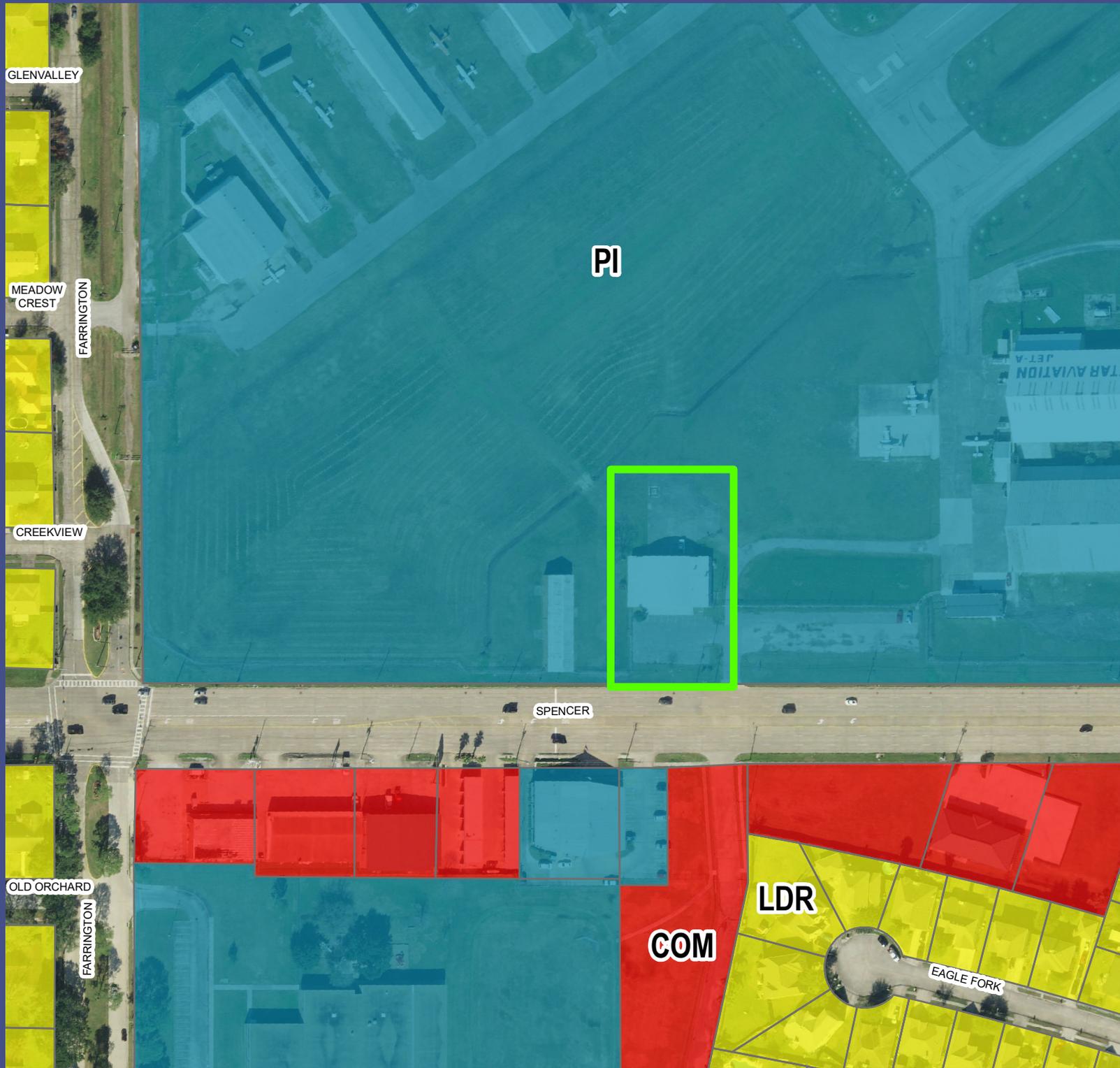


EXHIBIT C

FLUP MAP

SCUP

#20-91000002

10515 Spencer Hwy.

Legend

 Subject Parcel



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 167 feet

MAY 2020

PLANNING DEPARTMENT



EXHIBIT D

City of La Porte
Special Conditional Use Permit #20-91000002

This permit is issued to: Brandon Lunsford, Garden Of Eden Floral.
Owner or Agent

10404 Spencer Hwy.
Address

For Development of: Floral Shop/Tea Room
Development Name

10515 Spencer Hwy.
Address

Legal Description: A portion of Lots 3 & 4, and a portion of Tract 5, Block 2, Payne W J Survey, Harris County, TX

Zoning: PUD, Planned Unit Development

Use: Floral Shop/Tea Room

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, if necessary, 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. The underlying zoning shall be General Commercial. All GC zoning and development requirements will need to be met, outside of any conditions listed below.
3. Permitted use is limited to floral shop (NAICS #453110) and tea room (NAICS #722515) uses only. No other uses shall be permitted on site without the approval of a new SCUP.
4. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process for any proposed building improvements.
5. Any substantive modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

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

EXHIBIT D

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

PROJECT INFORMATION

Address where SCUP is being requested: 10515 SPENCER HWY

Legal description where SCUP is being requested: LOTS 3 & 4 TRACK 5 BLOCK 2

HCAD Parcel Number where SCUP is being requested: _____

Zoning District: PUD Lot area: _____

A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte.

Description of Request: _____

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: DAN MARROUF

Company (if applicable): TRI-STAR AVIATION INC

Address: 10515 SPENCER HWY

City: La Porte State: TX Zip: 77571

Phone: 281-470-7827 Email: DAN@TRI-STARAVIATION.COM

AUTHORIZED AGENT (If other than owner)

Name: BRANDON LUNSFORD

Company (if applicable): GARDEN OF EDEN FLORAL

Address: 10404 SPENCER HWY

City: LA PORTE State: TX Zip: 77571

Phone: 281-471-5034 Email: BRANDON@GOE-FLORAL.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: 3/12/20

Owner(s)' Signature(s): [Signature]

Date: 3/12/20

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____

Dear Planning & Zoning Commission:

I am requesting approval of a SCUP on the property located at 10515 Spencer Hwy, La Porte, Texas. We are looking to expand our current retail location Garden of Eden Floral, LLC. which has been in business since 2012. We have been a longtime supporter of this community and this new location would allow us to bring something unique to our city.

The new location will accommodate a full-service florist along with a small tea room that will be open only Tuesday-Saturday 11am-3pm.

Thank you for your consideration.

-Brandon Lunsford

Garden of Eden Floral LLC.