



City of La Porte Planning and Zoning Commission Agenda

Notice is hereby given of a **Special Called Meeting** of the La Porte Planning and Zoning Commission to be held on **Thursday, October 30, 2014 at 6:00 p.m.** at City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, regarding the items of business according to the agenda listed below:

1. Call to order.
2. Roll call of members.
3. Consider approval of meeting minutes: September 25, 2014.
4. Election of a Vice Chair.
5. Re-open public hearing to receive input on proposed modifications to Chapter 106 (Zoning) of the City of La Porte's Code of Ordinances in connection with the comprehensive review of Chapter 106 (Zoning) by the Chapter 106 (Zoning) Subcommittee of the La Porte Planning and Zoning Commission.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (for, against, or questions)
 - d. Question and Answer
6. Close public hearing.
7. Consider recommendation to City Council on proposed modifications to Chapter 106 (Zoning) of the City of La Porte's Code of Ordinances in connection with the comprehensive review of Chapter 106 (Zoning) by the Chapter 106 (Zoning) Subcommittee of the La Porte Planning and Zoning Commission.
8. Consider a recommendation for approval of an amendment to the city's Future Land Use Map amending a .380 acre tract of land further described as Lots 164, 165, and 166, in Block 7, of Battleground Estates, Section 1, a Subdivision in Harris County, Texas according to the Map or Plat thereof recorded in Volume 41, Page 65 of the Map Records of Harris County, Texas, as re-platted to form portion of Lot 1 B, in Re-Plat filed and recorded with Harris County on June 15, 1994, under Harris County Clerk's File # P912525, from "Large Lot Residential" to "Low Density Residential."
9. Open public hearing to receive input on an application for Zone Change #14-92000003 by Joe Chambers, owner of a .380 acre tract of land, described as all of lots formerly designated as 164, 165, and 166, in Block 7, of Battleground Estates, Section 1, a Subdivision in Harris County, Texas according to the Map or Plat thereof recorded in Volume 41, Page 65 of the Map Records of Harris County, Texas, as re-platted to form portion of Lot 1 B, in Re-Plat filed and recorded with Harris County on June 15, 1994, under Harris County Clerk's File # P912525, from Large Lot District (LL) to Low Density Residential District (R-1).
 - 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 City Council on Zone Change request #14-92000003.
- 12. Consider approval of Vacating Plat #14-97000005 request by Eddie V. Gray, Trustee, for the Vacating Plat of Reserve 1 "Only" of Fairmont Park East Business Park Reserves 1, 3, 4, 5 and 6.
- 13. Consider approval of Major Development Site Plan #14-83000002 request by La Porte Independent School District to allow construction of a new elementary school building at the site of the existing Lomax Elementary School located at 10615 N. L Street.
- 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.

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, October 30, 2014, agenda of items to be considered by the Planning and Zoning Commission was posted on the City Hall bulletin board on the ____ day of _____, 2014.

_____ Title: _____

**Planning and Zoning Commission
Minutes of September 25, 2014**

Commissioners Present: Richard Warren, Helen LaCour, Mark Follis, Lou Ann Martin, Wyatt Smith, Nick Barrera, Trey Kendrick, and Hal Lawler

Commissioners Absent: Les Bird

City Council Members Present: Dottie Kaminski, John Zemanek, and Danny Earp

City Staff Present: City Manager Corby Alexander, Assistant City Manager Traci Leach, Planning Director Tim Tietjens, City Planner Eric Ensey, Assistant City Attorney Clark Askins, and Planning Coordinator Peggy Lee

1. Call to order.

Chairman Hal Lawler called the meeting to order at 6:02 p.m.

2. Roll Call of Members.

Commissioners Warren, LaCour, Follis, Martin, Smith, Barrera, Kendrick and Lawler were present for roll call.

3. Consider approval of meeting minutes: August 21, 2014, and September 4, 2014.

Motion by Commissioner Smith to approve the meeting minutes of August 21, 2014.

Second by Commissioner Warren. Motion carried.

Ayes: Commissioners Warren, LaCour, Follis, Martin, Smith, Barrera, Kendrick and Lawler

Nays: None

Motion by Commissioner Barrera to approve the meeting minutes of September 4, 2014.

Second by Commissioner Kendrick. Motion carried.

Ayes: Commissioners Warren, LaCour, Follis, Martin, Smith, Barrera, Kendrick and Lawler

Nays: None

4. Open public hearing to receive input on Special Conditional Use Permit #14-91000001, a request by CST Brands, Inc. on behalf of Port Crossing Land LP/ML Realty Partners for the construction of a convenience store and gas station on a 3.45 acre tract described as Reserve H, Block 4, Port Crossing, as recorded in record #20070102667, Harris County, Texas, and located at the southwest corner of State Highway 146 and Wharton Weems.

Chairman Lawler opened the public hearing at 6:08 p.m.

a. Staff Presentation

City Planner Eric Ensey presented the staff report. CST Brands, Inc., on behalf of Port Crossing Land LP, has requested approval of a Special Conditional Use Permit (SCUP) to allow construction of a convenience store and gas station on a 3.45 acre tract of land located at the southwest corner of SH 146 and Wharton Weems.

Notification of the public hearing was mailed to all property owners (6) within 200 feet of the subject site. No responses to the notification were received by the City; however, the La Porte Independent School District submitted Resolution No. 2014-22, "strongly opposing" the requested SCUP.

Staff has reviewed the applicant's request and proposed the following conditions be placed on the SCUP, if recommended for approval by the Commission:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance.
2. The plan shall comply with all other 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.
3. All necessary documentation for building permit review must be submitted in conjunction with the city's building permit application process.
4. Existing landscaping and monument signage at the intersection of Wharton Weems and SH146 planted as a "gateway" to the Port Crossing Business Park shall be maintained and incorporated into the landscape plan and irrigation system required otherwise for the development which shall also be maintained in compliance with the City's Code of Ordinances.
5. Landscaping, including a combination of trees and shrubs shall be provided between the west edge of pavement and the west property line in a manner so as to provide screening to the adjacent property. Additional landscaping shall be provided in the area between the south edge of pavement and the south property line. This landscaping shall include a mix of trees and shrubs planted in a manner so as to create an amenity to the site. At no time shall the landscape area south of the pavement edge show in the proposal be paved or allowed for vehicle use or circulation.
6. A traffic study performed by a licensed engineer shall be required. The study must ensure that the proposed development will not adversely impact the SH146 - Wharton Weems intersection as well as the SH 146 frontage road east of the proposed facility. Any mitigation required by the study will be the responsibility of the applicant.
7. Vehicles may park within designated parking spaces only, except when fueling. No overnight parking of vehicles is permitted on-site. The applicant shall record a separate legal

deed restricting the overnight parking of vehicles on this site prior to the approval of a site development plan by the city.

8. No more than ___ diesel truck fueling pumps are permitted.
9. TxDOT and Harris County driveway permits shall be presented prior to permit issuance for all driveways requested. Maximum driveway widths shall be provided in compliance with city code requirements.
10. The pavement shall remain in good, operable, dust free condition over time, and that repairs shall be made as necessary upon written notification by the city.
11. No trucks transporting “Hazardous Cargo” are allowed on-site at any time. Appropriate signage prohibiting vehicles carrying hazardous cargo shall be posted at all driveway entrances to the site.
12. “No loitering” signs shall be conspicuously posted outside the facility.
13. No shower facilities for customers are permitted on site at any time.
14. Minor amendments to the plans shall be subject to approval by the Director of Planning. A significant change in the approved concept shall be subject to the Planning and Zoning Commission’s review.

b. Applicant Presentation

The applicant, Cody Cristoph, real estate representative for CST Brands, Inc., (retail division formerly known as Valero), addressed the Commission. Mr. Cristoph spoke about the amenities the development would offer the community.

c. Public Comments (for, against, or questions)

Margaret Anderson, 909 Gardenwalk, spoke not as a representative of her newspaper (Around La Porte), but as a property owner and lifetime resident of the City. Ms. Anderson opposes the project citing it would not enhance the City nor would it increase property values. Her reasons for opposition are as follows: 1) safety of students at nearby Bayshore Elementary School, 2) increased truck traffic, 3) negative impact on marketability of homes in Lakes of Fairmont Greens, Baypoint Townhomes, Shady River, and Shoreacres. Ms. Anderson noted that even if the project did not include diesel fueling pumps, there would still be no need for another convenience store as she listed a number of convenience stores already operating in close proximity to the subject site. Information about the project was posted on “Around La Porte” facebook receiving 41 posts in favor and 72 posts against.

Virginia Pierson-Turner, 231 Bayside Drive, spoke in opposition to the project due to its negative impacts on property values. Having banking experience in the commercial real estate market, Ms. Turner has seen how La Porte has become a city where people come to work, but not to live.

Brett Stout, 523 Fairway Dr., opposes the project. Mr. Stout, whose son attends nearby Bayshore Elementary School, has security concerns surrounding the proposed development.

James Dove, 2310 Eagle Lane, spoke against the project. Mr. Dove has spent 30 years in the trucking industry and believes the development would not create an environment anyone would want to live around. He noted the high speed fueling pumps being proposed would not prevent trucks from stacking up, either in the pump area or along the side streets.

Tony DeLeon, 606 Fairway Dr., opposes the proposed development he referred to as a truck stop. Mr. DeLeon believes a convenience store at that location would contribute to worsening truck traffic by the trucks stopping instead of moving on through town.

Ryan Lovell, developer of Port Crossing Commerce Center, feels the proposed use is consistent and compatible with the business park. Mr. Lovell spoke of the ten million dollars worth of improvements at Port Crossing. He asked the Commission for favorable approval of the retail development, which would help to diversify the TIRZ.

William (Bill) Morris, engineering and architectural consultant for the project, addressed the Commission. Mr. Morris noted that most of the real estate is dedicated for the convenience store and the three high speed diesel fueling lanes were added to move trucks through quickly.

Bernard Legrand, 3115 Layne Court, believes the project is a truck stop, which would add to the truck problem. Mr. Legrand does not think it is a good idea to mix trucks with people and housing.

Matt Gamblin, 511 Fairway Dr., addressed the Commission. Mr. Gamblin purchased his home because there are nice neighborhoods around the golf course area. He opposes the project because the facility would attract more trucks.

Phillip Hoot, 927 Seabreeze, representing La Porte Independent School District, spoke in opposition to the project. Mr. Hoot stated the northbound exit ramp on SH 146 is confusing and the development would cause trucks to exit near the school causing safety concerns for the children at Bayshore Elementary School.

Evelyn Aaron, 503 Fairway Dr., opposes the project due its close proximity to the elementary school and family-oriented housing.

d. Question and Answer

James Dove, 2310 Eagle Lane, inquired as to whether the applicant has ever lived near one of his developments.

5. Close public hearing.

Chairman Lawler closed the public hearing at 6:45 p.m.

6. Consider recommendation to City Council on Special Conditional Use Permit request #14-91000001.

Commissioner Barrera asked if the project would still be viable if it were approved without the diesel fuel pumps. Ryan Lovell responded he believed it could be viable; however, their request, as submitted, includes the pumps.

Commissioner Barrera inquired as to whether there would be sufficient driveway access from the frontage road according to TxDOT standards. The project engineer, William Morris, stated if the project is approved they would make application with TxDOT for driveway permits for both the frontage road and Wharton Weems. Ingress/egress maneuvering of trucks within the site was discussed.

Commissioner Follis inquired about Item 7 of the draft Special Conditional Use Permit regarding no overnight parking being allowed. Planning Director Tim Tietjens confirmed that the condition would also apply to trucks.

Commissioner Smith asked if there would be implications for the City if not approved. Assistant City Attorney Clark Askins said there would not as the City has discretion in making its decision. Ryan Lovell stated any rumors that a lawsuit would be filed if the project were not approved, are simply not true.

Commissioner Martin inquired about the definition of long term parking and how it would be handled if a vehicle was on the site for an extended period. Ryan Lovell stated it had not been a problem at their other locations, but if it ever occurred, the police would be called.

Commissioner Smith commented that whether there are designated truck parking spaces or not, trucks will still have to wait and will be stacked up or parked along the roadway. Commissioner Warren agreed with Commissioner Smith's comment.

Commissioner Martin inquired about plans for the one-acre to the south of the proposed development. Ryan Lovell responded there are no plans for the land.

Commissioner Martin inquired about a previous TIRZ comment made by Mr. Lovell. Mr. Lovell explained the situation Port Crossing finds itself in with regard to the TIRZ.

Marshall Clinkscales, real estate representative for the applicant, stated that it has been difficult to market the property due to the lack of rooftops in the area.

Commissioner Follis suggested the project would be more palatable if the diesel pumps were not part of the development.

Motion by Commissioner Warren to recommend to City Council, denial of Special Conditional Use Permit #14-91000001.

Second by Commissioner Martin. Motion carried.

**Ayes: Commissioners Warren, LaCour, Follis, Martin, Smith, Barrera, Kendrick and Lawler
Nays: None**

Chairman Lawler called for recess at 7:18 p.m. The meeting reconvened at 7:30 p.m.

- 7. Consider a request for approval of an amendment to the City's Future Land Use Map amending a 1.0833 acre tract of land further described as all of Tracts 319B and 320B, La Porte Outlots (also known as 11814 N. P Street), and a 0.091 acre portion of Tract 320, La Porte Outlots (also known as 1502 Sens Road), Harris County, Texas, from "Commercial" to "Large Lot Residential."**

Agenda Item #7 is in conjunction with Agenda Item #8; therefore, City Planner Eric Ensey presented the staff report for both items under Agenda Item #8.

Motion by Commissioner Kendrick to approve an amendment to the City's Future Land Use Map amending a 1.0833 acre tract of land known as 11814 N. P Street and a 0.091 acre portion of land known as 1502 Sens Road from Commercial to Large Lot Residential.

Second by Commissioner Warren. Motion carried.

**Ayes: Commissioners Warren, LaCour, Follis, Martin, Smith, Barrera, Kendrick and Lawler
Nays: None**

- 8. Open public hearing to receive input on an application for Zone Change #14-92000002 by Joe Berry and Judy Berry, owners of a 1.0833 acre tract of land further described as all of Tracts 319B and 320B, La Porte Outlots (also known as 11814 N. P Street), and 0.091 acre portion of Tract 320, La Porte Outlots (also known as 1502 Sens Road), Harris County, Texas, a rezoning from GC, General Commercial, to LL, Large Lot Residential.**

Chairman Lawler opened the public hearing at 7:32 p.m.

a. Staff Presentation

City Planner Eric Ensey presented the staff report for Agenda Items 7 & 8 simultaneously.

Mr. Ensey reported on a zone change request by Joe Berry and Judy Berry to rezone the property at 11814 N. P St. from General Commercial to Large Lot Residential. The City's Land Use Map identifies the property as a commercial use, which necessitates the need for a Land Use Map amendment. Mr. Ensey also presented the staff report for the Land Use Map amendment.

Judy Berry, owner of 1502 Sens Road, intends to sell a 36.9' x 100' portion of her lot to her son Joe Berry, owner of 11814 N. P Street. Mr. Berry is proposing to construct an accessory

structure to be used as a storage/workshop. If approved, the rezone would remove the nonconforming status of Mr. Berry's property as it is currently zoned General Commercial.

Notices of public hearing were mailed to eight property owners located within 200' of the subject property. The City received one response in favor of the request.

b. Applicant Presentation

The applicant, Joe Berry, addressed the Commission. Mr. Berry stated the building will not have any utilities; it will simply be used as his personal work space.

c. Public Comments (for, against, or questions)

Lisa Berry, 1118 N. Ave. P, requested favorable consideration of the requests.

d. Question and Answer

N/A

9. Close public hearing.

Chairman Lawler closed the public hearing at 7:45 p.m.

10. Consider recommendation to City Council on Zone Change request #14-92000002.

Motion by Commissioner Kendrick to recommend to City Council, approval of Zone Change request #14-92000002 rezoning a 1.0833 acre tract of land known as 11814 N. P Street and a 0.091 acre portion known as 1502 Sens Road from General Commercial to Large Lot Residential.

Second by Commissioner Warren. Motion carried.

Ayes: Commissioners Warren, LaCour, Follis, Martin, Smith, Barrera, Kendrick and Lawler

Nays: None

11. Open public hearing to receive input on proposed modifications to Chapter 106 (Zoning) of the City of La Porte's Code of Ordinances in connection with the comprehensive review of Chapter 106 (Zoning) by the Chapter 106 (Zoning) Subcommittee of the La Porte Planning and Zoning Commission.

Chairman Lawler opened the public hearing at 7:45 p.m.

a. Staff Presentation

City Planner Eric Ensey presented the staff report on proposed modifications to Chapter 106 of the Code of Ordinances. In addition to the standard public notification process, direct invitations for this meeting were mailed to various members of the development community, i.e. design professionals, engineers, etc. Mr. Ensey provided an overview of the

Chapter 106 subcommittee's recommended modifications to the Zoning Ordinance. The proposed changes, which were described in greater detail, pertain to the following sections:

- General modifications
- Definitions (Section 106-1)
- Board of Adjustment (Article II, Division 2, Subdivision III)
- Permits (Article II, Division 4)
- Nonconforming Lots of Record (Section 106-268)
- Commercial and Industrial Uses Table (Section 106-310)
- Visibility Triangle (Section 106-311)
- Table B, Residential Area Requirements (Section 106-333)
- Special Use Performance Standards for Residential (Section 106-334)
- Commercial Uses Table (Section 106-441)
- Commercial Area Requirements Table (Section 106-443)
- Commercial Performance Standards (Section 106-444)
- Main Street District With Overlay (Article III, Division 3, Subdivision V)
- Mixed Use District (Article III, Division 3, Subdivision VI)
- Industrial Uses (Section 106-521)
- Table A, Industrial Area Requirements (Section 106-522)
- Industrial Performance Standards (Section 106-523)
- Location of Heavy Truck Uses (Section 106-746)
- Dumpster Enclosures (Section 106-752)
- Landscaping (Section 106-800)
- Tree Preservation (Section 106-801)
- Tree Fund (Section 106-803)
- Visibility Triangles (Section 106-805)
- Parking Design Standards (Section 106-835)
- Parking Location (Section 106-837)
- Number of Parking Spaces Required (Section 106-839)
- On-Premises Signs (Section 106-874)
- Design Guidelines (Article IX)

Commissioner Follis suggested continuing the public hearing to the following meeting in order to allow additional review time and to be responsive to Council Members' concerns.

b. Applicant Presentation

N/A

c. Public Comments (for, against, or questions)

Former Commissioner and Chapter 106 Subcommittee member Phillip Hoot spoke briefly about design standards and the tree fund.

Alaine Hinds, 11816 Plainbrook, spoke in favor of the proposed ordinance change that would allow her to park beside the paved driveway at her home in the Lomax area of La Porte. Currently, she must pull her vehicle into the grassy area alongside her driveway in order for the school bus to pull into the driveway twice a day to pick-up and drop off her disabled daughter.

Michael Pate, representing Electric Guard Dog in Columbia, South Carolina, addressed the Commission. His company installed an electrical security fence at a La Porte business only to later learn it was not allowed. After describing the system and its benefits, Mr. Pate asked the Commission to consider allowing its use in commercial and industrial areas of La Porte during this zoning review process.

d. Question and Answer

Commissioners had additional questions for Mr. Pate about his product and then suggested he seek remedy from the Zoning Board of Adjustment (ZBOA). Mr. Pate was not interested in pursuing a decision from the ZBOA since he has been unsuccessful in getting a favorable decision from various boards in other cities.

Commissioners indicated they would not be interested in beginning a review on Mr. Pate's request during this zoning review process.

12. Close public hearing.

The public hearing was not closed.

Motion by Commissioner Warren to postpone the public hearing until October 16, 2014, at 6:00 p.m.

Second by Commissioner Follis. The Commission recognized a conflict with the APA Conference on October 16.

Motion by Commissioner Kendrick to amend the previous motion to postpone the public hearing until October 30, 2014, at 6:00 p.m.

Second by Commissioner Warren. Motion carried.

**Ayes: Commissioners Warren, LaCour, Follis, Martin, Smith, Barrera, Kendrick and Lawler
Nays: None**

13. Consider recommendation to City Council on proposed modifications to Chapter 106 (Zoning) of the City of La Porte's Code of Ordinances in connection with the comprehensive review of Chapter 106 (Zoning) by the Chapter 106 (Zoning) Subcommittee of the Planning and Zoning Commission.

See item 12 above.

14. Administrative reports.

There were no administrative reports.

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

There were no Commission Comments.

16. Adjourn

Motion by Commissioner Warren to adjourn.

Second by Commissioner Barrera. Motion carried.

Ayes: Commissioners Warren, LaCour, Follis, Martin, Smith, Barrera, Kendrick and Lawler

Nays: None

Chairman Lawler adjourned the meeting at 9:00 p.m.

Respectfully submitted,

Peggy Lee
Secretary, Planning and Zoning Commission

Passed and Approved on _____, 2014.

Hal Lawler
Chairman, Planning and Zoning Commission

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



October 30, 2014

AGENDA ITEM 5

Consider recommending approval to the City Council
of proposed modification to Chapter 106 (Zoning)
(Public Hearing Continued)

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

Planning and Development Department Staff Report

ISSUE

Following the public hearing, should the Planning and Zoning Commission consider recommending approval to the City Council the proposed modifications to Chapter 106 (Zoning) as presented in the attached Exhibit A?

DISCUSSION

The Planning and Zoning Commission held a public hearing on this item at the September 25, 2014 meeting and continued the public hearing to the October 30, 2014 meeting to provide Council members present at the public hearing an opportunity to further discuss a couple of issues with the Subcommittee prior to the Commission making a formal recommendation to the City Council. The Subcommittee and staff held a meeting to discuss those items and as a result are presenting a few modifications for consideration that are responsive to the Council members concern. However, rather than printing a new Chapter 106, staff is presenting those sections in this report. Any recommendation from the Commission should incorporate the modifications as presented in this report, if the Commission desires to incorporate them, as replacements to those sections in the previous version presented at the September 25th public hearing. Please note that the red text, whether highlight or strikethrough, represents the change from the previous version. Those yellow highlighted sections with black text remain the same as the previous version.

Sec. 106-680. Exterior building designs.

The material used on the exterior facade of all commercial and industrial buildings within the city's TIRZ No. 1 shall conform to the requirements below and in accordance to the appropriate zoning district, land uses, and visibility of the site. **Any new nonresidential development in the city's TIRZ No. 1 is subject to the applicable provisions in Article IX, Design Guidelines. Where such development is located on a thoroughfare not identified in the requirements of Article IX or on a thoroughfare identified as a Tier 3, then said project shall be subject to the requirements in Tier 2.**

- ~~(a) Minimum exterior wall standard for any building visible from a major thoroughfare or directly abutting residential development shall be 100 percent masonry or glass, e.g. brick, stone brick veneer, tilt wall, decorative or textured concrete block, split face block, stucco, and EIFS (exterior insulation and finish systems).~~
- ~~(b) All nonconforming structures must come into compliance with the above standards whenever a permit is desired and under review per sections **106-262 (Nonconforming structures)** and **106-268 (Nonconforming lots of record)** of this article. Any pre-existing~~

~~building which is required to conform to this section shall have front facade 100 percent masonry or glass, side/rear 50 percent masonry or glass.~~

Landscaping: Minimum 10 percent.

The proposed modifications to this section impact the requirements for exterior building design of properties located within the city's TIRZ No. 1 zone. This was a provision that was over-looked by the Subcommittee. As a result of the new Design Guidelines in Article IX, the reference to 100% masonry is no longer applicable. The proposed language requires any new nonresidential development within the TIRZ zone to comply with the requirements of the Design Guidelines. If a property is not on a thoroughfare identified in Article IX or is located on a thoroughfare identified as a Tier 3, then the Tier 2 requirements apply.

Sec. 106-800. Landscaping.

- (a) Landscaping is required along the front property line and along the side property lines in a minimum four feet wide planting strip ~~with a combination of trees and shrubs~~. Corner lots shall be treated as having two front property lines. A certified site plan and/or separate landscape plans shall be submitted in conjunction with building permit applications. A landscape legend on the site plan shall include type, size, and number of plantings existing and proposed at site. Approval of landscape requirements is a condition of building permit approval. **The perimeter landscaping requirements of this subsection are not applicable in the Main Street District Overlay.**
- (b) Landscaping within public rights-of-way will not contribute towards a total required landscaping for parking and open-space areas unless approved by the director. Landscaping on public property or easements is at owner's risk and subject to the requirements of [section 106-794](#) **(Fences and trees on utility easements)** of this chapter.
- (c) Landscaping plans shall be developed using the following criteria:
 - (1) *Location.*
 - a. ~~The R~~required **landscaping planting strip** shall be located adjacent to the front and side property lines up to the front of the primary structure of the site **or the building setback line, whichever is greater**. ~~In instances where the side or rear property line abuts residential, landscaping shall be required in accordance with section Section 106-444(a) (Screening).~~
 - b. ~~Adjacent to rights-of-way.~~ **Trees within the planting strip.** There shall be at least one **ornamental shade** tree for every 30 linear feet of front property. ~~landscape area on sites not abutting major thoroughfares. For sites abutting major thoroughfares, there shall be at least one ornamental tree for every 20 linear feet. When overhead utility lines are parallel and adjacent to the planting strip or run parallel within the planting strip, ornamental trees may be substituted for the required street trees at the rate of one tree for every 20 linear feet of front property. Trees shall be planted within the planting strip in a boulevard type manner on center and uniform distance from the curb or pavement.~~
 - c. **Shrubs within the planting strip.** When a parking lot is located between the building and any adjacent right-of-way, shrubs are required in the planting strip adjacent to the right-of-way and shall be spaced at three feet on center. At maturity, shrubs in a required planting strip should form a continual evergreen hedge or row of 36 inch **in height**.
 - ~~bd.~~ ~~Landscaping located in sight triangles shall be maintained in a manner that maintains an area of clear visibility between three and six feet as measured~~

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- vertically from the adjacent prevailing grade shall be in accordance with the visibility triangle requirements in sec. 106-311 (Visibility triangle).
- ee. Parking lot requirements.
 - i. Parking lot with minimum 20 spaces shall provide a planter at the ratio of one for every ten parking spaces.
 - ii. Planters (minimum 135 square feet) shall not abut on more than two sides of required perimeter landscape area. Each required planter shall have one shade tree. Trees shall be dispersed throughout the parking lot to maximize the shading effect on the parking spaces. These trees are exclusive of trees planted around the perimeter of the parking lot.
 - iii. ~~The minimum size of parking lot trees shall be a minimum two-inch caliper in size.~~
 - iv. ~~The minimum height of parking lot trees shall be six feet.~~
 - f. ~~When adjacent to residential, landscaping shall be required in accordance with section Section 106-444(a) (Screening).~~
- (2) *Types of plants and materials.* Trees, flowering and non-flowering plants, shrubs, wood, timber, stone, fountains, and ponds may be used for required landscaping.
- a. Shade trees shall be a minimum of two-inch caliper and shall be selected from city's recommended native/protected trees and plants list. Ornamental trees shall be a minimum of six feet in height at the time of planting.
 - b. Shrubs or hedgerow plants shall be no less than five gallons in size ~~and spaced no more than three feet on center.~~
 - c. ~~Combination of trees and shrubs in a required landscape area should form a continual evergreen hedge or row of 36 inch in height when screening a parking area.~~
- (3) *Maintenance.* Required landscaping must be maintained by the property owner and/or occupant. Vehicles should not encroach upon perimeter landscape areas or planters. Wheel stops must be provided along perimeter frontage to ensure no overhang or damage to landscape area.
- (4) *Irrigation.* ~~An programmable automatic irrigation system shall be provided to all landscaped areas subject to the following: Water conservation or rain sensor devices shall be used in accordance with applicable city requirements.~~
- a. ~~On developments greater than one acre, a programmable automatic irrigation system with rain sensor devices shall be provided to all landscape areas.~~
 - b. ~~On developments one acre or less, in lieu of a programmable automatic irrigation system, a programmable hose bib system may be utilized when plant material is within 100 feet of the hose bib.~~
 - c. ~~An exception from the irrigation system requirements shall be allowed when utilizing drought tolerant and native plants as identified by Texas A&M University's current table for this region. These plantings must be established through manual irrigation for a minimum of 6 weeks after planting.~~
- (d) Landscaping/screening for shipping container facilities.
- (1) The property owner or tenant shall provide a natural screening. This will be accomplished in one of three ways.
 - a. Leave in place existing trees, vegetation, underbrush, etc. to provide a thorough, continuous and effective opaque visual screening of the shipping container development.
 - b. Construct earthen berms with a combination of trees, shrubs, and ground cover that after three years will be at least 20 feet in height and creates a continuous visual screen.
 - c. Develop a screening plan that would be approved by the city that includes a combination of trees, shrubs, and ground cover that after three years will be at least 20 feet in height and creates a continuous visual screen.
 - (2) The property owner or tenant will provide screening along the frontage of the site and along the side yards for a distance of 50 feet. In the ~~advent event~~ that the site is

adjacent to a commercial or residential use, the screening shall be required for the entire length of the adjacent yard area.

- (3) All required screening shall be adjusted away from overhead power lines to allow for full maturity of the trees without unnecessary trimming or topping of the trees.
- (e) Placement of landscaping shall be in accordance with the visibility triangle requirements of section 106-311 (Visibility triangle).
- (f) Screening for commercial and industrial uses adjacent to residential shall refer to the requirements of section 106-444(a) (Commercial performance standards).

The modifications to the landscaping provisions are an attempt to clarify a number of questions that are routinely asked by the public. First of all, the attempt was to move some requirements that were in subsections not appropriate to the regulation. For instance, there were spacing requirements of shrubs within the requirements for type of plants and materials. Secondly, there is an attempt to further clarify the requirements for landscaping within the perimeter planting strip. Shade trees are required within the planting strip along street frontages. There is an allowance for ornamental trees in locations where there are overhead utility lines. Shrubs are required to screen parking areas from the public right-of-way.

ARTICLE IX. DESIGN GUIDELINES

DIVISION 1. DESIGN GUIDELINES FOR GC, NC AND BI DISTRICTS

Sec. 106-925. Purpose and intent.

(a) *Purpose.* The purpose of this division is to establish minimum guidelines for the appearance of neighborhood commercial, general commercial, business industrial districts.

(1) Buildings should directly contribute to the attractiveness, safety and function of the street and public areas.

(2) Buildings should be constructed in a manner, and with materials, that are highly durable and will continue to endure and be attractive over a long time, especially adjacent to public and pedestrian areas.

(3) It is intended by this Section, to encourage a variety of building and design solutions in response to the guidelines and regulations outlined herein.

(b) *Intent.* It is the intent of these guidelines to promote high quality design in new development, thereby creating a sense of community identity. It is also intended to ensure commercial buildings are constructed in a manner that allows flexibility to accommodate a range of uses over time in order to avoid the need to demolish and rebuild for successive uses.

Sec. 106-XXX. Scope and enforcement.

(a) *Scope.* These provisions shall apply to all new development located in NC and GC districts adjacent to and along the following thoroughfares, roadways, and collector streets. All new developments and buildings located in BI districts adjacent to and along the following thoroughfares, roadways, and collector streets shall be applicable to Tier 3 only.

(1) Tier 1. State Highway 146, except those properties zoned BI

(2) Tier 2. Spencer Highway, Fairmont Parkway, and South Broadway Street (Old Highway 146), West Main Street

(3) Tier 3. Barbour's Cut Boulevard, North Broadway Street (Old Highway 146), Underwood Road, Bay Area Boulevard, Sens Road, Canada Road, East

Main Street and State Highway 225; including all properties zoned BI on said roads in this subsection as well as State Highway 146.

(b) **Enforcement.** The provisions of this division shall be administered by the Director of Planning and Development or designee.

(1) Existing buildings shall also conform to these requirements upon expansion of over one-third of an area of improvement/development.

(2) In case of structural damage to the front of the building due to fire, flood or other reasons, and the cost of redevelopment is in excess of 50 percent of the value (replacement cost by the certified appraisal) the structure shall conform to these above requirements.

(3) The standards and criteria contained within this section are deemed to be minimum standards and shall apply to buildings constructed after the effective date of this ordinance. Buildings constructed after the effective date of this ordinance shall at all times comply with the provision of this division and the version of the building design guidelines in force at the time of the building permit application.

Sec. 106-XXX. Review procedures.

(a) The provisions of this section shall be reviewed as part of the requirements of Section 106-236 (Certified site plan required).

(b) Any waivers to the provisions of this section require approval by the Planning and Zoning Commission. The Planning and Zoning Commission may approve a waiver request subject to the following findings:

(1) The project as designed is consistent with the general spirit and intent of the City of La Porte's Comprehensive Plan.

(2) The proposed building will result in an attractive contribution to the community.

Sec. 106-XXX. Architectural design guidelines.

(a) Building Form (Applicable to Tier 1 and 2)

(1) All buildings shall be designed and constructed in tri-partite architecture so that they have a distinct base, middle and top.



Examples of Single Story Tri-Partite

(b) Building Articulation (Applicable to Tier 1 and 2)

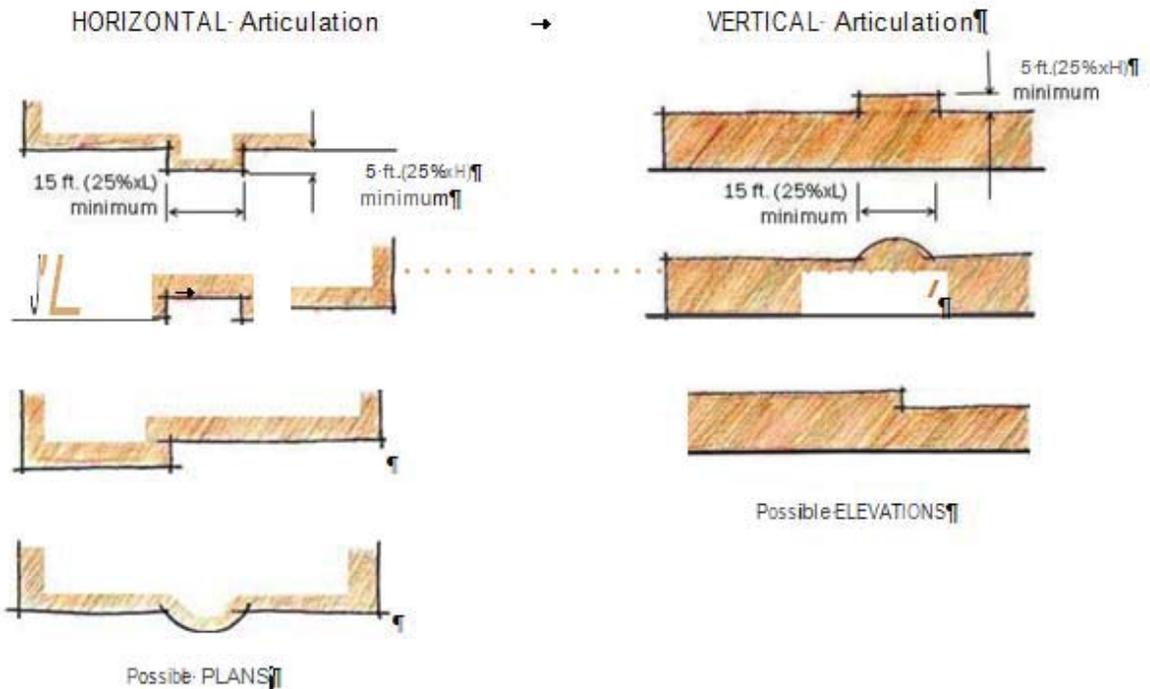
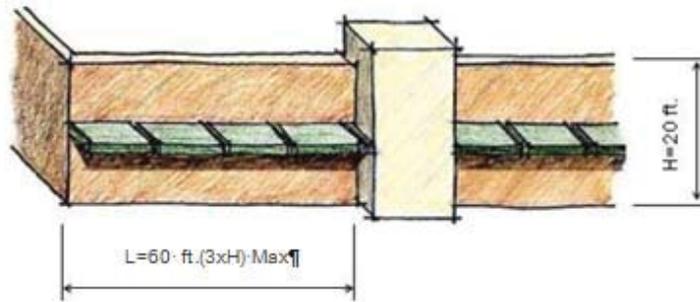
(1) Primary facades clearly visible from a public street or along an active storefront shall meet the following minimum standards for articulation:

a. **Horizontal Articulation.** No building wall shall extend for a distance equal to 3 times the wall's height without having an off- set equal to 25% of the wall's height, and that new plane shall extend for a distance equal to at least 25% of the maximum length of the first plane.

b. **Vertical Articulation.** No horizontal wall shall extend for a distance

greater than 3 times the height of the wall without changing height by a minimum of 25% of the wall's height. **Pitched roofs shall count toward achieving vertical articulation, provided they are 65 degrees or less from horizontal.**

BUILDING ARTICULATION EXAMPLES



- (c) Roofs (Applicable to Tier 1)
 - (1) Where clearly visible from a public street or along active storefronts, any hip, gable or mansard roofs may only utilize the following materials: metal standing seam, slate, clay or concrete tile (barrel or Roman shape). **Minimum 3 on 12 roof pitch required.**
- (d) Architectural Design Elements
 - (1) The following is a list of acceptable architectural design elements that must be included into the design of buildings as required in this section.
 - a. Canopies, awnings, porticos with colonnade, or arcades

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- b. Raised pilaster cornices (end columns at corner), or quoin corners
 - c. Vertical elements (tower, cupola, lighthouse, turret, arches, etc)
 - d. Windows and doors framed with smooth cobble, cast stone, limestone, or other decorative masonry headers and sills; or dormer windows
 - e. Outdoor patios and/or courtyards (landscaped and furnished)
 - f. Decorative ornamentation integrated into the building façade, such as corbels, medallions (non-signage), functioning clocks, niches, wrought iron, balconettes, gargoyles, or horizontal and rhythm patterned brickwork; or other architectural features approved by the Director of Planning and Development or designee
 - g. Any other architectural design element approved by the Director of Planning and Development or designee
- (2) Applicable to Tier 1, all structures shall be designed to incorporate no less than four of the architectural elements above. Buildings over 50,000 square feet must include a minimum of five of the referenced architectural elements in subsection 4.a d.1 above.
- (3) Applicable to Tier 2, all structures shall be designed to incorporate no less than two of the architectural elements above. Buildings over 50,000 square feet must include a minimum of three of the referenced architectural elements in subsection 4.a d.1 above.
- (4) Applicable to Tier 3, all structures shall be designed to incorporate no less than one of the architectural elements from the list in subsection 4.a d.1 above.
- (e) Exterior Façade Materials
- (1) Allowed exterior materials are categorized into the following three groups, of which at least two materials from different groups shall be used in all exterior facades in Tier 1, Tier 2, and Tier 3:
- a. Group A: Brick and stone
 - b. Group B: Stucco, architectural concrete block with integrated color (split face CMU), factory primed cementitious fiberboard in the form of lap siding or board and batten, EIFS (above 14 feet from grade only), and painted, colored or stamped tilt-wall
 - c. Group C: Metal, tile, wood
- (2) Prohibited exterior materials include cinder block, vinyl, plastic, aggregate pea-gravel finished surfaces, and pre-engineered metal building siding.
- (3) Primary façade treatments are applicable to Tier 1 buildings. The following shall apply to all exterior walls of buildings which are clearly visible from a public street or along an active storefront:
- a. Primary Facades, excluding windows, doors, and other openings, shall be constructed of at least 80% Group A materials and up to 20% Group B materials. However, accent materials from Group C may be allowed in limited application for architectural features as approved by the Director of Planning and Development or designee.
 - b. Buildings over 50,000 square feet may use Split-Face CMU (architectural block) for up to 20% of the primary façade, in addition to the 20% of Group B materials.
- (4) Building color requirements are applicable to buildings in all tiers. The dominant color of all buildings shall be muted shades of color. Black and stark white shall not be used except as an accent color. There are no restrictions on accent colors which comprise less than 1.0% of the building face, except that florescent colors are prohibited.

The changes to Division 1 of Article IX concern design guidelines in the GC and BI zone districts. BI properties along Highway 146 were left out of the original requirements and have been added. The reference to pitched roofs being considered toward the vertical articulation requirement has been removed. A minimum 3 on 12 pitch roof is required for Tier 1 roofs. References in (d) were modified to refer to the correct requirements.

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



October 30, 2014

AGENDA ITEM 8

Consider approval of an amendment to the City of La Porte's Future Land Use Plan amending Lots 164, 165 and 166, Block 7, Battleground Estates, Section 1, Harris County, Texas as recorded in Volume 41, Page 65 from "Large Lot Residential" to "Low Density Residential"

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

Planning and Development Department Staff Report

ISSUE

Should the Planning and Zoning Commission recommend approval to the City Council of an amendment to the city's Future Land Use Plan amending the legal description as depicted in the attached Exhibit A from Large Lot Residential to Low Density Residential?

RECOMMENDATION

Staff recommends the Planning and Zoning Commission recommend approval to the City Council of an amendment to the city's Future Land Use Plan amending the legal description as depicted in the attached Exhibit A from Large Lot Residential to Low Density Residential.

DISCUSSION

Staff is presenting a request for an amendment to the city's Future Land Use Plan as a result of an application for a rezoning of a tract of land owned by Joe Chambers. Mr. Chambers owns the tract of land described as: Lot 1B of the Replat Lots 1, 7 and 9 Coronet Estates Subdivision and Lots 156 thru 160, East 10 Feet Lot 161, Lots 164-166, Block 7, Section 1, Battleground Estates subdivision. Lot 1B consists of three lots that were originally known as Lots 164-166, Block 7, Section 1 of Battleground Estates. Mr. Chambers is requesting that these three lots be rezoned from LL, Large Lot Residential, to R-1, Low Density Residential, in order to separate these lots and deed them to his daughter so she may construct a house.

The City of La Porte's Land Use Map currently identifies Lots 164-166 as Large Lot Residential. See the attached Exhibit B identifying the Land Use Map for this area. In order to rezone the property, the city's Land Use Map would need to be amended to identify this site as Low Density Residential.

Section 213.003 of the Texas Local Government Code (LGC) specifies requirements for amending the city's Future Land Use Map, which was adopted as a component of the Comprehensive Plan. The LGC requires review of the proposed amendment by the Planning and Zoning Commission and approval by the City Council. A public hearing will be scheduled at the time of City Council review.

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Future Land Use Map Amendment

The Future Land Use Plan identifies the following surrounding land uses (see the attached Exhibit B):

	Land Use	Site Improvements
North	Low Density Residential	Existing single family residential (11021 Bois D'Arc Dr.)
South	Large Lot Residential	Vacant site owned by Mr. Joe Chambers; approximately 9.3 acres
West	Low Density Residential	Existing single family residential (10912 Bois D'Arc Dr.)
East	Low Density Residential	Existing single family residence (11026 Bois D'Arc Dr.)

With the proposed amendment, the subject property will be a consistent use with those properties located adjacent to the east and west and across the street to the north, since the subject lots were originally part of the same subdivision development. When the Battleground Estates Subdivision was originally platted in 1953, Lots 164-166 were part of the subdivision and were planned for low density residential on 50' x 110' (approximately) lots. In essence, the proposed rezone and map amendment request would return the land use of Lots 164-166 back to that as originally approved in 1953. However, all three lots will be combined into one lot for construction of a new single family residence for the applicant's daughter.

The proposed Low Density Residential use is consistent with the existing uses and R-1 zoned properties adjacent to the west and east and across Bois D'Arc Drive to the north.

ATTACHMENTS

- Exhibit A: Site Survey and Legal Description of the Map Amendment
- Exhibit B: Land Use Map



LEGEND

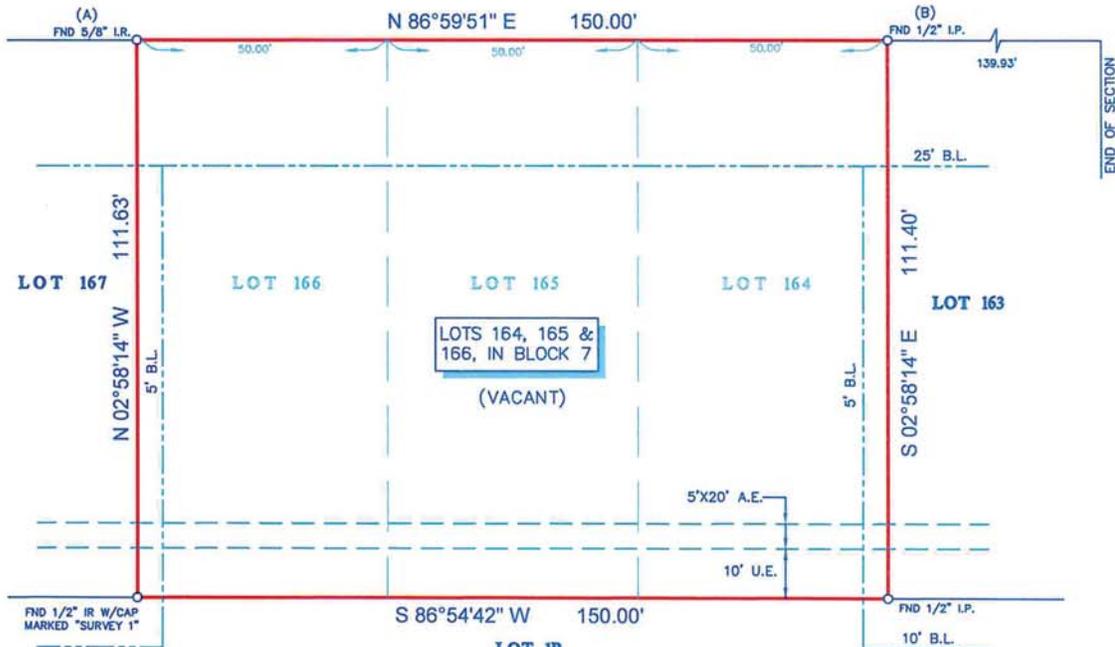
- B.L. = BUILDING LINE
- U.E. = UTILITY EASEMENT
- A.E. = AERIAL EASEMENT
- D.E. = DRAINAGE EASEMENT



SCALE 1" = 30'



BOIS D'ARC DRIVE
(60' R.O.W.)



LOT 1B
RE-PLAT OF LOTS 1, 7 AND 9
CORONET ESTATES SUBDIVISION
FILM CODE NO. 355106
M.R.H.C.

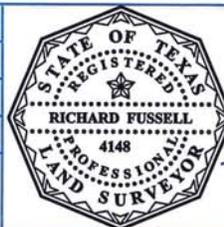
NOTES:

1. ALL BEARINGS SHOWN HEREON ARE REFERENCED TO THE SUBDIVISION PLAT NAMED BELOW, POINTS (A) AND (B) WERE HELD FOR HORIZONTAL POSITION.
2. FLOOD INFORMATION IS BASED ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP FOR THE COUNTY LISTED BELOW
3. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF THE INFORMATION CONTAINED IN A TITLE REPORT AT THE BUYER'S REQUEST.
4. THERE ARE NO NATURAL DRAINAGE COURSES ON SUBJECT PROPERTY.
5. THIS SURVEY IS CERTIFIED TO ANNETTE RODRIGUEZ AND DANIEL RODRIGUEZ FOR THIS TRANSACTION ONLY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

PROJECT:

A LAND TITLE SURVEY OF LOTS 164, 165 AND 166, IN BLOCK 7, OF BATTLEGROUND ESTATES, SECTION 1, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 41, PAGE 65 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

CLIENT: ANNETTE RODRIGUEZ AND DANIEL RODRIGUEZ	
ADDRESS: BOIS D'ARC DRIVE	
FLOOD ZONE: "X"	FLOOD MAP#: 48201C 0930 L
FLOOD MAP DATE: 6-18-2007	FLOOD MAP COUNTY: HARRIS



SURVEYOR'S CERTIFICATE:
IN MY PROFESSIONAL OPINION, THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND DURING THE COURSE OF A BOUNDARY SURVEY CONDUCTED UNDER MY SUPERVISION ON SEPTEMBER 17, 2014 AND THAT THIS PLAT SUBSTANTIALLY COMPLIES WITH THE CURRENT STANDARDS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, AND THAT THERE ARE NO ENCROACHMENTS OR PROTRUSIONS, EXCEPT AS SHOWN.

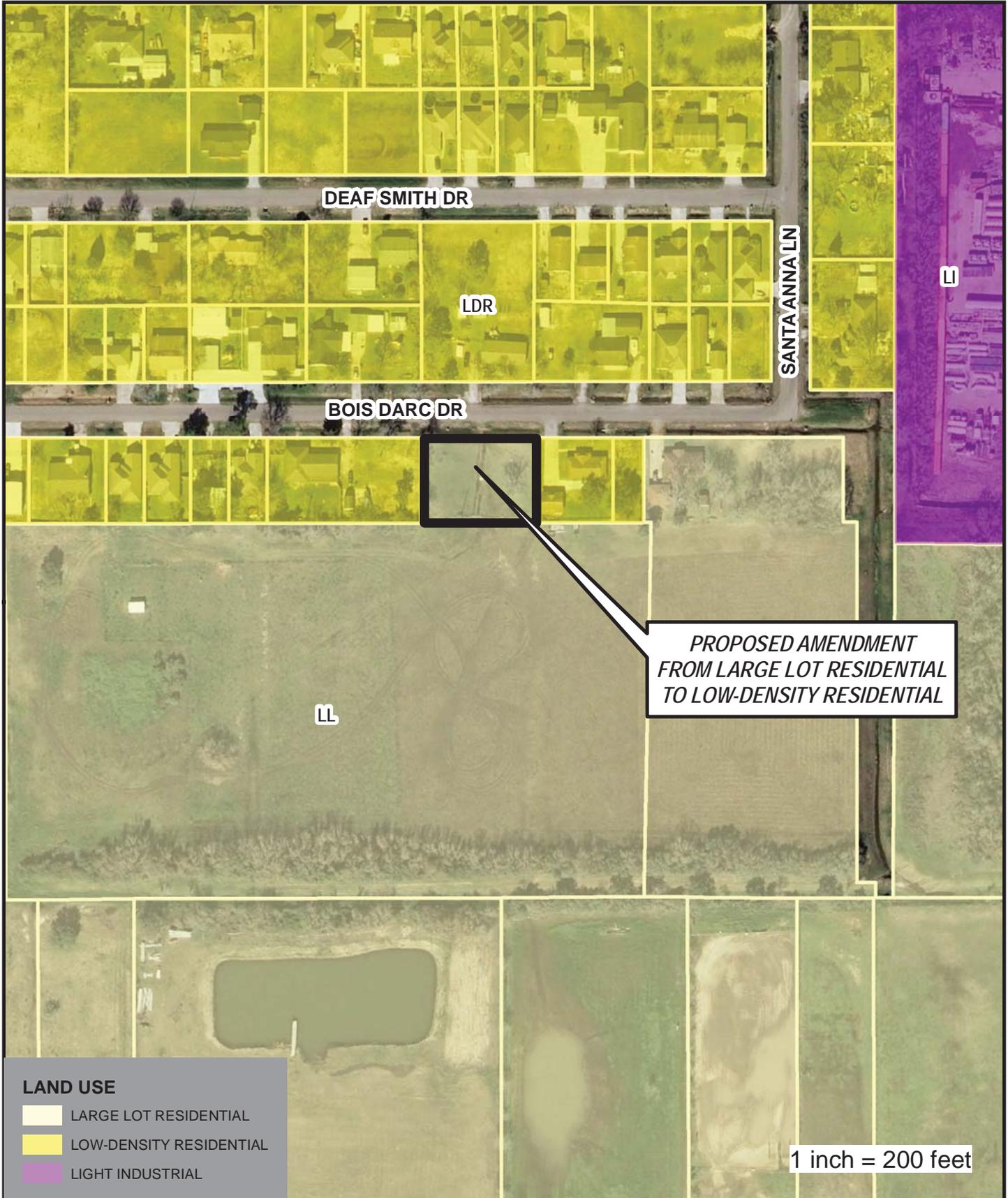
Richard Fussell
RICHARD FUSSELL
RHS# 4148

SURVEY1 Inc.
www.survey1inc.com
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Firm Registration No. 100758-00
P.O. Box 2543 • Alvin, TX 77512
(281)393-1382 • Fax(281)393-1383

FIELD CREW: DB	JOB# 9-30568-14
DRAFTER: RG	DATE 9-17-2014



SURROUNDING LAND USE MAP



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



October 30, 2014

AGENDA ITEM 9

Consider approval of a Zone Change to rezone a 0.380 acre tract of land further described as Lots 164, 165 and 166, Block 7, Battleground Estates, Section 1, Harris County, Texas as recorded in Volume 41, Page 65 from LL, Large Lot Residential, to R-1, Low Density Residential
Applicant: Joe Chambers.

*Eric J. Ensey, 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 0.380 acre tract of land further described as the former Lots 164, 165 and 166, Block 7, Battleground Estates, Section 1, Harris County, Texas as recorded in Volume 41, Page 65 from LL, Large Lot Residential, to R-1, Low Density Residential?

RECOMMENDATION

Staff recommends the Planning and Zoning Commission recommend approval of the request by Joe Chambers to rezone the subject property from LL to R-1. Further, the recommendation should be conditioned to require the applicant to submit and receive approval of a plat in accordance with City regulations prior to the rezoning taking effect. Staff recommends allowing the applicant six (6) months to complete the platting process following City Council approval of the zone change. Should the applicant not receive approval of a plat within that six (6) month period of time, the zone change would not go into effect.

DISCUSSION

Applicant/Property Owner:
Joe Chambers

Applicant's Request:
The attached Exhibit B is the application submitted to the city. The attached Exhibit C shows the proposed lot configuration. Mr. Chambers is requesting this zone change in hopes of deeding the subject property to his daughter so she can construct a single family residence. The subject property was originally platted as part of the Battleground Estates Subdivision. Mr. Chambers purchased the property (Lots 164, 165 and 166, Block 7 Battleground Estates) and combined it with the adjacent property of which he also owned and was replatted in 1994. The attached Exhibit D is a copy of the replat.

Mr. Chambers is also aware of the city's requirement to replat the subject property, provided the zone change request is approved by the City Council. If a rezoning is not approved by the City Council, then the replat will not be required.

Background Information:

The subject site proposed to be rezoned is approximately 0.380 acres and is located on the south side of Bois D’Arc Drive.

The legal description of the parcel is as described in the draft ordinance (Exhibit A). The subject property was originally platted as Lots, 164-166, Block 7, Section 1, Battleground Estates Subdivision in 1953. The subject site was replatted in 1994. As part of that replat, the lot was combined with the adjacent lot to the south and became: Lot 1B of the Replat Lots 1, 7 and 9 Coronet Estates Subdivision and Lots 156 thru 160, East 10 Feet Lot 161, Lots 164-166, Block 7, Section 1, Battleground Estates subdivision. The applicant owns all of Lot 1B as well as a portion of Lot 161, Block 7, Section 1, Battleground Estates Subdivision.

Should the City Council approve the rezoning of this tract of land, the applicant will replat the property to ensure access to a public right-of-way for the remaining portion of Lot 1B.

The site is currently zoned LL, Large Lot Residential, and is vacant. The attached Exhibit E shows the zoning of the subject property and surrounding properties. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	R-1, Low Density Residential	Existing single family residential (11021 Bois D’Arc Dr.)
South	LL, Large Lot Residential	Vacant site owned by Mr. Joe Chambers; approximately 9.3 acres
West	R-1, Low Density Residential	Existing single family residential (10912 Bois D’Arc Dr.)
East	GC, General Commercial	Existing single family residence (11026 Bois D’Arc Dr.)

The site is currently identified as Large Lot Residential in the Future Land Use Map (see Exhibit F). As a result, in order to rezone the property the city’s Future Land Use Map will need to be amended to identify this site as Low Density Residential. The previous item on the agenda represents this request.

Notification Requirements:

Staff finds that the public hearing notification requirements outlined in Section 106-171 were performed in accordance with code provisions, including the following: notice in a newspaper of general circulation at least 15 days prior to the hearing; written notice mailed to owners of real property within 200 feet of the site within 10 days of the hearing; sign posted on the site within 15 days of the hearing. Additional notice of the public hearing was posted at City Hall and on the City’s website. A complete list of public hearing notification requirements is found in the attached Exhibit G, Section 106-171, Amendment procedures.

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 LL, Large Lot Residential, and the City's adopted Future Land Use Map identifies it as Large Lot Residential. The applicant seeks to have the subject property rezoned from LL (Large Lot Residential) to R-1 (Low Density Residential) for the purpose of construction of a single family residential house for his daughter. The applicant is also proposing to construct the house on the site in compliance with all applicable provisions of the code pertaining to such a structure.
2. *Access.* The site has direct access to Bois D'Arc Drive, which will remain. However, removing Lots 164-166 from Lot 1B will leave the remaining portion of Lot 1B without access to a public right-of-way. In order to remedy this situation, staff recommends that a condition be attached to the rezone requiring the applicant to replat. The replat will need to create a new lot for Lots 164-166, which is subject to this rezoning request, and combine the remaining Lot 1B with that portion of Lot 161 owned by the applicant. Combining the remaining Lot 1B with Lot 161 will ensure access to a public right-of-way and will not create a lot without access.
3. *Utilities.* Water and sewer lines are located in Bois D'Arc Drive. The applicant will be required to tap into those lines with construction of the single family residence.
4. *Density.* The applicant's proposed single family residence will be consistent with the density requirements of the R-1, Low Density Residential. The attached Exhibit H is Subdivision I of Chapter 106 (Zoning), which includes sections pertaining to permitted residential uses (106-331) and residential area requirements (106-333). The subject lot is greater than the minimum 6,000 square feet as required in the code.

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.

Planning and Zoning Commission Regular Meeting
 October 30, 2014
 Chambers Zone Change

Criterion:	Staff Findings:
Ability of infrastructure to support the permitted use.	Water and sanitary sewer lines are located within the Bois D'Arc Drive right-of-way. Any future single family residence will be required to tap into those lines for service.
Impact on the value and practicality of the surrounding land uses.	The use of the property as low density residential will be consistent with the adjacent properties to the north, east and west. The subject property was originally platted as part of the Battleground Estates Subdivision prior to its purchase by Mr. Chambers and combining with the LL zoned tract adjacent to the south.
Conformance of a zoning request with the land use plan.	A request to consider amending the city's land use map is being presented concurrently with this request. The proposed low density residential use is consistent with the existing uses of properties immediately adjacent to the north, east and west of the subject site.
Character of the surrounding and adjacent areas.	Rezoning to R-1 is consistent with the existing R-1 zoned properties to the north, west and east. The proposed zone change would not be a spot zone. In fact, prior to 1994, the subject site was zoned R-1 and was part of the Battleground Estates Subdivision. The proposed use will not negatively impact the character of the surrounding area.
Suitability of the property for the uses which would be permissible, considering density, access and circulation, and adequacy of public facilities and services.	The proposed rezone would return the subject site to its originally platted configuration as part of the Battleground Estates Subdivision and would be consistent in terms of density with surrounding properties to the north, east and west. The proposed use is a suitable use for the site.
The extent to which the proposed use designation would adversely affect the capacity or safety of that portion of the road.	The proposed rezoning would allow for one new low density residential use, which would 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 low density residential use would not create excessive air pollution, water 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 low density residential use would contribute to the City's goal of enhancing community character and creating quality neighborhoods and housing as identified in the Comprehensive Plan.

Conclusion:

Based on the above analysis, staff supports the request by the applicant to rezone the subject property from LL, Large Lot Density Residential, to R-1, Low Density Residential. However, there is one item that remains to be addressed by the applicant before the rezoning can go into effect.

Staff is recommending a condition of approval be included with the rezoning request requiring the applicant to submit and receive approval of a replat in accordance with City requirements prior to the rezoning taking effect showing the lot in the configuration approved by this rezoning. The purpose of this replat is two-fold: 1.) to separate the subject property from its existing lot (Lot 1B), and 2.) to add that portion of Lot 161 to the remaining Lot 1B in order to provide access for this lot to a public right-of-way (Lot 161 and Lot 1B are owned by Mr. Chambers). This condition should further provide the applicant six (6) months to complete the platting process following City Council approval of the zone change. Should the applicant not receive approval of a plat within the six (6) month period of time following City Council's approval, then the zone change would not go into effect.

ATTACHMENTS

- Exhibit A: Draft Ordinance
- Exhibit B: Zone Change Permit Application
- Exhibit C: Proposed Lot Configuration
- Exhibit D: Replat Lots 1, 7 and 9 Coronet Estates Subdivision and Lots 156 thru 160, East 10 Feet Lot 161, Lots 164-166, Block 7, Section 1, Battleground Estates Subdivision
- Exhibit E: Surrounding Zoning Map
- Exhibit F: Land Use Map
- Exhibit G: Section 106-171, Amendment Procedures
- Exhibit H: Subdivision I of Chapter 106, Residential Uses

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY CHANGING THE ZONING CLASSIFICATION FROM LARGE LOT DISTRICT (LL) TO LOW DENSITY RESIDENTIAL DISTRICT (R-1) FOR A .380 ACRE TRACT OF LAND HEREIN DESCRIBED; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by changing the zoning classification of the following described property, to wit: .380 acre tract of land, described as all of lots formerly designated as 164, 165, and 166, in Block 7, of Battleground Estates, Section 1, a Subdivision in Harris County, Texas according to the Map or Plat thereof recorded in Volume 41, Page 65 of the Map Records of Harris County, Texas, as re-plated to form portion of Lot 1 B, in Re-Plat filed and recorded with Harris County on June 15, 1994, under Harris County Clerk’s File # P912525, from Large Lot District (LL) to Low Density Residential District (R-1).

Section 2: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 3. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov’t Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 5. The City Council of the City of La Porte hereby finds that public notice was properly mailed to all owners of all properties located within two hundred feet (200’) of the properties under consideration in compliance with code provisions.

Section 6. The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning Map and Classification contained in this Ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

Section 7. This Ordinance shall be effective after recording of administratively approved plat applicable to the property tract made the subject of this ordinance; however, if the aforementioned condition precedent is not complete within 180 days of the passage and approval of this Ordinance, this Ordinance shall become null and void.

PASSED AND APPROVED this the _____ day of _____, 2014.

CITY OF LA PORTE

By: _____

Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:

Clark T. Askins, Assistant City Attorney



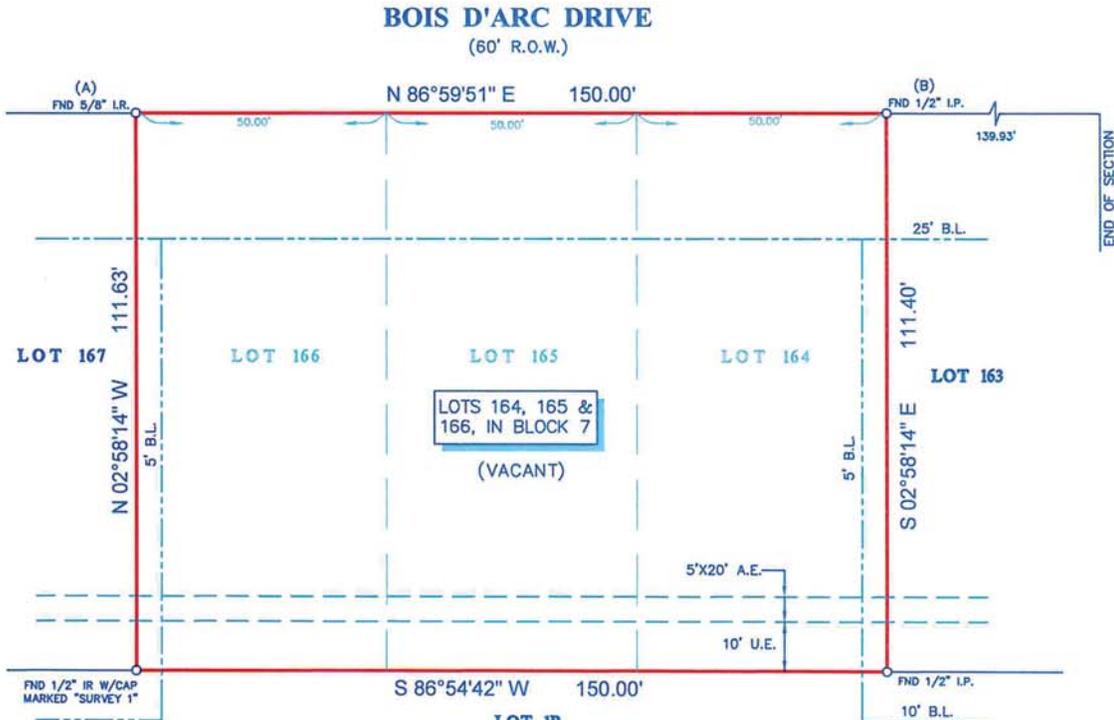
LEGEND

- B.L. = BUILDING LINE
- U.E. = UTILITY EASEMENT
- A.E. = AERIAL EASEMENT
- D.E. = DRAINAGE EASEMENT



Exhibit A

SCALE 1" = 30'



LOT 1B
RE-PLAT OF LOTS 1, 7 AND 9
CORONET ESTATES SUBDIVISION
FILM CODE NO. 355106
M.R.H.C.

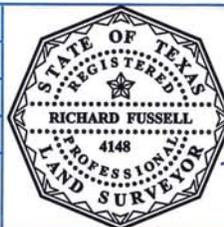
NOTES:

1. ALL BEARINGS SHOWN HEREON ARE REFERENCED TO THE SUBDIVISION PLAT NAMED BELOW, POINTS (A) AND (B) WERE HELD FOR HORIZONTAL POSITION.
2. FLOOD INFORMATION IS BASED ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP FOR THE COUNTY LISTED BELOW
3. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF THE INFORMATION CONTAINED IN A TITLE REPORT AT THE BUYER'S REQUEST.
4. THERE ARE NO NATURAL DRAINAGE COURSES ON SUBJECT PROPERTY.
5. THIS SURVEY IS CERTIFIED TO ANNETTE RODRIGUEZ AND DANIEL RODRIGUEZ FOR THIS TRANSACTION ONLY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

PROJECT:

A LAND TITLE SURVEY OF LOTS 164, 165 AND 166, IN BLOCK 7, OF BATTLEGROUND ESTATES, SECTION 1, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 41, PAGE 65 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

CLIENT: ANNETTE RODRIGUEZ AND DANIEL RODRIGUEZ	
ADDRESS: BOIS D'ARC DRIVE	
FLOOD ZONE: "X"	FLOOD MAP#: 48201C 0930 L
FLOOD MAP DATE: 6-18-2007	FLOOD MAP COUNTY: HARRIS



SURVEYOR'S CERTIFICATE:
IN MY PROFESSIONAL OPINION, THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND DURING THE COURSE OF A BOUNDARY SURVEY CONDUCTED UNDER MY SUPERVISION ON SEPTEMBER 17, 2014 AND THAT THIS PLAT SUBSTANTIALLY COMPLIES WITH THE CURRENT STANDARDS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, AND THAT THERE ARE NO ENCROACHMENTS OR PROTRUSIONS, EXCEPT AS SHOWN.

Richard Fussell
RICHARD FUSSELL
4148

SURVEY1 Inc.
www.survey1inc.com
survey1@survey1inc.com
Firm Registration No. 100758-00
P.O. Box 2543 • Alvin, TX 77512
(281)393-1382 • Fax (281)393-1383

FIELD CREW: DB	JOB# 9-30568-14
DRAFTER: RG	DATE 9-17-2014

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

Planning & Development Department
ZONE CHANGE PERMIT APPLICATION

Phone: 281.470.5073
Fax: 281.470.5005
www.laportetx.gov

1. PROPERTY OWNER CONTACT INFORMATION:

OWNER'S NAME: Joe Chambers PHONE 1: 281 932 6811
PHONE 2: 713 591 6048 FAX #: _____
E-MAIL: annetterodriguez@comcast.net
MAILING ADDRESS: 2133 Smilver, Pasadena, TX 77502

2. AGENT REPRESENTING PROPERTY OWNER (If Applicable):

AGENT / CONTRACTOR COMPANY: _____
PHONE 1: _____ PHONE 2: _____
E-MAIL: _____ FAX #: _____
MAILING ADDRESS: _____
CONTACT PERSON'S NAME: _____ PHONE: _____

3. PROPERTY DESCRIPTION:

HCAD PARCEL NO(s) 13-digit Tax ID(s): 1.) 1176580010001
2.) _____
3.) _____
PROPERTY ADDRESS (If existing): _____
PROPERTY LEGAL DESCRIPTION: Lot 1B BLK 1 Coronet Estates R/P

4. ZONING INFORMATION OF PROPERTY:

CURRENT ZONING DESIGNATION: LL REQUESTED ZONING DESIGNATION: R1 low density res.
CURRENT SIC/NAICS USE NO.: single family res. PROPOSED USAGE: single family residence

5. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION (Check applicable boxes):

- COMPLETE ITEMS 1-5 OF PERMIT APPLICATION
- ATTACH CERTIFIED PLAN [check applicable box(es)]:
 - GENERAL PLAN
 - MINOR DEV. SITE PLAN
 - MAJOR DEV. SITE PLAN
 - PRELIM. PLAT
- SUBMIT NON-REFUNDABLE \$300.00 APPLICATION FEE

PRINTED NAME: _____ SIGNATURE: _____ DATE: _____

(STAFF USE ONLY):

APPLICATION NO: 14-92000003

DATE OF P&Z PUBLIC HEARING: _____ RECOMMENDATION: YES NO

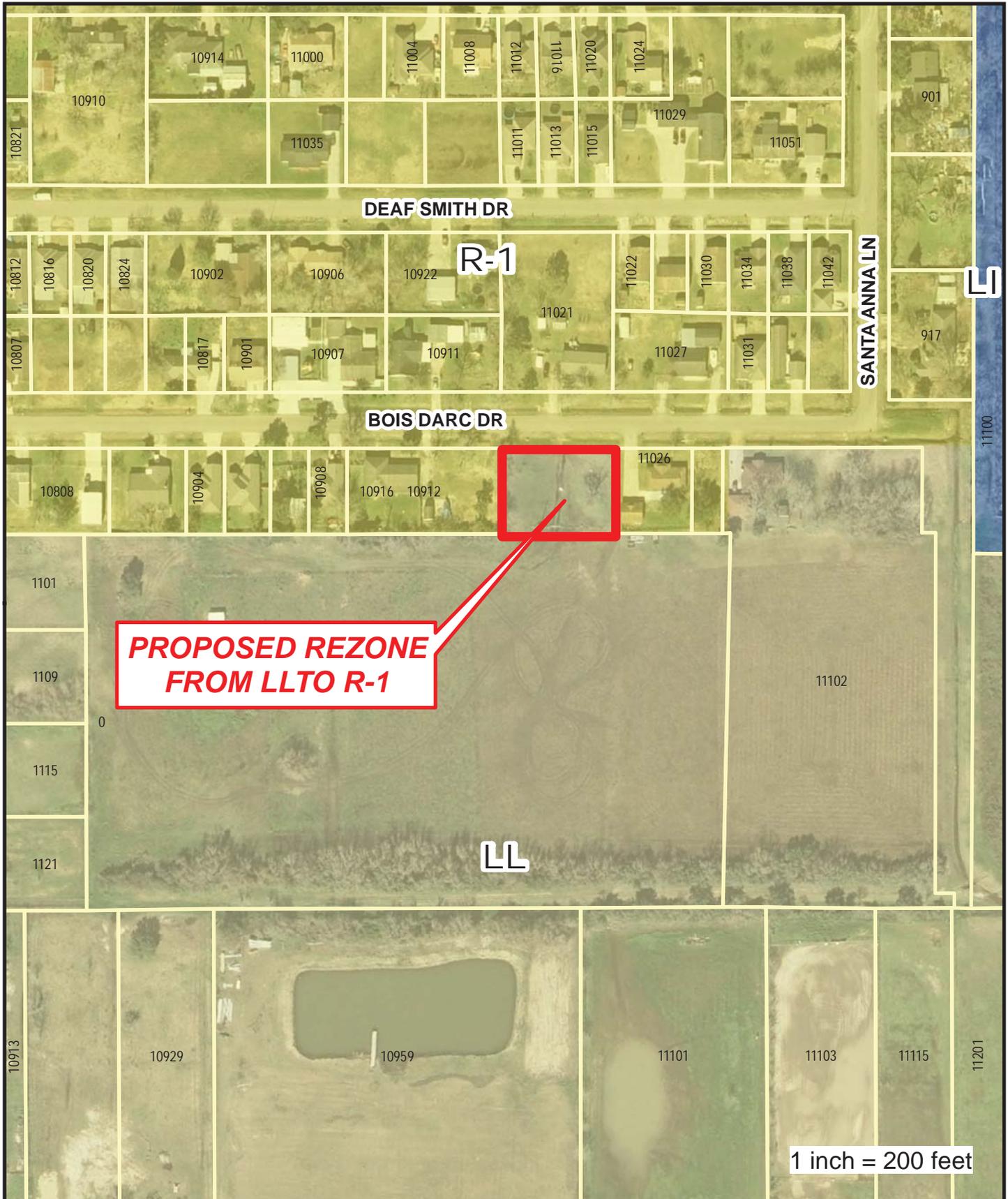
APPLICANT & ADJACENT OWNERS NOTIFIED: YES NO DATE OF NOTIFICATION: _____

DATE OF CITY COUNCIL AGENDA: _____ APPROVED: YES NO

ADOPTED BY ORDINANCE NO.: _____

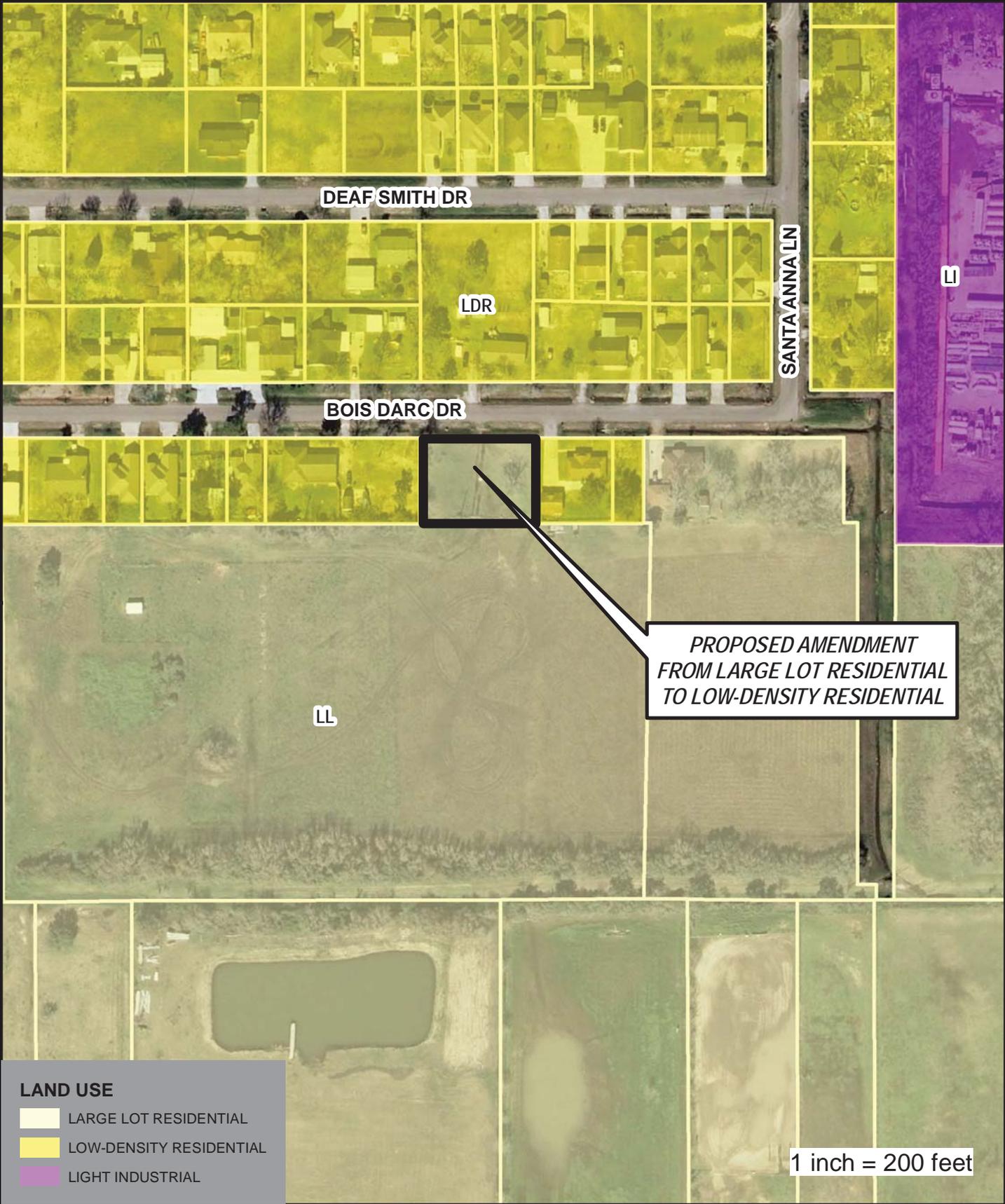
COMMENTS: _____

**AREA MAP WITH ZONING DISTRICTS
ZONE CHANGE REQ. #14-92000003**





SURROUNDING LAND USE MAP



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, 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.
- (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.

(Ord. No. 1501-05, § 6(Exh. F), 3-19-07)

La Porte, Texas, Code of Ordinances >> Subpart B - LAND USE REGULATIONS >> **Chapter 106 - ZONING >> ARTICLE III. - DISTRICTS >> DIVISION 2. - RESIDENTIAL DISTRICT REGULATIONS >> Subdivision I. Generally >>**

Subdivision I. Generally

[Sec. 106-331. Table A, residential uses.](#)

[Sec. 106-332. Interpretation and enforcement.](#)

[Sec. 106-333. Table B, residential area requirements.](#)

[Sec. 106-334. Special use performance standards: residential.](#)

[Secs. 106-335—106-350. Reserved.](#)

Sec. 106-331. Table A, residential uses.

P(A—K)—Permitted uses (subject to designated criteria established in section 106-334).

P—Permitted uses.

A—Accessory uses (subject to requirements of section 106-741).

C—Conditional uses (subject to requirements of sections [106-216](#) through [106-218](#) and designated criteria established in section 106-334 as determined by the planning and zoning commission).

*—Not allowed.

Uses (SIC Code #)	Zones				
	R-1	R-2	R-3	MH	LL
Agricultural production, (011–019 crops)	P	P	P	P	P
Agricultural production, (027 animal specialties - breeding or sale)	C	*	*	*	C
Bed and breakfast as defined by section 106-1	C	C	C	*	C
Breeding kennels, private stock, limited to dogs and cats, large lot residential	A	A	C	C	A
Boarding kennels	*	*	*	*	P
Domestic livestock—Large residential lot	A	A	A	A	P
Domestic livestock—Without an existing principal structure on the property (permitted in large lot district, but only if tract is one acre in size or greater)	*	*	*	*	P
Industrialized housing on a permanent foundation	P	P	P	P*	p
Single-family dwelling, detached	P	P	P	P	P
Single-family dwelling, special lot	*	P	P	P	*
Single-family dwellings, zero lot line (patio homes, etc.)	*	P	P	*	*
Duplexes, double bungalows (two-family dwelling units)	*	P	P	*	*
Townhouses	*	P(I)	P(I)	*	*
Conversion of single-family dwellings to duplexes (or no more than two-family dwellings)	*	P	P	*	*
Tri-plexes and quadraplexes (three and four-family dwelling units)	*	P(I)	P(I)	*	*
Multi-family (more than four dwelling units)	*	*	P(I)	*	*
3–4 unit multifamily dwellings	*	P	P	*	*
Multifamily (over 4 units)	*	*	P	*	*

Modular housing on a permanent foundation system as defined in section 106-1	P	P	P	P	P
Manufactured housing subdivisions restricted to H.U.D. certified mobile homes; min. width 20 feet, min. shingled roof pitch 3:12, permanent foundation system; siding similar to surrounding residential	*	C	C	P	*
Manufactured housing subdivisions (restricted to H.U.D. certified mobile homes on permanent foundation systems)	*	C	*	*	
Manufactured housing parks	*	*		* P (F, D)	*
Manufactured housing	*	*	*	P	*
Group care facilities no closer than 1,000 feet to a similar use (836)	*	*	C	*	*
Group care facilities (similar to SIC Industry Group #836 - Except halfway homes for delinquents and offenders; juvenile correctional homes; orphanages; homes for destitute men & women; self-help group homes for persons with social or personal problems; and training schools for delinquents):					
(3) or less persons	P (J)	P(J)	P(J)	P(J)	P (J)
(4) or more persons	P (K)	P(K)	P(K)	P(K)	P (K)
Childcare home in private home (services no more than 6)	P	P	P	P	P
Daycare centers (services more than 6) (835)	*	P	P	P	*
Freestanding on-premises identification sign; townhouses, multi-family developments, group care facilities (except when located within a residential neighborhood), subdivisions, education and religious facilities					See article VII of this chapter
Residential PUD (refer to section 106-636)	*	C	C	C	*
Public parks and playgrounds	P	P	P	P	P
Recreational buildings and community centers (832)	C	P	P	P	C
Religious institutions (866)	C	P (AB)	P (AB)	P (AB)	C
Public or private educational institutions limited to elementary, junior and senior high (8211)	C	P	P	P	C
Junior colleges and technical institutes (8222)	*	C	P	*	*
Boardinghomes (7021)	*	P	P	*	*
Civic, social and fraternal organizations (8641)	*	*	C	*	*
Convalescent homes, sanitarium, nursing or convalescent homes (805)	*	*	P	*	*
Private garages, carports and off-street parking (associated with residential uses)	A	A	A	A	A
Storage of equipment behind a screening device (permitted in large lot district, but only if tract is one acre in size or greater)	A	A	A	A	P
Storage of recreational vehicles or boats	A	A	A	A	A
Storage of equipment in an accessory building or behind a screening device	A	A	A	A	A
Home occupations	A	A	A	A	A
Noncommercial greenhouses	A	A	A	A	A
Noncommercial recreation facilities associated with residence	A	A	A	A	A
Noncommercial toolhouses, barns, sheds, storage buildings (associated with residence, except in large lot district for tracts one acre in size or greater)	A	A	A	A	P
Boarding or renting of rooms (1 person max.)	A	A	A	A	A
Off-street loading (refer to section 106-840)	*	*	*	*	*
Off-street parking (refer to See article VI of this chapter)	A	A	A	A	A
Petroleum pipelines (restricted to existing pipeline corridors)	P	P	P	P	P
Residential density bonus, as provided in section 106-334(g)	C	C	C	C	C
Secondary dwelling units	C	P	P	*	C

(Ord. No. 1501-JJ, § 6, 10-14-02; Ord. No. 1501-T4, § 6(Exh. F), 10-24-05; Ord. No. 3453, § 2, 12-10-12; Ord. No. 2012-3406, § 2, 3-26-12)

Sec. 106-332. Interpretation and enforcement.

Property uses, except as provided for by section 106-331, Table A, are prohibited and constitute a violation of this chapter.

Sec. 106-333. Table B, residential area requirements.

(a) *Table B, residential area requirements.*

Uses ⁸	Minimum Lot Area/D.U. S.F.	Minimum Lot Width L.F.	Minimum Yard Setbacks L.F. F.R.S. 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15	Maximum Height	Minimum Site Area/Unit S.F. 7	Minimum Development Open Space/ Unit S.F.	Maximum Lot Coverage/ Minimum Landscaping Required 9, 19
Single-family detached	6000	50	25-15-5	35 Ft.	9100 4.8 DU/A	—	40%/N/A
Single-family large lot	43560	90	25-15-5	45 Ft.	43560 1.0 DU/A	—	40%/N/A
Single-family special lot line, 0 lot line	4500	40	20-10-0	35 Ft.	7300 6.0 DU/A	Footnote # 1	60%/N/A
Duplexes	6000	60	25-20-20	45 Ft.	8.0 DU/A	Footnote # 1	60%/N/A
Single-family converted to multifamily	6000	50	20-10-5	35 Ft.	N/A	N/A	50%/N/A
Townhouses, quadraplexes (10,000 s.f of site area 100 ft. wide)	2000	20	25-20-20	45 Ft.	4400 10.0 DU/A	Footnote # 1	75%/25%
Multifamily	20000	100	25-20-20	45 Ft.	1600 14 DU/A	Footnote # 1	60%/25%
Manufactured housing	4500	40	20-10-5	25 Ft.	7300 6.0 DU/A	Footnote # 1	60%/6%
Manufactured housing subdivision or parks (5 acre min.)		100 of front road frontage	N/A	N/A	N/A	N/A	N/A/N/A
Group care facilities (less than 6) and day care homes			25-20-10	25 Ft.	N/A	N/A	N/A/6%
Group Care Facilities/State Licensed & Registered Child-care homes (Max.	Same as Principal Structure						

(12) in private home; per Tx. Dept. of Family & Protective Services)							
Public or private educational and religious institutions, large group care facilities, daycare centers, recreational buildings, boarding, and nursing homes			30-20-10	45 Ft.	N/A	N/A	N/A/6%
Freestanding on-premises signs	See article VII of this chapter						
Large lot district where tract is one acre in size or greater (without existing principal structure) Accessory structure/domestic livestock	See section 106-416 Special Regulations						

Table B footnotes.

1

Lot Size	Required Developed Open Space/Lot
5000–6000 Sq. Ft.	200 Sq. Ft.
4000–4999 Sq. Ft.	300 Sq. Ft.
3000–3999 Sq. Ft.	400 Sq. Ft.
2000–2999 Sq. Ft.	500 Sq. Ft.

a. Minimum size of developed open space: One-half acre for every 80 units or fraction thereof.

(i) *For multifamily residential developments:* Minimum of 25 percent of the total development regardless of size of development.

(ii) *For townhouse/quadruplex developments:* One-half acre for every 80 units or fraction thereof.

b. All required developed open spaces must be operated and maintained by a homeowners association, subject to the conditions established in sections [106-676](#) through 106-679, with all documentation required to be submitted for filing in conjunction with the final plat. (See also the City Development Ordinance Number 1444, section [4.04](#) which is on file in the city secretary's office.)

2 A minimum landscape setback of 20 feet will be required adjacent to all conservation areas. Buildings, parking areas, and refuse containers will not be allowed in such setback area. These areas are to be landscaped with trees, shrubs, and groundcover, with a planting plan required to be submitted and approved by the enforcement officer.

3 The minimum setback adjacent to any utility easement located in a rear yard, shall be three feet. No portion of any building including projections of any nature shall encroach into any utility easement or vertical projection of the easement boundary.

- 4 Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of only one adjacent structure. In no case shall the minimum front yard setback exceed 30 feet.
- 5 All side yards adjacent to public R.O.W.'s must be ten feet.
- 6 In the case of zero lot line housing, the side setback opposite the zero lot line must be ten feet.
- 7 D.U.A. is an abbreviation for dwelling units per acre, or the maximum density permitted.
- 8 All structures except slab on grade, shall be placed on a foundation system described as: An assembly of materials constructed below or partially below grade, not intended to be removed from its installation site, which is designed to support the structure and engineered to resist the imposition of external forces as defined by the Standard Building Code, or in the case of industrialized housing, the requirements of the TDLS. Such foundation system shall be skirted or enclosed with wood or masonry to give the appearance of a solid foundation, if one is not provided, compatible with the appearance of adjacent housing, and subject to the requirements of the Southern Building Code.
- 9 See article V, division 4 of this chapter for additional requirements.
- 10 No sign shall be located in a sight triangle so as to obstruct traffic visibility at a level between three feet and six feet as measured above adjacent road grade.
- 11 In the case of multifamily residential developments with 50 or more units, said complexes must be located at least 1,000 feet from other multi-family residential developments of 20 or more units.
- 12 Within the building setback, there must be a ten-foot opaque screen consisting of shrubs and fencing. (See section 106-334(i) for screening and fencing requirements.)
- 13 Residential developments that are townhouses, quadruplexes, or multi-family dwelling units must have a minimum of 25 percent landscaping.
- 14 Multifamily residential developments adjacent to single-family residential developments must establish a 25-foot buffer between the two developments. This buffer is in addition to the setback as established by this table.
- 15 In the case of multifamily residential developments, no off-street parking shall be placed within the required setback, or within the required additional 25-foot buffer when the development is situated adjacent to a single-family residential development. The space needed to meet the required parking spaces shall be exclusive of the required setback and the additional buffer.
- 16 In the case of multifamily residential developments being adjacent to single-family residential developments, the buildings within the multifamily residential developments that are directly adjacent to the single-family residential development shall be limited to two-stories in height. Buildings within the interior of the multifamily residential developments may be three-stories in height.
- 17 Multifamily residential developments cannot exceed 180 dwelling units.
- 18 See section 106-334(i)(3) for open space utilization criteria.
- 19 Following structures exempted from 40 percent lot coverage on single-family detached: Accessory buildings 200 s.f. or less and patio covers up to 900 s.f.
- 20 Maximum lot coverage for single-family detached in planned unit development (PUD) zoning district or residential subdivisions requiring a detention/drainage system, shall be 50 percent.

(The impervious cover factor of 55 percent for the total site for drainage, as prescribed in PICM, remains in effect.)

(Ord. No. 1501-JJ, § 6, 10-14-02; Ord. No. 1501-LLLL, § 6(Exh. F), 4-25-05; Ord. No. 1501-T4, § 6(Exh. F), 10-24-05; Ord. No. 3242, § 1, 4-26-10; Ord. No. 3453, § 3, 12-10-12; Ord. No. 2012-3406, § 3, 3-26-12)

Cross reference— *Contents of mobile home park plans, § 98-92; minimum area requirements for mobile home parks, § 98-95; location of mobile homes with respect to property lines and public streets, § 98-99.*

Sec. 106-334. Special use performance standards; residential.

- (a) **Landscape buffers.**
- (1) A landscape buffer planted with grass or evergreen ground cover and also planted with trees shall be provided. No buildings or refuse containers shall be placed in such areas.

- (2) Standards:
 - a. Minimum width of planting strip: Four feet.
 - b. A planting plan specifying the location and species of trees to be planted as well as the type of grass or ground cover to be utilized shall be submitted for approval by the director or his duly authorized representative.
 - (3) Screening will be required in the following situations:
 - a. Parking areas for recreational buildings, community centers, religious, and private and public educational institutions.
 - b. Manufactured housing parks and subdivisions screened from abutting uses.
 - (4) Required screening will count toward the required percentage of landscaping.
 - (5) Required landscaping must be maintained by the property owner and/or occupant.
- (b) *Traffic control.* The traffic generated by a use shall be channelized and controlled in a manner that will avoid congestion on public streets, safety hazards, or excessive traffic through low density residential areas. The traffic generated will not raise traffic volumes beyond the capacity of the surrounding streets. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, and shall be subject to the approval of the director. The proposed development should be adequately served by a collector or arterial street without circulating through low density residential uses or districts in the following cases:
- (1) Junior or senior high school, junior colleges and technical institutes.
 - (2) Manufactured housing subdivisions.
- (c) *Compatibility with surrounding area.* The architectural appearance and functional plan of the building(s) and site shall reflect the building character of the area and shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the development. The proposed development is to be compatible with the existing and planned use of the area and conflicts are not to be created between the proposed use and existing and intended future use of the surrounding area.
- (d) *Required license obtained.* All necessary governmental permits and licenses are secured with evidence of such placed on record with the city.
- (e) *Compatible alterations and adequate parking.* Adequate parking as required by article VI of this chapter must be provided on the lot and not within any required front yard. Any exterior alterations must be compatible with the existing structure, and the surrounding neighborhood.
- (f) *Manufactured housing criteria (manufactured housing parks only).* A preliminary certified site plan must be submitted simultaneously with the submissions required in the mobile home park ordinance of the city and the city development ordinance, that illustrates compliance with the following:
- (1) Legal description and size in acres of the proposed manufactured housing park. Such park shall not be less than five acres.
 - (2) Locations and size of all manufactured housing sites, dead storage area, recreation areas, laundry drying areas, roadways, parking sites, and all setback dimensions (parking areas, exact manufactured housing sites, etc.).
 - (3) Preliminary landscaping plans and specifications.
 - (4) Location and width of sidewalks.
 - (5) Plans of sanitary sewer disposal, surface drainage, water systems, electrical service, and gas service.

- (6) Location and size of all streets abutting the manufactured housing park and all driveways from such streets to the manufactured housing park.
 - (7) Preliminary road construction plan.
 - (8) Preliminary plans for any and all structures.
 - (9) Such other information as required or implied by these standards or requested by public officials.
 - (10) Name and address of developer or developers.
 - (11) Description of the method of disposing of garbage and refuse and location of approved solid waste receptacles.
 - (12) Detailed description of maintenance procedures and ground supervision.
 - (13) Details as to whether all of area will be developed or a portion at a time.
 - (14) Density intensity regulations in compliance with Table B, residential.
 - (15) Compliance with the required number of off-street parking spaces.
 - (16) All private streets shall be a minimum of 28 feet wide and constructed in accordance with the public improvements criteria manual. The layout of such private streets shall be subject to approval by the fire chief, to ensure adequate emergency access.
 - (17) All manufactured housing shall have a minimum frontage of 20 feet on public or private streets.
 - (18) Perimeter fences required: Minimum six feet in height, opaque material.
- (g) *Density bonus.* Within single-family residential developments, a maximum of ten percent reduction in square feet of site area per unit for residential developments of 20 units or more shall be permitted as a conditional use based upon the following bonus features and square foot reduction:

	Bonus Feature	Square Foot Reduction Per Unit
(1)	Major outdoor recreational facilities such as swimming pools, tennis courts or similar facilities requiring a substantial investment.	250 square feet
(2)	Designation of developed open space for semipublic use adjacent to designated public greenway corridors equal to an additional 100 square feet per unit.	100 square feet

- (3) All required developed open space must be operated and maintained by a homeowners association, subject to the conditions established in sections [106-676](#) through 106-679, with all documentation required to be submitted for filing in conjunction with the final plat.
 - (4) The density bonus shall only be permitted per designated open space or major outdoor recreational facilities in excess of the requirements established in section 12.00 et seq., of the development ordinance number 1444, on file in the city secretary's office, including the credit given in section 12.02 for land dedicated by a developer within a development or subdivision for compensating open space on an acre per acre basis.
- (h) *Bed and breakfast* (as defined in sections 106-1 and 106-744):
- (1) Bed and breakfast shall be operated in accordance with the bed and breakfast and home occupation requirements of section 106-749.
 - (2) Additional required parking shall not be provided in any required front or side yard.

- (3) Bed and breakfasts shall comply with the boardinghouse requirements of the currently adopted edition of the Standard Housing Code and Life Safety Code (NFPA 101).
- (i) *Additional multifamily regulations.*
 - (1) *Screening.* A ten-foot opaque screen consisting of a combination of shrubs, fencing, and/or masonry wall must be created between multifamily residential developments adjacent to single-family residential developments.
 - a. *Location.* The required screen shall be located within the first ten feet of the building setback adjacent to the single-family residential district.
 - b. *Planting.* At the time of planting, the shrubs must be between four to six feet tall and create an opaque screen within one growing season.
 - i. All shrubs must be approved by planning department officials.
 - (2) *Fencing.* Every multifamily development within the city shall have a perimeter fence located along all sides abutting or facing the right-of-way, as well as along all sides abutting or facing single-family residential developments.
 - a. *Construction, maintenance of fence or wall.* Every fence or wall herein shall be constructed and maintained as follows:
 - i. All fences shall be constructed of wood, masonry, or wrought iron.
 - ii. All fences or walls shall extend downward to within three inches of the ground and shall test plum and square at all times.
 - iii. All fences or walls shall be constructed in compliance with all applicable provisions of the building code of the city.
 - b. *Gates at openings in enclosure.* Openings in the prescribed enclosure which are necessary to permit reasonable access to said multiple-family development shall be equipped with a gate or gates, constructed and maintained in accordance with the requirements for a fence or wall set forth in this section.
 - (3) *Recreational areas, facilities, and open space.*
 - a. The open space requirements for townhouses, quadruplexes and multifamily developments shall include a combination of the following:
 - i. Trails,
 - ii. Playgrounds (except in the case of "Senior Only" developments),
 - iii. Clubhouses, and/or
 - iv. On-site detention pond areas (Playgrounds are not to be located in the detention pond areas.).
 - (4) *Controlled access gates, if utilized:*
 - a. Shall be constructed set back from the street far enough to prevent traffic congestion from any vehicle traveling on the right-of-way adjacent to such controlled access gate, and
 - b. Must provide 24-hour access to emergency vehicles, including fire department, EMS, police department and utility company vehicles.
- (j) Group care facilities that provide food and shelter to three or fewer persons (aka community homes, residential personal care homes, living centers, assisted living centers and similar uses as identified in SIC Industry Group #836 (Residential Care), Industry #8361).
 - (1) Location: Facilities shall be permitted as a use-by-right in R-1 low density residential, R-2 mid density residential, R-3 high density residential, MH manufactured housing and LL large lot districts.
 - (2) Distance requirement: Group care facilities shall not be closer than 1,000 feet to a

similar use (SIC Industry Group #836). Measurement shall be from the nearest boundary of the sites on which they are located.

- (3) Signage: Group care facilities located within a residential neighborhood shall be allowed to have one sign not exceeding two square feet in area, non-illuminated and mounted flat against the wall of the principal building.
 - (4) Visual compatibility: There shall be no change in the outside appearance of the building or premises. No structural alterations shall be permitted that will cause the group care facility to be substantially distinguishable from other surrounding residential properties.
 - (5) Registration requirement: Facilities shall comply with all city regulations and register their facility with the city annually by obtaining a group care facility certificate. The certificate cost shall be at the rate established in appendix A, fees, of this Code, shall expire on December 31st of each year. Such fee shall be payable to the city on or before December 15th for the next succeeding calendar year. The fee provided for in this article shall not be subject to proration or reduction for payment for a period of less than 12 calendar months. Operation of a facility without first having obtained the required certificate shall be deemed a violation this article.
 - (6) Payment of taxes: All ad valorem taxes on any and all property, personal or real, necessary to the operation of the facility must be paid prior to the issuance or renewal of the certificate.
 - (7) Display of registration certificate: Every facility so registered shall display an active registration certificate in a conspicuous place, within the facility common area, so as to be easily seen by the public.
 - (8) Access to the facility: City personnel shall have right-of-entry to ensure safe habitability and public safety. City personnel shall advise on-site facility personnel of the purpose of their visit.
 - (9) Annual inspection: The fire marshal's office shall perform a minimum of one annual inspection for each group care facility. Facilities shall comply with all applicable city codes, ordinances, policies and regulations.
- (k) Facilities shall be in compliance with state regulations pertaining to group care facilities. To ensure compliance with state regulations, a copy of the facility's active state license shall be provided to the city, when requested by city staff.

(Ord. No. 1501-X, § 5, 12-16-96; Ord. No. 1501-JJ, § 6, 10-14-02; Ord. No. 2009-3173, § 1, 8-24-09; Ord. No. 2012-3406, § 4, 3-26-12)

Cross reference— *Construction or expansion plans for mobile home parks requirements, § 98-91.*

Secs. 106-335—106-350. Reserved.

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



October 30, 2014

AGENDA ITEM 12

Consider approval of the
Vacating Plat of Reserve 1 "Only" of
Fairmont Park East Business Park Reserves 1, 3, 4, 5 and 6.

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

Planning and Development Department Staff Report

ISSUE

Should the Planning and Zoning Commission approve the proposed *Vacating Plat of Reserve 1 "Only" of Fairmont Park East Business Park Reserves 1, 3, 4, 5 and 6?*

RECOMMENDATION

Staff recommends the Planning and Zoning Commission approve the proposed vacating plat (see the attached Exhibit A).

DISCUSSION

The subject site, known as Reserve 1, is part of the Fairmont Park East Business Park Reserves 1, 3, 4, 5, and 6 subdivision plat (see the attached Exhibit C), which specifically identifies all reserve lots within the plat as commercial properties. At the July 14, 2014 City Council Meeting, the Council approved a request for rezoning of Reserve 1 from GC, General Commercial, to R-1, Low Density Residential. The approved ordinance required the applicant to submit and receive approval of a "vacation of that portion of the existing plat designated as Reserve 1 and applicable to the property made the subject of this ordinance..." (see the attached Exhibit B for a copy of the approved ordinance). As a result the applicant, Eddie V. Gray, Trustee, has submitted application for the required vacating plat. The proposed vacating plat will remove the commercial restriction on the subject parcel and allow for the residential use. The applicant will also be required to replat the lot as well, which is processed as an administrative plat but will be recorded concurrently with the vacating plat.

The vacating of subdivision plats or a portion of a subdivision plat is permitted in Section 212.013 of the Texas Local Government Code. Additionally, the City's Development Ordinance (No. 1444) contains the city's requirements for a vacating plat, which requires approval by the Planning and Zoning Commission. The attached Exhibit D is Section 4.05 of the Development Ordinance pertaining to the requirements of a vacating plat. Staff has conducted a review of the document and determined that it complies with the city's requirements.

ATTACHMENTS

- Exhibit A: Proposed Vacating Plat of Reserve 1 "Only" of Fairmont Business Park Reserves 1, 3, 4, 5 and 6
- Exhibit B: Ordinance No. 2014-3527
- Exhibit C: Existing Fairmont Park East Business Park Reserves 1, 3, 4, 5, and 6 Subdivision Plat
- Exhibit D: Section 4.05 of the Development Ordinance (No. 1444)
- Exhibit E: Area Map

ORDINANCE NO. 2014-3527

AN ORDINANCE AMENDING CHAPTER 106 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY CHANGING THE ZONING CLASSIFICATION FROM GENERAL COMMERCIAL (GC) TO LOW DENSITY RESIDENTIAL (R-1) FOR A .809 ACRE TRACT OF LAND HEREIN DESCRIBED; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: Chapter 106 "Zoning" of the Code of Ordinances is hereby amended by changing the zoning classification of the following described property, to wit: .809 acres of land located on Farrington Boulevard just north of Fairmont Parkway, further described as Reserve 1 of the Fairmont Park East Business Park Reserves 1, 3, 4, 5, and 6 as recorded under file X836601 with the Harris County Clerk's Office, from General Commercial (GC) to Low Density Residential (R-1).

Section 2: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 3. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 5. The City Council of the City of La Porte hereby finds that public notice was properly mailed to all owners of all properties located within two hundred feet (200') of the properties under consideration in compliance with code provisions.

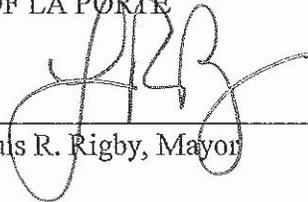
Section 6. The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the

amendments to the City of La Porte Zoning Map and Classification contained in this Ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

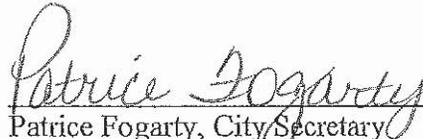
Section 7. This Ordinance shall be effective after 1) vacation of that portion of the existing plat designated as Reserve 1 and applicable to the property made the subject of this ordinance, and recorded under Harris County Clerk file X836601 and 2) recording of administratively approved plat restricting the subject property to residential use; however, if the aforementioned conditions precedent are not complete within 180 days of the passage and approval of this Ordinance, this Ordinance shall become null and void.

PASSED AND APPROVED this the 14th day of July, 2014.

CITY OF LA PORTE

By: 
Louis R. Rigby, Mayor

ATTEST:


Patrice Fogarty, City Secretary

APPROVED:

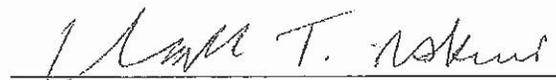

Clark T. Askins, Assistant City Attorney

EXHIBIT C

**FAIRMONT PARK EAST
BUSINESS PARK
RESERVES 1, 3, 4, 5 AND 6
CITY OF LA PORTE
HARRIS COUNTY, TEXAS**

Owner/Developer:
City of La Porte, Trustee
P.O. Box 403
Baytown, TX 77520
Tel: (281) 425-1668
(281) 425-1669 (Fax)

FILED
04 AUG 11 PM 11:16
Harris County, Texas
Map Recorder's Office

CURVE F RADIUS AND DELTA
C1 3221.11' 103.17' 014.4142°
C2 3221.11' 103.17' 014.4142°

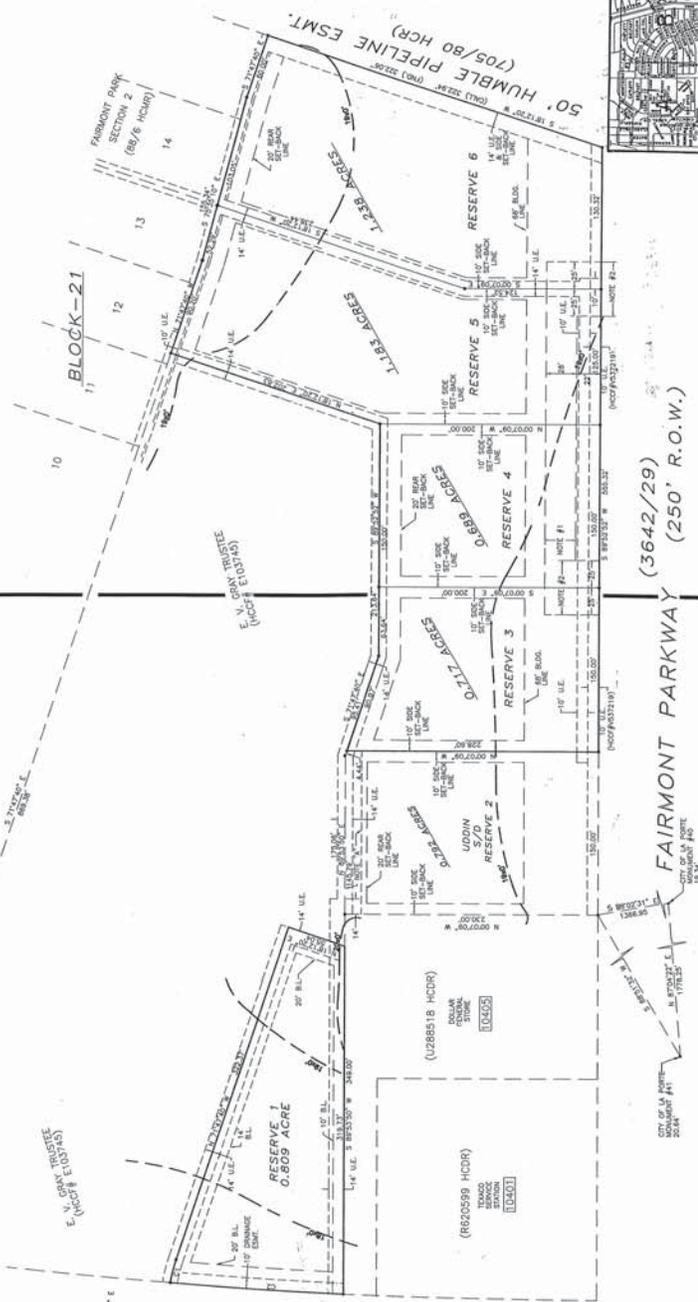


SOUTHWEST CORNER
OF SECTION 2
FAIRMONT PARK
(88/76 HCR)

E. GRAY TRUSTEE
(V0027 EUS104)

E. GRAY TRUSTEE
(V0027 EUS104)

FARRINGTON
BLVD.
(100' R.O.W.)



FAIRMONT PARKWAY
(3642/29)
(250' R.O.W.)

NOTICE: THIS IS AN INSTRUMENT TO BE FILED FOR RECORD IN THE PUBLIC RECORDS OF HARRIS COUNTY, TEXAS, AND THE COUNTY CLERK'S OFFICE OF HARRIS COUNTY, TEXAS.

NOTICE: ALL USES ARE SUBJECT TO THE CITY OF LA PORTE ZONING ORDINANCE AND THE CITY OF LA PORTE SUBDIVISION ORDINANCE.

NOTICE: THIS INSTRUMENT IS FOR FUTURE DELIVERY. THIS INSTRUMENT IS VOID IF ANY PART OF IT IS NOT RECORDED WITHIN 18 MONTHS.



VICINITY MAP

579

JULY 16, 2004
JULY 1, 2004
SHEET NUMBER
FINAL
PLAT
PAGE 1 OF 2
JOB NO.

GULF COAST ENGINEERING
AND SURVEYING
P.O. BOX 382 LAMARQUE, TEXAS 77568
JAMES W. GARTRELL JR., P.E., R.P.S.
TELEPHONE NUMBERS
TEXAS CITY 409 935-2622
HOUSTON 281 425-9999

FAIRMONT PARK EAST
BUSINESS PARK
RESERVES 1, 3, 4, 5 AND 6
CITY OF LA PORTE
HARRIS COUNTY, TEXAS

DRAWING NUMBER

FAIRMONT PARK EAST BUSINESS PARK
FINAL PLAT 1, 3, 4, 5 AND 6
1/2

4.05 VACATION OR RECORDED SUBDIVISION PLATS

The vacation of Subdivision Plats, which is authorized and regulated by Article 974a, V.T.C.S. Section 5 (a), shall be permitted, provided:

- A. All owners of all property contained within the previous plat sign the Vacation of Subdivision Declaration shown on Enclosure 5 to Appendix D;
- B. Approval of the Commission is obtained and reflected by Commission execution of the certificate shown on Enclosure 5 to Appendix D; and
- C. Said owners declaration and Commission approval certificate is recorded as a single instrument in the county records as required by Article 974a, V.T.C.S. Section 5 (a).

4.06 AMENDING RECORDED SUBDIVISION PLATS

An Amending Plat may be filed for record in the County map records to correct dimensional errors, notational errors or other erroneous information as defined and provided for under Article 974a V.T.C.S. Section 5 (d) provided:

- A. The signed Amending Plat certificate shown on Enclosure 4 to Appendix D is placed upon the face of the Amending Plat;
- B. The Planning and Zoning Commission certificate shown on



AREA MAP



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



October 30, 2014

AGENDA ITEM 13

Consider approval of a Major Development Site Plan (#14-83000002)
to allow for construction of a new elementary school building
at the site of the existing Lomax Elementary School
located at 10615 N. L Street.

Applicant: La Porte Independent School District

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

Planning and Development Department Staff Report

ISSUE

Should the Planning and Zoning Commission approve a request by the La Porte Independent School District for a Major Development Site Plan to allow construction of a new elementary school building for Lomax Elementary located at 10615 N. L Street?

RECOMMENDATION

Staff recommends approval of the proposed Major Development Site Plan as submitted.

DISCUSSION

Applicant/Property Owner:

La Porte Independent School District

Applicant's Request:

The applicant is seeking to construct a new elementary school building to replace the existing Lomax Elementary School building located at 10615 N. L Street. The proposed school will be 102,000 square feet in floor area. The District has located the building on the site in a manner that they can utilize the current building while the new building is under construction. The attached Exhibit A is the proposed site development plan. The attached Exhibit B is a survey of the existing improvements on the site.

Background Information:

The subject site is approximately 14.5 acres and is located on N. L Street in the Lomax area. The attached Exhibit C is an Area Map showing the location of the subject property.

The legal description of the property is "a 14.5019 acre subdivision out of Lots 422 and 423, La Porte Outlots in the Enoch Brinson Survey, A-5, City of La Porte, Harris County, Texas."

The site is currently zoned LL, Large Lot Residential, and contains the existing Lomax Elementary School. The school is a permitted use in the LL District. The following table summarizes the surrounding zoning and land uses:

Planning and Zoning Commission Regular Meeting
 October 30, 2014
 Major Development Site Plan – Lomax Elementary

	Zoning	Land Use
North	LL, Large Lot Residential	Harris County F-101 Drainage Channel
South	LL, Large Lot Residential	Large Lot Residential (10614 N. L Street, 10618 N. L Street, 10690 N. L Street, 10707 N. H Street, 10698 N. L Street)
West	LL, Large Lot Residential	Large Lot Residential (10601 N. L Street, 10607 Sullivan Street)
East	LL, Large Lot Residential	Large Lot Residential (10813 Elizabeth Lane, 10720 Elizabeth Lane)

The City of La Porte’s Land Use Map identifies this parcel as “Public/Institutional.”

Analysis:

This site development plan was reviewed according to the provisions of Appendix E of the city’s Development Ordinance (No. 1444). Because the site is greater than 10 acres in size, it requires approval by the Planning and Zoning Commission. The site plan is also subject to all applicable requirements of the city’s Zoning Ordinance (Chapter 106 of the city’s Code of Ordinances). Planning staff has reviewed the proposed site development plan and concluded that the application complies with all applicable code requirements. The following is a description of staff’s analysis of various considerations:

Site Improvements.

The applicant has situated the proposed school on the site in a manner that will allow for the use of the existing building while new building is under construction. Following completion of construction, LPISD will demolish the existing building. The site will include a 102,000 square foot building, new parking lots with a total of 141 parking spaces, new site circulation, landscaping improvements, drainage and detention improvements, and new play fields.

Landscaping.

The site development plan includes proposed landscaping in accordance with the provisions of Section 106-800 of the Zoning Ordinance. The proposal includes street trees planted at 30’ on center along N. L Street. Additionally, trees and shrubs are proposed in planter beds within the parking lot areas in order to visually break up the parking lot as well as provide future shade relief. The proposed landscaping will substantially enhance the site.

Parking and circulation.

Section 106-838 of the Zoning Ordinance outlines the city’s parking requirements for elementary school uses. Specifically the code requires: 10 minimum, plus 1 space per 20 students and 1 space per staff. The total number of parking spaces required is 96. The proposed site plan provides for 141 parking spaces (which includes 5 accessible spaces).

The site plan proposes to reuse two existing curb cuts along N. L Street. The current configuration of the site has four curb cuts along N. L Street. The proposal reduces the number of curb cuts and therefore improves the safety and circulation when entering or existing the site. Staff finds that the configuration of the drive aisle for the site will include improved circulation patterns for pick-up and drop-off. Additionally a proposed permeable surface fire lane has been provided in accordance with Fire Code requirements, along with additional fire hydrants.

Drainage and detention.

The proposed site plan includes two detention ponds to meet the drainage requirements as outlined in the city's PICM (Public Improvement Criteria Manual). The site is bisected in terms of drainage basins, with a portion of the site draining to the north and into F-101 and the other portion draining south to the existing swale along N. L Street. Because both ponds discharge into Harris County drainage systems, the applicant will need to provide the city with an acceptance letter from Harris County prior to the issuance of a building permit. The district has also been working with Harris County Flood Control District on the dedication of an easement adjacent to F-101 to accommodate future improvements to the drainage channel. A 43-foot drainage easement will be dedicated to HCFCD.

Conclusion:

Based on the analysis above, staff finds that the proposed Major Development Site Plan for Lomax Elementary complies with the various applicable code requirements and should be considered for approval.

ATTACHMENTS

- Exhibit A: Proposed Lomax Elementary Site Plan
- Exhibit B: Survey of Existing Conditions
- Exhibit C: Area Map

CALL BEFORE YOU DIG
 Before you start any excavation, call 811 to locate underground utilities. Call 1-800-345-4444.

CAUTION:
 This drawing is for informational purposes only. The contractor shall verify all dimensions and locations of all utilities and structures before excavation. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

CAUTION:
 Locations of overhead power lines, gas lines, and other utilities are shown in this drawing. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

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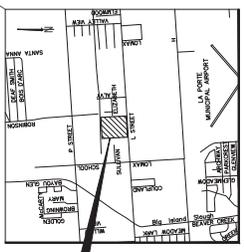
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LOMAX ELEMENTARY

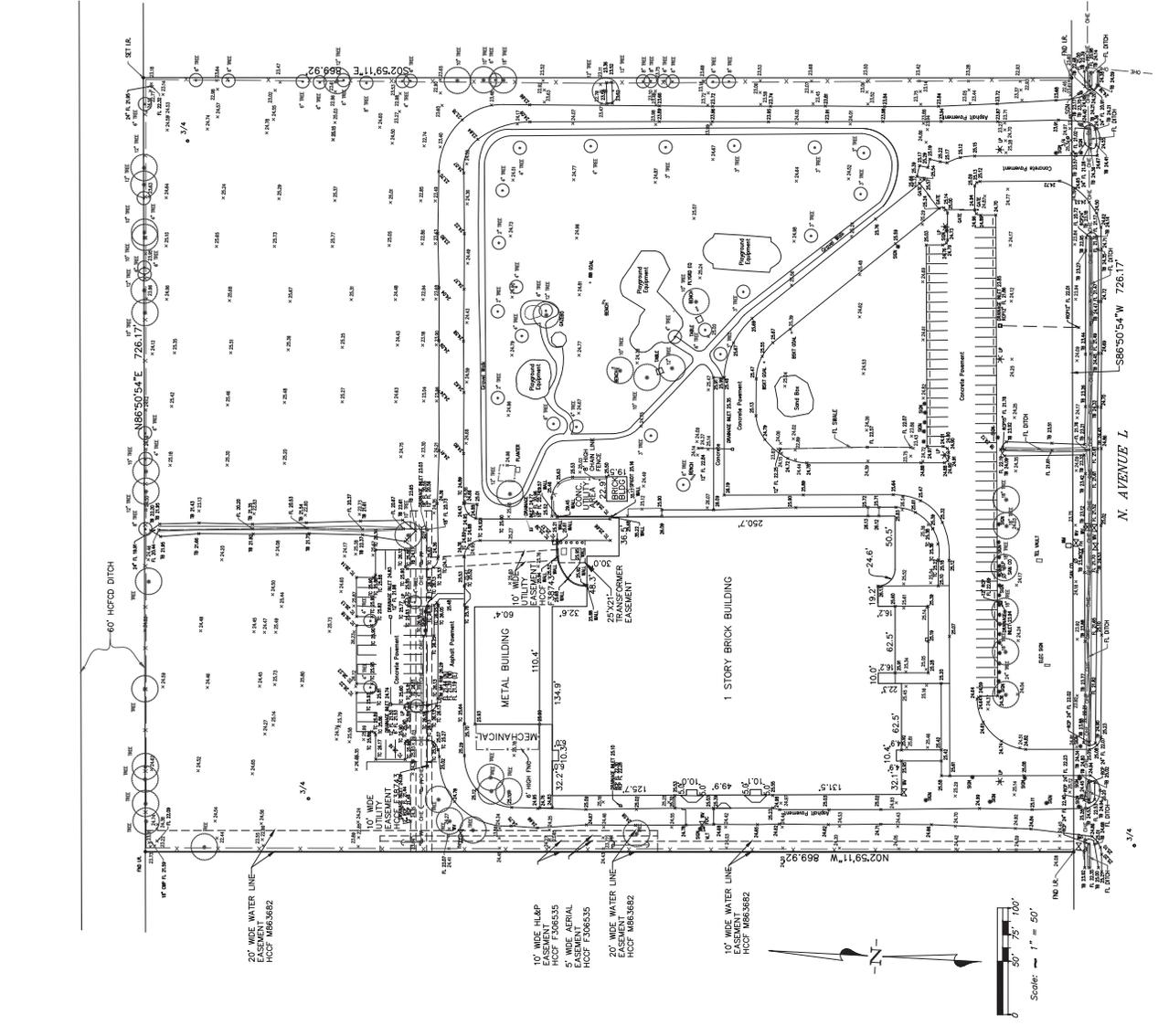
Location Plan
 1"=2000'
 KMP 539 U

NOTES

- DEVELOPMENT NAME: LOMAX ELEMENTARY SCHOOL
- DEVELOPMENT TYPE: LARGE LOT
- ZONING: LA PORTE INDEPENDENT SCHOOL DISTRICT
- OWNER: LA PORTE INDEPENDENT SCHOOL DISTRICT
- DEVELOPER: BENG A. 14-5019 ACRE SUBDIVISION OUT OF LOTS 422 AND 423, LA PORTE OUTLOTS IN THE BENCH BRINSON SURVEY, A-5, LA PORTE, HARRIS COUNTY, TEXAS
- LEGAL DESCRIPTION: BENG A. 14-5019 ACRE SUBDIVISION OUT OF LOTS 422 AND 423, LA PORTE OUTLOTS IN THE BENCH BRINSON SURVEY, A-5, LA PORTE, HARRIS COUNTY, TEXAS
- ADDRESS: 539 U
- ENGINEER: ARBORLEAF ENGINEERING & SURVEYING, INC.
- KEY MAP: LA PORTE, TX 77571
- EXISTING BLDG: 1 STORY BRICK BUILDING
- FLOOD ZONE: X

REVIEW DRAWING

THIS DRAWING HAS BEEN REVIEWED AND APPROVED FOR THE PURPOSES OF THE REVIEW PROCESS.
 DATE OF REVIEW: 08/20/2024
 REVIEWER: [Name]
 PROJECT NO.: 24070204



EXISTING TOPOGRAPHIC SURVEY

Scale: 1" = 50'

NO.	REVISION DESCRIPTION	DATE

Arborleaf Engineering & Surveying
 1800 7705 TEMPLER BLVD, SUITE 100
 TOMBALL, TEXAS 77375
 281-655-0834

LOMAX ELEMENTARY
 SITE PLAN
 EXISTING SURVEY
 La Porte, Texas

Submitted: _____
 Drawn by: [Name]
 Scale: _____
 Project No.: _____
 Date: 08/20/2024

AREA MAP

