

**Planning and Zoning Commission
Minutes of July 19th, 2018**

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

Commissioners Absent: Christina Tschappat

City Staff Present: City Attorney Clark Askins, Assistant City Manager Jason Weeks, Planning and Development Director Richard Mancilla, City Planner Ian Clowes, City Engineer Lorenzo Wingate, Planning Technician Chase Stewart,

CALL TO ORDER.

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

ROLL CALL OF MEMBERS.

Commissioner Tschappat was absent for the meeting

CONSIDER APPROVAL OF THE MEETING MINUTES:

a. June 21st, 2018 Meeting

Motion by Commissioner Kendrick to approve the meeting minutes of June 21st, 2018.
Second by Commissioner Barrera. **Motion to approve carried.**

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

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

Public Hearing (6:04pm): Open Public Hearing to receive input on an application for Zone Change #18-92000006, a request by Charles Anders of Bayway Homes Inc., applicant; on behalf of Kyrish Real Estate Limited Partnership, owner; for approval of a zone change from Business Industrial (BI) to Mid-Density Residential (R-2), for a 2.44 acre tract of land located at the SE corner of Barbours Cut and Martin Luther King Jr. Dr., and legally described as Lots 1-32, Block 331, Town of La Porte Subdivision.

Staff Report: Mr. Ian Clowes, City Planner, Presented staff's report on a request by Mr. Charles Anders, for a zoning change from Business Industrial (BI) to Mid-Density Residential (R-2), for a 2.44 acre tract of land located at the SE corner of Barbours Cut and Martin Luther King Jr. Dr., and legally described as Lots 1-32, Block 331, Town of La Porte Subdivision. Mr.

Clowes presented staff's report and noted support from staff for the expansion of residential area in the City of La Porte.

Applicant Presentation (6:07pm): Charles Anders: 2346 Ferrier's Bend, Friendswood Texas

Public Comments (for, against, question) (6:12pm):

Philip Hoot, **in opposition**, 415 Barbours Cut, La Porte Texas

Paul Larson, **in opposition**, 200 N 4th St, La Porte Texas

Question and Answer (6:19pm): Commissioner Follis asks staff for clarification in regards to utilities on the property in question. City Planner, Mr. Clowes, indicated that there were indeed utility were available in the area.

Motion by Commissioner Warren to Deny the Zone Change request, 18-9200006 **Second** by Commissioner Martin **Motion to deny Zone Change 18-9200006 carried.**

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

Nays: None **Motion to deny Zone Change 18-9200006 Passes Unanimously**

Public Hearing (6:25pm): Open Public Hearing to receive input on an application for Zone Change #18-92000007, a request by Steve Adkisson, applicant, on behalf of Carrington F. Weems, owner; for approval of a zone change from General Commercial (GC) to Planned Unit Development (PUD), on a 4.22 acre tract of land located at the NE corner of S. 16th St. and W. M St., and legally described as Lots 1-32, Block 1144 and Lots 17-32 & Tracts 1-16, Block 1143, La Porte Subdivision.

Staff Presentation (6:26pm): Mr. Ian Clowes, City Planner, presented staff's report on a request by Steve Adkisson, on behalf of Carrington F. Weems; for approval of a zone change from General Commercial (GC) to Planned Unit Development (PUD), on a 4.22 acre tract of land located at the NE corner of S. 16th St. and W. M St., and legally described as Lots 1-32, Block 1144 and Lots 17-32 & Tracts 1-16, Block 1143, La Porte Subdivision. Mr. Clowes presented staff's recommendation of approval of the zone change for the property to the commission.

Applicant Presentation (6:30pm): Richard Frye, Adkisson Group

Public Comments (for, against, or question) (6:32pm): N/A

Question and Answer (6:33pm): Commission members Follis and Smith ask staff for clarification as to the impact of potentially passing this zone change to the Future Land Use Map. Specifically, the restriction of adding a SCUP requirement for any use to inhabit the area and how it may adversely affect the owner of the property, especially if the applicant were to back out of the deal. Staff had reassured Commissioner Follis that the owner of the property had signed the Zone Change application and designated Steve Adkisson to act as a representation agent, and was fully aware of the potential consequences of approval of the Zone Change. The prominent concern for Commissioner Follis was the owner having a smaller market to sell the property to if Steve Adkisson were to back out of the deal.

Motion by Commissioner Follis to deny the Zone Change #18-92000007

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

Ayes: Commissioners Follis, Martin, and Smith

Nays: Commissioners Warren, Barrera, Kendrick, LaCour, and Chairman Lawler.

Motion to deny fails

Motion by Commissioner Barrera for approval of the Zone Change #18-92000007.

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

Ayes: Commissioners Barrera, Kendrick, Warren, La Cour and Chairman Lawler

Nays: Commissioners Follis, Smith, Martin **Motion to approve passes 5-3**

Future Land Use Map Amendment (6:52pm): Consider a recommendation to the La Porte City Council on a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 4.22 acre tract of land located at the NE Corner of S. 16th St. and W. M St., and legally described as Lots 1-32, Block 1144 and Lots 17-32 & Tracts 1-16, Block 1143, La Porte Subdivision, from “Commercial” to “Light Industrial.”

Motion by Commissioner Kendrick to table FLUP Amendment to the coincide with the SCUP application required of a use petitioning to inhabit the recommended PUD zoning district

Second by Commissioner LaCour **Motion to table carried**

Ayes: Commissioners Barrera, Kendrick, Warren, La Cour, Follis, Smith, Martin and Chairman Lawler

Nays: None

Motion to table passes unanimously

Public Hearing (6:58pm): Open public hearing to receive input on an application for a Special Conditional Use Permit (SCUP) #18-91000008, a request by Kathryn Edwards of BGE Kerry R. Gilbert & Associates, applicant, on behalf of Don Stephens of Aldersgate Trust, owner; to allow for a skilled nursing facility to locate on a 6.95 acre tract of land legally described as Tracts 718B, 719, and 719A, La Porte Outlots.

Staff Presentation (6:58pm): Mr. Ian Clowes, City Planner, presented staff's report on a request of a Special Conditional Use Permit (SCUP) to allow for a skilled nursing facility on a 6.95 acre tract of land legally described as Tracts 718B, 719, and 719A, La Porte Outlots (Corner of Underwood Rd and Caniff). Mr. Ian Clowes, representing staff, recommended approval of the SCUP.

Applicant Presentation (7:03pm): Kathryn Edwards of BGE Kerry R. Gilbert & Associates presented to the commission and to the general public a detailed plan for a skilled nursing facility to be constructed.

Public Comments (7:03pm):

Bob Wagstaff, 9614 Rustic Gate (Summer Winds HOA member), **In favor of**
Mike Cobb 109 Summer Winds Dr, **In favor of**

Question and Answer (7:09pm):

ADJOURN PUBLIC HEARING

Chairman Lawler closed the public hearing at 7:10pm

Motion by Commissioner Kendrick to recommend approval of the SCUP to City Council

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

Ayes: Commissioners Barrera, Kendrick, Warren, La Cour, Follis, Smith, Martin and Chairman Lawler

Nays: None

Motion Passes Unanimously

General Plan: Consider approval or other action regarding a request by Kathryn Edwards of BGE Kerry R. Gilbert & Associates, applicant, on behalf of Don Stephens of Aldersgate Trust,

owner, to allow for a skilled nursing facility, to locate on a 6.95 acre tract of land legally described as Tracts 718B, 719, and 719A, La Porte Outlots.

Motion to approve the General Plan of the skilled nursing facility on the corner of Underwood Caniff by Commissioner Kendrick **Second** Commissioner LaCour

Ayes: Commissioners Barrera, Kendrick, Warren, La Cour, Follis, Smith, Martin and Chairman Lawler

Nays: None

Motion Passes Unanimously

Public Hearing (7:13pm): Open Public hearing to receive input on an application for Special Conditional Use Permit (SCUP) #18-91000009, a request by Hans Brindley of Liberty Property Trust, applicant and owner; to allow for a Petroleum and Petroleum Products Merchant Wholesaler (NAICS 424720), to locate on a 34.69 acre tract of land legally described as Reserve "I" in Port Crossing Commerce Center Subdivision.

Staff Presentation (7:14pm): Mr. Ian Clowes, City Planner, presented staff's report on a request of a Special Conditional Use Permit (SCUP) to allow for a Petroleum and Petroleum Products Merchant Wholesaler (NAICS 424720), to locate on a 34.69 acre tract of land legally described as Reserve "I" in Port Crossing Commerce Center Subdivision. Mr. Clowes voiced support for the project from staff and recommended approval of the SCUP by the Commission to be forwarded to Council.

Applicant Presentation (7:20pm):

Hans Brindley of Liberty Property Trust & Jerry Prosis of Valvoline

Public Comments (7:32pm): Peggy Antune 2515 Crescent Dr, La Porte **Against**

Question and Answer (7:34pm): Commissioner Smith asks for clarification in regards to the assigned NAICS number. Then specifics regarding the governing SCUP for Port Crossing. Staff informed Commissioner Smith that the assigned NAICS number was the most transparent and stringent for the use that would be inhabiting the area. Staff also explained that the governing SCUP is coupled with each individual SCUP approval.

ADJOURN PUBLIC HEARING

Chairman Lawler closed the public hearing at 7:42pm

Motion by Commissioner Kendrick for approval of SCUP #18-91000009.

Seconded by Commissioner Warren. **Motion Carried.**

Ayes: Commissioner Barrera, Smith, Kendrick, Warren, Follis, LaCour, and Chairman Lawler
Nays: Commissioner Martin **Motion Passes 7-1**

Discussion Items (7:43):

- Mr. Ian Clowes introduced to the commission Chapter 106 subcommittee recommendations to be put on the next agenda as a public hearing
- Mr. Ian Clowes encouraged members of the commission, especially newer members, to attend the Texas APA Conference in Galveston in the coming months
- Mr. Ian Clowes gave a final reminder/encouragement to commission members to attend the Robert's Rules of Orders Seminar on July 16th, 2018

Administrative Reports: N/A

Commission Comments (7:47pm)

Motion for Adjournment: Commissioner Warren **Seconded:** Commissioner LaCour
Motion Carried

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

Nays: None **Passes Unanimously**

Chairman Lawler adjourned the meeting at 7:50 p.m.

Respectfully submitted,

Chase Stewart
Planning Technician

Passed and Approved on _____, 2018.

Hal Lawler
Chairman, Planning and Zoning Commission