

**Planning and Zoning Commission
Minutes of September 20th, 2018**

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

Commissioners Absent: None

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

CALL TO ORDER.

Chairman Hal Lawler called the meeting to order at 6:00 p.m.

ROLL CALL OF MEMBERS.

All commission members were present for the meeting

CONSIDER APPROVAL OF THE MEETING MINUTES:

a. August 16th, 2018 Meeting

Motion by Commissioner Tschappatt to approve the meeting minutes of August 16th, 2018.
Second by Commissioner Smith **Motion to approve carried.**

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

Nays: None **Motion to approve passes, 9-0**

Major Development Site Plan: (6:03pm): Consider approval of the major development site plan #18-83000001, Port Crossing Building B1; a 14.40 acre development located 1901 Wharton Weems Blvd.

Staff Presentation: Mr. Ian Clowes, City Planner, presented staff's report on a request for approval for a Major Development Site Plan to be located in Port Crossing by Terra Associates. 250,000+ Sq. Ft building at S 16th and Wharton Weems Blvd (1901 Wharton Weems Blvd). City Staff recommends approval because the site plan has no outstanding comments.

Applicant Presentation: N/A

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

Question and Answer: Commissioner Follis inquiries about landscaping requirements and the proximity of fire hydrants. Both of which have been achieved

Motion by Commissioner Kendrick to approve the Major Development Site Plan presented to the commission

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

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

Nays: None **Motion to approve passes, 9-0**

Major Development Site Plan (6:06pm): Consider approval of the major development site plan #18-83000002, Port Crossing Building A2; a 12.43 Acre development located at 1912 S. 16th St.

Staff Presentation: Mr. Ian Clowes, City Planner, presented staff's report on a request of approval for a Major Development Site Plan for a building to be located at 1912 S. 16th. 164,000+ Sq. Ft Office/Warehouse development for the Port Crossing development. With no outstanding comments, City staff has recommended approval of the Major Development Site Plan.

Applicant Presentation: Mr. Jacob Fuller explains to the commission the proximity to the rail lines required the addition of "dry fire-lines" per the request of the City's Fire Marshal to meet fire code. Reiterates how Fire Marshal's Office has provided a stamp of approval for how the fire lane/plan has been drawn.

Question and Answer: Commissioner Follis asks if the site plan has a fire lane added that meets the requirements of the International Fire Code. The designer of the project makes note that the site plan had previously obtained FMO (Fire Marshal Office) approval. Commissioner Follis requests that there is additional review to make sure that compliance is met by the developer. Commissioner Follis also questioned the setback requirements for the nearby pipeline for the property in question.

Motion by Commissioner Follis to approve the proposed site plan, with the condition that additional review from the Fire Marshal's Office would be required for the fire lane requirements and pipeline set back requirements.

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

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

Nays: None **Motion to approve passes, 9-0**

Public Hearing (6:15pm): Open Public Hearing to receive input on an application for Zone Change #18-92000009, a request by Adrienne Feller, applicant, on behalf of Victor G. Rocha, owner. The request is for approval of a zone change from Large Lot (LLD) to Low-Density Residential (R-1), on a 1.0 acre tract of land, legally described as Tract 441C, La Porte Outlots Subdivision.

Staff Presentation: Mr. Ian Clowes, City Planner, presented staff's report on a zone change request by Adrienne Feller, applicant, on behalf of Victor G. Rocha, owner. The property in question is currently zoned Large Lot (LLD) and the applicant has requested a rezone of the property to Low-Density Residential (R-1), allowing for a subdivision of the 1.0 acre tract into 2 separate parcels, each at a half acre in size. This would allow for a home to be built on the newly-vacant parcel. Mr. Clowes shows that the surrounding zoning districts is a mixture of Large Lot (LLD) and Low-Density Residential (R-1). City staff supports the zone change requested by the applicant.

Applicant Presentation: Adrienne Feller and Victor G. Rocha approach the commission. Adrienne Feller goes over this history of the family and the reasons for trying to build a home next to her parent's existing home; the approval of the zone change would be the first step.

Public Comments (for, against, question): Malory Wicker 529 N 12th St, La Porte TX; Supports the zone change for the applicant. Questions the commission about potential for "grandfathering" aspects for the home. There weren't any applicable for this situation.

Question and Answer: Commissioner Tschappatt asks the City's legal counsel if there are restrictions of some sort that can be integrated into the approval of the zone change. Mr. Clark Askins points to a previous case and shows how it's not possible. Nearly all of the commissioners voice their concerns that the approval of this zone change would allow for a "subdivision" to be developed in the Lomax area (where this property is located) and cause a chain of similar situations.

ADJOURN PUBLIC HEARING

Chairman Lawler closed the public hearing at 7:17pm

Motion by Commissioner Barrera to approve the proposed Zone Change #18-92000009
Second by Commissioner Tschappatt **Motion to approve carried**

Ayes: Commissioners Barrera and Tschappatt

Nays: Commissioners Smith, Follis, Warren, Pitzer, Martin, Kendrick, and Chairman Lawler

Motion to approved fails, 2-7

Motion by Commissioner Kendrick to deny the proposed Zone Change #18-92000009
Second by Commissioner Follis **Motion to deny carried**

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

Nays: Commissioners Barrera and Tschappatt **Motion to deny passes, 7-2**

Future Land Use Map Amendment (7:26pm): 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 1.0 acre tract of land located at the 10410 N. L St., and legally described as Tract 441C, La Porte Outlots Subdivision., from “Large Lot Residential” to “Low Density Residential”

Motion by Commissioner Follis to deny the FLUP amendment associated with the previously denied Zone Change #18-92000009

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

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

Nays: None **Abstain:** Commissioners Barrera and Tschappatt **Motion to deny passes, 7-0**

Public Hearing (7:27pm): Open Public Hearing to receive input on an application for Special Conditional Use Permit (SCUP) #18-91000012, a request by Rick Kight of ODIA Fairmont, LLC, applicant; on behalf of Larry Wiedemann of Atlas Copco Rental, LLC, owner; to allow for administrative offices/equipment rental operations, to locate on a 7.0 acre tract of land legally described as +/- 7 Acres out of 133.93 Acre Tract in the R Pearsall Survey A-265.

Staff Presentation: Mr. Ian Clowes, City Planner, presented staff’s report on a Special Conditional Use Permit request by Rick Kight of ODIA Fairmont, LLC, applicant; on behalf of Larry Wiedemann of Atlas Copco Rental, LLC, owner. The approval of the SCUP would allow for administrative offices/equipment rental operations to be located on a 7.0 acre tract of land legally described as +/- 7 acres out of a 133.93 acre tract in the R Pearsall Survey A-265.

Staff has previously met with the business owner and gone over what their proposed use would entail and if it would be suitable for the zoning district. After consideration, it would be an appropriate use and would conform to the Future Land Use Plan for that area. Therefore, staff recommended an approval for this SCUP request.

Applicant Presentation: Larry Wiedemann addresses the commission. Mr. Wiedemann gives more insight to Atlas Copco itself. Mr. Wiedemann answers questions from the commission in regards to day-to-day processes and hours of operation.

Public Comments: N/A

Question and Answer: Commissioner Follis makes a comment that Spencer Highway is in fact not part of the High-Frequency Truck Route, pointing to a decision from 2016. With that being the case, Commissioner Follis questioned if this use would be allowed with a potential requirement for adjacency to the High-Frequency Truck Route.

ADJOURN PUBLIC HEARING

Chairman Lawler closed the public hearing at 7:57pm

Motion by Commissioner Kendrick to approve the SCUP #18-91000012

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

Ayes: Commissioners Kendrick, Warren, and Chairman Lawler

Nays: Commissioners Barrera, Follis, Smith, Tschappatt, Pitzer, and Martin

Motion to approve fails, 3-6

Motion by Commissioner Follis to deny the SCUP #18-91000012

Second by Commissioner Barrera **Motion to Deny carried**

Ayes: Commissioners Barrera, Follis, Smith, Tschappatt, Pitzer, and Martin

Nays: Commissioners Kendrick, Warren, and Chairman Lawler **Motion to deny passes 6-3**

Public Hearing (7:59pm): Open Public Hearing to receive input on an application for Special Conditional Use Permit (SCUP) #18-91000013, a request by Timothy Nguyen, applicant; on behalf of Yoheh Manesia, owner; to allow for a Hotel/Motel Use, to locate on a 3.77 acre tract of land legally described as reserve B, Block 1, M&K Development Amend.

Staff Presentation: Mr. Ian Clowes, City Planner, presented staff's report on a request of a Special Conditional Use Permit (SCUP) to allow for a hotel/motel use, to locate on a 3.77 acre tract of land legally described as reserve B, Block 1, M&K Development Amend. Due to the high number of hotels in the region, City Staff was unable to recommend approval.

Applicant Presentation: Yoheh Manesia of Sugarland TX provides a presentation giving a general overview of the project and it's suitability for the area.

Johanna Blisset: General Manager, Hilton Hotel

Malaory Wicker: Assistant General Manager, Hilton Hotel (Both give insight to the proposed hotel in comparison to the existing Hilton)

Public Comments: N/A

Question and Answer: Commissioner Wyatt questions staff to what extent an approved SCUP can dictate the guidelines for Hotels, such as requiring specific branding. Commissioner Follis expresses concerns on amenities.

ADJOURN PUBLIC HEARING

Chairman Lawler closed the public hearing at 8:37pm

Motion by Commissioner Follis to table the Hotel/Motel Use SCUP for the next appropriate meeting.

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

Ayes: Commissioners Barrera, Follis, Smith, Tschappatt, Pitzer, Martin, and Chairman Lawler

Nays: Commissioners Warren and Kendrick **Motion to table passes, 7-2**

Election of Officers: Section 5.6 Rules and Bylaws (8:38pm)

The planning and zoning commission held a vote for appointment of the members to the following positions:

- a. Vice Chairperson
- b. Secretary

After brief consideration, the commission settled on voting for Commissioner Warren and Kendrick respectively for the available positions.

Motion by Commissioner Smith to appoint Commissioner Warren to Vice Chairperson and Commissioner Kendrick to Secretary

Second by Commissioner Follis **Motion for appointments carried**

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

Nays: None **Abstain/Absent:** Commissioners Kendrick, Warren and Martin

Motion for appointments passes 6-0

Administrative Reports (8:49pm): Mr. Clowes informs the commission that Mr. Mancilla had taken a new position in a different municipality. Wished him all the best going forward. Mr. Weeks will be the interim Planning Director. Commissioner La Cour will be replaced in the coming meetings if confirmations go as planned. Mr. Clowes shared the information learned from the Robert's Rules of Meeting to the commission.

Commission Comments (8:55pm)

Adjournment of Meeting (8:59pm)

Motion to adjourn Planning and Zoning Commission meeting by Commissioner Warren
Second Commissioner Smith

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

Nays: None **Motion Passes, 8-0**

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

Respectfully submitted,

Chase Stewart
Planning Technician

Passed and Approved on _____, 2018.

Hal Lawler
Chairman, Planning and Zoning Commission