

ORDINANCE NO. 2021-3851

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 21-91000006, TO ALLOW FOR BUSINESS INDUSTRIAL (BI) USES IN THE PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT, ON A 3.38 ACRE TRACT OF LAND LOCATED AT 11007 W. FAIRMONT PARKWAY, AND BEING LEGALLY DESCRIBED AS TRACT 1H, ABSTRACT 625 R, PEARSALL SURVEY, HARRIS COUNTY, TEXAS; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF;

WHEREAS, the City is authorized by Chapter 211 of the Texas Local Government Code to promulgate rules and regulations governing regulation of land use, structures, businesses, and related activities, and that such rules and regulations as adopted by the City promote the safe, orderly, and healthful development of the City; and

WHEREAS, on October 21, 2021, the La Porte Planning and Zoning Commission conducted a public hearing regarding a request to grant Special Conditional Use Permit No. 21-91000006 to allow for Business Industrial uses in a Planned Unit Development (PUD) zone, on a 3.38 acre tract of land located at 11007 W. Fairmont Pkwy., and being legally described as Tract 1H, Abstract 625 R, Pearsall Survey, Harris County, Texas, following lawful publication of the notice of said public hearing; and

WHEREAS, on October 21, 2021, after considering the public testimony received at such hearing, if any, the Planning and Zoning Commission recommended that the request to grant Special Conditional Use Permit No. 21-91000006 to allow for Business Industrial uses in a Planned Unit Development (PUD) zone, on a 3.38 acre tract of land located at 11007 W. Fairmont Pkwy., and being legally described as Tract 1H, Abstract 625 R, Pearsall Survey, Harris County, Texas, be approved; and

WHEREAS, on December 13, 2021, the City Council of the City of La Porte conducted a public hearing regarding a request to grant Special Conditional Use Permit No. 21-91000006 to allow for Business Industrial uses in a Planned Unit Development (PUD) zone, on a 3.38 acre tract of land located at 11007 W. Fairmont Pkwy., and being legally described as Tract 1H, Abstract 625 R, Pearsall Survey, Harris County, Texas); and

WHEREAS, each and every applicable requirement set forth in Chapter 211, Subchapter A, Texas Local Government Code and the Code of Ordinance of the City of La Porte, Texas, concerning public notices, hearings and other procedural matters have been fully met; and

WHEREAS, the City Council desires that the request to grant Special Conditional Use Permit No. 21-91000006 to allow for Business Industrial uses in a Planned Unit Development (PUD) zone, on a 3.38 acre tract of land located at 11007 W. Fairmont Pkwy., and being legally described as Tract 1H, Abstract 625 R, Pearsall Survey, Harris County, Texas be approved;

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

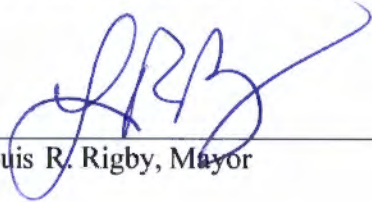
- Section 1.** All of the facts recited in the preamble to this ordinance are hereby found by the City Council to be true and correct and are incorporated herein by this reference.
- Section 2.** Chapter 106 “Zoning” of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit #21-91000006, attached hereto as Exhibit A and incorporated by reference for all purposes, to allow for Business Industrial (BI) uses in the Planned Unit Development (PUD) zoning district, on a 3.38 acre tract of land located at 11007 W. Fairmont Pkwy.; legally described as Tract 1H, Abstract 625 R, Pearsall Survey, Harris County, Texas, and situated within a PUD zoning district.
- Section 3.** 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 4.** 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 5.** 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 6.** 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.
- Section 7.** 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 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 8.** Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon

conviction shall be punished by a fine not to exceed TWO THOUSAND DOLLARS (\$2000.00).

Section 9. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

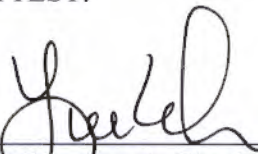
PASSED AND APPROVED this, the 13th day of DECEMBER, 2021.

CITY OF LA PORTE, TEXAS




Louis R. Rigby, Mayor

ATTEST:



Lee Woodward, City Secretary

APPROVED:



Clark Askins, Assistant City Attorney





EXHIBIT A

City of La Porte Special Conditional Use Permit #21-9100006

Applicant: Tammy Jo Millstid/C.M. Millstid Properties LLC.
Owner or Agent

1905 Laura Lane, La Porte, TX 77571
Address

Development Name/Type: Millstid BI Development

Location: 11007 W. Fairmont Pkwy.

Legal Description: Tract 1H, Abstract 625 R Pearsall Survey

Zoning: PUD, Planned Unit Development

Use: Business Industrial

Permit Conditions:

This Special Conditional Use Permit (SCUP) is applicable for the subject property, a copy of which shall be maintained in the files of the City's Planning and Development Department upon approval. Project development shall be in accordance with the following conditions:

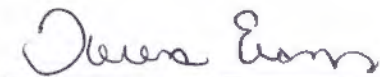
1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106 "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. Except as otherwise provided in this SCUP, all use and area requirements established in Chapter 106 of the La Porte Code of Ordinances for the Business Industrial (BI) zoning district shall apply. All BI zoning and development requirements will need to be met, in addition to any conditions listed below.
3. All uses permitted in the BI zoning district are permitted with the exception of those uses corresponding to the following NAICS codes:
 - a. 484110 - General Freight Trucking, Local
 - b. 484121 - General Freight Trucking, Long-Distance, Truckload
 - c. 484220 - Specialized Freight (except Used Goods) Trucking, Local
 - d. 484230 - Specialized Freight (except Used Goods) Trucking, Long-Distance
 - e. 493 - General Warehousing and Storage
4. Perimeter fencing must be constructed along all portions of the property adjacent to residentially zoned properties or properties occupied by a residential use.
5. Perimeter fencing must be 8' tall and 100% opaque.
6. Onsite lighting must be hooded and include motion sensors to limit light pollution on adjacent properties.
7. There shall be a minimum setback of forty feet (40') along the rear property line of the development. No improvements or business activities may be established or take place within this setback.
8. Any trucking operations are limited to the hours of 7:00 AM – 7:00 PM.
9. No modular or temporary structures, including shipping containers, may be utilized on site at any time for any purpose. Shipping containers on chassis and defined as in-transit shall be permitted.

10. All onsite areas utilized for storage, parking, or driving must be paved with either concrete or asphalt, or chip seal.
11. Hazardous materials which may or may not require a placard may not be stored on site for any length of time. This prohibition includes shipments of hazardous materials that are defined as in-transit by the Department of Transportation (DOT)
12. Any proposed modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

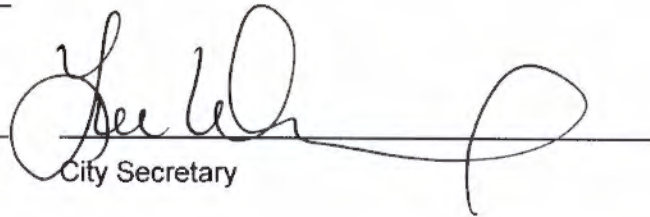
Failure to start construction of the site within twelve (12) months after issuance or as scheduled under the terms of a special conditional use permit shall void the permit as approved, except upon an extension of time granted after application to the Planning and Zoning Commission.

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

Validation Date: 12/13/21



Director of Planning and Development



City Secretary



October 22, 2021

Honorable Mayor Rigby and City Council
City of La Porte

RE: Special Conditional Use Permit Request #21-91000006

Dear Mayor Rigby and City Council:

The La Porte Planning and Zoning Commission held a regular meeting on October 22, 2021 to hear a Special Conditional Use Permit request by, Tammy Millstid of C.M. Millstid Properties LLC., applicant and owner; for approval of a SCUP to allow for a Business Industrial (BI) uses in the Planned Unit Development (PUD) zoning district, on a 3.38 acre tract of land located at 11007 W. Fairmont Pkwy.; legally described as Tract 1H, Abstract 625 R, Pearsall Survey, Harris County, Texas. The subject site is zoned Planned Unit Development (PUD) and Section 106-659 of the Code of Ordinances requires a Special Conditional Use Permit in order for the above referenced uses to be permitted within the PUD zoning district.

The Commission voted 5-0 to recommend approval of the proposed SCUP, as presented with the twelve (12) suggested conditions of approval.

Respectfully submitted

Ian Clowes, City Planner
On behalf of the Planning and Zoning Commission


EXHIBIT A

Area Map

**SCUP
#21-91000006**

11007 W. Fairmont

Legend

 Subject Tract



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

1 inch = 157 feet



OCTOBER 2021
PLANNING DEPARTMENT




EXHIBIT B

Zoning Map

**SCUP
#21-91000006**

11007 W. Fairmont

Legend

 Subject Tract



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1 inch = 157 feet



OCTOBER 2021
PLANNING DEPARTMENT




EXHIBIT C

FLUP Map

**SCUP
#21-91000006**

11007 W. Fairmont

Legend

 Subject Tract



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1 inch = 157 feet



OCTOBER 2021
PLANNING DEPARTMENT

MHDR

LDR

PO

BI

COM

FAIRMONT



Special Conditional Use Permit Application

Planning and Development Department

PROJECT INFORMATION

Address where SCUP is being requested: O Fairmont Pkwy

Legal description where SCUP is being requested: TR 1H ABST 425 R Pearsall I

HCAD Parcel Number where SCUP is being requested: 0440510000078

Zoning District: _____ Lot area: _____

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

Description of Request: allow O Fairmont Pkwy to support 1100' W. Fairmont Pkwy. in respects to using it as a laydown yard, "temporary" parking for semi-trailers & trucks only while being repaired (short term)

Attached hereto is a Project Description Letter describing the project and outlining the reasons why such SCUP should be approved.

PROPERTY OWNER(S) INFORMATION

Name: Charles M. Millstid / Tammy Jo Millstid

Company (if applicable): C.M. Millstid Properties LLC

Address: 1905 Laura Lane

City: La Porte State: Texas Zip: 77571

Phone: 713-859-1845 Email: +m.millstid1@a.t.net

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____

Date: _____

Owner(s)' Signature(s): Tammy Jo Millstid Executive
for Charles Michael Millstid Estate

Date: _____

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



Special Conditional Use Permit Application

Planning and Development Department

AFFIDAVIT OF POSTING PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:

ADDRESS: 0 Fairmont Pkwy

LEGAL DESCRIPTION: TR 1 ABST 625 R Pearsall

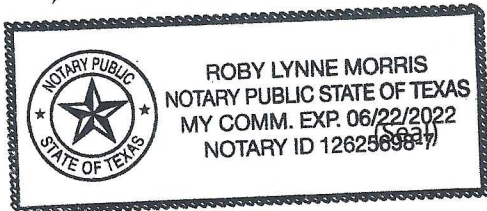
2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date: _____.
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

Tammy Jo Millsted
Applicant's Signature

Tammy Jo Millsted
Applicant's Printed Name

Subscribed and sworn before me this 15 day of September, 2021 by

Tammy Millsted (Print Applicant's Name).



[Signature]
Notary Public

My commission expires: 6/22/2022