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Chairman
DONNA O'CONNER
Commissioner At Large A
JOE MOCK
Commissioner At Large B
NOLAN ALLEN
Commissioner District 1
RICHARD WARREN
Commissioner District 2
Vice Chairman



JAMES WALTER
Commissioner District 3
MARK FOLLIS
Commissioner District 4
VICTOR PERES
Commissioner District 5
NANCY OJEDA
Commissioner District 6

LA PORTE PLANNING AND ZONING COMMISSION AGENDA
THURSDAY, FEBRUARY 16, 2023
REGULAR MEETING 6 P.M.

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

Remote participation is available. Attend via tablet, mobile phone, or computer using the following link <https://us02web.zoom.us/j/89332492201?pwd=WXBjdjgvT0JQbGZPZDNWbVYwK2JyQT09>
Join by phone at 877-853-5257 or 888-475-4499. The meeting ID is 893 3249 2201. The passcode is 206685.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the Planning Department (281-470-5057) three working days prior to the meeting for appropriate arrangements.

- 1. CALL TO ORDER**
- 2. ROLL CALL OF MEMBERS**
- 3. CONSIDER APPROVAL OF THE MEETING MINUTES:** Approve the minutes of the December 15, 2022, regular meeting of the Planning and Zoning Commission.
- 4. COMMERCIAL REPLAT #22-97000007:** Consider approval of a partial replat of Fairmont Park East Business Park Reserves, a commercial replat consisting of 1.872-acres, located at 10505 W. Fairmont Pkwy. and legally described as Reserves 4 and 5, Fairmont Park East Business Park, Harris County, TX
- 5. CHAPTER 106 (ZONING) AMENDMENTS:** The Commission will hold a Public Hearing to receive input on an ordinance amending Chapter 106 "Zoning" of the Code of Ordinances of the City of La Porte, Texas, regarding changes to notification requirements and procedures for public hearings held before the La Porte Planning and Zoning Commission and La Porte Zoning Board of Adjustment.
 - a. Staff Presentation
 - b. Public Comments (Limited to 5 minutes per person)
 - c. Adjourn Hearing
- 6. COMMISSION DISCUSSION AND POSSIBLE ACTION:** Recommendation to La Porte City Council on proposed amendments to Chapter 106 "Zoning" of the Code of Ordinances of the City of La Porte, Texas, regarding changes to notification requirements and procedures for public hearings held before the La Porte Planning and Zoning Commission and La Porte Zoning Board of Adjustment.

7. CHAPTER 106 (ZONING) AMENDMENTS: The Commission will hold a Public Hearing to receive input on an ordinance amending Chapter 106 "Zoning" of the Code of Ordinances of the City of La Porte regarding the removal of W. D St. from the High Frequency Truck Route.

- a. Staff Presentation
- b. Public Comments (Limited to 5 minutes per person)
- c. Adjourn Hearing

8. COMMISSION DISCUSSION AND POSSIBLE ACTION: Chapter 106 Amendments regarding the removal of W. D St. from the High Frequency Truck Route.

9. DISCUSSION ITEMS:

- a. Council Action Update
- b. Comprehensive Plan Update
- c. Next Regular Meeting – MARCH 16, 2023

10. COMMISSION COMMENTS: Comments on matters appearing on the agenda or inquiry of staff regarding specific information or existing policy.

11. ADJOURN

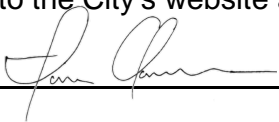
A quorum of City Council members may be present and participate in discussions during this meeting; however, no action will be taken by the Council.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the Planning and Development office (281-470-5057) three (3) business days prior to the meeting for appropriate arrangements.

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

CERTIFICATION

I do hereby certify that a copy of the **February 16, 2023**, Planning and Zoning Commission agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the public at all times, and to the City's website at LaPorteTX.gov, in compliance with Chapter 551, Texas Government Code.



Title: City Planner

DATE OF POSTING _____

TIME OF POSTING _____

TAKEN DOWN _____

Approval of Meeting Minutes

- a. December 15, 2022

HAL LAWLER
Chairman
DONNA O'CONNER
Commissioner At Large A
JOE MOCK
Commissioner At Large B
NOLAN ALLEN
Commissioner District 1
RICHARD WARREN
Commissioner District 2
Vice Chairman



JAMES WALTER
Commissioner District 3
MARK FOLLIS
Commissioner District 4
VICTOR PERES
Commissioner District 5
NANCY OJEDA
Commissioner District

MINUTES OF THE REGULAR MEETING OF THE LA PORTE PLANNING AND ZONING COMMISSION DECEMBER 15, 2022

The Planning and Zoning Commission of the City of La Porte met in a regular meeting on Thursday, December 15, 2022, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m., with the following in attendance:

Commissioners present: Chairman Hal Lawler; Commissioners Donna O'Conner; Joe Mock; Mark Follis; Victor Peres; Nancy Ojeda; and Richard Warren.

Commissioners absent: Commissioners James Walter and Nolan Allen.

City Staff present: Ian Clowes, City Planner; Clayton Price, Planning Technician; Teresa Evans, Planning and Development Director; Matt Daeumer, Assistant City Manager.

- 1. CALL TO ORDER** – Chairman Lawler called the meeting to order at 6:03 PM.
- 2. ROLL CALL OF MEMBERS:** – Commissioners Walter, Allen, and Warren were absent (Commissioner Warren arrived at 6:07 PM).
- 3. CONSIDER APPROVAL OF THE MEETING MINUTES:**
 - a. Approve the minutes of the meeting held on November 17, 2022.
Commissioner O'Conner moved to approve the meeting minutes; the motion was adopted, 5-0, Commissioner Follis abstained, and Commissioner Warren was not present.
- 4. COMMERCIAL REPLAT #22-97000006:** Consider approval of D & R La Porte Business Park, a commercial replat consisting of 25.32-acres, located at 11100 State Highway 225 and legally described as Tracts 8B and 8D, Enoch Brinson Survey, Harris County, Texas.

City Planner Ian Clowes presented the request and provided background information.

Commissioner Warren arrived at 6:07 PM.

Commissioner Ojeda moved to approve Commercial Replat #22-97000006 as presented; the motion was adopted 6-0 and the item was approved. Commissioner Follis abstained.

- 5. RESIDENTIAL REPLAT #22-97000003:** The Commission will hold a public hearing on Residential Replat #22-97000003, pursuant to an application by Jeff Strother, applicant, on behalf of Todd E. Houston, owner, for the proposed Partial Replat of Outlot 483 La Porte Outlots, a 2.66-acre replat located at 10280 N. H St. and legally described as Tract 483A, La Porte Outlots, Harris County, Texas.

The hearing was opened at 6:11 PM. City Planner Ian Clowes presented the request and provided background information.

Todd Houston – 10280 N. H St., is the owner of the property and spoke regarding his plans for the replat.

6. ADJOURN PUBLIC HEARING: 6:14 PM.

Commissioner O’Conner moved to approve Residential Replat #22-97000003 as presented: the motion was adopted, 7-0 and the item was approved.

7. ZONE CHANGE REQUEST #22-92000013: The Commission will hold a public hearing on Zone Change Request #22-92000013, pursuant to an application from the City of La Porte, applicant, for approval of a zone change from General Commercial (GC) to Low Density Residential (R-1), for a 3.25-acre tract of land located between W. Fairmont and I St., and along S. 2nd and S. 3rd streets, legally described as Lots 23-32, Block 177 and Lots 1-13, 20-32, and the northern 17 feet of lots 14 and 19, Block 178, Town of La Porte, Harris County, Texas.

The hearing was opened at 6:17 PM. City Planner Ian Clowes presented the request and provided background information.

Oscar Vargas – 8402 Gulf Wood Ln. Houston, TX, owns a vacant parcel within the rezone area and spoke in favor of the proposed zone change.

Carlos Cavillo – 1016 S. 3rd St. lives within the proposed rezone area and spoke in favor of the proposed zone change.

Joe McCune – 1001 S. 3rd St., lives within the proposed rezone area and spoke in favor of the proposed zone change.

Robert Garcia – 1002 S. 2nd St., lives within the proposed rezone area. He stated that he would prefer it to remain commercial but was okay either way.

8. ADJOURN PUBLIC HEARING: 6:33 PM.

The Commission discussed at length whether the properties located at 1011 S. 3rd St. and 1012 S. 2nd St. should be excluded from the rezone area.

Commissioner O’Conner moved to recommend approval of Zone Change Request #22-92000013 with the condition that the property at 1011 S. 3rd St. be excluded from the area to be rezoned. The motion was seconded by Commissioner Ojeda. Commissioner Follis made a motion to amend the original motion to also exclude 1012 S. 2nd St. from the area to be rezoned. The amended motion was seconded by Commissioner Peres.

The Commission voted on the amendment to the motion. The motion to amend was adopted, 4-3 and the motion was amended. Commissioners Ojeda, O’Conner, and Mock were the dissenting votes.

The Commission then voted on the original motion to recommend approval of Zone Change Request #22-92000013 with the condition that 1011 S. 3rd St. be excluded along with the amendment to also exclude 1012 S. 2nd St. from the area to be rezoned. The motion was adopted 7-0, and the item was recommended for approval with the condition that 1011 S. 3rd St. and 1012 S. 2nd St. be excluded from the area to be rezoned.

- 9. CHAPTER 106 (ZONING) AMENDMENTS:** The Commission will hold a Public Hearing to receive input on an ordinance amending Chapter 106 “Zoning” and Chapter 86 “Development Regulations” of the Code of Ordinances of the City of La Porte, Texas, regarding changes to notification requirements and procedures for public hearings held before the La Porte Planning and Zoning Commission, La Porte City Council and/or La Porte Zoning Board of Adjustment, changes regarding RV Parks and Campground uses, & Self Storage and Mini-Warehouse uses.

The hearing was opened at 6:56 PM. City Planner Ian Clowes presented the amendments and provided background information.

Ryan Mathis – 712 S. Lobit St., spoke regarding the changes for public hearing notifications. He is in favor of extending the area distance requirements.

10. ADJOURN PUBLIC HEARING: 7:07 PM.

Commissioner Follis moved to recommend approval of the Chapter 106 Amendments as presented; the motion was adopted, 7-0, and the item was recommended for approval.

- 11. SAC REQUEST:** The Commission will hold a public hearing on right-of-way closure application SAC #22-25000010, a portion of W. F Street between Lots 16 and 17, Block 827 and Lots 1 and 32, Block 830, Town of La Porte, Harris County, TX.

The hearing was opened at 7:15 PM. City Planner Ian Clowes presented the request and provided background information.

Jeff Burkhalter – 521 S. Utah St., is the applicant for the proposed closure. He provided additional details and stated that the shown water line does not exist in the proposed ROW closure area.

Alton Ogden – No address provided, provided additional information.

Commissioner Ojeda stated that the item should be tabled to allow for additional information to be provided and to clarify the location of the water line.

12. ADJOURN PUBLIC HEARING: 7:40 PM.

Commissioner Peres moved to recommend approval of SAC Request #22-25000010 as presented; the motion failed, 3-4, and the item was not recommended for approval.

Commissioner Follis moved to postpone SAC Request #22-25000010 with a request that Public Works, Engineering, and City Management attend the January 19, 2023, meeting; the motion was approved, 7-0, and the item was postponed until January 19, 2023.

13. DISCUSSION ITEMS:

- c. Comprehensive Plan Update

Director Teresa Evans provided an update on recent activities for the Comprehensive Plan.

- d. Next Regular Meeting – JANUARY 19, 2023

ADJOURN: Commissioner O' Conner made the motion to adjourn at 8:02 PM; the motion was adopted 7-0.

Hal Lawler, Planning and Zoning Commission Chairman

Ian Clowes, City Planner



Planning and Development Department Staff Report Commercial Replat - #22-97000007

DISCUSSION

Applicant's Request:

This is a request for approval of the Fairmont Park East Business Park replat, a commercial replat of Reserves 4 and 5, of the Fairmont Park East Business Park plat, located at 10505 W. Fairmont Pkwy.

Background Information:

The site is zoned General Commercial (GC). The area to be replated consists of 1.872-acres and is platted as two (2) separate reserves. The proposed replat will enlarge Reserve 4 by relocating the eastern lot line further east, encompassing a portion of the existing Reserve 5.

The table below indicates the surrounding zoning and land uses:

	Zoning	Land Use
<i>North</i>	Single Family Residential (R-1)	Fairmont Park East subdivision
<i>South</i>	Extra Territorial Jurisdiction (ETJ)	Bayport Industrial District
<i>West</i>	General Commercial (GC)	Doctors Office
<i>East</i>	General Commercial (GC)	Vacant

RECOMMENDATION

Staff recommends the Planning and Zoning Commission approve the commercial replat of Fairmont Park East Business Park Reserves 4 and 5.

ATTACHMENTS

- Exhibit A: Area Map
- Exhibit B: Zoning Map
- Exhibit C: FLUP Map
- Exhibit D: Fairmont Park East Business Park Replat

Area Map

Replat
#22-97000007

10505 W. Fairmont

Legend

 Subject Tracts

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 = 123 feet



Zoning Map

Replat
#22-97000007
10505 W. Fairmont

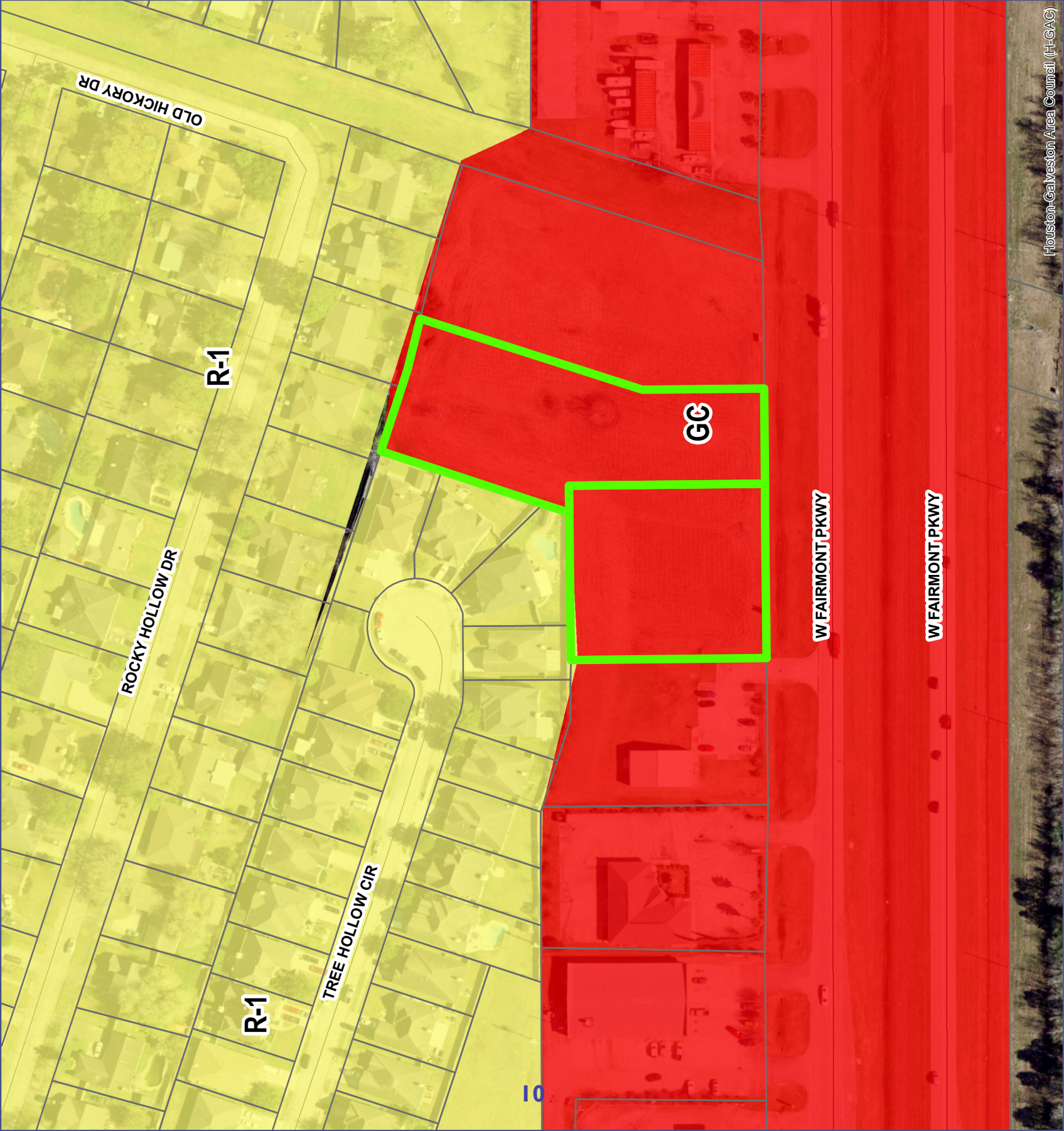
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 Subject Tracts

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1 inch = 123 feet




FLUP Map

Replat
#22-97000007

10505 W. Fairmont

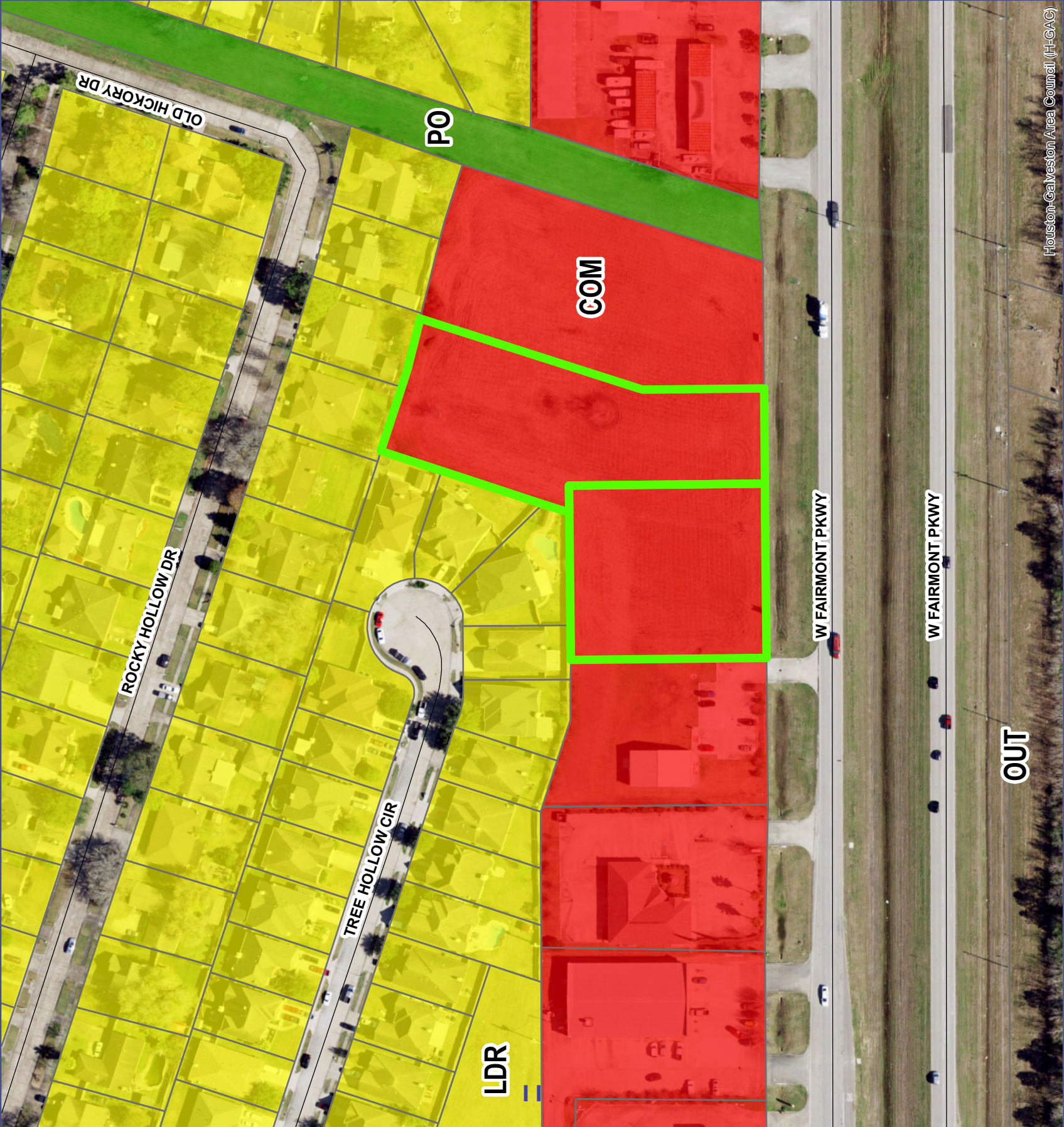
Legend

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1 inch = 123 feet





Planning and Development Department Staff Report Chapter 106 Amendments

DISCUSSION

The Planning and Zoning Commission has been tasked by the City Council to review the current notification requirements for Public Hearings. Specifically, the City Council asked the Commission to consider increasing the 200' notification requirement.

At the November 17, 2022, regular meeting of the Planning and Zoning Commission, this request was considered as a discussion item. The Chapter 106 Subcommittee met prior to the full Commission meeting and recommended that no changes be made to the current distance notification requirement. The Commission agreed that the 200' radius did not need to be expanded, as it currently meets state requirements and is in line with other area municipalities. There was additional discussion to add language that would require notification be provided to any homeowners' associations or civic clubs with property located within 200' of the proposed public hearing item. The Planning and Zoning Commission, at their December 15, 2022 meeting, voted to recommend approval of the proposed amendments as shown below.

1. **Public Hearing Notifications Sec. 106-171 – Amendment procedures**

- (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, as well as the La Porte Independent School District, **and to civic associations whose boundaries are wholly or partly within said 200 foot area**, 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.

At the January 23, 2023, regular meeting of the City Council, the above amendments were approved with a motion that the Planning and Zoning Commission reconsider language that would increase the current 200' radius requirement for public hearing notifications.



Planning and Zoning Commission
February 16, 2023– Chapter 106 Amendments

RECOMMENDATION

Staff recommends the Planning and Zoning Commission make a recommendation for the proposed amendments to Chapter 106, regarding the 200' notification requirement.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” AND CHAPTER 86 “DEVELOPMENT REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY REVISING DISTANCE REQUIREMENTS FOR GIVING OF NOTICE TO ADJACENT PROPERTY OWNERS OF PUBLIC HEARINGS ON CHANGES TO ZONING CLASSIFICATION OF PROPERTY, RESIDENTIAL REPLATS, AND MATTERS HEARD BY THE ZONING BOARD OF ADJUSTMENT; REQUIRING NOTICE TO CIVIC ASSOCIATIONS FOR CHANGES TO ZONING CLASSIFICATION OF PROPERTY; 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.

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

Section 1: That Chapter 106, “Zoning,” Article II. “Administration”, Division 5 “Amendments”, Section 106-171 “Amendment Procedures”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended and shall hereinafter read as follows:

“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, as well as the La Porte Independent School District, and to civic associations whose boundaries are wholly or partly within said 200 foot area, 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 final report consisting of written findings of fact and recommendations to city council, within 30 days of the close of the public hearing held in accordance with this section.
- (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 sixty (60) 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.
- (9) *Reconsideration.* An application for an amendment to the zoning classification of property that is denied by the city council, or which is withdrawn by an applicant after the planning and zoning commission makes a report recommending denial of such amendment, may not be resubmitted by the applicant for filing with the city within six (6) months of the date of filing of the first application.”

Section 2: That Chapter 106, “Zoning,” Article II. “Administration”, Division 6 “Special Exceptions and Variances”, Section 106-194 “Notice of public hearings before the board of adjustment”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended and shall hereinafter read as follows:

“Sec. 106-194. - Notice of public hearings before the board of adjustment.

(a) The notice of public hearings provided for in this section shall be given by publication once in a newspaper of general circulation in the city stating the time and place of such hearings, which shall not be earlier than ten days from the date of such publication, and in addition thereto, the board of adjustment shall mail notices of such hearing to the petitioner and to all owners of property lying within 200 feet of any point of the lot or portion thereof, on which a special exception or variance is desired, and to all other persons deemed by the board of adjustment to be affected thereby; such owners and persons shall be determined according to the last approved tax roll of the city. Such notice may be served by depositing addressed and postage paid, in the city post office.

(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 ten 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.”

Section 3: That Chapter 106, “Zoning,” Article II. “Administration”, Division 9 “Nonconforming Buildings, Structures and Uses”, Section 106-266 “Extended useful life and termination”, subparagraph (b) “Public hearing”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended and shall hereinafter read as follows:

Sec. 106-266. - Extended useful life and termination.

“(b) *Public hearing.*

(1) The board of adjustment shall hold a public hearing to establish an extended useful life for each nonconforming use subject to notification pursuant to section 106-264 (Notification of nonconforming status), or to consider an application for an exemption from the extended useful life and termination requirements of this section as allowed in section 106-265 (Application for exemption from extended useful life requirement) and this section, but subject to the following notification requirements:

a. Written notice of the time and place of a public hearing, by certified mail, return receipt requested and postage prepaid, to the owner and occupant of the nonconforming use at least 30 days prior to the date of such public hearing;

b. Publication at least 30 days prior to the date of public hearing of a notice of the time and place of the hearing in at least one newspaper of general circulation in the city; and

c. Mailing of the notice of public hearing at least 60 days prior to the date of the public hearing to property owners within 200 feet, as determined pursuant to section 106-89 (Appeals to board of adjustment), of the lot line of the land subject to the application, inclusive of streets, alleys and rights-of-way, and to civic associations, whose boundaries are wholly or partly within said 200 foot area.”

Section 4: That Chapter 106, “Zoning,” Article II. “Administration”, Division 9 “Nonconforming Buildings, Structures and Uses”, Section 106-266 “Extended useful life and termination”, subparagraph (b) “Public hearing”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended and shall hereinafter read as follows:

Sec. 106-267. - Revocation of nonconforming use status.

“(2) *Board notice, review and decision.* Upon its own motion, or upon receipt of the planning director's report recommending the revocation of the status of the revocable use, the board of adjustment shall hold a public hearing to consider revocation of a revocable use. Prior to holding such hearing, the board of adjustment shall provide public notice as follows:

- a. Written notice of the time and place of a public hearing, by certified mail, return receipt requested and postage prepaid, to all persons having an interest in the property as shown by the certified tax rolls of the city and to the occupant or occupants of the property containing said revocable use at least 30 days prior to the date of such public hearing;
- b. Publication at least 30 days prior to the public hearing of a notice of the time and place of the hearing in at least one newspaper of general circulation in the city; and
- c. Mailing of the notice of public hearing at least 30 days prior to the date of the public hearing to property owners within 200 feet as determined pursuant to section 106-89 (Appeals to board of adjustment), of the lot line of the land subject to the application, inclusive of streets, alleys and rights-of-way, and to civic associations registered with the planning director, whose boundaries are wholly or partly within the 200 foot area.

Upon the conclusion of the public hearing, the board of adjustment shall determine, on the basis of written findings of fact and conclusions, whether the status of the revocable use should be revoked and the use amortized or terminated. In making its determination whether or not to revoke, the board of adjustment shall consider the standards set forth in section 106-267(3) (Required findings and standards in board-determination of revocation), and if it determines to revoke, it shall, in accordance with applicable law, after considering evidence presented at the hearing and other factors consistent with the purpose of this zoning ordinance, establish an extended useful life period for the owner to recoup the current remaining useful investment in the use made by the owner prior to the time the use became nonconforming, in accordance with the procedures set forth above. The revocable use shall terminate at the end of the extended useful life period or the termination date, as the case may be, as established by the board of adjustment.”

Section 5. 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 (\$2,000.00).

Section 6. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

Section 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 8. 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 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 _____ day of _____ 2023.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Lee Woodward, City Secretary

APPROVED AS TO FORM:

Clark Askins, City Attorney



Planning and Development Department Staff Report **Chapter 106 Amendment - HFTR**

DISCUSSION

Background Information:

The Commission had previously been requested to review the current High Frequency Truck Route (HFTR) language within Chapter 106 of the City Ordinances and to possibly extend the route to one additional road segment along W. D St. The Commission considered this request at the February 17, 2022, regular meeting and the Commission recommended approval. The City Council expressed concerns regarding the extension of the HFTR along West D St. and another section along West M St. due to the existing road conditions and traffic patterns on S. 16th. Council ultimately denied the entire amendment.

At the November 17, 2022, regular meeting of the Planning and Zoning Commission, the Commission once again recommended approval of the proposed language and extension of the HFTR along W. D St. The proposed amendments were heard by the City Council at the January 9, 2023, meeting and were subsequently approved. The item was then brought back to the City Council as a statutory agenda item on January 23, 2023, after three (3) Councilmembers expressed concern over allowing for the HFTR to be extended along W. D St. At that meeting, the Council voted 5-4 to remand the item back to the Planning and Zoning Commission for them to reconsider the extension of the HFTR along W. D St.

Notification Requirements:

Staff finds that the public hearing notification requirements outlined in Section 106-171 were performed in accordance with code provisions, including notice in a newspaper of general circulation at least 15 days prior to the hearing. In accordance with state law, notice of the public hearing was also posted at City Hall and on the City's website.

RECOMMENDATION

Staff recommends the Planning and Zoning Commission conduct a public hearing for the proposed Chapter 106 Amendments regarding the removal of the HFTR designation for a portion of W. D St.

ATTACHMENTS

Exhibit A: Proposed Amendment

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 106 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY AMENDING REGULATIONS RELATED TO DESIGNATION OF HIGH FREQUENCY TRUCK ROADS; 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; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS ACT; AND PROVIDING AN EFFECTIVE DATE HEREOF.

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

Section 1: That Chapter 106, “Zoning,” Article V. “Supplementary District Regulations”, Division 2 “Accessory Buildings, Uses and Equipment” of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by revising Section 106-746 “Location of heavy truck uses”, and which section shall hereinafter read as follows:

“106-746. - Location of heavy truck uses.

(1) For purposes of this chapter, those streets and thoroughfares within the corporate limits of the city which are enumerated below are hereby designated as high frequency truck roads.

(2) Heavy truck uses generated from or within properties which are assigned NAICS use codes 484110, 484121, 484220, 484230 and 493 shall only be located directly adjacent to the right-of-way of designated high frequency truck roads, provided those uses comply with the underlying zoning classification applicable to the property.

(3) Overnight parking of heavy trucks shall only be permitted on properties within the GC, MU, MSD and NC zoning districts adjacent to high frequency truck roads or in any BI, LI or HI zoning district.

ROUTE	EXTENT
State Highway 225 (including frontage roads)	Entire extent within corporate limits
New State Highway 146 (including frontage roads)	Entire extent within corporate limits
Barbours Cut Boulevard	New State Highway 146 east to corporate limits
16th Street	Barbour's Cut Boulevard south to Fairmont Parkway
Fairmont Parkway	New State Highway 146 to west corporate limits
West Main Street	New State Highway 146 to 16 th Street, and from Underwood Road to west corporate limits
Underwood Road	Entire extent within corporate limits

Powell Road (S. 16 th Street)	Fairmont Parkway south to 1700 block of Powell Road
Export Drive	From South 16 th Street to State Highway 146
South 16 th Street	From south of Export Drive to Wharton Weems Blvd. and McCabe Road connecting with State Highway 146.
North Broadway	From north of Barbours Cut Blvd. to North "L" Street.
North "L" Street	From west of North Broadway to North 6 th Street
North "J" Street	From North 6 th Street to west connecting with State Highway 146.
North 8th Street	Barbours Cut Boulevard to a point 300 feet north of the north right-of-way line of Barbours Cut Boulevard
West "D" Street	From South 16th Street, west to dead end at 1903 West D St.

Section 4. 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 (\$2,000.00).

Section 5. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 7. 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 8. 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 _____ day of _____, 2023.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Lee Woodward, City Secretary

APPROVED AS TO FORM:

Clark Askins, City Attorney



Discussion Item

- a. Council Action Update
- b. Comprehensive Plan Update
- c. Next Regular Meeting – MARCH 16, 2023



COUNCIL ACTION

Application #	Request	Location	P&Z Meeting	P&Z Action	CC Meeting	CC Action
ZC 22-92000012	Patio Home	8700 Block of Fairmont	11.17.2022	APPROVED	01.09.2023	DENIED
SCUP 22-91000007	Patio Home	8700 Block of Fairmont	11.17.2022	APPROVED	01.09.2023	N/A
Chapter 106 Amend	HFTR Changes	N/A	11.17.2022	APPROVED	01.09.2023	APPROVED
Chapter 106 Amend	Public Notice	N/A	12.15.2022	APPROVED	01.23.2023	APPROVED
Chapter 106 Amend	Group B	N/A	12.15.2022	APPROVED	01.23.2023	APPROVED
ZC 22-92000013	GC to R-1	2nd. and 3rd	12.15.2022	APPROVED	01.23.2023	APPROVED