

**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  
**LOU ANN MARTIN**  
Commissioner District 5  
**CHRISTINA TSCHAPPAT**  
Commissioner District 6

**LA PORTE PLANNING AND ZONING COMMISSION AGENDA**  
**THURSDAY, DECEMBER 16, 2021**  
**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/85022591065?pwd=K0l3ZlFjanRwcythK29JdmJJekRSQT09>  
Join by phone at 877-853-5257 or 888-475-4499. The meeting ID is 850 2259 1065. The passcode is 918696.

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1. **CALL TO ORDER**
2. **ROLL CALL OF MEMBERS**
3. **CONSIDER APPROVAL OF THE MEETING MINUTES:** Approve the minutes of the November 18, 2021 regular meeting of the Planning and Zoning Commission.
4. **ZONE CHANGE REQUEST #21-92000005:** Open a public hearing on Zone Change Request #21-92000004, a request by Paul Pittman of Gulf Coast Crating, applicant and owner, for approval of a zone change from Medium Density Residential (R-2) to Planned Unit Development (PUD), on a 6.264-acre tract of land located at 3337 Canada Road, legally described as Tracts 692 & 693, La Porte Outlots, Harris County, Texas.
  - a. Staff Presentation.
  - b. Applicant Presentation.
  - c. Public Comments (Limited to 5 minutes per person).
  - d. Question and Answer.
5. **ADJOURN PUBLIC HEARING**
6. **CONSIDERATION:** Consider approval or other action on Zone Change Request #21-92000005.
7. **FUTURE LAND USE MAP AMENDMENT:** 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 6.264-acre tract of land located at located at 3337 Canada Rd., legally described as Tracts 692 & 693, La Porte Outlots, Harris County, Texas, from "Mid-High Density Residential" to "Light Industrial".
8. **SCUP REQUEST #21-91000007:** Open a public hearing on SCUP Request #21-91000009, a request by Paul Pittman of Gulf Coast Crating, applicant and owner, for approval of a SCUP to allow for Light Industrial (LI) uses in the Planned Unit Development (PUD) zoning district, on a 6.264-acre tract of land located at 3337 Canada Road, legally described as Tracts 692 & 693, La Porte Outlots, Harris County, Texas.

- a. Staff Presentation.
- b. Applicant Presentation.
- c. Public Comments (Limited to 5 minutes per person).
- d. Question and Answer.

**9. ADJOURN PUBLIC HEARING**

**10. CONSIDERATION:** Consider approval or other action on SCUP Request #21-91000009.

**11. DISCUSSION ITEM:**

- a. Council Action Update

**12. ADMINISTRATIVE REPORTS:**

- a. Next Regular Meeting – January 20, 2022.

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

**14. ADJOURN**

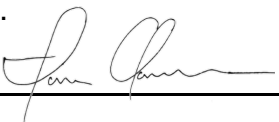
A quorum of City Council members may be present and participate in discussions during this meeting; however, no action will be taken by the Council.

**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 **December 16, 2021** Planning and Zoning Commission agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, LaPorteTX.gov, in compliance with Chapter 551, Texas Government Code.

  
\_\_\_\_\_

Title: City Planner

DATE OF POSTING 12.10.2021

TIME OF POSTING 11:45 AM

TAKEN DOWN \_\_\_\_\_



**Planning and Zoning Commission  
December 16, 2021 – Meeting Minutes**

**Approval of Meeting Minutes**

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- a. November 18, 2021

**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**  
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Commissioner District 5  
**CHRISTINA TSCHAPPAT**  
Commissioner District

## **MINUTES OF THE REGULAR MEETING OF THE LA PORTE PLANNING AND ZONING COMMISSION NOVEMBER 18, 2021**

The Planning and Zoning Commission of the City of La Porte met in a regular meeting on Thursday, November 18, 2021, 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 Nolan Allen; Christina Tschappat; Richard Warren; Mark Follis; Donna O'Conner; James Walter; and Joe Mock.

**Commissioners absent:** Commissioner Lou Ann Martin.

**City Staff present:** Ian Clowes, City Planner; Teresa Evans, Planning and Development Director; Chase Stewart, Planning Technician; and Clark Askins, Assistant City Attorney.

1. **CALL TO ORDER** – Chairman Lawler called the meeting to order at 6:04 p.m.
2. **ROLL CALL OF MEMBERS:** – Commissioner Martin was absent (she could not get her camera working in order to attend via zoom.)
3. **CONSIDER APPROVAL OF THE MEETING MINUTES:**
  - a. Approve the minutes of the meeting held on October 21, 2021.  
Commissioner Mock moved to approve the meeting minutes; the motion was adopted, 8-0.
4. **ZONE CHANGE REQUEST #21-92000004:** Open a public hearing on Zone Change Request #21- 92000004, a request by Ammar J M Ghanim, applicant, on behalf of Angel Gonzalez, owner, for approval of a zone change from Main Street Overlay (MSO) to Main Street (MS), on a 0.344-acre (15,000 square feet) tract of land located at the 300 Block of East Main St., legally described as Lots 23-25 and E ½ of Lot 26, Block 196, Town of La Porte, Harris County, Texas.

City Planner Ian Clowes presented the Zone Change request and provided background information regarding the proposed development.

Applicant Ammar Ghanim presented additional information explaining that they purchased the property with plans of building two (2) single family residences on the site. After purchasing the property, they were informed that single family is not permitted in the current zoning designation, hence the request for the zone change.

The Commission had a number of questions regarding the design of the homes and access to the property.

5. **ADJOURN PUBLIC HEARING:** 6:26 PM.

Commissioner Allen moved to recommend approval of Zone Change Request #21-92000004 as presented; the motion was adopted, 8-0.

6. **SCUP REQUEST #21-91000007:** Open a public hearing on SCUP Request #21-91000007, a request by Tom Kruger of Able Grid Energy, applicant, on behalf of Odia Fairmont, LLC owner, for approval of a SCUP to allow for a Battery Energy Storage System (BESS) use in the Planned Unit Development (PUD) zoning district, on a 43.7-acre tract of land located on Spencer Hwy. East of Bay Area Blvd., legally described as 43.7 acres out of Tracts 2A, 3, 4, 4A, & Tract 23D, Bayport U/R Sec. 1, Abstract 625 R. Pearsall Survey, Harris County, Texas.

City Planner Ian Clowes presented the SCUP request and provided background information regarding the proposed development.

Applicant Tom Kruger gave an extensive presentation on the background of Abel Grid and provided details regarding the proposed La Porte project.

Resident Jesse Villalobos - 11801 N. Ave. B, spoke in opposition to the proposed request. He had concerns regarding the overall safety of the project and how potential fires would be dealt with.

The Commissioners had a number of questions and concerns regarding the safety of the proposed project. The applicant attempted to answer as best he could but could not provide many details regarding fire safety.

La Porte Assistant Fire Chief David Gifford was asked to speak regarding how the City would respond to a possible fire at a facility of this type. He explained that if a fire of this nature were to occur in La Porte, they most likely would let it burn out. He had concerns as to whether the City had enough staff on hand to handle a fire of this nature. When asked if he would be comfortable with a facility of this type in La Porte, he stated no.

7. **ADJOURN PUBLIC HEARING:** 8:02 PM.

Commissioner Follis moved to recommend denial of SCUP Request #21-91000007 as presented; the motion was adopted, 7-1; Commissioner Tschappat was the dissenting vote.

8. **DISCUSSION ITEM:**

- a. Discussion on proposed extension of the High Frequency Truck Route.
- West D St.
  - West M St.
  - Canada Rd.

Staff discussed how they have had a number of requests to extend the High Frequency Truck Route (HFTR) for these specific segments of roadway.

The Commission stated that they favored the extension of the HFTR on W. D St. and W. M St. but not for Canada Rd.

- b. Discussion regarding status of the Commission-initiated zone changes.

Staff updated the Commission on the current status of the Commission-initiated zone changes. Staff plans to begin public hearings in early 2022.

- c. Hotel redevelopment.

Staff discussed the possibility of the existing La Quinta Inn site being redeveloped for a new hotel and commercial pad sites. The proposal would require approval of a SCUP. The Commissioners responded to this proposal with positive feedback.

9. **ADMINISTRATIVE REPORT:**

- a. Next Meeting – December 16, 2021

**ADJOURN:** Without objection, the meeting adjourned at 8:34 PM.

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Richard Warren, Planning and Zoning Commission Vice Chairman

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Ian Clowes, City Planner



## Planning and Development Department Staff Report Zone Change Request - #21-92000005

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### DISCUSSION

#### Location:

The subject site is located at 3337 Canada Rd.

#### Legal Description:

Tracts 692 & 693, La Porte Outlots, Harris County, Texas.

#### Background Information:

The subject property consists of 6.264-acres and is home to a 63,000 square foot warehouse development completed in 1984. The existing building was built prior to the site being annexed into the City of La Porte. At the time of annexation, the site was given a residential zoning designation. The applicant recently purchased the site and would like to change the zoning of the property from Medium Density Residential (R-2) to Planned Unit Development (PUD) to allow for commercial/industrial uses to resume on the site.

The current R-2 zoning district does not permit any commercial or industrial uses. Previous commercial uses on site had been grandfathered due to their existence prior to annexation. Due to a lack of any current business operations on site for a period exceeding 6 months, all commercial uses have been deemed abandoned. A zone change is now required in order to resume commercial operations on site.

The attached Exhibit B shows the zoning of the subject property and surrounding properties. The following table summarizes the surrounding zoning and land uses.

	Zoning	Land Use
<b>North</b>	R-2, Medium Density Residential/ R-1, Low Density Residential	Harris County Flood Control Ditch/ Commercial Building
<b>South</b>	PUD, Planned Unit Development	Proposed boat and RV storage facility
<b>West</b>	MH, Manufactured Housing	COLP Pecan Park/Mobile Home Park
<b>East</b>	PUD, Planned Unit Development	Proposed boat and RV storage facility

#### 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; and signs posted in the area of the rezoning within 10 days of the hearing. In accordance with state law, notice of the public hearing was also posted at City Hall and on the City's website.



**Planning and Zoning Commission**  
**December 16, 2021 – Zone Change #21-92000005**

Analysis:

Staff evaluated land use, access and utility considerations during the review of this application.

The following describes staff's analysis:

1. *Land Use.* Staff finds that certain commercial uses may be adequate for the existing site. The building on site was built prior to annexation and is still in good condition.
2. *Access.* There is sufficient existing right-of-way access from Canada Rd.
3. *Utilities.* The building is currently connected to city water and sewer services.

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 findings.

Criterion:	Staff Findings:
Ability of infrastructure to support the permitted use.	Existing infrastructure in the area is sufficient to support the proposed use.
Impact on the value and practicality of the surrounding land uses.	Commercial use on this site would be consistent with the adjacent property to the east and south.
Conformance of a zoning request with the land use plan.	The proposed zone change is not in conformance with the future land use plan.
Character of the surrounding and adjacent areas.	The proposed zone change would be consistent with proposed commercial development patterns to the east and south. Heavy commercial uses, especially those involving heavy truck activity, would be out of character with 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 site is already developed for commercial uses. Trucking uses would not be appropriate as Canada Rd. is not a High Frequency Truck Route (HFTR) and cannot support excessive truck traffic.
The extent to which the proposed use designation would adversely affect the capacity or safety of that portion of the road.	The proposed zone change with approved SCUP for commercial or industrial uses, would have a significant impact to this section of roadway. Canada Rd. was not constructed with heavy truck traffic in mind.
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 zone change with an approved SCUP has the potential to adversely affect adjacent properties via noise and light pollution. Additionally, the site is adjacent to a large drainage channel which could allow for onsite run off to harm adjacent properties.
The gain, if any, to the public health, safety, and welfare of the City.	No gain to the public health, safety or welfare of the city has been identified.





**Planning and Zoning Commission**  
**December 16, 2021 – Zone Change #21-92000005**

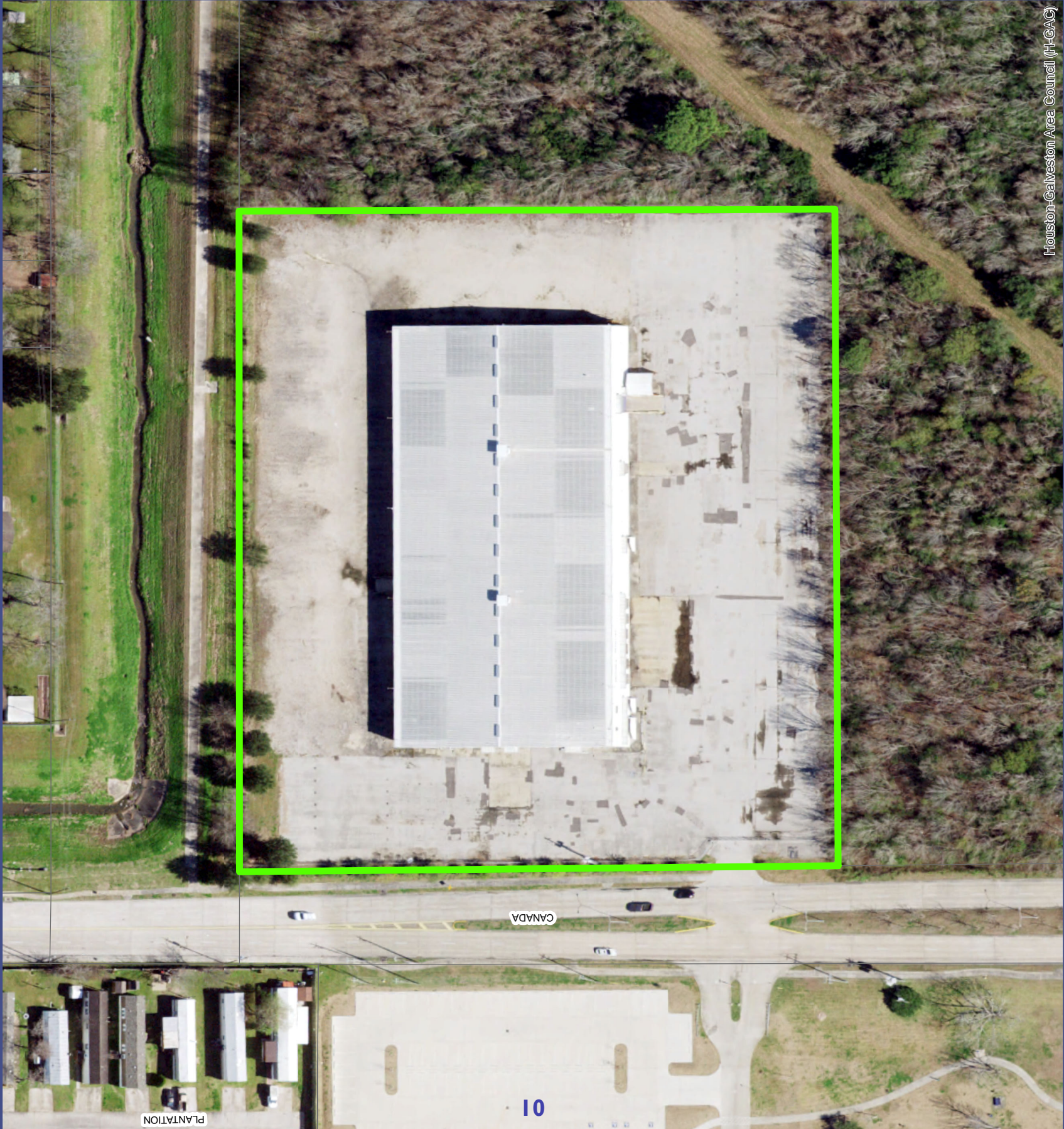
**RECOMENDATION**

Based on the above analysis, staff recommends the Planning and Zoning Commission conduct a public hearing for the proposed Zone Change request #21-92000005.

**ATTACHMENTS**

- Exhibit A: Area Map
- Exhibit B: Zoning Map
- Exhibit C: Future Land Use (FLUP) Map
- Exhibit D: Application





# Area Map

Zone Change  
#21-92000005  
3337 Canada Rd.

## Legend



Subject Tract



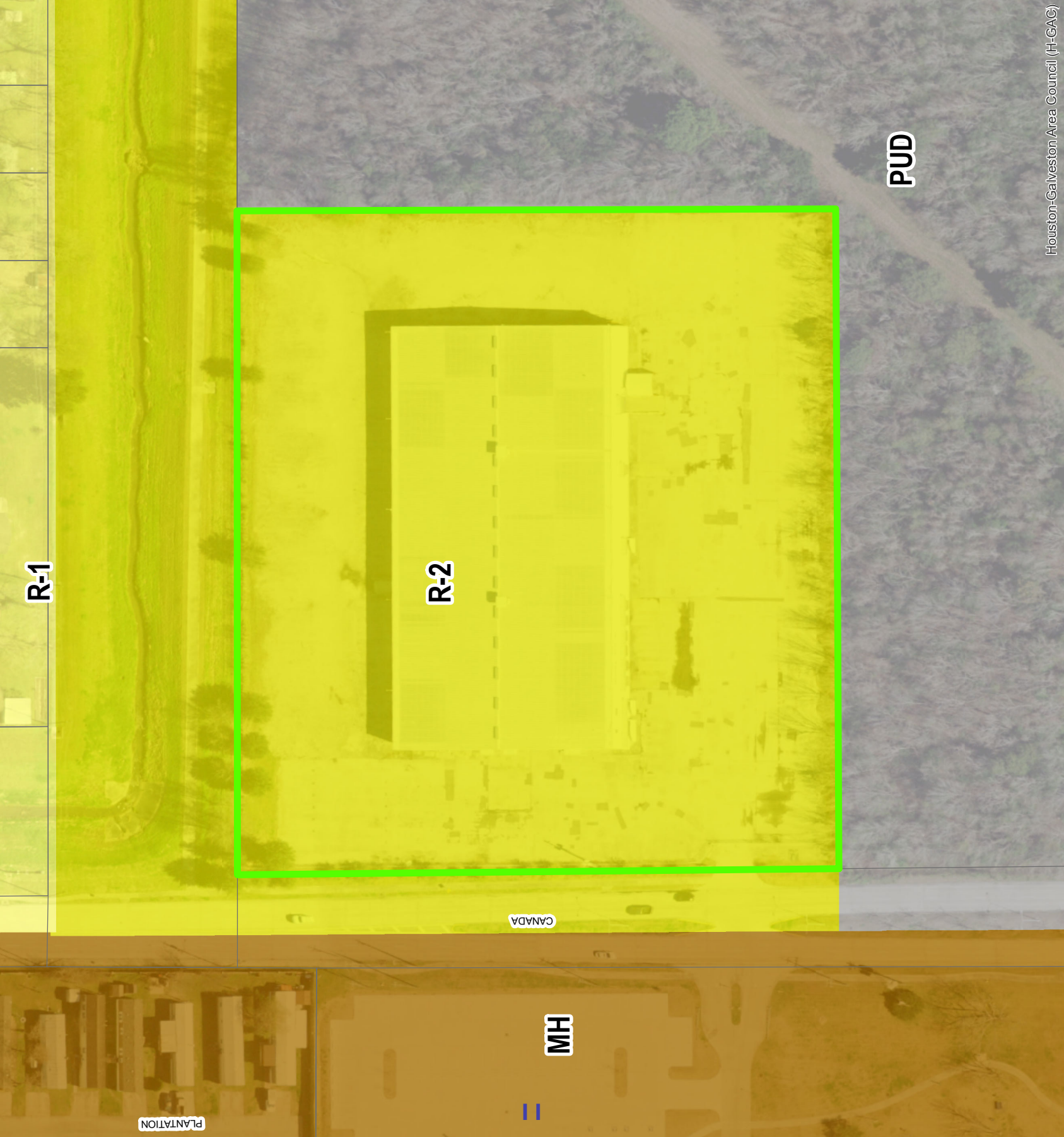
This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries



1 inch = 100 feet

DECEMBER 2021  
PLANNING DEPARTMENT





PLANTATION

—

MH

R-1

R-2

CANADA

PUD

# Zoning Map

Zone Change  
#21-92000005

3337 Canada Rd.

Legend



Subject Tract



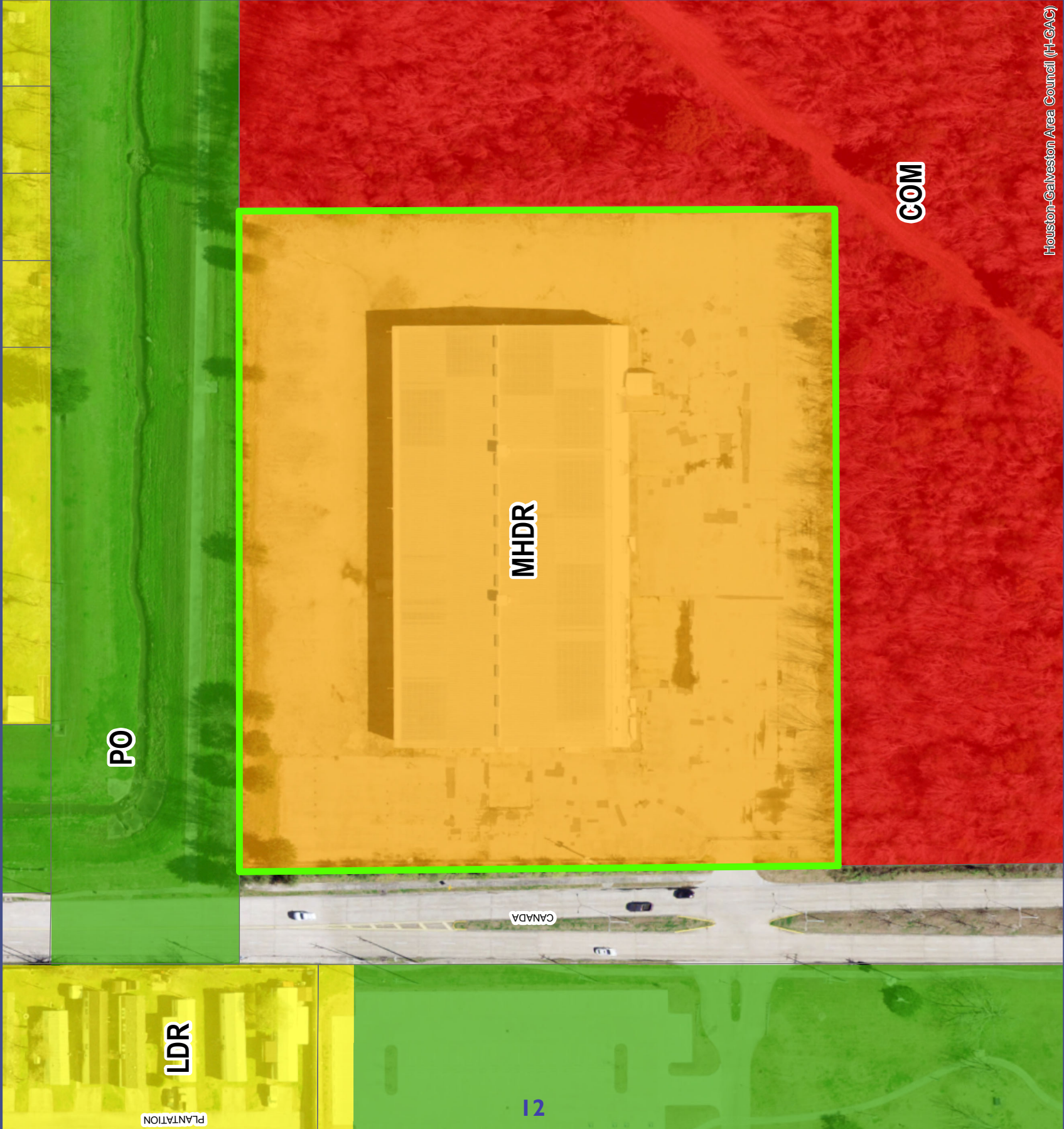
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1 inch = 100 feet

DECEMBER 2021  
PLANNING DEPARTMENT





# FLUP Map

Zone Change  
#21-92000005

3337 Canada Rd.

## 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

COM



1 inch = 100 feet

DECEMBER 2021  
PLANNING DEPARTMENT



## Zone Change Application

Planning and Development Department

### PROJECT INFORMATION

Address where zone change is being requested: 3337 Canada Rd, La Porte, TX 77571

Legal description where zone change is being requested: TRS 692 & 693 LA PORTE OUTLOTS

HCAD Parcel Number where zone change is being requested: 023-146-000-0799

Zoning District: \_\_\_\_\_

Lot area: 6.2638 AC

*A request for approval of a zone change is hereby made to the City of La Porte.*

Description of Request: Requesting changing the zoning of this property from "Residential Mid Density-R2 Zone" to being zoned as a "Planned Unit Development." Please see attached letter explaining in detail our case for this request.

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: Paul Pitman

Company (if applicable): Gulf Coast Crating

Address: 1310 E Richey Rd

City: Houston

State: TX

Zip: 77073

Phone: (832) 401-7673

Email: ppitman@gulfcoastcrating.com

### 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): [Signature]

Date: 11/05/2021

### STAFF USE ONLY:

Case Number:

**21-92000005**

Date Application Received:

**11.22.2021**





Gulf Coast Crating Inc  
1310 E. Richey Road  
Houston, Texas 77073  
Off: 713-86.CRATE (27283)  
[www.gulfcoastcrating.com](http://www.gulfcoastcrating.com)

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November 5, 2021

City of La Porte  
Attn: Members of the Planning and Zoning Commission  
604 W. Fairmont Pkwy  
La Porte, TX 77571

Re: 3337 Canada Rd, La Porte, Texas (Property)

To whom this may concern:

**Introduction:** On October 4<sup>th</sup>, my company, XLR8 Realty (Owner) purchased the building and property located at 3337 Canada Rd. XLR8 Realty owns a few commercial properties; most of which are for our largest operating company, Gulf Coast Crating. We purchased the Canada Rd. warehouse with the intention of bringing packing and crating competition to the southeast side of Houston.

Gulf Coast Crating is one of Houston's largest and fastest growing packing and crating service providers. Currently, we have our main location 1310 E. Richey Rd, Houston, TX 77073, where we have been very successful in securing market share based on our proximity to the airport. However, there are several competitors, such as: Sun Packing, Morris Export Packing, and Santini Brothers to name a few, that operate on the southeast side of Houston. These companies have dominated the packing and crating business on the southeast side of Houston for years. We want to have a location on the southeast side of town that allows us to try to gain some of their market share.

**History:** Pertaining to the interest of this property, Texas Cargowise, LLC (a logistics/transportation company) sold the property to Greater Houston Commercial Properties in 2008 and they leased it to AGCO, which is an American agricultural machinery manufacturer that used the site to assemble and store for distribution agricultural machinery and equipment, such as tractors and other farm equipment. AGCO moved into the building in July 2008 and stayed through April 2019. Upon move out, AGCO turned off the power and water at the facility.

At that time, Greater Houston Commercial Properties sold the property to Michael Epstein with Canada Rd Warehouse, Inc. Michael Epstein completed a "Water/Sewer Service" Commercial Application (copy enclosed,) and it is our understanding that the City of La Porte told him it was OK to complete the application listing the type of business as a "Real Estate Property," even though they knew he intended to run his business operation out of the building. The business



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operation on this property was "RMS Electric Inc," which operated up until the time XLR8 Realty purchased it on October 4, 2021. At no time was the building vacant, un-occupied or not used as its intended purpose, which was as a 67,000 sq ft, dock high, multiple dock door warehouse.

To date, the building and property at 3337 Canada Rd has been operating under a "pre-existing and non-conforming" zoning permit in a residential area.

***Petitioning for:***

Changing the zoning of this property from "Residential-Mid Density – R2 Zone" to being zoned as a "Planned Unit Development." The past use of the facility has always been for general warehousing, which is not an allowed use in a R-2 zoning district.

We are also petitioning for an extension of the High Frequency Truck Route from the property at 3337 Canada Rd to W. Fairmont Parkway. According to Google Maps distance measurements, this distance is .48 of one mile (copy attached.)

***Improvements:*** If it helps the city with decision making, Gulf Coast Crating intends to do several cosmetic upgrades including painting the building and adding an internal 6' chain link privacy fencing to make the area more aesthetically appealing to the community. (See drawing marked where we would like to add fence.)

***Additional Comments:*** Prior to closing on the Canada Rd. facility, we noticed the signs showing no thru trucks. At this point, we contacted the city and we were directed to Jeff Tippit, La Porte Police Department Motor Carrier Safety Enforcement Unit. I immediately contacted Mr. Tippit and advised him that I had the facility at 3337 Canada Rd under contract with the intension to purchase the facility to operate a packing and crating company. I mentioned that I would have trucks deliver to the facility and pickup from the facility. He knew the building very well, as he referenced it as, "the one across from Pecan Park." I mentioned my concern about the signs and wanted to make sure I understood what they meant. At that time, he advised me that they are no problem for a business operating out of this facility. He said the signs are designed to keep unwanted truck traffic off this particular road (referring to Canada Rd). He then went on to say that as long as we took the closest route from the high frequency truck route to the building, we would have no issues pertaining to the no thru truck sign. He was very nice and eased my concerns. Based on that conversation, I was confident that we would not have any issues pertaining to the truck route. I made a cash offer on this 67,000 sq ft, dock high facility. Keep in mind, the building has 12 dock doors for truck loading and was full of existing freight and operating as a warehouse.





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---

It was after we purchased the building and attempted to change the water into our name that we were advised that a zoning permit was required. At that point, we filled out and submitted the required paperwork and were then advised by the Planning & Development Staff that we had zoning issues.

We have had several email communications with staff from the Planning & Development Department and on Thursday, October 28<sup>th</sup>, we also had a call with several city staff members including Chase Stewart, Planning Technician; Ian Clowes, City Planner; Teresa Evans, Director of Planning Division and Richard Glass, Chief Building Officer.

We are still not clear what the concern or issue is as we have been advised different things.

**Additional information:** Gulf Coast Crating has a NAICS code of 488991, which based on my email conversation with the staff, is not the issue. They mentioned that after viewing my website, the fact that I offer services not allowed at this facility, such as storage, is an issue. Storage is a small portion of Gulf Coast Crating's revenue. I am still not sure why storage would be an issue in a 67,000 sq ft facility, as in my opinion, anyone operating in a facility of this size will have some sort of storage of product / inventory. However, if that is a concern, I can commit to keeping all storage freight at our 100,000 sq ft facility at 1310 E. Richey Rd. There is no benefit to our customers by storing freight at this facility as opposed to our Richey Rd facility. Additionally, this is a very small percentage of our business. In the last 12 months storage revenue has accounted for 2.57% of our total gross revenue or \$434,289 of \$16,771,094.

It was also mentioned that outside of this issue, it appears that it is problem that I also own a trucking company, XLR8 Delivery Inc., since XLR8 falls under NAICS 484, which is not allowed. To be clear XLR8 does not require a building to operate. XLR8 does point to point deliveries (meaning they pickup from point A and deliver directly to point B). They do not have the need for a facility, as the freight never returns to a Gulf Coast Crating facility ... strictly point A direct to point B. XLR8 also runs an owner operator model (meaning we do not own any of the trucks, nor do they stay at our facility). You will not see trucks parked at this facility. Some of our Gulf Coast Crating customers do allow XLR8 to pick up and deliver their cargo in place of using a 3<sup>rd</sup> party. However, XLR8 will not have staff at this facility and will not increase truck traffic in any way (meaning the same number of trucks would need to come and go with or without XLR8 Delivery.) XLR8's Revenue for the last 12 months is \$11,676,957, of which \$119,953 was billed to Gulf Coast Crating or 1.02%. As earlier stated, XLR8 brings no additional traffic to this building. If XLR8 did not exist, we would still have the need to bring in the exact same number of trucks. The only difference would be the logo on the truck. The fact that I own multiple companies should not have any bearing on this decision. I own several companies, I own a real-estate company, a gym, and a Brokerage company; all of which will not have anything to do with





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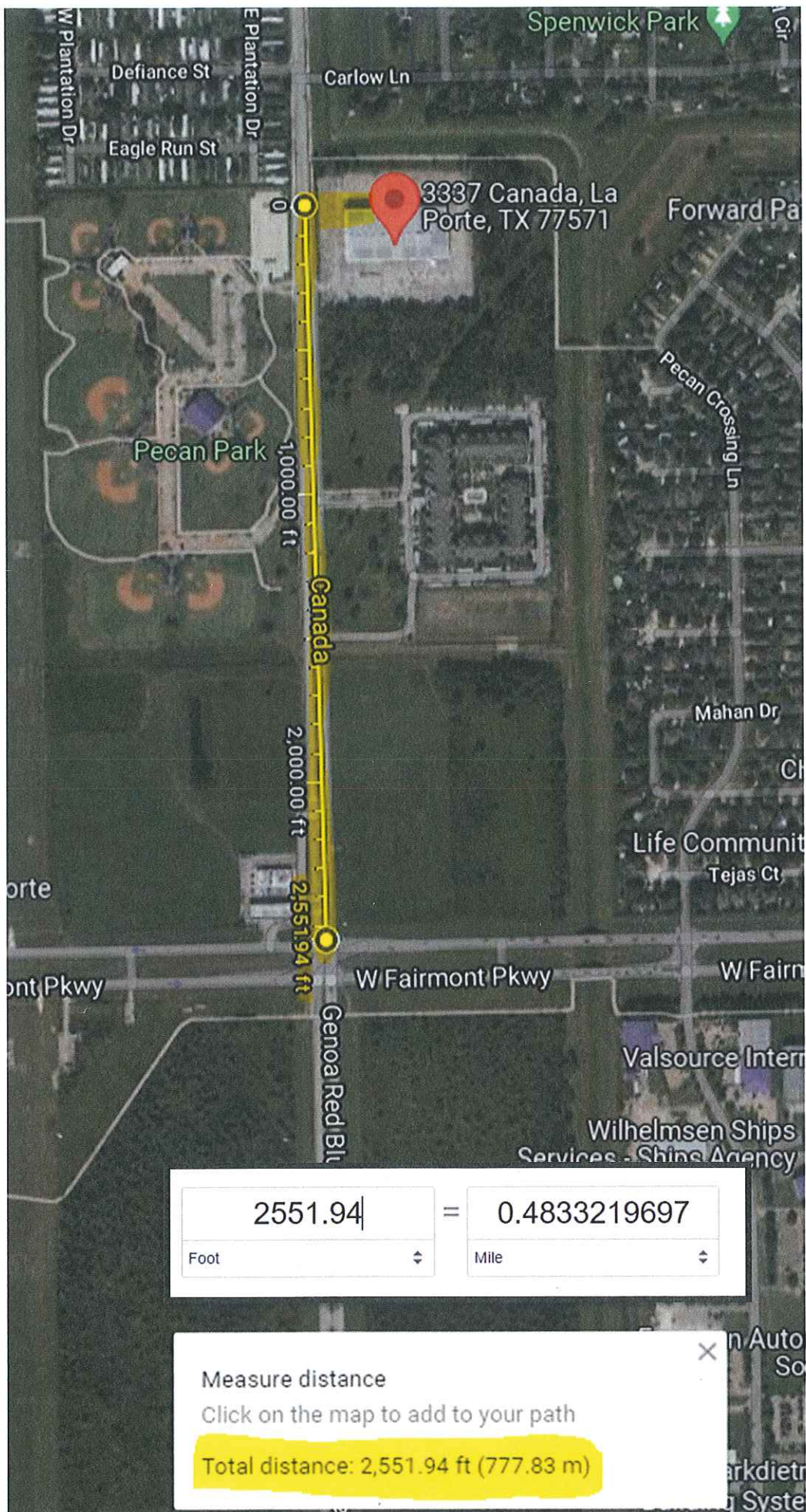
this facility. My only comparison is that Warren Buffet owns several companies, for example Duracell and Geico. I don't feel like Geico has to include Duracell's NAICS code when applying for a permit.

**Conclusion:** We believe that changing the zoning of this property via the SCUP and extending the high frequency truck route will, once and for all, correctly define the intended purpose and use of this facility. In addition, we purchased this facility believing that it has decades of useful life left to provide jobs and taxable income to the City of La Porte. We look forward to having this matter settled as soon as possible.

Thank you in advance for your consideration on this matter. If you have any other questions, comments or want to discuss further, please feel free to call me at (832) 401-7673.

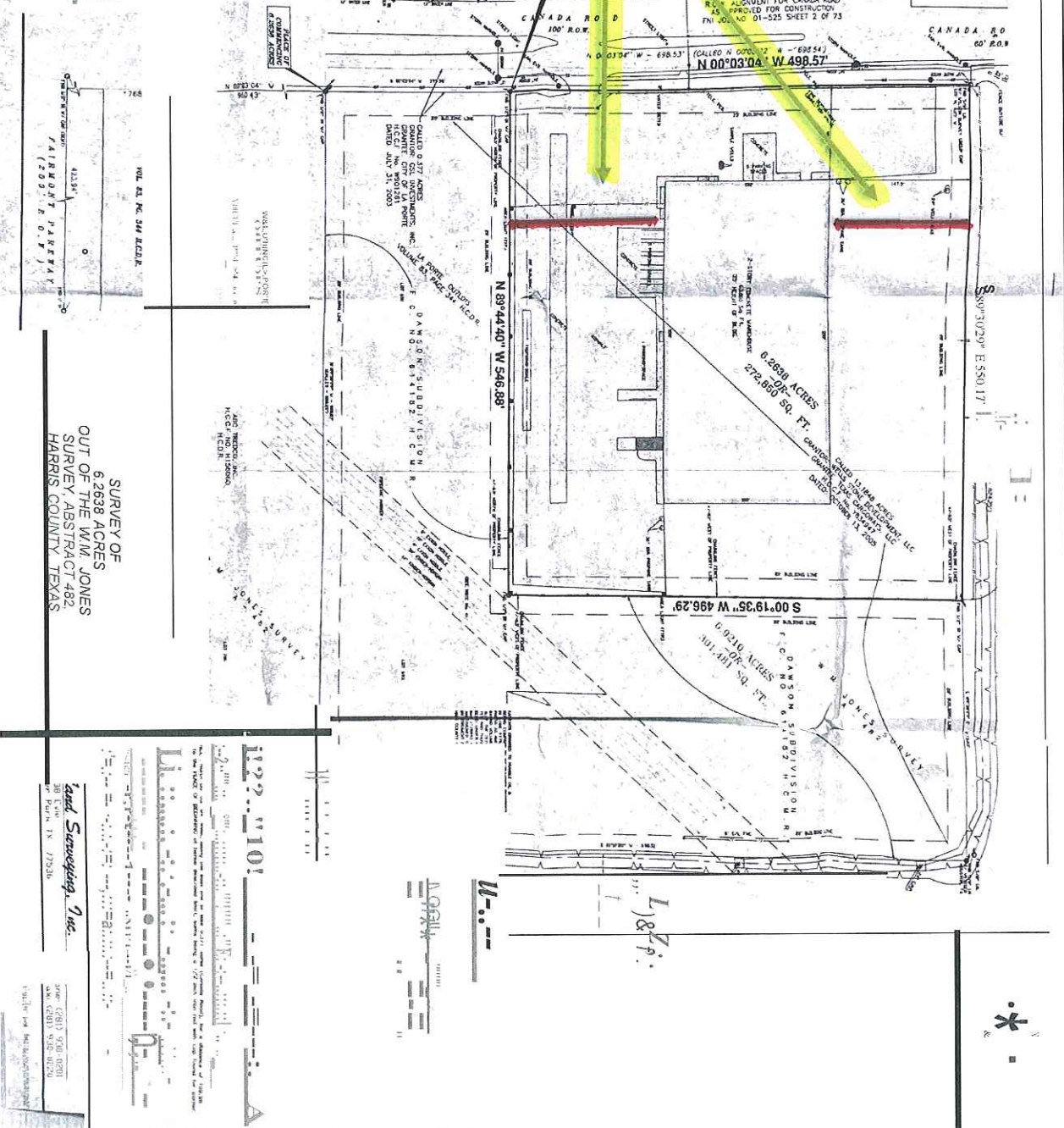
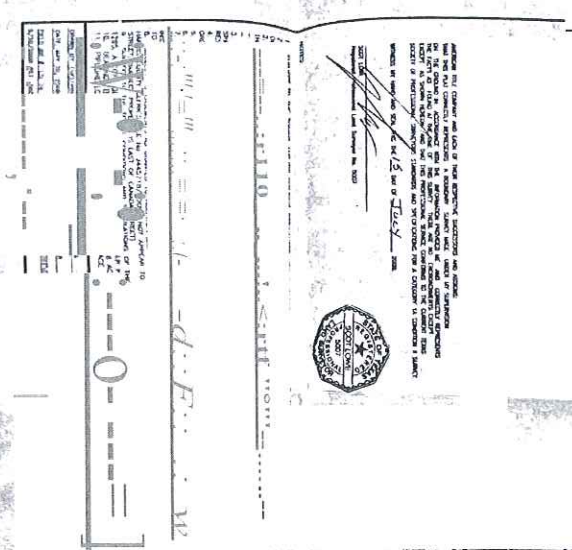
Kind regards,

Paul Pitman  
President/CEO  
of Gulf Coast Crating





Red lines represent the places we would like to add 6-foot chain link privacy fencing with gates.





## Planning and Development Department Staff Report FLUP Amendment - #21-92000005

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### DISCUSSION

#### Location:

The subject site is located at 3337 Canada Rd.

#### Background Information:

Staff is presenting for consideration an amendment to the City's Future Land Use Plan in conjunction with a zone change request on a 6.264-acre tract of land to allow for commercial/industrial uses. The site is currently developed with a 63,000 square foot warehouse built in 1984.

The City's Future Land Use Plan (FLUP) identifies this property as "Medium-High Density Residential". In order to accommodate the proposed uses, the FLUP would need to be amended to allow for "Light Industrial". The FLUP may be amended from time to time if approved by the City Council, upon recommendation by the Planning and Zoning Commission. The attached Exhibit A demonstrates the existing land use while Exhibit B shows the proposed future land use plan.

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

	Zoning	Land Use
<b>North</b>	R-2, Medium Density Residential/ R-1, Low Density Residential	Harris County Flood Control Ditch/ Commercial Building
<b>South</b>	PUD, Planned Unit Development	Proposed boat and RV storage facility
<b>West</b>	MH, Manufactured Housing	COLP Pecan Park/Mobile Home Park
<b>East</b>	PUD, Planned Unit Development	Proposed boat and RV storage facility

Section 213.003 of the Texas Local Government Code (LGC) specifies requirements for amending the City's Future Land Use Plan, 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 consideration by the City Council. A public hearing will be scheduled at the time of City Council review.

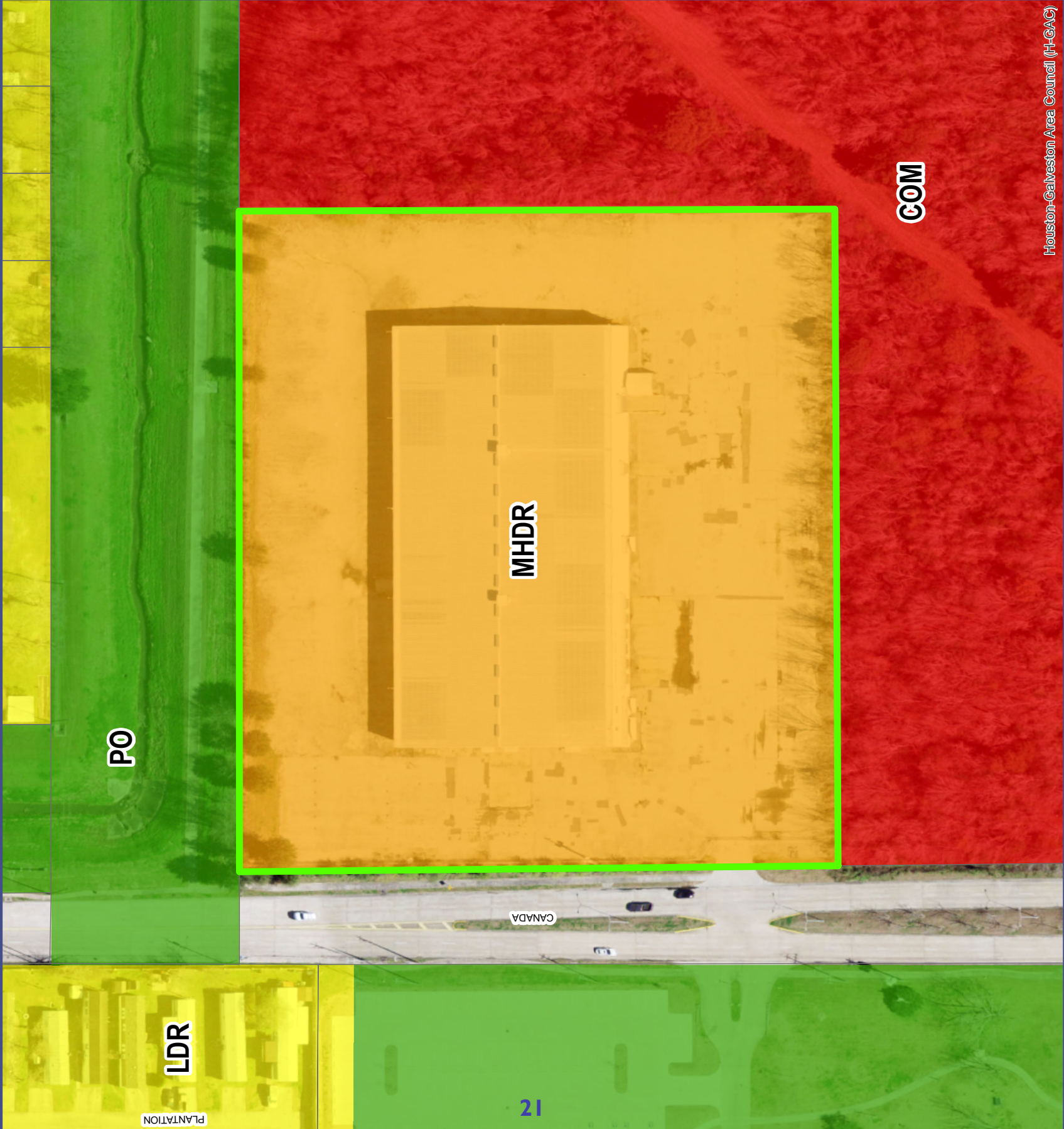
### RECOMENDATION

Should the Planning and Zoning Commission recommend approval for Zone Change request #21-92000005, then the City's Future Land Use Plan should be amended as described in this item.

### ATTACHMENTS

- Exhibit A: Current Future Land Use (FLUP) Map  
Exhibit B: Proposed Future Land Use (FLUP) Map





# Current FLUP

Zone Change  
#21-92000005

3337 Canada Rd.

## Legend



Subject Tract



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COM



1 inch = 100 feet

DECEMBER 2021  
PLANNING DEPARTMENT



LDR

P0

CANADA

LI

COM

# Proposed FLUP

Zone Change  
#21-92000005

3337 Canada Rd.

## Legend



Subject Tract



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## Planning and Development Department Staff Report SCUP Request - #21-91000009

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### DISCUSSION

#### Location:

The subject site is located at 3337 Canada Rd.

#### Background Information:

The applicant is in the process of requesting a zone change for the property to Planned Unit Development (PUD). The 6.264-acre site is currently zoned Medium Density Residential (R-2). The site was originally developed in 1984, prior to annexation into the city limits and currently houses a 63,000 square foot warehouse along with paved loading and parking areas.

The current R-2 zoning district does not permit any commercial or industrial uses. Previous commercial uses on site had been grandfathered due to their existence prior to annexation. Due to a lack of any current business operations on site for a period exceeding 6 months, the commercial use has been deemed abandoned. A zone change to PUD along with an approved commercial SCUP is now required in order to resume commercial operations on site.

Staff have provided a list of 12 conditions of approval. These conditions are intended to limit negative impacts to adjoining properties. The conditions are listed in Exhibit D.

The attached Exhibit B shows the zoning of the subject property and surrounding properties. The following table summarizes the surrounding zoning and land uses.

	Zoning	Land Use
<b>North</b>	R-2, Medium Density Residential/ R-1, Low Density Residential	Harris County Flood Control Ditch/ Commercial Building
<b>South</b>	PUD, Planned Unit Development	Proposed boat and RV storage facility
<b>West</b>	MH, Manufactured Housing	COLP Pecan Park/Mobile Home Park
<b>East</b>	PUD, Planned Unit Development	Proposed boat and RV storage facility

#### 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; and signs posted in the area of the rezoning within 10 days of the hearing. In accordance with state law, notice of the public hearing was also posted at City Hall and on the City's website.



**Analysis:**

Staff evaluated land use, access and utility considerations as part of their application review. The following is a summary of this analysis:

1. *Land Use.* Staff finds that certain commercial uses may be adequate for the existing site. The building on site was built prior to annexation and is still in good condition.
2. *Access.* There is sufficient existing right-of-way access from Canada Rd.
3. *Utilities.* The building is currently connected to city water and sewer services.

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 findings.

<b>Criterion:</b>	<b>Staff Findings:</b>
Ability of infrastructure to support the permitted use.	Existing infrastructure in the area is sufficient to support the proposed use.
Impact on the value and practicality of the surrounding land uses.	Commercial use on this site would be consistent with the adjacent property to the east and south.
Conformance of a zoning request with the land use plan.	The proposed SCUP is not in conformance with the future land use plan.
Character of the surrounding and adjacent areas.	The proposed SCUP would be consistent with proposed commercial development patterns to the east and south. Heavy commercial uses, especially those involving heavy truck activity, would be out of character with 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 site is already developed for commercial uses. Trucking uses would not be appropriate as Canada Rd. is not a High Frequency Truck Route (HFTR) and cannot support excessive truck traffic.
The extent to which the proposed use designation would adversely affect the capacity or safety of that portion of the road.	The proposed SCUP for commercial or industrial uses would have a significant impact to this section of roadway. Canada Rd. was not constructed with heavy truck traffic in mind.
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 SCUP has the potential to adversely affect adjacent properties via noise and light pollution. Additionally, the site is adjacent to a large drainage channel which could allow for onsite run off to harm adjacent properties.
The gain, if any, to the public health, safety, and welfare of the City.	No gain to the public health, safety or welfare of the city has been identified.





## **RECOMENDATION**

Based on the above analysis, staff recommends the Planning and Zoning Commission conduct a public hearing for the proposed SCUP #21-91000009. If the Commission chooses to recommend approval, staff have listed a number of conditions that should be considered as part of the approval.

## **ATTACHMENTS**

- Exhibit A: Area Map
- Exhibit B: Zoning Map
- Exhibit C: Future Land Use (FLUP) Map
- Exhibit D: Proposed SCUP
- Exhibit E: Application



# Area Map

**SCUP**  
**#21-91000009**  
**3337 Canada Rd.**

## Legend



Subject Tract

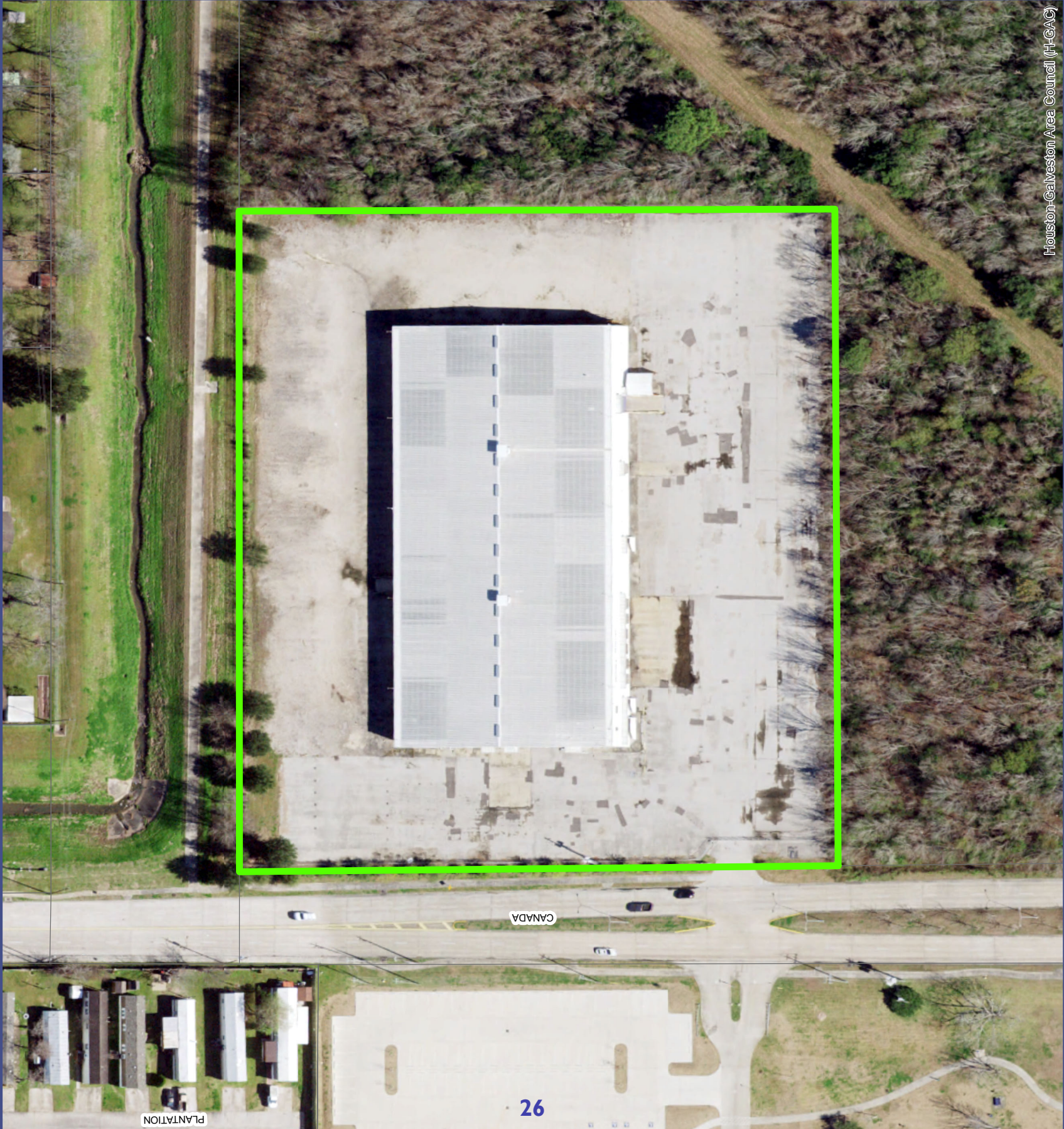


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R-1

MH

CANADA

R-2

PUD

# Zoning Map

**SCUP**  
**#21-91000009**  
**3337 Canada Rd.**

Legend



Subject Tract



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PLANTATION

LDR

P0

CANADA

MHDR

COM

# FLUP Map

SCUP

#21-91000009

3337 Canada Rd.

Legend



Subject Tract



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DECEMBER 2021  
PLANNING DEPARTMENT



**City of La Porte**  
**Special Conditional Use Permit**  
**#21-91000009**

**Applicant:** Paul Pittman of Gulf Coast Crating  
**Owner or Agent**

1310 E. Richey Rd., Houston, TX 77073  
**Address**

**Development Name/Type:** Gulf Coast Crating

**Location:** 3337 Canada Rd.

**Legal Description:** Tracts 692 & 693, La Porte Outlots

**Zoning:** PUD, Planned Unit Development

**Use:** Light 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. The underlying zoning is Light Industrial (LI). All LI zoning and development requirements will need to be met, in addition to any conditions listed below.
3. All uses permitted in the LI zoning district as shown in the Land Use table of Chapter 106, shall be permitted on site.
4. Perimeter fencing must be constructed and maintained along all portions of the property.
5. Perimeter fencing must be 8' tall and 100% opaque. Vinyl slating in conjunction with a chain-link fence is permitted.
6. Onsite lighting must be hooded to limit light pollution on adjacent properties.
7. Any operations involving trucks (eighteen wheelers) are limited to the hours of 7:00 AM – 7:00 PM.
8. 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.
9. No Shipping containers are permitted to be stored outside unless affixed to a chassis.
10. All onsite areas utilized for storage, parking, or driving must be paved with either concrete or asphalt.
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 hazardous materials stored in the building or on trucks and 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 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: \_\_\_\_\_

\_\_\_\_\_  
Director of Planning and Development

\_\_\_\_\_  
City Secretary





# Special Conditional Use Permit Application

Planning and Development Department

## PROJECT INFORMATION

Address where SCUP is being requested: 3337 Canada Rd, La Porte, TX

Legal description where SCUP is being requested: TRS 692 & 693 La Porte Outlots

HCAD Parcel Number where SCUP is being requested: \_\_\_\_\_

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: Requesting changing the zoning of this property from "Residential Mid Density-R2 Zone" to being zoned as a "Planned Unit Development." Please see attached letter explaining in detail our case for this request.

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: Paul Pitman

Company (if applicable): Gulf Coast Crating

Address: 1310 E. Richey Rd

City: Houston

State: TX

Zip: 77073

Phone: (832) 401-7673

Email: ppitman@gulfcoastcrating.com

## 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): [Signature]

Date: 11/05/2021

### STAFF USE ONLY:

Case Number:

**21-91000009**

Date Application Received:

**11.22.2021**



Gulf Coast Crating Inc  
1310 E. Richey Road  
Houston, Texas 77073  
Off: 713-86.CRATE (27283)  
[www.gulfcoastcrating.com](http://www.gulfcoastcrating.com)

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November 5, 2021

City of La Porte  
Attn: Members of the Planning and Zoning Commission  
604 W. Fairmont Pkwy  
La Porte, TX 77571

Re: 3337 Canada Rd, La Porte, Texas (Property)

To whom this may concern:

**Introduction:** On October 4<sup>th</sup>, my company, XLR8 Realty (Owner) purchased the building and property located at 3337 Canada Rd. XLR8 Realty owns a few commercial properties; most of which are for our largest operating company, Gulf Coast Crating. We purchased the Canada Rd. warehouse with the intention of bringing packing and crating competition to the southeast side of Houston.

Gulf Coast Crating is one of Houston's largest and fastest growing packing and crating service providers. Currently, we have our main location 1310 E. Richey Rd, Houston, TX 77073, where we have been very successful in securing market share based on our proximity to the airport. However, there are several competitors, such as: Sun Packing, Morris Export Packing, and Santini Brothers to name a few, that operate on the southeast side of Houston. These companies have dominated the packing and crating business on the southeast side of Houston for years. We want to have a location on the southeast side of town that allows us to try to gain some of their market share.

**History:** Pertaining to the interest of this property, Texas Cargowise, LLC (a logistics/transportation company) sold the property to Greater Houston Commercial Properties in 2008 and they leased it to AGCO, which is an American agricultural machinery manufacturer that used the site to assemble and store for distribution agricultural machinery and equipment, such as tractors and other farm equipment. AGCO moved into the building in July 2008 and stayed through April 2019. Upon move out, AGCO turned off the power and water at the facility.

At that time, Greater Houston Commercial Properties sold the property to Michael Epstein with Canada Rd Warehouse, Inc. Michael Epstein completed a "Water/Sewer Service" Commercial Application (copy enclosed,) and it is our understanding that the City of La Porte told him it was OK to complete the application listing the type of business as a "Real Estate Property," even though they knew he intended to run his business operation out of the building. The business





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operation on this property was "RMS Electric Inc," which operated up until the time XLR8 Realty purchased it on October 4, 2021. At no time was the building vacant, un-occupied or not used as its intended purpose, which was as a 67,000 sq ft, dock high, multiple dock door warehouse.

To date, the building and property at 3337 Canada Rd has been operating under a "pre-existing and non-conforming" zoning permit in a residential area.

***Petitioning for:***

Changing the zoning of this property from "Residential-Mid Density – R2 Zone" to being zoned as a "Planned Unit Development." The past use of the facility has always been for general warehousing, which is not an allowed use in a R-2 zoning district.

We are also petitioning for an extension of the High Frequency Truck Route from the property at 3337 Canada Rd to W. Fairmont Parkway. According to Google Maps distance measurements, this distance is .48 of one mile (copy attached.)

***Improvements:*** If it helps the city with decision making, Gulf Coast Crating intends to do several cosmetic upgrades including painting the building and adding an internal 6' chain link privacy fencing to make the area more aesthetically appealing to the community. (See drawing marked where we would like to add fence.)

***Additional Comments:*** Prior to closing on the Canada Rd. facility, we noticed the signs showing no thru trucks. At this point, we contacted the city and we were directed to Jeff Tippit, La Porte Police Department Motor Carrier Safety Enforcement Unit. I immediately contacted Mr. Tippit and advised him that I had the facility at 3337 Canada Rd under contract with the intension to purchase the facility to operate a packing and crating company. I mentioned that I would have trucks deliver to the facility and pickup from the facility. He knew the building very well, as he referenced it as, "the one across from Pecan Park." I mentioned my concern about the signs and wanted to make sure I understood what they meant. At that time, he advised me that they are no problem for a business operating out of this facility. He said the signs are designed to keep unwanted truck traffic off this particular road (referring to Canada Rd). He then went on to say that as long as we took the closest route from the high frequency truck route to the building, we would have no issues pertaining to the no thru truck sign. He was very nice and eased my concerns. Based on that conversation, I was confident that we would not have any issues pertaining to the truck route. I made a cash offer on this 67,000 sq ft, dock high facility. Keep in mind, the building has 12 dock doors for truck loading and was full of existing freight and operating as a warehouse.



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It was after we purchased the building and attempted to change the water into our name that we were advised that a zoning permit was required. At that point, we filled out and submitted the required paperwork and were then advised by the Planning & Development Staff that we had zoning issues.

We have had several email communications with staff from the Planning & Development Department and on Thursday, October 28<sup>th</sup>, we also had a call with several city staff members including Chase Stewart, Planning Technician; Ian Clowes, City Planner; Teresa Evans, Director of Planning Division and Richard Glass, Chief Building Officer.

We are still not clear what the concern or issue is as we have been advised different things.

**Additional information:** Gulf Coast Crating has a NAICS code of 488991, which based on my email conversation with the staff, is not the issue. They mentioned that after viewing my website, the fact that I offer services not allowed at this facility, such as storage, is an issue. Storage is a small portion of Gulf Coast Crating's revenue. I am still not sure why storage would be an issue in a 67,000 sq ft facility, as in my opinion, anyone operating in a facility of this size will have some sort of storage of product / inventory. However, if that is a concern, I can commit to keeping all storage freight at our 100,000 sq ft facility at 1310 E. Richey Rd. There is no benefit to our customers by storing freight at this facility as opposed to our Richey Rd facility. Additionally, this is a very small percentage of our business. In the last 12 months storage revenue has accounted for 2.57% of our total gross revenue or \$434,289 of \$16,771,094.

It was also mentioned that outside of this issue, it appears that it is problem that I also own a trucking company, XLR8 Delivery Inc., since XLR8 falls under NAICS 484, which is not allowed. To be clear XLR8 does not require a building to operate. XLR8 does point to point deliveries (meaning they pickup from point A and deliver directly to point B). They do not have the need for a facility, as the freight never returns to a Gulf Coast Crating facility ... strictly point A direct to point B. XLR8 also runs an owner operator model (meaning we do not own any of the trucks, nor do they stay at our facility). You will not see trucks parked at this facility. Some of our Gulf Coast Crating customers do allow XLR8 to pick up and deliver their cargo in place of using a 3<sup>rd</sup> party. However, XLR8 will not have staff at this facility and will not increase truck traffic in any way (meaning the same number of trucks would need to come and go with or without XLR8 Delivery.) XLR8's Revenue for the last 12 months is \$11,676,957, of which \$119,953 was billed to Gulf Coast Crating or 1.02%. As earlier stated, XLR8 brings no additional traffic to this building. If XLR8 did not exist, we would still have the need to bring in the exact same number of trucks. The only difference would be the logo on the truck. The fact that I own multiple companies should not have any bearing on this decision. I own several companies, I own a real-estate company, a gym, and a Brokerage company; all of which will not have anything to do with





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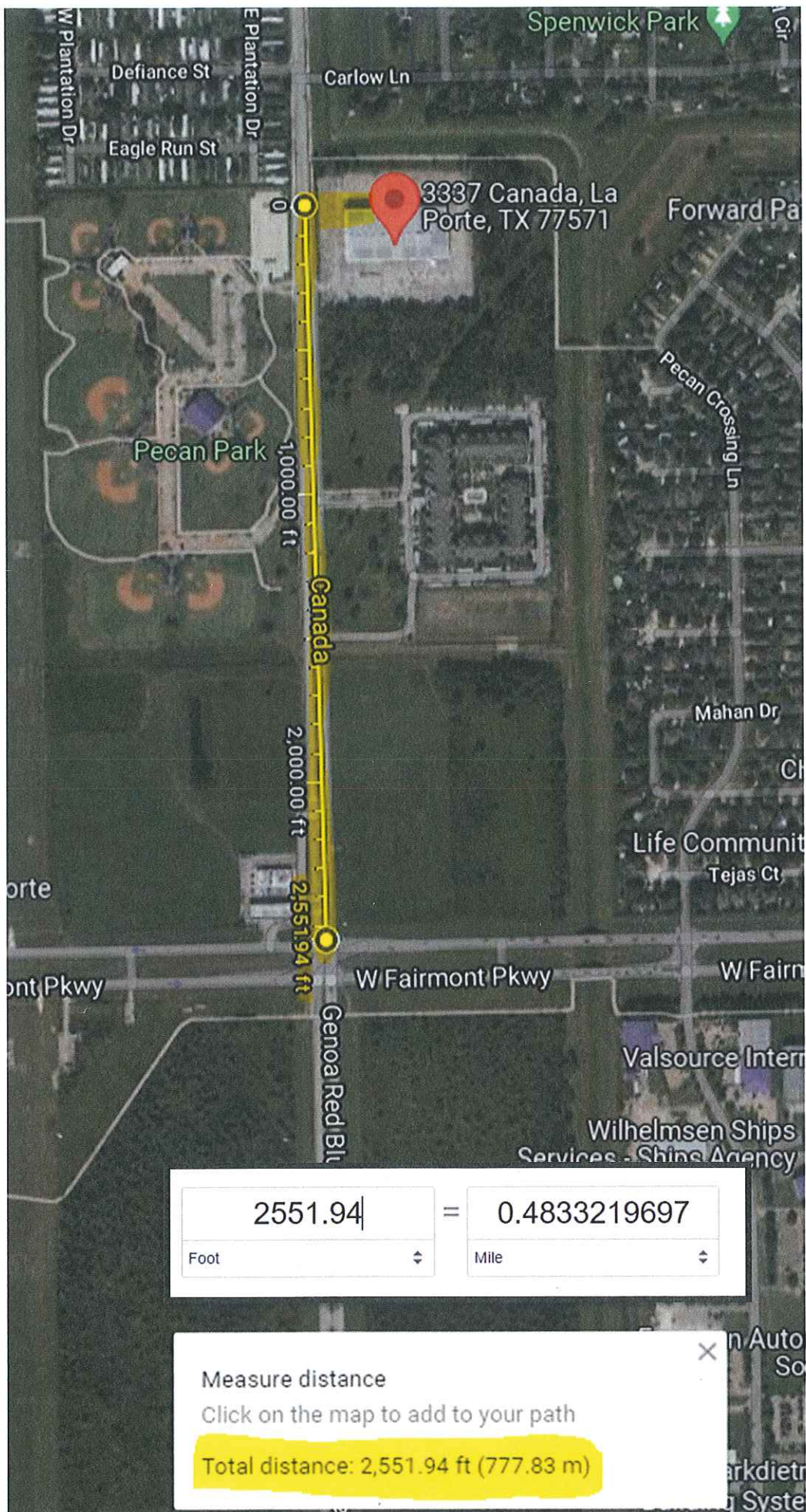
this facility. My only comparison is that Warren Buffet owns several companies, for example Duracell and Geico. I don't feel like Geico has to include Duracell's NAICS code when applying for a permit.

**Conclusion:** We believe that changing the zoning of this property via the SCUP and extending the high frequency truck route will, once and for all, correctly define the intended purpose and use of this facility. In addition, we purchased this facility believing that it has decades of useful life left to provide jobs and taxable income to the City of La Porte. We look forward to having this matter settled as soon as possible.

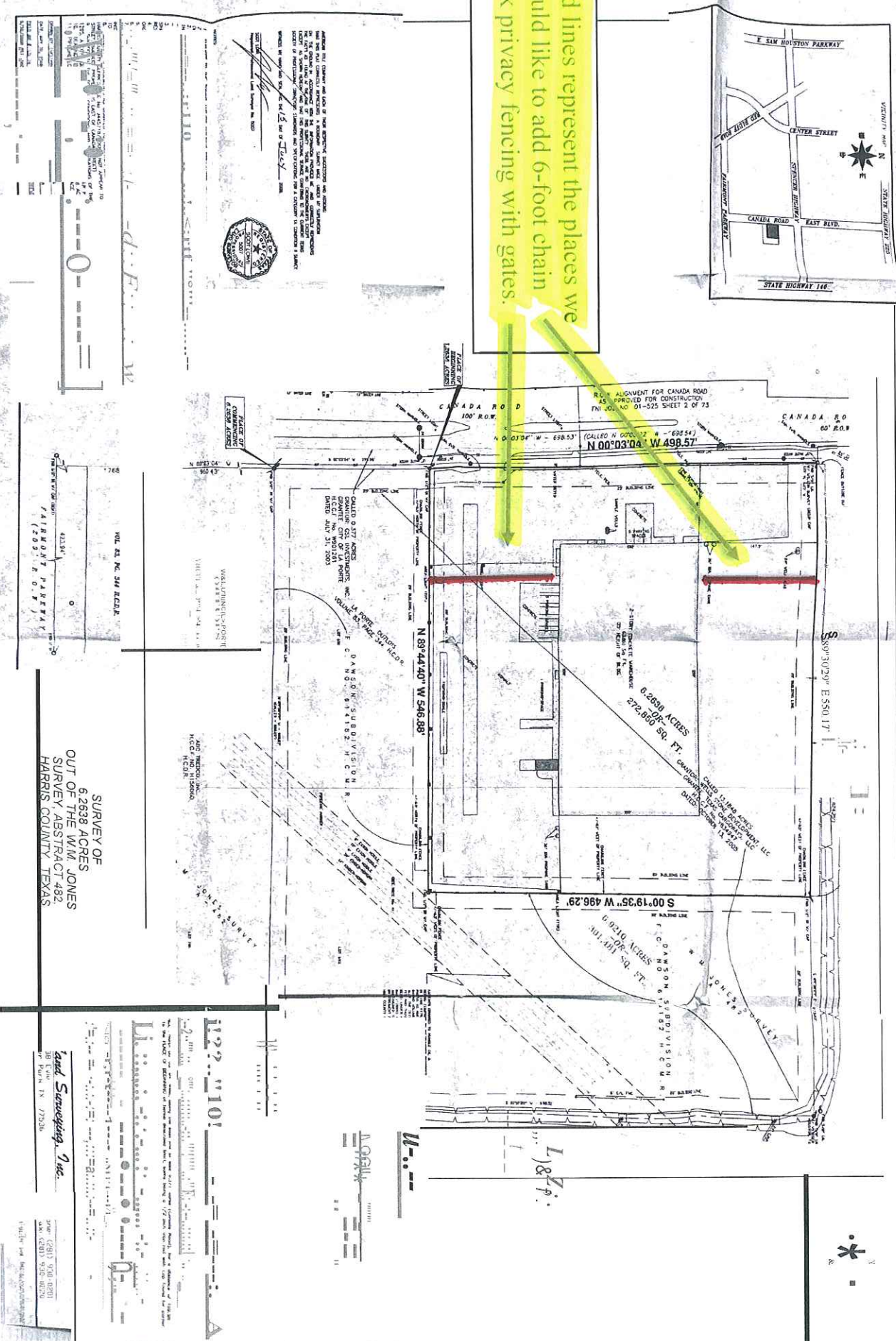
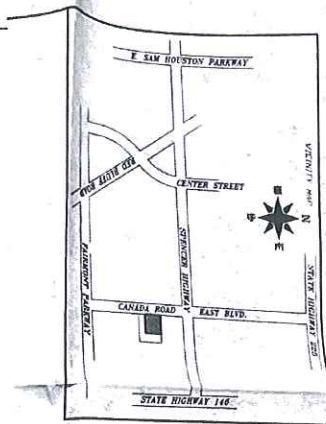
Thank you in advance for your consideration on this matter. If you have any other questions, comments or want to discuss further, please feel free to call me at (832) 401-7673.

Kind regards,

Paul Pitman  
President/CEO  
of Gulf Coast Crating









## **Discussion Item**

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- a. Council Action Update



## COUNCIL ACTION

Application #	Request	Location	P&Z Meeting	P&Z Action	CC Meeting	CC Action
FLUP 21-91000006	MHDR - BI	11007 W. Fairmont	10.21.2021	APPROVE 7-0	12.13.2021	
SCUP 21-91000006	BI Uses	11007 W. Fairmont	10.21.2021	APPROVE 7-0	12.13.2021	
FLUP 21-92000003	COM - MHDR	1st/W. Madison	10.21.2021	APPROVE 5-0	12.13.2021	
ZC 21-92000003	GC-R2	1st/W. Madison	10.21.2021	APPROVE 5-0	12.13.2021	