MINUTES OF THE MEETING OF THE ZONING BOARD OF ADJUSTMENT HELD IN THE COUNCIL CHAMBERS, AT CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS ON THE 27TH DAY OF OCTOBER, 2017 AT 12:00 NOON.

Members present: Cromer; Hannes; Grigsby; Holland; Montgomery; Alternate Zuniga
Members absent: Alternate Watkins
Staff present: Kulhavy; Ridley; Hodgson

1. CALL TO ORDER

This meeting was called to order by Chairman Hannes. [12:00 PM]

2. PLEDGE OF ALLEGIANCE

a. U.S. Flag
b. Texas Flag

3. INVOCATION

Board Member Grigsby led the invocation.

4. ROLL CALL and selection of Alternate(s) if needed.

All regular Board Members present, Alternate(s) not needed.

Agenda Item 5 was moved to follow Agenda Item 11.

Agenda Items 8 & 9 were moved ahead of Agenda Items 6 & 7.

8. PUBLIC HEARING for the variance request by Aurelio Torres, applicant and property owner, for a variance to Article 8: Sings, Section 8.700 Off-Premise Signs to allow for the construction of an off-premise multiple tenant pylon sign on the Unrestricted Reserve of the Hillside Industrial Park subdivision, located at 111 University Avenue.

Chairman Hannes opened the public meeting.

Aron Kulhavy gave an overview of the case per the staff discussion form explaining that the applicant, Aurelio Torres, is asking for a variance to place an off-premise sign for his Hillside Storage facility which is located on Essex Blvd adjacent to the subject tract. Mr. Torres owns both tracts of land and has plans for commercial development of the subject tract in the future. The sign will be a multi-tenant sign for this future commercial development as well.

Applicant Presentation:
Aurelio Torres, applicant, presented his case for the variance.

Speakers in support of the variance request:
There were none.

Speakers in opposition of the variance request:
Charles Smither, Jr. stated his opposition because there is no plan/guarantee for the commercial development of the subject property.

Rebuttal by the Applicant:
Mr. Torres stated that a preliminary plan for the commercial development of the subject property was provided as part of the variance request.

Board Members questioned the applicant regarding the number of tenants there may be for the subject tract's future commercial development and the time frame for the future commercial development. Mr. Torres indicated that it is unknown as to the number of tenants and the development is 4 to 5 years in the future.

Chairman Hannes closed the public hearing.

9. CONSIDER the variance request by Aurelio Torres, applicant and property owner, for a variance to Article 8: Sings, Section 8.700 Off-Premise Signs to allow for the construction of an off-premise multiple tenant pylon sign on the Unrestricted Reserve of the Hillside Industrial Park subdivision, located at 111 University Avenue.

Board Member discussion focused on the possibility of the establishment of other businesses on the Hillside Storage facility property which may request off-premise signage on the subject property.

Aron Kulhavy stated that the Board can place the condition on the variance that only the Hillside Storage facility may have signage on subject tract. He also noted that it takes 4 favorable votes by 5 of the voting members of the board to grant the variance.

The Board asked Mr. Torres to clarify his plans for additional development of the Hillside Storage facility tract. He indicated that he only plans to expand the storage facility in the future. No other business would be established on the storage facility tract.

Board Member Grigsby made a motion to approve the variance with the condition that additional off-premise signage would not be allowed. Second was by Board Member Cromer.

Board Member Montgomery asked for clarification of the motion.

Board Member Grigsby clarified that the condition is that the only off-premise business that will be allowed on the sign is the Hillside Storage facility.

The vote was called for and was unanimous.

6. PUBLIC HEARING for the variance request by Philip Bargas, applicant, and Uncle Darrell's Place, Inc., property owner, for variances to ***Table 5-1: Lot and Building Setback Regulations*** in ***Article 5 Lot and Setback Regulations*** of the *City of Huntsville Development Code* relating to minimum street setback and maximum density for Apartment/Condo for proposed student housing project to be located at the southwest corner of 21st Street and Avenue J.

Chairman Hannes opened the Public Hearing.

Aron Kulhavy began by noting that his overview pertains to the next case as well which is also a density variance case for student housing project. Since the Board has been dealing with a lot of density cases recently, Staff has researched the multi-family residential density requirements for several other communities. There were not any significant differences from that of Huntsville. **Kulhavy** made note of the density for the recent housing projects on the SHSU campus, Sam Houston Village and Piney Woods Hall, at 74 units per acre and 64 units per acre. He also summarized the past density variances granted for multi-family residential developments which range from 33 units per acre to 71 units per acre.

Applicant Presentation:
Philip Bargas presented the case for the variances, noting that the request to reduce the building setbacks along Avenue J and 21st Street are similar to the setback variance granted for the adjacent property Armory Student Housing Project. The development will be multi-story with some retail located on the first floor. The developer will provide utility up-grades for the project as required by the City Engineer. Upon questions from the **Board**, **Bargas** indicated that the project will be 6 to 7 floors in height and that SHSU has not been contacted to provide input for the project.

Speakers in support of the variance request:
Darrell Grein, property owner and developer, spoke adding additional information regarding the proposed development. He indicated that in the past he has reached out to SHSU regarding the development of his property without receiving any constructive response from SHSU. Mr. Grein stated that the density increase is warranted by the location of the project; he is working with the City to upgrade utilities as required; and that he is looking for this to be a "green" development using solar energy and new technology for storm water remediation.

Speakers in opposition to the variance request:
Charles Smither, Jr. spoke in opposition noting that increased development near the SHSU campus is creating parking and traffic issues in the area. Building setbacks along streets should not be reduced as this will lead to sight triangle issues at street intersections.

Staff noted letter from **Stonemont Financial Group**, developer of the adjacent Armory student housing project, expressing their concern for the granting of the variances without the submittal of more detailed plans.

Rebuttal by Applicant:
Additional clarification of the project and the variances was given by the applicant.

Chairman Hannes closed the Public Hearing.

7. **CONSIDERATION** of the variance request by Philip Bargas, applicant, and Uncle Darrell's Place, Inc., property owner, for variances to ***Table 5-1: Lot and Building Setback Regulations*** in ***Article 5 Lot and Setback Regulations*** of the *City of Huntsville Development Code* relating to minimum street setback and maximum density for Apartment/Condo for proposed student housing project to be located at the southwest corner of 21st Street and Avenue J.

The Board discussion focused on the impact of the proposed development on traffic, existing utility infrastructure, and the possible Development Code change of the density requirements for this type of multi-family residential developments.

Aron Kulhavy responded that traffic studies will be required for the development as well as an assessment of the impact on existing utility infrastructure. Per traffic studies of the area for past developments in the area, **Kulhavy** anticipates that there will be minimal traffic impact caused by this project.

Board Member Montgomery made a motion to deny the variances for reduced building setbacks and increased density. Second was by Chairman Hannes.

Discussion by Board Member Holland suggested that the motion add the recommendation that the Planning Commission review the Development Code density requirement for multi-family residential developments. Aron Kulhavy stated that it will take a minimum on 120 days to do a Code change.

Board Member Montgomery withdrew the motion.

Philip Bargas, applicant, spoke making comparison for the number of beds permitted for the adjacent Armory housing project and this project. He also noted that a traffic study is premature at this stage in the project.

Aron Kulhavy stated the four options available to the Board. The Board may approve the variance as requested, approve the variance with conditions, deny the variance, or table the consideration of the variance to a given date.

Board Member Montgomery made a motion to deny the variances as requested for reduced building setbacks and increased density. Second was by Board Member Cromer.

Applicant Bargas inquired regarding the possibility of providing access for the project from an extension of 22nd Street. Aron Kulhavy indicated that would not be a possibility. Board Member Holland inquired if the developer had a "back-up" plan for a lesser density than requested. The developer does not have a "back-up" plan as of this time.

The vote was called. The variance was denied by vote of 3 to 2. (Board Members Holland and Cromer opposed the denial of the variance.)

A five minute recess was called for.

10. PUBLIC HEARING for the variance request by DIN/CAL 3, Inc., applicant for variance to *Table 5-1: Lot and Building Setback Regulations* in *Article 5 Lot and Setback Regulations* of the City of Huntsville Development Code relating to maximum density for Apartment/Condo development for a proposed student housing project to be located at 2304 Sam Houston Avenue.

Chairman Hannes opened the Public Hearing.

Presentation by the Applicant:
Adam Beck, representative for the applicant, presented the case for the variance making note that the prime location of the property necessitates development at a higher density in order to fully utilize the property.

Speakers in support of the variance:
There were none.
Staff noted email from Potato Shack owner, James Reece, in support of the variance for the project.

Speaker in opposition of the variance:
Charles Smither, Jr. made note that he objected to the variance for the same reasons stated in his opposition to the previous case, (Agenda Item 6).

Juan Nunez, representing SHSU, spoke expressing concern for the variance and the resulting impact on traffic and parking in the area.

Staff noted letter from **Stonemont Financial Group**, developer of the adjacent Armory student housing project, expressing their concern for the granting of the variances without the submittal of more detailed plans.

Rebuttal by the Applicant:
Additional clarification of the project and requested variance was given by the applicant.

11. CONSIDER the variance request by DIN/CAL 3, Inc., applicant for variance to *Table 5-1: Lot and Building Setback Regulations* in *Article 5 Lot and Setback Regulations* of the City of Huntsville Development Code relating to maximum density for Apartment/Condo development for a proposed student housing project to be located at 2304 Sam Houston Avenue.

Board Member Montgomery made a motion to approve the variance as requested. Second was by Board Member Holland.

There was no discussion by the Board.

The vote was unanimous.

5. ELECTION:
- **a. Chairman**
- **b. Vice-Chairman**

Ken Holland and Matt Hannes were nominated for Chairman of the Board.

The Vote was tied. No Action was taken.

The Election of Chairman and Vice-Chairman for the Board was tabled to next Meeting.

12. CONSIDER the minutes of May 26, 2017.

Board Member Cromer made a motion to accept the minutes. Second was by Board Member Grigsby. The vote was unanimous.

13. CONSIDER the FY 2017-2018 Meeting Schedule & Submission Deadlines.

Board Member Cromer made a motion to accept the FY 2017-2018 Meeting Schedule & Submission Deadlines. Second was by Board Member Montgomery. The vote was unanimous.

14. ADJOURNMENT

The meeting was adjourned. [2:02 PM]