

MINUTES OF THE MEETING OF THE BOARD OF ADJUSTMENT HELD IN THE COUNCIL CHAMBERS, AT CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS ON THE 15TH DAY OF DECEMBER, 2017 AT 12:00 NOON.

Members present: Cromer; Hannes; Montgomery; Alternate Zuniga, Alternate Watkins

Members absent: Grigsby; Holland

Staff present: Kulhavy; Ridley; Hodgson

1. CALL TO ORDER

This meeting was called to order by Chairman Hannes. [12:05 PM]

2. PLEDGE OF ALLEGIANCE

- a. U.S. Flag
- b. Texas Flag

3. INVOCATION

Chairman Hannes led the invocation.

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

Alternate Zuniga & Alternate Watkins will both serve due to the absence of Board Members Grigsby & Holland.

- 5. 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 noted that while this case is similar to the variance request by the applicant which was considered at the October 27, 2017 Board of Adjustment meeting, the variance request has been refined and is substantially different from the previous variance request. The area in which the subject property is located is suitable for higher density, however the request is for an approximate 20% greater density than any other previously granted variance for density when evaluating the request by the number of beds per acre. Staff recommends that the Board cap the density for this type of development at 200 beds per acre, which is the greatest density variance which has been granted by the Board. **Kulhavy** also noted that the property owner will be required to dedicate an approximate 10' strip of land for additional right-of-way for 21st Street. If the Board grants the variance for 15' setback, it will be from the new street right-of-way line and will be at the same location as a 25' setback from the current street right-of-way line. The requested setback variance for Avenue J is similar to the setback variance that was granted for the Armory student housing project, located on the adjoining property, and will result in the same visual appeal along Ave J for both projects. Kulhavy concluded his opening statement by noting that the property owner has provided a traffic impact study for the project. The study indicates that the exiting streets have adequate capacity to handle the projected traffic which will be generated by the project.

Applicant Presentation:

Philip Bargas presented the case for the variances and noted that the project architect, **Todd Meckley**, was also present to answer questions regarding the proposed student housing project. **Bargas** gave an overview of the revised site plan for the project noting that there is not a vehicular entrance from 21st Street, only Avenue J. He also pointed out that the only change recommended by the traffic study is to move the current Avenue J mid-block pedestrian crossing to the 21st Street intersection. There were some suggestions to improve traffic flow in the area, but no other physical changes to the existing streets are required per the traffic study.

Philip Bargas and **Todd Meckley** gave additional explanation for the relocation of the mid-block pedestrian crossing upon questions from the Board. **Meckley** also explained the proposed audible signalization which will serve to warn drivers/pedestrians at the proposed parking garage entrance on Avenue J.

Speakers in support of the variance request:

Darrell Grein, property owner and developer, spoke adding additional information regarding the proposed development. He indicated that required parking for any retail use in the project will be provided in the parking garage and will be per the requirements of the City Development Code.

Speakers in opposition to the variance request:

There were none.

Rebuttal by Applicant:

There was no rebuttal.

Chairman Hannes closed the Public Hearing.

6. **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 difference between defining density by beds per acre as opposed to units per acre with **Aron Kulhavy** giving further explanation of the difference. The number of bedrooms is what defines the total number of residents in the area, not the number of units which may contain only one bedroom or multiple bedrooms. This is reason for staff recommendation that the board cap the density at 200 beds per acre as opposed to the number of units per acre.

Aron Kulhavy also indicated that the Board may consider each of the variance requests separately or together.

Board Member Montgomery made a motion to separate the vote for the two variance requests. Second was by Board Member Watkins. The vote was unanimous.

Board Member Montgomery made a motion to approve the variance for density with the condition that no more than 200 beds per acre will be allowed for the project. Second was by Board Member Cromer. The vote was unanimous.

The Board discussed the requested variance for reduced setbacks along Avenue J and 21st Street. **Staff, Applicant, & Project Architect** provided additional information regarding the entrance to the parking garage, required dedication of additional right-of-way for 21st Street, future improvement of 21st Street, and other concerns.

Board Member Cromer made a motion to grant the variance to allow 15' building setbacks adjacent to Avenue J and 21st Street as requested. Second was by Board Member Montgomery. The vote was unanimous.

7. CONSIDER the minutes of October 27, 2017.

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

8. ELECTION:

- a. Chairman**
- b. Vice-Chairman**

Board Member Zuniga made a motion to postpone the election due to the absences of Board Members Holland and Grigsby. Second was by Board Member Montgomery. The vote was unanimous.

The current Chairman and Vice-Chairman will continue to serve until election is held.

9. ADJOURNMENT

The meeting was adjourned. [12:51 PM]