

Planning & Zoning Commission Meeting Minutes
City of Spring Valley Village
Monday, July 13, 2020

- 1. The Planning & Zoning Commission meeting was called to order by Chair Trey Hoffman at 7:00 p.m. in the Council Chambers of City Hall, 1025 Campbell Road, Houston, Texas.**

Planning & Zoning Members present at City Hall:

Trey Hoffman, Chair
Anne-Marie McMichael
Maryellen McGlothlin
Charlie Calderwood
Amy Winstead
John Lisenby, Alternate

Planning & Zoning Members present via Zoom:

Patrick Johnson
Louise Richman

A quorum was present.

City Officials present:

Zach Meadows, Director of Community Development
Loren Smith, City Attorney, ~~via telephone~~ **PRESENT IN PERSON**
David Dominy, P&Z Liaison – arrived at 7:21 p.m.

- 2. Approval of meeting minutes for regular meeting May 12, 2020**

Mr. Hoffman noted on Item 11 that the following, "This is going from one lot to two lots and both meet the requirements of the subdivision ordinance." is no longer the case and should be deleted from the minutes. Ms. McGlothlin made the motion to approve the minutes with the correction. Mr. Calderwood seconded the motion. The motion carried 7 to 0.

Note:

Mr. Hoffman received a request to move Items 6 and 7 out of order. He noted, however, that Items 3, 4, and 5 would not take long and kept all items in their original order.

- 3. Consideration and possible action concerning:** A request for a variance by Echo Place, LLC for the property located at 1020 Fries Road, from Chapter 9 Subdivisions, Section 9.103 (i)(3), Lot Depth, of the Code of Ordinances, allowing for a lot depth of 100 feet where 120 feet is required.

Zach Meadows spoke regarding this item. This is a variance request only. Currently, it is one parcel with the anticipation of subdividing into two lots facing Echo Lane which would not quite meet the depth requirement of 120 feet. New owner would like a 100 foot depth. It will need to go to City Council for approval.

Mr. Hoffman noted that there is a new Lot #1 and Lot #2. The small CenterPoint easement on Lot #1 with respect to the transformer has been removed and now goes back to the lot line. Mr. Calderwood noted that this takes the driveway off of Fries Road though Ms. McMichael said they could still have the driveway off of Fries. Mr. Russell Dugan representing the owners prefers that the driveway be on Echo Valley. Mr. Calderwood asked why the two lots are not the same size. As configured, it gives the neighborhood a uniform look plus there is a 50 foot setback on Fries Road. Mr. Hoffman noted that per the subdivision ordinance, a corner lot has different requirements. Mr. Steve Lufburrow, 8825 Echo Valley has no problem with the subdividing of the lots.

Mr. Calderwood made a motion to approve the variance request. Ms. McMichael seconded the motion. The motion carried 7 to 0.

4. **Conduct a public hearing concerning:** A preliminary and final re-plat of Echo Valley Estates Re-plat No. 1, a plot containing 0.530 acres of land, situated in Dwelling District 'A', City of Spring Valley Village, Harris County, Texas bearing the address of 1020 Fries Road.
 - a. Presentation of preliminary and final re-plat by applicant
 - b. Those in favor
 - c. Those opposed
 - d. Adjourn public hearing

Mr. Hoffman opened the public hearing at 7:17 p.m. Russell Dugan was available for questions. Mr. Meadows will work with Mr. Dugan to get the lot numbers corrected. Mary Villareal with Interfield Group said she noted the comments.

Mr. Hoffman closed the public hearing at 7:20 p.m.

5. **Consideration and possible action concerning:** A preliminary and final re-plat of Echo Valley Estates re-plat of Echo Valley Estates re-plat No. 1, partial re-plat No. 1, a plot containing 0.530 acres of land, situated in Dwelling District 'A', City of Spring Valley Village, Harris County, Texas bearing the address of 1020 Fries Road.

Mr. Calderwood made a motion to approve the preliminary and final re-plat. Ms. McMichael seconded the motion. The motion carried 7 to 0.

6. **Conduct a public hearing concerning:** Ordinance Number 2020-XX an ordinance of the City of Spring Valley Village creating and approving a Planned Area Development ("PAD") of approximately 1.17 acres of land just east of the north east intersection of Katy Freeway and Adkins Road, being out of Lot 17 and Lot 2 of the West Park Subdivision, in the Thomas A. Hoskins Survey, Abstract No. 342, Harris County, Texas, within the Freeway Planned Area Development District to allow construction of a three story professional building over a four level parking structure, with one level below ground, for a maximum height of eighty-five feet (85'), additional surface parking, and allowing professional, medical and surgical uses; providing for severability; and providing a penalty not to exceed \$2,000 for each day of violation of any provision hereof.
 - a. Presentation of requested PAD amendment by applicant
 - b. Those in favor
 - c. Those opposed
 - d. Adjourn public hearing

Lili Mahvash spoke quickly to say there was confusion about the address. Rene Joubert and John Joubert, 9230 Katy Freeway, Houston, Texas 77055 began the presentation with each commenting. They said that they had heard from you, P&Z and the residents, and tried to address all the design concerns. Former Mayor Tom Ramsey said that the building should provide a front door to the city and enhance value. They seek to be a good citizen and their intent is not to have an adverse effect. They did not want to create another box but rather to create a first class project. There are louvers, landscaping, and they explained about the construction materials of metal and masonry.

A slide presentation followed though there were some issues on advancing the slides. The points covered included:

- Tried to address resident concerns
- Impact on the city which is a residential neighborhood. This is a front door to the city that will enhance the area and the city.
- The original thought of the first owner was a fast food entity which would detract from the city.
- Property value depreciation – both sides can show ups and downs. There is evidence that shows property value increases.
- Security and safety – there will be no unsecured access to the roof.
- Operating hours – discussed
- Cut through traffic on Hilldale Street from IH-10
- Noise from parking garage – wall will shield and noise was not an issue with the first building
- Height, setback, site lines – printed presentation shows various scenarios
- Aerial views – there were concerns that the setbacks were different from other buildings. There is a building line study overview included to show they are not.
- Propose to have frosted windows. Setbacks are 85 feet from residence.
- Metal fins on the windows and a green wall
- Residents want a Zone B building but this property is in Zone C.
- Examples of architectural elements were given
- Landscaping – a lot of thought went into this
- Traffic flow presented with respect to the fire lane
- Reserved parking on the first floor and parking is ample. The second floor parking level is to be screened. The number of cars per office space was based on the Phase 1 building.
- The request for 10 foot east and west setbacks allows for double stack tenants.
- The landscape plan is a uniform look with other building.
- They are cognizant of light pollution and they will not pollute. They have very efficient lighting.
- An example of the signage was given. It is a monument sign that matches existing monument signage at neighboring property.
- The site design criteria has nothing different from building 1.

Mr. Hoffman noted that there were about 25 speakers. The time limit would be three minutes. He will start first with speakers physically in the council chambers. He asked that speakers not repeat but say “I agree.”

Marjorie Meyer, 9166 Cardwell

- Bought their house in 1988 as they wanted a zoned city
- Building height was 39’, now it is 85’
- Read several points from the mission and vision of P&Z: health, safety, welfare and suitable development

- Does not want a six story building abutting her back yard
- Construction noise will be unbearable
- Ms. McMichael should recuse herself as she is friends with the developer

Laura Peachee, 1200 Anne Street

- Has cut through traffic on Adkins
- Parking garage noise
- Can one get out on balcony?
- Dumpster – what are the pickup times?

Valerie Spears, 9208 Cardwell

- Have you driven on cul-de-sac and looked up to see this large building
- Lighting in building 1 is always on
- For example, Obamacare turned out to be not so good
- How do we know balcony will be maintained

Rebecca Bloch-Lopez, 9205 Cardwell

- Tall building against our backyards
- Negative impact on property values
- Is not right to ask the west part of the city to carry burden
- Privacy concerns
- Setback of 60', now it is 30' and 50'
- Hours of operation, 8 a.m. to midnight – reduce to 8 a.m. to 6 p.m.
- Construction times at 12 hours of 7 a.m. to 7 p.m. plus weekends; need to reduce
- Highly favorable to developers. Need 80' setback, and 39' height

Zack Raffoul, 9209 Cardwell

- Same concerns as above
- Property values will be reduced
- Issues are: security, construction, operating hours to midnight

Denise Wilborn, 8818 Westview

- Supports the others
- Vision statement says residential
- Property values – wants to see evidence of increase. Values will decrease.

Alison Simmons, 1138 Bade

- Ways to enhance community
- Wants a gate area – how to get that?
- Mr. Hoffman said to set an appointment with City Administrator or Community Development Director

Frank Siroky

- Ms. McMichael needs to recuse herself since she is a friend with developer
- Building is too tall
- Operating hours are too late
- Construction will take too long

Mike Sternesky, 1121 Traweek

- Already impacted by Peli Peli building
- Light pollution is bad; needs solution whereby lights can be turned off
- Too close to sound wall and would set a bad precedent for next building

Iraj and Lili Mahvash, 1018 Bade

- Impacted

- P&Z is supposed to protect residents not the developers
 - Agrees with the prior speakers
 - When moved to Spring Valley Village, only allowed one story buildings
 - Too tall, too massive
 - Sets a precedent; no other buildings like this
- Current Owner, 9150 Cardwell
- Complicity between city and developers
 - A mistake
- Cynthia Chen, 9200 Cardwell
- Setbacks not good, building too close
 - 85' is too high
 - Concerned about security
 - How to maintain planter
 - Can spy on residents
 - Will you screen every laborer?
 - Could have incident like Las Vegas shooting
- Duane Clementson, 10 Martin Court
- Supports building
- Shannon and Matt Trenchard, 9155 Penn Manor
- Agree with prior speakers
 - Construction noise concerns
 - Have small children
- Joe Lopez, 9205 Cardwell
- Been a resident since 1982
 - Supports all comments
 - Saw people on roof when Blue Angels had fly over
 - 39' is in the zoning ordinance
- Janice Pollan, 9212 Cardwell
- Been a resident since 1980
 - Would not want to live in house with that building in the backyard
 - Agrees with prior speakers
- Mike Baker, 8420 Katy Freeway
- IH-10 at Campbell Road – P&Z and City Council already decided that.

Mr. Hoffman closed the public hearing at 8:40 p.m.

- 7. Consideration and possible action concerning:** Ordinance Number 2020-XX - an ordinance of the City of Spring Valley Village creating and approving a Planned Area Development (“PAD”) of approximately 1.17 acres of land just east of the north east intersection of Katy Freeway and Adkins Road, being out of Lot 17 and Lot 2 of the West Park Subdivision, in the Thomas A. Hoskins Survey, Abstract No. 342, Harris County, Texas within the Freeway Planned Area Development District to allow construction of a three story professional building over a four level parking structure with one level below ground, for a maximum height of eighty-five feet (85’), additional surface parking, and allowing professional, medical and surgical uses; providing for severability; and providing a penalty not to exceed \$2,000 for each day of violation of any provision hereof.

Loren Smith addressed two items: the construction hours of 7 a.m. to 7 p.m. can be changed and regarding a conflict of interest, the Local Government Code defines that as having ownership or deriving income from the property. Neither applies and there is a duty not to recuse oneself. Ms. McMichael addressed this issue with Mr. Smith before the meeting. Mr. Hoffman asked the P&Z members if anyone had a conflict of interest. Everyone said "no conflict of interest."

Mr. Hoffman addressed several issues. He gave a history of the Freeway Planned Area Development. Knudson LP did the planning. The themes were pedestrian friendly developments, low rise buildings with stores on ground level and condos on upper levels and patterned after "C." In August, 2005 added to the Freeway Pad overlay; height could not exceed 85' and that has been on the books since 2005. The hours of operation and construction hours are on the Spring Valley Village ordinances. There is no retail component in this project.

Valerie Spears asked why David Dominy was on the call. Mr. Hoffman answered that he was the P&Z liaison. Marjorie Meyer asked why the building had to be 85'. She said there is a right and a wrong.

Mr. Hoffman asked for comments from the P&Z members.

- Ms. McGlothlin said the number one comment from the residents had to do with the height of the building. She asked if the developers could reduce one parking level. She noted that this is a medical facility with patients coming and going all day, that it is not a regular office. The developers answered that it was the traffic count that prevailed for the parking ratio at 79 spaces per floor. And more parking is needed because it is not a regular office building.
- Ms. Winstead had concerns for the green balcony and questions if it can be maintained. She said that jasmine facing north will take forever to grow. Can the developers put three parking levels underground? The answer is no because at 18', there is a spring and there are water table issues. Regarding property values, would like some backup for how the first building impacted them. How is the decibel level monitored? Mr. Meadows would have to monitor.
- Mr. Johnson asked why an 85' tall building is needed. John Joubert answered that it has to do with the size of the site and the cost of the property. Economics of project become important.
- Mr. Lisenby spent a lot of time in the neighborhood. This building has less land and the utility of the land is more efficient. The fire access is on AT&T property which was contingent on buying the property. Hamstringing the AT&T property which could be changed. How to lessen the impact on the neighbors? Could have a parapet wall.
- Ms. Richman asked about sharing parking with other building as a way to decrease the building height. Look at parking suggestions that Ms. McGlothlin had.
- Rene Joubert commented on the parking requirements.
- Mr. Calderwood asked about the removed landscaping with the fire lane. Plants do not get enough sun light there. This is a high quality development and Mr. Calderwood reviewed past developments in the city such as 1065 Bingle. Has to be 100' from the sound wall. Move to the south. Ten feet between the two buildings is not enough space especially if there were a fire. Should be at least 20' apart.
- Ms. McMichael does not have much to add as at prior P&Z meeting, everything was mentioned and P&Z members had already discussed the items. She asked how the landscaping as to be done and that there should be a locked maintenance door for security.

- Mr. Hoffman noted that this was a tough one as it is complex around the PAD concepts. The Home Depot area was the first PAD. The purpose of a PAD is to have development of larger tracts versus piece meal development. Need to develop on a larger scale. This would be a quality building. The Fire Marshall will not approve the project without the cooperation of the two adjoining properties. He mentioned about the pine trees being taken down for the fire lane which indicates that this building is too big for the property. Who owns the property now as they closed in December 2019? This area is being developed in a piece meal manner. It is a mass of building here.
- Ms. McMichael complimented the developers on the thought in this project. Work still needs to be done. The setback needs to increase; how to get 15' more. She appreciates the feedback from the residents. They have done a lot of great work. Hours of operation, lighting, noise, etc. are in the Spring Valley Village ordinances.
- Mr. Hoffman said that P&Z is a recommending body to City Council. You may not want this to go to City Council because they can change it.
- Mr. Meadows said that it is on the City Council agenda for Tuesday.
- Mr. Hoffman said that P&Z can vote on this and that if it is turned down by City Council, it can still come back.

Mr. Calderwood made a motion to approve as submitted. Ms. McMichael seconded the motion. Discussion ensued regarding whether or not it should go to City Council. Councilman Dominy recommends not going to City Council. The setbacks, height and parking are issues. Mr. Hoffman said the fire lanes are also issues. Mr. Calderwood asked if there could be parking on the fire lane. Ms. McMichael asked if they could do with less parking. Mr. Lisenby and Mr. Hoffman talked about a parapet for screening. Mr. Calderwood withdrew his motion and Ms. McMichael withdrew her second. Mr. Meadows noted that this item will not be moving to the City Council agenda.

8. Discussion and direction concerning: the activities of the City Council during the June 23, 2020 meeting regarding Planning & Zoning Commission matters.

Mr. Smith reported that there were no P&Z matters on the City Council agenda.

9. Adjournment

Ms. McGlothlin made a motion to adjourn. Mr. Calderwood seconded the motion. The motion carried 7 to 0. The meeting was adjourned at 10:19 p.m.

Note:

Ms. Winstead rolls off of P&Z. Mr. Hoffman noted that she has been a valuable member of P&Z and everyone thanked her for her years of service.

Signed: W. K. (Trey) Hoffman
W. K. (Trey) Hoffman, Chairman

Attest: Louise Richman
Louise Richman, Secretary