

710 EAST SAN AUGUSTINE

DEER PARK, TEXAS 77536

Minutes

of

A PRELIMINARY PUBLIC HEARING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF DEER PARK, TEXAS, HELD IN THE CITY HALL, 710 EAST SAN AUGUSTINE STREET, NOVEMBER 05, 2018 BEGINNING AT 6:20 P.M. ON THE REQUEST FROM DHIRU PATEL IS REQUESTING TO REZONE RESERVE “B” ALL IN BLOCK 1, OF FINAL PLAT PATEL FAMILY SUBDIVISION, ADDRESSED AS 825 CENTER STREET FROM GENERAL COMMERCIAL (GC) TO MULTIFAMILY 2 (MF 2) TO CONSTRUCT A HOTEL OFFICE/MANAGER’S RESIDENCE TO ACCOMMODATE THE APARTMENT HOTEL TO BE CONSTRUCTED ON RESERVE “A” OF THE ADJOINING PROPERTY WITH THE FOLLOWING MEMBERS PRESENT:

DON TIPPIT	CHAIRMAN
DOUGLAS COX	COMMISSIONER
RAY BALUSEK	COMMISSIONER
STAN GARRETT	COMMISSIONER
DANIELLE WENDEBURG	COMMISSIONER

OTHER CITY OFFICIALS PRESENT WERE:

SHANNON BENNETT	CITY SECRETARY
LARRY BROTHERTON	BUILDING OFFICIAL

1. NOTICE OF PRELIMINARY PUBLIC HEARING – The Preliminary Public Hearing was opened by the City Secretary reading the Notice of Preliminary Public Hearing. (Exhibit A)
2. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK IN FAVOR OF THE REQUEST – Chairman Tippit opened the hearing for those wishing to speak in favor of the request.
 - a. David Parker, consultant for Dhiru Patel, commented, “I don’t have anything to present other than the current drawing of the Zoning Map that shows the adjacent piece that is needing to be changed. As you recall, the area is multifamily, there is one piece that connects to Center Street. There are two repair facilities adjacent to it, but the connection goes through the side of that. There is one little piece that is zoned differently than Multi-Family. We are just trying to rezone that little piece.”

Chairman Cox asked, “How many units do you plan to build on that piece?”

Mr. Parker responded, “I think it will be about 40.

Commissioner Cox asked, “How many units do you plan to build on that piece?”

Mr. Parker responded, “I think it will be about 40.

Commissioner Cox commented, “I am speaking of the Center Street frontage.”

Mr. Parker responded, “Just one.”

Commissioner Tippit asked, “That would be your office space for the 24 hour manager?”

Mr. Parker commented, “Yes.”

3. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK AGAINST THE REQUEST – Chairman Tippit opened the hearing for those wishing to speak against the request.

- a. John Story, 112 & 117 E.10th Street, commented, “I have two residences across the street from the proposed location of the hotel. I understand this is called a Multi-Family type zoning. I don’t see anything “family” about this hotel he wants to build. I have stayed in these kind of hotels. It attracts people looking for work, can’t blame them there. In many cases, it is single guys that are hard pressed to find work so they end up bunking together, four or five, six to a room. Many times when you come home in the evenings, they are ganged around the exits smoking pot or drinking liquor. We have a junior high two blocks down to the east, with kids flowing back and forth in the morning and the evening to the school. I understand you all don’t have jurisdiction over that. Tonight’s question is whether we can rezone from General Commercial to Multi-Family correct?”

Chairman Tippit commented, “The part that adjoins your property is already zoned Multi-Family. We are talking about a small piece that intersects Center Street, changing that zoning to match the other.”

Mr. Story commented, “Currently it is zoned for General Commercial, and he wants to change it to Multi-Family. That is a major change. I can see if it was like the gentleman before, wanting to just change the driveway, that wouldn’t be a big deal. To change this, you have to think of further down the road, will this give the right to someone else to change General Commercial to Multi-Family. I think it is a bad idea. You are making a wholesale change to our zoning laws. There again, the type of facility he wants to build here, we are looking at between 100 to 200 people exiting onto 9th Street. From what I understand, that is going to be an exit and that is the street, these kids walk back and forth to school on. I know because I have watched them in the morning and the evening going

back and forth. The first time one of these 11-12 year old girls are jerked off the street by some guy that is hanging around the exit, I hate to think about what could happen if this occurs. I don't think this project is a good idea for Deer Park. I think we need to uphold our standards in Deer Park, and this type of facility, I do not consider a hotel. I consider it just a cheap motel. Thank you."

Commissioner Balusek commented, "Mr. Story, I am not sure you understand. This is already zoned. There is nothing we can do to change it."

Mr. Story asked, "There are other ways to look at it. Will the water system and sewer system have the capacity to hold an additional 20-40 units? I understand, it is probably up to City Council."

Commissioner Balusek responded, "We still can't do anything about it. Not even City Council can."

Mr. Story asked, "Can there be some research to see if the City utilities can handle this facility?"

Building Official, Larry Brotherton responded, "That would be in the plans. It goes to Engineering as well as the Building Department and that is when it is determined if the utilities has the capacity to handle the facility."

Commissioner Wendeburg asked, "How many more units is being built? Is it one facility with multiple units?"

Mr. Brotherton responded, "It's going to be an office and an apartment/hotel, so they would have to have a living quarters for the apartment because they can only go one story. They cannot go two stories or it will go onto the property line. The whole thing has to be zoned the same because you cannot have two different zones on one property. It is going to be an office and Manager's quarters."

Mr. Story commented, "Bottom line is, we are facilitating Mr. Patel's objective. He is going to gain some units on the big part of the lot because he is going to locate his office and residence on what is now General Commercial. I don't think we need to facilitate someone to come in, change our zoning laws just to make a buck. That is really the bottom line. He wants to make more money off of Deer Park by changing the property from General Commercial to Multi-Family so he can build more units in the back."

4. RECESS/RECONVENE – Chairman Tippit recessed the preliminary public hearing at 6:28 p.m. to open the Board of Adjustment regular meeting and reconvened the preliminary public hearing with a second call for those wishing to speak against the request at 6:28 p.m.

- b. Al Castaneda, 818 Groves Street, commented, “I am against this because once again we are talking about apartments/hotel, and I don’t know what exactly that is, but it doesn’t sound good. My concern is that my back fence is directly all the way to Center Street is in the area he is talking about changing from General Commercial to Multi-Family. It is the lot right behind me. If I say yes, they will go ahead and build this thing. If we can get this stopped, they won’t have a place to put a management office and a living quarters. I just bought that house, I have remodeled and bought the house next and converted that into a three car garage. All of a sudden this comes up. We have dumpsters right now being emptied for the JSC Credit Union. They come and empty the dumpsters at 4:30 in the morning. You can hear them and it wakes you up. If they have apartments there, we will have more dumpsters to empty in the mornings. I am against this. It may be real nice, last time they showed real nice pictures. This time I don’t know what they plan to do. I haven’t seen any pictures. In 10 to 15 years from now, they may be having people hanging around smoking dope, doing nothing because they are waiting on shut down to start.”

Commissioner Balusek commented, “I am not sure if I want more apartments, but our hands are tied. This thing is zoned for Multi-Family.”

Mr. Castaneda commented, “Mr. Patel asked us last time what we would like to see built. It is not up to me, it is his property, but I was thinking patio homes or townhomes. Something that someone could own, where they don’t just stay a couple of days a week, and who doesn’t care if they are trashed. When you rent something out, they don’t care about it.”

Commissioner Balusek commented, “I understand all that but someone one before us zoned it Multi-Family.”

Mr. Castaneda responded, “That one lot, behind us, is not. It is zoned General Commercial. It is not zoned Multi-Family, and that is what he is wanting to change. I am just against it.”

5. RECESS/RECONVENE – Chairman Tippit recessed the preliminary public hearing at 6:30 p.m. to open the Planning and Zoning regular meeting and reconvened the preliminary public hearing with a third call for those wishing to speak against the request at 6:30 pm.

- c. Shelley Stokes, 321 Sylvia, commented, “I actually had no intention of speaking tonight, but I understand the procedure of what is going on. I am against the rezoning because I think it would be a deterrent for him to proceed with the Multi-Family Zoning. There is nothing that can be done. He can put his one story apartment complex there, we know that. He has 365 days from the last time he was here, to sit on it and then come back to you all again with a request perhaps for a two story. In my gut, I don’t see that this is going to be a one story. I think if you deny the request from General Commercial to Multi-Family, that would be the key deterrent for him to not build that and perhaps think about doing something else. That is just my opinion. Thank you all, as always, for listening.”

- d. Lisa Ford, 822 Groves, commented, “I just feel like if they change that part on Center Street to Multi-Family, and plan to put their office and the residence to whoever is going to run the facility in the front, you will not have anyone in the back to watch and monitor the back where the neighbors live. My backyard is right there. I understand he can build apartments, but if he can put his office and residential part up further, I think it would be better monitored. Thank you.”

Commissioner Wendeburg asked, “Will there have to be another request for it to be a two story unit?”

Mr. Brotherton responded, “That was a variance request. You have to have 300 feet from a residential lot to the Multi-Family property line, which was denied. Like Shelley said, you can wait 365 days from the denial date and try again.”

- 6. HEARING CLOSED – Chairman Tippit closed the hearing at 6:36 p.m.

ATTEST:

APPROVED:

Shannon Bennett, TRMC
City Secretary

Don Tippit, Chairman
Planning and Zoning Commission