

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, DECEMBER 17, 2018 BEGINNING AT 6:05 P.M. ON THE REQUEST FROM SLI GROUP, REPRESENTING MAGNUM ENTERPRISES, INC, TO REZONE THE PROPERTY LOCATED AT 202 EAST 13TH STREET FROM COMMUNITY SERVICE (CS) TO OFFICE PROFESSIONAL (OP) FOR A PROPOSED SALE TO SHELL FEDERAL CREDIT UNION. 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. Jose Rodriguez, President/CEO of Shell Credit Union, 301 E. 13th Street commented, “We are working with SLI Group, Chris Adams of whom you will meet in a bit. We have five different properties we are here to talk about tonight. I just wanted to introduce myself and the Credit Union just to give you an idea of where we are at and what we are looking to do. I will then, give it to Mr. Adams of SLI Group to answer any questions anyone might have. I am not sure if you all are aware or not that Shell Federal Credit Union has been in Deer Park for 81 years, since 1937. We originated as a financial institution that started off in the Shell Refinery Plant in Deer Park. In the 1960’s, we moved to 8th Street and in 1980, we acquired the property where we are now, on 301 E. 13th Street, just east of the corner of Center Street. We started off with 40 members, and currently we have about 100,000 members in the 81 years we have been around. We have grown to reach the capacity of the property and of the building that we currently have. We have some plans as we continue to

grow, which is a great thing for the organization. We have been able to help a lot of people with the services we provide to members and to the community of Deer Park, our Board of Directors needed to start looking at plans at how we could continue that growth. They looked at options in terms of whether to stay in Deer Park, or whether we needed to look at leaving Deer Park to go acquire land somewhere else. One of the things our Board was very passionate about is, many of them live in Deer Park and have grown up here. Most came from the Shell Refinery area or from some other petrochemical industry within the Deer Park area. So, Deer Park is home to them. I have been at the Credit Union since 1993. I have been in Deer Park 25 years and have seen the City change and grow a lot over those years as well. This is where our roots are and the Board would like to see us continue here. For us to continue to serve the citizens, neighbors, and residents of Deer Park, we had to come up with a growth plan. That is why we are here today. It is a pretty aggressive plan, but something we feel will take us towards the next 10 to 15 years in the future and allow us to call Deer Park home and continue to be a good neighbor to the ones that this may impact as well as provide great services to the citizens and economy of the City of Deer Park.”

- b. Chris Adams, SLI Group Inc, commented, "My name is Chris Adams with SLI Group, a commercial design build firm. We have a long relationship with Shell Federal Credit Union. We built most of the building on 13th Street and all the other branches as well.

3. RECESS/RECONVENE – Chairman Tippit recessed the preliminary public hearing at 6:10 p.m. to open the preliminary public hearing. Chairman Tippit reconvened the preliminary public hearing at 6:10 p.m.

Mr. Adams continued with a presentation of the properties. “Property “A” is Shell Credit Union’s existing site. Property “B” is owned by Shell Federal Credit Union as well, that used to be a gas station that was on the corner of 13th Street and Center Street. Property “C” and “D”, are owned by Magnum Enterprises and I represent them as well tonight. Property “E” is owned by the Lawther Trust. Shell Federal Credit Union has these properties under contract, and those are the properties we plan to put in a parking garage, if this all gets approved. A proposed 100,000 square foot four story building, a parking garage and a covered walkway over 13th Street so that the building can be accessed by the employees only. The parking garage is intended to be used by employees only. It is something the credit union operates only during the daytime. It will be gated so that people will not be able to access it at night. We are considering putting up a gate across so that vehicles will not be able to access either. We will have to maintain access for the Fire Department, that is something we will have to work out with the Fire Marshall on. I know there have been questions by residents about drainage. We do have a storm water detention and will probably have some underground detention and piping and all the drainage will go back to 13th Street. We will drain and contain everything to 13th Street. We will be draining that property at the same rate it drains now. Those are all requirements by the City and if not the City, by Harris County. We will not be able to drain water across over the residents properties. That will not occur. Everything will drain into the storm drainage and will back up into the detention pond and will ultimately drain out to 13th Street at the same rate it drains now.

There will not be any faster flow than there is now, but we are not going to add to any drainage issues that may or may not exist already. The same thing on the other side of Center Street. We will have storm water detention for the Credit Union that will capture it all before it goes to Center Street and will be drained at the same rate it is being drained at now. This is just a conceptual plan to show you what the Credit Union's plans are. Again, an existing building, proposed four-story, 100,000 square foot building and a parking garage."

4. RECESS/RECONVENE – Chairman Tippit recessed the preliminary public hearing at 6:15 p.m. to open the preliminary public hearing. Chairman Tippit reconvened the preliminary public hearing at 6:15 p.m.

Mr. Adams continued with the presentation and commented, "I do want to communicate to you that this is just conceptual plans, nothing has been engineered or designed in detail. I think these plans are something that will be very attractive to people as they enter from Deer Park from Highway 225 coming down Center Street. We are sensitive to the residents that back up to this parking garage. We know they probably don't want to look at a parking garage. What we want to do is create as much green as possible. There are a few different concepts. Some residents were concerned about light, and we looked at an option where we make solid concrete walls on the east side of the parking garage. Also putting in some sort of landscaping in between the development and those residential properties. We want to keep as much green as we can so the view is more green space than concrete. I did hear someone asked about the height of the covered parkway. We are at 16 feet 9 inches and I think that exceeds the minimum requirement. I did notice on I- 10 coming in today, most of the overpasses are at 15 feet 9 inches, so we are above what the freeway is."

Commissioner Balusek asked, "Will the property north of where this building will be, you have concrete between there and the Maxwell Adult Center, will that be altered in any way?"

Mr. Adams responded, "Yes. As this plan goes, we do plan to have parking. We have actually gotten with to the City, this could serve as parking for the Maxwell Center too. The Credit Union would be glad to share that. We could put some accessible parking spots there since it is close to the building, so people using the Maxwell Adult Center could park there and have easy access to the front entrance of the Maxwell Adult Center."

Commissioner Garrett asked, "How many people will be in this building if you fill it?"

Mr. Adams responded, "We have parking for long term future of 631 cars. It could be up to 500 people, including members using the facility."

Chairman Tippit asked, "How many employees do you have now?"

Mr. Adams responded, "Right around 200 employees."

Commissioner Cox asked, "Will the motor bank side still be working as a motor bank?"

Mr. Adams responded, "The plan is for the members to use the same lobby space that they use now. We are planning on moving the motor bank to the east side of the building. We really want to limit the amount of traffic circulating through the back of the facility."

Chairman Tippit asked, "With the existing building still being used for member services, what is the other building going to be used for?"

Mr. Adams responded, "It will be used for administrative. The Credit Union will probably continued to build branches all around Harris County and even beyond. All the administrative support is here in Deer Park. When you look at all the members services, call center, training center, Human Resources and executive officers are all here in Deer Park."

Chairman Tippit asked, "Are there plans to lease the space?"

Mr. Adams responded, "There are no plans to lease at this point."

Commissioner Balusek asked, "When will all this take place?"

Mr. Adams responded, "The first thing we plan on doing is putting the parking garage in. We just did some remodeling and took out cubicles because the cubicles were not allowing enough space for people, now they are working at tables. We will be using the parking garage right away once that is constructed. The next step would be to move the drive - thru to the existing building and start developing this. I would guess it would be a 3-5 year plan."

Commissioner Garrett asked, "Has there been a traffic study done?"

Mr. Adams responded, "We haven't done any traffic analysis at this point. We did talk about it because obviously, if you go from 200 employees to 450, there will be an impact to traffic, especially during the morning and afternoon when the Credit Union opens and closes. That is something we could study."

Commissioner Wendeburg asked, "Have you asked input from the homeowners?"

Mr. Adams responded, "We have actually sat down with a few of the owners and listened to their concerns. Like Mr. Rodriguez mentioned, the Credit Union has been in Deer Park for 80 years. They have been successful by being a good neighbor and want to continue being a good neighbor. We did get input from homeowners and tried to incorporate their concerns into the plan."

Commissioner Wendeburg asked, "Like in an open forum?"

Mr. Adams responded, "Individual meetings."

5. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK IN FAVOR OF THE REQUEST – Commissioner Tippit opened the hearing for those persons desiring to speak in favor of the request.

- a. Robert O’Sullivan, 1406 Byron Avenue, commented “Good evening members of P&Z, neighbors and representatives of Shell FCU. My name is Robert O’Sullivan. For 18 years, I’ve resided at 1406 Byron Avenue in Deer Park. I’m here to discuss the proposed development by Shell FCU and my concerns with issues related to the design and construction of their facilities. Since the day I bought our house from my Uncle David and Aunt Michelle Scarcella, we’ve often had to deal with the generally unkept land behind our house. It’s owner, Mr. Lawther, has been a rather putrid landlord, allowing his weeds to grow into our chain link fence, his undeveloped acreage constantly drains during heavy rains through our back yard. I’ve had to contact Code Enforcement many times over the years just to get the property trimmed up and the unsightly plumage cut back to control the influx of mosquitoes, which are borne of the standing water that tends to fill the low-lying areas of this tract. It’s been a hassle having to wage this constant battle. That said, we’ve also enjoyed some spectacular sunsets from our back yard, and occasionally we can even view the city’s Fourth of July fireworks without leaving the comfort of our back patio. Several weeks ago, we received word that unbeknownst to us; our fence line was encroaching upon Mr. Lawther’s property, and apparently has been for more than two decades, by a distance of 6.1 feet or so, and that Mr. Lawther would be selling the acreage for a proposed development with Shell FCU. My wife was told that we should expect our rear fence line to be removed within some unknown period of time. Upon further research, I found that we were, indeed encroaching, and after doing some more homework that we would soon be neighbors to a proposed three- story parking garage. I immediately put together a list of concerns, spoke to my neighbors, and decided to take matters into my own hands. I preemptively reached out to CEO Jose Rodriguez via email and not too long after was asked to come meet face to face with Mr. Rodriguez and Nicole Hernandez from Shell FCU and two representatives from SLI so that we could discuss my concerns. During our meeting, we outlined the following issues. Privacy for adjacent homeowners. As I’ve come to understand it, commercial properties must build and maintain a privacy fence. I am hoping an exception will be made to allow something greater than the limit of a 6 foot 6 inch fence in this case and ask the City to approve up to an 8’ privacy fence. At this time I am also wanting to ensure that any removal of our encroaching rear fence line be immediately replaced by said privacy fence so that our pets are still contained and unable to run away from home. It must be assured that Mr. Lawther will not preemptively remove our fence until another is constructed post haste. As to the structure, the eastern-facing wall of the garage in early conceptual designs had openings on each level, and during the meeting with Mr. Chris Adams, Mr. Rodriguez, and Mrs. Hernandez we discussed possible modification to limit exposure by reducing the size and frequency of the openings along the wall, along with adding screening with greenery and vines. I feel that they have taken this concern seriously and are modifying the plan accordingly,

although the designs are not yet final. They've also addressed some of these concerns with proposed landscaping along the eastern fence line, and if all goes according to plan, I believe that will be resolved to my satisfaction. Ambient light pollution: As we also discussed, it's my understanding that SLI will ensure that lights on this structure will be designed so that any security lighting will be inward facing and shielded from causing unnecessary lighting into our backyards. I hope this too will be required by the City. Ambient noise/vehicle noise pollution. It is without any sadness that the design of the subject property will include the demolition of the existing carwash on 13th street, and each and every neighbor I've spoken to will be grateful to see it go. All too often, the loud booming stereos from folks vacuuming their cars causes our walls to rattle, often disrupting the peace of our homes. We won't miss that and Mr. Rodriguez assures me that this garage will only be used for employee parking and during regular business hours only. Therefore should his employees become a nuisance and disturb the peace, should I let him know he will ensure that will be addressed swiftly. He has also assured me there will be no after-hours ingress and egress into the garage, and thusly our evenings and weekends should be relatively quiet. Site drainage, as it stands, every time we get a good rain, the subject tract tends to sheet flow surface water into the backyards of myself and my neighbors, and our meeting with Mr. Adams, Mr. Rodriguez, and Ms. Hernandez has assured me that will come to an end due to the site being developed at or very near grade and designed to keep their own drainage on site with the aid of a detention pond. It will be a great relief to finally, after 18 years, not have a miniature lake in my backyard during each and every storm. It will also be much more pleasant not to be deluged by the mosquitoes from the ruts in the field caused by Mr. Lawther's tractors (when they choose to mow some of their land). A minor issue I've recently brought to their attention is that there seems to be a family of opossums who live in the back field, and I do hope that if possible they are able to be relocated during construction to give them a new place to live – granted this isn't high on the list of things that much be addressed today, it is something to consider. Wildlife is constantly displaced by mankind's ever – increasing spread of concrete and steel, and I think the considerate thing to do is to try and humanely trap and relocate wildlife whenever possible. All said, these are the sum total of my greater concerns with this development, and after careful consideration I do believe if they can each continually be addressed throughout the design and build phases that we can be good neighbors and we will all benefit from thoughtful consideration and open channels of communication. I believe good faith efforts have already been underway to do so, and contingent upon those continuing efforts I intend to voice my approval for this project. With due considerations given to any other possible uses of this land for other commercial purposes, I feel our neighbors on Byron Avenue could be getting something much less favorable than a parking garage that will only be used by Shell FCU employees during business hours. I believe in taking a win whenever possible and am happy that Shell FCU will continue to base their operations in Deer Park. They've been good for our community and I truly appreciate their willingness to come to the table and break bread with me to foster better relations. Thank you for your time and consideration.”

- d. Kathy Spiegel, 1230 Ivy Street commented, “This has been my home for 24 years. It is the

second oldest house in Deer Park, built in 1926. I am on the corner of 13th Street and Ivy Street. My primary issue is flooding. We have, thus far, been very blessed. During Hurricane Alicia, I lived in the garage apartment across the street while I finished the university. It did not flood during Hurricane Ike and Hurricane Harvey, we have not had flooding issues. It goes very quickly down 13th Street, and quickly down Ivy Street. It will puddle on 12th Street and Ivy Street, but it doesn't flood on my corner as of this day. I spoke with the fellow, at Shell Federal Credit Union this afternoon and they did explain everything that is potentially going to occur to me. I feel the only way this will ever be truly tested, is when and if we have another event or hurricane. He explained how we keep taking away greenery, all down 13th Street, they are building more and taking down green space. It is going to cause an opening, in my mindset, for more flooding if we have more concrete. My concern is my little 1926 cottage. How much is this going to impact the change of that corner as the water comes from all of this building and all of this new concrete? Right now, it makes a turn down Ivy Street, and on Ivy Street we did get new drainage. They did take out the old cast iron that was there, they did improve our street. I ask you, you all are the wiser ones, you are in charge of our well-being, so I ask you to consider that. I am excited for Shell Federal Credit Union. I have been a member all my life, I grew up here in Deer Park. I love the City. Sometimes I am exasperated by all the changes and everything that is new and the tremendous increase in population over my lifetime. I know it is exciting to some, I can't change that. I can only change what happens on my little corner. That is my question to you all. Are we doing what is in the best interest of the flood control? Down 13th Street, it has always been high for the Fire Department and Police Department. I know for emergency reasons, it has always been elevated. I think we are 27 feet above sea level. That is all I am asking, I don't know who has the answers."

Building Official, Larry Brotherton commented, "The detention requirements, you detain the water. The streets are designed to take the water. The detention detains the water until the City streets go down and then it goes out. Those requirements are set by Harris County. It has always been sensitive and it is even more sensitive now than it has always been. These are conceptual plans. If this passes, SLI Group will submit plans, our City Engineer, Adam Ballesteros, will make sure the design meets the requirements structurally. To tell you that no more water is going to come, there is no way you can determine that. You mention the word "event", that is the perfect word. No one thought it would rain like it did with Hurricane Harvey. Is something like that ever going to happen again? It is certainly possible, but who knows. To me, during Hurricane Harvey, Deer Park set the bar real high. We did have some houses flood, but the new constructions did very well. We can't control events, but the Engineering Department does a good job to make sure the design does what it can."

Ms. Spiegel commented, "As a resident who feels like I will be most highly impacted by the four story building. I will lose my beautiful sunsets from my back room. I am willing to live with that. I understand progress has to occur. Like I said, I have been a member of the Credit Union since I was a little girl. That is all I ask you all to consider."

6. 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. Dale Knotts, 1414 Byron commented, “Im not against Shell Federal Credit Union building there, I am against the zoning change for Palm Terrace. That neighborhood floods and holds water up and down Byron and on Palm Terrace and the rest of the neighborhood as well. I am against this zoning change until the upgrades come to our neighborhood like it has gone on the north side of town and other areas where they have been fixing the drainage issue. I would like our neighborhood changed before you change the zoning again.”
 - b. Alan Knotts, 1410 Byron commented, “I’ve spoken with Shell Federal Credit Union about the lights. They have these screens with vines. The vines may be ok, but how long do they take to grow? Are they going to stay green? I would prefer something solid back there. As they come in and park, it is going to go right through my back windows. The backside of my house is glass and every time someone parks, it will come into my back window. To me this not accepted. The flooding issue that was just talked about I agree 100%. Palm Terrace has been neglected for a long time. I have lived there my entire life. I have seen it get worse and worse. We have never flooded in our house, but it gets closer every single year. It has been completely ignored. When the hotels came in, there was talk about coming in and doing some drainage stuff and it never happened. When the rest of the hotels came in, the same thing happened. It keeps getting ignored and I think it is time you all do something about it.”
7. HEARING CLOSED – Chairman Tippit closed the hearing at 6:46 p.m.

ATTEST:

APPROVED:

Shannon Bennett, TRMC
City Secretary

Don Tippit, Chairman
Planning and Zoning Commission