

Planning & Zoning Commission Meeting Minutes
City of Spring Valley Village
Tuesday, December 8, 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
Charlie Calderwood
Maryellen McGlothlin
John Lisenby

Planning & Zoning Members present via Zoom:

Louise Richman
Anne-Marie McMichael
Patrick Johnson, arrived 7:06 p.m.
Jim Autenreith, Alternate

A quorum was present.

City Officials present:

Julie Robinson, City Administrator - via phone/Zoom
Zach Meadows, Director of Community Development
Matt Hitt, Assistant to City Administrator
Loren Smith, City Attorney, via Zoom
David Dominy, City Councilmember, via Zoom

- 2. Approval of meeting minutes for regular meeting October 13, 2020**

Ms. McGlothlin made the motion to approve the minutes. Mr. Calderwood seconded the motion. The motion carried 7 to 0.

- 3. Conduct a public hearing concerning:** Ordinance Number 2020-XX – an ordinance of the City Council of the City of Spring Valley Village, Texas, amending Exhibit A of Chapter 12, Planning and Zoning, of the Code of Ordinances of the City, Exhibit A being the Zoning Ordinance of the City, by amending Ordinance 2018-28 amending a Planned Area Development (“PAD”) of approximately 2.5511 acres of land at the northwest intersection of I-10 and Campbell Road within the Freeway Planned Area Development District requiring fully-executed leases for at least 50% of the total building square footage for the development approved by Ordinance No. 2018-28, and provide proof to the City of such leases, no later than December 31, 2021, providing for severability; providing a savings clause and an effective date; and providing a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof.
 - Presentation of requested PAD amendment by City
 - Those in favor
 - Those opposed
 - Adjourn public hearing

Mr. Hoffman opened the public hearing at 7:03 p.m.

Mr. Meadows presented the item. Ms. Robinson and Mr. Meadows met with the new developer of this property. Cullen Kappler, CBK Interests has invested large amounts of money in this property. It is a great piece of property. He needs to have 50% fully-executed leases for the lenders. The building design will be about the same as the one approved before. He is reaching out to national brokers to get medical type of occupancy. Mr. Hoffman noted that across the freeway, there was a successful restaurant on the ground floor of that medical building. Is there any chance of that for this building? Mr. Hoffman asked if there were any speakers. There were none.

Mr. Hoffman closed the public hearing at 7:09 p.m.

4. **Consideration and possible action concerning:** Ordinance Number 2020-XX – an ordinance of the City Council of the City of Spring Valley Village, Texas, amending Exhibit A of Chapter 12, Planning and Zoning, of the Code of Ordinances of the City, Exhibit A being the Zoning Ordinance of the City, by amending Ordinance 2018-28 amending a Planned Area Development (“PAD”) of approximately 2.5511 acres of land at the northwest intersection of I-10 and Campbell Road within the Freeway Planned Area Development District requiring fully-executed leases for at least 50% of the total building square footage for the development approved by Ordinance No. 2018-28, and provide proof to the City of such leases, no later than December 31, 2021, providing for severability; providing a savings clause and an effective date; and providing a penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof.

Members of the P&Z Commission asked questions. Ms. Richman asked how long construction would take. It will take 14 to 16 months. Ms. McMichael asked when they would start construction. The answer is, as soon as possible with at least 50% fully-executed leases. Ms. McMichael noted that the goal is to build the building not occupancy. The closing is December 17, 2020. Mr. Smith said an addition could be added that ties construction to the leases. Ms. Robinson said that the occupancy is tied to the leases in order to get a loan, 50% fully-executed leases are needed; lessors at 50% triggers the loan and the loan triggers the construction. Ms. McMichael has issues with that, tying leases to construction deadlines. Mr. Kappler said that it depends on the credit of the lessors. Councilman Dominy said that it needs to have a hard termination rather than an evergreen date. Ms. Robinson said that it is not an evergreen date, because it was proposed the ordinance would become void either 18 months after the execution date of the leases that met the deadline or 18 months after December 31, 2021. Mr. Smith said at 50%, it takes two months to get a construction loan and one year to get all permits. Mr. Kappler said the same architect is being used so that should speed up the processes. Ms. McMichael wants 18 months in total. A year to get to 50% fully-executed leases is a long time. Mr. Calderwood echoes what Ms. McMichael said. Mr. Calderwood said this project has been one excuse after another and the City bought that. He voted against it due to a lack of a traffic study. He said we were told it was a “hurry up” project and we bought it. He would vote against it. This makes us the laughing stock of the Villages. Ms. McGlothlin agrees with Mr. Calderwood and Ms. McMichael. A traffic study is needed. Ms. McMichael said your timeline is not the City’s problem. She will not demand a traffic study. She is not in favor of tying the dates to the leases. Ms. Robinson would like it to be a deadline to break ground. Ms. McMichael said it is an advantage to have an approved project. Mr. Hoffman said that impacts the project. Mr. Lisenby said there is traffic access directly to the feeder road. Mr. Calderwood said there would be 400 cars added to the traffic. Mr. Lisenby and Ms. McGlothlin said that doctors will be coming and going, not just arriving in the morning and leaving in the evening. Mr. Kappler would like one big tenant for the building. Ms. Robinson said there is a one way

entrance off of Campbell. Mr. Calderwood said the City has the ability to order that at rush hour there would be police officers helping to direct traffic. Ms. McGlothlin said that students at Memorial High School add to the traffic congestion. Mr. Lisenby said that traffic depends on the client mix. He wants a quality development. Mr. Calderwood asked why we wouldn't do a traffic study. Mr. Hoffman said that having a PAD approval helps; a 50% occupancy may or may not get you the financing. Ms. McMichael would be willing to give 18 months but not willing to go beyond. Mr. Dominy said 18 months is reasonable and it is a challenging market. M. Lisenby said that COVID 19 has had an effect. He said he would approve the existing ordinance with a change to June 30, 2021. Ms. McMichael made the motion. Mr. Calderwood said if it does not close, then it goes away. Mr. Lisenby amended the motion that if buyout occurs, then the date is June 30, 2021. Ms. McMichael seconded the amended motion. The motion carried 7 to 0.

5. **Conduct a public hearing concerning:** Ordinance Number 2020-XX – an ordinance of the City Council of the City of Spring Valley Village, Texas, amending Exhibit A of Chapter 12, Planning and Zoning, of the Code of Ordinances of the City, Exhibit A being the Zoning Ordinance of the City, by amending Ordinance 2014-12 providing for a Planned Area Development (“PAD”) of approximately 2.38 acres of land at the northwest intersection of I-10 and Campbell Road within the Freeway Planned Area Development District by permitting outdoor patio dining between the hours of 6:00 a.m. and 12:00 a.m.: providing for severability; providing a savings clause and an effective date; and providing a penalty of an amount not exceed \$2,000 for each day of violation of any provision hereof.
- a. Presentation of requested PAD amendment by City
 - b. Those in favor
 - c. Those opposed
 - d. Adjourn public hearing

It was noted that this is a staff driven ordinance. Mr. Smith mentioned that there is a new tenant. Mr. Dominy said this is a prescriptive use of outdoor dining.

Mr. Hoffman opened the public hearing at 7:50 p.m. Mr. Hoffman closed the public hearing at 7:53 p.m.

6. **Consideration and possible action concerning:** Ordinance Number 2020-XX – an ordinance of the City Council of the City of Spring Valley Village, Texas, amending Exhibit A of Chapter 12, Planning and Zoning, of the Code of Ordinances of the City, Exhibit A being the Zoning Ordinance of the City, by amending Ordinance 2014-12 providing for a Planned Area Development (“PAD”) of approximately 2.38 acres of land at the northwest intersection of I-10 and Campbell Road within the Freeway Planned Area Development District by permitting outdoor patio dining between the hours of 6:00 a.m. and 12:00 a.m.: providing for severability; providing a savings clause and an effective date and providing a penalty of an amount not exceed \$2,000 for each day of violation of any provision hereof.

Mr. Lisenby asked where did the 6 a.m. - 12 a.m. hours come from? Mr. Smith was not entirely sure. Mr. Meadows said these hours were consistent with other PAD's. Mr. Calderwood said those hours were not approved with the Ersa Grae. Mr. Hoffman said that others close at 10 p.m. or 11 p.m. Mr. Meadows said the current hours for Jonathan Rub are 10 a.m. to 11 p.m. Ms. McMichael is a huge fan of restaurants and Jonathan Rub. She is fine with 10 a.m. to 11 p.m. Mr. Calderwood noted the hours (M-Th: 11 a.m. - 10 p.m.; F-S: 11 a.m. – 11 p.m.; S: 10 a.m. – 9 p.m.) of the Federal Grill across the freeway. He asked what their plans for awning are. Mr. Meadows said Jonathan Rub would keep the footprint of Peli/Peli but would like to add a bar. Mr. Hoffman said we cannot micro manage the hours with the understanding that the noise ordinance overlays. Need to be consistent with the other PAD's.

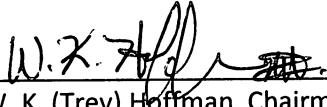
Mr. Smith said the hours for outdoors dining is 6 a.m. to 2 a.m. Mr. Autenreith agrees. Mr. Hoffman said there is no reason to be concerned. Mr. Lisenby said we need to have the long view and need to be consistent with the 6 a.m. to 12 a.m. COVID 19 needs outdoor dining. Mr. Johnson agrees with the 6 a.m. to 12 a.m. Mr. Johnson made the motion. Mr. Lisenby seconded the motion. The motion was approved 7 to 0.

7. **Discussion and possible direction concerning:** The activities of the City Council during the November 17, 2020 meeting regarding Planning & Zoning Commission matters.

Mr. Meadows said that Mr. Hoffman and Mr. Lisenby attended the City Council meeting. City Council approved the Bade Street Reserve Planned Area development.

8. **Adjournment**

Mr. Calderwood made a motion to adjourn. Ms. McGlothlin seconded the motion. The motion carried 7 to 0. The meeting was adjourned at 8:10 p.m. Councilmember Dominy thanked the P&Z members for their excellent work.

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

Attest: 
Louise Richman, Secretary