

**MINUTES OF THE CITY OF PORT NECHES
ZONING BOARD OF ADJUSTMENT & APPEALS**

6:00 P.M.

NOVEMBER 9, 2015

MEETING

The regular meeting was called to order at 6:00 p.m. by Chairman Belanger at Port Neches City Hall, 1005 Merriman, Port Neches, Texas with the following members in attendance:

Chairman Corey Belanger
Vice Chairman Boyd Parks
Sam Loyacano
Gary Stretcher
Charles Bales
Donald Ware, Alternate (did not participate)
James Ware, Alternate (did not participate)

Also present:

Taylor Shelton, P.E., Public Works Director
Larry Reynolds, Assistant Public Works Director/ Building Official
Cari Reynolds, Public Works Secretary

Absent:

Trent Cobb, Alternate
Chris Swanson, Alternate

AGENDA ITEM 2 - APPROVAL OF MINUTES FROM MEETING HELD ON OCTOBER 12, 2015

Board Member Stretcher made a motion to approve the minutes of the regular meeting held on October 12, 2015, seconded by Board Member Bales. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 3 - JEFF AKHTAR, 3031 8TH STREET, TABLED REQUEST (3 STORIES INSTEAD OF 2)

Jeff Akhtar, 3031 8th Street, requested a variance to the maximum two (2) story height requirement for Residential-Multi Family (R-MF). This request was tabled at the previous meeting.

Board Member Stretcher made a motion to remove agenda item #3 that was tabled in the regular meeting held on October 12, 2015, seconded by Vice Chairman Parks. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 4 - JEFF AKHTAR, 3031 8TH STREET, (3 STORIES INSTEAD OF 2)

Jeff Akhtar, 3031 8th Street, requested a variance to the maximum two (2) story height requirement for Residential-Multi Family (R-MF). Mr. Jeff Akhtar was present to answer any questions.

Chairman Belanger asked Mr. Larry Reynolds to give the details of the request.

Mr. Reynolds stated that the Zoning Ordinance requires a maximum two story height requirement for a Residential-Multi Family (R-MF). Mr. Akhtar is requesting to build an apartment complex with multiple buildings, some of which will be 3 story. Mr. Reynolds also stated that Fire Chief Steve Curran has submitted an approval letter for the property stating the guidelines required for the 3 story buildings. Mr. Reynolds stated that he recommends the variance be granted.

Chairman Belanger stated that at the October meeting the Board had questions regarding fire prevention for the Fire Chief. The Board has received the information requested in an approval letter from Chief Curran.

Chairman Belanger stated that the property in question is already zoned Residential-Multi Family (R-MF) and the Board will only hear citizen concerns regarding the variance requests that have been submitted and not the zoning of the property.

There were five (5) notices mailed to City of Port Neches property owners surrounding two hundred feet (200') of 3031 8th Street. In the letters, there are attachments where the property owners could approve or protest this request. There were none returned in approval and one (1): Rueben Bean, 1315 Van Avenue, in opposition to the request.

The City of Port Neches received an email message from Cathy & Carl Bourg protesting an apartment complex.

Chairman Belanger asked for anyone present who would like to speak regarding the request.

Catarina Williams, 1064 Avenue H, Nederland, stated she lives directly across the street from the proposed apartment complex and is concerned about traffic flow because the road is small and already very congested, especially when a train has the road blocked. Mrs. Williams requested that the Board minimize the number of units.

Mr. Taylor Shelton stated that the City of Port Neches, City of Nederland and Jefferson County has had discussions regarding the widening and repair of 8th Street/Avenue H.

Randal Hickman, 1106 Avenue H, Nederland, stated he lives diagonally across the street from the property and is concerned about the traffic and drainage. Mr. Hickman also stated that he was upset that he did not receive a letter regarding the request.

Ryan Rabalais, 808 S. 11th Street, Nederland, stated he has multiple concerns with the apartment complex being built at that location. There will be an increase in water flow emptying into ditches in his neighborhood, drainage issues, deterioration of the streets, higher school taxes and property value will go down. Mr. Rabalais also stated that one (1) access is not enough for a large complex and he is concerned about property damage and overall inconvenience.

Mr. Reynolds stated that drainage will be addressed during plan review.

There was discussion regarding drainage using Drainage District 7 and City of Nederland, as well as an addition of a retention pond.

Chairman Belanger asked if there was anyone else who wanted to speak.

Beverly Werner, 1401 Graham Lane, Port Neches, stated that 8th Street is too narrow, the ditches are deep, lighting is bad and traffic is heavy. With the addition of the apartment complex and only one (1) entrance/exit, traffic will be much worse.

Leanne St John, 2221 12th Street, Port Neches, stated she travels down 8th Street every day and wants to know if there are plans to widen it.

Mr. Shelton stated that the City has applied several times for grants through TXDOT and been denied due to no funds available. The City has adjusted water and sewer lines to prepare for future widening, but it will be the responsibility of the City of Nederland and Jefferson County.

Ms. St John stated she is concerned about the number of units and too many people traveling on such a narrow street. She feels that Mr. Akhtar doesn't live in this county and doesn't care what problems he creates by building an apartment complex in that location.

There was discussion regarding the number of units, whether the complex would be subsidized housing, zoning requirements and concern for neighboring properties.

Ann Darwin, 2509 11th Street, Port Neches, stated she used to live by an apartment complex and she moved away because of the high traffic. Ms. Darwin stated that she was concerned Mr. Akhtar would change the luxury apartments to Section 8, and she doesn't know anyone who would pay high dollar for luxury apartments that are located between a trailer park and train track.

Vickie Styles, 877 Ridgewood Drive, Port Neches, stated that she has lived in Port Neches and Nederland her whole life. She has lived in multiple apartment complexes near train tracks and high traffic roads. She currently lives in the Palms Apartments, which are owned by Mr. Akhtar. As a real estate appraiser, Ms. Styles stated that people will pay for luxury apartments, even though they are located near train tracks, because they want to be in the City of Port Neches and want their children to go to a good school district.

Chairman Belanger asked the Board if there were any questions or comments.

Chairman Belanger stated the Board received an approval letter from the Fire Chief addressing the safety concerns with the height and the sprinkler system requirements.

Chairman Belanger asked the Board if there were any questions or comments. There were none.

Board Member Stretcher made a motion to approve the request of Jeff Akhtar, 3031 8th Street, for a variance to the maximum two (2) story height requirement for Residential-Multi Family (R-MF) allowing

a three (3) story height per building, seconded by Vice Chairman Boyd Parks. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 5 - JEFF AKHTAR, 3031 8TH STREET, (UNITS UNDER ONE ROOF)

Jeff Akhtar, 3031 8th Street, requested a variance to the maximum twelve (12) attached dwelling units under one roof requirement for Residential-Multi Family (R-MF).

Chairman Belanger stated that Mr. Akhtar is requesting to have forty nine (49) units instead of the maximum twelve (12) for building #4, forty two (42) units instead of the maximum twelve (12) for building #2, thirty three (33) units instead of the maximum twelve (12) for building #3 and sixteen (16) units instead of the maximum twelve (12) for building #1.

Chairman Belanger asked Mr. Reynolds if he had any concerns with the request.

Mr. Reynolds stated he had no concerns with the request.

Chairman Belanger stated that the Board will assume that any previous concerns and comments from citizens are the same.

Chairman Belanger asked the Board if there were any questions or comments. There were none.

Board Member Stretcher made a motion to approve the variance request of Jeff Akhtar, 3031 8th Street, for a variance to the maximum twelve (12) attached dwelling units under one roof requirement for Residential-Multi Family (R-MF) allowing building #4 - forty nine (49) units, building #2 - forty two (42) units, building #3 - thirty three (33) units, and building #1 - sixteen (16) units, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.**

AGENDA ITEM 6 - JEFF AKHTAR, 3031 8TH STREET, (UNITS PER GROSS ACRE)

Jeff Akhtar, 3031 8th Street, requested a variance to the maximum density of eighteen (18) dwelling units per gross acre requirement for Residential-Multi Family (R-MF).

Chairman Belanger stated that Mr. Akhtar is requesting 23.7 units per gross acre instead of the maximum 18 units per gross acre.

Chairman Belanger asked Mr. Reynolds if he had any concerns with the request.

Mr. Reynolds stated he had no concerns with the request.

Chairman Belanger asked the Board if there were any questions or comments. There were none.

Board Member Stretcher made a motion to approve the request of Jeff Akhtar, 3031 8th Street, for a variance to the maximum density of eighteen (18) dwelling units per gross acre requirement for

Residential-Multi Family (R-MF) allowing 23.7 units per gross acre, seconded by Board Member Bales.
MOTION PASSED BY UNANIMOUS VOTE.

AGENDA ITEM 7 - ADJOURN

There being no further business Vice Chairman Parks made a motion to adjourn, seconded by Board Member Loyacano. **MOTION PASSED BY UNANIMOUS VOTE.** The meeting was adjourned at 6:41 p.m.

Chairman

ATTEST:

Cari Reynolds, Public Works Secretary