

Planning Department

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AGENDA

ZONING BOARD OF ADJUSTMENT REGULAR MEETING

4:00 p.m., Wednesday, January 7, 2015
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

- A. Attendance
- B. Conflict of Interest
- C. Minutes: December 3, 2014
- D. Old Business and associated Public Hearing:

14Z-44 (2519 Avenue P) Request for a variance from the Galveston Zoning Standards Section 29-67 regarding off-street parking requirements in a One Family-Four zoning district. Property is legally described as the West half of Lot 3, Northeast Block 91, Galveston Outlots, in the City and County of Galveston, Texas.

Applicant: URS c/o Zach Martin

Property Owner: Alicia Valdivia

- E. New Business and associated Public Hearing:

15Z-01 (Pier 41 Port of Galveston) Request for an appeal from an administrative determination regarding the need for a Specific Use Permit in regards to uses dealing with hazardous substances. Property is legally described as Page 95B, 96, 103, 104, 111, 117, 118, 123, 124 & 125 M Menard Survey Tract 65 236.112, in the City and County of Galveston, Texas.

Applicant: Michael Leahy

Property Owner: City of Galveston Wharves

Malin International Ship Repair, as Lessee

15Z-02 (1328 Seawall) Request for variances from the Galveston Zoning Standards Section 29-107: Height and Density Development Zone (HDDZ) overlay zoning district. Property is legally described as M. Menard Survey, the west 130 feet of Lot 1 (1-1), Hi-Five Corner (2007), a Subdivision in the City and County of Galveston, Texas.

Applicant and Property Owner: Amir Fadaei, President, JA Land, LLC

- F. Adjournment

Prepared By:

Athena Petty, Planning Staff Assistant

Date Prepared:

December 29, 2014

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE (3) DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY SECRETARY'S OFFICE, SUITE 201, 823 ROSENBERG, GALVESTON, TEXAS 77550 (409 797-3510).

MEMBERS OF CITY COUNCIL MAY BE ATTENDING AND PARTICIPATING IN THIS MEETING.



14Z-44

MEMORANDUM

TO: William Clement, Chairperson and Zoning Board of Adjustment Members

FROM: Adriel Montalvan, Urban Planner II
Planning Department

DATE: December 23, 2014

RE: **14Z-44 (2519 Avenue P)** Request for a variance from the Galveston Zoning Standards Section 29-67 regarding off-street parking requirements in a One Family-Four zoning district. Property is legally described as the West half of Lot 3, Northeast Block 91, Galveston Outlots, in the City and County of Galveston, Texas.
Applicant: URS c/o Zach Martin
Property Owner: Alicia Valdivia

The Zoning Board of Adjustment at their regular meeting of December 3, 2014, voted to continue the above referenced case until the January 7, 2015, regular meeting, in order for the applicant to be present at the meeting.

This was the first continuance of this case and there are no additional costs associated with the continuance.



15Z-01

STAFF REPORT

ADDRESS:

Pier 41 Port of Galveston

LEGAL DESCRIPTION:

Property is legally described as Page 95B, 96, 103, 104, 111, 117, 118, 123, 124 & 125 M Menard Survey Tract 65 236.112, in the City and County of Galveston, Texas

APPLICANT:

Michael Leahy

Malin International Ship Repair, as Lessee

PROPERTY OWNER :

City of Galveston Wharves

ZONING:

Heavy Industrial (HI)

REQUEST:

Appeal from Administrative Determination

APPLICABLE ZONING LAND USE

REGULATIONS:

Appendix U: (HI) Heavy Industrial
(Use with Specific Use Permit)

EXHIBITS:

A – Aerial Map

B – Site Plan/Survey

C – Applicants Narrative

STAFF:

Ian Knox, Urban Planner II

409-797-3659

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
112				



Executive Summary:

The applicant is requesting to appeal an administrative determination regarding the requirement for a Specific Use Permit for the Sturgis Project. The project is a modification to the current ship which involves the removal of residual components, attachments and appurtenances which formerly comprised the energy portion of the ship which was a nuclear, electrical power generation barge. The project will entail the removal of low level radioactive materials as well as some ancillary materials such as insulation and coatings that may be found to contain asbestos and/or lead upon analysis. The duration of the project is 12-18 months. The vessels owners are the United States Army Corps of Engineers (USACE).

Staff determines that the potential danger associated with the hazardous materials create the need for a Specific Use Permit.

Malin International Ship Repair (MISR) does not anticipate the release of any excessive smoke, noise, gas, fumes, dust, odor, or vibration in conjunction with the project. MISR does not anticipate any special danger of explosion or fire by the work scope and methodology of the project, therefore do not believe an SUP to be necessary.

**Zoning Board of
Adjustments - General
Powers**

The Zoning Board of Adjustment has the power to hear and decide appeals of administrative decisions of the Director of Planning or other administrative staff of the City as provided in Article 15, Permits and Procedures. Please reference Article 14, Division 14.400 for appeals.

Zoning and Land Use

Location	Zoning	Land Use
Subject Site	Heavy Industrial (HI)	Industrial
North	Water (W)	Water
South	Heavy Industrial (HI)	Industrial
East	Heavy Industrial (HI)	Industrial
West	Heavy Industrial (HI)	Industrial

**Applicable Zoning Land
Use Regulations**

**APPENDIX U: HI - HEAVY INDUSTRIAL
USE WITH SPECIFIC USE PERMIT**

Land Use: Any use which, due to the possible omission (sic) of excessive smoke, noise, gas, fumes, dust, odor or vibration or danger of explosion or fire, in the present or in the future, determined a hazard or objectionable or incompatible and subject to special control of specific projects

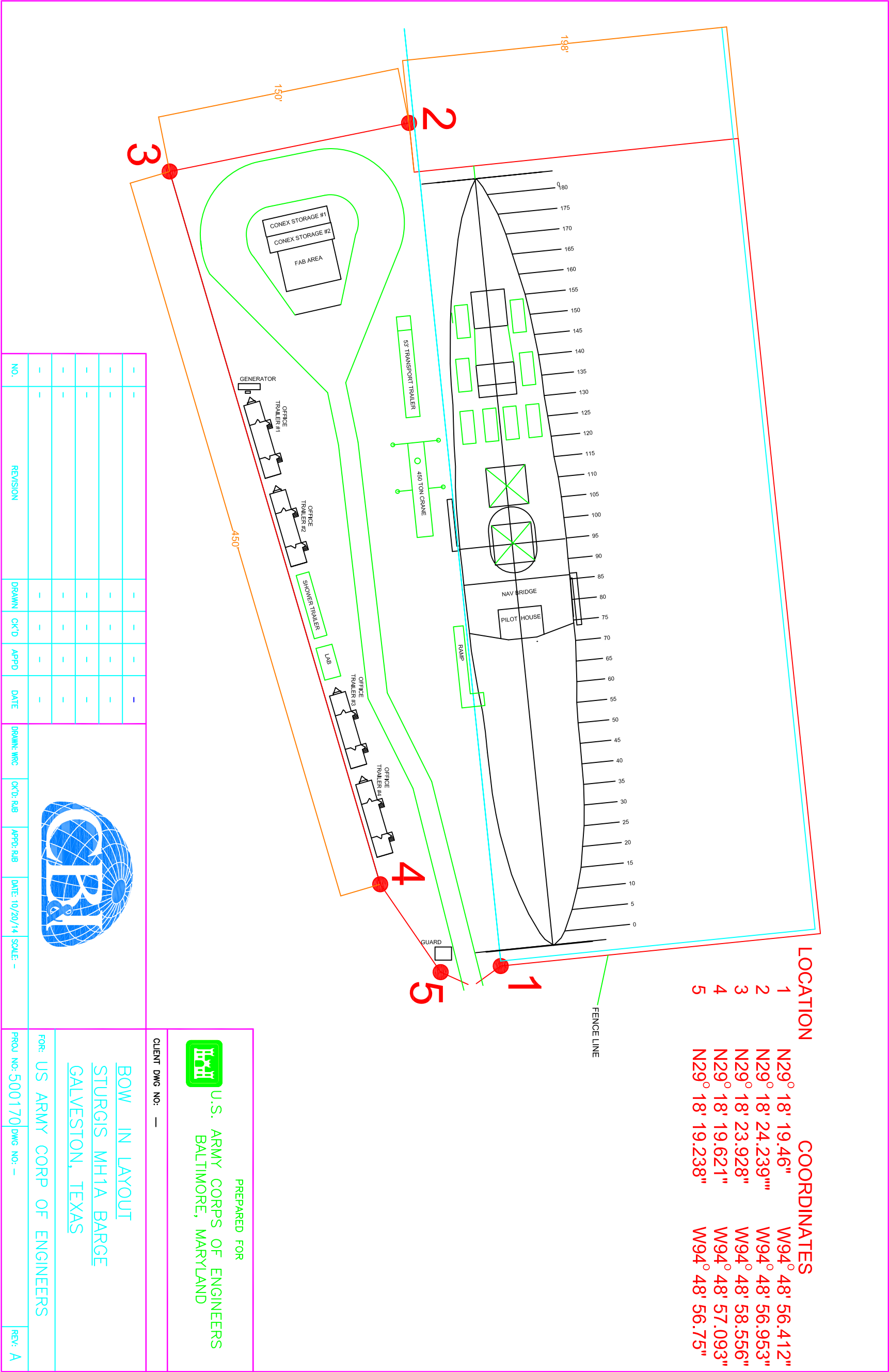
Please see Agenda for Appeal from Decision of Board Process.

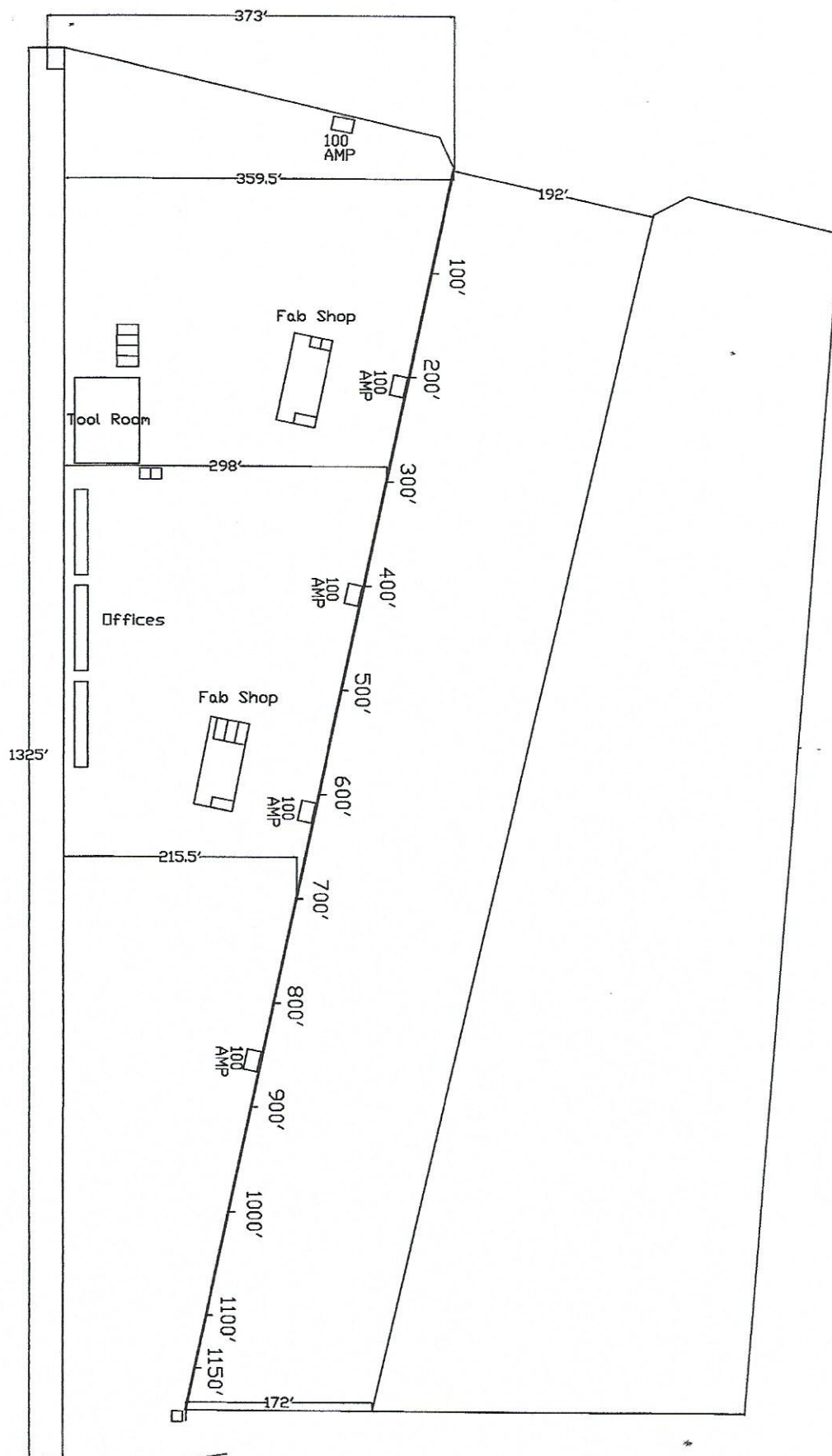
Galveston Ship Channel

Wharf



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Date: 11 Dec 14

Subject: MISR Application for Specific Use Permit for Sturgis Project, submitted 11 Dec 14 at 1100.

Detailed Narrative and Applicant's Justification for the Request (two pages):

- 1- As stated on subject application form, this request for SUP is made solely by direction of the Galveston City Council, as directed during the morning Council workshop of 11 Dec 14.
- 2- The justification for the requirement for an SUP, as verbally advised to the cognizant Malin International Ship Repair and Drydocking Inc. (MISR) representative during the workshop by the Mayor Pro-Tem, is based on the following clause of Appendix U (Use with Specific Use Permit):
 - a. "Any use which, due to the possible omission (sp in document) of excessive smoke, noise, gas, fumes, dust, odor or vibration or danger of explosion or fire, in the present or in the future, determined a hazard or objectionable or incompatible and subject to special control of specific projects."
- 3- That specific project known as Sturgis MH-1A, Vessel Modification, to be conducted by MISR (the Lessee) afloat and pierside in the slip portion of Pier 41, Port of Galveston, is the subject of this application. The modification involves the removal from the subject vessel of those residual components, attachments and appurtenances which formerly comprised the energy generation portion of the nuclear, electrical power generation barge. Upon completion of this Modification the vessel, which has previously had all fuel components removed (1977), will no longer be capable of serving in its current configuration and purpose and will be classified as a barge of unspecified purpose.
- 4- The Modification work scope, with an estimated duration of 12-18 months, involves the removal of low level radioactive materials (chiefly structural members that became "activated" through proximity to the old reactor), as well as some ancillary materials such as insulation and coatings that may be found to contain asbestos and / or lead upon analysis. A qualified and certified contractor (Energy Solutions Inc.) has been contracted by the vessel owners, the United States Army Corps of Engineers (USACE) to conduct all analysis, handling, transport and proper, off-site, disposal of any and all hazardous materials as described herein.
- 5- MISR, in turn, has been contracted by the vessel owners (USACE) to provide ocean transport, safe berthage, and such support works to the owners and their disposal contractors as are typical and standard services of ship modification activities. This includes, but is not wholly limited to: mooring materials, installation and maintenance, shore electrical power, compressed air, potable water and similar dockside vessel services, crane, forklift, and similar dockside equipment and operators and assistance with the mechanics of access into and throughout the vessel. Security perimeter structures and personnel will also be provided to the Project by MISR. It should be noted that, as the referenced Energy Solutions Inc contractor is qualified and certified for their portions of the Project, so too MISR personnel are duly certified and licensed as required for the specific tasks it shall be our responsibility to perform, and all activities anticipated in relation to this Project shall be within the authorized scope of our Lease with the Port of Galveston.

- 6- It should be clearly noted that MISR and those other contractors participating in the Sturgis Project at Pier 41 shall conduct all work in accordance with all applicable Federal, State and local Regulations, and in accordance with the applicable clauses of our Lease with the Port of Galveston. MISR does **not** anticipate the release of **any** excessive smoke, noise, gas, fumes, dust, odor, or vibration in conjunction with the workscope of the Sturgis Project and our standard practices, policies and procedures are designed to prevent any such release to the environment. Nor is it anticipated that any special danger of explosion or fire is presented by the workscope and methodology of this Project. We therefore do not consider that this Project can be determined to present a hazard or objectionable or incompatible use, as it will be, as noted above, subject to established controls appropriate to this specific Project.

Mike Leahy

General Manager

Malin International Ship Repair

Mobile: +1-409-682-0926

mleahy@malinshiprepair.com

Office: +1-409-740-3314

320 77th Street

Galveston, TX 77554

Zoning Board of Adjustments

Planning Department

City of Galveston

January 7, 2015

**15Z-02****STAFF REPORT****ADDRESS:**

1328 Seawall

LEGAL DESCRIPTION:

Property is legally described as M. Menard Survey, the west 130 feet of Lot 1 (1-1), Hi-Five Corner (2007), a Subdivision in the City and County of Galveston, Texas.

APPLICANT AND PROPERTY OWNER:

Amir Fadaei, President, JA Land, LLC

ZONING:

Retail, Seawall Development Zone, Zone 2, Height and Density Development Zone, Zone 3 (R-SDZ-2-HDDZ-3)

REQUEST:

Variance from Section 29-107 Height and Density Development Zone

APPLICABLE ZONING LAND USE**REGULATIONS:**

29-107 Height and Density Development Zone (HDDZ)

EXHIBITS:

A – Zoning Map

B – Aerial Map

C – Elevations (4 pages)

D – 14Z-19 Order (3 pages)

STAFF:

Pete Milburn, Senior Planner

409-797-3645

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
25				

**Executive Summary:**

The applicant is requesting variances from Section 29-107 Height and Density Development Zone regulations. The applicant is proposing to develop the site with a hotel.

Zoning and Land Use

Location	Zoning	Land Use
Subject Site	Retail, Seawall Development Zone, Zone 2, Height and Density Development Zone, Zone 3 (R-SDZ-2-HDDZ-3)	Vacant
North	Multi-family One, Neighborhood Conservation District One, (MF-1-NCD-1)	Commercial
South	Beach, Seawall Development Zone, Zone 2 (B-SDZ-2)	Beach
East	Retail, Seawall Development Zone, Zone 2, Height and Density Development Zone, Zone 3 (R-SDZ-2-HDDZ-3)	Commercial
West	Retail, Seawall Development Zone, Zone 2, Height and Density Development Zone, Zone 3 (R-SDZ-2-HDDZ-3)	Commercial

BACKGROUNDCity Council:

The Galveston City Council, at the regular meeting of October 11, 2012, voted to approve Planning Case 12P-94 (Ord. 12-059) request for a Specific Use Permit (SUP) in order to exceed the requirements of the Height and Density Development Zone (HDDZ). The approved SUP granted a height increase to 120-feet and an unspecified increase in the Floor Area Ratio (FAR). The applicant has had several meetings with a consultant as well as Staff in an effort to gain compliance with the Galveston Zoning Standards.

Zoning Board of Adjustment:

The Galveston Zoning Board of Adjustment, at the regular meeting of July 9, 2014 voted to approve Case 14Z-19 granting variances from HDDZ requirements relating to Wall Plane Articulation and Seawall Boulevard Streetscape. Order of Zoning Board of Adjustment Case 14Z-19 attached.

**Wall Plane Articulation
29-107 (f)(4)(c)**

The Wall Plane Articulation requirement states that in base tier development, for every 30 feet of building wall length, there must be an offset of at least 5 feet in depth and 10 feet in length. After the third story, the maximum wall length increases to 50 feet. The purpose of this regulation is to provide for more variation in building design and eliminate featureless blank walls. The following chart outlines the three components of the Wall Plane Articulation requirement:

Wall Plane Articulation

Vertical Building Section From	To	Building Wall Length (max.)	Offset Depth (min.)	Offset Length (min.)
Grade	3 Stories or 35'	30 feet	5 feet	10 feet
3 stories or 35'	Max. Height Limit	50 feet	5 feet	10 Feet

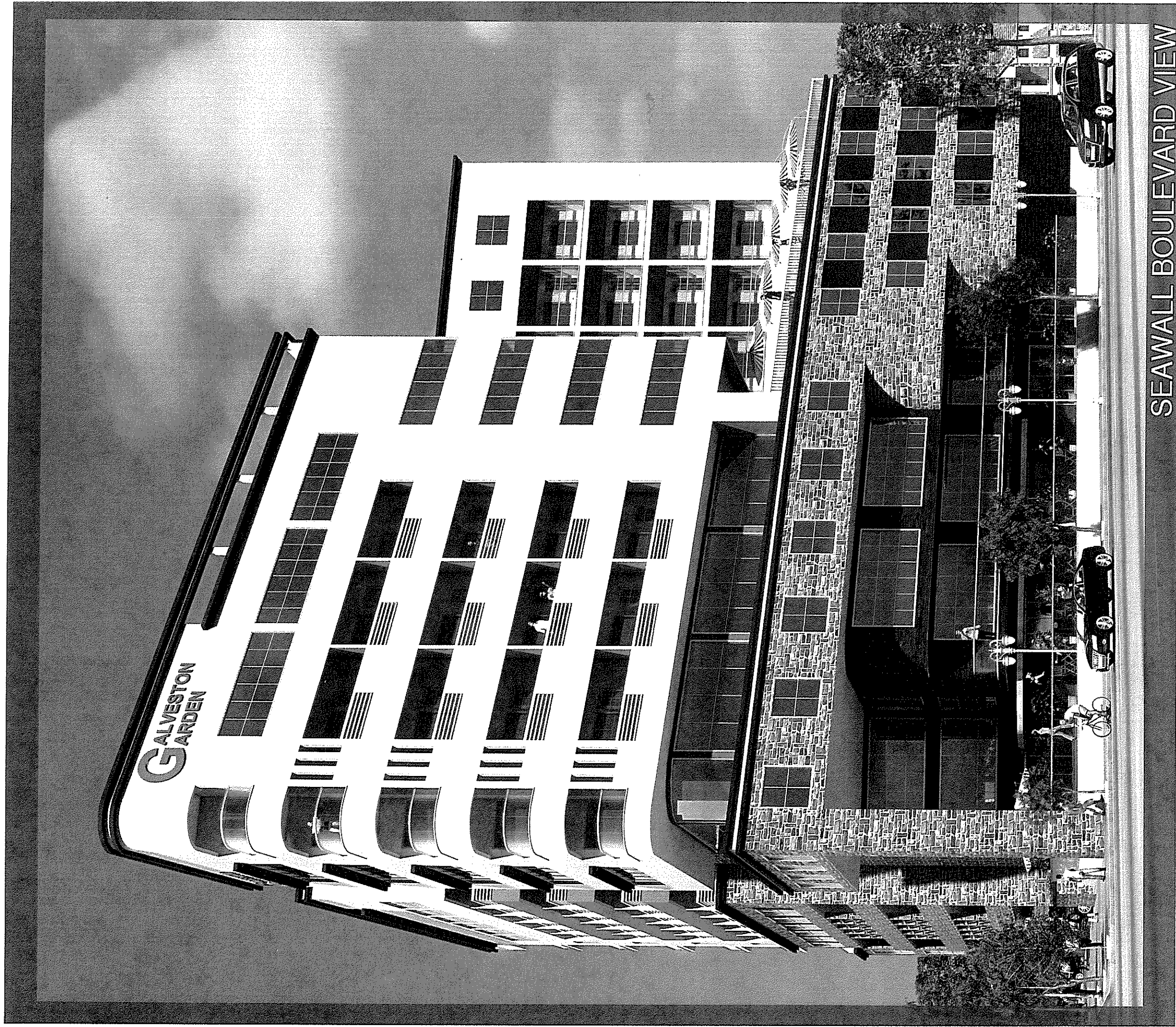
REQUESTED VARIANCE The applicant is requesting the following variances from the Wall Plane Articulation requirements for Vertical Building Section and Building Wall Length:

	Vertical Building Section	Building Wall Length (max)
South	Grade to 60 feet	130 feet
West	Grade to 60 feet	130 feet
North	Grade to 60 feet	130 feet

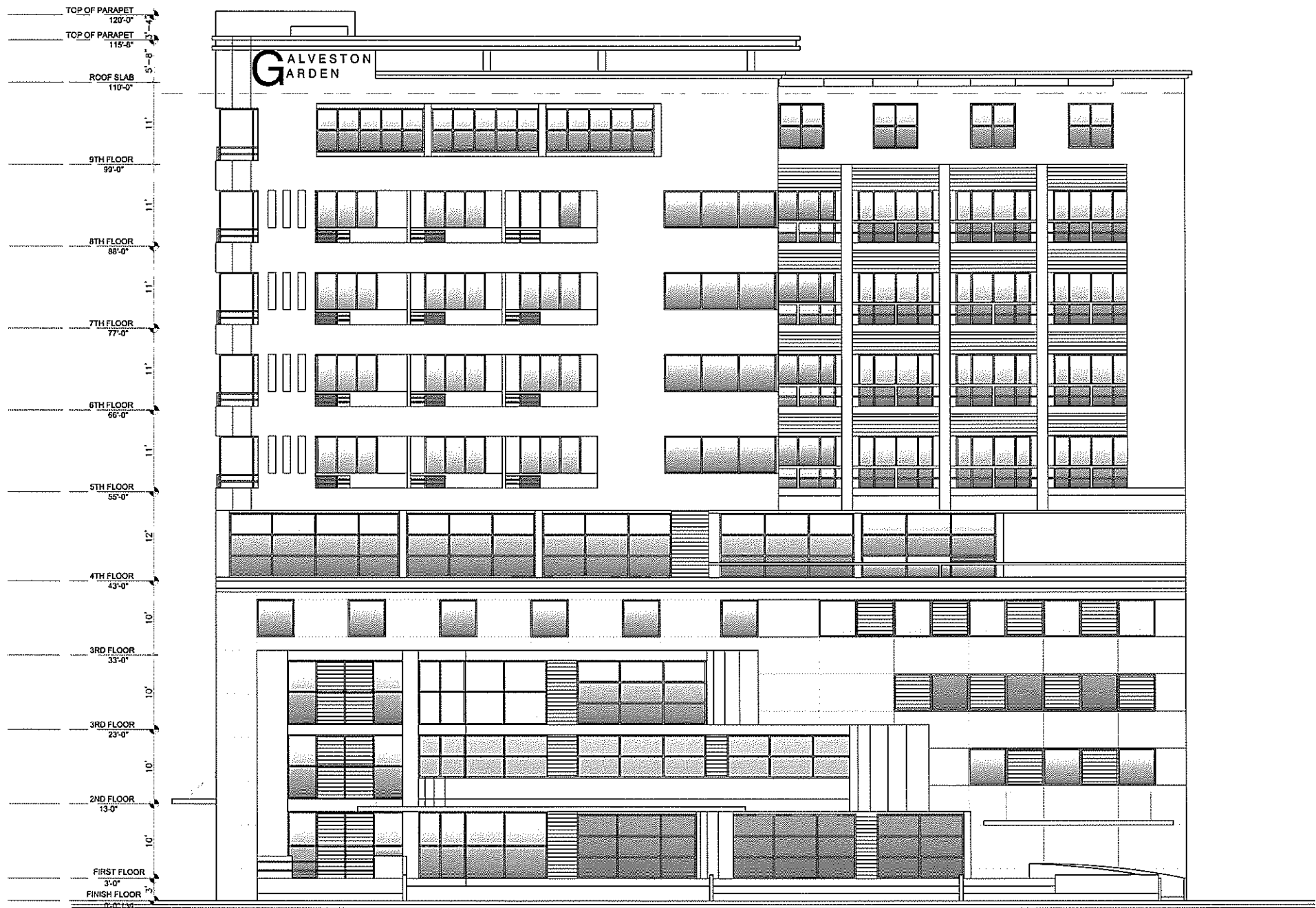
APPLICANT'S JUSTIFICATION Minimum dimensions required in order to provide on-site parking garage.

Please see Agenda for Standard Conditions for a Variance and Appeal from Decision of Board Process





SEAWALL BOULEVARD VIEW



1 SEAWALL BLVD ELEVATION
SCALE: 1"=20'

D.R.
ASSOCIATES
ARCHITECTS

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EMAIL: info@dr-architects.com

THE SEAL APPEARING ON THIS DOCUMENT
WAS AUTHORIZED BY THOMAS C. JOHNSON,
R.A. 6430 ON June 24, 2014



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OF D.R. ASSOCIATES

REVISIONS
1
2
3
4
5

GALVESTON HOTEL
GALVESTON, TX

**SEAWALL
BOULEVARD
ELEVATION**

SHEET TITLE

1/8" = 1'-0"

SCALE

5031

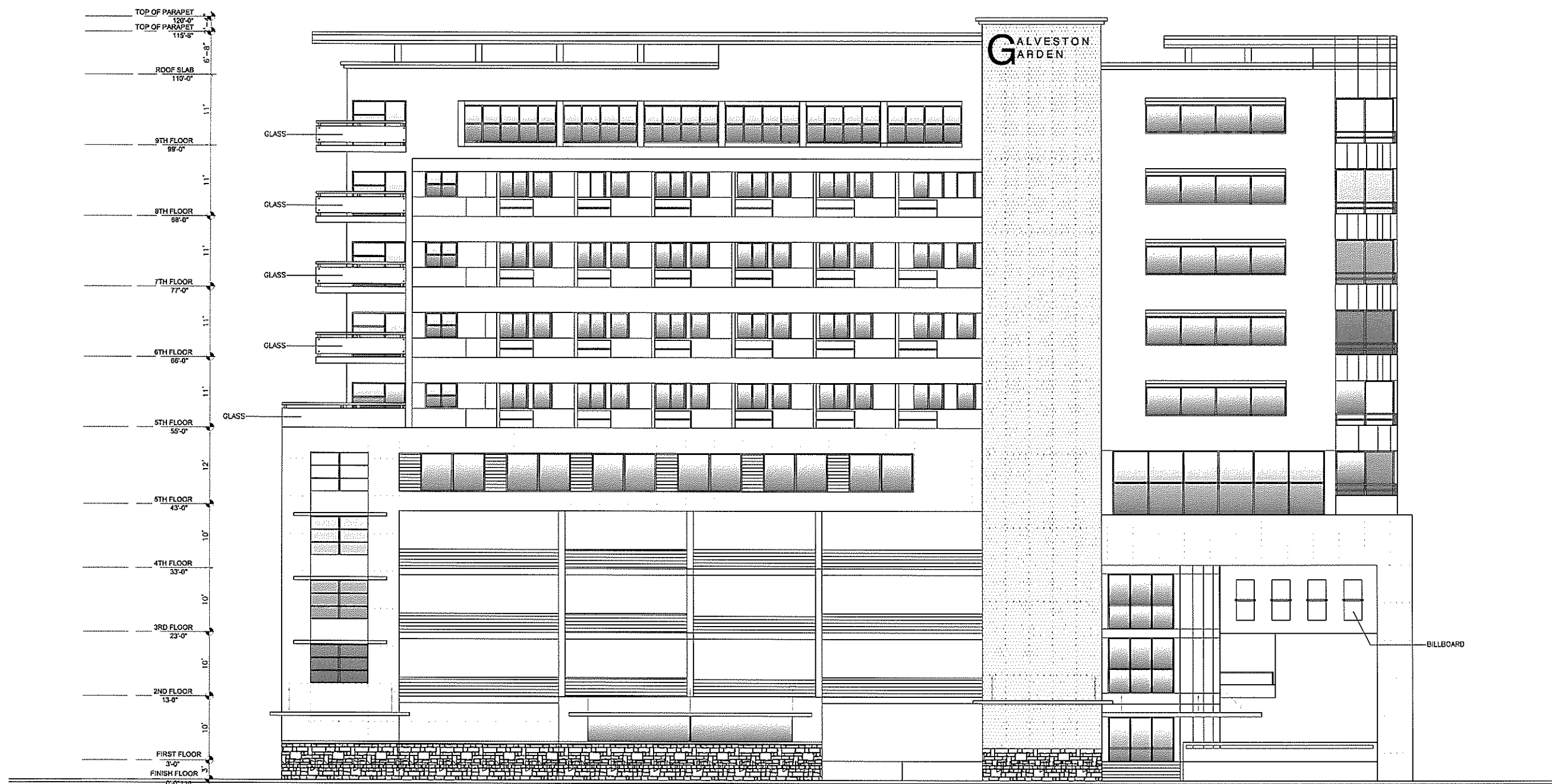
PROJECT NUMBER

June 21, 2014

DATE

A5.0

SHEET NUMBER



1 14TH STREET ELEVATION
SCALE: 1"=20'

D.R.
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ARCHITECTS
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PH (713) 266-3304 FAX (713) 266-3305
EMAIL: dr@drassoc.com

THE SEAL APPEARING ON THIS DOCUMENT
WAS AUTHORIZED BY THOMAS D. JARRELL,
R.A. 6630 ON APRIL 28, 2014



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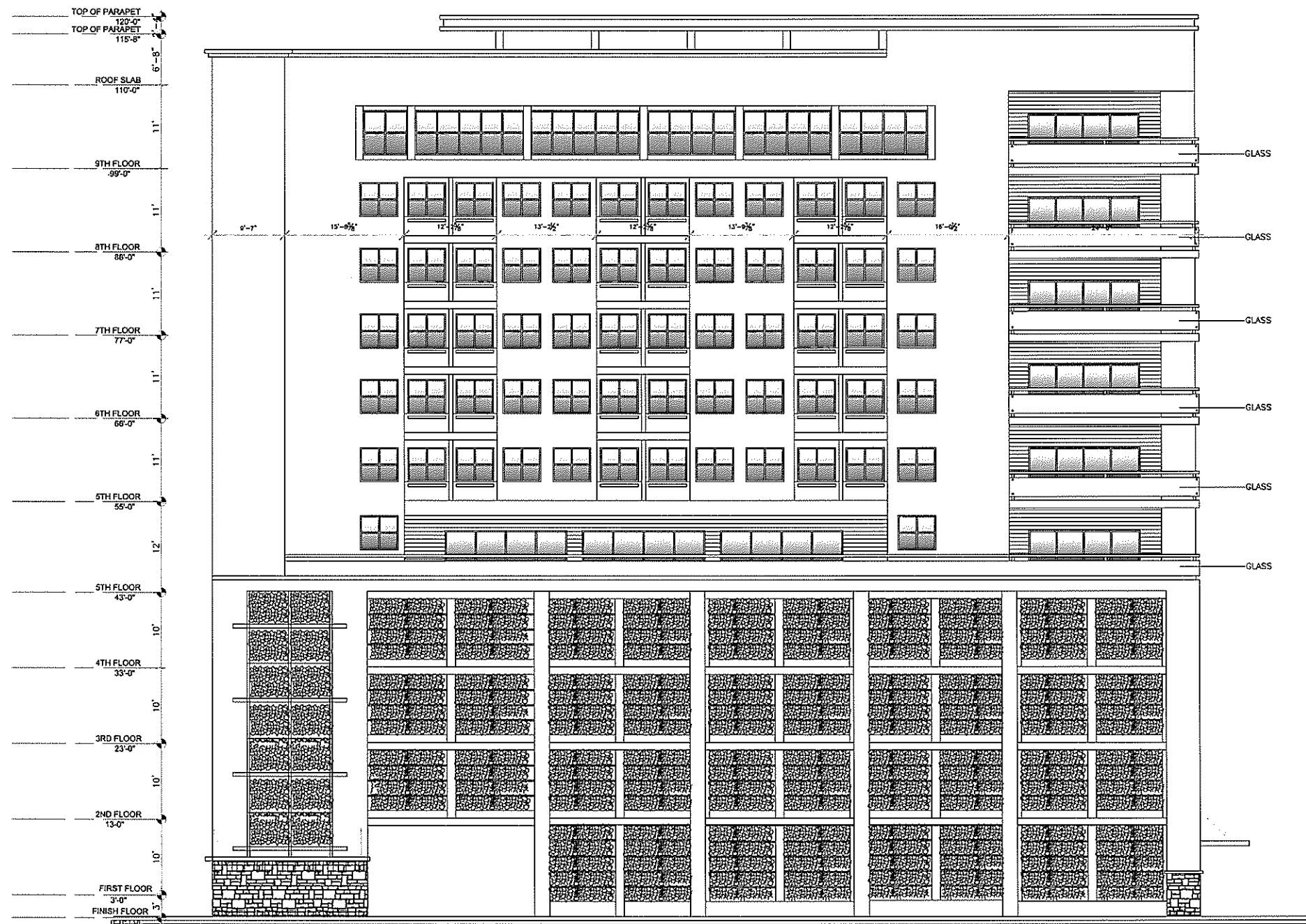
REVISIONS	1	2	3	4	5

GALVESTON HOTEL

GALVESTON, TX

14TH STREET
ELEVATION
SHEET TITLE
1/8" = 1'-0"
SCALE
5081
PROJECT NUMBER
June 21, 2014
DATE

A5.1
SHEET NUMBER



1 N/2 STREET ELEVATION
SCALE: 1"=20'

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GALVESTON HOTEL
GALVESTON, TX

**N/2 STREET
ELEVATION**
SHEET TITLE
1/8" = 1'-0"
SCALE
5081
PROJECT NUMBER
June 21, 2014
DATE

A5.2
SHEET NUMBER