

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
4:00 p.m., Wednesday, January 6, 2021
City Council Chambers, 2nd Floor of City Hall
823 Rosenberg, Galveston, Texas

In order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19), the meeting will be held by videoconference and there will be no public access to the location described above.

Public Comment can be submitted on-line: <https://forms.galvestontx.gov/Forms/PublicComment> or by calling 409-797-3660.

1. Call Meeting To Order
2. Attendance
3. Conflict Of Interest
4. Approval Of The December 9, 2020 Minutes

Documents:

[ZBA MINUTES 12-09-2020.PDF](#)

5. Meeting Format (Staff)
6. Public Comment

Members of the public may submit a public comment using the web link below. All comments submitted prior to the meeting will be provided to the Planning Commission.

[HTTPS://FORMS.GALVESTONTX.GOV/FORMS/PUBLICCOMMENT](https://forms.galvestontx.gov/forms/publiccomment)

- a. Agenda Items
- b. Non-Agenda Items

7. New Business And Associated Public Hearings

- A. 20Z-017 (2302 Wimcrest) Request For A Variance From The Galveston Land Development Regulations, Article 3, District Yard, Lot And Setback Addendum, For The Residential, Single-Family (R-1) Zoning District, To Reduce The Front Yard Setback. Property Is Legally Described As Lot 44, Wimcrest Addition, In The City And County Of Galveston, Texas. Applicant: Joshua Winkelmann Property Owner: Felicia Benavides

Documents:

[20Z-017 STF PKT.PDF](#)

- B. 20Z-018 (3916 Winnie/Avenue G) Request For A Special Exception In Accordance With The Galveston Land Development Regulations Section 11.400, To Make A Non-Conforming Use Conforming. Property Is Legally Described As M.B. Menard Survey (0-0), Blocks 398 Through 400 And Adjacent Streets, In The City And County Of Galveston, Texas. Applicant: Blair Korndorffer, Diamond Development Group Property Owners: Compass Pointe Apartments Texas, LLC

Documents:

[20Z-018 - STF PKT.PDF](#)

- C. 20Z-020 (1212 13th Street) Request For Appeal Of Staff Determination Regarding A Land Use Classification. Property Is Legally Described As M. B. Menard Survey, Lots 1 And 2, Block 12, In The City And County Of Galveston, Texas. Applicant: Deborah Magruder Property Owner: 1227 Ave L, LLC

Documents:

[20Z-020 - STF PKT.PDF](#)

8. Adjournment

I certify that the above Notice of Meeting was posted in a place convenient to the public in compliance with Chapter 551 of the Texas Government Code on December 30, 2020 at 9:00 A.M.

Prepared by: Catherine Gorman, Assistant Director

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



City of Galveston

MINUTES OF THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF GALVESTON REGULAR MEETING – December 9, 2020

CALL MEETING TO ORDER

The meeting was called to order at 4:00 p.m.

ATTENDANCE

Members Present via Videoconference: Bill Clement, Andrew Galletti, Robert Girndt, Jim Thompson, Alice Watford, CM David Collins (Ex-Officio)

Members Absent: None

Staff Present: Catherine Gorman, AICP, Assistant Director/Historic Preservation Officer

Staff Present via Telephone: Tim Tietjens, Executive Director of Development Services; Karen White, Planning Technician; Donna Fairweather, Assistant City Attorney; Butch Stroud, City Marshal

ELECTION OF CHAIR AND VICE-CHAIR

Robert Girndt nominated Andrew Galletti for Chairperson. There being no other nominations, Chairperson Galletti called for a vote and the following votes were cast:

In favor:	Clement, Galletti, Girndt, Thompson, Watford
Opposed:	None
Absent:	CM Collins (Ex Officio)
Non-voting participant:	None

The nomination passed.

Andrew Galletti nominated Robert Girndt for Vice-Chairperson. There being no other nominations, Chairperson Galletti called for a vote and the following votes were cast:

In favor:	Clement, Galletti, Girndt, Thompson, Watford
Opposed:	None
Absent:	CM Collins (Ex Officio)
Non-voting participant:	None

The nomination passed.

CONFLICT OF INTEREST

Girndt – 20Z-014

APPROVAL OF MINUTES

The November 4, 2020 minutes were approved as presented.

MEETING FORMAT

Staff explained the adjusted meeting format to the Board and the public.

PUBLIC COMMENT

None

Council Member David Collins joined the meeting at 4:08

NEW BUSINESS AND ASSOCIATED PUBLIC HEARINGS

20Z-014 (3512 Avenue P ½) Request for appeal of staff determination of the Galveston Land Development Regulations, Article 2, Section 2.601(C) regarding fence materials. Property is legally described as M. B. Menard Survey, West 28-6 feet of Lot 10 and East 25-10 feet of Lot 11 and Portion of Lots 4 and 5, and Adjacent Alley (1010-1), Northeast Block 86, Galveston Outlots, in the City and County of Galveston, Texas.

Representative: Wayne D. Holt

Applicant: Della Shorman

Property Owner: Darryl R. Goalen

Vice-Chairperson Robert Girndt recused himself citing a conflict of interest.

Staff presented the staff report.

Chairperson Andrew Galletti opened the public hearing on the case. The applicant, Della Shorman, and the applicant's representative, Wayne D. Holt, presented to the Board. The public hearing was closed, and the Chairperson called for a motion.

Chairperson Andrew Galletti made a motion to uphold staff's determination. Bill Clement seconded.

Chairperson Andrew Galletti called for questions or comments from the Board, and the following votes were cast:

In favor:	Clement, Galletti, Thompson, Watford
Opposed:	None
Abstain:	Girndt
Absent:	None
Non-voting participant:	CM Collins (Ex Officio)

The motion passed.

DISCUSSION ITEMS

THE MEETING ADJOURNED AT 4:56 PM



Zoning Board of Adjustment

Planning Department

City of Galveston

January 6, 2021



20Z-017

STAFF REPORT

ADDRESS:

2302 Wimcrest Street

LEGAL DESCRIPTION:

Property is legally described as Lot 44, Wimcrest Addition, a Subdivision in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Josh Winkelmann

PROPERTY OWNER:

Felicia Benavides

ZONING:

Residential, Single-Family (R-1)

VARIANCE REQUEST:

Encroachment of Front Setback

APPLICABLE ZONING LAND USE

REGULATIONS:

Article 3, Addendum for Residential, Single-Family District, Setbacks

EXHIBITS:

A – As-Built Survey

B – Photos

STAFF:

Daniel Lunsford

Planner

409-797-3659

dlunsford@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
16				

City Department Notification Responses:

Building Division: Building Board of Adjustment review is required.

Public Works: No comments



Background:

A building permit for the new construction at 2302 Wimcrest was issued in February 2020. However, an as-built survey submitted in July 2020 shows that the house was built approximately 0.3 feet into the front yard setback, and a staircase built approximately 18.7 feet into the front setback. Since then, the front staircase has been removed and relocated out of the front setback per as-built survey submitted; however, the 0.3 feet encroachment of the main structure remains.

Executive Summary:

The applicant is requesting a variance from Article 3, Addendum in order to retain the front portion of the house that encroaches 0.3 feet into the front yard setback. The lot is 50 feet wide and 135 feet deep according to the survey (Attachment B).

Setback Requirements **Article 3, District Yard, Lot and Setback Standards, Addendum for Single-Family Residential (R-1)**
Front: 20 feet
Side: 3 feet
Rear: 10 feet

Requested Variance	Setback	Regulation	Proposed Variance
	Front	20 feet	19.7 feet

Land Development Requirements **SEC. 13.401.B VARIANCES FROM DEVELOPMENT STANDARDS**
Approval Standards. The Board of Adjustment may grant a variance under this Section only if the variance is not prohibited by Section 12.401.C, and if the Zoning Board of Adjustment makes a determination in writing that all of the following are demonstrated:

1. The request for the variance is rooted in special conditions of the applicant's property that do not generally exist on other properties in the same zoning district.
2. Due to said special conditions, the enforcement of the strict terms of these regulations would impose an unnecessary hardship on the applicant.
3. The variance is not contrary to the public interest, in that:
 - a. It does not allow applicants to impair the application of these regulations for:
 - a. Self-imposed hardships;
 - b. Hardships based solely on financial considerations, convenience, or inconvenience; or
 - c. Conditions that are alleged to be "special" but that are actually common to many properties within the same zoning district.
 - b. The variance will not have a detrimental impact upon:
 - a. The current or future use of adjacent properties for purposes for which they are zoned;
 - b. Public infrastructure or services; and
 - c. Public health, safety, morals, and general welfare of the community.
4. The degree of variance allowed from these regulations is the least that is necessary to grant relief from the identified unnecessary hardship.
5. The variance shall not be used to circumvent other procedures and standards of these regulations that could be used for the same or comparable effect (e.g., if alternative development patterns, alternative development standards, or other flexible measures in these regulations are available that would avoid or mitigate hardship without using a variance, then they must be used).
6. By granting the variance, the spirit of these regulations is observed and substantial justice is done.

Applicants' Justification **Approval Standards.** The Board of Adjustment may grant a variance under this Section only if the variance is not prohibited by Section 12.401.C, and if the Zoning Board of Adjustment makes a determination in writing that all of the following are demonstrated.

1. **The request for the variance is rooted in special conditions of the applicant's property that do not generally exist on other properties in the same zoning district.**

The home was inadvertently built about 3.5 inches over the city regulated building line.

2. **Due to said special conditions, the literal enforcement of the strict terms of these Land Development Regulations would impose an unnecessary hardship on the applicant.**

Due to the strict terms of these regulations we are unable to procure a Certificate of Occupancy which will not allow the homeowner to take possession of the new Harvey Reconstructed Home built for her through the program. Her previous home was demolished and this new home was built in its place 3.5 inches over the build line.

3. **The variance is not contrary to the public interest, in that:**

There is no significant difference between other homes in the same community because of the minimum distance over the build line.

- a. **It does not allow applicants to impair the application of these regulations for:**

- i. **Self-imposed hardships;**
- ii. **Hardships based solely on financial considerations, convenience or inconvenience; or**
- iii. **Conditions that are alleged to be "special," but that are actually common to many properties within the same zoning district.**

This is a program home that was inadvertently built about 3.5 inches over the city regulated build line. The homeowner did not build the home the program does not have a stake in the home. There is no "self-imposed hardships" for the homeowner. The homeowner is facing hardships of not having a home/displaced from her home during the process. To the conditions being called "special", I/we are not aware of any other home within the zoning district to have these specific considerations.

- b. **The variance will not have a detrimental impact upon:**

- i. **The current or future use of adjacent properties for purposes for which they are zoned;**
- ii. **Public infrastructure or services; and**
- iii. **Public health, safety, morals and general welfare of the community.**

The home was built to Americans with Disabilities Act (ADA) complaint. With this program home in the Homeowners Assistance Program for victims of hurricane Harvey it is structured around public health, safety, morals, and the general welfare of the community by taking homes that are contaminated with asbestos, mold, damage, and/or otherwise unrepairable and rebuilds the home free of contamination, to code, that will have the ability to endure future natural disasters and provide safety for the homeowner. The home was inadvertently built 3.5 inches

over the city regulated build line and does not encroach or impair the use of any adjacent properties.

- 4. The degree of variance allowed from these Land Development Regulations is the least that is necessary to grant relief from the identified unnecessary hardship.**

The house was only built about 3.5 inches over the build line the variance would only need to cover those few inches and front staircase if it is also against the regulations. To get this allowance would grant the homeowner the ability to move into her new home that is storm/disaster free.

- 5. The variance shall not be used to circumvent other procedures and standards of these Land Development Regulations that could be used for the same or comparable effect (e.g., if alternative development patterns, alternative development standards, or other flexible measures in these regulations are available that would avoid or mitigate hardship without using a variance, then they must be used).**

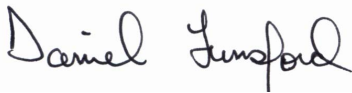
This variance would just be for the approximate 3.5 inches and front stairs. The minimal area in the front of the home has no room to circumvent other procedures. Since the home has already been erected and completed alternative development patterns, standards, or other measurements are not available.

- 6. By granting the variance, the spirit of these Land Development Regulations is observed and substantial justice is done.**

I/we believe that the building of this home over the build line was not intentional and granting the variance will very much help the life of Felicia Benavides (the homeowner) greatly, for she will finally be able to live in her home without the fear of a storm affected home.

Please see Agenda for Appeal from Decision of Board Process.

Respectfully submitted,



Daniel Lunsford
Planner

12/10/2020

Date



Catherine Gorman, AICP
Assistant Director/HPO

12/10/2020

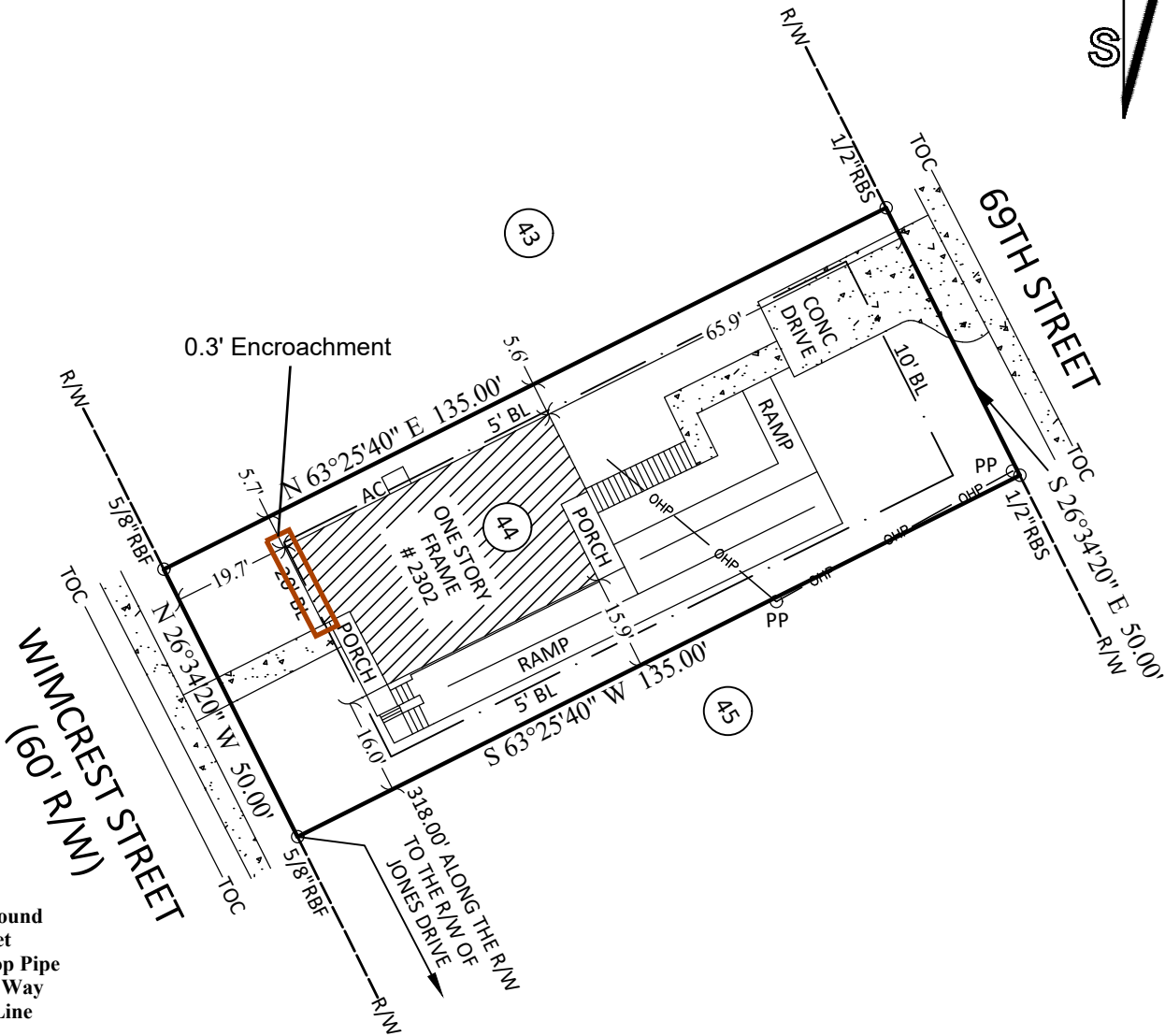
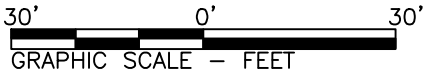
Date

GENERAL NOTES

- 1. THIS PROPERTY IS SUBJECT TO ADDITIONAL EASEMENTS OR RESTRICTIONS OF RECORD.
- 2. THIS PLAT IS FOR EXCLUSIVE USE BY CLIENT. USE BY THIRD PARTIES IS AT THEIR OWN RISK.
- 3. DIMENSIONS FROM HOUSE TO PROPERTY LINES SHOULD NOT BE USED TO ESTABLISH FENCES.
- 4. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1,000,000+ FEET.
- 5. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000+ FEET AND AN ANGULAR ERROR OF 7 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
- 6. EQUIPMENT USED: TOPCON APL1 TOTAL ROBOTIC STATION.
- 7. SURVEY PREPARED WITHOUT BENEFIT OF TITLE.

SCALE: 1" = 30'

AREA: 6,750 SF ~ 0.155 ACRES
REFERENCE: ABSTRACT 121, PAGE 83



LEGEND:

- RBF- Rebar Found
- RBS- Rebar Set
- OTP- Open Top Pipe
- R/W- Right of Way
- BL- Building Line
- X- Fence
- FP- Fence Post
- FC- Fence Corner
- CONC.- Concrete
- PP- Power Pole
- WM- Water Meter
- GM- Gas Meter
- AC- Air Conditioning Unit
- CO- Clean Out
- EM- Electric Meter
- WV- Water Valve
- FH- Fire Hydrant
- LP- Light Pole
- CL- Center Line
- P- Porch
- S- Stoop
- CONC- Concrete
- CD- Conc Drive
- EP- Edge of Pavement
- APL- Approximate Property Line
- N/F- Now or Formerly
- OHP- Overhead Power Line

ADDRESS: 2302 WIMCREST STREET
GOVERNING AUTHORITY: CITY OF GALVESTON

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED WITHIN THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

SURVEY FOR:
**ALLCO CONSTRUCTION
L.L.C.**

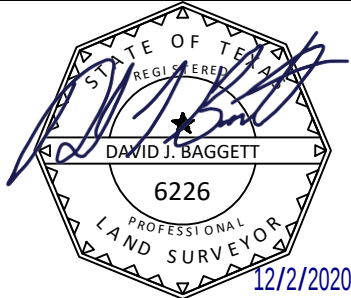
SUBDIVISION: WIMCREST ADDITION
LOT: 44
CITY OF GALVESTON
GALVESTON COUNTY, TEXAS

FIELD WORK DATE: 11/30/2020
20201105822 ALLCO FC: BC

**CARTER LAND
SURVEYORS AND PLANNERS**

3090 Premiere Parkway, Suite 600
Duluth, GA 30097
Ph: 770.495.9793
Toll Free: 866.637.1048
www.carterland.com

FIRM LICENSE: 10193759





20Z-009

STAFF REPORT

ADDRESS:

3916 Winnie/Avenue G

LEGAL DESCRIPTION:

Property is legally described as M.B. Menard Survey (0-0), Blocks 398 through 400 and Adjacent Streets, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Blair Korndorffer, Diamond Development Group

PROPERTY OWNER:

Compass Pointe Apartments Texas, LLC

ZONING:

Residential, Single-Family (R-1)

REQUEST:

Special Exception from Division 11.400 of the Galveston Land Development Regulations (LDR)

APPLICABLE ZONING LAND USE

Multi-Family Residential

APPLICABLE REGULATIONS:

LDR - Division 11.400

EXHIBITS:

A – Applicant’s Submittal

STAFF:

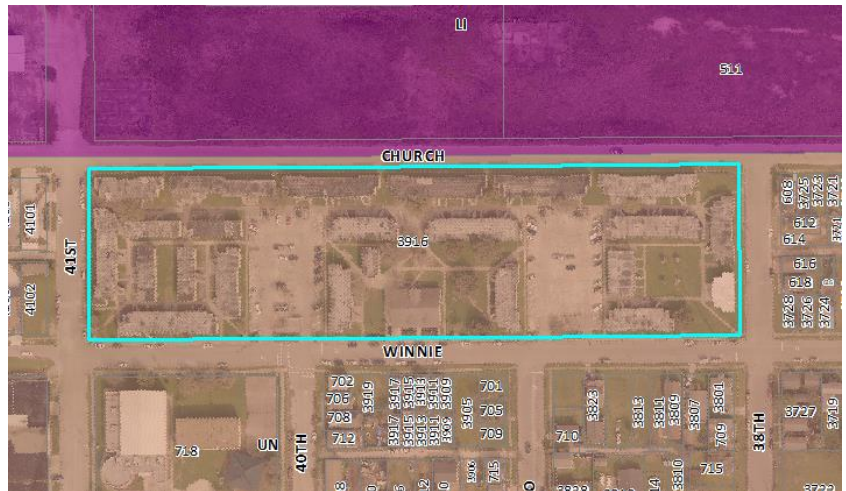
Catherine Gorman, AICP
 Assistant Director/HPO
 409-797-3665
 cgorman@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
68				

City Department/Private Utility Notification Responses:

No objection from any City Departments or Private Utility.



Executive Summary:

The applicant is requesting a Special Exception to make the current land use of “Multi-Family Residential” conforming at this location. The use has been in existence for 49 years operating as a multi-family development. During the 2015 zoning map amendments, this property was zoned Urban Neighborhood (UN), which is intended to accommodate the range and pattern of residential uses found in the City’s oldest, established Urban Core neighborhoods together with limited nonresidential uses, such as corner stores. In the UN zoning district, “Multi-Family Residential” properties may not exceed eight units. The complex has 192 units and, therefore, is considered Legally Non-Conforming or Grandfathered.

Prior to 2015, the property was zoned Light Industrial (LI), which allowed for “Multiple-family dwellings” with no restriction on the number of units.

The applicants are representing prospective new owners. Those owners are planning a renovation of the complex. According to the Land Development Regulations, non-conforming structures may not be “substantially improved” which is defined as 50% of the cost of the structure. The planned renovation will exceed that threshold.

**Zoning and Land Use
Information**

Location		Zoning	Land Use
Subject Site		Urban Neighborhood (UN)	Multi-Family Residential
North		Light Industrial (LI)	Vacant
South		Urban Neighborhood (UN)	Residential/Institutional /Vacant
East		Urban Neighborhood (UN)	Residential
West		Urban Neighborhood (UN)	Residential

**Procedure for Conversion
of Nonconforming Uses**

An owner of a nonconforming use may apply for a special exception from the Zoning Board of Adjustment, which has the effect of making the nonconforming use conforming in accordance with Division 11.400 of the Land Development Regulations.

**Criteria for Approval/
Applicant's Justification**

SEC. 11.403 CRITERIA FOR APPROVAL

A. **Generally.** A special exception may be granted by the Zoning Board of Adjustment to make a nonconforming use conforming, if, compliance with all of the criteria of this Section is demonstrated.

B. **Nonconformity.** The use, as conducted and managed, has been determined to be a nonconforming use that has been integrated into the neighborhood's function or the zoning district's function if it is not in or adjacent to a residential neighborhood as evidenced by the following demonstrations:

1. **Neighborhood residents regularly patronize or are employed at said use for nonresidential uses in or abutting residential neighborhoods;**

Applicant's Response: Not Applicable: Existing Historic Apartment Complex to Remain with no increase in Unit Count.

2. **Management practices eliminate nuisances such as noise, light, waste materials, unreasonably congested on-street parking, or similar conflicts;**

Applicant's Response: The Planned Scope of Work is a complete renovation of the existing Apartment Complex to bring it up to current market standards while meeting the Historic Preservation Requirements. This includes renovation of all of the unit's interiors, including new kitchens, baths, appliances, light fixtures and all finishes. The kitchen and bath cabinets will have solid surface tops. The Community Building will be completely renovated and brought up to current Accessibility Standards. Finally, the Exterior of the buildings will be cleaned with all decayed items replaced; all building will be reroofed; the existing Parking Lots shall be secured with automatic gates and a New Parking Lot will be constructed, thus reducing on-street parking.

3. **There is no material history of complaints to the City about the use. A history of complaints is justification for denying the special exception, unless the conditions of the exception will eliminate the reasons for the complaints;**

Applicant's Response: By Extensive Renovation of the Apartment Complex, including controlled access, it is our intent to improve the Facility's marketability and attract a more Family Orientated Client.

4. **If the use is nonresidential, it is registered or licensed in accordance with any applicable ordinances of the City; or**

Applicant's Response: Not Applicable: Existing Historic Apartment Complex to Remain with no increase in Unit Count.

5. **The use has been maintained in good condition and its classification as a nonconformity would be a disincentive for such maintenance.**

Applicant's Response: The Existing Project, built in 1971, has experienced continued decay over the past fifty years and needs to be substantially renovated in order to make it marketable again. The Cost of this renovation will exceed Fifty Percent (50%) of the current value and therefore will need to be in compliance with the current Zoning Requirements. Because of the Historic Significance of the Project, it will need to remain as an Apartment Complex. A renovation where less than Fifty Percent of the value was invested would result in a Project that would not need a Conversion of Non-Conforming Use, but would remain a submarket product and would not appeal to the family oriented clients that we wish to attract.

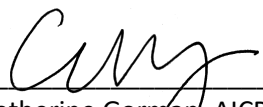
- C. **Conditions.** Conditions may be imposed relative to the expansion of buffering, landscaping, or other site design provision or other limitations necessary to ensure that as a conforming use the use will not become a nuisance. Such conditions may relate to the lot, buildings, structures or operation of the use.

Should the Zoning Board of Adjustment choose to administer Section 11.404 of the Land Development Regulations, the following are conditions for the Special Exception:

1. The site shall continue to only operate as a "Multi-Family Residential" land use.
2. Any new signs must be in conformance with Article 5 of the Land Development Regulations for a Multifamily (MF) zoning district;
3. Any lighting shall conform to Article 7, Section 7.102 Nonresidential Lighting Standards of the Land Development Regulations;
4. Any new landscaping or parking and loading areas shall adhere to Articles 8 and 9 of the Land Development Regulations.

Please see Agenda for Appeal from Decision of Board Process.

Respectfully submitted,



Catherine Gorman, AICP
Assistant Director/HPO

12/29/2020
Date



MEMORANDUM

12/4/2020

Justification for Request to Conversion of Non-Conforming Use **Sandpiper Apartments; Galveston, Texas**

Neighborhood residents regularly patronize or are employed at said use for nonresidential uses in or abutting residential neighborhoods.

Not Applicable: Existing Historic Apartment Complex to Remain with no increase in Unit Count.

Management practices eliminate nuisances such as noise, light, waste materials, unreasonably congested on-street parking, or similar conflicts.

The Planned Scope of Work is a complete renovation of the existing Apartment Complex to bring it up to current market standards while meeting the Historic Preservation Requirements. This includes renovation of all of the unit's interiors, including new kitchens, baths, appliances, light fixtures and all finishes. The kitchen and bath cabinets will have solid surface tops. The Community Building will be completely renovated and brought up to current Accessibility Standards. Finally, the Exterior of the buildings will be cleaned with all decayed items replaced; all building will be reroofed; the existing Parking Lots shall be secured with automatic gates and a New Parking Lot will be constructed, thus reducing on-street parking.

There is no material history of complaints to the City about the use. A history of complaints is justification for denying the special exception, unless the conditions of the exception will eliminate the reasons for the complaints.

By Extensive Renovation of the Apartment Complex, including controlled access, it is our intent to improve the Facility's marketability and attract a more Family Orientated Client.

If the use is nonresidential, it is registered or licensed in accordance with any applicable ordinances of the City.

Not Applicable: Existing Historic Apartment Complex to Remain with no increase in Unit Count.

The use has been maintained in good condition and its classification as a nonconformity would be a disincentive for such maintenance.

The Existing Project, built in 1971, has experienced continued decay over the past fifty years and needs to be substantially renovated in order to make it marketable again. The Cost of this renovation will exceed Fifty Percent (50%) of the current value and therefore will need to be in compliance with the current Zoning Requirements. Because of the Historic Significance of the Project, it will need to remain as an Apartment Complex. A renovation where less than Fifty Percent of the value was invested would result in a Project that would not need a Conversion of Non-Conforming Use, but would remain a submarket product and would not appeal to the family oriented clients that we wish to attract.

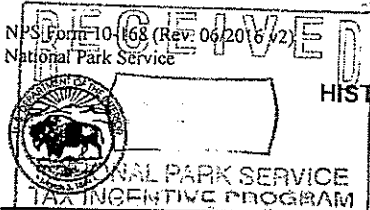
Please feel free to contact me with questions, comments or additional information that I may assist you with.

Best Regards,

A handwritten signature in black ink, appearing to read 'BK' followed by a flourish and a period.

Blair Korndorffer

Diamond Development Group



Received

OMB Control No. 1024-0009

MAR 17 2020

HISTORIC PRESERVATION CERTIFICATION APPLICATION
PART 1 - EVALUATION OF SIGNIFICANCE

Division of Architecture



Instructions: This page must bear the applicant's original signature and must be dated. The National Park Service certification decision is based on the descriptions in this application form. In the event of any discrepancy between the application form and other, supplementary material submitted with it (such as architectural plans, drawings and specifications), the application form takes precedence. A copy of this form will be provided to the Internal Revenue Service.

NPS Project Number

41931

1. Property Name Parkland Apartments Historic DistrictStreet 3916 Winnie St (see attached)City GalvestonCounty GalvestonState TXZip 77550-1180Name of Historic District Parkland Apartments Historic District☐ National Register district ☐ certified state or local district ☒ potential district

2. Nature of Request (check only one box)

- ☐ certification that the building contributes to the significance of the above-named historic district or National Register property for rehabilitation purposes.
☐ certification that the building contributes to the significance of the above-named historic district for a charitable contribution for conservation purposes.
☐ certification that the building does not contribute to the significance of the above-named district.
☐ preliminary determination for individual listing in the National Register.
☒ preliminary determination that a building located within a potential historic district contributes to the significance of the district.
☐ preliminary determination that a building outside the period or area of significance contributes to the significance of the district.

3. Project Contact (if different from applicant)

Name Cindy HamiltonCompany Heritage Consulting GroupStreet 15 W Highland Avenue STE DCity PhiladelphiaState PAZip 19118Telephone (215) 248-1260Email Address chamilton@heritage-consulting.com

4. Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct. I further attest that (check one or both boxes, as applicable):

- ☐ I am the owner of the above-described property within the meaning of "owner" set forth in 36 CFR § 67.2 (2011), and/or
☒ if I am not the fee simple owner of the above described property, the fee simple owner is aware of the action I am taking relative to this application and has no objection, as noted in a written statement from the owner, a copy of which (i) either is attached to this application form and incorporated herein, or has been previously submitted, and (ii) meets the requirements of 36 CFR § 67.3(a)(1) (2011).

For purposes of this attestation, the singular shall include the plural wherever appropriate. I understand that knowing and willful falsification of factual representations in this application may subject me to fines and imprisonment under 18 U.S.C. § 1001, which, under certain circumstances, provides for imprisonment of up to 8 years.

Name Christopher Akbari

Signature (Sign in ink)

Date 3/12/2020Applicant Entity Galveston 3916 Winnie Street GP, LLCSSN SVPor TIN 84-4826523Street 9 Greenway Plaza, Suite 1250City HoustonState TXZip 77046Telephone (832) 941-5347Email Address apps@itexgrp.com

NPS Official Use Only

The National Park Service has reviewed the Historic Preservation Certification Application - Part 1 for the above-named property and has determined that the property:

- ☐ contributes to the significance of the above-named district or National Register property and is a "certified historic structure" for rehabilitation purposes.
☐ contributes to the significance of the above-named district and is a "certified historic structure" for a charitable contribution for conservation purposes.
☐ does not contribute to the significance of the above-named district.

Preliminary Determinations:

- ☐ appears to meet the National Register Criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer according to the procedures set forth in 36 CFR Part 60.
☐ does not appear to meet the National Register Criteria for Evaluation and will likely not be listed in the National Register.
☒ appears to contribute to the significance of a potential historic district, which will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer.
☐ appears to contribute to the significance of a registered historic district if the period or area of significance as documented in the National Register nomination or district documentation on file with the NPS is expanded by the State Historic Preservation Officer.
☐ does not appear to qualify as a certified historic structure.

Date

National Park Service Authorized Signature (Sign in ink)

☐ NPS Comments Attached

RECORDS RETENTION - PERMANENT. Transfer all permanent records to NARA 15 years after closure. Roger G. Reed Resource Management and Lands (Item 1.A.2) (N1-79-08-1)).



October 28, 2020

Mr. David Long, President
Texas State Affordable Housing Corporation
2200 E. MLK Jr. Blvd.
Austin, Texas 78702

Re: Sandpiper Cove Support

Dear Mr. Long,

I served as President of the Board of Trustees of the Galveston Independent School District. This letter is to express my support for a bond allocation from the Texas State Affordable Housing Corporation (TSAHC) for the rehabilitation of Sandpiper Cove Apartments. Sandpiper Cove, located at 3916 Winnie Street, Galveston, Texas, is a 192-unit Project-Based Voucher Section 8 development for a low-income family population. The multi-family development was built in 1969 and is comprised of 1,2,3,4 and 5 bedroom units.

Leading the redevelopment plans for Sandpiper Cove is a collaborative effort between The ITEX Group, Jeshurun Development and J. Allen Management Company. The partnership plans to rehabilitate the development, which has fallen into disrepair, as evidenced by Sandpiper Cove's most recent HUD Real Estate Assessment Center failing inspection score of 33 out of 100 in May 2019. Dilapidated buildings, health and safety issues, and crime are a few of the many concerns regarding the current condition of the development. The proposed request for financing by the partnership will be utilized to bring the property to code as well as provided upgraded amenities for the residents to enjoy.

The ITEX Group, Jeshurun Development and J. Allen Management Company have partnered on a number of multifamily housing developments in an effort to preserve and maintain affordable housing options across Texas, with plans to do the same for Sandpiper Cove.

The proposed rehabilitation has garnered the support of the community and serves some of the most vulnerable populations in Galveston and the county more broadly. For these reasons, I am in full support of the application for funding.

Thank you for your consideration, and if I can be of further assistance, please reach me at AnthonyBrown@gisd.org and (409) 795-2022.

Sincerely,

Anthony P. Brown
President, Board of Trustees
Galveston Independent School District

3904 Avenue T
Galveston, TX 77550
(409)766-5121



City of Galveston

OFFICE OF THE MAYOR
PO Box 779 | Galveston, TX 77553-0779
citycouncil@galvestontx.gov | 409.797.3510

October 1, 2020

Mr. David Long
President
Texas State Affordable Housing Corporation
2200 E. MLK Jr. Blvd.
Austin, Texas 78702

Re: Sandpiper Cove Support

Dear Mr. Long,

This letter is to express my support for a bond allocation from the Texas State Affordable Housing Corporation (TSAHC) for the rehabilitation of Sandpiper Cove Apartments. Sandpiper Cove, located at 3916 Winnie Street, Galveston, Texas, is a 192-unit Project-Based Voucher Section 8 development for a low-income family population. The multi-family development was built in 1969 and is comprised of 1,2,3,4 and 5 bedroom units.

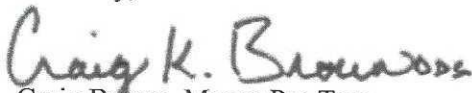
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The proposed rehabilitation has garnered the support of the community and serves some of the most vulnerable populations in Galveston and the county more broadly. For these reasons, I am in full support of the application for funding.

Thank you for your consideration, and if I can be of further assistance, please reach me at craigbrown@galvestontx.gov and 409-797-3510.

Sincerely,


Craig Brown, Mayor Pro Tem





City of Galveston

May 7, 2020

OFFICE OF THE CITY MANAGER

PO Box 779 | Galveston, TX 77553-0779
citymanager@galvestontx.gov | 409-797-3520

Mr. David Long, President
Texas State Affordable Housing Corporation
2200 E. MLK Jr. Blvd.
Austin, TX 78702

Dear Mr. Long,

I write to express my support for a bond allocation from the Texas State Affordable Housing Corporation for the rehabilitation of Sandpiper Cove Apartments. Sandpiper Cove, located at 3916 Winnie Street, Galveston, TX, is a 192-unit, Project-Based Voucher Section 8 development for a low-income family population. The multi-family development was built in 1969 and is comprised of 1, 2, 3, 4 and 5 bedroom configurations.

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The ITEX Group, Jeshurun Development and J. Allen Management Company have partnered on a number of multifamily housing complexes in an effort to preserve and maintain affordable housing options across Texas, with plans to do the same for Sandpiper Cove.

The proposed rehabilitation has garnered the support of the community and serves some of the most vulnerable populations in Galveston and the county more broadly. For these reasons, I am in full support of the application for funding.

Thank you for your consideration, and if I can be of any further assistance, please do not hesitate to call me at (409)797-3520 or email at citymanager@galvestontx.gov.

Sincerely,

Brian Maxwell, City Manager
City of Galveston





MAYES MIDDLETON



STATE REPRESENTATIVE • DISTRICT 23

May 8, 2020

Mr. David Long
President
Texas State Affordable Housing Corporation
2200 E. MLK Jr. Blvd.
Austin, TX 78702

Dear Mr. Long,

I write to express my support for a bond allocation from the Texas State Affordable Housing Corporation for the rehabilitation of Sandpiper Cove Apartments. Sandpiper Cove, located at 3916 Winnie Street, Galveston, TX, is a 192-unit, Project-Based Voucher Section 8 development for a low-income family population. The multi-family development was built in 1969 and is comprised of 1,2,3,4 and 5 bedroom configurations.

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The ITEX Group, Jeshurun Development and J. Allen Management Company have partnered on a number of multifamily housing complexes in an effort to preserve and maintain affordable housing options across Texas, with plans to do the same for Sandpiper Cove.

The proposed rehabilitation has garnered the support of the community and serves some of the most vulnerable populations in Galveston and the county more broadly. For these reasons, I am in full support of the application for funding.

Thank you for your consideration, and if I can be of any further assistance, please do not hesitate to call me at (512) 463-0502 or email at mayers.middleton@house.texas.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Mayes Middleton".

Mayes Middleton
State Representative District 23

CAPITOL OFFICE: P.O. BOX 2910 • AUSTIN, TEXAS 78768-2910 • (512) 463-0502 • FAX (512) 936-4260
GALVESTON: 2101 MECHANIC STREET, SUITE 245 • GALVESTON, TEXAS 77550
WALLISVILLE: 20136 B I-10, WALLISVILLE, TEXAS 77597 • (MAIL) P.O. BOX 15, WALLISVILLE, TEXAS 77597
MAYES.MIDDLETON@HOUSE.TEXAS.GOV



MOODY METHODIST CHURCH

May 1, 2020

Mr. David Long, President
Texas State Affordable Housing Corporation
2200 E MLK Blvd.
Austin, Texas 78702

Dear Mr. Long,

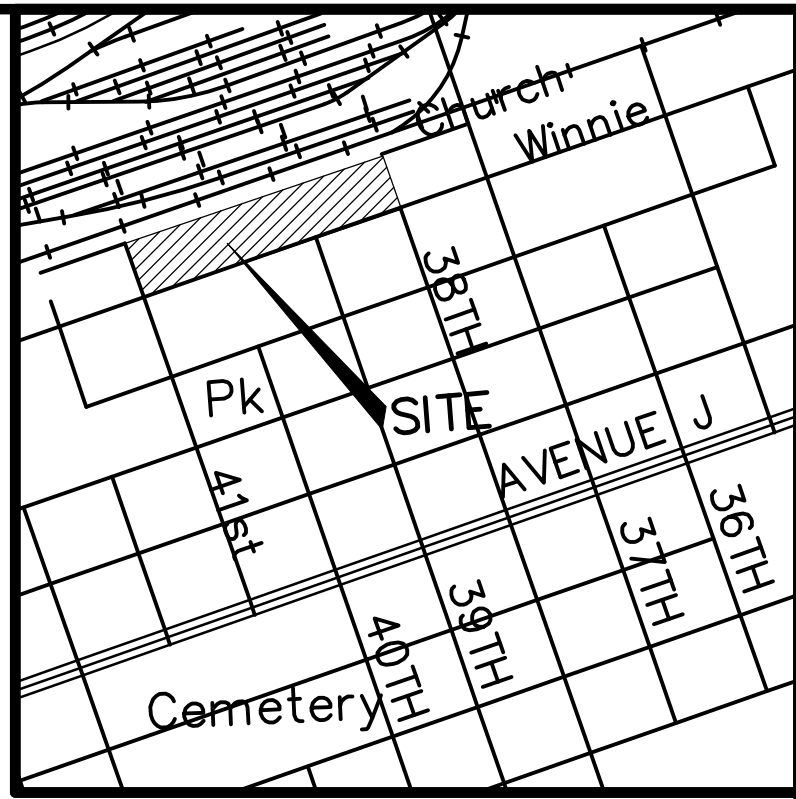
Please regard this letter as our documented support for the rehabilitation of Sandpiper Cove, located at 3916 Winnie Street in Galveston. Sandpiper Cove is a 192 unit, Project-Based Voucher Section 8 development for a low-income family population. The multi-family development was built in 1969 and is comprised of 1, 2, 3, 4, and 5 bedroom configurations.

Moody United Methodist Church has been serving the needs of Galveston Citizens for over 175 years. Several of our Church members reside at Sandpiper Cove. The rehabilitation of this development which is entering its 51st year in operation is much needed and will enhance the lives of some of the most vulnerable populations in Galveston and Galveston County more broadly. For these reasons, I am in full support of the application for funding.

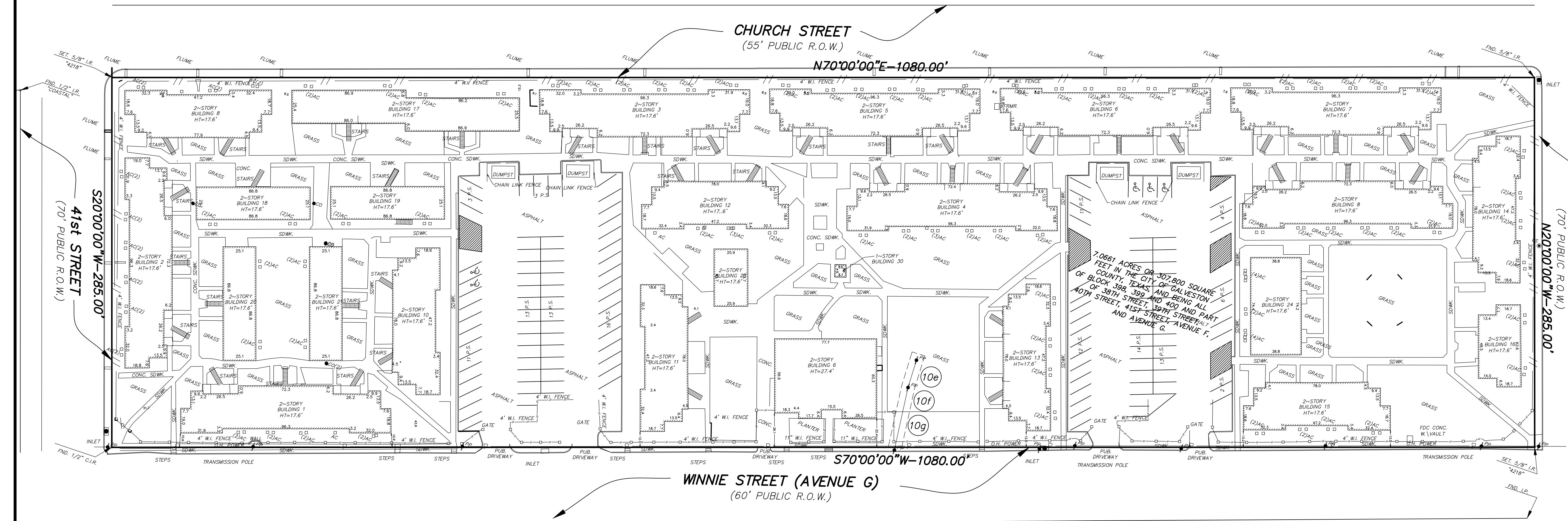
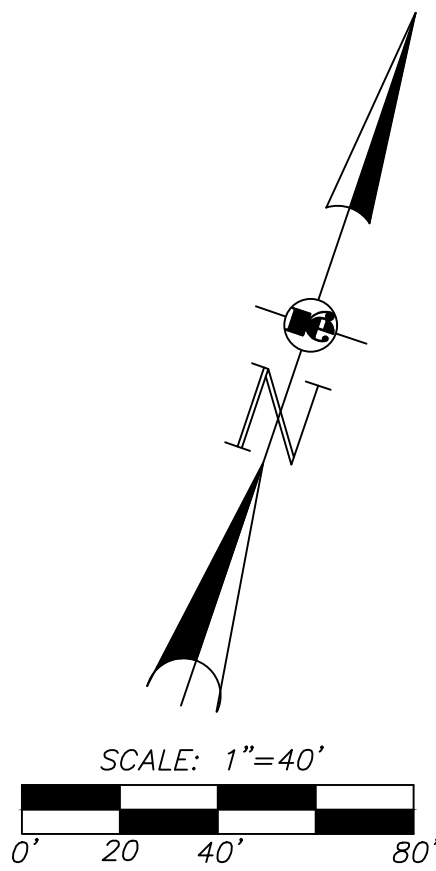
Please feel free to contact me with any questions.

Sincerely,

Rev. Ray Pinard
Associate Pastor
Moody Methodist Church
EIN: 746-000914



VICINITY MAP
N.T.S.



SURVEYOR'S CERTIFICATION

To: and its successors and/or assigns as Borrower, and First American Title Guaranty Insurance Company, as Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4 (in square feet or acres), 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 10(a), 11, 13, 14, 16, 17, 18 and 19 of Table A thereof. The field work was completed on March 09, 2020.

Robert A. Marlowe
Robert A. Marlowe
Registration No. 4218
In the State of Texas
Date of Survey: March 09, 2020



GENERAL NOTES

- The Surveyor has not abstracted the subject property.
- All bearings are based on the Texas State plane.
- This surveyor has been supplied with a Commitment for Title Insurance issued by First American Title Guaranty Title Company, under G.F. No. 27993-MM having an effective date of February 12, 2020.
- All field measurements match record dimensions with the precision requirements of ALTA/ACSM specifications.
- There is no evidence of earth moving work, building construction, or building additions.
- This Surveyor is not aware of any completed or proposed street right of way change.
- There is no evidence of site being used for solid waste dump, sump, or sanitary landfill.
- There is no evidence of a cemetery on the site.
- Site Address: 3916 Winnie (Avenue G) Galveston, TX
- The subject property has access to public right of way along Winnie Road.
- No wetland areas were observed at the time of survey. None were delineated by qualified personnel.
- No division or party walls were observed at the time of the survey.
- Doc. 9249568 is restricted convenience and 2015016782

SCHEDULE "B" ITEMS

1. The following restrictive covenants of record itemized below:

e. Easement recorded in Volume 2079, Page 276, of the Deed Records, Galveston County, Texas. Does effect tract (104f) and shown.

f. Easement recorded June 26, 2008 in County Clerk's File No. 2008036831, of the Official Public Records, Galveston County, Texas. Does effect tract blanket in nature.

g. Easement recorded February 24, 2016 in County Clerk's File No. 2016010169, of the Official Public Records, Galveston County, Texas. Does effect tract blanket in nature.

Agreement for Provision of Individual Electric Service Metering System, executed by and between Parkland Apartments of Galveston, a Non-Profit Charitable Trust and Houston Lighting & Power Company, a Texas corporation recorded November 21, 1988 in County Clerk's File No. 8840849 of the Official Public Records of Galveston County, Texas. Does effect tract blanket in nature.

10e
10f
10g
10i

LEGAL DESCRIPTION

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 7.0661 ACRES OR 307,800 SQUARE FEET IN THE CITY OF GALVESTON COUNTY, TEXAS, AND BEING ALL OF BLOCK 398, 399 AND 400 AND PART OF 38TH STREET, 39TH STREET, 40TH STREET, 41ST STREET, AVENUE F, AND AVENUE G, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (ASSUMED BEARING SOUTH 70 DEGREES WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF WINNIE STREET)

BEGINNING AT A POINT ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF WINNIE STREET (AVENUE "G"), BASED ON A WIDTH OF 60.00 FEET, AND 10.00 FEET SOUTHWESTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 41ST STREET, BASED ON A WIDTH OF 70.00 FEET, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT FROM WHICH A 1/2 INCH IRON ROD SET BEARS NORTH 25 DEGREES 00 MINUTES EAST, 14.14 FEET MARKING THE SOUTHWEST CORNER OF SAID BLOCK 400;

THENCE, NORTH 20 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID 41ST STREET AND RUNNING 10.00 FEET PERPENDICULARLY DISTANCE FROM A PARALLEL TO THE SOUTHWEST LINE OF SAID BLOCK 400, A DISTANCE OF 285.00 FEET TO A POINT ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF CHURCH (AVENUE "F"), BASED ON A WIDTH OF 55.00 FEET, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT FROM WHICH A 1 INCH IRON PIPE FOUND BEARS SOUTH 53 DEGREES 41 MINUTES EAST, 18.0 FEET MARKING THE NORTHWEST CORNER OF BLOCK 400;

THENCE, NORTH 70 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID CHURCH (AVENUE "F") AND RUNNING 15.00 FEET PERPENDICULARLY DISTANCE FROM AND PARALLEL TO THE NORTHWESTERLY LINE OF BLOCKS 400, 399, AND 398, A DISTANCE OF 1080.00 FEET TO POINT ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF 38TH STREET, BASED ON A WIDTH OF 70.00 FEET FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1 INCH IRON PIPE FOUND BEARS SOUTH 13 DEGREES 41 MINUTES WEST, 18.0 FEET MARKING THE NORTHEAST CORNER OF BLOCK 398;

THENCE, SOUTH 20 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID 38TH STREET AND RUNNING 10.00 FEET PERPENDICULARLY DISTANCE FROM AND PARALLEL TO THE NORTHEASTERLY LINE OF SAID BLOCK 398, A DISTANCE OF 285.00 FEET TO POINT ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF AFORESAID WINNIE STREET (AVENUE "G") FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT FROM WHICH A 1/2 INCH IRON ROD SET BEARS NORTH 65 DEGREES 00 MINUTES WEST, 14.14 FEET MARKING THE SOUTHEAST CORNER OF SAID BLOCK 398;

THENCE, SOUTH 70 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID WINNIE STREET (AVENUE "G") AND RUNNING 10.00 FEET PERPENDICULARLY DISTANT FROM AND PARALLEL WITH THE SOUTH LINES OF BLOCK 398, 399, AND 400, A DISTANCE OF 1080.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.0661 ACRES OR 307,800 SQUARE FEET OF LAND, MORE OR LESS.

ZONING

TRACT ZONED: R2

FLOOD NOTE

FLOOD NOTE: By graphic plotting only, this property is in Zone "AE" (shaded) of the Flood Insurance Rate Map, Community Panel No. 48167C0441C, which bears an effective date of August 15, 2019, and is in a Special Flood Hazard Area. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

PARKING TABLE

REGULAR PARKING SPACES = 290
HANDICAP PARKING SPACES = 7
TOTAL PARKING SPACES = 297

CONTACT: JOHN ENGLISH
7676 HILLMONT SUITE 350
HOUSTON, TEXAS 77040
(TEL) 713-895-8080
email: jenglish@rekhaengineering.com

SANDPEPPER COVE

3916 WINNIE ROAD
GALVESTON, TEXAS

REVISIONS		
REV.	DESCRIPTION	DATE

ALTA/NSPS LAND TITLE SURVEY OF 7.0661 ACRES OR 307,800 SQFT. IN THE CITY OF GALVESTON COUNTY, TEXAS, AND BEING ALL OF BLOCK 398, 399 AND 400 AND PART OF 38TH ST., 39TH ST., 40TH ST., 41ST ST., AVENUE F, AND AVENUE G, HARRIS COUNTY, TEXAS

REKHA ENGINEERING INC.



CIVIL ENGINEERS AND LAND SURVEYORS
7676 Hillmont, Suite 350
Houston, Texas 77040
713-895-8080
713-895-8081

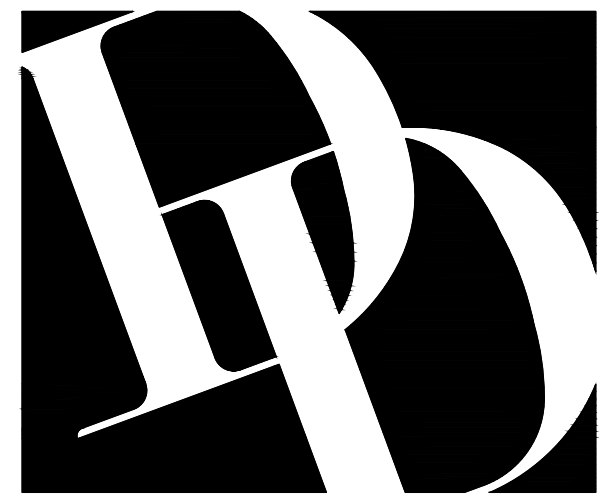
© COPYRIGHT 2019
email: jenglish@rekhaengineering.com
DRAWN BY: CJ
CHECKED BY: JHE
CLIENT: ITEX

TBPLS No. 10133800

TBPE No. F-3712

REVIEWED BY: JHE

JOB NO: 0320-4165



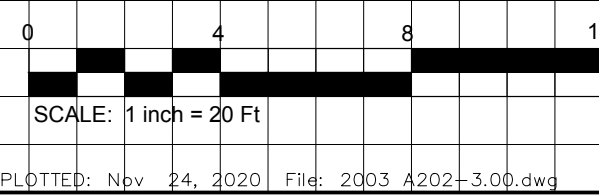
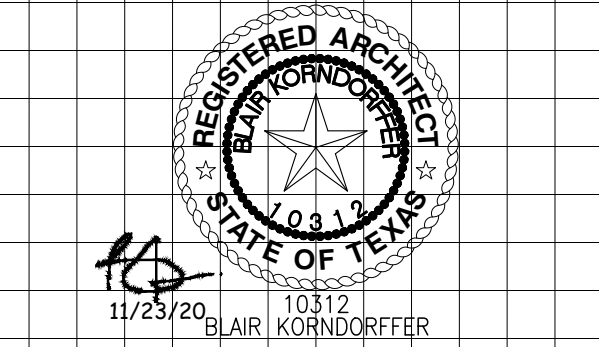
DIAMOND
DEVELOPMENT GROUP
ARCHITECTURE PLANNING CONSTRUCTION

700 Gemini • Suite 260
Houston • Texas
7 7 0 5 8
8 3 2 • 2 2 4 • 6 4 0 0

HAWARCH @ AOL.COM

Revisions

No.	IOC	Date	Description
		11/23/20	ISSUE FOR PRICING
		11/23/20	ISSUE FOR PERMIT
		11/23/20	ISSUE FOR CONSTRUCTION



SAND PIPER
COVE

3916 WINNIE ST
GALVESTON, TEXAS

2003

Sheet Date: 11/23/20

Sheet Title:

PROPOSED ENLARGED
SITE PLAN

Sheet No.:

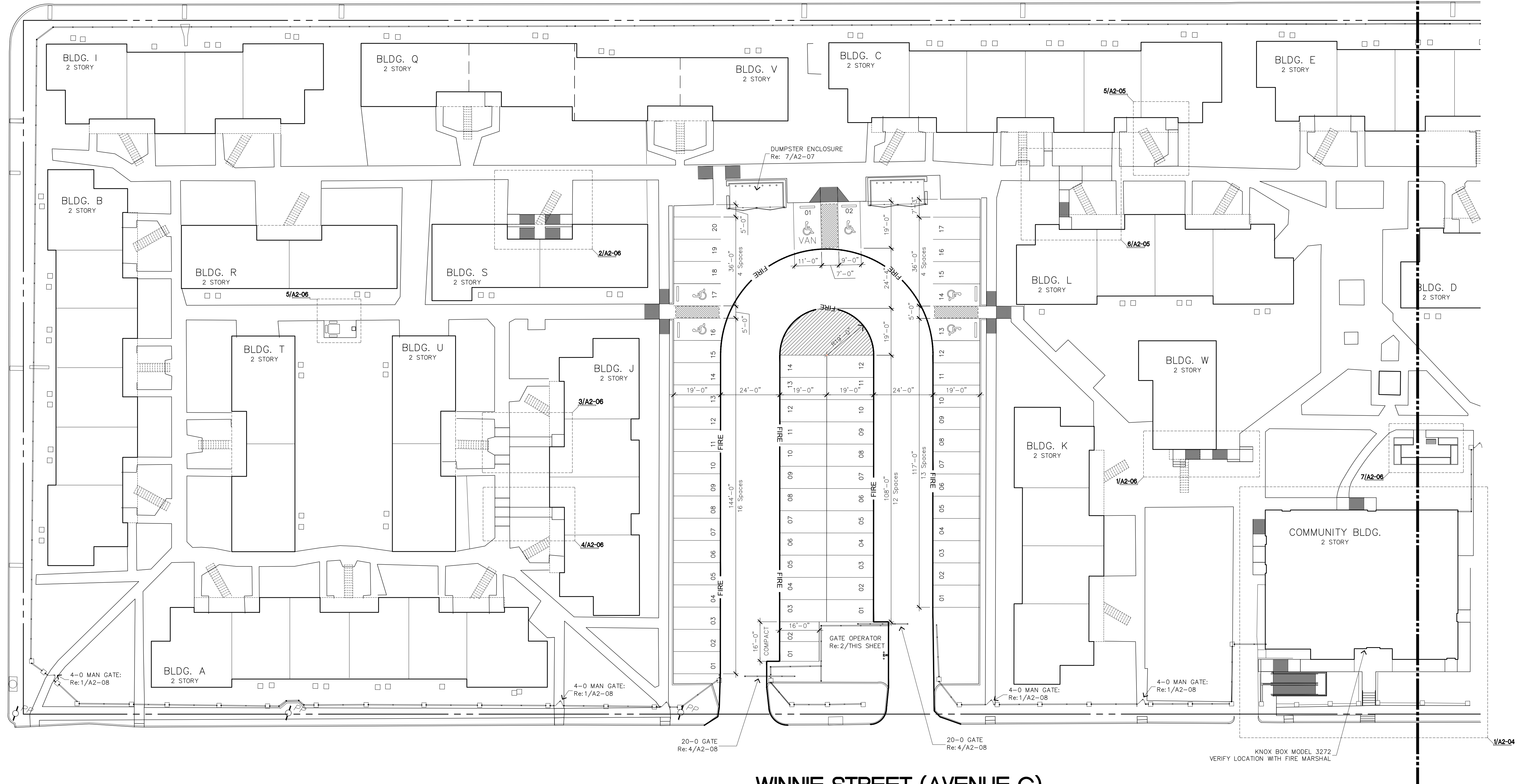
A2-02

Drawn By Project Manager Project Arch
MHB JAG JKB

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from DD Diamond Development + Construction Group, LLC.
The Texas Board of Architectural Examiners has jurisdiction
over complaints regarding the Professional Practices of
persons registered as Architects in Texas.
333 Guadalupe, Suite 2-350, Austin, Texas 78701

CHURCH STREET
(55' PUBLIC R.O.W.)

41st STREET
(70' PUBLIC R.O.W.)



WINNIE STREET (AVENUE G)
(60' PUBLIC R.O.W.)

SITE GENERAL NOTES

1. SITE CLEARING: REMOVE ALL TRASH, RUBBISH, SHRUBS, TREES AND STUMPS FROM ENTIRE LOT UNLESS NOTED OTHERWISE ON SITE PLAN, TO 6" BELOW FINISH GRADE MINIMUM. IN AREAS TO BE OCCUPIED BY IMPROVEMENTS GREATER THAN 6", STUMPS SHALL BE ENTIRELY REMOVED.

REMOVE THE ENTIRE DEPTH OF TOPSOIL FROM AREAS TO BE OCCUPIED BY BUILDINGS, ROADS, PARKING AREAS AND WALKS, AND DISPOSE OF LEGALLY, EXCEPT THAT WHICH IS TO BE PLACED IN LANDSCAPED AREAS.

PROTECT AGAINST DAMAGE TO ANY LAWNS, SHRUBS, TREES, ROADS, WALKS AND OTHER WORK THAT IS TO REMAIN IN PLACE.

2. SURFACE DRAINAGE: CONTRACTOR SHALL FINISH SURFACES TO SLOPES INDICATED ON THE SITE PLAN TO OBTAIN POSITIVE DRAINAGE OF THE SURFACE WATER. FINISH GRADE SHALL BE A MIN OF 8" BELOW FINISH FLOOR ELEVATION AND SLOPE OF 2% AWAY FROM FOUNDATION FOR A DISTANCE OF 10'-0" UNO.

3. STORM SEWERS: WHERE A STORM WATER DRAINAGE SYSTEM IS REQUIRED, THE CONTRACTOR SHALL FURNISH ALL LABOR AND MATERIALS NECESSARY TO COMPLETE THE SYSTEM AS REQUIRED BY LOCAL CODE, OR AS SHOWN ON THE DRAWINGS.

PROVIDE 3/8" PVC DRAIN THRU CURB AT 10'-0" OC AT ALL LOCATIONS WHERE STORM WATER MAY BE TRAPPED FROM FLOW TO DRAINAGE SYSTEM BY CURB.

4. EXTERIOR LANDINGS: CONTRACTOR TO PROVIDE A 6'-0" X 6'-0" EXTERIOR LANDING (SLOPED AT 1:50 AWAY FROM THE ENTRY) POSITIONED SUCH THAT IT EXTENDS A MINIMUM OF 30" PAST THE STRIKE SIDE OF THE EXTERIOR ENTRY DOOR ON THE PULL SIDE AND AT THE SAME ELEVATION AS THE INTERIOR FF. LANDING AND ACCESS ROUTE SHALL HAVE NO RISE GREATER THAN 1/2" INCH ALLOWED. ACCESS ROUTE SHALL HAVE NO SLOPE GREATER THAN 1:20. REFER TO SITE PLAN AND ACCESSIBILITY DETAILS FOR ADDITIONAL INFORMATION.

5. ACCESSIBLE ROUTE: NO RISE GREATER THAN 1/2" INCH ALLOWED. SLOPE SHALL BE LESS THAN 1:20 (5%) WITH A 6'-0" BY 6'-0" FLAT AREA LOCATED OUTSIDE THE ENTRANCE DOOR. HANDICAPPED PARKING SHALL BE LEVEL (NO SLOPE). IF AN ACCESSIBLE ROUTE HAS A RUNNING SLOPE GREATER THAN 1:20 THEN IT IS A RAMP & MUST COMPLY ACCORDINGLY.

6. CROSS SLOPE: NOWHERE SHALL THE CROSS SLOPE OF A PEDESTRIAN (INCLUDING ACCESSIBLE) ROUTE EXCEED 1:50 (2%). SLOPES SHALL ALWAYS DIRECT WATER AWAY FROM THE BUILDING STRUCTURE AND TOWARD THE NEAREST STORM DRAIN UNO.

7. RAMPS: ANY PART OF AN ACCESSIBLE ROUTE WITH A SLOPE GREATER THAN 1:20 SHALL BE CONSIDERED A RAMP. THE LEAST POSSIBLE SLOPE SHALL BE USED FOR ANY RAMP. THE MAXIMUM SLOPE OF A RAMP SHALL BE 1:12 WITH A MAXIMUM RISE FOR ANY RUN OF 30 INCHES. THE MINIMUM CLEAR WIDTH OF A RAMP SHALL BE 44 INCHES UNO WITH A LANDING LENGTH OF 60 INCHES CLEAR OF THE TOP AND BOTTOM OF RAMP.

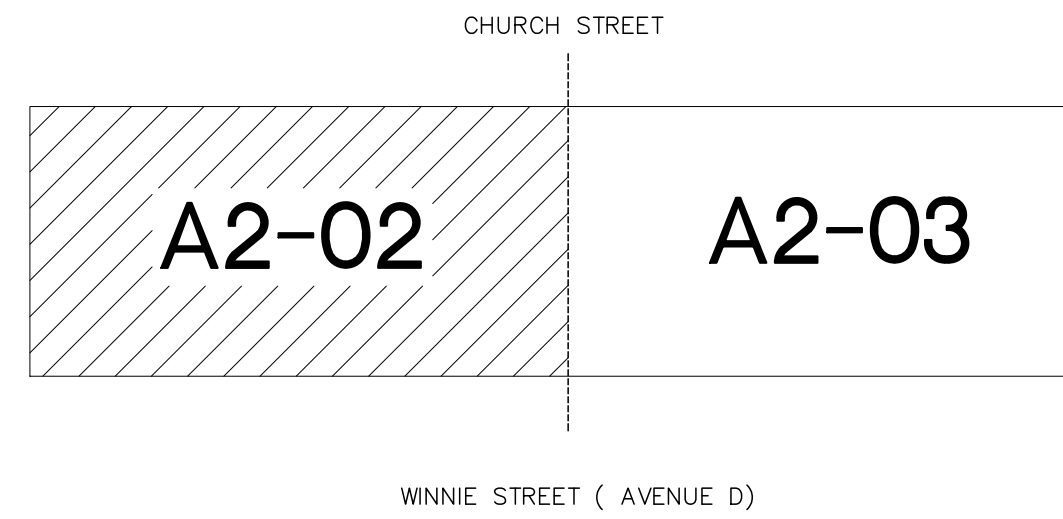
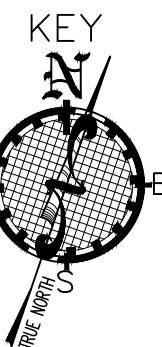
8. HANDRAILS: IF A RAMP RUN HAS A RISE GREATER THAN 6" IN OR A HORIZONTAL PROJECTION GREATER THAN 72" IN, THEN IT SHALL HAVE HANDRAILS ON BOTH SIDES. HANDRAILS ARE NOT REQUIRED ON CURB RAMPS ADJACENT TO SEATING IN ASSEMBLY AREAS.

9. FIRE LANE: EACH FIRE LANE SHALL BE CONTINUOUSLY MARKED WITH RED PAINT, EITHER ON THE CURB OR, WHERE THE CURBS ARE NOT PRESENT, WITH A CONTINUOUS LINE NOT LESS THAN FOUR INCHES WIDE. ON THE RED PAINTED SURFACES, THE WORDING "FIRE LANE - NO PARKING" IN WHITE LETTERS THREE INCHES HIGH SHALL BE CONSPICUOUSLY AND LEGIBLY MARKED AND APPLIED AT EACH END AND AT LEAST EVERY 25 FEET.

1 SITE PLAN

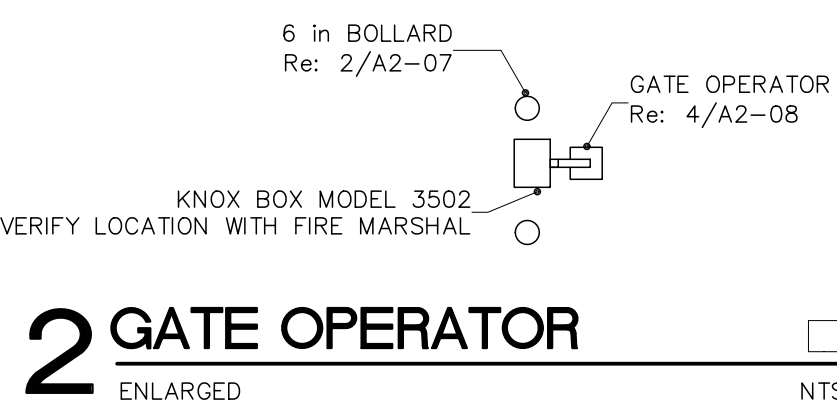
ENLARGED

1" = 20'



2 SITE AREA CALCULATIONS

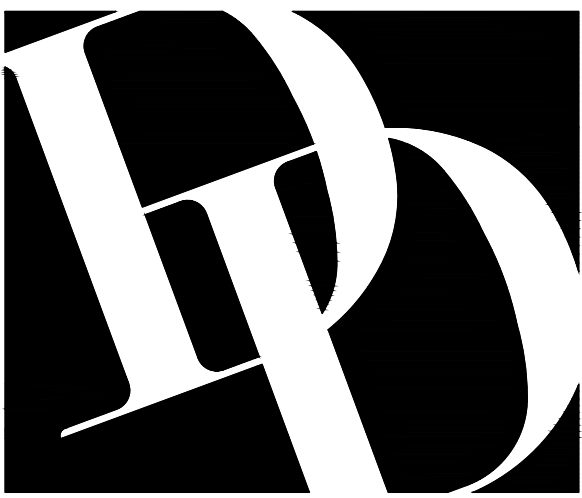
A R E A	SQUARE FEET	PERCENT OF SITE
TOTAL AREA OF SITE	307,800	100%
PARKING LOT & DRIVE AREA	56,337	18%
SIDEWALKS AND OTHER NONPERVIOUS AREA	61,709	20%
BUILDING SQ FOOTAGE	83,838	27%
GREEN SPACE/LANDSCAPED AREA	105,916	35%



2 GATE OPERATOR

ENLARGED

NTS



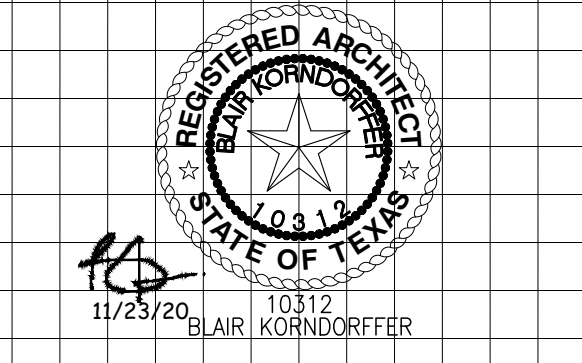
DIAMOND
DEVELOPMENT GROUP
ARCHITECTURE PLANNING CONSTRUCTION

700 Gemini • Suite 260
Houston • Texas
7 7 0 5 8
8 3 2 • 2 2 4 • 6 4 0 0

HAWARCH @ AOL.COM

Revisions

No.	IOC	Date	Description
		11/23/20	ISSUE FOR PRICING
		11/23/20	ISSUE FOR PERMIT
		11/23/20	ISSUE FOR CONSTRUCTION



SCALE: 1 inch = 20 FT
PLOTTER: Nov 24, 2020 File: 2003 42001-1.00.dwg

SAND PIPER
COVE

3916 WINNIE ST
GALVESTON, TEXAS

2003

Sheet Date: 11/23/20

Sheet Title:

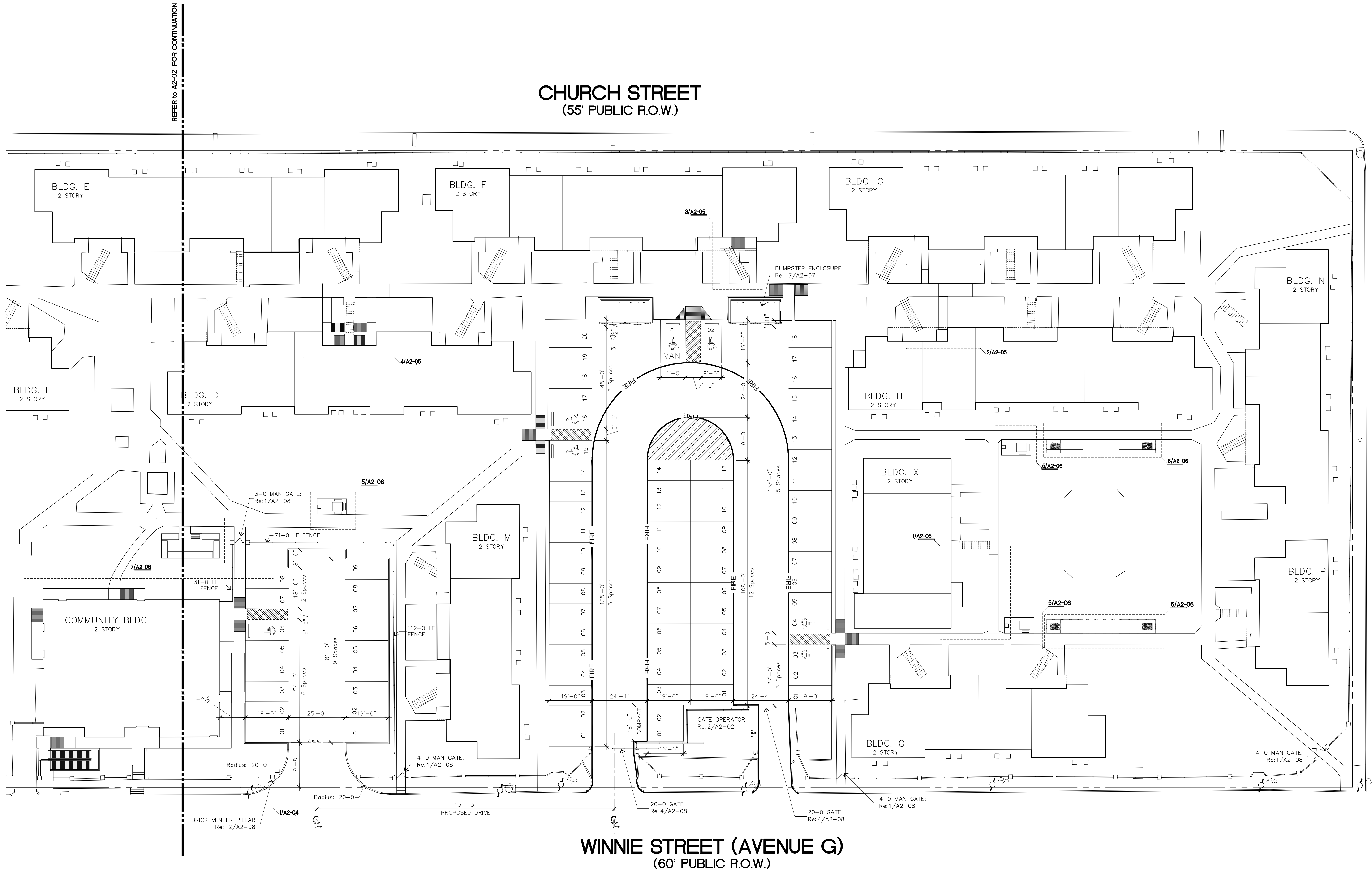
PROPOSED ENLARGED
SITE PLAN

Sheet No.:

A2-03

Drawn By Project Manager Project Arch
MHB JAG JKB

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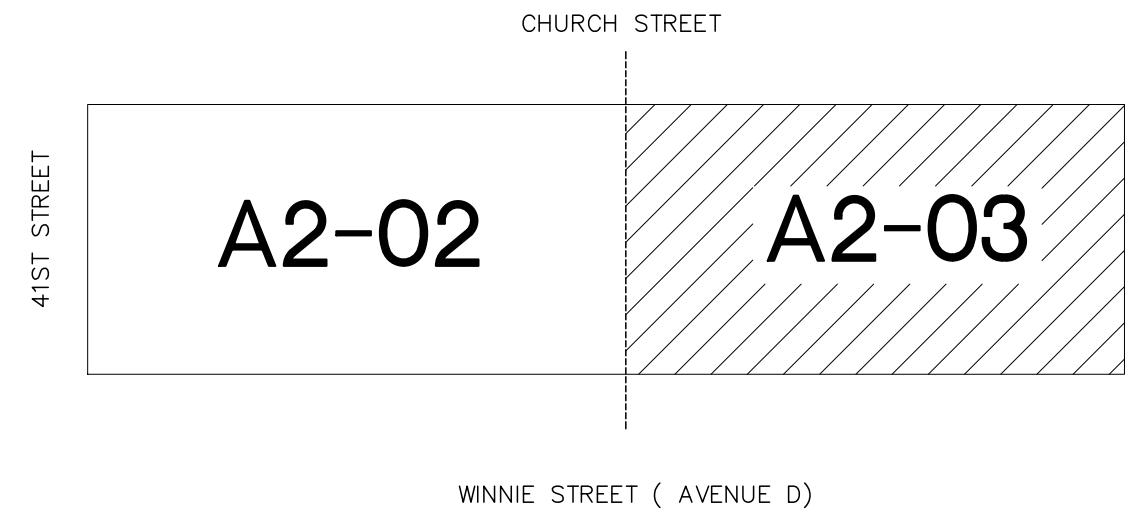
SITE GENERAL NOTES

- SITE CLEARING:** REMOVE ALL TRASH, RUBBISH, SHRUBS, TREES AND STUMPS FROM ENTIRE LOT UNLESS NOTED OTHERWISE ON SITE PLAN, TO 6" BELOW FINISH GRADE MINIMUM. IN AREAS TO BE OCCUPIED BY IMPROVEMENTS GREATER THAN 6", STUMPS SHALL BE ENTIRELY REMOVED.
REMOVE THE ENTIRE DEPTH OF TOPSOIL FROM AREAS TO BE OCCUPIED BY BUILDINGS, ROADS, PARKING AREAS AND WALKS, AND DISPOSE OF LEGALLY, EXCEPT THAT WHICH IS TO BE PLACED IN LANDSCAPED AREAS.
PROTECT AGAINST DAMAGE TO ANY LAWNS, SHRUBS, TREES, ROADS, WALKS AND OTHER WORK THAT IS TO REMAIN IN PLACE.
- SURFACE DRAINAGE:** CONTRACTOR SHALL FINISH SURFACES TO SLOPES INDICATED ON THE SITE PLAN TO OBTAIN POSITIVE DRAINAGE OF THE SURFACE WATER. FINISH GRADE SHALL BE A MIN OF 8" BELOW FINISH FLOOR ELEVATION AND SLOPE OF 2% AWAY FROM FOUNDATION FOR A DISTANCE OF 10'-0" UNO.
- STORM SEWERS:** WHERE A STORM WATER DRAINAGE SYSTEM IS REQUIRED, THE CONTRACTOR SHALL FURNISH ALL LABOR AND MATERIALS NECESSARY TO COMPLETE THE SYSTEM AS REQUIRED BY LOCAL CODE, OR AS SHOWN ON THE DRAWINGS.
- PROVIDE 3" PVC DRAIN THRU CURB AT 10'-0" OC AT ALL LOCATIONS WHERE STORM WATER MAY BE TRAPPED FROM FLOW TO DRAINAGE SYSTEM BY CURB.
- EXTERIOR LANDINGS:** CONTRACTOR TO PROVIDE A 6'-0" X 6'-0" EXTERIOR LANDING (SLOPED AT 1:50 AWAY FROM THE ENTRY) POSITIONED SUCH THAT IT EXTENDS A MINIMUM OF 30" PAST THE STRIKE SIDE OF THE EXTERIOR ENTRY DOOR ON THE PULL SIDE AND AT THE SAME ELEVATION AS THE INTERIOR FF. LANDING AND ACCESS ROUTE SHALL HAVE NO RISE GREATER THAN 1/2" INCH ALLOWED. ACCESS ROUTE SHALL HAVE NOT SLOPE GREATER THAN 1:20. REFER TO SITE PLAN AND ACCESSIBILITY DETAILS FOR ADDITIONAL INFORMATION.
- ACCESSIBLE ROUTE:** NO RISE GREATER THAN 1/2" INCH ALLOWED. SLOPE SHALL BE LESS THAN 1:20 (5%) WITH A 6'-0" BY 6'-0" FLAT AREA LOCATED OUTSIDE THE ENTRANCE DOOR. HANDICAPPED PARKING SHALL BE LEVEL (NO SLOPE). IF AN ACCESSIBLE ROUTE HAS A RUNNING SLOPE GREATER THAN 1:20 THEN IT IS A RAMP & MUST COMPLY ACCORDINGLY.
- CROSS SLOPE:** NOWHERE SHALL THE CROSS SLOPE OF A PEDESTRIAN (INCLUDING ACCESSIBLE) ROUTE EXCEED 1:50 (2%). SLOPES SHALL ALWAYS DIRECT WATER AWAY FROM THE BUILDING STRUCTURE AND TOWARD THE NEAREST STORM DRAIN UNO.
- RAMPS:** ANY PART OF AN ACCESSIBLE ROUTE WITH A SLOPE GREATER THAN 1:20 SHALL BE CONSIDERED A RAMP. THE LEAST POSSIBLE SLOPE SHALL BE USED FOR ANY RAMP. THE MAXIMUM SLOPE OF A RAMP SHALL BE 1:12 WITH A MAXIMUM RISE FOR ANY RUN OF 30 INCHES. THE MINIMUM CLEAR WIDTH OF A RAMP SHALL BE 44 INCHES UNO WITH A LANDING LENGTH OF 60 INCHES CLEAR AT THE TOP AND BOTTOM OF RAMP.
- HANDRAILS:** IF A RAMP RUN HAS A RISE GREATER THAN 6 IN OR A HORIZONTAL PROJECTION GREATER THAN 72 IN, THEN IT SHALL HAVE HANDRAILS ON BOTH SIDES. HANDRAILS ARE NOT REQUIRED ON CURB RAMPS OR ADJACENT TO SEATING IN ASSEMBLY AREAS.
- FIRE LANE:** EACH FIRE LANE SHALL BE CONTINUOUSLY MARKED WITH RED PAINT, EITHER ON THE CURB OR WHERE THE CURBS ARE NOT PRESENT, WITH A CONTINUOUS LINE NOT LESS THAN FOUR INCHES WIDE. ON THE RED PAINTED SURFACES, THE WORDING "FIRE LANE - NO PARKING" IN WHITE LETTERS THREE INCHES HIGH SHALL BE CONSPICUOUSLY AND LEGIBLY MARKED AND APPLIED AT EACH END AND AT LEAST EVERY 25 FEET.

1 SITE PLAN

ENLARGED

1 : 20





AUG 17 2020

HISTORIC PRESERVATION CERTIFICATION APPLICATION PART 2 - DESCRIPTION OF REHABILITATION



Instructions: This page must bear the applicant's original signature and must be dated. The National Park Service certification decision is based on the descriptions in this application form. In the event of any discrepancy between the application form and other, supplementary material submitted with it (such as architectural plans, drawings and specifications), the application form takes precedence. A copy of this form will be provided to the Internal Revenue Service.

NPS Project Number

41,931

1. **Property Name** Parkland Apartments Historic District
Street 3916 Winnie (see Part 1 Appendix for full list of addresses)

City Galveston **County** Galveston **State** TX **Zip** 77550-1180

Name of Historic District Parkland Apartments Historic District

☐ Listed individually in the National Register of Historic Places; date of listing _____

☐ Located in a Registered Historic District; name of district _____

☒ Part 1 - Evaluation of Significance submitted? **Date submitted** 3/16/2016 **Date of certification** 5/13/2020

2. Project Data

Date of building 1970 **Estimated rehabilitation costs (QRE)** \$19,507,825

Number of buildings in project 26 **Floor area before / after rehabilitation** 157,026 / 157,512 sq ft

Start date (estimated) 01/01/2021 **Use(s) before / after rehabilitation** Apartment / Apartment

Completion date (estimated) 12/31/2022 **Number of housing units before / after rehabilitation** 192 / 192

Number of phases in project 4 **Number of low-moderate income housing units before / after rehabilitation** 192 / 192

3. Project Contact (if different from applicant)

Name Cindy Hamilton **Company** Heritage Consulting Group

Street 15 W Highland Avenue STE D **City** Philadelphia **State** PA

Zip 77046 **Telephone** (215) 248-1260 **Email Address** chamilton@heritage-consulting.com

4. Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct. I further attest that [check one or both boxes, as applicable]:

- ☐ I am the owner of the above-described property within the meaning of "owner" set forth in 36 CFR § 67.2 (2011), and/or
- ☒ if I am not the fee simple owner of the above described property, the fee simple owner is aware of the action I am taking relative to this application and has no objection, as noted in a written statement from the owner, a copy of which (i) either is attached to this application form and incorporated herein, or has been previously submitted, and (ii) meets the requirements of 36 CFR § 67.3(a)(1) (2011).

For purposes of this attestation, the singular shall include the plural wherever appropriate. I understand that knowing and willful falsification of factual representations in this application may subject me to fines and imprisonment under 18 U.S.C. § 1001, which, under certain circumstances, provides for imprisonment of up to 5 years.

Name Christopher Akbari **Signature (Sign in ink)** [Signature] **Date** 6/22/2020

Applicant Entity Galveston 3916 Winnie Street, LP **SSN** _____ **or TIN** 84-4826523

Street 9 Greenway Plaza, Suite 1250 **City** Houston **State** TX

Zip 77046 **Telephone** (832) 941-5347 **Email Address** apps@itexgrp.com

☐ Applicant, SSN, or TIN has changed since previously submitted application.

NPS Official Use Only

The National Park Service has reviewed the Historic Preservation Certification Application - Part 2 for the above-named property and has determined that:

- ☐ the rehabilitation described herein is consistent with the historic character of the property and, where applicable, with the district in which it is located and that the project meets the Secretary of the Interior's Standards for Rehabilitation. This letter is a preliminary determination only, since a formal certification of rehabilitation can be issued only to the owner of a "certified historic structure" after rehabilitation work is complete.
- ☒ the rehabilitation or proposed rehabilitation will meet the Secretary of the Interior's Standards for Rehabilitation if the attached conditions are met.
- ☐ the rehabilitation described herein is not consistent with the historic character of the property or the district in which it is located and that the project does not meet the Secretary of the Interior's Standards for Rehabilitation.

Date 12/7/2020 **National Park Service Authorized Signature (Sign in ink)** [Signature]

☒ NPS conditions or comments attached

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CONDITIONS

Property Name Parkland Apartments Historic District

Project Number 41931

Property Address 3916 Winnie Street Galveston, TX

The rehabilitation of this property as described in the Historic Certification Application will meet the Secretary of the Interior's Standards for Rehabilitation provided that the following condition(s) is/are met:

1. Community Center Floorplan: Details and evidence about past alterations to the floor plan in the community center are needed to understand the impact of proposed revisions included in this application. Any walls that are original to the building should be kept in place and minimally impacted by alterations.

2. Community Center Windows: The proposed window at the front elevation is inappropriate at such a prominent location. There are presently alternate locations of windows that appear to be boarded up that may be used for getting light into the community center.

CONDITIONS

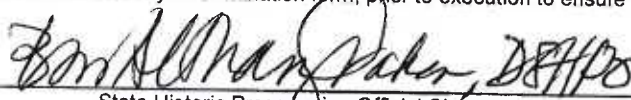
PG. 1 OF 2

Photographs documenting that the conditions have been met must be submitted with the Request for Certification of Completed Work.

Any substantive change in the work as described in the application should be brought to the attention of the State Historic Preservation Office and the National Park Service in writing, using the Amendment/Advisory Determination form, prior to execution to ensure that the proposed project continues to meet the Standards.

8-11-2020

Date

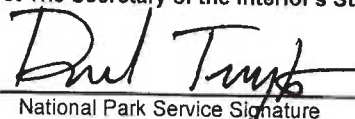


State Historic Preservation Official Signature

The National Park Service has determined that this project will meet The Secretary of the Interior's Standards For Rehabilitation if the conditions listed above are met.

12/7/2020

Date



National Park Service Signature

**HISTORIC PRESERVATION CERTIFICATION APPLICATION
NATIONAL PARK SERVICE
CONDITIONS**

Property Name Parkland Apartments Project Number 41931

Property Address 3916 Winnie Street, Galveston, TX

The rehabilitation of this property as described in the Historic Preservation Certification Application will meet the Secretary of the Interior's Standards for Rehabilitation provided that the following condition(s) is/are met:

Part 2 as revised 11/6/2020
Conditions, Page 2 of 2

3. **Additions:** The exterior cladding materials and detailing of the ADA additions should be very similar to (if not match) the historic buildings. The historic buildings are simplistic, symmetrical, and experienced from all directions. By detailing the additions to be similar to the existing buildings – with subtle variation – the visual impact of these small additions will be minimized. Cladding details as well as final floor plans of the ADA addition revisions must be submitted for review and approval.

CONDITIONS
pg. 2 of 2

Photographs documenting that the conditions have been met must be submitted with the Request for Certification of Completed Work.

Any substantive change in the work as described in the application should be brought to the attention of the State Historic Preservation Office and the National Park Service in writing, using the Amendment/Advisory Determination form, prior to execution to ensure that the proposed project continues to meet the Standards.

The National Park Service has determined that this project will meet the Secretary of the Interior Standards for Rehabilitation if the condition(s) listed above are met.

12/7/2020
Date

Paul Tmyb
National Park Service Signature



20Z-020

STAFF REPORT

ADDRESS:

1212 13th Street

LEGAL DESCRIPTION:

Property is legally described as M. B. Menard Survey, Lots 1 and 2, Block 12, in the City and County of Galveston, Texas.

APPLICANT/REPRESENTATIVE:

Deborah Magruder

PROPERTY OWNER:

1212 Ave L, LLC

ZONING:

Urban Neighborhood, Neighborhood Conservation District (UN-NCD-1)

APPEAL REQUEST:

Land Use Determination

APPLICABLE ZONING LAND

USE REGULATIONS:

Article 2, Table 2.201

ATTACHMENTS:

- A – Applicant's Submittal
- B – Tidy White's Business Plan

STAFF:

Adriel Montalvan, Planning Manager
 409-797-3645
 amontalvan@galvestontx.gov

Public Notice and Comment:

Sent	Returned	In Favor	Opposed	No Comment
42				

City Department/Private Utility Notification:

No Objections



Background:

On September 15, 2020, a request for a Certificate of Occupancy (CO) was submitted to the Development Services Department for Tidy White laundry facility. During the review of the CO request, the Planning Division made the determination that the proposed business, based on its operational plan, met the criteria to operate as a Retail - Commercial land use. Upon review of the request by all City departments involved in the review process, the CO was issued on September 30, 2020.

Please see Exhibit B for additional details pertaining to Tidy White's Business Plan.

Executive Summary:

The applicant is requesting an appeal of staff's determination regarding a land use classification.

The subject site is located within the Urban Neighborhood, Neighborhood Conservation District (UN-NCD-1). The NCD is a zoning overlay district that provides design standards for new development within certain neighborhoods in the City. The allowable uses are prescribed in accordance with the base zoning district of Urban Neighborhood (UN).

The UN district is intended to accommodate the range and pattern of residential uses found in the City's oldest, established Urban Core neighborhoods together with limited nonresidential uses, such as corner stores that have been identified by the neighborhoods. The subject property is on the list of identified properties for commercial use.

Staff has determined that the use, as submitted, qualifies as a Retail – Commercial land use. Retail Commercial is permitted by right in an Urban Neighborhood (UN) zoning district. The Land Development Regulations (LDR) defines Retail – Commercial as:

Retail Commercial - means any business engaged in the buying and selling of goods and services in retail business. For this section, the term means commercial and retail uses that do not include regular outside storage or sales. The phrase includes uses that are comparable to the following:

1. Furniture and home furnishings stores;
2. Electronics and appliance stores;
3. Paint and wallpaper stores;
4. Hardware stores;
5. Food and beverage stores;
6. Licensed health and personal care services;
7. Clothing and clothing accessory stores;
8. Shoe repair;
9. Personal custom services such as tailor or milliner (hats);
10. Sporting goods, hobby, book and music stores;
11. General merchandise stores; and
12. Miscellaneous store retailers.

Tidy White provides laundering services to Vacasa Property Management, and other real estate companies in the Galveston area. Based on its unique operation, which does not receive customers on-site to complete their own laundering, and does not offer a pick-up station component for customers, the use does not qualify as a Cleaning/Laundry Pick-up station or Cleaning/Laundry-Mat Facility. The LDR defines the aforementioned uses as:

Cleaning/Laundry Pick-Up Station - means an establishment providing laundering, dry cleaning and/or custom cleaning of garments and other household materials (e.g., curtains, bedspreads) but only for customer drop-off and pick-up of items as the cleaning services are performed off premises.

Cleaning/Laundry-Mat Facility - means an establishment providing laundering, dry cleaning and/or custom cleaning of garments and other household materials (e.g., curtains, bedspreads) where the cleaning services are performed on premises, with a pick-up station component for customer drop-off and pick-up of items. Cleaning/Laundry-Mat Facility also means an establishment where facilities are available for customers to complete their own laundering with limited assistance. Also, commonly known as a Laundromat or Washateria. In some cases, the cleaners and laundrymat activity may be combined.

The applicant's position is that the use should have been classified as an industrial land use. In the applicant's submittal, Exhibit A, the applicant states that the subject business should fall into the category of a Light Industry land use. The LDR defines Light Industry as:

Light Industry - means uses that involve assembly, compounding, packaging or treatment of products from previously prepared materials, with limited outside storage and limited external effects or risks. For illustrative purposes, light industrial uses include:

1. Assembly or refurbishing of products, instruments, electronics, office and computing machines, and fixtures from pre-manufactured components;
2. Offices of general contractors, specialty subcontractors, or tradesmen which include:
 - a. Bay door access to indoor storage of tools, parts and materials;
 - b. Parking of commercial vehicles; or
 - c. Outdoor storage areas that are smaller than the area of the first floor of the building, and that are used for storage of materials or vehicles that are less than 12 feet in height.
3. Communications facilities, except wireless telecommunications facilities;
4. Data centers, server farms, telephone exchange buildings and telecom hotels;
5. Food and beverage production and packaging other than meat and seafood processing, restaurants or produce packing that does not involve other processing;
6. Furniture making or refinishing;
7. Manufacture of textiles or apparel;
8. Screen printing of apparel;
9. Commercial cleaning, dyeing or laundry plant;
10. Printing and publishing, except copy centers, and except printing presses that require a Texas Clean Air Act Permit or a Federal Clean Air Act Permit (these are heavy industry);
11. Disassembly of consumer electronics and/or appliances into component parts, where all operations and storage are within an enclosed building;
12. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products; and
13. Packaging of consumer products.

While the definition of Light Industry includes “Commercial Cleaning, dyeing or laundry plant”, Staff’s determination is that the scale of the business is not large enough to qualify as a “plant”. Staff continues to find that the best classification for the business is Retail - Commercial.

Procedure:

The appeal is filed pursuant to LDR Section 13.901, Administrative Appeals (see attachment B). Such appeals of staff determinations are heard by the ZBA. Aggrieved parties may file such an appeal if they are within 200 feet of the property that is subject to the decision. The notice of appeal shall specify the decision appealed from and the basis for the appeal, which shall include the specific sections of these Regulations that are alleged to have been overlooked or applied in error, and in what specific way this has affected or will affect the aggrieved party who initiated the appeal. Such statement of the basis of the appeal shall provide sufficient detail to put the City on notice with respect to the matters to be raised.

In exercising the power to decide an appeal, the decision-maker may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer or body from whom the appeal is taken. With respect to decisions of the Zoning Board of Adjustment, the concurring vote of 73 percent of the members of the board is necessary to reverse an order, requirement, decision, or determination of a City staff member.

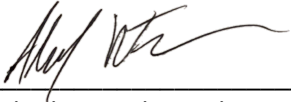
Should the applicant or City be aggrieved by or dissatisfied with the decision of the Zoning Board of Adjustment, the applicant or City may pursue all legal remedies to appeal the decision to a court of competent jurisdiction pursuant to Texas Local Government Code, Chapter 211.

Applicant’s Justification:

Current tenant operates a business that is not in compliance with permit. The Facility is not “Retail – Commercial” as indicated on permit. Please see Exhibit A.

Please see Agenda for Appeal from Decision of Board Process.

Respectfully Submitted,



Adriel Montalvan, Planning Manager

12/29/2020

Date

Catherine Gorman, AICP
Assistant Planning Director / HPO

Date

December 9, 2020

City of Galveston Planning
City of Galveston Land Use Board
823 25th Street Room 401
Galveston, Texas 77550

Appeal the permit approved for the laundry facility located on 1212 13th Street. How did this laundry obtain a permit under Section 2.101 of the Galveston Planning and Development Division regulations given that it is located in a UN zone.

My name is Deborah Magruder and I own the residence located on 1221 Avenue L, Galveston 77550. It is located in the San Jacinto Restoration District which is designated as an Urban Neighborhood (UN). My property shares a zero lot line with the corner store located on 1212 13th Street (1227 Ave L) which is the subject of the Appeal. This purpose of this document is to supplement and support the appeal being requested.

Due to different information received from different areas within the Galveston Planning, Building and Code enforcement, I have to admit it is not clear what permit the business is currently working under. In any respect, it is my position that whatever permit was issued or inspection approved, they were achieved by either misrepresenting the business conducted at the location or the time period the business has been in operation.

1. Initially I was informed that the laundry applied and received a permit to operate as a retail coin operated facility per Daniel Lunsford on the Planning in September 2020. It is not a retail facility and I verbally filed a complaint against the facility. It was my understanding he started the process of getting things straightened out.
2. In early October I was informed that a Land use permit was granted for Commercial- Retail by the Building Division on September 30, 2020.
3. More recently, my son Austin Magruder, found out the Code enforcer, who inspected the facility recently, was of the understanding that it was Light Industry - Commercial laundry but that it had been operating for over 10 years at the location. The description of the business is correct, but the 10 years at this location is false. Perhaps it was once again misrepresented in order to obtain a permit for Light Industry by grandfathering in the operation. It has not been in business at this location 10 years – I can attest it wasn't there from January 2015 until the summer of 2020.

This laundry should fall into the category of Light Industry –Commercial Laundry Plant as defined Article 14 on pages 14 – 11 and 14-12 in Land Development Regulations definitions for Light Industry . Specifically #9 Commercial Cleaning Plant in the Light Industry definition. The business services the hotel industry; there is not retail business taking place.

In any respect, all 3 permits to conduct business at this location were obtained by falsely misrepresenting either what business is being conducted at the location or when the correct permit Light Industry is used – it was misrepresented to be in business for over 10 years when it just began operations the summer of 2020.

Attachments to this communication/documentation is more information supporting my appeal that the business is 'Light Industry' and a time line outlining when permits were granted..

Sincerely,

Deborah Magruder

[REDACTED]

[REDACTED]

Cc: Austin Magruder

Attachments :

Further Information and Time Line

Pictures Supporting that it is Light Industry Laundry facility

Further Information and Time Line of Permitting:

In September both my son, Austin Magruder, and I contacted the Galveston Planning department and were directed to the Planner, to start a formal complaint or appeal process with respect to the laundry business at 1212 13th Street address. We were told that our phone calls started the formal complaint process and nothing else needed to be done. Follow up phone calls during September to find out the status of the complaint were not returned by the Planner who we previously talked to.

During the conversations with the Planner in September, the Limited Use Standard contained in the Planning Guidelines was discussed, specifically the No Nuisance standard.

No Nuisance Created. The facility shall not create or cause any perceptible noise, odor, smoke, electrical interference or vibrations that constitute a public or private nuisance to neighboring properties.

As the owner of the adjoining zero lot line property I am stating this business is not operating a 'Retail' business. The laundry operations create perceptible noise, in that the constant hum of the industrial turbine industrial dryers drowns out the sound of the surf and the island birds. The operation creates an extreme amount of heat that blows into adjoining properties, which is obnoxious particularly in summer months. It also releases heavily scented smells from the industrial dryers and other times even worse – dirty laundry smell.

After documenting my complaint by email, I was informed the laundry had obtained a 'Certificate of Occupancy' on September 30th from the Building Division for Commercial – Retail. The laundry facility does not conduct any retail business. A review of the forms for 'Certificate of Occupancy' shows the 'conditions of permit (review all comments from original permit issued) was part of the approval process. Was my complaint included in this review?

This laundry facility services the hotel industry. It is not a retail establishment. By definition, the term 'Retail' applies where a service provider fills the small orders of many individuals, who are end-users, rather than large orders of a small number of wholesale clientele. The appropriate category for the laundry business facility would fall under the Light Industry category per the definitions in the Land uses included Land-Development Regulations Article 2 and then definitions found in Article 14 for Light Industry - # 9. Commercial cleaning, dyeing or **laundry plant**. I attest to the following:

- This laundry is not open to the general public and does not provide service to end users.
- The laundry facility receives large bags of hotel and or rental property laundry (i.e., it's clientele is few large wholesale customers). Further evidence that the business is Light Industrial these are pictures taken from the alley next to their back door.

PHOTOS

- A box truck delivering the industrial size containers of cleaning products used at the facility.
- Stacks of large sacks of dirty laundry on one morning against the alley. After complaints, they have changed to using a box truck to bring in and take out the laundry using large industrial sized push carts to handle the weight.





COMMERCIAL LINEN SERVICES

TIDY
WHITES

Locally Owned & Operated

**Highest Capacity Washers & Dryers
on the Island!**

409-515-9119

**Pickup & Delivery Included
In One Low Price per Pound.**

BUSINESS PLAN

Tidy Whites, LLC

December 14, 2016

Executive Summary

The Ownership

The company will be structured as a limited liability company (L.L.C.)

The Management

Wes Bishop is the managing owner. Tidy Whites has hired two full time managers who run the day to day operation with approximately 10 part time and full time employees.

The Goals and Objectives

Goals are to provide a linen service for house keepers, Real Estate Agents who manage clients homes, home owners who rent their homes, and vacation rental companies that are up to Covid 19 standards unlike most linen companies who are doing the wash in their personal homes. To do that, our 4 washing machines uses water temperatures that exceed 140 degrees, our 6 dryers heat up to 280 degrees, and we use Ecolab bacteria fighting chemicals for detergents, bleach and softeners. With this type of equipment and chemicals we can assure our clients and Galveston guests that their linens and towels are free and safe of bacteria and harmful diseases. Our goal is to help with the much needed linen Services that can provide covid 19 standard linens with 24 hour turn around so that the next guest can have the same cleanliness in every home that has been rented to the vacationers that frequent the island.

The Product

We do the sheets, towels, and all linens for the vacation rental pool of homes on the island. Our service picks up and delivers back to the house keepers, real estate companies and vacation rental companies that clean the homes. We do not have customers that enter with their laundry from the public and will in no way be open to the public for any other services. we also DO NOT do hotels and or resorts.

The Target Market

Home Owners, house keeper, real estate companies and vacation rental companies who service Galveston County.

Pricing Strategy

Fair market value.

The Competitors

minimum competition in the industry.

Business Plan - Tidy Whites, LLC

The Company

Business Sector

The owners would like to start a business in the retail sector.

Company Goals and Objectives

Goals are to provide a linen service for house keepers, Real Estate Agents who manage clients homes, home owners who rent their homes, and vacation rental companies that are up to Covid 19 standards unlike most linen companies who are doing the wash in their personal homes. To do that, our 4 washing machines uses water temperatures that exceed 140 degrees, our 6 dryers heat up to 280 degrees, and we use Ecolab bacteria fighting chemicals for detergents, bleach and softeners. With this type of equipment and chemicals we can assure our clients and Galveston guests that their linens and towels are free and safe of bacteria and harmful diseases. Our goal is to help with the much needed linen Services that can provide covid 19 standard linens with 24 hour turn around so that the next guest can have the same cleanliness in every home that has been rented to the vacationers that frequent the island.

Company Ownership Structure

The company will be structured as a limited liability company (L.L.C.)

Ownership Background

Richard W Bishop. "WES" (member):

With a background in the United States Navy serving our nation, I was totally disabled and found a way to give back by serving many people in the laundry industry. I have hired some of the top people in the industry to help me run Tidy Whites since I'm disabled. I am also a licensed real estate agent that can't get out as much as I use too which allows me to be able to visit with other agents that are taking care of vacation rentals.

Company Management Structure

Wes Bishop is the managing owner. Tidy Whites has hired two full time managers who run the day to day operation with approximately 10 part time and full time employees.

Organizational Timeline

Timeline to get up and running will take 6-12 months to obtain contacts with house keepers, real estate agents managing their clients homes and vacation rental companies. we do not service any hotels. If you see a bright yellow bag in front of a home, you know that Tidy Whites will be there to pick up and deliver back to the proper address.

Company Assets

The Product

The Product

We do the sheets, towels, and all linens for the vacation rental pool of homes on the island. Our service picks up and delivers back to the house keepers, real estate companies and vacation rental companies that clean the homes. We do not have customers that enter with their laundry from the public and will in no way be open to the public for any other services. we also DO NOT do hotels and or resorts.

Product Patents

We have or will have contracts with Homeowners, house keepers, vacation rental companies, and real estate companies.

Marketing Plan

The Target Market

Home Owners, house keeper, real estate companies and vacation rental companies who service Galveston County.

Pricing

Fair market value.

Advertising

Advertising via email, internet, mail and real estate companies.

Competitor Analysis

The Competitors

minimum competition in the industry.

SWOT Analysis (Strengths/Weaknesses/Opportunities/Threats)

Strengths

Strength of the company is our equipment and chemicals and management.

Weaknesses

limited laundry and and guest. more of a seasonal business.

Opportunities

Opportunities could be opening different markets in new cities.

Threats

Threats are individuals who are angry with the world and always try to cause conflict in matters and covid 19.

Operations

Daily Operations

Day to day operations consist of a 7am to 7pm during seasonal business and off season as needed. Normally a 5 day work week 8am-4pm.

Operational Facilities

The facility is less than 2500 sqft with 4 eighty pound washers and 6 60 pound dryers with folding tables.

Staffing

owner, 2 managers and 6 to 10 full time and part time workers.

Suppliers

Ecolab does all of our soaps bleaches and softness.

Laundry Lux Electro Lux provides services for machinery and equipment.

To the City of Galveston.

Info for my disabled veteran run company Tidy Whites at 1212 13th st.

Tidy Whites services Vacasa vacation and other real estate companies rentals laundry needs. Currently we do the laundry for over 400 vacation rentals on the island We do the sheets, towels, and all linens. Our service picks up and delivers back to the real estate companies that clean the homes on this island. We do not have customers that enter with their laundry from the public and will in no way be open to the public for any other services. If you have any questions, please give me a call.

Sincerely

Wes Bishop
214-901-6333



