

**MINUTES OF A PUBLIC MEETING
OF THE CITY OF BUNKER HILL VILLAGE
PLANNING AND ZONING COMMISSION
THURSDAY, SEPTEMBER 30, 2021, AT 11:30 A.M.**

I. CALL TO ORDER

Chairman Catherine Wile called the Planning and Zoning Commission Meeting to order at 11:39 a.m. based on a quorum of members present:

Present:

Catherine Wile, Chairman
Bill Going, Commissioner
John Gillette, Commissioner
Jean Krivan, Commissioner
Monica Muschalik, Commissioner
Billy Murphy, Commissioner

Absent:

Jack Christiansen, Commissioner

Also in Attendance:

Karen Glynn, City Administrator/Acting City Secretary (via Zoom)
Steve Smith, Director of Public Works/Building Official
Loren Smith, City Attorney
Jennifer Namie, Assistant to the City Secretary (via Zoom)
Councilmember Keith Brown
Mayor Robert Lord
Councilmember Laurie Rosenbaum

II. PUBLIC COMMENTS

There were no public comments.

III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE AUGUST 24, 2021, MINUTES

This item was taken out of order.

A motion was made by Commissioner Gillette to approve the minutes for August 24, 2021, with corrections. The motion was seconded by Commissioner Krivan.

The motion carried 5 to 0.

IV. REVIEW, DISCUSSION AND DIRECTION ON AN AMENDMENT TO THE SPECIFIC USE PERMIT FOR PARATUS MEMORIAL, A SCHOOL LOCATED AT 11750 MEMORIAL DRIVE TO MODIFY THE PLAYGROUND AREA(S) AND ADD FENCING AND GATES TO SECURE THE PROPERTY- *Steve Smith, Director of Public Works/ Building Official and Paratus Memorial*

This item was taken out of order.

Steve Smith introduced the Project:

A Specific Use Permit for Paratus Memorial, a private school located at 11750 Memorial Drive, was approved by the City Council (as recommended by the Planning and Zoning Commission) on August 18, 2020. Paratus Memorial has submitted an application to amend the Specific Use Permit to modify the playground areas and to add fencing and a gate to secure the property and improve the safety of their students. This request requires an amendment to the existing Specific Use Permit to update the site plan.

The purpose of the SUP process and regulations is to allow the proper integration of uses which may be suitable only in specific locations within the City. The process allows the opportunity to look at individual sites on a case-by-case basis and determine if the proposal would negatively impact adjacent properties and the City as a whole. The SUP Process provides for conditions to be included to ensure specific concerns are addressed for the various factors.

The purpose of this meeting was to review and discuss the proposed amendment with the Planning and Zoning Commission and gain direction prior to beginning the actual process which includes notifications and public hearings.

Mr. Beau Dollins with Paratus Memorial presented the amendment.

Comments from the commission included:

The School proposes to install a new wood fence on the property line with adjacent neighbors in addition to a perimeter fence with gates along Memorial Drive. The wood fence will be built as a new fence. It would not be sufficient to attach pickets to the existing fence. The perimeter fence will be a black wrought iron fence as detailed in the proposed ordinance.

Monica Muschalik asked if there are any issues regarding traffic. Mr. Smith responded that the City's traffic engineer looked at the site and he does not have any issues with the proposed fence.

Jean Krivan asked if there were any landscaping requirements. At this time, there are no requirements, and it is unclear whether there should be any. Steve Smith would prefer no landscaping so as not to have any obstructions to traffic. The School has no feelings either way about installing landscaping. They want to work with the City throughout their time at the location to do what is best for all parties.

Catherine Wile asked if the fence would need to be painted. Mr. Dollins answered that it is a standard black wrought iron fence.

John Gillette asked if there are any gates installed on the fence. Mr. Dollins answered that yes there will be but the gates that will be closed when no one is on the property or when the property is not in use.

At the next meeting, November, 18, 2021, Staff will set the Public Hearing. Staff will also present a draft amendment to the Specific Use Permit Ordinance for the Commission to discuss and modify for recommendation to City Council.

No action was taken on this item as it was a workshop discussion only.

V. PRESENTATION, PUBLIC HEARING AND CONSIDERATION OF SPECIFIC USE PERMIT - Karen Glynn, City Administrator

ALL INTERESTED PARTIES SHALL HAVE THE RIGHT AND OPPORTUNITY TO APPEAR AND BE HEARD ON THE ITEM LISTED BELOW:

PRESENTATION AND PUBLIC HEARING REGARDING A REQUEST FOR A SPECIFIC USE PERMIT FOR THE MEMORIAL FOREST CLUB AT 12122 MEMORIAL DRIVE FOR OUTDOOR RECREATIONAL AND SUPPORTING AND INCIDENTAL USES - Karen Glynn, City Administrator

This item was taken out of order.

City Administrator Karen Glynn introduced the Project:

Memorial Forest Club, a non-profit club established in the 1950's at its current location of 12122 Memorial Drive has applied for a Specific Use Permit. There is no Specific Use Permit for the site. The Club is considered a legal non-conforming use in the City of Bunker Hill Village. The desired Specific Use Permit would officially recognize the physical layout of the Club as indicated on the attached site plan, and the uses associated therewith. This application was workshopped with the Commission at the August Meeting.

Karen Glynn outlined the draft ordinance, noting specific issues that may be of concern including hours of operation, noise, and rentals.

Catherine Wile Opened the Public Hearing at 11:58 a.m.

THE PURPOSE OF THE PUBLIC HEARING IS TO RECEIVE COMMENTS FROM THE PUBLIC, EITHER ORAL OR WRITTEN, REGARDING THE REQUEST FOR A SPECIFIC USE PERMIT FOR THE MEMORIAL FOREST CLUB AT 12122 MEMORIAL DRIVE FOR OUTDOOR RECREATIONAL AND SUPPORTING AND INCIDENTAL USES

Public Comment:

Audrey Adams would like there to be a 10:00 p.m. cut off for events as a result of noise concerns. She is concerned about the fact that the Club members are able to sponsor a non-member to host parties at the Club. She is also concerned about alcohol being served at these events. Additionally, she is concerned about the fact that the Club opens

prior to 7:00 a.m. on weekdays in order to facilitate PE credits for students in Spring Branch ISD.

Catherine Wile Closed the Public Hearing at 12:02 p.m.

CONSIDERATION AND POSSIBLE ACTION REGARDING A WRITTEN RECOMMENDATION TO THE CITY COUNCIL CONCERNING THE REQUEST FOR A SPECIFIC USE PERMIT FOR THE MEMORIAL FOREST CLUB AT 12122 MEMORIAL DRIVE FOR OUTDOOR RECREATIONAL AND SUPPORTING AND INCIDENTAL USES - Karen Glynn, City Administrator

The Commission had the opportunity to discuss the draft ordinance and hear public comments. Further discussion included:

Mr. Tom Van Arsdale, legal counsel for the Club, addressed concerns during the Public Hearing as follows:

The Club is opening early to due to early school start times. In order for the students to work out and get to class on time, there is a need to start at 6:30 a.m.

The Club has a BYOB policy with regard to alcohol with the exception of a few events a year where the Club purchases the alcohol for all members and gives it away for free.

Mr. Van Arsdale confirmed that Club members have always had the option to sponsor non-members' parties. This is not a new thing.

Further discussion included the following topics and comments:

A mandate to have an off-duty police officer present at all events with over 75 people.

A mandate that there be a contact person for the event on-site at all times in case any issues arise during the event.

Jean Krivan asked whether the amplified sound occurs outside. Typically, the Club requires doors to be closed if amplified sound occurs inside. There were a few incidents where the participants at the events opened the door to allow air circulation which resulted in excessive noise.

Monica Muschalik asked if there were limitations on how many nights a year the Club can be rented. In the application, the Club asked for 45 times a year for these events. The vast majority of those events are charity events for Boy Scouts, etc. In the last 4 years, the Club has been rented 9 times a year for major parties (excluding the Club's holiday party). Of those 9, only 5 or 6 happen in the evening.

Catherine Wile asked if the Club needed to replace or repair existing facilities, would they be limited to location and height requirements that they have right now. Loren Smith confirmed that yes, they are limited to the current site plan. If they wanted to build

to different specifications, they would have to go through the SUP process to make those changes.

Catherine Wile asked if nighttime pool parties are allowed at the Club. The Club confirmed they are allowed and subject to regular operating hours of the Club including a 10 p.m. curfew Sunday through Thursday and midnight on Friday and Saturday. Catherine Wile would like to be able to address noise and light restrictions.

The Club requires an off-duty police officer for all events over 75 people. This is in the contract that members sign when renting the Club.

A question was asked if there are more than 75 people at a meeting (as opposed to an event), would an off-duty officer be required. Currently the Club does not have the administration in place to govern that.

Monica Muschalik asked if the City grants a special use permit, is there an opportunity to amend it if practice differed from the ordinance. Staff shared that if the Club needs to change anything that would be in noncompliance with the SUP, they will need to apply for an amended SUP. If the City deems changes are needed, the City will work through our code enforcement and the City could also request changes.

A requirement for notification of parties to be provided to neighbors in advance was discussed. In addition, requiring a contact person so that if any issues arise, there is a contact on site. This goes hand in hand with the City's good neighbor ordinance. Jean Krivan proposes that the ordinance make time limits very clear in addition to notification to the neighbors. If a neighbor understands the timing, it can ease the anxiety of living next to a loud party.

Traffic Flow was also discussed. No changes are proposed as Plantation is the only entrance.

Karen Glynn wanted to be clear about regulations for the PE class in the morning. The ordinance notes typical hours; however, for 10 months a year, during school, the Club is operating before the proposed scheduled hours. The City has received a few complaints regarding early morning uses.

In conclusion, work is still needed to clearly define the requirements to be in the SUP. Staff will work with City Attorney, Loren Smith and the Memorial Forest Club to bring back an amended SUP at the November 18, 2021 meeting.

No action was taken on this item.

VI. DISCUSSION AND DIRECTION TO RECOMMEND TO THE CITY COUNCIL AN AMENDMENT TO THE CITY OF BUNKER HILL VILLAGE CODE OF ORDINANCES, APPENDIX A FOR ACCESSORY BUILDING AND ACCESSORY USE - Steve Smith, Building Official and Loren Smith, City Attorney

This item was taken out of order.

Steve Smith presented this item. Mr. Smith shared that at the September 21, 2021, City Council Meeting, the Council approved Ordinance No. 21-558, amending the City's Zoning Ordinance, Appendix A to clarify the definition of appliances as well as several provisions for accessory buildings including height requirements and further defining sleeping quarters. This amendment was made with the recommendation of the Zoning Board of Adjustment and Planning and Zoning Commission.

During the City Council Meeting, additional discussion included the Council's desire to further review the Accessory Building and Accessory Use Provisions to examine appropriate uses regarding living space. The Council asked staff to discuss this topic with the Planning and Zoning Commission.

Mr. Smith outlined several items to consider should the ordinance be expanded to allow different uses. Items that may need to be considered include but are not limited to:

1. Requirements for Single Family Zoning
2. Design Standards for Accessory Structures such as fire sprinkler systems, minimum room size, egress for sleeping areas, climate control, etc.
3. Location of Windows and Doors
4. Noise/Sound Ratings
5. Exterior Lighting
6. Lot coverage
7. Drainage

Discussion with the Commission ensued resulting in several questions:

- How can the City require the same upgrades and requirements for an accessory building as they do for a simple garden shed?
- What are the things to consider to define these structures?
- What components come into play? Climate control, sprinkler systems, size?

City Staff is being questioned more and more about the sleeping quarter aspect of accessory structures. If someone is building an office and truly has no intent to sleep in the office, should there still be a prohibition on a closet and restroom.

Karen Glynn shared that the City appreciated the questions and comments and that this is the beginning of the discussion and will take time to work through possible amendments.

Staff will look at this issue more and bring back examples to a future meeting.

VII. UPDATE ON ACTIVITIES - *Karen Glynn, City Administrator*

A. Update on Events and Projects

- The City handled Hurricane Nicholas fairly well. Power ended up being the biggest concern. A few items were delayed as a result.
- The City's Water Well No. 5 Drilling Project was just completed. The sound wall will be coming down in the next few weeks. The Site Work Project will be awarded by the Council in October.

- The City will host an Open House in November at City Hall.
- Hedwig Village is hosting the Villages Recycling Event on October 23, 2021.
- October is National Dyslexia Month.
- Staff is working with SBISD and will be discussing a possible detention project at Bunker Hill Elementary. This will be presented to the School Board in October.

B. Set Planning and Zoning Commission Meeting

The Commission discussed setting the next Planning and Zoning Meeting. Ms. Glynn will send an email to the Commissioners to find a suitable date the week of November 15, 2021.

VI. ADJOURN

A motion to adjourn was made by Commissioner Krivan and seconded by Commissioner Muschalik.

The motion carried 5 to 0.

The meeting adjourned at 1:36 p.m.

Approved and accepted on November 18, 2021.

Catherine Wile, Chairman
Planning and Zoning Commission

ATTEST:

Karen H. Glynn, Acting City Secretary