

**MINUTES OF A PUBLIC MEETING
OF THE CITY OF BUNKER HILL VILLAGE
PLANNING AND ZONING COMMISSION
Tuesday, June 6, 2023, at 11:30 A.M.**

I. CALL TO ORDER

Vice-Chairman Bill Going called the Planning and Zoning Commission Meeting to order at 11:36 a.m. based on a quorum of members present:

Present:

Bill Going, Vice-Chair
John Gillette, Commissioner
Jack Christiansen, Commissioner
Paul Reinbolt, Commissioner

Also in Attendance:

Gerardo Barrera, City Administrator
Karen Glynn, Community Development
Loren Smith, City Attorney
Elvin Hernandez, Director of Public Works
Mallory Pack, Assistant to the City Administrator
Keith Brown, City Councilmember & Liaison to the Commission

Absent:

Catherine Wile, Chair
Billy Murphy, Commissioner
Monica Muschalik, Commissioner

II. PUBLIC COMMENTS

There were no public comments.

III. PRESENTATION, PUBLIC HEARING AND CONSIDERATION AND ACTION ON AN APPLICATION FOR A SPECIFIC USE PERMIT:

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

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, AMENDING APPENDIX "A" OF THE CODE OF ORDINANCES OF THE CITY, SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY, BY GRANTING A SPECIFIC USE PERMIT FOR CONSTRUCTION AND USE OF PICKLE BALL COURTS, A PAVILION, FENCING AND ASSOCIATED LIGHTING ON THE PREMISES OF MEMORIAL DRIVE PRESBYTERIAN CHURCH, AND OTHER INCIDENTAL IMPROVEMENTS; PROVIDING FOR REPEAL; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

Karen Glynn, Community Development, presented the following:

Memorial Drive Presbyterian Church (MDPC), located at 11612 Memorial Drive, operates under a specific use permit (SUP). MDPC has proposed the addition of pickleball courts and amenities to the site. The improvements would be constructed over the existing asphalt parking lot. Additional asphalt will be removed so that there will not be any added impervious cover. The parking calculations continue to meet the requirements of the entire site with the removal of 19 parking spaces. Lighting and a pavilion for sunshade is also included in the application with set hours for operation. The request requires an amendment to the existing SUP to update the site plan.

RECEIVE COMMENTS FROM THE PUBLIC, EITHER ORAL OR WRITTEN, REGARDING AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, AMENDING APPENDIX “A” OF THE CODE OF ORDINANCES OF THE CITY, SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY, BY GRANTING A SPECIFIC USE PERMIT FOR CONSTRUCTION AND USE OF PICKLE BALL COURTS, A PAVILION, FENCING AND ASSOCIATED LIGHTING ON THE PREMISES OF MEMORIAL DRIVE PRESBYTERIAN CHURCH, AND OTHER INCIDENTAL IMPROVEMENTS; PROVIDING FOR REPEAL; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

Vice-Chair Going opened the Public Hearing at 11:49 a.m.

The following people spoke regarding the application:

Miriam Jacob, 11162 Memorial Drive, stated that noise and traffic from the courts would be disruptive to adjacent homeowners.

Christina and Tim Drone, 201 Bylane, echoed the sentiments of Ms. Jacob and asked if a noise study had been commissioned.

Suzanne Musgrove, 205 Bylane, asked if the courts would be open to non-members of the Church.

Vice-Chair Going closed the Public Hearing at 11:56 a.m.

Vice-Chair Going reopened the Public Hearing at 11:58 a.m.

Allen Schindler, 226 Bylane, stated his concerns regarding court noise and proposed hours of operation.

Vice-Chair Going closed the Public Hearing at 12:00 p.m.

CONSIDERATION AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, AMENDING APPENDIX “A” OF THE CODE OF ORDINANCES OF THE CITY, SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY, BY GRANTING A SPECIFIC USE PERMIT FOR CONSTRUCTION AND USE OF PICKLE BALL COURTS, A PAVILION, FENCING AND ASSOCIATED LIGHTING ON THE PREMISES OF MEMORIAL DRIVE PRESBYTERIAN CHURCH, AND OTHER INCIDENTAL IMPROVEMENTS; PROVIDING FOR REPEAL; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

Vice-Chair Going asked if the noise emitted from pickle ball courts is similar to tennis courts. The Commission recommended that MDPC conduct a professional sound study.

Marcus Vajdos with MDPC said that the courts would be available for use by all community members. He also stated that MDPC is committed to being a good neighbor and would commission a professional sound study.

The Church will perform a sound study and present the results for Commission review at a later meeting date.

No action was taken on this item.

IV. PRESENTATION, PUBLIC HEARING AND CONSIDERATION AND ACTION ON AMENDING THE CITY’S ZONING ORDINANCE:

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

Amendments to the City’s Zoning Ordinance:

- A. Synthetic Turf
- B. Solar Panels
- C. Screening of Ground Equipment

Karen Glynn, Community Development, presented the following:

At the April 2023 Meeting, staff presented and shared information regarding the following items that do not have City requirements:

- A. Synthetic Turf
- B. Solar Panels

At the direction of the Council and with input from the Commission, staff and the City Attorney have worked to develop three ordinances to provide clear direction for various situations:

1. Synthetic Turf

- Turf to be considered a permeable surface so long as it is inspected by the City at the time of installation and meets the criteria and installation requirements established by the City and/or manufacturer for permeable surfacing.
- Turf is prohibited in the front yard.
- Turf must be a shade of grass green.

2. Solar Panels

Per state law, the City cannot restrict solar panels but may regulate the installation. Proposed regulations include:

- Solar panels must be silver, bronze, or black in color .
- Panels must conform to the slope of the roof.
- Accessory equipment must not be visible from the street.

3. Screening of Ground Equipment

In addition to the screening requirement discussed for solar panel equipment, a general screening requirement is recommended for all ground utility equipment, similar to the requirement for generators.

RECEIVE COMMENTS FROM THE PUBLIC, EITHER ORAL OR WRITTEN, REGARDING THE FOLLOWING:

A. AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS BY AMENDING SECTION 2.01, GENERAL, OF ARTICLE II, DEFINITIONS, TO AMEND THE DEFINITION OF *PERMEABLE*; BY AMENDING SECTION 5.04, AREA REGULATIONS, SIZE OF LOT, OF ARTICLE V, DISTRICT A REGULATIONS, AND SECTION 6.04, AREA REGULATIONS, SIZE OF LOT, OF ARTICLE VI, DISTRICT B REGULATIONS, OF APPENDIX A, ZONING, TO ADD THAT SYNTHETIC TURF SHALL BE CONSIDERED A PERMEABLE SURFACE AND SHALL BE PROHIBITED IN THE FRONT YARD; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION

Vice-Chair Going opened the Public Hearing at 12:27 p.m.

There were no public comments.

Vice-Chair Going closed the Public Hearing at 12:28 p.m.

B. AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS AMENDING APPENDIX “A” OF ITS CODE OF ORDINANCES, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, TO ADD A NEW SECTION 7.16, SOLAR PANELS, OF ARTICLE VII, SUPPLEMENTARY DISTRICT REGULATIONS, TO ADD REGULATIONS FOR BOTH ROOF MOUNTED AND GROUND MOUNTED SOLAR PANELS AND ACCESSORY EQUIPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION

Vice-Chair Going opened the Public Hearing at 12:32 p.m.

There were no public comments.

Vice-Chair Going closed the Public Hearing at 12:33 p.m.

- C. AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS AMENDING APPENDIX “A” OF ITS CODE OF ORDINANCES, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, TO ADD A NEW SECTION 7.17, SCREENING OF GROUND EQUIPMENT, OF ARTICLE VII, SUPPLEMENTARY DISTRICT REGULATIONS, TO ADD REGULATIONS REQUIRING SCREENING OF ALL GROUND EQUIPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION**

Vice-Chair Going opened the Public Hearing at 12:34 p.m.

There were no public comments.

Vice-Chair Going closed the Public Hearing at 12:35 p.m.

CONSIDERATION AND POSSIBLE ACTION REGARDING THE FOLLOWING:

- A. CONSIDERATION AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE, TEXAS BY AMENDING SECTION 2.01, GENERAL, OF ARTICLE II, DEFINITIONS, TO AMEND THE DEFINITION OF *PERMEABLE*; BY AMENDING SECTION 5.04, AREA REGULATIONS, SIZE OF LOT, OF ARTICLE V, DISTRICT A REGULATIONS, AND SECTION 6.04, AREA REGULATIONS, SIZE OF LOT, OF ARTICLE VI, DISTRICT B REGULATIONS, OF APPENDIX A, ZONING, TO ADD THAT SYNTHETIC TURF SHALL BE CONSIDERED A PERMEABLE SURFACE AND SHALL BE PROHIBITED IN THE FRONT YARD; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION**

A motion was made by Commissioner Gillette and seconded by Commissioner Reinbolt to recommend approval of the ordinance to the City Council as written omitting language regarding color regulations.

The motion carried 4 – 0

- B. CONSIDERATION AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, AMENDING APPENDIX “A” OF ITS CODE OF ORDINANCES, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, TO ADD A NEW SECTION 7.16, SOLAR PANELS, OF ARTICLE VII, SUPPLEMENTARY DISTRICT REGULATIONS, TO ADD REGULATIONS FOR BOTH ROOF MOUNTED AND GROUND MOUNTED SOLAR PANELS AND ACCESSORY EQUIPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION**

A motion was made by Commissioner Gillette and seconded by Commissioner Reinbolt to recommend approval of the ordinance to the City Council as written with the addition of “on the ground” to subsection h.

The motion carried 4 – 0

- C. CONSIDERATION AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, AMENDING APPENDIX “A” OF ITS CODE OF ORDINANCES, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, TO ADD A NEW SECTION 7.17, SCREENING OF GROUND EQUIPMENT, OF ARTICLE VII, SUPPLEMENTARY DISTRICT REGULATIONS, TO ADD REGULATIONS REQUIRING SCREENING OF ALL GROUND EQUIPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION**

This item was not discussed.

- V. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE MINUTES FOR THE APRIL 25, 2023 MEETING**

A motion was made by Commissioner Gillette and seconded by Commissioner Reinbolt to approve the minutes for the April 25, 2023 meeting.

The motion carried 4 – 0

- VI. UPDATE ON ACTIVITIES – *Gerardo Barrera, City Administrator***

- A. Update on Events and Projects – Gerardo Barrera reported the following:**
B. Upcoming Meeting Schedule

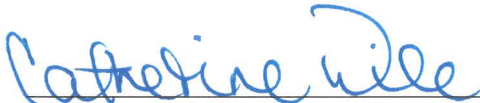
This item was not discussed.

VII. ADJOURN

A motion was made by Commissioner Reinbolt and seconded by Commissioner Gillette to adjourn the meeting at 1:01 p.m.


The motion carried 4 – 0

Approved and accepted on August 22, 2023.



Catherine Wile, Chair

ATTEST



Gerardo Barrera, City Administrator/ Acting City Secretary