

**MINUTES OF A PUBLIC MEETING
OF THE CITY OF BUNKER HILL VILLAGE
PLANNING AND ZONING COMMISSION
TUESDAY, JANUARY 23, 2024, AT 11:30 A.M.**

I. CALL TO ORDER

Chair Bill Going called the Planning and Zoning Commission Meeting to order at 11:52 a.m. based on a quorum of members present:

Present

Bill Going, Chair
John Gillette, Vice-Chair
Jack Christiansen, Commissioner
Billy Murphy, Commissioner
Paul Reinbolt, Commissioner *via Zoom*

Also in Attendance

Gerardo Barrera, City Administrator
Elvin Hernandez, Director of Public Works
Loren Smith, City Attorney
Jennifer Namie, Assistant to the City Secretary
Keith Brown, City Council Liaison
Mallory Pack, Management Analyst

Absent

Catherine Wile, Commissioner
Monica Muschalik, Commissioner

II. PUBLIC COMMENTS

There were no public comments.

III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE NOVEMBER 28, 2023, MEETING MINUTES

A motion was made by Vice-Chair Gillette and seconded by Commissioner Murphy to approve the November 28, 2023 meeting minutes.

The motion carried 5-0

IV. CONSIDERATION AND POSSIBLE ACTION ON AMENDING THE CITY'S SUBDIVISION ORDINANCE

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS AMENDING CHAPTER 14, SUBDIVISION, OF THE CITY'S CODE OF ORDINANCES BY AMENDING SECTION 14-1, DEFINITIONS, SECTION 14-2, GENERAL PROVISIONS, SECTION 14-3, SPECIAL PROVISIONS, SECTION 14-5, FINAL PLAT, SECTION 14-6, FEES, SECTION 14-11, APPROVAL OF FINAL PLAT; REMOVING SECTION 14-4, PRELIMINARY PLAT AND ACCOMPANYING DATA, TO REMOVE REFERENCES TO THE PRELIMINARY PLAT PROCESS; PROVIDING FOR A PENALTY IN AN AMOUNT OF \$2,000.00 FOR EACH VIOLATION HEREOF WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING FOR SEVERABILITY

There is no state law (or case law) that defines a "preliminary" plat. This is a creature of local municipality creation. In October 2014, Ordinance No. 14-446 amended Chapter 14 of the City's Code of Ordinances that included the amendment of adding the procedures of Preliminary Plat process.

The Texas Legislature recently put in place requirements that all plats be approved within 30 days of submission or 30 days from approval by the Planning and Zoning Commission. To avoid any confusion between a Preliminary Plat and a Final Plat in conjunction with the timing requirements, it is recommended to remove the Preliminary Plat process from the Subdivision Ordinance.

The proposed amendment to Chapter 14 of the City's subdivision ordinance removes the Preliminary Plat process. This item was presented at the January 2024 Planning and Zoning Commission meeting with the commission voting unanimously 7-0 to recommend approval of amending the subdivision ordinance and removing the Preliminary Plat process of Chapter 14.

This item was placed on the agenda at the recommendation of the City Attorney.

A motion was made by Vice-Chair Gillette and seconded by Commissioner Christiansen to recommend approval of the ordinance to the City Council as written.

The motion carried 5-0

V. REVIEW, DISCUSSION, AND DIRECTION ON AMENDING THE CITY'S ZONING ORDINANCE

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, AMENDING APPENDIX "A", ZONING, OF ITS CODE OF ORDINANCES 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

At the June 2023 City Council meeting, staff presented a synthetic turf ordinance as recommended by the Planning and Zoning Commission. Council noted concerns with lot coverage limitations and the definition of permeability; the motion to adopt the ordinance failed 3-2. Council directed staff to bring the ordinance back to the Commission and Drainage Committee for additional review, discussion, and recommendations based on the following feedback:

- Define turf installation requirements
- If turf satisfies installation requirements and is fully permeable, turf should be considered landscaping and not counted towards 55% of lot coverage. However, if turf is impermeable, then turf should be included in the 45% lot coverage calculation.

At the August 2023 meeting, the Drainage Committee discussed the following:

- Turf is already defined as permeable if installed per City and manufacturer specifications (with a minimum infiltration rate of 10”in. p/hr). Any changes may need to update the definition in the Drainage Criteria Manual.

Based on the feedback from the August meeting, the Commission focused on three points of interest:

A. Definition

- Synthetic turf is defined as permeable in the Drainage Criteria Manual.
- Lot coverage restrictions (if applicable)
- Drainage calculation of turf versus natural grass

B. Optics

- Restricted in the front yard and side rear yard
- Cannot be visible from public or private street
- No color restrictions in backyard
- Not allowed in designated green space in rear yards. Turf placed in utility easements or over city utilities will not be replaced if removed during needed repair. Restoration will be the responsibility of the property owner.

C. Permeable

- Standard for installation is based on manufacturer specifications
- Restrict impermeable base material
- Ensure proper drainage

After discussions with the City’s Drainage Engineer, staff presented the following “tiered” approach at the October 2023 meeting:

Tier 1 – No additional requirements needed for an area covering 1,000 square feet (s.f.).

- The City currently allows up to 200 s.f. of impervious surface without any detention requirements. Using the 0.75 acre feet/ac detention rate, this calculates 150 cubic feet of “free” detention. Using this calculation for turf, the calculated volume that

would be provided on a standard 4” base (rock+gravel layers) x 40% void ratio, this calculates to approximately 133.33 cubic feet for an area of 1,000 s.f.

Tier 2 – Over 1,000 s.f up to 55% lot coverage

- Same requirement that currently exists.

Tier 3 – Over 1,000 s.f. and over 55% lot coverage

- This would require a design of a drainage system draining into an on-site detention system. For coverage over 55% lot coverage detention must be calculated at 0.75 ac-ft/ac. Volume will be included in the rock and gravel layers therefore the designer must provide specifications of volume calculations. If the volume under the base layer is insufficient, additional detention must be provided.

The Commission was not in favor of the tiered approach and recommended changing the 1,000 s.f. calculation to a percentage to more accurately account for variations in lot sizes. Additionally, the Commission recommended the manufacturer and city standard for installation remain a requirement.

On January 9, 2024, staff met with the Drainage Committee and presented information based on recent new developments within the City with proposed calculations that illustrated design coverage percentage and the percentage of the remaining that could be utilized for turf. This assumed 55% max lot coverage. The intent of the exercise was to show the amount of turf in square footage and also show the amount of cubic feet needed for additional detention. After discussion, the Drainage Committee recommended the following:

1. No changes to the current Drainage Criteria Manual
2. Maximum lot coverage to remain at 55% and maintain “no net new” water run-off

The Commission directed staff to invite the City’s drainage engineer to the February meeting to facilitate further discussion and insight on proposed installation methods, examine other cities’ ordinances and calculation of how turf differs from natural grass/landscaping.

No action was taken on this item.

VI. REVIEW, DISCUSSION, AND DIRECTION ON AMENDING THE CITY’S TREE ORDINANCE

The purpose of the City’s tree ordinance is to preserve and enhance the desirability of the city by requiring careful site planning; the protection of trees during construction to contribute to the long-term viability of existing trees; prohibiting indiscriminate cutting or clearing of trees; and encouraging the increase of the urban canopy.

In response to feedback received from the Planning and Zoning Commission, residents, and building developers, staff is currently in the preliminary phase of reviewing the City's tree ordinance to identify areas that may benefit from updates and eliminate any ambiguity in the language. Staff recommends addressing and clarifying any discrepancies to ensure that the code is clear, concise, and effective.

In discussions with the City Forester, staff has identified sections for review and potential updates under Chapter 4, Article VI of the Code of Ordinances (but not limited to):

- Sec. 4-183 - Minimum tree requirement
- Sec. 4-185 - Tree preservation, removal and replacement

Discussion included:

- Incorporate provisions imposing a penalty/ punitive actions (ex. include penalty if a tree was removed that was not approved in the tree survey/ include penalty for failure to follow tree survey as approved) to deter contractors from having to pay low fines for failure to comply with ordinance requirements.
- Require proof from a qualified Urban Forester to remove dead and/or diseased tree.
- Revise procedure for minimum tree count and tree placement (ex. Off-Site Tree Fund) to ensure best canopy coverage.
- Suspension or revocation of contractor to build in City

Staff will work with the City Forester to develop proposed revisions that reflect Commission discussion.

Commissioner Reinbolt left the meeting at 1:00 p.m.

No action was taken on this item.

VII. ADJOURN

A motion was made by Commissioner Murphy and seconded by Vice-Chair Gillette to adjourn the meeting at 1:14 p.m.

The motion carried 4-0

Approved and accepted on February 27, 2024.



William Going, Chair

ATTEST:


Gerardo Barrera, City Administrator/ Acting City Secretary