

City of Piney Point Village  
Planning & Zoning Commission Meeting  
Minutes from April 28, 2022

**Members Present:** Chair Margaret Rohde, Bill Burney, and Don Jones.

**Sworn In:** Buck Ballas

**Absent Members:** Dana Gompers and Bill Ogden.

**City Staff:** Annette Arriaga, Director of Planning, Development, & Permits, David Olson with Olson and Olson, Aaron Croley P.E. with HDR Engineering.

**Signed in Guests:** Mario Colina with Probstfeld & Associates, Mary Villareal with the Interfield Group, Kirby Simmons, Mimi & Matt Korhonen, and Jeffrey Collins.

- 1.) **Call to order:** 7:04 P.M.
- 2.) **Oath of Office:** Buck Ballas sworn into office. Buck Ballas stated that him and his wife were longtime residents of Piney Point Village for twenty-five years and they were both in real estate for Greenwood King Properties and that he looked forward to serving.
- 3.) **Meeting Minutes:** Motion for approval of minutes from the March 24, 2022 regular Planning and Zoning Commission meeting. Don Jones motioned first to approve, and it was seconded by Bill Burney. Upon such vote, minutes were unanimously approved.
- 4.) **Public Hearing/Preliminary Plat Approval of Marchmont Subdivision/Amending Plat No.1 /11303 Somerland Way Lane:** **Mario Colina** stated that he was the applicant, and he was representing the owners and asked if anyone had any questions. **Aaron Croley** stated that he looked at the preliminary plat and indicated that it meets the city criteria. Therefore, he had no objections and recommended approval. **Margaret Rohde** asked about the combination of both lots and Mario Colina indicated that they were not combining the lots. **Kirby Simmons**, a resident of Marchmont, stated that she lives caddy corner to the property and indicated that she wasn't notified, yet had several problems with the property in question. She indicated that they will build a bigger house and that would then cause more water to go out in the street and into Soldiers Creek. She mentioned that the people who bought the lot knew that they could not change the setbacks. Another resident spoke and indicated that previous residents have tried to seek relief for setbacks, and they were told they could not. **Margaret Rohde** asked who would not grant relief and the residents replied that it was their homeowner association. **Mario Colina** mentioned that they had the approval from the homeowner association and the residence in the audience disagreed. Residents also wanted to make sure that whatever the city approved just to make sure that the work area and the water would drain to the South, because they have had issues with Soldiers Creek in the past. **Kirby Simmons** wanted them to build more towards their lot.
- 5.) **Discussion of Public Hearing/Preliminary Plat Approval of Marchmont Subdivision/Amending Plat No.1 / 11303 Somerland Way Lane:** **Bill Burney** wanted to know the city setbacks on the South side of the property that was in discussion and Mario Colina indicated that it was originally set at 50 feet, but they are now reducing that to 40 feet. However, the city requires the setback on the East side to be 29.30 feet. **David Olson** stated that the city reviews plats in accordance with the city rules and that the city doesn't have the right to enforce private restrictive covenants. Nonetheless, as a courtesy, Annette has always provided notice when issues have come up so that people are aware. He stated that the city has a legal obligation that if the applicant meets our rules, they cannot deny them the necessary approval. **Margaret Rohde** wanted to confirm that

the city did send out proper notification and it was confirmed that proper 200-foot notification was given. **David Olson** also mentioned that drainage will be looked at when the applicant applies for a building permit. **Margaret Rohde** wanted to confirm that the side yard setback was calculated correctly, and **Mario Colina** indicated that the 15 percent rule for side yards was applied and calculated to the 29.30. After more public comments regarding the homeowner association actions, **David Olson** stressed again that the city cannot enforce private deed restrictions. **Margaret Rohde** entertained a motion to approve. **Bill Burney** was first to approve the preliminary plat and **Margaret Rohde** seconded that motion. Preliminary plat of Marchmont Subdivision, Amending Plat No. 1 approved.

- 6.) **Public Hearing/Preliminary Plat Approval/ 6 Stillforest Street:** **Mario Colina** indicated that he was the applicant, and he was representing the owners and asked if anyone had any questions. **Aaron Croley** stated that he looked at the preliminary plat and indicated that it meets the city criteria. Therefore, he had no objections and recommended approval. No public comments were received by the Commission.
- 7.) **Discussion of Public Hearing/Preliminary Plat Approval /6 Stillforest Street:** **Don Jones** indicated that this is very similar to the previous request, but that Stillforest has a 60-foot setback. **Margaret Rohde** indicated that the city can only enforce the Piney Point setbacks. **Don Jones** suggested that the Homeowner Association sign off on the plats and **David Olson** indicated that after the plats are recorded then they could do that, but the city would not require that as long as it meets the city rules and regulations. **Margaret Rohde** entertained a motion to approve. **Don Jones** was first to approve the preliminary plat and **Margaret Rohde** seconded that motion. Preliminary plat approved of Stillforest Street approved.
- 8.) **Public Hearing/Final Plat Approval/KAO Management Trust/11410 Memorial Drive:** **Mary Villareal** indicated that she was representing the applicant and asked if anyone had any questions. **Aaron Croley** stated that he looked at the final plat and indicated that it meets the city criteria. Therefore, he had no objections and recommended approval. No public comments were received by the Commission.
- 9.) **Discussion of Public Hearing/Final Plat Approval/KAO Management Trust/11410 Memorial Drive:** **Don Jones** indicated that this property used to belong to the former mayor. **Margaret Rohde** entertained a motion to approve. **Don Jones** was first to approve the preliminary plat and **Bill Burney** seconded that motion. Final plat of KAO Management Trust, approved.
- 10.) **Consultation with City Attorney:** **David Olson** informed that he wanted to go over the rules, regulations, and duties of the commission. He presented a printout of a slide presentation for the Commission to review, and he went over that presentation with the group. He discussed the subdivision plats, specific uses, ordinances, regulations, and items out of the State Local Government Code and items specific to Chapter 50 and Chapter 74 of the code of ordinances.
- 11.) **Adjournment:** Motion to adjourn at 7:45 P.M. Motion made first by **Don Jones** and seconded by **Bill Burney**. Motion to adjourn approved.

Date Approved on May 26, 2022  
Acting Chair of Meeting Don Jones

X Don Jones

(Required Signature)

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