

City of Piney Point Village
Planning & Zoning Commission Meeting
Minutes from
November 19th, 2015

Members Present: Vincent Marino-Chairman, Bernard Branca, Bill Burney, Diane Wege, and Sue Curtis.

Members Absent: Charles Peterman and Lenni Burke.

City Staff: Annette Arriaga, Director of Planning, Development, & Permits, Joe Moore with HDR Engineering Co; and David Olson with Olson and Olson.

City Council: Brian Thompson

Guests: Mario Colina P.E; with Probstfeld and Associates and Larry Chapman.

- 1.) **Call to order:** 7:06 P.M.
- 2.) **Meeting Minutes:** Motion for approval of meeting minutes for the January 22nd, February 19th, April 23rd, and July 23rd, 2015 Commission meetings was made by Diane Wege and seconded by Sue Curtis. Upon vote, such minutes were unanimously approved, subject to the correction of meeting minutes from the April 23rd, 2015 meeting by noting that Lenni Burke was absent from the meeting on April 23rd, 2015. Meeting minutes approved.
- 3.) **Public hearing/Preliminary Plat approval for an Amending Plat No. 2 of Lot 1 of Pebbles Place/11401 Quail Hollow Lane:** A public hearing was conducted and no public comments were received by the Commission. Staff recommended approval.
- 4.) **Discussion of Public hearing/Preliminary Plat approval for an Amending Plat No. 2 of Lot 1 of Pebbles Place/11401 Quail Hollow Lane:** Vincent Marino had no comments other than that when the final plat is prepared that the lien holder, Compass Bank, be added. Vincent Marino entertained a motion to approve the preliminary plat of Pebbles Place, subject to addition of the consent of the lien holder. Motion made first by Vincent Marino and seconded by Bill Burney. Preliminary plat approved.
- 5.) **Public Hearing/Preliminary Plat Approval of Willowick Estate Section Partial Replat No. 1/ 203 Kinkaid School Drive:** Mario Colina indicated that the original preliminary plat was approved but that it had expired. Also, he indicated that there was an issue with the 30 foot building set back line along Kinkaid School Drive in regards to the restrictive covenants imposed by the homeowners' association, which problem has since been resolved by a new letter from the homeowners' association. David Olson indicated that there was one minor revision needed on the plat dealing with a half inch rod (versus a ¾ inch iron rod) (Piney Point ordinances requires it be a ¾ inch iron rod) and that has been resolved with the surveyor. The revised plat needs to say that the plat does not attempt to alter or remove any restrictive covenants. Staff recommends approval. Vincent Marino indicated that the reference to the City Planning letter needed to be updated. The date of the City Planning Letter was incorrect in Note #12. The two need to coordinate. Vincent Marino entertained a motion to approve the preliminary plat of Willowick Estate, subject to the following corrections: (1) where it shows a ½ inch iron rod, the surveyor needs to place a ¾ inch iron rod. (2) Add the lien holder, Central Bank. (3) Update the date on the front of the preliminary plat to November 19th, 2015. (4) update the date of the City Planning letter date in item 12 of the notes. Motion made first by Vincent Marino and seconded by Diane Wege. Preliminary plat approved.

6.) Discussion of Possible Action of Zoning Ordinances changes as they relate to Chapter 74-1. Definitions; 74-212. Non Conforming Buildings; 74-244. Regulations; 74-245. Supplementary District Regulations.

Vincent Marino stated that city council wants to make some changes to the current ordinances. David Olson indicated that Joel Bender, City Councilman, was not able to attend but that he will be speaking on Joel's behalf. Except as indicated below, the following proposed changes were discussed and approved as recommendations of the Commission:

1.) Recommended revised language for:

Section. 74-244. Regulations.

Generators;

(4) **Generator.** The **generator** may only be located:

- a. On the ground;
- b. No less than ten feet from the property line.
- c. At least 5 feet from the building.

No generator shall be located in front of the main structure. The **generator** must be screened from the public view by shrubbery and be fueled only by natural gas. Sound shielding and screening is subject to a city approved design.

Vincent Marino entertained a formal recommendation to city council to approve the above changes. Motion made first by Vincent Marino and seconded by Bill Burney. Upon vote, such revised language was unanimously approved as a recommendation of the Commission.

2.) Recommended revised language for:

Section. 74-245 Supplementary district regulations.

Fences;

(3) **Fences, side and rear yard adjacent to a street.** **Fences** may be constructed within a required side or rear yard adjacent to a street if such **fence** does not exceed six feet in height above the natural grade of the lot at the lot line adjacent to such **fence**, and the **fence** is an 80 percent **fence**. Any **fence** constructed between the main building and an adjacent street, but not within a required yard, shall have the finished exterior side facing the adjacent street, and shall have no posts or rails visible from such adjacent street, irrespective of the distance from the **fence** and the adjacent lot line or street.

Discussion was made but no formal action or recommendation was taken by the Planning and Zoning Commission. Vincent Marino deferred the recommendation because of the split decision among the members of the Commission in regards to the proposed fence changes.

3.) Recommended revised language for:

Section. 74-1. Definitions.

80% fence shall mean a fence constructed in such a manner that any portion of the fence that exceeds three feet in height contains at least 80 percent unobstructed, open views, comprised of uniformly spaced 7 foot see thru sections, separated by visually solid columns (maximum of 2 foot in width), and supports for such fence are of visually solid construction uniformly spaced, and such fence contains no wire or chain-link portions.

Vincent Marino entertained a formal recommendation to city council to approve the above changes. Motion made first by Vincent Marino and seconded by Bill Burney. Upon vote, such revised language was unanimously approved as a recommendation of the Commission.

4.) Recommended revised language for:

Section. 74-212 Nonconforming building.
Non Conforming;

(b) *Termination of nonconforming structures.* No construction of any building, or remodeling of any existing building where the estimated cost of such remodeling exceeds 50 percent of value on the improvements on the lot, shall be permitted on the lot unless all structures on the lot are made to conform to all of the regulations and ordinances of this city. For purposes of the foregoing, the value of improvements on a lot shall be the greater of (i) replacement cost as estimated by third party appraisal (or other appropriate evidence of value) or (ii) based on the appraised value of all improvements on the lot for ad valorem tax purposes as determined by the county appraisal district, or its successor, for the year in question, except that if no value has been determined for such year, then it shall be the appraised value for the immediately preceding year.

(c) *Damage or obsolescence of structures.* The right to occupy and maintain any nonconforming structure shall terminate and cease to exist whenever the nonconforming structure becomes obsolete or is totally destroyed, from any cause, or is damaged, in part, from any cause, where the estimated costs of restoring or repairing such damage exceeds 50 percent of the replacement cost of such nonconforming structure. In such cases, the structure may be restored, rebuilt or repaired only if all structures on the lot, including, without limitation, the structure which is obsolete or destroyed, are made to conform to all the regulations and ordinances of the city. For purposes of the foregoing, the value of improvements on a lot shall be the greater of (i) replacement cost as estimated by third party appraisal (or other appropriate evidence of value) or (ii) based on the appraised value of all improvements on the lot for ad valorem tax purposes as determined by the Harris County Appraisal District, or its successor, for the year in question, except that if no value has been determined for such year, then it shall be the appraised value for the immediately preceding year.

Vincent Marino entertained a motion to formally recommend to city council the above changes. Motion made first by Vincent Marino and seconded by Bernard Branca. Upon vote, such revised language was unanimously approved as a recommendation of the Commission.

5.) Recommended revised language for:

Section. 74-212 Nonconforming building.
Non Conforming;

(b) *Termination of nonconforming structures.* By adding;

(d) Existing Driveways. Replacing an existing driveway which was lawfully permitted by the City and existing at the time a building/structure was erected shall be permitted to be replaced and to remain non-conforming until such time as there is construction as defined in Section 74-212 (b) and (c).

Vincent Marino entertained a motion to formally recommend to city council the above. The motion was made by Vincent Marino and seconded by Diane Wege. Upon vote, such revised language was unanimously approved as a recommendation of the Commission.

7.) **Adjournment:** Motion to adjourn at 8:35 P.M. Motion made first by Vincent Marino seconded by Bill Burney. Motion to adjourn approved.

Date Approved on January 28, 2016

Chairman Vincent Marino X



(Required Signature)

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