

MONDAY, MAY 16, 2016
PUBLIC HEARING & SPECIAL COUNCIL MEETING
6:30 P.M.

PUBLIC HEARING AND SPECIAL COUNCIL MEETING

1. CALL TO ORDER: Mayor Whiting called the City of Hilshire Village Public Hearing and Special Council Meeting to order at 6:35 P.M. at 8301 Westview, Houston, Texas 77055.

1.3 Present: were Mayor Shannon Whiting, Mayor Pro Tem Paul Maddock, Council Members Mike Gordy, Stephanie Post, Russell Herron and David Gunn. Also present were City Administrator Susan Blevins and City Attorney Kim Mickelson, Olson & Olson.

2. PUBLIC HEARING:

2.1 CALL TO ORDER: Mayor Whiting called the Public Hearing to order at 6:40 P.M. to discuss revising the Zoning Ordinance, Chapter 12, Exhibit "A", to create a new Residential District "R-4", revise the Zoning Map to include "R-3" and "R-4", revise boundaries' for "R-1" and "R-2", create setbacks, lot size and lot dimensions for "R-3" and to revise the Subdivision Ordinance to include the previously approved two (2) step replat process.

Council Member Herron gave a presentation showing slides presenting Bridle Spur Lane and Pine Creek Lane as their own Zone. He stated Bridle Spur Lane was platted before Hilshire Village was formed. Pine Creek Lane was platted in 1968 and has fifty (50) foot wide lots that are deep.

District "A", now "R-1" is in the central part of the Village and District "B", now "R-2" runs along Wirt and Westview. The Commercial District on Westview was District "C" and is now "C-1". The park is now District "C-2".

The proposed District "R-3" is for the Pine Creek Lane area. The committee recommended the side setbacks be five (5) feet rather than eight (8) feet. The homes now on Pine Creek Lane have five (5) feet side setbacks. Front and back setbacks will remain the same and lots will be fifty (50) feet wide. None of the current residents will have to make any changes. The requests are being made to protect the lots from being made smaller at some future date.

District "R-4" would encompass Bridle Spur Lane that has wide but shallow lots. With the residents of Bridle Spur recently conveying the road to the City, making it a public road, the lots are smaller and have shorter front yards than previously. Therefore, it made sense to the committee for this unique area have its own set of setbacks taking into consideration the smaller front yards.

The non-residential lots along Wirt Road (currently occupied by Terrace Methodist United Church, Mennonite Church and Holy Cross Lutheran Church) will become part of "R-1". This change protects the areas by requiring the lot size to be twelve thousand (12,000) square feet in case of future development.

The Subdivision Ordinance is being revised to make it easier to understand. The Council has previously approved a two-step process for replating. The first step submits a proposed layout for the initial approval from Council. The second step is for engineering while making sure all setbacks and other conditions are met for the final Council approval.

CITIZENS COMMENTS:

Larry Gabriel, member and representing Terrace United Methodist Church, stated the Church installed a new sign that currently can only be changed once a week. He looked around the villages and said that most signs did not flash or scroll, but did change every fifteen (15) to twenty-five (25) seconds. He stated he would like to have Council change the Sign Ordinance.

Bill Bristow, 1233 Pine Chase Drive, said he has a question on the meeting minutes from April 19, 2016, and why they were not posted on the website so that he could look them over. City Administrator Blevins stated the minutes have to be approved before being posted and has been the practice for years. Mr. Bristow said that was not a good reason to continue.

Mr. Bristow also said that he could not find a recorded plat for Bridle Spur. Council Member Herron said that Bridle Spur was a subdivision before the City of Hilshire Village came into existence. The information he had for the presentation came from the records of Harris County. Mr. Bristow then stated Bridle Spur residents own the property to the middle of the street. City Attorney Kim Mickelson responded that in the recent months, after twenty (20) plus years, all the residents and interested parties dedicated part of their land for the Right-Of-Way for use as a public street. The residents no longer own the land to the middle of the street. All documents necessary have been recorded with the County. He then asked if the Bridle Spur Right-Of-Way was thirty (30) foot wide as specified in the Subdivision Ordinance and if the street had a four hundred eighty (480) foot cul-de-sac. Mayor Whiting said the Right-Of-Way was thirty (30) feet and the cul-de-sac did not have to meet any dimensions as Bridle Spur is not a new subdivision.

Mr. Bristow said the subdivision was in violation of the Subdivision Ordinance. Council Member Herron stated Bridle Spur subdivision was built before there was a City of Hilshire Village or any ordinances and was not in violation. The Subdivision Ordinance is only for new subdivisions formed now. The State of Texas laws guarantee that lots will be kept the same size.

June Sommer, 1114 Guinea Drive, said she wonders how someone can build a house on a fifty (50) feet lot and have any footage at all. She asked how deep the lots were. She also said that with five (5) feet setback, houses will only be ten (10) feet apart and

would be like condominiums. She stated changes to the plating is not good for the Village.

Council Member Herron said the smallest lot on Pine Creek is approximately one hundred twenty (120) feet on one side and one hundred forty (140) feet on the other side. The lots are about eight thousand square feet (8,000) and are fifty (50) feet wide at the street.

Council Member Gordy said that the setbacks on Pine Creek Lane are the same as when the houses were built. There is a vacant lot on Pine Creek now. If the side setbacks were set at eight (8) feet on either side, it would prevent anyone from being able to build a nice house on the lot. Mayor Whiting and Council Member Gunn wanted to make it clear that the five (5) foot setbacks would only apply to Pine Creek Lane.

Scott Woloson, 1242 Ridgeley, said there was an error on the dimensions on the slide. The rear setback is twenty-five (25) feet, not ten (10) feet.

David McDuffie, 1335 Friarcreek, asked what the zoning restrictions will be for “R-4”? Mayor Whiting stated if someone wanted to do something now, the current restrictions would be the same as those in “R-1”.

Wally Partridge, 1301 Glourie, said he wanted to thank Council Member Post and Mayor Whiting for all their work. He has seen great improvements in the Village over the years. Mr. Partridge said he also agrees with the plans for Pine Creek Lane.

Mr. Partridge said that the Village has been changing over the years and property values have skyrocketed. He would like for the lots in Zone A or “R-1” to stay at eight (8) feet rather than ten (10) feet. He has been working on plans to build a new home and wants to put a two car garage in front of the house so he can have use of a larger back yard. His plans have been put on hold as he is not sure what is going to happen with the zoning and hopes that, for those who are currently working on plans, they do not have to redo the plans. Mr. Partridge would like to see some relief – perhaps a grandfather clause. He does not want to rush to get his plans submitted before the changes are done.

PUBLIC HEARING WAS ADJOURNED AT 7:36 PM

3. ACTION ITEMS:

3.1 Council Member Gordy made a motion approving the City of Hilshrie Village Ordinance Number 728 deleting 10.001 and 10.02 of Chapter 12 Exhibit A and replacing it with a new section 10.001 and 10.02 adding setbacks for “R-3”, a new District “R-4”, including temporary setbacks and adopting a new Zoning Map, seconded by Mayor Pro Tem Maddock.

City Attorney, Kim Mickelson, stated that in Section 4 there was a reference to a filed subdivision plat for Bridle Spur. There has been a question if there is indeed a filed subdivision plat so she would like to amend the motion.

Council Member Gordy amended his original motion to allow City Staff to modify and correct the Ordinance language to match the plat of Bridle Spur as necessary on Ordinance Number 728 deleting 10.001 and 10.02 of chapter 12 Exhibit A and replacing it with a new section 10.001 and 10.02 adding setbacks for "R-3", a new District "R-4" including temporary setbacks and adopting a new Zoning Map, seconded by Mayor Pro Tem Maddock.

Mayor Whiting stated Council Member Herron had done a good job of key points of the legislation before Council. Zone "R-3" was established at the last meeting. This Ordinance ties Pine Creek Lane to "R-3". It also establishes the frontage of the lots to be fifty (50) feet wide, the front building line to be twenty-five (25) feet from the property line, the side setbacks change from eight (8) feet to five (5) feet with the new component of the setback coming in another two (2) feet on a second story and a rear setback of twenty-five (25) feet from the rear lot line or ten (10) feet from any detached garage or accessory building.

Council Member Post asked if the side and front setbacks were the same as the current setbacks. The back yards of most of the homes on the south side of Pine Creek have the creek running through them so twenty-five (25) feet from the back building line is easy to reach. The net building area of forty (40%) percent is the language across all the different zones for any lot.

The next part of the Ordinance concerns the establishment of a residential District, "R-4", Bridle Spur, with assigned parcels, and the same setbacks as "R-1". Council will hold future discussions on the optimal usage for these areas. Council Member Herron said the proposed front setbacks are twenty-five (25) feet. The current Ordinance states the front setback is thirty (30) feet from the center of the street. The subcommittee for zoning would prefer the setbacks stay the same until the committee has looked at each of the ten lots. He encouraged Council Members to look at the lots themselves. Council Member Post stated she would like to leave the front set back be set at thirty (30) feet until the analysis is finished.

City Attorney, Kim Mickelson, asked if Council wanted to keep the front building line thirty (30) feet from the center of the street as it is now or change it to the property line which is no longer in the center of the road. Council Member Herron recommended Council adopt the front setback measurement start at the front property line. The Bridle Spur property line moved with the street work. All other zones are measured from the property line. Mayor Whiting suggested that the work on the front building line definition be done soon as there is a property for sale that could be adversely affected.

Council Member Post asked if District 4 and the setbacks were not done, could they be done at a later date. City Attorney, Kim Mickelson, stated that by adopting the new District, the setbacks and the new Zoning Map together was to change it all at once; thereby, saving the City from having to pay for two new Zoning maps.

Council Member Gordy said the property lines have already moved so changing setbacks later will not affect the Zoning Map. Approving the map will give Council more flexibility to address each Zone according to their unique characteristics.

A vote was taken to approve the amended motion to allow City Staff to modify and correct the Ordinance language to match the plat of Bridle Spur as necessary on the City of Hilshrie Village Ordinance Number 728 deleting 10.001 and 10.02 of Chapter 12 Exhibit A and replacing it with a new section 10.001 and 10.02 adding setbacks for “R-3”, a new District “R-4” including temporary setbacks and adopting a new Zoning Map. The vote passed unanimously.

3.2 Mayor Pro Tem Maddock made a motion to approve the City of Hilshire Village Ordinance Number 729 revising the Subdivision Ordinance for clarity and inclusion of the previously adopted amendment regarding the two-step process including it into the revision, seconded by Council Member Gordy.

Council Member Herron stated the Zoning committee found the Subdivision Ordinance was difficult to read and confusing with various things implied. The committee did not recommend any specific changes but needed to sort and clarify some of the conflicting language. He said he would like to table the motion because in reading the Ordinance the section on paving and its limitations needed to be amended.

Mayor Pro Tem Maddock said he thought Council should trust the Zoning Committee and follow their recommendation.

Council Member Gordy asked on Section 9.105 if the Engineering fees would be paid by the developer for any work done by the City Engineer. Mayor Whiting stated that they would and there is a statement to that effect later in the Ordinance.

Council Member Gordy asked on Section 9.107, it states the Construction Bond amount is determined by City Council and he would like to know the guidelines and if it is the full value of all the work for the subdivision. City Attorney, Kim Mickelson, said the bond is for the full value of the work. There is a submittal by the developer of a cost of a construction estimate that the City Engineer verifies. The City Engineer can be responsible for setting the amount of the Bond and bringing it back to Council. He stated he would like language in the Ordinance that the City Engineer be responsible for the Bond amount.

Council Member Gordy then asked about the section that states the Subdivision Developer supply the City with a signed copy of a Performance Bond. He would like to know if a Payment Bond is needed for the possibility of any unpaid liens for City Streets of which the City will eventually take over the maintenance. City Attorney, Kim Mickelson, stated that the Performance Bond terms include the Payment Bond, but verbiage could be included to for clarity.

Council Member Gordy pointed out that there were some discrepancies on the width of streets. Mayor Whiting stated that Section 9.109 was all old wording and would be revised. He then asked, under Section F, about the statement “all curved data shall be shown on the plat”. Mayor Whiting said that is the turn radii for all turns for traffic and has to be shown.

Council Member Herron stated that all the verbiage in 19.112, the minimum lot size and Note 4 concerning the minimum lot width would be removed. The rules for the Zone will determine the rules for the subdivision. Page 9 visual will be struck as will the open space reserve verbiage.

Trees for a new subdivision should have something in the wording for the number of trees to be added to the new subdivision. Council Member Herron stated he thought there should be a tree for X square feet for any new subdivision or new construction. Mayor Whiting suggested one substantial tree for every two thousand (2,000) square feet of lot. City Attorney, Kim Mickelson stated the trees should be a separate Tree Ordinance or added into the Zoning Ordinance.

Street light specifications also need to be part of the Subdivision Ordinance and needs to be compatible with the current street lights. The City’s policy is to use CenterPoint Franchise agreement wherein they install and maintain the streetlights. Any other type of lighting should be maintained by the subdivision.

Mayor Whiting said that Section 9.113 states the developer is to pay all contract service costs and other related costs. This will enhance the wording already in the Ordinance.

Mayor Pro Tem Maddock made a motion to table his original motion, seconded by Council Member Gordy. **A vote was taken approving the amended motion tabling the approval of the City of Hilshire Village Ordinance Number 729 revising the Subdivision Ordinance for clarity and inclusion of the previously adopted Amendment regarding the two step process including it into the revision, seconded by Council Member Gordy. The vote passed unanimously.**

4. DISCUSSION:

4.1 Planning and Zoning: “R-4” (Bridle Spur Lane setbacks) Council Member Herron stated Bridle Spur Lane deserves the same consideration as Pine Creek Lane. There are only ten lots so it should not take too long, but the committee would like more time.

5. ANNOUNCEMENTS: None

6. ADJOURNMENT: Mayor Pro Tem Maddock made a motion to adjourn, seconded by Council Member Post. The meeting was adjourned at 8:08 P.M.

Shannon Whiting, Mayor

ATTEST:

Susan Blevins, City Secretary