

City of Piney Point Village
Planning & Zoning Commission Meeting
Minutes for
May 22nd, 2014

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

Members Absent: Charles Peterman, Bernard Branca, and Lenni Burke.

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

City Council: Mayor Lee Butler.

Guests: Gene Werlin, Tad Mayfield, John Putman, Andy Martire, Joanne Margraves, Mike Morgan, Doug Yeager, Brad Deutser, Jim Johnson, Greg & Frances Hawes, Susan Marino, Mari Whitworth, Don Jones, Shah Siddigi, Mike Morgan, Paul Nick, Jaidep Mehta, and Stephanie Hamilton.
(Several guests did not sign in)

I) **Call to order:** 7:05 P.M.

II.) **Meeting Minutes:** Motion for approval of minutes for the April 24th Planning and Zoning Commission meeting was made by Diane Wege, and seconded by Bill Burney. Upon vote, such minutes were unanimously approved.

1.) **Public Hearing/Specific Use Permit Request/the Kinkaid School/201 Kinkaid School Drive/to Allow the General Use and to Permit Private School Use on the Milby Tract:** A public hearing was conducted. Comments were received by the Commission.

Gene Werlin, Chairman of the Building Committee, spoke about the continuous efforts with the Stillforest residents working on an agreement for the last few years. He feels that it is a very good agreement and it has been well thought out. In the last few days there has been some discussion about the role of the city insofar as the enforcement of the agreement is concerned. Kinkaid feels that the city should not have the enforcement role. The plans that they are presenting are for educational purposes.

Don Jones, resident of Stillforest, spoke and stated that it took two years for the agreement. He feels that the declaration is important and that it should be enforced by the city. He feels that the city should enforce the agreement.

Greg Hawes, a resident on Iris Lee Lane, asked why is the agreement only for Stillforest? Why isn't the agreement between all of the residents of Piney Point? This affects everyone's taxes. This issue should be addressed with every resident.

Frances Hawes, a resident on Iris Lee Lane, indicated that she lives in Piney Point because residents respect the variances and city ordinances. She has been granted variances in the past and she strongly believes that just because the agreement is with Stillforest doesn't mean that this should be necessarily approved. We should not rush into this. She indicated that all the residents should know the issues and she believes that the majority of the people of Piney Point will not be in favor of approving the plan. The percentage of students that live in Piney Point that go to Kinkaid is far less than our tax dollars are going to our own kids in our own city.

Andy Martire, the Headmaster of the Kinkaid School, came to the school last year. He indicated that the school has been making voluntary contributions to the city since 1958. The school is paying taxes

on the Milby property and paying taxes on the headmaster property on Stillforest property. He mentioned that they had 54 Kinkaid families, representing 88 students that live in the City of Piney Point.

- 2.) **Discussion of Public Hearing/ Specific Use Permit Request/the Kinkaid School/201 Kinkaid School Drive/to allow the General Use and to Permit Private School Use on the Milby Tract:** Diane Wege indicated that she didn't know of any variance that is being requested. There are two requests for a specific use permit.

Vincent Marino indicated that is correct, the school is only requesting specific use permits and not asking for a variance. The Board of Adjustment is the only one that can grant a variance.

Bill Burney spoke in regards to the continuing discussions that he has heard about the city losing revenue and if this were new homes that we would make so much more. So he asked the city engineers about how many homes could be built on the Milby tract. City engineers indicated that 25 percent of the land is in the flood plain and that you might be able to build about 15 new homes. So, Bill Burney indicated that if we take 15 new homes, estimated at 4 million dollars each, and our Piney Point taxes are currently .255, not including the Memorial Village Water Authority portion, that would generate about \$153,000.00 a year. Divide that by the number of 3,200 residents and that would increase his taxes about \$48.00 per year. Bill Burney didn't think that that would be that significant of an increase. He is not that alarmed about the increase in his taxes in the future as some of his neighbors might be.

Sue Curtis stated that it is very clear that The Kinkaid School would have to come back to the Planning and Zoning Commission for each specific use so that it is examined and looked at very carefully.

Vincent Marino said that he favors the short version of the ordinance, that it protects both parties and it recognizes that there is an agreement between Kinkaid and Stillforest. He says that the city needs to consider the Stillforest agreement when granting future special use permits when additional improvements and future structures are built. The school will also have to come back for a building permit for each new structure and they will have to comply with all the drainage regulations. Insofar as taxes are concerned, he did not think that loss of taxes should be enough to deny the school the ability to expand. He has heard that this project may be a 100 year project and that is why he prefers the short version of the ordinance. He did not like the long version of the ordinance, which goes into too much detail; it did cover a lot of things, but there may be additional matters, not presently covered, that may need to be considered by the city, for example P&Z may want a buffer zone along San Felipe, the City will want a drainage plan before any type of construction is approved, the City may want to limit cutting of trees, and may want a tree plan in the future. In other words, he had no main objections to the agreements now. It will all depend on the future city councils and what they decide in the future, and not necessarily agreements between private parties. The short version of the ordinance basically states Kinkaid will come to P&Z and P&Z will look at the situation when the matter is presented.

Bill Burney indicated that the lighting will also be looked at so that they are not lighting up the backyards.

David Olson went over the acknowledgement language that had been added on the short version of the ordinance. The city will take into consideration the Covenants (which is a defined term) when future structures and improvements are proposed by Kinkaid on the Milby tract. All agreements have been recorded.

Vincent Marino said that someone had asked about having the city enforce the private agreements between Kinkaid and Stillforest. In the recorded agreement it clearly states that “the agreement is not enforceable by the City.” P&Z wants to consider the agreements made between Kinkaid and Stillforest, but P&Z is not bound by it, and most likely P&Z will strongly consider those agreements.

David Olson indicated that this would just be a general adoption of the agreement and enforced by the city and puts the intent of what they want to do in a regulatory form so that we would be adopting it as our enforcement. It would just be a policy decision if we wanted to adopt this as a municipal regulation rather than adopting this as a private agreement.

Diane Wege asked how can we enforce the agreement between two private entities and how do we have jurisdiction over anything except things that have to do with city ordinances and regulations?

David Olson said we wouldn’t unless we adopt the ordinance and that is why this ordinance is in front of you for consideration.

Vincent Marino asked for a motion to recommend to city council that it approve the short form version of the ordinance, subject to following specific conditions;

- 1.) No moving of dirt on the land.
- 2.) No cutting of trees.
- 3.) No redirection of drainage.
- 4.) No use of non-conforming improvements unless they come back to the city for approval.

Motion made first by Diane Wege and seconded by Bill Burney, and passed unanimously.

3.) **Public Hearing/Specific Use Permit Request/the Kinkaid School/201 Kinkaid School Drive/to Allow for the Construction of a Multi-Level Parking Garage:**

A public hearing was conducted. **Gene Werlin** indicated that the Kinkaid School is coming before the Planning and Zoning Commission for specific use permit request and asking permission to build a new parking garage. The school has been in communication with the residents of Stillforest and has finally come to an agreement. The proposed parking garage is still in the preliminary design stages but it will be directly to the West, adjacent to the existing stadium bleachers. The West side will have a buffer zone as per the agreement with Stillforest. The garage will act as a buffer to the existing stadium that is there now. The garage will be able to accommodate 530 to 600 vehicles. The garage will encroach onto the new property about 35 to 40 feet on to the Milby property. Gene Werlin indicated that he is aware that the property needs to be re-platted. But that he wanted to start this process.

Joanne Margraves indicated that the new garage will improve the traffic flow and relieve the bussing of students back and forth from Chapelwood Church.

Stephanie Hamilton indicated that she has sat in the car pool line and they have to stop and wait in traffic. She doesn’t like the idea of having to bus in the kids from the Chapelwood location. She thinks that the parking garage is a good idea and that it will improve the traffic flow.

4.) **Discussion of Public Hearing/ Specific Use Permit Request/the Kinkaid School/201 Kinkaid School Drive/to Allow for the Construction of a Multi-Level Parking Garage:**

Vincent Marino had no objection to the parking garage as long as they comply with the agreement they made with Stillforest. These agreements include:

- 1.) Subject to the re- platting of the Milby tract and the Kinkaid tract into one single tract.
- 2.) The Kinkaid School is permitted to construct a parking garage that may be located in part on the Milby tract, referred to as the Stadium Garage.
- 3.) The portion of the Stadium Garage located on the Milby tract will not extend more than 35 feet to the West of the Eastern property line of the Milby tract.

- 4.) The access road into the Stadium Garage shall be placed no further than 35 feet to the West of the Eastern property line of the Milby tract; the Northern wall of the stadium garage will not be located nearer than 1100 feet from the existing curb of San Felipe. At any time after the fifth anniversary date of the date of this specific use permit the portion of the Stadium Garage located on the Milby tract may be expanded to not more than 100 feet West of the Eastern property line of the Milby tract, provided however, the access road into the Stadium Garage may not be moved from its original permitted location as hereinabove mentioned.
- 5.) Access roads into any parking garage other than the Stadium Garage may not be placed nearer than 170 feet from the Western property line of the Milby tract.
- 6.) The Stadium Garage shall not exceed 35 feet in height; all external lighting shall be aimed in the Easterly direction away from the Stillforest subdivision unless otherwise required for safety purposes or by the city. The Stadium Garage shall have an opaque western wall.

David Olson indicated that he would not recommend approval of expansion rights after the fifth anniversary date and would also recommend the Commission not approve any additional structures or additional access rights at this time. They would have to come back to the Planning and Zoning Commission and city council for re approval.

John Petterson stated that they do need to have their plat completed. They do need a drainage study and plan. They have a ravine on the property.

David Olson staff recommends approval subject to the conditions of re- platting of the property, providing that they submit a drainage study and drainage plan, as the city engineer requires, as it relates to the ravine; that the site plan submitted have a setback of 1100 feet; that the height of the garage is no more than 35 feet, and that the garage extend no more than 35 feet to the west of the eastern boundary of the Milby property; abide by the light restrictions; and provide for an opaque wall on the western side.

Vincent Marino requested a motion to formally recommend approval to city council for the specific use permit subject to the following conditions:

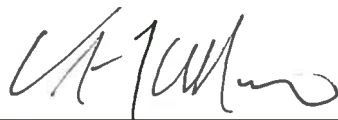
- 1.) The Kinkaid and the Milby tract are re- platted as one single tract.
- 2.) Presenting a complete site plan.
- 3.) Providing an approved drainage plan or a drainage study as determined by the city engineers.
- 4.) That they meet the following requirements set out in the Stillforest agreement: the 35 feet height restriction, the setback requirements, the 35 foot limitation on extension into the Eastern portion of the Milby tract, and the lighting and the opaque wall restrictions to be honored.
- 5.) The following appearing in the Stillforest agreement not be approved: additional access rights and any further extension of the garage into the Milby tract.

Motion to approve first by Diane Wege and seconded by Bill Burney, and unanimously passed.

- 5.) **Adjournment:** Motion to adjourn at 7:55 P.M. Motion made first by Bill Burney and seconded by Diane Wege. Motion to adjourn approved.

Date Approved. June 26th, 2014

Chairman Vincent Marino X _____



(Required Signature)

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