

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

**Members Present:** Vincent Marino-Chairman, Bernard Branca, Bill Burney, 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.

- 1.) **Call to order:** 7:06 P.M.
- 2.) **Meeting Minutes:** Motion for approval of meeting minutes for the January 22<sup>nd</sup>, February 19<sup>th</sup>, April 23<sup>rd</sup>, and July 23<sup>rd</sup>, 2015 Commission meeting 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 23<sup>rd</sup>, 2015 meeting by noting that Lenni Burke was absent from the meeting on April 23<sup>rd</sup>, 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 they add the lien holder, Compass Bank. 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, there was an issue with the 30 foot building set back line, along Kinkaid School Drive in regards to the restrictive covenants in relation to the home owner association and that has since been approved in a new letter from the home owner association. David Olson indicated that there was one minor revision dealing with 7 half inch rod and that has been resolved by the surveyor. The other issue as it relates to the home owner restrictive covenants has also been resolved. The home owner agrees and acknowledges that it does not remove or violate any restrictive covenants and the 30 foot building setback lines meets the current Piney Point requirements. Staff recommends approval. Vincent Marino indicated that the City Planning letter needed to be updated, it showed, October 1<sup>st</sup>, 2015 and the date of the preliminary plat showed the January 22<sup>nd</sup> date, it needs to be updated and reflect the November 19<sup>th</sup>, 2015. 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, our ordinances requires it be a 3 quarters inch iron rod. 2.) Add the lien holder, Central Bank. 3.) Updated the date on the front of the preliminary plat to November 19<sup>th</sup>, 2015. 4.) To update the City Planning letter date corrected of 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 it relates 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 was not able to come but that he will be speaking on his behalf. The proposed recommended changes.

**1.) 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 recommended changes as followed; The generator may only be located; No less than ten feet from the property line; At least 5 feet from the building, no generator shall be located in the front of the main structure. Motion made first by Vincent Marino and seconded by Bill Burney.

**2.) 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 on the proposed fence ordinance recommendations for change. Vincent Marino deferred the recommendation because of the slip decision between the Commission in regards to the proposed fence changes.

**3.) 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 recommended changes as followed; 80 % percent 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. Motion made first by Vincent Marino and seconded by Bill Burney.

**4.) 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 in regards to the nonconforming buildings; by adding the wording; 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. Motion made first by Vincent Marino and seconded by Benard Branca.

**5.) 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 in regards to the nonconforming buildings; by adding the wording; (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). Seconded by Diane Wege.

**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)