

THURSDAY, JUNE 19, 2014
PUBLIC HEARING & SPECIAL COUNCIL MEETING
6:30 P.M.

1. PUBLIC HEARING:

1.1 CALL TO ORDER: Mayor Whiting called the City of Hilshire Village Public Hearing to order at 6:38 P.M. at 8301 Westview, Houston, Texas 77055.

Present: were Mayor Shannon Whiting, Mayor Pro Tem Stephanie Post and Council Members Mike Gordy, Edward Davis, Paul Maddock and David Gunn. Also present were City Secretary Susan Blevins, City Engineer Efrain Him, P.E., HDR/Claunch & Miller, Inc., Fire Marshall Rusty Kattner, Village Fire Department and Attorney Kim Mickelson, Olson & Olson.

Mayor Whiting explained that City Council would handle one (1) Public Hearing item and then vote on it and then go to the next item.

1.2 First Hearing: Mayor Whiting stated the City Council would hear public commentary regarding Council's discussion of the applicant's conceptual site plan of a new subdivision called Hilshire Villas consisting of ten (10) homes complying with the existing Zone B specification of 25 ft. front building line, 25 foot rear building line, 8 ft. side building line with at least 8,000 square foot lot sizes subject to a Board of Adjustment approval for a variance for the width of five (5) lots at the building line. The land is currently owned by the Houston Mennonite Church which is being considered for purchase by Schwab Design Builders, LLC. The property is approximately 2.368 acres located at 1231 Wirt Road. The property is currently located in Residential Zone "B".

Attorney Kim Mickelson stated that the ordinances have no provision for a "conceptual site plan" and therefore the Agenda item reads rather confusing. She stated the plans will have to comply with the current Zoning Ordinances.

Mr. Schwab presented the changes that had been made since the June 17, 2014 meeting. He stated the plan shows buildable areas, not the actual slabs. The lots will be fifty (50) feet at the street per the ordinances. Mr. Schwab also stated he had changed the plans and all the lots will comply with the seventy (70) foot requirement at the building line. The side lots are eight (8) feet. The lots that the side of the property backs into another lot will comply with the 3:5 ratio stated in the ordinances. For every five (5) feet of vertical the structure has to go in three (3) feet. Mr. Schwab stated the corner lot (lot 9) will need to be "tweaked" to meet the ordinances of fifteen (15) feet. The lots will stay under the sixty percent (60%) lot coverage. He showed some examples of homes that he has built.

Mr. Schwab stated in regards to the cut through on Wirt Road he will work with the City of Houston and the City Engineer on shortening the esplanade for a left turn area. Mayor Whiting stated she had looked at the regulations for the City of Houston Public Works and it seems reasonable to request a left turn.

Fire Marshall Rusty Kattner stated that if there is not a cut through the Fire Department, when responding to a call, would most likely go up Campbell to Westview to Wirt which increases their response time. He stated a left turn at the entrance would be helpful to all, not just emergency vehicles. Fire Marshall Kattner stated all the homes would have fire sprinkler systems. Historically, in homes that have fire sprinkler systems the fires are extinguished prior to the arrival of the fire department. He stated there is a City of Houston Fire Station on Silber Road and also one (1) on Longpoint which also would respond adding a level of confidence.

Mayor Whiting said regarding utilities the City is looking into a new intake with the City of Houston. Drainage would go out to the City of Houston via Wirt Road.

CITIZENS COMMENTS:

Ann Budill, 2 Hilshire Grove Lane, stated her major concern was the lack of a Master Plan for the City. She feels the City should develop a Plan first before embarking on any major building project.

Fire Marshall Rusty Kattner was excused.

Paul Sedita, 1310 Pine Chase Drive, stated his concerns have been answered as long as the builder follows the Zoning and Building Ordinances.

Nancy Polis, 1210 Glourie Drive, wanted to respond to a comment. She said she had been in one of Mr. Schwab's homes and it was beautiful. Her home will back up to the proposed building site and she would prefer his company rather than any other builder. Mrs. Polis stated if Mr. Schwab cannot develop the property within the ordinances and make money maybe the Church is asking too much for the property. She feels that a lack of concern has been shown as Mr. Schwab has engaged Council and City Engineers for six (6) months with plans that did not meet the City's ordinances. Mrs. Polis is also worried about the trees on her property line.

Council Member Gunn asked about Mrs. Polis' water pressure and was told that it is terrible.

Mayor Whiting recognized Mr. Herron as the audio visual person for the meeting and thanked him for all his help with communication regarding this project.

Bob Conklin, 14 Hilshire Grove Lane, pointed out a natural drainage swell. He reiterated that any building constructed would have to have a twenty-five foot back property line setback. Mr. Conklin stated that the morning traffic on Wirt Road was very heavy. He stated Council Member Gunn had asked about a Land Use Plan for the Mennonite property and the fact that the City still has not seen one. Mr. Conklin stated it appears that there would only be one (1) way in and out of the Church and the new subdivision. His second point was that the retention basin for flood waters would be the Mennonite Church's parking lot. He wants to know how storm waters would be drained off so not to flood houses on Glourie and Hilshire Grove. Mr. Conklin also wanted to know how the City goes about setting specifications for a new subdivision.

Grady Farris, 1138 Glourie Drive, pointed out that with the present drainage system along Wirt Road at the Methodist Church water does not drain until the rain subsides. He does not want water added to an overloaded system especially downstream.

Russell Herron, 12 Hilshire Grove Lane, stated he would like to see talks with the City of Houston concerning a better solution for left turns into the Mennonite property and the potential subdivision. There are a lot of people making U-turns and it can be dangerous. He also asked about the water vault and where it would be located as it requires a lot of square footage. Mayor Whiting pointed out its potential location. Mr. Herron was also concerned that Council had not heard from a representative of either the Mennonite Church or the Methodist Church even though they are the biggest neighbors to the proposed subdivision. Mayor Whiting indicated that they have been invited, but no one has been available.

Tom Chmores, 7 Hilshire Grove Lane, stated he was one of three (3) houses that would back up to the proposed subdivision. He has heard all the negative comments about cars and habitat. Mr. Chmores does not see how this subdivision will be any different from any other in Hilshire Village. He has lived in the City for twenty-five (25) years and his subdivision is very quiet. The impact to Wirt Road would not be that great from cars belonging to the new subdivision. He agreed that the City of Houston needs to add a street cut to allow for left turns on Wirt Road for safety. Mr. Chmores said there was "no Master Plan when Hilshire Grove was put in, so why do we need one now. He indicated that the animals impacted will most likely move to the nearest ditch or up to the School of the Woods. Mr. Chmores did not think drainage would be a problem since every lot would have to drain from back to front. He stated the City has very stringent guidelines for building plans and drainage.

Sanjeev Dubey, 1214 Glourie, stated he was concerned about drainage and security of the residents since it would take one (1) to four (4) years to build out the new subdivision.

David Hay, 13 Hilshire Grove Lane, said he has lived at his address for twenty-five (25) years and he agrees with all that has been said.

June Sommer, 1114 Guinea, stated “she thought the City got rid of high density housing”. Mrs. Sommer thinks that there should only be three (3) houses on the proposed site for ten (10) homes and there should be fifteen (15) trees per lot. She feels stacking houses in that property is ridiculous. Fifty years ago the area was full of trees. Mrs. Sommer thinks the entire village should vote on this issue not just a few. She stated “everything should be thrown out and started over again”. Mrs. Sommer thinks the City should really think about what they want built in that area.

Mayor Whiting asked if anyone else had comments.

David McDuffie, 1335 Friarcreek, came in late and he wanted to make sure all the setbacks were going to be followed. He felt the City really needed to take a closer look at the ordinances to add stricter side building lines to keep from stacking houses on top of each other.

SPECIAL COUNCIL MEETING:

CALL TO ORDER: Mayor Whiting called the City of Hilshire Village Council Meeting to order at 7:45 P.M. at 8301 Westview, Houston, Texas 77055.

2. ACTION ITEMS (CONSIDERATION AND POSSIBLE ACTION ON):

2.1 Mayor Whiting did not ask for a motion to approve a direction for zoning actions to address the conceptual site plan and variations of a new subdivision called Hilshire Villas consisting of ten (10) homes complying with the existing Zone B specification of 25 ft. front building line, 25 ft. rear building, 8 ft. side building line, 50 ft. minimum width at the street with at least 8000 sf. lot sizes including possible revisions to District B standards.

Mayor Whiting said that despite how the agenda was written Council was only giving the developer direction and then the burden would be on the developer to prepare an engineered plat that would include all the infrastructure and then it would come back to Council for approval. Mayor Whiting said that Council could not deny a developer the ability to build according to the existing Zoning Ordinance. She said that the City office could not find where Zone B had ever been amended. Mayor Whiting said that the majority of the houses in Zone B were out of compliance. She said that when the ordinances were adopted it was to keep too small of a house from being built not too large of a house.

City Attorney, Kim Mickelson, said that what the Mayor had said was correct. The agenda item was written in case the City needed to discuss or amend the Zoning Ordinance or suggest that the builder go to the Board of Adjustment.

Council Member Maddock stated that he was pleased that the builder had finally presented a plat that was in compliance with the City's ordinances.

Council Member Gordy was interested in the design of the Civil making sure that it meets the minimum of the City's standards. He wanted to confirm that the City would own the infrastructure when completed. Mayor Whiting confirmed this because the City does not allow any privately owned streets or infrastructure.

Mayor Pro Tem Post felt that the median needed to be addressed. She felt that a new water connection with the City of Houston would need to be addressed and it should be a cost share with the Developer.

Council Member Davis stated the evolution of this City was very unique. "The City has a lot of work to do to maintain what we have and to try to maintain as much of the original concept that was established".

Council Member Gunn asked what was different on this plat from the existing ordinances. Mayor Whiting said that this plat meets the City's ordinances. She stated this was the first time the City had received a plat from the developer that met all the City's ordinances.

City Attorney, Kim Mickelson, stated that the civil plat would have to come in front of Council for approval. It would have to be approved by engineering for setbacks, drainage, streets and utilities and also it would have to be approved by the Fire Department. She stated that the City would have to approve the plat if it meets all the requirements. The plat will then be filed with Harris County.

Grady Farris, 1138 Glourie, asked if there was a possibility of a petition process that would end in a referendum. City Attorney Mickelson stated "there was not", as referendums apply only to the original Zoning Ordinance.

Ray Coe, # 15 Hilshire Grove Lane, asked from an engineering standpoint who would certify the engineering at the interface between Hilshire Village and the City of Houston. City Engineer, Efrain Him indicated that the City will certify that their part was engineered according to the Zoning Ordinances and he would work with the City of Houston to certify the engineering for their part by due process.

Council Meeting was recessed at 8:09 PM

Public Hearing reconvened at 8:10 PM.

Mayor Whiting said the subject of pavers was coming up more and the City Engineer and Building Official wanted clarification on the classification of pavers.

Robert Byrne, 1305 Bridle Spur, stated that pavers are of a material that allows water to go through to a subgrade that will handle the water. The Mayor indicated that pavers can be used but will be counted as impermeable space in the lot coverage calculation. Mr. Byrne felt that it would be a mistake as it seems to be trying to put a permanent fix on the use of pavers to get around an ordinance. The correct way to fix the problem is to use a designed permeable paver system and let the engineer decide when plans submitted if permeable or not. Mr. Byrne handed out some information from the BIA which is the concrete-clay brick manufacturer that the City Engineer might consider before all pavers are considered impermeable.

Grady Farris, 1138 Glourie, stated that he would like clarification on stepping stones being 18” apart, used as pavers. Some residents have abused them. Also he stated that if one pours concrete for A/C units to stand on, those are impermeable but if cinder blocks are used they would be permeable. Mr. Farris brought up 1309 Glourie where the owners took out a concrete driveway and sidewalk and installed pavers and no permit was required. He stated that the plans under Building Official, Ted Lazarides, allowed for no swimming pool. Yet the owners have installed a pool.

Mr. Farris stated that there are properties in the City where pools are not showing up on the tax rolls so the City is losing revenue.

Public Hearing closed at 8:25 PM

Regular Council meeting convened at 8:25 PM

2.2 Council Member Davis made a motion to approve the City of Hilshire Village Ordinance Number 703 amending the Code of Ordinances by deleting section 11:01.06 of Chapter 12, Exhibit A and replacing it with a new section regarding classifying pavers as non-pervious instead of pervious, seconded by Council Member Maddock. The Mayor indicated there was confusion as to what constitutes a paver. In some places a resident wanted to install a pool so they used pavers as a means to stretch the permeable area. Pavers require a lot of maintenance as they need to be removed each year to make sure they do not “silt over” to a point that no water can get through.

City Engineer, Efrain Him, indicated that there are some pavers designed to let the water come through. This particular ordinance was designed to prevent 100% use of pavers on a lawn. He suggests that we define “green space”. In either case a contractor would have to specify materials and surfaces. Mr. Him indicated that pavers are just like a filter. Eventually they will get clogged and require maintenance. The City does not have the ability to enforce the upkeep of pavers.

Robert Byrne stated this was another regulation to prevent residents the freedom to design their houses as they want. The City Engineer could look at those systems that are easily maintained. A true engineered paver system is more than brick on sand.

Mayor Whiting stated that what you mostly see is pavers sitting on sand. The City is seeing more resident's opt to trade off for more permeability thus having more space to build, etc. Porous pavers have not been included in the ordinance. The Mayor stated the City has no way to enforce the pavers. They can be used as long as the permeable area meets the ordinances. The A/C pads are not normally a problem until one gets to four (4) or five (5) pads. The number of A/C pads can be limited.

Council Member Gordy stated that the passage of this ordinance would not discourage the use of pavers. Pavers can add a lot to permeability and should be defined.

A vote was taken to approve the motion approving the City of Hilshire Village Ordinance Number 703 amending the Code of Ordinances by deleting section 11:01.06 of Chapter 12, Exhibit A and replacing with a new section regarding classifying pavers as non-pervious instead of pervious. The vote passed unanimously.

The Council meeting was recessed at 8:44 PM.

The third Public Hearing was convened at 8:44 PM.

The City Engineer was excused.

Third Hearing: to discuss changing Chapter 12, Section 40.04 of the Zoning Ordinance in regards to parking of recreational vehicles or trailers, boats and utility trailers on public streets.

There was no discussion.

The third Public Hearing was recessed at 8:45 PM

The Council meeting was reconvened at 8:45 PM.

2.3 Council Member Maddock made a motion to approve the City of Hilshire Village Ordinance Number 705 by amending section 40.04.01 of Chapter 12, Exhibit A to prohibit the parking of a recreational vehicle, commercial vehicle, trailer, boat or utility trailer in certain portions of the public streets or right-of-way and also to prohibit the parking of certain passenger vehicles in portions of public streets or rights of way, seconded by Council Member Davis.

Mayor Whiting stated this amendment is to "tidy up" the ordinance so recreation vehicles cannot be parked on public streets except when loading or unloading passengers or cargo and not to exceed forty-eight hours in a seven (7) day period.

A vote was taken to approve the motion approving the City of Hilshire Village Ordinance Number 705 by amending section 40.04.01 of Chapter 12, Exhibit A to prohibit the parking of a recreational vehicle, commercial vehicle, trailer, boat or

utility trailer in certain portions of the public streets or right-of-way and also to prohibit the parking of certain passenger vehicles in portions of public streets or rights of way. The vote passed unanimously.

Council Member Maddock made a motion to adjourn the meeting, seconded by Council Member Gordy. The Council Meeting was adjourned 8:47 PM.

Shannon Whiting, Mayor

ATTEST:

Susan Blevins, City Secretary