

CITY OF BUNKER HILL VILLAGE
PLANNING AND ZONING COMMISSION

Agenda Request

Agenda Date:	August 24, 2021
Agenda Item Number:	III- IV
Subject/Proceeding:	Appointment of New Commission; Oath of Office and Election of Officers
Exhibits:	Oath of Office Statement of Officer <i>(These will be filled out and ready for you at the meeting)</i>
Approval(s):	Karen Glynn

Executive Summary

The June timeframe provides the opportunity for the City Council to organize make appointments to the City’s Boards and Commissions.

The following table summarizes these appointments made to the Planning and Zoning Commission at the June 2021 City Council Meeting. Appointments for the Planning & Zoning Commission are typically a 2 year term commencing in July of odd-numbered years.

There was one vacancy (passing of Mr. Bill Purifoy) on the Planning & Zoning Commission that was available to be filled. The Mayor had appointed Billy Murphy to this position.

The following outlines the Planning and Zoning Commission for 2021-2023. The Commissioners will take their Oath of Office and the Chair and Vice Chair will be selected at this first meeting.

Planning & Zoning Commission Members (2 Yr Terms)		
7 Regular Members		
CURRENT MEMBERS		APPOINTMENTED MEMBERS
Vacant - Chair		William (Billy) Murphy
Catherine Wile – Vice Chair		Catherine Wile
Monica Muschalik		Monica Muschalik
Jean Krivan		Jean Krivan
Bill Going		Bill Going
Jack Christiansen		Jack Christiansen
John Gillette		John Gillette

Also note that Jean Krivan has indicated her interest in stepping down this year. We are working to find an additional replacement.

Form #2204 Rev 9/2017
Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334
FAX 512-463-5569
Filing Fee: None

This space reserved for office use



OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,
I, _____, do solemnly swear (or affirm), that I will faithfully
execute the duties of the office of _____ of
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws
of the United States and of this State, so help me God.

Signature of Officer

Certification of Person Authorized to Administer Oath

State of Texas
County of Harris

Sworn to and subscribed before me on this _____ day of _____, 20____.

(Affix Notary Seal,
only if oath
administered by a
notary.)

Signature of Notary Public or
Signature of Other Person Authorized to Administer An
Oath

Jennifer Namie
Printed or Typed Name

Form #2201 Rev. 05/2020
Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334
512-463-5569 - Fax
Filing Fee: None

This space reserved for office use



STATEMENT OF OFFICER

Statement

I, _____, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Title of Position to Which Elected/Appointed: _____

Execution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: _____

Signature of Officer

MINUTES OF A PUBLIC MEETING
OF THE CITY OF BUNKER HILL VILLAGE
PLANNING AND ZONING COMMISSION
TUESDAY, JUNE 22, 2021, AT 11:30 A.M.

V

I. CALL TO ORDER

Vice Chairman Catherine Wile called the Planning and Zoning Commission Meeting to order at 11:30 a.m. based on a quorum of members present:

Present:

Catherine Wile, Vice Chairman
Jack Christiansen, Commissioner
Bill Going, Commissioner
John Gillette, Commissioner
Jean Krivan, Commissioner
Monica Muschalik, Commissioner

Also in Attendance:

Billy Murphy, New P&Z Appointee July 1, 2021
Karen Glynn, City Administrator/Acting City Secretary
Steve Smith, Director of Public Works/Building Official
Loren Smith, City Attorney
Jennifer Namie, Assistant to the City Secretary (via Zoom)

II. PUBLIC COMMENTS

There were no public comments.

III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE APRIL 7, 2020, MINUTES

A motion was made by Commissioner Christiansen to approve the minutes for April 7, 2021. The motion was seconded by Commissioner Krivan.

The motion carried 6 to 0.

IV. CONSIDERATION AND POSSIBLE ACTION ON A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE A SHORT FORM FINAL PLAT FOR RAYDON ESTATES SECTION 2 (1 RAYDON LANE) CREATING TWO (2) SINGLE FAMILY LOTS - Steve Smith, Director of Public Works/Building Official

Probstfeld & Associates, Inc., on behalf of Frank Y. and Michele G. Yang, have submitted a Short Form Final Plat for Raydon Estates Section 2 located at 1 Raydon Lane. The Plat would create two (2) single family lots.

This application is considered to be “a short form final plat” under Chapter 14, Subdivisions:

Sec. 14-5.1. – Short form final plats.

A short form platting procedure may be requested if the final plat is authorized by the administrative officer and meets the following requirements:

- (1) No more than four (4) lots, tracts or reserves are included.
- (2) The area to be platted lies within an existing public street circulation system already approved by the city council;
- (3) The proposed development meets all the requirements of the existing zoning district;
- (4) The plat does not propose to vacate public street rights-of-way or easements;
- (5) The plat does not propose creation or extension of public rights-of-way;
- (6) The proposed development does not require any significant drainage improvements;
- (7) The proposed development is consistent with the thoroughfare plan and creates no significant traffic congestion on the existing public street system;
- (8) The proposed development creates no variance requests.

The City's Consultant has reviewed the plat on behalf of the City. The plat meets all of the City's requirements. Currently, there is one home existing on the lot.

A motion was made by Commissioner Muschalik to approve a Short Form Final Plat for Raydon Estates Section 2 (1 Raydon Lane), creating two (2) single family lots. The motion was seconded by Commissioner Christiansen.

The motion carried 6 to 0.

V. UPDATE ON ACTIVITIES - *Karen Glynn, City Administrator*

Karen Glynn thanked the Commissioners for agreeing to serve for another term. She informed the Commission that Commissioner Krivan has indicated that she is ready to step down once a replacement is found. William (Billy) Murphy will replace Bill Purifoy in July, 2021. The Commissioners will take the Oath of Office at the next meeting.

A. Zoning Board of Adjustment Meetings

The Zoning Board of Adjustment has had two recent meetings and voted on the following final decisions:

11646 Memorial Drive – A final decision was reached by the Zoning Board of Adjustment to allow construction of a wall in the front yard with the construction of a new house at this location. This approval was contingent upon the house being demolished in the next 6 months. The house has since been demolished. There are a few other details listed in the decision regarding the placement of the wall, landscaping, maintenance, and the front fencing for the new house.

512 Knipp Road – A final decision was reached regarding an interpretations of the City's Code by the Building Official. There were three points discussed for this item:

1. Definition of Appliance and placement/location thereof.

The Board voted unanimously that the Building Official's interpretation is correct in both the definition and location and that the building is not in the green space and that the air conditioner is an appliance and not an accessory structure.

2. *Height Requirement for an Accessory Structure and Definition for a sleeping structure.*

The Board voted unanimously that the Building Official correctly interpreted the City’s Code regarding the 18-foot and 10-foot height requirement of the accessory structure and that that the detached garage is not improved or used for the purpose of human habitation or sleeping purposes, and as prohibited in the definition of Accessory Building. The Board agreed that the Building Official correctly interpreted the City’s Code as to what constitutes a sleeping structure.

In addition, a certification of the height of the accessory structure will be required at final inspection.

3. *The Guard Shack*

The Board agreed that the **guard shack structure must be removed at the final inspection before an issuance of the Certificate of Occupancy.**

B. Upcoming Planning and Zoning Commission Topics

Karen Glynn, City Administrator commented that the issues raised at the ZBOA Meeting are being reviewed and may come before the Commission for further review and recommendation to the City Council for any improvements to wording in the Code of Ordinances:

- (1) Review the definition of “structure” (Section 2.01 – Appendix A) to specifically exclude appliances, as defined in the International Code(s),
- (2) Review and clarify the height regulations for accessory buildings and structures (Section 5.03 C); should the ten (10) foot wall limitation apply to the interior wall of a separated floor, and
- (3) Review the definition of “sleeping purposes” to clarify the specific criteria used to determine if an accessory building or structure is “improved or used for the purpose of human habitation.” Currently the Building Official considers the following definition for *Sleeping purposes*: A building shall be considered to be improved or used for *sleeping purposes* if such building in constructed with a restroom and a closet (and any other criteria deemed

Staff has been made award of two potential Specific Use Permit Applications:

- Memorial Forest Club – An application has been submitted for review.
- Paratus Memorial – The Applicant has met with the Building Official regarding the desire to add a fence to the site for safety needs at the school.

C. Development Activity – Steve Smith shared that the development activity in the City is very busy; Pre-Development Meetings and Permits have increased this year.

D. Capital Projects

- Water Well – The City’s new well project is underway at Bunker Hill Elementary School. There is a lot of work planned for the summer. The City hopes to drill the final well the week of July 5, 2021.
- Bunker Hill Elementary School – Construction is progressing very well and also, the site is very busy this summer.
- Added Detention at Bunker Hill Elementary School – the City Council approved additional funding to pursue adding detention on the school site as recommended by the Drainage Committee.
- Chapel Belle Street and Drainage Reconstruction – The final design for this project was approved with construction for the street to begin in 2022.

E. Set Planning and Zoning Commission Meeting

The Commission set the next Planning and Zoning Commission Meeting to be held on August 24, 2021 at 11:30 am.

VI. ADJOURN

A motion to adjourn was made by Commissioner Christiansen and seconded by Commissioner Gillette

The motion carried 6 to 0.

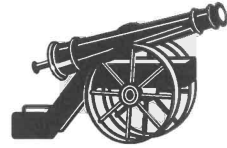
The meeting adjourned at 12:10 p.m.

Approved and accepted on August 24, 2021.

Catherine Wile, Vice Chairman
Planning and Zoning Commission

ATTEST:

Karen H. Glynn, Acting City Secretary



**CITY OF BUNKER HILL VILLAGE
PLANNING AND ZONING COMMISSION**

Agenda Request

Agenda Date:	August 24, 2021
Agenda Item Number:	VI
Subject/Proceeding:	CONSIDERATION AND ACTION ON A FINAL PLAT FOR BUNKER HILL ELEMENTARY SCHOOL
Exhibits:	Final Plat Document
Approval(s):	Karen Glynn Steve Smith

Executive Summary

The reconstruction of Bunker Hill Elementary School is currently underway. As discussed with the Commission in August 2020, the site for Bunker Hill Elementary School was never platted. The District began this process in April 2021 with the submittal of the preliminary plat. The preliminary plat was approved by the Planning and Zoning Commission on April 7, 2021.

Jones and Carter, the property owner’s representative, has submitted the attached final plat to the Planning and Zoning Commission for recommendation to the City Council.

The process for platting includes a Preliminary Plat approved by the Planning and Zoning Commission followed by a Final Plat which is then recommended to City Council.

The City’s Consultant has reviewed the plat on behalf of the City. The plat is recommended for recommendation to the City Council.

THE STATE OF TEXAS

COUNTY OF HARRIS

We, SPRING BRANCH INDEPENDENT SCHOOL DISTRICT, acting by and through PAM GOODSON, PRESIDENT, and MINDA CAESAR, SECRETARY, being School Board Members of SPRING BRANCH INDEPENDENT SCHOOL DISTRICT, and the CITY OF BUNKER HILL VILLAGE, TEXAS, acting by and through ROBERT P. LORD, MAYOR, and KAREN GLYNN, ACTING CITY SECRETARY, being officers of the City Council of the CITY OF BUNKER HILL VILLAGE, TEXAS, Owner hereinafter referred to as Owners (whether one or more) of the 13.0084 acre tract described in the above and foregoing map of SPRING BRANCH ISD BUNKER HILL ELEMENTARY SCHOOL SUBDIVISION, do hereby make and establish said subdivision and development plan of said property according to all lines, dedications, restrictions, and notations on said maps or plat, and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets, or permanent access easements), alleys, parks, water courses, drains, easements, and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title on the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'6") for ten feet (10'0") perimeter ground easements or seven feet, six inches (7'6") for fourteen feet (14'0") perimeter ground easements or five feet, six inches (5'6") for sixteen feet (16'0") perimeter ground easements, from a plane sixteen feet (16'0") above the ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement total twenty one feet, six inches (21'6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'0") for ten feet (10'0") back-to-back ground easements, or eight feet (8'0") for fourteen feet (14'0") back-to-back ground easements or seven feet (7'0") for sixteen feet (16'0") back-to-back ground easements, from a plane sixteen feet (16'0") above ground level upward, located adjacent to both sides and adjoining all public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement total thirty feet (30'0") in width.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

IN TESTIMONY WHEREOF, the SPRING BRANCH INDEPENDENT SCHOOL DISTRICT, has caused these presents to be signed by PAM GOODSON, PRESIDENT, thereunto authorized by MINDA CAESAR,

SECRETARY, this day _____ of _____, 2021.

By: Spring Branch Independent School District

By: Pam Goodson, President

Attest: Minda Caesar, Secretary

IN TESTIMONY WHEREOF, the CITY OF BUNKER HILL VILLAGE, TEXAS, has caused these presents to be signed by ROBERT P. LORD, MAYOR, thereunto authorized by KAREN GLYNN, ACTING CITY SECRETARY,

this day _____ of _____, 2021.

By: The City of Bunker Hill Village, Texas

By: Robert P. Lord, Mayor

Attest: Karen Glynn, Acting Secretary

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Pam Goodson, President, and Minda Caesar, Secretary, of Spring Branch Independent School District known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 20 _____

Signature: _____

Printed Name: _____

Notary Public in and for the State of Texas

Commission Expires: _____

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Robert P. Lord, Mayor, and Karen Glynn, Acting City Secretary, of The City of Bunker Hill Village, Texas known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 20 _____

Signature: _____

Printed Name: _____

Notary Public in and for the State of Texas

Commission Expires: _____

This is to certify that the Planning and Zoning Commission of the City of Bunker Hill Village, Texas, has approved this plat and subdivision of SPRING BRANCH ISD BUNKER HILL ELEMENTARY SCHOOL SUBDIVISION in conformance with the laws of the State of Texas and the ordinances of the City of Bunker Hill Village as shown hereon and authorized the recording of this plat this _____ day of _____, 2021.

Karen Glynn

Acting City Secretary

Catherine Wile

Vice-Chairman

This is to certify that the City Council of the City of Bunker Hill Village, Texas has approved this plat and subdivision of SPRING BRANCH ISD BUNKER HILL ELEMENTARY SCHOOL SUBDIVISION as shown hereon. In testimony whereof, witness this official signature of the mayor of the City of Bunker Hill Village, Texas, this this _____ day of _____, 2021.

Robert P. Lord, Mayor

City of Bunker Hill Village, Texas

Karen Glynn, Acting City Secretary

I, Teneisha Hudspeth, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office

on _____, 2021, at _____ o'clock _____ M., and duly recorded

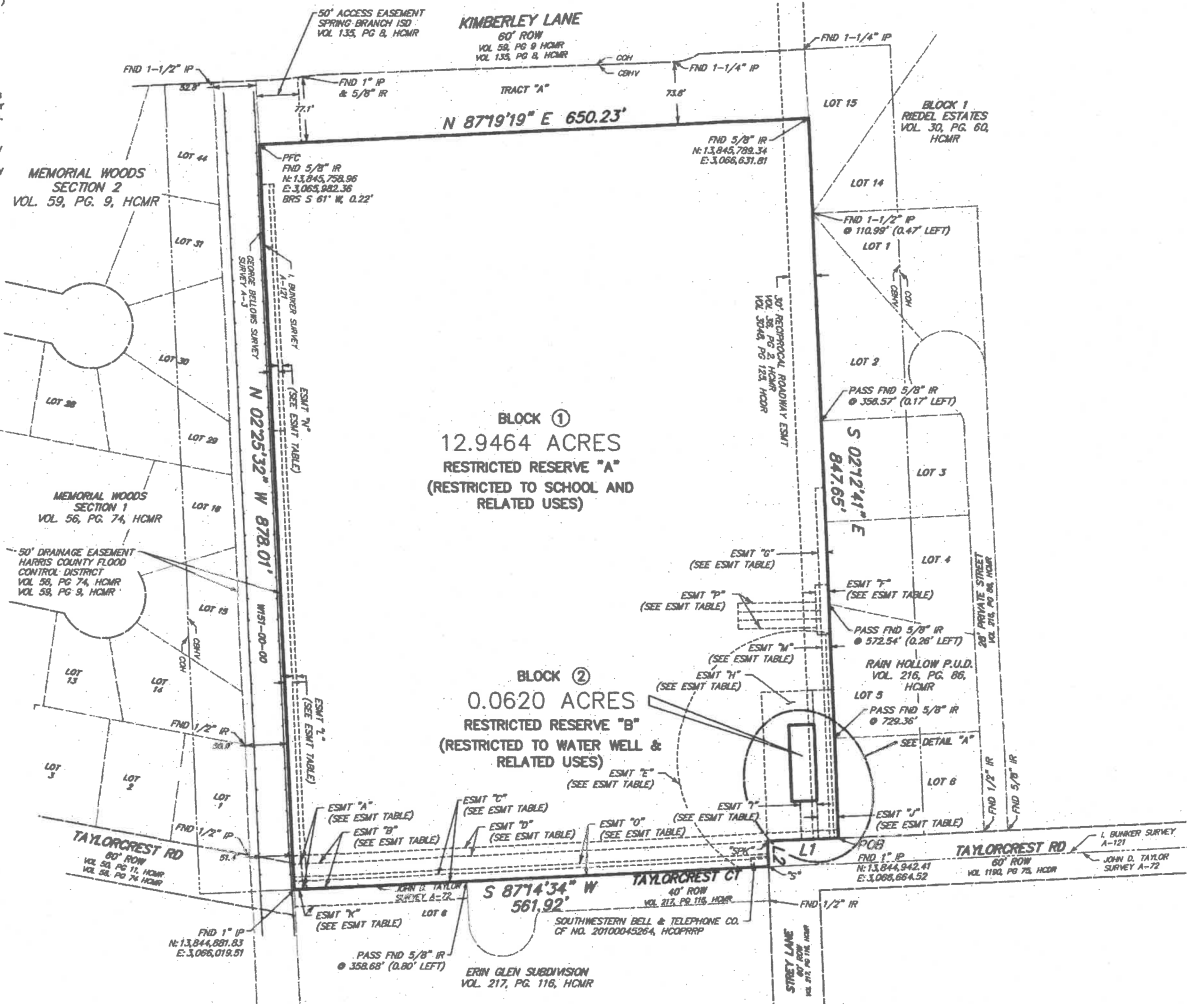
on _____, 2021, at _____ o'clock _____ M., and at

Film Code No. _____ of the Map Records of Harris County for said county.

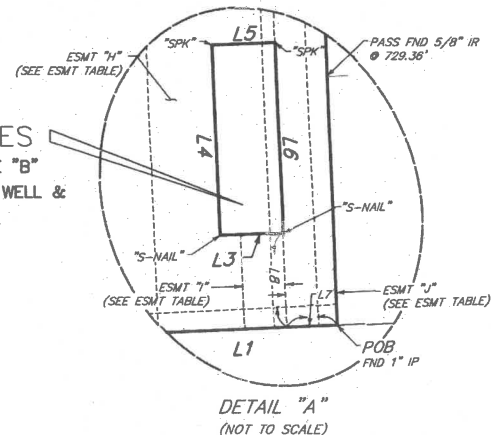
Witness my hand and seal of office, at Houston, the day and date last above written.

Teneisha Hudspeth
County Clerk
of Harris County, Texas

By: Deputy



BLOCK 2
0.0620 ACRES
RESTRICTED RESERVE "B"
(RESTRICTED TO WATER WELL & RELATED USES)



This is to certify that I, Matthew W. Brazzel, a registered surveyor of the State of Texas, have plotted the above subdivision from an actual survey on the ground; and that all block corners, angle points, and points of curve are properly marked with iron rods Three quarter inch (3/4") and a length of not less than two (2) feet, unless noted otherwise, and that this plat correctly represents that survey made by me.



Matthew W. Brazzel
Registered Professional Land Surveyor
Texas Registration No. 6140

APPLICANT:
JONES/CARTER
6330 WEST LOOP SOUTH
SUITE 150
BELLAIRE, TX 77401

Project Manager: Matthew Brazzel
(713) 777-5337

LEGEND:

"S" SET 3/4" IRON ROD (WITH CAP STAMPED)
"JONES/CARTER PROPERTY CORNER"
"S-NAIL" SET 100-D NAIL (WITH CAP STAMPED)
"JONES/CARTER PROPERTY CORNER"
"SPK" SET PK NAIL (WITH SHINER STAMPED)
"JONES/CARTER PROPERTY CORNER"
AC ACRE
AE AERIAL EASEMENT
BRS BEARS
CF CLERK'S FILE
CBHV CITY OF BUNKER HILL VILLAGE
COH CITY OF HOUSTON
CONST CONSTRUCTION
DE DRAINAGE EASEMENT
ESMT EASEMENT
FND FOUND
HCDR HARRIS COUNTY DEED RECORDS
HCMR HARRIS COUNTY MAP RECORDS
HCOFPP HARRIS COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
HLAP HOUSTON LIGHTING & POWER
IP IRON PIPE
IR IRON ROD
NO NUMBER
PG PAGE
PTP PINCHED-TOP IRON PIPE
RAD RADIAL
ROW RIGHT OF WAY
SQ FT SQUARE FEET
TEMP TEMPORARY
UE UTILITY EASEMENT
VOL VOLUME
WLE WATER LINE EASEMENT
TOP OF BANK OF CONCRETE LINED DRAINAGE CHANNEL

0 50 100 200 300
NORTH
DRAWING SCALE: 1" = 100'

ESMT TABLE

ESMT "A"	30' REPRODUCTION ROADWAY ESMT VOL 36, PG 2, HCMR (NO FORMAL DEDICATION FOUND)
ESMT "B"	30' HARRIS COUNTY DE VOL 2743, PG 424, HCMR
ESMT "C"	10' GAS PIPELINE EASEMENT UNITED GAS CORPORATION OF No. 8586276, HCOFPP
ESMT "D"	10' HLE OF No. 0382888, HCOFPP
ESMT "E"	100' RAD SANITARY CONTROL ESMT OF No. RP-2020-548825, HCOFPP OF No. RP-2020-807391, HCOFPP
ESMT "F"	10' HLAP UE w/ 5' AE & CHP FILE No. 104-2-267, 1-25-1985
ESMT "G"	10' HLAP UE OF No. E374569, HCOFPP
ESMT "H"	VARIABLE WIDTH PERPETUAL ACCESS ESMT OF No. RP-2020-548825, HCOFPP
ESMT "I"	20' WIDE HLE OF No. RP-2020-548824, HCOFPP
ESMT "J"	24' TEMP CONST ESMT OF No. RP-2020-586281, HCOFPP
ESMT "K"	20' DRAINAGE ESMT VOL 217, PG 116, HCMR
ESMT "L"	10' HLAP UE w/ 5' AE CHP FILE No. 104-2-155, 1-24-1958
ESMT "M"	5' HLAP UE w/ 5' AE CHP FILE No. 104-2-155, 1-24-1958
ESMT "N"	10' HLAP UE w/ 5' AE CHP FILE No. 104-2-155, 1-31-1958
ESMT "O"	10' HLAP UE w/ 5' AE CHP FILE No. 104-2-228, 4-24-1981 CHP FILE No. 104-2-230, 5-16-1981
ESMT "P"	HLAP UE-10' WIDE (GROUND LEVEL TO 20' ABOVE GROUND) & 20' FROM SAID PLANE (UPWARD) CHP FILE No. 104-2-267, 1-25-1985

ADJOINING PROPERTY OWNER'S INFORMATION

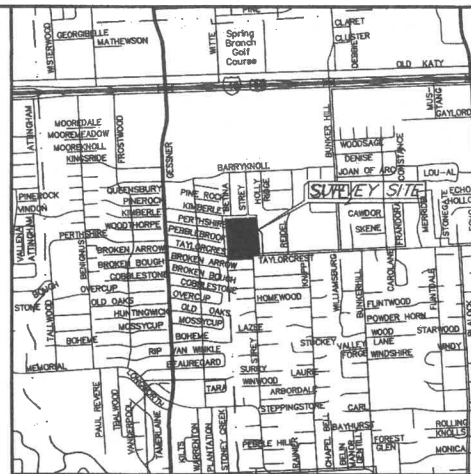
LEGAL DESC	OWNER DEED INFORMATION
LOT 6, ERIN GLEN	OWNER: HARRIS T. SALEN GENERATION-SKIPPING TRUST & THE STEPHEN B. DEZMAN GENERATION-SKIPPING TRUST OF No. RP-2019-432163, HCOFPP
LOT 1, RAIN HOLLOW P.L.D.	OWNER: RYAN & ERICA PANG OF No. RP-2019-432163, HCOFPP
LOT 2, RAIN HOLLOW P.L.D.	OWNER: GREG & PAMELA WELLEN OF No. 20150282999, HCOFPP
LOT 3, RAIN HOLLOW P.L.D.	OWNER: JEFFREY & MARY SHAWNS OF No. 1535137, HCOFPP
LOT 4, RAIN HOLLOW P.L.D.	OWNER: LANCE & RUTH DODD OF No. 200044581, HCOFPP OF No. 2010337940, HCOFPP
LOT 5, RAIN HOLLOW P.L.D.	OWNER: MARK R. THESSEN OF No. 2013028945, HCOFPP
LOT 6, RAIN HOLLOW P.L.D.	OWNER: BNY REALTY, INC. OF No. 1710281, HCOFPP
LOT 14, BLK 1, RIEDEL ESTATES	OWNER: RICHARD DOERF ECHER OF No. 1321719, HCOFPP
LOT 15, BLK 1, RIEDEL ESTATES	OWNER: YUNAN YANG & PU WANG OF No. RP-2020-107589, HCOFPP
TRACT "A" - "HARRIS COUNTY TEXAS BY SPECIAL WARRANTY DEED OF No. 20070027293, HCOFPP	

DEVELOPER/OWNER:
SPRING BRANCH INDEPENDENT SCHOOL DISTRICT
955 CAMPBELL ROAD
HOUSTON, TX 77024

Project Manager: Kris Drosche
(713) 251-1005

DEVELOPER/OWNER:
THE CITY OF BUNKER HILL VILLAGE
11977 MEMORIAL DRIVE
HOUSTON, TX 77024

City Administrator: Karen Glynn
(713) 467-9762



VICINITY MAP
SCALE: 1" = 2000'

GENERAL NOTES:

- Bearings shown hereon are based on the Texas Coordinate System of 1983, South Central Zone.
- Coordinates shown hereon are Texas Coordinate System of 1983, South Central Zone, NAD83 "Grid" coordinates. Apply a combined scale factor of 0.9998931689 to convert these coordinates to "Surface" coordinates.
- A 10-foot wide gas pipeline easement recorded in Clerk's File No. 8586276, HCOFPP, is located adjacent to the south boundary line of the subject tract. Third party deed research prepared for the submitter of this plat does not reference any additional pipeline easement(s) located within the subject tract.
- Tract subject to possible easement recorded in Volume 3048, Page 125 HCMR. Item 3.(b) states that SBISD "will dedicate a strip 40 wide along the south edge of the property for the purpose of constructing an all-weather road 60 feet wide from the point of intersection at Strey Lane West to the county drainage ditch. In connection with this 40 foot strip, the County will use an adjoining 20 foot strip out of a 30 foot drainage easement to go along with the 40 feet for the new roadway."

No formal dedication of this 40 foot roadway easement was found of record.

5. According to Map No. 48201C0645L of the Federal Emergency Management Agency's Flood Insurance Rate Maps for Harris County, Texas and Incorporated Areas, dated June 18, 2017, the subject tract is situated within: Unshaded Zone "X" and is located outside of the 1% annual chance floodplain (100-year flood).

This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

6. Tract subject to a Blanket Easement granted to CenterPoint Energy Houston Electric, LLC by instrument recorded in Clerk's File No. RP-2021-361669, HCOFPP.

STATE OF TEXAS

COUNTY OF HARRIS

A METES & BOUNDS description of a certain 13.0084 acre tract of land situated in the I. Bunker Survey, Abstract No. 121 in Harris County, Texas; being all of a called 7.89 acre tract of land conveyed to Spring Branch Independent School District by Deed recorded in Volume 3048, Page 125, Harris County Deed Records (HCOFPP), and a called 5.00 acre tract of land conveyed to Spring Branch Independent School District by Deed recorded in Volume 3247, Page 238, HCMR; said 13.0084 acre tract being more particularly described as follows with all bearings being based on the Texas Coordinate System of 1983, South Central Zone;

BEGINNING at a found 1-inch iron pipe being the northern southeast corner of said called 7.80 acre tract, also being the southwest corner of Lot 6 of Rainhollow recorded in Volume 216, Page 86, Harris County Map Records (HCMR), and being in the north right of way of Taylorcrest Road, based on a width of 80 feet, recorded in Volume 1190, Page 75, HCMR;

THENCE, South 87°35'19" West, 85.00 feet along the common line of said called 7.80 acre tract and said north right of way to a set PK Nail (with shiner stamped "Jones/Carter Property Corner") being the intersection of said north right of way and the west right of way of Strey Lane (based on a width of 80 feet) recorded in Volume 217, Page 116, HCMR;

THENCE, South 02°08'46" East, 30.00 feet along the common line of said called 7.80 acre tract and said west right of way to a set 3/4-inch iron rod (with cap stamped "Jones/Carter Property Corner") being the northeast corner of Erin Glen Subdivision recorded in Volume 217, Page 116, HCMR;

THENCE, South 87°14'34" West, along the common line of said called 7.80 acre tract and the north line of said Erin Glen Subdivision, pass a found 5/8-inch iron rod at 358.68 feet (0.80 feet left), and continuing in all, a total distance of 847.65 feet to a point for corner being the common west corner of said called 5.00 acre tract and Memorial City Subdivision Section 3 recorded in Volume 135, Page 8, HCMR, from which a found 5/8-inch iron rod bears South 61° West, 0.22 feet;

THENCE, North 02°25'32" West, along the common line of said called 7.80 acre tract and said Memorial Woods Section 1, pass the common west corner of said called 7.60 and 5.00 acre tract at 540.98 feet, and continue along the common line of said called 5.00 acre tract and Memorial Woods Section 2 recorded in Volume 56, Page 8, HCMR, a total distance of 876.01 feet to a point for corner being the common west corner of said called 5.00 acre tract and Memorial City Subdivision Section 3 recorded in Volume 135, Page 8, HCMR, from which a found 5/8-inch iron rod bears South 61° West, 0.22 feet;

THENCE, North 87°19'19" East, 650.23 feet along the common line of said called 5.00 acre tract and said Memorial City Subdivision Section 3 to a found 5/8-inch iron rod being the common east corner of said called 5.00 acre tract and said Memorial City Subdivision Section 3;

THENCE, South 02°12'41" East, pass a found 1 1/2-inch iron pipe being the common west corner of Ridel Estates recorded in Volume 30, Page 60, HCMR, and Rainhollow recorded in Volume 216, Page 86, HCMR, at 110.59 feet (0.47 feet left), pass a found 5/8-inch iron rod at 356.57 feet (0.17 feet left), pass a found 5/8-inch iron rod at 572.54 feet (0.26 feet left), pass a found 5/8-inch iron rod at 729.36 feet, and continuing in all, a total distance of 847.65 feet to the POINT OF BEGINNING, CONTAINING 13.0084 acres of land in Harris County, Texas, as shown on Drawing No. 14719 in the office of Jones/Carter in Bellaire, Texas.

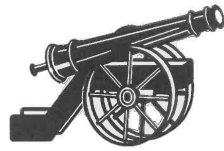
FINAL PLAT OF
SPRING BRANCH ISD BUNKER HILL
ELEMENTARY SCHOOL SUBDIVISION
A SUBDIVISION OF
13.0084 ACRES
OUT OF THE
I. BUNKER SURVEY, A-121
CITY OF BUNKER HILL VILLAGE
HARRIS COUNTY, TEXAS

PRELIMINARY SUBMITTAL: JULY 17, 2020
2nd PRELIMINARY SUBMITTAL: FEBRUARY 5, 2021
3rd PRELIMINARY SUBMITTAL: MARCH 23, 2021
4th PRELIMINARY SUBMITTAL: MARCH 31, 2021
5th PRELIMINARY SUBMITTAL (TO CPC): JUNE 29, 2021
FINAL SUBMITTAL: AUGUST 11, 2021

2 RESERVES 2 BLOCKS
SURVEYOR / PLANNER: JONES/CARTER

JC JONES/CARTER

COTTON SURVEYING DIVISION
Texas Board of Professional Land Surveying Registration No. 10046100
6330 West Loop South, Suite 250 • Bellaire, TX 77401 • 713.777.5337



**CITY OF BUNKER HILL VILLAGE
PLANNING AND ZONING COMMISSION**

Agenda Request

Agenda Date: August 24, 2021

Agenda Item No: VII

Subject/Proceeding: **REVIEW, DISCUSSION AND DIRECTION ON A SPECIFIC USE PERMIT APPLICATION SUBMITTED BY THE MEMORIAL FOREST CLUB**

Exhibits: Specific Use Permit Application and Site Plan
Ordinance No. 49
ZBOA Minutes with Variance Approval – 1998
Memorandum of Understanding - 2014

Clearance: Steve Smith, Director of Public Works/Building Official
Karen Glynn, City Administrator

Executive Summary

Memorial Forest Club, a non-profit club established in the 1950's at its current location of 12122 Memorial Drive has submitted an application for a Specific Use Permit. There is no Specific Use Permit for the site. The Club is considered a legal non-conforming use in the City of Bunker Hill Village. The desired Specific Use Permit would officially recognize the physical layout of the Club as indicated on the attached site plan, and the uses associated therewith.

History

Ordinance No. 49 (attached) was approved and memorialized a Settlement Agreement between the City of Bunker Hill and the Club in 1958. The Settlement Agreement expired on its terms in June 2008 (50 years). As noted in the application, it is intended that the Special Use Permit will supercede Ordinance No. 49 and the Settlement Agreement in all respects. In addition, the City's Zoning Board of Adjustment approved a variance on April 23, 1998 to replace a 100-foot section of a six-foot fence behind the volleyball court with a fence nine feet high. A memorandum of understanding was also approved in May 2014 regarding landscaping, irrigation, and associated maintenance in the City right of way at Plantation and Memorial.

Review & Analysis

As noted in the 1958 agreement, the items outlined coincide with the items listed in the City's Zoning Ordinance which are intended to ensure compatibility of non-resident uses with adjacent properties by the Specific Use Permit Process, including but not limited to hours of operation, lighting, noise, and signage.

The Specific Use Permit (SUP) requires a recommendation by the Planning and Zoning Commission and approval by City Council. In addition, notification to adjacent residents and public hearings will be scheduled with the Planning and Zoning Commission and City Council.

Representatives from the Memorial Forest Club will be presenting their application to the Planning and Zoning Commission as a review and discussion item to ensure all concerns and details of the Commission could be addressed before moving forward with the SUP Process.

The purpose of the SUP Process is to look at individual sites on a case-by-case basis and determine if the proposal/existing use negatively impacts adjacent properties and the City as a whole.

As stated in the Code of Ordinances, before any specific use is permitted in the applicable zoning district, a report from the Planning and Zoning Commission must be directed to the City Council accompanied by the Commission's recommendation for approval or denial. The report shall include, but need not be limited to, the following:

- A. *Ingress and egress:* Ingress and egress to the property and proposed structures thereon, with particular reference to automobile and pedestrian safety and convenience, traffic flow and control, and access in the event of fire or other catastrophe.
- B. *Off-street parking:* Off-street parking and loading areas where required, with particular attention to the items set forth in subsection A of this section, and the economic, noise, glare, and other effects of the specific use on adjoining properties and other properties generally in the district and city.
- C. *Service area:* Refuse and service areas, with particular reference to the items set forth in subsections A and B of this section.
- D. *Utilities:* Utilities include water and wastewater with reference to location, availability, and compatibility.
- E. *Drainage:* Drainage plans proposed to meet requirements of the city's drainage ordinance and criteria manual.
- F. *Screening and buffering:* Screening and buffering, either or both, with reference to type, dimensions, and character.
- G. *Signs and lighting:* Sign location and size, proposed exterior lighting with reference to glare and traffic safety and compatibility and harmony with adjacent property and other properties generally in the district and city.
- H. *Trees, yards and open spaces:* Landscaping and required yards, open spaces, and building setback lines.
- I. *Compatibility:* General compatibility with adjacent properties and other properties in the district and city.
- J. *Conformity:* The conformity of the proposed use with the requirements and intent of this ordinance and the comprehensive plan of the city.

The SUP Process provides for conditions to be included to ensure specific concerns are addressed for the various factors.

Conclusion

The purpose of this meeting is to review and discuss this proposal with the Planning and Zoning Commission and gain direction prior to beginning the actual process which includes notifications and a public hearing.



City of BUNKER HILL VILLAGE

APPLICATION FOR SPECIFIC USE PERMIT

Entity Making Application: The Memorial Forest Club

Representative's Name: __Doug Smith, President__

Mailing Address: 12122 Memorial Drive, Houston, Texas _____ Zip: 77024__

Property Address (*If Different*): 12122 Memorial Drive, Houston, Texas 77024

Phone: (832) 398-2751 Email: dgsmithtex@gmail.com and tvanarsdel@winstead.com

Category of Project (See 8.02 Below): Subdivision or homeowner association recreation center **Zoning District:** B

Description of Project: Non-profit membership club with outdoor recreation for tennis, volleyball, pickle ball, basketball and swimming, with a clubhouse and summer snack bar and other incidental and supporting uses.

(This description may be used for all meeting and public notices)

Details for Consideration of the Application. Please see Section 8.04 below and attach a detailed report/description to address the list of possible concerns as outlined in the ordinance. The report is not limited to this list. Please include any other details/issues that the applicant deems necessary.

See the attached report, site plan and photographs organized and prepared by The Memorial Forest Club

Signature of Applicant:  **Date:** May 27, 2021

Attachments as applicable:

- Site Plan
- Detailed Report
- Pertinent Exhibits
- Supplemental/Additional Information

A fee of \$1,000.00 is required for processing

**CITY OF BUNKER HILL VILLAGE
ZONING ORDINANCE EXERPT
SPECIFIC USE PERMIT**

2020 SUP application.doc

The Memorial Forest Club, a non-profit club established in the 1950's at its current location of 12122 Memorial Drive, submits this report in connection with its application for a Specific Use Permit from the City of Bunker Hill Village, Texas (the "City"). The Club offers outdoor recreation in the form of tennis courts, a volley ball and pickle ball court, a basketball mini-court, a clubhouse, three (3) pools, a summer snack bar and other incidental and supporting uses (the "Use"). Membership in the Club consists overwhelmingly of residents of the City and the nearby residents of Houston and the other Memorial Villages. The Club currently has 435 member families, and is chartered to maintain a maximum membership of 525 member families. The desired Specific Use Permit would officially recognize the physical layout of the Club as indicated on the attached site plan, and the uses associated therewith.

The Club is located in Zoning District B, which, similar to all of the City, is overwhelmingly residential in nature. Abutting Memorial Drive to the south, Plantation Road to the west, a 10' wide utility easement to the north and a 50' wide drainage channel to the east, the Club is uniquely situated to minimize its impact on the residential character of the City.

The Club submits that its physical layout and current uses justify a Certificate of Zoning Compliance and the issuance of a Specific Use Permit pursuant to Article 8 of Appendix "A" of the Code of Ordinances (the "Zoning Code") of the City. The Club's use appears to fall within the intent of a Specific Use Permit contemplated by Section 8.02(B) of the Zoning Code for subdivision or homeowner association recreation centers.

The buildings and other improvements of the Club have existed in place for many years with few alterations. The layout depicted on the attached site plan has facilitated a compatible interaction with the neighboring homes and without significant disruption of traffic on Memorial Drive or Plantation Road. Signage is minimal and the walls and tennis court screens reduce the lighting and noise impacts of the Club's activities. Available real estate, as well as the original layout of the Club property before the City's incorporation, prevents the Club from maintaining all of the setback, yard and open space standards of the Zoning Code, but the amenities offered by the Club justify the departure from those standards and the issuance of a Specific Use Permit. For instance, the Club's structures are as close as 1 foot 7 inches to the property line in certain places. Those structures pre-date the residences to the north of the Club. As illustrated in the photos accompanying the application, the residential character of the Club is not diminished by the height of the tennis court fences, the Club identification sign off of Plantation Road, or the presence of accessory buildings.

The specific uses of the Club are detailed below:

- The Club's operational hours are from 7 a.m. until 10 p.m. Sunday through Thursday and 7 a.m. until midnight Friday and Saturday, except that during the SBISD school year, the Club operates a physical fitness program for middle school students that runs from 6:30 a.m. until 8 a.m.
- Three tennis courts, which are for the use of members, guests, and regular men's and women's tennis league matches with opponents from other tennis clubs.
- A basketball court and a combination volleyball/pickleball court

- The pool area which includes two large pools and a baby pool. The pool area is open on the weekends during May and September, and Tuesday through Sunday during June, July, and August. The pool area is open on the Memorial Day, Independence Day, and Labor Day holidays. The pool area is lit by the lights indicated on the site plan from sunset until closing. The pool area may be rented by members during swim season.
- The pool area has a snack bar, from which is sold wrapped snacks and candy and non-alcoholic beverages. The pool area also includes multiple grills on which members or their guests can cook foods brought to the Club.
- The tennis courts are able to be illuminated by a permanent lighting system from sunset until 10 p.m. The tennis court lights may not be moved from their current height and angle, and must maintain the shielding, cover, and hooding currently in place. The light illumination level may not exceed what is currently being used. Furthermore, the entire north-side fence behind the tennis court must have a dark-colored tarp in place from top to bottom.
- During June and July, the Club operates a day camp during operational hours for children of members and other families in the surrounding community.
- The day-to-day parking needs of the Club members are met by the parking spaces provided on the Club property. No more than 7 times a year, the Club hosts swim meets with other swim clubs in the area. On those evenings, by arrangement with Frostwood Elementary, overflow parking is available at the Frostwood Elementary parking lot. Likewise, on evenings when Frostwood hosts large events such as Back to School nights, their overflow parking is allowed on Club property.
- On no more than 45 occasions each year, the Club rents or licenses the Clubhouse to private groups for meetings, events, and parties. Clubhouse rentals include the use of the Clubhouse and the grass area adjacent to the Clubhouse on the east side. This includes the basketball court and volleyball/pickleball court, but does not include any tennis courts. In addition, rental of the Clubhouse excludes the area on the west side of the Clubhouse (the pool area). There are no rentals allowed for the Clubhouse if the pool is open. If there is a Clubhouse rental, all windows and doors are locked on the west side of the Clubhouse.

The capacity of the Clubhouse for all events is 150 persons. For adult parties with over 75 anticipated guests, and for all teen and youth events, the Club hires an off-duty peace officer to provide security. DJ's and/or bands are allowed at events, subject to the noise ordinance of the City of Bunker Hill.

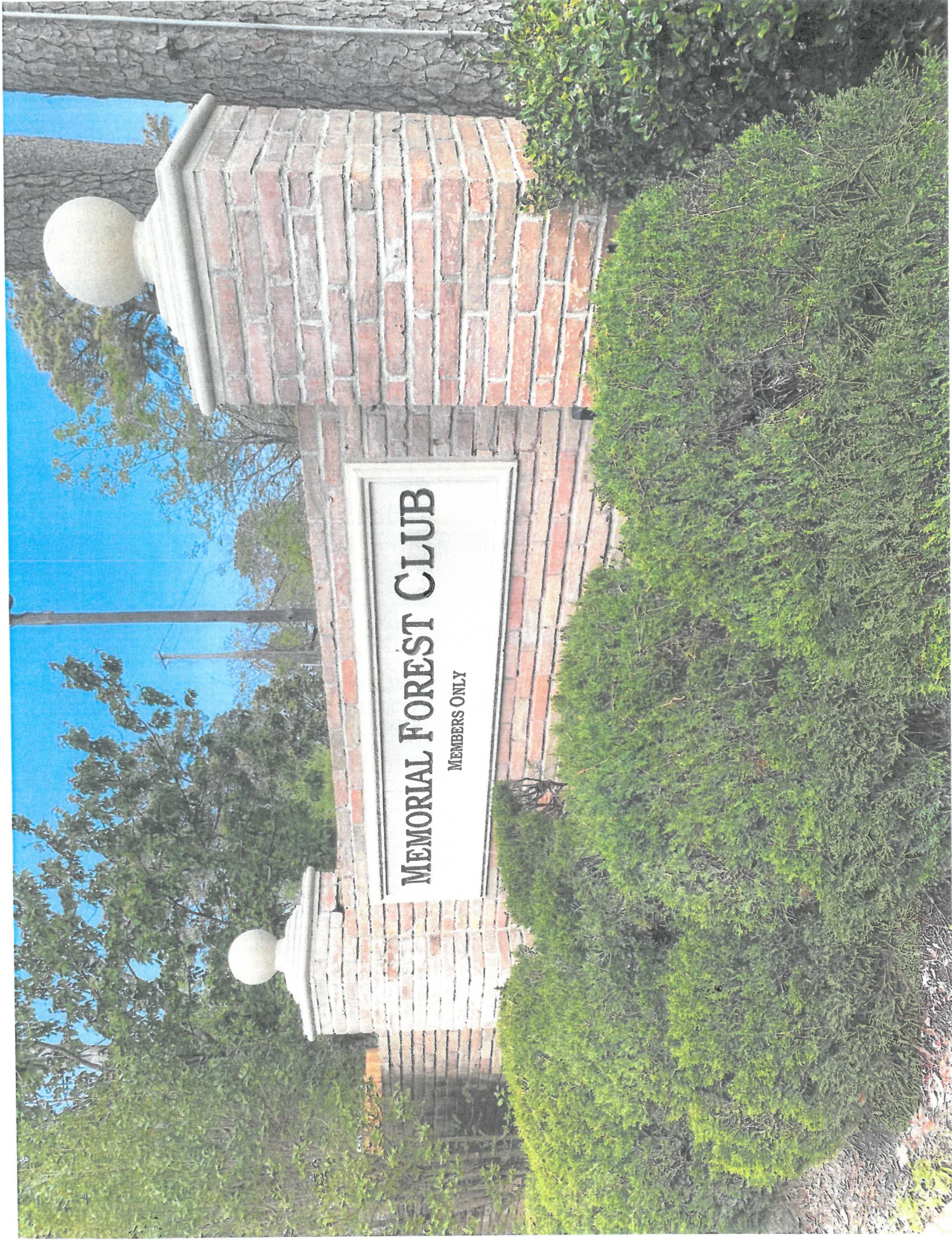
- No more than 6 times a year, the Club hosts member events where complimentary food and alcoholic beverages are provided to members.

- The Club may display signage related to Club events or membership drives on the back of the south-side fence of the tennis courts with the signs not exceeding 600 square feet. Such signs may remain on display for no more than 30 days each year.
- The Club maintains a wall on the south of the property facing Memorial Drive of a height no less than 5 feet. The Club is responsible for the maintenance and upkeep of the wall, as well as the signage currently in place at the Club entrance on Plantation Drive.
- The Club maintains the landscaping on its property. The Club will regularly trim tree branches that reach over the Club's property line, as well as the trees on the Club property.
- Reference is made to the Memorandum of Understanding regarding trees and benches along Memorial Drive (Agreement of May 23, 2014), and is incorporated herein.

All refuse and service areas are indicated on the attached site plan, and have been in substantially the same location since the Club's inception.

The character of use of the Club, including all noise and lighting, has remained substantially the same throughout the history of the Club. Reference is made to Ordinance No. 49 of the City of Bunker Hill, which approved and memorialized a Settlement Agreement between the City of Bunker Hill and the Club in 1958. The Settlement Agreement expired on its terms in June 2008. It is intended that the Special Use Permit will supercede Ordinance No. 49 and the Settlement Agreement in all respects.

In short, the Club requests a Specific Use Permit authorizing the Use at 12122 Memorial Drive in Bunker Hill Village, Texas, in accordance with the site plan submitted without further conditions except as may be acceptable to the Club and the City.

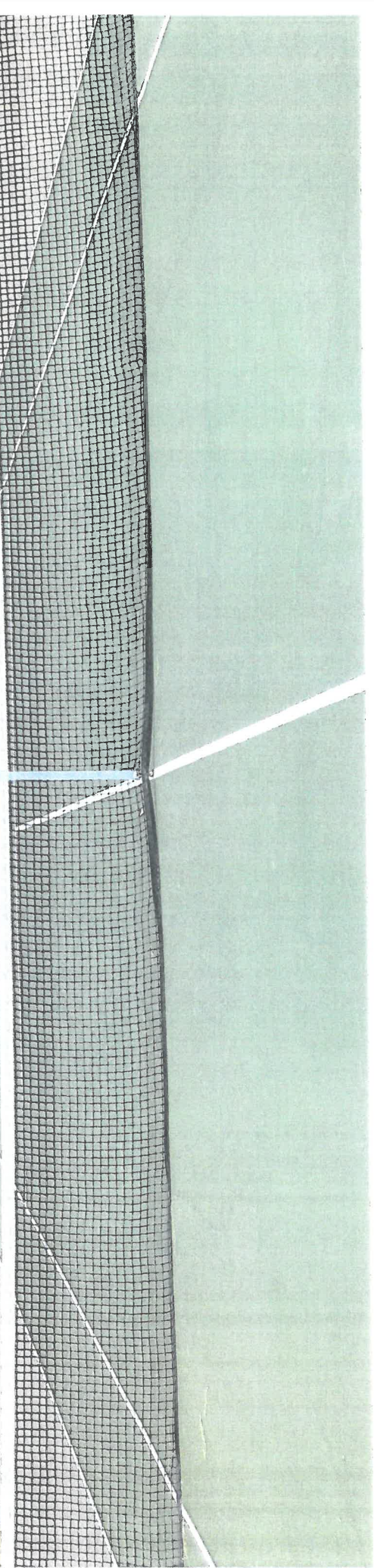






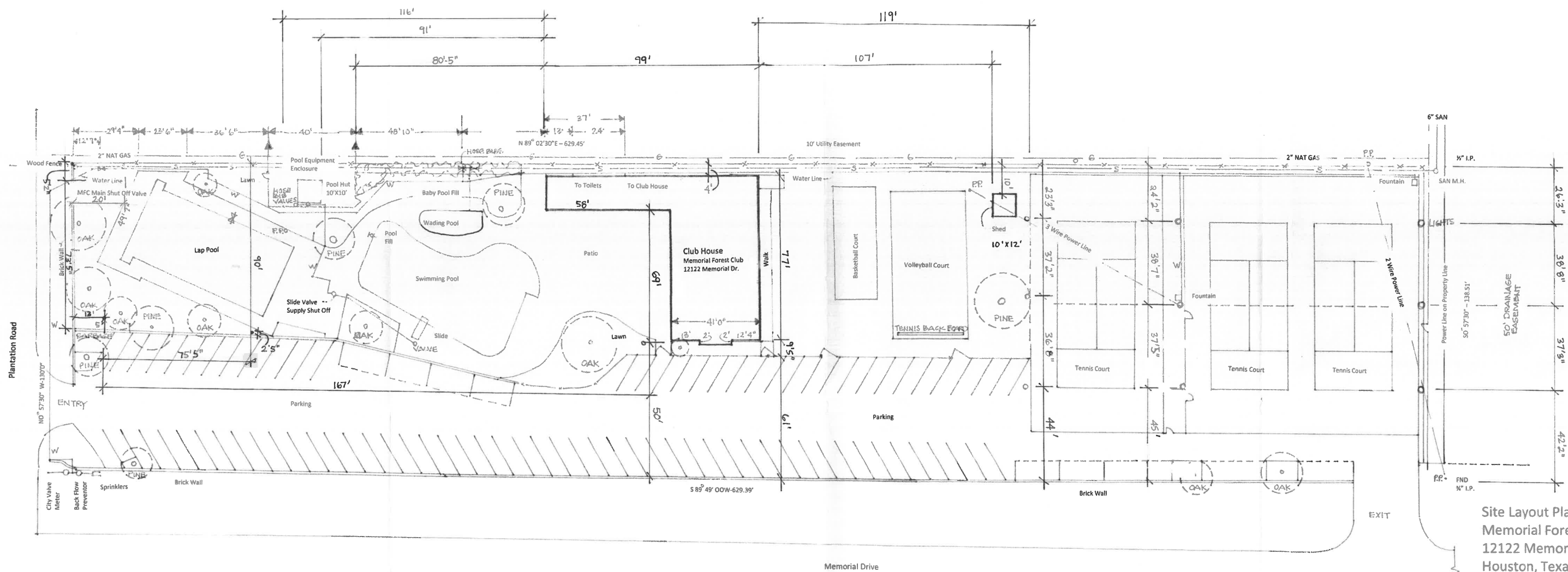












Site Layout Plan
Memorial Forest Club
12122 Memorial Dr.
Houston, Texas 77024

Scale 1"=20'



03/2021
Before you DIG call 811

ORDINANCE NO. 49


AN ORDINANCE APPROVING THE PROPOSED COMPROMISE AND SETTLEMENT OF CAUSE NO. 487,276 IN THE 55TH JUDICIAL DISTRICT COURT OF HARRIS COUNTY, TEXAS, ENTITLED DON PERRINE, ET AL VS. THE MEMORIAL FOREST CLUB, ET AL ON BEHALF OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, AND AUTHORIZING THE MAYOR AND THE ATTORNEYS FOR THE CITY TO SIGN THE PROPOSED AGREED JUDGMENT AS EVIDENCE OF SUCH APPROVAL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS:

1. That the City Council of the City of Bunker Hill Village, Texas hereby approves the proposed compromise and settlement of cause No. 487,276 in the 55th Judicial District Court of Harris County, Texas, entitled Don Perrine, et al vs. The Memorial Forest Club, et al as evidenced by proposed agreed judgment, a copy of which is attached hereto and marked Exhibit A.

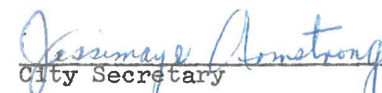
2. The attorneys for the City of Bunker Hill Village, Texas, in the aforesaid case and the Mayor are hereby authorized to sign the original of such proposed agreed judgment to evidence the City's approval thereof and agreement thereto.

PASSED AND APPROVED this 14th day of July 1958.



Mayor

ATTEST:



City Secretary

NO. 487,276

DON FERRINE, ET AL	§	IN THE DISTRICT COURT OF
VS.	§	HARRIS COUNTY, TEXAS
THE MEMORIAL FOREST CLUB, ET AL	§	55TH JUDICIAL DISTRICT

BE IT REMEMBERED that on this the ____ day of June, 1958, came on to be heard in its regular order the above numbered and entitled cause wherein Don Ferrine, Austin S. Rogers, G. K. Behrman, Sam Myers, Ken H. Barber, William Bryson, R. B. Herolz, Bert G. Schreiber, L. J. Knippe, Raymond Fones, Jack Stanton, Cecil G. Wright, Frank M. Satterwhite, C. W. Dewind, T. D. Barlow, C. E. Bartels, C. W. Hughes, M. B. Hairston, G. D. Gantt, E. W. Brant, E. G. Murphy, A. R. Murphy, Stanton I. Hollowell, Fred J. Fleschman, James H. Mercereau, William H. Schroeder, W. B. Stallings, Melvin Gillie, J. E. Kelley, Howard Hough, and Robert E. Baird, individually and as representatives of a class composed of all persons owning property within the area covered by Ordinance No. 42 of the City of Bunker Hill Village, Texas, passed and approved October 14, 1957, are plaintiffs; and, wherein The Memorial Forest Club, Robert Puig, Howard Edmunds, Glen McMillan, each individually, and Robert Puig, Howard Edmunds, and Glen McMillan, as Partners, Crystal Pools, a Corporation, Byron Sadler, individually and in his capacity as Mayor of the City of Bunker Hill Village, and in his capacity as a member of the City Council of the City of Bunker Hill Village, Ward Beebe, individually and in his capacity as a member of the City Council of the City of Bunker Hill Village, Robert Carmichael, in his capacity as a member of the City Council of the City of Bunker Hill Village, Buell Sweeton, individually and in his capacity as a member of the City Council of the City of Bunker Hill Village, Harry Norvall, individually and in his capacity as a member of the City Council of the City of Bunker Hill Village, and in his capacity as Planning and Zoning Commissioner of the City of Bunker Hill Village, Dillard Baker, individually and in his capacity as a member of the City Council of the City of Bunker Hill Village, Mrs. Jess Armstrong, individually and in the capacity of City Secretary of the City of

Bunker Hill Village, and the City of Bunker Hill Village, a municipal corporation and a body politic and corporate, are defendants, and the Memorial Forest Development Company is intervenor; when came all parties by and through their respective attorneys of record, and, in open court, waived a jury, whereupon all matters of law and of fact were submitted to the Court, and the Court was advised by counsel for all parties that subject to the approval of the Court this cause in its entirety and all matters involved in the same or in any way arising out of the matters involved herein had been compromised and settled by the parties, none of whom admit thereby that they are guilty of any of the acts charged against them by any other party, or that they are liable in the capacity in which they are sued, all parties having agreed that judgment should be entered herein as hereinafter set forth, and the court having heard evidence concerning such compromise and settlement finds that due notice hereof has been given to the class represented by plaintiffs, that no further notice is necessary, and that the settlement and compromise contained in the provisions of this judgment is fair and just and to the best interest of said class, as well as to the other parties concerned and that it should be and is hereby in all things approved by the Court;

It is ORDERED, ADJUDGED AND DECREED by the Court that Ordinance No. 42 of the City of Bunker Hill Village, Texas, dated October 14, 1957, as per copy of said Ordinance hereto attached and made a part hereof for all intents and purposes, shall be and the same is hereby in all things cancelled, set aside and held for naught as of the time of its passage and approval on said October 14, 1957, as though the same had never been passed and adopted, and the area described in the said Ordinance is hereby declared to be a part of the City of Bunker Hill Village and to have continuously been a part of the City of Bunker Hill Village since the date of its original annexation to the City of Bunker Hill Village, subject to all ^{and} of the laws/ ordinances of the City of Bunker Hill Village.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiffs and each of them, individually, as well as in

their capacity as representatives of the owners of property covered by the aforesaid Ordinance No. 42 of the City of Bunker Hill Village, Texas, dated October 14, 1957, take nothing against the defendants or intervenor or any of them, individually or in their several capacities by reason of plaintiffs causes of action, if any, for damages actual or exemplary.

It is further ORDERED, ADJUDGED AND DECREED by the Court that Lots 1 to 7 inclusive, or any part thereof, in Block 7 of Memorial Forest Subdivision, in Harris County, Texas, ~~and~~ under the Zoning Ordinances of the City of Bunker Hill Village, Texas, subject to use for single family dwellings, or for use as a part of one non-profit private club for outdoor recreation limited to swimming, tennis and children's playgrounds under the following conditions, which shall be complied with by the Memorial Forest Club, its successors and assigns and by the owners of such part of said lots, as are used for such private club and such club and its members, using such part of such lots, for such purpose, for a period of 50 years from the date of this judgment;

It is further ORDERED, ADJUDGED AND DECREED by the Court that irrespective of whether or not Lots 1 to 7 inclusive, or any part thereof in Block 7 of Memorial Forest Subdivision in Harris County, Texas, are zoned or are not zoned in accordance with the foregoing provision, the parties to this decree covenant and agree, and it is ORDERED, ADJUDGED AND DECREED by the Court that the said covenants and agreements shall be covenants running with the land, that the said Lots 1 to 7 inclusive in Block 7 of Memorial Forest Subdivision in Harris County, Texas, shall only be used for two purposes for a period of 50 years from the date of this judgment, and said purposes shall be exclusively:

(1) Single family dwellings.

(2) As a part of a non-profit club for outdoor recreation limited to swimming, tennis and children's playgrounds under the following conditions, which shall be complied with by the Memorial Forest Club, its successors and assigns, and by the owners of such lots or any part of the said lots during said period of time, which conditions are as follows:

(a) The membership of such private club shall be limited to a total of 400 member families at any one time, 95% of which shall be home owners whose property is situated

in Memorial Forest and adjacent subdivisions in Harris County, Texas, and in the City of Bunker Hill Village, Texas, including the territory covered by its said Ordinance No. 42, hereinbefore referred to.

(b) Off street parking on said lots in the ratio of one parking space to every four member families shall be provided. All parking by members of the Club shall be confined to spaces provided North of the said brick wall and not beyond the east end of the said brick wall.

(c) Members of such club, while using any of its facilities, shall not park their automobiles on any portion of that part of Memorial Drive adjacent to such club, nor on any of the streets in the Warrenton or Whispering Oaks, Additions in Harris County, Texas.

(d) The owners of said lots shall within thirty (30) days from date of this decree, build and maintain a masonry wall, faced with brick on the Memorial Drive side, five-feet high on a substantial foundation, from the present brick entrance gate at the corner of Plantation Drive and Memorial Drive and running easterly adjacent to the south boundary line of such lots to the present exit on to Memorial Drive, and as additional lots are put into use by such club such exit drive shall be moved to the east end of them and such wall shall within thirty (30) days thereafter be extended to such exit drive so as to form one complete wall without opening from beginning to end.

(e) All outside lights at such club shall be hooded so as to direct light down to the ground.

(f) Automobiles shall enter any such club ground from Plantation Drive and exit either on Plantation Drive or Memorial Drive but there shall be only one exit on to Memorial Drive and it shall be at the east end of the aforesaid masonry wall.

(g) Such club shall have the right to construct on said lots a clubhouse containing lockerrooms, showers, lavatories, toilets, and an assembly room and a snack bar, together with a reasonable number of small closets and storage space.

(h) No alcoholic beverage of any kind shall be dispensed on any of said lots used by such club.

(i) No part of said lots shall be used for cooking food except the snack bar, in which the cooking shall be limited to sandwiches cooked on a grill, to be served only to the members of such club and their guests for consumption on the premises.

(j) Upon the construction of additional buildings east of the fence, which now runs along the east side of the present facilities, such fence shall be moved as much as may be necessary, so that in connection with such buildings, it will act as a visual barrier along their east side in a manner similar to that in which it acts as such a barrier at the present time.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that all costs of court herein shall be paid one-half by the plaintiffs and one-half by the defendants.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the court that all relief prayed for herein, not specifically granted by this

Judgment and decree, be and the same is hereby denied.

Let all appropriate and convenient writs and process issue for the enforcement of this judgment and decree which may be enforced by any of the parties hereto, their heirs, legatees, legal representatives or assigns.

Signed at Houston, Texas, this _____ day of June, 1958.

Judge

Approved as to Form and Substance:

Patterson, McDaniel & Moore

By _____

Attorneys for Plaintiffs

Attorney for Defendants
Memorial Forest Club

Plaintiff

Memorial Forest Club

Plaintiff

By _____

Memorial Forest Development Co.

Plaintiff

By _____

Plaintiff

Vinson, Elkins, Weems and Searls

By _____

Attorneys for City of
Bunker Hill Village, Texas, et al

Is it further ORDERED ADJUDGED AND DECREED by the Court that Lots 1 to 7 inclusive, or any part thereof, in Block 7 of Memorial Forest Subdivision, in Harris County, Texas, are under the Zoning Ordinances of the City of Bunker Hill Village, Texas, subject to use for single family dwellings, or for use as a part of one non-profit private club for outdoor recreation limited to swimming, tennis and children's playgrounds under the following conditions, which shall be complied with by the Memorial Forest Club, its successors and assigns and by the owners of such part of said lots, as are used for such private club and such club its members, using such part of such lots, for such purpose, for a period of 50 years from the date of this judgement;

It is further ORDERED, ADJUDGED AND DECREED by the Court that irrespective of whether or not lots 1 to 7 inclusive, or any part thereof in Block 7 of Memorial Forest Subdivision in Harris County, Texas, are zoned or are not zoned in accordance with the foregoing provision, the parties to this decree covenant and agree, and it is ORDERED, ADJUDGED AND DECREED by the Court that the said covenants and agreements, shall be covenants running with the land, that the said Lots 1 to 7 inclusive in Block 7 of Memorial Forest Subdivision in Harris County, Texas, shall only be used for two purposes for a period of 50 years from the date of this judgement, and said purposes shall be exclusively:

- (1) Single family dwellings.
- (2) As a part of a non-profit club for outdoor recreation limited to swimming, tennis, and children's playgrounds under the following conditions, which shall be complied with by the Memorial Forest Club, its successors and assigns, and by the owners of such lots or any part of the said lots during said period of time, which conditions are as follows:

- a. The membership of such private club shall be limited to a total of 400 member families at any one time, 95% of which shall be homeowners whose property is situated in Memorial Forest and adjacent subdivisions in Harris County, Texas, and in the City of Bunker Hill Village, Texas, including the territory covered by it's said Ordinance No. 42, hereinbefore referred to.
- b. Off street parking on said lots in the ratio of one parking space to every four member families shall be provided. All parking by members of the Club shall be confined to spaces provided North of the said brick wall and not beyond the east end of the said brick wall.
- c. Members of such club, while using any of its facilities, shall not park their automobiles on any portion of that part of Memorial Drive adjacent to such club, nor on any of the streets in the Warrenton or Whispering Oaks, Additions in Harris County, Texas.
- d. The owners of said lots shall within thirty (30) days from date of this decree, build and maintain a masonry wall, faced with brick on the Memorial Drive side, five-feet high on a substantial foundation, from the present brick entrance gate at the corner of Plantation Drive and Memorial Drive and running easterly adjacent to the south boundary line of such lots to the present exit on to Memorial Drive, and as additional lots are put into use by such club such exit drive shall be moved to the east end of them and such wall shall within thirty (30) days thereafter be extended to such exit drive so as to form one complete wall without opening from beginning to end.
- e. All outside lights at such club shall be hooded so as to direct light down to the ground.
- f. Automobiles shall enter any such club ground from Plantation Drive and exit either on Plantation Drive or Memorial Drive but there shall be only one exit on to Memorial Drive and it shall be at the east end of the aforesaid masonry wall.
- g. Such club shall have the right to construct on said lots a clubhouse containing lockerrooms, showers, lavatories, toilets, and an assembly room and a snack bar, together with a reasonable number of small closets and storage space.
- h. No alcoholic beverage of any kind shall be dispensed on any of said lots used by such club.

- i. No part of said lots shall be used for cooking food except the snack bar, in which the cooking shall be limited to sandwiches cooked on a grill, to be served only to the members of such club and their guests for consumption on the premises.
- j. Upon the construction of additional buildings east of the fence, which now runs along the east side of the present facilities, such fence shall be moved as much as may be necessary, so that in connection with such buildings, it will act as a visual barrier along their east side in a manner similar to that in which it acts as such barrier at the present time.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the court that all costs of court herein shall be paid one-half by the plaintiffs and one-half by the defendants.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the court that all relief prayed for herein, not specifically granted by this judgement and decree, be and the same is hereby denied.

Let all appropriate and convenient writs and process issue for the enforcement of this judgement and decree which may be enforced by any of the parties hereto, their heirs, legatees, legal representatives or assigns.

MINUTES
BOARD OF ADJUSTMENT
APRIL 23, 1998

The meeting was called to order by Chairman Richard Scandrett at 7:00 p.m. at 11977 Memorial Drive, in the City Hall Council Chambers.

Members present:

H. A. Ricards
Richard Scandrett

Alternates:

Susan Moore
James V. Whalin

Absent:

Henry Houston
Gloria Tobor
George Parker
William R. Purifoy
Robert Signorelli

1. **RICHARD BLANDFORD, 11702 FIDELIA COURT IS REQUESTING A VARIANCE TO SECTION §5.06.C, SIDE BUILDING LINE, AND SECTION §5.06.D, REAR BUILDING LINE, TO CONSTRUCT AN ADDITION TO HIS RESIDENCE.**

Motion was made by R. Ricards and seconded by Susan Moore to approve the 2' side variance for the first floor and the 10' variance to the rear first floor and a 6' variance to the rear second floor as requested by the property owner. Susan Moore and James Whalin voted in favor of the variance and R. Ricards and R. Scandrett voted against the motion. Variance was denied.

After discussion, motion was made by R. Ricards and seconded by James Whalin to approve a two foot variance to the side setback and a ten foot variance to the rear building setbacks on the first floor. Motion carried 4-0. The second floor variances requested were denied.

2. **MEMORIAL FOREST CLUB, 12122 MEMORIAL, IS REQUESTING A VARIANCE TO SECTION §7.10, FENCE, TO CONSTRUCT A FENCE NINE FEET IN HEIGHT.**

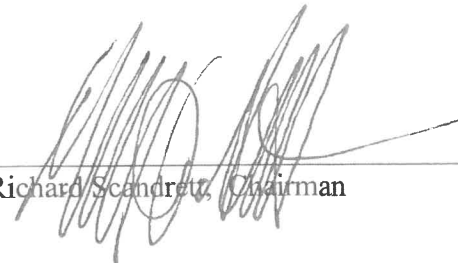
A representative of the Memorial Forest Club was not present. Motion was made by James Whalin and seconded by Rick Ricards to approve the request for a variance from the Memorial Forest Club to replace a 100-foot section of a six-foot fence behind the volleyball court with a fence nine feet high. Motion carried 4-0.

3. **MRS. CARMEN ELPHICK, 10 LEISURE LANE, IS REQUESTING A VARIANCE TO SECTION §5.06.A., FRONT BUILDING LINE, TO CONSTRUCT A NEW RESIDENCE.**

Motion was made by R. Ricards and seconded by Susan Moore to approve a request for a nine-foot variance to the front building line to construct a second floor above existing first floor. Motion carried 4-0.

4. **PAT MCCELVEY, 11726 FOREST GLEN, IS REQUESTING A VARIANCE TO SECTION §5.06.A., FRONT BUILDING LINE TO CONSTRUCT A NEW RESIDENCE.**

Motion was made by R. Ricards and seconded by Susan Moore to approve a variance of two feet from the fifty-foot front setback requirement for brick columns for a front porch. Motion carried 4-0.



Richard Scandrett, Chairman

ATTEST:

James Williams, Code Enforcement Officer

MEMORANDUM of UNDERSTANDING
by and between
THE CITY OF BUNKER HILL VILLAGE
and
THE MEMORIAL FOREST CIVIC CLUB

Background and Purpose

The City of Bunker Hill Village (City) worked together with the Memorial Forest Civic Club (Club) in 2014 to develop a "Dedication Area" for the donation of trees and benches along Memorial Drive between Plantation Road and the Memorial Drive Bridge (W151). These efforts were a result of a Dedication Ordinance approved by the City Council on April 15, 2014.

At the time of the agreement, there existed an irrigation system in the area that served the corner area of Plantation Road and Memorial Drive which is landscaped and maintained by the Club. It is the City's intention to allow the Club the continued use of the City's right-of-way for this landscaped area. In addition, the City will assume responsibility for the irrigation system and provide the water to this area and to the dedication area.

The purpose of this Memorandum of Understanding is to outline the ongoing maintenance responsibilities and expectations for the Club and the City.

Terms of Agreement

The Memorial Forest Civic Club can provide for landscaping within the City right-of-way at the corner of Plantation Road and Memorial Drive. The Club assumes all responsibility for the installation of all plantings and the ongoing maintenance of the landscaped area.

The City of Bunker Hill Village is responsible for the installation and ongoing maintenance and operations of the irrigation system along Memorial Drive between Plantation and the Memorial Drive Bridge (W151) including any adjustments to the system as trees are planted.

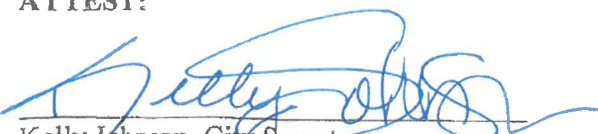
The City will control the irrigation system and provide the water to the area. ^{including the system adjacent to Plantation north of the pool driveway MSW} The City will set the system to keep the area irrigated to provide for healthy plantings. However, the City will not guarantee the survival of the plantings provided by the Club. In addition, the City will not replace the plantings should the City have a need to utilize this area for City services.

Agreed this the 23rd day of MAY, 2014

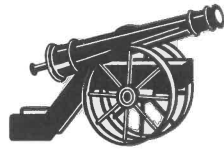

MICHAEL S. WRIGHT
MEMORIAL FOREST CIVIC CLUB


CITY OF BUNKER HILL VILLAGE

ATTEST:


Kelly Johnson, City Secretary

Approved by Council on 5/27/14



CITY OF BUNKER HILL VILLAGE
PLANNING AND ZONING COMMISSION
Agenda Request

Agenda Date:	August 24, 2021
Agenda Item Number:	VIII
Subject/Proceeding:	CONSIDERATION AND POSSIBLE ACTION TO RECOMMEND TO THE CITY COUNCIL AMENDMENTS TO THE CITY’S ZONING ORDINANCE
Exhibits:	Proposed Zoning Amendment
Approval(s):	Karen Glynn Steve Smith

Executive Summary

The Zoning Board of Adjustment has recently met regarding a request from a resident requesting an interpretation of the zoning laws pertaining to the location of an air condition condenser and height and use of an accessory building for a new home under construction. The ZBOA voted to support the Building Official’s interpretation of the zoning law; however, the ZBOA asked Staff to consider clarifying these items in the zoning ordinance. As a result, the attached amendment is provided for discussion and possible recommendation to the City Council to provide this clarification.

The following items and discussion is provided:

1. Definitions of Accessory Buildings and Uses

The applicant questioned the placement of an air conditioner. The applicant asked that the “air condition condenser” be considered as an “*Accessory Building or Accessory Use*” which would impact the required setback for the condenser.

Building Official Interpretation and City Code:

The City’s Building Official does not consider an “Air Condition Condenser” as an “Accessory Building or Accessory Use.” The Building Official considers “Air Condition Condenser” as an appliance per the International Residential Code.

The City’s Code of Ordinances does not define or address placement of appliances; however, the City has referenced the International Building Code and utilizes this for the installation of such:

Staff is providing the following information regarding appliances and accessory structures and uses:

International Residential Code 2018

APPLIANCE: *A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.*

Chapter 14
HEATING AND COLLING EQUIPMENT AND APPLIANCES

M1401.1 Installation
Heating and cooling equipment and appliances shall be installed in accordance with the manufacturer’s instructions and the requirements of this code.

M1401.2 Access
Heating and cooling equipment and appliances shall be located with respect to building construction and other equipment and appliances to permit maintenance, servicing and replacement. Clearances shall be maintained to permit cleaning of heating and cooling surfaces; replacement of filters, blowers, motors, controls and vent connections; lubrication of moving parts; and adjustments.

2. Height of Accessory Structures and Uses

The applicant indicated that the detached garage exceeds the height requirement of 18-feet in height.

Building Official Interpretation and City Code:

Bunker Hill Code of Ordinances

5.03. - Height regulations. *The following height regulations shall apply to all main buildings and accessory buildings, structures, and uses:*

Height, accessory building or structure. An accessory building or structure shall not exceed eighteen (18) feet in height and its walls shall not exceed ten (10) feet in height.

The City issued the permit in accordance with the plans submitted. The plans show a detached garage at a height of 18 feet which is the maximum height allowed. The height is to be taken from the finished grade. A cursory review of the height resulted in a height of approximately 18 - 19 feet; however, the finished grade has not been completed. Staff recommended requesting a “certificate of height” verification for the detached garage/accessory structure to ensure compliance with the plans prior to the issuance of a certificate of occupancy.

In addition, the applicant questioned the language “*its walls shall not exceed ten (10) feet in height.*” The Building Official stated that he interprets this measurement for the inside wall height.

Lastly, the applicant stated that he believed the room above the garage would be used for sleeping quarters. The Building Official noted that sleeping quarters are not allowed above the detached garage and that the plans do not include a rest room or closet for the space above the garage and therefore, was approved.

Staff has worked to provide this clarity in the attached proposed amendment.
The City Attorney is still reviewing the wording; however, staff wanted to begin the discussion process.

An amendment to the Zoning Ordinance is recommended to further clarify these issues.
Staff requests direction from the Planning and Zoning Commission on a recommendation to the City Council.

ORDINANCE NO. 21-xxx

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS AMENDING APPENDIX “A” OF ITS CODE OF ORDINANCES, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE FOR THE CITY OF BUNKER HILL VILLAGE BY AMENDING SECTION 2.01, GENERAL - ACCESSORY BUILDING AND ACCESSORY USE; AMENDING ARTICLE V. DISTRICT A REGULATIONS, SECTION 5.03 - HEIGHT REGULATIONS AND ARTICLE VI. – DISTRICT B REGULATIONS, SECTION 6.03, HEIGHT REGULATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR EACH VIOLATION OF ANY PROVISION HEREOF WITH EACH DAY BEING A NEW VIOLATION; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City Council of the City of Bunker Hill Village, Texas charged the Zoning Board of Adjustment and the Planning and Zoning Commission with making recommendations to the City’s comprehensive zoning ordinance as needed; and

WHEREAS, the Zoning Board of Adjustment recommended that the City review the existing Zoning Ordinance to clarify specific definitions for “living quarters” and “appliances” as well as the height requirements for accessory structures.

WHEREAS, this recommendation was presented to the Planning and Zoning Commission for review and recommendation to the City Council; and

WHEREAS, the City Council finds it to be in the best interest of the health, safety and welfare of the citizens of the City of Bunker Hill Village to adopt the amendments to the comprehensive zoning ordinance contained herein;

WHEREAS, with the approval of said ordinance it shall become effective **October 1, 2021** **now**, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS:

Section 1. The facts and matters set forth in the preamble are hereby found to be true and correct and adopted as if set forth herein.

Section 2. General, of Article II, Definitions, of Appendix "A" is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 2.01 to read as follows:

"2.01. General.

The following definitions shall apply in the interpretation and enforcement of this ordinance. Words and terms not defined herein shall be construed in accordance with the ordinances of the city or their customary usage and meaning. When necessary for a reasonable construction of this ordinance, words in the singular shall include the plural, words in the plural shall include the singular, and words used or defined in one (1) tense or form shall include other tenses or derivative forms. The word "building" shall include the meaning of the word "structure." The words "shall," "will," and "must" are mandatory, and the word "may" is directory.

- A. *Accessory building and accessory use.* A building or use which is clearly subordinate and customarily incidental to and serves the principal or main building or use; is subordinate in area, extent, and purpose to the principal or main building or use served; contributes to the comfort, convenience or necessity of the occupant of the principal or main building or use; and is located on the same lot as the principal or main building or use. Notwithstanding the foregoing or any other provision contained in this appendix "A" to the contrary, no building, or any part thereof, constructed, altered, improved or used for the purpose of human habitation shall be deemed an accessory building hereunder. For the purposes hereof, a building or part thereof shall be deemed habitable if it is constructed, altered or improved so as to be suitable for, or used for, sleeping purposes. An accessory structure consisting of a space with direct access to both a bathroom and a closet shall be deemed habitable for sleeping purposes. Manufactured appliances shall not be considered accessory structures and therefore not subject to any setback restrictions with the exception of the required green space. No appliance may be located in a green space.

Section 2. Section 5.03, Height Regulations of Article V, District A Regulations, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 5.03 to read as follows:

§ 5.03. Height regulations.

The following height regulations shall apply to all main buildings and accessory buildings, structures, and uses:

- A. *Height, one-story main building.* A one-story main building shall not exceed twenty-five (25) feet in height; however, chimneys may extend a maximum of five (5) feet above the roofline of such a building.
- B. *Height, all other main buildings.* A multiple story main building shall not exceed thirty-five (35) feet in height; however, chimneys may extend a maximum of five (5) feet above the roofline of such a building. Windows above the second story must face toward the front street. (Ord. No. 92-130, § 5, 12-15-92)
- C. *Height, accessory building or structure.* An accessory building or structure shall not exceed eighteen (18) feet in height ~~and its walls shall not exceed ten (10) feet in height.~~

Section 3.

Section 6.03, Area Regulations, Size of Lot, of Article V, District A Regulations, of Appendix “A” is hereby amended by deleting the language struck through below and adding the language underscored below with the new Section 5.04 to read as follows:

§ 6.03. Height regulations.

The following height regulations shall apply to all main buildings and accessory buildings, structures, and uses:

- A. *Height, one-story main building.* A one-story main building shall not exceed twenty-five (25) feet in height; however, chimneys may extend a maximum of five (5) feet above the roofline of such a building.
- B. *Height, all other main buildings.* A multiple story main building shall not exceed thirty-two (32) feet in height; however, chimneys may extend a maximum of five (5) feet above the roofline of such a building. Windows above the second story must face toward the front street. (Ord. No. 92-130, § 3, 12-15-92)

- C. *Height, accessory building.* An accessory building shall not exceed eighteen (18) feet in height ~~and its walls shall not exceed ten (10) feet in height.~~

Section 4. Repeal. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. Penalty. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

Section 6. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Bunker Hill Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED **this 19th day of October, 2021.**

Robert P. Lord
Mayor

ATTEST:

Karen H. Glynn
Acting City Secretary