

**MINUTES OF A PUBLIC MEETING
OF THE CITY OF BUNKER HILL VILLAGE
PLANNING AND ZONING COMMISSION
TUESDAY, NOVEMBER 26, 2024**

I. CALL TO ORDER

Vice-Chair John Gillette called the Planning and Zoning Commission Meeting to order at 11:38 a.m. based on a quorum of members present:

Present

Bill Going, Chair (*arrived at 11:40 a.m.*)

John Gillette, Vice-Chair

Billy Murphy, Commissioner

Paul Reinbolt, Commissioner

Catherine Wile, Commissioner

Staff in Attendance

Gerardo Barrera, City Administrator

Elvin Hernandez, Public Works Director

Loren Smith, City Attorney

Mallory Pack, Management Analyst

Absent

Monica Muschalik, Commissioner

Jack Christiansen, Commissioner

Keith Brown, City Council Liaison

II. PUBLIC COMMENTS

There were no public comments.

III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE OCTOBER 22, 2024, MEETING MINUTES

A motion was made by Commissioner Murphy and seconded by Commissioner Reinbolt to approve the October 22, 2024, meeting minutes.

The motion carried 4-0

IV. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING AMENDING APPENDIX A, SECTION 5.08 (B) AND SECTION 6.08 (B) (ACCESSORY USE REGULATIONS) OF THE CITY'S CODE OF ORDINANCES – *Elvin Hernandez, Public Works Director*

The purpose of the City's zoning ordinance is to preserve and enhance the desirability of the community by regulating the use and development of land within the city.

During the September 2024 meeting, in response to feedback received from residents and building developers, staff presented a preliminary review of the City's accessory use regulations ordinance to identify areas that may benefit from updates and eliminate any

ambiguity in the language. Staff recommended addressing and clarifying discrepancies to ensure that the code is clear, concise, and effective.

§ 5.08. Accessory use regulations.

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

- A. *Limitations on use.* An accessory building, structure, or use shall not be rented, shall not be used for commercial, or manufacturing purposes, and shall not contain any kitchen, living, or sleeping facilities. The foregoing notwithstanding, an accessory building or use subordinate to a main building may contain kitchen or living facilities for use in conjunction with recreational activities only.
- B. *Distance requirements from main building.* No wall of an accessory building or use shall be located less than six (6) feet from an outside wall of the main building. An accessory building or use may be connected to the main building by a covered walkway; provided, however, such covered walkway shall not be more than six (6) feet in width.
- C. *Restrictions on location.* Except as specifically permitted in this section or elsewhere in this ordinance, an accessory building, structure, or use shall not be erected, constructed, installed, placed, or maintained in any required yard. On an interior lot, if an accessory building, structure, or use is not attached to or made a part of the main building and is located in the rear one-third of the lot, it shall be set back at least ten (10) feet from the rear lot line and at least ten (10) feet from each side lot line. On a corner lot, if an accessory building, structure, or use is not attached to or made a part of the main building and is located in the rear one-third of the lot, it shall be set back at least ten (10) feet from the rear lot line; at least ten (10) feet from the interior side yard line (the side yard line farthest removed from the side street); and at least twenty (20) feet or a distance at least equal to the required depth of that yard of the contiguous lot which abuts such side street, whichever is greater, from the interior side lot line (the side lot line which abuts the side street).
- D. *Placement of windows and doors.* Windows and doors shall not be allowed on the side(s) of accessory structures which have less than the required main structure setback. Windows and doors on accessory structures can only face internally to the lot.

The Commission discussed the following during the September meeting:

- Clarify/ specify length and width measurements (6' feet)
- Structure (breezeway) should not be enclosed
- Consider impervious and pervious coverage requirements

Staff presented redline proposed revisions based on Commission feedback at the November meeting. The goal is to update the requirement for covered walkways, restrict how far an accessory structure/ building is located from the main structure, and provide flexibility but give with respect to the existing setback requirements for main building and accessory structures.

The Commission expressed support for the revisions, provided the structure is within the setback requirements and the accessory structure is at least 6' ft. minimum from main structure, as recommended by Director Hernandez. The Commission discussed the distance from the main structure required to connect to the accessory structure. City Attorney Smith asked whether these changes may pose safety concerns. Director Hernandez stated that prior to construction, builders/contractors would be required to submit structural plans stamped and

approved by a licensed Professional Engineer. These plans would also undergo review and approval by the City's structural engineer during plan review. Director Hernandez stated otherwise there is no indication of any other safety concerns but will continue to assess accordingly. The Commission expressed no preference regarding the distance away from the structure. Height limitations exist in the current ordinance.

Director Hernandez noted there are not many large lots where the connection and distance may be a factor, however there may be property owners who will not be in favor and submit complaints on the aesthetics, etc.

Vice Chair Gillette inquired whether the covered walkway would be considered permeable or impermeable, regardless if the walkway was left as natural grass or pavers, etc. Director Hernandez clarified that it would depend on the foundation material of the walkway versus the covered structure itself. This would be considered during plan review to make ensure proper coverage requirements are met.

Director Hernandez noted the current ordinance does not include language preventing a 6'x6' walkway to be fully enclosed and potentially be climatized. City Attorney Smith recommended including language that the walkway must remain open on two (2) sides.

Staff will incorporate Commission feedback and discussion into the next revised redline version of the proposed changes for further review.

No action was taken on this item.

V. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING AMENDING CHAPTER 4, ARTICLE IV AND APPENDIX A, SECTIONS 9.06, 9.07, AND 9.08 OF THE CITY'S CODE OF ORDINANCES (THE 50% IMPROVEMENT RULE) – *Elvin Hernandez, Public Works Director*

During the June 18, 2024, City Council meeting, staff provided an update on recent appeal requests approved by the Zoning Board of Adjustments (ZBOA) concerning remodel projects exceeding the 50% improvement threshold. At the ZBOA meeting on April 25, 2024, the Board recommended reviewing the ordinance to create an exception for small wall openings, such as those required for installing piping and duct work. They noted that the entire room should not be included in the overall square footage calculation. In response, Council directed staff to review the ordinance for potential amendments.

City staff conducted a thorough review of historical projects and examined where and how the "50%" threshold is referenced in the ordinance, including its context and intent. At the August 2024 meeting, staff, in collaboration with the City's contracted structural engineers, presented proposed amendments designed to allow projects to progress while avoiding any unintended consequences and ensuring the integrity of the reconstruction ordinance.

During the August meeting, the Commission was in favor of amending the 50% threshold to create an exception for small wall openings to allow/ encourage upgraded piping and duct work without having to include the entire square footage, which could otherwise exceed the 50% improvement of the project. Additionally, the Commission recommended reclassifying ceiling and wall board changes as cosmetic (similar to painting and floor replacement) and not require a permit or inspection.

Director Hernandez presented a redline version of Chapter 4, Sec. 4-3-Definitions (A) that revises the definition of Reconstruction and adds a new section (B) that includes certain utilities (i.e. re-piping, re-wiring, duct work) that would be considered part of a remodel instead of being classified as reconstruction, which would trigger the 50% threshold requirement.

Commissioner Murphy stated that he was in favor of allowing property owners to “modernize” an older home by upgrading potential outdated utilities or replacing sheet rock/wall board without having to meet the City’s current reconstruction requirements. Director Hernandez confirmed that the proposed revisions to the definition were intended to allow such updates while clarifying requirements for when structural changes are going to be made.

Vice Chair Gillette inquired whether if the sheet rock is removed, does the insulation have to also be replaced as it is not the same “R” value of current standards. He also inquired about the definition of framing. The revised language in the definition was anticipated to cover these elements but may not fully cover the means and method of said installation. Since insulation is required by code, it would still need to comply per code.

Director Hernandez will revise the ordinance based on feedback and present it to the Commission for further review. Administrator Barrera noted that changes to Chapter 4 do not require a Public Hearing; however, because these revisions also affect Sec. 9.06-9.08 under Appendix A, a Public Hearing will be required.

No action was taken on this item.

VI. DISCUSSION, FEEDBACK, AND DIRECTION REGARDING PROPERTY MINIMUM LEASE LENGTH – *Gerardo Barrera, City Administrator*

In response to feedback received from residents and recent events within the City, staff is currently in the preliminary phase of reviewing the requirements regarding lease lengths, which are currently not regulated by ordinance. The goal is to ensure property leases are safe and compatible with the surrounding environment, address violations, and maintain the integrity of the City.

During the November 2024 meeting, City Administrator Barrera addressed a recent event where a house was used for a private commercial event that quickly grew into a large event, resulting in rideshares causing congestion in the area and concerns about noise and security. The City currently does not have an ordinance preventing this. City Attorney Smith stated that minimum lease length cannot be restricted but can be regulated. The commercial event was the catalyst of this discussion, however minimum lease length ordinance will not solve the issue of restricting commercial events or corporate leases.

Commission discussion included:

- The Commission focused on how to limit leases for commercial events. Commissioner Wile proposed that 30-day leases be required to include the City’s noise ordinance in the lease agreement. The Commission discussed the advantages and disadvantages of how this could be enforced.

- City Attorney Smith noted that Hunters Creek and Spring Valley Village have a minimum lease length ordinance. He acknowledged it has not been tested and could be challenged, but it was a step in the right direction.

City Administrator Barrera noted that while enforcement could be challenged, other ordinances such as noise, nuisance, etc. would still be enforced. This measure is a proactive step to have it part of the ordinances now versus making it seem reactive later.

No action was taken on this item.

VII. CITY ADMINISTRATOR REPORT – Gerardo Barrera, City Administrator

A. Feedback and Discussion on Meeting Dates and Times

- The Commission currently meets at 11:30 a.m. on the fourth Tuesday of each month as needed. Chair Going stated that Commissioner Murphy has a scheduling conflict with the current meeting date and time and inquired if the Commission was interested in adjusting the meeting schedule. City Administrator Barrera recommended maintaining the current meeting schedule, noting the importance of coordinating all City meetings – including City Council, Zoning Board of Adjustment, and various committees – with state law posting requirements (e.g., Texas Open Meetings Act) and the availability of the contracted City Attorney. The Commission discussed the fourth Monday at 11:30 a.m. as an option. Staff will consult with the City Attorney to determine availability for alternative meeting dates and will subsequently poll the Commission with potential meeting options for consideration.

No action was taken on this item.

VIII. ADJOURN

Chair Going adjourned the meeting at 12:56 p.m.

Approved and accepted on January 27, 2025.



William Going, Chair

ATTEST:



Gerardo Barrera, City Administrator/ Acting City Secretary