

Planning & Zoning Commission Meeting Minutes
City of Spring Valley Village
Tuesday, March 10, 2020

- 1. The Planning & Zoning Commission meeting was called to order by Chair Trey Hoffman at 7:01 p.m. in the Council Chambers of City Hall, 1025 Campbell Road, Houston, Texas.**

Planning & Zoning Members present:

Trey Hoffman, Chair
Charlie Calderwood
Patrick Johnson
Maryellen McGlothlin
Anne-Marie McMichael
Amy Winstead
Louise Richman
John Lisenby, Alternate

A quorum was present.

City Officials present:

Marcus Vajdos, City Council Member
Zach Meadows, Director of Community Development
Roxanne Benitez, City Secretary
Loren Smith, City Attorney

- 2. Approval of meeting minutes for regular meeting December 3, 2019**

Mr. Calderwood made the motion to approve the minutes. Ms. McMichael seconded the motion. The motion carried 7 to 0.

- 3. Presentation by:** Vincent Giammalva regarding property located at 9200 Katy Freeway

The presentation included three points regarding development of this property which is located in front of the AT&T building: (1) economic improvement, (2) aesthetic improvement and, (3) neighborhood improvement.

At some point in time, the AT&T property will be sold. But, AT&T has only sold the carport area to the medical facility. The front part of the property does not belong to AT&T. Mr. Giammalva bought that land because he thought AT&T would sell eventually. He would like a variance for the front setback line to be at 25 feet rather than 50 feet. The property has only a 47 feet setback. He considers this to be a hardship case. He proposes to build a small retail building of 1000 square feet. The total property is 6200 square feet. Mr. Smith said that variances for hardship go to the Board of Adjustment. Mr. Hoffman explained briefly the Planned Area Development ("PAD") process, how it works and its flexibility. Ms. McMichael said he could get a PAD application which would be helpful for him. She asked what kind of business was he was proposing. Mr. Giammalva said he has received calls from a bank and coffee shop. Ms. McMichael said that probably means that it will not be a great project since it will be scrapped when AT&T is ready to sell. Mr. Hoffman said that the

PAD includes the allowable business types and suggested Mr. Giammalva look at those. Ms. McMichael talked about the importance of lead time, Mr. Calderwood talked about the purchase of the parking shed by the medical facility. AT&T is not interested in buying the front part of the property and they are too deep in to back out of the sales deal. A drive-through was mentioned but Ms. McMichael said they were not allowed. Mr. Calderwood mentioned the drive through for Starbucks. Mr. Giammalva had several questions regarding the process. Mr. Lisenby talked about development being contingent on development of AT&T property. Mr. Calderwood said AT&T was not conforming. Ms. Winstead had a question regarding width. Mr. Giammalva wanted a landscape fence. Mr. Calderwood spoke in general about the property's potential. Retail may be a tough sell to City Council.

Ms. Rebecca Lopez, 9205 Cardwell Dr. had a question as to when citizens get a say in the proposed project. Mr. Hoffman explained about the legal notices and Mr. Smith clarified regarding the 200 foot rule, publication in the newspaper and signage on the property. Mr. Vajdos recommended that Mr. Giammalva go to City Council to make a presentation. He would support the 25 feet front setback. Mr. Smith explained that the 25 feet setback would apply only to this building. There followed a discussion on noise.

4. **Conduct a public hearing concerning:** Ordinance No. 2020-XX – revisions to building materials. An ordinance amending the Code of Ordinances of the City of Spring Valley Village, Texas by deleting Section 05:03 Building Materials and Architectural Standards, of Exhibit "A" of Chapter 12 Planning and Zoning, of the Code of Ordinances; providing for the incorporation of preamble; providing a penalty in an amount not to exceed \$2,000.00 for any violation of this ordinance with each day constituting a separate violation; and providing a repealer clause, a severability clause, a savings clause and an effective date.
 - a. Presentation of proposed ordinance by City Attorney
 - b. Those in favor
 - c. Those opposed
 - d. Adjourn public hearing

Mr. Hoffman opened the public hearing at 7:50 p.m. and closed the public hearing at 7:51 p.m.

5. **Consideration and possible action concerning:** Ordinance No. 2020-XX – revisions to building materials. An ordinance amending the Code of Ordinances of the City of Spring Valley Village, Texas by deleting Section 05:03 Building Materials and Architectural Standards, of Exhibit "A" of Chapter 12 Planning and Zoning, of the Code of Ordinances; providing for the incorporation of preamble; providing a penalty in an amount not to exceed \$2,000.00 for any violation of this ordinance with each day constituting a separate violation; and providing a repealer clause, a severability clause, a savings clause and an effective date.

Mr. Smith spoke about this item and said that HB 2439 states that city cannot have any ordinance that prohibits building materials as were in the last two building codes. Mr. Hoffman said this does not apply to fencing material. Mr. Vajdos asked, why Spring Valley Village can't say "no" to HB 2439. He said he would support Planning and Zoning Commission not voting to rescind. Mr. Smith said that there is a "war" going on between cities and the state and the state is eroding city rights. Mr. Lisenby asked what could happen if someone built according to ordinance that conflicted with state law. Mr. Smith gave an example that there could be a lawsuit. An HOA is a private contract and it

can have different regulations. Mr. Calderwood wants to suggest that it goes to City Council without any Planning and Zoning Commission vote. Ms. Richman said that the city cannot sneak around and pretend HB 2439 does not exist. Mr. Lisenby said that city can put out recommendations that we wish you would do it the "old way."

Mr. Calderwood made the motion to approve the ordinance. Ms. McGlothlin seconded the motion. The motion carried 7 to 0.

6. Discussion and direction concerning: the activities of the City Council during the February 25, 2020 meeting regarding Planning & Zoning matters.

Mr. Smith said that there was nothing to report as the Planning & Zoning Commission did not meet during January 2020 and February 2020.

7. Adjournment

Ms. McMichael made a motion to adjourn. Mr. Calderwood seconded the motion. The motion carried 7 to 0. The meeting was adjourned at 8:19 p.m.

Signed: W.K. Hoffman
W. K. (Trey) Hoffman, Chairman

Attest: Louise Richman
Louise Richman, Secretary