

MAYOR
Jim Pappas

CITY OF HUNTERS CREEK VILLAGE

CITY COUNCIL
Stuart Marks
Fidel Sapien
Ken Spalding
Chip Cowell
Jay Carlton



CITY ADMINISTRATOR
Tom Fullen, MPA, CPM

PLANNING AND ZONING COMMISSION SPECIAL MEETING AGENDA

Notice is hereby given of a special meeting of the Planning and Zoning Commission of Hunters Creek Village, Texas, to be held on **Thursday, July 8, 2021 at 6:00 p.m.** in the City Hall at #1 Hunters Creek Place, for the purpose of considering the following agenda items.

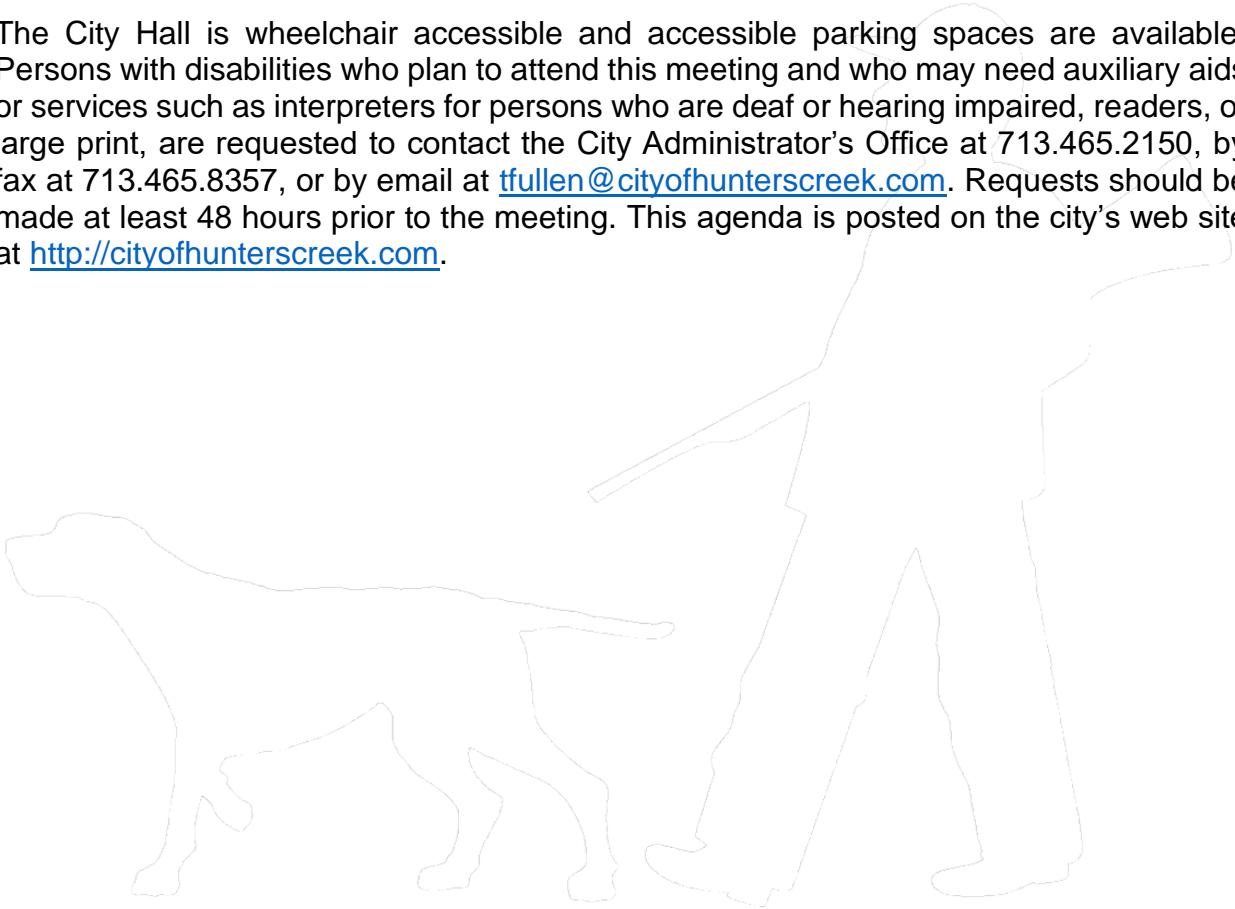
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- A. Call the meeting to order and the roll of appointed officers will be taken.
- B. **PUBLIC HEARINGS.** Public hearings will be held before the Planning & Zoning Commission for the purpose of receiving testimony for or against the following proposed zoning amendments.
1. A proposal to amend the specific use permit for the Houston Racquet Club to: remove the decibel limits on music emanating from the Club; prohibit the playing of music at the Club between the hours of 11:00 pm and 7:00 am; and require the Club to comply with the noise restrictions applicable to the City's residential zoning district; and
 2. A proposal to amend the specific use permit for the Hunters Creek Elementary School campus located at 10650 Beinhorn Road, Houston, Texas, 77024, to allow the installation of Building Identification Signage and the installation and operation of a marquee electronic message sign, under certain conditions.
- C. **AGENDA ITEMS**
1. Discussion and possible action to consider approval of the minutes of the June 21, 2021 meeting. **Pgs 1-2**
 2. Discussion and possible action to make a final report and recommendation to City Council on item B 1. **Pgs. 3-11**
 3. Discussion and possible action to make a final report and recommendation to City Council on item B 2. **Pgs. 12-17**
 4. Discussion and possible action to consider any future agenda items.
- C. Adjourn Open Meeting.
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CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of a Meeting was posted on the bulletin board at City Hall, #1 Hunters Creek Place, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: July 2, 2021 at 3:00 pm, and remained so posted continuously for at least 72 hours before said meeting was convened.

 /s/
Tom Fullen, City Administrator
Acting City Secretary

The City Hall is wheelchair accessible and accessible parking spaces are available. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Administrator’s Office at 713.465.2150, by fax at 713.465.8357, or by email at tfullen@cityofhunterscreek.com. Requests should be made at least 48 hours prior to the meeting. This agenda is posted on the city’s web site at <http://cityofhunterscreek.com>.



CITY OF HUNTERS CREEK VILLAGE, TEXAS
MINUTES OF THE
PLANNING & ZONING COMMISSION
June 21, 2021

The Planning and Zoning Commission of the City of Hunters Creek Village, Texas, convened a regular meeting on June 21, 2021 at 6:00 p.m. in the City Hall at #1 Hunters Creek Place, Hunters Creek Village, Texas. Members of the public were invited to attend the meeting in person or by video or audio conference.

The meeting was called to order at 6:00 p.m. by Chairman Bill Dalton. In attendance were Commissioners John Abercrombie, David Childers, Charles Martin and Brent Fredricks. Also, in attendance were: John Hightower, City Attorney; Tom Fullen, City Administrator; James Stewart, City Building Official.

1. Discussion and possible action to consider approval of the minutes of the June 7, 2021 meeting.

A motion was made by Commissioner Fredricks to approve the minutes of the June 7, 2021 meeting. Commissioner Martin seconded the motion and the motion carried unanimously.

2. Discussion and possible action to consider adoption of a preliminary report on a request from Spring Branch Independent School District for approval of a Specific Use Permit for installation of Building Identification Signage and a Marquee to be constructed on the Hunters Creek Elementary School campus located at 10650 Beinhorn Road, Houston, Texas, 77024.

The Commission received comments from Michelle Dudley, other representatives of Spring Branch ISD, Mayor Pappas, and City staff and deliberated concerning the signs proposed for Hunters Creek Elementary School.

After completing deliberations concerning the proposed school identification sign, Commissioner Abercrombie made a motion to adopt a preliminary report recommending approval of an amendment to the specific use permit for Hunters Creek Elementary School to allow the proposed building identification sign with the following requirements:

- a) The letters are to be 18” tall and raised 3” above the canopy;
- b) The letters shall not be illuminated;
- c) The word “school” shall be omitted;
- d) The trim around the letters shall be a dark brown color.

Commissioner Martin seconded the motion. The vote to approve the motion was unanimous.

After completing deliberations concerning the proposed electronic message center sign, Commissioner Fredricks made a motion to adopt a preliminary report recommending approval of an amendment to the specific use permit for Hunters Creek Elementary School to allow the proposed electronic message center sign with the following requirements:

- a) The sign is to be operated only between the hours of 7:00 a.m. and 7:00 p.m.;**
- b) The sign shall not be operated in a manner that is disruptive to the residential character of the surrounding neighborhood.**
- c) The sign shall be operated with the auto-dimming feature activated.**

Commissioner Childers seconded the motion. The vote to approve the motion was unanimous.

3. Discussion and possible action to consider any future agenda items.

No action taken.

With no further business coming before the Commission, a motion was made by Commissioner Fredricks to adjourn the meeting. Commissioner Childers seconded the motion and the motion carried unanimously.

The meeting adjourned at 7:00 pm.

Respectfully Submitted,

Tom Fullen, City Administrator
Acting City Secretary

These minutes were approved on the ____ day of _____, 2021.



**CITY OF HUNTERS CREEK VILLAGE
AGENDA DISCUSSION FORM**

AGENDA DATE: July 8, 2021
AGENDA SUBJECT: A proposal to amend the specific use permit for the Houston Racquet Club to: remove the decibel limits on music emanating from the Club; prohibit the playing of music at the Club between the hours of 11:00 pm and 7:00 am; and require the Club to comply with the noise restrictions applicable to the City's residential zoning district

PROCEEDING: Motion
EXHIBITS: Ord. No. 639 HRC Specific Use Permit & Hunters Creek Noise Ordinance

ORDINANCE NO. 637

AN ORDINANCE OF THE CITY OF HUNTERS CREEK VILLAGE, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, BY GRANTING A SPECIFIC USE PERMIT TO THE HOUSTON RACQUET CLUB TO ALLOW THE CONSTRUCTION AND OPERATION OF A PRIVATE RECREATION CLUB ON A 30.88-ACRE TRACT OF LAND, OUT OF THE JOHN D. TAYLOR SURVEY, A-72, HARRIS COUNTY, TEXAS, SAID TRACT BEING LOCATED WITHIN THE CITY IN ZONING DISTRICT R. SINGLE FAMILY RESIDENTIAL AND BEING FURTHER IDENTIFIED AS 10709 MEMORIAL DRIVE, HOUSTON, TEXAS; PROVIDING REQUIREMENTS AND CONDITIONS FOR THIS SPECIFIC USE PERMIT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the Houston Racquet Club (the "Owner") is the Owner of a 30.88-acre tract of land, out of the John D. Taylor Survey, A-72, Harris County, Texas, and being further identified as 10709 Memorial Drive, Houston, Texas (the "Property"), and situated within the corporate limits of the Hunters Creek Village, Texas (the "City"), said tract being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes; and

WHEREAS, the Property presently has a zoning classification of District R. Single Family Residential, pursuant to Chapter 14 of the Code of Ordinances of the City, same being the comprehensive Zoning Ordinance; and

WHEREAS, pursuant to said Ordinance, Private Recreation Club uses are permitted in the R. Single Family Residential District, subject to the granting of a Specific Use Permit by City Council; and

WHEREAS, the Owner of the Property, through its duly authorized representative, has presented an application to the City for the granting of a Specific Use Permit to allow the construction and operation of a Private Recreation Club (the "Specific Use"); and

WHEREAS, the Zoning Commission of the City, after notice and hearing as required by law, has recommended that the City Council grant the specific use permit subject to the terms and conditions contained in the final report of said Commission; and,

WHEREAS, the City Council, following notice and hearing as required by law, concurs with the recommendation of the Zoning Commission that such specific use permit should be granted subject to the terms and conditions contained herein; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTERS CREEK VILLAGE, TEXAS:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. A Specific Use Permit for use of the Property for the purpose of constructing and operating a private recreation club, the Specific Use, subject to the terms and conditions set forth below, is hereby granted to the Owner, including any successor in interest.

Section 3. The Official Zoning District Map of the City shall be revised and amended to show the Specific Use authorized hereby for the Property as provided in Section 2 hereof, with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of the Specific Use authorized.

Section 4. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting of the Specific Use Permit as herein provided.

Section 5. The Specific Use Permit granted hereby shall be null and void after the expiration of one (1) year from the date of adoption hereof unless construction of Phase 1, as identified in Exhibit "C," attached hereto and made a part hereof, has commenced and is constructed or under construction in accordance with the Specific Use herein authorized within said one-year period, or unless an extension of time is approved by City Council.

Section 6. The Specific Use authorized and permitted hereby shall be, and is, subject to the following additional limitations, restrictions, and conditions:

A. Compliance with Site Plan. The granting of the Specific Use Permit shall be, and is hereby, conditioned upon the Specific Use being located, constructed, and conducted upon the Property and in substantial compliance with the Site Plans attached hereto as Exhibits "B" and "C," the same being made a part hereof for all purposes.

B. Required Yards. The required front, rear, and side yards (the "set back requirements") shall be as established on the Site Plan, Exhibit "B."

C. Encroachments. The improvement indicated on Exhibit "C" as the "Howe House" and the improvement indicated on Exhibits "B" and "C" as the "Encroaching Tennis Court" shall be allowed to remain until completely or partially destroyed or demolished and any new improvements in the area of such

improvements shall be constructed only in accordance with the proposed new improvements shown on Exhibit "B" and the corresponding set back requirements.

D. Membership. Membership in the private recreation club shall be limited to a total of 1300 memberships, including fully paid, partially paid, and honorary memberships.

E. Noise Restrictions.

(1) The Owner shall purchase and maintain an operable decibel machine with a sound monitoring/recording system to monitor all outdoor noise from music emanating from the Property; and

(2) Music emanating from the Property, as measured from the nearest adjacent property line shall not exceed:

50 dB(A) between the hours of 10:00 p.m. and 7:00 a.m. and
55 dB(A) between the hours of 7:00 a.m. and 10:00 p.m.

(3) The Owner shall designate a person to be responsible for ensuring that the noise levels specified in paragraph (2) above are not exceeded; and

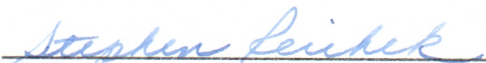
(4) The Owner shall designate one or more management level employees to receive complaints regarding noise and shall provide to the homeowners adjacent to the Property and the City's Code Enforcement Official a phone number or numbers where such employee(s) can be contacted 24 hours a day, 7 days a week. The employee(s) designated to receive such complaints shall keep a log of such complaints and shall furnish the Board of Directors of the Owner and the City's Code

Enforcement Official a copy of such log for the previous thirty (30) days on or before the fifteenth day of the month following the reporting period.

Section 7. 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 \$2,000. Each day of violation shall constitute a separate offense.

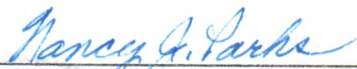
Section 8. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this 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 Hunters Creek 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, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED on this 15th day of February, 2005.



Stephen Reich, Mayor

ATTEST:



Nancy Parks, City Secretary

V.T.C.A., Health & Safety Code § 342.007, as amended, which lien shall be second only to tax liens or liens for street improvements, and such amount shall bear ten percent interest from the date the statement is filed. For any such expense and interest suit may be instituted, and recovery and foreclosure of such lien may be had in the name of the city. The statement of expenses, so made, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.
(Ord. No. 739, § 1, 3-24-2009)

Secs. 18-87—18-115. Reserved.

ARTICLE V. VEGETATION OBSTRUCTING STREETS

Sec. 18-116. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Obstructing vegetation means any tree or other vegetative matter, or any part thereof, located nearer than eight feet from the centerline of any private street, or less than 14 feet above the grade of any private street.

Private street means any street, lane or other accessway other than a public street which provides the principal means of access to two or more lots or tracts of land.
(Code 2002, § 8.1201; Ord. No. 490, § 2, 5-18-1993)

Sec. 18-117. Prohibited.

It shall be unlawful for any person owning or occupying property adjacent to a private street to cause or permit any tree or vegetation to become obstructing vegetation, as that term is defined herein, over, across or adjacent to any private street.
(Code 2002, § 8.1202; Ord. No. 490, § 3, 5-18-1993)

Sec. 18-118. Notice to remove.

Should any person owning or occupying property adjacent to a private street fail to remove obstructing vegetation on the lot or tract owned or occupied by such person within ten business days following notice to do so, the city may enter such property and cause the removal thereof. Notice to remove such obstructing vegetation shall be given in a manner authorized pursuant to V.T.C.A., Health and Safety Code § 342.006. All costs incurred in such removal shall be charged to the owner of such property. In the event the owner fails or refuses to pay the city the costs incurred in removing obstructing vegetation, the city may attach a lien therefor in the manner provided in V.T.C.A., Health and Safety Code § 342.007.
(Code 2002, § 8.1203; Ord. No. 490, § 4, 5-18-1993)

Sec. 18-119. Nuisance declared.

The existence of obstructing vegetation is hereby declared to be a public nuisance.
(Code 2002, § 8.1204; Ord. No. 490, § 5, 5-18-1993)

Secs. 18-120—18-136. Reserved.

ARTICLE VI. NOISE*

Sec. 18-137. Generally.

(a) *Nuisance level noises prohibited generally.*
In view of the residential character of the city, any noise that is unreasonably loud, annoying, or disturbing to persons of ordinary sensibilities, at the time and place the noise is being generated, is defined to be a nuisance and is prohibited.

(b) *The production of nuisance level noises defined as an offense.* Any person who produces or permits the production of nuisance level noise in the city shall be guilty of an offense.

***State law references**—Authority of municipality to restrain or prohibit the ringing of bells, blowing of horns, hawking of goods, or any other noise, V.T.C.A., Local Government Code § 217.003; presumption of unlawful noise, V.T.C.A., Penal Code § 42.01(c).

(c) *Exceptions.* It is recognized that certain noise producing activities are normal and not out of place in a residential area if the activities producing those noises are conducted in a reasonable manner and at a reasonable time. Accordingly, noises emanating from the following activities are not nuisance level noises within the meaning of this article, if the activities are conducted at a reasonable time and in a reasonable manner:

- (1) Construction, grading, repair, remodeling or maintenance activities during hours when such activities are permitted in accordance with this Code;
- (2) The operation of safety signals, warning devices, emergency pressure relief valves, water wells, and sewer lift stations;
- (3) Occasional private outdoor gatherings and public events, provided that the volume of any music or mechanical sound amplification equipment is controlled so as to avoid unduly disturbing the occupants of neighboring residential properties;
- (4) The operation of standard air conditioning, refrigeration systems, swimming pool equipment, or similar mechanical systems customarily found in single-family residential structures, provided that the equipment is kept in reasonable repair and operated in accordance with the manufacturer's recommendations;
- (5) Repair and maintenance activities of any public entity or utility, provided that reasonable steps are taken to mitigate the effects of excessive noise;
- (6) The operation of electric generators in compliance with the requirements of section 44-166.

(Code 2002, § 8.601; Ord. No. 2015-846, § 1, 7-28-2015)

Sec. 18-138. Hours restricted for certain noise producing activities.

(a) *Generally.* In order to preserve the residential character of the city and to provide hours during which the city's residents can rest

free from unnecessary and offensive noise levels, the following activities may be performed only during the allowable hours provided below:

- (1) The use of lawn mowers, edging machines, leaf blowers, chain saws, or any other gasoline, diesel, or electric powered lawn care or landscaping equipment;
- (2) The use of power washers, air compressors, or any other gasoline, diesel, or electric powered equipment for home maintenance purposes.

(b) *Allowable hours.* The work hours during which the activities listed in subsection (a) above are allowed are:

- (1) Between 8:00 a.m. and 7:00 p.m. on weekdays;
- (2) Between 9:00 a.m. and 6:00 p.m. on Saturdays;
- (3) No work is permitted on Sundays or on holidays on which the city's offices are closed.

(c) *Exceptions.* The following exceptions apply:

- (1) The restrictions on allowable hours do not apply when the activities are performed by the owner or occupant of the residence where the activities are being performed;
- (2) The restrictions on allowable hours do not apply in the case of an emergency where use of powered equipment is necessary to prevent a risk of injury to persons or immediate damage to property;
- (3) The restrictions on allowable hours do not apply to construction activities governed by chapter 10 of this Code.

(Code 2002, § 8.602; Ord. No. 2015-846, § 1, 7-28-2015)

Sec. 18-139. Permitted variations in noise.

Noise within any zoning district may exceed:

- (1) The allowable noise level plus up to five dB(A) for a cumulative period of no more than 30 minutes in any hour;

(2) The allowable noise level plus six to ten dB(A) for a cumulative period of 15 minutes in any hour;

(3) The allowable noise level plus 11 to 15 dB(A) for a cumulative period of five minutes in any hour; or

(4) The allowable noise level plus 16 to 24 dB(A) for a cumulative period of one minute in any hour.

(Code 2002, § 8.603)

Sec. 18-140. Prohibited variations in noise.

Noise within any zoning district is prohibited which exceeds the allowable noise level plus 25 dB(A) or more on an intermittent basis.

(Code 2002, § 8.604)

Sec. 18-141. Exceptions.

For the purpose of determining compliance with the noise standards in this article, the following noise sources shall be excepted:

(1) Noises emanating from construction, grading, repair, remodeling or maintenance activities during hours when such activities are permitted in accordance with the city's building code.

(2) Noise of safety signals, warning devices, emergency pressure relief valves, water wells and sewer lift stations.

(3) Occasional private outdoor gatherings and public events.

(4) Standard air conditioning, refrigeration systems, swimming pool equipment or associated equipment in reasonable repair.

(5) Emergency and repair activities of any public entity or a utility.

(6) Electric generators when operated in compliance with the requirements of section 44-166.

(Code 2002, § 8.605; Ord. No. 733, § 2, 1-20-2009)

Secs. 18-142—18-165. Reserved.

ARTICLE VII. RESTRICTIONS ON STORAGE OF BOATS, BUSES, RECREATIONAL VEHICLES, TRAILERS AND LARGE TRUCKS

Secs. 18-166, 18-167. Reserved.

Editor's note—Ord. No. 2016-858, § 1, adopted April 26, 2016, repealed §§ 18-166 and 18-167 which pertained to prohibited locations and exceptions, respectively, and derived from the Code of 2002, §§ 8.801 and 8-802; Ord. No. 277, §§ 2 and 3 adopted October 15, 1975.

Sec. 18-168. Storage of boats, buses, recreational vehicles, trailers and large trucks restricted.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bus means a vehicle designed to transport more than 12 persons.

Large truck means a truck in excess of one-ton capacity.

Recreational vehicle means a motor vehicle or trailer equipped with living space and amenities found in a home.

Trailer means an unpowered vehicle designed to be towed by a powered vehicle, and includes, without limitation, boat and utility trailers.

(b) *Storage restrictions.* Except as provided below, no boat, bus, large truck, recreational vehicle or trailer, shall be stored or parked in the following places within the corporate limits of the city:

- (1) A public street, right-of-way or easement;
- (2) A vacant lot or tract of land;
- (3) In front of the main structure of a residence or business;
- (4) The side yard of a residence or business, meaning that space between a side building line of the lot or tract of land and the adjacent side property line; or



**CITY OF HUNTERS CREEK VILLAGE
AGENDA DISCUSSION FORM**

AGENDA DATE: July 8, 2021
AGENDA SUBJECT: A proposal to amend the specific use permit for the Hunters Creek Elementary School campus located at 10650 Beinhorn Road, Houston, Texas, 77024, to allow the installation of Building Identification Signage and the installation and operation of a marque electronic message sign, under certain conditions.

PROCEEDING: Motion
EXHIBITS: School Sign Plans

James Stewart

From: Michelle Dudley <Michelle@pflugerarchitects.com>
Sent: Thursday, June 24, 2021 11:16 AM
To: James Stewart
Cc: Travis Stanford; kris.drosche@springbranchisd.com; Maximilian.Buja@springbranchisd.com; Noel Moreno - SBISD Planning & Construction (noel.moreno@springbranchisd.com); Alfonso Montoya
Subject: Updated Renderings of Signage at HCE
Attachments: Hunters Creek Signage_NO SCHOOL_.jpg; Hunters Creek Signage_NO SCHOOL.jpg

James,

Attached please find updated renderings of the signage on the canopy at HCE. We have accommodated the following modifications:

- The letters are 18”H on the canopy.
- We have eliminated the word **SCHOOL**.
- We have raised the letters 3” above the canopy.
- The letters will not be lit.
- The letters are trimmed in dark brown/bronze to match the letters at Frostwood ES.

Please let me know if you need any additional information or if you wish for us to attend the City Council meeting at the end of July.

Thanks. m

Michelle Dudley AIA, IIDA, REFP, LEED AP
Principal

pfluger

michelle@pflugerarchitects.com

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pflugerarchitects.com



