EST. 1955

SPRING VALLEY

VILLAGE

# Planning & Zoning Commission Meeting

# September 13, 2022

# 7:00 p.m.

W.K. (Trey) Hoffman, Chairman
Anne-Marie McMichael, Vice-Chair
Louise Richman, Secretary
Jim Autenreith

Patrick Johnson
John Lisenby
Maryellen McGlothlin
Jerry Kent, Alternate

EST. 1955
SPRING VALLEY
VILLAGE

# AGENDA

City of Spring Valley Village
Planning & Zoning Commission Meeting
Council Chambers at City Hall
1025 Campbell Road, Spring Valley Village, Texas
Tuesday, September 13, 2022, at 7:00 P.M.

The meeting agenda and agenda packet are posted online at www.springvalleytx.com.

The video link to this meeting is https://us02web.zoom.us/j/89904111401

The public toll-free dial-in numbers to participate in the telephonic meeting are 1-346-248-7799 (Houston), 1-253-215-8782 (US), and 1-301-715-8592 (US); enter the Meeting ID: 899 0411 1401 and #.

The public will be permitted to offer public comments as provided by the agenda and as permitted by the presiding officer during the meeting.

An audio recording of the meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

1. **CALL THE ROLL AND ANNOUNCE A QUORUM IS PRESENT**

2. **APPROVAL OF MEETING MINUTES:** Regular Meeting on August 9, 2022

3. **CONDUCT A PUBLIC HEARING CONCERNING:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2020-25 AMENDING A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 1.17 ACRES OF LAND JUST EAST OF THE NORTH EAST INTERSECTION OF KATY FREEWAY AND ADKINS ROAD, BEING OUT OF LOT 17 AND LOT 2 OF THE WEST PARK SUBDIVISION, IN THE THOMAS A. HOSKINS SURVEY, ABSTRACT NO. 342, HARRIS COUNTY, TEXAS, WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT REQUIRING CONSTRUCTION ON THE DEVELOPMENT APPROVED BY ORDINANCE 2020-25 TO COMMENCE NO LATER THAN AUGUST 25, 2023; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY

OF AN AMOUNT NOT TO EXCEED $2,000 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION.

A. Presentation of PAD Extension Request

B. Those In Favor

C. Those Opposed

D. Adjourn Public Hearing

4. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2020-25 AMENDING A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 1.17 ACRES OF LAND JUST EAST OF THE NORTH EAST INTERSECTION OF KATY FREEWAY AND ADKINS ROAD, BEING OUT OF LOT 17 AND LOT 2 OF THE WEST PARK SUBDIVISION, IN THE THOMAS A. HOSKINS SURVEY, ABSTRACT NO. 342, HARRIS COUNTY, TEXAS, WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT REQUIRING CONSTRUCTION ON THE DEVELOPMENT APPROVED BY ORDINANCE 2020-25 TO COMMENCE NO LATER THAN AUGUST 25, 2023; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION.

5. **DISUCSSION AND DIRECTION CONCERNING:** AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS TO AMEND SUBSECTION 02.01, GARAGES AND CARPORTS, OF SECTION 5, BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT "A'; OF EXHIBIT A, ZONING REGULATIONS, OF CHAPTER 12, PLANNING AND ZONING, TO REQUIRE A TEN FOOT (10') SPACE BETWEEN THE REARMOST ROOFLINE OF THE PORTE-COCHERE AND ANY OTHER ROOFLINE OF THE RESIDENTIAL STRUCTURE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION.

6. **ADJOURNMENT**

*Note:* *Per Chairman Hoffman, if a quorum is not made at the Planning & Zoning Commission meeting, the members present will meet as a sub-committee strictly to discuss the agenda items.*

Posted this the 6th day of September 2022 at 5:00 p.m. pursuant to the Open Meetings Act, Chapter 551, Texas Government Code.

Attest: J. Torres
Jasmin Torres, City Secretary

In compliance with the Americans with Disabilities Act, the City of Spring Valley Village will provide reasonable accommodations for persons attending public meetings. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made no less than 48 hours prior to this meeting. Please contact the City Secretary's office at 713-465-8308 or email jtorres@springvalleytx.com for further information.

# Minutes

Planning & Zoning Commission Meeting Minutes
City of Spring Valley Village
Tuesday, August 9, 2022

1. **The Planning & Zoning Commission meeting was called to order by Chair Trey Hoffman at 7:00 p.m. in the Council Chambers of City Hall, 1025 Campbell Road, Houston, Texas.**

   Planning & Zoning Members present at City Hall:
   - Trey Hoffman, Chair
   - Anne-Marie McMichael
   - Maryellen McGlothlin
   - Jim Autenreith
   - John Lisenby
   - Jerry Kent, Alternate
   - Louise Richman
   - Patrick Johnson (arrived 7:02)

   A quorum was present.

   City Officials present:
   - Zach Meadows, Director of Community Development
   - Carie Anne Livengood, Assistant
   - Loren Smith, City Attorney

2. **Approval of meeting minutes for regular meeting July 12, 2022**

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

3. **Conduct a public hearing concerning:** Ordinance No. 2022-XX: an ordinance of the City of Spring Valley Village, Texas, amending Chapter 9, Subdivisions, by deleting Article 9.100, subdivision regulations in its entirety and adopting a new Article 9.100, subdivision regulations in its place; providing for the incorporation of preamble; providing severability; providing a penalty in an amount not to exceed $2,000.00 for each day with each day of violation of any provision here of; and providing a repealer clause, a severability clause, a savings clause and an effective date.

   a. Presentation of ordinance changes
   b. Those in favor
   c. Those opposed
   d. Adjourn public hearing

   Mr. Hoffman opened the public hearing at 7:06 p.m.

   Mr. Smith introduced the item. This item represents a cleaning up of the subdivision ordinance and it addresses and includes legislation that the Texas Legislature adopted which provides that subdivision plats are required to be approved within a specific time frame. It also removes “preliminary plat.” Mr. Meadows noted that the ordinance includes language to help with the time frame. Mr. Lisenby said that the P&Z Commission can still deny the plat with exceptions and then come back later with the corrections.

   There were no speakers. Mr. Hoffman closed the public hearing at 7:07 p.m.

4. **Consideration and possible action concerning:** Ordinance No. 2022-XX: an ordinance of the City of Spring Valley Village, Texas, amending Chapter 9, Subdivisions, by deleting Article 9.100, subdivision regulations in its entirety and adopting a new Article 9.100, subdivision regulations in its place; providing for the incorporation of preamble; providing severability; providing a penalty in an amount not to exceed $2,000.00 for each day with each day of violation of any provision here of, and providing a repealer clause, a severability clause, a savings clause and an effective date.

   Ms. McMichael made a motion to approve the ordinance. Mr. Kent seconded the motion. The motion passed 7 to 0.

   **Public Comments**

   Mr. Smith said this item needs to be on every agenda.

   Mr. Marchiano, 1421 Cedarbrake, had questions and comments regarding notices/offers that he and neighbors received to purchase the property that the now current abandoned pipeline occupies. They feel like they are being strong armed. Mr. Smith said to present this information to Mr. Meadows.

5. **Adjournment**

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

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

Attest: _____
Louise Richman, Secretary

**City of Spring Valley Village**
**Planning and Zoning Commission**
**Agenda Item Data Sheet**

| | |
|---|---|
| **MEETING DATE:** | September 13, 2022 |
| **TOPIC:** | **CONDUCT A PUBLIC HEARING CONCERNING:**<br><br>Ordinance Number 2020-XX – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2020-25 AMENDING A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 1.17 ACRES OF LAND JUST EAST OF THE NORTH EAST INTERSECTION OF KATY FREEWAY AND ADKINS ROAD, BEING OUT OF LOT 17 AND LOT 2 OF THE WEST PARK SUBDIVISION, IN THE THOMAS A. HOSKINS SURVEY, ABSTRACT NO. 342, HARRIS COUNTY, TEXAS, WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT REQUIRING CONSTRUCTION ON THE DEVELOPMENT APPROVED BY ORDINANCE 2020-25 TO COMMENCE NO LATER THAN AUGUST 25, 2023; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION. |
| **BACKGROUND:** | On August 25, 2020, the City Council approved the development of the property at the Northeast intersection of Katy Freeway and Adkins Road ("Development"), and Ordinance No. 2020-25 approved for the Development included a requirement that construction on the Development must commence within two (2) years of final approval by the City Council. The initial deadline for construction on the Development to commence was August 25, 2022.<br><br>After meeting with Community Development Staff at the end of June 2022, John Joubert with i3 Interests provided a letter requesting an extension of the deadline an additional twelve (12) months, this letter is attached for review.<br><br>If approved by City Council the new deadline for the development to commence construction activities based on the request would be August 25, 2023. |
| **RECOMMENDATION:** | Not Applicable |
| **ATTACHMENTS:** | • Proposed Ordinance<br>• Copy of Published Notice of Public Hearing<br>• Copy of Notice of Public Hearing Letters and Mailing Labels for Property Owners Within 200 Feet of Property |

**City of Spring Valley Village**
**Planning and Zoning Commission**
**Agenda Item Data Sheet**

| **SUBMITTING STAFF MEMBER:** | **CITY ADMINISTRATOR APPROVAL:** |
|---|---|
| Zachary Meadows, Director of Community Development | |

DIVIDER PAGE

Zachary Meadows
Director of Community Development
City of Spring Valley Village
1025 Campbell Road | Houston, Texas 77055

July 28, 2022

RE: TLM-SVMP II LLC PUD Extension

Dear Mr. Meadows-

On behalf of TLM-SVMP II LLC, we are requesting a twelve month extension of the existing PUD expiration date, which is currently August 25th, 2022. Due to the State-mandated restriction of non-emergency surgeries during the COVID-19 pandemic, many medical practices put future expansion plans on hold. These actions materially impacted the existing business plan as leasing negotiations which were in place at the time immediately ceased. In addition, construction costs have risen over 30% in the past 24 months, creating an even higher cost burden for medical practices to open new offices. However, there has been increased interest from the market in the past 90 days with established medical providers to come in as Anchor Tenants, and those discussions are moving forward. That being said, our experience in medical office development indicates that beginning of construction activities is likely twelve months out given the stage of negotiations with prospective tenants, the amount of time required to negotiate leases, finalize construction plans, release long lead materials (due to ongoing supply chain issues), and complete permitting.

We appreciate the City's support of this project, and would be happy to discuss further with any interested parties in regard to this extension.

Sincerely,

John Joubert
Executive Vice President
i3

DIVIDER PAGE

**ORDINANCE NO. 2022-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2020-25 AMENDING A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 1.17 ACRES OF LAND JUST EAST OF THE NORTH EAST INTERSECTION OF KATY FREEWAY AND ADKINS ROAD, BEING OUT OF LOT 17 AND LOT 2 OF THE WEST PARK SUBDIVISION, IN THE THOMAS A. HOSKINS SURVEY, ABSTRACT NO. 342, HARRIS COUNTY, TEXAS, WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT REQUIRING CONSTRUCTION ON THE DEVELOPMENT APPROVED BY ORDINANCE 2020-25 TO COMMENCE NO LATER THAN AUGUST 25, 2023; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION.**

* * * * *

WHEREAS, TLM-SVMP II, LLC (the "owner"), whose contact is John Joubert, an individual, with the mailing address of 110 E. Davis Street, McKinney, Texas, owns a 1.17 acre tract of land, more or less, being identified as the property just east of the northeast corner of the intersection of I-10 and Adkins Road (the "Property") within the corporate limits of the City of Spring Valley Village, Texas, the tract of land being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes; and

WHEREAS, the property is presently zoned Freeway Planned Area Development District ("FPADD") pursuant to the City's Zoning Ordinance, as amended; and

WHEREAS, the City Council adopted Ordinance 2020-25 on August 25, 2020, which approved a planned area development ("PAD") within the FPADD in order to allow for the construction, operation and use of one (1) three (3) story professional

building over a four-level parking garage, with one (1) parking level below grade, with up to 85,647 square feet of interior space; and

WHEREAS, the City desires to amend Ordinance No. 2020-25 to require construction on the development approved therein to commence no later than August 25, 2023; and

WHEREAS, the Planning and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on the proposed amendments PAD ordinance for the 1.17 acre tract just east of the northeast corner of the intersection of I-10 and Adkins Road; and

WHEREAS, the City Council has considered the report of the Commission; and

WHEREAS, the City Council now deems it appropriate to adopt the amendments and to approve certain changes as an amendment to the City's Zoning Ordinance as provided herein;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, THAT**:

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

**Section 2**. The application of the owner of the 1.17 acre tract just east of the northeast corner of the intersection of I-10 and Adkins Road for amendments to Ordinance 2020-25 adopting a planned area development is hereby approved subject to the regulations, restrictions, terms and conditions hereinafter set forth.

**Section 3**. This ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the regulations,

restrictions, terms and conditions provided for herein. When a conflict exists between the Comprehensive Zoning Ordinance and this ordinance, this ordinance shall prevail.

**Section 4.** Ordinance 2020-25, adopted August 25, 2020, adopting the planned area development use is hereby amended by deleting therefrom the language struck through below and adding the language underscored below as follows:

> " **Section 6.** In the event that construction activities on the property subject to this Ordinance has not commenced on or before August 25, 2023. Failure to do so will result in the immediate repeal of this and all other Planned Area Development (PAD) ordinances affecting this property. ~~within two (2) years of this effective date of this Ordinance, this Ordinance shall expire on its own terms and become null and void.~~"

**Section 5.** 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 any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any 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.

**Section 6.** 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 7.** Attached to this ordinance are the following documents:

Exhibit A: Legal Description;

ADOPTED this _____ of _____, 2022.

_____
Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

_____
Jasmin Torres, City Secretary
City of Spring Valley Village, Texas

# EXHIBIT “A” – LEGAL DESCRIPTION

**A SUBDIVISION OF 1.1703 ACRES BEING OUT OF LOT 2 AND LOT 17, WEST PARK SUBDIVISION (VOL. 23, PG. 10, H.C.M.R) IN THE THOMAS A. HOSKINS SURVEY, ABSTRACT NO. 342, CITY OF SPRING VALLEY VILLAGE, HARRIS COUNTY, TEXAS**

DIVIDER PAGE

**PUBLIC NOTICE**
**CITY OF SPRING VALLEY VILLAGE, TEXAS**
**NOTICE OF PUBLIC HEARING**

**Notice Is Hereby Given To Hear Comments And Testimony Concerning The Following**:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2020-25 AMENDING A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 1.17 ACRES OF LAND JUST EAST OF THE NORTH EAST INTERSECTION OF KATY FREEWAY AND ADKINS ROAD, BEING OUT OF LOT 17 AND LOT 2 OF THE WEST PARK SUBDIVISION, IN THE THOMAS A. HOSKINS SURVEY, ABSTRACT NO. 342, HARRIS COUNTY, TEXAS, WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT REQUIRING CONSTRUCTION ON THE DEVELOPMENT APPROVED BY ORDINANCE 2020-25 TO COMMENCE NO LATER THAN AUGUST 25, 2023; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION.

The **Planning and Zoning Commission** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

**Date:** Tuesday, September 13, 2022
**Time:** 7:00 p.m.
**Location:** Council Chambers
Spring Valley Village City Hall
1025 Campbell Road
Houston, TX 77055

The **City Council** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

**Date:** Tuesday, September 27, 2022
**Time:** 5:00 p.m.
**Location:** Council Chambers
Spring Valley Village City Hall
1025 Campbell Road
Houston, TX 77055

**For additional information regarding these public hearings, please contact the Director of Community Development, Zachary Meadows at (713) 465-8308.**

DIVIDER PAGE

EST. 1955
SPRING VALLEY
VILLAGE

August 31, 2022

Dear Property Owner:

**Notice Is Hereby Given To Hear Comments And Testimony Regarding The Following Proposed Variance:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2020-25 AMENDING A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 1.17 ACRES OF LAND JUST EAST OF THE NORTH EAST INTERSECTION OF KATY FREEWAY AND ADKINS ROAD, BEING OUT OF LOT 17 AND LOT 2 OF THE WEST PARK SUBDIVISION, IN THE THOMAS A. HOSKINS SURVEY, ABSTRACT NO. 342, HARRIS COUNTY, TEXAS, WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT REQUIRING CONSTRUCTION ON THE DEVELOPMENT APPROVED BY ORDINANCE 2020-25 TO COMMENCE NO LATER THAN AUGUST 25, 2023; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION.

The **Planning and Zoning Commission** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

**Date:** Tuesday, September 13, 2022
**Time:** 7:00 p.m.
**Location:** Council Chambers of Spring Valley Village City Hall, 1025 Campbell Road

This notice is being sent to you as current property records indicate that you own property in close proximity to 8906 Cardwell Lane. All interested parties are invited to attend both public hearings and will have the opportunity to be heard. For further information, please contact me at (832) 910-8577 or zmeadows@springvalleytx.com.

Sincerely,

Zachary Meadows
Director of Community Development

**Southwestern Bell Tele Co.**
1015 Bade St.
Houston, TX 77055

**Janice L. Sullivan**
1014 Adkins Rd.
Houston, TX 77055

**TLM-SVMP II LLC**
9210 Old Katy Rd.
Houston, TX 77055

**Spring Valley Calico LP**
9190 Katy Fwy.
Houston, TX 77055

**Ricki L. Finstad**
9201 Cardwell Dr.
Houston, TX 77055

**1010 Bade Limited Liability Co.**
1010 Bade Street
Houston, TX 77055

**Anthony V. Roubik**
9208 Cardwell Dr.
Houston, TX 77055

**Huong T. Le**
17 Stonegate Dr.
Houston, TX 77024

**SV Physician Properties I LP**
9230 Katy Fwy.
Houston, TX 77055

**Lili N. & Iraj Mahvash**
1018 Bade Street
Houston, TX 77055

**Bette E. Stiger**
1010 Adkins Rd.
Houston, TX 77055

**Sheri Wilcox**
10 Martin Ct.
Houston, TX 77055

**Zack E. Raffoul**
9209 Cardwell Dr.
Houston, TX 77055

**Joseph F. Lopez**
9205 Cardwell Dr.
Houston, TX 77055

**Janice G. Pollan**
9212 Cardwell Dr.
Houston, TX 77055

**City of Spring Valley Village**
**Planning and Zoning Commission**
**Agenda Item Data Sheet**

**MEETING DATE:** September 13, 2022

| | |
|---|---|
| **TOPIC:** | **CONSIDERATION AND POSSIBLE ACTION:**<br><br>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2020-25 AMENDING A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 1.17 ACRES OF LAND JUST EAST OF THE NORTH EAST INTERSECTION OF KATY FREEWAY AND ADKINS ROAD, BEING OUT OF LOT 17 AND LOT 2 OF THE WEST PARK SUBDIVISION, IN THE THOMAS A. HOSKINS SURVEY, ABSTRACT NO. 342, HARRIS COUNTY, TEXAS, WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT REQUIRING CONSTRUCTION ON THE DEVELOPMENT APPROVED BY ORDINANCE 2020-25 TO COMMENCE NO LATER THAN AUGUST 25, 2023; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION. |
| **BACKGROUND:** | In the previous agenda item, the Planning and Zoning Commission conducted a public hearing on the PAD Extension for the Planned Area Development for the property just east of the northeast intersection of I-10 and Adkins Road. If approved, this ordinance would implement the requested extension for construction to start on or before August 25, 2023. |
| **RECOMMENDATION:** | Staff recommends approval of the Ordinance |
| **ATTACHMENTS:** | • Ordinance No. 2022-XX |

| **SUBMITTING STAFF MEMBER:** | **CITY ADMINISTRATOR APPROVAL:** |
|---|---|
| Zachary Meadows, Director of Community Development | |

DIVIDER PAGE

**ORDINANCE NO. 2022-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2020-25 AMENDING A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 1.17 ACRES OF LAND JUST EAST OF THE NORTH EAST INTERSECTION OF KATY FREEWAY AND ADKINS ROAD, BEING OUT OF LOT 17 AND LOT 2 OF THE WEST PARK SUBDIVISION, IN THE THOMAS A. HOSKINS SURVEY, ABSTRACT NO. 342, HARRIS COUNTY, TEXAS, WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT REQUIRING CONSTRUCTION ON THE DEVELOPMENT APPROVED BY ORDINANCE 2020-25 TO COMMENCE NO LATER THAN AUGUST 25, 2023; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION.**

* * * * *

WHEREAS, TLM-SVMP II, LLC (the "owner"), whose contact is John Joubert, an individual, with the mailing address of 110 E. Davis Street, McKinney, Texas, owns a 1.17 acre tract of land, more or less, being identified as the property just east of the northeast corner of the intersection of I-10 and Adkins Road (the "Property") within the corporate limits of the City of Spring Valley Village, Texas, the tract of land being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes; and

WHEREAS, the property is presently zoned Freeway Planned Area Development District ("FPADD") pursuant to the City's Zoning Ordinance, as amended; and

WHEREAS, the City Council adopted Ordinance 2020-25 on August 25, 2020, which approved a planned area development ("PAD") within the FPADD in order to allow for the construction, operation and use of one (1) three (3) story professional

building over a four-level parking garage, with one (1) parking level below grade, with up to 85,647 square feet of interior space; and

WHEREAS, the City desires to amend Ordinance No. 2020-25 to require construction on the development approved therein to commence no later than August 25, 2023; and

WHEREAS, the Planning and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on the proposed amendments PAD ordinance for the 1.17 acre tract just east of the northeast corner of the intersection of I-10 and Adkins Road; and

WHEREAS, the City Council has considered the report of the Commission; and

WHEREAS, the City Council now deems it appropriate to adopt the amendments and to approve certain changes as an amendment to the City's Zoning Ordinance as provided herein;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, THAT**:

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

**Section 2**. The application of the owner of the 1.17 acre tract just east of the northeast corner of the intersection of I-10 and Adkins Road for amendments to Ordinance 2020-25 adopting a planned area development is hereby approved subject to the regulations, restrictions, terms and conditions hereinafter set forth.

**Section 3**. This ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the regulations,

restrictions, terms and conditions provided for herein. When a conflict exists between the Comprehensive Zoning Ordinance and this ordinance, this ordinance shall prevail.

**Section 4.** Ordinance 2020-25, adopted August 25, 2020, adopting the planned area development use is hereby amended by deleting therefrom the language struck through below and adding the language underscored below as follows:

> " **Section 6.** In the event that construction activities on the property subject to this Ordinance has not commenced on or before August 25, 2023. Failure to do so will result in the immediate repeal of this and all other Planned Area Development (PAD) ordinances affecting this property. ~~within two (2) years of this effective date of this Ordinance, this Ordinance shall expire on its own terms and become null and void.~~"

**Section 5.** 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 any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any 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.

**Section 6.** 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 7.** Attached to this ordinance are the following documents:

Exhibit A: Legal Description;

ADOPTED this _____ of _____, 2022.

_____
Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

_____
Jasmin Torres, City Secretary
City of Spring Valley Village, Texas

# EXHIBIT “A” – LEGAL DESCRIPTION

**A SUBDIVISION OF 1.1703 ACRES BEING OUT OF LOT 2 AND LOT 17, WEST PARK SUBDIVISION (VOL. 23, PG. 10, H.C.M.R) IN THE THOMAS A. HOSKINS SURVEY, ABSTRACT NO. 342, CITY OF SPRING VALLEY VILLAGE, HARRIS COUNTY, TEXAS**

**City of Spring Valley Village**
**Planning and Zoning Commission**
**Agenda Item Data Sheet**

**MEETING DATE:** September 13, 2022

**TOPIC:** **DISCUSSION AND DIRECTION CONCERNING:**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS TO AMEND SUBSECTION 02.01, GARAGES AND CARPORTS, OF SECTION 5, BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT "A'; OF EXHIBIT A, ZONING REGULATIONS, OF CHAPTER 12, PLANNING AND ZONING, TO REQUIRE A TEN FOOT (10') SPACE BETWEEN THE REARMOST ROOFLINE OF THE PORTE-COCHERE AND ANY OTHER ROOFLINE OF THE RESIDENTIAL STRUCTURE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION.

**BACKGROUND:**

On May 1, 2022, Planning & Zoning Chairman Trey Hoffman, City Attorney Loren Smith, Building Official, Kevin Taylor and Director of Community Development Zachary Meadows held a meeting to discuss specific language found in the Zoning Ordinance under Subsection 2.01, Garages and Carports, of Section 5, Building and Use Restrictions in Dwelling District 'A'.

Specifically, a complaint was received by Chairman Hoffman, in which a proposal that a resident tried to accomplish with their home in 2018 was denied because it was deemed that it was a carport, which is not allowed per the City of Spring Valley Village Code of Ordinances. However, the resident pointed out a home on Modiste Drive that had recently finished a structure, which seemed in their view was more of a carport than than they were denied to have in 2018.

Following review of the situation it was clear that some changes to the language needed to occur to ensure that what the Planning & Zoning Commission intended with the language of the Ordinance was spelled out clearly and to avoid confusion as it related to the approval of future garage overhangs and porte-cocheres' in the City of Spring Valley Village.

City Attorney Loren Smith has proposed adding an additional requirement to the requirements of Porte-Cocheres as underlined following:

> ".06 Certain Porte-Cocheres Permitted. A porte-cochere is a permanent roofed structure attached to a dwelling to accommodate the passage of a vehicle into an inner courtyard or driveway, or through a circle driveway in front of the dwelling, open on at least two (2) sides, and shall not to be used for the routine storage of one or more vehicles. A porte-cochere is permitted subject to the

following requirements:

1. Porte-cocheres shall comply with the same required setbacks as those applicable to the main dwelling. In addition, no porte-cochere shall be located forward of the front wall line of the main dwelling, except where such porte-cochere extends over a circle driveway in front of the dwelling.

2. The maximum total square footage of the porte-cochere shall be less than four hundred (400) square feet.

3. The roof pitch of the porte-cochere shall be proportional to the roof pitch of the main dwelling. A porte-cochere shall be architecturally-integrated with the main dwelling and shall be constructed of brick, stone, and other non-metal materials or a combination thereof in proportions similar to those of the main dwelling and garage.

4. A porte-cochere shall be located at an entrance to the main dwelling. For purposes of this section, an entrance to the garage shall not be considered an entrance to the main dwelling.

5. <u>On a porte-cochere located on the side of a residence, there shall be a space of at least ten feet (10') between the rearmost roofline of the porte-cochere and the roofline of the garage</u>."

Staff is presenting this item for discussion before bringing back an Ordinance to the Planning & Zoning Commission for a recommendation and then submitted to the City Council for consideration.

| | |
|---|---|
| **RECOMMENDATION:** | Not applicable |
| **ATTACHMENTS:** | • Proposed Ordinance<br>• Copy of Published Notice of Public Hearing |

| **SUBMITTING STAFF MEMBER:** | **CITY ADMINISTRATOR APPROVAL:** |
|---|---|
| Zachary Meadows, Director of Community Development | |

DIVIDER PAGE

**ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS TO AMEND SUBSECTION 02.01, GARAGES AND CARPORTS, OF SECTION 5, BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT "A'; OF EXHIBIT A, ZONING REGULATIONS, OF CHAPTER 12, PLANNING AND ZONING, TO REQUIRE A TEN FOOT (10') SPACE BETWEEN THE REARMOST ROOFLINE OF THE PORTE-COCHERE AND ANY OTHER ROOFLINE OF THE RESIDENTIAL STRUCTURE; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION**

* * * * *

**WHEREAS,** the City of Spring Valley Village, Texas (the "City") does not allow carports in its Dwelling District "A"; and

**WHEREAS,** the City does allow porte-cocheres in certain instances; and

**WHEREAS,** the City Council desires to amend the regulations related to porte-cocheres as stated in this ordinance.

**WHEREAS,** the City Council of the City finds that the regulations contained herein are in the best interest of the health, safety and welfare of the public; and

**WHEREAS**, the Zoning Commission of the City, following notice and hearing as required by law, has recommended that the City Council adopt the amendments to the zoning regulations contained herein as shown 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 Planning and Zoning Commission that such amendments be approved; now, therefore:

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, THAT:**

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

**Section 2.** Subsection 02.01, Garages and Carports, of Section 5, Building and Use Restrictions in Dwelling District "A" of Exhibit A, Zoning Regulations, of Chapter 12, Planning and Zoning, is hereby amended by adding the language underscored below, Subsection 05.02.01, Garages and Carports, to read as follows:

"**05:02.01**
Garages and Carports: (Ordinance 231)

.01 Required. Each dwelling in Dwelling District "A" shall have an attached or detached garage. A garage shall have a minimum floor space of four hundred (400) square feet and shall be constructed and configured in such a manner that the garage is capable of storing a minimum of two (2) standard-sized four-wheeled vehicles side by side. Carports are prohibited.

.02 Detached. A detached garage shall not exceed one story.

.03 Second story. Access to the second story of an attached garage shall be enclosed and through the dwelling to which it is accessory.

.04 Entrance or Exit. No vehicle door(s) or vehicle entrance or exit of a garage constructed forward of the front wall line of the main dwelling shall face the street address: said door(s) or entrance or exit shall be located on a side of the garage that, in plain view, shall be at a 90-degree angle or greater to the street of address. No vehicle door(s) or vehicle entrance or exit of a garage shall face the street address unless the door, entrance or exit is set back five (5) feet or more from the front wall line of the main dwelling. No roof overhang or other extension of the garage roof attached to a garage at the vehicle door(s) or vehicle entrance shall extend more than ten (10) feet, and no extension or support structure for an extension shall be located past the front wall line unless it complies with section 05:02.01.06.

.05 Other Front Facing Garage Rules. A front facing garage may not be more than fifty (50) percent of the width of the dwelling.

.06 Certain Porte-Cocheres Permitted. A porte-cochere is a permanent roofed structure attached to a dwelling to accommodate the passage of a vehicle into an inner courtyard or driveway, or through a circle driveway in front of the dwelling, open on at least two (2) sides, and shall not to be

used for the routine storage of one or more vehicles. A porte-cochere is permitted subject to the following requirements:

1. Porte-cocheres shall comply with the same required setbacks as those applicable to the main dwelling. In addition, no porte-cochere shall be located forward of the front wall line of the main dwelling, except where such porte-cochere extends over a circle driveway in front of the dwelling.

2. The maximum total square footage of the porte-cochere shall be less than four hundred (400) square feet.

3. The roof pitch of the porte-cochere shall be proportional to the roof pitch of the main dwelling. A porte-cochere shall be architecturally-integrated with the main dwelling and shall be constructed of brick, stone, and other non-metal materials or a combination thereof in proportions similar to those of the main dwelling and garage.

4. A porte-cochere shall be located at an entrance to the main dwelling. For purposes of this section, an entrance to the garage shall not be considered an entrance to the main dwelling.

5. <u>On a porte-cochere located on the side of a residence, there shall be a space of at least ten feet (10') between the rearmost roofline of the porte-cochere and the roofline of the garage</u>."

**<u>Section 3</u>**. Any person, corporation or entity who or which shall intentionally, knowingly, recklessly, or with criminal negligence 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 $2,000.00. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

**<u>Section 4</u>**. 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

Spring Valley 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 ORDAINED, this the ____ day of _____, 2022.

Marcus Vajdos
Mayor

ATTEST:

Jasmin Torres
City Secretary

DIVIDER PAGE

**PUBLIC NOTICE**
**CITY OF SPRING VALLEY VILLAGE, TEXAS**
**NOTICE OF PUBLIC HEARING**

**Notice Is Hereby Given To Hear Comments And Testimony Concerning The Following**:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS TO AMEND SUBSECTION 02.01, GARAGES AND CARPORTS, OF SECTION 5, BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT "A'; OF EXHIBIT A, ZONING REGULATIONS, OF CHAPTER 12, PLANNING AND ZONING, TO REQUIRE A TEN FOOT (10') SPACE BETWEEN THE REARMOST ROOFLINE OF THE PORTE-COCHERE AND ANY OTHER ROOFLINE OF THE RESIDENTIAL STRUCTURE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED $2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION.

The **Planning and Zoning Commission** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

**Date:** Tuesday, September 13, 2022
**Time:** 7:00 p.m.
**Location:** Council Chambers
Spring Valley Village City Hall
1025 Campbell Road
Houston, TX 77055

The **City Council** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

**Date:** Tuesday, September 27, 2022
**Time:** 5:00 p.m.
**Location:** Council Chambers
Spring Valley Village City Hall
1025 Campbell Road
Houston, TX 77055

**For additional information regarding these public hearings, please contact the Director of Community Development, Zachary Meadows at (713) 465-8308.**