



City of Pattison

P.O. Box 223

Pattison, TX 77466

281-934-3715

Website: www.pattison.texas.gov

Special Planning Commission Meeting Minutes: February 13, 2024

I. Call Meeting to Order

A special meeting of the Planning Commission was called to order Thursday, February 13 2024, at 5:30 p.m. at **CITY HALL OF PATTISON, 3410 FIRST STREET, Pattison, Texas 77466.**

Members Present: Lya Coulter, Josh Taylor, Debra Reyes, Rick MacDonald, Princella Lazard

Not Present: Lee Kosina

Also Present: Tim Kirwin, City Attorney; Craig Kalkomey, City Engineer; Lorene Hartfiel, City Secretary

II. Pledge of Allegiance

III. Citizens Comments – No action can be taken:

Citizens who desire to address the Planning Commission will be limited to Three (3) Minutes.

None

IV. Declare Conflicts of Interest

None

V. Planning Commission to approve agenda.

Josh Taylor made a motion to approve the agenda. Rick MacDonald seconded the motion. The motion passed unanimously.

VI. Business

1. Commission to discuss and take possible action regarding Maple Grove Section 1 Final Plat. Lya asked to discuss the business ahead and then take action on Maple Grove Sec. 1

Rick handed out his note/outline of the issues, questions, and thoughts on what he felt was necessary. (See Attachment.) All points were discussed.

Josh's statement: Development agreement does not recognize many articles in Ordinance 137. The City Council dropped the ball and left the planning commissioning out. Says that no matter how we see this we need to agree, we have no choice. Need to work with council regarding our process. Did not happen per Ordinance 137, process was not followed. Josh viewed the development group and feels as if the houses are on the cheaper side.



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Princella's statement: Understands that the housing development will be in ETJ, the housing will be priced to low income to moderate homes. Builder is putting affordable housing. We need to work with the City Council.

Debra's statement: I agreed with all that Rick said, particularly his concerns, went to the last city council meeting and was hugely disappointed that we cannot enforce ordinances, no movement has been done for planning commission. Feels as if we are not making process. My concern city council at the last meeting had a Woodmere Development Agreement Amendment submitted and discussed. Planning commission was left out of this development agreement, what are we missing, will we be caught playing catch up again. How many more development agreements are out there that we are not aware of.

Lya's statement: Lya spoke to Mayor and Attorney and expressed disappointment regarding the variances, development agreement. Not a workable process, we were not included. Informed us that Planning Commission was developed in 2021, Comprehensive Plan was developed and accepted 2021, Survey done in 2022 & 2023, Variance in 2022, Commission was made aware of this in February 2024. We can approve, disapprove, or approve with extension if plat meets state approvals we shall approve as long as it meets variances. If we disapprove must be because of what state law not the ordinance.

Once all members of the Planning Commission had presented their findings related to the Maple Grove Final Plat submission, the City Engineer, Craig Kalkomey, provided copies of the LJA letter dated February 12, 2024 wherein he addressed the following topics (the City Secretary had circulated a copy before the meeting). For the benefit of the Planning Commission, he provided a discussion of its contents.

He also stated that moving forward, he will work with the standard meeting date, publish information for us, with dates and deadlines for commission meetings.

Lot Widths: Mr. Kalkomey advised that a variance around lot width was requested by the developer and granted by City Council upon approval of the Development Agreement (dated April 14, 2022) to change the allowable lot width from 50% at 60' or larger and 50% at 50' or larger as required by Ordinance 137 to 65% above 40' and 35% above 50'. In no case is a lot width of less than 40' permitted. Mr. Kalkomey's letter included a table showing 67% of lot widths in Section 1 being 40' or greater and 33% being greater than 50'. He noted that the development agreement requirement of 65% being greater than 40' applies to the entire development (General Land Plan shows 1021 lots) and not to individual sections.

Mr. MacDonald noted that his review of the plat dimensions did not support these findings. Mr. Kalkomey clarified that lot widths are measured along the front building setback line (p 10, Definitions). The development plan further defines; and such cul-de-sac/radial lots shall have 40 feet minimum width at the right of way line. Mr. Kalkomey also advised that the distances contained in his table were measured along the arc of the



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frontline for cul-de-sac lots (aka “knuckle lots”) and not the chord or straight-line method as required in Ordinance 137.

Article IV\ Division 1\

Section 2.2

The width of the lot shall be measured along the front of the lot right of way line. The width of cul-de-sacs and radial lots shall be measured along the right of way line of the building line using the chord or straight line.

Section 2.5

Corner lots shall be increased in size whenever necessary so as to provide that any structure to be placed thereon shall conform to the building line requirements of each street.

Action:

1. Mr. Kalkomey agreed to recalculate all lots using the correct Chord or Straight-line method as required in Ordinance 137. Any lots found to be less than 40' will be deemed to be in violation of the Lot Width variance.
2. Request City Council provide its findings that undue hardship will result from requiring strict compliance of Ordinance 137 as the basis for granting the lot width variance (Section 8/b: A variance may not be granted in such cases where the only evidence for the granting of the variance is the loss of a potential profit at the time of the lot development and build out. Economic hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.)

Lot Sizes: Mr. Kalkomey correctly stated that Exhibit B of the development agreement contains a table showing typical lot sizes of 40' x 120' & 50' x 120' and that based on discussion with the City Attorney this constitutes a variance to Ordinance 137. It must be noted that the referenced table also shows that only 50% of the lots are allowed to be 40'.

The Planning Commission disagrees with the assertion that a notation on Exhibit B constitutes a variance. The development agreement states that the General Plan is **conceptional** and subject to changes. Variances are not conceptional, they are set and do not change.

Ordinance 137 states that a variance must be specifically requested, reviewed, and approved. Although City Council failed to follow the prescribed procedures for variance review and approval, it can be argued that the Lot Width variance did come as a result of a specific request and the granting of same is specifically outlined in Section 3.02 of the Development Agreement. However, no such request or specific grant of variance exists for Lot Sizes.



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Development Agreement:

Ordinance 137\ Article I\ Section 8

Variances.

a. The *Planning Commission shall review all variance requests and make a recommendation to the City Council. The City Council may then authorize a variance from these regulations when in its opinion undue hardship will result from requiring strict compliance. The applicant shall have the responsibility of proving that compliance would create a hardship. In granting a variance, the City Council may prescribe conditions that it deems necessary or desirable to the public interest. Any conditions that are prescribed shall be deemed continuing and shall be placed of record in the office of the County Clerk either on the face of the subdivision plat or as an attachment thereto. The City Council shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who reside or work in the proposed subdivision and the probable effect of such variance upon traffic conditions and upon public health, safety, convenience, and welfare in the vicinity. No variance will be granted unless the City Council finds that an undue hardship exists.* The following conditions must be present for consideration:

Action:

1. The Planning Commission finds that no specific request for Lot Size variance was made or granted and that a mention of "typical lot size" in an Exhibit falls materially short of the of the requirements defined in Ordinance 137.
2. If City Council and the City Attorney insist that Exhibit B does constitute a variance, then the position of the Planning Commission is to use the table figures that only 50% of 40' x 120' lots are permitted. Consistency matters.
3. If City Council and the City Attorney insists that Exhibit B does constitute a variance, the Planning Commission requests City Council provide its findings that undue hardship will result from requiring strict compliance of Ordinance 137 as the basis for granting the lot size variance (Section 8/b: A variance may not be granted in such cases where the only evidence for the granting of the variance is the loss of a potential profit at the time of the lot development and build out.
4. The Planning Commission understands that it is the City Council's prerogative to grant the Lot Size variance, but to comply with Ordinance 137 which City Council also approved, requires a determination that an undue hardship exists. To use a reference on an Exhibit as justification for variance approval is in violation of the procedures outlined in Ordinance 137 and against the recommendation of the Planning Commission.

General Plan. Mr. Kalkomey advised that like the Planning Commission, the City Engineer, was also not included as part of the review/approval process of the Development Agreement and General Plan. He attached a copy of the revised General Plan to his February 12, 2024, showing more details around Sections 1, 2, & 3 than the version included in the Development Agreement. During this special meeting (February 13, 2024) was the first time most of the



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planning commission members were made aware of this revised plan. It was provided as information only.

Action:

1. None required at this time.

Construction Plans. Mr. Kalkomey provided copies of the Construction Plans for Water, Sanitary Sewer and Drainage Facilities and Paving & Appurtenances to serve Maple Grove Section 1 dated December 2023. In response to questions from the Planning Commission, Mr. Kalkomey confirmed that he had reviewed the details of the Construction plans and found them in compliance with Ordinance 137 and required codes. With the City Engineer's assurances, the Planning Commissions considers it has done its due diligence as required by Ordinance 137 \ Article II \ Section 10 & 11.

Action:

1. None required at this time.

Parking. Mr. Kalkomey acknowledged that the Maple Grove development must comply with Ordinance.

137 \ Article IV \ Division 9

Section 6. Parking. Single family lots. Each lot used for single family detached dwellings, including townhomes, patio homes and duplexes shall have constructed and maintained thereon a minimum of two (2) car garage in addition to a minimum of two (2) on street parking spaces. For the purpose of this subsection, the first two (2) car garage parking spaces contained shall not be considered as on street parking spaces. For example, if a dwelling has a three (3) car garage, two (2) additional on-street parking spaces would be required in addition to that included within the garage. For the purpose of this section, the minimum dimensions of each parking space shall be 9 feet by 20 feet; provided, however two spaces adjacent to the other shall not be less than 18 feet by 20 feet if side by side, and not less than 12 feet by 40 feet if aligned linearly.

Mr. Kalkomey stated that the definition he uses for on street parking includes parking on the residential driveway (not including the spaces in the garage) and the ability to park on the street in front of the home.

The Planning Commission disagrees.

A quick fact check for the *Definition of On Street Parking in Texas* yields the following:

From these definitions, while there is no specific mention of the term driveway, the location of driveways being separate from the regular flow of traffic would suggest driveways fits into the Off-street parking definition. The site, Houston.com further supports this interpretation – “It’s all in the name!”

For further support, ownership was considered. The homeowner owns the garage parking space and the driveway parking space. Ownership of the streets is public.



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The intent of the parking Ordinance is to ensure there is a minimum of 4 parking spaces per residence: 2 in the garage and 2 on the street. The argument that the driveway and garage contain the necessary parking spaces requires that the garage is actually used for parking vehicles.

The probability that the 2 garage parking spaces will actually be used for parking is very low so as to be the exception not the rule. The typical occupation of low-income housing is 4 – 8+ occupants per residence. With occupants comes possessions. On a 40' lot with a mere 5' walkway to the back, any larger items, e.g., trailers, boats, side-by-sides, etc., will have to be stored in the garage or on the front lawn. Small lots mean small homes requiring that the garage will be needed for additional storage of household items. The bottom line for these kinds of developments is that a very small percentage of these garages will be used to park cars. An even smaller percentage will be used to park 2 cars. The driveways will serve as the parking spaces normally expected from the garage, requiring that 2 “on-street” parking spaces be allocated. The size restrictions defined in Ordinance 137 were determined with these issues in mind. Reducing lot width does not change this requirement.

Action:

1. City Engineer should revise its definition of on street parking to align with the commonly accepted definition in Texas and Houston.
2. The Developer must provide rules & regulations and code enforcement measures and funding to ensure garages will be able to park 2 vehicles, or
3. Provide onsite and street plans to ensure 4 parking spaces are available per residence.

Traffic Impact Study: While not specifically addressed in the LJA engineering report, Mr. Kalkomey responded that he has confirmed that no traffic study is required for Section 1. The Planning Commission accepts this assertion in good faith.

Action:

1. None required at this time.

Parkland. Based on the General Plan for 1021 lots, 10.21 acres of dedicated parkland is required. Mr. Kalkomey made note that the parkland requirement is for the entire development and not a Section-by-Section requirement. He presented a table showing there to be 3.908 acres of Open Space Reserves in Section 1. The General Plan does not show a 10.21-acre parkland. Open Space Reserves are not the same as parkland requirements, i.e., parkland is a subset of Open Space Reserves.

Ordinance 137\ Article I\ Section 2\ Definitions p.10

Open space shall mean private property under common ownership designated for recreation area, private park, plaza area and ornamental area open to general view and within the subdivision. Open space does not include streets, alleys, utility easements, and required building setbacks. The primary function of this type of parkland is to preserve vegetated areas and tree lines as well as to



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conserve sensitive resources. Open space may be required for dedication to the public or restricted by conservation easement in the favor of the City.

Parkland contribution refers to the actual dedication of parkland property to the City by way of plat note and/or general warranty deed.

Action:

1. Update General Plan to include 10.21-acre Parkland dedication.

Craig will also be in attendance and will have any information beforehand for reviews, if needed. Josh motioned that we table any motion until we receive clarification/input, Rick second, motion carried.

Rick also felt a response needed to be written to City Council, Lya will handle.

Craig suggested that the commission have a checklist of some sort.

2. Request from Commission for future agenda items, announcements, comments.
 - Regular Meeting February 27, 2024 at 6:30 p.m.

VIII. Adjourn meeting.

The meeting was adjourned at 6:30 p.m.

Chair, Lya Coulter

Debra Reyes Planning Commission Secretary

Attest:

City Secretary, Lorene Hartfiel