

**MINUTES OF A PUBLIC MEETING  
OF THE CITY OF BUNKER HILL VILLAGE  
PLANNING AND ZONING COMMISSION  
WEDNESDAY, APRIL 15, 2020 AT 11:30 A.M.**

**I. CALL TO ORDER**

Vice Chairman Catherine Wile called the Planning and Zoning Commission Meeting to order at 11:31 a.m. based on a quorum of members present:

Present:

Catherine Wile, Vice Chairman (via Zoom)  
Jack Christiansen, Commissioner (via Zoom)  
Bill Going, Commissioner (via Zoom)  
John Gillette, Commissioner (via Zoom)  
Jean Krivan, Commissioner (via Zoom)

Absent:

William Purifoy, Chairman  
Monica Muschalik, Commissioner

Also in Attendance:

Robert Lord, Mayor (at City Hall)  
Councilmember Keith Brown, P&Z Liaison (via Zoom)  
Karen Glynn, City Administrator/City Secretary (at City Hall)  
Steve Smith, Director of Public Works/Bldg Official (at City Hall)  
Loren Smith, City Attorney (at City Hall)  
Jennifer Namie, Assistant to the City Secretary (via Zoom)

**II. PUBLIC COMMENTS**

Jonathan Doringcott spoke on Item VI. Comments are documented in that section of the minutes.

Beau Dollins and Liz Swain spoke on Item V. Comments are documented in that section of the minutes.

**III. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE FEBRUARY 25, 2020 MINUTES**

A motion was made by Commissioner Gillette to approve the minutes for February 25, 2020. The motion was seconded by Commissioner Christianson.

**\*\*Note:** Jean Krivan had computer issues during the vote but she later confirmed that she did vote in favor of the motion.

The motion carried 5 – 0.

**IV. CONSIDERATION AND POSSIBLE ACTION ON A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE A CONSENT TO ENCROACH AGREEMENT FOR THE PROPERTY AT 12019 SURREY LANE IN THE CITY OF BUNKER HILL VILLAGE - *Steve Smith, Director of Public Works/ Building Official***

Steve Smith, Director of Public Works/Building Official presented this item.

The property at 12019 Surrey Lane was going through the process to be sold. During the process, the surveying company noted that the home encroaches on the front building line. The home was built in 1954. The documents in reference to this encroachment include the original filing from 1954, defining the building line setback on the survey.

It is the City's understanding that the property has been sold several times previously but apparently with no title company involved. This lot may have been in existence prior to the City adopting its zoning ordinances which means that the lot is a previously existing non-conforming lot.

In discussions with the current owner, the owner has requested that the City proceed with the encroachment process to document the City's acknowledgment of the encroachment.

The City has reviewed the information and recommends an Encroachment Agreement, whereby the City acknowledges the encroachment into the front yard setback. Wording in the agreement specifies that the encroachment exists; however, it is now considered as "in kind, same kind" and there shall be no expansion of the structure as detailed in the City's development code.

A motion to recommend City Council approve an encroachment agreement was made by Commissioner Gillette and seconded by Commissioner Krivan.

The motion passed 5 – 0.

**V. REVIEW, DISCUSSION AND DIRECTION ON A SPECIFIC USE PERMIT APPLICATION BY PARATUS MEMORIAL TO DEVELOP A SCHOOL AT 11750 MEMORIAL DRIVE (MEMORIAL DRIVE CHRISTIAN CHURCH) AND TO CONTINUE THE EXISTING USES FOR CHURCH SERVICES AND A PRE-SCHOOL AT THE LOCATION - *Steve Smith, Director of Public Works/ Building Official and Paratus Memorial***

Steve Smith, Director of Public Works/Building Official presented this item.

The Memorial Drive Christian Church is located at 11750 Memorial Drive and has operated at this location for over 40 years. The Church also operates a pre-school at the location. There is no Specific Use Permit for the site. Records show that the Church proposed various needs such as lot coverage and signage over the years through the Zoning Board of Adjustments.

The Specific Use Process has evolved over the years. Educational facilities were added to the list of uses in 2011.

Paratus Memorial has approached the City with an application to develop a school, continuing the existing uses for religious services and pre-school uses at the site.

This proposed change triggers the Specific Use Permit (SUP) Process, which requires a recommendation by the Planning and Zoning Commission and approval by City Council.

Paratus Memorial presented their application to the Planning and Zoning Commission as a workshop item to provide an opportunity for the Commission to review and discuss the proposed application. This provided an opportunity to ensure all concerns and details of the Commission could be addressed before moving forward with the SUP Process.

Beau Dollins, representing Paratus Memorial, presented this item:

The school plans to relocate 150 students from the Spring Branch location to the Bunker Hill location. There are no plans for changing the building or grounds other than repairs and maintenance. The facility has enough parking and driveway space to accommodate pick-up and drop-off of children. The utilities are sufficient and there are no immediate plans for landscape or drainage purposes. Additionally, the school is still willing to allow organizations in the community to use the space.

Commissioner Krivan asked and Mr. Dollins clarified that the school is not adding an additional campus; they are simply relocating existing Pre-K through grade 4 students to the Bunker Hill campus.

Outdoor activities will be limited to Pre-K and Kindergarten using the existing grounds for recess. The older children will use the gym for structured physical activity.

Commissioner Wile asked whether they intend to create a school zone or school crossing on Memorial Drive. Mr. Dollins said that there was no plan to create a school zone or crossing as the children that attend the school are picked up and dropped off by their parents.

Mr. Dollins stated that there are no plans to add additional grades as Paratus has a secondary location for grades 5 through 12.

Commissioners asked whether the church required a lease back. Mr. Dollins stated that the lease back is for 60 days post purchase.

Karen Glynn asked if there would be cafeteria facilities. Mr. Dollins stated that they have no intention of having food service. The children bring their own lunch and snacks.

Commissioner Gillette asked about school hours and what the impact would be on traffic on Memorial Drive. Commissioner Christianson also asked about the impact on traffic. Mr. Dollins answered that Pre-K through 4<sup>th</sup> grade hours are from 8:00 a.m. to 3:30 p.m. and preschool hours are from 9:00 a.m. until 12:00 p.m. noon. Mr. Dollins feels that

there is adequate space for stacking vehicles on site and there should be no impact to Memorial Drive during pick-up and drop-off times.

Steve Smith reminded the Commissioners that because this is a specific use permit, the permit can be very detailed in order to regulate matters such as traffic, parking, etc.

Liz Swain is a parent of a pre-schooler in the existing program. Ms. Swain noted that she does not feel that the use of the facility is changing; it is simply a change in ownership.

Karen Glynn concluded the discussion by saying that the issues raised in the meeting can be included in the SUP in order to make it work for both the school and the City. The next step would be for the applicant to outline the ultimate plans for the site. The City will draft the ordinance outlining the points discussed. The Commission concurred to begin the public process.

The applicant will update the packet to address concerns and resubmit to the City to begin the public process. The City must notify properties within 200 feet and place the notice of public hearing prior to a proposed meeting in accordance with state law.

**VI. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO RECOMMEND TO THE CITY COUNCIL AN AMENDMENT TO THE CITY OF BUNKER HILL VILLAGE CODE OF ORDINANCES, APPENDIX A TO INCLUDE A CONDITIONAL ZONING PERMIT - *Karen Glynn, City Administrator and Loren Smith, City Attorney***

Loren Smith, City Attorney and Karen Glynn, City Administrator presented this item.

This item has been discussed with the City Council and the Planning and Zoning Commission over the past few months. The City Attorney is working to develop a means of providing for special conditions for residential uses for challenging lots in the City. It was the consensus of Council that the Conditional Zoning Permit and Process would be a pro-active approach to these challenging lots and with opportunity for public comment at the Planning and Zoning Commission and City Council.

The City Attorney presented a draft ordinance for review and discussion by the Commission.

Comments from the Commission included:

**Section 8.25 Planning and Zoning Commission Report**

There was discussion about whether or not to define an amount or percentage that would be allowable for this recommended process. In the draft ordinance, no more than 20% of the current regulation was presented for discussion. The Commission concluded that 20% seemed too high.

Steve Smith urged the Commissioners to consider what changes could be made such as lot size, depth, width, etc. and to be cautious on setting parameters.

Commissioner Christianson expressed concern about allowing lots to be less than 20,000 square feet and the effect that might have on other homeowners attempting to divide their lots. Councilmember Brown stressed that City Council would unlikely approve a variance that would increase housing density. Council is adamant that new lots must meet the existing lot size.

Karen Glynn said she would not recommend any adjustment to lot coverage.

Steve Smith clarified that the goal of the potential amendment to the City's current ordinance would only be to address the unusual lots in the City which are currently vacant or not able to be developed under the City's current regulations.

It was recommended that the ordinance require a site plan to be included in the process. .

John Doringcott spoke about the lot he purchased at the corner of Memorial Drive and Briar Forest. He feels he is unable to develop the lot under the City's current regulations. He has been in contact with multiple builders, none of whom are willing to take on the liability of building a single family residence on this lot. His goal is to keep the City of Bunker Hill beautiful. The structure currently on this property is in stark opposition to the character of the City. He would like to remedy the situation but feels he would need variances.

City staff will continue to work through these comments and provide additional information to the Commissioners at a later meeting.

## **VII. UPDATE ON ACTIVITIES – *Karen Glynn, City Administrator***

Karen Glynn shared the following updates:

### **COVID -19**

The City is monitoring this interesting time with our Public Safety Departments. City Hall has limited hours that are open to the public: 8:00 a.m. to 12:00 p.m. Monday through Thursday and staff is working in teams. Those in the office answer phones until 4:00 p.m. The City is not open on Fridays for the half day. Staff is working remotely on Fridays.

The City certainly appreciates the Commission working with the City to hold this meeting via Zoom:

### **City Election**

The City Council Election was moved to November in accordance with the Governor's order. At the May Meeting, the City Council will consider cancelling the Election since one of the candidates has since withdrawn his application.

### **City Projects**

Staff is working to complete all projects including some roadway repairs when traffic is low and schools are out.

**Next Meeting**

The date for the next Planning & Zoning Commission will be determined at a later date.

**VIII. ADJOURN**

A motion to adjourn was made by Commissioner Gillette and seconded by Commissioner Going. The motion passed 5 – 0.

The meeting adjourned at 1:11 p.m.

Approved and accepted on July 7, 2020.

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Catherine Wile, Vice Chairman - Planning and Zoning Commission

Attest:

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Karen Glynn, Acting City Secretary