

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
PLANNING AND ZONING COMMISSION
MAY 23, 2016**

MEMBERS PRESENT:

JAMES MYRICK, CHAIRMAN, PLACE 1
RUTH TEAGUE, VICE-CHAIR, PLACE 3
KATHY RODDEN, PLACE 2
BRAD GALLMAN, PLACE 5
HUB MAKARWICH, ALTERNATE 1
JOANN GORDON, COUNCIL LIAISON

STAFF MEMBERS PRESENT:

SUSAN STEWART, ZONING SECRETARY
MARVIN GREGORY, ZONING ADMINISTRATOR
BUILDING INSPECTOR STEVE SANDERS

MEMBERS ABSENT:

PAUL SIMPSON, PLACE 4 (MEDICAL)
SHERRIE UPTMORE DAST, ALTERNATE 2 (~~NO-RESPONSE~~) (**PERSONAL**)

1. CALL TO ORDER

Chairman Myrick called the Regular Meeting of the River Oaks Planning and Zoning Commission to order at 7:02 p.m. on Monday, May 23, 2016 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Member Gallman delivered the invocation. The pledges of allegiance to the United States and the Texas Flags were recited.

3. MEMBER ROLL CALL

The roll call was recorded as follows: Member Simpson was absent due medical reasons and Alternate Member Dast was absent ~~with no response~~ **due to a personal conflict**.

It was announced that Alternate Member Makarwich would serve as a voting member in the absence of Paul Simpson, Place 4 for this meeting only.

4. APPROVAL OF MINUTES FROM THE APRIL 25, 2016 REGULAR MEETING

Chairman Myrick requested that the word "illness" be removed from Council Liaison Gordon's presence at the meeting.

Member Gallman moved, seconded by Vice-Chair Teague, to accept the minutes with the noted change. All voted "Aye."

5. **Public Hearing:** in order to receive public comment and testimony on the proposed site plan request by **Giggles Therapy** pursuant to Sec. 25 of the River Oaks comprehensive zoning ordinance as amended in order to locate a 28 x 50 modular building to be used as a classroom on the property at **905 Roberts Cut Off Rd.** in the Nathan H. Carroll Survey

pursuant to the development requirements in "C-1" commercial zoning district. (*zoning case # SP2016-0002*)

At 7:07 p.m. the public hearing was opened.

ZA Gregory described the modular building that will be used for classroom as an industrialized building which carries the seal of the Industrial Housing Authority as mandated in the state statute. ZA Gregory added that according to Section 1202.251 the municipal authority is specifically and entirely reserved to a municipality including as applicable: land use and zoning requirements, the building setback requirements, side and rear yard requirements, site planning and development, the property line requirements and subdivision control, and landscaping architectural requirements must all be met. ZA Gregory mentioned that all requirements would be met with the exception of the 75% masonry requirement to which Zachary Martin confirmed would be met. Mr. Martin explained that a masonry building would have to be constructed on the property while a stucco building could be transported as a complete unit. Mr. Martin confirmed that the foundation would comply as required. Mr. Martin confirmed that all ADA requirements would be met. Brief discussion occurred related to the location of the proposed building which would be behind a privacy fence on the rear of the property. Mr. Martin stated that the electric would tie into the main structure by underground wiring and a fire alarm will be installed. Mr. Martin noted that an existing sidewalk would provide access from the main structure to the proposed building which may be covered by an awning or a breezeway at a later time. ZA Gregory explained that a moving permit would be required to move the building into the City which must be approved by the Police Department.

At 7:26 p.m. the public hearing was closed with no public comments.

6. **Action from Public Hearing:** Consider recommendation to the City Council regarding application for the request for site plan approval by **Giggles Therapy** pursuant to Sec. 25 of the River Oaks comprehensive zoning ordinance as amended in order to locate a 28 x 50 modular building to be used as a classroom on the property at **905 Roberts Cut Off Rd.** in the Nathan H. Carroll Survey pursuant to the development requirements in "C-1" commercial zoning district. (*zoning case # SP2016-0002*)

Member Gallman moved, seconded by Member Makarwich, to approve the proposed Site Plan Request pursuant to Section 25 of the River Oaks Comprehensive Zoning Ordinance as amended in order to locate a 28 x 50 modular building to be used as a classroom on the property at 905 Roberts Cut Off Rd. in the Nathan H. Carroll Survey pursuant to the development requirements in "C-1" commercial zoning district (*zoning case # SP2016-0002*) subject to the following provisions: 1) Require in accordance with commission rules, that all modules or modular components bear an approved decal or insignia indicating inspection by the department; 2) modular building must be placed on an approved foundation pursuant to IBC 2012; 3) meet all other development requirements in a C-1 Commercial Zoning District. All voted "Aye."

7. **Public Hearing:** in order to receive public comment and testimony on amending Ordinance # 651-04 that changed the zoning classification to PD-MF of approximately 2.42 acres for townhome development located in Block 1, Lots 1-21, Park Addition, otherwise known

previously as being 420 Roberts Cut Off Rd. specifically revising Section 1 under #3 " Dwelling Unit Area" in that the minimum dwelling unit living area shall not be less than 1400 square feet. *(Zoning Case # PZ2016-04)*

At 7:30 p.m. the public hearing was opened.

ZA Gregory gave a history of the development of the property beginning in 2004 when the first ten units were initiated. ZA Gregory explained that the 10-foot setback was not in compliance once the units were built. ZA Gregory stated that under Section 18 of the Zoning Ordinance a city may modify a planned development district as necessary. The original unit was modified to 8-foot it affected the end unit by dropping the square footage to 1407 square feet from the required 1500 square feet. CS Gregory requested to amend the text allowing 1,400 square feet as the minimum size based on the fact that the side yard requirement was amended by the City in 2006 for all the units on this property only. Inspector Sanders confirmed the fire lane is not affected by the requested change. ZA Gregory reported 1 in favor and 2 opposed of those notified. Chairman Myrick stated that one of those opposed mentioned the reason as "this should have been done before starting to build." ZA Gregory stated that if not approved the unit would have to be removed.

At 7:40 p.m. the public hearing was closed.

8. Action from Public Hearing: Consider Planning and Zoning Commission recommendation to the City Council regarding the proposed amendment to Ordinance # 651-04 that changed the zoning classification to PD-MF of approximately 2.42 acres for townhome development located in Block 1, Lots 1-21, Park Addition, otherwise known previously as being 420 Roberts Cut Off Rd. specifically revising Section 1 under #3 " Dwelling Unit Area" in that the minimum dwelling unit living area shall not be less than 1400 square feet. *(Zoning Case # PZ2016-04)*

Member Gallman moved, seconded by Vice-Chair Teague, to approve the proposed text amendment on amending Ordinance # 651-04 that changed the zoning classification to PD-MF of approximately 2.42 acres for townhome development located in Block 1, Lots 1-21, Park Addition, otherwise known previously as being 420 Roberts Cut Off Rd. specifically revising Section 1 under #3 " Dwelling Unit Area" in that the minimum dwelling unit living area shall not be less than 1400 square feet (Zoning Case # PZ2016-04). All voted "Aye."

9. EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE, THE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO CONVENE INTO EXECUTIVE SESSION(S) FROM TIME TO TIME ON ANY POSTED AGENDA ITEM TO RECEIVE ADVICE FROM ITS ATTORNEY AS PERMITTED BY LAW DURING THIS MEETING. THE PLANNING AND ZONING COMMISSION MAY CONVENE IN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING:

Section 551.071: Pending or contemplated litigation or to seek advice from Attorney

None called for.

10. ACTION FROM EXECUTIVE SESSION

None.

11. ADJOURN

Chairman Myrick expressed concern that that structures were built prior to approval.

At 7:45 p.m. Vice-Chair Teague moved, seconded by Member Gallman, to adjourn the meeting. All voted "Aye".

APPROVED THIS 25TH DAY OF JULY 2016

APPROVED:



James Myrick, Chairman

ATTEST:



Susan Stewart, Zoning Secretary