

**MINUTES OF THE SPECIAL CALLED MEETING
CITY OF RIVER OAKS
PLANNING AND ZONING COMMISSION
DECEMBER 2, 2009**

MEMBERS PRESENT:

JAMI WOODALL, CHAIRPERSON
ANNA SHERRILL, VICE-CHAIRPERSON
KATHY RODDEN, PLACE 3
LOURDES MEDINA, ALTERNATE # 2
JOANN BUTLER, COUNCIL LIAISON

MEMBERS ABSENT:

PAUL SIMPSON, PLACE 4 (NO RESPONSE)
BRAD GALLMAN, PLACE 5 (NO RESPONSE)

STAFF PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR
SUSAN STEWART, ZONING SECRETARY

1. CALL TO ORDER

At 6:30 p.m. Chairperson Woodall called the meeting to order; a quorum was present.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice-Chairperson Sherrill delivered the Invocation. Chairperson Woodall led the Pledge of Allegiance.

3. APPROVAL OF MINUTES FROM THE OCTOBER 12, 2009 SPECIAL CALLED MEETING OF THE PLANNING AND ZONING COMMISSION

Vice-Chairperson Sherrill moved, seconded by Member Rodden, to approve the Minutes as presented. All voted "Aye."

4. **PUBLIC HEARING:** In order to receive testimony and comments from the public regarding the proposed site plan application of **Twice the Ice/Nice Ice** for an Ice Storage Building on the property at **5121 Black Oak Lane** located in a C-2 Commercial Zoning District (zoning case 09-02)

At 6:32 p.m. Chairperson Woodall opened the public hearing. Alternate Member Medina will serve for this meeting only in place of Member Simpson who was absent at this meeting.

ZA Gregory stated that the proposed structure is a 204 square foot masonry building that meets the setback requirements of the Zoning Ordinance. The Zoning Ordinance does not have a minimum size requirement for structures in C-2. ZA Gregory reminded the contractor that a schematic of the parking lot that details the number of parking

spaces and the ingress and egress would be required for the public hearing before the City Council. Two parking spaces are required, based on the size of the structure, with one being a handicapped parking space.

ZA Gregory read the site plan review requirements from the Zoning Ordinance: In granting or denying an application for a site plan approval, the zoning administrator, the planning and zoning commission and the city council, as appropriate, shall take into consideration the following factors:

- a. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;
- b. Safety from fire hazards, and measures of fire control;
- c. Protection of adjacent property from flood water damage;
- d. Noise producing elements, and glare of vehicular and stationary lights and the effect of such lights on the established character of the neighborhood;
- e. Location, lighting and-type of signs; relation of signs to traffic control and the adverse effect on adjacent properties;
- f. Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood;
- g. Adequacy of parking, as determined by requirements of this Ordinance for off-street parking facilities; location of ingress/egress points for parking and off-street loading spaces; and protection of public health by all weather surfacing on all parking areas to control dust; and
- h. Such other measures as will secure and protect public health, safety, morals and general welfare.

Derek Baenisch, representative and franchise owner of Twice the Ice/Nice Ice, was present. Mr. Baenisch summarized the concept of the business as an automated ice and water dispenser. Due to citizen concern, Mr. Baenisch indicated that if additional parking were necessary, it would be provided either by adding parking spaces or using the adjacent lot for overflow parking. Mr. Baenisch described the parking area and ingress and egress to the Board and Zoning Administrator. Mr. Baenisch produced a lease from the owner. ZA Gregory informed Mr. Baenisch that the lease must be signed by the property owner prior to approval by the City Council since the lease includes an addendum that is subject to approval by the City.

Council Liaison Butler suggested that the recommendation to the City Council include that if the business closes, the property be required to be returned to the original condition.

At 6:54 p.m. Chairperson Woodall closed the public hearing.

5. **ACTION FROM PUBLIC HEARING:** Consider Planning and Zoning Commission recommendation to the City Council for approval of the proposed site plan application of **Twice the Ice/Nice Ice** for an Ice Storage Building on the property at **5121 Black Oak Lane** located in a C-2 Commercial Zoning District (zoning case 09-02)

Vice-Chairperson Sherrill moved, seconded by Member Rodden, to recommend to the City Council to approve the site plan application of Twice the Ice/Nice Ice with the following recommendations:

1. A copy of the signed lease must accompany the site plan and must provide provisions for overflow parking on the adjacent property
2. A schematic indicating the egress and ingress to the location. Driveways must be of concrete construction. Parking lot can be of asphalt construction.
3. Must provide 3 parking spaces and one of them must meet the handicap requirements.
4. Provision must be included in the lease that if for any reason the business ceases, the applicant will be responsible to remove the structure and all improvements and return the property to its previous condition.

6. **EXECUTIVE SESSION** pursuant to Chapter 551, Texas Government Code, 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:

Sec. 551.071: Pending or contemplated litigation or to seek advice from Attorney

None called for.

7. **ACTION FROM EXECUTIVE SESSION**

None.

8. **ADJOURN**

At 6:58 p.m. Chairperson Woodall adjourned the meeting.

APPROVED THIS 15th DAY OF MARCH 2010:



Vice-Chairperson of Planning/Zoning Commission

ATTEST:



Susan Stewart, Zoning Secretary