

**MINUTES OF THE REGULAR MEETING  
CITY OF RIVER OAKS  
PLANNING AND ZONING COMMISSION  
MARCH 21, 2011**

**MEMBERS PRESENT:**

JAMES MYRICK, PLACE 2  
PAUL SIMPSON, PLACE 4  
RUTH ANN TEAGUE, ALTERNATE # 1  
JOANN BUTLER, COUNCIL LIAISON

**STAFF PRESENT:**

MARVIN GREGORY, ZONING ADMINISTRATOR (ZA)  
SUSAN STEWART, ZONING SECRETARY

**MEMBERS ABSENT:**

LORI WATSON, CHAIRPERSON, PLACE 1 (ILLNESS)  
BRAD GALLMAN, VICE-CHAIRMAN, PLACE 5 (NO RESPONSE)  
KATHY RODDEN, PLACE 3 (PERSONAL CONFLICT)  
ISEL VALENZUELA, ALTERNATE # 2 (NO RESPONSE)

**1. CALL TO ORDER**

**At 6:41 p.m. Member Myrick, as acting chairperson, called the meeting to order; a quorum was present.**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Member Myrick led the pledge of allegiance to the United States Flag. Member Teague delivered the Invocation.

**3. MEMBER ROLL CALL**

Member roll call was recorded as follows: Chairperson Watson and Member Rodden absent with excuse; Vice-Chairman Gallman and Member Valenzuela absent without excuse.

**4. APPROVAL OF MINUTES FROM THE FEBRUARY 21, 2011 REGULAR MEETING**

**Member Simpson moved, seconded by Member Teague, to approve the Minutes of the February 21, 2011 meeting as presented. All voted "Aye."**

**5. APPROVAL OF MINUTES FROM THE FEBRUARY 28, 2011 SPECIAL CALLED JOINT MEETING**

**Member Teague moved, seconded by Member Myrick, to approve the Minutes of the February 28, 2011 meeting as presented. All voted "Aye."**

**6. WORKSHOP: PLANNING AND DISCUSSION OF PROPOSED TEXT AMENDMENTS TO ZONING ORDINANCE.**

ZA Gregory summarized the recommended revisions from the joint workshop between the P&Z and the City Council.

The text amendments as discussed are included in Exhibit A as an attachment to the minutes and are a part of the official record.

Board Members agreed on April 5, 2011 and April 7, 2011 as recommended dates for a joint workshop with the City Council.

**7. ACTION IF ANY FROM WORKSHOP**

**Member Teague moved, seconded by Member Simpson to recommend to the City Council that the Zoning Map revisions be adopted as presented.**

**8. 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*

**9. ACTION FROM EXECUTIVE SESSION**

**10. ADJOURN**

**At 8:53 p.m. Member Simpson motioned, second by Member Teague, to adjourn the meeting. All voted "AYE."**

**APPROVED THIS 16<sup>th</sup> DAY OF MAY 2011**

  
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**James Myrick, Acting Chairperson  
Planning/Zoning Commission**

**ATTEST:**

  
\_\_\_\_\_  
**Susan Stewart, Zoning Secretary**

# **RECOMMENDED AMENDMENTS TO ZONING ORDINANCE**

## **(REVISION 4)**

### 1. SECTION 4 "DEFINITIONS": Consider adding or amending the definition of:

**Established Building line:** The distance from the furthestmost portion of the main structure as it sets on the individually platted lot that the building, structure or sign is located in and measured perpendicularly to the prevailing edge of the street for the particular designated zoning district.

**Farmer's Market:** A public market, also called greenmarket, at which farmers and often other vendors sell produce directly to consumers. Farmers Markets consists of a group of people as individual vendors that are setup outdoors or indoors to sell produce, fruits and sometimes prepared foods. Farmers Markets are allowable and permitted only with City Council approval by Resolution.

**Hard Surface:** an existing parking surface constructed of concrete, asphalt, brick, two inches of gravel over a base of six inches of approved stabilization material, or other commonly accepted pavement which must (1) meet the most recently accepted NCTCOG specifications and (2) be approved by the Building Official. When pertaining to new construction, a hard surface must consist of concrete, minimum of 4-inches thick, with approved wire fabric or reinforcement bar set on 24-inch centers and that meets all other applicable code provisions for concrete construction including concrete strength.

**Medical Massage (as therapeutic treatment):** massage used as a treatment for medical or psychiatric conditions. Medical massage is performed with the intent of improving conditions or pathologies that have been diagnosed by a physician; a wide variety of modalities or procedures are utilized to focus the treatment based on the diagnosed condition. "Massage Therapist" means a person who practices or administers massage therapy or other massage services to a client for compensation. Unless the person is exempt from the licensing requirement, a person may not act as a massage therapist, massage school, massage therapy instructor, or massage establishment unless the person holds an appropriate license issued under Chapter 455 of the Texas Occupational Code.

ADDED BY STAFF AFTER JOINT MEETING FEBRUARY 28TH.

**Motor Vehicle** means:

- (A) any motor driven or propelled vehicle required to be registered under the laws of this state;
- (B) a trailer or semitrailer, other than manufactured housing, that has a gross vehicle weight that exceeds 4,000 pounds;
- (C) a house trailer;
- (D) a four-wheel all-terrain vehicle designed by the manufacturer for off-highway use that is not required to be registered under the laws of this state; or
- (E) a motorcycle, motor-driven cycle, or moped that is not required to be registered under the laws of this state, other than a motorcycle, motor-driven cycle, or moped designed for and used exclusively on a golf course.



## 2. SECTION 5: ZONING MAP:

Consider amending Zoning Map: It has been mentioned that the City has very limited areas of zoning for redevelopment. Also, are there any other areas that you recommend should be rezoned?

P&Z Members previously voted to revise Zoning Map as follows:

1. 5508 Black Oak Lane (St. Paul's Catholic Church): Rezone from R-2 to CF
2. Cody Ct. : Rezone to 2-family (Block 1, lots 1 thru 7, western addition)
3. Lot 1R, 2 & 3 of Blk. 1, Castleberry Gardens from R-3 to C-1 (rear ½ zoned R-3 and should be C-1) (1019, 1021 and 1025 Roberts Cut Off Rd.)
4. 5109 Ohio Garden from C-2 to Planned Commercial "PC"? (for storage units)
5. End of Winters (lots 10A, 10C, and 12D) (Lesikar) & 808/812 Roberts Cut Off from R-1 to "PD"
6. Triangle property at intersection of Sansom Circle/Yale should be "CF" Lot B (Park)
7. Rezone Heritage Park from "R-1" to "CF" Lot A (Park)
8. 329 Churchill from R-4 to CF (School property) (Block 6, Lots 10-12)
9. Rezone Church property at 5613 Meandering to "CF"
10. Rezone church property at 5805, 5620 & 5910 Black Oak to "CF"
11. Rezone River Oaks Baptist property on Long, Thurston & Montrose to "CF"
12. Rezone Masonic Lodge property at 5550 Baylor to "CF"
13. Rezone Church of Christ property at 1025 Merritt to "CF"
14. Rezone front and rear city lots at 5201 Ohio Garden Rd. to "CF"
15. Rezone 700 blocks of Isbell (west side), Springer (east side) and Hidden Oaks Apartments to "PD" (currently Light Industrial, MF and R-5)
16. Rezone 909 Roberts Cut Off, Lots 5 & 6 from MF to C-1 Commercial)
17. Rezone 1012 Red Oak to "CF" (Lions Club)

P&Z Members/City Council recommended that the Hidden Oaks Apartments be included. Zoning Commission recommended approval of all 17 zoning map revisions above in the 03/21/11 workshop.

**WHY REZONE TO COMMUNITY FACILITIES "CF"?** COMMUNITY FACILITIES IS INTENDED FOR THOSE INSTITUTIONS, HEALTH CARE, AND RELATED USES IN RESPONSE TO HEALTH, SAFETY, EDUCATIONAL AND WELFARE NEEDS OF THE COMMUNITY. THESE USES ARE GENERALLY SEPARATED FROM OTHER ZONING DISTRICTS DUE TO THEIR UNIQUE SERVICE AND SPECIAL SEPARATION REQUIREMENTS. SUCH UNIQUE SERVICES INCLUDE CHURCHES, SCHOOLS, MEDICAL CARE FACILITIES (HOSPITALS AND NURSING HOMES), MUNICIPALITIES AND FRATERNAL ORGANIZATIONS.

## 3. SECTION 14- "C-1" COMMERCIAL DISTRICT

### REVISE:

#### B. USE REGULATIONS

In the "C-1" Neighborhood Retail Commercial District, no buildings or land shall be used and no buildings shall be erected, reconstructed, altered or enlarged except for one or more of the following uses:

#### 32. Medical Massage (as therapeutic treatment):

No additional recommended changes

#### 4. SECTION 15- "C-2" COMMERCIAL DISTRICT

##### REVISE:

##### B. USE REGULATIONS

In the "C-2" Commercial District, no buildings or land shall be used and no buildings shall be erected, reconstructed, altered or enlarged except for one or more of the following uses:

22. Nursery yards of buildings for retail sales, provided that all incidental outside buildings meet Site Plan Approval as provided for in Section 25 of the Zoning Ordinance and provided all equipment and supplies including fertilizer and empty containers are kept within a building.

Recommended at the 03-21-11 Workshop by Planning and Zoning Commission to strike last part as indicated above

#### 5. SECTION 19-SUPPLEMENTAL DISTRICT REGULATIONS

##### REVISE:

##### A. VISIBILITY AT INTERSECTIONS

On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede the vision of pedestrians or motorists within or along the visibility triangle formed by measuring 20 feet in each direction along the property lines from the point of corner of the property lines at the street intersection.

No additional recommended changes

#### 6. SECTION 20-PARKING AND VEHICULAR CIRCULATION REGULATIONS

##### 3. Circulation

a. When driveways are less than 20 feet in width, marked separate entrances and exits shall be provided so that traffic shall flow in one direction only. Entrances and exits to an alley may be provided, if prior approval is obtained in writing from the zoning administrator.

b. When more than one aisle is provided, adequate internal circulation shall be provided between aisles to allow movement between the aisles without using public right-of-way.

c. The location of ingress and egress driveways shall be subject to the approval of the public works director under curb cut or laid down curb authorization procedures.

d. *The approach shall be a minimum of 10 feet wide and shall extend a minimum of 10-feet or to the property line and shall be constructed of concrete.*

##### 17. Parking Surface

a. A person commits an offense if the owner, occupant, or person in control of the property parks or allows to be parked on any property under his or her control any automobile, bus, truck, motorcycle, motor home, camper, trailer, boat or any vehicle are on grass or a surface other than a hard surface in any portion of a front, side or rear



yard of any area VISIBLE FROM THE PUBLIC RIGHT-OF WAY which is zoned single-family, two-family or multi-family ("R-1", "R-2", "R-3", "R-4", "R-5", "R-6" or "MF").

(1) This section DOES NOT apply to the parking of vehicles in a front, side or rear yard where such parking is permitted in conjunction with temporary special events of which the time and dates must be designated and approved in advance by the City Council.

b. Required Driveway Parking Surface: Every platted lot is required to have a hard surface driveway access that extends from the street pavement in a public street at the property's drive approach to facilitate a minimum of two parking spaces behind the building line.

(1) A hard surface driveway is required to provide access to a garage, carport or off street parking pursuant to this section.

(2) Existing Hard Surface Parking: When determining whether a parking area other than the main driveway constitutes being a hard surface it shall be:

(A) an existing parking surface constructed of concrete, asphalt, brick, two inches of gravel over a base of six inches of approved stabilization material or other commonly accepted pavement as determined by the Building Official

(B) an existing gravel driveway or parking area is considered to be hard surface if bordered by cement curbing or similar permanent border that establishes the definite borders of the driveway.

c. For a single family use for which a building permit has been issued before the effective date of this Ordinance, a person may repair or replace a driveway, surface of a parking space or maneuvering area for parking with concrete, paving, hot mix asphalt paving, or a hard surface material, as approved by the public works director.

d. For a single family use for which a building permit for new construction is applied for after the effective date of this Ordinance, the surface of a parking space, maneuvering area for parking, or driveway must consist of concrete a minimum of four inches thick, minimum strength of 3,000 P.S.I. and reinforced 6 x 6 No. 6 welded wire fabric or No. 3 reinforcement bar set on 24-inch centers both way, extending from the edge of the drive approach to facilitate a minimum of two parking spaces to the nearest part of the principle main structure located on the lot. The approach shall be a minimum of 10 feet or to the property line and shall be constructed of concrete minimum of six (6) inches thick which meets the above requirements. For Permits applied for after the effective date of this Ordinance, the surface of a parking space, maneuvering area for parking, or driveway must consist of concrete, a minimum of four inches thick, minimum strength of 3,000 P.S.I. and reinforced 6 x 6 No. 6 welded wire fabric or No. 3 reinforcement bar set on 24-inch centers both ways.

e. Maneuvering area for parking, or driveway must consist of concrete a minimum of six inches thick, minimum strength of 3,000 P.S.I. and reinforced 6 x 6 No. 6 welded wire fabric or No. 3 reinforcement bar set on 24-inch centers both way, extending from the edge of the drive approach to facilitate a minimum of two parking spaces behind the building line. In the alternative, the surface may consist of hot mix asphalt paving which meets the NCTCOG specifications. The approach shall be a minimum of 10 feet or to the property line and shall be constructed of concrete which meets the above requirements.



**Changes made by Staff after the Workshop with the Planning and Zoning Commission on March 21, 2011**

**# 7 Fence Regulations were removed as being a consideration for amendment.**

**8. SECTION 22-ACCESSORY USES**

**ADD:**

**27. Temporary Uses such as Christmas tree sales, seasonal new merchandise sales, fruits or vegetables related to active businesses during normal regular business hours in direct support of the business that is supported by a letter of affidavit from the business owner.**

**Recommended from the Joint Workshop.**

**28. Farmers Markets, Greenmarkets or Public Markets** located within the city shall only be allowed only by Resolution of the City Council for a specific period of time and when determined to be applicable by the City Council shall comply with the regulations provided for in Section 19 "Supplemental District Regulations"; Section 19 E "Special Events Permitting".

**9. CONSIDER AMENDING THE TIME FOR REGISTRATIONS OF NON-CONFORMING USES:**

**If after presentation of evidence to the zoning administrator, the zoning administrator determines that the property owner has failed to prove that it is non-conforming, the property owner can appeal to the ZBA. I don't think failure to meet a time period for registration can cut off a property owner's right to claim a legal non conforming use. Betsy**

**City Attorney Opinion regarding the legality of establishing a definite time to register non-conforming structures.**

**10. CONSIDER INCLUDING PROVISIONS FOR SPECIAL EVENTS INCLUDING NOISE LEVELS AND TIMES OF THE DAY TO BE ALLOWED.**

**Staff recommends the following:**

**ADD TO SECTION 19 OF ZONING ORDINANCE; 19 "SUPPLEMENTAL DISTRICT REGULATIONS"  
19.E "SPECIAL EVENTS PERMITTING"**

**"E. OUTSIDE SPECIAL EVENTS PERMITTING:**

**Purpose: Certain temporary uses of land are essential to the full development and utilization of land and are deemed to promote economic development of the city. Special events are enumerated in this article including:**

- 1. Special events including but not limited to circuses, carnivals, festivals and other fundraising events sponsored by a public entity, civic or non-profit organization located within the city shall only be allowed by Resolution of the City Council for a specific period of time.**



~~(a) Except for churches and public or private school sponsored events on their property, such events shall be on a site containing not less than one acre of land in a commercial zoning district unless otherwise excluded by the City Council.~~

~~(b) Except for churches, public or private schools, only one permit for a carnival, circus, festival or other special fundraising event shall be issued to the same civic or non-profit organization within a 180-day 90-day period.~~

~~(c) All special conditions imposed including noise and lighting must conform to the requirements provided for in the River Oaks Code of Ordinances and of the City's Zoning Ordinance.~~

~~(d) All insurance and liability coverages must be made available to the satisfaction of the City Administrator and conform to those requirements set forth by the City's Insurance underwriter.~~

~~(e) Adequate parking and sanitation shall be made available to the satisfaction of the City and that the location and layout of drives, parking areas, lighting and sale signage will not constitute a hazard to public traffic as determined by the Police Chief.~~

~~(f) Any and all food and drinks sales for consumption by the public shall not be permitted without a valid health permit issued by Tarrant County.~~

~~2. No temporary building, tent or similar structure shall be erected in any required setbacks or designated easements. Tents shall conform to the most recently adopted International Fire Code. No tent or similar temporary structure shall be erected without first obtaining a permit. No use shall be conducted from a temporary building, tent or similar temporary structure until all inspections have been completed to the satisfaction of the city. All temporary buildings, tents or similar temporary structures shall be removed from the property at the end of the permitted period of operation.~~

~~3. All applications for a Special Event must be submitted at least 30 days in advance of the Special Event to the City Secretary, who will be responsible to verify that all special conditions have been met before submitting the application to the City Council for final approval. Permit fees and time limits shall be set by the River Oaks City Council.~~

~~4. All temporary structures, stands, trash, signs, lighting or anything associated with the Special Event shall be removed at the end of the permitted period.~~

~~5. Any person or persons or association of persons found to be in violation of the requirements set forth herein and in the Resolution shall be subject to enforcement action up to and including the issuance of citations and/or immediate suspension or termination of the special event as permitted."~~

**Commission from 03/21/11 workshop recommends that everything but the purpose and # 1 be removed**

## 11. AMEND FEES IN ZONING ORDINANCE?

ZA Gregory stated that the current of \$400 to rezone property does not sufficiently cover the cost associated with a request.



City	Rezoning	Site Plan	Replat	Development Fee	ZBA Variance Request
Azle	\$425 + \$5/Lot	\$325 + \$5/ lot	\$325 + \$5/Lot	\$1000	\$250
Arlington	\$500/\$1,000	N/A	\$575 + \$35/acre	\$1800 + \$50/acre	\$200
Benbrook	\$750/acre	\$150	\$150.00 + Filing Fee	2% + overtime	\$150
Fort Worth	\$924	\$803	\$457	\$880	\$187/\$374
Lake Worth	\$500	\$550	\$350	N/A	\$100/\$200
River Oaks	\$400	\$200	\$200	2%	\$200
White Settlement	\$750	\$150 + Filing	\$150 + Filing	\$1500	\$150/\$200

Based from the research of city fees as posted on their websites \$600 for Rezoning is not out of reason. The other fees associated with Platting include the city filing the plats and I think it would not be out of line to require the cost of the filing fee to be in addition to the base fee. Site Plans vary from city to city and since it does not require being filed in the county and does not require normally any additional attorney fees, I would recommend that its fee remain \$200. Development fees range from a percentage to a flat fee through the cities I researched.

Development Fees in River Oaks are currently adopted as follows:

- Development Inspections Fee: 2% of developer's cost of improvements
- Subdivision fees: \$200 + \$10 per lot over 2
- Rough Proportionality Appeal: \$200 + Engineering fees
- Completeness Determination: \$200

*These fees are in line with others fees and I see no reason to update them at this time.*

#### Staff Recommendation for Fees:

- a. Rezoning Application-----\$600
- b. Amendments to Zoning Ordinance-----\$600
- c. Amending Plat-----\$150 + Filing Fees at County
- d. plats-----\$200 + Filing Fees at County
- e. Vacation of Plats-----\$150 + Filing Fees at County
- f. Site Plan----- \$200
- g. Special Use Permits----- \$600
- e. ZBA Variances:
  - i. Nonconforming Registration-----\$200



ii. Variance from Zoning Ordinance----- \$250

Please be advised that additional costs over and above what is included in the fees above for Legal or Engineering Fees in connection with processing a zoning application; the applicant is responsible to reimburse those fees.

**Cost basis:**

- Legal costs associated with multiple public hearings held in connection with the application are considered to be an additional cost. Costs above include legal fees in connection with the zoning application including one Public hearing before the City Council.
- Engineering is not included in the above costs and any engineering would be an additional cost.

Staff revised this section following the 03/21/11 workshop of the Planning and Zoning Commission.

12. OVERNIGHT VEHICLE STORAGE REQUIREMENT (ADD TO SECTION 20 PARKING):

“ SECTION 20 PARKING AND VEHICULAR CIRCULATION REGULATIONS

18. Overnight Vehicle Storage Requirements:

(a) Purpose: all commercial businesses including, but not limited to Automotive Repair Garages, Tire Shops and Paint and Body Shops that accept vehicles for repairs shall be required to provide sufficient parking spaces for the outside storage of vehicles including the following provisions that:

1. the storage of vehicles **does not restrict** thru traffic or obstruct the legal **access** for **emergency vehicles**;

2. junked, abandoned, wrecked, **dismantled** or partially dismantled vehicles shall be abated pursuant to the provisions established in Article 8.04 of the River Oaks Code of Ordinances as amended.

(b) No vehicle retained for repairs may be stored for more than (60) days from the date the vehicle is accepted for repair. The sixty day (60) day time limit may be extended to a total of one-hundred eighty days (180) days from the date the vehicle is accepted for repair if the automotive repair or paint and body shop has begun the process to obtain payment within a reasonable period of time or to obtain a lien on the vehicle pursuant to state law. Extension beyond this time shall be considered a change in use and is subject to further enforcement action as permitted under law.

1. the time limit in subsection (b) above in this section shall not apply to any vehicle ordered by a court or mandated by arbitration or mediation to be stored by the automotive repair, paint or body shop.

Staff revised this section following the 03/21/11 workshop of the Planning and Zoning Commission.