

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

MEMBERS PRESENT:

LORI WATSON, CHAIRPERSON, PLACE 1
BRAD GALLMAN, VICE-CHAIRMAN, PLACE 5
JAMES MYRICK, PLACE 2
KATHY RODDEN, PLACE 3
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:

ISEL VALENZUELA, ALTERNATE # 2 (NO RESPONSE)

1. CALL TO ORDER

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice-Chairman Gallman delivered the Invocation. Member Myrick led the pledge of allegiance to the United States Flag.

3. MEMBER ROLL CALL

Member roll call was recorded as follows: Isel Valenzuela absent without excuse.

4. APPROVAL OF MINUTES FROM THE AUGUST 30, 2010 REGULAR MEETING

Member Myrick moved, seconded by Vice-Chairman Gallman, to approve the Minutes of the August 30, 2010 minutes as presented. All voted "Aye."

5. WORKSHOP: Planning and Discussion of Proposed Text Amendments to Zoning Ordinance.

Staff recommended amendments to Zoning Ordinance #766-07:

I. 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.

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 payment which must (1) meet the most recently accepted NCTCOG specifications and (2) be approved by the director of public works. When pertaining to new construction, a hard surface must consist of concrete, minimum of 4-inches thick, minimum strength of 3000 P.S.I. with approved wire fabric or reinforcement bar set on 24-inch centers and meets all other applicable code provisions for concrete construction.

Medical Massage (as therapeutic treatment): massage used as a treatment for medical or psychiatric conditions.

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.

Board recommended no additional changes:

II. 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: Rezone from R-2 to CF
2. Cody Ct. : Rezone to 2-family
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)
4. 5109 Ohio Garden from C-2 to Planned Commercial "PC"
5. 4825 Ohio Garden from R-1 to Planned Development "PD"
6. End of Winters & 812 Roberts Cut Off from R-1 to "PD"
7. Triangle property on Roberts Cut Off next to Inspiration Point should be CF
8. 329 Churchill & vacant property from R-4 to CF (School property)

Board suggested to include rezoning 808 Roberts Cut Off to "PD":

Much discussion occurred related to 4825 Ohio Garden. Sanders reported that this property is a single-family residence that is currently occupied.

P&Z Members requested that Staff research the purpose of rezoning this property:

Staff recommends the following additional Revisions:

1. Rezone Church property at 5613 Meandering, 5805 , 5620 & 5910 Black Oak to "CF"
2. Rezone River Oaks Baptist property on Long, Thurston & Montrose to "CF"
3. Rezone Masonic Lodge property at 5550 Baylor to "CF"
4. Rezone Church of Christ property at 1025 Merritt & City property at 5201 Ohio Garden (rear) to "CF"
5. Rezone 5201 Ohio Garden (front lot) to "PC"
6. Rezone Heritage Park to "CF"
7. Rezone Isbell (west) and Springer (east) to "PD" (currently Light Industrial and R-5)

Board requested to include the Lions Club Property to be rezoned to "CF"

It was noted that Heritage Park was listed two times and requested that #6 be removed.

III. 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

IV. 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 and provided all equipment and supplies including fertilizer and empty containers are kept within a building.

No additional recommended changes

V. 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 ~~between a height of two feet and 10 feet above the centerline grades of the intersecting streets~~ 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

VI. 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 or to the property line and shall be constructed of concrete.

No additional recommended changes

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 which is zoned single-family, two-family or multi-family ("R-1", "R-2", "R-3", "R-4", "R-5", "R-6" or "MF") unless:

- (1) such area is a part of a hard-surfaced driveway or parking area; or
- (2) such area is a part of an existing gravel driveway provided it is bordered by cement curbing or similar permanent border; or
- (3) such area is a part of a required driveway that provides access to a garage, carport or off-street parking required by the zoning ordinance; or
- (4) the term hard-surfaced as used herein shall include cement, asphalt, brick and other commonly accepted pavement which is approved by the public works director; or
- (5) construed to 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.

A. It is considered to be an affirmative defense if the owner, occupant, or person in control of the property parks a vehicle in such a manner that at least 3 tires are parked on a hard surface.

B. Violators will be issued a warning sticker for the first infraction; continued violations thereafter shall result in the issuance of municipal citations.

b. 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.

c. 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 way.

- d. For a use other than a single family use, the surface of a parking space, 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.

ZA Gregory recommended adding that yard parking must be visible from a public right of way.

No additional recommended changes

VII. SECTION 21-FENCE REGULATIONS

REVISE AS FOLLOWS:

5. Screening for Residential Adjacencies and Dumpsters

- a. All screening required by this subsection shall be between six feet and eight feet in height and of metal, wood vinyl or masonry construction.
- b. ~~Masonry~~ Screening shall be provided for trash dumpsters where a lot zoned for commercial uses abuts property zoned for or used for residential uses.
- c. No screening shall be provided in the required front yard except on double frontages
- d. All dumpsters shall be screened ~~with a fence~~ by enclosing the trash dumpster inside of a masonry wall enclosure. ~~constructed of masonry.~~
- e. The owner or person in charge of the commercially zoned tract shall maintain, or cause to be maintained, the screening device in a safe condition and in good repair.

Since these regulations are addressed in other portions of the zoning ordinance, Board recommended removing this section.

VIII. SECTION 22-ACCESSORY USES

ADD:

27. Outside Retail activity which are reasonably related to the business and /or provides direct support to the business and is supported by a letter of affidavit from the business owner. Such retail activities are for a period not to exceed 72-hours and must be permitted as a temporary permit. No more than two permits may be issued in any one-year period, with a 60-day separation between users unless otherwise authorized by the City Council.

Staff recommended including the words "per property location" for clarification

IX. Consider amending the time for registrations of Non-Conforming Uses: Request Attorney Opinion on this regarding time limits, the request from the P & Z is to allow registrations without a time limit providing the structure, use or land as it currently exists is classified as being Non-Conforming.

ZA Gregory asked for suggestions on implementing a time limit to register non-conforming structures.

Much discussion occurred related to properties that contain more than one living quarters in a single-family zoning district.

Board requested that Staff consult with the City Attorney regarding the legality of establishing a definite time to register non-conforming structures.

X. Consider including provisions for special events including noise levels and times of the day to be allowed.

ZA Gregory presented an additional handout with a proposed special events ordinance that would allow the City to monitor special events through a permitting process.

ZA Gregory recommended that churches could be exempt from this ordinance.

ZA Gregory stated that this ordinance could also control outside sales of merchandise such as Christmas trees, homecoming mums or a farmer's market.

No additional recommended changes

XI. 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.

Board Members determined two dates of February 28, 2011 and March 10, 2011 to recommend to the City Council for a joint workshop.

6. Action if any from Workshop

Member Teague moved, seconded by Member Myrick, to direct Staff to research the zoning fees of cities of equivalent size and present a possible increase in fees to the Board, if necessary. All voted "Aye."

Member Rodden moved, seconded by Member Myrick, to recommend no changes related to properties that contain more than one living quarters in a single-family zoning district, at this time. All voted "Aye."

7. 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

8. ACTION FROM EXECUTIVE SESSION

9. ADJOURN

At 8:24 p.m. Member Myrick motioned, second by Member Simpson, to adjourn the meeting. All voted "AYE."

APPROVED THIS 21st DAY OF MARCH 2011



Chairperson of Planning/Zoning Commission

ATTEST:



Susan Stewart, Zoning Secretary