

**MINUTES OF THE JOINT MEETING
CITY OF RIVER OAKS
CITY COUNCIL AND
PLANNING AND ZONING COMMISSION
APRIL 5, 2011**

COUNCIL MEMBERS PRESENT:

MAYOR PRO TEM JOANN GORDON
COUNCIL MEMBER JOANN BUTLER
COUNCIL MEMBER STEVE HOLLAND
COUNCIL MEMBER CREWS
COUNCIL MEMBER BOB MINTER

STAFF PRESENT:

CITY SECRETARY MARVIN GREGORY
SECRETARY SUSAN STEWART

COUNCIL MEMBERS ABSENT:

MAYOR HERMAN EARWOOD

PLANNING AND ZONING MEMBERS PRESENT:

LORI WATSON, CHAIRPERSON, PLACE 1
BRAD GALLMAN, VICE-CHAIRMAN, PLACE 5
JAMES MYRICK, PLACE 2
KATHY RODDEN, PLACE 3
RUTH ANN TEAGUE, ALTERNATE # 1

PLANNING AND ZONING MEMBERS ABSENT:

PAUL SIMPSON, PLACE 4 (PERSONAL)
ISEL VALENZUELA, ALTERNATE # 2 (NO RESPONSE)

1. CALL TO ORDER

With a quorum present, Mayor Pro Tem Gordon called the Joint Meeting of the River Oaks City Council and the Planning and Zoning Commission to order at 6:00 p.m. on Tuesday, April 5, 2011 at the River Oaks Community Center, 5300 Blackstone, River Oaks, Texas 76114.

2. CALL TO ORDER OF PLANNING AND ZONING COMMISSION BY CHAIRMAN WATSON

At 6:00 p.m. Chairperson Watson called the meeting to order; a quorum was present.

3. MEMBER ROLL CALL OF PLANNING AND ZONING COMMISSION BY CHAIRMAN WATSON

Member roll call was recorded as follows: Paul Simpson absent with excuse and Isel Valenzuela absent without excuse.

4. INVOCATION

Council Member Crews delivered the Invocation.

5. PLEDGE OF ALLEGIANCE TO UNITED STATES FLAG AND THE TEXAS FLAG

P&Z Member Myrick led the pledges of allegiance to the United States and the Texas Flags.

6. JOINT WORKSHOP OF THE RIVER OAKS CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION REGARDING THE DISCUSSION AND CONSIDERATION OF TEXT AMENDMENTS TO THE CITY'S COMPREHENSIVE ZONING ORDINANCE.

Refer to Exhibit A for discussion and recommendations to amend the Zoning Ordinance.

CS Gregory was directed to incorporate the changes as discussed and to confer with the City Attorney regarding medical massage.

7. ACTION IF ANY FROM THE JOINT WORKSHOP OF THE RIVER OAKS CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION

No action was taken.

8. ADJOURNMENT OF JOINT WORKSHOP OF THE RIVER OAKS CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION

At 7:22 p.m. Council Member Butler moved, seconded by Council Member Minter, to adjourn the meeting. All voted "Aye."

At 7:22 p.m. P&Z Member Teague moved, seconded by P&Z Member Gallman, to adjourn the meeting. All voted "Aye."

APPROVED:


JoAnn Gordon, Mayor Pro Tem

ATTEST:


Marvin Gregory, City Secretary

APPROVED:


Chairperson of Planning/Zoning Commission

ATTEST:



Susan Stewart, Zoning Secretary

EXHIBIT A

RECOMMENDED AMENDMENTS TO ZONING ORDINANCE

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.

From 04/05 workshop it is recommended we incorporate the provision to periodically track all therapist licensing in the business. Special Use Permitting? Ask Attorney

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)

NO ADDITIONAL CHANGES RECOMMENDED

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. Discarded planting pots and other such appurtenances must be stored on the property in an area screened from the public view.

Add Discarded planting pots and other such appurtenances must be stored on the property in an area screened from the public view.

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 **portion of** 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")

Add Portion of in front of automobile

(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 in front of the established building line.

Revise by adding front of the established 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.

Remove and research code provisions

~~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~~

Revise to read as follows

c. For a single family use; a parking surface, 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 building official.

Revise to read as follows

d. For a single family use for construction of a new parking surface or new expansion of an existing parking surface the surface of a parking space,

maneuvering area for parking, or driveway must consist of concrete paving which meets the most recently adopted edition of the North Central Texas Council of Governments (N.C.T.O.G.) Standard Specifications for Public Works Construction , extending from the edge of the drive approach to facilitate a minimum of two parking spaces in front of the established building line on any individually platted lot . The approach shall be a minimum of 10 feet or to the property line and shall be constructed of concrete paving, which meets the most recently adopted edition of the North Central Texas Council of Governments (N.C.T.O.G.) Standard Specifications for Public Works Construction

Revise to read as follows

e. Maneuvering area for parking, or driveway must consist of concrete paving extending from the edge of the drive approach to facilitate a minimum of two parking spaces in front of the established building line. which meets the most recently adopted edition of the North Central Texas Council of Governments (N.C.T.O.G.) Standard Specifications for Public Works Construction In the alternative, commercial parking surfaces 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 from the Workshop on 04-05-11

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.

No Changes recommended.

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.

Seek attorney opinion on perpetual registrations.

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

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. **Outside** 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.

Add the word outside to Special Events.

~~(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."~~

Agreed that Everything but the purpose and # 1 will 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.

Staff Recommendation for Fees:

- a. Rezoning Application-----\$600 \$700
- b. Amendments to Zoning Ordinance-----\$600 \$700
- 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 \$700
- e. ZBA Variances:
 - i. Nonconforming Registration-----\$200
 - ii. Variance from Zoning Ordinance----- \$250

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 to revise fees to \$700 for zoning applications. No additional revisions

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 thru traffic or obstruct the legal for;
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.

No Recommended changes