

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
PLANNING AND ZONING COMMISSION
AUGUST 8, 2011**

MEMBERS PRESENT:

LORI WATSON, CHAIRPERSON
JAMES MYRICK, **VICE-CHAIRMAN**
KATHY RODDEN, PLACE 3
PAUL SIMPSON, PLACE 4
BRAD GALLMAN, ~~VICE-CHAIRMAN~~, PLACE 5
RUTH ANN TEAGUE, ALTERNATE # 1
SHERRIE DAST, ALTERNATE # 2
JOANN GORDON, COUNCIL LIAISON

STAFF PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR (ZA)
JAMES HATLEY, PUBLIC WORKS DIRECTOR
STEVE SANDERS, BUILDING INSPECTOR
SUSAN STEWART, ZONING SECRETARY

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

PWH Hatley delivered the Invocation. The pledge of allegiance to the United States Flag was recited.

3. MEMBER ROLL CALL

Member roll call was recorded with all members present.

4. APPROVAL OF MINUTES FROM THE JULY 18, 2011 REGULAR MEETING

Member Myrick moved, seconded by Member Teague, to approve the Minutes of the July 18, 2011 meeting as presented. All voted "Aye."

5. OATH OF OFFICE FOR BRAD GALLMAN, PLACE 5

ZA Gregory administered the Statement of Elected Official and the Oath of Office to Brad Gallman.

6. PUBLIC HEARING: in order to receive testimony and comments from the public regarding the proposed site plan application of **Keith Steele d/b/a Print & Sign Design at 5177 River Oaks Blvd.** allowing a 760 square foot accessory building to be located on the property in a C-2 Commercial District (Zoning Case SP 2011-0001).

At 6:35 p.m. Chairperson Watson opened the public hearing.

ZA Gregory summarized the site plan proposal of Keith Steel at 5177 River Oaks Blvd to allow a 760 square foot accessory structure. Section 22 of the Zoning Ordinance mentions only accessory structures in residential zoning districts. In commercial zoning districts, accessory structures must be approve through site plan application. ZA Gregory stated that the structure

has already been erected. The structure is open on 3-sides and therefore is not subject to masonry requirement. The structure meets the setback requirements for C-2 of 25-feet in the front and 10-feet on the side when it abuts residential property. One consideration was mentioned that if a commercial lot abuts residential property, the front setback should be the same as the residentially zoned property, in this case 40-feet. ZA Gregory explained a Zoning Ordinance provision that describes a through lot such as this property. The Zoning Administrator can determine the front yard requirement. At least one front setback shall be established at the full depth, which as determined by ZA Gregory using River Oaks Boulevard is adequate. The second frontage shall meet the corner lot requirement. As determined by ZA Gregory this is met using Black Oak Lane at a minimum of 15-feet. ZA Gregory requested that the penalty for failure to permit be waived in this case since the applicant followed the site visit procedure with the Building Inspector.

Member Dast noted that this structure is referred to as an accessory structure, an awning and a carport. Member Dast questioned the accuracy of the notice mailed to the property owners within the 200-foot distance. ZA Gregory replied that the notice was constructed using the language in the Zoning Ordinance.

It was mentioned that the owner may desire to enclose the structure as a later date. ZA Gregory stated that the applicant would be required to apply for an additional site plan analysis in order to enclose the structure.

Keith Steel was present to explain the purpose of the structure is to provide shade, allowing him to extend his working hours. Citizen concern was mention that the business owner is working outside of an enclosed building. ZA Gregory responded that the Zoning Ordinance does not allow work outside of an enclosed area.

At 6:55 p.m. Chairperson Watson closed the public hearing.

7. **ACTION FROM PUBLIC HEARING:** Consider Planning and Zoning Commission recommendation to the City Council regarding the proposed site plan application of **Keith Steele d/b/a Print & Sign Design at 5177 River Oaks Blvd.** allowing a 760 square foot accessory building to be located on the property in a C-2 Commercial District (Zoning Case SP 2011-0001).

Member Rodden moved, seconded by Member Simpson, to approve the site plan application as submitted.

Member Rodden requested that the applicant take into consideration the residential neighbors when enclosing the structure.

All voted "Aye."

8. **ITEMS FOR DISCUSSION:** SPECIAL CALLED MEETING OF THE PLANNING AND ZONING COMMISSION SCHEDULED FOR AUGUST 29, 2011 AT 6:30 P.M.

ZA Gregory mentioned a special called meeting on August 29, 2011 with two pending applications.

7. 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.

8. ACTION FROM EXECUTIVE SESSION

None.

9. ADJOURN

At 6:59 p.m. Member Myrick motioned, second by Chairperson Watson, to adjourn the meeting. All voted "AYE."

APPROVED THIS 29th DAY OF AUGUST 2011



Chairperson of Planning/Zoning Commission

ATTEST:



Susan Stewart, Zoning Secretary

RIVER OAKS PLANNING AND ZONING COMMISSION

August 8, 2011

To Mayor and City Council:

On this date, **August 8, 2011** the Planning and Zoning Commission of the City of River Oaks, met at 6:30 P.M. for a special called meeting in accordance to the Rules and Procedures. As a part of that Meeting the P & Z requests and **recommends** to the Mayor and to the City Council the following:

The P & Z of the City of River Oaks voted, 5 Ayes and 0 Nays to recommend to the City Council of River Oaks to:


- ☒ **Approve Site Plan Application of Keith Steele** regarding a 760 square ft. awning opens on 3-sides located on the south side of the building at 5177 River Oaks Blvd. in a C-2 Commercial Zoning District (Zoning Case # SP 2011-01)
- ☐ **Deny Site Plan Application of Keith Steele** regarding a 760 square ft. awning opens on 3-sides located on the south side of the building at 5177 River Oaks Blvd. in a C-2 Commercial Zoning District (Zoning Case # SP 2011-01)
- ☐ **Appeal the decision of the Zoning Administrator to the ZBA** and hold the public hearing open to a certain date until ZBA renders a decision

APPROVED THIS THE 8th DAY OF AUGUST 2011 BY:


Chairman

Planning and Zoning Commission

ATTEST:


Susan Stewart
Zoning Secretary