

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
PLANNING AND ZONING COMMISSION
MARCH 26, 2012**

MEMBERS PRESENT:

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

STAFF PRESENT:

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

1. CALL TO ORDER

At 6:31 p.m. Chairperson Watson called the meeting to order; a quorum was present.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Member Gallman 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 DECEMBER 12, 2011 SPECIAL CALLED MEETING

Vice-Chairman Myrick moved, seconded by Member Simpson, to approve the Minutes of the December 12, 2011 meeting as presented. All voted "Aye."

5. PUBLIC HEARING: in order to receive citizen comments on the **Final Development Plat and Site Plan Approval** as submitted by Quik Trip Corp in order to build a new 5,720 sq. foot convenience store on the property at 2601 Jacksboro Hwy in accordance to the City's Zoning Ordinance for properties zoned **Commercial. (Case # PZ 2012-02)**

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

ZA Gregory presented the revised request of Quik Trip for final plat and site plan approval at 2601 Jacksboro Highway. The proposed request consists of two lots (15R and 16R1) with the Quik Trip convenience store on one and retail pad space on the other lot.

At 6:40 p.m. Chairperson Watson closed the public hearing with no public questions or comments.

6. **ACTION FROM PUBLIC HEARING:** Consider Planning & Zoning Commission recommendation to the City Council for approval of the **Final Development Plat and Site Plan Approval** as submitted by Quik Trip Corp in order to build a new 5,720 sq. foot convenience store on the property at 2601 Jacksboro Hwy in accordance to the City's Zoning Ordinance for properties zoned **Commercial. (Zoning Case # PZ 2012-02)**

Vice-Chairman Myrick moved, seconded by Member Simpson, to recommend the acceptance of Zoning Case 2012-02 with the presented revisions. All voted "Aye."

7. **PUBLIC HEARING:** In Order to receive public comment and testimony on the proposed **text amendment** to Comprehensive Zoning Ordinance # 883-2011, as amended and codified into the River Oaks Code of Ordinances (2006) under Chapter 14, Exhibit A "Zoning Ordinance", to:

1. *Revise Section 4 "Definitions": "Masonry Construction"; and*
2. *Amend Section 14 "C-1" Commercial District, by revising Section 14 D "Development Regulations" under # 7 "Site Plan" requiring that Site Plan Approval be the prerequisite for the granting of a certificate of occupancy and issuance of a building permit for new construction and expansions amounting to 50 percent or more of the existing main structure in all "C-1" Commercial Zoning Districts; and*
3. *Amend Section 15 "C-2" Commercial District, by revising Section 15 D "Development Regulations" under # 8 "Site Plan" requiring that Site Plan Approval be the prerequisite for the granting of a certificate of occupancy and issuance of a building permit for new construction and expansions amounting to 50 percent or more of the existing main structure in all "C-2" Commercial Zoning Districts; and*
4. *Amend Section 16 "C-3" Commercial District by revising Section 16 D "Development Regulations" under # 8 "Site Plan" requiring that Site Plan Approval be the prerequisite for the granting of a certificate of occupancy and issuance of a building permit for new construction and expansions amounting to 50 percent or more of the existing main structure in all "C-3" Commercial Zoning Districts; and*
5. *Amend Section 21 "Fence Regulations" by revising Section 21.C "Use Regulations" # 3 "Placement of Fences" under 3.a "Front Yard" in that fences constructed of wrought iron, ornamental iron, metal, chain-link, vinyl or other material that allow the passage of a 1 ¾" sphere are permitted in front of the designated front building line of any property zoned "R-1", "R-2", "R-3", "R-4", "R-5", "R-6" or "MF"; provided the fence does not exceed four (4) feet in*

height measured from the natural contour of the land unless the fence is constructed of an ornamental material such as decorative wrought iron, then it may be allowed to a height not greater than six (6) feet measured from the natural contour of the land providing it is architecturally compatible within that particular zoning district and be at least 50 percent open; and

6. *Amend Section 22 "Accessory Uses" by revising Section 22.A "Authorized Accessory Uses" #2 "Accessory Buildings" under 2.c in that the accessory building may not exceed 1200 square feet, and providing it does not exceed the size of the principle structure on the same lot.*

At 6:42 p.m. Chairperson Watson opened the public hearing.

ZA Gregory reviewed the recommended changes to the zoning ordinance as outlined above. After much discussion, Board Members requested the following recommended revisions:

- 1) Section 21 "Fence Regulations" "Front Yard" constructed of wrought iron, ornamental iron, metal, chain-link, vinyl or other material that allow the passage of a 1 ¾" sphere are permitted **in front the main structure** as located on the lot of any property zoned "R-1", "R-2", "R-3", "R-4", "R-5", "R-6" or "MF"; provided the fence does not exceed four (4) feet in height measured from the natural contour of the land unless the fence is constructed of an ornamental material such as decorative wrought iron, then it may be allowed to a height not greater than six (6) feet measured from the natural contour of the land **providing it is determined to be architecturally compatible within that particular zoning district by the city council and be at least 50 percent open; or**
- 2) Exterior construction materials that conform to the applicable ASTM or other approved testing requirements for masonry products pursuant to the most recently adopted building code including but not limited to brick, stone, stucco, granite, marble, or concrete and excluding wood, metal, hardiplank and cement fiberboard except that hardiplank installed horizontally is allowed only in Residentially zoned districts **providing it is determined by the city council to be architecturally compatible within that particular zoning district with the other structures"**

8. ACTION FROM PUBLIC HEARING: Consider Planning and Zoning Commission recommendation to the City Council for approval of the proposed **text amendments** to Comprehensive Zoning Ordinance # 883-2011, as amended and codified into the River Oaks Code of Ordinances (2006) under Chapter 14, Exhibit A "Zoning Ordinance", to:

1. *Revise the following definitions pursuant to Section 4 "Definitions": "Masonry Construction"; and*
2. *Amend Section 14 "C-1" Commercial District, by revising Section 14 D "Development Regulations" under # 7 "Site Plan" requiring that Site Plan Approval be the prerequisite for the granting of a certificate of occupancy and issuance of a building permit for new construction and expansions amounting to 50 percent or more of the existing main structure in all "C-1" Commercial Zoning Districts; and*

3. Amend Section 15 "C-2" Commercial District, by revising Section 15 D "Development Regulations" under # 8 "Site Plan" requiring that Site Plan Approval be the prerequisite for the granting of a certificate of occupancy and issuance of a building permit for new construction and expansions amounting to 50 percent or more of the existing main structure in all "C-2" Commercial Zoning Districts; and

4. Amend Section 16 "C-3" Commercial District by revising Section 16 D "Development Regulations" under # 8 "Site Plan" requiring that Site Plan Approval be the prerequisite for the granting of a certificate of occupancy and issuance of a building permit for new construction and expansions amounting to 50 percent or more of the existing main structure in all "C-3" Commercial Zoning Districts; and

5. Amend Section 21 "Fence Regulations" by revising Section 21.C "Use Regulations" # 3 "Placement of Fences" under 3.a "Front Yard" in that fences constructed of wrought iron, ornamental iron, metal, chain-link, vinyl or other material that allow the passage of a 1 ¾" sphere are permitted in front of the designated front building line of any property zoned "R-1", "R-2", "R-3", "R-4", "R-5", "R-6" or "MF"; provided the fence does not exceed four (4) feet in height measured from the natural contour of the land unless the fence is constructed of an ornamental material such as decorative wrought iron, then it may be allowed to a height not greater than six (6) feet measured from the natural contour of the land providing it is architecturally compatible within that particular zoning district and be at least 50 percent open; and

6. Amend Section 22 "Accessory Uses" by revising Section 22.A "Authorized Accessory Uses" #2 "Accessory Buildings" under 2.c in that the accessory building may not exceed 1200 square feet, and providing it does not exceed the size of the principle structure on the same lot.

Member Rodden moved to remove the recommendation of the text amendment that would allow hardi-board as an approved masonry product. Motion died for lack of a second.

Chairperson Watson moved, seconded by Member Gallman, to recommend the approval of all the proposed amendments to the Zoning Ordinance including the revisions to Fence Regulations permitted in front of the main structure; and decorative wrought iron fences and hardi-board subject to approval by the City Council. All voted "Aye."

9. **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.

10. ACTION FROM EXECUTIVE SESSION

None.

11. ADJOURN

At 7:59 p.m. Chairperson Watson moved, seconded by Vice-Chairman Myrick, to adjourn the meeting. All voted "AYE."

APPROVED THIS 23RD DAY OF APRIL 2012

A handwritten signature in cursive script, appearing to read "Lori Watson", written over a horizontal line.

**Lori Watson, Chairperson
Planning/Zoning Commission**

ATTEST:

A handwritten signature in cursive script, appearing to read "Susan Stewart", written over a horizontal line.

Susan Stewart, Zoning Secretary