

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
PLANNING AND ZONING COMMISSION
AUGUST 16, 2010**

MEMBERS PRESENT:

LORI WATSON, CHAIRPERSON, PLACE 1
JAMES MYRICK, PLACE 2
KATHY RODDEN, PLACE 3
PAUL SIMPSON, PLACE 4
BRAD GALLMAN, PLACE 5
JOANN BUTLER, COUNCIL LIAISON

STAFF PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR (ZA)
SUSAN STEWART, ZONING SECRETARY
BETSY ELAM, CITY ATTORNEY

MEMBERS ABSENT:

RUTH TEAGUE, ALTERNATE #1 (MEDICAL)
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

Member Gallman delivered the Invocation. Chairperson Woodall led the pledge of allegiance to the United States Flag.

3. MEMBER ROLL CALL

Member roll call was recorded with Ruth Teague absent due to medical reasons and Isel Valenzuela absent without excuse.

4. APPROVAL OF MINUTES FROM THE JULY 29, 2010 & AUGUST 12, 2010 SPECIAL CALLED MEETINGS

Member Myrick noted that Member Rodden was recorded in the minutes of the August 12, 2010 meeting as both present and absent and she was indeed present for that meeting.

Member Myrick moved, seconded by Member Rodden, to approve the Minutes of the July 29, 2010 as presented and the August 12, 2010 minutes as corrected. All voted "Aye."

5. **PUBLIC HEARING:** IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED **TEXT AMENDMENT** TO COMPREHENSIVE ZONING ORDINANCE # 766-07, AS AMENDED AND CODIFIED INTO THE RIVER OAKS CODE OF ORDINANCES (2006) UNDER CHAPTER 14, EXHIBIT A "ZONING ORDINANCE", SPECIFICALLY IN SECTION 16B "USE REGULATIONS" TO:

Amend the Use Regulations in a "C-3" Commercial Zoning District permitting Pet Cremations as an acceptable use. (Zoning Case # 2010-PZ-01)

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

ZA Gregory summarized the request. Pet Cremations are not currently listed in the Zoning Ordinance in any commercial district as a permitted use and are therefore prohibited. The proposed text amendment would allow pet cremations in C-3 commercial zoning districts exclusively. ZA Gregory added that T.C.E.Q. has regulations and requirements on the placement and operation of pet crematories such as air quality and distance setbacks.

CA Elam noted that once the Zoning Ordinance is amended to include pet crematories in C-3 commercial that this use would be allowed on all properties in C-3 Zoning Districts.

John Evans, requestor and owner of the property, was present to answer questions. Mr. Evans stated that he would be purchasing top quality equipment that does not allow any odor into the air. Mr. Evans responded to a question from Chairperson Watson, stating that although he does not have any experience, a certification to operate the crematory is required by the State. Mr. Evans responded to questions from Member Myrick related to an electrical power outage stating that the machine would shut down if a power outage occurred and an odor could emitted in that instance. The intended hours of operation would be 10:00 a.m. to 6:00 p.m.

Member Myrick expressed concern that this type of business could interfere with the quality of life for residents. Member Myrick made the following recommendations: 1) all required reports and permits be submitted to the City; 2) the operations be confined within the building; 3) a secondary source of electrical power in case of power outage; 4) the permit be attached by name; 5) routine city inspections, perhaps two times per year; 6) minimum floor thickness of 6 inches. CA Elam stated that some of these requirements could be included in the text amendment to the Zoning Ordinance and some would require a separate ordinance.

Mr. Evans answered questions from Member Rodden. The machine would run on natural gas. Construction would be built out of refractory bricks. The cremation would be for household pets, not large animals such as horses. Mr. Evans stated his intention would be to solicit veterinarian offices. He would offer a pickup service to transport the animals to the crematory. Individual, semi-private and mass crematory services would be offered.

Mr. Evans stated that no advertising signage would be used. It was disclosed that no sales tax is collected on either the services or the urns.

Mrs. Donahue, business owner at 2611 Jacksboro Highway, asked the following questions, stating that many of her questions had already been answered: 1) would cremations be performed at night?; 2) what chemicals would be used and what gases emitted?; 3) how large of animals would be accepted?; 4) would animals be brought to

the business or would transportation be provided?; 5) how tall would the exhaust stack be?; 6) how much input do other people have on the decision?

In answering those questions, Mr. Evans stated that he had met with 8 of the residents and addressed their concerns. Cremations would be performed from 10:00 A.M. until 6:00 P.M. The air emissions would be only water and carbon dioxide. The unit is designed for a maximum of 500 pounds of animal remains and to be incinerated at a maximum rate of 150 pounds per hour. Animals would be transported and brought to the facility. The stack vent would be 35-feet in height above ground level. The input from other people is the purpose of tonight's hearing.

Mrs. Donohue stated that if pet cremations were allowed, she would be selling her business and that she has received some negative comments that customers "would not touch her trailers with that air."

ZA Gregory stated that Staff had received a total of 3 written notifications back for the text amendment change. Of the property area notified, 2 were against the request, consisting of 19% of the area notified and 1 was in favor. The land usage totals 4.82 acres with .92 acres in opposition.

At 7:40 p.m. Chairperson Watson closed the public hearing.

6. **ACTION FROM PUBLIC HEARING:** CONSIDER PLANNING AND ZONING COMMISSION RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OF THE PROPOSED **TEXT AMENDMENT** TO COMPREHENSIVE ZONING ORDINANCE # 766-07, AS AMENDED AND CODIFIED INTO THE RIVER OAKS CODE OF ORDINANCES (2006) UNDER CHAPTER 14, EXHIBIT A "ZONING ORDINANCE", SPECIFICALLY IN SECTION 16B "USE REGULATIONS" TO:

Amend the Use Regulations in a "C-3" Commercial Zoning District permitting Pet Cremations as an acceptable use. (Zoning Case # 2010-PZ-01)

Member Brad Gallman made the motion, seconded by ***Member James Myrick*** to recommend to the City Council approval of the proposed Text Amendment to Comprehensive Zoning Ordinance #766-07, as amended and codified into the River Oaks Code of Ordinances (2006) under Chapter 14, Exhibit A "Zoning Ordinance", specifically in Section 16B "Use Regulations" by allowing Pet Cremations as an acceptable use in a C-3 Commercial Zoning District. ***All voted No. Motion Fails.***

7. **PUBLIC HEARING:** IN ORDER TO RECEIVE TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED AMENDMENT TO COMPREHENSIVE ZONING ORDINANCE # 766-07, AS AMENDED, **TO CHANGE THE ZONING CLASSIFICATION OF BLOCK 5, LOT 16BR1, ROCKWOOD TERRACE ADDITION, OTHERWISE KNOWN AS 1816 LONG AVE. FROM "R-2" SINGLE-FAMILY TO "C-3" COMMERCIAL ZONING DISTRICT IN ORDER TO OPERATE A PET CREMATION (ZONING CASE # 2010-PZ- 02).**

At 8:09 p.m. Chairperson Watson opened the public hearing and announced that this public hearing would remain open and be continued on August 30, 2010 at 6:30 p.m. pending City Council approval of the text amendment to the Zoning Ordinance.

8. **ACTION FROM PUBLIC HEARING:** CONSIDER PLANNING AND ZONING COMMISSION RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OF THE PROPOSED AMENDMENT TO COMPREHENSIVE ZONING ORDINANCE # 766-07, AS AMENDED, **TO CHANGE THE ZONING CLASSIFICATION OF BLOCK 5, LOT 16BR1, ROCKWOOD TERRACE ADDITION, OTHERWISE KNOWN AS 1816 LONG AVE. FROM "R-2" SINGLE-FAMILY TO "C-3" COMMERCIAL ZONING DISTRICT IN ORDER TO OPERATE A PET CREMATION (ZONING CASE # 2010-PZ- 02).**

No action was taken.

9. **PUBLIC HEARING:** IN ORDER TO RECEIVE TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE **REPLAT AND SITE PLAN PROPOSAL** OF 2 D PARTNERS TO AMEND THE PROPERTY PLAT OF A PORTION OF LOT 16 BR1 AND LOTS 17A AND 17B IN BLOCK 5 OF THE ROCKWOOD TERRACE ADDITION INTO A SINGLE PLATTED LOT FOR THE PURPOSE OF BUILDING A PET CREMATORY ON THE PROPERTY IN COMPLIANCE WITH SEC. 25 "SITE PLAN REQUIRED" OF THE CITY'S ZONING ORDINANCE (ZONING CASE # 2010-PZ- 03)

At 8:10 p.m. Chairperson Watson opened the public hearing and announced that this public hearing would remain open and be continued on August 30, 2010 at 6:30 p.m. pending City Council approval of the text amendment to the Zoning Ordinance.

10. **ACTION FROM PUBLIC HEARING:** CONSIDER PLANNING AND ZONING COMMISSION RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OF THE PROPOSED **REPLAT AND SITE PLAN PROPOSAL** OF 2 D PARTNERS TO AMEND THE PROPERTY PLAT OF A PORTION OF LOT 16 BR1 AND LOTS 17A AND 17B IN BLOCK 5 OF THE ROCKWOOD TERRACE ADDITION INTO A SINGLE PLATTED LOT FOR THE PURPOSE OF BUILDING A PET CREMATORY ON THE PROPERTY IN COMPLIANCE WITH SEC. 25 "SITE PLAN REQUIRED" OF THE CITY'S ZONING ORDINANCE (ZONING CASE # 2010-PZ- 03)

No action was taken.

11. **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.

12. **ACTION FROM EXECUTIVE SESSION**

None.

13. **ADJOURN**

At 8:12 p.m. Member Myrick motioned, second by member Simpson, to adjourn the meeting. All voted "AYE."

APPROVED THIS 30th DAY OF AUGUST 2010:



Chairperson of Planning/Zoning Commission

ATTEST:



Susan Stewart, Zoning Secretary