

**CITY OF SHAVANO PARK
PLANNING & ZONING COMMISSION MEETING
CITY HALL, COUNCIL CHAMBERS
900 SADDLETREE COURT, SHAVANO PARK, TEXAS 78231
February 6, 2019**

6:30 P.M.

AGENDA

1. Call to order
2. Vote under Section 36-69 of the Shavano Park City Code (“Code”) concerning a finding that each of the items following item 2 on the agenda are “planning issues” or otherwise prescribed Planning & Zoning Commission duties under 36-69(l) of the Code or the severance of one or more of such items for an individual vote on such item or items.
3. Citizens to be heard – Rules for Citizen’s Comments: The Planning & Zoning Commission welcomes citizen participation and comments at all of their meetings. As a courtesy to your fellow citizens and out of respect to Board members; we request that if you wish to speak that you follow these guidelines.
 - A. Direct your comments to the entire Board, not to an individual member;
 - B. Limit your discussion to one or two issues that you wish to address rather than a generalized statement; and
 - C. Show the Board the same respect and courtesy that you expect to be shown to you.
 - D. As stated in Resolution No. 04-11, residents are given three (3) minutes to speak during Citizens to be heard. Residents are only allowed to speak once and cannot pass their time allotment to someone else.

The Presiding Officer will rule any disruptive behavior, including shouting or derogatory statements or comments, out of order. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

Note: The Commission may not debate any non-agenda issue, nor may any action be taken on any non-agenda issue at this time; however, the Board may present any factual response to items brought up by citizens [Attorney General Opinion – JC 0169]

4. Consent Agenda:
 - A. Approval – Planning & Zoning Commission minutes, December 5, 2018
5. Presentation – Semiannual presentation by Denton Communities regarding residential and commercial development in Shavano Park and surrounding areas and discussions concerning the same.
6. Discussion – Notification by City Manager of approved changes in detailed PUD plan for property located at 4675 Lockhill-Selma, N.C.B. 17704, Lot 2, Block 1, in accordance with Sec. 36-40 – City Manager Hill.

7. Discussion / action – Recommend Amendment to City of Shavano Park Code of Ordinances, Section 6-92. - Fences to conform to the 12-foot gate opening requirement as required by the City of Shavano Park Zoning Ordinance Section 36-36(f)(3) – City Manager Hill.
8. Report / update – Update on results of the December, 2018 TxDOT public open house meeting regarding the improvements to NW Military Highway and discussion concerning the same – City Manager Hill.
9. Report / update – City Council items considered at previous City Council meetings and discussion concerning the same – City Manager Hill.
10. Chairman Announcements:
 - A. Advise members to contact City staff to add new or old agenda items.
 - B. Advise members of pending agenda items, as follows:
 - i. March, 2019 – Discussion / action on proposed changes to the City’s ordinances regarding minimum gate width in Residential Zoning Districts.
 - ii. August, 2019 – Semiannual presentation by Denton Communities regarding residential and commercial development in Shavano Park and surrounding areas and discussion concerning the same.
 - iii. 2019 – Consider proposed changes to Sec. 24 of the City of Shavano Park Code of Ordinances regarding signs.
11. Adjournment

Accessibility Statement:

The City of Shavano Park City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in the front and sides of the building. Sign interpretative services for meetings must be made 48 hours in advance of the meeting. Call the A.D.A. Coordinator at 817-447-5400 or TDD 1-800-735-2989.

Decorum Required:

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

Action by Commission Authorized:

The Planning and Zoning Commission may vote and/or act upon any item within this Agenda. The Commission reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

Executive Sessions Authorized:

This agenda has been reviewed and approved by the City’s legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed

therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance by Other Elected or Appointed Officials:

It is anticipated that members of City Council or other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named Shavano Park Planning and Zoning Commission is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin boards, of the City Hall of said City Shavano Park, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on 31st day of January 2019 at 1:25 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

ZINA TEDFORD
City Secretary

1. **Call to order**

Chairman Janssen called the meeting to order at 6:30 p.m.

PRESENT:

Konrad Kuykendall (6:41 p.m.)

Albert Aleman

Carla Laws

Bill Simmons

William Stipek

Kerry Dike (6:35 p.m.)

Michael Janssen

ABSENT:

Carlos Ortiz

Jason Linahan

2. **Vote under Section 36-69 of the Shavano Park City Code (“Code”) concerning a finding that each of the items following item 2 on the agenda are “planning issues” or otherwise prescribed Planning & Zoning Commission duties under 36-69(l) of the Code or the severance of one or more of such items for an individual vote on such item or items.**

Upon a motion made by Commissioner Laws and a second made by Commissioner Simmons, the Planning & Zoning Commission voted five (5) for and none (0) opposed to approve the agenda as it was provided as Planning & Zoning Commission issues. The motion carried.

3. **Citizens to be heard**

No one signed up to address the Planning & Zoning Commission at this time.

4. **Consent Agenda:**

A. Approval – Planning & Zoning Commission minutes, November 7, 2018

Upon a motion made by Commissioner Aleman and a second made by Commissioner Stipek, the Planning & Zoning Commission voted five (5) for and none (0) opposed to approve the Planning & Zoning Commission November 7, 2018 minutes as presented. The motion carried.

5. **Discussion / review of the City’s ordinances regarding minimum gate width in Residential Zoning Districts – City Manager Hill.**

City Manager Hill presented an overview of the City’s ordinance regarding minimum gate width in Residential Zoning District. The consensus of the Planning & Zoning Commission to place this item on a future agenda.

6. **Discussion / action – Possible rescheduling of the January 2, 2019 Planning & Zoning Commission meeting to January 9, 2019 – City Manager Hill.**

Upon a motion made by Commissioner Dike and a second made by Commissioner Laws, the Planning & Zoning Commission voted six (6) for and none (0) opposed to approve to reschedule the January 2, 2019 Planning & Zoning Commission Meeting to January 9, 2019. The motion carried.

7. **Discussion – TxDOT public open house meeting for Shavano Park residents regarding the impact on homeowners of the NW Military Highway project – City Manager Hill.**

City Manager Hill discussed the upcoming TxDOT public open house meeting for Shavano Park residents regarding the impact on homeowners of the NW Military Highway project.

8. **Report / update – City Council items considered at previous City Council meetings and discussion concerning the same – City Manager Hill.**

City Manager Hill provided an overview of items considered at the previous City Council Meeting.

9. **Chairman Announcements:**

A. Advise members to contact City staff to add new or old agenda items.

B. Advise members of pending agenda items, as follows:

i. February, 2019 – Semiannual presentation by Denton Communities regarding residential and commercial development in Shavano Park and surrounding areas and discussion concerning the same.

ii. 2019 – Sign Ordinance

10. **Adjournment**

Upon a motion made by Commissioner Dike and a second made by Commissioner Laws, the Planning & Zoning Commission voted six (6) for and none (0) opposed to adjourn the meeting. The meeting adjourned at approximately 7:15 p.m.

MICHEAL JANSSEN

Chairman

ZINA TEDFORD

City Secretary

PLANNING AND ZONING STAFF SUMMARY

Meeting Date: February 6, 2019

Agenda item: 5

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION: Presentation – Semiannual presentation by Denton Communities regarding residential and commercial development in Shavano Park and surrounding areas and discussions concerning the same.



Attachments for Reference: 1)

BACKGROUND / HISTORY: Bitterblue / Denton traditionally present a semi-annual update of Residential and Commercial Development.

Bitterblue / Denton last presented at the August 1, 2018 Planning & Zoning meeting.

DISCUSSION: Presentation will be by Mr. Lange and Mr. Rittenhouse of Bitterblue.

COURSES OF ACTION: N/A

FINANCIAL IMPACT: N/A

MOTION REQUESTED: N/A

PLANNING & ZONING STAFF SUMMARY

Meeting Date: February 6, 2019

Agenda item: 6

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION: Discussion – Notification by City Manager of approved changes in detailed PUD plan for property located at 4675 Lockhill-Selma, N.C.B. 17704, Lot 2, Block 1, in accordance with Sec. 36-40 – City Manager Hill.

X

Attachments for Reference:

- 1) 6a Approval Letter - City Manager
- 2) 6b MSL Investments Request Letter
- 3) 6c Ordinance O-2018-005 NJCI PUD

BACKGROUND / HISTORY: The Planned Unit Development (PUD) for property located at 4675 Lockhill-Selma, N.C.B. 17704, Lot 2, Block 1 was approved under Ordinance O-2018-005 (attachment 6c) at the July 23, 2018 City Council meeting.

On December 19, 2018 the City received a request from MSL Investments for a detail plan change (attachment 6b) asking for an additional 2 feet in additional building height for extra floor height, while the building would have a shorter parapet wall and removal of A/C equipment from top of the structure. MSL Investments also included a line of site study that showed no difference in view from the nearest home in Bentley Manor.

DISCUSSION: Sec. 36-40(i)(2) of City of Shavano Park Code of Ordinances allows the City Manager to approve changes to the detail plan of the PUD if it meets certain conditions:

(l) Changes in detail plan.

- (1) Except as provided in subsection (l)(2) of this section, changes in the detail plan shall be considered the same as changes in the this chapter and shall be processed as such.
- (2) Those changes which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor area ratio or reduce the front, rear or side yards provided at the boundary of the site, as indicated on the approved detail plan, may be authorized by the City Manager.
- (3) Any applicant may appeal the decision of the City Manager to the Planning and Zoning Commission for review and decision as to whether an amendment to the Planned Unit Development District Ordinance shall be required.

The City Manager, after reviewing the detail plan change request, determined the request to meet this criteria and provided an approval letter under this authority to MSL Investments (attachment 6a).

COURSES OF ACTION: N/A; this agenda item is a notice of approved change in detail plan.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: N/A

CITY OF SHAVANO PARK



December 21, 2018

Ms. Sarah Teel
MSL Investments
2211 N.W. Military Highway, STE 220
San Antonio, TX 78213

Dear Ms. Teel:

Reference: Change in Detailed PUD Plan, 4675 Lockhill Selma - NJCI

The City of Shavano Park received your request for change in detailed PUD Plan on December 19, 2018 for the structure at 4675 Lockhill Selma. Your request for a height of 49' feet from average finished ground level to the highest point on the roof with an additional 12 inch parapet wall beyond the 49 feet to a total of 50 feet does not meet the normal zoning requirements and is an exception to the approved PUD detailed plan.

City Zoning Ordinance Sec. 36-40(I) Planned Unit Development provides that certain changes in a PUD's detail plan may be authorized by the City Manager. In this case, the changes do not alter the basic relationship of the proposed development to adjacent property and do not alter the uses permitted or increase the density, floor area ratio or reduce the front, rear or side yards provided at the boundary of the site – and therefore may be authorized by the City Manager.

The City Council previously approved the detailed PUB plan which included a 45 foot height with an additional 3 foot parapet in the back and sides (48 feet) and approved the building front facing up to 58 feet. I understand this new plan adds a total of two feet to the sides and rears and includes moving the rooftop equipment towards the front of the building. The line of sight analysis you provided is very similar to the analysis you provided to both the Planning and Zoning Commission and the City Council.

Therefore, in accordance with Sec. 36-40 of the City of Shavano Park Ordinances, I approve changes to the detailed PUD Plan and will also approve the future permits consistent with this change to the detailed PUD plan.

As the property within the PUD is further developed, please continue to coordinate proposed plans as necessary to facilitate building plan approval.

Sincerely,

Bill Hill
City Manager



December 19, 2018

Mr. Bill Hill
City Manager
City of Shavano Park
900 Saddletree Court
Shavano Park TX, 78231

Via Email: citymanager@shavanopark.org

RE: 4675 Lockhill Selma- NJCI

Bill-

In light of the added surgical services that will be housed at the facility planned for 4675 Lockhill Selma we are asking for a change to the detail plan pursuant to Section 36-40 Paragraph I-2 of the Planned Unit Development Ordinance which reads;

(1)

Changes in detail plan.

(2)

Those changes which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor area ratio or reduce the front, rear or side yards provided at the boundary of the site, as indicated on the approved detail plan, may be authorized by the City Manager.

The Mechanical, Electrical and Plumbing required by the state for a licensed short-term surgical facility and ambulatory surgery center requires additional space above the ceiling in the plenums of both the second and third floor.

We are asking for a height of 49' feet from average finished ground level to the highest point of the roof. We anticipate a 12" inch parapet wall beyond the roof deck to a total height of 50' feet. We have attached both a diagram showing the height of each floor and the total overall height of the building. Please note the third-floor measurement includes both the standard floor height of 16 'feet as well as the structural slope required for water runoff to the roof drains located at the centerline of the roof.

We have also included the revised Line of Sight Study that demonstrates this increased height will eliminate any view of the rooftop from the adjacent properties.

Thank you in advance for your consideration and support to this project.

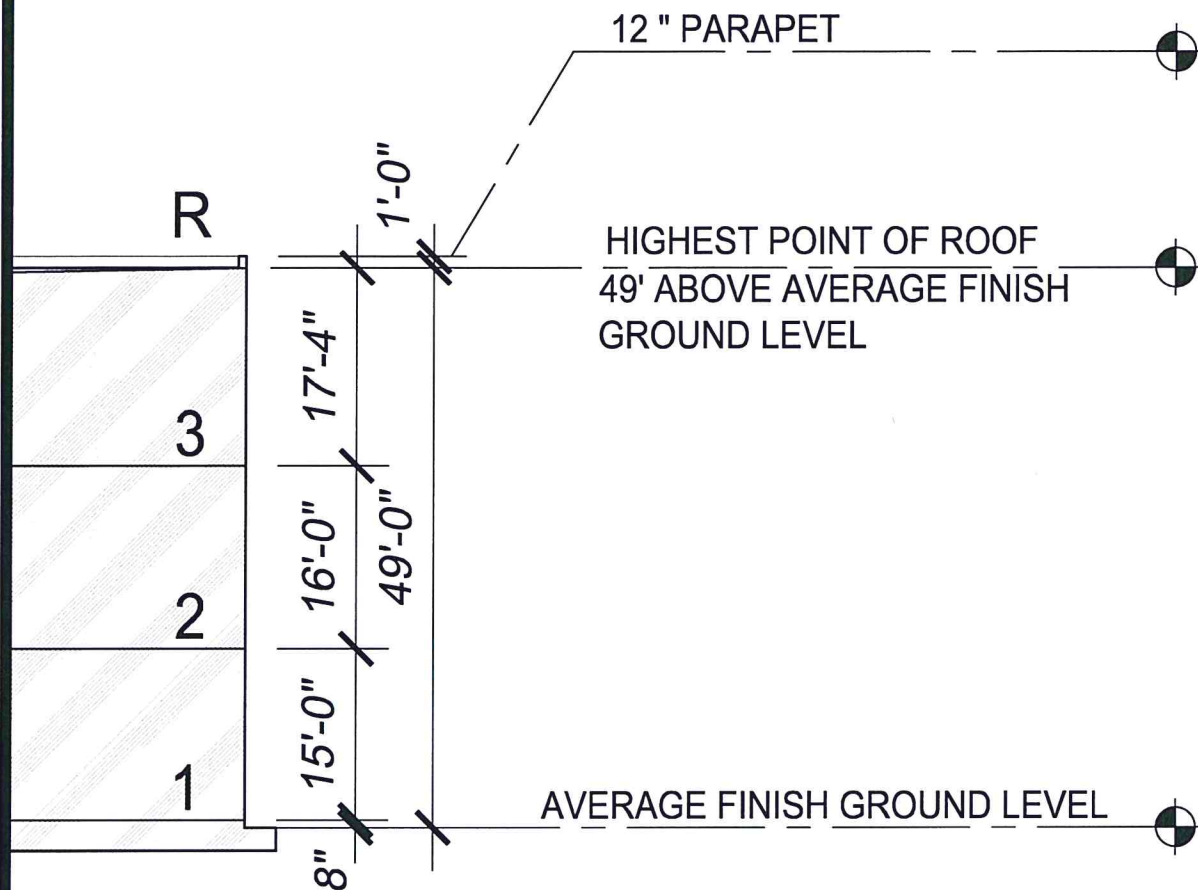
Respectfully,

A handwritten signature in blue ink, appearing to read 'Sarah Teel'.

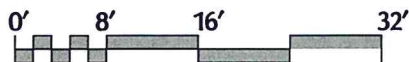
Sarah Teel
Representative for Shavano Class I, LLC and its affiliates

Cc: Curtis Leeth, Assistant to the City Manager: via email: CLEETH@shavanopark.org

Hand Delivered



BUILDING HEIGHT EXHIBIT - Non Front Facing Sides



NATIONAL JOINT CARE INSTITUTE
MSL INVESTMENTS, LLC.
SHAVANO PARK, TEXAS

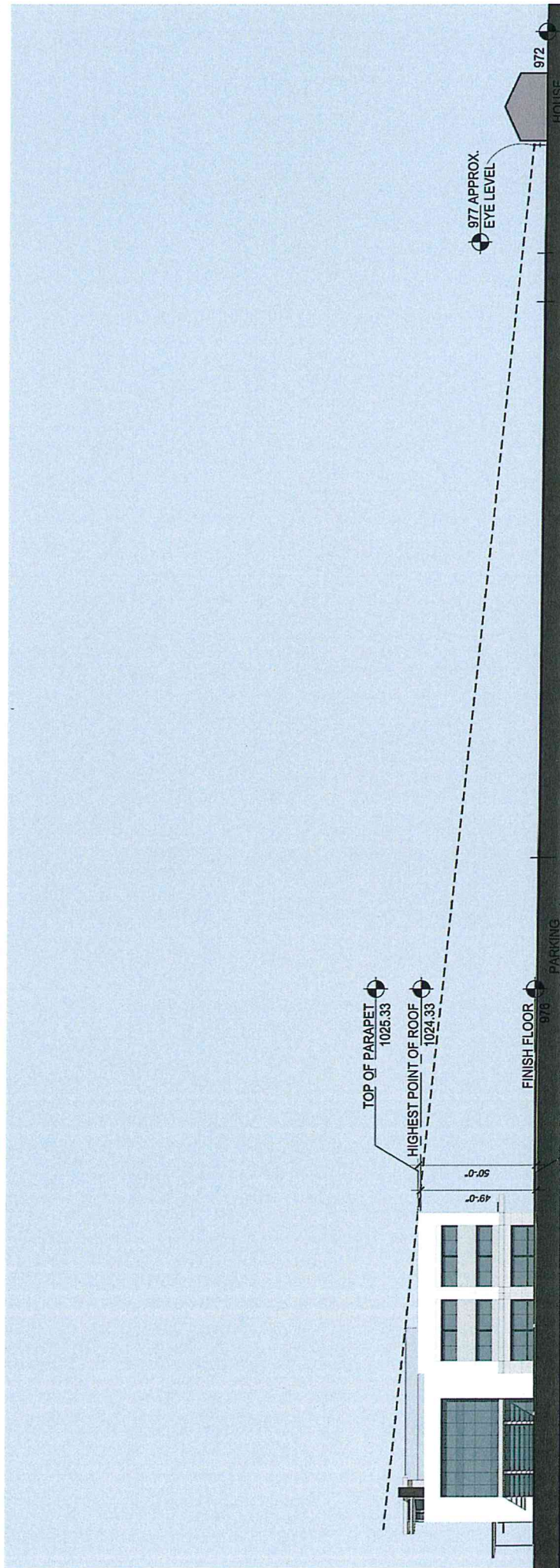
BENTLEY MANOR

chesneymoralespartners,inc.
architecture/interior design

4901 Broadway, Suite 250 | San Antonio, Texas 78209
210.828.9481 v | 210.828.9719 f | TBAE Firm Reg BR1010
chesneymorales.com

This document is incomplete and is not to be used for regulatory approval, permit or construction. Chesney Morales Partners, Inc. Malcolm G. Chesney Texas Reg. 14727

12-17-18



LINE OF SITE STUDY

DECEMBER 18, 2018

NATIONAL JOINT CARE INSTITUTE
MSL INVESTMENTS, LLC.
SHAVANO PARK, TEXAS

BENTLEY MANOR

chesneymordlespartners, inc.
architecture/interior design

4901 Broadway, Suite 120 San Antonio, Texas 78209
210.828.5481 • 210.828.0711 TBAE Firm Reg 881010
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December 19, 2018

Mr. Bill Hill
City Manager
City of Shavano Park
900 Saddletree Court
Shavano Park TX, 78231

Via Email: citymanager@shavanopark.org

RE: 4675 Lockhill Selma- NJCI

Bill-

In light of the added surgical services that will be housed at the facility planned for 4675 Lockhill Selma we are asking for a change to the detail plan pursuant to Section 36-40 Paragraph I-2 of the Planned Unit Development Ordinance which reads;

(1)

Changes in detail plan.

(2)

Those changes which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor area ratio or reduce the front, rear or side yards provided at the boundary of the site, as indicated on the approved detail plan, may be authorized by the City Manager.

The Mechanical, Electrical and Plumbing required by the state for a licensed short-term surgical facility and ambulatory surgery center requires additional space above the ceiling in the plenums of both the second and third floor.

We are asking for a height of 49' feet from average finished ground level to the highest point of the roof. We anticipate a 12" inch parapet wall beyond the roof deck to a total height of 50' feet. We have attached both a diagram showing the height of each floor and the total overall height of the building. Please note the third-floor measurement includes both the standard floor height of 16 'feet as well as the structural slope required for water runoff to the roof drains located at the centerline of the roof.

We have also included the revised Line of Sight Study that demonstrates this increased height will eliminate any view of the rooftop from the adjacent properties.

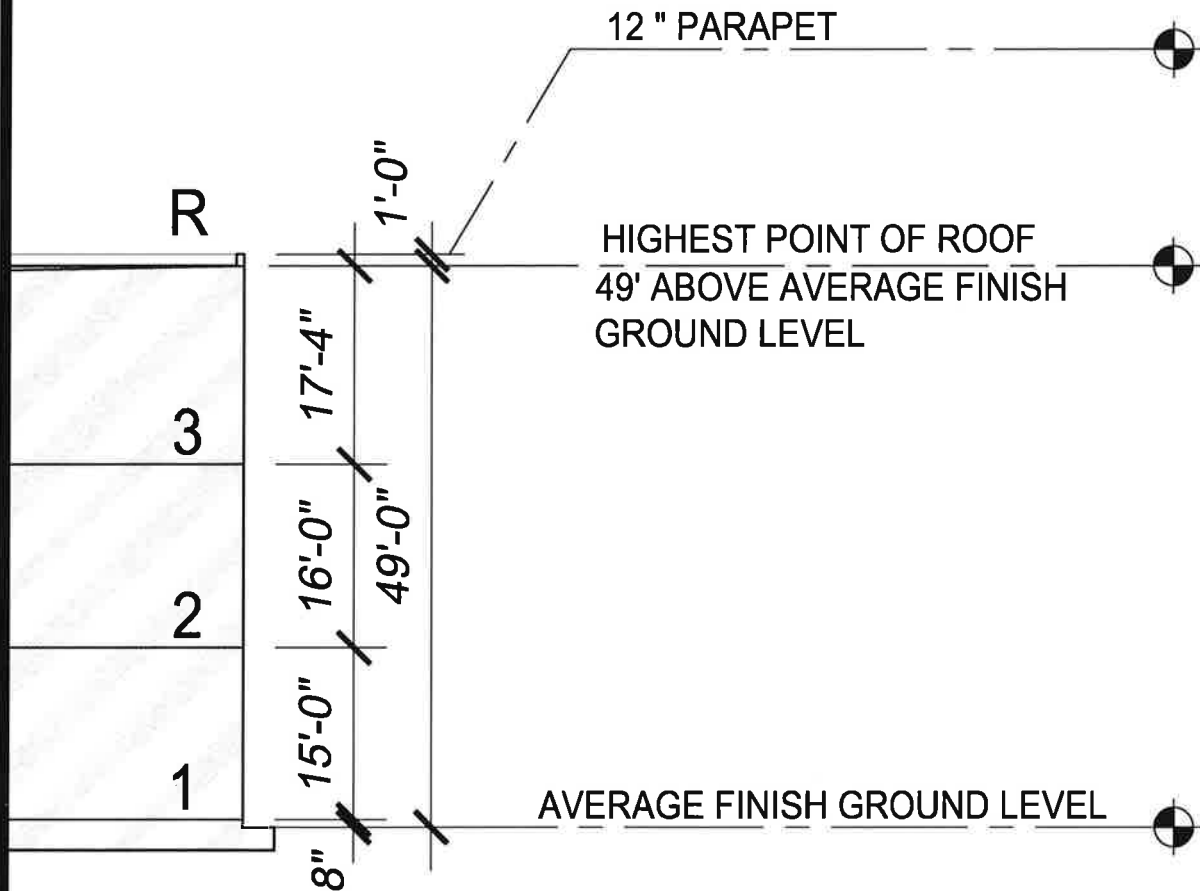
Thank you in advance for your consideration and support to this project.

Respectfully,

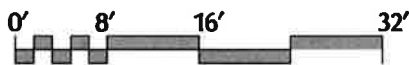
A handwritten signature in blue ink, appearing to read 'Sarah Teel'.

Sarah Teel
Representative for Shavano Class I, LLC and its affiliates

Cc: Curtis Leeth, Assistant to the City Manager: via email: CLEeth@shavanopark.org
Hand Delivered



BUILDING HEIGHT EXHIBIT - Non Front Facing Sides



NATIONAL JOINT CARE INSTITUTE
MSL INVESTMENTS, LLC.
SHAVANO PARK, TEXAS

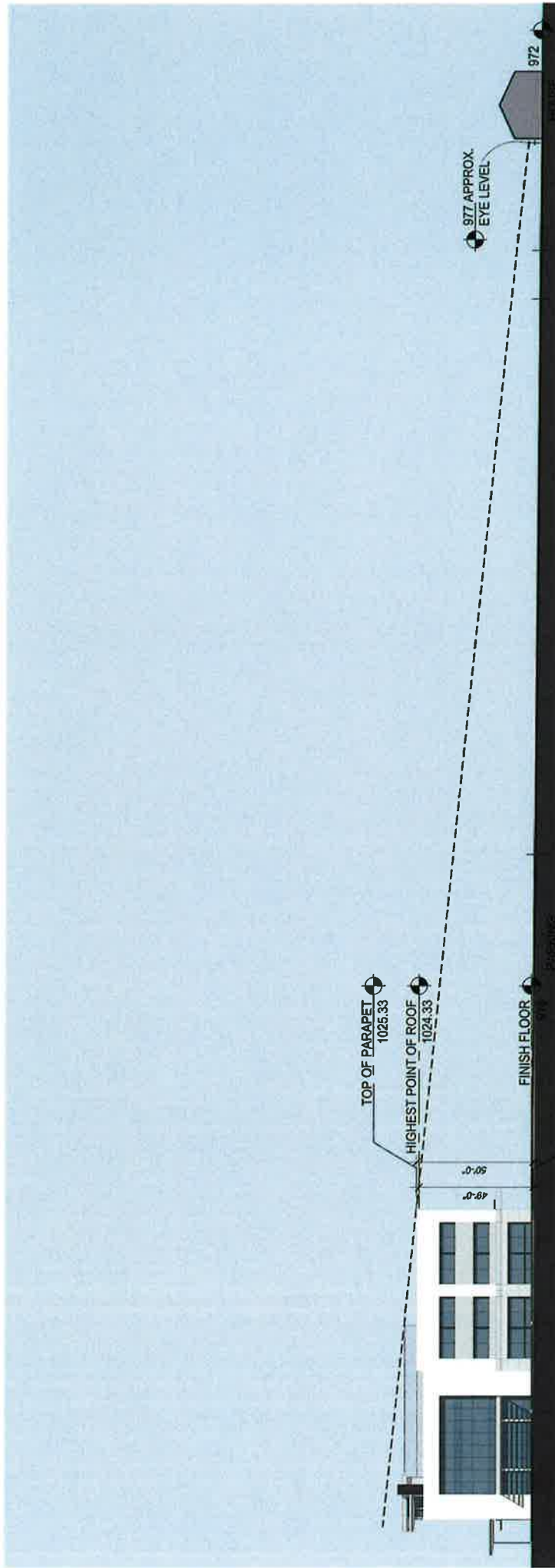
BENTLEY MANOR

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architecture/interior design

4901 Broadway, Suite 250 San Antonio, Texas 78209
210.828.9481 v | 210.828.9719 f | TBAE Firm Reg BR1010
chesneymorales.com

This document is incomplete and is not to be used for regulatory approval, permit or construction. Chesney Morales Partners, Inc. Malcolm G. Chesney Texas Reg. 14727

12-17-18



LINE OF SITE STUDY

DECEMBER 18, 2018

NATIONAL JOINT CARE INSTITUTE
MSL INVESTMENTS, LLC.
SHAVANO PARK, TEXAS

BENTLEY MANOR

chesneymordalespartners, inc.

architecture/interior design

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ORDINANCE NO. O-2018-005

AN ORDINANCE REZONING AND PROVIDING A SPECIAL USE PERMIT FOR SHORT-TERM IN-PATIENT SURGICAL CENTER FOR LOT 5, BLOCK 1, NCB 17704 FROM B-2 ZONING DISTRICT TO A PLANNED UNIT DEVELOPMENT WITH A B-2 BASE ZONING DISTRICT WITH THE FOLLOWING DEVELOPMENT STANDARD EXCEPTIONS: BUILD HEIGHT, EXTERIOR WALLS, PARKING RATIO, ALLOWED COMPACT SPACES, LANDSCAPE BUFFERS AND SIGNAGE; PROVIDING INDEMNITY FOR THE CITY; PROVIDING REPEALING AND SAVINGS CLAUSES; PROVING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 211 of Texas Local Government Code empowers the City Council of the City of Shavano Park to enact zoning regulations and provides for their administration, enforcement and amendment; and

WHEREAS, Chapter 36 Section 40 of the City's Code of Ordinances provides that the City Council of the City of Shavano Park may, after compliance with the requirements of said chapter, authorize the creation of a planned unit development ("PUD"); and

WHEREAS, the City Council may authorize the development of the uses designated as "CC" uses for zoning districts O-1, B-1, and B-2 under Chapter 36 Section 101 of the City's Code of Ordinances; and

WHEREAS, the City Council of the City of Shavano Park has complied with all notice of a public hearing as required by the Code of Ordinances of the City of Shavano Park; and

WHEREAS, in keeping with the spirit and objectives of the area, the City Council has given due consideration to all components of said proposed zoning change and the recommendations of the Planning and Zoning Commission concerning recommended requirements, conditions and safeguards necessary to protect adjoining property; and

WHEREAS, the City Council specifically finds that the requirements specified herein are rationally related to protecting the public purposes of lessening congestion in the streets, securing the safety of its citizens from fire, panic, and other dangers, promoting the health and the general welfare of its citizens; preventing the overcrowding of land, and avoiding undue concentration of population.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS:

SECTION I

THAT the Zoning Map of the City of Shavano Park is hereby amended by rezoning Lot 5, Block 1, NCB 17704 from B-2 zoning district to a planned unit development with a B-2 base zoning district, as more particularly described with regulations in the attached Exhibit "A"; and

THAT the planned unit development with a B-2 base zoning district shall adopt the following development standard exceptions:

1. Building Height:
 - a. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 zoning building height limitation of 45 feet.
 - b. Allow Building height up to 58 feet for the building front facing as depicted in Exhibit A.
2. Exterior Walls:
 - a. Exception from Section 36-39(1)(b) exterior wall requirement of 90% masonry.
 - b. Allow up to 60% +/- high performance glass.
3. Parking Ratio:
 - a. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 zoning Parking Stall Ratio requirement from 1:200 square feet.
 - b. Allow up to 1:215 square feet parking stall ratio.
4. Compact Spaces
 - a. Authorize up to 26% of parking spaces as *Compact Parking Space* as defined under Chapter 36, Section 36-1.
5. Greenbelt / Landscape Buffers
 - a. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 zoning front 40 foot Landscape Buffer requirement.
 - b. Allow variable width front landscape buffer as recorded on Plat.
6. Signage
 - a. Exception from Sec. 24-5(4)(b)(3) maximum sign area limitation of 200 sf in three singles with no single sign being larger than 120 square feet in sign area
 - b. Allow a single sign up to 160 square feet.

SECTION II

THAT a special use permit for a short-term in-patient surgical center use is hereby granted to National Joint Care Institute for Lot 5, Block 1, NCB 17704.

SECTION III CUMULATIVE CLAUSE

That this ordinance shall be cumulative of all provisions of the City of Shavano Park, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

SECTION IV SEVERABILITY

That it is hereby declared to be the intention of the City Council of the City of Shavano Park that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

SECTION V PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

SECTION VI EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by State and Local law.

PASSED AND APPROVED on the first reading by the City Council of the City of Shavano Park this the 25th day of June, 2018.

PASSED AND APPROVED on the second reading by the City Council of the City of Shavano Park this the 23rd day of July, 2018.



ROBERT WERNER, MAYOR

Attest:



ZINA TEDFORD, City Secretary

Approved as to Form:



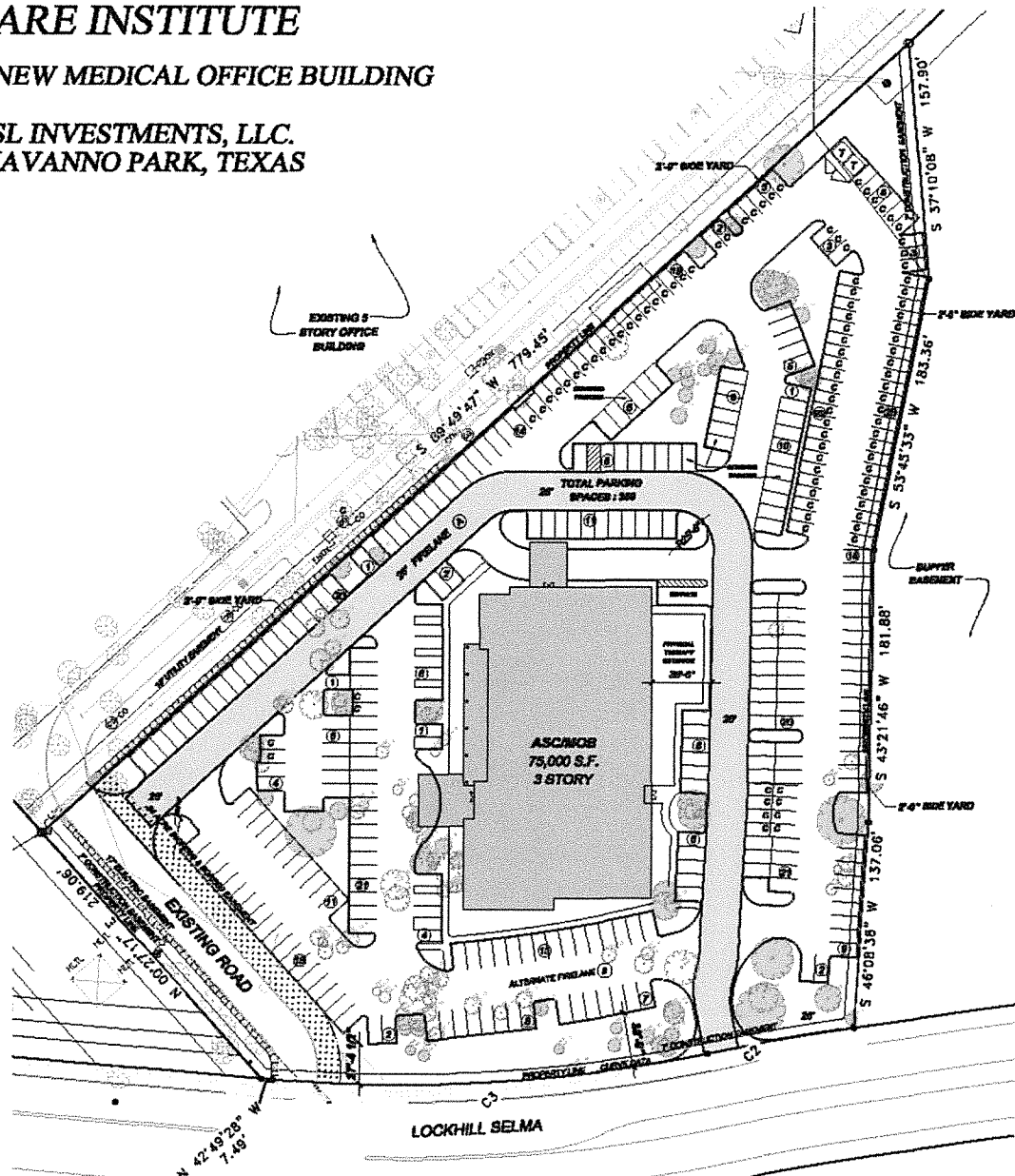
CHARLES E. ZECH, City Attorney

EXHIBIT A – Ordinance O-2018-005

NATIONAL JOINT CARE INSTITUTE

A NEW MEDICAL OFFICE BUILDING

MSL INVESTMENTS, LLC.
SHAVANNO PARK, TEXAS



Site Plan



SCHEME 3'

LAND DATA

4.936 ACRES

B2 PUD

SHOWING APPROXIMATELY 350 CARS

SHOWING APPROXIMATELY

40-50% TREES RETAINED

chesneymoralespartners, inc.
architecture/interior design

4921 Broadway, Suite 250 | San Antonio, Texas 78209
210.888.8481 | 210.888.8719 | 1542 First Day 987210
chesneymoralespartners.com
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PLANNING AND ZONING STAFF SUMMARY

Meeting Date: February 6, 2019

Agenda item: 7

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

Discussion / action – Recommend Amendment to City of Shavano Park Code of Ordinances, Section 6-92. - Fences to conform to the 12-foot gate opening requirement as required by the City of Shavano Park Zoning Ordinance Section 36-36(f)(3) – City Manager Hill.

X

Attachments for Reference:

1) 7a Section 6-92 Amended

BACKGROUND / HISTORY: At the September 10, 2018 Special City Council Meeting authorized staff to immediately begin research to purchase a demo 100' Ariel firetruck and authorizing staff to negotiate purchase during 2019 and said purchase not to exceed \$1.1M to be taken out of capital improvement fire department reserves.

An aerial ladder truck is a bigger vehicle than the current fire engines and there is some concern it may require larger entrances. Requiring future home construction to build gates of necessary width to allow aerial engine access would be beneficial to the fire safety of those residences.

The Fire Department reports that the standard fire engine is 8 ½ feet wide, not including mirrors; therefore the current minimum gate width requirement of 12 feet in Sec. 36-36(f)(3) is sufficient.

At the January 28, 2019 City Council meeting, the Council approved Ordinance O-2018-012 updating the City to the 2018 Fire Code. No changes in gate width requirements were made in this ordinance.

DISCUSSION: At the December 5, 2018 Planning & Zoning meeting, the Commission reviewed the inconsistencies between Sections 6-92 and Section 36-36(f)(3).

Residential gate width is regulated in two sections of the City ordinances. Staff recommends that the two areas of the code be made consistent with the 12 feet minimum gate width requirement of Sec. 36-36(f).

Sec. 6-92. - Fences.

Front fencing past the front edge of a residence or building is only allowed in an A-1 zoning district. A-2, A-3, A-4, and A-5 PUD zoning districts can have front fencing but cannot be past the front edge of the residence or building. Side and rear fencing is allowed in all districts. All fencing must meet the following criteria:

- (1) Fences not more than eight feet in height are permitted, provided that said fences are constructed of wood, concrete, brick, wrought iron or other materials approved by the Building Official and the materials are architecturally and aesthetically consistent with the surrounding area.
- (2) On a corner lot, no shrubbery, when mature height is greater than 18 inches, may be planted within the area created by a straight line connecting two points that are respectively 30 feet along the side and front property lines from a street intersection.
- (3) Fences should be constructed in such a way as to not be an obstruction or change the natural drainage of water. Solid front fencing is not permitted, except in A-1 PUD Zoning District.
- (4) Front gates must be wide enough as to provide access for any and all emergency vehicles.
- (5) Any shrubbery, when mature height is greater than 18 inches, must not be within three feet of a fire hydrant.
- (6) No fence shall encompass any fire hydrant.

Sec 36-36(f) *Fences* subsection (3):

- (3) Side and rear fencing is allowed in all districts provided they meet the following criteria, including front fences:
 - a. Fences not more than eight feet in height are permitted and shall be constructed of masonry, brick or stone, wood, concrete, or wrought iron. In A-1 District, chainlink and hog-wire style fences are additionally permitted.
 - b. On a corner lot, no shrubbery, when mature with a height greater than 18 inches, may be planted within the area created by a straight line connecting two points that are respectively 30 feet along the side and front property lines from a street intersection.
 - c. Fences must be constructed in such a way that does not change the natural drainage of water.
 - d. Except in A-1 District and Unit 19 (Huntington Subdivision) A-1 PUD District, fencing shall not be permitted beyond the front face of the residence. Front driveway gates shall have at least a minimum of a 12-foot opening. In A-1 District and excluding Unit 19 (Huntington Subdivision) A-1 PUD, no one shall construct fencing beyond the front face of the residence in a manner that impedes the view of persons beyond the residence's property line. In no event shall a base footer exceed 36 inches.
 - e. No shrubbery, when mature height is greater than 18 inches may be within three feet of a fire hydrant.

- f. Front fences must not encompass any fire hydrant that may be present.
- g. For any property within the City limits with a property line abutting one or more of the City streets known as Lockhill Selma Road, NW Military Hwy., De Zavala Road and Huebner Road (where such property presently has a solid wall along or parallel to one or more of such streets at the property line), such property owner may not construct a gate or other opening on such property line. Any property with an existing gate on property lines described above is considered a non-conforming use and may continue to exist.

Attachment 7a shows the updated language in Sec. 6-92 to have the two sections be consistent.

COURSES OF ACTION: Recommend amending Section 6-92. - Fences as presented, propose additional amendments, or decline and provide guidance to staff.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: Recommend amendment to City of Shavano Park Code of Ordinances, Section 6-92. - Fences to conform to the 12-foot gate opening requirement as required by the City of Shavano Park Zoning Ordinance Section 36-36(f)(3).

As amended to conform to Sec. 36-36(f)(3)(d):

Sec. 6-92. - Fences.

Front fencing past the front edge of a residence or building is only allowed in an A-1 zoning district. A-2, A-3, A-4, and A-5 PUD zoning districts can have front fencing but cannot be past the front edge of the residence or building. Side and rear fencing is allowed in all districts. All fencing must meet the following criteria:

- 1) Fences not more than eight feet in height are permitted, provided that said fences are constructed of wood, concrete, brick, wrought iron or other materials approved by the Building Official and the materials are architecturally and aesthetically consistent with the surrounding area.
- 2) On a corner lot, no shrubbery, when mature height is greater than 18 inches, may be planted within the area created by a straight line connecting two points that are respectively 30 feet along the side and front property lines from a street intersection.
- 3) Fences should be constructed in such a way as to not be an obstruction or change the natural drainage of water. Solid front fencing is not permitted, except in A-1 PUD Zoning District.
- 4) Front driveway gates shall have at least a minimum of a 12-foot opening for ~~must be wide enough as to provide access for any and all~~ emergency vehicles access.
- 5) Any shrubbery, when mature height is greater than 18 inches, must not be within three feet of a fire hydrant.
- 6) No fence shall encompass any fire hydrant.