

**CITY OF SHAVANO PARK  
PLANNING & ZONING COMMISSION MEETING  
CITY HALL, COUNCIL CHAMBERS  
900 SADDLETREE COURT, SHAVANO PARK, TEXAS 78231  
December 2, 2020**

**6:30 P.M.**

**SUPPLEMENTAL NOTICE OF MEETING BY LIVESTREAM / TELEPHONE  
CONFERENCE:**

**THIS MEETING WILL BE A LIMITED TO APPROXIMATELY 10 IN-PERSON  
ATTENDEES IN ORDER TO MAINTAIN SOCIAL DISTANCING.**

In accordance with Order of the Office of the Governor issued March 16th, 2020, the governor has suspended various provisions of the Open Meetings Act pursuant to his state disaster authority, which now authorize the participation of a meeting by live-video stream or telephone. The City of Shavano Park will conduct the Regular Meeting on Wednesday, November 4, 2020 at 6:30 p.m. at 900 Saddletree Court, Shavano Park Council Chambers in part by Livestream / telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) and slow down the spread of the Coronavirus (COVID-19).

**Livestream Participation.** The livestream available via the Youtube app or website from your computer, tablet or smartphone at: <https://youtu.be/tUCAVu5U--4>

**Telephone Participation.** The public toll-free dial-in number to participate in the telephonic meeting is 1-833-548-0282 and requires access code 979-7606-4163. The Livestream / telephone conference will be available to join at 6:00 p.m. (30 minutes prior to the meeting). If you have issues accessing Telephone Participation or Livestream, please call City Secretary Zina Tedford at 210-787-0366.

The public will be permitted to offer comments telephonically as provided by the agenda during Citizen’s to be Heard. Citizens who want to speak during this period, should sign up to speak prior to the beginning of the meeting by stating their intent and providing Name, Address, and Topic to be addressed. Follow the guidelines under agenda item 3. If unable to participate in the meeting, you may submit public comments by email to [ztedford@shavanopark.org](mailto:ztedford@shavanopark.org).

The meeting agenda and agenda packet are posted online at [www.shavanopark.org](http://www.shavanopark.org).

A recording of the telephonic meeting will be made, and will be available to the public in accordance with the Open Meetings Act upon written request.

## 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. The Planning and Zoning Commission welcomes “Citizens to be Heard.” If you wish to speak, you must follow these guidelines. **As a courtesy to your fellow citizens and out of respect to our fellow citizens, we request that if you wish to speak that you follow these guidelines.**
  - Pursuant to Resolution No. R-2019-011 citizens are given three minutes (3:00) to speak during “Citizens to be Heard.”
  - Members of the public may only speak once and cannot pass the individual’s time allotment to someone else
  - Direct your comments to the entire Commission, not to an individual member
  - Show the Commission members the same respect and courtesy that you expect to be shown to you

The Chairman 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 Mayor that the individual leave the meeting, and if refused, an order of removal. In compliance with the Texas Open Meetings Act, no member of the Commission may deliberate on citizen comments for items not on the agenda. (Attorney General Opinion – JC 0169)
4. Consent Agenda:
  - A. Approval - Planning & Zoning Commission minutes, November 4, 2020.
5. Public Hearing - The purpose of the public hearing is to receive comments from members of the public regarding proposed amendments to the City of Shavano Park Code of Ordinances to allow short-term temporary open storage of recreational/commercial and covered vehicles/equipment for customary loading/unloading, cleaning and maintenance.
6. Discussion / action – Possible amendments to Chapter 36 of the City of Shavano Park Code of Ordinances to allow short-term temporary open storage of recreational/commercial and covered vehicles/equipment for customary loading/unloading, cleaning and maintenance – City Manager
7. Discussion / action – Possible rescheduling of the January 6, 2021 Planning & Zoning Commission meeting – Chairman Aleman
8. Report / update - City Council items considered at previous City Council meetings and discussion concerning the same - City Manager
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. Public Hearing - The purpose of the public hearing is to receive comments from members of the public regarding proposed amendments to the City of Shavano Park Code of

Ordinances, Chapter 36 regarding MXD & PUD site plan approval to comply with House Bill 3167 from the 86th Texas Legislature

- ii. Discussion / action - Amendments to Chapter 36 regarding MXD & PUD site plan approval to comply with the 30-day shot clocks from Texas Legislature - City Manager

## 10. 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 this the 23 of November 2020 at 11:15 a.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

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Zina Tedford, City Secretary

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A recording of the telephonic meeting will be made, and will be available to the public in accordance with the Open Meetings Act upon written request.

1. **Call to order**

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

PRESENT:

ABSENT:

Albert Aleman

Carla Laws

Kerry Dike

Michael Janssen

Jason Linahan

Bill Simmons

Shawn Fitzpatrick

William Stipek

Damon Perrin

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 Linahan and a second made by Commissioner Dike, the Planning & Zoning Commission voted eight (8) 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.

4. **Consent Agenda:**

A. Approval - Planning & Zoning Commission minutes, September 2, 2020

Upon a motion made by Commissioner Stipek and a second made by Commissioner Janssen, the Planning & Zoning Commission voted eight (8) for and none (0) opposed to approve the Planning & Zoning Commission Meeting Minutes, September 2, 2020 as presented. The motion carried.

5. **Nomination and appointment of Chairman**

Commissioner Janssen made a motion to nominate Albert Aleman as Chairman.

Commissioner Dike seconded the motion.

The motion to nominate Albert Aleman carried with a unanimous vote.

6. **Nomination and appointment of Vice-chairman**

Commissioner Janssen made a motion to nominate Carla Laws as Vice-Chairman.

Commissioner Fitzpatrick seconded the motion.

The motion to appoint Carla Laws as Vice-Chairman carried with a unanimous vote.

7. **Discussion – Possible amendments to Sign Code regarding commercial sign regulations to comply with 5<sup>th</sup> Circuit decision in *Reagan v. City of Austin***

City Manager Hill presented informed the Planning & Zoning Commission In late October the City received a Texas Municipal Law Bulletin from the City Attorney Bojorquez Law Firm. The bulletin discussed implication for Municipal Sign Codes after the August 2020 decision by the 5th Circuit Court in Reagan National Advertising of Austin v. City of Austin.

8. **Notice of administrative approval – Amending Plat of 123 West Mossy Cup to modify existing drainage easement by moving said easement to the north property line to follow actual flow route**

City Manager Hill informed the Planning & Zoning Commission of the approval of administrative request to amend Plat of 123 West Mossy Cup to modify existing drainage easement by moving said easement to the north property line to follow actual flow route

9. **Discussion – Review of Recreational Vehicle Ordinance**

City Manager Hill presented a review of the current recreational vehicle regulation. Discussion followed regarding the ordinances do not have any provisions for allowing residents to load / unload / clean prior to or immediately following a trip. Owners who store their RV off site usually need to retrieve the RV, drive it to their residence, then clean and load the RV prior to the trip and possible amendment that would provide for short periods of transition time.

10. **Report / update - City Council items considered at previous City Council meetings and discussion concerning the same - City Manager**

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

11. **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. Public Hearing - The purpose of the public hearing is to receive comments from members of the public regarding proposed amendments to the City of Shavano Park Code of Ordinances, Chapter 36 regarding MXD & PUD site plan approval to comply with House Bill 3167 from the 86th Texas Legislature
  - ii. Discussion / action - Amendments to Chapter 36 regarding MXD & PUD site plan approval to comply with the 30-day shot clocks from Texas Legislature - City Manager

12. **Adjournment**

Upon a motion made by Commissioner Dike and a second made by Commissioner Janssen, the Planning & Zoning Commission voted eight (8) for and none (0) opposed to adjourn the meeting at 7:39 p.m.

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Albert Aleman  
Chairman

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Zina Tedford, City Secretary

## PLANNING AND ZONING STAFF SUMMARY

Meeting Date: December 2, 2020

Agenda item: 5 / 6

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

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### **AGENDA ITEM DESCRIPTION:**

5. Public Hearing - The purpose of the public hearing is to receive comments from members of the public regarding proposed amendments to the City of Shavano Park Code of Ordinances to allow short-term temporary open storage of recreational/commercial and covered vehicles/equipment for customary loading/unloading, cleaning and maintenance.
  
6. Discussion / action – Possible amendments to Chapter 36 of the City of Shavano Park Code of Ordinances to allow short-term temporary open storage of recreational/commercial and covered vehicles/equipment for customary loading/unloading, cleaning and maintenance – City Manager

**Attachments for Reference:**

1) 6a Proposed RV Code Amendments

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**BACKGROUND / HISTORY:** The recreational vehicle (RV) regulations were first established in August 2008 (Ordinance No. 100-02-08). This ordinance was revised in 2011 after considering recommendations from the “Recreational Vehicle Ordinance Review Committee.

The 2011 revisions included establishing a provision “grandfathering” existing RVs owned prior to January 1, 2011 and permitted within 90 days. Staff has no record of the *recreational vehicle or boat storage permit (RVBSP)* called for in the ordinance ever being created or permit issued.

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**DISCUSSION:** Recently, resident’s use of RVs have highlighted that our regulations make no provision for allowing residents to load / unload / clean prior to or immediately following a trip. Owners who store their RV off site usually need to retrieve the RV, drive it to their residence, then clean and load the RV prior to the trip. Upon return, they park at the residence to unload and clean prior to returning the RV for storage. Staff believes an amendment that provides for short periods of transition time would account for this common practice.

In 2011 at the time of the ordinance revision, residents who had existing RVs were provided a 90 day period to permit a RV owned prior to January 1, 2011, which then allowed that RV to be excepted from the regulations of the ordinance. There is no evidence that a permitting process was developed or that permits were approved. Nevertheless, this section of the ordinance is no longer applicable and can be considered for deletion.



At the November 4, 2020 Planning & Zoning Meeting the Commission gave guidance to staff to continue with amendments to allow temporary open storage of RVs for limited time periods throughout the year for customary loading/unloading, cleaning and maintenance.

Staff also propose deleting the code reference to the 2011 *recreational vehicle or boat storage permit*.

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**COURSES OF ACTION:** Recommend approval of RV Code Amendments as presented; proposal additional amendments or decline and provide further guidance to staff.

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**FINANCIAL IMPACT:** N/A

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**MOTION REQUESTED:** Recommend amendments to Chapter 36 of the City of Shavano Park Code of Ordinances to allow short-term temporary open storage of RVs.

# Recreational / Commercial Vehicle Regulations – Proposed Amendments

## ARTICLE I. - IN GENERAL

### Sec. 36-1. - Definitions. (select relevant definitions)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning; terms not expressly defined herein are to be construed in accordance with customary usage in municipal planning and engineering practices:

...

*Building line or setback* means the line within a lot defining the minimum horizontal distance between a building and the property line. Building setback lines include front, rear and side setbacks that are measured from the front, rear and side property lines.

*Commercial vehicle* means any motor vehicle or piece of equipment one ton and over designed for or used primarily in connection with a commercial business enterprise.

*Covered vehicle/equipment* means any vehicle or equipment covered with a cover or tarp type material with or without framework.

*Garage, attached*, means a structure designed to house motor vehicles and is attached to the main dwelling house either as an integral part thereof or by a connection such as a breezeway.

*Open storage* means the storage of any equipment, machinery, commodities, raw or, semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level to six feet above ground level.

*Recreational vehicle* means a vehicle or piece of equipment designed or intended for recreational use, including but not limited to all terrain vehicles, airplanes, golf carts, boats, floats, camping or travel trailers, motor homes, detachable travel equipment of a type adaptable to light duty trucks, boat trailers, utility trailers over eight feet in length, and other equipment or vehicles of similar nature.

*Screening device*. A "screening device" shall consist of a barrier of stone, brick (pierced or block), uniformly colored wood, or other permanent affixed material of quality character, density, and acceptable design, where the solid area equals at least 65 percent of the wall surface, including an entrance gate or gates. Such screening device shall be regularly maintained.

*Yard, front*, means an area extending along the whole length of the front property line between the side property lines, and being the minimum horizontal distance between the property line and the main building or any portion thereof, other than any open porch or porte cochere.

*Yard, rear*, means an area extending across the rear of a lot between the side property lines and being the minimum horizontal distance between the rear property line and the rear of the principal building or any projections thereof, other than any balcony or open porch.

*Yard, side*, means an area extending along the side property line from the front yard to the rear yard, being the minimum horizontal distance between any building sidewall or projections thereof, except any balcony or open porch.

...

### Sec. 36-2. - Phasing of certain regulations.

Any existing violations of the storage or parking of recreational/commercial and covered vehicles/equipment as prohibited in this chapter are hereby given six months to come into compliance with said regulations.

**Sec. 36-3. - Criminal penalty.**

...

**Sec. 36-4. - Effect and compliance.**

...

**Sec. 36-5. - Enforcement and remedies.**

...

**Sec. 36-6. - Nonconforming uses.**

...

**Secs. 36-7—36-30. - Reserved**

**ARTICLE II. – DISTRICTS**

**Sec. 36-36. - A-1, A-2, A-3, A-4 and A-5 PUD Single-Family Residential Districts.**

(a) *Use regulations.* In A-1, A-2, A-3, A-4 and A-5 PUD Single-Family Residential Districts, no land shall be used and no building shall be erected for or converted to any use other than:

- (1) Single-family residence.
- (2) Accessory buildings.

...

- (3) Portable construction buildings under the following conditions:

...

- (4) Swimming pools pursuant to all applicable City regulations.
- (5) Private tennis courts pursuant to all applicable City regulations.

- (6) *Entryway features and the front setback.* Porches or porte cocheres at the front of a residence are only allowed to extend from the primary residence into the front setback under the following conditions:

...

(b) *Storage or parking of recreational/commercial and covered vehicles/equipment.* Storage or parking of recreational/commercial and covered vehicles/equipment is prohibited in all residential districts. This restriction and the following requirements do not apply when any such vehicle is used for the primary transportation of the owner:

- (1) Storage or parking of recreational/commercial and covered vehicles/equipment is allowed when such vehicles and equipment is placed within a completely enclosed/building on any residential lot;
- (2) Any such vehicle eight feet or less in height may be placed on a residential lot behind the dwelling unit to include side setbacks, if properly screened from the view from the front property line by either a fence or screening device; or

(3) Any such vehicle greater than eight feet in height may be placed on a residential lot that is greater than 0.7 acre if properly screened from view by a fence that is at least eight feet in height or a screening device. The vehicle must be placed behind the front face of the dwelling unit. Side and rear setbacks may be used provided that a five-foot side and rear setback be maintained at all times.

(4) Open storage of recreational/commercial and covered vehicles/equipment is allowed twice every month for no more than 96 hours cumulatively to allow customary loading/unloading, cleaning and maintenance.

~~(4) Properly permitted recreational vehicles and boats are excepted from the regulations of this subsection. A recreational vehicle or boat is properly permitted if the owner of a recreational vehicle or boat is issued a recreational vehicle or boat storage permit ("RVBSP") by the City prior to 90 days after approval of this ordinance by the City Council. RVBSPs are nontransferable and may be issued to an owner of [a] recreational vehicle including owners with residential lots of less than one acre upon receipt of the following:~~

~~a. A completed, signed, RVBSP application;~~

~~b. Documentary proof that the recreational vehicle or boat was purchased prior to January 1, 2011;~~

~~c. A copy of the recreational vehicle's title; indicating owner and homeowner are the same;~~

~~d. Proof of insurance for the recreational vehicle if applicable;~~

~~e. The RVBSP can be transferred to a replacement recreational vehicle or boat, only when the new or replacement recreational vehicle or boat does not exceed the size in length and height of the original recreational vehicle or boat being replaced; and~~

~~f. An administrative processing fee in the amount of \$10.00 for the original RVBSP or to transfer it to a replacement recreational vehicle or boat.~~

...

### **Sec. 36-37. - CE Single-Family Cottage Estates Residential District.**

(a) *Use regulations.*

(1) In a CE Single-Family Cottage Estates Residential Districts, no land shall be used for any purpose other than a single-family residence and related amenity purposes.

(2) Reserved.

(b) *Density regulations.* No more than four dwelling units may be constructed per gross acre of land within each CE Zoning District.

(c) *Other use regulations.* See Table No. 2.

(d) *Exterior architectural features.*

...

(e) *Garages.* A minimum two-car garage shall be provided for each residence. An additional garage may be provided as an accessory building pursuant to regulations in section 36-36(a)(2). Conversion of an existing garage to another use shall be permitted only where replacement garage space is provided.

(f) *Height regulations.* No residential building shall exceed two livable stories in height and the permitted maximum vertical height shall not exceed the height specified in Tables 1, 2 and 6 of this chapter.

(g) *Storage or parking of recreational/commercial and covered vehicles/equipment.* Storage or parking of recreational/commercial and covered vehicles/equipment is prohibited in all residential districts.

Except where the primary use of any such vehicle is for the personal transportation of the owner, the following exceptions shall apply:

- (1) Such vehicles and equipment may be placed within a completely enclosed building on any residential lot; or
- (2) Any such vehicles eight feet in height or less may be placed on any residential lot behind the front face of the dwelling unit, to include the side setbacks, if properly screened from view by either a fence or screening device.
- (3) Open storage of recreational/commercial and covered vehicles/equipment is allowed twice every month for no more than 96 hours cumulatively to allow customary loading/unloading, cleaning and maintenance.

Storage or parking pursuant to these exceptions shall be limited to the parcel of land upon which an inhabited dwelling unit is located and the vehicle or equipment so stored or parked shall be owned by the occupant of that unit.

...

**Sec. 36-103. - Special use permits for certain fences.**

- (a) Special use permits for certain fences shall be processed consistent with this subsection.
- (b) Special use permit requirements. A special use permit for a fence in any residential area exceeding eight feet in height shall be granted if the following conditions are met:
  - (1) A neighboring property owner is legally storing a recreational vehicle on their property; and
  - (2) The requested fence does not exceed ten feet in height.
- (c) Permitting process
  - (1) An applicant shall submit a request for the special use permit to the City Secretary's office.
  - (2) The Commission shall consider the approval or denial of the permit based solely on the requirements within this chapter at its next regularly scheduled meeting.

## PLANNING AND ZONING STAFF SUMMARY

Meeting Date: December 2, 2020

Agenda item: 7

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

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### **AGENDA ITEM DESCRIPTION:**

Discussion / action – Possible rescheduling of the January 6, 2021 Planning & Zoning Commission meeting – Chairman Aleman



**Attachments for Reference:** 1)

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**BACKGROUND / HISTORY:** The regularly schedule January Commission Meeting is on January 6 – the first Wednesday after the New Year’s Holiday (which is on Friday). New Year’s Day is a City Holiday,

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**DISCUSSION:** While it is feasible to prepare for and conduct the meeting on January 6<sup>th</sup>, most City Staff will be on leave the week between Christmas and New Year’s. Moving the meeting to the second week in January provides more flexibility for Commissioners and more time for the development of additional agenda items.

All rescheduling of regular meetings requires a vote of the Commission at a regular meeting under Section 36-69(f) of the City of Shavano Park Code of Ordinances.

(f) *Meetings.* Regular meetings shall be held on the first Wednesday of each month at 6:30 p.m. and may be recessed from time to time, effective September 2015, at Shavano Park City Hall, and notice of each meeting shall be given in accordance with the Texas Open Meetings Act. Special meetings may be called by the chairman, provided written notice thereof is mailed to each member at least 72 hours prior to the time thereof and notice of each such meeting shall be given in accordance with the Texas Open Meetings Act. All meetings of the Commission shall be open to the public. **The place, day and/or hour of meetings may be changed by vote of the Commission at any regular meeting.**

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**COURSES OF ACTION:** Propose date to reschedule meeting; or decline.

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**FINANCIAL IMPACT:** N/A

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**MOTION REQUESTED:** Reschedule the January 6, 2021 Planning & Zoning Commission meeting to \_\_\_\_\_.