

## MINUTES

### PLANNING AND ZONING COMMISSION SPECIAL MEETING

June 9, 2022

#### **CALL TO ORDER – Roll Call and Determination of a Quorum**

The Planning and Zoning Commission met on the above date. Chairperson Wright called the meeting to order at 7:07 p.m.

Commissioners Present: Use “✓” or “X”, please				
X	Chairperson Russell Wright		X	Alternate Larkin Crutcher
	Commissioner Joe Lozano			Alternate JR Douglas
X	Commissioner Wei Wei Jeang		X	Alternate Todd Fecht
	Commissioner David Leamy			
	Commissioner Jasmat Sutaria			
Staff/Others Present:				
X	Public Works Dir. Gary Machado		X	City Attorney Trey Lansford
	City Secretary Patti Scott Grey			City Administrator Luke B. Olson

#### **APPOINTMENT OF ALTERNATE(S)**

Alternates Crutcher and Fecht were appointed by Chairperson Wright to be voting members for tonight's meeting.

#### **PLEDGE OF ALLEGIANCE**

The pledges were recited.

#### **PUBLIC COMMENTS**

Tim Horton spoke to inquire about whether privacy screening for swimming pool equipment, trash cans, etc. for the Brooks Farms neighborhood would be required to be a certain construction under the current zoning code. Chairperson Wright and Commissioner Jeang pointed out that the solid or 50% open fencing requirement is for perimeter fencing around the property line, not for privacy

screens for blocking unsightly items inside the yard from line-of-sight under the current and proposed revised code.

Katharine Booth, 4010 Anns Lane, was unable to attend the meeting and asked that her email be included in the minutes. [See *Exhibit A* – Katharine Booth’s *comments, dated June 9, 2022*.]

## **INDIVIDUAL CONSIDERATION ITEMS**

1. The meeting minutes for the March 10 meeting were reviewed. Alternate Crutcher moved to approve the minutes with a correction of spacing in item 2 pointed out by Chairperson Wright. Alternate Fecht seconded the motion. The motion carried 4-0.
2. Public hearing opened at 7:17 p.m. A letter from Katherine Booth raised two issues: 1) whether the P&Z Commission’s actions in revising the zoning regulations are procedurally putting “cart before the horse” as local Government Code requires zoning regulations to be adopted in accordance with the City’s Comprehensive Plan; and 2) why is it that building setbacks are not applicable to storage sheds as it would be an “infringement on neighboring property” no different than non-temporary storage units? Ms. Booth was not present at the meeting.

A brief discussion ensued about the issues raised by Ms. Booth. Chairperson Wright explained that the proposed revisions by the P&Z Commission are intended to address inconsistencies and make the language clearer and easier to understand. The proposed changes are consistent with the current Comprehensive Plan and therefore procedurally the P&Z Commission’s actions satisfy the Government Code.

Public hearing segment closed at 7:26 p.m.

A brief discussion ensued concerning the current version of the revisions before the Commission. The version for consideration appears to contain the proposed changes from the P&Z Sub-Committee, and additional refinements made by Attorney Lansford to move all definitions to the top of the chapter, and to add back the Planned Development District (PDD) section that was deleted in 2000 before the P&Z Commission’s current code-revision exercise. The PDD section gives the City flexibility to plan and approve alternative zoning districts. Attorney Lansford also pointed out that the published version of the proposed revisions omitted a spelling correction from “burr oak” to “bur oak.” The Commissioners were satisfied that the proposed revisions are in condition for submission to the City Council for further consideration and approval.

**MOTION:** Commissioner Jeang moved to recommend the proposed revised ordinance including the “bur oak amendment” to the City Council for consideration and approval, and Alternate Crutcher seconded the motion. Motion carried 4-0.

### **3. ADJOURN**

Chairperson Wright adjourned the meeting at 7:40 p.m.



Minutes Approved on 25th day of August, 2022.

Chairperson Russell Wright

Attest and Prepared by:

Commission Secretary Wei Wei Jeang

Attested by City Secretary Patti Scott Grey

**Exhibit(s):**

**A - Katharine Booth Booth's June 9, 2022 emailed comments**

# Exhibit A

City of Parker  
Planning and Zoning Commission  
5700 E. Parker Road  
Parker, TX

## COMMENTS FOR 6/9/2022 MEETING - ZONING CODE REVISIONS HEARING

First: City Council and P&Z have spent many golden hours over the last few years discussing and trying to implement revisions to the Zoning Code (Ord. 483, passed 2000) and updates to the latest Comprehensive Plan (Ord. 721, passed 2015). At present, it appears that Council is waiting for the code changes to be approved before addressing the Comprehensive Plan.

Per state statutes, this sequence of approval "puts the cart before the horse". "Under Local Government Code § 211.004(a), zoning regulations must be adopted in accordance with a City's comprehensive plan if one exists."(1) Disregarding the procedural requirements leaves the City wide open to zoning regulation challenges.

Second: Within the proposed Zoning Ordinance under consideration tonight there are some sections that seem inconsistent with others. Please especially take another look at the discrepancies between the definition of ACCESSORY USE, ACCESSORY STRUCTURE AND ACCESSORY BUILDING and the section (N) ACCESSORY BUILDINGS changes/exceptions in size/square-footage requirements, building permit requirements and exemption of compliance with standard set backs.

Especially perplexing is:

(P) Storage units and construction containers. (3) **Non-temporary** storage units. (b) Storage sheds of less than **126** 200 square feet of floor area are allowed on residential properties. Not more than **1** one per acre will be allowed. **The shed must be placed behind the rear building line of the principal dwelling, and, on a corner lot, no closer to the street than the main dwelling. Building setbacks do not apply to storage sheds described in this division (P)(3).**

How is a "non-temporary storage shed" different from any building which requires building permit and must honor setback rules? The infringement on neighboring property is exactly the same when any structure is allowed to occupy space within the setback.

Third: Please explain the reasoning behind bringing back PRD/PD zoning district.

Thank you,

Katharine Booth  
4010 Anns Lane  
Parker

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(1)

<http://texascityattorneys.org/2011speakerpapers/2011fallconference/DRoggia-RecentStateCaces.pdf>

**XIX. Zoning**

***City of Laredo v. Rio Grande H2O Guardian, No. 04-10-00872-CV (Tex. App—San Antonio, July 27, 2011).*** After the City of Laredo amended its zoning map, Rio Grande filed a declaratory judgment action against the City challenging the legality of the new zoning ordinances. In response, the City filed a motion for summary judgment. Among other things, the City argued that Rio Grande's claim that the new zoning ordinance was not adopted in accordance with the City's comprehensive plan was moot. The City's argument is based on the fact that, during the instant suit, the City modified its comprehensive plan as permitted by its charter. Under Local Government Code § 211.004(a), zoning regulations must be adopted in accordance with a City's comprehensive plan if one exists. The court reasoned that if a City fails to adopt zoning ordinances in accordance with its comprehensive plan, such ordinances are void *ab initio*. Thus, the court held that the ordinances were never valid and the City could not revive them by subsequently amending the comprehensive plan.

SEE ALSO: <http://texascityattorneys.org/2010speakerpapers/LandUseLaw.pdf>