

CITY OF CASTLE HILLS
SPECIAL CITY COUNCIL MEETING
MINUTES OF JANUARY 29, 2008

The City Council of the City of Castle Hills convened at 6:00 p.m. on the 29th day of January, 2008, at the City of Castle Hills, 209 Lemonwood Drive, Castle Hills, Texas.

The attendance roster included Evangeline O'Sullivan, Brad Boeckner, Stephanie Lebman, Vera Howard, Bill Barker, Terry S. Warth, Bill Martin, Patricia and Gilbert Cruz, Susana Rios, James Irwin, Susan Kilgore, Ramiro Estrada, Mary Chapman, Clyde Chapman, Frank Paul, Pamala Farris, John Mack, Jim Pehl, Mr. and Mrs. Anthony DeBaggio, Tim Turner, LaVerne Japhet, Pam Grunwald, Barbara Bertolett, Bill Schluter, Betty Zinn, William Beuhler, Stephen McGuire, Don Harris, Joan Buerschinger, Douglas Steadman, Marion and Sam Smith, Eunice Vandebos, Joan and Beverly Bihn, Helen DiStefano, Charlie Barbera, Walter Beuhler, Joe Rodriguez, Sue Jennings, James Jennings, Billy Chandler, George and May Soo, and Luis Jimenez.

I. OPENING

- A. QUORUM - Present and composing a quorum of the City Council were Mayor Marcy Harper, Helen Glass, Douglas Gregory, Marcella Huff, Tom Davis, and Tim Howell.

Staff present was City Manager Mike Rietz, Assistant City Manager Rita Hoyl, City Secretary Linda Gill, and City Attorney Michael S. Brenan.

II. ANNOUNCEMENTS- None

III. REPORTS

IV. NEW BUSINESS

- A. THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO RECEIVE COMMENTS REGARDING THE RECOMMENDATIONS OF THE ZONING COMMISSION TO AMEND THE EXISTING ZONING ORDINANCE BY ADOPTING A NEW ZONING ORDINANCE. AT THE CONCLUSION OF THE PUBLIC HEARING THE CITY COUNCIL WILL CONSIDER THE RECOMMENDATIONS OF THE ZONING COMMISSION AND THE PUBLIC AND MAY ADOPT AN AMENDED ZONING ORDINANCE.

Mayor Harper recognized Pamala Farris and thanked her for typing the new ordinance indicating the changes recommended by the Zoning Commission.

The mayor opened the Public Hearing at 6:24 p.m. and asked citizens wishing to speak to the council regarding amendments to the zoning code to step to the podium and state their name and address before beginning their presentation.

- Stephen Ackley of 118 West Castle Lane drew attention to page 38 of the proposed ordinance. He indicated that Section 31.1300, 4 stating that no one not permanently residing on the premises of a home could be employed for hire or as a volunteer should be changed because there are contractors who work out of their homes that hire a bookkeeper or someone to answer the phone. He said it doesn't support family values if a spouse is required to do it and possibly need to hire a baby sitter for the children. He also remarked that it would be difficult to enforce. He thought that the mechanism in the current ordinance that says "not more than one person permanently residing in a home" is fine, and residents should be encouraged to have home occupations.
- Douglas Steadman of 113 Sunflower stated that the word "only" should be deleted from the first sentence in Section 31.156 because it isn't needed. He also said that the phrase, "with each single family dwelling unit being owned independently," should be deleted in Section 31.157.
- Joe Rodriguez of 110 South Grandview said that he was not sure everyone could see the document on the wall, and he assumed that residents could purchase hard copies to review because the document was very large.
- James Irwin of 356 Towne Vue said that, in the past he has had trouble with 241 Towne Vue being leased to a group of young women one year and a group of young men the next year, both of whom had loud parties. He said he knows the council will address the number of unrelated people allowed to live in a residence.
- Tim Turner of 120 Herwick Drive and a member of the Zoning Commission mentioned highlights of issues that he had seen with fresh eyes. He said the city staff is on the front line of the zoning ordinance. He added that citizens want to know how to do the legal thing and secure what they need. He said that terms in zoning code such as country club, nursery, and religious institution need to be defined. He said family needs to be defined or there will be problems in the future. He concluded by saying there needs to be clarity on terms and procedures.
- Steve McGuire of 103 Zornia asked the council to consider human nature and realize that people will push the limits of the zoning ordinance. He said the only way was to ensure the type of community that is desirable is to be diligent and highly restrictive.

Mayor Harper closed the Public Hearing at 6:47 p.m. and opened discussion among the council members.

Council member Huff recommended maintaining 5 as the number of non-related individuals who can live in a dwelling in Section 31.126. She said she saw no gain in changing it to 2 as indicated in the proposed ordinance.

Councilman Davis questioned how foster children would be considered. Mr. Brennan said they would fall under the number of non-related individuals, unless the council changes the definition of family. The mayor said that Castle Hills has never really had an issue with the number 5 until recently, and that issue is not what the meeting is about.

Councilman Howell said he did not see the teeth in the ordinance and asked Zoning Commission Chairman Marc Schnall how the city would enforce the ordinance. Mr. Schnall responded that the issue is usually raised by other residents complaining about noise or activity. He reported that the number was not changed by the Zoning Review Committee or the Zoning Commission, but changing it from 5 to 2 is clearly within the discretion of the council.

The mayor expressed her concern regarding home occupations as Steve Ackley mentioned. She said she knows many people that office in their home and prefer to hire someone for the secretarial work. She commented that it limits people who might want to move into the city if they have a home occupation.

Councilman Gregory questioned why in Section 31.109 basements are counted when measuring building height. Mr. Schnall answered that it was the suggestion of former city manager, Mr. Shands. He said that the committee and the commission decided it was appropriate to count the basement portion that is above the ground.

Councilman Gregory opened discussion on Section 31.123 that describes a dwelling unit. Mr. Schnall said there is no limit to the number of dwelling units that can be on a property, pointing out that many residents in Castle Hills have very large properties and may desire to build more than one dwelling for extended family. Discussion led to council member Huff noting that, according to Section 31.121, there could be 10 related people living in a one-room single-family dwelling. Mr. Schnall said that was correct as long as the square footage of the dwelling was in compliance with the ordinance.

Council member Gregory asked why the maximum number of single-family dwelling units was 8 in 31.157. Mr. Schnall said that he wrote the language and it was completely arbitrary. He said the number could be changed by the council with a motion. He said he was not opposed to the council deleting the phrase, "with each single-family dwelling being owned independently."

Discussion followed regarding 31.204 accessory buildings, structures, and uses and what determines their connection to the main building.

Mr. Schnall and Mr. Brennan agreed that the entire area of a church complex is counted when figuring off-street parking as indicated in 31.401, 5 (d).

Council member Huff suggested that there should be a limit on the number of inoperable vehicles parked on a residential property.

Discussion of proposed changes continued regarding the Board of Adjustment. An increase in the application fee from \$200.00 to \$500.00, and notices of applications for variances to be mailed to owners of all properties within 500' rather than 200' were proposed.

Discussion concluded after Councilman Davis suggested adding a licensed physical therapist and an occupational therapist to the definition of 31.136 Massage Parlor.

Mr. Schnall said the council had two options. They could vote on the changes to the ordinance section by section and then vote on the whole document, or they could have someone make the changes and provide a red-line for the council to act on in a later meeting. A general consensus of the council resulted in Mr. Schnall suggesting that he read his notes of the changes suggested during discussion of the document so that the council could vote on them. As he read each suggested change, the following motions were made:

Motion: Councilman Howell moved to change 31.126 by limiting the number of unrelated persons who may live together in a dwelling unit from 2 to 5. Seconded by council member Huff, the motion failed with a vote of 3 to 2. Council members Davis, Gregory, and Glass voted against the motion. Council members Huff and Howell voted in favor of the motion.

Motion: Councilman Davis moved to change 31.126 by limiting the number of unrelated persons who may live together in a dwelling unit from 2 to 3. Councilman Gregory seconded the motion. It passed unanimously.

Motion: Councilman Davis moved to change 31.136 by adding licensed physical therapist and licensed occupational therapist to the definition. Councilman Howell seconded the motion. The motion carried 4 to 1 with council member Glass voting against the motion.

Motion: Council member Huff moved to change 31.405.3(b) to read that “no more than 3 inoperable vehicles be stored on the property and each vehicle must have a permit issued by the City Manager’s office. Councilman Howell seconded the motion. The motion carried 4 to 1 with council member Davis voting against the motion.

- Motion:** Councilman Gregory moved to change 31.901(2) by adding “lighting” to the last sentence and 31.951 by adding “lighting” to the last sentence. Councilman Howell seconded the motion. The motion passed unanimously.
- Motion:** Councilman Davis moved to leave 31.1300 (4) as originally written by restoring the words, “not more than one person.” Council member Huff seconded the motion. The motion passed unanimously.
- Motion:** Council member Huff moved to change 31.157 by deleting the phrase “with each single-family dwelling unit being owned independently” and keep the number eight in the first sentence. Councilman Howell seconded the motion. The motion passed unanimously.
- Motion:** Council member Gregory moved to add “slab” to 31.204. (d) 3 as substantially connecting an accessory building to the main building. The motion failed for lack of a second.
- Motion:** Council member Gregory moved to retain the original language in 31.109 that said, “a basement or cellar is not counted when measuring the height of a building.” Councilman Howell seconded the motion. The motion failed 3 to 2. Council members Gregory and Howell voted in favor of the motion, and council members Glass, Davis, and Huff opposed the motion.
- Motion:** A final motion was made by council member Huff to accept the recommendations of the Zoning Commission and adopt the proposed zoning ordinance with amendments. Seconded by council member Gregory, the motion passed unanimously.

VII. ADJOURNMENT

Mayor Harper adjourned the meeting at 8:55 p.m.

These minutes were approved on the 12th day of February, 2008.

APPROVED:

 Marcy Harper, Mayor

ATTEST:

 Linda Gill, City Secretary

APPROVED AS TO FORM:

 Michael S. Brenan, City Attorney