

**TOWN OF LAKESIDE  
MINUTES OF THE JOINT COUNCIL AND  
PLANNING & ZONING COMMISSION MEETING  
9830 CONFEDERATE PARK ROAD  
LAKESIDE, TEXAS**

**DATE: May 23, 2012**

**6:30 p.m.**

1. The meeting was called to order at 6:30 p.m. by Mayor Patrick Jacob.

In attendance were Mayor Patrick Jacob, Councilmembers Kim Ware, and Amy Robinson. Councilmember elect Jim Elliott was also present. Councilmembers Dale Martin and Gaspare LaDuca were absent. Staff member present was Town Administrator/Secretary Dianna Buchanan.

2. The Pledge of Allegiance was recited.
3. Ms. Buchanan gave the official canvass of the votes from the general election held on May 12, 2012. For Councilmember Place One, there were a total of 243 ballots, and a total of 15 under votes. Mr. Jim Elliott had 26 early votes and 129 votes on election day for a total of 155 votes. Mr. Richard Dennis had 4 early votes and 69 votes on election day for a total of 73 votes. The winner for Councilmember Place One is Mr. Jim Elliott. For Councilmember Place Two, there were a total of 243 ballots and a total of 4 under votes. Mr. Dale Martin had 28 early votes and 105 votes on election day for a total of 134 votes. Mr. Charles Hamilton had 6 early votes and 99 votes on election day for a total of 105 votes. The winner for Councilmember Place Two is Dale Martin. For Councilmember Place Three, there were a total of 243 ballots and a total of 4 under votes. Ms. Kim Ware had 26 early votes and 113 on election day for a total of 139. Mr. Tim Thomas had 7 early votes and 93 votes on election day for a total of 100 votes. The winner for Councilmember Place Three is Ms. Kim Ware.
4. Mayor Patrick Jacob received the Statement of Elected Officer from Mr. Elliott and Ms. Ware.
5. Mayor Patrick Jacob administered the Oath of Office to Mr. Elliott and Ms. Ware.
6. Mayor Patrick Jacob presented Certificates of Election to Mr. Elliott and Ms. Ware.
7. Motion by Ms. Amy Robinson and second by Mr. Jim Elliott to nominate Ms. Kim Ware as Mayor Pro Tem. Motion approved unanimously by all present.
8. Mayor Patrick Jacob turned the meeting over to Planning and Zoning Commission Chair Fred Finch at 6:39 p.m.
9. Ms. Buchanan presented a staff report regarding proposed amendments to side yard distances in R-1 and R-2 Single Family Residential Zoned Areas.

Ms. Buchanan reported that in 2009 and 2010, the Planning and Zoning Commission went through the Town's Zoning Ordinance and recommended many changes to the City Council, many which were approved and added to the Zoning Ordinance. Part of this change amended side yard distance requirements in the R-1 and R-2 Single Family Residential Zoned Areas from 10 feet on one side and 15 feet on the other side of the lot to 20 feet on both sides of the lot.

The Planning and Zoning Commission Chair Fred Finch did not recall the Commission instructing that this change be made and neither did other members of the Commission. Staff was instructed by the Mayor to go back over all of the meeting minutes and notes leading up to the 2010 Zoning Ordinance amendments to find out if the Commission did indeed recommend the change. Staff did the review and did not find any evidence that the instruction to make this change was given. The Planning & Zoning Commission also discussed this issue at its April 16, 2012, meeting and the consensus was that the change had been made in error and should be corrected.

Staff contacted Mr. Dan Boutwell of Municipal Planning Resources Group (MPRG), the Town's planning consultant that assisted with the 2010 Zoning Ordinance update. Mr. Boutwell was advised that staff and the Planning and Zoning Commission believe that the template used by MPRG to customize Lakeside's Zoning Ordinance had the 20 feet on each side from another entity, and that at the time of proofing the ordinance, the discrepancy was overlooked. Mr. Boutwell advised that even though the change was a clerical error, the Commission would still have to hold a public hearing and consider recommending the change to Council for official action because the amendment was made to the Zoning Ordinance by official Council action, and has been on record since 2010.

While the difference in side yard distance is only a total of 15 feet, that 15 feet makes a dramatic impact on a construction project when planning driveways and egress to side entry garages. Staff advertised this public hearing as required by law, posted it at Town Hall, and also posted it on the Town's website. Staff recommends that the Planning and Zoning Commission and the City Council hold separate public hearings and take action on this item.

10. Planning & Zoning Commission Chair Fred Finch advised the speaker regulations for the public hearing. He opened the public hearing at 6:43 p.m. to receive any comments regarding the consideration of approval of proposed amendments to the Zoning Code, Chapter 151 of the Code of Ordinances of the Town of Lakeside, by amending Sections 151.015 (R1 Single—Family District) and 151.016 (R2 Single-Family Residential District) to reduce minimum side yard distances from 20 feet on each side to 10 feet on one side and 15 feet on the other side; providing for a penalty (a fine not to exceed \$2,000 per violation per day); and providing for severability.

Ms. Ann Hinshaw of 107 Townes asked if this would take the place of deed restrictions. Mr. Finch deferred the question to Ms. Buchanan, who answered that Town ordinances

always take precedence over any deed restrictions, and that the deed restrictions are not administered by or enforced by any public entity.

There being no other speakers or questions, Mr. Finch closed the public hearing at 6:45 p.m.

11. Motion by Mr. Fletcher Phillips and second by Mr. Scott Arnold to recommend to City Council the approval of proposed amendments to the Zoning Code, Chapter 151 of the Code of Ordinances of the Town of Lakeside, by amending Sections 151.015 (R1 Single—Family District) and 151.016 (R2 Single-Family Residential District to reduce minimum side yard distances from 20 feet on each side to 10 feet on one side and 15 feet on the other side; providing for a penalty (a fine not to exceed \$2,000 per violation per day); and providing for severability. Motion approved unanimously by all present.
12. Planning & Zoning Commission Chair Fred Finch turned the meeting back over to Mayor Patrick Jacob.
13. Mayor Patrick Jacob advised the speaker regulations for the public hearing. He opened the public hearing at 6:47 p.m. to receive any comments regarding the consideration of approval of proposed amendments to the Zoning Code, Chapter 151 of the Code of Ordinances of the Town of Lakeside, by amending Sections 151.015 (R1 Single—Family District) and 151.016 (R2 Single-Family Residential District to reduce minimum side yard distances from 20 feet on each side to 10 feet on one side and 15 feet on the other side; providing for a penalty (a fine not to exceed \$2,000 per violation per day); and providing for severability.

Mayor Jacob asked if there was any one present to speak for or against the proposed ordinance or any questions. There being none, he closed the public hearing at 6:48 p.m.

14. Motion by Mr. Jim Elliott and second by Ms. Amy Robinson to approve amendments to the Zoning Code, Chapter 151 of the Code of Ordinances of the Town of Lakeside, by amending Sections 151.015 (R1 Single—Family District) and 151.016 (R2 Single-Family Residential District to reduce minimum side yard distances from 20 feet on each side to 10 feet on one side and 15 feet on the other side; providing for a penalty (a fine not to exceed \$2,000 per violation per day); and providing for severability. Motion approved unanimously by all present.
15. Announcements

Mayor Pro Tem Kim Ware reminded everyone of the upcoming Memorial Day holiday.

16. The meeting was adjourned at 6:54 p.m.

SIGNED:

ATTEST:

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MAYOR PATRICK JACOB

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DIANNA BUCHANAN  
TOWN ADMINISTRATOR/SECRETARY