

**MINUTES OF THE REGULAR MEETING  
CITY OF RIVER OAKS  
PLANNING AND ZONING COMMISSION  
NOVEMBER 18, 2019**

**MEMBERS PRESENT:**

JAMES MYRICK, CHAIRMAN, PLACE 1  
CHARLES RICHARDSON, PLACE 2  
PAUL SIMPSON, PLACE 4  
BRAD GALLMAN, PLACE 5  
JOHN CLARIDGE, COUNCIL LIAISON

**STAFF MEMBERS PRESENT:**

MARVIN GREGORY, ZONING ADMINISTRATOR  
MICHELLE DAVIS, ZONING SECRETARY  
STEVE SANDERS, ZONING INSPECTOR

**MEMBERS ABSENT:**

JACKIE PENA, ALT MEMBER 1  
RUTH ANN TEAGUE, PLACE 3

**CALL TO ORDER**

Chairman Myrick with a quorum called the Regular Meeting of the River Oaks Planning and Zoning Commission to order at 6:35 p.m. on Monday November 18, 2019 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Member Brad Gallman delivered the invocation and Chairman Myrick lead the pledge of allegiance to the United States and the Texas Flags.

**3. MEMBER ROLL CALL**

The roll call was recorded as follows: All members present with the exception of Alt Member 1 Jackie Pena and Member Place 3 Ruth Ann Teague both marked as excused.

**4. APPROVAL OF MINUTES FROM THE SEPTEMBER 9, 2019 SPECIAL CALLED REGULAR MEETING.**

Member Brad Gallman moved to approve minutes from October 21, 2019 Special Called Regular Meeting, seconded by Member Paul Simpson, all voted "AYE".

**5. PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS ON THE PROPOSED APPLICATION SUBMITTED BY EID ABDELNOUR FOR THE APPROVAL OF THE SEPCIFIC USE PERMIT AT 5001 RIVER OAKS BLVD FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER & WINE) IN ACCORDANCE TO SECTION 23A.G.3.J FOR OFF-PREMISE CONSUMPTOPN ONLY PURSUANT TO ZONING ORDINANCE 1158-2017 AS ADOPTED ANS AMENDED (ZONING CASE # SUP 2019-0008).

*Public Hearing Session was opened to the public at 6:40 pm*

CA Gregory –stated that this application has been presented in the past several times and nothing has changed. All requirements are met. CA Gregory also stated the parking requirements as follows 36x65 sq. ft. 18 parking spaces which 6 by the pump and 12 others which would be located in the back.

Also, no letters of opposition were received.

*\*one parking space is requires for every 200 feet of floor area; whichever is greater. Application indicates the building is 3665 square feet of floor area. Requires 18; 6 for the gas pumps and another 12 additional spaces.*

*\*All sales must be within permanent walls of the establishment covered by a roof.*

*\*All required state licenses must be valid and in effect.*

*\* The sale of alcoholic beverages is prohibited in a place of business that is within 300 feet of a church, public or private school, daycare facility or public hospital. Measurement of the distances shall be calculated as provided by the Texas Alcoholic Beverage Code.*

*\*The establishment must be in compliance with the applicable building codes.*

*\*A specific Use Permit will terminate upon change of ownership of the holder of the Specific Use Permit and the Permit is not transferable.*

*\*A permit holder shall notify the City of the expiration or termination of any license or permit issued by the Alcoholic Beverage Commission for the property.*

*\*For establishments with off premises consumption only, the following apply:*

*1. The establishment must be at least 2000 square feet in size (3665 square feet; 2865 square feet of floor area)*

*2. The primary use of the business must be other than the sale of alcoholic beverages (for example: grocery or convenience stores) and the establishment shall not derive more than 30% of its gross revenues from the sale of alcoholic beverages. (The City may require an audit of the accounts of an establishment to determine whether the establishment is in compliance with its provision.)*

*3. No on premises consumption of alcoholic beverages is permitted.*

*\*No signs advertising or depicting alcohol or tobacco shall be visible from the right of way.*

*\*No amplified music or loud speakers outside the building is permitted.*

*\*upon evaluation of the factors listed in Section 23A.G hereof, the City Council may impose additional restrictions to protect adjacent properties from the impact of the specific use.*

***Special Note: This location was approved back in March 2019 for a Special Use Permit for Manindra Shrestha to sell alcoholic beverages (Beer & Wine) for off the premise consumption.***

***The permit later pulled by TABC. The record ownership remains to be in the name of Gold Star, LLC and was never changed to Manindra Shrestha.***

Chairman Myrick asked if he was the property owner. Mr. Abdelnour responded and said not yet he is in works to purchase the property from Goldstar.

ZI Sanders stated that the Certificate of Occupancy inspection had been done and needed the following items fixed before approved grease trap, fire extinguishers, remove old product from shelves and replace with new product.

ZI Sanders wanted to clarify and recorded that the drive thru window would not be approved for use at all.

*Eid Abdelnour stated he will not be using the drive thru window at all, he stated that it has actually been closed with signs and product racks.*

*Public hearing closed at 6:48 pm.*

**6. ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE RECOMMENDATION TO CITY COUNCIL ON THE APPLICATION SUBMITTED BY EID ABDELNOUR FOR THE APPROVAL OF THE SEPCIFIC USE PERMIT AT 5001 RIVER OAKS BLVD FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER & WINE) IN ACCORDANCE TO SECTION 23A.G.3.J FOR OFF-PREMISE CONSUMPTION ONLY PURSUANT TO ZONING ORDINANCE 1158-2017 AS ADOPTED ANS AMENDED (ZONING CASE # SUP 2019-0008).

*CA Gregory recommended that the motion be to recommend approval to the City Council to approve the application submitted by application submitted by Eid Abdelnour for the approval of the specific use permit at 5001 River Oaks Blvd for the sale of alcoholic beverages (beer & wine) in accordance to section 23a.g.3.j for off-premise consumption only pursuant to zoning ordinance 1158-2017 as adopted and amended (zoning case # sup 2019-0008).to section 12a of the zoning ordinance.*

**Member Charles Richardson motioned to recommend** to the City Council to approve the application submitted by Eid Abdelnour for the specific use permit at 5001 River Oaks Blvd for the sale of alcoholic beverages (beer & wine) in accordance to section 23a.g.3.j for off-premise consumption only pursuant to zoning ordinance 1158-2017 as adopted and as amended providing that the following stipulations are complied with:

- \*Must meet all TABC Permitting Requirements for Alcoholic Beverages Sales (Beer & Wine)*
- \* No approved for sale of alcoholic beverages from drive up window*

*Motion seconded by Member Brad Gallman, All voted "AYE"*

**7. PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS REGARDING THE AMENDING THE CITY OF RIVER OAKS COMPREHENSIVE PLAN INCLUDING THE FUTURE LAND MAP (Zoning Case # PZ 2019-0009).

*Trent Petty, Eric Wilhite and Kirk McDaniel were present.*

*The agenda tonight is the draft land use map, community mixed-use district, design standard requirements, and the new roadway. Presented were the original Future Land Use Plan Map and the Revised Land Use Plan Map. The revised map shows the new roadway that connects River Oaks Boulevard to Meandering Road. Discussed was the CM-U Uses of what was permitted uses, conditional uses, prohibited uses, mix of uses and the master plan. The development agreement was discussed which consist of 380 agreements and TIRZ revenues can be used to incentivize development. The agreement also increases the city leverage to negotiate strong development standards even with the current building standards and the requirement for the development agreement will be adhering to the master plan. Presented*

*was a picture of what a round-a-bout would look like at that intersection, what the current roadway looks like, and what the future roadway would look like.*

*Public Hearing was opened to public at 6:51pm*

**8. ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE RECOMMENDATION TO CITY COUNCIL ON THE APPLICATION REGARDING THE AMENDING THE CITY OF RIVER OAKS COMPREHENSIVE PLAN INCLUDING THE FUTURE LAND MAP (Zoning Case # PZ 2019-0009).

*Item was tabled for December 9, 2019 meeting.*

**9. PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS REGARDING THE AMENDMENT TO THE CITY OF RIVER OAKS MASTER THOROUGHFARE PLAN. (ZONING CASE #PZ2019-0010)

*Trent Petty, Eric Wilhite and Kirk McDaniel were present.*

*The agenda tonight is the draft land use map, community mixed-use district, design standard requirements, and the new roadway. Presented were the original Future Land Use Plan Map and the Revised Land Use Plan Map. The revised map shows the new roadway that connects River Oaks Boulevard to Meandering Road. Discussed was the CM-U Uses of what was permitted uses, conditional uses, prohibited uses, mix of uses and the master plan. The development agreement was discussed which consist of 380 agreements and TIRZ revenues can be used to incentivize development. The agreement also increases the city leverage to negotiate strong development standards even with the current building standards and the requirement for the development agreement will be adhering to the master plan. Presented was a picture of what a round-a-bout would look like at that intersection, what the current roadway looks like, and what the future roadway would look like.*

**10. ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE RECOMMENDATION TO CITY COUNCIL REGARDING THE AMENDMENT TO THE CITY OF RIVER OAKS MASTER THOROUGHFARE PLAN. (ZONING CASE # PZ 2019-0010)

*Member Brad Gallman motioned to recommend approval to the City Council for a regarding the amending the city of river oaks comprehensive plan including the future land map (zoning case # PZ 2019-0009) and 2nd by Member Paul Simpson  
All voted "AYE"*

11. Executive Session pursuant to Chapter 551, Texas Government Code, the Planning and Zoning Commission reserves the right to convene into Executive Session(s) from time to time on any posted agenda item to receive advice from its Attorney as permitted by law during this

meeting. The Planning and Zoning Commission may convene in Executive Session to discuss the following: Section 551.071: Pending or contemplated litigation or to seek advice from Attorney.

NONE

12. Action from Executive Session

NONE

13. Adjournment

**At 7:58 pm. Member Brad Gallman moved, seconded by Member Paul Simpson to adjourn the meeting. All voted "Aye".**

**APPROVED THIS DAY OF December 09, 2019**

**ATTEST:**

  
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Marvin Gregory  
Zoning Administrator

**APPROVED:**

  
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James Myrick, Chairman