

**MINUTES OF THE PLANNING & ZONING MEETING
CITY OF RIVER OAKS
JANUARY 16, 2023**

MEMBERS PRESENT:

JAMES MYRICK, PLACE 1 CHAIRMAN
CHARLES RICHARDSON, PLACE 2
RUTH ANN TEAGUE, PLACE 3
PAUL SIMPSON, PLACE 4
BRAD GALLMAN PLACE 5, VICE-CHAIR
JOHN CLARIDGE, COUNCIL LIAISON

STAFF MEMBERS PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR
MELANIE MCNARY-WHITLEY, ZONING SECRETARY

***MEMBERS ABSENT:**

JACKIE PENA ALT 1
SUSAN STEWART, ALT 2 (excused)

1. CALL TO ORDER:

With a quorum present, Chairman James Myrick called the Meeting of the River Oaks Planning and Zoning Board meeting to order at 6:33 p.m. on Monday, January 16, 2023, at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE OF ALLEGIANCE:

Vice Chairman, Brad Gallman delivered the Invocation and Council Liaison John Claridge led the Pledge of Allegiance to the United States Flag and to the State of Texas.

3. PUBLIC TESTIMONY: Citizens are invited to speak on any topic or agenda item before and during the meeting by response to the Chairman to be recognized; however, unless the item is specifically listed on this agenda, the zoning board of adjustments is required under the Texas Open Meetings Act to limit its response with a statement of specific factual information, reciting the city's existing policy on that issue, or directing the person making the inquiry to visit with city staff about the issue and no board deliberation is permitted for topics not specifically listed on this agenda.

No Public Testimony was given.

4. MEMBER ROLL CALL:

The roll call was recorded as follows: All members were present except for Alt 1, Jackie Pena and Alt. 2, Susan Stewart (excused). The Quorum was met.

5. CONSIDER APPROVAL OF MINUTES FROM THE DECEMBER 06, 2022, REGULAR MEETING.

Charles Richardson moved to approve the Minutes of the December 06, 2022, regular meeting and was seconded by Paul Simpson. All voted "Aye", motion passed.

6. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS AND TESTIMONY ON THE PROPOSED AMENDED SITE PLAN APPLICATION SUBMITTED BY **Q-TEL LIMITED % CHRIS MILLER** AT 5504 RIVER OAKS BLVD AS REQUIRED IN THE RIVER OAKS COMPREHENSIVE ZONING ORD # 1331-2021 FOR THE PROPERTIES ZONED "C-2" COMMERCIAL REQUESTING TO AMEND THE SITE PLAN AS ORGINALLY APPROVED PURSUANT TO SEC, 25 OF THE RIVER OAKS

ZONING ORDINANCE AS AMENDED SPECIFICALLY IN ZONING CAS # 2008-03 DATED MARCH 11, 2008 IN ORDER TO NOW ADD AN ICE VENDING MACHINE NOT PREVIOUSLY INCLUDED IN THE 2008 SITE PLAN (**ZONING CASE SP-PZ 2023-0001**)

The Public Hearing was opened By Chairman James Myrick at 6:37 p.m. Chris Miller representing Q-TEL spoke. He stated that they also owned the ice machine across the street and bought the machine at Yale and River Oaks Blvd. about 2-3 years ago and added the ice machine at that time, so it has been there 2 or 3 years. He didn't know that the site plan had been that specific and that was why he is requesting an amendment to the site plan. The machine will be wrapped to match the building. A wall will be added so that it looks like part of the building and not a coke machine just sitting there. When asked how the machine would be protected from being hit by a vehicle, he stated that the machine is behind two ballard barriers. The wall will be made to match the building with brick or stone. When asked how long this project would take, Chris stated that it shouldn't take more than 60 days to complete. The water building has been there since 2008 and the ice machine since about 2018 (2-3 years). The City received 2 letters regarding the request, one for and one against (siting traffic issues). The Public Hearing was closed at 6:50 p.m.

7. ACTION FROM PUBLIC HEARING: IN ORDER TO CONSIDER APPROVAL OF RECOMMENDATION TO THE CITY COUNCIL THE AMENDED SITE PLAN APPLICATION SUBMITTED BY **Q-TEL LIMITED % CHRIS MILLER** AT 5504 RIVER OAKS BLVD AS REQUIRED IN THE RIVER OAKS COMPREHENSIVE ZONING ORD # 1331-2021 FOR THE PROPERTIES ZONED "C-2" COMMERCIAL REQUESTING TO AMEND THE SITE PLAN AS ORGINALLY APPROVED PURSUANT TO SEC, 25 OF THE RIVER OAKS ZONING ORDINANCE AS AMENDED SPECIFICALLY IN ZONING CAS # 2008-03 DATED MARCH 11, 2008 IN ORDER TO NOW ADD AN ICE VENDING MACHINE NOT PREVIOUSLY INCLUDED IN THE 2008 SITE PLAN (**ZONING CASE SP-PZ 2023-0001**)

Charles Richardson moved to approve recommendation to the Mayor and City Council regarding the Site Plan application as submitted by **Q-TEL LIMITED % Chris Miller** at **5504 River Oaks Blvd.** as required in the River Oaks Comprehensive Zoning Ord # 1331-2021 for the properties zoned "C-2" Commercial requesting to amend the site plan as originally approved pursuant to Sec 25 of the River Oaks Zoning Ordinance as amended specifically in Zoning Case # 2008-03 dated March 11, 2008 in order to now add an ice vending machine not previously included in the 2008 Site Plan. (**ZONING CASE SP-PZ 2023-0001**) Motion was seconded by Brad Gallman. The Vote was taken with 5 Ayes and 0 Nays.

(At this time the Chairman James Myrick went back to approve the minutes from the previous meeting. Note item # 5)

8. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS AND TESTIMONY ON THE PROPOSED SITE PLAN APPLICATION OF **D & L PROPERTIES % DON ISTOOK** AT **5109 OHIO GARDEN RD.** AS REQUIRED IN THE RIVER OAKS COMPREHENSIVE ZONING ORD # 1331-2021 FOR PROPERTIES ZONED "C-2" COMMERCIAL REQUESTING SITE PLAN APPROVAL IN ORDER TO CONSTRUCT A NEW 3,000 SQUARE FOOT METAL PREFAB ACCESSORY BUILDING TO BE LOCATED ADJACENT TO THE EXISTING MAIN STRUCTURE AT 5109 OHIO GARDEN RD. SET BACK 15-FOOT FROM THE MAIN BUILDING TO BE USED FOR A DEDICATED OFFICE, SHOP SPACE, STORAGE AND ENGINE BUILDING ROOM WITHIN THE A E MERSHON SUBDIVISION. (**ZONING CASE SP-PZ 2023-0002**).

The Public Hearing was opened By Chairman James Myrick at 6:55 p.m. Don Istook of D & L Properties handed out pictures of the site. #1 shows the view (looking south) of the property from Ohio Garden Rd. #2 shows the metal awning to be replaced by the accessory building noting that the building would be roughly in the same place as the awning. Picture #3 shows the view from Castleberry Church of Christ looking west toward the property; the building would be constructed pretty much along the fence line. The main reason for the accessory building is the main structure is out of space and the building would be used for Porsche restoration only and not a regular automotive repair shop like Greased Lightning. The impact to traffic would be zero. The building sight impact would be near zero as it would be behind the fence and surrounded by the main structure. The existing awning (25 X 93) would be torn down (picture #2) and the new building will be about 38 X 78 and leaving one covered spot to park a trailer. The building is little less than 3,000 sq. ft., height will be 14-ft. at the sides and 16-ft. at center of building. The building will not be in the driveway and there will be no change to the flow of traffic. The building will be 3-ft. off the property line as required. The building would not change the natural flow of water and guttering was discussed. The building will be foam insulated and air conditioned. Steve Schelling was introduced who has partnered on certain projects. The Public Hearing was closed at 7:09 p.m.

9. **ACTION FROM PUBLIC HEARING:** IN ORDER TO CONSIDER APPROVAL OF RECOMMENDATION TO THE CITY COUNCIL ON THE PROPOSED SITE PLAN APPLICATION OF **D & L PROPERTIES % DON ISTOOK AT 5109 OHIO GARDEN RD.** AS REQUIRED IN THE RIVER OAKS COMPREHENSIVE ZONING ORD # 1331-2021 FOR PROPERTIES ZONED "C-2" COMMERCIAL REQUESTING SITE PLAN APPROVAL IN ORDER TO CONSTRUCT A NEW 3,000 SQUARE FOOT METAL PREFAB ACCESSORY BUILDING TO BE LOCATED ADJACENT TO THE EXISTING MAIN STRUCTURE AT 5109 OHIO GARDEN RD. SET BACK 15-FOOT FROM THE MAIN BUILDING TO BE USED FOR A DEDICATED OFFICE, SHOP SPACE, STORAGE AND ENGINE BUILDING ROOM WITHIN THE A E MERSHON SUBDIVISION. (**ZONING CASE SP-PZ 2023-0002**).

Brad Gallman moved to approve the Site Plan application as submitted by **D & L Properties % Don Istook at 5109 Ohio Garden Rd.** as required in the River Oaks Comprehensive Zoning Ord # 1331-2021 for the properties zoned "C-2" Commercial requesting site plan approval in order to construct a new 3,000 square foot metal prefab building. Accessory building to be located adjacent to the existing main structure on the property at 5109 Ohio Garden Rd. setback 15-foot from the main structure to be used for a dedicated office, restroom, shop space storage and engine building room within the A E Mershon Subdivision. (**ZONING CASE SP-PZ 2023-0002**). The motion was seconded by Paul Simpson. A vote was taken with 5 Ayes and 0 Nays.

CORRESPONDENCE: There was no correspondence

10. BOARD MEMBERS QUESTIONS, COMMENTS AND ANNOUNCEMENTS: NONE


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.*

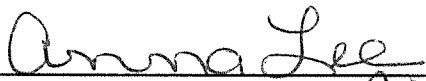
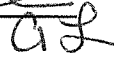
12. **ACTION FROM EXECUTIVE SESSION:**

NONE

13. ADJOURNMENT:

Brad Gallman moved to adjourn the meeting and was seconded by Paul Simpson. All voted Aye. The meeting was adjourned at 7:18 pm.

BY: 
James Myrick
Planning & Zoning Chairman

ATTEST: 
~~Melanie McNary-Whitley~~ 
Zoning Secretary