

**MINUTES OF THE PLANNING & ZONING WORK SESSION  
CITY OF RIVER OAKS  
FEBRUARY 21, 2023**

**MEMBERS PRESENT:**

JAMES MYRICK, PLACE 1 CHAIRMAN
CHARLES RICHARDSON, PLACE 2
RUTH ANN TEAGUE, PLACE 3
PAUL SIMPSON, PLACE 4
SUSAN STEWART, ALT 2 (sat in for Brad Gallman)
JOHN CLARIDGE, COUNCIL LIAISON

**STAFF MEMBERS PRESENT:**

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

**\*MEMBERS ABSENT:**

BRAD GALLMAN, PLACE 5 VICE CHAIRMAN  
JACKIE PENA ALT 1

**GUESTS PRESENT:**

LEIGH ANN TURNER, CITY COUNCIL PLACE 3  
BRENT FORESTER, ZBA ALT. 3  
DARREN HOUK, EDC PRESIDENT

**1. CALL TO ORDER:**

With a quorum present, Chairman James Myrick called the Work Session of the River Oaks Planning and Zoning Board meeting to order at 6:38 p.m. on Tuesday, February 21, 2023, at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114. The Work Session started late due to additional information to the packet.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE:**

Paul Simpson, Place 4 delivered the Invocation and Chairman James Myrick 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 Vice Chairman Brad Gallman and Alt 1, Jackie Pena. Susan Stewart, Alt. 2 sat in for Brad Gallman. The Quorum was met.

**5. CONSIDER APPROVAL OF MINUTES FROM THE JANUARY 16, 2023, REGULAR MEETING.**

Chairman James Myrick moved into the work session. The minutes will be approved at the next P & Z Meeting.

**6. WORK SESSION: IN DISCUSSION ON RECOMMENDING TEXT ADMENDMENTS TO THE CITY'S COMPREHENSIVE ZONING ORDINANCE #1331-2021.**

Zoning Administrator, Marvin Gregory gave the history behind **Zoning Ordinance #1313-2021**. The City Council adopted this Ordinance on June 15, 2021 declared a Moratorium on the acceptance of applications for the issuance or renewals of permits for certain Commercial Businesses along River Oaks Blvd. and further directed staff to review current city regulations concerning development along River Oaks Blvd. and make recommendations to the City Council on the possible adoption of new or amended regulations concerning such development.

In the Moratorium it was provided that for 90-days no person may engage in any development, new construction, alteration of real property for commercial uses along River Oaks Blvd. as follows:

This term "Commercial Uses" as used in the ordinances shall mean the following uses listed in Section 14, 15 and 16 of the Code of Ordinances, Chapter 14, Exhibit A, Zoning Ordinance:

- A. cigar or tobacco stores, Section 14 (B)(8)
- B. massage establishments, Section 14 (B)(14)
- C. public garages for care or repair of automobiles, Section 15 (B)(14), which includes body and tire repair shops;
- D. body piercing studios, Section 15(B)(33);
- E. tattoo studios, Section 15 (b)(33); and
- F. pawn shops, Section 16 (B)(6).
- G. laundromats and washeterias;
- H. automated teller machines not associated with a primary use on the property;
- I. predatory lending businesses, including check cashing businesses, payday advance/loan businesses, and car title loan businesses ( excluding state or federally chartered banks, saving and loan associations or credit unions);
- J. retail tire shops; and
- K. retail establishments primarily selling vape or vaping devices.

On September 28, 2021 the Moratorium Ordinance was extended another 90-dayswith the adoption of Ordinance # 1327-2021 until December 12, 2021 at which time in cannot be extended by statute any further and at that time the Zoning Ordinance would have to be amended, Therefore, Public Hearings were scheduled and Ordinance #1331-2021 was adopted as the amended ordinance.

Now it has come up that some of uses should be reconsidered and not exempted in C-2 Zoning Districts and also there has been numerous retail businesses that are selling second hand merchandise that is currently in violation of the zoning ordinance. The Council directed that a P & Z Commission meeting be convened and to consider secondhand merchandise, specific use permits and use restrictions.

The Zoning Ordinance states that second hand/used merchandise for resale is not permitted in any Commercial Zone.

A request was made by Jesse Rodrigues regarding the provision not to allowing the sale of secondhand merchandise. At the same time there are businesses selling second hand merchandise, one at 5109 B Ohio Garden Rd. and the other is selling secondhand merchandise

out of the United Methodist Church at 4800 Ohio Garden Rd. It appears they have been operating for a year or more.

The City Attorney was consulted and recommended that it be handled through a Specific Use Permit, or a zoning change to Planned Development, which would affect the whole property, not just a single business. The cost for either one is \$750 and requires publication, property owner notifications and Public Hearings or else go through text amendments to the Zoning Ordinance at zero cost to the businesses.

The Zoning Administrator explained the current Commercial Zoned District (C-1, C-2 & C-3) and what is allowed in each District. He also noted that liquor sales were controlled by SUPs and Pawn Shop sales (used items) were State regulated.

**Staff Recommendation:** If the consensus is to change the provisions on secondhand merchandise in commercial zoning it would require a Zoning Text Amendment. One recommendation would be to set secondhand merchandise sales by percentage, but just understand that would be hard to regulate.

In consider a Specific Use Permit, secondhand merchandise is not one of the listed uses for a Specific Use Permit so I believe we would have to amend that Section in order to add this use, but I will consult with the attorney more on that if this is the direction Council wants to proceed with.

Furthermore, it might be advantageous also to the city to consider other text amendments while we are revising the Zoning Ordinance. You can direct staff to proceed with public hearings in order to amend the zoning ordinance; just know the publication costs would be a city expense.

As far as the request before you, I don't think there is any official action the city council would want to take other than to direct Staff as to the direction to take.

Charles Richardson, Pl. 2 spoke. Stating that he was against using SUPs because of possibly being "illegal discrimination". He is against outside storage but he has no problem with displaying of outside merchandise during business hours siting multiple places that use outside displays and we have let it happen for a long time although it is "not allowed". He spoke about a book given to him by Darren Houk President of the EDC and former City Council member Pl. 3 that was about the mistakes made by Haltom City. He further stated that outside storage was a Code Compliance issue not a P&Z issue (siting car repair storage). Although he voted for "outlawing" washeterias he wants to revisit it, as they are a necessary business to the residents and should be allowed on River Oaks Blvd. even though they do not pay sales tax (service, not a sale) He asked what is wrong with secondhand/used merchandise. It generates sales tax and services a purpose.

Ruth Ann Teague Pl. 3 spoke up and agreed with Charles Richardson about the laundromats.

Council Liaison, John Claridge spoke regarding Charles questions about laundromats and car places saying that the Council was trying to bring in new businesses as there were already 4 laundromats and 13 or 16 car places. The thought was that how many did the City need? Let's attract something new. Jesse Rodriguez was again mentioned about a secondhand boutique.

Guest Darren Houk spoke regarding the question about secondhand merchandise was to keep away from a bunch of junky thrift stores, He then spoke about boutiques carrying designer items. He spoke about the property owned by Nish who wanted to put in a tire store but he was concerned because of all the places already on Jacksboro and was afraid of getting something

junky like that. He referenced the book about Haltom City, and how they turned around a lot of junky places into nice places and would not be against it happening.

Guest Leigh Ann Turner City Council member PI.3 spoke regarding the former Maven's Moon location how someone wanted to bring in a boutique with some secondhand stuff and all of a sudden it was said "oh wait you can't do that" and it was restricted, but down the road, you Hidden Treasures that is 100% used stuff, and there the church that has a shop of secondhand items. When it was brought to City Council, they said "what do we do now? Because of places like Hidden Treasures, Atomic Then and Now, and the Church. Where do we go now?" Do we give them a percentage allowed or what?

Darren Houk spoke about the "Atomic Then and Now" business and they have antique items and collectables (which are allowed per ordinance) and are taxable.

Charles Richardson commented that they need to talk about zoning first. He brought up the church and questioned allowing it because we would open it up to every non-profit. How would the sale % of used items be audited? Darren Houk answered we trust them citing Jesse Rodriguez. Leigh Ann Turner then stated that the used merchandise wasn't really as difficult as it was been made out to seem. If code goes in or gets a report and you go in and find 90% used instead of 15% then the burden of proof is on them. Charles responded with why do we care? Leigh Ann responded that why we care about laundromats, car repair and used merchandise is because we don't want all of that, we don't want every business in the city being a laundromat, car repair or a thrift shop.

James spoke up and said they needed to talk the Code Department and get their input.

Darren Houk brought up the reason for the restructuring of the Zoning Districts was to encourage new development and new businesses.

Charles spoke again on allowing used items, that middle classed people buy used stuff. That he himself shops goodwill for items. He says that it generates sales tax.

John Claridge asked when is enough, enough? (Mainly speaking about car repair shops on the Blvd.)

Darren Houk asked what codes need to be put in place to clean up the junky looking places. He doesn't care what the businesses sale, but what the city looks like. What can the City do to police it? Hire more Code Enforcement?

Susan Stewart stated that City Council needed to support Code Enforcement more so they can do their job to get the landlords clean up or get rid of the junky/rundown buildings.

The vision of the city needs to be revisited per Leigh Ann Turner.

James Myrick said that the City Council needed to be the ones to come up with what percentage could "Used Merchandise" be allowed. Zoning Administration stated percentage would be too hard to control and that he would rather it go 100% or not at all. How do you enforce a percentage?

Darren Houk said he doubts about SUPs but has no problem with outside displays and expressed concerns on the outside displays, how do we control it? How do we keep it from looking like a yard sales with piles of clothing lying on the ground?

Leigh Ann Turner spoke up citing "Antique Row" they pile their items outside some places look junky and others neat. She thinks we should remove our opinions and let "business take care of business".

The conversation returned to code enforcement and City Council support of code enforcement.

Charles Richardson spoke up and said he was ready to make suggestions to this group. The Chairman asked if everyone was ready to move on. Charles Richardson wanted to move on. He wants to recommend to bringing it to Council that they allow outside displays during business hours. Second take to Council why do we prohibit the sale of secondhand merchandise? He wants the sale of secondhand merchandise allowed in all Commercial Districts. He also wants to bring the conversation to Council public parking garages for care or repair of automobiles and car washes. Conversation was held in regards to car washes like laundromats do not generate sales tax but did have Ad Valorem taxes. He moved to recommend to allow them in "C-2". Marvin Gregory stated that this was just a working session not a Public Hearing that a motion can't be made. Charles wants to have a joint work session with City Council on these items. Marvin was directed to talk to legal about it. SUPs were again discussed. General consensus was against using SUPs. General consensus also to have joint work session with City Council.

**7. ACTION FROM WORK SESSION:**

No action was taken at this time.

**CORRESPONDENCE:**

There was no correspondence

**8. BOARD MEMBERS QUESTIONS, COMMENTS AND ANNOUNCEMENTS:**

There was no questions, comments or announcements.

**9. 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.*

**10. ACTION FROM EXECUTIVE SESSION:**

NONE

**11. ADJOURNMENT:** At 8:54 p.m. Ruth Ann Teague left the meeting (due to health issue)

Meeting was adjourned at 9:00 p.m.

BY: James Myrick  
James Myrick  
Planning & Zoning Chairman

ATTEST: Anna Lee  
~~Melanie McNary-Whitley~~ *AR*  
Zoning Secretary