

**MINUTES OF THE SPECIAL CALLED MEETING
CITY OF RIVER OAKS
PLANNING AND ZONING COMMISSION
JULY 22, 2013**

MEMBERS PRESENT:

LORI WATSON, CHAIRPERSON, PLACE 1
JAMES MYRICK, VICE-CHAIRMAN, PLACE 2
KATHY RODDEN, PLACE 3
PAUL SIMPSON, PLACE 4
RUTH ANN TEAGUE, ALTERNATE # 1
SHERRIE DAST, ALTERNATE # 2
JOANN GORDON, COUNCIL LIAISON

STAFF MEMBERS PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR
SUSAN STEWART, ZONING SECRETARY

MEMBERS ABSENT:

BRAD GALLMAN, PLACE 5 (OUT OF TOWN)

1. CALL TO ORDER

Chairperson Watson called the Regular Meeting of the River Oaks Planning and Zoning Commission to order at 6:33 p.m. on Monday July 22, 2013 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Member Simpson delivered the invocation. Vice-Chairman Myrick led the pledge of allegiance.

Roll Call was recorded as follows: Brad Gallman absent with excuse.

It was announced that Member Teague would serve as a voting member for this meeting only in the absence of Place 5 Member Gallman.

3. APPROVAL OF MINUTES FROM THE FEBRUARY 18, 2013 REGULAR MEETING

Vice-Chairman Myrick moved, seconded by Member Simpson, to approve the minutes of the meeting of February 18, 2013 as presented. All voted "Aye."

4. STATEMENT OF APPOINTED OFFICIAL AND OATH OF OFFICE FOR 2013 BOARD APPOINTMENTS.

ZA Gregory administered the Statement of Elected/Appointed Official and Oath of Office to Kathy Rodden, Place 3 and Ruth Ann Teague, Alternate Member 1.

Chairperson Watson announced that she is resigning from the Planning and Zoning Commission effective after this meeting.

5. ANNUAL ORGANIZATIONAL MEETING: APPOINTMENT OF VICE-CHAIRMAN

Member Rodden moved, seconded by Member Simpson, to approve James Myrick to continue serving as the Vice-Chairman. All voted "Aye."

6. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS REGARDING THE APPLICATION FOR A SPECIFIC USE PERMIT AT 5301 RIVER OAKS BLVD. (CVS PHARMACY # 7678) FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER & WINE) IN ACCORDANCE TO SECTION 23A.G.3.J FOR OFF-PREMISE CONSUMPTION PURSUANT TO ZONING ORDINANCE 920-2012 AS ADOPTED AND AS AMENDED. (ZONING CASE # PZ 2013-02)

[Member Teague left the dais due to a possible conflict of interest.]

It was announced that Alternate Member Dast would serve as a voting member for Zoning Case # PZ 2013-02 only.

At 6:41 p.m. Chairperson Watson opened the public hearing.

ZA Gregory relayed two concerns with the specific use request. One parking space is required for every 100 square feet of floor space. In this case the building is 11,200 square feet which would require 112 parking spaces. The CVS has access to some joint parking with the Bank of America. ZA Gregory indicated that the City Attorney would address this issue with the City Council. Additionally, this specific use permit would be subject to CVS obtaining proper permitting from TABC.

Member Dast suggested that written approval from Bank of America for joint parking be obtained.

Member Dast expressed concern that signs advertising alcohol and tobacco sales would be displayed on the front of the building. ZA Gregory stated that signs promoting the sale of alcohol may not be visible from the public right of way.

Citizen Leonard Watson asked if the drive through area would be allowed to sell alcoholic beverages.

ZA Gregory stated that these concerns could be included in the recommendation to the City Council.

At 6:53 p.m. Chairperson Watson closed the public hearing.

7. **ACTION FROM PUBLIC HEARING:** CONSIDER RECOMMENDATION TO THE CITY COUNCIL REGARDING THE APPLICATION FOR A SPECIFIC USE PERMIT AT 5301 RIVER OAKS BLVD. (CVS PHARMACY # 7678) FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER & WINE) IN ACCORDANCE TO SECTION 23A.G.3.J FOR OFF-PREMISE CONSUMPTION PURSUANT TO ZONING ORDINANCE 920-2012 AS ADOPTED AND AS AMENDED. (ZONING CASE # PZ 2013-02)

Member Rodden moved, seconded by Vice-Chairman Myrick, to recommend approval for the specific use permit at 5301 River Oaks Boulevard subject to: 1) meet all TABC

permitting requirements for alcoholic beverage sales; 2) meet parking requirements; and 3) alcohol sales prohibited through the drive thru window. All voted "Aye."

[Member Teague returned to the dais.]

8. PUBLIC HEARING: IN ORDER TO RECEIVE CITIZEN COMMENTS REGARDING A **SITE PLAN PROPOSAL** AS REQUIRED IN THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE FOR THE PURPOSE OF CONSTRUCTING A NEW 2,814 SQUARE FOOT BURGER KING RESTAURANT ON AN 81,947 SQUARE FEET LOT LOCATED AT 2605 JACKSBORO HIGHWAY IN A C-3 COMMERCIAL ZONING DISTRICT PURSUANT TO SECTION 25 OF RIVER OAKS ZONING ORDINANCE # 920-2012. (ZONING CASE # PZ 2013-03)

At 6:56 p.m. Chairperson Watson opened the public hearing.

ZA Gregory reported that all the requirements for the site plan are met.

Vice-Chairman Myrick expressed dismay that a representative was not present for either zoning case this evening. Additionally in this instance, ground has been broken prior to site plan approval.

Member Rodden presented photos and expressed concern related to the drainage-way and the area between 2605 and 2607 Jacksboro Highway. Members agreed that the ideal situation would be to continue the fence that was constructed on the property at 2605 Jacksboro Highway.

At 7:14 p.m. Chairperson Watson closed the public hearing.

9. ACTION FROM PUBLIC HEARING: CONSIDER RECOMMENDATION TO THE CITY COUNCIL REGARDING A **SITE PLAN PROPOSAL** AS REQUIRED IN THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE FOR THE PURPOSE OF CONSTRUCTING A NEW 2,814 SQUARE FOOT BURGER KING RESTAURANT ON AN 81,947 SQUARE FEET LOT LOCATED AT 2605 JACKSBORO HIGHWAY IN A C-3 COMMERCIAL ZONING DISTRICT PURSUANT TO SECTION 25 OF RIVER OAKS ZONING ORDINANCE # 920-2012. (ZONING CASE # PZ 2013-03)

Member Rodden moved, seconded by Vice-Chairman Myrick, to approve the site plan proposal subject to: 1) meet landscaping ordinance requirements; 2) continue wrought iron designed fencing around the property as is located around the Quik Trip and then eastward along the drainage-way that extends to Jacksboro Highway; 3) establish ownership of the drainage-way between 2605 and 2607 Jacksboro Highway and if Firebrand Properties has control of that property, they must maintain the drainage-way. All voted "Aye."

Member Rodden requested that the board be included in follow up on the concerns mentioned.

10. 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 called for.

11. ACTION FROM EXECUTIVE SESSION


None.

12. ADJOURN

At 7:27 p.m. Member Simpson moved, seconded by Member Teague, to adjourn the meeting. All voted "Aye".

APPROVED THIS 27th DAY OF JANUARY 2014:

BY: 
**James Myrick, Chairperson
Planning and Zoning Commission**

ATTEST: 
**Susan Stewart,
Zoning Secretary**