

**MINUTES OF THE SPECIAL CALLED MEETING
CITY OF RIVER OAKS
PLANNING AND ZONING COMMISSION
MARCH 27, 2017**

MEMBERS PRESENT:

JAMES MYRICK, CHAIRMAN, PLACE 1
PAUL SIMPSON, PLACE 4
BRAD GALLMAN, PLACE 5
HUB MAKARWICH, ALT MEMBER 1 (FOR PLACE 2 MEMBER)
SHERRIE DAST, ALT. MEMBER 2 (FOR PLACE 3 MEMBER)

STAFF MEMBERS PRESENT:

SUSAN STEWART, ZONING SECRETARY
MARVIN GREGORY, ZONING ADMINISTRATOR
JOANN GORDON, COUNCIL LIAISON

MEMBERS ABSENT:

KATHY RODDEN, PLACE 2 (NO RESPONSE)
RUTH ANN TEAGUE, PLACE 3 (ILLNESS)

1. CALL TO ORDER

Chairman Myrick called the Special Meeting of the River Oaks Planning and Zoning Commission to order at 6:31 p.m. on Monday, March 27, 2017 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Member Gallman delivered the invocation. The pledges of allegiance to the United States and the Texas Flags were recited.

3. MEMBER ROLL CALL

The roll call was recorded as follows: Member Rodden and Member Teague absent.

It was announced that Alternate Members Makarwich and Dast would serve as voting members for Places 2 and 3 for this meeting only.

4. STATEMENT OF APPOINTED OFFICIAL AND OATH OF OFFICE KATHY RODDEN, PLACE 2

Member Rodden was absent, no oaths were administered.

5. APPROVAL OF MINUTES FROM THE FEBRUARY 6, 2017 SPECIAL CALLED MEETING.

Alternate Member Dast stated in her review of the minutes she found numerous typos and grammar mistakes that needed to be corrected. She went through the minutes pointing out the errors found that needed to be corrected.

Member Dast moved, seconded by Member Gallman, to accept the minutes with the noted revisions to be made as provided to Zoning Secretary Stewart. All members voted "Aye".

6. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED **AMENDMENT TO THE ZONING ORDINANCE AS REQUESTED BY RIVER OAKS PARK LLC** THEREBY REVISING ORDINANCE # 741-06 SPECIFICALLY IN SECTION 1 UNDER # 12 "ADDITIONAL SETBACK REQUIREMENTS" REVISING 12(b) CHANGING THE SETBACK REQUIREMENT FROM 8-FOOT TO 7 ½ FEET ON LOT 11 IN BLOCK 1, PARK ADDITION OTHERWISE KNOWN AS 5237 PARK DR. **(ZONING CASE # PZ 2017-02)**

At 6:41 p.m. the public hearing was opened.

ZA Gregory stated that the request was to amend Ordinance # 741-06 that established an 8-foot setback for the townhomes on the south side of the property in the Park Addition. Based from the original survey, the pins were set at 8-foot for the property at 5237 Park Dr.; but upon completion of the townhomes a final survey revealed that the end structure was located at 7-foot and 8-inches. Since this only impacted the last unit, the revision was only for the one property to be revised to 7.5 feet.

ZA Gregory reported that only 10% of all properties notified based on land area were in opposition to the amendment. ZA Gregory reported that during the construction phase stakes can be moved and not put back at the exact point and for that reason the city inspector could have measured from the wooden stake located in error and that could have caused the 4-inch discrepancy. Since the City does not have a survey crew, the stakes are assumed to be correct.

ZA Gregory was asked what would have to be done to meet the setback requirements as is now and he stated the house would have to be cut back 4-inches in order to meet the 8-foot setback requirement. None of the members seemed to be receptive to making the contractor do that.

ZA Gregory was asked how this could be avoided in the future and he stated going forward the city inspector would verify the underground iron pin itself and not just the wooden stake driven into the ground assumedly being used to mark the boundary points.

At 6:53 p.m. the public hearing was closed.

7. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF RECOMMENDATION TO THE CITY COUNCIL REGARDING THE APPLICATION APPROVAL OF THE PROPOSED **AMENDMENT TO THE ZONING ORDINANCE AS REQUESTED BY RIVER OAKS PARK LLC** THEREBY REVISING ORDINANCE # 741-06 SPECIFICALLY IN SECTION 1 UNDER # 12 "ADDITIONAL SETBACK REQUIREMENTS" REVISING 12(B) CHANGING THE SETBACK REQUIREMENT FROM 8-FOOT TO 7 ½ FEET ON LOT 11 IN BLOCK 1, PARK ADDITION OTHERWISE KNOWN AS 5237 PARK DR. **(ZONING CASE # PZ 2017-02)**

Sherrie Dast made the motion to recommend to the City Council to amend the setback requirement solely for Lot 11 (5237 Park Dr.) from 8-feet to 7 ½ feet and for the

Zoning Administrator to incorporate into the inspector's standard operating procedures to verify that all measurements are made from the iron pins that mark the surveyed boundary points. Motion seconded by Member Gallman. All voted "Aye".

8. **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.

9. **ACTION FROM EXECUTIVE SESSION**

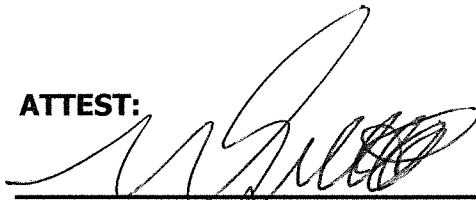
NONE.

10. **ADJOURN**

At 6:57 p.m. Member Sherrie Dast moved, seconded by Member Paul Simpson, to adjourn the meeting. All voted "Aye".

APPROVED THIS 24th DAY OF APRIL, 2017

ATTEST:



Marvin Gregory, City Secretary

APPROVED:


James Myrick, Chairman