

**MINUTES OF THE REGULAR MEETING  
CITY OF RIVER OAKS  
PLANNING AND ZONING COMMISSION  
FEBRUARY 17, 2014**

**MEMBERS PRESENT:**

JAMES MYRICK, CHAIRMAN, PLACE 1  
KATHY RODDEN, VICE-CHAIR, PLACE 2  
RUTH TEAGUE, PLACE 3  
BRAD GALLMAN, PLACE 5  
SHERRIE UPTMORE DAST, ALTERNATE 2  
JOANN GORDON, COUNCIL LIAISON

**STAFF MEMBERS PRESENT:**

MARVIN GREGORY, ZONING ADMINISTRATOR  
SUSAN STEWART, ZONING SECRETARY

**MEMBERS ABSENT:**

PAUL SIMPSON, PLACE 4

1. CALL TO ORDER

Chairperson Myrick called the Regular Meeting of the River Oaks Planning and Zoning Commission to order at 6:35 p.m. on Monday February 17, 2014 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Member **Citizen** Hendrickson delivered the invocation. Member Gallman led the pledge of allegiance.

Roll Call was recorded as follows: Member Simpson absent with excuse. Alternate Member Dast served as a voting member for this meeting only in the absence of Member Simpson.

3. APPROVAL OF MINUTES FROM THE JANUARY 27, 2014 SPECIAL MEETING

**Vice-Chair Rodden moved, seconded by Member Teague, to approve the minutes of the meeting of January 27, 2014 as presented. All voted "Aye."**

4. **PUBLIC HEARING:** IN ORDER TO RECEIVE CITIZEN COMMENTS REGARDING A **SITE PLAN PROPOSAL** AS REQUIRED IN THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS SUBMITTED BY DAVID LEWIS BUILDERS TO CONSTRUCT A NEW 5,295 SQUARE FOOT COMMERCIAL BUILDING ON THE LOT IN THE ROCKWOOD TERRACE ADDITION DESCRIBED AS BEING BLOCK 5, LOT 8 (1638 SHENNA BLVD.) AND TO CONSTRUCT A SECOND 5,295 SQUARE FOOT COMMERCIAL BUILDING ON THE LOT IN THE ROCKWOOD TERRACE ADDITION DESCRIBED AS BEING BLOCK 5, LOT 9 (1634 SHENNA BLVD.); BOTH BUILDINGS PROPOSED TO BE USED EITHER AS AN OFFICE OR STORAGE BUILDING PURSUANT TO THE DEVELOPMENT REQUIREMENTS IN "C-3" COMMERCIAL ZONING DISTRICT PURSUANT TO SECTION 25 OF RIVER OAKS ZONING ORDINANCE # 920-2012. *(ZONING CASE # PZ 2014-02)*

At 6:37 p.m. Chairman Myrick opened the public hearing.

ZA Gregory presented the request to construct a 5,295 square foot commercial building which meets the setback requirements and is an allowable use in C-3 on lots 7, 8 and 9. ZA Gregory reviewed the site plan requirements at follows: In granting or denying an application for a site plan approval, the zoning administrator, the planning and zoning commission and the city council, as appropriate, shall take into consideration the following factors: a) Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site; b) Safety from fire hazards, and measures of fire control; c) Protection of adjacent property from floodwater damage; d) Noise producing elements, and glare of vehicular and stationary lights and the effect of such lights on the established character of the neighborhood; e) Location, lighting and type of signs; relation of signs to traffic control and the adverse effect on adjacent properties; f) Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood; g) Adequacy of parking, as determined by requirements of this Ordinance for off-street parking facilities; location of ingress/egress points for parking and off-street loading spaces; and protection of public health by all-weather surfacing on all parking areas to control dust; and h) Such other measures as will secure and protect public health, safety, morals and general welfare. ZA Gregory voiced some concerns related to the flood zone, increased traffic on Shenna and size of the trucks that would be driving on that road, no lighting plan, noise provisions and a traffic control plan that must be presented to the police chief.

David Lewis, prospective buyer, was present to summarize his request. Mr. Lewis stated that he would comply with all the requirements of the City's ordinances. Mr. Lewis described the two proposed warehouses with one being an office for his business and one being storage for an associate of his. Mr. Lewis described his business as construction of high-end custom homes and buildings. Mr. Lewis offered to withdraw his request if not "welcome".

Board Members expressed concern related to large trucks delivering to this location, the integrity of the parking lot and the road, lighting that may affect the residential neighbors, and increased traffic flow.

Jim Reeves, 2505 Tommelson Creek Rd, spoke on behalf of his mother-in-law at 1646 Shenna, as a potential heir to her property, stating opposition. Mr. Reeves expressed concern regarding large structures next to residential homes, limited access to the rear portion of their property, increased storm water runoff, increased traffic, and depreciation of the property.

Jonathan James, 1717 Cynthia Lane, spoke on behalf of his mother at 1646 Shenna, stating opposition with concerns regarding commercial property located between residential homes, additional flooding in an area already susceptible to flooding, an increase to the City's sewer system, additional traffic and damage to the roadway, lighting, noise, traffic hazards for neighborhood children, and a potential decrease in the property value.

Roy Moore, 4400 Almema, spoke in opposition for reasons of increased traffic, lights and noise from commercial usage surrounded by residential properties.

Jodi James (1717 Cynthia Lane) expressed opposition, along with Micah Reeves (2505 Tommelson Creek) and Eden Rodgers (4009 Winding Way) on behalf of Mrs. James at 1646 Shenna.

Betty James, 1646 Shenna, spoke in opposition to the proposal, stating that it could affect the easement she currently has to her pasture and barn.

Greg Hendrickson, 4350 River Oak Blvd., spoke on behalf of John Know Presbyterian Church, stating opposition with concerns over increased traffic and the mix of residential and commercial usages.

Linda Claridge, 5220 Terrace Trail, expressed opposition on behalf of John Know Presbyterian Church.

David Janke, 1512 Shenna, spoke in opposition, stating concerns related to traffic, street condition, lighting, headlights, noise, an increase to the water and sewer systems and drainage system.

Joe Long, architect for the applicant, did not choose to speak when offered by the chairman.

Michael Gaston who recently purchased and lives at the property at 1662 Shenna, stated opposition due to the size and condition of the street, traffic, noise, and large trucks making the road condition worse.

Tommy Baker, 1654 Shenna, expressed concerns related to the traffic, aesthetics and property value, and access to the easement at the rear of his property.

David Lewis gave a rebuttal, expressing concern that the City would have property zoned for a warehouse in the midst of residential homes.

Member Dast mentioned a case from a few years ago in which the City would not approve the proposal if the applicant was not the owner of the property. ZA Gregory stated that permission from the owner would be required prior to the public hearing.

Mr. Lewis inquired about the process to withdraw his request.

At 7:59 p.m. Chairman Myrick closed the public hearing.

**5. ACTION FROM PUBLIC HEARING:** CONSIDER RECOMMENDATION TO THE CITY COUNCIL REGARDING A **SITE PLAN PROPOSAL** AS REQUIRED IN THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS SUBMITTED BY DAVID LEWIS BUILDERS TO CONSTRUCT A NEW 5,295 SQUARE FOOT COMMERCIAL BUILDING ON THE LOT IN THE ROCKWOOD TERRACE ADDITION DESCRIBED AS BEING BLOCK 5, LOT 8 (1638 SHENNA BLVD.) AND TO CONSTRUCT A SECOND 5,295 SQUARE FOOT COMMERCIAL BUILDING ON THE LOT IN THE ROCKWOOD TERRACE ADDITION DESCRIBED AS BEING BLOCK 5, LOT 9 (1634 SHENNA BLVD.); BOTH BUILDINGS PROPOSED TO BE USED EITHER AS AN OFFICE OR STORAGE BUILDING PURSUANT TO THE DEVELOPMENT REQUIREMENTS IN "C-3" COMMERCIAL ZONING DISTRICT PURSUANT TO SECTION 25 OF RIVER OAKS ZONING ORDINANCE # 920-2012. (*ZONING CASE # PZ 2014-02*).

**Vice-Chair Rodden moved, seconded by Member Gallman, to report the events of this hearing and recommend returning the property to residential R-2 to the City Council. All voted "Aye."**

6. **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.

7. ACTION FROM EXECUTIVE SESSION


**None.**

8. ADJOURN

**At 8:06 p.m. Member Dast moved, seconded by Member Teague, to adjourn the meeting. All voted "Aye".**

**APPROVED THIS 17<sup>th</sup> DAY OF NOVEMBER 2014:**

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

ATTEST:   
**Susan Stewart,  
Zoning Secretary**