

**MINUTES OF THE SPECIAL CALLED MEETING
CITY OF RIVER OAKS
PLANNING AND ZONING COMMISSION
SEPTEMBER 28, 2015**

MEMBERS PRESENT:

JAMES MYRICK, CHAIRMAN, PLACE 1
RUTH TEAGUE, PLACE 3
PAUL SIMPSON, PLACE 4
HUB MAKARWICH, ALTERNATE 1 (VOTING FOR PLACE 2)
SHERRIE UPTMORE DAST, ALTERNATE 2 (VOTING FOR PLACE 5)
JOANN GORDON, COUNCIL LIAISON

STAFF MEMBERS PRESENT:

SUSAN STEWART, ZONING SECRETARY
MARVIN GREGORY, ZONING ADMINISTRATOR

MEMBERS ABSENT:

KATHY RODDEN, PLACE 2 (~~NO RESPONSE~~) EXCUSED
BRAD GALLMAN, PLACE 5 (WORK CONFLICT)

1. CALL TO ORDER

Chairman Myrick called the Special Meeting of the River Oaks Planning and Zoning Commission to order at 7:05 p.m. on Monday, September 28, 2015 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. Chairman Myrick led the pledges of allegiance to the United States and the Texas Flags.

3. MEMBER ROLL CALL

The roll call was recorded as follows: Member Rodden was absent with no response and Member Gallman was absent due to a work conflict.

It was announced that Alternate Member Dast would serve in the absence of Place 5 and Alternate Member Makarwich would serve in the absence of Place 2 as voting members for this meeting only.

4. STATEMENT OF APPOINTED OFFICER AND OATH OF OFFICE FOR THE 2015 APPOINTEES TO THE PLANNING AND ZONING COMMISSION

Secretary Stewart administered the Statement of Appointed Official and the Oath of Office to James Myrick, Chairman, Place 1; Ruth Ann Teague, Place 3; and Hub Makarwich, Alternate 1.

5. **ORGANIZATIONAL MEETING: ANNUAL ORGANIZATIONAL MEETING & ELECTION OF A VICE-CHAIRMAN**

Member Dast moved, seconded by Member Makarwich, to elect Ruth Ann Teague as the Vice-Chairman. All voted "Aye."

6. APPROVAL OF MINUTES FROM THE MARCH 3, 2015 SPECIAL CALLED MEETING RESCHEDULED FROM FEBRUARY 23, 2015 DUE TO POSTPONEMENT OF MEETING BECAUSE OF ICY WEATHER

Member Dast moved, seconded by Member Teague, to approve the minutes. All voted "Aye."

7. **PUBLIC HEARING:** IN ORDER TO RECEIVE TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED REQUEST FROM *ISTOOK 401(K) PLAN % DON ISTOOK* TO CHANGE THE ZONING CLASSIFICATION OF 1.1111 ACRES OF LAND LOCATED IN BLOCK 1, LOTS 11 & 12, CASTLEBERRY GARDENS ADDITION; AN ADDITION TO THE CITY OF RIVER OAKS, TARRANT COUNTY TEXAS FROM A "R-3" SINGLE-FAMILY ZONING DISTRICT TO A "C-3" COMMERCIAL ZONING DISTRICT (*ZONING CASE # PZ 2015-02*)

At 7:14 p.m. the public hearing was opened.

ZA Gregory gave a summary of the zoning request stating that notification had published in the paper, posted and notices mailed to property owners within 200-feet. Of those notices, ZA Gregory reported only two responses, both in opposition of the proposal.

Don Istook, applicant and property owner, indicated his intention to change his request from the originally proposed C-3 to Single-Family R-4. Mr. Istook requested the public hearing be held open until November 16, 2015 to allow him time to submit the details for his new proposal which will also require the re-platting of the property to 5 residential lots. Mr. Istook stated that his original proposal was never to have a full RV storage facility but to store a few vehicles temporarily.

Chairman Myrick announced that this public hearing would remain open and be continued on November 16, 2015 at 7:00 p.m.

8. **ACTION FROM PUBLIC HEARING:** CONSIDER PLANNING AND ZONING COMMISSION RECOMMENDATION TO THE CITY COUNCIL REGARDING THE PROPOSED REQUEST FROM *ISTOOK 401(K) PLAN % DON ISTOOK* TO CHANGE THE ZONING CLASSIFICATION OF 1.1111 ACRES OF LAND LOCATED IN BLOCK 1, LOTS 11 & 12, CASTLEBERRY GARDENS ADDITION; AN ADDITION TO THE CITY OF RIVER OAKS, TARRANT COUNTY TEXAS FROM A "R-3" SINGLE-FAMILY ZONING DISTRICT TO A "C-3" COMMERCIAL ZONING DISTRICT (*ZONING CASE # PZ 2015-02*)

No action was taken.

9. **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 *ISTOOK 401(K) PLAN % DON ISTOOK* TO CONSTRUCT A 28,000 TO 30,000 SQUARE FOOT COMMERCIAL BUILDING ON THE LOT IN THE CASTLEBERRY GARDENS

ADDITION DESCRIBED AS BEING 1.1111 ACRES OF LAND LOCATED IN BLOCK 1, LOTS 11 & 12, CASTLEBERRY GARDENS ADDITION; AN ADDITION TO THE CITY OF RIVER OAKS, TARRANT COUNTY TEXAS **CONTINGENT SOLELY ON PROPERTY BEING REZONED TO A "C-3" COMMERCIAL ZONING DISTRICT** THAT PERMITS THE USE FOR VEHICLE STORAGE PURSUANT TO THE DEVELOPMENT REQUIREMENTS IN A "C-3" COMMERCIAL ZONING DISTRICT PURSUANT TO SECTION 25 OF RIVER OAKS ZONING ORDINANCE # 1060-2015. (*ZONING CASE # PZ 2015-03*)

ZA Gregory reported that pursuant to Section 25 of the City's Zoning Ordinance, Site Plan Approval is required for new commercial buildings, however, is not required for zoning classification changes to R-4 Single-Family and based on the testimony given earlier in the Public Hearing by Don Istook, no action would be required for Site Plan Approval.

At 7:59 p.m. the public hearing was opened.

At 7:59 p.m. the public hearing was closed.

10. **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 *ISTOOK 401(K) PLAN % DON ISTOOK* TO CONSTRUCT A 28,000 TO 30,000 SQUARE FOOT COMMERCIAL BUILDING ON THE LOT IN THE CASTLEBERRY GARDENS ADDITION DESCRIBED AS BEING 1.1111 ACRES OF LAND LOCATED IN BLOCK 1, LOTS 11 & 12, CASTLEBERRY GARDENS ADDITION; AN ADDITION TO THE CITY OF RIVER OAKS, TARRANT COUNTY TEXAS **CONTINGENT SOLELY ON PROPERTY BEING REZONED TO A "C-3" COMMERCIAL ZONING DISTRICT** THAT PERMITS THE USE FOR VEHICLE STORAGE PURSUANT TO THE DEVELOPMENT REQUIREMENTS IN A "C-3" COMMERCIAL ZONING DISTRICT PURSUANT TO SECTION 25 OF RIVER OAKS ZONING ORDINANCE # 1060-2015. (*ZONING CASE # PZ 2015-03*)

No action was taken.

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

None called for.

12. **ACTION FROM EXECUTIVE SESSION**

No action was taken.

13. ADJOURN

At 8:00 p.m. Member Makarwich moved, seconded by Member Dast, to adjourn the meeting. All voted "Aye".

APPROVED THIS 16th DAY OF NOVEMBER 2015:

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

ATTEST: 
**Susan Stewart,
Zoning Secretary**