

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
PLANNING AND ZONING COMMISSION
FEBRUARY 16, 2016**

MEMBERS PRESENT:

JAMES MYRICK, CHAIRMAN, PLACE 1
RUTH TEAGUE, VICE-CHAIR, PLACE 3
PAUL SIMPSON, PLACE 4
BRAD GALLMAN, PLACE 5
HUB MAKARWICH, ALTERNATE 1
SHERRIE UPTMORE DAST, ALTERNATE 2

STAFF MEMBERS PRESENT:

SUSAN STEWART, ZONING SECRETARY
MARVIN GREGORY, ZONING ADMINISTRATOR

MEMBERS ABSENT:

KATHY RODDEN, PLACE 2 (MEDICAL)
JOANN GORDON, COUNCIL LIAISON (ILLNESS)

1. CALL TO ORDER

Chairman Myrick called the Regular Meeting of the River Oaks Planning and Zoning Commission to order at 7:02 p.m. on Tuesday, February 16, 2016 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 was absent – due to medical reasons and Council Liaison Gordon was absent due to personal illness.

It was noted that Alternate Member Makarwich would serve as a voting member in the absence of Place 2 for this meeting only.

4. APPROVAL OF MINUTES FROM THE JANUARY 18, 2016 REGULAR MEETING

Member Gallman moved, seconded by Vice-Chair Teague, to approve the minutes. All voted "Aye."

5. **PUBLIC HEARING:** IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED REQUEST REGARDING THE APPLICATION APPROVAL FOR A SPECIFIC USE PERMIT AT 5514 RIVER OAKS BLVD. (FAMILY DOLLAR STORE # 3127) FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER & WINE) IN ACCORDANCE TO SECTION 23A.G.3.J FOR OFF-PREMISE CONSUMPTION PURSUANT TO ZONING ORDINANCE 1060-2015 AS ADOPTED AND AS AMENDED. **(ZONING CASE # PZ 2016-01)**

At 7:06 p.m. the public hearing was opened.

ZA Gregory cited the checklist in the zoning ordinance that is required in order to approve a specific use permit for the sale of alcoholic beverages.

Tommy Miller, District Manager for Family Dollar, acknowledged that the TABC application has been submitted. Mr. Miller indicated that all of the requirements mentioned by ZA Gregory can be met with the exception of the screening fence. ZA Gregory stated that the screening fence requirement could be waived.

Citizen Richard Boykin, owner of 5533 Gilbow, spoke in opposition of the request stating that the neighbors are not in favor of a "family" store selling alcohol.

Vice-Chair Teague stated that three written responses were received in opposition and one in favor of the request.

Citizen Darren Houk, owner at 5500 Meandering and 1913 Yale, mentioned that the requirement to build a fence at this location is not business friendly.

At 7:40 p.m. the public hearing was closed.

6. ACTION FROM PUBLIC HEARING: CONSIDER RECOMMENDATION TO THE CITY COUNCIL REGARDING APPLICATION FOR A SPECIFIC USE PERMIT AT 5514 RIVER OAKS BLVD. (FAMILY DOLLAR STORE # 3127) FOR SALE OF ALCOHOLIC BEVERAGES (BEER & WINE) ACCORDANCE TO SECTION 23A.G.3.J FOR OFF-PREMISE CONSUMPTION PURSUANT TO ZONING ORDINANCE 1060-2015 AS ADOPTED AND AS AMENDED. (ZONING CASE # PZ 2016-01)

Member Gallman moved, seconded by Member Simpson, to approve the specific use permit at 5514 River Oaks Boulevard (Family Dollar Store #3127) for the sale of alcoholic beverages (beer and wine) in accordance with Section 23A.G.3.j for off-premise consumption pursuant to Zoning Ordinance #1060-2015 as adopted and as amended providing that the following stipulations are complied with: 1) Must meet all TABC permitting requirements for alcoholic beverage sales (beer and wine); and 2) must meet screening fence requirements. All voted "Aye."

7. PUBLIC HEARING: IN ORDER TO RECEIVE PUBLIC COMMENT AND TESTIMONY ON THE PROPOSED REQUEST FROM *ISTOOK 401(K) PLAN % DON ISTOOK* TO REPLATTING 1.111 ACRES OF LAND LOCATED IN BLOCK 1, LOTS 11 & 12, CASTLEBERRY GARDENS ADDITION, AN ADDITION TO THE CITY OF RIVER OAKS, TARRANT COUNTY, TEXAS INTO 6 SEPARATE INDIVIDUAL RESIDENTIAL LOTS IN AN R-4 SINGLE-FAMILY ZONING DISTRICT. (ZONING CASE # PZ 2016-02)

At 7:46 p.m. the public hearing was opened.

ZA Gregory explained that this request is to re-plat the property that was recently re-zoned into 6 lots in order to build new single family residential homes. ZA Gregory confirmed that the lots meet the requirements of an R-4 zoning district. ZA Gregory requested that the right-of-ways

be included on the plats. ZA Gregory stated that 1 written response in favor of the request was received.

At 8:01 p.m. the public hearing was closed.

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 REPLATTING 1.111 ACRES OF LAND LOCATED IN BLOCK 1, LOTS 11 & 12, CASTLEBERRY GARDENS ADDITION, AN ADDITION TO THE CITY OF RIVER OAKS, TARRANT COUNTY, TEXAS INTO 6 SEPARATE INDIVIDUAL RESIDENTIAL LOTS IN AN R-4 SINGLE-FAMILY ZONING DISTRICT. **(ZONING CASE # PZ 2016-02)**

Vice-Chair Teague moved, seconded by Member Simpson, to approve the proposed request from Istook 401(K) Plan % Don Istook to re-plat 1.111 acres of land located in Block 1, Lots 11 & 12, Castleberry Gardens Addition, an addition to the City of River Oaks, Tarrant County, Texas into 6 separate individual residential lots in an R-4 single family zoning district Zoning Case #PZ2016-02 and to include the right-of-ways. All voted "Aye."

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

None called for.

10. ACTION FROM EXECUTIVE SESSION

No action was taken.

11. ADJOURN

ZA Gregory announced that there will be a meeting on the next regularly scheduled date of March 21, 2016.

At 8:10 p.m. Vice-Chair Teague moved, seconded by Alternate Member Makarwich, to adjourn the meeting. All voted "Aye".

APPROVED THIS 21st DAY OF MARCH 2016

ATTEST:


Susan Stewart, Zoning Secretary

APPROVED:


James Myrick, Chairman