

**MINUTES OF THE SPECIAL CALLED MEETING
CITY OF RIVER OAKS
PLANNING AND ZONING COMMISSION
SEPTEMBER 29, 2011**

MEMBERS PRESENT:

LORI WATSON, CHAIRPERSON
JAMES MYRICK, VICE-CHAIRMAN
PAUL SIMPSON, PLACE 4
BRAD GALLMAN, PLACE 5
RUTH ANN TEAGUE, ALTERNATE # 1
SHERRIE DAST, ALTERNATE # 2 (VOTING MEMBER FOR PLACE 3)
JOANN GORDON, COUNCIL LIAISON

STAFF PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR (ZA)
SUSAN STEWART, ZONING SECRETARY
JAMES HATLEY, PUBLIC WORKS DIRECTOR

MEMBERS ABSENT:

KATHY RODDEN

1. CALL TO ORDER

At 6:47 p.m. Chairperson Watson called the meeting to order; a quorum was present.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Member Gallman delivered the Invocation. Vice-Chairman Myrick led the pledge of allegiance to the United States Flag.

3. APPROVAL OF MINUTES FROM THE SEPTEMBER 8, 2011 REGULAR MEETING

Member Gallman moved, seconded by Vice-Chairman Myrick, to approve the Minutes of the September 8, 2011 meeting as presented. All voted "Aye."

4. Public Hearing: In order to receive public input on the approval of a **Specific Use Permit** in a "C-2" Commercial Zoning District for Super Save Grocery located at 5116 River Oaks Blvd. in order to sell *Alcoholic Beverages (Beer & Wine)* for off-premise consumption in accordance to Section 23A.G. # 3 of City Zoning Ordinance # 883-2011 as amended.

At 6:49 p.m. Chairman Watson opened the public hearing.

ZA Gregory stated that this application is for Super Save to continue to sell beer and wine. In 2006, Super Save was approved to sell beer and wine. The ownership recently changed and a Specific Use Permit is not transferable to a new owner. ZA Gregory stated that this permit is for off premise consumption and is subject the following requirements:

- a. One parking space is required for every three seats or for every 100 square feet of floor area; whichever is greater.
- b. All sales must be within permanent walls of the establishment covered by a roof.
- c. All required state licenses must be valid and in effect.

d. The sale of alcoholic beverages is prohibited in a place of business that is within 300 feet of a church, public or private school, daycare facility or public hospital. Measurement of the distances shall be calculated as provided by the Texas Alcoholic Beverage Code.

e. The permit holder will erect a masonry or steel fence of a height not less than 6 feet nor greater than 8 feet between property permitting the sale of alcohol and the property zoned or used for a residential use.

f. The establishment must be in compliance with applicable building codes.

g. A Specific Use Permit will terminate upon change of ownership of the holder of the Specific Use Permit and the Permit is not transferable.

h. A permit holder shall notify the City of the expiration or termination of any license or permit issued by the Alcoholic Beverage Commission for the property.

i. For establishments with off premises consumption only, the following apply:

(1) The establishment must be at least 2,000 square feet in size.

(2) The primary use of the business must be other than the sale of alcoholic beverages (for example: grocery or convenience stores) and the establishment shall not derive more than 30% of its gross revenues from the sale of alcoholic beverages. (The City may require an audit of the accounts of an establishment to determine whether the establishment is in compliance with its provision.)

(3) No on premises consumption of alcoholic beverages is permitted.

j. No signs advertising or depicting alcohol or tobacco shall be visible from the right of way.

k. No amplified music or loud speakers outside the building is permitted.

l. Upon evaluation of the factors listed in Section 23A.G hereof, the City Council may impose additional restrictions to protect adjacent properties from the impact of the specific use.

ZA Gregory stated that the church that is adjacent to the property of Super Save is more than 600 feet when measured from door to door along the property line as required by State regulations. This property does not abut residential property. Written documentation from Harris Permitting (TABC) has not been received. ZA Gregory reported that all notifications and publications have been performed as required by law. Two written responses have been received, both in favor.

Ashley Anderson, representative for the property owner (HAC), was present with Super Save District Manager Chris Rogers and Store Manager Larry Mills. Ms. Anderson stated that the proper paperwork has been submitted to TABC and she would forward this information to ZA Gregory.

At 6:59 p.m. Chairperson Watson closed the public hearing.

5. **Action from Public Hearing:** Consider approval of the Specific Use Permit for Super Save Grocery located at 5116 River Oaks Blvd. in order to sell *Alcoholic Beverages (Beer & Wine)* for off-premise consumption in accordance to Section 23A.G. # 3 of City Zoning Ordinance # 883-2011 as amended.

Member Dast made a motion, seconded by Vice-Chairman Myrick, to recommend approval of the Specific Use Permit at 5116 River Oaks Blvd. All voted "Aye."

6. **Public Forum:** Planning and Zoning Commission invites citizens to speak on any zoning related topic; however, unless the item is specifically noted on this agenda, the Commission is required under the Texas Open Meetings Act to limit its response with a statement of specific factual information from the city's zoning ordinance pertaining to that issue, or directing the person making the inquiry to visit with city staff about the issue. **No deliberation is permitted.**

None.

7. **EXECUTIVE SESSION** pursuant to Chapter 551, Texas Government Code, 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:

Sec. 551.071: Pending or contemplated litigation or to seek advice from Attorney

None called for.

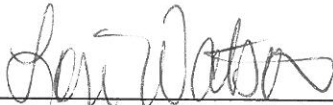
8. **ACTION FROM EXECUTIVE SESSION**

None.

9. **ADJOURN**

At 7:00 p.m. Vice-Chairman Myrick motioned, second by Member Simpson, to adjourn the meeting. All voted "AYE."

APPROVED THIS 21st DAY OF NOVEMBER 2011



**Lori Watson, Chairperson
Planning/Zoning Commission**

ATTEST:



Susan Stewart, Zoning Secretary

RIVER OAKS PLANNING AND ZONING COMMISSION

September 23, 2011


To Mayor and City Council:

On this date, **September 29, 2011** the Planning and Zoning Commission of the City of River Oaks met at 6:30 P.M. for a special called meeting in accordance to the Rules and Procedures. As a part of that Meeting the P & Z requests and **recommends** to the Mayor and to the City Council the following:

The P & Z of the City of River Oaks voted, 5 Ayes and 0 Nays to recommend to the City Council of River Oaks to:

- ☒ **Approve the SUP at 5116 River Oaks Blvd. as submitted**
- ☐ **Approve the SUP at 5116 River Oaks Blvd. with the following recommendations:**
- ☐ **Not approve the SUP for the following reasons:**

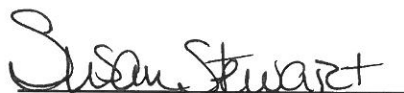
APPROVED THIS THE 29th DAY OF SEPTEMBER 2011 BY:



Chairman

Planning and Zoning Commission

ATTEST:



**Susan Stewart
Zoning Secretary**