

**RICHLAND HILLS PLANNING & ZONING COMMISSION
REGULAR MEETING
CITY HALL, 3200 DIANA DRIVE
JUNE 2, 2020
MINUTES**

Members Present

Erick Sabin, Place 1
Michael Wilson, Place 2
Jackson Durham, Place 3
Kelle Jones, Place 5
Mary Witt, Alternate

Members Absent

Kyle LaPointe, Chairman

Staff Present

Candice Edmondson, City Manager
Scott Mitchell, Director of Neighborhood Services
Cathy Bourg, City Secretary
Alecia Kreh, City Attorney

1. CALL TO ORDER

The meeting was called to order at 6:00 p.m. and Vice Chairman Sabin noted that there was a quorum present with 5 members in attendance.

2. EXECUTIVE SESSION

A. EXECUTIVE SESSION: PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071. REFER TO POSTED LIST ATTACHED HERETO AND INCORPORATED HEREIN. EXECUTIVE SESSION MAY BE HELD, UNDER THESE EXCEPTIONS, AT ANY TIME DURING THE MEETING THAT A NEED ARISES FOR THE PLANNING AND ZONING COMMISSION TO SEEK ADVICE FROM THE CITY ATTORNEY AS TO THE POSTED SUBJECT MATTER OF THIS PLANNING AND ZONING COMMISSION MEETING.

No executive session was required at this meeting.

B. RECONVENE: Action necessary on items discussed in Executive Session

3. PUBLIC COMMENTS

No speakers or emailed comments

REGULAR AGENDA

4. Approve minutes from the February 18, 2020 Planning and Zoning Commission meeting.

Motion: Motion was made by Commission Member Durham and seconded by Commission Member Wilson to approve.

Motion carried by a vote of 5-0.

5. Consider a Planned Development for the property at 3925 Booth Calloway Road currently zoned Mixed Use (MX) PUBLIC HEARING

Candice Edmondson, City Manager presented a Planned Development for the property at 3925 Booth Calloway Road. The property is a 25,344 square foot building on 2.7853 acres currently zoned Mixed Use (MX). The applicant for this case is Jon Pignatelli. Mr. Pignatelli owns Pignatelli Collision, an automotive collision repair shop, which has been operating in the building for approximately 2 years. Pignatelli Collision specializes in the maintenance and body repair of luxury vehicles and is the preferred vendor for Infiniti.

The request for Planned Development zoning is to add boat repair as an allowed use in the building. Mr. Pignatelli owns a second business in Hurst, FibrWorx, a full-service marine collision facility specializing in fiberglass boat repair. He would like to move FibrWorx into the Richland Hills facility, so that both businesses are operating out of the same location.

Since automobile repair is not an allowed use in the Mixed Use District and Pignatelli Collision is operating as a legal non-confirming use, approval of a Planned Development would be required for Mr. Pignatelli to move his boat repair business to the same location. Boat repair does appear on the city's use chart; however, it is also not a permitted use in the Mixed Use District.

The Development Review Committee (DRC) has reviewed Mr. Pignatelli's request for a Planned Development. Based on the improvements already made, the property meets the city's building and fire code requirements. The property is well maintained, and Mr. Pignatelli has made additional enhancements to the exterior of the building since taking over ownership. The DRC recommends the following:

- Screen storage area where vehicles are stored with appropriate screening material
 - Solid masonry (brick, concrete block, concrete panels)
 - Wrought iron with solid landscape screening

Vice Chairman Sabin opened the Public Hearing – Time: 6:07 p.m.

Jon Pignatelli, the applicant gave a presentation in support of his request. The presentation included sales tax, projected sales, updates to the building, employee

training and certifications, marketing, equipment and fire protection investments, Fibrworx boat shop in Hurst and plans for fencing.

Vice Chairman Sabin closed the Public Hearing – Time: 6:29 p.m.

Motion: Motion was made by Commission Member Wilson and seconded by Commission Member Durham to recommend approval of a planned development for the property at 3925 Booth Calloway Road with the following approved uses: automobile repair (major), boat sales and repair, and outside storage and display (incidental) and include the recommendation that slating can be used in the chain-link as a screening alternative like can be used in the industrial district.

Motion carried by a vote of 5-0.

**6. Consider a Specific Use Permit for *Child-care: Licensed Childcare Center* for the property at 7500 Glenview Drive currently zoned Professional Office (P)
PUBLIC HEARING**

Candice Edmondson, City Manager presented a Specific use Permit (SUP) for Child-Care: Licensed Childcare Center for the property at 7500 Glenview Drive currently zoned Professional Office (P). The property is a 7,025 square foot building owned by Matt Nemati. The building is divided into four suites. Currently there are two tenants: MEPCE, an engineering firm owned by Mr. Nemati (Suite A) and Embrace United Church of Christ (Suite B).

The SUP request is for a *Child-Care: Licensed Child-Care Center*. The business that would like to lease the space is Dee's Place Childcare, operated by Darlyncia Mays. Ms. Mays would like to open a *licensed childcare center* in this building which is permitted with an approved SUP. The daycare would occupy Suite C which is 1,457 square feet. Texas Department of Family and Protective Services requires an outdoor activity area equal to at least 25% of indoor space. Ms. Mays plans to build a 300 square foot fenced outdoor play area on the southeast corner of the building.

The Development Review Committee has reviewed the request for a SUP. In order to grant a certificate of occupancy to a new business at this location, the building will need to be brought into compliance with current international building, plumbing, and electrical codes per section 6.02.01 of the Richland Hills Code of Ordinances. In addition, a daycare center falls under group I-4 (Institutional Occupancy) in the international fire code. This will require the property owner to install a full fire alarm system throughout the building to meet code and state regulations for operating a daycare center.

The Development Review Committee also recommends that the property come into compliance with additional city code requirements outside of the zoning ordinance. These include:

- Resurface and restripe the parking lot per Sec. 91-300
- Designate fire lanes and handicap parking per Sec. 91-300
- Enclose the dumpster and air conditioning equipment per Sec. 91-100
- Remove obsolete signage at the property per Sec. 62-143
- Replace rusty awnings and remove peeling/chipping paint per the 2012 adopted International Property Maintenance Code

Vice Chairman Sabin opened the Public Hearing – Time: 6:42 p.m.

Darlyncia Mays, the applicant answered questions regarding the playground location and the material that will be used to cover the asphalt or to shade the area. Ms. Mays provided additional information regarding the number and age of children that would attend, parking, traffic in and out as well as complying with the code requirements.

Matt Nemati, the property owner answered questions regarding signage and awning on the building.

Vice Chairman Sabin closed the Public Hearing – Time: 7:04 p.m.

Motion: Motion was made by Commission Member Wilson and seconded by Commission Member Jones to recommend approval of a specific use permit for the property at 7500 Glenview Drive under the condition that all international and city code requirements are met as recommended by the Development Review Committee before issuance of a Certificate of Occupancy for the business.

Motion carried by a vote of 5-0.

7. Consider a zoning text amendment to Chapter 90, Section 6.02.01 of the Richland Hills Code of Ordinances requiring fire code compliance when obtaining a certificate of occupancy and requiring certificates of occupancy for changes in tenants and ownership in nonresidential buildings PUBLIC HEARING

Candice Edmondson, City Manager presented a zoning text amendment to Chapter 90, Section 6.02.01 of the Richland Hills Code of Ordinances requiring fire code compliance when obtaining a certificate of occupancy and requiring certificates of occupancy for changes in tenants and ownership in nonresidential buildings.

The first zoning text amendment request is to add fire code compliance when obtaining a certificate of occupancy. Per current city ordinance, a building or premises must comply with the city's adopted building code, electrical code and plumbing code before a certificate of occupancy can be issued. Staff recommends adding fire code compliance to the certificate of occupancy requirements as well to ensure all buildings within the city limits are operating under current fire code regulations.

The second zoning text amendment request is to require certificates of occupancy for changes in tenants and ownership in nonresidential buildings. Per current city ordinance, a change in occupancy or type of business requires a new certificate of occupancy, but changes in tenants and ownership of nonresidential buildings does not. Staff recommends adding this requirement, so that the city can maintain accurate information about the businesses operating within Richland Hills and ensure compliance with all city codes and regulations.

Vice Chairman Sabin opened the Public Hearing – Time: 7:10 p.m.

No speakers

Vice Chairman Sabin closed the Public Hearing – Time: 7:10 p.m.

Motion: Motion was made by Commission Member Durham and seconded by Commission Member Witt to recommend approval of a zoning text amendment to Chapter 90, Section 6.02.01 of the Richland Hills Code of Ordinances requiring fire code compliance when obtaining a certificate of occupancy and requiring certificates of occupancy for changes in tenants and ownership in nonresidential buildings.

Motion carried by a vote of 5-0.

8. ADJOURNMENT

There being no further business to come before the Commission, Vice Chairman Sabin declared the meeting adjourned at 7:11 p.m.

ATTEST

APPROVED

Cathy Bourg, City Secretary

Eric Sabin, Vice Chairman