

**PLANNING AND ZONING COMMISSION
MEETING AGENDA
CITY HALL, 3200 DIANA DRIVE
JANUARY 23, 2024 at 6:00 PM**

1. CALL TO ORDER

2. EXECUTIVE SESSION

Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Section 551.071. **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.**

3. PUBLIC COMMENTS

This is the public's opportunity to address the Planning & Zoning Commission about non-agenda items. In compliance with the Texas Open Meetings Act, Commission members and city staff are prevented from discussing non-agenda items and may only respond with statements of factual information or existing city policy.

REGULAR AGENDA

4. Approve minutes from the September 26, 2023 Planning and Zoning Commission meeting
5. Consider Ordinance 1492-24 amending Chapter 90 of the City Code, as amended, the Comprehensive Zoning Ordinance of the City; Amending Section 5.02 to amend the method in which members of the Planning and Zoning Commission are appointed. **PUBLIC HEARING**

6. ADJOURNMENT

A quorum of the City Council or other Boards may be present at this meeting

CERTIFICATE

I hereby certify that the above agenda was posted on this the 18th day of January 2024 by 5:30 p.m. on the official bulletin board at the Richland Hills City Hall, 3200 Diana Drive, Richland Hills, Texas, pursuant to the Texas Government Code, Chapter 551.

Lindsay Rawlinson

Lindsay Rawlinson
City Secretary



ACCESSIBILITY STATEMENT

The Facility is wheelchair accessible. If you plan to attend this public meeting and have a disability that requires special arrangements, please notify the City Secretary 48 hours in advance at (817) 616-3810 and reasonable accommodations will be made to assist you.

Memorandum

To: Richland Hills Planning and Zoning Commission

From: Lindsay Rawlinson, City Secretary

Date: January 23, 2024

Subject: Minutes from the September 26, 2023 Regular Planning and Zoning Commission Meeting

Agenda Item:

Approve minutes from the September 26, 2023 Planning and Zoning Commission meeting.

Background Information:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

September 26, 2023 Draft Minutes

Suggested Motion:

Motion to approve the minutes from the September 26, 2023 Planning and Zoning Commission meeting.

**RICHLAND HILLS PLANNING & ZONING COMMISSION
REGULAR MEETING
SEPTEMBER 26, 2023
MINUTES**

Members Present

Michael Wilson, Chair
Jackson Durham, Place 3
Mary Witt, Place 4

Members Absent

Kenneth Keating, Place 1
Kelle Jones, Place 5

Alternate Members Absent

Mary Sullivan, Alternate 1

Staff Present

Logan Thatcher, Assistant to the City Manager
Lindsay Rawlinson, City Secretary
Rachel Raggio, City Attorney

1. CALL TO ORDER

Chair Wilson called to order at 6:08 p.m.

2. EXECUTIVE SESSION

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.

None.

3. PUBLIC COMMENTS

Debbie Conley, 3328 Kingsbury Drive, Richland Hills, expressed concern about her driveway and mentioned the City formerly had a Beautification Committee and hoped it returned.

REGULAR AGENDA

4. Approved minutes from the July 25, 2023 Planning and Zoning Commission meeting.

Motion: Motion was made by Commissioner Witt and seconded by Commissioner Durham to approve the minutes from the July 25, 2023 Planning and Zoning Commission meeting.

Motion carried by a vote of 3-0.

5. Approved a zoning change from Single Family-10 to Mixed Use at the property described as Block 29 Lot 24 N 150' of Lot 24, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard, Richland Hills, Texas 76118 and the property described as Block 29 Lot 24A, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard. PUBLIC HEARING

Assistant to the City Manager Logan Thatcher presented the item to the Commission and advised that applicant Kairi Gardner with LE Engineering is seeking to rezone the property at 6831 Baker Boulevard. The property is one lot but has two separate Tarrant Appraisal District (TAD) accounts that are addressed as 6831 Baker Boulevard. The southern portion off Baker Boulevard is zoned Mixed Use, while the property just north is zoned Single Family-10. The applicant has purchased the property which includes both portions of the lot and is requesting that the zoning be congruent by rezoning the back portion to Mixed Use. The Future land use plan references Mixed Use for the south side of the lot and Single Family-10 for the north portion.

Mr. Thatcher advised that the property had needed a lot of remediation and the applicant has done significant work already such as removing mold.

Chair Wilson opened the public hearing at 6:16 p.m. and asked to hear from any proponents followed by opponents of the case.

Debbie Conley, 3328 Kingsbury Drive, Richland Hills, expressed concern regarding the noise from the construction.

Kathy Spradlin, 3316 Henry, Richland Hills, expressed appreciation for the improvements that have been completed already.

Matt Clover, 6809 Davidson Drive, Richland Hills, expressed concern regarding the brightness and direction of a security light at the rear of the property and asked that it be aimed a different direction.

Louis Hernandez, LE Engineering, apologized for the noise during construction. He confirmed that they do not fabricate their materials onsite normally but they are doing the improvements themselves and confirmed once construction is complete, it will be rare for noise to be heard. He has been pleased with the process of improving the property.

Chair Wilson closed the public hearing at 6:27 p.m.

Motion: Motion was made by Commissioner Durham and seconded by Commissioner Witt to approve a zoning change from Single Family-10 to

Mixed Use at the property described as Block 29 Lot 24 N 150' of Lot 24, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard, Richland Hills, Texas 76118 and the property described as Block 29 Lot 24A, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard.

Motion carried by a vote of 3-0.

6. Approved a Specific Use Permit to permit the use “Outside Storage, Incidental Use” at the property described as Block 29 Lot 24 N 150’ of Lot 24, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard, Richland Hills, Texas 76118 and the property described as Block 29 Lot 24A, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard. PUBLIC HEARING

Assistant to the City Manager Logan Thatcher presented the item to the Commission and advised that applicant Kairi Gardner with LE Engineering is seeking a Specific Use Permit (SUP) for his property at 6831 Baker Boulevard for “Outside Storage and Display, incidental use.” The applicant will be storing vehicles, and occasionally some equipment. They plan to screen the entire back portion for the outside storage with the proper material with an eight-foot masonry wall.

Discussion ensued regarding fencing the entire property and gate access for vehicles.

Chair Wilson opened the public hearing at 6:34 p.m. and asked to hear from any proponents followed by opponents of the case.

Louis Hernandez, LE Engineering, advised that they will be installing a brand new, eight-foot fence to allow vehicles and a fork lift to park at the back of the property and cleaning up the property overall.

Discussion ensued regarding building new curb cuts and a proper ingress into the property from the street.

Chair Wilson closed the public hearing at 6:40 p.m.

Motion: Motion was made by Commissioner Witt and seconded by Commissioner Durham to approve a Specific Use Permit to permit the use “Outside Storage, Incidental Use” at the property described as Block 29 Lot 24 N 150’ of Lot 24, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard, Richland Hills, Texas 76118 and the property described as Block 29 Lot 24A, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard.

Motion carried by a vote of 3-0.

7. Approved a zoning text amendment to Chapter 90 of the Comprehensive Zoning Ordinance of the City of Richland Hills by amending Article 8 to add a

definition for Fleet Vehicle and to amend the definition of “Outside Storage and Display” and “Office, Administrative, Medical or Professional.” PUBLIC HEARING

Assistant to the City Manager Logan Thatcher presented the item to the Commission and advised that the proposed ordinance amends Chapter 90 of the Comprehensive Zoning Ordinance by adding a clear definition for Fleet Vehicle and amending definitions that reference fleet vehicles.

Discussion ensued regarding fleet versus repair vehicles as well as heavy load vehicles defined.

Chair Wilson opened the public hearing at 6:54 p.m. and asked to hear from any proponents followed by opponents of the case.

Hearing none, Chair Wilson closed the public hearing at 6:54 p.m.

Motion: Motion was made by Chair Wilson and seconded by Commissioner Durham to approve a zoning text amendment to Chapter 90 of the Comprehensive Zoning Ordinance of the City of Richland Hills by amending Article 8 to add a definition for Fleet Vehicle and to amend the definition of “Outside Storage and Display” and “Office, Administrative, Medical or Professional” with the recommendation to ensure box trucks are excluded from the definition of a fleet vehicle.

Motion carried by a vote of 3-0.

8. Approved a zoning text amendment to Chapter 90 of the Comprehensive Zoning Ordinance of the City of Richland Hills by amending Article 3 to allow for certain alcohol related uses to be an authorized use by right or by specific use permit within specified zoning districts, and to establish conditional development standards for certain alcohol related uses, and to amend Article 8 to add definitions for certain alcohol related uses. PUBLIC HEARING

Assistant to the City Manager Logan Thatcher presented the item to the Commission and advised that in December 2000, Richland Hills voters approved two local option elections to allow “the legal sale of beer and wine for off-premises consumption only” and “the legal sale of mixed beverages in restaurants by food and beverage certificate holders only”. In October 2000, the Planning and Zoning Commission discussed adding alcohol uses including definitions of brewery, brewpub, tap room, wine bar, and winery to the Comprehensive Zoning Ordinance in correlation with the local options but the uses were never formally approved and codified by the Planning and Zoning Commission and City Council.

Additionally, on November 7, 2023, a local option election will be held to allow “the legal sale of all alcoholic beverages for off-premise consumption only.” The proposed ordinance adds definitions and zoning specifications to the previously approved alcohol uses as well as the definition of a package liquor store.

Discussion ensued regarding the percentages set by the Texas Alcoholic Beverage Code related to bars and wine bars.

Chair Wilson opened the public hearing at 7:06 p.m. and asked to hear from any proponents followed by opponents of the case.

Hearing none, Chair Wilson closed the public hearing at 7:06 p.m.

Motion: Motion was made by Chair Wilson and seconded by Commissioner Durham to approve a zoning text amendment to Chapter 90 of the Comprehensive Zoning Ordinance of the City of Richland Hills by amending Article 3 to allow for certain alcohol related uses to be an authorized use by right or by specific use permit within specified zoning districts, and to establish conditional development standards for certain alcohol related uses, and to amend Article 8 to add definitions for certain alcohol related uses.

Motion carried by a vote of 3-0.

9. ADJOURNMENT

Chair Wilson declared the meeting adjourned at 7:07 p.m.

ATTEST:

APPROVED:

Lindsay Rawlinson, City Secretary

Michael Wilson, Chairman

Memorandum

To: Richland Hills Planning and Zoning Commission

From: Lindsay Rawlinson, City Secretary

Date: January 23, 2024

Subject: Ordinance 1492-24 amending the method in which members of the Planning and Zoning Commission are appointed. **PUBLIC HEARING**

Agenda Item:

Consider Ordinance 1492-24 amending Chapter 90, Section 5.02 of the City Code to amend the method in which members of the Planning and Zoning Commission are appointed. **PUBLIC HEARING**

Background Information:

Chapter 90 is the Comprehensive Zoning Ordinance of the City's Code of Ordinances. Article 5 governs the City's Development Review Boards and Subsection 5.02 specifically governs the Planning and Zoning Commission. Presently, Subsection 5.02(A)(1)(c) states:

“(c) Each councilmember shall be entitled to appoint one regular member to the numbered place corresponding to the numbered place held by the appointing councilmember.”

The City Council previously consisted of the mayor and five council members. A Charter amendment election was held May 6, 2023, which added a sixth council member. In order to allow each council member an equal say in the composition of the Planning and Zoning Commission, the proposed ordinance will change the language in Subsection 5.02(A)(1)(c) to allow the entire council to appoint any member of the Commission. The new language will be as follows:

“(c) Each member of the planning and zoning commission shall be appointed by the city council, and the city council may appoint alternate members of the planning and zoning commission, who shall serve in the absence of one or more of the regular members when requested to do so.”

The Planning and Zoning Commission will continue to consist of five regular members as well as two alternate members.

Financial Considerations:

N/A

Legal Review:

The City Attorney has drafted the proposed ordinance.

Board/Citizen Input:

The Planning and Zoning Commission will consider the ordinance and hold a public hearing on January 23, 2024.

The City Council will consider the ordinance and hold a public hearing on February 12, 2024.

Attachments:

Ordinance 1492-24

Suggested Motion:

Motion to approve Ordinance 1492-24 amending Chapter 90, Section 5.02 of the City Code to amend the method in which members of the Planning and Zoning Commission are appointed.

ORDINANCE NO. 1492-24

AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS, AMENDING CHAPTER 90 OF THE CITY CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY; AMENDING SECTION 5.02 TO AMEND THE METHOD IN WHICH MEMBERS OF THE PLANNING AND ZONING COMMISSION ARE APPOINTED; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills, Texas ("City"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution, and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has adopted a Comprehensive Zoning Ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential or other purposes, and providing for a method to amend said Ordinance and map for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on January 23, 2024, and thereafter by the City Council on February 12, 2024, with respect to the proposed textual changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with the Comprehensive Zoning Ordinance and Chapter 211 of the Local Government Code; and

WHEREAS, the City Council of the City does hereby deem it advisable and in the public interest to amend Chapter 90 of the City Code, as amended, as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, THAT;

**SECTION 1.
ZONING TEXT AMENDMENT**

Subsection 5.02(A)(1)(c) of Article 5, "Development Review Bodies" of Chapter 90 is hereby amended to read as follows:

"(c) Each member of the planning and zoning commission shall be appointed by the city council, and the city council may appoint alternate members of the planning and

zoning commission, who shall serve in the absence of one or more of the regular members when requested to do so.

**SECTION 2.
ORDINANCE CUMULATIVE**

This Ordinance shall be cumulative of all other ordinances of the City affecting zoning and land use, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

**SECTION 3.
RESERVATION OF RIGHTS AND REMEDIES FOR ACCRUED VIOLATIONS**

All rights or remedies of the City are expressly saved as to any and all violations of Chapter 90, as amended, or any other ordinance affecting zoning and land use that have accrued at the time of the effective date of this Ordinance, and as to such accrued violations and all pending litigation, both civil and criminal, same shall not be affected by this Ordinance, but may be prosecuted until final disposition by the courts.

**SECTION 4.
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 5.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

APPROVED AND ADOPTED at a regular meeting of the Richland Hills City Council on February 12, 2024, by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

THE HONORABLE MAYOR EDWARD LOPEZ

ATTEST:

LINDSAY RAWLINSON, CITY SECRETARY