

**RICHLAND HILLS PLANNING & ZONING COMMISSION
REGULAR MEETING
JUNE 25, 2024
MINUTES**

Members Present

Michael Wilson, Chair
Mary Witt, Place 4
Kelle Jones, Place 5
Keith Albee, Alternate 1
Ray Stilwell, Alternate 2

Members Absent

Kenneth Keating, Place 1
Jackson Durham, Place 3

Alternate Members Absent

Staff Present

JP Ducay, Director of Planning and Development Services
Lindsay Rawlinson, City Secretary
Bessie Bronstein, City Attorney

1. CALL TO ORDER

Chair Wilson called to order at 6:01 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

None.

REGULAR AGENDA

4. Administer Oath of Office

City Secretary Lindsay Rawlinson administered the Oath of Office to Alternate 2 Ray Stilwell.

5. Approved minutes from the May 28, 2024 Planning and Zoning Commission meeting

Motion: Motion was made by Commissioner Witt and seconded by Commissioner Albee to approve the minutes from the May 28, 2024 Planning and Zoning Commission meeting.

Motion carried by a vote of 5-0.

6. Approved Ordinance 1503-24 a Planned Development (2024-0183) to construct Townhomes or Single-family residences for the property described as Lot 1AR1, Slagle Commercial Addition, otherwise known as 7212 Baker Boulevard, Richland Hills, Texas 76118. PUBLIC HEARING

Director of Planning and Development Services JP Ducay presented the item to the Commission and advised that on March 11, 2024, an application was submitted by applicant Nathan Parrott with Pape Dawson Engineers (applicant) on behalf of Megma LLC (owner) requesting to rezone the subject property to Planned Development (PD) with a base zoning of MF-2 at the 4.67-acre property addressed as 7212 Baker Boulevard for the construction of either a townhome or single-family housing product.

According to the applicant, the intent is to deliver 57 reduced square-footage homes that still host the amenities many desire. The proposed development standards will reduce setbacks and eliminate lot coverage requirements to maximize the space and reduce yard maintenance. However, the development shall provide at least 20 percent of gross land area as open space. The current concepts indicate that the open space requirement will be met by the inclusion of a dog park and detention area.

The Richland Hills Square proposal has gone through three review cycles with the City's Development Review Committee. Pursuing a PD grants the applicant flexibility to establish standards outside of Richland Hills development standards. However, all preliminary fire and safety related requirements have been addressed throughout this review process. Included in their planned development package is a chart showing the existing MF-2 standards alongside the proposed development standards.

Pape Dawson Engineers Representative Eric Hunsaker provided an additional presentation including the proposed housing types, fencing and screening options, and proposed amenities.

Discussion ensued regarding the proposed use of fiber-reinforced cementitious board as the main masonry materials as well as concerns regarding parking.

Chair Wilson opened the public hearing at 6:30 p.m. and asked to hear from any proponents followed by opponents of the case.

Gorgon Slagle, 7186 Baker Boulevard, Richland Hills, expressed concern regarding the benefit of the proposed development to the City of Richland Hills as well as concerns regarding infrastructure strain and the aesthetics of the fencing.

Larry Boos, 7171 Latham Drive, Richland Hills, expressed concern regarding the increased traffic from the development.

Chair Wilson closed the public hearing at 6:44 p.m.

Additional discussion ensued regarding the density of homes and concerns that parking will be inadequate.

Mr. Ducay advised that there has been no expressed interest by commercial developers in the property and the City has had recent success with townhome developments.

Discussion ensued regarding infrastructure concerns and the amount of cementitious board to be allowed in the product.

Motion: Motion was made by Chair Wilson and seconded by Commissioner Witt to approve Ordinance 1503-24 for a Planned Development (2024-0183) to construct Townhomes or Single-family residences for the property described as Lot 1AR1, Slagle Commercial Addition, otherwise known as 7212 Baker Boulevard, Richland Hills, Texas 76118 with the following conditions:

1. Fiber-reinforced cementitious board shall be limited to 75% per building façade.
2. Screening along the western and southern boundaries shall be six (6) feet in height and consist of masonry material in lieu of wood.

Motion carried by a vote of 5-0.

7. Approved Ordinance 1504-24 a Planned Development (2024-0428) to construct Office Showrooms or other Heavy Commercial uses for the property described as Lot A1A, Block 2, Midway Industrial PK Addition, otherwise known as 2805 Handley Ederville Rd, Richland Hills, Texas 76118. PUBLIC HEARING

Director of Planning and Development Services JP Ducay presented the item to the Commission and advised that on May 16, 2024, an application was submitted by applicant Phill Arnett with Phil Arnett Commercial Properties (applicant) on behalf of DCP Properties LLC (owner) requesting to rezone the subject property to PD, Planned Development with a base zoning of HC, Heavy Commercial and R, Retail. The intent of this request is to reflect the existing Dogwood PD, Planned Development located directly north of the subject site.

The subject 1.33-acre property addressed as 2805 Handley Ederville is currently zoned R, Retail. The applicant is requesting to rezone the property to PD, Planned Development with a base zoning of HC, Heavy Commercial and R, Retail to allow for the construction of "Office Showrooms" or other heavy commercial related uses. The applicant has also indicated that if developed as proposed, there will also be an element of "Outside Storage (Incidental use)". The use of outside storage is not permitted by right in either HC, Heavy Commercial or R, Retail. Subsequently, the applicant is requesting an additional condition to the PD, Planned Development to allow for the use of "Outside Storage (Incidental use)" by right.

According to the applicant, the intent is to deliver two buildings on the site with screened outside storage areas. The buildings would be pre-engineered steel buildings made up of stucco and prefinished R-panel metal facades. Conceptual examples have been provided for reference. If approved, the site would be required to comply with all other City development standards during the site plan and building permit review processes.

Applicant Phil Arnett was present to address any questions.

Phil Arnett, 2805 Handley Ederville Road, Richland Hills, provided additional information regarding the architectural features for the finished buildings.

Chair Wilson opened the public hearing at 7:29 p.m. and asked to hear from any proponents followed by opponents of the case.

Hearing none, Chair Wilson closed the public hearing at 7:29 p.m.

Motion: Motion was made by Commissioner Witt and seconded by Commissioner Albee to approve Ordinance 1504-24 a Planned Development (2024-0428) to construct Office Showrooms or other Heavy Commercial uses for the property described as Lot A1A, Block 2, Midway Industrial PK Addition, otherwise known as 2805 Handley Ederville Rd, Richland Hills, Texas 76118.

Motion carried by a vote of 5-0.

8. Approved Ordinance 1505-24 amending Chapter 90 “Zoning”, Section 1.06 “Nonconforming uses, structures and lots” and Section 6.13 “Zoning Special Exception” in order to update processes pertaining to the expansion of legal-nonconforming structures. PUBLIC HEARING

Director of Planning and Development Services JP Ducay presented the item to the Commission and advised that according to the City’s Zoning Code, the term “legal nonconforming” is described as uses, structures, or lots that in whole or part are not in conformance with current zoning standards but were legally established at a prior date at which time they were in conformance with applicable standards. The code goes on to state that such uses, structures, or lots may be maintained or potentially altered subject to the provisions of this subsection. However, the provisions of this code limit the ability for such structure to expand.

Approximately 60 percent of the existing housing market in Richland Hills was built between 1950-1969. Over time, new zoning districts have been overlayed on top of these older areas. In many cases, the structures and or lots are inherently not in conformance with current regulations. The Zoning code is currently written in a way that limits the ability for such structures to expand.

According to Chapter 90 “Zoning”, Section 1.06 “Nonconforming uses, structures and lots”:

Buildings or structures that do not conform to the area regulations or development standards in this Ordinance but where the uses are deemed conforming shall not increase the gross floor area greater than ten percent from the date when the building became nonconforming. The expansion must be conforming.

The City Attorney has interpreted this language to mean any expansion that is not in conformance with current regulations is expressly prohibited and no variance processes can be requested. Subsequently, City Staff is proposing to amend this language in order to lessen the limitations and update the processes pertaining to the expansion of legal-nonconforming structures.

Chair Wilson opened the public hearing at 7:43 p.m. and asked to hear from any proponents followed by opponents of the case.

Hearing none, Chair Wilson closed the public hearing at 7:43 p.m.

Motion: Motion was made by Chair Wilson and seconded by Commissioner Jones to approve Ordinance 1505-24 amending Chapter 90 “Zoning”, Section 1.06 “Nonconforming uses, structures and lots” and Section 6.13 “Zoning Special Exception” in order to update processes pertaining to the expansion of legal-nonconforming structures.

Motion carried by a vote of 5-0.

9. ADJOURNMENT

Chair Wilson declared the meeting adjourned at 7:46 p.m.

ATTEST:

APPROVED:

Lindsay Rawlinson, City Secretary

Michael Wilson, Chairman