

**PLANNING AND ZONING COMMISSION
MEETING AGENDA
CITY HALL, 3200 DIANA DRIVE
September 24, 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 June 25, 2024, Planning and Zoning Commission meeting
5. Consider Ordinance 1511-24 a Specific Use Permit (2024-0772) to permit a Guesthouse for the property described as Lot 7, Block 10, Richland Hills Addition, Richland Hills, Texas, otherwise known as 7148 Dover Lane, Richland Hills, Texas 76118. **PUBLIC HEARING**
6. Consider Ordinance 1512-24 amending Ordinance 1504-24 in order to regulate Heavy Commercial land 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**

7. 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 19th day of September 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: September 24, 2024

Subject: Minutes from the June 25, 2024 Regular Planning and Zoning Commission Meeting

Agenda Item:

Approve minutes from the June 25, 2024 Planning and Zoning Commission meeting.

Background Information:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

June 25, 2024 Draft Minutes

Suggested Motion:

Motion to approve the minutes from the June 25, 2024 Planning and Zoning Commission meeting.

**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

Memorandum

To: Richland Hills Planning and Zoning Commission

From: JP Ducay, Director of Planning and Development Services

Date: September 24, 2024

Subject: 7148 Dover Lane – Guesthouse SUP

Agenda Item:

Consider Ordinance 1511-24 a Specific Use Permit (2024-0772) to permit a Guesthouse for the property described as Lot 7, Block 10, Richland Hills Addition, Richland Hills, Texas, otherwise known as 7148 Dover Lane, Richland Hills, Texas 76118. **Public Hearing**

Background Information:

On September 10, 2024, an application was submitted by Jonathan Mercer (owner) requesting a SUP, Specific Use Permit, allowing for the use of “Guest House” in the SF-E, Single-Family Residential Estate Zoning District for 7148 Dover Lane. The subject property is approximately 2.6 acres and contains a 3,888 square-foot primary residence.

The applicant is proposing to construct a guest house with the intent to move his elderly family onto his property to provide care for them. Definitive building plans for the proposed guest house have not been prepared as of today due to cost and the applicants uncertainty of approval. However, the applicant has assured that the proposed guest house will not exceed 40% of the main structures floor area as required by the Guest House Ordinance. Subsequently, the proposed guest house shall not exceed 1,555 square-feet in total floor area.

The guest house will comprise of approximately 1,300 square-feet of living space and 200 square-feet of garage space. The living space will contain two bedrooms, one bathroom, and a kitchen area that will not include an oven or cooktop. According to the applicant, they will need at least two bedrooms to accommodate the family members and a caregiver. Only one bathroom has been proposed to comply with the guest house ordinance. The kitchen facility will exclude any range, stove, or cooktop to comply with the guest house ordinance. The garage will be utilized to house two cars at a time.

Staff has reviewed this application in correspondence with the City’s guest house Ordinance, 3.02.01 Section A, Subsection 19 (attached). At this time, the proposed guest house is in complete compliance with all requirements established in the guest house ordinance.

Planning Analysis:

The City's 2014 Comprehensive Plan designates the subject area as Low Density Residential. This category refers to smaller single-family homes and some duplex units. This density is similar to the current development in the majority of Richland Hills. Approximately two to six dwelling units per acre are appropriate for this category.

The subject property is approximately 2.6 acres and contains a 3,888 square-foot primary residence. The applicant is requesting a SUP for the use of guest house. If approved, the subject property will contain a primary residence with a guest house no larger than 1,555 square-feet. This is the applicants second attempt at pursuing a SUP for a guest house on the subject property. The applicants first proposal requested a 4,000 square-foot guest house with two bathrooms and a full kitchen facility. This request was denied. Other options were considered such as expanding the main structure and subdividing the property, however, the applicant was most interested in developing a guest house. Subsequently, the applicant scaled down the proposed guest house to comply with the guest house ordinance and submitted a new SUP request.

Financial Considerations:

There are not any financial considerations for the SUP.

Board/Citizen Input:

Planning and Zoning Commission consideration: September 24, 2024

City Council consideration: October 14, 2024

Attachments:

Property Photos

Concepts

Draft Ordinance

3.02.01- (19) Guesthouse Standards

Suggested Motion:

Motion to approve Ordinance 1511-24 a Specific Use Permit (2024-0772) to permit a Guesthouse for the property described as Lot 7, Block 10, Richland Hills Addition, Richland Hills, Texas, otherwise known as 7148 Dover Lane, Richland Hills, Texas 76118.

Property Photos 7148 Dover Lane





The photo is a concept but should closely emulate the final product if approved.

The proposed guest house will not exceed 40% of the primary residences floor area and will contain:

- 2 bedrooms
- 1 bathroom
- Half kitchen (no oven or stove top)
- 200sf garage space

The only use for the guest house will be for family. It will not be rented or leased separately from the primary structure and it will not be sold separately or subdivided from the entire property.

The house will be placed on the North East side of the lot. It will face Dover Ln. It will be set off the East property line by roughly 30 feet. It will be set back from Dover Ln at or behind the main house.

ORDINANCE NO. 1511-24

AN ORDINANCE AMENDING CHAPTER 90 OF THE RICHLAND HILLS CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS, BY GRANTING A SPECIFIC USE PERMIT PERMITTING A GUEST HOUSE ON CERTAIN PROPERTY LOCATED AT 7148 DOVER LANE, RICHLAND HILLS, TEXAS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills (the “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, codified as Chapter 90 of the Richland Hills Code, and a comprehensive zoning 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, in accordance with the Comprehensive Zoning Ordinance, the owner of the property referenced below has filed an application for a specific use permit for a Guest House in the Single-Family Estate (SF-E) Zoning District; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City on September 24, 2024, and by the City Council of the City on October 14, 2024, with respect to the use 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 grant such permit on the terms and conditions described herein.

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

**SECTION 1.
SPECIAL USE PERMIT GRANTED**

Chapter 90, "Zoning," of the Richland Hills Code, as amended, is hereby amended so that a specific use permit is granted as shown and described below:

Applicant: Jonathan Mercer

Property Owner: Jonathan and Amy Mercer

Property Address: 7148 Dover Lane, Richland Hills, Texas 76118

Legal Description: Lot 7, Block 10, Richland Hills Addition, an addition to the City of Richland Hills, Tarrant County, Texas, according to the Plat thereof recorded in Volume 388-D, Page 149, Plat Records, Tarrant County, Texas.

Zoning Change: The property shall remain located in the Single-Family Estate (SF-E) Zoning District, and a Specific Use Permit for a Guest House is hereby granted subject to the terms and conditions provided herein.

**SECTION 2.
ACCORDANCE WITH COMPREHENSIVE PLAN AND PURPOSES OF ZONING**

The zoning districts, boundaries, and uses as herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the community. They have been designed to lessen congestion in the streets; to secure safety from fire, panic, flood, and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provisions of transportation, water, sewerage, parks, and other public requirements. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

**SECTION 3.
ZONING ORDINANCE AND SPECIAL TERMS AND CONDITIONS APPLICABLE**

The use of the property described herein shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City for the zoning district into which they have been assigned.

**SECTION 4.
ORDINANCE CUMULATIVE**

This Ordinance shall be cumulative of all other ordinances of the City of Richland Hills affecting zoning and land use, as amended, 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 5.
SAVINGS**

All rights or remedies of the City are expressly saved as to any and all violations of Chapter 90 of the Richland Hills Code, 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 6.
SEVERABILITY**

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 7.
PENALTY**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-14 of the Richland Hills Code. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance may be subjected to such civil penalties as authorized by law.

**SECTION 8.
PUBLICATION**

The City Secretary of the City of Richland Hills is hereby directed to publish caption, penalty clause, and effective date clause in the official newspaper as/if required by law.

**SECTION 9.
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and alter its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED at a regular meeting of the Richland Hills City Council on October 14, 2024, by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

THE HONORABLE MAYOR CURTIS BERGTHOLD

ATTEST:

LINDSAY RAWLINSON, CITY SECRETARY

Guest house.

In addition to any requirements or regulations outlined within the specific use permit, guest houses shall be subject to the following development standards:

(a) Only one guest house shall be allowed on a single parcel of record.

(b) The guest house, along with the main dwelling, may not exceed the allowable site coverage for the zoning district.

(c) The guest house shall:

1. Not exceed 40 percent of the livable floor area of the main structure.
2. Not contain more than one bathroom facility.
3. Not contain a kitchen, including a range, stove or cooktop.
4. Be designed to ensure visual harmony, consistency, and compatibility with the main dwelling on the site and with other residential structures in the area, and meet all applicable masonry requirements.
5. Meet the setback requirements for accessory structures as stated in section 4.02.01 Residential Accessory Structures.
6. Not be separately rented or leased from the main dwelling, whether compensation is direct or indirect.
7. Not be sold separately from sale of the entire property, including the main structure, and the property shall not be replatted in a manner that would allow the accessory structure to become a main structure.
8. Register and receive annual inspections as outlined:
 - A. Each guest house shall be registered annually. If there is any change in occupancy of the structure longer than three weeks, registration shall be updated at that time.
 - B. Inspections shall be required annually. It shall be the responsibility of the property owner to request and schedule an inspection at the time of annual registration.
 - C. The fees for registration and required annual inspection for each guest house are as shown in the city's fee schedule.

Memorandum

To: Richland Hills Planning and Zoning Commission

From: JP Ducay, Director of Planning and Development Services

Date: September 24, 2024

Subject: 2805 Handley Ederville PD (2024-0776)

Agenda Item:

Consider Ordinance 1512-24 amending Ordinance 1504-24 in order to regulate Heavy Commercial land 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**

Background Information:

On May 16, 2024, an application was submitted by 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 was to reflect the existing Dogwood PD, Planned Development located directly north of the subject site. At the time, the subject 1.33-acre property addressed as 2805 Handley Ederville was zoned R, Retail.

The applicant requested 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 also indicated that if developed as proposed, there would also be an element of "Outside Storage (Incidental use)". The use of outside storage was not permitted by right in either HC, Heavy Commercial or R, Retail. Subsequently, the applicant requested an additional condition to the PD, Planned Development to allow for the use of "Outside Storage (Incidental use)" by right. This Planned Development was approved by City Council on July 8, 2024.

The intent was to deliver two buildings on the site with screened outside storage areas. However, the applicant has since terminated his contract on the property, and it is up for sale again. Subsequently, the recently approved PD is the zoning in which any potential user must comply with. This PD (Ord 1504-24) permits all uses in the Retail zoning district as well as all uses in the Heavy Commercial zoning district by right. Additionally, the PD included a condition that allowed for the use of outside storage (incidental) by right.

Staff in coordination with the property owner is proposing to amend the recently approved PD to regulate some of the undesirable uses that are allowed by right. It is not staffs intention to prohibit any new uses or limit the owners ability to attract a wide range of users. The goal of this amendment is to identify uses that are not compatible with the surrounding area or vision of the corridor and allow these uses by Specific Use Permit (SUP) only. Meaning, all the uses under the Retail and Heavy Commercial zoning district can be developed on the subject site except for 13 uses that are only permitted by SUP.

Planning Analysis:

The City’s 2014 Comprehensive Plan designates the subject area as Retail. This land use type is intended to provide offices for a variety of restaurants, larger shops, and personal service establishments. The uses are envisioned to provide goods or services directly to the community. The proposed amendments to the Planned Development will reflect the purpose and intent of this designated from a retail perspective. However, the heavy commercial elements will not directly comply with the intent of the retail designation. Although heavy commercial uses do not comply with the Comp Plan designation, it is important to consider the surrounding area. Eight lots directly north and east of the subject site along Dogwood Park have similar zoning allowing for both Retail and Heavy Commercial uses.

	Zoning	Use
Subject Site	PD, Planned Development	Undeveloped
North	PD, Planned Development	Developed, Heavy Commercial
East	PD, Planned Development	Undeveloped
South	R, Retail	Developed, Retail
West	SF-7, Single-Family Residential	Developed, Residential

Financial Considerations:

No funding or financial participation from the City has been offered to the applicant.

Legal Review:

The City Attorney has reviewed the planned development ordinance.

Board/Citizen Input:

Planning and Zoning Commission to meet on September 24, 2024.

City Council to meet on October 14, 2024.

Attachments:

PD Application

Property Photo
Site Survey
Ordinance 1512-24
Previously Ordinance 1504-24
Sec 6.07 – PD Application and Review

Council Action Requested:

Motion to approve Ordinance 1512-24 amending ordinance 1504-24 in order to regulate Heavy Commercial land 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.

2805 Handley Ederville Property Photo

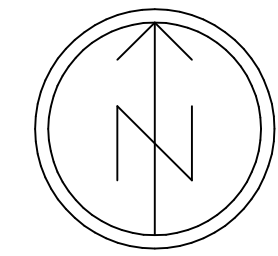


MIDWAY INDUSTRIAL PARK
VOLUME 388 - 196, PAGE 96

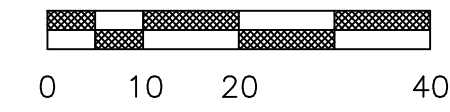
BLOCK 2

LOT 1

LOT 2



SCALE: 1" = 20'



THE BASIS OF BEARINGS USED TO PREPARE THIS SURVEY IS THE PLAT RECORDED UNDER CLERK'S FILE NO. D216053273, DEED RECORDS OF TARRANT COUNTY, TEXAS.

CONTROLLING MONUMENTS:
1/2" STEEL ROD AT NW CORNER OF LOT A1A
1/2" STEEL ROD AT NE CORNER OF LOT A1A

LEGAL DESCRIPTION

Lot A1A, Block 2, MIDWAY INDUSTRIAL PARK ADDITION to the City of Richland Hills, Tarrant County, Texas, according to plat recorded under Clerk's File No. D216053273, Deed Records of Tarrant County, Texas.

Street Address: 2805 Handley Ederville Road Richland Hills, Texas 76118

No part of the subject property lies within the 100-year flood plain according to the FEMA map with the following designation:
Zone X Community 480608 Panel D215-K Eff. Date 9-25-09

TITLE COMMITMENT NOTES

Easements and other matters shown hereon and denoted "Per Plat" refer to the plat filed for record under Clerk's File No. D216053273, Deed Records of Tarrant County, Texas. (Schedule B, Items 10.d, 10.e, 10.f, 10.g and 10.h)
The Easement to Texas Pipe Line Company recorded in Volume 1925, Page 63, as affected by the Easement Amendment recorded in Volume 8339, Page 2129, Deed Records of Tarrant County, Texas is as shown hereon. (Schedule B, Item 10.i)
The Water Line Easement to the City of Richland Hills recorded in Volume 3862, Page 453, Deed Records of Tarrant County, Texas is as shown hereon. (Schedule B, Item 10.j)
The Easement and Right of Way to Texas Electric Service Company recorded in Volume 7963, Page 944, Deed Records of Tarrant County, Texas does not affect the subject property. (Schedule B, Item 10.k)
The Easement to Texas Pipe Line Company recorded in Volume 8286, Page 1795, Deed Records of Tarrant County, Texas does not affect the subject property. (Schedule B, Item 10.l)
The Pipeline Relocation Agreement with Texas Pipe Line Company recorded in Volume 8286, Page 1795, Deed Records of Tarrant County, Texas does not affect the subject property. (Schedule B, Item 10.m)
The 10 feet wide private sanitary sewer easement contained in the Easement Agreement recorded in Volume 8793, Page 204, Deed Records of Tarrant County, Texas is as shown hereon. (Schedule B, Item 10.n)
The 40 feet wide drainage easement to the City of Richland Hills contained in the Easement Deed recorded in Volume 8793, Page 210, Deed Records of Tarrant County, Texas was vacated by the plat recorded under Clerk's File No. D216053273, Deed Records, Tarrant County, Texas, and as such does not affect the subject property. (Schedule B, Item 10.o)
The Easement and Right of Way to Texas Utilities Electric Company recorded in Volume 11308, Page 928, Deed Records of Tarrant County, Texas is not locatable. (Schedule B, Item 10.p)
The Easement for Ingress and Egress recorded in Volume 13798, Page 189, and refilled in Volume 13875, Page 192, Deed Records of Tarrant County, Texas was vacated by the plat recorded under Clerk's File No. D216053273, Deed Records, Tarrant County, Texas, and as such does not affect the subject property. (Schedule B, Item 10.q)
The Conveyance and Assignment of Mineral and Royalty Interests recorded under Clerk's File No. D208021570, Deed Records, Tarrant County, Texas, affects the subject property, but has no graphic effect on the survey. (Schedule B, Item 10.r)
The Paid Up Oil and Gas Lease recorded under Clerk's File No. D211139557, Deed Records, Tarrant County, Texas, affects the subject property, but has no graphic effect on the survey. (Schedule B, Item 10.s)

CERTIFICATION

Certified to:

DCP Properties, LLC
Rattikin Title Company
Alliant National Title Insurance Co.

I hereby certify that this sketch of survey of the above described property is the result of an on-the-ground survey prepared under my direct supervision, and that there are no intrusions or protrusions, except as noted.

Date: March 9, 2018

Job No. 10796-18
F.B. 385, P. 82
GF No. 18-0783

John A. Grant III
JOHN A. GRANT, III
Registered Professional Land Surveyor 4151

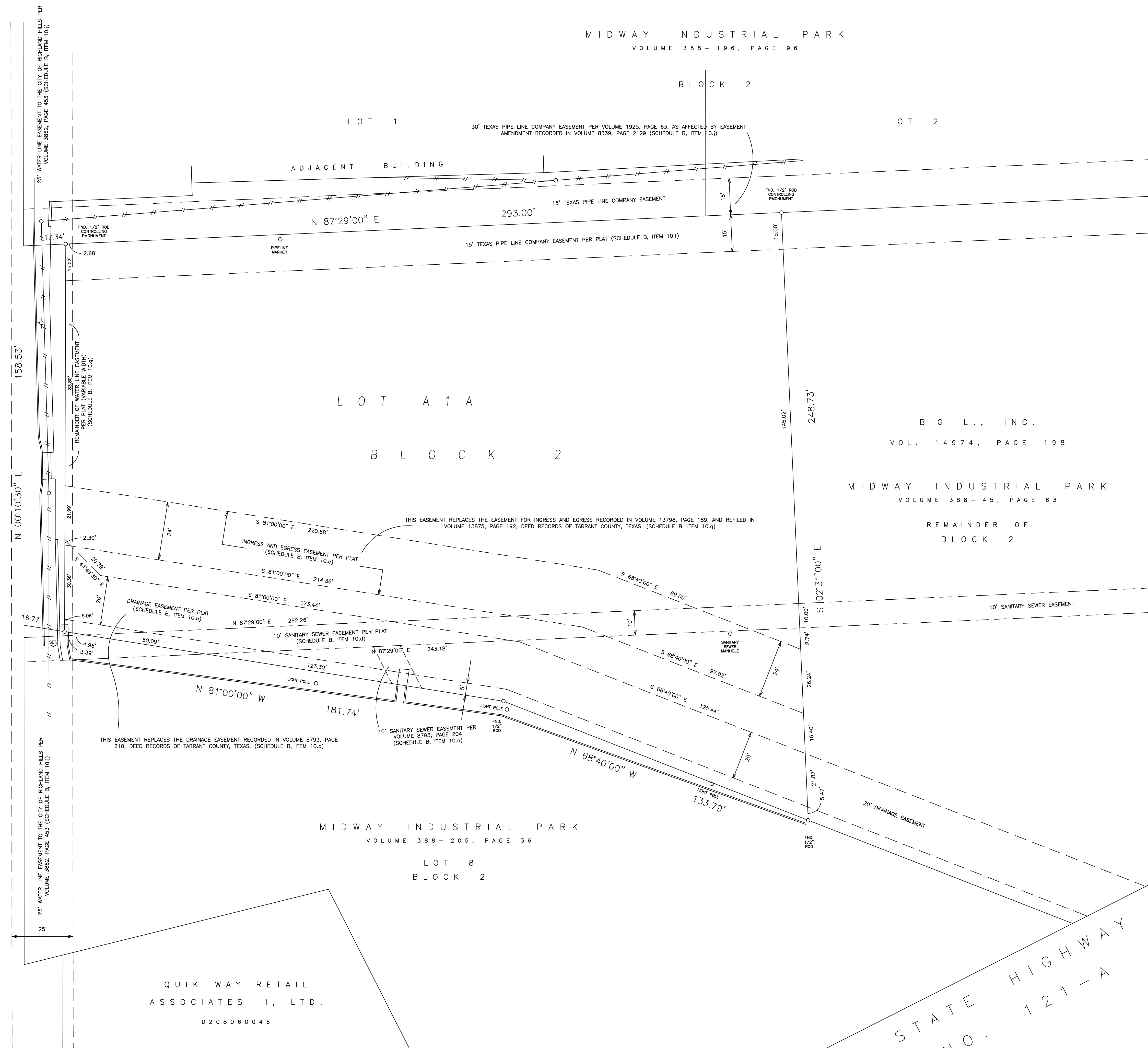


TRACT AREA
57,967 Square Feet
1.3307 Acres

Grant Engineering, Inc.

Engineers Surveyors Planners
3244 Hemphill Street Fort Worth, Texas 76110-4014 817-923-3131
Firm Registration No. 100919-00

HANDLEY EDERVILLE ROAD
(R/W VARIES)



MIDWAY INDUSTRIAL PARK
VOLUME 388 - 205, PAGE 36

LOT 8
BLOCK 2

QUIK-WAY RETAIL
ASSOCIATES II, LTD.

D 208060046

STATE HIGHWAY
NO. 121-A

ORDINANCE NO. 1512-24

AN ORDINANCE AMENDING CHAPTER 90 OF THE RICHLAND HILLS CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS, BY CHANGING THE ZONING OF CERTAIN PROPERTIES, SPECIFICALLY LOT A1A, BLOCK 2, MIDWAY INDUSTRIAL PK ADDITION, OTHERWISE KNOWN AS 2805 HANDLEY EDERVILLE, RICHLAND HILLS, TEXAS 76118, CURRENTLY ZONED AS PD (PLANNED DEVELOPMENT), TO PD (PLANNED DEVELOPMENT) WITH A BASE ZONING OF R (RETAIL) AND HC (HEAVY COMMERCIAL) TO ALLOW FOR THE REGULATION OF HEAVY COMMERCIAL USES; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills 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 change in the zoning of the properties listed below was requested by persons or entities having a proprietary interest in those properties; and

WHEREAS, a public hearing was held at a meeting of the Planning and Zoning Commission on September 24, 2024, and of the City Council on October 14, 2024, with respect to the proposed use 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 of Richland Hills 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.
PROPERTY RE-ZONED**

Chapter 90, as amended, is hereby amended by rezoning the property located at Lot A1A, Block 2, Midway Industrial PK Addition, otherwise known as 2805 Handley Ederville, Richland Hills, Texas 76118, and being more particularly described on the attached **Exhibit A**, from R (Retail) to PD (Planned Development) with a base zoning of R (Retail) and HC (Heavy Commercial), with uses permitted as set forth in Section 3 of this Ordinance.

**SECTION 2.
DIRECTION TO AMEND THE OFFICIAL ZONING MAP**

The City Secretary is hereby directed to amend the official zoning map to reflect the changes in uses approved herein.

**SECTION 3.
PROPERTY SUBJECT TO ZONING ORDINANCE**

The use of the properties hereinabove described shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City of Richland Hills, Texas, for the zoning district into which they have been assigned. The Planned Unit Development district created herein affecting above-referenced properties shall be specifically subject to the regulations applicable to both the Retail zoning district and the Heavy Commercial zoning district:

1. All Permitted (P) uses, according to the most current adopted Land Use Chart for Heavy Commercial districts and Retail districts, are hereby permitted.
2. If a proposed land use is allowed by Specific Use Permit (S), according to the most current adopted Land Use Chart for Heavy Commercial districts and Retail districts, then the requirements set forth by Chapter 90 of the City Code for Specific Use Permits shall remain in full effect. This Planned Development does not **amend** any requirements set for by the City Code except for the following:
 - A. The following land uses are permitted **only by SUP** within the PD District shown on **Exhibit A**:
 1. Automobile Repair, Major
 2. Automobile Repair, Minor
 3. Boat Sales and Repair
 4. Body Art Studio
 5. Cabinet/Upholstery Shop
 6. Contractor, general/electrical/mechanical/plumbing (outside storage)

7. Contractor storage or equipment yard
8. Equipment and Machinery Sales and Rental, Minor
9. Motorcycle Sales/Service
10. Pawn Shop or Alternative Financial Services
11. Recycling Collection Point
12. Small Engine Repair Shop
13. Warehouse / Distribution Center

**SECTION 4.
ORDINANCE CUMULATIVE**

This Ordinance shall be cumulative of all other ordinances of the City of Richland Hills 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 6.
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 7.
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.
PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists

the enforcement of any of the provisions of this Ordinance may be subjected to such civil penalties as authorized by law.

**SECTION 8.
PUBLICATION CLAUSE**

The City Secretary of the City of Richland Hills is hereby directed to publish in the official newspaper of the City the caption, penalty clause, and effective date clause of this Ordinance as required by law.

**SECTION 9.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

APPROVED AND ADOPTED at a regular meeting of the Richland Hills City Council on October 14, 2024, by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

THE HONORABLE MAYOR CURTIS BERGTHOLD

ATTEST:

LINDSAY RAWLINSON, CITY SECRETARY

ORDINANCE NO. 1504-24

AN ORDINANCE AMENDING CHAPTER 90 OF THE RICHLAND HILLS CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS, BY CHANGING THE ZONING OF CERTAIN PROPERTIES, SPECIFICALLY LOT A1A, BLOCK 2, MIDWAY INDUSTRIAL PK ADDITION, OTHERWISE KNOWN AS 2805 HANDLEY EDERVILLE, RICHLAND HILLS, TEXAS 76118, CURRENTLY ZONED AS R (RETAIL), TO PD (PLANNED DEVELOPMENT) WITH A BASE ZONING OF R (RETAIL) AND HC (HEAVY COMMERCIAL) TO ALLOW FOR HEAVY COMMERCIAL USES; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills 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 change in the zoning of the properties listed below was requested by persons or entities having a proprietary interest in those properties; and

WHEREAS, a public hearing was held at a meeting of the Planning and Zoning Commission on June 25, 2024, and of the City Council on July 8, 2024, with respect to the proposed use 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 of Richland Hills 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.
PROPERTY RE-ZONED**

Chapter 90, as amended, is hereby amended by rezoning the property located at Lot A1A, Block 2, Midway Industrial PK Addition, otherwise known as 2805 Handley Ederville, Richland Hills, Texas 76118, and being more particularly described on the attached **Exhibit A**, from R (Retail) to PD (Planned Development) with a base zoning of R (Retail) and HC (Heavy Commercial), with uses permitted as set forth in Section 3 of this Ordinance.

**SECTION 2.
DIRECTION TO AMEND THE OFFICIAL ZONING MAP**

The City Secretary is hereby directed to amend the official zoning map to reflect the changes in uses approved herein.

**SECTION 3.
PROPERTY SUBJECT TO ZONING ORDINANCE**

The use of the properties hereinabove described shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City of Richland Hills, Texas, for the zoning district into which they have been assigned. The Planned Unit Development district created herein affecting above-referenced properties shall be specifically subject to the regulations applicable to both the Retail zoning district and the Heavy Commercial zoning district:

1. All Permitted (P) uses, according to the most current adopted Land Use Chart for Heavy Commercial districts and Retail districts, are hereby permitted.
2. If a proposed land use is allowed by Specific Use Permit (S), according to the most current adopted Land Use Chart for Heavy Commercial districts and Retail districts, then the requirements set forth by Chapter 90 of the City Code for Specific Use Permits shall remain in full effect. This Planned Development does not relieve any requirements set for by the City Code except for the following:
 - A. The following land use is permitted by right within the PD District shown on **Exhibit A**:
 1. Outside Storage and Display (Incidental Use)

**SECTION 4.
ORDINANCE CUMULATIVE**

This Ordinance shall be cumulative of all other ordinances of the City of Richland Hills 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 6.
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 7.
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.
PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance may be subjected to such civil penalties as authorized by law.

**SECTION 8.
PUBLICATION CLAUSE**

The City Secretary of the City of Richland Hills is hereby directed to publish in the official newspaper of the City the caption, penalty clause, and effective date clause of this Ordinance as required by law.

**SECTION 9.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

APPROVED AND ADOPTED at a regular meeting of the Richland Hills City Council on July 8, 2024, by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

THE HONORABLE MAYOR CURTIS BERGTHOLD

ATTEST:

LINDSAY RAWLINSON, CITY SECRETARY

§ 6.07. PD Application and Review.

90-6.07.01 General.

- (A) PD Planned Development Zoning District establishment. An application for a PD Planned Development Zoning District shall be made to the planning and zoning commission and city council in the same manner that an application for any zoning map amendment (rezoning) is made.
- (B) Submission of PD related plats and site plans shall occur after PD establishment. The subsequent applications for plats and site plans within an established PD Planned Development District shall be reviewed and approved separately and independently in accordance with established procedures.
- (C) Land area requirement for PD planned developments. A PD District requires a minimum of two contiguous acres. Acreage may be less than two acres when carrying out the recommendations of the comprehensive plan.

90-6.07.02 Planned Development (PD) Submission Requirements.

- (A) The developer of a PD shall follow a 5-step procedure.
 - (1) Pre-application conference.
 - (2) Zoning map amendment (rezoning) application with the submission of planned development master plan, which includes the:
 - (a) PD design statement; and
 - (b) PD Concept Design Map.
 - (3) Preliminary plat, if subdivision occurs and where required by the subdivision ordinance.
 - (4) Final plat, if subdivision occurs and where required by the subdivision ordinance.
 - (5) Application for building permit and site plan reviewed by the DRC.
- (B) Approvals needed before proceeding.
 - (1) Each required step shall be completed and approved before the following step is reviewed.
 - (2) Where appropriate, other methods authorized in the Subdivision Ordinance may be substituted in Step 3. Preliminary Plat, and Step 4. Final Plat, such as an amending plat or minor plat, etc.
 - (3) The planning and zoning commission and city council may, however, review more than one step at the same public hearing.
- (C) Public hearings (rezonings and plats).

- (1) Public hearings shall be held on the zoning map amendment (rezoning) application and the planned development master plan in accordance with regular procedures for zoning applications.
- (2) Public hearings on required plats shall be held in accordance with regular procedures established in the subdivision ordinance.

90-6.07.03 Planned Development (PD) Steps for Creation and Development.

(A) Step 1. Pre-Application Conference Review.

- (1) At least ten business days prior to submission of an application for zoning map amendment (rezoning) to a PD planned development, the applicant shall submit to the zoning administrator a sketch plan drawn to approximate scale showing streets, lots, public areas, and other significant features. The applicant shall execute an acknowledgement that the pre-application conference does not initiate a vested right.
- (2) The applicant should discuss with the zoning administrator the procedure for adopting a PD planned development and the requirements for the general layout of streets and utilities, access to arterials, or general design and narrative, the availability of existing services, and similar matters.
- (3) The zoning administrator shall also advise the applicant, where appropriate, to discuss the proposed PD planned development with those officials charged with responsibility to review the various aspects of the proposal coming within their jurisdiction.
- (4) The intent of Step 1. Pre-Application Conference Review, is to expedite and facilitate the approval of a planned development master plan.

(B) Step 2. PD Application for Rezoning and Planned Development Master Plan.

- (1) Procedures and requirements.
 - (a) The PD zoning map amendment (rezoning) application shall be filed in accordance with regular procedures and on application forms of the city.
 - (b) The planned development master plan, which is submitted with the application for rezoning, shall consist of a PD design statement and a PD Concept Design Map.
 - (c) The applicant shall also provide other supporting maps as necessary to meet the submission requirements of this Zoning Ordinance.
- (2) PD design statement. The PD design statement shall be a written report submitted as a part of the planned development master plan containing a minimum of the following elements:
 - (a) Title of PD;
 - (b) List of the owners and/or developers;

- (c) Statement of the general location and relationship to adjoining land uses, both existing and proposed;
 - (d) Description of the PD concept, including an acreage or square foot breakdown of land use areas and densities proposed, a general description proposed, a general description of building use types, proposed restrictions, and typical site layouts;
 - (e) The existing PD zoning districts in the development area and surrounding it;
 - (f) Selection of one conventional zoning district as a base zoning district to regulate all uses and development regulations not identified as being modified (multiple base zoning districts may be selected to accommodate a mixture of land uses in different geographic areas);
 - (g) A list of all applicable special development regulations or modified regulations to the base zoning district; plus a list of requested subdivision waivers to the Subdivision Ordinance or other applicable development regulations;
 - (h) A statement identifying the existing and proposed streets, including right-of-way standards and street design concepts;
 - (i) The following physical characteristics: elevation, slope analysis, soil characteristics, tree cover, and drainage information;
 - (j) A topographic map with minimum five-foot contour intervals;
 - (k) Drainage information, including number of acres in the drainage area and delineation of applicable flood levels;
 - (l) A statement of utility lines and services to be installed, including lines to be dedicated to the city and which will remain private;
 - (m) The proposed densities, and the use types and sizes of structures; and
 - (n) A description of the proposed sequence of development.
- (3) PD Concept Design Map.
- (a) The PD Concept Design Map shall be a graphic representation of the development plan for the area of a PD planned development.
 - (b) The zoning administrator shall establish an application form outlining all requirements of the PD Concept Design Map and shall be responsible for maintaining and revising the application form.
- (4) Approval of the planned development master plan.
- (a) Upon final approval by the city council of the planned development master plan and the appropriate ordinance of rezoning, these elements

shall become a part of the Official Zoning District Map.

- (b) The rezoning ordinance shall adopt the planned development master plan by reference, and it shall be attached to said ordinance and become a part of the official records of the city.

(5) Expiration of planned development master plan.

- (a) If, after two years from the date of approval of a planned development master plan, no substantial development progress has been made within the PD, then the planned development master plan shall expire.
- (b) If a planned development master plan expires, a new planned development master plan must be submitted and approved according to the procedures within this section.
 - 1. An extension to the two-year expiration shall be granted if a development application for the PD has been submitted and is undergoing the development review process or if the zoning administrator determines development progress is occurring.

(6) Use and development of the property.

- (a) The planned development master plan shall control the use and development of the property, and all building permits and development requests shall be in accordance with the plan until it is amended by the city council.
- (b) The developer shall furnish a reproducible copy of the approved PD Concept Design Map for signature by the mayor and acknowledgement by the city secretary.
- (c) The planned development master plan, including the signed map and all supporting data, shall be made a part of the permanent file and maintained by the city secretary.

(C) Step 3. Preliminary Plat.

- (1) If the subdivision of land is to occur, then after city council approval of the zoning map amendment (rezoning) with the associated planned development master plan, the developer shall prepare a preliminary plat for the entire development area.
- (2) Where a recorded plat exists and where there will be no extensive easements, no homeowners or property owners associations, no plat restrictions, and no sale of lots that do not conform to the platted lot lines, the city council may waive the platting requirement.

(D) Step 4. Final Plat.

- (1) Where a subdivision plat is required, the developer shall prepare a final plat for

review, approval, and filing of record according to procedures established by the city council. In addition to these procedures, the final plat shall include:

- (a) Provisions for the ownership and maintenance of common open space and detention/retention ponds. Said open space shall be dedicated to a private association or dedicated to the public provided that a dedication to the public shall not be accepted without the approval of the city council.
 - (b) A homeowners and property owners association shall be created if other satisfactory arrangements have not been made for improving, operating, and maintaining common facilities, including private street drives, fire lanes, service and parking areas and recreation areas.
- (2) If no plat is required, then proof of the items identified in subsections (D)(1)(a) and (D)(1)(b) above, shall be submitted and approved as a part of the planned development master plan at the time the zoning map amendment (rezoning) is considered for approval.
- (E) Step 5. Site Plan. A site plan shall be submitted upon the application for a building permit and reviewed in accordance with procedures established in section 6.06 Site Plan Requirements.

90-6.07.04 Planned Development (PD) Modifications.

- (A) Minor PD amendment and adjustment. The zoning administrator may approve or defer for city council consideration a minor PD amendment and adjustment to the planned development master plan provided all of the following conditions are satisfied:
- (1) The project boundaries are not altered.
 - (2) Uses other than those specifically approved in the planned development master plan are not added. Uses may be deleted but not to the extent that the character of the project is substantially altered from the character described within the PD design statement.
 - (3) The allocation of land to particular uses or the relationship of uses within the project are not substantially altered.
 - (4) The density of housing is not increased more than ten percent or decreased by more than 30 percent.
 - (5) The land area allocated to nonresidential uses is not increased or decreased by more than ten percent.
 - (6) Floor area, if prescribed, is not increased or decreased by more than ten percent.
 - (7) Floor area ratios, if prescribed, are not increased.
 - (8) Open space ratios, if prescribed, are not decreased.

(B) Zoning administrator approval.

- (1) The zoning administrator shall determine if proposed amendments to an approved planned development master plan satisfy the above criteria.
- (2) If the zoning administrator finds that these criteria are not satisfied, an amended planned development master plan shall be submitted for full review and approval according to the procedures set forth in these regulations.

90-6.07.05 Reversion.

(A) Property owner request.

- (1) If the property owner decides to abandon the PD concept and nullify the planned development master plan, he shall make application for rezoning either to the original status or to a new classification.
- (2) Said application shall be heard according to regular rezoning procedures utilized by the planning and zoning commission and city council.

[Ord. No. 1273-14, § 1(Exh. A), 5-6-2014]