

**RICHLAND HILLS PLANNING & ZONING COMMISSION  
REGULAR MEETING  
SEPTEMBER 24, 2024  
MINUTES**

Members Present

Michael Wilson, Chair  
Jackson Durham, Place 3  
Keith Albee, Alternate 1  
Ray Stilwell, Alternate 2

Members Absent

Kenneth Keating, Place 1  
Mary Witt, Place 4  
Kelle Jones, Place 5

Alternate Members Absent

Staff Present

JP Ducay, Director of Planning and Development Services  
Lindsay Rawlinson, City Secretary  
Elizabeth Yelverton, 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**

None.

**REGULAR AGENDA**

**4. Approved minutes from the June 25, 2024 Planning and Zoning Commission meeting**

**Motion:** Motion was made by Commissioner Albee and seconded by Commissioner Stilwell to approve the minutes from the June 25, 2024 Planning and Zoning Commission meeting.

Motion carried by a vote of 4-0.

**5. Approved 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**

Director of Planning and Development Services JP Ducay presented the item to the Commission and advised that on September 10, 2024, an application was submitted by applicant Jonathan Mercer (owner) requesting a Specific Use Permit (SUP), 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. The proposed guest house shall not exceed 1,555 square-feet in total floor area in accordance with the Guest House Ordinance.

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.

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 first attempt the applicant proposed 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.

Jonathan Mercer, 7148 Dover Lane, Richland Hills, expressed frustration at the process and advised that he is trying to care for aging family members and is seeking any recommendations the Commission may have.

Chair Wilson opened the public hearing at 6:25 p.m. and asked to hear from any proponents followed by opponents of the case.

Pamela King, 7139 Dover Lane, Richland Hills, she is Mr. Mercer's neighbor and approves of the proposed guest house.

Cecil Lanter, 7133 Hovenkamp Avenue, Richland Hills, advised that his property backs up to Mr. Mercer's and he has no objection to the proposed guest house. He asked the commission to approve the request.

Chair Wilson closed the public hearing at 6:28 p.m.

Mr. Mercer advised that he would be pleased if the Commission approved allowing a building that is sized at 50 percent of the main structure with two bathrooms.

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 allowing the structure to be 50 percent of the main structure.

**Motion:** Motion was made by Commissioner Durham and seconded by Commissioner Albee 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 with the following conditions:

1. Allow for the guest house to exceed no more than 50% of main structures floor area.
2. Allow for the guest house to contain two bathrooms.

Motion carried by a vote of 4-0.

**6. Approved 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**

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 Phil 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 uses that are allowed by right. It is not staff's 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.

Chair Wilson opened the public hearing at 6:51 p.m. and asked to hear from any proponents followed by opponents of the case.

Michael Green, expressed frustration at big vehicles at a nearby McDonalds making it difficult to park and requested staff to regular large vehicles.

Discussion ensued regarding different uses being allowed by right versus by Specific Use Permit.

Hearing none, Chair Wilson closed the public hearing at 6:53 p.m.

**Motion:** Motion was made by Commissioner Albee and seconded by Commissioner Stilwell 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.

Motion carried by a vote of 4-0.

## 7. ADJOURNMENT

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

**ATTEST:**

**APPROVED:**

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Lindsay Rawlinson, City Secretary

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Michael Wilson, Chairman