

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE PLANNING AND ZONING COMMISSION OF THE
CITY OF NORTH RICHLAND HILLS, TEXAS
HELD IN THE CITY HALL, 4301 CITY POINT DRIVE
NORTH RICHLAND HILLS, TX 76180
JUNE 2, 2016**

WORK SESSION

CALL TO ORDER

Chairman Randall Shiflet called the Work Session to order at 6:30 p.m.

ROLL CALL

| | | |
|----------------|-------------------|-------------------|
| Present: | Randall Shiflet | Chairman |
| | Bill Schopper | Vice Chair |
| | Mark Haynes | Place 1 |
| | Mike Benton | Place 2 |
| | Don Bowen | Place 3 |
| | Kathy Luppy | Place 5 |
| | Jerry Tyner | Ex-Officio |
| Absent: | Steven Cooper | Place 7 |
| Staff Members: | Clayton Comstock | Planning Manager |
| | Clayton Husband | Principal Planner |
| | Chad VanSteenberg | Planner |
| | Justin Naylor | Civil Engineer |

1 ANNOUNCEMENTS - UPCOMING CITY EVENTS

Planning Manager Clayton Comstock presented announcements related to upcoming events in North Richland Hills.

2 DISCUSS DEVELOPMENT ACTIVITY REPORT AND CITY COUNCIL ACTION.

Planning Manager Clayton Comstock discussed current development activity. City Council had not met since the previous Planning and Zoning Commission Meeting.

3 DISCUSS ITEMS FROM THE REGULAR PLANNING AND ZONING COMMISSION MEETING.

Planning Manager Clayton Comstock and Principal Planner Clayton Husband presented the items on the June 2, 2016, Planning and Zoning Commission Meeting Agenda.

REGULAR MEETING

A. CALL TO ORDER

Chairman Randall Shiflet called the Regular Meeting to order at 7:11 p.m.

ROLL CALL

| | | |
|----------------|-------------------|-------------------|
| Present: | Randall Shiflet | Chairman |
| | Bill Schopper | Vice Chair |
| | Mark Haynes | Place 1 |
| | Mike Benton | Place 2 |
| | Don Bowen | Place 3 |
| | Kathy Luppy | Place 5 |
| | Jerry Tyner | Ex-Officio |
| Absent: | Steven Cooper | Place 7 |
| Staff Members: | Clayton Comstock | Planning Manager |
| | Clayton Husband | Principal Planner |
| | Chad VanSteenberg | Planner |
| | Justin Naylor | Civil Engineer |

A.1 PLEDGE OF ALLEGIANCE

Commissioner Kathy Luppy led the pledge of allegiance to the United States and Texas flags.

EXECUTIVE SESSION

There was no Executive Session held at the meeting.

B. MINUTES

There were no items for this category.

C. PUBLIC HEARINGS

C.1 SUP 2015-06, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM MARVIN SMITH FOR A SPECIAL USE PERMIT FOR A DETENTION POND ON THE PROPOSED SMITH FARM ADDITION SITE LOCATED AT 7601 DOUGLAS LANE.

APPROVED

Chairman Randall Shiflet left the Council Chamber at 7:13 p.m. in order to abstain from Items C.1 and D.1, SUP 2015-06 and FP 2015-02, because of a possible conflict of interest. The proper affidavit was filed with the City Secretary prior to the meeting.

Vice Chairman Bill Schopper requested that Staff introduce SUP 2015-06.

Principal Planner Clayton Husband requested that Items C.1 and D.1 be presented together with separate votes taken for each request. He then introduced both items.

Applicant Ed Kellie, Kellie Engineering, 205 Lindenwood Dr, Fort Worth, TX presented both cases.

Commissioner Mark Haynes asked who will maintain the pond.

Mr. Kellie answered that a home owners association will maintain the pond and the common areas ultimately. Mr. Smith will maintain the HOA until 80-90% of the homes are constructed.

Vice Chairman Schopper opened the public hearing and called for anyone wishing to speak for or against the request to come forward.

Brian Homan, 7406 Lincoln Drive, NRH stated that his property is across Lincoln Drive from the proposed detention pond. He is not against what the applicant is proposing but asked about design and possible failure of the dam.

Mr. Kellie answered that the pond will fill up four to five feet in a 100 year storm. It is designed to hold back the water for 30 to 40 minutes during most storms and release it gradually through a ten inch opening. Water will not be held for long periods of time, which could saturate the ground and create a risk of failure. This is a dry pond which will cycle within an hour of a storm coming through.

Mr. Homan returned to the podium and said he understands Mr. Kellie's answer, but stated

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that if the drain to the pond is stopped up or something else unforeseen happens that he would incur the cost of damage or could need flood insurance for his home.

Mr. Kellie responded to Mr. Homan's concerns by pointing out the emergency overflows designed into the pond and stated that this is a protective device.

There being no one else wishing to speak, Chairman Shiflet closed the public hearing.

Principal Planner Husband presented a summary of the staff report and discussed the maintenance agreement that is required for the detention pond.

COMMISSIONER HAYNES MOVED TO APPROVE SUP 2015-16. COMMISSIONER LUPPY SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 5-0.

D.1 FP 2015-02 CONSIDERATION OF A REQUEST FROM MARVIN SMITH FOR A FINAL PLAT OF SMITH FARM ADDITION ON 8.00 ACRES LOCATED AT 7601 DOUGLAS LANE.

APPROVED

This item was considered with Item C.1.

COMMISSIONER BOWEN MOVED TO APPROVE FP 2015-02. COMMISSIONER BENTON SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 5-0.

C.2 ZC 2016-07, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM DUSTIN AUSTIN FOR A ZONING CHANGE FROM AG AGRICULTURAL TO R-2 SINGLE FAMILY ON 14.78 ACRES LOCATED IN THE 8100 BLOCK OF PRECINCT LINE ROAD.

APPROVED

Chairman Randall Shiflet returned to the Coucil Chamber at 7:29 p.m.

Planning Manager Clayton Comstock introduced ZC 2016-07.

Applicant Representative, John Pitstick, Our Country Homes, 700 West Harwood Road, Hurst, TX came forward to present the request.

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Mr. Comstock summarized the staff report for this zoning change request.

Chairman Shiflet asked Mr. Comstock to address a question from the audience about tree preservation related to this project.

Mr. Comstock stated that the North Richland Hills Tree Preservation Ordinance allows for the removal of trees for residential developments and no tree replacement is required. Each individual lot is required to have a total of three trees measuring three inches in diameter and one of those trees must be in the front yard. Over 100 trees will be required in this development based on the proposed number of lots, but this will not replace the more mature trees that exist there today.

Chairman Shiflet opened the public hearing and called for anyone wishing to speak for or against the request to come forward.

Mary Stokic, 9105 Thornridge Drive, North Richland Hills, came forward in opposition to the application. She stated that she has lived in North Richland Hills for 26 years and 10 years in Thornbridge. Her family chose the neighborhood because of the green spaces, walking paths, children's playground, and the pasture that is adjacent to their property. Ms. Stokic does not want to get in the way of the property owner or the developer but is against the plan because of the loss of mature trees. The road that is proposed near her yard is also a concern. She asked the Commission to set some standards for what the development will look like.

Glenn Burch, 8324 Thornridge Drive, North Richland Hills, came forward in opposition to the application. He stated that he understands the current tree ordinance but wants to encourage the city to strengthen the requirements in creative ways.

Chairman Shiflet reminded the audience that this case was a request to change the zoning of the subject property only and the layout of the proposed subdivision was not being deliberate.

Susan and Greg Small, 9101 Thornridge Drive, North Richland Hills, came forward in opposition to the application. Ms. Small stated that their home is on the southern boundary of the proposed development and that all the homes lining that border have wrought iron rear fences that look out onto a pond and mature trees on the subject property. She stated that they are distraught about losing that view and would like to ask if there is a possibility that the existing pond could be used instead of the proposed ponds along Precinct Line Road. Ms. Small also reiterated the concerns that Mary Stokic had about the road planned behind their homes.

Mr. Pitstick returned to the podium to address the comments and stated that his company

wants to work with the residents. He stated that this neighborhood is being proposed as Thornbridge North and his company wants to save as many trees as possible which would make the lots more marketable. To lay out a new plan would increase development costs but they want to work with existing property owners to provide a good transition. Mr. Pitstick stated that they have sent out letters and want to meet with the surrounding neighbors.

Mike Stokic, 9105 Thornridge Drive, North Richland Hills, came forward to propose flipping the layout of the development such that the detention ponds would be at the back adjacent to the existing homes and the new lots would be located on the eastern side closer to Precinct Line Road.

Susan Small, 9101 Thornridge Drive, North Richland Hills, returned to the podium to request that the rear yards of the proposed homes be placed adjacent to the lots along Thornridge Drive instead of the current layout.

Chairman Shiflet stated that Mr. Pitstick is listening and he can address these concerns when he meets with the residents.

There being no one else wishing to speak, Chairman Shiflet closed the public hearing.

Don Bowen stated he understands the comments about loving the pasture behind the homes, but although he knows it isn't feasible, the only way to guarantee that the property stays in its current state is to own it. He also stated that the location of the detention ponds is not arbitrary and they would only hold water temporarily until they slowly drained, but they would not be like the pond that is currently there.

COMMISSIONER LUPPY MOVED TO APPROVE ZC 2016-07. COMMISSIONER BOWEN SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 6-0.

C.3 ZC 2016-06, PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM ICON CONSULTING ENGINEERS, INC FOR A REVISION TO PLANNED DEVELOPMENT 36 (PD-36) LOCATED IN THE 9000-9100 BLOCKS OF NORTH TARRANT PARKWAY INCLUDING ADJACENT PARCELS ON DAVIS BOULEVARD AND PRECINCT LINE ROAD.

APPROVED

Principal Planner Clayton Husband made staff's presentation on the zoning change request for an El Pollo Loco fast casual restaurant.

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David Gregory, Icon Consulting Engineers, 2840 W Southlake Boulevard, Suite 110, Southlake, presented the project. He stated the developer is requesting additional signage to allow wall signs on all four elevations of the building. He asked if the Commission had any questions about the restaurant, site plan, landscape plan, or building elevations.

Mr. Husband summarized the staff report for the zoning change application. He stated the Development Review Committee recommendations include limiting the number of wall signs to two building elevations and requiring the installation of new landscape islands at the south ends of the parking rows on the Walmart site adjacent to the restaurant site.

Ex-Officio Jerry Tyner asked who is responsible for constructing the landscape islands.

Mr. Husband stated the restaurant site is on Walmart property, and staff will work with the developer and Walmart to ensure the islands are constructed if that condition is part of the zoning approval.

Chairman Shiflet asked if the developer is proposing any signs along North Tarrant Parkway.

Mr. Husband stated the developer is working on a replat of the site that would provide street frontage for utility connections and signage.

Chairman Shiflet opened the public hearing and called for anyone wishing to speak for or against the request to come forward. There being no one wishing to speak, Chairman Shiflet closed the public hearing.

Vice Chairman Bill Schopper asked if the wall posters counted as signs.

Mr. Comstock clarified that if the poster does not have any commercial message, the poster is considered artwork.

Chairman Shiflet asked if the "chicken" at the top left of the building is part of the sign.

Mr. Husband stated it is considered part of the sign and counts toward the permitted square feet of sign area for each elevation.

Commissioner Mike Benton asked for clarification as to why signs are limited to only two sides of the building.

Mr. Comstock stated that the sign regulations were amended several years ago in

response to some projects where many signs were added to the building, which resulted in an evaluation of the wall sign standards.

Chairman Shiflet stated that the City Council also acts as the sign review board, and the number of signs allowed on this project would ultimately be decided by their consideration of the zoning change.

COMMISSIONER HAYNES MOVED TO APPROVE ZC 2016-06, SUBJECT TO DRC'S RECOMMENDATIONS REGARDING WALL SIGNS, PARKING LOT LANDSCAPE ISLANDS, AND FINAL CERTIFICATION OF THE SITE PLAN. COMMISSIONER BOWEN SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 6-0.

C.4 SDP 2016-02 PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM DETATE PROPERTY GROUP, LLC FOR A SPECIAL DEVELOPMENT PLAN FOR THE FOUNTAINS AT IRON HORSE ON 7.910 ACRES AT 6301 IRON HORSE BOULEVARD.

APPROVED

Planning Manager Clayton Comstock introduced the Special Development Plan (SDP) request.

Applicant Edwin Tatum, CEO of Detate Property Group, 8910 Southwestern Boulevard, Dallas, TX 75214, presented an overview of the request and discussed the variances he is seeking. Penelope Diaz, 2009 Spotted Court, Plano, TX, then presented the details of the site plan.

Commissioner Mike Benton asked if elevators will be included in this project?

Mr. Tatum and Ms. Diaz both responded with yes.

Mr. Comstock summarized the staff report.

Chairman Randall Shiflet asked about the letter received from the property owner to the south, Dan Smalley.

Mr. Comstock discussed the opposition letter that Mr. Smalley submitted regarding this SDP request.

Chairman Shiflet asked if the recommendation needed to be made subject to the

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Development Review Committee's (DRC) certification of the concept plan.

Mr. Comstock answered yes.

Commissioner Don Bowen asked if the DRC was recommending the approval of four stories.

Mr. Comstock answered yes.

Ex-Officio Jerry Tyner asked about required fencing along the back area near the Cottonbelt Trail.

Mr. Comstock answered that there is not a fencing requirement but that the applicant wishes to create a secure site and they intend to install a fence.

Ms. Diaz stated that a fence would be of an open-rail style and placed in between the trail and the parking lot.

Commissioner Mike Benton asked about lighting in the rear of the development near the trail.

Ms. Diaz said that had not been considered yet but that they had to give consideration not to cast lighting across the rail line to the adjacent development.

Clayton Comstock stated that the lighting ordinance does not require a minimum lighting standard so that could become part of the SDP recommendation if the Commission desires.

Commissioner Benton stated that lighting should be considered in the rear area for safety concerns with the trail adjacency.

Clayton Comstock stated that the lighting would be considered at the Site Plan stage or a recommendation could be made in the motion.

Chairman Shiflet asked Commissioner Benton if he meant the lighting beyond the property line.

Commissioner Benton said that lighting needed to be able to penetrate beyond any fenced-in area.

Ms. Diaz stated that the fencing would be open-rail style and parking lot lighting would be able to shine toward the trail area.

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Chairman Shiflet opened the public hearing and called for anyone wishing to speak for or against the request to come forward. There being no one wishing to speak, Chairman Shiflet closed the public hearing.

COMMISSIONER BENTON MOVED TO APPROVE SDP 2016-02 SUBJECT TO DRC CERTIFICATION OF THE FINAL SITE PLAN AND ADDITIONAL LIGHTING TO ILLUMINATE THE TRAIL AREA AT THE REAR OF THE PROPERTY. COMMISSIONER HAYNES SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 6-0.

D. PLANNING AND DEVELOPMENT

D.1 FP 2015-02 CONSIDERATION OF A REQUEST FROM MARVIN SMITH FOR A FINAL PLAT OF SMITH FARM ADDITION ON 8.00 ACRES LOCATED AT 7601 DOUGLAS LANE.

APPROVED

The Planning and Zoning Commission considered and took action on this item earlier in the meeting.

COMMISSIONER BOWEN MOVED TO APPROVE FP 2015-02. COMMISSIONER BENTON SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 5-0.

E. ADJOURNMENT

Chairman Randall Shiflet adjourned the meeting at 8:37 p.m.

Bill Schopper, Vice Chairman

Don Bowen, Secretary

