

**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  
SEPTEMBER 5, 2019**

**WORK SESSION: 6:00 PM**

**A. CALL TO ORDER**

The Planning and Zoning Commission of the City of North Richland Hills, Texas met in work session on the 5th day of September 2019, at 6:00 p.m. in the City Council Work Room prior to the 7:00 p.m. regular Planning and Zoning Commission meeting.

Present:	Justin Welborn	Chair, Place 1
	Jerry Tyner	Vice Chair, Place 2
	Kathy Luppy	Secretary, Place 5
	Don Bowen	Place 3
	Sarah Olvey	Place 4
	Mason Orr	Place 6
	Wendy Werner	Place 7
	Kelvin Deupree	Ex-Officio

Absent: None

Staff Members:	Clayton Comstock	Planning Director
	Clayton Husband	Principal Planner
	Maleisha McGinnis	City Attorney
	Justin Naylor	Civil Engineer
	Marrk Callier	Management Analyst

Chair Welborn called the work session to order at 6:00 p.m.

**1. ELECTION OF OFFICERS**

Chair Welborn opened nominations for Planning and Zoning Commission Chair.

A motion was made by Commissioner Bowen, seconded by Commissioner Luppy to nominate Justin Welborn as chair of the Planning and Zoning Commission.

Motion to approve carried 7-0.

Chair Welborn opened nominations for Planning and Zoning Commission Vice Chair.

A motion was made by Chair Welborn, seconded by Commissioner Luppy to nominate Jerry Tyner as Vice Chair of the Planning and Zoning Commission.

Motion to approve carried 7-0.

Chair Welborn opened nominations for Planning and Zoning Commission Secretary.

A motion was made by Chair Welborn, seconded by Vice Chair Tyner to nominate Kathy Luppy as secretary of the Planning and Zoning Commission.

Motion to approve carried 7-0.

## **2. PLANNING DIRECTOR REPORT**

Planning Director Clayton Comstock presented the city announcements, and summarized the City Council meeting held on August 26, 2019.

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

## **4. ANNUAL ORIENTATION AND TRAINING**

City Attorney McGinnis presented the governing rules and regulations, composition of the Commission, duties, and responsibilities of the Commission members, authority of the Planning and Zoning Commission, open meetings, ethics and conflicts of interest, and public information and electronic communications.

Kathy Luppy arrived at 6:07 p.m.

Vice Chair Tyner, Mr. Comstock, and Ms. McGinnis discussed the operations of the executive session process.

Ex-Officio Deupree asked about the new laws concerning email retention. Mr. Comstock discussed how the City notifies for public hearings, rules of order, and discussed City Council goals.

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Ex-Officio Deupree and Mr. Comstock discussed the process for notification when an item is tabled at a Planning and Zoning Commission meeting.

Commissioner Orr, Chair Welborn, Mr. Comstock, and Ms. McGinnis discussed rules of order for the Commission meeting.

**5. REVIEW OF LOCAL ACTIONS NECESSARY AS A RESULT OF THE 86TH TEXAS STATE LEGISLATURE**

Ms. McGinnis discussed new local actions that are necessary as a result of the 86th Texas State Legislature. This includes a new public comment section that will be included on all Planning and Zoning Commission meeting agendas.

Ex-Officio Deupree and Ms. McGinnis discussed time limits for the public comment section.

Commissioner Werner, Chair Welborn, and Ms. McGinnis discussed speaker comment cards.

Chair Welborn and Ms. McGinnis discussed public decorum for Planning and Zoning Commission meetings.

Ms. McGinnis discussed new retention laws that involve use of private devices and storage of text messages and emails.

Mr. Comstock discussed laws regarding building materials and how they affect regulations in North Richland Hills. Mr. Comstock discussed HB 3167 and how it affect the platting process. He also discussed completeness determination, including the timeframes and submittal requirements for subdivision plats.

**REGULAR MEETING: Immediately following worksession (but not earlier than 7:00 PM)**

**A. CALL TO ORDER**

Chair Welborn called the meeting to order at 7:15 p.m.

Present:	Justin Welborn	Chair, Place 1
	Jerry Tyner	Vice Chair, Place 2
	Kathy Luppy	Secretary, Place 5
	Don Bowen	Place 3

Sarah Olvey	Place 4
Mason Orr	Place 6
Wendy Werner	Place 7
Kelvin Deupree	Ex-Officio

Absent: None

Staff Members:	Clayton Comstock	Planning Director
	Chad VanSteenberg	Planner
	Justin Naylor	Civil Engineer
	Marrk Callier	Management Analyst

#### A.1 PLEDGE

Ex-Officio Deupree led the Pledge of Allegiance to the United States and Texas flags.

#### EXECUTIVE SESSION

The Planning and Zoning Commission may confer privately with its attorney to seek legal advice on any matter listed on the agenda or on any matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Texas Government Code.

#### B. MINUTES

##### **B.1 APPROVE MINUTES OF THE AUGUST 15, 2019, PLANNING AND ZONING COMMISSION MEETING.**

##### **APPROVED**

**A MOTION WAS MADE BY COMMISSIONER OLVEY, SECONDED BY COMMISSIONER LUPPY TO APPROVE MINUTES OF THE AUGUST 15, 2019, PLANNING AND ZONING COMMISSION MEETING.**

**MOTION TO APPROVE CARRIED 7-0.**

Chair Welborn announced that items D.1, D.5, D.6, and D.7 would be considered before the the public hearing portion of the agenda.

**D.1 AP 2019-02 CONSIDERATION OF A REQUEST FROM CLAYMOORE ENGINEERING FOR AN AMENDED PLAT OF LOT 6R1, BLOCK 1, SMITHFIELD CORNERS, BEING 2.213 ACRES LOCATED AT 8210 MID-CITIES BOULEVARD.**

**APPROVED**

Chair Welborn introduced the item, and called for Principal Planner Clayton Husband to introduce the request. Mr. Husband introduced the request.

Chair Welborn called for the applicant to present the request.

Clay Cristy, ClayMoore Engineering, 1903 Central Drive, Bedford, Texas, presented the request.

Vice Chair Tyner and the applicant discussed retaining the tree on the property.

Chair Welborn called for Mr. Husband to present the staff report. Mr. Husband presented the staff report

Vice Chair Tyner and Mr. Husband discussed the driveway on the site.

**A MOTION WAS MADE BY COMMISSIONER LUPPY, SECONDED BY COMMISSIONER ORR TO APPROVE AP 2019-02.**

**MOTION TO APPROVE CARRIED 7-0.**

**D.5 PP 2019-03 CONSIDERATION OF A REQUEST FROM JBI PARTNERS, INC. FOR A PRELIMINARY PLAT OF HOMETOWN CANAL DISTRICT PHASE 6, BEING 15.393 ACRES LOCATED AT THE SOUTHEAST CORNER OF BRIDGE STREET AND PARKER BOULEVARD.**

**APPROVED**

Chair Welborn introduced the item, and called for Planning Director Clayton Comstock to introduce the request. Mr. Comstock introduced the request.

Chair Welborn called for the applicant to present the request.

Brittany Crenshaw, JBI Partners, Inc., 2121 Midway Road, Carrollton, Texas, presented the request.

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Chair Welborn called for Mr. Comstock to present the staff report. Mr. Comstock presented the staff report.

**A MOTION WAS MADE BY VICE CHAIR TYNER, SECONDED BY COMMISSIONER WERNER TO APPROVE PP 2019-03 SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT.**

**MOTION TO APPROVE CARRIED 7-0.**

**D.6 RP 2019-06 CONSIDERATION OF A REQUEST FROM KIMLEY-HORN FOR A REPLAT OF DAVIS-NORTH TARRANT PARKWAY ADDITION, BEING 6.067 ACRES LOCATED IN THE 8300 BLOCK OF DAVIS BOULEVARD.**

**APPROVED**

Chair Welborn introduced the item, and called for Principal Planner Clayton Husband to introduce the request. Mr. Husband introduced the request.

Chair Welborn called for the applicant to present the request.

Jonathan Kerby, Kimley-Horn, Weatherford, Texas, presented the request.

Chair Welborn called for Mr. Husband to present the staff report. Mr. Husband presented the staff report.

**A MOTION WAS MADE BY COMMISSIONER ORR, SECONDED BY COMMISSIONER OLVEY TO APPROVE RP 2019-06.**

**MOTION TO APPROVE CARRIED 7-0.**

**D.7 FP 2019-04 CONSIDERATION OF A REQUEST FROM BEATEN PATH DEVELOPMENT - URBAN TRAILS COTTAGES LLC FOR A FINAL PLAT OF URBAN TRAILS COTTAGES, BEING 5.52 ACRES LOCATED AT THE SOUTHWEST CORNER OF MID-CITIES BOULEVARD AND HOLIDAY LANE.**

**APPROVED**

*Chair Welborn announced he has a conflict of interest for item D.7 and would*

*abstain from discussion. He filed an affidavit of disqualifications with the city secretary stating his conflict.*

*Chair Welborn left the dais 7:29 p.m.*

Vice Chair Tyner introduced the item, and called for Planning Director Clayton Comstock to introduce the request. Mr. Comstock introduced the request.

Vice Chair Tyner called for the applicant to present the request.

Ottis Lee, Baird, Hampton & Brown, 924 Hilltop Drive, Weatherford, Texas, presented the request.

Vice Chair Tyner called for Mr. Comstock to present the staff report. Mr. Comstock presented the staff report.

**A MOTION WAS MADE BY COMMISSIONER OLVEY, SECONDED BY COMMISSIONER BOWEN TO APPROVE FP 2019-04.**

**MOTION TO APPROVE CARRIED 6-0-1, WITH CHAIR WELBORN ABSTAINING.**

**C. PUBLIC HEARINGS**

**C.1 ZC 2019-14 PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM CHARLES AND ELLEN RHEINLAENDER FOR A ZONING CHANGE FROM AG AGRICULTURAL TO R-2 SINGLE-FAMILY RESIDENTIAL AT 6812 SMITHFIELD ROAD, BEING 1.089 ACRES DESCRIBED AS TRACT 1A, JOHN M CROCKETT SURVEY, ABSTRACT 273.**

**APPROVED**

*Chair Welborn returned to the dais at 7:32 p.m.*

Chair Welborn introduced the item, opened the public hearing, and called for Principal Planner Clayton Husband to introduce items C.1 and D.2 as they are associated with the same property. Mr. Husband introduced the requests.

Chair Welborn called for the applicant to present the request.

Ellen Rheinlaender and Charles Rheinlaender, 6812 Smithfield Road, North Richland Hills, Texas, presented the request.

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Ex-Officio Deupree and the applicants discussed the building at the back of the property.

Chair Welborn called for Mr. Husband to present the staff report. Mr. Husband presented the staff report.

Commissioner Bowen and Mr. Husband discussed the building at the back on the property.

Chair Welborn called for anyone wishing to speak for or against the request to come forward. There being no one else wishing to speak, Chair Welborn closed the public hearing.

**A MOTION WAS MADE BY COMMISSIONER LUPPY, SECONDED BY COMMISSIONER WERNER TO APPROVE ZC 2019-14.**

**MOTION TO APPROVE CARRIED 7-0.**

**C.2 ZC 2018-23 PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM BUILDERS FUNDING MGT LP FOR A ZONING CHANGE FROM AG AGRICULTURAL AND R-1-S SPECIAL SINGLE-FAMILY TO R-2 SINGLE-FAMILY RESIDENTIAL AT 7109-7201 EDEN ROAD AND 8751 HIGHTOWER DRIVE, BEING 9.982 ACRES DESCRIBED AS LOT 1, BLOCK 17, STONEYBROOKE ADDITION, AND TRACTS 4B1 AND 4E, JB EDENS SURVEY, ABSTRACT 499.**

**APPROVED**

Chair Welborn introduced the item, opened the public hearing, and called for Planning Director Clayton Comstock to introduce Items C.2, C.3, D.3, and D.4 as they are associated with the same property. Mr. Comstock introduced the requests.

Chair Welborn called for the applicant to present the request.

Curtis Young, Sage Group, 1130 N. Carroll Ave, Southlake, Texas, presented the request.

Commissioner Werner and the applicant discussed fence material and location of the fence.

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Chair Welborn called for Mr. Comstock to present the staff report. Mr. Comstock presented the staff report. Mr. Comstock called for Civil Engineer Justin Naylor to discuss the drainage on the properties.

Mr. Naylor, Chair Welborn, and Ex-Officio Duepree discussed the detention ponds and drainage on the properties.

Commissioner Orr and Mr. Naylor discussed pre-condition drainage and the purpose of a detention pond.

Vice Chair Tyner, Chair Welborn, Ex-Officio Duepree, and Mr. Naylor discussed the flow and location of drainage.

Chair Welborn and Mr. Comstock discussed existing right-of-way on the property.

Vice Chair Tyner, Commissioner Orr, and Mr. Comstock discussed future plans for Eden Road.

Ex-Officio Deupree and Mr. Comstock discussed traffic on Hightower Drive and Eden Road.

Commissioner Luppy, Vice Chair Tyner, and Mr. Comstock discussed installation of a traffic signal at Hightower Drive and Davis Boulevard.

Ex-Officio Deupree and Mr. Comstock discussed the size of the greenbelt and maintenance of the open space.

Ex-Officio Deupree and Mr. Naylor discussed runoff and the size of the pipe used for drainage in the detention pond.

Vice Chair Tyner and Mr. Comstock discussed the maintenance costs and responsibilities of the homeowners association for maintenance of the detention ponds.

The applicant discussed the HOA and maintenance of the area, and the lifespan of the detention ponds.

Mr. Naylor discussed the detention pond and maintenance requirements. Mr. Naylor mentioned that the width of the outfall structure is eight feet.

Chair Welborn called for anyone wishing to speak for or against the request to come forward.

John Durant, 7101 Eden Road, North Richland Hills, spoke against the request.

Oliver Letz, 7112 Michael Drive, North Richland Hills, spoke against the request.

Dennis Denson, 8751 Hightower Drive, North Richland Hills, spoke in favor the request.

David Nash, 7217 Eden Road, North Richland Hills, spoke against the request.

O.R. McClain, 8809 Marti Lane, North Richland Hills, spoke against the request.

Eun Chon, 7116 Michael Drive, North Richland Hills, spoke against the request.

Chair Welborn called for anyone wishing to speak for or against the request to come forward. There being no one else wishing to speak, Chair Welborn closed the public hearing.

Chair Welborn and Mr. Comstock discussed the fencing requirement for the property.

Chair Welborn and Mr. Comstock discussed the traffic and traffic counts for Hightower Drive.

Mr. Naylor discussed the depth of the detention pond and elevation changes.

Commissioner Bowen and Mr. Naylor discussed requirements for fencing around detention ponds.

Chair Welborn and Mr. Naylor discussed water flow and spread from the lots and the effects on neighboring lots.

Ex-Officio Deupree and Mr. Naylor discussed the benefits of both detention ponds and retention ponds, including their differences.

Mr. Comstock mentioned a setback for the area near Mr. Durant's property.

A MOTION WAS MADE BY COMMISSIONER OLVEY, SECONDED BY COMMISSIONER BOWEN TO APPROVE ZC 2018-23.

MOTION TO APPROVE CARRIED 6-1, WITH COMMISSER WERNER VOTING AGAINST.

**C.3 SUP 2019-09 PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM BUILDERS FUNDING MGT LP FOR A SPECIAL USE PERMIT FOR DETENTION/RETENTION STORAGE FACILITIES AT 7109-7201 EDEN ROAD AND 8751 HIGHTOWER DRIVE, BEING 9.982 ACRES DESCRIBED AS LOT 1, BLOCK 17, STONEYBROOKE ADDITION, AND TRACTS 4B1 AND 4E, JB EDENS SURVEY, ABSTRACT 499.**

**APPROVED**

Item C.3 was presented in conjunction with items C.2, D3. and D.4.

A MOTION WAS MADE BY VICE CHAIR TYNER, SECONDED BY COMMISSIONER LUPPY TO APPROVE SUP 2019-09.

MOTION TO APPROVE CARRIED 6-1, WITH COMMISSER WERNER VOTING AGAINST.

D. PLANNING AND DEVELOPMENT

**D.1 AP 2019-02 CONSIDERATION OF A REQUEST FROM CLAYMOORE ENGINEERING FOR AN AMENDED PLAT OF LOT 6R1, BLOCK 1, SMITHFIELD CORNERS, BEING 2.213 ACRES LOCATED AT 8210 MID-CITIES BOULEVARD.**

Item D.1 was considered prior to the public hearing portion of the meeting.

**D.2 FP 2019-09 CONSIDERATION OF A REQUEST FROM CHARLES AND ELLEN RHEINLAENDER FOR A FINAL PLAT OF LOT 3, BLOCK 2, SMITHFIELD ADDITION, BEING 1.089 ACRES LOCATED AT 6812 SMITHFIELD ROAD.**

**APPROVED**

Item D.2 was presented in conjunction with item C.1.

A MOTION WAS MADE BY VICE CHAIR TYNER, SECONDED BY COMMISSIONER ORR TO APPROVE FP 2019-09.

MOTION TO APPROVE CARRIED 7-0.

D.3 PP 2018-05 CONSIDERATION OF A REQUEST FROM BUILDERS FUNDING MGT LP FOR A PRELIMINARY PLAT OF EDEN ESTATES, BEING 9.982 ACRES LOCATED AT 7109-7201 EDEN ROAD AND 8751 HIGHTOWER DRIVE.

**APPROVED**

Item D.3 was presented in conjunction with items C.2, C.3, and D.4.

A MOTION WAS MADE BY COMMISSIONER LUPPY, SECONDED BY COMMISSIONER BOWEN TO APPROVE PP 2018-05.

MOTION TO APPROVE CARRIED 6-1, WITH COMMISSIONER WERNER VOTING AGAINST.

D.4 FP 2019-05 CONSIDERATION OF A REQUEST FROM BUILDERS FUNDING MGT LP FOR A FINAL PLAT OF EDEN ESTATES, BEING 9.982 ACRES LOCATED AT 7109-7201 EDEN ROAD AND 8751 HIGHTOWER DRIVE.

**APPROVED**

Item D.4 was presented in conjunction with items C.2, C3. and D.3.

A MOTION WAS MADE BY COMMISSIONER BOWEN, SECONDED BY COMMISSIONER OLVEY TO APPROVE FP 2019-05.

MOTION TO APPROVE CARRIED 6-1, WITH COMMISSIONER WERNER VOTING AGAINST.

D.5 PP 2019-03 CONSIDERATION OF A REQUEST FROM JBI PARTNERS, INC. FOR A PRELIMINARY PLAT OF HOMETOWN CANAL DISTRICT PHASE 6, BEING 15.393 ACRES LOCATED AT THE SOUTHEAST CORNER OF BRIDGE STREET AND PARKER BOULEVARD.

Item D.5 was considered prior to the public hearing portion of the meeting.

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**D.6 RP 2019-06 CONSIDERATION OF A REQUEST FROM KIMLEY-HORN FOR A REPLAT OF DAVIS-NORTH TARRANT PARKWAY ADDITION, BEING 6.067 ACRES LOCATED IN THE 8300 BLOCK OF DAVIS BOULEVARD.**

Item D.6 was considered prior to the public hearing portion of the meeting.

**D.7 FP 2019-04 CONSIDERATION OF A REQUEST FROM BEATEN PATH DEVELOPMENT - URBAN TRAILS COTTAGES LLC FOR A FINAL PLAT OF URBAN TRAILS COTTAGES, BEING 5.52 ACRES LOCATED AT THE SOUTHWEST CORNER OF MID-CITIES BOULEVARD AND HOLIDAY LANE.**

Item D.7 was considered prior to the public hearing portion of the meeting.

E. ADJOURNMENT

Chair Welborn adjourned the meeting at 9:36 p.m.

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Justin Welborn, Chair

Attest:

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Kathy Luppy, Secretary