

## SUBDIVISION REGULATIONS PUBLIC QUESTIONS AND COMMENTS

The questions and comments noted in the table below were received by the Planning and Zoning Department during the public comment period for the proposed subdivision regulation update. These comments include those submitted by email or letter and those offered during the Planning and Zoning Commission public hearing on March 21, 2024. The public comment period ran from March 1 to April 3, 2024.

A response and/or recommended action to each comment is provided for consideration by the Planning and Zoning Commission and City Council. The draft subdivision regulation document has been updated where noted.

	QUESTION AND/OR COMMENT	ANSWER AND/OR RECOMMENDED ACTION
1	Reference the proposed changes to Sec. 110-76, review whether or not additional language needs to be added to more accurately reflect the appeal procedures outlined in Local Govt Code 212.0065. It appears that the Govt Code allows the applicant to appeal a decision by the delegated city official or employee to the governing body. If reading this correctly, the applicant has a right to bring the minor, amended, or replat requests to P&Z if staff disapproves the plat.	Section 212.0065 (Delegation of Approval Responsibility) subsection (c) gives applicant right to appeal to the governing body or the planning commission if the designated person disapproves a plat.  Section 110-76 is a general outline of the plat review process based on Section 212.009 Texas Local Government Code. The right to appeal the disapproval of a plat is noted in the review and decision sections for minor plat (110-153), replat (110-173), and amending plat (110-193).
2	Consider adding language to Sec. 110-42 pertaining to City Council. The understanding is that requests for modifications or waivers would have to be approved by both P&Z and Council. If so, it should mention the necessity of Council's approval in this section as well.	As proposed, the Planning and Zoning Commission is the decision-making body for modifications and waivers. If the Commission disapproves the waiver, the applicant may appeal the disapproval to the City Council. The Council functions as the appeals body instead of acting as an additional approver.
3	Regarding flag lots, if Council does need to approve waivers, it should mention that in Sec 110-232 regarding Flag Lots.	Due to the unique nature of plats with flag lot configurations, the proposed standards have been revised to state that any plat proposing a flag lot configuration is subject to approval by both Planning and Zoning Commission and City Council approval of the plat.
4	Section 110-232(m)(3&4): Flag Lots: The limitations here seem to be for the purpose of saying "no flag lots allowed". #3 says the pole portion connecting to the existing street has to be 50' wide which is the full lot width of many lots	This comment references proposed standards to provide guidance for and consideration of flag shaped lots. The pole depth problem described was also noted by staff, and revised text recommended and

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	around town (35' wide would be better). #4 says that same pole portion can be no more than 100' in length. This is shorter than most lot depths and would not even reach the back portion of the lot and the flag portion of the lot to be created if it is behind other existing lots?	<p>discussed with the Planning and Zoning Commission at the March 21, 2024, meeting.</p> <p>The standard for subsection (4) is revised to read: <i>The narrow or elongated part is at least fifty (50) feet wide from the connecting street frontage to where the lot widens into a flag shape to create a suitable building area.</i></p> <p>As noted above, the proposed standards have been revised to state that any plat proposing a flag lot configuration is subject to approval by both Planning and Zoning Commission and City Council approval of the plat.</p>
5	Typo noted in the definition section under "Preliminary Plat" (TA).	This typo has been corrected.
6	Article X Required Improvements and Article XI Design Criteria are out of order.	This typo has been corrected and section numbers updated.
7	Applicability of masonry screening walls adjacent to C4U Major Collectors, C2U Major Collectors, and C2U Minor Collectors	<p>Section 110-262 (Masonry screening wall requirements) has been updated to specify that a screening wall is required adjacent to a Major Arterial, Minor Arterial, C4U Major Collector, or C2U Major Collector.</p> <p>The current text refers to C4U Major Collector or larger thoroughfares. Additional roadway classifications were added to clarify the applicability of the requirement.</p>
8	Consider a table summarizing approval and appeal authority for Planning and Zoning Commission and City Council	This revision was not made. The appeal of the disapproval of a minor plat, replat, or amending plat by staff is referenced in each plat section. The appeal of the disapproval of a waiver by the Planning and Zoning Commission to the City Council is referenced in that section. The addition of a summary table could lead to confusion since there is not a practical place in the document to include the table.

## SUBDIVISION REGULATIONS

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	QUESTION AND/OR COMMENT	ANSWER AND/OR RECOMMENDED ACTION
9	<p>Definitions: general comments related to definitions of the following terms:</p> <ul style="list-style-type: none"> <li>a. Public works design manual: suggested to add definition.</li> <li>b. Add terms related to stormwater and drainage.</li> <li>c. Building permit: legal review recommended revising as current definition was written in context of impact fees.</li> <li>d. Plat: legal review recommended adding a general definition of plat.</li> <li>e. Arterial street: suggested to change word “throughput” to “mobility” or “access” in the definition</li> </ul>	<ul style="list-style-type: none"> <li>a. The Public Works Design Manual was defined as “design manual.” The definition was updated to include the full name of the document.</li> <li>b. Storm drainage: a definition was added for “storm drainage facility.” The definition is based on the scope of facilities described in the public works design manual.</li> <li>c. Building permit definition has been revised to match definition provided in the International Building Code</li> <li>d. A general definition of “plat” has been added. Each individual plat type is already included in the definitions.</li> <li>e. Arterial street: the definition was not revised. The current definition is the same as included in the Transportation Plan.</li> </ul>
10	<p>Conveyance plat: suggested to add a definition and process or clarification of how this type of plat could be used.</p>	<p>The option for a conveyance plat was added as an option to the minor plat process in Article VI Section 110-151. A conveyance plat would generally meet the applicability standards of this section. A definition of conveyance plat was also added.</p> <p>Conveyance plats are rarely used in North Richland Hills. Since 2004, only one conveyance plat has been processed for property on Iron Horse Boulevard.</p>
11	<p>100-Year Floodplain: 100-year flood hazard lines should not be shown on executed plat documents. It is my professional opinion that linework subject to change from natural events, upstream and downstream development, or future study should not be placed on a timeless document. I fully believe the 100-year floodplain should be considered in the preliminary development process, but on final documents, it should be removed from the face of the plat. I certainly believe drainage easements should be</p>	<p>Section 110-202 (Additional requirements for preliminary plat drawings) requires that floodplain features be shown on preliminary plats. This requirement helps determine the need and location for drainage easements and evaluate if the property is required to comply with the flood damage prevention article of the Code of Ordinances.</p> <p>Floodplain features are not required on final plats or any plat that would be recorded for public record. However, some recorded plats do include this information.</p>

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	placed where the current floodplain exists to ensure the safety of the public, but requiring the linework of an always adjusting line, such as the 100-year floodplain, should not be shown on a plat.	
12	Installation of field monuments (Section 110-273): clarify that installation of field monuments fall under supervision of registered land surveyor	<p>The text was revised to remove the reference to professional engineer to ensure the requirement was consistent with monumentation standards required by the Texas Engineering and Land Surveying Practice Acts.</p> <p>The text was also revised to remove specific requirements for the size and type of material for permanent field monuments. These requirements are subject to standard industry practices and the surveyor's professional judgment.</p>
13	Capitalization of the word 'city'	The text has been revised to capitalize the word "city" where appropriate for the context and use of the term. Generally, if the term "city" refers to the municipal government agency it is capitalized as "City." Where the term refers to a general geographic location, the lower case term is used.
14	Include electricity and other public facilities as part of general policy for subdivision regulations (Section 110-4)	The text was updated to include reference to other public facilities including electricity and other franchised utility services.
15	Platting and the development regulations that go with the platting of subdivisions will likely be applied whenever someone desires to construct buildings on their property in connection with any development, even if they're not subdividing the property. (Section 110-8)	References to 'subdivision plats' have been modified to refer to 'plat' to clarify that plats may apply to single or multiple lots and/or apply in connection to general development of property.
16	Legal review: text edits related to enforcement of chapter regulations (Section 110-43)	The text was revised based on legal review by the City Attorney's Office. The revisions include noting that the Planning and Zoning Commission may determine the applicability of the subdivision regulations in the event of a conflict with a request by a developer and noting the



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		authorization provided in the Local Government Code related refusal to making utility connections.
17	Legal review: preliminary plat scope of approval states approval is valid for one year unless a final plat is submitted. This is inconsistent with Section 245.005 Texas Local Government Code which places a minimum expiration date of two years on any permit.	Section 110-103(c) was revised to state that approval of a preliminary plat is valid for two years from date of approval.
18	Legal review: This broad language could be interpreted to exceed the rough proportionality limitations in state and federal law. Even though rough proportionality is addressed later in the ordinance, it is recommend referencing that limitation here. (Section 110-251)	The text of Section 110-251(b) was revised to reference that the oversizing of public facilities is subject to the standards contained in Article XII Adequacy of Public Facilities; Proportionality.
19	Legal review: Sewer system oversizing: is there a similar provision for water system oversizing?	This provision exists in the current regulations. In the revised document, the water and sewer oversizing provisions were combined into one section. The duplicate section for sewer oversizing was deleted.
20	Legal review comment: Improvement of adjacent and abutting existing streets and utilities must be evaluated on a case by case basis to determine what the City can require the developer to perform.	This process is outlined in the current regulations as part of adequate public facilities and rough proportionality. The process is carried forward in the updated regulations.
21	Legal review: comment regarding the starting date referenced for periodic updates to land use assumptions and capital improvements plan related to impact fees being out of date. The section references March 7, 2015.	This date is correct and was included when the impact fee section of the subdivision regulations was added in 2010. The date provides a clear starting point related to the process for updating impact fees following their adoption and was not revised.
22	Legal review: recommended clarifying text for determination of completeness to state "information, documents, or other requirements" instead of "information and documents."	This comment references the completeness determination process in Section 110-46. The text was revised as recommended.

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23	Sidewalk requirements (Section 110-261): will the owners of property within the city be allowed to pay a fee to the city to install the sidewalks?	Sidewalks are considered public improvements and subject to proportionality determination by the City Engineer. In the event construction is not feasible or practical, a payment in lieu of construction may be considered. This process is outlined in Article XII Adequacy of Public Facilities; Proportionality
24	City-developer agreements (Section 110-266): typo noted in subsection (b)	This typo has been corrected.
25	Reference to NAD83 coordinates (Section 110-203) a. There is a new low distortion datum projection that is anticipated to be released in the next few years that will replace NAD 83 and NAVD 88. (geodesy.noaa.gov/datums/newdatums) b. It may be helpful for the future to also reference to the upcoming Modernization of the National Spatial Reference System to help avoid any issues in the future	The Texas Natural Resources Code Chapter 21 Subchapter D generally recognizes the Texas Coordinate System of 1983 (NAD 83) for use in the state. In the event new or alternate coordinate systems are recognized, an amendment to the subdivision regulations would be considered.  The proposed text was not revised. However, the comment is taken under advisement for possible action in the future.
26	The P&Z Commission or NRH Staff cannot approve a zoning change. Based upon the information in the public review draft Section 110.151 through 110.153 and Section 110.171 thru 110.173, there is no process which would allow P&Z or Staff to provide final approval without the City Council providing a final approval.	The reference text was not revised. Staff could only approve a minor plat or replat if it conforms to the requirements of the subdivision regulations and zoning ordinance.  If a property requires a zoning change, or if a property is undergoing a zoning change and plat at the same time, the plat will have to be considered by the Planning and Zoning Commission. The plat could not be approved unless the zoning change was approved by City Council.
27	I'm very supportive to the proposed ordinance, the changes to minor plat and approval authority are needed however on the Preliminary Plat approval, if it's approved by P&Z Commission, the City Council hearing for approval is not necessary and it cause some confusion with people attending hearing assuming changes can be made while in	Use of the consent agenda is a meeting management policy and is not codified in any development-related ordinance.  One of the purposes of having a preliminary plat reviewed by City Council on a regular agenda is to inform City Council and the public on upcoming development projects.

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	<p>fact the council will approve it anyway, so I suggest to be in consent agenda just to inform the council.</p> <p>The same should apply to the final plat.</p>	
28	<p>Suggestion for specifying the conditions that will allow a preliminary plat to be approved, conditionally approved, or disapproved (for example)</p> <p>a) The Planning and Zoning Commission:</p> <ol style="list-style-type: none"> <li>1. If the Preliminary plat conforms with the zoning district regulations and the approval criteria in Section 110-104, it must be approved by P&amp;Z.</li> <li>2. PP that deviates from the zoning district regulations but satisfies the approval criteria in Section 110-104, the applicant can request a waiver which can be approved, conditionally approved, or disapproved by P&amp;Z commissions.</li> <li>3. If the waiver is disapproved by the P&amp;Z commission, the applicant can appeal the decision to the city council for their review, approval, or disapproval of the preliminary plat application in accordance with (Sec. 110-310. Appeals procedure.)</li> </ol> <p>b) The City Council:</p> <ol style="list-style-type: none"> <li>1. PP that has been approved by the P&amp;Z commission will be approved in the consent agenda.</li> <li>2. PP that was disapproved by P&amp;Z and appealed by the applicant will be reviewed in front of the city council for approval, or disapproval of the preliminary plat application in accordance with Section 110-74 (Approval authority) and with the approval criteria in Section 110- 104 (Preliminary plat approval criteria).</li> </ol>	<p>The process for requesting modifications and waivers applies to all plats, including preliminary plats. If a waiver request is associated with a preliminary plat application, that waiver request will automatically be reviewed by the City Council as part of their required consideration and action on the preliminary plat.</p> <p>The referenced Section 110-310 (Appeals procedure) is specific to proportionality determinations and does not apply to general appeals. Section 110-42 (Modifications and waivers) would apply generally to all plats and development standards.</p>

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29	Section 110-46: Paragraph (a) references “the tenth business day” and later “within forty-five (45)” days. We think it would be clearer if it was consistent with either both being “business days” or both being “days”.	<p>This comment references the determination of completeness for an application for plat approval. The text was not revised in order to maintain consistency with state law language.</p> <p>The text of the section is consistent with the requirements of Section 245.002 (Uniformity of requirements) Texas Local Government Code. This section specifies written notice of an incomplete application not later than the 10th business day and provides for expiration of the application after the 45th day the application is filed.</p>
30	Section 110-73 (f): Change “may” to “will”.	<p>This comment references the recording of a plat in the general platting procedures. The text has been revised as recommended. The sentence now reads: <i>Upon completion and acceptance of public improvements, the final plat will be filed with the county clerk.</i></p>
31	Section 110-76 (a): When does this 30-day period start?	<p>This comment references the general plat review process outlined in Section 110-76. This section requires the City to review and take action on a plat application within thirty days of the application being filed, as required by Section 219.009 Texas Local Government Code.</p> <p>The text was revised to delete a sentence that stated the thirty-day period started after the application was determined to be complete. This sentence is inconsistent with the intent of Section 219.009 Local Government Code.</p>
32	Section 110-232(k): Cul-de-sac length: We certainly understand the intent here, but this seems to be very limiting considering the subtraction of the 116’ length of the bubble taken from 500’ leaves less than 400’ for lots on the straight portion. That would only be about 4 ½ lots in R-2. There are a lot of cul-de-sacs around town that would not have qualified.	<p>The 500-foot maximum length of a cul-de-sac was originally adopted as part of the subdivision regulations in 1994. The standard in the proposed regulations was revised to remove engineering design standards for pavement width, but the length was not proposed to change. A modification to the length of a cul-de-sac may be considered on a case-by-case basis as provided in Section 110-42 (Modifications and waivers).</p>

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		<p>Related subdivision design standards are included in the regulations. These include block depth standards, block length standards, entrance and exit locations, dead end streets, and access to thoroughfares. These standards are used in conjunction with cul-de-sac standards in subdivision design.</p> <p>The Public Works Design Manual also includes standards for cul-de-sac design and construction.</p>
33	Request that language be added under Article IV. Preliminary Plat stating that when a preliminary plat is approved it is filed with the City only and is not a plat recorded in the County Clerk's office.	<p>The text in Section 110-103 (Review and decision) for preliminary plats was revised to include the following: <i>Upon approval of the preliminary plat, the plat will be filed in City records. Preliminary plats are not recorded with the county.</i></p>

**From:** Nikole Barton  
**Sent:** Wednesday, April 3, 2024 4:34 PM  
**To:** Planning  
**Subject:** RE: Draft NRH Subdivision Ordinance - Public Review & Comment

Good afternoon,  
I have reviewed the redlined version.

In addition to my previous comments sent in on 3/25/2024, I have one additional comment to request that language be added under Article IV. Preliminary Plat stating that when a preliminary plat is approved it is filed with the City only and is not a plat recorded in the County Clerk's office.

I appreciate the opportunity to provide input and your consideration of my comment(s).

Respectfully,  
Nikole Barton  
Chief Financial Officer  
*Barton Surveying & Laser Scanning, LLC.*  
[2333 Minnis Drive, Suite G](#)  
[Haltom City, TX 76117](#)  
(Office) 682.841.0099



**Barton Surveying & Laser Scanning**

2333 Minnis Drive, Suite G

Haltom City, TX 76117

Phone: 682.841.0099

March 25, 2024

To: City of North Richland Hills Planning & Zoning

Re: Draft Subdivision Ordinance 2024

To whom it may concern:

I reviewed the drafted subdivision ordinance and have the following comments.

1. Under Sec. 110-6. Definitions.

Arterial street. A major road serving as the primary route between key destinations within the city and adjacent cities. Arterial streets primary function of **throughput** rather than access.

The word throughput is a bit ambiguous. I suggest changing this word to mobility or thoroughfare.

2. After reviewing the definitions section, I did not see a definition for Conveyance plat. Will a Conveyance Plat be allowed?

3. Under Sec. 110-261. Sidewalk requirements.

Will the owner(s) of property within the city be allowed to pay a fee for the city to install in the sidewalk?

4. Under Sec. 110-266. City-Developer agreements

(b) **20n projects** not requiring a City-Developer Agreement, the final plat approval authorizes the developer to proceed with construction of the water, sewer, street drainage, and traffic facilities required by the engineering plans, provided that such plans have been approved by the City Engineer. All construction must be in accordance with the applicable sections of this chapter. The developer may choose their own contractor subject to the contractor executing the necessary bonds with the city and payment of the inspection fees required for each portion of the public facilities.

What are "20n" projects?





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### 5. Under Sec. 110-273. Installation of permanent field monuments

- (a) Generally. The developer must place permanent reference monuments in the subdivision as required herein and under the direction of a registered land surveyor or professional engineer. All such monuments must be set flush with or below the ground and planted in such a manner that they will not be generally disturbed.

Remove "or professional engineer".

According to the citations below, a professional engineer cannot perform land surveying services.

### § 1001.003. PRACTICE OF ENGINEERING. (a) In this section:

(1) "Design coordination" includes the review and coordination of technical submissions prepared by others, including the work of other professionals working with or under the direction of an engineer with professional regard for the ability of each professional involved in a multidisciplinary effort.

(2) "Engineering survey" includes any survey activity required to support the sound conception, planning, design, construction, maintenance, or operation of an engineered project. The term does not include the surveying of real property or other activity regulated under Chapter 1071.

## CHAPTER 1071. LAND SURVEYORS

### § 1071.002. DEFINITIONS

(6) "Professional surveying" means the practice of land, boundary, or property surveying or other similar professional practices. The term includes:

(A) performing any service or work the adequate performance of which involves applying special knowledge of the principles of geodesy, mathematics, related applied and physical sciences, and relevant laws to the measurement or location of sites, points, lines, angles, elevations, natural features, and existing man-made works in the air, on the earth's surface, within underground workings, and on the beds of bodies of water to determine areas and volumes for:

- (i) locating real property boundaries;
- (ii) platting and laying out land and subdivisions of land; or
- (iii) preparing and perpetuating maps, record plats, field note records, easements, and real property descriptions that represent those surveys; and





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(B) consulting, investigating, evaluating, analyzing, planning, providing an expert surveying opinion or testimony, acquiring survey data, preparing technical reports, and mapping to the extent those acts are performed in connection with acts described by this subdivision.

Thank you for the opportunity to provide input and your consideration of my comments.

Respectfully,

A handwritten signature in blue ink that reads 'Nikole Barton'.

Nikole Barton

Chief Financial Officer

Barton Surveying & Laser Scanning, LLC.

Office: 682.841.0099

Email: [nikole@bsls-tx.com](mailto:nikole@bsls-tx.com)

**From:** Edward Khalil  
**Sent:** Tuesday, April 2, 2024 3:39 PM  
**To:** Clayton Comstock  
**Cc:** Planning  
**Subject:** RE: Draft NRH Subdivision Ordinance - Public Review & Comment

Hi Clayton,

I'm very supportive to the proposed ordinance, the changes to minor plat and approval authority are needed however on the Preliminary Plat approval, if it's approved by P&Z Commission, the City Council hearing for approval is not necessary and it cause some confusion with people attending hearing assuming changes can be made while in fact the council will approve it anyway, so I suggest to be in consent agenda just to inform the council.

The same should apply to the final plat.

Thanks

*Edward Khalil, R.P.L.S.  
ANA Consultants L.L.C.  
5000 Thompson Terrace  
Colleyville, TX 76034  
817-900-3055 Direct  
817-825-8928 Cell  
817-335-9900 Ext. 114*

**From:** [REDACTED]  
**Sent:** Friday, March 29, 2024 2:57 PM  
**To:** Planning  
**Cc:** Clayton Comstock  
**Subject:** Subdivision draft

Good Afternoon,

Thank you for allowing me the opportunity to share my thoughts on the proposed subdivision ordinance changes.

As a land surveyor, I have nearly three decades of experience working and preparing plats in DFW, including many in the City of North Richland Hills. I value working in NRH, as I also called it my home for 18 years. I am very familiar with the desire to build and live there.

As demands for new residences and businesses rise, I believe it's important to maintain a high level of care and scrutiny when it comes to land development. That said, the development process should be efficient and timely. Developers don't like delays, and residents don't like dirty job sites sitting with no activity.

After reviewing the proposed changes, I'd like to offer my support for the new draft of the Ordinance. Allowing certain plats to be approved without the necessity of a public hearing will make it easier on everyone involved, and with the City having the option to require a public hearing, if needed, assures that the citizens' best interest is in mind.

Again, thank you for the opportunity to voice my thoughts on this.

Jason Rawlings  
President, Miller Surveying, Inc.  
817-796-9714

**From:** Clayton Comstock  
**Sent:** Tuesday, April 9, 2024 9:18 AM  
**To:** Osama Nashed  
**Cc:** Clayton Husband  
**Subject:** RE: Draft NRH Subdivision Ordinance - Public Review & Comment  
**Attachments:** [Public Questions & Comments.pdf](#)

Good morning, Osama –

Thank you for your input. We shared your comments and incorporated them into the presentations to the Planning & Zoning Commission on April 4 and City Council on April 8.

The process for requesting modifications and waivers applies to all plats, including preliminary plats. If a waiver request is associated with a preliminary plat application, that waiver request will automatically be reviewed by the City Council as part of their required consideration and action on the preliminary plat.

The referenced Section 110-310 (Appeals procedure) is specific to proportionality determinations and does not apply to general appeals. Section 110-42 (Modifications and waivers) would apply generally to all plats and development standards.

The proposed ordinance is a significant change in what City Council will see moving forward. One of the purposes of having a preliminary plat reviewed by City Council on a regular agenda is to inform City Council and the public on upcoming development projects. Since it is preliminary plat, I do not believe that sending it to City Council will have a significant impact on the timing of development design and construction, since engineering plans could continue being created by the project engineer as the plat moves through the process.

Use of the consent agenda is a meeting management policy and is not codified in any development-related ordinance. Again, however, the purpose of placing a preliminary plat on a regular agenda is for the public to hear about upcoming developments, while understandably not being able to provide input.

Given the status of NRH's build-out, this will not have a major impact on the development community, as we should expect far fewer preliminary plats moving forward.

Attached is the summary of public input and the revisions made as a result of that input. We will be posting this on the webpage this week, along with the final draft of the ordinance moving to the April 18 Planning & Zoning Commission public hearing and the April 22 City Council public hearing.

Thank you again for your review and input. Please let us know if you have any additional questions or recommendations.

Best,

Clayton

Clayton Comstock, AICP, CNU-A  
Managing Director of Development Services  
City of North Richland Hills  
(817)427-6301

**From:** Osama Nashed [REDACTED]  
**Sent:** Tuesday, April 2, 2024 12:23 PM  
**To:** Clayton Comstock [REDACTED]  
**Subject:** RE: Draft NRH Subdivision Ordinance - Public Review & Comment

Clayton,

Here are my suggestions:

Sec. 110-103.

Current language:

#### ARTICLE IV. PRELIMINARY PLAT

Sec. 110-103. Review and decision.

(a) The Planning and Zoning Commission must approve, conditionally approve, or disapprove the preliminary plat application in accordance with Section 110-74 (Approval authority) and with the approval criteria in Section 110-104 (Preliminary plat approval criteria).

(b) The City Council must approve, conditionally approve, or disapprove the preliminary plat application in accordance with Section 110-74 (Approval authority) and with the approval criteria in Section 110- 104 (Preliminary plat approval criteria)

I suggest specifying the conditions that will allow a PP to be approved, Conditionally approved, or disapproved (For Example)

a) The Planning and Zoning Commission:

1. If the Preliminary plat conforms with the zoning district regulations and the approval criteria in Section 110-104, it must be approved by P&Z.
2. PP that deviates from the zoning district regulations but satisfies the approval criteria in Section 110-104, the applicant can request a waiver which can be approved, conditionally approved, or disapproved by P&Z commissions.
3. If the waiver is disapproved by the P&Z commission, the applicant can appeal the decision to the city council for their review, approval, or disapproval of the preliminary plat application in accordance with (Sec. 110-310. Appeals procedure.)

b) The City Council:

1. PP that has been approved by the P&Z commission will be approved in the consent agenda.
2. PP that was disapproved by P&Z and appealed by the applicant will be reviewed in front of the city council for approval, or disapproval of the preliminary plat application in accordance with Section 110-74 (Approval authority) and with the approval criteria in Section 110- 104 (Preliminary plat approval criteria).

I hope that helps.

Thanks

Best regards,

***Osama F. Nashed, P.E.***

*Senior Associate*

***A.N.A. Consultants. L.L.C.***

*5000 Thompson Terrace*

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**From:** john reeser  
**Sent:** Friday, March 29, 2024 12:07 PM  
**To:** Clayton Comstock  
**Cc:** Planning  
**Subject:** FW: Draft NRH Subdivision Ordinance - Public Review & Comment

Clayton,

Thank you for the opportunity to review the Draft for the NRH Subdivision Ordinance. After reading the documents, we only have a few comments that relate to our experiences in the past with other cities.

1. Sec. 110-201. Requirements for all plat drawings, subparagraph (a).

The requirements of subparagraph (a) are helpful when an entire subdivision is being developed. However, our experience has been that requiring all property lines, easements, and names of all owners of different properties within 100 feet of the plat in all directions can be quite a burden for an applicant trying to plat only a single lot.

2. Sec. 110-264. Off-site drainage, subparagraphs (a) & (b).

Concerning the requirement for the developer to be responsible for all runoff for fully developed property that is upstream, we have encountered very complex issues when the new development property line is on the border between two different municipalities, and the previous development from another city upstream is draining into the city of the new development. If proportionality is not thoughtfully considered and addressed, certain areas of land may remain undeveloped for long periods of time because of undue hardship that must be borne by the developer.

Thanks again for giving us the opportunity to review.

John Reeser  
TMA-CHA Architects  
[814 Pennsylvania Ave.](#)  
[Fort Worth, Texas 76104](#)  
817-737-0404

**From:** desilu44d [REDACTED]  
**Sent:** Monday, March 25, 2024 4:40 PM  
**To:** Planning  
**Subject:** 2024 Subdivision Ordinance Public Review Draft - Comment  
**Attachments:** [TBPELS Act and Rules.pdf](#)

Good afternoon,

I have a couple of technical comments on the 2024 Subdivision Ordinance Public Review Draft

1. Section 110-273 – Installation of permanent field monuments
  - a. Monumentation of a boundary falls under the direct super vision of a Registered Professional Survey only. Professional Engineer language should be removed from this item and only note ".....under the direction of a Registered Professional Land Surveyor."
    1. See Chapter 138 Texas Board of Professional Engineers and Land Surveys Act and Rules (attached) – Compliance and Professionalism for surveyors Subchapter B 138.87 - Monumentation
2. Sec. 110-203 (a) & (b) – reference to NAD 83
  - a. There is a new low distortion datum projection that is anticipated to be released in the next few years that will replace NAD 83 and NAVD 88 - <https://geodesy.noaa.gov/datums/newdatums/index.shtml>
  - b. It may be helpful for the future to also reference to the upcoming Modernization of the National Spatial Reference System to help avoid any issues in the future

Thank you,

Desiree Skinner  
NRH Resident



**From:** Eric Spooner

**Sent:** Thursday, August 3, 2023 7:56 AM

**To:** Clayton Comstock

**Cc:** Planning

**Subject:** Re: 9AM WEDNESDAY 8/2: NRH Subdivision Regulation Town Hall

Clayton, than you again for the opportunity for our input.

Here is my wish list that, unfortunately, I did not get to voice efficiently in yesterday's meeting. I am more than willing to discuss each of these items further, should you wish.

**Planning Portal:** It would increase efficiencies if NRH were to adopt an electronic portal to handle planning submittals, payments, correspondence, etc. It would be most efficient if all professionals associated with the project (Engineers, Architects, Surveyors, Developers, Planning Consultants, etc.) had access to the same case and could make submittals, payments, and collaborate with common access to the case. All submittals would be electronic until final signatures are required.

**30-Day Shot Clock Option:** NRH should provide an option to use the 30-day shot clock or not. The way around this is to not treat the submittal as a "Plat" but rather as a plan submittal. In the City of Fort Worth, they call plat submittals that are still in the planning stage as "Horizontal Control Plans." This allows all professionals to work through the planning of the final plat, thus reducing the need to get everything ironed out in 30 days. Those who want a fast-tracked process can opt-in to the 30-day law and those who are planning a much more complex project, such as a multifamily or high-volume residential project, can opt to proceed as detailed above.

**100-Year Floodplain:** 100-year flood hazard lines should not be shown on executed plat documents. It is my professional opinion that linework subject to change from natural events, upstream and downstream development, or future study should not be placed on a timeless document. I fully believe the 100-year floodplain should be considered in the preliminary development process, but on final documents, it should be removed from the face of the plat. I certainly believe drainage easements should be placed where the current floodplain exists to ensure the safety of the public, but requiring the linework of an always adjusting line, such as the 100-year floodplain, should not be shown on a plat.

**Building Setbacks:** Building setbacks should be controlled by zoning ordinance rather than a timeless document such as a plat. This provides the citizens and their elected officials the ability to control setbacks through elections and ordinances rather than on a case-by-case basis of platting. Finally, conflicting platted setbacks and current zoning ordinance create issues at the title company when property changes hands.

**Conveyance Plat:** This is a simple way of allowing landowners to legally sell a portion of a platted lot without the requirement of plan review and provides the City an opportunity to be a part of the transaction. Conveyance Plats would only occur if public infrastructure improvements such as water, storm, or sewer are not required, and the existing property being sold is already a platted lot. This also allows the newly sold-off property to be further developed without the need to involve the seller in a more complex replat process. Of course, final plats would then be required for further development of the newly created conveyance lots without burdening the seller with the replat process.

As always, I appreciate you and this opportunity and let me know if you would like to dive deeper into each of these opinions.

Thank you

**Eric Spooner RPLS**

**President**



309 Byers Street, #100

Euless, Texas 76039-3670

C:817-312-4405

**From:** Clayton Comstock  
**Sent:** Tuesday, March 26, 2024 11:41 AM  
**To:** gary chambers [REDACTED]  
**Cc:** Planning [REDACTED]  
**Subject:** RE: Chapter 110 Subdivisions Clarification

Good morning, Mr. Chambers –

Thank you for the email and the conversation yesterday. We will include your below email as part of the public input record on the proposed Subdivision Ordinance revisions.

Zoning changes require public hearings, like the ones you participated in regarding ZC23-0089 for the proposed rezoning from RE-1 to RE-2. That public hearing process for zoning changes is governed by Chapter 211 of the Texas Local Government Code and Chapter 118 of the NRH Code of Ordinances.

**Staff is not seeking amendments to Chapter 118 (zoning) nor the public hearing process for zoning changes.**

Like building permits, **the approval of plats is a ministerial function of a municipality and do not require public hearings.** Plat approvals are governed by Chapter 212 of the Texas Local Government Code and Chapter 110 of the NRH Code of Ordinances (“Subdivision Regulations”). Chapter 110 (subdivisions) stands separate and apart from Chapter 118 (zoning). Staff is only seeking approval to amend Chapter 110 (subdivisions).

To your point, staff cannot approve a zoning change—neither currently nor as a result of the proposed revisions to the Subdivision Ordinance. What is being requested is the delegation of plat approval authority to NRH staff for some smaller plat applications that fully comply with the *existing* zoning of a property and the subdivision regulations and do not include public infrastructure improvements such as streets and utilities. If the property is not zoned to support the proposed plat, the property owner would have to go through the public hearing process to first rezone the property prior to platting the property.

Under the proposed ordinance, the Planning & Zoning Commission would still consider all plats greater than 4 lots and all plats that include public infrastructure. Those types of plats do not require public hearings today and will not require public hearings in the future. In some cases, plats may still be sent to City Council for their consideration. The proposed ordinance is following the direction given by Chapter 212 of the Texas Local Government Code (the State) and the standard procedures of most other North Texas municipalities by delegating plat approval authority to either staff or the Planning & Zoning Commission.

Since plat approval is a ministerial action, requiring a small plat of 4 lots or fewer to go through the extra 30-45 days of Planning & Zoning Commission and City Council meetings is onerous on property owners and our community receives many complaints over this onerous process.

This change is proposed also because Proposition “I” passed 78.8% by the voters in the May 2023, which amended the City Charter to allow the delegation of plat approval authority as prescribed by state law and the subdivision ordinance. This proposed revision to the Subdivision Regulations is a follow-up to that May 2023 City Charter election approved by the voters of North Richland Hills.

Please let me know if you have any additional questions.

Thank you and take care,

Clayton



CLAYTON COMSTOCK, AICP, CNU-A  
Director of Planning & Inspections

Main 817-427-6300  
Direct 817-427-6301  
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[Customer Satisfaction Survey](#)

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**From:** gary chambers [REDACTED]  
**Sent:** Monday, March 25, 2024 10:04 PM  
**To:** Planning [REDACTED]  
**Subject:** Chapter 110 Subdivisions Clarification

Mr. Comstock,

Thank you for taking my call today. I wanted to send this email as a follow up and confirmation of our conversation in regards to the new discussion of; and pending approval process of the Code of Ordinances Chapter 110 Subdivisions.

As you are aware, we have just completed the public hearing and subsequent City Council meeting for Public Hearing Notice Case: ZC23-0089. During both of these meetings, both bodies voted this measure down by a majority vote after comments of the residents that live in the immediate area surrounding the lot in question.

I wanted to ask and make sure that I am clear as to the approving authority in a case such as ZC23-0089.

Per our phone call, the P&Z Commission or NRH Staff cannot approve a zoning change like this past case ZC23-0089 or one similar to it that involves the zoning change of R-1S. Based upon the information in the public review draft Article VI; Section 110.151 through 110.153 and Article VI (Maybe should be VII?) Section 110.171 thru 110.173 there is no process which would allow P&Z or Staff to provide final approval without the City Council providing a final approval.

If you have a question about this email, please feel free to reach me at 817-726-1730 or by email.

Gary Chambers  
6817 Little Ranch Road  
North Richland Hills

**From:**  
**Sent:** Monday, March 25, 2024 12:39 PM  
**To:** Clayton Comstock  
**Cc:** Planning  
**Subject:** RE: Draft NRH Subdivision Ordinance - Public Review & Comment

Clayton,

Thanks for reaching out and asking for our input. I have skimmed the update and have no issues or comments with the new ordinance. Thank you.

Keith Hamilton, P.E.  
Hamilton Duffy, P.C.  
E.S. & C.M., Inc.  
[8241 Mid-Cities Blvd., #100](#)  
[North Richland Hills, TX 76182](#)  
817-268-0408  
214-802-1131 (cell)

**From:** Clayton Comstock  
**Sent:** Tuesday, April 2, 2024 8:05 PM  
**To:** Clayton Husband  
**Subject:** Fwd: Draft NRH Subdivision Ordinance - Public Review & Comment

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**From:** [REDACTED]  
**Sent:** Tuesday, April 2, 2024 2:50:12 PM  
**To:** Clayton Comstock [REDACTED]  
**Cc:** Mark Howe [REDACTED]  
**Subject:** RE: Draft NRH Subdivision Ordinance - Public Review & Comment

Clayton, you have put a lot of work into this update of the Subdivision Regulations. Mark and I think it is much clearer. Just a few comments/questions:

1. Sec. 110-46: Paragraph (a) references "the tenth business day" and later "within forty-five (45)" days. We think it would be clearer if it was consistent with either both being "business days" or both being "days".
2. Sec. 110-73 (f): Change "may" to "will".
3. Sec. 110-76 (a): When exactly does this 30-day period start?
4. Sec. 110-232(k): Cul-de-sac length: We certainly understand the intent here, but this seems to be very limiting considering the subtraction of the 116' length of the bubble taken from 500' leaves less than 400' for lots on the straight portion. That would only be about 4 ½ lots in R-2. There are a lot of cul-de-sacs around town that would not have qualified.
5. Sec. 110-232(n)(3&4): Flag Lots: The limitations here seem to be for the purpose of saying "no flag lots allowed". #3 says the pole portion connecting to the existing street has to be 50' wide which is the full lot width of many lots around town (35' wide would be better). #4 says that same pole portion can be no more than 100' in length. This is shorter than most lot depths and would not even reach the back portion of the lot and the flag portion of the lot to be created if it is behind other existing lots?

Just a few thoughts. Thanks again for all your hard work on this rewrite! Mark

Mark S. Wood  
Howe/Wood & Company  
6617 Precinct Line Rd., Ste. 200  
North Richland Hills, TX 76182  
[REDACTED]  
817-994-6409 (cell)

**From:** Randy Hutcheson [REDACTED]  
**Sent:** Saturday, March 30, 2024 8:51 AM  
**To:** Clayton Comstock [REDACTED]  
**Subject:** Subdivision Regulation Revisions

Hey Clayton!

I was reviewing the revised subdivisions regulations and wanted to share some observations. No need to respond....just sharing my thoughts...

- Is it possible to add links...which y'all may be doing anyway...to the ordinance when references are made to other requirements that are not located in this section of the ordinance? E.g., fees, applications, references within the ordinance, state law, comp plan, public works design manual, etc.
- If a preliminary plat meets all requirements....why would it need a public hearing?...understanding this may be a control issue by council...which is common.
  - With that said, staff would still have the authority to schedule a public hearing for a plat if they believed it was necessary to hold a public hearing. Right?
- Under definitions, would it make sense to add – or any definitions commonly used by the City of NRH in the administration of development”? This would give you more flexibility. A city attorney question...of course.
- Would it make sense to allow staff the authority to approve common waiver request that are requested? Maybe it could be broken into minor and major request with minor falling to staff?
  - An example would be block length. This could happen next to a rail line where the developer may not be permitted to make a crossing. Another could be an interstate. So maybe there is a way to add limited authority for staff for common items where a waiver is needed.

By the way...the ordinance looks great.

**Randy Hutcheson**  
/sidē/ PARTNERS, LLC