

Memorandum

To: Honorable Mayor Edward Lopez and Members of the Richland Hills City Council
From: Kay Duffy
Date: August 13, 2018
Subject: PUD 2018-0573 – Potential Planned Development at 7059 Midway Road

City Council Action

Public hearing and consideration of an ordinance is designating planned development zoning for the property at 7059 Midway Road.

Background Information

Chris Baker has applied for a zoning change to reassign a piece of vacant land at the far west end of Burns Street. The property, of approximately 9 acres of developable land, is made up of 3 parcels collectively addressed as 7059 Midway road and currently zoned Mixed Use (MX). He would like to build several buildings for new development. He already has a tenant lined up for the first building which promises to be a good fit with our city and a good source of sales tax revenue. The tenant would like to occupy the unit during the 1st quarter of 2019. He is requesting a change to planned development zoning in order to make some modifications to the development regulations and to specify some business types that are not currently allowed in our zoning ordinance.

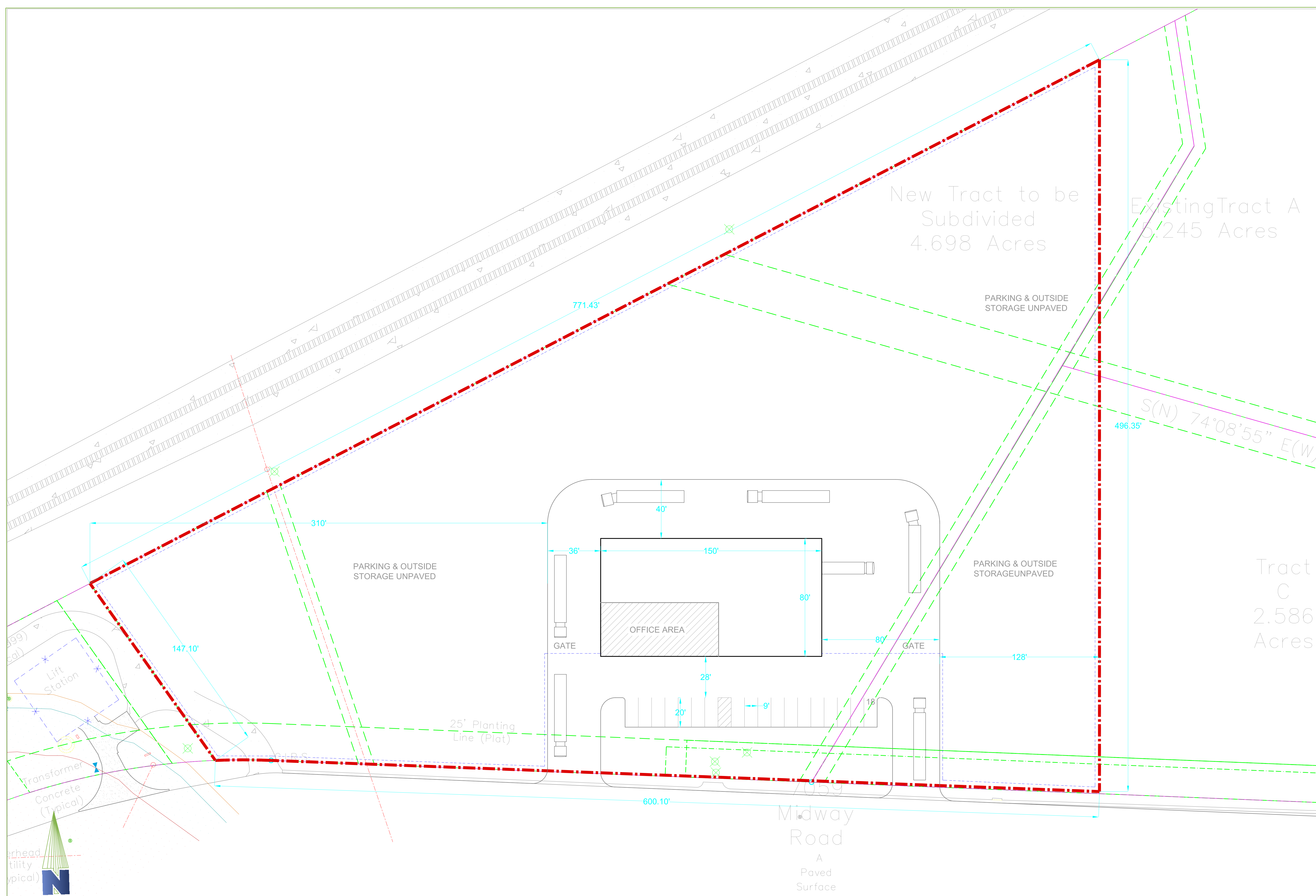
P&Z recommends the Planned Development with the following modifications (which have been incorporated into the draft ordinance):

- Masonry requirements should not be eliminated, but can be relaxed to match the wainscoting requirements recently agreed to for the property at 2500 Austin.
- Landscape screens should be outside the fences along both Burns and Midway Roads.
- Unpaved surfaces should be removed from the list of allowed driveway and parking materials.

P&Z also specifically asked that results of a drainage study be added to the site plan prior to permitting to assure that the site will not be draining onto either Burns or Midway.

Staff Contacts: Kay Duffy, Development Manager, kduffy@richlandhills.com

Attachments: Map
Site Plan
Planned Development Statement
Draft Ordinance



NOTE: LAND AREA CALCULATIONS AND DIMENSIONS ARE APPROXIMATE

BAKER MONROE PLLC
FUTURE INDUSTRIAL DEVELOPMENT
MIDWAY ROAD | RICHLAND HILLS | TEXAS

main phone: 817.632.6366 construction phone: 682.774-1986
This site plan is preliminary in nature and subject to change. It is subject to governmental codes, tenant mix, and civil engineering requirements as will be dictated by the governing city or municipality.



E.L. Baker, Jr., Ltd.

1612 Summit Avenue, Suite 100
Fort Worth, Texas 76102
(817) 632-6306

Planned Development Design Statement

PUD 2018-0119 will be a zoning amendment for the property at 7059 Midway Road, legally known as Tract A, B and C, Richland Industrial Park Subdivision, in the City of Richland Hills, according to the plat recorded in Volume 388-Two, Page 119, Deed Records of Tarrant County, Texas. The PD will be known as the Midway Rd. Tract A, B and C Planned Unit Development.

The applicant for this PUD is E.L. Baker, Jr., Ltd. which owns and operate numerous properties along Handley Ederville Rd., Burns Street, Belton Street and Midway Road.

Description of PD concept

The current property is proposed to be subdivided into a warehouse district comprising three lots. There is a continued need for warehouse space with outside storage for businesses. The lots are planned to have 5,000 s.f. – 15,000 s.f. buildings with independent driveways, parking, fenced storage, and utilities. This will entice neighboring businesses to relocate to the city of Richland Hills. Construction is scheduled to commence immediately on the western most lot for the relocation of a business presently located in a nearby city with the remaining buildings to follow in subsequent phases as cash flow and market demands dictate.

Base Zoning District and Modifications

Current zoning of the property is Mixed Use and the proposed PUD will use an Industrial zoning classification as its base. The proposed modifications to the zoning requirements are:

- Eliminate masonry requirements and allow metal buildings. Currently RH ordinances require commercial buildings in all zoning districts to be 60% masonry.
- Add fencing options. Allow chain link and barbed wire fencing to provide additional security for outside storage. Screening only required on fencing facing Midway Rd.
- Add permitted building uses. All permitted (P) uses provided in the most recently adopted Land Use Table for any Nonresidential District would be allowed, except:
 - a) Mini-warehouse/Self-Storage;
 - b) Portable building sales; &

- c) Recycling plant
- Relax Parking Surface Regulations. Accessory driveways and parking will be allowed to be constructed of unpaved surfaces, crushed asphalt, compacted gravel, asphalt, concrete or other material.
 - Enlarge accessory structure specifications. Waive the 15 foot height restriction and the 5 foot setback requirement from the property line.
 - Loosen landscaping requirements. Require 15% landscaping of the front yard square footage -- not the entire property. Limit number of required trees to zero per lot.
 - Modify refuse requirements. Dumpsters that can be viewed from the street can be screened with similar materials as that of the building structure.
 - Modify setbacks as follows:
 - Front Yard Setback: The front yard setback for buildings and/or structures may be zero (0) feet from the right-of-way line.
 - Side Yard Setback: The side yard setbacks for buildings and/or structures may be zero (0) feet from the property line or abutting right-of-way line.
 - Rear Yard Setback: The rear yard setback for buildings and/or structures may be zero (0) feet from the property line.
 - Parking Setback: The parking lot setback may be zero (0) feet from all right-of-way and property lines.

The businesses adjoining the property are to the south are zoned (I) industrial. The property to the east at 7100 Burns are owned by the applicant or affiliated entities. There are no buildings to the north or to the west. To the north is a railroad and Highway 121. To the west is Midway Rd. and Big Fossil Creek.

Physical Characteristics of the Property

The subject property is an approximately 12 acre parcel, with about 9 acres of developable property due to the lift station on the western portion of the subject property. The subject property is currently a grass field with sufficient fall and slope for drainage and development.

ORDINANCE NO. 1361-18

AN ORDINANCE AMENDING CHAPTER 90 OF THE CITY CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS, BY CHANGING THE ZONING OF CERTAIN PROPERTIES, SPECIFICALLY BLOCKS A, B, AND C OF THE RICHLAND INDUSTRIAL PARK ADDITION IN THE CITY OF RICHLAND HILLS, TARRANT COUNTY, TEXAS, CURRENTLY ZONED AS MX(MIXED USE), TO PD (PLANNED DEVELOPMENT) TO ALLOW FOR ADDITIONAL USES AND DESIGN REQUIREMENTS; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has adopted a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential or other purposes, and providing for a method to amend said ordinance and map for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

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

WHEREAS, a public hearing was held by the Planning and Zoning Commission on July, 24, 2018, and thereafter by the City Council on August 13, 2018, with respect to the proposed use changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with the comprehensive zoning ordinance and chapter 211 of the Local Government Code; and

WHEREAS, the City Council of the City does hereby deem it advisable and in the public interest to amend Chapter 90 of the City Code, as amended, as described herein; and

WHEREAS, the proposed change is consistent with the City's comprehensive land use plan.

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

**SECTION 1
PROPERTY RE-ZONED**

THAT, Chapter 90, as amended, is hereby amended by rezoning the property located at 7059 Midway Road, Richland Hills, Texas, being more fully described as Lot A, B, and C, of the Richland Industrial Park, an addition to the City of Richland Hills, Tarrant County, Texas, according to the plat thereof recorded in Volume 388-48 Page 82, Plat Records, Tarrant County, Texas, from MX (Mixed Use) to PD (Planned Development), with uses permitted as set forth in Section 4 of this Ordinance.

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

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

**SECTION 3
DIRECTION TO AMEND THE OFFICIAL ZONING MAP**

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

**SECTION 4
PROPERTY SUBJECT TO ZONING ORDINANCE**

The use of the properties hereinabove described shall be subject to all the applicable regulations set forth in the PD Site Plan attached hereto as Exhibit "A". In addition, the Planned Development created herein shall be specifically subject to the regulations applicable to the Industrial zoning district except in the following respects:

1. Allow metal buildings and relax masonry requirements to a minimum of three foot wainscoting of Class 1 masonry on public facing sides of all buildings.
2. Chain link fencing is allowed with a minimum fence height of 6 feet if barbed wire will be placed atop the fence. Landscaping screening is required for fences fronting Midway and Burns Roads.

3. All Permitted (P) uses, according to the most current adopted Land Use chart for any nonresidential district are hereby permitted with the following exceptions: mini-warehouse/self-storage, portable building sales and recycling plant.
4. Accessory driveways and parking will be allowed to be constructed of crushed asphalt, compacted gravel, asphalt, concrete or other material.
5. The 15 foot height restriction and 5 foot setback requirement for accessory structures is eliminated.
6. Landscaping requirements will be 15% of the front yard square footage (not the entire property). No trees will be required.
7. Dumpsters that can be viewed can be constructed of similar materials as that of the building structure.

This Planned Development may be modified as set forth in Section 6.07.04 of the Comprehensive Zoning Ordinance. The Planned Development must further comply with all other applicable and pertinent ordinances of the City of Richland Hills, Texas.

SECTION 5 ORDINANCE CUMULATIVE

This Ordinance shall be cumulative of all other ordinances of the City of Richland Hills affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 6 PENALTY

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

SECTION 7 RESERVATION OF RIGHTS AND REMEDIES FOR ACCRUED VIOLATIONS

All rights or remedies of the City are expressly saved as to any and all violations of Chapter 90, as amended, or any other ordinance affecting zoning and land use that have accrued at the time of the effective date of this Ordinance and as to such accrued violations and all pending litigation, both

civil and criminal, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

**SECTION 8
SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 9
PUBLICATION**

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

SECTION 10
EFFECTIVE DATE

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

PASSED AND APPROVED ON THIS 13th DAY OF AUGUST, 2018.

THE HONORABLE MAYOR EDWARD LOPEZ

ATTEST:

CATHY BOURG, CITY SECRETARY

EFFECTIVE DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BETSY ELAM, CITY ATTORNEY