Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council

From: Scott Mitchell

Date: April 28, 2014

Subject: Z10-14 7410 Blvd. 26 (Blvd 26 Business & Storage Center)

Council Action Requested:

Hold public hearing and consider a request to amend the Planned Unit Development District Development Plan of Lots 9, 10 and 11, Block 2, of the Willman Addition to allow a mini-warehouse facility within the PUD. The property, zoned Planned Unit Development District (PUD), is located at 7410 Blvd. 26 and Willman Avenue.

Background Information:

The City has received a request to modify the PUD to incorporate Lot 11 into the PUD and to add self-storage as an allowable use on both Lots 10 and 11.

Board/Citizen Input:

April 14, 2014 Planning-Zoning Commission Motion denied by a vote 3-2

Staff has received no calls from the public on this issue and there were no citizen's comments during the public hearing on the item.

Financial Impact: N/A

Staff Contacts:

Scott Mitchell - Director of Neighborhood Services
smitchell@richlandhills.com

Karla Wright – Planning/Community Development Tech.
kwright@richlandhills.com

Attachments: Planning-Zoning Packet April 14, 2014

CITY OF RICHLAND HILLS, TEXAS

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

ACTION AGENDA
PLANNING & ZONING COMMISSION
MEETING AGENDA
CITY HALL, 3200 DIANA DRIVE
APRIL 14, 2014
6:30 P.M.

1. **CALL TO ORDER**

2. **ROLL CALL AND DETERMINATION OF A QUORUM**

3. **APPROVAL OF THE MARCH 10, 2014 MEETING MINUTES**

   Approved 5-0

4. **PUBLIC HEARING**

   A. **Z10-14: 7410 BLVD 26. – Public hearing to discuss and consider making a recommendation to the City Council to amend the Planned Unit Development District Development Plan of Lots 9, 10 and 11, Block 2, of the William Addition to allow a mini-warehouse facility within the PUD. The property is zoned Planned Unit Development District (PUD), and is located at 7410 Blvd. 26 and William Ave.**

   Denied 3-2. This item will be forward to City Council for consideration at the May 6, 2014 regular meeting.

5. **PUBLIC COMMENTS: In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the city staff and Commission members are prevented from discussion of the subject and may respond only with statements of factual information or existing city policy. Public comment will not be taken on items that the Commission has previously considered in a public hearing.)**

6. **EXECUTIVE SESSION: Pursuant to section 551.071 of the Texas Government Code (a/k/a the Texas Open Meetings Act), the commissioners may meet in executive session at any time to receive advice from the City Attorney on any posted agenda item or on a matter in which the duty of the attorney to the Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act.**

7. **SET THE DATE AND TIME OF THE NEXT COMMISSION MEETING**

8. **ADJOURN**

Posted this _____day of _____, 2014 at _____p.m.

Signed _____
(City Secretary)

This facility is wheelchair accessible. If you plan to attend this public meeting and you have a disability that requires special arrangements at the meeting, please notify the City 48 hours in advance of the meeting so that reasonable accommodations can be made. For sign interpretive services, please call 72 hours in advance.

P.Z

CITY OF RICHLAND HILLS, TEXAS

3200 DIANA DRIVE RICHLAND HILLS, TX 76118 Z10-14 Case

PLANNING AND COMMUNITY DEVELOPMENT

Zoning Amendment Application

☐ Zoning - Use Change ☒ PUD Amendment ☐ Zoning - Text Change

Property Owner Information

Name DMD 26 Financing, LLC

Address 1011 North Lamar Blvd., Austin 78703

Contact Number 512-481-0303 Contact E-mail blake@blakemageeco.com

I, the undersigned owner or authorized agent of the following described real property, located in the City of Richland Hills, Texas, hereby make application for a request for a zoning amendment.

Signature [signature] Vice President Date March 13, 2014

Applicant/Tenant Information

Name Rhett Dollins

Address 1512 Bray Central Drive Suite 100 McKinney, TX 75069

Number 214-544-8880 E-mail RDollins@pogueengineering.com

Legal Description (Platted Property Only)

Tract(s) Lot (s) Lots 1011, W.W. Wallace Survey Ab #1606, Survey(s) Block(s) Block 2

of Willman Addition to the City of Richland Hills.

Street Address (If One Has Been Assigned)

4151 Willman Ave, Richland Hills, TX 76180

(Street Address) (Zip Code)

Prior to acceptance and placement on an agenda all supporting documentation and the $100.00 non-refundable application fee must be received. Filing the application and paying the fee does not guarantee Planning and Zoning Commission or City Council approval.

CITY OF RICHLAND HILLS, TEXAS

3200 DIANA DRIVE · RICHLAND HILLS, TX 76118
PLANNING AND COMMUNITY DEVELOPMENT

Property Information

Area (Acres / Square Feet)	Front Yard Width (Feet)	Rear Yard Width (Feet)	Side Yard Widths (Feet)
0.554± / 24,110	159	65	255 (south) / 244 (north)

Zoning

Existing Zoning District	Proposed Zoning District
PUD 1117-08	PUD w/ revisions described below

Proposed Use/Amendment

Provide a detailed explanation of the proposed amendment. If you need additional space you may submit a separate document on company letterhead signed by the owner or agent.

The request is to modify Zoning ordinance 1117-08 to allow self-storage use on Lots 10 & 11.

5

CITY OF RICHLAND HILLS, TEXAS

3200 DIANA DRIVE · RICHLAND HILLS, TX 76118
PLANNING AND COMMUNITY DEVELOPMENT

Land Planner/Engineer's Information	
Name	Rhett Dollins, P.E.
Company Name	Pogue Engineering & Development Company, Inc.
Title	Project Manager
Company Address	1512 Bray Central Dr. Ste 100, McKinney, TX 75069
Company Phone	214-544-8880
Company Fax Number	214-544-8882
E-mail Address	RDollins@Pogueengineering.com

Land Planner/Engineer's Information	
Name	
Company Name	
Title	
Company Address	
Company Phone	
Company Fax Number	
E-mail Address	

CITY OF RICHLAND HILLS, TEXAS

3200 DIANA DRIVE · RICHLAND HILLS, TX 76118
PLANNING AND COMMUNITY DEVELOPMENT

Submittal Checklist	
	Completed Application – Signed by the property owner and the applicant.
	Application Fee
	Statement of Operation – *A detailed statement on company letterhead signed by the responsible party that fully describes and explains the operation of the business. The statement should provide clear understanding of how the business operates.*
	Legal Description – *Surveyed metes and bounds description of the property.*
	Site/Concept Plan – *professionally produced document that depicts the property boundaries of the parcel, all easements and right-of-ways, all improvements to be located on the site (e.g.: buildings, parking lots, etc.) to scale.*
	Floor Plan – *professionally produced document that depicts the layout of the building with the proposed uses of each space identified.*
	Site Data Table – *table that calls out the street address, zoning, proposed use, required parking, parking provided, setbacks (e.g.: front, rear, side), building area, and site area.*
Additional items may be requested as part of the staff review process.	

~ Do not write below this line ~

Received	Jan 20, 2014 – 2nd March 13, 2014
Receipt Number	#81244 L. Cozart
Received by	10-14 Cecil

POGUE
ENGINEERING & DEVELOPMENT COMPANY, INC.

December 17, 2013
PI No: 1566-13-052

Ms. Karla Wright
CITY OF RICHLAND HILLS
3200 Diana Drive
Richland Hills, TX 76118

Re: Boulevard 26 Storage
Lots 10 & 11, Block 2, Willman Addition
Richland Hills, Texas

Dear Ms. Wright:

Please let this letter serve as evidence of our intent to request a zoning change for the above referenced lots.

The lots are currently owned by DMD 26 Financing, LLC, which operates a self-storage facility and office facilities on Lot 9, Block 2, immediately adjacent on the north side of Lot 10, Block 2. The existing zoning for Lots 9 and 10 is PUD 1117-08. It is my client's desire to modify this PUD to incorporate Lot 11 into the PUD, and to add self-storage as an allowable use on both Lots 10 and 11.

The proposed scope of the project is to modify the zoning to allow the desired uses, then demolish the existing buildings on Lots 10 and 11. Once the demolition is complete, new self-storage facilities will be constructed on Lots 10 and 11. Public and private utility infrastructure and fire lanes will be installed as part of this project.

The self-storage facilities being proposed are to be a mix of variously sized units; ranging from 5'x5' to 10'x30'. The impact to the surrounding area should be minimal, as the operation will be very similar in nature to the self-storage facility which already operates next door on Lot 9.

Please add our request to the next available Planning & Zoning commission meeting. If you have any questions or need additional information, please contact me at your convenience.

Sincerely,

Rhett Dollins, PE, PTOE

RND/tbd
1566-13-052/Zoning LOI.doc

POGUE
ENGINEERING & DEVELOPMENT COMPANY, INC.

December 17, 2013
PI No: 1566-13-052

Ms. Karla Wright
CITY OF RICHLAND HILLS
3200 Diana Drive
Richland Hills, TX 76118

Re: Boulevard 26 Storage
Lots 10 & 11, Block 2, Willman Addition
Richland Hills, Texas

Dear Ms. Wright:

Transmitted herewith, via US Mail delivery, please find enclosed the following items for your review:

No.	*Date*	*Description*
1 ea	12-17-2013	Zoning Amendment Application
1 ea	12-17-2013	Application Fee ($100.00, Check No. 1984)
1 ea	12-17-2013	Statement of Operation
1 ea	12-17-2013	Zoning Exhibit with legal description of property
1 ea	12-17-2013	Proposed Site Plan (depicting proposed floor plans and site summary data table)

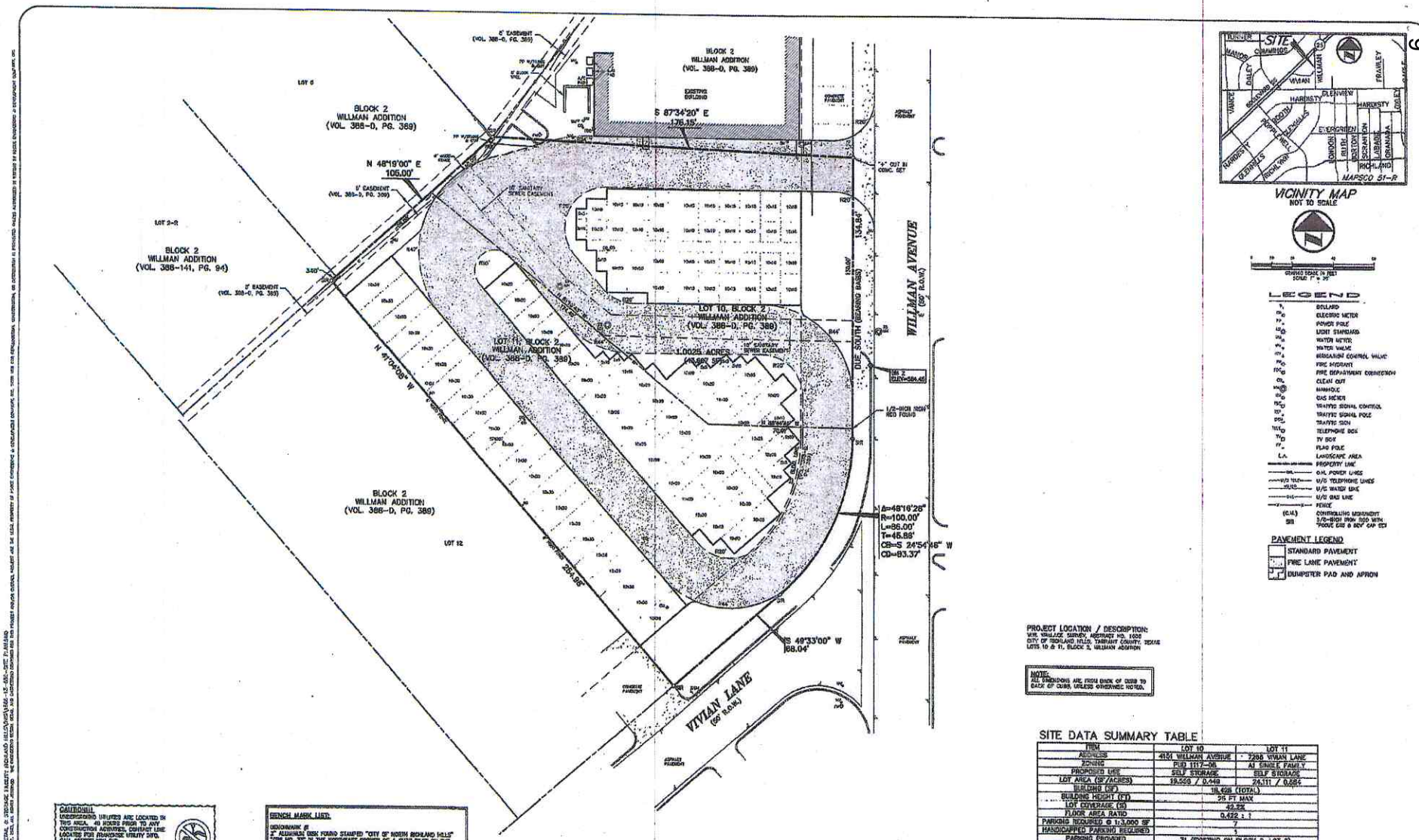
If the enclosures are not as noted above please contact this office immediately.

If you have any questions regarding the above items, or need any additional information, please call me at your convenience.

Sincerely,

Rhett N. Dollins, PE, PTOE

RND/dbd
1566-13-052/2013-12-17 LoT.doc



VICINITY MAP
NOT TO SCALE

DRAWING SCALE IN FEET
SCALE: 1" = 30'

LEGEND

	BOLLARD
	ELECTRIC METER
	POWER POLE
	LIGHT STANDARD
	WATER METER
	WATER VALVE
	BACKFLOW CONTROL VALVE
	FIRE HYDRANT
	FIRE DEPARTMENT CONNECTION
	CLEAN OUT
	MANHOLE
	GAS METER
	TRAFFIC SIGNAL CONTROL
	TRAFFIC SIGNAL POLE
	TRAFFIC SIGN
	TELEPHONE BOX
	TV BOX
	FLAG POLE
L.A.	LANDSCAPE AREA
	PROPERTY LINE
	O/H. POWER LINES
	U/G TELEPHONE LINES
	U/G WATER LINE
	U/G GAS LINE
	FENCE
(C.M.)	CONTROLLING MONUMENT
SIR	5/8-INCH IRON ROD WITH "POGUE ESE & SDV" CAP SET

PAVEMENT LEGEND

- STANDARD PAVEMENT
- FIRE LANE PAVEMENT
- DUMPSTER PAD AND APRON

PROJECT LOCATION / DESCRIPTION:
W.W. WALLACE SURVEY, ABSTRACT NO. 1606
CITY OF RICHLAND HILLS, TARRANT COUNTY, TEXAS
LOTS 10 & 11, BLOCK 2, WILLMAN ADDITION

NOTE:
ALL DIMENSIONS ARE FROM BACK OF CURB TO BACK OF CURB, UNLESS OTHERWISE NOTED.

SITE DATA SUMMARY TABLE

ITEM	LOT 10	LOT 11
ADDRESS	4101 WILLMAN AVENUE	7288 VIVIAN LANE
ZONING	PUD 1117-05	AI SINGLE FAMILY
PROPOSED USE	SELF STORAGE	SELF STORAGE
LOT AREA (SF/ACRES)	19,569 / 0.449	24,111 / 0.554
BUILDING (SF)	18,405 (TOTAL)	
BUILDING HEIGHT (FT)	25 FT MAX	
LOT COVERAGE (%)	42.2%	
FLOOR AREA RATIO	0.422 : 1	
PARKING REQUIRED @ 1:3,000 SF	7	
HANDICAPPED PARKING REQUIRED	1	
PARKING PROVIDED	31 (EXISTING ON BLOCK 2, LOT 9)	
HANDICAPPED PARKING PROVIDED	2 (EXISTING ON BLOCK 2, LOT 9)	
SETBACKS	25' FRONT; NONE SIDE; NONE REAR	

CAUTION!!!
UNDERGROUND UTILITIES ARE LOCATED IN THIS AREA. 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, CONTACT LINE LOCATER FOR FRANCHISE UTILITY INFO. CALL BEFORE YOU DIG.
TEXAS EXCAVATION SAFETY SYSTEM (TESS)
1-800-344-8377
TEXAS ONE CALL SYSTEMS
1-888-imarks
LONE STAR NOTIFICATION CENTER
1-800-669-8344 EXT. 5
BEFORE YOU DIG...

BENCH MARK LIST:
BENCHMARK #1
3" ALUMINUM DISK FOUND STAMPED "CITY OF NORTH RICHLAND HILLS" "STA NO. 33" IN THE NORTHEAST CORNER OF A RUSS PAET ON THE EAST SIDE OF ROAD TO THE MALL, 650' NORTHWEST OF THE INTERSECTION OF ROAD TO THE MALL AND GRAPEVINE HIGHWAY.
ELEVATION = 576.30
BENCHMARK #2
SQUARE CUT SET ON TOP OF CURB ON WEST SIDE OF WILLMAN AVENUE 575' SOUTH OF THE SOUTHEAST RIGHT-OF-WAY LINE OF BOULEVARD 26
ELEVATION = 564.48

NO.	DATE	REVISION / DESCRIPTION			
		DESIGN	DRAWN	DATE	PI NUMBER
		RHD	RHD	01-20-2014	1966-13-052

OWNER
DMD 26 FINANCING, LLC
1011 N LAMAR BLVD
AUSTIN, TEXAS 78703

DEVELOPER
DM 26 FINANCING, LLC
1011 N LAMAR BLVD
AUSTIN, TX 78703

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF BRETT ROLLINS, P.E. 109729 ON 3-12-2014. IT IS NOT TO BE USED FOR CONSTRUCTION OR BIDDING PURPOSES.

PRELIMINARY
THIS PLAN IS FOR CITY REVIEW ONLY
NOT TO BE USED FOR CONSTRUCTION OR BIDDING PURPOSES
Engineer: BRETT ROLLINS, P.E.
P.E. No.: 109729
Date: 03-12-2014
POGUE

POGUE
ENGINEERING & DEVELOPMENT COMPANY, INC.
1512 GRAY CENTRAL DRIVE
SUITE 150
MURPHY, TEXAS 75020
(214) 544-2600 PHONE
(214) 544-2662 FAX

SITE PLAN
BLVD 26 STORAGE
LOTS 10 & 11, BLOCK 2, WILLMAN ADDITION
W. W. WALLACE SURVEY, ABSTRACT NO. 1606
CITY OF RICHLAND HILLS, TEXAS

SHEET NO. C1.01

DRG No. 1966-13-052-SITE PLAN.DWG

9
May 6, 2014
3G - 9

ORDINANCE NO. 1059-06

AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS, AMENDING THE CITY'S COMPREHENSIVE ZONING ORDINANCE BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE CITY OF RICHLAND HILLS, TEXAS, BEING APPROXIMATELY 1.71 ACRES ENCOMPASSING LOTS 7, 8, 9, AND 10, BLOCK 2, WILLMAN ADDITION, AND BEING MORE FULLY AND COMPLETELY DESCRIBED IN EXHIBIT "A" FROM "C-2" GENERAL COMMERCIAL ZONING DISTRICT TO A PUD PLANNED UNIT DEVELOPMENT ZONING DISTRICT IN ACCORDANCE WITH THE SITE PLAN ATTACHED AS EXHIBIT "B" AND WITH OPEN PARKING; 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 SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING A PENALTY FOR VOILATIONS HEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills, Texas 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;

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, for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, the City has previously enacted a comprehensive zoning ordinance which is codified as Chapter 90 of the Richland Hills City Code in order to regulate zoning as authorized by Chapter 211 of the Texas Local Government Code; and

WHEREAS, the above property is currently subject to a zoning classification of "C-2" General Commercial District under the City's comprehensive zoning ordinance; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Richland Hills and by the City Council of the City of Richland Hills, to determine an appropriate permanent zoning classification for said property; 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 Chapter 211 of the Local Government Code; and

WHEREAS, the City of Richland Hills, Texas does hereby deem it advisable and in the public interest to amend the City's comprehensive zoning ordinance, as amended, as described herein.

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

SECTION 1.

Chapter 90 of the Richland Hills City Code, the City's comprehensive zoning ordinance, as amended, is hereby amended so that the permitted uses in the hereinafter described area shall be altered, changed and amended as shown and described below:

Approximately 1.71 acres, being comprised of the property commonly known as 7410 Boulevard 26, 4151 Willman Avenue, and 5159 Willman Avenue, all in the City of Richland Hills, the legal description of which is Lots 7, 8, 9, and 10, Block 2, of the Willman Addition to the City of Richland Hills, Tarrant County, Texas, and more particularly described on Exhibit "A" attached hereto and incorporated herein for all purposes of this ordinance, is hereby rezoned from "C-2" General Commercial District to a "PUD" Planned Unit Development District with "C-2" General Commercial District retail uses as depicted on the approved Site Plan and building elevations, attached hereto and incorporated herein as Exhibit "B", and subject to the following specific conditions:

1. All signage, except to the extent depicted on the approved Site Plan, shall be subject to the City's sign ordinance.

2. All parking spaces on the property shall be open parking, as opposed to dedicated parking.

SECTION 2.

The zoning districts and boundaries as herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, flood and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions 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 allowed and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

SECTION 3.

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

SECTION 4.

The use of the property described above shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City of Richland Hills, Texas.

SECTION 5.

This Ordinance shall be cumulative of Chapter 90 of the Richland Hills City Code, as amended, and 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.

All rights or remedies of the City of Richland Hills, Texas are expressly saved as to any and all violations of Chapter 90 of the Richland Hills City Code or of any amendments thereto 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 7.

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 8.

The City Secretary of the City of Richland Hills is directed to publish the caption, penalty clause, publication clause, and effective date of this Ordinance to the extent required by law.

SECTION 9.

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 Ordinances shall be fined no 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.

SECTION 11.

This ordinance shall be in full force and effect from and after its passage and it is so ordained.

PASSED AND APPROVED this 10th day of January 2006.

CITY OF RICHLAND HILLS, TEXAS

David L. Ragan, Mayor

ATTEST:

KIM SUTTER, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

TIM G. SRALLA, CITY ATTORNEY

RICHLAND HILLS ORDINANCE NO. 1117-08

AN ORDINANCE AMENDING CHAPTER 90 OF THE CITY CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS, BY AMENDING THE REGULATIONS GOVERNING THE BOULEVARD 26 BUSINESS & STORAGE CENTER PLANNED UNIT DEVELOPMENT CREATED IN ORDINANCE NO. 1059-06 TO PERMIT ADDITIONAL USES AND PROVIDED OTHER REGULATIONS REGARDING PARKING, DESIGN, SITE PLAN, AND DEVELOPMENT CRITERIA; RE-ZONING CERTAIN PROPERTY, SPECIFICALLY, LOT 11, BLOCK 2 OF THE WILLMAN ADDITION TO THE CITY OF RICHLAND HILLS, TARRANT COUNTY, TEXAS, CURRENTLY ZONED AS C-2 GENERAL COMMERCIAL, TO ADD IT TO THE PUD PLANNED UNIT DEVELOPMENT REFERENCED ABOVE, PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; APPROVING SIGNAGE FOR SUCH PROJECT; 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, the City has previously enacted Ordinance No. 1059-06 creating the Boulevard 26 Business & Storage Center Planned Unit Development; and

WHEREAS, the owner of the Boulevard 26 Business & Storage Center Planned Unit Development has requested expansion of the boundaries of the Planned Unit Development and has requested amendment of the regulations governing such Planned Unit Development; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City on May 21, 2007, and by the City Council of the City on May 22, 2007, 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.
DEVELOPMENT PLAN REGULATIONS AMENDED

The regulations governing the Boulevard 26 Business & Storage Center Planned Unit Development created in Ordinance No. 1059-06 (hereinafter referred to as "the Boulevard 26 PUD"), a copy of which is attached hereto and incorporated herein as Exhibit A, are hereby amended as follows:

1. The revised site plan for the Boulevard 26 PUD, attached hereto and incorporated herein as Exhibit B, including the elevations shown thereon, is hereby adopted as part of the regulations governing the as part of the amended PUD.

2. The permitted land uses on Lots 7, 8, and 9, as identified on the Site Plan for the Boulevard 26 PUD, attached hereto and incorporated herein as Exhibit B, are the following, and no others:

   The following uses as defined in Section 90-4 and listed in Section 90-201 under "PROFESSIONAL USES":

   Bank, Savings and Loan Association, Financial Institutions
   Offices, Business
   Offices Professional
   Office, Real Estate Development Tract or Field Office

   and the following uses as defined in Section 90-4 and listed in Section 90-201 under "COMMERCIAL, RETAIL, AND SERVICE USES":

   Ambulance Service
   Animal Grooming
   Antique Shop
   Apparel, Alteration or Tailor
   Appliance Repair, Household
   Art Gallery

Art Supply Store
Bakery or Retail Confectionery
Bakery or Wholesale Candy
Beauty, Barber or other Professional Shop
Ceramic Products without Kiln
Clothing Store
Collectibles Shop
Contractor, no outside storage
Convenience Store, with or without Fuel Sales
Copy Shop
Cosmetic Tattoo Establishment
Day Care Center, Adult
Day Care Center, Child
Department Store
Factory Outlet, Retail or Wholesale Store
Floor Covering Shop
Florist Shop/Gift Shop
Funeral Home/Mortuary
Furniture or Appliance Store
Furrier Shop
Greenhouse or Plant Nursery
Grocery Store
Hardware Store
Health club/Recreation Facility
Hobby Shop
Hobby Studio, Private
Laundry, Dry Cleaning Pickup and Receiving Station
Laundry, Dry Cleaning Full-Service
Laundry, Dry Cleaning Self-Service
Leather and Luggage Store
Lithography or Print Shop
Locksmith Shop
Meat Market
Music Store
New Machinery Sales and Repair (Heavy)
Office Machine Sales and Service
Office Supply Store
Paint and Wallpaper Store
Pet Shop
Pharmacy
Photo Service Pickup
Photographic Equipment Sales and Service
Picture Framing Shop

Radio, Television Studio
Rental Store
Restaurant
Restaurant with Alcohol
Second-Hand Retail Store
Shoe Repair
Sign Sales, Painted or Silkscreened
Studio
Sporting Goods Store
Ticket Agency
Tobacco Shop
Travel Bureau or Consultation
Video/Game Rental Store
Watch and/or Jewelry Repair
Window Covering Store

3. The only permitted land uses on Lots 10 and 11, as identified on the Site Plan for the Boulevard 26 PUD, attached hereto and incorporated herein as Exhibit B (also being the southernmost parking lot) are the following, and no others:

Truck Leasing and Rental
Recreational Vehicle Storage (Commercial)

4. The owner shall build and maintain in good condition a 6 foot high fence composed of engineered masonry panels with brick columns on the east and southwest sides of the southernmost parking lot, identified as Lots 10 and 11 of the Boulevard 26 PUD, as shown on the Site Plan for the Boulevard 26 PUD, attached hereto and incorporated herein as Exhibit B. Additionally, if the land use on Lots 5 and 6 (the lot adjacent to the existing chain link fence shown on the site plan on the northwest side of Lots 10 and 11 of the Boulevard 26 PUD (being the southernmost parking lot) changes in the future from its current Auto Paint and Body use, the owner of the Boulevard 26 PUD shall then within sixty (60) days construct a matching fence composed of engineered masonry panels with brick columns in place of the chain link fence.

5. Lots 10 and 11, as identified on the Site Plan for the Boulevard 26 PUD, attached hereto and incorporated herein as Exhibit B (also being the southernmost parking lot) shall be a closed access area with two electric wrought iron gates providing access. Overnight truck parking shall be allowed in the six (6) most southern parking spaces on the east side, to permit nighttime truck rental returns, but any trucks must be moved inside the gated area by 9:00 a.m.

6. All signage, except to the extent depicted on the approved Site Plan, shall be subject to the City's sign ordinance.

7. All parking spaces on the property, except that located within the gated area described above, shall be open parking, as opposed to parking dedicated to any particular building, area, or tenant.

8. In all respects not addressed in this section, the regulations of the C-2 General Commercial zoning district shall apply.

9. To the extent that the attached Development Plan differs from the regulations applicable to the C-2 zoning district, the Development Plan shall control.

The Development Plan described above and the site plan attached hereto as Exhibit B are hereby incorporated into this amending ordinance, and shall be referenced on the zoning district map, and such Development Plan constitutes part of the City's comprehensive Zoning Ordinance, Chapter 90 of the City Code, and governs use of the properties referenced above, as provided in Section 90-241 of the City Code.

SECTION 1.
PROPERTY RE-ZONED

Chapter 90, as amended, is hereby amended so that the zoning of the hereinafter described areas shall be altered, changed and amended as shown and described below:

Property Address:	7265 Vivian Lane, Richland Hills, Texas
Legal Description:	Lot 11, Block 2, Willman Addition to the City of Richland Hills
Zoning Change:	From C-2 General Commercial to the PUD Planned Unit Development referenced above

Chapter 90 of the Richland Hills City Code, the City's comprehensive zoning ordinance, as amended, is hereby amended so that the permitted uses in the hereinafter described area shall be altered, changed and amended as shown and described below:

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 provisions 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 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.
SIGNAGE APPROVED

Except for the monument sign shown on the northeast corner of the property, the signage portrayed in the Site Plan for the Boulevard 26 PUD, attached hereto and incorporated herein as Exhibit B, is approved in lieu of, and not in addition to, other signage that would be permitted, and to the extent a variance would be required to permit such signage, such variance is hereby approved.

SECTION 5.
ORDINANCE CUMULATIVE

This Ordinance shall be cumulative of Ordinance No. 500, as amended, and 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 is hereby directed to publish in the official newspaper of the City the caption, penalty clause, publication clause, and effective date clause of this ordinance twice as authorized by Section 52.013 of the Local Government Code.

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 THE 12 DAY OF August, 2008.

David L. Ragan 8/20/08
THE HONORABLE DAVID L. RAGAN, MAYOR

ATTEST:

Linda Cantu
LINDA CANTU, CITY SECRETARY

EFFECTIVE: August 12, 2008

CITY OF RICHLAND HILLS, TEXAS

APPROVED AS TO FORM AND LEGALITY:

TIM G. SRALLA, CITY ATTORNEY

ROGER L. DUCK, INC.
SELF STORAGE DEVELOPMENT
P.O. Box 27857
Austin, Texas 78755
Mo 512-496-9440
Fx 512-407-8716
e-mail rlduck@austin.rr.com

Development Schedule
26 Storage and Business Center PUD

Scheduled Closing Date of Property:	February 2006
Construction Plans:	January – March 2006
Permit:	March- April 2006
Bidding:	April – May 2006
Utility relocation:	April – June 2006
Start Construction Phase I:	June 2006
Complete Construction Phase I:	February 2007
Start Construction Phase II:	September 2007
Complete Construction Phase II:	February 2008

Existing retail center would stay operational during entire construction process as no structural changes to retail center are anticipated other than construction of sloped metal roof over existing structure with new parapet over existing store front.

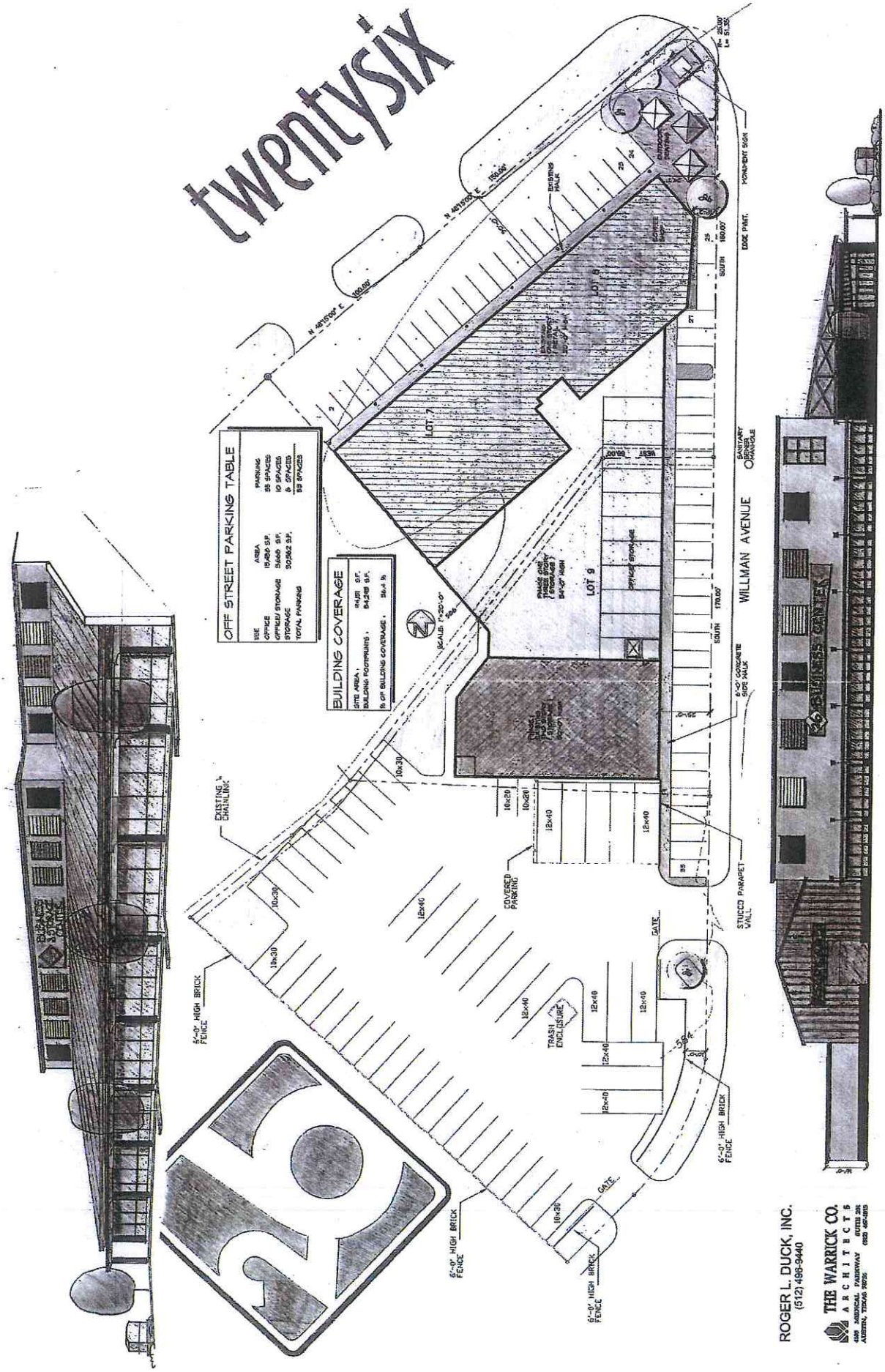
Sincerely,

Roger Duck

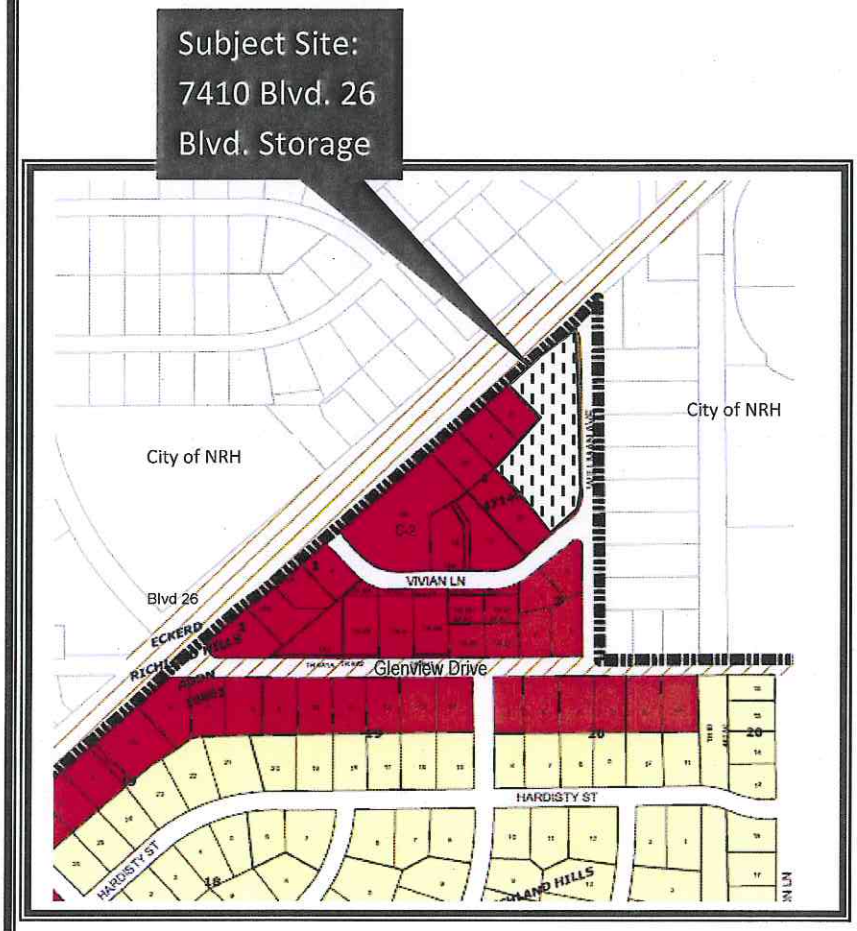
Roger Duck, President
Roger L. Duck, Inc.

Tarrant Appraisal District

This tax map was compiled solely for the use of Tarrant Appraisal District who assumes no responsibility for the content or accuracy other than the use intended.


twentysix
OFF STREET PARKING TABLE
BUILDING COVERAGE
LOT 7
LOT 8
LOT 9
WILLMAN AVENUE
EXISTING CHAINLINK
COVERED PARKING
TRASH ENCLOSURE
GATE
6'-0" HIGH BRICK FENCE
STUCCO PARAPET WALL
EDGE PVMT.
MONUMENT SIGN
SANITARY SEWER MANHOLE
ROGER L. DUCK, INC.
(512) 496-9440
THE WARRICK CO.
ARCHITECTS

VICINITY MAP



Subject Site	7410 Blvd. 26
Use	Retail and Mini-warehouse
Zoning	Planned Unit Develop (PUD)
Zoning (North)	City of North Richland Hills
Zoning (South)	General Commercial (C-2)
Zoning (East)	General Commercial (C-2)
Zoning (West)	General Commercial (C-2)
Meeting	April 14, 2014
Time	6:30 p.m.
Location	City Council Chambers 3200 Diana Drive Richland Hills, TX 76118

North Map not to scale

If you have any questions or comments regarding this request please contact:

Karla Wright
Planning and Community Development Tech
City of Richland Hills
(817) 616-3770
kwright@richlandhills.com

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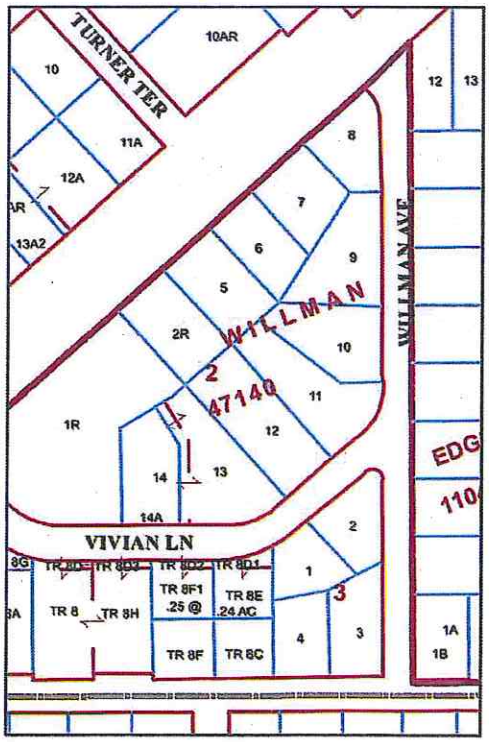
February 6, 2014

City of Richland Hills
Boulevard 26 Storage PUD Amendment Request

Background:

The applicant has requested the following changes to PUD Ordinance No. 1117-08 (originally PUD Ordinance No. 1059-06):

1) Add Lot 11 into the PUD boundary, and
2) Allow a new use, *Mini-Warehouse Facility*, on Lot 10 and Lot 11.



The first item has been resolved previously, as Ordinance No. 1117-08 amended the PUD to add Lot 11 in 2008. Note that the City's official zoning map has not been updated since this date, which likely resulted in this confusion.

The remaining issue is the permitted uses on each lot. The applicant stated that a self-storage business is currently operating on Lot 9, which is not permitted by the existing PUD; therefore, Lot 9 has been added to the applicant's request. I am unsure whether the existing operation was grandfathered from previous zoning and is operating as a legal nonconforming use, or if it was established in violation of the current zoning; City staff's records will be needed to confirm this information.

PUD Ordinance No. 1117-08 allows for the following uses:

- Lot 7, Lot 8, and Lot 9 allow for a list of uses, but it does <u>not</u> include *Mini-Warehouse Facility*, and
- Lot 10 and Lot 11 <u>only</u> allow *Truck Leasing and Rental* and *Recreational Vehicle Storage (Commercial)*.

	Lot Currently Included in PUD?	*Mini-Warehouse Facility* Currently Allowed?	*Mini-Warehouse Facility* Requested?
LOT 7	✓	x	
LOT 8	✓	x	
LOT 9	✓	x	✓
LOT 10	✓	x	✓
LOT 11	✓	x	✓

<u>The decision for the Planning & Zoning Commission and the City Council is whether to allow a *Mini-Warehouse Facility* on Lot 9, Lot 10, and Lot 11.</u>

Recommendation:

We recommend denial of this application. The City's zoning ordinance only allows for a *Mini-Warehouse Facility* to be located in the I-1 and I-2 districts. The lots in question were zoned C-2 prior to the PUD rezoning, and the neighboring lots are currently zoned C-2; therefore, we do not think it is in the City's best interest to rezone Lot 9, Lot 10, and Lot 11 to allow for the *Mini-Warehouse Facility* use.

Additionally, the City is currently investigating whether the self-storage operation on Lot 9 is a legal nonconforming use or if it is in violation of the City's zoning ordinance.

Please contact me with any questions.

Thank you,

Erica Craycraft
Freese and Nichols, Inc.
egc@freese.com