

# Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council  
From: Jason Moore, Assistant to the City Manager  
Date: July 19, 2016  
Subject: Public Hearing to Rezone property from R to PUD

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**Council Action:** Consider an Ordinance to rezone Block 2, Lots 1, 2, 4, 5, 6, & 7 of the Midway Industrial Park Addition of Richland Hills, Tarrant County to PUD zoning district.

**Background Information:** The City is initiating rezoning of this property. Due to the zoning map changes, adopted in 2014, the parcels being presented tonight were rezoned from “Light Industrial” to “Retail”. The existing buildings, which were designed and built with loading docks, limited parking and more warehouse orientations, are not marketable and useful as sole retail uses. Conformance to the current zoning regulations are not always feasible, with consideration to parking ratios required for the “Retail” zoning district, etc. Because of this *legal non-conforming* status, property owners are limited on financing and re-financing options for their existing buildings as well as meeting the requirements for certificates of occupancy. Being one of the more popular “industrial parks” in the region, the Midway Industrial Park caters to the heavy commercial uses because of the existing infrastructure available.

With that said, it is important to recall the vision of the comprehensive plan to create a retail district fronting the Hwy 121 service road, which is why it was rezoned “Retail” in 2014. Typically retail uses thrive in high traffic-count areas, which this corridor certainly has. However, without the extensive renovations of existing structures and paving areas, the practicality of this area becoming a retail corridor in the near future are unlikely; especially due to the high success of the industrial park itself. By approving this Planned Development Zoning, the area will allow both heavy commercial uses *and* retail uses, if such retail businesses choose to migrate to this corridor over time.

**Board/Citizen Input:** P&Z recommended approval 5-0.

**Financial Impact:** N/A

**Staff Contacts:** Jason Moore, Assistant to the City Manager, [jmoore@richlandhills.com](mailto:jmoore@richlandhills.com)

**Attachments:** PUD Ordinance; & P&Z Decision Letter



July 19, 2016

# CITY OF RICHLAND HILLS, TEXAS

3200 DIANA DRIVE • RICHLAND HILLS, TX 76118

PLANNING AND COMMUNITY DEVELOPMENT

## DECISION OF THE PLANNING AND ZONING COMMISSION

Re: Zoning Change – Recommendation by the Planning and Zoning Commission.

On July 11, 2016 the Richland Hills Planning and Zoning commission voted, unanimously (5-0) to approve the following request be sent to City Council for approval.

- **Planning and Zoning Commission Item – Z 01-16 Discuss and consider a recommendation to change the classification of certain property from (R) Retail to (PD) Planned Development, to allow both heavy commercial and retail uses. The property is known as Block 2, Lots 1, 2, 4, 5, 6, and 7 of the Midway Industrial Park, and Addition to the City of Richland Hills, Tarrant County, Texas, according to the Plat recorded in Volume 388-196, Page 96, Plat Records, Tarrant County, Texas.**

This decision was filed in the Board's office on July 11, 2016.

A handwritten signature in blue ink, appearing to read "Athena Campbell", written over a horizontal line.

**Athena Campbell**  
Chairman, Planning and Zoning Commission

July 11, 2016

\_\_\_\_\_  
Date

**ORDINANCE NO. \_\_\_\_\_**

**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 BLOCK 2, LOTS 1, 2, 4, 5, 6 AND 7 OF THE MIDWAY INDUSTRIAL PARK ADDITION TO THE CITY OF RICHLAND HILLS, TARRANT COUNTY, TEXAS, CURRENTLY ZONED AS R (RETAIL), TO PD (PLANNED DEVELOPMENT) TO ALLOW FOR BOTH HEAVY COMMERCIAL AND RETALI USES; 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 11, 2016, and thereafter by the City Council on July 18, 2016, 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 \_\_\_\_\_ [address], being more fully described as Block 2, Lots 1, 2, 4, 5, 6, and 7, Midway Industrial PK Addition, City of Richland Hills, Texas, from R (Retail) 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 both the Heavy Commercial zoning district and the Retail zoning district:

1. All Permitted (P) uses, according to the most current adopted Land Use chart for Heavy Commercial districts and Retail districts, are hereby permitted.
2. If a proposed land use is allowed by Specific Use Permit (S), according to the most current adopted Land Use chart for Heavy Commercial districts and Retail districts, then the requirements set forth by Chapter 90 of the City Code for Specific Use Permits shall remain in full effect. This Planned Development does not relieve any requirements set forth by the City Code.

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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
THE HONORABLE MAYOR BILL AGAN

ATTEST:

\_\_\_\_\_  
CATHY BOURG, CITY SECRETARY

EFFECTIVE DATE: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
BETSY ELAM, CITY ATTORNEY