

**MINUTES OF THE PLANNING & ZONING COMMISSION OF THE  
CITY OF NORTH RICHLAND HILLS, TEXAS  
AUGUST 19, 2004**

**1.  
CALL TO ORDER**

The meeting was called to order by Chairman Richard Davis at 7:00 p.m.

**2.  
ROLL CALL**

PRESENT	Chairman Vice Chair Secretary	Richard Davis Bill Schopper Ken Sapp Don Bowen Randy Shiflet Brenda Cole Scott Wood
	Ex Officio	Suzy Compton
ABSENT		NONE
CITY STAFF	Director of Planning City Planner Director of Public Works Asst. Dir. of Public Works Dir. of Neighborhood Services Assistant City Manager City Attorney Recording Secretary	Dave Green Donna Jackson Mike Curtis Lance Barton Joann Stout Bo Bass George Staples Carolyn Huggins

**3.  
PLEDGE OF ALLEGIANCE**

**4.  
CONSIDERATION OF THE MINUTES OF JUNE 17, 2004.**

**APPROVED**

**Mr. Schopper, seconded by Mr. Sapp, motioned to approve the minutes of June 17, 2004. The motion was approved 5-0-2 with Randy Shiflet and Scott Wood abstaining since they were not yet appointed to this Commission on that date.**

**5.**

**CONSIDERATION OF THE MINUTES OF JULY 1, 2004.**

**APPROVED**

**Mr. Bowen, seconded by Mr. Schopper, motioned to approve the minutes of July 1, 2004. The motion was approved 6-0-1 with Scott Wood abstaining since he was not yet appointed to this Commission on that date.**

**6.**

**CONSIDERATION OF THE MINUTES OF JULY 15, 2004 AND AUGUST 5, 2004.**

**APPROVED**

**Ms. Cole, seconded by Mr. Shiflet, motioned to approve the minutes of July 15, 2004 and August 5, 2004. The motion was approved unanimously (7-0).**

**7.**

**PZ 2004-04**

**CONTINUED PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM BH CH GA LLC FOR A ZONING CHANGE FROM "AG" AGRICULTURAL DISTRICT TO "R-2" SINGLE FAMILY RESIDENTIAL DISTRICT (LOCATED AT 9200 NOB HILL DRIVE – 2.145 ACRES).**

**APPROVED**

This zoning case and a preliminary plat were brought before the Commission on March 14. There were issues raised by adjacent neighbors and the Commission denied the plat and continued the public hearing on the zoning issue until April 15, then to May 20, and then to this evening. The developer intends to build R2 houses. The plat consists of 13 lots, 10 of which are buildable. Staff issues have been satisfied and staff recommends approval.

Mr. Sapp asked for clarification on Note #5.

Mr. Green explained that Note #5 was a request by the developer to have utilities at the front of the lots. The applicant no longer wishes to do that. The utilities will now be provided on the rear of the lot and a variance request for utilities on the front is no longer needed. Note #5 on the plat face will need to be deleted.

Chairman Davis reopened the public hearing for PZ 2004-04 and asked the applicant, Ted Brooks, to come forward.

Mr. Brooks, 1905 Central Dr., Bedford, is currently contracted to purchase and develop these lots, but he is not yet the owner. He stated that he has reworked this plan to try to incorporate the requests by P&Z, City staff and the Nob Hill neighbors. He is going to try to work with the existing topography, leaving as many of the trees as possible on the property. He stated that they have also increased the lot sizes.

Sharon Smith, 1905 Central Drive, Bedford, is a real estate attorney. She stated that she is related to the developer and she will also be involved with this project. She stated that it is her intent to live in this subdivision. She believes this is one of the best uses of this property and that it will be a high end product.

There were none others wishing to speak in favor.

Michelle Foster, 9125 Nob Hill Dr., stated that she is a member of the Woodland Oaks Homeowners Association. She stated that she has met with Ted and his sister, Sharon, as well as two other association members to go over this plan. She believes this plan is much improved over the previous plan. She believes the zoning change is putting the cart before the horse and she would like to see a continuance rather than approval this evening because Lot 18R is directly behind Lots 2, 3 and part of 4 and belongs in the Woodland Oaks Homeowners Association. She stated that Ted wants to have his own homeowners association. Her other concern is the extension of the wall off of Precinct Line at the entrance of the subdivision. It is a short wall compared to the south side and she would like to see that wall continued on to the north with the same kind of material that currently exists. She wondered if Mr. Brooks sold the development to someone else would they be tied to this plat.

Chairman Davis stated that if this plat is approved and filed then the new owner would be tied to that plat. However, the new owner could replat.

Ms. Foster asked if the Fire Department had approved this plan. Chairman Davis explained that this plan was reviewed by Public Works and the Fire Department and they have signed off on it.

Kent Davis, 6817 Nob Hill Dr., stated that this plan is not in compliance with the Comprehensive Land Use Plan. Even though Ms. Smith believes that this may be the best use of the property, Mr. Davis stated that he is glad she is a real estate attorney because there are some serious deed restriction issues with regard to Lot 18 at Woodland Oaks and the exchange of those properties and approval by the homeowners association. Mr. Davis stated that he doesn't represent them and he is not in the homeowners association. He stated that he and Mr. Barfield have their own subdivision at the end of the street. He is concerned about changing the rules in the middle of a plan. He stated that if the Comp Plan has something tagged for office and a switch in

gears takes it to residential, he is concerned about what stops that from happening again in the future. He believes the developer has done an outstanding job of addressing the concerns of his neighbors and that the P&Z Commission has shown great patience with this matter throughout the last year. As a citizen and a practicing attorney in the City, he believes the Comprehensive Land Use Plan should be followed.

The Chairman closed the public hearing.

**Mr. Sapp, seconded by Mr. Bowen, motioned to approve PZ 2004-04. The motion was approved unanimously (7-0).**

Mr. Schopper commented that different properties evolve in different ways and he would have a problem with this property not following the Comprehensive Land Use Plan if this property abutted office to the south, but it abuts residential so he isn't opposed to this change.

**8.  
PP 2004-05  
CONSIDERATION OF A REQUEST FROM BH CH GA LLC TO APPROVE THE  
PRELIMINARY PLAT OF LOTS 1-13, BLOCK 1 OF WOODLAND OAKS EAST  
ADDITION (LOCATED AT 9200 NOB HILL DRIVE – 3.248 ACRES).**

**APPROVED**

Chairman Davis explained that this plat has been reviewed by staff, Public Works and the Fire Department and that staff recommends approval.

Mr. Sapp noted that the City has abandoned some drainage easements and he wondered where the water rushing down Nob Hill Drive would go. Mr. Barton explained that the preliminary drainage plan for this development shows a flume installation which will take water from the top of the hill to the street. He explained that during the design phase, City staff will be considering exactly what happens with the water from these lots and that will be incorporated into the storm drain design. Mr. Sapp asked if that information will be received before the final plat. Mr. Barton responded that it will all be worked out before the final plat.

**Ms. Cole, seconded by Mr. Wood, motioned to approve PP 2004-05 with the correction regarding the utilities (Note #5). The motion was approved (7-0).**

Mr. Schopper commended the developer and staff for "thinking outside the box" on this as it is a difficult piece of property. He especially noted the Fire Department creativity.

For the benefit of the citizens in attendance as well as the applicant, Chairman Davis noted that this case will go before City Council on September 13, 2004.

**9.**  
**ZC 2004-05**  
**PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM J&J NRH 100**  
**FLP FOR A ZONING CHANGE FROM “C-2” COMMERCIAL DISTRICT TO “R-2”**  
**RESIDENTIAL DISTRICT (LOCATED IN THE 7900-8000 BLOCK OF NORTH**  
**TARRANT PARKWAY – 5.619 ACRES).**

**APPROVED**

Mr. Green noted that this is another rezoning and plat. The developer plans to plat the tract into 22 residential lots. A triangular-shaped area of this acreage, that has the most frontage on North Tarrant Parkway, is already zoned “R-2” Residential. The applicant wishes to take the remaining portion of the acreage from “AG” agricultural to “R-2” Residential. This tract is bounded on the west and south by the Little Bear Creek Corridor. It is designated “Retail” on the Comprehensive Plan and from staff’s perspective that designation does not relate to the adjacent street system. If that designation were to happen, this piece of land would be an island surrounded by residential. Staff agrees with the developer’s intent in this case and recommends approval of the case.

The Chairman opened the public hearing. The engineer, Mark Long, 1615 Precinct Line Road, was present representing the applicant. There was no one wishing to speak and the Chairman closed the public hearing.

**Mr. Shiflet motioned to approve ZC 2004-05, seconded by Mr. Bowen. Mr. Bowen noted that a letter was received from Mr. and Mrs. Charlie Lofink, 8120 Vinewood Dr., in favor of this request although Mr. & Mrs. Lofink would prefer the field to remain untouched. The Chairman called for the vote and the motion passed unanimously (7-0).**

**10.**  
**P 2004-03**  
**CONSIDERATION OF A REQUEST FROM J & J NRH 100 FLP TO APPROVE THE**  
**PRELIMINARY PLAT OF LOTS 1-20, BLOCK 11 FOREST GLENN WEST ADDITION**  
**PHASE III (LOCATED IN THE 7900-8000 BLOCK OF NORTH TARRANT PARKWAY**  
**– 6.919 ACRES).**

**APPROVED**

Mr. Green noted that staff has reviewed the plat and all comments have been satisfied. Staff recommends approval.

**Mr. Shiflet, seconded by Mr. Sapp, motioned to approve P 2004-03. The motion passed unanimously (7-0).**

11.

**FP 2004-02**

**CONSIDERATION OF A REQUEST FROM ARCADIA LAND PARTNERS 25, LTD. TO APPROVE THE FINAL PLAT OF HOME TOWN EAST INFRASTRUCTURE 1 ADDITION (LOCATED EAST OF THE HOME TOWN LAKES – 7.583 ACRES).**

**APPROVED**

Mr. Green explained that this plat involves street right-of-way only. The purpose of this plat is to plat the roadway system from where Bridge Street currently terminates over to Grapevine Highway and then further across to Mid Cities. Staff feels that will open up the area for development. In addition, BISD's new elementary school will be built on this site and the streets will be there to serve that development too. Public Works comments state that all staff issues have been resolved with this plat and staff recommends approval.

Mr. Shiflet noted that the applicant is present (Arcadia Land Partners 25 LTD). Chairman Bowen asked if the applicant had any questions or comments. He did not.

**Mr. Bowen, seconded by Ms. Cole, motioned to approve FP 2004-02. The motion was approved unanimously (7-0).**

Mr. Bowen commented that it's good to see this roadway development as it will open up Home Town east of the lake.

12.

**FP 2004-03**

**CONSIDERATION OF A REQUEST FROM KENT AND MARY SUE COOLEY TO APPROVE THE FINAL PLAT OF LOTS 1 & 2 BLOCK 1 COOLEY ADDITION (LOCATED IN THE 8700 BLOCK OF AMUNDSON ROAD – 0.996 ACRES).**

**APPROVED**

Mr. Green explained that a few months ago this site was rezoned and a preliminary plat was approved. This is the final plat for the property. Public Works letter states that all comments have been resolved. Staff recommends approval.

**Ms. Cole, seconded by Mr. Shiflet, motioned to approve FP 2004-03. The motion was approved unanimously (7-0).**

13.

**AP 2004-01**

**CONSIDERATION OF A REQUEST FROM DENNIS R. DENSON TO APPROVE THE AMENDED PLAT OF LOTS 2-A-R AND 2-B-R, BLOCK 1 ANTINONE ADDITION (LOCATED IN THE 7100 BLOCK OF MID-CITIES BOULEVARD – 1.096 ACRES).**

**APPROVED**

Mr. Green explained that the sole purpose of this amended plat is to correct the property owner signatures. The filed plat listed Dennis and Lisa Denson as the property owners whereas the plat should have read Presto Printing as the property owner. Mr. Green explained that nothing else on the plat has changed. If approved, this plat will be on the City Council agenda on August 23, 2004 and if approved by City Council will be quickly filed with the County.

**Mr. Wood, seconded by Mr. Bowen, motioned to approve AP 2004-01. The motion was approved unanimously (7-0).**

Mr. Bowen noted that this is an example of why the Planning & Zoning Commission should consider, as quickly as possible, some type of administrative capability so that this type of simple mistake does not have to come back before this Commission. Chairman Davis recommended a fix in the Subdivision Ordinance if that ordinance comes before this Commission for any type of review.

**14.**

**RP 2004-07**

**CONSIDERATION OF A REQUEST FROM N3 CAPITAL TO APPROVE THE FINAL PLAT OF LOTS 2-R2 & 2-r3, BLOCK 13 SNOW HEIGHTS NORTH ADDITION BEING A REPLAT OF LOT 2-R, BLOCK 13 SNOW HEIGHTS NORTH ADDITION (LOCATED IN THE 5100 BLOCK OF RUFÉ SNOW DRIVE -- .407 ACRES).**

**APPROVED**

Mr. Green explained that this site is located on the east side of Rufe Snow between Frijoles Restaurant on the south and a retail center on the north. This property is owned by Fountain of Life Church. A small lot will be developed as a primarily drive-through Starbucks facility. Public Works comments state that all plat requirements have been met but Public Works would like to have three items met in response to Starbucks construction plans. Staff recommends approval subject to Public Works comments.

Mr. Sapp asked if this is currently a paved parking lot. Mr. Green responded that it is.

Chairman Davis asked why it matters if it is Starbucks since there are no new street curb cuts on Rufe Snow. Why is a different traffic analysis needed on a private piece of property? Mr. Barton explained that traffic flow for a drive-through Starbucks was analyzed and approved, but if some other type of use became a tenant at this location,

Public Works would need to reevaluate whether or not the new tenant's traffic needs would function properly at this location.

Chairman Davis stated that none of this development is on public streets therefore he doesn't see how it matters to the City if the parking lot gets jammed up.

Mr. Barton explained that the City is concerned with access, the amount of trips coming out of the driveways in this parking lot going onto Rufe Snow. Chairman Davis wished there were more trips coming out of this parking lot instead of a church.

Mr. Curtis added that whenever any development comes in a trip generation form is required which is used to make a decision on whether or not a more complete traffic impact analysis is needed. In this case, Starbucks gave the City trip generation data on how quickly, on average, people move through the Starbucks line and staff's concern is that if something else goes in that will take more time than what can be obtained at a Starbucks-type establishment, then the issue becomes how long the cars will be waiting in line. Chairman Davis stated that it's private property and he doesn't understand why the City cares how long they wait in line as long as they are not blocking a fire lane or parking on a public street.

Mr. Curtis stated that Starbucks data shows that fire lanes won't be blocked and lines of cars won't back up onto Rufe Snow. If something else comes in and generates less traffic but it takes more time for the customers to go through the line then that could cause the same concerns – blocking the fire lanes or backing into Rufe Snow.

Chairman Davis responded that he believes it shouldn't matter if it's a Starbucks or a chicken shack if they meet the platting requirements.

Mr. Curtis commented that Public Works requires a traffic impact analysis on any plat. In this case, that requirement was met when Starbucks showed data that proved the City would not have to deal with issues of cars backing out onto Rufe Snow.

**Ms. Cole, seconded by Mr. Bowen, motioned to approve RP 2004-07 subject to Public Works comments. The motion passed 5-2 with Mr. Davis and Mr. Schopper voting against based on the Public Works requirement of a Letter of Intent.**

The Chairman called for a break at 7:56 p.m. and reconvened with a quorum at 8:00 p.m. All members were present at 8:01 p.m.

15.

TR 2004-04

**PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, BY DEFINING AND RESTRICTING THE OUTSIDE STORAGE AND**

## **USE OF RECREATIONAL VEHICLES AND REPEALING SECTION 15-26(15) OF THE CODE OF ORDINANCES.**

### **APPROVED**

Dave Green reviewed the two ordinances. He explained that in October 2003 the City Council adopted a regulation that became known as the RV Ordinance which regulated the location of recreational vehicles on residentially zoned property – where they could be parked and stored in residential neighborhoods. That ordinance, and an additional one passed by the City Council, met with opposition and in February 2004 the City Council returned those ordinances to the Planning and Zoning Commission for further study. Since February, the P&Z Commission has had public hearings once a month to consider these issues. These two ordinances are the culmination of these efforts. Ordinance A refers to changes that will be made to the Zoning Ordinance. Ordinance B refers to changes that will be made to the Code of Ordinances of the City of North Richland Hills.

Mr. Staples made a couple of distinctions. A zoning ordinance has a different impact than other types of ordinances, the most important of which is the concept of nonconforming uses. Nonconforming use is often referred to as a grandfather clause. If there is a use that was legal at the time it started, in other words, for instance, the City had ordinances in place that said recreational vehicles were allowed as long as they were parked on an improved surface, and then that ordinance is changed like what is being done in this case where the zoning ordinance is being changed, those uses that were already established may continue. That is the difference between a zoning amendment and an amendment to another ordinance, such as setbacks from the street.

Mr. Staples also explained that under the existing ordinances, a recreational vehicle cannot be used for someone to live in. That is specifically prohibited in the zoning ordinance.

The latest version of Ordinance A is entitled “Ordinance A Revision” and Mr. Green took the Commission and audience through a PowerPoint presentation of Ordinance A.

Mr. Schopper commented to the audience that Ordinance A is the zoning ordinance which means that any RV legally parked now will be legal under this ordinance. He suggested the audience save their “powder” for Ordinance B.

Mr. Sapp wondered how it would be known if an RV existed at a residence prior to the passage of this ordinance. Mr. Staples explained that a registration process will be established. Citizens can register their RV if they want to and it will be presumed that those are established. Anyone who doesn’t register can still prove they are a nonconforming use, but a registration process is normally used to establish nonconforming uses. Chairman Davis asked if there would be a cost for registration. Mr. Staples stated that it is hoped that it will be free.

Mr. Green explained Ordinance B to the Commission and audience. Mr. Staples added that Ordinance B repeals all of the ordinances that were passed last year concerning recreational vehicles.

Mr. Schopper commented that Mr. Green referred to a 50-ft. street right-of-way. He explained that if a citizen got out a tape measurer and measured the street he/she would find the street is 31 feet wide, which leaves 19-ft. left over and 9-1/2 ft. are placed on each side of the street. That property is owned by the City. The developer dedicated that 50-ft. to the City at the time of platting. That's where the utilities go and that's where the outer edge of the sidewalks are right along the edge of that 50-ft. of right-of-way. In older sections of the City, a lot of the streets were cut out by metes and bounds or by survey boundary calls, so the right-of-way may only be as wide as how wide the street is. In those cases, in older parts of the neighborhood, your property line might come right up to the street and then there is an easement that comes back from the street where utilities and sidewalks are, so depending on what part of town you live in, that property might actually be your property. This is the same argument, but different terms.

Mr. Curtis then gave a PowerPoint presentation of street widths, property lines, varying lot widths and visibility triangles.

Mr. Bowen asked if the building setback is measured from the 9-1/2 ft. or from the curb. Mr. Curtis responded that it is measured from the 9-1/2 ft. For instance, if there is a 20-ft. building setback line, then the building is 29-1/2 ft. from the curb.

Chairman Davis reviewed the rules for public testimony and then opened the public hearings for TR 2004-04 and TR 2005-05.

Bill Ernst, 5428 Roberta Dr., thanked the board for sending out copies of Ordinance A and B to citizens. He spoke in favor of Ordinance A. He stated that he has problems with Ordinance B. Most people have two car garages but only one car is kept in the garage and the rest is used as storage. In the case of families with four cars, one is going in the garage and three have to sit in the driveway. He commented that three cars are not going to fit in a driveway inside 9-1/2 ft. back from the curb which will force cars to use the street for parking. He also wanted to know if he would be required to replace his chain link fence around his backyard where his boat is parked on an improved surface. Chairman Davis answered "no" – he explained that the boat must be parked on an improved surface or behind a 6-ft. fence.

B. R. Jackson, asked for clarification of "household purposes" listed in "B" of Ordinance A. He also commented that during a recent electrical outage he would have lost everything from his refrigerator if he hadn't had the use of the RV. He stated that he lived in the RV until the electricity was restored. Mr. Bowen responded that the recent electrical outage was due to a bad storm which was an exceptional case and he believes staff would not be unreasonable during exceptional situations. Mr. Bowen stated that the intent of this ordinance is to keep someone from living in a motor home

permanently, for instance, a son or daughter who wanted to live in the RV rather than in the house. Mr. Jackson suggested that “except in the case of an emergency” should be added to the ordinance. The Commission discussed that suggestion but found it difficult to define “emergency”. Chairman Davis stated that every line could be picked apart and a hundred more “what if’s” could come up, but he believes that there has to be trust that common sense will be used when determining the intent of the ordinance.

Mr. Jackson also commented that in Ordinance B the standard for 9-1/2 ft. is listed for street intersections and driveways rather than for residential streets. Chairman Davis responded that if the standard is good for a commercial driveway it would also be good for a residential driveway.

Mr. Jackson stated that he has a 5<sup>th</sup> wheel that would extend into the 9-1/2 ft., but it would be possible to see under it from both directions. Chairman Davis stated that with the way the ordinance is currently written, nothing would be allowed in the 9-1/2 ft.

Mike Kirkwood, 7812 Owen Dr., stated that most of the people in attendance at this meeting are against this ordinance and the process seems to have moved past the point of allowing people a say in this ordinance. He stated that he doesn’t have an RV, but he is here because “what’s right is right and what’s wrong is wrong.” He stated that he has lived in North Richland Hills for 20 years and he chose not to live in a gated community or a community with a homeowners association because he doesn’t like these kinds of rules. He stated that the stopping distances in the State of Texas books are more reasonable than what was presented at this meeting. He questioned the accuracy of the “stopping” and “line of sight” information presented at this meeting. He stated that he has three children who are driving and that most driveways will not accommodate more than 2 cars in the driveway. He asked if anyone has done a survey of line of sight and how safe it will be with all of these cars parked on the street instead of in driveways. He asked the Commission members to drive down Janetta when they leave this meeting to see how difficult it is to drive down a street that has cars parked on both sides all along the street.

Mr. Kirkwood also asked if the RV ordinances were intentionally placed on the agenda as the last two items. The Chairman responded that there was no intent on the order of the agenda.

Mr. Sapp stated that current City ordinances require every residence to have parking places for at least four automobiles, two of which must be enclosed. He stated that if two cars do not fit into a garage that is a personal choice made by the people who live there.

Ms. Stout stated that Chapter 16 of the traffic ordinance states that a vehicle cannot be parked in the street longer than 24 hours.

Don Lewis, 7708 Turner, stated this his main objection to this ordinance is that he keeps his motor home in his widened driveway and a boat in the other driveway and this takes

that right away from him. He can only have one now. In addition, it was not illegal to park in the 9-1/2 ft. unless it blocked a sidewalk and he feels there have not been any accidents caused by that. He has paid taxes in this City since 1958 and he doesn't want rights taken away from him that he has had for a long time.

Mr. Bowen explained that Mr. Lewis will be able to register his motor home and boat and become a non-conforming use.

Denise Llewellyn, 7337 Timberidge, asked for an explanation of where the 9-1/2 ft. is measured. The Chairman explained that it is from the back of the curb towards the house. Ms. Llewellyn asked if height matters and she was told that it does not. She stated that her 5<sup>th</sup> wheel won't meet those standards so she will have to store it. She was told that she could put it on the rear or side if accessible. Ms. Llewellyn said that she has a 6-year old and that their vacation is to go 5<sup>th</sup> wheeling. She buys a State Park Pass for \$50 a year. RV storage will cost her \$45 to \$80 per month and those storage costs will exceed her camping budget per month which will take away from her family. Her family makes less than \$60,000 a year. Ms. Llewellyn also mentioned the loss of her son in a traffic accident on Rufe Snow last year; the pole that he hit is now less than 2-ft. from the street and she doesn't see the City doing anything about that which she considers just as much a hazard because of the speed of drivers on that road.

Maury Siskel, 4516 Cummings Dr., would like to see traffic analysis that shows how many accidents have occurred between someone backing out of a driveway and another vehicle coming down the street. He stated that measures of performance, not philosophy, are needed.

Kerry West, 7605 Woodhaven Dr., doesn't understand the logic of Ordinance B. He feels the AASHTO (American Association of State Highway and Transportation Officials) data presented by Public Works is an obscure engineering standard that no one has heard of. He stated that the ordinance's intent is to provide streets clear of obstructions but the ordinance is going to create a street full of obstructions. He can't park his pickup truck in his driveway anymore according to the ordinance but he can park it in the street. He is sure that his truck in the street will create a greater line of sight obstacle than if it were parked in his driveway. He also is concerned with someone driving into it. It seems to him that it is safer for everybody if it is in his driveway on his property. He stated that any parking space in any parking lot is going to have sight issues. If safety is a real concern that there are many other issues to address in addition to this issue. Although this Commission isn't charged with enforcement of these ordinances, Mr. West feels that the Commission must plan for enforcement since they are the ones writing the ordinance. He stated that he was surprised to find that the first 9-1/2 ft. of his yard is City property and he would like to let the City know that they need to come mow their 9-1/2 ft. and that they have a crack in their driveway.

Frank Dixon, 4204 Keeter Dr., stated that he was unhappy with the ordinances passed by City Council and he appreciates the work done by the P&Z Commission but he doesn't understand why the ordinances are needed. He would like to know if the issue is safety or beautification. He stated that earlier it was about beauty but then safety was added. He doesn't see a safety problem. He stated that the big shrubs at the end of his street are a safety problem. He doesn't own an RV. His neighbor owns an RV. When Mr. Dixon pulls out of his driveway, he knows that the neighbor's RV is there and he takes his time pulling out. Mr. Dixon stated that every street has vehicles parked more than 24 hours and he doesn't understand how that will be enforced. He also feels the fines are too high. He stated that the 9-1/2 ft. belongs to him, not the City. He would like to see the whole thing scrapped.

Wayne DeWitt, 6800 Fair Meadows Dr., has a 30-ft. motor home and a \$3,500 accessory on the side of it so he can get his wife into the motor home. She has multiple sclerosis and is unable to stand by herself. This ordinance will eliminate his possibility of having his motor home in his driveway. She cannot take him over to get the motor home if it is parked offsite. He paid \$6,500 medications last year and another \$1,500 for supplies. If the 9-1/2 ft. regulation is passed he will have to move his motor home someplace else with money he cannot afford. The only way they can travel any distance is with the motor home. They have a handicapped equipped van to drive around town. His motor home would be grandfathered under one ordinance but not under the other which he feels is absurd. He also feels the fines are absurd. He also stated that there has been a motor home parked in the street near his house for several years.

Mary Coe, 7717 Briarcliff Court, is against the ordinances but did not wish.

Patricia Christopher, 6708 Tabor, stated that she appreciates the Commission's patience. She stated that she can walk under the neck of the 5<sup>th</sup> wheel so anybody sitting in a car would be able to see. She wondered if a variance could be put into that section for that type of vehicle. She doesn't own a 5<sup>th</sup> wheel but she has company who has one. She also would like to see visitors able to stay for a month. Chairman Davis explained that a thought process was given to the amount that a visitor could stay. Seven seemed too short, 16 allows two weeks plus a weekend. There are exceptions to every point, but 16 days seemed a good compromise.

Suzette Christopher, 4800 Holiday Lane, stated that her big concern is with the 9-1/2 ft. rule. She does not wish to see that just for RV's. She would like to see that apply to every type of vehicle which would make it unenforceable. It needs to be for everybody or it needs to be revised. She presented statistics for line of sight. For a Chevrolet Avalanche, an average size person has a blind spot of 30-ft. behind them. If it is someone the size of her mother-in-law it would be 50-ft. The data is from Consumer Reports. On a smaller car like a Honda Civic, for an average size driver there is a 12-ft. blind spot. For a Chevrolet Silverado 1500, the blind spot is 22-ft. 6-inches. For a Sedona minivan, it is 18-ft. 1-inch. There are blind spots involving RV's and other vehicles and she stated that she has three pages of different vehicles and their blind

spots. She also wanted to point out that RV owners utilize one of the safest methods of parking vehicles. She stated that it is the only approved method that the United States Post Office uses -- backing into a parking spot so that they can see fully when pulling out. She stated that she is the president of the North Richland Hills citizens group and is speaking on their behalf that if the Council passes the ordinance with 9-1/2 ft. they will be standing at the door with referendum petitions because she feels that to take the 9-1/2 ft. just because you can isn't right.

Mr. Shiflet commented that when he said he didn't have the statistics he was referring to accident data from vehicles backing out of driveways.

Suzette Christopher stated that she has that data. She said that year-to-date 2004 there were 246 incidents, involved 321 children and 75 fatalities. She has data going back to 1999. She stated that this data is for the United States for accidents backing out of driveways. She stated that not one of these statistics was caused by an RV. She stated that the largest contributing factors were the larger SUV's, pickups, and minivans. She mentioned the website "kidsincars.org" for information.

Ms. Christopher stated that the data for 2003 is 571 incidents, 697 children involved (under 14 years of age), 176 fatalities.

Ms. Christopher stated that if there is a vehicle parked on the curb, the line of sight will be worse than if the vehicle is parked in the driveway. She doesn't believe the 9-1/2 ft. requirement comes in under the issue of safety. She stated that accidents with fatalities happen if the vehicle is parked within 9-1/2 ft. or not. She stated that she believes what needs to be exercised is care when pulling out of a driveway.

Mr. Wood stated that the data that is needed is whether or not these accidents, involving children, were because the driver of the vehicle backing out couldn't see because x was in the way. What is x? Is it a trailer, bushes, or a vehicle parked on the street?

Chairman Davis stated that another factor to consider is that in the data given by Public Works, the speed was at 25 and 30 mph and unfortunately most people don't drive that slow on residential streets.

Mr. Sapp asked for a copy of the data and Ms. Christopher referred him to the kidsincars website.

Bob Barrett, 5517 Susan Lee Lane, stated that if he parks his RV in his driveway and then his relatives come to visit, he will be in violation of "D" in Ordinance A. The Chairman recommended amending "D" to include at the end of the first sentence "except as allowed in Section C above". Discussion revolved around Mr. Barrett's corner lot and whether or not a problem existed for him to be at right angles to the street. The Commission stated that he did not have a problem with his front yard as defined in this ordinance. The Chairman encouraged Mr. Barrett to register his RV and

it was hoped that the registration procedures would be in place prior to the City Council meeting on September 13. Mr. Barrett also stated that he asked a former City Council person to tell him of even one incident of a parked RV causing an accident and the Council person could not give him an example. Regarding aesthetics, what's next?

Johnny Dodds, 5213 Cloyce Ct., asked if "no vehicle within 9-1/2 ft. of the curb" means that no one can park on the street. Chairman Davis stated that a vehicle can be parked on the street no more than 24 hours at a time. Mr. Dodds stated that he doesn't have an RV but his neighbor does and his neighbor brought this to his attention because the neighbor had a problem with the City passing this without the knowledge of the people.

Mr. Bowen replied that there were several public hearings with this Commission and the Council. It was not passed in secret.

Mr. Dodds felt that by the time it was passed there was nothing that the public could do about it. He said that what they did do was form an organization that removed some of the City Council people. He feels that these ordinances will force most people to move their vehicles, that the revisions won't do anything but let one or two keep their vehicles since most people's driveways are not long enough to let a camper or RV sit in it within the 9-1/2 ft. "The City has accomplished what they wanted to do anyway by getting rid of the vehicles." Mr. Dodds stated that he isn't sure he wants to retire here because of the way things are going.

Gini Parsons, 7701 Turner Dr., gave the Latin term and definition for easement. She stated that she didn't realize that the City had a 9-1/2 ft. easement in front of her house. She found that her deed expressly states that the street dedication is 50-ft. with easements for utilities and a 10-ft. building line. She is bothered by using the uniform measurement of 9-1/2 ft. for a vehicle setback from the curb since there are streets beyond the typical 31-ft. curb-to-curb so the 9-1/2 ft. easement of the property owned by the City doesn't exist. She stated that if this issue is truly safety driven the amount of setback should be applicable to all vehicles and not prejudicially applied.

Chairman Davis asked if she had a recommendation as to what that distance should be? The Chairman speculated that 95% of all lots platted in North Richland Hills have a 9-1/2 ft. parkway.

Ms. Parsons stated that the Commission and the audience are tired and she recommended that all parties sleep on the 9-1/2 ft. matter.

Mr. Wood asked Ms. Parsons if she was ok with Ordinance A. She stated that she was ok with Ordinance A. Mr. Wood commented to a previous speaker, Mr. Dodd, that a vote hasn't been taken yet and the Commission isn't trying to sneak anything by anyone, in fact that's the purpose of having everyone here.

Ms. Parsons stated that she can see tension starting to build.

Chairman Davis commented that the Commission has had a lot of testimony for a long time because it was expected of the Commission because citizens deserve that. The Commission came into this issue with their eyes and ears open. There were no preconceived notions or ideas. Chairman Davis stated that he learned more about RV's in the last six months than he ever wanted to know, but he hopes that will help him make a better decision as a Commissioner as a recommendation is made to Council.

Herb Parsons, 7701 Turner Dr., stated that he is the vice president of the North Richland Hills citizens group and that overall they have been pleased with the way this has run. They like the open format and give and take. His fear is that six months of hard work is about to be thrown away. When this issue began it was about aesthetics and property values. He stated that when a ruckus was raised then it turned to safety issues and the perception was that was an excuse because no data was presented until the last meeting, which Mr. Parsons was unable to attend, where a drawing came up with the 9-1/2 ft. As a group that has been grabbed a hold of and become an issue. One side says it's going to be kept and the other side says oh no your not and that's the issue that is going to tear this whole thing up. The drawing showed a line of sight but what it didn't show was what happens if you move it up two to four feet away from the curb. The reality is if you restrict it where no vehicle can be within 9-1/2 ft. the citizens of North Richland Hills are not going to stand for it. He has a 30-ft. long boat trailer in his driveway and he doesn't have a 40-ft. driveway. Most RV's are 30-ft. long and most people won't be able to keep their RV's in their driveway if the 9-1/2 ft. restriction is retained. What you have done is exactly what we had in October and that is a ban on RV's. He stated that his group is not going to stand for it. They don't want to see 6 months of cooperation go down the toilet and they will be waiting out front with petitions for signatures for referendum on this.

Mr. Bowen said that he doesn't appreciate threats and would like to get back to the issue. He isn't interested in petitions. The Chairman asked Mr. Parsons to stay on the subject. Mr. Parsons stated that the subject is that they would hate to see six months of work go down the toilet. Chairman Davis disagreed with Mr. Parsons' statement that people could not own RV's. Chairman Davis stated that the Commission has tried to hear what some of the issues and problems are and there are many different scenarios, pictures, and measurements and nothing was arbitrarily thought up and the objective was not to stop RV ownership. Mr. Parsons responded that he didn't say that was the P&Z Commission's intention. He said that he meant that it puts "us" back in October where there is a ban on parking RV's in driveways and if the ordinance is passed with 9-1/2 ft. that will effectively ban RV's and put "us" back where we were. He challenged the Commission to find an RV that will fit within a driveway within being within the 9-1/2 ft. Chairman Davis stated that they will still be allowed in the side or the rear. Mr. Parsons stated that he lives on a corner lot and he can't put one on the side.

Mr. Sapp stated that an ordinance exists that does not allow RV's over a sidewalk and virtually all sidewalks are 9-1/2 ft. from the curb.

Steve Cochran, 5113 Gibbons, asked if more than two cars can park in the driveway. He stated that he has a boat and junk in the garage and he parks two cars in the driveway and his son parks in the street. If he can't park in the street anymore, then he'll have to be able to park in the driveway. Chairman Davis explained that the son can park in the street provided that it isn't for longer than 24 hours. Mr. Cochran asked if he didn't park in the street, could he park in the driveway. Chairman Davis responded that he could so long as he doesn't extend to within 9-1/2 ft. of the curb.

Juanita Krug, 7504 Mike Ct., stated that there is a 5-ft easement for utilities in the back of the house. She asked if the City is going to take another 9-1/2 ft. in the front. Mr. Sapp explained that the 9-1/2 ft. in the front of the house has always been City right-of-way. Chairman Davis explained that the easement in the back of the house is for electric, telephone and cable TV and that the 9-1/2 ft. easement in the front of the house is for water, sewer, and in some subdivisions, for natural gas. Ms. Krug stated that she doesn't have a sidewalk but she has a long driveway. However, neighbors won't be able to park in their driveways if the 9-1/2 ft. distance is required.

Jo Cox, 7801 Redwood Ct., stated that the Commission has been faced with a monumental task that no one can win. She stated that issues of safety, aesthetics, and property rights have all been discussed, but that the issue of community has not been discussed. She stated that North Richland Hills has grown fantastically in the last 10-15 years. "We've become glued to our computers. We go inside at night, we close the doors, we don't see the neighbors; we have forgotten how to play with each other. We have forgotten how to treat each other. I would appeal to your sense of community. I know you can't please everyone. These people know you can't please everyone. You can't make everyone happy. There's got to be some type of compromise that we can come to, not just you, a compromise involves all parties. These people in the audience are one side of the compromise. There has got to be some issue, some way, that we can come to an agreement to keep this from becoming what it is becoming and we all know what that is. It's becoming a very divisive issue in our City. We all realize that. My objective, not as a Councilperson, but as a resident of this City, would be to hope that we could come to that compromise. I don't know what it is. It's kind of like King Solomon here, what do you do? Is there a study that you can do? I don't want it to come to Council, I'll be honest with you, not like it is, because I know that it's going to be one more thing that's going to be such a divisive thing and quite frankly, I personally am tired of that divisiveness. It was never my intent that that happen, but it has. There's got to be a way to heal that."

Ms. Cole questioned where the compromise is – if there is no sidewalk and an RV butts up against the eave of the house and is at the curb, you don't need a study to know that even if you're parked next to that and you are backing out, you have to get your car half way into the street to see around the RV. A study isn't needed to know that's not safe.

Ms. Cox wondered what the problem would be with handling these on a case-by-case basis. Does there have to be a blanket ordinance? She stated that in Ms. Cole's example, that situation would then be a safety hazard and common sense should be

invoked to deal with that problem. "Common sense tells you that there are some instances you are not going to be able to heal. Some people are going to have to give it up in that instance, but don't blanket, don't throw a net over the entire community."

Carolyn Keeling, 5000 Susan Lee Lane, stated that she has a small house with a one-car garage, but they have four cars. She stated that they only use their mobile home about four times a year. She believes RV's do not pose a safety hazard as compared to other street hazards and obstructions. "Mobile homes parked in their own driveways are not hurting anybody."

Herman Webb, 3540 Reeves, has lived in the City for 39 years. He is ok with Ordinance A, but is not happy with the 9-1/2 ft. requirement in Ordinance B.

Nancy Bielik, 8009 Standley St., stated that she loves Ordinance A and that the Commission did a great job with that. She urged the Commission not to pass B. She asked the Commission to get the City's Police Department to give them safety statistics on how many accidents have been caused by an RV parked in a driveway. She urged citizens to find out if they have 9-1/2 ft. right-of-way on their property. If there is not 9-1/2 ft. right-of-way there is a need to find out how much money it will cost the City to do a taking of all of these pieces of property. Parking in cul-de-sacs will become a problem if people have to park in the street instead of in their driveway. Another consideration is how many other objects will have to be moved out of the 9-1/2 ft. right-of-way, such as brick mailboxes, shrubs, trees, and in her own 9-1/2 ft. right-of-way there is a 3-ft. diameter pine tree that she has to look around every time she backs out. In other neighborhoods it is 3 and 4-ft. square column brick mailboxes which cause blind spots backing out. How many things will have to be eliminated from the right-of-way? There was rumor several months back that the City may attempt to limit the number of vehicles owned by each home. "We put that to rest; we said that's not true." But if there is going to be a limit of how many cars can be parked on the street for how long, and how many cars can be parked in the driveways for how long, or how close to the street, are we not limiting that in some ways?

Mr. Sapp began to discuss the 'limiting of vehicles' issue but Chairman Davis asked that discussion remain on topic.

Gene Caselman, 6640 Pleasant Ridge Dr., stated that he has three residences in North Richland Hills and he wanted to know which house he should register. Mr. Staples commented that it doesn't matter; he can park at any of them. Mr. Caselman said that when this issue first came up he called every Councilman and each one told him the reason for this is safety. He asked to be shown a safety item. He stated that no Councilman could come up with a safety item. He stated that now the issue is the 9-1/2 ft. He said that he can park four vehicles in his driveway but they will be close to the curb. If he parks his motor home in his driveway he would violate the 9-1/2 ft. If he puts two vehicles on the street and his neighbor does the same, the fire trucks won't be able to get up and down the street and a bigger problem has been created by taking the vehicles out of the driveway and putting them on the street at night. Mr. Caselman also

said that he spoke to a City Councilman about if they forced even one person to take their RV to a storage lot they were creating a bigger hazard than parking the RV in the driveway.

J. W. Hudson, 7705 Ridgeway Ct., stated that the 9-1/2 ft. is unenforceable. He stated that it will create a problem for the law enforcement of North Richland Hills. They have other things to do. There are many other violations a lot worse than that – cars parked the wrong way, facing the wrong way and parked on the wrong side of the road, parking in turn lanes, bushes on corners that can't be seen around so that you have to pull out into the middle of the road before you can see – these things are a lot more dangerous than backing out of the driveway. He stated that he drove semi trailers for a living and he knows the danger of blind spots as well as anybody.

The Chairman asked if anyone else wished to speak. There were none and the Chairman closed the public hearing.

The following citizens turned in cards but did not wish to speak:

James Krug, 7504 Mike Ct., against 2751 and 2753; TR 2004-04, TR 2004-05.  
Norma Lewis, 7708 Turner St., against TR 2004-04; TR 2004-05.  
Karl Bilbrey, 5008 Susan Lee Lane, against TR 2004-04; TR 2004-05.  
Joseph Katzler, 5512 Topper Ct., against TR 2004-04; TR 2004-05.  
Janice Katzler, 5512 Topper Ct., against TR 2004-04; TR 2004-05.  
Joe Mamrus, 7449 Tunbridge Dr., against TR 2004-04 & 05.  
Jack Coe, 7717 Briarcliff Court, against parking ordinance.  
Maarkay Bas, Topper Ct., agenda item of interest: "RV". Did not mark for or against.

The Chairman called for a break at 10:20 p.m. and reconvened at 10:31 p.m. with all Commission members present.

Chairman Davis explained that all Commission members came into this issue with open eyes and open ears. The decision made by the Commission tonight may not please everyone. It is not directed at any one person, any one group, any one RV or 5<sup>th</sup> wheel owner. It is taking facts, information and testimony – and the Commission members hear testimony at places other than these meetings – Commission members get pulled aside at Wal-Mart and church. The recommendation made tonight is after a lot of deliberation. The City of Richardson did away with RV's entirely. That's not North Richland Hills. The Commission is going to try to find what is good for everyone but still be safe, meet the needs of our property owners and also protect our future in this City as we continue to grow and what our expectations are as far as how our City develops.

The Chairman entertained a motion for Ordinance A.

**Mr. Schopper motioned to approve "Ordinance A Revision" (TR 2004-04). The motion was seconded by Ken Sapp. Ms. Cole asked for an amendment, clarified**

**by Chairman Davis, to add at the end of “D” “...except as allowed in C above.”  
The amendment was accepted by the motion and second.**

Mr. Schopper, Mr. Bowen and Mr. Wood commented that they are all for A.

Mr. Shiflet had no comment.

Mr. Sapp commented, “Everyone on the dais knows how much effort went into just a couple of pages of paper here. In all sincerity, I appreciate all the testimony, the public input, the passion, the emotion that was in that and the intent behind. I want to thank everyone for their tolerance and patience through this process.”

Ms. Cole commented, “We have listened to everyone and I hope that you will abide me the same courtesy and respect that we have given you’all over the six months. Although we didn’t have residents attending here speaking on behalf of some sort of an RV ordinance do note that we did receive both emails and letters and as Richard says, we get phone calls and many residents do talk to us about supporting an ordinance. So know that there are two sides to the issue and we do have to keep that in mind and that’s why we are trying to make this work for everybody. It’s not us against you’all; there’s a big group out there.

The Commission was asked early on whether any of us owned RV’s and I felt it was inappropriate at the time to respond and now that we are at this stage I do feel like it is appropriate for me to respond. My husband and I do own a tongue-pulled coachman. We also own a cab over camper. They are both stored offsite. They have been prior to this issue coming up. We own two utility trailers for ATV purposes that are in our backyard because I bought my corner lot so I could put them in my backyard hidden behind my 6-ft. stockade fence. In addition, at least twice a month we go to my in-laws who have both a 5<sup>th</sup> wheel with three pull-outs and a tongue pull with two pull-outs. This is something I am very familiar with – when you have to have refrigerators running, when you don’t, when you have to clean them out, how long you can park them, this is nothing new to me so I do have an extensive amount of experience with that. We did build our home on a corner lot because we live in a front entry neighborhood and I didn’t want it, and that was my choice and my decision to make, being on the corner lot so we could not have them in our front yard. My deed restrictions do restrict anything like that from being parked in the driveway but because we are not in an HOA if that is a problem for me my only recourse is legal action. So when this initially started coming out I’m thinking there are some positives in here; it gives the citizen an ability to have some sort of enforcement for them other than having to take some sort of legal action. The original intent, and I realize that the ordinance that was passed previously absolutely needed revisions, I do not argue with that in any shape, form or fashion. The original intent of us wanting to do an RV, I don’t want that to be missed, I’m proud of the work that we’ve done. It was never intended for it not to be that way. I’m glad that we’ve stepped up and we’ve listened. I still get that there are feelings that this is done, it’s a done deal, you’all don’t have a say and I can’t possibly imagine how you can feel that way after these many months. I ask for some clear heads. As far as

compromising, I still have an issue with something on “A” but I’m not going to allow that to stop me because I think we’ve compromised. I’m not happy with an item on “D” that states that a side entry or rear entry garage can park an RV in front of their house. If there is a single driveway but it flares out at the back, you could park an RV in that driveway and have to drive around it to get to your garage. I don’t like that. But, in the interest of trying to make this thing work; we disagreed last week; it was by no means unanimous on this issue and it was a split vote and by one vote this went in. So we are trying to make this work for everybody.

On the 9-1/2 ft., I understand what you are saying if you don’t have a sidewalk. As I tried to ask Jo [Ms. Cox], you don’t have to sit here and tell me that you have to see statistics. You know that if that RV butts up to that street; this is where I ask to have a common sense head; help us here. We have a couple of ideas. None of you had any suggestions, so we have some things that we are rattling around on that might work for that. But, be reasonable and think about it. If that RV is sitting at that curb, you just simply can’t see. Coming out of your own driveway, you just simply can’t see. So that’s all we are asking is to try and get a workable compromise. We’ve listened; we’ve heard; we’re just trying to work with you and see what we can come up with again to make that one issue work.

Beautification is an issue for us. We spent a ton of time with Oncor. You thought this was fun; that was not fun either. That was strictly to keep those nasty ugly looking things from the front yard. We were trying to do this again to help. Our intent is not to take away your rights. I still feel a lot of animosity and that is not at all what we are tending to do.”

Chairman Davis commented, “We started out with 2751 and 2753 and we have it narrowed down to three pages of what I consider a lot of hard work by staff, and don’t forget they had other things going on with platting and zoning issues that still needed to be taken care of, but still finding data, pictures, what other cities are doing, giving us more and more information, plus sitting through public hearings for information from you, has been helpful. We’ve got an ordinance. It’s workable. You’ve told us it’s workable. I like that it’s reasonable and fair. Is it going to create a burden upon someone? I think the most fair thing we did is make Ordinance A a part of the zoning ordinance so that you can be a nonconforming use. If what you did was legal at the time that you did it, then you did what was reasonable and fair and we are not going to punish you for that. But, if in the future, someone else wants to do the very same thing, here are the guidelines that we expect, as citizens, to be adhered to.”

**The motion passed by unanimous vote (7-0).**

**16.**

**TR 2004-05**

**PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE REPEALING  
ORDINANCE NOS. 2751 AND 2753 AND AMENDING ARTICLE V OF CHAPTER 16,**

**AMENDING SECTION 16-70, AND REPEALING SECTION 16-71 OF THE NORTH RICHLAND HILLS, TEXAS, CODE OF ORDINANCES BY REPLACING CERTAIN REGULATIONS OF RECREATIONAL VEHICLES, BOATS, TRAILERS, ETC. WITH MINIMUM DISTANCE RESTRICTIONS FROM PUBLIC STREETS.**

**APPROVED**

**Mr. Schopper motioned to approve TR 2004-05, known as Ordinance No. B, with the following change: “Section 16-70. (a) No vehicle, boat, trailer, camper or camper top shall be parked, placed, or stored in any public right-of-way past the back of the street curb (or, in the case of a street without a curb, the edge of the pavement).” Scott Wood seconded the motion.**

**Ken Sapp motioned to amend Mr. Schopper’s motion: (1) regarding goose neck (5<sup>th</sup> wheel) trailers, only the main body of the trailer, and not the overhang (tongues of trailers) (empty boat trailers) be considered as part of the vehicle for the purposes of extending into the 9-1/2 ft.; (2) put back the 9-1/2 ft. language; (3) with the exception that vehicles less than 6-ft. [later changed by amendment to 7-ft.] in height would be allowed to park in the 9-1/2 ft. (such as normal passenger vehicles). Ms. Cole seconded Mr. Sapp’s amendment to Mr. Schopper’s motion.**

Mr. Sapp commented that the rationale of allowing vehicles up to a certain height is that people can see through most automobiles.

**Mr. Sapp amended his motion to 7-ft. on Item 3 above and the second accepted the 7-ft. amendment.**

Mr. Sapp commented, “We have an ordinance that says you can’t park over the sidewalk. If it’s a motor scooter you can’t park over the sidewalk. So what we are dealing with here are only houses that don’t have sidewalks. I think some very good points were made tonight that if we restrict automobiles they put them in the street and nobody up here wants those cars in the street. Everybody agrees that good points were made. So to try to make some reasonable coherence between an established ordinance that doesn’t allow you to park across the sidewalk. Giving credibility to the statements made by Mr. Curtis, I don’t think those are arbitrary, those are engineering statistics that are used and I believe there is some validity. Those weren’t just invented. You can see through a car. You can’t see through a box trailer. Brenda said it well. Compromise is important here. Will there still be people affected, yes, but we’ve tried to accommodate as many circumstances as we can without giving up the basic principles of safety. I personally believe that it is a safety hazard and for me to say that it’s not would be against my own personal principles.”

Mr. Shiflet stated that a van parked in the 9-1/2 ft. will create the same obstacle. “Councilwoman Cox brought up ‘couldn’t we look at this on a case-by-case basis’ and I think that the problem we run into there is that if we try to do something that is arbitrary then we run into a problem. Mr. Curtis mentioned that all of his examples were “typical”.

There are 2.5 people in a house and where do you find that .5 person? But, you've got to have some sort of standard. As much as the case-by-case basis would be very desirable and everybody has common sense; which common sense means they think like you do; then that would be a good idea, but unfortunately that's not something that is going to work. The other thing is that this City is 50 years old. We have a number of streets that were constructed 30 years ago. The typical life of an asphalt street is 20-years with overlays. A concrete street can last 30-35 years. When the City reconstructs streets, a sidewalk is included. There is a problem in trying to distinguish between sidewalks vs. no sidewalks because we are talking about something that is not only for right now but for down the road. Unfortunately, I have not been involved in this like the majority of the Commission, but I do have a lengthy history with the City and I knew this was the first thing I would be faced with when asked if I would consider this. I made it very clear prior to accepting an appointment that I would do this based on what I felt was in the best interest of the City as a whole. I spent 20 years in the police department and an additional 10 years in City management. I've seen and dealt with many issues not unlike this. I'm sitting here tonight because I love and care about this City and I know that's why the rest of these people are here as well. The thing that troubles me the most as a City staffer is discussing logic vs. emotion. This is a very emotional issue. It's very difficult to plug logic in. What was presented by Mike on the sight distance was challenged. Maybe those numbers are off a little bit but what I would encourage the Commission to do is look at this logically based on their six months of work. Mr. Wood and I have had about a month and a half of working with it. We want what's best for the City and my decision and recommendation will be based on logic, not emotion because in the long run that is what is best for the City."

Mr. Schopper: "I've been very consistent since this started. I feel the City had ordinances in place before they passed this that was not being enforced. We are making it very difficult to enforce. This is an emotional issue. I've talked to several people who because their RV comes too close to the curb they are going to have to move it. I don't think that's right. That's why I sit on the Zoning Commission. I like making rules where everybody knows what they are getting into up front and if the numbers work they go ahead and proceed with the project. With the nuisance ordinance we are going to affect people who have been doing something for years and years. It's part of their lifestyle. I don't think it's correct. I think we are over-reaching. I want to repeal what was passed and enforce what we have. I'm thinking if we can keep it just this side of the curb, it's real easy to enforce. If there is a sidewalk, it can't be past the sidewalk. If there's no sidewalk, it comes to the back of the curb. It's easy for Code Enforcement. I have to let the emotion get into it. That's part of what we are – people and the sense of community that was appealed to earlier. Let's quit messing with these folks. We have enough to do to take care of our own lives without messing with their lives. That's kind-of where I'm at."

Ms. Cole stated that she is concerned, and always have been, of those vehicles butting right up to the street. She doesn't know how they can allow vehicles to go all the way to the curb.

Mr. Wood has a problem with not being allowed to grandfather Ordinance B. He also pointed out that not one citizen who spoke this evening was in favor of Ordinance B. He hasn't seen or heard anyone speaking in favor of the 9-1/2 ft. If they are out there they need to show up and speak up. He feels that emotion does play a part in this decision. He mentioned Ms. Llewellyn's testimony of the loss of her child.

Chairman Davis commented that over the last six months of testimony, at every meeting Mr. Schopper asked every citizen who spoke whether or not they thought someone should be allowed to park over the sidewalk. Mr. Schopper responded that all were against parking across a sidewalk. They were against it for safety reasons. It caused pedestrians to have to move into the street. Sidewalks are meant to keep people out of the street. That's the safety issue involved here.

Chairman Bowen asked for final comments from each Commission member.

Mr. Schopper stated that he does not think the 9-1/2 ft. is appropriate in this particular case.

Mr. Bowen stated that Mike's statistics convinced him that some sort of distance is needed for sight visibility and he feels this ordinance contains compromises.

Mr. Shiflet stated that there is nothing magic about 9-1/2 ft. except that it's typical City parkway. Looking at this from a safety standpoint, there is no safety difference whether there is a sidewalk there or not except the occasion where someone is on the sidewalk and has to come out into the street and back. It is against state law to park across the sidewalk so that is already addressed. The City isn't the villain, this Commission isn't the villain. This is a recommending body and he stands by his recommendation.

Ms. Cole was hoping that some other measure than 9-1/2 ft. would be agreed upon. She has true heartache for Mr. DeWitt who this is going to hit. There isn't a mechanism in place for a case-by-case basis. That one hurts. She doesn't feel they would be doing their job if they allowed RV's to the curb.

Mr. Wood stated that he would have been for the 9-1/2 ft. if people knew about it in the first place. It should be grandfathered.

Mr. Staples clarified that nuisance ordinances cannot be grandfathered. He suggested that the Commission propose a distance other than 9-1/2 ft. if they can't agree on that distance.

Mr. Sapp stated that from the beginning he has sought evidence and once he saw Mike's numbers that made sense to him. He stated that Councilman Cox's point of "community" was not lost on him. He feels that this is a community and the goal is for it to be a safe, well-valued neighborhood and this board is charged with putting in the kind of governance that helps achieve a City that is safe and well valued. This is a step toward that.

Chairman Davis stated that this has been emotional. He has tried to step back and listen and this issue has taught him a lot about listening. Just tonight, the Commission made a change at the suggestion of a citizen, Mr. Barrett. These ordinances are a good basis. Perhaps it will need to be revisited in a year to see if it's reasonable and functional. He believes strongly that the Commission has an obligation based upon the facts, testimony, pictures, and ordinances from other cities, to make a decision that is reasonable, fair and safe for the citizens of North Richland Hills. This Commission has an obligation to make a recommendation to the Council based on all of that information. He does not want someone pulling out blindly into a street because an RV is parked at the curb. He believes the 9-1/2 ft. is reasonable. Anything beyond that is taking property and use away and that would not be reasonable. He is a land surveyor from way back and he has a strong feeling about people's property rights. He has seen people argue and fight over an inch of land. He believes these ordinances are fair. The Council can spend money and do more studies or change the 9-1/2 ft. to 6-ft. or zero that is Council's right and Chairman Davis stated that he won't take it personally. He did his job and listened to the facts and he is sorry that he can't make everyone happy but he is making his decision with all honesty of looking and listening to what was right for everyone.

The Chairman called for the vote.

**Mr. Sapp's motion passed 4-3, with Mr. Wood, Mr. Shiflet and Mr. Schopper voting against.**

**Mr. Schopper's motion, amended by Mr. Sapp's motion, passed 4-3, with Mr. Wood, Mr. Shiflet and Mr. Schopper voting against.**

## 17. ADJOURNMENT

As there was no other business, the Chairman adjourned the regular meeting at 11:37 p.m.

Chairman

Secretary

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Richard Davis

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Ken Sapp