



**NOTICE AND AGENDA  
CITY OF GLENN HEIGHTS  
PLANNING AND ZONING COMMISSION  
MONDAY, APRIL 13, 2020**

Notice is hereby given in accordance with the Order of the Office of the Governor issued March 16, 2020, the City of Glenn Heights will conduct a Regular Meeting by telephone and video conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (CoVID-19).

This Notice and Meeting Agenda, and the Agenda Packet, are posted online at <https://www.glennheightstx.gov/AgendaCenter>.

To view this Commission Meeting live, please use the following link: <https://www.facebook.com/CityofGlennHeights>.

**NOTICE IS HEREBY GIVEN THAT THE CITY OF GLENN HEIGHTS PLANNING AND ZONING COMMISSION WILL HOLD A REGULAR MEETING ON MONDAY, APRIL 13, 2020 BEGINNING AT 6:30 P.M., VIA TELEPHONE AND VIDEO CONFERENCE, AS PRESCRIBED BY V.T.C.S., GOVERNMENT CODE SECTION §551.041, TO CONSIDER AND POSSIBLY TAKE ACTION ON THE FOLLOWING AGENDA ITEMS. ITEMS DO NOT HAVE TO BE TAKEN IN THE SAME ORDER AS SHOWN IN THE MEETING NOTICE.**

**PUBLIC HEARINGS**

If you would like to speak during a Public Hearing, please email Miamauni Hines, City Planner, at [miamauni.hines@glennheightstx.gov](mailto:miamauni.hines@glennheightstx.gov) no later than **5:30 P.M. on April 13, 2020**. Please include the following information in your email:

- Name
- Address
- Email Address and Phone Number
- Designate which Public Hearing

Once your request is received, you will be given information to access the meeting via telephone or video conference (which provides two-way communication during the Public Hearing portions of the meeting).

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

1. Discuss and take action to approve the meeting minutes of February 10, 2020.

## AGENDA

1. **Zoning Case 20-001-PZP:** Discuss and take action on the Glenn Heights Parks Programming & Design Master Plan.
2. **Zoning Case 20-002-SUP:** Public hearing to receive testimony concerning a Specific Use Permit (SUP) request by Barry Brewer for an accessory structure with a floor area greater than 650 square feet. The 10.502-acre property is zoned SF-1 and is described as Lot 3 of Williams Farm. The property address is 3119 South Hampton Road, Glenn Heights, Ellis County, Texas. The land is primarily used as a residence with an agricultural accessory. The applicant proposes to use the accessory structure to store the livestock and agricultural equipment associated with such use.
3. **Zoning Case 20-002-SUP:** Discuss and take action on a Specific Use Permit (SUP) request by Barry Brewer for an accessory structure with a floor area greater than 650 square feet. The 10.502-acre property is zoned SF-1 and is described as Lot 3 of Williams Farm. The property address is 3119 South Hampton Road, Glenn Heights, Ellis County, Texas. The land is primarily used as a residence with an agricultural accessory. The applicant proposes to use the accessory structure to store the livestock and agricultural equipment associated with such use.
4. **Zoning Case 20-003-SUP:** Public hearing to receive testimony concerning a Specific Use Permit (SUP) request be Mark Sellers for an ice vending kiosk. The 1.740-acre property is situated in the John F Porter Survey, Abstract No. 1118 and is zoned Retail (R). The property address is 610 East Bear Creek, Glenn Heights, Dallas County, Texas. The land is currently undeveloped, but the applicant proposes to construct an ice vending kiosk.
5. **Zoning Case 20-003-SUP:** Discuss and take action on a Specific Use Permit (SUP) request be Mark Sellers for an ice vending kiosk. The 1.740-acre property is situated in the John F Porter Survey, Abstract No. 1118 and is zoned Retail (R). The property address is 610 East Bear Creek, Glenn Heights, Dallas County, Texas. The land is currently undeveloped, but the applicant proposes to construct an ice vending kiosk.
6. **Zoning Case 19-006-RZ:** Public hearing to receive testimony concerning a request by JDJR Engineers and Consultants on behalf of Mohammed Tariq and Bear Creek Elegance, LLC for a new Planned Development. The proposed Planned Development encompasses two properties totaling 39.820 acres situated in the Elias R Parks Survey, Abstract No. 1131. The 38.820-acre property is located at 1198 West Bear Creek Road, Glenn Heights, Dallas County, Texas and the 1.000-acre property is located at 1182 West Bear Creek Road, Glenn Heights, Dallas County, Texas. Both properties are currently zoned SF-1. The request is to allow a Planned Development for no more than 121 single-family residential lots with an SF-3 base zoning. In addition to the residential component, the proposal also includes 6.010 acres of open space, a pedestrian trail, park benches, playground equipment, and a community center.
7. **Zoning Case 19-006-RZ:** Discuss and take action on a request by JDJR Engineers and Consultants on behalf of Mohammed Tariq and Bear Creek Elegance, LLC for a new Planned Development. The proposed Planned Development encompasses two

properties totaling 39.820 acres situated in the Elias R Parks Survey, Abstract No. 1131. The 38.820-acre property is located at 1198 West Bear Creek Road, Glenn Heights, Dallas County, Texas and the 1.000-acre property is located at 1182 West Bear Creek Road, Glenn Heights, Dallas County, Texas. Both properties are currently zoned SF-1. The request is to allow a Planned Development for no more than 121 single-family residential lots with an SF-3 base zoning. In addition to the residential component, the proposal also includes 6.010 acres of open space, a pedestrian trail, park benches, playground equipment, and a community center. ***(The applicant requests this item be tabled.)***

8. **Zoning Case 20-004-RZ:** Public hearing to receive testimony concerning Ordinance O-05-20, an Ordinance of the City of Glenn Heights, Texas, amending Chapter 15 “Development Regulations” of the City’s Code of Ordinances by amending Article 15.02 “Landscaping and Screening” Section 15.02.091 “General Provisions” Subsection (a) “Acceptable Materials” to permit more acceptable materials for constructing fences and screening devices.
9. **Zoning Case 20-004-RZ:** Discuss and take action on Ordinance O-05-20, an Ordinance of the City of Glenn Heights, Texas, amending Chapter 15 “Development Regulations” of the City’s Code of Ordinances by amending Article 15.02 “Landscaping and Screening” Section 15.02.091 “General Provisions” Subsection (a) “Acceptable Materials” to permit more acceptable materials for the construction of fences and screening devices.
10. **Zoning Case 20-003-RZ:** Public hearing to receive testimony concerning Ordinance O-03-20, an Ordinance of the City of Glenn Heights, Texas, amending Chapter 15 “Development Regulations” of the City’s Code of Ordinances by amending Article 15.05 “Development Regulations Variance Board” to repeal or amend Section 15.05.001 Created; Section 15.05.002 Procedure for Seeking Variances or Special Exception; and Section 15.05.003 Appeal to or City Council Review of Board Action to confirm with Chapter 211 of the Texas Local Government Code.
11. **Zoning Case 20-003-RZ:** Discuss and take action to on Ordinance O-03-20, an Ordinance of the City of Glenn Heights, Texas, amending Chapter 15 “Development Regulations” of the City’s Code of Ordinances by amending Article 15.05 “Development Regulations Variance Board” to repeal or amend Section 15.05.001 Created; Section 15.05.002 Procedure for Seeking Variances or Special Exceptions; and Section 15.05.003 Appeal to or City Council Review of Board Action to conform with Chapter 211 of the Texas Local Government Code.

## **ADJOURNMENT**

I, Brandi Brown, City Secretary, do hereby certify that the Notice and Agenda was posted in a place convenient to the Public at Glenn Heights City Hall, 1938 South Hampton Road, Glenn Heights, by 6:30 P.M. on Friday, April 10, 2020. Pursuant to Section 551.071 of the Texas Government Code, the Planning and Zoning Commission reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

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Brandi Brown, City Secretary

**MINUTES OF THE PLANNING AND ZONING COMMISSION OF  
THE CITY OF GLENN HEIGHTS, TEXAS**

**MONDAY, FEBRUARY 10, 2020**

**STATE OF TEXAS** \*  
**COUNTIES OF DALLAS AND ELLIS** \*  
**CITY OF GLENN HEIGHTS** \*

On the 10th day of February 2020, the Planning and Zoning Commission of the City of Glenn Heights, Texas convened in a regular meeting at the City Hall, in the Council Chambers at 1938 S. Hampton Road, Glenn Heights, Texas to consider the following items, with these members in attendance:

**BOARD MEMBERS**

Sheena Morgan	*	Chair
Mandy Owen	*	Vice Chair
Austin Kelley	*	Board Member
Debra Jones	*	Board Member

**ABSENT**

Mark Boson	*	Board Member
Chikezie Kalu	*	Board Member

**STAFF**

Brian Lockley	*	Deputy City Manager
Mia Hines	*	Planner
Camryn Sotelo	*	Recording Secretary

**Call to Order** Commissioner Sheena Morgan called the meeting to order at 6:34 p.m.

**Invocation** Commissioner Kelley

**Pledge of Allegiance**

1. Discuss and take action to approve the meeting minutes of January 13, 2020 of the Planning and Zoning Commission.

Motion by Commissioner Owen to approve the minutes. Commissioner Jones made the second. The motion carried by the following vote:

**Votes: (4-0) Kelley, Owen, Morgan, and Jones**

**2. Zoning Case 20-002-FP:** Public hearing to receive testimony concerning a Final Plat request by Engineering Concepts and Design on behalf of Bloomfield Homes, LP for Maplewood Phase IIA. The 39.127-acre parcel is a part of a 71.045-acre property zoned PD-22 and situated in the William Rawlins Survey, Abstract No. 1205, Glenn Heights, Dallas County, Texas. This phase is proposed for a total of 134 lots. The property is currently undeveloped but proposed for single-family residential.

Motion to open the Public Hearing at 6:37 p.m. by Commissioner Kelley.  
Commissioner Owen made the second. The motion carried by the following vote:

**Votes: (4-0) Kelley, Owen, Morgan, and Jones**

**Speakers:**

**Todd Wintters, Engineering Concepts and Design  
201 Windco Cir., Wylie, TX. 75098**

Mr. Wintters stated that this phase of Maplewood is proposed for 133 homes and an amenity center. Concerning the civil plans, the speaker explained that the engineering team only has one more comment to address prior to organizing a preconstruction meeting with City Staff. Mr. Wintters made himself available for questions.

Motion to close the Public Hearing at 6:38 p.m. by Commissioner Jones.  
Commissioner Kelley made the second. Motion carried by the following vote:

**Votes: (4-0) Kelley, Owen, Morgan, and Jones**

**3. Zoning Case 20-002-FP:** Discuss and take action on a Final Plat request by Engineering Concepts and Design on behalf of Bloomfield Homes, LP for Maplewood Phase IIA. The 39.127-acre parcel is a part of a 71.045-acre property zoned PD-22 and situated in the William Rawlins Survey, Abstract No. 1205, Glenn Heights, Dallas County, Texas. This phase is proposed for a total of 134 lots. The property is currently undeveloped but proposed for single-family residential.

**Speakers:**

**Mia Hines, Planner**

Ms. Hines presented the plat information for Maplewood Phase IIA by Engineering Concepts & Design on behalf of Bloomfield Homes, LP and stated staff's recommendation of approval.

Commissioner Jones asked if the amenity center would only be available for residents; Ms. Hines answered that it would be for Maplewood residents only since it will be maintained by the Maplewood HOA.

Commissioner Kelley asked if the amenity center would be a building; Ms. Hines stated that it will be a building with an indoor fitness room and a children's playroom.

Commissioner Jones asked if the amenity building would be constructed at the same time as the homes; Ms. Hines confirmed that the building will be built at the same time.

Motion by Commissioner Owen to approve the Final Plat request as presented. Commissioner Jones made the second. Motion carried by the following vote:

**Votes: (4-0) Kelley, Owen, Morgan, and Jones**

- 4. Zoning Case 20-003-PP:** Public hearing to receive testimony concerning a Preliminary Plat request by Engineering Concepts and Design on behalf of Bloomfield Homes, LP for Hampton Park. The 87.718-acre parcel is zoned PD-23 and encompasses four properties described as a 47.806-acre property situated in the JS Patton Survey, Abstract No. 841, a 5.410-acre property situated in the WM C Denton Survey, Abstract No. 295, a 16.954-acre property described as Lot 1 of Williams Farm, and a 17.548-acre property described as Lot 2 of Williams Farms. This plat is proposed for a total of 290 lots. The property is currently undeveloped but proposed for single-family residential.

Motion to open the Public Hearing at 6:45 p.m. by Commissioner Jones. Commissioner Kelley made the second. The motion carried by the following vote:

**Votes: (4-0) Kelley, Owen, Morgan, and Jones**

**Speakers:**

**Todd Wintters, Engineering Concepts and Design  
201 Windco Cir., Wylie, TX. 75098**

Mr. Wintters stated that the Hampton Park subdivision proposes to divide over 87 acres into 290 lots within three phases adding several amenities.

Commissioner Jones asked what the price point of the homes would be; Mr. Wintters stated that the price should be between \$240,000 and \$400,000 like those in the Maplewood subdivision.

Motion to close the Public Hearing at 6:47 p.m. by Commissioner Kelley. Commissioner Owen made the second. Motion carried by the following vote:

**Votes: (4-0) Kelley, Owen, Morgan, and Jones**

- 5. Zoning Case 20-003-PP:** Discuss and take action on a Preliminary Plat request by Engineering Concepts and Design on behalf of Bloomfield Homes, LP for Hampton Park. The 87.718-acre parcel is zoned PD-23 and encompasses four properties described as a 47.806-acre property situated in the JS Patton Survey, Abstract No. 841, a 5.410-acre property situated in the WM C Denton Survey, Abstract No. 295, a 16.954-acre property described as Lot 1 of Williams Farm, and a 17.548-acre property described as Lot 2 of Williams Farms. This plat is proposed for a total of 290 lots. The property is

currently undeveloped but proposed for single-family residential.

**Speakers:**

**Mia Hines, Planner**

Ms. Hines presented the plat information for Hampton Park by Engineering Concepts & Design on behalf of Bloomfield Homes, LP and stated staff's recommendation of approval.

Commissioner Morgan asked about the location of the open space in Hampton Park; Ms. Hines pointed out that the open space along Little Creek will include a trail system and playground equipment, and the open space in the southwest corner will hold a detention pond.

Motion by Commissioner Kelley to approve the Preliminary Plat request as presented. Commissioner Jones made the second. Motion carried by the following vote:

**Votes: (4-0) Kelley, Owen, Morgan, and Jones**

6. **Zoning Case 20-001-PP:** Public hearing to receive testimony concerning a Preliminary Plat request by Macatee Engineering on behalf of First Texas Homes for Villages at Charleston Phase III. The 19.690-acre property is zoned PD-18C and is situated in the Michael McDermott Survey, Abstract No. 743, Glenn Heights, Ellis County, Texas. This phase is proposed for a total of 75 lots. The property is currently undeveloped but proposed for single-family residential.

Motion to open the Public Hearing at 6:54 p.m. by Commissioner Jones. Commissioner Kelley made the second. The motion carried by the following vote:

**Votes: (4-0) Kelley, Owen, Morgan, and Jones**

**Speakers:**

**Terrance Jobe, Alluvium Development**

**2415 Somerfield Dr., Midlothian, TX. 76065**

Mr. Jobe made himself available for questions.

**Dayton Macatee, Macatee Engineering**

**12655 N. Central Expwy., Dallas, TX. 75243**

Mr. Macatee made himself available for questions.

Motion to close the Public Hearing at 6:56 p.m. by Commissioner Owen. Commissioner Jones made the second. Motion carried by the following vote:

**Votes: (4-0) Kelley, Owen, Morgan, and Jones**

7. **Zoning Case 20-001-PP:** Discuss and take action on a Preliminary Plat request by

Macatee Engineering on behalf of First Texas Homes for Villages at Charleston Phase III. The 19.690-acre property is zoned PD-18C and is situated in the Michael McDermott Survey, Abstract No. 743, Glenn Heights, Ellis County, Texas. This phase is proposed for a total of 75 lots. The property is currently undeveloped but proposed for single-family residential.

**Speakers:**

**Mia Hines, Planner**

Ms. Hines presented the plat information for Villages at Charleston Phase III by Macatee Engineering on behalf of First Texas Homes and stated staff's recommendation of approval.

Motion by Commissioner Jones to approve the Preliminary Plat request as presented. Commissioner Kelley made the second. Motion carried by the following vote:

**Votes: (4-0) Kelley, Owen, Morgan, and Jones**

- 8. Zoning Case 19-005-RZ:** Public hearing to receive testimony concerning a change of zoning request by Macatee Engineering on behalf of Shale Creek Ranch, Ltd for a new Planned Development. The proposed Planned Development would cover 48.830 acres of a 70.819-acre tract of land situated in the JJ Clayton Survey, Abstract No. 211 and the William Rawlins Survey, Abstract No. 1363 and No. 1205. The property straddles the Ellis-Dallas County line to the immediate east of South Westmoreland Road. The request is to allow a Planned Development of no more than 110 single-family residential lots with an SF-3 and SF-4 base zoning. In addition to the residential component, the proposal also includes 8.170 acres of green space with a 6-foot-wide trail, playground equipment, park benches, and fitness stations and 10.300 acres of retail.

Motion to open the Public Hearing at 7:01 p.m. by Commissioner Owen. Commissioner Jones made the second. The motion carried by the following vote:

**Votes: (4-0) Kelley, Owen, Morgan, and Jones**

**Speakers:**

**Terrance Jobe, Alluvium Development**

**2415 Somerfield Dr., Midlothian, TX. 76065**

Mr. Jobe explained that this new subdivision would be built by First Texas Homes and would serve as an upgrade to the residential products in the Villages at Charleston subdivision. He also made himself available for questions.

**Dayton Macatee, Macatee Engineering**

**12655 N. Central Expwy., Dallas, TX. 75243**

Mr. Macatee made himself available for questions.

Motion to close the Public Hearing at 7:04 p.m. by Commissioner Kelley. Commissioner Owen made the second. Motion carried by the following vote:

**Votes: (4-0) Kelley, Owen, Morgan, and Jones**

- 9. Zoning Case 19-005-RZ:** Discuss and take action on a change of zoning request by Macatee Engineering on behalf of Shale Creek Ranch, Ltd for a new Planned Development. The proposed Planned Development would cover 48.830 acres of a 70.819-acre tract of land situated in the JJ Clayton Survey, Abstract No. 211 and the William Rawlins Survey, Abstract No. 1363 and No. 1205. The property straddles the Ellis-Dallas County line to the immediate east of South Westmoreland Road. The request is to allow a Planned Development of no more than 110 single-family residential lots with an SF-3 and SF-4 base zoning. In addition to the residential component, the proposal also includes 8.170 acres of green space with a 6-foot-wide trail, playground equipment, park benches, and fitness stations and 10.300 acres of retail.

**Speakers:**

**Mia Hines, Planner**

Ms. Hines presented the change of zoning request information for the proposed Bridges at Little Creek Planned Development and stated staff's recommendation of approval.

Commissioner Jones asked who would be responsible for building out the retail spaces and what types of businesses could occupy that space; Ms. Hines answered that applicant is responsible for developing the retail tract and clarified that use restrictions could be included in the development regulations.

Commissioner Jones asked Mr. Jobe if there were any ideas as to what kind of retail stores there would be in this development; Mr. Jobe answered that neighborhood retail, such as a gym, restaurants and stores could occupy the space.

Commissioner Kelley asked Ms. Hines how the density of the proposed planned development compared to the density of the existing zoning; Ms. Hines explained to Commissioner Kelley that the Future Land Use Plan designates higher density development in that area.

Motion by Commissioner Kelley to recommend approval of the proposed Planned Development as presented. Commissioner Jones made the second. Motion carried by the following vote:

**Votes: (4-0) Kelley, Owen, Morgan, and Jones**

- 10. Zoning Case 20-001-RZ:** Public hearing to receive testimony concerning Ordinance O-01-20, an Ordinance of the City of Glenn Heights, Texas, amending Chapter 15 "Development Regulations" of the City's Code of Ordinances by amending Article 15.04.033 "Reserved" and amending Article IX "Zoning Districts" of the City's Zoning Ordinance by adopting new standards in conformance with recently adopted State Law.

Motion to open the Public Hearing at 7:21 p.m. by Commissioner Kelley.  
Commissioner Jones made the second. The motion carried by the following vote:

**Votes: (4-0) Kelley, Owen, Morgan, and Jones**

**No Speakers**

Motion to close the Public Hearing at 7:22 p.m. by Commissioner Kelley. Commissioner Jones made the second. Motion carried by the following vote:

**Votes: (4-0) Kelley, Owen, Morgan, and Jones**

- 11. Zoning Case 20-001-RZ:** Discuss and take action on Ordinance O-01-20, an Ordinance of the City of Glenn Heights, Texas, amending Chapter 15 “Development Regulations” of the City’s Code of Ordinances by amending Article 15.04.033 “Reserved” and amending Article IX “Zoning Districts” of the City’s Zoning Ordinance by adopting new standards in conformance with recently adopted State Law.

**Speakers:**

**Mia Hines, Planner**

Ms. Hines presented the Ordinance information and stated staff’s recommendation of approval.

Commissioner Owen asked how this would affect the new homes being built.

Ms. Hines explained that we cannot hold the builders to the standard that we were once able to hold them to, but the market will hold them to the certain standards.

**Brian Lockley, Deputy City Manager**

Mr. Lockley also addressed Commissioner Owen saying that this is also a concern of the Cities but Staff believes the market should be able to hold them to the relatively high standards. The City can also require more of the builder as far as amenities and streetscapes to help maintain the same quality of development throughout the city.

Motion by Commissioner Kelley to recommend approval of the proposed amendment to Chapter 15 of the City’s Code of Ordinances. Commissioner Owen made the second.  
Motion carried by the following vote:

**Votes: (4-0) Kelley, Owen, Morgan, and Jones**

Commissioner Owen made a motion to adjourn at 7:35 p.m. Commissioner Jones made the second. Motion carried by the following vote:

**Votes: (4-0) Kelley, Owen, Morgan, and Jones**

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Sheena Morgan, Chair

Attest:

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Camryn Sotelo, Recording Secretary

**Passed and approved on the \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2020.**



# CITY OF GLENN HEIGHTS PLANNING AND ZONING COMMISSION REPORT

**Date: April 13, 2020**

## **SUBJECT**

Discuss and take action on the Glenn Heights Parks Programming and Design Master Plan.

## **REPORT IN BRIEF**

The Planning and Zoning Commission will hear a presentation of the Parks Programming and Design Master Plan and make a recommendation to the City Council.

## **BACKGROUND / DISCUSSION**

To better utilize the City owned and maintained park spaces, the City partnered with Norris Design in August of 2019 on the Parks Programming and Design exercise focusing on Heritage Community Park, Gateway Park, and Courtney Park. The scope of the project included:

- Community outreach and engagement
- Gathering of base information, documenting site inventories, and analyzing existing conditions
- Drafting of conceptual redesigns, and
- Completion of a summary report on the final design concepts and cost estimates

After completing these tasks, Staff is ready to present a recommendation to the Planning and Zoning Commission. The Norris Design team will present the cost estimates and final designs representative of community feedback, Board recommendation, and Staff input.

**FISCAL IMPACT**

The Norris Design team will present phasing and cost estimates for the redesign of Heritage Community Park, Gateway Park, and Courtney Park.

**PUBLIC CONTACT**

To initiate this project, the Norris Design team launched surveys soliciting community feedback on the existing conditions of the parks. The links to these surveys were posted on the City's website and pushed on all City social media platforms in September of 2019. City Staffed publicly briefed the Parks and Recreation Board on August 29, 2019 and September 26, 2019 and received an official recommendation of the redesign concepts on February 27, 2020. Additionally, the City hosted public open houses on October 24, 2019 and March 5, 2020.

**RECOMMENDATIONS**

Staff recommends APPROVAL of the Parks Programming and Design Master Plans as presented.

**PREPARED BY**

Miamauni Hines, Planner

**REVIEWED BY**

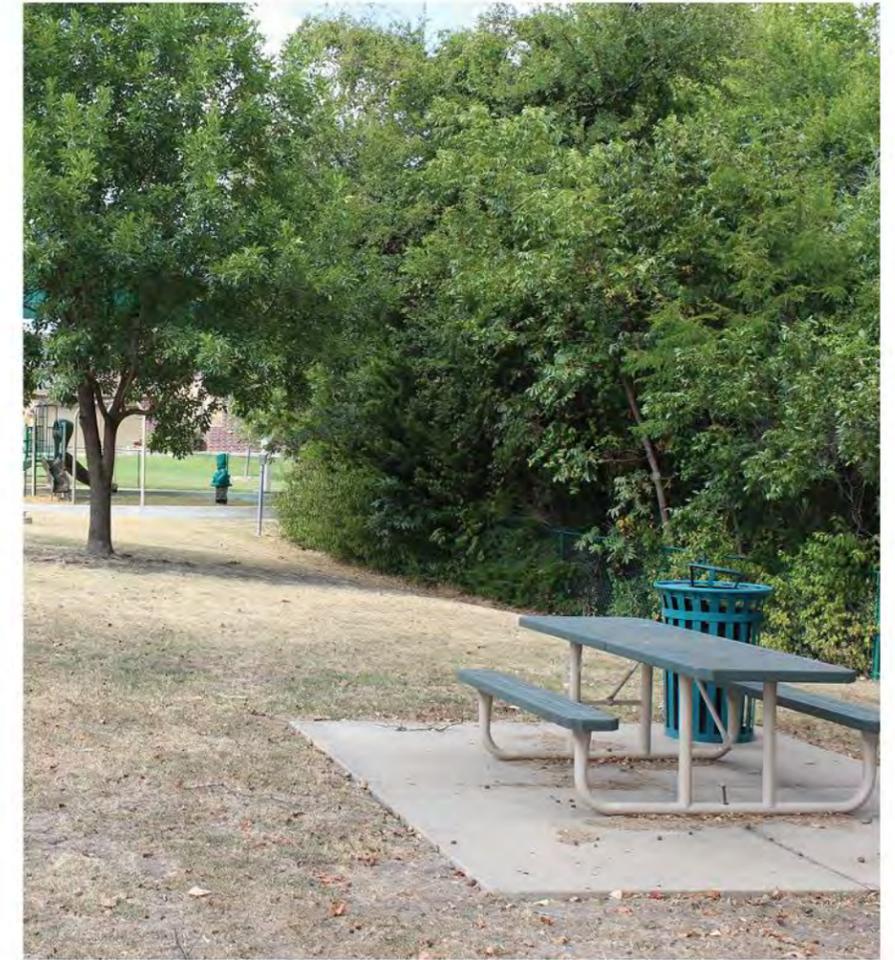
Brian Lockley, AICP, Deputy City Manager

**ATTACHMENTS**

- A. Parks Programming and Design Master Plan Presentation

# Glenn Heights Parks Programming and Design Planning and Zoning Meeting

March 9, 2020



Prepared By:



## Agenda

1 Project overview

2 Site analysis

3 Design concepts

4 Example imagery



## Project Team



**NORRIS DESIGN**

Planning | Landscape Architecture | Branding

## Project Lead

- Park Planning
- Public Outreach
- Visioning
- Implementation

### Project Purpose

To create **new park master plans** that will **guide** the implementation of park improvements and maintenance over both **short-term and long-term** timeframes.

### Project Kickoff

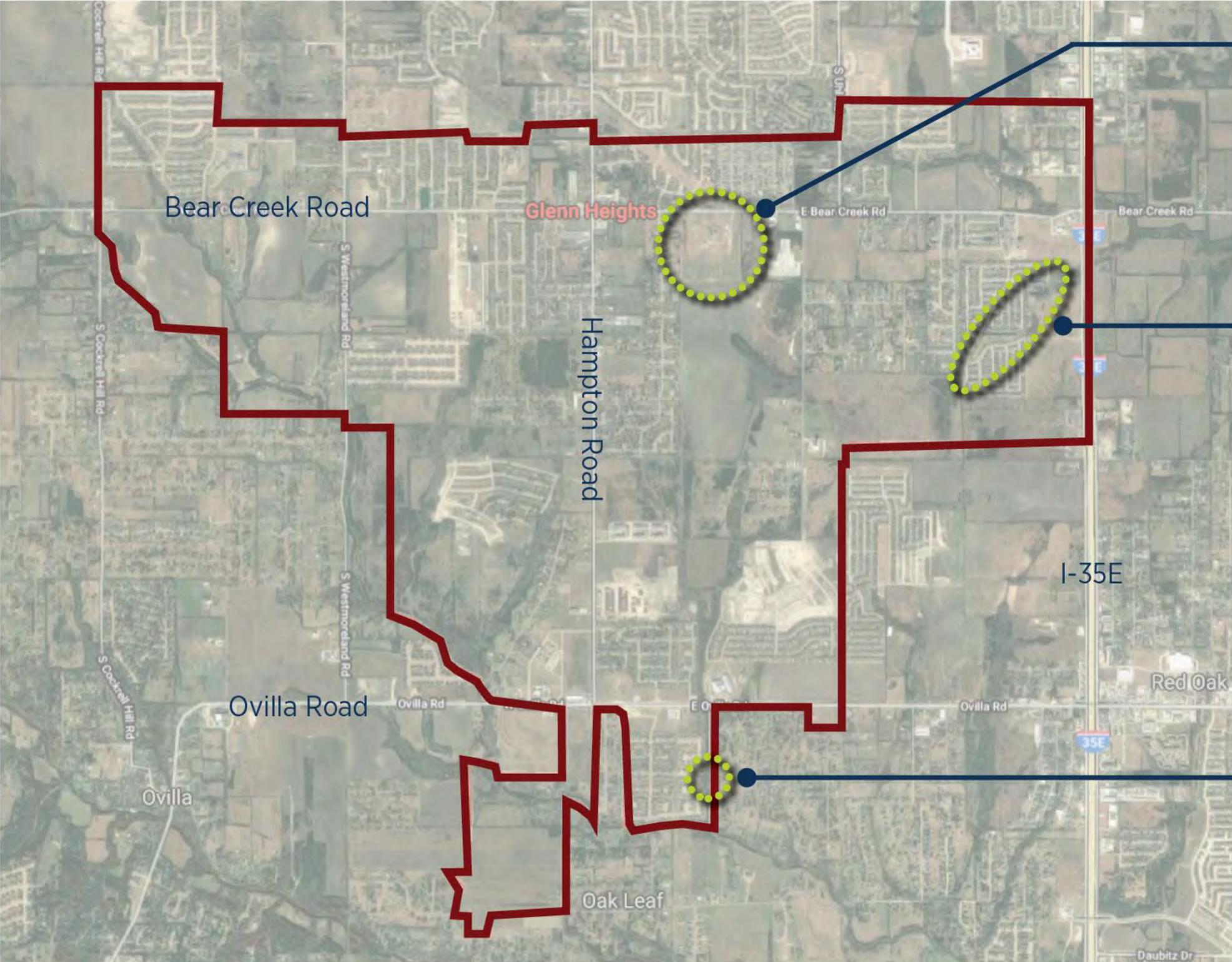
September 2019

### Project Completion (Anticipated)

March 2020



# Project Overview



**Heritage Community Park (43.96 Acres)**

**Gateway Park (13.21 Acres)**

**Courtney Park (0.41 Acres)**

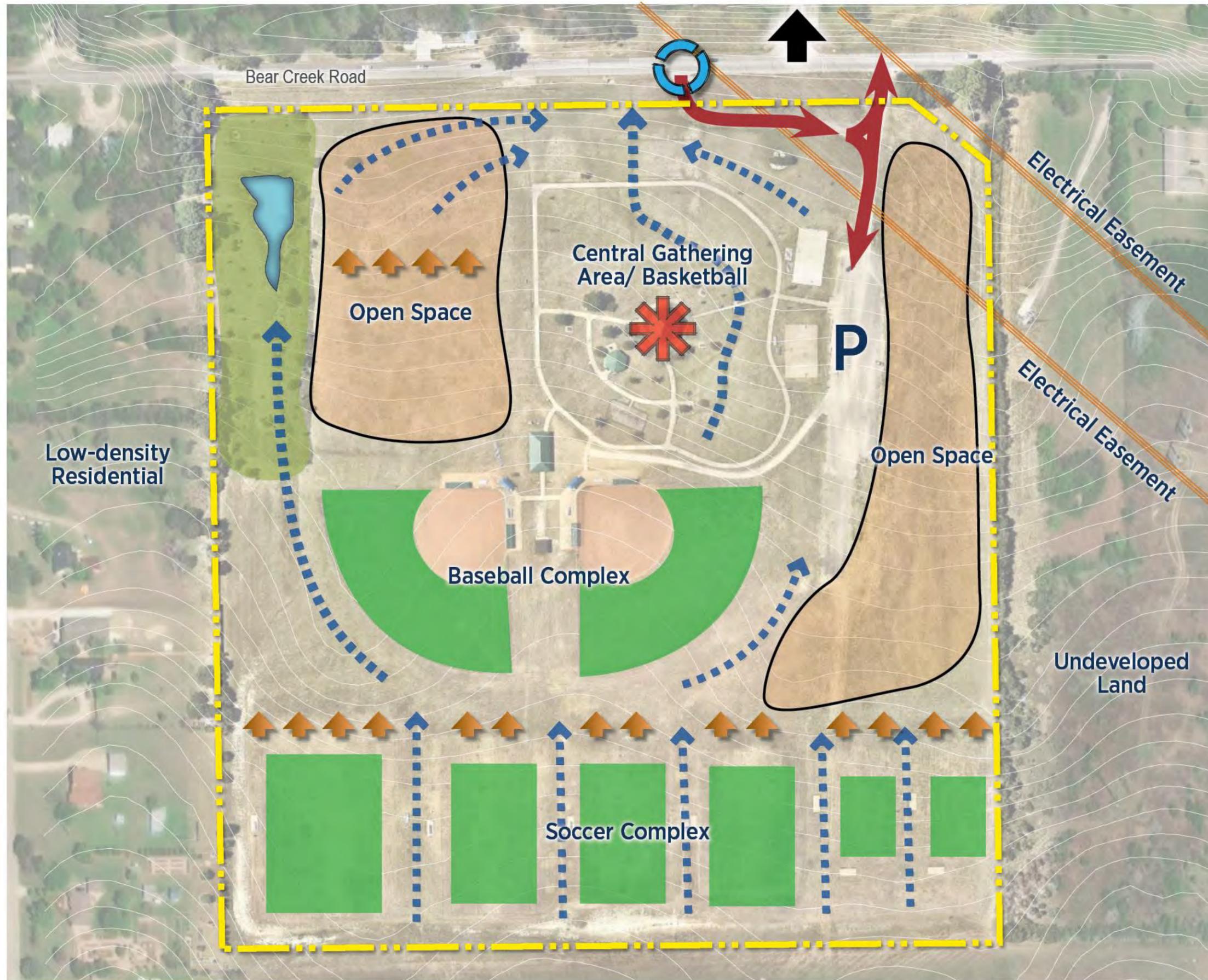
## What We've Heard - Public Feedback Summary

- More walking trails!!!
- Flexible open space
- Upgraded playgrounds for children
- Provide shade in parks
- Landscape enhancements
- Additional site furnishings (trash receptacles, benches, etc.)
- Improve pedestrian accessibility
- Safety lighting

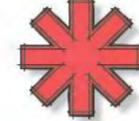


# Heritage Community Park

## Site Analysis



### Legend

-  Vehicular entry
-  Vehicular circulation
-  Significant slope
-  Pavilion/playground/seating
-  Drainage pattern

# Heritage Community Park

Draft Site Plan



PLAY  
EXPLORE  
DISCOVER



## Legend

- 1 Entry signage
- 2 Entry drive
- 3a Basketball court
- 3b Basketball court with cover
- 4 Baseball field
- 5 Soccer fields
- 6 Splash pad w/ shade structure
- 7 Playground and playground expansion area
- 8 Exercise lawn
- 9 Fitness node w/ seating
- 10 Walking trail w/ safety lighting
- 11 Ball field removal and enlarged open space
- 12 Existing concession building
- 13 Lookout point
- 14 Dry creek bed swale
- 15 Pollinator garden
- 16 Pavilion
- 17 Park entry gateway
- 18 Overflow parking



# Heritage Community Park

Potential Phasing



**Phase I**  
Loop Trail

**Phase II**  
Playground + Basketball Court

**Phase III**  
Baseball + Open Space

**Phase IV**  
Southern Area + Boardwalk

**Phase V**  
Splash Pad





# Gateway Park

Draft Site Plan



### Legend

- ① Entry signage
- ② Expanded playground and swing area
- ③ Street trees and seating nodes
- ④ New pedestrian bridge
- ⑤ 6' sidewalk
- ⑥ Culvert crossing
- ⑦ Seating in existing trees
- ⑧ Trail entry features

# Gateway Park

Draft Site Plan - Enlargement



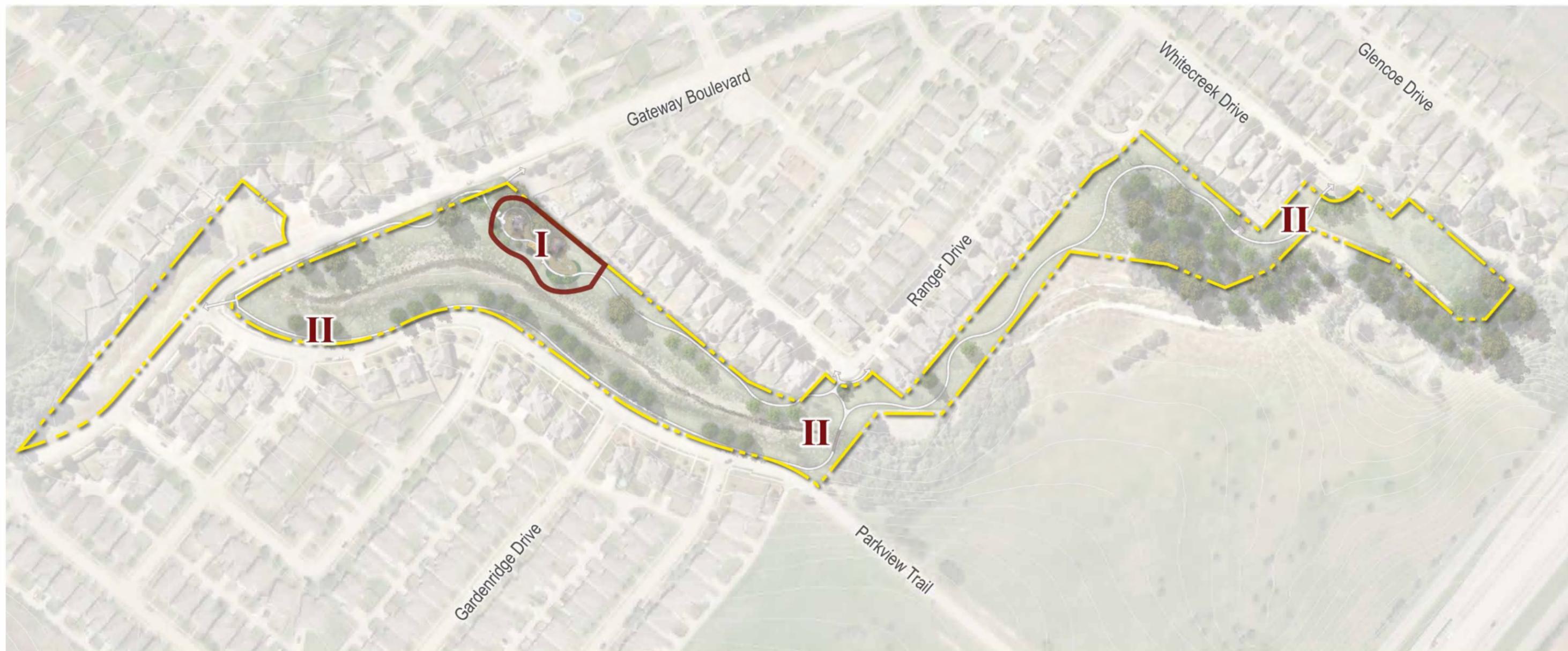
## Legend

- ① Entry signage
- ② 2-5 year playground
- ③ 5-12 year playground
- ④ Swingset
- ⑤ Picnic tables and bench seating
- ⑥ Street trees and seating nodes
- ⑦ Drainage outfall



# Gateway Park

Potential Phasing

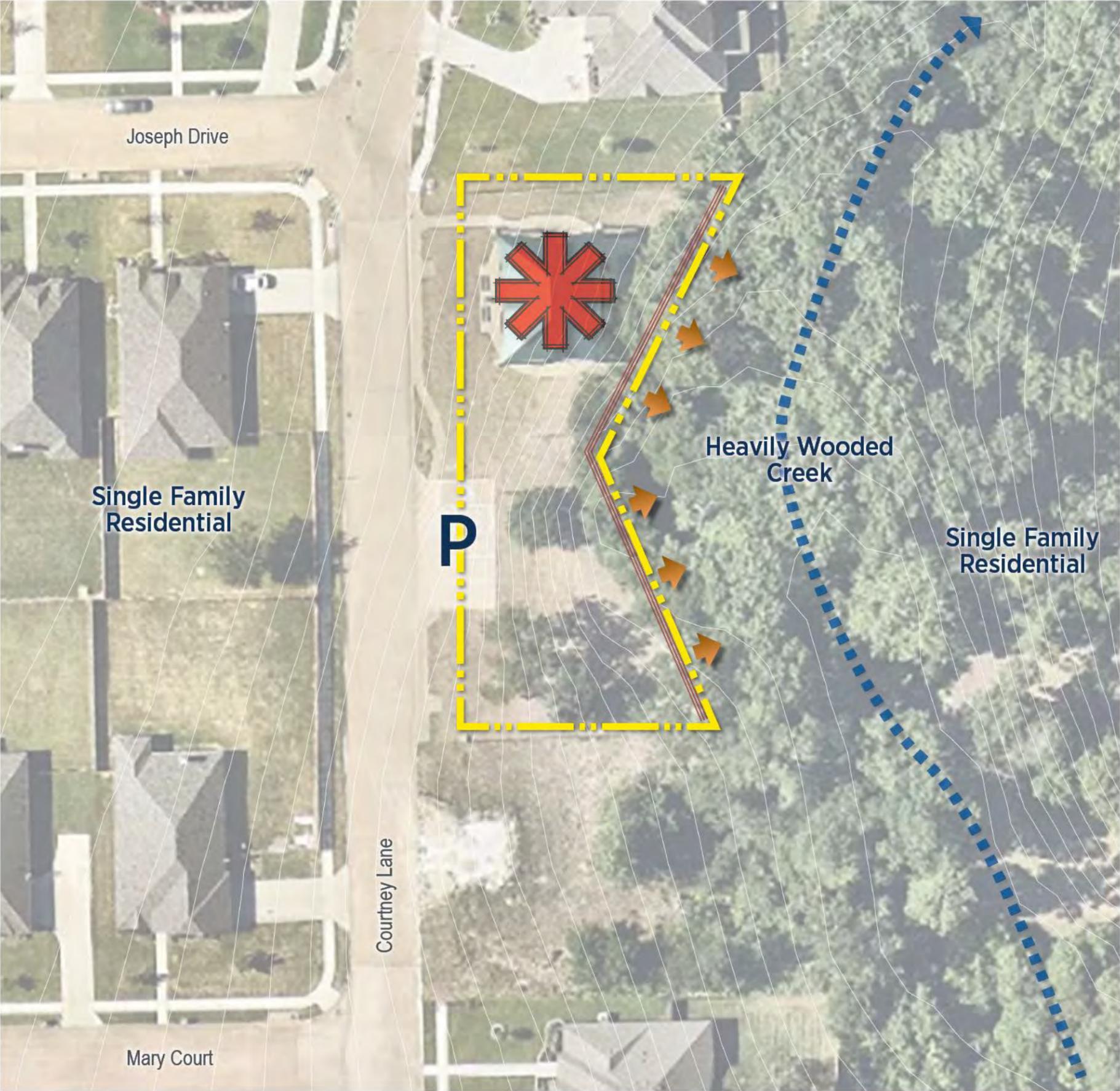


**Phase I**  
**Playground Improvements**

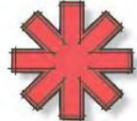
**Phase II**  
**Walking Trail + Trail Gateways**

# Courtney Park

## Site Analysis



### Legend

-  Fencing
-  Significant slope
-  Pavilion/playground/seating
-  Drainage pattern

# Courtney Park

Draft Site Plan



## Legend

- ① Entry signage
- ② Re-aligned walkway
- ③ Landscape enhancements
- ④ Walk connection to existing picnic table
- ⑤ Existing trees
- ⑥ New picnic table

Example Parks Imagery



Example Parks Imagery



Example Parks Imagery



Example Parks Imagery



# Q & A



# CITY OF GLENN HEIGHTS PLANNING AND ZONING COMMISSION REPORT

**Date: April 13, 2020**

## **SUBJECT**

Discuss and take action on a Specific Use Permit (SUP) request by Barry Brewer for an accessory structure with a floor area greater than 650 square feet. The 10.502-acre property is zoned SF-1 and is described as Lot 3 of Williams Farm. The property address is 3119 South Hampton Road, Glenn Heights, Ellis County, Texas. The land is primarily used as a residence with an agricultural accessory. The applicant proposes to store the livestock and agricultural equipment associated with such use.

## **REPORT IN BRIEF**

The Planning and Zoning Commission will hear a Specific Use Permit request for an accessory structure with a floor area greater than 650 square feet.

## **BACKGROUND / DISCUSSION**

Given the underlying zoning and existing development, the applicant proposes to further develop the property by constructing an accessory structure with a floor area of 2,732 square feet. The applicant proposes to use this structure for the storing and keeping of livestock and agricultural equipment that currently exist on this property.

### Zoning Ordinance

The Zoning Ordinance defines an accessory building:

*ACCESSORY BUILDING. A subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the building or premises and not exceeding the maximum lot*

*coverage. Accessory buildings must meet all requirements of the zoning district in which they are located. Accessory buildings generally include parking garages, adjacent farm structures, home workshops and tool houses, storage shed, home greenhouses, etc. Farms with working barns may be exempt if the land is subject to an agricultural use exemption; proof of receipt of such an exemption from the applicable appraisal district must be available for inspection. Accessory buildings may only exist in conjunction with a primary structure and may not be constructed in the absence of a primary structure unless provided by ordinance. In the event a primary structure is destroyed, the accessory building may continue to exist in the absence of the primary structure for six months provided a primary structure is being reconstructed. Failure to timely construct a primary structure requires the removal of the accessory structure. Accessory structures shall not include structures commonly known as sea boxes, PODs, trailer containers, railroad boxes and the like.*

For all properties zoned SF-1, an accessory building is allowed if it is under 650 square feet and meets all applicable design criteria as stated in the City's Zoning Ordinance. However, an accessory building with a floor area greater than 650 square feet requires that a Specific Use Permit request be considered by the Planning and Zoning Commission and City Council. Approval of this request would allow the applicant to submit a building permit application for the construction of such structure at 3119 South Hampton Road. Approval of this request would subsequently approve the intended use of the proposed structure.

#### Section IX4.4.B – Status of Conditionally Permitted Uses

The following general rules apply to all conditional uses:

1. The designation of a use in a zoning district as may be permitted by SUP in Section XI.4.4 of this Ordinance does not constitute an authorization or assurance that such use will be approved.
2. Approval of a Specific Use Permit shall authorize only the particular use for which the SUP is issued. An SUP may only be issued to the identified property and to the applicant. Any change in applicant shall render the SUP null and void. An SUP cannot be transferred to any other owner, applicant or property.

3. No use authorized by a Specific Use Permit shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new Specific Use Permit in accordance with the procedures set forth in Section XI.4.4 of City Code of Ordinances.
4. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the City Code of Ordinances, and any permits that may be required by regional, State or Federal agencies.

The applicant meets and is amendable to these requirements. If reviewed favorably by the Planning and Zoning Commission and approved by the City Council, the applicant will process a Site Plan for approval that reflects the requirements of the Zoning Ordinance for the proposed use and any conditions of approval that will become part of the ordinance granted with this SUP request.

#### **FISCAL IMPACT**

N/A

#### **PUBLIC CONTACT**

Notices were mailed to adjacent property owners within two hundred feet (200') of the subject property by March 27, 2020. Notice was also published in a local newspaper by March 29, 2020 as required by state law and the City of Glenn Heights Comprehensive Zoning Ordinance.

#### **ALTERNATIVES**

N/A

#### **RECOMMENDATIONS**

Staff recommends APPROVAL of this Specific Use Permit request with the condition that the site be further developed in accordance with the presented site plan and elevations.

**PREPARED BY**

Miamauni Hines, Planner

**REVIEWED BY**

Brian Lockley, AICP, Deputy City Manager

**ATTACHMENTS**

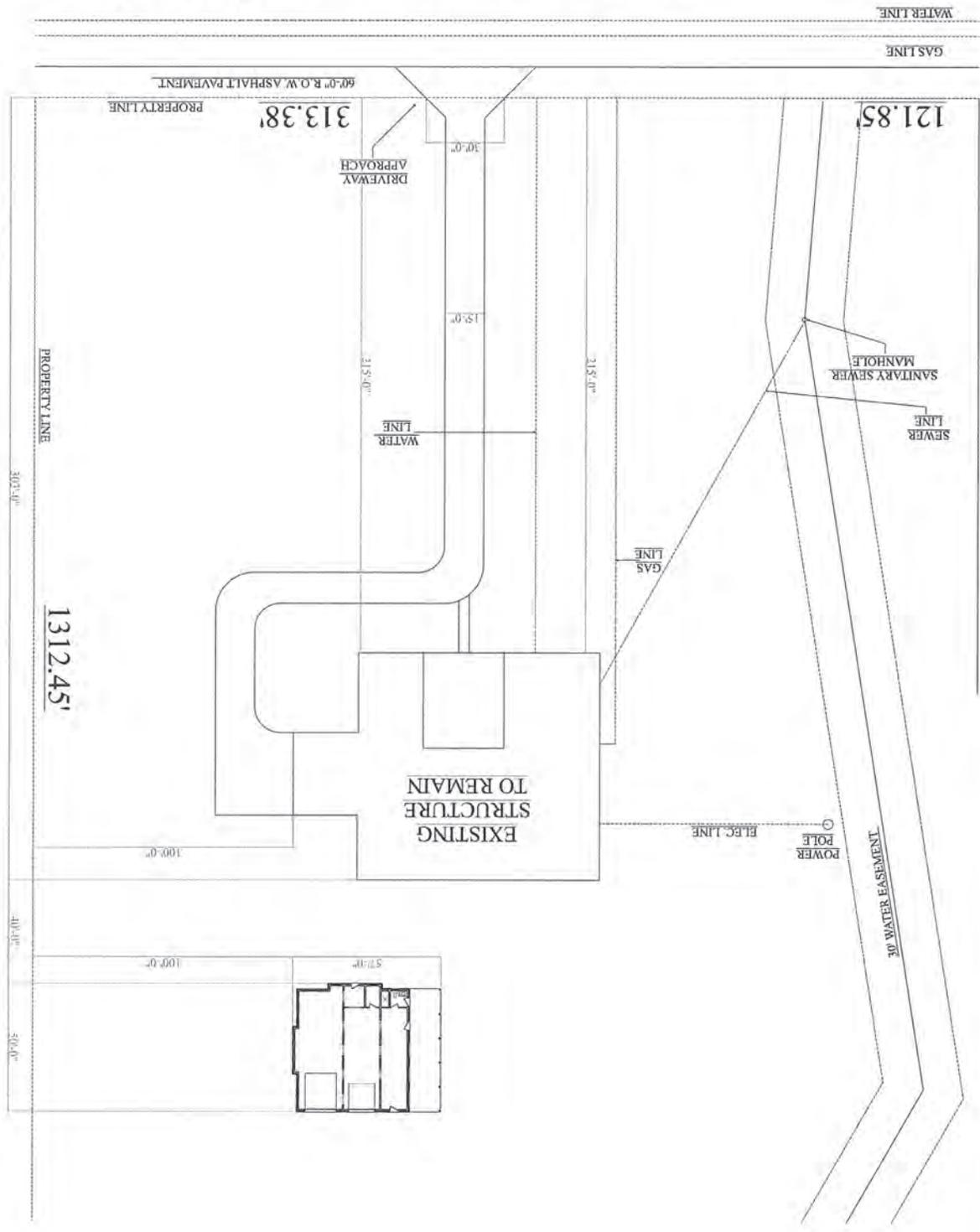
- A. Property Survey
- B. Proposed Site Plan
- C. Proposed Building Elevations
- D. Proposed Floor Plan

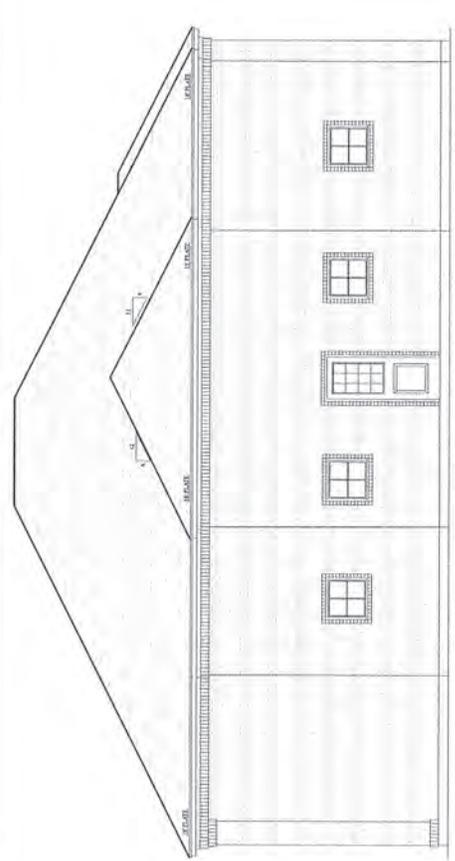




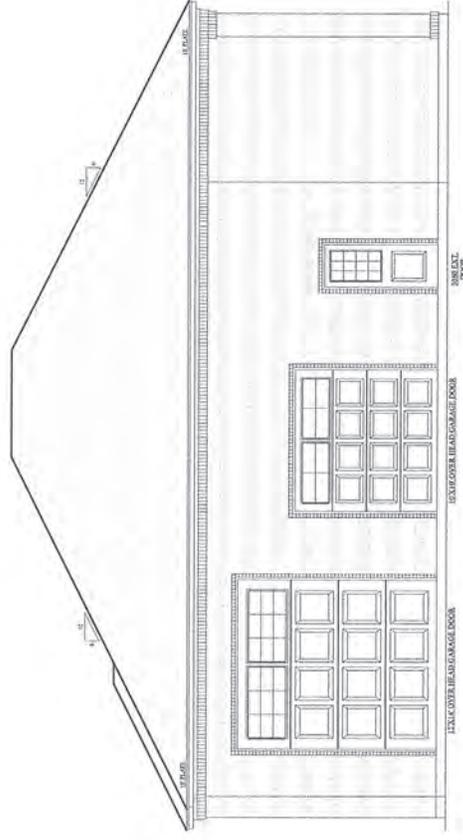
**SITE PLAN**  
SCALE: 1" = 40'-0"

315 S. HAMPTON ROAD

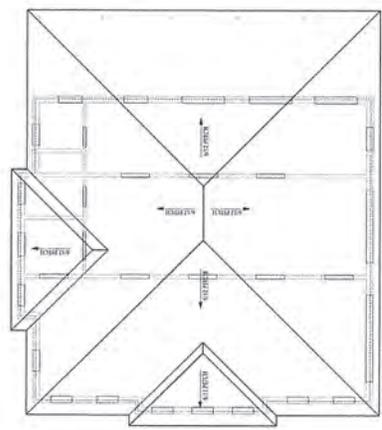




REAR ELEVATION  
SCALE: 1/4" = 1'-0"



FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



ROOF FRAMING PLAN  
SCALE: 1/8" = 1'-0"

**Notes:**

- These plans are intended to provide the basic construction information for the contractor. The contractor is responsible for obtaining all necessary permits and for verifying all dimensions and conditions before beginning any construction.
- Verify all dimensions and all aspects of plans for accuracy. The contractor is responsible for verifying all dimensions and conditions before beginning any construction.
- Any dimensions shown on these plans are to be confirmed by the contractor. The contractor is responsible for verifying all dimensions and conditions before beginning any construction.
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Limit of Designer liability is to be based on the actual price paid for the plans. Designer Your Way assumes no liability for any errors or omissions in these plans, or for any construction work or materials that have been made.

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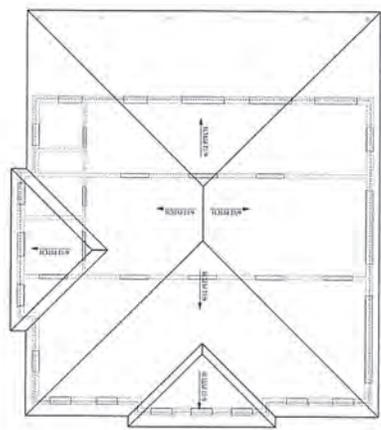
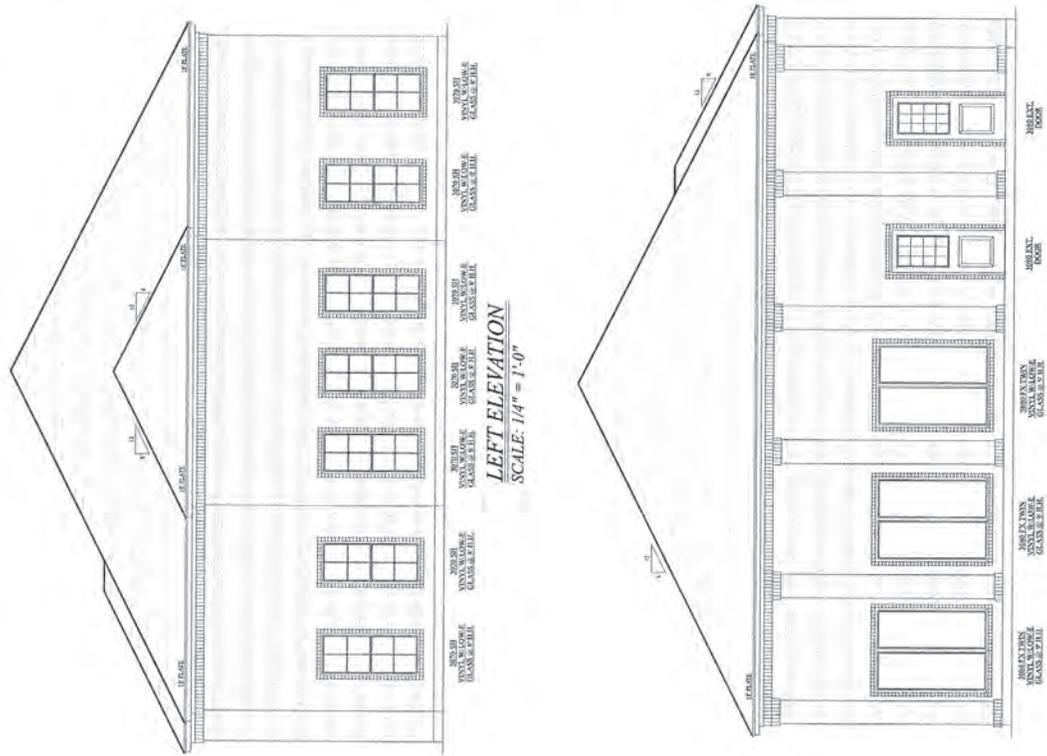
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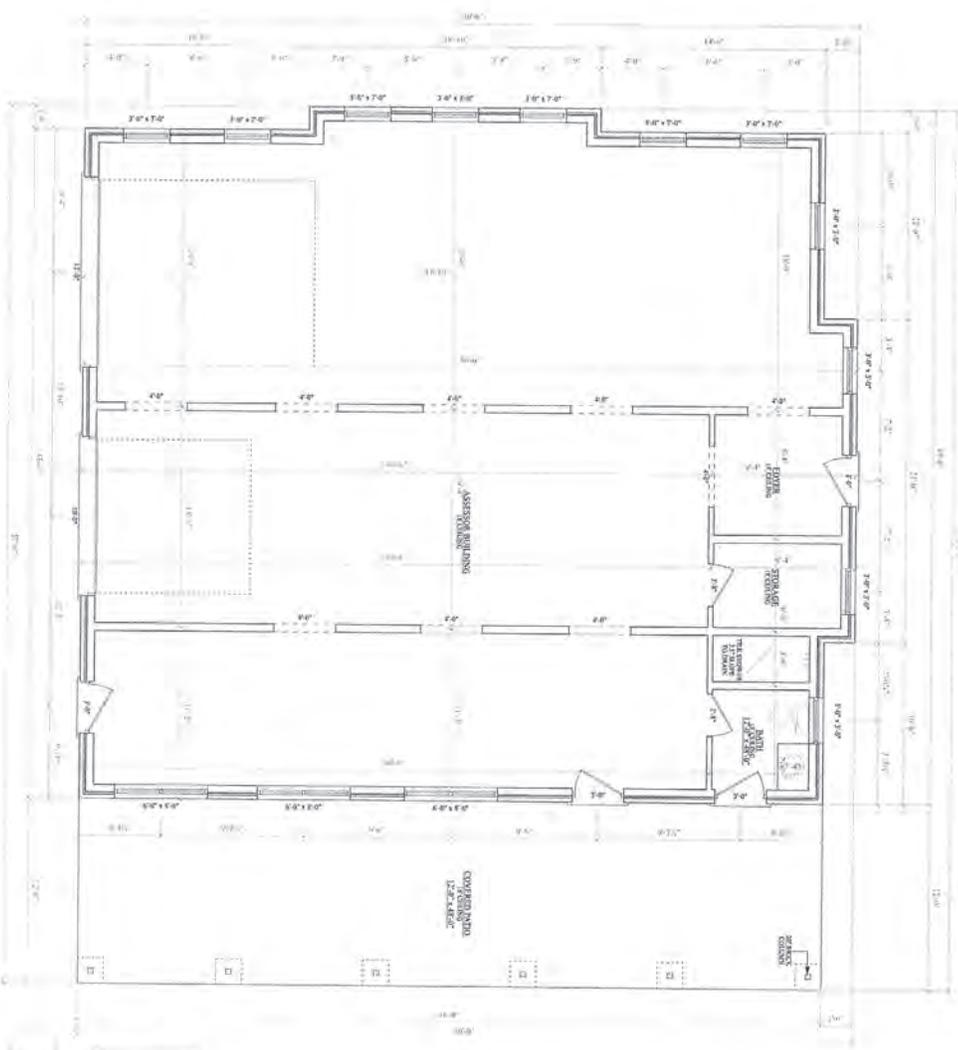
ROOF FRAMING PLAN  
SCALE: 1/8" = 1'-0"

- NOTES:
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4. All steel shall be dimensioned 4" nominal, 1/2" actual.
5. Lining closets and pantries to have 2 shelves unless other size is indicated.
6. Provide 3/4" x 3/4" x 1/2" steel water line in refrigerators.
7. Gas water heaters to be vented to the exterior.
8. In absence of existing schedule, provide by Engineer or Architect.
9. In absence of existing schedule, provide by Engineer or Architect.
10. Refer to engineer drawings for all foundations.
11. Refer to engineer drawings for all foundations.
12. Building area to be finished to 4" below grade and 4" below finish floor.
13. Check plans for level changes. Door entries and finishing shall be as shown.

**Plan Copyright, Ownership and Liability**  
 This drawing is the property of Designs Your Way, LLC and is copyrighted as such. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Designs Your Way, LLC. Any reproduction of this drawing without the prior written permission of Designs Your Way, LLC is strictly prohibited. This drawing is the property of Designs Your Way, LLC and is copyrighted as such. It is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Designs Your Way, LLC. Any reproduction of this drawing without the prior written permission of Designs Your Way, LLC is strictly prohibited.

**Notes:**  
 1. These plans are intended to provide the basic construction information necessary to construct the building. The contractor is responsible for providing the building with the necessary details and specifications. The contractor is responsible for providing the building with the necessary details and specifications. The contractor is responsible for providing the building with the necessary details and specifications.



**AREA TOTALS**  
 GARAGE/SHOP 2156  
 PATIO 576  
 TOTAL FOUNDATION 2732

**FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

**Residential Home Designs**  
 (214) 399-0663  
 DesignsYourWay.RC@gmail.com  
 18756 Stone Oak Pkwy, Suite 200  
 San Antonio, TX 75258

**JANUARY 26th, 2020**  
 A NEW ASSESSOR BUILDING  
 TO BE CONSTRUCTED @  
 3115 S. HAMPTON RD.  
 GLEN HEIGHTS, TEXAS 75154  
 ELLIS COUNTY

**CITY WIDE  
 DEVELOPMENT**

**PLAN ID  
 ASSESSOR  
 BUILDING**

MEMBER  
**A I  
 B D**  
 AMERICAN INSTITUTE OF  
 BUILDING DESIGN



# CITY OF GLENN HEIGHTS PLANNING AND ZONING COMMISSION REPORT

**Date: April 13, 2020**

## **SUBJECT**

Discuss and take action on a Specific Use Permit (SUP) request by Mark Sellers for an ice vending kiosk. The 1.740-acre property is situated in the John F Porter Survey, Abstract No. 1118 and is zoned Retail (R). The property address is 610 East Bear Creek Road, Glenn Heights, Dallas County, Texas. The land is currently undeveloped, but the applicant proposes to construct an ice vending kiosk.

## **REPORT IN BRIEF**

The Planning and Zoning Commission will hear a Specific Use Permit request for an ice vending kiosk.

## **BACKGROUND / DISCUSSION**

Given the underlying zoning, the applicant proposes to develop the property by constructing an ice vending kiosk. The applicant proposes to use this structure for self-serve ice and water vending. An ice vending kiosk is a small, one-story, unoccupied structure that dispenses ice or water after a customer inserts payment. Although the structure's function is like that of a freestanding vending machine, the Zoning Ordinance does not provide standards that would allow this use to operate in a structure of its own.

### Zoning Ordinance

The Zoning Ordinance defines a kiosk:

*KIOSK. A small, freestanding, one-story structure having a maximum floor area of 350 square feet and used for commercial purposes or the posting of temporary information*

*and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of twenty-five (25) square feet.*

Although an ice vending kiosk is not designed to display temporary information, it is a small freestanding, one-story structure used for commercial purposes. Additionally, the proposed structure has a floor area of 270 square feet. Given this information, Staff has decided that the *kiosk* definition, standards, and restrictions would best fit the overall form and function of the proposed ice vending kiosk.

For all properties zoned Retail, an SUP is required for the development of a kiosk of any kind. Approval of this request would allow the applicant to submit a building permit application for the construction of such structure at 610 East Bear Creek Road. Approval of this request would subsequently approve the intended use of the proposed structure.

#### Section IX4.4.B – Status of Conditionally Permitted Uses

The following general rules apply to all conditional uses:

1. The designation of a use in a zoning district as may be permitted by SUP in Section XI.4.4 of this Ordinance does not constitute an authorization or assurance that such use will be approved.
2. Approval of a Specific Use Permit shall authorize only the particular use for which the SUP is issued. An SUP may only be issued to the identified property and to the applicant. Any change in applicant shall render the SUP null and void. An SUP cannot be transferred to any other owner, applicant or property.
3. No use authorized by a Specific Use Permit shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new Specific Use Permit in accordance with the procedures set forth in Section XI.4.4 of City Code of Ordinances.
4. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the City Code of Ordinances, and any permits that may be required by regional, State or Federal agencies.

The applicant meets and is amendable to these requirements. If reviewed favorably by the Planning and Zoning Commission and approved by the City Council, the applicant will process a Site Plan for approval that reflects the requirements of the Zoning Ordinance for the proposed use and any conditions of approval that will become part of the ordinance granted with this SUP request.

### **FISCAL IMPACT**

The City of Glenn Heights will receive a tax revenue of 2.000% on all taxable goods sold on-site. Additionally, the development of this site will raise the property value and the City will collect \$0.833523 in property taxes for every \$100 of the property's taxable value.

### **PUBLIC CONTACT**

Notices were mailed to adjacent property owners within two hundred feet (200') of the subject property by March 27, 2020. Notice was also published in a local newspaper by March 29, 2020 as required by state law and the City of Glenn Heights Comprehensive Zoning Ordinance.

### **ALTERNATIVES**

N/A

### **RECOMMENDATIONS**

Staff recommends APPROVAL of this Specific Use Permit request with the condition that the property be developed in accordance with the presented site plan and elevations.

### **PREPARED BY**

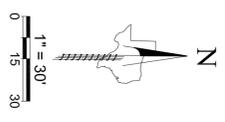
Miamauni Hines, Planner

### **REVIEWED BY**

Brian Lockley, AICP, Deputy City Manager

### **ATTACHMENTS**

- A. Property Survey
- B. Proposed Site Plan
- C. Proposed Building Elevations
- D. Proposed Color Scheme



- GENERAL NOTES**
- 1) The purpose of this plat is to create an official lot of record from a tract of land.
  - 2) This property is located in "Non-splatted Zone X" according to the F.E.M.A. Flood Insurance Rate Map dated July 7, 2014 as shown on Map Number 48113C0640K.
  - 3) The grid coordinates shown on this plat are based on GPS observations utilizing the Allterra RTKNET Cooperative network, NAD 83(2011) State Plane Coordinate System (Texas North Central Zone -- 4202).
  - 4) Setting a portion of this addition by metes and bounds is a violation of City Ordinance 12C-10, the City of Dallas Land Use Ordinance, and is subject to fines and/or withholding of building permits.
  - 5) All interior property corners are marked with a 1/2-inch iron rod with a green plastic cap stamped "EAGLE SURVEYING" unless noted otherwise.
  - 6) The bearings shown on this plat are based on GPS observations utilizing the Allterra RTKNET Cooperative network, NAD 83(2011) Datum.

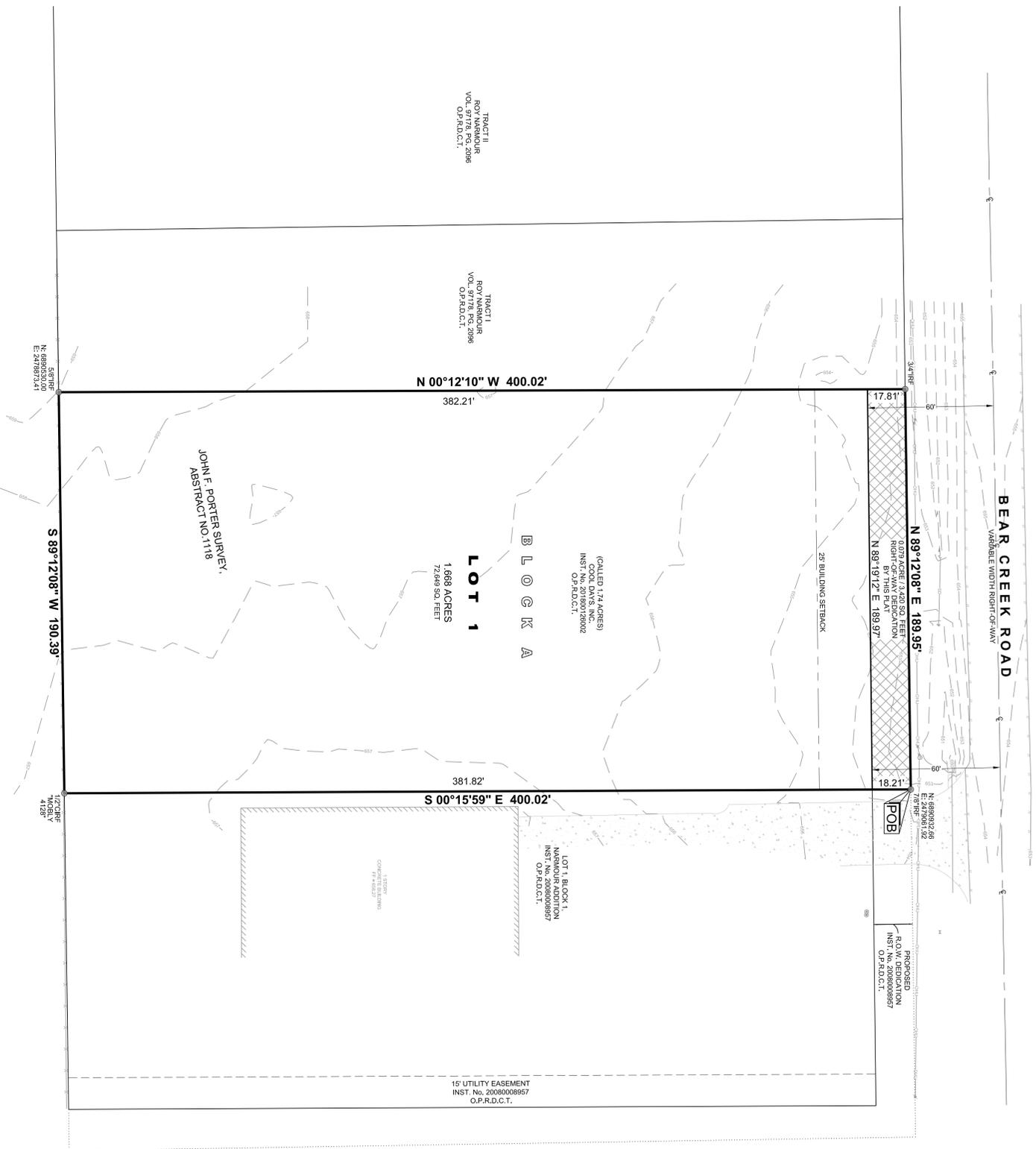
**LEGEND**

PG = PAGE
VOL. = VOLUME
POB = POINT OF BEGINNING
IRF = IRON ROD FOUND
CIRF = CAPPED IRON ROD FOUND
INST. NO. = INSTRUMENT NUMBER
D.R.D.C.T. = DEED RECORDS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS
O.P.R.D.C.T. = DALLAS COUNTY, TEXAS

**EAGLE SURVEYING, LLC**  
 210 S. Elm Street, Suite: 104  
 Denton, TX 76201  
 (940) 222-3009  
 TX Firm #10194177

**SURVEYOR**  
 Eagle Surveying, LLC  
 Contact: John Cox  
 210 S. Elm Street, Suite: 104  
 Denton, TX 76201  
 (940) 222-3009

**OWNER**  
 Cool Days, Inc.  
 Contact: Michael R. Young  
 8000 Chocataw Lane  
 McKinney, TX 75070  
 (214) 562-7510



TEXAS UTILITY  
 ELECTRIC COMPANY

**APPROVED FOR PREPARATION OF FINAL PLAT**

Chairman Planning and Zoning Commission	Date	Mayor	Date
Secretary Planning and Zoning Commission	Date	City Secretary	Date

**OWNER'S CERTIFICATE & DEDICATION**

STATE OF TEXAS \$  
 COUNTY OF DALLAS \$

WHEREAS, **COOL DAYS, INC.**, is the owner of a 1,746 acre tract of land out of the **JOHN F. PORTER SURVEY, ABSTRACT NUMBER 1118**, situated in the City of Glenn Heights, Dallas County, Texas and being all of a certain 1.74 acre tract of land conveyed to Cool Days, Inc. by deed of record in Instrument Number 201600126002 of the Official Public Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

**BEGINNING**, at a 7/8 inch iron rod found in the South right-of-way line of Bear Creek Road, being the Northwest corner of Namour Addition, a subdivision of record in Instrument Number 200890008957 of the Plat Records of Dallas County, Texas, also being the Northeast corner of said 1.74 acre tract and hereof;

**THENCE** S00°15'59"E, bearing the South right-of-way line of Bear Creek Road, along the West line of said Namour Addition and the common East line of said 1.74 acre tract, a distance of 400.02 feet to a 1/2 inch iron rod with plastic cap stamped "OBELY 4128" found at the Southwest corner of said Lot 1, being the Southeast corner of said 1.74 acre tract and hereof;

**THENCE** S89°12'08"W, along the South line of said 1.74 acre tract, a distance of 190.39 feet to a 5/8 inch iron rod found in the South line of that certain Tract I, conveyed by deed of record in Volume 97187, Page 2096 of the Deed Records of Dallas County, Texas, being the Southwest corner of said 1.74 acre tract and hereof;

**THENCE** N00°12'10"W, along the West line of said 1.74 acre tract, a distance of 400.02 feet to a 3/4 inch iron rod found in the South right-of-way line of Bear Creek Road, being the common North line of said Tract I, also being the Northwest corner of said 1.74 acre tract and hereof;

**THENCE** N89°12'08"E, along the South right-of-way line of Bear Creek Road and the common North line of said 1.74 acre tract, a distance of 189.95 feet to the **POINT OF BEGINNING** and containing an area of 1,746 Acres, or (76,069 Square Feet) of land, more or less.

**NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:**

THAT **COOL DAYS, INC.**, does hereby adopt this plat, designating herein described property as **COOL DAYS ADDITION**, an addition to the City of Glenn Heights, Dallas County, Texas, and does hereby dedicate to public use forever all streets, alleys, parks, watercourses, drains, easements and public places therein shown for the purpose and consideration therein expressed. No buildings, fences, trees, shrubs or other improvements shall be placed on the land shown hereon, and no other use shall be made of the land shown hereon, except as herein provided. Said drainage and utility easements being hereby reserved for the municipal use and accommodation of all public utilities desiring to use same. All and any public utility shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on the drainage and utility easements and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said drainage and utility easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone.

OWNER: **COOL DAYS, INC.**, a Texas Corporation

By: \_\_\_\_\_ Date \_\_\_\_\_  
 Michael R. Young  
 President

STATE OF TEXAS \$  
 COUNTY OF \_\_\_\_\_ \$

BEFORE ME, the undersigned authority, on this day personally appeared **MICHAEL R. YOUNG**, President of **COOL DAYS, INC.**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Notary Public in and for the State of Texas

**CERTIFICATE OF SURVEYOR**

STATE OF TEXAS \$  
 COUNTY OF DALLAS \$

I, **MATTHEW RAABE**, Registered Professional Land Surveyor, do hereby certify that this plat was prepared from an actual survey made on the premises hereon shown and that the same is in accordance with the provisions of the Texas Administrative Code and the Ordinance of the City of Glenn Heights, Dallas County, Texas.

**PRELIMINARY**

This document is intended for any purpose and shall not be used or relied upon as a final survey document.

Matthew Raabe, R.P.L.S. #6402 \_\_\_\_\_ Date \_\_\_\_\_

STATE OF TEXAS \$  
 COUNTY OF TARRANT \$

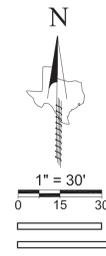
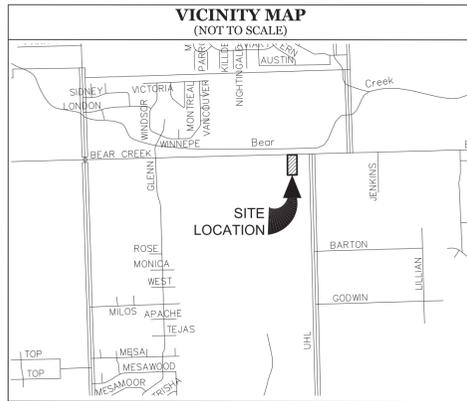
BEFORE ME, the undersigned authority, on this day personally appeared **MATTHEW RAABE**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

John Cox, Notary Public in and for the State of Texas

**PRELIMINARY PLAT**  
**COOL DAYS ADDITION**  
 LOT 1, BLOCK A

BEING 1.746 ACRES OF LAND SITUATED IN THE  
**JOHN F. PORTER SURVEY, ABSTRACT NO. 1118,**  
 CITY OF GLENN HEIGHTS, DALLAS COUNTY, TEXAS



- GENERAL NOTES**
- The purpose of this plat is to create an official lot of record from a tract of land.
  - This property is located in "Non-shaded Zone X" according to the F.E.M.A. Flood Insurance Rate Map dated July 7, 2014 as shown on Map Number 48113C0640K.
  - The grid coordinates shown on this plat are based on GPS observations utilizing the AllTerra RTKNET Cooperative network, NAD 83(2011) State Plane Coordinate System (Texas North Central Zone - 4202).
  - Selling a portion of this addition by metes and bounds is a violation of City Ordinance and State Law, and is subject to fines and/or withholding of utilities and building permits.
  - All interior property corners are marked with a 1/2-inch iron rod with a green plastic cap stamped "EAGLE SURVEYING" unless noted otherwise.
  - The bearings shown on this plat are based on GPS observations utilizing the AllTerra RTKNET Cooperative network, NAD 83(2011) Datum.

**LEGEND**

PG	= PAGE
VOL	= VOLUME
POB	= POINT OF BEGINNING
IRF	= IRON ROD FOUND
CIRF	= CAPPED IRON ROD FOUND
INST. NO.	= INSTRUMENT NUMBER
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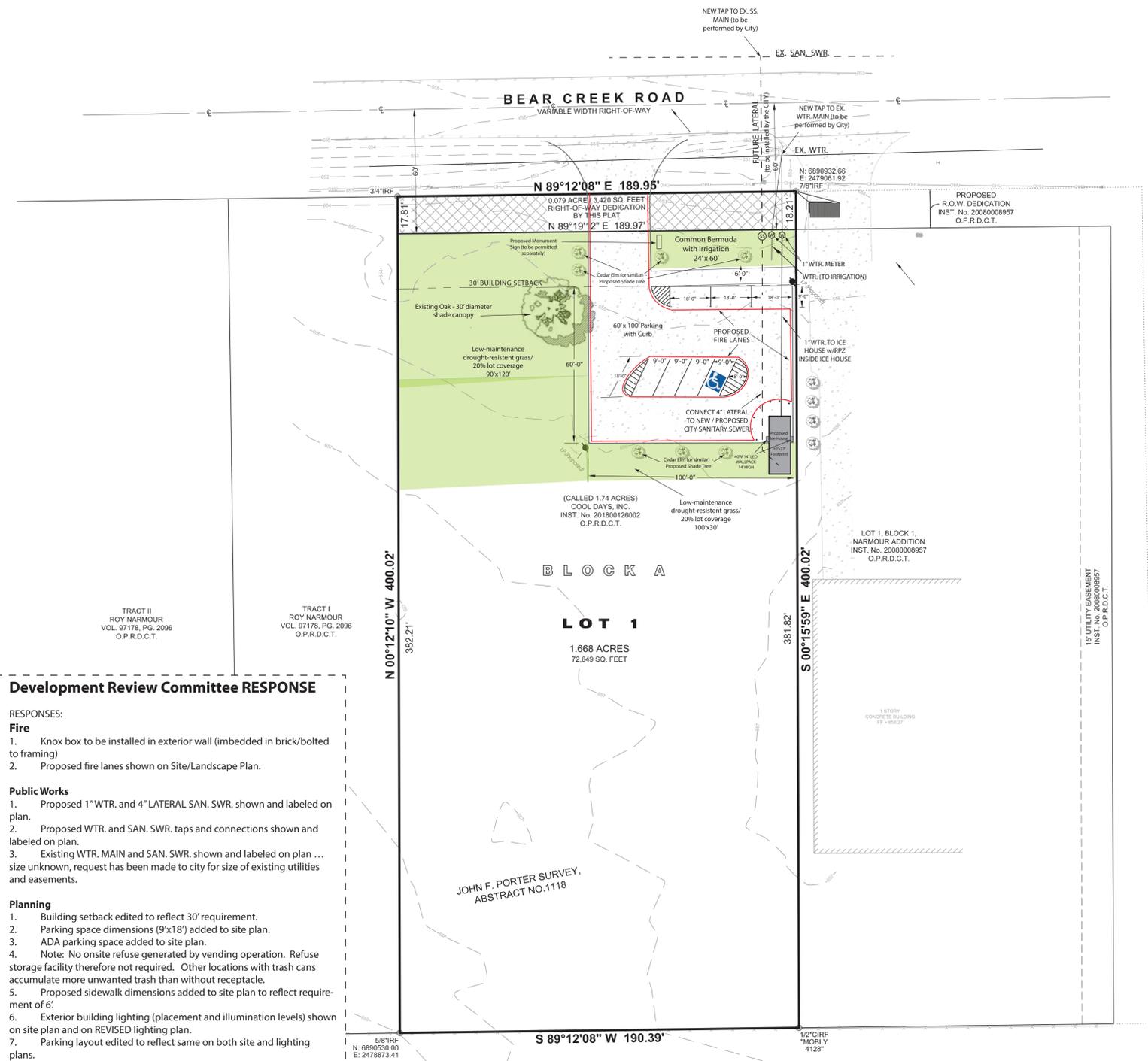
Project: 1908.074-01  
 Date: 01/13/2020  
 Drafter: JDC

**EAGLE SURVEYING, LLC**  
 210 S. Elm Street, Suite: 104  
 Denton, TX 76201  
 (940) 222-3009  
 TX Firm #10194177

**SURVEYOR**  
 Eagle Surveying, LLC  
 Contact: John Cox  
 210 S. Elm Street, Suite: 104  
 Denton, TX 76201  
 (940) 222-3009

**OWNER**  
 Cool Days, Inc.  
 Contact: Michael R. Young  
 8000 Choctaw Lane  
 McKinney, TX 75070  
 (214) 562-7510

- Development Review Committee RESPONSE**
- RESPONSES:
- Fire**
- Knox box to be installed in exterior wall (imbedded in brick/bolted to framing)
  - Proposed fire lanes shown on Site/Landscape Plan.
- Public Works**
- Proposed 1" WTR. and 4" LATERAL SAN. SWR. shown and labeled on plan.
  - Proposed WTR. and SAN. SWR. taps and connections shown and labeled on plan.
  - Existing WTR. MAIN and SAN. SWR. shown and labeled on plan ... size unknown, request has been made to city for size of existing utilities and easements.
- Planning**
- Building setback edited to reflect 30' requirement.
  - Parking space dimensions (9'x18') added to site plan.
  - ADA parking space added to site plan.
  - Note: No onsite refuse generated by vending operation. Refuse storage facility therefore not required. Other locations with trash cans accumulate more unwanted trash than without receptacle.
  - Proposed sidewalk dimensions added to site plan to reflect requirement of 6'.
  - Exterior building lighting (placement and illumination levels) shown on site plan and on REVISED lighting plan.
  - Parking layout edited to reflect same on both site and lighting plans.
  - Landscape area dimensions added to Site/Landscape Plan.
  - Size, location, and species of existing and proposed landscaping added to plan.
  - Tree requirements added to plan.
  - Sod requirement added to plan: 20% of lot to receive low-maintenance / drought-resistant grass sod.
  - Stamped irrigation plan to be prepared and submitted with building plans.
  - Business sign (monument sign) added to site plan, to be permitted separately.
  - Wall signs consistent with City sign ordinance (no more than 2 S.F. per linear foot of building frontage) to be permitted separately.
  - All mechanical equipment to be screened from public view - all parapet walls to extend above top edge of rooftop equipment (15'-4").



**OWNER'S CERTIFICATE & DEDICATION**

STATE OF TEXAS §  
 COUNTY OF DALLAS §

WHEREAS, COOL DAYS, INC., is the owner of a 1.746 acre tract of land out of the JOHN F. PORTER SURVEY, ABSTRACT NUMBER 1118, situated in the City of Glenn Heights, Dallas County, Texas and being all of a called 1.74 acre tract of land conveyed to Cool Days, Inc. by deed of record in Instrument Number 201800126002 of the Official Public Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

**BEGINNING**, at a 7/8 inch iron rod found in the South right-of-way line of Bear Creek Road, being the Northwest corner of Narmour Addition, a subdivision of record in Instrument Number 20080008957 of the Plat Records of Dallas County, Texas, also being the Northeast corner of said 1.74 acre tract and hereof;

**THENCE**, S00°15'59"E, leaving the South right-of-way of Bear Creek Road, along the West line of said Narmour Addition and the common East line of said 1.74 acre tract, a distance of 400.02 feet to a 1/2 inch iron rod with plastic cap stamped "MOBLY 4128" found at the Southwest corner of said Lot 1, being the Southeast corner of said 1.74 acre tract and hereof;

**THENCE**, S89°12'08"W, along the South line of said 1.74 acre tract, a distance of 190.39 feet to a 5/8 iron rod found in the South line of that certain Tract I, conveyed to Roy Narmour by deed of record in Volume 97187, Page 2096 of the Deed Records of Dallas County, Texas, being the Southwest corner of said 1.74 acre tract and hereof;

**THENCE**, N00°12'10"W, along the West line of said 1.74 acre tract, a distance of 400.02 feet to a 3/4 inch iron rod found in the South right-of-way line of Bear Creek Road, being the common North line of said Tract I, also being the Northwest corner of said 1.74 acre tract and hereof;

**THENCE**, N89°12'08"E, along the South right-of-way line of Bear Creek Road and the common North line of said 1.74 acre tract, a distance of 189.95 feet to the **POINT OF BEGINNING** and containing an area of 1.746 Acres, or (76,069 Square Feet) of land, more or less.

**NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:**

THAT, COOL DAYS, INC., does hereby adopt this plat, designating herein described property as COOL DAYS ADDITION, an addition to the City of Glenn Heights, Dallas County, Texas, and does hereby dedicate to public use forever all streets, alleys, parks, watercourses, drains, easements and public places thereon shown for the purpose and consideration therein expressed. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the drainage and utility easements as shown. Said drainage and utility easements being hereby reserved for the mutual use and accommodation of all public utilities desiring to use same. All and any public utility shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on the drainage and utility easement and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said drainage and utility easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone.

OWNER: COOL DAYS, INC., a Texas Corporation

BY: Michael R. Young, President Date

STATE OF TEXAS §  
 COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned authority, on this day personally appeared MICHAEL R. YOUNG, President of COOL DAYS, INC., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Notary Public in and for the State of Texas

**CERTIFICATE OF SURVEYOR**

STATE OF TEXAS §  
 COUNTY OF DALLAS §

I, MATTHEW RAABE, Registered Professional Land Surveyor, do hereby certify that this plat was prepared from an actual survey made on the ground and that the monuments shown hereon were found or placed with 1/2-inch iron rods with green plastic caps stamped "EAGLE SURVEYING" under my direction and supervision in accordance with the current provisions of the Texas Administrative Code and the Ordinances of the City of Glenn Heights, Dallas County, Texas.

**PRELIMINARY**  
 this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

Matthew Raabe, R.P.L.S. # 6402 Date

STATE OF TEXAS §  
 COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, on this day personally appeared MATTHEW RAABE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

John Cox, Notary Public in and for the State of Texas

**SITE / LANDSCAPE PLAN**  
**PAGE-1**  
 2-27-20

**APPROVED FOR PREPARATION OF FINAL PLAT**

Chairman Planning and Zoning Commission	Date	Mayor	Date
Secretary Planning and Zoning Commission	Date	City Secretary	Date

**PRELIMINARY PLAT**  
**COOL DAYS ADDITION**  
 LOT 1, BLOCK A

BEING 1.746 ACRES OF LAND SITUATED IN THE JOHN F. PORTER SURVEY, ABSTRACT No. 1118, CITY OF GLENN HEIGHTS, DALLAS COUNTY, TEXAS



# 610 E Bear Creek SUP Application

2/28/2020

Cool-Days Twice The Ice

## Proposed Masonry Colors/Pattern



## Proposed Elevation w/10'x8' attached storage





# CITY OF GLENN HEIGHTS PLANNING AND ZONING COMMISSION REPORT

**Date: April 13, 2020**

## **SUBJECT**

Discuss and take action on a request by JDJR Engineers and Consultants on behalf of Mohammed Tariq and Bear Creek Elegance, LLC for a new Planned Development. The proposed Planned Development encompasses two properties totaling 39.820 acres situated in the Elias R Parks Survey, Abstract No. 1131. The 38.820-acre is located at 1198 West Bear Creek Road, Glenn Heights, Dallas County, Texas and the 1.000-acre property is located at 1182 West Bear Creek Road, Glenn Heights, Dallas County, Texas. Both properties are currently zoned SF-1. The request is to allow a Planned Development for no more than 121 single-family residential lots with an SF-3 base zoning. In addition to the residential component, the proposal also includes 6.010 acres of open space, a pedestrian trail, park benches, playground equipment, and a community center.

## **REPORT IN BRIEF**

The Planning and Zoning Commission will hear a rezoning request by JDJR Engineers and Consultants for a Planned Development with an SF-3 base zoning. The subject properties are currently zoned SF-1 and the request is to allow for the development of no more than 121 single-family residential lots with certain deviations from the traditional SF-3 zoning standards.

## **BACKGROUND**

The subject area is made up of two properties located at 1198 and 1182 West Bear Creek Road, Glenn Heights, Dallas County, Texas. The larger tract is described as a 38.820-

acre parcel situated in the Elias R Parks Survey, Abstract No. 1131. The smaller tract described as a 1.000-acre parcel situated in the Elias R Parks, Survey, Abstract No. 1131.

## **DISCUSSION**

A Planned Development (PD) district is a tool to permit new or innovative concepts in land utilization not permitted by other zoning districts in the City Zoning Ordinance, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community. This tool requires that one or more of the following purposes are met:

- A. To provide for a superior design on lots or buildings;

*The proposed Development Standards provides for a uniform, master planned subdivision with open spaces and amenities for the enjoyment of the community.*

- B. To provide for increased recreation and open space opportunities for public use and enjoyment;

*The proposed concept plan designates a total of 6.010 acres of open space.*

- C. To provide amenities or features that would be of special benefit to the property users or to the overall community;

*The proposed 6.010 acres of open space will include a pedestrian trail, park benches, playground equipment, and a community center.*

- D. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes viewsapes, or wildlife habitats;

*The proposed concept plan was designed in such a way as to preserve a natural drainage area. This preservation would help alleviate some of the drainage issues that come with mass residential development.*

- E. To protect or preserve existing historical buildings, structures, features or places;

*There are no structures or buildings of historical significance to preserve on the petitioned site.*

- F. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and

*The northern portion of the development is consistent with the Future Land Use Map, providing a traditional neighborhood design. However, the Future Land Use also recognizes the proposed Loop 9 ROW by TxDOT. The proposed development concept does not account for the affected area within the proposed Loop 9 alignment.*

G. To meet or exceed the standards of this Ordinance.

*The table below illustrates how the proposed Planned Development compares to traditional SF-3 zoning standards:*

	SF-3 Standards	Proposed Standards
Lot Area	9,000 sq. ft.	9,000 sq. ft.
Lot Width	70'	65'
Lot Depth	120'	120'
Minimum Dwelling Unit Size	1,750 sq. ft.	2,000 sq. ft.
Front Yard	30'	25'
Side Yard	8'	5'
Side Yard of Corner Lots	15'	15'
Rear Yard	20'	20'
Maximum Lot Coverage of Building Structure(s)	40%	50%
Main Structure Height	35'	35'
Accessory Structure Hight	15'	15'
Individual Lot Landscaping Requirements	two 3" caliper trees w/ 40' crowns; two 3" caliper trees w/ 20' crowns; 20% of total lot area;	one 3" caliper tree in front yard; one 3" caliper tree in rear yard; 12 5-gal shrubs in front yard; 20% of total lot area
Max Residential Density	3.5 dwelling units per acre	2.3 dwelling units per acre
Minimum Roof Pitch	6:12	6:12
Maximum Fence Height	6'	6'

## **CONCEPT PLAN REVIEW AND EVALUATION**

The Development Review Committee met and performed Concept Plan review and evaluation with respect to the following:

- The Plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the City.
- The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
- The relationship of the development to the base zoning standards in terms of harmonious design, façade treatment, setbacks, maintenance of property values, and any possible negative impacts.
- The provision of a safe and efficient vehicular and pedestrian circulation system.
- The coordination of streets so as to arrange a convenient system consistent with the Thoroughfare Plan of the City as adopted and amended.
- The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
- The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- Protection and conservation of watercourses and areas that are subject to flooding.
- Consistency with the Comprehensive Master Plan of the City as adopted or amended.

## **COMPREHENSIVE PLAN ALIGNMENT**

Staff has reviewed this application to determine its compatibility with the City's Future Land Use Map and Comprehensive Plan which designates this area as Traditional Neighborhood Development (TND):

### **Traditional Neighborhood Development**

TND typically involves reduced street setbacks, rear entry garages, integrated parks and open spaces, architectural enhancements/design, connected street grids and clusters of neighborhood retail/services.

Although the residential component aligns with that of a TND, the development concept fails to consider the proposed Loop 9 Right-of-Way. Therefore, the request is inconsistent with the City's future land use plan. Upon initial discussions, the proposed Loop 9 alignment was presumed to be further south with no impact on the proposed development. In February 2020, however, TxDOT released information regarding the nearly finalized alignment and construction timeline. The latest schematics would mean displacement for most of the southern half of the proposed planned development if it were constructed as presented.

### **FISCAL IMPACT**

The development and construction of the proposed Planned Development would generate a revenue of over \$200,000 in building permit and plan review fees. Once fully developed, the City would collect \$0.833523 per \$100 assessed valuation for each lot. Unfortunately, this would also lead to a greater financial burden on TxDOT when acquiring the land to construct the proposed Loop 9 ROW.

### **PUBLIC CONTACT**

Notices were mailed to adjacent property owners within two hundred feet (200') of the subject property by March 27, 2020. Notice was also published in a local newspaper by March 29, 2020 as required by state law and the City of Glenn Heights Comprehensive Zoning Ordinance.

### **ALTERNATIVES**

For the portion of the development affected by the proposed Loop 9 alignment, Staff recommends designating this area as private open space until such time as it is developed by TxDOT.

**RECOMMENDATIONS**

At the applicants' request, Staff recommends tabling this Planned Development request to be considered on a later date.

**PREPARED BY**

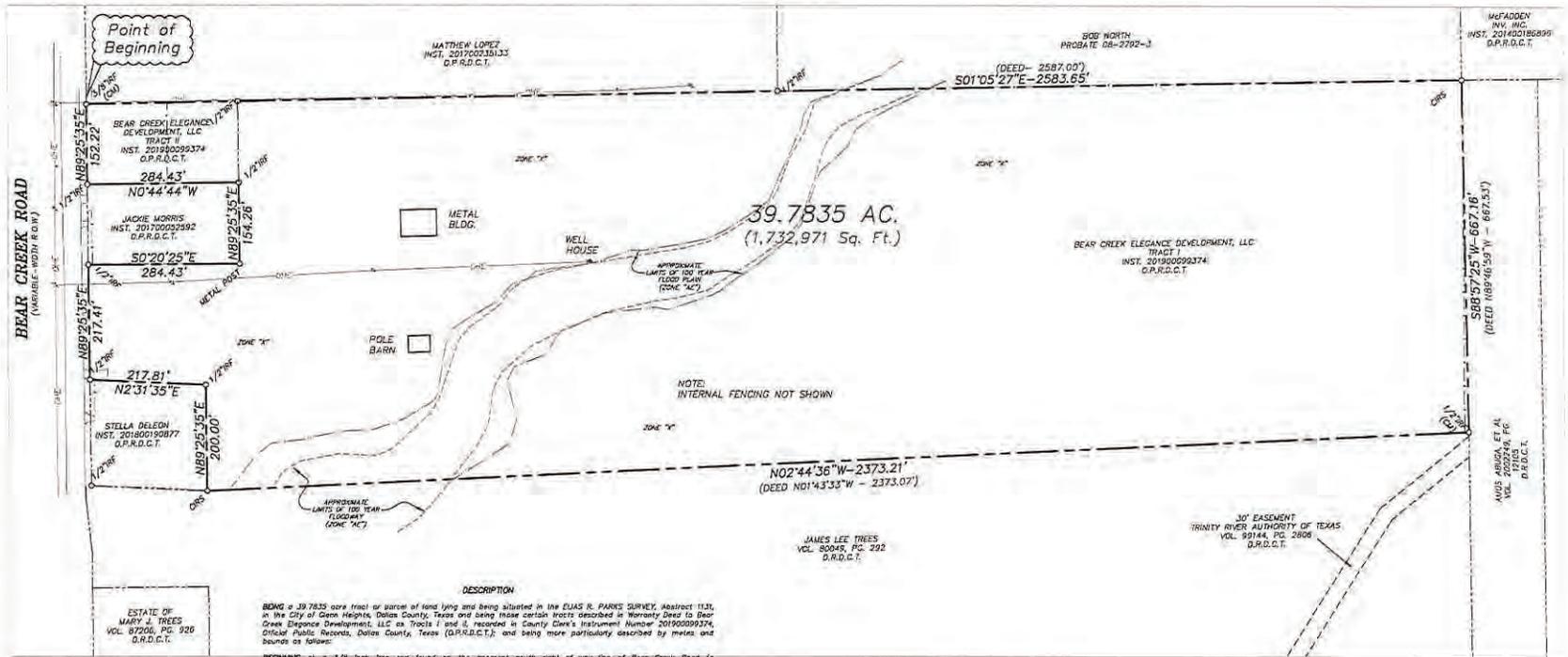
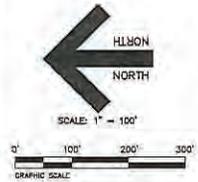
Mia Hines, Planner

**REVIEWED BY**

Brian Lockley, AICP, Deputy City Manager

**ATTACHMENTS**

- A. Bear Creek Elegance Property Survey & Legal Description
- B. Bear Creek Elegance PD Development Standards
- C. Bear Creek Elegance Concept Exhibit



- LEGEND**
- 3/8" IRON ROD SET WITH CAP STAMPED "C&P"
  - 3/8" IRON ROD FOUND WITH CAP STAMPED "C&P"
  - UNLESS OTHERWISE SHOWN
  - IRON ROD FOUND
  - IRON PIPE FOUND
  - CONCRETE FOUND
  - RECORD DEARING DISTANCE
  - DEED RECORDS, DALLAS COUNTY, TEXAS
  - D.P.R.C.T. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
  - COUNTY CLERK'S FILE NUMBER
  - VOL. NO.
  - SELF WIRE
  - POWER POLE
  - SANITARY SEWER MANHOLE
  - SIGN
  - WATER METER
  - WATER VALVE
  - CONDUIT
  - --- EDGE OF ASPHALT
  - --- FENCE
  - --- OVERHEAD ELECTRIC

**DESCRIPTION**

BEING a 39.7835 acre tract or parcel of land lying and being situated in the ELIAS R. PARKS SURVEY, Abstract 1131, in the City of Green Heights, Dallas County, Texas and being more certain tracts described in Warranty Deed to Bear Creek Elegance Development, LLC as Tracts I and II, recorded in County Clerk's Instrument Number 20190009374, Official Public Records, Dallas County, Texas (D.P.R.C.T.); and being more particularly described by metes and bounds as follows:

**BEING** of a 3/8 inch iron rod found on the apparent south right-of-way line of Bear Creek Road to wobble-width right-of-way) for the northeast corner of Tract II of said Bear Creek Elegance Development, LLC Tract; said iron rod also being the northwest corner of that certain tract described in Warranty Deed to Matthew Lopez, recorded in County Clerk's Instrument Number 201700215133, D.P.R.C.T.;

**THENCE** South 21 degrees 05 minutes 27 seconds East, along the east line of said Tract II and the west line of said Lopez tract, a distance of 284.43 feet to a 1/2 inch iron rod at the southeast corner of said Tract I and the most westerly northeast corner of said Bear Creek Elegance Development, LLC Tract II; of a distance of 1252.59 feet pass a 1/2 inch iron rod found for the southwest corner of said Lopez tract and the northwest corner of that certain tract described in Platbook 08-2292-3 to Bob North, Probate Court Records; and continuing for a total distance of 2583.65 feet to a 3/8 inch iron rod with plastic cap marked "C&P" set (hereinafter referred to as a set iron rod) for the southwest corner of said Tract I and the southwest corner of said Bob North tract; said set iron rod also being the northwest corner of that certain tract described in deed to McRobison Investments, Inc., recorded in County Clerk's Instrument Number 201400188895, D.P.R.C.T. and the northeast corner of that certain tract described in Warranty Deed to James Lee Trees, recorded in Volume 80045, Deed Records, Dallas County, Texas (D.P.R.C.T.);

**THENCE** South 88 degrees 57 minutes 25 seconds West, along the south line of said Tract I and the north line of said Above tract, a distance of 6271.02 feet to a 1/2 inch iron rod found for the southwest corner of said Tract I and the southeast corner of that certain tract described in Warranty Deed to Stella DeLeon, recorded in Volume 80049, Page 292, D.P.R.C.T.;

**THENCE** North 02 degrees 44 minutes 36 seconds West, along the west line of said Tract I and the east line of said Trees tract, a distance of 2373.21 feet to a set iron rod at an angle point in the north line of said Tract I and the southwest corner of that certain tract described in Warranty Deed to Jackie Morris, recorded in County Clerk's Instrument Number 201700052592, D.P.R.C.T.;

**THENCE** North 83 degrees 35 minutes 35 seconds East, along the north line of said Tract I and the south line of said DeLeon tract, a distance of 200.00 feet to a 1/2 inch iron rod at an angle point in the north line of said Tract I;

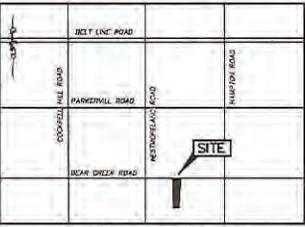
**THENCE** North 02 degrees 31 minutes 35 seconds East, along the east line of said DeLeon tract and continuing along the north line of said Tract I, a distance of 217.81 feet to a 1/2 inch iron rod found for the northeast corner of said DeLeon tract and an angle point in the north line of said Tract I located on the apparent south right-of-way line of the aforementioned Bear Creek Road;

**THENCE** North 89 degrees 25 minutes 35 seconds East, continuing along the north line of said Tract I and said south right-of-way line, a distance of 217.41 feet to a 1/2 inch iron rod found for an angle point in the north line of said Tract I and the northeast corner of that certain tract described in Warranty Deed to Jackie Morris, recorded in County Clerk's Instrument Number 201700052592, D.P.R.C.T.;

**THENCE** South 09 degrees 20 minutes 25 seconds East, continuing along the north line of said Tract I and the west line of said Morris tract, a distance of 194.26 feet to a 1/2 inch iron rod found for the southeast corner of said Morris tract and the southwest corner of the aforementioned Bear Creek Elegance Development, LLC Tract II;

**THENCE** North 09 degrees 44 minutes 44 seconds West, along the east line of said Morris tract and the west line of said Tract II, a distance of 284.43 feet to a 1/2 inch iron rod located on the aforementioned south right-of-way line for the northwest corner of said Morris tract and the northwest corner of said Tract II;

**THENCE** North 88 degrees 25 minutes 25 seconds East, along the north line of said Tract II and said south right-of-way line, a distance of 182.22 feet to the Point of Beginning, and containing 39.7835 Acres (1,732,971 square feet) of land.



**LOCATION MAP**  
M.T.S.

- GENERAL NOTES**
- The bearings shown herein are based on the found monumentation noted as "C&P" (Control Monument) of the deed to BEAR CREEK ELEGANCE, recorded in Vol. 20180009374, D.P.R.C.T. as shown and by subsequent GPS observations based upon the Leica SmartReck, (GEO121), Texas North Central zone, NAD83.
  - According to the Flood Insurance Rate Map published by the Federal Emergency Management Agency, the subject property appears to be located in Zone "X" (Areas determined to be outside the 100-Year Flood Plain) and in Zone "AE" (Areas where Slow Flood Elevations have been determined), as shown on Map No. 481100020C, Map Revised, July 2, 2014, for Dallas County, Texas and incorporated herein. This flood statement does not imply that the property and/or the structures located in Zone "X" will be free from flooding or flood damage. This flood statement shall not create liability on the part of the surveyor.
  - This survey was prepared without the benefit of a Title Commitment. Surveyor has made no investigation or independent search for adoptions of record, encroachments, restrictive covenants, easements, title evidence, or any other facts which are accurate and current title search may disclose.
  - UTILITIES: The surveyor did not research the location and/or existence of utility services lines to the subject property, and any underground utilities shown herein were taken from record information or is a representation of roughing made by this respective company; actual locations were not field verified except at surface structures such as manholes.

**TITLE SURVEY**

BEING A 39.7835 ACRE TRACT OF LAND SITUATED IN THE ELIAS R. PARKS SURVEY, A-1131, CITY OF GREEN HEIGHTS, DALLAS COUNTY, TEXAS

(NOTE: THE USE OF THE WORD "TRAC" IS MERELY DESCRIPTIVE AND DOES NOT IMPLY THAT SURVEYOR HAS CONDUCTED AN ACQUISITION OR GUARANTEES TITLE TO THE PROPERTY SURVEYED.)

The plot herein is an accurate representation of the property as determined by an on the ground survey, subject to any and all easements, reservations and restrictions that may be of record, the lines and dimensions of said property being indicated by the plot, the size, location and type of buildings and improvements are so shown, all visible improvements being within the boundaries of the property set back from the property lines the distance indicated. There are no visible encroachments, conflicts or intrusions except as shown.

Surveyed on the ground, 26 AUGUST, 2019.

*Kerry M. Hoefner*  
KERRY M. HOEFNER - MEAS 4562  
19 SEPT, 2019

<b>JDJR</b>	PREPARED BY:	ENGINEERS AND CONSULTANTS, INC.
	ENGINEERS • LAND PLANNERS • SURVEYORS	2500 Texas Drive Suite 100 Irving, Texas 75038 Tel 972-252-5357 Fax 972-252-0868
DATE: 19 SEPT, 2019	DRAWN BY: KSH	JDJR PROJECT NO: 1203-1-19
SCALE: 1" = 100'	CHECKED BY: KSH	© COPYRIGHT 2019

## DESCRIPTION

BEING a 39.7835 acre tract or parcel of land lying and being situated in the ELIAS R. PARKS SURVEY, Abstract 1131, in the City of Glenn Heights, Dallas County, Texas and being those certain tracts described in Warranty Deed to Bear Creek Elegance Development, LLC as Tracts I and II, recorded in County Clerk's Instrument Number 201900099374, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.); and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8 inch iron rod found on the apparent south right-of-way line of Bear Creek Road (a variable-width right-of-way) for the northeast corner of Tract II of said Bear Creek Elegance Development, LLC tract; said iron rod also being the northwest corner of that certain tract described in Warranty Deed to Matthew Lopez, recorded in County Clerk's Instrument Number 201700235133, O.P.R.D.C.T.;

THENCE South 01 degrees 05 minutes 27 seconds East, along the east line of said Tract II and the west line of said Lopez tract, at a distance of 284.45 feet pass a 1/2 inch iron rod for the southeast corner of said Tract II and the most westerly northeast corner of said Bear Creek Elegance Development, LLC Tract I; at a distance of 1295.92 feet pass a 1/2 inch iron rod found for the southwest corner of said Lopez tract and the northwest corner of that certain tract described in Probate 08-2792-3 to Bob North, Probate Court Records; and continuing for a total distance of 2583.65 feet to a 5/8 inch iron rod with plastic cap marked "JDJR" set (hereinafter referred to as a set iron rod) for the southeast corner of said Tract I and the southwest corner of said Bob North tract; said set iron rod also being the northwest corner of that certain tract described in deed to McFadden Investments, Inc., recorded in County Clerk's Instrument Number 201400186896, O.P.R.D.C.T. and the northeast corner of that certain tract described in Warranty Deed to Amos Abuga, recorded in Volume 2002249, Page 12105, Deed Records, Dallas County, Texas (D.R.D.C.T.);

THENCE South 88 degrees 57 minutes 25 seconds West, along the south line of said Tract I and the north line of said Abuga tract, a distance of 667.16 feet to a 1/2 inch iron rod found for the southwest corner of said Tract I and the southeast corner of that certain tract described in Warranty Deed to James Lee Trees, recorded in Vol. 80049, Page 292, D.R.D.C.T.;

THENCE North 02 degrees 44 minutes 36 seconds West, along the west line of said Tract I and the east line of said Trees tract, a distance of 2373.21 feet to a set iron rod at an angle point in the north line of said Tract I and the southwest corner of that certain tract described in Warranty Deed to Stella DeLeon, recorded in County Clerk's Instrument Number 201800190877, O.P.R.D.C.T.;

THENCE North 89 degrees 25 minutes 35 seconds East, along the north line of said Tract I and the south line of said DeLeon tract, a distance of 200.00 feet to a 1/2 inch iron rod for the southeast corner of said DeLeon tract and an angle point in the north line of said Tract I;

THENCE North 02 degrees 31 minutes 35 seconds East, along the east line of said DeLeon tract and continuing along the north line of said Tract I, a distance of 217.81 feet to a 1/2 inch iron rod found for the northeast corner of said DeLeon tract and an angle point in the north line of said Tract I located on the apparent south right-of-way line of the aforementioned Bear Creek Road;

THENCE North 89 degrees 25 minutes 35 seconds East, continuing along the north line of said Tract I and said south right-of-way line, a distance of 217.41 feet to a 1/2 inch iron rod found for an angle point in the north line of said Tract I and the northeast corner of that certain tract described in Warranty Deed to Jackie Morris, recorded in County Clerk's Instrument Number 201700052592, O.P.R.D.C.T.;

THENCE South 00 degrees 20 minutes 25 seconds East, continuing along the north line of said Tract I and the west line of said Morris tract, a distance of 284.43 feet to a metal fence post found for the southwest corner of said Morris tract located at an angle point in the north line of said Tract I;

THENCE North 89 degrees 25 minutes 35 seconds East, continuing along the north line of said Tract I and the south line of said Morris tract, a distance of 154.26 feet to a 1/2 inch iron rod found for the southeast corner of said Morris tract and the southwest corner of the aforementioned Bear Creek Elegance Development, LLC Tract II;

THENCE North 00 degrees 44 minutes 44 seconds West, along the east line of said Morris tract and the west line of said Tract II, a distance of 284.43 feet to a 1/2 inch iron rod located on the aforementioned south right-of-way line for the northeast corner of said Morris tract and the northwest corner of said Tract II;

THENCE North 89 degrees 25 minutes 35 seconds East, along the north line of said Tract II and said south right-of-way line, a distance of 152.22 feet to the Point of Beginning, and containing 39.7835 Acres (1,732,971 square feet) of land.

**CONDITIONS FOR PLANNED DEVELOPMENT  
ZONING CASE No. PD 11-19-19  
BEAR CREEK ELEGANCE  
39.984 ACRES FOR PD- SINGLE FAMILY (PD/SF-3).**

**I. GENERAL CONDITIONS:**

- A. This planned Development District shall not affect any regulations within the Code of Ordinances, except as specifically provided herein. All regulations not specifically defined in this PD will be subject to the City of Glenn Heights Code of Ordinances.

<b>Planned Development – Single Family (PS/SF-3)</b>	
<b>Lot Size (Minimum)</b>	
Lot Area (sq. ft.)	9,000
Lot Width (feet)	65*
Lot Depth (feet)	120**
<b>Yard Requirements – Main Structures</b>	
Front Yard (feet)	25***
Side Yard (feet)	5
Side Yard of Corner Lots	15
Rear Yard	20
Lot Coverage of Building Structure	50%
<b>Dwelling Regulations</b>	
Minimum Living Area (sq. ft.)	2,000
Height of Main Structure (feet)	35
<b>Landscape Regulations</b>	
Minimum landscape materials per lot	One 3” caliper tree in the front yard, one 3” caliper tree in the rear yard, and 12 shrubs in the front yard

\*Cul-de-sac and Elbow lots may have a minimum width of 60 feet at the front building ling.

\*\*100 feet for Lots 1-4 & 18, Block A and Lo 1, Block B

\*\*\*30 feet for Lots 38-40, Block A



## **II. SPECIAL CONDITIONS:**

- A. Maximum number of residential lots not to exceed 121 lots.
- B. Lots which back or side onto park land shall provide a decorative metal fence of uniform design to be installed by the homebuilder. Maximum height of decorative metal fence shall be 6 feet.
- C. All common areas along the creek to preserve as many trees as reasonable to provide a natural area. Trees to be only be removed as necessary to construct/install all open space amenities.
- D. Common area Lot13-X, Block C, to include an amenity building with approximately 1,350 square feet, concrete trail the entire length of the creek/lot, a minimum of 3 benches, and playground equipment.
  - 1. Scope and finish of the buildings should be consistent with community guidelines established in the PD.
  - 2. Building shall be maintained by the Home Owners Association.
  - 3. Events, hours and rules shall be defined by the Home Owners Association.
  - 4. Amenity building will include (concept draft attached):
    - a) Two half bathrooms.
    - b) Board room meeting area
    - c) Meeting space for community events.
    - d) Kitchen area to include fridge, stove, and microwave.
- E. Common area Lot 9-X, Block B, to include a concrete trail the entire length of the creek/lot, a minimum of 2 sitting area with benches.
- F. Common area Lot 17X, Block A, to include a trail on the south side of the creek to a minimum of 1 sitting area with a bench.

## **III. MAINTENANCE OF THE PARK/COMMON AREA**

- A. It is the Developers' responsibility to install irrigation systems, benches, concrete trails, entry features, subdivision screening wall and any other improvements included in this Planned Development.
- B. Maintenance of the park/common areas will be the responsibility of the homeowners' association (HOA).
- C. Developer will be the contact entity with the City for all concerns regarding maintenance of park and open space until 100% of HOA control is turned over to the homeowners.
- D. HOA maintenance and responsibilities of amenities include:
  - 1. Clean up and litter removal.
  - 2. Landscaping installation, care, and maintenance.
  - 3. Trimming, clearing, and removal of unwanted vegetation.
  - 4. Maintain irrigation system, pay for the water used in the system.
  - 5. Maintain benches, concrete trail, entry feature and any other installed improvements, per Zoning Exhibit.
  - 6. Maintain the amenity building.
  - 7. Pay for the electricity used for the lighting for the entry feature.

## **IV. DESIGN CONDITIONS:**

### **A. Land Design Standards – New Residential Requirements**

Desired Land Design requirements are achieved by projects in accordance with the Zoning Exhibit and the following criteria:

#### **1. Example of Potential Park Equipment**

- a) Final Park Layout/Equipment to be agreed upon between City and Developer before final approval of the subdivision plat for the development. Developer commits to \$205,000 for the equipment and installation.





**B. Street and Sidewalk Standards – New Residential Requirements**

Desired street and sidewalk requirements are achieved in accordance with the following criteria:

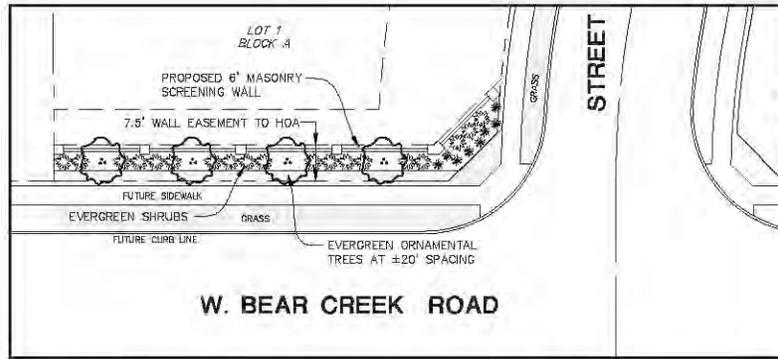
**1. Street Treatments – Entry Feature and Signage at Entries**

Architectural features on stone and/or brick monument with landscaping and incorporated into open space area illuminated by means others than street lights.

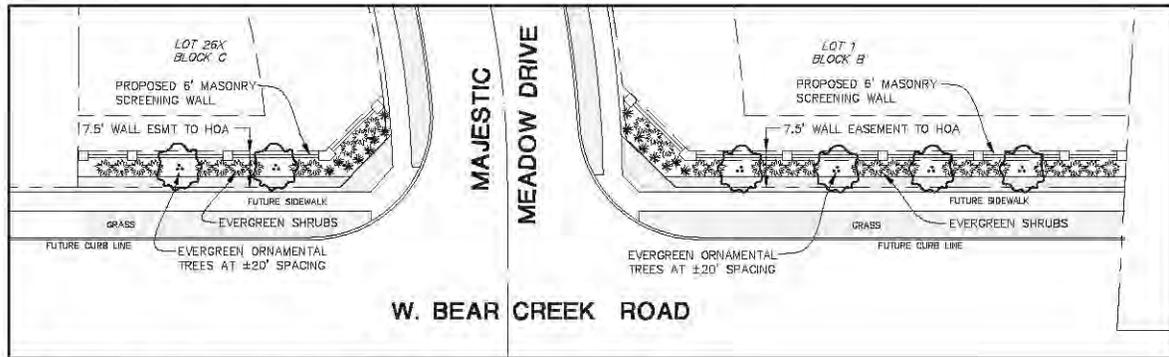
**a. Desirable Design Attributes**

Decorative tile accent panels of 2 or more difference type/color of stone (can be synthetic or cultured).





LANDSCAPE DETAIL BEAR CREEK ROAD AT STREET B STREET



LANDSCAPE DETAIL BEAR CREEK ROAD AT MAJESTIC MEADOW DRIVE

## 2. Street Treatments – Street Name Signs

Block numbers shall be incorporated with street lighting that is coordinated throughout the subdivision.

## 3. Pedestrian Sidewalks – Sidewalk Locations

4 feet wide concrete pedestrian sidewalks shall be located on both sides of the street, in the right-of-way of every internal street.

## C. Architectural Standards – New Residential Requirements

### 1. Building Bulk and Articulation

In order to avoid large blank facades, variations in the elevation of residential facades facing a public street shall be provided in both the vertical and horizontal dimensions. At least twenty (20%) percent of the façade shall be offset a minimum of 1 foot either protruding from or recessed back from the remainder of the façade.

### 2. Exterior Facades – Porch

Each single-family residential unit shall have a combined total covered front, side or rear entry of a minimum of 120 total square feet of floor area.

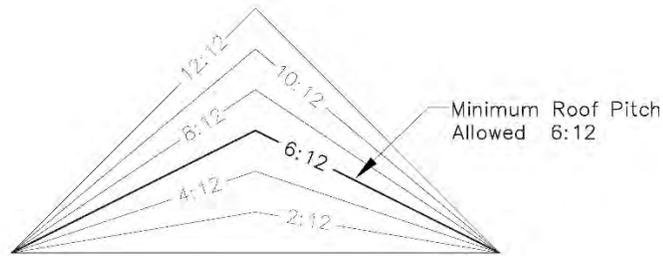


### 3. Exterior facades – Chimneys

Chimney flues on an exterior wall shall be enclosed with material matching exterior walls of the residential unit and capped.

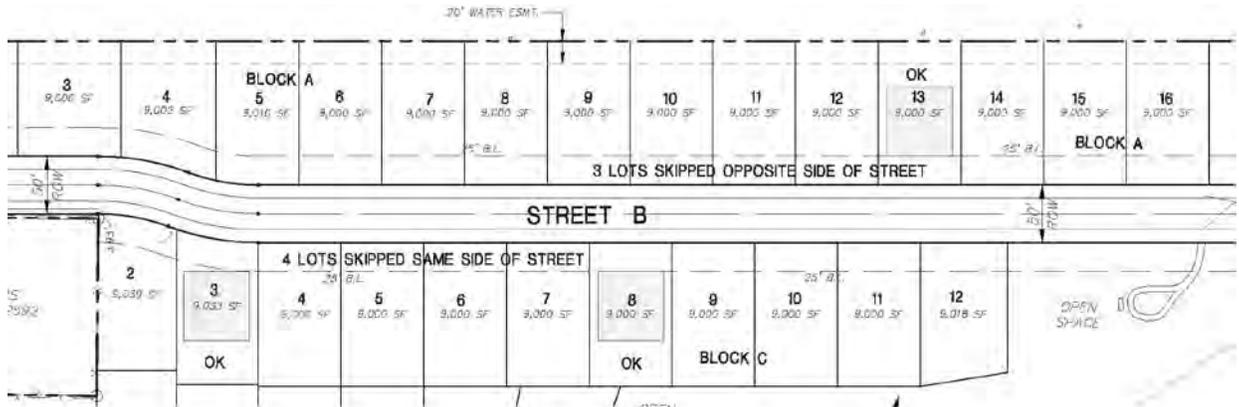
### 4. Roofs and Roofing – Roof Pitch

All single-family residential units shall have a minimum roof pitch of 6:12 on primary pitches, with articulation, dormers or a combination of hip and gable roofing.



### 5. Repetition of Residential Unit Designs – Repetition of Floor Plan and Elevation

A minimum of four (4) platted residential lots must be skipped on the same side and three (3) lots must be skipped on the opposite side of the street before rebuilding the same single-family residential unit with an identical (or nearly identical) street elevation design. The same floor plan and elevation shall not be repeated on neighboring, side by side lots or directly across the street.



Identical or nearly identical floor plan means that the layout, size and function of the rooms are essentially the same. Identical or nearly identical street elevation design means little or no variation in the articulation of the façade, height or width of façade, placement of the primary entrances, porches, number and placement of windows, and other major architectural feature. It does not mean similar colors, materials, or small details.



## 6. Garage Entry

All Garage doors may be located on the primary street elevation (front entry) of a single-family residential unit with an upgraded insulated door with carriage hardware. J-swing type front entry is also allowed. The primary street would be the addressed street front. Each main garage shall be a minimum 20' wide and 20' deep. Garage doors shall be painted to compliment house color. Variation of the garage door styles is required, with traditional front-entry garage doors to include distinct design and/or architectural features. All traditional front-entry garage door materials and designs shall be approved by the City prior to construction.



Typical Elevation – Traditional Front Entry



Typical Elevation – J-Swing Front Entry



## 7. Dwelling Size

The minimum square footage of floor space shall be 2,000 s.f., measured within the outside dimensions of the residential dwelling unit including each floor level, but excluding carports, garages, and breezeways.

## 8. Fencing and Screening

- a) Side and rear yard fences shall be permitted to a height of 6 feet maximum, and constructed of wood with metal posts and rails to the inside.
- b) Pressure treated wood is prohibited.
- c) Decorative Iron Fences shall be constructed on lots with residential dwellings along the property line adjacent to public open space, and shall be a minimum of 4 ft. in height. Maximum height of fence shall be 6 feet.
- d) A masonry screening wall (6 feet in height) shall be constructed along the south right-of-way of West Bear Creek Road.

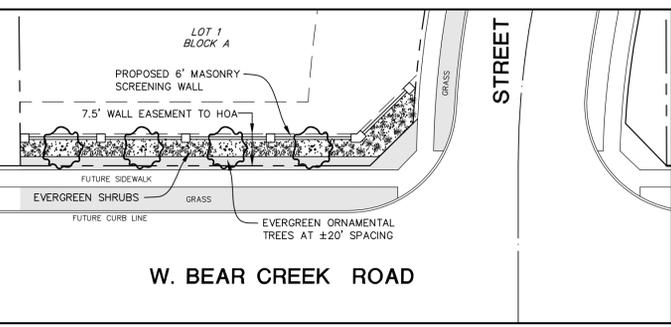
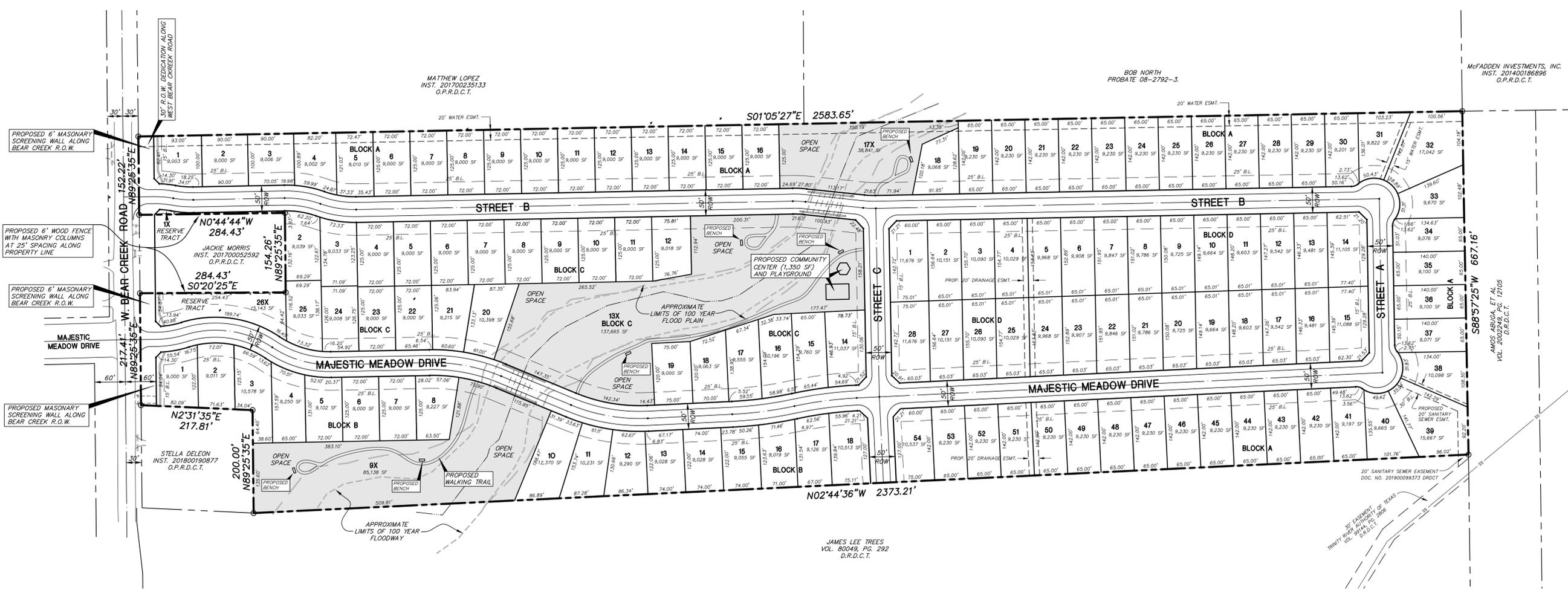
## 9. Residential Landscaping

- a) Each residential dwelling shall have a sodded front, side, and rear yard with a minimum of one (3-inch caliper) tree in the front yard, one (3-inch caliper) tree in the rear yard and twelve (12) shrubs in front yard.
- b) All landscaped areas must be kept in a healthy and growing condition. Any plant materials that die during a time of year where it is not feasible to replace shall be replaced as soon as possible by the homeowner. Each residential dwelling unit shall have an automated, subsurface irrigation system.

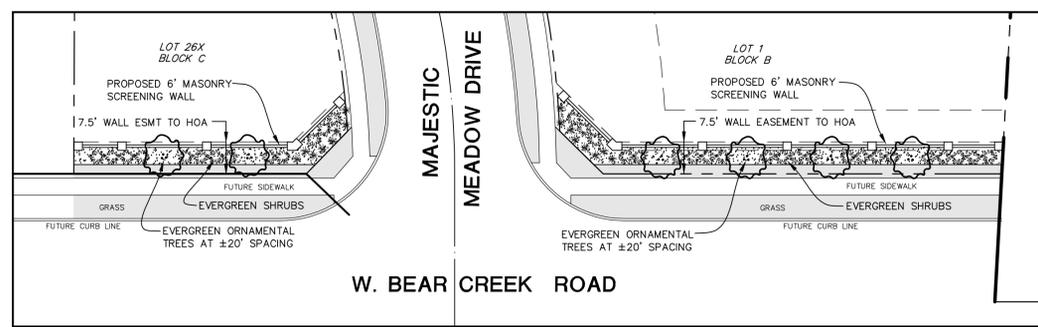
## 10. Conservation/Sustainability

- a) Each residential dwelling unit must comply with the Energy component of the Building Code. All street and roadway lighting, in addition to meeting the requirements of Article 15.03 of the City Code, shall be of a design and size compatible with, and reviewed as an integral part of the overall development design. The development shall include street lights at all intersections and between intersections spaced at a maximum spacing of 200 feet at the illumination of .50 to 1-foot candle. In addition to meeting CPTED standards, lighting in the proposed Bear Creek Elegance Planned Development will also be reviewed for compatibility with City-wide goals and objectives. Street light fixtures used in Bear Creek Elegance shall be ornamental or decorative in styles as approved by the Director of Public Works at the time of the review. Ornamental street lamps may be combined with similarly designed street signs, mailbox supports and standards, park and open space fencing, and other fixtures throughout the community.





LANDSCAPE DETAIL BEAR CREEK ROAD AT STREET B STREET  
SCALE: 1" = 20'



LANDSCAPE DETAIL BEAR CREEK ROAD AT MAJESTIC MEADOW DRIVE  
SCALE: 1" = 20'

**SITE DATA**

GROSS SITE AREA	1,732,971 SF (39.987 ACRES)
W. BEAR CREEK RD. R.O.W. DEDICATION	12,314 SF (0.283 ACRES)
NET SITE AREA	1,720,656 SF (39.501 ACRES)
TOTAL NUMBER OF LOTS	121 LOTS
DENSITY (LOTS PER NET ACRE)	3.063 LOTS/ACRES

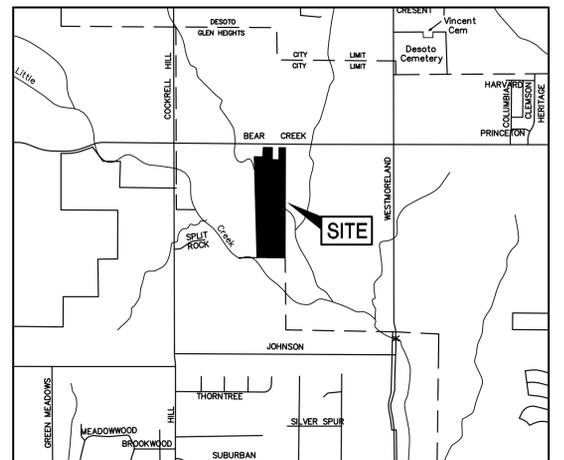
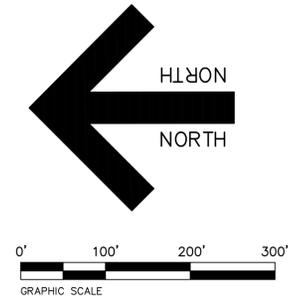
**DEVELOPMENT STANDARDS**

SF-3 LOTS

- MINIMUM LOT AREA: 9,000 SF
- MINIMUM LOT WIDTH: 65 FT
- (60 FT AT B.L. FOR LOTS 37-33 & 38-40, BLK. A)
- MINIMUM LOT DEPTH: 120 FT
- 100 FT FOR LOT 1-4 & 18, BLK. A AND LOT 1, BLK. B)
- MINIMUM FRONT YARD: 25 FT
- (30 FT FOR LOT 38-40, BLK. A)
- MINIMUM SIDE YARD: 5 FEET (INTERIOR)
- 15 (ADJACENT TO STREET)
- MINIMUM REAR YARD: 20 FT
- MINIMUM FLOOR AREA PER DWELLING UNIT: 2,000 SF
- MINIMUM AVERAGE LOT AREA: 9,500 SF

WOOD FENCE SCREENING WILL BE CONSTRUCTED AT THE TIME OF LOT DEVELOPMENT ALONG THE EAST, WEST AND SOUTH SIDE OF THE ADDITION, EXCEPT FOR OPEN-SPACE/FLOOD PLAIN.

ALL LOTS WILL COMPLY WITH ALL OTHER REQUIREMENTS OF SF-3 ZONING.



LOCATION MAP  
1" = 2000'

REVISIONS:

11/13/19	MIN LOT SIZE
2/03/20	PER CITY REVIEW
3/24/20	PER CITY REVIEW

DEVELOPER:  
**BEAR CREEK ELEGANCE DEVELOPMENT, LLC**  
 4224 SUMAYYAH DRIVE  
 IRVING, TEXAS 75038  
 TEL: 508-816-9544  
 CONTACT: MOHAMMED TARIQ  
 EMAIL: mohammed2022@yahoo.com

CONCEPT PLAN PD FOR SF-3  
**BEAR CREEK ELEGANCE**  
 39.984 ACRES  
 GLENN HEIGHTS, TEXAS

PREPARED BY:  
**JDJR ENGINEERS & CONSULTANTS, INC.**  
 TSBP REGISTRATION NUMBER F-8527

ENGINEERS • SURVEYORS • LAND PLANNERS  
 2500 Texas Drive Suite 100 Irving, Texas 75062  
 Tel 972-252-5357 Fax 972-252-8958

DATE: NOV. 13, 2019	DRAWN BY: SAS	SHEET NO.
SCALE: 1" = 100'	CHECKED BY: JDJR	1 OF 1

H:\JD\Projects\2019\11\1188 W. Bear Creek Road - Glenn Heights TX\CD\11263-1-19 CIVIL BASE PRELIMINARY 2.dwg, 3/24/2020 2:24:42 PM, DWG TO PDF, p23



# CITY OF GLENN HEIGHTS PLANNING AND ZONING COMMISSION REPORT

**Date: April 13, 2020**

## **SUBJECT**

Discuss and take action concerning Ordinance O-05-20, an Ordinance of the City of Glenn Heights, Texas, amending Chapter 15 "Development Regulations" of the City's Code of Ordinances by amending Article 15.02 "Landscaping and Screening" Section 15.02.091 "General Provisions" Subsection (a) "Acceptable Materials" to permits more acceptable materials for the construction of fences and screening devices.

## **REPORT IN BRIEF**

Given the recent upgrades to the durability and cost efficiency of certain fence materials and construction methods, Staff is proposing an update to the list of acceptable fence materials in Chapter 15 "Development Regulations" of the City's Code of Ordinances by amending Article 15.02.091.

## **BACKGROUND / DISCUSSION**

Under the current fence and screening requirements in the City's Code of Ordinances, acceptable materials for constructing fence and screening devices include wood, stone, performed concrete block, concrete, brick, masonry, natural and treated woods, and ornamental metal or wrought iron. However, the Ordinance prohibits the use of pine for picket fence material. This amendment would permit the use of all natural and treated wood for fence construction.

A vinyl fence is a type of plastic fence made with polyvinyl chloride (PVC). The PVC resin is combined with special ingredients to increase the product's ability to withstand impact

and extreme weather conditions. The material serves as an easy-care, non-toxic, and eco-conscious alternative to most other fence materials. This amendment would permit the use of such material. In analyzing the lists of acceptable fence material in surrounding cities, Staff has discovered the following:

<b>Residential Fence Material</b>							
	Wood	Wrought Iron / Decorative Metal	Chain link	Vinyl	Aluminum	Masonry	Other
Glenn Heights	x	x				x	
Desoto	x	x	x			x	
Cedar Hill	x	x				x	
Duncanville	x	x		x		x	
Red Oak	x	x				x	
Ovilla	x	x	x	x		x	
Lancaster	x	x	x			x	
Ferris	x	x	x			x	
Waxahachie	x	x		x		x	
Wilmer	x	x				x	
Hutchins	x	x				x	

**FISCAL IMPACT**

N/A

**PUBLIC CONTACT**

Notice was published in a local newspaper on March 29, 2020 as required by state law and the City of Glenn Heights Comprehensive Zoning Ordinance.

**RECOMMENDATION**

Staff recommends APPROVAL of the proposed changes to Chapter 15 “Development Regulations” of the City’s Code of Ordinances by amending Article 15.02.091.

**PREPARED BY**

Miamauni Hines, Planner

**REVIEWED BY**

Brian Lockley, AICP, Deputy City Manager

**ATTACHMENTS**

- A. Vinyl Fence Examples









# CITY OF GLENN HEIGHTS PLANNING AND ZONING COMMISSION REPORT

**Date: April 13, 2020**

## **SUBJECT**

Discuss and take action to amend Chapter 15 “Development Regulations” of the City’s Code of Ordinances by amending Article 15.05 “Development Regulations Variance Board” to repeal or amend Section 15.05.001 Created; Section 15.05.002 Procedure for Seeking Variances or Special Exceptions; and Section 15.05.003 Appeal to or City Council Review of Board Action to conform with Chapter 211 of the Texas Local Government Code.

## **REPORT IN BRIEF**

On March 13, 2013, City Council adopted Ordinance O-04-13 which established the Development Regulation Variance Board (DRVVB). This Ordinance created the purpose, meeting schedule, and procedures for seeking variances and special exceptions. At issue, are the analogous duties and responsibilities of the Board of Adjustment.

## **BACKGROUND / DISCUSSION**

Section 211.008 of the Texas Local Government Code authorizes the City to appoint a board of adjustment,

“The governing body of a municipality may provide for the appointment of a board of adjustment. In the regulations adopted under this subchapter, the governing body may authorize the board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of

the zoning ordinance that are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance.

Section 211.009 of the Texas Local Government Code grants the Authority of the Board to:

- (1) hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this subchapter or an ordinance adopted under this subchapter;
- (2) hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so;
- (3) authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done; and
- (4) hear and decide other matters authorized by an ordinance adopted under this subchapter.

Conversely, pursuant to ARTICLE 12, Boards and Commissions Section 12.01 Boards and Commissions of the City Charter,

“The City Council shall have authority to establish by ordinance such boards and commissions as it may deem necessary for the conduct of City business and management of municipal affairs including appointments of city hall officers to such boards and commissions except as otherwise provided in the Charter. The authority, functions and responsibilities of such the boards and commissions shall be such as is spelled out in the ordinance establishing them. All existing boards and commissions heretofore established shall be continued in accordance with the ordinance or other acts under which they have been created, or until the City Council shall by ordinance abolish, modify or alter the ordinances or acts under which they exist. Notwithstanding any other provision of this Charter, the elected City Council shall have paramount authority over all matters affecting the budgets, appropriation of funds, expenditures, purchases and sale of properties and

procedures for accounting therefor, consistent with the express provisions of this Charter and applicable provisions of the State constitution and laws of this State.

Although the City Council has the authority to create a Board, at issue is the responsibilities and authority given to the DVRB by Article 15.05 are identical to those given under state law to Chapter 211 of the Texas Local Government Code. Chapter 211 states that a city does not have to but may constitute a Board of Adjustment to grant variances, consider requests for special exceptions, and determine appeals from building official decisions. Article 15.05 similarly provides the DVRB with these powers.

Despite the difference in the name provided to the board, it is the City Attorney's opinion that the DRVB and Board of Adjustment operate as the same, therefore creating a conflict. Further, due to the similarities between each Board, if an action by the DRVB is challenged it is likely that a Court would make a favorable determination to the property owner, ruling that the City's Article 10.05 is illegal and nonbinding.

As such, staff is proposing an amendment to the Zoning Ordinance that would abolish the DRVB and move all variance requests from Subchapter 15 to be reviewed and determined by the Board of Adjustment. In making this determination, all previous decisions by the DRVB would be considered final and not subject to revocation.

## **FISCAL IMPACT**

N/A

## **PUBLIC CONTACT**

Notice was published in a local newspaper by March 29, 2020 as required by state law and the City of Glenn Heights Comprehensive Zoning Ordinance.

## **ALTERNATIVES / RECOMMENDATION**

Staff recommends approval of the Zoning Ordinance Amendment

**PREPARED BY:** Brian Lockley, Deputy City Manager

**ATTACHMENT:** Proposed Zoning Amendment

ARTICLE 15.05  
VARIANCE BOARD

ZONING BOARD OF ADJUSTMENT DEVELOPMENT REGULATION

Sec.15.05.001 Duties of Zoning Board of Adjustment~~Sec. 15.05.001—Created~~

- ~~(a) In addition to the duties of the Zoning Board of Adjustment outlined in Chapter 14. Section II.2.8 of the Glenn Heights Code of Ordinances, the Board shall hear applications for variances and special exceptions from the requirements of this Chapter 15. Development Regulations~~~~(a) There is hereby created the development regulation variance board as a separate board of the city.~~
- ~~(b) The development regulation variance board shall consist of the members of the city's planning and zoning commission.~~
- ~~(c) The board shall hear applications for variances and special exceptions from the requirements of this chapter, "development regulations."~~
- ~~(d) The board shall meet on an as-needed basis to consider applications for variances and special exceptions or to conduct such other business as may be required or desirable. A meeting of the board may be conducted as a separate item within the agenda of the planning and zoning commission.~~

Sec. 15.05.002 Procedure for seeking variances or special exception

- (a) A person seeking a variance or special exception from a requirement of this chapter shall submit a written application to the ~~board~~Board identifying the provision from which the variance or special exception is sought, the property for which such variance or special exception is sought, the reasons for requesting the variance or special exception, the relationship of the applicant to the property, and the date upon which such variance or special exception is sought, a form for which shall be available at the planning and permit department.
- (b) ~~The variance board~~Board shall hold at least one public hearing on each application, as per applicable state law (Texas Local Government Code chapter 211, as enacted and as may be amended). Written notice of all public hearings to the owners of all land located within two hundred feet (200') of the site at which the variance or special exception is sought as identified by the city. Such notice shall be mailed no later than fifteen (15) days prior to the date that the application shall be heard by the ~~board~~Board. Such notice may be served by using the last known address as listed on the latest approved city tax roll and depositing the notice, postage paid, in the United States mail.
- (c) It shall be the responsibility of the applicant to establish the necessary facts and burden of proof that an undue hardship exists which justifies a variance or special exception.

(d) In order to grant a variance from the standards contained within this chapter, the ~~development regulation variance board~~Board shall make findings that an undue hardship exists, using the following criteria:

- (1) That the literal enforcement of the standards will create an unnecessary hardship or practical difficulty in the development of the affected property;
- (2) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties within the same zoning district; and
- (3) That the granting of a variance will be in harmony with the spirit and purpose of these regulations.