

Notice of a Meeting
Dalworthington Gardens Planning and Zoning Commission

September 25, 2023 at 6:00 p.m.

City Hall Council Chambers, 2600 Roosevelt Drive, Dalworthington Gardens, Texas

The Planning and Zoning Commission reserves the right to adjourn into closed session at any time during the course of this meeting as authorized by Texas Government Code, Section 551.071 (Consultation with Attorney).

1. Call to Order
2. Citizens who wish to speak to the Planning & Zoning Commission Members will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the City staff and Planning and Zoning Commission Members are prevented from discussing the subject and may respond only with statements of factual information or existing policy.
3. Discussion and possible action regarding a Special Exception Application for fence height in accordance with the City of Dalworthington Garden’s Zoning Ordinance Section 14.02.321(c)(7), screening devices/fences, over height or in required front yard, for property located at 2416 Roosevelt Drive, Dalworthington Gardens.
 - i. Conduct public hearing
 - ii. Discussion and action
4. Discussion and possible action regarding a Zone Change Application requesting a rezone from single-family “SF” residential to garden homes “GH” base zoning with a mixed-use “MU” overlay for properties located at 2500 California Lane and 2512 California Lane, Dalworthington Gardens.
 - i. Conduct public hearing
 - ii. Discussion and action
5. Discussion and possible action regarding an amendment to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, making changes to garden home “GH” regulations.
 - i. Conduct public hearing
 - ii. Discussion and action
6. Adjourn

CERTIFICATION

This is to certify that a copy of the **September 25, 2023** Planning and Zoning Commission Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City’s website, www.cityofdwtg.net, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: _____ TIME OF POSTING: _____ TAKEN DOWN: _____

Lola Smith, City Administrator

Staff Agenda Report

Agenda Subject: Discussion and possible action regarding a Special Exception Application for fence height in accordance with the City of Dalworthington Garden's Zoning Ordinance Section 14.02.321(c)(7), screening devices/fences, over height or in required front yard, for property located at 2416 Roosevelt Drive, Dalworthington Gardens.

Background Information: Property owner is requesting a special exception in accordance with section 14.02.321(c)(7) for "screening devices/fences, over height or in required yard." Fence height requirements are as outlined in the Zoning Ordinance, Section 14.02.123, which states as follows:

14.02.123 Yard requirements.

(d) Permitted obstructions in required yards and open spaces. The following shall not be considered to be obstructions when located in the required yards and open spaces specified.

- (1) In all required yards:
 - (D) Fences, subject to subsection (2)(c) hereof.
- (2) In front yards:
 - (C) Fences not exceeding four (4) feet in height which do not constitute a sight obstruction.

14.02.125 Screening devices.

- (b) Erection and maintenance responsibility.
 - (3) No fence or other screening device, whether required or not, shall exceed six (6) feet in height, without appropriate approval.

Consideration for special exceptions should abide by the following guidelines from the ordinance. They differ from variances in that a hardship is not required to be shown or proven.

1. They should be investigated as to the manner in which the proposed character and location of the special exception will affect the master plan of the city.
 - a. The Comp Plan's (city master plan) focus is mostly on land use and this property is being used per the plan as single family residential.
2. Ensure it is consistent with the spirit, purpose and intent of this article.
3. That it will not substantially and permanently injure the appropriate use of neighboring property.
4. That it will substantially serve the public convenience and welfare.

Recommended Action/Motion: Motion to approve a Special Exception Application for fence height in accordance with the City of Dalworthington Garden's Zoning Ordinance Section 14.02.321(c)(7), screening devices/fences, over height or in required front yard, for property located at 2416 Roosevelt Drive, Dalworthington Gardens.

OR

Motion to disapprove a Special Exception Application for fence height in accordance with the City of Dalworthington Garden's Zoning Ordinance Section 14.02.321(c)(7), screening devices/fences, over height or in required front yard, for property located at 2416 Roosevelt Drive, Dalworthington Gardens.

Attachments:

Permit Application
Inspection Notes
Special Exception Application
Letters of Support (No opposing letters were returned)



RECEIVED
JUN 08 2023
BY: _____

Residential Building Permit Application

City of Dalworthington Gardens
2600 Roosevelt Drive
Dalworthington Gardens, TX 76016
Phone: 817-274-7368
permits@cityofdwg.net

Building Permit Number: 2060 Total Cost of Construction: \$ 8,000
(Must provide supporting documentation)
Applicant Name: Richard Crosier (CFS Contracting) Zoning District: _____
Project Address: 2416 Roosevelt
Lot: _____ Block: _____ Subdivision: _____ HOA: _____

Project Description: New SFR SFR Remodel/Addition Electrical Roofing*
Plumbing Mechanical Swimming Pool/Spa* Sign*
Accessory Building* Irrigation Fence* Other
* Requires supplemental project information sheet

Description of Work: Fence install

Area Square Feet: Living: _____ Garage: _____ Covered Porch: _____ Total: _____ Number of Stories: _____

General Contractor Information

Name: Richard Crosier Company: CFS Contracting
Address: 124 Parkwood Ave Dallas TX Email Address: cfcontracting@gmail.com
Phone Number: 817 948-3615 Phone Number: _____

<small>All contractors are required to be registered and submit permit application to the City before beginning work.</small>	Contact Name	Email	Phone	Contractor License Number
Mechanical Contractor:				
Electrical Contractor:				
Plumbing/Irrigation Contractor:				
Pool Contractor:				
Sign Contractor:				
Fence Contractor:				

*All Permit Applications must include supporting documentation: 2 sets of Site and Building Plans and an electronic version if available. (see Building Permit Checklist for more specific information)

For building inspections contact Countywide Inspections:
Email: inspections@cwistx.com (preferred method) or 940-521-0470
24 hour advance notice is required.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provision of laws and ordinance governing this type of work will be complied with whether specified or not. I certify that construction material, methods, and practices shall conform to the applicable Ordinances and Coded adopted by the City of Dalworthington Gardens. The granting of a permit does not presume to give authority to violator cancel the provision of any other state or local law regulating construction or the performance of construction.

Signature of Applicant: [Signature] Date: 6/7/23

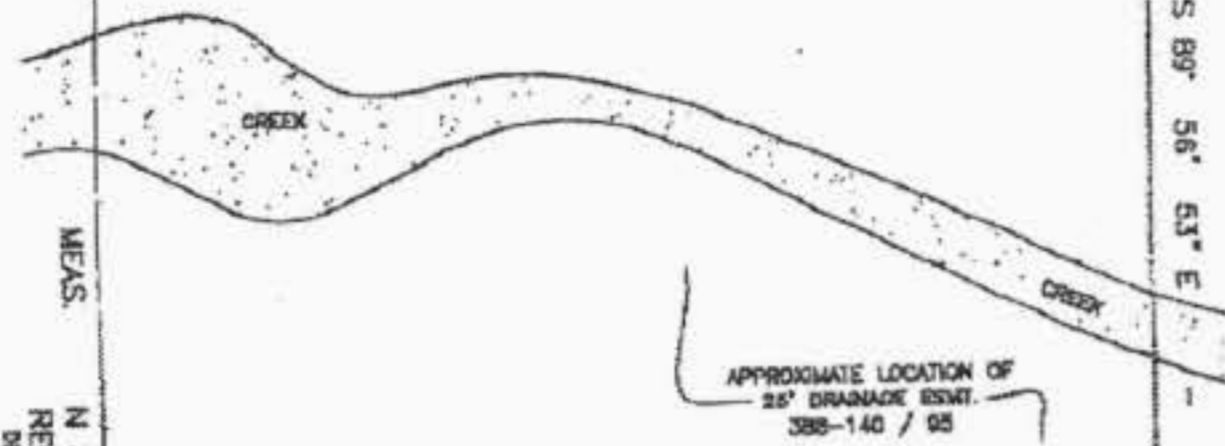
OFFICE USE ONLY

Plan Review Fee: \$	Approved by:	DWG Receipt Number:
Building Permit Fee: \$ <u>75.00</u>	Date Approved:	<u>GOV PAY 241178</u>
Tap & Access Fee: \$	Issue Date:	
Total Due: \$ <u>75.00</u>	Issued by:	

1

LOT 7B
388-140 / 95

MEAS. S 89° 56' 53" E 482.98'

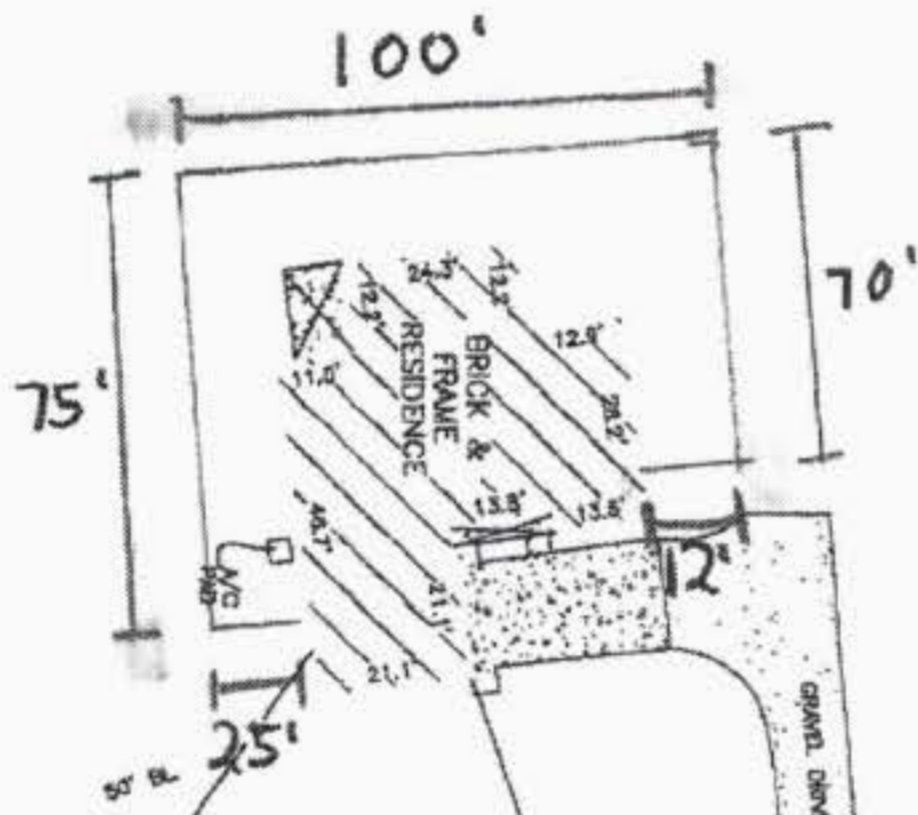


LOT 7A
388-140 / 95

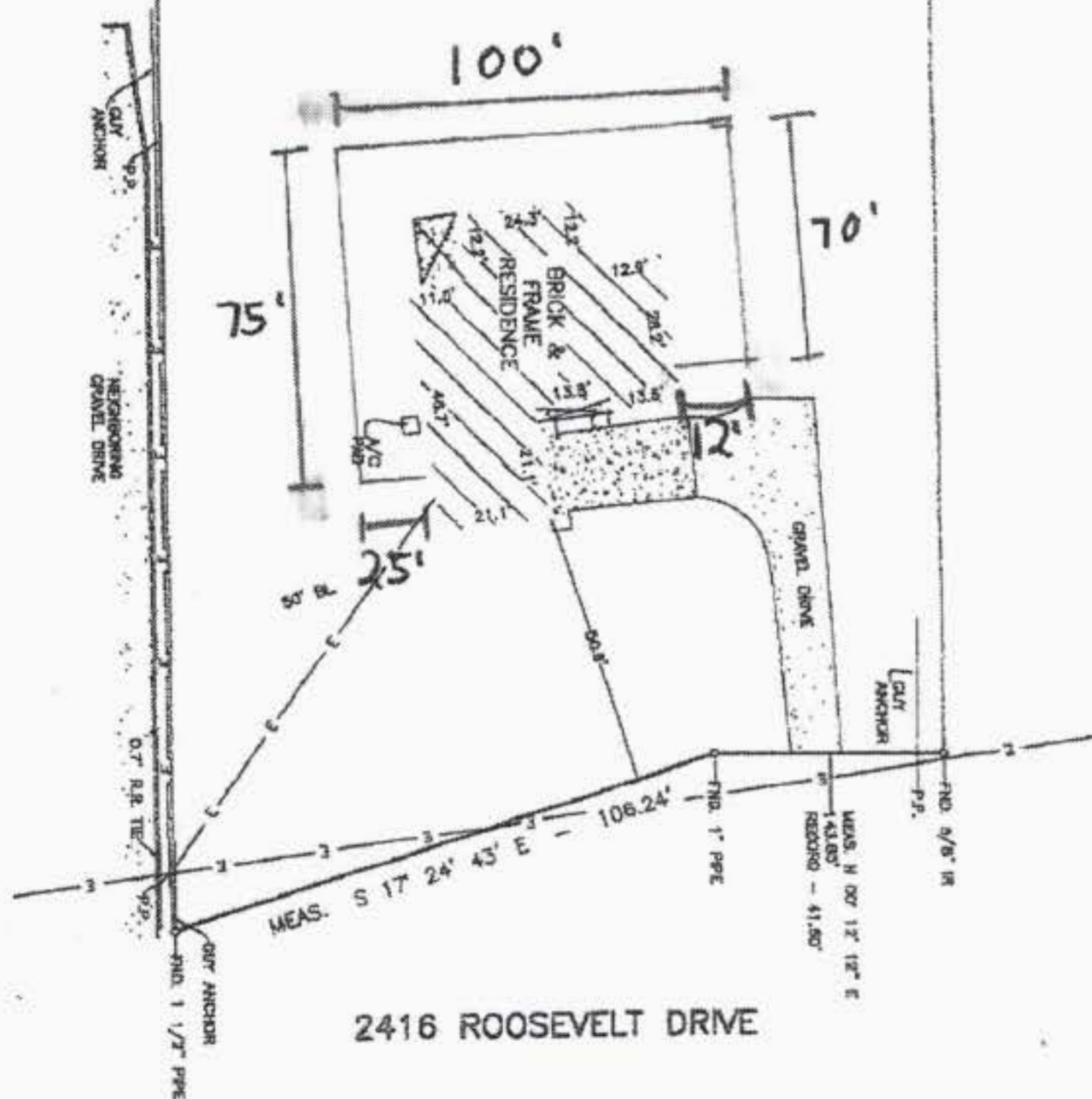


PORTION OF
LOT 7
ROBERT A WALKER
E234-150202

MEAS. N 89° 55' 17" W 514.59'
RECORD 514.37'
DIRECTIONAL CONTROL LINE



2416 ROOSEVELT DRIVE





STATE OF TEXAS
COUNTY OF Tarrant

CONTRACT FOR SERVICES

This is a contract made and entered into by and between CFS CONTRACTING, (hereinafter called "Contractor") and Scott Gray (hereinafter referred to as "Client / Owner"), whose address is 2416 Roosevelt Dalworthington Gardens TX, whereby in consideration of the mutual covenants hereinafter set forth, Contractor and Client / Owner have agreed and do agree as follows:

1. The Client / Owner hereby contracts with Contractor for performance of the following services on behalf of or at the direction of Client / Owner, as described In bid attached,

2. Contractor shall be paid the total bid price by Client / Owner as follows: Progress payments will be due during construction. Contractor shall present owner with request for payment. Each payment shall be made in accordance to the draw schedule as follows:

Draw Schedule: Fence

- 1st payment due - prior to job beginning when contract is signed and job is scheduled ***50% or \$4,000***

- Final payment due – Once job is complete. ***50% or \$4,000***

Total amount of the job is ***\$8,000***

3. Contractor shall furnish all vehicles, machinery, equipment, tools, supervision and labor necessary to efficiently and properly render the services described above.

4. Contractor shall comply with any and all city, county, state and federal laws, regulations or ordinances regulating the services to be performed.

5. Contractor shall indemnify and save the Client / Owner harmless from and against any and all claims, demands, actions, causes of action and cost which may be asserted against Client / Owner by reason of Contractor's performance of obligations

under this contract. Contractor is an independent contractor in the performance of all obligations imposed under this contract and is not an agent, servant or employee of the Client / Owner.

6. Neither of the parties to this contract may assign it or any rights under the contract without the prior written consent of the other party.

7. The parties agree that this contract has been made in Texas and that it shall be governed and construed pursuant to the laws of the State of Texas.

8. This contract is the complete and exclusive statement and mutual understanding of the parties. This contract supersedes and cancels all previous written and oral agreements and communications between the parties relating to the services, which are the subject matter of this contract.

9. Any notice required or permitted by this contract shall be deemed to have been completed if in writing and delivered personally or mailed by first class, certified mail, postage prepaid to the other party. Notices to the Contractor shall be sent to: 124 Parkwood Ave, Arlington, TX 76013. Notices to the Client / Owner shall be sent to: same as above.

10. If any legal action is necessary to enforce the terms of this Contract, the prevailing party shall be entitled to reasonable attorney's fees in addition to any other relief to which the party may be entitled.

11. The parties agree that they may amend this Contract only by written agreement duly executed by persons authorized to execute agreements on behalf of the parties. The parties further agree that any changes in the scope of the project, add-ons or extras will result in additional amounts to be paid to Contractor in addition to the total bid price as agreed.

12. Change orders, in the occurrence of changes to the scope are encountered the Contractor shall notify the Client/Owner prior to additional work being added to the scope. Change order cost will be submitted for approval to the Client/Owner and the agreed upon price will be required in full payment prior to the completion of the change order.

13. Due to the ongoing Covid 19 virus and possible supply chain disruptions the Contractor may experience unforeseen delays. The Contractor shall provide notification to the Client/Owner if these delays are encountered.

The parties have executed this agreement in several signed copies, each of which copy so executed shall be deemed an original document.

SIGNED this day May 25th 2023

CFS CONTRACTING

By: 
Partner

CLIENT / OWNER


Carla Newbell

From: Safebuilt TX PR <SafebuiltTX-PR@safebuilt.com>
Sent: Friday, June 9, 2023 11:34 AM
To: permits
Cc: finance; Sandra Ma
Subject: [EXTERNAL] Re: 2416 Roosevelt Drive Dalworthington Gardens

Received and uploaded for review

Thank you,
Amanda Perry
Plans Processing Team

SAFEbuilt

Please send all required documents in PDF format. Documents not sent in PDF format will not be accepted.

From: permits <permits@cityofdwg.net>
Sent: Friday, June 9, 2023 10:09 AM
To: Safebuilt TX PR <SafebuiltTX-PR@safebuilt.com>
Cc: finance <finance@cityofdwg.net>; Sandra Ma <sandra@cityofdwg.net>
Subject: 2416 Roosevelt Drive Dalworthington Gardens

Good morning,

Please review the attached permit application.

Thanks,
Carla Newbell, Clerk
City of Dalworthington Gardens

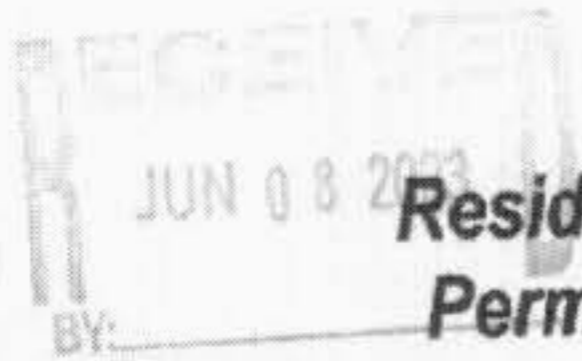
Carla Newbell

From: no-reply@noreply.communitycore.com
Sent: Monday, June 12, 2023 3:56 PM
To: permits
Subject: [EXTERNAL] 2416 Roosevelt Drive - Approved Fence Plans

2416 Roosevelt Drive - Approved Fence Plans

[2416 Roosevelt Drive - Approved Fence Plans.pdf](#)

The above link(s) will expire in 180 days.



Residential Building Permit Application

City of Dalworthington Gardens
2600 Roosevelt Drive
Dalworthington Gardens, TX 76016
Phone: 817-274-7368
permits@cityofdwwg.net

Building Permit Number: 2060 Total Cost of Construction: \$ 8,000
(Must provide supporting documentation)
Applicant Name: Richard Crosier (CFS Contracting) Zoning District: _____
Project Address: 2416 Roosevelt
Lot: _____ Block: _____ Subdivision: _____ HOA: _____

Project Description:	New SFR	<input type="checkbox"/>	SFR Remodel/Addition	<input type="checkbox"/>	Electrical	<input type="checkbox"/>	Roofing*	<input type="checkbox"/>
	Plumbing	<input type="checkbox"/>	Mechanical	<input type="checkbox"/>	Swimming Pool/Spa*	<input type="checkbox"/>	Sign*	<input type="checkbox"/>
	Accessory Building*	<input type="checkbox"/>	Irrigation	<input type="checkbox"/>	Fence*	<input checked="" type="checkbox"/>	Other	<input type="checkbox"/>

* Requires supplemental project information sheet

Description of Work: Fence install
Area Square Feet: Living: _____ Garage: _____ Covered Porch: _____ Total: _____ Number of Stories: _____

General Contractor Information

Name: Richard Crosier Company: CFS Contracting
Address: 124 Parkwood Ave Odessa TX Email Address: cfcontracting@gmail.com
Phone Number: 817 948-3615 Phone Number: _____

All contractors are required to be registered and submit permit application to the City before beginning work.				
	Contact Name	Email	Phone	Contractor License Number
Mechanical Contractor:				
Electrical Contractor:				
Plumbing/Irrigation Contractor:				
Pool Contractor:				
Sign Contractor:				
Fence Contractor:				

*All Permit Applications must include supporting documentation: 2 sets of Site and Building Plans and an electronic version if available. (see Building Permit Checklist for more specific information)

For building inspections contact Countywide Inspections:
Email: inspections@cwistx.com (preferred method) or 940-521-0470
24 hour advance notice is required.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provision of laws and ordinance governing this type of work will be complied with whether specified or not. I certify that construction material, methods, and practices shall conform to the applicable Ordinances and Coded adopted by the City of Dalworthington Gardens. The granting of a permit does not presume to give authority to violator cancel the provision of any other state or local law regulating construction or the performance of construction.

Signature of Applicant: [Signature] Date: 6/7/23

OFFICE USE ONLY		
Plan Review Fee: \$	Approved by:	DWG Receipt Number:
Building Permit Fee: \$ <u>75.00</u>	Date Approved:	<u>GOVPRY</u>
Tap & Access Fee: \$	Issue Date:	
Total Due: \$ <u>75.00</u>	Issued by:	



PLANS MUST BE ON SITE FOR ALL INSPECTIONS

Carla Newbell

From: permits
Sent: Tuesday, June 13, 2023 8:46 AM
To: 'CFS Contracting'
Subject: 2416 Roosevelt Drive Dalworthington Gardens
Attachments: 2416 Roosevelt Drive-Fence .pdf

Good morning,

Attached, you will find the approved permit for 2416 Roosevelt Drive in Dalworthington Gardens. **Please review the permit notes regarding the final inspection. Please have plans onsite during the inspection. Click on the link below for your approved plans.**

Thanks,
Carla Newbell, Clerk
City of Dalworthington Gardens

From: no-reply@noreply.communitycore.com <no-reply@noreply.communitycore.com>
Sent: Monday, June 12, 2023 3:56 PM
To: permits <permits@cityofdwg.net>
Subject: [EXTERNAL] 2416 Roosevelt Drive - Approved Fence Plans

2416 Roosevelt Drive - Approved Fence Plans

[2416 Roosevelt Drive - Approved Fence Plans.pdf](#)
The above link(s) will expire in 180 days.

Carla Newbell

From: no-reply@noreply.communitycore.com
Sent: Monday, July 17, 2023 1:27 PM
Subject: [EXTERNAL] Inspection Result for 2060



Please find below the results of your recent building permit inspection(s):

2060

Permit type: Fence

Inspection: Fence Final

Inspection Step: Inspections

Result: Failed - Code Violation

Property Address

2416 Roosevelt Drive,

Dalworthington Gardens, TX 76016

Property Owner:

Applicant: CFS Contracting, (817) 948-3615

cfscontracting@gmail.com

Inspection Performed: 7/17/2023

Inspection Performed By: Joseph Trammell TSBPE I-3435, (817) 914-4867

Description:

Inspection Notes:

- City of DWG has a fence ordinance stating any fence over 6' needs approval. Just need clarification from the city that this is approved since permit application says nothing about height. I have attached ordinance to inspection. If you have anything regarding the approval from the city you can email me at jtrammell@safebuilt.com and I can reschedule inspection and pass it.

Subdivision:

Contractors:

Primary: Dalworthington Gardens, permits@cityofdwg.net, (682) 330-7400

Inspection Photos/Files:

File	Notes
Over 6.jpg	
City ordinance.jpg	

The above link(s) will expire in 1 year.

CITY OF DALWORTHINGTON GARDENS
SPECIAL EXCEPTION APPLICATION



Scott Gray

Applicant's Name (please print)

8/4/2023

Date

2412 Roosevelt Dr.

Address

817 832 2557

Telephone Number

2414 Roosevelt Dr.

Property Address

Scott Gray

Property Owner

Address

817832 2557

Telephone Number

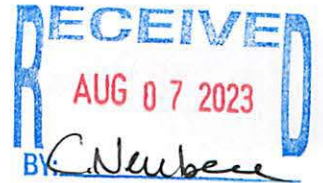
Legal Description of Property

scottasija.org

I hereby apply to the Planning and Zoning Commission and City Council for the following special exception.

Be sure to include the following with your application:

- (1) Exact special exception requested;
- (2) Site plan sketch showing location of the use on property;
- (3) A statement as to why the proposed special exception will not cause substantial injury to the value, use or enjoyment of other property in the neighborhood;
- (4) A statement as to how the proposed special exception is to be designed, arranged and operated in order to ensure that development and use of neighboring property in accordance with the applicable district regulations will not be prevented or made unlikely, and that the value, use and reasonable enjoyment of such property will not be impaired or adversely affected; and
- (5) An identification of any potentially adverse effects that may be associated with the proposed special exception and the means proposed by the applicant to avoid, minimize or mitigate such effects.



(1) Side yard fence 96" tall

(2) see permit application - (4) see permit application -

(3) The height provides privacy for bedrooms in one-story residence next door to 2-story residence. (5) none

Scott Gray

Applicant's Signature

8/4/2023

Date

For Office Use Only

Fee Amount: \$500.00

Date: 8/7/2023

Receipt Number: CC243318

Transaction Code - 161



CITY OF DALWORTHINGTON GARDENS

NOTICE OF PUBLIC HEARINGS

Re: Special Exception for fence height at 2416 Roosevelt Drive

To Property Owners within 200' of 2416 Roosevelt Drive:

Notice is hereby given that the Dalworthington Gardens Planning and Zoning Commission will hold a public hearing on September 25, 2023 at 6:00 p.m. and the Dalworthington Gardens City Council will hold a public hearing on October 19, 2023 at 7:00 p.m., both to be held in the City Hall Council Chambers, 2600 Roosevelt Drive, Dalworthington Gardens, Texas to consider the following:

A Special Exception Application for fence height in accordance with the City of Dalworthington Garden's Zoning Ordinance Section 14.02.321(c)(7), screening devices/fences, over height or in required front yard, for property located at 2416 Roosevelt Drive, Dalworthington Gardens.

This notice has been sent to all owners of real property within 200 feet of the request as such ownership appears on the last approved city tax roll. All interested persons are encouraged to attend the public hearing and express their opinions on the amendment. If you are unable to attend but wish to have your opinions made part of the public record, please mail your opinions to the address below prior to the public hearing. Please include your name, address, and property description on all correspondence.

COMMENTS:

I have no problem w/ said fence being over height. Furthermore, I feel that any resident wanting an 8' fence should be allowed to have it for, if nothing else, →

I AM IN FAVOR: ✓ I HAVE NO OBJECTIONS: ✓ I HAVE OBJECTIONS: _____

Robert A. Walker (PRINTED NAME) Robert A. Walker (SIGNATURE)

2500 Roosevelt Dr. DWG, TX 76016 (ADDRESS) (CITY, STATE, ZIP)

MAIL TO: CITY OF DALWORTHINGTON GARDENS CITY ADMINISTRATOR 2600 ROOSEVELT DRIVE DALWORTHINGTON GARDENS, TX 76016 For questions: 682-330-7418 or lsmith@cityofdwwg.net

privacy and security. Also, if this resident has
incurred any charges as a result, I feel they
should be waived. My neighbors are good
people and would never intentionally violate
and code. To fine them anything at all
would be a little excessive, I believe.

Sincerely,

Robert A. Walker



CITY OF DALWORTHINGTON GARDENS

NOTICE OF PUBLIC HEARINGS

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COMMENTS:

Three horizontal lines for writing comments.

I AM IN FAVOR: _____ I HAVE NO OBJECTIONS: _____ I HAVE OBJECTIONS: _____

LARRY GALBIATI
(PRINTED NAME)

Larry Galbiati
(SIGNATURE)

2508 Roosevelt Dr DWG TX 76016
(ADDRESS) (CITY, STATE, ZIP)

MAIL TO:
CITY OF DALWORTHINGTON GARDENS
CITY ADMINISTRATOR
2600 ROOSEVELT DRIVE
DALWORTHINGTON GARDENS, TX 76016
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CITY OF DALWORTHINGTON GARDENS

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COMMENTS:

Three horizontal lines for writing comments.

I AM IN FAVOR: _____ I HAVE NO OBJECTIONS: I HAVE OBJECTIONS: _____

James Riddle Sr.
(PRINTED NAME)

James Riddle Sr.
(SIGNATURE)

2415 Roosevelt Dr
(ADDRESS)

DWG, TX. 76016
(CITY, STATE, ZIP)

MAIL TO:
CITY OF DALWORTHINGTON GARDENS
CITY ADMINISTRATOR
2600 ROOSEVELT DRIVE
DALWORTHINGTON GARDENS, TX 76016
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CITY OF DALWORTHINGTON GARDENS

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COMMENTS:

Three horizontal lines for writing comments.

I AM IN FAVOR: X I HAVE NO OBJECTIONS: _____ I HAVE OBJECTIONS: _____

Aneela Williams
MOB Ventures LLC
(PRINTED NAME)

Aneela Williams
(SIGNATURE)

2321 Michigan
Ct
(ADDRESS)

DWG, TX 76016
(CITY, STATE, ZIP)

MAIL TO:
CITY OF DALWORTHINGTON GARDENS
CITY ADMINISTRATOR
2600 ROOSEVELT DRIVE
DALWORTHINGTON GARDENS, TX 76016
For questions: 682-330-7418 or lsmith@cityofdvg.net

Staff Agenda Report

Agenda Subject: Discussion and possible action regarding a Zone Change Application requesting a rezone from single-family “SF” residential to garden homes “GH” base zoning with a mixed-use “MU” overlay for properties located at 2500 California Lane and 2512 California Lane, Dalworthington Gardens.

Background Information: A Zone Change Application was received for properties located at 2500 California Lane and 2512 California Lane for a change from single family “SF” residential to garden home “GH” base zoning with a mixed-use “MU” overlay.

Per Local Government Code, Chapter 211, zone changes must comply with the City’s Comprehensive Plan as follows:

Sec. 211.004. COMPLIANCE WITH COMPREHENSIVE PLAN. (a) Zoning regulations must be adopted in accordance with a comprehensive plan and must be designed to:

- (1) lessen congestion in the streets;
- (2) secure safety from fire, panic, and other dangers;
- (3) promote health and the general welfare;
- (4) provide adequate light and air;
- (5) prevent the overcrowding of land;
- (6) avoid undue concentration of population; or
- (7) facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

The Future Land Use Map from the current 2005 adopted Plan shows these properties to remain as single family residential. However, in the latest Plan draft amendment from June 2023 includes changes to proposed Bowen Road future land uses as described below. The full description can be found in your packet.

The Bowen Road Planned Development Overlay may include Large Lot Residential uses but may also include a mixture of Medium Density Single Family Garden Homes, and Commercial Uses with a preference toward agricultural related businesses (vegetable and meat markets, farm and ranch supply, etc.) and restaurants. Garden Home developments shall include 10 percent open space for parks and community gardens. The Planned Development shall provide an orderly transition from commercial uses to the large lot Residential uses and incorporate suitable separation barriers with a preference to vegetated barriers in lieu of hardened barriers such as fences. Uses other than large lot residential uses shall be planned development.

The applicant has communicated to the City he desires to build garden homes with a few small foot print restaurants on the south end of the development.

Recommended Action/Motion: Motion to approve a Zone Change Application requesting a rezone from single-family “SF” residential to garden homes “GH” base zoning with a mixed-use “MU” overlay for properties located at 2500 California Lane and 2512 California Lane, Dalworthington Gardens.

OR

Motion to deny a Zone Change Application requesting a rezone from single-family “SF” residential to garden homes “GH” base zoning with a mixed-use “MU” overlay for properties located at 2500 California Lane and 2512 California Lane, Dalworthington Gardens.

Attachments:

Zone Change Application

2005 Current Future Land Use Map


Bowen Road Corridor PD Overlay Verbiage from Comp Plan

2023 Draft Future Land Use Map

Zone Change Application (cont.)

3. If approved, a zone change is applied to the property, not the property owner.
4. The Planning & Zoning Commission makes recommendations to City Council. If the Planning & Zoning Commission recommends approval of a zone change request, the case must still go before City Council for final action.
5. Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between residential and non-residential zoning districts. These requirements are outlined in the City of Dalworthington Garden's Ordinances. It is the applicant's benefit to ensure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.
6. The City is required to mail letters to owners of property within 200 feet of the subject property of the zone change request.
7. The applicant or an authorized representative should attend public hearings pertaining to the request and be prepared to present the case and answer any relevant questions from the Planning & Zoning Commission and City Council members.

I hereby certify that I am the owner or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect, the permit or approval may be revoked.

Signature: 

Date: 07/17/23

OFFICE USE ONLY

Case Number:

Date of Application:

Date Paid:

Affidavit attached?: Yes No

P&Z Meeting
Date:

CITY OF DALWORTHINGTON GARDENS

Tarrant County, Texas

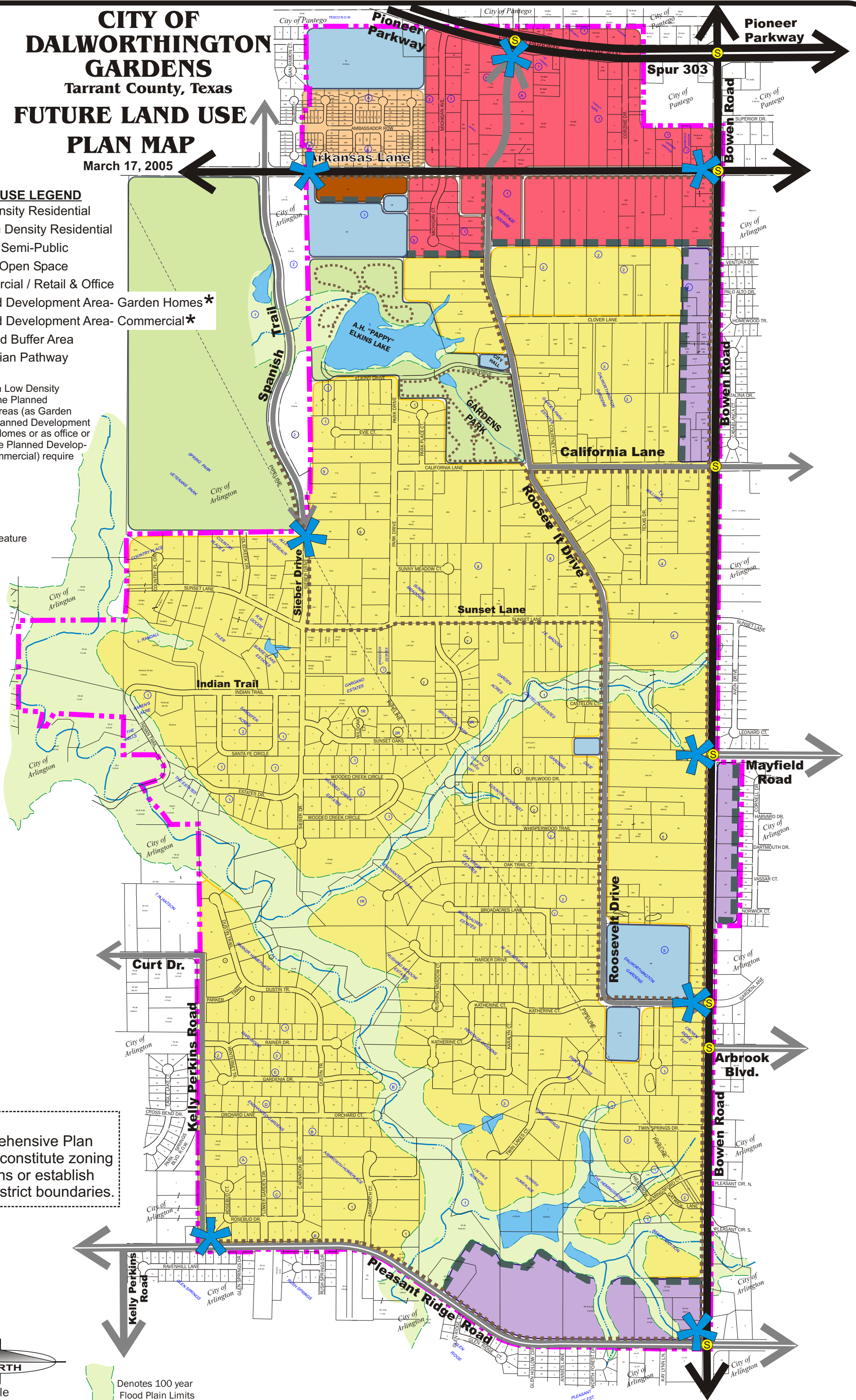
FUTURE LAND USE PLAN MAP

March 17, 2005

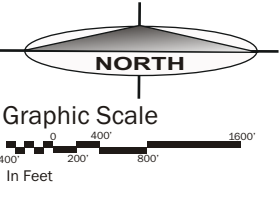
- LAND USE LEGEND**
- Low Density Residential
 - Medium Density Residential
 - Public / Semi-Public
 - Parks / Open Space
 - Commercial / Retail & Office
 - Planned Development Area- Garden Homes*
 - Planned Development Area- Commercial*
 - Required Buffer Area
 - Pedestrian Pathway

***NOTE:**
Uses other than Low Density Residential in the Planned Development Areas (as Garden homes in the Planned Development Area- Garden Homes or as office or retail uses in the Planned Development Area- Commercial) require plan approval.

- Traffic Signal
- Entry Feature



Note:
A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries.



Denotes 100 year Flood Plain Limits per FEMA maps

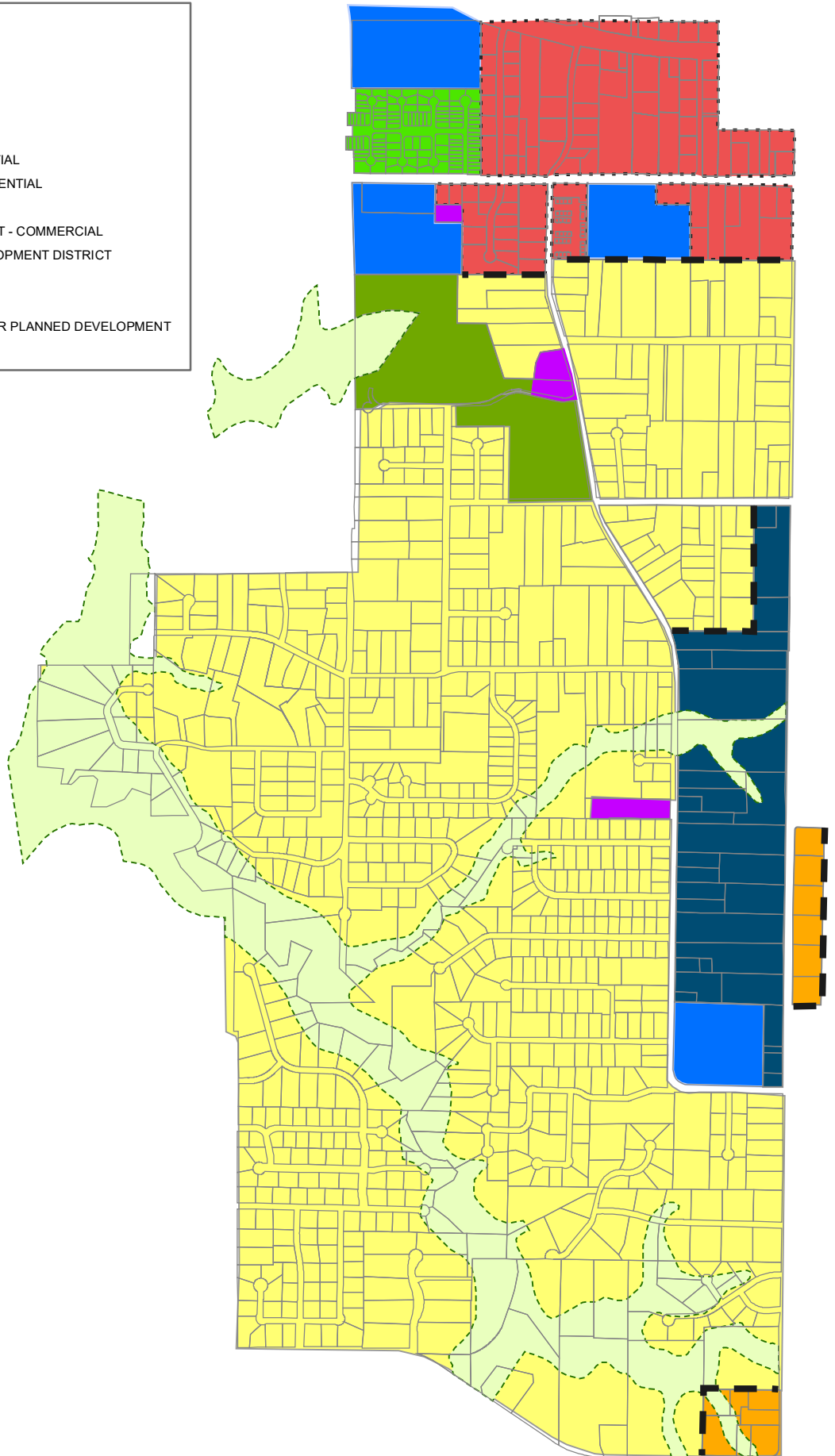
City Limit Line

Base map prepared by:
TEAGUE NALL AND PERKINS
CONSULTING ENGINEERS

Prepared by:
MPRG inc.
Municipal Planning Resources Group, Inc.

Land Use Legend

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- PARKS/OPEN SPACE
- PLANNED DEVELOPMENT - COMMERCIAL
- COMMERCIAL/REDEVELOPMENT DISTRICT
- EDUCATION
- PUBLIC/SEMI-PUBLIC
- BOWEN ROAD CORRIDOR PLANNED DEVELOPMENT



Bowen Road Corridor Area (Planned Development Overlay)

The Bowen Road corridor will have a multi-use purpose. Its future development will focus on commercial as well as residential development. Existing large residential lots that have both Bowen and Roosevelt access may be subdivided to allow commercial development on the Bowen Corridor only. These said lots shall remain residential on the Roosevelt side with no vehicular traffic connection between them.

One Planned Development Area of higher intensity use is designated along Bowen Road. The area on the east side of Bowen Road, south of Mayfield, would be an ideal location for an office or retail development.

The west side of the Bowen Road corridor between Roosevelt Drive and Bowen Road from the Roosevelt Drive intersection to the California Lane intersection shall be designated as a Planned Development Overlay Area.

Such a community shall be defined as an organized mixed-use community that integrates agricultural and food service commercial businesses, with residential uses, and open spaces that might be used as parks or community gardens.

Most of the west side of the Bowen Road corridor between Roosevelt Drive and Bowen Road from the Roosevelt Drive intersection to the California Lane intersection shall be designated as a Planned Development. The exception to including all of the land between Roosevelt Drive and Bowen Road begins at the California Lane intersection. Here the Planned Development shall only extend approximately 290 feet to the west from the Bowen Road right-of-way line for a distance of approximately 1,042 feet south along Bowen Road. (See the Future Land Use Map.)

The Bowen Road Planned Development Overlay may include Large Lot Residential uses but may also include a mixture of Medium Density Single Family Garden Homes, and Commercial Uses with a preference toward agricultural related businesses (vegetable and meat markets, farm and ranch supply, etc.) and restaurants. Garden Home developments shall include 10 percent open space for parks and community gardens. The Planned Development shall provide an orderly transition from commercial uses to the large lot Residential uses and incorporate suitable separation barriers with a preference to vegetated barriers in lieu of hardened barriers such as fences. Uses other than large lot residential uses shall be planned development.

The decisions made now by the City as to the type of uses permitted along Bowen Road as it passes the core of the City are surely critical to the future of Dalworthington Gardens. Although it may be possible to attract some limited retail uses to this corridor, it is believed that such development would likely not be of a character clearly compatible with the residential development along Roosevelt Drive and would almost certainly tend toward the sort of intermittent strip development seen along Pioneer Parkway. The most promising area is at the intersection of Mayfield/Bowen between the Rush Creek tributaries. The light there affords good traffic flow in all directions. It is also highly probable that indecisiveness in the land use designation for Bowen Road will inhibit the build-out of the area between Bowen and Roosevelt south of California Lane as large lot residential developments. Dalworthington Gardens is a very small city surrounded by a very large one. Build-out of the area within Bowen Road, Roosevelt Drive, and California Lane as large lot residential properties is highly desirable in order to maintain a critical mass of large lot residential properties and identity of DWG as having such attractive land use. This is the surest path to maintaining the property values of the residential property in the City.

Staff Agenda Report

Agenda Subject: Discussion and possible action regarding an amendment to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, making changes to garden home “GH” regulations.

Background Information: Staff is presenting the final version of the Garden Home Ordinance for approval.

Recommended Action/Motion: Motion to approve an amendment to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, making changes to garden home “GH” regulations.

OR

Motion to approve an amendment to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, making changes to garden home “GH” regulations with the following suggested changes: [list changes]

Attachments:

05.22.2023 Discussed Changes
Proposed Ordinance Redlines
Proposed Comp Plan Redlines
Adopting Ordinance

May 22, 2023 Discussed Changes

1. Possible garage entry orientation restrictions

- The council would like a rear garage orientation requirement considered with an alleyway for guest parking. Preferably no parking in front of structure or on street.

Add to ordinance, “no front facing garages.”

2. Consider reducing somewhat the current minimum house size

- Current size requirement is 2,000 SF, and comp plan revision calls for 1,800 SF size requirement for each dwelling unit with density limited to a maximum of 5 units per acre.

Change to 1,800 SF

3. Should garden homes be limited to two stories and if so, what is a reasonable maximum height?

- Fire truck access should be considered when max height is set.

Leave at 35, don't change to less

4. Should the roof pitch requirement change to accommodate fire truck access for maximum height of structure?

- Current roof pitch requirement for garden homes is 8/12 roof pitch and not less than a 40-year quality architectural profile shingle.

Roof pitch: Change to 4/12 roof pitch minimum.

Shingles: Allow other types of shingles such as metal or concrete. Shingles – change to 30 year architectural instead of requiring 40 year.

5. Should the minimum yard setback that adjoins another zoning district need to match that of the other district if the other district's set back is larger?

- Current garden home setback is smaller than other residential which means garden homes could be closer to an adjoining property.

Leave as is

YARDS (n-3) (min. in ft.)	
Front	15
Side - interior lot	5
Side - corner lot	15
Rear (n-4)	15
Rear - double frontage	-

6. Is there a safety reason for ensuring more than one entrance/exit when there are more than X number of garden homes?

- The comp plan currently says this, “A secondary private access drive or private street should be provided to minimize the access points to the public street.”

Remove this.

7. Are any additional ordinances needed to ensure storm water is handled properly?

- Garden homes currently have a higher allowance of impervious surface coverage. Other residential districts allow 40% max coverage.

LOT	
Width (min. in ft.)	50
Coverage, building (max. % of lot area)	50
Coverage, impervious surface (max. % of lot area)	70

Leave as is. Small lot size dictates higher allowance.

8. Are parking requirements adequate and/or is there a need to state something about the minimum size for a two-car garage in a note to the table or that on street parking does not count if guest spaces are also required?

- Current parking is 2 for garage, 2 guest spaces

Leave as is

9. There is already a lot size minimum in the current ordinance. Are there further density or offsetting greenspace requirements that need to be added to align the GH zoning with the language in the working draft of the comp plan?

- Current lot area minimum size per dwelling unit is 6,000 square feet. Again, the comp plan calls for max density of 5 units per acre. One acre equals 43,560 square feet. If the dwelling unit is 1,800, account for greenspace and other requirements for the remaining square footage. A percentage could be added for green space. An example is the City’s mixed-use overlay district which requires 20% “landscaped open space”.

Change to 6 units per acre.

10. Does there need to be a different road width minimum than is currently listed in the subdivision ordinances?

- Current road width per City Subdivision Ordinance:

Sec. 10.02.222 Streets, right-of-way

i. The subdivider shall provide for or cause the dedication of right-of-way within the subdivision, as follows:

Major Streets	Right-of-Way Width as Approved by City Council
Collector	60 feet
Minor or local street	50 feet
Alley	20 feet

ii. The right-of-way, in any event, shall be of such width that side slopes, if required, would not be steeper than three (3) horizontal to one (1) vertical within the limits of the dedicated right-of-way.

14.02.174“GH” residential district.

A building or premises in this district shall be used only for the following purposes under the standards herein contained:

(1) In this district there shall be only garden homes and accessory buildings as elsewhere herein regulated.

(2) Any building in this district shall meet the following design standards:

~~**(A)** The building shall be not less than 85% masonry. As used in this subsection, “masonry” includes: brick, stone or tile, hand laid unit by unit; veneer simulations of the materials having the appearance of hand laid units, when approved by the city; and, stucco when applied in accordance with building code standards therefor.~~

~~**(BA)** The building shall have a minimum ~~8/12~~ **4/12** roof pitch and not less than a ~~40-year~~ **30-year** quality architectural profile shingle.~~

~~**(B)** The building shall not have a front facing garage~~

(3) Any development in the GH district shall be developed in accordance with a site plan meeting the requirements of developments having a PD overlay.

(4) Uses allowed in GH and in other zoning classifications may be developed under a common PD plan meeting the procedural requirements of division 7 of this article.

(5) Mobile food units are permitted upon the following conditions:

(A) The property owner has requested the services of the mobile food unit;

(B) The mobile food unit may only provide goods and services to the property owner or the property owner’s guests at the property owner’s expense. No sales will be made to the general public.

(C) Mobile food units may not obstruct traffic movement, or impair visibility or safety to the site.

(D) Mobile food units must have valid health permit and comply with chapter 228 of the Texas Administrative Code related to mobile food unit operations.

(2005 Code, sec. 17.5.04; Ordinance 2018-01, sec. 4, adopted 2/15/18)

14.02.171 **General provisions.**

(a) Table of standards.

The standards contained in the following table shall govern the height, area, yard and parking requirements of residential and permitted nonresidential uses in the residential districts.

Regulations	Districts				
	SF		MF		GH
	Residential	Nonresidential	Residential	Nonresidential	
HEIGHT (max. in ft.)	35 (n-1)	45 (n-1)	35 (n-1)	45 (n-1)	35
AREA (n-2)					
Lot area (min. per dwelling unit in sq. ft.)		None		None	6000
Single-family	21780		21780		
Multifamily			7200		
Living area (min. per dwelling unit in sq. ft.)					
	1250		800		2000 1800
LOT					
Width (min. in ft.)	80	None	60	None	50
Coverage, building (max. % of lot area)	25	25	40	40	50
Coverage, impervious surface (max. % of lot area)	40	40	40	40	70
YARDS (n-3) (min. in ft.)					
Front	50	50	25	25	15
Side - interior lot	25	25	5	—	5
Side - corner lot	35	35	15	15	15
Rear (n-4)	25	25	10	10	15
Rear - double frontage	35	35	20	20	—

TABLE 14.02.171

Regulations	Districts				
	SF		MF		GH
	Residential	Nonresidential	Residential	Nonresidential	
PARKING (min. spaces per dwelling unit)	2	n-5	2.25	n-5	Garage-2 Guests-2
SPACE - Landscaped open space (min. % of lot area)	–	20	–	20	

Notes to table 14.02.171:

1. In addition to the minimum yard requirements contained herein, each side and rear yard shall be increased an additional foot for each foot (or fraction thereof) the structure exceeds 35 feet in height; provided, that in no event shall the height of a building exceed by ten (10) feet the maximum height prescribed for such structure and district in table 14.02.171.
2. Lot area shall be exclusive of the means of vehicular access thereto, whether by public or private street or other access easement or way. Lots of 14,500 square feet or more but less than 21,780 square feet created by plat or deed and recorded in the office of the county clerk of Tarrant County before April 13, 1981, the effective date of this amendment, shall not be deemed nonconforming as to lot area.
3. Any single-family residential lot which on February 18, 1991, was classified “SF-2,” shall not be deemed nonconforming as to front and side yards if the lot has a front yard of not less than 35 feet and side yards of not less than 15 feet each (25 feet, if a corner lot). Lots platted and zoned for residential use which are “panhandle” lots, as herein defined, shall comply with the provisions of this table or section **14.02.171(d)**, whichever is more restrictive.
4. Any single-family residence constructed on a lot which was created by plat or replat recorded in the office of the county clerk of Tarrant County before March 1, 2002, shall not be deemed nonconforming as to minimum rear yard if such yard is not less than 15 feet.
5. Nonresidential parking is regulated by division 9 of this article.

Comp Plan Changes

Medium Density Single Family Garden Homes

Medium density single family garden homes can be a component of the Bowen Road Planned Development Overlay District. Garden home development is intended to refer to high-quality residential units on smaller individually platted lots that provide common area open space or other amenities for the residents. These common areas should be designed to buffer the garden homes from the adjacent thoroughfare and even higher intensity uses and also to buffer any large lot residential lots near the development. ~~A secondary private access drive or private street should be provided to minimize the access points to the public street.~~ Such residential units should be clustered to facilitate buffering and to allow common area open space within the garden home development.

To assure appropriate high-quality developments, garden home developments must be subject to appropriate standards and an approved development plan. It is believed that density should be limited to a maximum of ~~5~~ **6 units** per acre with dwelling units each containing a minimum of 1800 square feet of living space. Additional stringent design standards should be adopted covering both building standards (such as approved masonry exteriors, garage layouts, and similar requirements) and development layout.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 14, “ZONING,” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS, BY AMENDING SECTION 14.02.174, “‘GH’ RESIDENTIAL DISTRICT,” OF DIVISION 5, “RESIDENTIAL DISTRICT REGULATIONS,” TO CHANGE REQUIREMENTS FOR GARDEN HOMES; AMENDING CHAPTER 14, “ZONING,” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS, AMENDING TABLE 14.02.171 OF SECTION 14.02.171, “GENERAL PROVISIONS,” OF DIVISION 5 “RESIDENTIAL DISTRICT REGULATIONS,” TO CHANGE THE SIZE REQUIREMENTS FOR GARDEN HOMES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dalworthington Gardens is a Type-A general law municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Dalworthington Gardens desires to amend Chapter 14 of its zoning regulations to change requirements for garden homes in Dalworthington Gardens; and

WHEREAS, the Planning and Zoning Commission of the City of Dalworthington Gardens, Texas held a public hearing on September 25, 2023, and the City Council of the City of Dalworthington Gardens, Texas, held a public hearing on October 19, 2023, with respect to the proposed rezoning as described herein; and

WHEREAS, the City Council finds and determines that the adoption of this Ordinance is in the best interests of and necessary to protect the health, safety, and welfare of the public; and

WHEREAS, the City Council has determined that the proposed ordinance amendment to the zoning ordinance is in the best interest of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS:

SECTION 1.

Subsection (2)(B) of Section 14.02.174, ‘GH’ Residential District,” of Division 5, “Residential District Regulations,” of Chapter 14 “Zoning” of the Code of Ordinances, City of Dalworthington Gardens, Texas is hereby amended to read as follows:

“Sec. 14.02.174 “GH” residential district.

A building or premises in this district shall be used only for the following purposes under the standards herein contained:

- (1) In this district there shall be only garden homes and accessory buildings as elsewhere herein regulated.

- (2) Any building in this district shall meet the following design standards:
 - (A) The building shall have a minimum 4/12 roof pitch and not less than a 30-year quality architectural profile shingle.
 - (B) The building shall not have a front facing garage
- (3) Any development in the GH district shall be developed in accordance with a site plan meeting the requirements of developments having a PD overlay.
- (4) Uses allowed in GH and in other zoning classifications may be developed under a common PD plan meeting the procedural requirements of division 7 of this article.
- (5) Mobile food units are permitted upon the following conditions:
 - (A) The property owner has requested the services of the mobile food unit;
 - (B) The mobile food unit may only provide goods and services to the property owner or the property owner’s guests at the property owner’s expense. No sales will be made to the general public.
 - (C) Mobile food units may not obstruct traffic movement, or impair visibility or safety to the site.
 - (D) Mobile food units must have valid health permit and comply with chapter 228 of the Texas Administrative Code related to mobile food unit operations.”

SECTION 2.

Row 6, “Living area (min. per dwelling unit in sq. ft.),” of Table 14.02.171 of Section 14.02.171, “General provisions,” of Division 5, “Residential District Regulations,” of Chapter 14, “Zoning,” of the Code of Ordinances, City of Dalworthington Gardens, Texas, is hereby amended to read as follows:

Living area (min. per dwelling unit in sq. ft.)	1250		800		1800
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SECTION 3.

This Ordinance shall be cumulative of all provisions of ordinances and on the Code of Ordinances, City of Dalworthington Gardens, Texas as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or

section of this Ordinance shall be declared unconstitutional by the valid judgment or degree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Dalworthington Gardens are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Dalworthington Gardens, Texas, as amended or revised herein, or any other ordinances affecting the matters regulated herein which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Dalworthington Gardens is hereby directed to publish in the official newspaper of the City of Dalworthington, the caption, publication clause, and effective date clause of this ordinance in accordance with Section 52.011 of the Texas Local Government Code.

SECTION 8.

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

PASSED AND APPROVED ON THIS _____ DAY OF _____, 2023.

Laurie Bianco, Mayor

ATTEST:

Lola Smith
City Secretary