

**Dalworthington Gardens Planning and Zoning Commission**  
**Meeting Minutes**  
**October 28, 2019**

1. Call to Order

Chairperson Todd Batiste called the meeting to order at 6:00 p.m. with the following present:

**Members Present:**

Todd Batiste, Chairperson  
Maurice Clark, Vice Chair  
Louis Celone  
Johanna Storm  
Paul Sweitzer, Alternate

**Members Absent:**

Tim Butler  
Brian Colin, Alternate

**Staff and Council Members Present:**

Cathy Stein, Council Member  
Lola Hazel, City Administrator

2. Green's Produce Plat

- a. **Consider approval of an application from Green's Produce for a Preliminary Plat of Lot 5, Block A of the Gardens Industrial Park Addition situated in the Nathan Smith Survey, Abstract No. 1432, containing approximately .611 acres of land, locally known as 3001 Arkansas Lane.**
- b. **Consider approval of an application of Green's Produce for a Final Plat of Lot 5, Block A of the Gardens Industrial Park Addition situated in the Nathan Smith Survey, Abstract No. 1432, containing approximately .611 acres of land, locally known as 3001 Arkansas Lane.**

Chairperson Todd Batiste opened the public hearing at 6:00 p.m.

Background information on this item: Green's Produce is looking to add on to their existing building to put in a new cooler. Section 10.02.004 of the City's Code of Ordinances states, "No building permit shall [be] issue[d] for the construction of improvements on any property not platted..." Since Green's Produce has never been platted, they are required to do so before they can add on to their existing structure. When property has never been platted before, it typically requires both a preliminary and final plat to be prepared. As such, you have both a preliminary and final plat on your agenda for consideration. These are allowed to be done jointly and it speeds up the process for the applicant. The preliminary will show setback lines, building locations, and note changes being made to easements. The final plat will show the final changes to easements and other necessary requirements before the document is filed. A requirement of the platting process is for the applicant to contact all utility companies to ensure they do not have utilities in the easement and/or they do not object to abandonment of said easement. Also, because of the desired location for the new building, the easement on the east side of the property will need to be moved.

The builder working on the Green's addition has received letters from AT&T, Atmos, and Charter; and has had discussions with Oncor and the city of Arlington. The two remaining utilities have given verbal confirmations to abandon and/or retain the easement at the new location, but those confirmations cannot be finalized just yet. Those will be forthcoming. The city of Dalworthington Gardens will also need to abandon said easement which will be on City council's November 21 agenda for consideration.

The city engineer has recommended approval subject to the condition of finalizing the outstanding easement issues prior to the November 21, 2019 Council Meeting.

With no one desiring to speak, Chairperson Todd Batiste closed the public hearing at 6:01 p.m.

A motion was made by Commissioner Maurice Clark and seconded by Commissioner Johanna Storm to recommend approval of the preliminary and final plats for Green's Produce, subject to the condition of finalizing the outstanding easement issues prior to the November 21, 2019 Council Meeting.

Motion carried by the following vote:

Ayes: Members Clark, Celone, Storm, and Sweitzer

Nays: None

**3. Consideration to amend the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, regarding sign standards.**

**a. Public Hearing**

**b. Discussion and possible action**

Chairperson Todd Batiste opened the public hearing at 6:09 p.m.

Background information on this item: Staff has been working with the city attorney for some time on updates to the City's sign ordinance. Staff now has edits back from the city attorney for the ordinance and will need to review it before it goes to Council. When first drafting the ordinance, discussion was had on whether or not the ordinance would stay in Chapter 14, Zoning, or move to a different section. Typically ordinances located in the zoning section are there because the Planning and Zoning Commission holds authority over those subjects. In the case of signs, while you do see it in zoning ordinances occasionally, it is usually in the building regulations section. The main reason for removing it from the zoning ordinance is that zoning inherently needs a little discretion and flexibility. When you have an ordinance impacting First Amendment rights (like a sign ordinance) flexibility and discretion are a bad thing constitutionally speaking. It's cleaner to put it in a different ordinance.

With the ordinance edits, a Sign Board of Appeals was created. Because signs would be treated as other matters under the umbrella of the Zoning Board of Adjustments, we're proposing to take sign regulations out of the zoning ordinance, moving it to Chapter 3, Building Regulations, and having the Zoning Board of Adjustments act as the Sign Board of Appeals.

Because we are suggesting to move the ordinance out of Chapter 14, Zoning, we are required to have the Planning and Zoning Commission's approval prior to taking the ordinance to council.

With no one desiring to speak, Chairperson Todd Batiste closed the public hearing at 6:10 p.m.

A motion was made by Commissioner Paul Sweitzer and seconded by Commissioner Louis Celone to approve moving the city's sign standards from Chapter 14, zoning, to Chapter 3, building regulations.

Motion carried by the following vote:

Ayes: Members Clark, Celone, Storm, and Sweitzer

Nays: None

**4. Comprehensive Plan: Discussion and possible action to set a date for the next meeting regarding this subject, and discuss the Future Land Use Map and any subsequent changes needed for the map.**

Background information on this item: Since the last Planning and Zoning meeting, staff has worked with the city engineer to make edits to the Future Land Use Map. The map is attached for review and discussion, if necessary. No more edits have been compiled to the Comprehensive Plan. Staff and the P&Z Chairperson,

Todd Batiste, will be getting together prior to our regular January meeting date to make final edits. Then, P&Z should meet in January to go over said edits prior to Council's review.

A motion was made by Commissioner Johanna Storm and seconded by Commissioner Louis Celone to make the following changes to the Future Land Use Map: For the second tract from the southeast corner of the city's boundaries at Pleasant Ridge and Bowen Road, mark the west side of this tract for low density residential/garden homes. Second, mark the fourth tract from the southeast corner at Pleasant Ridge and Bowen Road for garden homes.

Motion carried by the following vote:

Ayes: Members Clark, Celone, Storm, and Sweitzer

Nays: None

## **5. Adjourn**

A motion was made by Commissioner Paul Sweitzer and seconded by Commissioner Maurice Clark to adjourn the meeting at 6:43 p.m.

Motion carried by the following vote:

Ayes: Members Clark, Celone, Storm, and Sweitzer

Nays: None