

**Notice of a Meeting**  
**Dalworthington Gardens Planning and Zoning Commission**

**May 2, 2024 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. Approval of minutes
  - i. December 13, 2023
  - ii. December 19, 2023
  - iii. January 10, 2024
  - iv. February 1, 2024
  - v. March 7, 2024
4. Discussion and possible recommendation regarding an application from Robert Walker with LRG Associates, LLC for a special exception at 2889 W. Pioneer Parkway for mobile food units to be on property longer than twenty-four hours in accordance with Section 14.02.321(c)(22) of City ordinances.
5. Adjourn

**CERTIFICATION**

This is to certify that a copy of the **May 2, 2024** 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.cityofdwg.net](http://www.cityofdwg.net), in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: \_\_\_\_\_ TIME OF POSTING: \_\_\_\_\_ TAKEN DOWN: \_\_\_\_\_

\_\_\_\_\_  
Sandra Ma, City Secretary

**Dalworthington Gardens Planning and Zoning Commission**  
**Meeting Minutes**  
**December 13, 2023**

1. Call to Order

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

Members Present:

Todd Batiste, Chairperson

Paul Switzer

Anthony Parker, Alternate

Members Absent:

Maurice Clark, Vice Chairperson

Brian Colin

Johanna Storm

Staff Present:

Sandra Ma, Interim City Secretary

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.

None.

3. Approval of minutes

- i. October 23, 2023 meeting minutes

A motion was made by Commissioner Sweitzer and seconded by Commissioner Parker to approve items 3i

Motion carried by the following vote:

Ayes: Members Sweitzer, Parker, Batiste

Nays: None

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

This agenda item and associated public hearing are continued to December 19, 2023 at 6:00 p.m.

5. Future agenda items:

Not needed.

6. Adjourn

The meeting was adjourned at 6:02 p.m.

**Dalworthington Gardens Planning and Zoning Commission**  
**Meeting Minutes**  
**December 19, 2023**

*While the order of some agenda items may have been changed, the following represents all items discussed and acted upon by the Planning and Zoning Commission.*

1. Call to Order

Chairman Todd Batiste called the meeting to order at 6:12 p.m. with the following present:

Members Present:

Todd Batiste, Chairperson  
Brian Colin  
Paul Sweitzer

Members Absent:

Maurice Clark, Vice Chairperson  
Johanna Storm  
Anthony Parker-Alternate

Staff Present:

Sandra Ma, Interim City Secretary

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.

None

3. 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

**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.

Chairman Todd Batiste opened the public hearing at 6:17 p.m.

Trevor Turnbow, 4726 Lennon Arlington, Texas, owner of land began with a presentation.

Scott McCaskey, 2501 California, spoke that he likes to see homes being built first and then commercial buildings last. He is concerned with drainage and fencing going down Texas Drive.

Dixon Holman, 7304 Baychase Drive, spoke in clarification with Trevor Turnbow about Garden Homes Lots to be built first to help fund the rest of the development.

Cindy Fulton and Michael Pair, 2916 Texas Drive, had questions regarding setbacks, living area, and divider between property.

Michael Pair, 2916 Texas Drive, spoke with question about drainage and sewage.

With no one else desiring to speak, the public hearing was closed at 6:36 p.m.

Chairman Todd Batiste asked a question to Trevor Turnbow if he is pursuing a request with Garden Home Zoning with a Commercial Overlay or change request to the Bowen Road Overlay. Dixon Holman said their intent is to conform to the Bowen Road Overlay because of this technicality public notices will need to be re-sent with this zoning.

Attorney clarified we would need to make a motion for this current agenda item to recommend approval or denial. If applicant intends to proceed with the Bowen Road Overlay he will need to submit application and public notices will need to be sent for meeting.

After discussion with Dixon Holman, a continuance was asked with no actions taken. In the meantime he can discuss with Trevor on which zoning and overlay they would want to proceed with. They could withdraw and resubmit before the next meeting.

Chairman Todd Batiste gave comment regarding drawings saying it was more appealing than the last drawings. The Garden Homes would be nice to see creative something instead of straight line set of homes. He likes the deacceleration lane that was added.

Commissioner Brian Colin also said he likes the southbound deacceleration lane and the right turn lane that was added.

Commissioner Paul Switzer said he would like a little more detail on the homes and the car garage because he has concerns with spacing.

Chairman Todd Batiste re-opened public hearing at 6:48 p.m.

Commissioner Brian Colin made a motion to move to table this item to the date of the next regular P&Z meeting which is January 10, 2024 at 6:00 p.m. and Commissioner Paul Switzer seconded the motion.

Motion carried by the following vote:  
Ayes: Members Sweitzer and Colin  
Nays: None

4. Discussion and possible action on a replat for property described as Lot 2R, Block 1 of Dalworthington Gardens Addition, Dalworthington Gardens, Tarrant County, Texas otherwise known as 3428 E. Arkansas Lane Dalworthington Gardens, Tarrant County, Texas
  - i. Conduct public hearing
  - ii. Discussion and action

**Background Information:** Section 1.02.151 of the City’s Code of Ordinance states the purpose of a replat is to revise or subdivide any part or all of any block or previously platted subdivision, addition, or lot. On November 16, 2023, John W. Guerin submitted a replat application for property described as Lot 2R, Block 1 of Dalworthington Gardens Addition, Dalworthington Gardens, Tarrant County, Texas otherwise known as 3428 W. Arkansas Lane Dalworthington Gardens, Tarrant County, Texas. The plat application was forwarded to the city engineer for review. On December 4, 2023, the city engineer conducted his final review of the plat and determined the plat conforms with the City’s ordinance and recommended approval of the plat. Local Government Code , Chapter 212, states plats that satisfy all applicable regulations must be approved. The proposed plat satisfies all requirements of city ordinance. As such, staff recommends approval of this plat

Attorney clarified that motion to approve are actually recommendation for approval which will then go to city council for action.

Chairman Todd Batiste opened the public hearing at 6:15 p.m.

John Guerin, Contactor, spoke regarding the reason for the plat is to add a parking lot to the property.

With no one else desiring to speak, the public hearing was closed at 6:15 p.m.

A motion was made by Commissioner Brian Colin and seconded by Commissioner Paul Sweitzer to recommend approval of a replat application from John Guerin for property described as Lot 2R, Block 1 of Dalworthington Gardens Addition, Dalworthington Gardens, Tarrant County, Texas otherwise known as 3428 W. Arkansas Lane Dalworthington Gardens, Tarrant County, Texas

Motion carried by the following vote:  
Ayes: Members Sweitzer and Colin  
Nays: None

5. Future agenda items:

Not needed.

6. Adjourn

The meeting was adjourned at 6:50 p.m.

**Dalworthington Gardens Planning and Zoning Commission**  
**January 10, 2024 at 6:00 p.m.**

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**1. Call to Order**

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

**Members Present:**

Todd Batiste, Chairperson  
Maurice Clark, Vice Chairperson  
Anthony Parker, Alternate  
Brian Colin

**Members Absent**

Johanna Storm  
Paul Sweitzer

**Staff Present:**

Sandra Ma, City Secretary

- 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.**

None.

- 3. Discussion and possible action regarding a replat for property described Lots 1&2, Block 1 of Urcarco Addition, Dalworthington Gardens, Tarrant County, Texas otherwise known as 2715 W. Pioneer Parkway, Dalworthington Gardens, Tarrant County Texas**
- i. Conduct public hearing**
  - ii. Discussion and action**

**Background Information:** Section 1.02.151 of the City’s Code of Ordinance states the purpose of a replat is to revise or subdivide any part or all of any block or previously platted subdivision, addition, or lot. On August 9, 2023, Diana King submitted a replat application for property described Lots 1&2, Block 1 of Urcarco Addition, Dalworthington Gardens, Tarrant County, Texas otherwise known as 2715 W. Pioneer Parkway, Dalworthington Gardens, Tarrant County, Texas. The plat application was forwarded to the city engineer for review. On December 8, 2023, the city engineer conducted his final review of the plat and determined the plat conforms with the City’s ordinance and recommended approval of the plat. Local Government Code , Chapter 212, states plats that satisfy all applicable regulations must be approved. The proposed plat satisfies all requirements of city ordinance. As such, staff recommends approval of this plat

Chairman Todd Batiste opened the public hearing at 6:01 p.m.

Dana King, Architect, gave a presentation. This is one business located on two lots.

With no one else desiring to speak, the public hearing was closed at 6:02 p.m.

A motion was made by Commissioner Anthony Parker and seconded by Commissioner Brian Colin to recommend approval of a replat application from Diana King for property described Lots 1&2, Block 1 of Urcarco Addition, Dalworthington Gardens, Tarrant County, Texas otherwise known as 2715 W. Pioneer Parkway, Dalworthington Gardens, Tarrant County, Texas.

Motion carried by the following vote:

Ayes: Members Clark, Parker, Colin

Nays: None

**4. Discussion and possible action regarding vacancy on P&Z board**

No recommendations from board regarding applicants for vacancy, no action taken

**5. Future agenda items.**

Roosevelt Estates will be on the next meeting February 1, 2024 with public hearing notices sent in advance.

**6. Adjourn**

The meeting was adjourned at 6:09 p.m.

**Dalworthington Gardens Planning and Zoning Commission**  
**February 1, 2024 at 6:00 p.m.**

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**1. Call to Order**

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

**Members Present:**

Todd Batiste, Chairperson  
Maurice Clark, Vice Chairperson  
Anthony Parker, Alternate  
Johanna Storm  
Paul Sweitzer

**Members Absent**

Brian Colin

**Staff Present:**

Sandra Ma, City Secretary

- 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.**

None.

- 3. Discussion and possible recommendation regarding a planned development concept plan application for property located at 2611 W. Pleasant Ridge Road, Dalworthington Gardens, Texas to be known as Roosevelt Estates Lots 1 – 11, 1X, and 11X of Block A an addition to the City of Dalworthington Gardens, Tarrant County, Texas.**
- i. Conduct public hearing**
  - ii. Discussion and action**

Vice Chairman Maurice Clark signed a conflict of interest affidavit and sat in the audience for this topic.

Background information: An application for a change in zoning was submitted by Cannon Clark on December 4, 2024. A Concept Plan was submitted with the application showing the proposed improvements and highlighting the proposed deviations from the base zoning district requirements. The proposed deviations from the requirements of the base zoning district are included in the "Residential Use Criteria" table shown in the Concept Plan. The Concept Plan was forwarded to the city engineer for review. On January 23, 2024 the city engineer conducted his final review of the Concept Plan and determined that the Concept Plan conforms with the City's ordinance. Notifications of tonight's public hearing were sent to all property owners within 200' of the subject property as well as being posted in the Commercial Recorder.

Chairman Todd Batiste opened the public hearing at 6:01 p.m.  
With no one speaking, the public hearing was closed at 6:02 p.m.

Cannon Clark applicant gave a presentation

Chairman Todd Batiste re-opened the public hearing at 6:06 p.m.  
David Pondt, 11 Hemingsford spoke with concerns about density, police service, drainage, school, and population  
With no one else desiring to speak, the public hearing was closed at 6:13 p.m.

Commissioner Johanna Storm made a motion to recommend approval of the concept plan application at 2611 W. Pleasant Ridge Road with a front setback change from 20 to 25 feet for lots 1-4 and was seconded by Commissioner Anthony Parker.



Motion carried by the following vote:  
Ayes: Members Parker, Storm, Sweitzer  
Nays: None

4. **Discussion and possible recommendation regarding Final Plan for property located at 2611 W. Pleasant Ridge Road, Dalworthington Gardens, Texas to be known as Roosevelt Estates Lots 1 – 11, 1X, and 11X of Block A an addition to the City of Dalworthington Gardens, Tarrant County, Texas.**
  - i. **Conduct public hearing**
  - ii. **Discussion and recommendation**

Vice Chairman Maurice Clark signed a conflict of interest affidavit and sat in the audience for this topic.

**Background Information:** A Final Plan was submitted by Jose De Leon, Shield Engineering Group, PLLC on January 22, 2024 showing the proposed improvements and highlighting the proposed deviations from the base zoning district requirements. The proposed deviations from the requirements of the base zoning district are included in the “Residential Use Criteria” table shown on the Final Plan. Typically, the Final Plan for a development within the Planned Development zoning district does not come before the Commission until the City Council has approved the zoning change and the Concept Plan. In this case, because the Final Plan is being presented to the Commission prior to Council’s decision, if a recommendation of approval is to be provided, it shall be contingent on City Council’s approval of the zoning change from Single Family to Planned Development. The Final Plan was forwarded to the city engineer for review. On January 23, 2024 the city engineer conducted his final review and determined that if City Council approves the proposed zoning change, the Final Plan conforms with the City’s ordinance and therefore recommends approval.

Chairman Todd Batiste opened the public hearing at 6:29 p.m.  
Jennifer and Irene Difonso, 13 Hemingsford asked if materials can be found online at the city website  
David Pondt, 11 Hemingsford questions about square footage and time of development.  
With no one else desiring to speak, the public hearing was closed at 6:31 p.m.

Commissioner Johanna Storm made a motion to recommend approval of the Final Plan for the property located at 2611 W. Pleasant Ridge Road contingent on the City Council’s approval of the proposed zoning change of the property from Single Family to Planned Development and with exception of the gate which will require further study and was seconded by Commissioner Paul Sweitzer.

Motion carried by the following vote:  
Ayes: Members Parker, Storm, Sweitzer  
Nays: None

5. **Discussion and possible recommendation regarding Preliminary Plat application for property located at 2611 W. Pleasant Ridge Road, Dalworthington Gardens, Texas to be known as Roosevelt Estates Lots 1 – 11, 1X, and 11X of Block A an addition to the City of Dalworthington Gardens, Tarrant County, Texas.**
  - i. **Conduct public hearing**
  - ii. **Discussion and recommendation**

Vice Chairman Maurice Clark signed a conflict of interest affidavit and sat in the audience for this topic.

**Background Information:** A Preliminary Plat was submitted by Jose De Leon with Shield Engineering on January 22, 2024. Typically the Preliminary Plat for a development within the Planned Development zoning district does not come before the Commission until City Council has approved the zoning change and the Concept Plan. In this case, because the Preliminary Plat is being presented to the Commission prior to Council’s decision, if a recommendation of approval is to be provided, it shall be contingent on City Council’s approval of the zoning change from Single Family to Planned Development. The Preliminary Plat was forwarded to the city engineer for review. On January 23, 2024 the city engineer conducted his final review and determined that if City Council approves the proposed zoning change, the Preliminary Plat conforms with the City’s ordinance and therefore recommends approval.

Chairman Todd Batiste opened the public hearing at 6:41p.m.  
With no one else desiring to speak, the public hearing was closed at 6:42 p.m.

Chairman Todd Batiste made a motion to recommend approval of the Preliminary Plat for the property located at 2611 W. Pleasant Ridge Road contingent on City Council’s approval of the proposed zoning change of the property from Single Family to Planned Development and with the change of lots 1-4 setback being increased from 20-25 feet from the previous action, and with further study of the gate at the entrance. Commissioner Johanna Storm seconded the motion.

Motion carried by the following vote:  
Ayes: Members Parker, Storm, Sweitzer  
Nays: None

6. **Discussion and possible recommendation request for a concept plan with a Bowen Road planned development overlay for property located at 2500 and 2512 California Lane, Dalworthington Gardens, Tarrant County, Texas**
  - i. **Conduct public hearing**
  - ii. **Discussion and recommendation**

Vice Chairman Maurice Clark joined the bench for the following topics.

**Background Information:** A Zone Change Application submitted by Trevor Turnbow was received on 7/17/2023 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 discussion with applicant, city staff, and attorney. Applicant submitted an amended a zoning application on 1/16/2024 requesting to allow for the Bowen Road Overlay. Notification of tonight’s public hearing were sent to all property owners within 200’ of the subject property as well as being posted in the Commercial Recorder.

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.

Trevor Turnbow applicant gave a presentation.

Chairman Todd Batiste opened the public hearing at 6:50 p.m.  
Cynthia Fulton, 2916 Texas wrote in for opposition – fencing She owns property 2815, 2901, and 2907 Texas

Scott McCaskey, 2501 California spoke in opposition – traffic, water run-off, fencing, drainage  
Lauri Bianco, 2416 Roosevelt spoke in regard to types of restaurants  
Dixon Holman, 7304 Bay Chase Drive, a developer with Trevor, spoke to ensure ordinances and rules are adhered to.  
With no one else desiring to speak, the public hearing was closed at 6:42 p.m.

Commissioner Johanna Storm made a motion to recommend approval of a zone change application requesting for a concept plan with a Bowen Road planned development overlay for property located at 2500 and 2512 California Lane, Dalworthington Gardens, Tarrant County, Texas and was seconded by Commissioner Anthony Parker

Motion carried by the following vote:  
Ayes: Members Parker, Storm, Sweitzer, Clark  
Nays: None

7. **Consideration of a Special Exception Application for motor vehicle sales – indoor: Showroom wholly within a building; no vehicle display visible from outside the building; detailing for sale but no mechanical work allowed; no outside storage, in accordance with the City of Dalworthington Garden’s Zoning Ordinance subsection (a) (15) of Section 14.02.224. Business located at 2209 Michigan Ave, Dalworthington Gardens.**
  - i. **Conduct public hearing**
  - ii. **Discussion and recommendation**

Item was continued to the next meeting so that there is proper time to publish notice.

8. **Discussion and possible action to potentially change P&Z meeting date and time.**

Chairman Todd Batiste opened the public hearing at 7:17 p.m.

Lynn Walker, 2901 Seiber Drive spoke in opposition.

Chairman Todd Batiste opened the public hearing at 7:18 p.m.

Commissioner Paul Sweitzer made a motion to set P&Z Meetings the first Thursday of each month at 6:00 p.m. and was seconded by Commissioner Anthony Parker.

#### **Future agenda items**

None

9. **Adjourn**

The meeting was adjourned at 7:20 p.m.

**Dalworthington Gardens Planning and Zoning Commission**  
**Meeting Minutes**  
**March 7, 2024**

**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 Chairperson  
Brian Colin  
Paul Sweitzer  
Anthony Parker, Alternate  
Tom McCarty, Alternate

**Members Absent:**

Johanna Storm

**Staff Present:**

Sandra Ma, City Secretary

- 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.**

None

**3. Minutes**

- i. **12.13.2023 Minutes.**
- ii. **12.19.2023 Minutes.**
- iii. **1.10.2024 Minutes.**

Chairman Batiste deferred topic to next month's meeting for review of accuracy.

- 4. Consideration of a Special Exception Application for motor vehicle sales – indoor: Showroom wholly within a building; no vehicle display visible from outside the building; detailing for sale but no mechanical work allowed; no outside storage in accordance with the City of Dalworthington Garden's Zoning Ordinance subsection (a)(15) of Section 14.02.224. Business located at 2209 Michigan Ave, Dalworthington Gardens, Texas**
- i. **Conduct public hearing**
  - ii. **Discussion and action**

Background information: Business Owner Amel Kohnic is requesting a special exception in accordance with Section 14.02.224(a)(15) for motor vehicle sales – indoor: Showroom wholly within a building; no vehicle display visible from outside the building; detailing for sale but no mechanical work allowed; no outside storage as outline in Ordinance No. 2023-25

Mr. Kohnic originally applied for a certificate of occupancy on May 30, 2019 and was given a certificate of occupancy July 2, 2019 for auto repair and motorcycle shop. Mr. Kohnic is seeking to renew his dealer's license with the State. He has denied renewal from the State with an explanation per Dalworthington Gardens City Ordinance 14.02.224, which does not permit vehicle sales

An application for a certificate of occupancy was submitted on January 22, 2024 and was returned from

Safebuilt, which is DWG 3<sup>rd</sup> party plan reviewer/inspection with a denial letter on January 26, 2024. 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.

Notifications of tonight's public hearing was sent to all property owners within 200 feet of the subject property as well as being posted in the Commercial Record. Of the nine property owner notifications sent, 1 was returned with comments. 1 were returned in favor of the zoning change and 0 were returned in opposition of the zoning change. All comments included on the notifications returned will be read during the public hearing.

Chairman Todd Batiste opened the public hearing at 6:05 p.m.

The applicant Amir Kohnic gave presentation.

David Marvin, 2805 Roosevelt spoke in favor

Lynn Walker, 2901 Sieber spoke in favor

Gilbert J. McGinty, 4400 Spinnaker spoke in favor

The public hearing was closed at 6:09 p.m.

A motion was made by Commissioner Sweitzer and seconded by Commissioner Parker to recommend a special exception application for motor vehicle sales- indoor: Showroom wholly within a building; no vehicle display from outside the building; detailing for sale but no mechanical work allowed; no outside storage, in accordance with the City of Dalworthington Garden's Zoning Ordinance subsection (a)(15) of Section 14.02.224.

Motion carried by the following vote:

Ayes: Members Clark, Colin Sweitzer, and Parker

Nays: None

## **5. Adjourn**

The meeting was adjourned at 6:09 p.m.

## Staff Agenda Report

## Agenda Item: 4.

**Agenda Subject:** Discussion and possible recommendation regarding an application from Robert Walker with LRG Associates, LLC for a special exception at 2889 W. Pioneer Parkway for mobile food units to be on property longer than twenty-four hours in accordance with Section 14.02.321(c)(22) of City Ordinances.

**Background Information:** A request has been received Robert Walker with LRG Associates, LLC for a special exception to allow mobile food units to stay on site longer than twenty-four hours. The Commission's recommendation will go to City Council on May 16, 2024 for final consideration.

Notification of tonight's public hearing was sent to all property owners within 200 feet of the subject property as well as being posted in the Commercial Recorder. Of the eight property owner notifications sent, 0 were returned with comments. 0 were returned in favor and 0 were returned in opposition.

**Recommended Action/Motion:** Board options:

Recommend approval an application from Robert Walker with LRG Associates, LLC for a special exception at 2889 W. Pioneer Parkway for mobile food units to be on property longer than twenty-four hours in accordance with Section 14.02.321(c)(22) of City ordinances.

OR

Recommend denial an application from Robert Walker with LRG Associates, LLC for a special exception at 2889 W. Pioneer Parkway for mobile food units to be on property longer than twenty-four hours in accordance with Section 14.02.321(c)(22) of City ordinances.

**Attachments:**  
Application

CITY OF DALWORTHINGTON GARDENS  
SPECIAL EXCEPTION APPLICATION

Robert A. Walker

4-8-2024

Applicant's Name (please print)

Date

2901 W. Pioneer Pkwy Pantego, 76013

817-896-3737

Address

Telephone Number

2889 W. Pioneer Pkwy DWG, TX  
76013

Property Address (Robert A. Walker)

Pantego, TX

LRG Associates, LLC 2901 W. Pioneer Pkwy 76013 817-896-3737

Property Owner

Address

Telephone Number

Smith, Nathan Survey Abstract, 1432 Tract 6A02 .174 Acres

Legal Description of Property

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.

Robert A. Walker for LRG Associates, LLC  
manager

Applicant's Signature

4-8-2024

Date

For Office Use Only

Fee Amount: \$500.00

Date: 4/16/2024

Receipt Number: CK 254003

Transaction Code - 161

**§ 14.02.321. Special exceptions.**

- (a) Purpose. Certain uses are classified as special exceptions, and may be permitted in designated districts when specifically authorized by this division after approval by the city council. Such exceptions may be granted in order that the city may develop in accordance with the intent and purpose of this article, that land may be fully utilized for a lawful purpose, and that substantial justice may be done.
- (b) Criteria for granting a special exception. In reaching a decision on any application for a special exception, the city council shall determine:
  - (1) That the requested exception will establish only those uses permitted under this division;
  - (2) That the location of proposed activities and improvements are clearly defined on a site plan filed by the applicant; and
  - (3) That the exception will be wholly compatible with the use and permitted development of adjacent properties, either as filed or subject to such requirements as the city council may find necessary to protect and maintain the stability of adjacent properties.
- (c) Authorized special exceptions. The following uses may be allowed as special exceptions in the districts specified, subject to full and complete compliance with all conditions herein provided, together with such other conditions as the city council may impose. The conduct of any of the uses described in this subsection (c) shall be illegal in the city unless on property bearing a valid special exception therefor issued in accordance with the terms of this division.

	<b>Special Exception</b>	<b>District Requiring City Council Approval</b>
(1)	Construction field office and storage yard (other than on jobsite).  Conditions: Temporary, for time fixed by the City Council.	All districts
(2)	Amusement or entertainment, commercial, indoor or outdoor.	B-2 - LI
(3)	Child care facilities.	MF - LI
(4)	Residential recreation facilities.	SF - MF
(5)	Parking, under division 9 conditions.	All districts
(6)	Development sign of more than one year duration.	SF - MF
(7)	Screening devices/fences, over height or in required front yard.	All districts
(8)	Except for brewpubs and wineries, service of alcoholic beverages for on-premises consumption; for brewpubs and wineries, service of alcoholic beverages for on-premises and off-premises consumption may be permitted	B-2 - LI



	Special Exception	District Requiring City Council Approval
(9)	Light industrial or manufacturing uses, other than storage, to be conducted outside buildings.	LI
(10)	Real estate sales office: A temporary real estate sales office.	SF - MF
(11)	Retail gasoline service stations, pumps and facilities, storage tanks underground.	B-3 - LI
(12)	A private stable under the following conditions:	SF
	(A) The use must be one that would in all respects qualify as an incidental use under the terms of section 14.02.172(6) of this article if located on the same property as a primary residential use;	
	(B) The property on which the use is to be conducted must be adjacent to or within 500 feet of the primary residence to which it would be incidental if located on the same property;	
	(C) The owner of the primary residence and the private stable must be the same; and	
	(D) The private stable shall not be used for commercial purposes.	
	This special exception may be revoked by the City Council upon notice and after hearing in the event of a violation of any of the conditions described above.	
(13)	Private school.	B-2 - LI
(14)	Motor vehicle sales.	LI
(15)	Retail specialty and novelty establishment.	B-3 - LI
	Definitions: For the purpose of this subsection:	
	(A) "Retail specialty and novelty establishment" is a place of business which derives more than 50% of its monthly revenues from the retail sale of specialty and novelty items.	
	(B) "Specialty and novelty items" means any of the following:	
	(i) Drug paraphernalia, as that term is defined in 481.002 of the Texas Health and Safety Code;	
	(ii) Wearing apparel containing obscene pictures or words, such as T-shirts, belt buckles, jewelry or any other wearing apparel;	
	(iii) Salves, ointments, gels, creams, jellies, lotions and oils advertised and designed as a sexual stimulus;	

	Special Exception	District Requiring City Council Approval
	The special exception shall continue for so long as a valid state license, as described in subsection (A), shall be in effect, unless the special exception should otherwise be terminated for violation of its terms or applicable laws.	
(21)	Schools, clubs or centers for gymnastics, exercise or physical fitness.	B-1 - B-2
	Condition: The use shall comply with all regulatory provisions of the district in which it is located.	
(22)	Mobile food unit: Special exception sought by property owner required for all zoning districts if mobile food unit remains on property longer than twenty- four (24) hours.	All districts
(23)	HUD-code manufactured home as primary dwelling	MF
(24)	Credit access business under the following conditions:	L-I
	(A) No such use may be permitted at a location within one thousand (1,000) feet of a school, designated place of worship, public park, boundary of a residential district, or property line of a lot devoted to residential use.	
(25)	Tattoo Shop under the following conditions:	L-I
	(A) No such use may be permitted within 1,000 feet of another tattoo shop	
	(B) A tattoo shop may be open for business only between the hours of 8:00 a.m. and 5:00 p.m. Monday through Saturday. A tattoo shop may not open for business on Sunday.	
	(C) No such use may be contiguous to any residential land use, designated place of worship, or school.	
(26)	Short- term rental in excess of density limitation.	SF, MF, GH Subject to section 4.09.004(p) of the code

(d) Application for special exception.

- (1) Qualification of applicant. Application for a special exception may be made by the owner of, or other person having a contractual or possessory interest in, the subject property. Any application filed by a person who is not the owner of the property for which the special exception is sought shall be accompanied by evidence of the consent of the owner.
- (2) Contents of application. An application for a special exception shall be filed with the zoning administrator. The application shall contain the following information as well as such additional information as may be prescribed by rule

	Special Exception	District Requiring City Council Approval
	(iv) Magazines, books, records, videocassettes, pictures, drawings and other similar material depicting and describing sexual conduct in a manner that is designed for adult use and consumption;	
	(v) Incense.	
(16)	Billiard table establishment.	B-3 - LI
	Definitions: For the purposes of this subsection:	
	(A) "Billiard table establishment" means any business containing a billiard table for commercial use and not merely for sale.	
	(B) "Billiard table" means a table surrounded by a ledge or cushion with or without pockets on which balls are impelled by a stick or cue, but not including a coin-operated billiard table.	
(17)	Skill or pleasure coin-operated machines, commercial use of eight (8) or more per occupancy.	B-3 - LI
	Definitions: For the purposes of this subsection, the term "skill or pleasure coin-operated machine" shall have the meaning ascribed thereto by article 8801, V.T.C.S. [V.T.C.A., Occupations Code, chapter 2153]	
(18)	Sexually oriented business.	LI
	Definition: For the purpose of this subsection, "Sexually oriented business" shall have the meaning ascribed thereto by chapter 243 of the Texas Local Government Code.	
	Condition: No such use may be permitted at a location within one thousand (1,000) feet of a church, school, public park, boundary of a residential district or property line of a lot devoted to residential use.	
(19)	Motor vehicle parking, commercial.	B-3 - LI
(20)	Long-term personal care facility.	SF - MF
	Definition: For the purposes of this subsection, a "long-term personal care facility" is a residence used as an assisted living residence for not more than four (4) unrelated persons.	
	Conditions: No such use shall be permitted unless:	
	(A) The State of Texas has issued a license for the location under chapter 142 of the Texas Health and Safety Code; and	
	(B) The owner of the facility resides in the residence.	

of or reasonably requested by the commission or the zoning administrator:

- (A) The applicant's name, address and interest in the subject property;
  - (B) The owner's name and address, if different from that of the applicant, and the owner's signed consent to the filing of the application;
  - (C) The street address and legal description of the property;
  - (D) The zoning classification and present use of the subject property;
  - (E) A description of the proposed special exception;
  - (F) A site plan sketch, showing the location of the use on the property;
  - (G) 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;
  - (H) 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
  - (I) 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.
- (3) Processing of application. Upon receipt of an application for a special exception, it shall be referred to the commission for investigation as to the manner in which the proposed character and location of the special exception will affect the master plan of the city. The commission shall report the results of its study to the city council, and thereafter the city council may, after public notice and hearing, grant the permit, including the imposition of conditions of use which the city council may deem essential to insure that the special exception is consistent with the spirit, purpose and intent of this article, will not substantially and permanently injure the appropriate use of neighboring property, and will substantially serve the public convenience and welfare.

( Ordinance 2022-11 adopted 5/19/22 ; Ordinance 2022-17 adopted 7/21/22 ; Ordinance 2022-22 adopted 11/17/2022 ; Ordinance 2022-31 adopted 12/15/2022 ; Ordinance 2023-07 adopted 3/20/2023 )

City of DWG  
817-274-7368

REC#: 00254003      4/16/2024      9:35 AM  
OPER: CARLA TERM: 002  
REF#: WINDOW/CK1262  
PAID BY:

TRAN: SPE EXCE      SPECIAL EXCEPTION  
ROB WALKER-2889 W PIONEER  
SPECIAL EXCEPTION -FOOD TRUCK  
110-00.4462  
Chrg For Serv:Speci      500.00CR

TENDERED:      500.00      CHECK

APPLIED:      500.00-

5.2.2024 P&Z Packet Pg. 21 of 26

CHANGE:                            
0.00

# Application for Special Consideration at 2889 W Pioneer Pkwy

(A), (B),

LRG Associates. LLC, Robert A Walker(Applicant / Owner)

2901 W Pioneer Pkwy

Pantego, TX 76013

(C)

Legal: Smith, Nathan Survey Abstract, 1432 Tract 6A02 .174 Acres

See Addendum (C).

(D)

Current Zoning: B3(I was told by City Official)

(E)

Seeking Special Exception for this location for Food Trucks/Food Park #22

(F)

Attached

(G)

We do not feel that this Exception will cause substantial injury to the value, use, or enjoyment of other property in the neighborhood. I have owned this property for over 20 years. In the last couple of years, I have had multiple requests from would-be patrons of such an establishment. This type of convenience is wanted. I

have a vested interest in the area due to owning several adjacent properties. The lease/rents I would receive from this is endeavor area miniscule in comparison with all the rents I cumulatively/currently receive. Even my immediate adjacent tenants are excited for this. More traffic is usually good for all.

See Addendum (A) and (C)

(H)

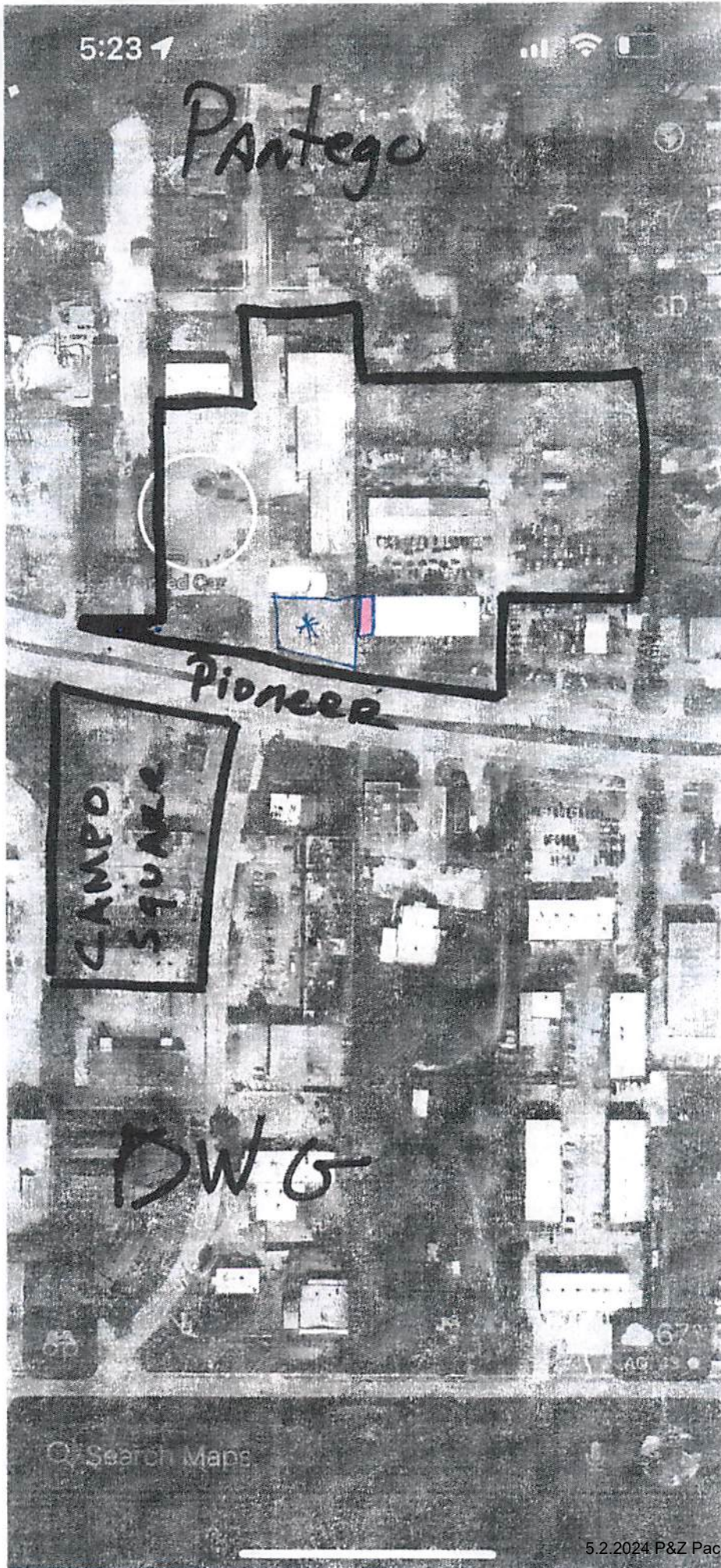
We intend to have an adequate number of food trucks for the enjoyment and diversity of all. I actively work at an adjacent property daily. I have staff that will go over the property daily to ensure cleanliness and that adjacent properties are never impacted in a negative manner. This will be the beginning of more development here. Food trucks may or may not be a part of the future here. If we develop a venue here, they will probably remain, however, in smaller numbers and switched continuously for variety. An open-air bar has been discussed and live music. Heinze designed a build out idea in the past showing that the property definitely has possibilities. I bought 2887 W Pioneer Pkwy with the idea of expanding that building onto 2889 W Pioneer Pkwy. I intend to use 2887 W Pioneer Pkwy Suite H to assist in the enjoyment of this establishment by way of bathroom, storage, bar, etc.... I do not like the idea of Port-a-Potties as I believe they cheapen our desired effect overall.

(I)

The only issue I can see here would be parking and we have that covered with adjacently owner properties.

See Addendum (B).

(A)

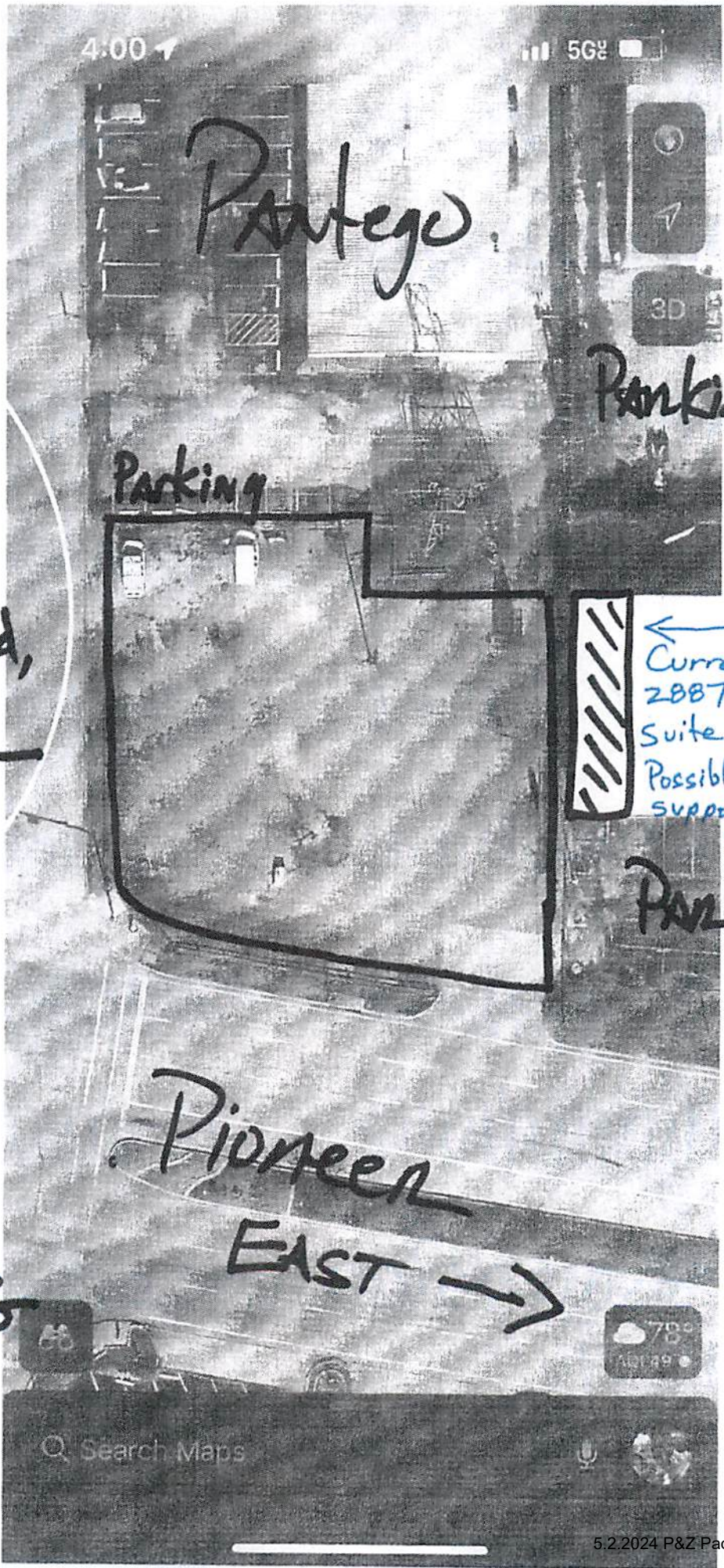


\* = site seeking special consideration.

LRG OWNS ALL within outline. Except street owners



(B)



Pantego

Parking

Parking

IF needed,  
Parking  
←

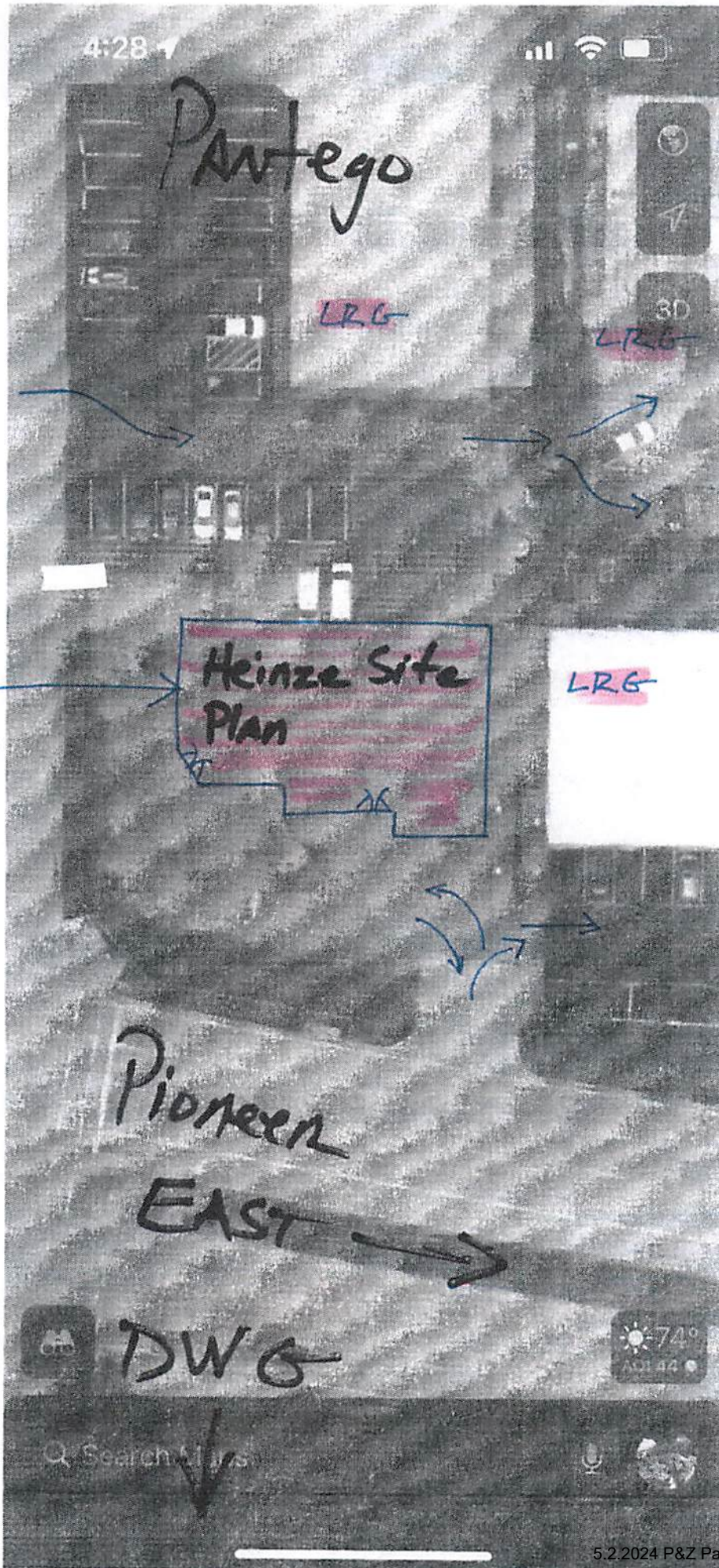
←  
 Currently VACANT  
 2887 W. Pioneer Pkwy  
 Suite A.  
 Possibly used as  
 support for bathrooms,  
 BAR, BAND/MUSIC  
 Venue, etc....

Parking

Pioneer  
EAST →

DWG  
↓

(c)



Possible  
Development  
Venue Type  
Restaurant  
Retail  
Most likely  
2-STORY