



**NOTICE AND AGENDA
CITY OF GLENN HEIGHTS
PLANNING AND ZONING COMMISSION
MONDAY, APRIL 12, 2021**

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

This Notice and Meeting Agenda, and the Agenda Packet, are posted online at <https://glennheightstx.gov/129/Agendas-Minutes>.

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

NOTICE IS HEREBY GIVEN THAT THE CITY OF GLENN HEIGHTS PLANNING AND ZONING COMMISSION WILL HOLD A REGULAR MEETING ON MONDAY, APRIL 12, 2021 BEGINNING AT 6:30 P.M., VIA TELEPHONE AND VIDEO CONFERENCE, AS PRESCRIBED BY V.T.C.S., GOVERNMENT CODE SECTION §551.041, TO CONSIDER AND POSSIBLY TAKE ACTION ON THE FOLLOWING AGENDA ITEMS. ITEMS DO NOT HAVE TO BE TAKEN IN THE SAME ORDER AS SHOWN IN THE MEETING NOTICE.

PUBLIC HEARINGS

If you would like to speak during a Public Hearing, please email Miamauuni Hines, City Planner, at miamauuni.hines@glennheightstx.gov no later than **5:30 P.M. on April 12, 2021**. Please include the following information in your email:

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

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

Although this Planning and Zoning Commission Meeting will be streamed live on the City of Glenn Heights' Facebook page, Commission Members are unable to respond to your posted comments and questions, just as if the Planning and Zoning Commission Meeting was being held in person. No Planning and Zoning Commission action may take place on a matter until such matter has been placed on an Agenda and posted in accordance to the law.

**CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE**

CONSENT AGENDA

1. Discuss and take action to approve the meeting minutes of March 8, 2021.

AGENDA

1. **Zoning Case 21-004-RZ:** Public hearing to receive testimony regarding an Ordinance amending the Code of Ordinances of the City of Glenn Heights, Chapter 14 “Zoning”, Exhibit A “Zoning Ordinance”, Article XVIII “Temporary Uses and Permits”, at Section XVIII.1.2 “Asphalt or Concrete Batching Plant” by amending subpart B thereof; providing a repealing clause, providing a severability clause, and providing an effective date.
2. **Zoning Case 21-004-RZ:** Discuss and take action regarding an Ordinance amending the Code of Ordinances of the City of Glenn Heights, Chapter 14 “Zoning”, Exhibit A “Zoning Ordinance”, Article XVIII “Temporary Uses and Permits”, at Section XVIII.1.2 “Asphalt or Concrete Batching Plant” by amending subpart B thereof; providing a repealing clause, providing a severability clause, and providing an effective date.

ADJOURNMENT

I, Brandi Brown, City Secretary, do hereby certify that the Notice and Agenda was posted in a place convenient to the Public on April 9, 2021. Pursuant to Section 551.071 of the Texas Government Code, the Planning and Zoning Commission reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

Brandi Brown, City Secretary

THE CITY OF GLENN HEIGHTS, TEXAS

MONDAY, MARCH 8, 2021

STATE OF TEXAS *

COUNTIES OF DALLAS AND ELLIS *

CITY OF GLENN HEIGHTS *

On the 8th day of March 2021, the Planning and Zoning Commission of the City of Glenn Heights, Texas convened in a special called meeting via video conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing” to slow the spread of Novel Coronavirus (COVID-19) and consider the following items, with these members in attendance:

BOARD MEMBERS

Austin Kelley	*	Chair
April Stokes	*	Board Member
Kelvin Stroy	*	Board Member
Arnold Davis, Jr.	*	Board Member
Paul Alley	*	Board Member

ABSENT

Tabatha Gamble * Board Member

STAFF

Michael Roger	*	Deputy City Manager
Marlon Goff	*	Director of Planning and Development Services
Miamauni Hines	*	City Planner
Byron Hardy	*	IT Administrator

Call to Order Commissioner Kelley called the meeting to order at 6:31 p.m.

Invocation Commissioner Davis

Pledge of Allegiance

Consent Agenda

1. Discuss and take action to approve the meeting minutes of February 8, 2021.

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

Votes: (5-0) Aye – Kelley, Stokes, Stroy, Davis, and Alley

Agenda

1. **Zoning Case 21-002-PP:** Discuss and take action on a Preliminary Plat by JDJR Engineering and Consultants on behalf of Bear Creek Elegance, LLC for Bear Creek Elegance. The 39.784-acre tract is situated in the Elias R Parks Survey, Abstract No. 1131, Glenn Heights, Dallas County, Texas. The subject property is zoned Planned Development-25 for Single Family-3. The applicant proposes to subdivide this tract into 70 single-family residential lots and 5 lots to be owned and maintained by the Bear Creek Elegance Homeowners Association.

Miamauni Hines, City Planner

Ms. Hines presented the information related to the Preliminary Plat and stated staff's recommendation of approval.

Commissioner Alley asked if there was an existing issue with the floodplain.

Ms. Hines confirmed that the floodplain on the lot was a just a drafting error.

Commissioner Stroy asked the applicant to share their timeline for the development.

Jim Dewey, JDJR Engineers & Consultants, Inc. 2500 Texas Drive, Suite 100 Irving, Texas 75062

Mr. Dewey stated that they plan on obtaining approval for their construction plans and final plat within 6 months and construction would begin immediately following that approval.

Motion by Commissioner Davis to approve the Preliminary Plat as presented.
Commissioner Stroy made the second. The motion carried by the following vote:

Votes: (5-0) Aye – Kelley, Stokes, Stroy, Davis, and Alley

Adjournment

Motion by Commissioner Stroy to adjourn the meeting of the Planning and Zoning Commission at 6:43 p.m. Commissioner Davis made the second. The motion carried by the following vote:

Votes: (5-0) Aye – Kelley, Stokes, Stroy, Davis, and Alley

Austin Kelley, Chair

Attest:

Miamouni Hines, City Planner

Passed and approved on the _____th day of _____, 2021.



CITY OF GLENN HEIGHTS PLANNING & ZONING COMMISSION REPORT

Date: April 12, 2021

SUBJECT

The Planning and Zoning Commission will discuss a proposed amendment to the Zoning Ordinance requirements regarding the minimum distance a temporary concrete batch plant can be placed relative to an inhabited residence.

REPORT IN BRIEF

Discuss and take action regarding and Ordinance amending the Code of Ordinances of the City of Glenn Heights, Chapter 14 "Zoning", Exhibit A "Zoning Ordinance", Article XVIII "Temporary Uses and Permits", at Section XVIII.1.2 "Asphalt or Concrete Batching Plant" by amending subpart B thereof; providing a repealing clause, providing a severability clause, and providing an effective date.

BACKGROUND / DISCUSSION

Under the current Temporary Use Permit requirements in the City's Zoning Ordinance, all applicants are prohibited from establishing a temporary concrete batch plant closer than one-thousand feet (1,000') to an inhabited residence unless otherwise approved by the City Council. Enforcing such a restriction becomes difficult once early phases of residential construction are complete. The geographic limitations for latter phases often leave applicants with the option of either hauling heavy ready-mix cement trucks or formally requesting a variance from the City Council. These alternatives are often costly and time consuming for both the City and the developer. Through research and surveying

of surrounding cities, Staff has found that the requirements for Glenn Heights are the most stringent.

Entity	Temporary Batch Plant Requirement
Texas Commission on Environmental Quality (TCEQ)	Minimum 100' from a property line
DeSoto	Minimum 300' from nearest occupied residence
Red Oak	Minimum 300' from nearest occupied residence
Cedar Hill	Minimum 100' from a developed lot zoned residential
Lancaster	Minimum 500' from nearest residential property
Glenn Heights	Minimum 1,000' from nearest occupied residence

The proposed amendment would decrease this requirement from a minimum of one-thousand feet (1,000') to a minimum of five-hundred feet (500'). In addition to the environmental pollution reduction measures and operating standards enforced by TCEQ, City Staff believes that the five-hundred-foot (500') buffer would provide separation between these temporary plants and any inhabitant residences consistent with the industry standards for cities in our region.

PUBLIC CONTACT

Notice was published in a local newspaper on March 28, 2021 as required by state law and the City of Glenn Heights Comprehensive Zoning Ordinance.

FISCAL IMPACT

N/A

RECOMMENDATIONS / ALTERNATIVES

Staff recommends approval of the proposed changes to Chapter 14 “Zoning”, Exhibit A “Zoning Ordinance” of the City’s Code of Ordinances.

PREPARED BY

Miamauni Hines, Planner

REVIEWED BY

Marlon Goff, Planning and Development Services Director

ATTACHMENTS

- I. Proposed Amendment Mark-up
- II. Ordinance O-06-21

Ordinance O-06-21 Proposed Amendment

Chapter 14. Zoning

...

Exhibit A. Zoning Ordinance

...

Article XVIII Temporary Uses and Permits

...

Section XVIII.1.2 Asphalt or Concrete Batching Plant

...

B. The batch plant shall not be located within ~~one thousand feet (1000')~~ five hundred feet (500') of an inhabited residence.

...

ORDINANCE O-06-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF GLENN HEIGHTS, CHAPTER 14 "ZONING", EXHIBIT A "ZONING ORDINANCE", ARTICLE XVIII "TEMPORARY USES AND PERMITS", AT SECTION XVIII.1.2 "ASPHALT OR CONCRETE BATCHING PLANT" BY AMENDING SUBPART B THEREOF; PROVIDING A REPEALING CLAUSE, PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to amend its Zoning Ordinance regarding certain restrictions temporary asphalt or concrete batching plants; and

WHEREAS, after public notice and public hearing, the Planning and Zoning Commission of the City of Glenn Heights, Texas, has recommended the amendment of the Code Of Ordinances of the City of Glenn Heights, Chapter 14, "Zoning", Exhibit A "Zoning Ordinance", Article XVIII "Temporary Uses and Permits", at Section XVIII.1.2 "Asphalt or Concrete Batching Plant" amending Subpart B thereof; and

WHEREAS, the City Council of the City of Glenn Heights, Texas, after public notice and public hearing, has determined it is in the public's best interest and in furtherance of the health, safety, morals and general welfare of the citizens of the City of Glenn Heights that the Code of Ordinances be amended as described recommended by the Planning and Zoning Commission and as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENN HEIGHTS, TEXAS, THAT:

SECTION 1. The Code of Ordinances of the City of Glenn Heights, Chapter 14, "Zoning", Exhibit A "Zoning Ordinance", Article XVIII "Temporary Uses and Permits", Section XVIII.1.2 "Asphalt or Concrete Batching Plant" is hereby amended to read as follows:

"Chapter 14. Zoning

...

Exhibit A. Zoning Ordinance

...

Article XVIII Temporary Uses and Permits

...

Section XVIII.1.2 Asphalt or Concrete Batching Plant

...

B. The batch plant shall not be located within five hundred feet (500') of an inhabited residence.

...."

SECTION 2. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Glenn Heights, Texas, are hereby repealed to the extent that said ordinances, orders, or resolutions, or parts thereof, are in conflict herewith.

SECTION 3. If any section, article, paragraph, sentence clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4. This Ordinance shall become effective immediately upon its passage and adoption.

ADOPTED AND APPROVED the ____ day of _____ 2021.

Harry A. Garrett, Mayor

ATTEST:

Brandi Brown, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney
(032921vwtTM121473)