



**NOTICE AND AGENDA  
ZONING BOARD OF ADJUSTMENT  
MONDAY, MAY 24, 2021 6:30 PM  
ZONING BOARD OF ADJUSTMENT MEETING**

Notice is hereby given that the Zoning Board of Adjustments of the City of Glenn Heights, Texas will hold a Regular Zoning Board of Adjustment Meeting on Monday, May 24, 2021, beginning at 6:30 P.M. in the City Hall, City Council Chambers, located at 1938 South Hampton Road, Glenn Heights, Texas, 75154, as prescribed by Vernon's Texas Civil Statutes, 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 this meeting Notice and Agenda.

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

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT**

**CONSENT AGENDA**

**AGENDA**

1. **Zoning Case 21-001-ZBA:** Public hearing to receive testimony concerning a variance request by FD Development of Glenn Heights, LLC for the property located at 1710 South Hampton Road, Glenn Heights, Dallas County, Texas. The 1.249-acre parcel is more particularly described as Lot 2, Block A of the Family Dollar Addition and zoned Retail (R). Section 15.04.031 of the City of Glenn Heights Code of Ordinance requires a minimum driveway distance of two-hundred feet (200') along arterial streets for nonresidential developments. The applicant seeks to develop this parcel with a driveway that is closer than two-hundred feet (200') to an existing nonresidential driveway.
2. **Zoning Case 21-001-ZBA:** Discuss and take action on a variance request by FD Development of Glenn Heights, LLC for the property located at 1710 South Hampton Road, Glenn Heights, Dallas County, Texas. The 1.249-acre parcel is more particularly described as Lot 2, Block A of the Family Dollar Addition and zoned Retail (R). Section 15.04.031 of the City of Glenn Heights Code of Ordinance requires a minimum driveway distance of two-hundred feet (200') along arterial streets for nonresidential developments. The applicant seeks to

develop this parcel with a driveway that is closer than two-hundred feet (200') to an existing nonresidential driveway.

### **ADJOURNMENT**

In accordance with the Americans with Disabilities Act, If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodations, please contact the City Secretary at least 48 hours in advance of the event at 972-223-1690 ext. 125 or email [brandi.brown@glennheightstx.gov](mailto:brandi.brown@glennheightstx.gov). Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

I, Brandi Brown, City Secretary, do hereby certify that the above Meeting Notice and Agenda was posted in a place convenient to the Public at Glenn Heights City Hall, 1938 South Hampton Road, Glenn Heights, Texas by 6:30 P.M. on Friday, May 21, 2021.

Pursuant to Section 551.071 of the Texas Government Code, the City Council reserves the right to consult in closed session with its attorney at any time during the course of this meeting and to receive legal advice regarding any item listed on this agenda.

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Brandi Brown, City Secretary



# CITY OF GLENN HEIGHTS

## ZONING BOARD OF ADJUSTMENT REPORT

Date: May 24, 2021

### **SUBJECT**

The Zoning Board of Adjustments will hear a variance request by FD Development of Glenn Heights, LLC to allow for the development of the property located at 1938 South Hampton Road so that the new driveway is closer than 200' to an existing nonresidential driveway.

### **DISCUSSION / BACKGROUND**

#### EXISTING POLICY

Section 15.04.031 of the City of Glenn Heights Code of Ordinance requires a minimum driveway distance of 200' along arterial streets for nonresidential developments.

In general, driveway spacing requirements are often based on posted speed limits, roadway classification, and the amount of traffic generated by a development.

#### VARIANCE REQUESTS

In order to make a finding of undue hardship and to grant a variance, the Board must determine that:

1. The requested variance does not violate the intent of the Ordinance or its amendments.
2. Special conditions of restricted area, shape, topography, or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district.
3. The hardship is in no way the result of the applicant's own actions (not self-imposed) and does not generally affect all or most properties in the same zoning district.
4. The interpretation of the provisions in this Ordinance and all amending ordinances would deprive the applicant of rights commonly enjoyed by other properties, in the same zoning district, that comply with the same provisions.

Currently, the driveway that services the existing Family Dollar store straddles the property line between Lot 1 and Lot 2 of Block A of the Family Dollar Addition. As illustrated on the proposed site plan, the applicant proposes a new drive that would be 175' (center line-to-center line) from the existing drive.

### **PRIOR COUNCIL OR BOARD ACTION**

Not applicable.

### **PUBLIC CONTACT**

Notices were mailed to adjacent property owners within two hundred feet (200') of the subject property on May 7, 2021. A notice was also published in a local newspaper on May 9, 2021 as required by state law and the City of Glenn Heights Comprehensive Zoning Ordinance. No public comments were received at the time of this report.

### **FINANCIAL IMPACT**

Not applicable.

### **RECOMMENDATION / ALTERNATIVES**

Staff does not see evidence of an undue hardship relative to the requested variance. Alternatively, any retail establishment with interest in developing the property could organize the site in such a way as to utilize the existing drive and provide circular access within the site without adding a second drive along Hampton Road.

Additionally, the attached memo from the City of Glenn Heights Police Department includes a general concern for the potential increased risk to safety for the traveling public.

### **ATTACHMENTS**

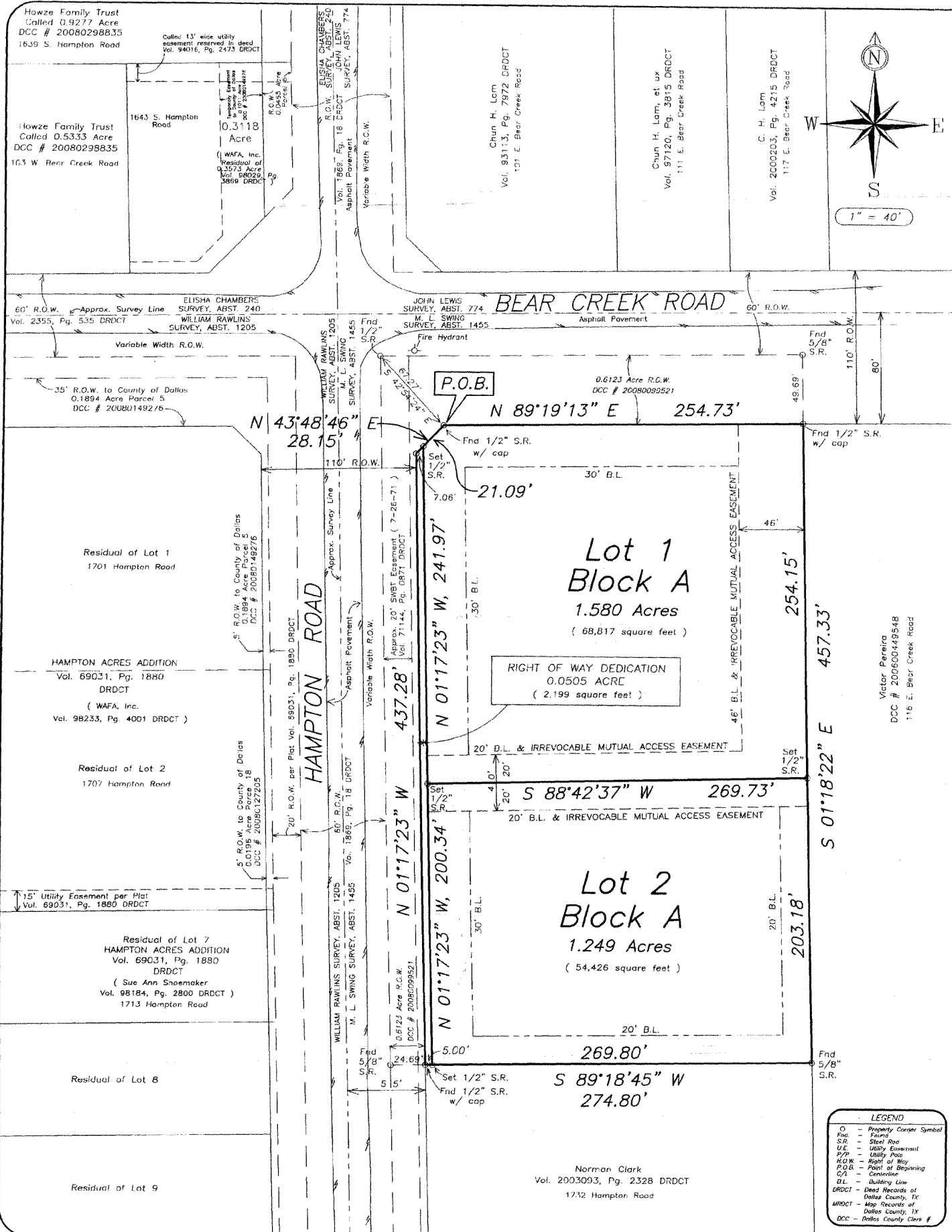
1. Family Dollar Addition Plat
2. Proposed Dollar Tree Site Plan
3. Public Safety Memo

### **PREPARED BY**

Miamauni Hines, City Planner

### **REVIEWED BY**

Marlon Goff, Director of Planning & Development Services



**OWNER'S CERTIFICATE**

STATE OF TEXAS  
COUNTY OF DALLAS

FIELD NOTES  
2.880 Acres

BEING all that certain lot, tract, or parcel of land situated in the M. L. SWING SURVEY, ABSTRACT NO. 1455 in the City of Glenn Heights, Dallas County, Texas, and being the residual of a called 5 acre tract of land conveyed to Greer W. Burnett, Jr., at ux, by deed as recorded in Volume 3258, Page 143 of the Deed Records of Dallas County, Texas (DRDCT), said 5 acre tract also being as described in affidavit of heirship as recorded in Volume 2001229, Page 2252 DRDCT, and being more particularly described as follows:

BEGINNING at a 1/2" steel rod found with cap for the northeast end of the corner clip of the south line of BEAR CREEK ROAD, a 110' wide public right of way, and the east line of HAMPTON ROAD, a 110' wide public right of way, said rod bears S 42°54'24" E, 67.27 feet from a 1/2" steel rod found for the northwest corner of said 5 acre tract, said rod also bears approximately S 44°08'31" E, 110.07 feet from the centerline intersection of said BEAR CREEK ROAD and said HAMPTON ROAD and same for the occupied northwest corner of said SWING SURVEY;

THENCE N 89°19'13" E, 254.73 feet (N 89°15'25" E, 254.92 feet per right of way deed recorded in Dallas County Clerk # 20080099512) along the south line of said BEAR CREEK ROAD to a 1/2" steel rod found with cap for the northeast corner of this tract and the existing northwest corner of a tract of land conveyed to Victor Pereira by deed as recorded in Dallas County Clerk # 20060044954R in the east line of said 5 acre tract;

THENCE S 01°18'22" E, 457.33 feet (Deed South; Reference bearing S 01°18'22" E per said right of way deed) along the east line of said 5 acre tract and the west line of said Pereira tract to a 5/8" steel rod found for the southeast corner of this tract and the northeast corner of a tract of land conveyed to Norman Clark by deed as recorded in Volume 2003093, Page 2328 DRDCT;

THENCE S 89°18'45" W, 274.80 feet through said 5 acre tract to a 1/2" steel rod found with cap for the southwest corner of this tract and the existing northwest corner of said Clark tract in the east line of said HAMPTON ROAD;

THENCE N 01°17'23" W, 437.28 feet (N 01°18'22" E, 437.02 feet per said right of way deed) along the east line of said HAMPTON ROAD to a 1/2" steel rod set for the southwest end of said corner clip;

THENCE N 43°48'46" E, 28.15 feet (N 43°58'22" E, 28.15 feet per said right of way deed) along said corner clip to the POINT OF BEGINNING and containing approximately 2.880 acres of which 0.0505 acre is within a right of way dedication, leaving a net acreage of 2.829 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT WE, The Estate of Greer W. Burnett, Jr., do hereby adopt this plat designating the herein above described property as LOTS 1 and 2 in BLOCK A of FAMILY DOLLAR ADDITION, an addition to the City of Glenn Heights, Texas, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using the same. Any public or private utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction with the construction, maintenance, or efficiency of its respective systems on any of these easement strips and any public or private utility shall, at all times, have a right of ingress and egress to and from upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing oil or part of its facilities without the necessity of securing permission of anyone.

THIS PLAT APPROVED SUBJECT TO ALL ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF GLENN HEIGHTS, TEXAS.

WITNESS MY HAND this 16 day of August, 2010.

The Estate of Greer W. Burnett, Jr.

By: Greer Woodard Burnett, III  
Greer Woodard Burnett, III

By: James Ronald Burnett, Jr.  
James Ronald Burnett, Jr.  
Individually and as Independent  
Executor of the Estate of Greer  
Woodard Burnett, Jr., deceased

STATE OF TEXAS  
COUNTY OF ELLIS

Before me the undersigned authority on the 16 day of August, 2010, personally appeared Greer Woodard Burnett, III, acknowledged that he executed this document on behalf of said Estate of Greer W. Burnett, Jr.

Katherine A. Birchka  
Notary Public, State of Texas

STATE OF TEXAS  
COUNTY OF ELLIS

Before me the undersigned authority on the 16 day of August, 2010, personally appeared James Ronald Burnett, Jr., acknowledged that he executed this document on behalf of said Estate of Greer W. Burnett, Jr.

Katherine A. Birchka  
Notary Public, State of Texas

Surveyor Declaration

THAT I, Walter Keven Davis, do hereby declare that I prepared this Plat from an actual and accurate survey of the land and that the corner monuments shown thereon shall be properly placed, under my personal supervision, in accordance with the Development Code regulations of the City of Glenn Heights, Texas.

Walter Keven Davis  
Walter Keven Davis, R.F.L.S. #4466

STATE OF TEXAS  
REGISTERED  
WALTER KEVEN DAVIS  
4466  
PROFESSIONAL  
LAND SURVEYOR

State of Texas:

Before me the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Walter Keven Davis, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes herein expressed and in the capacity stated.

Given under my hand and seal this the 11 day of AUGUST, 2010.

Walter Keven Davis  
Notary Public in and for the State of Texas

CITY OF GLENN HEIGHTS CERTIFICATE OF APPROVAL:

I hereby certify that the above and foregoing Plat of LOTS 1 and 2 in BLOCK A of FAMILY DOLLAR ADDITION, an Addition to the City of Glenn Heights was approved this the 16 day of August, 2010, by the City of Glenn Heights, Texas.

Victor Pereira  
MAYOR

Said addition shall be subject to all the requirements of the Development Code of the City of Glenn Heights.

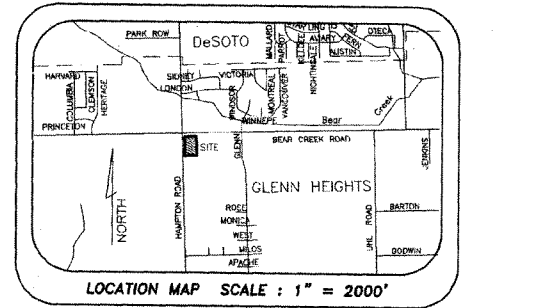
Witness my hand this the 16 day of August, 2010.

Tony Garcia  
PRESIDENT & ZONING CHAIRMAN

Debra Murphy  
CITY SECRETARY

OWNERS:  
The Estate of Greer W. Burnett, Jr.  
Greer Woodard Burnett, III  
James Ronald Burnett  
218 Sendero Drive  
Waxahachie, TX 75165  
Phone: 972-938-7239

DEVELOPERS:  
Triple C Development, Inc.  
501 Chesnut Bypass  
Centre, AL 35966  
Contact: Darney Horrell  
Phone: 307-399-1198



**FINAL PLAT**

**Lots 1 and 2 in Block A**

**FAMILY DOLLAR ADDITION**

Being a 2.880 Acre Addition in the  
M. L. SWING Survey, Abst. 1455  
City of Glenn Heights  
Dallas County, Texas

REVISIONS	BY
7-07-10	KB
7-22-10	KB
8-11-10	KB

**ENGINEERS**  
**DAVIS & MCDILL, Inc.**  
**D&M**  
**SURVEYORS**

(A Texas licensed surveying firm # 101504-00, and a Texas licensed engineering firm # F-6439)

P.O. BOX 428, Waxahachie, Texas 75168  
Phone: Metro 972-938-1185 Fax: 972-937-0307

Date: 4-19-2010

Scale: 1" = 40'

Drawn: K. Bohanon

208-0309

Job: -FINAL

Sheet 1  
of 1 sheets.



Filed and Recorded  
Official Public Records  
John F. Warren, County Clerk  
Dallas County, Texas  
08/17/2010 02:21:21 PM  
\$38.00



*John F. Warren*

20100210786



GLENN HEIGHTS  
TX - 1710 S.  
HAMPTON ROAD

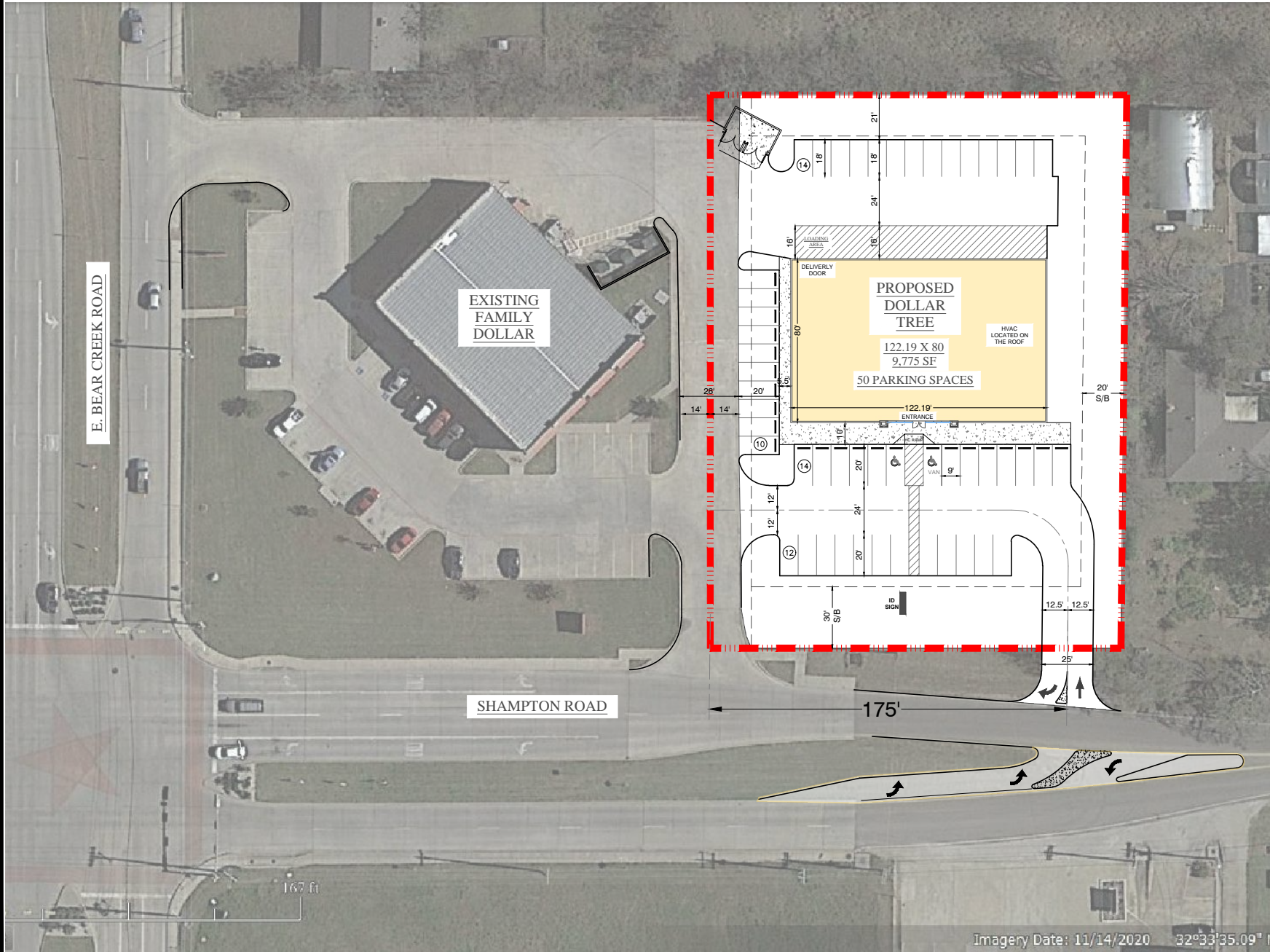
**PRELIM  
Site Plan**

**SITE AREA**

IMP. 38,112 SF 70%  
PERV. 16,314 SF 30%  
TOTAL 54,426 SF

**PARKING DATA**

PROVIDED: 50 SPACES  
REQUIRED: 50 SPACES  
(CODE: 5 PER 1000)



THIS CONCEPTUAL PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A SURVEY. THIS CONCEPTUAL PLAN IS NOT AN EXACT DEPICTION OF FINAL FEATURES AND QUANTITIES (WALLS, POND LINERS, RETAINING WALLS, UTILITIES, ETC.), YIELD DEPICTED WITHIN THIS CONCEPTUAL PLAN IS PRELIMINARY AND SUBJECT TO CHANGE PENDING FINAL ZONING, ENVIRONMENTAL, DRAINAGE, UTILITY, AND/OR FLOODPLAIN ANALYSIS. THEREFORE, THIS PLAN SHALL BE REGARDED AS AN ESTIMATE OF THE FEASIBILITY OF THIS PROJECT AND MAY NOT REFLECT ALL REGULATORY REQUIREMENTS AND CONSTRAINTS.

**PROPOSED SITE PLAN**

SCALE: NTS



Date: 05.04.2021





# CITY OF GLENN HEIGHTS

<b>Police Department</b>	<b>MEMO</b>
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**To:** Mia Hines, City Planner  
**From:** Lucas Benson, Interim Police Chief  
**Subject:** Dollar Tree Proposal  
**Date:** May 21<sup>st</sup>, 2021

On May 20<sup>th</sup>, 2021, Dollar Tree gave a proposal for a site plan in the 1800 block of South Hampton Road, Glenn Heights, Dallas County, Texas. Some issues with the site plan related to two specific areas of the proposal, the first was the southernmost driveway coming from the location and the second was the tractor-trailer turning radiuses at the intersection.

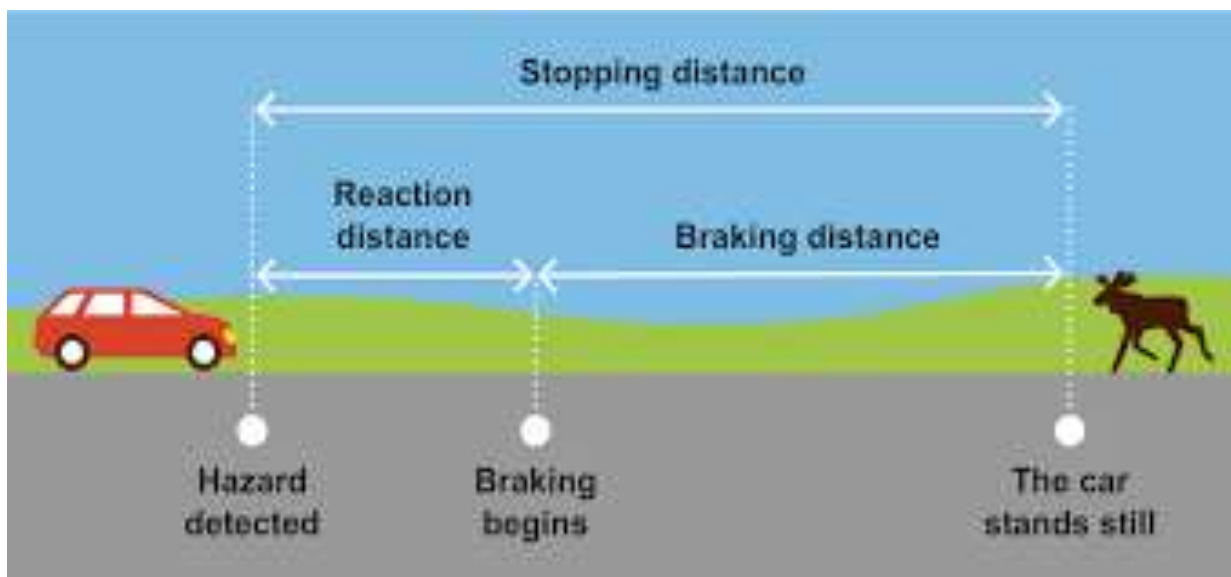
## **DRIVEWAY**

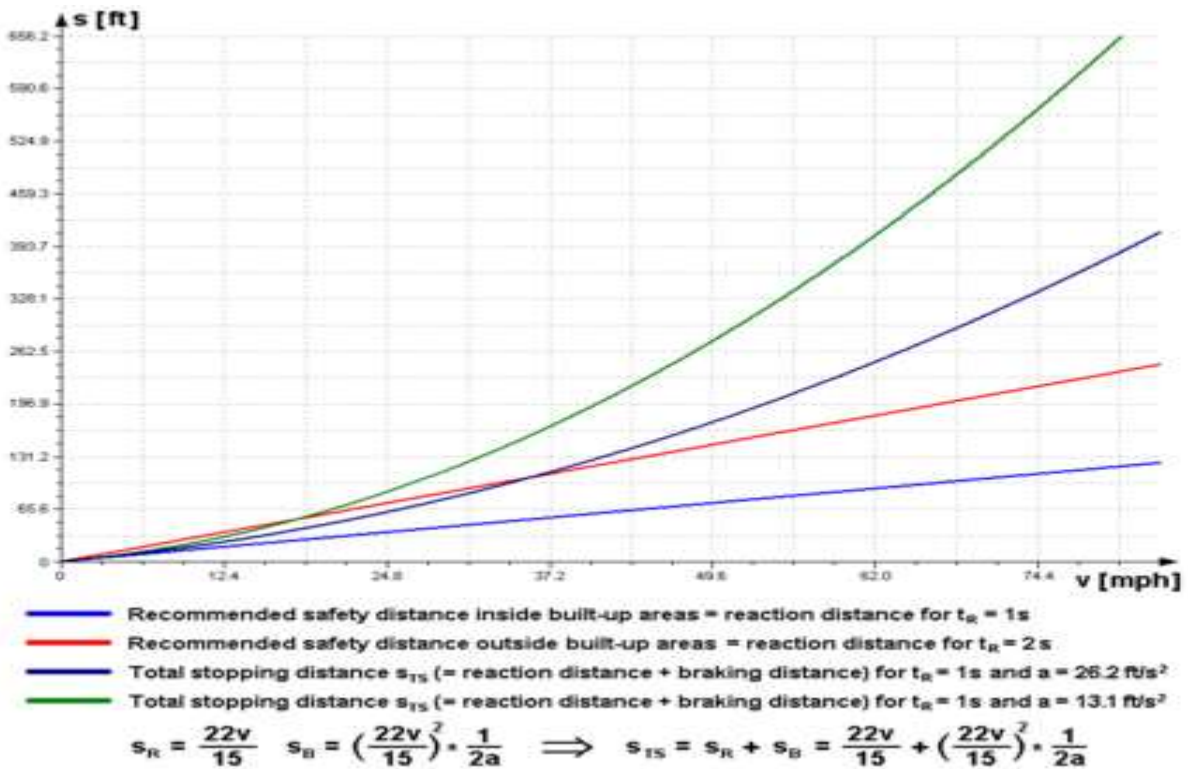
The current speed limit for South Hampton Road is 35 miles per hour. A study is currently underway to change the speed limit to 40 miles per hour. Therefore, a study of stopping distances was used to make calculations for sight visibility for vehicles exiting the proposed store location. The speed is converted to feet per second from miles per hour. The calculation converting miles per hour to feet per second is 1.466 feet per second for every 1 mile per hour. Therefore, using the calculation  $40 \times 1.466$  converts 40 miles per hour to 58.67 feet per second.

Total stopping distance is used to determine the effective sight distance needed from a vehicle exiting a driveway onto the main roadway. Total stopping distance takes into consideration reaction time and braking distance. Reaction time is the product of the speed and the perception-reaction time of the driver/rider of 1.5 seconds.

Braking distance refers to the distance a vehicle will travel from the point when its brakes are fully applied to when it comes to a complete stop. It is primarily affected by the original speed of the vehicle and the coefficient of friction between the tires and the road surface, and negligibly by the tires' rolling resistance and vehicle's air drag. Braking distance can be affected by the condition of the vehicle and/or tires and surface conditions such as rain or roadway wear. Braking distance is converted to one second of the total stopping distance.

Finally, there are considerations for a slow responding driver. The considerations that are reviewed are vehicle distractions, cellular phone use, and other areas that reduce the ability to react. The secondary formula used for total stopping distance for a slow responding driver is 2.5 seconds instead of 1.5 seconds of reaction time. This should not be considered an absolute distance, however, whereas people can be inattentive to their driving conditions for much longer than 1 second.





Therefore, the following calculations were considered in determining sight distances to the proposed driveway are as follows:

Standard Stopping Distance

Slow Response Stopping Distance

Perception/Reaction Time	1.5sec	Perception/Reaction Time	2.5sec
Braking Distance	<u>1sec</u>	Braking Distance	<u>1sec</u>
Total Time	2.5sec	Total Time	3.5sec
Speed	40mph	Speed	40mph
Feet Per Second	<u>1.466</u>	Feet Per Second	<u>1.466</u>
Total Stopping Distance	146.6 ft	Total Stopping Distance	205.2 ft

The distances were marked with blue spray paint on South Hampton Road for verification of the measurements. Photographs from the driver perspective of the distances were taken and provided for consideration.



## 2.5 Second Reaction Distance



The above depicted image above is the driver perspective with a total stopping distance of 2.5 seconds. This distance was measured from the license plate of the police vehicle to the distance marked on the ground with a certified LIDAR. From this distance, you can see a tree line. This tree line is on an adjacent property and therefore, cannot be removed by the applicant. Additionally, there is a brick and mortar bunker on the adjacent property marked with a red circle.

This indicates the likelihood of a vehicle approaching the driveway to exit will not have the ability to react if the driver leaving the location does not come to a complete stop. There should also be consideration the driveway from the adjacent property is much

closer than the 200 feet desired between driveways entering a thoroughfare.

### 3.5 Second Stopping Distance



The above depicted image is from the slow response perspective. On a clear day, the likelihood of observing a vehicle from this distance may be too late for an effective total stopping distance. Again, with the tree line on the adjacent property, there would be no method to obtain the effective sight distance for an effective reaction.

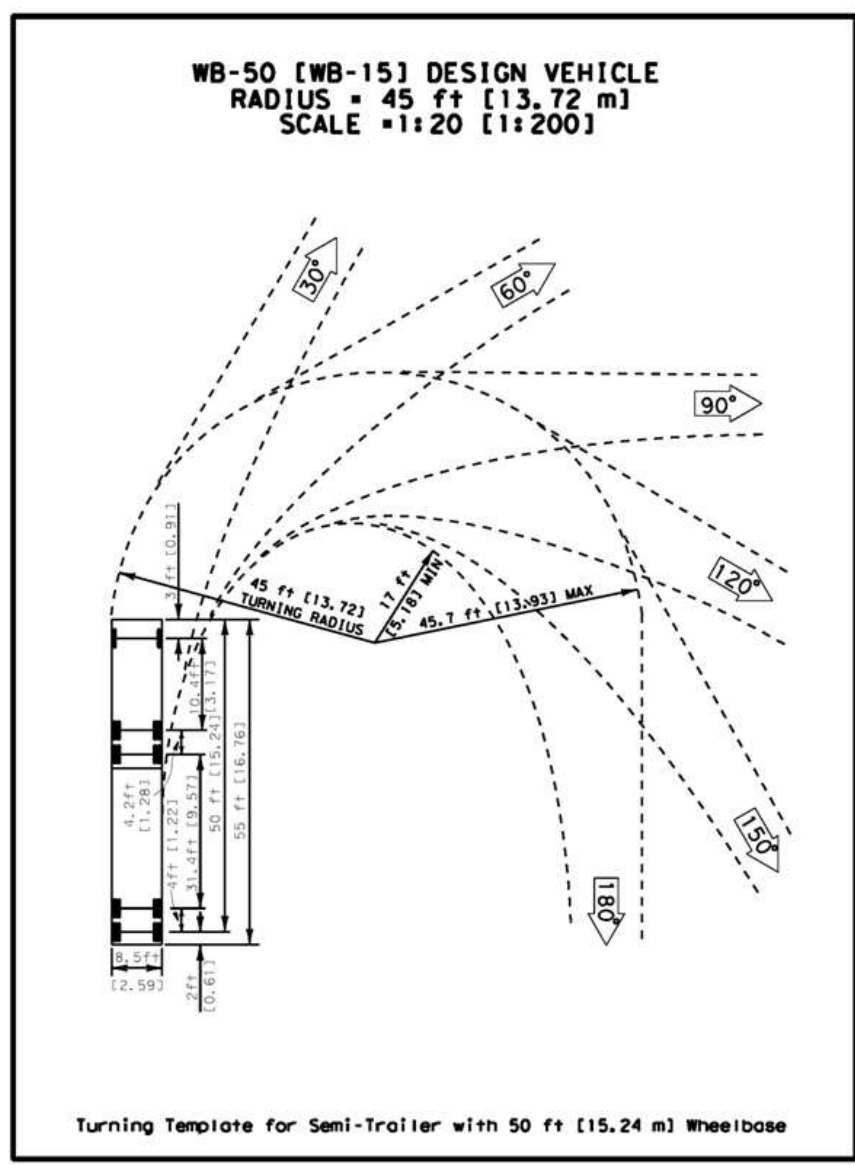
#### **CONCLUSION REGARDING DRIVEWAY**

Considering vehicular and pedestrian safety, the site plan enhances the likelihood of a motor vehicle – motor vehicle collision. Furthermore, the tree line on the adjacent property

also increases the likelihood of a motor vehicle – pedestrian accident. The recommendation from the perspective of public safety would be there is an increased risk to the safety of the traveling public with the current site plan.

### Tractor Trailer Turning Radius

The proposed site plan provided a schematic of delivery trucks coming to the proposed location. This proposal did not indicate the route the trucks would take to be traveling westbound on East Bear Creek Road. The turning radius of a tractor-trailer combination is often dependent on the length of the trailer, not necessarily the length of the truck, or truck trailer combination.



In a review of the above image, the required radius for a tractor trailer pulling a standard 53' cargo trailer requires an initial turning radius of 45 feet with a closing radius of 45.7 feet to conduct a U-turn. This is important because straight line distance to the location would be from exiting East Bear Creek Road and traveling to South Hampton Road to make the U-turn. There is nothing regarding the manner in which the tractor trailer would make their approach to be facing westbound on East Bear Creek Road. Furthermore, for the tractor trailer combination to make a 90 degree turn into the location requires a 45-foot turning radius. The current roadway width is 44 feet indicating the tractor trailer combination would have to exit the pavement leaving ruts in the right-of-way either entering the business location, the median, or both.

### **CONCLUSION REGARDING TURNING RADIUS**

The plan submitted for tractor trailer turning radius is not accurate. The tractor trailer turning into the location would take up multiple lanes of traffic creating an unsafe turn into the location on a roadway that has significant traffic usage.

Furthermore, without further explanation regarding the intent of the tractor-trailer to make a U-turn on East Bear Creek needs to be a consideration as well. While the turn can be made, the trailer would more than likely travel onto the median, the tractor would travel onto the right of way, or both leaving the intersection unsightly. The recommendation is to consider the dangers to the traveling public with this delivery plan.