



AGENDA
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7105 WHITLEY ROAD, WATAUGA, TEXAS 76148
WEDNESDAY, AUGUST 16, 2023
6:30 PM

CALL TO ORDER

ROLL CALL

ANNOUNCEMENTS

PRESENTATIONS

PUBLIC COMMENT If speaking for an organization or group, the speaker should identify the group represented. If speaking during Public Comment (for matters not posted on that particular meeting's agenda), members of the Planning and Zoning Commission and Staff may only provide a statement of factual information in response to the inquiry or recite existing policy in response (e.g., to correct a factual misstatement made by the citizen or provide factual information requested by the citizen). Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a future meeting. If necessary, the Chair will task the staff to respond to the citizen and report back to the Commission as soon as practicable. Such a report to the Commission shall not constitute a meeting called by the Commission nor shall it constitute deliberation or formal action. Individual citizens addressing the Planning and Zoning Commission during Public Comment shall not exceed three (3) minutes in their comments; however, the Chair may extend or reduce the speaker's allotted time in order to conduct an efficient and effective public meeting. The time allotted shall not be donated to others desiring to speak. Public Comment is not established to engage in a conversation with the Commission and no formal action will be taken.

PUBLIC TESTIMONY FOR ACTION ITEMS Only those persons who submit a completed Request to Speak form prior to the agenda item being introduced by the Chair will be allowed to speak on agenda items set for action (this doesn't include presentations or reports). The Chair shall ask each person requesting to speak to approach the podium when called to speak. Speakers time shall generally not exceed three (3) minutes in their comments and all comments must be germane to the specific agenda item being discussed; however, the Chair may extend or reduce the speaker's allotted time. Speakers shall not be permitted to donate their time to other speakers. Members of the Planning and Zoning Commission may ask questions or discuss the item directly with the citizen during the citizen's testimony if necessary. Any discussion between a Commission members and the citizen will not count toward the time limit

and Commission members are encouraged not to speak until the citizen has first utilized their allocated time.

REPORTS

CONSENT AGENDA All of the items on the consent agenda are considered to be self-explanatory by the Commission and will be enacted with one motion, one second, and one vote. There will be no separate discussion of these items.

1. Consider action to approve the meeting minutes of the April 19, 2023 Regular meeting of the Planning and Zoning Commission

PUBLIC HEARINGS/ACTION

1. **Z.23-03:** Public hearing to receive comments for or against a request for a zoning change from Local Business (LB) to Commercial (C), for property commonly known as 6900 Denton Highway, being Lot A2 Block 6, of the Bunker Hill Addition; and consider action to allow for the zoning change for future commercial development in the Sanko Plaza. The subject property is located north of Bunker Blvd. and east of Denton Highway. Owner: Cider Property, Inc. Applicant/Agent: Crest Commercial Real Estate, Cody Johnson.

Randy Richards, CFM, Assistant Director of Public Works

Paul Hackleman, Director of Public Works

2. **SUP.23-03:** Public hearing to receive comments for or against a request for a specific use permit and consider action on a preliminary report concerning a request for 6900 Denton Highway, Lot A2, Block 6 of the Bunker Hill Addition, to allow for an ice and water kiosk in a Commercial (C) zoning district. The subject property is located north of Bunker Blvd. and east of Denton Highway. Owner: Cider Property, Inc. Applicant/Agent: Frontier States Development Services, Mark Sellers.

Randy Richards, CFM, Assistant Director of Public Works

Paul Hackleman, Director of Public Works

ACTION ITEMS

ITEMS FOR FUTURE AGENDAS

ADJOURNMENT

Meeting Notices and Reservation of Rights The City Council/Board/Commission/Committee may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code if the requisite information is otherwise posted; deliberation regarding real

property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code (as applicable) when determined necessary by the [City Council/Board/Commission/Committee] to address a subject matter on the agenda. Action, if any, will be taken in open session. Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city council, boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the city council, boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that city council, body, board, commission or committee subject to the Texas Open Meetings Act.

NOTICE

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (817) 514-5825, OR FAX (817) 514-3625 FOR FURTHER INFORMATION.

I, Linda Proskey, City Secretary for the City of Watauga, hereby certify that this agenda was posted on the bulletin boards at City Hall, 7105 Whitley Road, Watauga, Texas, on August 11, 2023, before 6:00 p.m., in accordance with Chapter 551 of the Texas Government Code.


Linda Proskey, City Secretary





AGENDA MEMORANDUM

DATE: July 31, 2023

TO: Planning and Zoning Commission Members

FROM: Randy Richards, CFM, Assistant Director of Public Works

SUBJECT: Consider action to approve the meeting minutes of the April 19, 2023 Regular meeting of the Planning and Zoning Commission

BACKGROUND/INFORMATION:

This item contains draft meeting minutes from April 19, 2023 for Planning and Zoning review and approval.

FINANCIAL IMPLICATIONS:

NA

RECOMMENDATION/ACTION DESIRED:

Staff recommend the Planning and Zoning Commission review and approve the meeting minutes as presented.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Apr. 19, 2023 - Regular Meeting Minutes - DRAFT

REVIEWED BY:

Randy Richards, CFM, Assistant Director of Public Works	Approved - 8/9/2023
Paul Hackleman, Director of Public Works	Approved - 8/9/2023
Joshua Jones, City Manager	Approved - 8/10/2023
Linda Proskey, City Secretary	Final Approval - 8/10/2023
<i>Approved as to form for inclusion on Agenda</i>	



“A GREAT PLACE TO LIVE”

**MINUTES
PLANNING AND ZONING COMMISSION
WEDNESDAY, APRIL 19, 2023
CITY HALL COUNCIL CHAMBER, 7105 WHITLEY ROAD
REGULAR MEETING
6:30 P.M.**

CALL TO ORDER

Chairperson Karen Isbell called the meeting to order at 6:44 p.m.

ROLL CALL

Mike Arend	Place 1, Member
Quincy Adams	Place 2, Member
Jillian Giles	Place 3, Member
David Bry	Place 4, Member
Cristy McCauley-Blackburn	Place 5, Secretary
Karen Isbell	Place 6, Chairperson
Sharon Gehle	Place 7, Vice-Chairperson

And

Mark Taylor	City Council Primary Liaison
Randy Richards	Assistant Public Works Director
Jeannette Garcia	Planning and Zoning Coordinator

Other Council Members present:

Lovie Downey	Mayor Pro Tem
Andrew Neal	Council Member, Place 4
Jan Hill	Council Member, Place 7
Art Miner	Mayor

PUBLIC COMMENT

Chairperson Isbell called for Public Comment. Request to Speak forms were not received and there were no participants present requesting to speak.

ANNOUNCEMENTS

Chairperson Isbell announced that **Mayor Art Miner** asked that she remind all board members of the annual cybersecurity training to keep the City of Watauga protected and in compliance. An email was sent out on April 10 to each board member, and the assigned training will be due by **June 30, 2023**. In accordance with Texas Government Code 2054.519 (State Certified CyberSecurity Training programs), all local government

and elected officials and board members shall annually complete a CyberSecurity Training program. All Board members have been assigned this training. You should have received an email from TML LocalGovU regarding this assigned 2022 CyberSecurity Training. If you did not receive an email, then please get in touch with Jeannette and she will notify HR.

REPORTS

CONSENT AGENDA

1. Consider action to approve the meeting minutes of the February 15, 2023, Regular meeting of the Planning and Zoning Commission

Member Arend made a motion to approve the minutes as presented and Member Adams seconded the motion. Chairperson Isbell called for discussion.

With there being no discussion, Chairperson Isbell called for a vote, with members present voting as follows:

AYES:	Arend, Adams, Giles, Bry, McCauley-Blackburn, Gehle
NAYS:	None
ABSENT:	None
ABSTAIN:	None

The motion carried 6-0-0-0.

PUBLIC HEARINGS/ACTION ITEMS

1. **Z.23-01 w/SUP:** Public hearing to receive comments for or against a request for a zoning change from General Business (GB) to Commercial (C) with a specific use permit (SUP), for property commonly known as 6601 Watauga Road, being a portion of Lot 25 Block 3, of the Singing Hills Addition; and consider action to allow for a water/ice vending station in the Woodcrest Marketplace Shopping Center. The subject property is located on the north side of Watauga Road and west of Rufe Snow Drive. Owner: Woodcrest Marketplace LP. Applicant/Agent: Rick Kelly, Watermill Express.

Chairperson Isbell introduced Randy Richards to introduce Case No. **Z.23-01 w/SUP**. Mr. Richards introduced the item as a request for a zoning change in accordance with Chapter 115-33 of the Code of Ordinances from General Business to Commercial with an SUP to allow for a water/ice vending station in the Woodcrest Marketplace Shopping Center. Public Hearing notices were duly posted and published by the City Secretary's Office in the Fort Worth Star-Telegram on January 30, 2023. Written notice of the public hearing on the proposed changes was sent to all owners of the property, or to the person rendering the same for city taxes within two hundred (200) feet of the subject properties affected, thereby giving them an opportunity to comment, in

accordance with Section 115-35 (c)(3)(b) and Section 115-35 (c)(3)(d)(3) of the Code of Ordinances.

Mr. Richards stated that due to the proximity of the same type of business in the adjacent shopping center (794'), the Development Review Team does not support or recommend the approval of this zoning change and SUP.

Mr. Rick Kelly, Watermill Express, was then introduced to answer any questions.

Chairperson Isbell stated with the introduction of the case being complete, she opened the public hearing at 6:50 p.m. Mr. Rick Kelly approached the podium to introduce the proposed use by Watermill Express. He advised he received a letter regarding the inconsistency with the One Watauga development strategy. The location is classified as Regional Retail in the Comprehensive Plan, which is described as a high-quality development, unique in nature. He advised this is a strong heavily traveled area and most successful in their line of business. The aesthetic features and matching accents to be proposed will blend in and compliment the surrounding shopping center. He also referenced comment regarding a development objective in the City of Watauga is to monitor closely the number and location of similar uses to reduce their proliferation and evaluate their effects on community. One criterion used in this instance has been whether the use replaces and upgrades an existing like-use. Lastly noted was that DRT does not support the location for this development and recommends selection of an alternate site. He feels the city is discouraging competition. This was struck as odd.

Member Giles asked of Mr. Kelly's association to the company, and he advised that he is an employee. Member Giles questioned the assessment completed by the company with regards to the local competition. Watermill has an extensive sales model and feels the location is best.

Member Mike Arend questioned other factors which were considered for the non-support of the request, as it seems to be a good location and fit. Mr. Richards advised that the Design Review Team (DRT) met having concern of the location and the proximity with being less than 800' from the adjacent business being the main objection. DRT has no concern with this business going into a different location in the city.

Council Member Mark Taylor, liaison to the City Council, reminded all that he has no vote, however, has question whether other alternative sites were considered, such as Denton Hwy. Mr. Kelly responded that this location, due to the sales model indicating this intersection, proves to be most successful for them. Council Member Taylor inquiring after receiving letter from the city, did the company

consider alternate locations due to proximity of an existing business. Mr. Kelly advised “no”; that they had already signed a lease agreement and currently have one in place. Council Member Taylor reminded that there is competition throughout the shopping center and the general vicinity. He then yields the floor.

Member Gehle inquired if the lease agreement included a contingency. Mr Kelly advised that they do and are still currently paying on the lease. She also offered that they consider a different location. Mr. Kelly advised that tenants in various locations also restrict the parking lot, common area, not having options due to larger retailers restricting the parking lot.

Member McCauley reminded all the cannibalization of the market throughout the city.

With there being no other discussion, the public hearing was closed at 7:03 p.m. Chairperson Isbell then asked the commission if they had any discussion.

Member Giles made a motion to approve as presented. Member Adams seconded the motion. Chairperson Isbell called for a vote. Council Member Taylor called point of order, advising approving the item as presented, are you voting to reject or approve, or due to recommendation to reject the zoning change. He asked to be more precise as to the motion being made.

To clarify, Member Giles commented that she is voting to approve the request for the zoning change to allow for the business as presented. Chairperson Isbell called for a second. Member Adams seconded.

Chairperson Isbell stated a motion was made by Member Giles and a second by Member Adams to approve the item to be allowed to be built.

With there being no other discussions, Chairperson Isbell called for a vote, with members present voting as follows:

AYES:	Arend, Adams, Giles, Bry, McCauley-Blackburn, Gehle
NAYS:	None
ABSENT:	None
ABSTAIN:	None

The motion carried 6-0-0-0.

PUBLIC TESTIMONY FOR ACTION ITEMS

A point of order was called to attention by staff liaison reminding the commission of the need to call for Public Testimony for action items on the agenda.

Chairperson Isbell called for Public Testimony. Speakers who submitted a request to speak form were called to the podium as follows:

Paul Hopkins, 7509 Meadowbrook Dr., spoke to text amendments to ordinance regarding item #4 and vapes. The ordinance is de facto prohibition. The city does not have the right to ban vapes but ban where vapes can be sold. Regarding item #5 and rezoning of the park land for the development of The Pointe at Capp Smith Lake, the townhomes look like an apartment complex. Capp Smith Lake is a community fishing lake and should be protected as designated by the Texas Parks and Wildlife Department. It also abuts the walking path of the park. This park is the city gem. Also had comment regarding the access easement between the proposed development and commercial businesses to the west. Time limit expired.

Marilyn Schorr, 7012 Valley Ford Ct., spoke regarding item #5. She said she likes the quiet little community. The email sent out refers structures with three (3) stories, not two (2). Expressed concern with privacy, parking, and traffic.

Barbara Bridgford, 7028 Yorkston, is opposed to case #Z.23-02 having many rental properties around her home, she sees the transient traffic coming and going. Capp Smith Park is the gem in our city. She opposes three story structures which resemble apartments at this location. Infrastructure is not sufficient.

Lindsey Neal, 6920 Cheatham Dr., advised major development appeared in the agenda with no prior discussion with the City Council or P&Z. Does not want PD with inability for revisions. Changes to PD do not come back to City Council for approval. Other properties which are around Capp Smith Park and other detached homes around the lake are not only inconsistent with the density but also the zoning, height and will create a visual distraction from what has become our #1 attraction in our city. Parking – explain where three cars will park. It is seen how cars park on the city streets. School hours and trash are a concern. Access easement is of concern. She questioned if the development is corporate rentals for Lifestyle Christianity for dormitories; are they to be owned by Lifestyle. Land use is inconsistent with our goals and our future. She opposed.

2. **P.23-01:** Public hearing to receive comments for or against a request for a re-plat at the location commonly known as 5932 Denton Highway, Lot A-R-1 Block 7 of the Watauga Addition. The subject property, located east of Denton Highway south of Bowie Street and north of Shipp Drive, is to be subdivided into two (2) lots to allow for a restaurant establishment.

Chairperson Isbell introduced Mr. Richards to introduce the case. Mr. Richards advised that Jeannette Garcia will be presenting this case.

Jeannette shared that the item is a request to replat property commonly known as 5932 Denton Hwy., Lot A-R-1 Block 7 of the Watauga Addition, which will be subdivided into two (2) lots for the development of a restaurant establishment.

The public hearing notice was published and posted by the City Secretary's Office. Additionally, required notices were mailed to all property owners located within 200 ft. of the subject property.

Texas Local Government Code 212.005 requires the municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies all applicable regulations. The plat submitted meets these requirements.

The applicant, Mr. Scott Hicks, is here to answer any questions you may have.

Chairperson Isbell opened the public hearing at 7:21 p.m. She asked if anyone wished to speak or had any questions.

Member McCauley asked that the commission remember what is currently being built at this location.

The applicant, Mr. Scott Hicks requested to approach the podium for any questions. Member Arend requested to know of the type of business going in at the location. Mr. Hicks advised they are opening a HTeaO franchise, his first.

Member Gehle questioned the drive-thru concept with concern of limited stacking and traffic congestion. She inquired about additional access points and expressed concerns about the employee parking and customer parking.

Mr. Hicks said a cross access agreement has been signed between the two property owners allowing for shared parking with 28 spaces between the two properties. Four to five employees will be working at one time. The stacking for the drive-thru will allow for 10-12 cars and be designed with the ability to exit off Bowie St. or Denton Hwy.

Mr. Richards reminded the commission that all design and building will be reviewed once plans have been submitted for review and revisions may be required during that time. The submittal for re-plat will allow HTeaO to own their own property.

Member McCauley thanked Mr. Hicks for sharing his time and input.

With no others wishing to speak, Chairperson Isbell closed the public hearing at 7:27 p.m. and called for a motion.

Member Giles made a motion to approve the re-plat as requested. Member Adams seconded the motion. With there being no other discussions, Chairperson Isbell called for a vote, with members present voting as follows:

From the audience, Point of Order was called to attention by Council member Hill stating the item does not call for a vote. Staff liaison advised that our city ordinance does require a vote. (Furthermore, should have stated a motion for recommendation to the city council for final approval. Going forward, the language on the agenda shall call for consideration of action.) Council member Hill advised the agenda does not state to approve the item.

Member McCauley advised that the agenda item calls out for or against. Chairperson Isbell acknowledged that city staff request recommendation for approval of the request. Council member Jan Hill advised that the mayor was now calling the City Attorney. The meeting was recessed at 7:29 p.m. The meeting was then reconvened at 7:37 p.m.

Chairperson Isbell recalled a motion.

Member Giles made a motion to recommend for approval the re-plat as presented. Member Adams seconded the motion. With the motion being made by Member Giles and the second by Member Adams, Chairperson Isbell called for a vote, with members present voting as follows:

With there being no other discussions, Chairperson Isbell called for a vote, with members present voting as follows:

AYES:	Arend, Adams, Giles, Bry, McCauley-Blackburn, Gehle
NAYS:	None
ABSENT:	None
ABSTAIN:	None

The motion carried 6-0-0-0.

3. **ORD.23-01:** Public hearing to receive comments for or against a request concerning text amendments to the City of Watauga Code of Ordinances, Chapter 115, Article V. - Development Controls, Sec. 115-117. - Landscape regulations. (e) Screening requirements; and consider action to approve the amendments as noted.

Chairperson Isbell introduced Mr. Richards to introduce the case.

Mr. Richards said the item is a request for text revisions to the code of ordinances Sec. 115-1117, (e)(2)(b)(7) fence regulations to adjust the distance required for corner lot fences from 15 feet back of curb to 13 feet from back of curb or 3-1/2 feet set back from property line where no back of curb is present.

The proposed amendment allows for more uniform consistency in the enforcement of fence projects in the future.

Sub-section (12) (iii) will revise proposed retaining walls in front yards should only be allowed when grades exceed a 5 to 1, or 20% slope ratio. Retaining walls shall be set back a minimum of 1 foot from property line and no portion of wall or additional structure shall extend higher than 6 inches above top wall ground elevation.

Additionally, sub-section (12) (e) has a requested change to allow the repair or maintenance of a fence that does not exceed 16 linear feet without a permit.

With the introduction of the case being completed, Chairperson Isbell opened the public hearing at 7:40 p.m.

Member Gehle inquired of the permit fees for fences and if they have always been required, as specified in the fee schedule. Member Gehle also inquired if any repair more than 16 feet would require a permit. Mr. Richards advised that fence permits are not defined with a distance, so any repair would require a permit. Mr. Richards said as an example, due to the recent storms, that if a couple of panels are knocked down, with the amendments, the resident is not required to apply for a permit. Member Gehle inquired for the reasoning of the 16 linear feet. Mr. Richards advised that corner lot properties will have side and rear lot lines, which impact site obstruction. Several existing fences in place are less than the set back currently in place. An exception is in place to allow the director to allow special considerations due to deterioration or damage in allowing the fence to remain in the existing location. Member Gehle also inquired if fences in place will be grand-fathered. Mr. Richards advised that no request should be made for changes to existing fences.

Member Giles inquired, for clarification, the same as Member Gehle, regarding when a fence permit is required. Again, Mr. Richards said a permit is due to be submitted at any length currently. If the text amendment is passed, if the repair of damage is 16 feet or less, then a permit shall not be required. However, if the work being done to the fence is more than 16 feet, a permit shall be required.

Chairperson Isbell asked if anyone else wished to speak, and with there being none she closed the public hearing at 7:45 p.m. and called for a motion.

Member Arend made a motion to approve as written. Member Giles seconded the motion. Chairperson Isbell called for a vote, with members present voting as follows:

AYES: Arend, Adams, Giles, Bry, McCauley-Blackburn
NAYS: Gehle
ABSENT: None
ABSTAIN: None

The motion carried 5-1-0-0.

Chairperson Isbell next announced prior to moving on to item #4, that one of the commission members shall recuse himself from the meeting due to the topic being a conflict of interest per Sec. 2-168 and Sec. 2-169 of the Ethics code. Place 4 Member departed the chambers at 7:46 p.m.

4. **ORD. 23-02:** Public hearing to receive comments for or against a request concerning text amendments to include a definition of Smoke Lounge and Smoke Shop in the City of Watauga Code of Ordinances, Chapter 115 Zoning - Article I. Sec.115-6 In General. Permitted principal, accessory and specific use permit uses and to authorize Smoke Lounge and Smoke Shop as a permissible use requiring specific use permits in designated zoning districts in Article IV. Sec. 115-85 Table of Uses; and consider action to approve the amendments as noted.

Chairperson Isbell introduced Jeannette to introduce the case. Jeannette advised following several discussions between administration and staff, text amendments have been proposed for adoption regarding specific zoning regulations for the proposed use, Smoke room or lounge and Smoke shop in the Code of Ordinances Chapter 115 – Zoning.

The proposed amendment is consistent with Chapter 211 of the Texas Local Government Code. Additionally, the classification of the use proposed will provide for locational requirements and spacing requirements.

Staff supports these development objectives.

Again, all notices were published and posted by the City Secretary's Office.

Jeannette closed in saying she and Mr. Richards are both available to answer any questions.

Chairperson Isbell opened the public hearing at 7:48 p.m.

Member McCauley asked why. Jeannette responded that there are spacing concerns having a smoke shop in every shopping center along Denton Highway. In some of the shopping centers there is a smoke shop and a hookah lounge. Other locations along Denton Highway have a stand-alone business between two smoke shops. Mr. Richards also shared the table of uses does not list a smoke shop or lounge use but was being allowed under the Retail use. He advised under previous staff, the use was allowed as retail and the current staff proposes to suggest the allowed uses with definitions and regulations for the uses mentioned.

Member Adams asked if the existing smoke shops doing business in the City of Watauga would be grandfathered. Jeannette confirmed the existing businesses will be grandfathered.

Member Giles followed up asking if a current business left a location would a new a new business with the same use, specifically vape or smoke shop business; would compliance be required as a new tenant. Jeannette shared that a SUP shall be applied for, and Randy shared that the spacing requirements shall also be met. Member Giles asked in relation to a citizen's previous comment during public testimony, that there are other retail establishments which also sale vape and tobacco products, will this change influence a retail establishment that sales tobacco products but is not solely defined by these. She asked if it influences these business types. Jeannette advised it does not.

Chairperson Isbell asked if anyone else wished to speak. With no others wishing to speak, she closed the public hearing at 7:51 p.m. Chairperson Isbell asked if there were any other questions, and with there being none, she asked for a motion.

Member Giles made a motion to approve the text amendment as presented.

Member Adams seconded the motion. Chairperson Isbell called for a vote, with members present voting as follows:

AYES:	Arend, Adams, Giles, Gehle
NAYS:	McCauley-Blackburn
ABSENT:	None
ABSTAIN:	Bry

The motion carried 4-1-0-1.

5. **Z.23-02:** Public hearing to receive comments for or against a request for a zoning change from Community Facilities (CF) and General Business (GB) to Planned Development (PD), for property commonly known as Pheasant Run 65 Lot H1B Portion without EXM; and consider action to allow for single family residential townhomes. The Planned Development (PD) is proposed to be platted into one hundred thirty-two lots. Owner: Lifestyle Christianity. Applicant/Agent: Olivet Capital, Michael Lynch.

Chairperson Isbell introduced Mr. Richards to introduce the case. Mr. Richards said in opening that this is a request for a zoning change to allow for Single Family Residential Townhomes. The public hearing notice was duly posted by the City Secretary's Office on Friday, March 31, 2023, and all properties within 200 feet were given notice of the meeting as well. He advised staff had prepared a preliminary report in compliance with Texas Local Government Code Section 211.007 (b) and include it in your packets for review. The development proposes 132 single family units with green spaces throughout. Lastly, Mr. Richards introduced the developer,

Mr. Michael Lynch, with the architect of the project, Mr. Curtis Young, to answer any questions.

Mr. Curtis Young shared that there may be a few misunderstandings about the project and hoped in going through the presentation that this will allow for a better understanding of the proposed project.

(The PowerPoint presentation is included in the meeting video which is also preserved and maintained by the City Secretary's Office.)

The proposed Pointe at Capp Smith Lake is 11.7 acres south of Starnes Road, between Capp Smith Park and the retail establishments which front Highway 377. Starnes Road, running east and west, and Whitley Road, which is also a major collector thoroughfare.

The FLUP references the property as Mixed Use for development. The proposed use is consistent with the future land use plan. Along with the commercial retail development in place, both low and medium density residential development surround this vicinity. The zoning district of the property is Community Facilities (CF) and General Business (GB). The church is the owners of the property and if approved the church will sell to the developer. An evaluation was completed by Retail Union on the 11 +/- acres showed that the land does not support a restaurant or café. A main drive for this type of use is visibility and traffic from a major roadway. Although this is proximate to US-377, the visibility is limited.

Site influences include drainage, exposures, and a site plan which includes a nice frontage to Capp Smith Park allowing for beautiful open space. A traffic study was conducted and there would be minimal impacts to the intersections of Starnes Road and US-377, the backage road and Whitley Road. Townhome Elevations were shared; the single-family residential homes will not exceed two 2 stories.

Chairperson Isbell opened the public hearing at 8:09 p.m. Member Gehle shared concerns of the backage road and parking throughout for large vehicles, to include trucks. She also shared concerns of the townhomes becoming rental property. Mr. Young shared in response that the parking along the backage road is fire lane. He also reminded that the elevations show that they are

Member Bry questioned the parallel parking.

Member Arend questioned the parking comparing the development to Bursey Road Townhomes. He also questioned who the tenants will be.

Member Giles questioned the concerns of the property being rental property. She also questioned the density.

Mr. Young advised that the price point is forecasted to be an average of \$400,000.00 dollars. He also shared that the property is less dense than the Bursey

Road development. He also reminded them that this is primarily a retail location which will be of benefit to the surrounding retail establishments.

Assistant Public Works Director spoke of the HOA and Mr. Young advised that the open space will be maintained by the HOA. Mr. Richards also advised that the sewer, streets, water, and sidewalks will be maintained by the HOA.

Member McCauley thanked Mr. Young for his presentation. She does not want to lose the walkability. Density is also a concern. She also reminded the commission members that rental properties surround all.

Member Adams questioned if improvements will be required for Starnes Road. He also appreciates the proposed development. Mr. Young shared that road improvements will not be necessary.

Council liaison Mark Taylor spoke of the land use development, and he reminded all that the land use map classification RTMU limits the residential and this development does not exceed what is recommended. The HOA will protect the integrity of the park. Mr. Taylor also asked if thought has been given to a foot bridge being built for cross access. Mr. Young reminded the commission that all residents will have access to the walking trail at access connection points.

Member Gehle spoke of the design noticing no doors at the rear of the property. She would like to see two doors for access. Crosswalks, floodplain, and quality of shingles were also of concern. He reminded all that garage doors will be access points.

Mr. Richards reminded all of the available walkability.

Member Adams questioned separation of the individual front yards.

Member McCauley questioned the timeline and Mr. Young advised that a development schedule was shared.

Member Adams asked if the developer has any other developments under construction in the surrounding area. Mr. Young advised that similar projects have been developed in North Richland Hills.

Chairperson Isbell closed the public hearing at 8:51 p.m.

Chairperson Isbell asked the commission if there was any other discussion. With there being none, she then called for a motion.

Member Giles made a motion to deny the request for a rezone. Member Arend seconded the motion. (Chairperson Isbell called Point of Order in the audience.) With there being no other discussions, Chairperson Isbell called for a vote. Secretary McCauley-Blackburn called for question. Chairperson Isbell allowed for question. Secretary McCauley-Blackburn stated the commission was required to explain reasoning for denial. Member Giles explained the motion to deny was based on the density, not being in alignment with the current zoning, as well as the surrounding

area. Member Arend stated his second was based on the traffic, safety, and quality of life; comparing single-family to multi-family. Council liaison Mark Taylor said that the rationale does meet the future land use plan and denying based upon what was spoken rationale does not meet what is intended. Member Giles said her denial was based upon the current zoning and requirements in place for single-family residential and single-family attached. Council liaison Taylor reminded the commission that the property is not zoned single-family but is zoned Commercial/General Business and the item is a request to be zoned as a Planned Development. Member Giles, understanding the application request for rezoning to Planned Development, request that the zoning remain as is currently. Chairperson Isbell said that she would like all to remember that what is being proposed is the development of single-family residential townhomes, not apartments. The Assistant Director of Public Works also shared that staff held a copy of the traffic analysis which was completed by a licensed professional engineer and firm that acknowledged that traffic safety is being met for the surrounding properties.

Member Giles proposed in amending her previous motion, that they take no action on the item as presented for the reasons previously stated. Member Arend seconded the motion. Chairperson Isbell called for a vote, with members present voting as follows:

AYES:	Arend, Giles, McCauley-Blackburn, Gehle
NAYS:	Adams, Bry
ABSENT:	None
ABSTAIN:	None

The motion carried 4-2-0-0.

ACTION ITEMS

ITEMS FOR FUTURE AGENDAS

Mike Arend	Place 1 - None
Quincy Adams	Place 2 – None
Jillian Giles	Place 3 – None
David Bry	Place 4 - None
Cristy McCauley-Blackburn	Place 5 – Sec. 115-117-Tree List & Comp Plan
Karen Isbell	Place 6 - None
Sharon Gehle	Place 7 – None

ADJOURNMENT

With there being no further items to discuss, Chairperson Isbell adjourned the meeting at 9:04 p.m.

APPROVED: this the _____ day of _____, 2023.

SIGNED: this the _____ day of _____, 2023.

APPROVED: _____
Karen Isbell, Chairperson

ATTEST: _____
Cristy McCauley-Blackburn, Secretary

NOTE: Original Audio Recording of this meeting is preserved and maintained by the City Secretary's Office.



AGENDA MEMORANDUM

DATE: July 31, 2023

TO: Planning and Zoning Commission Members

FROM: Randy Richards, CFM, Assistant Director of Public Works

SUBJECT: **Z.23-03:** Public hearing to receive comments for or against a request for a zoning change from Local Business (LB) to Commercial (C), for property commonly known as 6900 Denton Highway, being Lot A2 Block 6, of the Bunker Hill Addition; and consider action to allow for the zoning change for future commercial development in the Sanko Plaza. The subject property is located north of Bunker Blvd. and east of Denton Highway. Owner: Cider Property, Inc. Applicant/Agent: Crest Commercial Real Estate, Cody Johnson.

BACKGROUND/INFORMATION:

On behalf of Cider Property Inc. (owner) and Crest Commercial Real Estate (applicant and agent) Cody Johnson, Senior Associate has submitted a request for a zoning change in accordance with Chapter 211 of the Local Government Code from Local Business (LB) to Commercial (C) for the property commonly known as Sanko Plaza, located at 6900 Denton Highway.

The property is located north of Bunker Blvd. and east of Denton Highway. This site is presently occupied by tenants in retail and personal services, including accounting, hair and nails, and photography. The parking lot exceeds the required number of parking spaces and the site has access to both Denton Highway and Bunker Blvd.

The Comprehensive Land Use Plan designates this area as Local Office/Retail/Commercial, which is suitable for light retail, service uses and professional office activities that aim to meet the needs of the residents in the vicinity. The building design is smaller in scale. However, it is visible from the main corridor. This category provides uses for specialty retail, neighborhood retail, small-sized restaurants and services for small professional offices.

The Commercial Zoning District is an all-purpose business district providing areas for the total service, retail, and wholesale trade needs of the community and region. Uses include a wide variety of business activities and may involve limited outside storage, service or display. The district is also appropriate along the Denton Highway corridor as indicated on the land use plan.



AGENDA MEMORANDUM

DIRECTION	ZONING	LAND USE PLAN	EXISTING LAND USE
NORTH	SF-6 (Single-family Residential)	Low Density Residential	Single-family Residential
SOUTH	LB (Local Business) & CF (Community Facility)	LO/R/C & Public/Semi-Public	Retail, Restaurant and Church uses
EAST	LB (Local Business)	Local Office/Retail/Commercial	Office use

The property is platted as Lot A2, Block 6, Bunker Hill Addition. The plat of the property was approved by the City Council on March 11, 1985.

The City Council will consider this request at the September 11, 2023 meeting following a recommendation by the Planning and Zoning Commission.

FINANCIAL IMPLICATIONS:

NA

RECOMMENDATION/ACTION DESIRED:

The Development Review Team (DRT) does recommend approval of this zoning change.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Preliminary Report Z.23-03 - 6900 Denton Hwy - DRAFT - JG
2. Crest Commercial Real Estate Brochure (L) - 6900 Denton Hwy
3. PH Notice - Mailed to owners 200 ft of subject property
4. Ordinance No. 2023-XXX - DRAFT - 6900 Denton Highway - Sanko Plaza

REVIEWED BY:

Randy Richards, CFM, Assistant Director of Public Works

Paul Hackleman, Director of Public Works

David Berman, City Attorney

Joshua Jones, City Manager

Linda Proskey, City Secretary

Approved as to form for inclusion on Agenda

Approved - 8/9/2023

Approved - 8/9/2023

Approved - 8/10/2023

Approved - 8/10/2023

Final Approval - 8/10/2023

PRELIMINARY REPORT

DATE: August 4, 2023

TO: Planning and Zoning Commission Members

FROM: Randy Richards, Assistant Public Works Director

SUBJECT: **Z.23-03:** Public hearing to receive comments for or against a request for a zoning change from Local Business (LB) to Commercial (C), for property commonly known as 6900 Denton Highway, being Lot A2 Block 6, of the Bunker Hill Addition; and consider action to allow for the zoning change for future commercial development in the Sanko Plaza. The subject property is located north of Bunker Blvd. and east of Denton Highway. Owner: Cider Property, Inc. Applicant/Agent: Crest Commercial Real Estate, Cody Johnson.

BACKGROUND/INFORMATION:

Texas Local Government Code 211.007(b) requires the Planning & Zoning Commission make a preliminary report prior to approving changes to the City's Zoning Ordinance. As such, this document now serves as the preliminary report.

On behalf of property owner, Cider Property Inc, and applicant and agent, Crest Commercial Real Estate, Senior Associate Cody Johnson is requesting a zoning change from Local Business (LB) to a Commercial (C) zoning district for property commonly known as Sanko Plaza, located at 6900 Denton Highway.

During staff review of existing regulations, items considered, and steps taken include:

1. In accordance with One Watauga Development Strategy, a key objective for the future land use plan, which classifies the property as Local Office/Retail/Commercial, designates this area as suitable for light retail, service uses and professional office activities that aim to meet the needs of residents in the vicinity.
2. The Commercial Zoning District is an all-purpose business district providing areas for the total service, retail, and wholesale trade needs of the community and region. Uses include a wide variety of business activities and may involve limited outside storage, service or display. The district is also appropriate along the Denton Highway corridor as indicated on the land use plan.
3. Signs have been erected on the property which contains a notice of hearing and telephone number of staff from whom dates may be obtained.

CURRENT ACTIVITY:

A Planning and Zoning Application was submitted to Development Services on July 24,

PRELIMINARY REPORT

2023. Once all requirements were satisfied, notice was published in the Fort Worth Star Telegram on July 28, 2023, for the August 16, 2023, Public Hearing of the Planning and Zoning Commission. In accordance with State law, property owners received the public notice due to public records available through Tarrant Appraisal District which reflect they are the owner(s) of one or more parcels within two hundred (200) feet of the subject property. A site map was also attached for their information.

The Commercial Zoning District is an all-purpose business district providing areas for the total service, retail, and wholesale trade needs of the community and region. Uses include a wide variety of business activities and may involve limited outside storage, service, or display. The district is also appropriate along the Denton Highway corridor as indicated on the land use plan.

The property is platted as Lot A2, Block 6, Bunker Hill Addition. The plat of the property was approved by the City Council on March 11, 1985.

RECOMMENDATION/ACTION DESIRED:

The Development Review Team (DRT) supports this zoning change and recommends the commission members consider comments received during public hearing of the preliminary report before submitting a final report to the governing body.

The City Council will consider this request at the September 11, 2023 meeting following a recommendation by the Commission.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

Sanko Plaza Brochure

For Lease

Sanko Plaza
Watauga, Texas





PROPERTY SUMMARY

Sanko Plaza

6900 Denton Hwy, Watauga, Texas 76148



PROPERTY HIGHLIGHTS

- Direct Frontage to Denton Hwy.
- Consumer spending in a 5-mile radius exceeds \$3 billion annually
- Surrounded by other retail including McDonald's, Subway, Etc.

OFFERING SUMMARY

Lease Rate:	██████ / SF
Available SF:	3,600 - 4,476 SF
Building Size:	23,464 SF

Erik Fulkerson erik@crestcommercial.com



RETAIL MAP

Sanko Plaza

6900 Denton Hwy, Watauga, Texas 76148



Map data ©2023 Google Imagery ©2023 , CNES / Airbus, Landsat / Copernicus, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO

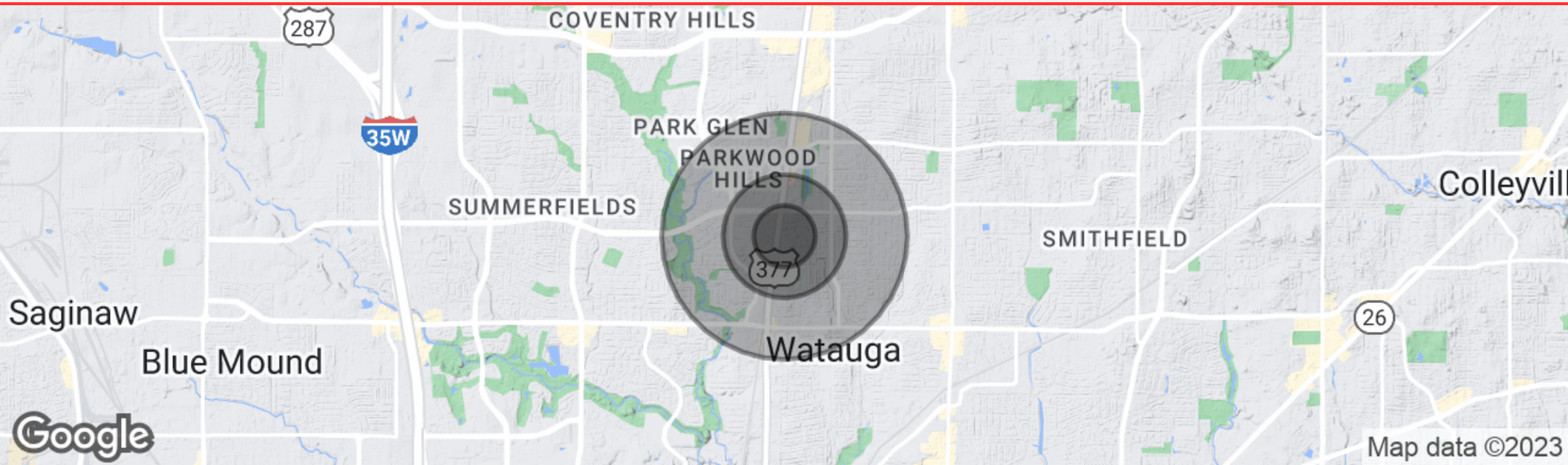
Erik Fulkerson erik@crestcommercial.com



DEMOGRAPHICS MAP & REPORT

Sanko Plaza

6900 Denton Hwy, Watauga, Texas 76148



POPULATION	0.25 MILES	0.5 MILES	1 MILE
Total Population	1,118	4,783	19,219
Average Age	30.9	31.7	33.9
Average Age (Male)	28.5	30.1	33.0
Average Age (Female)	35.3	35.8	35.8
HOUSEHOLDS & INCOME	0.25 MILES	0.5 MILES	1 MILE
Total Households	334	1,452	6,050
# of Persons per HH	3.3	3.3	3.2
Average HH Income	\$82,701	\$82,690	\$89,125
Average House Value	\$168,779	\$179,057	\$185,275

Erik Fulkerson erik@crestcommercial.com



LEASE SPACES

Sanko Plaza

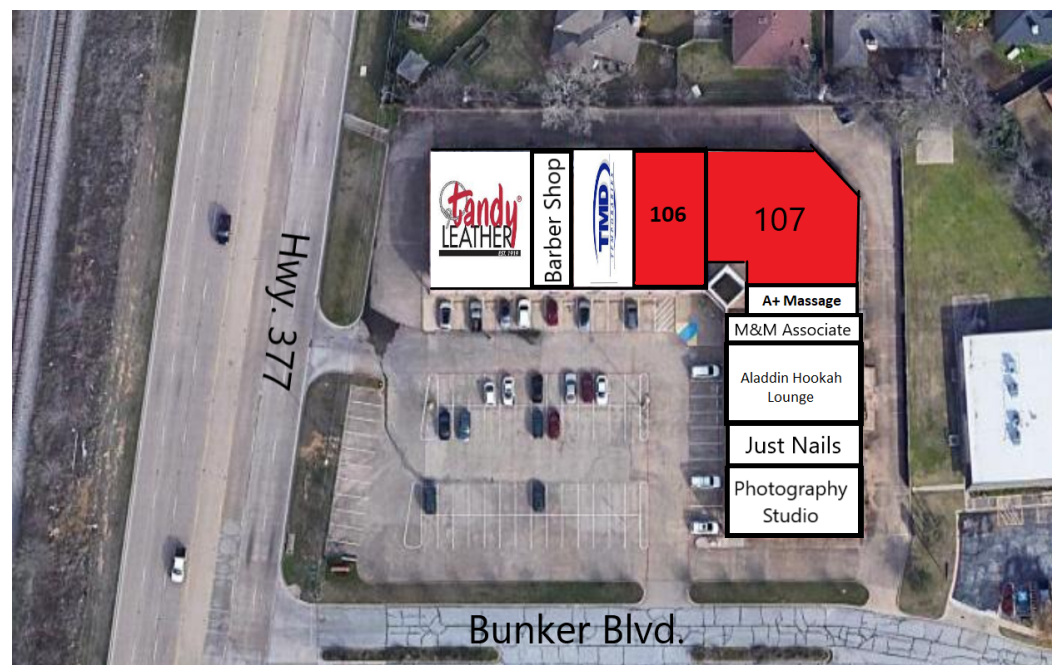
6900 Denton Hwy, Watauga, Texas 76148

LEASE INFORMATION

Lease Type:	NNN	Lease Term:	3-10 Years
Total Space:	3,600 - 4,476 SF	Lease Rate:	██████ / SF

AVAILABLE SPACES

TENANT	SIZE (SF)	SUITE #
■ Tandy Leather	3,900 SF	101
■ Clipperz Barber Shop	1,200 SF	103
■ TMD Temporaries	1,556 SF	104
■ AVAILABLE	4,476 SF	106
■ AVAILABLE	3,600 SF	107
■ A+ Massage	1,100 SF	108
■ Perfect Eye Productions	1,833 SF	110
■ Aladdin Hookah Lounge	3,500 SF	111
■ M&M Associates	1,290 SF	112
■ Just Nails	1,200 SF	117



Erik Fulkerson erik@crestcommercial.com



Information About Brokerage Services

Texas law requires all real estate license holders to give the following information about brokerage services to prospective buyers, tenants, sellers and landlords.

11-2-2015



TYPES OF REAL ESTATE LICENSE HOLDERS:

- **A BROKER** is responsible for all brokerage activities, including acts performed by sales agents sponsored by the broker.
- **A SALES AGENT** must be sponsored by a broker and works with clients on behalf of the broker.

A BROKER'S MINIMUM DUTIES REQUIRED BY LAW (A client is the person or party that the broker represents):

- Put the interests of the client above all others, including the broker's own interests;
- Inform the client of any material information about the property or transaction received by the broker;
- Answer the client's questions and present any offer to or counter-offer from the client; and
- Treat all parties to a real estate transaction honestly and fairly.

A LICENSE HOLDER CAN REPRESENT A PARTY IN A REAL ESTATE TRANSACTION:

AS AGENT FOR OWNER (SELLER/LANDLORD): The broker becomes the property owner's agent through an agreement with the owner, usually in a written listing to sell or property management agreement. An owner's agent must perform the broker's minimum duties above and must inform the owner of any material information about the property or transaction known by the agent, including information disclosed to the agent or subagent by the buyer or buyer's agent.

AS AGENT FOR BUYER/TENANT: The broker becomes the buyer/tenant's agent by agreeing to represent the buyer, usually through a written representation agreement. A buyer's agent must perform the broker's minimum duties above and must inform the buyer of any material information about the property or transaction known by the agent, including information disclosed to the agent by the seller or seller's agent.

AS AGENT FOR BOTH - INTERMEDIARY: To act as an intermediary between the parties the broker must first obtain the written agreement of *each party* to the transaction. The written agreement must state who will pay the broker and, in conspicuous bold or underlined print, set forth the broker's obligations as an intermediary. A broker who acts as an intermediary:

- Must treat all parties to the transaction impartially and fairly;
- May, with the parties' written consent, appoint a different license holder associated with the broker to each party (owner and buyer) to communicate with, provide opinions and advice to, and carry out the instructions of each party to the transaction.
- Must not, unless specifically authorized in writing to do so by the party, disclose:
 - that the owner will accept a price less than the written asking price;
 - that the buyer/tenant will pay a price greater than the price submitted in a written offer; and
 - any confidential information or any other information that a party specifically instructs the broker in writing not to disclose, unless required to do so by law.

AS SUBAGENT: A license holder acts as a subagent when aiding a buyer in a transaction without an agreement to represent the buyer. A subagent can assist the buyer but does not represent the buyer and must place the interests of the owner first.

TO AVOID DISPUTES, ALL AGREEMENTS BETWEEN YOU AND A BROKER SHOULD BE IN WRITING AND CLEARLY ESTABLISH:

- The broker's duties and responsibilities to you, and your obligations under the representation agreement.
- Who will pay the broker for services provided to you, when payment will be made and how the payment will be calculated.

LICENSE HOLDER CONTACT INFORMATION: This notice is being provided for information purposes. It does not create an obligation for you to use the broker's services. Please acknowledge receipt of this notice below and retain a copy for your records.

Crest Commercial Real Estate, Inc.

Licensed Broker /Broker Firm Name or
Primary Assumed Business Name

Erik Fulkerson

Designated Broker of Firm

Erik Fulkerson

Licensed Supervisor of Sales Agent/
Associate

Sales Agent/Associate's Name

License No.

License No.

License No.

License No.

erik@crestcommercial.com

Email

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erik@crestcommercial.com

Email

Email

2146966677

Phone

2146966677

Phone

2146966677

Phone

Phone

Buyer/Tenant/Seller/Landlord Initials

Date



Public Hearing Notice – Zoning Change w/SUP

August 1, 2023

Dear Property Owner:

The Planning and Zoning Commission will hold public hearings during their regular meeting on Wednesday, August 16, 2023 at 6:30 PM in the City Council Chamber at Watauga City Hall, 7105 Whitley Road. The purpose is to receive comments for or against the following items:

Z.23-03: Public hearing to receive comments for or against a request for a zoning change from Local Business (LB) to Commercial (C), for property commonly known as 6900 Denton Highway, being Lot A2 Block 6, of the Bunker Hill Addition; and consider action on a preliminary report to allow for the zoning change for future commercial development in the Sanko Plaza. The subject property is located north of Bunker Blvd. and east of Denton Highway. Owner: Cider Property, Inc. Applicant/Agent: Crest Commercial Real Estate, Cody Johnson.

SUP.23-03: Public hearing to receive comments for or against a request for a specific use permit and consider action on a preliminary report for 6900 Denton Highway, Lot A2, Block 6, of the Bunker Hill Addition, to allow for an ice and water kiosk in a Commercial (C) zoning district. The subject property is located north of Bunker Blvd. and east of Denton Highway. Owner: Cider Property, Inc. Applicant/Agent: Frontier States Development Services, Mark Sellers.

In accordance with State law, you are receiving this notice due to public records available through Tarrant Appraisal District which reflect you are the owner(s) of one or more parcels within two hundred (200) feet of the subject property. A site map is attached for your information. This notice will serve as public notice for all properties owned in the subject area.

If you are interested, you are invited to attend these meetings. If you cannot attend these meetings and wish to provide written comments or documentation to the Commission, please return your information on the attached response form or by email.

If you have any questions, please contact me at 817-514-5827 or e-mail jgarcia@wataugatx.org.

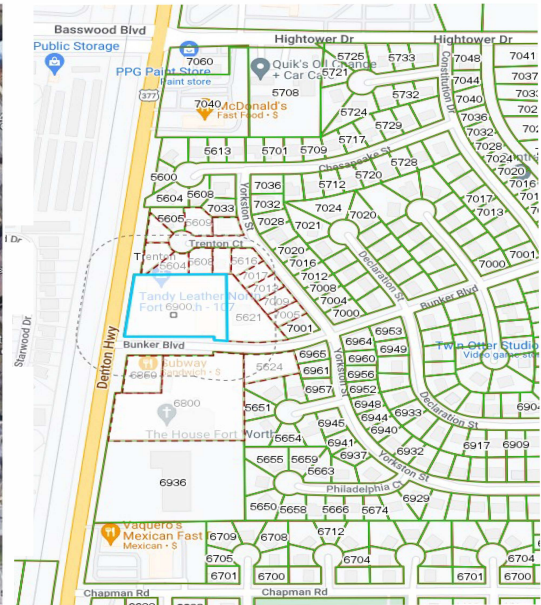
Sincerely,

A handwritten signature in blue ink that reads 'Jeannette Garcia'.

Jeannette Garcia
Planning and Zoning Coordinator

City of Watauga
Development Services
7800 Virgil R. Anthony Sr. Blvd.
Watauga, TX 76148
<http://www.wataugatx.org>

Location Maps



Prepared by Development Services 08/01/2023

DISCLAIMER: *This product is for informational purposes only and represents the approximate relative location of property boundaries.

To: City of Watauga, Texas

From: _____

(Address of Your Property that Could Be Impacted by this Request)

RE: **Z.23-03:** Public hearing to receive comments for or against a request for a zoning change from Local Business (LB) to Commercial (C), for property commonly known as 6900 Denton Highway, being Lot A2 Block 6, of the Bunker Hill Addition; and consider action to allow for the zoning change for future commercial development in the Sanko Plaza. The subject property is located north of Bunker Blvd. and east of Denton Highway. Owner: Cider Property, Inc. Applicant/Agent: Crest Commercial Real Estate, Cody Johnson.

☐

I PROTEST THE PROPOSED ZONING CHANGE

☐

I SUPPORT THE PROPOSED ZONING CHANGE

Basis for your protest/support _____

Printed Name

Signature

Date

Return to: City of Watauga Development Services
7800 Vigil R. Anthony Sr. Blvd.
Watauga, TX 76148
Email: jgarcia@wataugatx.org

City of Watauga
Development Services
7800 Virgil R. Anthony Sr. Blvd.
Watauga, TX 76148
<http://www.wataugatx.org>

To: City of Watauga, Texas

From: _____

(Address of Your Property that Could Be Impacted by this Request)

RE: SUP.23-03: Public hearing to receive comments for or against a request for a specific use permit and consider action on a preliminary report for 6900 Denton Highway, Lot A2, Block 6, of the Bunker Hill Addition, to allow for an ice and water kiosk in a Commercial (C) zoning district. The subject property is located north of Bunker Blvd. and east of Denton Highway. Owner: Cider Property, Inc. Applicant/Agent: Frontier States Development Services, Mark Sellers.

☐

I PROTEST THE PROPOSED SPECIFIC USE PERMIT

☐

I SUPPORT THE PROPOSED SPECIFIC USE PERMIT

Basis for your protest/support _____

Printed Name

Signature

Date

Return to: City of Watauga Development Services
7800 Vigil R. Anthony Sr. Blvd.
Watauga, TX 76148
Email: jgarcia@wataugatx.org

City of Watauga
Development Services
7800 Virgil R. Anthony Sr. Blvd.
Watauga, TX 76148
<http://www.wataugatx.org>

CITY OF WATAUGA, TEXAS
ORDINANCE NO. 2023-XXX

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS AUTHORIZING A ZONING MAP AMENDMENT FOR PROPERTY LOCATED IN BUNKER HILL ADDITION, LOT A2, BLCOK 6 BEING ADDRESSED AS 6900 DENTON HIGHWAY, CHANGING THE ZONING CLASSIFICATION OF SAID PROPERTY FROM LOCAL BUSINESS (LB) TO COMMERCIAL (C); AMENDING THE ZONING DISTRICT MAP OF THE CITY; PROVIDING FOR REPEAL; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

WHEREAS, Cider Property Inc. (the “Owner”) owns property addressed and commonly known as, 6900 Denton Highway, located in the City of Watauga, Tarrant County, Texas, such real property being more particularly described in **Exhibit “A”** attached hereto and fully incorporated herein for all purposes (the “Property”); and

WHEREAS, the City of Watauga, Texas has adopted a comprehensive zoning ordinance providing for the use and development of the property within the City (herein after known as the “Zoning Code”); and

WHEREAS, the City Council may authorize amendments to the regulations provided in the Zoning Code; and

WHEREAS, the Property is presently zoned as Local Business district as noted on the zoning map revision adopted on April 23, 2018; and

WHEREAS, Cody Johnson, of Crest Commercial Real Estate, (collectively, the “Owner’s Agent” has made proper application to the City of Watauga, in accordance with the Zoning Code to change the zoning classification of the Property from Local Business (LB) to Commercial (C); and

WHEREAS, said application was submitted with proof of ownership of the Property and with authorization for Owner’s Agent to act on behalf of the Owner; and

WHEREAS, the City of Watauga Planning and Zoning Commission and the City Council of the City of Watauga have each conducted in the time and manner and after the notice required by law and the Zoning Code, a public hearing on such proposed change in zoning classification; and

WHEREAS, the City of Watauga Planning and Zoning Commission has issued its final report with a recommendation regarding the changing of the zoning classification; and

WHEREAS, in providing for a Commercial (C) district, the Owner may propose and the City may impose regulations and provide safeguards as are appropriate to ensure the orderly development of property and to protect adjoining properties; and

WHEREAS, the City Council of the City of Watauga, Texas now deems it appropriate to grant such requested zoning classification amendment; and

WHEREAS, the Planning and Zoning Commission of the City and the governing body of the City of

Watauga, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners and interested persons generally, the governing body of the City of Watauga is of the opinion that said zoning ordinance, zoning map and comprehensive plan should be amended as provided herein and should be approved.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Watauga, Texas that:

I.

The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

II.

The zoning district classification of the Property is hereby amended and changed from Local Business (LB) to Commercial (C) for the property described as “Sanko Plaza”.

III.

The Zoning District Map of City of Watauga, Texas shall be revised and amended to show the zoning classification of the Property as provided in Section II hereof with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the changes.

IV.

This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Watauga, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinance(s) are hereby repealed. However, to the extent this Ordinance represents any deviation from the Future Land Use Plan of the City of Watauga City Comprehensive Plan; such plan is hereby amended to conform to this Ordinance.

V.

If any section, sub-section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

VI.

An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

VII.

Any person, firm or corporation who violates or who causes or allows another person to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in accordance with the general penalty provision found in section 1-7 of the City Code of Ordinances, and shall upon conviction be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense. Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a

separate offense.

VIII.

This Ordinance shall become effective and be in full force and effect from and after the date of passage and adoption by the City Council and upon approval thereof by the Mayor of the City of Watauga, Texas and publication hereof as prescribed by law.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas, the 11th day of September 2023.

APPROVED:

ARTHUR L. MINER, MAYOR

ATTEST:

LINDA PROSKEY, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

DAVID BERMAN, CITY ATTORNEY
NICHOLS/JACKSON LLP



AGENDA MEMORANDUM

DATE: July 31, 2023

TO: Planning and Zoning Commission Members

FROM: Randy Richards, CFM, Assistant Director of Public Works

SUBJECT: **SUP.23-03:** Public hearing to receive comments for or against a request for a specific use permit and consider action on a preliminary report concerning a request for 6900 Denton Highway, Lot A2, Block 6 of the Bunker Hill Addition, to allow for an ice and water kiosk in a Commercial (C) zoning district. The subject property is located north of Bunker Blvd. and east of Denton Highway. Owner: Cider Property, Inc. Applicant/Agent: Frontier States Development Services, Mark Sellers.

BACKGROUND/INFORMATION:

Applicant and agent, Mark Sellers, of Frontier States Development Services has submitted a request for a specific use permit to allow an ice and water kiosk for individual or family use at 6900 Denton Highway.

The proposed site will be located in the southwest quadrant of the parking lot. A site plan for the property is attached. Planned improvements to the site include construction of a new 250 square-foot building on a raised island with an ADA ramp in a dedicated space consisting of a proposed 6" curb. This will remove 4 parking spaces at no effective loss to the center.

The Public Hearing Notice was duly posted by the City Secretary's Office on Friday, July 28, 2023.

This will be the first ice and water kiosk available to the community on the Denton Highway corridor within the city boundaries. The Development Review Team (DRT) supports this request.

FINANCIAL IMPLICATIONS:

NA

RECOMMENDATION/ACTION DESIRED:

City staff respectfully recommend consideration of comments received during the public hearing of the preliminary report on the specific use permit for the final report to be presented during the September 11, 2023 City Council regular meeting.



AGENDA MEMORANDUM

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Preliminary Report SUP.23-03 - 6900 Denton Hwy - DRAFT - JG
2. EXHIBIT A - 6900_Denton_Hwy_Site_Plan_072723
3. Ordinance No. 2023-XXX - DRAFT - 6900 Denton Highway - SUP.23-03

REVIEWED BY:

Randy Richards, CFM, Assistant Director of Public Works	Approved - 8/9/2023
Paul Hackleman, Director of Public Works	Approved - 8/9/2023
David Berman, City Attorney	Approved - 8/10/2023
Joshua Jones, City Manager	Approved - 8/10/2023
Linda Proskey, City Secretary	Final Approval - 8/10/2023
<i>Approved as to form for inclusion on Agenda</i>	

PRELIMINARY REPORT

DATE: August 4, 2023

TO: Planning and Zoning Commission Members

FROM: Randy Richards, Assistant Public Works Director

SUBJECT: **SUP.23-03:** Public hearing to receive comments for or against a request for a specific use permit and consider action on a preliminary report concerning 6900 Denton Highway Lot A2, Block 6 of the Bunker Hill Addition, to allow for an ice and water kiosk in a Commercial (C) zoning district. The subject property is located north of Bunker Blvd. and east of Denton Highway. Owner: Cider Property, Inc. Applicant/Agent: Frontier States Development Services, Mark Sellers.

BACKGROUND/INFORMATION:

Texas Local Government Code 211.007(b) requires the Planning & Zoning Commission make a preliminary report prior to approving changes to the City's Zoning Ordinance. As such, this document now serves as the preliminary report.

On behalf of property owner, Cider Property Inc, and applicant and agent, Frontier States Development Services, Mark Sellers is requesting a specific use permit (SUP) to allow for an ice and water kiosk in a Commercial (C) zoning district for property commonly known as Sanko Plaza, located at 6900 Denton Highway.

The applicant, Frontier States Development Services presented a previous request during a City Council meeting held September 14, 2020, and the governing body approved Ordinance No. 2020-031 to allow for a zoning change from General Business (GB) to Commercial (C) with a specific use permit at the property known as 6531 Watauga Road, Regency Square shopping center to allow a use for the storage of ice and water for retail sale, described in Planning & Zoning case Z.20-02 w/SUP.

During staff review of the current application, existing regulations, items considered, and steps taken include:

1. Sec. 115-33. Specific Use Permit. (b) *Amendment to the zoning ordinance*. Every specific use permit granted under these provisions shall be considered as an amendment to the zoning ordinance as applicable to such property under construction but shall not be considered as being a permanent change in zoning.
2. The site plan requirements were met as stated in Sec. 115-115 of the Code of Ordinances.
3. In accordance with One Watauga Development Strategy, a key objective for the future land use plan, which classifies the property as Local

PRELIMINARY REPORT

Office/Retail/Commercial, designates this area as suitable for light retail, service uses and professional office activities that aim to meet the needs of residents in the vicinity.

4. A development objective in the City of Watauga is to monitor closely the number and location of similar uses to reduce their proliferation and evaluate their effects on the community. One criterion used in this instance has been whether the use replaces and upgrades an existing like-use. This will be the first kiosk available on the Denton Highway corridor within the city boundaries which allows for ice and water retail sales.
5. Signs have been erected on the property which contains a notice of hearing and telephone number of staff from whom dates may be obtained.

CURRENT ACTIVITY:

A Planning and Zoning Application was submitted to Development Services on July 27, 2023. Once all requirements were satisfied, notice was published in the Fort Worth Star Telegram on July 28, 2023, for the August 16, 2023, Public Hearing of the Planning and Zoning Commission. In accordance with State law, property owners received the public notice due to public records available through Tarrant Appraisal District which reflect they are the owner(s) of one or more parcels within two hundred (200) feet of the subject property. A site map was also attached for their information.

The property is platted as Lot A2, Block 6, Bunker Hill Addition. The plat of the property was approved by the City Council on March 11, 1985.

RECOMMENDATION/ACTION DESIRED:

The proposed amendment is consistent with the surrounding neighborhoods and uses in accordance with the general regulations of Chapter 211 of Texas Local Government Code: promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance or significance.

The Development Review Team (DRT) supports this request for specific use permit and recommends the commission members consider comments received during public hearing of the preliminary report before submitting a final report to the governing body.

The City Council will consider this request at the September 11, 2023 meeting following a recommendation by the Commission.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

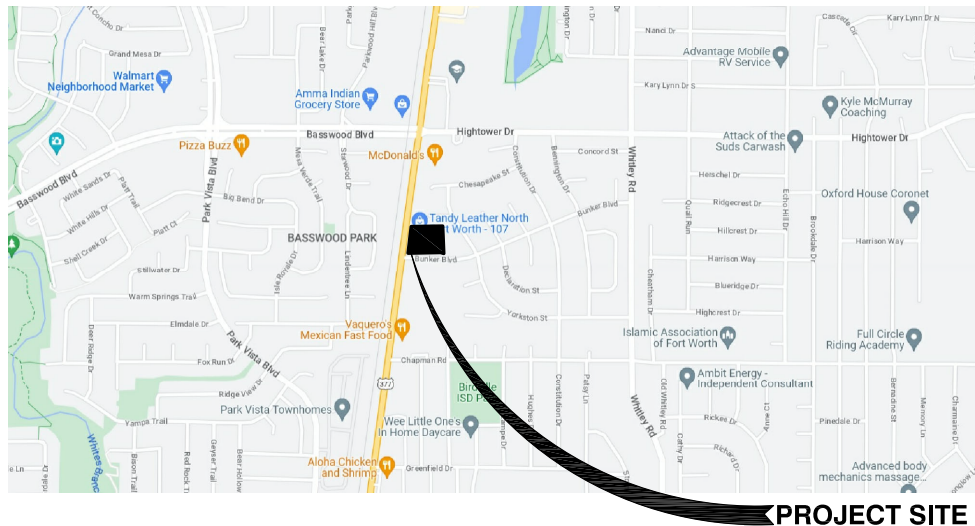
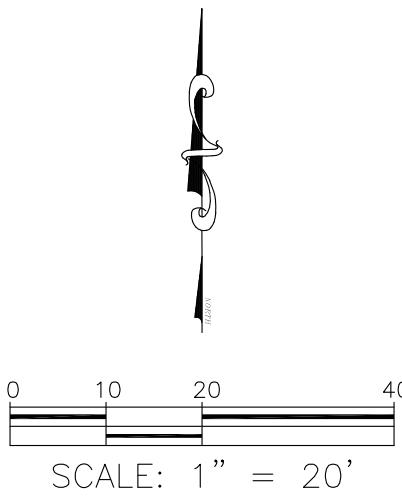
Site Plan

Site Data Table	
Zoning	Proposed Site
Land Use	LB
Lot Area	Retail
Vegetated Areas	91,225 SF (2.094 Acres)
Impervious Area	7,483 SF (24.0%)
	23,742 SF (76.0%)

CURRENT ZONING: SF-6
CURRENT USE: SF SUBDIVISION

LEGEND

- PROP 1" PEX DOMESTIC WATER
- PROP 3" SCH40 PVC DRAIN LINE
- PROP CONCRETE

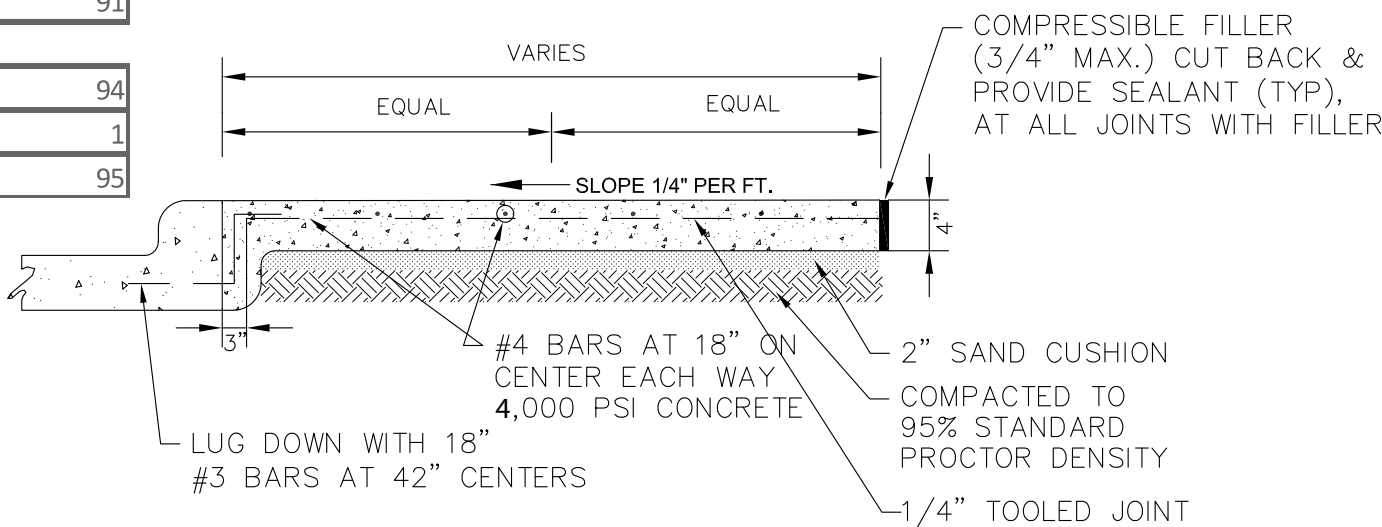


PARKING DATA - 6900 Denton Hwy

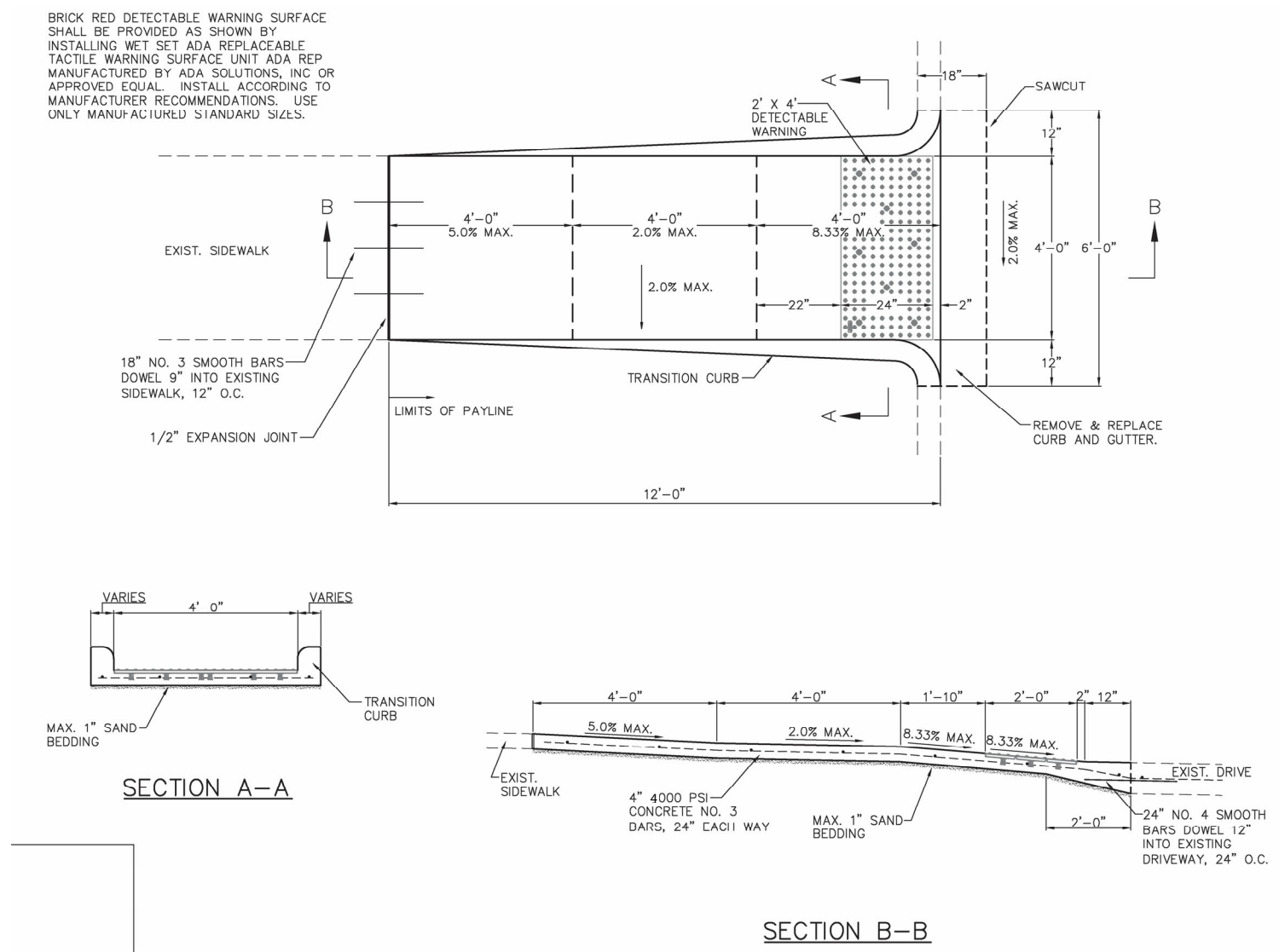
Use	Sq. feet	Required Spaces
Retail/Personal (EXISTING)	8400	28
Retail/Personal (PROPOSED)	8700	29
Religious	4,476	15
Office/Vacant	18200	47
Total	31376	91

Spaces Provided	94
Handicap Provided	1
TOTAL PROVIDED	95

CURRENT ZONING: LB
CURRENT USE: OFFICE



RAISED ISLAND DETAIL
N.T.S.



ADA RAMP DETAIL
N.T.S.

BUNKER BLVD

POST SPEED LIMIT: 30 MPH

GENERAL NOTES:

1. THE CONTRACTOR SHALL VERIFY THE LOCATION, SIZE, AND MATERIAL OF ALL EXISTING UTILITIES AFFECTED BY CONSTRUCTION PRIOR TO COMMENCEMENT. CONTRACTOR SHALL CONTACT A UTILITY LOCATOR 48 HOURS PRIOR TO CONSTRUCTION.
2. CONTRACTOR SHALL NOTIFY THE CITY OF WATAUGA, DEPARTMENT OF PUBLIC WORKS AND ENGINEERING BEFORE STARTING WORK ON THIS PROJECT.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY.
4. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION BEING IN ACCORDANCE WITH THE APPLICABLE FEDERAL, STATE, AND LOCAL REQUIREMENTS, REGULATIONS, STATUTES, STANDARDS, AND SPECIFICATIONS.
5. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE STANDARD SPECIFICATIONS FOR THE CITY OF WATAUGA, TX.
6. CONTRACTOR SHALL PROTECT EXISTING CONTROL MONUMENTATION AND BENCHMARKS. ANY SUCH POINTS WHICH THE CONTRACTOR BELIEVES WILL BE DESTROYED SHALL HAVE OFFSET POINTS ESTABLISHED BY THE CONTRACTOR PRIOR TO CONSTRUCTION, ANY MONUMENTATION DESTROYED BY THE CONTRACTOR SHALL BE REESTABLISHED AT HIS EXPENSE.
7. CONTRACTOR SHALL PROTECT ALL PUBLIC UTILITIES IN THE CONSTRUCTION OF THIS PROJECT.
8. CONTRACTOR SHALL PROTECT ALL EX. PRIVATE UTILITIES IN THE CONSTRUCTION OF THIS PROJECT.
9. THE CONTRACTOR SHALL VERIFY THE SUITABILITY OF ALL EXISTING AND PROPOSED SITE CONDITIONS, INCLUDING GRADES AND DIMENSIONS BEFORE COMMENCEMENT OF ANY CONSTRUCTION. IN THE EVENT OF ANY CONFLICT, AND PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION, IMMEDIATELY NOTIFY THE ENGINEER.
10. ALL ELECTRICAL SHALL BE INSTALLED IN ACCORDANCE WITH ALL CURRENT PROVISIONS OF THE NATIONAL ELECTRICAL SAFETY CODE. SIZING TO BE PER OWNER REQUIREMENT.

OWNER

EZE ICE & WATER
Eric Abraham
1200 Summit Ave Suite #722
Ft. Worth, TX 76102

PROJECT NAME:

DENTON HWY
RETAIL
WATAUGA, TX

SHEET TITLE:

SITE & UTILITY PLAN

PRELIMINARY
NOT FOR
CONSTRUCTION

JOHN H BEZNER
PE # 98469

DATE **6-12-23**

SCALE **1"=20'**

SHEET **1**

OF **1**

5000 S LAKE FOREST DR, SITE 300
McKINNEY, TX 75070
972-554-1100 (Office)
866-682-8129 (Fax)
TBPE Firm #9723

CIVIL POINT
ENGINEERS

**CITY OF WATAUGA, TEXAS
ORDINANCE NO. 2023-XXX**

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS GRANTING A SPECIFIC USE PERMIT TO ALLOW FOR AN ICE AND WATER KIOSK AS DESCRIBED IN PLANNING AND ZONING CASE SUP.23-03: FOR THE PROPERTY LOCATED IN BUNKER HILL ADDITION, LOT A2, BLCK 6 AND ADDRESSED AS 6900 DENTON HIGHWAY; PROVIDING FOR REPEAL; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

WHEREAS, Cider Property Inc. (the “Owner”) owns property addressed and commonly known as, 6900 Denton Highway, located in the City of Watauga, Tarrant County, Texas, such real property being more particularly described in **Exhibit “A”** attached hereto and fully incorporated herein for all purposes (the “Property”); and

WHEREAS, the City of Watauga, Texas has adopted a comprehensive zoning ordinance providing for the use and development of the property within the City (herein after known as the “Zoning Code”); and

WHEREAS, the City Council may authorize amendments to the regulations provided in the Zoning Code; and

WHEREAS, Mark Sellers, of Frontier States Development Services, (collectively, the “Owner’s Agent” has made proper application to the City of Watauga, in accordance with the Zoning Code for a specific use permit (SUP) authorizing the use of said Property for an ice and water kiosk for retail sales; and

WHEREAS, the Property is presently zoned with the classification of Commercial (C) District; and

WHEREAS, a specific use permit is an amendment to zoning applicable to the property but is not a permanent change in zoning; and

WHEREAS, in granting a specific use permit, the City Council may impose on the Owners/Agent certain requirements and safeguards as are necessary to protect adjoining properties; and

WHEREAS, written notice of the Planning and Zoning public hearing on the proposed changes was sent to all owners of property, or to the person rendering the same for city taxes, affected by such proposed changes of classification, and to all owners of property, or to the person rendering the same for city taxes located within 200 feet of the Property affected thereby, in accordance with Section 115-35(c)(3)(b); and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Watauga have each conducted, in the time and manner and after the notice required by law, a public hearing on the application for such specific use permit; and

WHEREAS, the Planning and Zoning Commission has issued its final report hearing regarding said request for specific use permit, and the City Council now deems it appropriate to grant such requested specific use permit, subject to certain limitations, restrictions and conditions; and

WHEREAS, the City Council of the City of Watauga finds all requirements of the Zoning Chapter

pertaining to zoning map amendments have been met; and

WHEREAS, the City Council of the City of Watauga finds that adoption of this ordinance is in the interest of the general health, safety, and welfare of the community and is in general conformance with the master plan of the City; and

WHEREAS, the City Council of the City of Watauga, Texas has considered the application and the materials presented referenced herein and now deems it appropriate to grant approval of the issuance of such SUP.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Watauga, Texas that:

I.

The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

II.

The specific use granted to the Owners/Agent for the Property by this Ordinance is Specific Use: ice and water kiosk for retail sales.

III.

The Property shall be developed in accordance with the Site Plan attached hereto as Exhibit “A” and shall comply with the following additional regulations: Section 115-85(c) 2, 5, 7 of the Code of Ordinances;

- (2) A site plan in accordance with section 115-115, Site plan requirements, will only be required in districts which require a specific use permit.
- (5) All outdoor lighting, including parking lot lighting, shall be directional away from any property zoned or developed for residential uses.
- (7) Must provide screening and/or landscaping consisting of fences/walls, beams [berms], or a combination of such from any abutting residentially zoned property.

IV.

The Zoning District Map of City of Watauga, Texas shall be revised and amended to show the specific use permitted on the Property as provided in Section II hereof, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the changes.

V.

If the use authorized by the Specific Use Permit granted is not commenced within one (1) year from the date of issuance for this permit, then this permit shall become void, provided that such limitation may be extended upon application by the Owners/Agent of such property to the City

Council of the City of Watauga. In the event the building, premise, or land use under the specific use permit is voluntarily vacated by the Owners/Agent for a period of no less than six months, or if such building, premise, or land is more than 50 percent destroyed by fire or other cause, the use of the same shall thereafter conform to the regulations of the original zoning.

VI.

This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Watauga, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinance(s) are hereby repealed. However, to the extent this Ordinance represents any deviation from the Future Land Use Plan of the City of Watauga City Comprehensive Plan; such map is hereby amended to conform to this Ordinance.

VII.

If any section, sub-section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

VIII.

It shall be unlawful for any person to violate any provision of this Ordinance. Any person who violates, or any person who causes or allows another person to violate, any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2000.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

IX.

This Ordinance shall become effective and be in full force and effect from and after the date of passage and adoption by the City Council and upon approval thereof by the Mayor of the City of Watauga, Texas and publication hereof as prescribed by law.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas, the 11th day of September 2023.

APPROVED:

ARTHUR L. MINER, MAYOR

ATTEST:

LINDA PROSKEY, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

DAVID BERMAN, CITY ATTORNEY
NICHOLS/JACKSON LLP