

April 6, 2023

6:00 PM

Council Chambers

CALL TO ORDER

CITIZEN COMMENTS

This is an opportunity for citizens to address the commission on any matter over which they have authority, whether it is or is not posted on the agenda. The commission is not permitted to discuss or take action on any presentations concerning an item not listed on the agenda. Citizens may speak up to three (3) minutes or the time limit determined by the mayor or presiding officer.

PUBLIC HEARING, ACTION & BRIEFING ITEMS:

- A. Approve minutes dated March 9, 2023.
- B. Discuss and take action **on the owner's request to install a drive approach on the vacant property between Raising Cane's and Cube Smart.** (*TXDOT has already approved the connection to 183 and the owner would like to install it.*)
- C. Next meeting will be scheduled as needed.

ADJOURN

The Commission reserves the right to retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meeting Act.

This facility is wheelchair accessible and handicapped parking spaces are available. Requests for accommodations for the hearing impaired must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (817) 710-2526 for assistance.

A quorum of the council or other board and committees may be present at this meeting; however, no council, board or committee discussions or actions will be taken. I certify that the above notice was posted on the bulletin board at the Westworth Village City Hall, 311 Burton Hill Road, Westworth Village, Texas on this, the 3rd day of April 2023, at 5pm, in accordance with Chapter 551 of the Texas Government Code.

Brandy G. Barrett, TRMC City Administrator/City Secretary





Planning & Zoning Meeting Minutes Municipal Complex 311 Burton Hill Road Westworth Village, TX 76114 cityofwestworth.com

6:00	ΡM
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Council Chambers

ATTENDEES:

Chairperson Vice Chairperson Member Member Member Member Mayor City Administrator/Secretary Chief of Police Deputy City Secretary Richard Cervenka Darla Thornton **arrived late* Sarah Jones Dani Briones Nyles Nielsen Margaret Worthington Anita Gray ***arrived late* L. Kelly Jones Brandy Barrett Kevin Reaves Elisa Greubel

ABSENT:

CALLED TO ORDER at 6:00 pm by Richard Cervenka

CITIZEN COMMENTS

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• There were no citizen comments.

*Darla Thornton arrived at the meeting.

PUBLIC HEARINGS, ACTION, & BRIEFING ITEMS

A. Approve minutes dated September 20, 2022.
 MOTION to approve minutes dated March 3, 2022.
 MADE BY: Nyles Nielsen. SECOND BY: Sara Jones.
 Motion passed by a vote of 6 Ayes and 0 Nays.

**Anita Gray arrived at the meeting.

Mr. Pruitt, City Attorney, requested Chairman Cervenka go convene the commissioners in an Executive Session, so he might brief them on an important legal matter concerning the upcoming agenda items. Chairman Cervenka denied his request. Mr. Pruitt, then again announced to the commissioners that he would like to brief them in Executive Session regarding agenda items; explaining an Executive Session could be gaveled into by the Chairman or be taken up by a motion and vote of the commissioners. There was no such motion **Mr. Pruitt asked that his request be noted in the official record and Chairman Cervenka resumed the agenda without going into Executive Session.**

B. The Chair opened the Public Hearing at approximately 6:05pm.

Public hearing to receive citizen comment and input on the Planned Development zoning, site plan and land use applications from Trinity Terrace Kite Farms for the following properties:

Site Address	Legal Description
5708 WHITE SETTLEMENT RD	CONNELLY & CARROLL SUBDIVISION Block 5 Lot E &
	BLK 12 LT B & BLK 4 LT A & BLK 11 LT A
5706 WHITE SETTLEMENT RD	CONNELLY & CARROLL SUBDIVISION Block 5 Lot F

5704 WHITE SETTLEMENT RD	CONNELLY & CARROLL SUBDIVISION Block 5 Lot D
5702 WHITE SETTLEMENT RD	CONNELLY & CARROLL SUBDIVISION Block 5 Lot C
5700 WHITE SETTLEMENT RD	CONNELLY & CARROLL SUBDIVISION Block 5 Lot A
5700 WHITE SETTLEMENT RD	CONNELLY & CARROLL SUBDIVISION Block 5 Lot D1
	& BLK 12 LT A
WHITE SETTLEMENT RD	CONNELLY & CARROLL SUBDIVISION Block 12 Lot C
	AG
WHITE SETTLEMENT RD	CARROLL, NATHAN H SURVEY Abstract 264 Tract 71
	AG
5700 WHITE SETTLEMENT RD	CARROLL, NATHAN H SURVEY Abstract 264 Tract 71E

Trinity Terrace Kite Farms is requesting their properties be rezoned from Residential (SF-R-2) to a mixed use Planned Development (PD). (*They intend to construct a senior living, ages* 65+, *campus, comprised of 2 single story cottages, 19 single-story cottage duplexes, 2, 3 and 4 story independent and assisted living areas, clubhouse/recreational facility, medical/memory care center and a public restaurant.*)

Following introductory presentations by Ms. Barrett and Brian McLemore, representing the property owner, the floor was opened to citizen comments.

The following submitted comments to be read into the record against the project:

Shelby Schafer/Geoffrey Tooth, 192 Pecan Drive Ronald Ronsley, 196 Pecan Jay Lambeth, 220 Sky Acres James Stanley, 5802 White Settlement Rd Lawrence/Elizabeth Sherrill, 210 Pecan Ray Bodenhamer, 206 Pecan Maria Castillo, 208 Pecan Rubbye/Keith Hisey, 205 Pecan Virginia Zwick, 5725, 5812 & 5821 Carb, Virginia Zwick, 5841 & 5845 Lyle, Virginia Zwick, 5840 Pollard, Virginia Zwick, 5816 & 5820 Aton, Virginia Zwick, 5841 Coleman Brian Downing, 202 Pecan Lisa Rome, 203 Pecan Melva/Joe Campbell, 124 Smallwood Daniel Guerra, 120 Smallwood Francisco Martinez, 116 Smallwood William Zymel, 117 Smallwood Cheryl Arrigo, 125 Smallwood Roger Griswold, 133 Smallwood James Lowenstein, 137 Smallwood Ronald Massy, 140 Smallwood Michael/Rebecca Norris, 136 Smallwood Noelle Lamb, 116 Burton Hill Rd Victor Dominguez, 5701 N Wells Circle Ricky Simmons, 5709 N Wells Circle Scott Keesee, 5713 N Wells Circle Sue Zimmerman, 5717 N Wells Circle Joseph Porter, 5725 S Wells Circle Henry Juarez, 5709 S Wells Circle Steve Lappa, 5700 S Wells Circle Joyce Gray, 109 Koldin Ln Herbert Gabler, 113 Koldin Ln Jose Cardona 229 Sky Acres Alex /Marissa Russell, 213 Sky Acres Francisco Rivera, 5832 Carb Jerry Zaskoda, 5844 Aton Mr. /Mrs. Short, 5721 Popken

Neta Smith, 237 Sky Acres Jose Briones, 115 Koldin Ln Herbert Wisten, 5715 Randolph Marcia Vasilio, 106 Kay Lane Phillip/Holly Moore, 5740 Popken Allen Little, 5745 Popken Cara/Daniel Sorokolit, 5760 Popken Mr/Mrs Turner, 5744 Popken Drive Harry Mills, 5725 Popken Dr Natasha Gabler, 113 Koldin Ln Amanda Hale, 114 Burton Hill Rd Edward McCoy, 200 Pecan Kathy White, 5756 Pecan Larry Kelly, 5756 Popken Eric/Phillip/Rebecca Riley, 5709 Randolph Ct Elizabeth Landy, 300 Burton Hill Rd Anita Gray, 111 Koldin Ln, Anita Gray, 5800 White Settlement Rd Susan Eisdorfer, 5716 Aton Harry & Peggy Mullins, 5828 Aton Thomas Vazquez, 5812 Aton Barbara Chavez, 5713 Aton Lance/Terri Frank, 5728 Aton Arturo/Maria Garcia, 5712 Aton Deborah Loe, 5741 Aton Jessey/David Landis, 5817 Aton Sagrario Samano, 5828 Carb Glenda Gregory, 5825 Straley Cheyanne Gutierrez, 5805 Straley Linda Coon 5837 Carb Christian Gabler, 113 Koldin Ln Frank Bellucci, 5809 Carb Donna Larson, 5705 & 5707 White Settlement Rd Elma Mason, 124 Waggoner Ln Barbara Jones, 121 Waggoner Ln Randy Fetters, 120 Koldin Ln Gil Hernandez, 112, 116, 122, & 125 Waggoner Ln Johnny Arellano, 100 Waggoner Ln Leonor Oliver, 209 Sky Acres

Jacob H, 203 Sky Acres	Billie Smith, 116 Koldin Ln
Denise Lewis, 196 Sky Acres	Edward McCoy, 198 Pecan
Curtis Dunson, 111 Waggoner Ln	Skip Wilson, 196 Sky Acres
JS/Katherine Rottler, 194 Pecan Dr	Vernon Sanders, 233 Sky Acres
Irving Ortiz, 117 Waggoner Ln	Edward Krupa, 110 Waggoner Ln
Bryce & Melanie Larson, 5711 White Settlement Rd	Richard Sanchez, 116 Casstevens St
Victoria Collins, 184 Pecan	Lucy King, 207 Pecan Dr
Laura/Steve Carson, 185 Pecan	Phil/Brenda Vandiver, 816 Dunham Close
John Forrester, 180 Pecan	Tarin Wallace, 5533 Red Cardinal Ln, FW
William Bing, 186 Pecan	Herbert Gabler, 113 Koldin Ln
The following citizens spoke at the meeting against	t of the project:
Jose Briones JR, 115 Koldin Ln	Laura Carson, 188 Pecan

The following submitted comments to be read into the record in favor of the project:

Larry/Kathy Kelly, 5756 Popken	Mary Lowe, 304 St Veran
Kim Gill, 706 Cinnabar	Dan Novak, 6641 Fairway
Eric Veigel, 627 Deloache St	LaVonne Scharbauer, 110 Monterra Circle

The following citizens spoke at the meeting in favor of the project:

Donna Allison, 5700 Sunset Rd Jim Majors, 101 Kay Lane James Thomason, 444 Wyndham Crest Amanda Hale, 114 Burton Hill Rd

Walberto Torrez, 205 Sky Acres

Mike Coleman, 114 Montera Circle Carl Greer, 16 Trinity Oaks Rd Kathleen Kelly, 5756 Popken Glenn Johnson, 622 Deloache St

Shannon Hart, 114 Koldin Ln

The following citizens spoke at the meeting on the project:

Randy Kressler, 821 Dunham Close Virginia Zwick, 305 Kenshire Dr, Benbrook Imran Khan, 5836 Carb

The Chair closed the Public Hearing at 7:31 PM.

C. Discuss and take action on the Planned Development zoning, site plan and land use applications from Trinity Terrace Kite Farms for the following properties:

Site Address	Legal Description
5708 WHITE SETTLEMENT RD	CONNELLY & CARROLL SUBDIVISION Block 5 Lot E &
	BLK 12 LT B & BLK 4 LT A & BLK 11 LT A
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5704 WHITE SETTLEMENT RD	CONNELLY & CARROLL SUBDIVISION Block 5 Lot D
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	& BLK 12 LT A
WHITE SETTLEMENT RD	CONNELLY & CARROLL SUBDIVISION Block 12 Lot C
	AG
WHITE SETTLEMENT RD	CARROLL, NATHAN H SURVEY Abstract 264 Tract 71
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comprised of 2 single story cottages, 19 single-story cottage duplexes, 2, 3 and 4 story independent and assisted living areas, clubhouse/recreational facility, medical/memory care center and a public restaurant.).

• Commissioner's discussion included underlying zoning, project density, taxability, compatibility with the Comprehensive Land Use Plan, details missing on the application, and construction implementation phases. Chairman Cervenka also noted they purchased the property prior to obtaining a zoning change.

MOTION to recommend council deny the rezoning application.

- MADE BY: Margaret Worthington. SECOND BY: Darla Thornton. The first verbal vote was unclear, therefore, Ms. Barrett requested a roll call vote, for accuracy.
- Motion passed by a vote of 4 Ayes, 2 Nays (Jones, Nielsen) and 1 Abstention (Thornton)

D. Next meeting will be scheduled as needed.

ADJOURNED at 8:14 PM by Richard Cervenka, Chair.

MINUTES APPROVED on this the 6th day of April 2023.

Richard Cervenka, Chair

SIGNATURE ATTESTED BY:

Brandy G. Barrett, TRMC City Administrator/Secretary



Administrator Report

April 6, 2023

Council Chambers

PUBLIC HEARING, BRIEFINGS AND ACTION ITEMS ON THE AGENDA:

HISTORY:

This is a vacant lot between Raising Cane's and Cube Smart. The owners believe it has not developed because there was concern that there is not direct access to 183. The owner of the property has obtained TXDOT approval to install an entrance. They began moving construction materials to the site but were stopped for working without a permit. Staff informed them they would not be allowed to put an entrance to nowhere, that it must be connected into the shopping center. They submitted this permit application.

STAFF RECOMMENDATION:

Staff recommends approval with the condition that any future development submissions must complete the remaining drive to connect to Cube Smart.

I can be contacted at 817-710-2526 or via email at *bbarrett@cityofwestworth.com* to discuss the above or any other city issue. I look forward to seeing everyone on Thursday evening.

Brandy Barrett

		Form
Stre	-	ning Permit Application K
Westworth Village	,	ermits Department: 817-710-2506 estworth Village, TX 76114
Job Address: ALTA		
Property Owner: WESTOVEL	ROARING Springs LI	
Email: Sbrous@westo	vergrp.com	Phone #: 817-335-7245 817-919-39
Excavator Name: PATCON SE	EVICES, LLC	
		- 76084
Email: pat con senices (agmail.com	Phone #: 817-343-4792
Trade Contractor Name: SAME	is Above	Licensed Contractor #:
Address:		
Email:		Phone #:
Trade Contractor Name:		Licensed Contractor #:
Address:		
Email:		Phone #:
Detailed Description of Work (include	e proposed dates of work, excavation	type, excavation size, and purpose of excavation):
Connect TXDor	Drive Approach to	RAISING CANES Drive
AS REQUESTED	by City	•

Diagram of Work to be Done:		
SEE Plans prepared by MJTHOMAS ENGINEERING		

Acknowledgements:

- A surety bond or cash deposit as described in <u>Sec. 3.07.032</u> of the City ordinances must be filed prior to granting of permit.
- Restoration shall be completed under the direction of, and satisfactory to, the city engineer. The holder of a permit shall notify the city engineer twenty-four (24) hours prior to the time the backfill will be made and a city inspector shall be present at the time the work is done, but this will in no way relieve the permit holder from his responsibility for maintenance due to failure of the required cut.

I HEREBY CERTIFY THE FOREGOING TO BE CORRECT TO THE BEST OF MY KNOWLEDGE. I ALSO AGREE THE SAID WORK SHALL BE PERFORMED IN CONFORMATION WITH THE INFORMATION HEREIN SET FORTH AND ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING THE PERFORMANCE OF WORK.

no Signature

3-3-23 Date

SAM Brous

Name (Print)

F

Permit to Construct Access Driveway Facilities on Highway Right of Way

		GPS*	ROADWAY		
REQUESTOR		LATITUDE, LONGITUDE	HWY NAME	SH	183
		32.7585125, -97.4247555	FOR Tx	DOT'S USE	
Aug -	Mack House, Manager, Westover Development, Ltd.		CONTROL	00	94
NAM			SECTION	0	5
MAILING ADDRES	S 556 8th Avenue				
CITY, STATE, ZI	P Fort Worth, Texas 76104				
PHONE NUMBER	R (817) 886-3000				

Is this parcel in current litigation with the State of Texas?
YES X NO

The Texas Department of Transportation, hereinafter called the State, hereby authorizes Mack House hereinafter called the Permittee, to 🛛 construct / 🗌 reconstruct a 30' Right Turn Only Driveway (residential, convenience store, retail mall, farm, etc.) access driveway on the highway right of way abutting highway number SH 183 in Tarrant County, located approximately 262' northeast of existing intersection of Fairway Drive and SH 183 on the south side of roadway

USE ADDITIONAL SHEETS AS NEEDED

This permit is subject to the Access Driveway Policy described on page 2 and the following:

- 1. The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the state highway right of way.
- The Permittee represents that the design of the facilities, as shown in the attached sketch, is in accordance with the Roadway 2. Design Manual, Hydraulic Design Manual and the access management standards set forth in the Access Management Manual (except as otherwise permitted by an approved variance).
- Construction of the driveway shall be in accordance with the attached design sketch, and is subject to inspection and approval by 3. the State.
- Maintenance of facilities constructed hereunder shall be the responsibility of the Permittee, and the State reserves the right to 4. require any changes, maintenance or repairs as may be necessary to provide protection of life or property on or adjacent to the highway. Changes in design will be made only with prior written approval of the State.
- The Permittee shall hold harmless the State and its duly appointed agents and employees against any action for personal injury or 5. property damage related to the driveway permitted hereunder.
- Except for regulatory and guide signs at county roads and city streets, the Permittee shall not erect any sign on or extending over 6. any portion of the highway right of way. The Permittee shall ensure that any vehicle service fixtures such as fuel pumps, vendor stands, or tanks shall be located at least 12 feet from the right of way line to ensure that any vehicle services from these fixtures will be off the highway right of way.
- The State reserves the right to require a new access driveway permit in the event of: (i) a material change in land use, driveway 7. traffic volume or vehicle types using the driveway, or (ii) reconstruction or other modification of the highway facility by the State.
- The State may revoke this permit upon violation of any provision of this permit by the Permittee. 8.

. /

- This permit will become null and void if the above-referenced driveway facilities are not constructed within six (6) months from the 9. issuance date of this permit.
- 10. The Permittee will contact the State's representative Permit Inspector, Bill Boothe(Bill.Boothe@txdot.gov) telephone, (817) 291.6413 , at least twenty-four (24) hours prior to beginning the work authorized by this permit.

11. The requesting Permittee will be provided instructions on the appeal process if this permit request is denied by the State.

The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the highway right of way. MA A

Date:	Signed:
7/27/2022	(Property owner or owner's representative)
Date of Issuance	BAEAF95D426418
Date of Issuance as per Variance to AMM	District Engineer, or designee Approval
Date of Denial	District Engineer Denial (No Delegation)

Form 1058 (Rev. 8/20) Page 2 of 2

Access Driveway Policy

Title 43 Texas Administrative Code (Transportation), Chapter 11 (Design), Subchapter C (Access Connections To State Highways) and the "Access Management Manual" establish policy for the granting of access and the design, materials, and construction of driveways connecting to state highways. All driveway facilities must follow this policy. To the extent there is any conflict between this permit and the policy, the policy shall control. If a proposed driveway does not comply with the access management standards, the owner may seek a variance to a requirement contained in the access management standards by contacting the local TxDOT office.

TxDOT Driveway Permit Request Contact

For a local contact for your TxDOT Driveway Permit Request or variance request, visit: <u>http://www.txdot.gov/inside-txdot/district.html</u>. You can click on the section of the map closest to your location to find the local TxDOT office. You can also click on the drop down box below the map to find the district for your county.

Other Conditions

In addition to Items 1 thru 11 on page 1 of this permit, the facility shall also be in accordance with the attached sketch and subject to the following additional conditions stated below:

SEE ATTACHED PLANS SIGNED AND SEALED BY BRIAN W. ADKINS, P.E. ON JULY 06, 2022 UPON RECEIPT OF APPROVED PERMIT, PRIMARY CONTRACTOR SHALL CONTACT TXDOT PERMIT INSPECTOR 7 DAYS PRIOR TO BEGINNING WORK AUTHORIZED BY THIS PERMIT.

Variance Documentation Justification

For a Variance request, please indicate which of the below are applicable, as required by TAC §11.52(e):

a significant negative impact to the owner's real property or its use will likely result from the denial of its request for the variance, including the loss of reasonable access to the property or undue hardship on a business located on the property.

an unusual condition affecting the property exists that was not caused by the property owner and justifies the request for the variance.

For the conditions selected above, provide written justification below. (Attach additional sheets, if needed)

For TXDOT use below:

For Variance denials, please indicate which of the below conditions, as provided in TAC §11.52(e), were determined:

adversely affect the safety, design, construction, mobility, efficient operation, or maintenance of the highway; or

likely impair the ability of the state or the department to receive funds for highway construction or maintenance from the federal government.

Attachments:

Sketch of Installation

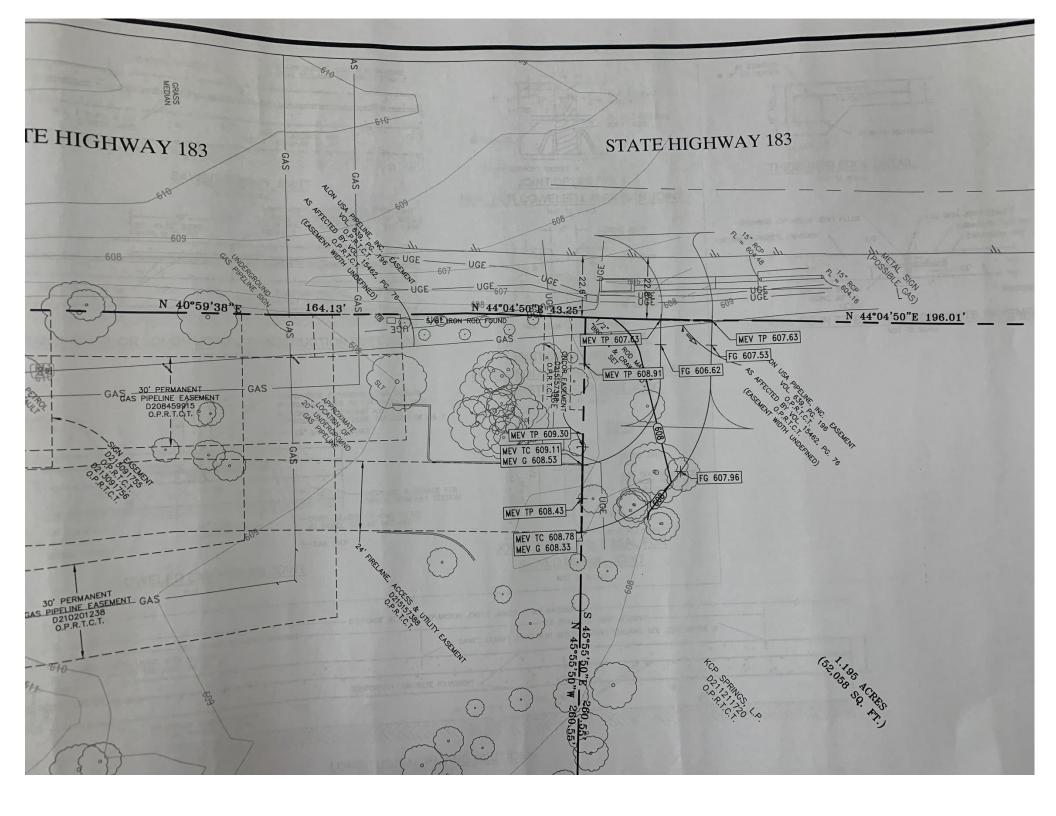
All Variance Documentation

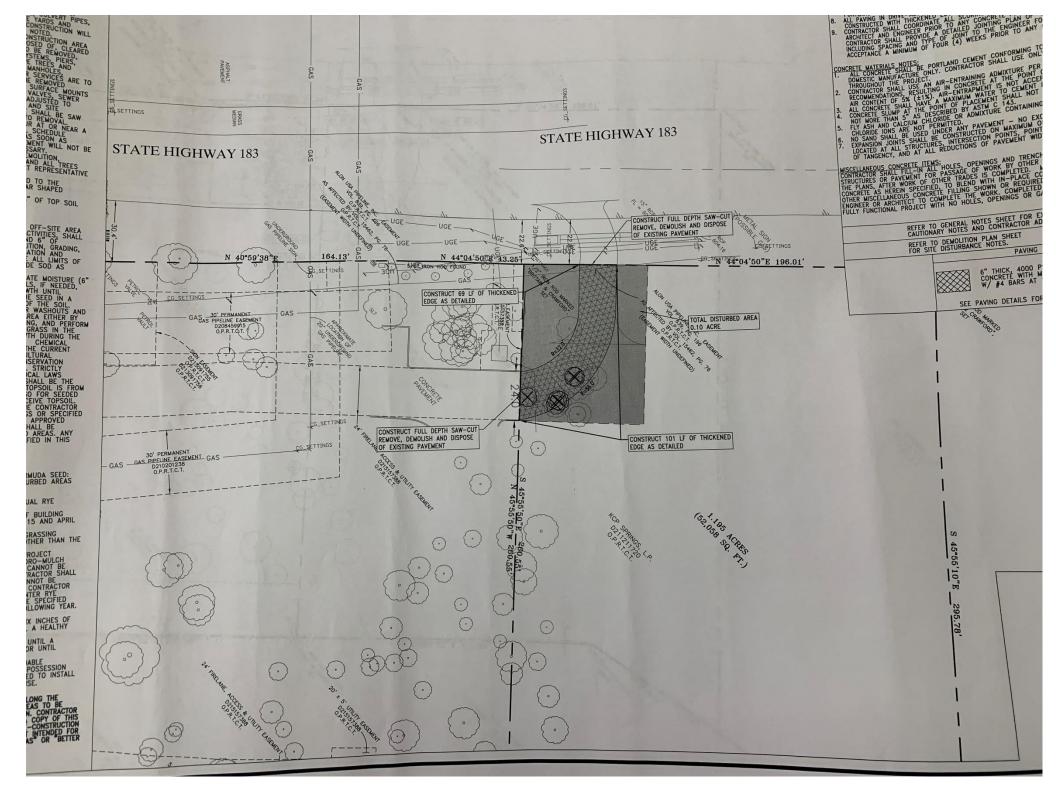
ATTACHMENT "A"

PLEASE READ:

Traffic Signal Operations, Illumination & ITS, shall be notified forty-eight hours prior to beginning any excavation within the Right of Way, in order that the State may verify the existence of electrical wiring, fiber-optic or illumination connections. 817-370-3661

Failure to provide proper notification will result in the immediate repair at the grantee's expense









Approval of this application will connect the Raising Cane's lot and staff recommends approval conditioned up on any future development is required to complete the connection with the Cube Smart lot.

