
Planning & Zoning Commission Meeting

DEPARTMENT: Development Services
FROM: JP Ducay, Senior Planner
MEETING: December 19, 2023

SUBJECT:

Burleson Retail Summercrest at 700 Wilshire Blvd (Case 23-252): Hold a public hearing and consider approval of a resolution for a commercial site plan with a variance to Chapter 36, fencing and screening regulations, allowing for an alternative transitional screening material. (*Staff Presenter: JP Ducay, Senior Planner*)

SUMMARY:

On September 5, 2023, an application was submitted by Anna Carrillo with Carrillo Engineering, LLC. for a site plan proposing to develop four retail/restaurant tenant spaces on two GR, General Retail zoned lots with a drive-thru on each. The subject site immediately abuts five single-family lots zoned SF-7 along the north-west property boundary. It is incumbent upon the developer to screen their property from the residential district along the entire property line. The fencing and screening regulations require that transitional screening shall be eight feet in height and constructed of solid masonry or reinforced concrete. Alternative designs and materials may be proposed and approved provided the screening meets the intent of Transitional Screening section. The applicant is requesting approval to construct an eight foot wooden fence. The DAC denied the alternative fencing proposal during the CSP review process. The applicant has appealed this determination for City Council consideration. Upon recommendation from the Planning and Zoning Commission, the City Council may grant temporary or permanent waivers to transitional screening. The applicant is requesting a variance to allow for an eight foot wooden fence to accommodate the transitional screening requirement in lieu of an eight foot masonry screening wall. The applicant's justification for approval in granting this variance has been attached as Exhibit 5.

"Site plan approval required by City Council. Any site plan that requires a waiver or variance to City Ordinances or is contingent upon the approval of a zoning district change must receive the approval of City Council upon recommendation of the planning and zoning commission."

The Development Assistance Committee does not support this variance request as it may result in detrimental impacts to the adjacent residential homes. The location of the drive-thru's and dumpster enclosure in proximity to the residential property will likely result in an excessive nuisance of noise if not adequately screened. Staff acknowledges the screening will be located within a ten foot utility easement and future easement accessibility should be considered.

According to the applicant, given the presence of an existing utility easement and overhead electric line, the proposed wooden fence would be less obtrusive than a masonry fence which would require wider columns at close intervals. It is the applicant's opinion that the wooden fence satisfies the intent of the ordinance by providing adequate screening from the development to the residential lots and is a significant improvement from the existing condition which consists of a combination of chain link and older wooden fence depending on the lot.

Approval Standards in Granting a Variance.

(Chapter 36-Fencing and Screening Regulations, Section 36-4(b) – Administrative variance):

Consideration
There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and the same zoning district.
That a variance is necessary to permit the applicant the same rights in the use of his property that are presently enjoyed , under the ordinance, by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.
That the granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the land use plan and will not adversely affect any other feature of the comprehensive plan of the city.
That the variance, if granted, will not be materially detrimental to the public welfare of the use, enjoyment, or value of property within the vicinity.

RECOMMENDATION:

- 1) Recommend approval of the resolution for a commercial site plan with a transitional screening variance as presented or with modifications; or
- 2) Recommend denial of the resolution for a commercial site plan with a transitional screening waiver.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

November 14, 2023: The Planning and Zoning Commission tabled the transitional screening variance request to a later date.

REFERENCE:

<https://ecode360.com/39930784#39930784>

FISCAL IMPACT:

None

STAFF CONTACT:

JP Ducay
Senior Planner
jducay@burlesontx.com
817-426-9648