

Burleson Retail Summercrest

Location:

- 700 SW Wilshire Blvd
- 2.64 acres

Applicant:

Anna Carrillo

Carrillo Engineering, LLC.

Item for approval:

Fence Variance (Case 23-252)



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Background

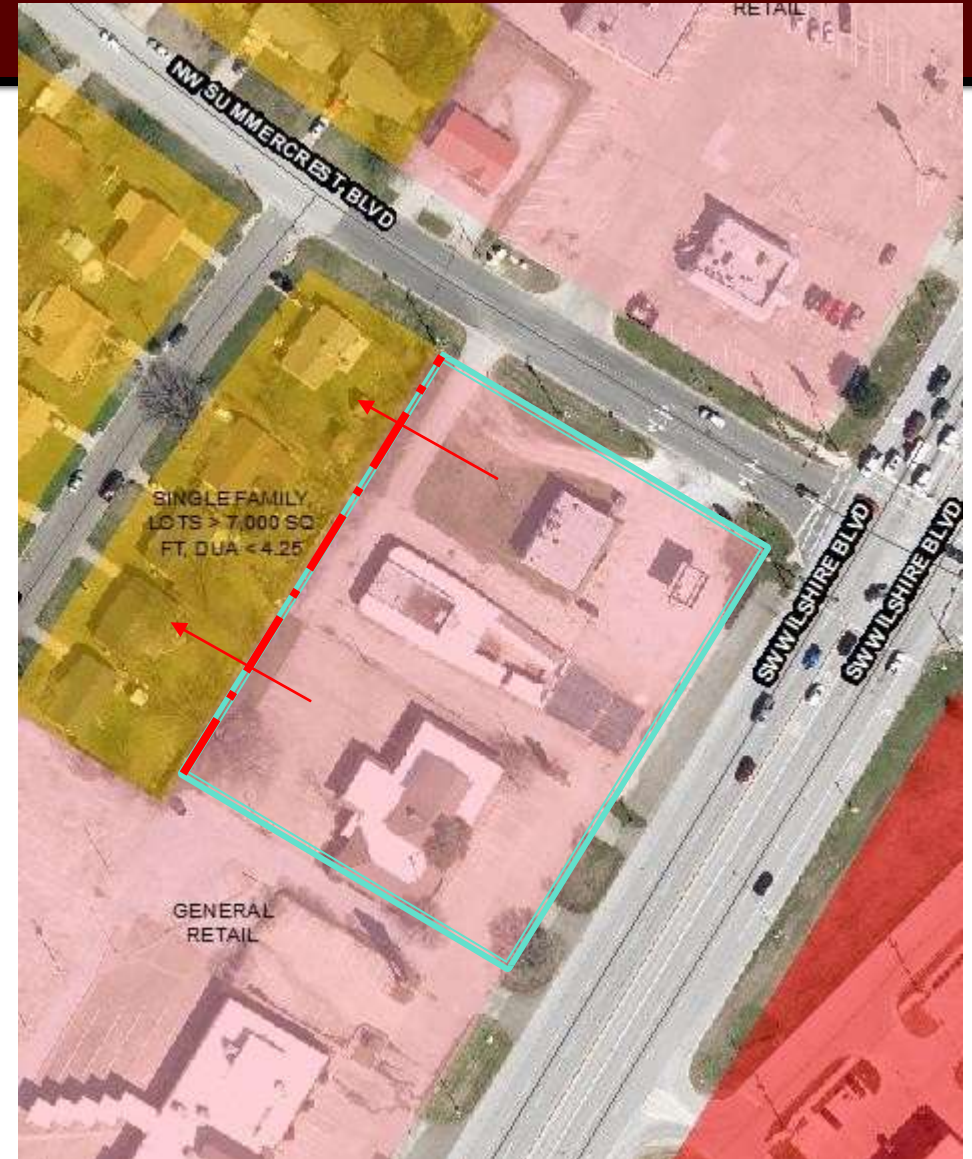
Per the fencing and screening regulations:

- Transitional screening shall be required when non-residential uses abut residential uses.
- It is incumbent upon the developer of the more intensively zoned property to screen their property from the less intensive zoning district.

Subject site: GR, General Retail

- CSP (23-006) in DAC review process
 - Four retail/restaurant tenant spaces on two lots with drive-thru's

Adjacent property: SF7, Single-family dwelling district 7



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Variance Summary:

Section 36-14(i) (Transitional Screening) of the Fencing and Screening regulations contains the following standard:

- Transitional screening shall be constructed of solid masonry or reinforced concrete. **All others designs and materials will have to be approved by the development assistance committee provided the screening meets the intent of this section.**

DAC denied the alternative fencing proposal during CSP review.

The applicant 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.

Section 36-14 (Transitional screening) of the fencing and screening regulations contains the following requirements:

- (a) When NS, GR, C, CC, I districts or nonresidential uses abuts a MH, MHP, MF1, MF2, 2F, SFA, SFE, SFR, SF7, SF10, SF16 district or residential uses, transitional screening shall be required for separating these districts or uses along the entire property line of the higher intensity district or use except where visibility triangles or easements are required.
- (b) When MH, MHP, MF1, MF2 district or multiple family or mobile home uses abuts a 2F, SFA, SFE, SFR, SF7, SF10, SF16 district or single-family uses, transitional screening shall be required for separating these districts or uses along the entire property line of the higher intensity district or use except where visibility triangles or easements are required.
- (c) For the purpose of this section, "abut" or "adjacency" is defined as sharing a common property line except for private alleys, public alleys and private access easements.
- (d) Shall be located within and along the outer perimeter of a lot or boundary line and entirely on private property. No part of any screening device shall be located in public right-of-way or encroach within the visibility triangle.
- (e) Shall be eight feet in height.
- (f) Shall serve the purpose of providing a visual barrier between properties.
- (g) Shall be incumbent upon the developer of the more intensively zoned property to screen his property from a less intensive zoning district.
- (h) The screening wall shall be of consistent color, design and material all through the development.
- (i) **Shall be constructed of solid masonry or reinforced concrete. All others designs and materials will have to be approved by the development assistance committee provided the screening meets the intent of this section.**
- (j) If the development assistance committee approves this requirement to be better met by an irrigated, pruned and maintained living screen, the same maybe substituted.
- (k) Upon recommendation from the planning and zoning commission, the city council may grant a temporary or permanent waiver until such a time as the screening wall or fence maybe deemed necessary, if this requirement is impractical for immediate construction.

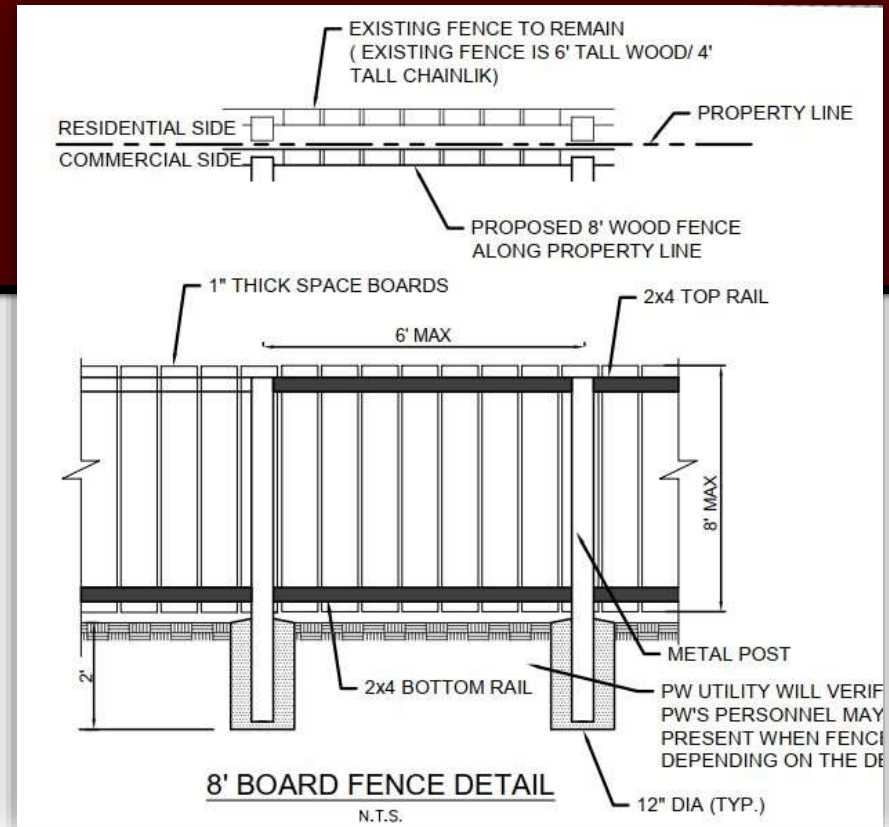
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Request:

- Allow for the transitional screening to be an eight foot wooden fence in lieu of a masonry screening wall.

Applicant's Justification:

- The proposed wooden fence would be less obtrusive than a masonry wall given the presence of an existing utility easement and overhead electric line.
- 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 conditions.



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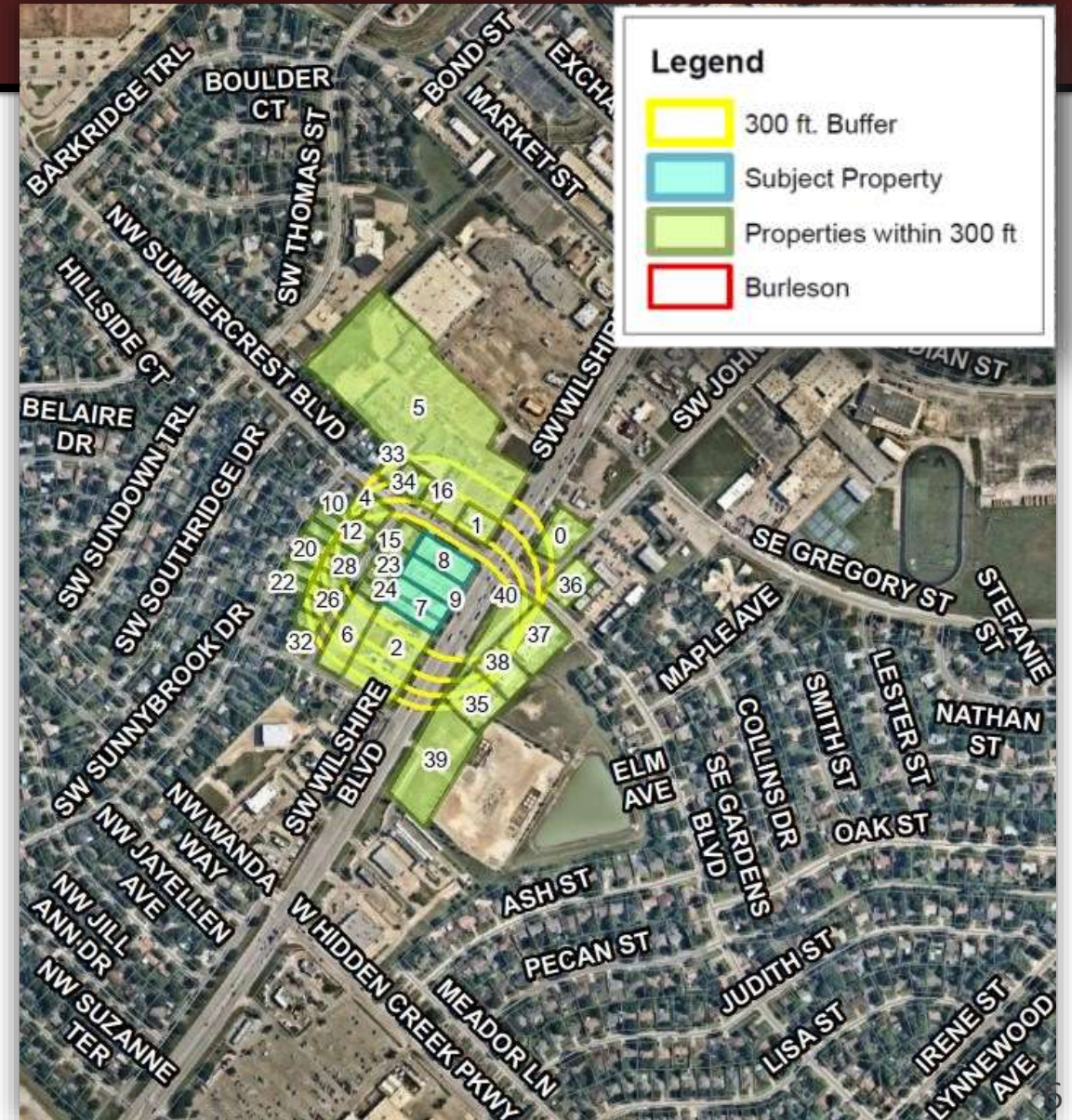
Fencing and Screening Code Criteria For Variance Approval
There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and the same 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.

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Public Hearing Notice

- Public notices mailed to property owners within 300 feet of subject property.
- Published in newspaper.

Staff has received **one** letter of concern from a property owner within 300' of the subject site with concerns regarding drainage, privacy and noise impact.

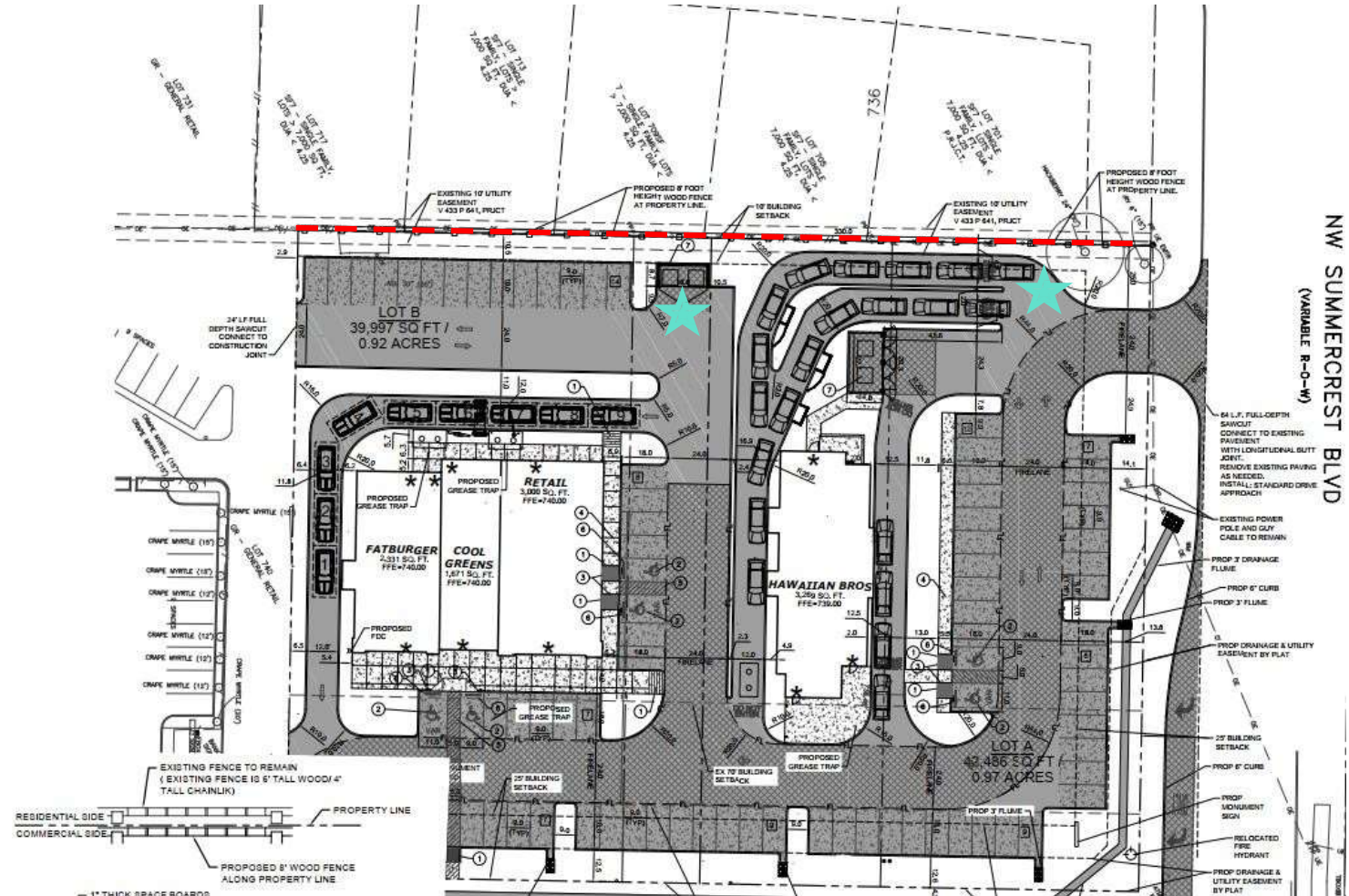


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Staff recommendation

The DAC denied the alternative fencing material based on the potential 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 and light if not adequately screened.
- Staff acknowledges the screening will be located within a ten foot utility easement and future easement accessibility should be considered.



Setback from property line: Drive-thru = 5' / Dumpster enclosure = 10' / Residences = 40-60'