

AGENDA
ZONING BOARD OF ADJUSTMENT CITY OF MANSFIELD, TEXAS CITY COUNCIL CHAMBERS WEDNESDAY, OCTOBER 2, 2019, 6:00 PM

1. CALL TO ORDER

2. APPROVAL OF LAST MEETING MINUTES

3. PUBLIC HEARINGS:

- A.** ZBA#19-004: Request for a variance to Section 7300.O.7 of the Zoning Ordinance to allow trees in place of the required 6-foot masonry screening wall for a length of approximately 350 feet for an industrial property located at 500 S. Wisteria Street.

4. ADJOURNMENT OF MEETING

I certify that the above agenda was posted on the bulletin board next to the main entrance of City Hall on **September 26, 2019**, in accordance with Chapter 551 of the Texas Government Code.

Delia Jones, Secretary

- This building is wheelchair accessible. Disabled parking spaces are available. Request for sign interpreter services must be made 48 hours ahead of meeting to make arrangements. Call 817-473-0211 or TDD 1-800-RELAY TX, 1-800-735-2989.

**ZONING BOARD OF ADJUSTMENT
CITY OF MANSFIELD**

June 5, 2019

Vice-Chairman Accipiter called the meeting to order at 6:00 p.m. in the Council Chambers of City Hall, 1200 East Broad Street, with the meeting being open to the public and notice of said meeting, giving date, place, and subject thereof, having been posted as prescribed by Chapter 551, Texas Government Code, with the following members present:

Present:

Robyn Accipiter	Vice-Chairman
Michael Aguillard	Board Member
Joe Glover	Board Member
Ann Smith	Board Member
Sim Chatha	Board Member

Absent:

Kelly Jones	Chairman
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Staff:

Art Wright	Planner
Delia Jones	Secretary

Approval of Last Meeting Minutes

Board Member Glover made a motion to approve the minutes of the February 6, 2019, meeting. Board Member Chatha seconded the motion, which carried by the following vote:

Ayes: 5 – Accipiter, Aguillard, Glover, Smith and Chatha
Nays: 0
Abstain: 0

ZBA#19-002A: Request for Special Exceptions to allow an accessory building with an area of approximately 2,800 square feet and a height of approximately 23 feet, and to change the location of the building on the lot at 15 F. Holland Road. This case represents a modification of the Special Exception granted by the Board of Adjustment on February 6, 2019

Paul Slicker, the applicant, gave an overview of the request and was available for questions.

Vice-Chairman Accipiter opened the public hearing.

Seeing no one come forward to speak, Vice-Chairman Accipiter closed the public hearing.

Vice-Chairman Accipiter read the criteria for approval.

Board Member Aguillard made a motion to approve the request. Board Member Glover seconded the motion, which carried by the following vote:

Ayes: 5 – Accipiter, Aguillard, Glover, Smith and Chatha
Nays: 0
Abstain: 0

ZBA#19-003: Request for a Special Exception under Section 6300.E.6 of the Zoning Ordinance to allow an accessory building with an area of approximately 720 square feet at 405 Lantern Ridge Drive

Timothy Pilson, the applicant, gave an overview of the request and was available for questions.

Vice-Chairman Accipiter opened the public hearing.

Seeing no one come forward to speak, Vice-Chairman Accipiter closed the public hearing.

Vice-Chairman Accipiter read the criteria for approval.

Board Member Chatha made a motion to approve the request. Board Member Aguillard seconded the motion, which carried by the following vote:

Ayes: 5 – Accipiter, Aguillard, Glover, Smith and Chatha

Nays: 0

Abstain: 0

Adjournment

With no further business Vice-Chairman Accipiter adjourned the meeting at 6:14 p.m.

Kelly Jones, Chairman

ATTEST:

Delia Jones, Secretary

ZBA COMMUNICATION

Agenda Date: October 2, 2019

Case Number: ZBA#19-004

Applicant: Kirk Laney

Subject Land Use: Fitness Center

Zoning: I-1

Request: Variance to allow trees in place of the required 6-foot masonry screening wall for a length of approximately 350 feet

Zoning Ordinance Reference: 7300.O.7

Location: 500 S. Wisteria Street

STAFF COMMENTS

Section 7300.O.7 of the Zoning Ordinance requires a developer to construct a 6-foot high screening wall along the common property line between a new non-residential building and existing multi-family residences. As defined in Section 7300.O.21, a screening wall must be constructed of masonry materials such as brick, stone or split-face concrete masonry unit, or precast/pour-in-place concrete panels with the appearance of masonry.

The property owner is constructing a fitness center on I-1, Industrial property adjacent to the Cambric Park neighborhood, which has MF-1 and MF-2, Multi-Family Residential zoning. The applicant is requesting a variance to allow a tree line at the back of the property in place of the required screening wall. The application proposes to thin out the existing trees and add new trees as described in his letter.

The applicant also proposes to stop the tree line at the north end of the property line adjacent to the apartment complex to allow future access. The unscreened area would be approximately 80 feet in length. The entire length of the rear property line is approximately 350 feet.

The purpose of a variance is to relieve hardship, not to confer benefits that are not enjoyed by neighboring properties. According to Section 8400.E.3 of the Zoning Ordinance, the Board may grant a variance if the following conditions are met:

- a. That the granting of the variance will not be contrary to the public interest; and
- b. That literal enforcement of the ordinance will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the

property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions; and

- c. That by granting the variance, the spirit of the Zoning Ordinance will be observed and substantial justice will be done.

Attachments:

Maps and supporting information

Letter from property owner

Site plan and exhibits

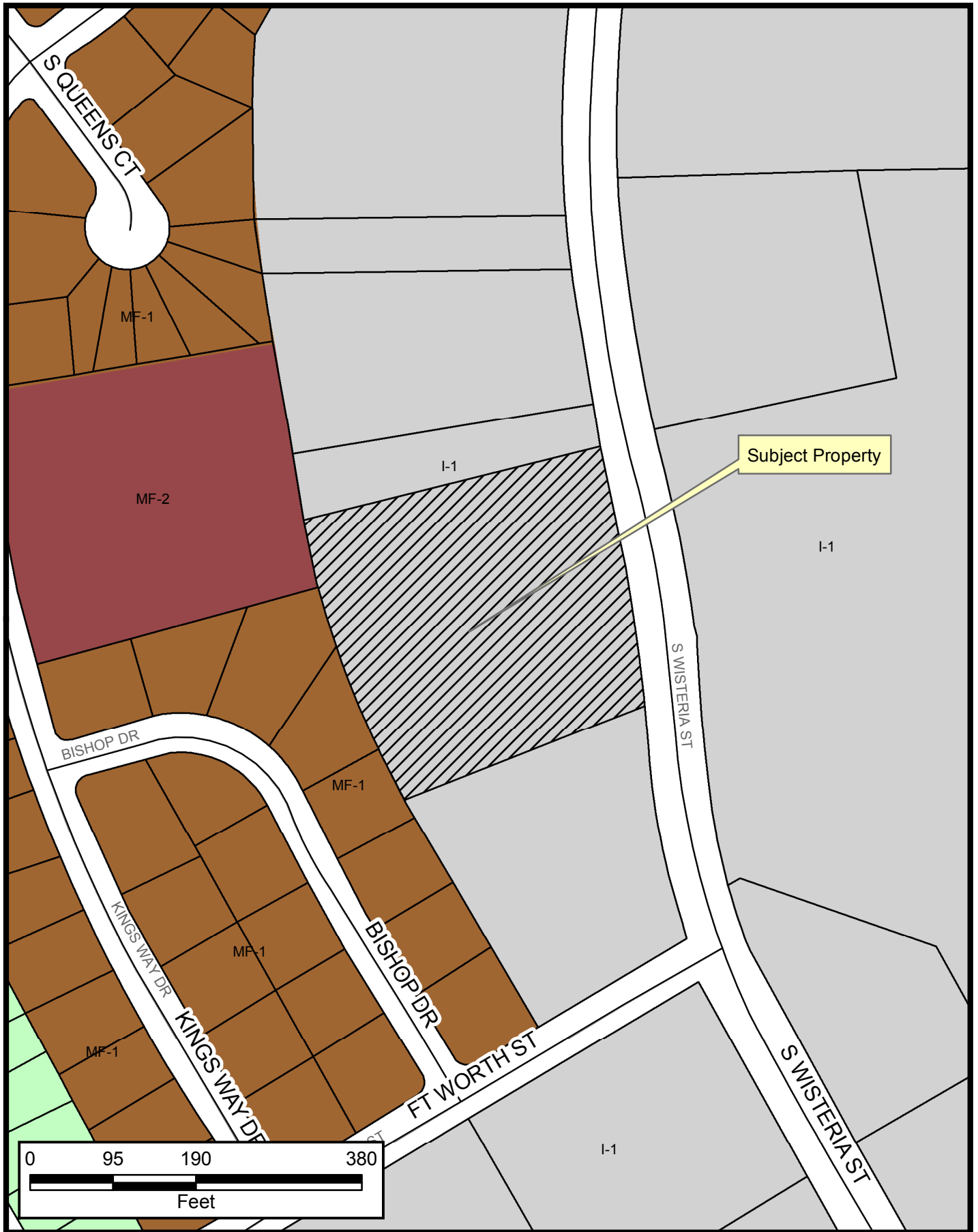
Provisions of Section 7300.O.7 and .21



ZBA#19-004

This information is for illustrative purposes only. Not for design or development purposes. Site-specific studies may be required to obtain accurate feature locations. Every effort is made to ensure the information displayed here is accurate; however, the City of Mansfield makes no claims to its accuracy or completeness.

9/9/2019



Request to the Zoning Board of Adjustment

To: Zoning Board of Adjustment
Attention: Art Wright

From: Utopia Gym
Kent and Kim Laney (gym owners)
Kirk Laney (Property owner)

Reference: Utopia Gym construction project at 500 South Wisteria, Mansfield requesting variance to plan due to environmental, aesthetics, and safety/security concerns.

Dear Mr. Wright,

We are writing this letter to highlight a number of very relevant concerns associated with compliance to Section 8400 of the City Zoning Ordinance with regard to a business that will be operated at 500 South Wisteria. The property is being developed to build and operate a relocated fitness center currently existing in Mansfield at 703 East Broad due to lease expiration with no renewal allowed by the landlord and the existing property being re-purposed. The new location on South Wisteria is a larger independent structure (vs the current location in a strip center) and will provide a much nicer facility for exercise, fitness training, and general wellness programs.

To define the request, we are specifically looking at the back of the property behind the gym. Current requirements captured on the plans reflect a 6 foot wall to be built in front of the neighboring fences, which creates very noteworthy aesthetics, environmental, safety, and security issues stated below:

- 1) The wall as defined could be built but there are many healthy (just currently not well groomed) trees lining about 50% of the property behind the facility. The tree line starts approximately where the defined fence structure would need to start, with residential wood fences behind the trees. The current fence line continues to the left of the property that belongs to the neighbors of the new gym site. The first problem noted is that the new wall structure proposed for back of the gym property would unfortunately not have a continuing counterpart wall section behind the adjacent properties, thus causing a significant aesthetic discontinuity. A visual of this can be seen by attached photos. The proposed wall for the gym property would simply look strange, and actually serve no purpose.
- 2) Tree removal to support the proposed wall base has negative impact as well. Many of the trees are substantial and healthy with height that provides welcome shade onto the property of the homes on the other side of the fence line. Neighbors have been consulted on this matter and all find a loss of the tree line to be a bad thing, and this would not be well received. These trees, if well groomed as we are proposing, would continue to provide shade for the neighboring yards while providing an aesthetically-pleasing back border to the business.
- 3) If the wall structure were to be moved sufficiently away from the tree line to preserve the trees and avoid the trunks and roots, the property loss would certainly be felt, but two even more significant problems should be noted.

- a. Care for the space behind the wall would be rather challenging, and it would become a significant runway for unwanted animals and a breeding ground for insects next to the residential area. This generates a health safety issue for the neighborhood.
- b. More problematic in our perspective however, is this becomes a potential security risk as the "runway" between fence and wall could also be a staging area for burglary of the residences, or other criminal activities. The residential fences are about 6 foot tall and easily scaled at an "opportune time" when someone is shielded by the proposed wall

After seriously studying the wall proposal and reviewing possible options, we came to a conclusion that is believed to provide the best aesthetics for the area, maintains the benefits of the trees, and actually lower the security risk that a wall structure would pose. We would appreciate your consideration for the following actions as we move forward with bringing a new business to the area with a professional and aesthetically-pleasing look. Several neighbors, immediate area business owners, and Mansfield residents that frequent the area have been consulted and have signed the attached petition that aligns with our proposal.

Proposed actions:

- Professionally thin the tree line and trim the base and crown of the existing trees. We can have that done in parallel with the building finish-out as we landscape the property to the City's requirements. Trimming of the tree base area assures no opportunity for "hiding" in the tree line.
- Fill in trees at the end of the existing tree line and extend the tree line with City-approved trees appropriately spaced to form a nice visual border that provides shade to the residences and curb appeal with the other landscaping for the facility.
- Tree-line extension would stop where the current opening to the residential area exists. This provides flexibility for a future paved entrance to the property and easy passage to the property that might make sense for the gym and other future business on the property.
- Grass or appropriate ground covering in and around the tree line would be professionally maintained.

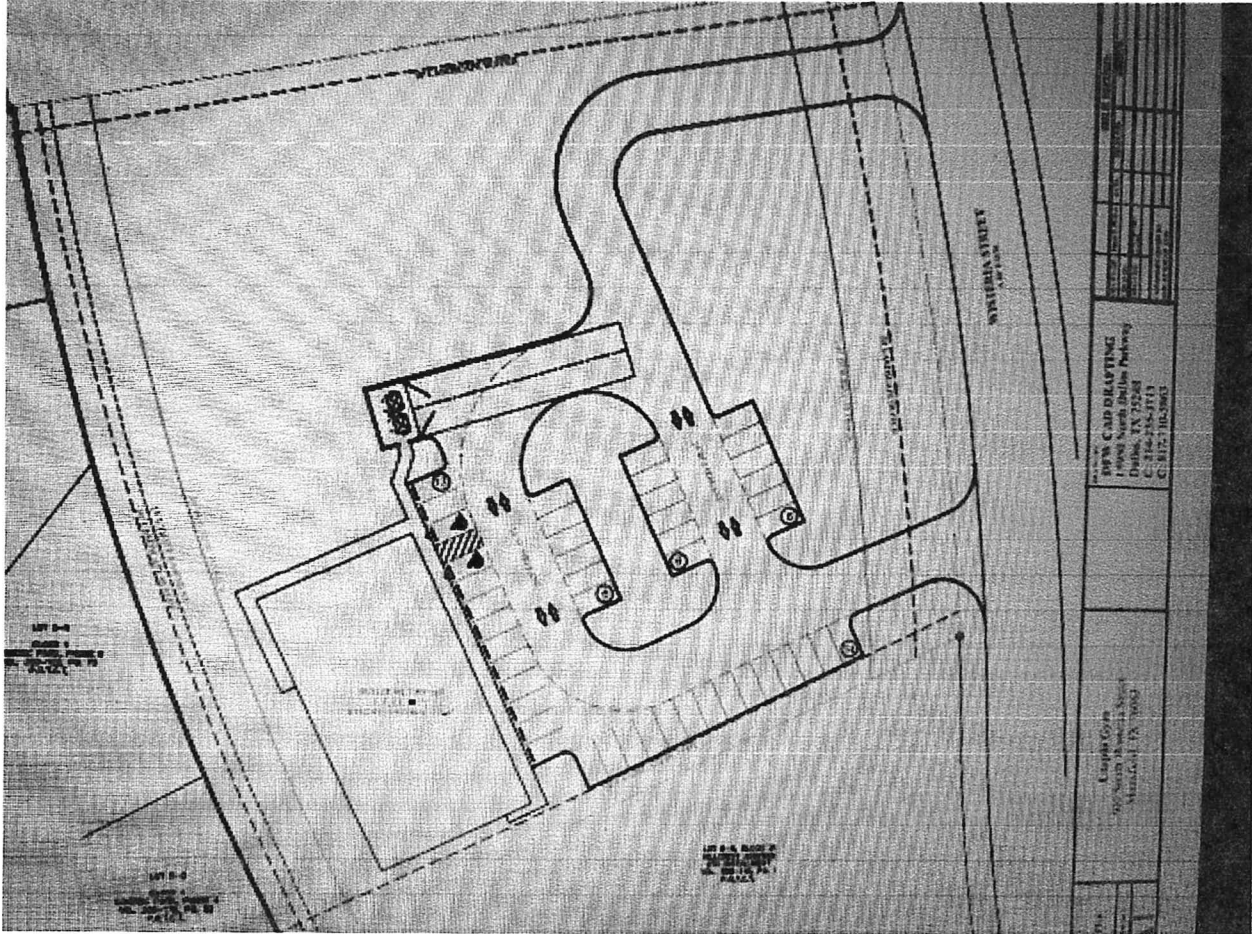
Your assessment, and hopefully your approval for this proposal for variance and action is urgently requested. Thank you very much in advance for your prompt attention to this matter.

Sincerely,

Kent Laney

Kim Laney

Layout of gym and parking lot. Tree line is behind the gym on the left side on the picture below:



Mature tree line across the back of the lot behind the gym building. This would be thinned, groomed and additional trees would continue the tree line across the back of the property.



d

Close up showing tree line with respect to the gym



Tree line that will be cleaned up to aesthetically complement the fence and continue to shade neighboring properties (a neighborhood careabout)



View from street showing the tree line behind the building and how a wall would be discontinuous with adjacent property



Petition to the City of Mansfield

Utopia Gym project at 500 S Wisteria

Dear Sir or Madam:

As citizens of the City of Mansfield living, working, or frequenting the general area of 500 South Wisteria and the new construction site of Utopia Gym, we are excited about the new public business moving into the area.

Relating to this, it has come to our attention that there potentially is a 6 foot high wall proposed to go behind the gym property that implies aesthetics, safety, and environmental issues for the area. Additionally, there would be a loss of beneficial shade to the property owners immediately bordering the back of the Utopia gym property when significant trees are removed in order to construct the wall that would only be behind the gym property, leaving a rather ugly disconnect in appearance as viewed from the street.

We are aware of a proposal that has been made will provide a nice tree line at the back of the Utopia Gym property by professionally thinning and trimming the existing trees and adding additional trees to the back of the Utopia Gym property for a safe, easy to maintain, and aesthetically-pleasing demarcation of the commercial and residential area. This solution is deemed to provide a nice visual when driving down South Wisteria.

Thank you in advance for your support of our request for this optimum proposal for the Utopia Gym property.

Mansfield Citizen or Business Owner

Tom Gilbert 817-832-1017
Sharon Jo Austin 817-269-2527
Deen Menez 876
Salvador Diaz
DEON MARTINEZ 817-564-8711
Rodney Coffey
T. Scott
Megan Calhoun
Richard E. Stettin 817-473-8714
Jeff Decker

Mansfield Citizen or Business Owner

SLOAN CHURMAN 817-980-7906
James Smith 682-518-4653
Joe Priggin
Yosaleth Monsivais
Cassy Thigge
Stacy Riggs
Marti

Mansfield Citizen or Business Owner

Sarah Campbell
Michael McGee
Deanna McSpadden
Roman Washington
Amanda Washington
John Casper
Lashae Long 611 Bishop dr.
melissa c. grier
Sandy Kersue
John W. Jones
Garrett Chandler
Jennifer Helbing
Jaclyn Conway
Dylana Haggitt
Carolyn Petrencik
Cinna Hotz
Whitney Phillips
Sarah Bishop
Erica Beherman
Angela Dewser
Branden Clanton
Carlos Jasso
David Hernandez
Daniel Pabon
Brittany Selvera

Mansfield Citizen or Business Owner

Brad Brilgewater
R. Long
Juan Gomez
Damaris Garcia
Mule Doochlight
Kenya Sanchez
B. Brecon Tolliver 605 Bishop
Judy Lee 609 Bishop
GUILLERMO GARCIA 607-BISHOP
Van Garrett Lone Star Aviation
Demie BenDoe New Tech Systems
Shari Murtz - PCI 501 Wixiea
Deanna Slabybaugh
Allie Shaffer

Section 7300.O:

7. Types of Required Buffer Yards and Screening:

	SF, 2F, PR w/Res	MF, Townhouse	OP, C-1, C-2	C-3, I-1, I-2	Existing Church, School, or City Use	Vacant PR	MH
SF, 2F, PR w/Res	NA	NA	NA	NA	NA	NA	NA
	NA	NA	SW8**	SW8**	WF6	NA	NA
MF, Townhouse	BY50	BY10	BY10	BY10	BY10	BY50	BY10
	SW6	NA	SW6**	SW6**	SW6	NA	SD6
OP, C-1, C-2	BY20	BY10	BY10*	BY10*	BY10	BY20	BY10
	SW8	SW6	NA	NA	SW6	NA	SW6
C-3, I-1, I-2	BY30	BY10	BY10*	BY10*	BY10	BY30	BY10
	SW8	SW6	NA	NA	SW6	NA	SW6
Church, School, or City Use	BY10	BY10	BY10	BY10	BY10	BY10	BY10
	SD6	SD6	NA	NA	NA	NA	NA
MH	BY20	BY10	BY10	BY10	BY10	BY20	BY10
	SD6	SD6	SW6**	SW6**	SD6	SD6	SD6

* Tree plantings are reduced by 50%. When plantings are reduced, trees must be staggered between properties.

** Not applicable if adjacent property is vacant.

PR w/Res means a lot or tract that is zoned PR and occupied by a residential use.

21. The SW6 and SW8 screening walls required in this section shall be constructed of the following materials:

- Brick, stone or split-face concrete masonry unit;
- Pre-cast concrete wall or pour in place concrete wall with a similar appearance as brick, stone or split-face concrete masonry unit.