

**MINUTES OF THE REGULAR MEETING  
OF THE PLANNING & ZONING COMMISSION OF THE  
CITY OF LAKE WORTH, TEXAS  
HELD IN CITY HALL, COUNCIL CHAMBERS, 3805 ADAM GRUBB  
TUESDAY, JANUARY 16, 2018**

**REGULAR MEETING: 6:30 PM**

**A. CALL TO ORDER.**

Chair Sue Wenger called the Planning & Zoning Commission meeting to order at 6:30 p.m.

**A.1 ROLL CALL.**

Present:	Don Riley	Place 1
	Sherrie Kubala Watkins	Place 2
	Jeannie Turley	Vice Chair, Place 3
	Patty Biggers	Place 4
	Dianne Smith	Place 6
	Sue Wenger	Chair, Place 7

Absent:	Troy Jones	Place 5
---------	------------	---------

Staff:	Stacey Almond	City Manager
	Debbie Whitley	Assistant City Manager/Finance Director
	Barry Barber	Director of Building Development Services
	Suzanne Meason	Planning and Zoning Administrator
	Drew Larkin	City Attorney

**A.2 INVOCATION AND PLEDGE OF ALLEGIANCE.**

Chair Wenger gave invocation and attendees recited the pledge of allegiance.

**B. MINUTES**

**B.1 APPROVE MINUTES OF THE DECEMBER 19, 2017 PLANNING AND ZONING COMMISSION MEETING.**

## **APPROVED**

**COMMISSIONER DIANE SMITH MADE A MOTION, SECONDED BY COMMISSIONER PATTY BIGGERS, TO APPROVE THE MINUTES OF THE DECEMBER 19, 2017 PLANNING AND ZONING COMMISSION MEETING AS PRESENTED.**

**MOTION TO APPROVE CARRIED 6-0.**

**Executive Session was moved up in the agenda.**

### **EXECUTIVE SESSION**

The Planning and Zoning Commission may enter into closed Executive Session as authorized by Chapter 551, Texas Government Code. Executive Session may be held at the end of the Regular Session or at any time during the meeting that a need arises for the Planning and Zoning Commission to seek advice from the city attorney (551.071) as to the posted subject matter of this Planning and Zoning Commission meeting.

Chair Sue Wenger announced at 6:31 pm that the Planning & Zoning Commission would adjourn into Executive Session as authorized by Chapter 551, Texas Government Code, specifically Section 551.071: Consultation with City Attorney to seek legal advice on the posted subject matter of this Planning and Zoning Commission meeting. Executive Session began at 6:31 pm and concluded at 6:58 pm.

*Chair Wenger reconvened into open session at 6:58 pm.*

## **C. GENERAL ITEMS**

- C.1 REQUEST FOR A WAIVER TO SECTION IV – ADMINISTRATION AND AMENDMENTS, B. WAIVERS FROM THE SUBDIVISION REGULATIONS AND DESIGN STANDARDS, J. REPLATS 1(A) TO ALLOW FOR A REPLAT OF A 0.56-ACRE PARCEL OF LAND KNOWN AS BLOCK 8, LOTS 31 (NORTH 37.5 FEET), 32, AND 33, INDIAN OAKS SUBDIVISION OF THE RECORDS OF TARRANT COUNTY, TEXAS. THE PROPOSED REPLAT'S NEW LEGAL DESCRIPTION WILL BE BLOCK 8, LOT 33R, INDIAN OAKS SUBDIVISION, COMMONLY KNOWN AS 3133 HURON TRAIL, LAKE WORTH, TEXAS TO ALLOW APPROVAL WITHOUT ALL PROPERTY OWNERS SIGNING AND ACKNOWLEDGING THE REPLAT.**

## **DENIED**

Chair Sue Wenger called on Suzanne Meason to present the item.

Planning and Zoning Administrator Suzanne Meason presented the item. The applicant, Mr. Pettis approached the city several months ago wishing to construct an accessory building in the rear of his property, upon plan review it was determined that Mr. Pettis owned several (part of 31, all of 32, and all of 33) lots and that the proposed building would cross property lines, which is not allowed by ordinance. Mr. Pettis was instructed by staff that he would have to replat the multiple properties into one parcel in order to move forward with the building construction. Mr. Pettis hired a surveyor who drew up the replat document and submitted application for the replat approval. Upon staff review of the replat document it was discovered that lot 31 was partially (north 37.5') owned by Mr. Pettis and partially owned (south 12.5') by a Deirdre Kay Pope, according to records obtained by the Tarrant Appraisal District. Mr. Pettis was notified that the adjoining property owner would need to be involved in the replat process for it to meet city ordinance or that he may request a waiver to the Subdivision Regulations. Mr. Pettis made the request for a waiver from the Subdivision regulation in writing. Staff sent Ms. Deirdre Kay Pope a letter informing her of the situation and requested her participation in the platting process. Staff received a letter from Linda Larned Pope, Deirdre Kay Pope's mother, advising us that Deirdre Pope was deceased. Ms. Larned Pope is disputing the property boundary of the shared lot.

The lot in question was illegally subdivided at some point in time. While the applicant is attempting to comply with the City's requirements for replatting the lot(s), the approval of a waiver and replat would create a legal non-conforming use. Further, according to the letter submitted by Ms. Linda Larned Pope the property boundary for a portion of the lot in question is under dispute. Staff mentioned that this item was postponed from the previous Planning and Zoning Commission meeting at the request of the property owner.

Property owner Raymond Pettis and his surveyor Curtis Yager were present. Mr. Pettis advised that when he purchased the property that it came with a survey, but he was not aware that a replat would be needed. He doesn't think he should be denied the ability to build what he wants on his property because the neighboring property owner will not participate.

Mr. Yager advised that he was hired to prepare the replat document and that the subdivision of property older subdivisions is not uncommon but doesn't feel that it should be Mr. Pettis' responsibility to fix the other portion of the lot that he doesn't own.

**COMMISSIONER SHERRIE WATKINS MADE A MOTION, SECONDED BY COMMISSIONER DIANE SMITH, TO DENY ITEM C.1, THE REQUESTED WAIVER FOR 3133 HURON TRAIL.**

**MOTION TO DENY CARRIED 6-0.**

#### **D. PUBLIC HEARINGS**

- D.1 PUBLIC HEARING TO CONSIDER PLANNING & ZONING CASE NO. PS17-09, A PROPOSED PRELIMINARY PLAT BEING ALL OF A 0.612-ACRE TRACT OF LAND LEGALLY KNOWN AS BLOCK 1, LOT(S) 4, 5, & 6, LAKE WORTH ADDITION AND ABSTRACT 188, TRACT(S) 2BBBB AND 2XXX, JOHN BREEDING SURVEY OF THE RECORDS OF TARRANT COUNTY, TEXAS. THE PROPOSED PRELIMINARY PLAT'S NEW LEGAL DESCRIPTION WILL BE BLOCK 1, LOT 1, DJK FARM, COMMONLY KNOWN AS 7000 FOSTER DRIVE, LAKE WORTH, TEXAS.**

**APPROVED**

Chair Wenger advised that the public hearing had been opened at the December 19, 2017 meeting, and this was a continuation of that hearing.

Jay Woo, representative of the property owner and Fahim Khan, architect was present to answer any questions. Mr. Woo advised that the owner had purchased several little properties and were platting them into one (1) single larger lot.

Ms. Meason advised that the preliminary plat item has met all the requirements and is ready for consideration.

An audience member asked where the property was located. Mrs. Meason advised that it was at the corner of Foster Drive and Lake Worth Blvd. (Jacksboro Hwy.).

There being no one else wishing to speak, Chair Wenger closed the public hearing at 7:11 pm and called for a motion.

**COMMISSIONER DIANE SMITH MADE A MOTION, SECONDED BY COMMISSIONER JEANNIE TURLEY, TO APPROVE AGENDA ITEM D.1, WHICH IS PLANNING AND ZONING CASE #PS17-09 AS PRESENTED.**

**MOTION TO APPROVE CARRIED 6-0.**

- D.2 PUBLIC HEARING TO CONSIDER PLANNING & ZONING CASE NO. PS17-10, A PROPOSED FINAL PLAT BEING ALL OF A 0.612-ACRE TRACT OF LAND LEGALLY KNOWN AS BLOCK 1, LOT(S) 4, 5, & 6, LAKE WORTH ADDITION AND ABSTRACT 188, TRACT(S) 2BBBB AND 2XXX, JOHN BREEDING SURVEY OF THE RECORDS OF TARRANT COUNTY, TEXAS. THE PROPOSED FINAL PLAT'S NEW LEGAL DESCRIPTION WILL BE BLOCK 1, LOT 1, DJK FARM, COMMONLY KNOWN AS 7000 FOSTER DRIVE, LAKE WORTH, TEXAS.**

**APPROVED**

Chair Wenger advised that the public hearing had been opened at the December 19, 2017 meeting, and this was a continuation of that hearing.

There being no additional comments, Chair Wenger closed the public hearing at 7:12 pm and called for a motion.

**COMMISSIONER JEANNIE TURLEY MADE A MOTION, SECONDED BY COMMISSIONER PATTY BIGGERS, TO APPROVE AGENDA ITEM D.2, WHICH IS PLANNING & ZONING CASE #PZ17-10 AS PRESENTED.**

**MOTION TO APPROVE CARRIED 6-0.**

**D.3 PUBLIC HEARING TO CONSIDER PLANNING & ZONING CASE NO. PS17-11, A PROPOSED REPLAT BEING ALL OF A 0.56-ACRE PARCEL OF LAND KNOWN AS BLOCK 8, LOTS 31 (NORTH 37.5 FEET), 32, AND 33, INDIAN OAKS SUBDIVISION OF THE RECORDS OF TARRANT COUNTY, TEXAS. THE PROPOSED REPLAT'S NEW LEGAL DESCRIPTION WILL BE BLOCK 8, LOT 33R, INDIAN OAKS SUBDIVISION, COMMONLY KNOWN AS 3133 HURON TRAIL, LAKE WORTH, TEXAS.**

**DENIED**

Chair Wenger advised that the public hearing had been opened at the December 19, 2017 meeting, and this was a continuation of that hearing.

There being no comments, Chair Wenger closed the public hearing at 7:15 pm and called for a motion.

**COMMISSIONER SHERRIE WATKINS MADE A MOTION, SECONDED BY COMMISSIONER DIANE SMITH, TO DENY AGENDA ITEM D.3, WHICH IS PLANNING AND ZONING CASE #PS17-11 AS PRESENTED.**

**MOTION TO APPROVE CARRIED 7-0.**

**D.4 PUBLIC HEARING TO CONSIDER PLANNING & ZONING CASE NO. PZ17-11, AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE LAND USE PLAN FROM A ZONING DESIGNATION OF "LOW DENSITY RESIDENTIAL" TO A ZONING DISTRICT OF "MODERATE DENSITY RESIDENTIAL" FOR APPROXIMATELY 6.63 ACRES OF LAND, LEGALLY KNOWN AS BLOCK 13, LOTS 13-24, LAKE WORTH HEIGHTS SUBDIVISION; BLOCK 14, LOTS 1-18, LAKE WORTH HEIGHTS**

**SUBDIVISION; AND BLOCK 16R, LOTS 39-43, LAKE WORTH HEIGHTS SUBDIVISION, LAKE WORTH, TARRANT COUNTY, TEXAS, BEING THAT ALL OF THE CERTAIN CALLED 6.63 ACRES RECORDED IN THE DEED RECORDS OF TARRANT COUNTY, TEXAS. THE PROPERTY TO BE CONSIDERED FOR RE-ZONING IS GENERALLY DESCRIBED AS 6.63 ACRES OF LAND LOCATED AT 3900-4020 RENCH ROAD, 3900-3917 CARIBOU TRAIL, AND 3901 PUEBLO TRAIL, LAKE WORTH, TEXAS.**

**DENIED**

Chair Wenger opened the Public Hearing at 7:17 p.m. for items D.4 and D.5 as they are related.

Mr. Harlan Smith, developer presented a proposed development plan. He advised that the current issue was that the lots had been sold off to individuals, but none of the infrastructure is in place making it difficult to develop the lots. He wishes to change the zoning from Single Family to Moderate Density, as this is the economically feasible option to develop the properties with having to install all the infrastructure. Mr. Smith had a PowerPoint presentation to show the size and layout of the homes being proposed. He was available to answer any questions.

Chair Sue Wenger asked if anyone in the audience would like to speak in reference to Items D.4 and D.5.

Justin Asher, 3921 Pueblo Trail, Lake Worth came forward. He is in opposition of the rezoning and development of the land. He doesn't want two story homes behind him and feels that as rental properties that they will not be maintained.

Tammy Thomas, 3824 Pueblo Trail, Lake Worth came forward. Ms. Thomas is a long time resident and she has visited with the majority of her neighbors and they are against the change in zoning as well. Her concern was with her elderly neighbors, if someone next to them built a two-story home that they could see down into their yard.

Terissa Contreras, 4013 Pueblo Trail, Lake Worth came forward. She likes that there is nothing behind her property and doesn't feel two story buildings are advisable, therefore she is against the change.

Maria Mendez, 7500 Foster Drive, Lake Worth came forward. She is against the development as she feels that it would increase the traffic and noise in the neighborhood.



Christine Bradley, 3813 Pueblo Trail, Lake Worth came forward. Ms. Bradley is opposed to multi-family development of any kind and does not want two story homes as well.

Mr. Smith, applicant readdressed the Commission about the two-story home comments. He advised that currently anyone can come in and build a two-story home at this time within the city.

Being no additional comments, Chair Wenger closed the public hearing for item D.4 and D.5 at 7:31 and entertained a motion for each item.

**COMMISSIONER SHERRIE WATKINS MADE A MOTION, SECONDED BY COMMISSIONER DIANE SMITH, TO DENY AGENDA ITEM D.4 AS PRESENTED.**

**MOTION TO DENY CARRIED 5-1.**

**D.5 PUBLIC HEARING TO CONSIDER PLANNING & ZONING CASE NO. PZ17-12, AN ORDINANCE AMENDING ORDINANCE NO. 500, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF LAKE WORTH, SO AS TO CHANGE THE ZONING DESIGNATION OF APPROXIMATELY 6.63 ACRES OF LAND, LEGALLY KNOWN AS BLOCK 13, LOTS 13-24, LAKE WORTH HEIGHTS SUBDIVISION; BLOCK 14, LOTS 1-18, LAKE WORTH HEIGHTS SUBDIVISION; AND BLOCK 16R, LOTS 39-43, LAKE WORTH HEIGHTS SUBDIVISION, LAKE WORTH, TARRANT COUNTY, TEXAS, BEING THAT ALL OF THE CERTAIN CALLED 6.63 ACRES RECORDED IN THE DEED RECORDS OF TARRANT COUNTY, TEXAS, FROM A ZONING DISTRICT OF "SF1" SINGLE FAMILY RESIDENTIAL TO "MD" – MODERATE DENSITY AND BY AMENDING THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGE. THE PROPERTY TO BE CONSIDERED FOR RE-ZONING IS GENERALLY DESCRIBED AS 6.63 ACRES OF LAND LOCATED AT 3900-4020 RENCH ROAD, 3900-3917 CARIBOU TRAIL, AND 3901 PUEBLO TRAIL, LAKE WORTH, TEXAS.**

**DENIED**

*The public hearing was opened, discussed, and closed with item D.4.*

**COMMISSIONER SHERRIE WATKINS MADE A MOTION, SECONDED BY COMMISSIONER DIANE SMITH, TO DENY AGENDA ITEM D.4 AS PRESENTED.**

**MOTION TO DENY CARRIED 5-1.**

*Executive Session was moved to earlier in the agenda.*

**E. EXECUTIVE SESSION**

The Planning and Zoning Commission may enter into closed Executive Session as authorized by Chapter 551, Texas Government Code. Executive Session may be held at the end of the Regular Session or at any time during the meeting that a need arises for the Planning and Zoning Commission to seek advice from the city attorney (551.071) as to the posted subject matter of this Planning and Zoning Commission meeting.

The Planning and Zoning Commission may confer privately with its attorney to seek legal advice on any matter listed on the agenda or on any matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Texas Government Code.


**F. EXECUTIVE SESSION ITEMS – PLANNING & ZONING COMMISSION MAY TAKE ACTION ON ANY ITEMS DISCUSSED IN EXECUTIVE SESSION LISTED ON THE AGENDA.**

No action required as a result of Executive Session.

**G. ADJOURNMENT**

Chair Sue Wenger adjourned the meeting at 7:35 p.m.

**APPROVED:**

  
Sue Wenger, Chair  
Planning & Zoning Commission

**ATTEST:**

  
Suzanne Meason  
Planning & Zoning Administrator