



**CITY OF HUTCHINS  
PLANNING AND ZONING COMMISSION MEETING  
AGENDA**

**Thursday, January 18, 2024 at 6:00 PM  
City Hall, 321 N. Main Street**

Pursuant to Section 551 of the Texas Government Code, notice is hereby given of a Regular Meeting of the Planning & Zoning Commission Board to be held on Thursday, January 18, 2024 at 6:00 PM at the Hutchins City Hall - Council Chambers located at 321 N. Main St, Hutchins, Texas, at which time the following items will be discussed and considered.

**Commission Members**

Chair, Joseph Matthews

Vice Chair, Marie Harris

Secretary, Harry Gross

Commission Member, Tod Davis

Commission Member, Don Pressler

**A. CALL TO ORDER**

*Roll Call*

*Invocation*

*Pledge of Allegiance*

**B. CITIZEN COMMENTS:** *This agenda item provides an opportunity for citizens to address the Board on any matter that is not posted on the agenda. Anyone wishing to address the Board should complete a Citizen Comments Form and submit it to the recording secretary prior to the start of the Board meeting. There is a three (3) minute time limit for each citizen to speak. However, in accordance with the Texas Open Meetings Act, the Board cannot discuss issues raised or make any decision at this time.*

**C. PRESENTATIONS**

**D. CONSENT AGENDA** - *All items presented in the Consent Agenda require no deliberation by the Board. Each Board member has the opportunity of removing an item from this agenda so that it may be considered separately.*

**E. PUBLIC HEARING**

1. Conduct a public hearing, discuss and consider a request by Tom Straight with Durango Development (representing the property owner Volunteers of America) for a text amendment to the Zoning Ordinance Section 32, Table 32.6 to allow a Rehabilitation Care Facility (Halfway House) in the Light Industrial (LI) District by Specific Use Permit.

**F. REGULAR AGENDA** - *As authorized by Section 551.071 of the Texas Government Code, the Commission reserves the right to convene in Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.*

2. Approval of the December 21, 2023 minutes.

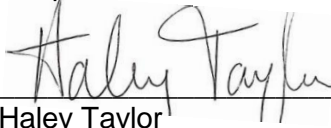
**G. ITEMS OF COMMUNITY INTEREST**

3. City Council Meeting - Tuesday, January 16, 2024 at 6:30 PM.
4. Planning and Zoning Commission Meeting - Thursday, February 15, 2024 at 6:00PM.

**H. ADJOURNMENT**

**CERTIFICATION**


I certify that a copy of the January 18, 2024 agenda of items to be considered by the Planning & Zoning Commission Board was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website [www.cityofhutchins.org](http://www.cityofhutchins.org), in accordance with Chapter 551 of the Texas Government Code. Posted on January 10, 2024 before 6:00 p.m.



Haley Taylor  
Staff Liaison

**ACCESSIBILITY STATEMENT**

The meeting location is wheelchair accessible from the front door. Request for special services must be received at least 48 hours in advance of scheduled meeting. For assistance, please call the office of the City Secretary at 972-225-6121 or email the City Secretary at [colquin@cityofhutchins.org](mailto:colquin@cityofhutchins.org)

	<h1>STAFF REPORT</h1>
<b>MEETING DATE:</b>	1-18-2024
<b>MEETING TYPE:</b>	Regular
<b>SUBMITTED BY:</b>	<b>TIM RAWLINGS BUILDING OFFICIAL</b>
<b>AGENDA CAPTION:</b>	Insert short item description here

**Background Information**

Tom Straight of Durango Development representing Volunteers of America Texas (V.O.A.) have made a request to amend the City of Hutchins zoning ordinance Section 32, Table 32.6 to allow a Rehabilitation Care Facility (Halfway House) in the Light Industrial (LI) District by Specific Use Permit (SUP).

Volunteers of America Texas (V.O.A.) currently operates a Rehabilitation Care Facility (Halfway House) at 800 W. Wintergreen Road under a Specific Use Permit (Ordinance No. 530) in the Light Manufacturing District that was granted on February 13, 1989. Since that time the zoning ordinance has changed and there is no longer a Light Manufacturing District, we now have a Light Industrial District (LI) and the Use Table (Table 32.6) does not allow this use in the Light Industrial District.

V.O.A. has a need to enlarge their facility to allow for more office space, but because the use is no longer allowed in the zoning ordinance, they are now considered a non-conforming use and cannot be enlarged. If the text amendment is approved, they will still be required to apply for and have approved an amended Specific Use Permit (SUP) to be able to enlarge their building.

V.O.A. made this same request in April of 2023. At that meeting the Commissioners conducted a public hearing, discussed, and voted 5-0 to send a recommendation of approval to the City Council. At the May 15 regular meeting the City Council conducted a public hearing and there was no one from V.O.A. to represent the item and Council voted to deny the text amendment.

**Budget Implications**

N/A

**Operational Impact**

N/A

**Legal Review**

N/A

**Staff Recommendation**

Staff recommends the Commissioners discuss and consider the request.

**Supporting Documentation and Attachments**

§ 12. SITE PLAN REVIEW.

12.1 SITE PLAN REVIEW:

- A. Purpose -This Section establishes a site plan review process for proposed nonresidential and multifamily residential developments. The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with appropriate design standards, safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate water supply, drainage and storm water management, sanitary facilities, and other utilities and services.
- B. Applicability -Site plan review and approval shall be required for the following:
  - 1. Any nonresidential development in any zoning district, including but not limited to a school, church, child care center, private recreation facility, etc. within a residential zoning district;
  - 2. Any multifamily development or manufactured/mobile home park;
  - 3. Any development with two (2) or more buildings per platted lot;
  - 4. Any nonresidential building or use expansion above thirty percent (30%) of its floor area; and
  - 5. Any Planned Development district or Specific Use Permit (public hearings may also be required, see Sections 30 and 31).

No building permit shall be issued for any of the above developments until a site plan and all other required engineering/construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the site plan and engineering/construction plans, as approved by the City. A public hearing on a site plan is not required unless a site plan is prepared in conjunction with a zoning request for a Planned Development or an SUP.

- C. Exemptions and Exceptions -Site plan review shall not be required for single-family (attached or detached) or two-family (duplex) residential developments, except as provided in (B.4 ) above, unless the proposed subdivision will include a private amenity/facility comprised of one or more buildings (e.g., a private recreation/swimming facility, clubhouse, golf course, etc.) or unless the proposed subdivision will have private (i.e., not public) streets. In these instances, site plan submission and approval (in accordance with this Section) will be required for the private amenity/facility, the golf course clubhouse/hospitality area, and the gated (i.e., restricted access) entrances.
- D. Site Plan Submission Requirements -The site plan submission shall be comprised of the following (all required items/information must be received by the City Administrator, or his/her designee, in order for a site plan/development review submission to be considered complete - incomplete submissions will not be reviewed until all deficient items/information have

been received):

1. Verification that all taxes and assessments on the subject property have been paid (see Subsection E below).
  2. Copies of the site plan (on 24" x 36" sheet, and drawn to a known engineering scale that is large enough to be clearly legible), the quantity of which shall be determined by the City Administrator (or his/her designee) and (if applicable) an application form and filing fee.
  3. If required, complete sets of engineering/construction plans (including the site plan and plat) for all site work and for all required public improvements (e.g., water, wastewater, grading/storm drainage, streets, alleys, fire lanes and hydrants, etc.), the quantity of which shall be determined by the City Administrator, or his/her designee.
  4. Preliminary plat/final plat submission (as per the Subdivision Ordinance), if the property has not yet been platted, or a replat submission if additional easements or rights-of-way will need to be established for the proposed development.
  5. Landscaping plans (the required number of copies of the plans shall be determined by the City Administrator, or his/her designee).
  6. Building facade (i.e., elevation) plans (the required number of copies of the plans shall be determined by the City Administrator, or his/her designee; applicable in the PD and SUP districts only).
  7. Any additional information/materials (i.e., plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the City Administrator, or his/her designee, in order to ensure that the request is understood.
  8. Application form (format to be provided by the City) signed by the owner or his/her designated representative (if the applicant is not the owner of the subject property, then he/she shall submit verification in the form of a notarized statement that he/she is acting as an authorized agent for the property owner).
  9. Filing fee (as established within Appendix A-6 of this Ordinance).
- E. No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Hutchins, and which are directly attributable to a piece of property shall be allowed to submit an application for site plan/development review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully paid, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that the taxes have been paid.

- F. Site Plan Details -The site plan and accompanying engineering/construction plans (if required) shall contain sufficient information relative to site design and construction to clearly show the extent of the proposed development/construction, and shall include but not be limited to the following:
1. A site inventory analysis including major existing vegetation, natural watercourses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development. This shall include a delineation of any floodprone areas.
  2. Any existing and proposed public/private streets and alleys; building sites or lots; any areas reserved as parks, parkways, playgrounds, utility easements or school sites; any proposed street widening and street changes (i.e., median cuts and turn lanes); the points of ingress and egress from existing/proposed streets; location and description of existing and proposed utility services, including size of water and sewer mains and laterals, and storm drainage structures (including grading); the location and width for all driveway openings; topography at no more than two-foot (2') contours; and existing development on all abutting sites and the zoning classification thereof.
  3. Placement of all buildings on the site, showing the building footprints and setback lines, and all property lines, street curblines, alley lines, easements, screening walls, signage, any service/delivery areas for trucks, fire lanes, and parking areas (including parking space counts and a schedule of parking ratios used for the various proposed uses).
  4. A landscape plan showing turf areas, screening walls, ornamental plantings, any existing trees that will be preserved (and techniques to be used to ensure preservation) or removed, all new trees to be planted, and irrigation plans (if required).
  5. Building facade (i.e., elevation) plans showing all building elevations and any attached (i.e., wall-mounted) signage that will be used on the building (the required number of copies of the plans shall be determined by the City Administrator, or his/her designee; applicable in the PD and SUP districts only).

Provision of the above items shall conform to the principles and standards of this Ordinance. To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for site plan review applications. Upon periodic review, the City Administrator (or his/her designee) shall have the authority to update such requirements for site plan/development review applications. It is the applicant's responsibility to be familiar with, and to comply with, all City requirements and procedures for site plan review/approval.

- G. Supplemental Requirements -The City's staff may require other information and data for specific site plans. This data may include but is not limited to

geologic information, water yields, flood data and/or hydrological studies, environmental information, traffic impact analysis, road capacities, market information, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a site plan may establish conditions for construction based upon such information if such conditions are deemed to be necessary bring the site plan into full compliance with the provisions of this Ordinance, or to protect the public health, safety or welfare. A conceptual plan showing a larger land area surrounding the proposed development may also be required so that the City can get a better understanding of how the proposed development will fit into (or will possibly affect) the surrounding area.

- H. Principles and Standards for Site Plan Review and Evaluation -The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the City of Hutchins, and to ensure that all developments are, to the best extent possible, constructed according to the City’s codes and ordinances.

The City Administrator, or his/her designee, shall review the site plan for compliance with all applicable City ordinances and with the Comprehensive Plan; for harmony with surrounding uses and with long-range plans for the future development of Hutchins; for the promotion of the health, safety, order, efficiency, and economy of the City; and for the maintenance of property values and the general welfare.

Site plan review and evaluation by the City Administrator, or his/her designee, shall be performed with respect to the following:

1. The site plan’s compliance with all provisions of the Zoning Ordinance and other ordinances of the City of Hutchins including but not limited to off-street parking and loading, lighting, open space, landscaping, existing tree preservation/removal, and the generation of objectionable smoke, fumes, noise, odors, dust, glare, vibration, or heat.
2. The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
3. The relationship of the development to adjacent uses in terms of harmonious design, setbacks, maintenance of property values, and any possible negative impacts.
4. The provision of a safe and efficient vehicular and pedestrian circulation system.
5. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
6. The sufficient width and suitable grade and location of streets designed to



accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.

- 7. The coordination of streets so as to arrange a convenient system consistent with the Future Thoroughfare Plan of the City of Hutchins, as amended.
- 8. The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
- 9. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
- 10. The location, size, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- 11. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
- 12. Protection and conservation of watercourses and areas subject to flooding.
- 13. The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.

12.2 APPROVAL PROCESS:

- A. The City Administrator (or his/her designee) shall review and evaluate all site plan submissions, and shall have the authority to recommend approval of the site plan, approval of the site plan with conditions or stipulations, or denial of the site plan for specific reasons to the Planning and Zoning Commission. The Planning and Zoning Commission shall have the authority to approve the site plan based upon information provided to the Commission by the City Administrator.
- B. If the site plan is denied by the Planning and Zoning Commission, then the applicant may appeal (in writing) this decision to the City Council. The City Administrator, or his/her designee, shall schedule consideration of the site plan on the regular agenda of the City Council within thirty (30) days after receipt of the written appeal. The City Council shall review the site plan and shall have final authority to approve the site plan, approve the site plan with conditions or stipulations, or deny the site plan.
- C. Effect of Site Plan Approval -If development of a lot with an approved site plan has not commenced (i.e., a building permit has not been applied for or issued) within one (1) year of the date of final approval of the site plan, then

the site plan shall be deemed to have expired. Resubmission of the site plan (i.e., following expiration as described herein) shall be in accordance with site plan submission and review procedures then in effect and shall be accompanied by all required items/information (including payment of filing fees), and reconsideration of the site plan shall take into account all changes to applicable ordinances which may have occurred since prior approval of the site plan.

**12.3 REVISIONS TO THE APPROVED SITE PLAN:**

- A. Minor Revisions/Amendment -It is recognized that final architectural and engineering design may necessitate minor changes in the approved site plan. In such cases, the City Administrator, or his/her designee, shall have the authority to approve minor modifications to an approved site plan (which shall be submitted as an “amended site plan” which substantially conforms to the previously approved site plan), provided that such modifications do not materially change traffic circulation, building location(s) on the site, proximity of building(s) to nearby residential areas, the size or height (i.e., enlarge) of building(s), or any other conditions specifically attached as part of City Council’s approval of the site plan. Submission materials and requirements for approval of an amended site plan shall be as determined by the City Administrator, or his/her designee.
- B. Major Revisions -In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a “revised site plan” must be resubmitted and shall be reviewed by the City Administrator (or his/her designee) in accordance with the procedures set forth in this Section.

(Ordinance 782 adopted 2/16/04; Ordinance 2009-0899 adopted 10/5/09; Ordinance 782 adopted 2/16/14; Ordinance 2014-0970 adopted 12/29/14; Ordinance 2015-0973 adopted 3/2/15; Ordinance 2015-0974 adopted 3/2/15; Ordinance 2015-0975 adopted 3/2/15)

**§ 31. SUP – SPECIFIC USE PERMITS.**

**31.1 SPECIFIC USES:**

The purpose of this district is to allow certain uses within base zoning districts that, under most circumstances, would not be compatible with other permitted uses but with certain conditions and development restrictions may be compatible.

The City Council by an affirmative vote may, after public hearing and proper notice (in accordance with the procedures set forth in Section 10) to all parties affected, and after recommendations from the Planning and Zoning Commission that the uses are in general conformance with the intent of the Comprehensive Plan and with general objectives of the City, and containing such requirements and safeguards as are necessary to protect adjoining property, authorize certain uses by a Specific Use Permit (SUP). As a zoning action, issuance of an SUP shall only apply to real property (i.e., shall not be attached to any person, business entity, etc.), shall not be transferred from one property to another (i.e., shall not move if a business operation relocates), and shall not expire without proper zoning action to rescind the SUP (i.e., change the zoning to remove the SUP, with appropriate public notification, public hearing, etc.).

A zoning application for an SUP shall be accompanied by a metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the SUP is being requested, and by a site plan (see Section 12) drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be allowed; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200'). The City shall make available application forms specifying drawing requirements. The City Administrator (or his/her designee), Planning and Zoning Commission or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed. The site plan shall be reviewed and approved along with the SUP zoning application, and in accordance with Section 12 of this Ordinance.

**31.2 SPECIFIC USE PERMIT REGULATIONS:**

- A. In recommending that a Specific Use Permit for the premises under consideration be granted, the City shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening and open space, heights of structures, and compatibility of buildings. In approving a requested SUP, the

Planning and Zoning Commission and City Council may consider any or all of the following:

1. The use is harmonious and compatible with surrounding existing uses or proposed uses;
2. The activities requested by the applicant are normally associated with the permitted uses in the base district;
3. The nature of the use is reasonable;
4. Any negative impact on the surrounding area has been mitigated;
5. That any additional conditions specified ensure that the intent of the district purposes are being upheld;
6. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
  - a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
  - b. Off-street parking and loading areas;
  - c. Refuse and service areas;
  - d. Utilities with reference to location, availability, and compatibility;
  - e. Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
  - f. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
  - g. Required yards and open space;
  - h. Height and bulk of structures;
  - i. Hours of operation;
  - j. Exterior construction material, building design and building facade treatment;
  - k. Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets;

- 1. Provision for pedestrian access, amenities and areas; and
  - 7. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
- B. In granting a Specific Use Permit, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official, or his/her designee, for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the certificate of occupancy, and shall be incorporated into the amending ordinance establishing the SUP.
- C. A building permit or certificate of occupancy shall be applied for (following site plan approval) and secured within one (1) year from the time of granting the Specific Use Permit, provided however, that the City Council may authorize an extension of up to one (1) additional year. After the one-year period (and the extension, if such has been granted by City Council) has elapsed, the SUP's site plan shall be deemed to be expired. The applicant/property owner(s) must then submit a new site plan for approval prior to any construction or to application for a building permit for the area designated for the Specific Use Permit. The new site plan must be resubmitted for review and approval in accordance with Section 12 of this Ordinance.
- D. No building, premises, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amended Specific Use Permit is granted for such enlargement, modification, structural alteration, or change. Uses should only be for the specific use(s) authorized in the ordinance granting the SUP.
- Only minor changes or alterations to the building itself (i.e., those that do not involve the addition of land area covered by the SUP or modification of any special stipulations adopted in the ordinance granting the SUP, either of which must be done using the procedures outlined in Section 10) may be approved by the City Administrator, or his/her designee.
- E. The Zoning Board of Adjustments shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any Specific Use Permit.
- F. When the City Council authorizes granting of a Specific Use Permit, the Zoning District Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the zoning district for the approved use and prefixed by a "SUP", or "S" designation followed by the identification number assigned to that particular SUP (e.g., S-1, S-2, S-3, and so on). A list of all issued SUPs,

showing the uses permitted and any other special stipulations of each SUP, shall be maintained as part of this Ordinance.

31.3 USE REGULATIONS:

- A. Uses allowed by SUP are specified in Section 32 (Use Charts).

31.4 EXPIRATION AND EXTENSION:

- A. Termination of approval of a site plan associated with an SUP for failure to commence development and extension of the time for performance for a site plan associated with an SUP shall be governed by Section 12 of this Ordinance.

31.5 PRIOR SUP ORDINANCES REMAINING IN EFFECT:

- A. Prior to adoption of this Ordinance, the City Council had established various SUPs, some of which are to be continued in full force and effect. The permits or parts of permits approved prior to this Ordinance, and specified in Appendix A-2, shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Specific Use Permits shown on the Zoning District Map as of the effective date of this Ordinance. Each prior SUP ordinance is hereby assigned a unique identification number (e.g., S-1, S-2, S-3, and so on) as shown in Appendix A-2, and subsequent SUP ordinances adopted after the effective date of this Ordinance shall be similarly numbered for identification purposes.

(Ordinance 782 adopted 2/16/04; Ordinance 2009-0899 adopted 10/5/09; Ordinance 782 adopted 2/16/14; Ordinance 2014-0970 adopted 12/29/14; Ordinance 2015-0973 adopted 3/2/15; Ordinance 2015-0974 adopted 3/2/15; Ordinance 2015-0975 adopted 3/2/15)

**§ 10. CHANGES AND AMENDMENTS TO ZONING ORDINANCE AND DISTRICTS, AND ADMINISTRATIVE PROCEDURES.**

**10.1 DECLARATION OF POLICY AND REVIEW CRITERIA:**

The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- A. To correct any error in the regulations or map;
- B. To recognize changed or changing conditions or circumstances in a particular locality;
- C. To recognize changes in technology, the style of living, or manner of conducting business;
- D. To change the property to uses in accordance with the approved Comprehensive Plan; or
- E. To implement policies within the Comprehensive Plan.

In making a determination regarding a requested zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

- F. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole;
- G. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings;
- H. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development;
- I. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;
- J. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved; and
- K. Any other factors which will substantially affect the public health, safety, morals, or general welfare.

**10.2 AUTHORITY TO AMEND ORDINANCE:**

The City Council may from time to time, after receiving a final report thereon by the Planning and Zoning Commission and after public hearings required by law,

§ 10

§ 10

amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning District Map. Any Ordinance regulations or zoning district boundary amendment may be ordered for consideration by the City Council, be initiated by the Planning and Zoning Commission, or be requested by the owner of real property, or the authorized representative of an owner of real property.

Consideration for a change in any district boundary line or special zoning regulation may be initiated only by the property owner or his/her authorized agent (proof of such authorization must be submitted with the zoning application, per Section 10.3), or by the Planning and Zoning Commission or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown in City records are different, the applicant shall submit proof of ownership and/or verification that he/she is acting as an authorized agent for the property owner.

No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Hutchins, and which are directly attributable to a piece of property requested for zoning shall be allowed to submit a zoning request until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence/proof that the taxes have been paid.

10.3 APPLICATION:

Each application for zoning or for an amendment or change to the existing provisions of this Zoning Ordinance shall be made in writing on an application form available at the City, filed with the City, and shall be accompanied by payment of the appropriate fee as established within Appendix A-6 of this Ordinance. The application shall also be accompanied by additional information/materials (i.e., plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the City Administrator, or his/her designee, in order to ensure that the request is understood.

10.4 PUBLIC HEARING AND NOTICE:

- A. For zoning/rezoning requests involving real property, the Planning and Zoning Commission shall hold at least one public hearing on each zoning application, as per applicable State law (Texas Local Government Code Chapter 211, as may be amended). For proposed changes to zoning district boundaries (including rezoning requests), written notice of the public hearing to occur before the Planning and Zoning Commission shall be sent to all owners of real property, as indicated by the most recently approved City tax roll, that is located within the area of the zoning/rezoning application and within two hundred feet (200') of the property for which zoning/rezoning is requested, said written notice to be sent not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on



§ 10

§ 10

the most recently approved tax roll and depositing the notice, first-class postage paid, in the United States mail.

- B. For requests involving proposed changes to the text of the Zoning Ordinance, notice of the Planning and Zoning Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City not less than fifteen (15) days prior to the date of the public hearing. Changes in the Ordinance text which do not change zoning district boundaries (i.e., which do not involve specific real property) do not require written notification to individual property owners.
- C. The City may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and/or development proposals (e.g., site plans, plats, etc.) which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change and/or development by the applicant or its agent(s). Knowledge of and adherence to such rules and procedures, if so established by the City, shall be the responsibility of the applicant and shall be required as part of a zoning change and/or development application.

10.5 FAILURE TO APPEAR:

Failure of the applicant or his/her representative to appear before the Planning and Zoning Commission or City Council for more than one hearing without an approved delay by the City Administrator, or his/her designee, shall constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing.

10.6 PLANNING AND ZONING COMMISSION CONSIDERATION AND RECOMMENDATION:

- A. The Planning and Zoning Commission shall function in accordance with Section 8 of this Ordinance and with applicable provisions in the City’s Code of Ordinances.
- B. The Commission shall hold a public hearing on a zoning/rezoning request (including a proposed text amendment to the Zoning Ordinance). After all public input has been received and the public hearing closed, the Commission shall make its recommendations on the proposed zoning request stating its findings, its overall evaluation of the request, and its assessment regarding how the request relates to the City’s Comprehensive Plan. The Planning and Zoning Commission may, on its own motion or at the applicant’s request, defer its decision/recommendations (i.e., table the request) for not more than one hundred and twenty (120) days from the time the public hearing was first opened, or until it has had an opportunity to consider other information or proposed modifications to the request which may have a direct bearing thereon. If the Commission elects to table the request, such tabling shall specifically state the time period of the tabling (i.e., cite the meeting date

§ 10

§ 10

whereon the request will reappear on the Commission's agenda).

- C. When the Commission is ready to act upon the zoning request, it may recommend approval of the request as it was submitted by the applicant, approval of the request subject to certain conditions (i.e., as in the case of a Planned Development district or a Specific Use Permit), or disapproval of the request. If the Commission's recommendation is to approve the request (either as submitted or with additional conditions), then the request will be automatically forwarded to the City Council for a second public hearing thereon (see Section 10.7).
- D. If the Planning and Zoning Commission recommends denial of the zoning change request, it shall provide reasons to the applicant for the denial, if so requested by the applicant at the time of the public hearing on the zoning request. The Planning and Zoning Chairperson shall inform the applicant of the right to receive reasons for the denial.

**10.7 CITY COUNCIL CONSIDERATION:**

- A. Applications Forwarded from the Planning and Zoning Commission to City Council -Every application or proposal which is recommended for approval (or approval with conditions) by the Planning and Zoning Commission shall be automatically forwarded (along with the Commission's recommendation) to the City Council for setting and holding of public hearing thereon. The City Council may then approve the request, approve it with conditions, or disapprove it (i.e., against the Commission's recommendation).

An application which is recommended by the Planning and Zoning Commission for denial shall not be forwarded to City Council unless the applicant files a written appeal with the City Secretary within ten (10) days after the Commission's decision. Said appeal will, in that instance, be forwarded to City Council along with the Commission's reasons for denial of the request. The appeal shall be scheduled for the next possible City Council agenda, following appropriate public notification as prescribed in Section 10 (i.e., publication in newspaper, notices sent to property owners within 200 feet, etc.). City Council approval of a request that has been recommended for denial by the Planning and Zoning Commission will require a three-fourths (3/4) majority vote from the full City Council. No zoning change, however, shall become effective until after City Council adoption of an ordinance for same and its publication as required by law.

- B. City Council Action on Zoning/Rezoning or Text Amendment Requests -After a public hearing is held before City Council regarding the zoning application, the City Council may approve the request in whole or in part, deny the request in whole or in part, table the application to a future meeting, or it may refer the application back to the Planning and Zoning Commission for further study.
  - 1. If the City Council approves the request, then Subsection 10.7.E would

apply.

2. If the City Council denies the request, then no other zoning application may be filed for the same or a similar request for any part of the subject tract of land (or for that portion of the Zoning Ordinance, in the case of a text amendment request submitted by a property owner or citizen) for a waiting period of one hundred and twenty (120) days following the denial. In the instance that the request was initiated by the City and involved a proposed amendment to the text of the Zoning Ordinance, then there is no waiting period before the request can be reconsidered.

a. The City Council may, at its option, waive the 120-day waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.

C. City Council Hearing and Notice for Zoning Changes -Notice of the City Council public hearing for zoning/rezoning and for Zoning Ordinance text amendment requests shall be given by publishing the purpose, time and place of such hearing in the official newspaper of the City not less than fifteen (15) days prior to the date of the public hearing.

D. Three-Fourths Vote -A favorable vote of three-fourths (3/4) of all members of the City Council shall be required to approve any change in zoning when written objections are received from twenty percent (20%) of the area of the adjacent landowners which comply with the provisions of Section 211.006 of the Texas Local Government Code (commonly referred to as the “twenty percent [20%] rule”). If a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the lots included in such a proposed change or those immediately adjacent to the area thereof extending two hundred feet (200') therefrom or of those directly opposite thereto extending two hundred feet (200') from the street frontage of such opposite lots, such amendments shall not become effective except by a three-fourths (3/4) vote of the full City Council.

E. Final Approval and Ordinance Adoption -Upon approval of the zoning request by the City Council, the applicant shall submit all related material with revisions, if necessary, to the City for the preparation of the amending ordinance. A metes and bounds description of all property, a survey (i.e., drawing) exhibit, and other appropriate exhibits that are determined necessary by the City Administrator, or his/her designee, must be submitted with the zoning change request application. The amending ordinance will not be prepared or formally adopted (i.e., effective) by the City Council until a correct description and all required exhibits have been submitted to the City Administrator, or his/her designee. No zoning change shall become effective until after City Council adoption of an ordinance for same and its publication

§ 10

§ 10

as required by law.

(Ordinance 782 adopted 2/16/04; Ordinance 2009-0899 adopted 10/5/09; Ordinance 782 adopted 2/16/14; Ordinance 2014-0970 adopted 12/29/14; Ordinance 2015-0973 adopted 3/2/15; Ordinance 2015-0974 adopted 3/2/15; Ordinance 2015-0975 adopted 3/2/15)

§ 32

SECTION 32.6

Educational, Institutional & Specific Uses	A	SF-10	SF-8.5	SF-7	SF-PH	D	SFA	MF	MH	O	R	C-1	HC	LI	HI
Art Gallery or Museum*	S						S	P	S	P	P	P	P	P	P
Assisted Living Facility*															
Cemetery, Animal *	S						S	P	S	S	S	S	S	S	S
Cemetery or Mausoleum*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Child Care Center/Day Care Center*	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P
Church, Rectory or Temple*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
College or University*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Community Center (Public)*	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P
Continuing Care Retirement Community*															
Convent or Monastery	S	S	S	S	S	S	S	P	S	P	P	P	P	P	P
Fairgrounds or Exhibition Area*	S														
Family Home (Child Care)*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fraternal Organization, Lodge Union Hall or Civic Club*	S									S	S	P	P	P	P
Group Day Care Home*	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S
Hospital, Acute Care*	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P
Hospital Chronic Car*	S									S	S	S	P	P	P
Institution For Alcoholic, Narcotic or Psychiatric Patients*	S									S	S	S	S	S	S
Institution Of Religious, Charitable or Philanthropic Nature	S	S	S	S	S	S	S	S	S	P	S	P	P	P	P
Kindergarten or Nursery School (Private)*	S	S	S	S	S	S	S	P	P	S	P	P	P	P	P
Nonprofit Activities By a Church*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Rehabilitation Care Facility (Halfway House)*	S										S	P	P	P	P

:60

ORDINANCE NO. 530

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF HUTCHINS, TEXAS, AS HERETOFORE AMENDED SO AS TO CHANGE THE FOLLOWING DESCRIBED PROPERTY FROM LIGHT MANUFACTURING TO LIGHT MANUFACTURING with SPECIAL USE PERMIT FOR COMMUNITY REHABILITATION CENTER:

Situated in the S.C. Atterberry Survey, Abstract No. 15 and being a part of Tract 3, block B of Section One, Carpenter Industrial Park Addition, an addition to the City of Hutchins, as recorded in Volume 84072, Page 6199, Map Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the Westerly corner of Tract 3, same being the Easterly corner of the intersection of Wintergreen Road (50' R.O.W.) and Carpenter Road (60' R.O.W.); THENCE North 60 degrees East along the Southeast line of Wintergreen Road, a distance of 315.29 feet to the Northerly corner of Tract 3; THENCE South 30 degrees 08 minutes 49 seconds East along the Northeast line of Tract 3, a distance of 309.49 feet to a point for corner; THENCE South 60 degrees West crossing Tract 3, a distance of 331.31 to a point for corner in the Northeast line of Carpenter Road; THENCE North 27 degrees 11 minutes West along the North-east line of Carpenter Road, a distance of 309.86 feet to the Place of Beginning and containing 2.297 Acres of Land.

AUTHORIZING SUCH PROPERTY TO BE USED FOR COMMUNITY REHABILITATION CENTER PURPOSES, PROVIDING FOR A PENALTY NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE, AND DECLARING AN EMERGENCY.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF HUTCHINS, TEXAS,  
THIS 13 DAY OF February 1989.

Lee Ed Walker  
MAYOR

(SEAL)

DULY ENROLLED:



Jackie Duncan  
CITY SECRETARY

**SECTION 1.** That the Comprehensive Zoning Ordinance of the City of Hutchins, Texas, be, and the same is hereby amended by amending the Zoning Map of the City of Hutchins so as to change the following described property from Light Manufacturing to Light Manufacturing with Special Use Permit for Community Rehabilitation Center:

(see legal description above)

**SECTION 2.** That all ordinances of the City of Hutchins in conflict with the provisions of this ordinance be, and the same are hereby repealed, and all other provisions of the ordinances of the City of Hutchins not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** That the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Hutchins, as heretofore amended and as amended herein.

**SECTION 4.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Hutchins, and upon conviction shall be punished by a fine not to exceed Two Hundred (\$200.00) Dollars for each offense.

**SECTION 5.** The fact that it appears that the above described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Hutchins, Texas, creates an urgency and an emergency in the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage, and the publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED BY the City Council of the City of Hutchins, Texas, on the 13 day of February 1989.

APPROVED:

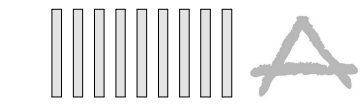
Joe Ed Walker  
MAYOR

(SEAL)



DULY RECORDED:

Jackie Denmark  
CITY SECRETARY



Reference  
Not For  
Construction

Copyright 2018  
Robert Durham Architecture

Residential Facility - Existing  
Volunteers of America - Texas  
800 W. Wintergreen Rd.  
Hutchins, TX 75141

No.	Description	Date

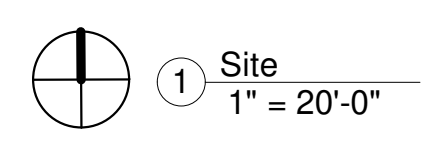
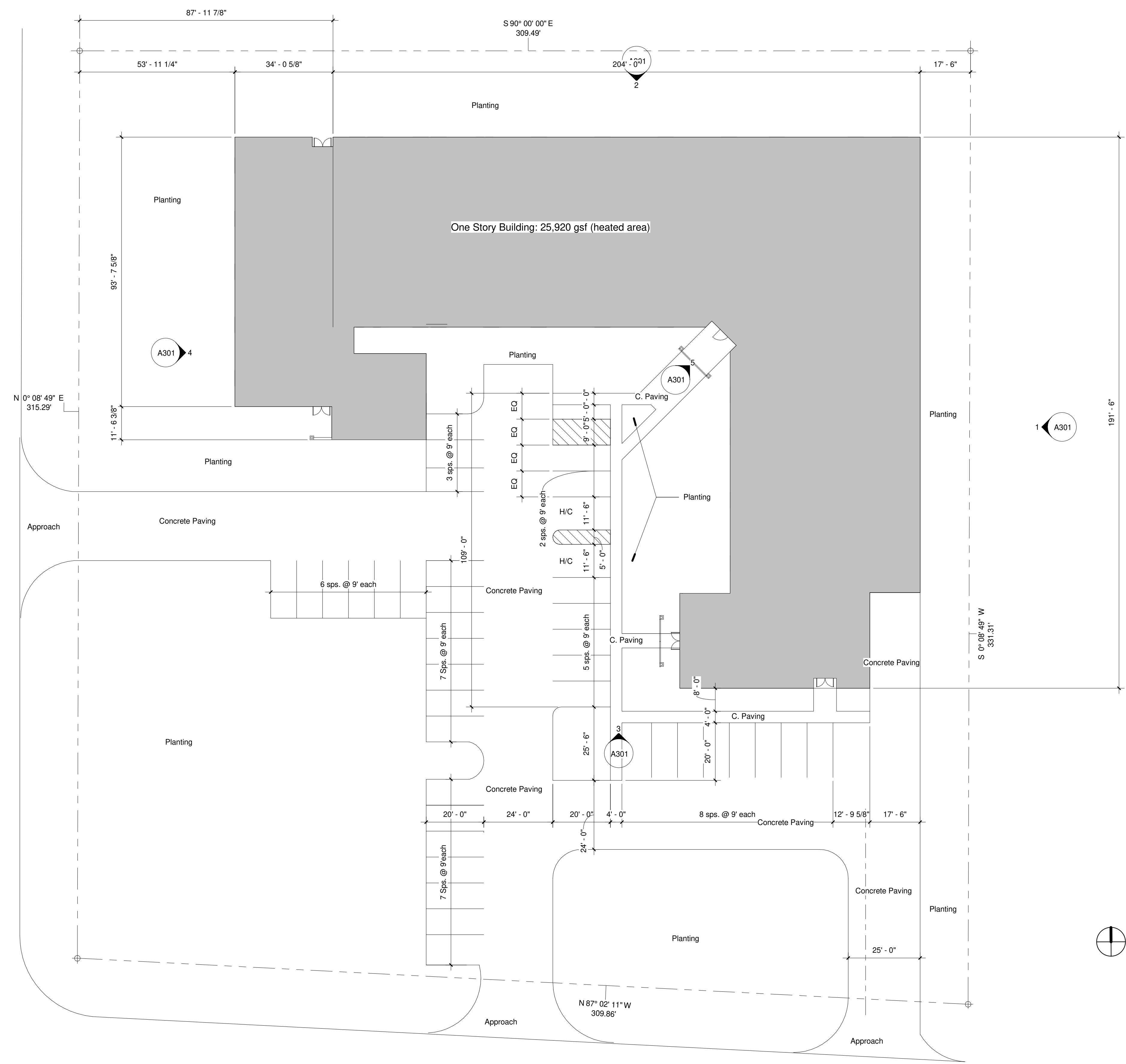
Site Plan

Project #	2017-301
Date	Issue Date
Drawn by	Author
Checked by	Checker

A101

Scale 1" = 20'-0"

Wintergreen Rd.





Reference Not For Construction

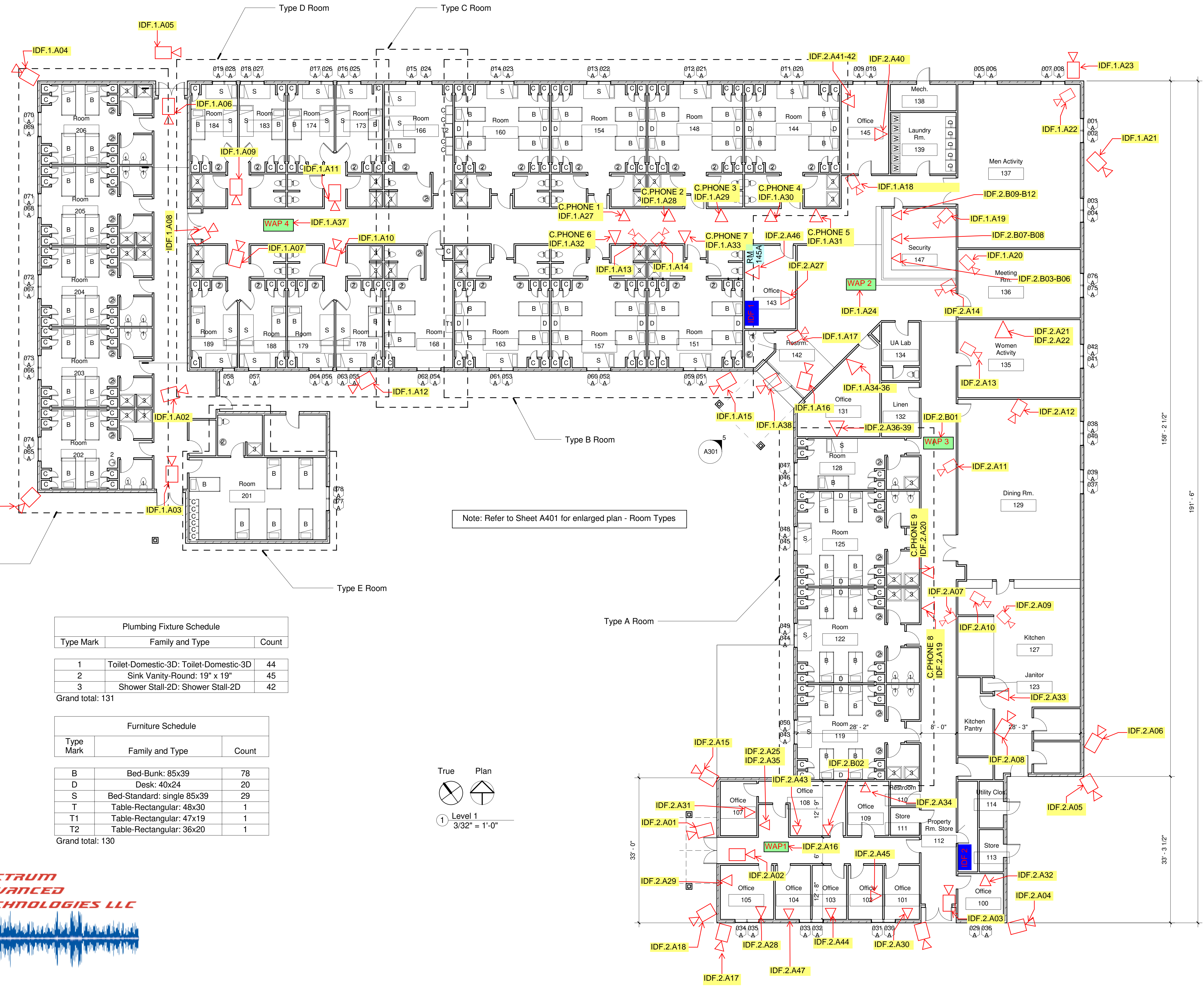
Copyright 2018  
 Robert Durham Architecture

Residential Facility - Existing  
 Volunteers of America - Texas  
 800 W. Wintergreen Rd.  
 Hutchins, TX 75141

No.	Description	Date

Plan - Level 1

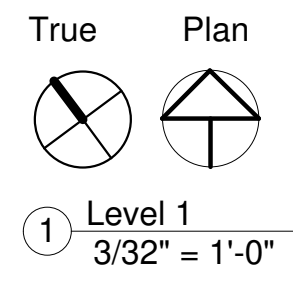
Project # 2017-301  
 Date Issue Date  
 Drawn by Author  
 Checked by Checker

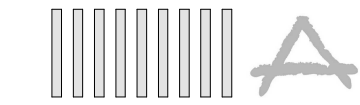


Note: Refer to Sheet A401 for enlarged plan - Room Types

Plumbing Fixture Schedule		
Type Mark	Family and Type	Count
1	Toilet-Domestic-3D: Toilet-Domestic-3D	44
2	Sink Vanity-Round: 19" x 19"	45
3	Shower Stall-2D: Shower Stall-2D	42
Grand total: 131		

Furniture Schedule		
Type Mark	Family and Type	Count
B	Bed-Bunk: 85x39	78
D	Desk: 40x24	20
S	Bed-Standard: single 85x39	29
T	Table-Rectangular: 48x30	1
T1	Table-Rectangular: 47x19	1
T2	Table-Rectangular: 36x20	1
Grand total: 130		





Reference  
Not For  
Construction

Copyright 2018  
Robert Durham Architecture

Residential Facility - Existing  
Volunteers of America - Texas  
800 W. Wintergreen Rd.  
Hutchins, TX 75141

No.	Description	Date

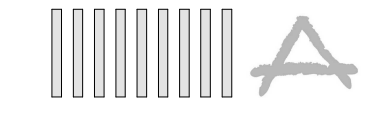
Plan - Roof

Project # 2017-301  
Date Issue Date  
Drawn by Author  
Checked by Checker

A202

Scale 3/32" = 1'-0"

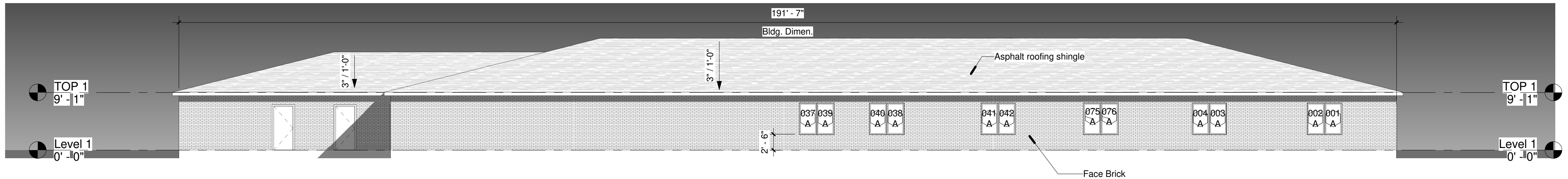




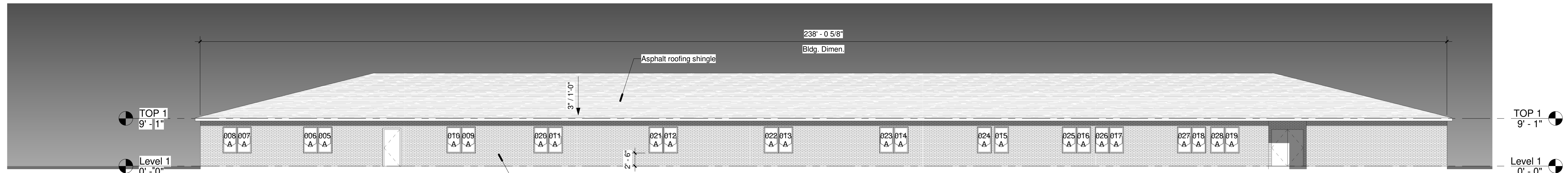
Reference  
Not For  
Construction

Copyright 2018  
Robert Durham Architecture

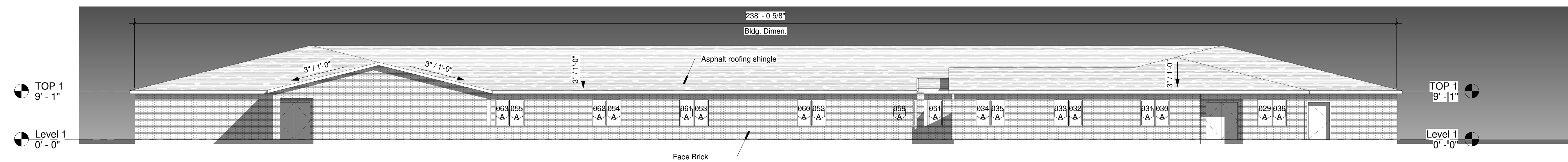
Residential Facility - Existing  
Volunteers of America - Texas  
800 W. Wintergreen Rd.  
Hutchins, TX 75141



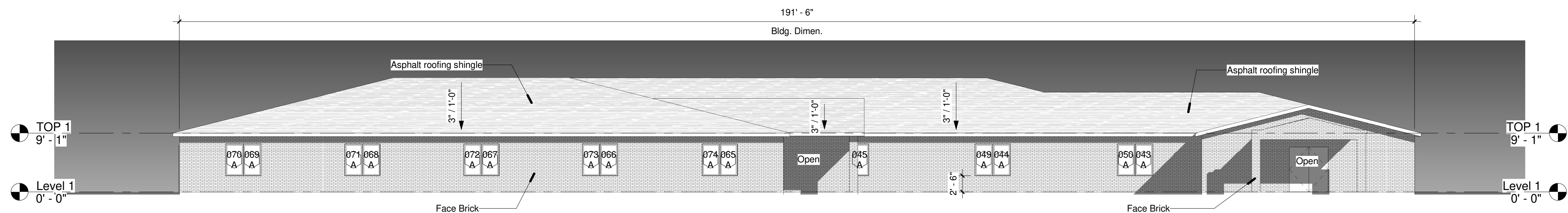
1 East Elevation  
3/32" = 1'-0"



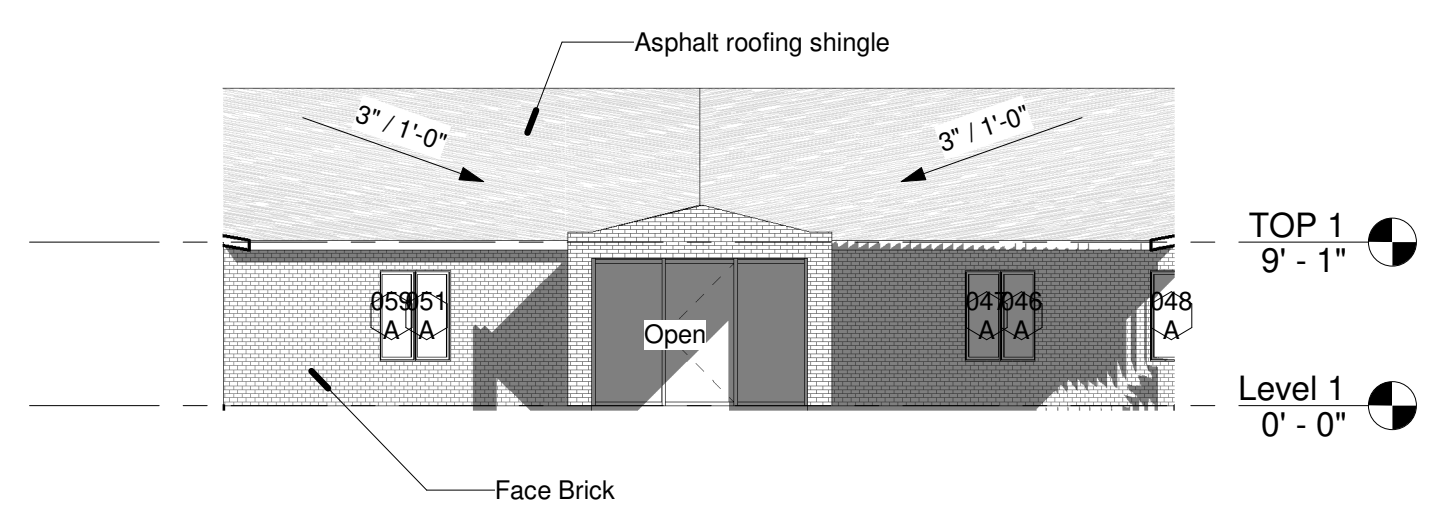
2 North Elevation  
3/32" = 1'-0"



3 South Elevation  
3/32" = 1'-0"



4 West Elevation  
3/32" = 1'-0"



5 Main Entry  
3/32" = 1'-0"

No.	Description	Date

Building  
Elevation

Project # 2017-301  
Date Issue Date  
Drawn by Author  
Checked by Checker

A301

Scale 3/32" = 1'-0"



**Chairman Joseph Matthews**  
**Vice Chairwoman Marie Harris**  
**Commissioner Tod Davis**  
**Commissioner Harry Gross**  
**Commissioner Don Pressler**

**Hutchins City Hall**  
**321 N. Main Street**  
**Hutchins, TX 75141**  
**www.cityofhutchins.org**

**MINUTES**  
**HUTCHINS PLANNING AND ZONING COMMISSION**  
**November 16, 2023**  
**REGULAR MEETING – 6:00 P.M.**

A meeting of the Planning and Zoning Commission of the City of Hutchins was conducted on December 21, 2023, at 6:00 p.m.at the Hutchins City Hall Hutchins, Texas 75141.

**A. CALL TO ORDER.**

Chairman Matthews called the meeting to order at 6:00 p.m.  
Commissioner Davis gave the invocation.  
The pledge of allegiance was performed.

**Members Present:**

Chairman Joseph Matthews  
Commissioner Marie Harris  
Commissioner Harry Gross  
Commissioner Tod Davis  
Commissioner Don Pressler

**Members Absent:**

**B. CITIZEN COMMENTS**

No citizens' comments were made.

**C. PRESENTATIONS**

No presentations were given.

**D. CONSENT AGENDA**

No items on the consent agenda.

**E. PUBLIC HEARINGS**

1. **Conduct a public hearing, discuss and consider a request by Chris Cate with Provident Realty Advisors for a Specific Use Permit (SUP) for “Truck Sales & Storage” in the Light Industrial (LI) District for the lot 2 block A, 7.93 tract of land commonly addressed as 1301 E Wintergreen Road.**

Commissioner Gross made a motion to approve the SUP request for “Truck Sales & Storage”. Commissioner Harris seconded the motion to approve. Motion carried 5-0.

**F. REGULAR AGENDA**

1. **Approval of the November 16, 2023, minutes.**

Commissioner Harris motioned to approve the minutes. Commissioner Davis seconded the motion to approve the minutes. Motion carried 5-0.

**G. ITEMS OF COMMUNITY INTEREST**

1. The items of community interest were read into the record.

**H. ADJOURN**

Commissioner Harris made a motion to adjourn. Commissioner Gross seconded the motion Approved by a 5-0 roll call vote. The meeting was adjourned at 6:24 PM.

APPROVED:

\_\_\_\_\_  
Joseph Matthews  
Chairman

\_\_\_\_\_  
Harry Gross  
Secretary

\_\_\_\_\_  
Recording Secretary