



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, AUGUST 16, 2007**

The regular meeting of the Benbrook City Council was held on Thursday, August 16, 2007 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich  
Keith Bailey  
Ron Sauma  
Rickie Allison  
Dan Tully  
James Schull  
Larry Stowe

Also Present:

Andy Wayman, City Manager  
Joanna King, City Secretary  
Dave Gattis, Deputy City Manager  
Wade Adkins, City Attorney  
Sherri Newhouse, Budget Director  
James Mills, Police Chief

Others Present:

Dorcas Neuman, Benbrook News  
Donna Savage, Assistant City Secretary  
Ed Gallagher, City Planner  
Walter Shumac, Director of Public Services  
Cathy Morris, Administrative Analyst  
Ron Rainey  
Patty Bissey  
Bill Smith  
Linda Belota  
Mr. and Mrs. Milton Davis  
Barry Hudson  
Sam Balkum  
Ed Wilsburg  
Tom Eudaly  
Alex Herrera  
Al Griner  
John Vander Pan  
Carrol Crombie  
Brad Bowen  
and approximately 10 other citizens

**I. CALL TO ORDER**

Meeting called to order at 7:30 p. m. by Mayor Dittrich.

**II. INVOCATION  
PLEDGE OF ALLEGIANCE**

Invocation given by Mayor Pro Tem Rickie Allison.  
The Pledge of Allegiance was recited.

**III. MINUTES**

**1. Minutes of the regular meeting held August 2, 2007**

Motion by Mr. Stowe seconded by Mr. Schull to approve the minutes of the regular meeting held August 2, 2007.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**IV. CITIZEN PRESENTATION**

**1. Milton Davis – Issues regarding lot on Boston Avenue north of Rush Street**

Mr. Milton Davis expressed appreciation to City Council and Police Department for the concern shown for problems arising in vacant lot on Boston Avenue.

James Mills outlined steps being taken to illuminate the problem with students from Western Hills High School visiting the lot during lunch periods and working with the property owner in having the area cleaned and cleared.

**2. Benbrook Chamber of Commerce – Request funds for 3<sup>rd</sup> annual Citywide Sale and Treasure Hunt**

Mr. Sam Balkum, Tourism Director with Benbrook Chamber of Commerce requested funding for the 3<sup>rd</sup> annual Citywide Sale and Treasure Hunt. Mr. Balkum stated that because the Benbrook Heritage Fest has been scheduled for October 6, 2007, the Citywide Sale and Treasure Hunt date was moved to September 7 and 8, 2007. He advised that this event would normally be included in the Visitor's Center annual proposal for funding. However, due to the change in dates, funding is needed for advertising and promotion of the event. Mr. Balkum requested \$2,000 from the Hotel/Motel Tax Fund.

Motion by Mr. Allison, seconded by Mr. Bailey to award the Visitor Center \$2,000.00 from the Hotel/Motel Tax Fund for the 3<sup>rd</sup> annual Citywide Sale and Treasure Hunt.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**MAYOR DITTRICH ANNOUNCED THAT DUE TO THE POSSIBLE LENGTH OF THE PLANNING AND ZONING ITEMS, PZ-2007-06 AND PZ-2007-07 WOULD BE PLACED AT THE END OF THE AGENDA**

## **VI. REPORTS OF CITY MANAGER**

### **A. GENERAL**

**G-1716      Adopt Ordinance vacating a 10-foot utility easement along the west line of Lot 1, Block 2 Northwest Winscott Addition and vacating a portion of a temporary cul-de-sac easement in the J.S. Wilburn Survey Abstract No. 1680 and on Lot 1, Block 2, Northwest Winscott Addition (590 Winscott Road)**

Mr. Gattis gave the following report: Mike Patel is the owner of Lot 1, Block 2, Northwest Winscott Addition located at the northwest corner of Winscott Road and Winbrook Drive. A two-story 52 room Best Western motel currently occupies approximately 70 percent of Lot 1. Mr. Patel has plans to add a four-story, 55 room motel to the site. Mr. Patel has acquired an additional 70-foot wide unplatted area adjacent to the west side of the existing property, platted as Lot 1, to add to the vacant portion of the lot to accomplish the proposed facilities expansion.

A replat has been submitted to combine the 70-foot unplatted area and Lot 1 into Lot 1R. The replat applications includes the proposed vacation of a 10-foot wide utility easement along the west line of existing Lot 1, and a portion of a temporary cul-de-sac easement on Lot 1 and the 70-foot wide unplatted tract to accommodate the proposed new motel structure. All utility supplies have reviewed the replat, including the proposed new easement vacation, and reported that they have no objection to the vacation of the utility easement. The City Engineer has reviewed the existing temporary turn-around facility at the west end of Winbrook Drive and the motel grading plans and reports that the proposed motel plan, including the grading plan, have no impact on the continued use and maintenance of the turn-around facility. The vacation action by the City will allow the proposed motel to be built.

Motion by Mr. Sauma, seconded by Mr. Tully to approve the ordinances vacating the 10-foot utility easement and temporary cul-de-sac easement and authorize the Mayor to execute a quitclaim deed.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1243 being **“AN ORDINANCE VACATING AND ABANDONING A TEN-FOOT WIDE UTILITY EASEMENT LOCATED ON A PORTION OF LOT 1, BLOCK 2, NORTHWEST WINSCOTT ADDITION; DECLARING THAT THE PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE A QUITCLAIM DEED RELEASING THE PUBLIC OWNERSHIP INTEREST AND CONTROL IN THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE.”**

Ordinance No. 1433 being **“AN ORDINANCE VACATING AND ABANDONING A PORTION OF A TEMPORARY CUL-DE-SAC EASEMENT LOCATED IN THE J.S. WILBURN SURVEY ABSTRACT NUMBER 1680 AND ON A PORTION OF LOT 1, BLOCK 2, NORTHWEST WINSCOTT ADDITION; DECLARING THAT THE PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE A QUITCLAIM DEED RELEASING THE PUBLIC OWNERSHIP INTEREST AND CONTROL IN THE PROPERTY AND PROVIDING AN EFFECTIVE DATE.”**

**G-1717      Financial Report for month ending July 31, 2007**

Mr. Wayman gave the following report: General Fund revenues for July totaled \$518,456. Year-to-date collections were \$11,498 or 92.45% of the amount budgeted. General Fund expenditures for July totaled \$1,077,771. Year-to-date expenditures were \$9,588,342 or 79.72% of the original budget. At July 31, 2007, revenues exceeded expenditures by \$1,531,156.

The Benbrook Economic Development revenues for July were \$73,572 with most of this amount coming from Sales Tax. Expenditures were \$70,133. Through the end of July, expenditures exceed revenues by \$583,777.

At July 31, 2007 the City's investments were \$11,524,881.

Motion by Mr. Tully, seconded by Mr. Schull to approve the monthly financial report for the month of July, 2007 as presented.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**G-1718      Approve Resolution Authorizing Offer to sell City-owned real property at 913 Timberline Drive**

Mr. Gattis gave the following report: The City purchased the property at 913 Timberline Drive in January 2006. The house located on the property was a National Flood Insurance Program repetitive loss, meaning that it had sustained two or more flood insurance claims of \$1,000 or more. The property also had a retaining wall that encroached illegally into the Dry Branch creek bed. In addition, the City's drainage plan identified the need to enlarge the inlet at the front of the property to adequately drain water from the street. Finally, this was one of only two houses that would not be removed from the 100-year floodplain by the Timber Creek Channel project.

The City demolished the house, made drainage improvements and raised the building pad above the new 100-year floodplain during 2006. The Letter of Map Revision based on Fill (LOMR-F) officially removing the building site from the 100-year floodplain was received from FEMA in June 2007.

Staff recommends that the City sell the property for redevelopment as a single-family residence. Staff has not identified any other suitable uses that would be better for the property and resale gets the property back on the tax rolls. To sell the property, the City recommends using a sealed bid process, establishing a minimum bid of \$20,000 and that the City retain the mineral rights.

Motion by Mr. Schull, seconded by Mr. Stowe to accept staff recommendations as presented by adopting Resolution No. 2007-11 authorizing the sale of 913 Timberline Drive with a minimum bid of \$20,000 and to retain mineral rights.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**G-1719 Interlocal Agreement with Fort Worth ISD for partial reimbursement for Police Officers assigned to Western Hills High School**

Chief James Mills gave the following report: The Benbrook Police Department currently provides a full-time School Resource Officer for the Fort Worth Independent School District. This officer serves as a liaison between the police department and the staff at Western Hills High School, Benbrook Elementary and Westpark Elementary. All reports and incidents that occur on school property are administered primarily by the School Resources Officer. During holiday and summer intermissions, the officer performs regular patrol duties. The Fort Worth ISD subsidizes fifty percent (50%) of the salary, benefits, overtime, and training for the officer.

Since the initial assignment of a full-time School Resource Officer, the student population at Western Hills High School has increased significantly. Due to the size of the student body and the school, including numerous out-buildings, it has become increasingly difficult for one School Resource Officer to effectively oversee school safety and security issues.

The Fort Worth ISD has agreed to subsidize a second full-time School Resource Officer. The officer would also be funded at the fifty percent (50%) rate.

Motion by Mr. Allison, seconded by Mr. Sauma to approve the Interlocal agreement between the City of Benbrook and the Fort Worth Independent School District for two-full time School Resource Officers.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**B. CONTRACT**

**C-229 Award contract for employee dental insurance**

Ms. Newhouse gave the following report: Since November 2003, Metropolitan Life Insurance (MetLife) has provided dental insurance to City employees and their dependents. The current rates are \$22.26 per month per employee. Dependent premiums are available on a three-tier system and are currently \$50.60 for family coverage, \$25.46 for spouse only coverage, and \$26.16 for children coverage.

The Coty has an indemnity plan with MetLife that allows employees and dependents to be treated by the dentist of their choice. The plan features a \$50

annual deductible for an individual with a maximum \$150 deductible per family. Preventative and diagnostic services are reimbursed at 100% with the deductible waived. Basic services are reimbursed at 80% after the deductible is met; the employee pays the \$50 deductible plus 20% of the balance for these services and treatments. Major dental services are reimbursed at 50% after the deductible is satisfied; the employee pays \$150 plus 50% of the balance. Orthodontia is not a covered benefit. The annual maximum benefit paid is \$1,000.

Even though MetLife's dental plan is an indemnity plan, the plan features a Preferred Dentist Program. A participating dentist or specialist agrees to accept MetLife's reimbursement schedule as payment in full for services rendered. Employees and dependents that select these dentists may realize significant savings, especially for basic and major services and treatment. Currently three Benbrook dentists participate in MetLife's Preferred Dentist Program.

In July 2007, MetLife notified the City that monthly dental insurance premiums would not increase for employees or dependents. These rates reflect no change in benefits from the current plan.

The 2007-2008 Budget includes \$33,472 for dental insurance premiums for one hundred-nine employees and \$5,127 for the subsidy for family premiums; this allocation was based on a 15% increase in rates. The total allocation for dental insurance for 2007-2008 is \$38,599.

The City's annual cost for premiums for one-hundred-nine employees is approximately \$29,116. The annual cost of the dependent subsidy, for family coverage only, is estimated at \$4,458. The City's total annual cost for dental insurance is estimated to be \$33,574. The City will realize savings of \$4,356 in annual employee premium costs from the 2007-2008 Budget and \$669 in subsidy costs for a total projected savings of \$5,025.

Motion by Mr. Schull, seconded by Mr. Allison to accept staff recommendation as presented to renew the dental insurance contract with MetLife effective November 1, 2007 with no change in benefits, service, deductibles and co-payments; continue subsidy for family coverage at \$13.76 per month and the City pay 100% of employee premiums.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

## **VII. OTHER MATTERS OF BUSINESS**

## **VIII. INFORMAL CITIZEN COMMENTS**

## V. PRESENTATION BY PLANNING AND ZONING COMMISSION

### **PZ-2007-06 Adopt Land Use Plan amendments of the Comprehensive Plan for Planning Area “D”, deleting Mixed Use Village and increasing Commercial and High density Multi Family land uses (west side of U.S. Highway 377/Benbrook Boulevard, north and south of Mercedes Street, and south of I20/Loop 820)**

Mr. Gattis gave the following report: The Benbrook Economic Development Corporation and Bo Peek Limited, as landowners and applicants, propose to amend the Land Use Plan element of the Comprehensive Planning Area “D”. The Land Use Plan amendments are being requested in conjunction with a 137-acre rezoning application for their property.

The applicants’ property is located at the north end of Planning Area “D”, generally north of Sproles Drive and west of Benbrook Boulevard. The Benbrook Field development includes Low Density Single Family residential, High Density Multi-family residential, and commercial land use designations.

The current Land Use Plan includes a 32.6-acre area, mostly north of the recent extension of Mercedes Street, as Mixed Use Village. The applicant proposed to delete the Mixed Use Village designated area, to be replaced with an increase of the High Density Multi-family and Commercial land use areas. No change is proposed in the area designated as Low Density Single Family.

The Mixed Use Village designation anticipated both multi-family and commercial activities in the same site. While the proposed amendments delete the Mixed Use designation, it does not represent an appreciable change in the uses that can occur in Planning Area “D”. The primary effect of the change is the separation and reconfiguration of uses that could occur with the existing designations. The proposed amendments do not appear to create an appreciable impact on traffic, drainage, utilities and municipal services.

#### Proposed Changes:

<u>Land Use</u>	<u>Current</u>	<u>Proposed</u>	<u>Net Change</u>
Low Density Single Family	372.3	372.3	0
High Density Multi Family	27.1	33.06	+5.96
Mixed Use Village	32.6	0	-32.6
Commercial	80.2	106.84	+26.64
Community Facilities	48.8	48.8	0
Undeveloped Floodplain	57.0	57.0	0
Right-of-Way	133.9	133.9	0
<b>TOTAL PLANNING AREA D</b>	<b>751.9</b>	<b>751.9</b>	<b>---</b>

In an attempt to balance the number of single-family and multi-family residential units, the City’s Comprehensive Plan has adopted a Principle that no more than 20 percent of the total residential land within the City should be allocated to

multifamily uses. With the proposed Land Use Plan change, single-family land would account for 78.59 percent of the residentially-designated land in the City and multi-family residential land would be 21.41 percent. The changes could be expected to increase the ultimate population of the City by 238 individuals lining in 119 additional dwelling units. Although the proposed change increases the multi-family land percentage even higher than 20 percent target, the staff does not believe the change in land area is significant and the change does not account for the multi-family units that could have been located in the Mixed Use Village area.

Mr. Barry Hudson, Senior Planner with Dunnaway and Associates representing the applicant advised that they concur with staff recommendations.

Motion by Mr. Allison, seconded by Mr. Bailey to adopt the proposed amendments to the Land Use element of the Comprehensive Plan proposed by the Benbrook Economic Development Corporation and BoPeek Limited in Planning Area "D".

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe

Noes: Mr. Sauma

Motion carries 6-1.

**PZ-2007-07 Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494, (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments)**

**Parcel 1 –**

**29.9052 acres of land in the C.A. Kuykendall Survey Abstract Number 890, from "BR" One Family Reduced District to "BR-PD" One Family Reduced Planned Development District (south of Brookside At Benbrook Field Phase I, west of Vista Way, and north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments)**

**Parcel 2 –**

**8.6596 acres of land in the C.A. Kuykendall Survey Abstract Number 890, and the J.M. Evans Survey Abstract Number 466 from "D" Multiple Family District and "HC" Highway Corridor District to "HC-PD" Highway Corridor Planned Development District (east side of Vista Way approximately 750 feet north of Sproles Drive intersection and 9006 Benbrook Boulevard)**

**Parcel 3 –**

**46.9428 acres of land in the C.A. Kuykendall Survey Abstract Number 890, and the H. Covington Survey Abstract Number 257 from "BR" One Family Reduced District to "BR-PD" One Family Reduced Planned Development District (northwest of Walnut Creek, southeast of Union Pacific Railroad)**

**Parcel 4 –**

**19.2085 acres of land in the H. Covington Survey Abstract Number 257, from "D" Multiple Family District and "E" Commercial District to "D-PD" Multiple Family Planned Development District (northeast of Mercedes Street between Walnut Creek and future Vista Way)**

**Parcel 5 –**

**1.7937 acres of land in the H. Covington Survey Abstract Number 257, from "E" Commercial District to "D/HC-PD" Multiple Family/Highway Corridor Planned Development District (southwest of I20/Loop 820 , between future Vista Way and Union Pacific Railroad)**

**Parcel 6 –**

**4.3197 acres of land in the H. Covington Survey Abstract Number 257, from "D" Multiple Family District to "D/HC-PD" Multiple Family/Highway Corridor Planned Development District (northeast of the intersection of Mercedes Street and future Vista Way)**

**Parcel 7 –**

**29.4246 acres of land in the H. Covington Survey Abstract Number 257 and the J. Stephens Survey Abstract Number 1494 from "D" Multiple Family District, "E" Commercial District, and "HC" Highway Corridor District to "HC-PD" Highway Corridor Planned Development District (northwest of U.S. Highway 377/Benbrook Boulevard, north of Mercedes Street, southeast of future Vista Way, and southwest of I20/Loop 820)**

**Parcel 8 –**

**1.6631 acres of land in the H. Covington Survey Abstract Number 257 and the J.M. Evans Survey Abstract Number 466 from "HC" Highway Corridor District to "HC-PD" Highway Corridor Planned Development District (southwest of the intersection of U.S. Highway 377/Benbrook Boulevard and Mercedes Street)**

Mr. Gattis gave the following report: The rezoning application is for Planned Development classifications on 137.9 acres in the Benbrook Field development area west of Benbrook Boulevard and south of Loop 820. The application by the landowners, Benbrook Economic Development Corporation and BoPeek, Ltd. is presented in eight non-contiguous parcels and include:

Parcel 1 (29.9 ac):	BR to BR-PD
Parcel 2 (8.65 ac):	D and HC to HC-PD1
Parcel 3 (46.9 ac):	BR to BR-PD
Parcel 4 (19.2 ac):	D and E to D-PD
Parcel 5 (1.79 ac):	E to D/HC-PD1

Parcel 6 (4.3 ac):	D to D/HC-PD1
Parcel 7 (29.4 ac):	D, E, and HC to: 7A, 7C, 7D and 7E to HC-PD-1 7B to HC-PD2
Parcel 8 (1.66 ac):	HC to HC-PD

Underlying zoning districts establish basic development standards. PD zones allow flexibility in development standards to address unique development constraints or in exchange for higher development standards or provisions of additional amenities. It is intended that the PD zoning must be of some public benefit and not just a reduction in development standards.

#### Summary of PD provisions:

- BR-PD proposes reduced side yards to 5-feet on side and fence restriction in exchange for larger minimum house size (1,650 SF), masonry requirement (65% on front and second front), and wrought iron fences along parks and open space. The Planning and Zoning Commission recommended approval as presented at their June meeting.
- D-PD will restrict certain uses (animal lots, stables, RV camp grounds), restrict types of fences allowed and required, and requires City Council approval of any site plan. The Planning and Zoning Commission recommends approval with revision of maximum density calculation and requirement for F1 buffer yard adjacent to the park.
- HC-PD1 restricts certain uses (animal lots, stables, or riding arena) and adds other uses (convention center, museum); reduces building setbacks (25 feet for side, 15 feet for second front, zero lot line for interior, drive-through canopies and roofs can encroach into setbacks.) The Planning and Zoning Commission recommends approval as presented.
- HC-PD2 (Home Depot Site) increases maximum height to 40 feet within 65 feet of MF; allows outdoor displays and parking lot sales areas, allows outdoor storage of empty pallets and lumber at rear of building with 6-foot screening wall and allows up to 10 shipping containers stacked two high at the rear of the building. The Planning and Zoning Commission approval of HC-PD2 with screening of loading docks and architectural treatment of rear wall. In a letter dated June 21, 2007, Home Depot refuses to provide a 6-foot screening wall around pallet and lumber storage at the rear or to provide any treatment or screening of rear wall. The screening wall use included in the original application.
- D/HC-PD is intended to allow developer to pick and choose uses in D or HC districts, with differing development standards. The Planning and Zoning recommends rezoning to HC-PD1 and eliminate the D option.

#### Landscaping Requirements

- Landscaping requirements are enhanced (increased number of canopy trees with reduction in under-story trees and elimination of fences in buffer yards, increase in parking lot landscaping, and minor revision of allowable

species. The Planning and zoning Commission recommends approval as submitted with a requirement that new trees be at least 2 ½ inch caliper.

### Tree Preservation & Mitigation

- Eliminates complete tree survey in favor of sampling, increases threshold of mitigated tree size to 10 inches dbh and eliminates requirement to mitigate 12 “lesser” tree species (Bois d’arc, cottonwood, juniper, hackberry, mesquite, etc.), eliminates requirement to mitigate trees in street rights-of-way, easements, or building pads. Planning and Zoning Commission recommends approval.

### Sign Regulations

- Proposes Unified Sign Plan, reduces the total number of free-standing signs in exchange for larger signs and “off-premise” signs, provided they are part of the PD area.

#### Proposed Signs:

##### Entry Museum Tower at Benbrook Boulevard and Mercedes

- Front Yard Setback
  - Minimum of 20 feet from Benbrook Blvd. right-of-way after platting
- Side Yard Setback
  - Minimum of 20 feet from Mercedes Street right-of-way
- 35 feet high
- 120 square foot area at base

Planning and Zoning recommends approval with a 25-foot setback

##### Interstate Multi-tenant Pole Sign

- Height not to exceed 50-feet
- Setback minimum of 20-feet
- Area per tenant panel no more than 120 square feet, total 480 square feet
- Tenant must be within 500 feet of I20

Planning and Zoning Commission recommends approval with 25 foot setback. Applicant is now requesting a 60-foot height to provide visibility to Interstate 20. Applicant now requesting deletion of requirement that tenant be 500 feet of I20.

##### Multi-tenant Architectural Column Sign

- 35 feet high
- Area maximum of 300 square feet
- 10-foot setback

Planning and Zoning Commission recommends approval with maximum area per tenant of 60 square feet.

#### Single Tenant Monument Sign

- 8 feet high
- 50 square feet area

Planning and Zoning Commission approved as submitted

#### Off-premise Builder Kiosk

- Height not to exceed 12 feet
- 50 square foot area
- No setback from right-of-way

Planning and Zoning Commission approved 8 feet high and must be removed within 30 days of completion of single-family house construction within the development.

#### Temporary “For Sale” and “For Lease” Signs

- Height not to exceed 8 feet
- Area maximum of 64 square feet

Planning and Zoning Commission recommends 6 foot high and 48 square feet.

After holding a public hearing, the Planning and Zoning Commission recommends approval of PZ-2007-07 per staff comments, except:

- Parcels 5 and 6 be rezoned to HC-PD1
- The rear of Home Depot facing Vista Way must be screened or provide architectural treatment
- Minimum caliper size of new trees must be 2 ½ inches
- Interstate Multi-Tenant Pylon Sign must be 50 feet high and 480 square feet in area
- Multi-tenant architectural column sign must be 300 square feet, but no tenant have more than 60 square feet
- Builders Kiosk signs may be 8 feet high.

Mayor Dittrich opened the public hearing at 8:27 p.m.

Mr. Barry Hudson, Senior Planner with Dunnaway and Associates spoke on behalf of the landowners.

1. Staff recommends approval of the rezoning of Parcels 1 & 3 to BR-PD with the use and development standards presented. This is an increased minimum

house size with minimum masonry content added in exchange for reduced side yards. This is recommended by both staff and Planning and Zoning Commission for approval.

2. Staff recommends approval of the rezoning of Parcel 4 to D-PD with the standards presented with gross density being calculated on platted lot area excluding designated floodway. Applicants concur with recommendations.
3. Staff recommended approval of the rezoning of Parcels 2, 7A, 7C, 7D, 7E and 8 to HC-PD1. The P&Z recommended approval with amendments as noted in staff report.
4. Staff recommends approval of the rezoning of Parcel 7B to HC-PD2.
5. Staff recommends approval of the rezoning of Parcels 5 & 6 to D-PD. Planning and Zoning Commission recommended approval of Parcels 5 & 6 to HC-PD. The applicant would like to continue to pursue the original application. Applicant feels these areas are key locations that could go either direction depending on the type of uses that are located there. One parcel is on the corner of Mercedes and the extension of Vista Way. There is severe topography problems with the location. It is anticipated that there will be a continuation of the commercial development that is extending down Mercedes. However, there is an opportunity that there could be some Assisted Living or Nursing Home that might be more appropriate for the D-PD. The request is for either/or.

The other location is along the frontage road of Interstate 20 and this is a much deeper commercial property on the current zoning and the amended Land Use Plan amended earlier tonight. Feel it still has some potential for commercial because of the Interstate frontage. However, the property does drop down significantly; feel there is an opportunity for multi-family is appropriate as well. The developer would like the flexibility to do either the multi-family or the commercial on this tract.

6. This item is related directly to the Home Depot Site. Staff recommends approval of the architectural standards except:
  - Loading docks must be screened from public view by a minimum 6 foot masonry wall
  - Any wall (including rear walls) that are visible from a public street or residential area must meet all architectural requirements including building articulation
  - Minimum 6 foot masonry wall screening on Parcel 7B of Home Depot loading docks added by developer providing screening from Vista Way

The applicant request no building articulation or enhanced building materials in rear because it is felt that there will be sufficient landscaping. This would fall under the Buffer Yard E along Vista Way which we have increased the number of canopy trees in this area and will provide shrubs and other screening along Vista Way behind the Home Depot. Applicant feels it will not be that visible.

7. Staff recommends approval of the landscaping and tree preservation requirements as proposed. Planning and Zoning recommended a minimum of 2.5" caliper and the developer accepts.

8. Staff recommends approval of the Unified Sign Plan with several modifications.  
Up to 71 signs allowed with 6,800 sq. ft. There are 19 signs proposed with up to 2,380 sq. ft. 27% of number 35% of sign area

Sign Type 1 – Entry Museum Tower

Staff comment 25' setback

Applicant requesting 20' setbacks per P&Z recommendation.

Benbrook Field Museum Tower site amenity to emphasize Benbrook history and heritage

Sign Type 2 – Multi-tenant Pole Sign

Staff comment 40' max. height

PD Applicant requesting 50' height

Staff and P&Z comment 25' setback

Applicant requesting 20' setback

Staffs comment 60 sf per tenant

Applicant requesting 120 sf per tenant

P&Z asked for sign target study

Sign study shows need for 60' height

Sign Type 3 – Multi-tenant Architectural Column Sign

Staffs comment 240 sq. ft. maximum area

P&Z recommended 60 sq. ft. per tenant maximum

Applicant requesting 300 sq. ft. maximum area

Sign Type 4 – Single Tenant Architectural Monument Sign

No staff comments

Reduction of sign area from 100 sq. ft. to 50 sq. ft.

Sign Type 5 – Development Marker Column

No staff comments

Architectural enhancement and development amenity

Sign Type 6 – Off Premise Builder Kiosk Sign

Staffs comment 6' maximum height and 5' setback

P&Z recommended removal within 30 days post construction

P&Z recommended 5' setback

Applicant requesting 5' maximum height per P&Z recommendation

Applicant requesting 0' setback from property line and 2' setback from sidewalk

Sign Type 7 – Temporary “For Sale” and “For Lease” Sign

Staff and P&Z comments not to exceed 6' in height and 48 sq. ft. maximum

Applicant requesting 8' in height and 64 sq. ft. maximum

Summary:

- Requesting the D/HC-PD Zoning for the two tracts to allow more flexibility for a commercial developer or for those to be incorporated into the adjacent multi-family
- No building articulation in the rear of Home Depot due to the buffer yards and retainer wall that will buffer the view.
- Requesting 20' setback for Entry Museum Tower. Feel it needs to be up closer to the Benbrook Blvd. enhancements.
- The Interstate Multi-tenant sign request was originally 50' in height, but because of the Home Depots Sign Study, the request is now for 60' in height with a 20' setback, 120 sf per tenant, and no distance restriction as far as the tenants on the sign.
- Requesting no tenant size restriction on the 300 sq. ft. Multi-tenant Architectural column sign.
- Requesting no setback for Builder Kiosk signs.
- Requesting 64 sq. ft. temporary "For Sale" or "For Lease" signs
- Home Depot is requesting no pallet or lumber storage screening in the rear.

Ron Rainey stated this is an opportunity for Benbrook to get on the map. He stated we have been bypassed with Hulen, Bryant Irvin, the CityView area and Johnson County. This is a real shot at commercial development. He requested City Council to look at the request with an understanding that it is a PD zoning and will be created however the City wishes in its design. Home Depot is not the only commercial tenant that will be drawn to this development, but their impact financially on this City will allow this City Council to continue the pattern of past Councils have set in trying to look out for neighbors and reductions in residential ad valorm taxes.

Ms. Linda Belota spoke in favor of the masonry wall in the rear of storage area at Home Depot.

Mr. Al Griner spoke in favor of the overall development. He stated he would like to see the zoning defined on the two tracts and not the "either/or". Regarding the multi-family units would like to see some nice Town Homes with easy entry and not a high-rise facility. Would like to see Vista Way as not a "future" street but an actual street. Advised this development has been a long-time coming and citizens want to see some dirt turning.

Mr. Jim Risky owner of Risky's Bar-B-Que spoke in concern of what the signage will do to his existing sign. He advised that he did not want his sign dwarfed or be covered by a sign that may be closer to the street.

Mr. Hudson spoke in rebuttal to citizen comments:

- Regarding the possible D/HC area, landowners believe there is the possibility of land uses on those two parcels that could be considered Multi-family versus the uses that could be for Highway Corridor Commercial.

- Regarding the type of multi-family cannot say with certainty the type but the development would go before City Council. Because of the trees and topography there will be some limitations on the building footprints.
- Vista Way is going to happen. The preliminary plat has already been approved by the Planning and Zoning Commission and construction plans are well on their way. There are some issues with floodplain areas down at the intersection of Vista Way and Mercedes.
- Regarding the signage, only one sign is proposed adjacent to Risky's. It is a multi-tenant sign and it is the architectural style. It will look very nice and could be up to 300 square feet in this area because we have several tenants that will be behind Risky's that will need visibility on Highway 377.

Mr. Rainey stated the wall in question is a screening wall to hide pallets at the rear of Home Depot and is not a security fence to protect equipment or deter a break-in. It is a screening wall so vehicles on street do not see pallets or outdoor storage.

With no other speakers, Mayor Dittrich closed the public hearing at 9:16 p.m.

Discussion followed between City Council, Mr. Hudson, and landowners. Discussion included signage in regard to Risky's, screening wall, easements that will be needed for the widening of Benbrook Blvd., height or sign needed on Interstate 20, and screening wall behind Home Depot.

Mr. Gattis gave the following summary and options:

1. Rezone Parcels 1 and 3 to B-PD
2. Rezone Parcel 4 to D-PD with the Planning and Zoning Commission revision on calculation of density, buffer yard and fence along the park.
3. Rezone Parcels 2, 7A, 7C, 7D, 7E and 8 to HC-PD1
4. Rezone Parcel 7B to HC-PD2.
5. Rezone Parcels 5 and 6 to HC-PD. The applicant wants a deviation from the Planning and Zoning recommendation to D/HC-PD.
6. Approve the architectural standards regarding the screening of loading docks and storage areas and the treatment of rear wall facing Vista Way.
7. Landscaping and tree mitigation requirements with minimum of 2 ½ inch caliper trees for new stock.
8. Approve Unified Sign Plan
  - Planning and Zoning recommends 50-foot high Interstate Sign and 480 square foot area
  - Multi-Tenant Column Sign is 300 square feet and single tenant allowed 60 square feet
  - Off-premise Builders Kiosk at 8 feet, 5-foot setback, and removal within 30 days of completion
  - Temporary For Sale/Lease sign not to exceed 6-feet in height and 48 square feet in area

Motion by Mr. Schull, seconded by Mr. Bailey to approve items 1, 3, 4 and 7 as recommended.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Motion by Mr. Allison, seconded by Mr. Bailey to approve item 2 as recommended by Planning and Zoning Commission.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich

Noes: Mr. Tully, Mr. Stowe, Mr. Sauma

Motion carries 4-3

Motion by Mr. Tully, seconded by Mr. Stowe to accept Planning and Zoning Commission recommendation to rezone both Parcel 5 and 6 to HC-PD. (Item 5)

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Motion by Mr. Schull, seconded by Mr. Sauma to approve the architectural standards recommended by the Planning and Zoning Commission with amendments presented by the applicant:

1. No specific screening wall around the pallet and lumber storage area
2. Sufficient screening provided by retaining wall and vegetation
3. Applicant to present paint treatments for rear wall to staff in order to give some variety as opposed to a simple wall

(Item 6)

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Motion by Mr. Sauma, seconded by Mr. Schull to approve the applicants request for 60-foot Interstate sign. (Item 8)

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Following question from Mr. Hudson, Mayor Dittrich stated it was understood that the motion included the exclusion of the 500-foot proximity.

Motion by Mr. Tully, seconded by Mr. Sauma to:

1. Accept the staff and Planning and Zoning Commission recommendation for the Multi-Tenant Architectural Column Sign with the deletion of the requirement of 60 square foot per tenant
  2. Accept the off-premise Builders Kiosk, temporary For Sale/Lease signs and Entry Museum Tower as recommended by the Planning and Zoning Commission
- (Item 8)

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

## **VIII. INFORMAL CITIZEN COMMENTS**

## **IX. ADJOURNMENT**

Meeting adjourned at 10:55 p.m.

**APPROVED:**

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**Jerry B. Dittrich, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Joanna King, City Secretary**