

**MINUTES
OF THE MEETING OF THE
CITY OF BENBROOK
PLANNING & ZONING COMMISSION
THURSDAY, NOVEMBER 13, 2008**

The regular monthly meeting of the Planning and Zoning Commission of the City of Benbrook was held on Thursday, November 13, 2008, at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

Alfredo Valverde
David Ramsey
James Wilson
Brandon Weaver
Sanjiv Shah
Joe Hughes
Bob Pesce
Larry Marshall

Also Present:

Dave Gattis, Deputy City Manager
Ed Gallagher, City Planner
Sue Clark, Recording Secretary
Brandon O'Donald, Commissioner Appointee
Jerry Dittrich, Mayor
Bob Rowley, City Engineer
Ron Sauma, Council Member
Keith Bailey, Council Member
Paul Nedde

I. CALL TO ORDER

Chairman Marshall called the meeting to order at 7:30 p.m.

II. CONSIDERATION OF MINUTES

Regular Meeting – October 9, 2008

Motion by Mr. Valverde to approve the minutes as written. Second by Mr. Shah. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Valverde, Mr. Pesce, Mr. Weaver, Mr. Wilson, Mr. Hughes, Dr. Marshall,
and Mr. Shah

Noes: None

Abstain: Mr. Ramsey

Motion carried 7 – 0 – 1

III. OATH OF OFFICE

Mayor Dittrich issued the oath of office to Brandon O'Donald, Place 2, Joseph C. Hughes, Place 6, and Larry Marshall, Place 8.

IV. SELECTION OF CHAIR AND VICE CHAIR

By unanimous vote, Larry Marshall was re-elected Chair and Alfredo Valverde was re-elected Vice Chair

V. REPORTS OF CITY STAFF

A. COMPREHENSIVE PLAN AMENDMENTS

None

B. ZONING

Z – 08 – 07

Consider rezoning of Lots 1 through 16, Block 8, Lots 1 through 14, Block 9, Ridglea Country Club Estates (3901 through 4208, 4212, 4216, and 4300 Winding Way); Lots 1A, 1B, and 2 through 29, Block 21, Lots 1 through 16, Block 22, Lots 1 through 10, Block 23, Lots 1 through 8, Block 24, and Lots 7 through 12, Block 25, Ridglea Country Club Estates (7158 through 7261 Tamarak Road, 3705 through 3816 Hickory Spring Road, 7250 through 7259 Valley Dale Court, 7254 through 7259 River Valley Court, 3750 through 3825 Hollow Creek Road, 7204 through 7217 Falling Spring Road, and 3600 through 3717 Myrtle Spring Road); Tract B2 and Lot A, Ridglea Country Club Estates (Ridglea Country Club Golf Course); Lot 1, Block 1, Vickery Industrial Addition, Lots 1R and 2R, Block 1, Beckman Industrial Park, Lots 1 through 14, Block 1, Lots 1R through 24, Block 2, and Lots 1R through 11, Block 3, Ridglea Industrial Addition, Lot 1, Block 1, Ed-X-Change Addition, Tracts 5E and 1B1 in the F.S. Perry Survey Abstract Number 1226, Tracts 1E3, 1C6, 1C4, 1C8, 1C7, 1C4D, 1C, 1C4C, 1C2, 1C3, 6, 1A1A, 1B1A, 1C1A, and 1B2B in the James Rogers Survey Abstract Number 1265, Tracts 5 and 5D in the B.J. Foster Survey Abstract Number 520, Lot 1, Block 1, Creekside Addition, Lot 1, Block 1, Fort Worth Horseshoe Club Addition, and Lot 1, Block 1, Frank Goldthwaite Arena Addition (south side of West Vickery Boulevard from 7111 through 7461, and east and west sides of Vickery Loop East and Vickery Loop West, Missouri Pacific Railroad right-of-way, and TXU Electric transmission right-of-way); Lots 1 and 2, Radio & Television Commission Addition, Lot 1R, Block 1, Lot 21, Block 2, Lots 1 through 7, Block 4, Lots 1 and 2, Block 5, Lots 1 through 3, Block 6, Lots 1A, 1B, 2, and 3R1, Block 7, and Lots 1R and 2R, Block 8, Benbrook Industrial Park, Lot 2, Block 1, Northeast Winscott Addition, Tracts 4B, 4A, 6F, 6H, 6J, 6K, and 7 in the B.J. Foster Survey Abstract Number 520, and Tracts 2, 2A, and 2D in the J. Cambo Survey Abstract Number 362 (east side of Winscott Road from 315 to 501 and 581, 7470 to 7616 Benbrook Parkway, 7500 to 7543 Kathy Lane, and 7860 Winbrook Drive; Missouri Pacific Railroad right-of-way; and TXU Electric transmission right-of-way) Tracts 5A, 5B, 5B1, 5B2, and 5C in the James Rogers Survey Abstract Number 1264 (north of IH20/Loop 820, west of Block 9 of Ridglea Country Club Estates) to apply "NAS" (Naval Air Station)

Overlay District zoning classification to the existing underlying zoning district classification of each property.

The Chair introduced the item and asked for a presentation from the applicant.

Ed Gallagher said the Z-08-07 rezoning consideration is to establish the geographical boundaries of the recently established "NAS" Overlay District zoning classification. The regulatory text of the Zoning Ordinance for the "NAS" Overlay District was approved by the City Council last April and the current proposition is to apply the overlay district to the appropriate areas of the zoning map.

Mr. Gallagher said the City is the applicant in the rezoning to add the "NAS" Overlay District to the portions of Planning Area "B" north of Loop 820 and east of Winscott Road to Ridglea Country Club Estates Benbrook. There are numerous owners of the residential, commercial, and institutional industrial properties involved. Portions of the commercial and industrial properties are yet to be developed while the residential areas are mostly developed.

In the text of the Zoning Ordinance, the "NAS" Overlay District includes the areas affected by the average day-night 65 decibel noise contour resulting from aircraft operations at the Naval Air Station Fort Worth Joint Reserve Base. Mr. Gallagher said the configuration of the 65 decibel contour generates the boundaries of the district on the zoning map. The overlay district is added to the underlying zoning classification of the properties that regulates uses, setbacks, and other typical zoning specifications. The overlay district does not require any changes or alterations to any established uses or structures but does affect future construction regarding design and materials to reduce the noise level impact inside new structures, particularly dwellings.

Mr. Gallagher said the "NAS" Overlay District was established to provide for uses that are compatible with the aircraft operations at the Naval Air Station and to avoid incompatible, or conflicting land uses; and follows recommendations in the Joint Land Use Study Report that was accepted by the City Council last December. He said the Study followed the work of the Joint Land Use Study Policy Committee that included representation from Benbrook, Fort Worth, White Settlement, Lake Worth, Westworth Village, and River Oaks along with Tarrant County, the Defense Department, the Naval Air Station, Lockheed Martin, and the North Central Texas Council of Governments.

In the Comprehensive Plan, excessive noise is recognized as an environmental constraint that can be a limitation to urban development and that flight operations at the Naval Air Station are a major source of ambient noise. Mr. Gallagher said the Plan also notes that noise standards established by the Department of Housing and Urban Development indicate that levels less than 65 decibels are generally acceptable for residential uses and levels above 65 decibels are normally considered unacceptable and sound attenuation is recommended for buildings housing sensitive uses. The establishment of the overlay district and the current rezoning consideration are both compatible with the Comprehensive Plan.

Mr. Gallagher said Staff recommends that, after holding a public hearing, the Planning and Zoning Commission recommend that the City Council approve the Z-08-07 rezoning of the subject properties with the addition of the "NAS" Overlay District to the current underlying zoning district classification of each property.

The Chair asked for any comments or questions from the Commission.

Jim Wilson said the Overlay District will not affect any of the currently built properties and additionally, any rebuilds or future construction, a lot of the sound attenuation would already be accomplished through building codes.

There being no further comments or questions, the Chair opened the public hearing at 7:49 p.m. and asked if anyone wished to speak for or against the item. There being none, the Chair closed the hearing at 7:50 and asked for a motion from the Commission.

Motion by Mr. Wilson that the Planning and Zoning Commission recommend the City Council approve the Z – 08 – 07 rezoning of the subject properties with the addition of the “NAS” Overlay District to the current underlying zoning district classification of each property. Second by Mr. Ramsey. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Valverde, Mr. O’Donald, Mr. Wilson, Mr. Hughes, Mr. Ramsey, Mr. Pesce, Dr. Marshall, and Mr. Shah

Noes: None

Motion carried 8 – 0

Mr. Gallagher said the City Council would consider the item at their December 18, 2008 meeting.

Z – 08 – 08 Consider amendments to Section 4 – Definitions; Section 5 – Districts, District Boundaries, and District Uses; Section 7 – “SD” Suburban District; Section 9 – “A” One Family District; Section 10 – “B” One Family District; Section 11 – “BR” One Family Reduced District; Section 12 – “CR” Multiple Family Restricted District; Section 13 – “C” Multiple Family District; Section 14 – “D” Multiple Family District; Section 15 – “E” Commercial District; Section 16 – “F” Commercial District; Section 17 – “HC” Highway Corridor District; Section 18 – “G” Commerce District; Section 19 – “H” Industrial District; Section 20 – “MH” Manufactured Home District; Section 20A – “MU” Mixed Use District; Section 21A – “NAS” Overlay District; Section 23 – Supplementary District Regulations; Section 25 – Sign Regulations; Section 29 – Board of Adjustment; and Section 34 – Changes and Amendments of the Zoning Ordinance of the City of Benbrook, Ordinance Number 808, as amended.

The Chair introduced the item. Bob Pesce said he had a conflict of interest on the item recused himself and left the room. The Chair asked for a report from the applicant.

Dave Gattis said the City is the applicant and the proposed zoning amendments discussed at the September 11th work session where the Commission directed staff to prepare an ordinance regulating natural gas compressor stations. Mr. Gattis said State law precludes municipalities from a lot of regulations of natural gas activities and gas utilities in general. But the attorneys believe the City can regulate the location and treatment of natural gas compressor stations.

Mr. Gattis said the proposed ordinance permits the use in H-Industrial District and prohibits it in “SD” Suburban District, “CR” Multiple Family Restricted District, “A” One Family District,

“C” Multiple Family District, “B” One Family District, “D” Multiple Family District, “BR” One Family Reduced District, and “MH” Manufactured Home District. Compressor stations would be allowed in all other zoning districts by Special Exception Permit to be granted by the Zoning Board of Adjustment.

Mr. Gattis said the proposed performance standards for natural gas compressor stations:

- a. Requires site plan approval
- b. Requires F2 bufferyard (10-foot wide with 6-foot masonry wall plus plantings)
- c. Noise limited to 55 dB(a) at residential, church, hospital or park property line
- d. Requires security fencing
- e. Limits signage to 32 square feet
- f. Requires 300-foot separation from residential, 600-foot without written concurrence from adjacent property owners, and 1,000 feet from school or public buildings.

Some other miscellaneous changes proposed in this annual review are:

- a. Definition of “changeable copy sign” revised to conform with new TxDOT regulations
- b. Revised the definition of “utility facilities” is changed to reflect the current name of Benbrook Water Authority
- c. Eliminated the height restrictions on accessory buildings
- d. Section on three-quarter (3/4) vote by City Council has been rewritten, but not changed.

Mr. Gattis said Staff recommends that the Planning & Zoning Commission recommend that the City Council adopt the ordinance revising the Zoning Ordinance regarding natural gas compressor stations and other miscellaneous provisions.

The Chair asked for any comments or questions from the Commission. There being none, the Chair opened the public at 7:55 p.m. and asked if anyone wished to speak for or against the item. There being none, the Chair closed the public hearing at 7:56 p.m. and asked for any comments, questions, or a motion from the Commission.

Motion by Mr. Shah to recommend the City Council adopt the ordinance revising the Zoning Ordinance regarding natural gas compressor stations and other miscellaneous provisions but “RE” Residential Estate District be added to the prohibited districts for compressor stations and the requirement for security fencing around compressor stations be deleted. Second by Mr. Valverde. The Chair called question.

Vote on the Motion:

Ayes: Mr. Valverde, Mr. O’Donald, Mr. Ramsey, Mr. Wilson, Mr. Hughes, Dr. Marshall, and Mr. Shah

Noes: None

Motion carried 7 – 0

C. SUBDIVISION PLATS

None

D. PD SITE PLANS

None

E. GENERAL

None

VI. PRESENTATIONS BY PLANNING AND ZONING COMMISSION MEMBERS

None

VII. CITIZEN PRESENTATIONS

None

VIII. ADJOURNMENT

The Chair noted there were no additional matters of business on the regular Commission agenda and declared the Commission regular meeting adjourned at 8:00 p.m.

Following the regular meeting, the Planning and Zoning Commission met in work session for Commission Training and discussion of zoning, land use, and development in Benbrook. The work session convened at 8:00 p.m., attended by Commissioners Marshall, Shah, Valverde, Ramsey, O'Donald, Pesce, Wilson, and Hughes and City Staff members Gattis, Clark, and Gallagher. The work session concluded at 9:30 p.m.

APPROVED: _____ 2008

_____ Chair