

**MINUTES
OF THE MEETING OF THE
CITY OF BENBROOK
PLANNING & ZONING COMMISSION
THURSDAY, FEBRUARY 14, 2008**

The regular monthly meeting of the Planning & Zoning Commission of the City of Benbrook was held on Thursday, February 14, 2008, at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

Brandon Weaver
James Wilson
Larry Marshall
John Dawson

Also Present:

Dave Gattis, Deputy City Manager
Ed Gallagher, City Planner
Sue Clark, Recording Secretary
Robert Pesce, Commission Appointee
Ron Sauma, Councilmember
Keith Bailey, Councilmember
Steve Wells
Gayle Wells
Mike Ford
Rob Shear
Kristy Elliott
Cheralyn Armijo
Barbie Beard Wolfe
Jake Barber
David Walker
Tom Eudaly
and approximately 16 others

I. CALL TO ORDER

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

II. CONSIDERATION OF MINUTES

Regular Meeting – January 10, 2008

Motion by Mr. Wilson to approve the minutes of the January 10, 2008 regular meeting of the Planning and Zoning Commission as presented. Second by Mr. Weaver. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Weaver, Mr. Wilson, and Dr. Marshall

Noes: None

Abstain: Mr. Dawson

Motion carried 3 – 0 – 1

III. OATH OF OFFICE

The oath of office was taken by Robert Pesce for Place 7 of the Planning and Zoning Commission.

IV. REPORTS OF CITY STAFF

A. COMPREHENSIVE PLAN AMENDMENTS

CP – 08 – 01 Consider update of Section 17 – Capital Improvements of the Comprehensive Plan

Chairman Marshall introduced the item and asked for a report from Staff.

Dave Gattis, Deputy City Manager, said that, the Commission conducted a public hearing and considered the initial draft of the update of the Capital Improvements Plan (CIP) which is Section 17 – Capital Improvements of the Comprehensive Plan last month at the January 10, 2008 meeting. Mr. Gattis said the Commission had requested that Staff annotate where specific changes had been made and that is being presented to the Commission this month.

Staff recommends that the Planning and Zoning Commission recommend that the City Council adopt the revised Section 17 – Capital Improvements as part of the Comprehensive Plan.

The Chair asked if the Commission had any comments, questions, or a motion.

Motion by Mr. Dawson that the Planning and Zoning Commission recommend that the City Council adopt the revised Section 17 of the Comprehensive Plan. Second by Mr. Pesce. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Pesce, Mr. Weaver, Mr. Dawson, Mr. Wilson, and Dr. Marshall

Noes: None

Motion carried 5 – 0

B. ZONING

Z – 08 – 01 Consider Conditional Use Application for a Subsidiary Dwelling as provided for in Section 10 – B – b – 8 and Section 22 of Ordinance Number 808, as amended, Lot 1- A – 2, Block 7, Benbrook Lakeside Addition (1313 Cozby West Street) PUBLIC HEARING

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

Steve Wells, 1313 Cozby West Street, said he is the owner and applicant. Mr. Wells said he is requesting the conditional use permit for a subsidiary dwelling for an approximately 1,000 square foot house at the rear of his lot. He said his mother would occupy the house.

The Chair asked for any comments or questions from the Commission. There being none, the Chair asked for a report from Staff.

Ed Gallagher, City Planner, said the Z-08-01 conditional use application is presented by Steve and Gayle Wells for a subsidiary dwelling on their property at 1313 Cozby West Street. The proposed subsidiary dwelling would be a second dwelling unit on the "B" One Family District zoned, Lot 1-A-2 in Block 7 of Benbrook Lakeside Addition.

A subsidiary dwelling is a separate living quarters with separate kitchen facilities which is in addition to the principal dwelling unit on a single-family zoned lot. Most typically, a subsidiary dwelling is a garage apartment or guest house. A conditional use is a use that would not routinely be permitted in a particular district, but upon specific evaluation by the Commission, can be approved if determined to be compatible with other permitted uses in the area.

Mr. Gallagher said the proposed subsidiary dwelling is an approximately 929-square-foot, existing single-story accessory building near the rear of the lot. In September 2005, a building permit was issued to the previous landowner for the construction of the building as a pool house. The Z-08-01 application is to authorize a subsidiary dwelling use in the previously permitted pool house. The application indicates the subsidiary dwelling is to better accommodate the applicant's widowed mother.

The staff reviewed the application in accordance with the review and evaluation criteria specified in the Zoning Ordinance for compatibility with existing and permitted uses in the area. Regarding Criteria 1, the application indicates conformance with applicable regulations and standards of the Zoning Ordinance except off-street parking provisions for the proposed conditional use. Mr. Gallagher said two concrete off-street parking spaces behind the building line should be a condition of approval.

Compared with Criteria 2, the proposed subsidiary dwelling is compatible with existing and permitted uses on abutting sites regarding building height, bulk, scale, setbacks and open space for the conditional use. Regarding Criteria 3, the proposed conditional use is a residential activity and does not appear to have an unfavorable effect on existing or permitted uses on adjoining sites. Mr. Gallagher said the proposed subsidiary dwelling, when combined with the existing one-family house on the approximately 21,200-square-foot lot, provides a compatible or lower density than surrounding sites and a lower density than typical residential developments meeting density standards of the Zoning Ordinance.

Mr. Gallagher said Criteria 4 addresses signs and none are proposed with the application. Criteria 5 addresses the safety and convenience of vehicular and pedestrian circulation expected with the conditional use. The property has frontage on Cozby West Street, a two-lane, 28-foot-wide local street. Traffic generated by the proposed conditional use, combined with the existing single family use, will not generate traffic that would be detrimental to area traffic and will not exceed the capacity of the roadway serving the site.

In addition to the review and evaluation criteria specified in the Zoning Ordinance, the staff notes

that the establishment of the conditional use must be in compliance with all Building Codes, the Zoning Ordinance, and other applicable codes and regulations.

Mr. Gallagher said the Zoning Ordinance provides that a Conditional Use Permit automatically expires with a change of ownership of the land unless the approval includes the determination that it is in the best interest of the City that the approval transfer to subsequent landowners. Frequently, a conditional use involves a use in an existing structure that has other permitted use potential. However, it is not unusual that the use be transferable, and run with the land, rather than alter the structure with a change in ownership. Mr. Gallagher said it appears that the transfer of the conditional use to future owners would be appropriate and in the best interest of the City.

Staff recommends that the Planning and Zoning Commission approve Conditional Use Application Z-08-01, presented by Steve and Gayle Wells, to authorize the proposed subsidiary dwelling use in the existing accessory building in accordance with the application on Lot 1-A-2, Block 7, Benbrook Lakeside Addition (1313 Cozby West Street) subject to:

1. conformance with all elements of the Conditional Use Application,
2. conformance with all "B" District regulations with the exception of the Conditional Use and conformance with all other applicable codes, regulations, and ordinances,
3. the addition of two off-street parking spaces behind the building line, and
4. the Conditional Use is to run with the land.

Mr. Gallagher said the Commission may want to consider additional conditions to approval as it may deem appropriate.

The Chair asked for any comments or questions from the Commission. There being none, the Chair opened the public hearing at 7:48 p.m. and asked if anyone wanted to speak for or against the item.

Rob Shear, 1317 Cozby West Street, said his concern is that the properties would be sold separately in the future or used as a rental property.

Mr. Gallagher said the subject property is zoned single-family and would not meet the Zoning Ordinance if subdivided.

Mike Ford, 212 Cozby South Street, is directly behind the subject lot and he would like to know if the next owner would have to go through the same conditional use process, or would the permit run with the land. Mr. Ford said he is concerned that future owners would rent out the subsidiary dwelling.

The Chair asked for any other speakers. There being none, the Chair closed the public hearing at 7:52 p.m. and asked for any comments, questions, or a motion from the Commission. Discussion followed between the Commission and Staff.

Motion by Mr. Wilson that the Planning and Zoning Commission approve the Conditional Use Application, Z – 08 – 01, as recommended by Staff except that the approval not run with the land but would expire when the property changed owners. Second by Mr. Pesce. Following discussion, Mr. Wilson amended the motion to include a stipulation that the required

addition of the two off-street parking spaces behind the building line be constructed within 120 days of the approval. Mr. Pesce agreed to the amendment. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Pesce, Mr. Weaver, Mr. Dawson, Mr. Wilson, and Dr. Marshall

Noes: None

Motion carried 5 – 0

C. SUBDIVISION PLATS

P – 08 – 01 Consider preliminary plat of Sproles Addition, 5.0394 acres out of the J.M. Evans Survey Abstract Number 466 and the Joel Fish Survey Abstract Number 1876 (southeast corner of Benbrook Boulevard and Sproles Drive) PUBLIC HEARING

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

Kristy Elliott said she is the project manager for QuikTrip, 14450 Trinity Boulevard, Fort Worth, Texas, who is the agent on the preliminary plat application. Ms. Elliott said she is representing the owner and applicant and they are proposing to sub-divide the five-acre property into four lots. Three lots would front on Benbrook Boulevard and are zoned for commercial use and the fourth lot fronts on Sproles Drive and is zoned residential.

Ms. Elliott said the three lots on Benbrook Boulevard would have a mutual access drive that has been conceptually approved by TxDOT. She said there would also be a shared drive on Sproles Avenue at the rear of the three commercial lots. Ms. Elliott said they are correcting the location of the drive on Sproles Drive to align with McKinley Street as requested by Staff.

The asked Chair for any comments or questions from the Commission. There being none, the Chair asked for a report from Staff.

Mr. Gallagher said the preliminary plat of Sproles Addition involves 5.0394 acres in the Evans and Fish Surveys at the southeast corner of Benbrook Boulevard and Sproles Drive. The property is split zoned with the approximately 3.6-acre frontage on Benbrook Boulevard zoned "HC" Highway Corridor Commercial District and the approximately 1.4-acre balance with frontage on Sproles Drive zoned "D" Multiple Family Residential District. Mr. Gallagher said the preliminary plat material was prepared by SCI Survey Consultants of Plano and Glenn Engineering of Irving and presented on behalf of the property owners, Jerry and Ann Dittrich.

Three lots are shown in the commercial area parallel to Benbrook Boulevard and are connected with mutual access easements connecting with the shared access on the adjacent Tractor Supply site and Sproles Drive. The three commercial lots are shown to share a single driveway connection to Benbrook Boulevard.

Mr. Gallagher said the irregular shaped residential portion of the plat area is a single lot that has frontage only on Sproles Drive and is the relocation site of the historic Sproles House that was built in 1934 on the current commercial portion of the five acres. The residential lot also includes a stormwater detention area to accommodate runoff from the overall project.

The plat conforms with the Comprehensive Plan, includes a 20-foot right-of-way dedication along Benbrook Boulevard to provide for the future highway widening project, and a six-foot right-of-way dedication along Sproles that will result in a standard ten-foot parkway area from the existing roadway. Mr. Gallagher said an additional right-of-way dedication area should be required at the corner of Benbrook Boulevard and Sproles Drive for the enhanced intersection treatments proposed in the Benbrook Boulevard Master Plan.

Development is indicated to be in two phases with Lot 1 being the first phase that is anticipated to accommodate a QuikTrip gasoline and convenience store. The first phase will include off-site drainage easements and improvements, utility easements and facilities extensions, and mutual access easements and the shared driveway connection to Benbrook Boulevard.

Phase 2 includes Lots 2 and 3, the balance of the commercial property, and Lot 4, the residential lot, along with easements and infrastructure improvements to complete the five-acre project.

Mr. Gallagher said the Traffic Impact Analysis (TIA) submitted with the plat addresses Subdivision Ordinance requirements for the overall plat as well as the Texas Department of Transportation requirements for a driveway connection to the State controlled roadway in the State right-of-way. In the TIA, the traffic engineer recommends highway shoulder treatment and marking to create a right turn from Benbrook Boulevard into a right-in/right-out only shared driveway connection to the State highway. The TIA addresses State driveway separation standards and notes TxDOT approval of a variance is needed for the proposed location of the driveway. Mr. Gallagher said Staff concurs with the TIA recommendations and reminds the Commission that the driveway and improvements requires approval of both TxDOT and the City.

Standard sidewalks should be installed along Sproles Drive with each phase and sidewalks along Benbrook Boulevard can be deferred and constructed with the upcoming highway widening project.

Mr. Gallagher said the City Engineer notes the mutual access easement along the front of Lot 2, should be expanded to fully contain the access drive shown. A driveway location associated with the mutual access easement connecting to Sproles Drive does not comply with the separation requirements from a street intersection in the Subdivision Regulations. A better alignment with McKinley Street should be required or the drive location should have a minimum 75-foot separation from the street intersection.

The City Engineer also notes the proposed drainage appears to comply with the City's drainage policies and the drainage easement for the detention should not encroach on the access easement area on Lot 3 so the two uses will not conflict, and the required infrastructure is roughly proportionate to similar projects in accordance with the Texas Local Government Code.

Mr. Gallagher said review comments have not been received from TxDOT but City and TxDOT approvals should be in concert. The Benbrook Water Authority notes all mains must be 8-inch, the water main must extend across Lots 2 and 3 with the first phase, Authority standards must be followed, and Developer/Authority agreements approved. Comments have not been received from other utilities.

Staff recommends approval of the preliminary plat of Sproles Addition, subject to:

1. right-of-way dedication to accommodate enhanced intersection treatments proposed in

the Benbrook Boulevard Master Plan,

2. a variance for the shared driveway to Benbrook Boulevard/U.S. Highway 377 and other necessary approvals from TxDOT,
3. standard sidewalks along Sproles Drive with each phase,
4. acceptable adjustment to the driveway alignment with McKinley Street, and
5. conformance with all Engineering requirements, all TxDOT requirements, all BWA and utility requirements, and all final plat requirements of the Subdivision Ordinance.

Discussion followed between the Commission and the civil engineer on the project, Cheralyn Armijo with Glenn Engineering, concerning the drainage designs and drive approaches.

The Chair opened the public hearing 8:08 p.m. and asked if anyone wished to speak for or against the item.

Barbie Beard Wolfe, 1011 Sproles Drive, asked for clarification on the locations of the shared access and the location of the required sidewalks. Ms. Wolfe was also concerned with additional traffic following the construction of a QuikTrip on Lot 1 and how it will influence the small children that live in the area and her property.

Jake Barber, 1007 Sproles Drive, said he is concerned with the location of the shared access drive on Sproles Drive and the traffic it would generate. Mr. Barber said, according to the Municipal Code, no house can be moved to a property zoned residential. Mr. Gallagher said the code references houses brought in from other areas and the house that was moved to proposed Lot 4, was moved from the existing 5-acre property and the required permits were obtained.

Mr. Barber said the code does not say moving a house from outside the city, into the city, is a violation. He said the house was previously located in a commercially zoned area and was moved to a multi-family zoned portion of the lot and it does not seem like you could move a single-family residence into a multi-family zoned area.

Dave Gattis said the ordinance talks about bringing a house in from outside the City and placing it on a residential lot. The house has been relocated on an existing 5-acre property, not from one lot to another and when the house was built in the 1930s, the City did not exist and zoning was not introduced until the 1950s. Mr. Gattis said the four lots as proposed do not exist because the plat has not been approved.

Mr. Barber said he is also concerned with the required buffer yards and the traffic generated from the commercial property.

Tom Eudaly, 2317 Perkins Place, Arlington, said he is one of the owner/applicant's representatives and he wanted those attending the meeting to know that the owner/applicant had gone beyond ordinance requirements, at a great expense, to keep the historic house in Benbrook. He said he has sold several other sites to the QuikTrip group and it is ranked one of the top 50 corporations in America and is a tremendous company to have in Benbrook.

Barbie Beard Wolfe said she is very grateful that the owner moved the house to another location

on his property instead of having it removed and she is not concerned with the QuikTrip organization. She is concerned with what affect it may have on her property values and the additional traffic. Ms. Wolfe said she also thinks there should be a requirement that a four way stop be placed at the intersection of Sproles Drive, McKinley Street, and the new access drive on Sproles Drive so that she and her neighbors will be able to exit their driveways on Sproles Drive.

David Walker, 105 East Mildred Lane, said he is concerned with all the additional concrete and the loss of green areas.

The Chair asked for any further comments or questions. There being none, the Chair closed the public hearing at 8:40 p.m. and asked for any comments, questions, or a motion from the Commission.

Motion by Mr. Wilson to approve, P – 08 – 01, preliminary plat of Sproles Addition, subject to the recommendation by Staff. Second by Mr. Pesce. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Pesce, Mr. Weaver, Mr. Dawson, Mr. Wilson, and Dr. Marshall

Noes: None

Motion carried 5 – 0

D. PD SITE PLANS

None

E. GENERAL

None

V. PRESENTATIONS BY PLANNING AND ZONING COMMISSION MEMBERS

None

VI. CITIZEN PRESENTATIONS

None

VII. ADJOURNMENT

The Chair noted there were no additional matters of business on the regular Commission agenda and declared the Commission regular meeting adjourned at 8:45 p.m.

APPROVED: March 13, 2008

/S/ Larry Marshall Chair