

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

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

Bob Pesce  
Brandon Weaver  
David Ramsey  
James Wilson  
Joe Hughes  
John Dawson  
Larry Marshall  
Sanjiv Shah

Also Present: Dave Gattis, Deputy City Manager  
Ed Gallagher, City Planner  
Sue Clark, Recording Secretary  
Bob Rowley, City Engineer

**I. CALL TO ORDER**

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

**II. CONSIDERATION OF MINUTES**

Regular Meeting – February 14, 2008

Motion by Mr. Wilson to approve the minutes as written except to amend by including a summary of Mr. Gattis' comments regarding compliance with the house moving ordinance. Second by Mr. Pesce. The Chair called the question.

Vote on the Motion:

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

Noes: None

Abstain: Mr. Ramsey, Mr. Shah, and Mr. Hughes

Motion carried 5 – 0 – 3

**III. REPORTS OF CITY STAFF**

**A. COMPREHENSIVE PLAN AMENDMENTS**

**None**

## **B. ZONING**

**Z – 08 – 02**

### **Consider amendments to the Zoning Ordinance of the City of Benbrook, Ordinance Number 808, as amended**

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

Dave Gattis, Deputy City Manager, said the staff reviews the zoning ordinance annually for any necessary changes to treat new issues or trends, or to address problems that have come up during the year.

Mr. Gattis said Benbrook has been participating with five other cities on the Joint Land Use Study surrounding the Naval Air Station Fort Worth Joint Reserve Base. The first amendment includes the addition of definitions of "Approach/Departure Clearance Surface Slope", "Conical Surface", "Overlay District", and "Transitional Surface"; the creation of a new "NAS (Naval Air Station) Overlay District"; and the addition of height restrictions that may affect operations at the NAS Fort Worth JRB. These provisions are being proposed to conform with the recommendations of the Joint Land Use Study which tries to prevent incompatible development encroachment surrounding the Naval Air Station. Mr. Gattis said it is the staff's intent to bring a zoning change to include the appropriate property in the NAS Overlay Zone at a future meeting. Ground lighting could also become a consideration following further studies.

Mr. Gattis said other amendments include minor revisions of the definitions of "Building Area" to "Buildable Area"; clarification of definitions of "Efficiency Apartment", "Flag", "Floodplain", "Sign Area"; revision to the applicability of yard regulations in the G-Commerce District; minor revisions to permitted and conditional uses in the MU-Mixed Use District regarding drive-through businesses to be considered on a case by case bases and artists studios. He said the problem with artist studios is they may be next door to a residential loft and some artists use paints, solvents, welders, etc. so the City should maintain some control over their locations. Also included in the staff's recommendation is the clarification of auxiliary parking requirements.

Mr. Gattis said another of Staff's recommendations is a revision to the applicability of architectural standards and a threshold for applicability of materials standards for secondary buildings. He said the ordinance requires architectural standards for buildings over 5,000 square feet but the building materials restrictions would apply to any size commercial or industrial building. Mr. Gattis said Staff is proposing a minimum of 1,200 square feet for the building materials restrictions.

Mr. Gattis said the Commission may also want to reconsider the restrictions on automotive body work in certain commercial districts. The Ordinance allows service stations and auto repair in the "E", "F", "G", "HC", and "H" Districts, but prohibits fender or body repairs and major mechanical work (rear end, transmission, and engine overhaul) in the "E" District, and prohibits painting or body and fender repairs in the "F", "G", and "HC" Districts. The original intent was to protect adjacent districts from the noise associated with body repairs, but the staff is not sure that all body work generates noise that significantly exceeds the pneumatic wrenches that are found at all auto repair sites.

Staff recommends that, following a public hearing, the Planning and Zoning Commission recommend that the City Council adopt the proposed amendments to the Zoning Ordinance.

The Chair asked for any comments or questions from the Commission. There being none, the Chair opened the public hearing at 7:50 p.m. and asked if anyone wished to speak for or against the item. There being none, the Chair closed the public hearing at 7:51 p.m. and asked for any comments, questions, or a motion from the Commission.

Mr. Shah said he is concerned that the ordinance does not address sub-surface irrigation, especially in commercial zoning. He said there is a state law that allows homeowners to use all waste water, not including toilet water, to irrigate their yards and Benbrook does not encourage that. Mr. Gattis said the ordinance does not prohibit the use of gray water for irrigation (but the Plumbing Code does.)

Motion by Mr. Wilson to recommend the Planning and Zoning Commission recommend the City Council adopt the amendments, including items discussed in the work session. Second by Mr. Weaver. The Chair called the question.

Vote on the Motion:

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

Noes: None

Abstain: None

Motion carried 8 – 0

### **C. SUBDIVISION PLATS**

None

### **D. PD SITE PLANS**

None

### **E. GENERAL**

**G – 08 – 01**

**Consider amendments to the Subdivision Ordinance of the City of Benbrook, Ordinance Number 1122, as amended (Title 16 – Subdivisions of the Benbrook Municipal Code)**

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

Dave Gattis said that the staff reviews the Subdivision Ordinance annually for any necessary changes. This year, the staff is proposing the minor clarification of the definitions of "Floodplain", "iSWM<sup>TM</sup>" (Integrated Stormwater Management and inclusion of the trademark of iSWM<sup>TM</sup> symbol throughout the ordinance) and the clarification of the definition of floodplain in numerous locations.

Staff also wanted to allow for additional plat submittal sizes for sketch plats, preliminary plats and final plats, since Tarrant County accepts the new size of 22" by 34" for recording. Mr. Gattis said Staff is proposing updated statutory references for financial surety documents.

Also proposed is additional language (Section 16.24.046) regarding the ownership and maintenance responsibilities for private and common areas, and revision of the common area maintenance fund requirements for detention ponds (Section 16.28.025.D.12.h (3)). Mr. Gattis said more detention ponds are being created with the iSWM™ requirements and the burden of maintenance has been put on the homeowner associations and are finding that the City is in a better position to assure the ponds are working correctly.

Mr. Gattis said revisions to the mitigation requirements for trees (Section 16.28.010), including exempting mitigation for certain tree species are also included. Staff has surveyed 47 other cities around the state and found the Benbrook requirements are not far out of line. Staff proposes a requirement for conservation easements where necessary and mitigation requirements are clarified. Twelve species have been exempted and mitigation is not required for trees within street pavement or building footprints, provided impact minimization is demonstrated.

Mr. Gattis said that sometimes it is not realistic to mitigate all the trees on a site so proposed is an option of payment of fee-in-lieu. The City could use those funds to plant trees in areas that are relatively close to the construction site.

Staff recommends that, after a public hearing, that the Planning and Zoning Commission recommend that the City Council adopt the proposed amendments to the Subdivision Ordinance.

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

Mr. Ramsey asked if Staff had determined the amount of the fee-in-lieu. Mr. Gattis said it would be up to City Council to set the fee and it is not uncommon to require \$100 per caliper inch.

Mr. Shah said he did not agree that mitigation should not be required for trees within street pavement or building footprints.

Discussion followed between the Commission and Staff on tree mitigation, the option of payment of fee-in-lieu, the proposed list of approved trees, detention ponds, and iSWM™. There being no further comments or questions from the Commission, the Chair opened the public hearing at 8:26 p.m. and asked if anyone wished to speak for or against the item. There being none, the Chair closed the public hearing at 8:27 p.m. and asked for any comments, questions, or a motion from the Commission.

Discussion followed on present tree mitigation requirements, i.e., tree survey and mitigation plans, and proposed mitigation. Mr. Ramsey asked Staff if the proposed mitigation that does not include trees in the building footprint and street pavement areas would also include parking lot areas. Mr. Gattis said parking lots would not be excluded because it is much easier to retain a native tree within a parking lot.

Mr. Gattis said Benbrook's tree mitigation requirements are not as strict as some cities and some cities have no requirements. He said Benbrook's ordinance is weak on enforcement of clear cutting a property. If the owner is developing his property he must follow the mitigation requirements, but there is nothing to stop him from cutting down all the trees prior to submitting development plans. Mr. Gattis said the Council may want to add some sort of tree preservation ordinance. Discussion followed.

Motion by Mr. Shah that the Planning and Zoning Commission recommend the City Council approve the update of the Subdivision Ordinance except for updates to Section 16.28.010, Preservation of Trees and Native Vegetation, and the Commission conduct a work session to compare Benbrook's ordinance to the other 47 cities surveyed. Second by Mr. Dawson. The Chair called the question.

Vote on the Motion:

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

Noes: None

Abstain: None

Motion carried 8 – 0

**IV. PRESENTATIONS BY PLANNING AND ZONING COMMISSION MEMBERS**

None

**V. CITIZEN PRESENTATIONS**

None

**VI. 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 April 10, 2008

/S/ Larry Marshall Chair