

**MINUTES
OF THE MEETING OF THE
CITY OF BENBROOK
PLANNING & ZONING COMMISSION
THURSDAY, APRIL 10, 2008**

The regular monthly meeting of the Planning & Zoning Commission of the City of Benbrook was held on Thursday, April 10, 2008, at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

Alfredo Valverde
Bob Pesce
Brandon Weaver
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
James Brittain

I. CALL TO ORDER

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

II. CONSIDERATION OF MINUTES

Regular Meeting – March 13, 2008

Motion by Mr. Pesce to approve the minutes as written. Second by Mr. Dawson. The Chair called the question.

Vote on the Motion:

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

Noes: None

Abstain: Mr. Valverde

Motion carried 8 – 0 – 1

III. REPORTS OF CITY STAFF

A. COMPREHENSIVE PLAN AMENDMENTS

None

B. ZONING

None

C. SUBDIVISION PLATS

P – 08 – 02

Consider Preliminary Plat of Lots 1 and 2, Block 1, Carminati Addition, being a replat of Lot 1, Block 7, The Meadows Addition and 6.2 acres in the J.W. Smith Survey Abstract Number 1406 (8029 Meadowside Drive and 4904 Williams Road)

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

James Brittain, 3908 South Freeway, said he is a partner with Brittain and Crawford Land Surveying, representing the owner and applicants, Mr. and Mrs. Marshall Carminati. Mr. Brittain said the owners are platting the subject property into two lots to build a new home on Lot 1, which has water and sewer service available to build immediately. He said the Carminatis have not decided what they will do with Lot 2.

Mr. Brittain said he and Mr. Carminati have read Staff's report and will work with the Benbrook Water Authority to provide sewer service to Lot 2. He said the purpose of the plat is to make Lot 1 a buildable lot.

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

Mr. Gallagher said Marshall Carminati is the owner of 6.482 acres being Lot 1, Block 7, The Meadows Addition at 8029 Meadowside Drive, and 6.2 acres in the J.W. Smith Survey Abstract Number 1406. Mr. Carminati is requesting preliminary plat approval of the property located at 8029 Meadowside Drive and 4904 Williams Road into two lots.

Lot 1 on the proposed plat is the area west of the Willow Bend Creek concrete drainage channel and is zoned "A-PD" that will accommodate single-family residential construction. Proposed Lot 2 is located between Williams Road and Willow Bend Creek and is zoned "C" District for medium density residential construction.

Mr. Gallagher said the plat proposes two phases with Lot 1 being Phase I and Lot 2 being Phase II. Lot 2 is currently occupied by a single-family house that records indicate was built in the 1930s. The plat conforms with the comprehensive Plan, provides additional right-of-way on Williams Road and a segment of Meadowside Drive to achieve standard street sections, and the extensions of two existing drainage easements.

Public Open Space Easements (P.O.S.E.) are indicated at both street intersections on the plat with the P.O.S.E. at the Meadowside Drive/Wendy Lane intersection requiring an expanded configuration.

The Lot 2, Phase II, area includes a single-family house and an outbuilding that encroach in a 10-foot utility easement and a 15-foot building setback area shown on the plat along Meadowside Drive. If final platting of Phase II does not involve the removal of both of the encroaching structures, special attention will be needed with approval of the final plat.

Mr. Gallagher said the submittal includes the requested abandonment of an existing 10-foot wide utility easement on proposed Lot 1. He said plat approval by the Commission should include a recommendation that the City Council approve the easement abandonment, subject to any conditions of utility suppliers.

Mr. Gallagher said, probably the most significant consideration with the plat is the sanitary sewer service to proposed Lot 2. With the current property ownership configuration, a yard line connects the existing house directly to the Fort Worth sanitary sewer main without crossing a lot or ownership line. He said the introduction of the lot line, creating Lot 1 and Lot 2, generates a conflict with the Plumbing Code and is a concern for the Benbrook Water Authority, the Fort Worth Water Department, as well as the City of Benbrook. BWA, Fort Worth, and Benbrook all recognize the house and yard line connecting directly to the Fort Worth trunk main, have existed for many years and are a unique situation.

With the existing circumstances, a private easement should be established for the segment of the yard line on Lot 1 with the final plat of that lot. The Lot 1 final plat should clearly explain the purpose of the private easement is to protect the yard line serving the existing house on the adjacent Lot 2 area, allow access on Lot 1 to the Lot 2 area owner for maintenance of the yard line, and that the yard line is a private facility for which BWA, Fort Worth, and Benbrook are in no way responsible. The private easement is only for the existing yard line serving the existing house and future final platting of Lot 2 requires the extension of BWA facilities to serve that lot.

Mr. Gallagher said the City Engineer notes that the finished floor elevation of the existing house on proposed Lot 2 should be shown on the final plat. The floodplain information on the final plats must accurately reflect the appropriate FEMA data.

The Benbrook Water Authority indicates water is available to both lots and sewer is available only to Lot 1. With final platting of or any new construction on Lot 2, sanitary sewer facilities must be extended to serve the lot. Mr. Gallagher said either of two possible sewer extensions to BWA mains will require a lift station and a force main to be installed at the developer's expense. A third possible sewer configuration would include owner involvement in negotiations with Fort Worth for a direct gravity connection to the Fort Worth trunk main. A determination of the method of providing sewer extension to Lot 2 should be determined prior to final platting of Lot 1 so any necessary easements can be established on that plat. Any sewer extension to serve Lot 2 will be at the owner's expense and must conform with all BWA and Fort Worth standards and requirements. The Authority agrees with establishing a private easement to continue the existing service only to the existing single-family house on Lot 2.

Mr. Gallagher said comments from the Fort Worth Water Department parallel the previous Benbrook and BWA comments with the exception that they did not suggest a direct connection to the Fort Worth trunk main as a possible method of sewer service to Lot 2.

Staff recommends the Commission approve the preliminary plat of Carminati Addition, (P – 08 – 02) subject to:

1. the expanded P.O.S.E. configuration on Lot 1,
2. a 15-foot wide private water and sanitary sewer easement on Lot 1 to accommodate the sanitary sewer yard line serving the existing house on Lot 2, with notation of the purpose of the easement, noting Benbrook, Fort

Worth, nor BWA shall be responsible for the maintenance and operation of the yard line in the private easement, and that any additional construction on Lot 2 will require the extension of a public sanitary sewer main to serve Lot 2, and

3. conformance with all Engineering requirements, all BWA, Fort Worth Water Department, and utility requirements, and all final plat requirements of the Subdivision Ordinance.

Also, Staff recommends the Commission recommend that the City Council approve the proposed abandonment of the 10-foot wide utility easement area on Lot 1, Block 7, The Meadows Addition, subject to concurrence from all utility suppliers.

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 wished to speak for or against the item. There being none, the Chair closed the public hearing at 7:49 p.m. and asked for any comments, questions, or a motion from the Commission.

Motion by Mr. Valverde to approve the preliminary plat, P – 08 – 02, as recommended by Staff and to recommend the City Council approve the proposed abandonment of the 10-foot wide utility easement area on Lot 1, Block 7, subject to concurrence from all utility suppliers. Second by Mr. Pesce. The Chair called the question.

Vote on the Motion:

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

Noes: None

Abstain: None

Motion carried 8 – 0 – 0

D. PD SITE PLANS

None

E. GENERAL

None

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 7:50 p.m.

Following the regular meeting, the Commission met for a work session to discuss tree preservation provisions of the Subdivision Ordinance. The work session convened at 8:00 p.m., attended by Commission members Valverde, Pesce, Weaver, Wilson, Hughes, Dawson, Marshall, and Shah, and City Staff members Gattis, Clark, and Gallagher. The work session concluded at 9:15 p.m.

APPROVED: May 8, 2008

/S/ Larry Marshall, Chair