

**MINUTES
OF THE MEETING OF THE
CITY OF BENBROOK
PLANNING & ZONING COMMISSION
THURSDAY, JUNE 14, 2007**

The regular monthly meeting of the Planning & Zoning Commission of the City of Benbrook was held on Thursday, June 14, 2007 at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

Joe Hughes
David Ramsey
Alfredo Valverde
Jay Morrill
John Dawson
Dian Price
Sanjiv Shah
Larry Marshall

Also Present:

Ed Gallagher, City Planner
Sue Clark, Recording Secretary
Dave Gattis, Deputy City Manager
Larry Stowe, Councilmember
Ron Sauma, Councilmember
Dan Tully, Councilmember
Ron Rainey
Barry Hudson
Tom Galbreath
Chris Wilde
Alex Herrera
and approximately 5 others

I. CALL TO ORDER

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

II. CONSIDERATION OF MINUTES

Regular Meeting – May 10, 2007

Motion by Mr. Valverde to approve the minutes of the May 10, 2007 regular meeting of the Planning and Zoning Commission as presented. Second by Mr. Shah. The Vice Chair called the question.

Vote on the Motion:

Ayes: Mr. Hughes, Mr. Ramsey, Mr. Valverde, Ms. Price, Mr. Shah, and Dr. Marshall

Abstain: Mr. Morrill and Mr. Dawson

Noes: None

Motion carried 6 – 2 – 0

Vice Chair Marshall announced that the two items up for consideration by the Commission would be taken out of order. Dr. Marshall introduced the first item, G – 07 – 05 that was continued from the May 10, 2007 meeting.

- G – 07 – 05 Consider 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)

Dr. Marshall asked for a presentation by the applicant.

Barry Hudson with Dunaway Associates, said he was representing the applicants, Benbrook Economic Development Corporation and Trinity Partners on the Benbrook Field development. Mr. Hudson said the City Staff report was very succinct and appropriate. The applicants are requesting that the Mixed Use Area be reconfigured to include segregated areas for Commercial, Residential, and Multi-Family uses. The request does not change the numbers or acreage very much, for Planning Area D as it continues the commercial aspect of Benbrook Boulevard.

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

Mr. Gallagher said the proposed amendments to the Land Use Plan for Planning Area “D” are requested by the landowners, BoPeek Limited and the Benbrook Economic Development Corporation. Planning Area “D” is a 750-acre area on the west side of Benbrook Boulevard and extends south from Loop 820 to R.M. 2871. The applicant’s property is at the north end of Area “D” with the proposed changes between Benbrook Boulevard, and the new extension of Vista Way and a segment of Walnut Creek.

Mr. Gallagher said the most notable aspect of the amendments is the deletion of a 32.6-acre area currently designated for Mixed Use Village use and located mostly north of the new extension of Mercedes Street. The change proposed is to increase Commercial use by 26.6 acres, and along with the relocation of a High Density Multi-family area east of Vista Way, it proposes to increase the High Density use by slightly less than six acres. Mr. Gallagher said the change would confine all of the Commercial uses to the area between Benbrook Boulevard and existing and future Vista Way. All of the High Density Multi-Family would be located between future Vista Way and the Walnut Creek floodplain area. For the most part, the amendments separate and reconfigure uses that could occur with the existing land use designations, and the amendments are not expected to affect traffic, drainage, utilities and municipal services.

Mr. Gallagher said the Comprehensive Plan includes a Principle that the balance between single-family and multi-family land should allot no more than 20 percent of residential land to multi-family use. The proposed change would increase the multi-family land to 21.41

percent. He said the increase could raise the number of dwelling units in the City by 19 and the ultimate expected population in Benbrook by 238. The change does not factor in the amount of multi-family units that could have been constructed in the Mixed Use Village area and the Staff does not view the change as a significant change from the Plan. Mr. Gallagher said the Staff recommends that after a public hearing, the Commission recommend City Council adoption of the proposed amendments to the Land Use element of the Comprehensive Plan in Planning Area "D".

Vice Chair Marshall asked for any comments or questions from the Commission. There being none, the Vice Chair opened the public hearing at 7:38 p.m. and asked if anyone wished to speak for or against the item. There being none, the Vice Chair closed the public hearing at 7:39 p.m. and asked for any comments, questions, or a motion from the Commission.

Motion by Mr. Valverde that the Commission recommends the City Council adoption of the proposed amendments to the Land Use element of the Comprehensive Plan proposed by the Benbrook Economic Development Corporation and Bo Peek, Limited in Planning Area "D". Second by Mr. Shah. The Vice Chair called the question.

Vote on the motion:

Ayes: Mr. Ramsey, Mr. Valverde, Mr. Morrill, Ms. Price, Mr. Dawson, Mr. Shah, Dr. Marshall, and Mr. Hughes

Noes: None

Motion carried 8 – 0

III. REPORTS OF CITY STAFF

A. ZONING

Z – 07 – 03 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)

Vice Chair Marshall introduce the item and asked for a presentation from the applicant.

Barry Hudson with Dunaway Associates said they are representing the applicants, Benbrook Economic Development Corporation and Trinity Partners, on the Planned Development request. He said he would like to thank the Commission for their time at the

joint work session they had with the EDC and the City Council on June 28, 2007. A number of the items and their wording in the rezoning request have been modified after working with the City Staff so he would like to focus on some of the Staff comments on the Commission's report.

Mr. Hudson said, as discussed at the joint work session, the subject property has historical significance as an old airfield and they are trying to bring back that image in the new development. He said they had three exhibits as a part of the planned development text, and one of the significant things worked out with Staff prior to the joint work session is Parcel 7. Mr. Hudson said, originally they had eight parcels; two Single-family Residential, three Highway Corridor Commercial, one Multi-family, and one flexible for Multi-family or Highway Corridor use. As recommended by Staff, Parcel 7 was broken out separately with Parcel 7B being known as the Home Depot site and separate regulations proposed.

Mr. Hudson said Staff's recommendation Number 1 is that the Commission recommends that the City Council approve the rezoning of Parcels 1 and 3 to "BR-PD" with the use and development standards as presented by the applicants. He said the developer has requested an increase in the minimum size of the dwelling unit and has added a minimum masonry requirement. In return, they are asking for reduced side yards of five feet on both sides of a residential property.

The second item on the Staff's recommendation for City Council approval of the rezoning of Parcel 2 to "D-PD" with the standards presented with the exception of requiring that gross density be calculated on the platted lot area, excluding designated floodway, and that a F1 bufferyard be required adjacent to any public park. Mr. Hudson said they are willing to revise the wording to make it clear because it was not their intention to include any portion of the parcel that is outside the plat area or to count the floodplain area.

Mr. Hudson said Staff's recommendations 3 and 4 are that the Commission recommend City Council approve the rezoning of Parcels 2, 7A, 7C, 7D, 7E, and 8 to "HC-PD1", and Parcel 7B to "HC-PD2". He said Staff's recommendation Number 5 is to rezone Parcels 5 and 6 to "D-PD". The applicant is requesting that their proposed flexibility be allowed to do either "D" Multi-family or "HC" Highway Corridor on the two parcels because of the location of the two parcels. Parcel 5 is in a low area along the frontage road on IH 20/Loop 820 at the extreme north end of the property so there is a possibility of some retail office or commercial type uses to go along the highway frontage. However, because of the grade difference of the freeway and the way the property drops down, it may be more appropriate to incorporate it with the adjoining multi-family tract to the south. He said Parcel 5 would be bound on the east side by the extension of Vista Way.

Mr. Hudson said the other parcel they are requesting be zoned "D/HC-PD" is Parcel 6, at the intersection of Vista Way and Mercedes Street. He said the parcel has some challenging topography as Mercedes Street drops down right before the bridge that will be crossing Walnut Creek into the single-family residential Phase 3. They anticipate that the frontage on Mercedes Street would be appropriate for retail or office use but it could also be appropriate for assisted living or nursing home. They are requesting the flexibility when considering Parcels 5 and 6 in the Commission's recommendation to Council.

City Staff recommendation Number 6, proposes that the City Council approve the proposed architectural standards except that loading docks must be screened from public view by a

minimum six-foot masonry wall and that any wall (including rear walls) that are visible from a public street or residential area must meet all architectural requirements, including building articulation. Mr. Hudson said the developer is agreeable to place a screening wall around the dock area to screen the Home Depot from Vista Way and wrapping it around the north side to the driveway to screen it from Benbrook Field Drive. Mr. Hudson said they are also providing some landscape screening along the rear as well.

As for building articulation, Mr. Hudson said he thinks Home Depot is going to do a very nice front and side elevation, fronting Benbrook Boulevard and also adjacent to Benbrook Field Drive. He said with the landscaping in the rear of the building, he does not feel the building articulation is needed along the back of the big box user.

Mr. Hudson said Staff's recommendation Number 7 states approval of the landscaping and tree preservation requirements as proposed. He said they are proposing a Tree Sampling Procedure that is recognized by urban foresters and mitigation of certain trees, as well as certain trees to be preserved as quality trees that would not require mitigation.

Staff's recommendation Number 8 regards the unified sign plan submittal and Mr. Hudson thinks the developer and City Staff have not come to a complete agreement and some changes have been made since the joint work session. He said there are still some gaps in the proposal being considered by the Commission.

Mr. Hudson said the whole idea of the Benbrook Economic Development Corporation developing the subject property is to attract business and sales dollars to this area and the developer's feel very strongly that in order to do that, you need appropriate signage. He said signage is needed to attract buyers and make them aware of the business locations.

Mr. Hudson said in the unified sign plan being considered, there is a comparison of signs that are allowed in the City of Benbrook Sign Ordinance and the signs that are being proposed on the property. A sign is allowed based on the number of linear feet of frontage on the various streets within the development. According to the ordinance, the developers of the overall development could have as many as 71, detached signs on the property and could total and amount of 6,800 square feet of sign area. Mr. Hudson said instead of having 71 signs, the unified sign plan proposes a total of 19 signs on the whole property, with a maximum of 2,380 square feet of sign area, which is only one third of sign area allowed and only a fourth of the number of signs allowed if the maximum amount of signage was placed on the property.

Mr. Hudson said the signs are placed strategically around the property. The proposed sign along the frontage road is intended to maximize the visibility from IH 20/Loop 820 so that people can exit in time, as well as the traffic from Benbrook Boulevard. He said they are proposing multi tenant signs at Benbrook Field Drive, Mercedes Street, along the Mercedes Street frontage, and at the south end of the tract.

Mr. Hudson said the Entry Museum Tower does not advertise any businesses but is more of an icon or architectural feature and amenity for the site. The Tower could end up being a visitor center for the City or just an architectural feature at the key intersection of Benbrook Boulevard and Mercedes Street. Mr. Hudson said Staff is recommending a 25-foot setback from Benbrook Boulevard and Mercedes Street after platting and the applicant is requesting a 20-foot setback because of the odd configuration and limited area of Parcel A. He said the tower is modeled after the air tower that was historically in the area many years ago.

Mr. Hudson said Staff is recommending the Interstate Multi-Tenant Pole Sign not exceed 40 feet in height and the applicant is still requesting 50 feet in height. The extra 10 feet is key to being able to see the lower tenants on the sign. Staff is recommending a minimum setback of 25 feet and the applicant is still requesting a 20-foot setback to get it closer to the Interstate. Mr. Hudson said Staff is recommending a maximum area of 60 square feet per tenant on the multi-tenant sign and the applicants are requesting 120 square feet per tenant with a maximum of four tenants on the Interstate sign.

Mr. Hudson said, although it is not spelled out in the Staff's recommendation or in the applicant's PD submittal, Staff is recommending a maximum size of 240 square feet for the Interstate Multi-Tenant Pole Sign, which would be four tenants, each at 60 square feet. The applicants are asking for 120 square feet for four tenants, for a maximum size of 480 square feet. He said the Benbrook Sign Ordinance allows 120 square feet for a single tenant sign on a pole and allows provisions for additional area as additional tenants are added, up to a maximum size of 240 square feet, which is the size recommended by the City Staff.

Mr. Hudson said the additional size and 10 feet of height for the Interstate Multi-Tenant Pole Sign is key to the visibility from the freeway and frontage road off ramp because of trees in the area. He said there are other signs in the area that are larger and have better visibility along IH 20/Loop 820 than the sign they are requesting. Mr. Hudson said the Benbrook Economic Development Corporation's multi-tenant sign at the corner of IH 20/Loop 820 and Benbrook Boulevard is 60 feet tall and 16 feet wide between the columns. The applicants are proposing a 20-foot wide sign, which is essentially a 6-foot tall and 20-foot wide panel per tenant. They feel that their requested size is essential for the text or logo to be read from the freeway. Mr. Hudson said the Commission could recommend a maximum size area for the Interstate Multi-Tenant Pole Sign instead of specifying the sign area per tenant and number of tenants.

Mr. Hudson said Staff has recommended the Multi-Tenant Architectural Column Sign not exceed 240 square feet in area and the applicants are requesting 300 square feet. Mr. Hudson said Home Depot would be one of the tenants on the multi-tenant sign and their logo is the orange square and would probably take up two or three of the tenant squares. To allow room for the other tenants to utilize the sign, they are requesting the larger area of 300 square feet instead of 240 square feet.

Mr. Hudson said they had submitted a 12-foot tall monument sign but have since reduced that to 8 feet in overall height. The 8-foot maximum height is to the sign top and the architectural columns will be extending about 1-foot above that to give it a framing effect. The sign area does not go all the way to the ground because they are planning landscaping along the base of the sign. He said the actual sign area they are proposing for the monument sign is only 50 square feet where as the maximum size allowed by the City Sign Ordinance is 100 square feet. Mr. Hudson said even though they have a number of monument signs included in their unified sign plan, they are only half the size of what is allowed by ordinance.

Mr. Hudson said the off-premise Builder Kiosk signs are semi-permanent signs to advertise the residential homebuilders that would be building in Phases I, II, and III of Benbrook Field Addition. The prototype was taken from the city of Grand Prairie that builds the kiosks in the public street right-of-way to try to eliminate the bandit signs that go up on weekends. He said the City of Benbrook is very conscientious about trying to keep the bandit signs out of the public right-of-way and they feel this is an appropriate way to advertise the builders. Initially

they had requested a 12-foot high sign and following the joint work session, they agreed to make the sign eight feet tall. City Staff would still like to see the sign lowered to six-foot from eight-foot. He said the issue is they do not know how many builders will be working in the three phases.

Mr. Hudson said the other issue for the Builder Kiosk signs is the setback requirement. They have requested a zero setback from the property line. Since this is not a city-sponsored sign like Grand Prairie, it is not appropriate for the sign to be in the public right-of-way. The provision they had proposed and talked to Staff about was in areas where the Builder Kiosk signs would be located, the sidewalk would meander so that there would be at least a two-foot separation with the sidewalk. Mr. Hudson said City Staff is still requesting a six-foot maximum height and five-foot setback so they are asking for the additional height and closer to the right-of-way. He said they added some additional wording regarding removal of the Builder Kiosk signs and Staff is suggesting some variation on that but they are agreeable that once the builders are completed in Benbrook Field, the signs would be removed.

Mr. Hudson said Staff is recommending that the Temporary "For Sale" and "For Lease" signs not exceed six feet in height and 48 square feet in area. They are requesting eight-foot-by-eight-foot (8' X 8') signs that would be eight feet in height and 64 square feet in area.

Mr. Hudson said he thinks they have been working with the Staff and have responded to City comments during the process. They have responded to comments from the EDC and made presentations to their board and they appreciate the input from the joint work session.

Vice Chair Marshall asked for any comments or questions from the Commission.

Dian Price asked if irrigation for the landscaping is required from the storeowners. Mr. Hudson said yes, the City requires irrigation and that would be required for all landscaping within Benbrook Field.

David Ramsey said that Mr. Hudson had said the back dock area of the Home Depot would have landscaping for screening. However, by looking at their map, the property behind Home Depot is going to be high-density multi-family, which could mean three and four story buildings and landscaping would not provide screening. Mr. Hudson said in their initial draft of their PD ordinance they had a provision regarding the grade difference because the area from Vista Way to Walnut Creek falls off by 35 to 40 feet so the multi-family would be significantly lower than the Home Depot elevation. He said Vista Way rises significantly as it goes from south to north and because of the crossing at Mercedes Street and the future bridge, it actually will go up about 12 to 15 feet behind the Home Depot area. Mr. Hudson said because of this change in grade, Home Depot will have a significant retaining wall behind half of it but by the time it gets back to the T-intersection at Benbrook Field Drive, it will be back at grade. He said he thinks that is why the developer has agreed to build a screening wall at the north end of the Home Depot around the loading dock.

Ms. Price asked why Home Depot would require so much space on the multi-tenant sign. Mr. Hudson said he thinks they want their standard logo as part of their agreement with the developer. Mr. Hudson said they have modified their building elevation significantly, from what they have done in the past and it is a very nice looking building.

Dr. Marshall asked what percentage of the back of the Home Depot will have the masonry wall. Mr. Hudson said they have in the PD zoning, screening of the pallet area and they are offering tonight to also do the screening of the dock area so that would be a total of about 50 percent. Dr. Marshall asked what material would be used for the back of the Home Depot building.

Chris Wilde with Dunaway Associates said there is quite a bit of grade difference as you go from Mercedes Street, north on Vista Way. As you get to Home Depot on Vista Way, you will be looking up a retaining wall for approximately half the length of the building. Mr. Wilde said the retaining wall will act as a buffer from sight from the back of the Home Depot. When you get to the area of the pallet storage, the retaining wall will start to transition into the screening wall. He said the retaining wall is approximately 15 feet high at ground level on the south side of the building and will be topped with landscaping.

Dr. Marshall asked what material would be used for the backside of the Home Depot building. Mr. Wilde said it would be a tilt concrete panel, stamped, decorative wall that will look like a stone veneer. Dr. Marshall asked if it would look like the retaining wall at the Sam's Warehouse on Bryant Irvin Road and Mr. Wilde said yes.

Dr. Marshall said the applicants had made changes that are an exception to what the City Staff report says. He asked what Mr. Hudson's proposal is because it seems like nothing has changed since the month before and he would like to know what the applicants want the city to give up and what they are willing to give up. Mr. Hudson said he feels like they have worked with Staff over the last few months and have made changes to the text as requested and the only outstanding issues are primarily the signage. Mr. Hudson said they request that the Planning and Zoning Commission make their recommendation and send them on to City Council.

Vice Chair Marshall asked for a report from Staff.

Ed Gallagher said this rezoning application is for Planned Development ("PD") 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 Limited is presented in eight non-contiguous parcels in the Benbrook Field project and includes:

- 2 – "BR-PD" single family areas,
- 1 – "D-PD" area for multi family,
- 3 – "HC-PD" areas for commercial activities, and
- 2 – Areas proposed as "HC/D-PD", with either multi family or commercial uses intended.

One of the "HC-PD" areas, Parcel 7, a 29.4-acre area is presented in five sub-parcels with different "PD" specifications proposed.

The two "BR-PD" areas, Parcels 1 and 3 are currently zoned "BR" District and the size and configurations of those areas are not proposed to change with the requested "PD" standards. No changes are proposed in the "BR" District permitted uses. The "PD" application proposes reduced side yard setback standards but proposes enhanced minimum floor area requirement of 1,650 square feet, an increase of 450 square feet, and the addition of a 65 percent masonry minimum on front elevations and prohibits wood fences along lot lines adjoining

parkland or permanent open spaces. In the Staff's opinion, the increased floor area minimum and the addition of the masonry requirement provide a balance with the side yard reductions and should be approved with site plans approved administratively.

Mr. Gallagher said the "D-PD" zoning is proposed for the Parcel 4 area located between the future extension of Vista Way and Walnut Creek. Part of the 19.2-acre site is a reconfiguration of about five acres of "E" Commercial and a portion of an existing "D" District. The proposal follows "D" District height and area regulations except for density. The application proposes that calculations to determine maximum dwelling units include contiguous floodplain/open space areas and steep-sloped areas with a site. He said the use of floodplain/open space areas adjacent to an apartment project can increase the maximum 25 units per acre allowed on an actual apartment site and Staff recommends that density be based on the area within a platted lot and not include adjacent floodplain/open space land. Sloped areas with a lot and floodway fringe areas, excluding floodway areas, should be used in apartment density calculations.

The proposed "D-PD" standards prohibit wood material for screening fences and require masonry, rock, or wrought iron where screening fences are required under the Screening and Landscaping requirements. The proposed standards also delete screening requirements where an apartment site is separated from single-family property by a 75-foot or greater floodplain area. The Staff supports the proposed standards, provided the width and planting provisions of F1 Bufferyard be maintained. The standards also propose that site plans for apartments receive City Council approval.

Mr. Gallagher said the application includes commercial zoning for six sites with proposed "HC-PD1", on Parcels 2, 7A, 7C, 7D, 7E, and 8; and "HC-PD2" on parcel 7B. Both of the proposed "HC-PD" classifications allow all of the permitted uses in the "HC" District regulations with the exclusion of three unlikely uses, the inclusion of two uses that would be permitted in "HC", and signage that would not otherwise be permitted. The proposed "HC-PD1" specifications include relaxation of setback standards on the six sites involved. A 25-foot front setback reduction is proposed based on building orientation on a lot and a 10-foot side yard reduction is sought for second front yards on smaller than two-acre lots. A ten-foot reduction is proposed to allow zero lot line setbacks for interior lot side yards, and proposed setback encroachments for drive-through canopies and roof overhangs that do not encroach on required bufferyards. The Staff has no objection to proposed setback specifications for the "HC-PD1" areas.

The proposed "HC-PD2" area, Parcel 7B, is anticipated to be occupied by a large home improvements store and includes specifications for that user. A forty-foot building height maximum, a five-foot increase over "HC" standards, is proposed. Mr. Gallagher said the "HC-PD2" also includes provisions for outdoor displays and sales, outdoor storage, and portable storage containers. The proposal for the outdoor activities includes height, area, setback, locations, and screening for each of the activities. Staff supports the outdoor activities as specified, provided the portable containers location does not block fire lanes, drive aisles, or required parking spaces, and the containers are screened and located at the rear of the main building.

Mr. Gallagher said Parcels 5 and 6 of the application are for proposed "D/HC-PD" zoning on each area for an either/or use and specifications. The "D" and "HC" regulations involve different setbacks, bufferyards, and other standards on the two sites as well as causing

different standards on neighboring properties. The Staff recommends that a single basic classification of “D-PD” be applied to each of the Parcels.

The “PD” application includes architectural standards for non-residential buildings that generally follow Ordinance standards but are more specific concerning materials. The proposal calls for loading areas to be screened by plant materials rather than a masonry wall. The effects of screening with plant materials is inconsistent over time and the Staff recommends that loading docks be screened from adjacent property and streets with a six-foot masonry wall.

Mr. Gallagher said building façade articulation is proposed to be required for the front and side of buildings facing a public street. The Staff recommends that building articulation standards should apply to all building faces that are visible from a street or residential area. If the articulation only applies to the front and side of buildings, that relaxation should only apply to buildings over 60,000 square feet and building materials standards should apply to all faces, including sides and rears that are not articulated.

Mr. Gallagher said the proposed landscape standards generally follow Ordinance requirements. On sites over two acres, a reduction of understory trees requirement is proposed with the reduction to be offset by increased canopy trees. In addition, on over two-acre lots, a parking lot landscape requirement includes a five-square-foot increase per parking space over Ordinance requirements and the Staff supports all of the proposed landscape provisions.

The proposed tree preservation standards include a reduction in the tree inventory requirement by increasing the trees involved from six inches to ten inches. Mr. Gallagher said the proposed standards exclude mitigation of lesser quality tree species, all trees within a building footprint or within ten feet of a building footprint, and all trees within a street right-of-way or public easement. The Staff does not oppose the proposed tree preservation standards.

Mr. Gallagher said the application includes provisions that all building and incidental signs follow Ordinance requirements. Also included is a unified sign plan for all freestanding signs. The staff supports the unified sign plan concept that consolidates business identifications and reduces the number of freestanding signs, and flexibility of standards associated with common/shared signage, mainly the increase of sign area allowed based on multiple users.

The unified sign plan reduces the number of freestanding signs, but increases the size allowed for signs. As examples, single tenant monument signs are two feet higher than normally allowed and three multi-tenant architectural column signs along Benbrook Boulevard would be 35 feet high.

Mr. Gallagher said Staff supports the unified sign plan with the following additional conditions:

1. Entry Museum Tower
 - Front Yard Setback: minimum of 25 feet from Benbrook Boulevard right-of-way after platting
 - Side Yard Setback: minimum of 25 feet from Mercedes Street right-of-way

2. Interstate Multi-tenant Pole Sign
 - Height not to exceed 40 feet
 - Setback minimum of 25 feet
 - Area per tenant panel no more than 60 square feet
3. Multi-tenant Architectural Column Sign
 - Area maximum of 240 square feet
4. Off-premise Builder Kiosk
 - Height not to exceed six (6) feet
 - Setback five (5) feet from right-of-way
 - Shall be removed within 30 days of completion of single-family house construction within the development
5. Temporary “For Sale” and “For Lease” Signs
 - Height not to exceed 6 feet
 - Area maximum of 48 square feet

All setback dimensions measured from Benbrook Boulevard should be net of necessary expanded right-of-way to accommodate the scheduled roadway widening and visibility clearance should be reflective of the future expanded roadway.

Mr. Gallagher said Section 211.004 of the Texas Local Government Code requires that “Zoning regulations must be adopted in accordance with a comprehensive plan...” The proposed rezoning will be compatible with the proposed Land Use Plan amendments requested in consideration G-07-05, if approved. Any recommendation to the City Council for the proposed rezoning should be conditioned on approval by the City Council of the G-07-05 Land Use Plan amendments.

The concept of Planned Development zoning is to provide flexibility in developments and to accommodate innovative projects. The “PD” concept is not intended to solely reduce standards. When normal specifications are relaxed, there should be an equitable enhancement of other specifications and/or an enhancement of public amenities.

Mr. Gallagher said the current application calls for reduced side yard setbacks in “BR”, and reduced screening along floodplains and increased densities in “D”. Reduced setbacks, greater outdoor displays and sales, greater outdoor storage and relaxed building façade articulation provisions are proposed in the “HC” areas. Relaxed tree preservation and mitigation provisions are proposed throughout the project. Sign provisions reduce sign setbacks, increase sign heights, increase sign areas, and allow off-site signs in the “D” and “HC” areas.

As enhancements, the “PD” proposal includes a requirement of masonry screening walls and prohibits wood screening where screening is required in the “D” area and more specific building material requirements are proposed in the “HC” areas.

Staff recommends that after a public hearing, the Planning and Zoning Commission recommend:

1. That the City Council approve the rezoning of Parcels 1 and 3 to “BR-PD” with the use and development standards presented;
2. That the City Council approves the rezoning of Parcel 4 to “D-PD” with the standards presented with the exception of requiring that gross density be calculated on the platted lot area, excluding designated floodway, and that a F1 bufferyard be required adjacent to any public park.
3. That the City Council approve the rezoning of Parcels 2, 7A, 7C, 7D, 7E, and 8 to “HC-PD1”.
4. That the City Council approve the rezoning of Parcel 7B to “HC-PD2”.
5. That the City Council approve the rezoning of Parcels 5 and 6 to “D-PD”.
6. That the City Council approve the proposed architectural standards except that loading docks must be screened from public view by a minimum six-foot masonry wall and that any wall (including rear walls) that are visible from a public street or residential area must meet all architectural requirements, including building articulation.
7. That the City Council approve the landscaping and tree preservation requirements as proposed,
8. That the City Council approve the unified sign plan with the following exceptions:
 - a. the Entry Museum Tower have a minimum setback of 25 feet from the right-of-way of Benbrook Boulevard and Mercedes Street after platting,
 - b. the Interstate Multi-Tenant Pole Sign not exceed 40 feet in height, have a minimum setback of 25 feet, and a maximum area per tenant of 60 square feet,
 - c. the Multi-tenant architectural Column Sign not exceed 240 square feet in area,
 - d. that the off-premise Builder Kiosk not exceed six feet in height, have a minimum setback of five feet from the right-of-way, and be removed within 30 days of completion of single-family residential construction, and
 - e. that the Temporary “For Sale” and “For Lease” Signs not exceed six feet in height and 48 square feet in area.

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

Sanjiv Shah asked what caliper trees in the Tree Preservation Plan of the Zoning Ordinance must be used for mitigation. Mr. Gallagher said the applicants would follow the provisions of Section 27, which would be the introduction of new trees and plant material. The proposal has to do with mitigating or replacing trees that are displaced through the construction and how detailed an inventory is of existing trees. Mr. Shah said they are not inventorying any

trees less than 10 inches in diameter so if the inventory is not kept, that means the new trees replacing the old trees could be two inches in diameter unless certain diameter trees are specified.

Dave Gattis, Deputy City Manager, said the Tree Preservation Requirements are in the Subdivision Ordinance and it requires that trees six inches or more in diameter have to be mitigated on an inch per inch bases. Mr. Shah said the applicant is requesting that only trees 10 inches or more in diameter be inventoried and mitigated and he would like to set a minimum diameter tree for replacement.

John Dawson said the applicants are asking for multi-family or commercial use on Parcels 5 and 6 and asked if the applicants were in agreement with Staff that the parcels be zoned multi-family. He asked why the Staff chose multi-family versus commercial. Mr. Gallagher said the applicants are still requesting that the two parcels be zoned "D/HC-PD" and Staff has no preference which zoning the Commission recommends, as long as they are zoned one or the other.

Ms. Price asked if the Builder Kiosk signs would be removed when all the builders have completed the houses in the subdivision. Mr. Gallagher said yes, once there is no longer any builder activity, the entire sign would be removed. Ms. Price asked if Staff's recommendation that the sign be a maximum of 6 feet tall includes the Benbrook Field logo. Dave Gattis said Staff's thinking was that the city normally requires a maximum height of 6 feet for a sign within five feet of the right-of-way, i.e. a monument sign. Mr. Gattis said, typically a utility easement of five feet is required on the side of the right-of-way to put buried underground utilities such as gas and electric lines and sticking poles in the ground within that easement would not be a good idea.

Dr. Marshall asked Staff to clarify how much easement will be on the side of the proposed Benbrook Boulevard width and where the signs for Benbrook Field will be placed in relation to that setback. Mr. Gallagher said the setbacks for Benbrook Field will be recognizing the widening of Benbrook Boulevard and to accomplish that, it will take some additional right-of-way. Dr. Marshall said the conceptual plan for widening Benbrook Boulevard shows a divided six-lane road with trees growing between the street and sidewalks. He said that if the development signs were placed on the developer side of the sidewalks, the trees would block the view of the signs. Mr. Gattis said monument signs can be seen with canopy trees, but 35-foot tall signs would be hard to see through the trees. Some of the banks on Benbrook Boulevard have that same issue now and have found that lowering the signs gave them better visibility.

The Vice Chair asked for any further comments or questions from the Commission. There being none, the Chair opened the public hearing at 8:50 p.m. and asked if anyone wished to speak for or against the item. There being none, the Chair closed the public hearing at 8:51 p.m. and asked for any further comments, questions, or a motion from the Commission.

David Ramsey asked if the applicants preferred multi-family or commercial zoning on Parcels 5 and 6. Tom Galbreath of Dunaway Associates, said "either/or" is not a bad thing because the sites could very easily be multi-family or commercial. Mr. Ramsey said that if the Commission recommends "D-PD" and a prospective buyer would like to have the property for commercial use, they could come back to the Commission and Council and request it be

rezoned. Mr. Galbreath agreed but said some buyers would be turned off to the site if their use would require rezoning.

John Dawson asked the applicant if there is a specific reason for their request for a 20-foot setback for the signs versus the Staff recommendation of 25 feet setbacks. Mr. Hudson said the sign setback affects the parking and landscape area around it, so if they can get it five feet closer they can do a better job of laying out the building, parking, and landscaping. He said they do not want to be intrusive but they want potential customers to be able to see the signage and 20-foot is a standard use in various cities.

Ms. Price asked Mr. Hudson if the city did not allow the extra five feet, would that extra five feet be used as green space. Mr. Hudson said yes, probably so, but it has a ripple effect and pushes back the parking, the building layout and the fire lanes.

Sanjiv Shah said taking exception to the six-inch diameter tree inventory rule to a 10-inch inventory rule, means that they can cut down anything less than 10 inches. In return, the applicant has not said what trees under the landscape requirement they would be planting and he thinks there should be a requirement that all the trees should be above a certain diameter for compensating losing all the trees under 10 inches in diameter.

Mr. Hudson said under their "PD" requirements, they have specified some specific tree types and increased their landscaping requirements for canopy trees and the amount of landscape area required. Tom Galbreath said the City of Benbrook Tree Ordinance requires one-and-one-half inch trees for mitigation and in all likelihood, they would use two-inch minimum. Mr. Galbreath said if the City would like to require two-and-one-half inch diameter minimum, that would be acceptable to them, but as a Landscape Architect, he said his favorite size is two inches because they can adapt, do not go into shock, and can immediately start growing.

Discussion followed between the Commission and Mr. Galbreath on ball and burlap versus container grown trees and if there are times of the year that they do not plant trees.

Mr. Shah said he does appreciate the time and effort Staff has used to recommend exceptions to the unified sign plan submitted by the applicants. With what the applicant has been able to show in terms of competing signs in that particular area, it seems like the Staff recommendations are out of place. Mr. Shah said he would like the Commission to consider some relief from the exceptions that Staff has recommended.

Discussion followed between the Commission and Staff on the exceptions to the unified sign plan recommended by Staff. Mr. Ramsey said when he was on the Zoning Board of Adjustment, the Best Western owners came to the Board requesting a variance to the maximum height allowed by the Ordinance. The applicants used a crane to show the height of the sign they wanted, took pictures from various locations and superimposed the size of the sign onto the pictures to show how it could be seen from IH 20/Loop 820 and Benbrook Boulevard. They actually brought in empirical data that the Board could look at instead of just saying what size sign they wanted.

Motion by Mr. Hughes that the Commission recommends the City Council approve the PD zoning as requested with the exceptions recommended by Staff as follows:

1. That the City Council approve the rezoning of Parcels 1 and 3 to "BR-PD" with the

use and development standards presented;

2. That the City Council approves the rezoning of Parcel 4 to "D-PD" with the standards presented with the exception of requiring that gross density be calculated on the platted lot area, excluding designated floodway, and that a F1 bufferyard be required adjacent to any public park.
3. That the City Council approve the rezoning of Parcels 2, 7A, 7C, 7D, 7E, and 8 to "HC-PD1".
4. That the City Council approve the rezoning of Parcel 7B to "HC-PD2".
5. That the City Council approves the rezoning of Parcels 5 and 6 to "D-PD".
6. That the City Council approve the proposed architectural standards except that loading docks must be screened from public view by a minimum six-foot masonry wall and that any wall (including rear walls) that are visible from a public street or residential area must meet all architectural requirements, including building articulation.
7. That the City Council approve the landscaping and tree preservation requirements as proposed,

Motion to amend by Mr. Shah that recommendation Number 5, regarding the rezoning of Parcels 5 and 6, be changed from "D-PD" to "HC-PD" and recommendation Number 7 be changed to include a requirement that all new trees planted be a minimum caliper of two and one-half inches (2 1/2 "). Second by Mr. Dawson to the amendment of the motion. The Vice Chair called the question.

Vote on the Motion to Amend:

Ayes: Mr. Valverde, Mr. Morrill, Ms. Price, Mr. Dawson, Mr. Shah, Mr. Hughes,
and
Mr. Ramsey

Noes: Dr. Marshall

Motion carried 7 – 0

The Vice Chair called the question on the amended motion.

Vote on the Motion:

Ayes: Ms. Price, Mr. Dawson, Mr. Shah, Dr. Marshall, Mr. Hughes, Mr. Ramsey,
Mr. Valverde, and Mr. Morrill

Noes: None

Motion carried 8 – 0

Motion by Mr. Shah that the Commission recommend City Council approve the unified sign

plan as submitted by the applicant with the following exceptions:

- a. the Interstate Multi-Tenant Pole Sign not exceed 50 feet in height, have a minimum setback of 25 feet, and a maximum area per tenant of 120 square feet,
- b. the Multi-tenant architectural Column Sign not exceed 300 square feet in area, and no single tenant exceed 60 square feet of sign area,
- c. that the off-premise Builder Kiosk not exceed eight feet in height, have a minimum setback of five feet from the right-of-way, and be removed within 30 days of completion of single-family residential construction, and
- d. that the Temporary "For Sale" and "For Lease" Signs not exceed six feet in height and 48 square feet in area.

Second by Mr. Valverde. The Vice Chair called the question.

Ayes: Mr. Shah, Dr. Marshall, Mr. Hughes, Mr. Ramsey, Mr. Valverde, and Mr. Morrill

Noes: Mr. Dawson and Ms. Price

Motion carried 6 – 2

B. SUBDIVISION PLATS

None

C. PD SITE PLANS

None

D. GENERAL

G – 07 – 05

Consider 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)

See first consideration above.

IV. PRESENTATIONS BY PLANNING AND ZONING COMMISSION MEMBERS

None

V. CITIZENS 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 9:50 p.m.

APPROVED: _____ 2007

_____ Chair