

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

The regular monthly meeting of the Planning & Zoning Commission of the City of Benbrook was held on Thursday, August 14, 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  
Ron Sauma, Council Member  
Dan Tully, Council Member  
Mark Washburn, Council Member  
David Wasson, Benbrook Water Authority  
Jerome Hildebrand

**I. CALL TO ORDER**

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

**II. CONSIDERATION OF MINUTES**

Regular Meeting – May 8, 2008

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

Vote on the Motion:

Ayes: Mr. Valverde, Mr. Pesce, Mr. Ramsey, Mr. Wilson, and Dr. Marshall,

Noes: None

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

Motion carried 5 – 0 – 3

**III. REPORTS OF CITY STAFF**

**A. COMPREHENSIVE PLAN AMENDMENTS**

None

## **B. ZONING**

### **Z – 08 – 04            Consider rezoning of Lots 15 and 16, Block 7, Benbrook Estates from “B” One Family District to “CR” Multiple Family District (128 and 130 Del Rio Avenue)**

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

Jerome Hildebrand, 5001 Ledgestone, Fort Worth, said he is requesting the rezoning so he can build duplexes that would look very similar to other duplexes in the area. The duplexes would have three bedrooms, two baths, with single car garages.

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 Joan Campbell is the owner of Lot 15 and Lot 16, Block 7 in the Benbrook Estates subdivision and is represented by Jerome Hilderbrand in the Z-08-04 application to rezone the property from “B” One Family District to “CR” Multiple Family Restricted District that would permit duplex residential construction on each of the lots at 128 and 130 Del Rio Avenue.

Mr. Gallagher said Lot 15 is vacant and the late 1940s vintage house on Lot 16 will be removed to accommodate the proposed duplex construction.

Zoning around the two lots includes “B” One Family District to the north and east across Del Rio Avenue, and “E” Commercial District to the west and “CF” Community Facilities District south across Mercedes Street.

Mr. Gallagher said the proposed rezoning is compatible with the Land Use Plan calling for Medium Density Multiple Family Residential use, thus the application meets requirements of Section 211.004 of the Texas Local Government Code,

Benbrook Estates is the oldest subdivision in Benbrook, platted in 1946, a year prior to the incorporation of the City. For the past 50 plus years, the neighborhood has had a mix of one and two-family dwellings. Recent new construction has also been mixed but predominately two-family dwellings.

Staff recommends that after conducting a public hearing, the Planning and Zoning Commission recommend that the City Council approve the Z-08-04 rezoning of Lot 15 and Lot 16, Block 7, Benbrook Estates from “B” One Family District to “CR” Multiple Family Restricted District.

The Chair asked for any comments or questions from the Commission. Following a brief discussion, 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.

Motion by Mr. Valverde that the Commission recommends that the City Council approve the Z-08-04 rezoning of Lots 15 and 16, Block 7, Benbrook Estates, 128 and 130 Del Rio Avenue, from “B” One Family District to “CR” Multiple Family District. Second by Mr. Shah. The Chair called the question.

Vote on the Motion:

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

Noes: None

Motion carried 8 – 0

**Z – 08 – 05 Consider amendments to Section 27 – Landscaping and Buffer Requirements of the Zoning Regulations of the City of Benbrook, Ordinance Number 808, as amended**

See item G – 08 – 02 below

**C. SUBDIVISION PLATS**

None

**D. PD SITE PLANS**

None

**E. GENERAL**

**G – 08 – 02 Consider amendments to Chapter 16.28.010 – Preservation of Trees and Native Vegetation; and the addition of Chapter 16.28.050 – Street Tree Requirements 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 items Z – 08 – 05 and G – 08 – 02 to be considered at the same time. Commission member David Ramsey said he had a conflict of interest and recused himself from the meeting. The Chair asked for a report from Staff.

Dave Gattis said the City of Benbrook's existing tree preservation requirements in the Subdivision Ordinance are weak. He said Staff proposed amendments as part of the overall amendments in March, but the Commission deferred action to have work sessions to discuss the amendments. Staff compiled ordinances from 40 other cities and work sessions were held in April and June.

Mr. Gattis said Section 16.28.010 – Tree Preservation, is completely rewritten in the proposed amendments. It strengthens requirements but also does not apply to existing developments; only new and redevelopment projects. The proposed amendments designate different kinds of trees, whereas the current ordinance does not.

Different Types of Designated Trees:

1. Protected Trees – Trees over 18 inches in diameter at breast height (dbh), but does not include mesquite, bois d'arc, hackberry or cottonwood.

2. Quality Trees – Trees between 6 and 18 inches dbh
3. Large Secondary Trees – Mesquite, bois d'arc, hackberry and cottonwood over 18 inches dbh
4. Secondary Trees – Mesquite, bois d'arc, hackberry and cottonwood between 6 and 18 inches dbh

Mr. Gattis said there are no requirements for trees under 6 inches dbh.

The proposed amendments would require a permit to remove any Protected or Quality Tree and to remove more than five trees on a residential lot. Mr. Gattis said Protected and Large Secondary Trees must be preserved, or mitigated and mitigation depends on tree type and development size:

- e.g. On 5-acre tract, Protected Trees must be replaced at a 2:1 caliper inch ratio and Large Secondary Trees must be replaced on a 1:1 ratio
- Tree stands have minimum preservation requirements, e.g. 25% of a Quality Tree Stand must be preserved on commercial and multi-family tracts.

Mr. Gattis said specific mitigation requirements are established for gas wells (25% of any tree over 6-inch dbh). A three-year maintenance bond would be required for any mitigated trees that are required. He said there are provisions for money-in-lieu of mitigation, credits toward Landscaping requirements when existing trees are preserved, and enforcement provisions.

Mr. Gattis said a new section to the Subdivision Ordinance is being proposed for Street Trees. The new section proposes:

1. Street trees in lieu of canopy requirements for residential areas
2. One tree per lot in single-family
3. One tree every 50 feet in multi-family and commercial
4. The tree type is specified, but must be varied between blocks for diversity
5. Trees are to be planted between the curb and sidewalk
6. Provisions for conflicts with utilities
7. Maintenance responsibilities for the property owners

Mr. Gattis said the current landscape ordinance includes bufferyard requirements that are based on zoning and the adjacent uses and parking lots are required to have one island per 16 spaces. Also required is interior lot landscaping that is based on the size of the building footprint.

Mr. Gattis said the new provisions being proposed by the Commission include minimum landscape coverage and minimum canopy coverage, depending on the zoning. The new provisions only apply to new development, new buildings over 2,500 square feet, or expansions of buildings over 30 percent. Mr. Gattis said the new provisions for landscaping and canopy cover are in addition to existing requirements, but are cumulative.

<b>District</b>	<b>Minimum Landscape Coverage (%)</b>	<b>Minimum Canopy Coverage (%)</b>
<b>SD, RE, MH</b>	<b>70</b>	<b>20</b>
<b>A, B</b>	<b>60</b>	<b>50</b>
<b>BR, CR</b>	<b>55</b>	<b>50</b>
<b>C, D</b>	<b>40</b>	<b>50</b>
<b>E, F, G, HC, CF, MU</b>	<b>20</b>	<b>30</b>
<b>H</b>	<b>10</b>	<b>15</b>

Mr. Gattis said Staff recommends that the Planning & Zoning Commission recommend that the City Council adopt the proposed amendments to the Zoning and Subdivision Ordinances related to tree preservation, street trees and landscaping/tree canopy coverage.

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

Mr. Wilson asked if the requirement for Street Trees in the utility easements would present a conflict and if the City required the trees, would the property owner seek help from the City if there were a problem with the utilities?

Mr. Gattis said utility companies are asked to put their utilities in the easements and the companies do not like to put utility facilities where trees are located because it causes maintenance difficulties and trees can cause damage to their lines. He said it is actually a privilege for the utility companies to place their lines in city rights-of-way and they pay the City a franchise fee for that privilege.

Mr. Hughes asked if residential zoning districts A and B should be deleted from Table 27-3.

Mr. Gattis said the table is in reference to new residential subdivision development. The City would not require an existing single-family property owner to comply with the 50 percent Tree Canopy Cover.

Following further discussion, the Chair opened the public hearing at 8:08 p.m. and asked if anyone wished to speak for or against the item.

David Wasson, General Manager of the Benbrook Water Authority (BWA), said he understands the need for vegetation, trees, grass, shrubs, etc, but when you start putting trees in along with the utilities, you start having problems. Mr. Wasson said there was a water main break on Timber Creek Road that required an extra piece of equipment for the safety of the BWA staff, to hold the tree up while the crew made the repairs. A water main break on Mont Del required the removal of a small tree.

Mr. Wasson said they are concerned with the utilities being placed too close to the houses because there is a chance of damaging roofs, air conditioner units, etc, with rocks and debris. He said, because Benbrook now requires concrete streets in new subdivisions, it is

better for the BWA to have the water and sewer mains placed behind the curb. In the event of a leak, not only is it more accessible, it causes less damage. Mr. Wasson said Fort Worth has experienced water main breaks underneath concrete streets and there is major damage to the street before the staff is aware of the break. BWA tries to avoid that by placing their lines behind the curb.

Mr. Wasson said BWA Staff is not against the planting of trees but he would like the Commission to look at this carefully and make sure there is no conflict with the BWA mains. Mr. Wasson said he read in Staff report that the required trees would be nine feet from the water mains and that would be satisfactory. He said tree roots can cause problems over a period of time to water lines and house foundations.

Mr. Shah asked Mr. Wasson if 9 feet would be sufficient. Mr. Wasson said nine feet would be acceptable if the BWA Staff works with the City Staff to assure that distance is met. Their concern is a 12-inch water main running 85 psi being too close to a house if there is a major failure.

Following discussion between the Staff and Commission, the Chair closed the public hearing at 8:15 p.m. and asked for any further comments, questions, or a motion from the Commission.

Motion by Mr. Shah that the Commission recommend the City Council to approve Z – 08 – 05 and G – 08 – 02 1) with the editorial changes discussed in the pre-worksession, 2)with Table A, page 4 of the Proposed Subdivision Ordinance Amendments be completely deleted and replaced with Table B to include all lots, 3) Items 1a and 2a on page 6, Gas Well Exceptions, be completely deleted, and 4) on page 12, Item B. Bufferyards and Landscaping Required, the first sentence be changed to read, “The requirements of this Section shall apply to all new residential and nonresidential construction”. Second by Mr. Valverde. The Chair called the question.

Vote on the Motion:

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

Noes: Mr. Weaver

Motion carried 6 – 1

#### **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 8:23 p.m.

APPROVED: \_\_\_\_\_ 2008

\_\_\_\_\_ Chair