

**MINUTES
OF THE MEETING OF THE
CITY OF BENBROOK
PLANNING & ZONING COMMISSION
THURSDAY, DECEMBER 11, 2008**

The regular monthly meeting of the Planning and Zoning Commission of the City of Benbrook was held on Thursday, December 11, 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
John Dawson
Sanjiv Shah
Joe Hughes
Bob Pesce
Larry Marshall
Brandon O'Donald

Also Present:

Dave Gattis, Deputy City Manager
Ed Gallagher, City Planner
Sue Clark, Recording Secretary
Bob Rowley, City Engineer
Larry Campbell
Dan McInnis
Dianne Dawson
Sean Sullivan

I. CALL TO ORDER

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

II. CONSIDERATION OF MINUTES

Regular Meeting – November 13, 2008

Motion by Mr. Wilson to approve the minutes as written. Second by Mr. Ramsey. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Valverde, Mr. Pesce, Mr. O'Donald, Mr. Wilson, Mr. Hughes, Dr. Marshall, Mr. Ramsey, and Mr. Shah

Noes: None

Abstain: Mr. Dawson

Motion carried 8 – 0 – 1

III. OATH OF OFFICE

Sue Clark, Notary, issued the oath of office to John Dawson, Place 4.

IV. REPORTS OF CITY STAFF

A. COMPREHENSIVE PLAN AMENDMENTS

CP – 08 – 03 Consider update of Section 17 – Capital Improvements of the Comprehensive Plan

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

Dave Gattis said the staff has prepared its draft of the annual update to Section 17-Capital Improvements of the Comprehensive Plan. There are relatively few changes this year, including:

1. updated population projections as provided by the Council of Governments (Table 17.1),
2. updated financial status of capital projects through the end of September 30, 2008 (Table 17.2),
3. updated status of bonds and future bonding capacity (Section 17.3 and Table 17.3),
4. proposed addition of the Benbrook Community Center/YMCA building as an unfunded community facility (Section 17.4.1 and Table 17.7), and
5. completion of the Plantation West Creek project which was one of the major drainage projects from the last 2004 bond program.

Mr. Gattis said that since the Commission received their packet, Staff has revised the bonding capacity using 6.5-percent interest rate which reduces the 5-year bonding capacity from nine-million to seven-million. Also updated is the Unfunded Community Facility Project Costs using the ENR Dallas Cost Index which shows a sizeable increase of 7.5-percent from December 2007 to November 2008.

Mr. Gattis said that in the Capital Improvements Program (CIP) shows the recently completed Plantation West Creek project. Staff has begun the process of revising the floodplain boundaries resulting from the project so the residents can benefit from the project and no longer have to carry flood insurance or their premium will be greatly reduced.

Mr. Gattis said the last drainage project in the 2004 bond program is the Plantation East Creek project which is a small channel behind Tara Drive planned for early 2009. He said because of design changes additional easements are being acquired, most of which are subsurface.

Mr. Gattis said the preliminary design work planned for the expansion of BCC/YMCA in included. Chesapeake Energy has pledged \$500,000 toward the project.

Staff recommends that the Planning and Zoning Commission recommend that the City Council adopt the update to Section 17- Capital Improvements of the Comprehensive Plan, and that the City Council appoint a Capital Improvements Advisory Committee to consider new bond projects.

The Chair asked for any comments or questions for the Staff.

Joe Hughes asked if the 6.5-percent interest rate which reduces the 5-year bonding capacity from nine-million to seven-million is a set amount or will it vary based on interest rates. Mr. Gattis said it is a forecasting/planning tool. They figure what it costs in annual debt service to sell one million dollars in bonds at 6.5-percent interest for a 20-year period and fit that into the equation.

Mr. Shah asked what would happen if the City Council chooses to ignore the recommendation of appointing a Capital Improvements Advisory Committee. Mr. Gattis said the effect of doing that would further postpone needed reconstruction of streets that are in declining condition and the ability to add new facilities, primarily community facilities. He said the longer you postpone it increases the costs. Mr. Gattis said that by letting the tax rate that is allocated to bonds go away; the City is required to lower the tax rate. In the future if the City wants to sell bonds, the tax rates would have to be raised and that is not always a popular thing to do.

There being no further comments or questions from the Commission, the Chair opened the public hearing at 7:45 p.m. and asked if anyone wished to speak for or against the item. There being none, the Chair closed the public hearing at 7:46 p.m. and asked for any comments, questions, or a motion from the Commission.

Mr. Shah said Staff works very hard every year on this update and if the Commission agrees to approve Staff's recommendation that the Council appoint a Capital Improvements Advisory Committee, he thinks it would be good for the Commission members to attend the Council meeting and make that case in person

Motion by Mr. Shah that the Planning and Zoning Commission recommend that the City Council adopt the update to Section 17- Capital Improvements of the Comprehensive Plan, and that the City Council appoint a Capital Improvements Advisory Committee to consider new bond projects. Second by Mr. O'Donald. The Chair called the question.

Vote on the motion.

Ayes: Mr. Valverde, Mr. Pesce, Mr. O'Donald, Mr. Ramsey, Mr. Wilson, Mr. Hughes, Mr. Dawson, Dr. Marshall, and Mr. Shah

Noes: None

Motion carried 9 – 0

Mr. Gallagher said the Council would consider the item January 15, 2009.

B. ZONING

Z – 08 – 09 Consider rezoning of 2.985 acres of land, Tract 1B1 in the McKinney & Williams Survey Abstract Number 1118, from "D" Multiple Family District to "D-PD" Multiple Family Planned Development District with a Planned Development Site Plan for 33 single-family attached residential dwelling units (Southeast corner of Chapin Road and Williams Road)

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

Dan McInnis with McInnis Land Consultants L.L.C., 108 Eighth Street, Fort Worth, said he is representing Williams Road Partners, LP, the owner/developer in this case. Mr. McInnis said that over a year ago they submitted a site plan to the Commission to develop this property with a proposal to construct a 43 unit apartment complex. Market conditions have changed since the original submittal, and this new site plan dramatically reduces the density for the zoning that is currently on the property.

Mr. McInnis said they have reviewed the Staff's comments and they agree with Staff's recommendations. He said the developer fully intends to install the entire infrastructure as presented in Staff's report to the Commission.

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

Discussion followed about the building of the units verses the buildings and the responsibilities of the Homeowner's Association, including detention ponds. Mr. Gattis said the City had recently changed its policy on detention ponds and the City will take responsibility for the maintenance of all detention ponds but not any landscaping or walls.

There being no further comments or questions from the Commission, the Chair asked for a report from Staff.

Ed Gallagher said the Z-08-09 rezoning application from Williams Road Partners, LP is to rezone the 2.985-acre tract in the McKinney & Williams Survey Abstract Number 1118 from "D" Multiple Family District to "D-PD" Multiple Family Planned Development District. Both the existing and proposed zoning are compatible with the Land Use Plan and the existing zoning has been in place for over 33 years on the site at the southeast corner of Chapin Road and Williams Road.

Mr. Gallagher said the rezoning application includes a PD site plan showing 33 dwelling units on the site, substantially less than the 25 units per acre permitted in the "D" District regulations. The main purpose of the rezoning application and site plan is to permit platting of the property in a manner that the 33 dwelling units can be sold individually in a townhouse type fashion.

Mr. Gallagher said that with the proposed zoning not representing a real change in the permitted use or the height and area regulations that apply to the property, the primary consideration is the site plan and the features presented in the plan showing 15, two-story residential structures with attached dwelling units. He said twelve buildings are two-unit duplex type structures and three buildings are three-unit triplex type structures.

The site plan indicates conformance with "D" District floor areas, building setbacks, bufferyards, and parking requirements. Mr. Gallagher said that with the lot arrangement on the accompanying preliminary plat, each dwelling unit will have front and rear yards, 30 units will have a side yard on one side and three units will have zero side yards on the two attached sides of those units.

Mr. Gallagher said a common lot shown on the site plan is a private street and provides access to each of the residential lots and 24 additional visitor parking spaces. At least one of the visitor parking spaces should meet ADA standards. Two common space open area lots are also shown.

One drive access point is shown on both Chapin Road and Williams Road and the site plan includes a masonry screening wall along the two street frontages. Mr. Gallagher said the wall should be scaled back at the driveway entrances to respect Public Open Space Easement (P.O.S.E.) visibility standards in the Subdivision Ordinance. Interior fences should not exceed the front and second front building lines shown and the private street network should be illuminated in accordance with Subdivision Ordinance standards.

Deed Restrictions for the project should include provision to protect the bufferyards of the overall site from encroachments by future patios and other construction.

Mr. Gallagher said a Development Schedule called for in the Zoning Ordinance is not included in the application. With the current uncertainty in both the housing and financial markets, it appears difficult to establish a schedule with any reasonable accuracy. He said as the dwelling units are built, fluxation in absorption rates will affect any build-out schedule. It is the Staff's opinion that initial construction should include:

- the entire private street network, including the 24 visitor parking spaces,
- the screening walls along Chapin Road and Williams Road,
- the screening fence along the south line of the overall site,
- all required bufferyard planting,
- public sidewalks and street trees along Chapin Road and Williams Road,
- all improvements in the two common area lots,
- all retaining walls called for in an approved grading plan,
- all project illumination, and
- all utility and drainage infrastructure.

With a reasonable schedule determined for initial construction, that schedule should begin with approval of the final plat.

It is noted that conformance with Subdivision Ordinance requirements and design considerations, some site pan adjustments will occur. But no adjustments are expected that will materially affect the basic site plan before the Commission.

Mr. Gallagher said the Police and Fire Departments have reviewed the site plan with the Police recommending additional lighting, primarily for security and crime prevention, and Fire Department point out conformance with fire lane standards.

Mr. Gallagher said Staff recommends that after a public hearing, the Planning and Zoning Commission recommend City Council approval of the Z-08-09 rezoning of the 2.985 acres in the McKinney & Williams Survey Abstract Number 1118, from "D" Multiple Family District to "D-PD" Multiple Family Planned Development District with the PD site Plan to include:

1. the addition of at least one handicapped parking space, the deletion of portions of the screening wall adjacent to the driveways to conform with visibility standards of the Subdivision Ordinance, interior fences not extending beyond front or second front building lines,
2. initial construction include the entire private street network and visitor parking, the screening wall along Chapin Road and Williams Road, the screening fence along the south property line, all bufferyard planting, public sidewalks, and street trees along Chapin Road and Williams Road, all improvements in the "common area lots", all necessary retaining walls, all project illumination, all utility and drainage infrastructure, and

3. illumination of the private street network in conformance with Subdivision Ordinance standards, and restrictions prohibiting encroachments into bufferyards of the overall site.

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

Discussion followed between the Commission and Staff on fences, bufferyards, and Staff's recommendations.

Mr. Gattis said the current zoning should have been presented as "D-NAS" because of the recent overlay district zoning and the requested rezoning should be "D-PD-NAS".

There being no further comments or questions from the Commission, the Chair opened the public hearing at 8:07 p.m. and asked if anyone wished to speak for or against the item. There being none, the Chair closed the public hearing at 8:08 p.m. and asked for any comments, questions, or a motion from the Commission.

Discussion followed between the Commission and Staff on the need for additional handicap parking. Mr. Hughes asked if ADA ramps are required on all sidewalks. Mr. Gallagher said the public sidewalks will require the handicap ramps but that sidewalks are not required within the private street subdivision.

Motion by Mr. Valverde that the Planning and Zoning Commission recommend City Council approval of the Z-08-09 rezoning of the 2.985 acres in the McKinney & Williams Survey Abstract Number 1118, from "D" Multiple Family District to "D-PD-NAS" Multiple Family Planned Development District with the PD site Plan to include:

1. the addition of at least one handicapped parking space, the deletion of portions of the screening wall adjacent to the driveways to conform with visibility standards of the Subdivision Ordinance, interior fences not extending beyond front or second front building lines,
2. initial construction include the entire private street network and visitor parking, the screening wall along Chapin Road and Williams Road, the screening fence along the south property line, all bufferyard planting, public sidewalks, and street trees along Chapin Road and Williams Road, all improvements in the "common area lots", all necessary retaining walls, all project illumination, all utility and drainage infrastructure, and
3. illumination of the private street network in conformance with Subdivision Ordinance standards, and restrictions prohibiting encroachments into bufferyards of the overall site.

Second by Mr. Shah. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Valverde, Mr. Pesce, Mr. O'Donald, Mr. Ramsey, Mr. Wilson, Mr. Hughes, Mr. Dawson, Dr. Marshall, and Mr. Shah

Noes: None

Motion carried 9 – 0

C. SUBDIVISION PLATS

P – 08 – 03 Consider Preliminary Plat of Chapin Commons Addition, Lots 1 – 15, Block 1, Lots 1 – 20, Block 2, and Lot A, Block A, being 2.985 acres of land, Tract 1B1 in the McKinney & Williams Survey Abstract Number 1118 (Southeast corner of Chapin Road and Williams Road)

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

Dan McInnis with McInnis Land Consultants L.L.C., 108 Eighth Street, Fort Worth, said he is representing Williams Road Partners LP, the owner/developer for the preliminary plat. Mr. McInnis said they have had a hydrologist complete a study of the floodplain on the site and they will be submitting a drainage plan in conformance with iSWM™.

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

Ed Gallagher said the Chapin Commons P-08-03 preliminary plat proposes to subdivide the 2.985-acre site at the southeast corner of Chapin Road and Williams Road in accordance with the site plan presented with the Z-08-09 Planned Development zoning application. As with the rezoning and site plan consideration, the plat applicant is Williams Road Partners LP.

Mr. Gallagher said based on the proposed Planned Development zoning and site plan, the Chapin Commons preliminary plat includes 33 proposed lots for single-family attached development. The plat also includes a separate common owned lot shown as Lot A, Block A for a private street network providing access from single points on both Chapin Road and Williams Road. He said Lot A also includes visitor parking spaces. Two open space lots, not intended for residential use, are also included on the plat.

The plat submittal is generally complete and conforms with the Comprehensive Plan. Acceptable street names should be provided on the final plat for the private street network and the private streets should meet all fire lane standards. The proposed payment in lieu of parkland dedication should be based on the 33 residential lots and submitted prior to final plat approval. The public sidewalks along Chapin Road and Williams Road should be five feet wide and a conforming curb ramp is required at the street intersections.

Mr. Gallagher said Public Open Space Easements meeting Subdivision Ordinance specifications are required on the final plat at the intersection of the two public streets and at each entrance to the private street network and streetlights along the private street network should conform with Subdivision Ordinance standards.

A Homeowner's Association to maintain common areas and common elements is noted on the plat. Maintenance should also include the parkway, including street trees along Chapin Road and Williams Road. The Homeowner's Association should be mandatory, conform with Subdivision Ordinance criteria, approved by the City Attorney, and be recorded with the final plat.

Mr. Gallagher the final plat should prohibit driveway access to Chapin Road and Williams Road except for the two connection points of Lot A, Block A.

Tree mitigation should be accomplished in accordance with the Subdivision Ordinance and street trees conforming with the Ordinance should apply to the Chapin Road and Williams Road frontages.

Mr. Gallagher said the revised 100-year floodplain noted on the plat as being processed should be completed before approval of the final plat and the resulting 100-year floodplain should be shown as floodplain easement on the final plat.

The final plat submittal should meet all requirements of the Subdivision Ordinance.

Mr. Gallagher said the City Engineer has reviewed the submittal and notes the connection of storm drainage to the existing pipe requires City approval. Detention will be required for 2-year, 25-year, and 100-year frequency storms without increasing downstream flows or increasing the base flood elevation. Finished floor elevations are required.

The City Engineer notes the limits of the revised CLOMR do not look accurate. Fire lanes should be constructed with 3,600 psi concrete reinforced with number 3 bars at 24-inch centers, sidewalks should be five feet wide and a corner clip should be added at Chapin Road and Williams Road and a curb ramp installed. The City Engineer noted a Floodplain Development Permit will be required, an Erosion Control Plan is required, and the driveway on Chapin Road will require permitting by the City of Fort Worth.

The City Engineer certifies that the municipal infrastructure improvements required on this project are roughly proportionate to the proposed development as required on similar projects.

Mr. Gallagher said the Fire and Police Departments have reviewed the plat and the Fire Department notes the requirement for conformance with fire lane standards and the Police Department recommends additional illumination.

Benbrook Water Authority reviewed the submittal and reported the information is satisfactory. Oncor Electric reports a five-foot utility easement is required along the south and east lines of the site and additional easements will be required along the fronts of the proposed lots. AT&T Telephone notes a five-foot wide utility easement is required along the fronts of all lots and a 20-foot by 20-foot easement is required near the west end of Street B.

Mr. Gallagher said the plat application does not propose any waivers to the Subdivision Ordinance.

Staff recommends that the Planning and Zoning Commission approve the Chapin Commons Addition preliminary plat (P – 08 – 03) subject to:

1. Conformance with site plan requirements of the Z – 08 – 09 rezoning application,
2. acceptable street names on the final plat, private street design approved by the City Engineer, the receipt of parkland fees prior to approval of the final plat, five-foot wide sidewalks along public streets including curb ramp, required public open space easements,
3. street lights conforming with Ordinance standards, homeowner's association documents addressing maintenance of all common areas and common elements approved by the City Attorney and recorded with the final plat, the prohibition of driveway access to Chapin Road and Williams Road except at Lot A, Block A,
4. the completion of floodplain revisions and a floodplain easement on the final plat, and
5. conformance with all Engineering requirements, all BWA, Fire, Police, and utility requirements, and all final plat requirements of the Subdivision Ordinance.

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

Discussion followed between the Commission, Staff, and the applicant on street lighting, tree removal and mitigation, and bufferyards.

The Chair opened the public hearing at 8:52 p.m. and asked if anyone wished to speak for or against the item. There being none, the Chair closed the public hearing at 8:53 p.m. and asked for any further comments, questions, or a motion from the Commission.

Motion by Mr. Valverde to approve the preliminary plat, P – 08 – 03, Chapin Commons Addition, as recommended by Staff. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Valverde, Mr. Pesce, Mr. O’Donald, Mr. Ramsey, Mr. Wilson, Mr. Hughes, Mr. Dawson, and Dr. Marshall

Noes: Mr. Shah

Motion carried 8 – 1

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 8:55 p.m.

APPROVED: April 9, 2009

/S/ Larry Marshall Chair