

**MINUTES
OF THE MEETING OF THE
CITY OF BENBROOK
PLANNING & ZONING COMMISSION
THURSDAY, SEPTEMBER 14, 2006**

The regular monthly meeting of the Planning & Zoning Commission of the City of Benbrook was held on Thursday, September 14, 2006 at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

George Bolton
David Ramsey
Alfredo Valverde
Jay Morrill
Bret Early
Dian Price
John Dawson
Sanjiv Shah
Larry Marshall

Also Present:

Dave Gattis, Assistant City Manager
Ed Gallagher, City Planner
Sue Clark, Recording Secretary
Ron Rainey
Thomas Johnson
Daniel Tully
Larry Bishop
Leah Lancaster
Madison Early

I. CALL TO ORDER

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

II. CONSIDERATION OF MINUTES

Regular Meeting – July 13, 2006

Motion by Dr. Marshall to approve the minutes of the July 13, 2006 regular meeting of the Planning and Zoning Commission. Second by Mr. Valverde. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Bolton, Mr. Ramsey, Mr. Valverde, Mr. Morrill, Mr. Early, Ms. Price, Mr. Shah, and Dr. Marshall

Noes: None

Abstain: Mr. Dawson

Motion carried 8 – 0 – 1

III. REPORTS OF CITY STAFF

A. ZONING

Z – 06 – 04 Consider rezoning of Lot 7, Block 2, Benbrook Estates from “B” One Family District to “CR” Multiple Family Restricted District (213 San Angelo Avenue)

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

Thomas Johnson, 9029 Sirocka Drive, said he is requesting the approval of the proposed rezoning for 213 San Angelo Street. He said San Angelo Street has a civic center, office and storage buildings, auto repair business, and seven duplexes mixed in with single-family dwellings, making it a true mixed-use street. There are now almost as many families living in duplexes as there are in single-family dwellings on the street.

Mr. Johnson said he intends to build a duplex with the same architectural style as the new duplexes he is currently building at 206 and 216 San Angelo Street. The new duplex proposed at 213 San Angelo Street will have approximately 3,300 square feet under roof and will incorporate materials that exceed in quality of many of the surrounding structures. Mr. Johnson said this duplex would not only raise the tax base for the City of Benbrook, it will help improve one of the oldest streets in the City.

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 Thomas Johnson is the owner of Lot 7 of Block 2 in the Benbrook Estates subdivision and is the applicant in the Z-06-04 consideration to change the zoning district classification of Lot 7 from “B” One Family District to “CR” Multiple Family Restricted District that would permit duplex residential construction on the lot at 213 San Angelo Avenue.

Mr. Gallagher said the Benbrook Estates subdivision is the oldest in Benbrook, having been 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 been mixed but predominately two-family dwellings.

The proposed rezoning is compatible with the Land Use Plan calling for Medium Density Multiple Family Residential use, thus meeting requirements of Section 211.004 of the Texas Local Government Code,

Mr. Gallagher said Staff recommends that after conducting a public hearing, the Planning and Zoning Commission recommend that the City Council approve the rezoning of Lot 7, Block 2, Benbrook Estates from “B” One Family District to “CR” Multiple Family Restricted District.

The Chair asked for any comments or questions from the Commission. There being none, the Chair opened the public hearing at 7:35 p.m., and asked if anyone wished to speak for or against the item. There being none, the Chair closed the public hearing at 7:36 p.m. and asked for any comments, questions, or a motion from the Commission.

Mr. Shah asked if the zoning was changed on 206 and 216 San Angelo Street where Mr. Johnson said he is currently building duplexes. Mr. Gallagher said a building permit would not have been issued without the rezoning, which took place approximately two years ago.

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

Motion by Mr. Valverde that the Planning and Zoning Commission recommend the City Council approve the rezoning of Lot 7, Block 2, Benbrook Estates from "B" One Family District to "CR" Multiple Family Restricted District. Second by Dr. Marshall. The Chair called the question.

Vote on the Motion:

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

Noes: None

Motion carried 9 – 0

B. SUBDIVISION PLATS

None

C. PD SITE PLANS

None

D. GENERAL

G – 06 – 05 Consider the vacation and abandonment of the portion of Goliad Street northwest of the intersection of Goliad Street and Del Rio Avenue

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

Ron Rainey, Executive Director of Benbrook Economic Development Corporation, gave a brief history of the property at the intersection of Goliad Street, Del Rio Avenue, and Benbrook Boulevard, that the EDC had purchased and marketed for over five years. Mr. Rainey said the property was sold to N3 Capital, who developed the property, has a ground lease with Starbucks on a portion of the site, and still has approximately 51,000 square feet of property. He said N3 Capital is marketing to national restaurant chains but has found that although the property has enough space for adequate parking to meet City of Benbrook zoning requirements, national restaurant chains ask for much more space for parking.

Mr. Rainey said N3 Capital and the EDC have found that the only way to meet the requests of the restaurant chains is to incorporate three tracts owned by Gene Buckner, just east of

the N3 Capital property, and close Goliad Street to expand a parking lot across the properties.

Mr. Rainey said the firm of Turner, Collie, and Braden was hired to do a traffic impact analysis to determine how heavy the traffic is on Goliad Street and the effect of the closure. He said the numbers were very low, in the range of less than 100 per day. On behalf of N3 Capital, the EDC has submitted an application with Texas Department of Transportation to close the street and allow another drive approach to the east end of the property and sell to the EDC the surplus right-of-way, once the street is closed. TxDOT has informed them the process takes approximately 12 to 18 months for approval and wants the approval from the City of Benbrook City Council before proceeding with the application.

Mr. Rainey said the application submitted to the Planning and Zoning Commission was on behalf of N3 Capital. He said he discovered last week that the "option to purchase" contract N3 Capital had with Gene Buckner was cancelled. He said the contract was a long-term option that the Buckner family felt had gone on long enough. Mr. Rainey said he met with the Buckners, on behalf of the EDC, and submitted a purchase contract for their review. He said the EDC Board will consider acquisition of the three tracts at their September 18, 2006 meeting and at some time, the EDC may partner with N3 Capital in trying to bring a restaurant to the site.

Following discussion between Mr. Rainey and the Commission on the lot size and access to the site, the Chair asked for a report from Staff.

Ed Gallagher said the Benbrook Economic Development Corporation is the applicant proposing the closure of the segment of Goliad Street that extends northwest from the intersection with Del Rio Avenue. The application for the street closure also includes the vacation of the street right-of-way. The Economic Development Corporation is also requesting the Texas Department of Transportation vacate a portion of State right-of-way and close the pavement connection from the northwest end of Goliad Street to the Interstate 20 eastbound frontage road.

The street vacation application was submitted by the Economic Development Corporation on behalf of N3 Capital, LLC, the owner of Lot 1R2, Block 1, Benbrook EDC Addition. N3 Capital is attempting to locate a restaurant on Lot 1R2 and needs additional land to meet restaurant-parking requirements. The street vacation request indicated that N3 had a contract to acquire three lots on the north side of Goliad Street to accommodate additional parking and the vacated street right-of-way will connect the two sites and provide a portion of the additional parking in a resulting restaurant lot. Mr. Rainey just indicated that N3 no longer has a contract to acquire the lots north of Goliad Street but the EDC has submitted a contract to purchase the lots.

Mr. Gallagher said part of the street vacation application is a traffic impact analysis that indicates the volume of vehicle turning movements at the Del Rio Avenue/Goliad Street intersection, the Del Rio Avenue/San Saba Avenue intersection, and the volume using the portion of Goliad Street involved in the street vacation request. He said the information in the traffic study reflects a relatively small number of vehicles using the street section in the vacation application. The traffic study also examines two alternate routes to reach the eastbound frontage road and projects relatively low traffic volumes for each of the alternate routes.

The corresponding vacation of right-of-way by the State normally takes 12 to 18 months and is part of the Economic Development Corporation's objective. Mr. Gallagher said from the City standpoint, as well as the State's, each right-of-way vacation should be contingent on the other and both should occur at the same time. TxDOT will not start the process without a favorable indication from the City.

Mr. Gallagher said the Commission should conduct a public hearing regarding the proposed street closure consideration. Based on the traffic impact analysis, Staff recommends that the Planning and Zoning Commission recommend the City Council approve a resolution of intent to vacate and abandon Goliad Street, northwest of the intersection of Del Rio Avenue, with the future vacation being subject to corresponding right-of-way vacation by TxDOT, standard compensation to the City, and replatting of the vacated area into a lot of record, including adequate utility easements.

The Chair asked if notices were sent to the adjacent property owners. Mr. Gallagher said notices were sent to all owners of record on the tax roll for all properties north of Mercedes Street in Benbrook Estates and notices were published in the newspaper.

The Chair asked for any questions or comments from the Commission. Dr. Marshall asked if 18 months is the earliest anything could happen on the property, according to TxDOT's normal timeframe. Mr. Gallagher said yes, it would take 12 to 18 months for TxDOT approval.

Mr. Shah asked about an existing fire hydrant and why there is nothing in the Staff report that mentions who would be responsible for moving the hydrant. Mr. Gallagher said that would be a platting issue and utilities would be addressed at that time.

Ms. Price asked if it were possible to require another street for access to I-20, rather than going back to Benbrook Boulevard. Discussion followed between the Commission, Staff, and Mr. Rainey.

The Chair asked for any additional comments or questions from the Commission. There being none, the Chair opened the public hearing at 7:55 p.m., and asked if anyone wished to speak for or against the item.

Larry Bishop, 3111 Shady Lane, Granbury, said he works for Turfgrass America and the area being considered for closure is the street they use 90 percent of the time to enter on to the frontage road of I-20. He said of the 50 to 100 vehicles that use the street, probably 50 percent of that are Turfgrass America trucks.

Mr. Bishop said there are a lot of cars that park on Goliad Street that make it very difficult to turn north on San Angelo Street to enter the I-20 frontage road. He said if they do make the turn, they are traveling about 10 miles an hour with heavy equipment when they enter the interstate, making it very dangerous. Mr. Bishop said they run about 35 to 40 trucks on the Goliad Street section in consideration, not including John Deere's trucks on their lot across the street from Turfgrass.

Their being no further speakers, the Chair closed the public hearing at 8:00 p.m. and asked

if the Commission had any comments, questions, or a motion.

Mr. Shah said Mr. Bishop's concern is very valid, but for safety reasons, the truck drivers could travel the eastbound frontage road and enter I-20 east of Winscott Road.

There being no further comments or questions, the Chair asked for a motion.

Motion by Mr. Valverde to recommend that the City Council approve a resolution of intent to vacate and abandon Goliad Street, northwest of the intersection of Del Rio Avenue, with the future vacation being subject to corresponding right-of-way vacation by TxDOT, standard compensation to the City, and replatting of the vacated area into a lot of record, including adequate utility easements. Second by Mr. Shah. The Chair called the question.

Vote on the Motion:

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

Noes: None

Motion carried 9 – 0

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 8:15 p.m.

APPROVED: _____ 2006

Chair