

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, OCTOBER 18, 2007
911 WINSOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:00 P.M.
CENTRAL CONFERENCE ROOM**



1. Review and discuss agenda items for regular meeting.
2. Receive other information from staff and Boards and Commissions.

**REGULAR MEETING 7:30 P.M.
COUNCIL CHAMBERS
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION**

I. CALL TO ORDER

**II. INVOCATION – Dr. Larry Sanders with Trinity Hills Baptist Church
PLEDGE OF ALLEGIANCE**

III. MINUTES

1. Minutes of the special meeting held September 28, 2007
2. Minutes of the regular meeting held October 4, 2007

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

- PZ-2007-09 Consider Land Use amendments of the Comprehensive Plan for Planning Area “C”, reducing Medium Density Multi-Family and increasing Commercial land uses (110, 112, 116, 118, and 120 Del Rio Avenue)
- PZ-2007-10 Adopt Ordinance rezoning Lots 7, 8, 9, 10, and 11, Block 7, Benbrook Estates from “B” One Family District to “HC” Highway Corridor District (110, 112, 116, 118, and 120 Del Rio Ave.)
- PZ-2007-11 Adopt Ordinance rezoning Lots 23 and 24, Block 6, Benbrook Estates from “B” One Family District to “CR” Multiple Family Restricted District (109 Del Rio Ave.)

VI. REPORTS OF CITY MANAGER

A. GENERAL

- G-1741 Quarterly Financial Report for period ending September 30, 2007
- G-1742 Quarterly Hotel/Motel Tax Report
- G-1743 Resolution Suspending Atmos Energy Request for Rate Increase
- G-1744 Appointment to Boards and Commissions

VII. OTHER MATTERS OF BUSINESS

VIII. INFORMAL CITIZEN COMMENTS – State Law prohibits any deliberation of or decisions regarding items presented in information citizen comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff place the item on an agenda for a subsequent meeting.

IX. ADJOURNMENT



**MINUTES
OF THE
SPECIAL
MEETING OF THE
BENBROOK CITY COUNCIL
FRIDAYS, SEPTEMBER 28, 2007**

The special meeting of the Benbrook City Council was held on Friday, September 28, 2007 at 6:00 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Keith Bailey
Ron Sauma
Dan Tully
Larry Stowe

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
David Ragsdale, Comptroller
Sherri Newhouse, Budget Director

Others Present:

Valarie Stowe

I. CALL TO ORDER

Meeting called to order at 6:00 p. m. by Mayor Dittrich.

A. GENERAL

G-1735 Adopt Ordinance approving budget figures for Fiscal Year 2007-2008

Motion by Mr. Sauma, seconded by Mr. Stowe to adopt Ordinance No. 1248 approving budget figures for Fiscal Year 2007-2008.

Vote on the Motion:

Ayes: Mr. Bailey, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1248 being “**AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, APPROVING BUDGET FIGURES FOR THE FISCAL YEAR 2007 THROUGH 2008; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT, PROJECT, AND ACCOUNT; ACCEPTING AND APPROVING THE EMPLOYEE CIVIL SERVICE CLASSIFICATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**”

G-1736 Ratify property tax revenue reflected in the 2007-2008 budget

Mr. Wayman gave the following report: H. B. 3195 brings truth-in-taxation disclosure concepts forward in time into the budget process. Any budget to be enacted after September 1, 2007 must meet the following requirement regarding property tax revenue: “Adoption of a budget that raises more property revenue than was generated the previous year requires two votes by the City Council: (a) one vote to adopt the budget and (b) a separate vote to ratify the property tax revenue increase reflected in the budget.”

This budget will raise more total property taxes than last year’s budget by \$427,277 and 5.09%, and of that amount \$173,083 is tax revenue to be raised from new property added to the roll this year.

Motion by Mr. Sauma, seconded by Mr. Stowe to ratify the property tax revenue reflected in the 2007-2008 budget which represents a \$0.25 reduction in the tax rate.

Vote on the Motion:

Ayes: Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma, Mr. Bailey

Noes: None

Motion carries unanimously.

G-1737 Adopt Ordinance fixing and levying ad valorem tax for 2007

Motion by Mr. Bailey, seconded by Mr. Tully to adopt Ordinance No. 1249 fixing and levying ad valorem tax for 2007.

Vote on the Motion: Mr. Tully, Mr. Stowe, Mr. Sauma, Mr. Bailey, Mayor Dittrich

Noes: None

Motion carries unanimously.

Ordinance No. 1249 being “**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS, FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007**”

AND ENDING SEPTEMBER 30, 2008, AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED, AT THE RATE OF \$0.6975 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUE ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF BENBROOK, TEXAS, AS OF JANUARY 1, 2007, TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST IN DEBT SERVICE FUNDS ON ALL OUTSTANDING DEBTS OF THE CITY; DIRECTING THE ASSESSMENT THEREOF; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST THEREON; PROVIDING FOR PLACE OF PAYMENT; PROVIDING FOR APPROVAL OF THE TAX ROLLS PRESENTED TO THE CITY COUNCIL; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE AND DECLARING AN EFFECTIVE DATE.

III. ADJOURNMENT

Meeting adjourned at 6:05 P.M.

APPROVED:

ATTEST:

Joanna King, City Secretary

Jerry B. Dittrich, Mayor



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, OCTOBER 4, 2007**

The regular meeting of the Benbrook City Council was held on Thursday, October 4, 2007 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Keith Bailey
Ron Sauma
Rickie Allison
Dan Tully
Larry Stowe

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager
Walter Shumac, Public Service Director

Others Present:

Dorcas Neuman, Benbrook News
David Hoover
Ron Rainey
Bill Smith
Tammie Cauthen
Paul Brown
Denzel Taylor
Sandom Baumgardner
John Vander Pan
And 2 other citizens

I. CALL TO ORDER

Meeting called to order at 7:30 p. m. by Mayor Dittrich.

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Invocation given by Mr. Billy Smith
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held September 20, 2007

Motion by Mr. Tully, seconded by Mr. Sauma to approve the minutes of the regular meeting held September 20, 2007 as presented.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

IV. CITIZEN PRESENTATION

1. TXAPA Certificate of Achievement in Planning

Mr. David Hoover, President of the Texas Chapter of American Planning Association presented the Mayor with the Certificate of Achievement for Planning Excellence recognizing the professional planning standards demonstrated by the City.

2. Paul Brown – Request for Ordinance prohibiting Engine Braking

Mr. Paul Brown, homeowner in Whitestone Ranch Estates, made presentation to City Council requesting the adoption of an ordinance prohibiting engine braking without an exhaust muffler except during emergencies within the City of Benbrook. The request is made to provide for a sensible solution to address the extremely loud engine brake systems.

Mr. Brown also requested increased Benbrook Police surveillance at the intersection of Benbrook Blvd. and RM2871; reduction of the speed limits along Benbrook Blvd; additional signal light caution lights for both east and west traffic flows; and, consideration of a traffic flow monitoring camera at the intersection.

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1738 Ordinance amending Chapter 8.20 of the Benbrook Municipal Code by prohibiting use of engine brake system without an exhaust muffler sufficient to prevent the creation of excessive noise.

Mr. Shumac gave the following report: An engine brake, sometimes referred to as “Jake Brake”, is a braking system used primarily by semi-trucks or other large vehicles. Jake brakes modified engine valve operation, using engine compression to slow the vehicle. The system converts a power-producing engine into a power-absorbing air compressor by opening exhaust valves. Compression release engine brakes that are not properly muffled make a loud chattering or machine gun noise. Jake brakes effectively slow large vehicles during emergency stops but are generally not necessary for normal driving operations.

The proposed ordinance designates that no person may operate an internal combustion engine powered vehicle using an engine brake without an exhaust muffler sufficient to prevent the creation of excessively loud noise, except during emergency operation.

If approved by City Council, City crews will install signs prohibiting the use of unmuffled engine brakes and the Police Department will begin enforcement. The materials cost will be paid from the Public Works budget.

Motion by Mr. Allison, seconded by Mr. Bailey to adopt Ordinance No. 1250 prohibiting the use of an engine brake without exhaust muffler sufficient to prevent the creation of excessive except in emergency situations.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1250 being “AN ORDINANCE AMENDING CHAPTER 8.20 OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY ADDING A NEW PARAGRAPH UNDER SECTION 8.20.010 PROHIBITING UTILIZING AN ENGINE BRAKE OR JAKE BRAKE WITHOUT AN EXHAUST MUFFLER SUFFICIENT TO PREVENT THE CREATION OF EXCESSIVELY LOUD NOISES EXCEPT DURING EMERGENCY OPERATION; PROVIDING FOR VIOLATIONS, PENALTIES AND INJUNCTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT;

PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.”

**SECTION III
PENALTY CLAUSE**

Any person, firm or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00).

**SECTION X
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

G-1739 Consider Concessionaire Agreement with Benbrook Lake Marina (Ownership Transfer)

Mr. Shumac gave the following report: Benbrook Marina is currently leased to Ms. Glenda Steen. Ms. Steen has requested permission to split her concession into separate leases (Marina and Boat Repair Shop) for assignment to new concessionaires. The proposed new concessionaire for Benbrook Marina is Mr. Denzel Taylor.

Mr. Taylor is proposing repairs and improvements to the marina, including new signs, repainting existing structures and some asphalt improvements. The transfer of the Benbrook Lake Marina concession requires approval of the Parks Board, City Council and the Army Corps of Engineers.

The proposed lease is for ten years and requires a lease payment to the City of three percent of gross revenues, or \$200 per month, whichever is greater. Staff has investigated Taylor's financial capability and business background. Staff believes Taylor is capable of successfully operating and improving the Marina.

The Park Board met and discussed this proposal on September 19 and recommends approval of the concessionaire transfer and related agreement.

Motion by Mr. Stowe, seconded by Mr. Sauma to approve the Concessionaire Transfer and Agreement for Benbrook Marina to Mr. Denzel Taylor, doing business as Benbrook Lake Marina.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion unanimously.

G-1740 Consider Concessionaire Agreement with Power Play Racing (Ownership Transfer)

Mr. Shumac gave the following report: Benbrook Marina is currently leased to Ms. Glenda Steen. Ms. Steen has requested permission to split her concession into separate leases (Marina and Boat Repair Shop) for assignment to new concessionaires. The proposed new concessionaire for Power Play Racing is Mr. Sandom Baumgardner.

Since 2005, Mr. Baumgardner has subleased the existing metal building at 302 Lakeview Drive from Glenda Steen. Mr. Baumgardner currently uses half of the building for boat repairs. The other half is currently used for Marina storage. If approve, Mr. Baumgardner would expand his boat repair business to make full use of the existing building.

The transfer of the concession agreement requires approval of the Parks Board, City Council and the Army Corps of Engineers. The proposed lease is for ten years and will require lease payments to the City of three percent of gross revenues, or \$50 per month, whichever is greater.

The Park Board met and discussed this proposal on September 19 and recommends approval of the concessionaire transfer.

The City requires liability insurance in the amount of \$3,000,000 per occurrence. Due to cost considerations, Mr. Baumgardner has requested this requirement be reduced to \$1,000,000 per occurrence. The Parks Board approved the reduced amount. The City Council should determine whether the reduced liability coverage is acceptable, as this action may impact other concessionaires.

Discussion was held with Mr. Baumgardner regarding the required liability insurance. Mr. Baumgardner stated that he based his funding on the amount of coverage required on Ms. Steen's agreement. He stated the cost of the additional \$2,000,000 was very expensive and would need to be written in two policies. Mr. Baumgardner requested the requirement be lowered.

Motion by Mr. Stowe, seconded by Mr. Tully to approve the Concessionaire Transfer and Agreement for the Benbrook Marina Repair Shop to Sandom Baumgardner, doing business as Power Play Racing with liability insurance requirement to remain at \$3,000,000.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

VII. OTHER MATTERS OF BUSINESS

VIII. INFORMAL CITIZEN COMMENTS

Tammie Cauthen invited City Council to attend the FWISD Bond election forum at Western Hills High School on October 8, 2007.

Mr. John Vander Pan expressed disappointment regarding the discussion on the EDC budget item.

IX. EXECUTIVE SESSION – Pursuant to Texas Government Code Section 551.087, Deliberation Regarding Economic Development Negotiations

1. Potential Incentives for Benbrook Field Development

Mayor Dittrich recessed the regular meeting at 8:28 p.m. for Executive Session.

Mayor Dittrich reconvened the regular meeting at 9:00 p.m. and announced that no action was taken from the Executive Session.

X. ADJOURNMENT

Meeting adjourned at 9:01 P.M.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 10/18/07	REFERENCE NUMBER: PZ-2007-09	SUBJECT: Consider Land Use amendments of the Comprehensive Plan for Planning Area "C", reducing Medium Density Multi-Family and increasing Commercial land uses (110, 112, 116, 118 and 120 Del Rio Avenue)	PAGE: 1 of 5
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**CP – 07 – 01
STAFF REPORT
TO PLANNING AND ZONING COMMISSION
SEPTEMBER 13, 2007**

The applicant is requesting a change to the Land Use Plan element of the Comprehensive Plan to expand the commercial-designated area along Benbrook Boulevard into the area designated "Medium Density Residential" in Benbrook Estates. The arrangement of land uses in Area "C" (South Benbrook area) was last amended in April 2002, when the City adopted an overall revision to the Land Use element (Section 6 of the Benbrook Comprehensive Plan.) The applicant is proposing to convert five existing residential lots (1.38 acres total) that currently face Del Rio Avenue into commercial property that would face Benbrook Boulevard (U.S. 377.)

PROPOSED CHANGES

A summary of the existing land uses in Planning Area "C" are summarized in Figure 1 and in Table 1 below. The existing arrangement of land use results in a potential of 2,945 dwelling units and a potential ultimate population of 6,916 people. The result of the proposed change is to reduce the number of potential medium density dwelling units by 14 and the ultimate population by 30 people.

Table 1
Summary of Existing and Proposed Land Uses in Area "C"

LAND USE	EXISTING			PROPOSED		
	Acres	Potential Dwelling Units	Potential Population	Acres	Potential Dwelling Units	Potential Population
Low Density Residential	848.7	2,546	7,834	848.7	2,546	7,834
Medium Density Multifamily	70.2	702	1,509	68.8	688	1,479
High Density Residential	57.0	1,140	2,280	57.0	1,140	2,280
Mixed Use Village	59.0	885	1,859	59.0	885	1,859
Commercial	67.5			68.9		
Commerce	148.8			148.8		
Community Facilities	94.4			94.4		
Undeveloped Floodplain	67.6			67.6		
Right-of-Way	304.2			304.2		
TOTAL	1,717.4	5,273	13,482	1,717.4	5,259	13,452

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:
CITY MANAGER		CITY SECRETARY
		DATE:

DATE: 10/18/07	REFERENCE NUMBER: PZ-2007-09	SUBJECT: Consider Land Use amendments of the Comprehensive Plan for Planning Area "C", reducing Medium Density Multi-Family and increasing Commercial land uses (110, 112, 116, 118 and 120 Del Rio Avenue)	PAGE: 2 of 5
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This change does not appear to have a significant effect on infrastructure requirements in this area. With regard to the objective of providing no more than 20 percent of residential land to multifamily uses, the proposed amendment decreases the existing percentage of multifamily residential (21.41 percent) slightly.

While the proposed change does not significantly change the amount of land use in each category, it does represent intrusion of a potentially incompatible land use into an existing residential neighborhood. Principle 3.2.1 of Section 5 of the Comprehensive Plan states:

Principle 3.2.1: Site design techniques, such as buffers or screens, access and building orientation, should be employed to mitigate negative intrusions on residential areas.

The existing and planned land use to the north and west of the proposed change is commercial, but the existing land use to the east and south is low density residential and the planned land use is medium density residential. Home that now face or side to residential uses will now face or side to commercial use. More than likely, the actual adjoining commercial structure will be a retaining wall, with the commercial activity located on top, comparable to the Kentucky Fried Chicken/Taco Bell development.

Staff believes that the proposed change can be accommodated provided that adequate care is maintained on the design of the buffer, including retaining wall location and setback, retaining wall appearance, and landscaping. These are appropriate consideration in the zoning approval.

RECOMMENDATION:

It is recommended that the Planning and Zoning Commission recommend that the City Council adopt the proposed amendments to the Land Use element of the Comprehensive Plan.

**UNAPPROVED MINUTES
PLANNING AND ZONING COMMISSION
SEPTEMBER 13, 2007**

CP – 07 – 01 Consider Land Use Plan amendment of the Comprehensive Plan for Planning Area "C", reducing Medium Density Multi-Family and increasing Commercial land uses (110, 112, 116, 118, and 120 Del Rio Avenue)

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

Tom Eudaly, 2317 Perkins Place, Arlington, Texas, said that he is the applicant on this project and is also the developer on the project across Benbrook Boulevard at Benbrook Field Drive. They began to look at other areas along Benbrook Boulevard for other projects that would meet the criteria for some of these tenets since they will putting a traffic signal at Benbrook Field Drive, the increase in traffic resulting from the development, they have a limited number of pad sites in Benbrook, and to meet all of the current demand they are getting from interested national tenants.

Mr. Eudaly said that the old RaceTrac site, which has been vacant for a long time, has some development

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difficulties because of its triangular shape. They looked at the lots behind the site and have undertaken to put the lots on Del Rio Avenue under contract. Mr. Eudaly said they have talked at length with the owners of those properties about doing the project and that he would need to get a zoning change in order for them to complete the transaction.

Mr. Eudaly said they need this Land Use Plan amendment to request the zoning change. He said he thinks his request meets the Comprehensive Plan change such as greater depth along Benbrook Boulevard to bring quality tenants. At the expense of the land on Benbrook Boulevard, it is high quality, national tenants that would be drawn to this area, and would improve the properties dramatically both from a taxes standpoint as well as a quality development. They are looking to take two to possibly three access points with difficult access onto Benbrook Boulevard and make those into one single access point for two pad sites on the Benbrook Boulevard frontage. He said they have also talked to the owners to the north of the site about taking a little strip of their property and also allowing them to have cross access to that one point. Mr. Eudaly said their ultimate goal would be to provide access to another user, which he thinks would help in the impact that some of these owners are going to encounter with the limited access resulting from a future median on Benbrook Boulevard.

Mr. Eudaly said there are some topography issues on the site and the property will have to be raised up to the level of Benbrook Boulevard, which is expensive. They are looking to see if they can make those numbers work and work with the market and provide something that would be beneficial to the City.

Mr. Early asked Mr. Eudaly about the types of businesses that might come to Benbrook with and without the requested changes to the land use plan and rezoning. Mr. Eudaly said without the change, the property has been under contract three times in the last two years and nobody has been able to get the project that would work on the site. He said the projects either did not fit or there are residential adjacency issues and they are not able to get the projects to work. They have been talking to national restaurant chains and the Benbrook Economic Development Corporation has been trying to get restaurant chains on their site up the street and it is difficult because the sit-down restaurants and national chains require a lot of parking. Mr. Eudaly said the restaurants have very specific site requirements and if you do not meet them, they do not come. He said the restaurants that can pay the money to pay the land values that are currently on Benbrook Boulevard would have to be high quality national tenants with a strong credit rating; otherwise they are just available to afford this kind of price point and those would be commercial uses, retail uses, and restaurant type uses that would be of a high quality and basically what they call in the industry, "high payers". Mr. Eudaly said, at these prices it is not going to be a little insurance agent that is going to be able to afford to buy a building as the prices are quite exorbitant.

Mr. Ramsey asked Mr. Eudaly how much of an elevation change there is from Del Rio Avenue to raise it up to Benbrook Boulevard. Mr. Eudaly said at varying points, between ten and twelve feet would be required and they would like to do a tiered retaining wall instead of a straight up and down wall. Mr. Eudaly said they have plenty of dirt for the project from some of the anticipated bigger projects on Benbrook Field Drive and from some other developments in town that they know about. It will cost about \$350,000 for the dirt alone, not including the wall.

Mr. Hughes asked how the traffic signal mentioned earlier would connect with this project. Mr. Eudaly said the light would be about two-thirds of the way from the south to the north on the current RaceTrac site.

Ms. Price asked if piers would be required for the buildings since fill is to be brought in for the site. Mr. Eudaly said the fill is "walked in" which is an engineering way to bring the dirt in a foot at a time and do testing at each level so that you assure that the foundation is solid.

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

Mr. Gallagher said Planning Area "C" is the 1,717-acre area between Benbrook Boulevard and the Trinity River, and extending south from Loop 820 to the Corps of Engineers lake property. Tom Eudaly and Trinity Partners are requesting a change from Medium Density Multifamily to Commercial for a 1.38-acre area along the west side of Del Rio Avenue by extending the Commercial area fronting on Benbrook Boulevard to Del Rio Avenue.

The 1.38-acres involved represent a relatively small change in the 1,717-acre planning area and a reduction of ten potential medium density dwelling units. The change would cause only a very slight reduction of the current 21.41 land percentage for multifamily uses throughout the City.

Mr. Gallagher said the amount of land designated to change in each of the two use categories not significant. More significantly, however, is the proposed encroachment of a potentially incompatible land use into an existing residential neighborhood.

Principle 3.2.1 in Section 5, Goals, Objectives and Strategies of the Comprehensive Plan states, "Site design techniques, such as buffers or screens, access and building orientation, should be employed to mitigate negative intrusions on residential areas." Principle 3.2.1 also appears in Section 6, Land Use of the Comprehensive Plan in 6.3.1, Protection of Existing Neighborhoods.

Mr. Gallagher said the existing and planned land use to the north and west of the proposed change is commercial, but the existing land use to the east and south is low density residential and the planned land use is medium density residential. With the proposed amendment, homes that now face or side to residential uses will face or side to commercial use. Considering the topography to the west, the most incompatible structure impacting the remaining residential neighborhood will be a rather tall retaining wall.

Mr. Gallagher said it is the Staff's opinion that following the guidance of Principal 3.2.1, the proposed Land Use Plan change can be accommodated provided adequate care is maintained on the design of the buffer, including retaining wall location and setback, retaining wall appearance, and landscaping. The buffering design techniques are appropriate considerations in the subsequent zoning approval.

Staff recommends that after a public hearing, the Planning & Zoning Commission recommend that the City Council adopt the proposed amendment to the Land Use Element of the Comprehensive Plan.

The Chair asked for any comments or questions from the Commission. There being none, the Chair opened the public hearing at 7:50 p.m. and asked if anyone wished to speak for or against the item.

Kathryn Bradshaw, 122 Del Rio, said she is not against the project but would like to know if it would flood the remaining houses. Ms. Bradshaw said, when the RaceTrac was built on the site, it put a lot of water on hers and other properties on Del Rio Avenue.

Mr. Eudaly said he is aware of the flooding issues when RaceTrac was built. RaceTrac had a set of building plans that they chose not to follow when they built the building and they actually took water off the roof of their building and directed on to the property behind the site. Mr. Eudaly said when their two sites

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are built, as part of the platting process, they will have to do a drainage study to show how the water will be handled and it will have to be approved by the City.

Pat Gray, 136 River Ranch Road, Aledo, Texas, said she would like to thank all the five families that were at the meeting. She said none of the families were looking to sell their properties when they started this project and a lot of them are planning to relocate in Benbrook. She said she is excited that we have people that have vision to come in and do what they had been hoping would happen in Benbrook for the last 30 years. Ms. Gray said the developments will be like a door for people coming off of IH 20/Loop 820 onto Benbrook Boulevard and they will want to stop and shop instead of just getting gas and running through a fast food drive through.

Ms. Gray said one of the problems has been the lack of depth on the properties on Benbrook Boulevard. When Mr. Eudaly and his group came up with the idea of buying the adjacent lots on Del Rio Avenue, it seemed like an ideal situation. She said she hopes that the City will get some neat things that will be of great benefit to the City.

Ron Rainey, Executive Director of Benbrook Economic Development Corporation, said the EDC is not involved in this project but they are partnered with RichPenn on the projects across Benbrook Boulevard. Mr. Rainey said when they started the process with RichPenn three-and-one-half or four years ago, the EDC Board liked the way Rich Penn was looking into how they could enhance the entire corridor on Benbrook Boulevard/U.S. Highway 377. This particular property has been a challenge to develop because the price was high for property on Benbrook Boulevard. He said ten years ago the land prices were \$2 to \$10 per square-foot and today they are \$18 to \$35 per square-foot. Mr. Rainey said the creativity of this will allow development of this tract that may otherwise sit vacant for another several years.

Mr. Rainey said the cost of not only the subject property, the additional lots behind it, developing it, and putting in the retaining walls, will probably be slightly better than breaking even for the developers. He said it enhances the whole project and he thinks that is what the developers are trying to do and from that stand point, he supports the project and it will be a real attraction between KFC and Motel 6 and will fill that hole.

There being no further speakers, the Chair closed the public hearing at 7:56 p.m. and asked for any comments, questions, or a motion from the Commission.

Motion by Dr. Marshall that the Planning and Zoning Commission recommend that the City Council adopt the proposed Land Use Plan amendment of the Comprehensive Plan for Planning Area "C", reducing Medium Density Multi-Family and increasing Commercial land uses. Second by Ms. Price. The Chair called the question.

Vote on the Motion:

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

Noes: None

Motion carried 7 – 0

The Chair said the item will be considered by City Council on October 18, 2007.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 10/18/07	REFERENCE NUMBER: PZ-2007-10	SUBJECT: Adopt Ordinance rezoning Lots 7, 8, 9, 10 and 11, Block 7, Benbrook Estates from "B" One Family District to "HC" Highway Corridor District (110, 112, 116, 118 and 120 Del Rio Ave.)	PAGE: 1 of 7
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**Z – 07 – 05
STAFF REPORT
TO PLANNING AND ZONING COMMISSION
SEPTEMBER 13, 2007**

SUBJECT PROPERTY: Lots 7, 8, 9, 10, and 11, Block 7, Benbrook Estates

LOCATION: Planning Area "C", 110, 112, 116, 118, and 120 Del Rio Avenue

OWNERS:

John E. and Mary Larson (Lot 7)
Benbrook

Gary W. Wilson (Lot 8)
Benbrook

Mellissa Jay (Lot 9)
Benbrook

Raymond H. and Mary Jane Bull (Lot 10)
Benbrook

Danny L. Frakes (Lot 11)
Benbrook

APPLICANT: Tom Eudaly
Arlington, Texas

AREA: Lot 7 – 13,705 square feet, approximately
Lot 8 – 12,104 square feet, approximately
Lot 9 – 11,500 square feet, approximately
Lot 10 – 11,468 square feet, approximately
Lot 11 – 11,411 square feet, approximately
Combined – Approximately 60,188 square feet;
1.38 acres

CURRENT ZONING: "B" One Family District

LAND USE PLAN REFERENCE: Medium Density Multiple Family Residential;
Proposed – Commercial (Case CP – 07 – 01)

PROPOSED ZONING: "HC" Highway Corridor District

SUBMITTED BY: CITY MANAGER	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
		DATE:

DATE: 10/18/07	REFERENCE NUMBER: PZ-2007-10	SUBJECT: Adopt Ordinance rezoning Lots 7, 8, 9, 10 and 11, Block 7, Benbrook Estates from "B" One Family District to "HC" Highway Corridor District (110, 112, 116, 118 and 120 Del Rio Ave.)	PAGE: 2 of 7
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PLANNING REVIEW

The City Planning staff has reviewed the rezoning application and offers the following:

1. The Z – 07 – 05 rezoning application is submitted in conjunction with Land Use Plan amendment application CP – 07 – 01 from Tom Eudaly and Trinity Partners to designate the subject property "Commercial" on the Land Use Plan.
2. Each of the five lots is occupied by a one-family structure with construction occurring between 1946 and 1970.
3. It is Staff's understanding that Tom Eudaly and Trinity Partners have a contract to purchase the five lots subject to the rezoning. Additionally, it is Staff's understanding that with the proposed rezoning, Tom Eudaly and Trinity Partners plan to replat the five lots and the adjacent Lot 17 to the west, the currently vacant old RaceTrac convenience store site, into a single commercial with frontage on both Benbrook Boulevard/Highway 377 and Del Rio Avenue.
4. Collectively the five single-family zoned lots adjoin "HC" Highway Corridor District zoning to the north and "B" One Family District zoning to the south. The five lots adjoin "HC" District to the west and the property on the east side of the Del Rio Avenue frontage of the five lots is zoned "C-PD" Multiple Family Planned Development District or is proposed "CR" Multiple Family Restricted District.
5. The only major issue in the zoning change is the interface between the proposed new commercial land along Del Rio Avenue and the adjacent residential properties. The first issue regards the orientation of the proposed commercial development. Staff understands that the proposed commercial development will face Benbrook Boulevard, but the Commission may want to require that no new businesses face or access onto Del Rio Avenue. Del Rio Avenue is a residential street and is not designed to handle significant commercial traffic. Although there are some advantages to providing access to the commercial tract from the residential area, staff believes that the Commission require that no businesses face Del Rio Avenue and that no commercial drive approaches enter onto Del Rio Avenue. The Commission may want to allow (or require) pedestrian access from the residential area to the commercial area.

The second issue is the appearance of the new commercial development that faces the residential uses on Del Rio Avenue. Because of the topography, staff expects that there may be a significant retaining wall along the east and south side of the commercial development, similar to the existing retaining walls at the rear of the KFC/Taco Bell and the old RaceTrac site. The Commission may want to require that the retaining wall not be located closer to Del Rio Avenue than the current front yard (25 feet) to prevent encroachments beyond the fronts of existing houses south of the proposed commercial tract.

DATE: 10/18/07	REFERENCE NUMBER: PZ-2007-10	SUBJECT: Adopt Ordinance rezoning Lots 7, 8, 9, 10 and 11, Block 7, Benbrook Estates from "B" One Family District to "HC" Highway Corridor District (110, 112, 116, 118 and 120 Del Rio Ave.)	PAGE: 3 of 7
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The Commission may also want to address the appearance of the proposed retaining wall (whether it will be textured concrete or modular block rather than plain concrete of railroad ties.)

The Commission may want to require additional landscaping or other bufferyard amenities. The Zoning Ordinance would require an "E" bufferyard, which requires three canopy trees, six understory trees, and 27 shrubs for the 345 feet of street frontage on Del Rio Avenue.

Finally, the Commission may want to address the appearance of the rear of the commercial building that will face the residential uses, and what may be visible to the adjacent residential. This may be most easily address by requiring a screening fence along the top of the retaining wall so that no portion of the building could be visible from the front yards across Del Rio Avenue.

6. 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 CP – 07 – 01, if approved. Any recommendation to the City Council for the proposed rezoning should be conditioned on a favorable recommendation by the Commission and approval by the City Council regarding the CP – 07 – 01 Land Use Plan amendments.

RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission recommend that the City Council approve consideration Z – 07 – 05, for the rezoning of Lots 7, 8, 9, 10, and 11, Block 7, Benbrook Estates from "B" One Family District to "HC" Highway Corridor District, subject to Planning and Zoning Commission recommendation and City Council approval of Land Use Plan amendment consideration CP – 07 – 01, and the following additional conditions:

1. That no commercial business shall face Del Rio Avenue and no commercial driveways be allowed onto Del Rio Avenue,
2. That the retaining wall observe a 25-foot setback from Del Rio Avenue,
3. That the proposed retaining wall be constructed on textured concrete or modular block construction (or other suitable appearing wall materials),
4. That an E-bufferyard be installed with the exception that no berm is required, but that there be two canopy trees per 100 feet, and
5. That the rear of the building be screened by a screening fence along the top of the retaining wall sufficient to hide the rear of the building from any point in the front yard of the lots on the east side of Del Rio Avenue.

DATE: 10/18/07	REFERENCE NUMBER: PZ-2007-10	SUBJECT: Adopt Ordinance rezoning Lots 7, 8, 9, 10 and 11, Block 7, Benbrook Estates from "B" One Family District to "HC" Highway Corridor District (110, 112, 116, 118 and 120 Del Rio Ave.)	PAGE: 4 of 7
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**UNAPPROVED MINUTES
PLANNING AND ZONING COMMISSION
SEPTEMBER 13, 2007**

Z – 07 – 05 Consider rezoning of Lots 7, 8, 9, 10, and 11, Block 7, Benbrook Estates from "B" One Family District to "HC" Highway Corridor District (110, 112, 116, 118, and 120 Del Rio Avenue)

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

Tom Eudaly, the applicant on the preceding item, said he did not have anything to add but would have some comments following the City Staff report.

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

Ed Gallagher said that Tom Eudaly is the applicant in Zoning Case Z-07-05, to rezone Lots 7 through 11, Block 7, Benbrook Estates from "B" One Family District to "HC" Highway Corridor District. Staff understands that the applicant has contracts to purchase each lot from the five current owners subject to rezoning. The rezoning application for the overall 1.38 acres on the west side of Del Rio Avenue is submitted in conjunction with Land Use Plan Amendment to change the Land Use Plan designation of the property to Commercial. With the Land Use Plan amendment, the rezoning would conform with the Plan and meet the requirements of Section 211.004 of the Local Government Code.

Mr. Gallagher said that with the rezoning, the five lots will be combined with the vacant adjacent Lot 17 fronting on Benbrook Boulevard to increase the depth of the highway frontage property. Collectively the five single-family zoned lots back and side to commercial zoned property with highway frontage to the west and north. The five lots adjoin residential property to the south and are across Del Rio Avenue from residential property.

The most significant consideration in the rezoning is the arrangement presented with the introduction of new commercial zoning along Del Rio Avenue and the neighboring residential property. Mr. Gallagher said that the anticipated commercial development will be oriented to Benbrook Boulevard. However, as presented, the commercial activity could be oriented to both the highway and Del Rio Avenue or just to Del Rio Avenue. Rezoning to extend the depth of the commercial zoning in a through pattern to Del Rio Avenue should include a prohibition of vehicular access to the residential street.

Mr. Gallagher said the extension of the commercial zoning pattern also introduces a visual impact on the remaining residential uses on Del Rio Avenue. With the topography of the

DATE: 10/18/07	REFERENCE NUMBER: PZ-2007-10	SUBJECT: Adopt Ordinance rezoning Lots 7, 8, 9, 10 and 11, Block 7, Benbrook Estates from "B" One Family District to "HC" Highway Corridor District (110, 112, 116, 118 and 120 Del Rio Ave.)	PAGE: 5 of 7
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new development it is expected to include a rather tall retaining wall facing the residential street. The retaining wall should observe a ten-foot setback on the south adjacent to the residential property and include an F1 bufferyard with the deletion of the fence. Approval should also include a requirement that the retaining wall observe the 25-foot front building line along the front of the five lots to maintain street symmetry and reduce the impact on residential property to the south. Mr. Gallagher said consideration should also be given to the appearance of the retaining wall and bufferyard landscaping to mitigate the negative impact on neighboring residential properties.

The appearance of the rear of a future building on the future commercial combined site presents a potential negative impact on the residential neighborhood. The negative impact can be mitigated with a screening wall along the top of the retaining wall in a manner to shield the building from the front yards of residential properties across Del Rio Avenue.

Mr. Gallagher said that, with favorable consideration of the CP-07-01 Land Use Plan amendment, the proposed rezoning will conform with the Plan and meet requirements of Section 211.004 of the Texas Local Government Code. Any recommendation to the City Council that the rezoning be approved should be conditioned on favorable action on the Land Use Plan amendment by both the Commission and City Council.

Staff recommends that after a public hearing, the Planning and Zoning Commission recommend that the City Council approve the zoning case Z-07-05, for the rezoning of Lots 7, 8, 9, 10, and 11, Block 7, Benbrook Estates from "B" One Family District to "HC" Highway Corridor District, subject to Planning and Zoning Commission recommendation and City Council approval of Land Use Plan amendment consideration CP-07-01, and the following additional conditions:

1. That no commercial business shall face Del Rio Avenue and no commercial driveways be allowed onto Del Rio Avenue, and
2. That the retaining wall observe a 25-foot setback from Del Rio Avenue and a 10-foot setback from the south line,
3. That the proposed retaining wall be constructed using textured concrete or modular block construction (or other suitable appearing wall materials),
4. That an E-bufferyard be installed along the Del Rio Avenue front with the exception that no berm is required, and that there be two canopy trees per 100 feet and an F1 bufferyard be installed along the south side with the exception that no fence is required, and
5. That the rear of the building must be screened by a screening fence along the top of the retaining wall sufficient to hide the rear of the building from any point in the front yard of the lots on the east side of Del Rio Avenue.

Mr. Early asked for a clarification on the Staff recommendation. Discussion followed on the recommended and required setbacks for the retaining wall, bufferyards, screening fences, and landscaping.

DATE: 10/18/07	REFERENCE NUMBER: PZ-2007-10	SUBJECT: Adopt Ordinance rezoning Lots 7, 8, 9, 10 and 11, Block 7, Benbrook Estates from "B" One Family District to "HC" Highway Corridor District (110, 112, 116, 118 and 120 Del Rio Ave.)	PAGE: 6 of 7
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Mr. Shah asked Mr. Eudaly if he would be able to use a tiered-retaining wall with a 25-foot setback as required by the Ordinance. Mr. Eudaly said a 25-foot setback is a deal killer for them. He said they would lose the depth that they need and \$155,000 on the land costs and they just do not have room to retain that and they do not have the flexibility to do the kind of layouts they need for all the customers that would like to have on the site.

Mr. Eudaly said the City of Benbrook has dealt with parking issues on the site that the Benbrook EDC has, where a sign was put on a corner that took away eight parking spaces. That has caused major headaches for the developer that acquired the site to get a layout for a restaurant. They were eight parking spaces short for the major tenants with a sit-down restaurant to work. It has required a whole lot of other acquisitions and whole lot of other considerations that Ron Rainey has been working hard to achieve but the developer could not wait so the EDC is in the process of reacquiring the site.

Mr. Eudaly said they would like to build a six-foot tall wall setback three feet, go over three feet, then up six feet,. They do not have a problem with any of Staff's recommendations except the 25-foot setback requirement on Del Rio Avenue. It ham-strings the project and he does not think it is a terrible encroachment. Mr. Eudaly said it is not just the money, but they do not have enough land to place the projects on the site.

Mr. Eudaly gave the Commission a layout of the type of tiered retaining wall they have in mind to use on the site. Discussion followed between the Commission, Staff, and the applicant on the retaining wall, setback, and sidewalks.

The Chair asked for any further comments or questions from the Commission. There being none, the Chair opened the public hearing at 8:33 p.m. and asked if anyone wished to speak for or against the item.

Thomas Johnson, Melisa Shores, 116 Del Rio Avenue, and John Larson, 110 Del Rio Avenue, all spoke in favor of the rezoning request.

There being no further speakers, the Chair closed the public hearing at 8:43 p.m. and asked for any comments, questions, or a motion from the Commission. Discussion followed between the Commission and Staff.

Motion by Mr. Shah that the Planning and Zoning Commission recommend that the City Council approve consideration Z-07-05, for the rezoning of Lots 7, 8, 9, 10, and 11, Block 7, Benbrook Estates from "B" One Family District to "HC" Highway Corridor District, subject to Planning and Zoning Commission recommendation and City Council approval of Land Use Plan amendment consideration CP-07-01, and the following additional conditions:

1. That no commercial business shall face Del Rio Avenue and no commercial driveways be allowed onto Del Rio Avenue,
2. That a tiered retaining wall observe a 3-foot setback from Del Rio Avenue and the south side for the first tier, with each tier having a minimum depth of five feet (5'), and the southeast corner have a minimum 8-foot (8') radius,
3. That the proposed retaining wall be constructed on textured concrete or modular block construction (or other suitable appearing wall materials),

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4. That an E-bufferyard be installed with the exception that no berm is required, but that there be two canopy trees per 100 feet, and
5. That the rear of the building be screened by a screening fence along the top of the retaining wall sufficient to hide the rear of the building from any point in the front yard of the lots on the east side of Del Rio Avenue and the south side of the subject lots.

Second by Dr. Marshall. The Chair asked for any comments or questions from the Commission. There being none, the Chair called the question.

Vote on the Motion:

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

Noes: None

Motion carried 7 – 0



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 10/18/07	REFERENCE NUMBER: PZ-2007-11	SUBJECT: Adopt Ordinance rezoning Lots 23 and 24, Block 6, Benbrook Estates from "B" One Family District to "CR" Multiple Family Restricted District (109 Del Rio Ave.)	PAGE: 1 of 1
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**Z – 07 – 06
STAFF REPORT
TO PLANNING AND ZONING COMMISSION
SEPTEMBER 13, 2007**

SUBJECT PROPERTY: Lots 23 and 24, Block 6, Benbrook Estates

LOCATION: Planning Area "C", 109 Del Rio Avenue

OWNER: John Larson
Benbrook

APPLICANT: Thomas Johnson
Benbrook

AREA: Lot 23 – 11,513 square feet, approximately;
Lot 24 – 9,606 square feet, approximately

CURRENT ZONING: "B" One Family District

LAND USE PLAN REFERENCE: Medium Density Multiple Family Residential

PROPOSED ZONING: "CR" Multiple Family Restricted District (Duplex)

PLANNING REVIEW:

The City Planning staff has reviewed the rezoning application and offers the following:

1. The Land Use Plan indicates Medium Density Multiple Family Residential for the subject property. The proposed "CR" Multiple Family Restricted District is in conformance with the Land Use Plan and will permit a duplex residential structure on each of the two subject lots
2. It is Staff's understanding that Thomas Johnson has a contract to acquire the two lots conditioned on approval of the proposed rezoning. The property owner, John Larson has authorized the rezoning application by Thomas Johnson.
3. Benbrook Estates is the oldest neighborhood in the City and was platted in 1946, prior to the City's incorporation. Single-family and multi-family housing units have been built in the area throughout the life of the subdivision. However, since the late 1980's, new construction has been predominately multi-family with approximately 26 new multi-family dwelling units compared to approximately ten new single-family units.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

DATE:	REFERENCE NUMBER:	SUBJECT:	PAGE: 2 of 2
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Staff recommends that after conducting a public hearing, the Planning & Zoning Commission recommend that the City Council approve the Z-07-06 rezoning of Lots 23 and 24, Block 6, 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 9:10 p.m. and asked if anyone wished to speak for or against the item. There being none, the Chair closed the public hearing at 9:11 p.m. and asked for any comments, questions, or a motion from the Commission.

Motion by Dr. Marshall that the Planning & Zoning Commission recommend that the City Council approve the Z-07-06 rezoning of Lots 23 and 24, Block 6, Benbrook Estates from “B” One Family District to “CR” Multiple Family Restricted District. Second by Mr. Ramsey. The Chair called the question.

Vote on the Motion:

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

Noes: None

Motion carried 7 – 0



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 10/18/07	REFERENCE NUMBER: G-1741	SUBJECT: Quarterly Financial Report for period ending September 30, 2007	PAGE: 1 of 1
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Attached for City Council's information and consideration is the quarterly financial report for the period ending September 30, 2007.

GENERAL FUND REVENUES

Total revenues for the year were \$11,899,861 or approximately 99% of the original budget. While Building Fees, Fines & Forfeitures, Charges for Services, and Other Revenues were significantly under projected budget amounts, Property Taxes (\$17,194), Sales & Other Taxes (\$53,285), and Use of Money & Property (\$178,659) were significantly over budget.

GENERAL FUND EXPENDITURES

Total expenditures for the year were \$11,290,562 or approximately 94% of the original budget. Although City Council approved several supplemental expenditures throughout the year, budget adjustments are not necessary due to City Departments under spending their budgetary appropriations.

At year-end, total revenues exceeded total expenditures by \$609,299.

DEBT SERVICE FUND

Debt Service revenues were \$1,259,646 for the period ending September 30. Debt service requirements amounted to \$1,233,633 for the same period.

EDC REPORT

The EDC finished the year with revenues of \$924,318, with most of this amount coming from Sales Tax. Expenditures through the end of September were \$1,517,162. Most of this amount went for land purchases, interest on debt, and legal and professional services. The EDC ended the year with a deficit of \$592,844.

CAPITAL PROJECTS

The Capital Projects Funds produced \$459,189 in revenue while expenditures amounted to \$1,076,167, with most of this amount going toward the Plantation West Creek drainage project.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:
		CITY SECRETARY
CITY MANAGER		DATE:

DATE: 10/18/07	REFERENCE NUMBER: G-1741	SUBJECT: Quarterly Financial Report for period ending September 30, 2007	PAGE: 2 of 2
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INVESTMENTS

At September 30, the City had investments totaling \$10,449,077. This entire amount is available if needed.

RECOMMENDATION

Staff recommends that City Council accept the quarterly financial report for the period ending September 30, 2007.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 10/18/07	REFERENCE NUMBER: G-1742	SUBJECT: Quarterly Hotel/Motel Tax Report	PAGE: 1 of 1
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Attached for City Council's information and consideration is the quarterly HMT report for the period ending September 30, 2007

REVENUES

Total quarterly collections amounted to \$36,002. Bed tax made up \$33,718 of this amount and interest provided \$2,284.

BENBROOK CHAMBER

The Chamber submitted \$11,720 in expenses and was reimbursed \$11,705. Most of this amount was for salaries, overhead, and the city-wide yard sale.

MOTEL 6

Motel 6 had advertising expenses of \$5,898, however only \$2,130 qualifies as reimbursable.

BENBROOK HERITAGE EVENT

Staff paid \$1,792 for various Heritage Event items.

VSA

VSA did not have time to submit expense reports.

RECOMMENDATIONS

Staff recommends that City Council approve the quarterly HMT report.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:
		CITY SECRETARY
CITY MANAGER		DATE:



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 10/18/07	REFERENCE NUMBER: G-1743	SUBJECT: Resolution Suspending Atmos Energy Request for Rate Increase	PAGE: 1 of 1
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Background

The Railroad Commission issued a Final Order approving new system-wide rates for customers of Atmos Energy's Mid-Tex Division in May. Residential rates were increased by \$10 million annually. Also in May, Atmos Mid-Tex filed its application for its fourth GRIP surcharge in four years, seeking to increase the rates of all customers by \$12 million annually. Despite both of these recent actions to increase customer's rates, Atmos Mid-Tex has filed an application with cities to increase system-wide rates by another \$52 million.

Purpose of the Resolution

The attached resolution suspends the effective date of the Company's rate increase for the maximum period permitted by law to allow the City time to evaluate the filing, determine whether the filing complies with the law, and if lawful, to determine what strategy to pursue. If the City does not take action to suspend the filing, Atmos Mid-Tex may begin charging the increased rates after October 25, 2007.

Benbrook has participated in prior Atmos Gas rate matters with a coalition of cities now known as the Atmos Cities Standing Committee (ACSC). ACSC is a permanent standing committee with 99 members who have passed resolutions authorizing ACSC to intervene on behalf of the City in natural gas matters pending before the Railroad Commission, the Courts, or the Legislature.

Action Proposed

The ACSC is asking all member cities to pass the accompanying resolution. The resolution suspends the effective date of the increase for 90 days, authorizes the City to cooperate with ACSC, requests reimbursement of reasonable rate case expenses, and calls for the notification of all parties.

RECOMMENDATION

Staff recommends that City Council pass the resolution suspending the Atmos Gas request for a rate increase.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 10/18/07	REFERENCE NUMBER: G-1744	SUBJECT: Appointment to Boards and Commissions	PAGE: 1 of 4
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Noted below is a summary of terms expiring on the various City Boards and Commissions. Their terms expire on October 31, 2007. This summary also contains notation of one vacant unexpired term on the Planning and Zoning Commission. That term will expire October 31, 2008.

Planning & Zoning Commission

Place 1	David Ramsey
Place 2	Vacant unexpired term
Place 3	Alfredo Valverde
Place 5	Sanjiv Shah
Place 7	Dian M. Price
Place 9	Jay Morrill

Applications for reappointment have been received from Mr. Ramsey, Mr. Valverde, Mr. Shah and Ms. Price. Mr. Morrill did not seek reappointment.

Zoning Board of Adjustment/Board of Appeals

Place 1	Vacant
Place 3	Robert Cook
Place 5	Jacque Messer
Alternate A	L. Murphy Kleuser
Alternate D	R. Lizbeth Sowell

Applications have been received from Mr. Cook, Mrs. Messer and Ms. Sowell. Mr. Kleuser did not seek reappointment.

Parks & Recreation Board

Place 1	Mark Washburn
Place 3	Sherry Pacleb
Place 5	Trey Morrison
Place 7	Craig Fisher

Trey Morrison has filed application for reappointment. Mark Washburn has filed an application for ZBA/Appeal Board. Sherry Pacleb and Craig Fischer have indicated they will not seek reappointment.

SUBMITTED BY:	DISPOSITION BY COUNCIL:	PROCESSED BY:
	<input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	CITY SECRETARY
CITY MANAGER		DATE:

DATE: 10/18/07	REFERENCE NUMBER: G-1744	SUBJECT: Appointment to Boards and Commissions	PAGE: 2 of 4
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Benbrook Economic Development Corporation

- Place 1 James Amick
- Place 3 Daniel Tully
- Place 5 John Vander Pan
- Place 7 Steven White

Mr. White has submitted application for reappointment. Mr. Amick and Mr. Vander Pan will not seek reappointment. An application is not required from Councilmember Tully.

Tax Increment Financing Board (TIF) – Council Appointments

- Place 1 Jerry Dittrich
- Place 3 Keith Bailey

Applications are not required from Mayor Dittrich or Councilmember Bailey.

The City advertised a formal notice to accept applications for Boards and Commission appointments in the official newspaper (Benbrook News) as well as the Fort Worth Star Telegram. The announcement was also placed on the City Channel, City Home Page, and the quarterly Newsletter. The deadline for receiving applications was August 30, 2007.

Applications received for appointment to a Board or Commission are noted below.

<u>Citizen</u>	<u>Board or Commission Preference</u>	<u>Current Office</u>
David Ramsey	1. Planning & Zoning	Planning & Zoning
Alfredo Valverde	1. Planning & Zoning	Planning & Zoning
Sanjiv Shah	1. Planning & Zoning	Planning & Zoning
Dian Price	1. Planning & Zoning	Planning & Zoning
Jacquie Messer	1. ZBA/Appeals Board	ZBA/Appeals Board
Robert Cook	1. ZBA/Appeals Board 2. EDC 3. Sign Control Board 4. Planning & Zoning	ZBA/Appeals Board
R. Lizbeth Sowell	1. ZBA/Appeals Board 2. Park & Recreation	ZBA/Appeals Board
Mark Washburn	1. ZBA/Appeals Board	Park & Recreation

DATE: 10/18/07	REFERENCE NUMBER: G-1744	SUBJECT: Appointment to Boards and Commissions	PAGE: 3 of 4
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<u>Citizen</u>	<u>Board or Commission Preference</u>	<u>Current Office</u>
Trey Morrison	1. Park & Recreation	Park & Recreation
Steven White	1. EDC	EDC
Clark Penas	1. EDC 2. ZBA/Appeals Board 3. Planning & Zoning	ZBA/Appeals Board unexpired term
William Higgins	1. Planning & Zoning 2. ZBA/Appeals Board	
James Wilson	1. Planning & Zoning 2. Park & Recreation	
Aubra Gantt	1. Park & Recreation 2. Planning & Zoning 3. ZBA/Appeals Board	
Blanche Romanoff	1. Park & Recreation	
Daniel Reilley	1. Park & Recreation	
Vanessa Adia	1. Park & Recreation 2. EDC	
Rick Whitehurst	1. EDC	
Al Griner	1. EDC	
Carol Stacy	1. EDC 2. Sign Control Board	
James Wood	1. EDC 2. Planning & Zoning 3. Park & Recreation	
Brandon Weaver	1. EDC 2. Planning & Zoning 3. Tax Increment Financing	
Bart Largent	1. Planning & Zoning 2. EDC 3. Tax Increment Financing 4. ZBA/Appeals Board 5. Park & Recreation	

DATE: 10/18/07	REFERENCE NUMBER: G-1744	SUBJECT: Appointment to Boards and Commissions	PAGE: 4 of 4
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Citizen

**Board or Commission
Preference**

Current Office

Donald Anderson	<ol style="list-style-type: none"> 1. ZBA/Appeals Board 2. Planning & Zoning 3. EDC
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Note: Mr. Largent and Mr. Anderson do not meet the residency requirements. Both candidates have been notified that their applications will be placed on file for consideration in the event a vacancy should occur during appointment terms.

Application Review and Council Interviews

City Council reviewed the applications for Boards and Commissions at their September 20, 2007 regular City Council meeting and scheduled interview session with each of the candidates.

City Council completed the interviews on October 11, 2007.

RECOMMENDATION

Staff recommends that City Council:

1. Make the necessary appointments to the various Boards and Commissions for a term to expire October 31, 2009, and
2. Make the appointment to the Planning & Zoning Commission Place 2 for a term to expire October 31, 2008.