

**MINUTES
OF THE MEETING OF THE
CITY OF BENBROOK
PLANNING & ZONING COMMISSION
THURSDAY, JULY 14, 2005**

The regular monthly meeting of the Planning & Zoning Commission of the City of Benbrook was held on Thursday, July 14, 2005 at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

Symantha Spence
George Bolton
Alfredo Valverde
Bret Early
John Dawson
Larry Marshall

Also Present:

Ed Gallagher, City Planner
Wayne Carlisle, Recording Secretary
Larry Stowe, Council Member
Gordon Swift
Rhonda Pool
Crystal Ramsey
Maxine Kruse
Frank Kruse
Lisa Savage
Bill Skokan
Cynthia Whalen
Shirley Rollert
And approximately 15 others

I. CALL TO ORDER

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

II. CONSIDERATION OF MINUTES

Regular Meeting – June 9, 2005

Motion by Ms. Spence to approve the minutes of the June 9, 2005 Planning and Zoning Commission meeting as presented. Second by Dr. Marshall. The Chair called the question.

Vote on the Motion:

Ayes: Ms. Spence, Mr. Bolton, Mr. Early, Mr. Dawson, and Dr. Marshall

Noes: None

Abstain: Mr. Valverde

Motion carried 5 – 0 – 1

III. REPORTS OF CITY STAFF

Chairman Early said, because item Z-05-02, Conditional Use Application, could not be considered without approval of P-05-03, Revised Preliminary Plat of Terre Sol Addition, the items would be considered out of order with the plat first.

A. ZONING

Z – 05 – 01 Consider amendments to Section 4 – Definitions, Section 5 – Districts and District Boundaries, Section 6 – CF Community Facilities District, Section 7 – SD Suburban District, Section 8 – RE Residential Estate District, Section 9 – A One Family District, Section 10 – B One Family District, Section 11 – BR One Family Reduced District, Section 12 – CR Multiple Family Restricted District, Section 13 – C Multiple Family District, Section 14 – D Multiple Family District, Section 15 – E Commercial District, Section 16 – F Commercial District, Section 17 – HC Highway Corridor District, Section 18 – G Commerce District, Section 19 – H Industrial District, Section 20 – MH Manufactured Home District, Section 21 – PD Planned Development District, Section 23 – Supplementary District Regulations, Section 25 – Sign Regulations, Section 27 – Landscaping and Buffer Regulations, and Section 29 – Board of Adjustment of the Zoning Ordinance of the City of Benbrook, Ordinance Number 808, as amended

Z – 05 – 02 Consider Conditional Use Application for pasturing of four horses and a 3,500 square foot private stable as provided for in Section 9-B-b-2, Section 9-B-b-3, and Section 22 of Ordinance Number 808, as amended on Tract 1E2 (8.5 acres) of the J.W. Smith Survey Abstract Number 1406 (Northwest of the north end of Shady Valley Drive, north of Block 2 of The Meadows, and east of Block 1 of Glen Avon Addition; proposed Terre Sol Addition)

B. SUBDIVISION PLATS

P – 05 – 03 Consider Revised Preliminary Plat of Terre Sol, Lot 1, Block 1, an addition to the City of Benbrook, being 8.5 acres in the J.W. Smith Survey Abstract Number 1406 (Northwest of the north end of Shady Valley Drive, north of Block 2 of The Meadows, and east of Block 1 of Glen Avon Addition)

Chairman Early introduced the item and asked for a presentation from the applicant.

Rhonda Pool, 2004 Ranch House Road, Willow Park, Texas, said she is requesting the preliminary plat approval to build a single-family home and barn on the 8.5-acre tract. Ms. Pool said she has no intention of selling the property or subdividing. However, if she ever did decide to subdivide, she would gladly provide 100 percent of the infrastructure.

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

Ed Gallagher said the P-05-03 revised preliminary plat of proposed Terre Sol Addition involves an 8.5-acre site north of Block 2 of The Meadows Addition. The site is zoned "A" One Family District, the same zoning classification as the surrounding property. The single-family residential zoning in the area has existed since the early 1950s. The current owner of the

property is Robert Michael, who acquired the site in November of 2003 and the plat applicant, Rhonda Pool, have a contract to obtain the property, subject to plat approval.

Mr. Gallagher said the 8.5-acre site is part of a 17.5-acre unplatted property purchased in 1951 by Douglas Mitchell with the 17.5 acres having frontage on Williams Road. That conveyance occurred prior to the 1955 approval of the first Subdivision Ordinance. The City's subdivision regulations require platting to subdivide property into two or more parts, and for the issuance of building permits. Platting of The Meadows occurred in 1985 along the south line of the 17.5-acre Mitchell property and included the extension of all standard infrastructures through The Meadows plat area to the adjoining Mitchell property. In 1991, the 17.5-acre Mitchell property was illegally subdivided when the west 8.5 acres, proposed Terre Sol Addition, was sold without platting.

The Revised Terre Sol Addition preliminary plat proposes a single lot with access from Shady Valley Drive at the southeast corner of the 8.5-acre site. The Shady Valley Drive right-of-way contains a standard concrete street section, a 54-inch stormdrain pipe, a 6-inch sanitary sewer main, and a 6-inch water main, which were all required with The Meadows platting to serve the 17.5-acre Mitchell property and beyond.

Mr. Gallagher stated the Subdivision Ordinance was established to provide for the orderly development of the City. The policy of the ordinance is that land not be platted without proper provisions for drainage, water, sewer, street, and other infrastructure improvements.

The purpose of the Subdivision Ordinance is to promote and protect the health, safety, morals, and general welfare of the community by requiring that adequate streets, drainage facilities and other public improvements be provided in all subdivisions. It is to guide public and private policy and action in order to provide adequate and efficient transportation, water, sewer, drainage, and other requirements and facilities and it is styled to be in the interest of the overall community.

Mr. Gallagher said the extension of Shady Valley Drive, from The Meadows plat area through the Revised Terre Sol Addition plat area, for future extension with subsequent platting, is called for in the Subdivision Ordinance. The plat drawing shows the extension of Shady Valley Drive from The Meadows Addition onto and across the Terre Sol Addition to neighboring property. However, in a variance request letter, the applicant proposes that the right-of-way be established by a separate instrument from the final plat. Mr. Gallagher said although it is not a typical procedure, Staff has no objection to the variance request to establish the extension of the Shady Valley Drive right-of-way across the 8.5-acre site by separate instrument, provided that the right-of-way instrument is recorded on the same occasion as the plat recording.

The next element of the variance request involves addressing the installation of the required infrastructure with a deed covenant between the landowner and the City that could be exercised by the City at a future date. Future platting of the 8-acre site north of Terre Sol Addition or the property to the east could include a request that the City exercise the provisions of the deed covenant. Mr. Gallagher said a proposed deed covenant was not presented with the plat submittal. The Staff does not object to the variance, provided the document be reviewed by and recommended for approval by the City Attorney.

Mr. Gallagher said the variance request also proposes street obligation and associated infrastructure be deferred by a deed covenant and be limited to the construction cost of 100 linear feet. The 3,000 square feet of 30-foot wide by 100-foot long concrete street appears to be proposed, based on a rough proportionality standard established by the U.S. Supreme Court for the proposed single lot of Revised Terre Sol Addition. The variance for 100 linear feet of

street and associated infrastructure improvements proposes that that quantity is the proportional responsibility of the owner/developer for design and construction of the street within the one large lot, 8.5-acre, Terre Sol Addition plat area. However, the variance proposes that the applicant's storm drainpipe responsibility be for the cost of 27-inch pipe as opposed to a 54-inch pipe. The existing 54-inch stormdrain pipe at the north end of Shady Valley Drive accommodates a 24.9-acre drainage area, of which approximately 8.02 acres is runoff from proposed Terre Sol Addition. Runoff generated only from the Terre Sol Addition is estimated to require a 27-inch stormdrain pipe. The Staff recognizes that the drainage from the Terre Sol Addition site only generates a need for a 27-inch stormdrain and recommends that the Commission recommend that the City Council consider assuming the cost difference between a 27-inch stormdrain and a 54-inch stormdrain.

Mr. Gallagher said the variance also proposes that the applicant's responsibility include a pro rata share of 15 percent of construction cost for engineering and surveying when Shady Valley Drive improvements are extended across the Terre Sol site.

It should be specifically noted that any variance to any Benbrook Water and Sewer Authority (BWSA) infrastructure requirements is beyond the scope of Planning and Zoning Commission consideration and must be considered by the BWSA Staff and/or Board of Directors.

Mr. Gallagher said parkland dedication requirements of the Subdivision Ordinance should be addressed with cash in lieu of land. The final plat must meet all requirements for final plats in accordance with the Subdivision Ordinance except as specifically altered by any variance approval by the Commission.

The City Engineer has reviewed the submittal material and noted a number of design considerations that must be addressed with a final plat and engineering submittal and are not a topic of variance consideration.

Public Works notes, many of the proposed initial drainage facilities be considered as interim and require replacement when standard improvements are installed. The Inspection Department notes that the submittal includes very limited drainage improvements and no street improvements and no comments are offered.

Mr. Gallagher said the submittal has been reviewed by the Police and Fire Departments with the Police Department offering no comment. The Fire Department notes several applicable Fire Code requirements that must be addressed and are not subject to variance consideration.

The Benbrook Water and Sewer Authority notes that the applicant will need to contact BWSA for water and sewer connections.

Mr. Gallagher said Staff does not oppose the following variance requests:

1. dedication of right-of-way and easements by separate instrument to be recorded concurrent with the plat,
2. the deferral of street and associated infrastructure responsibility by a deed covenant approved by the City Attorney,
3. a reduced quantity of the various required infrastructure elements, and

4. engineering and surveying costs to a rough proportionality standard, including a reduced stormdrain pipe diameter.

Mr. Gallagher said Staff recommends the Planning and Zoning Commission address each of the elements of the variance requests and include findings and determinations regarding each, and approve the P-05-03 preliminary plat of Revised Terre Sol Addition, subject to each variance approval, and subject to conformance with all Subdivision Ordinance requirements as conditions of preliminary plat approval except as may be altered by any variance approvals, and conformance with all Engineering, Public Works and Inspection, Public Safety, BWSA, and Utility comments and requirements.

The Chair asked for any comments or questions from the Commission. Mr. Valverde asked Mr. Gallagher if there are any down sides to approving the variance requests. Following discussion, Mr. Gallagher said the biggest downside is when or if someone wants to develop the properties to the north or east, they can require taxpayers to pay for the balance of the extension of Shady Valley Drive. Ms. Pool would be required to pay for the first 100 linear feet of pavement and utilities.

Ms. Spence asked if the City would be obligated to pay for the remaining pavement and infrastructure for the extension of Shady Valley Drive when or if the adjacent properties are developed. Mr. Gallagher said the developer would have to go to City Council to request the City to pay for the extension and at that time, the Council could deny the request.

Mr. Early asked Mr. Gallagher to explain the differences of the revised preliminary plat and the first preliminary plat that was denied. Mr. Gallagher said the first submittal did not include all of the normally required infrastructure elements, such as water, sewer, drainage, sidewalks, and streetlights. It only included 30-foot wide pavement.

The Chair opened the public hearing at 8:07 p.m. and asked if anyone wished to speak for or against the item.

Gordon Swift, Consulting Engineer, said if the Commission approved the preliminary plat, the properties to the north and east of Terre Sol Addition would have dedicated public access across the subject property. He said, at this time, neither tract has public access. Mr. Swift said the preliminary plat complies with the Subdivision Ordinance, and that is what the Commission needs to consider.

Maxine Kruse, 4600 Williams Road, said she owns the 8 acres to the north of the subject property, and she would love to have a nice, pretty house on the lot next door.

Shirley Rollert, 8228 Saddlebrook Drive, said she is representing some of her neighbors that could not come to the meeting. Ms. Rollert said she had to install french drains on her property and is concerned about drainage problems from the Terre Sol Addition development if the preliminary plat is approved.

Larry Stowe, 8217 Meadowside Drive, asked who would pay for the extension of Shady Valley Drive through the subject property; the developer or the City. Mr. Gallagher said if someone wanted to develop the 8-acre tract to the north, the right-of-way would be in place, and they could develop the offsite street themselves or they could approach the City Council to exercise the deed covenant. The deed covenant would require the property owner of Terre Sol Addition

at that time to pay for 100 feet of pavement and infrastructure. Mr. Gallagher said the developer could also request that the City pay for the remainder of the pavement and infrastructure. Mr. Early asked if that would be an obligation of the City. Mr. Gallagher said it would not be an obligation of the City; the Council would have to make that decision at that time.

Mr. Stowe asked if the preliminary plat is approved and Ms. Pool stays for an undetermined length of time and then decides to sell the property before the deed covenant has been called, who would then be responsible. Mr. Gallagher said the deed covenant would be structured to run with the land, not the owner. When someone purchases the land, they also purchase the obligation. The instrument will show up in a title search after being recorded at the Tarrant County Courthouse.

Bill Skokan, 8221 Saddlebrook, asked if a developer were developing the subject property, would the treatment be the same as an individual who is requesting responsibility for only 100 feet of pavement and infrastructure. Mr. Gallagher said the 100 feet is based on rough proportionality for one single-family lot, whether it is an individual or a multi-million dollar development corporation.

Mr. Skokan said another individual had previously requested Commission approval for a similar preliminary plat and the Commission required that individual to develop a complete road and infrastructure to provide access to the Kruse property. Why is there a difference now? Mr. Gallagher said first, the Supreme Court's decisions that are more recent, and second, the man that made the previous application was not willing to provide any right-of-way or any infrastructure. All he wanted to do is take down the barricade and have a driveway.

Lisa Savage, 8100 Saddlebrook Drive, said her parents, James and Collette Bergen, own the property to the east of the Terre Sol Addition. Ms. Savage asked, if the Bergen's' wanted to sell their property, would they have access to Shady Valley Drive. Mr. Gallagher said they would have right-of-way access but not necessarily any improvements. The covenant would be between the City and the Terre Sol Addition owner. The Bergen's could request the City Council to exercise the covenant so the Terre Sol Addition owner would be required to pay their share of any improvements.

Cynthia Whalen, 8204 Saddlebrook Drive, asked if the 100 feet the owner would be responsible for would be paved, gravel road base or what. Mr. Gallagher said, from the end of the existing concrete pavement, Ms. Pool would initially need to construct a concrete driveway to the new house. The 100 feet of standard street pavement and infrastructure would be required at a latter date. Discussion continued on permitting and drainage. Ms. Whalen said she is concerned about drainage from the Terre Sol Addition and the effect of runoff on existing developed properties.

There being no further comments or questions, the Chair closed the public hearing at 8:40 p.m. and asked for any comments, questions, or a motion from the Commission.

Mr. Valverde asked Mr. Gallagher, if by the Commission approving the preliminary plat, is not there a built in incentive to discourage future development of the adjacent properties. Mr. Valverde said, from a financial point of view, the issue is going to be, who is going to carry the financial burden of extending Shady Valley Drive.

Mr. Gallagher said the intention is not to discourage but the result of it could be a possible discouragement to a developer.

Mr. Gallagher clarified Mr. Swift's comment that the preliminary plat complies with the Subdivision Ordinance. The street right-of-way complies; some of the other elements do not comply and are the topic of the variances.

Chairman Early asked for any further comments, questions, or a motion from the Commission.

Mr. Valverde said because of the financial burden that approval of the preliminary plat would place on the City and/or a future developer; he feels it would be a detriment to the City, future developers, and the taxpayers. Mr. Valverde said he also knows from experience how the smell from the horses can affect the neighborhood.

Motion by Mr. Valverde to deny P – 05 – 03, revised preliminary plat of Terre Sol Addition. The motion died due to the lack of a second.

Ms. Spence said, although she would not like to see the taxpayers of the entire City pay for future infrastructure on this development, she has no objection, and would favor more houses built on larger lots.

Dr. Marshall asked what the notation, "by separate instrument" means in the variance request. Mr. Gallagher said typically, a subdivision plat contains the right-of-way reduction for streets. Mr. Gallagher said the applicant is proposing the right-of-way to be dedicated by separate instrument and there is nothing he is aware of that would prevent it, as long as it is done at the same time as the recording of the final plat.

Following continued discussion, Mr. Early said he does not feel the approval of the preliminary plat by the Commission is in any way obligating the City or taxpayers to pay for future development. No one knows how, when, or if the Terre Sol Addition or adjacent properties will develop into more than one lot and streets and associated infrastructure will be needed. He also thinks it would be an improvement to the area.

Motion by Ms. Spence to approve P – 05 – 03, Preliminary Plat of Terre Sol Addition, and approve the following variance requests to the Subdivision Ordinance:

1. dedication of a 50-foot street right-of-way and easements on a single lot, by separate instrument, to be recorded concurrent with the plat,
2. the deferral of 100 linear feet of street pavement, drainage, sidewalks, streetlights, and associated infrastructure construction be deferred and addressed with a "Deed Covenant" to be exercised when the improvements are extended across the Terre Sol site to the adjacent property to the north, and recorded concurrent with the plat, to be approved by the City Attorney,
3. 15 percent of the engineering and surveying costs to a rough proportionality standard, and
4. 100 linear feet of reduced stormdrain pipe from 54-inch diameter to 27-inch diameter.

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

Vote on the Motion:

Ayes: Mr. Bolton, Mr. Early, Mr. Dawson, and Ms. Spence

Noes: Mr. Valverde and Dr. Marshall

Motion approved 4 – 2

Z – 05 – 02 Consider Conditional Use Application for pasturing of four horses and a 3,500 square foot private stable as provided for in Section 9-B-b-2, Section 9-B-b-3, and Section 22 of Ordinance Number 808, as amended on Tract 1E2 (8.5 acres) of the J.W. Smith Survey Abstract Number 1406 (Northwest of the north end of Shady Valley Drive, north of Block 2 of The Meadows, and east of Block 1 of Glen Avon Addition; proposed Terre Sol Addition)

Chairman Early introduced the item and asked for a presentation from the applicant. Rhonda Pool, 2004 Ranch House Road, said she is requesting the conditional use so that she may have her four horses and build a 3,500-square-foot private stable when she builds her new home at Terre Sol Addition.

The Chair asked for a report from Staff.

Ed Gallagher said the applicant, Rhonda Pool, is requesting Conditional Use approval under provisions of the Zoning Ordinance, for pasturing four horses and the construction of a 3,500 square foot private horse stable. The application is for the horses and stable on Tract 1E2 of the J.W. Smith Survey Abstract Number 1406, also known as Revised Terre Sol Addition presented on preliminary plat application P-05-03. Tract 1E2 is an 8.5-acre site that with the necessary street right-of-way will result in a gross area of approximately 7.7 acres for the proposed single lot. The property is zoned "A" One Family District and the keeping of horses and stables are allowed by right on parcels greater than ten acres in "A" District, but requires Conditional Use approval on parcels less than 10 acres such as the Z-05-02 site.

All of the surrounding property is zoned "A" One Family District. The adjacent property to the south and west is urban single-family development typical of the "A" District standards while the adjacent property to the north and east is more rural in character.

Mr Gallagher said regarding the Conditional Use Review and Evaluation Criteria in the Zoning Ordinance, the Staff notes the proposed stable should meet or exceed all "A" District regulations and provisions of Section 23, paragraph M, as an approval condition. It should also be compatible with existing and permitted uses on surrounding properties concerning building height, bulk, scale, and setbacks for accessory buildings.

Manure should not accumulate to become a nuisance as determined by the Animal Control Officer, and any horse trailer should be parked a minimum 150 feet from any adjacent existing residence. Any horse trailer should be registered to the property owner.

Mr. Gallagher said approval should be conditioned on conformance with all applicable animals, health, environmental, all "A" District regulations, and any other regulations. With the horses being an accessory use, the horses should not be on the property until the proposed house is ready for occupancy, and the stable should meet all applicable codes.

The Animal Control Officer notes that the property should be maintained in a sanitary manner and all activities should be in conformance with all applicable regulations.

Staff recommends that the Planning and Zoning Commission approve the Conditional Use Application, Z-05-02, for four horses and a 3,500 square-foot private stable on Tract 1E2 of the J.W. Smith Survey Abstract Number 1406 (proposed Terre Sol Addition) subject to:

1. Conformance with all applicable "A" District regulations and provisions of Section 23, paragraph M of the Zoning Ordinance,
2. Manure not being allowed to accumulate to become a nuisance,
3. All horse trailer storage being a minimum of 150 feet from any adjacent residence and all trailers being registered to the landowner,
4. Conformance with all applicable Animal Regulations, any applicable health codes, environmental and other regulations as they exist or may be amended,
5. The permitting of and introduction of horses on the property not occurring until the proposed single-family house is complete and occupied,
6. All elements of design and construction being in accordance with applicable zoning, building, electrical, fire and other applicable regulations, and
7. The property being maintained in a sanitary manner.

The Commission may want to consider additional conditions to approval, as it may deem appropriate.

The Chair asked for any comments or questions from the Commission. There being none the Chair opened the public hearing at 9:08 p.m. and asked if anyone wished to speak for or against the item.

Bill Skokan, 8221 Saddlebrook Drive, said the three homes to the west of Shady Valley Drive have had major drainage problems. If the Commission approves the conditional use for horses, manure will be added to the runoff and will cause an even bigger problem.

Cynthia Whalen, 8204 Saddlebrook Drive, said she is the longest resident on Saddlebrook Drive. When she moved in, there were cattle on the subject property and then horses. The ordinance at that time required fences to be 50 feet from her property line. Mr. Gallagher said Paragraph M, Section 23, of the Zoning Ordinance says, "Stables, barns, corrals, areas of natural congregation (as determined by the Animal Control Officer) and piles of manure, feed, bedding shall be located at least 50 feet from any right-of-way or lot line and at least 150 feet from any adjacent existing residence to minimize odor and nuisance problems. Animal lot pasture may not extend within ten feet (10') of the lot line. Runoff containing any animal waste shall be controlled from entering onto an adjacent residential lot."

Mr. Gallagher said if the Commission approves the Conditional Use, the applicant will be required to comply with all of Section 23 of the Zoning Ordinance.

Larry Stowe, 8217 Meadowside Drive, said the neighbors are concerned with the existing drainage problems and how Ms. Pool's engineer will address those problems. Mr. Stowe asked Mr. Gallagher if the Commission could require the applicant to place a barbed wire fence, 50 feet from the property lines of adjacent homeowners.

Mr. Gallagher said the Commission could approve, conditioned on compliance with the 50-foot non-congregation area, and enforced by Animal Control and Code Enforcement, or the Commission could require a fence placed 50 feet from adjacent residential property lines. With or without a fence 50 feet from adjacent properties, does not change the requirements of Section 23, M. A fence could assist in maintaining compliance but the absence of a fence would not reduce the Ordinance requirements.

Cynthia Whalen requested the Commission require a fence 50 feet from adjacent residential property lines. Ms. Whalen said the drainage pipe under Shady Valley Drive is huge, but the surface water never goes into the drain. She said the water goes all along the curbs and across the street. If the new drainage designs allow the water to go underground and feed into the pipes, that should eliminate the problem, if it is designed properly.

Maxine Kruse, 4600 Williams Road, said she has ridden horses all over the area for thirty years; this is Texas, and horses are everywhere.

There being no further comments or questions, the Chair closed the public hearing at 9:35 p.m. and asked for any comments, questions, or a motion from the Commission.

Mr. Early asked Ms. Pool if she has any plans to install a perimeter fence on the property. Ms. Pool said there is fence currently on the property but she has plans to install a four panel, painted wood fence around the entire perimeter of the property. She said after hearing some of the concerns, she may change her plans along the south side where her property abuts The Meadows. She would not want horses eating her landscaping and she would not want others having contact with her horses.

Motion by Mr. Bolton to approve Z-05-02, Conditional Use for Terre Sol Addition, as recommended in items 1 through 7, by Staff. Second by Ms. Spence. The Chair asked for any comments from the Commission.

Ms. Spence said if Ms. Pool does not abide by the recommendations of the Commission or the ordinances, the Conditional Use would become void.

To clarify, Mr. Gallagher said if the Commission approves the Conditional Use application, Ms. Pool would be required to apply for permits from Animal Control for each horse and maintain them in accordance with all applicable regulations. If there were a violation of the regulations, she would jeopardize the continued permitting of the horses but the Conditional Use would not become void. The Conditional Use approval allows applications to be processed by Animal Control involving property less than 10 acres.

Following discussion between the Commission and Staff, Ms. Spence withdrew her second and requested Mr. Bolton to amend his motion to include a requirement that the applicant place a fence 50 feet from the adjacent property lines on the south side of the Terre Sol Addition.

Motion to amend by Mr. Bolton to include a requirement for a fence, 50 feet from the adjacent property owners on the south side of the Terre Sol Addition property. Second by Ms. Spence.

The Chair asked for any comments from the Commission.

Mr. Early said if the intent is to keep the horses from reaching over neighbor's fences and/or people having access to the horses, he does not believe a 50-foot distance is necessary. Mr. Gallagher said the preliminary designs on the development show a drainage easement and ditch along the south line of the property, approximately 30 feet wide. He said the Commission might want to amend the motion to 30 feet instead of 50 feet.

Second motion to amend by Mr. Bolton to include a requirement for a fence along the north line of the drainage easement on the south side of the Terre Sol Addition property, not to be less than 30 feet from the adjacent property lines. Second by Ms. Spence to amend the motion.

Dr. Marshall asked if property owners from Owendale Drive were present. He said even though Owendale Drive owners were not present, the motion should include the protection of the properties along the west side of Terre Sol Addition. Mr. Valverde said the Commission should be equitable and protect the rights of all individuals, not just the ones at the meeting.

Following continued discussion, Ms. Spence withdrew her second and Mr. Bolton withdrew his motion and amendments. The Chair asked for any comments, questions, or a motion from the Commission.

Motion by Mr. Bolton to approve Z-05-02, Conditional Use for Terre Sol Addition, subject to items 1 through 7, as recommended by Staff. Second by Ms. Spence. The Chair asked for any comments from the Commission. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Bolton, Mr. Early, Mr. Dawson, and Ms. Spence

Noes: Mr. Valverde and Dr. Marshall

Motion approved 4 – 2

Z – 05 – 01 Consider amendments to Section 4 – Definitions, Section 5 – Districts and District Boundaries, Section 6 – CF Community Facilities District, Section 7 – SD Suburban District, Section 8 – RE Residential Estate District, Section 9 – A One Family District, Section 10 – B One Family District, Section 11 – BR One Family Reduced District, Section 12 – CR Multiple Family Restricted District, Section 13 – C Multiple Family District, Section 14 – D Multiple Family District, Section 15 – E Commercial District, Section 16 – F Commercial District, Section 17 – HC Highway Corridor District, Section 18 – G Commerce District, Section 19 – H Industrial District, Section 20 – MH Manufactured Home District, Section 21 – PD Planned Development District, Section 23 – Supplementary District Regulations, Section 25 – Sign Regulations, Section 27 – Landscaping and Buffer Regulations, and Section 29 – Board of Adjustment of the Zoning Ordinance of the City of Benbrook, Ordinance Number 808, as amended

Chairman Early introduced the item and asked for a report from Staff.

Mr. Gallagher said the majority of the amendments are to establish architectural standards for new commercial buildings where no standards currently exist. Staff has done a survey of cities in the North Central Texas Council of Governments region, with populations of 20,000 or more. The responses from the survey were used to develop standards to present to the Commission. Over a period of several months and four work sessions, the ordinance on architectural standards evolved into what is being considered by the Commission.

Mr. Gallagher said the ordinance also includes normal updates by revising some of the text for clarification of the Zoning Ordinance. Some of the other changes to the ordinance include:

1. Delete Commission site plan approval and Public Hearings to build a permitted duplex, triplex, or quadraplex in the low density "C" Multiple Family District
2. The addition of a "Table of Uses" in Section 5, which is a cross reference to the use listings in the text of various districts within the ordinance
3. An expansion of plant materials recommended to encourage more low water demand vegetation and references to Texas SmartScape in Section 27 – Landscaping and Buffer Regulations
4. An expiration for Plan Development site plans if not exercised within a two-year period. After two years, an expired plan can be re-approved or a new plan submitted.
5. Deletes the requirement for Commission Conditional Use approval for Real Estate Sales Offices in a new subdivision and lists the sales offices as permitted uses, subject to conformance with requirements typically included in Conditional Use approvals.
6. Establishes setbacks in "CF" District where none currently exist.

Chairman Early asked for any comments or questions from the Commission. There being none, the Chair opened the public hearing at 10:12 p.m. and asked if anyone wished to speak for or against the item. There being none, the Chair closed the public hearing at 10:13 p.m. and asked for any comments, questions, or a motion from the Commission.

Motion by Mr. Valverde to recommend the City Council approve Z-05-01, Amendments to the Zoning Ordinance. Second by Mr. Dawson.

Discussion followed the second by Mr. Dawson. Dr. Marshall asked that the motion include a change to Section 23 – Supplementary District Regulations, Paragraph M, Standards for Animal Lots and Stables, the last sentence in number 4 to read; "Animal lot pasture may not extend within 10 feet of the lot line. Runoff containing any animal waste shall be controlled from entering onto an adjacent residential lot."

Motion amended by Mr. Valverde to include the change to Section 23-M, as recommended by Dr. Marshall. Second maintained by Mr. Dawson for the amended motion. The Chair called the question.

Vote on the amended motion:

Ayes: Mr. Early, Mr. Dawson, Dr. Marshall, Ms. Spence, Mr. Bolton, and Mr. Valverde

Noes: None

Motion carried 6 – 0

C. PD SITE PLANS
None

D. GENERAL
None

IV. CITIZENS PRESENTATIONS
None

V. ADJOURNMENT

The Chair noted there were no additional matters of business on the regular Commission agenda and declared the Commission regular meeting adjourned at 10:15 p.m.

APPROVED: _____, 2005

Chair