

**MINUTES  
OF THE MEETING OF THE  
CITY OF BENBROOK  
PLANNING & ZONING COMMISSION  
THURSDAY, SEPTEMBER 8, 2005**

The regular monthly meeting of the Planning & Zoning Commission of the City of Benbrook was held on Thursday, September 8, 2005 at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

Symantha Spence  
Bryan Welborn  
George Bolton  
Alfredo Valverde  
Bret Early  
John Dawson  
Larry Marshall  
Sanjiv Shah

Also Present:

David Gattis, Assistant City Manager  
Ed Gallagher, City Planner  
Sue Clark, Recording Secretary  
Leslie Harris  
Paul Brown  
Lonnie Huett  
Jim & Barbara Hoefner  
Clyde Wilmott  
Charles Bailey  
Tom Dayton  
Fred Cauble  
Richard Gebauer  
Patty Perez  
Ernest Clark  
Felipe Perez  
John Fant  
Les Taggart  
Tom Mitchell  
Donna Clark  
John Nykaza  
Dr. Bouchard  
And approximately 35 others

**I. CALL TO ORDER**

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

**II. CONSIDERATION OF MINUTES**

**Regular Meeting – July 14, 2005**

Motion by Dr. Marshall to approve the minutes of the July 14, 2005 Planning and Zoning

Commission meeting as presented. Second by Mr. Valverde. The Chair called the question.  
Vote on the Motion:

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

Noes: None

Abstain: Mr. Welborn and Mr. Shah

Motion carried 6 – 0 – 2

### III. REPORTS OF CITY STAFF

Chairman Early said because item Z-05-04, rezoning request, could not be considered without approval of G-05-04, Land Use Plan amendment for Planning Area "E", the items would be considered out of order with the Land Use Plan amendment first.

#### A. ZONING

G – 05 – 04 Consider Land Use Plan amendment for Planning Area "E" (Northwest of U.S. Highway 377/Benbrook Boulevard and southwest of F.M. 2871)

Z – 05 – 04 Consider rezoning of 20.053 acres of land in the W.W. Wilburn Survey Abstract Number 1639 from "E-PD" Commercial Planned Development District to "D" Multiple Family District (Northwest of the intersection of U.S. Highway 377/Benbrook Boulevard and F.M. 2871)

Chairman Early introduced items G-05-04 and Z-05-04 and asked for a presentation from the applicant.

Tom Dayton with Jones and Boyd, Incorporated said he was representing the applicant, Clyde Wilmott. Mr. Dayton said the applicant is requesting a continuance on the Land Use Plan amendment and rezoning request for the 20.05-acre tract in Trinity Ranch North. Mr. Dayton said the applicant is requesting the continuance to allow additional time to provide City Staff with requested information and meet with adjacent property owners.

The Chair asked for a report from Staff. Mr. Gallagher said Staff concurs and recommends the Commission approve the continuance request.

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

Motion by Mr. Welborn to approve the continuance on items G-05-04 and Z-05-04 until such time the applicant reapplies through the normal cycle. Second by Mr. Shah. The Chair called the question.

Vote on the Motion:

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

Noes: None

Motion approved 8 – 0

Following the vote, the Chair allowed citizens to ask questions of the Commission and applicant.

- G – 05 – 03      Consider Land Use Plan amendment for Planning Area “A” (Team Ranch Development area, west of U.S. Highway 377/Benbrook Boulevard, north of Union Pacific Railroad, east of IH 20/Loop 820, and south of Mary’s Creek)
  
- Z – 05 – 03      Consider rezoning of Block 1, Team Ranch Phase 1A, from "D" Multiple Family District to “CF” Community Facilities District (Northeast of the intersection of Bluestem Drive and Loop 820)

Chairman Early said, because item Z-05-03, rezoning request, could not be considered without approval of G-05-03, Land Use Plan amendment for Planning Area “A”, the items would be considered out of order with the Land Use Plan amendment first. The Chair introduced both items and asked for a presentation from the applicant.

Fred Cauble, 3860 Westcliff Road South, Fort Worth, with Cauble, Hoskins, and Loose Architects, said he is representing the developer/owner, as well as the church that wishes to build on the property. Mr. Cauble said they are requesting the property, which is currently zoned multi-family, to be rezoned for a church. He said the rezoning would lower the traffic, improve the open space, and in their opinion, improve the zoning in the community. Mr. Cauble said the church has a contract with the owner to purchase the property, based on the rezoning.

The Chair asked for a report from Staff. Mr. Gallagher said Planning Area “A” includes the 1,442 acres located north of Interstate 20 and between Loop 820 and Benbrook Boulevard/Highway 377. Most of the portion of Planning Area “A: south of Mary’s Creek in the Team Ranch Development project.

Team Ranch Development proposes to amend the Land Use Plan element of the Comprehensive Plan to change a 13.95-acre site at the northeast corner of Bluestem Drive and the Loop 820 frontage road from High Density Multifamily to Community Facilities. The current Land Use Plan designation, and zoning classification, allows high density apartment projects and the proposed Land Use Plan designation will be conducive to a proposed church.

Mr. Gallagher said in a summary of the land uses in the area, the High Density Multi-family would be reduced by 13.95 acres to 24.8 acres. The Community Facilities would increase 24.4 acres, which would include additional parkland. He said the undeveloped floodplain would go to zero.

Mr. Gallagher said the proposed amendment reducing the High Density category would result in a slightly lower overall population projection and a slight reduction in the ratio of multi-family to single-family dwelling units in the City. The proposed change would not affect the compatibility of the site with other land uses in the area.

Since the last update of the Land Use Plan for Planning Area “A” in mid 2002, the City acquired about ten and one half acres of park and open space land at the south end of the Team Ranch Development area. Mr. Gallagher said Staff proposes that the G-05-03 Land Use Plan amendment to Planning Area “A”, also include an expansion of the Community Facilities

designation in the area along Walnut Creek to reflect the recent acquisition of the additional parkland area.

Staff recommends that the Planning and Zoning Commission recommend that the City Council approve the Land Use Plan amendments in the Team Ranch Development portion of Planning Area "A" as presented.

The Chair asked for any comments or questions from the Commission on the proposed Land Use Plan amendments. There being none, the Chair asked for a report from Staff on Z-05-03 rezoning request.

Mr. Gallagher said Block 1 of Team Ranch Phase 1A, located at the intersection of Bluestem Drive and Loop 820, is a 13.951-acre site currently zoned "D" Multiple Family District. The property appears as High Density Multi-family on the Land Use Plan and is the subject of the G-05-03 Land Use Plan amendment proposal for a Community Facilities Land Use Plan designation. The owner, Team Ranch Development, proposes the Z-05-03 rezoning application to "CF" Community Facilities District.

Staff understands that Team Ranch Development has a contract to sell the vacant property to University Park Church subject to the rezoning to "CF" District.

Mr. Gallagher said 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 G-05-03. Mr. Gallagher said 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 G-05-03 Land Use Plan amendments.

Mr. Gallagher said Congress enacted the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) which includes a primary land use provision that states:

*No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution –*

- (A) is in furtherance of a compelling governmental interest; and*
- (B) is the least restrictive means of furthering that compelling governmental interest.*

Staff recommends that the Planning and Zoning Commission recommend that the City Council approve consideration of Z-05-03 for the rezoning of Block 1, Team Ranch Phase 1A, from "D" Multiple Family District to "CF" Community Facilities District subject to City Council approval of the Land Use Plan amendment presented in consideration G-05-03.

Following discussion between Staff and the Commission, the Chair opened the public hearing at 7:55 p.m. and asked if anyone wished to speak for or against the item.

Donna Clark, 8962 Little Reata Trail, said she is not opposed to a church being built on the property; she is concerned with the "CF" zoning change and the list of uses allowed within that change. Ms. Clark said she would like some type of assurance from the Commission that a

house of worship is the only use allowed on the property.

Mr. Early said the only assurance the Commission has is the presumed contract between the landowner and the people of the church.

Ms. Clark asked if the Commission could add a "PD" Planned Development District designation to the requested "CF" zoning which would prohibit any use other than a church.

Mr. Gallagher said yes, the Commission could add a "PD" designation that would require approval of a site plan by the Planning and Zoning Commission but would not necessarily preclude anything else allowed in "CF" zoning.

Dave Gattis, Assistant City Manager, said a "PD" would be a separate zoning ordinance for that particular piece of property. If the Commission found it was in the best interest of the community to require specific site plan standards, which could be done by a site plan, or the Commission could require more restrictive land uses. Mr. Gattis said Staff is not in favor of the Commission adding a Planned Development zoning to the requested zoning change.

Tom Mitchell, 9013 Ranch Bluff Court, said his property is adjacent to the 13.95-acre tract. Mr. Mitchell asked about the 50-foot drainage easement on the subject tract and the landscaping required. Mr. Gallagher said the applicant would be required to follow the landscape requirements in the Zoning Ordinance. Mr. Mitchell asked who would be required to install the landscaping. Mr. Gallagher said when the owner of the property applies for a building permit, a landscape plan is required as part of the application.

Les Taggart, 8963 Little Reata Trail, said he is concerned about the easier access to the adjacent properties from a church, with security, lighting from the church, and the aesthetics of the building.

John Fant, 9000 Little Reata Trail, said he is in favor of the zoning change, but he is concerned with the easier access to the adjacent properties.

Felipe Perez, 9008 Ranch Bluff Court, asked how the property north of his property, which is zoned "SD", would have access from the subject property.

Ernest Clark, 8962 Little Reata Trail, said he thinks the Commission should add a "PD" overlay to the proposed "CF" zoning. He said he is concerned that some day, the church could outgrow their parking lot and a three-story parking garage be built. Mr. Clark said if a school, rest home, or anything else allowed in "CF" zoning, he would like the Planning Department to review the plans.

Mr. Clark said he is also concerned about security in his neighborhood when all the vegetation is removed from the subject property.

Patty Perez, 9008 Ranch Bluff Court, said she is concerned about drainage from the subject property when the 50-foot drainage easement adjacent to her property is cleared of the vegetation. She is also concerned that the only buffer requirement between single-family residential properties and community facility properties is landscaping and not a wall.

Mr. Valverde said if a wall around the adjacent subdivision was promised to those homeowners, it would be the responsibility of the Reata Place developer, not the owner of the adjacent property when applying for a building permit.

Discussion followed on the Reata Place homeowners being told by the developer the subdivision would be a gated community, and the adjacent subject property was zoned commercial. Mr. Gallagher said Block 1 has been zoned multi-family since the early 1980's.

Richard Gebauer, 4817 Jordan Trail, said he is the president on the Homeowner's Association for Reata Place, said he is speaking for himself, not necessarily for the Association. Mr. Gebauer said he and the other homeowners in the Reata Place Addition bought their homes based on what they were told by the developer, and believed to be the truth, that they were buying into a gated community. He said they were also told the adjacent property would be a "greenbelt", which is now being developed.

Mr. Gebauer said the majority of the homeowners in Reata Place are not against a church on the subject property. They are concerned with the way they have been misled by the developer and hope for help from the City Council because there are many of the homes that are now up for sale.

Mr. Cauble, the applicant's representative, said in response to some of the concerns from the citizens that spoke, the church will not prohibit access to the property to the north. In response to the question on the aesthetics of the building, the design has not been completed and will not be completed until the rezoning has been approved and the applicants take ownership of the property. He said they are looking at different materials, such as stone, and the building will be a nice facility, not a metal building.

Mr. Cauble said safety is also a concern of the people of the church and they are aware of the citizens concerns. In addition to the required landscaping, the applicants do not anticipate removing the existing vegetation in the 50-foot drainage easement that the adjacent homeowners feel gives them some semblance of security.

Mr. Cauble said his statistics show that changing the zoning from Multi-family to Community Facility will reduce the traffic by three quarters.

Dr. Bouchard, 8958 Little Reata Trail, said his number one concern is that Reata Place is not a gated community. Dr. Bouchard said he is in favor of the church and the rezoning but he thinks the Commission should approve the rezoning with a condition for the church to install a wall along the 50-foot easement. He said, for years past, there have never been any resales in the Reata Place Addition and now there are eight or nine up for sale in the 62-lot community.

Chairman Early closed the public hearing at 8:40 p.m. and asked the Commission for any further comments, questions, or a motion.

Discussion followed between the Commission and Staff on the Reata Place Addition that the developer is responsible for a wall around the addition, not the future owner of the adjacent property.

Mr. Shah said he would strongly encourage the Commission to consider a "PD" overlay on the property. At this time, the intent of the applicant is to build a church on the property. Mr. Shah said the "PD" overlay would give the Commission and surrounding property owners the chance to have a voice on any future change or additional use.

The Chair asked Mr. Gallagher to clarify what a "PD" Overlay District means and what additional

requirements it would put on the landowner.

Mr. Gallagher said on a "PD", the Commission would need to itemize the specific requirements, such as uses, height and area regulations, material requirements, etc.

Mr. Gattis said it has been mentioned that "CF" Community Facilities District is a broad zoning district. In the Zoning Ordinance under "CF" zoning, it allows public and private schools, secondary schools, colleges, religious institutions, and antennas. Any other uses would require a "Conditional Use Permit" that would require Commission approval. Mr. Gattis said if the Commission wished to place a "PD" zoning on the property for the purpose of requiring the owner to present a site plan to the Commission for approval, the Commission would need to show why they are placing a burden on this church that other churches in the community do not have to comply with.

Discussion followed between the Commission and Staff.

Motion by Dr. Marshall that the Planning and Zoning Commission recommend the City Council approve G-05-03, Land Use Plan amendment for Planning Area "A" as recommended by Staff, and Z-05-03, rezoning of Block 1, Team Ranch Development from "D" Multiple Family District to "CF" Community Facilities District. Second by Mr. Valverde. The Chair called the question.

Vote on the Motion:

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

Noes: None

Motion approved 8 – 0

**B. SUBDIVISION PLATS**

None

**C. PD SITE PLANS**

None

**D. GENERAL**

G – 05 – 03 Consider Land Use Plan amendment for Planning Area "A" (Team Ranch Development area, west of U.S. Highway 377/Benbrook Boulevard, north of Union Pacific Railroad, east of IH 20/Loop 820, and south of Mary's Creek)

G – 05 – 04 Consider Land Use Plan amendment for Planning Area "E" (Northwest of U.S. Highway 377/Benbrook Boulevard and southwest of F.M. 2871)

**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 9:00 p.m.

APPROVED: \_\_\_\_\_, 2005

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Chair