

**MINUTES
OF THE MEETING OF THE
CITY OF BENBROOK
PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, MAY 12, 2022**

The regular meeting of the Planning and Zoning Commission of the City of Benbrook was held on Thursday, May 12, 2022, at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

David Ramsey
John Logan
Alfredo Valverde – Chair
Brandon Ellison
Matthew Wallis
Leah Rodriguez
Damon Farrar

Absent: Jon Craver
Beth Jones

Also present: Jim Hinderaker Assistant City Manager
Doug Howard City Planner
Jared DeVries Acting Recording Secretary

I. CALL TO ORDER

The presiding officer, Chair Valverde, called the meeting to order at 7:30 p.m.

II. CITIZEN COMMENTS ON ANY AGENDA ITEM

The presiding officer asked for any citizen comments on any agenda item. No one in attendance spoke.

III. MINUTES

A. Approve Minutes of the Regular Meeting Held on April 14, 2022.

Motion by Commissioner Farrar to approve the minutes of the April 14th meeting. Seconded by Commissioner Logan. The presiding officer called the question.

Vote on the motion:

Ayes: Mr. Ramsey, Mr. Logan, Mr. Valverde, Mr. Wallis, and Mr. Farrar

Noes: None

Abstain: Mr. Ellison and Ms. Rodriguez

Motion carried: 5 – 0 – 2

IV. REPORTS OF CITY STAFF

A. Young Rezoning

- 1) **Z-22-01** – A request to rezone 0.27 acres of land, legally described as Lot 4, Block 2 of the Benbrook Estates Addition, Tarrant County, Benbrook, Texas from “B” One-Family District to “CR” Multiple-Family Restricted District and addressed as 207 San Angelo Avenue. The property is generally located south of the intersection of SW Loop 820 and San Angelo Avenue. [PUBLIC HEARING]

Doug Howard, City Planner, presented the staff report and recommended approval of the item to the Planning and Zoning Commission. Chair Valverde asked for an update on existing duplex development in the area. Mr. Howard provided an overview.

The applicant, Steve Young, was available for questions.

The presiding officer asked for public comment. Angela Myers (206 #B San Angelo Avenue) expressed concern regarding on-street parking in front of residents’ mailboxes, fire hydrants and just having to deal lots of parked vehicles on San Angelo Avenue during school events and voting at the Lions Club. The presiding officer closed then the public comment period.

Commissioner Logan asked staff if there are city ordinances regulating on-street parking in front of mailboxes and fire hydrants? Mr. Howard stated there are regulations that limit parking near fire hydrants, but that he is unaware of anything pertaining to parking in front of mailboxes. Mr. Logan also asked if staff knew of how other cities handle these problems? Mr. Howard stated that cities typically establish minimum off-street parking requirements.

Commissioner Wallis asked for clarification of where the 25ft building setback is measured from and verification of the required parking behind the setback line? Mr. Howard stated the setback is measured from the property line and restated the parking requirements.

Motion by Commissioner Logan to recommend City Council approve rezoning request number Z-22-01, rezoning Lot 4, Block 2, of the Benbrook Estates Addition from “B” One-Family District to “CR” Multiple-Family Restricted District. Seconded by Commissioner Rodriguez. The presiding officer called the question:

Vote on the motion:

Ayes: Mr. Ramsey, Mr. Logan, Mr. Valverde, Mr. Wallis, Ms. Rodriguez, and Mr. Farrar

Noes: Mr. Ellison

Abstain: None

Motion carried: 6 – 1 – 0

Mr. Howard summarized the next steps for the item.

B. Audi Vehicle Inventory Lot

- 1) **SP-22-04** – Consideration of an amended site plan for the Audi Vehicle Inventory Lot located at 7300 SW Loop 820, currently zoned “PD” Planned Development District. The site is generally located on the north side of I.H. 20/820, between Hawkins Center Drive and Winding Way. [PUBLIC HEARING]

Doug Howard, City Planner, presented the staff report and explained the timeline of the project.

The property owner representative, Ben Ten Have with Group 1 Automotive, provided some project background and purpose for the request.

Commissioner Wallis asked the applicant if all of the parking spaces shown on the site plan have been built and where the Oncor line is located? Mr. Ten Have stated the project is divided into two phases and so not all of the parking has been built, and the Oncor line is located in an easement on the residential side of the property line. Commissioner Wallis asked if the Oncor line would need to be moved if the screening wall is located on the property line, and further asked for clarification regarding the fence line, existing trees and property line? Mr. Ten Have responded that the Oncor line is a concern because of the wall's footer, and that some trees were not included in the tree survey because they initially thought the fence line was the property line, and so to save the trees and avoid conflicts with the Oncor line they prefer to build the wall ten feet in from the property line.

Commissioner Farrar asked for clarification on the footing and wall details, the distance from the fence line and property line, what does it mean to create an alley, clarification on what is being requested, and clarification on the difference between the two phases? Mr. Ten Have further explained their request and the layout of the property.

Commissioner Ellison asked for clarification on the request and asked if there had been any discussion between the homeowners and Audi? Mr. Ten Have stated they did meet with property owners and have worked to address concerns.

Commissioner Ellison asked staff if moving the wall still meets the intent of the “PD” zoning ordinance? Mr. Howard said it would be in compliance with the city's buffer yard and screening wall requirements.

Commissioner Wallis asked the applicant if they bought the property when it was rezoned, and if they had a survey of the property showing the Oncor easement? Mr. Ten Have stated they did purchase the property when it was rezoned and the Oncor easement is located on the other side.

Commissioner Wallis asked staff if they have a tree survey showing the trees on the property line? Mr. Howard stated the survey does not show the trees on the other side of the fence line as the tree surveyor believed the fence line to be the property line.

Commissioner Farrar asked staff if the tree survey showed which trees were going to be removed and if the wall is moved would this change the survey? Mr. Howard stated moving the wall would require an update to the survey. Commissioner Farrar said it appears more information is needed. The applicant, Birk Ayer with Ayer Design Group, explained the initial tree survey and the intent of the request.

Commissioner Wallis asked if five feet is enough space to push the wall, as the encroaching fences have always been on Audi property? Mr. Ayers stated he does not think five feet is enough and the neighbor's fences are on Audi's property.

Commissioner Logan asked for further explanation. Mr. Ayer reiterated his concerns about building the wall as originally approved.

Commissioner Ellison asked if the applicant has done any analysis on the cost to put the wall on the property line versus moving the wall and having to maintain property on the other side of the wall? Mr. Ten Have stated they have not completed a cost analysis, but they are willing maintain the property surrounding the wall. Commissioner Wallis stated this request seems to be really about saving money.

The presiding officer asked for public comment. The following spoke against the item with concerns related to the alley that would be created: Misty Ray (7116 Battle Creek Rd, Fort Worth, TX), Don Lanza (4308 Winding Way), and Anne Golding (4408 Mendoza Ct).

Mr. Logan asked Ms. Ray if there was a counter proposition from the Ridglea Country Club Estates Homeowners Association and to confirm the HOA wants the wall on the property line. Ms. Ray stated they have tried to come up with a solution with Group 1 and they want the wall on the property line.

Commission Logan asked Mr. Lanza to confirm whether he is against the item, if he prefers the wall to be located on the property line and if he had another proposal that he would prefer. Mr. Lanza said he is against the item and would prefer the wall to be located on the property line.

Commissioner Wallis asked staff if it was permissible to make a motion to continue the item, and if a motion to deny the request is approved, could the applicant submit another request in the future, and if the item would not be heard at city council? Mr. Howard stated the commission could continue the item, and if the commission were to deny with prejudice the applicant could not reapply unless substantial difference, and only change to the property's zoning ordinance would require city council action.

Commissioner Ramsey asked staff if the wall were to be built on the property line, were the trees included in the original tree preservation and mitigation plan? Mr. Howard stated these trees were not included in the original plans and mitigation may be required depending on the type of tree.

Commissioner Valverde called the applicant and the property owner representative to the podium. Mr. Ten Have and Mr. Ayer, addressed concerns presented in the public hearing.

The presiding officer closed the public hearing.

Commissioner Wallis thanked the applicant and property owner representative for doing a good job.

Commissioner Farrar asked what type of gate would be installed at the end of the alley? Mr. Ayer stated that a gate had not been designed but that one would be installed.

Commissioner Wallis moved to deny the item with prejudice. Commissioner Ramsey Seconded the motion. Commissioner Wallis explained his thoughts on the motion. Commissioner Logan stated he does not completely agree to deny with prejudice, in case the applicant and adjacent homeowners could come to an agreement.

Commissioner Valverde asked staff if the applicant and adjacent homeowners made an agreement, would they need to come to the commission again? Mr. Howard stated staff can approve an amended site plan administratively and would not see a reason for the item to come back to the commission.

Commissioner Logan asked for clarification on what denying with prejudice would mean? Mr. Howard stated the same application could not be submitted, but they make future requests that are different.

Commissioner Ramsey stated it speaks volumes that the adjacent homeowners prefer the wall to be built on the property line.

Commissioner Ellison stated he agrees with the motion and that the "PD" ordinance could have been more clearly written.

Following the discussion, the presiding officer called the question:

Vote on the motion:

Ayes: Mr. Ramsey, Mr. Logan, Mr. Valverde, Mr. Wallis, Ms. Rodriguez, and Mr. Farrar

Noes: None

Abstain: None


Motion carried: 7 – 0 – 0

V. COMMISSION MEMBER AND STAFF COMMENTS

The presiding officer asked for any commission member or staff comments/announcements. No comments or announcements were made.

VI. ADJOURNMENT

The presiding officer adjourned the meeting at 9:39 p.m.

APPROVED June 9, 2022

Chair/Presiding Officer