AGENDA
CITY OF BENBROOK
PLANNING AND ZONING COMMISSION
THURSDAY, SEPTEMBER 8, 2016

911 WINSCOTT ROAD
WORKSESSION, 7:00 P.M.

CENTRAL CONFERENCE ROOM, OPEN TO PUBLIC
A quorum of the Benbrook City Council may be in attendance at this meeting.

1. Discuss items on Agenda.
2. Staff Briefing on Development Activities (time permitting)
General Development Activities
Update on Benbrook Boulevard (US 377) project

REGULAR MEETING, 7:30 P.M.
CITY COUNCIL CHAMBERS
ITEMS UNDER CONSIDERATION ARE SUBJECT TO FINAL ACTION

**I. CALL TO ORDER**

**II. CONSIDERATION OF MINUTES**

**Regular Meeting, August 11, 2016**

Documents:

MINUTES PZ 8-11-2016.PDF

**III. REPORTS OF CITY STAFF**

**A. SUBDIVISION ORDINANCE**

**S-16-02**

Consider an extension of the Preliminary Plat of Benbrook Field Addition, being 46.27 acres of land in the H. Covington Survey Abstract Number 257 and the J. Stephens Survey, Abstract Number 1494 (west side of Benbrook Boulevard/U.S. Highway 377, north side of Mercedes Street, east of Walnut Creek, and south of I-20/Loop 820), P-10-01, as approved by the Planning and Commission on July 8, 2010.

Documents:

S-16-02, BENBROOK FIELD ADDITION PLAT EXTENSION STAFF REPORT.PDF

**IV. ADJOURNMENT**

THIS FACILITY IS WHEELCHAIR ACCESSIBLE. FOR ACCOMMODATIONS OR TO INFORM US OF INACCESSIBILITY TO THIS MEETING, PLEASE CONTACT ANDY WAYMAN, CITY MANAGER, AT 817-249-3000. FOR SIGN INTERPRETATIVE SERVICES, PLEASE CALL 48 HOURS IN ADVANCE.

**MINUTES**
**OF THE MEETING OF THE**
**CITY OF BENBROOK**
**PLANNING AND ZONING COMMISSION**
**REGULAR MEETING**
**THURSDAY, AUGUST 11, 2016**

The regular meeting of the Planning and Zoning Commission of the City of Benbrook was held on Thursday, August 11, 2016, at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

Alfredo Valverde
Brandon O'Donald
David Ramsey
John Dawson
Jonathan Russell
Tom Casey
John Craver
Matthew Wallis

Also present:

Dave Gattis, Deputy City Manager
Ed Gallagher, Planning Director
Johnna Matthews, City Planner
David Corley, City Engineer
Sue Clark, Recording Secretary
Tommy Davis, Fire Chief
Jason Tate, Assistant Fire Chief
Ed Brock, RJM Contractors
and one other

## I. CALL TO ORDER

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

## II. CONSIDERATION OF MINUTES

Regular Meeting, July 14, 2016

Motion by Mr. Casey to approve the minutes of the July 14, 2016 meeting. Second by Mr. Russell. The Chair called the question.

Vote on the motion:

Ayes: Mr. Valverde, Mr. Dawson, Mr. Russell, Mr. Ramsey, Mr. O'Donald, Mr. Casey, and Mr. Wallis

Noes: None

Abstain: Mr. Craver

Motion carried: 7 – 0 – 1

## III. REPORTS OF CITY STAFF

### A. SUBDIVISION ORDINANCE

S-16-01 Consider a waiver from Chapter 16.28.025, D. 16 and 17 of the Subdivision Ordinance, (Design Requirements, Parking Lots and Fire Lanes); to authorize an alternate pavement design on Lot 1, Block 5, Benbrook Industrial Park (7608 Benbrook Parkway) - **Continued from the June 9, 2016 and July 14, 2016 regular meetings of the Planning and Zoning Commission.**

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

Ed Brock, 426 Fountain Park Drive, Euless, representing the applicant, R.J. Miller, said that he had addressed all of staff's questions from the previous meetings. Mr. Brock said that asphalt is not as good as concrete. He said that what is as important as what goes on top is what is used underneath. He said the life expectancy for concrete is 20 years and asphalt, five to ten years, but it can be maintained and have just as long a life expectancy as concrete.

Mr. Brock said that they have to maintain the existing slope for drainage. He said the drainage and densities all have to be inspected and verified before they can move forward.

Mr. Brock said that R.J. Miller is an independent business owner that is just pursuing ways to save money. He said they would be willing to do concrete in all areas except the parking lot. This will not be a retail business so there will not be a high volume of traffic in the parking lot. He said they are a general contracting business and have nine employees at this time. There may be a few more when they move into the new building.

Mr. Brock said that Benbrook's City Hall has an asphalt parking lot and it has held up just fine. He said they are just trying to save money, and now Benbrook Water Authority has told him that the developers of Benbrook Parkway did not install the required stub outs for water and sewer when the street was built. This means they will have to incur more costs to tap into the water main.

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

Mr. Wallis asked where the business is currently located and Mr. Brock said it is at the corner of West Vickery Boulevard and Montgomery Street in Fort Worth.

The Chair asked for a report from staff.

Johnna Matthews said the property is located at the corner of Winscott Road and Benbrook Parkway. Ms. Matthews said the item was continued from the June 9th and the July 14, 2016 Commission meeting to allow the applicant time to gather information on:

1. Geotechnical report with recommendations for pavement types and subgrades,
2. Effects on drainage,
3. Details on current and proposed sheet flow conditions,
4. Life cycle costs,
5. Details regarding any heavy equipment to be used on site, and

6. Appraised value of the property based on engineering estimate of various pavement materials proposed.

Ms. Matthews said that the applicant had presented three options for the paving at the June meeting and they have since elected to pave the parking lot in asphalt and the rest in concrete. She said that the Subdivision Ordinance says that minimum pavement thickness of five inches of five-sack concrete is required and that concrete fire lanes are required.

Ms. Matthews said that staff has no problem with asphalt being used in parking stalls but recommends that the Planning and Zoning Commission deny a pavement design waiver for any pavement in any required fire lane.

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

Mr. Wallis if there are any sites in the Industrial Park or any other areas of the city where a waiver has been granted for the concrete fire lane requirement. Ms. Matthews said not to staff's knowledge. Mr. Wallis said that all new construction has required concrete as well.

Mr. Ramsey asked Chief Tommy Davis if the fire department's response to the waiver request was for concrete in only the fire lanes. Chief Davis said their response was to require concrete for the entire parking lot.

Mr. O'Donald asked Mr. Brock to describe the materials they are proposing if they are approved to use asphalt. Mr. Brock said that if they are allowed to use asphalt, they would want to meet with the City Engineer to see what he would recommend. He said there are several methods as far as thicknesses are concerned. Mr. O'Donald asked what they are proposing. Mr. Brock said six inches of road-base would be used and then topped with two to five inches of asphalt.

Mr. O'Donald said that he is surprised that there is such a difference in the price of concrete and asphalt. Mr. Brock said there is not a significant difference but there is some difference in that over time, with maintenance, there is a bigger difference.

Mr. Wallis said the Commission's report stated $5.85 per square-foot for asphalt, and $5.00 to $5.75 per square-foot for concrete. He asked Mr. Brock if the difference is you can go two to four inches for asphalt versus five inches for concrete. Mr. Brock said yes.

Mr. Gattis said that the geotechnical report, which was provided to staff, called for six inches of asphalt. He said that typically, six inches of asphalt is equal to five inches of concrete by strength. The report did not make a recommend for either concrete or asphalt.

Mr. Wallis asked staff that if the Commission permitted asphalt in the parking lot, since it is not allowed in the Subdivision Ordinance, what the standard requirement would be for the developer. Mr. Gattis said the ordinance says, "or approved by the City Engineer".

Mr. Craver asked if underlayment is used with concrete as there is with asphalt. Mr. Brock said that with concrete it has to be prepped with lime to get a required compaction rate and with asphalt, a road-base underlayment is used under the asphalt.

Mr. Gattis said that whether concrete or asphalt is being used, six inches of lime stabilized sub-grade is required. He said that if work is done in the county, not in the city, then road-base may be allowed. It is particularly important with asphalt because if the subgrade starts moving, the asphalt starts moving as well. With concrete, it will actually bridge over the subgrade and that is why asphalt is called a flexible pavement.

Discussion followed between the Commission, staff and the applicant on stability and price differences and City of Benbrook requirements.

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

Motion by Mr. Wallis for the Planning and Zoning Commission to deny the waiver request. Second by Mr. Russell. The chair called the question.

Vote on the motion:

Ayes: Mr. Ramsey, Mr. O'Donald, Mr. Valverde, Mr. Dawson, Mr. Russell, Mr. Craver, Mr. Casey, and Mr. Wallis

Noes: None

Abstain: None

Motion carried: 8 – 0 – 0

### B. Zoning Ordinance

None

## IV. ADJOURNMENT

There being no further business on the agenda, the Chair adjourned the meeting at 8:10 p.m.

**APPROVED** _____,2016

_____

**Chair**

# City of Benbrook
# Planning and Zoning Commission

| DATE: | REFERENCE NUMBER: | SUBJECT: | PAGE: |
|---|---|---|---|
| **September 8, 2016** | **S-16-02** | **Extension of the Preliminary Plat of Benbrook Field Addition** | **1 of 3** |

**REQUEST:** Extension of P-10-01 Preliminary Plat of Benbrook Field Addition

**SUBJECT PROPERTY:** 46.27 acres of land in the H. Covington Sur. Abst. No. 257 and the J. Stephens Sur. Abst. No. 1494 (west side of Benbrook Blvd./US Hwy 377, north side of Mercedes St., east of Walnut Creek, and south of I-20/Loop 820)

**LOCATION:** Planning Area "D", west side of Benbrook Blvd./US Hwy 377, north side of Mercedes St., east of Walnut Creek, and south of I-20/Loop 820

**AREA:** 46.27 acres gross; 43.56 acres net of final platted lots

**ZONING DISTRICT CLASSIFICATION:** "HC-PD" Highway Corridor Planned Development
"D-PD" Multiple Family Planned Development

**PROPERTY OWNER/ APPLICANT:** Richpenn Resources International, Inc./Bradford H. Bowen
Southlake, Texas

## PLANNING REVIEW

A preliminary plat of Benbrook Field was approved by the Planning and Zoning Commission on July 8, 2010. In accordance with Chapter 16.16.02.B.4.g of the Subdivision Ordinance, the approval of a preliminary plat expires in five years are submitted. Submissions of final plats for portions of a preliminary plat area extends the expiration by two years. The Benbrook Field plat with subsequent final plats is scheduled to expire September 19, 2016. Staff has interpreted the intent to be to extend the expiration of the preliminary plat to five years following the latest final plat filed. The Subdivision Ordinance also provides for the Planning and Zoning Commission to extend the expiration by an additional two years with the developer's demonstration of good cause for an extension of the approval.

By the attached August 2, 2016 letter, the Benbrook Field developer, Richpenn Resources International, Inc./Bradford H. Bowen is requesting the preliminary plat expiration be extended by five years. The Subdivision Ordinance limits such extensions to two years.

## BACKGROUND

The P-10-01 Preliminary Plat of Benbrook Field involved 46.27 acres north of Mercedes Street to Loop 820/IH 20 between Benbrook Boulevard and a proposed alignment of the extension of Vista Way east of Walnut Creek. The overall site was unplatted with the exception of 0.65-acre

vacant lot adjacent to McDonalds that was occupied by a Chevron gas station and convenience store from 1983 until it was demolished in 2005.

The P-10-01 preliminary plat replaced previous preliminary plats of the area approved in 2004 and 2007. Zoning of the site is predominantly “HC-PD” Highway Corridor Planned Development and a portion near Walnut Creek is zoned “D-PD” Multiple Family Planned Development. The existing zoning was approved in August 2007 and was intended to accommodate a “big box” home improvements store and other large floor area retail and commercial users.

Benbrook Field Drive was shown on the approved P-10-01 as a 230-foot-long cul-de-sac extending northwest from Benbrook Boulevard generally between the existing McDonalds and Jack-in-the-Box. Also included in the plat is an alignment of the extension of Vista Way from Mercedes Street north to the Loop 820/IH 20 eastbound frontage road. A unique implementation plan was included on the preliminary plat for the design and construction of Vista Way based on final platting of specific lots.

Three final plats have been processed and approved from the Benbrook Field preliminary plat. The first final plat was approved February 4, 2011 and accommodates the current Panda Express restaurant at 8656 Benbrook Boulevard. The Chisolm Trail Dental Clinic at 381 Mercedes Street occupies the second final plat approved July 19, 2011.

The last final plat approved September 16, 2011 is the 8636 Benbrook Boulevard site of the current Dairy Queen restaurant. No new streets have been constructed in the preliminary plat area although in accordance with the “Vista Way implementation” notes on the preliminary plat, each of the final plats contributed $10,000 to an escrow fund for design and construction of Vista Way.

With limited development activity after the three final plats in 2011, the developer entered into negotiations in 2015 with the Benbrook Tax Increment Finance Reinvestment Board (TIF) with construction of Vista Way as an objective. The ongoing negotiations include considerations beyond the construction of Vista Way. The developer had a prior agreement with the TIF Board for participation in the infrastructure in Benbrook Field residential development including reimbursement for portions of Mercedes Street and Vista Way. In the letter requesting the extension of the Benbrook Field preliminary plat approval, the developer references plans to submit a revised preliminary plat in the near future to reflect the terms of the agreement with the TIF in the First Amendment To Developer Participation Agreement For Benbrook Towne Crossing Project.

The current consideration is only for the Commission to extend the expiration of the preliminary plat as it was approved in July 2010. The Commission cannot change, add to or delete any portion of the 2010 preliminary plat or any conditions of that plat approval.

Accompanying this report is a copy of the preliminary plat as it was approved July 8, 2010, a copy of the staff report to the Commission for the 2010 plat consideration and a copy of the minutes of the July 8, 2010 Planning and Zoning Commission meeting.

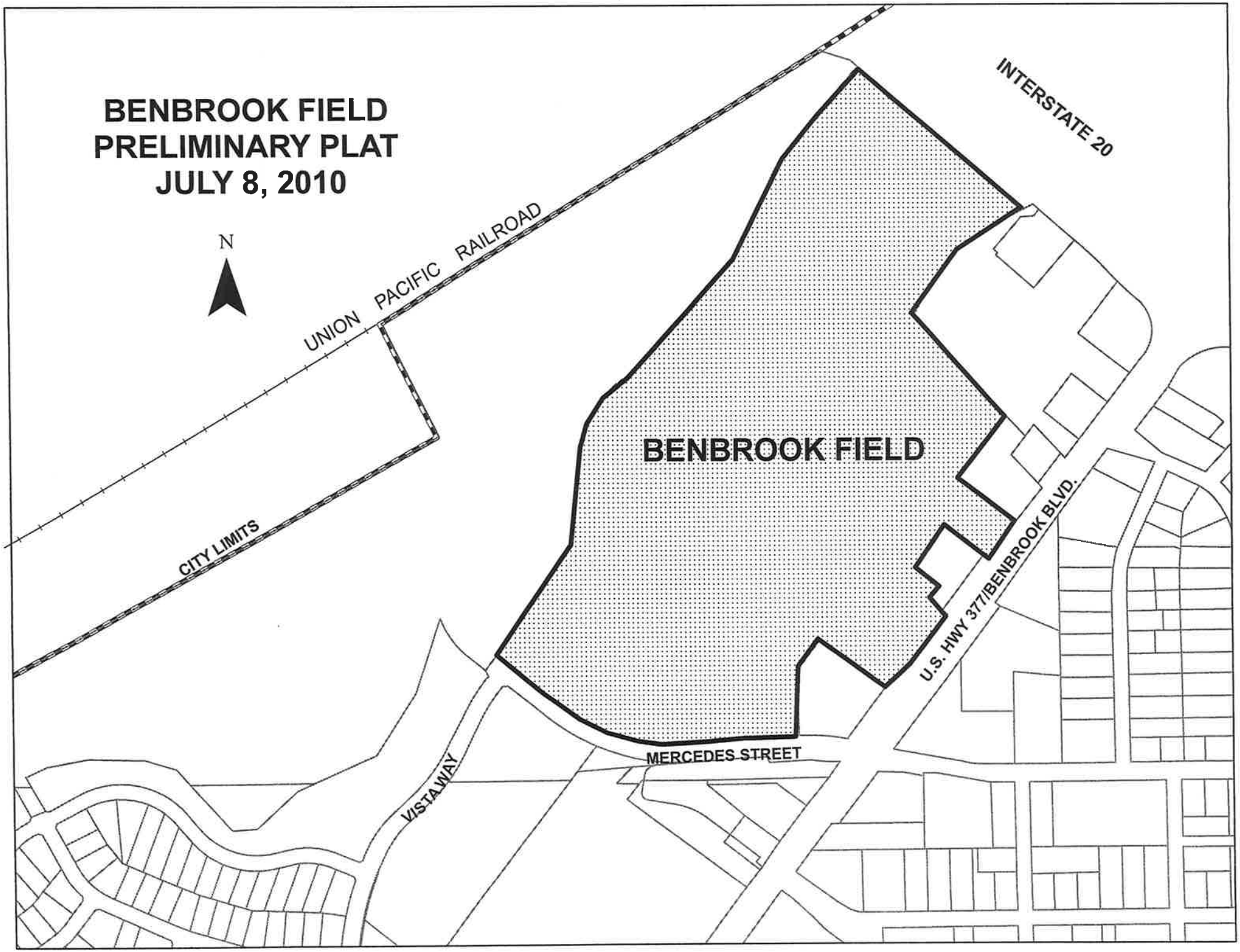
## RECOMMENDATION

Staff recommends that the Planning and Zoning Commission approve an extension of the P-10-01 Benbrook Field Preliminary Plat for a period not to exceed two years from September 19, 2016.

## ATTACHMENTS

1. Vicinity Map
2. August 2, 2016 Applicant Letter from Bradford H. Bowen
3. Benbrook Field Addition Preliminary Plat; P-10-01 as approved July 8, 2010
4. July 8, 2010 Staff Report for Preliminary Plat of Benbrook Field Addition
5. July 8, 2010 Planning and Zoning Commission Meeting Minutes

# BENBROOK FIELD
# PRELIMINARY PLAT
# JULY 8, 2010



TRINITY PARTNERS
COMMERCIAL REAL ESTATE

August 2, 2016

Planning and Zoning Commision
City of Benbrook
911 Winscott Rd.
Benbrook, TX 76126

Re: Benbrook Field
Extension of Preliminary Plat

Dear Commision:

The last final plat for a property located within the preliminary plat area (Lot 3B, Block 2, Benbrook Field Addn.) was approved for filing by the Planning and Zoning Commission on September 16, 2011 and filed of record on September 20, 2011 as Document 211228592. Accordingly, it is my understanding that the preliminary plat will expire on September 19, 2016.

We wish to request an extension of the preliminary plat for a term of five years beginning September 19, 2016. It is anticipated that during this five year extension period the balance of property in the preliminary plat which has not been final platted will be final platted and developed.

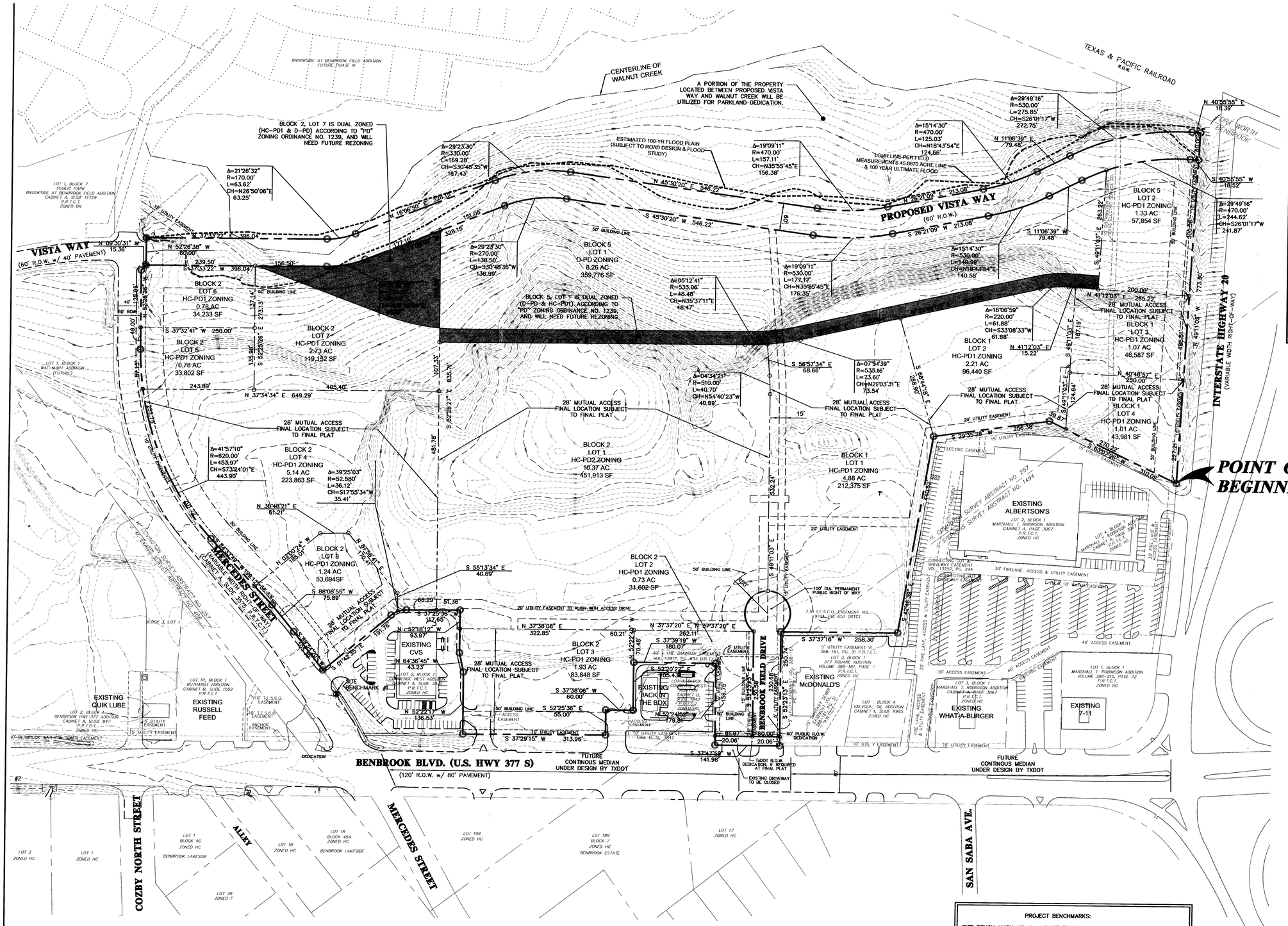
As you are aware we plan to amend the preliminary plat within the next few months to reflect the terms of our agreement in the First Amendment To Developer Participation Agreement For Benbrook Towne Crossing Project.

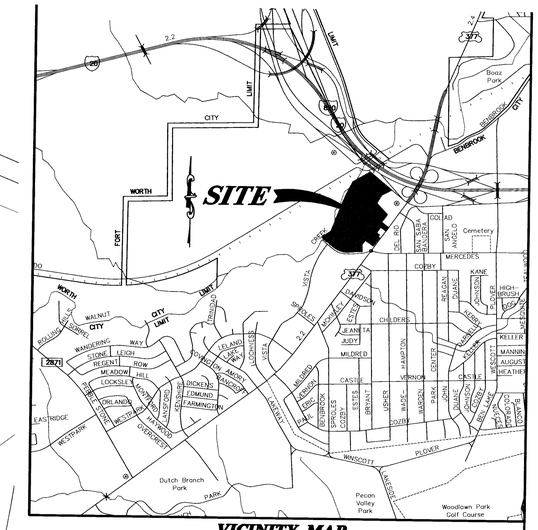
Thank you for your consideration in this matter.

Yours truly,

Bradford H. Bowen

**450 N Kimball Ave., Suite 100, Southlake, Texas** **(O) 817-778-4711**




## VICINITY MAP
NOT TO SCALE

NOTES:
1. FUTURE RIGHT-OF-WAY WILL CONFORM TO THE TEXAS DEPARTMENT OF TRANSPORTATION REQUIREMENTS
2. P.O.S.E. WILL BE ADDED TO THE FINAL PLAT BASED ON STREET DESIGN AND IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE.
3. PRIMARY MUTUAL ACCESS DRIVES SHALL BE A MINIMUM OF 28' WIDE, CONCRETE, AND MEET CITY STANDARDS. FINAL ALIGNMENTS SHALL BE DELINEATED BY THE FINAL PLAT.
4. PARKLAND WILL BE DEDICATED IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE.
5. SIDEWALKS AND CURB & GUTTER WILL BE CONSTRUCTED ALONG I-20 FRONTAGE ROAD AND BENBROOK BLVD. AS EACH ADJACENT LOT DEVELOPS, SUBJECT TO TXDOT APPROVAL. "SAWTOOTH" CURB & GUTTER WILL BE CONSTRUCTED ALONG THE I-20 FRONTAGE ROAD.
6. AN EOR (EASEMENT, CONVEYANCE AND RESTRICTIONS) AGREEMENT WILL BE RESPONSIBLE FOR ALL OPERATION, MAINTENANCE AND OTHER CONSIDERATIONS REGARDING THE SIGNS AND IDENTIFIERS. THE DESIGNATION OF SPECIFIC AREAS FOR ALL SHARED OFFSITE SIGNS AND IDENTIFIERS WILL BE SHOWN ON FINAL PLAT.
7. LOTS WILL BE FINAL PLATTED INDIVIDUALLY IN NO PARTICULAR ORDER.
8. AS EACH LOT IS DEVELOPED, LOT OWNER WILL PROVIDE UTILITIES, DRAINAGE AND PAVING TO AND THROUGH LOT AS IT IS FINAL PLATTED.
9. MUTUAL ACCESS WILL INCLUDE A CONNECTION TO THE EXISTING CVS, ALBERTSON'S, AND MCDONALD'S, AND A CROSS CONNECTION BETWEEN BENBROOK FIELD DRIVE AND VISTA WAY.
10. PER SUBDIVISION ORDINANCE (16.28.050), FUNDS FOR STREET TREES ALONG BENBROOK BOULEVARD WILL BE ESCROWED UNTIL THE FUTURE EXPANSION OF HWY 377 IS COMPLETE.
11. CONSTRUCTION OF BENBROOK FIELD DRIVE, WITH DEFERRED SIGNALIZATION WHEN WARRANTS ARE MET AS REQUIRED BY TXDOT, TO BE INITIATED WITH THE FINAL PLAT OF LOT 1, BLOCK 1; LOT 1, BLOCK 2; OR LOT 2, BLOCK 2.
12. ALL OTHER SUBDIVISION PROVISIONS REMAIN UNLESS SUPERCEDED OR MODIFIED ABOVE.

VISTA WAY IMPLEMENTATION NOTES:
1. BLOCK 1, LOT 3; BLOCK 1, LOT 4; BLOCK 2, LOT 2; BLOCK 2, LOT 3; AND BLOCK 2; LOT 8 CAN BE FINAL PLATTED AT ANY TIME INDEPENDENT OF EACH OTHER AND WILL BE REQUIRED TO FUND 25%, OR A MAXIMUM OF $10,000 PER LOT TO THE ESCROW ACCOUNT AT THE TIME OF FINAL PLATTING.
2. THE COST TO DESIGN AND BUILD VISTA WAY FROM MERCEDES TO THE I-20 FRONTAGE ROAD WILL BE CALCULATED VIA AN ENGINEER'S OPINION OF PROBABLE COST INCLUDING ENGINEERING AND ALL OTHER SOFT COSTS THAT WILL BE REVIEWED AND APPROVED JOINTLY BETWEEN THE CITY OF BENBROOK AND THE OWNER OF THE PROPERTY. THIS WILL SET THE BASIS FOR THE ESCROW ACCOUNT. COST ELEMENTS FOR THE CONSTRUCTION OF VISTA WAY WILL BE REVIEWED ANNUALLY.
3. THE OWNER/DEVELOPER OF BLOCK 1, LOT 1; BLOCK 1, LOT 2; BLOCK 2, LOT 1; BLOCK 2, LOT 4; BLOCK 2, LOT 5; BLOCK 2, LOT 6; BLOCK 2, LOT 7, BLOCK 5, LOT 1; AND BLOCK 5, LOT 2 WILL BE REQUIRED TO FUND AN ESCROW ACCOUNT FOR THE FUTURE CONSTRUCTION OF VISTA WAY, PRIOR TO APPROVAL OF FINAL PLAT. THE ESCROW AMOUNT FOR EACH LOT WILL BE A DIRECT PERCENTAGE OF THE LOT ACREAGE AS IT RELATES TO THE SUM OF ALL INCLUDED LOTS. THE LOTS CAN BE FINAL PLATTED INDEPENDENT OF EACH OTHER WITH ALL NECESSARY ACCESS AND UTILITIES TO AND THROUGH EACH LOT BEING FINAL PLATTED.
4. THE DESIGN AND PERMITTING OF VISTA WAY WILL COMMENCE ONCE IT IS DETERMINED THAT THERE IS ADEQUATE FUNDING AVAILABLE WITHIN THE ESCROW ACCOUNT TO PAY FOR THESE SERVICES. THIS WILL BE ANALYZED ONCE THE ACCOUNT REACHES 10% OF CONSTRUCTION COST.
5. THE CONSTRUCTION OF VISTA WAY WILL COMMENCE UNDER ANY ONE OF THE FOLLOWING SCENARIOS:
   a. BLOCK 2, LOT 1 AND BLOCK 2, LOT 4 ARE FINAL PLATTED, OR
   b. EITHER BLOCK 2, LOT 1 OR BLOCK 2, LOT 4 ARE SUBDIVIDED AND 90% OR MORE OF THE TOTAL LAND AREA OF BLOCK 2, LOT 1 AND BLOCK 2, LOT 4 ARE FINAL PLATTED, OR
   c. 70% OR MORE OF THE TOTAL LAND AREA OF BLOCK 1, LOT 1; BLOCK 1, LOT 2; BLOCK 2; LOT 1; BLOCK 2, LOT 4; BLOCK 2, LOT 5; BLOCK 2, LOT 6; BLOCK 2, LOT 7; BLOCK 5, LOT 1; AND BLOCK 5, LOT 2 IS FINAL PLATTED.
6. IN THE EVENT THAT BLOCK 5, LOT 1 IS FINAL PLATTED PRIOR TO THE OCCURRENCE OF ANY OF THE SCENARIOS DESCRIBED IN PAR. 5 ABOVE, HEN ONLY THAT PORTION OF VISTA WAY WHICH IS NECESSARY TO CONNECT THIS LOT TO A PUBLIC STREET AT TWO POINTS WILL BE REQUIRED TO BE CONSTRUCTED.
7. IF REQUIRED, WAIVERS REGARDING MAXIMUM AND MINIMUM GRADE, AND CENTERLINE RADII WILL BE REQUESTED AT THE TIME OF DESIGN OF VISTA WAY. VISTA WAY WILL BE A CONCRETE ROAD SECTION AT LEAST 36' WIDE.

PROJECT BENCHMARKS:

SITE BENCH MARK NO. 1 = CHISELED SQUARE CUT IN THE CENTER OF A 10 FOOT STORM INLET ON THE NORTH SIDE OF MERCEDES STREET APPROXIMATELY 133 FEET WEST OF THE WEST CURB BACK OF BENBROOK BOULEVARD (U.S. 377).
ELEVATION = 715.54'

SITE BENCH MARK NO. 2 = CHISELED SQUARE CUT ON THE TOP OF AN 18" RCP SLOPED HEADWALL ON THE EAST SIDE OF BENBROOK BOULEVARD (U.S. 377) SOUTH OF THE CENTER LINE OF THE NORTH DRIVEWAY OF AUTOZONE.
ELEVATION = 706.12'

SITE BENCHMARK NO. 3 = CHISELED SQUARE CUT ON CONCRETE AROUND WATER VALVE AT 20 FEET NORTH OF THE NORTH DRIVEWAY OF RACETRACK PROPERTY, 5 FEET EAST OF THE EAST EDGE OF A SIDEWALK AND 5 FEET NORTH OF THE NORTH CURB LINE OF A DRIVEWAY ON THE WEST SIDE OF BENBROOK BOULEVARD (U.S. 377).
ELEVATION = 712.84'

0 100 200
SCALE: 1"=100'

# A PRELIMINARY PLAT OF
# BENBROOK FIELD
(PD Zoning Parcels 2-5 Combined)
Being a 46.27 Acre Tract out of the H. Covington Survey, Abstract #257; and the J. Stephens Survey, Abstract #1494.

TOTAL ACREAGE – 42.46 ACRES

(THIS PRELIMINARY PLAT REFLECTS THE MOTION TO APPROVE ON JULY 8TH, 2010 PLANNING & ZONING COMMISSION MEETING.)


**DUNAWAY**
550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107
Tel: 817.335.1121 • Fax: 817.335.7437
(TX REG. F-1114)

**OWNER/DEVELOPER**
RICHPENN RESOURCES INTERNATIONAL, INC.
1110 EAST STATE HIGHWAY 114
SUITE 200
SOUTHLAKE, TX 76092
CONTACT: BRAD BOWEN
PH. (214) 693-7424

**ENGINEER**
DUNAWAY ASSOCIATES, L.P.
550 BAILEY AVENUE
SUITE 400
FT. WORTH, TEXAS 76107
CONTACT: CHRIS WILDE
(817) 335-1121

**SURVEYOR**
DAVID PETREE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1890
11015 MIDWAY ROAD
DALLAS, TEXAS 75229
PH: (214) 358-4500
FAX: (214) 358-4600

# City of Benbrook
# Planning and Zoning Commission

| DATE: | REFERENCE NUMBER: | SUBJECT: | PAGE: |
|---|---|---|---|
| **July 8, 2010** | **P – 10 – 01** | **Consider Preliminary Plat Benbrook Field Addition** | 1 of 8 |

**PLAT TITLE:** Preliminary Plat of Benbrook Field (June 2010)

**SUBJECT PROPERTY:** 46.27 acres of land in the H. Covington Survey Abstract Number 257 and the J. Stephens Survey Abstract Number 1494 (west side of Benbrook Boulevard/U.S. Highway 377, north side of Mercedes Street, east of Walnut Creek, and south of I-20/Loop 820)

**LOCATION:** Planning Area "D", west of U.S. Highway 377/Benbrook Boulevard, southwest of IH20/Loop 820, north of Mercedes Street and east of Walnut Creek

**AREA:** 46.27 acres

**ZONING DISTRICT CLASSIFICATION:** "D-PD" Multiple Family Planned Development District", "HC-PD1" Highway Corridor Planned Development 1 District", and "HC-PD2" Highway Corridor Planned Development 2 District (Planned Development Ordinance Number 1239, August 16, 2007)

**SURVEYOR/ ENGINEER:** Dunaway Associates
Fort Worth

**OWNERS/APPLICANTS:** Richpenn Resources International, Inc.
Southlake, Texas

**PLANNING REVIEW**

The City Planning Staff has reviewed the revised preliminary plat submittal and offers the following:

1. The P–10-01 preliminary plat is a revision of the P–07–02 preliminary plat considered by the Commission on July 12, 2007. The 2007 plat included the extension of Vista Way from Mercedes Street to the Loop 820 eastbound frontage road (in compliance with the Master Thoroughfare Plan, 7.3.4 of the Comprehensive Plan) and a new street, Benbrook Field Drive, connecting Benbrook Boulevard with the extension of Vista Way (in compliance with the 2004 Preliminary Plat approval for the overall project and 16.28.030, 2 Block lengths of the Subdivision Ordinance).

| DISPOSITION: | DATE: |
|---|---|
| ☐APPROVED ☐OTHER (DESCRIBE) | 7-9-2009 |

The June 2010 preliminary plat submitted by Richpenn Resources International generally covers the same vacant property, with the same general lot pattern as the 2007 plat with the extension of Vista Way from Mercedes Street to the Loop 820 frontage road. The current submittal reduces Benbrook Field Drive from an approximately 900-foot long street segment to a 230-foot long cul-de-sac extending northwest from Benbrook Boulevard where the Chevron convenience store/gas station formerly existed.

2. Lot 1 of Block 5, 8.26 acres generally along Vista Way from approximately 650 feet north of Mercedes Street to near Loop 820 is zoned "D-PD" Multiple Family Planned Development. The balance of the plat area is zoned "HC-PD" Highway Corridor Planned Development classification. All of the Planned Development zoning for the entire property was established with the approval of PD Ordinance Number 1239, August 16, 2007. Ordinance 1239 included both more restrictive and less restrictive elements of the basic underlying "D" and "HC" Districts and other zoning regulation provisions. The "HC-PD2" was for an anticipated Home Depot store on Lot 1, Block 2 and somewhat more general regulations for the "HC-PD1" designation applied to the balance of the commercial areas.

   The configuration of the "D-PD" and "HC-PD" zoning district patterns was based on the location of Vista Way on the 2007 preliminary plat. With the revised location of Vista Way on the June 2010 preliminary plat, a 30-foot wide approximately one-acre strip on Lot 1, Block 5, will need to be rezoned from ""HC"-PD" to "D-PD" and an approximately 0.8-acre portion of Lot 2, Block 7 will need to be rezoned from "D-PD" to "HC-PD" to have the zoning pattern conform with the P-10-01 lot pattern. The preliminary plat submittal incorrectly labels these areas as "dual zoned," when in fact they are split zoned. The rezoning adjustment is not part of the current preliminary plat consideration but should be accomplished prior to final plats of the affected lots.

3. The June 2010 preliminary plat differs from the 2007 plat in that the current plat proposes that lots "be final platted individually in no particular order", or scheduling. The revised plat does reference that "as each lot is developed, lot owner will provide utilities, drainage, and paving to and through lot as it is final platted".

4. The preliminary plat includes the proposed Benbrook Field Drive, with a 60-foot wide, 230-foot long public right-of-way dedication that includes a 100-foot Diameter Turnaround area. A 50-foot building line in a concentric configuration should be added around the turnaround portion of street right-of-way on Block 1, Lot 1 and Block 2, Lot 1.

5. With the exception of Vista Way and the short segment of Benbrook Field Drive, much of the circulation for vehicular traffic on the 46-plus-acre plat area is to be provided by a 28-foot wide mutual access easement system. The access drives may need to be widened in areas that are expecting heavy traffic and/or turning movements. Specific locations and configurations of access drives are not shown and locations are indicated to be shown on final plats. The information does, however, indicate proposed access from public roadways to and through all lots presented on the plat and access to the

adjoining Albertsons, McDonald's and CVS lots.

6. All mutual access drives should be concrete designed to City Street Standards and widths measured face to face. All maintenance of all mutual access drives must be the responsibility of the owner of the land containing the drive or through an approved property-owners association approved by the City and City Attorney and recorded.

7. The preliminary plat indicates 20-foot right-of-way dedication areas at the Benbrook Field Drive and Lot 2, Block 2 area along Benbrook Boulevard/U.S. Highway 377 to accommodate the roadway expansion currently in design. The R.O.W. dedication identifier also notes,"If Required At Final Plat". Right-of-way dedication also should include any corner clip needed for the Benbrook Field Drive/Benbrook Boulevard intersection.

   Additional right-of-way dedication at the Benbrook Field Drive and Mercedes Street intersections (generally 20-foot by 20-foot pedestrian refuge areas) will be required to accommodate the enhanced intersection treatments proposed in the Benbrook Boulevard Master Plan.

8. The preliminary plat includes one currently platted lot (old Chevron site.) Any easements dedicated by the previous plats that are proposed to be vacated will need specific approval from all utility providers for utility easements, and the City for drainage easements and include releases from grantees and/or vacation by the City Council.

9. Lot width of Lot 2, Block 2 does not meet "HC" District lot width minimums. However, the lot is limited by the available land.

10. Note number 5 on the plat references sidewalk construction along the IH 20 frontage road and along Benbrook Boulevard as each adjacent lot develops. Standard sidewalks should also be included along Mercedes Street, along Benbrook Field Drive, and along Vista Way, all in accordance with Subdivision Ordinance requirements.

11. Street trees should be provided along all roadway frontages, except Benbrook Boulevard in accordance with Subdivision Ordinance requirements as each lot develops.

12. The required sidewalks and required street trees along Benbrook Boulevard can best be addressed with escrow of funds by the developer to enable a more consistent landscape and sidewalk treatment along the overall length of the upcoming TxDOT highway expansion project in conformance with the Benbrook Boulevard Master Plan. Funds are proposed to be escrowed for the overall Benbrook Boulevard frontage with the final platting of each lot with Benbrook Boulevard frontage. Sidewalks and curb and gutter along Benbrook Boulevard should also be deferred and addressed with escrowed funds.

13. A Tree Survey of existing trees was submitted with the previous P–07–02 preliminary plat and remains valid but did not include a mitigation plan for replacement of trees that are proposed to be removed. Tree mitigation provisions should be in accordance with the "PD" Zoning Ordinance Number 1239 provisions. Tree mitigation provisions should be separate from landscape and buffer yard provisions of the "PD" Zoning Ordinance.

14. The 25-foot building line shown on Block 2, Lots 5, 6, 7, and 8, along the north side of Mercedes Street and east side of Vista Way should be increased to 50 feet in conformance with the Zoning Ordinance.

15. With the lots "final platted individually and in no particular order," in some cases the necessary infrastructure to serve a particular lot and proposed use may require more "utilities, drainage and paving to and through lots as it is final platted." For example, depending on the size of a building, its location, and the building use, secondary access may be required for fire and emergency access. Such determinations can only be made when a particular final plat is submitted and the use and size of a building, or buildings are known.

16. All final plats must meet all requirements for final plats in accordance with the Subdivision Ordinance, including Texas State Plane Coordinates for at least two corners of the plat and the source of all bearings being the State Plane Coordinate System, and all necessary off-site easements are included to accommodate required off-site infrastructure.

17. The most significant aspect of the P-10-01 preliminary plat involves the extension of Vista Way in accordance with the Comprehensive Plan. Normal circumstances require all associated street, and other infrastructure construction with final platting of a single phase development. With phased final platting construction of all streets and infrastructure are required to and through all lots within each particular phase of a development. An acceptable configuration for the extension of Vista Way is shown on the plat.

    With lots proposed to be "final platted individually in no particular order", provisions for the construction of Vista Way are proposed with a Vista Way Implementation Plan described on the P-10-01 plat under "Vista Way Implementation Notes" to provide for the design and construction of Vista Way. The implementation notes describe proposed funding of Vista Way with final platting of a collection of nine lots. The implementation notes cite five lots to be final platted with no funding obligation for Vista Way construction.

    The implementation notes propose the establishment of an escrow account to hold funds for the future street construction with deposits in conjunction with final plats of the nine lots proposed to be obligated in the Vista Way construction. The cost distribution among each lot is proposed to be based on a lot's area as a percentage of the total area of the nine obligated lots. The total escrow funds proposed to be accumulated are proposed to be based on an engineer's opinion of probable cost. The implementation notes propose a start of design based on an accumulation of ten percent of the anticipated funds in the escrow account and actual construction based on any of three combinations of final platting of the nine obligated lots.

18. The P-10-01 preliminary plat indicates Benbrook Field Drive to be a 40-foot wide public street in a 60-foot wide dedicated street right-of-way. However, Note number 11 indicates a possible 28-foot mutual access drive in lieu of the public street if a traffic signal is not required by a potential lot user, or users. If Benbrook Field Drive is not a public street and becomes a private drive, it may not conform with minimum driveway separation requirements of TxDOT and the City. Additionally, if changed to a private drive, it can impact redevelopment of the adjacent McDonald's facility.

    Staff believes that a signalized entrance is advantageous to the overall commercial development and staff expended time negotiating with the Texas Department of Transportation to allow the signalized intersection. It is staff's opinion that the public street should be required and that its construction be triggered by the final platting of either Lot 1, Block 1; Lot 1, Block 2 or Lot 2, Block 2.

19. The P-10-01 plat does not include the area between the proposed location of Vista Way and Walnut Creek. That area is not conducive to being platted with potential future single-family development on the northwest side of Walnut Creek and should be included with the current plat, similar to its inclusion in the P-07-02 preliminary plat in July of 2007. If part of the area is to be shown as parkland dedication (as shown on the 2004 preliminary plat), then it should be so indicated.

20. The existing portion of Vista Way is a 40-foot wide pavement section. The P-10-01 preliminary plat indicates the potential of a 36-foot wide pavement section for the extension of Vista Way. If the 36-foot pavement is exercised, the transition should not occur abruptly at the Mercedes Street intersection. The transition should occur gradually within the 390-foot long straight right-of-way segment northeast of Mercedes Street.

**CITY ENGINEER REVIEW:**

The City Engineer has reviewed the preliminary plat and offers the following:

**Preliminary Plat Notes:**

1. This note should also reference requirements for the Benbrook Boulevard (Hwy 377) improvements.

4. If streets or access easements are constructed in phases, a temporary turnaround will be required at ends.

5. The building line shown on Lot 2, Block 2 (across from McDonald's) is for a second frontage. The lot must face Benbrook Boulevard.

**Vista Way Implementation Notes:**

1. The lots listed cannot be final platted until Vista Way Escrow is deposited.

**Preliminary iSWM™**

1. Is the inlet in back of Jack-in-the-Box existing or proposed.

2. Is the intention to provide iSWM™ requirements for the entire plat or will each lot be required to provide their own?

**Preliminary Street Plan:**

1. I have concerns about access easement continuity.

2. Show section of access pavement. Will access be curbed?

3. 170-foot radius on Vista Way is too small.

**TXDOT REVIEW:**

The Texas Department of Transportation (TXDOT) has reviewed the P-10-01 preliminary plat and preliminary engineering and offers the following:

Response not received in time for the report.

**PUBLIC SAFETY REVIEW:**

The Benbrook Police and Fire Departments have reviewed the preliminary plat submittal and offers the following:

**Fire Department:**

1. The proposed fire hydrants serving the site, in addition to the hydrants presently installed on Mercedes Street and Hwy. 377 South, are generally sufficient to serve the proposed area. This appraisal is based on ordinary commercial development. The installation of additional hydrants may be required if the future proposed construction mandates the additional hydrants to comply with the International Fire Code or City of Benbrook ordinances. Fire hydrant distances are mandated by the International Fire Code, and are determined based on many factors, and each new construction will be reviewed on an individual basis.

2. Regarding access, each new construction would be reviewed and considered on an individual basis, for access requirements. Access to buildings by fire apparatus varies according to many factors which are spelled out by current City Ordinances and the International Fire Code. Building size, use, and occupant load and other factors are considered in determining access.

**Police Department:**

1. All "Mutual Access" should be marked as fire lanes indicating no parking, have a center stripe for traffic control, and be maintained by the property owner.

**BENBROOK WATER AUTHORITY REVIEW:**

The Benbrook Water Authority has reviewed the preliminary plat submittal and offers the following:

1. As per discussions with Dunaway Associates on June 8, 2010, please add a 20-foot Utility Easement along the east side of Benbrook Field Drive to connect to the proposed Utility Easement north of the Jack-in-the-Box property.

2. Please change the note at the existing meter vault on the west end of the properties to: "Existing temporary meter station to be taken out of service." At the new meter vault location, please change the note to: "Install permanent meter station in existing meter vault."

3. On page 3 of 4, there is a fire hydrant within the turn-around at the end of Benbrook Field Drive. This needs to be moved outside of the turn-around radius.

**UTILITIES REVIEW:**

Other utility providers have reviewed the preliminary plat submittal and offer the following:

1. Oncor Electric Distribution – Place 10-foot utility easement along the east side of Vista Way and around perimeter of Lot 1, Block 5.

2. Atmos Energy Gas – Response not received in time for this report.

3. Southwestern Bell Telephone – Preliminary Plat fully satisfies requirements of this office.

4. Charter Communications – Response not received in time for this report.

**WAIVERS:**

The preliminary plat application does not request Commission approval of any waivers to provisions of the Subdivision Ordinance.

The following waiver is not requested with the plat application, but Commission approval is needed for approval of the plat as submitted.

1. Maximum 1,600-foot block lengths (16.28.030,A,2)

   The Staff does not object to the approximately 2,350-foot block length on Vista Way, provided Mutual Access is included from Benbrook Field Drive to Vista Way.

Any preliminary plat approval should include specific approval of the above waiver as recommended by the City Staff.

**RECOMMENDATION:**

It is recommended that the Planning and Zoning Commission approve the Revised Preliminary Plat of Benbrook Field Addition, June 2010(P-10-01) subject to:

1. The dedication of right-of-way for the Benbrook Boulevard expansion project, including the enhanced intersection treatments, with the final plats fronting on Benbrook Boulevard,

2. All mutual access drives being concrete, approved by the City Engineer, and maintained by the property owners, or through a property owners association approved by the City and the City Attorney, and recorded,

3. Access to Benbrook Boulevard limited to Benbrook Field Drive and the two current access easements serving the site,

4. Curb and gutter and sidewalks along the IH 20 frontage road, sidewalks along Mercedes Street and Vista Way, street trees along the IH 20, Mercedes Street, and Vista Way frontages,

5. Submittal of a tree mitigation plan based on the tree survey submitted in 2004, along with an implementation schedule,

6. Street trees and sidewalks along Mercedes Street, Vista Way and the I-20 frontage road at final platting. Street trees and sidewalks along Benbrook Boulevard in accordance with the Benbrook Boulevard Master Plan with funds escrowed with the first final plat fronting on the highway,

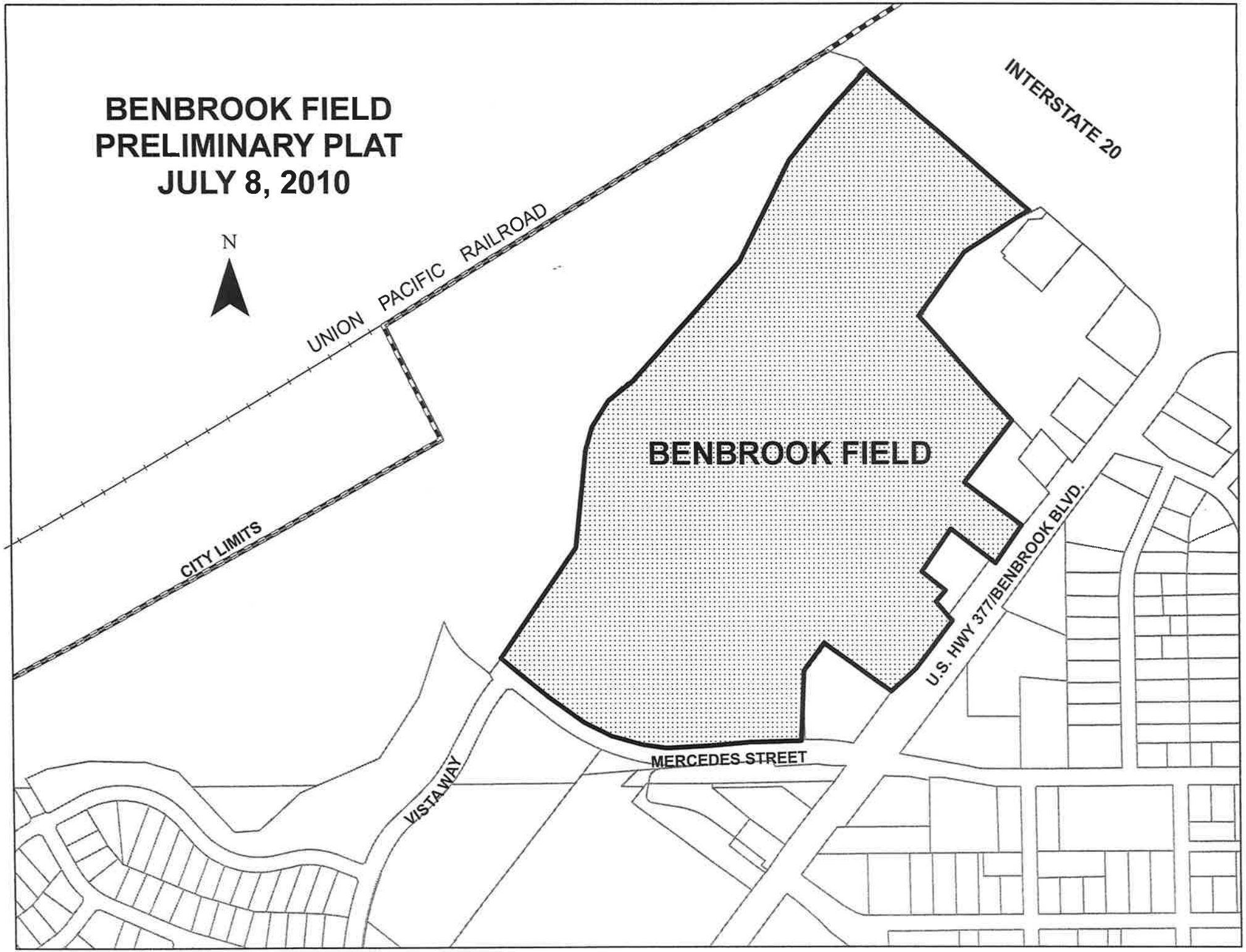
7. The designation of specific areas on affected final plats for all shared off-site signs and development signs, a property owners association responsible for all operation, maintenance and other considerations regarding the signs and identifiers with the establishment of the association, its responsibilities and obligations approved by the City Attorney and recorded with the first final plat,

8. Building lines to conform with "D" or "HC" District Height and Area Regulations except as they may have been altered by the Planned Development zoning (Ordinance Number 1239), and parkland dedication in accordance with provisions of the Subdivision Ordinance, with final platting of the "D-PD" zoned property,

9. All final plats conforming with all engineering requirements, all TXDOT requirements, all public safety, BWA, and utility requirements, and all final plat requirements of the Subdivision Ordinance and all necessary off-site easements and infrastructure,

10. Construction of Benbrook Field Drive, with signalization, to be initiated with the final plat of Lot 1, Block 1; Lot 1, Block 2, or Lot 2, Block 2.

# BENBROOK FIELD
# PRELIMINARY PLAT
# JULY 8, 2010



# MINUTES
# OF THE MEETING OF THE
# CITY OF BENBROOK
# REGULAR MEETING PLANNING & ZONING COMMISSION
# THURSDAY, JULY 8, 2010

The regular meeting of the Planning and Zoning Commission of the City of Benbrook was held on Thursday, July 8, 2010, at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

David Ramsey
Joe Hughes
Jess Jordan
Brandon O'Donald
Sanjiv Shah
Bob Pesce
Larry Marshall

Also Present:

David Gattis, Deputy City Manager
Ed Gallagher, City Planner
Sue Clark, Recording Secretary
Bob Rowley, City Engineer
Ron Sauma, City Councilmember
Keith Bailey, City Councilmember
Mark Washburn, City Councilmember
Chris Wilde
Tom Galbraith
David Hafer
Carole Hafer
Matt Collard
and approximately 14 others

## I. CALL TO ORDER

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

## II. CONSIDERATION OF MINUTES

Special Meeting – February 25, 2010

Motion by Mr. O'Donald to approve the minutes as written. Second by Mr. Hughes. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Pesce, Mr. O'Donald, Dr. Marshall, Mr. Jordan, Mr. Shah, and Mr. Hughes

Noes: None

Abstain: Mr. Ramsey

Motion carried 6 – 0 – 1

## III. REPORTS OF CITY STAFF

### A. COMPREHENSIVE PLAN AMENDMENTS

P – 10 – 01 Consider Preliminary Plat of Benbrook Field Addition (June 2010) being 46.27 acres of land in the H. Covington Survey Abstract Number 257 and the J. Stephens Survey Abstract Number 1494 (west side of Benbrook Boulevard/U.S. Highway 377, north side of Mercedes Street, east of Walnut Creek, and south of I20/Loop 820)

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

Chris Wilde, 550 Bailey Avenue with Dunaway Associates, said the engineers had a work session with the Planning and Zoning Commission and they have worked hard with City Staff. He said there were a few recommendations on the City Staff report to the Commission that he would like to discuss.

The first being "Curb and gutter, and sidewalks along the IH20 frontage road, sidewalks along Mercedes Street and Vista Way , street trees along the IH20, Mercedes Street, and Vista Way frontages". Mr. Wilde said they do intend to build curb and gutter at the time of final plat. They will leave openings for drainage at that time. He did speak with Staff and they are in agreement with this item.

Mr. Wilde said the next item states, "The designation of specific area on affected final plats for all shared off-site signs and development signs, a property owners association responsible for all operation, maintenance and other considerations regarding the signs and identifiers with the establishment of the association, its responsibilities and obligations approved by the City Attorney and recorded with the first final plat". Mr. Wilde said they do agree there needs to be an association to be responsible for the operation and maintenance of the signs. The only thing they would like to change is the "property owner's association" to say ECR which is an Easement Conveyance and Restrictions that would be a legal agreement in place that would require the property owners to be responsible for the operation and maintenance of the signs and the access easements. He said they did talk to Staff about this and they were in agreement.

The next recommendation states, "Construction of Benbrook Field Drive, with signalization, to be initiated with the final plat of Lot 1, Block 1; Lot 1, Block 2, or Lot 2, Block 2". Mr. Wilde said they would like to remove the requirement of the signalization with the final platting of Lot 1, Block 1; Lot 1, Block 2, or Lot 2, Block 2 and would like to be required to analyze the warrant, as required by TxDOT, each time a final plat is submitted. He said they will commit to build Benbrook Field Drive as stated on the comment.

Mr. Wilde said those are the only three items that they wanted clarification on. He said he would like to clarify the phasing and construction of Vista Way or the Vista Way Implementation Plan. The lots fronting on Benbrook Boulevard, Mercedes Street, and IH20 can go to final plat without funding of the escrow fund for Vista Way. The potential tenants have been identified and because they are so far away from Vista Way it is hard to justify the funding of Vista Way with these lots.

The construction of Vista Way will be based on an engineer's cost estimate based on current pricing. Once that amount is agreed upon by the developer and the city that is when the escrow account will be decided at what dollar amount. He said because they do not know how long it will take to develop the area, he thinks the cost should be reevaluated at

least on an annual bases as each of the Vista Way lots are developed and are final platted.

Mr. Wilde said there are several ways that the construction of Vista Way could be required to be constructed. One way would be when 70 percent of the lots on Vista Way are final platted. The second way is if 90 percent become final platted by a tenant that would only want a partial amount of the largest lot. Mr. Wilde said the third way would be if the multi-family lot were purchased first, they would only want to build the portion of Vista Way that services that lot. He said they have discussed this with Staff and they would still provide two points of access. They do not feel that the construction of just the multi-family would support the requirement of the construction of the entire Vista Way.

Mr. Wilde said they are asking that if there is any need to waiver from the design or location of Vista Way because of the topography of the land and its adjacency to the floodplain, that the flexibility be approved. He said they would work side by side with Staff and the engineering department to make good decisions but they do need some flexibility with the final design because of the topography.

Mr. Wilde said Benbrook Field Drive will be constructed from Benbrook Boulevard to approximately 230 feet as a cul-de-sac. It is their intention to dedicate a series of Mutual Access Easements which would provide access from Benbrook Field Drive to Vista Way. The access easements will be granted as each lot that has the access easement on it becomes final platted so it will slowly get built as each of the lots get built. It is their intent to provide access from Benbrook Boulevard to Vista Way.

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

Mr. Shah asked why the lots fronting on Mercedes Street, Benbrook Boulevard and IH20 are not included in the requirement of funding an escrow account for the building of Vista Way.

Tom Galbraith, 550 Bailey Avenue, said the developer is strained financially from the development of Vista Way and Mercedes Street as they are constructed today and that is what got the Wal-Mart deal done. Any amount of money is significant in these difficult times. They really need the sale of these lots to get some financial money at this time. He said there is no need to have the construction of Vista Way at this time to serve the mentioned lots. Primarily it is financial; they need to get some money in.

Mr. Shah said he agrees the street is not needed when those lots are constructed, but they are part of a larger parcel of land and they do not exist on their own and giving the developer special treatment to go ahead and develop these lots without contributing to the monumental cost of Vista Way in the future is unwise. It does not affect the tenants that want to develop those lots; it only affects the developer because it is only going to affect the escrow amount for the development of Vista Way.

Mr. Shah asked if the developer would include the lots in the 70 percent requirement. Mr. Galbraith said no, that they have worked with the developer and Staff to come up with the present agreement.

Mr. Hughes said the two lots that front on IH20 would benefit from the construction of Vista Way. Mr. Galbraith said Mr. Hughes does have a point but they have worked hard with Staff and the developer to come to an agreement that both can be comfortable with and he realizes that Mr. Hughes is with the Commission and not the staff so if at all possible they would like to stick with the plan they have.

Dr. Marshall asked how the two most northern lots will have access. Mr. Galbraith said they do not know the sequence in which the larger lots will be developed but they might be able to provide access on temporary bases. There is also the IH20 service road and they have the potential to work with Albertson's to provide access although they have not been in discussion with Albertson's at this time.

Mr. O'Donald asked if the engineer's had heard from TxDOT regarding the preliminary plat. Mr. Wilde said the plat had been submitted to TxDOT but TxDOT has not yet responded at the time the city provided comments. Mr. Wilde said he was in contact with TxDOT and he told them the preliminary plat was to be considered by the Commission and that they are still anticipating the signalization of Benbrook Field Drive if required. He said that will be a final plat issue.

The Chair asked for a report from staff.

Ed Gallagher said the current preliminary plat before the Commission is a revision of the P-07-02 plat considered in July of 2007. The 2007 plat included the extension of Vista Way to Loop 820 and Benbrook Field Drive, connecting Benbrook Boulevard with the extension of Vista Way in compliance with the Comprehensive Plan and the Subdivision Ordinance.

Mr. Gallagher said the plat on the current agenda is submitted by Richpenn Resources and generally covers the same vacant area and shows the same general lot pattern that appeared on the 2007 plat that included the Vista Way extension. On the current plat Benbrook Field Drive is shown as a 230-foot long cul-de-sac that does not connect to Vista Way.

All of the zoning on the site is included in Planned Development Ordinance 1239 that was approved in August of 2007. The Lot 1, Block 5 area shown along Vista Way is an eight-plus acre site zoned "D-PD" Multiple Family and the balance of the 46-plus acres is an "HC-PD" Highway Corridor commercial classification with "HC-PD2", generally on Lot 1, Block 2, including particular provisions for an anticipated Home Depot store and "HC-PD1" with more general provisions on the rest of the commercial property.

Mr. Gallagher said the multi-family and commercial zoning patterns established with the 2007 PD Zoning Ordinance conformed with the location of Vista Way on the 2007 preliminary plat. The current preliminary plat includes a different Vista Way configuration and results in portions of Lot 1, Block 5 and Lot 2, Block 7 being split zoned. The two split zoned lots will need future rezoning prior to final plats of the two lots to adjust to the Vista Way configuration presented on the current plat.

Tonight's preliminary plat differs from the 2007 plat in that the current plat proposes that lots "be final platted individually in no particular order", or scheduling. The current plat does reference that "as each lot is developed, lot owner will provide utilities, drainage, and paving to and through the lot as it is final platted".

Mr. Gallagher said Benbrook Field Drive is shown on the current plat as a 230-foot long, 60-foot right-of-way with a 100-foot diameter turnaround area. Lot 1 of Block 1 and Lot 1 of Block 2 should include 50-foot building lines concentric to the turnaround area.

Except for Vista Way and the 230-foot segment of Benbrook Field Drive, both as public streets, traffic circulation on the 46-acre site is proposed with a 28-foot wide mutual access easement system. The 28-foot width may need to be widened in areas where heavy traffic and/or turning movements are expected. The preliminary plat does not show the specific locations and configurations of the access networks but does reference that final plats will tie

the specific locations. The plat also indicates the access network will connect with the Albertsons, McDonald's and CVS adjoiners.

Mr. Gallagher said City Street Standards with concrete pavement measured face to face should be followed in the design of the mutual access drives. He said all maintenance of all mutual access drives must be the responsibility of the owner of the land containing the drive or through an approved property-owners association approved by the City and City Attorney and recorded.

A 20-foot right-of-way dedication area is shown at Benbrook Field Drive and Lot 2, Block 2 along Benbrook Boulevard/U.S. Highway 377 to accommodate the roadway expansion currently in design. The R.O.W. dedication identifier also notes, "If Required at Final Plat". Right-of-way dedication also should include any corner clip needed for the Benbrook Field Drive/Benbrook Boulevard intersection.

Also, additional right-of-way dedication at the Benbrook Field Drive intersection will be required to accommodate the enhanced intersection treatments (generally 20-foot by 20-foot pedestrian refuge areas) proposed in the Benbrook Boulevard Master Plan.

Mr. Gallagher said one currently platted lot, the old Chevron site, is part of the plat. Easements dedicated by the previous plat that are proposed to be vacated will need specific approval from all utility providers for utility easements, and the City for drainage easements and include releases from grantees and/or vacation by the City Council.

Lot 2 of Block 2, adjacent to Benbrook Field Drive does not meet "HC" District lot width minimums but, the lot is limited by the available land.

Mr. Gallagher said sidewalk construction is noted along the IH20 frontage road and along Benbrook Boulevard as each adjacent lot develops. Standard sidewalks should also be included along Mercedes Street, along Benbrook Field Drive, and along Vista Way, all in accordance with Subdivision Ordinance requirements.

Following Subdivision Ordinance requirements, as each lot is developed, street trees should be provided along all roadway frontages, except Benbrook Boulevard.

Required sidewalks, curb and gutter and required street trees along Benbrook Boulevard can best be addressed with escrow of funds by the developer for a more consistent landscape and sidewalk treatment along the overall length of the upcoming TxDOT highway expansion project in conformance with the Benbrook Boulevard Master Plan. Funds are proposed to be escrowed for the overall Benbrook Boulevard frontage with the final platting of each lot with Benbrook Boulevard frontage.

Mr. Gallagher said a Tree Survey of existing trees was submitted with the previous 2007 preliminary plat and is still valid but did not include a mitigation plan for replacement of trees that are proposed to be removed. Tree mitigation provisions should be in accordance with the "PD" Zoning Ordinance provisions. He said tree mitigation provisions should be separate from landscape and buffer yard provisions of the "PD" Zoning Ordinance.

The plat shows a 25-foot building line on Block 2, Lots 5, 6, 7, and 8, along the north side of Mercedes Street and east side of Vista Way. The building line should be increased to 50 feet to conform with the Zoning Ordinance.

With the lots "final platted individually and in no particular order," in some cases the necessary infrastructure to serve a particular lot and proposed use may require more "utilities, drainage and paving to and through lots as it is final platted." Depending on the size of a building, its location, and the building use, secondary access may be required for fire and emergency access. Those determinations can only be made when a particular final plat is submitted and the use and size of a building, or buildings are known.

Mr. Gallagher said all final plats must meet all requirements for final plats in accordance with the Subdivision Ordinance, including Texas State Plane Coordinates for at least two corners of the plat and the source of all bearings being the State Plane Coordinate System, and all necessary off-site easements are included to accommodate required off-site infrastructure.

The most significant part of the current preliminary plat involves the extension of Vista Way in accordance with the Comprehensive Plan. Normal circumstances require all associated street, and other infrastructure construction with final platting of a single phase development. Mr. Gallagher said with phased final platting construction of all streets and infrastructure is required to and through all lots within each particular phase of a development. The configuration for the extension of Vista Way shown on the plat is acceptable.

With lots proposed to be "final platted individually in no particular order", provisions for the construction of Vista Way are proposed with a Vista Way Implementation Plan described on the plat under "Vista Way Implementation Notes" to provide for the design and construction of Vista Way. The implementation notes describe proposed funding of Vista Way with final platting of a collection of nine lots. The implementation notes cite five lots to be final platted with no funding obligation for Vista Way construction.

Mr. Gallagher said the implementation notes propose an escrow account to hold funds for the future street construction with deposits in conjunction with final plats of the nine lots proposed to be obligated in the Vista Way construction. The cost distribution among each lot is proposed to be based on a lot's area as a percentage of the total area of the nine obligated lots. The total escrow funds proposed to be accumulated are proposed to be based on an engineer's opinion of probable cost. The implementation notes propose a start of design based on an accumulation of ten percent of the anticipated funds in the escrow account and actual construction based on any of three combinations of final platting of the nine obligated lots.

Mr. Gallagher said the preliminary plat indicates Benbrook Field Drive to be a 40-foot wide public street in a 60-foot wide right-of-way. However, Note number 11 indicates a possible 28-foot mutual access drive in lieu of the public street if a traffic signal is not required by a potential lot user, or users. If Benbrook Field Drive is not a public street and becomes a private drive, it may not conform with minimum driveway separation requirements of TxDOT and the City. Additionally, if changed to a private drive, it can impact redevelopment of the adjacent McDonald's facility.

It is Staff's opinion that a signalized entrance is advantageous to the overall commercial development and considerable time has been expended negotiating with the Texas Department of Transportation to allow the signalized intersection. Staff has no objection to the signalization be deferred until warrants justify the signalization.

The current plat does not include the area between the proposed location of Vista Way and Walnut Creek. That area is not conducive to being platted with potential future single-family development on the northwest side of Walnut Creek and should be included with the current plat, similar to its inclusion in the P-07-02 preliminary plat in July of 2007. If part of the area is

to be shown as parkland dedication (as shown on the 2004 preliminary plat), then it should be so indicated.

Mr. Gallagher said the existing portion of Vista Way is a 40-foot wide pavement section. The current preliminary plat indicates the potential of a 36-foot wide pavement section for the extension of Vista Way. If the 36-foot pavement is exercised, the transition should not occur abruptly at the Mercedes Street intersection and the transition should occur gradually within the 390-foot long straight right-of-way segment northeast of Mercedes Street.

The City Engineer reports that Note 1 on the plat should also reference requirements for the Highway 377 expansion currently in design. If streets and access easements are constructed in increments, temporary turnarounds will be required at the ends of pavement. The building line shown on Lot 2 Block 2 is for a second front yard and the lot must face Benbrook Boulevard.

The affected lots on the Vista Way Implementation Notes cannot be final platted until the escrow is deposited. Clarification if the inlet behind the Jack-in-the-Box property exists or proposed should be provided. A determination should be established if iSWM™ requirements are proposed for the entire plat area or for individual lots. Radius on Vista Way does not meet minimum Subdivision Ordinance requirements.

Review comments from Texas Department of Transportation have yet to be received.

Mr. Gallagher said the Fire Department notes that the proposed fire hydrants along with existing hydrants along Mercedes Street and Benbrook Boulevard are generally acceptable for typical commercial development. They also report that additional fire hydrants may be required depending on building locations, uses, and other factors with future construction on the lots. The International Fire Code along with City Ordinances may require additional hydrants when more information is known and individual plans are reviewed. Similarly, required access can only be determined with additional construction information including building locations, sizes, types, and uses.

The Police Department reports that all mutual access areas should be marked as fire lanes with no parking, have a center stripe for traffic control and be maintained by the property owners.

Mr. Gallagher said the Benbrook Water Authority notes that an additional 20-foot utility easement is required along the east side of Benbrook Field Drive for connection to the proposed easement north of the Jack-in-the-Box property. The identification reference to the existing meter vault needs to be corrected and the location and description of the new meter station added. A fire hydrant location shown conflicts with the Benbrook Field Drive turnaround and should be relocated.

Other utility reviews indicate a required 10-foot utility easement along the east side of Vista Way and around the perimeter of Lot 1, Block 5. However, all utility reviews have not been received.

The preliminary plat application does not request Commission approval of any waivers to provisions of the Subdivision Ordinance.

Mr. Gallagher said the following waiver is not requested with the plat application, but Commission approval is needed for approval of the plat as submitted.

Maximum 1,600-foot block lengths (16.28.030,A,2)

The Staff does not object to the approximately 2,350-foot block length on Vista Way, provided Mutual Access is included from Benbrook Field Drive to Vista Way.

He said any preliminary plat approval should include specific approval of the noted waiver as recommended by the City Staff.

Staff recommends that the Planning and Zoning Commission approve the Revised Preliminary Plat of Benbrook Field Addition, June 2010(P-10-01) subject to:

1. The dedication of right-of-way for the Benbrook Boulevard expansion project, including the enhanced intersection treatments, with the final plats fronting on Benbrook Boulevard,

2. All mutual access drives being concrete, approved by the City Engineer, and maintained by the property owners, or through a property owners association approved by the City and the City Attorney, and recorded,

3. Access to Benbrook Boulevard limited to Benbrook Field Drive and the two current access easements serving the site,

4. Curb and gutter and sidewalks along the IH20 frontage road, sidewalks along Mercedes Street and Vista Way, street trees along the IH20, Mercedes Street, and Vista Way frontages,

5. Submittal of a tree mitigation plan based on the tree survey submitted in 2004, along with an implementation schedule,

6. Street trees and sidewalks along Mercedes Street, Vista Way and the I-20 frontage road at final platting. Street trees and sidewalks along Benbrook Boulevard in accordance with the Benbrook Boulevard Master Plan with funds escrowed with the first final plat fronting on the highway,

7. The designation of specific areas on affected final plats for all shared off-site signs and development signs, a property owners association responsible for all operation, maintenance and other considerations regarding the signs and identifiers with the establishment of the association, its responsibilities and obligations approved by the City Attorney and recorded with the first final plat,

8. Building lines to conform with "D" or "HC" District Height and Area Regulations except as they may have been altered by the Planned Development zoning (Ordinance Number 1239), and parkland dedication in accordance with provisions of the Subdivision Ordinance, with final platting of the "D-PD" zoned property,

9. All final plats conforming with all engineering requirements, all TXDOT requirements, all public safety, BWA, and utility requirements, and all final plat requirements of the Subdivision Ordinance and all necessary off-site easements and infrastructure,

10. Construction of Benbrook Field Drive, with deferred signalization, to be initiated with the final plat of Lot 1, Block 1; Lot 1, Block 2, or Lot 2, Block 2.

The Chair asked for any comments or questions from the Commission. Discussion followed on the location of Vista Way, Walnut Creek, the floodplain, and the requirement that the required parkland to be dedicated should and will be a part of the preliminary plat and that the property owners will be responsible for maintenance.

The Chair asked for any further comments or questions from the Commission. There being none, the Chair opened the public hearing at 8:20 p.m. and asked for any comments in favor of or against the item.

Matt Collard, 565 Magnolia, asked if Vista Way would be built through. Dave Gattis said there are trigger points that will require sections or the entire length to be constructed. Mr. Collard said he travels Mercedes Street every day and that Vista Way is really needed.

David Hafer, 569 Sterling, said he wished to raise his concerns with some aspects of the preliminary plat. He said that how Benbrook Field develops has a direct impact on the quality of life for those in his neighborhood and other nearby existing and future neighborhoods. He said he wants Benbrook Field to develop well and to thrive but in a high quality way that will have an enduring positive effect 10-20 years ahead as the population and traffic grows.

Mr. Hafer said a 28-foot mutual access private drive throughout the development is not the best means to move traffic in, out and within the development. He said the interconnected private drives do not seem to be consistent with the City's Subdivision Ordinance and Comprehensive Plan. Chapter 16.28 of the Subdivision Ordinance states that "each lot shall abut on a dedicated public street or an approved private street" and there is no mention of providing access via mutual access private drives.

Mr. Hafer spoke in opposition to Benbrook Field Drive being built based on the development of adjacent lots and it not being a through public street to Vista Way. He said since the expansion of Benbrook Boulevard may be delayed, what is constructed or needed now, probably will not meet the needs in the future. Additionally, access via mutual access private drives to the south puts additional traffic burden on the lots along Mercedes Street and onto Mercedes Street near the north entrance to Wal-Mart's parking lot. Most traffic departing Wal-Mart to the north will likely exit via Mercedes Street to gain access to Benbrook Boulevard.

Mr. Hafer said that building Benbrook Field Drive as a public road from Benbrook Boulevard to Vista Way would allow all lots except one to abut a public road enabling safer and more efficient vehicle, bicycle and pedestrian traffic flow. As a public roadway it would carry with it the requirements for setbacks, sidewalks and landscaping that would make the area more aesthetically pleasing and safer for non-vehicular traffic than a series of parking lots interconnected by mutual access private drives. He said that therefore he proposes that the plat be changed to require that Benbrook Field Drive be built as a dedicated public road from Benbrook Boulevard to intersect with Vista Way.

Mr. Hafer spoke in opposition to the proposed sequence of events which would trigger the construction of Vista Way. Vista Way will be vital to the orderly and efficient movement of traffic in and out of the area. He said that until Vista Way is built, Mercedes Street will bear the burden and probably over burdened of additional traffic produced by Wal-Mart and the

lots that develop in the Benbrook Field Addition.

Mr. Hafer said that because the majority of the lots are zoned "HC-PD" and that without adequate public streets, it seems that the purposes of the zoning regulations are not met.

Mr. Hafer asked that the Commission not approve the preliminary plat as submitted and he asks that Benbrook Field Drive be required as a public collector street from Benbrook Boulevard to Vista Way, require the construction of Vista Way earlier in the sequence of development and that the multiple family housing zoning be removed from the development.

The Chair asked for a rebuttal from the applicant.

Tom Galbraith said Mr. Hafer brought up the subject of public streets instead of private access easements. Mr. Galbraith said he had been involved in several developments that all have public access easements that are larger and some double the size of Benbrook Field Addition. He said that with public streets, the traffic goes faster and people don't like to shop where they have to cross a public street. Access easements slow traffic down and make it easier for pedestrians to walk.

Mr. Galbraith said the signal at Benbrook Field Drive must meet TxDOT's requirements for warranting the need of the light. The city can not over ride TxDOT to allow the traffic signal.

Mr. Galbraith said the last time the preliminary plat came up for consideration by the Commission, the traffic engineer proved that Vista Way was not needed and the city could function in an acceptable manor without Vista Way being built. The developers have conceded and will build the street.

There being no further speakers, the Chair closed the public hearing at 8:30 p.m. and asked for any further comments, questions, or a motion from the Commission.

Discussion followed between the Commission, Staff and applicant about the developer and requirements and timing or triggers of the construction of Vista Way.

Chris Wilde said the owners have agreed to escrow 25 percent to the escrow fund for the development of the lots that front on Benbrook Boulevard, Mercedes Street, and IH20 up to a maximum of $10, 000 for each of the five lots.

Discussion continued on the percentage of money required for the escrow fund, the construction of Benbrook Field Drive, and how much the developer has conceded to this point.

Motion by Mr. Hughes to approve the preliminary plat, P-10-01, as recommended by Staff with the following exceptions:

1. Recommendation No. 4 – Proceed as requested

2. Recommendation No. 7 – The property owner's association be changed to Easement Conveyance and Restrictions (ECR) or its equivalent

3. Recommendation No. 10 – Change to signalization will be installed when warrants are met as required by TxDOT

4. Cost elements for the construction of Vista Way be reviewed annually

5. When the lots fronting on Benbrook Boulevard, Mercedes Street, and IH20 are developed, 25 percent, or a maximum of $10,000 per lot will be funded to the escrow account.

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

Vote on the motion

Ayes: Mr. Pesce, Mr. O'Donald, Dr. Marshall, Mr. Jordan, Mr. Ramsey, and Mr. Hughes

Noes: Mr. Shah

Motion carried 6 – 1

**B. ZONING**
None

**C. SUBDIVISION PLATS**
None

**D. PD SITE PLANS**
None

**E. General**
None

## IV. PRESENTATIONS BY PLANNING AND ZONING COMMISSION MEMBERS
None

## V. CITIZEN PRESENTATIONS
None

## VI. ADJOURNMENT

The Chair noted there were no additional matters of business on the regular Commission agenda and declared the Commission regular meeting adjourned at 9:20 p.m.

**APPROVED** 10-14-10

**Chair**