

**AGENDA
CITY OF BENBROOK
PLANNING AND ZONING COMMISSION
THURSDAY, NOVEMBER 10, 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

Documents:

[MINUTES PZ 9-8-2016.PDF](#)

III. REPORTS OF CITY STAFF

A. ZONING

Z-16-02

Consider rezoning of 23.0478 acres of land in the Hays Covington Survey, Abstract Number 257 from "BR-PD" One Family Reduced Planned Development District and "D-PD" Multiple Family Planned Development District to "D" Multiple Family District (between Walnut Creek and the Union Pacific Railroad and southwest of I-20/Loop 820 to a northwesterly projection of Mercedes Street); and rezoning of 28.2513 acres of land in the Hays Covington Survey, Abstract Number 257 from "HC-PD1" Highway Corridor Planned Development District 1, "HC-PD2" Highway Corridor Planned Development District 2, and "D-PD" Multiple Family Planned Development District to "D" Multiple Family District (east of Walnut Creek, northeast of Mercedes Street and southwest of I-20/Loop 820).

Documents:

[Z-16-02, STAFF REPORT AND EXHIBITS.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, SEPTEMBER 8, 2016**

The regular meeting of the Planning and Zoning Commission of the City of Benbrook was held on Thursday, September 8, 2016, at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

Alfredo Valverde
David Ramsey
John Dawson
Tom Casey
John Craver
Anthony Harris

Also present:

Ed Gallagher, Planning Director
Johnna Matthews, City Planner
Sue Clark, Recording Secretary
Brad Bowen
Henry Peek

I. CALL TO ORDER

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

II. CONSIDERATION OF MINUTES

Regular Meeting, August 11, 2016

Motion by Mr. Dawson to approve the minutes of the August 11, 2016 meeting. Second by Mr. Casey. The Chair called the question.

Vote on the motion:

Ayes: Mr. Valverde, Mr. Dawson, Mr. Ramsey, Mr. Casey, Mr. Craver and Mr. Harris

Noes: None

Abstain: None

Motion carried: 6 – 0 – 0

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 Zoning Commission on July 8, 2010.

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

Brad Bowen, 508 Wagonwheel Court, Colleyville, representing Richpenn Resources, said that the preliminary plat that was proposed and approved in 2010 of the overall 220 acres consisted mainly of commercial-zoned property. Mr. Bowen said they have developed two residential subdivisions. He said that they currently have one remaining residential phase which is on the west side of Walnut Creek.

Mr. Bowen said he understands it is unusual to extend a preliminary plat and this may be the first time in Benbrook to extend a preliminary plat. He said that ordinarily preliminary plats do not expire, except in Benbrook. Circumstances that extend the preliminary plat is if any property included is final platted. From the date that a final plat is complete, there is a five-year extension. He said that the last time they filed a final plat was in September 2011.

Mr. Bowen said that when they presented this preliminary plat, they were working with a number of commercial tenants. He said that was about the same time of the mortgage crisis and most commercial projects were put on hold or cancelled. Mr. Bowen said the potential for commercial projects is returning and they are asking for the extension of the preliminary plat.

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

Ed Gallagher said that the P-10-01 Benbrook Field preliminary plat was approved by the Commission on July 8, 2010. Chapter 16.16.02.B.4.g of the Subdivision Ordinance provides that the approval of a preliminary plat expires in five years. Mr. Gallagher said that 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. The Subdivision Ordinance also provides for the Planning and Zoning Commission can extend the expiration by an additional two years with the developer's demonstration of good cause for an extension of the approval.

The Benbrook Field developer, Richpenn Resources International, is requesting the preliminary plat expiration be extended by five years but the Subdivision Ordinance limits such extensions to two years.

Mr. Gallagher said that the P-10-01 Preliminary Plat 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 vacant.

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. That zoning was approved in August 2007 and was intended to accommodate a “big box” home improvements store and other large retail and commercial users. Mr. Gallagher said that Benbrook Field Drive was shown on the approved 2010 preliminary plat as a 230-foot-long cul-de-sac, extending northwest from Benbrook Boulevard, generally between the existing McDonalds and Jack-in-the-Box. He said that the plat also included an alignment of the extension of Vista Way from Mercedes Street, north to the Loop 820/IH 20 eastbound frontage road and an implementation plan for the design and incremental 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.

Mr. Gallagher said that 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.

Mr. Gallagher said that with limited development activity after the last of the three final plats was approved 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. He said that 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 the Brookside at 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 an agreement with the TIF in the First Amendment To Developer Participation Agreement For Benbrook Towne Crossing Project.

Mr. Gallagher said that 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.

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.

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

Mr. Ramsey asked if any rezoning would be required. Mr. Gallagher said that any rezoning would be addressed with individual platting.

Mr. Dawson said that there were ten requirements on the preliminary plat that was approved in 2010 and asked if those requirements would remain in place. Mr. Gallagher said yes, the extension does not change any approval conditions.

Mr. Harris said that the Subdivision Ordinance allows for a two-year extension for a preliminary plat, "with good cause". He asked if staff believes that the application complies with that. Mr. Gallagher said yes.

Mr. Harris asked if the codes that were in effect when the preliminary plat was approved in 2010 would still be in effect or would they have to comply with the 2016 codes. Mr. Gallagher said the codes would be from 2010.

Motion by Mr. Ramsey 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. Second by Mr. Harris. The chair called the question.

Vote on the motion:

Ayes: Mr. Valverde, Mr. Dawson, Mr. Ramsey, Mr. Casey, Mr. Craver and Mr. Harris

Noes: None

Abstain: None

Motion carried: 6 – 0

B. Zoning Ordinance

None

IV. ADJOURNMENT

There being no further business on the agenda, the Chair adjourned the meeting at 7:55 p.m.

APPROVED _____, 2016

Chair

City of Benbrook Planning and Zoning Commission

Date: November 10, 2016	Reference Number Z-16-02	Subject: Consider rezoning of 23.0478 acres of land in the Hays Covington Survey, Abstract Number 257 from "BR-PD" One Family Reduced Planned Development District and "D-PD" Multiple Family Planned Development District to "D" Multiple Family District (between Walnut Creek and the Union Pacific Railroad and southwest of I-20/Loop 820 to a northwesterly projection of Mercedes Street); and rezoning of 28.2513 acres of land in the Hays Covington Survey, Abstract Number 257 from "HC-PD1" Highway Corridor Planned Development District Number 1, "HC-PD2" Highway Corridor Planned Development District Number 2, and "D-PD" Multiple Family Planned Development District to "D" Multiple Family District (east of Walnut Creek, northeast of Mercedes Street and southwest of I-20/Loop 820)	Page: 1 of 4
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SUBJECT PROPERTY: Tract 1: 23.0478 acres of land in the Hays Covington Survey, Abstract Number 257

Tract 2: 28.2513 acres of land in the Hays Covington Survey, Abstract Number 257

LOCATION: Planning Area "D", northwest of Benbrook Boulevard (U.S. Highway 377), southwest of I-20/Loop 820, north of Westpark Section 2, and The Ridges of Benbrook Apartments, formerly Clover on the Ridge and Summit on the Ridge. Tract 1 being located between Walnut Creek and the Union Pacific Railroad and southwest of I-20/Loop 820 to a northwesterly projection of Mercedes Street; and Tract 2 being located east of Walnut Creek, northeast of Mercedes Street and southwest of I-20/Loop 820 Tract 2).

AREA: 51.299 acres, identified as Tract 1 and Tract 2

OWNER: BFIP Partners, Ltd., Bo Peek, Ltd.

APPLICANT: Richpenn Resources International, Inc./Brad Bowen

TRACT 1
AREA/LOCATION: 23.0478 acres of land in the Hays Covington Survey, Abstract Number 257 located between Walnut Creek and the Union Pacific Railroad and southwest of I-20/Loop 820 to a northwesterly projection of Mercedes Street

EXISTING ZONING: "BR-PD" One Family Reduced Planned Development District
 "D-PD" Multiple Family Planned Development District

LAND USE PLAN REFERENCE: Undeveloped Floodplain and Low Density Single Family

PROPOSED ZONING: "D" Multiple Family District

TRACT 2

AREA/LOCATION: 28.2513 acres of land in the Hays Covington Survey, Abstract Number 257 located east of Walnut Creek, northeast of Mercedes Street and southwest of I-20/Loop 820

EXISTING ZONING: "HC-PD1" Highway Corridor Planned Development District 1
"HC-PD2" Highway Corridor Planned Development District 2
"D-PD" Multiple Family Planned Development District

LAND USE PLAN

REFERENCE: Commercial, Undeveloped Floodplain and High Density Multi-Family

PROPOSED ZONING: "D" Multiple Family District

BACKGROUND INFORMATION

The Z-16-02 subject property (Tracts 1 and 2) includes approximately 51.2 acres of land, originally preliminary platted in 2004 as part of the Benbrook Towne Crossing Addition. The Benbrook Towne Crossing preliminary plat included approximately 200.3 acres of land and was generally located on the north and south sides of Mercedes Street, northwest of Benbrook Boulevard (US Highway 377) to the city limits and southwest of I-20/Loop 820. In 2010, approximately 42.46 acres of land, including the Tract 2 portion of Z-16-02, was replaced by the Benbrook Field Addition preliminary plat, generally located north of Mercedes Street to Loop 820/I-20, between Benbrook Boulevard and a proposed alignment of the extension of Vista Way, east of Walnut Creek. The 2004 Benbrook Towne Crossing preliminary plat included Tract 1 and has expired. Most recently, expiration of the 2010 Benbrook Field preliminary plat was extended for a period of two years (S-16-02) by the Planning and Zoning Commission at their regular meeting held on September 8, 2016.

Three final plats of single lots were processed and approved in 2011 from the Benbrook Field preliminary plat. The three final plats accommodate two fast food restaurants on Benbrook Boulevard and a dental clinic on Mercedes Street. No new streets have been constructed in the 2010 preliminary plat area.

The existing "BR-PD" One Family Reduced Planned Development District zoning on the 23.0478-acre Tract 1 was approved in September 2004, when the zoning classification of the property was changed from "SD" Suburban District. The 28.2513-acre Tract 2 site was zoned a mix of "HC-PD1" Highway Corridor Planned Development District 1, "HC-PD2" Highway Corridor Planned Development District 2 and "D-PD" Multiple Family Planned Development in August 2007, although the bulk of the 28-plus acres was zoned "D-PD" District.

PLANNING REVIEW

1. According to the applicant's letter of intent, a zone change to "D" Multiple Family District is proposed because of demand for various housing types within the area, including multi-family developments. The proposed "D" zoning district provides an alternative to traditional single family homes and often serve as a buffer between commercial and various other uses. The "D" zoning district allows medium to high density multi-family dwelling units and is intended to comprise larger tracts of land designed to provide amenities such as open space and recreation space. The district is intended to be located near high volume thoroughfares because of the traffic generating potential of medium to high density dwelling units allowed within the district.

2. The table below includes various regulations that would affect development in the “D” zoning district:

“D” Multiple Family District Regulations	
Density	Max. 25 dwelling units/acre
Floor Space	750 sq. ft., exclusive of garage, porches, breezeways, storage, etc.
Height	2 ½ stories/max. 35 ft. within 100 ft. of single family zoning districts
Front Yard	25 ft.
Rear Yard	20 ft.
Side Yard	10 ft.
Lot Area	3,500 sq. ft./dwelling unit/no less than 8,400 sq. ft.
Exterior Materials	80% masonry
Roof Pitch	Min. 4:12 for tile; Min. 7:12, all other materials
Usable Open Space	Min. 200 sq. ft./dwelling unit
Site Plan	Approval required by the Planning and Zoning Commission

3. The subject property is located within four future land use plan designations: Commercial, Undeveloped Floodplain, Low Density Single Family and High Density Multi-Family. Section 211.004 of the Texas Local Government Code requires that “Zoning regulations must be adopted in accordance with a Comprehensive Plan...” Although the proposed zone change is not consistent with the existing Commercial and Low Density future land use designations of the Comprehensive Plan, the proposed zoning district is consistent with the existing High Density Multi-Family future land use, which represents the bulk of the 28.2513-acre, Tract 2. The proposed zoning district is also compatible with surrounding zoning districts and uses. The existing Undeveloped Floodplain future land use designation of the property results from Walnut Creek, which bisects the property. This area is required to be preserved, and can act as an amenity to development of the property. Since the adoption of the City’s Comprehensive Plan in 1990, many factors have changed and evolved in Benbrook. Comprehensive plans are used as a guide to growth and development in cities, but as cities change, comprehensive plans also need to change. For example, in 2004 the future land use designation for the property was Mixed Use Village and Undeveloped Floodplain, but was changed in 2007 to remove the mixed use village classification. The proposed revisions reflect an adjustment of the high density multi-family boundaries, and does not introduce new land uses into the area.

The below table illustrates the land use distribution in Planning Area D that would reflect the new land uses reflected by the proposed Z-16-02 rezoning application. The resulting total multi-family land would be approximately 15.38 percent of the residential land within the City and remain below the 20 percent ceiling of multi-family to the total residential noted in Principle 3.1.2 of the Land Use element of the Comprehensive Plan.

Summary of Existing and Proposed Land Uses in Area D (acres)

LAND USE	CURRENT	PROPOSED	NET CHANGE
Low Density Single Family	372.3 acres	363.79 acres	-8.51 acres
Medium Density Multi-Family	0 acres	0 acres	0 acres
High Density Multi-Family	33.06 acres	49.06 acres	+ 16.0 acres
Commercial	106.84 acres	99.35 acres	- 7.49 acres
Community Facilities	48.8 acres	48.8 acres	0 acres
Undeveloped Floodplain	57.0 acres	57.0 acres	0 acres
Right-of-Way	133.9 acres	133.9 acres	0 acres

4. According to the preliminary plat, access to the property will be from the future extension of Vista Way, which will be built by the City's Tax Increment Finance District, and the extension of Mercedes Street.
5. Nearly fifty percent of the combined site is encumbered by the 100-year floodplain and floodway. The floodway is a no-build zone. Tract 1 includes approximately 8.5 acres outside of the floodplain and Tract 2 includes approximately 17.5 acres outside of the floodplain. The floodway follows the boundaries of Walnut Creek, which bisects the property. Pursuant to Chapter 16.16 of the Subdivision Ordinance, any existing creeks, lakes, reservoirs, or drainage channels traversing along or across portions of additions, will remain in its natural state as an open channel at all times. Tract 2 is further affected by steep slopes. The impact of the floodplain and steep slopes areas will be limiting factors on actual density of future development. The applicant and TIF District are jointly reviewing the floodplain boundaries through an engineering study.

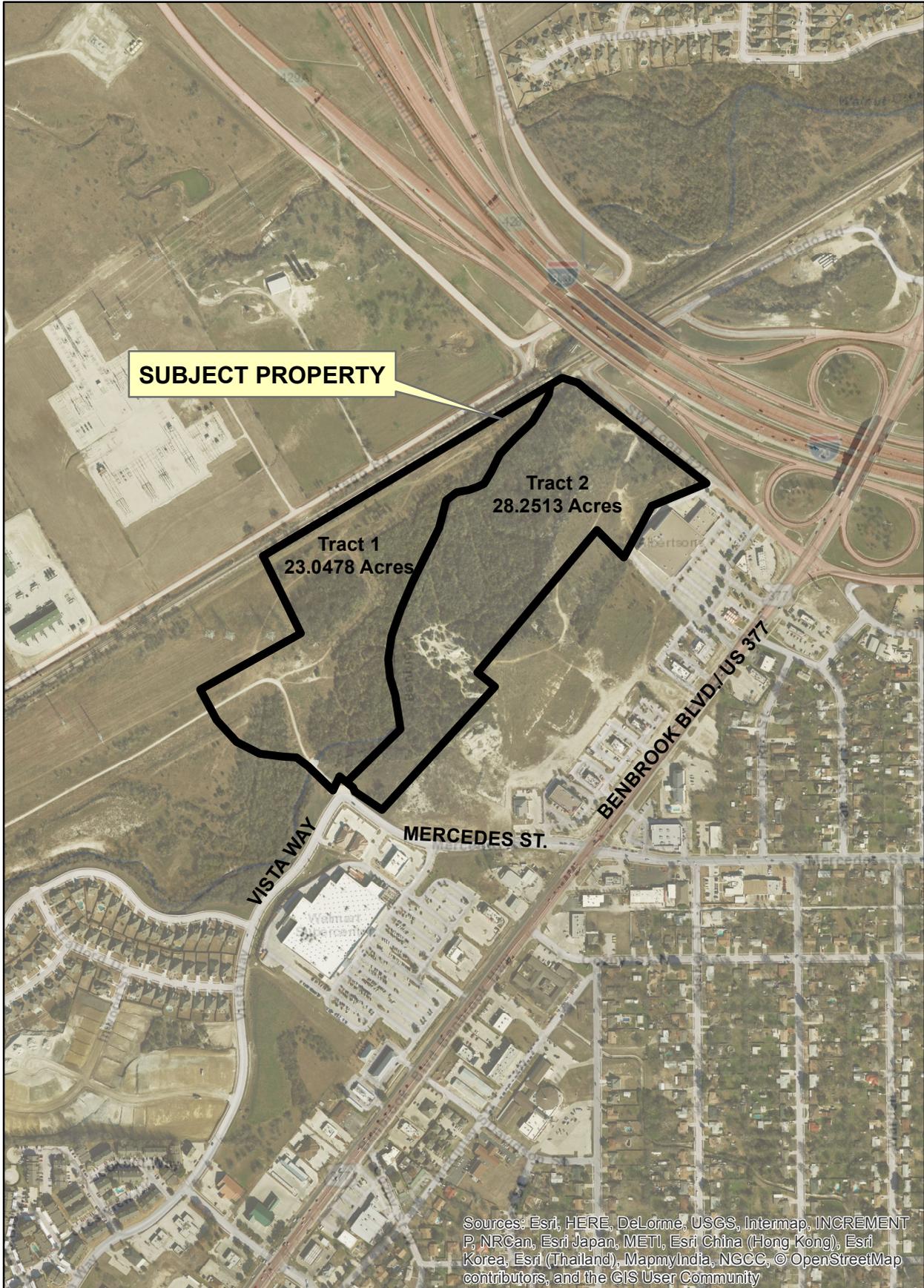
RECOMMENDATION

Staff recommends approval of Z-16-02, to approve the rezoning of approximately 23.0478 acres of land in the Hays Covington Survey, Abstract Number 257, from "BR-PD" One Family Reduced Planned Development District and "D-PD" Multiple Family Planned Development District to "D" Multiple Family District (between Walnut Creek and the Union Pacific Railroad and southwest of I-20/Loop 820 to a northwesterly projection of Mercedes Street); and the rezoning of approximately 28.2513 acres of land in the Hays Covington Survey, Abstract Number 257, from "HC-PD1" Highway Corridor Planned Development District Number 1, "HC-PD2" Highway Corridor Planned Development District Number 2, and "D-PD" Multiple Family Planned Development District to "D" Multiple Family District (east of Walnut Creek, northeast of Mercedes Street and southwest of I-20/Loop 820). Staff also recommends that the Land Use Plan also be modified to reflect the new land use boundaries.

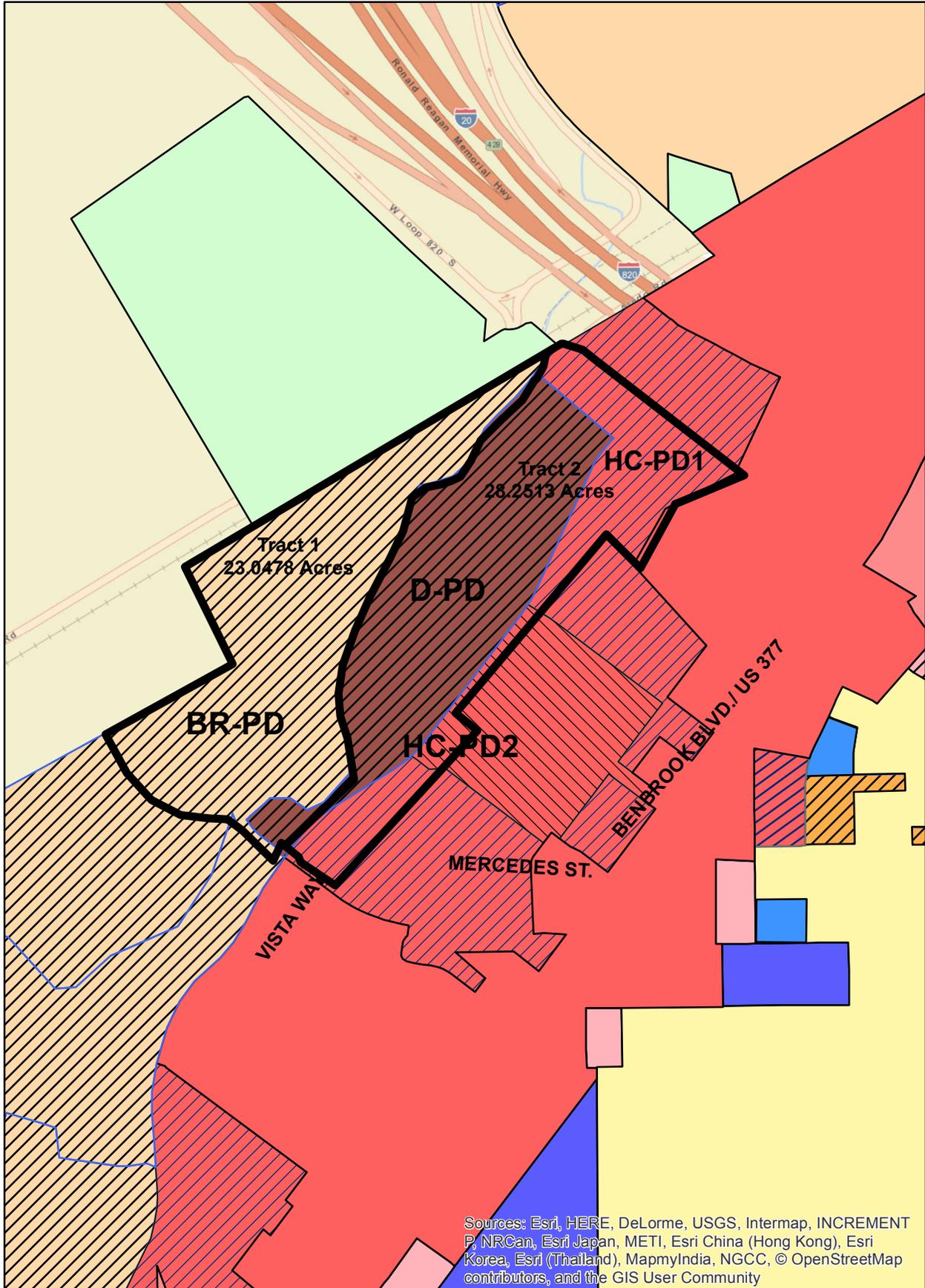
ATTACHMENTS

1. Aerial Map
2. Existing Zoning Map
3. Proposed Zoning Map
4. Existing Land Use Map
5. Planning Area D (Existing Land Use Map)
6. Applicant's Exhibits
7. Applicant's Letter of Intent

AERIAL MAP

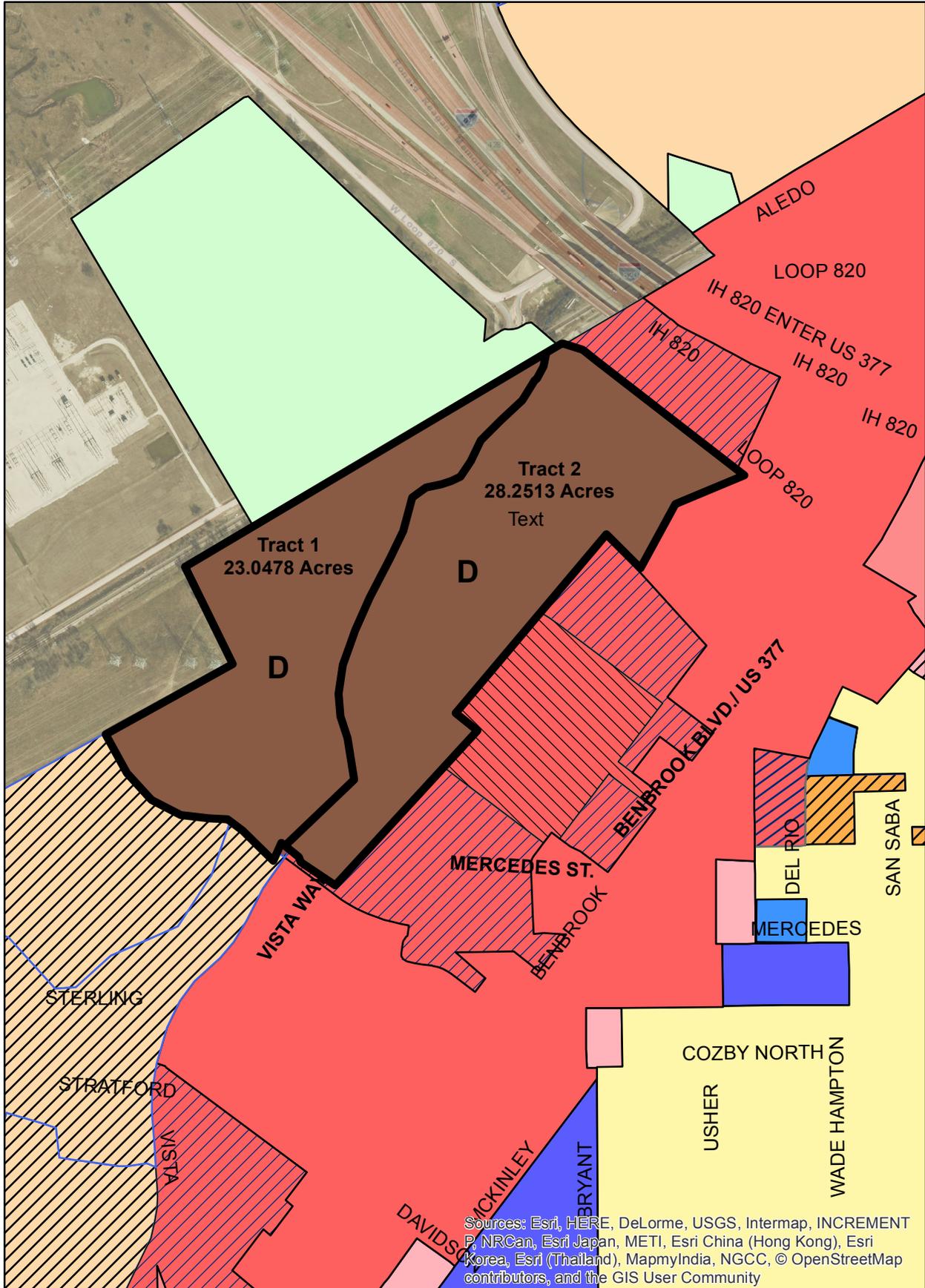


EXISTING ZONING MAP



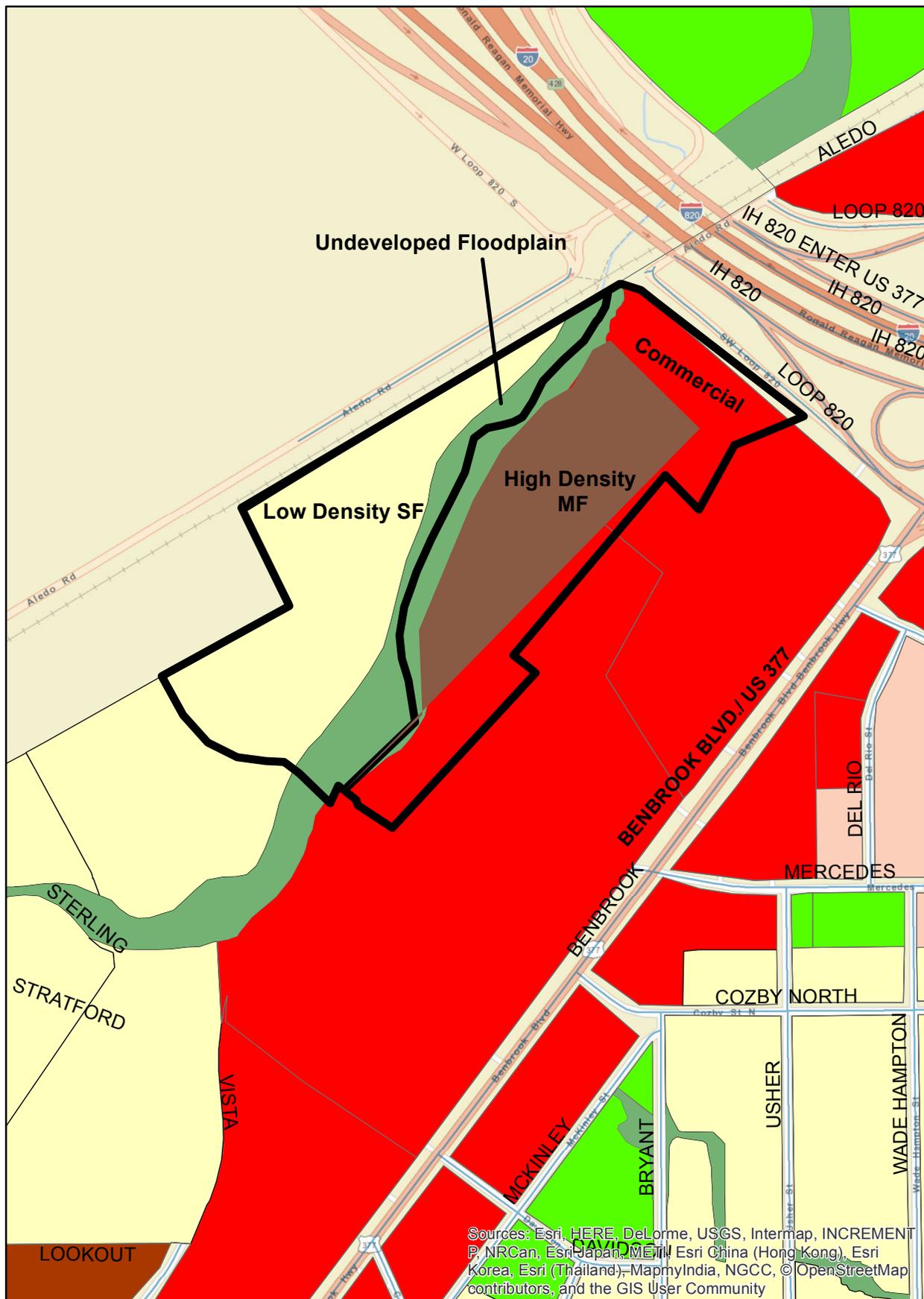
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

PROPOSED ZONING MAP



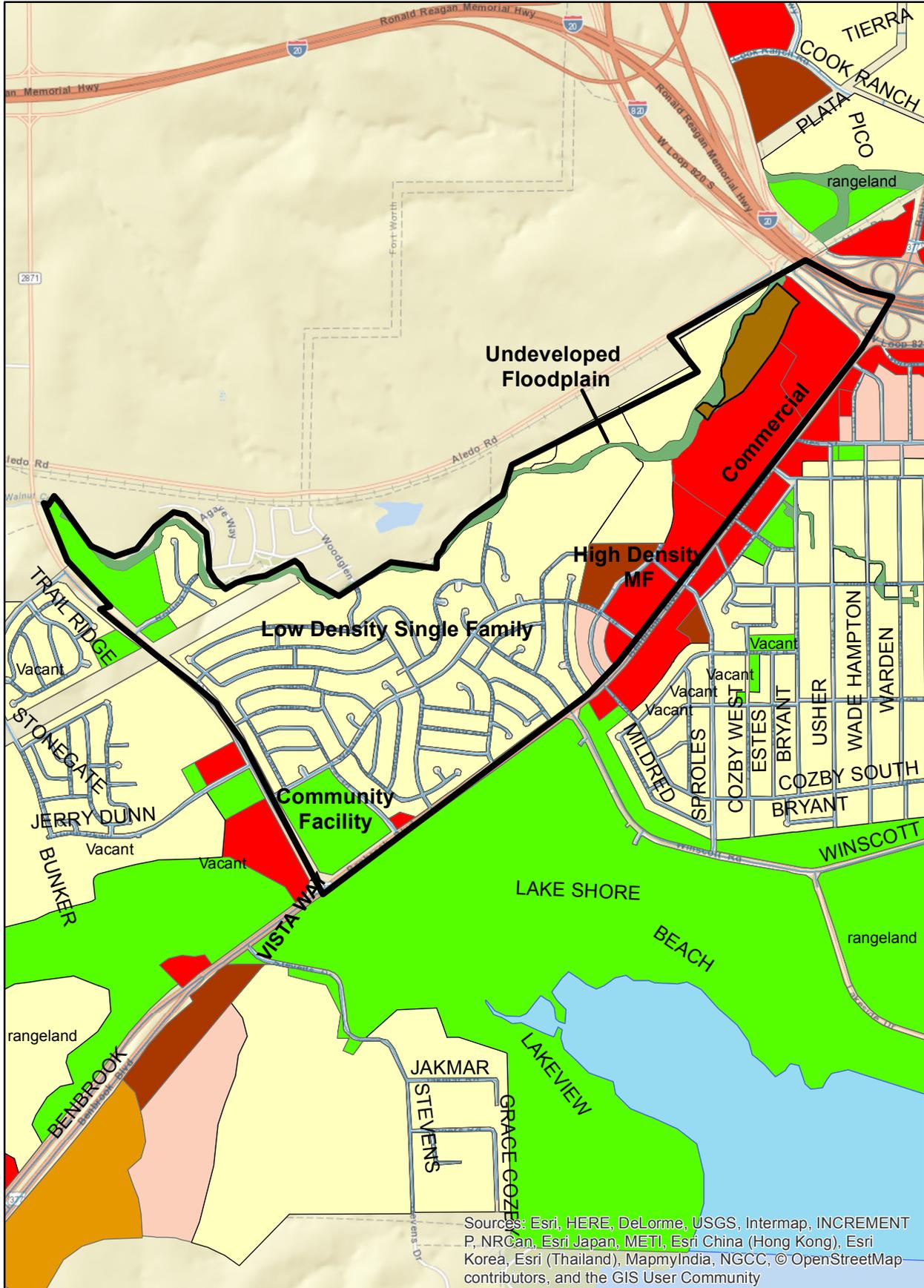
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EXISTING LAND USE PLAN

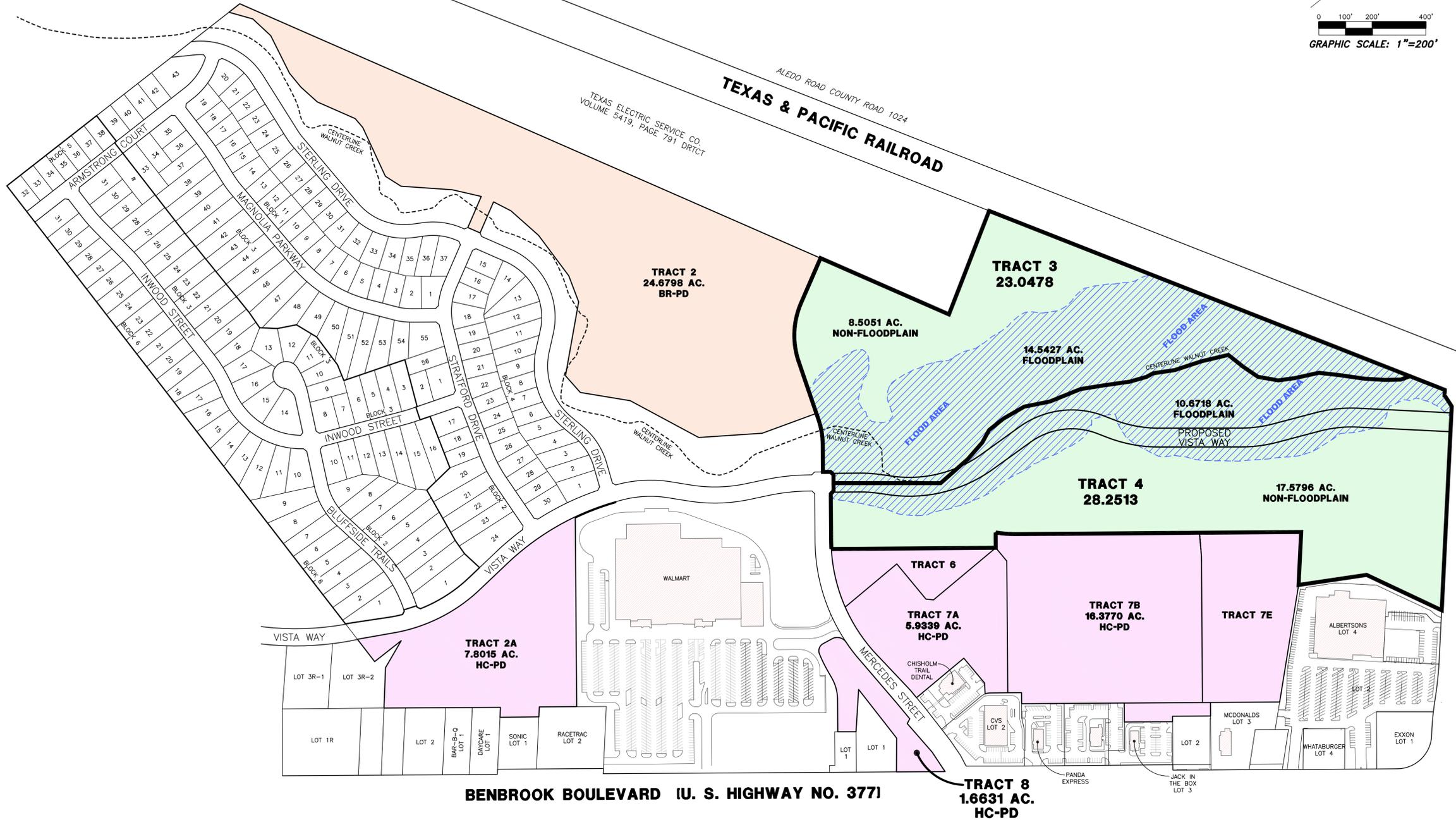
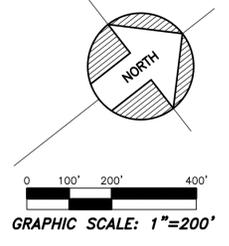


EXISTING LAND USE PLAN

PLANNING AREA D



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



LEGEND

	GROSS AREA	FLOOD AREA	NET AREA
BR-PD: ONE FAMILY REDUCED DISTRICT PLANNED DEVELOPMENT	: 24.6798 AC.		
D-PD: MULTI FAMILY RESIDENTIAL PLANNED DEVELOPMENT (TRACT 3)	: 23.0478 AC.	- 14.5427 AC.	= 8.5051 AC.
(TRACT 4)	: 28.2513 AC.	- 10.6718 AC.	= 17.5796 AC.
HC-PD: HIGHWAY CORRIDOR PLANNED DEVELOPMENT	: 31.7755 AC.		= 31.7755 AC.
TOTAL	: 107.7544 AC.	- 28.7920 AC.	= 78.9624 AC.

**BENBROOK TOWNE CROSSING
MULTI USE DEVELOPMENT**

BLUE SKY SURVEYING & MAPPING CORPORATION
11015 MIDWAY ROAD
DALLAS, TEXAS 75229
PHONE: (214) 358-4500
FAX: (214) 358-4600



DATE: OCTOBER 2016
SCALE: 1"=200'
DRP/PTR/REG@BLUESKYSURVEYING.COM
TBPLS REGISTRATION No. 10105700

REASON SUPPORTING PROPOSAL

At the time that Benbrook Field Planned Development Zoning Ordinance 1239 was adopted in 2007 the focus of the Benbrook Field project were the commercial and single family components of the development which accounted for 46 and 73 acres, respectively of the project's total 138 acres, with only 19 acres being allocated for high density or multi-family development. At that time new housing growth in DFW was steady, commercial growth was strong and development of the key pieces of the commercial property in the project (those with SH 377 frontage) were imminent, with major national retail tenants committed to the Benbrook market.

Then the 2008 financial crisis and "housing bubble bust" occurred. The real estate market crashed, housing plummeted, commercial projects were scrapped and financial institutions failed. Since that time, almost nine years, 3.5 acres of the 46 acres of our commercial property (7.6%) and 26 of the 73 acres of single family zoned land (35.6%) has been developed.

The DFW housing market has rebounded with multi family housing components experiencing substantial growth and the commercial/retail market slowly approaching pre- 2008 levels. Given the demographics of the Benbrook market, the greatest demand at this time is for various types of residential products including single family and multi family.

Residential developers today are interested in building larger, multi-phase projects, which require larger tracts of land. With only 19 acres of land, 8 acres of which is in the floodplain and undevelopable, our project does not meet the land requirements developers have.

After recently conducting a flood study of the creek, which bisects our property, we have definitively determined the quantity and configuration of land in the northwest corner of our project that can be reclaimed from the floodplain and developed. Due to it's topography, natural amenities, visibility, accessibility, location and size we feel that the property we are proposing will be a perfect site for development of a multi family residential project. This tract of land will be an excellent buffer use between the single family residential property to the southwest and the commercial property, railroad tracks and freeway frontage to the north and east, and is of sufficient size to attract numerous developers who have currently express an interest in developing in Benbrook.