

**MINUTES
OF THE MEETING OF THE
CITY OF BENBROOK
PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, JULY 14, 2016**

The regular meeting of the Planning and Zoning Commission of the City of Benbrook was held on Thursday, July 14, 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
Matthew Wallis

Also present:

Dave Gattis, Deputy City Manager
Ed Gallagher, Planning Director
Sue Clark, Recording Secretary
Athena Seaton, Planning Intern
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, June 9, 2016

Motion by Mr. Dawson to approve the minutes of the June 9, 2016. Second by Mr. Russell. The Chair called the question.

Vote on the motion:

Ayes: Mr. Valverde, Mr. Dawson, and Mr. Russell

Noes: None

Abstain: Mr. Ramsey, Mr. O'Donald, Mr. Casey, and Mr. Wallis

Motion carried: 3 – 0 – 4

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 regular meeting of the Planning and Zoning Commission.**

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

Ed Brock, 426 Fountain Park, Euless, representing the applicant, R.J. Miller, said that he had revised the plans to reflect staff's recommendations from the June meeting, but did not have time to get the revisions to staff for review before the Planning and Zoning Commission meeting. Mr. Brock requested that the Commission continue the item until the next scheduled Planning and Zoning Commission meeting.

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

Mr. Dawson said it was very cordial of the applicant to ask for a continuance.

Motion by Mr. Wallis for the Planning and Zoning Commission to continue the item until additional information is provided by the applicant. Second by Mr. Ramsey. The chair called the question.

Vote on the motion:

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

Noes: None

Abstain: None

Motion carried: 7 – 0 – 0

B. Zoning Ordinance

- Z-16-01 Consider proposed amendments to the Zoning Ordinance, including the following chapters: Chapter 17.08 Definitions; Chapter 17.20 Districts, District Boundaries and District Uses; Chapter 17.54 – "D" Multiple-Family District; Chapter, 17.74 – "MU" Mixed Use District; Chapter 17.75 – "FBC" Form Based Code District; Chapter 17.84 – Supplementary District Regulations; Chapter 17.92 – Sign Regulations; Chapter 17.96 – Fence Regulations; and Chapter 17.98 - Landscape and Buffer Requirements.

Ed Gallagher said that each year staff reviews the Zoning Ordinance for potential changes and/or amendments. He said that reviews are based on input from citizens, the business community, developers, City Council, the Planning and Zoning Commission, and City Staff. A routine review of, and amendments to the Zoning Ordinance, is beneficial in achieving orderly

and productive development. Zoning Ordinance amendments are also worthwhile to address changes in development trends and changes in community needs and community desires. Occasionally existing regulations in the Zoning Ordinance have not addressed a particular issue in the manner that was intended when the regulation was approved, and revisions may be required. The Z-16-01 consideration includes input from the Planning and Zoning Commission following two work sessions on May 12, 2016, and June 9, 2016.

Mr. Gallagher said that in Chapter 17.08, Definitions, four definitions are added for "Fence Repair" and "Fence Replacement (Substantial Improvement)" and both added to provide for better and more consistent regulations addressing work on nonconforming fences. The proposed definitions are widely acceptable definitions from the International Building Code. A definition of "Unified Commercial Development" is added. The term is referenced in the Height and Area Regulations, Side Yard provisions of "E," "F," "HC," and "G" zoning districts and in the proposed amendment to Chapter 17.98, Landscape and Buffer Requirements, and the term needs to be defined. A definition of "Unified Commercial Sign" is proposed and will complement amendments to the Sign Regulations that will be noted later in this report.

Amendments to Chapter 17.20, Districts, District Boundaries and District Uses, include the deletion of Form Based Code District ("FBC") from the Designated listing of districts and the deletion of the "FBC" column in the Summary of Uses table. The Summary of Uses table also includes a more specific summary of uses in the "MU" Mixed Use District column.

Mr. Gallagher said that Chapter 17.54, "D" Multiple-Family District, includes a change in Section 17.54.032A, "Additional Design Requirements", to be consistent with the "Additional Design Requirements", cited in all other residential zoning districts regarding architectural design requirements, including exterior materials and roof pitch standards. The current text, to be deleted, refers to Chapter 17.84.100, Architectural Standards for Nonresidential Buildings indicating standards are applicable to only nonresidential buildings.

With the amendments to the "MU" including elements from the "FBC" District, Chapter 17.75, "FBC" Form Based Code District is to be entirely deleted from the Ordinance.

Mr. Gallagher said that this amendment creates a new Mixed Use zoning district by combining elements from the current "MU" zoning district and the "FBC" zoning district. He said the two existing zoning districts are very similar since they both allow for a mix of uses (residential, commercial uses such as offices, retail, etc.), all comingled in one building, one property, one development, they both encourage walkability, open space where people can gather and socialize; focusing on various new urbanism concepts or neo-traditional developments which includes on building a sense of community. Having two similar zoning districts is not needed and the effort is to combine the best elements or features of both zoning districts into a single mixed use zoning district. Starting with the current "MU" District as the foundation, some elements in "MU" are changed and, some elements from the current "FBC" are retained in the proposed "MU" District.

All zoning districts in Benbrook's Zoning Ordinance begin with a Purpose statement to summarize the goal of the zoning district, linking the rules and regulations to the purpose statement. The continued purpose of the "MU" District is to provide areas with a combination of residential and nonresidential uses. The mix of uses are intended to be comingled in a pedestrian and bicycle-friendly environment, while accommodating automobile and surface parking within designated areas with emphasis on the form of buildings and adequate civic and open space.

Mr. Gallagher said that General Development Principles are added to further establish essential development goals for development in the new "MU" District. Some of these

principles came from the purpose of the “FBC” District and others are from new standards established in the new “MU” District. These principles focus on economic development and reinvestment along major corridors and enabling a sustainable tax base; cultivating a development pattern with convenient access offering various types of transportation options; high quality design and building placement standards, and the preservation of natural resources by incorporating these features into the development as an amenity.

Section 17.74.020 establishes that all developments must comply with the ordinance.

Mr. Gallagher said that Section 17.74.022 provides the Permitted Uses in the “MU” District; all residential uses and a list of nonresidential uses that resulted from the two recent Commission work sessions. He said that some permitted uses in regular commercial districts are excluded, including automobile related uses, such as auto repair and agricultural uses such as farms, barns, stables and animal lots. Permitted uses include institutional uses such as schools and churches; commercial uses, such as retail, sit-down restaurants, and the like.

Section 17.74.024 addresses conditional uses which may not be appropriate but may be made appropriate through conditions placed on the use or the development by the Planning and Zoning Commission through a Conditional Use approval to mitigate nuisances. The potential conditional uses include drive-through facilities, artists’ studios, small animal pet grooming and veterinary services wind energy systems that exceed the maximum height in the zoning district, solar photovoltaic systems exceeding 1,000 sq. ft. and Food Trucks.

Section 17.74.026 addresses Special Exceptions uses authorized by the Zoning Board of Adjustment (ZBA) and references Chapter 17.16, which provides uses which can be considered by the ZBA as a Special Exception.

Mr. Gallagher said that although the current “MU” and “FBC” zoning districts were very similar, there are differences that should be noted. Typical “FBC”s don’t necessary regulate uses as in conventional zoning districts. “FBC”s place an emphasis on regulating the physical form of buildings and the public realm (how buildings relate to the public realm), including streets, blocks and building frontage, differing from conventional zoning which place an emphasis on separation of uses, including mixed use zoning districts which evolved from historic single use districts, but still limit or prohibit certain uses, focusing on use base standards, bulk and height regulations. The new “MU” District is a hybrid zoning district, combining traditional regulations with “FBC” design principles. A statement is included that if there is a conflict between the “MU” District building form regulations and the International Building Code regulations that the IBC regulations would prevail.

The design standards are from the “FBC” District, with minor tweaks and amendments. The new “MU” zoning district is anticipated to raise the level of quality for mixed use developments within a regulatory structure, while offering flexibility and options, and not necessarily strict requirements, but also understanding the importance of a set of minimum regulations or site design standards and recognizing that all developments should be subject to minimum standards.

Mr. Gallagher said that Development Standards address the physical form and placement of buildings. The five major components of the District Design Standards are:

1. Building Form and in relation to various street types,
2. Building Design Standards, which addresses building orientation, and massing and scale,

3. Streetscape Standards, which address the natural and built fabric of the street and its visual effect,
4. Civic Space and Open Space Standards, which address recreational areas and the preservation of natural resources, and
5. Neighborhood Transition Standards, which address compatibility between new and existing single family developments.

Mr. Gallagher said that the goal of the Building Form and Development Standards is to build structures that can be utilized for a variety of uses, which extends the building's economic viability. He said the standards are based on street designations established by the Comprehensive Plan and these street designations shall be established for all streets within the "MU" District, which include Arterial Streets, Collector Streets, Local Streets, and Alleys.

The District Design Standards are Building Form and Development Standards that include regulations for building placement, including building frontage required, and the build-to-zone (BTZ), which is defined as the area between the minimum and maximum setbacks within which the principal building's front façade is to be built. The BTZ requirement is intended to help create vibrant and pedestrian friendly developments by bringing buildings closer to the street. This section also addresses side and rear yard setbacks, as well as block standards, which give a minimum and maximum block length, perimeter length; and building height and parking locations.

Mr. Gallagher said that in addition to Design Standards for buildings, the Design Standards in the new "MU" District also include:

- Streetscape Standards
- Civic Space and Open Space Standards
- Building and Screening Standards
- Neighborhood Transition Standards

Mr. Gallagher said the ordinance calls for a Development Site Plan to be presented to the Planning and Zoning Commission for approval after a public hearing. The Site Development Plan will actually be a "package" that includes extensive site plan information, addresses typical engineering and drainage considerations and Traffic Impact Analysis considerations. The package will include, or be accompanied by all of the normal subdivision plat submittal information required by the Subdivision Ordinance.

This is an overview of the proposed new "MU" District. The new "MU" District regulations reflect considerable input and direction from the Commission resulting from two recent lengthy Commission work sessions.

Mr. Gallagher said that changes in Chapter 17.84, Supplemental District Regulations, are the deletion of "D" District from the applicable districts in the Architectural Standards for Nonresidential Buildings and the correction of spelling error changing "track" to "truck" in 17.84.150 Food Truck Parks.

Amendments in Chapter 17.92, Sign Regulations, include the correction of inconsistencies between Table 17.92.050-A Permitted Signs by Type and Zoning District and Table

17.92.050-B Number, Dimensions, and Location of Individual Signs by Zoning District. Table "B" correctly limits building signs in "D" District to 60 square feet but Table "A" incorrectly shows the signs as "Not allowed". The correction is to the information in Table "A" to note "Allowed only with sign permit". In both tables, Form Based Code "FBC" is deleted from the Zoning District columns.

Mr. Gallagher said that additional amendments to Chapter 17.92, Sign Regulations, include provisions for "Unified Commercial Signs", as a new sign category. The Unified Commercial Signs are anticipated to fill a void by enhancing business identifications and reducing sign clutter. Current sign regulations prohibit off-premise advertising of businesses, products or services (17.92.090, G). The prohibition was established in the late 1970's and most particularly affected billboard signs. At the time, most businesses had buildings with frontage on Benbrook Boulevard, Camp Bowie West or Vickery Boulevard; and on-site signs provided acceptable visibility for business identifications. More recently developments have business sites that are visually separated from major roadways, by other businesses or secondary roadways; and on-site signs provide limited or no business identification from major roadways.

Mr. Gallagher said that the amendment to add Unified Commercial Signs provides for limited off-premise signs in a consolidated and controlled manner. He said that the proposed ordinance amendment includes the addition of Unified Commercial Sign in the Definitions Chapter as previously noted and provisions for the regulation and approval of the signs in the Sign Regulations Chapter (17.92) of the Zoning Ordinance. The Prohibited Signs section also includes reference to the exception for Unified Commercial Signs in the prohibition listing of off-premises signs.

In Chapter 17.96, Fence Regulations, the amendments include a revision to correct a reference to circumstances requiring a Fence Permit from the Inspection Department. The amendments also include the requirement of metal posts in concrete to provide a more sustainable fence and a better communication process for the Inspection Department in the fence inspection procedure.

Athena Seaton said that the goal of the landscape and buffer ordinance is to create visually appealing landscapes and initiate sustainable practices throughout the city; therefore, the staff proposes the following changes and corrections to Section 17.98.

The staff proposes adding an additional purpose that states the importance of protecting and enhancing environmental, economic and aesthetic qualities to development.

Ms. Seaton said that tables A-B-C-D for bufferyard requirements were corrected to reference accurately the different district zones and remove districts Mixed Use and Form Based Code, if approved this evening.

Text was revised to accurately describe the illustrations for screening.

Ms. Seaton said that for visual appeal, and to eliminate the "sea of cars" in parking lots, the parking lot landscaping requirements were modified from 10 parking spaces to 8 parking spaces with diamond shaped planter islands. She said illustrations are recommended to illustrate the visual appearance and measurement requirements to protect the trees and plants within the planters.

Plantings (tree canopies, shrubs and foliage) were reviewed for all districts and tables were modified for visual appeal and the health of plants.

To reduce the confusion of artificial lot lines and landscaping obligations for a developer, the planning director must approve before the issuance of a building permit.

The website reference for the Texas Smartscape is updated.

Ms. Seaton said that under maintenance of the landscaping, staff recommends that the owner is responsible for replacement of all plant materials with no time period restrictions for the repair of the irrigation system.

Mr. Gallagher said that staff recommends that after a public hearing, the Planning and Zoning Commission recommend that the City Council adopt the proposed amendments to the Zoning Ordinance.

The Chair asked for any comments or questions from the Commission. There being none, the Chair opened the public hearing at 8:03 p.m. and asked if anyone wished to speak for or against the item. There being none, the Chair closed the public hearing at 8:04 p.m. and asked the Commission for any comments, questions or a motion.

Motion was made by Mr. O'Donald to recommend that the City Council approve the proposed amendments to the Zoning Ordinance, second by Mr. Dawson. The Chair called the question.

Vote on the motion:

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

Noes: None

Abstain: None

Motion carried: 7 – 0 – 0

VIII. ADJOURNMENT

There being no further business on the agenda, the Chair adjourned the meeting at 8:15 p.m.

APPROVED 8-11, 2016



Chair