

**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 Nov. 10, 2016



Chair