



City of Farmers Branch

Meeting Minutes

City Hall
13000 Wm. Dodson Pkwy
Farmers Branch, TX 75234

Planning and Zoning Commission

Monday, April 8, 2024

7:00 PM

City Hall

Study Session Meeting – 6:00 PM

Present 13 - Chair Amber Raley, Commissioner Marcus Miller, Commissioner Heidi Porter, Commissioner Alden Sultzbaugh, Commissioner Patrick Trapp, Commissioner Harold Froehlich, Deputy Director of Planning Marcos Narvaez, Lead Planner Sarah Bergman AICP, Planner Lily Sutton, Senior Planning Technician Brian Campbell, Economic Development Director Allison Cook, Deputy City Manager Jawaria Tareen, and City Manager Ben Williamson

Absent 1 - Alternate Commissioner Tanner Dorman

A. STUDY SESSION

Chair Raley opened the Study Session at 6:00 PM.

Chair Raley thanked the Commissioners for their service.

A.1 [24-170](#) **Discuss Regular Agenda Items.**

Chair Raley asked for any questions or comments regarding the Regular Agenda item.

Regarding Regular Agenda Item C.1:

- Regarding the discussion of Public Hearing item D.1 within the March 25th meeting minutes, Commissioner Trapp stated that he was referring to “bitcoin mining,” not “bitcoin storage.” Mr. Campbell noted that corrections would be made.

Regarding Public Hearing Item D.1:

- Commissioner Froehlich asked about the height requirement for signage. Ms. Bergman stated that, per the Mercer Crossing Pattern Book, signage was permitted at a maximum height of 40 feet.
- Commissioner Froehlich asked whether the illumination could be potentially disruptive for residents of the adjacent multifamily development during evening hours. Mr. Narvaez stated that the proposed sign would have to comply with the requirements of the Code of Ordinances for illuminated signage and that the Commission could include hours of operation for the illuminated sign within the ordinance.
- Commissioner Porter asked about occupancy for the proposed event center. Mr. Narvaez stated that staff would bring this information back to the Commissioners.

- Commissioner Sultzbaugh asked about the location of the new trail within the vicinity of the subject property. Ms. Bergman showed the location of the trail.
- Commissioner Trapp asked for clarification on the parking requirements, noting that some exhibits did not show Building No. 6. Mr. Narvaez clarified that the parking requirements included those for Building No. 6.
- Commissioner Miller asked whether the area depicted in green on the site plan represented Building No. 6. Ms. Bergman said yes.
- Commissioner Miller asked if staff had an approximation on maximum occupancy for the proposed event center. Mr. Narvaez stated that staff would bring this information back to the Commissioners.
- Commissioner Sultzbaugh asked whether any drive-through restaurants were included in the proposed development. Mr. Narvaez said no.
- Commissioners Porter, Trapp, Froehlich, and Sultzbaugh discussed concerns related to parking at the subject property.

Regarding Public Hearing Item D.2:

- Commissioner Porter asked if the proposed amendment related to a specific use or was for general purposes. Mr. Narvaez stated that it was for general purposes and explained that this amendment would have to be approved by the City Council before any applications relating to the use could be processed.
- Commissioner Porter asked whether staff received any requests from potential applicants regarding this use. Mr. Narvaez said yes.
- Commissioner Porter asked what cities currently had card rooms. Mr. Narvaez discussed several towns within the Dallas-Fort Worth metroplex and the state of Texas.
- Commissioner Miller asked whether these rooms would be permitted to serve food. Mr. Narvaez stated that pending approval of the amendment, any necessary permitting and other considerations related to food would be reviewed as part of the Specific Use Permit (SUP) review.
- Commissioner Froehlich asked whether staff had an approximation regarding attendance related to card room use and parking. Mr. Narvaez stated that staff viewed this from the perspective of the Entertainment Overlay District (EOD) and noted that the proposed ordinance's parking requirement is one space per 400 square feet of gross floor area.
- Commissioner Miller asked whether the EOD necessitated flexibility regarding parking. Mr. Narvaez said yes and explained this was also part of the SUP process.
- Commissioner Froehlich asked whether potential SUPs for card rooms would run with the lease or building. Mr. Narvaez stated that the SUP would expire if the ownership changed.
- Commissioner Miller asked about the issues Dallas is currently facing related to card rooms. Mr. Narvaez stated that Dallas city officials believed the Certificates of Occupancy (COs) for such uses were issued in error, which has led to active litigation.

- Commissioner Trapp asked whether there was a groundswell of resident interest in bringing card rooms to Farmers Branch. Mr. Narvaez stated that the interest has been from potential applicants and owners of existing card rooms.
- Commissioner Trapp asked about the staff's perspective on the potential benefits of the use. Mr. Narvaez stated that the staff was indifferent on the matter and that he viewed card rooms as entertainment.
- Commissioner Sultzbaugh asked whether card rooms resembled an Indoor Commercial Amusement type use. Mr. Narvaez explained that card rooms were different from those identified within the definition of an Indoor Commercial Amusement per the CZO.
- Commissioner Miller asked whether the proposed amendment provided a level of detection regarding the potential establishment of card rooms. Mr. Narvaez explained that card rooms and any use not defined within the CZO were currently prohibited.
- Commissioner Porter asked how this proposed amendment related to the proposed Copa Club portion of the Boardwalk development being considered with Public Hearing item D.1. Mr. Narvaez clarified that these were two separate matters and that a potential application for the Copa Club to operate as a card room could not move forward without City Council approval of this amendment first.
- Commissioner Trapp asked for clarification on whether the existing Copa Club in Westlake was considered a card room. Chair Raley stated that this would depend on the City's zoning requirements.
- In response to Commissioner Porter's question and Commissioner Trapp's comments, Ms. Bergman stated that a separate zoning process would be required for the Copa Club proposed for Farmers Branch with an amendment to PD-99 to add card room as a use within the ordinance.
- Commissioner Trapp asked why the parking requirements for card rooms were as proposed, commenting that he believed the pictures of existing rooms included in the staff presentation gave the impression that such places were heavily attended. Mr. Narvaez explained that the requirements were based on what the CZO required for similar uses but that these requirements could be stricter per direction from the Commission.

Hearing no further questions or comments from the Commissioners, Chair Raley closed discussion on this agenda item.

A.2 [24-178](#)

Discuss agenda items for future Planning and Zoning Commission consideration.

Chair Raley requested an agenda item to discuss the Urban Land Institute training event but withdrew it after Commissioners Sultzbaugh and Trapp said they could not attend.

Commissioner Sultzbaugh requested a review of current parking requirements related to multifamily developments, stating his concerns about parking for new developments and existing overflow parking.

In response to comments from Commissioner Sultzbaugh regarding multiple occupants within a multifamily dwelling unit and Commissioner Trapp asking about the Fire Code related to the maximum occupancy rate for these, Mr. Narvaez stated that staff would

bring this information back to the Commission.

Chair Raley requested that information related to the Active Transportation public hearing being hosted by Sustainability staff be sent to the Commission.

After some discussion, Mr. Narvaez stated that staff would bring information related to parking requirements back to the Commissioners.

Hearing no further questions or comments from the Commissioners, Chair Raley closed the discussion on this agenda item and adjourned the Study Session at 7:00 PM. Staff and the Commissioners reconvened in the Study Session room for the Regular Meeting at 7:09 PM.

B. CITIZEN COMMENTS

Chair Raley asked if anyone would like to address the Commission on any item not posted on the agenda.

No one came forward to address the Commission, and Chair Raley closed the Citizen Comments portion of the agenda.

C. REGULAR AGENDA ITEMS

- C.1 [24-005](#) **Consider approval of the March 25, 2024 Planning and Zoning Commission Minutes; and take appropriate action.**

A motion was made by Commissioner Trapp, seconded by Commissioner Miller, that the Minutes be approved with the correction noted during Study Session. The motion carried unanimously.

Aye: 6 – Chair Raley, Commissioner Miller, Commissioner Porter, Commissioner Sultzbaugh, Commissioner Trapp, and Commissioner Froehlich

D. PUBLIC HEARING

- D.1 [24-ZA-03](#) **Conduct a public hearing and consider the request for a zoning amendment for mixed-use development on approximately 10.18 acres located at 1960 LBJ Freeway; and take appropriate action.**

Mr. Narvaez gave a presentation regarding the proposed development.

Mr. Chris Zielke, the applicant, and Mr. Micheal Beaty, representing the applicant, 4100 Riverwalk Drive, Flower Mound, were available to answer questions.

Commissioner Miller asked whether the applicant owned the vacant tract west of the subject property. Mr. Zielke said yes but that it could not be used for parking. Commissioner Miller then asked whether the property could be used for a hybrid purpose. Mr. Beaty confirmed that it could be used for overflow parking.

Chair Raley asked whether the applicant was open to a shared parking agreement with the future multifamily development proposed for the vacant tract located east of the subject property. Mr. Beaty said yes.

Commissioner Porter asked where the property lines of the subject property and the

future multifamily development met. Mr. Narvaez showed the location. Commissioner Porter then asked whether an access easement was located here or if the subject property immediately transitioned into the future multifamily development property. Mr. Narvaez confirmed that it was the latter. Mr. Beaty added that the fire lanes were now platted for common access between the two properties and that he intended to develop a shared parking agreement with the future multifamily development. Commissioner Porter then asked whether vehicle access would be between the parking lots of both properties. Mr. Beaty confirmed that both lots connected and showed the location of the connection on the site plan.

Commissioner Porter asked about the maximum occupancy for the event center and pickleball area. Mr. Zielke confirmed that the center would hold 400 people and the pickleball area, approximately 160 people.

Commissioner Trapp asked whether parking along the frontage road of IH-35E was illegal. Mr. Narvaez stated that it was unlawful and that the Texas Department of Transportation (TxDOT) owned the right-of-way in this area. Commissioner Trapp then asked whether signage to this effect could be placed here. Mr. Narvaez said this would need to be coordinated through TxDOT.

For clarification, Mr. Narvaez asked Mr. Zielke whether Building No. 1 on the site plan was two stories. Mr. Zielke said yes and confirmed the second story was a rooftop patio.

In response to Commissioner Porter's questions regarding occupancy, Mr. Narvaez confirmed that the Fire Marshal made the final call regarding maximum occupancy for buildings and that factors such as restrooms and kitchens would need to be considered.

Commissioner Porter asked whether the event center could have 700 people at once, factoring in walls, kitchens, and bathrooms. Mr. Narvaez stated that the staff has not yet seen a floor plan and that the Fire Marshal would make the determination on final maximum occupancy following a review of the floor plan. Mr. Narvaez stated that staff was viewing this use from the perspective of setting up development standards for event centers, which were not currently defined in PD-99.

Commissioner Miller asked whether a trigger could be established to require valet parking for potential events, stating his belief that valet parking is often the solution to parking constraints for a given property. Mr. Narvaez explained the difficulty of enforcement of such a measure, but confirmed that such a measure could be added given that this was an amendment to PD-99.

Commissioner Miller asked whether the staff was agreeable to permitting overflow parking for the vacant tract west of the subject property. Mr. Narvaez said this was a possibility, but consultation with the Public Works Department was necessary to determine the engineering requirements to make this happen.

Chair Raley asked about the possibility of advertising city-related information on the signage. Mr. Narvaez stated that such a measure would need to be written into the amending ordinance.

Hearing no further questions or comments from the Commissioners, Chair Raley opened the public hearing. No one came forward to address this agenda item. Chair Raley asked for a motion to close the public hearing.

A motion was made by Commissioner Miller, seconded by Commissioner Froehlich, that the public hearing be closed. The motion carried unanimously.

Aye: 6 – Chair Raley, Commissioner Miller, Commissioner Porter, Commissioner Sultzbaugh, Commissioner Trapp, and Commissioner Froehlich

Chair Raley asked for a motion regarding the agenda item.

Commissioner Miller asked whether the Commission had defined any stipulations to be codified into the ordinance. Chair Raley said no.

A motion was made by Commissioner Miller, seconded by Commissioner Froehlich, that this Zoning Amendment be recommended for approval. The motion carried by the following vote:

Aye: 5 – Chair Raley, Commissioner Miller, Commissioner Sultzbaugh, Commissioner Trapp, Commissioner Froehlich

Nay: 1 – Commissioner Porter

Chair Raley asked when this case would be considered by City Council. Mr. Narvaez stated it would be May 7, 2024.

D.2 [24-ZA-08](#)

Conduct a public hearing and consider the request to amend the Comprehensive Zoning Ordinance to define “Card Room” as a use within the City and adopting regulations applicable to such use, including but not limited to amending: Article 2 “Zoning Districts and Uses”, Article 4 “Site Development Standards”, Article 5 “Special Districts” and Article 7 “Definitions”; and take appropriate action.

Mr. Narvaez gave a presentation regarding the proposed amendment.

Commissioner Froehlich asked whether there were existing entertainment venues located within the EOD. Mr. Narvaez discussed the existing uses within the area. Commissioner Froehlich expressed concerns related to traffic and card room use. Commissioner Froehlich then asked Mr. Narvaez to address parking related to the use. Mr. Narvaez explained that the EOD was meant to permit flexibility regarding parking requirements for entertainment-type uses, excluding card rooms.

Commissioner Miller asked whether Texas state law currently addressed card rooms. Mr. Narvaez said no, but state law does address gambling.

Commissioner Trapp asked whether the monetary value of antes related to card rooms could be unlimited, given that there are currently no state laws regulating this use. Mr. Narvaez said yes.

Commissioner Froehlich asked Mr. Narvaez to recap the discussion held during the Study Session regarding the active litigation in Dallas regarding card rooms. Ms. Bergman summarized the situation and confirmed the active litigation between Dallas and the owners of two card room venues following the city’s decision to revoke their Certificates of Occupancy. Ms. Bergman also confirmed Dallas is currently working to amend their zoning ordinance to address card rooms as a use.

Commissioner Sultzbaugh asked about the boundaries of the EOD. Mr. Narvaez and Ms. Bergman showed the district location and confirmed the boundaries.

Commissioner Trapp asked whether any regulations would prohibit minors from potential cardroom venues. Mr. Narvaez stated that minors would be prohibited from these establishments and confirmed such a regulation could be added to the ordinance.

Commissioner Sultzbaugh asked why Dallas revoked the Certificates of Occupancy for the card room venues. Ms. Bergman stated that, based on research, the Building Official determined that the use fell outside of their definition of Commercial Amusement, and their staff believed this use needed to be defined separately in a similar fashion to this proposed amendment.

Commissioner Miller asked whether a specific card room use was being considered in this case. Mr. Narvaez said no.

Commissioner Porter asked if, pending approval of this amendment by the City Council, card rooms would be allowed by right within the EOD. Mr. Narvaez said no.

Chair Raley asked whether potential card rooms would require membership. Mr. Narvaez said yes.

Hearing no further questions or comments from the Commissioners, Chair Raley opened the public hearing.

Mr. Mike Harrison, 3706 Ridgeoak Way, Farmers Branch, spoke in opposition to the amendment.

Mrs. Vicki Harrison, 3706 Ridgeoak Way, Farmers Branch, spoke in opposition to the amendment.

Mr. Gene Kearns, 13720 Midway Road, Farmers Branch, spoke in opposition to the amendment.

Ms. Erinn West, 4280 Spring Valley Road, Farmers Branch, spoke in opposition to the amendment.

Ms. Candace Adams, 3521 Pebble Beach Drive, Farmers Branch, spoke in opposition to the amendment.

Ms. Ellen Theilen, 12935 Epps Field Road, Farmers Branch, spoke in opposition to the amendment.

Mr. George Broderick, 13531 Rawhide Parkway, Farmers Branch, spoke in opposition to the amendment.

Ms. Sherry Caillier, 3165 Golden Oak Court, Farmers Branch, spoke in opposition to the amendment.

Mrs. Brenda Broderick, 13531 Rawhide Parkway, Farmers Branch, spoke in opposition to the amendment.

Mr. Tim Wright, 2633 Farmers Branch Lane, Farmers Branch, spoke in opposition to the amendment.

Ms. Jan Burke, 3530 Pinehurst Circle, Farmers Branch, spoke in opposition to the amendment.

Mr. Rick Johnson, 2930 Harlee Drive, Farmers Branch, spoke in opposition to the amendment.

Mr. Douglas Polk, 1401 South Interstate 35, Denton, stated he was the owner of Lodge Card Club and then discussed his business related to the amendment and spoke in favor of it.

Mr. Rick Johnson, 14026 Prestwick Drive, Farmers Branch, spoke in opposition to the amendment.

No one else came forward to address this agenda item. Chair Raley thanked those who spoke and then asked for a motion to close the public hearing.

A motion was made by Commissioner Miller, seconded by Commissioner Porter that the public hearing be closed. The motion carried unanimously.

Aye: 6 – Chair Raley, Commissioner Miller, Commissioner Porter, Commissioner Sultzbaugh, Commissioner Trapp, and Commissioner Froehlich

Chair Raley asked for a motion regarding this agenda item.

A motion was made by Commissioner Froehlich, seconded by Commissioner Trapp that this Zoning Amendment be recommended for denial.

Commissioner Miller commented that he believed movement on this amendment may be happening too fast, given that this was the first time many residents became aware of it, and recommended a slower approach.

Hearing no further questions or comments from the Commissioners, Chair Raley asked for a vote on the presented motion.

A motion was made by Commissioner Froehlich, seconded by Commissioner Trapp, that this Zoning Amendment be recommended for denial. The motion carried unanimously.

Aye: 6 – Chair Raley, Commissioner Miller, Commissioner Porter, Commissioner Sultzbaugh, Commissioner Trapp, and Commissioner Froehlich

Chair Raley asked when this case would be considered by City Council. Mr. Narvaez said it would be May 7, 2024.

E. ADJOURNMENT

Being no further business, Chair Raley adjourned the meeting at 8:36 PM.

Chair

City Administration