



City of Farmers Branch

Meeting Minutes (EXCERPT)

Planning and Zoning Commission

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

Monday, April 8, 2024

7:00 PM

City Hall

A. STUDY SESSION

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

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.

C. REGULAR AGENDA ITEMS

- 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