



City of Farmers Branch Joint City Council & Planning and Zoning Commission Meeting Minutes

5 p.m. Special Called Meeting

Monday, October 23, 2017

Farmers Branch Fire Administration
13333 Hutton Drive
Farmers Branch, TX 75234

Fire Training Room

Council Members Present: - Mayor Robert C. Dye, Mayor Pro Tem John Norwood, Deputy Mayor Pro Tem Mike Bomgardner, Council Member Bronson Blackson, Council Member Terry Lynne, Council Member Ana Reyes

Planning & Zoning Present: - Vice Chair Sergio De Los Santos, Jared Sullivan, Linda Bertl, Michael Driskill, Tim Yarbrough, David Moore, Chris Brewer, Giovanni Zavala, Chair Jason O'Quinn (absent)

Staff: - John Land, Deputy City Manager; Amy Piukana, City Secretary; Kevin Laughlin City Attorney; Benjamin Williamson, Assistant to the City Manager; David Hale, Police Chief; Brian Campbell, Planning Technician; Alexis Jackson, Interim Planning & Zoning Director; Andreea Udrea, Planner

A. STUDY SESSION

Mayor Dye called the City Council meeting to order at 5:08 p.m.

Commissioner Tim Yarbrough called the Planning and Zoning meeting to order at 5:08 p.m.

Mayor Dye asked went around the table and ask the City Council and the Planning and Zoning Commission to introduce themselves.

Council Member Reyes recognized Staff Members present and asked them to also introduce themselves.

B. REGULAR AGENDA ITEMS

B.1 TMP-2381 Discuss the roles, responsibilities and relationship between the City Council and the Planning and Zoning Commission.

Mayor Dye gave a brief over of the purpose of the Planning and Zoning Commission. He explained the Planning and Zoning Commission is appointed by the City Council and is a recommending body.

Deputy City Manager John Land introduced City Attorney Kevin Laughlin who began his presentation. The City Attorney Kevin Laughlin reviewed the roles of the City Council, Planning and Zoning Commission and the Zoning Board of Adjustment (ZBA) in regulating the use and development of property within the City of Farmers Branch.

Mr. Laughlin explained the City Council is a legislative body that adopts the comprehensive land use plan and enacts by Ordinance the Zoning and Subdivision regulations. He explained the Zoning Board of Adjustment is considered a Quasi-Judicial Body, which hears the appeals and determines variance requests to land use regulations.

Mr. Laughlin explained the Planning & Zoning Commission is also a Quasi-Judicial Body which reviews and recommends the contents of the Comprehensive Land Use Plan, and makes recommendations on applications for Plats and Zoning Regulations.

Planning and Zoning Commissioner Linda Bertl asked if residents have the choice to go directly to the Zoning Board of Adjustment (ZBA).

City Attorney Kevin Laughlin replied, stating residents can go before the ZBA to determine an interpretation of a zoning ordinance.

Council Member Lynne asked what the next step is, if they disagree with the ZBA.

City Attorney Kevin Laughlin stated the District Court would be the next step.

Council Member Blackson asked who would pick up the lawsuit case with the Court. Mr. Laughlin says his firm would probably represent the City.

City Attorney Kevin Laughlin explained variances are intended to be a "safety valve" regarding specific situations not created by an applicant relating to facts about a property that could not have been anticipated when the Ordinance was adopted.

City Attorney Kevin Laughlin reviewed the Comprehensive Zoning Ordinance Article 6.1, reviewing the jurisdiction of the Board of Adjustment. He stated the board hears appeals to decisions of the City Building Official and grants certain special exceptions and variances. He stated the board must meet Texas Local Government Code 211.009 (a) for the standard of granting variances.

Mr. Laughlin reviewed the following standards for granting variances:

- 1) Hardship should not be something, which is self-imposed. He explained self-imposed can include actions of prior owners.
- 2) Hardship is unique to the property (size, shape, topography of the lot or tract).
- 3) Hardship is not financial in nature.
- 4) Hardship does not include property that cannot be used for its highest and best use, or frustrated development objectives.

Council Member Lynne asked if a City Attorney is present at all ZBA meetings.

City Attorney Kevin Laughlin replied stating; only when staff requests an attorney to be present do they attend.

Council Member Lynne asked what remedy is used if the City has issues with ZBA cases.

City Attorney Kevin Laughlin explained the first remedy is to allow everyone to have training. The second remedy is to have the City Attorney attend all ZBA meetings. Deputy City Manager John Land explained the Building Official attends to answer questions during the ZBA meetings.

Planning and Zoning Commissioner Michael Driskill asked for an example of an item that would be considered self-imposed.

City Attorney Kevin Laughlin gave an example of a property owner that extended a large outdoor patio and fountain area, and years later decides to install a pool. The owner created a self-imposed problem by making outdoor improvements for patio space.

Council Member Blackson stated he requested this joint meeting, noting he previously served on the Planning and Zoning (P&Z) Commission and knows how important the lines of communication should be between P&Z and the City Council.

Mayor Dye noted Boards have been tasked with providing quarterly updates to the City Council to avoid any communication gaps.

Council Member Lynne asked the Planning and Zoning Commission to consider if what they are reviewing is something they would want next door to their home. He urged the Commission to ask questions and always require quality development.

Council Member Blackson stated when he served on P&Z, he may fundamentally disagree, but if it was right for the area he would support the development. He further stated he reviews the P&Z minutes, and suggested asking Developers to provide target dates for construction.

Planning and Zoning Commissioner Linda Bertl thanked the City Council for calling the meeting, initiating good communication and guidance.

B.2 [TMP-2372](#) Receive a presentation on current zoning and construction regulations relating to exterior building materials and discuss possible amendments.

Interim Planning Director Alexis Jackson briefed City Council regarding this item.

Ms. Jackson reviewed the existing masonry Ordinance. She reviewed the allowable materials for Residential Buildings (natural stone, kiln fired clay brick, decorative concrete block), and noted some conditional approvals or residential properties include stucco and plaster. She explained fabric or membrane covered structures are not allowed.

Ms. Jackson reviewed the Commercial Building masonry requirements noting a minimum of 75% masonry is required for the entire facade. She stated natural stone, kiln fired clay brick, hollow clay tile, concrete cast in place concrete, concrete tilt wall, and decorative concrete block is allowed. She further stated limited use of stucco (25%), EIFS (10%), and cementitious fiber plans or panels.

Ms. Jackson explained today's discussion is to address the requests for more contemporary products. She reviewed the following cities masonry ordinances: City of Richardson, City of Plano, City of Irving, City of Garland, City of Frisco, and Town of

Addison.

Mr. Gary DeVries and Chris Sano with Brown Reynolds Watford Architects, Inc. provided an update on zoning materials. Mr. DeVries stated the goal of the masonry requirement is to enhance the visual character of the city and promote uniformity.

Mr. DeVries reviewed the residential buildings requirements noting on new structures, a minimum of 75% masonry shall be required on all elevations of the first floor, and a minimum of 50% masonry shall be required for elevations above the first floor. He reviewed the unit masonry requirements.

Council Member Lynne stated the current masonry requirements are strong so the structures are built to last.

Planning and Zoning Commissioner David Moore asked what the life span of brick masonry should be.

Deputy Mayor Pro Tem Bomgardner replied stating a good standard for durable brick masonry is in his opinion, 50 years.

Mr. DeVries reviewed stucco, hollow clay tile, manufactured stone, composite metal panels and passed out samplings.

Deputy Mayor Pro Tem Bomgardner asked about the durability and appearance of stucco.

Mr. DeVries replied stating stucco absorbs environmental dirt; has the most demanding installation and is a thinner material, so it reacts to hot and cold temperatures.

Mr. Chris Sano reviewed Hardy board material and provided samplings.

Council Member Lynne asked if Hardy board could withstand hail damage from a storm.

Mr. DeVries stated he hasn't heard of any issues with Hardy board, but notes it would depend on the size of the hail from the storm.

Council Member Blackson asked if someone wanted to construct an all glass tower if it would be permissible.

Building Official Hugh Pender replied stating it must be a glazed product material.

Planning and Zoning Vice Chairman Sergio De Los Santos suggested flexibility for allowing new materials and new design.

Mr. Pender noted some of the glass building structures are within PD districts, which require site plan approval.

Council Member Lynne asked if someone would be allowed to construct a stucco and glass house.

Mr. Pender replied stating, it is possible.

Deputy Mayor Pro Tem Bomgardner asked if fiber siding is considered less durable.

Mr. DeVries stated yes, in his opinion, fiber siding requires more maintenance and has less life span.

Mr. DeVries reviewed examples of conforming and non-conforming development structures.

Council Member Blackson recommended defining the durability requirement within the masonry ordinance.

Deputy City Manager John Land suggested having a balance of character appeal and durability.

Planning and Zoning Commissioner Chris Brewer asked if there are any regulations on concrete coating panels.

Mr. Pender replied stating we do not have any regulations on concrete coating panels.

Planning and Zoning Commissioner Chris Brewer asked if stucco has a very long life span.

Mr. Blackson replied stating soil in Texas moves, and cracks occur. He stated, if you have a concrete wall, stucco it will last as long as the finished coat.

Planning and Zoning Commissioner Chris Brewer asked if our minimum requirements are enough.

Mr. Pender stated we currently require three coats, and our requirements are more than the building code requires. He noted Farmers Branch codes are excessive when it comes to standards.

Planning and Zoning Commissioner Linda Bertl asked if we have stucco homes within the City, currently.

Council Member Blackson replied stating many homes and older apartments have stucco.

Council Member Blackson stated masonry should be left with masonry materials. He further stated stucco should be in a separate category, and metal panels should be in their own separate category.

Mr. Saho says Hollow Clay Tile is in the current ordinance.

Council Member Lynne asked if the hollow clay tile is expensive.

Mr. DeVries replied stating it is very costly.

Mayor Pro Tem Norwood stated his goal is to encourage people to build houses in Farmers Branch. He stated we should not turn people away, and if there are modern techniques on commercial structures submitted, then we should strongly consider. He suggested being flexible, since we have limited space, and allow people to be innovative.

Council Member Lynne explained we need to review and update our standards.

Mayor Pro Tem Norwood stated he supports standards for durability but asks that we be

flexible on architectural design. He further stated, by making too many restrictions, it could force others to build elsewhere. He asked everyone to be open to new techniques.

Planning and Zoning Commissioner Linda Bertl stated many other cities do not use brick on all their homes. She stated sometimes first homebuyers need an affordable starter home, and alternate products are used all over the country.

Council Member Reyes asked if we would be enhancing durability, by reconsidering the percentage of masonry required.

Mr. DeVries replied stating the materials used are most important and suggested consideration of newer technology materials.

Council Member Lynne asked what the next step is.

Mr. Land stated this has been a great discussion, and City Administration will review the comments, and provide an update on more flexible durable products.

Deputy Mayor Pro Tem Bomgardner asked for more information on multifamily and moving forward. He stated we need to review parking garages, and elevators. He further stated we need more discussion on street lights.

Council Member Reyes asked that we maintain the integrity and character of Farmers Branch with every development will allow, and asked that we review green space. She thanked the Planning and Zoning Commission explaining the Council chose each one of them, based on their knowledge and experience.

Planning and Zoning Commissioner David Moore asked if the Commission could turn down an item that has been approved conceptually.

City Attorney Kevin Laughlin replied stating if the current zoning allows the use, they can develop.

Council Member Lynne stated it is very important to have a vision and prefers no more multifamily developments be added, than what has been previously approved.

Mayor Dye explained City Administration would provide an update based on tonight's discussion discussed tonight.

Council Member Blackson suggested making sure the development project is the highest and best use for that site. He further stated, it is important to have quality multifamily developments. He stated that the main focus is the development of the east side. He encouraged the Planning and Zoning Commission to consider all projects and make sure they are offering the highest quality development.

C. ADJOURNMENT

Mayor Pro Tem Norwood made a motion to adjourn the meeting. Motion seconded by Council Member Blackson. Motion prevailed by unanimous vote.

Motion by Planning and Zoning Commissioner Yarbrough to adjourn the meeting. Motion seconded by Vice Chair Sergio De Los Santos. Motion approved unanimously.

The meeting adjourned at 7:09 p.m.

SIGNED:

Mayor

ATTEST:

City Secretary

SIGNED:

Chair

ATTEST:

Secretary