



City of Farmers Branch

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

Meeting Minutes

Planning and Zoning Commission

Monday, May 7, 2018

7:00 PM

City Hall

Study Session Meeting to be held at 5:45 PM in Study Session Room

Excused 1 - Commissioner Giovanni Zavala

Present 13 - Commissioner Tim Yarbrough, Commissioner David Moore, Commissioner Chris Brewer, Commissioner Michael Driskill, Commissioner Jared Sullivan, Chairman Jason O'Quinn, Commissioner Linda Bertl, Vice Chair Sergio De Los Santos, Tina M. Figgins AICP Director of Planning, Andreea D. Udrea Planning Manager, Brian Campbell Planning Technician, Hugh Pender Director of Community Services and John Land Deputy City Manager

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- 1) Manske Library
- 2) City Hall

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A. STUDY SESSION

Excused 1 - Commissioner Giovanni Zavala

Present 13 - Commissioner Tim Yarbrough, Commissioner David Moore, Commissioner Chris Brewer, Commissioner Michael Driskill, Commissioner Jared Sullivan, Chairman Jason O'Quinn, Commissioner Linda Bertl, Vice Chair Sergio De Los Santos, Tina M. Figgins AICP Director of Planning, Andreea D. Udrea Planning Manager, Brian Campbell Planning Technician, Hugh Pender Director of Community Services and John Land Deputy City Manager

A.1 TMP-2724

Discuss Regular Agenda items.

Chairman O'Quinn opened the Study Session at 5:45 PM. Chairman O'Quinn thanked the Commissioners for their service.

Chairman O'Quinn opened discussion on Study Session Agenda Item A.1 Discuss Regular Agenda Items.

Chairman O'Quinn asked for any questions or comments on Regular Agenda Item B.1.

Hearing no questions or comments from the Commissioners on item B.1, Chairman O'Quinn asked for any questions or comments on Regular Agenda Item B.2.

Hearing no questions or comments from the Commissioners on item B.2, Chairman O'Quinn asked for any questions or comments on Regular Agenda Item B.3.

Regarding Regular Agenda Item B.3, Commissioner Bertl asked if the applicant would be present to answer questions. Chairman O'Quinn said yes, noting that staff would give a presentation regarding the applicant's proposal during the Regular Meeting.

Regarding Regular Agenda Item B.3, Commissioner Bertl asked if the utilities were to be buried. Mrs. Andreea Udrea, Planning Manager, said yes, noting that this was a requirement of Planned Development District No. 80 (PD-80), which governs the subject property. Mrs. Udrea said the zoning amendment for this Detailed Site Plan was approved in 2017. Mrs. Udrea said this Detailed Site Plan represented Phase Two (2) of this development, and no special exceptions are being requested.

Hearing no further questions or comments from the Commissioners on Item B.3. Chairman O'Quinn explained Regular Agenda Item C.1. Chairman O'Quinn said the public hearing would not be opened for this case because the applicant requested that this case be tabled indefinitely. Referring to the staff report for this agenda item, Chairman O'Quinn said he would read this explanation for the record during the Regular Meeting and request a motion to table this case indefinitely, per staff's recommendation.

Regarding Regular Agenda Item C.1, Commissioner Bertl asked why this case was being tabled indefinitely. Mrs. Tina Firgens, Director of Planning, said this case was being tabled indefinitely because there was no fixed date to table associated with the applicant's request. Mrs. Firgens said that when the applicant is ready to move forward, staff would send out written notices to all affected property owners, per the public notification requirements of the Comprehensive Zoning Ordinance (CZO). Commissioner Yarbrough asked if this case would come before the Planning & Zoning Commission again or cease until the applicant is ready to proceed. Mrs. Firgens said the case would cease coming before the Planning and Zoning Commission until the applicant is ready to proceed. Commissioner Bertl asked what has prompted the delays with the Planning and Zoning Commission hearing this case. Mrs. Firgens said the applicant requested additional time. Mrs. Firgens said that at the previous meeting, the applicant had requested more time to address staff comments regarding the market study as discussed at the April 23, 2018 Study Session of the Planning and Zoning Commission. Mrs. Firgens said at the time the public notification letters were sent out for that meeting date, it was staff's understanding that the applicant was ready to proceed. Mrs. Firgens said that after the letters were sent out, the applicant requested additional time to address staff comments, hence why the case was tabled to the May 7, 2018 meeting of the Planning and Zoning Commission. Mrs. Firgens said the applicant has now requested additional time to address the market study and other staff comments as well as have an opportunity to meet with the surrounding property owners, noting the considerable amount of opposition to this case.

Regarding Regular Agenda Item C.1, Commissioner Bertl asked when this case was originally scheduled to be heard by the Planning and Zoning Commission. Mrs. Firgens said this case was scheduled for the April 23, 2018 meeting of the Planning and Zoning Commission, noting that prior to this meeting, staff had sent out corrected public notification letters. Mrs. Udrea said the case was originally scheduled to go before the Planning and Zoning Commission on April 9, 2018, but was tabled due to staff needing to send out corrected letters of public notification. Mrs. Firgens said that the applicant had requested this case be tabled until the May 7, 2018 meeting of the Planning and Zoning Commission, but now the applicant has requested that this case be tabled indefinitely. Mrs. Firgens said staff had been in contact with both the applicant and the property owners expressing interest in this case.

Hearing no further questions or comments regarding Regular Agenda Item C.1, Chairman O'Quinn asked for any questions or comments on Regular Agenda Item C.2.

Regarding Regular Agenda Item C.2, Commissioner Yarbrough commented that this was an amendment to the applicant's original site plan. Mrs. Udrea said yes, noting the special exception.

Regarding Regular Agenda Item C.2, Commissioner Brewer commented that the Detailed Site Plan was approved quite a while ago. Mrs. Udrea said yes, explaining that the zoning amendment was approved towards the beginning of 2016 with the Detailed Site Plan being approved in October 2016. Mrs. Udrea said that the applicant's request for wall signage was not permissible per the requirements of Planned Development District No. 88 (PD-88) which governs the subject property. Mrs. Udrea said this special exception request addresses the applicant's proposed wall signage. Mrs. Firgens said that the type of wall signage requested by the applicant was not consistent with what is permissible in PD-88.

Hearing no further questions or comments on Regular Agenda Item C.2, Chairman O'Quinn asked the Commissioners to think of any items they would like to discuss for Regular Agenda Item D.1.

Hearing no further questions of comments, Chairman O'Quinn closed discussion on this agenda item.

A.2 TMP-2723

Receive a report regarding zoning and development cases acted upon by City Council.

Chairman O'Quinn opened discussion on Study Session Agenda Item A.2 Receive a report regarding zoning and development cases acted upon by City Council.

Mrs. Firgens said this agenda item was originally on the agenda for the April 23, 2018 Study Session of the Planning and Zoning Commission, but was not discussed due to time constraints. Mrs. Firgens explained that the attachment for this agenda item represents the cases acted upon by City Council for the month of April.

Mrs. Firgens noted that all cases were approved by City Council as presented. Mrs. Firgens brought special attention to case 18-SU-03 for Zapata Auto located at 3117 Gardenbrook Drive. Mrs. Firgens explained that as a result of discussion amongst staff and the Commissioners the language of Ordinance No. 3497, which approved this Specific Use Permit (SUP), was crafted in a way to limit the scope of work with regards to vehicle maintenance. Mrs. Firgens noted the discussion that took place amongst City Council regarding the applicant having to submit a new SUP application should the applicant desire to expand the business in the future as well as clarification

regarding the ventilation system.

Mrs. Firgens also brought special attention to case 18-SU-04 for the detached garage located at 13426 Castleton Drive, stating that it was possible that this case could be brought back before the Planning and Zoning Commission and City Council. Mrs. Firgens explained that during the public hearing for this case at City Council, the applicant expressed interest in constructing a bathroom inside the garage. Mrs. Firgens said the applicant was put on notice that the addition of a bathroom would require the applicant to submit a new SUP application for consideration before both the Planning and Zoning Commission and City Council. Mrs. Firgens said that had staff been aware of the situation regarding the bathroom from the outset, this would have been included in the initial SUP request.

Regarding case 18-SU-04, Commissioner Bertl commented that she thought the question concerning the bathroom was brought up during the public hearing on this case for the Planning and Zoning Commission.

Regarding case 18-SU-03, Commissioner Sullivan asked if the applicant would be taken at his word that the vehicle maintenance side of the business would not be expanded. Mrs. Firgens said yes, and that any violations could be investigated through the City's property standards and code enforcement mechanisms. Mr. Hugh Pender, Director of Community Services said Mrs. Firgens was correct, stating that both suites 3115 and 3117 would be inspected during annual fire inspections. Mr. Pender said Gardenbrook Drive is an area with issues related to vehicle type uses. Commissioner Yarbrough asked about the consequences of the applicant violating the ordinance. Mr. Pender said such issues would typically fall to the Code Enforcement officers. Mr. Pender said the applicant would first receive a courtesy letter informing them of the violation. Mr. Pender said should the violation continue, escalating consequences would take place such as the issuance of citations and the revocation of the Certificate of Occupancy. Mr. John Land, Deputy City Manager, added that the Economic Development team meets with the Fire Department for updates.

Hearing no further questions or comments, Chairman O'Quinn closed discussion on this agenda item.

A.3 [TMP-2730](#)

Receive a report regarding projects currently under construction and/or submitted for permit review.

Chairman O'Quinn opened discussion on Study Session Agenda Item A.3 Receive a report regarding projects currently under construction and/or submitted for permit review.

Chairman O'Quinn commented that the City's Fire Department works diligently to keep an updated list of projects within the City and their current stage of development, and that Planning staff was able to coordinate with the Fire Department on gathering the information being presented to the Commissioners.

Mrs. Firgens explained that this agenda item was the result of discussion from the March 26, 2018 Study Session of the Planning and Zoning Commission. Mrs. Firgens said at that time, the Commissioners expressed interest in receiving information on the status of projects brought before both the Planning and Zoning Commission and City Council. Mrs. Firgens said that the Fire Prevention department maintains a database of projects within the City and that Planning staff was able to coordinate with this department in customizing the attachment included with this agenda item to present to

the Commissioners. Mrs. Firgens said it is her understanding that this list is updated quarterly and it is staff's intention to bring this agenda item back to the Commissioners on a quarterly basis in order to give updates on project statuses. Mrs. Firgens noted that some of the items on the list may be for projects in the plan review or construction phases that did not go before the Planning and Zoning Commission and City Council. Mrs. Firgens explained that such projects are not coming before the Planning and Zoning Commission or City Council for reasons such as the project being located in a straight zoning district governed by the Comprehensive Zoning Ordinance (CZO) or the project merely requiring a technical review by Community Services. Mrs. Firgens said that the Planning and Zoning Commission is typically reviewing projects located within a Planned Development District. Mrs. Firgens said that staff meets with Fire Department and Community Services staff on a regular basis to help keep each department updated on the status of a project. Mrs. Firgens said staff works closely with the Building Inspections department to ensure submitted site plans are consistent with what was approved by City Council or administratively by staff. Mrs. Firgens said staff coordinates with all departments involved in the development review process to ensure what is being constructed is what was approved by the Planning department.

Regarding project construction, Commissioner Bertl asked if the Planning department's main focus was on the exterior of the building for said project. Mrs. Firgens said the exterior of the site is taken into consideration as well and noted that staff coordinates with Public Works on this aspect of a project. Mrs. Firgens said site plans typically come with elevations and that staff coordinates with Building Inspections to ensure said elevations are in compliance. Mrs. Firgens said Planning staff does not perform technical review on the interior of a building and that this is the responsibility of Building Inspections. Mrs. Firgens said Public Works reviews any site related work being performed on a project. Mrs. Firgens said once a project has completed the site plan approval process, said plans are turned over to Building Inspections and Public Works for the next phase of required technical review with Planning serving as a resource to these departments.

Regarding 4515 Lyndon B. Johnson Freeway, Chairman O'Quinn asked for an update on this project, commenting that Sun Holdings is the owner of this building, referred to as the old REI building, and that this project was currently under plan review to convert this building into office space. Mrs. Udrea said staff performed an administrative approval for a Detailed Site Plan for this location because the applicant was interested in erecting a fence along the rear portion of the property. Mrs. Udrea said this was the only outdoor improvement associated with this site plan. Mrs. Udrea said there is currently a considerable amount of interior remodeling of this building as well as remodeling to the facade. Mrs. Udrea noted that all of these improvements were not coming before the Planning and Zoning Commission because the required technical review and permitting fell under the purview of Building Inspections.

Chairman O'Quinn asked if this building was going to have a single tenant or multiple tenants. Mr. Pender said this project was a corporate relocation. Mr. Pender said the applicant would be moving from leased space to owned space. Mr. Land commented that this project was a huge win for the City. Mr. Land said the building was bought by Dallas County to be an annex office. Mr. Land said there were issues with the Guitar Center interested in the space at the time. Mr. Land said that conversations took place between the City and the County Commissioner regarding parking, noting that the Guitar Center was 100 spaces short of what was needed. Mr. Land said although the issues were resolved through the County, there was difficulty in determining how the monetary loss would be recuperated, noting that the building was being sold for less than what it was originally paid for. Mr. Land said the Guitar Center ended up selling

the property for a loss with the proprietors realizing that their parking ratios would not be approved by the City. Mr. Land said it was fortunate that the City found a comparable tenant for the space with a comparable parking ratio that would act as a good neighbor for the area.

Commissioner Yarbrough asked if the building was owned by the County, would they have paid taxes. Mr. Land said no.

Commissioner Bertl asked about the owner, Sun Holdings. Mr. Land said they were a financial related office firm. Mr. Land said the City did not recruit them, rather they were in the market at the time the building was available and that their broker approached the City.

Commissioner Driskill asked if Sun Holding provided financial services. Mr. Land said yes.

Mr. Pender said the building had many exterior openings that were to be installed as well as some engineering related work. Mr. Pender noted that the challenges the applicant has been working through regarding masonry exterior. Mr. Pender said the building's facade is a concrete masonry unit (CMU) building and the applicant was looking for a modern masonry style. Mr. Pender said the exterior of the building would be skinned with a two (2) inch thick concrete panel. Mr. Pender said this would meet the City's masonry requirements while giving the building's facade a smooth and more attractive finish.

Commissioner Bertl asked if windows were being installed. Mr. Pender said yes, noting the cuts to exterior that would happen in the front and on the sides of the building.

Commissioner Bertl asked if this was a two (2) story building. Mr. Pender said yes. Mr. Pender said the applicant was close to being able to secure a building permit to begin this work.

Regarding the Sysco Freshpoint facility located at 4721 Simonton Road, Chairman O'Quinn asked if the applicant would be occupying the existing Brinker building to the south. Mr. Land said the applicant acquired this building. Mrs. Udrea said staff performed an administrative approval for this Detailed Site Plan because the subject site was zoned Light Industrial (LI). Mrs. Udrea said the applicant was working to unite the existing facility with the existing Brinker building with a smaller building and that this project was being completed in two (2) phases. Mrs. Udrea said the applicant would be expanding the parking lot eastward. Mrs. Udrea noted that the applicant currently has building permits.

Regarding the Vita Townhomes development at 4060 Spring Valley Road, Chairman O'Quinn asked if the townhomes comprising the second phase of this development had all been sold and are occupied. Mr. Land said these townhomes are currently unoccupied and that Certificates of Occupancy will not be issued for these homes at this time. Mr. Land said there are requirements of the applicant that should have been handled during the first phase and that there is consternation amongst homeowners living in the townhomes of the first phase concerning amenities. Mr. Land said the City met with homeowners, potential homeowners, the contractor, and the owner. Mr. Land said as a result, an agreement on a takedown schedule was reached, explaining that there were requirements that had to be fulfilled prior to the issuance of any Certificates of Occupancy. Mr. Land said staff is working through this process, noting that the applicant had submitted a revised landscape plan on May 7, 2018. Mrs. Udrea said the

Specific Use Permit for this development was approved back in 2015 and that the development was occurring in two (2) phases.

Commissioner Yarbrough asked about the requirements the applicant had not been fulfilling. Mrs. Udrea said outdoor landscaping. Mr. Land added it was fencing and outdoor landscaping, and said the general craftsmanship was questionable to the homeowners. Mr. Land said there was some misunderstandings amongst the homeowners in what they were buying, using the example of purchasing a vehicle. Mr. Land said a summit took place between the homeowners, the contractor, and the realtor Keller Williams. Mr. Land noted other issues, such as fencing and uninstalled irrigation. Mr. Land said that as a result of these issues, the City became more hands-on with this project, noting that this practice was not typical. Mr. Land said it was the City's desire to let the homeowners know that the City had acknowledged these issues and would act as their advocate. Mr. Land said that in meeting with the homeowners, City staff had to differentiate what aspects of the development were required for the issuance of a Certificate of Occupancy versus aspects of the development that were more contractual in nature. Mr. Land said there have been challenges in the applicant meeting their requirements.

Commissioner Yarbrough asked how the situation with this development came about. Mr. Land said zoning cases are evaluated from a land use perspective, regardless of the owner of said project. Mr. Land acknowledged that there may have been early warning signs that there would be difficulties in working with the contractor of this development. Mr. Land said there are situations in which issues arise from what is promised to a homeowner versus what they actually receive and that said homeowners typically turn to the City for help in these situations. Mr. Land said that in such cases, the City tries to be an advocate to those affected, noting the importance of quality customer service. Mr. Land acknowledged that the City tries to take a more proactive approach to developments and noted that homeowner complaints stemming from such issues as amenities are a contractual agreement solely between the homeowner and the owner of the development. Mr. Land said that in meeting with the homeowners of this development, some of them realized that their issues were a civil matter requiring legal representation.

Commissioner Driskill commented that this development was an outlier with regards to the typical development process. Mr. Land said yes, stating that this development has had its challenges.

Commissioner Yarbrough commented that Mr. Land had mentioned potential red flags with this contractor. Mr. Land said yes, but stated that the City does not perform background checks on the owners of developments. Mr. Land said from an Economic Development standpoint, more research is performed on a developer when potential financial incentives are involved. Mr. Land said in performing this research, sometimes patterns emerge that are a cause for concern such as previous developments. Mr. Land said that the Planning and Zoning Commission making considerations beyond land use could trigger potential legal issues. Mr. Land said in performing research on an applicant, there are potential factors that could be a cause for concern.

Commissioner Bertl asked if the applicant could be denied the opportunity to develop any future projects within the City. Mr. Land said zoning cases whose subject sites are zoned and allow for a particular use cannot be denied. Mr. Land said questions regarding past experiences with an applicant could be asked in zoning cases that come before the Planning and Zoning Commission.

Commissioner Moore commented that there are some "black hole" cases, cases that were approved, but not acted upon by the applicant and that said cases are not on the record by the Fire Department, noting the Midway Urban Village at Blue Lake Circle and McEwen Road. Mrs. Firgens said yes, noting that this project had not yet been submitted for permitting. Mrs. Firgens said such projects would be a topic of discussion on the next agenda item.

Hearing no further questions or comments, Chairman O'Quinn closed discussion on this agenda item.

A.4 [TMP-2731](#)

Discuss the city's zoning, development and permitting processes.

Chairman O'Quinn opened discussion on Study Session Agenda Item A.4 Discuss the city's zoning, development and permitting processes.

Chairman O'Quinn introduced Mr. Hugh Pender, Director of Community Services, acknowledging that he was present to answer any questions the Commissioners might have related to Mrs. Firgens' presentation on the City's zoning, development, and permitting processes.

Mrs. Firgens stated that this agenda item was originally scheduled for the April 23, 2018 Study Session of the Planning and Zoning Commission. Mrs. Firgens explained that this item was the culmination of questions from the Commissioners regarding the various processes of the City related to zoning and development. Mrs. Firgens said she believed this agenda item would serve as a good refresher on these processes while also addressing the questions of the Commissioners. Mrs. Firgens explained her presentation was designed around the bulleted list of topics per the staff report for this agenda item.

Mrs. Firgens gave a presentation regarding the City's zoning, development, and permitting processes, including discussion of the following topics: the activities that occur between the time an application is filed with the Planning Department and the application is considered by the Planning and Zoning Commission and City Council; what happens if a zoning, site plan and/or plat request is approved by City Council but construction does not occur; what happens if a property is sold to another property owner, including whether or not the new property owner is subject to the previous approved development plans for the property and if the new property owner wants to construct a different project than what was previously approved; staff's role in the zoning, development and permitting process, including the departments who participate in the various processes; applications for building permit approval, commencement of construction, and issuance of certificates of occupancy; ministerial versus non-ministerial actions related to the zoning, development and permitting processes; and what happens if a developer/builder changes interior building finishes.

The questions from the Commissioners were as follows.

Regarding final inspections, Commissioner Yarbrough asked for clarification on the purpose of this process. Mr. Pender explained the three (3) main phases of inspections, stating the initial inspections are referred to as rough inspections. Mr. Pender said the next phase of inspections were generally referred to as top outs. Mr. Pender then explained that the final round of inspections are performed to ensure all trade inspections have been satisfactorily met and that the building is completely ready for occupancy.

Commissioner Yarbrough commented that inspections take place in phases. Mr. Pender said yes, stating that a building should be ready for occupancy during final inspections.

Regarding the process for Specific Use Permits (SUPs), Commissioner Moore asked what happens when construction takes place on a development whose SUP has expired due to six (6) months of inactivity per the language in the Comprehensive Zoning Ordinance (CZO). Mrs. Firgens explained that there is language in the CZO that gives the Planning Director discretion for granting an extension on the deadline for SUPs. Mrs. Firgens said in consideration of granting this extension, questions would be asked of the applicant regarding the reasons for the delay in beginning construction and securing building permits. Mrs. Firgens said internal discussion would take place amongst staff to determine whether or not granting this extension would be reasonable.

Commissioner Moore asked if, in such instances, would these SUP requests be brought back before the Planning and Zoning Commission and City Council. Mrs. Firgens said it is possible that such cases could be brought back before the Planning and Zoning Commission and City Council, but that staff is not obligated to grant the extension per the CZO. Mrs. Firgens said there is language in the CZO that allows for discretion regarding granting an extension for approved SUPs not acted upon during the six (6) month time frame.

Regarding SUPs and zoning amendments, Commissioner Brewer asked for clarification regarding expiration dates. Mrs. Firgens said it was her understanding that the City generally shies away from putting expiration dates on SUPs, zoning amendments and other cases of these types. Mrs. Firgens said that the CZO includes processes for interim SUPs, but in discussions with staff, it was her understanding that the City attorneys have encouraged staff to not utilize this type of request.

Commissioner Brewer asked Mrs. Firgens to clarify if the expiration date she was referring to was the transition time between approval of an SUP and obtaining building permits. Mrs. Firgens said yes, stating that the applicant has six (6) months to obtain a building permit once an SUP is approved, otherwise it technically expires, but that the Planning Director is permitted to grant an extension. Mrs. Firgens noted that during her previous tenure with the City, there were many requests for interim SUPs. Mrs. Firgens said interim SUPs recognized that a particular use may be permissible in a given location, but not in perpetuity hence the interim SUP giving the applicant an opportunity to specify a timeline for recouping financial losses regarding a business before business operations were forced to cease. Mrs. Firgens said a challenge with interim SUPs was the cease of operations date, noting the difficulty of shutting down a business. Mr. Pender said in many instances, an interim SUP request would be brought back before the Planning and Zoning Commission and City Council to obtain more permanent status, pending approval.

Regarding interim SUPs, Chairman O'Quinn commented that in the past, consideration was given to matching the cease of operations date with the date the applicant's lease was set to expire. Chairman O'Quinn commented that in general, the uses associated with an approved SUP stays with the property in question, not the applicant. Mrs. Firgens and Mr. Pender both said yes. Mrs. Firgens added that typically, SUPs run with the land. Mrs. Firgens said there could be situations in which an SUP is approved for a specific owner or owner-operator, noting that some SUP ordinances were written as such in other cities she worked in. Mrs. Firgens said that in Farmers Branch, she and staff have processed SUPs that allow the applicant to sell the business. Mrs. Firgens said she believed SUPs should be considered from a land use perspective and

whether or not said use is appropriate for the location in question, regardless of time period.

Regarding Certificates of Occupancy, Chairman O'Quinn asked Mr. Pender what percentage of these applications are denied upon first review. Mr. Pender asked Chairman O'Quinn to clarify if he was referring to applications for new developments or for tenant change-outs. Chairman O'Quinn said he was referring to more of a new development type project. Mr. Pender explained the process of a temporary Certificate of Occupancy, which is issued during the initial and top out inspection phases. Mr. Pender said that projects that progress to the final inspections phase are highly unlikely to be denied. Mr. Pender explained there are sometimes situations in which a temporary Certificate of Occupancy is issued to allow an applicant time to complete a certain phase of construction, using the example of an applicant needing to wait until after the winter months before planting landscaping. Mr. Pender also used the example of an applicant waiting on the delivery of chairs or other equipment for the building as triggering the issuance of a temporary Certificate of Occupancy. Mr. Pender said projects that successfully complete all phases of inspections should generally not be denied a Certificate of Occupancy.

Chairman O'Quinn asked if a change in ownership or the deed for a single-family home would trigger the issuance of a new Certificate of Occupancy. Mr. Pender yes, adding that a brand new build always requires issuance of a Certificate of Occupancy. Chairman O'Quinn asked about the situation for pre-existing homes. Mr. Pender said the same situation applies, noting this process is unique to the City and has taken place at least since the 1980s. Mr. Pender said anytime someone sold a home to someone else, this would trigger the issuance of a new Certificate of Occupancy for the new owner. Mr. Pender said an important role of the City's Code Enforcement Officers was issuing Residential Certificates of Occupancy. Mr. Pender said this process applied to single-family homes and townhomes, but not multifamily complex residences.

Commissioner Bertl asked if the issuance of the new Certificate of Occupancy was triggered by a change in utilities. Mr. Pender said yes, explaining that the City is the water utility and the coordination that takes place with the electric and gas utility companies. Mr. Pender said it is the hope that the utilities will not be turned on prior to issuance of the Residential Certificate of Occupancy, but that this is not always the case, noting such an issue taking place last year with a home that did not receive a Residential Certificate of Occupancy.

Chairman O'Quinn asked whether or not home owners with non-conforming garages were required to convert the garage into a conforming structure. Mr. Pender said if he can prove the garage was converted into a non-conforming structure, he will force the home owner to redesign said garage into a conforming structure, noting the requirements in the CZO for Residential Accessory Structures that prohibit such structures that do not meet these requirements. Mr. Pender said such cases are difficult to prove and track, but when such a case can be proven, he makes the homeowner come into compliance. Mr. Pender said that generally, he and staff try to reach an acceptable agreement with the homeowner regarding non-conforming accessory structures. Mr. Pender noted there are times in which a citation is issued, which triggers a hearing in a court and other Code Enforcement processes.

Commissioner Driskill asked how it could be proved that a non-conforming structure was constructed by the home owner. Mr. Pender said for structures constructed 20 to 30 years ago, this would be difficult to prove, but noted that the burden of proof is on

the homeowner for such structures constructed without a permit. Mr. Pender said the Google street view tool can aide in determining when, if any, changes were made to an existing accessory structure. Mr. Pender said older structures that would be deemed non-conforming presently were permissible previously with a building permit, noting that changes in the requirements for accessory structures were revised in 1997.

Vice Chairman De Los Santos asked what could be done for projects whose finishes are downgraded during development, but still in compliance with the City's building codes, using masonry as an example. Mr. Pender explained that the issuance of building permits is a ministerial process and that the building codes are a minimum standard. Mr. Pender said he does not have discretion over the quality of finishes for buildings, unless there is specific language in the ordinance or resolution pertaining to the project in question.

Vice Chairman De Los Santos commented that there have been several instances of renderings of high quality finishes for projects brought before the Planning and Zoning Commission and City Council that were later downgraded during construction. Vice Chairman De Los Santos commented that he believed these downgrades diminished a project's value. Mrs. Firgens said that the finished product will not always be comparable to the renderings for some projects. Mrs. Firgens said that staff does their best to ensure that the finished product will be comparable to the renderings, but that this might not always be the case. Mrs. Firgens said that the projects are reviewed from a land use perspective, using single-family home values associated with a residential development as an example. Mrs. Firgens said that projects coming before the Planning and Zoning Commission should be evaluated from a land use perspective and that the interior building finishes are the result of an agreement between the owner and the occupant.

Hearing no further questions or comments from the Commissioners, Chairman O'Quinn closed discussion on this agenda item and adjourned the Study Session. Commissioners and staff reconvened in Council Chambers for the Regular Meeting at 7:02 PM.

B. REGULAR AGENDA ITEMS

- B.1** [TMP-2725](#) Consider approval of the Attendance Matrix for the Planning and Zoning Commission as presented; and take appropriate action.

A motion was made by Commissioner Yarbrough, seconded by Commissioner Moore, that the Attendance Matrix be approved. The motion carried unanimously.

Excused: 1 - Commissioner Zavala

Aye: 8 - Commissioner Yarbrough, Commissioner Moore, Commissioner Brewer, Commissioner Driskill, Commissioner Sullivan, Chairman O'Quinn, Commissioner Bertl and Vice Chair De Los Santos

- B.2** [TMP-2726](#) Consider approval of the April 23, 2018 Planning and Zoning Commission Minutes; and take appropriate action.

A motion was made by Vice Chair De Los Santos, seconded by Commissioner Driskill, that the Minutes be approved. The motion carried unanimously.

Excused: 1 - Commissioner Zavala

Aye: 8 - Commissioner Yarbrough, Commissioner Moore, Commissioner Brewer, Commissioner Driskill, Commissioner Sullivan, Chairman O'Quinn, Commissioner Bertl and Vice Chair De Los Santos

B.3 [18-SP-13](#)

Consider a request for a Detailed Site Plan for a hotel and a parking garage at 5000 and 5050 Alpha Road; and take appropriate action.

With this Detailed Site Plan, the applicant is proposing to develop a six story hotel and a parking garage at the southeast corner of Alpha Road and Cambridge Concourse Drive, representing Phase Two of the Bridgeview mixed use development. The property between Alpha Road, Inwood Road, Simonton Road and Cambridge Concourse Drive was subject to a zoning amendment in May 2017 and was approved with Ordinance No. 3442 allowing for a variety of compatible commercial uses, including hotels, and allowing residential uses in order to accommodate the mixed use development known as "Bridgeview". Staff recommends approval of this Detailed Site Plan as presented.

Mrs. Andreea Udrea, Planning Manager, gave a presentation regarding the applicant's proposal as presented in the staff report.

Chairman O'Quinn opened the floor for questions from the Commissioners.

Commissioner Brewer asked if the walkway between the hotel and the garage was a sidewalk or an underground walkway. Mrs. Udrea said the walkway was just a sidewalk. Mrs. Udrea indicated the location of the underground walkway between the hotel and garage on the site plan, noting that this walkway was conceptual and would be part of the next phase of development and subsequent site plan submittal by the applicant.

Commissioner Brewer asked about the height of the future building to east of the parking garage, stating that the height of the proposed parking garage was 91 feet and taller than the hotel. Mrs. Udrea said this would be part of Phase Three (3) of this development. Mr. Steve May, the applicant, 8390 Lyndon B. Johnson Freeway, Dallas, Texas, said the height of the future office building would be ten (10) stories. Mr. May said the garage would be behind this building. Mr. May said the hotel and the office building would be the main structures visible from the Dallas North Tollway. Mr. May indicated there would be some visibility of the parking garage from Simonton Road. Mr. May indicated the location of the proposed two (2)-story retail and public space that would face the office building.

Chairman O'Quinn commented that the multifamily apartment complex would be included in this development. Mr. May said yes.

Commissioner Brewer asked where the multifamily complex would be located. Mr. May identified the location on the site plan.

Commissioner Sullivan asked about the start date for construction. Mr. May said the target was the first quarter of next year.

Referring to the planting schedule, Commissioner Bertl commented that there were two (2) different Red Oak trees indicated in the schedule. Commissioner Bertl noted that one was designated as RQ and the other as RQM. Commissioner Bertl asked Mr. May what was the difference between these two (2) trees. Mr. May said these designations

were related to the size of the trees. Mr. May said some very large trees would be part of the landscaping.

Referring to the planting schedule, Commissioner Bertl commented on the considerable number of Pond Cypress trees. Commissioner Bertl said this type of tree would grow in this climate, but would require a considerable amount of watering. Commissioner Bertl also noted the existing Pond Cypress that had died. Mr. May said the existing Pond Cypress trees died due to lack of water as a result of the close proximity of concrete. Mr. May said an arborist was hired to evaluate the existing landscaping on the subject site and it was determined that none of these trees were healthy.

Commissioner Bertl said that the Pond Cypress trees would require a considerable amount of water to get them established. Mr. May said yes, noting that all of the proposed trees thrive in this climate and are indigenous to this climate. Mr. May said both the office building and parking garage would be constructed in a manner that would allow for the capture of rainwater runoff.

Referring to the planting schedule, Commissioner Bertl noted some the other plant types included in the schedule, including Evergreen hedge, Nellie R. Stevens, Abelia, and Juniperus Virginiana. Commissioner Bertl asked Mr. May which one of these plant types would be part of the landscape plan. Mr. May said it would be a combination of these, which would be dispersed throughout the area. Mr. May said the goal was to provide maximum screening to the multifamily complex and dog park and to separate the uses. Commissioner Bertl commented that she liked the large trees that were part of the landscape plan. Mr. May said he was coordinating with tree suppliers in order to find trees of a desirable size. Commissioner Bertl commented that there were several tree farms in Texas.

Vice Chairman De Los Santos asked if the garage construction was pre-cast or cast-in-place. Mr. May said the garage was cast-in-place and said all of the structures except the retail would be cast-in-place. Mr. May said the cast-in-place method was best for the construction of these structures.

Vice Chairman De Los Santos asked for more information on the metal accents for the windows. Mr. May indicated the metal panels on the elevations and said that the windows are recessed inside the facade, and the metal panels slope back to the window system.

Vice Chairman De Los Santos asked if the perforated metal panels would be treated for rust. Mr. May said yes and that the metal panels would be galvanized and/or painted to withstand the elements. Mr. May said that the paint would be baked in, and that the paint on these panels would be designed to last 50 years with a long term warranty. Mr. May said the system would not be designed to be a rusting system.

Commissioner Brewer asked for clarification on the development schedule of the applicant's project. Mr. May said the multifamily apartment complex was currently under construction. Mr. May said this Detailed Site Plan was for the hotel and parking garage. Mr. May said in six (6) to nine (9) months, he would submit a Detailed Site Plan for the next phase which would include office building and the retail building.

Commissioner Bertl commented that she was excited about this project.

Hearing no further questions or comments, Chairman O'Quinn asked for a motion.

Chairman O'Quinn asked when this Detailed Site Plan would be heard by City Council. Mrs. Udrea said it would be June 5, 2018.

A motion was made by Commissioner Moore, seconded by Commissioner Yarbrough, that this Detailed Site Plan be recommended for approval. The motion carried unanimously.

Excused: 1 - Commissioner Zavala

Aye: 8 - Commissioner Yarbrough, Commissioner Moore, Commissioner Brewer, Commissioner Driskill, Commissioner Sullivan, Chairman O'Quinn, Commissioner Bertl and Vice Chair De Los Santos

C. PUBLIC HEARING

C.1 18-ZA-03

Conduct a public hearing and consider a request for a zoning amendment to Planned Development District No. 22 (PD-22) to allow hotel uses subject to approval of a Specific Use Permit and request for a Specific Use Permit with an associated Detailed Site Plan for a hotel located on an approximately 1.82-acre property being the southern portion of the property located at 13998 Diplomat Drive; and take appropriate action.

Chairman O'Quinn explained that at the April 23, 2018 meeting of the Planning and Zoning Commission, the Commission voted to table this Specific Use Permit (SUP) request until the May 7, 2018 meeting of the Planning and Zoning Commission, per the applicant's request to staff. Chairman O'Quinn said this was the result of the applicant needing additional time to address staff comments. Chairman O'Quinn said that staff has now received a request from the applicant to table this SUP request indefinitely. Chairman O'Quinn said this was due to the applicant needing additional time to address both staff comments as well as the concerns of the surrounding property owners. Chairman O'Quinn said that at such time when this SUP request is scheduled for a Planning and Zoning Commission meeting, staff will send out written notices to all affected property owners per the public notification requirements of the Comprehensive Zoning Ordinance (CZO).

In lieu of any deliberation or public hearing on this agenda item, Chairman O'Quinn asked for a motion to table this SUP request indefinitely.

A motion was made by Commissioner Yarbrough, seconded by Commissioner Brewer, that this Zoning Amendment be tabled indefinitely. The motion carried unanimously.

Excused: 1 - Commissioner Zavala

Aye: 8 - Commissioner Yarbrough, Commissioner Moore, Commissioner Brewer, Commissioner Driskill, Commissioner Sullivan, Chairman O'Quinn, Commissioner Bertl and Vice Chair De Los Santos

C.2 18-SP-11

Conduct a public hearing and consider a Detailed Site Plan related to signage for the multifamily development located at 1901 Knightsbridge Road; and take appropriate action.

The subject property, an approximately 15.2 acre site located on the north side Knightsbridge Road, represents Phase One (1) of a larger multi-family development located along both sides of Knightsbridge Road. The Detailed Site Plan for Phase One (1) was approved in October 2016 with the Resolution No. 2016-090. With this proposed Detailed Site Plan amendment, the applicant, JPI Real Estate Acquisition, is requesting a special exception in order to install additional signage consisting of three (3) wall signs, at a size and placement not provided for in the existing zoning ordinances. Staff recommends approval of this Detailed Site Plan as presented.

Mrs. Andreea Udrea gave a presentation regarding the applicant's proposal as presented in the staff report.

Chairman O'Quinn opened the floor for questions from the Commissioners.

Hearing no questions or comments from the Commissioners, Chairman O'Quinn opened the public hearing.

No one came forward to speak to this agenda item. Chairman O'Quinn closed the public hearing and asked for a motion.

A motion was made by Commissioner Driskill, seconded by Vice Chair De Los Santos, that this Detailed Site Plan be recommended for approval. The motion carried unanimously.

Excused: 1 - Commissioner Zavala

Aye: 8 - Commissioner Yarbrough, Commissioner Moore, Commissioner Brewer, Commissioner Driskill, Commissioner Sullivan, Chairman O'Quinn, Commissioner Bertl and Vice Chair De Los Santos

D. ITEMS FOR FUTURE CONSIDERATION

D.1 TMP-2727

Discuss agenda items for future Planning and Zoning Commission consideration.

Hearing no questions or comments from the Commissioners regarding this agenda item, Chairman O'Quinn closed discussion on this agenda item and adjourned the meeting.

E. ADJOURNMENT

The meeting was adjourned at 7:37 PM.


Farmers Branch City Hall is wheelchair accessible. Access to the building and special parking are available at the main entrance facing William Dodson Parkway. Persons with disabilities planing to attend this meeting who are deaf, hearing impaired or who may need auxiliary aids such as sign interpreters or large print, are requested to contact the City Secretary at (972) 919-2503 at least 72 hours prior to the meeting.

Certification

I certify that the above notice of this meeting was posted 72 hours prior to the scheduled meeting time, in accordance with the Open Meetings Act, on the bulletin board at City Hall.



Chairman



City Administration

Stamp:

Posted By: _____

Posted Date: _____