



# City of Farmers Branch

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

## Meeting Minutes

### Planning and Zoning Commission

---

Monday, August 13, 2018

7:00 PM

City Hall

---

#### Study Session Meeting to be held at 5:30 PM in Study Session Room

**Excused** 2 - Vice Chairman Sergio De Los Santos , and Commissioner Michael Driskill

**Present** 11 - Chairman David Moore, Commissioner Linda Bertl, Commissioner Cristal Retana, Commissioner Jared Sullivan, Commissioner Tim Yarbrough, Commissioner Giovanni Zavala, Tina M. Figgins AICP Director of Planning, Andreea D. Udrea AICP Planning Manager, Jenifer Paz AICP Senior Planner, Brian Campbell Planning Technician, and John Land Deputy City Manager

Hard copies of the full Planning and Zoning Commission agenda packet are accessible the Friday prior to every regularly scheduled meeting at the following locations:

- 1) Manske Library
- 2) City Hall

Additionally, the agenda packet is available for download from the City's web site at [www.farmersbranchtx.gov](http://www.farmersbranchtx.gov). This download may be accessed from any computer with Internet access, including computers at the Manske Library and in the lobby of City Hall.

Any individual who wishes to speak on an agenda item should fill out a Registration Form for Appearance before the Planning and Zoning Commission (white card located in the back of the Council Chambers) and submit the completed card to City Administration member prior to the start of the meeting.

#### **A. STUDY SESSION**

**Excused** 2 - Vice Chairman Sergio De Los Santos , and Commissioner Michael Driskill

**Present** 11 - Chairman David Moore, Commissioner Linda Bertl, Commissioner Cristal Retana, Commissioner Jared Sullivan, Commissioner Tim Yarbrough, Commissioner Giovanni Zavala, Tina M. Figgins AICP Director of Planning, Andreea D. Udrea AICP Planning Manager, Jenifer Paz AICP Senior Planner, Brian Campbell Planning Technician, and John Land Deputy City Manager

##### **A.1 [TMP-2827](#)**

Discuss Regular Agenda items.

Chairman Moore opened the Study Session at 5:35 PM.

Chairman Moore opened discussion on Study Session item A.1 Discuss Regular Agenda Items.

Chairman Moore informed the Commissioners that Regular Agenda items C.1, C.4 and C.5 would be rescheduled until the August 27, 2018 meeting of the Planning and Zoning Commission. Ms. Tina Firgens, Director of Planning added that these items were being rescheduled due to an error in public notification. Ms. Firgens said while the error regarding Regular Agenda item C.1 was known prior to completion of the agenda packet, staff had discovered an error regarding public notification for Regular Agenda item C.4 this afternoon. Ms. Firgens said because of this, this item could not be considered by the Planning and Zoning Commission at this meeting as well as Regular Agenda item C.5 as approval of C.5 is contingent upon approval of item C.4.

Chairman Moore asked for any questions or comments regarding Regular Agenda item C.2.

Regarding item C.2, Commissioner Zavala asked if there would be any overnight boarding for dogs. Ms. Firgens said yes. Ms. Jenifer Paz, Senior Planner said the building located at the subject property was currently vacant and that the applicant currently had a building permit under review. Ms. Paz said per Planned Development District No. 49 (PD-49), pet stores are allowed by right and the applicant could begin renovating the building for this use. Ms. Paz explained that outside runs were not allowed within PD-49, hence why the applicant is requesting the Zoning Amendment.

Commissioner Retana asked if we could limit the hours of operation for the outside runs. Ms. Paz said this would be a good question for the applicant. Ms. Paz said the Commission has the option of approving the Zoning Amendment request with a condition that limited the hours of operation for the outside runs.

Hearing no further questions or comments regarding item C.2 Chairman Moore asked for any questions or comments regarding Regular Agenda item C.3.

Regarding item C.3, Commissioner Zavala commented that when this case appeared before the Planning and Zoning Commission at their July 16, 2018 meeting initially, there was a considerable number of citizens present to speak to this agenda item.

Commissioner Zavala commented that a primary concern would be regarded speeding and the potential for heavy traffic along Golfing Green Drive. Commissioner Zavala asked staff if traffic was discussed with the Public Works Department about installing speed bumps on Golfing Green Drive. Ms. Tina Firgens, Director of Planning, said no. Ms. Firgens added that one (1) of the letters of opposition raised concerns regarding traffic along Longmeade Drive, which is not adjacent to the subject area. Ms. Firgens said this zoning request allowed for the development of seventeen (17) single-family homes and that staff agreed that speed bumps on Golfing Green Drive were not necessary at this time. Ms. Firgens said it was her understanding that the City had a policy regarding the evaluation of residential neighborhoods to determine their eligibility for speed bumps on adjacent public streets.

Commissioner Zavala asked about the price range for the homes. Ms. Firgens said staff did not know, and that this would be a good question for the applicant. Ms. Firgens said staff does not typically evaluate the proposed development from a pricing standpoint, but from a land use standpoint. Mr. John Land, Deputy City Manager, added that the applicant is currently anticipating a starting price of \$250,000 to \$275,000, but that this could change depending on market conditions. Mr. Land said that applicant would be present to address this question during the Regular Meeting.

Commissioner Retana asked how the elimination of the parking lot currently located on

the subject property would be addressed, noting that citizens attending the Library frequently parked their cars on this parking lot. Mr. Land said the parking lot would be relocated across the street, adjacent to the Library, between the existing playground on Rawhide Park and the Library parking lot. Mr. Land noted that the new parking lot will contain approximately 50 parking spaces to compensate for the parking lot to be removed. Mr. Land also said he attended the meeting of the Library Board on August 9, 2018 to discuss this matter. Mr. Land explained that while the new parking lot would be further from the Library door, discussion has taken place on a possible interior reconfiguration of the Library which could include a door that is closer to this new parking lot. Mr. Land said the applicant understands the importance of constructing this new parking lot prior to development of the subject property.

Commissioner Zavala asked Mr. Land to clarify the location of the new parking lot. Mr. Land identified the location on an aerial map, stating that staff is exploring the possibility of using permeable paving for a portion of the new parking lot, thus addressing past interest from the Planning and Zoning Commission and other City Boards. Mr. Land emphasized on the importance of the City having experience in using permeable paving before issuing development standards for new development throughout the city. Mr. Land said discussion with the Sustainability and Public Health, Public Works and Planning departments had taken place regarding paving a portion of this new parking lot with permeable paving.

Commissioner Zavala asked if the applicant would pay for this parking lot. Mr. Land said yes, noting that this would be part of the land sale proceeds. Mr. Land also noted that the applicant would be responsible for installing this parking lot.

Commissioner Bertl commented that she was pleased to see this project being proposed in Farmers Branch, and that more developments of this type were needed. Commissioner Bertl commented that both the price point and size of the homes were in demand. Commissioner Bertl asked if the proposed community would be age-restricted. Mr. Land said this would be a good question for the applicant. Mr. Land said that while the development is geared towards senior citizens, there is currently no age-restriction in place, however discussions regarding implementation of age-restriction have taken place. Mr. Land said that per the latest discussion with the applicant, senior citizens are the target market for this proposed development.

Commissioner Bertl used similar examples in the Dallas North Tollway corridor to explain that single-story units, within a similar price range, are in high demand in the DFW real estate market.

Commissioner Retana expressed concerns regarding the elimination of park space for the parking lot relocation. Mr. Land identified the location of the new parking lot on an aerial map, stating that the new lot would not impact the existing playground or trail within Rawhide Park. Mr. Land said the proposed location for the new parking lot has a sloped configuration and that it was his understanding that not very many people utilize this space. Commissioner Retana pointed out few spaces within the area for the proposed parking lot where people congregate when using the amenities within Rawhide Park. Chairman Moore commented that new parking lot would require an additional access from Golfing Green Drive. Mr. Land said yes.

Commissioner Zavala commented that while he liked the project in the short term, he was concerned about the risk of becoming a rental community in the long term. Mr. Land said such concerns have been raised for all residential neighborhoods that are currently older than 60 years. Commissioner Zavala asked if 40 percent of single-family

homes in Farmers Branch were currently rental properties. Mr. Land said that estimate seems high and that he did not have the information.

Commissioner Bertl asked about other projects developed by the applicant. Mr. Land said the applicant has a development similar to this project in Horseshoe Bay, Texas, noting the Mediterranean architectural style of this similar development.

Ms. Andreea Udrea, Planning Manager, clarified that the images of the homes included in the agenda packet were conceptual and that final designs for the homes would not be approved as part of this Zoning Amendment request.

Commissioner Zavala asked about other development proposed for the subject property. Mr. Land said a Request for Qualifications (RFQ) was released by the City in 2015 to develop this subject property for a senior housing community. Mr. Land said one (1) concept involved development of a multifamily complex for senior citizens featuring 130 to 135 residential units gradually decreasing in height from four (4) stories to two (2) stories towards the western side of the property. Mr. Land said following the expressed opposition from parts of the community, the City Council decided to consider other types of development for the subject property. Mr. Land noted the importance of keeping the southern portion of the property under City ownership so it remains open for potential future expansion of the City's Fire Station if needed.

Commissioner Bertl commented that this southern portion of the site was currently just a grassy area. Mr. Land said yes.

Commissioner Retana asked if the proposed amenity area in the southern portion of the subject property would be open to the public. Mr. Land said this would be a privately owned space and it would be up to the Home Owners Association (HOA) to keep the amenity area open to the public or not.

Commissioner Retana asked if it would be appropriate to require this development to be age-restricted. Mr. Land said this would be a good question for the applicant.

Chairman Moore stated that a revised Ordinance for PD-102 containing the Development Standards was provided by Ms. Udrea prior to the beginning of the meeting. Ms. Udrea explained that the PD-102 Development Standards text included in the packet was revised by the City Attorney therefore being provided to the Commission at this time. Ms. Figgins pointed out some areas of interest regarding the revised PD-102 Development Standards. Ms. Figgins said the City Attorney has included requirements for the HOA and Covenant Conditions and Restrictions (CC&R) for the proposed development to ensure the proper maintenance of the private streets and open spaces. Ms. Figgins said the applicant could decide to dedicate public streets, but currently plans to construct private streets. Ms. Figgins said language is included in the proposed Ordinance to address the HOA responsibilities, including provisions for the City to inspect the private streets and allow basic services such as mail delivery, also noting that some City services such as police patrol are not included for privately maintained streets. Ms. Figgins said the proposed Ordinance would be further refined prior to this case going before City Council in order to adequately reflect the recommendations of the Planning and Zoning Commission.

Commissioner Bertl commented that there is an existing HOA in the northern portion of the City that has not been successful in the maintenance of its private streets. Commissioner Bertl asked about similarities between the proposed HOA and the abovementioned example. Ms. Figgins said the language in the proposed Ordinance

would help alleviate the issues of street maintenance.

Commissioner Bertl asked about the proposed private street configuration and connection to Webb Chapel Road. Ms. Udrea said she believes that would be an exit only access point. Ms. Udrea added that PD-102 requires the proposed streets to be built and maintained per City standards. Ms. Figgins clarified the proposed private street cross section in comparison to a public street, noting that the difference in width comes from the elimination of the typical parkway area between a street curb and the property line. A typical parkway area contains a landscape strip and a public sidewalk. Ms. Figgins said all other construction requirements such as concrete thickness and concrete strength would meet the City's requirements per the Building Code.

Commissioner Zavala asked for more information about the proposed homes design along Golfing Green Drive. Ms. Udrea explained that the home façades facing Golfing Green Drive will have an architectural treatment similar to a front façade, per the proposed PD-102 requirements. For example one of the requirements is that no blank wall measuring more than 20 feet in length will be allowed on façades facing public streets. Ms. Udrea also pointed out staff's special attention to the views along public streets, explaining that the existing retaining wall and street trees along Golfing Green Drive would be maintained. In addition, for all the lots along Golfing Green Drive, the applicant is proposing to install gates for direct access from the public sidewalk. Ms. Udrea further explained that all garages will have access from the internal private street and will not be visible from public streets.

Hearing no further questions or comments on item C.3, Chairman Moore asked for any questions or comments regarding Regular Agenda item C.6.

Regarding item C.6, Commissioner Bertl asked for clarification regarding the location of the subject property. Chairman Moore identified the location on the aerial map provided in the agenda packet.

Commissioner Bertl asked if the Interstate Highway 35 (IH35) corridor study would impact the subject property. Ms. Figgins said pending budget approval for this study, the subject property would be part of the boundaries of the study, noting that the study boundaries would include both sides of North Stemmons Freeway. Ms. Figgins said when the market analysis was performed, it was determined that: the western boundary included the Burlington Northern railroad; the northern boundary was Valwood Parkway; the southern boundary was the southern City limit line; and the eastern boundary included the Station Area and Bee Street. Ms. Commissioner Bertl asked if the applicant was aware of this. Ms. Andreea Udrea, Planning Manager, said yes, adding that the applicant was informed at time of submitting the application for his Specific Use Permit (SUP) request.

Chairman Moore commented that this was an existing use that received a code violation regarding fencing and screening, hence the applicant's SUP request. Ms. Udrea added that the applicant currently had the subject property under contract.

Commissioner Zavala asked about the timing of the applicant's lease on the property. Ms. Udrea said she was not sure.

Chairman Moore informed the Commissioners that per the Comprehensive Zoning Ordinance (CZO), that any use approved via an SUP cannot be discontinued longer than six (6) months, otherwise the SUP is no longer in effect for said property. Chairman Moore commented that this case is a good example of why the IH35 corridor

study is necessary in order for the Commission to make recommendations regarding highest and best uses of properties within the corridor. Chairman Moore noted that the existing fence enclosure measured 3,150 square feet and the existing building measured approximately 5,000 square feet. Ms. Figgins said additional direction regarding the IH35 corridor was necessary, noting that the Central Area plan was the comprehensive plan within which the subject property fell under and that the Central Area Plan provided opportunities to redevelop the IH35 corridor. Ms. Figgins noted that the current business located at the subject property is allowed by right per PD-70, but that any outdoor storage required approval of an SUP.

Commissioner Bertl asked why the applicant received a citation from the City regarding outdoor storage. Ms. Udrea said the applicant constructed a wood fence without a permit from the City and when the applicant applied for the permit, he was informed by Community Services that an SUP would be required for outdoor storage. Ms. Udrea said per the applicant, the outdoor storage is for repaired lawn mowers and equipment waiting to be picked up by customers.

Chairman Moore commented that staff received no responses regarding this SUP request.

Hearing no further questions or comments on item C.6, Chairman Moore asked for any questions or comments regarding Regular Agenda item C.7.

Regarding item C.7, Commissioner Yarbrough asked for clarification regarding the applicant's Detailed Site Plan amendment. Ms. Paz said the applicant is requesting to amend the signage from what was approved with the initial Detailed Site Plan. Commissioner Yarbrough asked why is the applicant changing the sign plan. Ms. Figgins suggested that Commissioner Yarbrough ask the applicant about changes regarding the sign package.

Hearing no further questions or comments on item C.7, Chairman Moore asked for any questions or comments regarding Regular Agenda item C.8. Ms. Figgins added that the purpose of the Final Plat is to complete the development phase of the subject property, and that the property was being divided into two (2) lots. Ms. Figgins also stated that the rear lot was the location of the recently opened Baylor Scott & White Institute for Rehabilitation Care and the Farmers Branch Primary Care Clinic.

Regarding item C.8, Commissioner Bertl asked if it was originally planned to subdivide the subject property into the two (2) lots. Ms. Figgins said yes.

Commissioner Bertl asked if staff knew of any businesses that would locate on the second lot of the subject property. Ms. Figgins said staff did not know, noting that staff had not received any development applications regarding this property.

Commissioner Retana asked about any plans for the dedicated greenspace. Ms. Figgins said there is an intention to build on this portion of the property and that the plat was dedicating all necessary easements.

Commissioner Bertl commented that it was her understanding that the greenspace would include a seating and walking area for the public.

Hearing no further questions or comments on item C.8, Chairman Moore closed discussion on this agenda item.

**A.2**    [TMP-2880](#)

Welcome new Planning and Zoning Commissioner Cristal Retana.

Chairman Moore opened discussion on Study Session item A.2 Welcome new Planning and Zoning Commissioner Cristal Retana.

Chairman Moore thanked the Commissioners for their service. Commissioner Moore welcomed Commissioner Cristal Retana.

Commissioner Retana introduced herself and shared her background and work experience.

Each of the other Commissioners introduced themselves and shared their backgrounds and work experience.

Hearing no further questions or comments, Chairman Moore closed discussion on this agenda item.

**A.3**    [TMP-2881](#)

Discuss the upcoming City Council quarterly update presentation.

Chairman Moore opened discussion on Study Session item A.3 Discuss the upcoming City Council quarterly update.

Ms. Firgens noted the draft presentation for the update included in the agenda packet. Ms. Firgens said that the Planning and Zoning Commission quarterly update for City Council would be given at Council's August 21, 2018 meeting, to be presented by Chairman David Moore. Ms. Firgens noted the bulleted list of items for inclusion in this presentation in the agenda packet from the July 16, 2018 meeting of the Planning and Zoning Commission. Ms. Firgens said in addition to these items, the Commissioners discussed including in this presentation an explanation regarding why the Commissioners believed the IH35 corridor study to be important, and that this information had been incorporated into this presentation.

Ms. Firgens gave an overview of the presentation, which included the following topics: The Purpose of the Commission; Current Commissioners; Review of Accomplishments for the 3rd Quarter; Next Steps Regarding the IH-35 Corridor; Review of 2018 Work Program and Big Items for the Future; Other Items; and Direction from Council.

Discussion of this presentation by the Commissioners was as follows.

Regarding the slide discussing accomplishments, Commissioner Yarbrough suggested the staff include the number of cases heard by the Commission as compared to some sort of benchmark. Ms. Firgens suggested benchmarking these numbers with those at this same time last year, with consensus given by the Commissioners.

Regarding the slide discussing the Commission's rationale for the IH35 corridor study, Chairman Moore commented that this slide would feature a quote stating that the corridor is a "window into the City" and that "this window needed to be cleaned". Chairman Moore commented that Regular Agenda Item C.6 for case 18-SU-10 was a good example of why direction regarding development within the corridor was necessary.

Regarding the IH35 corridor study, Commissioner Bertl commented that the study was being initiated. Ms. Firgens said yes, noting that a request for qualifications (RFQ) would be needed in order to hire a consulting team and that she anticipated it would be late spring or early summer 2019 before the study officially began. Ms. Firgens noted that the Commissioners were asked about the timeline regarding beginning the study, with the consensus given that it should happen within the next year.

Commissioner Retana asked if the presentation should include information on initiatives undertaken by surrounding cities regarding corridor studies. Chairman Moore commented that such information would likely be presented to the Commission by the consultant team that would be hired to help conduct the study. Ms. Firgens said no discussion took place in adding this information to this presentation, but that this would be a good point to make to City Council during the presentation. Ms. Firgens said that this point could be included in either the presentation itself or as part of Chairman Moore's remarks to City Council.

Regarding the IH35 corridor study, Commissioner Yarbrough commented on discussion regarding the City of Carrollton's corridor study and that it might be possible for the City of Farmers Branch to have a joint venture with the City of Carrollton regarding the IH35 corridor study. Ms. Firgens said pending budget approval for the study, it may be beneficial to reach out to the City of Carrollton to discuss their initiatives regarding the IH35 corridor and the possibility of partnering on this study.

Regarding the slide discussing the 2018 Work Program and Big Items for the Future, Commissioner Bertl suggested that the sentence discussing alternate types of paving should be reworded, so that it read "Encourage" instead of "Allow". Commissioner Bertl commented that she believed developers should be encouraged to install alternate paving types and the City should incentivize this. Ms. Firgens said the use of permeable paving could be incentivized, such as a reduction on required parking. Ms. Firgens said as this item is worked on, staff could look at incentives as well as shared parking opportunities.

Chairman Moore said this presentation would be given before City Council at their August 21, 2018 Study Session, which would begin at 2:00 PM. Chairman Moore encouraged any Commissioners available to attend to do so.

Hearing no further questions or comments, Chairman Moore closed discussion on this agenda item.

#### **A.4**    [TMP-2882](#)

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

Chairman Moore opened discussion on Study Session item A.4 Receive a report regarding projects currently under construction and/or submitted for permit review.

Ms. Firgens said this item was requested to be brought back to the Commissioners on a quarterly basis and that the Fire Prevention office maintains a list of projects throughout the City.

Commissioner Sullivan asked if the listed projects were in any particular order. Ms. Firgens said no, stating that the projects are divided up between these types: projects under construction and projects under review. Ms. Firgens said in reviewing this list, consideration must be given to projects under development review that may require a



public hearing.

Commissioner Bertl commented that it was her understanding that Glazers Investments, Inc. had sold the property located at 2001 Diplomat Drive. Ms. Firgens said they have decided not to proceed with their proposed warehouse expansion at this time.

Commissioner Bertl commented that half of the suite for Area Event Center located at 4051 Lyndon B. Johnson Freeway had been leased out. Ms. Firgens said it was possible that the applicant decided not to move forward with his proposal for this address.

Commissioner Retana asked if the projects were listed in any particular order. Ms. Firgens said no, noting that staff peruses this list for any potential projects as well as those that may require a public hearing. Chairman Moore commented that this list does not include projects that have been approved, but not currently under construction.

Haring no further questions or comments, Chairman Moore closed discussion on this agenda item.

#### **A.5    [TMP-2828](#)**

Discuss agenda items for future Planning and Zoning Commission consideration.

Chairman Moore opened discussion on Study Session item A.5 Discuss agenda items for future Planning and Zoning Commission consideration.

Chairman Moore commented that he would like to begin discussing timelines regarding a Planning and Zoning Commission retreat.

Commissioner Bertl asked if the retreat would include any tours. Chairman Moore asked whether or not the retreat would take place over one (1) day. Ms. Firgens said she was anticipating a one (1) day event and that staff could bring back discussion regarding this item. Mrs. Firgens asked the Commissioners to be thinking about time parameters such as having a full day retreat versus a half a day retreat and whether or not the retreat should take place on a Saturday versus a weekday.

Chairman Moore commented that he and Commissioner Yarbrough previously participated in a retreat taking place at the Eagle Gun Range in Lewisville, Texas, which included a tour of the facility, noting that at this time a case was pending for a similar facility to be constructed in the City of Farmers Branch. Chairman Moore commented that he enjoyed this retreat, noting participation by some City Council members and staff. Ms. Firgens suggested that this item be brought back to the Commission for further discussion.

Hearing no further questions or comments, Chairman Moore closed discussion on this agenda item and adjourned the Study Session at 6:55 PM. Commissioners and staff recovered in Council Chambers for the Regular Meeting at 7:02 PM.

## **B.    REGULAR AGENDA ITEMS**

**B.1**    [TMP-2829](#)

Consider approval of the Attendance Matrix for the Planning and Zoning Commission as presented; and take appropriate action.

Commissioner Yarbrough stated that the entry on the Attendance Matrix for the July 16, 2018 meeting of the Planning and Zoning Commission showed that all Commissioners had excused absences. Commissioner Yarbrough commented that all Commissioners were present for that meeting.

Ms. Tina Firgens, Director of Planning, said the corrected Attendance Matrix could be brought back to the Commission.

Commissioner Moore asked for a motion to bring back the corrected Attendance Matrix at the next scheduled meeting of the Planning and Zoning Commission.

**A motion was made by Commissioner Yarbrough, seconded by Commissioner Sullivan, that the corrected Attendance Matrix be brought back to the Planning and Zoning Commission at the next scheduled meeting. The motion carried unanimously.**

**Excused:** 2 - Vice Chairman De Los Santos and Commissioner Driskill

**Aye:** 6 - Chairman Moore, Commissioner Bertl, Commissioner Retana, Commissioner Sullivan, Commissioner Yarbrough and Commissioner Zavala

**B.2**    [TMP-2830](#)

Consider approval of the July 16, 2018 Planning and Zoning Commission Minutes; and take appropriate action.

**A motion was made by Commissioner Zavala, seconded by Commissioner Yarbrough, that the Minutes be approved. The motion carried unanimously.**

**Excused:** 2 - Vice Chairman De Los Santos and Commissioner Driskill

**Aye:** 6 - Chairman Moore, Commissioner Bertl, Commissioner Retana, Commissioner Sullivan, Commissioner Yarbrough and Commissioner Zavala

**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 Moore stated that subsequent to mailing the required property owners notices, staff determined that there was an error in the public notification; therefore, this request cannot be considered by the Planning and Zoning Commission at its meeting on August 13, 2018 and that the request has been rescheduled for the Planning and Zoning Commission's meeting on August 27, 2018.

No action was taken by the Commission regarding this agenda item.

**C.2**    [18-ZA-01](#)

Conduct a public hearing and consider a request for an amendment to the Planned Development District No. 49 (PD-49) to allow pet store and small animal related use with outside runs and establish related development standards, with an associated Detailed Site Plan for a 0.46-acre site located at 13520 Inwood Road; and take appropriate action.

The applicant, John Dyer, is proposing to occupy the existing building for a pet store and small animal related use, Dogtopia. This amendment to PD-49 proposes to allow outdoor runs that will be associated with of the use; and clarify sign requirements for the property. The associated Detailed Site Plan proposes to remove existing parking on the north side of the building to enclose for the outdoor runs, which will be screened from the public street view. No additional modifications to the site are proposed. Staff recommends approval of this Zoning Amendment as presented.

Ms. Jenifer Paz, Senior Planner, gave a brief presentation regarding the applicant's proposal.

Mr. Robert Reeves, a representative of the applicant, 900 Jackson Street, Dallas, Texas gave a brief presentation regarding the applicant's proposal.

Commissioner Zavala thanked the applicant for investing his business in the City. Commissioner Zavala then asked the applicant how many of these businesses he owned. Mr. John Dyer, the applicant, 13520 Inwood Road, Farmers Branch, Texas, said this was his first such business. Commissioner Zavala asked Mr. Dyer about his previous work experience. Mr. Dyer said he previously worked as a corporate manager for 7-Eleven, stating that he ran 60 stores out of San Diego, California. Mr. Dyer said prior to this he worked for Cardtronics, positioning automated teller machines (ATMs) inside of retail stores. Mr. Dyer said he has been working in and out of retail for 20 years.

Commissioner Zavala asked Mr. Dyer if he had done a market study that indicated a demand for this type of business. Mr. Dyer said while he not had performed a study, he has been a consumer of this business type for twelve (12) years. Mr. Dyer said the pet spa he has taken his dogs to helps with their socialization as well as providing them with exercise. Mr. Dyer said Dogtopia is a first-class organization and that his location would be a high-class facility. Mr. Dyer said visiting their stores sold him on the franchise. Mr. Reeves said the nearest Dogtopia facility is located in Plano, Texas, noting other locations scattered throughout the country.

Commissioner Bertl commented that she believed the applicant chose an ideal location for this business. Commissioner Bertl commented that the weather is especially hot during the summer months, then asked the applicant if the outdoor area would be covered. Mr. Dyer said he anticipated installing some sort of temporary cover, noting that a permanent cover would get damaged by the heat. Mr. Dyer said the dogs would not be required to go outside.

Commissioner Bertl asked if an attendant would be with any dogs who went outside. Mr. Dyer said yes.

Commissioner Zavala asked about the timeline for renovations and opening for business, pending approval from City Council. Mr. Dyer said renovations would begin

as soon as a permit is issued, stating that he would like to open the business before the end of the year. Mr. Dyer said he is targeting the month of November for completion, but noted that permitting may take longer than anticipated.

Commissioner Sullivan asked if the dumpster would be located at the rear of the building. Mr. Dyer said yes, stating that it would be located on the side opposite to where the outside runs would be located.

Commissioner Sullivan asked how odor concerns from the surrounding properties would be addressed. Mr. Dyer said he would institute more frequent dumpster collections if necessary. Mr. Dyer said bio-degradable, sealable bags would be used for waste collection and that this would help cut down on the odor.

Commissioner Retana asked if the outside runs would only be used during business hours. Mr. Dyer said yes.

Chairman Moore asked the applicant if whether or not he was limiting the pet population for this business to just dogs. Mr. Dyer said while this would be a dog-only facility, he would not turn away any customers. Mr. Dyer said there would be isolated facilities for cats and other pet types, but the business model was exclusively for dogs.

Hearing no further questions or comments from the Commissioners, Chairman Moore opened the public hearing. No one came forward to speak to this agenda item. Chairman Moore closed the public hearing and asked for a motion.

Chairman Moore asked when this case would go before City Council. Ms. Firgens said it would be September 11, 2018.

**A motion was made by Commissioner Bertl, seconded by Commissioner Sullivan, that this Zoning Amendment be recommended for approval. The motion carried unanimously.**

**Excused:** 2 - Vice Chairman De Los Santos and Commissioner Driskill

**Aye:** 6 - Chairman Moore, Commissioner Bertl, Commissioner Retana, Commissioner Sullivan, Commissioner Yarbrough and Commissioner Zavala

### **C.3**    [18-ZA- 04](#)

Conduct a public hearing and consider a request for a zoning change from One-Family Residence District-6 (R-6) to Planned Development District No. 102 (PD-102), including but not limited to allowing one-family detached residences and municipal owned facilities, and establishing development standards for an approximate 3.4-acre site located at the southwest corner of Webb Chapel Road and Golfing Green Drive; and take appropriate action.

The applicant, Henry S. Miller, is proposing to rezone the 3.4-acre property from One-Family Residence District No. -6 (R-6) to Planned Development District No. 102 (PD-102) in order to develop the property into seventeen (17) detached single-family homes with private streets on the northern portion of the property, and an amenity area on the southern portion of the property. The proposed PD-102 is specifically designed to allow and provide for detached single-family residences in a zero lot line or standard conventional configuration developed in a clustered lot pattern with a common usable open space that is integral part of the development; however municipal owned facilities

are also allowed. The applicant intends to market the proposed development as senior housing. Staff recommends approval of this Zoning Amendment as presented.

Ms. Andreea Udrea, Planning Manager, gave a brief presentation regarding the applicant's proposal.

Chairman Moore opened the floor for questions from the Commissioners.

Referencing the renderings in Ms. Udrea's presentation, Commissioner Bertl asked for a clarification regarding fence types between each proposed lot. Ms. Udrea stated that all visible fencing was proposed to be ornamental type. Ms. Udrea further explained that the proposed site plan identified fence types as follows: wood fence along the west side of the property, as typically allowed in a residential neighborhood; six (6) to eight (8) feet tall masonry walls around the amenity area along the southern and eastern property lines; ornamental iron fence on top of retaining wall along the southern property line between the City's Fire Station and the proposed lots; and ornamental iron fences along public streets. Commissioner Bertl asked about proposed fences along the property lines in between each home, asking if this decision would be up to the homeowner. Ms. Udrea said yes.

Hearing no further questions for staff, Chairman Moore asked the applicant to approach the podium. Mr. William Bush, representing Henry S. Miller, 14001 Dallas Parkway, Farmers Branch, Texas, approached the podium. Mr. Bush stated that his team had been working with the City for the development of this subject property for three (3) years. Mr. Bush said the City released a Request for Proposals (RFP) regarding the development of senior housing on the subject property. Mr. Bush said the previous attempt to amend the zoning for this subject property to allow for a senior housing type of development was not successful. Mr. Bush said that in exploring other options for development of the property, the applicant is now proposing patio homes but it is still to be decided if the homes will be age-restricted or not. Mr. Bush also stated that this proposed development is targeting senior population. Mr. Bush said the seventeen (17) homes being proposed would all be built at once. Mr. Bush said that, per the market study conducted by his team, there was a high demand for new and affordable housing in this area. Mr. Bush said the average price of a home would range between \$350,000 and \$400,000. Mr. Bush also noted his 40-year experience in development and the 100-year experience that the company Henry S. Miller has. Mr. Bush expressed enthusiasm for Farmers Branch and appreciated the quality of Farmers Branch parks and lifestyle as being suitable for the proposed development. Mr. Bush thanked the Commissioners for considering his proposal.

Chairman Moore asked for any questions from the Commissioners for the applicant.

Commissioner Zavala commented that he liked the types of homes being proposed, but he questioned the chosen location for this type of product. Commissioner Zavala commented that he believed the applicant made the best use of the subject property given its geometry and circumstances, but said he did not like that the additional parking lot serving the needs of the Library located currently on the subject property will have to be relocated in Rawhide Park, across the street. Commissioner Zavala then asked the applicant to explain why he believed this to be an ideal location for his proposal. Mr. Bush explained that the relocation of the parking is part of the acquisition contract agreement with the City.

Commissioner Zavala asked the applicant why he felt this would be a good project for the City and how it would benefit the surrounding neighborhood. Mr. Bush said this

would be beneficial to senior citizens looking to downsize their living space. Commissioner Zavala asked at what point the applicant would decide whether or not to institute an age-restriction for the proposed housing community. Mr. Bush said it would be prior to construction of the homes.

Commissioner Retana asked the applicant if he would be open to adding the condition for an age-restricted community prior to this case appearing before City Council. Mr. Bush said yes, they will consider adding this condition.

Commissioner Retana expressed her support for Commissioner Zavala's concern regarding adding a parking lot in a City Park, also recognizing the importance of meeting the parking needs of the Library.

Commissioner Retana asked about the Home Owners Association (HOA) fees. Mr. Bush said these fees would be under \$300 per month.

Commissioner Retana asked the applicant if he had considered any other conceptual site plans that provided more greenspace within each lot. Mr. Bush said this is the third proposal his team is putting together for the subject site. Mr. Bush said the first plan featured 150 homes for the subject property. Commissioner Retana asked if the applicant had considered less homes for the subject property. Mr. Bush said yes, explaining that they also considered a fourplex type of product for this site and stated that the City had asked his team to consider single-family detached homes for the subject site. Mr. Bush further explained that the southern portion of the property, the portion located behind the City's Fire Station, will be a ground lease from the City in order to increase the onsite green space for the residents. This green space will be developed as an amenity area with a gathering pavilion. Commissioner Retana asked if this proposed amenity area would be open to the public. Mr. Bush said this amenity space would be primarily for the residents also noting that the location of this space is recessed from public access areas.

Ms. Tina Firgens, Director of Planning, addressed the questions regarding age-restriction and the proposed open space. Regarding the age-restriction, Ms. Firgens said that staff had conversations with the applicant on whether or not age-restriction would be appropriate for this development. Ms. Firgens noted the benefits of having diverse age groups living within a residential neighborhood, including neighbors supporting one another, younger residents checking on older residents, and older residents keeping watch over the neighborhood while the younger residents are at work. Ms. Firgens said staff feels there is a benefit to not having this residential community be age-restricted.

Regarding the proposed open space, Ms. Firgens said the open space within the southern portion of the subject property is intended to serve primarily the residents within the proposed development. Ms. Firgens pointed out that considering that this would not be a gated community, it would be difficult to prohibit the public from utilizing the proposed amenity area. Ms. Firgens explained that the access control to this open space will be the responsibility of the HOA.

Commissioner Zavala commented that he agreed with Ms. Firgens regarding not having the residential community age-restricted, noting that his questions are aiming to clarify the developer's intention considering the conceptual floor plans included in the packet that show homes with only two (2) bedrooms. Mr. Bush added that each floor plan included also an extra bonus space. Commissioner Zavala asked Mr. Bush to clarify what he meant by "extra bonus space". Mr. Michael Costantino, the designer for the

proposed development, 1209 East Belknap Road, Fort Worth, Texas, approached the podium. Mr. Costantino stated that the "extra bonus space" referred to a study room or a hobby room, space that was secondary to the two bedrooms provided in the floor plans. Mr. Costantino said these homes were designed to meet the typical preferences of senior citizens looking to downsize. Mr. Costantino said most senior citizens want to keep the amenities of their current living space, but retain less square footage, thus why the homes were designed with larger bedrooms and without separate dining or breakfast spaces. Mr. Costantino also explained that all exterior space around the home will be maintained by the HOA.

Commissioner Zavala asked Mr. Costantino if the floor plans for the homes would be modified if there were to be no age-restriction for this residential community. Mr. Costantino said no, stating that the floor plans of the homes were intended to appeal more to the senior citizens, but that they were designed also taking into consideration the size of the lots. Mr. Costantino explained the proposed floor plan configuration with the two bedrooms situated on opposite sides of the home. Mr. Costantino used as the example of two unrelated senior citizens sharing the home or one bedroom being used as guest bedroom.

Commissioner Bertl commented that this was a much needed product in the real estate market and noted that she believed this to be an entry-level home in today's market. Commissioner Bertl said there are not enough developments of this type within Farmers Branch. Commissioner Bertl said there is a demand for this type of development, and that she was pleased to see this being proposed in the City.

Commissioner Yarbrough asked how many HOAs would be provided for this community, for example one for open space maintenance and one for streets maintenance. Mr. Bush said one (1) HOA will be created for the maintenance of the proposed development. Commissioner Yarbrough asked how the owner's participation in HOA fees would be determined in order to collect enough monies necessary for the private streets maintenance. Mr. Bush said it would be based on the square footage of the home. Commissioner Yarbrough asked how the applicant would guarantee that HOA funds would be present when necessary, noting that there have been situations in which an HOA was responsible for public street maintenance, and the HOA had insufficient funds. Mr. Bush said his firm would be responsible for funding and maintaining the HOA until 60 percent (60%) of the lots were sold, and after that point the responsibility would be turned over to the homeowners. Mr. Bush added that the City would be reviewing the HOA documents.

Commissioner Bertl commented that the HOAs in Texas are regulated by the state and that there are state restrictions and conditions in place to ensure the stability of the HOAs.

Commissioner Bertl then asked about the construction timeline, pending approval from the City Council. Mr. Bush said the team would be ready to break ground immediately and that he anticipated a fourteen (14) to fifteen (15) month construction time. Mr. Bush said the homes would be constructed in two (2) phases in order to allow potential homeowners the opportunity to move into homes completed during the first phase while construction on the second phase commenced.

Commissioner Zavala asked if the new parking lot would be constructed prior to construction of the homes. Mr. Bush said yes.

Hearing no further questions or comments from the Commissioners, Chairman Moore

opened the public hearing.

Ms. Pat Edmiston, 14215 Tanglewood Drive, Farmers Branch, Texas, spoke in opposition to the proposed zoning amendment. Ms. Edmiston expressed concerns regarding over-development within the City. Ms. Edmiston noted that she attended the Library Board meeting on Thursday, August 9, 2018 evening and that two (2) items were currently under consideration by the board: a renovation of the Library and the construction of a new facility. Ms. Edmiston expressed concerns regarding development of the subject property and the possibility to impede future development of the Library. Ms. Edmiston said she would like the Commissioners to consider tabling this agenda item until they have had an opportunity to speak with members of the Library Board. Ms. Edmiston expressed concerns regarding parking, noting that she believed the Library currently had inadequate parking and that development of this site would further complicate the issue. Ms. Edmiston stated her disapproval for the proposed density of homes on this particular property size stating that there are too many homes on too little of a property, and asking the Commission to reconsider this request or at least postpone until further decision regarding the Library are made.

Ms. Jennifer Maddux, 2921 Ermine Way, Farmers Branch Texas, expressed concerns over the relocation of the parking across the street in the park area adjacent to the Library, as well as expressing concern regarding what happens if the new parking area does not occur. Ms. Maddux also pointed out the location of the proposed relocation site within a flood plain, thus preventing the proposed relocation. Ms. Maddux talked about the neighborhood character as a close-knit community that continues to improve and invest in their homes. Ms. Maddux stated that the site is already zoned for single-family uses and expressed concern regarding language in the public notification letter that states this Zoning Amendment request included, but was not limited to the development of single-family homes. Ms. Maddux said it was her preference that this agenda item be tabled in order to provide the opportunity to see if the parking lot could be moved.

Ms. Madeline Luff, 2833 Ermine Way, Farmers Branch Texas, said she believed this item should be tabled in order to provide an opportunity for the consideration of renovation of the Library or construction of a new Library. Ms. Luff expressed concerns over parking, stating that she did not like that additional parking would come at the expense of a City Park and wildlife. Ms. Luff also expressed concerns regarding additional traffic in the area considering the existing traffic caused by the Library and at the Webb Chapel Road and Golfing Green Drive intersection. Ms. Luff asked the Commissioners to consider tabling this agenda item until the plans regarding the Library were confirmed.

Mr. Joe Jarnagin, 3047 Longmeade Drive, Farmers Branch, Texas, thanked the Commission for the opportunity to speak to this agenda item. Mr. Jarnagin made a comment regarding green space showed in the conceptual rendering presented in the packet, pointing out that it is the containment pond for the City's Fire Station. Mr. Jarnagin noted that the neighborhood rejected the last proposal to develop the subject property. Mr. Jarnagin also pointed out existing traffic problems in the area, thus expressing concerns regarding the addition of more traffic at the intersection of Webb Chapel Road and Golfing Green Drive. Mr. Jarnagin also expressed concerns regarding the relocation of the existing parking lot in the City Park across the street, and suggested that a better solution would be to move the entire parking lot for the Library from Rawhide Park to the subject property and restore the area around the Library for Rawhide Park. Mr. Jarnagin said he believed that future homeowners would dislike the light and noise pollution from the City's Fire Station and as a result would not stay in



this newly created development and eventually become Section 8 housing. Mr. Jarnagin further pointed out that the current residents within the neighborhood are sacrificing to accept the current light and noise pollution from the City's Fire Station.

Mr. David Frink, 13608 Onyx Lane, Farmers Branch, Texas, brought to attention the utility access situation, noting the access difficulties for the utility providers to repair the equipment located in the rear portions of the lots behind the subject site. Ms. Firgens said there is an existing utility easement on the east side of this subject property, and that in discussion with the Public Works Department, staff has determined that these existing easements are sufficient. Mr. Frink asked about the width of these easements. Ms. Firgens said they were ten (10) feet. Mr. Frink commented that utility trucks have difficulty in accessing this area as it stands currently even with additional space provided by the containment area behind the City's Fire Station, noting that the soil is too soft for access. Mr. Frink asked about the types of municipal buildings being considered as part of this Zoning Amendment request. Ms. Firgens said that the portion of the property noted as Tract B on the site plan would still be retained as a City owned property for future needs of City's Fire Station. Mr. Frink expressed concerns regarding the existing utility easement along the rear portion of the lots adjacent to the subject site, noting that the proposed masonry wall will take away this existing easement and impede the access of the utility providers for maintenance of their equipment. Mr. Frink further explained the existing drainage patterns that are crossing the subject property and expressed concern about how the drainage will be affected by the proposed development. Ms. Firgens explained the City's permitting processes, pointing out that civil engineering plans are submitted for staff review after the zoning request is approved by the City Council, therefore staff does not have the information at this time. Ms. Firgens also said that staff will discuss the drainage issues with the Public Works Department.

Ms. Artie Palmer, 3325 Scarlet Oak Court, Farmers Branch, Texas expressed concerns regarding the HOA, noting that she lives in a neighborhood with an HOA that now requires financial support from the City. Ms. Palmer stated that private streets even if built to city standards, if they are not properly maintained will require costly major repairs in the long term. Ms. Palmer expressed concerns regarding the existing terrain configuration and potential drainage issues, referring to her current experience living in a neighborhood with drainage issues. Considering the topography of the terrain and potential drainage issues, Ms. Palmer further concluded that a senior community with an HOA and with homes in a zero lot line configuration is not a good use of the subject property.

Hearing no further questions or comments from the audience, Chairman Moore closed the public hearing and asked the applicant if he would like to address any of the concerns raised during the public hearing. Mr. Bush said no.

Commissioner Yarbrough asked the applicant to come forward and address the question regarding the noise and light pollution generated by the proposed development. Mr. Costantino said a provision could be added in the HOA documents that only downward facing lighting is permissible for homes in order to cut down on potential light pollution. Mr. Costantino said he anticipated all noise pollution to be contained within the community, noting that both the homes and the open space would face towards the interior of the proposed development.

Commissioner Sullivan commented that it was his understanding that the expressed concerns were regarding the noise and light pollution generated by the City's Fire Station, not the homes. Mr. Constantino said the applicant cannot address issues

regarding the City's Fire Station. Commissioner Sullivan pointed out that there are several homes located considerably close to the City's Fire Station. Mr. Bush said he had several discussions with the Fire Chief and that the noise and light pollution from the fire trucks would be limited to the public streets adjacent to the subject property. Mr. Constantino noted the difference in elevation between the City's Fire Station and the subject property, explaining that due to the fact that the City's Fire Station is located at a higher elevation than the subject property, he anticipated the noise would be projecting over the single-story homes. Commissioner Sullivan pointed out the benefits related to public safety of having the City's Fire Station within residential proximity.

Mr. Jarnagin confirmed that the light and noise pollution related to the use of the fire trucks is considered by the Fire Department and sirens and lights are being turned on only on major streets but he stated that there is also noise and light pollution generated by the City's Fire Station unrelated to the driving of trucks on the street.

Commissioner Sullivan asked city staff for more information regarding the plans for the Library. Mr. John Land, Deputy City Manager, said that when the Citizens Bond Committee was formed, one of the subcommittees focused on the Library needs and discussed the possibilities of an expansion or a renovation. Mr. Land said he was the staff liaison for this. Mr. Land said as a result of the study, it was determined that while the Library was the right size, it was not configured in suitable manner to meet the needs of the citizens. Mr. Land said as a result of this, the Bond Committee made recommendations to City Council for bond items related to the Library, but these items did not make the final ballot. Mr. Land said that the Library Board recently came back to City Council to ask for a reconsideration of Library renovations. Mr. Land said a dialogue has taken place amongst City Council as to whether the Library should be renovated or rebuilt depending on the estimated costs, pointing out that the general consensus was that the existing building footprint will not be modified regardless of the chosen option. Mr. Land also explained that during this budget year the City will analyze the options, potentially with a consultant, and will determine the suitable solution. Mr. Land said he anticipated that it would be May 2020 before citizens would vote on any bond items regarding the Library.

Commissioner Zavala asked if the new parking lot would need to be constructed prior to construction of the homes. Mr. Land said yes, stating that the current parking lot on the subject site contains approximately 54 parking spaces that are used on a frequent basis and that the new parking lot proposed across the street will have to be built prior to any development on the subject site. Commissioner Zavala asked if the trail adjacent to where the parking would be located would be temporarily shut down during construction of the parking lot. Mr. Land said the trail would likely be re-routed in order to accommodate the parking lot and that will happen prior to the construction of the parking lot. Commissioner Zavala recommended staff relocate the trail prior to construction of the new parking lot.

Commissioner Bertl suggested the use of permeable pavers for the new parking lot, using the example of the parking lot at the George Bush Presidential Library, and recommending staff to create a similar parking lot. Mr. Land said that the City is working to gain experience regarding permeable paving and is willing to use this project as a pilot project. Mr. Land explained that the existing terrain configuration will probably require the western portion to be built with concrete to meet the drainage requirements for flood plain, but the rest of the lot could be paved with permeable paving. Mr. Land said coordination with both the Public Works and Sustainability departments has taken place in order to find a suitable type of permeable paving that

would absorb rainwater rather than allowing it to runoff.

Mr. Jarnagin stated from the audience that a permeable paving parking lot is still taking away park land.

Chairman Moore thanked the applicant for investing in the community and for working with the City staff for this project. Chairman Moore thanked City staff for their efforts on this project. Chairman Moore thanked the citizens who spoke during the public hearing, noting that this was an important part of the process. Chairman Moore asked for a motion.

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

**Excused:** 2 - Vice Chairman De Los Santos and Commissioner Driskill

**Nay:** 2 - Commissioner Retana and Commissioner Zavala

**Aye:** 4 - Chairman Moore, Commissioner Bertl, Commissioner Sullivan and Commissioner Yarbrough

**C.4**    [18-ZA-10](#)

Conduct a public hearing and consider the request to amend Planned Development District No. 95 (PD-95) including but not limited to landscaping, building materials and signage requirements for the 9.6-acre property located on the west side of Dallas North Tollway and approximately 360 feet south of Spring Valley Road; and take appropriate action.

Chairman Moore stated that subsequent to mailing the required property owners notices, staff determined that there was an error in the public notification; therefore, this request cannot be considered by the Planning and Zoning Commission at its meeting on August 13, 2018 and that the request has been rescheduled for the Planning and Zoning Commission's meeting on August 27, 2018.

No action was taken by the Commission regarding this agenda item.

**C.5**    [18-SP-17](#)

Consider a Detailed Site Plan for a mixed-use development on a 5-acre property located at 14175 Dallas North Tollway; and take appropriate action.

Chairman Moore stated that because this Detailed Site Plan is contingent upon the Zoning Amendment request to amend PD-95, also submitted by the applicant, that this case has been rescheduled until the August 27, 2018 meeting of the Planning and Zoning Commission.

No action was taken by the Commission regarding this agenda item.

**C.6**    [18-SU-10](#)

Conduct a public hearing and consider a request for a Specific Use Permit to allow outdoor storage located at 13860 N. Stemmons; and

take appropriate action.

The applicant, Kevin Woodard, is requesting a Specific Use Permit (SUP) to allow for outdoor storage at the rear of the existing building. The use of the property is retail service use; Mower Medic provides sale and maintenance service of lawn mower equipment, which is permitted within the Zoning district. The site is located within the Planned Development No. 70 (PD-70), which requires approval of an SUP for outdoor storage. Although the outdoor storage area was constructed prior to a request for an SUP, the associated Detailed Site Plan proposes to be in full compliance with the screening requirements for outdoor storage per PD-70 should the SUP be approved. Staff recommends approval of this Specific Use Permit request as presented.

Ms. Jenifer Paz, Senior Planner, gave a brief presentation regarding the applicant's proposal.

Chairman Moore opened the floor for questions from the Commissioners. Hearing none, Chairman Moore asked if the applicant was present.

Mr. Kevin Woodard, the applicant, 11096 Windjammer Drive, Frisco, Texas, said he moved his business from its current location in Carrollton, Texas to the subject property in January 2018. Mr. Woodard said he hired a fence contractor to erect a fence within the rear portion of the property, but later learned that the fence had been constructed without a permit, as required by the City, and that an SUP would be required for the outdoor storage. Mr. Woodard explained that his business repairs outdoor power equipment such as lawn mowers, generators, and leaf blowers. Mr. Woodard said the equipment repaired is small, measuring no more than approximately three (3) feet in length, and cannot be seen above the currently erected fence surrounding the property. Mr. Woodard said regarding installing a berm along the rear portion of the property, he stated that some of the land between the subject property and Denton Drive is not part of his property. Mr. Woodard said he planned to plant bushes along the rear portion of his property. Mr. Woodard stated that the land to the south of his property had recently sold and would be built upon within the next year. Mr. Woodard expressed his confidence that any outdoor storage would not be visible, and further explained that careful consideration had to be given in the installation of the berm along the rear portion of the property. Mr. Woodard explained that all equipment in need of repair is kept inside the building until repairs are complete and any equipment set outside the building is waiting to be picked up by customers. Mr. Woodard said customers typically take a maximum of five (5) days to pick up equipment and steps are taken to remove any equipment not picked up by this time, including selling said equipment to another customer. Mr. Woodard said it was his intention to maintain the upkeep of the property. Mr. Woodard said his business is growing and that the business does a considerable amount of work for the City as well as Carrollton, Texas and the North Texas Tollway Authority (NTTA). Mr. Woodard said he hoped the Commissioners would consider recommending approval of his SUP request.

Commissioner Bertl asked if the berm was required. Mr. Woodward said that staff explained to him that the berm would be required as part of the SUP. Mr. Woodward said he was willing to install the berm.

Commissioner Bertl commented that the berm would require a considerable amount of packing and risked being washed away. Commissioner Bertl commented that any bushes installed along the berm would need to be watered. Mr. Woodward said in discussions with staff, it would be best to install an automatic sprinkler system for this area. Mr. Woodward said the investment was ideal, noting that he currently had a five (5)

year lease on the property and had maintained the property. Mr. Woodard said a potential problem regarding the berm was installing it too close to the fence line, thus allowing others to stand on top of it and look over the fence. Mr. Woodard said while he is not convinced that the berm is necessary for this portion of the property, he is willing to install it.

Commissioner Bertl asked about the location of the tree in the existing photograph of the rear portion of the subject property provided in the agenda packet. Mr. Woodard said that tree was located on the tract of land not part of the subject property.

Commissioner Bertl asked for clarification regarding the location of the berm. Mr. Woodard explained the location. Mr. Woodard also said there was an existing sidewalk near the existing telephone pole seen in the photograph, with approximately four (4) to five (5) feet in between each. Mr. Woodward said a challenge regarding the installation of the berm would be properly situating it in between the telephone pole and sidewalk.

Commissioner Bertl commented that a dirt berm alongside the fence would rot the wood. Mr. Woodward said yes, if the berm were to be installed right alongside the fence line. Mr. Woodard said in discussions with staff, it was decided that it would be best for him to hire a landscape architect to design the berm.

Ms. Firgens explained that there are several screening options available regarding outdoor storage in PD-70. Ms. Firgens said these options include: a masonry wall; landscape shrubbery planted in a triangular pattern that is a minimum 36 inches at the time of installation on top of a minimum three (3) foot berm; or a combination of these options. Ms. Firgens said that with this SUP request, staff is working to achieve the screening requirements per PD-70, noting that Mr. Woodard identified the challenge regarding space limitation on the rear portion of the property. Ms. Firgens said had staff known about this challenge ahead of time, staff would have had more time to work with the applicant on a solution regarding the berm. Ms. Firgens said that as part of their recommendation, the Commissioners could impose the condition that the applicant not install the berm, but instead plant taller shrubbery. Ms. Firgens noted a disadvantage to this could be the larger shrubbery going dormant for an extended period of time. Ms. Firgens explained the intent of the screening requirements of PD-70 was to require a three (3) foot berm on top of which to plant minimum three (3) foot tall shrubbery thus essentially achieving a six (6) foot tall screening wall.

Mr. Woodard said it might be possible to install five (5) foot tall shrubbery without the berm, which could prove to be a more desirable solution for screening this portion of the property. Ms. Firgens asked Mr. Woodard to clarify if he was suggesting that he install minimum five (5) foot shrubbery without the berm. Mr. Woodard said yes, stating that he would like to hire an architect to ensure no issues would arise from this. Mr. Woodard said the five (5) foot shrubbery would cover the fence within a year.

Mr. Woodard identified the location of the tract of land not part of the subject property and explained that development of this site would occur. Mr. Woodard said any outside storage at this location on the property would not be visible once a building was in place.

Commissioner Bertl commented that she appreciated Mr. Woodard's suggestion of planting five (5) foot shrubbery along the rear portion of the property and said that he should carefully consider the types of shrubbery to be planted. Mr. Woodward said it was in his best interest to plant long-lasting shrubbery.

Commissioner Bertl asked Mr. Woodard if he was willing to install an automatic sprinkler system. Mr. Woodard said yes, if required. Ms. Firgens said automatic sprinkler systems are a requirement per PD-70.

Chairman Moore asked Mr. Woodard about the timing of his property lease. Mr. Woodard said it was a five (5) year lease that began in January 2018.

Chairman Moore asked if the applicant planned to expand this location or seek a larger facility in five (5) years. Mr. Woodard said he believed business at this location was strong thus far. Mr. Woodard said there would be room to grow and planned to stay at this location long term.

Chairman Moore asked if any potential plans for expansion would include expansion of the building. Mr. Woodard said yes, stating that it would be ideal to include indoor storage space, but that this was not feasible at this time. Mr. Woodard said he is very diligent in monitoring the property.

Commissioner Zavala asked about development on the tract of land to the south of the subject property the applicant identified as not part of the subject property. Ms. Firgens said no development applications regarding this property had been received by staff at this time. Mr. Woodard said it was his understanding that it would be a construction related use.

Hearing no further questions or comments from the Commissioners, Chairman Moore opened the public hearing. No one came forward to speak to this agenda item. Chairman Moore closed the public hearing and asked for a motion.

Commissioner Bertl made a motion to approve the Specific Use Permit request with the condition that the applicant plant taller shrubbery without the berm.

Chairman Moore asked Commissioner Bertl if she had a specific height requirement for the shrubbery in mind. Commissioner Bertl commented that the shrubbery should be as tall as the existing fence.

Mr. Woodard said he was considering plating Texas Sage, stating that it was a native plant that was on the list of approved plantings per PD-70.

Commissioner Bertl commented that Texas Sage is a small shrub and suggested that the applicant plant Vitex Trees, noting their: attractiveness; ability to grow in a bush-like manner; and their resistance to drought.

Chairman Moore asked Commissioner Bertl to clarify that she made a motion to approve this SUP request with the condition that the applicant plant minimum five (5) foot shrubbery or plantings without the berm. Commissioner Bertl said yes.

**A motion was made by Commissioner Bertl, seconded by Commissioner Sullivan, that this Specific Use Permit be recommended for approval with the modification that the applicant plant minimum five (5) foot shrubbery or plantings without the berm. The motion carried unanimously.**

**Excused:** 2 - Vice Chairman De Los Santos and Commissioner Driskill

**Aye:** 6 - Chairman Moore, Commissioner Bertl, Commissioner Retana, Commissioner Sullivan, Commissioner Yarbrough and Commissioner Zavala

**C.7**    [18-SP-18](#)

Conduct a public hearing and consider a Detailed Site Plan with a Special Exception related to signage for the multifamily development located at 14650 Landmark Boulevard; and take appropriate action.

The applicant, Jefferson Landmark LP, is proposing an amendment to the Detailed Site Plan as it relates to wall signage for a multi-family development, Jefferson Landmark apartments. The Detailed Site Plan for this development was approved in August 2016 with Resolution No. 2016-073. The subject site is zoned Planned Development District 98 (PD-98), which allows signage in accordance with the City's Sign Ordinance. With this proposed Detailed Site Plan amendment the applicant is requesting a Special Exception in order to install wall signage consisting of six (6) wall signs, at a size not provided for in the City's Sign Ordinance. Staff recommends approval of this Detailed Site Plan as presented.

Ms. Jenifer Paz, Senior Planner, gave a brief presentation regarding the applicant's proposal.

Chairman Moore opened the floor for questions from the Commissioners. Hearing no questions, Chairman Moore opened the public hearing.

Commissioner Yarbrough about the signage changes between this proposal and the initial approved sign plan. Mr. Murphy Webster, a representative for the applicant, 1351 Regal Row, Dallas, Texas, said it was the dynamics of the logo for the sign on the western façade of the building, noting that the perspective regarding this sign changed upon viewing the building from the ground up. Mr. Webster said the letters for the signage were not tall enough for the size of the building. Mr. Webster said as construction on the building commenced, it was realized that there was a vantage point to the building from the toll road. Mr. Webster said because this and the considerable amount of traffic that would enter the property on Landmark Boulevard from Inwood Road, it was decided that it would be more beneficial to spell "Landmark" on this sign rather than "Jefferson Landmark". Mr. Webster said all other signage had been previously approved.

Commissioner Bertl asked about construction of the building. Mr. Webster said the building opened for perspective tenants last week.

Commissioner Zavala commended Mr. Webster and the applicant for always being prepared and continuing to invest within the City. Commissioner Zavala commented that he liked this project. Commissioner Zavala thanked the applicant for continuing to work with the City.

Hearing no further questions or comments from the Commissioners, Chairman Moore asked if anyone else wished to speak to this agenda item. Nobody else came forward to speak to this agenda item. Chairman Moore closed the public hearing and asked for a motion.

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

**Excused:** 2 - Vice Chairman De Los Santos and Commissioner Driskill

**Aye:** 6 - Chairman Moore, Commissioner Bertl, Commissioner Retana, Commissioner Sullivan, Commissioner Yarbrough and Commissioner Zavala

**C.8**    [18-PL-13](#)

Conduct a public hearing and consider a request from Josey Lane Crossing, LLC for final plat approval of Josey Lane Crossing, a replat of Lot 4, Block A, The Shops at Branch Crossing; and take appropriate action.

Josey Lane Crossing LLC is the sole owner of a 3.38 acre tract of land located east of Josey Lane in the "Four Corners" area of the City just south of Valley View Lane. The purpose of the proposed plat, Josey Lane Crossing, is to replat all 3.38 acres of Lot 4, Block A, of The Shops at Branch Crossing, to create 2 new lots, Lots 1 & 2, Block A, and dedicate new easements necessary for the development of these lots. The plat is consistent with the detailed site plan approved by City Council on September 26, 2017. The final plat of Josey Lane Crossing is consistent with the Texas Local Government Code and the City's platting requirements for final plat approval. All public improvements associated with this project have been constructed. Staff recommends approval of this Final Plat as presented.

Ms. Tina Firgens, Director of Planning, gave a brief presentation regarding the applicant's proposal.

Chairman Moore opened the floor for questions from the Commissioners.

Commissioner Bertl asked the applicant about potential businesses for the location of the subject property. Michael Lewis, representing the applicant, 10120 Long Rifle Drive, Fort Worth, Texas, said he was not sure. Mr. Lewis explained that a reason for the delay in the approval process of this Final Plat was that the owner of the subject site wanted to ensure there would not be any constraints with the land that might hamper development. Mr. Lewis expressed confidence that businesses would eventually locate at the subject property.

Hearing no further questions or comments from the Commissioners, Chairman Moore opened the public hearing. No one came forward to speak to this agenda item. Chairman Moore closed the public hearing and asked for a motion.

**A motion was made by Commissioner Bertl, seconded by Commissioner Yarbrough, that this Final Plat be recommended for approval. The motion carried unanimously.**

**Excused:** 2 - Vice Chairman De Los Santos and Commissioner Driskill

**Aye:** 6 - Chairman Moore, Commissioner Bertl, Commissioner Retana, Commissioner Sullivan, Commissioner Yarbrough and Commissioner Zavala

**D.    ADJOURNMENT**

The meeting was adjourned at 9:11 PM.



The Planning and Zoning Commission may convene into executive session at anytime during the meeting pursuant to Texas Government Code Section 551.071 (2) for the purpose of seeking confidential legal advice from the City Attorney on any agenda item.

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 Secretary

Stamp:

Posted By: \_\_\_\_\_

Posted Date: \_\_\_\_\_