



City of Farmers Branch

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

Meeting Minutes

Planning and Zoning Commission

Monday, July 16, 2018

7:00 PM

City Hall

Study Session Meeting to be held at 5:15 PM in Study Session Room

Present 15 - Commissioner Tim Yarbrough, Commissioner David Moore, Commissioner Chris Brewer, Commissioner Michael Driskill, Commissioner Jared Sullivan, Commissioner Linda Bertl, Commissioner Giovanni Zavala, Vice Chair Sergio De Los Santos, Chair Jason O'Quinn, Tina M. Figgins AICP Director of Planning, Jenifer Paz Senior Planner, Brian Campbell Planning Technician, Shane Davis Sustainability & Public Health Director, John Land Deputy City Manager, Mayor Robert Dye, and Councilman John Norwood

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- 1) Manske Library
- 2) City Hall

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A. STUDY SESSION

Present 16 - Commissioner Tim Yarbrough, Commissioner David Moore, Commissioner Chris Brewer, Commissioner Michael Driskill, Commissioner Jared Sullivan, Commissioner Linda Bertl, Commissioner Giovanni Zavala, Vice Chair Sergio De Los Santos, Chair Jason O'Quinn, Tina M. Figgins AICP Director of Planning, Jenifer Paz Senior Planner, Brian Campbell Planning Technician, Shane Davis Sustainability & Public Health Director, John Land Deputy City Manager, Mayor Robert Dye, and Councilman John Norwood

A.1 TMP-2791

Discuss Regular Agenda items.

Chairman O'Quinn opened the Study Session at 5:15 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 regarding Regular Agenda Item B.1.

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

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

Hearing no questions or comments from the Commissioners regarding item B.3, Chairman O'Quinn asked for any questions or comments regarding Regular Agenda Item B.4.

Hearing no questions or comments from the Commissioners regarding item B.4, Chairman O'Quinn asked for any questions or comments regarding Regular Agenda Item C.1.

Regarding item C.1, Chairman O'Quinn stated that staff received a request from the applicant to table this agenda item until the August 13, 2018 meeting of the Planning and Zoning Commission. Chairman O'Quinn said a motion to table this agenda item would be made during the Regular Meeting.

Hearing no questions regarding item C.1, Chairman O'Quinn asked for any questions or comments regarding Regular Agenda Item C.2. Regarding item C.2, Chairman O'Quinn noted that the architecture for the CVS Pharmacy being developed at 2702 Valwood Parkway was different of that of a typical CVS Pharmacy.

Hearing no questions regarding item C.2, Chairman O'Quinn asked for any questions or comments regarding Regular Agenda Item C.3.

Hearing no questions regarding item C.3, Chairman O'Quinn asked for any questions or comments regarding Regular Agenda Item C.4.

Hearing no questions regarding item C.4, Chairman O'Quinn asked for any questions or comments regarding Regular Agenda Item C.5.

Regarding agenda item C.5, Commissioner Sullivan requested clarification regarding the applicant's request. In response to Commissioner Sullivan's request, Commissioner Yarbrough asked what would be the risk within the applicant's request being approved versus if the request were not approved. Chairman O'Quinn said the applicant would not be able to begin development on the site prior to fulfilling the requirements for approval by the Texas Commission on Environmental Quality (TCEQ). Mrs. Firgens said Chairman O'Quinn was correct, stating that the language in the proposed amendment to Ordinance No. 3480, which governs Planned Development District No. 100 (PD-100) and the subject site, permits the applicant to submit a Detailed Site Plan for review and approval by the Planning and Zoning Commission and City Council as well as civil and construction plans for review by staff. Mrs. Firgens said when PD-100 was originally adopted, there were provisions in Ordinance No. 3480 that the applicant could not move forward on the proposed development prior to receiving a Certificate of Completion from TCEQ. Mrs. Firgens said the applicant has gone through the remediation process of voluntarily cleaning up the site. Mrs. Firgens

explained that due to the length of time associated with both receiving the Certificate of Completion from TCEQ and obtaining a Resolution of Support for the Municipal Settings Designation (MSD) from the City of Dallas, the applicant is requesting that the language of Ordinance No. 3480 be amended to permit the administrative work associated with the proposal to move forward, including submittal of the Detailed Site Plan request for consideration by the Planning and Zoning Commission and City Council and, pending approval, submittal of construction and civil plans. Mrs. Firgens said no final approval of the construction and civil plans would be granted prior to the receipt by staff of the Certificate of Completion by TCEQ. Mrs. Firgens said this Zoning Amendment is to accommodate the applicant. Mrs. Firgens said, in speaking with the applicant, it was her understanding that the applicant is scheduled for consideration regarding the Resolution of Support for the MSD by the City of Dallas during the month of August. Mrs. Firgens said Mr. Shane Davis, Director of Sustainability and Public Health, was present to address specific questions regarding the processes associated with TCEQ and the MSD Resolution of Support. Commissioner Sullivan stated that development on the subject property would not move forward at this time and that this Zoning Amendment would permit the applicant to move forward with other processes associated with the proposed development. Mrs. Firgens said yes, stating that this was a matter of paperwork.

Regarding agenda item C.5, Commissioner Yarbrough asked if PD-100 referred specifically to the subject property. Mrs. Firgens said yes. Mrs. Firgens also stated that both the original version of Ordinance No. 3480 and the proposed amended language for this ordinance were included in the agenda packet.

Regarding agenda item C.5, Chairman O'Quinn asked if staff felt it would not be a waste of time to move forward with the administrative processes. Mrs. Firgens said yes, stating that staff consistently reviews projects that either move forward or do not for various reasons. Mrs. Firgens said, regarding this case, staff believes it is appropriate to move forward with development review. Mrs. Firgens reiterated that staff would not grant any final approvals on construction and civil plans prior to receiving the Certificate of Completion from TCEQ.

Regarding agenda item C.5, Commissioner Yarbrough asked if there were any other tracts of land within the City that have environmental issues similar to those of the subject property. Mr. John Land, Deputy City Manager, said the City has established an MSD for the property located at the southwest corner of Josey Lane and Valley View Lane, noting that this was the first one. Mr. Land said the subject property for this case was the second one and that a third one had been established on the eastern side of the City. Mr. Land explained that the purpose of the MSD was to ensure that wells for drinking water would not be placed upon tracts of land with this designation. Mr. Land explained that the City of Dallas had standing on approximately 40 square feet of the subject property, hence why the applicant is required to receive a Resolution of Support regarding the MSD from the City of Dallas. Mr. Land explained that this Zoning Amendment permits the applicant to move forward with the development process, noting that it would not be ideal to stall time on this project.

Regarding agenda item C.5, Mrs. Firgens stated, in response to Commissioner Yarbrough's earlier inquiry, that staff felt there were no risks involved with moving forward on the administrative processes regarding the applicant's proposal.

Regarding agenda item C.5, Commissioner Moore asked how long it would take for the applicant to receive the Certificate of Completion from TCEQ. Mrs. Firgens said she was not sure. Mr. Davis said one (1) requirement lacking in fulfilling TCEQ's

requirements is the Resolution of Support for the MSD from the City of Dallas. Mr. Davis said it was his understanding that this was the last requirement needed for successful fulfillment of TCEQ's requirements. Mr. Davis noted that the process for obtaining the Resolution of Support would take a considerable amount of time. Mr. Land added that it was his understanding, too, that this was the last requirement that needed to be fulfilled prior to the applicant being awarded the Certificate of Completion from TCEQ.

Regarding agenda item C.5, Commissioner Driskill asked if this Zoning Amendment were to be approved, it would mean that staff would begin the administrative processes. Mrs. Firgens said yes.

Hearing no further questions regarding item C.5, Chairman O'Quinn asked for any questions or comments regarding Regular Agenda Item C.6.

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

A.2 [TMP-2821](#)

Discuss nominations for the Chairman and Vice-Chairman to the Planning and Zoning Commission.

Chairman O'Quinn opened discussion on Study Session Agenda Item A.2 Discuss nominations for the Chairman and Vice-Chairman to the Planning and Zoning Commission.

Chairman O'Quinn stated no formal action regarding nominations would take place during the Study Session, but would instead occur during the Regular Meeting. Chairman O'Quinn then introduced Councilman John Norwood and explained he was present to provide an update regarding the Planning and Zoning Commission.

Councilman Norwood began by thanking the Commissioners for their service and commitment to the City. Councilman Norwood said the process of electing new individuals to the City's boards and commissions had been taking place over the past several months. Councilman Norwood said during this process, discussion has taken place amongst City Council regarding the Planning and Zoning Commission. Councilman Norwood said that during these discussions, City Council members noted that several of the boards and commissions had grown over the years with the Planning and Zoning Commission being one of them. Councilman Norwood said in discussions with City Attorney Pete Smith, City Council has learned that the composition of the Planning and Zoning Commissions for neighboring cities is seven (7) members and two (2) alternate members. Councilman Norwood said he believes there is a need for additional training for members of the various boards and commissions, and has encouraged City Council to consider appointing alternates to these boards and commissions in order to provide the opportunity for such training. Councilman Norwood stated that at the July 17, 2018 meeting of City Council, an ordinance would be passed that would change the composition of the Planning and Zoning Commission to seven (7) full-time members and two (2) alternate members. Councilman Norwood said that in addition to the vacancy that would be left after Chairman Jason O'Quinn resigned from the Commission, a second vacancy would be left by Commissioner Chris Brewer who was also resigning from the Commission. Councilman Norwood explained that City Council has decided not to reappoint the vacancy that will be left by Commissioner Brewer and that the Planning and Zoning Commission will consist of (8) members in the interim, with the appointment of Commissioner Cristal Retana. Councilman Norwood said next year, three (3) Commissioners would be up for reappointment, but that only two (2) of these Commissioners would be reappointed. Councilman Norwood

explained his presence at this Study Session was to explain City Council's rationale for changing the composition of the Planning and Zoning Commission as well as to provide the Commissioners an opportunity to decide over the next year whether or not they wished to continue their service. Councilman Norwood said he viewed the Planning and Zoning Commission as a training ground for civil service within the City and expressed his desire to continue this. Councilman Norwood explained that, regarding alternate members, these individuals would fill in for full-time members unable to attend a meeting and would be granted all privileges of a full-time member regarding deliberation, voting, and the other aspects of serving on the Commission.

Commissioner Zavala commented that he believed City Council's rationale on changing the composition of the Planning and Zoning Commission was ideal. Commissioner Zavala then asked Councilman Norwood how term limits would be handled for alternate members. Councilman Norwood said it was his understanding that the alternate members would be used to fill subsequent vacancies within the Planning and Zoning Commission and that alternate members would retain such status until they became full-time members. Commissioner Zavala asked how term limits would be handled for any current Commissioners would decide to serve as alternate members. Mrs. Figgins said that this and other details regarding this change have not been decided as of this time, with discussions being more of a conceptual nature. Mrs. Figgins said this is something that would need to be decided. Commissioner Zavala commented that this new composition would be ideal from the aspect of training members. Commissioner Zavala asked if alternate members could sit in on meetings regardless of attendance by full-time members. Councilman Norwood said while there would not be a seat at the table for meetings in which all full-time members are in attendance, the alternate members would still be encouraged to sit in on said meetings. Councilman Norwood said in meetings in which a full-time member is absent, an alternate member would be brought in to fill this vacancy for said meeting. Mrs. Figgins noted that in her previous tenure with the City of Farmers Branch as well as her tenure with other cities, the Planning and Zoning Commissions featured alternate members. Mrs. Figgins explained that if a full-time member was unable to attend a meeting, the member designated as Alternate No. One (1) would be brought in to fill this vacancy, with the member designated as Alternate No. Two (2) being brought in to fill the vacancy of a second full-time member. Mrs. Figgins said the specific details regarding alternate members would need to be decided.

Commissioner Yarbrough asked why alternate members had been eliminated from the Planning and Zoning Commission. Councilman Norwood stated that he believed that prior to his appointment to City Council and the establishment of term limits, it had been difficult to be appointed to the Planning and Zoning Commission and the Parks and Recreation Board. Councilman Norwood said he believed that during his period, it was the consensus that the number of full-time members should be expanded from seven (7) to nine (9) to provide the opportunity for more individuals to be appointed. Mr. Land commented that he agreed with Councilman Norwood's assessment, adding that he believed having terms limits would make having seven (7) full-time members a more manageable number. Mr. Land said it would be ideal having alternate members as they would be encouraged to attend the meetings, thus being prepared to serve the Commission as a full-time member. Mr. Land said it was his understanding that time served as an alternate member would not count towards a member's term limit, noting that the Zoning Board of Adjustment features alternate members.

Commissioner Bertl commented that the alternate members would keep busy, noting the rarity of having all nine (9) Commissioners in attendance at meetings. Councilman Norwood commented that he looked forward to that.

Commissioner Moore asked if the composition of the Planning and Zoning Commission would be eight full-time members and two (2) alternate members. Councilman Norwood said the composition would be seven (7) full-time members and two (2) alternate members. Commissioner Moore asked if the Commission would have eight (8) members in the interim, with the Commission having seven (7) full-time members and two (2) alternate members next year. Councilman Norwood said yes.

Commissioner Driskill commented that he believed this would be an ideal change for the Planning and Zoning Commission. Councilman Norwood commented that he shared Commissioner Driskill's sentiments, reiterating his desire to share City Council's rationale for changing the composition of the Planning and Zoning Commission.

Chairman O'Quinn thanked Councilman Norwood for his presence and his discussion with the Commission. Chairman O'Quinn then opened the floor for discussion regarding nominations of the Chairman and Vice Chairman. Chairman O'Quinn encouraged the Commissioners to ask any questions regarding the responsibilities of these roles as well as making their intentions of serving in either of these roles known at this time.

Vice Chairman De Los Santos commented that he believed Commissioner Yarbrough and Commissioner Moore would both be ideal candidates for the position of Chairman. Vice Chairman De Los Santos expressed his desire to remain Vice Chairman, noting that he believed his commitments would prevent him from serving in the role of Chairman to the fullest extent. Vice Chairman De Los Santos said he would continue to serve the Planning and Zoning Commissioner to the best of his abilities.

Chairman O'Quinn thanked Vice Chairman De Los Santos. Chairman O'Quinn then asked both Commissioner Yarbrough and Commissioner Moore if they would be willing to serve in the role of Chairman should either be nominated during the Regular Meeting. Both Commissioner Yarbrough and Commissioner Moore said yes.

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

A.3 [TMP-2822](#)

Recognition of Jason O'Quinn.

Chairman O'Quinn opened discussion on Study Session Agenda Item A.3 Recognition of Jason O'Quinn.

Mrs. Firgens said it was a pleasure to recognize Chairman O'Quinn for his years of service to the Planning and Zoning Commission. Mrs. Firgens noted several significant cases coming before the Planning and Zoning Commission during Chairman O'Quinn's tenure, including: the hotels on the Mira Lago peninsula; the Lincoln Waters Edge apartment complex located at Luna Road and Royal Lane; the Brickyard apartment complex, noting that entitlements are in place for a third phase; Planned Development District No. 99 (PD-99) and the associated multifamily and retail developments within this PD; the Wal-Mart retail center located in the central area of the City at Valley View Lane and Josey Lane; the Mustang Station multifamily development and the patio homes developed by K Hovnanian in this area; the East Side Comprehensive Plan; and the Bridgeview development. Mrs. Firgens said that Chairman O'Quinn supported new development, appreciated how multifamily developments attracted a diverse range of people to live in the City, and was an advocate of PD-99.

Chairman O'Quinn shared a personal anecdote regarding his very first Planning and Zoning Commission meeting. Chairman O'Quinn shared his perspective on other significant cases that came before the Planning and Zoning Commission during his tenure. Chairman O'Quinn commented that, per discussions with his peers in residential real estate, there is a consensus that housing options in the City are not adequately meeting the needs of young families, particularly regarding the square footage of new homes. Chairman O'Quinn said he appreciated being able to help change this trend. Chairman O'Quinn said it was his hope that new people moving into the west side and other areas of the City would be involved in the community.

Chairman O'Quinn thanked the other Commissioners for their service, commending them for being engaged and prepared. Chairman O'Quinn then thanked each Commissioner personally, sharing qualities about each that he appreciated.

The Commissioners each thanked Chairman O'Quinn personally. Each Commissioner personally commended Chairman O'Quinn for his service to the Planning and Zoning Commission and his leadership.

Mrs. Firgens thanked Chairman O'Quinn for his dedication to the Planning and Zoning Commission and for his help in her transition into her role as Director of Planning.

Mr. Land thanked Chairman O'Quinn for his service to the Planning and Zoning Commission, stating it was an honor having someone of his integrity serve as Chairman.

Chairman O'Quinn thanked everyone.

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

A.4 [TMP-2824](#)

Discuss the IH-35 Corridor Market Study Analysis.

Chairman O'Quinn opened discussion on Study Session Agenda Item A.4 Discuss the IH-35 Corridor Market Study Analysis.

Chairman O'Quinn said the next Planning and Zoning Commission quarterly update for City Council would take place on August 21, 2018, with one (1) Planning and Zoning Commission meeting before this on August 13, 2018. Chairman O'Quinn said it was important for the Commission to be prepared to give a recommendation to City Council regarding the IH-35 Corridor Market Study. Chairman O'Quinn said there was consensus at the June 25, 2018 Planning and Zoning Commission meeting to have a discussion regarding the presentation on the IH-35 Corridor Market Study given by Mr. Jason Claunch at that meeting during this Study Session.

Mrs. Firgens said the presentation given by Mr. Claunch was included in the agenda packet and that the information presented had not changed. Mrs. Firgens said that when this presentation was first presented to City Council, the question was asked regarding whether or not the Planning and Zoning Commission had been given this presentation, with Mrs. Firgens stating they had not. Mrs. Firgens said following Mr. Claunch's presentation to the Commission, the question was raised regarding how to best convey the Commissioners' feedback and recommendations regarding the IH-35 Corridor to City Council. Mrs. Firgens said the upcoming quarterly update to City Council regarding the Planning and Zoning Commission would be an appropriate

avenue in which to convey the Commissioners' feedback and recommendations. Mrs. Firgens said it was appropriate to have this agenda item during this Study Session in order to provide an opportunity for the Commissioners to discuss the information in the presentation while it was still fresh on their minds.

Mrs. Firgens said that in addition to this, it was important for the Commissioners to decide whether or not they felt this study should move forward, noting that such a study would cost a considerable amount of money, and that this aspect would be taken into consideration by City Council in consideration of funding the IH-35 study during their forthcoming budget retreat in August. Mrs. Firgens said one (1) of the items being requested by staff for the upcoming fiscal year budget is funding for a IH-35 Corridor vision study. Mrs. Firgens said it was important that the Commissioners decide whether or not they would like this study to move forward. Mrs. Firgens said at this time, City Council is divided on whether or not this study should move forward, with Councilmembers expressing concerns regarding: whether or not the vision study is necessary; the timeframe associated with completing this study; the financial costs associated with this study; and whether or not the study would hamper immediate actions that could be taken regarding the IH-35 corridor such as rezoning within the area. Mrs. Firgens said while she supported rezoning and similar efforts, she believed in the importance of establishing a long-term vision for the IH-35 corridor. Mrs. Firgens said that City Council is very interested in receiving feedback from the Commissioners regarding the IH-35 corridor. Mrs. Firgens said that it is fortunate to have the Station Area as an anchor on the southern end the corridor and noted the considerable amount of work that was necessary to establish this area of the City. Mrs. Firgens said it was important to balance the Station Area with other similar long-lasting development.

Commissioner Bertl asked about the time needed to complete the study. Mrs. Firgens said a study of this nature could take anywhere from seven (7) to eight (8) months to one (1) year, dependent upon the elements included in the study. Mrs. Firgens said that an important component of the study would be the public input process in which the City would receive input from stakeholders, including business owners, land owners, and the citizens. Mrs. Firgens said while a consultant team had not yet been contacted by staff regarding putting together a scope of work, this study would likely take a considerable amount of time. Mrs. Firgens said staff would seek a consultant team to assist in conducting this study and that she anticipated that the City would issue a Request for Qualifications (RFQ) in order to find an experienced consultant team. Mrs. Firgens said an important aspect in considering a potential consultant team's experience is whether or not said team has experience in the implementation of a vision study, noting that implementation would be an important component of the study.

Commissioner Driskill asked how a potential consultant team would guide the implementation of the vision study. Mrs. Firgens said the vision study would include a chapter on implementation, outlining specific goals as well as identifying tasks for implementing these goals. Mrs. Firgens said in the completion of this study, details regarding implementation of the study would ideally be established, including: who would be responsible for the implementation of items within the study; categorizing items as either short term or long term; and identifying financial costs associated with each item. Mrs. Firgens said in having a consultant team experienced in the implementation of a vision study, there would be assurance that said team would bring forth realistic implementation goals. Mrs. Firgens said an important responsibility of staff and the Commission regarding the vision study is to bring forth realistic short-term, mid-term, and long-term goals regarding the IH-35 corridor.

Commissioner Sullivan commented on the importance of establishing a vision for the IH-35 corridor and the City hiring a consultant team to conduct an analysis of the corridor. Commissioner Sullivan then asked if the City had begun receiving proposals from perspective consultant teams. Mrs. Firgens said staff had not at this time, but that she reached out to some teams regarding costs associated with the study. Mrs. Firgens said the number proposed to City Council for consideration was \$135,000, which she noted was a conservative amount for a Planning study. Mrs. Firgens said the cost of the study would be determined by how engaged the consultant team would be, including the number of meetings held and preparation for these meetings. Mrs. Firgens said should City Council decide that the vision study should move forward, staff would most likely issue an RFQ with the approved budget amount, noting that this was done with RFQs issued in other cities in which she worked.

Commissioner Moore asked about the budget for the East Side Comprehensive Plan. Mrs. Firgens said it was approximately \$95,000.

Commissioner Sullivan asked about the consultant team involved with the East Side Comprehensive Plan. Mrs. Firgens said a group of consultants was involved, including: laTerra Studio, Ideation Planning, Civic Brand, Prologue Planning, and Catalyst Commercial. Mrs. Firgens noted that while some studies can involve a team of smaller consultant firms teaming together, as was the case with the East Side Plan, some studies can involve larger firms that have several disciplines in house.

Mrs. Firgens also stated a consideration in conducting this study would be how the study would be impacted by any future widening of IH-35 and right-of-way acquisition.

Chairman O'Quinn asked Commissioner Zavala for insight regarding IH-35 construction widening. Commissioner Zavala said the Texas Department of Transportation (TXDoT) currently has a ten (10) year plan to construct the ultimate configuration which includes expanding the highway to the west. Commissioner Zavala noted that TXDoT had acquired some properties at the north end of IH-35 and had demolished some of the older buildings. Commissioner Zavala said when TXDoT installs the additional general purpose lanes and bidirectional toll lanes on IH-35, that would push traffic to the west. Commissioner Zavala said he believed development should focus on the eastern side of IH-35 as the western side would be impacted by construction traffic.

Commissioner Sullivan asked if the information Commissioner Zavala provided was public. Commissioner Zavala said yes, noting this was information provided by the North Texas Council of Governments (NCTCOG). Mr. Land added that the City was aware of the IH-35 expansion, noting that City works closely with TXDoT. Mr. Land said the City has been working with various companies regarding development on the western side of IH-35, noting Essilor as an example.

Chairman O'Quinn commented that the IH-35 corridor study could potentially get the City ahead of the curve regarding future development. Chairman O'Quinn commented that he believed an important takeaway from the quarterly update to City Council was staff's time regarding the vision study. Chairman O'Quinn said it was important to consider whether or not it was worthy of staff's time to engage in a vision study. Chairman O'Quinn noted that business ownership along the IH-35 corridor was fragmented, similar to eastern side of the City. Chairman O'Quinn said it was important for the Commissioners to come up with a compelling reason for conducting the IH-35 vision study and that the study not negatively impact the implementation of the East Side Plan. Mrs. Firgens said with respect to implementation and also the city's East Side, private development will play an important role in the implementation of the city's

long-range plans. Mrs. Firgens said anytime there's a request for development of a property, staff works to ensure the request is consistent with the long-range plan for the area of said property. Mrs. Firgens said the city is more heavily involved in capital improvement projects and staff determines how to best allocate funds and resources taking into consideration the long-range plans. Mrs. Firgens said multiple parties are involved with the implementation of a plan.

Commissioner Brewer asked if having a vision study for the IH-35 corridor would provide an advantage from an economic standpoint. Mr. Land said having the information would be helpful. Mr. Land said as leases for All Terrain Vehicle (ATV) stores were renewed, a question arose as to whether or not this and similar uses were the highest and best use of property within the corridor. Mr. Land said the market study illustrated that there more ideal uses for property within the corridor. Mr. Land said in order to adequately revise zoning within the IH-35 corridor and address potential issues regarding restriction of trade, adequate information needed to be presented to property owners to show why a particular use would be ideal for said property. Mr. Land said some property owners may bring up concerns regarding money in discussions regarding rezoning of a property.

Commissioner Brewer commented on the importance of an IH-35 vision study, noting that IH-35 is an important "window" into the City. Mrs. Firgens said in the City of Richardson and other cities she has worked in previously, developers would ask about the vision for a particular area. Mrs. Firgens said in general, developers investing time and resources into a rezoning and entitlement phase for a given project want to ensure that their proposed development is consistent with a City's vision for said area. Mrs. Firgens noted that the City of Richardson went through an extensive vision study for the Central Expressway (U.S. 75) corridor, including two (2) rezoning phases, and as a result, staff was able to adequately convey to developers the City's vision for this corridor. Mrs. Firgens said that, per Texas State Law, zoning of a property needs to be consistent with the Comprehensive Plan for that area and that a challenge regarding the IH-35 corridor would be whether the rezoning of properties would be consistent with an existing Comprehensive Plan or a future plan. Mrs. Firgens noted that the west side of the IH-35 corridor had recommendations from the West Side Comprehensive Plan and that east side of the corridor had recommendations from the Central Area Comprehensive Plan. In regards to interim zoning, Mrs. Firgens said she has discussed with Mr. Land approaching this in two (2) phases, one (1) each for the east and west sides of the corridor. Mrs. Firgens said rezoning would require public notification and public hearings before both the Planning and Zoning Commission and City Council. Mrs. Firgens said research would be needed in order to bring a proposal before the Commission and then the proposal would go through the public notification and public hearing process. Mrs. Firgens said non-conforming uses would need to be addressed as well, noting that the Comprehensive Zoning Ordinance (CZO) allows these uses to continue as well as the expansion of such uses. Mrs. Firgens said she believed it would be ideal to eliminate expansion of such uses in rezoning the IH-35 corridor.

Commissioner Bertl asked how a potential consultant team would address existing and proposed zoning within the IH-35 corridor. Mrs. Firgens said a potential consultant team would likely take existing zoning actions into consideration. Mrs. Firgens said it was her impression from City Council that they would like staff to restrict uses within the IH-35 corridor. Mrs. Firgens said in regards to this process, staff would work to identify those uses that appear to be inconsistent with the long-term vision of the corridor. Mrs. Firgens said staff would share with the consultant team any recent zoning actions taken. Mrs. Firgens said an important consideration would be the types of development

that would be most ideal for the corridor.

Commissioner Moore asked about the timeline of conducting a vision study for the IH-35 corridor versus performing piece-meal rezoning of properties within the corridor. Mrs. Firgens said it would take less time to conduct the rezoning. Mrs. Firgens said, with regards to the elimination of uses within the corridor, this process would be treated as a normal zoning case, including performing research on the area. Mrs. Firgens said the uses of the Planned Development Districts (PDs) within the corridor would need to be reviewed, noting that City Council has identified ATV and automobile related uses as candidates for uses that should be eliminated within the IH-35 corridor. Mrs. Firgens said this process would be comparable to a zoning cases, which she said can take from two (2) and a half to three (3) months. Mrs. Firgens said, in regards to this particular matter, it could take approximately four and a half (4.5) months.

Commissioner Moore commented that, with regards to the IH-35 corridor, the least expensive approach would be to do nothing, the middle-ground approach would be the rezoning and elimination of undesirable uses, and the most expensive approach would be the vision study. Mrs. Firgens said yes. Commissioner Moore commented that he believed the Commission should agree to move forward with the vision study for the IH-35 corridor in order to get better direction from City Council. Commissioner Moore commented that he is unclear how City Council would like the Planning and Zoning Commission to address a potential vision study for the IH-35 corridor. Commissioner Bertl asked if City Council had given the Commission any direction regarding the vision study. Commissioner Moore said City Council would like the Planning and Zoning Commission to make a recommendation regarding the study, noting that City Council is currently split on whether or not the study should move forward. Commissioner Moore noted his previous working within the City of Richardson and how the U.S. 75 vision study helped improve this corridor, noting that studying this vision study could be helpful. Commissioner Moore commented that he would like to keep informed on the progress of other Comprehensive Plans, such as the East Side Plan and the Station Area Plan.

Commissioner Bertl asked about how the Commission would make a recommendation to City Council.

Mrs. Firgens asked if there was general consensus amongst the Commissioners that the IH-35 corridor vision study should move forward, and general consent was given. Mrs. Firgens said that staff would convey this recommendation to City Council. Mrs. Firgens asked the Commissioners how soon they felt this study should begin, noting that this would be a consideration of City Council during their forthcoming budget retreat.

Commissioner Moore asked about staff's time and what might not get done should the vision study move forward. Mrs. Firgens said it would be ideal to keep everything moving forward, noting the importance of keeping development applications moving forward. Commissioner Moore commented that there is the perception that staff is busy with development applications. Mrs. Firgens said the flow of cases varies, noting that there are approximately 20 cases currently under some form of pending status. Mrs. Firgens said that a vision study would take a considerable amount of staff time, but that is also why staff would utilize a consultant team to do much of the work with staff providing direction and oversight to the consultant team. Mrs. Firgens said having a full staff would help, introducing Ms. Jenifer Paz, Senior Planner. Mrs. Firgens said there may be areas in which staff is not as active as the study is being conducted, but that ideally, nothing would be allowed to slide.

Mrs. Firgens asked the Commission if they felt the IH-35 vision study should move forward within the next year. Chairman O'Quinn said there was general consensus that the study should move forward within the next year, stating the importance of the Commission addressing why they feel this vision study should move forward. Chairman O'Quinn said he believed this study should move forward because the IH-35 corridor is a "window" into the City and that now was the appropriate time to do some "window cleaning".

Commissioner Yarbrough asked if staff had reached out to the City of Carrollton regarding the IH-35 corridor and if the City of Carrollton was currently conducting a vision study north of Valwood Parkway. Mr. Land said he was not familiar with Carrollton's vision study, but that it would be useful to reach out to them. Mr. Land said the IH-35 corridor vision study should include an articulation of Carrollton, parts of the City of Dallas, and other surrounding cities.

Commissioner Yarbrough asked if the IH-35 corridor study could be a joint venture with the City of Carrollton. Mrs. Firgens said she was not sure.

Commissioner Sullivan asked if Carrollton's vision study was public information. Mrs. Firgens said yes. Commissioner Sullivan commented on some of the work done as a result of their study. Mrs. Firgens said staff could review Carrollton's vision study and bring back the information to the Commissioners.

Commissioner Driskill commented on the importance of conducting the vision study, while performing rezoning in the interim. Commissioner Driskill commented on the importance of having a consultant team act as a fresh pair of eyes in studying this area and formulating recommendations regarding land use. Commissioner Driskill commented that the City would be changing in the coming years and having a vision study would help give consistency to the IH-35 corridor regarding development.

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

A.5 [TMP-2825](#)

Discuss the upcoming City Council quarterly update presentation.

Chairman O'Quinn opened discussion on Study Session Agenda Item A.5 Discuss the upcoming City Council quarterly update presentation.

Chairman O'Quinn explained that at the April 3, 2018 City Council meeting he gave a presentation regarding the Planning and Zoning Commission and updating City Council on the work being done by the Commission. Chairman O'Quinn commended staff in their efforts to put together this presentation and said this presentation was well received by City Council. Chairman O'Quinn said the purpose of the presentation was to establish how the Planning and Zoning Commission would meet the guiding principles set forth by City Council. Chairman O'Quinn said that the agenda for the August 21, 2018 City Council meeting would include another quarterly update presentation regarding the Planning and Zoning Commission, noting that the Commission has one (1) meeting scheduled prior to this on August 13, 2018. Chairman O'Quinn said discussion during this Study Session was necessary regarding what should be included in this presentation.

Mrs. Firgens gave attention to the bulleted list of items included in the staff report for

this agenda item as well as the work plan included in the agenda packet. Mrs. Firgens explained that this bulleted list represented items of which the Commission may want to advise City Council, including both requested items and accomplishments. Mrs. Firgens gave an overview of these items, including: the IH-35 Corridor Market Study Analysis; residential setbacks and related regulations; updates on cases acted upon by City Council; training on the Texas Open Meetings Act; a presentation on the City's development review and permitting processes; discussion on landscaping requirements for single-family homes, particularly with regards to new home construction; election of the Chairman and Vice Chairman; and updates to the work plan. Mrs. Firgens said a challenge in putting together this presentation would be that there would not be much significant progress to show on certain items due to the limited number of meetings of the Planning and Zoning Commission between the last quarterly update and this one forthcoming. Mrs. Firgens said if the Commissioners were satisfied with the information on this list, staff would draft a presentation based on this information. Mrs. Firgens encouraged the Commissioners to provide feedback on any additional information they felt should be included.

Regarding the work plan, Chairman O'Quinn asked if there was an item addressing Specific Use Permit (SUP) provisions that may be need to be revised. Mrs. Firgens pointed out that this item was second under the "Additional requests" list on page two (2) of the work plan. Mrs. Firgens said this is an item City Council has asked staff and the Planning and Zoning Commission to address over time. Mrs. Firgens noted a challenge in addressing this item involved also addressing the other items requested by City Council, noting a meeting she recently had with Mr. Land in order to prioritize these requests. Mrs. Firgens said as a result of this meeting, addressing SUP provisions has become less of a priority at this time. Mrs. Firgens said City Council has expressed interest in addressing hotel regulations, noting that staff is currently preparing a presentation for City Council in August that would also be shared with the Commission. Mrs. Firgens said addressing landscaping requirements, along with stormwater and other sustainability initiatives has become a larger priority for City Council. Referring to stormwater and sustainability initiatives, Mrs. Firgens said another item of interest is addressing parking requirements, suggesting that permeable paving be included in addressing this item. Mrs. Firgens said that this revised list of priorities will affect the Commission's work plan. Mrs. Firgens said discussions have taken place regarding staff giving a presentation before City Council regarding items staff and the Commission intend to work on in order to receive feedback. Mrs. Firgens also pointed out that at this time, alternate types of durable exterior building materials and quality standards for multifamily developments have both become less of a priority.

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

A.6 [TMP-2792](#)

Discuss agenda items for future Planning and Zoning Commission consideration.

Chairman O'Quinn opened discussion on Study Session Agenda Item A.6 Discuss agenda items for future Planning and Zoning Commission consideration.

Chairman O'Quinn said he would like to bring back to the August 13, 2018 Planning and Zoning Commission Meeting a recommendation on why the City should move forward with the IH-35 vision study. Chairman O'Quinn asked Mrs. Firgens if the Study Session agenda for the August 13, 2018 meeting would include a follow up discussion on the presentation for City Council regarding the quarterly update on the Planning and Zoning Commission. Mrs. Firgens said yes.

Commissioner Sullivan asked if City Council would not hear the Commissioners' recommendation regarding the IH-35 corridor vision study until the quarterly update presentation. Mrs. Firgens said yes, adding that she would have an opportunity to let City Council know that the Commission supports this study during their budget retreat.

Hearing no further questions or comments from the Commissioners, Chairman O'Quinn closed discussion on this agenda item and adjourned the Study Session at 6:50 PM. Commissioners and staff reconvened in Council Chambers for the Regular Meeting at 6:59 PM.

B. REGULAR AGENDA ITEMS

B.1 [TMP-2793](#) Consider approval of the Attendance Matrix for the Planning and Zoning Commission as presented; and take appropriate action.

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

Aye: 9 - Commissioner Yarbrough, Commissioner Moore, Commissioner Brewer, Commissioner Driskill, Commissioner Sullivan, Commissioner Bertl, Commissioner Zavala, Vice Chair De Los Santos, and Chairman O'Quinn

B.2 [TMP-2794](#) Consider approval of the June 25, 2018 Planning and Zoning Commission Minutes; and take appropriate action.

A motion was made by Commissioner Moore, seconded by Commissioner Sullivan, that the Minutes be approved. The motion carried by unanimously.

Aye: 9 - Commissioner Yarbrough, Commissioner Moore, Commissioner Brewer, Commissioner Driskill, Commissioner Sullivan, Commissioner Bertl, Commissioner Zavala, Vice Chair De Los Santos, and Chairman O'Quinn

B.3 [TMP-2823](#) Presentation recognizing Jason O'Quinn for his years of service on the Planning and Zoning Commission.

Mrs. Tina Firgens, Director of Planning, said it was a pleasure to recognize Chairman O'Quinn for his years of service, noting that he has served on the Planning and Zoning Commission approximately eleven (11) years. Mrs. Firgens then introduced Mayor Robert Dye.

Mayor Dye thanked Chairman O'Quinn for his service to the City in serving on the Planning and Zoning Commission, noting that such an undertaking takes commitment. Mayor Dye said Chairman O'Quinn's time served on the Commission was invaluable. Mayor Dye thanked Chairman O'Quinn for instilling the base of knowledge gained from experience into his fellow Commissioners. Mayor Dye said it was his hope that the Planning and Zoning Commission would carry on Chairman O'Quinn's legacy of service with integrity. Mayor Dye said he believed there would always be room for Chairman O'Quinn's leadership within the City. Mayor Dye recognized the other Commissioners for their kind words towards Chairman O'Quinn during the Study Session. Mayor Dye brought special attention to Chairman O'Quinn's recognition of each Commissioner during the Study Session. Mayor Dye thanked Chairman O'Quinn again and then introduced Councilman John Norwood.

Councilman Norwood shared a personal anecdote regarding Chairman O'Quinn. Councilman Norwood then said he believed Chairman O'Quinn to be someone in tune with the pulse of the City who cared about helping to make it a great place to live. Councilman Norwood said he believed Chairman O'Quinn would be well suited for potential future leadership positions within the City. Councilman Norwood congratulated Chairman O'Quinn for his service to the Planning and Zoning Commission.

Mrs. Firgens said it was a pleasure having Chairman O'Quinn serve on the Planning and Zoning Commission, thanking him for his leadership. Mrs. Firgens said she believed much of the Commission's success was attributed to Chairman O'Quinn's leadership. Mrs. Firgens thanked Chairman O'Quinn for his help in Mrs. Firgens' transition into her role as Director of Planning.

Mayor Dye presented Chairman O'Quinn with a recognition award commemorating his service on the Planning and Zoning Commission.

Chairman O'Quinn thanked Mayor Dye, Councilman Norwood, and Mrs. Firgens. Chairman O'Quinn said while service with the Commission may be ending, he would continue to care for and serve the City. Chairman O'Quinn said he believed the City was poised for continued success thanks to: Mayor Dye's leadership, an engaged City Council, and a dedicated City staff. Chairman O'Quinn said continuing to improve the quality of housing for residents was of importance to him. Chairman O'Quinn said he believed the City was prepared to accomplish several long-term goals, including adaptive reuse of aging commercial properties, protecting City parks, continue to identify and recruit ideal businesses into the City, and continue to refine the Comprehensive Zoning Ordinance (CZO) for continued revitalization and economic growth within the City. Chairman O'Quinn said his dream was for the City of Farmers Branch to be a place where all feel welcome and safe. Chairman O'Quinn said it was this dream that motivated him to serve on the Planning and Zoning Commission, and will continue to motivate him to serve the City. Chairman O'Quinn said serving on the Planning and Zoning Commission has been his greatest civic honor. Chairman O'Quinn thanked everyone, giving special recognition to his fellow Commissioners, Councilman Norwood and City Council, City staff, including Mrs. Tina Firgens, Director of Planning, Mr. Andrew Gillies, former Director of Community Services, and Mrs. Andreea Udrea, Planning Manager. Chairman O'Quinn then thanked his family.

B.4 [TMP-2820](#)

Nomination and Election of the Chairman and Vice-Chairman of the Planning and Zoning Commission; and take appropriate action.

A motion was made by Commissioner Brewer, seconded by Commissioner Yarbrough that Commissioner David Moore be nominated and elected to the position of Chairman. The motion carried unanimously.

A motion was made by Commissioner Zavala, seconded by Commissioner Driskill that Vice Chairman De Los Santos be re-elected to the position of Vice Chairman. The motion carried unanimously.

C. PUBLIC HEARING

C.1 [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 municipally 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.

Chairman O'Quinn said staff has received a request from the applicant to table this agenda item until the August 13, 2018 meeting of the Planning and Zoning Commission in order to allow the applicant additional time to address staff comments. Chairman O'Quinn said anyone wishing to speak to this agenda item would have an opportunity to do so at the August 13, 2018 Planning and Zoning Commission meeting.

An audience member asked when she would be able to comment on this agenda item. Chairman O'Quinn said she would have an opportunity to do so at the August 13, 2018 meeting of the Planning and Zoning Commission, stating that this agenda item would be a public hearing. Chairman O'Quinn said the applicant requested additional time to address staff comments.

Chairman O'Quinn asked for a motion.

A motion was made by Commissioner Yarbrough, seconded by Vice Chair De Los Santos, that this Zoning Amendment be tabled until the August 13, 2018 Planning and Zoning Commission meeting. The motion carried unanimously.

Aye: 9 - Commissioner Yarbrough, Commissioner Moore, Commissioner Brewer, Commissioner Driskill, Commissioner Sullivan, Commissioner Bertl, Commissioner Zavala and Vice Chair De Los Santos, and Chairman O'Quinn

C.2 **18-PL-08**

Conduct a public hearing and consider a request from CVS Pharmacy, Inc. for final plat approval of CVS Valwood Addition, a replat of Lots 3 and 4, Block A, Valwood Village Shopping Center and Lots 1 and 2, Block A, Parnian Addition; and take appropriate action.

CVS Pharmacy Inc. is the sole owner of a 1.646 acre tract of land located at the southeast corner of Josey Lane and Valwood Parkway. The purpose of the proposed CVS Valwood Addition plat is to replat Lots 3 and 4, Block A, Valwood Village Shopping Center and Lots 1 and 2, Block A, Parnian Addition to create one new lot, abandon an existing 20 foot utility easement, and dedicate new easements necessary for the development of this lot. This plat is consistent with the approved building and civil construction plans. The proposed final plat of CVS Valwood Addition 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.

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

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 Moore, seconded by Commissioner Brewer, that this Final Plat be recommended for approval. The motion carried unanimously.

Aye: 9 - Commissioner Yarbrough, Commissioner Moore, Commissioner Brewer, Commissioner Driskill, Commissioner Sullivan, Commissioner Bertl, Commissioner Zavala and Vice Chair De Los Santos, and Chairman O'Quinn

C.3 [18-PL-09](#)

Conduct a public hearing and consider a request from CADG Mercer Crossing Holdings, LLC., for final plat approval of Verwood Addition, a replat of a portion of Block B of Westside Addition Section 1; and take appropriate action.

CADG Mercer Crossing Holdings LLC is the sole owner of a 16.37 acre tract of land located south of Wittington Place extension, west of Luna Road and north of Mercer Parkway. The purpose of the proposed Verwood Addition plat is to replat a portion of Block B of Westside Addition Section 1, to subdivide the property into fifty-nine (59) single family residential and six (6) HOA (open space) lots along with the dedication of new easements necessary for the development of the lots. This plat is consistent with the approved Detailed Site Plan in Resolution No. 2017-031 duly passed by City Council on May 16, 2017, allowing for single family residential development. The proposed final plat of Verwood Addition is consistent with the Texas Local Government Code and the City's platting requirements for final plat approval. Staff recommends approval of this Final Plat as presented.

Mrs. Tina Firgens gave a brief presentation regarding the applicant's proposal.

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

Commissioner Brewer asked about the open space home owners association (HOA) lot referred to by Mrs. Firgens during her presentation. Mr. Michael Beaty, the applicant, 1800 Valley View Lane, Farmers Branch, Texas, said this lot would be passive open space featuring such amenities as benches. Mr. Beaty said that the Windermere neighborhood, located to the north of Verwood neighborhood, will contain the amenity center for the entire development west of Luna Road.

Hearing no more 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 Yarbrough, seconded by Commissioner Sullivan, that this Plat be recommended for approval. The motion carried unanimously.

Aye: 9 - Commissioner Yarbrough, Commissioner Moore, Commissioner Brewer, Commissioner Driskill, Commissioner Sullivan, Commissioner Bertl, Commissioner Zavala and Vice Chair De Los Santos, and Chairman O'Quinn

C.4 **18-PL-10**

Conduct a public hearing and consider a request for final plat

approval of Arbors and Patios Addition, Lot 1, Block A; and take appropriate action.

Arbors and Patios, Inc. is the owner of a 0.356 acre tract of land addressed as 3500 McClintock Street, known as part of Lot 35 and part of Lot 36, North Dallas Truck Farms Addition, originally platted in 1941. The property is located on the east side of McClintock Street between Richland Avenue and Fruitland Avenue. The owners desire to replat the property as one single lot; Lot 1, Block A, Arbors and Patios Addition. The replat will include the abandonment of a ten (10) foot wide utility easement that otherwise divided the proposed lot. All public utility companies holding an interest in the easement have provided approval of the abandonment. The proposed final plat of Arbors and Patios Addition, Lot 1, Block A is consistent with the Texas Local Government Code and the City's platting requirements. Staff recommends approval of this Final Plat as presented.

Mrs. Tina Firgens gave a brief presentation regarding the applicant's proposal.

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 Vice Chair De Los Santos, seconded by Commissioner Moore, that this Final Plat be recommended for approval. The motion carried unanimously.

Aye: 9 - Commissioner Yarbrough, Commissioner Moore, Commissioner Brewer, Commissioner Driskill, Commissioner Sullivan, Commissioner Bertl, Commissioner Zavala, Vice Chair De Los Santos, and Chairman O'Quinn

C.5 [18-ZA-06](#)

Conduct a public hearing and consider the request from MM Kensington, LLC to amend Planned Development District No. 100 (PD-100) as it relates to amending the administrative processes specified within the zoning district, approximately 54.5 acres located on the south side of Valley View Lane, on the north side of Wittington Place, west of the future extension of Hutton Drive, and approximately 450 feet east of Chartwell Crest; and take appropriate action.

The City has received a request from MM Kensington, LLC, applicant, to amend Planned Development No. 100 (PD-100) as it relates to administrative processes specified within the zoning district. Due the environmental remediation that was required in order for the subject property to be developed as single-family residences, PD-100 stipulates that prior to any development plans (i.e. detailed site plans, plats, civil construction plans) being submitted and any permits or other consents authorizing the development of the property, a Certificate of Completion from Texas Commission on Environmental Quality (TCEQ) shall be obtained. The applicant is requesting to amend this provision within PD-100 in order to allow them to submit their detailed site plan for review and consideration by the Planning and Zoning Commission and City Council, as well as submit their civil construction plans for review only, prior to obtaining the Certificate of Completion from TCEQ due to the potential time involved obtaining the certificate. Staff recommends approval of this Zoning Amendment as

presented.

Mrs. Tina Firgens gave a brief presentation regarding the applicant's proposal.

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

Commissioner Bertl asked about the timeline for the applicant receiving the Certificate of Completion from TCEQ regarding cleanup of the subject property. Mrs. Firgens said it was not known at this time how much longer the applicant would need to receive the certificate. Mrs. Firgens said the applicant was subject to TCEQ's processes

Mr. Michael Beaty, the applicant, said that when this case was first before the Planning and Zoning Commission back in December 2017, he did not account for the timing of the voluntary TCEQ cleanup process as well as the process of obtaining a Resolution of Support for the Municipal Settings Designation (MSD) from the City of Dallas. Mr. Beaty said, per the process set forth by TCEQ, receiving the Resolution of Support from the City of Dallas for the MSD must occur prior to TCEQ issuing the Certificate of Completion. Mr. Beaty said there would be a committee meeting on August 13, 2018 and that this case would go before Dallas City Council on August 23, 2018. Mr. Beaty said as of December 2017, the applicant has completed voluntary cleanup of the subject property, having removed 40,000 cubic yards of soil, some of which was potentially contaminated and some that tested positive for contamination. Mr. Beaty said two (2) separate environmental samples were conducted with both resulting in the removal of large stockpiles of soil. Mr. Beaty said since this cleanup, the applicant has had two (2) rounds of correspondence with TCEQ, with TCEQ recommending no further action. Mr. Beaty said TCEQ will not issue the certificate until he has received the Resolution of Support for the MSD from the City of Dallas as TCEQ views this as a more complete closure of the site. Mr. Beaty said with this request, he is saving approximately 90 days in which to get the Detailed Site Plan and civil and construction plans reviewed in order to begin development on the subject property once the Certificate of Completion from TCEQ has been received.

Chairman O'Quinn asked Mr. Beaty about his affiliation with MM Kensington LLC. Mr. Beaty said this company was set up as a related entity to Centurion American Development Group.

Hearing no more 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 Moore, seconded by Commissioner Driskill, that this Zoning Amendment be recommended for approval. The motion carried unanimously.

Aye: 9 - Commissioner Yarbrough, Commissioner Moore, Commissioner Brewer, Commissioner Driskill, Commissioner Sullivan, Commissioner Bertl, Commissioner Zavala and Vice Chair De Los Santos, and Chairman O'Quinn

C.6 [18-ZA-07](#)

Conduct a public hearing and consider a request to amend the Comprehensive Zoning Ordinance including amending: Article 3. Zoning District Dimensional Standards as it relates to measurement and exception standards, and one-family residence and two-family residence bulk, area, siting and dimensional

standards; and Article 7. Definitions including modifying existing definitions and adding definitions; and take appropriate action.

This is a city-initiated zoning amendment to amend the Comprehensive Zoning Ordinance (CZO) as it relates to reducing front, side and rear yard area standards and increasing maximum lot coverage requirements of one-family and two-family residence zoning districts in order to accommodate a larger building area, or building envelope, for properties located within these types of zoning districts. The zoning districts affected include: One-Family Residence District -2 (R-2), One-Family Residence District -3 (R-3), One-Family Residence District -4 (R-4), One-Family Residence District -5 (R-5), One-Family Residence District -6 (R-6), Two-Family Residence District -1 (D-1), and Two-Family Residence District -2 (D-2). Additionally, staff is proposing to modify existing definitions and add definitions related to lots of various different types to provide additional clarification within the CZO. On December 12, 2017, City Council directed staff to move forward with amending the CZO to provide a larger building area for single-family and two-family lots to accommodate new home construction and additions onto existing homes within the city. Staff recommends approval of this Zoning Amendment as presented.

Mrs. Tina Firgens gave a brief presentation regarding the applicant's proposal.

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

Commissioner Bertl asked for clarification regarding whether or not the proposed amendments covered in Mrs. Firgens' presentation were required for new home construction. Mrs. Firgens said these proposed amendments were optional, and said they would provide property owners and home builders more flexibility regarding development of a residential lot. Mrs. Firgens noted that if these amendments were to be approved as presented, there would typically be an additional five (5) feet addition to both front yard and rear yard setbacks and in some instances, five (5) feet added to either side yard setback. Mrs. Firgens said in addition, there would be an increase in lot coverage in One-Family Residence District -2 through One-Family Residence District -6 (R-2 through R-6). Mrs. Firgens said lot coverage would remain the same for One-Family Residence District -1 (R-1), Two-Family Residence District -1 (D-1), and Two-Family Residence District -2 (D-2). Mrs. Firgens reiterated that utilizing the proposed setback amendments were optional.

Chairman O'Quinn commented that he remembered a previous case heard by the Planning and Zoning Commission in which setbacks were an issue. Chairman O'Quinn said there was a special exception in order to allow the proposed homes to be built considerably close together. Chairman O'Quinn said, in driving through this neighborhood presently, it is difficult to discern that the setbacks for these homes differ from other homes in surrounding neighborhoods. Chairman O'Quinn then asked if staff felt that neighborhoods throughout the City would be able to maintain congruency, even as developers utilized the proposed residential setbacks. Mrs. Firgens said yes, and said that the changes would be minor. Mrs. Firgens said that the proposed amendments would not be too noticeable, as opposed to if ten (10) foot or larger setbacks were being proposed. Mrs. Firgens noted that back in December 2017, Mrs. Andreea Udrea, Planning Manager, presented to City Council a series of graphics illustrating what potential residential developments would like with the proposed amendments to residential setbacks. Mrs. Firgens said she believed the integrity of the neighborhoods would be preserved with these proposed amendments.

Commissioner Sullivan commented that he believed with these proposed amendments that two (2) houses side by side would be too close to each other due to permissible

roof eave encroachment. Mrs. Firgens said roof eaves are presently permitted to have an eighteen (18) inch encroachment and that with current residential setback requirements, there have been issues regarding building code requirements for fire rating on roofs. Mrs. Firgens explained that with these proposed amendments, the setbacks pertain to the main walls of a residential structure, similar to the homes being constructed in the Mercer Crossing neighborhoods.

Commissioner Sullivan asked if roof eaves could encroach into the side yard setbacks by eighteen (18) inches. Mrs. Firgens said yes. Chairman O'Quinn commented that there was a seven (7) foot separation between eaves. Mrs. Firgens said yes.

Commissioner Bertl commented that these proposed amendments would mean less yard, which could be an advantage to water conservation efforts. Mrs. Firgens said these proposed amendments would reduce the amount of pervious surface on a residential lot.

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

Mr. Tom Cusick, 13901 Midway Road, Dallas, Texas, said it has been his experience that there has been a growing trend towards homeowners utilizing their rear yards more than their front yards. Mr. Cusick said that current residential setback requirements limit how potential developers can develop a residential lot regarding square footage. Mr. Cusick said prospective home buyers are asking for homes with a larger square footage and that current residential setbacks force developers to build more of the home to the rear of the site. Mr. Cusick said the proposed amendments would not be very noticeable and were a reasonable compromise. Mr. Cusick said that while he would like to see residential setbacks increased even more, he believed these proposed amendments were reasonable and would be of benefit to new home construction within the City.

Commissioner Zavala asked Mr. Cusick to clarify whether or not he personally approved of the 25 foot front yard setback and desired to keep the fifteen (15) foot rear yard setback. Mr. Cusick said he would like to see a 20 foot front yard setback for some residential lots. Mr. Cusick said that a challenge in new home construction involves irregularly shaped lots, which sometimes results in an applicant needing to request a variance. Mr. Cusick said that having these proposed amendments become standard for new home construction could alleviate some of these issues. Mr. Cusick said, in working with prospective home buyers, he believes there is a preference for larger rear yards and it would be beneficial to be able to provide a larger rear yard while still meeting all required setbacks.

Commissioner Zavala asked Mrs. Firgens about the process of staff recommending these proposed amendments to residential setbacks. Mrs. Firgens said that City Council was given a presentation regarding residential setbacks during late summer or early fall of 2017. Mrs. Firgens said that following this presentation, City Council requested additional information regarding variances granted to residential setback requirements. Mrs. Firgens said that in December 2017, City Council was given a second presentation that included the requested information. Mrs. Firgens said that a difference between the first and second presentations involved staff keeping the original setback requirements for R-1 intact for the second presentation, which had been modified during the first presentation. Mrs. Firgens said that during the December 2017 presentation, some City Councilmembers raised concerns regarding how the proposed amendments would affect residential lots within the various neighborhoods in the City.

Mrs. Firgens said that during this presentation, staff presented to City Council a series of graphics to illustrate what these proposed amendments would look like. Mrs. Firgens said the proposed amendments being presented to the Planning and Zoning Commission at this meeting reflect the direction that City Council provided staff in December 2017.

Mr. Cusick reproached the podium to describe a situation he encountered regarding an irregularly shaped lot he considered purchasing. Mr. Cusick described the lot with a 40 degree angle in the rear yard and that the home situated on this lot measured 1,622 square feet. Mr. Cusick said as a result of both of these factors, the home was one (1) foot over the required setback, per the current residential setback requirements in the Comprehensive Zoning Ordinance (CZO). Mr. Cusick said he did not purchase this lot because of the considerable amount of work that would have been required to construct a new home on this lot, including applying for a variance, combined with his inability to complete this work in time to meet the deadlines imposed by the City. Mr. Cusick said he believed these proposed amendments would have helped alleviate this issue with the lot.

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

Commissioner Brewer thanked Mr. Cusick for his presence at the meeting.

Chairman O'Quinn asked when this case would go before City Council. Mrs. Firgens said August 7, 2018.

A motion was made by Commissioner Sullivan to continue discussion on this agenda item. The motion failed for lack of a second.

Chairman O'Quinn asked for another motion.

A motion was made by Vice Chairman De Los Santos, seconded by Commissioner Bertl, that this Zoning Amendment be recommended for approval. The motion carried unanimously.

Nay: 1 - Commissioner Sullivan

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

D. ADJOURNMENT

The meeting was adjourned at 8:16 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 planning 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: _____