



# City of Farmers Branch

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

## Meeting Minutes

### Planning and Zoning Commission

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Monday, September 24, 2018

7:00 PM

City Hall

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#### Study Session Meeting - 5:00 PM in Study Session Room

**Present 12** - Chairman David Moore, Commissioner Tim Yarbrough, Commissioner Michael Driskill, Commissioner Linda Bertl, Commissioner Jared Sullivan, Commissioner Giovanni Zavala, Vice Chairman Sergio De Los Santos, Tina M. Firgens AICP Director of Planning, Andreea Udrea AICP Planning Manager, Jenifer Paz AICP Senior Planner, Brian Campbell Planning Technician, and John Land Deputy City Manager

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

##### **A.1 [TMP-2942](#) Discuss Regular Agenda items.**

Chairman Moore opened the Study Session at 5:06 PM. Chairman Moore thanked the Commissioners for their service.

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

Chairman Moore asked for any questions or comments regarding Regular Agenda Item B.1.

Hearing none, Chairman Moore asked for any questions or comments regarding Regular Agenda Item B.2.

Regarding item B.2, Chairman Moore pointed out an error in the September 10, 2018 Planning and Zoning Commission meeting minutes. Chairman Moore said the error was on page seven (7) in the fifth (5<sup>th</sup>) paragraph. Chairman Moore said that the next three (3) lines following the sentence that ended with "...Chairman Moore closed discussion on this agenda item." should be removed.

Vice Chairman De Los Santos asked Chairman Moore to read the paragraph he was referencing. Chairman Moore read the paragraph as follows: "Hearing no further questions or comments from the Commissioners, Chairman Moore closed discussion on this agenda item." Chairman Moore pointed out that following this sentence, there was a fragmented sentence that began with "at their November

26<sup>th</sup>, 2018 meeting...". Chairman Moore said he believed this to be a copy and paste error. Ms. Tina Firgens, Director of Planning, stated that this correction would be made.

Hearing no further questions or comments regarding item B.2, Chairman Moore asked for any questions or comments regarding Public Hearing item C.1.

Chairman Moore informed the Commission that Commissioner Yarbrough has filled out a Conflict of Interest form for this case as his wife is an employee of the applicant. Chairman Moore asked Commissioner Yarbrough to excuse himself from the room for discussion on this agenda item.

Ms. Andreea Udrea, Planning Manager, stated that the subject property used to be owned by the City, and was sold to the applicant at the end of last year. Ms. Udrea said the property was sold with the intention to develop single-family residential homes.

Regarding item C.1, Commissioner Zavala asked if anyone else had expressed interest in buying the property prior to the City selling it to the applicant. Mr. John Land, Deputy City Manager, said that two (2) competing offers were presented to City Council as the result of a Request for Qualifications (RFQ) back in 2015. Mr. Land said while both offers were similar, the applicant's offer featured a higher home value. Mr. Land said that the City had experience working with the applicant prior to this RFQ. Mr. Land noted that the company providing the competing offer was based out of Rockwall, Texas and had previously worked on a project smaller than what was required for this project.

Commissioner Zavala asked if the homes would be single-family and detached. Mr. Land said yes.

Commissioner Driskill asked if the competing offer was for five (5) or fewer homes. Mr. Land said both offers featured the same number of homes, but that there was a sizable difference in the value of the end product between the two (2) offers. Mr. Land said in working with the applicant previously, their home values have always held up. Mr. Land said there was a Developer's Agreement and a Restrictions Agreement associated with the Purchase and Sale Agreement. Mr. Land said these agreements outline what is required of the applicant for development of the property as well as what is prohibited. Mr. Land said part of these agreements include the applicant delivering on the specifics of their offer per their RFQ. Mr. Land said the City received a third offer from a company interested in developing townhomes on the subject property. Mr. Land said City Council was not in favor of this proposal and instructed City staff to come back with the RFQs that were presented. Mr. Land noted that the other RFQ featured front-entry garages, while the applicant's featured J-swing garages. Mr. Land said that the applicant's architectural style and higher home value were the deciding factors in City Council awarding the contract to the applicant.

Commissioner Bertl asked if the applicant's home value was higher or lower. Mr. Land said it was higher.

Commissioner Zavala asked about the applicant's home value, noting that it was not included in the staff report for this agenda item. Ms. Udrea stated that this information is not typically included in staff reports as it is not relevant in the discussion of land use. Mr. Land said he believed the value to be around

\$275,000, noting that these would be smaller homes. Mr. Land said because this RFQ was negotiated back in 2015, he anticipated that the value has increased since then.

Commissioner Zavala commented that the homes looked nice. Mr. Land noted that the Four Corners Area comprehensive plan was adopted in 2006, and that a goal of this plan was to develop single-family homes on the subject property. Mr. Land said there had been some difficulty in finding homeowners interested in developing on this property. Mr. Land said the installation of the wall behind the existing Wal-Mart Neighborhood grocery store created a buffer that helped in appealing to developers to build on this property. Mr. Land commented that the applicant provided an attractive product. Mr. Land commented that he believed the product would prove to be popular.

Commissioner Bertl commented that this type of housing is needed in the City of Farmers Branch.

Commissioner Sullivan asked Commissioner Bertl if she believed potential homeowners at this subject property would be deterred by the existing Wal-Mart grocery store, noting her profession as a realtor. Commissioner Bertl said it would depend on what would be put behind the Wal-Mart, but she believed the price and size of these homes would outweigh any negative connotations associated with the location of these homes.

Commissioner Sullivan asked Commissioner Bertl to clarify what she meant by "put behind". Commissioner Bertl said she was referring to the existing wall to the east of the Wal-Mart grocery store and what was planned for this wall, stating that she did not know the size of the backyard.

Commissioner Bertl commented that the City lacked homes of this size and price in the market. Commissioner Bertl said homes of this type are needed. Commissioner Bertl commented that she was pleased with the applicant's proposal. Commissioner Bertl said that the only traffic in the area would be large delivery trucks, but that these trucks would not be present all throughout the day.

Commissioner Sullivan commented that these trucks would be present during the early morning and late night hours. Commissioner Sullivan commented that there was not much space between the subject property and the Wal-Mart grocery store.

Commissioner Bertl said the value of the home would be appealing to potential home buyers, noting that a \$275,000 value is rare. Mr. Land said the applicant may quote a higher value.

Mr. Land said the City is aware of the close proximity of the Wal-Mart grocery store and the resulting truck traffic, noting that there are restricted hours for which this activity may occur. Mr. Land said there would be some potential homeowners who would be willing to consider living here and some would not. Mr. Land said the major reason for the pricing of these homes was that it was located in close proximity to a grocery store.

Commissioner Sullivan commented that the Wal-Mart grocery store would not be hidden from potential homes.

Ms. Udrea commented that the subject property was a zero lot line configuration and designed for a smaller yard. Ms. Udrea said, in developing this property, the intention was not for the homes to have large backyards.

Commissioner Sullivan commented that he liked the design of the homes, and that it was reminiscent of a courtyard-style design.

Commissioner Bertl commented that the price and location of these homes would outweigh any negative connotations associated with the adjacency of the existing Wal-Mart grocery store.

Commissioner Zavala asked if there were any concerns regarding the lack of stop signs for a considerable amount of the roads near the subject property. Mr. Land said all new development projects are presented before the Development Review Committee (DRC). Ms. Firgens said it was her understanding that the City has specific criteria for when stop signs are necessary. Ms. Firgens said that any concerns regarding stop signs by citizens have likely been brought to the attention of the Public Works department as well as the Police department.

Commissioner Bertl asked Commissioner Zavala where he felt a stop sign should be located. Commissioner Zavala said he was not suggesting where one should go, but rather pointing out that the stop sign closest to the subject property was four (4) blocks away.

Commissioner Bertl asked if Veronica Road was a boulevard. Ms. Udrea said it was a road. Ms. Udrea said the homes would not back into Veronica Road, noting that the J-swing style garages would allow for better visibility. Ms. Firgens said there are existing homes featuring garages facing Veronica Road resulting in existing conditions for vehicles backing out onto Veronica Road.

Commissioner Driskill commented that there was an existing stop sign to the rear of the Wal-Mart grocery store, but that he was not sure if trucks entered and exited the property from this driveway.

Hearing no further questions or comments from the Commissioners on item C.1, Chairman Moore asked for any questions or comments on Public Hearing item C.2.

Regarding item C.2, Commissioner Sullivan asked for clarification regarding the section of the staff report addressing the reduction in the number of rooms and reduction of square footage for meeting space. Ms. Jenifer Paz, Senior Planner, provided further clarification and said these changes were requested by the applicant.

Chairman Moore said that the applicant's request was originally for a full-service hotel. Chairman Moore said that the ordinance approving the applicant's request reduced this development to a limited stay hotel. Chairman Moore said the applicant's original proposal included a restaurant, but that because this was now a limited-stay hotel, the restaurant would not be included. Chairman Moore said this was the second time the applicant was coming before the Planning and Zoning Commission, reducing what was being offered from their previous request. Chairman Moore said instead of 120 rooms, the applicant was now proposing only 100 rooms. Chairman Moore said instead of a four (4)-story parking garage, the applicant was now proposing a three (3)-story parking garage.

Vice Chairman De Los Santos commented that Commission was again facing the issue of an applicant reducing the quality of their proposal from what was proposed originally. Vice Chairman De Los Santos commented that this was not favorable.

Commissioner Sullivan asked why the applicant was requesting these changes. Chairman Moore said the Commissioners needed to ask the applicant questions regarding the market study and why these changes were being requested.

Hearing no further questions or comments on item C.2, Chairman Moore closed discussion on this agenda item.

## **A.2**     [TMP-2966](#)

### **Receive a presentation related to Hotel Development trends and current zoning regulations**

Chairman Moore opened discussion on Study Session Agenda Item A.2 Receive a presentation related to Hotel Development trends and current zoning regulations.

Regarding Public Hearing item C.2, Commissioner Driskill noted a typo in the staff report. Commissioner Driskill said the sentence reading "Staff did not receive a revise market study." needed to have the word "revise" read "revised". Ms. Firgens said this error would be corrected for the report presented before City Council.

Ms. Firgens said that during a previous Study Session of the Planning and Zoning Commission, Chairman Moore expressed interest in the Commission receiving the presentation given to City Council by Mr. Jeff Binford of CBRE Hotel Advisory regarding hotel development trends. Ms. Firgens explained that this would be a two (2) part presentation. Ms. Firgens said Mr. Binford would give a presentation regarding current hotel development trends and that she would follow up with a presentation on how the City of Farmers Branch currently regulates hotel development as it relates to zoning. Ms. Firgens introduced Mr. Jeff Binford.

Mr. Jeff Binford, CBRE Hotel Advisory, gave a presentation regarding hotel development trends, including discussion on the following topics: the benefits of hotels; how the City of Farmers Branch can capitalize on the benefits of hotels; the wants and needs of typical parties involved in a typical hotel; contributing factors of successful hotel developments; hotel types; chain scales; an overview of the City of Farmers Branch's hotel submarket; new hospitality trends; and development trends.

Questions from the Commissioners regarding Mr. Binford's presentation were as follows.

Regarding the hotel discussed by Mr. Binford as Case Study Two (2), Commissioner Bertl asked where this hotel was located. Mr. Binford said it was located on the south side of Irving, Texas. Mr. Binford said there was a discernable quality between hotels located on this side of Irving and the City's north side.

Regarding submarket performance, Commissioner Driskill asked Mr. Binford if he had the ability to pinpoint market share data specifically to the City of Farmers Branch, noting that the Dallas area market was vast. Mr. Binford said this would be discussed in the presentation momentarily.

Regarding Development Trend Discussion Points, Commissioner Bertl asked about Green Business Certification Institute (GBCI) credentials. Mr. Binford said these credentials were related to Leadership in Energy and Environmental Design (LEED). Mr. Binford said these credentials regarded wellness in building design, including such factors as air quality.

Regarding Select Observations/Recommendations, Commissioner Bertl asked for clarification regarding "Intent to Return", and if this included incentives for repeat customers. Mr. Binford said the major hotel brands award points for each stay, noting that Calvary Court does not have such a system. Mr. Binford said that the Calvary Court hotel featured a case on one (1) of the walls in the lobby reading "In Case of Fire, Break Glass", with two (2) sticks with marshmallows on the ends inside the case. Mr. Binford said it was features such as this that contributed to a hotel's "Intent to Return", and said that consumers will want to return to hotels providing unique and quality experiences.

Regarding Select Observations/Recommendations, Commissioner Bertl asked for clarification regarding "Cutting Edge Electronics". Mr. Binford explained that these were technological advances meeting needs of the consumers. Mr. Binford cited the advent of air-conditioning in hotels during the 1950s as an example. Mr. Binford said while meeting contemporary electronic needs of consumers may prove challenging for hotels, the opportunities exist.

Commissioner Bertl asked about the best attractors for locating a hotel development. Commissioner Bertl noted the proximity of a multifamily development near the hotels within the City of Farmers Branch located off of Luna Road and south of Lyndon B. Johnson Freeway, and that the proximity of a hotel could prove useful to those living in a multifamily unit which do not have a spare room for a guest as an example. Commissioner Bertl also noted sports teams needing hotel rooms during tournaments as another example. Mr. Binford said, regarding the City of Farmers Branch, he viewed hotels along the Dallas North Tollway as attracting business and leisure travelers. Regarding the hotels located off of Luna Road, Mr. Binford said he viewed these as attracting a market of a more commercial nature. Mr. Binford said most hotels make a majority of their profits from business travelers, noting that occupancy rates for hotels are typically higher during weekdays than that for weekend days when more leisure travelers are occupying hotel rooms. Regarding Commissioner Bertl's observation on the proximity of multifamily developments, Mr. Binford said this is an attractor for hotel developments.

Commissioner Bertl asked how one knows when a hotel has reached its limit regarding occupancy. Mr. Binford said when occupancy declines, this factor is dependent on the demand for rooms, explaining that demand has either stabilized or declined.

Commissioner Bertl commented that it is very difficult to plan out the number of rooms needed for a hotel development. Mr. Binford said there are many parties who help to avoid over-building on a new hotel development, such as: consultants; bankers; and hotel brands. Mr. Binford said a general rule of thumb regarding hotel development in Texas is that over-building is the exception, not a rule, noting the Crescent Hotel in downtown Dallas, Texas as an example.

Commissioner Bertl asked Mr. Land if the City of Farmers Branch uses consultants for hotel developments. Mr. Land said the City works to maintain a

masterplan and market studies for all new hotel developments. Mr. Land said he and Mr. Binford meet on an annual basis regarding the state of hotel development in the Dallas area. Mr. Land said there was the feeling that the City was reaching a saturation point regarding limited stay hotels. Mr. Land said in discussion regarding opportunities for future hotel development, he believes there to be a good opportunity along the Dallas North Tollway, noting that the corporate clientele in this area of the City is underserved. Mr. Land said an opportunity also exists within the Station Area, noting a study that was conducted in 2012 for a particular type of hotel here. Mr. Land said another opportunity existed within the Interstate 635 (I-635) corridor. Mr. Land said the City is sensitive to development around the Omni hotel, noting the products that were going into the area surrounding this hotel. Mr. Land said that the Omni has spoken out in the past against these hotel products. Mr. Land said the City works to conceptualize hotel development in a holistic manner. Mr. Land said in discussions with Mr. Binford, sometimes a potential hotel development does not fit into one (1) of the categories discussed during Mr. Binford's presentation. Mr. Land said the City works to ensure that all hotel developments within the City will be successful.

Mr. Land asked Mr. Binford if he believed EB-5 hotels were a worthwhile investment. Mr. Land explained that EB-5 hotels were those that received foreign investments and created dual citizenship opportunities. Mr. Land used the example of a foreign investor who invested half a billion dollars into a hotel that created ten (10) or fewer jobs. Mr. Binford said this was another tactic used to reduce development costs. Mr. Binford noted that at a conference he attended this past summer, it was discussed that the trend of this type of hotel was slowing down.

Mr. Binford cited historic tax incentives and retrofitting buildings as other tactics related to reducing development costs for new hotel developments. Mr. Binford cited the Statler Hotel in downtown Dallas, Texas and the AC by Marriott across the street from this hotel as examples of retrofitting buildings. Mr. Land commented that there was once a group interested in buying the old Geico building and redeveloping the property as a hotel.

Mr. Binford commented that he received a call from a broker regarding hotel information for the Vitruvian Park development in Addison, Texas. Mr. Binford cited this development as not being ideal for hotel development due to the lack of office buildings within the area.

Commissioner Bertl commented that she was unaware of hotel development within Vitruvian Park. Mr. Binford said there was not a hotel yet, but that a hotel was part of this development's masterplan.

Commissioner Bertl asked if the planned hotel development located at the corner of Inwood Road and Valley View Lane was the only one (1) planned for this area. Mr. Land said there has been interest by a developer for another hotel within this same corridor and there exists market data that supports such a development here. Mr. Land said there has also been discussion surrounding the repurposing of product around the I-635 section of this corridor, noting assessability issues regarding the existing Sheraton Hotel in the area. Mr. Binford commented that while the existing Double Tree Hotel here has had a good turnaround regarding their occupancy rate, the Sheraton has not. Ms. Figgins commented that it was her understanding that the Sheraton had been undergoing a remodel, noting a recent discussion she had with Ms. Allison Cook, Director of Economic

Development. Mr. Binford said this could be a contributing factor to their low occupancy rate. Mr. Land commented that Sheraton did this once before, shutting down the entire hotel for two (2) and half months. Mr. Land said as a result, this hotel's occupancy rate plummeted and this affected the City's forecast regarding market value of hotel development during this period.

Chairman Moore asked where the extended stay category of hotels fit amongst the hotel categories discussed during Mr. Binford's presentation, noting that categories such as select stay and focus stay were discussed. Mr. Binford said extended stay is one (1) of those categories consultants prefer not to discuss.

Chairman Moore asked how the Planning and Zoning Commission would know when an applicant was proposing a hotel development that could transform into an extended stay hotel. Mr. Binford said he believed there should be an extended stay category, noting several examples of such hotels outlined in his presentation, including: Residence Inn; the Candlewood Suites; Cambria Suites; Main Stay Suites; and Guest House Suites. Mr. Binford commented that he did not like extended stay Hotels because the target clientele does not utilize these hotels in a manner that would make them marketable, citing those involved in new home construction and extensive training as examples of target clientele. Mr. Binford commented that at the northeast corner of Belt Line Road and Marsh Lane in Addison, Texas was a Budget Suites that he believes has evolved into a homeless shelter.

Chairman Moore asked if extended stay was currently embedded in the limited stay column, as shown in Mr. Binford's presentation. Mr. Binford said yes, and reiterated that he did not like this type of hotel, noting Residence Inn and Homewood Suites as two (2) of very few hotel brands that have successfully achieved the extended stay hotel.

Chairman Moore asked if multiple brands by the same company were all a similar product attempting to capture the various market shares. Mr. Binford said he was asked this same question by a family member who noticed three (3) different hotels all owned by Marriott located together. Mr. Binford said these various brands each appealed to a different type of consumer. Mr. Binford said Chairman Moore was correct that these hotels were attempting to capture various market shares at different price points.

Commissioner Driskill asked Mr. Binford what type of hotel he envisioned for the Dallas Area Rapid Transit (DART) station and the Station Area. Mr. Binford said he sees a business hotel being developed in this area that utilizes meeting space for the Star Center. Mr. Binford said the proximity of the DART station made this an ideal location for a hotel. Commissioner Driskill commented that a potential hotel could tie into the parks and trails surrounding the area. Mr. Binford noted opportunities for creativity with a potential hotel here, noting that Valencia Hotel features fire pits and that Texican Hotel features bales of hay. Mr. Binford said he could see a lifestyle hotel in this area that attracted both commercial and leisure travelers.

Chairman Moore thanked Mr. Binford.

Ms. Firgens gave a presentation regarding zoning regulations related to hotel development within the City of Farmers Branch, including discussion on the following topics: the definitions of hotels and motels per the Comprehensive



Zoning Ordinance (CZO); where and how are hotels currently allowed; supplemental regulations; other pertinent ordinances; the requirements of other cities in the Dallas-Fort Worth metroplex regarding hotel development; and direction from City Council regarding hotel development.

Questions from the Commissioners regarding Mrs. Firgens' presentation were as follows.

Chairman Moore asked if an extended stay hotel was considered a residence hotel, noting that such hotels typically have access from an inside lobby and are not for temporary lodging. Ms. Firgens said that residence hotels are considered hotels per the Comprehensive Zoning Ordinance (CZO). Ms. Firgens said that the CZO calls an extended stay hotel a residence hotel, noting that this type features efficiency units or suites and feature a kitchen suitable for long-term occupancy. Ms. Firgens said residence hotels have the custom features of other hotels in addition to amenities such as meeting rooms and clubhouses. Ms. Firgens said the key takeaway is that a residence hotel features a kitchen.

Vice Chairman De Los Santos commented that it is a disservice to larger full-service hotels to surround these with smaller hotels that are not full-service. Vice Chairman De Los Santos noted the Omni hotel as an example, noting that he believed this hotel to be in an ideal location. Ms. Firgens said that Vice Chairman De Los Santos' comments tied into what Mr. Binford discussed earlier regarding locating hotels within a City's point of entry.

Regarding Public Hearing item C.2, Commissioner Sullivan asked if this request was for a full-service hotel. Ms. Firgens said no.

Ms. Firgens said she anticipated the Planning and Zoning Commission being involved as staff received direction from City Council regarding hotel development. Ms. Firgens thanked the Commission for being receptive to both Mr. Binford's and staff's presentations.

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

### **A.3**      [TMP-2967](#)

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

Chairman Moore opened discussion on Study Session Agenda item A.3 Receive a report regarding zoning and development cases acted upon by City Council.

Chairman Moore noted that this report featured seven (7) cases through the month of August.

Ms. Firgens stated that this report was actually through September. Ms. Firgens said in completing this report, she realized that there would be a second City Council meeting this month that would take place on September 25, 2018. Ms. Firgens said cases heard during this meeting would be featured in the next report. Ms. Firgens said the previous report presented to the Commission represented cases through the end of August.

Referencing case 18-ZA-07 for amendments to the Comprehensive Zoning Ordinance (CZO) regarding residential setbacks, Commissioner Bertl asked for

clarification on City Council's action to continue the public hearing indefinitely. Ms. Firgens said for this case, staff recommended that this case be tabled indefinitely rather than to a date certain. Ms. Firgens said there is additional discussion regarding this case that needs to take place. Ms. Firgens said staff brought before City Council what they had requested regarding residential setbacks. Ms. Firgens said there was interest amongst City Councilmembers in reviewing height requirements of residential homes as well as looking at setbacks again. Ms. Firgens said there was not much direction from City Council regarding this case and that staff would bring back additional information to City Council in order to receive this direction. Ms. Firgens said the outcome of this discussion will determine whether or not this case will be heard before the Planning and Zoning Commission again. Ms. Firgens said that given the uncertainty of how this case would proceed, staff believed it was best to table this case indefinitely.

Commissioner Bertl noted that the report noted the action for case 18-ZA-07 read as "continued indefinitely" not "tabled indefinitely". Ms. Firgens stated that the "public hearing continued indefinitely" language is used for cases that are tabled, per direction from the City attorneys. Ms. Firgens explained that cases in which the public hearing is continued indefinitely require another public notification.

Ms. Firgens noted that this report now featured a column for action taken by the Planning and Zoning Commission regarding each case.

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

**A.4**     [TMP-2943](#)

**Discuss agenda items for future Planning and Zoning Commission consideration.**

Chairman Moore opened discussion on Study Session Agenda Item A.4 Discuss agenda items for future Planning and Zoning Commission consideration.

Chairman Moore asked the Commissioners for any items they would like added to the list.

Commissioner Bertl asked if the Commission had settled on a date for the Planning and Zoning Commission retreat. Ms. Firgens said it would be November 3, 2018.

Hearing no further questions or comments, Chairman Moore closed discussion on this agenda item and adjourned the Study Session at 6:51 PM. Staff and the Commissioners reconvened in the Council Chambers for the Regular Meeting at 7:00 PM.

**B.    REGULAR AGENDA ITEMS**

**B.1**     [TMP-2944](#)

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

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

**Aye: 7** - Chairman Moore, Commissioner Yarbrough, Commissioner Driskill, Commissioner Bertl, Commissioner Sullivan, Commissioner Zavala and Vice Chairman De Los Santos

**Absent: 1** – Commissioner Retana

**B.2**     [TMP-2945](#)

**Consider approval of the September 10, 2018 Planning and Zoning Commission Minutes; and take appropriate action.**

A motion was made by Vice Chairman De Los Santos, seconded by Commissioner Bertl that the Minutes be approved.

Chairman Moore stated a correction was needed in the Minutes regarding paragraph five (5) on page seven (7). Chairman Moore said the last three (3) lines of this paragraph would be deleted, which started with “their” and ended with “November 12”.

Chairman Moore asked Vice Chairman De Los Santos if he could revise his motion that the Minutes would be approved with this correction.

**A motion was made by Vice Chairman De Los Santos, seconded by Commissioner Zavala, that the Minutes be approved with the corrections noted. The motion carried unanimously.**

**Aye: 7** - Chairman Moore, Commissioner Yarbrough, Commissioner Driskill, Commissioner Bertl, Commissioner Sullivan, Commissioner Zavala and Vice Chairman De Los Santos

**Absent: 1** – Commissioner Retana

**C.     PUBLIC HEARING**

**C.1**     [18-ZA-02](#)

**Conduct a public hearing and consider a request for a zoning change from Planned Development District No. 7 (PD-7) / Local Retail District - 1 (LR-1) and Planned Development District No. 29 (PD-29) to Planned Development District No. 101 (PD-101) allowing one-family detached residences and establishing development standards for an approximate 0.67-acre site located on the west side of Veronica Road and approximately 110 feet south of Valley View Lane; and take appropriate action.**

The applicant, Todd Bonneau Homes, is proposing to rezone the 0.67-acre property from Planned Development District No. 7 (PD-7) / Local Retail District - 1 (LR-1) and Planned Development District No. 29 (PD-29) to Planned Development District No. 101 (PD-101) in order to develop the property into five (5) detached single-family homes. This Planned Development District No. 101 (PD-101) is specifically designed to allow and provide for detached, zero lot line single-family residences. Staff recommend approval of this Zoning Amendment as presented.

Commissioner Yarbrough excused himself from the Council Chambers for this public hearing due to having a conflict of interest.

Chairman Moore stated that Commissioner Yarbrough recused himself for this item because his wife is an employee of the applicant.

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

Chairman Moore opened the floor for questions from the Commissioners.

Vice Chairman De Los Santos asked about setbacks for the lots from the property lines. Ms. Udrea said the front yard setback was ten (10) feet. Ms. Udrea noted that the site plan illustrated the buildable area of each lot while the colored site plan illustrated the building footprint.

Vice Chairman De Los Santos asked if there was seven (7) feet between each lot. Ms. Udrea said yes, and provided additional clarification.

Vice Chairman De Los Santos asked if the applicant was permitted to develop the lots along the property line. Ms. Udrea said yes, hence the zero lot line configuration of the subject property.

Vice Chairman De Los Santos asked if the roof projections of the homes would extend beyond the property line. Ms. Udrea said a small amount.

Vice Chairman De Los Santos asked if the roofs would feature eaves. Mr. Todd Bonneau, the applicant, 14525 Tamerisk Lane, Farmers Branch, Texas said yes, the eaves would be eighteen (18) inches.

Vice Chairman De Los Santos commented that due to these eaves, the separation between the homes would be reduced to four (4) feet. Mr. Bonneau said it would five and one-half (5.5) feet.

Chairman Moore asked the applicant to approach the podium. Mr. Pat Atkins of KPA Consulting, a representative of the applicant, 3067 Hays Lane, Rockwall, Texas approached the podium.

Vice Chairman De Los Santos asked about the pitch of the roof. Mr. Bonneau approached the podium and said no plans had been drawn up at this time. Mr. Bonneau said that Vice Chairman De Los Santos was correct regarding the separation of the homes being reduced to four (4) feet with the eighteen (18) inch roof eaves, noting that the roofs shown in the site plan were steep.

Vice Chairman De Los Santos expressed concerns regarding rainwater runoff staining the exterior walls of the adjacent homes as a result of the close proximity of each home. Vice Chairman De Los Santos then asked if the exterior walls would be composed of brick masonry. Mr. Bonneau said it would be a combination of brick, stone, and stucco.

Vice Chairman De Los Santos expressed concerns regarding the close proximity of the homes. Mr. Bonneau said his site layout was comparable to other zero lot line developments within the City of Farmers Branch. Mr. Bonneau noted that the homes would be guttered.

Commissioner Sullivan asked if the property lines of the homes were divided by the southern property lines. Mr. Atkins said yes.

Commissioner Sullivan asked how issues of property damages between neighbors would be addressed. Mr. Atkins said the final plat for this property would identify the rights and restrictions of the three (3) foot common area per the easement description. Mr. Atkins said this was a typical zero lot line development, noting that he and the applicant worked with staff to develop a site plan he believed was satisfactory.

Vice Chairman De Los Santos asked about provisions for a fire lane and protecting the homes against fires. Mr. Atkins said there was an existing fire access along Veronica Road with fire hydrant service.

Vice Chairman De Los Santos asked how the other homes would be protected if one (1) were to catch fire, given the close proximity of the homes. Ms. Tina Firgens, Director of Planning, said regarding single-family developments the City's Fire and Building Codes address these provisions. Ms. Firgens said the 150 foot length fire hose requirement typically required for commercial developments is not required for single-family residential homes. Ms. Firgens said no other fire lane requirements are needed for this proposed development given the existing fire department access along Veronica Road. Ms. Firgens said, regarding questions about the maintenance of the homes, the plat would provide a maintenance easement for the neighboring property to the north on the zero (0) side in order for the property owner to maintain the home. Ms. Firgens said there would be easements in place to address this.

Vice Chairman De Los Santos commented that typically homes feature an alley or a similar easement for the Fire Department and that he did not see that on the applicant's proposed site plan. Ms. Firgens said regarding this proposed development, alleys are not required. Ms. Firgens said that while some single-family residential developments elsewhere in the City feature alleys, they are not paved and not designed to withstand a fire truck. Ms. Firgens said there are no additional requirements for fire lanes and alleys for single-family neighborhoods. Ms. Udrea said the Building and Fire codes address zero lot line developments. Ms. Firgens said that concerns regarding fire codes came up during previous discussion regarding residential setbacks. Ms. Firgens said staff has coordinated with the Building Inspections department to address these concerns and that other fire-rated requirements come into play for single-family homes. Ms. Firgens said the Building Inspections department has been working with developers and builders to ensure these requirements are being met.

Vice Chairman De Los Santos asked if the homes would have sprinkler systems. Ms. Firgens said not necessarily. Vice Chairman De Los Santos commented that it was concerning having the homes at such a close proximity. Ms. Firgens said the Building Code allows the roof eaves to be treated in manner that would make them have a higher fire-rating.

Commissioner Bertl asked if the fence to the east of the Wal-Mart Neighborhood grocery store would be the backyard fence for these homes. Mr. Bonneau said yes.

Commissioner Bertl asked about the height of the fence. Mr. Bonneau said it was a minimum of eight (8) feet.

Chairman Moore asked if the fence was composed of cinderblock. Mr. Bonneau

said he believed it was a combination of brick and cinderblock. Mr. Bonneau said the residential side of the fence was brick.

Hearing no further questions or comments from the Commissioners, Chairman Moore opened the public hearing.

Mr. Ken Francis, 3009 Primrose Lane, Farmers Branch, Texas asked if potential homeowners or visitors to these homes would be permitted to park on the street. Chairman Moore said he believed on-street parking would be permitted, noting that he previously lived in this area. Ms. Firgens said yes, on-street parking is permitted unless otherwise posted. Ms. Firgens said on-street parking was common in most residential neighborhoods. Mr. Francis commented that Veronica Road seemed narrow.

Mr. Ed Subjeck, 2949 Primrose Lane, Farmers Branch, Texas, commented that the public notification letter gave very few details regarding the applicant's proposal. Mr. Subjeck said he believed the applicant's proposal to not be ideal, expressing concerns regarding the high volume of traffic on Veronica Road as well as the road's narrow width. Mr. Subjeck expressed concerns regarding the viability of the applicant's proposal. Mr. Subjeck asked about the number of public notification letters sent out to affected property owners. Ms. Firgens said it was thirteen (13). Mr. Subjeck expressed concerns regarding transparency. Mr. Subjeck asked if the City previously owned this property and then sold to the applicant. Ms. Firgens said yes. Mr. Subjeck asked how much Mr. Bonneau paid for the subject property. Mr. Land said it was approximately \$150,000. Mr. Subjeck commented that he shared Vice Chair De Los Santos' concerns regarding the close proximity of the homes and fire protection. Mr. Subjeck reiterated that he did not believe the applicant's proposal to be ideal.

Chairman Moore asked Ms. Firgens to address the public notification process. Ms. Firgens stated, per the requirements of the Comprehensive Zoning Ordinance (CZO) which follow Texas State Law, staff is required to notify all property owners within 200 feet of the subject property based on the latest approved tax roll, hence why there were only thirteen (13) letters of notification for the applicant's request. Ms. Firgens stated these notices are mailed within ten (10) days of said request being heard before the Planning and Zoning Commission.

Mr. Steve Valle, 2952 Primrose Lane, Farmers Branch, Texas expressed concerns regarding traffic flow through Veronica Road, particularly the traffic coming from the exit from the shopping center north of the subject property. Mr. Valle said he was opposed to the applicant's proposal and expressed concerns regarding street closures and waste resulting from the construction of these homes. Mr. Valle reiterated his concerns regarding issues that may arise from construction of these homes.

Ms. Rebecca Thompson, 3015 Primrose Lane, Farmers Branch, Texas said she was opposed to the applicant's proposal. Ms. Thompson expressed concerns regarding on-street parking. Ms. Thompson said that a neighbor petitioned to have speed bumps installed along Primrose Lane, but that this request was ultimately denied due to a lack of heavy traffic on this street. Ms. Thompson said she believed traffic would increase on Primrose Lane should the applicant's request be approved. Ms. Thompson said she believed potential homeowners would not want to have their home situated to the east of the Wal-Mart Neighborhood grocery store, expressing concerns regarding odor.

Hearing no further questions or comments from the audience, Chairman Moore closed the public hearing. Chairman Moore asked if the applicant wished to address the public comments.

Mr. Atkins said he understood the concerns raised by those who spoke during the public hearing. Mr. Atkins noted that the subject property is currently zoned Local Retail-1 (LR-1), and said that a retail use on this property would generate more traffic than the single-family residential neighborhood being proposed. Mr. Atkins said the driveways of each home would allow for two (2) cars to be parked exclusive of the garage. Mr. Atkins said he believed this proposal would generate less traffic along Veronica Road than a retail-type use. Mr. Atkins said he believed there to be a strong market demand for this type of housing in this area of the City, and that he was excited to be able to bring such a project to the City.

Chairman Moore asked for any additional questions or comments from the Commissioners.

Commissioner Zavala asked about how disturbance in the neighborhood would be minimized during construction on these homes, pointing out that this was a concern raised during the public hearing. Commissioner Zavala cited the example of the pouring of a concrete foundation requiring a concrete pump and a concrete truck. Mr. Bonneau said Commissioner Zavala made a good point, noting that he has previously built 60 homes within existing neighborhoods in the City and that such issues arose. Mr. Bonneau said in pouring large concrete foundations, issues regarding traffic flow arise due to streets typically becoming one (1)-way during this process. Mr. Bonneau said he believed he has previously worked well with neighborhoods to help mitigate these issues as best as possible. Mr. Bonneau said there would be construction workers directing traffic during the construction process.

Commissioner Bertl asked if the construction crew would be permitted to park at the Wal-Mart grocery store, noting that the parking lot is not full at all times. Commissioner Bertl also asked Mr. Bonneau if he conducted a traffic study. Mr. Bonneau said he did not conduct a traffic study. Regarding parking, Mr. Bonneau said workers would typically park either on the property or on the street near the property in order to have quick access to their tools.

Vice Chairman De Los Santos asked how many zero lot line residential developments within the City Mr. Bonneau had developed previously. Mr. Bonneau said he had not previously developed any such projects within the City, but that there were several throughout the City.

Vice Chairman De Los Santos asked how many zero lot line residential developments were currently in the City. Ms. Udrea identified several such developments, including: the patio homes located in the Station Area; the patio homes located on Alpha Road; and a gated community located at Marsh Lane and Valley View Lane. Ms. Udrea said there were quite a few such developments.

Vice Chairman De Los Santos expressed concerns regarding the subject property adequately accommodating five (5) homes.

Ms. Udrea said the minimum lot size was 5,300 square feet, the width was 47 feet, and the depth was 100 feet.

Mr. Bonneau said he did not have the lot sizes of the other developments, but that he believed the patio homes located at the Station Area and the zero lot line development located on Midway Road near Brookhaven College to both feature lot sizes smaller than what he was proposing. Mr. Bonneau said he believed the lot sizes for the development at Marsh Lane and Valley view Lane to be larger.

Vice Chairman De Los Santos commented that he liked the layout of the homes, but reiterated his concerns that these homes were located too close to one another.

Commissioner Zavala asked Mr. Bonneau if he would be meeting the criteria of the City regarding zero lot line residential developments. Ms. Figgins stated that the City has no zoning districts accommodating these types of developments, hence the applicant's request to rezone to the subject property into a Planned Development District (PD). Ms. Figgins said a reason why the City has so many PDs is because the CZO does not address a specific development type. Ms. Figgins said while some cities feature zoning districts addressing zero lot line development, the City of Farmers Branch does not. Ms. Figgins said in this case, the applicant has put in a request for a PD to set design standards for this type of development. Ms. Figgins said in such cases, there's a fair amount of discussion with applicants regarding development standards that address such items as potential issues with Building Codes. Ms. Figgins said she believed the applicant's proposal to be comparable with the surrounding neighborhoods. Ms. Figgins said the applicant's proposal may seem different due to a lack of zero lot line developments occurring during the 1960s and 1970s when homes in the surrounding neighborhoods were established. Ms. Figgins said these developments are becoming more common place. Ms. Figgins said the applicant believes he can be successful in having five (5) homes on this property from a marketing standpoint.

Vice Chairman De Los Santos reiterated his concerns regarding the close proximity of the homes and potential life safety and fire issues. Ms. Figgins said the City is sensitive to these issues and they are addressed through the Building Inspections and Fire departments.

Ms. Udrea said regarding Planned Development District No. 99 (PD-99), the lot size is 50 feet in width and either 100 or 150 feet in length. Ms. Udrea said these lot size densities are comparable to those of the applicant's proposal. Ms. Udrea said the newly approved Planned Development District No. 100 (PD-100) would feature lot sizes of 40 feet in width, thus another comparable density to the applicant's proposal despite these lots not being zero lot line. Ms. Udrea said in discussion with the Fire Department, it is required to have a minimum of five (5) feet between the zero lot line side and the home. Ms. Udrea said in this case, this distance would be seven (7) feet, exceeding this requirement and noting that this distance is greater than other comparable developments in the City. Regarding traffic studies, Ms. Udrea stated that this is required by the Public Works Director and that a study was not required for the applicant's proposal. Ms. Udrea said traffic studies are based on the potential amount of traffic a new use could bring to an area, but in this case the Public Works department determined that the study was not needed.

Commissioner Sullivan commented that there have been concerns regarding traffic in the area, and continued to state that the applicant was a well-respected



builder who did good work. Commissioner Sullivan asked about the property located to the south of the subject property. Mr. Bonneau said it was a church.

Commissioner Sullivan asked if it was possible to come up with solutions to mitigate potential issues with traffic in the area during construction of the homes. Commissioner Sullivan suggested possibly looking into the church located to the south of the subject property sharing parking and the applicant restricting where construction workers may park. Mr. Bonneau said yes, noting that when construction sites are not saturated with mud, the construction crews typically park on-site. Mr. Bonneau said there would be days in which workers would be forced to park on the street due to mud on the property. Mr. Bonneau said on some days, there may be additional crew present resulting in additional vehicles being parked along the curb. Mr. Bonneau said he wanted to be a good neighbor and was willing to do anything to help mitigate potential issues resulting from construction.

Mr. Bonneau said he has previously built many homes of several different sizes. Mr. Bonneau said the homes being proposed in this case would not have a large profile. Mr. Bonneau said these homes would be close to the street and that it would be hard to notice the Wal-Mart grocery store behind them.

Commissioner Bertl commented that during the Study Session, the Commissioners were given conflicting information regarding the prices of the homes. Mr. Bonneau said many things have changed from 2015 to 2018, including the numbers and building costs going up 50 percent. Mr. Bonneau said these homes would sell for approximately \$200 per square foot, with the homes being between 2,300 and 2,500 square feet. Mr. Bonneau said the price points would be between \$450,000 and \$500,000, which he believes is an affordable price point in new construction. Mr. Bonneau said he was excited at the opportunity to build new homes under half a million dollars, noting that he has not done so previously. Commissioner Bertl commented that this product was needed and she believed these homes would be sold prior to the completion of construction.

Hearing no further questions or comments from the Commissioners, Chairman Moore asked for a motion.

**A motion was made by Commissioner Bertl, seconded by Commissioner Sullivan that this Zoning Amendment and associated Detailed Site Plan be recommended for approval. The motion carried by the following vote:**

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

**Nay: 2** – Commissioner Driskill and Vice Chairman De Los Santos

**Absent: 1** – Commissioner Retana

Commissioner Yarbrough returned to his seat at the dais.

**C.2**     [18-SU-13](#)

**Conduct a public hearing and consider a request for an amendment to an existing Specific Use Permit and associated Detailed Site Plan to allow a hotel use on an approximately 2.5-acre site located at**

**12101 Luna Road; and take appropriate action.**

The applicant, Zahra Makahni, is requesting an amendment to an existing Specific Use Permit (SUP) and associated Detailed Site Plan to allow for a hotel use at 12101 Luna Road. The request is to modify the conditions of the adopted Ordinance No. 3421, which include minimum number of rooms and meeting space. The site is located within Planned Development District No. 88 (PD-88), which requires approval of an SUP for a hotel use and detailed site plan. Staff recommends approval of this Specific Use Permit 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.

Commissioner Yarbrough asked about the number of hotels either built or under construction at the Mira Lago peninsula south of Interstate 635 (I-635). Ms. Firgens said there were two (2) hotels currently under construction to the west of the existing Omni hotel. Ms. Firgens said to the south of these hotels, along Mira Lago Boulevard, the Hampton Inn Hotel was under construction, noting that she believed the dirt had been turned on this property. Ms. Firgens reminded the Commission that they had heard a case for a Specific Use Permit for amendments to this proposal earlier this year. Ms. Firgens said to the west of the Hampton Inn site was another property entitled for a hotel development not currently under construction. Ms. Firgens also noted the existing Double Tree Hotel on Luna Road.

Hearing no further questions for staff, Chairman Moore invited the applicant to approach the podium.

Mr. Talim Song and Mr. Haben Twelde of Talim Song Law Firm, representatives of the applicant, 8111 Lyndon B. Johnson Freeway, Dallas, Texas approached the podium. Mr. Song said that a change in the cost of construction has resulted in the applicant amending this proposal. Mr. Song said it was the applicant's desire to develop a good product with a comparable building footprint while being cognizant of construction costs. Mr. Song commented that he appreciated Mr. Jeff Binford's discussion regarding Revenue Per Available Room (Rev PAR) during his presentation on hotel development trends during the Study Session. Mr. Song said he believed the City was sensitive to hotel developments needing to be wary of their potential Rev PAR. Mr. Song said the applicant was also privy to the other incoming hotel developments in the area, hence another reason for the request for a reduction in the number of rooms. Mr. Song said he did not want to generate an over saturation of hotels in the area given that the applicant intended this hotel to be there for the next 40 to 60 years. Mr. Song said the Rev PAR for 100 rooms would be better than that for the 120 rooms.

Chairman Moore asked about the Rev PAR for both the 100 room and 120 room models.

Mr. Song said this question would be better suited for the applicant. Mr. Song said he believed the City was likely concerned with the price per room, and that the typical hotel charged \$100 per night. Mr. Song said rooms for this proposed hotel would be \$129 per night. Mr. Song said the Rev PAR for the 120 room model would be \$99 to \$100.

Mr. Song gave a brief presentation regarding the applicant's proposal.

Chairman Moore asked if the franchise agreement with Marriott was already signed. Mr. Song said yes, stating that Marriott representatives were present during the previous hearings before the Planning and Zoning Commission and City Council regarding this proposal.

Chairman Moore asked what type of hotel the applicant felt best described his proposal. Mr. Song said he believed this to be an in-between product that did not fit one (1) of the traditional definitions. Mr. Song said he viewed this proposal as a higher-end limited stay hotel.

Chairman Moore asked about the target customer type for the applicant's proposal. Mr. Song said it would be of an office-type, noting that the hotel would feature accommodations for this customer type. Mr. Song said he anticipated the typical customer in this hotel to stay for a limited time, noting that discounts would not be offered on the \$129 per night rate.

Chairman Moore asked why the applicant did not provide a revised market study, given the changes described by Mr. Song previously. Mr. Song said he believed because of the time-frame between the applicant's previous proposal and this proposal, a revised market study was not necessary. Mr. Song said the applicant was present to address any such questions. Mr. Song said that the applicant was cognizant of other hotel developments coming into the area, hence the request to reduce the number of rooms for this hotel.

Chairman Moore commented that given the other hotels either established or under construction in the area, the applicant was assuming that adding another 100 room hotel would not generate over saturation. Mr. Song said he believed the location of the applicant's proposal to be ideal, citing the presentation given by Mr. Binford during the Study Session. Mr. Song said he believed reducing the number of rooms helped to both meet the needs of this area from a market standpoint while also producing a better Rev PAR.

Vice Chairman De Los Santos commented that he was disappointed by the applicant's request to reduce room size and amenities for this hotel. Vice Chairman De Los Santos commented that the Commissioners have faced this issue with previous projects recommended for approval by the Commission. Vice Chairman De Los Santos commented that he would like applicants to stay with their original proposals.

Commissioner Zavala commented that he shared Vice Chairman De Los Santos sentiments, but that he empathizes with developers given the increase in construction costs over the years. Commissioner Zavala asked about Mr. Song's and Mr. Twelde's relationship with the applicant. Mr. Song stated he and Mr. Twelde were hired representatives of the applicant, and that they had a Planning and Zoning practice in which they have represented similar clients.

Commissioner Bertl asked about the number of people who would be accommodated in a meeting room space, referencing one (1) of the photos in the applicant's presentation. Mr. Song said it would be approximately 66 people. Commissioner Bertl commented that it was important to have meeting room space in hotels.

Commissioner Bertl asked about the outdoor space, noting that this was an important amenity that could provide relief from the heat. Mr. Song said he believed the large format patio would be a nice feature for occupants of the hotel, and said it would be consistent with many of the restaurants and bars that feature a similar amenity.

Commissioner Bertl asked if there would be a restaurant that would service the patio area. Mr. Song said there are plans for a restaurant within the multifamily portion of this development (to the north), noting that this would be a mixed-use development with the restaurant on the first floor and the multifamily development on the second floor.

Commissioner Bertl asked the applicant to address the outdoor space. Mr. Mahbub Dewan, the architect, 20 Cleburne Drive, Frisco, Texas, said there would be a swimming pool with connectivity to the parking lot on the south side. Mr. Dewan said the meeting space was reduced to add an outdoor courtyard with landscaping, noting that these elements had not been specified yet.

Commissioner Bertl asked if the landscaping would be hardscape. Mr. Dewan said yes.

Commissioner Bertl commented that the hardscape would be hot during the summer months. Mr. Dewan said the courtyard would be shaded on all sides.

Commissioner Driskill commented that he shared Vice Chairman De Los Santos sentiments regarding the reduction in room count. Commissioner Driskill expressed concerns regarding the accuracy of the forecast in the applicant's previous market study, given that the applicant had originally proposed 120 rooms. Commissioner Driskill commented that there are approximately 400 people moving into the Dallas-Fort Worth area daily. Commissioner Driskill commented that the subject property was in an ideal location and that the applicant was proposing a good-looking product. Commissioner Driskill commented that he empathized with the applicant regarding the increase in construction costs. Commissioner Driskill asked the applicant why he was proposing to reduce the number of rooms. Mr. Song said that the applicant felt this model would best generate the desired Rev PAR while also taking into consideration the surrounding hotel developments in the area. Mr. Song said in addition to the increased construction costs, another factor in the applicant's decision regarded the increased number of parking spaces needed to accommodate the 120 room count, noting that the construction cost difference between a three (3)-story garage rather than a five (5)-story garage. Mr. Song said while the applicant desired his proposal to be competitive from an economic standpoint, he wanted to be cognizant of the other hotel developments in the area.

Commissioner Bertl commented that the size of the rooms was not being altered. Mr. Song said yes.

Commissioner Bertl asked how the applicant believed this hotel fit within other hotels in the City from a quality standpoint. Mr. Song said given that this a Marriott hotel, he believed it to be of higher quality, but acknowledged that this would not be a full-service hotel. Mr. Song said a 24-hour front desk would be present as well as breakfast served on a daily basis. Mr. Song said it was difficult to categorize this hotel per the categories discussed in Mr. Binford's presentation.

Commissioner Bertl asked if the bedroom and living areas of the room were separated. Mr. Song said the room design was comparable to other TownePlace developments, noting that the décor would not be similar to what was presented during the applicant's presentation.

Commissioner Bertl asked if the room design was comparable to a suite. Mr. Song said yes.

Commissioner Bertl asked if the rooms would feature a kitchen area, referencing the photos in the applicant's presentation. Mr. Song said the rooms would feature a small format stove for corporate visitors.

Commissioner Bertl asked Mr. Song to clarify what he meant by "corporate visitors". Mr. Song said he was referring to the target clientele, which is expected to be business travelers.

Commissioner Zavala commented that the original SUP for the applicant's proposal was approved in 2015 and that amendments were approved in 2017. Commissioner Zavala asked what has been going on with this project during this time-frame. Commissioner Zavala also asked about the applicant's background in the hotel business. Mr. Song said that Planned Development District No. 88 (PD-88) was approved following approval of the applicant's initial SUP request for this proposal, which was planned to be a full-service hotel. Mr. Song said due to the development requirements of PD-88, that the applicant felt it best to request the amendments that were approved in 2017 as well the decision not to propose a full-service hotel. Mr. Song said while the applicant had originally planned to partner with Best Western on this development, there was an economic advantage for the applicant to partner with Marriott. Mr. Song said these factors contributed to the applicant requesting the amendments approved in 2017.

Mr. Bobby Shigh, 13024 Offshore Drive, Irving, Texas, said he has been in the hotel business for eighteen (18) years and has developed ten (10) hotels in the Dallas-Fort Worth metroplex. Mr. Singh said this was a high-end corporate product. Mr. Singh said the typical clientele would use the pool during evening hours. Mr. Singh said the meeting space would be used for training. Mr. Singh said that because this hotel was Marriott, which he believes to have their own loyal customer base, would not hurt the business of the surrounding hotels because he believed they would each have their own loyal customer base.

Commissioner Zavala asked about Mr. Singh's relationship with Highness Hospitality, LLC. Mr. Singh said he was the general contractor, and that he would also help manage the hotel.

Mr. Zahra Makahni, the applicant, 5721 Adair Lane, McKinney, Texas, said he was a representative of Highness Hospitality. Mr. Makahni said due to the rise of construction costs and surrounding hotels in the area as well as the results of a Star study, he felt it best that this hotel not exceed 100 rooms for this hotel. Commissioner Zavala asked Mr. Makahni why the Star study was not provided. Mr. Makahni said he could show Commissioner Zavala the study on his phone. Commissioner Zavala declined.

Commissioner Zavala asked how many hotels Highness Hospitality had in their portfolio. Mr. Makahni this would be the first one.

Commissioner Zavala asked if Highness Hospitality owned the multifamily portion of this development. Mr. Makahni said no, that this would be owned by a separate Limited Liability Company (LLC).

Mr. Makahni commented that due to increased costs in construction, the number of apartment units for the multifamily development was being reduced.

Commissioner Zavala commented that it would have been helpful to have made the applicant's economic study available to the Commissioners for their review during the Study Session. Mr. Twelde said that Marriott conducted all necessary market studies up to this point.

Commissioner Zavala commented that this information should been made available to the Commissioners. Mr. Song said he would take ownership for this oversight, and that the market study materials could be made available to City Council prior to their public hearing regarding this proposal.

Commissioner Driskill asked how many full-time and part-time positions would be provided should the applicant's proposal be approved. Mr. Makahni said it would be approximately 20 full-time positions and 20 to 25 part-time positions.

Commissioner Zavala asked how soon the applicant would break ground, pending approval. Mr. Makahni said following approval, he would need to coordinate with the bank on financing of the project. Commissioner Zavala commented that he believed the applicant would have already established financing. Mr. Makahni said he anticipated breaking ground in sometime in February or March of 2019.

Commissioner Zavala asked if financing was in place regarding the applicant's proposal. Mr. Makahni said there was additional coordination with the bank needed.

Commissioner Zavala asked how long the applicant would need to completely secure financing. Mr. Makahni said approximately four (4) months. Mr. Singh said he anticipated a total of thirteen (13) months for construction.

Commissioner Bertl asked for clarification regarding the construction timeline. Mr. Singh said he anticipated a total of thirteen (13) months.

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 any additional questions or comments from the Commissioners.

Vice Chairman De Los Santos commented that he believed the reduced room count would affect the rate of reach room per night. Vice Chairman De Los Santos expressed concerns regarding this hotel negatively impacting the Omni hotel. Vice Chairman De Los Santos made a motion to recommend denial of this Specific Use Permit request.

Chairman Moore asked for a second to this motion.

Commissioner Zavala commented that he would like to see the applicant's market study prior to making a decision and asked what the procedure would be regarding a motion.

Chairman Moore stated that Commissioner Zavala would need to ask for a “stay” which might require staff to do another public notification.

Ms. Firgens said that the Commission first needed to address the motion on the table. Ms. Firgens said that if Vice Chairman De Los Santos’ motion did not receive a second, that motion would die. Ms. Firgens said that Vice Chairman De Los Santos also had the option of withdrawing his motion. Ms. Firgens said if the motion were to not carry, a motion could be made to continue the public hearing to a date certain to allow time for the Commission to request and review the market study materials.

Vice Chairman De Los Santos commented that the applicant did not come prepared and that the market study materials should have been made available. Vice Chairman De Los Santos commented that he did not believe in the viability of the applicant’s proposal. Vice Chairman De Los Santos expressed concerns regarding the applicant’s requested amendments.

**A motion was made by Vice Chairman De Los Santos, seconded by Commissioner Yarbrough that this Specific Use Permit request be recommended for denial. The motion carried by the following vote:**

**Aye: 4** - Chairman Moore, Commissioner Yarbrough, Commissioner Zavala and Vice Chairman De Los Santos

**Nay: 3** - Commissioner Driskill, Commissioner Bertl, and Commissioner Sullivan

**Absent: 1** – Commissioner Retana

Ms. Paz said this case would go before City Council on October 8, 2018, then corrected herself and said it would be October 16, 2018.

Chairman Moore commented that he would recommend the applicant be better prepared for the public hearing before City Council.

## **D. ADJOURNMENT**

Being no further business, Chairman Moore requested for a motion to adjourn the meeting.

**A motion was made by Commissioner Driskill, seconded by Vice Chairman De Los Santos, that the meeting be adjourned. The motion carried unanimously.**

**Aye: 7** - Chairman Moore, Commissioner Yarbrough, Commissioner Driskill, Commissioner Bertl, Commissioner Sullivan, Commissioner Zavala and Vice Chairman De Los Santos

**Absent 1** – Commissioner Retana

The meeting was adjourned at 8:40 PM.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
City Administration