



City of Farmers Branch

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

Meeting Minutes

Planning and Zoning Commission

Monday, October 15, 2018

7:00 PM

City Hall

Study Session Meeting - 6:15 PM in Study Session Room

Present 12 - Chairman David Moore, Commissioner Tim Yarbrough, Commissioner Michael Driskill, Commissioner Linda Bertl, Commissioner Cristal Retana, Vice Chairman Sergio De Los Santos, Tina M. Firgens AICP Director of Planning, Jenifer Paz AICP Senior Planner, Brian Campbell Planning Technician, and Ben Williamson Assistant to the City Manager

Absent 2 - Commissioner Jared Sullivan and Commissioner Giovanni Zavala

A. STUDY SESSION

A.1 [TMP-2976](#) Discuss Regular Agenda items.

Chairman Moore opened the Study Session at 6:20 PM.

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.

Hearing none, Chairman Moore asked for any questions or comments regarding Public Hearing item C.1.

Chairman Moore stated that Ms. Jenifer Paz, Senior Planner, would be presenting all cases during the Regular Meeting.

Hearing none, Chairman Moore asked for any questions or comments regarding Public Hearing item C.2.

Chairman Moore stated that the Commission had heard this case several months ago and that the applicant was coming back due to concerns regarding construction of the

parking structure on top of the existing sanitary sewer lines. Chairman Moore said that during the applicant's survey of the subject property, it was discovered that the sewer lines were not in ideal condition. Chairman Moore said as a result of this, the applicant has opted to move the parking structure in order for the Trinity River Authority (TRA) to make the necessary repairs to these sewer lines. Chairman Moore said the applicant may choose to expand the development at a later time.

Ms. Tina Firgens, Director of Planning, corrected Chairman Moore, stating that the applicant was providing surface parking, not a parking structure.

Chairman Moore said as a result of moving the surface parking, the applicant has been forced to reconfigure the layout of the warehouse buildings.

Regarding item C.2, Commissioner Bertl asked if the applicant was installing a berm. Ms. Paz said one (1) of the special exceptions requested is in regards to an earthen berm that is required along Diplomat Drive. Ms. Paz said instead of the berm, the applicant is proposing to install evergreen shrubs along Diplomat Drive.

Commissioner Bertl expressed concerns over the evergreen shrubs not providing adequate screening, noting that the applicant is proposing Dwarf Indian Hawthorne. Commissioner Bertl commented that this shrub would not adequately screen cars.

Commissioner Yarbrough asked about the height requirement of the berm. Ms. Paz said it was three (3) feet.

Referencing the staff reports provided for development cases, Commissioner Yarbrough asked if staff could provide the date the Planning and Zoning Commission heard cases referenced in staff reports. Ms. Firgens said staff should be able to include the dates for the more recent cases; however, regarding older cases, it may be more challenging due to record keeping. Ms. Firgens asked Commissioner Yarbrough if his preference was to have both Planning and Zoning Commission and City Council dates included in staff reports. Commissioner Yarbrough said yes.

Commissioner Retana asked if the moving of the surface parking and reconfiguration of the warehouse buildings were the only changes being requested by the applicant. Ms. Paz said yes, and stated that this surface parking was located on the western portion of the site. Ms. Paz said the applicant is essentially removing this parking and shifting the warehouse buildings to the eastern portion of the site.

Chairman Moore stated that the applicant would not be losing any parking spaces and would actually gain three (3) additional spaces. Ms. Paz said yes, and said in the reconfiguration of the warehouse buildings, the square footage of one (1) of these buildings was reduced in order to accommodate parking. Ms. Paz said as a result of this, the earthen berm was required along Diplomat Drive as the applicant would install parking along this area. Ms. Paz said the applicant's proposed changes are triggering the special exceptions.

Ms. Firgens asked Ms. Paz if the applicant's original Detailed Site Plan would be included in her presentation. Ms. Paz said yes.

Commissioner Bertl asked if the berm was located on the northern portion of the property. Ms. Paz said yes.

Commissioner Bertl commented that trees were planted on the berm. Ms. Paz stated

that there was not an existing berm here, but that one (1) would be required. Ms. Paz said the applicant is proposing to plant evergreen shrubs instead.

Commissioner Bertl asked if these shrubs were being proposed instead of the trees. Ms. Paz said the shrubs were being proposed instead of the berm. Commissioner Bertl said this would make a difference, and commented that a taller shrub would need to be planted in order to adequately screen the parking. Ms. Paz said the applicant was present to address any questions regarding the berm and landscaping.

Hearing no further questions or comments on item C.2, Chairman Moore asked for any questions or comments regarding Public Hearing item C.3.

Chairman Moore asked Ms. Paz to explain this case. Ms. Paz said that this case is a city-initiated zoning amendment resulting from a code violation and Certificate of Occupancy application from an existing business within the City. Ms. Paz said in reviewing this Certificate of Occupancy application, staff determined that this business use did not adequately fit within one (1) of the existing land uses within the Comprehensive Zoning Ordinance (CZO). Ms. Paz said in discussions with the owner of this business, it was agreed that the City would bring forward a zoning amendment to address their use. Ms. Paz said in composing this proposed amendment, staff identified other similar uses this use could address, including ambulance and limousine services that have a fleet of vehicles on-site and transport individuals to off-site locations. Ms. Paz said the intent of this zoning amendment is to address this use type. Ms. Paz said the amendment would introduce the following two (2) land uses: Vehicle Dispatch and Storage, Minor and Vehicle Dispatch and Storage, Major. Ms. Paz said these categories would be distinguished by the number of vehicles stored on-site with Vehicle Dispatch and Storage, Minor being ten (10) or fewer vehicles and Vehicle Dispatch and Storage, Major being eleven (11) or more vehicles. Ms. Paz said the primary use of the property for this land use category would be vehicle storage with an operational building such as a dormitory for ambulance services. Ms. Paz said this amendment would also include performance standards, including: required screening for parked vehicles; designating certain areas for the parking of fleet vehicles; establishing parking requirements for the business, which she said is anticipated to be generated by employees.

Commissioner Bertl asked for clarification regarding dormitories. Ms. Paz said the definition for this land use included sleeping quarters for employees on-call. Ms. Paz said this land use category could encompass such as uses as ambulance services, citing American Medical Response (AMR) as an example. Ms. Paz said, regarding ambulance services, that these businesses typically feature ambulances that are parked on-site and have dormitories for the employees, whom typically are working 24 four hour shifts.

Commissioner Retana asked for clarification regarding how this use would be allowed within the certain zoning districts. Ms. Paz said within the Commercial (C) zoning district, both Minor and Major Vehicle Storage and Dispatch would require approval of a Specific Use Permit (SUP). Ms. Paz said that Vehicle Storage and Dispatch, Minor would be allowed by right in the Light Industrial (LI) zoning district, except within the East Side Business District, as well as in the Heavy Industrial (HI) zoning district. Ms. Paz said that Vehicle Storage and Dispatch, Major would be allowed by right in the HI zoning district. Ms. Paz said that staff is proposing to permit these uses in this manner because while the HI zoning district features compatible uses, the LI zoning district features a variety of uses where it would be ideal to evaluate this use on a case-by-case basis within the LI zoning district.

Commissioner Retana commented that it is ideal for the Commission to have oversight over cases involving this land use within the Commercial and Light Industrial zoning districts, noting the Interstate Highway 35 (IH-35) corridor as an area of interest within the City.

Ms. Firgens added that staff wanted to ensure all similar land uses were taken into consideration with this zoning amendment. Ms. Firgens noted that while there are currently no areas within the City zoned Commercial or Heavy Industrial there may be applicants proposing to rezone an area of the City into one (1) of these districts in the future. Ms. Firgens said it was important with this proposed amendment to bring attention to the East Side Business District. Ms. Firgens said the intent of this district was to provide additional oversight regarding automobile related uses within this area of the City. Ms. Firgens said given that the business that triggered this zoning amendment is located within the East Side Business District, it was necessary to determine whether or not this land use would be appropriate for this district. Ms. Firgens said that staff is proposing for this use to be prohibited within the East Side Business District taking into the consideration the recommendations of the East Side Comprehensive Plan. Ms. Firgens said, pending approval of this zoning amendment, in situations where this use requires approval of an SUP, the recommendations of that area's comprehensive plan will be taken into consideration. Ms. Firgens said staff wanted to bring attention to the East Side Business District given that the business triggering this amendment desires to remain in this location and staff is recommending that their business not be permitted in this district.

Commissioner Bertl asked about the location of the business. Ms. Paz said they are currently located on Omega Road.

Chairman Moore asked if the business had been previously operating without a Certificate of Occupancy. Ms. Paz said that at the time the business applied for a Certificate of Occupancy, it was for an umbrella company whose land use was permissible at the location. Ms. Paz said as the applicant began to occupy the location, the fleet of vehicles was discovered by Code Enforcement which triggered their action and this subsequent proposed zoning amendment. Ms. Firgens added that the Certificate of Occupancy was for an investment holdings company which is considered an office type use and is permissible within the Light Industrial zoning district. Ms. Firgens said this company represented three (3) entities: an auto sales function that has since ceased; an auto financing company that was permitted to continue as it is considered an office type use; and Bubbl, whose use is unique to the City. Ms. Firgens said that while the auto sales and auto financing office uses were clearly defined within the Comprehensive Zoning Ordinance, Bubbl's business use was not. Ms. Firgens said in staff's research it was determined that there was not an existing use within the ordinance in which this use could be reclassified and hence this zoning amendment. Ms. Firgens said in discussions with the Director of Community Services, it is her understanding that code enforcement activity for this business has ceased in the interim to allow them time to go through this process. Ms. Firgens said it was her understanding that Bubbl is currently operating at this location.

Commissioner Bertl asked how long Bubbl had been in business at the Omega Drive location. Ms. Firgens said staff met with the business owners back in June 2018.

Commissioner Bertl asked whether all three (3) businesses had been at the Omega Road location since June 2018. Ms. Firgens said this would be a good question for the applicant and said she was not sure when all businesses became established. Ms. Firgens noted that their Certificate of Occupancy was processed in early January

2017. Ms. Firgens said at that time, Burlenetta Wolfworks and Alpha Financial were established, and said she was not sure whether Burlenetta Wolfworks were one (1) in the same company.

Commissioner Bertl asked if the three (3) businesses were related. Ms. Firgens said it was her understanding that the businesses were all related as they were all under the same investment holdings company, but that this could be verified with the applicant. Ms. Firgens said at the time staff meet with the business owners, it was evident that the businesses were all related.

Vice Chairman De Los Santos asked if the businesses were in a shared space. Ms. Firgens said yes, and that the existing building accommodated all businesses.

Vice Chairman De Los Santos asked if the businesses fell into one (1) company. Ms. Firgens said yes, and that is how the business model was presented to staff. Ms. Firgens said it was her understanding that while the businesses were all operating out of the existing building, they are three (3) distinct businesses.

Commissioner Bertl commented that the businesses are under the one (1) investment holdings company. Ms. Firgens said yes, but that this could be confirmed by the applicant.

Commissioner Driskill asked if Bubbl was a business-to-business delivery company. Ms. Firgens said that the company primarily transported people, but also provided courier services.

Commissioner Bertl commented that she struggled to see the correlation between the investment holdings company and Bubbl. Ms. Firgens said it was her understanding that the investment holding company was the parent company of the three (3) businesses. Ms. Firgens said regarding Certificates of Occupancy the business is evaluated from a land use perspective. Ms. Firgens said that she speculated that the resulting code enforcement action was complaint-driven.

Commissioner Yarbrough commented that it is not uncommon for a successful entrepreneur to be approached by an investment company.

Commissioner Bertl commented that perhaps the investment company kept adding on new businesses, but that she was struggling to see the correlation between this company and Bubbl. Ms. Firgens said that Bubbl has a fleet of vehicles kept on-site and that it was her understanding that the company was seeking to transition out of this fleet and into a business model similar to Uber or Lyft in which drivers are using their own vehicles. Ms. Firgens said that, while this could be confirmed with the applicant, that when the auto sales business was present it was possible that some of this business' vehicles came from Bubbl's fleet after Bubbl was finished with them. Commissioner Yarbrough commented that this practice would not be uncommon. Ms. Firgens said that applicant could speak to the functionality between Bubbl and the investment company. Ms. Firgens said while staff was able to address the used car sales and office aspects of the business, Bubbl was the one (1) business staff struggled with in categorizing. Ms. Firgens said it was appropriate to look at similar uses in developing this zoning amendment as staff could have discussions with other business owners for similar uses, citing limousine services as an example.

Commissioner Bertl commented that Bubbl is transporting and picking up people from different locations. Ms. Paz said yes, and that the Omega Road location acted as a

hub for the vehicle fleet.

Chairman Moore asked Ms. Paz to explain the maps provided. Ms. Paz said the colored map was from the East Side Comprehensive Plan and represented all future land uses adopted with this plan referring to the sub-district categories. Ms. Paz said this map illustrates that the East Side Business District is part of the Creative Center and Community Mixed Use areas of the comprehensive plan. Ms. Paz said the other map represented the East Side Business District. Ms. Paz said the Community Mixed Use calls for higher-density developments such as retail, mixed-use, and restaurants and that the Creative Center calls for more incubator type businesses. Ms. Paz said, regarding industrial uses, that it was important to ensure that such uses were compatible with other uses in the area.

Commissioner Yarbrough asked for clarification regarding micro-transit uses as referred to previously by Chairman Moore. Commissioner Yarbrough also asked if there were macro-transit uses. Ms. Paz said this was an industry term that referred to small entities providing transportation services. Ms. Paz said macro-transit referred to major entities providing transportation services to the general public, citing Dallas Area Rapid Transit (DART) and rail services as examples.

Commissioner Yarbrough asked how a business such as FedEx would be classified in terms of micro or macro transit. Ms. Paz said such as business would be looked upon as a distribution type use. Ms. Paz said while part of Bubbl's business involves courier services, their primary function is to transport people hence their classification as micro-transit.

Chairman Moore stated that per Ms. Firgens, there are no areas of the City zoned for Commercial or Heavy Industrial and that this zoning amendment addressed these two (2) zoning districts in case a situation arose in the future in which a property was rezoned into one (1) of these districts. Chairman Moore said the main focus of this zoning amendment pertained to the Light Industrial zoning district. Chairman Moore brought special attention to the portion of this amendment that stated that this use type was prohibited within the East Side Business District. Chairman Moore said as a result of the code enforcement activity regarding Bubbl and staff not being able to comfortably classify this use within an existing use category, staff has brought forth this proposed zoning amendment. Chairman Moore said an intent of this proposed amendment is to prohibit this business in its current location which is situated within the East Side Business District.

Ms. Firgens said in developing this zoning amendment, staff looked to other areas of the City where Bubbl's use may be appropriate if it could not be accommodated within the East Side Business District. Ms. Firgens said Bubbl would be permitted within the Light Industrial zoning district by right if their fleet could be reduced to ten (10) or fewer. Ms. Firgens said otherwise the company would be required to obtain approval of a Specific Use Permit which would give the Commissioners the opportunity to evaluate whether their use was consistent with the recommendations of the appropriate comprehensive plan. Ms. Firgens said as Specific Use Permit requests continue to come in, there will be situations in which the comprehensive plans are tested. Ms. Firgens said it is important for the Commission as an appointed body to evaluate these cases in part based on the recommendations of the comprehensive plans.

Chairman Moore brought special attention to the Public Response portion of the staff report, stating that Bubbl is against staff's recommendation regarding this zoning amendment.

Chairman Moore asked for clarification regarding the East Side Comprehensive Plan's reference to incubator uses. Chairman Moore said that he viewed an incubator use as a business use that is unique, citing Bubbl as an example. Chairman Moore commented that it seemed as if staff could be potentially turning away an incubator use. Ms. Firgens said staff could address this.

Commissioner Bertl asked for clarification regarding why Bubbl was against staff's recommendation of this zoning amendment request. Ms. Firgens said the owners of Bubbl feel the business should be permitted within the East Side Business District. Ms. Firgens said that the Commission has the ability to decide whether they agree with staff's recommendation or not. Ms. Firgens said the Commission also has the ability to recommend approval of this zoning amendment with the modification that this use be allowed within the East Side Business District either by right or via approval of a Specific Use Permit if they determine it appropriate. Ms. Firgens asked the Commission to keep in mind that this proposed zoning amendment is taking into consideration other similar uses that may arise in the future.

Chairman Moore stated that the Commission had the option of recommending approval of this zoning amendment with the modification that this use be allowed within the East Side Business District either by right or via approval of a Specific Use Permit and that this would provide the opportunity for Bubbl to apply for a Specific Use Permit. Ms. Firgens said yes, pending approval by City Council if their action is consistent with the recommendation of the Commission.

Commissioner Bertl asked if it was anticipated that other such uses may arise in the future. Ms. Firgens said it was possible, citing Uber and Lyft as examples of companies whose uses were not around five (5) or so years ago. Ms. Firgens said a challenge in administering zoning is that unique uses arise that were not anticipated at the time the ordinance was adopted. Ms. Firgens said when established uses within a zoning ordinance do not sufficiently address a particular use, there exists the option to amend the ordinance. Ms. Firgens said early in her planning career, self-storage and assisted living facilities were unique at the time. Ms. Firgens said zoning states where a use is permitted and how it is permitted, citing restaurants as an example.

Hearing no further questions regarding item C.3, Chairman Moore closed discussion on this agenda item.

A.2 [TMP-2977](#)

Discuss agenda item for future Planning and & Zoning Commission Consideration

Chairman Moore opened discussion on Study Session Agenda Item A.2 Discuss agenda item for future Planning and & Zoning Commission Consideration.

Ms. Firgens reminded the Commissioners about their October 29, 2018 Planning and Zoning Commission meeting. Ms. Firgens said that this meeting would have an earlier start time due the outing at the Texas A&M AgriLife Extension Center. Ms. Firgens said staff and the Commissioners would meet at City Hall and leave for the center at 3:00 PM. Ms. Firgens said following the permeable pavement discussion at the center, staff and the Commissioners would return to City Hall for the Regular Meeting that evening.

Commissioner Bertl asked for clarification on the date. Ms. Firgens said it would be October 29, 2018.

Ms. Firgens also reminded the Commissioners about their upcoming retreat on

November 3, 2018, and said that agendas and additional information would be forthcoming.

Hearing no further questions or comments, Chairman Moore closed discussion on this agenda item and adjourned the Study Session at 7:00 PM. Staff and the Commissioners reconvened in the Council Chambers for the Regular Meeting at 7:09 PM.

B. REGULAR AGENDA ITEMS

- B.1** [TMP-2978](#) **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: 6 - Chairman Moore, Commissioner Yarbrough, Commissioner Driskill, Commissioner Bertl, Commissioner Retana and Vice Chairman De Los Santos

Absent: 2 – Commissioner Sullivan and Commissioner Zavala

- B.2** [TMP-2979](#) **Consider approval of the September 24, 2018 Planning and Zoning Commission Minutes; and take appropriate action.**

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

Aye: 6 - Chairman Moore, Commissioner Yarbrough, Commissioner Driskill, Commissioner Bertl, Commissioner Retana and Vice Chairman De Los Santos

Absent: 2 – Commissioner Sullivan and Commissioner Zavala

C. PUBLIC HEARING

- C.1** [18-SU-15](#) **Conduct a public hearing and consider a request for a Specific Use Permit to allow commercial amusement indoor use (gymnastics facility) located at 4141 LBJ Freeway; and take appropriate action.**

The applicants, Margarita and Edouard Iarov, are requesting a Specific Use Permit (SUP) to allow for a commercial amusement indoor use at the existing building located at 4141 LBJ Freeway. The use is proposed to occupy the entire 18,000 square foot building. Iarov Elite Gymnastics is a youth gymnastics facility that provides recreational classes and competitive team training. The site is located within Planned Development District No. 68 (PD-68), which requires approval of an SUP for a commercial amusement indoor use. Staff recommends approval of the Specific Use Permit request as presented.

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

Chairman Moore opened the floor for questions from the Commissioners for staff. Hearing none, Chairman Moore invited the applicant to approach the podium. Ms. Ray Vogel, a representative of the applicant, approached the podium. Ms. Vogel said she is the current gym director of Iarov Gymnastics, which she explained is both a recreational facility for children as well as a facility for the training of elite competitive teams. Ms. Vogel said that the XCEL program takes place at this facility as well and that it is a branch of U.S.A. Gymnastics (USAG). Ms. Vogel said Iarov Gymnastics is currently located on Arapaho Road in Dallas and that the company is seeking to move to Farmers Branch due to a necessity for more floor space for both team and recreational classes. Ms. Vogel said at no point would capacity inside the building exceed the 207 persons count referenced in Ms. Paz's presentation. Ms. Vogel said the class ratio is one (1) instructor per eight (8) students. Ms. Vogel said the maximum amount of team members is 45, and that this number would not be exceeded even with the overlap between periods of recreation and practice.

Chairman Moore asked Ms. Vogel to state her address for the record. Ms. Vogel said it was 6895 Arapaho Road, Dallas, Texas.

Ms. Vogel said the only potential issue she anticipated with the Farmers Branch location would be in hosting national and international meets, and said that she would speak with neighboring properties regarding this. Ms. Vogel said these meets would be similar in nature to the World Olympic Gymnastics Academy (WOGA) Classic hosted at the Frisco Star facility in Frisco, Texas. Ms. Vogel said the company would like to pair with the Double Tree hotel as well as restaurants in the area to provide specials for the teams who would be competing. Ms. Vogel said these meets would be broken into sessions and that not everyone participating would be in the space at any given time. Ms. Vogel said occupancy during these meets would be based on level, age group, and session time, citing the example of a 9:00 AM to 12:00 PM session for Level 10 Junior A1. Ms. Vogel said she felt the Farmers Branch location would provide the opportunity to grow the team, and said that several individuals currently train with Mr. Edouard Iarov. Ms. Vogel said she believed Mr. Iarov to be an excellent coach, having won several Olympic medals as well as having trained Valeri Liukin. Ms. Vogel said the company has secured European coaches Vlad and Anastasia Liukin to come coach at the facility. Ms. Vogel said she has a background in cheerleading from her tenure at Oregon State University and she oversees the cheerleading recreational aspect of the facility, noting that the company does not seek the cheerleading to become competitive. Ms. Vogel said the gym features several other coaches from the Dallas-Fort Worth area, whom all bring in different specialties. Ms. Vogel noted that Krista Bow and Tia Price serve as the current XCEL coaches and that the gym currently holds the third (3rd) place for North Texas XCEL Silver. Ms. Vogel noted that Ms. Bow also coached two (2) first (1st) competitors in different events. Ms. Vogel said two (2) of the girls Mr. Iarov is currently training are on track towards participating in the 2026 Paris Games. Ms. Vogel said the expanded space would help serve the gymnasts better. Ms. Vogel said Iarov Gymnastics has recently received a request from the Japan International Team to hold a special training session with Mr. Iarov. Ms. Vogel said it was her hope to showcase this event for the City of Farmers Branch.

Chairman Moore opened the floor for questions from the Commissioners for the applicant.

Commissioner Yarbrough asked if any business would be maintained at the current location in Dallas, Texas. Ms. Vogel said the company is looking to completely move the business to the Farmers Branch location. Ms. Vogel said there has recently been a sale of the development at the current location with a park being developed here. Ms.

Vogel said as a result of this, the gym is losing parking and it has become challenging to maintain business operations at this location. Ms. Vogel said while the company is open to the opportunity to continue some operations at the current location, the elite team is seeking to move to the Farmers Branch location.

Commissioner Yarbrough asked how long larov Gymnastics had been in business at its current location. Ms. Vogel said prior to Mr. larov acquiring the facility, it was WOGA. Ms. Vogel said the name was changed to larov Gymnastics in 2011.

Commissioner Driskill asked about the square footage of the applicant's current location, and if the company had outgrown this space. Ms. Vogel said the company had outgrown its current location, and said that the company was seeking to install an extra floor for both recreational and elite teams. Ms. Vogel said the current location measures approximately 12,000 square feet. Ms. Vogel said the current location does not have the ceiling height required for the tumbling team to properly train and the Farmers Branch location would negate this issue.

Commissioner Driskill asked if other age groups could be added if the gym were moved to this location. Ms. Vogel said while additional classes would be added, the gym would still be restricted to the twelve (12) months to eighteen (18) years age group per the company's insurance policy. Ms. Vogel said there are currently only two (2) other facilities offering gymnastics in the Farmers Branch area and that larov Gymnastics could help move the City more towards offering world class training.

Commissioner Retana asked if the company would work with the Carrollton-Farmers Branch Independent School District. Ms. Vogel said yes, and said that larov Gymnastics contributes to school fundraisers and offers incentives such as free classes. Ms. Vogel noted Shelton, Parish Episcopal, and Highland Park as examples of schools the gym coordinates with. Ms. Vogel said the gym is willing to work with any school district in volunteer endeavors, noting that several coaches perform volunteer work throughout the Dallas-Fort Worth metroplex.

Commissioner Retana asked if the applicant had looked at other locations in the Dallas area. Ms. Vogel said yes and that the company has also been cognizant of other gyms around the metroplex. Ms. Vogel said other locations did not meet the gym's needs. Ms. Vogel said the Farmers Branch location is ideal because of the close proximity of hotels in the area, noting that families coming in for competitions would be able to walk to this location from their hotel. Ms. Vogel said safety was also a concern in seeking a new location, noting that adequate ceiling height is necessary for tumblers practicing on raised platforms.

Commissioner Retana commented that she liked this project and thanked the applicant for choosing the City of Farmers Branch.

Vice Chairman De Los Santos commented that this type of use is welcome in the City. Vice Chairman De Los Santos then asked if the gym would be just for training or for competitions as well, noting the viewing area that is part of the applicant's floor plan. Ms. Vogel said it is her hope for the gym to host an annual or semi-annual competition, noting that approval from USAG must be obtained first. Ms. Vogel noted that WOGA hosts competitions at the Frisco Star facility and the Metroplex Challenge hosted at the Fort Worth Convention Center. Ms. Vogel said smaller district level competitions would be permitted and these would allow children to compete and qualify for the larger competitions. Ms. Vogel said hosting these completions would bring together clubs such as Palestra, Precision and WOGA as well as local metroplex families. Ms. Vogel

said barring approval from USAG, agreements would be coordinated with neighboring properties regarding influx of persons and traffic. Ms. Vogel said these competitions would typically be held on Fridays, Saturdays, and Sundays. Ms. Vogel said the viewing area is for families, explaining that this gym has an open practice policy that permits parents to attend their child's practices.

Vice Chairman De Los Santos asked about the raised platform. Ms. Vogel said it would be a raised four (4) foot platform that would be part of the tumbling track and that this track would feed into a large foam pit. Ms. Vogel said the platform would be permanent, but removable if necessary.

Vice Chairman De Los Santos asked if the viewing area would be raised as well. Ms. Vogel said yes, and that this would allow spectators to see over the partition.

Vice Chairman De Los Santos asked if there would be a pit associated with the platform. Ms. Vogel said yes, for both the tumbling track and bar areas for individuals to practice high-level dismounts.

Commissioner Bertl commented that she like the project and thanked the applicant for choosing the City of Farmers Branch. Commissioner Bertl noted the subject property's proximity to schools as well as the soccer club in the City, and said she believed larov Gymnastics would be joining people who enjoy the applicant's business use.

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

Commissioner Yarbrough thanked the applicant for their proposal.

A motion was made by Commissioner Yarbrough, seconded by Vice Chairman De Los Santos that this Specific Use Permit request be recommended for approval. The motion carried unanimously.

Aye: 6 - Chairman Moore, Commissioner Yarbrough, Commissioner Driskill, Commissioner Bertl, Commissioner Retana and Vice Chairman De Los Santos

Absent: 2 – Commissioner Sullivan and Commissioner Zavala
Chairman Moore thanked the applicant and stated that he was excited that they chose Farmers Branch.

C.2 [18-SP-23](#)

Conduct a public hearing and consider a request for a Detailed Site Plan with special exceptions for proposed office/warehouse buildings located at 1903 Diplomat Drive; and take appropriate action.

The applicant, Douglas Weaver, is requesting an amendment to a Detailed Site Plan to construct two (2) office/warehouse buildings located at 1903 Diplomat Drive. The amendment is necessary due to an existing Trinity River Authority easement on the western side of the property and to eliminate improvements over an existing sanitary sewer line within the easement. The site is located within Planned Development District No. 22 (PD-22), which allows Special Exceptions to be considered with the Detailed Site Plan. The applicant is requesting Special Exceptions related to loading door placement and parking screening requirements. Staff recommends approval of the Detailed Site Plan and associated Special Exceptions as presented.

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

Chairman Moore asked if the warehouses would be air-conditioned. Ms. Paz said this question was best suited for the applicant.

Chairman Moore opened the floor for questions from the Commissioners for staff. Hearing none, Chairman Moore invited the applicant to approach the podium.

Mr. Doug Weaver, the applicant, 201 Country View Drive, Roanoke, Texas, said he was the project manager for this project and an engineer with G&A McAdams Consultants Company. Mr. Weaver said the Commission previously heard the case for this Detailed Site Plan during the summer of 2018. Mr. Weaver said since then, a complication has arisen regarding the subject property. Mr. Weaver said he and his team met with the Trinity River Authority (TRA) in April 2018 to discuss the existing sewer lines. Mr. Weaver identified the two (2) lines as having been installed by the TRA in 1969 and 1980 respectively. Mr. Weaver said a third (3rd) was installed by the City of Farmers Branch and that it was 20 feet deep underground. Mr. Weaver said the TRA lines were both buried six (6) feet underground, and explained that this is shallower than a typical sewer line. Mr. Weaver said the TRA is in the process of replacing the line installed in 1969, noting that a team took pictures in April 2018 and that the pipes were not in good condition in some areas. Mr. Weaver said TRA's work to replace this sewer line could take up to two (2) years, depending on how the team decides to proceed in replacing the pipe. Mr. Weaver said the general contractor did not believe it would be feasible to perform any construction work over either of these sewer lines, noting concerns over using a vibrator to level the ground in this area. Mr. Weaver said the decision was made to not develop any of the land above area with these sewer lines, noting that as a result there would be approximately 48 less square feet of warehouse space on the western side of the property than from the originally proposed site plan. Mr. Weaver said a fence would be erected along an existing telephone easement on the western portion of the site and that no development would be allowed on the other side of the fence. Mr. Weaver said due to this revised site plan, there have been challenges regarding parking. Mr. Weaver said there are current negotiations for a tenant to move into one of the warehouse buildings by September 2019. Mr. Weaver said, per Ms. Paz's presentation, that 3,000 square feet has been lost for Building A and that Building B was approximately the same size as that in the originally proposed site plan. Mr. Weaver said all front loading dock doors have been moved to the western side of the building and out of public view. Mr. Weaver said there is a ground level door on the eastern portion of Building A, noting that this was the only feasible location for this door that would not result in a loss of warehouse space. Mr. Weaver said, regarding ground level doors, they are for trucks to back in and unload into the warehouse. Mr. Weaver said he did not know what tenants would occupy these buildings, citing FedEx and UPS as examples, and that he desired to give these tenants flexibility regarding the unloading of trucks. Mr. Weaver said that the front of the property would feature landscaping approved by the City, and said that that he would be willing to modify the landscaping if necessary.

Commissioner Bertl asked if the landscape plan would include junipers. Mr. Weaver said yes. Commissioner Bertl commented that this was not an ideal tree to plant, noting that this tree type is currently suffering a blight condition. Commissioner Bertl suggested Mr. Weaver plant Nelly R. Stevens trees instead. Mr. Weaver asked if this tree type was on the list on the list approved tree species. Ms. Paz said the applicant proposed Blue Arrow Juniper to screen the loading doors. Commissioner Bertl commented that this was not an ideal tree to plant. Ms. Paz asked Commissioner Bertl

about the tree species she recommended. Commissioner Bertl said it was Nelly R. Stevens. Ms. Paz said the applicant had the option of modifying the landscape plan and that the Commissioners had the option of adding this modification as part of their recommendation of approval. Mr. Weaver said he would be willing to work with staff to modify the landscape plan.

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

Commissioner Yarbrough thanked Mr. Weaver for investing in the City of Farmers Branch, and then asked about the potential tenant for Building B. Mr. Weaver said Mr. Bucky Gillett of Gillett Commercial was present and that it was Gillett Commercial who would be constructing this building. Mr. Weaver asked Mr. Gillett if he had received a contract for a potential tenant. Mr. Gillett said he and his team are currently in negotiations with several potential tenants.

Commissioner Yarbrough asked if both buildings would be sold. Mr. Weaver said yes, unless a buyer cannot be found at which point these buildings would be leased. Mr. Weaver said there had previously been interest amongst potential tenants for these buildings prior to this site plan amendment and that he believed eventually selling these buildings would not prove challenging. Mr. Weaver stated this type of product is needed in the Dallas-Fort Worth metroplex.

Commissioner Yarbrough asked Mr. Weaver if he had previously built any such projects in Farmers Branch. Mr. Weaver said no. Commissioner Yarbrough asked if Mr. Weaver had developed any such projects in other cities within the metroplex. Mr. Weaver said his team is currently developing similar projects in McKinney, Allen, and Richardson, Texas. Mr. Weaver said he was hopeful this development with Farmers Branch would begin construction soon.

Commissioner Driskill asked about the types of businesses that were most likely to occupy the warehouse buildings. Mr. Bucky Gillett of Gillett Commercial, 6405 Rosemary Court, McKinney, Texas, said it is his team's goal to attract businesses that are currently in lease space only in which business owners are in situations in which they are experiencing a 20% increase in rent upon lease renewal. Mr. Gillett said it is his team's intent to attract tenants who desire to remain in Farmers Branch and own their own property, and said that these tenants would enjoy incentives such as tax benefits. Mr. Gillett said there has been interest from flooring and electrical supply companies, as well as a variety of light manufacturing and light industrial users, noting warehousing as a primary user.

Commissioner Driskill asked if the area surrounding the subject property had high demand. Mr. Gillett said yes, and said that his team is looking to the Valwood Park area for tenants requiring less than 50,000 square feet of space. Mr. Gillett said the vacancy factor for the Valwood Park area is likely within the 2% to 3% range.

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.

Ms. Tina Firgens, Director of Planning, said that the Comprehensive Zoning Ordinance (CZO) has a recommended list of plant materials, but noted that it is not an all-inclusive list and the CZO recognizes that there may be additional appropriate plant materials. Ms. Firgens said Commissioner Bertl had suggested that the applicant plant

Nelly R. Stevens and said this is a common plant material in the area and that it has been an acceptable material in other communities in which she has worked. Ms. Firgens said that if the Commission chose to recommend approval of this Detailed Site Plan it was within their purview to request the modification of a plant material they deemed more appropriate. Ms. Firgens said during the Study Session, there was concerns expressed regarding the planting of Dwarf Indian Hawthorne and it being able to effectively provide screening. Ms. Firgens said staff could work with the applicant on an alternative plant material. Ms. Firgens said the applicant may be receptive to any suggestions the Commissioners may have regarding plant materials.

Chairman Moore asked for a motion.

A motion was made by Vice Chairman De Los Santos, seconded by Commissioner Yarbrough that this Detailed Site Plan and associated special exceptions be recommended for approval. The motion carried unanimously.

Aye: 6 - Chairman Moore, Commissioner Yarbrough, Commissioner Driskill, Commissioner Bertl, Commissioner Retana and Vice Chairman De Los Santos

Absent: 2 – Commissioner Sullivan and Commissioner Zavala

Chairman Moore asked when the case would be heard by City Council. Ms. Firgens said it would be November 6, 2018.

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

Conduct a public hearing and consider a request to amend the Comprehensive Zoning Ordinance including amending Article 2. Zoning District and Uses, Article 4. Site Development Standards, and Article 7. Definitions as it relates to allowing vehicle dispatch and storage uses and establishing related development standards; and take appropriate action.

This is a city-initiated zoning amendment to amend the Comprehensive Zoning Ordinance (CZO) as it relates to introducing a new land use, vehicle dispatch and storage, and providing associated definitions and development standards related to the use. This amendment was initially prompted by a zoning enforcement action and application for Certificate of Occupancy by a local company that provides transportation services to people and delivers goods on-demand from an off-site place to another. This type of operation is commonly referred to as ride-share service. The unique facet of this amendment is the vehicle storage on-site that is needed for fleet vehicles. This amendment is proposed to address these micro-transit type businesses, as well as other transportation related businesses that share similar characteristics. The zoning districts affected by this amendment include: Commercial District (C), Light Industrial District (LI) and Heavy Industrial District (HI). Staff recommends approval of the proposed Zoning request as presented.

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

Chairman Moore asked for clarification regarding parking requirements for this proposed use category. Chairman Moore cited the example of an employer with all contractors and no permanent employees. Ms. Paz said the parking requirement is based on the larger of the one (1) space per two (2) employees ratio or one (1) space

per 1,000 square feet of gross floor area ratio.

Chairman Moore asked if contract employees were counted in the parking requirement. Ms. Paz said per the ordinance, all employees part of business operations are to be counted in calculating required parking. Ms. Figgins added that in calculating required parking, square footage of the building had to be taken into consideration.

Chairman Moore stated that buildings measuring 10,000 square feet or less require ten (10) parking spaces and that buildings measuring 11,000 square feet or greater require eleven (11) parking spaces in addition to one (1) space per additional 1,000 square feet. Ms. Paz said yes, if this number of spaces was greater than the calculation of one (1) space per two (2) employees.

Chairman Moore asked about the number of buildings in the East Side Business District presently that measured 11,000 square feet. Ms. Paz said she was not sure. Ms. Figgins added, having driven the East Side Business District, that there are many buildings exceeding 10,000 square feet. Ms. Figgins said that Gillis Road features several such warehouse buildings. Ms. Figgins said there are warehouse buildings of varying sizes along Inwood Road. Ms. Figgins said that this proposed CZO amendment would affect several other areas of the City, noting that other properties had Light Industrial (LI) zoning.

Chairman Moore asked for clarification regarding the East Side Comprehensive Plan's use of the word "incubator". Ms. Paz said this is associated with the Creative Center designation of the East Side Business District, specifically referring to businesses and restaurants. Ms. Paz said that the East Side Comprehensive Plan takes into consideration identifying appropriate land uses, noting that the Creative Center identifies having land uses complimentary to dining, services, and entertainment type uses. Ms. Paz said mixed-use must be taken into consideration as well, noting the proximity of the Brookhaven College. Ms. Paz said the Creative Center is intended to be an incubator hub of the East Side Business District. Ms. Paz explained that while Bubbl's business use could be considered an incubator type use, the manner in which the land would be used for this business use is not compatible with the intended land use and building form per the East Side Comprehensive Plan.

Chairman Moore opened the floor for questions from the Commissioners for staff. Commissioner Bertl expressed concerns regarding screening requirements, commenting that a three (3) inch caliper tree every 30 linear feet would not sufficiently screen vehicles parked in the area. Commissioner Bertl commented that she would recommend ornamental trees rather than non-ornamental. Commissioner Bertl commented that three (3) inch caliper trees would take years to grow. Ms. Figgins said that the justification behind the screening requirements was that non-ornamental trees tend to have large canopies and provide more tree canopy than ornamental trees. Ms. Figgins stated that a three (3) caliper tree is typical at the time of initial planting and that time needs to be given in order for these planted trees to mature. Ms. Figgins said she agreed with Commissioner Bertl that three (3) inch caliper trees would not provide sufficient screening at the time of initial planting, but that the plant material had to be given time to mature.

Commissioner Bertl commented that three (3) inch caliper trees would not sufficiently screen a parked car. Ms. Figgins said in determining screening requirements, staff worked to give applicants some flexibility and noted that screening would be combination of both the masonry wall and the trees. Ms. Figgins said the masonry wall

would provide the most effective screening while the trees would provide extra screening for taller vehicles, citing the example of an ambulance dispatch center. Ms. Firgens said Bubbl's vehicles are typically sedans thus the masonry wall would provide sufficient screening for these vehicles. Ms. Firgens said, regarding the trees, staff wanted an option that addressed taller vehicles. Ms. Paz added that the non-visible components of the site such as utilities also had to be taken into consideration. Ms. Paz noted that it can difficult to situate canopy trees in areas with these utilities. Commissioner Bertl commented that Ms. Paz was referring to buried utilities. Ms. Paz said yes.

Commissioner Yarbrough asked how this proposed amendment compared with similar amendments in other cities. Ms. Paz said this proposed amendment is comparable to that of other cities, noting that she looked to the City of Garland's development code as a guide in composing this amendment. Ms. Paz said other cities specifically address vehicle storage and ambulance related uses. Ms. Firgens added that in composing this amendment, staff reviewed the requirements of the CZO pertaining to outdoor storage, noting that vehicles are regarded in the CZO as outdoor storage. Ms. Firgens stated that per the CZO, both the masonry wall and landscaping are required in addressing outdoor storage. Ms. Firgens said staff researched other cities to understand how they addressed this use given that this use was new to the City of Farmers Branch. Ms. Firgens said staff took into consideration other similar parallels in the CZO in order for this proposed amendment for consistency.

Hearing no further questions or comments from the Commissioners, Chairman Moore invited the applicant to approach the podium.

Mr. Eric Shaw, 730 English Channel Lane, Lewisville, Texas and Mr. Paul Adams, 3608 Shenandoah Street, Dallas, Texas, the applicants, approached the podium. Mr. Adams stated that he is the current chief executive officer (CEO) of Bubbl Investments and that the company had been in business for two and a half (2 ½) years. Mr. Adams said the company is an alternative ride share program that offers pre-scheduled service. Mr. Adams said the company specializes in the transportation of: children over the age of eight (8) years old; children with special needs; senior citizens; and women. Mr. Adams said the company has completed over 50,000 rides within the last 24 months. Mr. Adams said the company also engages in small package delivery, and said there are over 7,000 registered customers in the Dallas-Fort Worth metroplex. Mr. Adams said the company expressly uses only active and retired police officers as drivers. Mr. Adams said the business has been operating out of the East Side Business District of the City for 2 years, and apologized for not obtaining a Certificate of Occupancy. Mr. Adams said he is an entrepreneur who owns other businesses and that as a result of this, Bubbl came into fruition. Mr. Adams said that he serves the community, noting that he employs Farmers Branch residents who eat, do business with and pay taxes within the City. Mr. Adams stated that the company has hired 120 employees within the past 24 months. Mr. Adams said the City of Farmers Branch is the perfect location for his business. Mr. Adams expressed concerns regarding having to take the business to another city should this zoning amendment not be approved. Mr. Adams said that he landscapes his property. Mr. Adams said he services his clients along Alpha Road, Omega Road, and Gamma Road, and that his clients share his concerns regarding potentially leaving the City of Farmers Branch. Mr. Adams expressed concerns regarding a recreational vehicle (RV) parked on one of his neighboring properties. Mr. Adams reiterated that he is providing a service to the community, noting that his company has strong relationships with the school districts and senior living facilities, whom also serve as part of Bubbl's customer base. Mr. Adams asked the Commissioners to take his business into consideration in their

decision on whether to approve the zoning amendment. Mr. Adams reiterated that the City of Farmers Branch was an ideal location for this business. Mr. Adams said he takes great pride in his business, noting that some of the neighboring properties are not maintained. Mr. Adams reiterated his desire for Bubbl to remain in the City.

Chairman Moore thanked Mr. Adams, and then asked about the number of vehicles currently in the fleet. Mr. Adams said there is a company owned fleet of 40 vehicles. Mr. Adams said the company is transition into a driver-owned model, and said that the company currently has five (5) service areas in the Dallas-Fort Worth metroplex in addition to an office in Austin, Texas and plans for expansion into four (4) other cities. Mr. Adams said in order to accommodate the expansion, a change to the current business model is necessary. Mr. Adams said it is his intention to phase out the company fleet, but that he would need to retain some commercial vehicles. Mr. Adams said the company provides services to non-profit organizations such as the Incarnation House in Dallas, Texas. Mr. Adams stated that on Mondays through Thursdays at 8:30 PM, he transports 45 homeless kids to a shelter, hotel or the home of a relative. Mr. Adams said he would retain his commercial vehicles for this use.

Chairman Moore asked if the 40 vehicles in the fleet were all parked on-site. Mr. Adams said the company operates on a schedule of 24 hours per day and seven (7) days per week, and that, with the exception of 1:00 AM to 4:00 AM, there is not a period in which the majority of the vehicles are on-site. Mr. Adams said that the vehicles are assigned based on a schedule, noting that there are currently 1,600 rides in the queue. Mr. Adams said the vehicles would be entering and leaving the property on a frequent basis.

Chairman Moore asked about the square footage of the building. Mr. Adams said it was 5,000 square feet, noting that 2,500 square feet was dedicated to office space and the remaining 2,500 square feet was dedicated to warehousing. Mr. Adams said there was an existing enclosed concrete parking lot at the back of the building. Mr. Adams said there was additional employee parking at the front of the building.

Chairman Moore asked about the number of parking spaces. Mr. Adams said the parking lot at the back of the building could accommodate at least 50 vehicles and that the parking lot at the front of the building could accommodate ten (10) vehicles. Mr. Adams said he utilizes the public parking along Omega Road as well.

Chairman Moore stated that the Commission could consider approving this zoning amendment request with the following modification: that the use be permitted in the East Side Business District with approval of a Specific Use Permit (SUP). Chairman Moore said that this would require Mr. Adams to apply for an SUP for his use with special exceptions, noting that Mr. Adams had 50 parking spaces despite not having a 50,000 square foot building. Chairman Moore asked Mr. Adams if he would be receptive to this motion. Mr. Adams said yes, noting that he is currently running a split operation that is disruptive to business flow. Mr. Adams referenced the previous case heard by the Commission involving the warehouse building at Diplomat Drive and said he may be interested as a potential tenant, noting that his business is growing. Mr. Adams said it is important that he be able to conduct his business, and that he desired to stay in the City. Mr. Shaw added that he anticipated the company outgrowing its current location within the next few months, noting that the lease was valid through October 2019. Mr. Shaw said it was his and Mr. Adams' hope to work with the City to find a larger building in which to house Bubbl as well as the other businesses Mr. Adams owns. Mr. Shaw said it was his and Mr. Adams' desire for the Farmers Branch location to become corporate headquarters as the business continues to expand. Mr. Adams said he anticipated the Farmers Branch location becoming the centralized

location for the business' call center and customer service outlet. Mr. Adams said this would require a considerably larger space that could adequately meet the technical requirements necessary to conduct services across the country. Mr. Shaw said the company was looking to build a value proposition for the civil servants under their employ. Mr. Shaw said it was the company's desire to give back to those who serve and protect the community. Mr. Shaw said as part of this, the company desired to purchase better quality vehicles for these individuals. Mr. Shaw said another component would involve providing better than retail-level service to company vehicles. Mr. Shaw said building this value proposition would help as the company considered expanding.

Chairman Moore opened the floor for questions from the Commissioners.

Commissioner Yarbrough asked about the number of Farmers Branch police officers employed by the company. Mr. Adams said he was not sure, and stated that the company employs officers from all over the state of Texas. Mr. Adams said the officers are paid well.

Commissioner Yarbrough asked about the number of employees, other than officers, who are Farmers Branch residents. Mr. Adams said he was not sure. Mr. Adams said the company's largest ambassador is a Farmers Branch resident. Mr. Adams said it was his hope to build a nucleus of employees for this company from the Farmers Branch community.

Commissioner Yarbrough asked Mr. Adams why he felt Farmers Branch was the best location for a call center. Mr. Adams said the City is very manageable and safe.

Commissioner Yarbrough asked Mr. Adams to clarify what he meant by "manageable". Mr. Adams cited the City of Dallas, Texas as an example of a city he believed to be unmanageable, expressing concerns over parking and crime within that City. Mr. Adams stated that he put in offers for three (3) different buildings within Dallas. Mr. Adams said: one (1) of these buildings had a \$25,000 roof issue; another building had an environmental issue; and the third (3rd) had severe encroachments or protrusions. Mr. Adams referred to the City of Farmers Branch as his "Mayberry" of Texas. Mr. Adams said a majority of dispatchers are female, noting that many of them work late night hours. Mr. Adams said there are no concerns regarding safety for these dispatchers. Mr. Adams said he valued Farmers Branch for the lack of crime and disruption throughout the City. Mr. Adams said the City has all of the amenities the company requires. Mr. Adams noted that the company provides delivery services for 23 Ebby Halliday realtor offices in the Dallas area. Mr. Shaw added that at the time the company was founded, it was practical to have a company fleet of vehicles given the location. Mr. Shaw said having this location as a central hub would be ideal as the company continues to expand even as people are hired from across the state of Texas. Mr. Shaw said it would be ideal to remain in the City of Farmers Branch from a logistical standpoint. Mr. Adams said the proximity of the Brookhaven College was ideal in reaching out to younger individuals seeking employment. Mr. Adams said the City offers many services that make it an ideal location for his company that he has enjoyed having his company based here. Mr. Adams said he believed the City needed his company, noting that he has been in business for over two (2) years and has invested in the community. Mr. Adams said his employees are concerned over the current state of the company.

Vice Chairman De Los Santos asked if there was room for growth at the current location. Mr. Adams said no. Mr. Adams said he has previously made offers to buy the

building, but the owner has refused to sell. Mr. Adams said he has looked for other locations, but that this process has been encumbered due to the inability to obtain a Certificate of Occupancy as well as the City's zoning requirements.

Vice Chairman De Los Santos commented that it was not practical to have the applicant come back for an SUP if he were to eventually outgrow this space. Vice Chairman De Los Santos commented that the City could help the applicant find a location for this business. Vice Chairman De Los Santos commented that he would encourage the applicant to utilize Farmers Branch police officers. Mr. Adams said officers are recruited from all municipalities.

Commissioner Yarbrough asked Mr. Adams if he has had any conversations with his neighboring properties regarding business operations. Mr. Adams said a couple of his neighbors are customers and that he has personally spoken with them. Mr. Adams said these neighbors like having his business in the area. Mr. Adams said he is aware that other neighbors do not believe his business to be ideal in the area due to the considerable number of vehicles. Mr. Adams said he has worked to develop strong relationships with neighboring properties. Mr. Adams noted that the company performs catering deliveries for: Jen's Bakery, Ebby Halliday, and Roseco as well as diamond transport for a wholesale jeweler. Mr. Adams said there are many customers in the area near his location that he would like to maintain.

Commissioner Bertl asked how the company began, commenting that she believed it to be an ideal business. Mr. Adams said that he and Mr. Shaw had previously been in the service industry and that they had sold their company. Mr. Adams said his idea for Bubbl was inspired by a need to supply transportation for his teenage sons coupled with concerns regarding the transportation companies Uber and Lyft. Mr. Adams said he is a resident of Highland Park, which is referred to by some as "The Bubble", due to the desire for safety within the area. Mr. Adams said he believed this notion was synonymous with his vision for Bubbl. Mr. Adams said Bubbl began out of his garage and in the two (2) years he has been in business, he has had to move the company twice due to growth. Mr. Adams stated that there are no other transportation companies performing the services Bubbl provides. Mr. Adams said the company is currently in the bidding process for the micro-transit and para-transit for Dallas Area Rapid Transit (DART). Mr. Adams said DART's collective bargain agreement is due to expire and that the organization would like Bubbl to help with their ride-share division, noting that this division completes over 4,000 rides per day and that many of these rides involve transporting senior citizens to doctor appointments. Mr. Adams noted that the police officers that work for the company are W2 employees and not 1099 contractors, and said that the company is Health Insurance Portability and Accountability Act (HIPPA) certified. Mr. Adams said the services the company provides regarding the transportation of senior citizens makes them stand out from other transportation companies. Mr. Shaw added that Bubbl began from the idea of a "safer" version of Uber or Lyft. Mr. Shaw said the customer base has helped define the company, citing the example of the company being contacted by officers based out of Round Rock, Texas interested in establishing a Bubbl office for their City. Mr. Shaw said the company now has an office in Round Rock with large customer base, but that this office does not currently service individual families. Mr. Shaw said the Round Rock office came from the need of an HMR who needed assistance in fulfilling their charter to transport patients to their therapy appointments. Mr. Shaw said such opportunities exist in the Dallas area. Mr. Shaw said he and Mr. Adams did not envision the company growing and providing services in areas that the customer base have helped define, and that this was ideal.

Commissioner Driskill commented that he appreciated the applicant's business, noting his experience in teaching those with disabilities as well as senior citizens.

Commissioner Driskill commented that he believed the applicant to be providing a superior service to the City of Farmers Branch. Commissioner Driskill commented that it was his hope that the applicant would work with staff to remain and grow within the City. Mr. Adams thanked Commissioner Driskill for his comments, and said that he views the company's services as door-to-door instead of curb-to-curb. Mr. Adams said the testimonials from customers have been ideal.

Commissioner Bertl commented that she would recommend the applicant contact the police officer assigned to his area of the City and have him come see the business. Commissioner Bertl commented that this officer would check in on a regular basis, such as when the dispatchers are working during the late night hours. Mr. Shaw said he was not aware of this service. Mr. Shaw said, as part of hiring police officers, the company has established a recruiter division in order to cultivate relationships with local police departments. Mr. Shaw said he would like this division to approach the Farmers Branch police department as well as those of other local municipalities like Carrollton and Plano. Mr. Shaw said the company would like to continue to reach out to off-duty and retired police officers as well.

Commissioner Yarbrough asked Mr. Adams why the company had to move out of his garage. Mr. Adams said when the company began, it offered a friends and family program which offered free rides and the officers hired as drivers worked for free. Mr. Adams said in speaking with families regarding this program, there was an overwhelming response that they would utilize this service. Mr. Adams said because of this, the company began providing a considerable number of more rides thus the decision to move the company from out of Mr. Adams' garage and into the City of Farmers Branch.

Commissioner Yarbrough commented that the applicant was currently experiencing more growth. Mr. Adams said yes. Mr. Shaw added that company has increased revenue every quarter since it began. Mr. Shaw said this has been the result of word-of-mouth, referrals, and organic growth as opposed to advertising.

Commissioner Yarbrough commented that the applicant may be reaching a point where it is necessary to move the company again due to an increased growth in business. Mr. Adams said he acknowledges eventually needing a larger space for the business, but that technology will help manage corporate infrastructure. Mr. Adams said the company will be able to offer a "business in a box" model to other cities which will not require these cities to establish their own Bubbl offices. Mr. Adams said all company activity would be centralized at the Farmers Branch location. Mr. Adams said future growth may eventually require the company to establish a call center on the west coast of the country. Mr. Adams said currently, the company effectively manages 50,000 rides per day with 120 employees. Mr. Adams said it would be a considerable amount of time before he anticipates the company outgrowing this current location.

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.

Commissioner Yarbrough commented that he liked the applicant's business and that it provides a great service for the community. Commissioner Yarbrough commented that he believes the Commission must not only consider the applicant, but the community

as a whole in deliberating on cases. Commissioner Yarbrough commented that he struggled to see the correlation between the East Side Comprehensive Plan's recommendations for land uses and the ability for businesses such as Bubbl to operate in this area of the City.

Chairman Moore stated that he liked the idea of approving this zoning amendment with the exception that the applicant be permitted to pursue an SUP for this business within the East Side Business District. Chairman Moore said this would retain control regarding this and other such uses at the Planning and Zoning Commission and City Council level. Chairman Moore said this would also give some flexibility for the applicant as they decide how to move forward. Chairman Moore said that it was his understanding that if the Commission were to approve this zoning amendment as presented, the applicant would be forced to move his business immediately. Chairman Moore said, as a result of this, the applicant would likely not be happy with the City and decide to leave altogether. Chairman Moore said he is trying offer a compromise that will permit the applicant's company to remain within the City and give them some flexibility as they search for another location.

Vice Chairman De Los Santos commented that he agreed with Chairman Moore, but that he believed the applicant would eventually run out of space. Vice Chairman De Los Santos commented that he agrees with giving the applicant the option of pursuing an SUP as it would give the applicant time to identify another location and that staff and the Commission could work with the applicant on this. Vice Chairman De Los Santos commented that he agrees with the zoning amendment as presented.

Vice Chairman De Los Santos made a motion to recommend approval of this Zoning Amendment with the exception that the applicant be permitted to pursue a Specific Use Permit.

Chairman Moore stated that Vice Chairman De Los Santos has made a motion to recommend approval of this Zoning Amendment with the exception that the applicant be permitted to pursue a Specific Use Permit for this use within the East Side Business District. Chairman Moore asked for a second to this motion. Commissioner Driskill seconded the motion.

Referring to Vice Chairman De Los Santos' motion, which was not specific to which base zoning district, Ms. Paz asked for clarification regarding whether the motion was for both the Major and Minor categories of this use. Chairman Moore said yes.

Ms. Firgens stated that since this motion differs with what staff has proposed, staff sought further clarification to understand the motion. Ms. Firgens said regarding the Minor category of this use, staff is intending to allow this by right in areas of the City with Light Industrial (LI) zoning, with the exception of the East Side Business District where this is prohibited. Ms. Firgens said this needs to be addressed and that the Commission needed to clarify whether to not the motion would regard both the Minor and Major Vehicle Storage.

Vice Chairman De Los Santos asked for clarification regarding the Major and Minor categories. Ms. Firgens said the Commission needed to keep in mind that the LI zoning covered a portion of the City much larger than the East Side Business District. Ms. Firgens said, regarding Minor Vehicle Storage, that staff is proposing to allow this by right in all areas of the City zoned LI except the East Side Business District where this would be prohibited.

Ms. Firgens asked for clarification regarding the Commission's motion related to Minor Vehicle Storage and requested each use be addressed separately.

Commissioner Bertl commented that Bubbl currently has 40 vehicles in their fleet. Ms. Firgens said yes. Commissioner Bertl commented that this would place Bubbl in the Major Vehicle Storage category. Ms. Paz said this was her point of clarification.

Commissioner Retana commented that the intent of Commission's motion was to provide the opportunity for Bubbl to pursue an SUP in the East Side Business District given that they would be categorized as Major Vehicle Storage. Commissioner Retana commented that the Commission had the option of revising the motion to address Major Vehicle Storage and leaving the provisions for Minor Vehicle Storage as presented in the amendment.

Ms. Firgens said that while this was an option, she is not certain if that is the Commission's intent. Ms. Firgens said the revised motion would mean that Minor Vehicle Storage would be prohibited in the East Side Business District, but that the more intensive Major Vehicle Storage would be permitted via approval of an SUP.

Commissioner Driskill commented that perhaps the Minor Vehicle Storage use should be allowed by right within the East Side Business District.

Ms. Firgens stated that leaving the zoning amendment as presented would permit Bubbl to remain within the City while recognizing that the company will eventually outgrow their current location. Ms. Firgens said there were other areas in the City where the company could relocate, given the areas of the City with LI zoning outside of the East Side Business District. Ms. Firgens said that if the company could reduce its fleet to ten (10) or fewer vehicles their use would be allowed by right. Ms. Firgens said if the company retained eleven (11) or more vehicles they could still be permitted pending approval of an SUP.

Vice Chairman De Los Santos cited Industry as an example of an area where the company could relocate. Ms. Firgens asked for clarification on Vice Chairman De Los Santos's comment. Vice Chairman De Los Santos referenced the map of the East Side Plan provided during the Study Session. Ms. Firgens said the zoning districts are based on those identified in the CZO, not the map. Ms. Firgens said all SUP requests are evaluated based on the recommendations of the corresponding comprehensive plan regardless of area the City. Ms. Firgens said if the Commission desired to allow for this use within the East Side Business District, a better solution would be to allow Major Vehicle Storage within this district. Ms. Firgens said Minor Vehicle Storage still needed to be addressed.

Vice Chairman De Los Santos asked if modifying the definitions of Major and Minor Vehicle Storage and dispatch would help.

Commissioner Driskill commented that the Commission needed another motion.

Referring to Commissioner Driskill's suggestion, Ms. Firgens said that she would request that Vice Chairman De Los Santos' motion be rescinded first.

Vice Chairman De Los Santos commented that he would like to revise the motion.

Chairman Moore stated that Vice Chairman De Los Santos has rescinded his original motion.

Vice Chairman De Los Santos made a motion to recommend approval of this Zoning Amendment with the modification that only Minor Vehicle Storage be permitted with approval of a Specific Use Permit.

Ms. Paz asked for clarification regarding the intended zoning district of the motion.

Ms. Firgens stated that Vice Chairman De Los Santos' motion was to recommend approval of this Zoning Amendment with the modification that only Minor Vehicle Storage be permitted with approval of a Specific Use Permit. Ms. Firgens asked Vice Chairman De Los Santos if his recommendation was to permit Minor Vehicle Storage in the East Side Business District with approval of an SUP for the Light Industrial category. Vice Chairman De Los Santos said yes.

Ms. Firgens then asked Vice Chairman De Los Santos what he would recommend for the Major Vehicle Storage category. Ms. Firgens said, per the proposed amendment, Major Vehicle Storage is prohibited in the East Side Business District. Ms. Firgens asked vice Chairman De Los Santos if he recommended that Major Vehicle Storage be permitted with approval of an SUP in the East Side Business District. Vice Chairman De Los Santos said yes.

Ms. Firgens said that Vice Chairman De Los Santos' motion was to recommend approval of this Zoning Amendment as proposed with the following modifications: that within the Light Industrial zoning district, Vehicle Dispatch and Storage Minor be permitted with approval of a Specific Use Permit and be permitted in the East Side Business District; and for the Light Industrial zoning district, Vehicle Dispatch and Storage Major be permitted with approval of a Specific Use Permit and be permitted in the East Side Business District. Vice Chairman De Los Santos said yes.

Commissioner Driskill commented that the provision for the Major category would be City-wide. Ms. Firgens said yes and it would be the same for the Minor category as well. Ms. Firgens said that Vice Chairman De Los Santos' motion was to allow for both the Minor and Major categories subject to approval of a Specific Use Permit. Ms. Firgens said Vice Chairman De Los Santos' motion negates the distinction between the Major and Minor categories. Ms. Firgens asked for a consensus from the Commissioners regarding understanding the intent of Vice Chairman De Los Santos' motion with consensus given.

Chairman Moore stated that Vice Chairman De Los Santos' motion was to recommend approval of this Zoning Amendment with the modification that within the Commercial and Light Industrial zoning districts, Vehicle Dispatch and Storage, including both Major and Minor, be permitted subject to approval of a Specific Use Permit including within the East Side Business District. Chairman Moore asked for a second to this motion.

A motion was made by Vice Chairman De Los Santos seconded by Commissioner Driskill that this Zoning Amendment be recommended for approval with the modification that within the Commercial and Light Industrial zoning districts, Vehicle Dispatch and Storage, including both Major and Minor, be permitted subject to approval of a Specific Use Permit including within the East Side Business District. The motion carried by the following vote:

Aye: 5 - Chairman Moore, Commissioner Yarbrough, Commissioner Driskill, Commissioner Bertl, and Vice Chairman De Los Santos

Nay: 1 – Commissioner Retana

Absent: 2 – Commissioner Sullivan and Commissioner Zavala

Chairman Moore asked when this case would go before City Council. Ms. Paz said it would be November 6, 2018.

D. ADJOURNMENT

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

A motion was made by Commissioner Yarbrough seconded by Commissioner Retana, that the meeting be adjourned. The motion carried unanimously.

Aye: 6 - Chairman Moore, Commissioner Yarbrough, Commissioner Driskill, Commissioner Bertl, Commissioner Retana and Vice Chairman De Los Santos

Absent: 2 – Commissioner Sullivan and Commissioner Zavala

The meeting was adjourned at 8:58 PM.

Chairman

City Administration