

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

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

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

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

A.2 [TMP-2821](#)

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

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

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

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

presented.

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

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

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

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

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

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

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

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

C.6 18-ZA-07

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chairman O'Quinn asked for another motion.

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

Nay: 1 - Commissioner Sullivan

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

D. ADJOURNMENT

The meeting was adjourned at 8:16 PM.

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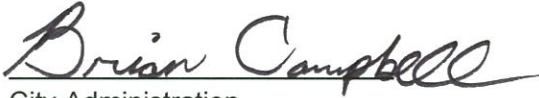
Certification

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

Hall.



Chairman



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