



# City of Farmers Branch

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

## Meeting Minutes

### Planning and Zoning Commission

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Monday, January 28, 2019

7:00 PM

City Hall

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#### Study Session Meeting – 6:00 PM

**Present 13** - Chairman David Moore, Commissioner Tim Yarbrough, Commissioner Michael Driskill, Commissioner Linda Bertl, Commissioner Giovanni Zavala, 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, City Councilmember Terry Lynne and John Land Deputy City Manager

**Absent 1** - Commissioner Jared Sullivan

#### A. STUDY SESSION

##### A.1 [TMP-3003](#) Discuss Regular Agenda items.

Chairman Moore called the Study Session to order at 6:00 PM.

Chairman Moore thanked the Commissioners for their service.

Chairman Moore opened discussion on Study Session Agenda item A.1 Discuss Regular Agenda items. Chairman Moore asked for any questions or comments regarding the Regular Agenda and Public Hearing agenda items.

Regarding Public Hearing item C.1:

- Vice Chairman De Los Santos and Commissioners Yarbrough and Bertl discussed the building heights of the subdistricts with Planned Development District No. 18 (PD-18).
- Chairman Moore and Commissioners Yarbrough, Driskill, Bertl, and Retana discussed the fire lane to the north side of Building A connecting to Myra Lane, including the function of the fire lane for servicing the single-family homes proposed, and the restricted access for emergency personnel only.
- Commission Bertl discussed the following: size of homes for the single-family lots; age restriction enforcement of the homes; and landscaping including the

existing landscape berms along Myra Lane and trees being removed from the site.

- Chairman Moore and Commissioner Yarbrough discussed the letter of opposition received regarding this case, noting that the address associated with the letter received was located at the corner of Webb Chapel Road and Valley View Lane, and whether or not the applicant was proposing to develop the area behind the home of this address.
- Commissioners Yarbrough and Bertl noted that the applicant's proposed development could impact the homes located at the corner of Myra Lane and Eunice Street.
- Commissioners Retana and Driskill discussed the sidewalks that would run parallel with Myra Lane as well as within the interior of the subject property.
- Commissioner Yarbrough discussed the existing asphalt walking trail.

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

## **A.2     [19-58](#)**

### **Discuss the city's non-conforming uses and structures regulations.**

Chairman Moore opened discussion on Study Session Agenda item A.2 Discuss the city's non-conforming uses and structures.

Ms. Tina Firgens, Director of Planning, gave a presentation regarding the city's non-conforming uses and structures regulations, including discussion regarding the following topics:

- How the city defines "non-conforming".
- How a use or structure becomes non-conforming.
- An overview of non-conforming uses.
- An overview of non-conforming structures.
- The role of the Board of Adjustment (BOA) regarding non-conformities.
- How the city's proposed Interstate Highway (IH-35) zoning amendments would impact non-conformities and the continuation of non-conforming uses.
- Items to consider long term regarding non-conformities regulations.

Discussion from the Commissioners regarding this presentation was as follows:

- Commissioners Driskill and Yarbrough discussed how a change in ownership of a property impacted its non-conformity status.
- Commissioner Bertl discussed how a change in use of a given property impacted its non-conforming status.
- Commissioner Bertl discussed how the city's non-conforming uses and structures regulations impacted single-family residential homes.

- Commissioner Yarbrough discussed the subjectivity of how the city regards more restrictive non-conforming uses versus less restrictive non-conforming uses.
- Chairman Moore discussed how potential zoning amendments within the IH-35 corridor could impact a given property regarding more restrictive and less restrictive non-conforming uses.
- Commissioner Bertl discussed the timeline until a non-conforming use or structure is considered abandoned.
- Chairman Moore and Commissioner Bertl discussed how the potential IH-35 corridor zoning amendments would impact existing motorcycle retail establishments, including those approved via a Specific Use Permit (SUP).
- Commissioner Bertl discussed if the city could amend the zoning districts within the IH-35 corridor regarding permitted uses.

Chairman Moore stated that due to time constraints, Study Session Agenda items A.3, A.4 and A.5 would be addressed during the Study Session of the next Planning and Zoning Commission meeting.

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

**A.3     [19-54](#)     Receive an update regarding the Planning and Zoning Commission tri-annual update presentation to City Council on January 22, 2019.**

This agenda item was not addressed during the Study Session.

**A.4     [19-55](#)     Receive a report regarding zoning and development cases acted upon by City Council.**

This agenda item was not addressed during the Study Session.

**A.5     [19-57](#)     Receive a report regarding projects currently under construction and/or submitted for permit review.**

This agenda item was not addressed during the Study Session.

**A.6     [TMP-3010](#)     Discuss agenda items for future Planning and Zoning Commission consideration.**

Chairman Moore opened discussion on Study Session Agenda item A.6 Discuss agenda item for future Planning and Zoning Commission consideration.

Chairman Moore asked for any items to be added to the list. No items were requested by the Commissioners.

Hearing no further questions or comments, Chairman Moore closed discussion on this agenda item and adjourned the Study Session at 7:01 PM.

Staff and the Commissioners reconvened in Council Chambers for the Regular Meeting at 7:06 PM.

**B. REGULAR AGENDA ITEMS****B.1 [TMP-3011](#)**

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

Commissioner Yarbrough noted an error in the Attendance Matrix. Commissioner Yarbrough noted that the Matrix had the year 2018 and that the correct year was 2019.

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

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

**Absent: 1** – Commissioner Sullivan

**B.2 [TMP-3012](#)**

**Consider approval of the January 14, 2019 Planning and Zoning Commission Minutes; and take appropriate action.**

Ms. Tina Firgens, Director of Planning, noted errors in the Minutes regarding dates. Ms. Firgens said that the date on the first page should read January 14, 2019 and that the headers of the subsequent pages needed to be corrected to reflect this same date. Ms. Firgens requested that this be reflected in the Commission's motion.

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

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

**Absent: 1** – Commissioner Sullivan

**C. PUBLIC HEARING****C.1 [18-ZA-14](#)**

**Conduct a public hearing and consider a request to rezone approximately 32.3 acres generally located at the northeast corner of Webb Chapel Road and IH-635/LBJ Freeway and extending northward generally along Medical Parkway North and Myra Lane, from Planned Development District No. 18 (PD-18) and One-family Residential District-6 (R-6) to Planned Development District No. 18 (PD-18) including amending the Planned Development District No. 18 (PD-18) standards to allow independent senior living as an additional permitted use and establishing related development standards; and take appropriate action.**

The applicant, Winstead PC, is requesting to rezone approximately 32.3 acres from Planned Development District No. 18 (PD-18) and One-family Residential District-6 (R-

6) to Planned Development District No. 18 (PD-18), in order to allow for independent senior living uses to be developed on approximately 9.4 acres, located on the eastern portion of the subject property. The subject property is generally located at the northeast corner of Webb Chapel Road and LBJ Freeway, and extends northward generally along Medical Parkway North and Myra Lane.

The independent senior living uses are proposed to be located within: a four (4)-story building (67 units) with surface parking along LBJ Freeway and east of Medical Parkway North; a five (5)-story building (239 units) with structured parking to the east of Medical Parkway North; and four (4) single-family lots with frontage to Myra Lane. The existing hospital and medical office buildings will remain unchanged. Staff recommends approval of this zoning amendment as presented.

Ms. Jenifer Paz, Senior Planner, gave a brief presentation regarding the applicant's proposal, concluding that this case would go before City Council on February 19, 2019.

Chairman Moore asked for any questions for staff.

Commissioner Zavala discussed if the hospital had provided input to staff regarding the applicant's proposal.

Commissioner Bertl discussed whether or not the single-family homes were lease only and how this would be enforced.

Vice Chairman De Los Santos discussed the existing fire lane located at the northeast corner of the property.

Commissioner Bertl discussed the tree preservation fence.

Hearing no further questions for staff, Chairman Moore asked if the applicant would like to address the Commission.

Mr. David Martin, the applicant, 2728 North Harwood Street, Dallas, Texas, gave a brief presentation regarding the proposed development.

Chairman Moore discussed the differences between the independent senior living units in Building A versus those in Building B.

Vice Chairman De Los Santos discussed if the applicant had prepared floor plans, and if the applicant was proposing any interior amenities and parking garages.

Commissioner Bertl discussed the following: the size of the single-family homes; the price per square foot of these homes; and if the single-family lots would be necessary for the applicant to develop the project.

Vice Chairman De Los Santos discussed the relationship between the single-family lots and the multi-family unit buildings.

Commissioners Retana and Bertl discussed the open space and sidewalks proposed, and if this area would be open to the public.

Commissioner Zavala discussed the following: the price per square foot of Building A units versus that of Building B units; amenities; the property management company being used and if they have any other developments; whether or not the applicant had conducted a sound level analysis, noting Building B's proximity to Interstate 635 (I-635); and the project's construction timeline.

Commissioner Bertl discussed the construction timeline for the single-family lots.

Commissioner Retana discussed why the applicant chose the company who would manage the property.

Vice Chairman De Los Santos commented that he would like to have received more information regarding the interior of the buildings, including floor plans and proposed amenities, and discussed if the Commission would be provided the information prior to making a recommendation.

Commissioner Zavala discussed if any previous developers had expressed interest in developing this site.

Commissioner Driskill discussed whether or not the applicant's other similar developments included a single-family component, and if the applicant had considered this proposed development without the single-family lots.

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

Commissioner Zavala commented that he supported removing the independent senior living age restriction from the single-family homes, and asked the applicant if they would be willing to remove this restriction from the single-family lots with the applicant agreeing to this modification.

Chairman Moore asked for any additional discussion from the Commissioners before continuing with the public hearing.

Commissioner Bertl commented that she liked the senior housing age restriction for the single-family lots, commenting that there are not enough senior housing developments within the City of Farmers Branch.

Commissioner Zavala commented that the single-family homes could potentially cost approximately \$360,000 each, and that he believed removing the senior housing requirement would be of benefit in selling these lots.

Ms. Firgens stated if the Commission was interested in establishing minimum square footage requirements for the houses on the proposed single-family lots, she recommended that they use the requirements of the One-Family Residence District (R-6) zoning district.

Commissioner Driskill commented that he supported removing the senior housing requirement for the single-family lots.

Chairman Moore discussed the single-family lots, and requested clarification from the applicant regarding square footage requirements for the homes.

Hearing no further discussion from the Commissioners, Chairman Moore continued with opening the public hearing.

Mr. William Martin, 3414 Morningstar Lane, Farmers Branch, Texas, discussed and expressed concerns regarding the following: egress from the buildings in emergency situations such as fires; wheelchair accommodations for the buildings; height of the proposed five (5)-story building being the tallest in town; water pressure for the multi-

story building and other adjacent properties; sewer capacity; the adjacency of the buildings to the I-635 service road and the lack of a barrier in the area; whether or not children would be permitted within the development; and parking at the existing hospital.

Ms. Cheryl Howerton, 3657 Morningstar Circle, Farmers Branch, Texas, discussed and expressed concerns regarding the following: parking; rainwater runoff in the area; potential traffic on nearby streets; loss of permeable surfaces; and the proposed driveway providing access from Myra Lane.

Hearing no further discussion from the audience regarding this agenda item, Chairman Moore closed the public hearing.

Chairman Moore thanked the applicant for their proposal, stating that he believed the many issues raised during the public hearing would be addressed when the applicant submitted their Detailed Site Plan for this proposed development. Chairman Moore commented that he liked the applicant's proposal, stating that it addressed the City's Central Area Plan regarding life cycle housing. Chairman Moore commented that there was a need for more senior housing within the City of Farmers Branch.

Chairman Moore asked for a motion.

Commissioner Zavala made a motion to recommend approval of this Zoning request with the following conditions: the age-restriction for the single-family lots be removed and that the applicant provide the noise study report.

Vice Chairman De Los Santos discussed adding to Commissioner Zavala's motion the condition that the applicant present floor plans for the buildings. Ms. Firgens stated that staff could request the applicant to provide the floor plans at the time the applicant submits their Detailed Site Plan application.

Ms. Firgens sought clarification from Commissioner Zavala regarding the condition that the applicant produce their noise study. Ms. Firgens asked Commissioner Zavala if it was his intent to request that the applicant provide this study for City Council's consideration of this Zoning request, with Commissioner Zavala stating yes.

Chairman Moore sought clarification on whether or not Vice Chairman De Los Santos' request regarding floor plans should be a condition in the Commission's motion.

Vice Chairman De Los Santos commented that he would like the applicant to produce floor plans. Ms. Firgens stated that the condition could be added to Commissioner Zavala's motion that a modification be added to the ordinance requiring the applicant to simultaneously submit floor plans with their Detailed Site Plan. Ms. Firgens deferred to Commissioner Zavala as to whether or not this was acceptable.

Commissioner Zavala sought clarification from staff on whether or not the applicant would be required to submit floor plans along with their Detailed Site Plan application, and concluded that while he would be fine with including Vice Chairman De Los Santos' request regarding floor plans as a condition of the motion, he believed the Commission could make a motion regarding this Zoning amendment without having the floor plans. Commissioner Yarbrough commented that he believed it was not necessary for the Commission to review floor plans prior to making a motion regarding this Zoning amendment.

Vice Chairman De Los Santos commented that he found it difficult to conceptualize the

applicant's proposal, and that issues raised during the public hearing could have been addressed if the applicant had provided more information.

Chairman Moore stated:

**A motion has been made by Commissioner Zavala, seconded by Commissioner Retana, that this Zoning request be recommended for approval with the following conditions: that the senior housing age restriction for the single-family lots be removed and that the applicant present their noise study for consideration by City Council with this Zoning request. The motion carried unanimously.**

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

**Absent: 1** – Commissioner Sullivan

Chairman Moore thanked the applicant and the citizens who spoke during the public hearing.

#### **D. ADJOURNMENT**

Being no further business, Chairman Moore adjourned the meeting at 8:29 PM.

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Chairman

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City Administration