



City of Farmers Branch

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

Meeting Minutes

Planning and Zoning Commission

Monday, May 6, 2019

7:00 PM

City Hall

Study Session Meeting – 6:00 PM

Present 10 - Chairman David Moore, Commissioner Tim Yarbrough, Commissioner Linda Bertl, Commissioner Jared Sullivan, Vice Chairman Sergio De Los Santos, Tina M. Firgens AICP Director of Planning, Jenifer Paz AICP Lead Planner Kyra McCardle Planning Consultant, Sherry Sefko Planning Consultant, and John Land Deputy City Manager

Absent 2 - Commissioner Michael Driskill and Commissioner Giovanni Zavala

A. STUDY SESSION

A.1 [19-203](#) Discuss Regular Agenda items.

Chairman Moore called the Study Session to order at 6:01 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 Regular Agenda item C.1:

- Commissioner Bertl requested clarification on the public notification requirements for this case.

Regarding Public Hearing item C.2:

- Commissioner Bertl asked about the following: the platting process; and if the subject property of this Final Plat was to be developed.
- Chairman Moore and Commissioner Yarbrough discussed the relationship between the Detailed Site Plan and plat, and what happens if there are inconsistencies between the documents and if those issues would be resolved prior to the plat being considered by the Planning and Zoning Commission.

- Commissioner Sullivan commented that staff would resolve any issues with the applicant prior to bringing the proposed development before the Commission.
- Vice Chairman De Los Santos commented that a plat is a legal document that determines how a particular site can be developed, and explained that it is a lengthy process.
- Ms. Tina Firgens, Director of Planning, said that the platting process could be a topic of discussion for a future Study Session if the Commission is interested.

A.2 [19-216](#)**Discussion and direction regarding potential amendments to the nonconforming provisions of the Comprehensive Zoning Ordinance**

Ms. Kyra McCardle, Planning Consultant, gave a presentation regarding potential amendments to the nonconforming provisions of the Comprehensive Zoning Ordinance, including presenting staff recommendations and seeking direction from the Commission related to specific items.

After much discussion, the Commission provided the following direction to staff:

- Slide 5-Expansion of Use or Structure:

The Commission concurred with staff's recommendations as presented.

- Slide 6-Change of Use:

The Commission directed staff that a nonconforming use should not be allowed to change to another nonconforming use, and questioned the legality of prohibiting a nonconforming use to change to another nonconforming use. The Commission concurred with the remaining staff recommended items.

- Slide 7-Abandonment:

The Commission concurred with staff's recommendations as presented.

- Slide 8-Site Elements:

The Commission concurred with staff's recommendations as presented.

- Slide 9-Nonconformity due to ROW Acquisition:

The Commission concurred with staff's recommendations as presented.

Additional comments and discussion from the Commission included:

- Chairman Moore commented that this discussion would help determine how to address long-established businesses that would be considered nonconforming pending approval of these amendments.
- Commissioner Bertl asked if the City assisted those nonconforming businesses that were interested in expansion.

- Commissioner Sullivan commented that the Specific Use Permit process could address nonconforming uses. Ms. Firgens stated that the zoning of the property would have to entitle the applicant to be able to request a Specific Use Permit for a particular use.
- Commissioner Yarbrough requested clarification on nonconforming provisions of the straight-zoned districts versus that of Planned Development districts.
- Commissioners Sullivan, Yarbrough, and Bertl asked about the burden of proof for the six (6)-month provision for operation of a nonconforming use.
- Vice Chairman De Los Santos asked about right-of-way acquisitions for properties that bordered other cities.
- Commissioner Bertl asked about the number of nonconforming businesses within the City.

A.3 [19-184](#)**Discuss agenda items for future Planning and Zoning Commission consideration.**

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

No items were requested by the Commissioners.

Hearing no questions or comments, Chairman Moore closed discussion on this agenda item and adjourned the Study Session at 6:59 PM.

Staff and the Commissioners reconvened in the Council Chambers for the Regular Meeting at 7:07 PM.

B. REGULAR AGENDA ITEMS**B.1 [19-205](#)****Consider approval of the Attendance Matrix for the Planning and Zoning Commission as presented; and take appropriate action.**

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

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

Absent: 2 – Commissioner Driskill and Commissioner Zavala

B.2 [19-206](#)**Consider approval of the April 22, 2019 Planning and Zoning Commission Minutes; and take appropriate action.**

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

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

Absent: 2 – Commissioner Driskill and Commissioner Zavala

B.3 [19-221](#)

Consider approval of the April 22, 2019 Joint City Council and 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 Joint Meeting Minutes be approved. The motion carried unanimously.

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

Absent: 2 – Commissioner Driskill and Commissioner Zavala

C. PUBLIC HEARING

C.1 [19-SU-04](#)

Conduct a public hearing and consider the request for a Specific Use Permit for an office and warehouse use on an 8.39-acre tract located at on the north side of Valley view Lane and on the south side of Keenan Bridge Road, approximately 500 feet east of Luna Road and approximately 700 feet west of Keenan Bridge Road; and take appropriate action.

Chairman Moore stated staff determined there was an error in the public notification for this case, and that this case would be rescheduled to the May 20, 2019 Planning and Zoning Commission meeting.

Chairman Moore asked for a motion to continue the public hearing for this case to the May 20, 2019 Planning and Zoning Commission meeting.

A motion was made by Commissioner Yarbrough, seconded by Commissioner Sullivan, that the public hearing for this case be continued to the May 20, 2019 Planning and Zoning Commission meeting. The motion carried unanimously.

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

Absent: 2 – Commissioner Driskill and Commissioner Zavala

C.1 [19-PL-03](#)

Conduct a public hearing and consider the request from Mustang Station II, Ltd. for final plat approval of Mustang Station, Lot 2R, Block A located on the north side of Bill Moses Parkway, between the DART rail line and Charlie Bird Parkway; and take appropriate action.

Ms. Jenifer Paz, Lead Planner, gave a brief presentation regarding the proposed plat.

Chairman Moore asked for any questions or comments.

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

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

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

Absent: 2 – Commissioner Driskill and Commissioner Zavala

Ms. Tina Firgens, Director of Planning, informed the Commission that Ms. Jenifer Paz had been promoted to the position of Lead Planner. The Commissioners congratulated Ms. Paz on her promotion.

D. ADJOURNMENT

Being no further business, Chairman Moore adjourned the meeting at 7:13 PM.

Chairman

City Administration