



# 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, August 26, 2019

7:00 PM

City Hall

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#### Study Session Meeting – 6:00 PM

**Present 14** - Chairman David Moore, Commissioner Tim Yarbrough, Commissioner Michael Driskill, Commissioner Jared Sullivan, Commissioner Linda Bertl, Commissioner Giovanni Zavala, Vice Chairman Sergio De Los Santos, Alternate Commissioner Jarrod Williams, Alternate Commissioner Bonnie Potraza, Tina Figgins AICP Director of Planning, Jenifer Paz AICP Lead Planner, Surupa Sen AICP Senior Planner, Brian Campbell Planning Technician, and Kyra McCardle Planning Consultant

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

##### **A.1 [19-389](#) 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 regarding Regular Agenda and Public Hearing items.

Regarding Regular Agenda item B.1:

- Commissioner Bertl asked for clarification on how excused absences were recorded.

Regarding Regular Agenda item B.2:

- Commissioner Driskill noted a typo in the sentence on page eight of which staff offered to correct.

Regarding Public Hearing item C.1:

- Commissioner Bertl asked for clarification on the number of homes proposed

for the development.

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

## **A.2     [19-413](#)**

### **Discuss future Planning and Zoning Commission retreat.**

Chairman Moore opened discussion on Study Session Agenda item A.2 Discuss future Planning and Zoning Commission retreat.

Ms. Tina Firgens, Director of Planning, requested additional direction from the Commissioners regarding the forthcoming retreat.

There was much discussion amongst the Commissioners related to a weekday versus a Saturday retreat, and trying to maximize Commissioner attendance.

Ms. Firgens said planning a weekday retreat would be challenging to due forthcoming staff training and software implementation for Engergov since staff did not yet have a schedule of dates for these training sessions. Ms. Firgens said staff's preference was for a Saturday retreat to minimize potential scheduling conflicts.

Additionally, there was consensus that if the retreat were held on a Saturday that ending the retreat by 3:30/4:00 PM was favorable.

Staff requested the Commission email their three preferred Saturdays within October and November.

Ms. Firgens requested feedback from the Commissioners on locations they were interested in touring and reviewed the locations included in the staff report.

Ms. Firgens asked the Commissioners if they were interested in touring locations within the City.

Commissioner Driskill commented that he was not interested in touring locations within the City.

Commissioner Bertl commented that she would like tour locations within the City and said she would like to see the interiors of completed developments if time permitted.

Ms. Firgens suggested the retreat could include touring the west side of the City and noted the significant developments within this area.

Ms. Firgens asked the Commissioners if they were interested in touring infill housing developments.

Chairman Moore and Commissioners Bertl and Yarbrough discussed touring infill housing developments, including: that infill housing may be a forthcoming item for consideration by the City; appropriate locations for this type of development within the City; if duplexes were included in this type of development; and low-income housing related to infill housing development. Ms. Firgens said staff would work on identifying specific infill housing developments that may be of interest.

Ms. Firgens discussed the mixed-use developments included in the staff report. Commissioner Driskill commented that he would like the retreat to include a tour of the

Old East area of Dallas, Texas.

Ms. Firgens said staff would begin planning the retreat.

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

**A.3**     [19-416](#)

**Receive a report on legislative action from the 2019 State of Texas legislative session.**

Chairman Moore opened discussion on Study Session Agenda item A.3 Receive a report on legislative action from the 2019 State of Texas legislative session.

Ms. Firgens reviewed the information included in the staff report.

Regarding House Bill No. 2439 – Building Materials:

- Commissioner Bertl asked for clarification on what is considered a blank wall, and if the City could regulate this.
- Commissioner Sullivan asked about incentives for developers related to the incorporation of the City's preferred building materials standards.
- Ms. Firgens noted that Planned Development District No. 99 (PD-99) would be exempt from this bill due to the development agreement.
- Commissioner Driskill asked about retroactiveness related to this bill.
- Vice Chairman De Los Santos asked about the special exceptions approved on previous projects and how that related to the bill.
- Commissioner Bertl commented that this bill would make it difficult for the City to enforce building materials standards and expressed concerns regarding this bill.
- Commissioner Bertl asked about the lobby group behind this bill.
- Alternate Commissioner Williams commented that he believed that developers would be mindful of the types of building materials used in their projects.

Regarding House Bill No. 2840 – Right to Speak at Open Meetings:

- Ms. Firgens said that this bill would be applicable to the Regular Meetings of the Planning and Zoning Commission, but not the Study Sessions. Ms. Firgens suggested adding a Citizen Comments section to future agendas to afford an opportunity for the public to address items not posted on the agenda for a given meeting, and advised that it would be a violation of the Texas Open Meetings Act for the Commissioners to engage with the public during the Citizen Comments portion of the meeting due to the specific topic not being posted on the agenda. Ms. Firgens also advised that the Commission could request the topic be posted for a future meeting discussion.
- Commissioner Driskill asked if this bill would go into effect at the next Planning and Zoning Commission meeting and Ms. Firgens said yes.

- Alternate Commissioner Potraza sought clarification regarding the Commissioners' ability to engage with the public related to comments on posted agenda items.
- Chairman Moore asked Ms. Firgens if it was staff's preference to add a Citizen Comments section to future agendas and Ms. Firgens said yes, noting this would be a good faith effort for allowing citizens in attendance to address the Planning and Zoning Commission.
- Commissioner Driskill commented on the importance of having meeting parameters particularly for when the Commission potentially experiences potentially controversial zoning cases, noting the considerable number of citizens who spoke recently at the public hearings regarding the zoning amendments to Planned Development Districts and auto-related uses.
- Ms. Firgens said staff would bring to a future Study Session a review of current Planning and Zoning Commission rules and procedures for discussion and possible updates.

Regarding House Bill No. 3167 – Land development plans and plats:

- Ms. Firgens discussed how this bill would affect ministerial procedures of the Commission related to plats. Ms. Firgens discussed the interest of City Council in having final approval authority of plats rest with the Planning and Zoning Commission and staff, and the forthcoming proposed revisions to the City's subdivision ordinance.

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

**A.4**     [19-390](#)

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

Chairman Moore opened discussion on Study Session Agenda item A.5 Discuss agenda items for future Planning and Zoning Commission consideration.

Commissioner Bertl asked if new fences were required to be stained. Ms. Firgens said staff would follow up with Hugh Pender, Director of Community Services, and send a follow up to the Commission.

No other 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 7:00 PM.

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

**B.     REGULAR AGENDA ITEMS**

**B.1**     [19-350](#)

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

**A motion was made by Commissioner Yarbrough, seconded by**

**Commissioner Driskill, that the Attendance Matrix be approved. The motion carried unanimously.**

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

**B.2**     [19-351](#)

**Consider approval of the August 5, 2019 Planning and Zoning Commission Minutes; and take appropriate action.**

**A motion was made by Commissioner Bertl, seconded by Commissioner Zavala, that the Minutes be approved. The motion carried unanimously.**

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

**C.     PUBLIC HEARING**

**C.1**     [19-PL-07](#)

**Conduct a public hearing and consider a request from Villas on Hutton LLC, for final plat approval of the Villas on Hutton, addressed at 13001 Hutton Drive; and take appropriate action.**

Villas on Hutton, LLC is the sole owner of a 2.42 acre tract of land located at 13001 Hutton Drive, on the west side of Hutton Drive and south of Valley View Lane. The purpose of the Final Plat of Villas on Hutton is to replat 2.42 acres, formerly Lot 1, Block 4, Valley View Commerce Park out of the Francis Miller Survey. Additionally, the proposed plat creates 32 new single-family attached lots and common area lots as Lots 1-32, Block A and Lot 1X, Block B, and dedicates easements necessary for the development of those lots. This plat is consistent with the detailed site plan approved by City Council on July 11, 2017 by Resolution Number 2017-080. The final plat of Villas on Hutton is consistent with the Texas Local Government Code and the City's platting requirements for the final plat approval. Staff recommends approval of this final plat as presented.

Ms. Tina Firgens, Director of Planning, gave a brief presentation regarding the proposed final plat.

Chairman Moore asked for any questions.

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 Yarbrough, seconded by Commissioner Bertl, that this final plat be recommended for approval. The motion carried unanimously.**

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

Chairman Moore asked when this case would be heard by City Council. Ms. Firgens said she was not sure of the date.

**C.2**     [19-ZA-04](#)

**Conduct a public hearing and consider a request to amend the Comprehensive Zoning Ordinance including amending: Article 6. Administration as it relates to nonconforming regulations for uses, structures and other property improvements, and jurisdiction of the Board of Adjustment; and take appropriate action.**

A review of the nonconforming provisions of the Comprehensive Zoning Ordinance (CZO) is a FY2018-19 strategic initiative, consistent with the Planning Department's work program and City Council's critical business outcomes. Given the new vision established in the East Side Plan and the upcoming IH-35E visioning study, it is appropriate to review the nonconforming provisions within the CZO to ensure that the provisions are supportive of redevelopment that occurs within these aforementioned areas, as well as the City as a whole. The proposed amendments are to Article 6., Administration as it relates to nonconforming regulations for uses, structures and other property improvements (Article 6.6), and jurisdiction of the Board of Adjustment (Article 6.1.D.1). The amendments have the aim of tightening regulation of nonconforming uses and property improvements to encourage development in conformance with current zoning regulations and to address matters not currently covered under the current nonconforming provisions such as site elements and properties impacts due to property acquisition by a governmental entity. Staff recommends approval of this zoning amendment as presented.

Ms. Kyra McCardle, Planning Consultant, gave a presentation regarding the proposed amendment.

Chairman Moore asked for any questions.

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 Vice Chairman De Los Santos, seconded by Commissioner Driskill, that this Zoning amendment be recommended for approval. The motion carried unanimously.**

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

**D. ADJOURNMENT**

Being no further business, Chairman Moore adjourned the meeting at 7:14 PM.

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Chairman

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City Administration