



City of Farmers Branch

Meeting Minutes

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

Planning and Zoning Commission

Monday, August 31, 2020

7:00 PM

City Hall

This meeting was open to the public and/or viewable via Zoom Videoconference. Texas Governor Greg Abbott has granted temporary suspension of the Open Meetings Act to allow telephone or videoconference. These actions are being taken to mitigate the spread of COVID-19.

Study Session Meeting – 5:30 PM

Present 15 - Chairman David Moore, Vice Chairman Tim Yarbrough, Commissioner Linda Bertl, Commissioner Giovanni Zavala (arrived at 5:40 PM), Commissioner Jarrod Williams, Commissioner Bonnie Potraza, Commissioner Barrett Cole, Alternate Commissioner Andy Jones (arrived at 5:35 PM), Alternate Commissioner Pat Byrne, Tina Firgens AICP Director of Planning, Jenifer Paz AICP Lead Planner, Surupa Sen AICP Senior Planner, Brian Campbell Planning Technician, Kyra McCardle Planning Consultant, and John Land Deputy City Manager

A. STUDY SESSION

A.2 [20-434](#) Discuss Regular Agenda items.

Chairman Moore called the Study Session to order at 5:32 PM.

Chairman Moore thanked the Commissioners for their service and considered Agenda Item 2 to allow additional Commissioners to arrive prior to discussing item A.1.

Chairman Moore opened discussion on Study Session Agenda item A.2 Discuss Regular Agenda items.

Chairman Moore asked for any questions regarding the Regular Agenda or Public Hearing items.

Regarding Public Hearing item D.2:

- Alternate Commissioner Byrne asked about the approval process related to murals and wall signage.
- Alternate Commissioner Jones asked about the following: clarification on the provision related to the prohibition of identifying individual tenants on the proposed identification sign compared to other monument signs; concerns related to potential issues related to the use of copyrighted logos; and who

would approve proposed murals and wall signage.

- Alternate Commissioner Byrne asked how the City would address potential issues related to the use of copyrighted logos.
- Chairman Moore and Commissioner Bertl asked about the approval process for proposed signage, including murals.

Regarding Public Hearing item D.1:

- Alternate Commissioner Jones asked about the following: who would be responsible for maintenance of the proposed fence along the east property line; and whether staff discussed with the applicant Americans with Disabilities Act (ADA) compliance related to the sidewalk along Valley View Lane.

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

A.1 [20-450](#)

Introduction of Newly Appointed Planning and Zoning Commissioners.

Chairman Moore opened discussion on Study Session agenda item A.1 Introduction of Newly Appointed Planning and Zoning Commissioners.

Chairman Moore welcomed Alternate Planning and Zoning Commissioners Andy Jones and Pat Byrne.

Chairman Moore and the Commissioners each introduced themselves.

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

A.3 [20-448](#)

Discuss and provide direction regarding draft amendments to the Comprehensive Zoning Ordinance related to parking requirements for residential and non-residential uses.

Chairman Moore opened discussion on Study Session Agenda item A.3 Discuss and provide direction regarding draft amendments to the Comprehensive Zoning Ordinance related to parking requirements for residential and non-residential uses.

Ms. Surupa Sen, Senior Planner, gave a presentation related to the proposed draft amendments, including: an overview work completed by staff related to the proposed draft amendments; and proposed loading area screening requirements.

Discussion from the Commission regarding Ms. Sen's presentation was as follows:

- Chairman Moore asked about the following: if staff could provide examples of what constituted a site alteration and/or building alteration related to required loading area screening; and whether changes to the building's façade would be considered a site modification.
- Vice Chairman Yarbrough asked about the following: whether the picture on the bottom of the "Living Screen Examples" slide in Ms. Sen's presentation was a property within Farmers Branch; the number of sites considered in conformance with the proposed screening requirements, including both properties located on the east side of the City and newer warehousing developments.

carried unanimously.

Aye: 7 – Chairman Moore, Commissioner Yarbrough, Commissioner Bertl, Commissioner Zavala, Commissioner Williams, Commissioner Potraza and Commissioner Cole

D. PUBLIC HEARING

D.1 [20-SP-08](#)

Conduct a public hearing and consider the request for a Detailed Site Plan amendment for an attached single-family development on an approximate 0.75-acre lot located at 2620 Valley View Lane, including Special Exceptions; and take appropriate action.

The subject 0.75-acre property is located approximately 170 feet east of Rawhide Drive on the south side of Valley View Lane. A detailed site plan was approved by City Council on June 18, 2008 for an attached single-family development on the subject site and concurrently with the adoption of Planned Development District No. 93 (PD-93). Since the detailed site plan approval, there has not been any development activity on the site until recently. In December 2018, the property owner submitted building permit applications for three buildings consisting of a total of 14 attached single-family dwelling units. Permits were issued in November 2019 and the attached single-family dwelling units are currently under construction.

This request is to amend the approved detailed site plan to allow for modifications to the site, and includes requests for special exceptions to the development standards related to screening, setbacks, and sidewalks. Uses proposed will remain as attached single-family. The site is located within PD-93 which allows for attached single-family uses and special exception requests. Additionally, PD-93 delegates approval authority of special exceptions to the Planning and Zoning Commission. Staff recommends approval of the proposed Detailed Site Plan including the requested Special Exceptions, with the exception of Special Exception #5 related to the reduction to the required 8-foot wide sidewalk along Valley View Lane.

Ms. Jenifer Paz, Lead Planner, gave a presentation regarding the proposed detailed site plan amendment, and stated the following: final approval authority regarding the special exceptions rested with the Planning and Zoning Commission; this case would be heard by City Council following Commission's action; and that the letter received by staff in opposition to this case had been rescinded and now this individual was in support of the requested detailed site plan amendment.

Chairman Moore asked if the letter received by staff in opposition to this case had now been rescinded, and Ms. Paz said yes.

Chairman Moore asked for any questions for staff.

Commissioner Cole asked for clarification related to staff's recommendation to deny the special exception regarding the reduction of the 8-foot wide sidewalk along Valley View Lane.

Alternate Commissioner Byrne asked about changes related to the slope of the property and improvements for the creek related to the sidewalk along Valley View Lane.

Commissioner Zavala discussed the following: regarding the special exception related

to required screening, if staff had discussions with the applicant related to the installation of a wooden fence along the southern portion of the property and maintenance of landscaping regarding the special exception related to the reduction to the required 8-foot wide sidewalk along Valley View Lane, why the applicant felt it necessary to move both the electric pole and fire hydrant; and the size of the existing sidewalk along Valley View Lane.

Vice Chairman Yarbrough asked about the following: whether there was an existing sidewalk along the western side of the subject property; and the special exception related to the installation of a sidewalk to the pedestrian bridge.

Hearing no further questions or comments from the Commissioners for staff, Chairman Moore invited the applicant to approach the podium, and Mr. David Koch, representing the applicant, 3243 Brincrest Drive, Farmers Branch, Texas, approached.

Mr. Koch stated the following: an agreement had been reached with the property owners to the south of the subject property related to potential issues related to privacy and access to the property; and the applicant would work with property owners to resolve issues related to trees overhanging in their backyards.

Commissioners Zavala and Bertl discussed the special exception related to the reduction to the required 8-foot wide sidewalk along Valley View Lane, including: where on the subject property would the electric pole and fire hydrant be moved/relocated; whether there were existing sidewalks along Valley View Lane the eastern and western portions east and west of the subject property; whether there was an existing sidewalk along Valley View Lane; whether the electric pole and fire hydrant existed when the original detailed site plan for this development was approved back in 2008; and whether the applicant's proposed detailed site plan layout differed from what was originally proposed.

Commissioner Zavala commented that he believed it would be beneficial for the applicant and the City to reach a compromise regarding the special exception related to the reduction to the required 8-foot wide sidewalk along Valley View Lane.

Commissioner Williams asked about the following: whether the width of the pedestrian bridge would be expanded; and whether there were any sidewalks along Valley View Lane measuring eight feet in width, including the sidewalk along the Rose Garden.

Commissioner Zavala commented that he would like staff to offer/inquire if staff considered alternate/alternative options regarding the special exception related to the reduction to the required 8-foot wide sidewalk along Valley View Lane, including commenting that there may be opportunities to compromise somewhere in between.

Ms. Tina Firgens, Director of Planning, stated the following: staff was not supporting the special exception related to the reduction to the required 8-foot wide sidewalk along Valley View Lane because of the City's long-term vision for improving walkability within this area; Planned Development District No. 93 (PD-93) required the installation of an 8 foot sidewalk along Valley View Lane and other improvements related to enhancing the pedestrian experience; City Council reaffirmed the goal to improve walkability for within the Station Area of the City during their February 2020 strategic planning session; when PD-93 was originally established, since the Station Area Code had already been adopted that staff likely anticipated development within the Station Area expanding further east; addressed the challenges with being the first development project within

an area with existing improvements differing than what is required by zoning; it was is beneficial to require the 8 foot sidewalk per the zoning requirements being constructed by the applicant now in order to prevent the City from having to acquire additional easements necessary for sidewalk expansion at a later time; the Commission has the option to could support the requested special exception related to the 8 foot sidewalk; both the electric pole and fire hydrant existed on the original approved detailed site plan; and the applicant did not offer any solutions related to moving the electric pole and fire hydrant.

Alternate Commissioner Byrne commented that the sidewalk along Valley View Lane adjacent to the Rose Garden measured larger than 4 feet in width and included a section that curved around an electric pole. Alternate Commissioner Byrne then asked whether the sidewalk over the pedestrian bridge would be expanded at a later time.

Mr. Koch state the applicant was in favor of a 6-foot sidewalk along Valley View Lane.

Commissioner Zavala commented on the following: he agreed with Ms. Firgens' comments related to improving walkability within the Station Area; and he was in favor of the 6-foot sidewalk proposed by the applicant.

Ms. Firgens stated that should the Commission be in favor of a 6-foot sidewalk along Valley View Lane, that this should be a condition in their motion to approve this request in order to prevent the applicant from having to appear before the Commission a second time.

Commissioner Bertl commented on the following: less grass and dirt within the subject property would result in concerns related to less slowed growth for the street trees; she was in favor of the 6-foot sidewalk along Valley View Lane; and she believed this would provide an opportunity for additional landscaping.

Ms. Firgens stated that staff would need to consult the Fire Department regarding the potential relocation of the fire hydrant should the sidewalk along Valley view Lane be expanded to 6 feet.

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

Mr. Matthew Peters, 2522 Vintage Street, Farmers Branch, Texas, discussed the following: he was not in favor of the special exception related to the reduction to the required 8-foot wide sidewalk along Valley View Lane and requested the Commission no support the special exception; he expressed concerns related to pedestrian safety within this area of the City; he requested the Commission to not support the special exception related to reducing the required 8-foot sidewalk; his neighbors previously expressed concerns related to walkability to Councilmember Cristal Retana; and he believed walking within this area was not a pleasant experience given the existing improvements.

Mr. Frank Theilen, 12935 Epps Field Road, Farmers Branch, Texas, discussed the following: he believed the sidewalk along Valley View Lane adjacent to the Rose Garden measured 8 feet; and requested clarification regarding the required proposed building setback from the southern property line.

Mr. Koch reproached the podium and stated that the setback from the southern property line was necessary in deeming this a townhome development and that the

development standards for the townhome lots were unchanged from the originally approved detailed site plan.

Ms. Firgens stated the following: the building would remain unchanged from what was currently being constructed; additional lot lines have been added to the detailed site plan due to the applicant desiring each dwelling unit to exist on its own individual lot; the original setbacks were based on the subject property's boundaries hence the original 20-foot setback requirement from the southern property line; the applicant was introducing a new property line north of the southern property line that would have resulted in the townhomes not meeting the required setbacks; and the special exception related to a reduction in setback requirements addressed the issue related to the new property line.

Mr. Theilen reproached the podium and asked whether the privacy of the homeowners was taken into consideration with this development.

Ms. Linda Theilen, 12935 Epps Field Road, Farmers Branch, Texas, discussed the following: expressed concerns regarding the special exception related to screening and potential issues related to privacy; she and her husband moved to Farmers Branch due to a lack of privacy within their previous neighborhood; she was previously unaware of the proposed development for the subject property; and she was not in favor of the special exception related to screening as she believed this would create potential issues related to privacy.

Mr. Jose Mendoza, 12927 Epps Field Road, Farmers Branch, Texas, discussed the following: he believed the holly plantings the applicant proposed for screening to be inadequate; he expressed concerns regarding a lack of privacy between his property and the building currently under construction on the subject property; he was not in favor of the proposed screening; and he believed the applicant should install a fence in addition to the holly plantings.

Mr. Bobby Orr, 12931 Epps Field Road, Farmers Branch, Texas, discussed the following: he was previously unaware of the proposed development; he agreed with previous concerns raised related to privacy; and the necessity of a barrier between the proposed development and the single-family homes located to the south of the subject property.

No one else came forward to address this agenda item. Chairman Moore closed the public hearing.

Chairman Moore asked the Commissioners about each of the requested special exceptions.

There was general consensus amongst the Commissioners that the requested special exception #1 related to setbacks was favorable.

Regarding the special exception #2 related to required screening:

- Chairman Moore and Commissioner Zavala discussed the agreement between the applicant and the homeowners, including the proposed fencing and trees.
- Commissioner Bertl commented on the following regarding the proposed Nelly R. Stevens plantings: she believed these plantings would grow between 20 and 30 feet tall; these plantings were very thick; she believed the other

proposed trees would grow to at least three stories in height and would live for a long time; and she believed the thickness and spacing of the plantings would provide adequate screening.

- Commissioner Williams asked about the enforcement procedure for ensuring the proposed plantings were installed on the property, and whether this special exception required the plantings.
- Alternate Commissioner Byrne asked about the locations of the fence and the plantings.
- Commissioner Potraza commented that she would like the applicant to be given additional time to address the concerns of citizens raised during the public hearing. Ms. Firgens stated that the Commission had the option of tabling this agenda item to a date certain.
- Alternate Commissioner Jones commented that he agreed with Commissioner Potraza in addressing the citizens' concerns, and he would be in favor of tabling this agenda item in order to provide the applicant additional time to address concerns raised by the citizens.
- Commissioner Williams asked whether the applicant could potentially reach an agreement with the homeowners prior to the City Council meeting should the Commission recommend approval of this case. Ms. Firgens stated that it would be ideal for the Commission to table the agenda item given that the Commission had final approval authority regarding the special exceptions. Commissioner Williams then asked whether individual special exceptions could be tabled. Ms. Firgens stated that the entire agenda item would need to be tabled to a date certain and that the Commission would need to provide direction to the applicant. Commissioner Williams then asked about resulting process for the applicant should the Commission deny the special exceptions related to this case.

There was general consensus amongst the Commissioners that the special exceptions #3 and #4 related to both the screening wall and the 5-foot wide sidewalk to the pedestrian bridge were favorable.

Regarding the special exception #5 related to the reduction to of the required 8-foot wide sidewalk along Valley View Lane:

- Commissioner Williams commented on the following: he believed a mutual agreement between the applicant and the City regarding the sidewalk width could be reached; and he was in favor of the 8-foot sidewalk with the fire hydrant and electric pole in their current locations.
- Commissioner Zavala commented on the following: the sidewalk along the Rose Garden property has existing sidewalk bump outs to provide additional width around existing pole; and he was in favor of an 8-foot sidewalk with the applicant coming up with solutions to address the locations of fire hydrant and electric pole, including receiving feedback from the Fire Department.
- Alternate Commissioner Byrne commented that he would like to see more details regarding the 6-foot and 8-foot sidewalks, and said he believed the Fire Department should provide feedback regarding whether the fire hydrant needed to be relocated.
- Chairman Moore asked who owned the land area located between lot nos. 2, 3, 4 and 5.

- Alternate Commissioner Jones commented that he was in favor of either the 6-foot or 8-foot sidewalk.
- Commissioner Cole commented that she was in favor of a larger sidewalk, and that she would like more information related to the sidewalk prior to voting.
- Commissioner Potraza commented that she was in favor of a wider sidewalk and was willing to work with the applicant regarding the locations of the fire hydrant and electric pole. Commissioner Potraza then discussed the importance of walkability within the Station Area from when the city previously amended PD-86 (Station Area Code).
- Vice Chairman Yarbrough discussed the following: whether staff discussed the applicant's proposed detailed site plan with the Fire Department; and whether staff discussed potential costs associated with relocating the fire hydrant and electric pole. Commissioner Yarbrough then commented that he was in favor of a wider sidewalk including being supportive of a 6-foot width in certain areas.

Chairman Moore stated the following: there was general consensus amongst the Commissioners that the special exceptions related to setbacks, screening and the sidewalk to the pedestrian bridge were favorable; regarding the special exception related to required screening, the Commission would like the applicant to coordinate with the homeowners on an amicable solution related to privacy; and regarding the special exception related to the reduction to the required 8-foot wide sidewalk along Valley View Lane, the Commission was in favor of a sidewalk measuring 6 to 8 feet in width with the City working to compromise with the applicant related to the locations of the fire hydrant and electric pole, and confirm ADA accessibility.

Mr. Koch reproached the podium and stated the following: if the Commission tabled this agenda item, this would impact the construction timeline; requested the Commission to make a recommendation on this case; the applicant was willing to propose an alternative alternate planting to provide adequate screening for the southern portion of the subject property; and the proposed fence for the southern property line would result in the existing trees being taken down and result in inadequate screening.

Commissioner Bertl commented that the Mary Nell Holly spreads up to 10 feet wide and grows up to 25 feet, and that these plantings would provide adequate screening being placed planted on 5-foot feet on centers.

Mr. Koch stated the applicant would agree to a 6-foot sidewalk, and work with the Fire Department to potentially relocate the fire hydrant.

Chairman Moore asked Mr. Koch the following: regarding the special exception related to required screening, if the applicant proposed to plant Mary Nell Holly, which would provide adequate screening; and regarding the special exception related to the reduction to the required 8-foot wide sidewalk along Valley View Lane, if the applicant proposed to install a 6-foot sidewalk and coordinate with the Fire Department to potentially relocate the fire hydrant. Mr. Koch said yes.

Commissioner Potraza commented that she would like the applicant to address the concerns raised by the citizens.

Commissioner Williams asked whether the applicant would be able to obtain their

Certificate of Occupancy should the Commission's vote be based on staff's recommendation.

Ms. Firgens stated the following: requested that should the Commission choose to table this agenda item, that it be to a date certain for the benefit of those in attendance at this meeting and to prevent staff from having to re-notice for this agenda item; the next Planning and Zoning Commission meetings were scheduled for September 14, 2020 and September 28, 2020; and that staff would work with the applicant to address the Commission's direction during this timeframe.

Commissioner Williams asked about the land to the south of the subject property, including who owns this property.

Hearing no further questions or comments from the Commissioners, Chairman Moore asked for a motion.

A motion was made by Commissioner Bertl that this Detailed Site Plan be recommended for approval on the condition that the applicant install a 6-foot sidewalk along Valley View Lane.

Commissioner Bertl then rescinded this her motion.

Chairman Moore asked for a motion.

A motion was made by Commissioner Williams that this Detailed Site Plan and associated Special Exceptions be recommended for approval with the exception of Special Exception #5 related to the reduction to the required 8-foot wide sidewalk along Valley View Lane.

Commissioner Bertl asked for clarification related to Commissioner Williams motion.

Chairman Moore asked for a second to the motion. There was no second made by any Commissioners. The motion failed for lack of a second.

A motion was made by Commissioner Williams that this Detailed Site Plan and associated Special Exceptions be recommended for approval with the exception of Special Exception #5 related to the reduction to the required 8-foot wide sidewalk along Valley View Lane. There was no second and the motion failed.

Chairman Moore asked for a motion.

A motion was made by Commissioner Potraza, seconded by Vice Chairman Yarbrough, that this agenda item be tabled until to the September 14, 2020 Planning and Zoning Commission meeting. The motion failed by the following vote:

Aye: 3 – Vice Chairman Yarbrough, Commissioner Potraza, and Commissioner Cole

Nay: 4 – Chairman Moore, Commissioner Zavala, Commissioner Bertl and Commissioner Williams

Chairman Moore asked for a motion.

A motion was made by Commissioner Zavala, seconded by Commissioner Bertl, that this Detailed Site Plan and associated Special Exceptions be recommended for approval with the exception that Special Exception #5 related to the reduction to the required 8-foot wide sidewalk along Valley View Lane be allowed, and that the. The applicant was be required to install a minimum 6-foot wide sidewalk along Valley View Lane and work with staff regarding the potential relocation of the fire hydrant and electric pole. The motion passed by the following vote:

Aye: 4 – Chairman Moore, Commissioner Zavala, Commissioner Bertl and Commissioner Williams

Nay: 3 – Vice Chairman Yarbrough, Commissioner Potraza and Commissioner Cole

Chairman Moore thanked those who spoke during the public hearing, then asked when this item would be heard by City Council. Ms. Paz said it would be September 21, 2020.

D.2 [20-ZA-04](#)

Conduct a public hearing and consider a request for amending Planned Development District No. 86 (PD-86) including but not limited to modifying signage regulations, approximately 143.39 acres generally bound by: Havenhurst Street on the north; Harry Hines Boulevard/IH35 frontage road on the west; Farmers Branch Lane on the south; Rawhide Creek, Valley View Lane, and the rear property line of properties on Nestle Street on the east; and take appropriate action.

This zoning request is a city-initiated amendment to Planned Development District No. 86 (PD-86), also known as the Station Area Code. The purpose of this request is to amend Chapter V. Architectural Standards to allow identification signs and murals, and amend Chapter VII. Definitions of the Station Area Code in order to define murals.

The Station Area Code currently does not allow for identification signs or murals. The development of multi-tenant and mixed-use developments within the Station Area, such as the Shops at Mustang Station, has brought to light the need for identification signs so that these developments can advertise at an appropriate pedestrian scale. Murals are also not currently permitted within the Station Area since painted wall signs are prohibited. Businesses have expressed an interest in developing murals within the district, and the proposed amendment will allow businesses to develop murals, support Council's vision for the development of the Station Area as an arts and cultural district, as well as contribute to the development of a vibrant pedestrian environment within the Station Area.

The proposed amendments allowing for identification signs and murals within the Station Area will add variation and diversity to the streetscape and enhance the pedestrian environment. A vibrant pedestrian environment is an objective for the area identified in both the Station Area Code and the Central Area Plan, and approval of the proposed amendments will support the vision of both plans. Staff recommends approval of this Zoning Amendment as presented.

Ms. Kyra McCardle, Planning Consultant, gave a presentation related to the proposed zoning amendment.

Alternate Commissioner Jones left the meeting at 8:41 PM.