



# City of Farmers Branch

## Meeting Minutes

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

### Planning and Zoning Commission

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Monday, June 14, 2021

7:00 PM

City Hall

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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.

**Present 11** - Chairman David Moore, Vice-Chairman Giovanni Zavala, Commissioner Linda Bertl, Commissioner Barrett Cole, Commissioner Andy Jones (via Zoom), Commissioner Pat Byrne, Alternate Commissioner Amber Raley, Tina Figgins AICP Director of Planning, Jenifer Paz AICP Lead Planner, Surupa Sen AICP Senior Planner, and John Land Deputy City Manager

**Absent 1** - Commissioner Bonnie Potraza

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

##### **A.1 [21-275](#) Discuss Regular Agenda items.**

Chairman Moore opened the Study Session at 6:30 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 the Regular Agenda and Public Hearing items.

Regarding Public Hearing item D.1:

- Chairman Moore stated this agenda item was a continuation of the public hearing from the May 24, 2021 meeting of the Planning and Zoning Commission, and then asked Ms. Jenifer Paz, Lead Planner, for an update regarding the information requested of the applicant.
- Ms. Paz stated the following related to the information requested by the Commission: the applicant submitted a revised landscape plan and revised building elevations; the Comprehensive Zoning Ordinance (CZO) required a minimum five percent of the front yard to be landscaped, but the applicant provided 4.1 percent; explained the types of plantings proposed as part of the

revised landscape plan; and included within the agenda packet was information related to the applicant's business inventory for the facility in Addison for specified time periods.

- Chairman Moore asked why the applicant did not achieve the required 5 percent of landscaping within the front yard.
- Commissioner Byrne asked about the square footage related to the percentage of landscaping within the front yard not provided by the applicant.
- Chairman Moore asked for clarification regarding the business inventory information.
- Chairman Moore asked Mr. John Land, Deputy City Manager, about the percentage of a business inventory's value that is taxable. Mr. Land stated the following: there was a difference between the business inventory retail value and the wholesale value of a car of which personal property taxes were based on wholesale value; and that square footage of the inventory would be a good indicator of taxable value.
- Commissioner Bertl asked Mr. Land whether the taxable value was good for the city. Mr. Land stated that automobiles were exempt from local sales tax and that taxes would be based solely on inventory of which was not relatively high for this business.
- Vice-Chairman Zavala asked how long the subject building had been vacant.
- Commissioner Bertl commented that she liked the applicant's revised landscape plan, and then asked whether staff believed the 4.1 percent of landscaping within the front yard provided by the applicant was suitable.
- Mr. Land stated that, per the Dallas County Appraisal District (DCAD), the taxable value of the applicant's business inventory for the Addison facility was \$3.9 million.
- Chairman Moore asked about the City of Farmers Branch's percentage for personal property tax.
- Vice-Chairman Zavala stated the following: he believed the applicant's revised building elevations to be in keeping with the intent of the East Side comprehensive plan; and he believed the East Side of the city to be in transition, and the applicant's business could be a good option for the subject property.
- Alternate Commissioner Raley asked whether the taxable value of the business inventory for the Addison facility was based on that building's square footage.
- Mr. Land stated that the taxes collected for the same facility in Farmers Branch would be approximately \$23,215.
- Vice-Chairman Zavala stated he believed the applicant addressed the items requested by the Commission.

Regarding Public Hearing item D.2:

**C. REGULAR AGENDA ITEMS**

- C.1     [21-210](#)     Consider approval of the Attendance Matrix for the Planning and Zoning Commission as presented; and take appropriate action.**

**A motion was made by Vice-Chairman Zavala, seconded by Commissioner Bertl, that the Attendance Matrix be approved. The motion carried unanimously.**

**Aye: 7** – Chairman Moore, Vice-Chairman Zavala, Commissioner Bertl, Commissioner Cole, Commissioner Jones, Commissioner Byrne and Alternate Commissioner Raley

**Absent: 1** – Commissioner Potraza

- C.2     [21-266](#)     Consider approval of the May 24, 2021 Planning and Zoning Commission Minutes; and take appropriate action.**

**A motion was made by Vice-Chairman Zavala, seconded by Commissioner Bertl, that the Minutes be approved. The motion carried by the following vote:**

**Aye: 6** – Chairman Moore, Vice-Chairman Zavala, Commissioner Bertl, Commissioner Cole, Commissioner Byrne and Alternate Commissioner Raley

**Abstain: 1** – Commissioner Jones

**Absent: 1** – Commissioner Potraza

Commissioner Jones stated that due to his absence from the May 24, 2021 meeting, he was abstaining from this vote.

**D. PUBLIC HEARING**

- D.1     [21-SU--03](#)     Conduct a public hearing and consider the request for a Specific Use Permit and associated Detailed Site Plan for vehicle sales and leasing (used) on an 8.36-acre tract located at 14325 Gillis Road; and take appropriate action. *Continued from May 24, 2021.***

On May 24, 2021, the Planning & Zoning Commission considered this request and continued the public hearing and consideration of the request to the next meeting, June 14, 2021. The Commission requested the applicant provide additional information and modification to the associated plans.

The applicant, Maxwell Fisher, Masterplan, is requesting a Specific Use Permit to allow vehicle sales and leasing (used) to occupy a portion of an existing 175,300 square foot warehouse building. The proposed use would occupy the southern portion of the building, 98,500 square feet. All operations and vehicle inventory would be conducted and/or stored inside the building with the exception of vehicle washing operations. The tenant suite is proposed to be remodeled for the use of office, vehicle storage/display, and other ancillary operations. Site modifications include providing additional surface parking and landscape improvements.

The subject property is located within the Light Industrial (LI) zoning district, which requires approval of a Specific Use Permit (SUP) for vehicle sales and leasing (used).

Staff recommends denial of the Specific Use Permit and associated Detailed Site Plan.

Ms. Jenifer Paz, Lead Planner, gave a presentation regarding the SUP request.

Chairman Moore asked for clarification related to the locations of parking spaces located in front of the building, and about removing spaces related to achieving the required five percent of landscaping within the front yard.

Ms. Tina Firgens, Director of Planning, discussed potential challenges related to removing parking spaces given the nonconformities of the subject property.

Chairman Moore asked for any questions for staff.

Vice-Chairman Zavala asked how long an SUP remained with the property upon a tenant vacating the location.

Hearing no further questions or comments for staff, Chairman Moore invited the applicant to approach the podium. Mr. Dallas Cothrum, Masterplan, representing the applicant, 2201 Main Street, Dallas, approached and gave a presentation regarding the SUP request.

Chairman Moore asked for any questions for the applicant.

Vice-Chairman Zavala asked about the following: the build-out and construction timeline pending approval; and the applicant's business operations.

Commissioner Byrne asked about the costs related to the landscaping and building elevation improvements requested by the Commission.

Commissioner Bertl commented on the following: commended the applicant on the revised landscape plan; asked whether the landscaping would be sprinklered and requested the applicant be diligent about keeping the landscaping watered; and recommended the planting of liriope in place of grass due to its relatively low maintenance.

Alternate Commissioner Raley stated, in response to Commissioner Zavala's question related to business operations, that she visited the facility in Addison and that this facility was secure.

Hearing no further questions or comments from the Commissioners, Chairman Moore continued the public hearing. No one came forward to address this agenda item.

Chairman Moore closed the public hearing and stated the following: he was not in favor of the SUP request; he was not convinced this business would be of benefit for the community at large; he believed the proposed landscaping would help beautify the area, but beautification was not a major concern for citizens; the anticipated tax revenues were low; the SUP request did not meet the recommendations of the East Side comprehensive plan of which should be considered given the time and effort spent in drafting the plan; and reiterated that he believed this use would not be of benefit to the city.

Chairman Moore asked for any additional comments from the Commissioners.

Commissioner Bertl stated the following: she agreed with comments made by Mr.

Cothrum that this was a commodity business and not a typical automobile dealership; she was in favor of the SUP request; and she believed the applicant's proposal to be favorable for the subject property.

Alternate Commissioner Raley stated the following: she agreed with comments made by Mr. Cothrum that this was a commodity business; she believed wealthy individuals were currently struggling to spend their dollars, which in turn was preventing monies from being circulated within the city to benefit the community; she believed employees of the business would spend their dollars at local restaurants within the city, and that this business could be of overall benefit to the city from an economic perspective.

Commissioner Byrne stated the following: he was in favor of the SUP request; he agreed with previous comments made by Mr. Cothrum, and believed this business could be of overall benefit to the city from an economic perspective; this business would keep what he viewed as less desirable business uses from occupying the subject building such as a trucking business; reaffirmed the potential economic benefits of this use; and he liked the applicant's revised building elevations.

Commissioner Cole stated she was not in favor of the SUP request due to potential long-term implications for the subject property should the request be approved.

Vice-Chairman Zavala stated the following: he was previously unsure of his recommendation regarding this agenda item due to issues raised by Chairman Moore related to how the business would benefit the city; he believed there to be other areas within the East Side of the city where desired development could occur; he believed the applicant's business to be favorable, and commended the applicant for incorporating the Commission's feedback from the prior meeting related to the revised landscape plan and building elevations; he liked seeing new businesses being established in the city; and he was in favor of the SUP request.

Commissioner Jones stated the following: he was unsure of his recommendation regarding this agenda item; he agreed with comments made by Chairman Moore related to how the business would benefit the city; he agreed with Vice-Chairman Zavala that new businesses for the city are favorable; and he would need additional time to reflect upon his decision.

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

**A motion was made by Vice-Chairman Zavala, seconded by Commissioner Byrne that the Specific Use Permit and associated Detailed Site Plan be recommended for approval. The motion carried by the following vote:**

**Aye: 5** – Vice-Chairman Zavala, Commissioner Bertl, Commissioner Jones, Commissioner Byrne and Alternate Commissioner Raley

**Nay: 2** – Chairman Moore and Commissioner Cole

**Absent: 1** – Commissioner Potraza

Chairman Moore asked when this case would be heard by City Council, and Ms. Paz said it would be July 13, 2021.