



City of Farmers Branch

Meeting Minutes

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

Planning and Zoning Commission

Monday, August 23, 2021

7:00 PM

City Hall

This meeting was open to the public and/or viewable via Zoom Videoconference during the Regular Meeting only. 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 12 - Vice-Chairman Giovanni Zavala, Commissioner Linda Bertl, Commissioner Bonnie Potraza, Commissioner Andy Jones, Commissioner Pat Byrne, Commissioner Amber Raley, Alternate Commissioner Roger Neal, Alternate Commissioner Marcus Miller, Tina Firgens AICP Director of Planning, Michael Spicer Interim Director of Planning, Brian Campbell Planning Technician and John Land Deputy City Manager

Absent 1 - Chairman David Moore

A. STUDY SESSION

A.1 [21-414](#) Welcome Planning and Zoning Commissioner Marcus Miller.

Vice-Chairman Zavala opened the Study Session at 6:30 PM.

Vice-Chairman Zavala thanked the Commissioners for their service.

Vice-Chairman Zavala opened discussion on Study Session agenda item A.1 Welcome Planning and Zoning Commissioner Marcus Miller.

The Commissioners introduced themselves.

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

A.2 [21-420](#) Welcome Mr. Michael Spicer, Interim Director of Planning.

Vice-Chairman Zavala opened discussion on Study Session agenda item A.2 Welcome Mr. Michael Spicer, Interim Director of Planning.

Ms. Tina Firgens, Director of Planning, stated that her last day with the City would be August 27, 2021 and Mr. Michael Spicer would serve as Interim Director of Planning during the month of September 2021.

Mr. Spicer introduced himself to the Commissioners.

Vice-Chairman Zavala and the Commissioners thanked Ms. Firgens for her service to the City.

Ms. Firgens thanked the Commissioners.

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

A.3 [21-392](#) **Discuss Regular Agenda items.**

Vice-Chairman Zavala opened discussion on Study Session agenda item A.3 Discuss Regular Agenda items.

Vice-Chairman Zavala asked for any questions regarding the Regular Agenda and Public Hearing items.

Hearing no questions or comments from the Commissioners, Vice-Chairman Zavala closed discussion on this agenda item.

A.4 [21-416](#) **Discuss the Planning & Zoning Commission meeting dates for October 2021.**

Vice-Chairman Zavala opened discussion on Study Session agenda item A.4 Discuss the Planning & Zoning Commission meeting dates for October 2021.

Ms. Firgens stated that due to Farmers Branch National Night Out being scheduled for October 11, 2021, staff was considering rescheduling this Planning and Zoning Commission meeting date to accommodate those Commissioners wanting to participate. Ms. Firgens stated that the Commissioners had the following options: rescheduling the meeting date to one of the recommended dates included with staff report for this agenda item; keeping the October 11, 2021 meeting date as scheduled; or cancelling this meeting date.

After some discussion, it was the consensus of the Commission that the meeting date be rescheduled to October 18, 2021.

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

A.5 [21-422](#) **Receive a report regarding zoning and development cases acted upon by City Council.**

Vice-Chairman Zavala opened discussion on Study Session agenda item A.5 Receive a report regarding zoning and development cases acted upon by City Council.

Ms. Firgens reviewed the cases included with staff report for this agenda item.

Hearing no questions or comments from the Commissioners, Vice-Chairman Zavala closed discussion on this agenda item.

A.6 [21-393](#) **Discuss agenda items for future Planning and Zoning Commission consideration.**

Vice-Chairman Zavala opened discussion on Study Session agenda item A.6 Discuss agenda items for future Planning and Zoning Commission consideration.

Ms. Firgens discussed the following: City Council currently had scheduled a briefing on the Planning and Zoning Commission in October 2021; if the briefing took place as scheduled, there would likely be a Study Session item to discuss the Commission's work program during one of the September 2021 meeting dates; and the Planning department proposed budget for the next fiscal year, including funding for a City-wide comprehensive plan and the rezoning of Target Area No. 1 within the Interstate 35 East (IH-35E) corridor as recommended by the IH-35E Corridor vision study.

Commissioner Jones asked if there was any update regarding a previous inquiry he made related to permitted ornamental fence types in the City. Ms. Firgens stated staff forwarded the inquiry to the Community Services department and would follow up.

Commissioner Raley asked about next steps regarding the proposed multifamily policy being worked on by staff. Ms. Firgens stated this project was ongoing and would remain on the Commission's work program.

Commissioner Bertl asked whether the Commission's current work program would remain unchanged, and Ms. Firgens said yes.

No other items were requested by the Commissioners.

Hearing no further questions or comments from the Commissioners, Vice-Chairman Zavala closed discussion on this agenda item and adjourned the Study Session at 6:54 PM. Staff and the Commissioners reconvened in the Council Chambers for the Regular Meeting at 7:00 PM.

B. CITIZEN COMMENTS

Vice-Chairman Zavala asked if anyone would like to address the Commission on an item not posted on the agenda.

No one came forward to address the Commission and Vice-Chairman Zavala closed the agenda item.

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 Commissioner Jones, seconded by Commissioner Bertl, that the Attendance Matrix be approved. The motion carried unanimously.

Aye: 7 – Vice-Chairman Zavala, Commissioner Bertl, Commissioner Potraza, Commissioner Jones, Commissioner Byrne, Commissioner Raley and Alternate Commissioner Neal

Absent: 1 – Chairman Moore

- C.2** [21-266](#) **Consider approval of the August 9, 2021 Planning and Zoning Commission Minutes; and take appropriate action.**

A motion was made by Commissioner Potraza, seconded by Commissioner Bertl, that the Minutes be approved. The motion carried by the following vote.

Aye: 5 – Vice-Chairman Zavala, Commissioner Bertl, Commissioner Potraza, Commissioner Raley and Alternate Commissioner Neal

Abstain: 2 - Commissioner Jones and Commissioner Byrne

Absent: 1 – Chairman Moore

Commissioners Jones and Byrne stated that, due to their absences from the meeting, they would abstain from this vote.

D. PUBLIC HEARING

D.1 [21-SU-07](#) Conduct a public hearing and consider the request for a Specific Use Permit and associated Detailed Site Plan for open storage on an approximate 10.66-acre property located at 4721 Simonton Road; and take appropriate action.

The City of Farmers Branch has received a request from Kevan Toby, ESI, for a specific use permit (SUP) and associated detailed site plan for open storage on an approximate 10.66-acre property located at 4721 Simonton Road. Staff had mailed out property owner notification letters and scheduled the public hearing in anticipation of the applicant having their drawings completed on time for staff to finalize the development application and supplemental materials for the Planning & Zoning Commission's consideration. As a result of not receiving the drawings by the requested time frame, this application will have to be considered by the Commission at a later date. Since the public hearing has been scheduled and notices sent for this item, staff recommends the Commission open the public hearing and continue the public hearing to the Commission's meeting on September 13, 2021.

Ms. Tina Firgens, Director of Planning, stated that, due to the drawings and supplemental materials not yet prepared for consideration by the Commission, staff recommends the Commission continue the public hearing for this agenda item to the September 13, 2021 meeting. Ms. Firgens stated staff believes this agenda will be ready for the Commissioners' consideration at that time. Ms. Firgens explained that by continuing the public hearing to a date certain, staff would not have to mail out the public hearing notices again. Ms. Firgens stated that the Commission had the option to continue the public hearing to a date uncertain, but this would require staff to mail out the public hearing notices again.

Commissioner Bertl asked whether a motion was required to continue the public hearing.

Commissioner Potraza asked about continuing the public hearing to a date uncertain.

Hearing no further questions or comments from the Commissioners, Vice-Chairman Zavala opened the public hearing. No one came forward to address this agenda item. Vice-Chairman Zavala asked for a motion to continue the public hearing.

A motion was made by Commissioner Jones, seconded by Commissioner Byrne, that the public hearing for this agenda item be

continued to the September 13, 2021 meeting of the Planning & Zoning Commission. The motion carried unanimously.

Aye: 7 – Vice-Chairman Zavala, Commissioner Bertl, Commissioner Potraza, Commissioner Jones, Commissioner Byrne, Commissioner Raley and Alternate Commissioner Neal

Absent: 1 – Chairman Moore

- D.2 [21-ZA-05](#) **Conduct a public hearing and consider the request to amend the Comprehensive Zoning Ordinance including, but not limited to amending: Article 5.5 Beer and Wine Sales Overlay District and Article 5.6 Alcoholic Beverage (On-Premise) Overlay District to include into both overlay districts approximately 67.6 acres generally bounded by IH-635/LBJ Freeway on the north, Luna Road on the east, the Elm Fork of Trinity River on the west, and Farmers Branch Creek on the south and southeast; and take appropriate action.****

This is a city-initiated zoning amendment. At their joint meeting with the Planning and Zoning Commission on July 12, 2021, City Council directed staff to initiate a zoning amendment to expand the Beer and Wine Sales Overlay and Alcoholic Beverage (On-Premise) Overlay zoning districts to be applied to approximately 67.6 acres bounded by IH-635/LBJ Freeway on the north, Luna Road on the east, the Elm Fork of Trinity River on the west, and Farmers Branch Creek on the south and southeast. The subject property is primarily zoned Planned Development No. 81 (PD-81) except for the full-service hotel at the southwest corner of IH-635/LBJ Freeway and Luna Road which is zoned Planned Development No. 60 (PD-60); the subject property is also commonly referred to as the “peninsula tract.”

This zoning amendment is a response to a request received by City Council to allow for alcoholic beverage sales to hotel guests for on-premise consumption at the recently developed Hampton Inn, located at the southwest corner of Mira Lago Boulevard and Lago Vista East. PD-81 allows for qualifying restaurants or facilities to sell alcoholic beverages, subject to approval of a specific use permit (SUP). However, due to the hotel not having a restaurant, the property would likely not qualify with state law and city requirements related to minimum food sales and maximum alcoholic beverage sales requirements associated with the mixed beverage permit and food and beverage certificate required from the Texas Alcoholic Beverage Commission (TABC).

The city currently has two alcohol sales related zoning overlay districts, the Beer and Wine Sales Overlay District and Alcoholic Beverage (On-Premise) Overlay District, which allow for alcohol sales for both off-premise and on-premise consumption, respectively. Staff believes it is appropriate to review the overlay districts, as provided for in the Comprehensive Zoning Ordinance (CZO), to determine if the districts should be expanded to include properties and/or businesses that may benefit from provisions within the districts.

Ms. Tina Firgens, Director of Planning, gave a presentation regarding the proposed amendment.

Vice-Chairman Zavala asked for any questions.

Commissioner Jones expressed concerns regarding the sale of liquor versus that of beer and wine related to both highway traffic safety and lack of a grocery store or

similar retail land use within the area.

Ms. Firgens stated that liquor sales for off-premise consumption were not eligible under the proposed amendment. Ms. Firgens explained that a mixed beverage permit is required for liquor sales for off-premise consumption, but she did not anticipate the hotels to pursue this permit due to the requirement that 40 percent of total gross sales had to come from food.

Commissioner Jones asked whether the overlay districts for the "peninsula tract" would become permanent pending approval of the proposed amendment.

Ms. Firgens reiterated that that liquor sales for off-premise consumption were not eligible under the proposed amendment, but there may be the opportunity for businesses to conduct on-premise liquor sales depending upon the type of licensure pursued.

Commissioner Jones reiterated his concerns related to on-premise liquor sales, and stated while he was against the Alcoholic Beverage (On-Premise) Overlay District including on-premise sales of liquor, he was in favor of on-premise beer and wine sales.

Commissioner Raley asked whether businesses selling liquor for on-premise consumption were required to have 40 percent of their total gross sales coming from food.

Hearing no further questions or comments from the Commissioners, Vice-Chairman Zavala opened the public hearing.

Mr. Darsit Bhakta, owner of the Hampton Inn hotel, 1570 Mira Lago Boulevard, Farmers Branch, discussed the following: the Hampton Inn hotel was not permitted to have a bar; other Hampton Inn locations currently sold beer and wine for off-premise consumption; believed the Hampton Inn was at a competitive disadvantage due to the adjacent hotels and nearby QuikTrip convenience store all selling beer and wine; guests wanted the ability to purchase beer and wine for off-premise consumption; believed the proposed amendment would benefit the area from an economic perspective; individual business owners were responsible for policing their properties related to alcohol sales; and he was not seeking the sale of liquor for the Hampton Inn hotel.

Commissioner Byrne asked Mr. Bhakta, pending approval of the amendment, whether the hotel would verify individuals purchasing alcohol were guests of the hotel.

Mr. Bhakta discussed potential challenges related to verifying guests, and that hotel staff would do their best to monitor alcohol sales.

Commissioner Jones stated he agreed with comments made by Mr. Bhakta, and was in favor of beer and wine sales, but against liquor sales.

No one else came forward to address this agenda item. Vice-Chairman Zavala closed the public hearing and asked for a motion.

Commissioner Jones made a motion to recommend approval of the Zoning Amendment, with the condition that the Alcoholic Beverage (On-Premise) Overlay District be limited to beer and wine sales only.

Ms. Firgens stated, given the structure of the overlay district, it was not possible to restrict the Alcoholic Beverage (On-Premise) Overlay District to beer and wine sales only. Ms. Firgens recommended Commissioner Jones revise his motion to recommend approval of the Zoning Amendment for the Beer and Wine Sales Overlay District only.

Commissioner Jones asked if the revised motion would prohibit on-premise sales of beer and wine, and Ms. Firgens said yes.

Commissioner Jones rescinded his motion.

Commissioner Potraza asked whether the Omni and Double Tree hotels had Specific Use Permit (SUP) approval related to on-premise alcohol sales.

Vice-Chairman Zavala asked Ms. Firgens to summarize feedback received by staff from City Council regarding the proposed amendment at the joint City Council and Planning & Zoning Commission meeting on July 12, 2021.

Commissioner Bertl commented that other businesses within the area may benefit from approval of the proposed amendment.

Commissioner Jones asked for clarification regarding the proposed amendment related to both the Beer and Wine Sales Overlay District and the Alcoholic Beverage (On-Premise) Overlay District, including: whether the Alcoholic Beverage (On-Premise) Overlay District could be restricted to beer and wine sales only; whether liquor stores would be permitted; and whether qualifying restaurants would be required to obtain SUP approval.

Commissioner Byrne asked, pending approval of the proposed amendment, whether a bar would be permitted within the overlay districts.

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

A motion was made by Commissioner Bertl, seconded by Commissioner Byrne, that this Zoning Amendment be recommended for approval. The motion carried by the following vote:

Aye: 4 – Vice-Chairman Zavala, Commissioner Bertl, Commissioner Potraza and Commissioner Byrne

Nay: 3 – Commissioner Jones, Commissioner Raley and Alternate Commissioner Neal

Absent: 1 – Chairman Moore

Vice-Chairman Zavala asked when this case would be heard by City Council, and Ms. Firgens stated it would be September 21, 2021.

Commissioner Jones asked, pending approval of the proposed amendment, would the City have oversight over this area related to on-premise liquor sales, and Ms. Firgens said no.

E. ADJOURNMENT

Being no further business, Vice-Chairman Zavala asked for a motion to adjourn

the meeting.

A motion was made by Commissioner Bertl, seconded by Commissioner Jones, that the meeting be adjourned at 7:43 PM. The motion carried unanimously.

Aye: 7 – Vice-Chairman Zavala, Commissioner Bertl, Commissioner Potraza, Commissioner Jones, Commissioner Byrne, Commissioner Raley and Alternate Commissioner Neal

Absent: 1 – Chairman Moore

Chairman

City Administration