

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, JUNE 15, 2006
911 WINSCOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:00 P.M.
CENTRAL CONFERENCE ROOM**



1. Review and discuss agenda items for regular meeting.
2. Receive other information from staff and Boards & Commissions.

**REGULAR MEETING 7:30 P.M.
COUNCIL CHAMBERS
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION**

I. CALL TO ORDER

**II. INVOCATION – Pastor Gary Oliver with Tabernacle of Praise
PLEDGE OF ALLEGIANCE**

III. MINUTES

1. Minutes of the regular meeting held June 1, 2006

IV. PRESENTATION BY PLANNING AND ZONING COMMISSION

- PZ-2006-04 Approval of Land Use Plan amendment of the Comprehensive Plan for Area “B” reducing Low Density Single Family use and increasing Commerce use (North of I20, east of Winscott Road, and west of Ridglea Country Club Estates)
- PZ-2006-05 Ordinance rezoning 28.424 acres of land in the James Rogers Survey Abstract Number 1265 and the James Rogers Survey Abstract Number 1264 from “A” One Family District to “G” Commerce District (North of I20, west of Block 9 of Ridglea Country Club Estates, and east of the westerly TXU Electric transmission line right-of-way)

V. REPORTS OF CITY MANAGER

A. GENERAL

- G-1633 Consider Interlocal Agreement between the City of Fort Worth and the City of Benbrook for Construction and Maintenance of Two Bridges over Walnut Creek
- G-1634 Ordinance Denying Atmos Energy’s Statement of Intent to Increase Gas Utility Rates
- G-1635 Ordinance Denying Atmos Energy’s Request for a Gas Reliability Infrastructure Program Rate Increase
- G-1636 Financial Report for Month Ending May 31, 2006
- G-1637 Consider Bids for Drainage Improvements at 913 Timberline Drive

VI. OTHER MATTERS OF BUSINESS

VII. INFORMAL CITIZEN COMMENTS

VIII. ADJOURNMENT



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JUNE 01, 2006**

The regular meeting of the Benbrook City Council was held on Thursday, June 01, 2006 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Rickie Allison
Keith Bailey
John Vander Pan
Ron Sauma
James Schull
Larry Stowe

Also Present:

Cary Conklin, City Manager
Joanna King, City Secretary
Donna Savage, Assistant to City Secretary
Andy Wayman, Assistant City Manager
Sherry Newhouse, Budget Director

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher
Daniel Tully
Bill Smith
Sam Balkum
Jim Wilson
Linda Jordan
Stan Denman
and 10 other citizens

I. CALL TO ORDER

Meeting called to order at 7:30 p. m. by Mayor Dittrich.

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Invocation was given by Councilmember Mr. Stowe.
The Pledge of Allegiance was recited.

III. CONSENT AGENDA (Items listed under the Consent Agenda are considered routine and are enacted in one motion. The exception to this rule is that a councilmember, citizen, or City Manager may request one or more items removed from the Consent Agenda for separate discussion and action)

1. Minutes of the regular meeting held May 18,2006

Motion by Mr. Allison, seconded by Mr. Bailey to approve the consent agenda as presented.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

IV. PRESENTATION BY MAYOR AND CITY COUNCILMEMBERS

1. Councilmember James Schull – Wounded Warriors/Fallen Heroes Community Program.

Stan Denman, Director/Event Coordinator for Wounded Warriors/Fallen Heroes (WW/FH), said they will be honoring soldiers and military families at Dutch Branch Park in Benbrook, on Sunday, July 2, 2006. The event will start at 5:00 p.m. and conclude at 9:45 p.m. with a fireworks show. Mr. Denman said this military event is very well planned and includes flyovers, cannon salutes, parachute jumps, helicopters, and battle reenactments and is expected to draw around 10,000 people. Vendors will be present and a jump house will be provided for the children. Supported by the White House and Pentagon, the event is non-political because government officials will be present.

Mr. Denman said the Secret Service will coordinate with the Benbrook Police Department to assure security at the event. Benbrook officers will be needed to direct traffic at Benbrook Boulevard and Winscott Road. Shuttle buses will be provided before and after the event from the main parking area to the park.

Mr. Denman said they are requesting the following items from the City of Benbrook:

1. Police and Fire personnel for safety and security support
2. EMS vehicle and personnel for onsite emergency situations
3. People mover bus from the Senior Citizen Center
4. A City banner showing sponsorship
5. The seating area treated for fire ants
6. Traffic/pedestrian barricades
7. Caution tape, stakes, traffic cones, safety fence, and T posts
8. Dumpster
9. Use of portable toilets

WW/FH will provide some portable toilets and will do a complete cleanup of the area following the event.

Mr. Denman said the event will be covered by news media from Channels 5 and 11 and the Fort Worth Star Telegram, and by some local radio stations such as WBAP.

Motion by Mr. Schull, seconded by Mr. Allison to approve the allocation of funds for the event from the City's Hotel-Motel Tax Account, in the amount of \$13,500. Motion amended by Mr. Schull and Mr. Allison to allocate additional funds if needed.

Vote on Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma, Mr. Schull.

Noes: None

Motion Carries unanimously.

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

VI. REPORTS OF THE MANAGER

A. GENERAL

G-1630 Designate Winscott Road as Bicycle Route

At the May 18 City Council meeting, Jim Wilson of the Lockheed Martin Bicycle Club requested that City Council establish an on-road bicycle route network in Benbrook, starting with Winscott Road.

The Texas Manual on Uniform Traffic Control Devices establishes design criteria for bike routes. Bike routes are designed with green "bike route" signs at ¼ mile intervals plus signage on major streets feeding into the bike route.

The proposed bike route could include both the south and north portions of Winscott without initially connecting through TXDOT right-of-way. If both sections are designated, staff will immediately begin working with TXDOT to connect the north and south sections.

The cost to complete each section (in-house labor) is noted below:

South Winscott- I-20 to Benbrook Boulevard	\$1,700
North Winscott- I-20 to City Limits	\$1,000
Total	\$2,700

Motion by Mr. Allison, seconded by Mr. Sauma to designate both sections of Winscott as a bike route and to direct staff to erect appropriate bike route signs at a cost of \$2,700 to be paid from account number 01-15-01-5219.

Vote on the Motion:

Ayes: Mr. Allison, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma, Mr. Schull, Mr. Bailey.

Noes: None

Motion carries unanimously.

G-1631 Park Development Plan for Benbrook Lake Lease Areas

The City of Benbrook controls significant park land around Benbrook Lake through a long-term lease with the Army Corps of Engineers, The Corps of Engineers requires Benbrook to utilize the lease areas for recreational activities with particular emphasis on outdoor, lake-oriented recreation.

Earlier this year, City Council conducted a work session to discuss enhancing the Benbrook Lake lease areas. As a result, the City solicited a proposal from Schrickel, Rollins and Associates who had previously completed the Benbrook Parks Master Plan, Dutch Branch Park Conceptual Plan and the Whitestone Park Conceptual Plan. The City Council formally commissioned the land use study on February 16, 2006.

Attached is the proposed land use plan and related narrative. The plan recommends numerous enhancements including:

1. The purchase of the undeveloped land at the corner of Winscott and Benbrook Blvd. for commercial use.
2. The private development of two resort areas with related amenities.
3. The private development of a wild flower center.
4. Enhanced equestrian uses.
5. Designed natural areas.
6. Practice soccer fields.

The Parks and Recreation Board unanimously approved the plan on May 10, subject to final action by the Benbrook City Council. The Parks and Recreation Board also recommended enhancing the appearance and condition of the current concessionaires (Benbrook Par 3, Benbrook Stables, Benbrook Marina).

Linda Jordan of Schrickel, Rolling and Associates presented the proposed land use plan.

Due to the scale and complexity of the proposed plan, City staff recommends phased implementation. Below is City staff's recommended phasing schedule:

Phase 1 (begin immediately)

Purchase southeast corner of Winscott and Benbrook Boulevard in partnership with the EDC or a private developer for commercial use.

Extend existing lease with Corps of Engineers to 50 years (currently 30 years remaining).
Improve the Benbrook Lake level issue with emphasis on raising the conservation pool level.
Work with existing concessionaires to improve appearance.
Develop RFP's for the resort areas.

Phase 2 (2007-2008)

Solicit RFP's for the resort areas.
Consider long term appearance and use of Benbrook Marina including possible dredging project.
Develop RFP for wildflower center.

Phase 3 (2008-2009 and forward)

Solicit RFP for wildflower center.
Consider and implement City funded projects (soccer fields, etc.) as approved by City Council.

Motion by Mr. Vander Pan, seconded by Mr. Sauma to adopt the Schrickel, Rollins and Associates land use plan for the Benbrook Lake lease areas and begin Phase 1 Implementation.

Vote on the Motion:

Ayes: Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma, Mr. Schull, Mr. Bailey, Mr. Allison

Noes: None

Motion carries unanimously.

G-1632 Resolution to participate in the North Texas Government Benefit Alliance (NTGBA)

Ms. Newhouse gave the following report. In August 2005, the City of Benbrook joined the North Texas Government Benefit Alliance (NTGBA) to explore the feasibility of collectively purchasing comprehensive medical benefits. NTGBA plans to consider securing additional employee benefit programs, including dental insurance. Participation in this organization does not bind the City on Benbrook to the benefit contract(s) that may be secured and implemented by the NTGBA, a group of municipalities and other local government entities in the North Texas area. These local governments include: City of Argyle, Town of Double Oak, City of Justin, Town of Northlake, City of Krum, City of Haslet, Town of Cross Roads, Town of Trophy Club, City of Decatur, City of Bridgeport, Town of Ponder, City of Everman, City of Lake Worth, Benbrook Water Authority, City of Springtown, City of Lake Dallas, and of Boyd.

NTGBA is currently preparing a Request for Proposal (RFO) for group health insurance for the participating entities. NTGBA is requesting that each member

contribute \$250 for advertising costs and for legal advice associated with the RFP process.

NTGB is also requesting that each member pass resolution to approve an interlocal agreement and consider the Bylaws established by NTGBA. These procedures are required for the City of Benbrook to participate in the RFP process.

Funds are available in Non-Departmental account number 01-15-5219.

Staff recommends that the City Council approve Resolution Number 2006-09 to allow the City of Benbrook to participate in the North Texas Government Benefit Alliance (NTGBA) Request for Proposal (RFP) process, to consider the Bylaws, and to allocate \$250 for advertising costs and legal fees associated with the RFP process.

Motion by Mr. Allison, seconded by Mr. Bailey to approve participation in the North Texas Government Benefit Alliance.

Vote on the Motion:

Ayes: Mr. Vander Pan, Mr. Stowe, Mr. Sauma, Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich

Noes: None

Motion carries unanimously.

Resolution No. 2006-09 being **“A RESOLUTION BY THE CITY OF BENBROOK, INTERLOCAL AGREEMENT FOR THE NORTH TEXAS GOVERNMENT BENEFIT ALLIANCE.”**

VII. OTHER MATTERS OF BUSINESS

VIII. INFORMAL CITIZEN COMMENTS

Mr. Jim Wilson of the Lockheed Martin Bicycle Club expressed appreciation to the City Council and Mr. Wayman for all their assistance on the new designated Bicycle Route.

IX. EXECUTIVE SESSION – Pursuant to the Texas Government code

Section 551-072 – Deliberation Regarding Real Property

1. Consider Counter Offer for Drainage Easement at 4104 Twilight Drive South

Mayor Dittrich recessed the regular meeting at 9:30 p.m.

X. RECONVENE FROM EXECUTIVE SESSION – Take any necessary action

Motion by Mr. Sauma, to approve, seconded by Mr. Bailey with an amendment of \$8,362 for Drainage Easement at 4104 Twilight Drive South.

Vote on Motion:

Ayes: Mr. Stowe, Mr. Sauma, Mr.Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Vander Pan.

Motion carries unanimously.

XI. ADJOURNMENT

Meeting adjourned at 9:33 p.m. followed by worksession to discuss and review City of Benbrook Smoking Ordinance.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 06/15/06	REFERENCE NUMBER: PZ-2006-04	SUBJECT: Approval of Land Use Plan Amendment of the Comprehensive Plan for Area "B" reducing Low Density Single Family use and increasing Commerce use (North of I20, east of Winscott Road and west of Ridglea Country Club Estates)	PAGE: 1 of 11
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**G – 06 – 04 REPORT
TO PLANNING AND ZONING COMMISSION
MAY 11, 2006**

The landowner, the Benbrook Economic Development Corporation, proposes an amendment to the Planning Area "B" portion of the Land Use Plan element of the Comprehensive Plan. The amendment proposes to change the Land Use Plan category of an approximately 25-acre area on the north side of Interstate 20 and adjacent to Ridglea Country Club Estates from "Low Density Single-Family" to "Commerce". In addition to the 25 acres owned by the Benbrook Economic Development Corporation, any Land Use Plan amendment should include the approximately three acres of electric transmission right-of-way that bisects the applicant's properties.

An acreage summary of the proposed changes in Planning Area "B" is shown in the following table:

LAND USE	CURRENT	PROPOSED	NET CHANGE
Low Density Single-Family	286.2	257.8	-28.4
Medium Density Multifamily	19.8	19.8	0
High Density Multifamily	104.9	104.9	0
Commercial	67.8	67.8	0
Commerce	54.6	83.0	+28.4
Industrial	166.3	166.3	0
Community Facilities	42.1	42.1	0
Undeveloped Floodplain	81.9	81.9	0
Right-of-Way	242.4	242.4	0
TOTAL PLANNING AREA B	1,066.0	1,066.0	

The site has frontage and access to Interstate 20 to the south. West of the site is undeveloped property designated "Commerce" on the Land Use Plan, and zoned "G" Commerce District. Additional access to the Benbrook Economic Development Corporation site will be available with the development of the Commerce property to the west. North of the 28 acres is "SD" Suburban District zoned property, owned by the Fort Worth Horseshoe Club that is predominantly "Undeveloped Floodplain" in the Land Use Plan with no potential access. Located east of the subject property is Ridglea Country Club Estates, a Low Density Single-Family developed neighborhood with no access.

Under the current "Low Density Single-Family" land use designation, a preliminary plat for Ridglea Creek Addition was approved in October 2000, showing 72 single-family lots with access only from Interstate 20. No final platting efforts occurred on the project. However, based on the 2000 plat, a slightly lower overall population projection can reasonably be expected as well as a slight change in the ratio of multiple-family to

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:
		CITY SECRETARY
CITY MANAGER		DATE:

DATE: 06/15/06	REFERENCE NUMBER: PZ-2006-04	SUBJECT: Approval of Land Use Plan Amendment of the Comprehensive Plan for Area "B" reducing Low Density Single Family use and increasing Commerce use (North of I20, east of Winscott Road and west of Ridglea Country Club Estates)	PAGE: 2 of 11
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single-family dwelling units. The ultimate population would be reduced by 209, from 47,876 to 47,667. The balance of multiple-family to single-family dwelling units would change from 50.8 percent single-family vs. 49.2 percent multiple-family, to 50.6 percent single-family vs. 49.4 percent multiple-family. Principle 3.1.2 states that, "No more than 20 percent of the residential land within the City should be allocated to multi-family units. With the proposed amendment, the percent of land for multi-family units will change from 14.935 percent to 15.049 percent.

All of the other fronting property along the north side of Interstate 20, with access only to the highway frontage road, is designated "Commercial" or "Commerce" on the Land Use Plan. The west side of the 28-acre site currently represents the demarcation between "Commerce" and "Low Density Single-Family" designations on the Land Use Plan. The proposed change does not introduce an additional use, but relocates the demarcation between the two uses. The most significant difference would be to have the Land Use Plan designation of the 28 acres compatible with the adjacent property to the west with frontage and access to Interstate 20 as opposed to the Low Density Single-Family property to the east with no existing or planned access to Interstate 20. In addition to access to Interstate 20, the 28 acres has potential future access to the property to the west and no potential access to the property to the east.

In Section 6.2, General Land Use Consideration of the Comprehensive Plan, "the Plan recognizes that some incompatible land uses should be buffered and otherwise protected from each other. Buffering can be achieved through implementation of a number of design mechanisms." The Comprehensive Plan, in Section 6.3.1, Protection of Existing Neighborhoods, "recognizes that protection of existing residents and neighborhoods is a prime concern." This is reflected in "Principle 3.2: Residential land uses should be protected from the incompatible intrusion of other land uses."

Additionally, 6.3.1 notes, "the City has determined that new construction in...adjacent undeveloped areas should be compatible with the existing neighborhood." "Abrupt and significant changes in density should be considered only if the existing development is protected by well-designed buffers,...that storm water runoff can be adequately drained, that the bulk and orientation of new structures will not disrupt the use of adjoining property, and that adequate utilities are available to serve the site." "The City also recognizes that increased density and diverse land uses within a neighborhood may be suitable if the proper design protections are provided." Principle 3.2.1 states, "Site design techniques, such as buffers or screens, access, and building orientation, should be employed to mitigate the negative intrusions on residential areas."

The Plan cites such techniques to include:

1. buffer zones or screens (separation by distance, fences, walls, dense vegetation, earthen berm, changes in ground elevations etc.)
2. building orientation
3. location of vehicular parking and access routes
4. location of pedestrian paths
5. location of outdoor activities (including pools and recreation areas)
6. controls on outdoor lighting (including placement and intensity of luminaries)."

In Section 6.4, Treatment of Commercial Use Areas, the "Comprehensive Plan specifically recognizes the unique location advantages of existing and potential commercial areas along the I-20/Loop 820 corridor. Some of that property is designated as appropriate for commercial and office/restricted industrial uses because it has direct, convenient access to residents and businesses of the entire metropolitan region.

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Property owners are encouraged to maximize the development potential of designated land in the I-20/Loop 820 corridor with reasonable limits set by local access streets, the capacity of utility services and recognition of the need to be compatible with existing uses on adjacent land."

Principle 2.1 notes, "The City should provide sufficient land within the City for commercial and industrial use. Principal 2.3 states, "the City should provide a regulatory environment that encourages continued viability and expansion of existing conforming businesses and establishment of new business and industry."

In support of Principle 2.1, the Comprehensive Plan has established the following principles:

Principle 2.1.1: The City should allocate approximately 10 percent of the developable land area within the City to commercial uses.

With the proposed amendment, the allocation of developable land to commercial uses will increase from 10.16 percent to 10.66 percent.

Principle 2.1.4: Commercial uses should be located within designated corridors or locations along thoroughfares.

Although the "Commerce" Land Use Plan designation differs from the "Commercial" designation, it is closer related to "Commercial" than the "Industrial" designation. The potential "G" Commerce District Zoning Regulation provides for typical "Commercial" permitted uses as well as limited uses that might otherwise occur in the Industrial District. Such limited activities in the "G" zoning district include light fabrication and assembly, office warehouse, warehouse and wholesaling, and showroom warehouse. The "G" Commerce District requirements also differ from Industrial requirements in that the "G" District has the same Architectural Requirements as the commercial districts while the "H" Industrial District does not have Architectural Requirements.

While the proposed Land Use Plan amendment has merit primarily based on access, the area will be adjacent to existing residential development. The adjacent Ridglea Country Club Estates area is an established, well-maintained neighborhood of larger single-family dwellings. Recognizing the adjoining single-family neighborhood to the east, the application suggests, "A 20-foot open space/green area could be maintained between the existing single-family area and the structures supporting the subject easternmost tract" as a buffering provision. With the subject site adjacent to the existing single-family neighborhood, any future rezoning to the "G" Commerce District could reasonably include provisions excluding some otherwise permitted uses, limiting structure heights, and increasing setbacks from residential, and landscaping and fencing requirements on the east, 7.185- acre site, adjacent to the existing residential use. Such provisions can mitigate negative impacts and increase compatibility of the two land uses.

The proposed amendment does not appear to create an appreciable impact on traffic, drainage, utilities, and municipal services. Considering the various factors, and with adequate protection of the adjoining use to the east, it is the Staff's opinion that the proposed Land Use Plan amendment represents an appropriate use of the site.

RECOMMENDATION

DATE: 06/15/06	REFERENCE NUMBER: PZ-2006-04	SUBJECT: Approval of Land Use Plan Amendment of the Comprehensive Plan for Area "B" reducing Low Density Single Family use and increasing Commerce use (North of I20, east of Winscott Road and west of Ridglea Country Club Estates)	PAGE: 4 of 11
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Staff recommends that the Planning and Zoning Commission recommend that the City Council adopt the proposed amendments to the Land Use element of the Comprehensive Plan proposed by the Benbrook Economic Development Corporation in Planning Area "B", with the provision that any subsequent rezoning of the east, 7.185-acre portion include appropriate provisions to mitigate negative impacts on and increase compatibility with the adjacent existing Low Density Single-Family area.

APPROVED MINUTES
PLANNING AND ZONING COMMISSION
APRIL 13, 2006

Z – 06 – 01 Consider rezoning of 28.424 acres of land in the James Rogers Survey Abstract Number 1265 and the James Rogers Survey Abstract Number 1264 from "A" One Family District to "G" Commerce District (North of Interstate Highway 20, west of Block 9 of Ridglea Country Club Estates, and east of the westerly TXU Electric transmission line right-of-way)

and

G – 06 – 04 Consider Land Use Plan amendment of the Comprehensive Plan for Planning Area "B" reducing Low Density Single-Family use and increasing Commerce use (North of Interstate Highway 20, east of Winscott Road, and west of Ridglea Country Club Estates)

Chairman Early introduced the item and asked for a presentation from the applicant.

Jim Schell, acting on behalf of the Benbrook Economic Development Corporation, said "G" Commerce District is the appropriate zoning for the 18-acre western tract of the property. There would be no impact since there is no access to the low-density single-family area to the east. He said the TXU right-of-way limits the size and square footage of potential building on the easternmost tract and it is significant to limit the zoning to the most restrictive commercial zoning.

The Chair asked Mr. Schell to describe what the applicants are proposing. Mr. Schell said they are requesting the Commission recommend that the 8.1-acre tract on the east be zoned "E" Commercial and the balance be zoned "G" Commerce. He said the Zoning Ordinance is very comprehensive and deals with buffering and for either "G" or "E", the Ordinance calls for a 6-foot wood fence or F-1 buffer yard,. Mr. Schell said because the Ordinance is so well written and detailed, that it should be relied on for the requirements of a buffer yard between single-family residential and commercial uses, architectural control, the size of the buffer yard, what can be constructed, and even the use of the buffer yard. There can be no accessory buildings, parking facilities, or dumpster locations in the buffer yard, but can be used for passive recreation. Mr. Schell said it is easier for a developer to develop in Benbrook because he can look at Benbrook's Zoning Ordinance, see the detail, and he knows what he has to do.

The Chair asked for a report from Staff. Mr. Gallagher said the subject property of the Z-06-01 rezoning consideration is a 28.4-acre area in the James Rogers Surveys on the north side of Interstate 20, west of Ridglea Country Club Estates, and east of the most westerly TXU Electric transmission line. The existing

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zoning classification is "A" One Family District, and the proposed zoning classification is "G" Commerce District. Most of the subject site, 25.3 acres, in the rezoning application is owned by the Benbrook Economic Development Corporation. The 25.3 acres is the combination of 18.2 acres and 7.1 acres separated by a three-acre TXU Electric line. He said the City of Benbrook is the applicant for the three-acre existing TXU Electric owned property, which is part of the overall 28.4-acre site. The site is vacant except for the electric transmission lines and Benbrook Water Authority well site. With approval of the G-06-04 Land Use Plan amendment consideration, the Land Use Plan designation will be "Commerce"

The City's application for the TXU Electric property is to result in a consistent zoning district and will not affect the two established utility uses. It is Staff's understanding that the Benbrook Economic Development Corporation contracted to sell the 25.3 acres, conditioned on rezoning the property to "G" Commerce District.

The 7.1-acre east Benbrook Economic Development Corporation site is adjacent to the existing Ridglea Country Club Estates single-family neighborhood, a situation that makes the site a candidate for the proposed "G" Commerce District to be supplemented with "PD" Planned Development specifications that may exclude some Permitted Uses and adjust the Height and Area Regulations of "G" District and modify the Landscape and Buffer Requirements.

Mr. Gallagher said State Law requires that zoning regulations be adopted in accordance with a Comprehensive Plan, and with the G-06-04 proposed Land Use Plan amendment for "Commerce" designation, the site would be compatible with the Comprehensive Plan. Any recommendation to the City Council regarding the proposed rezoning should be conditioned on City Council approval of the G-06-04 Land Use Plan amendment.

The Commission has three options. The application can be recommended to the City Council for approval as requested for "G" Commerce District; recommended as a "G-PD" Commerce Planned Development District, or more restrictive district, with specific use, height and area, landscape and other specific regulations; or recommend that the application be denied.

A notice of public hearing on the matter was published March 23, and letter notices were mailed to neighboring property owners of record on March 24, 2006.

Mr. Gallagher said Staff recommends that after the public hearing, the Planning and Zoning Commission recommend that the City Council approve consideration of Z-06-01 for the rezoning of 28.424 acres in the James Rogers Survey Abstract Numbers 1264 and 1265 from "A" One Family District to "G" Commerce District, subject to City Council approval of Land Use Plan amendment presented in consideration G-06-04, and that rezoning of the 7.185-acre portion include appropriate modifications to the existing "G" District and Landscape and Bufferyard requirements with such modifications determined by the Commission to become part of the recommendation to City Council.

Dr. Marshall asked Staff to address the width of the 7.1-acre tract and how it could be developed considering the tract is only 230 feet wide. Mr. Gattis said there is nothing that would prevent the tract from being developed north and south instead of east to west. Mr. Gattis said, as part of the platting process, the City and developer could look at some creative arrangements with the idea of trying to achieve the lot depth as specified. If that cannot be accomplished, use would not be prohibited or it may be grounds for a variance with the Zoning Board of Adjustment.

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The Chair asked for any comments or questions from the Commission. There being none, the Chair opened the public hearing at 8:55 p.m. and asked if anyone wished to speak for or against the item.

George Muckleroy, 4305 Mira Loma, said he is representing the Ridglea Country Club Estates Homeowner's Association. Mr. Muckleroy said they are opposed to the proposed zoning change to "G" Commercial. The many uses allowed in "G" Commercial would harm their properties in their neighborhood from flooding concerns, noise concerns, traffic concerns, and privacy invasion concerns. He said depending on the use, there could be alcohol sales and many well-known concerns that any homeowner would have if land next to them is open to commercial development.

Mr. Muckleroy said before they took the position that they opposes, they tried to gather information and met with the EDC and the developer, Steve Hawkins. He said they asked what their plan is and what they want to use the land for. He said both parties told them different things. Initially the EDC suggested an office park with brick-sided office development would be the best use for the land. When they learned that Mr. Hawkins was going to develop it they decided to meet with him and ask what his plans were for the area.

Mr. Muckleroy said that Mr. Hawkins said he intended to have showroom and warehouse type businesses with a sales area in the front and storage areas in the back for different kinds of goods. Mr. Muckleroy said the EDC recommended that rather than take the hard-line position of opposing the "G" zoning, they should look at the "G" and see what uses were objectionable and make a counter proposal. They suggested that they open negotiations and carve out uses and depending on what Mr. Hawkins said he wanted to do with the land, they could very well reach an agreement to limit the uses going in next to their property. Mr. Muckleroy said they tried to do that and read the regulations for "E", "F", and "G" districts, and "G" actually has the farthest setback requirements, so they are in favor of "G" zoning. The uses in "E" are all included in "G" but there are extra uses in "G" that are added to "E". They tried to make their best effort at scratching out uses that would negatively affect their property or bring any type of negative effect.

Mr. Muckleroy said the position they are taking is that they oppose the zoning change to "G", for many of the reasons stated. However, they understand there is a contract that says the land has to be zoned to "G" before it can be sold, but contracts can be amended and deadlines can be pushed back. The parties have expressed a willingness to negotiate and Mr. Hawkins cannot respond or address the issue at this time, which is why they are requesting a continuance for 30 days.

Mr. Muckleroy said they looked at some of Steve Hawkins's developments with business buildings that look like houses. These businesses looked like residential houses with the rooflines, landscaping, etc and might fit well in a transitional zone from single-family low-density use to commercial use. He said, based on what Mr. Hawkins told them at the meeting, it was suggested that they look at the businesses on I-20 West because that may be what he will build. Mr. Muckleroy said those buildings are not a transition type use between single-family and commercial uses. The siding is not brick; it is slab wall concrete, and the bays in the back have big-rig trucks entering. The buildings are high and there is a lot of area that will not soak up rain because it is concrete. He said this is the type of use they would like to prevent, which is allowed in "G" Commerce zoning, from going in adjacent to their houses.

Mr. Muckleroy said they oppose the rezoning to "G" Commerce, but if the Commission deems it necessary to deny their opposition for whatever reason, they are asking for a continuance for 30 days. He said this would give the parties a good faith opportunity to work out an agreement that they have not been given. During the one-month time, they will attempt to work out the "PD" zoning with Mr. Hawkins and the EDC. He said the RCCE has almost universal opposition to the "G" zoning because it will permanently and undeniably change the character of their neighborhood.

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Gary Moats, 801 Cherry Street, Fort Worth, said he is an attorney representing the Ridglea Country Club Estates Homeowner's Association. Mr. Moats said the Staff report mentions a "PD" zoning to protect the surrounding properties. The proposal to rezone the 7-acre tract to "E" is something they just heard about tonight. He said that is a move in the right direction but they believe further concessions are necessary and further discussions need to be held because there are some uses in "E" that should not be allowed.

Mr. Moats said they are not requesting the Commission to decide the "PD" zoning, they are asking for some time to work it out. If they come back in a month and have not worked it out, they realize the Commission has the authority to tell them what to do, they are just asking for some time to reach an agreement.

Mr. Moats said the setback requirements, sideyard, front yard, and rear yard, in "E", are basically half of what they are in "G" district. He said that concerns them a great deal. If all of the 7-acre tract were one lot, with "E" zoning, then the sideyard setback would be only 10 feet from the property line of the single-family neighbors on the east. The rear yard in "G" is 40 feet and in "E", the rear yard is only 20 feet. That is the reason they are asking for the 30 days to have more discussions about a "PD" zoning.

Mr. Moats said the Commission is aware that platting is non-discretionary. If the developer submits a preliminary plat that conforms to City regulations, the Commission is obligated to accept the plat. He said they believe they can accomplish a great deal to protect the neighbors with a site plan that will show the streets and development. The Commission approval of a site plan is discretionary and a preliminary plat would have to be consistent with the site plan.

Mr. Moats said there are 14 houses that would be directly affected by the development, not 10 as earlier stated. Dr. Marshall said there are 12 houses directly adjacent to the development.

Robert Jones, 4208 Winding Way, said he would like to thank their officers and the attorney for speaking on his behalf, but as a landowner with property that is adjacent to the proposed development, he and his family are totally opposed to any change other than single-family residents. He said they have a significant investment in their property and they did not purchase the property under the understanding that the adjacent property would be changed to commercial use. Mr. Jones said he does not believe anyone on the Commission would buy a property to raise their children next to an ambulance dispatch or a movie theater, or any uses allowed in "E" or "G" zoning.

Mr. Jones said the rezoning would have a detrimental effect on their property value, a possible damaging effect due to flooding, and could have a security effect on his children.

Chuck Milliken, 4113 Winding Way, said he has been a Benbrook citizen for 15 years, pay taxes in Benbrook, and he is in favor of economic development. Mr. Milliken said he is not in favor of a warehouse district, which is the potential, 10 feet from the houses adjacent to the development. He said the Commission, with its authority, has the duty and responsibility to protect the interest of all the citizens of Benbrook. He said they want the property developed appropriately, but to protect the citizens that live in Ridglea Country Club Estates.

Beth Kucera, 7055 Serrano Drive, said the houses directly adjacent to the development are not the only houses affected. The other houses nearby and further down are also affected because of the line of vision.

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Ron Rainey, 5123 Carimet Boulevard, Benbrook, said he is the Executive Director of Benbrook Economic Development Corporation. Mr. Rainey said he has had numerous conversations with Mr. Hawkins and Mr. Hawkins recognizes the concerns of RCCE. He said when he met with Mr. Hawkins, Mr. Moats, and Mr. Muckleroy, Mr. Hawkins said he would probably build the garden offices that Mr. Muckleroy spoke of, on the 7-acre tract. Mr. Rainey said that from the first day of talking with Mr. Hawkins about the development, Mr. Hawkins has always talked about a Class A, office business park. He heavily landscapes all of his projects and typically uses masonry siding on all of his buildings. He is not interested in having a community redraft an ordinance that says here is the "PD" that you will live under. Mr. Rainey said Mr. Hawkins did agree that he would reduce the request on the 7-acres to "E" zoning to try to accommodate some of the concerns about large warehouses. Some of the uses are not appropriate and some will not even fit on the 7-acre tract. Mr. Rainey said one of the uses marked through on the RCCE HOA submittal is alcohol sales. Benbrook's ordinance does not allow alcohol sales except in a restaurant as a mixed beverage ordinance. They have also stricken restaurants from the site. Mr. Rainey said he does not know if there are any plans ever to have a restaurant, but this City turned out very strongly a couple of years ago in favor of bringing restaurants to Benbrook.

Mr. Rainey said Mr. Hawkins is having some family health problems but that is not the reason he is not at the meeting. He is a developer and he would like to develop the property if he purchases it.

Ronald Witt, 4317 Winding Way, said it seems there are many questions that cannot be answered, whether it is the Staff or the Commission, and he thinks a postponement is really needed to iron out some of these things. There is no one to speak directly for Mr. Hawkins and there are a lot of people at the meeting that are concerned and making a rash decision would be very wrong.

Perry Hill, 6901 Allen Place, said there is no one that would disparage Mr. Hawkins reputation as a reputable developer. Nonetheless, it is a bit naive to write a blank check to anyone because they have no idea what Mr. Hawkins may have planned for the 7-acre strip. Mr. Hill said they are asking for some assurance or mechanism that protects that zone.

Charles Kucera, 7055 Serrano Drive, said he has been through this before in several communities in California. He said in the future, the subject area will be more than just a strip of land, it will be a thriving community and will need some green areas. The 7 acres could be one of those areas because the Benbrook Economic Development Corporation owns it, which is the City of Benbrook. The area will be developed all the way to Winscott Road so one little area of green space buffering will not hurt Mr. Hawkins and will certainly help them.

The Chair asked Mr. Gattis to clarify the relationship between the Benbrook Economic Development Corporation and the City of Benbrook. Mr. Gattis said the Benbrook Economic Development Corporation is a separate, non-profit corporation, chartered under the Corporation Act of Texas. It is chartered under Chapter 4B, which specifies what kind of board it has and what it can and cannot do. Mr. Gattis said the citizens of Benbrook voted to create it in the mid-1990s, and to fund it with a half-cent sales tax. There is a financial relationship in that the half-cent sales tax goes directly to the EDC and they have a lot of independence on how they use the money. Their budget must be approved by the City Council and the members of their board are appointed by the City Council. When the voters created the corporation, they created it for the purposes of promoting economic development. Mr. Gattis said it should be noted that among the other authorized uses for 4B money is park development. The Corporation always reminds the City that they are independent of the City and the City likes to keep an arms length away from the

DATE: 06/15/06	REFERENCE NUMBER: PZ-2006-04	SUBJECT: Approval of Land Use Plan Amendment of the Comprehensive Plan for Area "B" reducing Low Density Single Family use and increasing Commerce use (North of I20, east of Winscott Road and west of Ridglea Country Club Estates)	PAGE: 9 of 11
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Corporation. The two are quasi-related but are not the same entity. They have their own board of directors. Mr. Early asked if land owned by the EDC is also owned by the City. Mr. Gattis said no, it is not.

Tom Kellogg, 3725 Streamwood Road, Fort Worth, said Steve Hawkins is an excellent developer but by the time the property is sold, it could be sold to someone other than Mr. Hawkins. Mr. Kellogg said they should be concerned about who eventually owns the land if it is not Mr. Hawkins. He said another concern is if the streets will be public or private streets and who will maintain them.

Mr. Gattis said Staff could not comment on the streets because that is a platting issue to be part of a preliminary plat submittal. The only stipulation of the platting of Northeast Winscott Addition is that developer must extend a street from that development over to this property. What happens to this property is yet to be determined.

The Chair left the public hearing open and asked for any comments or questions from the Commission. Mr. Valverde said for the audience to keep in mind that whatever the Commission decides, it is just a recommendation to the City Council and the Council would not act on the issue until the May 18, 2006 meeting. Therefore, the HOA would have 30 days to meet with Mr. Hawkins and the EDC.

Dr. Marshall said there is a history for this property that everyone should be made aware of. He said there was a development planned for a housing project and was opposed by the same group. He thinks they probably all need to understand that this will probably never become a single-family housing area because of the access to the frontage road and houses would have to align along one road.

Mr. Early said he has not heard much support for the single-family zoning and is not sure how that would ever be developed with a single entrance and exit onto an access road. Mr. Early said he thought the Commission should act on the Land Use Plan amendment to go ahead with what is proposed and then defer the zoning. He said some could envision development of the property that is acceptable, and some can envision it as unacceptable, and then there are those in between. If there is an opportunity for the applicant, the owner, and the neighborhood to all get together, it would be better for the City and everyone involved.

Mr. Shah said the only area of disagreement he has heard is the 7-acre strip. The rest, everyone is either resigned to the fact that it is going to be what the applicant proposes and they probably do not object as long as their concerns on the 7-acre tract are addressed.

Discussion followed between the Commission and Staff on the Land Use Plan amendment, G – 06 – 04.

Motion by Mr. Valverde that the public hearing be closed and the Commission recommend that the City Council adopt G – 06 – 04, the proposed amendments to the Land Use element of the Comprehensive Plan proposed by the Benbrook Economic Development Corporation in Planning Area "B", reducing Low Density Single-Family use and increasing Commerce use, with the provision that any subsequent rezoning of the east, 7.185-acre portion include appropriate provisions to mitigate negative impacts on and increase compatibility with the adjacent existing Low Density Single-Family area. Second by Mr. Shah. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Early, Mr. Bolton, Mr. Ramsey, Mr. Valverde, Mr. Shah, Mr. Dawson, and Dr. Marshall

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Noes: None

Abstain: None

Motion carried 7 – 0 – 0

Discussion continued among the Commission on item Z – 06 – 01. The Chair asked for any comments from the applicant.

Mr. Schell said the real issue is the impact of the development on the single-family residents adjacent to the development. He said with "E" zoning there are setbacks for front and side yards but no depth requirement. On the 7 acres, they are asking for the more restrictive "E" Commercial zoning. A buffer would be required per the ordinance and a rear yard setback of 20 to 25 feet, the same rear yard as for single-family. Mr. Schell said when he walked the property line of the residences in RCCE, he observed there is a mature line of trees and with that and the buffer required by the ordinance, it is a good place to divide the residential and the commercial use.

Mr. Schell said he was surprised when told that the prior owner had offered to sell the 7-acre tract to the adjacent homeowners and they declined. He said he was greatly surprised to find out that the property had been proposed for development with single-family residential and was opposed by the same group that is present.

Mr. Schell said that even if Mr. Hawkins did not develop the property and sold it to someone else, the City's architectural standards would prohibit the types of buildings that Mr. Muckleroy said the HOA is afraid will be built on the site.

Eric Counts, 4137 Coral Circle, said a single-family development had been proposed on the property. Mr. Counts said many of the people in Ridglea Country Club Estates bought their homes there because there is only one access road to the Estates. He said the developer was going to sell a house on Winding Way and put an entrance to the property from Ridglea Country Club Estates. Mr. Counts said the homes were to be very inconsistent with the houses in RCCE, and they were concerned it would lower their property values.

Mr. Counts said when the developer came back with another option, which included larger homes and no entrance into Ridglea Country Club Estates, they agreed with the proposal. He said they are not against development, they just want something consistent that will not lower their property values or increase potential risk to their families.

Peter Ku, 4321 Winding Way, said he understands the City and Mr. Hawkins's desires to develop the City. However, he believes if the transition is not made properly, many of the residential people are going to be mad at the City. Mr. Ku said he thinks, given the time, a compromise can be met.

Mr. Moat said, in reference to Mr. Schell's comments earlier about the architectural control requirements in the Zoning Ordinance, a commercial building can use smooth face concrete block, tilt up concrete wall, and free fabricated steel panels if the façades face residential property screened by an 8-foot masonry wall. Mr. Moat said he is just pointing this out to show that if given the time, they can work out a "PD" zoning to address these issues.

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The Chair asked for any further comments, questions, or a motion from the Commission. Discussion followed.

Motion by Dr. Marshall to keep the public hearing open and defer item Z – 06 – 01 until the May 11, 2006 Planning and Zoning Commission meeting. Second by Mr. Bolton. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Early, Mr. Bolton, Mr. Ramsey, Mr. Dawson, and Dr. Marshall

Noes: Mr. Valverde and Mr. Shah

Abstain: None

Motion carried 5 – 2 – 0



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 06/15/06	REFERENCE NUMBER: PZ-2006-05	SUBJECT: Ordinance rezoning 28.424 acres of land in the James Rogers Survey Abstract Number 1265 and the James Rogers Survey Abstract Number 1264 from "A" One Family District to "G" Commerce District (North of I20, west of Block 9 of Ridglea Country Club Estates, and east of the westerly TXU Electric transmission line right-of-way)	PAGE: 1 of 17
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**Z – 06 – 02 STAFF REPORT
 TO PLANNING AND ZONING COMMISSION
 APRIL 13, 2006
 and
 MAY 11, 2006**

SUBJECT PROPERTY: Portions of the James Rogers Survey Abstract Number 1264 and the James Rogers Survey Abstract Number 1265

LOCATION: Planning Area "B", north of Interstate Highway 20, west of Block 9 of Ridglea Country Club Estates, and east and west of TXU Electric transmission lines

AREA: 28.424 acres, total
 25.378 acres, owned by the Benbrook Economic Development Corporation
 3.046 acres, owned by TXU Electric Delivery

OWNERS: Benbrook Economic Development Corporation and TXU Electric Delivery

APPLICANT: Benbrook Economic Development Corporation and City of Benbrook (TXU Electric Delivery part)

CURRENT ZONING: "A" One Family District

CURRENT USE: Benbrook Economic Development Corporation part – Vacant
 TXU Electric Deliver part – Electric transmission facilities and Benbrook Water Authority well site

LAND USE PLAN REFERENCE: Residential, Low Density Single Family;

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

DATE: 06/16/06	REFERENCE NUMBER: PZ-2006-05	SUBJECT: Ordinance rezoning 28.424 acres of land in the James Rogers Survey Abstract Number 1265 and the James Rogers Survey Abstract Number 1264 from "A" One Family District to "G" Commerce District (North of I20, west of Block 9 of Ridglea Country Club Estates, and east of the westerly TXU Electric transmission line right-of-way)	PAGE: 2 of 17
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Proposed – Commerce (Case G – 06 – 04)

PROPOSED ZONING: "G" Commerce District

HISTORY

With the approval of Ordinance Number 20, the first Zoning Ordinance in Benbrook in March 1951, the subject property was zoned "A" One Family District. Ordinance Number 495 rezoned the property from "A" to "C" Multiple-Family Residential in August 1977. Ordinance Number 495 also created the "SD" Suburban District zoning classification. After the August 1977 approval of Ordinance Number 495, the Ridglea Country Club Homeowner's Association requested that the City Council initiate rezoning of the property to the new "SD" classification. Ordinance Number 502 was approved October 6, 1977 establishing the current "SD" zoning on the property. The current zoning was achieved in October and December 2000, in conjunction with preliminary plat approval of Ridglea Creek Addition, showing 72 single-family lots with street access from the Interstate frontage road.

PLANNING REVIEW

The City Planning Staff has reviewed the rezoning application and offers the following:

1. The rezoning application is submitted in conjunction with Land Use Plan amendment G-06-04 from the Benbrook Economic Development Corporation to designate the subject property "Commerce" on the Land Use Plan.
2. The application involves three parcels with two owned by the Benbrook Economic Development Corporation and the third owned by TXU Electric Delivery. The larger of the two Benbrook Economic Development Corporation parcels is 18.193 acres located between two north/south-oriented TXU Electric transmission lines. The 18.193-acre parcel is 542 feet wide and extends 1,460 feet north from Interstate 20. The smaller of the two Benbrook Economic Development Corporation parcels is 7.185 acres located between the east TXU Electric transmission line and Block 9 of Ridglea Country Club Estates. The 7.185-acre parcel is approximately 230 feet wide with its north line approximately 1,460 feet north of Interstate 20. The third parcel is the 3.046-acre, "L" shaped eastern electric transmission property.
3. The TXU Electric Delivery transmission line right-of-way bisects the 25.378 acres owned by the Benbrook Economic Development Corporation. The TXU Electric Delivery portion of the application is submitted by the City to result in a consistent zoning district over the overall larger area. Any rezoning will not affect the current uses of the property for electric transmission lines and a Benbrook Water Authority water well.
4. It is the Staff's understanding that the Benbrook Economic Development Corporation has a contract to sell the 18.193-acre and 7.185-acre tracts subject to the proposed rezoning.

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5. With the proposed "G" District directly adjacent to the existing single-family neighborhood to the east of the 7.185-acre tract, appropriate consideration can be given to excluding some Permitted Uses, and adjusting Height and Area Regulations of "G" District, and Landscape and Buffer Requirements of "G" District. Such adjustments can be accomplished in a "PD" Planned Development styled rezoning ordinance regarding the 7.185-acre portion of the application.

Without any special consideration, the Rear Yard minimum will be 40 feet, the Height maximum of buildings will be 35 feet within 100 feet of "A" District, and an "F1" Bufferyard will be required. The "F1" Bufferyard requires a six-foot wood fence and a 10-foot landscape area with three canopy trees, six accent trees, and eight shrubs per 100 feet.

6. Section 211.004 of the Texas Local Government Code requires that "Zoning regulations must be adopted in accordance with a comprehensive plan..." The proposed rezoning will be compatible with the proposed Land Use Plan amendments requested in consideration G-06-04, if approved. Any recommendation to the City Council for the proposed rezoning should be conditioned on a favorable recommendation by the Commission and approval by the City Council regarding the G-06-04 Land Use Plan amendments.

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission recommend that the City Council approve consideration of Z-06-01 for the rezoning of 28.424 acres in the James Rogers Survey Abstract Numbers 1264 and 1265 from "A" One Family District to "G" Commerce District, subject to City Council approval of Land Use Plan amendment presented in consideration G-06-04, and that rezoning of the 7.185-acre portion include appropriate modifications to the existing "G" District and Landscape and Bufferyard requirements.

MAY 11, 2006 REPORT TO COMMISSION

In addition to the Z-06-01 rezoning application, the April 13, 2006 Planning and Zoning Commission agenda included a companion application (G-06-04) for a proposed Land Use Plan amendment in Planning Area B, as a prerequisite to the Z-06-01 rezoning case. At the April 13 meeting, the Commission conducted a public hearing on the G-06-04 Land Use Plan amendment and by a unanimous vote, recommended City Council adoption of the proposed amendment with the provision that any subsequent rezoning of the east 7.185-acre portion include appropriate provisions to mitigate negative impacts on and increase compatibility with the adjacent existing Low Density Single-Family area.

In considering the Z-06-01 rezoning application, the Commission opened a public hearing during which, in addition to individual citizen comments, the president of the Ridglea Country Club Estates Homeowner's Association and their attorney reported that the Homeowner's Association had met with the rezoning applicant and the anticipated developer. It was reported that during the meeting, discussion occurred regarding possible use limitations and design enhancements for any development on the Z-06-01 property. The Homeowner's Association president and attorney told the Commission that although no specific conclusion was reached in the meeting, they held the opinion that with further discussion between the

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Homeowner's Association and the rezoning applicant and anticipated developer that an agreement could be reached regarding use and design considerations. The Homeowner's Association representatives asked that the Commission continue the rezoning case for 30 days to enable further discussion between the Homeowner's Association and the applicant and anticipated developer. By a five to two vote, the Commission approved a motion to keep the public hearing open and defer item Z-06-01 until the May 11, 2006 meeting.

As of May 5, the rezoning applicant reported that they and the anticipated developer had met on one occasion with the Homeowner's Association representative. However, any conclusion that may have been reached at that meeting has not been provided to the City Staff for transmittal to the Commission in the May 11, 2006 packet.

**APPROVED MINUTES
PLANNING AND ZONING COMMISSION
APRIL 13, 2006**

Z – 06 – 01

Consider rezoning of 28.424 acres of land in the James Rogers Survey Abstract Number 1265 and the James Rogers Survey Abstract Number 1264 from "A" One Family District to "G" Commerce District (North of Interstate Highway 20, west of Block 9 of Ridglea Country Club Estates, and east of the westerly TXU Electric transmission line right-of-way)

Chairman Early introduced the item and asked for a presentation from the applicant.

Jim Schell, acting on behalf of the Benbrook Economic Development Corporation, said "G" Commerce District is the appropriate zoning for the 18-acre western tract of the property. There would be no impact since there is no access to the low-density single-family area to the east. He said the TXU right-of-way limits the size and square footage of potential building on the easternmost tract and it is significant to limit the zoning to the most restrictive commercial zoning.

The Chair asked Mr. Schell to describe what the applicants are proposing. Mr. Schell said they are requesting the Commission recommend that the 8.1-acre tract on the east be zoned "E" Commercial and the balance be zoned "G" Commerce. He said the Zoning Ordinance is very comprehensive and deals with buffering and for either "G" or "E", the Ordinance calls for a 6-foot wood fence or F-1 buffer yard,. Mr. Schell said because the Ordinance is so well written and detailed, that it should be relied on for the requirements of a buffer yard between single-family residential and commercial uses, architectural control, the size of the buffer yard, what can be constructed, and even the use of the buffer yard. There can be no accessory buildings, parking facilities, or dumpster locations in the buffer yard, but can be used for passive recreation. Mr. Schell said it is easier for a developer to develop in Benbrook because he can look at Benbrook's Zoning Ordinance, see the detail, and he knows what he has to do.

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The Chair asked for a report from Staff. Mr. Gallagher said the subject property of the Z-06-01 rezoning consideration is a 28.4-acre area in the James Rogers Surveys on the north side of Interstate 20, west of Ridglea Country Club Estates, and east of the most westerly TXU Electric transmission line. The existing zoning classification is "A" One Family District, and the proposed zoning classification is "G" Commerce District. Most of the subject site, 25.3 acres, in the rezoning application is owned by the Benbrook Economic Development Corporation. The 25.3 acres is the combination of 18.2 acres and 7.1 acres separated by a three-acre TXU Electric line. He said the City of Benbrook is the applicant for the three-acre existing TXU Electric owned property, which is part of the overall 28.4-acre site. The site is vacant except for the electric transmission lines and Benbrook Water Authority well site. With approval of the G-06-04 Land Use Plan amendment consideration, the Land Use Plan designation will be "Commerce"

The City's application for the TXU Electric property is to result in a consistent zoning district and will not affect the two established utility uses. It is Staff's understanding that the Benbrook Economic Development Corporation contracted to sell the 25.3 acres, conditioned on rezoning the property to "G" Commerce District.

The 7.1-acre east Benbrook Economic Development Corporation site is adjacent to the existing Ridglea Country Club Estates single-family neighborhood, a situation that makes the site a candidate for the proposed "G" Commerce District to be supplemented with "PD" Planned Development specifications that may exclude some Permitted Uses and adjust the Height and Area Regulations of "G" District and modify the Landscape and Buffer Requirements.

Mr. Gallagher said State Law requires that zoning regulations be adopted in accordance with a Comprehensive Plan, and with the G-06-04 proposed Land Use Plan amendment for "Commerce" designation, the site would be compatible with the Comprehensive Plan. Any recommendation to the City Council regarding the proposed rezoning should be conditioned on City Council approval of the G-06-04 Land Use Plan amendment.

The Commission has three options. The application can be recommended to the City Council for approval as requested for "G" Commerce District; recommended as a "G-PD" Commerce Planned Development District, or more restrictive district, with specific use, height and area, landscape and other specific regulations; or recommend that the application be denied.

A notice of public hearing on the matter was published March 23, and letter notices were mailed to neighboring property owners of record on March 24, 2006.

Mr. Gallagher said Staff recommends that after the public hearing, the Planning and Zoning Commission recommend that the City Council approve consideration of Z-06-01 for the rezoning of 28.424 acres in the James Rogers Survey Abstract Numbers 1264 and 1265 from "A" One Family District to "G" Commerce District, subject to City Council approval of Land Use Plan amendment presented in consideration G-06-04, and that rezoning of the 7.185-acre portion include appropriate modifications to the existing "G" District and Landscape and Bufferyard requirements with such modifications determined by the Commission to become part of the recommendation to City Council.

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Dr. Marshall asked Staff to address the width of the 7.1-acre tract and how it could be developed considering the tract is only 230 feet wide. Mr. Gattis said there is nothing that would prevent the tract from being developed north and south instead of east to west. Mr. Gattis said, as part of the platting process, the City and developer could look at some creative arrangements with the idea of trying to achieve the lot depth as specified. If that cannot be accomplished, use would not be prohibited or it may be grounds for a variance with the Zoning Board of Adjustment.

The Chair asked for any comments or questions from the Commission. There being none, the Chair opened the public hearing at 8:55 p.m. and asked if anyone wished to speak for or against the item.

George Muckleroy, 4305 Mira Loma, said he is representing the Ridglea Country Club Estates Homeowner's Association. Mr. Muckleroy said they are opposed to the proposed zoning change to "G" Commercial. The many uses allowed in "G" Commercial would harm their properties in their neighborhood from flooding concerns, noise concerns, traffic concerns, and privacy invasion concerns. He said depending on the use, there could be alcohol sales and many well-known concerns that any homeowner would have if land next to them is open to commercial development.

Mr. Muckleroy said before they took the position that they oppose, they tried to gather information and met with the EDC and the developer, Steve Hawkins. He said they asked what their plan is and what they want to use the land for. He said both parties told them different things. Initially the EDC suggested an office park with brick-sided office development would be the best use for the land. When they learned that Mr. Hawkins was going to develop it they decided to meet with him and ask what his plans were for the area. Mr. Muckleroy said that Mr. Hawkins said he intended to have showroom and warehouse type businesses with a sales area in the front and storage areas in the back for different kinds of goods. Mr. Muckleroy said the EDC recommended that rather than take the hard-line position of opposing the "G" zoning, they should look at the "G" and see what uses were objectionable and make a counter proposal. They suggested that they open negotiations and carve out uses and depending on what Mr. Hawkins said he wanted to do with the land, they could very well reach an agreement to limit the uses going in next to their property. Mr. Muckleroy said they tried to do that and read the regulations for "E", "F", and "G" districts, and "G" actually has the farthest setback requirements, so they are in favor of "G" zoning. The uses in "E" are all included in "G" but there are extra uses in "G" that are added to "E". They tried to make their best effort at scratching out uses that would negatively affect their property or bring any type of negative effect.

Mr. Muckleroy said the position they are taking is that they oppose the zoning change to "G", for many of the reasons stated. However, they understand there is a contract that says the land has to be zoned to "G" before it can be sold, but contracts can be amended and deadlines can be pushed back. The parties have expressed a willingness to negotiate and Mr. Hawkins cannot respond or address the issue at this time, which is why they are requesting a continuance for 30 days.

Mr. Muckleroy said they looked at some of Steve Hawkins's developments with business buildings that look like houses. These businesses looked like residential houses with the rooflines, landscaping, etc and might fit well in a transitional zone from single-family low-density use to commercial use. He said, based on what Mr. Hawkins told them at the meeting, it was suggested that they look at the businesses on I-20 West because that may be what he will build. Mr. Muckleroy said those buildings are not a transition type use between single-family and commercial uses. The siding is not brick; it is slab wall concrete, and the bays in

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the back have big-rig trucks entering. The buildings are high and there is a lot of area that will not soak up rain because it is concrete. He said this is the type of use they would like to prevent, which is allowed in "G" Commerce zoning, from going in adjacent to their houses.

Mr. Muckleroy said they oppose the rezoning to "G" Commerce, but if the Commission deems it necessary to deny their opposition for whatever reason, they are asking for a continuance for 30 days. He said this would give the parties a good faith opportunity to work out an agreement that they have not been given. During the one-month time, they will attempt to work out the "PD" zoning with Mr. Hawkins and the EDC. He said the RCCE has almost universal opposition to the "G" zoning because it will permanently and undeniably change the character of their neighborhood.

Gary Moats, 801 Cherry Street, Fort Worth, said he is an attorney representing the Ridglea Country Club Estates Homeowner's Association. Mr. Moats said the Staff report mentions a "PD" zoning to protect the surrounding properties. The proposal to rezone the 7-acre tract to "E" is something they just heard about tonight. He said that is a move in the right direction but they believe further concessions are necessary and further discussions need to be held because there are some uses in "E" that should not be allowed.

Mr. Moats said they are not requesting the Commission to decide the "PD" zoning, they are asking for some time to work it out. If they come back in a month and have not worked it out, they realize the Commission has the authority to tell them what to do, they are just asking for some time to reach an agreement.

Mr. Moats said the setback requirements, sideyard, front yard, and rear yard, in "E", are basically half of what they are in "G" district. He said that concerns them a great deal. If all of the 7-acre tract were one lot, with "E" zoning, then the sideyard setback would be only 10 feet from the property line of the single-family neighbors on the east. The rear yard in "G" is 40 feet and in "E", the rear yard is only 20 feet. That is the reason they are asking for the 30 days to have more discussions about a "PD" zoning.

Mr. Moats said the Commission is aware that platting is non-discretionary. If the developer submits a preliminary plat that conforms to City regulations, the Commission is obligated to accept the plat. He said they believe they can accomplish a great deal to protect the neighbors with a site plan that will show the streets and development. The Commission approval of a site plan is discretionary and a preliminary plat would have to be consistent with the site plan.

Mr. Moats said there are 14 houses that would be directly affected by the development, not 10 as earlier stated. Dr. Marshall said there are 12 houses directly adjacent to the development.

Robert Jones, 4208 Winding Way, said he would like to thank their officers and the attorney for speaking on his behalf, but as a landowner with property that is adjacent to the proposed development, he and his family are totally opposed to any change other than single-family residents. He said they have a significant investment in their property and they did not purchase the property under the understanding that the adjacent property would be changed to commercial use. Mr. Jones said he does not believe anyone on the Commission would buy a property to raise their children next to an ambulance dispatch or a movie theater, or any uses allowed in "E" or "G" zoning.

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Mr. Jones said the rezoning would have a detrimental effect on their property value, a possible damaging effect due to flooding, and could have a security effect on his children.

Chuck Milliken, 4113 Winding Way, said he has been a Benbrook citizen for 15 years, pay taxes in Benbrook, and he is in favor of economic development. Mr. Milliken said he is not in favor of a warehouse district, which is the potential, 10 feet from the houses adjacent to the development. He said the Commission, with its authority, has the duty and responsibility to protect the interest of all the citizens of Benbrook. He said they want the property developed appropriately, but to protect the citizens that live in Ridglea Country Club Estates.

Beth Kucera, 7055 Serrano Drive, said the houses directly adjacent to the development are not the only houses affected. The other houses nearby and further down are also affected because of the line of vision.

Ron Rainey, 5123 Carimet Boulevard, Benbrook, said he is the Executive Director of Benbrook Economic Development Corporation. Mr. Rainey said he has had numerous conversations with Mr. Hawkins and Mr. Hawkins recognizes the concerns of RCCE. He said when he met with Mr. Hawkins, Mr. Moats, and Mr. Muckleroy, Mr. Hawkins said he would probably build the garden offices that Mr. Muckleroy spoke of, on the 7-acre tract. Mr. Rainey said that from the first day of talking with Mr. Hawkins about the development, Mr. Hawkins has always talked about a Class A, office business park. He heavily landscapes all of his projects and typically uses masonry siding on all of his buildings. He is not interested in having a community redraft an ordinance that says here is the "PD" that you will live under. Mr. Rainey said Mr. Hawkins did agree that he would reduce the request on the 7-acres to "E" zoning to try to accommodate some of the concerns about large warehouses. Some of the uses are not appropriate and some will not even fit on the 7-acre tract. Mr. Rainey said one of the uses marked through on the RCCE HOA submittal is alcohol sales. Benbrook's ordinance does not allow alcohol sales except in a restaurant as a mixed beverage ordinance. They have also stricken restaurants from the site. Mr. Rainey said he does not know if there are any plans ever to have a restaurant, but this City turned out very strongly a couple of years ago in favor of bringing restaurants to Benbrook.

Mr. Rainey said Mr. Hawkins is having some family health problems but that is not the reason he is not at the meeting. He is a developer and he would like to develop the property if he purchases it.

Ronald Witt, 4317 Winding Way, said it seems there are many questions that cannot be answered, whether it is the Staff or the Commission, and he thinks a postponement is really needed to iron out some of these things. There is no one to speak directly for Mr. Hawkins and there are a lot of people at the meeting that are concerned and making a rash decision would be very wrong.

Perry Hill, 6901 Allen Place, said there is no one that would disparage Mr. Hawkins reputation as a reputable developer. Nonetheless, it is a bit naive to write a blank check to anyone because they have no idea what Mr. Hawkins may have planned for the 7-acre strip. Mr. Hill said they are asking for some assurance or mechanism that protects that zone.

Charles Kucera, 7055 Serrano Drive, said he has been through this before in several communities in California. He said in the future, the subject area will be more than just a strip of land, it will be a thriving community and will need some green areas. The 7 acres could be one of those areas because the

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Benbrook Economic Development Corporation owns it, which is the City of Benbrook. The area will be developed all the way to Winscott Road so one little area of green space buffering will not hurt Mr. Hawkins and will certainly help them.

The Chair asked Mr. Gattis to clarify the relationship between the Benbrook Economic Development Corporation and the City of Benbrook. Mr. Gattis said the Benbrook Economic Development Corporation is a separate, non-profit corporation, chartered under the Corporation Act of Texas. It is chartered under Chapter 4B, which specifies what kind of board it has and what it can and cannot do. Mr. Gattis said the citizens of Benbrook voted to create it in the mid-1990s, and to fund it with a half-cent sales tax. There is a financial relationship in that the half-cent sales tax goes directly to the EDC and they have a lot of independence on how they use the money. Their budget must be approved by the City Council and the members of their board are appointed by the City Council. When the voters created the corporation, they created it for the purposes of promoting economic development. Mr. Gattis said it should be noted that among the other authorized uses for 4B money is park development. The Corporation always reminds the City that they are independent of the City and the City likes to keep an arms length away from the Corporation. The two are quasi-related but are not the same entity. They have their own board of directors. Mr. Early asked if land owned by the EDC is also owned by the City. Mr. Gattis said no, it is not.

Tom Kellogg, 3725 Streamwood Road, Fort Worth, said Steve Hawkins is an excellent developer but by the time the property is sold, it could be sold to someone other than Mr. Hawkins. Mr. Kellogg said they should be concerned about who eventually owns the land if it is not Mr. Hawkins. He said another concern is if the streets will be public or private streets and who will maintain them.

Mr. Gattis said Staff could not comment on the streets because that is a platting issue to be part of a preliminary plat submittal. The only stipulation of the platting of Northeast Winscott Addition is that developer must extend a street from that development over to this property. What happens to this property is yet to be determined.

The Chair left the public hearing open and asked for any comments or questions from the Commission. Mr. Valverde said for the audience to keep in mind that whatever the Commission decides, it is just a recommendation to the City Council and the Council would not act on the issue until the May 18, 2006 meeting. Therefore, the HOA would have 30 days to meet with Mr. Hawkins and the EDC.

Dr. Marshall said there is a history for this property that everyone should be made aware of. He said there was a development planned for a housing project and was opposed by the same group. He thinks they probably all need to understand that this will probably never become a single-family housing area because of the access to the frontage road and houses would have to align along one road.

Mr. Early said he has not heard much support for the single-family zoning and is not sure how that would ever be developed with a single entrance and exit onto an access road. Mr. Early said he thought the Commission should act on the Land Use Plan amendment to go ahead with what is proposed and then defer the zoning. He said some could envision development of the property that is acceptable, and some can envision it as unacceptable, and then there are those in between. If there is an opportunity for the applicant, the owner, and the neighborhood to all get together, it would be better for the City and everyone involved.

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Mr. Shah said the only area of disagreement he has heard is the 7-acre strip. The rest, everyone is either resigned to the fact that it is going to be what the applicant proposes and they probably do not object as long as their concerns on the 7-acre tract are addressed.

Discussion followed between the Commission and Staff on the Land Use Plan amendment, G – 06 – 04.

Motion by Mr. Valverde that the public hearing be closed and the Commission recommend that the City Council adopt G – 06 – 04, the proposed amendments to the Land Use element of the Comprehensive Plan proposed by the Benbrook Economic Development Corporation in Planning Area "B", reducing Low Density Single-Family use and increasing Commerce use, with the provision that any subsequent rezoning of the east, 7.185-acre portion include appropriate provisions to mitigate negative impacts on and increase compatibility with the adjacent existing Low Density Single-Family area. Second by Mr. Shah. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Early, Mr. Bolton, Mr. Ramsey, Mr. Valverde, Mr. Shah, Mr. Dawson, and Dr. Marshall

Noes: None

Abstain: None

Motion carried 7 – 0 – 0

Discussion continued among the Commission on item Z – 06 – 01. The Chair asked for any comments from the applicant.

Mr. Schell said the real issue is the impact of the development on the single-family residents adjacent to the development. He said with "E" zoning there are setbacks for front and side yards but no depth requirement. On the 7 acres, they are asking for the more restrictive "E" Commercial zoning. A buffer would be required per the ordinance and a rear yard setback of 20 to 25 feet, the same rear yard as for single-family. Mr. Schell said when he walked the property line of the residences in RCCE, he observed there is a mature line of trees and with that and the buffer required by the ordinance, it is a good place to divide the residential and the commercial use.

Mr. Schell said he was surprised when told that the prior owner had offered to sell the 7-acre tract to the adjacent homeowners and they declined. He said he was greatly surprised to find out that the property had been proposed for development with single-family residential and was opposed by the same group that is present.

Mr. Schell said that even if Mr. Hawkins did not develop the property and sold it to someone else, the City's architectural standards would prohibit the types of buildings that Mr. Muckleroy said the HOA is afraid will be built on the site.

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Eric Counts, 4137 Coral Circle, said a single-family development had been proposed on the property. Mr. Counts said many of the people in Ridglea Country Club Estates bought their homes there because there is only one access road to the Estates. He said the developer was going to sell a house on Winding Way and put an entrance to the property from Ridglea Country Club Estates. Mr. Counts said the homes were to be very inconsistent with the houses in RCCE, and they were concerned it would lower their property values.

Mr. Counts said when the developer came back with another option, which included larger homes and no entrance into Ridglea Country Club Estates, they agreed with the proposal. He said they are not against development, they just want something consistent that will not lower their property values or increase potential risk to their families.

Peter Ku, 4321 Winding Way, said he understands the City and Mr. Hawkins's desires to develop the City. However, he believes if the transition is not made properly, many of the residential people are going to be mad at the City. Mr. Ku said he thinks, given the time, a compromise can be met.

Mr. Moat said, in reference to Mr. Schell's comments earlier about the architectural control requirements in the Zoning Ordinance, a commercial building can use smooth face concrete block, tilt up concrete wall, and free fabricated steel panels if the façades face residential property screened by an 8-foot masonry wall. Mr. Moat said he is just pointing this out to show that if given the time, they can work out a "PD" zoning to address these issues.

The Chair asked for any further comments, questions, or a motion from the Commission. Discussion followed.

Motion by Dr. Marshall to keep the public hearing open and defer item Z – 06 – 01 until the May 11, 2006 Planning and Zoning Commission meeting. Second by Mr. Bolton. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Early, Mr. Bolton, Mr. Ramsey, Mr. Dawson, and Dr. Marshall

Noes: Mr. Valverde and Mr. Shah

Abstain: None

Motion carried 5 – 2 – 0

UNAPPROVED MINUTES
PLANNING AND ZONING COMMISSION
MAY 11, 2006

Z – 06 – 01 Consider rezoning of 28.424 acres of land in the James Rogers Survey Abstract Number 1265 and the James Rogers Survey Abstract Number 1264 from "A" One

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Family District to "G" Commerce District (North of Interstate Highway 20, west of Block 9 of Ridglea Country Club Estates, and east of the westerly TXU Electric transmission line right-of-way)

Chairman Early introduced the item and said it was continued from the April 13, 2006, regular Planning and Zoning Commission meeting. The Chair asked for a presentation from the applicant.

Ron Rainey, Executive Director, Benbrook Economic Development Corporation, said there had been significant changes since the April 13, meeting. At the April meeting, the EDC was requesting "G" Commerce zoning across the entire 28 acres because of a contract with a potential buyer/developer that required the entire 28 acres be zoned "G".

Mr. Rainey said that since the April meeting when the Commission continued the item, they have had a number of meetings, emails, and phone calls with George Muckleroy, president of the Ridglea Country Club Estates Homeowner's Association, and Steve Hawkins, the contracted buyer of the tract. Mr. Rainey said Mr. Hawkins has agreed that the 7 acres adjacent to the single-family residential of Ridglea Country Club Estates will serve his purposes as an "E-PD" Commercial Planned Development because the negotiations have been about restricting various uses for that tract.

The Commission was given a list of permitted uses that the Economic Development Corporation Board has approved. Mr. Rainey said Mr. Muckleroy told him the Ridglea Country Club Estates Homeowner's Association had also agreed to the uses. Mr. Rainey said everything in the document presented to the Commission, is a negotiated agreement of all parties involved, and noted some minor changes to the document.

Mr Rainey said the EDC owns two tracts, one of which is approximately 18 acres, which they are requesting rezoning to "G" Commerce, as in their original application. On the 7 acres that is the easterly tract, they are requesting "E-PD" zoning with the Planned Development restrictions presented.

The Chair asked for any comments or questions from the Commission to the applicant.

Mr. Valverde said the Benbrook Economic Development Corporation has gone through measures and expense to allow alcohol sales in restaurants. He asked how Mr. Rainey felt about one of the restrictions listed in the PD zoning being that no alcohol sales will be allowed on the property.

Mr. Rainey said they understand the community would like to have mixed drinks in restaurants and that ordinance is now in place, but the subject site is not a place where a restaurant would be located because of limited access. He said it would probably be more professional, office-type buildings.

The Chair asked if Staff had any additional comments and Mr. Gattis said no. The Chair said at the April 13 meeting, the public hearing was left open and asked if anyone wished to speak for or against the item.

George Muckleroy, 4305 Mira Loma Drive, said he is the current president of the Ridglea Country Club Estates Homeowner's Association. Mr. Muckleroy said, at an emergency meeting of the homeowners, directors, and Board of Directors, he was given specific authority to negotiate with Steve Hawkins and Ron

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Rainey on behalf of the RCCE Homeowner's Association. He said there are residents that live closer to the subject property that may not be happy with everything in the agreement, but they have tried to do the negotiations from the perspective of the entire Association, on behalf of the good of the whole neighborhood.

Mr. Muckleroy said the Homeowners Association's goal was to protect the homes and property values. He said the views lost from the existing homes, noise, trash, odors, and flooding were all concerns. It is probably not a perfect deal, but it is a good deal.

Ronald Witt, 4317 Winding Way, said he is a director of Area B of the Ridglea Country Club Estates Homeowner's Association and he lives across the street from the houses in the affected area. Mr. Witt said there are people on Winding Way and in other areas that do not agree with the document presented by the Homeowner's Association and asked the Commission to consider them when making their decisions.

Norris Williams, 4216 Winding Way, said he would be directly affected by the proposed zoning. Mr. Williams said he hopes the Commission considers the homeowner's loss of property value with the proposed rezoning. He said he has lived in Benbrook for 37 years and would like to continue to stay and have the home values he has now.

Donna Jobe, 4201 Winding Way, said her big concern aside from the aesthetics, is flooding. She said they have had problems in the past with flooding and that paving all the area for the development, and the effects it will have on drainage should be considered.

The Chair closed the public hearing at 7:50 pm, and asked the applicant for a rebuttal.

Mr. Rainey said the people that spoke have not seen the documents submitted because they had just been completed. He said in the additional restrictions, an 8-foot fence is required and no street will be allowed adjacent to the RCCE property lines. Mr. Rainey said a 10-foot landscape buffer is required between the fence and any parking areas or driveway, which should help with any runoff concerns. Mr. Rainey said the EDC has acquired easements from the Horseshoe Club to the north of the property so storm drain water can be taken underground.

Mr. Rainey said they understand the neighbor's concerns because it is considerably different from anything they have had in the last 40 years. He said the EDC agreed to "E" Commercial, which he believes is the most restrictive in the commercial uses and have agreed to eliminate many of the uses permitted in "E" Commercial.

The Chair asked Mr. Muckleroy if the Ridglea Country Club Estates homeowner's have received a copy of the proposed documents. Mr. Muckleroy said no, but they intend to notify every affected homeowner in the near future of what they have agreed. He said they called an emergency meeting of the entire membership before the April Planning and Zoning Commission meeting and explained what was on the agenda and what was at risk. Mr. Muckleroy said they might not call another meeting because an agreement has been reached.

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Chairman Early asked for any comments or questions from the Commission. He said the original application was to rezone the entire 28 acres to "G" Commerce and now the applicant is requesting that the larger 21.239 acres on the west side be rezoned to "G" Commerce. The request for the smaller, 7.185 acres to the east, be rezoned "E-PD", Commercial-Planned Development, based on the customized uses and restrictions presented by the Benbrook Economic Development Corporation and the Ridglea Country Club Estates Homeowner's Association, all of which, Mr. Hawkins has agreed.

Mr. Shah said the documents do not mention minimum and maximum square footage requirements. He said in order to blend in with the surrounding residential houses, he would like to see smaller buildings rather than one large 20,000 square-foot building. Mr. Early said the Zoning Ordinance does not address "floor area" in Commercial zoning. Mr. Shah said it is his personal recommendation that only buildings with 5,000 square feet or less of usable space be allowed.

Mr. Shah said the proposed 10-foot bufferyard with landscaping is not enough between the required 8-foot fence and parking area. He said he thinks the bufferyard requirement should be increased to a minimum of 20 feet but he would prefer 40 feet.

Discussion followed between the Commission and Staff on square footage requirements, fence requirements, height and area requirements, and dumpster locations.

Dave Gattis, Assistant City Manager, said Height and Area Regulation, Number 1, Height, reads, "No building hereafter erected, reconstructed, altered, or enlarged shall have a plate line exceeding fifteen feet (15'). The 15-foot height restriction does not include pitched roofs, which may extend above the 15-foot plate line." Mr. Gattis said the restriction does not require a pitched roof and if the Commission would like the buildings to have a residential look, they may want to require a pitched roof. Because buildings less than 5,000 square feet are not required to adhere to the Zoning Ordinance's architectural standards that address vertical articulation, the buildings could be built with flat roofs.

Dr. Marshall asked if Staff knew the roof pitch of the buildings east of Mont Del Plaza. Mr. Gattis said no, but if the Commission requested, Staff could find out and put that in as part of the PD zoning.

Discussion followed on the minimum and maximum square footage of usable area and the Chair asked Mr. Rainey if he had an opinion. Mr. Rainey said in his opinion, the buildings will probably be in the neighborhood of 5,000 square feet. He said the City has ordinances that require any building over 6,000 square feet to have a sprinkler system, so many of the developers in Benbrook are staying at 5,999 or less. Mr. Rainey said he does not believe the potential developer would have a problem with a 5,000 square-foot footprint on the buildings because Mr. Hawkins is looking at professional office buildings and typically, they are not going to be 20,000 to 30,000 square-foot buildings.

Mr. Muckleroy said when he met with Mr. Hawkins two weeks prior, Mr. Hawkins had a conceptual plan with a street from the west and a street on the 7 acres using approximately one-acre, and the rest subdivided into 4 lots, conceptually, with 4 buildings, each about 5,000 square feet. He said the northernmost lot would be more than an acre and the others approximately one-acre. They also discussed garden-type office buildings that do look like houses with landscaping with parking in the front for customers and parking in the back for staff and doctors. Mr. Muckleroy said Mr. Hawkins has not expressed any desire to put up 20,000

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square-foot buildings or a series of 5,000 square-foot buildings, he said the concept would be about four buildings.

Mr. Muckleroy said the Association had requested a 100-foot building line setback and a 40-foot bufferyard and Mr. Hawkins negotiated with them down to a minimum 40-foot building line and a 10-foot bufferyard. Mr. Muckleroy said they would be happy with as much as the Commission would require. He said, with a 5,000 square-foot building on the middle of a one-acre lot, the building setback would be approximately 75 feet, which Mr. Hawkins acknowledges, but he cannot commit to any plans.

Mr. Muckleroy said the Homeowner's Association asked for an 8-foot masonry wall, which Mr. Hawkins said is cost prohibitive with the price he is paying for the land, but he would be willing to install an 8-foot wood fence. Mr. Muckleroy said the Association obviously wants a masonry fence because it would be a noise barrier. He said the higher the fence the better, but it may be cost prohibitive to develop the property.

Mr. Shah said he would not like to limit the building size requirements to 6,000 square feet so that they would not be required to have a sprinkler system. That is up to the developer to decide. He said a minimum of 5,000 square feet is good because it would require that the buildings adhere to City architectural requirements. Mr. Shah said Mr. Hawkins only has a contract to purchase the land and even after the purchase, he may sell the property to somebody who is not a local developer and does not have a stellar reputation as Mr. Hawkins does. He said the Commission should not consider just Mr. Hawkins's reputation as a developer and builder in rezoning for the property.

Motion by Mr. Shah to add a paragraph to the proposed "E-PD" zoning for the 7.185-acre tract, Height and Area Restrictions section, requiring a minimum roof pitch of 2 to 3, and building area requirement of 5,000 square-foot minimum and 10,000 square-foot maximum. Second by Dr. Marshall. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Bolton, Mr. Ramsey, Mr. Valverde, Mr. Morrill, Mr. Early, Mr. Shah, Mr. Dawson, and Dr. Marshall

Noes: None

Abstain: None

Motion carried 8 – 0 – 0

The Chair asked for comments, questions, or a motion on the issue of the proposed 10-foot bufferyard.

Motion by Mr. Shah to revise the proposed "E-PD" zoning for the 7.185-acre tract, Height and Area Restrictions section, Paragraph 2.a, to read, "Notwithstanding anything contained herein to the contrary, there shall be a yard having a depth of not less than forty feet (40') adjacent to the north and east boundary of the subject property. There shall be **at least** a ~~40-foot (40')~~ **20-foot (20')** landscaped bufferyard adjacent

DATE: 06/16/06	REFERENCE NUMBER: PZ-2006-05	SUBJECT: Ordinance rezoning 28.424 acres of land in the James Rogers Survey Abstract Number 1265 and the James Rogers Survey Abstract Number 1264 from "A" One Family District to "G" Commerce District (North of I20, west of Block 9 of Ridglea Country Club Estates, and east of the westerly TXU Electric transmission line right-of-way)	PAGE: 16 of 17
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to the north and east boundary of the subject property and ~~cars~~ **vehicles** may be parked between the landscaped bufferyard and buildings." Second by Mr. Dawson. The Chair called the question.

Dr. Marshall asked Staff if the City has landscape guidelines on 20-foot bufferyards. Mr. Gattis said the landscape guidelines are for the number of plantings required per 100 feet and whether it is a 10-foot or 20-foot bufferyard does not make a difference. Mr. Gattis said it would mean more ground cover of some type would be needed.

Vote on the Motion:

Ayes: Mr. Valverde, Mr. Morrill, Mr. Dawson, Mr. Shah, and Mr. Ramsey

Noes: Mr. Early, Dr. Marshall, and Mr. Bolton

Abstain: None

Motion carried 6 – 3 – 0

The Chair asked for comments, questions, or a motion on the issue of the proposed 8-foot high rough cedar fence with metal posts set in concrete with the smooth side facing east. He said he thinks height is important when it comes to buffering between the two types of zoning, based on vision, sound, and light standpoints. Mr. Early said he thinks it is a good compromise to go from the normal requirement of a six-foot wood fence to an 8-foot wood fence.

Mr. Ramsey asked Staff which ordinance would take precedence if a swimming pool were installed. If the smooth side of the fence faces east like the submitted PD zoning requires, and a homeowner has a pool installed that requires the smooth side facing out (west), would it be the homeowners responsibility to make the west side of the fence smooth. Mr. Gattis said the homeowner would be required to turn the fence panels facing out or add panels to the west side of the fence to comply with the City's Swimming Pool Ordinance.

Dr. Marshall said another issue that has not been addressed, is security. If the smooth side of the fence faces toward the homeowners, there is no barrier to anyone that wants to climb the fence.

Motion by Mr. Valverde to revise the proposed "E-PD" zoning for the 7.185-acre tract, Additional Restrictions, Number 1, to read, "Landscaping and bufferyards shall be provided in accordance with Section 27 of the Zoning Regulations; however, along the east boundary of the subject property, the required fence shall be an eight-foot (8') high, rough cedar fence with metal posts set in concrete with the smooth side facing ~~east~~ **west**." Second by Mr. Bolton.

Following discussion on the motion, Mr. Valverde withdrew his motion and Mr. Bolton withdrew his second.

Discussion followed between the Commission and Staff on the location of trash receptacles.

Motion by Dr. Marshall to revise the proposed "E-PD" zoning for the 7.185-acre tract, Additional Restrictions, Number 2, to read, "Trash receptacles shall ~~be in the western and northwestern areas not be~~

DATE: 06/16/06	REFERENCE NUMBER: PZ-2006-05	SUBJECT: Ordinance rezoning 28.424 acres of land in the James Rogers Survey Abstract Number 1265 and the James Rogers Survey Abstract Number 1264 from "A" One Family District to "G" Commerce District (North of I20, west of Block 9 of Ridglea Country Club Estates, and east of the westerly TXU Electric transmission line right-of-way)	PAGE: 17 of 17
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located east of the 40-foot east build line and shall be ~~totally encircled or screened~~ **on three sides** by a masonry wall." Second by Mr. Valverde. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Morrill, Mr. Early, Mr. Dawson, Mr. Shah, Dr. Marshall, Mr. Bolton, Mr. Ramsey, and Mr. Valverde

Noes: None

Abstain: None

Motion carried 8 – 0 – 0

Motion by Mr. Shah to revise the proposed "E-PD" zoning for the 7.185-acre tract, Additional Restrictions, Number 1, to read, "Landscaping and bufferyards shall be provided in accordance with Section 27 of the Zoning Regulations; however, along the east boundary of the subject property, the required fence shall be an eight-foot (8') high ~~rough cedar fence with metal posts set in concrete with the smooth side facing east~~ **masonry wall.**" There being no second, the motion died.

Motion by Dr. Marshall that the Planning and Zoning Commission recommend that the City Council approve consideration of Z-06-01 for the rezoning of the 28.424 acre tract in the James Rogers Survey Abstract Numbers 1264 and 1265 with the 21.239 acres on the west side from "A" One Family District to "G" Commerce District, subject to City Council approval of Land Use Plan amendment presented in consideration G-06-04, and that rezoning of the 7.185-acre portion be rezoned from "A" One Family District to "E-PD" Commercial Planned Development District as submitted by the applicant, to include the revisions previously approved by the Commission. Second by Mr. Valverde. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Early, Mr. Dawson, Mr. Shah, Dr. Marshall, Mr. Bolton, Mr. Ramsey, Mr. Valverde, and Mr. Morrill

Noes: None

Abstain: None

Motion carried 8 – 0 – 0



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 06/15/06	REFERENCE NUMBER: G-1633	SUBJECT: Consider Interlocal Agreement Between the City of Fort Worth and the City of Benbrook for Construction and Maintenance of Two Bridges over Walnut Creek	PAGE: 1 of 3
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Background on Skyline Bridges

Wilbow-Skyline Development is planning to build a new residential subdivision adjacent to Benbrook immediately north of the Rolling Hills Addition on R.M. 2871 between Walnut Creek and the Union Pacific Railroad. Phase 1 will contain approximately 157 lots and will have only two access points. These access points are proposed to pass through the City of Benbrook using Rolling Hills Drive and Woodglen Lane. Staff expects that Phase 2 will have an access point directly to R.M. 2871 in the City of Fort Worth. Ultimately, 392 homes are planned for the development.

Benbrook staff first became aware of the proposed development in mid-2002 when developers approached the staff regarding zoning and Benbrook's jurisdiction. A representative of Wilbow Development (the current developer) requested zoning information from the staff in November 2003.

In June 2004, the staff learned (after the fact) that the City of Fort Worth had approved the preliminary plat for Skyline Ranch. We subsequently received a set of construction plans from the developer's engineer. We pointed out to them at that time that the proposed bridges were located within Benbrook. In September 2004, Benbrook staff was invited to a meeting with Fort Worth engineering staff. Benbrook expressed no opposition to the construction of the bridges, but requested an Interlocal Agreement requiring Fort Worth to assume all maintenance and repairs to the bridges since they did not benefit Benbrook citizens. Fort Worth said they would draft an Agreement for consideration, but when no draft was received by December 2004, Benbrook prepared a draft Agreement in December 2004. Initial land clearing for the subdivision began in Spring of 2005. In May 2005, Fort Worth staff rejected the proposed Interlocal Agreement and suggested that Fort Worth would maintain one bridge and Benbrook would be responsible for maintaining the other bridge. Benbrook staff reiterated that Benbrook residents were not benefiting from the bridges so it was not fair to ask them to foot the bill for maintenance.

On August 4th, 2005, Benbrook staff was notified by residents that Wilbow-Skyline Development had pulled the Benbrook barricades at the end of Rolling Hills Drive to begin construction of the bridges. Benbrook staff contacted Fort Worth but was told that the developer's construction required no inspection by Fort Worth at that time. Benbrook staff and Police Department then issued a stop work order to the contractor. A representative of Wilbow apologized and said that his engineering firm had told him that Benbrook had agreed to the bridge crossing.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

DATE: 06/15/06	REFERENCE NUMBER: G-1633	SUBJECT: Consider Interlocal Agreement Between the City of Fort Worth and the City of Benbrook for Construction and Maintenance of Two Bridges over Walnut Creek	PAGE: 2 of 2
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Fort Worth and Benbrook have met numerous times to discuss the Interlocal Agreement, including the concept of modifying the city limits so that the entire footprint of the bridges are in Fort Worth's city limits and that Fort Worth would assume all responsibility for maintenance of the bridges. Fort Worth noted that for legal reasons, they would be unable to make any modifications to the city limits until after the May 2006 municipal election.

Status of Fort Worth-Benbrook Boundary negotiations

On February 22, 2005, then Mayor F.T. Hebert called a meeting with Fort Worth Mayor Mike Moncrief, Assistant City Manager Dale Fissler, Transportation and Public Works Director Robert Goode, Mayor Pro-Tem Jerry Dittrich and Assistant City Manager Dave Gattis to discuss the possibilities of adjusting Fort Worth's city limit boundaries to allow Benbrook to grow to the south and/or west. Mayor Moncrief said that he was open to discussions and the two staff's have been meeting every month or two since.

As the negotiations have progressed, the general framework of the Agreement is as follows:

Fort Worth would get:

1. Access through Benbrook for two bridges to Skyline Ranch
2. A sanitary sewer easement through Whitestone Golf Course to serve future growth in the Veale Ranch in Fort Worth
3. Adjustment of city limits to move Pecan Valley Park and Clear Fork Park into Fort Worth, and
4. Transfer of Park Ridge Stables and other private land east of Benbrook Boulevard, south of Mary's Creek Drive and adjacent to Z. Boaz Park into Fort Worth.

In return, Benbrook would get:

1. Access through Fort Worth to connect Mercedes Avenue with Old Aledo Road to the west and to Bellaire Drive to the east,
2. Adjust city limits to transfer the portion of Z. Boaz Park that is west of Benbrook Boulevard into Benbrook, and
3. Fort Worth would transfer the remainder of the Helen Groves tract east of U.S. 377 and north of Tiger Trail into Benbrook (approximately 1,200 acres).

In a separate agreement, Fort Worth and Benbrook have agreed to: 1) clean up the city limits along Chapin Road to conform to the 1968 Apportionment Agreement Joint Resolution, and 2) that Fort Worth and Benbrook would share in the cost of a County overlay of Chapin Road from Western Hills High School to Loop 820.

On May 23rd, the Fort Worth City Council met in executive session and proposed several changes to the overall agreement by reducing its offer to Benbrook. Staff will brief the City Council of the status of these changes at a work session scheduled for June 14th.

DATE: 06/15/06	REFERENCE NUMBER: G-1633	SUBJECT: Consider Interlocal Agreement Between the City of Fort Worth and the City of Benbrook for Construction and Maintenance of Two Bridges over Walnut Creek	PAGE: 3 of 2
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RECOMMENDATION

A draft of the agreement (without Exhibit A) is attached. There will be some changes to the draft prior to final submittal to City Council. Staff understands that Fort Worth will consider the Agreement on June 13th. Staff will provide additional information at the Benbrook work session scheduled for June 14th along with a probable recommendation.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 06/15/06	REFERENCE NUMBER: G-1634	SUBJECT: Ordinance Denying Atmos Energy's Statement of Intent to Increase Gas Utility Rate	PAGE: 1 of 1
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BACKGROUND

The City of Benbrook ("City") has original jurisdiction over gas utility rates within Benbrook. Pursuant to the Gas Utility Regulatory Act, cities have the authority to initiate a proceeding to determine whether the existing rates being charged by a gas utility are unreasonable or in violation of the law. In late 2005, Benbrook and 87 other Atmos Cities Steering Committee ("ACSC") cities passed resolutions requiring Atmos Energy Corporation, Mid-Tex Division ("Atmos" or the "Company") to file by December 31, 2005, support for the reasonableness of its existing rates. Atmos filed schedules and additional information with the cities, which were reviewed by the cities' consultants. Based on their analysis of the filing, the cities' consultants determined that Atmos' rates were excessive.

In April 2006, the City and other ACSC cities adopted ordinances requiring Atmos to reduce its rates. Atmos appealed the cities' rate actions with the Railroad Commission (the "Commission"). As part of its appeal, Atmos bonded in its existing rates with the Commission and filed with the City and the Commission a Statement of Intent to Increase the Gas Utility Rates within the City effective July 5, 2006. According to information provided by Atmos, this filing would increase the Company's revenues by \$61 million annually, or 3.6 percent. The average residential bill would increase 5.36 percent, or approximately \$4.02 per month. Commercial customers would see their average bill increase by 5.25 percent, or approximately \$17.16 per month.

The Company's request to increase rates is based upon the information already reviewed by the City in response to the City's show cause action, and the cities' consultants find the request to be unreasonable.

The proposed ordinance:

1. Denies the Company's Statement of Intent to Increase Gas Utility Rates;
2. Supports the reduction of existing natural gas distribution rates currently charged by Atmos;
3. Authorizes the City to intervene in any appeal of the City's action filed at the Commission and to otherwise participate in any litigation associated with the Company's rates charged in the City, in conjunction with the ACSC; and
4. Requires Atmos to promptly reimburse ACSC for ratemaking costs associated with the City's activities related to the show-cause proceeding and/or the denial of the Statement of Intent including appeals to the Commission or Courts, in accordance with section 103.022 of the Gas Utility Regulatory Act.

RECOMMENDATION

City staff recommends that City Council approve the proposed ordinance denying Atmos Energy's Statement of Intent to Increase Gas Utility Rates.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 06/15/06	REFERENCE NUMBER: G-1635	SUBJECT: Ordinance Denying Atmos Energy's Request for a Gas Reliability Infrastructure Program Rate Increase	PAGE: 1 of 1
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BACKGROUND

In March 2006, Atmos Energy Corporation ("Atmos" or the "Company"), formerly TXU Gas, made a Gas Reliability Infrastructure Program ("GRIP") filing with the Railroad Commission of Texas ("Commission"), City of Benbrook ("City"), and other cities served by Atmos, notifying the entities of its intent to increase its monthly distribution rates to all residential customers by \$0.51, to all commercial customers by \$1.75, and to all industrial customers by \$78.47 effective May 30, 2006, pursuant to Section 104.301 of the Texas Utilities Code. The filing is based on investments made in 2005.

In April 2006, the City suspended implementation of the GRIP increases for 45 days in order to participate with other cities in a review, which revealed the following problems with the filing: (1) the capital structure and component costs used by Atmos do not represent Atmos Energy's costs but are proxies based on TXU Gas' circumstances; (2) the rate base amounts used show large, unexplained increases over the amounts in both 2003 and 2004 that are not shown to be reasonable; and (3) the Statement of Intent filed in May 2006 with the Commission and cities also includes Atmos' 2005 investment, making the 2005 GRIP filing unnecessary and creating the potential for double-counting and double-recovery for this investment.

The proposed ordinance:

1. Denies the Company's GRIP rate increase request in all respects;
2. Authorizes the City to participate with other cities in Atmos Cities Steering Committee ("ACSC") to hire and direct legal counsel and consultants, negotiate with the Company, and make recommendations to the City regarding reasonable rates and to direct any necessary litigation associated with an appeal of a rate ordinance and the rate case filed at the Commission;
3. Authorizes the City to intervene in any appeal of the City's action filed at the Commission and any related litigation, and to participate in any such appeal or litigation as a member of ACSC; and
4. Requires prompt reimbursement of costs incurred by the City related to the GRIP request.

RECOMMENDATION

City staff recommends that City Council approve the proposed ordinance denying Atmos Energy's request for a GRIP rate increase.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 06/15/06	REFERENCE NUMBER: G-1636	SUBJECT: Financial Report for Month Ending May 31, 2006	PAGE: 1 of 1
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Attached for City Council's information and consideration is the monthly financial report for May, 2006.

GENERAL FUND REVENUES

Revenues for the month of May totaled \$599,407. The major source of revenue came from Sales & Other Taxes (\$155,340), Franchise Taxes (\$124,819), Permits (\$91,977) and Use of Money & Property (\$94,422). Through May, total collections were \$9,628,437 or 87.90% of the amount budgeted.

GENERAL FUND EXPENDITURES

May expenditures totaled \$1,275,240. This amount was higher than normal due to three payroll dates rather than the normal two per month and expenses for \$221,000 for street overlays. Through May, total expenditures were \$7,388,722 or 66.56% of the original budget. At May 31, 2005 revenues exceeded expenditures by \$2,239,715.

EDC REPORT

May revenues were \$82,104 with most of this amount coming from Sales Tax. Expenditures were \$103,868. Through the end of May, expenditures exceed revenues by \$472,661.

INVESTMENTS

Investments were \$12,486,011 at May 31, 2006.

RECOMMENDATION

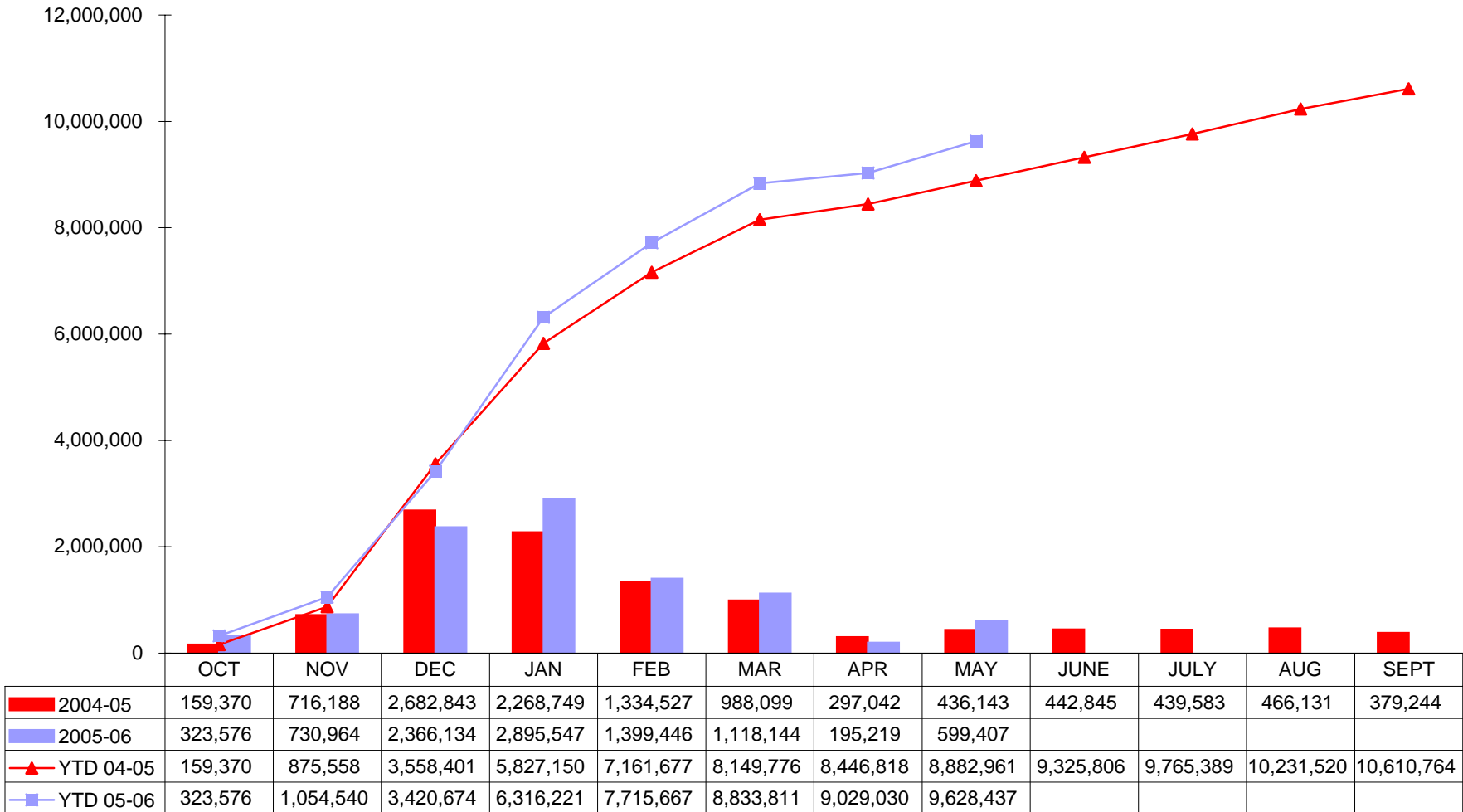
Staff recommends that City Council accept the monthly financial report for the month of May, 2006.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

CITY OF BENBROOK, TEXAS
 FINANCIAL REPORT - GENERAL FUND
 May, 2006

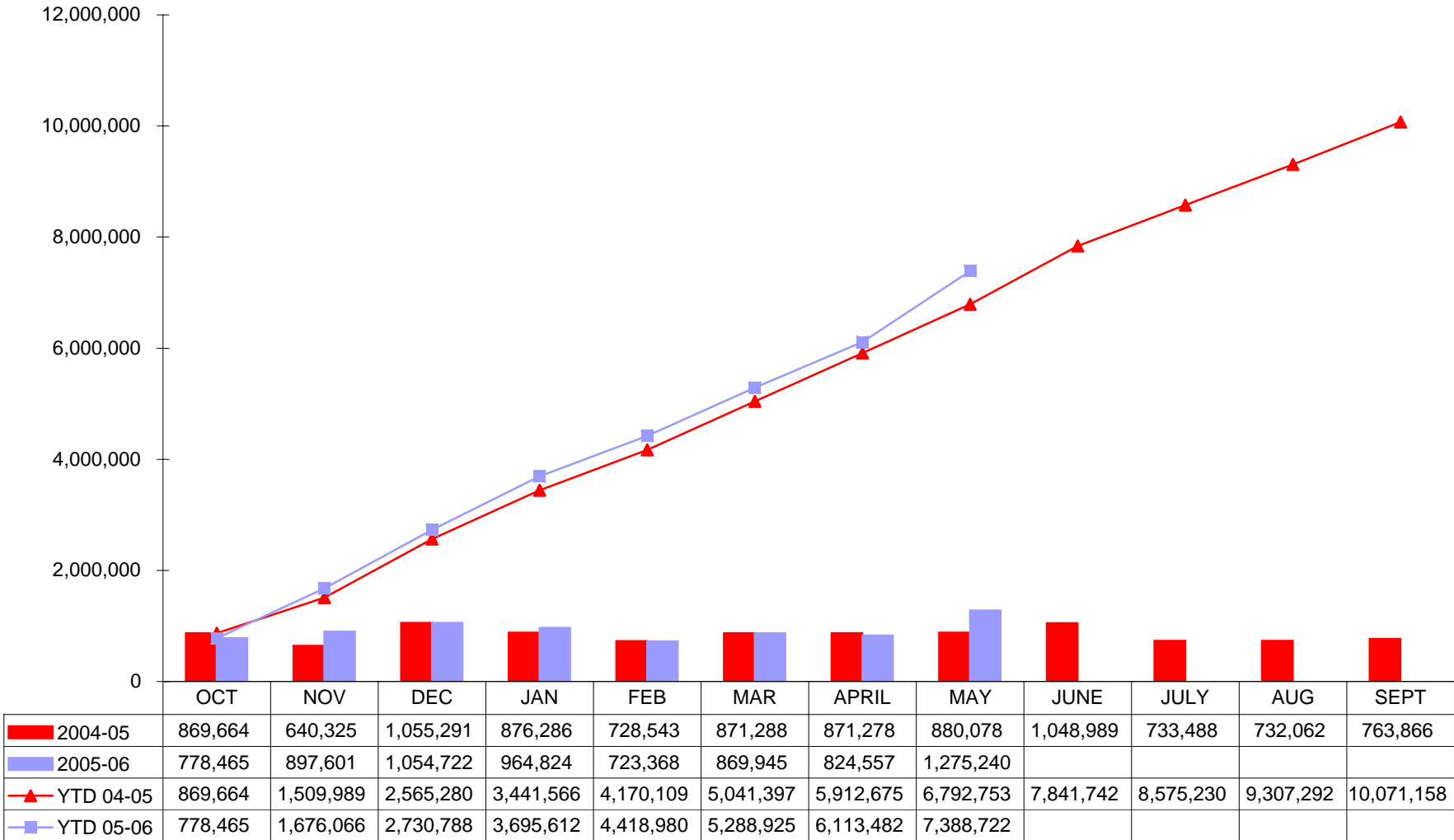
	CURRENT YEAR ANNUAL BUDGET					PRIOR YEAR COMPARISON	
	ANNUAL MONTH	CURRENT YEAR-TO-DATE	VARIANCE PLUS (MINUS)	PERCENT COLLECTED	YEAR-TO-DATE REV/EXP	VARIANCE PLUS (MINUS)	
REVENUE ACCOUNTS	ANNUAL BUDGET	REV/EXP	REV/EXP	(MINUS)	PERCENT COLLECTED	YEAR-TO-DATE REV/EXP	PLUS (MINUS)
Ad Valorem Taxes	6,714,392	53,759	6,505,647	(208,745)	96.89%	6,066,489	439,158
Franchise Taxes	1,220,500	124,819	1,132,837	(87,663)	92.82%	1,049,964	82,873
Sales & Other Taxes	1,404,215	155,340	865,004	(539,211)	61.60%	782,376	82,628
TOTAL TAXES	9,339,107	333,918	8,503,488	(835,619)	91.05%	7,898,829	604,659
Licenses	37,300	5,197	35,243	(2,057)	94.49%	28,211	7,032
Permits & Filing Fees	361,950	91,977	273,744	(88,206)	75.63%	228,332	45,412
LICENSES PERMITS & FEES	399,250	97,174	308,987	(90,263)	77.39%	256,543	52,444
FINES & FORFEITURES	292,000	16,080	196,600	(95,400)	67.33%	166,667	29,933
USE OF MONEY & PROPERTY	154,000	94,422	167,906	13,906	109.03%	116,440	51,466
REV FROM OTHER AGENCIES	283,000	19,945	100,283	(182,717)	35.44%	99,759	524
Citizen Services	343,200	31,273	266,835	(76,365)	77.75%	218,625	48,210
Recreation Services	41,100	2,034	20,910	(20,190)	50.88%	33,672	(12,762)
Sale of Goods	38,350	1,006	22,905	(15,445)	59.73%	35,092	(12,187)
SERVICE CHARGES	422,650	34,313	310,650	(112,000)	73.50%	287,389	23,261
OTHER REVENUES	63,300	3,555	40,523	(22,777)	64.02%	57,334	(16,811)
TOTAL REVENUES	10,953,307	599,407	9,628,437	(1,324,870)	87.90%	8,882,961	745,476
EXPENDITURE ACCOUNTS							
City Council	24,358	1,815	14,981	9,377	61.50%	7,413	7,568
City Manager	266,377	27,447	183,633	82,744	68.94%	164,210	19,423
City Secretary	226,079	33,324	162,731	63,348	71.98%	125,937	36,794
Non-Departmental	507,850	31,143	289,145	218,705	56.94%	262,838	26,307
GENERAL GOVERNMENT	1,024,664	93,729	650,490	374,174	63.48%	560,398	90,092
Finance	347,962	37,459	238,252	109,710	68.47%	220,369	17,883
Information Services	127,875	10,145	92,403	35,472	72.26%	47,387	45,016
Personal Services	18,700	395	10,442	8,258	55.84%	12,391	(1,949)
Budget & Research	120,678	12,563	79,259	41,419	65.68%	74,158	5,101
STAFF SERVICES	615,215	60,562	420,356	194,859	68.33%	354,305	66,051
Police	4,387,758	408,925	2,901,417	1,486,341	66.13%	2,757,925	143,492
Fire & Ambulance	1,779,261	157,697	1,165,737	613,524	65.52%	1,122,461	43,276
Municipal Court	162,196	15,097	103,927	58,269	64.07%	96,804	7,123
PUBLIC SAFETY	6,329,215	581,719	4,171,081	2,158,134	65.90%	3,977,190	193,891
Community Services	259,271	16,224	132,005	127,266	50.91%	98,083	(33,922)
Streets	1,155,389	332,816	851,692	303,697	73.71%	783,730	(67,962)
Parks & Recreation	576,674	61,297	379,403	197,271	65.79%	314,224	(65,179)
Support Services	381,211	43,468	263,149	118,062	69.03%	237,434	(25,715)
COMMUNITY SERVICES	2,372,545	453,805	1,626,249	746,296	68.54%	1,433,471	(192,778)
Community Development	283,603	33,579	180,785	102,818	63.75%	159,847	(20,938)
Planning & Zoning	176,194	17,287	117,384	58,810	66.62%	107,413	(9,971)
City Inspection	298,754	30,022	199,377	99,377	66.74%	185,440	(13,937)
COMMUNITY DEVELOPMENT	758,551	80,888	497,546	261,005	65.59%	452,700	(44,846)
TOTAL GENERAL FUND	11,100,190	1,270,703	7,365,722	4,501,456	66.36%	6,778,064	112,410
EDC	0	4,588	19,244	(19,244)	0.00%	12,116	(7,128)
Library	0	(51)	3,756	(3,756)	0.00%	2,573	(1,183)
TOTAL EXPENDITURES	11,100,190	1,275,240	7,388,722	4,478,456	66.56%	6,792,753	104,099
ENDING BALANCE	(146,883)	(675,833)	2,239,715	(2,386,598)		2,090,208	641,377

Revenue Trend Comparison



2004-05 2005-06 YTD 04-05 YTD 05-06

Expenditure Trend Comparison



■ 2004-05
 ■ 2005-06
 ▲ YTD 04-05
 ■ YTD 05-06



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 06/15/06	REFERENCE NUMBER: G-1637	SUBJECT: Consider Bids for Drainage Improvements at 913 Timberline Drive	PAGE: 1 of 2
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When the City completes the Timber Creek Channel project next month, it will remove approximately 65 houses along Timber Creek and Dry Branch from the 100-year floodplain. Two properties will not be removed, including 913 Timberline Drive, which is a repetitive loss property for flood insurance. The City also attempted to take remedial action on the property in 2003 because a prior owner built a retaining wall that encroached into a platted drainage easement. The City Attorney found that the City could take action to remove the encroachment but could not require the current owner to pay the costs.

On November 17, 2005, the City Council authorized the staff to acquire the property with the intent of: 1) razing the house and reselling the elevated lot, or 2) elevate the house above the new 100-year flood level. In either event, the City would remove the retaining wall from the drainage easement and make additional improvements to the curb inlets in front of the house. The City completed the purchase in January 2006.

The City opened bids for the retaining wall and curb inlet improvements on May 24th with the following bid results:

Contractor	Total Bid	Calendar Days
Laughley Bridge and Construction	\$59,970.00	75
Ark Contracting Services	62,378.00	45
Erosion and Retaining Wall Structures, Inc.	71,006.00	60
Ed A. Wilson	79,399.00	30
Craig Olden, Inc.	106,050.00	40

A more complete tabulation of the bid results is attached.

Laughley Bridge & Construction has built several projects for the City in the past, including the Timber Creek channel from Timbercreek Road to the park, a private drive bridge on Tara Drive, and most recently, the Winscott Road culvert expansion over Timber Creek. The City has been satisfied with their work.

FINANCING

The engineer's estimate for this project was \$52,560. Adequate funds are available for this project in the Capital Project fund from bonds sold in 2004.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

DATE: 06/15/06	REFERENCE NUMBER: G-1637	SUBJECT: Consider Bids for Drainage Improvements at 913 Timberline Drive	PAGE: 2 of 2
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RECOMMENDATION

Staff recommends that the City Council award the contract for the construction of the Drainage Improvements at 913 Timberline Drive to Laughley Bridge and Construction in the amount of \$59,970.00, to be paid from Account 04-3007-5219.