



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JULY 20, 2006**

The regular meeting of the Benbrook City Council was held on Thursday, July 20, 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

Also Present:

Cary Conklin, City Manager
Joanna King, City Secretary
Dave Gattis, Assistant City Manager
Andy Wayman, Assistant City Manager

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher
Valerie Stowe
Daniel Tully
Charlie Anderson
Bill Smith
Mr. and Mrs. Ron Rainey
Gil Daley
Don Lanza
Sue Abrahamson
Norris Williams
John K
and approximately 60 other citizens

I. CALL TO ORDER

Meeting called to order at 7:30 p. m. by Mayor Dittrich. Mayor Dittrich then issued the following statement: "Good evening. Before we begin the meeting of the City Council, I would like to address this anonymous flyer that was distributed in Westpark subdivision. If you are present tonight to discuss this flyer, you need to pay particularly close attention to what I have to say.

Contrary to what the flyer says, this City Council approved an interlocal agreement on June 15 with Fort Worth allowing two bridges to Skyline Ranch Development. This item was listed on the agenda at least a week prior to the meeting and was also noted on the government access cable channel, the City's website and duly posted at city hall.

This item is not listed on the agenda this evening. That means that City Council cannot discuss this issue, take further action on this issue, or entertain discussion on this issue without violating State law through the Texas Open Meetings Act.

If you have questions, please contact the City staff. They will address your questions and offer direction to you.

Again, if you are here to discuss this issue, please understand that this will not occur tonight. Certainly, I would invite you to remain this evening as City Council conducts the business at hand."

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Invocation was given by Councilmember Rickie Allison.

III. CONSENT AGENDA

- 1. Minutes of the regular meeting held July 6, 2006**
- 2. Appointment of Representative to Regional Transportation Council**

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

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

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 County 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)

Mr. Gattis stated City Council conducted a public hearing on the Land Use Plan amendment item (PZ-2006-04) on June 15, 2006. He advised following the public hearing, City Council delayed the item for 30-days to allow the Ridglea Country Club Neighborhood Association to meet with Benbrook Economic Development Corporation to negotiate the purchase of the 7.185 tract.

Mr. Gattis gave the following report on PZ-2006-05: The Land Use Plan is part of the City’s Comprehensive Plan. The plan is a guide for ultimate development patterns using broad land use categories.

The Zoning Ordinance is a regulation used as a means to balance the interests of:

- Land owner’s right to develop and use property
- Neighbor’s need for protection of value and enjoyment of property
- City’s interest in general welfare of the community

Zoning regulates land uses, lot size, building heights, setbacks, parking, signs, landscaping (including buffers) and architectural standards. Zoning does not regulate street locations, lot arrangements or drainage design. These issues are addressed during the platting process.

Zoning classifications are as follows:

“A” - Single Family – allows 2 ½ story, single-family residences on 9,000 square foot lots, with 20-foot rear yards.

“G” - Commerce – allows a variety of commercial, light industrial, and warehouse uses, height limited to 2 ½ stories within 100-feet of residential, 40-foot rear yard, landscaping and 6-foot wood stockade fence.

E-Commercial – allows commercial uses with no outside sales and/or storage, height limited to 2 ½ stores within 100-feet of residential, 20-foot rear year, landscaping and 6-foot wood stockade fence.

“PD” – Planned Development – allows “Customized” zoning restrictions, either through site plan or supplemental regulations. “PD” can be a stand-alone or as a suffix to another district.

The Planning and Zoning Commission considered this item at their April meeting and unanimously recommended the change of the 28.4 acres from

“Low Density Residential” to “Commerce”. The Commission deferred consideration on the zoning item until May to allow the applicant and Ridglea Country Club Neighborhood Association to negotiate a compromise on the eastern 7-acre tract.

At the May meeting, BEDC and RCCEHOA presented a compromise for “E-PD” on the eastern 7 acres, with:

- Revised list of permitted uses,
- Height limited to one story,
- 40-foot setback on north and east side
- 10-foot landscaped buffer
- 8-foot rough cedar fence,
- trash receptacles on west side, and
- limits building materials to face brick, granite, marble or stone.

The Planning and Zoning Commission used the compromise as a starting point with the following additions:

- building footprints limited between 5,000 and 10,000 square feet
- required minimum roof pitch
- increased landscaped buffer to 20 feet

Staff revised the language to straight “PD” zoning since it no longer related to “E”-Commercial.

At the May meeting and after holding a public hearing, the Planning and Zoning Commission recommended that the City Council rezone the 21.239 acres on the west to “G”-Commerce and the 7.185 acres on the east to “PD” Planned Development.

The City council has a number of options regarding the zoning issue:

Option 1 – No change

- no one is entitled to a zoning change, but there is an expectation of a change toward Land Use Plan if the site is “ripe” for development.
- Zoning for entire 28.4 tract would remain “A”-Single Family

Option 2 – Approve Initial Request

- Zoning for entire 28.4-acre tract would change to “G” Commerce. Buildings could be 2 ½ stories (same as “A”-Single Family), there would be a 40-foot rear yard setback, and a 6-foot wood fence with a 10-foot landscaped buffer.

Option 3 – Approve BEDC/RCCE Compromise

- As written, would allow flat roofs and no limit on building footprint size.
- City was not part of negotiations and not bound to adopt proposed regulations.

Option 4 – Approve P&Z recommendation.

Option 5 – Make any changes the City Council desires, provided that they are not more restrictive than “A”-Single Family nor less restrictive than “G”-Commerce.

The zoning issues to consider are:

- Is this the proper land use for this location?
- Does it conform or move toward the Land Use Plan?
- Does the zoning allow a reasonable use of the property? (Denial of all economically viable use may constitute a regulatory taking.)
- Does the zoning provide adequate protection for adjacent properties?

State law (LGC 211.006(d)) requires a three-fourths vote of all Council members to change zoning if a petition is received from owners representing 20-percent of land within 200 feet. A petition has been received representing 23.88%. Any change in zoning requires at least six affirmative votes.

Mr. Ron Rainey, Director of Benbrook Economic Development Corporation and representative of the applicant gave the following: In October 2003, the Benbrook Economic Development Corporation purchased 18 acres from the Fort Worth Horseshoe Club. The BEDC was aware of the potential value of this property and made the purchase for future development.

In December 2005, a developer made an offer to the BEDC to purchase the property for a possible entertainment complex. The BEDC felt this project was not acceptable to the entrance of the City and declined the offer.

The adjoining neighbors have blocked access to the 7.185-acre portion for a number of years. Even with the new entrance ramp to I-20, the only access to the property is through the 18-acre parcel. For that reason, the previous owner offered the property to the BEDC at a discounted price.

The BEDC entered into a contract for the 7.185 acres in November 2005 and closed the property on December 15, 2005. On December 16, 2006, the BEDC received a letter of intent from Mr. Steve Hawkins, local developer, to purchase all of the property. The BEDC entered into contact with Mr. Hawkins in March 2005 with the stipulation the BEDC obtain a rezoning of the property to “G” Commerce. This zoning classification allows for the “Garden Office” type development Mr. Hawkins intends to build.

An application was filed in March 2006 to rezone the entire property “G” Commerce. The Planning and Zoning Commission held their hearing in April 2006. Because the Neighborhood Association objected to the “G” Commerce zoning, Planning and Zoning delayed action for 30-days in order for the BEDC and Neighborhood Association to negotiate something more acceptable.

The BEDC was in a difficult position since the Board was under contract with Mr. Hawkins for the purchase of the property. Following a meeting with Mr.

Hawkins and the Neighborhood Association Board of Directors an agreement was reached. Changes were made for an eight-foot cedar fence, ten-foot landscape buffer and alignment of streets.

Following the City Council meeting June 15, 2006, Mr. Hawkins has been in contact with the Neighborhood Association regarding their interest in purchasing the 7.185-acre site. Mr. Hawkins is willing to sell the property for his original purchase price, plus additional legal cost he has incurred.

The BEDC is requesting that the 18.193 acre along with the 3 acre TXU right-of-way be rezoned to "G" Commerce and the 7.185 acre be rezoned to "PD" Planned Development as agreed with the Ridglea Country Club Neighborhood Association.

Mayor Dittrich declared the public hearing open at 7:55 p.m.

Mr. Gil Dailey, President of Ridglea Country Club Neighborhood Association addressed City Council with the following: The Board of Directors met on June 29, 2006 and by a vote of 16-1 approved the purchase of the 7-acre strip to preserve as a "Green Belt", if funds can be raised.

The Board did approve the "PD" zoning and will stand by that agreement but would like City Council to consider any other options to preserve the property values. Discussion has been held with Mr. Hawkins regarding the building orientation and he seems menial to the request. Discussion has also been held regarding deed restriction to not allow egress or digress to the back of the Estates and the actual "PD" approval by City Council.

Mr. Daley thanked City Council for their consideration and the opportunity to best address the issues.

Mr. Don Lanza, 4308 Winding Way, addressed City Council with the following: There have been national studies that show industrial developments next to "A"-One Single Family Residential could lower property values on the first street up to 15% and could extend two to three streets depending on development. Using the 15% on the twelve home directly effected by the development and 10% for the additional 43 homes, properties could be devaluated by \$1,250,000.

The residents are requesting that City Council not rezone the 7.185 acres at this time and allow an additional 30 days for the Association to raise the final funding for purchase. It has been difficult for the Association to raise the funds when it was not sure if the purchase would be from BEDC at the price they purchased the property or from Mr. Hawkins asking price.

If the purchase is from BEDC, the Association has raised 83% of the pledges. If the purchase is from BEDC at the Hawkins contract price, 70% funding has been raised and 60% if from Mr. Hawkins high-end amount. Pledges have been received from all 26 areas of Ridglea County Club Estates.

If additional time is not allowed, it is requested that the City Council send the zoning request for the 7.185 acres back to Planning and Zoning or on a Council motion to amend to "PD" classification to enhance the development for the City, Developer and Ridglea Country Club Estates.

It is requested that the amendment include:

- Eight-foot masonry wall to be installed and maintained by the developer. If the ownership is to be split to determine who is responsible for maintenance
- The current "PD" on building size and streets
- Limit access to 2-axle vehicles

Mr. Ron Rainey stated that in the issue of the eight-foot masonry wall, Mr. Hawkins has stated a willingness to share the cost of upgrade. However, there has been resistance from residents on Winding Way to place any monies into the wall.

Mayor Dittrich closed the public hearing at 8:15 p.m.

Discussion was held between City Council, staff, and Benbrook Economic Development Executive Director.

Following discussion, motion by Mr. Bailey to amend the City's Land Use Plan for Area B by changing the land use designation for the 25 acres described in the application from "Low Density Single Family" to "Commerce".

Vote on the Motion: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Vander Pan, Mr. Sauma, Mr. Schull

Noes: None

Motion carries unanimously

Motion by Mr. Bailey, seconded by Mr. Vander Pan to adopt Ordinance No. 1211 rezoning the westernmost 21.239 acres from "A" One Family District to "G" Commerce District and to adopt Ordinance No.1212 rezoning the easternmost 7.185 acres from "A" One Family District to "PD" Planned Development District, as recommended by the Planning and Zoning Commission, with the exception of deleting paragraph C.2 related to minimum and maximum building floor areas and amending 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 10-foot (10') landscaped buffer yard adjacent to the north and east boundary of the subject property and vehicles may be parked between the landscaped buffer yard and buildings."

Vote on the motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1211 being **“AN ORDINANCE AMENDING ORDINANCE NO. 808, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BENBROOK, BY CHANGING THE ZONING CLASSIFICATION OF 20.709 ACRES OF LAND IN THE CITY OF BENBROOK, TARRANT COUNTY, TEXAS, FROM “A” ONE FAMILY DISTRICT TO “G” COMMERCE DISTRICT AND BY AMENDING THE OFFICIAL ZONING MAP TO REFLECT THE CHANGE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.”**

SECTION 1

Ordinance No. 808, as amended, is hereby amended to change the zoning classification of 20.709 acres of land located in the James Rogers Survey Abstract Number 1264 and in the James Rogers Survey Abstract Number 1265, in the City of Benbrook, Tarrant County, Texas, such property being more particularly described by metes and bounds as follows, from “A” One Family District to “G” Commerce District:

Being a 20.709 acre tract of land in the James Rogers Survey Abstract Number 1264 and the James Rogers Survey Abstract Number 1265 and being more particularly described as follows:

Beginning at a point being the most westerly southwest corner of Lot 1, Block 1, Fort Worth Horseshoe Club Addition to the City of Benbrook, Tarrant County, Texas according to the plat recorded in Cabinet A, Slide 9254, Plat Records, Tarrant County, Texas, said point being in the west line of the James Rogers Survey Abstract Number 1265;

THENCE South 89 degrees 58 minutes 15 seconds East with the most westerly south line of said Lot 1, Block 1, Fort Worth Horseshoe Club Addition a distance of 544.7 feet to a point being the most westerly southeast corner of said Lot 1, Block 1, Fort Worth Horseshoe Club Addition said point also being in the west line of a 75.0 foot wide Texas Utilities Company tract of land as recorded in Volume 2575, Page 455, Deed Records, Tarrant County, Texas, said point also being the southwest corner of a 60.0 foot by 75.0 foot Easement and Right Of Way recorded as Instrument Number D 201228414, Deed Records, Tarrant County, Texas;

THENCE South 89 degrees 56 minutes 55 seconds East with the south line of said 60.0 foot by 75.0 foot Easement and Right Of Way a distance of

75.0 feet to a point being the southeast corner of said 60.0 foot by 75.0 foot Easement and Right Of Way, said point being in the east line of said 75.0 foot wide Texas Utilities Company tract of land, said point also being the most easterly southwest corner of said Lot 1, Block 1, Fort Worth Horseshoe Club Addition;

THENCE South 00 degrees 09 minutes 08 seconds West with the east line of said 75.0 foot wide Texas Utilities Company tract a distance 1,460.64 feet to a point in the north right-of-way line of Interstate Highway 20;

THENCE North 89 degrees 59 minutes 08 seconds West with the said north right-of-way line of said Interstate Highway 20, a distance of 75.0 feet to a point, said point being the intersection of the west line of said 75 foot wide Texas Utilities Company tract and said north right-of-way line of said Interstate Highway 20;

THENCE North 89 degrees 56 minutes 55 seconds West continuing with the said north right-of-way line of said Interstate Highway 20 a distance of 542.61 feet to a point, said point being in the west line of the James Roger Survey Abstract Number 1264 and the east line of the James Cambo Survey Abstract Number 362;

THENCE North 00 degrees 09 minutes 08 seconds East with the east line of the James Cambo Survey Abstract Number 362 a distance of 1,460.47 feet to the Point of Beginning and containing approximately 20.709 acres.

SECTION 8.

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

Ordinance No. 1212 being "AN ORDINANCE AMENDING ORDINANCE NO. 808, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BENBROOK, BY CHANGING THE ZONING CLASSIFICATION OF 7.715 ACRES OF LAND IN THE CITY OF BENBROOK, TARRANT COUNTY, TEXAS, FROM "A" ONE FAMILY DISTRICT TO "PD" PLANNED DEVELOPMENT DISTRICT AND BY AMENDING THE OFFICIAL ZONING MAP TO REFLECT THE CHANGE; PROVIDING REGULATIONS FOR DEVEOMENT OF THE PROPERTY; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE."

SECTION 1.

Ordinance No. 808, as amended, is hereby amended to change the zoning classification of 7.715 acres of land in the James Rogers Survey Abstract Number 1264 and in the James Rogers Survey Abstract Number 1265, in the

City of Benbrook, Tarrant County, Texas, from "A" One Family District to "PD" Planned Development District, such property being more particularly described by metes and bounds as follows:

Beginning at a point being the most easterly southwest corner of Lot 1, Block 1, Fort Worth Horseshoe Club Addition to the City of Benbrook, Tarrant County, Texas according to the plat recorded in Cabinet A, Slide 9254, Plat Records, Tarrant County, Texas;

THENCE South 89 degrees 56 minutes 45 seconds East with the most easterly south line of said Lot 1, Block 1, Fort Worth Horseshoe Club Addition a distance of 229.85 feet to a said point being in the west line of Block 9, Ridglea Country Club Estates, an addition to the City of Benbrook, Tarrant County, Texas as recorded in Volume 388-42, Page 31, Plat Records, Tarrant County, Texas;

THENCE South 00 degrees 09 minutes 47 seconds West with the said west line of said Block 9, Ridglea Country Club Estates passing the southwest corner of said Block 9 as recorded in Volume 388-42, Page 31 at 469.24 feet and continuing South 00 degrees 09 minutes 47 seconds West with the west line of Block 9, Ridglea Country Club Estates an addition to the City of Benbrook, Tarrant County, Texas as recorded in Volume 388-45, Page 60, Plat Records, Tarrant County, Texas passing the southwest corner of said Block 9 as recorded in Volume 388-45, Page 60 at a distance of 1,385.64 feet and continuing South 00 degrees 09 minutes 47 seconds West crossing a Texas Utilities Company tract of land 75.0 feet in all 1,460.64 feet to a point in the north right-of-way line of Interstate Highway 20;

THENCE North 89 degrees 59 minutes 08 seconds West with the said north right-of-way line of said Interstate Highway 20, a distance of 229.5 feet to a point;

THENCE North 00 degrees 09 minutes 08 seconds East a distance of 1,460.64 feet to the Point of Beginning and containing approximately 7.715 acres.

All land uses and development in the "PD" Planned Development District created by adoption of this Ordinance shall conform to the following development regulations:

A. Purpose

This district provides for limited commercial activities and a uniform set of standards. These regulations provide for unique considerations related to the north and east boundaries of the property affected by this ordinance.

B. Use Regulations

In this Planned Development District, regulated by this Ordinance, no buildings or land shall be used and no buildings shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this Ordinance, except for one or more of the following uses:

1. Permitted Uses
 - a. Antique shops.
 - b. Barber and beauty shops.
 - c. Book or stationary stores, or news stands.
 - d. Bicycle shops and bicycle repair shops.
 - e. Blueprinting and photostating.
 - f. Dancing Schools
 - g. Day Care Nurseries and Kindergartens.
 - h. Health Service Facilities: clinics, offices of dentists, doctors and other practitioners of the healing arts licensed or similarly recognized under the laws of the State of Texas; offices for specialists in supportive health fields such as physical, audio and speech therapy, podiatry and psychological testing and counseling, dental, medical and optical laboratories, stores and display rooms for the sale and rental of medical supplies and equipment.
 - i. Financial institutions.
 - j. Florist or gift shops.
 - k. Health and physical fitness centers.
 - l. Jewelry stores, optical goods.
 - m. Museums, libraries, fine arts centers, parks, playgrounds, community centers or recreation areas.
 - n. Offices.
 - o. Photograph, portrait or camera shops and photo finishing.
 - p. Piano stores, musical instruments and supplies.
 - q. Studios for artists.
 - r. Tailor, clothing or wearing apparel shops.
 - s. Religious institutions, churches and facilities for related activities including those of worship, fellowship and education.
 - t. Temporary building to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work or removed upon request of the City Manager. Permits shall be issued for such temporary building for a period of six (6) months only, with a renewal clause for similar period.
2. Conditional Uses
 - a. Farms, truck gardens, orchards or nurseries for the growing of plants, shrubs and trees, provided no retail or wholesale business sales offices are maintained on the premises and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer processing is conducted thereon.

- b. Animal lots for pasturing of horses, mules, cattle, sheep, goats, poultry or rabbits, when less than ten (10) acres are available. No more than one horse may be kept per acre, nor one animal other than horses per five acres. Ratites (emus, ostriches) are prohibited. (See also the requirements in Section 23, Paragraph M of Ordinance No. 808, as amended).
 - c. Private barn or stable, in accordance with the requirements in Section 23, Paragraph m of Ordinance No. 808, as amended, when less than ten (10) acres are available.
 - d. Uses customarily incident to any of the above uses when situated in the same dwelling and when not involving the conduct of a business or industry, except for home occupations as defined in Ordinance No. 808, as amended, such as the office of a physician, surgeon, dentist, or art gallery.
 - e. Any typically permitted secondary or accessory uses allowed in the PD District in the absence of the principal use, if after consideration of the layout, configuration and relationship to existing subdivisions and neighborhoods, the Director of Planning determines that re-platting of the principal and secondary lots into a single lot is not possible or desirable.
 - f. Installations owned and operated by the City of Benbrook, Tarrant County, The State of Texas or Public Utility Companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services.
 - g. Antennae and tower exceeding the maximum height in the District and dish antennae exceeding one meter (1 m) in diameter, in order to protect community appearance from the negative visual effects of proliferation of large antennae. Conditional use permits shall be acted upon within 90 days of receipt of application. Persons aggrieved may appeal to the Federal Communications Commission. Any new towers must also comply with the conditions of Section 23N of Ordinance No. 808 as amended.
3. Special Exception Uses
Special exception uses when authorized by the Board of Adjustment under the provisions of Section 29 of Ordinance No. 808, as amended.

C. Height and Area Regulations

In this Planned Development District, the height of the buildings, the minimum dimensions of lots and yards, the minimum lot area, and the minimum building areas shall be as follows:

- 1. Height: No building hereafter erected, constructed, 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. All buildings shall have a pitched roof with a minimum 2 over 3 pitch.

2. Yards: Yards adjacent to the North and East Boundary of the property regulated by this Ordinance will include the following:
 - a. 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 a ten foot (10') landscaped bufferyard adjacent to the north and east boundary of the subject property, and vehicles may be parked between the landscaped bufferyard and buildings.
 - b. Except as specified in 2.a. above, the following yard specifications shall apply:
 - 1) Front Yard: There shall be a front yard of not less than twenty-five feet (25'), or the front yard indicated on a City-approved subdivision plat as filed in the Tarrant County Plat Records whichever is greater. Corner lots shall have a minimum side yard of fifteen feet (15') on the second front yard, the yard generally parallel to the street with the greatest frontage, unless reversed frontage is approved by the Planning Director. If a building line shown on a City-approved subdivision plat as filed in the Tarrant County Plat Records is greater than fifteen feet (15'), then the platted building line shall be required on the second front yard. Garage doors and gates meant for vehicle use shall be located no closer than 20 feet from the right-of-way.
 - 2) Rear Yard: There shall be a rear yard having a depth of not less than twenty feet (20').
 - 3) Side Yard: There shall be a minimum side yard of not less than five feet (5'). Interior side yard setbacks may be waived upon approval of the Planning and Zoning Commission at the time of platting or site plan approval.
 - 4) Width of Lot: The width of a lot shall be a minimum of seventy feet (70') at the building line.
 - 5) Architectural Requirements: Any nonresidential building must comply with the architectural requirements of Section 23P of Ordinance No. 808, as amended, however, all building facades shall be of face brick, granite, marble, or stone, notwithstanding the existence of the fence on the north and east boundaries of the subject property.

D. District Restrictions

1. Landscaping and bufferyards shall be provided in accordance with Section 27 of Ordinance No. 808, as amended, 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.

2. Trash receptacles shall be in the western and northwestern areas of any platted lot, shall be located a minimum of fifty feet (50') from the east line of the property regulated by this Ordinance, and shall be screened on three sides by a masonry wall and enclosed by a screening gate.
3. No alcohol sales.
4. All city drainage requirements must be met.
5. No street will be constructed adjacent to the east property line of the subject property; however, vehicles may be parked adjacent to the landscaped bufferyard.
6. Any lighting visible from outside the site shall be designed to reflect away from adjacent residential district and shall not interfere with traffic safety. No noise, odor, or vibration shall be emitted such that it constitutes a nuisance by substantially exceeding the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparisons shall be made at the boundaries of the site.
7. Except as specified herein, all provisions of Ordinance No. 808, as amended, shall be applicable.

SECTION 8.

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

V. REPORTS OF CITY MANAGER

A. GENERAL

G-1642 Financial Report for Quarter Ending June 30, 2006

Mr. Conklin gave the following report: General Fund revenues through the end of the third quarter totaled \$9,982,128. Revenue collected through the end of the third quarter was \$656,321 more than the amount received during the same period in the prior year.

General fund expenditures through the end of the quarter were \$8,193,567. No departments are over expended at this time. Revenues exceed expenditures by \$1,788,561 at June 30, 2006.

Debt Service revenue received through the end of the quarter totaled \$1,384,109. Total expenditures amounted to \$1,230,069. The next round of debt payments are due in August.

EDC revenues were \$1,091,368 with most of this amount coming from the sales tax receipts and a bank loan of \$540,000. EDC expenditures were \$1,538,949.

Capital Projects revenues amounted to \$56,970. Capital Projects expenditures were \$2,396,837. TIF expenditures accounted for \$1,220,210 of the total.

Special Assessments revenues were \$29,100 while expenditures amounted to \$31,203.

No additional Core Value Fund monies have been received. The current balance is \$1,207,260. There were no expenses.

At June 30, 2006, the City had \$11,543,522 invested at varying interest rates.

Motion by Mr. Vander Pan, seconded by Mr. Sauma to accept the financial report for the quarter ending June 30, 2006 as presented.

Vote on the Motion:

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

Noes: None

Motion unanimously.

G-1643 Consider Participation in Vision North Texas Initiative

Mr. Gattis gave the following report: Vision North Texas is a public-private consortium examining growth and growth issues in North Central Texas. The Metroplex is expected to grow from 5.1 million in 2000 to 9.2 million in 2030.

Many business and government leaders in the region have realized that allowing this growth to continue in the current sprawling low-density pattern could have serious consequences to traffic congestion, water resources, air pollution, community character, and open space.

Phase 1 of the project was a "regional visioning" exercise held April 25, 2006. Approximately 150 invited stakeholders representing differing interests and areas proposed alternate methods to accommodate the increased growth in arrangements that attempted to achieve regional goals regarding transportation and environment.

Phase 2 will include additional education and outreach, public involvement, research, policy decisions and resources and support.

Benefits to Benbrook include:

- Presentations to City Council and Planning and Zoning Commission

- Assistance during comprehensive plan updates
- Field trips to award-winning developments
- Video for Cable TV
- Subregional visioning exercise
- Participation in North Texas Leadership Summit

Because this is a public-private partnership, approximately one-half of the funding will come from the private sector. The remaining portion is being split among cities based on their population. Benbrook's share is \$1,687.50 for 2006 and \$2,250 for 2007.

Motion by Mr. Schull, seconded by Mr. Sauma to authorize participation in Vision North Texas; authorize payment of \$1,687.50 for this fiscal year from account 01-1501-5211; and, authorize participation for next fiscal year.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VI. OTHER MATTERS OF BUSINESS

VII. INFORMAL CITIZEN PRESENTATION

The following citizens addressed City Council:
 Eric Friend, 10137 Wandering Way
 John Kellough, 7254 River Valley Court
 Bill Smith, 1107 Sproles

VIII. ADJOURNMENT

Meeting adjourned at 8:51 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary