

**MINUTES
OF THE MEETING OF THE
CITY OF BENBROOK
SPECIAL MEETING PLANNING & ZONING COMMISSION
THURSDAY, FEBRUARY 25, 2010**

The special meeting of the Planning and Zoning Commission of the City of Benbrook was held on Thursday, February 25, 2010, at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

David Ramsey
Joe Hughes
Jess Jordan
Brandon O'Donald
Sanjiv Shah
Bob Pesce
Larry Marshall
John Dawson

Also Present:

David Gattis, Deputy City Manager
Ed Gallagher, City Planner
Sue Clark, Recording Secretary
Bob Rowley, City Engineer
Charlie Anderson, City Councilmember
Ron Sauma, City Councilmember
Keith Bailey, City Councilmember
Mark Washburn, City Councilmember
Jim Wilson, City Councilmember
Ron Rainey
Chris Wilde
Rollin Ewart
Tom Eudaly
Dan Tully
David Hafer
Carole Hafer
John Udleman
and approximately 11 others

I. CALL TO ORDER

Chairman Marshall called the meeting to order at 7:30 p.m.

II. CONSIDERATION OF MINUTES

Regular Meeting – January 14, 2010

Motion by Mr. Shah to approve the minutes as written. Second by Mr. O'Donald. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Pesce, Mr. O'Donald, Dr. Marshall, Mr. Jordan, Mr. Dawson, Mr. Shah, and Mr. Hughes

Noes: None

Abstain: Mr. Ramsey

Motion carried 7 – 0 – 1

III. REPORTS OF CITY STAFF

A. COMPREHENSIVE PLAN AMENDMENTS

CP – 09 – 01 Consider Proposed Amendment of Section 7 – Transportation of the Comprehensive Plan amending 7.3.4 Master Thoroughfare Plan to delete the extension of Vista Way north from Mercedes Street to the I-20 frontage road. Continued from the December 10, 2010 and January 14, 2010 meetings.

The Chair introduced the item and asked for a presentation from the applicant.

Chris Wilde with Dunaway Associates, said he, along with Rollin Ewart of AECOM, their traffic engineer are representing the applicant in the requested Master Thoroughfare Plan amendment. Mr. Wilde said the reason for the delay was that they were using an older copy of the TxDOT traffic plan for the US 377 expansion. As they met with City Staff and TxDOT, they realized that the cross sections at Benbrook Boulevard they were using had been updated. Mr. Wilde said it made a difference in their request and presentation.

Mr. Wilde said that when an engineer looks at building a roadway they generally look at five different things; the overall city plan, access, local access, overall city access, and the engineering that it takes to build the road. He then described how these five items pertained to Vista Way. Mr. Wilde said the five items, the topography, and how close the roadway would be to the floodway make it very difficult and costly to build the street.

Rollin Ewart, Traffic Engineer, said they typically look at a site and make traffic counts at all the pertinent intersections. They made counts along US 377 at I-20, Mercedes Street, and Sproles Drive and that gave them a baseline to work with. He said the original numbers they worked with were 2007 numbers so they went back and did another traffic count in 2009 at Mercedes Street and then adjusted the other numbers accordingly.

Mr. Ewart said the next step is to figure how much new traffic will be generated with this development and any future development. From their estimation, they could not see where any further traffic would come from that would affect their area of Benbrook Boulevard. He said traffic engineers use a guide book that gives them an estimate of how many trips would be generated from different types of developments. A trip is defined as going from your house to a destination and back home. Mr. Ewart said their traffic analysis is based on TxDOT's improvements being in place with the right-turn lanes and left-turn lanes at Mercedes Street.

Mr. Ewart said the point of the study is to see if the traffic flow will work without Vista Way in place. The way that is determined is with a Level of Service (LOS) with a scale of A through F, with A being no one driving on the street and F is total gridlock. Typically an LOS of C in this area is acceptable. He said that without Vista Way being extended to I-20 and with Hwy 377 expansion complete, the intersection with Mercedes Street is a level C.

Mr. Ewart said that based on the study, it appears to him that Vista Way is not required because the corridor will have enough capacity to meet future traffic demands

Chris Wilde said they have updated the traffic study because the previous study was based on just the development. They looked at the entire city to make sure that doing away with Vista Way is a good thing and does not cause any major traffic problems. He said they know the Benbrook Field development does not need Vista Way and that the developer will provide cross access on the preliminary plat.

Mr. Wilde said they know from the study and models they have done that Vista Way is a limited access, limited use collector. Therefore they are requesting that the segment of Vista Way be deleted from the Master Thoroughfare plan.

The Chair asked for any comments or questions from the Commission. Following a lengthy discussion between the Commission, Staff, and the engineers on the traffic study and the access easement on the preliminary plat, the Chair asked for a report from Staff.

Ed Gallagher said the Transportation Element, Section 7 of the Comprehensive Plan provides guidance for decisions concerning vehicular as well as pedestrian movements in Benbrook. Section 7 considers the origin and destination of traffic within and outside of Benbrook and is a guide to roadway network improvements that are needed to maintain safe and efficient travel.

Mr. Gallagher said the CP-09-02 consideration is a continuation of the item that was originally on the December 11, 2009 Commission agenda and was postponed at the applicant's request until the January 14 meeting and again until February 11 meeting and two weeks ago the weatherman moved the consideration to tonight. The December and January continuance requests were to allow the applicant's engineer to further analyze traffic impacts on Benbrook Boulevard/U.S. Highway 377 intersections.

Section 7 of the Comprehensive Plan includes the 2025 Master Thoroughfare Plan shown as Figure 7.5 and described in Section 7.3.4 and shows the extension of Vista Way north of Mercedes Street to the IH 20 frontage road. Richpenn Resources International is the landowner and the applicant in the proposed Transportation Plan amendment to delete the segment of Vista Way from the 2025 Master Thoroughfare Plan

Since the 1970s Vista Way has been a part of the Master Thoroughfare Plan in conjunction with early development of Westpark Addition in the south part of Planning Area D. Mr. Gallagher said two segments of Vista Way were built by the developer in the early and mid-1980s and the newest segment, south of Mercedes Street was built in 2007.

Although the extension of Vista Way has been a part of the Thoroughfare Plan for some 35-plus years, Section 7.2.1 notes that in 1996 the Plan was amended deleting the portion of Vista Way in conjunction with the Albertsons project when the developer claimed the road was unnecessary and didn't want to incur the expense. Shortly after the supermarket became operational, Albertsons officials, along with others, complained about adequate access to their property without the northern segment of Vista Way and informally asked that the City build the street. Subsequently, in 2003, the segment of Vista Way was restored to the Master Thoroughfare Plan.

Mr. Gallagher said the CP-09-02 application, initially and revised, requests the deletion of the segment of Vista Way between Mercedes Street and IH 20 from the Thoroughfare Plan because it would be a difficult and expensive roadway improvement due to the challenging topography and the floodplain area along Walnut Creek.

In early discussion of the potential submittal with the applicant the staff advised that the City would consider the request provided that sufficient access and circulation would be provided without the segment of Vista Way and the remainder of the street network would not be adversely affected. The applicant should demonstrate that those conditions are met.

Mr. Gallagher said in comparing the expected impact of extending or not extending Vista Way the applicant's traffic study examines five Highway 377 intersections from the I20 westbound frontage road to Sproles Drive and the impact on the Level of Service at each intersection with build or no-build scenarios. He said the revised traffic analysis also includes a TxDOT preliminary schematic of the Mercedes Street/Highway 377 intersection.

In comparing the expected impact on Benbrook Boulevard intersections with the build or no-build scenarios for the Vista Way extension, the revised traffic study indicates the operations at the westbound and eastbound frontage roads, Benbrook Field Drive, and Sproles Drive would not have significant change in the level of service and operations would be maintained within acceptable standards. The traffic study indicates the only intersection with a decrease in the level of service is at Mercedes Street with a change from a B to a C LOS.

Mr. Gallagher said that in concluding that the Vista Way extension is not necessary to maintain acceptable operations along Benbrook Boulevard, the revised traffic study does recommend modifications to TxDOT's proposed Benbrook Boulevard/Mercedes Street intersection design to include dual east-bound left-turn lanes onto Benbrook Boulevard and that the traffic signal phasing be split to accommodate the additional left-turn movements. He said the assessment of the Mercedes Street intersection functions presented in the traffic study assumes the dual east-bound left turns and the split of the traffic signal phasing will be included in TxDOT's final design.

The revised traffic analysis acknowledges that the extension of Vista Way "could have some positive effect on the traffic operations along the US 377 corridor and the Mercedes Street intersection" but notes that because of topography the street extension would be costly. Further, the revised traffic study draws the conclusion that, with the expansion of Benbrook Boulevard to six lanes, sufficient capacity will be available to accommodate traffic generated by all proposed development in the area and thus does not recommend the extension of Vista Way to Interstate 20.

Mr. Gallagher said the staff notes that while the revised traffic study does assess the traffic impact on five intersections from the Interstate 20 westbound frontage road to Sproles Drive with both build and no-build scenarios, the revised 2009 Study was built on the earlier 2007 Study that assessed the impact from the overall Benbrook Field development with focus on the commercial development's impact on US 377 intersections and commercial drives in the study area. Also, the analysis presented in the 2007 study assumed the extension of Vista Way to Interstate 20 would be built.

Mr. Gallagher said Planning Area D includes the area west of Benbrook Boulevard and extends from I-20 on the north to R.M. 2871 on the south. Vista Way along with Westpark Drive and Mercedes Street provide the designated collector street system within the overall planning area. Along with the residential and commercial traffic resulting from the Benbrook Field development, Planning Area D currently includes about 950 single-family houses, over 400 multi-family dwelling units, and business that generate the traffic on Westpark Drive, the existing segment of Vista Way and the potential extension of Vista Way to I 20 as shown on the Master Thoroughfare Plan.

The revised traffic study indicates that approximately 2,500 to 3,500 vehicles would use the extension of Vista Way on an average daily traffic basis which is within the 1,000 to 10,000 average daily traffic expected on a collector street. Mr. Gallagher said background data was not included on the revised 2009 study or the 2007 study that would assess the effects to be expected on other intersections than the five referenced intersections on Benbrook Boulevard.

The revised analysis shows a reduction of the level of service at the Mercedes Street/Benbrook Boulevard intersection from LOS B with a 14 second delay per vehicle to LOS C with a 24 second delay. The resulting reduction to LOS C assumes the left-turn lane modification and traffic signal phasing by TxDOT. The resulting LOS C does remain within acceptable standards. At the Sproles Drive/Benbrook Boulevard intersection the revised traffic study shows a small level of service improvement from LOS B with a 10.3 second delay to LOS A with a 10.0 second delay.

Mr. Gallagher said that as an alternate to the extension of Vista Way, the applicant is proposing a series of private drives in mutual-access easements through the future parking lots of future lots between Mercedes Street and the Albertsons property and the I-20 frontage road. With the various lots developed individually the connection would not be complete until all of the intervening lots in the series are developed.

If the extension of Vista Way is deleted, it will not affect the overall traffic circulation patterns in the City. However, the deletion will reroute approximately 2,500 to 3,500 vehicles per day to Benbrook Boulevard that would otherwise have traveled the deleted segment of Vista Way. If the extension of Vista Way is deleted and the described modifications of the Mercedes Street/Benbrook Boulevard intersection occurs, the balance of the City's thoroughfare system will remain within acceptable standards.

Mr. Gallagher said, based on the revised traffic analysis, the staff has no objection to the proposed amendment to the Thoroughfare Plan to delete this segment of Vista Way, provided that changes to the design of the intersection of Benbrook Boulevard and Mercedes Street are approved by TxDOT and that internal circulation within the area north of Mercedes Street and west of US 377/Benbrook Boulevard is maintained by a series of internal drives that serve all of the existing and proposed lots and parcels.

The Chair asked for any comments or questions from the Commission. Following discussion between the Commission and Staff, the Chair opened the public hearing at 9:05 p.m. and asked if anyone wished to speak for or against the item.

David Hafer, 569 Sterling Drive, said his comments are from someone who lives in the area that would use the Vista Way extension. Mr. Hafer said he did not think the engineer's models took into consideration the traffic that will be generated from the new Wal-Mart and other new development in the area. He said that without the extension of Vista Way traffic would use the intersection of Mercedes Street and US 377.

Mr. Hafer said he thought the focus of the study was addressed to US 377 and not the additional traffic on Mercedes Street. He said he is concerned the cross accesses will be built plat by plat on private driveways that may or may not interconnect and will not be built to City standards and will be maintained by the individual property owners. Mr. Hafer raised the question, who would the citizens call if the pavement is damaged?

Mr. Hafer said that from a quality of life stand point, he would ask the Commission why they should settle for an LOS of C without Vista Way when the LOS would be level B with the extension of Vista Way. He said he is concerned about the proposal to TxDOT about the improvements on Mercedes Street at 377 because he thinks those proposals are minimal.

Mr. Hafer said he felt Wal-Mart will be a destination for people as far north as I-30 and people coming from Aledo and the south. If there is only one entrance from the south, people will have to use Mercedes Street.

Dan Tully, 10153 Locksley Drive, said he spent five years on the Benbrook EDC when they were partners with the developers. The extension of Vista Way was on the plat at one time and another time without the extension of Vista Way.

Mr. Tully said there was a work session with the EDC, P&Z, City Council and the applicant for a revised plat in the summer of 2007. The Land Use Plan and zoning was changed at that time and plans continued to include the extension of Vista Way. The proposed deletion of Vista Way was voted down by the EDC, who owned the property at that time and was ready to go forward developing the property and there were several great prospects for doing so. One was Home Depot that had some financial trouble and had tremendous trouble with their development partner.

Mr. Tully said the current intersection at Mercedes Street and Vista Way is an engineering accident by the previous engineering firm. It is currently in the floodplain and will require substantial work to develop.

Mr. Tully said the developer had the opportunity to not exercise his option to own the property and not have any money invested in it but he elected to purchase it back from the EDC. He said the developer's goal is to not have the Vista Way extension.

Mr. Tully said the character of the developer is questionable. He said that when he sat on the board of the EDC and was also a City Councilmember at that time, the EDC had been working with the people at Lowe's that said they wanted to build on this piece of property and develop the land. Lowe's said if they could not get the subject property, they would want the property where Wal-Mart is being built.

John Udleman, 8917 Armstrong Court, said his biggest concern is that all the engineers' projections are based on the 377 improvements and there is no set timeframe that has been set and the applicant has not consulted with TxDOT. He said he is also concerned that the traffic engineer's comments were based on the Mercedes Street intersection but that the traffic at Benbrook Field Drive was backed up with over 20 cars.

Tom Eudaly, 5203 Byers, said he has been associated with the property since 1981. He said he and the developers purchased the property from several different owners. Mr. Eudaly said he is the person that got the deal together and there would not have been the current development group had it not been for him because he knew the owners well and he was the one that was able to piece the deal together. He said he brought the development partners in with him because he knew that Wal-Mart had an interest in coming to Benbrook.

Mr. Eudaly said that at that time the developers brought the deal to Ron Rainey and the EDC and said perhaps there may be a reason for them to partner up in the acquisition so they could get the roads built, activate the TIF, and do all the things necessary to bring the development. He said there would be no Vista Way, no Mercedes Street extension if they had not put up more that \$4,500,000. The Benbrook EDC did not put up any money to build

the roads; the roads were constructed by his development company. Mr. Eudaly said there would be no Wal-Mart if they had not built those roads.

Mr. Eudaly said the developers will not build the extension of Vista Way and if the city wants it, the EDC can build it, the city can sell bonds, or the city can use TIF money.

Chris Wilde spoke about the location of the extension of Vista Way, the turning lanes on Benbrook Boulevard, the access easement through the development, and the impact on the traffic of not building Vista Way. He said that on an engineering perspective, Dunaway and Associates believe that by removing Vista Way, the city maintains the level of service at the intersections that are the standard of the city.

The Chair asked for any comments or questions from the Commission. Discussion followed on the access to the property to the west of the extension of Vista Way.

The Chair closed the public hearing at 9:55 p.m. and asked for any further comments, questions, or a motion from the Commission. Discussion followed between the Commission and Staff.

Motion by Mr. Shah that the proposed amendment of Section 7 – Transportation of the Comprehensive Plan amending 7.3.4 Master Thoroughfare Plan to delete the extension of Vista Way north from Mercedes Street to the I-20 frontage road be denied. Second by Mr. Dawson. The Chair called the question.

Vote on the motion

Ayes: Dr. Marshall, Mr. Jordan, Mr. Dawson, Mr. Shah, Mr. Hughes, and Mr. Ramsey

Noes: Mr. Pesce, Mr. O'Donald

Motion carried 6 – 2

B. ZONING

None

C. SUBDIVISION PLATS

None

D. PD SITE PLANS

None

E. General

None

IV. PRESENTATIONS BY PLANNING AND ZONING COMMISSION MEMBERS

None

V. CITIZEN PRESENTATIONS

None

VI. ADJOURNMENT

The Chair noted there were no additional matters of business on the regular Commission agenda and declared the Commission special meeting adjourned at 10:00 p.m.

APPROVED 7-8-2010

/S/ Larry Marshall

Chair