

**AGENDA  
BENBROOK CITY COUNCIL  
THURSDAY, JULY 19, 2007  
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 and Commissions.

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

**I. CALL TO ORDER**

**II. INVOCATION – Pastor Dr. Larry Sanders with Trinity Hills Baptist Church  
PLEDGE OF ALLEGIANCE**

**III. PROCLAMATION/AWARDS/RECOGNITION**

1. Proclamation Recognizing 4 PAWS 1,000<sup>th</sup> Adoption

**IV. PRESENTATION BY PLANNING AND ZONING COMMISSION**

PZ-2007-06 Adopt Land Use Plan amendments of the Comprehensive Plan for Planning Area "D", deleting Mixed Use Village and increasing Commercial and High density Multi Family land uses (west side of U.S. Highway 377/Benbrook Boulevard, north and south of Mercedes Street, and south of I20/Loop 820)

PZ-2007-07 Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494, (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING (1239)

Parcel 1 –

29.9052 acres of land in the C.A. Kuykendall Survey Abstract Number 890, from "BR" One Family Reduced District to "BR-PD" One Family Reduced Planned Development District (south of Brookside At Benbrook Field Phase I, west of Vista Way, and north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments)

Parcel 2 –

8.6596 acres of land in the C.A. Kuykendall Survey Abstract Number 890, and the J.M. Evans Survey Abstract Number 466 from "D" Multiple Family District and "HC" Highway Corridor District to "HC-PD" Highway Corridor Planned Development District (east side of Vista Way approximately 750 feet north of Sproles Drive intersection and 9006 Benbrook Boulevard)

Parcel 3 –

46.9428 acres of land in the C.A. Kuykendall Survey Abstract Number 890, and the H. Covington Survey Abstract Number 257 from "BR" One Family Reduced District to "BR-PD" One Family Reduced Planned Development District (northwest of Walnut Creek, southeast of Union Pacific Railroad)

Parcel 4 –  
19.2085 acres of land in the H. Covington Survey Abstract Number 257, from "D" Multiple Family District and "E" Commercial District to "D-PD" Multiple Family Planned Development District (northeast of Mercedes Street between Walnut Creek and future Vista Way)

Parcel 5 –  
1.7937 acres of land in the H. Covington Survey Abstract Number 257, from "E" Commercial District to "D/HC-PD" Multiple Family/Highway Corridor Planned Development District (southwest of I20/Loop 820 , between future Vista Way and Union Pacific Railroad)

Parcel 6 –  
4.3197 acres of land in the H. Covington Survey Abstract Number 257, from "D" Multiple Family District to "D/HC-PD" Multiple Family/Highway Corridor Planned Development District (northeast of the intersection of Mercedes Street and future Vista Way)

Parcel 7 –  
29.4246 acres of land in the H. Covington Survey Abstract Number 257 and the J. Stephens Survey Abstract Number 1494 from "D" Multiple Family District, "E" Commercial District, and "HC" Highway Corridor District to "HC-PD" Highway Corridor Planned Development District (northwest of U.S. Highway 377/Benbrook Boulevard, north of Mercedes Street, southeast of future Vista Way, and southwest of I20/Loop 820)

Parcel 8 –  
1.6631 acres of land in the H. Covington Survey Abstract Number 257 and the J.M. Evans Survey Abstract Number 466 from "HC" Highway Corridor District to "HC-PD" Highway Corridor Planned Development District (southwest of the intersection of U.S. Highway 377/Benbrook Boulevard and Mercedes Street)

**V. REPORTS OF CITY MANAGER**

**A. GENERAL**

- G-1710 Financial report for quarter ending June 30, 2007
- G-1711 Quarterly Hotel/Motel Tax report
- G-1712 Resolution suspending interim Atmos GRIP adjustment (2007-09)

**VI. OTHER MATTERS OF BUSINESS**

**VII. INFORMAL CITIZEN COMMENTS** – State Law prohibits City Council and City Staff from commenting on items presented in informal citizen comments.

**VIII. ADJOURNMENT**



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 07/19/07	REFERENCE NUMBER: PZ-2007-06	SUBJECT: Adopt Land Use Plan amendments of the Comprehensive Plan for Planning Area "D", deleting Mixed Use Village and increasing Commercial and High density Multifamily land uses (west side of U.S. Highway 377/Benbrook Boulevard, north and south of Mercedes Street, and south of I20/Loop 820)	PAGE: 1 of 4
-------------------	---------------------------------	---	-----------------

**G – 07 – 05 STAFF REPORT  
TO PLANNING AND ZONING COMMISSION  
JUNE 14, 2007**

The Benbrook Economic Development Corporation and BoPeek Limited (as landowners and applicants) propose to amend the Land Use Plan element of the Comprehensive Plan for Planning Area "D". The Land Use Plan amendments are being requested in conjunction with a 137-acre rezoning application for their property (Z – 07 – 03).

The applicants' property (the Benbrook Field development) is located at the north end of Planning Area "D", generally north of Sproles Drive and west of Benbrook Boulevard (U.S. 377). The Benbrook Field development includes Low Density Single Family residential, High Density Multi-family residential, and commercial land use designations.

The current Land Use Plan includes a 32.6-acre area, mostly north of the recent extension of Mercedes Street, as Mixed Use Village. The applicant proposes to delete the Mixed Use Village designated area, to be replaced with an increase of the High Density Multi-family and Commercial land use areas. No change is proposed in the area designated as Low Density Single Family.

The Mixed Use Village designation anticipated both multi-family residential and commercial activities in the same site. While the proposed amendments delete the Mixed Use designation, it does not represent an appreciable change in the uses that can occur in Planning Area "D". The primary effect of the change is the separation and reconfiguration of uses that could occur with the existing designations. The proposed amendments do not appear to create an appreciable impact on traffic, drainage, utilities, and municipal services.

**PROPOSED CHANGES**

A summary of the existing and proposed land uses in Planning Area "D" are summarized in Table 1 below and depicted on Figures 1 and 2 (attached).

Table 1. Summary of Existing and Proposed Land Uses in Area D (acres)

<u>LAND USE</u>	<u>CURRENT</u>	<u>PROPOSED</u>	<u>NET CHANGE</u>
Low Density Single Family	372.3	372.3	0
High Density Multi-Family	27.1	33.06	+5.96
Mixed Use Village	32.6	0	-32.6

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

DATE: 07/19/07	REFERENCE NUMBER: PZ-2007-06	SUBJECT: Adopt Land Use Plan amendments of the Comprehensive Plan for Planning Area "D", deleting Mixed Use Village and increasing Commercial and High density Multifamily land uses (west side of U.S. Highway 377/Benbrook Boulevard, north and south of Mercedes Street, and south of I20/Loop 820)	PAGE: 2 of 4
-------------------	---------------------------------	---	-----------------

Commercial	80.2	106.84	+26.64
Community Facilities	48.8	48.8	0
Undeveloped Floodplain	57.0	57.0	0
Right-of-Way	133.9	133.9	0
<b>TOTAL PLANNING AREA "D"</b>	<b>751.9</b>	<b>751.9</b>	<b>---</b>

In an attempt to balance the number of single-family and multi-family residential units, the City's Comprehensive Plan has adopted a Principle (3.1.2) that no more than 20 percent of the total residential land within the City should be allocated to multifamily uses. With the proposed Land Use Plan change, single-family land would account for 78.59 percent of the residentially-designated land in the City and multi-family residential land would be 21.41 percent. The changes could be expected to increase the ultimate population of the City by 238 individuals living in 119 additional dwelling units. Although the proposed change increases the multi-family land percentage even higher than the 20 percent target, the staff does not believe the change in land area is significant and the change does not account for the multi-family units that could have been located in the Mixed Use Village area.

**RECOMMENDATION**

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 and BoPeek Limited in Planning Area "D".

\* \* \* \* \*

**UNAPPROVED MINUTES  
PLANNING AND ZONING COMMISSION  
JUNE 14, 2007**

Vice Chair Marshall announced that the two items up for consideration by the Commission would be taken out of order. Dr. Marshall introduced the first item, G – 07 – 05 that was continued from the May 10, 2007 meeting.

**G – 07 – 05 Consider Land Use Plan amendments of the Comprehensive Plan for Planning Area "D", deleting Mixed Use Village and increasing Commercial and High Density Multi Family land uses ( west side of U.S. Highway 377/Benbrook Boulevard, north and south of Mercedes Street, and south of I20/Loop 820)**

Dr. Marshall asked for a presentation by the applicant.

Barry Hudson with Dunaway Associates, said he was representing the applicants, Benbrook Economic Development Corporation and Trinity Partners on the Benbrook Field development. Mr. Hudson said the City Staff report was very succinct and appropriate. The applicants are requesting that the Mixed Use Area be reconfigured to include segregated areas for Commercial, Residential, and Multi-Family uses. The request does not change the numbers or acreage very much, for Planning Area D as it continues the commercial aspect of Benbrook Boulevard.

DATE:  07/19/07	REFERENCE NUMBER: PZ-2007-06	SUBJECT: Adopt Land Use Plan amendments of the Comprehensive Plan for Planning Area "D", deleting Mixed Use Village and increasing Commercial and High density Multifamily land uses (west side of U.S. Highway 377/Benbrook Boulevard, north and south of Mercedes Street, and south of I20/Loop 820)	PAGE:  3 of 4
-----------------------	---------------------------------	---	---------------------

The Vice Chair asked for any comments or questions from the Commission. There being none, the Vice Chair asked for a report from Staff.

Mr. Gallagher said the proposed amendments to the Land Use Plan for Planning Area "D" are requested by the landowners, BoPeek Limited and the Benbrook Economic Development Corporation. Planning Area "D" is a 750-acre area on the west side of Benbrook Boulevard and extends south from Loop 820 to R.M. 2871. The applicant's property is at the north end of Area "D" with the proposed changes between Benbrook Boulevard, and the new extension of Vista Way and a segment of Walnut Creek.

Mr. Gallagher said the most notable aspect of the amendments is the deletion of a 32.6-acre area currently designated for Mixed Use Village use and located mostly north of the new extension of Mercedes Street. The change proposed is to increase Commercial use by 26.6 acres, and along with the relocation of a High Density Multi-family area east of Vista Way, it proposes to increase the High Density use by slightly less than six acres. Mr. Gallagher said the change would confine all of the Commercial uses to the area between Benbrook Boulevard and existing and future Vista Way. All of the High Density Multi-Family would be located between future Vista Way and the Walnut Creek floodplain area. For the most part, the amendments separate and reconfigure uses that could occur with the existing land use designations, and the amendments are not expected to affect traffic, drainage, utilities and municipal services.

Mr. Gallagher said the Comprehensive Plan includes a Principle that the balance between single-family and multi-family land should allot no more than 20 percent of residential land to multi-family use. The proposed change would increase the multi-family land to 21.41 percent. He said the increase could raise the number of dwelling units in the City by 19 and the ultimate expected population in Benbrook by 238. The change does not factor in the amount of multi-family units that could have been constructed in the Mixed Use Village area and the Staff does not view the change as a significant change from the Plan. Mr. Gallagher said the Staff recommends that after a public hearing, the Commission recommend City Council adoption of the proposed amendments to the Land Use element of the Comprehensive Plan in Planning Area "D".

Vice Chair Marshall asked for any comments or questions from the Commission. There being none, the Vice Chair opened the public hearing at 7:38 p.m. and asked if anyone wished to speak for or against the item. There being none, the Vice Chair closed the public hearing at 7:39 p.m. and asked for any comments, questions, or a motion from the Commission.

Motion by Mr. Valverde that the Commission recommends the City Council adoption of the proposed amendments to the Land Use element of the Comprehensive Plan proposed by the Benbrook Economic Development Corporation and Bo Peek, Limited in Planning Area "D". Second by Mr. Shah. The Vice Chair called the question.

Vote on the motion:

Ayes: Mr. Ramsey, Mr. Valverde, Mr. Morrill, Ms. Price, Mr. Dawson, Mr. Shah, Dr. Marshall, and Mr. Hughes

Noes: None

Motion carried 8 – 0



# City of Benbrook

## CITY COUNCIL COMMUNICATION

<b>DATE:</b> 07/19/07	<b>REFERENCE NUMBER:</b> PZ-2007-07	<b>SUBJECT:</b> Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	<b>PAGE:</b> 1 of 25
--------------------------	--	--	-------------------------

**Z – 07 – 03 STAFF REPORT  
TO PLANNING AND ZONING COMMISSION  
JUNE 14, 2007**

**SUBJECT PROPERTY:** 137.9172 acres in the C. A. Kuykendall Survey Abstract Number 890, the J. M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494

**LOCATION:** Planning Area “D”, northwest of Benbrook Boulevard (U.S. Highway 377), southwest of I-20 / Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments

**AREA:** 137.172 acres (in eight parcels)

**OWNER/APPLICANT:** BoPeek  
Irving, Texas  
Parcels 1,3, part of 4, and 5

Benbrook Economic Development Corporation  
Parcels 2, part of 4, 6, 7, and 8

\*\*\*\*\*

**PARCEL 1**

**AREA/LOCATION:** 29.9052 acres in the C.A. Kuykendall Survey / south of Brookside at Benbrook Field Phase I, west of Vista Way and north of Westpark section Two, Summit on the Ridge Apartments and Summit Ridge Apartments

**CURRENT ZONING:** “BR” One Family District

**LAND USE PLAN REFERENCE:** Low Density Single Family

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

<b>DATE:</b> 07/19/07	<b>REFERENCE NUMBER:</b> Pz-2007-07	<b>SUBJECT:</b> Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	<b>PAGE:</b> 2 of 25
--------------------------	--	--	-------------------------

**PROPOSED ZONING:** "BR-PD" One Family Planned Development District

\* \* \* \* \*

**PARCEL 2**

**AREA/LOCATION:** 8.6596 acres in the C.A. Kuykendall Survey and the J.M. Evans Survey / east side of Vista Way approximately 750 feet north of Sproles Drive intersection, and 9006 Benbrook Boulevard

**CURRENT ZONING:** "D" Multiple Family District and "HC" Highway Corridor District

**LAND USE PLAN REFERENCE:** High Density Multifamily and Commercial;  
Proposed – Commercial (Case G – 07 – 05)

**PROPOSED ZONING:** "HC-PD" Highway Corridor Planned Development District

\* \* \* \* \*

**PARCEL 3**

**AREA/LOCATION:** 46.9428 acres in the C.A. Kuykendall Survey and the H. Covington Survey / northwest of Walnut Creek, southeast of Union Pacific Railroad

**CURRENT ZONING:** "BR" One Family District

**LAND USE PLAN REFERENCE:** Low Density Single Family

**PROPOSED ZONING:** "BR-PD" One Family Planned Development District

\* \* \* \* \*

**PARCEL 4**

**AREA/LOCATION:** 19.2085 acres in the H. Covington Survey / northeast of Mercedes Street between Walnut Creek and future Vista Way

**CURRENT ZONING:** "D" Multiple Family District and "E" Commercial District

**LAND USE PLAN REFERENCE:**

DATE: 07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE: 3 of 25
-------------------	---------------------------------	---	------------------

Commercial and Mixed Use Village;  
Proposed – High Density Multifamily (Case G – 07 – 05)

**PROPOSED ZONING:** “D-PD” Multiple Family Planned Development District

\*\*\*\*\*

**PARCEL 5**

**AREA/LOCATION:** 1.7937 acres in the H. Covington Survey / southwest of I20/Loop 820, between future Vista Way and Union Pacific Railroad

**CURRENT ZONING:** “E” Commercial District

**LAND USE PLAN REFERENCE:**  
Commercial;  
Proposed – High Density Multifamily (Case G – 07 – 05)

**PROPOSED ZONING:** “D/HC-PD” Multiple Family/Highway Corridor Planned Development District

\*\*\*\*\*

**PARCEL 6**

**AREA/LOCATION:** 4.3197 acres in the H. Covington Survey / northeast of the intersection of Mercedes Street and future Vista Way

**CURRENT ZONING:** “D” Multiple Family District

**LAND USE PLAN REFERENCE:**  
Mixed Use Village;  
Proposed – Commercial (Case G – 07 – 05)

**PROPOSED ZONING:** “D/HC-PD” Multiple Family/Highway Corridor Planned Development District

\*\*\*\*\*

**PARCEL 7**  
**(7A, 7B, 7C, 7D, & 7E)**

**AREA/LOCATION:** 29.4246 acres in the H. Covington Survey and the J. Stephens Survey / northwest of Benbrook Boulevard (U.S. Highway 377),

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  4 of 25
-----------------------	------------------------------------	---	----------------------

north of Mercedes Street, southeast of future Vista Way, and southwest of I20/Loop 820

**CURRENT ZONING:** "D" Multiple Family District, "E" Commercial District, and "HC" Highway Corridor District

**LAND USE PLAN REFERENCE:** Commercial and Mixed Use Village;  
Proposed – Commercial (Case G – 07 – 05)

**PROPOSED ZONING:** "HC-PD" Highway Corridor Planned Development District

\*\*\*\*\*

**PARCEL 8**

**AREA/LOCATION:** 1.6631 acres in the H. Covington Survey and the J.M. Evans Survey / southwest of the intersection of Highway 377 / Benbrook Boulevard and Mercedes Street

**CURRENT ZONING:** "HC" Highway Corridor District

**LAND USE PLAN REFERENCE:** Mixed Use Village;  
Proposed – Commercial (Case G – 07 – 05)

**PROPOSED ZONING:** "HC-PD" Highway Corridor Planned Development District

**PLANNING REVIEW**

At the May 10, 2007 Planning and Zoning Commission meeting, the applicants for the Z-07-03 rezoning case requested that this case, and the accompanying G-07-05 Land Use Plan amendment application be continued until the June 14<sup>th</sup> Commission agenda. The request for a continuance of both items included the request for a joint work session of the Planning and Zoning Commission and City Council to provide additional information and to discuss various aspects of the application. The Staff met with the applicants and their consultants on May 23<sup>rd</sup> and the joint work session occurred on May 24, 2007. Following the joint work session, several revisions have been proposed to the "PD" Development Standards for the Z-07-03 application. The most recent revisions were received by the Staff at about 2:00 P.M. on June 7<sup>th</sup>, 2007. The revised Staff report is reflective of the submittal dated June 7, 2007.

To clarify the areas for which the proposed standards are intended to apply, the revised application separates the commercial Parcel 7 into Parcels 7A, 7C, 7D, and 7E for general commercial standards, and Parcel 7B for standards intended for a large home improvements store.

DATE: 07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE: 5 of 25
-------------------	---------------------------------	---	------------------

The City Planning Staff has reviewed the revised rezoning application dated June 7, 2007, and offers the following comments:

1. The application proposes rezoning of the 137.9172-acre balance of the Benbrook Field development project area. The total Benbrook Field project, originally known as Benbrook Towne Crossing, includes the 137.9 acres of the current rezoning application plus the recently-developed Brookside At Benbrook Field Phase I single-family area and the 21-acre future WalMart site fronting on Highway 377/Benbrook Boulevard. The rezoning application rearranges previously-permitted multiple-family and commercial uses in the area, and establishes "PD" development standards for the 137.9-acre balance of the Benbrook Field project. The "PD" rezoning application does not propose any appreciable modification to uses allowed in the "BR", "D", and "HC" districts, but does propose "PD" design standards that relax some requirements, and enhance other current regulations. Two of the sites, Parcel 5 and Parcel 6, propose either multi-family or commercial uses with differing "PD" design standards for whichever use actually occurs.
2. Two areas, identified as Parcel 1 and Parcel 3, are both single-family areas that are expansions of the existing Brookside At Benbrook Field Phase I that was the consideration of a "BR-PD" application (Z – 07 – 02) by the Commission on March 8, 2007. The current application for the two parcels reflects the reduced side yard standard approved by the City Council for the previous (Z–07–02) application. The current application does not include architectural standards as approved by the City Council for the previous application. The current application does include a 1,650-square-foot minimum floor area requirement for houses built in Parcels 1 and 3 and the same masonry content requirements that apply to the previously approved (Z-07-02) project area. The 1,650-square-foot area minimum exceeds standard "BR" District minimum by 450 square feet and exceeds the "A" District minimum by 150 square feet. Although the pre-World War II architectural theme is not proposed to be continued from the adjacent Brookside Phase I area, it is the Staff's opinion that the increased floor area and the masonry content requirements provide an equitable balance for the reduced side yard setback and should be approved as presented and with individual site plans for construction on future lots being reviewed administratively for conformance with the "PD" standards established by the PD Ordinance.
3. The proposed standards for the "D-PD" Parcel 4 area follow established "D" District use regulations, with the deletion of three permitted and conditional uses. The proposed "D-PD" portion of the application proposes to use all "D" District height and area regulations with the exception of density. The application proposes that the maximum 25 units per acre that are allowed in the "D" District be determined with the gross acreage used for calculating density include contiguous floodplain/open space areas and steeply-sloped areas within the site. The result of including these areas would be to increase the net density within a portion of the site above the 25-unit per acre standard. It is Staff's opinion that density should be based on the land area within a single platted lot and not include any contiguous areas. Within a platted lot, steeply sloped areas and floodway fringe areas could be used in density calculations. Any Floodway area within a platted lot should not be included in density calculations.

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  6 of 25
-----------------------	------------------------------------	---	----------------------

The proposed Screening and Landscaping requirements for the "D-PD" parcel prohibit wood screening fences and require masonry, rock, or wrought iron materials where screening fences are to be required. However, the proposed "D-PD" regulations delete screening fence requirements where the "D-PD" property is separated from single-family property by a floodplain greater than 75-foot wide. Staff recognizes the desirability of an "open" condition along Walnut Creek, especially with the potential of the area being a public park, and supports the proposed deletion of a screening fence, provided that the width and planting requirements of an F1 Bufferyard are maintained. The proposed provision to prohibit wooden screening fence material and require masonry, rock, or wrought iron material, is a favorable provision but appears that it would have limited, if any, application with all portions of Parcel 4 separated from single-family zoning (Parcel 3), the only situation that would normally require a screening fence, by Walnut Creek and its associated floodplain that for the reach adjacent to Parcel 4 has a width in excess of 200 feet.

The proposed "D-PD" standards require that all site plans be approved by the City Council in addition to approval by the Planning and Zoning Commission. Parking standards with the proposed "D-PD" follow current parking regulations in the Zoning Ordinance.

4. The "HC-PD1" classification is proposed for six sites: Parcels 2, 7A, 7C, 7D, 7E, and 8. The "HC-PD1" standards propose to follow "HC" District height and area standards, except for reduced setbacks in four circumstances. The first is a 25-foot reduction dependent on the orientation of the primary entrance to a retail building which allows the backing of a building closer to a public street (i.e. within 25 feet.) The second circumstance is a proposed 10-foot reduction for second front yards (i.e. 15 feet) on corner lots of less than two acres. The third circumstance for reduced setbacks proposes a 10-foot reduction to allow "zero lot line" setbacks for side yards adjacent to the interior lot line of other commercial properties. The fourth circumstance is to allow encroachments of canopies and roof overhangs covering "drive-through" service areas. The proposed setback reductions for drive-through canopies and roof overhangs are proposed to be open on three sides, limited to a single car length at each drive-through window location, and respect all required buffer yards as setbacks.
5. The "HC-PD2" classification is proposed for Parcel 7B. In the "HC-PD2" area, the proposed building height regulations provide for a 40-foot height limit to a distance of 65 feet from a multi-family residential property line. The proposed 40-foot height is a five-foot height increase and a 35-foot reduction in the setback distance compared with the normal "HC" District standards. Beyond the 65-foot setback, height may increase according to the City's maximum height envelope.

The "HC-PD2" standards also propose to allow outdoor display/sales, outdoor storage, and portable storage (shipping) containers. The standards propose area, height, setback, screening, and location requirements associated with the proposed uses. The staff supports the proposed regulations for outdoor display/sales, and outdoor storage with the proposed limitations and requirements. The application proposes limits to the number of containers, the size of containers, maximum stacking height, the condition of containers, and maximum duration for the temporary

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  7 of 25
-----------------------	------------------------------------	---	----------------------

location of portable containers on a site. The maximum dimension proposed appears to be the maximum size allowed for on-road transportation without special permitting. Staff has no objection to the proposed portable containers provided their location does not block fire lanes, block drive aisles, or block parking spaces below the minimum number required, and the containers are located and screened at the rear of the main building.

6. The application also includes two sites (Parcels 5 and 6) that propose a zoning classification of "D/HC-PD" and describes the proposed districts as areas where either multi-family uses or commercial uses could occur. The two use classifications have different building line requirements, buffer-yard requirements, and other standards. Development requirements, height, setback, buffer-yard, etc. applied to adjacent properties are affected by the use zoning classification of the two parcels. The proposed either/or zoning of the two parcels creates an awkward situation for development on both of the parcels and the property adjacent to or across the street from the two parcels. For example, do we impose height limits on adjacent commercial tracts that develop first as if each of these tracts would be multifamily, when they may end up being commercial and not need to height limits?

It is the staff's opinion that the applicant should select "D-PD" or "HC-PD" for each of the two parcels. If an alternate use is proposed later, then a zoning change could be processed at that time.

7. The proposed "PD" application includes architectural standards for non-residential buildings. The proposed standards generally follow current Zoning Ordinance requirements, but are more specific regarding materials and include lighting and pedestrian furniture standards, neither of which is included in the Zoning Ordinance. The proposed standards state that loading areas may be screened by vegetation rather than a masonry wall. The proposed screening of loading docks with landscape planting materials is vague and inconsistent over time. It is Staff's opinion that loading docks should be screened from adjacent property and streets by a minimum six-foot masonry wall. Parking standards with the proposed "HC-PD" follow current parking regulations in the Zoning Ordinance.

The application proposes that building façade articulation requirements only apply to the front and side of buildings that face a public street. It is Staff's opinion that building articulation should apply to all building faces if they are visible from a public street or a residential area. If the articulation is to be applied only to the front and side faces, that relaxation should only apply to buildings greater than 60,000 square feet and building material standards should be maintained on all sides including the side and rear faces not articulated.

8. Part of the "PD" application includes landscape standards that generally follow current Zoning Ordinance provisions. The proposed standards increase the canopy tree requirement in an E buffer-yard by one tree on sites over two acres and deletes under story tree requirements if canopy trees are spaced such that a continuous overlapping of canopies will result when the trees mature. The proposed standards provide a five-square-foot increase per parking space in the

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  8 of 25
-----------------------	------------------------------------	---	----------------------

parking lot landscape requirements on “HC-PD” lots over two acres. Staff supports the proposed landscaping standards.

9. The proposed “PD” standards address tree preservation and mitigation by modifying the preservation of trees and native vegetation of the Subdivision Ordinance. The proposed standards provide for the inventory of native trees with a trunk diameter of 10-inches or more rather than with a trunk diameter of six inches or more as specified in the Subdivision Ordinance. The proposed standards excludes mitigation requirements for lesser, or “scrub” trees, all trees within a building footprint, or within 10 feet of a building footprint. The proposed standards also exclude the requirement for a tree survey or mitigation of all native trees within a street right of way or public easement.
10. The proposed “PD” standards note that all building signs and incidental signs conform to Zoning Ordinance provisions. The proposal also presents a “unified signage plan” for all freestanding signs in the Benbrook Field PD area. The staff supports the unified sign plan concept that consolidates business identifications and reduces the number of freestanding signs and flexibility of standards typically associated with such common/shared signage, primarily the increase of sign area allowed based on multiple users.

Staff notes that the names of signs in the proposed text to not correspond with the Legend on Exhibit C.

While the unified sign plan reduces the number of free-standing signs, it also increases the size allowed for signs. For example, single tenant monument signs are two feet higher than normally allowed and three multi-tenant architectural column signs along Benbrook Boulevard would be 35 feet high.

Staff supports the unified sign plan with the following additional conditions:

1. Entry Museum Tower
  - Front Yard Setback: minimum of 25 feet from Benbrook Boulevard right-of-way after platting
  - Side Yard Setback: minimum of 25 feet from Mercedes Street right-of-way
2. Interstate Multi-tenant Pole Sign
  - Height not to exceed 40 feet
  - Setback minimum of 25 feet
  - Area per tenant panel no more than 60 square feet
3. Multi-tenant Architectural Column Sign
  - Area maximum of 240 square feet

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  9 of 25
-----------------------	------------------------------------	---	----------------------

4. Off-premise Builder Kiosk

- Height not to exceed six (6) feet
- Setback five (5) feet from right-of-way
- Shall be removed within 30 days of completion of single-family house construction within the development

5. Temporary “For Sale” and “For Lease” Signs

- Height not to exceed 6 feet
- Area maximum of 48 square feet

All signs are proposed to observe all clearance areas of Public Open Space Easement specification in Section 16.28.020, C, 1 of the Subdivision Ordinance. All setback dimensions measured from Benbrook Boulevard (U.S. Highway 377) should be net of necessary expanded right-of-way to accommodate the scheduled roadway widening and visibility clearance should be reflective of the future expanded roadway.

11. Section 211.004 of the Texas Local Government Code required 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-07-05, 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-07-05 Land Use Plan amendments.

12. Evaluation of Trade-offs proposed in PD Regulations:

PD regulations are intended to allow flexibility in development and to accommodate unique or unusual developments, not simply to reduce the City’s development standards. PD standards that reduce development standards should be offset by additional higher development standards and/or public amenities. The provision of enhanced standards and amenities provides a public benefit for otherwise reducing current city standards.

Proposed Reductions in Current Development Standards:

The “PD” application proposes reduced side yard setbacks in the “BR” areas. Reduced screening requirements and the use of contiguous floodplain and open space in density calculations are proposed in the “D” areas. Reduced setback, greater outdoor displays and sales, greater outdoor storage and relaxed building façade articulation provisions are proposed in the “HC” areas. The “PD” application proposes relaxed tree preservation and mitigation provisions throughout the project. Sign provisions of the “PD” application represent reduced sign setbacks, increased sign heights, and increased sign areas as well as allowing off-site signs in the “D” and “HC” areas.

Proposed Enhanced Development Standards and/or Public Amenities:

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  10 of 25
-----------------------	------------------------------------	---	-----------------------

The application proposes an enhancement with masonry screening fences in place of wood screening fences where screening fences are required in "D" areas (though many screening walls are proposed to be eliminated.)

Overall Evaluation:

Since the May 10, 2007 Commission meeting, meetings and discussions between the Staff and the applicants and their consultants, and the joint work session has resulted in revised PD standards that reduce the disparity between the reductions in development standards and the public benefit. The revised PD standards achieve a reasonable balance.

## RECOMMENDATION

It is recommended that the Planning and Zoning Commission recommend:

1. that the City Council approve the rezoning of Parcels 1 and 3 to "BR-PD" with the use and development standards presented;
2. that the City Council approve the rezoning of Parcel 4 to "D-PD" with the standards presented with the exception of requiring that gross density be calculated on the platted lot area, excluding designated floodway, and that a F1 bufferyard be required adjacent to any public park;
3. that the City Council approve the rezoning of Parcels 2, 7A, 7C, 7D, 7E, and 8 to "HC-PD1."
4. that the City Council approve the rezoning of Parcel 7B to "HC-PD2."
5. that the City Council approve the rezoning of Parcels 5 and 6 to "D-PD."
6. that the City Council approve the proposed architectural standards except that loading docks must be screened from public view by a minimum six-foot masonry wall and that any wall (including rear walls) that are visible from a public street or residential area must meet all architectural requirements, including building articulation.
7. that the City Council approve the landscaping and tree preservation requirements as proposed,
8. that the City Council approve the unified sign plan with the following exceptions:
  - a. the Entry Museum Tower have a minimum setback of 25 feet from the right-of-way of Benbrook Boulevard and Mercedes Street after platting.
  - b. the Interstate Multi-Tenant Pole Sign not exceed 40 feet in height, have a minimum setback of 25 feet, and a maximum are per tenant of 60 square feet.
  - c. that the Multi-tenant architectural Column Sign not exceed 240 square feet in area

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  11 of 25
-----------------------	------------------------------------	---	-----------------------

- d. that the off-premise Builder Kiosk not exceed six feet in height, have a minimum setback of five feet from the right-of-way, and be removed within 30 days of completion of single-family residential construction, and
- e. that the Temporary "For Sale" and "For Lease" Signs not exceed six feet in height and 48 square feet in area.

\* \* \* \* \*

**UNAPPROVED MINUTES  
PLANNING AND ZONING COMMISSION  
JUNE 14, 2007**

**Z – 07 – 03 Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494, (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments)**

**Parcel 1 – 29.9052 acres of land in the C.A. Kuykendall Survey Abstract Number 890, from "BR" One Family Reduced District to "BR-PD" One Family Reduced Planned Development District (south of Brookside At Benbrook Field Phase I, west of Vista Way, and north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments)**

**Parcel 2 – 8.6596 acres of land in the C.A. Kuykendall Survey Abstract Number 890, and the J.M. Evans Survey Abstract Number 466 from "D" Multiple Family District and "HC" Highway Corridor District to "HC-PD" Highway Corridor Planned Development District (east side of Vista Way approximately 750 feet north of Sproles Drive intersection and 9006 Benbrook Boulevard)**

**Parcel 3 – 46.9428 acres of land in the C.A. Kuykendall Survey Abstract Number 890, and the H. Covington Survey Abstract Number 257 from "BR" One Family Reduced District to "BR-PD" One Family Reduced Planned Development District (northwest of Walnut Creek, southeast of Union Pacific Railroad)**

**Parcel 4 – 19.2085 acres of land in the H. Covington Survey Abstract**

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  12 of 25
-----------------------	------------------------------------	---	-----------------------

**Number 257, from "D" Multiple Family District and "E" Commercial District to "D-PD" Multiple Family Planned Development District (northeast of Mercedes Street between Walnut Creek and future Vista Way)**

**Parcel 5 – 1.7937 acres of land in the H. Covington Survey Abstract Number 257, from "E" Commercial District to "D/HC-PD" Multiple Family/Highway Corridor Planned Development District (southwest of I20/Loop 820 , between future Vista Way and Union Pacific Railroad)**

**Parcel 6 – 4.3197 acres of land in the H. Covington Survey Abstract Number 257, from "D" Multiple Family District to "D/HC-PD" Multiple Family/Highway Corridor Planned Development District (northeast of the intersection of Mercedes Street and future Vista Way)**

**Parcel 7 – 29.4246 acres of land in the H. Covington Survey Abstract Number 257 and the J. Stephens Survey Abstract Number 1494 from "D" Multiple Family District , "E" Commercial District , and "HC" Highway Corridor District to "HC-PD" Highway Corridor Planned Development District (northwest of U.S. Highway 377/Benbrook Boulevard , north of Mercedes Street, southeast of future Vista Way, and southwest of I20/Loop 820)**

**Parcel 8 – 1.6631 acres of land in the H. Covington Survey Abstract Number 257 and the J.M. Evans Survey Abstract Number 466 from "HC" Highway Corridor District to "HC-PD" Highway Corridor Planned Development District (southwest of the intersection of U.S. Highway 377/Benbrook Boulevard and Mercedes Street)**

Vice Chair Marshall introduce the item and asked for a presentation from the applicant.

Barry Hudson with Dunaway Associates said they are representing the applicants, Benbrook Economic Development Corporation and Trinity Partners, on the Planned Development request. He said he would like to thank the Commission for their time at the joint work session they had with the EDC and the City Council on June 28, 2007. A number of the items and their wording in the rezoning request have been modified after working with the City Staff so he would like to focus on some of the Staff comments on the Commission's report.

Mr. Hudson said, as discussed at the joint work session, the subject property has historical significance as an old airfield and they are trying to bring back that image in the new development. He said they had three

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  13 of 25
-----------------------	------------------------------------	---	-----------------------

exhibits as a part of the planned development text, and one of the significant things worked out with Staff prior to the joint work session is Parcel 7. Mr. Hudson said, originally they had eight parcels; two Single-family Residential, three Highway Corridor Commercial, one Multi-family, and one flexible for Multi-family or Highway Corridor use. As recommended by Staff, Parcel 7 was broken out separately with Parcel 7B being known as the Home Depot site and separate regulations proposed.

Mr. Hudson said Staff's recommendation Number 1 is that the Commission recommends that the City Council approve the rezoning of Parcels 1 and 3 to "BR-PD" with the use and development standards as presented by the applicants. He said the developer has requested an increase in the minimum size of the dwelling unit and has added a minimum masonry requirement. In return, they are asking for reduced side yards of five feet on both sides of a residential property.

The second item on the Staff's recommendation for City Council approval of the rezoning of Parcel 2 to "D-PD" with the standards presented with the exception of requiring that gross density be calculated on the platted lot area, excluding designated floodway, and that a F1 bufferyard be required adjacent to any public park. Mr. Hudson said they are willing to revise the wording to make it clear because it was not their intention to include any portion of the parcel that is outside the plat area or to count the floodplain area.

Mr. Hudson said Staff's recommendations 3 and 4 are that the Commission recommend City Council approve the rezoning of Parcels 2, 7A, 7C, 7D, 7E, and 8 to "HC-PD1", and Parcel 7B to "HC-PD2". He said Staff's recommendation Number 5 is to rezone Parcels 5 and 6 to "D-PD". The applicant is requesting that their proposed flexibility be allowed to do either "D" Multi-family or "HC" Highway Corridor on the two parcels because of the location of the two parcels. Parcel 5 is in a low area along the frontage road on IH 20/Loop 820 at the extreme north end of the property so there is a possibility of some retail office or commercial type uses to go along the highway frontage. However, because of the grade difference of the freeway and the way the property drops down, it may be more appropriate to incorporate it with the adjoining multi-family tract to the south. He said Parcel 5 would be bound on the east side by the extension of Vista Way.

Mr. Hudson said the other parcel they are requesting be zoned "D/HC-PD" is Parcel 6, at the intersection of Vista Way and Mercedes Street. He said the parcel has some challenging topography as Mercedes Street drops down right before the bridge that will be crossing Walnut Creek into the single-family residential Phase 3. They anticipate that the frontage on Mercedes Street would be appropriate for retail or office use but it could also be appropriate for assisted living or nursing home. They are requesting the flexibility when considering Parcels 5 and 6 in the Commission's recommendation to Council.

City Staff recommendation Number 6, proposes that the City Council approve the proposed architectural standards except that loading docks must be screened from public view by a minimum six-foot masonry wall and that any wall (including rear walls) that are visible from a public street or residential area must meet all architectural requirements, including building articulation. Mr. Hudson said the developer is agreeable to place a screening wall around the dock area to screen the Home Depot from Vista Way and wrapping it around the north side to the driveway to screen it from Benbrook Field Drive. Mr. Hudson said they are also providing some landscape screening along the rear as well.

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  14 of 25
-----------------------	---------------------------------	---	-----------------------

As for building articulation, Mr. Hudson said he thinks Home Depot is going to do a very nice front and side elevation, fronting Benbrook Boulevard and also adjacent to Benbrook Field Drive. He said with the landscaping in the rear of the building, he does not feel the building articulation is needed along the back of the big box user.

Mr. Hudson said Staff's recommendation Number 7 states approval of the landscaping and tree preservation requirements as proposed. He said they are proposing a Tree Sampling Procedure that is recognized by urban foresters and mitigation of certain trees, as well as certain trees to be preserved as quality trees that would not require mitigation.

Staff's recommendation Number 8 regards the unified sign plan submittal and Mr. Hudson thinks the developer and City Staff have not come to a complete agreement and some changes have been made since the joint work session. He said there are still some gaps in the proposal being considered by the Commission.

Mr. Hudson said the whole idea of the Benbrook Economic Development Corporation developing the subject property is to attract business and sales dollars to this area and the developer's feel very strongly that in order to do that, you need appropriate signage. He said signage is needed to attract buyers and make them aware of the business locations.

Mr. Hudson said in the unified sign plan being considered, there is a comparison of signs that are allowed in the City of Benbrook Sign Ordinance and the signs that are being proposed on the property. A sign is allowed based on the number of linear feet of frontage on the various streets within the development. According to the ordinance, the developers of the overall development could have as many as 71, detached signs on the property and could total an amount of 6,800 square feet of sign area. Mr. Hudson said instead of having 71 signs, the unified sign plan proposes a total of 19 signs on the whole property, with a maximum of 2,380 square feet of sign area, which is only one third of sign area allowed and only a fourth of the number of signs allowed if the maximum amount of signage was placed on the property.

Mr. Hudson said the signs are placed strategically around the property. The proposed sign along the frontage road is intended to maximize the visibility from IH 20/Loop 820 so that people can exit in time, as well as the traffic from Benbrook Boulevard. He said they are proposing multi tenant signs at Benbrook Field Drive, Mercedes Street, along the Mercedes Street frontage, and at the south end of the tract.

Mr. Hudson said the Entry Museum Tower does not advertise any businesses but is more of an icon or architectural feature and amenity for the site. The Tower could end up being a visitor center for the City or just an architectural feature at the key intersection of Benbrook Boulevard and Mercedes Street. Mr. Hudson said Staff is recommending a 25-foot setback from Benbrook Boulevard and Mercedes Street after platting and the applicant is requesting a 20-foot setback because of the odd configuration and limited area of Parcel A. He said the tower is modeled after the air tower that was historically in the area many years ago.

Mr. Hudson said Staff is recommending the Interstate Multi-Tenant Pole Sign not exceed 40 feet in height and the applicant is still requesting 50 feet in height. The extra 10 feet is key to being able to see the lower

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  15 of 25
-----------------------	------------------------------------	---	-----------------------

tenants on the sign. Staff is recommending a minimum setback of 25 feet and the applicant is still requesting a 20-foot setback to get it closer to the Interstate. Mr. Hudson said Staff is recommending a maximum area of 60 square feet per tenant on the multi-tenant sign and the applicants are requesting 120 square feet per tenant with a maximum of four tenants on the Interstate sign.

Mr. Hudson said, although it is not spelled out in the Staff's recommendation or in the applicant's PD submittal, Staff is recommending a maximum size of 240 square feet for the Interstate Multi-Tenant Pole Sign, which would be four tenants, each at 60 square feet. The applicants are asking for 120 square feet for four tenants, for a maximum size of 480 square feet. He said the Benbrook Sign Ordinance allows 120 square feet for a single tenant sign on a pole and allows provisions for additional area as additional tenants are added, up to a maximum size of 240 square feet, which is the size recommended by the City Staff.

Mr. Hudson said the additional size and 10 feet of height for the Interstate Multi-Tenant Pole Sign is key to the visibility from the freeway and frontage road off ramp because of trees in the area. He said there are other signs in the area that are larger and have better visibility along IH 20/Loop 820 than the sign they are requesting. Mr. Hudson said the Benbrook Economic Development Corporation's multi-tenant sign at the corner of IH 20/Loop 820 and Benbrook Boulevard is 60 feet tall and 16 feet wide between the columns. The applicants are proposing a 20-foot wide sign, which is essentially a 6-foot tall and 20-foot wide panel per tenant. They feel that their requested size is essential for the text or logo to be read from the freeway. Mr. Hudson said the Commission could recommend a maximum size area for the Interstate Multi-Tenant Pole Sign instead of specifying the sign area per tenant and number of tenants.

Mr. Hudson said Staff has recommended the Multi-Tenant Architectural Column Sign not exceed 240 square feet in area and the applicants are requesting 300 square feet. Mr. Hudson said Home Depot would be one of the tenants on the multi-tenant sign and their logo is the orange square and would probably take up two or three of the tenant squares. To allow room for the other tenants to utilize the sign, they are requesting the larger area of 300 square feet instead of 240 square feet.

Mr. Hudson said they had submitted a 12-foot tall monument sign but have since reduced that to 8 feet in overall height. The 8-foot maximum height is to the sign top and the architectural columns will be extending about 1-foot above that to give it a framing effect. The sign area does not go all the way to the ground because they are planning landscaping along the base of the sign. He said the actual sign area they are proposing for the monument sign is only 50 square feet where as the maximum size allowed by the City Sign Ordinance is 100 square feet. Mr. Hudson said even though they have a number of monument signs included in their unified sign plan, they are only half the size of what is allowed by ordinance.

Mr. Hudson said the off-premise Builder Kiosk signs are semi-permanent signs to advertise the residential homebuilders that would be building in Phases I, II, and III of Benbrook Field Addition. The prototype was taken from the city of Grand Prairie that builds the kiosks in the public street right-of-way to try to eliminate the bandit signs that go up on weekends. He said the City of Benbrook is very conscientious about trying to keep the bandit signs out of the public right-of-way and they feel this is an appropriate way to advertise the builders. Initially they had requested a 12-foot high sign and following the joint work session, they agreed to

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  16 of 25
-----------------------	------------------------------------	---	-----------------------

make the sign eight feet tall. City Staff would still like to see the sign lowered to six-foot from eight-foot. He said the issue is they do not know how many builders will be working in the three phases.

Mr. Hudson said the other issue for the Builder Kiosk signs is the setback requirement. They have requested a zero setback from the property line. Since this is not a city-sponsored sign like Grand Prairie, it is not appropriate for the sign to be in the public right-of-way. The provision they had proposed and talked to Staff about was in areas where the Builder Kiosk signs would be located, the sidewalk would meander so that there would be at least a two-foot separation with the sidewalk. Mr. Hudson said City Staff is still requesting a six-foot maximum height and five-foot setback so they are asking for the additional height and closer to the right-of-way. He said they added some additional wording regarding removal of the Builder Kiosk signs and Staff is suggesting some variation on that but they are agreeable that once the builders are completed in Benbrook Field, the signs would be removed.

Mr. Hudson said Staff is recommending that the Temporary "For Sale" and "For Lease" signs not exceed six feet in height and 48 square feet in area. They are requesting eight-foot-by-eight-foot (8' X 8') signs that would be eight feet in height and 64 square feet in area.

Mr. Hudson said he thinks they have been working with the Staff and have responded to City comments during the process. They have responded to comments from the EDC and made presentations to their board and they appreciate the input from the joint work session.

Vice Chair Marshall asked for any comments or questions from the Commission.

Dian Price asked if irrigation for the landscaping is required from the storeowners. Mr. Hudson said yes, the City requires irrigation and that would be required for all landscaping within Benbrook Field.

David Ramsey said that Mr. Hudson had said the back dock area of the Home Depot would have landscaping for screening. However, by looking at their map, the property behind Home Depot is going to be high-density multi-family, which could mean three and four story buildings and landscaping would not provide screening. Mr. Hudson said in their initial draft of their PD ordinance they had a provision regarding the grade difference because the area from Vista Way to Walnut Creek falls off by 35 to 40 feet so the multi-family would be significantly lower than the Home Depot elevation. He said Vista Way rises significantly as it goes from south to north and because of the crossing at Mercedes Street and the future bridge, it actually will go up about 12 to 15 feet behind the Home Depot area. Mr. Hudson said because of this change in grade, Home Depot will have a significant retaining wall behind half of it but by the time it gets back to the T-intersection at Benbrook Field Drive, it will be back at grade. He said he thinks that is why the developer has agreed to build a screening wall at the north end of the Home Depot around the loading dock.

Mr. Price asked why Home Depot would require so much space on the multi-tenant sign. Mr. Hudson said he thinks they want their standard logo as part of their agreement with the developer. Mr. Hudson said they have modified their building elevation significantly, from what they have done in the past and it is a very nice looking building.

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  17 of 25
-----------------------	------------------------------------	---	-----------------------

Dr. Marshall asked what percentage of the back of the Home Depot will have the masonry wall. Mr. Hudson said they have in the PD zoning, screening of the pallet area and they are offering tonight to also do the screening of the dock area so that would be a total of about 50 percent. Dr. Marshall asked what material would be used for the back of the Home Depot building.

Chris Wilde with Dunaway Associates said there is quite a bit of grade difference as you go from Mercedes Street, north on Vista Way. As you get to Home Depot on Vista Way, you will be looking up a retaining wall for approximately half the length of the building. Mr. Wilde said the retaining wall will act as a buffer from sight from the back of the Home Depot. When you get to the area of the pallet storage, the retaining wall will start to transition into the screening wall. He said the retaining wall is approximately 15 feet high at ground level on the south side of the building and will be topped with landscaping.

Dr. Marshall asked what material would be used for the backside of the Home Depot building. Mr. Wilde said it would be a tilt concrete panel, stamped, decorative wall that will look like a stone veneer. Dr. Marshall asked if it would look like the retaining wall at the Sam's Warehouse on Bryant Irvin Road and Mr. Wilde said yes.

Dr. Marshall said the applicants had made changes that are an exception to what the City Staff report says. He asked what Mr. Hudson's proposal is because it seems like nothing has changed since the month before and he would like to know what the applicants want the city to give up and what they are willing to give up. Mr. Hudson said he feels like they have worked with Staff over the last few months and have made changes to the text as requested and the only outstanding issues are primarily the signage. Mr. Hudson said they request that the Planning and Zoning Commission make their recommendation and send them on to City Council.

Vice Chair Marshall asked for a report from Staff.

Ed Gallagher said this rezoning application is for Planned Development ("PD") classifications on 137.9 acres in the Benbrook Field development area west of Benbrook Boulevard and south of Loop 820. The application by the landowners, Benbrook Economic Development Corporation and BoPeek Limited is presented in eight non-contiguous parcels in the Benbrook Field project and includes:

- 2 – "BR-PD" single family areas,
- 1 – "D-PD" area for multi family,
- 3 – "HC-PD" areas for commercial activities, and
- 2 – Areas proposed as "HC/D-PD", with either multi family or commercial uses intended.

One of the "HC-PD" areas, Parcel 7, a 29.4-acre area is presented in five sub-parcels with different "PD" specifications proposed.

The two "BR-PD" areas, Parcels 1 and 3 are currently zoned "BR" District and the size and configurations of those areas are not proposed to change with the requested "PD" standards. No changes are proposed in the "BR" District permitted uses. The "PD" application proposes reduced side yard setback standards but proposes enhanced minimum floor area requirement of 1,650 square feet, an increase of 450 square feet,

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  18 of 25
-----------------------	------------------------------------	---	-----------------------

and the addition of a 65 percent masonry minimum on front elevations and prohibits wood fences along lot lines adjoining parkland or permanent open spaces. In the Staff's opinion, the increased floor area minimum and the addition of the masonry requirement provide a balance with the side yard reductions and should be approved with site plans approved administratively.

Mr. Gallagher said the "D-PD" zoning is proposed for the Parcel 4 area located between the future extension of Vista Way and Walnut Creek. Part of the 19.2-acre site is a reconfiguration of about five acres of "E" Commercial and a portion of an existing "D" District. The proposal follows "D" District height and area regulations except for density. The application proposes that calculations to determine maximum dwelling units include contiguous floodplain/open space areas and steep-sloped areas with a site. He said the use of floodplain/open space areas adjacent to an apartment project can increase the maximum 25 units per acre allowed on an actual apartment site and Staff recommends that density be based on the area within a platted lot and not include adjacent floodplain/open space land. Sloped areas with a lot and floodway fringe areas, excluding floodway areas, should be used in apartment density calculations.

The proposed "D-PD" standards prohibit wood material for screening fences and require masonry, rock, or wrought iron where screening fences are required under the Screening and Landscaping requirements. The proposed standards also delete screening requirements where an apartment site is separated from single-family property by a 75-foot or greater floodplain area. The Staff supports the proposed standards, provided the width and planting provisions of F1 Bufferyard be maintained. The standards also propose that site plans for apartments receive City Council approval.

Mr. Gallagher said the application includes commercial zoning for six sites with proposed "HC-PD1", on Parcels 2, 7A, 7C, 7D, 7E, and 8; and "HC-PD2" on parcel 7B. Both of the proposed "HC-PD" classifications allow all of the permitted uses in the "HC" District regulations with the exclusion of three unlikely uses, the inclusion of two uses that would be permitted in "HC" and signage that would not otherwise be permitted. The proposed "HC-PD1" specifications include relaxation of setback standards on the six sites involved. A 25-foot front setback reduction is proposed based on building orientation on a lot and a 10-foot side yard reduction is sought for second front yards on smaller than two-acre lots. A ten-foot reduction is proposed to allow zero lot line setbacks for interior lot side yards, and proposed setback encroachments for drive-through canopies and roof overhangs that do not encroach on required bufferyards. The Staff has no objection to proposed setback specifications for the "HC-PD1" areas.

The proposed "HC-PD2" area, Parcel 7B, is anticipated to be occupied by a large home improvements store and includes specifications for that user. A forty-foot building height maximum, a five-foot increase over "HC" standards, is proposed. Mr. Gallagher said the "HC-PD2" also includes provisions for outdoor displays and sales, outdoor storage, and portable storage containers. The proposal for the outdoor activities includes height, area, setback, locations, and screening for each of the activities. Staff supports the outdoor activities as specified, provided the portable containers location does not block fire lanes, drive aisles, or required parking spaces, and the containers are screened and located at the rear of the main building.

Mr. Gallagher said Parcels 5 and 6 of the application are for proposed "D/HC-PD" zoning on each area for an either/or use and specifications. The "D" and "HC" regulations involve different setbacks, bufferyards, and

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  19 of 25
-----------------------	------------------------------------	---	-----------------------

other standards on the two sites as well as causing different standards on neighboring properties. The Staff recommends that a single basic classification of “D-PD” be applied to each of the Parcels.

The “PD” application includes architectural standards for non-residential buildings that generally follow Ordinance standards but are more specific concerning materials. The proposal calls for loading areas to be screened by plant materials rather than a masonry wall. The effects of screening with plant materials is inconsistent over time and the Staff recommends that loading docks be screened from adjacent property and streets with a six-foot masonry wall.

Mr. Gallagher said building façade articulation is proposed to be required for the front and side of buildings facing a public street. The Staff recommends that building articulation standards should apply to all building faces that are visible from a street or residential area. If the articulation only applies to the front and side of buildings, that relaxation should only apply to buildings over 60,000 square feet and building materials standards should apply to all faces, including sides and rears that are not articulated.

Mr. Gallagher said the proposed landscape standards generally follow Ordinance requirements. On sites over two acres, a reduction of understory trees requirement is proposed with the reduction to be offset by increased canopy trees. In addition, on over two-acre lots, a parking lot landscape requirement includes a five-square-foot increase per parking space over Ordinance requirements and the Staff supports all of the proposed landscape provisions.

The proposed tree preservation standards include a reduction in the tree inventory requirement by increasing the trees involved from six inches to ten inches. Mr. Gallagher said the proposed standards exclude mitigation of lesser quality tree species, all trees within a building footprint or within ten feet of a building footprint, and all trees within a street right-of-way or public easement. The Staff does not oppose the proposed tree preservation standards.

Mr. Gallagher said the application includes provisions that all building and incidental signs follow Ordinance requirements. Also included is a unified sign plan for all freestanding signs. The staff supports the unified sign plan concept that consolidates business identifications and reduces the number of freestanding signs, and flexibility of standards associated with common/shared signage, mainly the increase of sign area allowed based on multiple users.

The unified sign plan reduces the number of freestanding signs, but increases the size allowed for signs. As examples, single tenant monument signs are two feet higher than normally allowed and three multi-tenant architectural column signs along Benbrook Boulevard would be 35 feet high.

Mr. Gallagher said Staff supports the unified sign plan with the following additional conditions:

1. Entry Museum Tower
  - Front Yard Setback: minimum of 25 feet from Benbrook Boulevard right-of-way after platting
  - Side Yard Setback: minimum of 25 feet from Mercedes Street right-of-

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  20 of 25
-----------------------	------------------------------------	---	-----------------------

way

2. Interstate Multi-tenant Pole Sign
  - Height not to exceed 40 feet
  - Setback minimum of 25 feet
  - Area per tenant panel no more than 60 square feet
  
3. Multi-tenant Architectural Column Sign
  - Area maximum of 240 square feet
  
4. Off-premise Builder Kiosk
  - Height not to exceed six (6) feet
  - Setback five (5) feet from right-of-way
  - Shall be removed within 30 days of completion of single-family house construction within the development
  
5. Temporary "For Sale" and "For Lease" Signs
  - Height not to exceed 6 feet
  - Area maximum of 48 square feet

All setback dimensions measured from Benbrook Boulevard should be net of necessary expanded right-of-way to accommodate the scheduled roadway widening and visibility clearance should be reflective of the future expanded roadway.

Mr. Gallagher said 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-07-05, if approved. Any recommendation to the City Council for the proposed rezoning should be conditioned on approval by the City Council of the G-07-05 Land Use Plan amendments.

The concept of Planned Development zoning is to provide flexibility in developments and to accommodate innovative projects. The "PD" concept is not intended to solely reduce standards. When normal specifications are relaxed, there should be an equitable enhancement of other specifications and/or an enhancement of public amenities.

Mr. Gallagher said the current application calls for reduced side yard setbacks in "BR", and reduced screening along floodplains and increased densities in "D". Reduced setbacks, greater outdoor displays and sales, greater outdoor storage and relaxed building façade articulation provisions are proposed in the "HC" areas. Relaxed tree preservation and mitigation provisions are proposed throughout the project. Sign provisions reduce sign setbacks, increase sign heights, increase sign areas, and allow off-site signs in the "D" and "HC" areas.

DATE: 07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE: 21 of 25
-------------------	------------------------------------	---	-------------------

As enhancements, the “PD” proposal includes a requirement of masonry screening walls and prohibits wood screening where screening is required in the “D” area and more specific building material requirements are proposed in the “HC” areas.

Staff recommends that after a public hearing, the Planning and Zoning Commission recommend:

1. That the City Council approve the rezoning of Parcels 1 and 3 to “BR-PD” with the use and development standards presented;
2. That the City Council approves the rezoning of Parcel 4 to “D-PD” with the standards presented with the exception of requiring that gross density be calculated on the platted lot area, excluding designated floodway, and that a F1 bufferyard be required adjacent to any public park.
3. That the City Council approve the rezoning of Parcels 2, 7A, 7C, 7D, 7E, and 8 to “HC-PD1”.
4. That the City Council approve the rezoning of Parcel 7B to “HC-PD2”.
5. That the City Council approve the rezoning of Parcels 5 and 6 to “D-PD”.
6. That the City Council approve the proposed architectural standards except that loading docks must be screened from public view by a minimum six-foot masonry wall and that any wall (including rear walls) that are visible from a public street or residential area must meet all architectural requirements, including building articulation.
7. That the City Council approve the landscaping and tree preservation requirements as proposed,
8. That the City Council approve the unified sign plan with the following exceptions:
  - f. the Entry Museum Tower have a minimum setback of 25 feet from the right-of-way of Benbrook Boulevard and Mercedes Street after platting,
  - g. the Interstate Multi-Tenant Pole Sign not exceed 40 feet in height, have a minimum setback of 25 feet, and a maximum area per tenant of 60 square feet,
  - h. the Multi-tenant architectural Column Sign not exceed 240 square feet in area,
  - i. that the off-premise Builder Kiosk not exceed six feet in height, have a

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  22 of 25
-----------------------	------------------------------------	---	-----------------------

minimum setback of five feet from the right-of-way, and be removed within 30 days of completion of single-family residential construction, and

- j. that the Temporary "For Sale" and "For Lease" Signs not exceed six feet in height and 48 square feet in area.

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

Sanjiv Shah asked what caliper trees in the Tree Preservation Plan of the Zoning Ordinance must be used for mitigation. Mr. Gallagher said the applicants would follow the provisions of Section 27, which would be the introduction of new trees and plant material. The proposal has to do with mitigating or replacing trees that are displaced through the construction and how detailed an inventory is of existing trees. Mr. Shah said they are not inventorying any trees less than 10 inches in diameter so if the inventory is not kept, that means the new trees replacing the old trees could be two inches in diameter unless certain diameter trees are specified.

Dave Gattis, Deputy City Manager, said the Tree Preservation Requirements are in the Subdivision Ordinance and it requires that trees six inches or more in diameter have to be mitigated on an inch per inch bases. Mr. Shah said the applicant is requesting that only trees 10 inches or more in diameter be inventoried and mitigated and he would like to set a minimum diameter tree for replacement.

John Dawson said the applicants are asking for multi-family or commercial use on Parcels 5 and 6 and asked if the applicants were in agreement with Staff that the parcels be zoned multi-family. He asked why the Staff chose multi-family versus commercial. Mr. Gallagher said the applicants are still requesting that the two parcels be zoned "D/HC-PD" and Staff has no preference which zoning the Commission recommends, as long as they are zoned one or the other.

Ms. Price asked if the Builder Kiosk signs would be removed when all the builders have completed the houses in the subdivision. Mr. Gallagher said yes, once there is no longer any builder activity, the entire sign would be removed. Ms. Price asked if Staff's recommendation that the sign be a maximum of 6 feet tall includes the Benbrook Field logo. Dave Gattis said Staff's thinking was that the city normally requires a maximum height of 6 feet for a sign within five feet of the right-of-way, i.e. a monument sign. Mr. Gattis said, typically a utility easement of five feet is required on the side of the right-of-way to put buried underground utilities such as gas and electric lines and sticking poles in the ground within that easement would not be a good idea.

Dr. Marshall asked Staff to clarify how much easement will be on the side of the proposed Benbrook Boulevard width and where the signs for Benbrook Field will be placed in relation to that setback. Mr. Gallagher said the setbacks for Benbrook Field will be recognizing the widening of Benbrook Boulevard and to accomplish that, it will take some additional right-of-way. Dr. Marshall said the conceptual plan for widening Benbrook Boulevard shows a divided six-lane road with trees growing between the street and sidewalks. He said that if the development signs were placed on the developer side of the sidewalks, the trees would block the view of the signs. Mr. Gattis said monument signs can be seen with canopy trees, but

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  23 of 25
-----------------------	------------------------------------	---	-----------------------

35-foot tall signs would be hard to see through the trees. Some of the banks on Benbrook Boulevard have that same issue now and have found that lowering the signs gave them better visibility.

The Vice Chair asked for any further comments or questions from the Commission. There being none, the Chair opened the public hearing at 8:50 p.m. and asked if anyone wished to speak for or against the item. There being none, the Chair closed the public hearing at 8:51 p.m. and asked for any further comments, questions, or a motion from the Commission.

David Ramsey asked if the applicants preferred multi-family or commercial zoning on Parcels 5 and 6. Tom Galbreath of Dunaway Associates, said "either/or" is not a bad thing because the sites could very easily be multi-family or commercial. Mr. Ramsey said that if the Commission recommends "D-PD" and a prospective buyer would like to have the property for commercial use, they could come back to the Commission and Council and request it be rezoned. Mr. Galbreath agreed but said some buyers would be turned off to the site if their use would require rezoning.

John Dawson asked the applicant if there is a specific reason for their request for a 20-foot setback for the signs versus the Staff recommendation of 25 feet setbacks. Mr. Hudson said the sign setback affects the parking and landscape area around it, so if they can get it five feet closer they can do a better job of laying out the building, parking, and landscaping. He said they do not want to be intrusive but they want potential customers to be able to see the signage and 20-foot is a standard use in various cities.

Ms. Price asked Mr. Hudson if the city did not allow the extra five feet, would that extra five feet be used as green space. Mr. Hudson said yes, probably so, but it has a ripple effect and pushes back the parking, the building layout and the fire lanes.

Sanjiv Shah said taking exception to the six-inch diameter tree inventory rule to a 10-inch inventory rule, means that they can cut down anything less than 10 inches. In return, the applicant has not said what trees under the landscape requirement they would be planting and he thinks there should be a requirement that all the trees should be above a certain diameter for compensating losing all the trees under 10 inches in diameter.

Mr. Hudson said under their "PD" requirements, they have specified some specific tree types and increased their landscaping requirements for canopy trees and the amount of landscape area required. Tom Galbreath said the City of Benbrook Tree Ordinance requires one-and-one-half inch trees for mitigation and in all likelihood, they would use two-inch minimum. Mr. Galbreath said if the City would like to require two-and-one-half inch diameter minimum, that would be acceptable to them, but as a Landscape Architect, he said his favorite size is two inches because they can adapt, do not go into shock, and can immediately start growing.

Discussion followed between the Commission and Mr. Galbreath on ball and burlap versus container grown trees and if there are times of the year that they do not plant trees.

Mr. Shah said he does appreciate the time and effort Staff has used to recommend exceptions to the unified sign plan submitted by the applicants. With what the applicant has been able to show in terms of competing

DATE:  07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE:  24 of 25
-----------------------	------------------------------------	---	-----------------------

signs in that particular area, it seems like the Staff recommendations are out of place. Mr. Shah said he would like the Commission to consider some relief from the exceptions that Staff has recommended.

Discussion followed between the Commission and Staff on the exceptions to the unified sign plan recommended by Staff. Mr. Ramsey said when he was on the Zoning Board of Adjustment; the Best Western owners came to the Board requesting a variance to the maximum height allowed by the Ordinance. The applicants used a crane to show the height of the sign they wanted, took pictures from various locations and superimposed the size of the sign onto the pictures to show how it could be seen from IH 20/Loop 820 and Benbrook Boulevard. They actually brought in empirical data that the Board could look at instead of just saying what size sign they wanted.

Motion by Mr. Hughes that the Commission recommends the City Council approve the PD zoning as requested with the exceptions recommended by Staff as follows:

1. That the City Council approve the rezoning of Parcels 1 and 3 to "BR-PD" with the use and development standards presented;
2. That the City Council approves the rezoning of Parcel 4 to "D-PD" with the standards presented with the exception of requiring that gross density be calculated on the platted lot area, excluding designated floodway, and that a F1 bufferyard be required adjacent to any public park.
3. That the City Council approve the rezoning of Parcels 2, 7A, 7C, 7D, 7E, and 8 to "HC-PD1".
4. That the City Council approve the rezoning of Parcel 7B to "HC-PD2".
5. That the City Council approves the rezoning of Parcels 5 and 6 to "D-PD".
6. That the City Council approve the proposed architectural standards except that loading docks must be screened from public view by a minimum six-foot masonry wall and that any wall (including rear walls) that are visible from a public street or residential area must meet all architectural requirements, including building articulation.
7. That the City Council approve the landscaping and tree preservation requirements as proposed,

Motion to amend by Mr. Shah that recommendation Number 5, regarding the rezoning of Parcels 5 and 6, be changed from "D-PD" to "HC-PD" and recommendation Number 7 be changed to include a requirement that all new trees planted be a minimum caliper of two and one-half inches (2 1/2 "). Second by Mr. Dawson to the amendment of the motion. The Vice Chair called the question.

DATE: 07/19/07	REFERENCE NUMBER: Pz-2007-07	SUBJECT: Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494 (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments) PUBLIC HEARING	PAGE: 25 of 25
-------------------	------------------------------------	---	-------------------

Vote on the Motion to Amend:

Ayes: Mr. Valverde, Mr. Morrill, Ms. Price, Mr. Dawson, Mr. Shah, Mr. Hughes, and Mr. Ramsey

Noes: Dr. Marshall

Motion carried 7 – 0

The Vice Chair called the question on the amended motion.

Vote on the Motion:

Ayes: Ms. Price, Mr. Dawson, Mr. Shah, Dr. Marshall, Mr. Hughes, Mr. Ramsey, Mr. Valverde, and Mr. Morrill

Noes: None

Motion carried 8 – 0

Motion by Mr. Shah that the Commission recommend City Council approve the unified sign plan as submitted by the applicant with the following exceptions:

- a. the Interstate Multi-Tenant Pole Sign not exceed 50 feet in height, have a minimum setback of 25 feet, and a maximum area per tenant of 120 square feet,
- b. the Multi-tenant architectural Column Sign not exceed 300 square feet in area, and no single tenant exceed 60 square feet of sign area,
- c. that the off-premise Builder Kiosk not exceed eight feet in height, have a minimum setback of five feet from the right-of-way, and be removed within 30 days of completion of single-family residential construction, and
- d. that the Temporary “For Sale” and “For Lease” Signs not exceed six feet in height and 48 square feet in area.

Second by Mr. Valverde. The Vice Chair called the question.

Ayes: Mr. Shah, Dr. Marshall, Mr. Hughes, Mr. Ramsey, Mr. Valverde, and Mr. Morrill

Noes: Mr. Dawson and Ms. Price

Motion carried 6 – 2



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 07/19/07	REFERENCE NUMBER: G-1710	SUBJECT: Financial report for quarter ending June 30, 2007	PAGE: 1 of 2
-------------------	-----------------------------	---	-----------------

Attached for City Councils information and consideration is the financial report for the quarter ended June 31, 2007.

### **GENERAL FUND REVENUES**

Revenues through the end of the quarter totaled \$10,601,042. Ad Valorem Taxes produced almost 66% of total revenues. Franchise taxes produced 11%, while Other Taxes were responsible for 11% of total revenues. Total collections were 88% of the original amount budgeted.

Revenue collected through the end of the second quarter was \$618,914 more than the amount received during the same period in the prior year.

### **GENERAL FUND EXPENDITURES**

Expenditures through the end of the quarter totaled \$8,510,571 or 70.76% of budgeted expenditures. No departments are over expended at this time.

Revenues exceed expenditures by \$2,090,471.

### **DEBT SERVICE FUND**

Revenues received through the end of the quarter totaled \$1,220,978 or 98.51% of the budget. Total expenditures were \$930,811.

### **EDC REPORT**

EDC revenues at June 30 were \$699,636, with most of this amount coming from the sales tax receipts. EDC expenditures were \$1,286,852, with the largest expenditures going toward land acquisition and interest on outstanding loans.

### **CAPITAL PROJECTS FUNDS**

Capital Projects revenues amounted to \$359,647, with most of this amount coming from TIF contributions. Capital Projects expenditures were \$596,182.

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

DATE: 07/19/07	REFERENCE NUMBER: G-1710	SUBJECT: Financial report for quarter ending June 30, 2007	PAGE: 2 of 2
-------------------	--------------------------------	--	-----------------

**SPECIAL ASSESSMENT**

Special Assessments revenues were \$49,726, while expenditures amounted to \$38,720.

**INVESTMENTS**

At June 30, 2007, the City had \$12,579,213 invested at varying interest rates. A summary of these funds are provided for City Council's information.

General Fund	\$7,826,028
Core Value Fund	1,258,423
Debt Service	383,639
Bond Funds	2,461,139
Special Assessments & Escrow	367,885
Grants & Other	282,099

**RECOMMENDATION**

Staff recommends that City Council accept the quarterly financial report for the quarter ended June 30, 2007.



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 07/19/07	REFERENCE NUMBER: G-1711	SUBJECT: Quarterly Hotel/Motel Tax report	PAGE: 1 of 1
-------------------	--------------------------------	--	-----------------

Attached for City Council's information and consideration is the quarterly HMT report for the period ending June 30, 2007

### **REVENUES**

Total collections amounted to \$33,448. Bed tax made up \$31,343 of this amount and interest provide \$2,104.

### **BENBROOK CHAMBER**

The Chamber submitted \$11,580 in expenses. These expenses included the visitor center salary of \$8,333, overhead charges of \$1,189, travel expenses of \$57, and event advertising of \$2,000.

Staff received no other reimbursement request.

### **RECOMMENDATIONS**

Staff recommends that City Council approve the quarterly Hotel/Motel Tax report for the period ending June 30, 2007.

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: 07/19/07	REFERENCE NUMBER: G-1712	SUBJECT: Resolution suspending interim Atmos GRIP adjustment	PAGE: 1 of 1
-------------------	-----------------------------	---	-----------------

### **BACKGROUND**

Atmos Energy filed its fourth GRIP (Gas Reliability Infrastructure Program) surcharge request on Thursday, May 31. The ACSC (Atmos Cities Standing Committee) met and recommended that all members pass the accompanying resolution suspending the effective date of the GRIP surcharge. Suspending the date of the GRIP surcharge allows the ACSC more time to examine the filing. Previous examinations have produced drastic reductions in Atmos' proposed filings.

Atmos recently received a GRIP rate increase of approximately \$5 million and should be collecting sufficient revenues to earn its allowed return without the necessity of a surcharge to recover incremental investment.

The proposed resolution:

1. Suspends the effective date of the GRIP rate increase for the maximum period allowed by law;
2. Authorizes the City to participate with the ACSC to hire and direct legal counsel and consultants;
3. Authorizes intervention in administration proceedings or litigation associated with the proposed GRIP rate increase; and
4. Provides for the reimbursement of reasonable costs associated with these proceedings.

### **RECOMMENDATIONS**

Staff recommends that City Council approve the proposed resolution suspending the implementation of the interim GRIP rate adjustment proposed by Atmos Energy.

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