AGENDA
BENBROOK PLANNING AND ZONING COMMISSION
THURSDAY, FEBRUARY 13, 2020
911 WINSCOTT ROAD
PRE-COMMISSION WORK SESSION, 7:00 P.M.
CENTRAL CONFERENCE ROOM

1. Review and discuss items for the regular meeting.

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

I. CALL TO ORDER

II. CITIZEN COMMENTS ON ANY AGENDA ITEM

III. MINUTES

Approve Minutes Of The Regular Meeting Held On January 9, 2020.

Documents:

PZ MINUTES 010920.PDF

IV. REPORTS BY CITY STAFF

A. SUBDIVISION

1. RP-20-01

A request to approve a replat of 5.834 acres to combine lots 1R and 2R, Block 1 of the Hawkins Business Center Phase 1 Addition into one nonresidential lot. The property is zoned "G" Commerce District and is generally located at the northeast corner of the I.H. 20/820 frontage road and Hawkins Center Drive intersection (7300 Hawkins Center Drive). [PUBLIC HEARING]

Documents:

RP-20-01 PZ STAFF REPORT.PDF
RP-20-01 ATTACHMENTS.PDF

B. ZONING

1. ZTA-20-01

An ordinance amending Chapter 17.79 - Benbrook Boulevard Corridor Overlay District, Title 17 - Zoning, Benbrook Municipal Code, prohibiting minor auto repair and self-service carwash uses, currently allowed by right in commercial zoning districts in the Benbrook Boulevard Corridor Overlay District located primarily along Benbrook Boulevard (U.S. Hwy 377) between Winscott Road and I-20/I-820. [PUBLIC HEARING]

Documents:

ZTA-20-01 ATTACHMENTS.PDF
ZTA-20-01 PZ STAFF REPORT.PDF

V. ADJOURNMENT

MINUTES
OF THE MEETING OF THE
CITY OF BENBROOK
PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, JANUARY 9, 2020

The regular meeting of the Planning and Zoning Commission of the City of Benbrook was held on Thursday, January 9, 2020, at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

David Ramsey
Alfredo Valverde
Nathan Sultemeier
Matthew Wallis
Jon Craver
David Eason
Damon Farrar

Absent: John Logan
Mikel Seifert

Also present: Jim Hinderaker — Assistant City Manager
Caroline Stewart — Assistant City Planner, Acting Recording Secretary

I. CALL TO ORDER

Chair Valverde called the meeting to order at 7:30 p.m.

II. CITIZEN COMMENTS ON ANY AGENDA ITEM

III. MINUTES

Regular Meeting, June 13, 2019

Motion by Commissioner Ramsey to approve the minutes of the June 13th meeting. Second by Commissioner Sultemeier. The Chair called the question.

Vote on the motion:
Ayes: Mr. Ramsey, Mr. Valverde, Mr. Sultemeier, Mr. Wallis, Mr. Eason, and Mr. Farrar

Noes: None

Abstain: Mr. Craver

Motion carried: 6 – 0 – 1

IV. SELECTION OF CHAIR AND VICE CHAIR

Motion by Commissioner Ramsey to elect Commissioner Valverde as Chair of the Planning and Zoning Commission. Seconded by Commissioner Craver. The Chair called the question.

Vote on the motion:
Ayes: Mr. Ramsey, Mr. Valverde, Mr. Sultemeier, Mr. Wallis, Mr. Craver, Mr. Eason, and Mr. Farrar

Noes: None

Abstain: None

Motion carried: 7 – 0 – 0

Motion by Commissioner Sultemeier to elect Commissioner Craver as Vice Chair of the Planning and Zoning Commission. Seconded by Commissioner Farrar. The Chair called the question.

Vote on the motion:
Ayes: Mr. Ramsey, Mr. Valverde, Mr. Sultemeier, Mr. Wallis, Mr. Craver, Mr. Eason, and Mr. Farrar

Noes: None

Abstain: None

Motion carried: 7 – 0 – 0

V. REPORTS OF CITY STAFF

A. SITE PLAN

1) **SP-20-01** – A request to approve a Site Plan for a 179-unit multi-family development on 7.34 acres within a "D" Multiple-Family zoning district, generally located northwest of the Cook Ranch Road and Benbrook Boulevard (Hwy 377) intersection (8879 Cook Ranch Road). [PUBLIC HEARING]

JR Thulin, the applicant, gave a presentation and answered questions from the commission. Pat Hart, the Landscape Architect with Kimley-Horn, presented the landscape plan and tree mitigation and preservation plan and answered questions from the Commission.

Caroline Stewart, Assistant City Planner, presented the staff report.

The Chair asked for public comment. Diane Price (11029 Hawkins Home Boulevard, Benbrook), Anthony Harris (10901 Hawkins Home Boulevard, Benbrook), and Randy Toulouse (11104 Hawkins Home Boulevard, Benbrook) asked questions concerning the proposed development. The Chair closed the public hearing at 8:07 p.m.

Motion by Commissioner Sultemeier to request to approve the site plan for a 179-unit multi-family development on 7.34 acres generally located at the northwest corner of the Cook Ranch Road and Benbrook Boulevard (Hwy 377) intersection (8879 Cook Ranch Road). Seconded by Commissioner Craver. The Chair called the question:

Vote on the motion:
Ayes: Mr. Ramsey, Mr. Valverde, Mr. Sultemeier, Mr. Wallis, Mr. Craver, Mr. Eason, and Mr. Farrar

Noes: None

Abstain: None

Motion carried: 7 – 0 –0

B. SUBDIVISION

2) **P-20-01** – A request to approve a Preliminary Plat for 37.94 acres out of the T. & N. O. RR. Co Survey, Abstract No. 1565. The property is zoned "BR-PD" One-Family Reduced District. The residential development, named Whitestone Heights Phases 2 and 3, proposes 107 single-family residential lots. The property is generally located northeast of the Hawkins Home Boulevard and Benbrook Boulevard (Hey 377) intersection. [PUBLIC HEARING]

Commission Ramsey and Jim Hinderaker disclosed that they both live within the adjacent subdivision, Whitestone Heights PH1.

Caroline Stewart, Assistant City Planner, presented the staff report to the Commission and entered a letter, "Exhibit A", into the record, submitted by Robert E. Tanner concerning lack of utility and cable/internet services at Whitestone Heights – Phase 1.

Casey Stevenson, the applicant, gave a presentation to the Commission.

The Chair asked for public comment. Judith Bennett (10913 Hawkins Home Boulevard), Diane Price (11029 Hawkins Home Boulevard), Diane Luton (11037 Hawkins Home Boulevard), Anthony Harris (10901 Hawkins Home Boulevard), Steve Kolman (11033 Hawkins Home Boulevard), Mike Lloyd (11000 Hawkins Home Boulevard), and Doug Price (11029 Hawkins Home Boulevard) spoke with concerns regarding the case. Among the issues raised were concerns about drainage, utilities, golf cart path safety, builder refuse, quality of homes in the future developments and the new connection to Highway 377. Commissioner Wallis asked questions to clarify information regarding drainage. The Chair closed the public hearing at 9:06 p.m.

Motion by Commissioner Wallis to approve Preliminary Plat request number P-20-01, subject to staff comments and stipulations as contained in the staff report and attachments. Seconded by Commissioner Sultemeier. The Chair called the question:

Vote on the motion:

Ayes: Mr. Ramsey, Mr. Valverde, Mr. Sultemeier, Mr. Wallis, Mr. Craver, Mr. Eason, and Mr. Farrar

Noes: None

Abstain: None

Motion carried: 7 – 0 –0

C. COMPREHENSIVE PLAN

3) **CP-20-01** – Consideration of an update to the Benbrook Comprehensive Plan. Updates include revised goals and visioning, Future Land Use Map (FLUM) for the City and its Extra Territorial Jurisdiction (ETJ), Master Thoroughfare Plan, the establishment of a Downtown Plan, and other editorial updates. [PUBLIC HEARING]

Jim Hinderaker, Assistant City Manager, presented the staff report. Commissioners Ramsey and Farrar commended staff for their work on the Comprehensive Plan Update.

The Chair asked for public comment. There were no public comments. The Chair closed the public hearing at 9:25 pm.

Motion by Commissioner Craver to recommend to the City Council the Benbrook Comprehensive Plan update as presented. Seconded by Commissioner Farrar. The Chair called the question:

Vote on the motion:

Ayes: Mr. Ramsey, Mr. Valverde, Mr. Sultemeier, Mr. Wallis, Mr. Craver, Mr. Eason, and Mr. Farrar

Noes: None

Abstain: None

Motion carried: 7 – 0 –0

IV. ADJOURNMENT

There being no further business on the agenda, the Chair adjourned the meeting at 9:27 p.m.

APPROVED _____,2020

_____

Chair

City of Benbrook

Planning and Zoning Commission

DATE:	REFERENCE NUMBER:	SUBJECT:	PAGE:
02/13/2020	**RP-20-01**	**Consideration of a replat combining Lots 1R and 2R, Block 1 of the Hawkins Business Center – Benbrook Phase 1 Addition.**	**1 of 2**

Project Name: Audi

Request Type: Minor Replat

Site Description: Lots 1R and 2R, Block 1, Hawkins Business Center – Benbrook Phase 1; 5.834 acres

Location: Planning Area "B"
Located at the northeast corner of Hawkins Center Dr. and the I.H. 20/820 frontage road (7300 Hawkins Center Dr.)

Zoning District: "G" Commerce District (Ord. 1211)

Property Owner: Group 1 Realty, Inc.
Houston, TX

Background

- A final plat for Hawkins Business Center – Benbrook PH 1 was originally approved by the City on February 9, 2012, creating 6 non-residential lots.
- On August 25, 2017, the City approved a minor replat of Block 1 of the Hawkins Business Center – Benbrook PH1 addition, reconfiguring 4 lots into 3 non-residential lots.

Plat Analysis

- The applicant is requesting approval of a minor replat, combining 2 lots into 1 non-residential lot.
- Texas State law allows municipalities to authorize City staff to approve minor plats and replats. Staff finds this replat conforms to the requirements of the zoning and subdivision ordinances and; therefore, must be approved.
- In accordance with Section 16.16.020.C.b.v(C) of the Benbrook Municipal Code, the city planner may, for any reason, present the plat to the Planning and Zoning Commission for approval. Because staff does not have the authority to grant relief from the City's tree preservation and mitigation requirements, this minor replat application is being referred to the Planning and Zoning Commission for consideration of the applicant's alternative tree preservation/mitigation plan.

Request for Waivers or Relief

Alternative Tree Preservation and Mitigation Relief

- In accordance with Section 16.28.010.L of the Benbrook Municipal Code, an applicant may file for relief from the tree preservation and mitigation requirements. City ordinance provides a flexible process where an alternative plan may be approved by the Planning and Zoning Commission. The applicant submitted a letter detailing the specific relief requested and an alternative tree preservation and mitigation plan (see attached).

- Criteria for approval:
    1. The proposed alternative tree preservation plan adequately achieves, or is an improvement on, the intent of the requirements of [Section 16.28.010];
    2. It assures quality development that fits in with the character of Benbrook; and
    3. It clearly states the intended preservation objectives.
- Staff supports the applicant's request for relief from the preservation and mitigation requirements. If approved, and prior to removing any trees apply for and receive a tree removal permit.
- Tree removal and mitigation plans, consistent with the alternative tree mitigation plan approved by the Planning and Zoning Commission, may be submitted in conjunction with the civil construction plans for building permit.

Public Notice

Legal notifications of this request were sent out, in accordance with State Law and City Ordinance:

- Notification of this request was sent to all property owners within 200ft of the subject site on January 24, 2020.
- A legal notice was posted within the Benbrook News on January 23, 2020.

Staff Recommended Motion

Move to approve replat request number RP-20-01, including the approval of the alternative tree preservation/mitigation plan, as proposed by the applicant.

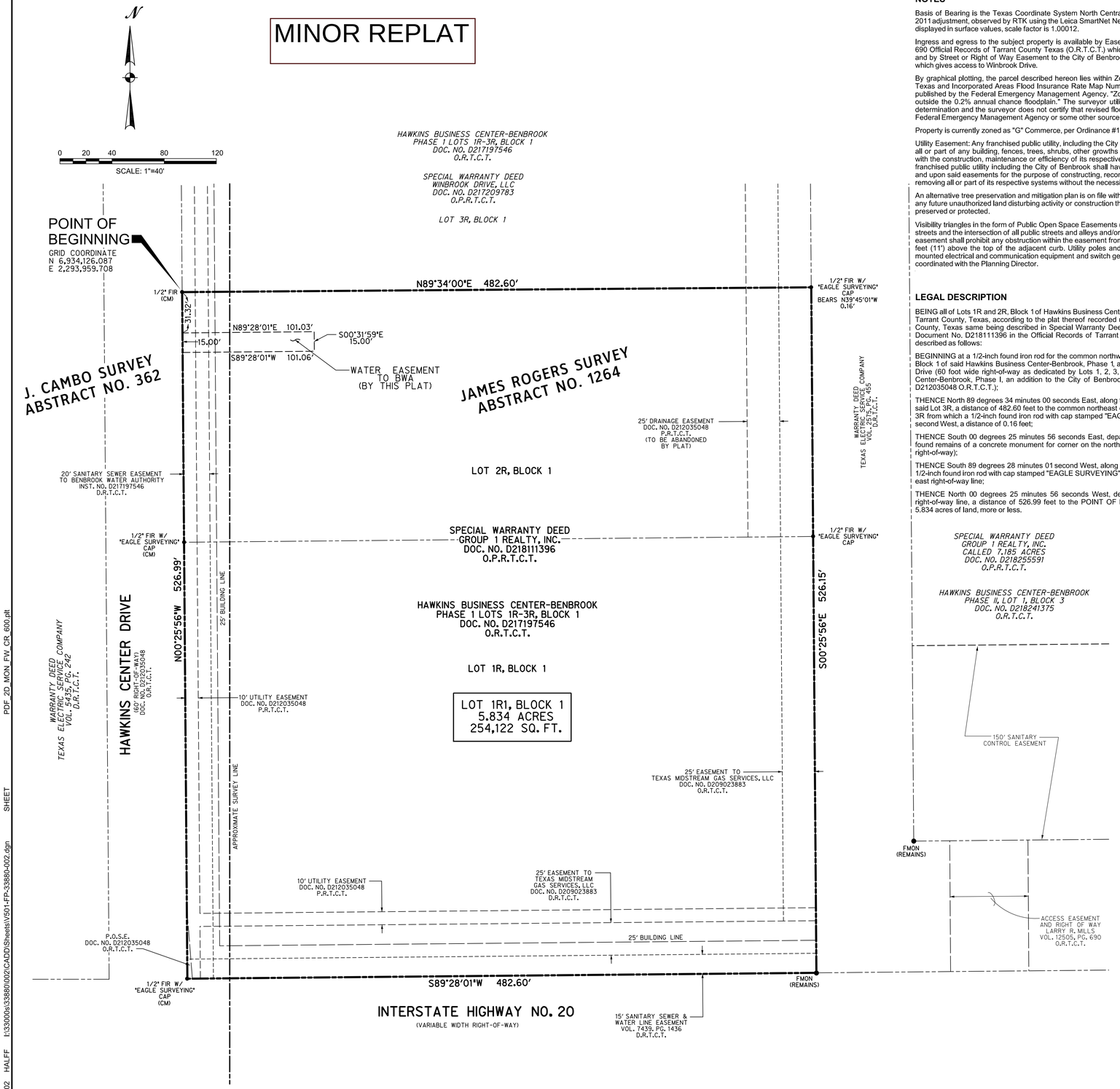
Attachments

1. Location Map
2. Minor Replat
3. Applicant Letter – Request for Tree Preservation/Mitigation Relief (Applicant's Request)
4. Alternative Tree Preservation and Mitigation Plan (ATP Plan)

Location Map

RP-20-01 - Replat
Hawkins Business Center Addition PH1

MINOR REPLAT



NOTES

Basis of Bearing is the Texas Coordinate System North Central Zone (4202), North American Datum of 1983 (NAD 83) 2011 adjustment, observed by RTK using the Leica SmartNet Network on 02/12/2018. Distances shown are US Survey feet displayed in surface values, scale factor is 1.00012.

Ingress and egress to the subject property is available by Easement and Right of way recorded in Volume 12505, Page 690 Official Records of Tarrant County Texas (O.R.T.C.T.) which gives access to Interstate Highway 20\South Loop 820 and by Street or Right of Way Easement to the City of Benbrook as recorded in Document No. D211263652 O.R.T.C.T. which gives access to Winbrook Drive.

By graphical plotting, the parcel described hereon lies within Zone "X" (unshaded) as delineated on the Tarrant County, Texas and Incorporated Areas Flood Insurance Rate Map Number 48439C0290K, revised date September 25, 2009, as published by the Federal Emergency Management Agency, "Zone "X" (unshaded) Is defined as "Areas determined to be outside the 0.2% annual chance floodplain." The surveyor utilized the above referenced flood plain information for this determination and the surveyor does not certify that revised flood plain information has or has not been published by the Federal Emergency Management Agency or some other source.

Property is currently zoned as "G" Commerce, per Ordinance #1211, adopted by the Benbrook City Council.

Utility Easement: Any franchised public utility, including the City of Benbrook shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on any of the easements shown on the plat. Any franchised public utility including the City of Benbrook shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of constructing, reconstructing, inspection, patrol, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

An alternative tree preservation and mitigation plan is on file with the City of Benbrook Planning Department and shall limit any future unauthorized land disturbing activity or construction that would negatively affect and/or damage the tree(s) to be preserved or protected.

Visibility triangles in the form of Public Open Space Easements (P.O.S.E.) shall be provided at the intersection of all public streets and the intersection of all public streets and alleys and/or private streets as required in Paragraph 16.28.020.C. The easement shall prohibit any obstruction within the easement from a height of twenty-four inches (24L) to a height of eleven feet (11') above the top of the adjacent curb. Utility poles and guy wires may be located in the P.OS.E. Other ground mounted electrical and communication equipment and switch gear may be located within the P.O.S.E. when the location is coordinated with the Planning Director.

LEGAL DESCRIPTION

BEING all of Lots 1R and 2R, Block 1 of Hawkins Business Center-Benbrook, Phase 1, an addition to the City of Benbrook, Tarrant County, Texas, according to the plat thereof recorded under Document No. D217197546. Plat Records, Tarrant County, Texas same being described in Special Warranty Deed to Group 1 Realty, Inc., as recorded in County Clerk's Document No. D218111396 in the Official Records of Tarrant County, Texas (O.R.T.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch found iron rod for the common northwest corner of said Lot 2R, the southwest corner of Lot 3R Block 1 of said Hawkins Business Center-Benbrook, Phase 1, and being on the east right-of-way line of Hawkins Center Drive (60 foot wide right-of-way as dedicated by Lots 1, 2, 3, & 4 Block 1 and Lots 1 & 2, Block 2 Hawkins Business Center-Benbrook, Phase I, an addition to the City of Benbrook, Tarrant County, Texas as recorded in Document No. D212035048 O.R.T.C.T.);

THENCE North 89 degrees 34 minutes 00 seconds East, along the common north line of said Lot 2R and the south line of said Lot 3R, a distance of 482.60 feet to the common northeast corner of said Lot 2R and the southeast corner of said Lot 3R from which a 1/2-inch found iron rod with cap stamped "EAGLE SURVEYING" bears North 39 degrees 45 minutes 01 second West, a distance of 0.16 feet;

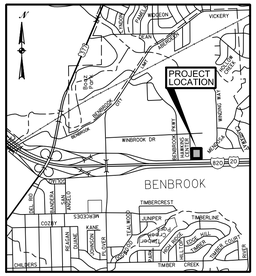
THENCE South 00 degrees 25 minutes 56 seconds East, departing said common line, a distance of 526.15 feet to the found remains of a concrete monument for corner on the north right-of-way line of Interstate Highway 20 (variable width right-of-way);

THENCE South 89 degrees 28 minutes 01 second West, along said north right-of-way line, a distance of 482.60 feet to a 1/2-inch found iron rod with cap stamped "EAGLE SURVEYING" for the intersection of said north right-of-way line and said east right-of-way line;

THENCE North 00 degrees 25 minutes 56 seconds West, departing said north right-of-way line and along said east right-of-way line, a distance of 526.99 feet to the POINT OF BEGINNING AND CONTAINING 254,122 square feet or 5.834 acres of land, more or less.

LEGEND

● FIR	FOUND IRON ROD
● FMON	FOUND MONUMENT
(CM)	CONTROL MONUMENT
———	PROPERTY LINE
– – – – –	EXISTING EASEMENT
D.R.T.C.T.	DEED RECORDS TARRANT COUNTY TEXAS
O.R.T.C.T.	OFFICIAL RECORDS TARRANT COUNTY TEXAS
P.R.T.C.T.	PLAT RECORDS TARRANT COUNTY TEXAS



VICINITY MAP
NOT TO SCALE

STATE OF TEXAS
COUNTY OF TARRANT
OWNER'S ACKNOWLEDGMENT AND DEDICATION
LOT 1R1, BLOCK 1,
HAWKINS BUSINESS CENTER-BENBROOK PHASE 1;

AND DESIGNATED HEREIN AS LOT 1R1, BLOCK 1, HAWKINS BUSINESS CENTER-BENBROOK, PHASE 1 ADDITION, A SUBDIVISION TO THE CITY OF BENBROOK, TEXAS AND WHOSE NAME IS SUBSCRIPTED HERETO, HEREBY DEDICATED TO THE PUBLIC IN FEE SIMPLE ALL STREETS, ALLEYS, RIGHTS-OF-WAY AND PARKS AND DEDICATE TO THE PUBLIC FOREVER ALL WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED, SAVE AND EXCEPT THE WATER EASEMENT.

That Group 1 Realty, Inc., a Delaware corporation, the owner of the property described in this plat, in addition to the forgoing dedication and contemporaneously herewith, does hereby dedicate, grant and convey to the Benbrook Water Authority, Tarrant County, Texas its successors and assigns ("BWA") a perpetual and exclusive easement (the "Water Easement" as depicted herein) and does certify the following:

i. The Water Easement shall be used exclusively to construct, reconstruct, install, operate, inspect, repair, make connections to, relocate within the easement, remove or abandon in place and maintain water and sanitary sewer lines, together with all necessary above or below ground appurtenances thereto (the "Pipelines"), and with the right and privilege at any and all times, to enter said premises, or any part thereof, as is necessary or convenient to the proper use of the Water Easement.

ii. Owner agrees not to convey any other easement or conflicting rights within the Water Easement except (a) Owner may construct a road or pavement across the Water Easement, and (b) subject to BWA's prior written consent, which consent shall not be unreasonably withheld, install utility crossings or grant additional rights-of-way above or below BWA's Pipelines (all maintaining sufficient distance to protect the pipe and/or comply with any applicable legal requirement), provided the foregoing intersect BWA's Pipelines at an angle between sixty degrees (60°) and ninety degrees (90°) with each being clearly marked across the Easement and so long as the foregoing construction and use do not unreasonably interfere with BWA's exercise and use of the Water Easement granted herein, and safe operation of the Pipelines. BWA shall be given at least 30 days advance written notice of any such proposed construction together with any engineering reports. Such construction shall be subject to any applicable or relevant law, regulation or construction standard.

iii. Provided any private improvements are placed in the Water Easement, such improvements shall be placed at no risk or obligation to BWA, and BWA shall have no responsibility to repair or replace such improvements in, under or over the Water Easement if they are damaged or destroyed in the utilization of these rights granted herein.

iv. The BWA shall have the right: (1) to remove and keep removed all or any part of any building, fence, tree, shrub, or other structure, improvement or growth which in any way may endanger or interfere with the construction, reconstruction, maintenance, operation or efficiency of such utility; and of ingress and egress to or from and upon the Water Easement, other public easements and Owner's adjacent property for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to, enlarging, or removing all or parts of its operation without the necessity at any time of procuring the permission of anyone.

v. BWA shall have no responsibility for the maintenance of paving on or upon the Water Easement.

vi. The Water Easement dedicated by this plat shall also include an additional temporary area of working space for construction, reconstruction, additions, enlargements, and maintenance including such additional area necessary for installation and maintenance of manholes, clean outs, fire hydrants, water services and wastewater services.

vii. All modifications to Water Easement or the terms and conditions contained herein shall be by means of plat or other written, recordable instrument and approved by BWA.

BUSINESS ENTITY NAME
BY: _____
NAME: _____
TITLE: _____

CITY OF BENBROOK

Approved by Planning and Zoning Commission:

Chair: _____

Attested by City Secretary: _____

Date of Approval: _____

STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations and in the capacity therein stated.
Given under my hand and seal of office this ____ day of _____, 2020

Notary Public _____

_____ County

STATEMENT OF SURVEYOR

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, hereby state that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

_____
Registered Professional Land Surveyor
State of Texas Number 5619
Date: _____

FINAL PLAT
OF
HAWKINS BUSINESS CENTER - BENBROOK
PHASE 1, LOT 1R1, BLOCK 1
BEING A
REPLAT OF LOT 1R AND
LOT 2R, BLOCK 1
HAWKINS BUSINESS CENTER
BENBROOK PHASE 1
OUT OF THE
JAMES ROGERS SURVEY, ABSTRACT NO. 1264
AND THE J. CAMBO SURVEY, ABSTRACT NO. 362
IN THE
CITY OF BENBROOK
TARRANT COUNTY, TEXAS
BY

OWNER/DEVELOPER
GROUP 1 REALTY, INC
CONTACT: LARRY CAUDILL
800 GESSNER ROAD, SUITE 500
HOUSTON, TEXAS 77024
(713) 647-5700

ENGINEER
BIRKIE AYER JR., P.E.
AYER DESIGN GROUP, LLC
215 JOHNSTON STREET
ROCK HILL, SC 29730
(803) 328-5828
birk@ayerdesigngroup.com

SURVEYOR
DOUGLAS A. CALHOUN, RPLS
SURVEY MANAGER
HALFF ASSOCIATES, INC.
4000 FOSSIL CREEK BLVD.
FORT WORTH, TEXAS 76137
(817) 764-7505 DIRECT
(817) 232-9784 FAX
dcalhoun@halff.com

HALFF
4000 FOSSIL CREEK BLVD. FORT WORTH, TEXAS 76137 (817) 847-1422
HALFF ASSOCIATES, INC. TBPE&LS FIRM NO. 10029605

JANUARY 28, 2020

THIS PLAT FILED IN INSTRUMENT No._____ Date: _____

1/28/2020 10:45:41 AM ah402 HALFF I:\33000s\33880\002\CADD\Sheets\V501-FP-33880-002.dgn SHEET PDF_2D_MON_FIV_CR_600.plt

AYER DESIGN GROUP
PROFESSIONAL ENGINEERING SERVICES

February 4, 2019

Planning & Zoning Commission
City of Benbrook
c/o Caroline Stewart, Assistant City Planner
911 Winscott Road
Benbrook, Texas 76126-0569
cstewart@benbrook-tx.gov

Reference: Audi Alternative Tree Preservation Plan
7300 Hawkins Center Drive
Benbrook, Texas

Dear Benbrook Planning and Zoning Commission,

Group 1 Automotive, Inc. (Group1) plans to construct a new full-service Audi Automobile Dealership at 7300 Hawkins Center Drive in Benbrook. The building will contain 54,850 sf of building space on approximately 5.8 acres. The building will have 19,200 sf of showroom and retail space, a 6,375 sf of service drop-off lane, a 16,200 sf service department with 31 service bays, a 10,100 sf parts department with employee facilities, a 1,820 sf detail facility with 4 detail bays, and a 1,155 sf automated carwash facility. Audi is a luxury brand, and we're proud to be bringing it to Benbrook.

As we work through the design and permitting for the new Audi Dealership, we have identified a need to meet Benbrook's tree preservation requirements through an Alternative Tree Preservation Plan (ATPP) because the existing trees onsite are dying due to grading operations that occurred before Group1 purchased the property. Several feet of fill were placed over the roots of the existing trees onsite, effectively smothering them. Included in our application is an assessment from a Certified Arborist, who has indicated the existing trees are dying due to this condition. Our plan proposes to replace these dying trees with healthy new trees that will thrive. In order to comply with Benbrook's process for ATPP, we have addressed the following criteria:

a. Adequately achieves, or improves on, the intent of the requirements of [Section 16.28.010];
b. Assures quality development that fits with the character of Benbrook;
c. Clearly states the intended preservation objectives; and
d. Details the specific relief request and rationale.

A: ACHIEVE INTENT OF REQUIREMENTS:

Section 16.28.010 of Benbrook Code of Ordinances:

Purpose. The purpose of these regulations is to promote the preservation of trees, tree stands and existing tree canopy, to protect trees during construction, to facilitate site design and construction that contribute to the long-term viability of existing trees, to increase property values and promote environmental sustainability and to regulate the removal of trees.

Our plan recognizes that long-term viability of the existing trees is limited because they are already dead and dying due to factors beyond our control. There is no way to save them. Thus, to provide an environmentally sustainable tree canopy and create tree stands, we have focused our plan on planting a large number of new quality trees that will have the best chance to not just survive, but thrive, long term. Our plan will result in an aesthetically pleasing automotive campus that will make Benbrook proud. The comprehensive plan has identified this corridor for commercial uses,

and our Audi store will increase property values. Our luxury brand customers expect a high level of landscape appeal, and this plan provides that while also meeting the requirements for caliper inches and number of trees as specified in the code. We consulted with an arborist to determine if there was a way to save the trees and are confident that we have done all that we could to meet the intent of the ordinance.

B: QUALITY PROJECT FITTING THE CHARACTER OF BENBROOK:

Our project fits well in the framework of Benbrook's comprehensive plan which recognizes the need for growth in commercial services. With respect to the tree preservation plan, we've worked carefully to present a landscape plan that is visually appealing. We are removing 130 caliper inches of dying trees and replacing them with 295 caliper inches of healthy trees. The plan provides shade and color with a mix of native and specimen trees that enhance the entire project.

C: PRESERVATION OBJECTIVES:

Our objective was to preserve the trees that could be saved for long-term viability. This was not possible due to existing conditions despite our best efforts, which included contracting with a certified arborist to evaluate the site and recommend a course of action. Because preservation of the existing trees was impossible, we refocused our efforts on mitigation. We're providing more than double the amount of caliper inches than required for preservation. We're providing a plan that will provide tree canopy for environmental and aesthetic value for years to come.

D: SPECIFIC RELIEF REQUST AND RATIONALE:

If the existing 11 trees onsite had a viable chance of long-term survival, our goal was to save them. We prepared our early site plan layouts around large tree save areas specifically for that purpose. Unfortunately, after consulting with experts in the field, it was determined that preserving the trees is impossible. Thus, we request that our alternative plan which proposes new, high quality trees in numbers exceeding the code requirements be accepted in lieu of attempting to save trees which are already dead or dying.

Group 1 and its consultants have worked closely with Benbrook staff to come up with this plan, and we are confident that we will all be proud when the construction is complete, and we see the finished result. In closing, I'd like to say that we're excited to be a part of this project and look forward to the grand opening of this luxury automotive dealership. Should you have any comments or questions or require additional information, please contact me.

Sincerely,

Ayer Design Group, LLC

Birkie Ayer, Jr., P.E.

TREE CALCULATIONS:

	QTY	% REQUIRED	QTY REQUIRED	QTY PRESERVED*
LARGE QUALITY TREES	3	70%	(2.1) 3	0
QUALITY TREES	5	20%	(1) 1	0
LARGE SECONDARY TREES	0	20%	0	0
SECONDARY TREES	3	N/A	N/A	N/A

* ALTERNATIVE TREE MITIGATION/PRESERVATION PLAN
SEE LANDSCAPE PLAN FOR ALTERNATIVE TREE MITIGATION/PRESERVATION PLAN

TREE MITIGATION REQUIREMENTS

CLASSIFICATION	CAL. IN REMOVED	RATIO	CAL. IN REQUIRED
LARGE QUALITY TREES:	63"	1 : 1	63"
QUALITY TREES:	61"	1 : 1	61"
LARGE SECONDARY TREES:	0"	1 : .75	0"
SECONDARY TREES	12"	1 : .5	6"

TOTAL REPLACEMENT CALIPER INCHES REQUIRED = 130"

REQUIRED MITIGATION
REPLACEMENT CALIPER INCHES REQUIRED = 130"
REPLACEMENT CALIPER INCHES PROVIDED = 295"
PAYMENT IN LIEU OF MITIGATION (UP TO 50%): 0"
TOTAL MITIGATION PROVIDED = 295"

ATP PLAN
PG 1 OF 2

Matthew Clemons, RCA
3000 S. Hulen St #124-401
Fort Worth, TX 76109

December 13, 2019

Chad Chastain
Ayer Design Group, LLC
215 Johnston St,
Rock Hill, SC 29730

RE: Audi Fort Worth; Arborist Report

Dear Mr. Chastain:

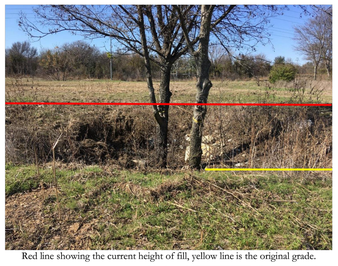
You contacted me requesting arborist consultation regarding the present condition of existing trees on the proposed site for Audi Fort Worth located in the Hawkins Business Center development in Benbrook, Texas. You requested that I visit the site and give my observations and opinions about what effect the past infilling of material into the site may have on the existing trees. I was provided with a topographic survey with tree locations and visited the site on December 13, 2019. I found that extensive filling around most of the trees had taken place prior to the current ownership of the property. Due to the severity of the amount of fill around the trees, their survivability is unlikely. I also found that many of the trees are already in decline and some are already dead. Also, many of the trees would be designated Secondary Trees in Benbrook, which means that their species are not generally considered for preservation efforts.

The site contains stands of trees that would be considered Secondary Tree Stands according to definitions found in Section 1 16.28.010 – *Preservation of Trees and Native Vegetation* (City of Benbrook). These stands consist primarily of hackberry, bois d arc, and willows. There are some trees on the property in the elm and oak species within these stands which are noted in a complete listing of trees in a separate tree survey. Though none of them are in good health or structural condition.

A visual inspection of the property without the use of surveyor's equipment revealed obvious amounts of fill activity above the original grade of the land. Many trees have been left surrounded by fill with voids forming basins around the root flares. These basins measure up to 7' high above what is likely the original grade of the tree's root flares where the trunks naturally emanate from the soil. I probed the soil and found that the fill consisted of rubble and debris, with native caliche clay soil. I also took photographs that exhibit the way the grade has been changed which I have included with this letter.

According to the topographic survey, the likely original elevation of the property is between 649'-652'. The current elevation in the areas affected by filling is as high as 656'. This difference in elevation does coincide with my observations of the filling around the trees at heights up to 7'.

PHOTOS



Red line showing the current height of fill, yellow line is the original grade.

Red line showing current grade.

Blue line showing that this tree Root flare has been buried in rubble.

The trees on the site are also in very poor condition. Some trees were toppled over, which could be caused by the fill around trees. Among the stands were trees with significant hazardous limbs and dead material. Though I visited the property during the dormant season, some of the trees appeared to be dead or in a state of very poor health biologically.

Site filling is well documented as being very harmful to trees. All available literature on the subject affirms this and it represents the undisputed consensus among arborists and foresters. The Benbrook Preservation and Protection Standards (Sec. 1-16.28.010; F.2) state that the addition of fill near trees should be minimized. The reason for this is due to the damaging effect that this causes to trees. When tree root systems are buried under such amounts of heavy fill, they cannot perform their function. Root flares that are buried and covered are also subject to structural rot, which means that affected trees can topple over. The extent of the fill across the property is such that remedying it for the tree's sake would be unfeasible. I believe this filling took place during the grading and setting of the roads within the Hawkins development. Also, attempts at preserving these poor-quality trees would be ineffective. A much better option would be the planting and maintaining of desirable trees at the proper grade based on the current elevation of the roads and utilities.

Based on my experience and research in this situation, I am recommending that these trees not be subject to protection and mitigation requirements. The damage done to these trees occurred before the consideration of the proposed project and not at the direction of the current owner. It would be unreasonable to expect the current owner to consider these trees as salvageable and subject them to protection requirements when each of them is certain to die, topple over, or detract from the beauty and safety of the project as proposed.

Please do not hesitate to call if you have any questions.

Sincerely,

Matthew Clemons, RCA 623

<Photos>
<<Certificate of Performance>>

Photo showing the nature of The fill material.

Photo taken from the vantage of the original grade showing the level of fill across the site.

CERTIFICATION OF PERFORMANCE

I, **MATTHEW CLEMONS, RCA**, certify that:

1. I have inspected the trees and property referred to in this report and have reported my findings accurately.

2. I have no current or prospective interest in the subject or the property in relation to this report. I have no bias or personal interest with respect to the parties involved.

3. The investigation, opinions, and recommendations stated herein are my own and are based on current industry practices.

4. No one provided significant professional assistance to me unless otherwise disclosed.

5. My fees are not contingent upon the outcome or predetermined conclusion that favors the cause of the client or any other party.

I further certify that I am a member in good standing of the American Society of Consulting Arborists, the International Society of Arboriculture, and I have been involved in the field of arboriculture and the study and care of trees for over 15 years.

Signed_____

12-13-2019

Date_____

PRINTED: 11/14/2017 ETB FILE: MEPS-SURVEY.STB LAST SAVED: 11/14/2017 2:02 PM SAVED BY: SANNYC FILE: ALTA-LOTS-2R-17765.DWG

2/13/15

SCHEDULE B-2 EASEMENT NOTES

1. THE TWENTY FIVE FOOT (25') BUILDING LINE ALONG THE WEST LINE OF LOTS 1R AND 2R AND THE SOUTH LINE OF LOT 1R, TWENTY FOOT (20') SANITARY SEWER EASEMENT ALONG WEST LINE OF LOTS 1R AND 2R, TEN FOOT (10') SANITARY SEWER EASEMENT ALONG THE SOUTH LINE OF LOT 2R AND THE SOUTH 10.00' OF LOT 1R, RECORDED IN INST. NO. 0207197546, O.P.R.T.C.T. ARE LOCATED ON THE SUBJECT TRACT AND ARE SHOWN HEREON. (ITEM 10f)

2. THE EASEMENT GRANTED TO BENBROOK WATER AND SEWER AUTHORITY RECORDED IN VOL. 7438, PG. 1438, P.R.T.C.T. IS LOCATED ON THE SUBJECT TRACT AND IS SHOWN HEREON. (ITEM 10g)

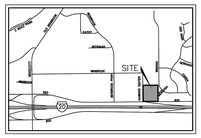
3. THE EASEMENT RECORDED IN VOL. 17303, PG. 239, D.R.T.C.T. IS NOT LOCATED ON THE SUBJECT TRACT. (ITEM 10k)

4. THE RIGHT-OF-WAY AGREEMENT RECORDED IN INST. NO. D206023883, O.P.R.T.C.T., AS AFFECTED BY THE TERMINATION OF EASEMENT AGREEMENT RECORDED IN INST. NO. D210330056, O.P.R.T.C.T., IS LOCATED ON THE SUBJECT TRACT AND IS SHOWN HEREON. (ITEM 10l)

5. THE TRACT DESCRIBED IN THE DEED RECORDED IN VOL. 5074, PAGE 76, D.R.T.C.T., DIRECTLY ABUTS THE SOUTH LINE OF THE SUBJECT TRACT AND IS SHOWN HEREON. (ITEM 15)

General Survey Notes

1. This survey was made in accordance with laws and/or Minimum Standards of the State of Texas.
2. All bearings shown hereon are correlated to the Texas State Plane coordinate system, North Central Zone 4202, NAD of 1983, as defined by field observations utilizing the RTK network administrated by Trimble Navigation.
3. The property described hereon is the same as the property described in Commitment No. GF. No. 20083019F with an effective date of October 6, 2017, and that all easements, covenants and restrictions referred to in such commitment which affect the property described hereon are shown on the site or otherwise known to me have been plotted hereon or otherwise noted as to their effect on the subject property.
4. The subject property is located within an area having a Zone Designation X by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No.48439C0230H, with a date of identification of September 25, 2009, for Community No. 480582, in Tarrant County, State of Texas, which is the current Flood Insurance Rate Map for the community in which said premises is situated.
5. The Property has direct access to Hawkins Center, a dedicated public street.
6. There are no visible easements or servitudes on the property except as noted.
7. There is no observed evidence of current earth moving work, building construction or building additions.
8. There is no observed evidence of site use as a solid waste dump, sump or sanitary landfill.
9. There is no observed evidence of wetlands delineation on the property except as noted.
10. There is no observed evidence of utilities serviceability except as noted. Per Section 1 of the Underground Utilities statute, locating utilities pursuant to Section 5.E.iv. to develop a view of the underground utilities. However, locating accessories, the exact location of underground features cannot be accurately, completely, and reliably depicted in this survey without further excavation or other physical access. Additional utilities surveyors may be ignored or result in an incomplete response, in which case the surveyor shall note on the plat or map how the affiliated the surveyor's assessment of the location of the utilities. Where the surveyor has been informed of a utility line on the land, the client is advised that excavation or a private utility locate request may be necessary.
11. No apparent wetlands are located on the subject property according to the U.S.Fish and Wildlife Service National Wetlands Inventory Mapping. However, the presence of wetland markers indicating a delineation of wetlands have been observed during this completion of this survey"

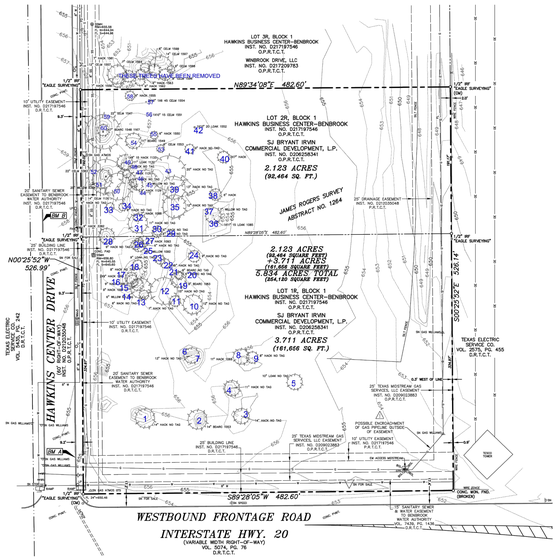


VICINITY MAP
NOT TO SCALE

LIST OF POSSIBLE ENCROACHMENTS

The following list of encroachments is only the opinion of this surveyor and should not be interpreted as complete listing.

"POSSIBLE ENCROACHMENT OF GAS PIPELINE OUTSIDE OF EASEMENT AT THE SOUTHEAST CORNER OF LOT 18"



* BENCHMARKS *

BM A – AN "X" CUT IN CONCRETE IN THE EAST SIDE OF THE ROAD TOP OF CURB OF HAWKINS CENTER DRIVE APPROXIMATELY 63 FEET NORTH OF THE BACK OF CURB FOR I-20 FRONTAGE ROAD.
ELEVATION = 654.76 FT.

BM B – AN "X" CUT IN CONCRETE IN THE WEST SIDE OF THE ROAD TOP OF CURB OF HAWKINS CENTER DRIVE APPROXIMATELY 372 FEET NORTH OF THE BACK OF CURB FOR I-20 FRONTAGE ROAD.
ELEVATION = 657.87 FT.

LEGAL DESCRIPTION

BEING ALL OF LOTS 1R AND 2R, BLOCK 1, HAWKINS BUSINESS CENTER–BENBROOK, PHASE 1, AN ADDITION TO THE CITY OF BENBROOK, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN INSTRUMENT NUMBER D207197546, OFFICIAL PUBLIC RECORDS, TARRANT COUNTY, TEXAS.

SURVEYOR'S CERTIFICATE

To SJ Bryant Irvin Commercial Development, LP, a Texas limited partnership, Group 1 Realty, Trinity Title of Texas, Inc., and Old Republic National Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6a, 6b, 7a, 7b1, 7c, 8, 9, 10a, 11, 13, 14, 16, 17, 18, 19, and 20 of Table A thereof.

The field work was completed November 9, 2017

Date of Plat or Map: _____

"THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF MATTHEW S. SANNY, RPLS, STATE OF TEXAS NO. 5798. IT IS NOT TO BE RELIED UPON FOR ESTABLISHING FIXED BUILDING LINES OR PROPERTY LINES. THIS DOCUMENT IS NOT INTENDED FOR REVIEW OR RELIANCE BY BANKS, LENDERS, OR ANY OTHER PARTIES NOT TO BE RELIED UPON, AS A COMPLETE SURVEY AND SHALL NOT BE RECORDED."

GREGG A.K. WADDEL R.P.L.S.
STATE OF TEXAS No. 5798
E-MAIL: Greggw@WierAssociates.com

LAND AREA:

5.834 Acres (254,120 Square ft.)

LEGEND OF SYMBOLS:

BOL	BOLLARD	SDMH	STORM DRAIN MANHOLE
CO	CURB INLET	WTV	WATER VALVE
DI	DRAINAGE MONUMENT	UGPM	UNDERGROUND PIPE OPTIC MARKER
CONC	CONCRETE	UGG	UNDERGROUND GAS MARKER
OPC	CABLE PEDESTAL	SSMH	SANITARY SEWER MANHOLE
CO	CLEAN OUT (SS)	TELE	TELEPHONE PEDESTAL
EB	ELECTRIC BOX	TPED	TELEPHONE PEDESTAL
EM	ELECTRIC METER	TRANS	TRANSFORMER PAD
ELEV	ELEVATOR MACHINE	TSP	TRAFFIC SIGNAL POLE
EVLT	ELECTRIC VAULT	TXDOT	TEXAS DEPT. OF TRANSPORTATION
FH Q	FIRE HYDRANT	WM Q	WATER METER
FVALT	FIBER OPTIC VAULT	WP	WATER PEDESTAL
GM &	GAS METER	WV	WATER VALVE
GVALT	GAS VAULT	WVLT	WATER VAULT
GMKR	GROUND TRAP MANHOLE	OHP	OVERHEAD PHONE LINE
GTS Q	GAS TEST STATION	UGE	UNDERGROUND ELECTRIC LINE
GV	GAS VALVE	WL	WATER LINE
HDN	CONVERTER HEADWALL	UGF	UNDERGROUND FIBER OPTIC LINE
IRF	IRON ROD FOUND	UGT	UNDERGROUND TELEPHONE
LP Q	LIGHT POLE	UGV	UNDERGROUND GAS
	8" CEDAR 1003	TRUNK DIAMETER/SPECIES/TAG NO.	
	8" CEDAR 1003	CEDAR CEDAR	
	CEDAR CEDAR	CEDAR ELM	
	HACK HACKBERRY		
	LIVE LIVE OAK		

COORDINATED BY:

No.	REVISIONS	Date

emg
5323 Millennia Lake, Suite A-1
Oklahoma City, OK 73118
800.411.2010
www.emgcorp.com

ALTA/NSPS LAND TITLE SURVEY

LOTS 1R & 2R, BLOCK 1
HAWKINS BUSINESS CENTER-BENBROOK, PHASE 1
LOCATED IN THE JAMES ROGER SURVEY, ABSTRACT No. 1264
CITY OF BENBROOK, TARRANT COUNTY, TEXAS

PRELIMINARY
FOR REVIEW PURPOSES ONLY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

PREPARED BY:
WIER & ASSOCIATES, INC.
ENGINEERS SURVEYORS LAND PLANNERS
2201 E. LAMAR BLVD., SUITE 200E ARLINGTON, TEXAS 76006 METRO (817)467-7700
Texas Firm Registration No. F-0176 www.WierAssociates.com
Texas Board of Professional Land Surveying Registration No. 10033600

Sheet No. 1 of 1

N
W E
S

GRAPHIC SCALE
80 0 40 80 160 320
(IN FEET)
1 INCH = 80 FT.

TREE #	TAG#	SPECIES	DBH	CONDITION	TREE CLASSIFICATION	NOTES
1	NO	HACKBERRY, CELTIS LAEVEGATA	15	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
2	1053	BOISDARC, MACLURA POMIFERA	16	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
3	NO	NO TREE				**(EXEMPT)**
4	NO	HACKBERRY, CELTIS LAEVEGATA	15	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
5	NO	LIVE OAK, QUERCUS VIRGINIANA	14	FAIR	QUALITY	CODOMINANT STEMS, POOR STRUCTURE
6	NO	HACKBERRY, CELTIS LAEVEGATA	13	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
7	NO	HACKBERRY, CELTIS LAEVEGATA	9	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
8	1068	HACKBERRY, CELTIS LAEVEGATA	11	FAIR	SECONDARY	DYING **(EXEMPT)**
9	NO	HACKBERRY, CELTIS LAEVEGATA	8	FAIR	SECONDARY	DYING **(EXEMPT)**
10	NO	HACKBERRY, CELTIS LAEVEGATA	14	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
11	NO	HACKBERRY, CELTIS LAEVEGATA	8	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
12	NO	HACKBERRY, CELTIS LAEVEGATA	15	FAIR	SECONDARY	DYING, DEADWOOD, FILL **(EXEMPT)**
13	NO	HACKBERRY, CELTIS LAEVEGATA	9	POOR	SECONDARY	DYING **(EXEMPT)**
14	NO	WILLOW, SALIX NIGRA	8	POOR	QUALITY	DYING **(EXEMPT)**
15	1097	HACKBERRY, CELTIS LAEVEGATA	9	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
16	1096	HACKBERRY, CELTIS LAEVEGATA	9	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
17	1095	HACKBERRY, CELTIS LAEVEGATA	12	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
18	NO	HACKBERRY, CELTIS LAEVEGATA	8	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
19	1083	BOISDARC, MACLURA POMIFERA	11	FAIR	SECONDARY	IRREGULAR CANOPY, DYING **(EXEMPT)**
20	NO	BOISDARC, MACLURA POMIFERA	8	FAIR	SECONDARY	IRREGULAR CANOPY, DYING **(EXEMPT)**
21	NO	BOISDARC, MACLURA POMIFERA	8	POOR	SECONDARY	DYING **(EXEMPT)**
22	NO	HACKBERRY, CELTIS LAEVEGATA	9	POOR	SECONDARY	POSSIBLY DEAD **(EXEMPT)**
23	NO	LIVE OAK, QUERCUS VIRGINIANA	11	FAIR	QUALITY	IRREGULAR CANOPY, NOT AFFECTED BY FILL
24	NO	HACKBERRY, CELTIS LAEVEGATA	9	FAIR	SECONDARY	DYING **(EXEMPT)**
25	1092	WILLOW, SALIX NIGRA	12	FAIR	QUALITY	CODOMINANT STEMS, POOR STRUCTURE
26	NO	HACKBERRY, CELTIS LAEVEGATA	8	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
27	1093	HACKBERRY, CELTIS LAEVEGATA	9	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
28	NO	HACKBERRY, CELTIS LAEVEGATA	10	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
29	NO	HACKBERRY, CELTIS LAEVEGATA	8	FAIR	SECONDARY	DYING, DEADWOOD, FILL **(EXEMPT)**
30	NO	HACKBERRY, CELTIS LAEVEGATA	7	FAIR	SECONDARY	DYING, DEADWOOD, FILL **(EXEMPT)**
31	NO	HACKBERRY, CELTIS LAEVEGATA	11	FAIR	SECONDARY	DYING **(EXEMPT)**
32	1088	HACKBERRY, CELTIS LAEVEGATA	9	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
33	NO	HACKBERRY, CELTIS LAEVEGATA	6	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
34	NO	HACKBERRY, CELTIS LAEVEGATA	10	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
35	NO	HACKBERRY, CELTIS LAEVEGATA	14	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
36	1085	LIVE OAK, QUERCUS VIRGINIANA	14	POOR	QUALITY	SIGNIFICANT FILL, DYING **(EXEMPT)**
37	NO	WILLOW, SALIX NIGRA	8	POOR	QUALITY	SIGNIFICANT FILL, DYING **(EXEMPT)**
38	NO	HACKBERRY, CELTIS LAEVEGATA	6	POOR	SECONDARY	POSSIBLY DEAD **(EXEMPT)**
39	NO	HACKBERRY, CELTIS LAEVEGATA	13	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**
40	NO	HACKBERRY, CELTIS LAEVEGATA	12	POOR	SECONDARY	CODOMINANT STEMS, POOR STRUCTURE
41	NO	HACKBERRY, CELTIS LAEVEGATA	10	FAIR	SECONDARY	DYING **(EXEMPT)**
42	1552	LIVE OAK, QUERCUS VIRGINIANA	18	GOOD	LARGE QUALITY	CODOMINANT STEMS
43	NO	HACKBERRY, CELTIS LAEVEGATA	20	FAIR	LARGE SECONDARY	DYING, MISTLETOE, DEADWOOD, FILL **(EXEMPT)**
44	1129	HACKBERRY, CELTIS LAEVEGATA	10	POOR	SECONDARY	POSSIBLY DEAD **(EXEMPT)**
45	NO	WILLOW, SALIX NIGRA	11	POOR	QUALITY	POOR STRUCTURE, DYING **(EXEMPT)**
46	NO	TOPPLED				**(EXEMPT)**
47	1131	HACKBERRY, CELTIS LAEVEGATA	8	FAIR	SECONDARY	DYING, DEADWOOD, FILL **(EXEMPT)**
48	NO	HACKBERRY, CELTIS LAEVEGATA	8	FAIR	SECONDARY	DYING, DEADWOOD, FILL **(EXEMPT)**
49	1132	LIVE OAK, QUERCUS VIRGINIANA	13	FAIR	QUALITY	POOR STRUCTURE, DYING, FILL **(EXEMPT)**
50	1130	CEDAR ELM, ULMUS CRASSIFOLIA	16	FAIR	QUALITY	DYING, FILL, MISTLETOE, DEADWOOD **(EXEMPT)**
51	3384	WILLOW, SALIX NIGRA	21	POOR	LARGE QUALITY	DYING, POOR STRUCTURE, FILL **(EXEMPT)**
52	3383	CEDAR ELM, ULMUS CRASSIFOLIA	22	FAIR	LARGE QUALITY	STRUCTURAL PROBLEMS, MISTLETOE, FILL
53	1533	CEDAR ELM, ULMUS CRASSIFOLIA	8	FAIR	QUALITY	IRREGULAR CANOPY
54	1549	BOISDARC, MACLURA POMIFERA	11	FAIR	SECONDARY	DYING, FILL **(EXEMPT)**
55	1550	HACKBERRY, CELTIS LAEVEGATA	8	FAIR	SECONDARY	IRREGULAR CANOPY
56	1551	CEDAR ELM, ULMUS CRASSIFOLIA	16	FAIR	QUALITY	CODOMINANT STEMS, POOR STRUCTURE
57	1554	AMERICAN ELM, ULMUS AMERICANA	23	FAIR	LARGE QUALITY	MULTISTEM, CODOMINANT, POOR STRUCTURE
58	1555	HACKBERRY, CELTIS LAEVEGATA	10	FAIR	SECONDARY	POOR STRUCTURE
59	1547	AMERICAN ELM, ULMUS AMERICANA	22	FAIR	LARGE QUALITY	SIGNIFICANT FILL, DYING **(EXEMPT)**
60	1548	BOISDARC, MACLURA POMIFERA	12	POOR	SECONDARY	SIGNIFICANT FILL, DYING **(EXEMPT)**

AYER DESIGN GROUP
PROFESSIONAL ENGINEERING SERVICES
215 Johnston Street
Rock Hill, SC 29730
Phone: 803-328-3858

STATE OF TEXAS
BIRKIE AYER, JR.
116413
LICENSED
PROFESSIONAL ENGINEER
01/31/2020
TBPE FIRM #F-16708

PROJECT NAME:

AUDI
FORT WORTH

7300 HAWKINS CENTER DR.
BENBROOK, TX

SHEET DESCRIPTION:

TREE PRESERVATION PLAN

PROJECT #	2018-03
DRAWN BY	CC
CHECKED BY	BA

NO	ISSUE/REVISION	DATE
	FOR PERMIT	1/31/20

C7.0

ATP PLAN
PG 2 OF 2

TREE MITIGATION REQUIREMENTS

CLASSIFICATION	CAL. IN REMOVED	RATIO	CAL. IN REQUIRED
LARGE QUALITY TREES:	63"	1 : 1	63"
QUALITY TREES:	61"	1 : 1	61"
LARGE SECONDARY TREES:	0"	1 : .75	0"
SECONDARY TREES	12"	1 : .5	6"

TOTAL REPLACEMENT CALIPER INCHES REQUIRED = 130"

REQUIRED MITIGATION

REPLACEMENT CALIPER INCHES REQUIRED = 130"
REPLACEMENT CALIPER INCHES PROVIDED = 295"
PAYMENT IN LIEU OF MITIGATION (UP TO 50%): 0"
TOTAL MITIGATION PROVIDED = 295"

TREE LABEL LEGEND

PKG = REQUIRED PARKING LOT TREE
INTERNAL = REQUIRED INTERNAL TREES
BUFF = REQUIRED BUFFERYARD TREES
UND = UNDERSTORY TREE
CAN = CANOPY TREE

BUFFER REQUIREMENTS

NORTH BUFFER
BUFFER REQUIRED: 5', BUFFERYARD TYPE A
BUFFER PROVIDED: 5', BUFFERYARD TYPE A
CANOPY TREE REQUIRED (1 PER 100) 5 (482.6 LF / 100 = 4.82, USE 5)
CANOPY TREE PROVIDED 5
UNDERSTORY TREE REQUIRED (2 PER 100) 10 (482.6 LF / 100 * 2 = 9.652, USE 10)
UNDERSTORY TREE PROVIDED 10
SHRUBS REQUIRED (6 PER 100) 10 (482.6 LF / 100 * 6 = 28.956, USE 29)
SHRUBS PROVIDED 41

SOUTH BUFFER
BUFFER REQUIRED: 10', BUFFERYARD TYPE E
BUFFER PROVIDED: 10', BUFFERYARD TYPE E
CANOPY TREE REQUIRED (1 PER 100) 5 (482.6 LF / 100 = 4.82, USE 5)
CANOPY TREE PROVIDED 5* (*=PROVIDED WITHIN SITE)
UNDERSTORY TREE REQUIRED (2 PER 100) 10 (482.6 LF / 100 * 2 = 9.652, USE 10)
UNDERSTORY TREE PROVIDED 10* (*=PROVIDED WITHIN SITE)
SHRUBS REQUIRED (6 PER 100) 10 (482.6 LF / 100 * 8 = 38.61, USE 39)
SHRUBS PROVIDED 107

WEST BUFFER
BUFFER REQUIRED: 10', BUFFERYARD TYPE B
BUFFER PROVIDED: 10', BUFFERYARD TYPE B
CANOPY TREE REQUIRED (1 PER 100) 5 (526.99 LF / 100 = 5.27, USE 6)
CANOPY TREE PROVIDED 6
UNDERSTORY TREE REQUIRED (2 PER 100) 10 (526.99 LF / 100 * 2 = 10.54, USE 11)
UNDERSTORY TREE PROVIDED 11
SHRUBS REQUIRED (6 PER 100) 10 (526.99 LF / 100 * 6 = 31.62, USE 32)
SHRUBS PROVIDED 98

PARKING LOT LANDSCAPING REQUIREMENTS

LANDSCAPE AREA REQUIRED (20 SF PER PARKING SPACE): 7,220 SF (360 SPACES * 20 SF = 7,200 SF)
LANDSCAPE AREA PROVIDED: 7,500 SF
INTERIOR ISLANDS REQUIRED (1 PER 10 SPACES) 36 ISLANDS (360 / 10 = 36)
INTERIOR ISLANDS PROVIDED: 37 ISLANDS*
* = 27 IND. ISLANDS PROVIDED, 3 LARGER INTERNAL ISLANDS COUNTED AS 10 IND. ISLANDS
PARKING ISLAND TREES REQUIRED (1 PER ISLAND) 36 ISLANDS = 36
PARKING ISLAND TREES PROVIDED 36 CANOPY TREES @ 3" CAL.

TREE CANOPY REQUIREMENTS

LOT AREA = 254,120 SF X 30% = 76,236
PERCENT / SF TREE CANOPY COVER REQUIRED: 30% / 76,236 SF
PERCENT / SF TREE CANOPY COVER PROVIDED: 30.6% / 77,740 SF

LANDSCAPE AREA REQUIREMENTS:

LANDSCAPE AREA REQUIRED = 20% OF OVERALL SITE
LANDSCAPE AREA = 254,120 SF X 20% = 50,824 SF
LANDSCAPE AREA PROVIDED = 53,763 SF OR 21.16%

INTERNAL LANDSCAPE REQUIREMENTS:

INTERNAL LANDSCAPE AREA REQUIRED
BUILDING AREA = 54,759 SF
10% BUILDING AREA REQUIRED FOR INTERNAL LANDSCAPING
INTERNAL LANDSCAPE AREA REQ. = 54,759 SF X 10% = 5,476 SF
1 CANOPY TREE PER 600 SF = 10 CANOPY TREES REQ.
1 UNDERSTORY TREE PER 300 SF = 19 UNDERSTORY TREES REQ.
1 SHRUB PER 120 SF = 46 SHRUBS REQ.
GROUNDCOVER PER 10% OF AREA = 548 SF OF GROUNDCOVER REQ.

LANDSCAPE NOTES

1. ALL DISTURBED AREAS NOT SPECIFIED AS LANDSCAPE AREA, SOD OR HARDSCAPE TO BE SEEDED WITH BERMUDA.
2. CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS PRIOR TO INSTALLATION, NOTIFY ENGINEER/ARCHITECT IF FIELD CONDITIONS WARRANT ADJUSTMENT OF PLANT LOCATIONS.
3. SEE SHEET 8 FOR LANDSCAPE DETAILS AND SPECIFICATIONS.
4. CONTRACTOR IS RESPONSIBLE FOR LOCATING EXISTING UTILITIES AND IS RESPONSIBLE TO REPLACE AND/OR REPAIR ANY DAMAGE TO EXISTING UTILITIES THAT MAY OCCUR.
5. CONTRACTOR TO PROVIDE IRRIGATION PLAN TO ENGINEER/ARCHITECT FOR REVIEW AND APPROVAL.
6. COORDINATE LANDSCAPE INSTALLATION WITH IRRIGATION CONSTRUCTION.
7. ENSURE FINAL GRADES IN LANDSCAPED AND GRASSED AREAS PROVIDE POSITIVE DRAINAGE.
8. FINAL GRADES FOR GRASSED AND LANDSCAPED AREAS SHALL REQUIRE A MINIMUM OF 4"-6" OF UNCOMPACTED, CLEAN TOPSOIL, FREE OF DEBRIS AND CONTAMINANTS, AND PREFERABLY OF NATIVE ORIGIN.
9. ALL TREE PITS, SHRUB BEDS AND PREPARED PLANTING BEDS ARE TO BE COMPLETELY EXCAVATED IN ACCORDANCE WITH THE PLANTING DETAILS.
10. SOIL REQUIRED FOR PLANTING MIXES SHALL BE PROVIDED BY THE CONTRACTOR WHO SHALL LOAD, HAUL, MIX AND DISTRIBUTE ALL TOPSOIL AND AMENDMENTS SUCH AS ORGANICS, HUMUS, COMPOSTED MATERIAL OR NATIVE MATERIAL AS REQUIRED.
11. FOR NEW PLANTING AREAS, REMOVE ALL PAVEMENT, GRAVEL SUB BASE AND CONSTRUCTION DEBRIS. LOOSEN COMPACTED SOIL TO MINIMUM 24" DEPTH AND PROVIDE SOIL AMENDMENTS MIXED INTO THE TOP 18" MINIMUM OR FOR UNCOMPACTED AREAS, AMEND THE TOP 18" OF EXISTING SOIL TO MEET TOPSOIL/PLANTING MIX STANDARDS.
12. PLANTING MIX SHALL BE NATURAL, FERTILE AGRICULTURAL TOPSOIL, CAPABLE OF SUSTAINING VIGOROUS PLANT GROWTH. IT MAY BE DEVELOPED BY AMENDING THE EXISTING SOIL OR REMOVING THE EXISTING SOIL AND REPLACING WITH NEW SOIL. IT SHALL BE FREE OF STONES AND OTHER LIVE PLANTS OR THEIR ROOTS, STICKS AND/OR ANY OTHER OTHER THAN FRIABLE SOIL.
13. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ANY FIELD ADJUSTMENTS REQUIRED TO AVOID DRAINAGE PATTERNS OR STRUCTURES, UTILITIES, UNDERGROUND OR OVERHEAD OR RELOCATIONS OF PROPOSED VEGETATION BECAUSE OF SITE CONDITIONS.
14. ALL PLANTINGS SHALL BE MECHANICALLY IRRIGATED. SEE IRRIGATION REQUIREMENTS, THIS SHEET.
15. ALL PROPOSED LANDSCAPE BEDS TO BE MULCHED WITH DOUBLE HAMMERED HARDWOOD MULCH.
16. CONTRACTOR TO REPLACE ANY PLANTS, TREES, AND/OR MULCH OR TURF AREAS THAT WERE DAMAGED OR DESTROYED DURING CONSTRUCTION ACTIVITIES. CONTRACTOR TO VERIFY QUANTITY AND SPECIES WITH ENGINEER PRIOR TO REPLACEMENT.

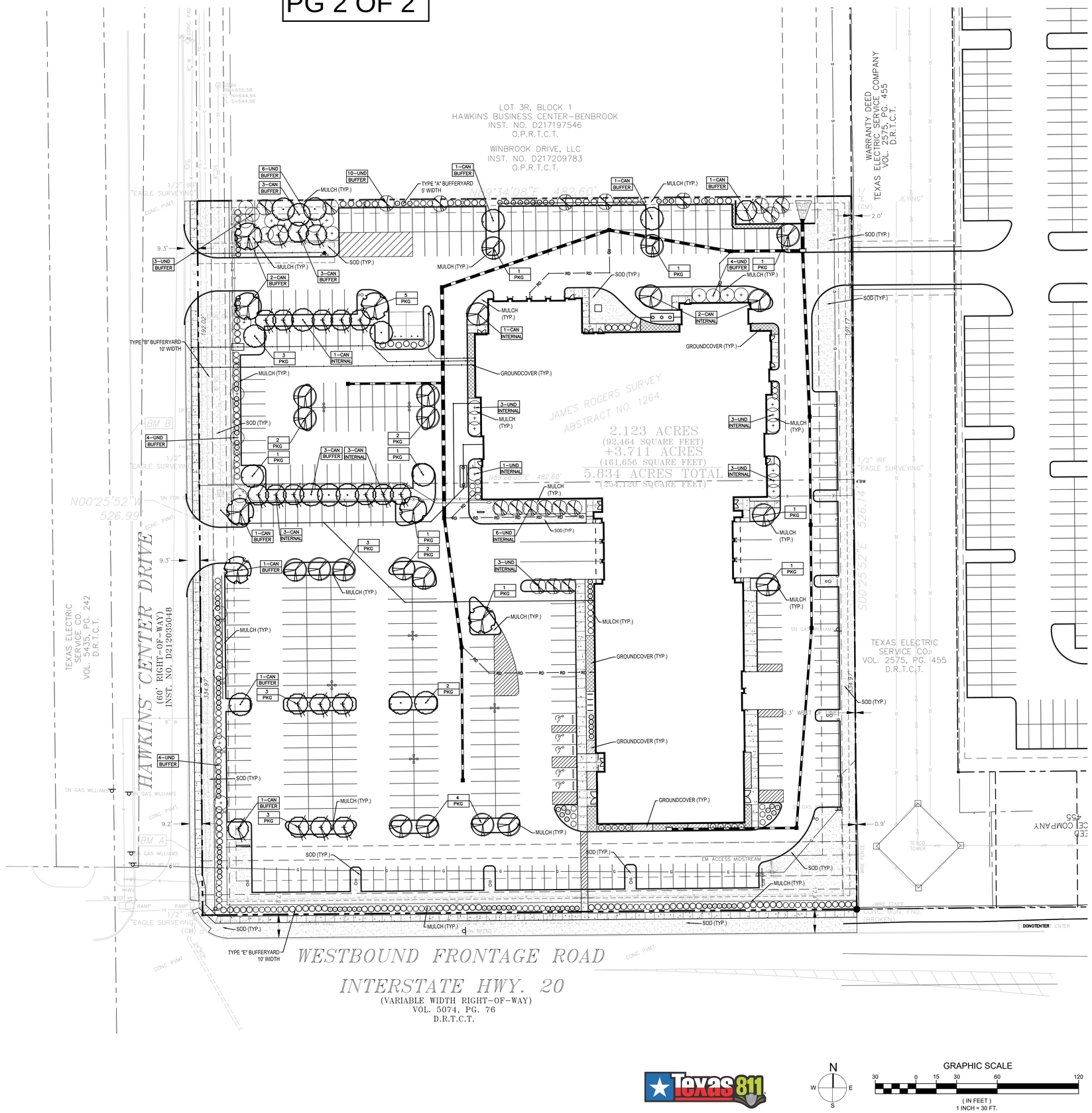
PLANTING LEGEND & SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE
	FRAXINUS TEXENSIS	TEXAS ASH	7	3" CAL.
	ULMUS PARVIFOLIA	LACEBARK ELM	15	3" CAL.
	PISTACHIA CHINENSIS	CHINESE PISTACHE	22	3" CAL.
	ACER SACCHARUM 'CADDO'	CADDO MAPLE	21	3" CAL.
	CERCIS CANADENSIS	EASTERN REDBUD	31	2" CAL.
	LAGERSTOEMIA INDICA 'ZUMI'	ZUMI CRAPE MYRTLE	19	2" CAL.
	ILEX CORNUTA 'DWARF BURFORD'	DWARF BURFORD HOLLY	107	MIN. 18" HT
	ABELIA X GRANDIFLORA 'SHERWOODII'	SHERWOOD ABELIA	79	MIN. 18" HT.
	ILEX VOMITORIA 'NANA'	DWARF YAUPON	100	MIN. 15" HT.
	JUNIPERUS HORIZONTALIS	CREEPING JUNIPER	10	MIN. 12" HT.

LIRIOPE MUSCARII– MAJESTIC LIRIOPE, 4" POTS, PLANT 1' O.C. (1122 PLANTS TOTAL)

TRACHELOSPERMUM ASIATICUMI– ASIATIC JASMINE, 4" POTS, PLANT 1' O.C. (440 PLANTS TOTAL)

GRASS = SOD AREAS WITH BERMUDA



GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 INCH = 30 FT.

AYER DESIGN GROUP
PROFESSIONAL ENGINEERING SERVICES
215 Johnston Street
Rock Hill, SC 29730
Phone: 803-328-5858

BIRKIE AYER, JR.
116413
LICENSED
01/31/2020
TBPE FIRM #F-16708

PROJECT NAME:
AUDI
FORT WORTH

7300 HAWKINS CENTER DR.
BENBROOK, TX

SHEET DESCRIPTION:
LANDSCAPE PLAN

PROJECT #	2018-03
DRAWN BY	CC
CHECKED BY	BA

NO	ISSUE/REVISION	DATE
	FOR PERMIT	1/31/20

C8.0

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING TITLE 17 – ZONING OF THE BENBROOK MUNICIPAL CODE, AS AMENDED, BY AMENDING CHAPTER 17.79 – BENBROOK BOULEVARD CORRIDOR OVERLAY DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Benbrook (the "City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Chapter 211 of the Local Government Code authorizes municipalities to regulate land use, structures, businesses, and related activities within its corporate limits for the purpose of promoting the public health, safety, and general welfare of the community and protecting and preserving places and areas of historical, cultural, and architectural importance and significance; and

WHEREAS, the provisions herein are necessary to promote and protect the health, safety, and welfare of the public through the protection of a key commercial corridor in the City thus providing an enhanced quality of life for the citizens within the City.

WHEREAS, the City has previously adopted zoning regulations as Title 17 of the Benbrook Municipal Code (1985), as amended through Ordinance 1442; and

WHEREAS, the City Council now deems the provisions of the present zoning regulations inadequate, because of changing conditions since its passage, to accomplish the foregoing objectives, and that said Title 17 shall be amended and superseded by the provisions of this ordinance; and

WHEREAS, the City Council has given published notice and held public hearings with respect to the amendment to the Zoning Ordinance as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS:

SECTION 1

That Section 17.79.040 – Definitions of Chapter 17.79 – Benbrook Boulevard Corridor Overlay District of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby amended by revising the "Minor auto service/repair" definition, with deleted text being shown with a signal line strikethrough, as follows:

"Minor Auto Service/Repair." The maintenance, repair, or replacement of the alternator, electronic sensors, starter, water pump, battery, brakes, exhaust, tires and wheels or other minor part thereof; minor tune-up (which consists of ignition adjustment, fuel injector cleaning, or spark plug replacement or other minor part adjustment thereof); change of oil and filter, fan belt, or hoses; lamp replacement; repair of flat tires and lubrication; state vehicle inspections and the minor repairs necessary to pass the state requirements; and facilities which sell and install minor automotive accessories for customizing cars and trucks such as mirrors, window tinting or replacement, bumpers, trailer hitches, decals, sound systems, security systems, etc. are also included. Repairs are routinely completed while the customer waits. Minor auto service also includes passenger vehicle wash or car detailing facilities ~~with service attendants~~.

SECTION 2

That Section 17.79.050 – Land use standards of Chapter 17.79 – Benbrook Boulevard Corridor Overlay District of Title 17 – Zoning of the Benbrook Municipal Code, as amended, is hereby amended by amending Section 17.79.050 (C) and (D), with proposed additions of text being shown in <u>underlined print</u>, and deleted text being shown with a single line strikethrough, as follows:

C. Conditional uses. The following uses are permitted land uses in the district with an approved Conditional Use Permit in accordance with Chapter 17.80 – Conditional Uses of the Benbrook Municipal Code.
   ~~3. Minor auto service/repair~~

D. Prohibited uses. The following principle uses are prohibited in the district.
   <u>6.</u> <u>Minor auto service/repair</u>

SECTION 3

That all other provisions of Chapter 17.79 – Benbrook Boulevard Corridor Overlay District of Title 17 – Zoning of the Benbrook Municipal Code, not included in this amendment, shall remain in full force and effect, except for necessary modifications to Section numbering and the "Table of Contents" affecting page numbering.

SECTION 4
CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of ordinances and of the Benbrook Municipal Code Texas (1985), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 5
SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and Sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or Section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not

affect any of the remaining phrases, clauses, sentences, paragraphs, and Sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or Section.

SECTION 6
PENALTY CLAUSE

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars ($2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars ($500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7
SAVINGS CLAUSE

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating platting or Zoning which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 8
PUBLICATION IN PAMPHLET FORM

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

SECTION 9
ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Benbrook is hereby directed to engross and enroll the Ordinance by copying the caption, penalty clause, and effective date clause of this ordinance in the minutes of the City Council and by filing the Ordinance in the Ordinance records of the City.

SECTION 10
PUBLICATION IN OFFICIAL NEWSPAPER

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause, and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

SECTION 11
EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND APPROVED this ___ day of ____, 2020.

_____
Jerry B. Dittrich Mayor

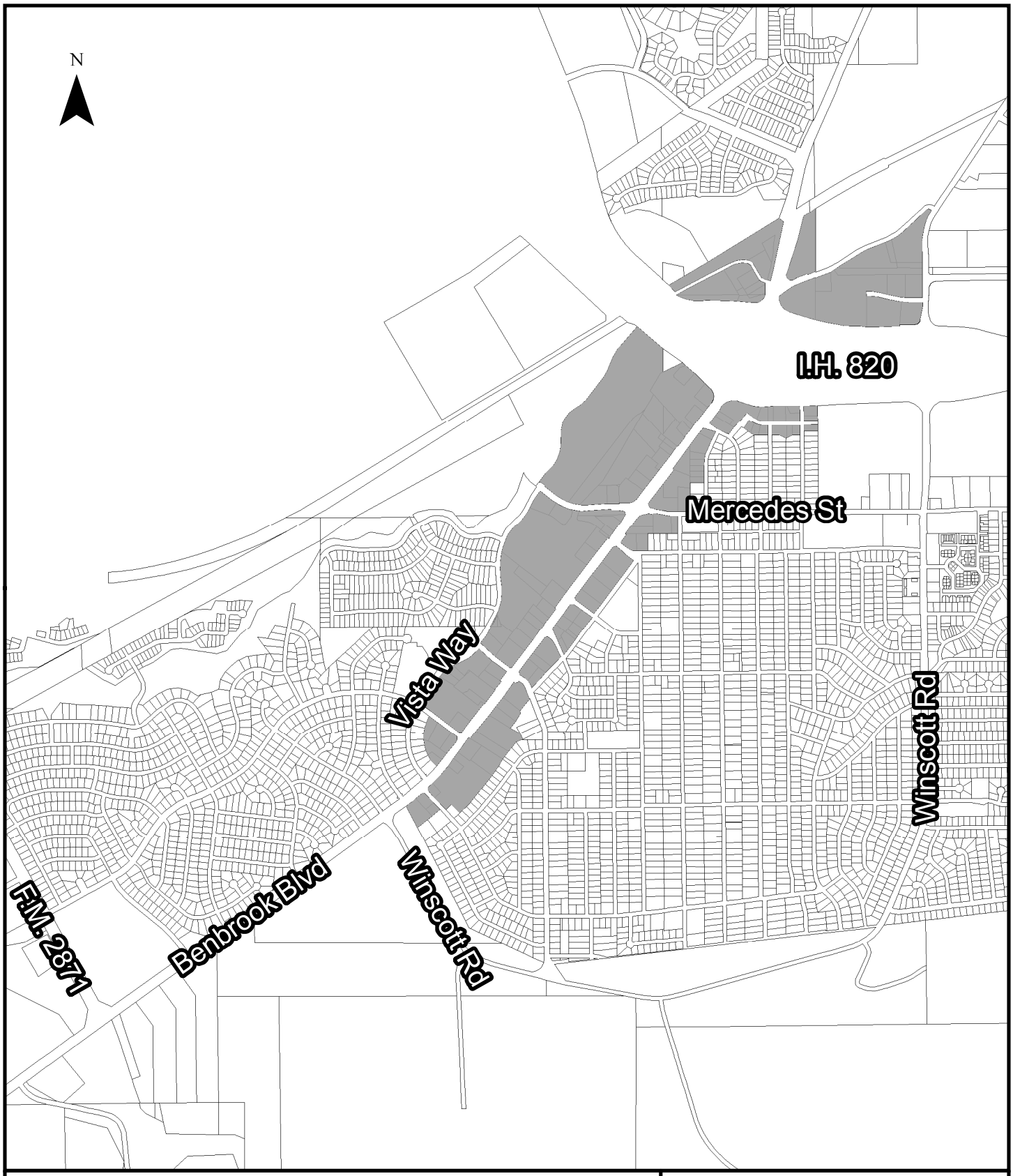
ATTEST:

_____

Joanna King, City Secretary

ADOPTED: _____

EFFECTIVE: _____



Proposed Benbrook Blvd Corridor Overlay

Legend

- Corridor Overlay
- Parcels

City of Benbrook

Planning and Zoning Commission

DATE:	REFERENCE NUMBER:	SUBJECT:	PAGE:
02/13/2020	**ZTA-20-01**	**Consideration of a replat combining Lots 1R and 2R, Block 1 of the Hawkins Business Center – Benbrook Phase 1 Addition.**	**1 of 1**

Request Type: Zoning Text Amendment

Amended Sections: 17.79.040 – Definitions
17.79.050 – Land use standards

Summary:

- In April of 2018, the Benbrook City Council adopted Ord. No. 1426, which created the Benbrook Boulevard Corridor Overlay zoning district.
- The Benbrook Boulevard Corridor Overlay District established land use regulations, which restrict and/or prohibit inappropriate land uses deemed detrimental to desired new development and redevelopment along the corridor. These regulations are necessary to enhance the overall quality and compatibility of development in the corridor and to secure the long term aesthetic and economic value of the corridor. Car lots, major auto repair and other uses that typically involve significant outdoor storage and display are among the prohibited uses in the corridor. Minor auto repair/service requires a Conditional Use Permit (CUP), which may be granted by the Planning and Zoning Commission after a public hearing.
- During the 86th Texas State Legislative Session, the legislature passed HB 2439, which removed municipality authority to regulate exterior building materials and aesthetic methods, directly or indirectly.
- Prior to the passing of HB 2439, the City prohibited service areas automotive service bays, overhead doors, and other service areas to be oriented away from the view of any freeway public street, or adjacent residential zoning district. Because of the City's architectural and aesthetic standards, the Planning and Zoning Commission, on a case by case basis, could ensure that any development for minor auto service/repair use, met the City's high quality development standards. The adopted standards promote and protect the health, safety, and welfare of the public through the protection Benbrook Blvd, a key commercial corridor in the City, thus providing an enhanced quality of life for the citizens.
- Because of the passing of HB 2439, the City's ability to ensure quality development of potentially detrimental land uses, like minor auto service/repair, has been drastically limited; therefore, staff is recommending that minor auto service/repair be added to the list of prohibited uses within the Benbrook Boulevard Corridor Overlay District.
- Staff recommends the "minor auto repair/service" definition include automatic car wash facilities:

Public Notice
A legal notice was posted within the Fort Worth Star Telegram on January 26, 2020.

Staff Recommended Motion
Move to recommend City Council adopt an ordinance amending Title 17, as presented.

Attachments
1. Draft Ordinance
2. Benbrook Blvd Corridor Overlay Map