

**MINUTES
OF THE MEETING OF THE
CITY OF BENBROOK
PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, SEPTEMBER 9, 2021**

The regular meeting of the Planning and Zoning Commission of the City of Benbrook was held on Thursday, September 9, 2021, at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

David Ramsey
John Logan – Presiding Officer
Matthew Wallis
Leah Rodriguez
Damon Farrar

Absent: Jon Craver
Brandon Ellison
Beth Jones

Also present: Jim Hinderaker Assistant City Manager
Doug Howard City Planner
Jared DeVries Acting Recording Secretary

I. CALL TO ORDER

The presiding officer, Vice Chair Logan, called the meeting to order at 7:30 p.m.

II. CITIZEN COMMENTS ON ANY AGENDA ITEM

The presiding officer asked for any citizen comments on any agenda item. No one in attendance spoke.

III. MINUTES

A. Approve Minutes of the Regular Meeting Held on August 12, 2021.

Motion by Commissioner Rodriguez to approve the minutes of the August 12th meeting. Seconded by Commissioner Ramsey. The presiding officer called the question.

Vote on the motion:

Ayes: Mr. Ramsey, Mr. Logan, Mr. Wallis, Ms. Rodriguez, and Mr. Farrar

Noes: None

Abstain: None

Motion carried: 5 – 0 – 0

IV. REPORTS OF CITY STAFF

A. Conditional Use Permit

- 1) CUP-21-04 – A request for approval of a conditional use permit for the installation of a roof mounted solar energy system, with a total surface area greater than 1,000 square feet, located at 10816 Hawkins Home Boulevard, legally described as Lot 25, Block 1, Whitestone Heights Addition Phase One. [PUBLIC HEARING]

Doug Howard, City Planner, presented the staff report and recommended approval of the item to the Planning and Zoning Commission.

The commission had no questions for city staff.

Commissioner Ramsey asked if these panels were the new tesla panels which look like the roof. The applicant's representative, Lisa Bennet from Tesla Energy Operations, Dallas TX, stated they were the normal solar panels, not the Tesla Solar Roof.

The presiding officer asked for public comment. There were no public comments.

The presiding officer closed the public comment portion of the item and asked for a motion. Motion by Commissioner Wallis to approve conditional use permit request number CUP-21-04, for a roof mounted solar energy system, as presented: Seconded by Commissioner Farrar. The presiding officer called the question:

Vote on the motion:

Ayes: Mr. Ramsey, Mr. Logan, Mr. Wallis, Ms. Rodriguez, and Mr. Farrar

Noes: None

Abstain: None

Motion carried: 5 – 0 – 0

Doug Howard gave the next steps for the applicant.

B. Final Plats

- 1) FP-21-05 – Walnut Creek at Benbrook. A request to approve a Final Plat approximately 37 acres of land situated in the J. Stephens Survey, Abstract Number 1494, the H. Covington Survey, Abstract Number 257, and being a replat of Lot 1, Block 7 of Brookside at Benbrook Field PH1 Addition, Tarrant County, Benbrook, Texas. The property is zoned "D" Multiple-Family District and "BR-PD" One-Family Reduced Planned Development District. The property is generally located southwest of the intersection of Vista Way and I.H. 20/820 frontage road.

Doug Howard, City Planner, presented the staff report and recommended approval, with conditions, subject to staff comments as listed in the staff report and to include 1 additional condition:

1. The tree preservation and mitigation note, as required by the subdivision ordinance, be added to the plat.

No questions from the commission for staff.

The applicant's representative, Casey Ross from Kimley-Horn, 6161 Warren Pkwy, Frisco TX, and asked for approval from the commission.

Commissioner Wallis, in regards with tree preservation and mitigation, asked if the applicant had any concerns meeting the requirements. Mr. Ross stated he had no concerns.

Motion by Commissioner Wallis to approve, with conditions, the Final Plat, number FP-21-05, subject to the attached staff comments as well as the tree preservation and mitigation note as required by the subdivision ordinance be added to the plat before it is recorded. Seconded by Commissioner Ramsey. The presiding officer called the question:

Vote on the motion:

Ayes: Mr. Ramsey, Mr. Logan, Mr. Wallis, Ms. Rodriguez, and Mr. Farrar

Noes: None

Abstain: None

Motion carried: 5 – 0 – 0

Doug Howard gave the next steps for the applicant.

C. Zoning Text Amendment

- 1) ZTA-21-02 – Consider an ordinance amending Title 17 – Zoning of Benbrook Municipal Code by amending Chapters 17.08 – Definitions and 17.20 – Districts, District Boundaries, and District Uses by creating a restricted use category for a “private gaming club” and limiting its location to the “H” Industrial zoning district. [PUBLIC HEARING]

Doug Howard presenting presented the staff report and asked the commission recommend the City Council approve the zoning ordinance amendment, as presented.

Commissioner Wallis asked for clarification and confirmation, as he understands, that staff hasn't had the opportunity to speak with the City Attorney, as far as any needed adjustments to the ordinance, or if there are any unattended consequences, if adopted. Mr. Howard stated that was correct, and that the ordinance is being delivered to the city attorney. Mr. Wallis asked if it was correct that the intent for staff, between now and the City Council hearing, that the attorney will review the ordinance and will be able to provide guidance on the ordinance. Mr. Howard confirmed that Mr. Wallis' statement was correct.

The presiding officer asked for public comment. There were no public comments.

Mr. Wallis asked for clarification for voting procedures and if a super majority is needed to approve a motion, since the entire quorum is not in attendance. Mr. Howard stated that a simple majority vote is needed; however, if the commission voted to deny a P&Z item, the City Council then requires a super majority vote to approve the item. Mr. Wallis asked if the commission did not recommend adopting this ordinance, would it still go to council. Mr. Howard stated that it has the option of moving forward; however, with this being a staff item, if it did not have P&Z support, staff would not likely move forward with the item. Mr. Wallis stated that because the P&Z doesn't discuss the items in advance, he wanted to make sure the commission was prepared for whatever the outcome of the vote may be.

Motion by Commissioner Ramsey to recommend the City Council adopt zoning ordinance, ZTA-21-02, as presented. Seconded by Commissioner Farrar. The presiding officer called the question:

Vote on the motion:

Ayes: Mr. Ramsey, Mr. Logan, Mr. Wallis, Ms. Rodriguez, and Mr. Farrar

Noes: None

Abstain: None

Motion carried: 5 – 0 – 0

V. COMMISSION MEMBER AND STAFF COMMENTS

A. Announcements from Planning and Zoning Commission members and City staff may be made for items to include: expression of thanks; congratulations; condolence; recognition of public officials, employees or citizens; information regarding holiday schedules; reminders of community events or announcements involving an imminent threat to the public health and safety of the municipality that has arisen after the posting of the agenda. No discussion or formal action may be taken on these items at this meeting.

Commissioner Logan thanked staff for the staff reports and for the commissioners making time today to be here today, including the applicants.

VI. ADJOURNMENT

The presiding officer adjourned the meeting at 7:55 p.m.

APPROVED _____, 2021

Chair/Presiding Officer