

Council Minutes December 5, 2012

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Work Session at 5:30 p.m. at the Law Enforcement Center, 2121 L. Don Dodson, on the 5th day of December, 2012 with the following members present:

Jim Griffin	Mayor
Michael Boyter	Council Members
Chris Brown	
Jim Davisson	
Sherri Olsen	
Roy W. Turner	

constituting a quorum.

Councilmember Nolan arrived at 5:36 p.m.

Staff present included:

Beverly Griffith	City Manager
David Miller	Deputy City Manager
Michael Wells	City Secretary
Jacquelyn Reyff	Planning Manager
Bill Syblon	Development Director

Also present:

Dan Boutwell	Municipal Planning Resources Group
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WORK SESSION

The Work Session began at 5:34 p.m.

CALL TO ORDER

Mayor Griffin called the meeting to order.

1. Discuss proposal for Highway 183 Overlay District

Mayor Griffin presented two options for the Council regarding the discussion on the Highway 183 Overlay District: 1) to extend the Highway 121 Overlay District to Highway 183; or 2) create a new stand alone overlay district for Highway 183. Council was of the consensus to move forward with first option.

Development Director Bill Syblon introduced the City's planning consultant Dan Boutwell of Municipal Planning Resources Group. Mr. Boutwell stated that several years ago, the City noticed that most of the area along Highway 121 was vacant and there were concerns about protecting that area. A particular development wanted to come in at Cheek Sparger that the City was particularly concerned about and they wanted to make sure that the City's interests

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were protected. From this, the first overlay district in the City, the Cheek-Sparger Overlay, was developed. Mr. Boutwell mentioned that there is a Central Business District Overlay; however, it does not contain any regulations, only the requirement for site plan approval. The purpose of an overlay district is to not throw away the underlying regulations but to protect land uses and add aesthetics regulations.

Mr. Boutwell stated that the City was pleased with the Cheek-Sparger Overlay District and decided to extend it through the undeveloped area on Highway 121. A strip of land was laid out 200 feet off of the right-of-way and if a piece of land touched it, then the whole parcel was taken. This did not include single family residents. Mr. Boutwell proposed doing the same for Highway 183. The Highway 121 Overlay District added certain regulations regarding screening of equipment on roofs, landscaping and aesthetics. If the Highway 121 Overlay District is simply extended, the only zoning changes would be along Highway 183. However, if Council makes changes to the Overlay District, then it would change the zoning on all the properties, which would affect the notification of people within 200 feet of those properties.

In regards to the original discussion on the 183 Overlay District, Mr. Boutwell stated that the City felt a need to do something to protect the businesses affected by the highway widening. Non-conforming uses would be created but the City wanted to protect the corridor as well. Based on feedback from businesses, the City backed off of this project as far as the new regulations and simply adopted the non-conforming standards as policy.

Mr. Boutwell suggested that as the Cheek Sparger and Highway 121 Overlays Districts are almost the same, they be morphed together and extended along Highway 183. There was discussion among Council regarding the differences between the two overlay districts including maintenance agreements and aesthetics; the District running on the eastern section of Highway 183; and what Council could do regarding the aesthetics of existing buildings. Council was of the consensus to set aside the last discussion to discuss with the City Attorney on what the Council could legally do regarding existing buildings, specifically if the City can regulate on a change in ownership and/or a change in use. There was discussion on properties along Highway 183 that were still in negotiation with the North Tarrant Expressway and the removal of language from the proposed Overlay District regarding assistance to properties affected by the highway expansion. Based on discussions regarding the maintenance of landscaping, Mr. Boutwell stated that under existing landscaping requirements in the City's ordinances, property owners are required to maintain what was planted as shown in their landscape plan.

Mr. Syblon displayed examples of what types of buildings would not be allowed along Highway 183 if the Overlay District as presented was put in place. Mayor Griffin stated that the Council would need to decide how restrictive or non-restrictive they want to be. The current requirements are that buildings have to be 100% masonry and have earth toned colors. Mr. Boutwell stated that there is a clause in the District that alternative materials may be permitted if approved by the Planning and Zoning Commission and the City Council. The Zoning Ordinance has relief provisions in the form of the Zoning Board of Adjustment. There was discussion regarding variances as they relate to hardship and if Council members objected to anything that was currently along Highway 121.

In regards to height regulations, the typical zoning has a maximum of 35 feet with additional height being allowed with setbacks from one of the property lines.

There was discussion on the removal of pawn shops and sexually oriented businesses from the prohibited uses in the District. Mr. Boutwell explained that those uses are regulated by the State. Pawn shops are allowed in a district without a permit. Sexually oriented businesses cannot be prohibited but a City can put them in a specific area. If an area is not provided, they

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can go anywhere. In Bedford, they are allowed with a specific use permit in areas zoned industrial.

There was discussion on removing certain uses from the District, specifically drive-through restaurants. A majority of Council did not want to move forward on removing this use. They requested that there be a discussion with the City Attorney on the City's ability to restrict certain types of drive-through restaurants.

In regards to parking, the District requires that 10% of the paved surface have decorative street treatment. For landscaping, the District requires a 30 foot landscape buffer and a certain amount of trees and caliper inches as well in the front yard. Mr. Boutwell stated that along Highway 183, there will be areas that will be real tight in regards to this provision with the taking of the frontage road. In addition to what is required by the District, 10% of the parking area must be landscaped. There is a relief provision in place that existing businesses may submit a landscape plan. There was discussion on caliper sizes and whether to regulate the color of plants. There was also discussion regarding a property's ability to put in 25 square feet of flower beds to get credit on 100 square feet of landscaping; however, this does not affect the 30 foot landscape buffer. There was discussion on the 30 foot requirement and its affect on businesses. Mr. Boutwell suggested that language could be added to the District that addresses that issue instead of having to do a variance each time.

In regards to development standards, properties are required to submit color schemes to the Planning and Zoning Commission and the City Council for approval. Council was of the consensus to remove Item #6 as monument signs will not be very effective along Highway 183. There was discussion on adding an overarching clause regarding alternatives that can be looked at by the Planning and Zoning Commission and the City Council. Mr. Boutwell explained that such a clause should not apply to everything and that property owners can go to the Zoning Board of Adjustment for relief.

There was discussion on maintenance agreements and what remedies the City has if a property owner does not live up to the agreement. Council was of the consensus for there to be a discussion with the City Attorney regarding the remedies available to the City regarding enforcement of these agreements. There was further discussion on what the City is willing to do to remedy these types of situations and the difficulty of enforcement.

There was consensus among Council to extend the Highway 121 Overlay District east and west along Highway 183 to form a Master Overlay District; to discuss with the City Attorney the issues mentioned previously; to include the properties in the Central Business District that front Highway 183; to include the changes and eliminations discussed previously; and to include the Cheek Sparger Overlay District. There was discussion on the number of business owners that spoke against the previous draft of the Highway 183 Overlay District; extending the provisions of the Master Overlay District to the major thoroughfares City-wide; and holding a joint work session between the Council and the Planning and Zoning Commission.

ADJOURNMENT

Mayor Griffin adjourned the Work Session at 8:32 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary