

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF JANUARY 10, 2019**

APPROVED

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The Planning and Zoning Commission of the City of Bedford, Texas, met in Work Session at 6:40 p.m. and Regular Session at 7:00 p.m. in the Council Chamber of City Hall, 2000 Forest Ridge Drive, Bedford, Texas on the 10th day of January, 2019 with the following members present:

Chairman: Todd Carlson

Vice Chairman:

Members: Ruth Culver
 Lisa McMillan
 Tom Stroope
 Keith Quigley

Constituting a quorum.

Staff present included:

Emilio Sanchez Planning Manager

(The following items were considered in accordance with the official agenda posted by January 4, 2019).

CALL TO ORDER

Chairman Carlson called the Work Session to order at 6:40 p.m.

WORK SESSION

The Commission and Staff reviewed and discussed items on the regular agenda.

Chairman Carlson adjourned the Work Session at 6:58 p.m.

REGULAR SESSION

The Planning and Zoning Commission convened in the Council Chamber at 7:00 p.m. and the Regular Session began.

CALL TO ORDER

Chairman Carlson called the meeting to order at 7:07 p.m.

INVOCATION

Commissioner Stroope gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

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OFFICER ELECTIONS

- 1. Consider and act upon appointment of a Chairperson and Vice Chairperson to the Planning and Zoning Commission.**

Motion: Commissioner Culver made a motion to nominate Todd Carlson as Chairman of the Planning and Zoning Commission.

Commissioner McMillan seconded the motion and the vote was as follows:

Ayes: Chairman Carlson, Commissioners Culver, Quigley, Davis, McMillan, Stroope
Nays: None
Abstention: None

Motion approved 6-0-0.

Motion: Commissioner McMillan made a motion to nominate Ruth Culver as Vice Chairperson of the Planning and Zoning Commission.

Commissioner Davis seconded the motion and the vote was as follows:

Ayes: Chairman Carlson, Commissioners Culver, Quigley, Davis, McMillan, Stroope
Nays: None
Abstention: None

Motion approved 6-0-0.

APPROVAL OF MINUTES

- 2. Consider approval of the following Planning and Zoning Commission meeting minutes: November 8, 2018 regular meeting.**

Motion: Commissioner McMillan made a motion to approve the meeting minutes of the November 8, 2018 regular meeting with the corrections as stated.

Commissioner Stroope seconded the motion and the vote was as follows:

Ayes: Vice Chairperson Culver, Commissioners Stroope, McMillan
Nays: None
Abstention: Chairman Carlson, Commissioners Davis, Quigley

Motion approved 3-0-3. Chairman Carlson declared the November 8, 2018 meeting minutes approved with the corrections as stated.

PUBLIC HEARINGS

- 3. Zoning Case PZ-SUP-2018-50088, public hearing and consider a request to rezone Lot 1, Block 1, Harwood Village North Addition, located at 603 Harwood Road, Bedford, Texas from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit (H/SUP), specific to Section 3.2.C(3)d of the City of Bedford Zoning Ordinance, allowing for Aftab (Tom) Punjwani to operate Kiddy Clubhouse LLC, a children's daycare for sixty-five (65) children.**

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**The subject property is generally located north of Harwood Road and east of Brown Trail.
(PZ-SUP-2018-50088)**

Emilio Sanchez, Planning Manager, reviewed case PZ-SUP-2018-50088.

This particular request is for a Specific Use Permit allowing for a daycare to be located at 603 Harwood Road. The applicant has submitted a site plan with a play area to the rear of the building, which is outside of the 50-foot requirement from the adjacent residential district to the north.

The comprehensive land use plan has this as commercial, so this use as a daycare would be compatible with the comprehensive plan. The DRC committee did have concerns of the location of the play area, being adjacent to water meters and other utilities, but since there were no easements on the plat I will let the applicant speak more about that. The applicant is in the audience to answer any specific questions and I'll be happy to answer any specific questions you may have.

Chairman Carlson asked Emilio to expand on the topic of the play area and utilities.

Emilio stated that along the west side of the rear of the building, there are electric meters and other utility connections in the proposed area for the playground.

Vice Chairperson Culver asked if there were any exposed electrical lines or conduit.

Emilio stated that there were no exposed lines and could not recall if there were any conduit lines from the meter and would let the applicant speak to that as they are the owner of the building so they should be able to answer that little better.

Mr. Aftab (Tom) Punjwani, petitioner 1705 Burr Oak, Southlake.

Mr. Punjwani presented his case for a daycare facility. He stated that as for the safety of the kids are concerned, the area for the playground, the meters are on the wall with underground wiring to a centralized transformer system almost 20-feet away. Everything is up to code coming down and the install underground is secure. Water meter will have no obstructions for meter readings for the City, and they are flexible as far as playground location. State code requires 25% of the internal square footage to be the size of the play area. He stated his total internal area is about 4,000 square-feet, so he would be required to have 1,000 square-feet of play area outside.

Commissioner McMillan asked the applicant about how they plan on getting the three dumpsters that are in the proposed area of the playground picked up, as the current route for the trash truck is impeded by the layout of the proposed play area.

Mr. Punjwani stated that the play area would be 1,000 square-feet in area that is shaped as a rectangle and that they would build an enclosure that would allow the existing dumpsters to be serviced without getting close to the play area.

Commissioner McMillan asked the applicant about the type of fencing they are considering for the play area.

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Mr. Punjwani stated that the play area would be either metal fencing or wood, depending on if the Commission has a preference.

Commissioner McMillan asked the applicant about the slope/grade of the play area, and how they propose to make it level since it slopes toward the Spring Valley side of the property.

Mr. Punjwani stated that the proposed play area has a slight slope, but that the main area of slope is not an issue.

Chairman Carlson opened the public hearing at 7:19 p.m.

Jo Counts, 828 Harwood Road, Bedford, Texas.

Ms. Counts stated that she lives directly across from the shopping center and Half Price Books to be more exact, in the patio homes. She has many concerns but that her main concern is with traffic. The area is proposed to service 65 children and that she equates that with 65 vehicles. The Harwood Road and Bedford Road intersection is already heavily congested during school times and that they currently limit left hand turns during school times.

She also opposes the daycare because she says that her research has indicated that there are 19 daycare centers and pre-K facilities in that area between Brown Trail and Central Drive and she feels that is adequate for the area, and does not need another daycare.

Commissioner Quigley asked Ms. Counts to clarify what her research had found on child care facilities between Brown Trail and Central Drive, along Harwood Road.

Ms. Counts handed the Commissioners a map that indicates the address of each of the daycare facilities she researched and asked the Commission to consider the area well served, and deny the request.

Mr. Punjwani, addressed the traffic concerns by saying that the parking area is ample and that each parent will be able to park and walk the children into the daycare without a worry about traffic. He stated that the ingress and egress for the shopping center is spread far enough apart that the parents will have options and different opportunities to come and go from the site for whichever direction they need. The second thing is that as far as he knows that there are only two daycares in the immediate area of Central Drive to Brown Trail, one is right across from the Harwood Village Shopping Center and the other is adjacent to the Kroger shopping center and that they stay full. These two don't have a play area that is accessible from the inside of the building.

Chairman Carlson asked the applicant about the number of children (65) they are proposing and the proposed operating hours and number of staff on site.

Mr. Punjwani, stated that sixty-five is the number that they logistically came up with within the state regulations and square footage of the suite. He also stated that the hours of operation will be from 6:30 a.m. - 6:30 p.m..

Commissioner Quigley asked the applicant what they were proposing for the playground area, as the current material is concrete.

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Mr. Punjwani stated that they are open to the flooring material, they were thinking of the rubber material that is laid down on top of the existing parking area.

Ms. Shanila Gilani, 4221 Old Denton Road, Carrollton Texas.

Ms. Gilani stated that the ratio of teachers to students will depend on the age of the children that they will have enrolled. If there are more infants, it would require a higher number of teachers.

Ms. Counts wanted to clarify that the traffic concern that she had was not with adequate parking but with the congestion of Harwood Road and Brown Trail, and the light at Spring Valley Drive, and the heavily congested roads with people trying to avoid the freeway.

Mr. Punjwani stated that he has been trying to get more businesses in the shopping center but most request need the SUP process and that has been difficult for business owners to go through. He is having a difficult time recruiting new business to the shopping center.

Chairman Carlson closed the public hearing at 7:32 p.m.

Commissioner Stroope stated that commission is not here to decide the density of any type of business but that the market will make that determination. The opposition has some valid concerns but to deny because there are others in the area is not a concern that he can accept to deny.

Vice Chairperson Culver stated that her concerns are that the front row parking may be taken and that the parents would have to park in the outer areas and have to cross the drive area and that children may break away from a parent and dart into drive lane. Her second concern is with the play area and its lack of shading. The play area is required by the State and she is concerned that the play area is not very well thought out and placed.

Commissioner McMillan stated that she agrees with Commissioner Stroope and Vice Chairperson Culver that the market will determine the need but that she is looking at the use and how it is compatible with the surrounding uses. Her concerns are with play area and the location. She cannot support a daycare in this location based on the location of the play area and the quality of a play area that it will provide.

Motion: Commissioner Quigley made a motion to deny zoning case PZ-SUP-2018-50088.

Commissioner McMillan seconded the motion and the vote was as follows:

Ayes:	Vice Chairperson Culver, Commissioners Quigley, McMillan
Nays:	Chairman Carlson, Commissioners Stroope, Davis
Abstention:	None

Motion to deny failed 3-3-0. Chairman Carlson asked for further discussion and a possible alternate motion.

Commissioner Quigley asked the three Commissioners that voted to approve the case to please explain to the others so that they can maybe persuade one of the nays to aye.

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Commissioner Stroope stated that the guidelines from the State are very strict and if the applicant cannot provide a safe area for the children, the permit by the State will not be allowed to open.

Commissioner McMillan made a point to ask the three commissioners who voted to allow the daycare, if they really feel that the use is a compatible land use with the area, and the play area especially.

Chairman Carlson stated that he agrees with Commissioner Stroope that the daycare will only be able to open if they pass the State's requirements and that the compatibility is not an issue for him as the Commission has approved other daycare facilities in strip centers.

Commissioner Davis stated that the Commission is not granting a C.O., and that he feels the applicants have a right to go to the next step to City Council and if it is denied, the applicants at least were able to go through the process. He agrees with Commissioner Stroope and he wants to let it move forward.

Vice Chairperson Culver stated that she agrees with Commissioner McMillan on the compatibility issue and that it is not the proper place to have a daycare. She also stated that she agrees with the other commissioners that they are not here to approve a C.O., and that there are other requirements that have to be met if this moves forward.

Motion: Commissioner Stroope made a motion to approve case PZ-SUP-2018-50088.

Commissioner Davis seconded the motion and the vote was as follows:

Ayes:	Commissioners Quigley, Stroope, Davis, Chairman Carlson
Nays:	Vice Chairperson Culver, Commissioner McMillan
Abstention:	None

Motion approved 4-2-0. Chairman Carlson recommended approval of zoning case PZ-SUP-2018-50088.

4. **Zoning Case PZ-SUP-2018-50105, public hearing and consider a request to rezone Lot 1, Block 1, Harwood Village North Addition, located at 2926 Brown Trail, Bedford, Texas, from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit (H/SUP), specific to Section 3.2.C.(2).a, Churches, Temples and Synagogues of the City of Bedford Zoning Ordinance, allowing for Destiny Heights Ministries International to operate a church. The subject property is generally located north of Harwood Road and east of Brown Trail. (PZ-SUP-2018-50105)**

Emilio Sanchez, Planning Manager, reviewed case PZ-SUP-2018-50105.

This request is for a Specific Use Permit in the same shopping center as the previous case. This suite faces Brown Trail and is addressed as 2926 Brown Trail. The applicants are proposing to operate Destiny Heights Ministries International as a church. The Development Review Committee did not have any comments for a church in this suite and allowed the application to move forward. The applicants are in the audience to answer any specific questions and I would be happy to answer any questions the Commission may have.

Commissioner Quigley asked staff for the square footage of the suite.

Emilio stated that the applicant and site plan stated that the suite is 2,880 square-feet.

Mr. Paul Berry, petitioner, is the founder and pastor for Destiny Height Ministries International. Pastor Berry stated that the church is a nondenominational church that currently worships in a hotel with a congregation between 15-20 individuals. The goal would be to occupy the space and increase the

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membership in Bedford. Pastor Berry would also like to move to Bedford and enjoy the positive impacts that others are having on the city.

Chairman Carlson asked what the maximum number of individuals that their congregation could grow to in the proposed site from the current number of 15-20 members. He also asked the hours of operation for the church.

Pastor Berry stated that they would like to grow the church to 50 or 70 people and look for a property of their own. He also stated that on Sundays the service will be 10:30am-12:30pm and during the week 6:30pm-8:30pm. Wednesday will be dedicated to bible study, giving his congregation time to ask questions about previous sermons and on Friday they propose a music ministry that will allow members to practice songs for the Sunday Service.

Commissioner McMillan asked the applicant if the space is currently one large open space or if they are wanting to build offices or classrooms.

Pastor Berry stated that currently it is an open space and they are proposing to build a small stage for the sanctuary with chairs. He also stated that there is a small area that is he would like to use for his office. He would also like to have a space where parents can drop off children during service.

Vice Chairperson Culver asked if the members were local or from all over the DFW area.

Pastor Berry stated that they are from all over but would like to focus on Bedford residence.

Chairman Carlson opened the public hearing at 7:53 p.m.

Jo Counts, 828 Harwood Road, Bedford Texas.

Ms. Counts stated that the site already has two churches in the shopping center and that one of the churches regularly holds services or celebrations outside and is loud enough that you can hear the music inside your home. Last year a neighbor called the police due to noise. She also stated that there are nine existing churches on Harwood Road of various denominations, including a non-denominational church. When she moved in to Bedford, Harwood Road was considered a residential street. She thinks they are moving away from that and asked what the tax implications for the City for moving in that direction. She also had a map to pass out to the commissioners of the nine churches currently along Harwood Road.

Commissioner McMillian stated that there was an issue with the church music, by another suite that was formerly a candle and soap store. She asked Pastor Berry to address any noise issues.

Ms. Counts stated that there is a suite occupied by Bliss Spa and they have complained about the noise for the other church and would like the have the compatibility be a factor as she would like to see additional retail.

Pastor Berry stated his address is 4750 Everwood Lane, Dallas, Texas. He stated that he lives there for access to where they currently worship. He would like to move to Bedford once approved as he feels it is necessary for leaders and ministers to have access to the people where they are ministering.

Pastor Berry spoke on the issue of the number of churches in a certain location. Different churches have different visions, so will speak and will cater to different demographics. He has meet with the other pastors in the center and Pastor White caters to predominantly African American, whereas the other church caters to Hispanic. Pastor Berry caters to predominantly different African groups such as Sierra Leonean, Ghana, Liberian and other African Groups. He feels that there is a growing presence in the area of these groups in the Bedford area that will lend itself to reach out to those people. In the strip center there are different types of businesses that cater to different types of

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services and that is similar to how churches differ in the groups that they cater to. For instance, he spoke to two individuals at a convenient store this evening and they were different nationalities and he explained that he was asking for approval to open a church and the store manager paid for his items as he understands the need for different churches to cater to different nationalities.

Commissioner McMillan asked the applicant if he can address the issue about noise.

Pastor Berry stated that his church is significantly different and that they focus on not having traditional instruments but use an electronic drum set that has volume control and he feels that they are able to control the volume much better, so there is no issue on noise. He gave an example of the current location in the hotel where they worship that the manager has stated that they are one of the only churches that the hotel has allowed that can control the noise level of music so there are no complaints.

Commissioner Quigley asked the applicant if there were any plans for outdoor events.

Pastor Berry stated that there will be no outdoor events in the parking area.

Mr. Punjwani stated that the noise complaint brought up by the opposition was addressed with the church by adding an enclosure to limit sound travel. He also stated that retail is harder to rent as Amazon has changed the way brick and mortar and mom-and-pop businesses operate.

Ms. Counts stated that she wanted to clarify that her complaints were not related to nationality but just a definer and not about who you administer to and that non-denominational is non-denominational.

Chairman Carlson closed the public hearing at 8:10 p.m.

Commissioner Stroope asked staff if the church increases to 70 members, how would that impact the parking.

Emilio stated that for 70 seats in the sanctuary, that would require 23 parking spaces and that there would still be sufficient parking in the area of the building.

Commissioner Quigley asked staff if the site plan was accurate with the number of parking.

Emilio stated that the site plan is accurate.

Commissioner Davis stated that if the commissioners looked at the survey of the site in the packet and notice that it is actual survey data and is accurate, as it is stamped by the surveyor.

Vice Chairperson Culver stated that the concerns that were brought up are legitimate but that as a reminder to commissioners and the audience that the law ties the commissioner to approve the case.

Motion: Commissioner Quigley made a motion to approve zoning case PZ-SUP-2018-50105.

Commissioner Stroope seconded the motion and the vote was as follows:

Ayes:	Vice Chairperson Culver, Commissioners Quigley, Carlson, McMillan, Stroope, and Davis
Nays:	None
Abstention:	None

Motion approved 6-0-0. Chairman Carlson recommended approval of zoning case PZ-SUP-2018-50105.

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3. **Zoning Case PZ-SUP-2018-50108, public hearing and consider a request to rezone Lot 2R, Block 4, Uptown Bus & Prof Center Addition, located at 813 Brown Trail, Suite #2, Bedford, Texas from Service Commercial (S) to Service Commercial/Specific Use Permit (S/SUP), specific to Section 3.2.C(2)a, Churches, Temples and Synagogues of the City of Bedford Zoning Ordinance, allowing for Stephen Carter and Abel Perez to operate Eden Blessing Tabernacle The Church of the New Beginnings. The property is generally located east of Uptown Boulevard and west of Brown Trail and south of Plaza Boulevard. (PZ-SUP-2018-50108)**

Emilio Sanchez, Planning Manager, reviewed case PZ-SUP-2018-50108.

This request is for a Specific Use Permit for 813 Brown Trail, Suite 2 to operate Eden Blessing Tabernacle church. The applicants are not in the audience to answer questions and they did not indicate to staff that they were unable to make the hearing.

Commissioner Davis asked staff if there were any responses to the notice that was sent out to the 200-foot mail out.

Emilio stated that there were no responses to the notices that were sent out.

Chairman Carlson asked that the commissioners take into consideration that this is an 'allowed by right' use, and that he would normally not allow a case to be tabled if the applicants failed to appear, but in this instance he would entertain that idea.

Commissioner McMillan stated that even though it is a use by right, there are questions that she has related to parking, and that she would like those questions answered before she votes on the case.

Commissioner Stroope stated that he concurred with Commissioner McMillan.

Commissioner Quigley asked staff what the square footage for the proposed space would be, or for the building, and how many suites there are in the building.

Emilio stated that there are ten (10) suites in the building, and that the site plan indicates that the building is 10,508 square-feet.

Chairman Carlson opened the public hearing at 8:20 p.m.

Motion: Commissioner McMillan made a motion to table zoning case PZ-SUP-2018-50108.

Vice Chairperson Culver seconded the motion and the vote was as follows:

Ayes:	Vice Chairperson Culver, Commissioners Quigley, Carlson, McMillan, Stroope, and Davis
Nays:	None
Abstention:	None

Motion approved 6-0-0. Chairman Carlson stated that zoning case PZ-SUP-2018-50108 is tabled to the next Planning & Zoning meeting.

ADJOURNMENT

Motion: Commissioner McMillan made a motion to adjourn.

Vice Chairperson Culver seconded the motion and the vote was as follows:

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Ayes: Vice Chairperson Culver, Commissioners Quigley, McMillan, Stroope and
Davis, Chairman Carlson
Nays: None
Abstention: None

Motion approved 6-0-0. Chairman Carlson adjourned the Planning and Zoning Commission meeting at 8:25 p.m.

**Todd Carlson, Chairman
Planning and Zoning Commission**

ATTEST:

**Emilio Sanchez
Planning Manager**