

Council Minutes January 11, 2022

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Regular Session at 6:00 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 11th day of January, 2022 with the following members present:

Michael Boyter	Mayor
Amy Sabol	Mayor Pro Tem
Cindy Almendarez	Councilmembers
Ruth Culver	
Rob Gagliardi	
Rich Steves	

constituting a quorum.

Councilmember Cogan was absent from the meeting.

Staff present included:

Jimmy Stathatos	City Manager
Bryn Meredith	City Attorney
Michael Wells	City Secretary
Meg Jakubik	Strategic Services Manager
Maria Joyner	Finance Director
Paula McPartlin	Assistant Finance Director
Wes Morrison	Neighborhood Svcs./Planning Mgr.
Andrea Roy	Development Director
Cheryl Taylor	Public Works Director

REGULAR SESSION

The Regular Session began at 6:04 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Boyter called the meeting to order.

INVOCATION

Joseph Cartwright with Reimagine Men DFW gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledges of Allegiance to the flags of the United States and Texas were given.

PRESENTATIONS

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- **Discussion on the Quarterly Investment Report for the Fiscal 4th Quarter ending September 30, 2021.**

Assistant Finance Director Paula McPartlin stated the total market value of the City's portfolio decreased by 8.8 percent over the previous fiscal year. The total portfolio at the end of the fourth quarter was \$129,519,204, compared to \$142,007,648 at the same time the previous fiscal year. The portfolio decreased 1.5 percent from the end of the third quarter. The City has spent \$31,835,456 on the Phase Next Project and \$40,977 related to the Bedford Performing Arts Center and has earned \$3,495,898 in accumulated interest earnings as of the end of the fourth quarter for these projects.

Tim Pinion with Valley View Consulting, the City's investment advisors, stated the City's funds decreased from \$109,914,369 to \$98,995,058 over the previous year, due primarily to the spending on the Phase Next Project. The rate of return for the City funds over the past year decreased from 0.60 percent to 0.30 percent, and for the State Water Implementation Revenue Fund for Texas (SWIRFT) funds decreased from 0.27 percent to 0.07 percent. He stated the City's portfolio yields compare favorably to benchmark yields though there was substantial decrease in both yields and interest earnings from \$1,544,923 in 2020 to \$421,179 in 2021.

Mr. Pinion presented the quarterly financial report. The City's overall portfolio decreased from \$131,496,269 to \$129,519,204 over the previous quarter. Interest rates increased from 0.30 percent to 0.36 percent for the City funds, and from 0.07 percent to 0.15 percent for the SWIRFT funds, for an increase to the total portfolio from 0.25 percent to 0.31 percent. The interest earnings for the total portfolio for the fiscal year was \$473,038. He presented information on United States Treasury yield curves and interest rates on certificates of deposit. He discussed market highlights, including production returning to more normal levels, the possible impact of the Omicron variant, strong holiday sales, improving employment numbers, the number of people who quit during the pandemic, the increase in housing prices, the increase in inflation, possible increase the Federal Reserve rates and the City's investment strategy.

- **Fourth Quarter Financial Report**

Strategic Services Manager Meg Jakubik presented a financial report on the fourth quarter of the City's fiscal year. She presented information on the General Fund, including a comparison of actual, budgeted, and projected revenues and expenditures, with sales tax showing stronger than average increases. She presented a comparison of revenues and expenditures from Fiscal Year 2020 and 2021, which showed expenditures to be under the budgeted amounts. She presented information on the Water and Sewer Fund, including three-year histories of revenue and expenditures. She presented information on other funds, including Tourism, Stormwater, and the Street Improvement Economic Development Corporation (SIEDC). There was discussion on the increase in sales tax and increases in miscellaneous income due to the property loss insurance.

OPEN FORUM

Nobody signed up to speak during Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

City Manager Jimmy Stathatos presented an overview of the items on the consent agenda.

Motioned by Councilmember Culver, seconded by Councilmember Almendarez, to approve the following items by consent: 1 and 2.

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Motion approved 6-0-0. Mayor Boyter declared the motion carried.

1. **Consider approval of the following City Council minutes:**
 - a) **December 14, 2021 regular meeting**

This item was approved by consent.

2. **Consider an ordinance authorizing amendments to the adopted annual budget of the City of Bedford, Texas for the fiscal period of October 1, 2021 through September 30, 2022; providing for intra-fund and/or intra-departmental transfers; providing for investment of idle funds; and declaring an effective date.**

This item was approved by consent.

OLD BUSINESS

3. **Public hearing and consider an ordinance to rezone property legally described as Teeter Garrett Survey, Abstract 1537, Tract 2D01 and Tract 2D, and the east portion of Lot 1, Block 1 of the Woodland Heights Addition, commonly known as 2416 Cheek Sparger Road, Bedford, Texas, and consisting of 8.655 acres, from Single-Family Residential Detached – 15,000 (R-15) and Single-Family Residential Detached – 7,500 (R-75) to Planned Unit Development to allow a medium density age restricted duplex development. The property is generally located on the south side of Cheek Sparger Road, approximately 500 feet east of Central Drive. (PZ-PUD-2021-50046) (Item was recommended for approval by the Planning and Zoning Commission by a vote of 5-1-0) (Tabled at the December 14, 2021 Council Meeting)**

Council convened into Executive Session to discuss this item pursuant to Texas Government Code Section 551.071 at 6:35 p.m.

Council reconvened from Executive Session at 6:39 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

Neighborhood Services/Planning Manager Wes Morrison presented information regarding this item, which was tabled at the previous meeting to allow staff time to review changes to the design plan since it was presented to the Planning and Zoning Commission. Changes proposed by the applicant include a reduction in density from eight units per acre to 7.39 units per acre; a reduction in the number of units from 67 to 64; an increase in open space from 39 percent to 41 percent; a decrease in lot coverage from 30 percent to 27 percent; an increase in the setbacks adjacent to existing residential properties to least 25 feet; an increase in parking spaces from 155 to 156; and an increase in height of the privacy fence along the perimeter of the property from six feet to eight feet. He presented information regarding the surrounding land uses. Mr. Morrison stated staff received two written responses to the legally required notices mailed to those within 200 feet of the proposed zoning change. The one dissenting vote at the Planning and Zoning Commission meeting was due to the future land use of the property being designated as a church, semipublic, or low-density use.

Mark Matisse, representing Emerald Cottages, stated he wanted to focus on the the quality of the project, its impact, and the disposition of the land. He stated the project is a single-story residential-style senior living community. The average age of their residents is 79 years, and a majority are coming from a ten-mile radius of their properties. He discussed the reasons seniors have chosen Emerald Cottages and the impact of the COVID-19 pandemic on seniors, including

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a reduction in senior living occupancy and rates; however, their properties have remained 100 percent occupied. He discussed the potential impact of the project on Bedford, including that this development would have less square footage of buildable area than R-75 zoning. He stated the appraised value of the property would increase from \$11,000,000 at the current zoning to \$17,000,000. He further stated there would be less residents and cars than with the R-75 zoning. Emerald Cottages residents are usually not employed and therefore are not traveling at peak times. He stated that if this item were not approved, there would be the possibility of two-story homes being built with windows looking down at the neighboring residential properties. Mr. Matisse felt that the project has been misconceived from a density and traffic standpoint. He stated only one of the seven senior living communities in the City has been built in the last three years, with the rest being older than 20 years.

There was discussion on other Emerald Cottage properties in the state and their valuation, including discrepancies between information presented by Mr. Matisse and staff.

Mayor Boyter reopened the public hearing at 7:04 p.m.

Michael Grosse, 2604 Talisman Court, Bedford – Mr. Grosse asked if the project was right for Bedford. He discussed other Emerald Cottages properties in the state and stated all were zoned multi-family, averaged four dwellings per unit, had access to a state highway or a five-lane road, were not rezoned from residential zoning, and had at least 45-foot setbacks from other residential properties. He discussed the amount of residential property adjacent to the proposed project. He stated two of the proposed buildings would be comprised of six units and 300 feet long. He asked that if this item were approved, that a 20-foot landscape buffer with a 40-foot setback be added, the number of units to reduced to 44, an eight-foot fence be included, and the size of the dog park be increased. He discussed issues related to amount of traffic on Cheek Sparger Road and proposed improvements to the road. He stated the project goes against the comprehensive plan and was too dense for the surrounding areas.

Jeff Carter, 2600 Talisman Court, Bedford – Mr. Carter agreed with Mr. Grosse. He discussed conversations with the applicant regarding the site plan, including Mr. Carter's request that it be modified to remove a two-bedroom unit adjacent to his property and replace it with a one-bedroom unit, giving him the same setback and style of units as his neighbors. He felt coerced by the applicant to speak in favor of the project so those changes would be made. He asked if this item were approved, that Emerald Cottages be required to make the changes as discussed.

Mr. Abraham, 2416 Cheek Sparger Road, Bedford – Mr. Abraham asked if children were conducive to the lifestyle expectation of age-restricted communities. He asked Council to have the same considerations as other neighbors regarding the setbacks from his property. He discussed the density of the proposed development and if any assessments have been done on the long-term viability of age-restricted communities.

Tim Clanton, 3553 Paint Brush Lane, Bedford – Mr. Clanton stated the property has been zoned R-75 for quite a while and that people who moved into the area expect it to be R-75. He felt this is a situation where the Council protects the citizens and recommended the builder negotiate with the residents on what they would support and that the protection for the residents is the current zoning.

Bob Arnold – Mr. Arnold, one of the owners of the property, stated the project would be a benefit to the City. The owners feel they have a good developer to put in something that is good for the City. He likes that the proposed units would be single story next to the residential properties and asked that Council work with the owners.

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Doug Atkins – Mr. Atkins stated he knows the owners and that they have been trying to sell the property since 2006. They have done their best to get the best builder and best-looking facility for the property. He discussed costs to the owners of maintaining the property and correcting issues identified by the City. He stated the owners would sell the property for the highest dollar if the project were not approved, which would mean two-story houses looking over into other people's yards. Mr. Atkins discussed previous developers who were only looking to put as much on as small a piece of property as they could. He felt the Emerald Cottages properties look excellent and are fully occupied, which speaks to the operator. He discussed the involvement of a neighboring church that also wants to modernize their facility and are supportive of the development. He further discussed that the developer met with residents and agreed to make changes. He asked Council to consider approving this item.

Michael Cosgrove, 1521 Sarah Brooks Drive, Keller – Pastor Cosgrove with Woodland Hills Baptist Church stated he was in favor of the project. The applicant worked with the surrounding neighbors and that the church is also wanting to sell property to make this project happen. He and the applicant hosted meetings to answer questions and concerns about the project. Pastor Cosgrove felt the project would be a benefit to the community, that congestion on the roads would not happen, and that the heights of fences and rooftops would be altered to accommodate the neighbors. He asked what would be developed on the property if this project were not approved, which could cause the neighbors greater concern. He felt this project was the best option to benefit seniors and the community.

Mayor Boyter closed the public hearing at 7:38 p.m.

Mr. Morrison stated the difference in valuations discussed earlier in the meeting was that staff focused on the improvements while the applicant may have included both the land and the improvements. In response to questions from Council, he stated that Council should consider whether the land use is appropriate, including from the standpoint of traffic and the future land use plan. City Attorney Bryn Meredith stated the legal standard for approval is if the item were in furtherance of the public health, safety, morals, and general welfare of the community. He advised that Council not base their decision on the age of the proposed occupants of the development. There was discussion on concerns about the traffic on Cheek Sparger Road and the development not complying with the comprehensive land use plan.

Motioned by Councilmember Culver, seconded by Mayor Pro Tem Sabol, to deny an ordinance to rezone property legally described as Teeter Garrett Survey, Abstract 1537, Tract 2D01 and Tract 2D, and the east portion of Lot 1, Block 1 of the Woodland Heights Addition, commonly known as 2416 Cheek Sparger Road, Bedford, Texas, and consisting of 8.655 acres, from Single-Family Residential Detached – 15,000 (R-15) and Single-Family Residential Detached – 7,500 (R-75) to Planned Unit Development to allow a medium density age restricted duplex development. The property is generally located on the south side of Cheek Sparger Road, approximately 500 feet east of Central Drive. (PZ-PUD-2021-50046)

Motion approved 6-0-0. Mayor Boyter declared the motion carried.

NEW BUSINESS

- 4. Public hearing and consider an ordinance to rezone property legally described as Lot A of the Concordia Addition and both North and South Parts of Lot A of Wesleyan Addition, commonly known as 3705 and 3709 Harwood Road, Bedford, Texas, and consisting of 10.268 acres, from Single-Family Residential Detached – 9,000 (R-9) to**

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Planned Unit Development to allow a 53 single-family lot subdivision with the average lot size being 6,400 square feet. The property is generally located on the north side of Harwood Road, approximately 675 feet east of State Highway 121. (PZ-PUD-2021-50073) (Item was recommended for approval by the Planning and Zoning Commission by a vote of 5-0-0)

Mr. Morrison presented information regarding this item. He stated the property is currently zoned R-9 and developed with two churches that would be removed if this item were approved. The applicant is proposing a single-family detached residential development, with a density of just over five units per acre. The future land use designation of the property is schools, churches and semi-public. The development plan shows both access points to be off Harwood Road. There is an unapproved right-of-way for Willow Drive, which was dedicated with a previous development and is not proposed to be improved with this development. The proposed development is for 53 single-family lots, with two open space lots, minimum lot sizes of 5,500 square feet and average lot sizes of 6,300 square feet. The setbacks would match the existing MD-3 zoning district. A minimum of two off-street parking spaces per lot and architectural standards would be required, including a minimum percentage of masonry, roof pitch, lighting, and decorative accents. Mr. Morrison presented information on surrounding land uses. He stated staff did not receive any written responses to the legally required notices mailed to properties within the 200-foot radius of the development, but the applicant did provide petitions in favor of the request. There were several speakers in favor or against the project at the Planning and Zoning Commission meeting, who recommended approval of the item with the condition that a traffic impact analysis be performed prior to plat approval.

Zack Penn, representing the applicant Key Life Homes, stated they worked to meet and exceed expectations of the City ordinance while also addressing key issues. He presented an overview of the history of the project, which he stated met with approval of staff and the Planning and Zoning Commission. He felt there is a need of single-family housing in Bedford at the proposed price range. He stated Oakwood Hills is a planned unit development (PUD) and he presented information on lot sizes, open spaces, a masonry screen wall fence along Harwood Road, the starting price point, floor plans, square footage, the expected economic impact of the development, and a retention area. He discussed conversations he had with neighboring properties and read a letter of support for the development from a resident.

Regarding drainage, Mr. Penn stated JDJR Engineering was able to reduce the peak water flow by 25 percent, and the design was approved by City staff and Halff Associates, the latter of which stated the design would present no adverse drainage impact scenario. He discussed petitions signed in support of the development, including by members of the two churches, as well as his own neighbors in Key Life Homes properties. Regarding concerns with children being moved to different schools, he spoke with Superintendent Steve Chapman, who stated there would not be any negative impact with the development. Mr. Penn stated they have never proposed commercial for this project. He displayed examples of masonry screening walls and elevations of the homes and discussed their amenities. He stated JDJR Engineering was able to reduce the water shed from St. Michaels Catholic Church by 90 percent.

There was discussion on concerns with water and the third-party review of the drainage by Halff Associates, including whether the applicant would be willing to do the additional items as advised by Halff to make the project move forward. Jim Dewey with JDJR Engineers stated the downstream owners have legitimate concerns and that drainage is the biggest issue on any development. They are proposing stormwater retention, which will reduce the peak water flow by 25 percent, though they are only required not to exceed the current flow. The major portion of the property currently drains onto St. Michaels, which has significant drainage issues. Ninety percent

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of it would now be intercepted onsite, with an underground storm drain that outfalls into the detention pond. From the pond, water would flow from an underground pipe running along the Willow Drive right-of-way and tie into the existing system under Forest Drive. Mr. Dewey stated he wrote a letter to the Public Works Director specifying that they would always do the stipulations listed in the letter by Halff Associates; they were just not at the point of doing final construction drawings. He stated that in the past, many residential subdivisions in the state were built without adequate storm drainage or detention ponds, and that storm water detention is basically required with all new developments.

There was discussion on the lot sizes, including that 68 percent of the lots were going to be below the average lot size; the shape of the property; traffic concerns, including that only one of the subdivision's streets would directly access the median opening on Harwood Road; and the traffic study. There was further discussion on the drainage, including how the detention pond works; the design of the drainage system; recourse for residents, including with Mr. Dewey as the engineer who signs off on the plans; inspections by City staff of the construction; and grading changes and the impact on trees currently on the property. City Attorney Bryn Meredith stated there would be civil liability if the development causes an increase in the pre-development flow; however, the City would not have any liability as it is just the reviewing agency. There was discussion on the private drainage channel in the Rustic Woods subdivision, erosion, the review by Halff Associates, and the design of the drainage system.

Mr. Meredith advised when a developer offers to do more than their roughly proportionate share, such as the oversized detention pond being oversized, it is a voluntary gesture and cannot be mandated by ordinance.

Mayor Boyter opened the public hearing at 8:25 p.m.

Mary Nelson, 3800 Comanche Trail, Bedford – Ms. Nelson spoke against the proposed development. She felt the development would be disastrous and would allow the developer to build a large number of homes close together to commercial buildings. She stated the developer could build something completely different once the zoning is approved without input from those most affected. She discussed concerns regarding drainage and potential flooding; the removal of trees and the displacement of wildlife; and increased traffic. She stated the current zoning would cause the least amount of disturbance to her neighborhood and asked Council to vote against the proposed zoning change.

Tim Clanton, 3553 Paint Brush Lane, Bedford – Mr. Clanton discussed the lot sizes in the existing Rustic Woods neighborhood, the erosion of the natural creek, and successful negotiations the HOA made regarding previous developments for larger lot sizes. He discussed the amount of traffic coming through Rustic Woods. He stated that Meadow Creek Elementary School is at capacity, and he felt it would be a benefit to maintain the current schools. Mr. Clanton stated he asked the developer for four less lots to get them up to 6,500 square feet but they would not agree to it. He asked Council to keep the current zoning and that there should be continued negotiations.

Kelly Perkins, 3509 Creekside Court, Bedford – Ms. Perkins discussed the creek in her backyard, including the amount of water that would be diverted from the pavement into the creek, which is already eroding in her backyard. She discussed the potential for increased runoff from the new neighborhood going into the creek. She stated the developer seems to want to put as many homes as possible, which would cause more traffic issues on Harwood Road. She asked Council to keep the current zoning.

Sam Dalton – Mr. Dalton, owner of Papa G's Sports Bar, requested the developer be asked to

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maintain the same current rear lot setbacks and to put a masonry screening wall between the new development and the back of the existing commercial building.

Matthew Rogers, 3220 Rustic Woods Drive, Bedford – Mr. Rogers discussed the importance of the creek to the neighborhood and that erosion has caused issues, including the disappearance of wildlife and. He stated he would applaud a 25 percent reduction in the water flow. He asked who would maintain the detention pond and stated that two previous retention ponds in the subdivision failed. He stated he did not like PUDs as things can change with them and he felt more commercial was not needed.

Eli Diaz – Mr. Diaz stated the drainage creek is a physical and environmental issue that was long past due to being resolved, and that there are additional logistics regarding ownership and liability. He felt the development would be a social and economic benefit for the City and potential residents, as well as an opportunity to inject new single-family residential housing into his neighborhood and help with revitalization.

Mark Schardt – Pastor Schardt with Concordia Lutheran Church discussed the City listening to the citizens and ensuring that there would be no adverse effects due to the waterflow from the subdivision. He asked Council to listen to the members of the churches as well that have a vested interest in the proposed development. He felt the benefits to the City, including new tax revenue, outweighed the questions and fears. He asked Council to allow the church to utilize the value of their property in the way they believe God is leading them, and to vote yes on the item.

Bing Burton, 2908 Golden Rod Court, Bedford – Mr. Burton stated he is a resident of Rustic Woods as well as a member of the Concordia Lutheran Church. He felt that the reduction of the water flow by 25 percent would be a good thing. He supports taking non-revenue producing property and putting in a revenue producing role. He wants his community to prosper and for his church to accomplish the sale and acquire new space to enable them to serve God and their neighbors. He did not see how the new subdivision would harm Rustic Woods.

Ben Gerald – Pastor Gerald of Christy Wesleyan Church stated the church would do not harm to the neighborhood or community. They rejected three previous developers wanting to develop their property, two of which were high-density. He felt the Penn family and Key Life Homes were people of integrity and honesty and hoped Council would make a favorable vote for this item.

Paul Moeller, 13 Devonshire Drive, Bedford – Mr. Moeller commended Council for working with the engineers to confirm there would be no adverse effects of the proposed subdivisions on surrounding areas. He felt the churches should be free to utilize their properties to pursue their mission and ministry they believe God has given them. The proposal would allow Concordia to purchase a larger and more suitable facility. He discussed the new development adding to property and sales taxes, and Concordia's new facility, including the services it would offer.

Patricia Cruz, 3505 Periwinkle Court, Bedford – Ms. Cruz, the president of the Rustic Woods HOA, stated she has a petition with 53 signatures from residents asking if they were concerned about the development. She discussed meeting with Key Life Homes and stated they would not reduce the development by four homes to add more open space; instead, they offered that the HOA could buy the lots and not build on them. Ms. Cruz was concerned about a precedent being set, including if St. Michael's decides to sell. She discussed the lack of notification regarding this development, including to the residents that have drainage runoff. She further discussed erosion being increased by the amount of water, not just the flow rate. She asked Council to consider not necessarily voting no, but to have further discussions on what can be done to ensure their properties are not negatively impacted. Ms. Cruz stated she would hold Council liable if their

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properties are harmed in the future.

Curtis Conatser, 304 Running Bear Court, Euless – Mr. Conatser stated he lives in a Key Life Homes development and that their area has a positive impact on their city. The homes are well constructed, the lots are well spaced, and the amenities are first rate. He believes Key Life Homes would provide the type of homes that will draw people to the area and increase the tax base.

Jill Pearson, 3416 Paintbrush Lane, Bedford – Ms. Pearson stated she welcomes new homes but does not want any adverse impacts to their homes. She asked the original zoning to be maintained to R-9 and R-75. She asked why the development had to be a PUD, which she felt left them open to risk in the future. She asked if a new drainage study would be done based on the new design as opposed to the proposed design. Ms. Pearson asked about baseline photos taken of the creek to determine the additional erosion. She discussed the liability of the homeowners affected by the erosion of the creek as well as the traffic study and the excess traffic that would be going through their residential streets. She asked Council to preserve their living area.

Michael Grosse, 2604 Talisman Court, Bedford – Mr. Grosse asked how the developer was going to engineer something to reduce the flow by 25 percent or even more. He further asked why it was going to be a PUD as opposed to keeping it at R-9 or R-75.

Derek Tillemans, 3133 Rustic Woods Drive, Bedford – Mr. Tillemans stated he is in support of the churches getting money and their efforts. He stated he moved to the neighborhood with expectations and a standard of life, part of which was the zoning. He asked why the zoning was being changed and would the sales go through if the zoning was not changed. Mr. Tillemans stated almost all the lots would be under 5,700 square feet, comparable to those for mobile homes. He was concerned about the school district and the impact of adding more children. He discussed traffic and proposed having only having one entrance to the subdivision, which would line up with the median opening. and felt keeping the zoning as is would mitigate some of the factors. He asked how the detention pond would hold 100 years' worth of rain. He supported homes if they were the right homes and asked Council to leave the zoning as is.

Darrell White – Mr. White stated he is a Bedford resident and a member of Christ Wesleyan Church. He was in favor of the development and felt it was good that the developer was able to reduce the water problem by 25 percent.

Bradley Penn, 3401 Luzon Road, Irving – Mr. Penn stated he has maintained a detention pond built by Key Life Homes in 2004, which catches a lot of the water. The pond only needs to be mowed and it still holds up to the present. He felt the development was a good thing for the community, the City, and the neighborhood.

Mike Nabors, 616 Merrill Drive, Bedford – Mr. Nabors stated he is a member of Christ Wesleyan Church and is in favor of repurposing the property. There have been other groups that have tried to purchase the property but what they wanted to do with it was not acceptable. He wants what's best for the City as a resident and felt that the proposed development is an excellent repurposing of the property.

Kathy Nelson – Ms. Nelson stated she is a member of Concordia Lutheran Church and spoke in support of the item. Their current building is too compacted with people and this development would give them the opportunity to build a larger place to accommodate more people.

Patty Kasselmann, 3412 Paint Brush Lane, Bedford – Ms. Kasselmann stated she is not against

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homes or churches, but a lot of promises were made on previous residential developments in the area regarding drainage and retention ponds and there still has been steady erosion. She asked if there would be guarantees from the developers in writing about the reduction in flow.

Zach Goodman, 3404 Paint Brush Lane, Bedford – Mr. Goodman stated he loves living by the creek but wanted to attest to the erosion. Several of his neighbors do not have back yards due to the erosion. He asked Council to hold the engineer accountable for their plans.

Mayor Boyter closed the public hearing at 9:08 p.m.

Mr. Morrison stated the project is a PUD only for the use of single family detached dwellings; if the applicant wanted to do something different, they would have to go through the same process, including public hearings with the Planning and Zoning Commission and the City Council. The reason for doing a PUD is either that the land is unique and does not meet the standards of conventional zoning, or, as in this case, standards would be added that are not currently in the Zoning Ordinance, such as the level of architectural drawings, open space, and masonry screening walls. The developer is also asking for smaller lots.

There was discussion on removing four homes from the development. In answer to questions from Council, Mr. Penn stated the reason for settling on a price point of the mid-\$400,000s is that the price is set based on the sales price of the sellers. If the lots were reduced, prices go up significantly, which forces the developer out of the opportunity. He confirmed that eliminating the four homes would increase prices on the remaining homes, which the market could not bear.

There was further discussion on drainage, including reducing the amount of water flowing to St. Michaels; the drainage studies; determining the size of the detention pond based on a 100-year flood event; that there would be a reduction in the flow of water, not the overall amount; ensuring that the development does not contribute to erosion; monitoring the water going into the creek and establishing a baseline of the erosion; and maintenance of the detention pond.

In response to questions from Council, Mr. Penn confirmed they would not make any changes after the PUD were approved. There was discussion on concerns about increased traffic, how the traffic study would be conducted, and possible modifications to the medians. Mr. Penn stated the two access points were required by the Fire Department. Mr. Morrison stated the HOA would be responsible for all maintenance of common areas, including drainage, which would be noted on the final plats. He further stated the next steps in the process from a City standpoint are preliminary plats.

There was discussion on detailed construction plans; mistakes made in the past and improvements made by Council and City staff; approaching drainage issues differently; the name of the streets in the new subdivision; protecting the citizens; and the traffic impact study. Public Works Director Cheryl Taylor stated the recommendations made by Halff Associates are items that are required in staff's review process when full civil plans are submitted.

Motioned by Councilmember Culver, seconded by Councilmember Gagliardi, to approve an ordinance to rezone property legally described as Lot A of the Concordia Addition and both North and South Parts of Lot A of Wesleyan Addition, commonly known as 3705 and 3709 Harwood Road, Bedford, Texas, and consisting of 10.268 acres, from Single-Family Residential Detached – 9,000 (R-9) to Planned Unit Development to allow a 53 single-family lot subdivision with the average lot size being 6,400 square feet. The property is generally located on the north side of Harwood Road, approximately 675 feet east of State Highway 121. (PZ-PUD-2021-50073)

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Motion approved 6-0-0. Mayor Boyter declared the motion carried.

5. Mayor/Council Member Reports

No reports were given.

6. City Manager/Staff Reports

No reports were given.

EXECUTIVE SESSION

- a) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease, or value of real property – real property for redevelopment purposes.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.072, to deliberate the purchase, exchange, lease or value of real property - real property for redevelopment purposes, at 9:43 p.m.

Council reconvened from Executive Session at 10:01 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session

7. Take any action necessary as a result of the Executive Session.

No action was necessary as a result of the Executive Session.

ADJOURNMENT

Mayor Boyter adjourned the meeting at 10:02 p.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary