

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF JANUARY 13, 2022**

APPROVED

Motion: Commissioner Emery made a motion to approve the meeting minutes of October 28, 2021, correct as written.

Commissioner Quigley seconded the motion, and the vote was as follows:

Ayes: 4, Nays: 0, Abstention: 1

Motion approved 4-0-1. Vice Chairman Davis declared the October 28, 2021 meeting minutes approved.

b) November 16, 2021 Special Called Meeting

Motion: Commissioner McMillan made a motion to approve the meeting minutes of November 16, 2021, correct as written.

Commissioner Henderson seconded the motion, and the vote was as follows:

Ayes: 5, Nays: 0, Abstention: 0

Motion approved 5-0-0. Vice Chairman Davis declared the November 16, 2021, meeting minutes approved.

PUBLIC HEARINGS

- 2. Conduct a public hearing and consider making a recommendation to City Council regarding Zoning a Specific Use Permit to allow the expansion of a church property, legally described as Lot 2, Block 1 of the St. Vincent's Addition, commonly known as 1717 Schumac Lane, Bedford, Texas, and consisting of 3.742 acres. The property is generally located on the north side of Schumac Lane, east of Forest Ridge Drive. (PZ-SUP-2021-0000092)**

Vice Chairman Davis recognized Wes Morrison, Neighborhood Services/Planning Manager.

Wes presented Zoning Case PZ-SUP-2021-0000092 which is a request to amend an existing Specific Use Permit (SUP) to allow the addition of an 8,300 ft² sanctuary and 7,800 ft² classroom and fellowship hall space.

The property is currently zoned R-75, which is a minimum lot size of 7,500 ft². The future land use designation for the property is schools, churches and semi-public. In 2015 the City Council approved the existing SUP which allowed for the construction of a 17,500 ft² religious facility. Wes presented a color-coded proposed site plan showing the existing building, the new sanctuary space, and the fellowship hall/classroom space.

The original 2015 SUP included a 20-foot landscape buffer on the side and rear of the property, the applicant intends to improve and maintain that buffer which equates to a total landscaped area of 23%, or 3% over the requirement of 20%. The applicant is providing 39 additional parking spaces, to total 192 parking places, well over the 153 parking spaces required for this use. Wes presented a building elevation drawing of the proposed sanctuary and pointed out that the newest drawing submitted by the applicant includes a dome at the top of the building.

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Wes stated that the purpose of the Specific Use Permit (SUP) process is to make sure that sites are developed in manners compatible with surrounding areas. The surrounding land uses to this property are multi-family to the north, single-family to the east and to the south, and another religious facility to the west.

Public notices were sent to thirty-five (35) property owners within 200 feet of the site. One (1) written response in favor of the request was received, along with a list of 13 letters in favor of the request that the applicant provided just prior to the meeting.

The Commission asked about the boundary fence that will be on the side that faces Autumn Chase, and the back side that faces the apartments. It is a six-foot-high wood privacy fence. Since this is an amendment to the original SUP, can it be required that it be a six-foot-high masonry fence on both those border boundaries?

Wes replied that the Commission can place that condition on this request if needed. The original SUP was approved with the requirement of a six-foot-high wood privacy fence, but since they are making changes to the site, the Commission can place a new condition on the new SUP.

The Commission asked about lighting and that the photometric grid submitted does not show light calculations to the bottom side of the property and asked what the light spillage is going to be to the Autumn Chase residential side?

Wes replied that it is shown on the photometric plan as being 0.1 spillage at the property line, and that is all they are required to show – what is at the property line, not what is going past the property line.

Vice Chairman Davis asked the applicant to come forward and address the commission.

Awad Eskander, 1112 John McCain Rd, Colleyville TX 76034 – Mr. Eskander is the architect and designer of the proposed new building. Mr. Eskander provided an overview of the 2015 SUP process and the church's efforts to not only meet but exceed the City's ordinance requirements and be a good neighbor. Additional landscape buffer, additional parking spaces and 8-foot-stained cedar fence versus the 6-foot-high privacy required per the SUP was installed and still looks good to this day. Mr. Eskander requested that the fence requirements in the original SUP should be maintained, or an exemption from the possible masonry fence condition be granted, as Mr. Eskander explained it may cost well over \$350K to do the two sides in masonry fencing, and fears that may cancel the project if it becomes a requirement in the SUP. Mr. Eskander reiterated that they are good neighbors, they did what was required of them in 2015 to build the new fence above what was required, and that the church spends a lot of money annually to keep it in good shape.

Mr. Eskander added that the reason they have a dome on top of the building is because traditionally in Egypt, there are no forests so there is no timber. They use load-bearing adobe brick to build their buildings with walls and domes and it is traditional to have a dome on top of the church. Inside the dome, they have a huge mural of Christ, so it is nice to see the presence of Christ with his congregation inside the church. It is a nice feature. They also use gold leaf in the iconography, they use Egyptian artwork inherited from the ancient Egyptians and adopted

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in the Christian church. So, it is nice to have a building like that in Bedford. You walk in and it is like you are walking into a museum, an ancient Egyptian museum.

The Commission asked about the height of the building in the back corner facing to the east.

Mr. Eskander replied that the building facing east will be only one-story, 30 feet high. The future addition will be two-story and will also be 30 feet high, so they are still below the maximum height allowed.

The Commission asked about the parking and mentioned that it does not appear have parking to the back of the proposed building.

Mr. Eskander stated that they are adding parking to the north towards the apartments, to serve both the fire lane to loop around and to serve as additional parking so they are never short on parking on the property.

The Commission asked if they are losing some of the original parking due to the new building and just supplanting it with parking to the back?

Mr. Eskander stated that the one building will eat four of their existing parking spaces, and two more may be lost but that is the only loss of parking as they have added additional parking all the way around so there is plenty of parking spaces on the property.

The Commission asked if there is parking backing up to Autumn Chase residential.

Mr. Eskander stated that there is no additional parking backing to the Autumn Chase neighborhood and while there is an entrance on that side it is not a main entrance, so it does not generate a lot of activity. Mr. Eskander also mentioned that the church does not have school during weekdays and that they only operate Saturday evening for vespers and liturgy and on Sunday mornings, and usually, by 1:00 p.m. everyone is gone.

Vice Chairman Davis opened the public hearing at 6:22 p.m.

Nasser Faltaous, 1409 Danielle Dr, Bedford 76021 – Mr. Faltaous is a Bedford resident (for 12-years) and came forward in support of the case being considered. Mr. Faltaous states that one of the reasons he chose to move to Bedford was for his family to attend this church. His family is traditionally very close to their Egyptian church, and their Coptic Orthodox Church, and this is one of the reasons he loves Bedford. Mr. Faltaous states that he has friends at the church, and can walk the to the church, or get there by vehicle in just a couple of minutes.

Vice Chairman Davis closed the public hearing at 6:34 p.m.

The commission discussed whether the fence requirement in the original SUP can remain as is, must the site now have to comply with city ordinance to be of masonry material. Mr. Morrison stated that the six-foot-high privacy fence (which was built above standard to 8-foot-high and stained) is already in place with the current SUP, but because the applicant is requesting to amend the original SUP, the Commission does have some latitude to add conditions if desired. However, the masonry requirement does not apply to this situation. The commission agreed to leave the fence requirement as was stipulated by the original SUP.

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There being no further discussion, a motion was made.

Motion: Commissioner Quigley made a motion to approve Zoning Case PZ-SUP-2021 - 0000092) as submitted.

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

Ayes: Vice Chairman Davis, Commissioners Emery, Quigley, McMillan, Henderson
Nays: 0
Abstention: 0

Motion approved 5-0-0. To be considered by City Council on February 8, 2022

3. Conduct a public hearing and consider making a recommendation to City Council regarding a text amendment to Section 1.2.B of the Zoning Ordinance, entitled “Definitions” and Section 3.2.C of the Zoning Ordinance, entitled “Permitted Uses” as they pertain to the regulation of Short-Term Rental uses. (PZ-Zoning Amend-2021-50069)

Vice Chairman Davis recognized Wes Morrison, Neighborhood Services/Planning Manager.

Wes presented Zoning Case PZ-Zoning Amend-2021-50069 which is a request to conduct a public hearing and consider making a recommendation to City Council regarding a text amendment to Section 1.2.B of the Zoning Ordinance, entitled “Definitions” and Section 3.2.C of the Zoning Ordinance, entitled “Permitted Uses” as they pertain to the regulation of Short-Term Rental uses.

In October 2021, the City Council approved an ordinance establishing regulations for short-term rental units that require short term rentals to be allowed in only single-family zoning districts. This agenda item adds the zoning change to the zoning ordinance, as there has been no short-term rental use defined in the ordinance to date.

This action is an update to Section 1.2.B, “Definitions” to add the Short-Term Rental definition, and update to 3.2.C, “Permitted Uses”, adding Short-Term rentals as appropriate.

For reference the definition recently passed by City Council –

Short-Term Rental – means the rental for compensation, of any residence or residential structure, or portion of a residence or residential structure, located within a zoning district where the residential use is lawful, for the purpose of overnight lodging for a period of not more than thirty (30) days. A Short-Term Rental is also known as a tourist home or tourist house, but shall not include a hotel, motel, extended stay hotel/motel, boarding house, or rooming house.

Wes reminded the commission that short-term rentals are the less than one-month rentals that typically occur in single-family dwellings and are commonly advertised on Airbnb, VRBO and similar services.

Vice Chairman Davis opened the public hearing at 6:32 p.m.

Vice Chairman Davis closed the public hearing at 6:32 p.m.

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APPROVED

There being no further discussion, a motion was made.

Motion: Commissioner McMillan made a motion to approve Zoning Case PZ-Zoning Amend-2021-50069 as submitted.

Commissioner Quigley seconded the motion, and the vote was as follows:

Ayes: Vice Chairman Davis, Commissioners Emery, Quigley, McMillan, Henderson
Nays: 0
Abstention: 0

Motion approved 5-0-0. To be considered by City Council on February 8, 2022

4. Conduct a public hearing and consider making a recommendation to City Council regarding a text amendment to Section 3.1 of the Zoning Ordinance, entitled “Schedule of Permitted Uses” specifically related to the use of Group Home. (PZ-Zoning Amend-2021-50071)

Vice Chairman Davis recognized Wes Morrison, Neighborhood Services/Planning Manager.

Wes presented Zoning Case PZ-Zoning Amend-2021-50071 which is a request to conduct a public hearing and consider making a recommendation to City Council regarding a text amendment to Section 3.1 of the Zoning Ordinance, entitled “Schedule of Permitted Uses” specifically related to the use of Group Home. (PZ-Zoning Amend-2021-50071).

Group Homes are currently defined in the ordinance as primarily a use that is required to be licensed by the state; no more than six people residing in the single-family dwelling; and keeping a family-like environment that provides either care, education, or some type of participation in a community activity. This classification includes foster homes, homes for seniors and maternity homes. This classification does not include homes for alcoholism or drug abuse rehab, or work release facilities for convicts.

The current ordinance requires for all group homes to have a Specific Use Permit (SUP). Over the past year, there have been inquiries about group homes, and there have been challenges in legally requiring the SUP requirement. The purpose of the text amendment being presented is an attempt to keep Bedford’s group home situation in compliance with fair housing laws.

In response to a question by the Commission asking to confirm if a zoning case for a SUP for a group home had recently gone through, Ms. Andrea Roy, Development Director, replied that there was a case not too long ago that went through the SUP process prior to Wes, Andrea and our current law firm being on staff. It did go through, and it was approved. The purpose of this text amendment is to align with state federal law by removing the requirement for a SUP from the ordinance as the city cannot regulate these types of uses outside of a land use perspective and as far as compatibility in the neighborhood. The only thing that can be considered would be the same as a typical residential home - are they making noise or creating a nuisance, or is there a parking issue? It must be considered the same as a straight residence. Ms. Roy added that the facilities are still requested to register with the city to bring awareness that several individuals live in a home together in a group format.

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In response to a question by the Commission regarding the new parking requirements, by nature of the homes, you may have staff or more people parking on the street, and maybe over twenty-four hours. If the group home is registered, would that be considered? Wes replied that the home would still be required to meet the parking regulations, just as any straight residence does.

The commission asked if there is a permitting process involved with group homes. Wes confirmed that it is a registration process, not a permitting or inspection process, and Ms. Roy confirmed that the registration goes through the Fire Marshal's office.

Vice Chairman Davis opened the public hearing at 6:37 p.m.

Vice Chairman Davis closed the public hearing at 6:37 p.m.

There being no further discussion, a motion was made.

Motion: Commissioner Emery made a motion to approve Zoning Case PZ-Zoning Amend-2021-50071, as submitted.

Commissioner Henderson seconded the motion, and the vote was as follows:

Ayes: Vice Chairman Davis, Commissioners Emery, Quigley, McMillan, Henderson
Nays: 0
Abstention: 0

Motion approved 5-0-0. To be considered by City Council on February 8, 2022

ADJOURNMENT

Motion: Commissioner Quigley made a motion to adjourn, and the vote was as follows:

Ayes: Vice Chairman Davis, Commissioners Emery, Quigley, McMillan, Henderson
Nays: 0
Abstention: 0

Motion approved 5-0-0.

The Planning and Zoning Commission meeting adjourned at 6:38 p.m.

**Vice Chairman Michael Davis
Planning and Zoning Commission**

ATTEST:

**Andrea Roy, Acting Secretary
Planning and Zoning Commission**