

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF FEBRUARY 9, 2023**

APPROVED

STATE OF TEXAS §
COUNTY OF TARRANT §
CITY OF BEDFORD §

The Planning and Zoning Commission of the City of Bedford, Texas, met in Regular Session at 6:00 p.m. in the Council Chamber of City Hall, 2000 Forest Ridge Drive, Bedford, Texas on the 9th day of February 2023 with the following members present:

CALL TO ORDER & ROLL CALL

Chairman Emery called the meeting to order at 6:00 p.m. and conducted a roll call. The following persons were present:

Chairman: Bruce Emery
Vice Chairman: Bryan Henderson
Members: Tom Jacobsen
 Steve Otto
 Kate Barlow
 Danielle Stellrecht
 Roger Gallenstein
Alternates: Terry Smith
 Treasure Ford

Constituting a full quorum.

Staff present included: Wes Morrison Community Development Manager
 Larry Collister City Attorney/TOASE
 Jose Saenz Planner

(The following items were considered in accordance with the official agenda posted by Monday, February 6, 2023 at 5:00 p.m.).

INVOCATION

Chairman Emery gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the flag of the United States of America was given.

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PUBLIC HEARINGS

- 1. Conduct a public hearing and consider approval of a replat of Meadow Wood Addition, Lot 1 and Lot 20, Block 10, and Brisbon Addition Lot 2, Block 1 being a replat of part of Lot A, Block 10 being 7.6662 acres in the City of Bedford, generally located at the northwest of Murphy Drive and Cummings Drive commonly known as 3301 Murphy Drive. (PLAT-22-2)**

Chairman Emery recognized Jose Saenz, Planner.

Jose provided a brief summary of this item. This is a replat of Lots 1 and 20, Block 10 Meadow Wood Addition and Lot 20, Block 1 Brisbon Addition. This property is located northwest of Cummings Drive and Murphy Drive. This subdivision was originally platted in January 1979 and then later, a pump station and water storage facility by the Transit River Authority (TRA) was constructed. The purpose of this replat is to merge Lots 1 and 20, Block 10 Meadow Wood Addition and a portion of Lot 2, Block 1 Brisbon Addition to the main parcel being Lot A, Block 10 Meadow Wood Addition that contains the water pump station and facility. The water and sanitary sewer service is being provided from Cummings Drive and storm sewer is being collected by Murphy Drive. Tonight the Commission will conduct a public hearing and since this replat is in substantial compliance with the zoning on the property and the City's Subdivision Regulations, therefore staff recommends approval of this plat. Jose indicated that staff has received one (1) response from the public notifications and a copy of that notification is provided for each Commissioner. Jose mentioned that staff is here to answer any questions that the Commissioners may have.

Chairman Emery asked the Commissioners if they have any questions for staff. There were no questions from the Commissioners and Chairman Emery thanked Jose for providing this presentation.

Chairman Emery has called the Commission to take a short adjournment to enter into an Executive Session with the City Attorney to discuss the items in relation to the notification of this item and the Commission will return in a moment.

The Commission went into Executive Session (Closed Session) at 6:04 p.m.

- A. To convene in closed session in compliance with Section 551.001 et. Seq. Texas Government Code and pursuant to Section 551.017, to conduct a private consultation with its attorney on any legally posted agenda item, when the Planning & Zoning Commission seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551:
 - Legal authority of Board over land use, zoning and subdivision platting matters; application of open government laws; liability matters.

Chairman Emery adjourned the Executive Session and reconvened the regular meeting at 6:15 p.m.

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Chairman Emery recognized Jose Saenz Planner. Jose asked if the Commission has any questions for staff and there were no questions.

Chairman Emery opened the Public Hearing at 6:15 p.m.

Peter Boomstra – 3509 Murphy Drive – is a property owner who lives adjacent to this site and he came up to speak. Peter mentioned that they have lived at their property for about six years and he and his wife knew that the tanks were behind their house and that it has been very quiet. One of the issues that Peter mentioned is that the house next door to them was torn down and they do not have any privacy. The other concern was about the property value and how the expansion of this water facility might have a negative impact and how less desirable or sellable their house may be. When the expansion happens, Peter mentioned that he and his wife will be living next to a larger and more industrial-type operation and they have been enduring occasionally some machine noise these past few years. Peter indicated that since there is currently a chain link fence between their properties, he mentioned that it would be nice to have a seven-foot privacy fence to be constructed. Peter thanked the Commission for listening to his comments.

Chairman Emery thanked Peter Boomstra and welcomed the next citizen to speak.

Tom McCroskey – 3732 Rolling Meadows Drive – is a property owner who lives adjacent west to this project site and he came up to speak. Tom expressed concerned regarding how this project will affect his property value. He mentioned that there are about 15 old oak trees and they are all marked with silver tags and he is assuming that these trees are marked indicating that they are going to be cut down. If the TRA is planning to take down those trees, then that will mean that they will build something there in that area which concerns Tom. Tom mentioned that he is concerned about the noise of the machinery that runs from this site periodically and the smell of diesel that flows through his property. Tom indicated that he lived at his house for about five and a half years and does not want anything to be built at the project site unless the adjacent property owners have a say so on it, and would hate to see those trees get torn down since they are very beautiful. He also mentioned that he has built a privacy fence so he can shield himself from this project site. Tom mentioned to the Commission that he appreciates the time to listen to his concerns.

Chairman Emery thanked Tom McCroskey for providing his comments and concerns.

Justin Poteet – 3736 Rolling Meadows Drive – is a property owner who lives adjacent west to this project site and also next door to Tom McCroskey. Justin mentioned that he echoes the concerns that were commented this evening. He also expressed concern regarding cutting down the trees and how that will be detrimental to nature. Justin indicated that there should at least be an ecological study done for the nesting of prey birds and endangered species. He also mentioned that he previously contacted the TRA and he was informed that there were not planning on building through their backyard, and now with this plan, it seems that this upends everything so it is going to be a significant property decline for all of the residents. Additionally, Justin mentioned that he and his wife have small children and they utilize the pool in the backyard which faces this industrial area, so this would be a concern for them in regards to privacy, noise construction and people being able to see directly in their backyard where the kids play and swim in the pool. This is something that they did not sign up for and that they are upset, including the neighbors as well. Justin thanked the Commission for listening to his comments.

Chairman Emery thanked Justin Poteet for providing his comments and concerns.

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Cheri Tjalas – 3601 Murphy Drive – is a property owner who lives adjacent north to this project site. Cheri indicated that they are not happy with this project and wants to know the reason of this replat and what the actual plans are for this area. Cheri mentioned that they also have children and they also play and hang out in the backyard and concerned of having a large building next to their property. She also expressed concerns regarding the noise and that the quality of life will change. Cheri added that they currently have a chain link fence, so there will not be any privacy between them and the TRA property. She mentioned that they have been dealing with the noise that comes out of this area from the repainting and the sandblasting so Cheri is concerned that the construction will bring in even greater noise. She mentioned that she and the local neighbors are very proud of this community, but this project will have a huge impact on their community and that this going to be a hardship. Cheri thanked the Commission.

Chairman Emery thanked Cheri Tjalas for providing her comments and concerns.

There were no more questions or comments from the audience.

Chairman Emery explained to those in attendance that the reason why the Commission went into Executive Session with the City Attorney is that due to the ice storm, the mail services were shut down for a few days so the public notices that were sent out, did not reach the people in the proper amount of time according to the State and City Ordinances. Due to this, Chairman Emery mentioned that this item will be tabled until the next Planning and Zoning Commission Meeting on March 9th so that notices can be resent out and meet the noticing requirements.

There being no further discussion, a motion was made.

Motion: Chairman Emery made a motion to table this item until the next meeting:

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

Motion approved 7-0-0. The vote was as follows:

Ayes: Chairman Emery, Commissioners Henderson, Jacobsen, Otto, Barlow, Gallenstein and Stellrecht.

Nays: 0

Abstention: 0

Motion carried at 6:15 p.m. and this item has been tabled until the March 9th Meeting. Chairman Emery mentioned that any interested members from the public can come back again and the City will resend out the notices.

Peter Boomstra came back up to the podium to ask if there are any plans on what the TRA is planning to build or any building changes. Chairman Emery indicated that the Commission has no information about that. Peter thanked Chairman Emery for the response.

Cheri Tjalas also came back up to ask and to verify if the lots that are marked in yellow/orange on the aerial map are already owned by the TRA, and that if this is a done deal. Wes Morrison, Community Development Manager, came up and clarified that these lots will be taken in by this replat.

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- 2. Conduct a public hearing and consider making a recommendation to rezone the property described as Lot 3 Block 1 Parkwood Village Addition from Heavy Commercial to Heavy Commercial/Specific Use Permit/Banquet and Meeting Facilities the property is generally located approximately 350 feet north of Harwood Road, approximately 800 feet east of Norwood Drive, commonly known as 201 Harwood Road, Unit 130. (SUP-23-1)**

Chairman Emery recognized Jose Saenz Planner.

Jose Saenz provided a brief summary and presentation of this item. This item is for a Specific Use Permit Application for a proposed banquet and meeting facility to have events to be held at 201 Harwood Road, Suite 130. This shopping center is located north of Harwood Road and east of Norwood Drive and this shopping center contains various commercial uses and retail. Jose indicated that the shopping center is split by the boundary between the City of Hurst and the City of Bedford. This property was originally approved back in 1984 for the development of a 167,000 square foot, commercial shopping center and was divided into various suites and this site contains about 977 parking spaces. In 2013, an application was received and approved for a banquet hall and meeting facility at this site, but due to the fact that the applicant did not obtain any building permits or a Certificate of Occupancy, the Specific Use Permit was not valid per section 5.3.C of the Zoning Ordinance. Jose mentioned that the Applicant is proposing to have events at this suite that will consist of about 60-80 guests and that the events will occur on the weekends, which will also include on-site security service. The purpose of the Specific Use Permit is to ensure that it is compatible with the surrounding land uses and also that it is compatible with the community's vision for the area. As part of the notification process, 40 notices were sent out to the adjoining property owners and one (1) response was received as a result of this process. Jose mentioned that a lot of concerns from local residents were received that their notifications were received late due to the winter storms. Tonight, the Commission will conduct their public hearing to make a recommendation to approve or deny this application and staff is here to answer any questions that the Commission may have.

Commissioner Otto asked if the Applicant are proposing to move into the suite where the clock shop is currently located at, and Jose responded yes that is correct. Jose mentioned that there is currently an antique and clock repair shop that is there but was informed by the Applicants that their contract will be ending around June or July. During a recent site visit, Jose mentioned that he saw some signs posted up such as "Everything Must Go" indicating that this business is preparing to move out.

Chairman Emery asked if the Applicant is in attendance, and it seemed like they were not in attendance this evening.

Commissioner Gallenstein mentioned that he recently visited this antique store and met with the store owner, but got the feeling that he was not looking to vacate the property, so he wanted to ask staff if what they have been told in regards to this business and if they are vacating. Jose indicated that they were informed by the Applicant that the current business' contact was coming up to an end and that they are planning to move out by early summer. Commissioner Gallenstein wanted to confirm if the information that they got was all from the Applicant and not from the current tenant of the store and Jose confirmed that this is correct.

Chairman Emery opened the Public Hearing at 6:38 p.m.

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Kerry Pryor – 117 Mountain View Drive – is a property owner who lives adjacent north of this site. Kerry mentioned that she just received the notification yesterday in the mail. She also mentioned that she has a letter from the owner of a four-unit complex next to her property requesting for this item to be postponed since most of them and the other neighbors just received the notice either yesterday or the day before and really did not have time to prepare for this. Kerry indicated that their biggest concern is all the bad activity that goes on in the alleyway located behind the buildings and it seems that they can not get the Bedford Police Department to do anything about it and that they normally refer it to the City of Hurst. Kerry also indicated that they also got gang activity and cars going by doing “donuts” late at night with loud music and drinking. She mentioned that even though they are not opposed to the various businesses coming in, it is just that they are already have a problem with alcohol drinking and late-night activities. Even with on-site security, all these late-night activities and problems are still occurring and has been a problem and becomes worse during the summers. Kerry also added that they recently installed an eight-foot fence to block their view from the alleyway. She is requesting to the Commission to have more time to assess this item and be able to come back at a later date with more information. Kerry asked if there is a way for the Hurst neighbors to be involved with this and Chairman Emery mentioned that we are only responsible for us and he asked Wes Morrison, Community Development Director, to come up and address this concern. Wes mentioned that we, as staff, go above and beyond on public notices by placing a sign on the property and putting a notice in the newspaper as well. Chairman Emery thanked Wes and also thanked Kerry for her comments.

Commissioner Gallenstein wanted to confirm with Kerry that if it is in the back of the building where all the problems are taking place and Kerry confirmed that it is, and she added that there is also a driveway easement between the two buildings where there is a lot of activity that happens. Kerry added that these activities take place during the evenings and weekends so during the after-business hours.

Commissioner Stellrecht wanted to clarify with Kerry that all these issues that she is mentioning are not related to any of the businesses that are currently there, and Kerry confirmed and that her main concern was the policing of this area.

Chairman Emery thanked Kerry for her comments and asked if there is anyone else who would like to comment.

David Garrett – 207 Mountain View Drive – is renter and tenant who lives adjacent north of this site. David expressed concerns regarding younger people spinning their tires that occurs after 6 pm and sometimes continue until 4 am. He indicated that when the businesses shut down, problems start to occur in the alleyway and has called the Bedford Police Department and he was told that he is in Hurst and has to contact the City of Hurst Police Department and the City of Hurst would tell him to contact Bedford. David mentioned if the proposed use will not be serving liquor or alcohol, then this would possibly work and to limit the hours of these events to not end so late. He also indicated that a couple of years ago, the city approved for a farmer’s market there to have bands and the bands would set up behind his fence and would start playing and he could not hear anything in his house.

Chairman Emery thanked David for his comments and asked if there is anyone else who would like to comment.

Commissioner Otto had a question for staff in regards to the location of the boundary between the City of Bedford and the City of Hurst. Jose Saenz went up to the podium and pointed out the boundary on the screen for the Commissioners.

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Chairman Emery reminded to those in attendance the reason why the Commission went into Executive Session with the City Attorney is that due to the ice storm, the mail services were shut down for a few days so the public notices that were sent out did not reach the people in the proper amount of time according to the State and City Ordinances. Due to this, Chairman Emery mentioned that this item will be tabled until the next Planning and Zoning Commission Meeting on March 9th so that notices can be resent out and meet the noticing requirements.

Motion: Chairman Emery made a motion to table this item until the next meeting:

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

Motion approved 7-0-0. The vote was as follows:

Ayes: Chairman Emery, Commissioners Henderson, Jacobsen, Otto, Barlow, Gallenstein and Stellrecht.

Nays: 0

Abstention: 0

UPDATE ON PLANNING PROJECTS

Wes Morrison, Community Development Director, came up and indicated that the list of the planning projects is presented before you and is here to answer any questions that the Commission may have.

Commissioner Stellrecht asked about the minutes from the last meeting and Wes mentioned that due to the recent winter storms, the minutes will be presented at the next meeting.

Chairman Emery asked Wes if the items that they approve are good for a year from the date of approval and Wes said yes unless an extension was given at the approval.

ADJOURNMENT

Motion: Commissioner Otto made a motion to adjourn. Commissioner Gallenstein seconded the motion, and the vote was as follows:

Ayes: 7, Nays: 0, Abstention: 0

The Planning and Zoning Commission meeting adjourned at 6:53 p.m.

**Chairman Emery
Planning and Zoning Commission**

ATTEST:

**Wes Morrison
Community Development Manager**