

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

APPROVED

APPROVAL OF MINUTES

- 1. Consider approval of the following Planning and Zoning Commission meeting minutes:**

January 26, 2023 and February 9, 2023 Regular Meetings

Chairman Emery recognized Jose Saenz, Planner.

Jose mentioned that there are some minor changes to both of the meeting minutes since they were originally sent to the Commissioners and some of those changes include corrections to spelling errors, grammatical corrections and correcting the number positions in approved motions.

Motion: Commissioner Gallenstein made a motion to approve the meeting minutes of both January 26, 2023 and February 9, 2023, correct as written. Commissioner Barlow seconded the motion, and the vote was as follows:

Ayes: 7, Nays: 0, Abstention: 0

Motion approved 7-0-0. Chairman Emery declared the minutes approved.

Chairman Emery indicated that the Agenda Items will be switched around due to the interest of scheduling and time considerations for one of the City Officials who was present at tonight's meeting.

PUBLIC HEARINGS

- 4. 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 mentioned that this item is a continuation of a tabled public hearing from their last meeting from February 9th and was tabled due to the fact that the winter ice storm delayed the public notices to be delivered to the residents so the public hearing is still open.

Chairman Emery recognized Jose Saenz, Planner, to provide the Commissioners a brief summary on what this item is again.

Jose provided a brief summary of this item. Jose reminded the Commission that this application is for a Specific Use Permit for a proposed banquet and meeting facility located at 201 Harwood Road and this item was presented to you during the February 9th Meeting. The Applicant is proposing to utilize a 6,623 square foot suite within the existing shopping center that contains various businesses. The Applicant proposes to host the events during the weekends until 12 am on Saturdays and 8 pm on Sundays and will consist of approximately 60 to 80 guests per event. Jose mentioned that the Applicant is here at tonight's meeting to answer any questions that the Commission may have.

Chairman Emery asked for the Applicant to please step forward.

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Steven Todd – 6104 Lyndon B. Johnson Freeway, Dallas – is one of the Applicants that came up. Steven introduced himself as the Applicant for this Specific Use Permit Application and he mentioned that there is a growing need to have celebrations of life and more people need the space to have these celebrations of life, birthday parties, baby showers and other similar events. Steven mentioned that they currently have a location in Dallas and have not heard of any complaints and that they have contracted security that monitors and closes down their events. He also indicated that they receive great feedback from the contracted security and that they hold their clients and their guests to a high regard which also includes having the clients sign a contract in regards to how they are to behave during the events. Steven wanted to address that they do use sound on their facility and they do not use subwoofers and that their sound systems are set to a specific maximum sound setting.

Chairman Emery asked Todd as to why they are choosing this particular site in this particular shopping center. Todd indicated that they are looking for a separate area to branch out and were looking for a place in between their home and their other facility in Dallas and that they also really love this city.

Chairman Emery asked Todd to explain why this facility would only be opened during the weekends, while their other facility in Dallas is opened seven days a week. Todd explained that they are planning to host tours of the facility during the week and prepare for the events to be held on the weekends to have minimal disturbance at this location. Todd added that they would only come to the site when the tours are scheduled.

Chairman Emery asked the Commissioners if they have any questions for the Applicant.

Commissioner Gallenstein asked Todd in regards to how they enforce the contract and also if they would allow alcohol or any liquor be brought to the events. Todd mentioned that they comply with all liquor laws and for the second question, when the client pays for the contract, then they issue a security hold on their card and then it is released the Monday after the event, so in other words, they take in a deposit.

Commissioner Gallenstein then asked Todd to provide a little more information in regards to the contacted security and Todd mentioned that they currently contract with Allred Security Service. He also added that they have not yet found a security detail here yet but are working on that. The current security detail that they have only patrol the building and the grounds but do not stay in the building but do come through and they lock up the venue when the event is over and cleaned up.

Commissioner Gallenstein also asked Todd if they have signed a lease with the current owner and Todd indicated that they already have signed the lease and are waiting on the approval of the Specific Use Permit.

Commissioner Otto asked if Todd would be opposed of instead of having security but instead having city police officers on the site and Todd indicated that he would not be against the idea and Commissioner Otto added that it may be a requirement.

Chairman Emery thanked Todd for providing this information and for answering their questions. Chairman Emery also asked if there is anyone else who would like to speak on this item during the public hearing.

Since there were no other individuals that came up, Chairman Emery closed the Public Hearing at 6:21 pm.

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Chairman Emery requested for Jose to come up to help guide the Commission on their next steps. Jose indicated that they heard many comments from the residents and also from the Applicant and they can now make the recommendation to approve this Specific Use Permit, or to make a recommendation to approve with conditions, or to make a recommendation to deny this permit.

Chairman Emery thanked Jose for this information and asked the Commissioners if they have any thoughts or comments or motions.

Commissioner Otto made a comment that he likes the idea of having licensed peace officers so that they can enforce all the rules and regulations especially when there were comments made in regards to problems and activities happening in the alleyway behind the building.

Chairman Emery mentioned that what Commissioner Otto commented is consistent with some other recommendations and conditions that they have placed on others and asked Commissioner Otto if he would like to put this in a form of a motion to include it as a condition.

There being no further discussion, a motion was made.

Motion: Commissioner Otto made a motion to approve Zoning Case No. SUP-23-1 with the following condition:

- There will be two licensed peace officers on site during the occurrence of the event

Commissioner Gallenstein 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 Smith.

Nays: 0

Abstention: 0

3. 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 mentioned that this item was also tabled from their last meeting from February 9th and was tabled due to the fact that the winter ice storm delayed the public notices to be delivered to the residents so the public hearing is still open.

Chairman Emery recognized Jose Saenz, Planner, to provide the Commissioners a brief summary on what this item is again.

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Jose provided a brief summary of this item. Jose mentioned that this item is a continuation from the public hearing that was opened up during the February 9th Meeting. This item is a replat of Lots 1 and 20, Block 10 of the Meadow Wood Addition and also of Lot 2, Block 1 of the Brisbon Addition being a replat of Lot A, Block 10 of the Meadow Wood Addition. This project is located northwest of Murphy Drive and Cummings Drive. This property was originally platted back in January 1979 and then a water pump station and water storage facility was later developed at this location. Jose mentioned that based on a review with City Staff, this replat does meet all of the zoning requirements and it is in compliance with the City's zoning and regulations, therefore Staff recommends approval of this replat.

Chairman Emery thanked Jose and then asked if there is anyone in attendance this evening who would like to speak on this item before an action is taken.

Justin Poteet – 3736 Rolling Meadows Drive – is a property owner who lives adjacent to this site and he came up to comment. Justin mentioned that he understands that this item is for a replat and not for the approval for the building improvements that are still going to take place and wanted still wanted to come here to express concerns and how this will impact their residential neighborhood. Justin indicated that they are happy to live here and knew that this facility existed when they moved in but wanted to let the Commission be aware of the impact that the building currently has on them. Justin wanted to ask the Commission if the proposed building and the other structures that will be constructed will be going along with this replat vote or are you just rezoning this land.

Chairman Emery responded to Justin that the Commission is only approving the redrawing of the property boundary lines after their acquisition of the lots which is a replat and that this does not address the zoning or any building plans.

Justin followed up with another question if there will be additional meetings on the buildings that are going to be constructed at this site. Justin added that this is not just a concern for him but also wanted to speak on behalf of all his neighbors.

Chairman Emery asked Wes to come up to address this question. In regards to this questions, Wes agreed with what Chairman Emery has stated and that tonight, the Commission is looking at the boundaries of the property. Wes added that by law, this replat has met all of the City's ordinances and requirements, therefore the Commission will have to approve it and that is the purpose of tonight's meeting. Wes also added that a public utility is allowed by right in residential zoning so there will not be another public hearing on this property.

Chairman Emery thanked Wes for this clarification.

Justin Poteet asked another questions in regards to the building height and if the buildings can be up to 35 feet and Wes Morrison confirmed that 35 feet is the maximum height that you can build in a residential zoning district.

Janice Gill – 2717 Cummings Drive – is one of the property owners who lives adjacent to this project site and also near the south entrance to the TRA site. Janice wanted to know why this property has to be replatted. Chairman Emery responded that since TRA has acquired these new lots, the property boundaries had to be redrawn and had to go through the replat process to approve these new boundaries. Janice wanted to get some clarification if these new property lines are going to encroach on their property located at 2717 Cummings Drive and Chairman Emery clarified that they will not. Janice thanked the Commission for this clarification.

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Chairman Emery closed the Public Hearing at 6:31 pm.

Since there was no more discussion from the Commission, a motion was made.

Motion: Commissioner Henderson made a motion to approve the Zoning Case No. PLAT-22-2 as submitted:

Commissioner Jacobsen 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 Smith.

Nays: 0

Abstention: 0

- 2. Conduct a public hearing and consider approval of a preliminary plat of Lots 1-12, Block 1 Nicole Court Addition consisting of 12 lots with one lot being a private drainage & utility easement being 2.46 acres out of the A.J. Woodson Survey being a replat of Lots 42 and 43 J.R. Murphy Addition within the City of Bedford, Tarrant County, Texas. The property is generally located approximately 880 feet north of Bedford Road and west of Murphy Drive, commonly known as 2505 Murphy Drive. (PLAT-22-3)**

Chairman Emery recognized Wes Morrison, Community Development Manager.

Wes provided a brief summary of this item. The City Council approved a rezoning of this property back in August of 2022 and this property was rezoned to single-family residential with a 6,500 square-foot minimum size. Wes mentioned that the Applicant is now going through the next stage which is the Preliminary Plat. The proposed and submitted Preliminary Plat shows that the 12 lots range from 6,500 up to a little over 7,500 square feet in size and one of those lots is dedicated for a private drainage and utility easements. Wes indicated that this plat does meet all of the City's ordinances and requirements and regulations and he is here to answer any questions that the Commissioners may have.

Chairman Emery thanked Wes for this presentation.

Commissioner Otto asked if the drainage concerns have been taken care of based from previous discussions on this project. Wes mentioned that all of the drainage meets the City's standard requirements for the drainage. Wes also added that the proposed plat shows that majority of the drainage on this property is taking it back to that dedicated drainage lot and it can not exceed the predevelopment standards or flows and the City's engineering staff has proven that this site is not exceeding that.

Chairman Emery wanted to confirm if the drainage for two thirds of this property is going to exit the property in the far west corner and then from there, the drainage is just going to flow off the property. Wes confirmed that is correct and then added this project does meet the City's requirements for drainage but the requirements do not ask or require for the Applicant to provide where the drainage goes after. Wes mentioned that the Applicant's Engineer is here tonight and the Commission can ask the Applicant's Engineer in regards to the drainage flow after it leaves the property.

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Chairman Emery asked for the Applicant's Engineer to come up to the podium.

Trevor Truss – 8241 Mid-Cities Boulevard, North Richland Hills – is the Applicant's Engineer on this project. He briefly introduced himself and mentioned that he is here to answer any questions that the Commissioners have.

Chairman Emery asked where is the drainage going after it exits this property from the northwest corner. Trevor responded that this drainage continues north and west to where there is an existing drainage facility structure about 2 or 3 lots north of this property and also added that there is an existing drainage channel and pipe up there. Chairman Emery followed up with another question asking what is there between this property and that drainage facility structure. Trevor responded that it is just overland flow. Chairman Emery also asked what could happen there that could restrict the flow off of this property into that drainage area. Trevor responded that there are state laws and city ordinances that govern and also that would forbid you from blocking of the natural flow of water. Chairman Emery indicated that he is thinking that you would like to see some kind of easement in place to ensure that there is going to be a clear path and asked Trevor if this is something that they can look into. Trevor mentioned that it is something that they can look into but also mentioned that they are not required to and that all of their plans have been approved by the City Engineering Staff.

Commissioner Smith asked if there is housing that is adjacent to that northwest corner and Trevor responded that there is not at this time.

Chairman Emery expressed his concern that something could come up in the future that can interfere with the flow of the drainage between this property and the drainage facility and the drainage ends up not going anywhere. Trevor responded that there is currently nothing stopping the future developer from building a concrete wall to completely block the water from coming in unless the developer negotiated a drainage easement through that property. If that developer does not get an easement, then he would be in violation of state laws that prohibit the blocking of the natural flow of water. Chairman Emery wanted to make something clear that this is not a natural flow of water and this is drainage off of a developed piece of property.

There were some discussions among the Commissioner in regards to how this may increase the amount of water flow with hard or developed surfaces.

Commissioner Otto mentioned that he was trying to recall if the landowners north of that dedicated drainage lot spoke against this and Wes came up and mentioned that the landowners had concerns about the drainage flowing onto their property.

Wes clarified to the Commission that City Engineering Staff reviews these plans to the City's standards and the standards do not require off-site easements be acquired before they get to this stage or do not require them at all. Wes added that the Commission can look into the possibility of adding the requirement of an easement as a condition before we bring the final plat to the Commission.

There were some more discussions among the Commissioners and Staff how there was a similar project in the past and the residents had concerns in regards to the overflow from that development.

Commissioner Gallenstein added to the discussion that they are aware that there is a number of drainage issues in the city and that costs are in the millions of dollars and the Commission does not want to create any more. Commissioner Gallenstein mentioned that he would like to see a little more done on this project in regards to the drainage.

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Chairman Emery expressed his concern and reiterated since the property to the north of this dedicated drainage lot is undeveloped, he would like to see something in place to make sure that the path of the water drainage is not impeded when the property is developed in the future.

Wes indicated that this is the purpose of a preliminary plat and there is a reason that we have these processes in place. As of the preliminary plat process, the Commission can see something that they want to address and a condition can be added prior to the submittal of a final plat. Later, City Staff will make sure that the condition is met before the final plat is submitted.

Commissioner Jacobsen asked Wes if the adjacent property owners to the north of this site have had any further discussions or brought up any additional concerns. Wes responded that they have not and he also added as part of the preliminary plat process, the adjacent property owners are not notified.

Commissioner Otto asked Wes if the Applicant were to get an easement, then who would maintain that easement. Wes responded that they would be spelled out in the documents. There were some discussions between Wes and Commissioner Otto in regards to who maintains what with these easements and what happens when concrete is installed over an easement.

Chairman Emery asked the Commissioners if they had any more questions or discussions and there were none.

Motion: Chairman Emery made a motion to approve Zoning Case No. PLAT-22-3 with the following conditions:

- There will need to be a drainage easement between the northwest corner of this property and where the current drainage structure exists and that it will not impede for the water going to this drainage structure;
- The drainage easement will not be maintained by the City of Bedford.

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

Motion approved 6-1-0. The vote was as follows:

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

Nays: Commissioner Henderson

Abstention: 0

Prior to the voting of this motion, Andrea Roy, Assistant City Manager, came up and reiterated that under no circumstance that the City of Bedford have any maintenance obligation on this easement.

UPDATE ON PLANNING PROJECTS

Wes Morrison, Community Development Director, provided a brief update on the current planning projects within the City of Bedford.

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ADJOURNMENT

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

Ayes: 7, Nays: 0, Abstention: 0

The Planning and Zoning Commission meeting adjourned at 6:54 p.m.

**Chairman Emery
Planning and Zoning Commission**

ATTEST:

**Wes Morrison
Community Development Manager**