

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF APRIL 27, 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 27<sup>th</sup> day of April 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  
Roger Gallenstein  
Kate Barlow  
Danielle Stellrecht

Alternates: Terry Smith  
Treasure Ford

Constituting a full quorum.

Chairman Emery has asked Commissioner Ford to be part of tonight's voting quorum.

Staff present included: Andrea Roy Assistant City Manager  
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, April 24, 2023 at 5:00 p.m.).

**INVOCATION**

Commissioner Otto gave the invocation.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES**

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

**March 23, 2023 Regular Meeting**

Motion: Commissioner Henderson made a motion to approve the meeting minutes of the March 23, 2023, correct as written. Commissioner Jacobsen 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.

**ITEM FOR INDIVIDUAL CONSIDERATION**

**2. Consider action on a final 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-23-1)**

Chairman Emery recognized Jose Saenz, Planner.

Jose provided a presentation and a brief summary of this request. This project went through the preliminary plat approval process during the March 9, 2023 Planning and Zoning Commission Meeting. This plat consists of 12 lots and one of those lots is a private drainage and utility easement. This site is located north of Bedford Road and about 800 feet west of Murphy Drive and currently consists of two residential lots that contain single-family residential homes with some accessory structures. Back in August 2022, this site was rezoned to single-family residential and was approved through Ordinance Number 2022-3359. The proposed plat consists of a 50-foot wide right-of-way that will connect to Murphy Drive and will also include a 5-foot wide sidewalk that will be established along Murphy Drive and along the new right-of-way. The proposed plat also includes a proposed 8-inch water and sanitary sewer lines along the new right-of-way. During the March 9<sup>th</sup> Meeting, the preliminary plat for this site was approved along with the following two 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.

Jose indicated that the Applicant did provide the documents in regards to the drainage easements and Lot number 6 has been identified as "Common Space" which not be maintained by the City of Bedford. So based on Staff review, this Final Plat is in substantial compliance with the all the City's regulations,

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zoning ordinances and also with state laws, therefore this plat meets all the provisions and Staff recommends approval of this plat. Jose mentioned that Staff is here to answer any questions that the Commission may have and he also indicated that a representative of this project is here in attendance tonight to answer any questions.

Chairman Emery asked Jose if he can educate the Commissioners on the significance of calling Lot 6 as "Common Space" and designated as "Private Drainage and Utility Easement." Jose indicated that he would like to direct this question to the Applicant.

Keith Hamilton - 8241 Mid-Cities Boulevard, North Richland Hills – who is the consulting engineer, came up to speak and answered that Lot 6 contains a detention pond and name of this lot was changed based on the comments and conditions from the Preliminary Plat approval.

Chairman Emery thanked Keith and asked the Commissioners if they had any questions for the developer.

Commissioner Gallenstein mentioned and wanted to verify if this detention pond was going to connect to a city facility a little further down from this lot and not just drain out onto the adjacent lot. Keith mentioned that he has been involved with this project for over a year and has been meeting with Staff in regards to the drainage. Based on a study that was done in this area, it was determined that the water would drain and flow from east to west. Based on this information, a drainage pond was proposed on Lot 6 and easements were obtained for the drainage as required from the last meeting. Commissioner Gallenstein wanted to get some clarification on the drainage flow and asked if there will be some kind of concrete weir and Keith responded that there will be a concrete weir with a small hole at the bottom so that it will not cause any problems for the adjacent property owner.

Chairman Emery asked if there are any other questions from the Commissioners.

Commissioner Otto asked how the condition requirement will be met in regards to the drainage easement will not be maintained by the City of Bedford and if there is a letter of agreement or something. Wes Morrison, Community Development Manager, came up to provide a response. Wes indicated that the Applicant has provided the City a copy of the easement language and that City Attorney has reviewed it and is satisfied with it.

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

Motion: Commissioner Otto made a motion to approve Zoning Case No. PLAT-23-1 as submitted:

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, Gallenstein, Barlow, and Stellrecht.

Nays: 0

Abstention: 0

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**PUBLIC HEARINGS**

- 3. Conduct a public hearing and consider a request for a site plan approval to renovate the drive-through and parking area for an existing Starbucks in accordance with the Heavy Commercial Zoning District and with the Master Highway Corridor Overlay District Development Standards. The property is generally located on the south side of Airport Freeway, approximately 260 feet east of Central Drive, commonly known as 2200 Airport Freeway. (SITE-23-1)**

Chairman Emery recognized Jose Saenz, Planner. Jose provided a presentation and a brief summary of this request. This item is a request for a site plan approval for a Starbucks facility that is located east of Central Drive and on the southside of Highway 121. The zoning for this site is Heavy Commercial and also located within the Master Highway Corridor Overlay District. In January 2005, the City Council approved for the rezoning of this property from Heavy Commercial to Heavy Commercial/Specific Use Permit/Ice Cream and Dairy Products with Drive-Thru to allow for the Starbucks. As part of the approval process, one of the requirements was the replatting of the existing shopping center lot to provide a separate platted lot of the proposed Starbucks facility. In June 2006, the Planning and Zoning Commission approved the replat which created this 0.58 acre lot that currently consists of the Starbucks facility. This existing facility currently has traffic coming from the Airport Freeway and they have safety cones out there to direct traffic for the drive-thru and with this setup, this helps to avoid any overflowing backing up onto Airport Freeway. Here are some of the proposed changes to the site plan:

- Remodel and interior layout changes that includes improved ADA accessibility;
- Exterior wall repainting, patching and repairs to the existing building;
- Proposed new drive-through lane layout and entrance with new menu boards and with more vehicle stacking and have the entrance be from the southern portion of the site;
- Proposed 24' Emergency Access Easement; and
- Proposed parking islands with irrigated landscaping to separate the drive-through lane and parking area.

Jose indicated that as part of the notification process, a notification sign was placed on the property and the adjacent property owners were also notified and Staff was not received any comments or responses in regards to this project. Jose concluded that Staff is here to answer any questions that the Commission may have and that representatives for this project are also in attendance in case there are any questions for them.

Chairman Emery thanked Jose for providing this presentation.

Chairman Emery opened the Public Hearing at 6:18 p.m. and invited for the Applicants to come up and speak.

Robert Kettner and Courtney (No Last Name was mentioned) came up to introduce themselves and they both are representatives of ID Group which is located in Dallas, Texas. They both indicated that they are here to answer any questions regarding this project.

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Chairman Emery asked the Applicants of what precipitated the change in the ADA configuration of the interior. Courtney responded that this is something that they have always been working on and they want to make sure that they meet the current code requirements since they are always changing.

Commissioner Otto asked if the facility will be closed during the renovation and Courtney mentioned that the facility will indeed be closed during the renovation.

Commissioner Smith asked the Applicants if they know how many cars get queued up in the drive-thru and Courtney mentioned that that question is something that would have to be answered by a Starbucks representative but she did add that they are planning to accommodate for at least an eight (8) car stack. Commissioner Smith followed up with another question if there were to be more than 11 cars, then where will the overflow go. Courtney responded that the overflow is planned to go around from the south.

Commissioner Gallenstein asked a similar question for the Applicants and asked if someone else looked at these plans, such as traffic engineers, to come up with this proposed drive-thru plan. Courtney indicated that they worked with the landlord and Starbucks to come up with this plan.

Commissioner Jacobsen asked the Applicants if there will be more or less seating for the customers with these proposed renovation plans. Courtney responded that there will be less seating so that they can expand the workroom and work area for the employees.

Commissioner Stellrecht had a question in regards to the proposed landscaping plan. Jose responded that during the Development Review Committee process, Staff indicated that one of the requirements was to provide a landscaping plan and also to add landscaping on the parking island of the drive-thru lane. Commissioner Stellrecht followed up with another question as to why is there landscaping on one side and not on the other. Wes Morrison came up to explain that the ordinance requires that landscaping screen from a public right-of-way and the other side is not the public right-of-way.

Chairman Emery asked the Applicant if the north entrance is going to be closed and Courtney mentioned that it should not be closed.

Chairman Emery thanked the Applicants for answering their questions and closed the Public Hearing at 6:27 p.m.

Commissioners Stellrecht and Gallenstein had some more questions regarding the proposed landscaping for the Applicants and the Applicants responded that those questions would have to be answered by their civil engineer.

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

Motion: Commissioner Henderson made a motion to approve Zoning Case No. SITE-23-1 as submitted:

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, Gallenstein, Barlow, and Stellrecht.

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Nays: 0  
Abstention: 0

**4. Conduct a public hearing regarding an amendment to Appendix B of the City of Bedford Code of Ordinances, entitled Zoning Ordinance, specifically amending Chapter 5, Supplemental District Regulations by adding regulations related to Tree Preservation.**

Chairman Emery recognized Wes Morrison, Community Development Manager. Wes provided a presentation and a brief summary of this item. Last Fall, the City had a situation where a developer did some clear cutting on a development on the south part of town and Staff realized that the Tree Preservation Ordinance is not as strong as it should be. City Council has asked Staff to draft up a new Tree Preservation Ordinance that will have a little more enforcement capabilities. One of the purposes of this new ordinance is to encourage developers to really think about their site design and to be aware that there are tree that need to be protected. While the proposed ordinance is a complete rewrite of the tree preservation ordinance, below are a few of the highlights of the proposed language:

- Redefine buildable area;
- Broaden the protected tree list to anything that is not on the unprotected tree list;
- Outline requirements for a Tree Removal Mitigation Permit;
- Establishment of Tree Removal and Maintenance procedures;
- Provided credits (incentives) for protecting existing trees;
- Creation of Tree Protection requirements during construction;
- Identifying acceptable replacement options including allowing replacement trees planted on public property and payment into a Tree Reforestation Fund; and
- Standards for maintenance of trees on public lands

Staff has outlined the requirements for tree mitigation and what a permit requires. Language was also placed in the new ordinance that indicates how to protect the existing trees during construction and identified different tree replacement options.

In addition to these changes, the current Tree Preservation ordinance is located within the Subdivision Regulations, the proposed change relocates the Tree Preservation ordinance into the Zoning Ordinance, which provides for additional enforcement and penalties in case of violations.

Wes concluded that he is here to answer any questions that the Commissioners may have.

There were discussions and questions from the Commissioners for Staff in regards to the proposed amendment to Appendix B, Chapter 5 of the City of Bedford Code of Ordinances.

Here is a brief summary and some of the main topics that were brought up by the Commissioners: Commissioner Jacobsen had questions in regards if a certified arborist has reviewed this proposed ordinance amendment and addressed that there are two invasive trees which are the "Tree of Heaven" and the Chinaberry Tree. Commissioner Gallenstein had questions in regards to who will be the Administrative Official to enforce this ordinance and how would they keep track of the trees that are marked and those that die. Commissioner Gallenstein also asked for clarification on the mitigation on the tree placement and the size requirements. Commissioner Stellrecht had many questions and some

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of main discussions included: the protective fencing around the trees, native and non-native protective trees, what defines a singular trunk tree, perhaps consider to be a certified tree city (Tree City Certification), the identification of trees should be done by an arborist, clarification on the penalty fees, indicated that 2 acres is too big in regards to the exemption for properties that are less than 2 acres and she had questions regarding tree removal on public rights-of-way. Commissioner Smith asked and wanted some clarification on the replacement tree size requirements and also asked how will the Restoration Fund work. Commissioner Otto asked of how this ordinance amendment affect the development of Bedford Commons.

Chairman Emery opened the Public Hearing at 7:07 pm.

Due to the fact since there were many questions, concerns, suggestions and recommendations from the Commissioners in regards to this ordinance amendment, it was recommended by Chairman Emery that he requested for the Commissioners to send an email to Staff that contains their suggestions and recommendations. Chairman Emery also recommended for this item to be tabled until the next meeting. Wes Morrison indicated that he will create a marked up document that will contain these changes from the Commissioners and will present this new proposed ordinance amendment at the next meeting.

Chairman Emery closed the Public Hearing at 7:14 pm.

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

Motion: Chairman Emery made a motion to table this item (Amendment to Appendix B of the City of Bedford Code of Ordinances) until the next Planning & Zoning Commission Meeting:

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

Motion approved 7-0-0 for this item to be tabled until the next meeting. The vote was as follows:

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

Nays: 0

Abstention: 0

- 5. Conduct a public hearing regarding an amendment to and amending Ordinance 2325 of the City of Bedford Subdivision Ordinance, amending Chapters 5 (Subdivision Design Standards), Chapter 6 (Public Services Development Policies) and replacing the existing Chapter 7 (Tree Preservation) with a new Chapter 7 (Land Distributing Activities) regulations.**

In the interest of time, Chairman Emery opened the Public Hearing at 7:15 pm.

Chairman Emery recognized Wes Morrison, Community Development Manager. Wes indicated that he will probably be asking to table this item as well since this item goes hand in hand with the previous item. The reason why Staff is bringing the Subdivision Ordinance before the Commission is because Chapter 7 is the Tree Preservation Ordinance. Staff is proposing to move Chapter 7 out of the

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Subdivision Ordinance and into the Zoning Ordinance, therefore the Subdivision Ordinance needs to be amended. Staff saw that this is an opportunity to fix some of the glaring issues that the City has with the subdivision regulations. Wes provided a brief summary of the changes in Chapters 5, 6 and the new Chapter 7:

- Chapter 5 (Subdivision Design Standards) – added a requirement that common lots must be maintained by an Home Owners Association; removed building setback lines from being shown on the plat; required 5 foot sidewalks along all roadways within the City; and required cross access between nonresidential development within certain parameters;
- Chapter 6 (Public Services Development Policies) – added a requirement that a traffic impact analysis determination form must be submitted and depending on results may require more traffic studies; added a drainage requirement in cases that stormwater is collected in one concentrated area (such as a detention pond) that the discharge of that area must be into a stream or storm drain or appropriate easement; updated standard size of City water and sewer main from 6” to 8”; and removed the use of bull-head water service.
- Chapter 7 (Tree Preservation) – removed the tree preservation ordinance from the Subdivision Regulations and relocated to the Zoning Ordinance. Added new Chapter 7 – Land Disturbing Activities to regulate clearing, grading, stockpiling, and excavation of property.

Wes concluded that he is here to answer any questions that the Commissioners may have.

Commissioner Jacobsen asked for some clarification on Chapter 6 on Page 25 in regards to the stormwater runoff going to an engineered space like a retention or detention pond and Wes clarified.

Commissioner Gallenstein asked if Staff is looking into doing a comprehensive review of this total subdivision ordinance and if the City will be requiring a mandatory HOA for new development. Wes responded that Staff understands that there needs to be some major updating on ordinances and not just on the zoning and subdivision ones. Wes added that once we complete and adopt the new Master Comprehensive Plan, then Staff will have those guiding principles to make those major changes to the zoning and subdivision ordinances.

Commissioner Otto asked who is the Planning and Zoning Secretary as mentioned in the ordinance and Wes responded that depends on the Staff member that is present for that meeting. Commissioner Otto also wanted to verify that this would only be affecting everything that is new moving forward and Wes confirmed.

Chairman Emery closed the Public Hearing at 7:23 pm.

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

Motion: Commissioner Barlow made a motion to table this item (Amending Ordinance 2325 of the City of Bedford Subdivision Ordinance, amending Chapters 5 (Subdivision Design Standards), Chapter 6 (Public Services Development Policies) and replacing the existing Chapter 7 (Tree Preservation) with a new Chapter 7 (Land Distributing Activities) regulations) until the next Planning & Zoning Commission Meeting:



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

Motion approved 7-0-0 for this item to be tabled until the next meeting. The vote was as follows:

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

Nays: 0

Abstention: 0

**UPDATE ON PLANNING PROJECTS**

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

There some questions and discussion between Commissioner Gallenstein and Wes in regards to timeframes and project completions.

Chairman Emery has requested for Staff to keep the Commissioners updated in regards to the most recently approved Event and Banquet Facilities and with the licensed peace officers.

Wes mentioned that the next Joint Meeting/Worksession with the City Council will be on May 9<sup>th</sup> at 6 pm in regards to the Comprehensive Land Use Plan Update.

**ADJOURNMENT**

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

Ayes: 7, Nays: 0, Abstention: 0

The Planning and Zoning Commission meeting adjourned at 7:37 p.m.

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**Chairman Emery  
Planning and Zoning Commission**

**ATTEST:**

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**Wes Morrison  
Community Development Manager**