

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF JUNE 22, 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 22nd day of June 2023 with the following members present:

CALL TO ORDER & ROLL CALL

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

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 was absent from this meeting.

Vice Chairman Henderson has asked Commissioner Smith (Alternate Member) to be part of tonight's voting quorum.

Staff present included: Andrea Roy Assistant City Manager
Wes Morrison Community Development Manager
Autumn Keefer City Attorney/TOASE
Jose Saenz Planner

(The following items were considered in accordance with the official agenda posted by Monday, June 19, 2023 at 5:00 p.m.).

INVOCATION

Commissioner Otto 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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APPROVAL OF MINUTES

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

April 27, 2023 Regular Meeting

Motion: Commissioner Barlow made a motion to approve the meeting minutes of the April 27, 2023, correct as written.

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

Ayes: 7, Nays: 0, Abstention: 0

Motion approved 7-0-0. Vice Chairman Henderson declared the minutes approved.

PUBLIC HEARING

2. **Conduct a public hearing and consider approval of a Planned Unit Development for a proposed 42-lot residential subdivision on a portion of Lot 1 Block 1 of the Woodland Heights Addition. The 8.691 acres site is located southeast of Cheek Sparger Road and Central Drive and commonly known as 2416 Cheek Sparger Road. (PUD-23-4)**

Vice Chairman Henderson opened the Public Hearing at 6:03 p.m. and recognized Wes Morrison, Community Development Manager.

Wes provided a brief summary and presentation on this item. Wes indicated that this item is for a public hearing for a zoning change from R-15 and R-75 Single-Family Residential to a Planned Unit Development (PUD). This property is located south of Cheek Sparger Road and East of Central Drive. On August 2022, a portion of this property was rezoned from R-15 to R-75 and the site is vacant on both tracts and heavily wooded on the Tract 2D portion. The Applicant is proposing for a 4-lot subdivision with Lot 15 being designated as a "Common Area and Drainage Utility Easement." Some of the big differences what is being proposed from the existing zoning include the lot size in which the Applicant is proposing for a minimum of just a little over 5,000 square feet with an average lot size of 7,300 square feet. One of the other big changes include the setbacks where the Applicant is proposing for a five (5) foot minimum rear yard setback and others include the lot coverage changes and changes to the minimum floor areas. Since the notification was sent out, there have been some concerns that were received from the public, including some issues that were brought up. Due to this, Staff is requesting for this item to be tabled so that these issues and concerns can be addressed. Wes indicated that there are many members from the public who are in attendance and who would like to speak on this item as part of the public hearing. Wes concluded that he is here and glad to answer any questions that the Commissioners may have.

Commissioner Gallenstein had some questions in regards to the proposed lay down curbs, proposed off-street parking, the proposed, five (5) foot minimum rear yard setback, the identified legacy tree and the common area lot. Commissioner Gallenstein expressed some concerns in regards to the ingress and egress off of Cheek Sparger. Wes mentioned that the original plans for this request was for the roll top curbs and has indicated that the current plans indicate that the proposed curbs will be built to

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city standards which include a six-inch curb. In regards to the proposed five-foot setback, Staff has started conversations with the Applicant and the Applicant has indicated that they are open to increasing that five-foot setback that is adjacent to residential lots. Wes also mentioned that the empty lot is a proposed common space and drainage lot and not a detention pond.

Commissioner Jacobsen had a question regarding the fencing along the existing neighborhood since he did not see anything in regards to that on the plans. Commissioner Jacobsen also had a concern regarding the proposed five (5) foot setback and he indicated that it seems unreasonable. Wes responded that these concerns will be addressed and discussed between the Applicant and Staff. Commissioner Jacobsen reiterated that same concerns as Commissioner Gallenstein in regards to the off-street parking requirements.

Commissioner Stellrecht asked about the possibility of doing one-story homes and that are esthetically pleasing along that row of lots that are adjacent to the existing residential lots. Wes encouraged Commissioner Stellrect to ask the Applicant in regards to that question.

Wes mentioned that the Applicant is here in attendance and has a presentation to present as part of the public hearing. Wes also reminded the Commission that the Staff is requesting for this item to be tabled after the public hearing so that Staff can work through the issues and concerns with the Applicant.

Vice Chairman Henderson invited the Applicant to come up and speak. John Dykstra with Bloomfield Homes, 1050 East Highway 114, Southlake, Texas, came up and provided a brief presentation on their proposed homes. Mr. Dykstra mentioned that the property owners are here and also the pastor from the church that is located adjacent to this site. Part of the presentation provided some examples of the proposed homes along with the garages to provide and meet the off-street parking requirements. Mr. Dykstra mentioned that they are willing to stipulate that it would be 20-foot rear yard setbacks for those lots that are adjacent to the residential lots. They are naming this project "Grace Park" which they believe that this is reflective to this property. Mr. Dykstra indicated that the Legacy Tree is quite a tree and is something to keep around and to make that Common Area lot a connection from the church to this proposed residential subdivision that will be maintained by the HOA. Brochures of these proposed homes were handed out to each Commissioner.

Following this presentation, there some discussions between the Commission and the Applicant regarding the fencing, the proposed five (5) foot rear yard setback, the price ranges of the proposed homes, the building materials, and the amount of trees that can be preserved.

Vice Chairman Henderson invited members from the public to come up and speak in regards to this item.

Jeff Carter, 2600 Talisman Court, is one of the property owners adjacent to this site, came up to speak. Mr. Carter mentioned that he has a pool in his backyard and expressed concerns in regards to a proposed 2-story residence and requesting for the City to limit those homes to a single-story with an eight (8) foot fence. Mr. Carter also brought in some photos of the site that also shows that the Public Hearing Sign was laying flat on the ground by the sidewalk. He also mentioned that he is not in favor of changing this zone from a residential to a PUD.

Uzkar Ibrahim, 2424 Cheek Sparger Road, is one of the property owners who lives adjacent east of this site, came up to speak. Mr. Ibrahim indicated that he did not see a sign posted on Cheek Sparger

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Road. He also mentioned that he was supportive of the previous site plan and previous zone change to R-75 but has concerns to current proposed changes and in regards to the ingress and egress.

David Franklin, 2608 Talisman Court, is one of the property owners who lives adjacent to this site, came up to speak. Mr. Franklin also sent in a letter and a copies were provided for all the Commissioners. He mentioned that he is against multi-story homes and also not in support of the proposed five (5) foot rear yard setback. Mr. Franklin is requesting for an exception to be made for those lots that are adjacent to those residential lots to have a 20-foot or for a 25-foot rear yard setback. He also expressed traffic and safety concerns for the proposed entrance along Cheek Sparger Road.

Michael Cosgrove, is the pastor for the church that is adjacent south of this site that is located at 3712 Central Drive, came up to speak. Mr. Cosgrove mentioned that they have been working with the Applicant in regards to this project and also of selling a portion of their property to the Applicant. He also indicated that they also discussed the concerns regarding drainage setbacks, fencing and the trees. He also added that they are in support of this project and that it will be a great addition to this community.

Michelle Grosse, 2604 Talisman Court, is one of the property owners who lives adjacent to this site, came up to speak. She read a letter from her husband that was sent to the City and a copy was provided for each of the Commissioners prior to the meeting. The letter indicates that they are not in support of this project and that they have lots of concerns in regards to the proposed PUD for this site including the proposed lot coverage of 60% and the proposed rear yard setback of five (5) feet minimum.

John Westrom, 1291 Avenue Haslet, Ft. Worth, is the owner of the project site, came up to speak. He felt that they got some good feedback from tonight's meeting and that it has been an honor to work with Bloomfield Homes to get this site developed. He mentioned that by having access to Central Drive, should make things easier in regards to traffic and to come in and out of this proposed subdivision.

Commissioner Gallenstein wanted to clarify if Mr. Westrom met with and had conversations with the City of Colleyville and that they had indicated that they had no problems with the ingress and egress off of Cheek Sparger and Mr. Westrom clarified that he just heard that City of Colleyville is in charge of the Cheek Sparger Widening project.

John Dykstra with Bloomfield Home came up to speak again and to provided responses to some of the comments heard so far. Mr. Dykstra indicated that they can commit to having one-story homes along those lots that are adjacent to the residential lots. He also mentioned that having this item tabled will provide them the opportunity to apply the comments and concerns heard this evening and come back with the revisions.

Jan Jary, 3813 Horizon Drive, is one of the property owners adjacent to this site, came up to speak. He mentioned that there is currently a large wireless antenna that is close to Cheek Sparger Road and mentioned that he does not think that anybody wants to live under an antenna and also wanted to know if the City has asked the other businesses near by, including the senior living home, of what they think of this project.

Since there was no one else that came up to speak, Vice Chairman Henderson closed the Public Hearing at 7:16 p.m.

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

Motion: Commissioner Gallenstein made a motion to table Zoning Case No. PUD-23-5:

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

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

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

Nays: 0

Abstention: 0

Following this item, Vice Chairman Henderson entertained a motion to take a brief recess.

Motion: Commissioner Barlow made a motion to take a brief recess:

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

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

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

Nays: 0

Abstention: 0

The Planning and Zoning Commission took a brief recess at 7:18 p.m.

The Planning and Zoning Commission reconvened at 7:24 p.m.

ITEMS FOR INDIVIDUAL CONSIDERATION

3. Consider approval of a preliminary plat of Grace Park Addition Lots 1-19, Block 1, and Lots 1-23, Block 2, consisting of 42 residential lots including 1 "Common Space" lot being 8.691 acres out of the Garrett Teeter Survey, Abstract No. 1537 and being replat of a portion of Lot 1, Block 1, Woodland Heights Addition within the City of Bedford, Tarrant County, Texas. The property is generally located southeast of Cheek Sparger Road and Central Drive and commonly known as 2416 Cheek Sparger Road. (PLAT-23-3)

Vice Chairman Henderson recognized Wes Morrison, Community Development Manager. Wes indicated that since Item No. 2 on the Agenda was tabled, this item (Item No. 3) will also have to be postponed until the PUD is approved.

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4. **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-23-4)**

Vice Chairman Henderson recognized Wes Morrison, Community Development Manager. Wes mentioned that the Applicant has requested for this item to be postponed.

5. **Consider making a recommendation 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.**

Vice Chairman Henderson recognized Wes Morrison, Community Development Manager. Wes provided a brief summary of this item and has mentioned that this third time that the Commission is seeing this ordinance. The current draft version contains the recommendations and changes applied from the work session that was held last time. Wes indicated that during the work session, the bulk of the conversation centered around the unprotected trees section and what an unprotected tree can mean. It means that those trees can be cut down. Wes mentioned that from the last meeting, the Commission has asked Staff to provide a list of recommended trees from the arborist so that list has been provided with their justifications. Other changes that were done was the exemption of lot and was kept at two (2) acres for homestead lots and the tree replacement was increased from 2 inches to 3 inches. Wes concluded with that he is here to answer any questions that the Commissioners may have.

There were some discussions between Commissioner Members and Wes in regards to the fines and penalty costs, the list of unprotected trees which means that it can be removed without any type of mitigation, the 2-acre homestead exemption, what is classified as a dead tree and whether or not a permit is required to remove a dead tree.

Commissioner Stellrecht brought to Staff's attention that it was discussed before and advised to have a certified arborist to provide the tree survey instead of a qualified professional as indicated in Section 5.15.D (3). Commissioner Stellrecht also asked if we are trying to go for like a Tree City USA kind of certification and Wes indicated that he can not answer that completely since he is only aware of some of the requirements and not all of them for the certification. In regards to this certification, Wes also mentioned that he is not aware if it is a decision from the Administration or from the City Council.

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

Motion: Commissioner Stellrecht made a motion to approve 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 with the stipulation of changing the expert for the tree survey to be a certified arborist:

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

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

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

Nays: 0

Abstention: 0

6. Consider making a recommendation 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.

Vice Chairman Henderson recognized Wes Morrison, Community Development Manager. Wes provided a brief summary and update on this item. He reminded the Commission that the real bulk of this ordinance is because the Tree Preservation Ordinance is being taken out of the Subdivision Ordinance. Due to this change, Staff has taken the opportunity to make a few changes to the Subdivision Ordinance. This is a brief summary of the changes to 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 Gallenstein asked about the City of Flower Mound’s Ordinance that requires for a mandatory HOA for new developments and this ordinance was attached for reference and as an example per request of the Commission from the last meeting.

There were some discussions and questions between the Commissioners and Wes in regards to the requirement of an HOA.

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

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Motion: Commissioner Otto 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:

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: Vice Chairman Henderson, Jacobsen, Otto, Gallenstein, Barlow, Stellrecht and Smith
Nays: 0
Abstention: 0

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

There was no need and no Executive Session was held during this meeting.

UPDATE ON PLANNING PROJECTS

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

ADJOURNMENT

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

Ayes: 7, Nays: 0, Abstention: 0

The Planning and Zoning Commission meeting adjourned at 7:41 p.m.

**Vice Chairman Henderson
Planning and Zoning Commission**

ATTEST:

**Wes Morrison
Community Development Manager**