

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF AUGUST 24, 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 24th day of August 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: Treasure Ford

Constituting a quorum. Commissioner Smith (Alternate) was absent from this meeting.

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

(The following items were considered in accordance with the official agenda posted by Monday, August 21, 2023 at 5:00 p.m.).

INVOCATION

Commissioner Jacobsen gave the invocation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

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

July 27, 2023 Regular Meeting

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

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

Ayes: 6, Nays: 0, Abstention: 1

Commissioner Henderson abstained from this vote.

Motion approved 6-0-1. Chairman Emery declared the minutes approved.

ITEM TO BE CONSIDERED

2. Consider action on a replat of Lots 1R1, 2R, 3R and 4R, Block 3 Rustic Woods, Phase V Addition, consisting of 4 lots being 0.722 of an acre being a replat of Rustic Woods, Phase V Addition, Lot 1R, Block 3 within the City of Bedford, Tarrant County, Texas. The property is generally located approximately 700 feet north of Harwood Road, westside of N. Industrial Boulevard, commonly known as 1229 N. Industrial Boulevard. (PLAT-23-5)

Chairman Emery recognized Jose Saenz, Planner, and Jose provided a brief summary and presentation on this item. This project is for a proposed replat for a four-lot subdivision and this site is located approximately 700 feet north of Harwood Road and on the westside of Industrial Boulevard. The zoning for this property is MD-3 (Medium Density Residential – Single-Family Detached) and was rezoned from Heavy Commercial in 1994 and during this time, this property consisted of four (4) different lots and four (4) blocks with two (2) mutual access easements. In January 2005, the Planning and Zoning Commission denied Zoning Case No. Z-116 for a rezoning of this property from MD-3 to MD-1. In January 2018, a replat was filed that merged the four (4) lots and blocks into one (1) lot and one (1) block as it currently exists. The site is currently vacant with several various trees on the site. Based on reviews and discussions among Staff regarding this proposed replat, it was determined that based on the on Section 5.3 of the Bedford Subdivision Ordinance, the replat does not meet the minimum length and depth requirements in order to proceed forward to be subdivided therefore Staff is recommending denial of this replat. Jose concluded that Staff is here to answer any questions regarding this project.

Chairman Emery asked if the Applicant is here in attendance and Jose indicated that the Applicant is not in attendance this evening. Chairman Emery then asked if there are any questions or discussions from the Commissioners.

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

Motion: Commissioner Gallenstein made a motion to deny Zoning Case No. PLAT-23-5 as submitted:

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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, Gallenstein, Barlow, and Stellrecht.

Nays: 0

Abstention: 0

PUBLIC HEARING

- 3. Conduct a public hearing and consider making a recommendation on a change of zoning from R-7,500 (Single-Family Residential Detached District) to MD-4 (Medium-Density Single-Family Attached District) for a proposed 30 Residential Townhome Lot and five (5) Open Space Lot subdivision on Tracts 3 and 3D2, Abstract 12 of the Allen, W.R. Survey. The 2.852 acres site is located on the north side of Bedford Road, approximately 350 feet southwest of Forest Ridge Drive, and is commonly known as 1525 Bedford Road. (PUD-23-3)**

Chairman Emery recognized Wes Morrison, Community Development Manager, who provided a brief summary and presentation on this item. Wes started off the presentation with a bit of a background on this property for this rezoning request. Back in the 70s, this was originally developed as a church facility. In 2020, the Clubhouse for Special Needs obtained a zoning approval from the City Council for a new office and community center. Shortly after in 2021, the Clubhouse demolished the church facility and site has been vacant since then. This zoning request is to change the zone from R-75 (Single-Family Detached) to MD-4 (Medium Density – Single-Family Attached) which are townhomes. The Applicant is proposing 30 townhomes and five (5) open space lots resulting in an overall density of 10.5 units per acre. Wes continued the presentation providing a brief explanation of the proposed zoning of the MD-4 how it has some similarities to a Planned Unit Development (PUD) but this is not a PUD. The main purpose of the MD-4 is to allow for townhomes or duplex-style homes and the proposed zone change requires a site plan to be approved with the rezoning ordinance. Along with the site plan, the Applicant has also submitted a development plan and if this is approved, the plat, that will come in later, will have to mimic the approved site plan. Wes also added that residential units require to be on individual platted lots along with requiring a property owners association or HOA to be created to maintain all the common areas. The MD-4 Zoning allows for the developer to propose alternatives to the standards that are adopted in the zoning ordinance. Some of the changes and alternatives that the Applicant is proposing with the MD-4 include 2,200 square foot minimum lot sizes, 15 feet minimum rear yard setbacks, 54% maximum lot coverage and 1,400 square foot minimum floor areas. Wes added that the Applicant is proposing to have 69 off-street parking spaces, 23% landscaping and open space and the fencing will be maintained and replaced where needed with a proposed masonry wall along Bedford Road. A Tree Survey was provided that shows that there are 79 existing trees, seven (7) of which are unprotected and three (3) of which are identified as dead trees. In regards to the Public Infrastructure, the development includes a 24-foot access/fire lane/utility easement with two approaches off Bedford Road with the establishment of a five (5) foot sidewalk on the southern side of this site along Bedford Road. During the platting process, the developer will submit complete utility plans for service to the property and a detention pond is proposed in the southwest corner of the site. Wes continued that the subject property is identified as Schools & Churches/Semi-Public Land Use and the Applicant is coming in with 10.5 units per acre compared to the neighboring property to the north that is built 12 units per acre. As part of the notification process, a sign was posted

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on the property and eight (8) responses were received in response to this notification. Copies of these responses were provided to the each of the Commissioners. Wes concluded that he can answer any questions that the Commissioners may have.

Chairman Emery asked the Applicant to come up to speak.

Osama Nashed with A&A Consultants, 5000 Thompson Terrace, Colleyville, Texas, provided a brief summary of this project and indicated that what they are proposing here would be a better fit with the surrounding area. Mr. Nashed indicated that these townhomes are not intended to be rented and that these will be platted and sold as individual lots. He also added that they have done similar projects in the Dallas-Fort Worth area.

Chairman Emery brought up the concern regarding the trees on the property and had a brief discussion with Mr. Nashed in regards to see of the possibility of revising the plan to try to have a few more trees remain on the site. Chairman Emery then deferred to Commissioner Gallenstein that had some questions and a brief discussion with Mr. Nashed in regards to the proposed detention pond and landscaping specifically the proposed location of the detention pond and the plant types. Mr. Nashed added to this discussion that they are proposing to have double car garages since this question was brought up by Commissioner Gallenstein.

Commissioner Jacobsen had some questions regarding the proposed demographics, the number of bedrooms, and the proposed price points. Mr. Nashed indicated that the developer is proposing for approximately 1,600 square foot units with two-car garages and with three bedrooms. Commissioner Jacobsen added that he would like to see more green space with some of those front lots.

Chairman Emery invited Wes back up to the podium to see if he had anything to add to these discussions. Wes indicated that the zoning only requires the development plan or the concept plan so questions relating to elevations and floor plans will not be tied to that actual ordinance, therefore not enforced by the city. Wes added that during the building permit plans review process, Staff will look at elevations, landscaping, floor plans and other similar detailed plans.

There was some discussion between Commissioner Stellrecht and Wes regarding if the MD-4 Zoning requires for homestead properties instead of rental properties. Wes mentioned that the MD-4 Zoning requires for the individual units to be individually platted and will have to do some research if this can be added as an alternative through the zoning.

Commissioner Gallenstein asked Mr. Nashed if the Homeowners Association would be mandatory and Mr. Nashed that yes it would be mandatory and would be required to maintain the green spaces, common areas and the detention pond area.

Before the Public Hearing is opened, Chairman Emery provided a brief summary of this project and what was just discussed.

Chairman Emery opened the Public Hearing at 6:42 p.m.

Kent Hopkins with the Clubhouse for Special Needs, who own the property, came up to speak. Kent provided a brief history of the property and also addressed the concerns regarding trees on the site.

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Amber August is on the Board of Directors for Morrow Green at 53 Morrow Drive, came up to speak. Amber expressed concerns regarding trespassers, fencing and rodents and had some questions regarding the mandatory Homeowners Association, bylaws and HOA fees.

Dave Gebhart, owner of 625 Merrill Drive, came up to speak. Dave mentioned that this proposed use is a very good use of the land that will add value and tax revenue to Bedford. Dave has requested for the Commission to please approve this project.

Christina Russell, who lives at 5 Timbergreen Drive, came up to speak. Christina indicated that some of the trees that are close to some of the neighboring properties will need to come down due to the damages it causes during bad weather and also indicated that she does not agree that the zoning should change and should remain as single-family residential.

Jackie Baker, who lives at 98 Morrow Drive, came up to speak. Jackie expressed concerns regarding the detention pond and when it fills up with water. She asked who is going to be responsible for it if it gets stagnant with water with mosquitos breeding in it.

Rick Sutherland, who lives at 3 Timber Green Lane, came up to speak. Rick had some concerns regarding the double car garage, the parking and the traffic. He also added that with this higher density units will cause more traffic and more wear and tear on the roads.

Vernon Marlar, who lives at 15 Morrow Drive, came up to speak. Vernon had some concerns regarding utilities and if they will be able to handle more stress by adding more units to this site especially with the current problems that are occurring in this area.

Brandon Mattingly, who is on the Board of Directors for the Clubhouse for Special Needs, came up to speak. Brandon mentioned that they recognize the concerns being heard tonight and wanted to let the citizens in attendance tonight know how important this land is to the Clubhouse. He also added that it is their goal to make sure this land is sold to somebody who is going to develop a proud piece of the Bedford Community.

Amber August came back up to speak to mention if there is a possibility to get together with the Applicant to create a set of restrictions for the land.

Barbara Freeborn, who is the Director of the Clubhouse for Special Needs, came up to speak. Barbara wants to make sure that this property is something that everybody who lives in this area will feel good about it and that they care about Bedford. She also asked the Commission to please approve this project and they will continue to work with the City of Bedford to make sure that it follows the guidelines.

Tom Green, who lives at 9 Green Tree Lane, came up to speak. Tom indicated how this project will enhance the value of his property and how it is going to improve his quality of life. He also expressed concerns that this project will not provide enough green space and that will also affect his privacy on his property.

Robbyne Tommasi, who lives at 29 Rockwood Circle, came up to speak. Robbyne expressed concerns regarding privacy and asked the Commission to see if they can consider having the proposed townhomes be single-story townhomes instead of the two-story townhomes.

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Rosemary Molinaro, who lives at 1 Greentree Lane, came up to speak. She just had a question of what a detention pond is and Chairman Emery responded and explained.

Christina Russell came back up to express concerns regarding the proposed detention pond and was worried about water coming into their properties from the detention pond.

Kent Hopkins came back up to respond to the detention pond questions and provided an existing example of one located off of Industrial Boulevard and Ash Lane.

Tom Green came back up to add more concerns regarding the capacity of the surge and sewage including the costs involved for the City of Bedford. Chairman Emery added that things are addressed after the approval of the zoning.

Chairman Emery closed the Public Hearing at 7:23 p.m.

Chairman Emery asked the Commissioners if they have anything to address and discuss regarding this item.

Commissioner Gallenstein addressed some of Amber August's questions and concerns regarding the HOA. Commissioner Gallenstein also addressed the questions and concerns regarding the proposed detention pond and he also proposed to perhaps consider to table this item so that the Applicants can meet with the Morrow Green HOA to discuss any concerns.

Wes addressed some of the questions regarding the costs for infrastructure and who is responsible for what and emphasized that in regards to this project, a private developer came in, provided his plans, Staff reviewed it and brought this case forward to be presented to the Commission tonight. Staff review includes reviewing the existing infrastructure and work with the Applicant's engineer to work on the preliminary utility plans.

Chairman Emery provided a brief summary of what was discussed, what was presented and what they will be voting on tonight.

Wes offered some guidance, based on what Commissioner Gallenstein has mentioned, that the Commission can table this item to allow the Applicant to work with the adjoining neighborhood if the Commission desires to table it.

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

Motion: Commissioner Gallenstein made a motion to table Zoning Case No. PUD-23-3 and continue the public hearing until the next Planning and Zoning Commission scheduled meeting on September 14th:

Motion was amended by Chairman Emery.

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

Motion approved 5-2-0. The vote was as follows:

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

Nays: Commissioners Henderson and Otto

Abstention: 0

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

Ayes: 7, Nays: 0, Abstention: 0

The Planning and Zoning Commission meeting adjourned at 7:42 p.m.

**Chairman Emery
Planning and Zoning Commission**

ATTEST:

**Wes Morrison
Community Development Manager**