

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF OCTOBER 14, 2010**

APPROVED

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The Planning and Zoning Commission of the City of Bedford, Texas, met in work session at 6:00 p.m. and regular session at 7:00 p.m. in the Council Chamber of City Hall, 2000 Forest Ridge Drive on the 14TH day of October 2010, with the following members present:

John Lambert	Chairman
Jim Davisson	Vice Chairman
Bill Reese	Members
Karen Kavanagh	
Todd Carlson	
Ken East	
Roger Smeltzer (Alternate)	

Constituting a quorum.

Commissioners, Stroope and Sanders were absent from tonight's meeting.

Staff present included:

Bill Syblon	Development Director
Dan Boutwell	Planning Consultant
Yolanda Diaz	Planning and Zoning Secretary

(The following items were considered in accordance with the official agenda posted by October 8, 2010).

WORK SESSION

Chairman Lambert called the work session to order at 6:00 p.m.

Chairperson Lambert asked the Commission if anyone had an interest or owned property within 200' of any of the items on the agenda.

The Commission and staff reviewed and discussed items on the regular agenda.

Meeting Minutes: The September 23, 2010 regular meeting minutes were reviewed and were correct as written.

Bill Syblon gave an economic development update on current and proposed commercial development in the City of Bedford.

The Planning and Zoning Commission reconvened in the Council Chamber at 7:00 p.m.

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF OCTOBER 14, 2010**

APPROVED

REGULAR SESSION

CALL TO ORDER

Chairman Lambert called the meeting to order at 7:00 p.m.

INVOCATION

Commissioner Reese gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

APPROVAL OF MINUTES

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

a) September 23, 2010 Regular Meeting

Motion: Vice Chairman Davisson made a motion to approve the meeting minutes of September 23, 2010 correct as written.

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

Ayes: Commissioners Reese, East, Carlson, Smeltzer, Vice Chairman Davisson, Chairman Lambert

Nays: None

Abstention: Commissioner Kavanagh

Chairman Lambert declared the motion approved.

PUBLIC HEARING

2. Zoning Case Z-206, public hearing and consider request of Jeremiah Johnson, Sr. to rezone property known as Tract 3A, Block 15, Stonegate Addition, Bedford, Texas from Light Commercial/ Specific Use Permit/Banquet and Meeting Facilities to Light Commercial/Specific Use Permit/ Banquet and Meeting Facilities/Church/Children's Daycare Center. The property is generally located south of State Highway 183 and east of Brown Trail. (Tabled from the meetings of September 9, 2010 and September 23, 2010.)

Chairman Lambert recognized Consultant City Planner Dan Boutwell who reviewed Zoning Case Z-206. Mr. Boutwell stated the applicant proposed to add multiple uses to an existing specific use permit, SUP. The facility currently has a SUP for banquet and meeting facilities.

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF OCTOBER 14, 2010**

APPROVED

The applicant proposes additional uses; of these uses a daycare and church uses require a SUP. The applicant proposes to use the facilities "as is" with no remodeling proposed on the inside or exterior of the structure. The uses will function during separate periods of time and not concurrently with any other use.

The front yard of this facility will be impacted by acquisition of property due to the TxDOT's acquiring property through the right of eminent domain. As a result, the remaining property will become a legal non-conforming land use.

The landscaping quantities comply with the requirements of the City for live landscaping. While, the source of a hose bib and soaker hose is not the most preferred method of providing water to plant materials, it does satisfy the requirements of the ordinance.

The applicant indicated outdoor lighting in the parking lot area. The plan does not provide the height of the poles or the type of lighting. Because these are adjacent to residential property lines, we strongly recommend the lights be low profile lights that are ground oriented and do not extend above the fence. All lighting in the parking lot shall be directed away from residential properties and shall be fully shielded and low intensity.

The site plan/floor plan does not provide information regarding the proposed Day Care facility. Any area to be used as outdoor play area should be indicated on the site plan, including any security fencing for the play area.

In accordance with Sec. 3.2.C.(3).d of the Zoning Ordinance, a copy of the required state licensing and certification must be provided to the City Building Inspection Department prior to a certificate of occupancy being issued.

Chairman Lambert recognized Jeremiah Johnson, Sr., 8008 Oak Knoll Drive, North Richland Hills, Texas who was there to represent this application.

Chairman Lambert opened the public hearing from September 23, 2010 and there being no one to speak, closed the public hearing.

The Commission discussed the application and stated the following concerns:

- Concerned with the public's health, safety and welfare. This was an odd use combination to have the hair salon in the same building with children's day care center.

Commission was not comfortable recommending approval of this application to City Council without first seeing the floor plan for "Children's Day Care Center" use. As a result, the Commission would consider approving the "Church" use but not the "Children's Daycare Center" use.

- The landscaping plan be met and the applicant understand the City's landscaping expectations.

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF OCTOBER 14, 2010**

APPROVED

- The lighting in the parking be directed away from residential properties. The lights be low profile, ground oriented and do not extend above the fence.

Motion: Commissioner East made a motion to accept Mr. Johnson's request to withdraw the "Childrens' Daycare" use from this application.

Commissioner Reese seconded the motion.

Ayes: Commissioners Kavanagh, Reese, East, Smeltzer, Vice Chairman Davisson
Chairman Lambert

Nays: Commissioner Carlson

Abstention: None

Chairman Lambert declared the motion approved.

Staff was asked to waive the application fee for re-filing when the applicant filed a re-zoning application for "Childrens' Daycare".

Motion: Vice Chairman Davisson made a motion to approve Zoning Case Z-206 in the amended form with the stipulation: The Landscaping requirement be met, the lighting not be taller than the fence, and the application fee be waived when applicant re-files a re-zoning application for "Childrens' Daycare".

Commissioner Reese seconded the motion.

Motion approved 7-0-0. Chairman Lambert declared the motion carried.

3. Public hearing and consider an ordinance amending the City of Bedford Zoning Ordinance, Section 1.2 Definitions, add a new and unlisted use for Micro-Winery Brew Pub to the City of Bedford Zoning Ordinance, Chapter 3, Section 3.1 Schedule of Permitted Uses, A-025.

Chairman Lambert recognized Consultant City Planner Dan Boutwell who reviewed Zoning Ordinance Amendment A-025. Mr. Boutwell stated the City received a request to consider a new use and unlisted where the primary purpose of the facility would include a micro-winery and provide food sales, primarily cheeses and include sales of other products associated with the wine industry.

Staff recommended the following amendment to the zoning ordinance:

Since a Brew Pub is treated similarly by state law, we have included that use with micro-winery.

1. Add a new use for Micro-Winery/Brew Pub to the permitted use table and indicate the location of permitted use as follows:

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF OCTOBER 14, 2010**

APPROVED

Section 3.1 Schedule of Permitted Uses, M. Retail Sales/Trade (Food and Beverage Establishments) shall be amended to add a new use for Micro-Winery/Brew Pub and indicate it as being permitted in all commercial zoning districts.

USE	Zoning Classifications										
	R-15000	R-9000	R-7500	R-6500	MD 1-4	MF	M	S	L	H	I
<i>M. Retail Sales/Trade (Food and Beverage Establishments)</i>											
Micro-Winery/Brew Pub											

2. A definition for Micro-Winery will be provided as item “m” in *Section 3.2, Explanation of Uses and Specific Use Permit Requirements, 3.2.C Permitted Uses, (6) Retail Sales/Trade (Food and Beverage Establishments)*, as follows:
- p. MICRO-WINERY/BREW PUB – A wine or beer producer who sources its raw materials from outside suppliers. The micro-winery or brew pub has facilities for wine, beer, or ale sales and consumption, as permitted by the Texas Alcoholic Beverage Code (TABC), and may include areas for retail sales as well as food sales for marketable items associated with the wine/beer industry. It may also include wine, beer, or ale tasting events as permitted by TABC regulations. In addition, outdoor seating is permitted as an integral part of the micro-winery/brew pub. Such outdoor seating shall not constitute more than 25% of all required seating without receiving a Specific Use Permit for outdoor seating.
- Minimum Specific Use Permit Conditions** (In addition to a Site Plan and a Public Hearing):
- None required unless the outdoor seating exceeds 25% of the total seating.

Chairman Lambert opened the public hearing, and recognized Glenn Stokes, 1712 Ash berry Court, Bedford Texas, who spoke in favor of this zoning ordinance amendment.

Chairman Lambert closed the public hearing.

The Commission discussed the zoning ordinance amendment and agreed to have the changes made that were noted at the work session.

Motion: Commissioner Carlson made a motion to approve Zoning Ordinance Amendment A-025 as amended in the work session removing noted language.

Vice Chairman Davisson seconded the motion.

Motion approved 7-0-0. Chairman Lambert declared the motion carried.

Commissioner Kavanagh asked Chairman Lambert to be excused and left the meeting at 8:19 p.m.

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF OCTOBER 14, 2010**

APPROVED

4. Public hearing and consider and act upon an ordinance amending the City of Bedford Zoning Ordinance, Section 1.2 Definitions, add a new and unlisted use for Private Dog Park to the City of Bedford Zoning Ordinance, Chapter 3, Section 3.1 Schedule of Permitted Uses, A-026.

Chairman Lambert recognized Consultant City Planner Dan Boutwell who reviewed Zoning Ordinance Amendment A-026. Mr. Boutwell stated inquiries of citizens compelled the City Council to consider the status of private dog parks within the corporate limits of Bedford. Staff researched information related to private dog parks and how they are regulated and concluded the following:

1. Dog parks are rarely included in the zoning ordinances of Cites for regulation. Our research determined that many cities regulate dog parks as public facilities. Most of the regulations appear to be located within the Animal Control regulations or the Parks and Recreation regulations.
2. We found numerous private dog park facilities. However, the majority of these facilities did not operate solely or primarily as a dog park. Most of them had a number of pet oriented services for which they provided. These services ranged from boarding, to obedience training, to doggie day care, and including dog parks.
3. The rules and regulations under which dog parks operate are uniform and provide a good source for regulations to be included into any city ordinance regulation which may be developed regarding the nature and operation of dog parks.
4. Since our research determined that there are numerous private dog parks located within cities across the nation, it is apparent that they must be addressed in some manner by local zoning ordinances. And since our research also did not find any municipal zoning regulation crafted specifically for dog parks, we conclude that other cities are loosely including dog parks within the definition of other uses. These may include kennels, personal services, veterinary services, or similar types of listings. Another option is that cities may simply be permitting dog parks to exist as ancillary and secondary services to some related primary use.
5. Simply because we did not find dog parks in our zoning research does not mean we cannot establish it in Bedford. It is a new and unlisted use and our ordinances have a procedure to evaluate and establish new and unlisted uses. Along that end we have developed the following suggested amendment to our zoning ordinance.

As a request for a new and unlisted use, a definition for the use is needed, and the designation of where the use is permitted according to the use table.

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF OCTOBER 14, 2010**

APPROVED

Actions

3. Add a new use for Private Dog Parks to the table and indicate the location of permitted use as follows:

Section 3.1 Schedule of Permitted Uses, H. Entertainment & Amusement shall be amended to add a new use for Private Dog Park and indicate it as requiring a Specific Use Permit in the L Commercial, H Commercial, and the I Industrial districts.

USE	Zoning Classifications											
	R-15000	R-9000	R-7500	R-6500	MD 1-4	MF	M	S	L	H	I	
<i>H. Entertainment & Amusement</i>												
Private Dog Park										S	S	S

4. A definition for private dog park will be provided. Conditions for the use are listed following the definition. *Section 3.2 Explanation of Uses and Specific use Permit Requirements, item (13) Entertainment and Amusement* shall be amended to add a new use “p” as follows:

- p. PRIVATE DOG PARK – A facility consisting of a parcel of land, open to the elements, which is secured with appropriate fencing, for the purpose of permitting dogs to run off-leash in a social environment, receiving a fee for such access or use of the facility. Said dog park facility may also provide dog park facilities for patrons of an associated business in return for said patronage.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Permitted only as an ancillary use to a principle use.
- A minimum of one acre is required with a capacity of twenty-five (25) dogs per acre.
- Fencing shall be a minimum of six feet in height and may be vinyl coated chain-link.
- The fence shall have a lockable, self-closing gate.
- Separate enclosures shall be provided for small and large dogs (small dogs has 30 lbs limit and large dogs has greater than 30 lbs.)
- Dogs may be off leash within the designated fenced area; and all dogs must have a leash available and be supervised by an adult.
- Rules for use of the dog park must be prominently displayed near the entrance of the facility.
- All dogs using the dog park must be in compliance with all animal licensing and vaccinations as required by the City of Bedford.

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF OCTOBER 14, 2010**

APPROVED

Chairman Lambert opened the public hearing, and there being no one to speak, closed the public hearing.

The Commission discussed the zoning ordinance amendment and agreed to have the changes made that were noted at the work session.

Motion: Commissioner Carlson made a motion to approve Zoning Ordinance Amendment A-026 as amended in the work session, and adding Section 5.5 Screening Requirements.

Vice Chairman Davisson seconded the motion.

Motion approved 6-0-0. Chairman Lambert declared the motion carried.

ADJOURNMENT

Chairman Lambert adjourned the Work Session at 8:33 p.m.

John Lambert, Chairman
Planning and Zoning Commission

ATTEST:

Yolanda Alonso
Planning and Zoning Commission Secretary