

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF MAY 26, 2016**

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 6:45 p.m. and Regular Session at 7:00 p.m. in the Council Chamber of City Hall, 2000 Forest Ridge Drive, Bedford, Texas on the 26th day of May, 2016 with the following members present:

Chairman: Todd Carlson

Vice Chairman: Mickey Hall

Members: Ruth Culver
 Jason Sinisi
 Bill Reese
 Mitchell Austin
 Tom Stroope

Constituting a quorum.

Staff present included:

Emilio Sanchez Planning Manager
Kristtina Starnes Planning & Zoning Coordinator

(The following items were considered in accordance with the official agenda posted by May 20, 2016).

CALL TO ORDER

Chairman Carlson called the Work Session to order at 6:45 p.m.

WORK SESSION

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

Chairman Carlson adjourned the Work Session at 7:00 p.m.

REGULAR SESSION

The Planning and Zoning Commission convened in the Council Chamber at 7:02 p.m. and the Regular Session began.

CALL TO ORDER

Chairman Carlson called the meeting to order at 7:02 p.m.

INVOCATION

Commissioner Austin gave the invocation.

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PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

APPROVAL OF MINUTES

1. Consider approval of the following Planning and Zoning Commission meeting minutes: May 12, 2016 regular meeting

Motion: Vice Chairman Hall made a motion to approve the meeting minutes of the May 12, 2016 regular meeting.

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

Ayes: Commissioners Culver, Sinisi, Austin, Stroope, Chairman Carlson, Vice Chairman Hall

Nays: None

Abstention: Commissioner Reese

Motion approved 6-0-1. Chairman Carlson declared the May 12, 2016 meeting minutes approved.

PUBLIC HEARINGS

2. Public hearing and consider a request to rezone Lots 2,3 &4, Block 1 Highway 121 Business Park Addition & Lot 2, Block 1, Reliant Rehab Hospital Addition, located at 2308, 2332, 2336 & 2340 Airport FWY (State Highway 121), Bedford, Texas from (H) Heavy Commercial to (PUD) Planned Unit Development, specific to Section 4.15, Planned Unit Development, of the City of Bedford Zoning Ordinance, allowing for Heartis Bedford to operate an independent senior living, assisted living and memory care facility. The subject property is generally located north of Bedford Road and east of State Highway 121. (Z-296)

Emilio Sanchez, Planning Manager, reviewed zoning case Z-296.

Lana Medina, petitioner (development manager), 3021Fairmont Street, Dallas, TX 75201.

Facility will consist of 86 independent living apartments, 60 assisted living apartments, and 32 memory care apartments.

Independent living is for residents who do not necessarily need assistance but are looking to downsize and simply their lives. Assistance is on-site if needed. Meals are also provided/included as part of this program.

Expecting an occupancy rate of around 220 people. There are 171 units, half of which is independent living, and taking into account that there will be some couples moving into those units.

Parking lot to be increased from 140 to 152 parking spots. This will ensure there is adequate space for residents, staff and visitors. Did not initially plan for 152 spots due to tree preservation concerns. Increasing to 152 spots will increase parking without any tree removal while still complying with the parking lot ordinance.

Parking ratio will be 0.85:1, parking spaces per unit at 152 parking spots.

Updated site plan reflecting the additional parking spaces presented to commissioners during meeting.

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Chairman Carlson opened the public hearing at 7:27 p.m.

Chairman Carlson closed the public hearing at 7:27 p.m.

Additional 6 feet is requested for the height of the building due to higher room ceilings and to cover roof-top air-conditioning units. MHC restricts buildings to 35 feet, site plan proposes 41 feet.

Motion: Vice Chairman Hall made a motion to approve zoning case Z-296 with the stipulation that the parking be increased to 152 parking spaces, as per the site plan submitted during the meeting.

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

Ayes: Commissioners Culver, Sinisi, Reese, Austin, Stroope, Chairman Carlson, Vice Chairman Hall

Nays: None

Abstention: None

Motion approved 7-0-0. Chairman Carlson recommended approval of zoning case Z-296 with stipulation of parking increase to 152 parking spaces, as per the site plan submitted during the meeting.

3. Public hearing and consider a request to preliminarily plat Lot 1, Block 1, Heartis Mid-Cities Addition, located at 2308, 2332, 2336 & 2340 Airport FWY (State Highway 121), Bedford, Texas. The property is generally located north of Bedford Road and east of State Highway 121. (P-031)

Emilio Sanchez, Planning Manager, reviewed preliminary plat case P-031.

Chairman Carlson opened the public hearing at 7:33 p.m.

Chairman Carlson closed the public hearing at 7:33 p.m.

Motion: Vice Chairman Hall made a motion to approve preliminary plat case P-031 as submitted.

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

Ayes: Commissioners Culver, Sinisi, Reese, Austin, Stroope, Chairman Carlson, Vice Chairman Hall

Nays: None

Abstention: None

Motion approved 7-0-0. Chairman Carlson recommended approval of zoning case P-031

4. Public hearing and consider a request to final plat Lot 1, Block 1, Heartis Mid-Cities Addition, located at 2308, 2332, 2336 & 2340 Airport FWY (State Highway 121), Bedford, Texas. The property is generally located north of Bedford Road and east of State Highway 121. (F-049).

Emilio Sanchez, Planning Manager, reviewed final plat case F-049.

Chairman Carlson opened the public hearing at 7:35 p.m.

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Chairman Carlson closed the public hearing at 7:35 p.m.

Motion: Commissioner Austin made a motion to approve zoning case F-049 as submitted.

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

Ayes: Commissioners Culver, Sinisi, Reese, Austin, Stroope, Chairman Carlson, Vice
Chairman Hall

Nays: None

Abstention: None

Motion approved 7-0-0. Chairman Carlson recommended approval of zoning case F-049.

5. Public hearing and consider a request to replat Lot 52, J.R. Murphy Addition, located at 2713 Murphy Drive, Bedford, Texas and being replatted into Lots 1-5, Block A, Serene Addition. The property is generally located north of Sanders Court and south of Harwood Road and west of Murphy Drive. (R-075)

Emilio Sanchez, Planning Manager, reviewed replat case R-075.

Lot 1X designated for parking.

Land originally planned to be a part of Sanders Court; however, the ownership has changed and is now under a new developer.

Lot 1X plans for four (4) parking spots, parallel parking.

Public Works has worked with the developer regarding drainage and storm water configurations.

This particular plat is compliant with all subdivision regulations.

Mike Altunek, petitioner, 2707 Comanche Trail, Mansfield, TX. Mr. Altunek is the engineer representing the owner, and also a licensed real estate agent.

Mr. Altunek addresses the water drainage and parking concerns.

Staff recommends to table this replat if the commission rejects the parking designation for Lot 1X. The elimination of parking for Lot 1X will require the establishment of an HOA (Homeowners' Association).

Chairman Carlson opened the public hearing at 8:01 p.m.

Julian Ghizdarano, 2509 Sanders Court, Bedford, TX. Opposes Serene Addition for several reasons. Mr. Ghizdarano feels that the development will devalue the properties to the south, which are the homes in Sanders Court. He is concerned about the safety issues if a street is built along the backyards of the homes in Sanders Court. Several homes have bedrooms in the back of the homes, which are subject to rogue cars running into them. Building a street along the back of their houses poses an increased risk of thefts, robberies, and kidnappings. He is concerned about a possible increase number of sex offenders. He is concerned about current and future drainage issues and that the residents of Sanders Court will experience a 20% increase in their drainage issues. He is also concerned about the type, size and value of the homes to be built. He does not believe that cramming five (5) homes into a lot half the size of Sanders Court will be feasible. He wants a brick wall to be built in between the neighborhoods to increase security and privacy.

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Sheri Bresette, 2501 Sanders Court, Bedford, TX. Resident and Bedford Public Works employee. Ms. Bresette is mostly concerned about the existing drainage issues in her neighborhood (Sanders Court) and the additional drainage issues Serene Addition would cause. She is also concerned about the proposed parking area and how the drainage will possibly flood that parking area and impede her neighbors' yards as well. She feels that there is an increase risk of accident and requests a barrier between the street and the backyards of the homes on Sanders Court. She is concerned that the frame of the fence is on the Serene Addition side, making it more susceptible for someone to climb over and into someone's backyard. She is concerned about the tree removal.

Murray Hoult, 2517 Sanders Court, Bedford, TX. Mr. Hoult points out the tree line along the property line and asks what kind or type of fence the developer plans to install because it is a safety issue. He points out that there are homes with master bedrooms ten (10) feet from the proposed street of Serene Addition. He questions how the trees will be removed without damaging the existing fencing and his swimming pool.

John Stefanides, 2740 Meadow Green, Bedford, TX. Mr. Stefanides has lived in this location since 1979. He asks if the dry pond that was meant to collect all water drainage in Sanders Court will be extended to the Serene Addition. He wants the engineer to address all of the drainage problems.

Petitioner addresses the aforementioned concerns: The drainage issue did not start with Serene Court, the issue is much older than that. Mr. Alturk is trying to alleviate some of the issues that the residents of Sanders Court currently have, however he cannot fix their issues all together. He points out that the drainage is all coming from the north and flows south, and he cannot take in all of that drainage and push the water out onto the street. Each person who develops is responsible for his own portion of his development. The owner is willing to provide the labor of having a new fence put up directly on the property line of Sanders Court if they are willing to cover all costs of material. The owner wants to be a good neighbor but cannot be held responsible for issues not on his property. Homes to be built will be similar in size and price, they will not devalue the homes and neighborhood of Sanders Court. In regards to the safety concerns, Mr. Alturk states that he does not see the likelihood that a car will jump the curb and make it all the way into somebody else's backyard. He can put in some bollards to further prevent a car from driving into somebody's backyard. The drainage plan ensures that water will not collect at the parking spaces.

Emilio Sanchez informs the board that the plat is completely different from the engineering plans for the grading approval set. Updating grading set has been reviewed by the proper authorities and approved.

Chairman Carlson reiterates that fencing, fence location, etc. is not within the purview of a plat approval.

There is no requirement for fencing or type of fencing between residential lots. If a residential lot borders a commercial lot, the commercial lot is required to put up a masonry fence. Emilio suggests to the board that they may consider flip-flopping the design, so that the houses on Serene Court will back up to the backyards of the bordering homes on Sanders Court.

Mr. Alturk addresses questions from the board about reversing the design. He looked into that option, but based on his 30+ years of experience, there will be opposition no matter how it is designed. If it's not the street backing up to the backyards, then residents do not want houses back-to-back because they don't want people looking over their fence into their yard. Going back to the design board is not fair to the property owner.

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Jay Johnson, 2505 Sanders Court, Bedford, TX. Mr. Johnson addresses the issue of the elevation being raised 18 inches, which will make his six (6) foot fence a four and a half (4 ½) foot fence. He didn't buy his house to have a four foot fence. He said that if the owner really cared, he would make the fence look nice along that elevation and it should be made of brick. He said that all of the neighboring cities around Bedford have nice brick walls and make their neighborhoods look nice to attract people. His second issue is regarding the circle, and when cars drive around the circle at night their headlights will shine into the windows of the homes in Sanders Court. He emphasizes that he doesn't think the owner and engineer cares about their neighborhood.

Michael Bresette, 2501 Sanders Court, Bedford, TX. Concerned with the raised elevation of Serene Addition, whatever water doesn't drain to where it is suppose to will drain down and flood his and his neighbors' yards. He understands that Serene Addition is not causing their drainage issues, but he fears that it will create an even bigger issue in Sanders Court, including overflowing their detention pond. He is also concerned about the width of the street, pointing out that with the 10 foot sidewalk, the street will only be 15 feet wide. That is not enough room for emergency vehicles, trash/recycle pick-up, more than one car to pass at a time. He is concerned about safety issues regarding cars jumping curbs and driving into people's backyards and/or houses.

J. Isa, owner of the lot for Serene Addition. Mr. Isa originally purchased this lot to build his dream home. He is a long-time Bedford resident, raised his five (5) kids in Bedford, and intention for developing this property is of good nature. He explained that he isn't building homes simply for profit. The houses that are going to be built will be more expensive than what the houses in Sanders Court sold for.

Mr. Alturk recaps the drainage issue and states that he has done everything he can and has gone beyond that. He is a professional and has vast amount of experience working on both the private and public side of development. This development will reduce the existing drainage problems in Sanders Court by establishing a separate drainage system for Serene Addition. This will alleviate the current water draining into Sanders Court.

Julian Ghizdarano states that he is concerned about lot sizes and property values. He is informed that the lots meet the minimum requirements. Mr. Ghizdarano states that the drainage issue will not be solved 100% and that Sanders Court will still get 20% of the problem from Serene Addition. He addresses the noise issues associated with the street being located behind the houses and it will be disruptive at night, especially trucks with loud exhausts. A wooden fence will not suffice.

Richard Soto, 2604 Ellison Court, Bedford, TX. He and his wife would like to see new residential development along Murphy Dr.

Murray Hoult presents a question for the developer. He asks if those trees along the fence are removed and they damage his pool, who will take care of it. Chairman Carlson informed him that he will need to take that up with the developer directly and does not pertain to a replat hearing.

Emilio summarizes the Tree Preservation Ordinance, stating that any trees that are removed by a developer is required to replace, in equal amounts, with a desirable tree as listed in the ordinance. However, if they are removing undesirable trees they are not penalized for it.

Dean Yanagi, senior staff engineer with the Bedford Public Works Department. He explains the engineering perspective of the drainage problems and what they have done to address them. In order to reduce the amount of water going into the detention pond, they had to raise the elevation of the property to ensure that the water flows down to Murphy Dr. A retaining wall will

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keep the water from flowing down, instead pushing it from west to east. The option to Sanders Court was presented to place the fences on top of the retaining wall so they would keep their six (6) foot fences, however the residents did not want to maintain the retaining wall. Therefore, the retaining wall is on the Serene Addition side of the property.

Chairman Carlson closed the public hearing at 8:51 p.m.

Motion: Vice Chairman Hall made a motion to approve replat case R-075 as submitted.

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

Ayes: Commissioners Reese, Stroope, Chairman Carlson, Vice Chairman Hall

Nays: Commissioners Culver, Sinisi, Austin

Abstention: None

Motion approved 4-3-0. Chairman Carlson recommended approval of replat case R-075.

ADJOURNMENT

Motion: Commissioner Sinisi made a motion to adjourn, Commissioner Reese seconded the motion, and the vote was as follows:

Ayes: Commissioners Culver, Sinisi, Reese, Austin, Stroope, Chairman Carlson, Vice Chairman Hall

Nays: None

Abstention: None

Motion approved 6-0. Chairman Carlson adjourned the Planning and Zoning Commission meeting at 9:05 p.m.

**Todd Carlson, Chairman
Planning and Zoning Commission**

ATTEST:

**Kristtina Starnes, Coordinator
Planning and Zoning Liaison**