

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF JUNE 8, 2017**

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 8th day of June, 2017 with the following members present:

Chairman:

Vice Chairperson: Mickey Hall

Members: Ruth Culver
 Jason Sinisi
 Austin Mitchell
 Tom Stroope – present for work session only
 Lisa McMillan

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 June 2, 2017).

CALL TO ORDER

Vice Chairperson Hall 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.

Vice Chairperson Hall adjourned the Work Session at 7:00 p.m.

REGULAR SESSION

The Planning and Zoning Commission convened in the Council Chamber at 7:00 p.m. and the Regular Session began.

CALL TO ORDER

Vice Chairperson Hall called the meeting to order at 7:02 p.m.

INVOCATION

Commissioner Sinisi gave the invocation.

PLEDGE OF ALLEGIANCE

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The Pledge of Allegiance was given.

APPROVAL OF MINUTES

1. Consider approval of the following Planning and Zoning Commission meeting minutes: May 25, 2017 regular meeting

Motion: Commissioner McMillan made a motion to approve the meeting minutes of the May 25, 2017 regular meeting as amended.

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

Ayes: Commissioners Culver, Sinisi, Austin, McMillan, and Vice Chairperson Hall
Nays: None
Abstention: None

Motion approved 5-0-0. Vice Chairperson Hall declared the May 25, 2017 meeting minutes approved.

PUBLIC HEARINGS

2. Zoning Case PZ-ZC-2017-50044. public hearing and consider a request to rezone Lot 35, Block 1, J R Murphy Addition, located at 2513 Bedford Road, Bedford, Texas from Residential 15,000 (R15) to Service Commercial (S), specific to Section 4.11, of the City of Bedford Zoning Ordinance, allowing for Sheree Taylor to rezone the existing residential property to commercial. The property is generally located north of Bedford Road and west of Murphy Drive. (PZ-ZC-2017-50044).

Emilio Sanchez, Planning Manager, reviewed zoning case PZ-ZC-2017-50044.

The resident is requesting to change the zoning from R-15,000 to "S" Service Commercial. The applicant sent an email at 5:30 p.m. on the day of the meeting asking for a continuance.

The Development Review Committee met and had no specific comments for this site.

The applicant has no end-user for this property. The property is part of an estate, and they feel that they can get a better price if the property is zoned commercial.

The comprehensive land use plan states that this property is commercial.

There are quite a few uses within a service commercial zoning district, which has more restrictions than heavy commercial or industrial zoning.

Staff has had numerous phone calls and emails in opposition to this request. The applicant asked to be rescheduled to the June 22nd meeting.

Vice Chairperson Hall opened the public hearing at 7:08 p.m.

Martha Reeves, 2401 Murphy Drive, Bedford, Texas.

Ms. Reeves said that if the property is zoned commercial, it will increase the traffic and disrupt the quiet neighborhood. She is concerned of what type of business will go there if it zoned commercial. Her property borders the property requesting the zoning change.

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Ms. Reeves stated that the owner's kids wanted to do this a long time ago while he was still alive, but they couldn't because he was in a nursing home. Now that he is deceased, they want to try again.

Ms. Reeves expressed discontentment for the applicant not present at this meeting to answer questions, and it will be inconvenient for her to have to come back to a future hearing.

Commissioner Sinisi asked for clarification of whether or not there was a business already interested in the property, or is it just a zoning change request and at some point in the future a business will want that property.

Emilio Sanchez said that the applicant has no end-user and just said that they wanted to change the zoning to commercial. Staff recommended that they change to service commercial because of the nature of the surrounding area. Service commercial is the lightest commercial zoning with the most restrictions. There are several uses that are allowed, as well as several that are not allowed or require a specific use permit.

Commissioner McMillan asked what the comprehensive plan label is of this property.

Emilio Sanchez said this property and the property to the north are both labeled commercial, but they are currently zoned as residential R-15,000.

Commissioner McMillan asked what the designation is of the vacant lot across the street owned by the church.

Emilio Sanchez said it is designated as schools and churches/semi-public use.

Commissioner Culver asked what would happen if they denied the continuance.

Emilio Sanchez said if they deny the continuance, the commission would have to vote on whether they approve or deny the case. The applicant can re-apply in six months.

Commissioner Culver expressed discontentment for the applicant not present at this meeting.

Emilio Sanchez said that if the commission denies this case, the applicant can still go to council, but it would have to be overturned by a super-majority vote.

Commissioner McMillan asked if within the six-month period the owner sold the property, would the new owner have to wait until the six-month period has passed.

Emilio Sanchez said he would run it by legal staff, but it would probably depend on whether the new owner came back with a significant change. If the new owner wanted to change the zoning, they would be required to re-apply for the zoning change. A specific use permit application would depend on whether or not their use would require a specific use permit in a service commercial zoning district.

Dick Kenney, 2417 Folkstone Way, Bedford, Texas.

Mr. Kenney asked with the property being across the street from a church, pre-school, day care, etc., what is restricted from being built on this site.

Emilio Sanchez read Section 3.1 (Schedule of Uses) of the Bedford Development Code, listing all of the uses that are not allowed or requires a specific use permit in a service commercial zoning district.

Vice Chairperson Hall asked if alcohol sales are eliminated because of the location of the church.

Emilio Sanchez said that churches have a 300-foot protected use, but a business can ask for a variance from the protected use, per state law.

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Commissioner Sinisi asked if staff knew what the use of the property to the west of this property is.

Emilio Sanchez said it is a computer server sales business. It is the sales headquarters for the company; the server farm is located at another site.

Commissioner Sinisi asked if that company were to purchase this property and turn it into a parking lot, will it require a specific use permit.

Emilio Sanchez said parking lots are not allowed in service commercial; however, if they were to purchase the property and re-plat it into one property, the parking lot would be allowed as parking for the business. The owners of that property are still required to apply for a zoning change for the parking lot.

Commissioner Culver asked what types of parking are allowed.

Emilio Sanchez said the parking lot would need to be for the business.

Commissioner McMillan asked if a paid-parking lot would be allowed.

Emilio Sanchez said it would not be allowed except for in a heavy commercial zoning district.

Commissioner Sinisi asked staff what type of business they think will go there.

Emillio Sanchez said a garden office, not a large office complex. Possibly a doctor's office, attorney's office, executive suites, etc.

Jerry Jenkins, 2428 Aberdeen Drive, Bedford, Texas.

Mr. Jenkins said he would like to know what the end-use would be, something low key that would not decrease their property values. He also expressed discontentment for the applicant not present at this meeting.

Mr. Jenkins asked what an alcohol variance was and if the applicant was asking for one.

Commissioner Austin explained that in order for a business to have an alcohol permit, they can come in per state law and request a variance from the 300-foot requirement due to the church. If they were to come in and ask for a variance, it would go before the city council.

Vice Chairperson Hall apologized to the audience for the applicant not being present, but it is out of the commission's control. The commissioners are required to be there for a public hearing regardless.

Terri Lewis, 2413 Folkstone Way, Bedford, Texas.

Ms. Lewis expressed discontentment for the applicant not being present at this meeting.

Helene Kiser, 2437 Folkstone Way, Bedford, Texas.

Ms. Kiser said she would like to protect their little gem and if a business has to go there, she would prefer something quiet such as a lawyer's office.

Commissioner McMillan expressed her discontentment for the applicant not being present at this meeting, and was ready to make a motion on this case rather than granting the continuance.

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Vice Chairperson Hall closed the public hearing at 7:36 p.m., with the option of re-opening it at a later date.

Commissioner Sinisi said that an email was sent to the applicant at 3:17 p.m. yesterday reminding her of this meeting, and did not respond until Emilio made contact via phone call the night of this meeting.

Emilio Sanchez said he made the phone call asking if she received the email. She lives in the Houston area.

Commissioner Sinisi asked if staff sends an email to the applicants 24 – 48 hours prior to the meeting.

Emilio Sanchez said yes, and a letter is also sent out to the property owner. He was unsure where the mail is being forwarded to, if it's going straight to the home and somebody is picking it up. The owner received the same notification that the property owners within a 200-foot radius received. These notices are sent out 15 days prior to the hearing.

Commissioner Austin stated that if this is denied, the applicant can still market the property as residential, and if it sells the buyer can go through the zoning change process.

Commissioner McMillan said she doesn't doubt that at some point this property needs to be zoned commercial and turned in to an office or something like an optometrist or lawyer's office. Caution needs to be taken in how it's used and should not rezone this without knowing what it is going there. It is not the commission's place to change zoning so the applicant can get a higher profit on a piece of property.

Motion: Commissioner McMillan made a motion to deny zoning case PZ-ZC-2017-50044.

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

Ayes: Commissioners Culver, Sinisi, Austin, McMillan and Vice Chairperson Hall

Nays: None

Abstention: None

Motion approved 5-0-0. Vice Chairperson Hall recommended denial of zoning case PZ-ZC-2017-50044.

ADJOURNMENT

Motion: Commissioner McMillan made a motion to adjourn
Commissioner Culver seconded the motion and the vote was as follows:

Ayes: Commissioners Culver, Sinisi, Austin, McMillan, and Vice Chairperson Hall

Nays: None

Abstention: None

Motion approved 5-0. Vice Chairperson Hall adjourned the Planning and Zoning Commission meeting at 7:42 p.m.

**Mickey Hall, Vice Chairperson
Planning and Zoning Commission**

ATTEST:

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**Kristtina Starnes
Planning & Zoning Coordinator**