

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF JANUARY 14, 2021**

**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 6:30 p.m. via videoconference, Bedford, Texas on the 10<sup>th</sup> day of December, 2020 with the following members present:

Chairman:                           Todd Carlson

Vice Chairperson:               Michael Davis

Members:                         Bruce Emery  
  Keith Quigley  
  Hendrik Prufer  
  Bryan Henderson  
  Tracy Manire

Constituting a quorum.

Staff present included:

Andrea Roy	Development Director
Kristtina Starnes	Planning & Zoning Assistant
Jayashree Narayana	Planning Consultant

(The following items were considered in accordance with the official agenda posted by January 11, 2021)

**CALL TO ORDER**

Chairman Carlson called the Work Session to order at 6:02 p.m.

**WORK SESSION**

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

Chairman Carlson adjourned the Work Session at 6:26 p.m.

**REGULAR SESSION**

The Planning and Zoning Commission convened via videoconference at 6:30 p.m. and the Regular Session began.

**CALL TO ORDER**

Chairman Carlson called the meeting to order at 6:31 p.m.

**INVOCATION**

Chairman Carlson 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: December 10, 2020 regular meeting.**

Motion: Commissioner Quigley made a motion to approve the meeting minutes of the December 10, 2020 regular meeting, with correction noted.

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

Ayes: Commissioners Emery, Quigley, Prufer, Henderson, Vice Chairman Davis and Chairman Carlson  
Nays: None  
Abstention: Commissioner Manire

Motion approved 6-0-1. Chairman Carlson declared the December 10, 2020 meeting minutes approved.

**PUBLIC HEARINGS**

- 2. Zoning Case PZ-SUP-2020-50134, public hearing to consider a request to rezone Lot 5-R, Block 13, Oak Ridge Estates Addition, located at 2907 State Highway 121, Bedford, Texas, from Heavy Commercial (H) to Heavy Commercial / Specific Use Permit (H/SUP) / Package Liquor Stores, specific to 3.2.C(6)j of the City of Bedford Zoning Ordinance, allowing for the operation of a liquor store. The property is general located west of S. H. 121 and north of Harwood Road. (PZ-SUP-2020-50134)**

Jayashree Narayana, Planning Consultant, presented Zoning Case PZ-SUP-2020-50134 and PZ-SUP-2020-50135 (Item #3) together.

This case was approved at the December 10, 2020 P&Z meeting with the stipulation that the applicant returns with updated elevations prior to going to City Council.

The existing building on Lot 5-R is a former church, and next door to the south is Lot 4-R and is currently vacant. The applicant is proposing to use the existing two-story building with retail use of a liquor store on the first floor and offices on the second floor. They will add some parking to lot 4-R because Lot 5-R doesn't have enough space for parking for the liquor store.

The applicant is asking for a variance for the 30' landscape buffer. The Commission discussed a lot of issues related to the adjoining property and what the future use could be. Given those considerations, the applicant did provide a conceptual plan. However, this is just one way that the property could be developed. When the actual development does come forward, anything proposed on this lot will have to return before the Planning & Zoning Commission and City Council for approval. Land use, exact amount of parking, and building elevations will be decided at the time of development. At this time, the applicant is only looking to add the parking spaces that are shown on the site plan.

The last time the Commission reviewed this case, their concerns were mainly because of the elevations that the applicant provided. Those elevations provided at the last meeting didn't

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meet the intent of the highway overlay district, so the Commission requested additional changes to be made to the building façade to improve the look of the building and to make it look more retail friendly. The applicant has provided new elevations with vertical elements, addition of storefront windows, and signage.

There will need to be a shared parking agreement. That will be filed with the City prior to the issuance of the building permit. This will be done because these are two different lots and they could be sold to somebody else at some point in time. This ensures that at some point these lots will be combined into one.

Patrick Filson, petitioner, 5200 S.H. 121, Colleyville, Texas.

Mr. Filson is with Kirkman Engineering and the civil engineer on the project. He said that not a lot has changed from the meeting on December 10<sup>th</sup>, and not a lot has changed. He does have some additional information that will help guide the conversation from the last meeting. He presented elevations from the last meeting and the revised elevations that will bring the building up to look like a retail building opposed to what it currently looks like. They added windows to the storefront, and vertical elements on the end caps to give it more of a retail look.

During the modifications, they discovered that the parking is actually around 16,000 sqft instead of what they thought was a 20,000 sqft building. The need for parking has gone down, so the shared parking agreement has drastically reduced which frees up more space to allow for a future building on the southern lot. They show a 4,800 sqft building with a drive thru and potential associated parking that would be adjacent to it. The intent today is only to build the parking lot necessary to serve the existing retail building with the associated infrastructure and the drive that is connected to the existing drive from the south.

The potential 4,800 sqft building has the ability to be half retail and half restaurant with adequate parking provided. There is a lot of flexibility on this lot that is still left after they take the parking that is needed. They don't want to tie that proposed building down right now, but it is really just to give the comfort level that everyone is looking for show that they're not going to leave a lot that will not be developable in the future.

The drive isles that are on each side of the building have to be constructed to access the parking spaces and will need to serve the existing building. There was discussion about the ADA parking spaces. There are three spaces minimum required, and it will pass an ADA review. Everything will be up to code and state standards.

Chairman Carlson said the elevations look much better than what was presented at the last meeting, and look much more in line with the City's highway overlay district.

Chairman Carlson opened the public hearing at 6:47 p.m.

Chairman Carlson closed the public hearing at 6:47 p.m.

Motion: Commissioner Emery made a motion to approve zoning case PZ-SUP-2020-50134.

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

Ayes:	Commissioners Emery, Quigley, Prufer, Henderson, Manire, Vice Chairman Davis and Chairman Carlson
Nays:	None
Abstention:	None

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Motion approved 7-0-0. Chairman Carlson approved zoning case PZ-SUP-2020-50134.

- 3. Zoning Case PZ-SUP-2020-50135, public hearing to consider a request to rezone Lot 4-R, Block 13, Oak Ridge Estates Addition, located at 2905 State Highway 121, Bedford, Texas, from Heavy Commercial (H) to Heavy Commercial / Specific Use Permit (H/SUP) / Automobile Parking Lot and Area, and specific to 3.2.C(5)c of the City of Bedford Zoning Ordinance, allowing for the utilization of the property for the parking of motor vehicles. The property is general located west of S. H. 121 and north of Harwood Road. (PZ-SUP-2020-50135)**

Jayashree Narayana, Planning Consultant, presented Zoning Case PZ-SUP-2020-50134 (Item #2) and PZ-SUP-2020-50135 together.

This case was approved at the December 10, 2020 P&Z meeting with the stipulation that the applicant returns with updated elevations prior to going to City Council.

The only condition to add to this case is that the parking agreement will be required prior to the building permit being issued.

Commissioner Prufer asked if the landscape on Lot 4-R will be sprinkled even though the future building won't be built, and how will that be controlled.

Jay Narayana said that there isn't an actual building shown on the site plan for Lot 4-R, but they do have requirements for maintenance and irrigation of the landscaping. They will meet the City's standards for landscaping.

Commissioner Prufer asked if they will be able to get a meter for irrigation without having a building.

Jay Narayana said the City will allow that they have a meter on the lot. But that is not something that is looked at during the planning stage.

Commissioner Prufer said that he doesn't want to see trees that are on the site plan to die within six months down the road.

Mr. Filson said that they have two options. One is the simplest option is running irrigation lines off the existing meter that serves that building. The second is more probable, and that would be to install the sewer and water lines that will serve a future need prior to laying concrete so they don't have to tear it up in the future. The irrigation will be there either way.

Chairman Carlson opened the public hearing at 6:55 p.m.

Chairman Carlson closed the public hearing at 6:55 p.m.

Motion: Commissioner Emery made a motion to approve zoning case PZ-SUP-2020-50135, with the condition of a parking agreement prior to a building permit issues.

Vice Chairman Davis seconded the motion and the vote was as follows:

Ayes: Commissioners Emery, Quigley, Prufer, Henderson, Manire, Vice Chairman Davis and Chairman Carlson

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Nays: None  
Abstention: None

Motion approved 7-0-0. Chairman Carlson approved zoning case PZ-SUP-2020-50135.

- 4. Zoning Case PZ-SUP-2020-50146, public hearing and consider a request to rezone Lot 2, Stonegate Shopping Center Addition, located at 1307 Brown Trail, Bedford, Texas, from Heavy Commercial (H) to Heavy Commercial / Specific Use Permit / Outside Seating Establishment (H/SUP), specific to 3.2.C(6)m of the City of Bedford Zoning Ordinance, allowing for Turning Point Beer to operate a restaurant with outside seating. The property is generally located west of Brown Trail and north of Bedford Road (PZ-SUP-2020-50146)**

Jayashree Narayana, Planning Consultant, presented Zoning Case PZ-SUP-2020-50146.

The applicant is requesting the use of the sidewalk space in front of the storefront for outdoor seating. They are expanding to the vacant suite next door which use to be a gymnastics studio. They are currently doing interior renovations.

They are requesting some outdoor seating because of the Covid restrictions. They want to expand some capacity for outdoor seating, as well as add to the experience of a brew pub. The proposed outdoor seating will improve the look and feel along the front edge of the shopping center to show that there's outdoor activity.

They are adding six picnic tables in front of their storefront which has shade to provide some protection from the outdoor elements. There will be six feet clearance from the picnic tables to the edge of the sidewalk. They will add three more picnic tables on the other side of the entrance. They will add wheel stops along the parking spaces adjacent to the outdoor seating area. The appearance of the fence around the outside seating area will be improved. Staff has recommended that they add planters and flowers to improve the visual appeal of the business while maintaining that rustic appeal.

Commissioner Emery asked if the City has any guidelines or requirements for fencing on outdoor seating areas.

Jay Narayana said the City does not, but there are still rules and regulations by TABC.

James Peery, petitioner, 2125 Tamworth Court, Bedford, Texas.

Mr. Peery said they are looking to utilize the sidewalk that is in front of their business. It is something they have thought of, but the Covid restrictions have hindered the ability to house people inside. They have been doing in the meantime is filling out civic event applications every day in order to utilize that space. That is why they have the temporary fencing up, but it won't be permanent, just to comply with TABC requirements to have a fence and a sign that differentiates where people can and cannot drink their beer.

They are tenants of both spaces, and the leases include the sidewalks in front of each space. One is already covered facing east, which means that their patrons won't be in the sun during the summer times.

Commissioner Pruffer asked what is their first priority regarding the suggestions of the fencing.

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Mr. Peery said he hasn't talked with his other business owners about that, only just pitching ideas. He referenced some of the suggested fencing designs that were in the presentation. Wooden posts, a horizontal board with vertical boards in between.

Commissioner Prufer said he would like to see more greenery to spruce up the look in general, because the entire parking lot is asphalt and the green would break it up a bit.

Mr. Peery said that's something that they would definitely do is put planters out. They could use some planter bins on the fencing so it wouldn't eat up a lot of space and affect any ADA compliances. Although they have six feet between the fence and the edge of the sidewalk, they don't want to take up that space if they decide to use larger tables at some point.

Jay Narayana said they could use some of the beer barrels as planters too.

Mr. Peery said that is fairly common and likes the idea.

Commissioner Quigley said he likes the idea of the planters on the fence.

Vice Chairman Davis asked if the type of fence have to be decided in order to approve the plan.

Jay Narayana said no.

Chairman Carlson asked if there will be assurances that something will go in. He's not opposed to the permit, but something more than just the cones and ropes. TABC will not enforce that per se, other than to make sure the signs are posted.

Jay Narayana said that the Commission could pick one or two of the pictures presented and proposed that the applicant takes it to Council.

Chairman Carlson said they could put a stipulation in the motion of a conditional approval that something more than what is there now is going to be put in so the outside seating can be enjoyed.

Commissioner Prufer asked if they can stipulate that it has to be a permanent type of structure.

Chairman Carlson said yes, but they don't want to get into designing it for them. He just wants to ensure that something will go in that is more aesthetically pleasing.

Vice Chairman Davis said TABC requires a boundary, and the fencing may take care of itself.

Mr. Peery said he wants it to be aesthetically pleasing within their budget. They want to put thought into it and not have it look like it was something that was just thrown together.

Andrea Roy asked if the Commission could move forward with the recommendation of approval subject to more defined and enhanced perimeter of the outside area to include planters, perhaps define what the planters or the edging will be. That way the assurance will be there.

Jay Narayana said yes, the Commission can do that.

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Commissioner Emery asked if there's anything specific in the Zoning Ordinance that talks about the boundaries of an outside eating establishment.

Jay Narayana said that language is in the staff report. The first condition of any outside seating must not totally block any currently used walkway and shown to maintain a four foot wide pedestrian walkway. Outside seating located at the end of the walkway will not be considered to block the pedestrian walkway if it is located at the end of the lease spaces in a shopping center. The other conditions are listed in the staff report.

Commissioner Emery said they could make a condition of the applicant to provide the fencing, since there are not any specific requirements about the outside seating except for what TABC requires.

Andrea Roy said they can stipulate additional requirements as a condition of the specific use permit.

Jay Narayana said the recommendations could be made where the applicant is willing to consider those and actually implement them because it's really trying to create a win-win situation. It's more like a friendly requirement or request to add those elements.

Commissioner Pruffer asked if they could say that a certain percentage of the overall area that they're trying to encompass has to be somehow enhanced via live plants or green areas.

Jay Narayana said coming up with a percentage may be problematic because any number they come up with will be pulling it out of thin air. Then it will have to be maintained and managed and come up with specifics.

Chairman Carlson said that's not something they want to get into. But they have noted that they want something pleasing to look at. The applicant knows that they need to provide visuals to Council of what they are going to do.

Andrea Roy said that they can indicate that it will be enhanced and reference the photographs, even as samples of what they will do.

Jay Narayana said it would be like providing a guidance. Looking at the location, they can put planters between each picnic table, for example.

Andrea Roy said there are some unique and interesting things they can do within their budgetary constraints.

Mr. Peery said there are actually nine tables.

Commissioner Pruffer said that the applicant should have one or two concrete designs to present to Council. That way they don't have to go back or make a lot of modifications.

Mr. Peery said that he agrees and will do that.

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

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

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Motion: Commissioner Quigley made a motion to approve zoning case PZ-SUP-2020-50146 with the stipulation to include an enhanced perimeter and some greenery in their presentation to City Council.

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

Ayes: Commissioners Emery, Quigley, Prufer, Henderson, Manire, Vice  
Chairman Davis and Chairman Carlson  
Nays: None  
Abstention: None

Motion approved 7-0-0. Chairman Carlson approved zoning case PZ-SUP-2020-50146.

**ADJOURNMENT**

Motion: Commissioner Quigley made a motion to adjourn.

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

Ayes: Commissioners Emery, Quigley, Prufer, Henderson, Vice Chairman Davis  
and Chairman Carlson  
Nays: None  
Abstention: None

Motion approved 7-0-0. Chairman Carlson adjourned the Planning and Zoning Commission meeting at 7:33 p.m.

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

**ATTEST:**

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**Kristtina Starnes  
Planner**