

**EXCERPT FROM THE MINUTES OF THE SEPTEMBER 1, 2016
PLANNING AND ZONING COMMISSION MEETING.**

SDP 2016-04 PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM WILSON AND STONAKER, LLC, FOR A SPECIAL DEVELOPMENT PLAN FOR SMITHFIELD HEIGHTS ON 15.05 ACRES LOCATED IN THE 6600 & 6700 BLOCKS OF DAVIS BOULEVARD.

APPROVED

Planning Manager Clayton Comstock introduced the Special Development Plan (SDP) request.

Applicant representative, Michael Bennett, 500 W. 7th Street, Fort Worth, TX, presented the request.

Commissioner Kathy Luppy asked how many multifamily units were proposed in this development.

Mr. Bennett responded there would be approximately 400 units at build out. Commissioner Luppy and Mr. Bennett discussed the number of bedrooms proposed in these units, which is unknown at this point.

Planning Manager Comstock presented the staff report and discussed the waivers that the applicant is seeking. He clarified that the total number of units being proposed is between 450 and 490, depending on whether or not a parking garage is provided in the development.

Chairman Randall Shiflet opened the public hearing.

Vickie Coles, 5645 Jamaica Circle, came forward and expressed concern for the relationship between this proposed development and the cemetery to the west. The concerns included tree removal adjacent to the cemetery, the proximity of Building A to the cemetery, the potential connection to the cemetery shown on the southwest side of the development, and a lack of park space provided within the proposed development.

Two commissioners asked the city attorney if they should abstain from participating in this case since they have plots in the cemetery. City Attorney, Cara White, responded that the commissioners should be okay in this instance due to the value of the plots.

Jackie Hamen-Bean, owner of 8021, 8025 and 8029 Mickey Street, was called to speak. Ms. Hamen-Bean is against the request and is concerned about the lack of park space and the proposed parking structure in this plan. She encouraged the Commission to preserve Smithfield.

Larry Fortney, 8016 Mickey Street, came forward to speak. Mr. Fortney is concerned about the parking garage, the proposed density of the project and the condition of Mickey Street.

Mary Pat Fortney, 8016 Mickey Street, came forward to speak. Ms. Fortney is concerned about any connection to Mickey Street.

Chairman Shiflet closed the public hearing and called for a motion.

Commissioner Bill Schopper motioned to approve the request as proposed. Commissioner Mike Benton seconded the motion.

Chairman Shiflet called the applicant to come forward to respond to the questions about trees and the cemetery.

Mr. Bennett stated that they have made an attempt to save as many trees as possible along the western property line of the development. He further stated that they do not intend to connect to the cemetery from this development.

Planning Manager Comstock discussed the proposed future connections shown on the concept plan and the city-owned alley that is shown behind the existing buildings along Main Street.

Chairman Shiflet asked about fencing in between the cemetery and the proposed development.

Mr. Comstock answered that there is no fencing required but that a recommendation could be made by the Commission to include fencing and staff would work with the developer on the issue.

Commissioner Luppy stated her concern for the cemetery and the importance of preserving its historical value to the community.

Mr. Comstock stated that, although the zoning is already in place to allow the basic development, restrictions can be placed on the buffer between the cemetery and the development through the SDP they are seeking for certain waivers.

Chairman Shiflet suggested that a wrought iron fence might ensure the sanctity of the cemetery. He also suggested that the developer may want to meet with residents along Mickey Street. He requested clarification for the right of way width along Mickey Street.

City Engineer Caroline Waggoner stated that Mickey Street is a thirty foot right of way but some properties that have platted more recently have provided a wider right of way.

Chairman Shiflet requested that we assure the residents that Mickey would not connect until it was improved.

Mr. Comstock stated that it is the intent of the City to not connect Mickey until such time that it was improved. This could become enforceable as a condition of the SDP.

Commissioner Cooper asked Mr. Comstock about the waiver to the landscape standards that was being requested.

Mr. Comstock stated that the Transit Oriented Development (TOD) standards for landscaping are substantially higher than those in the city's other zoning districts and it creates an inequitable situation. Previous SDP applicants have requested to follow the landscape standards in Chapter 114 that apply to the city as a whole. City staff is planning an update to the TOD landscape standards.

Commissioner Cooper asked if a stipulation could be made in the SDP that trees be added along the boundary between the cemetery and this development.

Mr. Comstock answered yes.

Commissioner Benton asked if Commissioner Schopper would consider amending the motion so that the screening on the west side of the development adjacent to the cemetery can be improved.

Commissioner Schopper stated that instead of amending the motion he would like to determine what exactly can be done regarding screening instead of dictating something to the developer.

Chairman Shiflet stated that there is time for solutions to be worked out between the Planning and Zoning Commission and City Council meetings.

Commissioners Cooper and Luppy stated that they want to support this plan but cannot until there is a solution to the concerns brought forth by the speakers.

Commissioner Benton agreed and said he would like to see a concrete solution instead of passing it like it is on to City Council to provide solutions.

Commissioner Luppy said there are valid concerns that need to be addressed before this is approved.

Chairman Shiflet asked when this was scheduled for City Council.

Mr. Comstock answered that it has been advertised for the September 12th Council meeting.

Chairman Shiflet said that continuing this to a specific date could be an option.

Commissioner Benton asked if a decision could be made tonight about a fence.

Mr. Comstock replied that the Commission has made recommendations previously to City Council that were contingent on a developer meeting with adjacent property owners to find solutions to their concerns. The minutes can reflect suggested solutions by the Commission such as the wrought iron fencing that was discussed.

Commissioner Cooper stated that he also does not want to dictate solutions to the developer but would like consideration for the discussion that has taken place about fencing and trees, particularly in light of the landscaping waiver that is being requested.

Commissioner Benton added that he would like to see a fence and a landscape buffer that is respectful to the cemetery.

Commissioner Luppy stated that she does not feel suggesting that the City Council look into these issues is strong enough language, but that something should be included in the Commission's motion.

Mr. Bennett suggested that a low stone wall possibly with a wrought iron fence atop that could be located in the existing ten foot buffer that is already proposed. This would help to block head lights from shining into the cemetery. The negative aspect of that is the more footings that are put in for a wall the less likely the mature trees are to survive.

There was a discussion about a stone wall and the planting of new trees between the Commission and the applicant.

Commissioner Luppy stated that there is already a black wrought iron fence around the cemetery that might be continued in this area.

Commissioner Cooper asked Commissioner Schopper if he feels comfortable amending his motion.

Commissioner Schopper stated that he will amend his motion and to defer to the architect's creativity to find a solution to the screening but that a parking garage is already permitted.

Commissioner Cooper suggested a vote be taken, and if it's denied, another motion could be made that included the suggested solutions.

Commissioner Schopper amended the motion to include a half stone wall with matching wrought iron fencing above it adjacent to the cemetery, with replacement trees also adjacent to the cemetery, and no vehicular access to Mickey Street until such time that it is improved in the future.

Chairman Shiflet encouraged the applicant to meet with the residents on Mickey Street and Ms. Coles prior to City Council in order to mitigate any issues.

COMMISSIONER SCHOPPER MOVED TO APPROVE SDP 2016-04 WITH THE CONDITIONS THAT A HALF STONE WALL WITH MATCHING WROUGHT IRON FENCING ABOVE IT BE CONSTRUCTED ADJACENT TO THE CEMETERY, REPLACEMENT TREES BE ADDED ADJACENT TO THE CEMETERY PROPERTY LINE, AND NO VEHICULAR ACCESS BE ALLOWED TO MICKEY STREET UNTIL SUCH TIME THAT IT IS IMPROVED IN THE FUTURE. COMMISSIONER BENTON SECONDED THE MOTION.

MOTION TO APPROVE CARRIED 6-0.