

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

Chairman Randall Shiflet announced that Items C.3 and D.1 would be moved to the front of the agenda since the majority of the audience was attending specifically for those items.

**C.3 ZC 2016-09 PUBLIC HEARING AND CONSIDERATION OF A REQUEST FROM ZEON PROPERTIES, LLC FOR A ZONING CHANGE FROM C-2 COMMERCIAL, R-1 SINGLE FAMILY, AND AG AGRICULTURAL TO R-2 SINGLE FAMILY AND FROM AG AGRICULTURAL TO LR LOCAL RETAIL ON 11.223 ACRES LOCATED IN THE 7500 BLOCK OF DAVIS BOULEVARD.**

**APPROVED**

Chairman Randall Shiflet announced that Item C.3 would be heard in conjunction with Item D.1 since the items were related.

Planning Manager Clayton Comstock introduced the Zoning Change and Preliminary Plat requests.

Applicant Osama Nashed, 5000 Thompson Terrace, Colleyville, TX 76034, with A.N.A. Consultants came forward representing the developer to present the requests.

Chairman Shiflet asked if the Preliminary Plat displayed this evening is different from the one that was in the agenda packet.

Planning Manager Comstock responded that the exhibit is the same except that the existing plat and the contour lines are shown along with the new proposed plat on the version in the agenda packet, and the version tonight only shows the proposed plat. The previous version had created some confusion.

Mr. Comstock summarized the staff report and clarified the definition of the R -2 Single Family Residential District.

Chairman Shiflet opened the public hearing.

Brian Lindenberger, 8520 Smith Drive, NRH, came forward and presented a petition in opposition to the zoning and plat requests. Mr. Lindenberger gathered signatures of property owners in the notification area that are opposition. The petition was read aloud to the Commission. He stated that the neighborhood does not want increased traffic and they ask the Commission to disapprove the zoning change.

Steven Pybus, 8533 Smith Drive, NRH, came forward to speak in opposition to the

requests. Mr. Pybus used the document camera to show historic photos of Meadowview Estates from 1979, 1990 and 1995. He stated that the proposed property cannot be developed because of flood plain and drainage issues.

Jim Sherman, 8524 Smith Drive, NRH, came forward to express concerns about the zoning request. Mr. Sherman is opposed to the change and feels that the new street layout changes the original intent of the development. He discussed traffic issues in the neighborhood and the speed bumps that were installed.

Pete Daniels, 7500 Northfield Drive, NRH, was called to speak. Mr. Daniels is opposed to the zoning change request and discussed traffic issues and flooding concerns. He wants to maintain the quality of life in the neighborhood.

Jay Hearne, 7629 Northfield Drive, NRH, came forward to speak. Mr. Hearne encouraged the city to allow a cul-de-sac on the proposed new street and create a pedestrian connection between Smith Drive and the new street. He pointed out that the existing plat already shows the connection to Smith Drive and that property could be developed commercially if this request is denied.

Mr. Comstock clarified the existing development rights of the approved plat.

Mark Stikkel, 8521 Smith Drive, NRH, came forward to speak. Mr. Stikkel desires to live at the end of a dead end street and asked the Commission to consider the perspective of the neighborhood.

Michael Pratt, 8528 Ellis Drive, NRH, came forward to speak. Mr. Pratt is opposed to the request and agrees with the suggestion of a cul-de-sac on the proposed new street.

Terry Hudgeons, 8532 Smith Drive, NRH, came forward to speak. Mr. Hudgins is opposed to the connection on the basis of security concerns. He is not opposed to a gate being installed for emergency services access.

Richard Cleghorn, 8529 Smith Drive, NRH, came forward to speak. Mr. Cleghorn is opposed to the request based on traffic concerns. He asked the Commission to consider a cul-de-sac, a gate, or a bike path instead of a through street.

Tricia Brewster, 8525 Smith Drive, NRH, came forward to speak. Ms. Brewster proposes a cul-de-sac or a gate for emergency access. She is concerned about crime in regard to the proposed street connection.

Glenn Phillips, 8613 Terrell Drive, NRH, came forward to speak. Mr. Phillips has a question about the route the construction vehicles would use to enter the subdivision.

Dan Langham, 8425 Rumfield Rd, NRH, came forward to speak. Mr. Langham is concerned about what will be constructed between the south side of the development and his property to the south in terms of fencing.

Karen Clary, 7616 Northfield Dr, NRH, came forward to speak. Ms. Clary discussed the neighborhood crime watch group and quality of life issues. She is concerned about traffic and property values related to the proposed street connection.

Chairman Shiflet closed the public hearing.

Commissioner Don Bowen motioned to approve the zoning change with the stipulation that an emergency gate be installed at the connection to Smith Drive.

Chairman Shiflet asked for clarification as to whether conditions could be placed on the zoning approval.

City Attorney Cara White replied that no conditions may be placed on this straight zoning request.

**Commissioner Bowen made a second motion to approve the zoning change so discussion could commence.**

**Commissioner Steven Cooper seconded the motion, also for the purpose of having a discussion about the request.**

Commissioner Bill Schopper commented that this area is not commercially viable since the former Winn Dixie property was purchased by Gateway Church.

Chairman Shiflet asked Planning Manager Comstock to address the difference between the Zoning Change request and the Preliminary Plat request.

Planning Manager Comstock explained the development process and the purpose of the Preliminary and Final Plats.

Chairman Shiflet asked if the applicant was required to show the Preliminary Plat this evening.

Mr. Comstock confirmed that it is not a requirement.

Commissioner Cooper asked if Mr. Comstock could answer the questions that were raised by the speakers.

Mr. Comstock addressed the question of screening between properties.

Commissioner Mike Benton commented that it is unfortunate when we have situations like this and he could not vote to approve this in good conscience.

Commissioner Cooper asked if this property is in a designated flood plain.

Mr. Comstock explained that the lot contains FEMA-designated flood plain but the area to the south and north of that designated area is developable. The Preliminary Plat designates a 25 foot erosion setback.

Commissioner Jerry Tyner asked if the city has any plans for the creation of a right turn lane off of Rumfield Road onto Davis Boulevard.

City Engineer Caroline Waggoner came forward and explained that there are no current plans for a right turn lane at that location but that the City understands that traffic backs up there during the PM peak. A CIP project and right of way acquisition would be necessary to create a new turn lane and that is something the City can investigate further.

Commissioner Kathy Luppy commented that she had faced the same situation at the end of a dead end street and came to City Council but it did not work out in the residents favor. She wanted to assure those who attended the public hearing that the City has their well-being in mind and will continue to listen to concerns from residents.

Chairman Shiflet commented that a solution is needed for the Rumfield and Davis intersection, although the cost would be high. He stated that you cannot deny someone the right to develop their property and purchasing the property is the only way to ensure that it stays in its current state. The Commission will make a recommendation to the Mayor and Council and they will be the deciding body.

Commissioner Cooper stated that this is an up or down vote for the Commission.

Mr. Comstock explained that a change to a Residential Infill Planned Development district could be made at this meeting because that zoning district is a more stringent district than the R-2 District.

Chairman Shiflet asked how that would be done without a denial tonight.

Mr. Comstock explained why the request can be changed.

Commissioner Bowen asked if the Commission needs to vote on the current motion and second first before making any changes.

City Attorney Cara White stated that the Commission should proceed with voting on that issue since there is a motion and second on the floor.

Commissioner Mike Benton asked if the original motion could be amended.

City Attorney Cara White indicated affirmatively.

Commissioner Bowen suggested they call for the question and if the original motion fails, another motion could be considered.

Chairman Shiflet called for the question and requested a vote on the motion to approve ZC 2016-09.

**The motion failed by a vote of one in favor (Shiflet) and five opposed.**

**Commissioner Bowen motioned that the zoning request be approved as a Residential Infill Planned Development with an emergency-only gate at the Smith Drive connection. Commissioner Benton seconded the motion.**

The applicant, Mr. Nashed, came forward and expressed his desire to be good neighbors and they would be happy to install a gate.

Commissioner Bill Schopper stated that a gate would only allow the 18 homeowners of the proposed subdivision access from Davis Boulevard.

Commissioner Bowen stated there is a bubble at the end of the street for a turn around that would meet the criteria for emergency vehicles.

There was a discussion between Commissioners Benton and Schopper about the number of lots in the development.

Commissioners Benton and Luppy expressed appreciation to the developer for amending the request and for his past cooperation with the City.

**COMMISSIONER BOWEN MOVED TO APPROVE THE REQUEST AS A RESIDENTIAL INFILL PLANNED DEVELOPMENT WITH AN EMERGENCY-ONLY GATE AT THE SMITH DRIVE CONNECTION. COMMISSIONER BENTON SECONDED THE MOTION.**

**THE MOTION PASSED 6-0.**