



**REGULAR PLANNING AND ZONING COMMISSION
MEETING MINUTES
JULY 6, 2009**

(Meeting video accessed at - http://gptx.granicus.com/MediaPlayer.php?view_id=2&clip_id=926)

COMMISSIONERS PRESENT: Chairman Bob Murphy, Vice-Chairman Dave Lester, Secretary Jerry King, Commissioners Cindie Moss, Carol Ann Adams, Brian Waggoner and Tommy Garrett.

COMMISSIONERS ABSENT: Phil Philipp and Charles Koerth

CITY STAFF PRESENT: Bill Crolley, Director of Planning and Development, Kevin Lasher, Chief City Planner, Mary Elliott, Senior Planner, Ryan Miller, Planner, Steve Alcorn, Assistant City Attorney and Chris Hartmann, Executive Secretary.

Chairman Bob Murphy called the meeting to order at 7:00 p.m.

AGENDA ITEM: 1-APPROVAL OF MINUTES:

Motion was made to **approve** the minutes of the Planning and Zoning Commission meeting of June 1, 2009 as amended. The action and vote recorded as follows:

Motion: Lester

Second: Waggoner

Ayes: King, Moss, Murphy, Adams, Lester, Waggoner and Garrett.

Nays: None

Approved: **7-0**

Motion: **carried.**

AGENDA PUBLIC HEARING ITEM: #2-SU090701, Specific Use Permit, 1102 Avenue R (City Council District 1).

Chief City Planner Kevin Lasher presented the case report to the Commission for approval of a Specific Use Permit for a chemical containment facility on 5.0427 acres. The site is currently zoned Light Industrial (LI) District and is generally located south of North Carrier Parkway at the southwest corner of Avenue R and Great Southwest Parkway. The owner/applicant is Univar USA Inc. The agent is Kenneth R. Latchem.

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Mr. Lasher stated the proposed use will function as a bulk delivery location for 5,000 gallon tanker trucks. The tankers will contain industrial surfactants (lubricants), used in the gas drilling industry, that will be offloaded into 330 gallon totes, 55 gallon drums, and 5 gallon containers. Once repackaged, the facility will distribute the product from the site to the gas field service locations. The existing building is a precast concrete structure with 42,000 square feet of office and warehouse space. It is estimated that the warehouse will support 700 pallet spaces. Outside storage is for 250 tote containers.

A 5,000 gallon tanker will deliver bulk product to the site. It will be off loaded in a truck containment area into various sized containers in a covered secondary containment area noted on the site plan as Secondary Containment Area 'A'. Totes and other containers will be stored on site in Secondary Containment Area 'B', or within the existing building.

The Unified Development Code normally requires masonry screening inside the 25 foot building setback, or a wood screening fence at a 40 foot setback from the street for outside storage uses. However, there is an existing chain link fence with wood slats along the property line at Avenue R which is being submitted as a screening fence. A review of the site shows the existing slats along Avenue R are deteriorated and would provide little screening. Since Avenue R is not listed as a major arterial, staff is recommending vested status be granted for the fence only if all existing slats are replaced and maintained in good condition.

Along Great Southwest Parkway, the site has an existing chain link fence with well developed landscaping that totally screens the site. The applicant is appealing to replace the existing chain link fence at this location with a new chain link fence at forty feet back from the property line, and that they be allowed to plant additional evergreen landscaping in the 40-foot setback to assure a year round landscape screen.

Mr. Lasher noted he had a recent discussion with the applicant prior to the briefing session. The applicant has informed staff that a monitoring ground water well is located within 20 feet of Great Southwest Parkway, and are requesting an amendment to the recommended 40-foot fence setback. The applicant is requesting that the proposed fence setback be revised to approximately 20-feet back from Great Southwest Parkway so that the existing monitoring well will be situated inside the fence. Mr. Lasher stated this reduced setback would be acceptable as long as the fence contain new wood slats facing Great Southwest Parkway, and still contain the same amount of landscaping as initially proposed for the eastern portion of the property boundary.

Mr. Lasher stated the Development Review Committee is not able to recommend full approval of this case since the applicant is requesting the above noted appeals. However, the applicant is offering the following provisions as compensatory measures that could potentially lessen the impact of the requested appeals.

1. The applicant has agreed to replace and maintain all wood slats along Avenue R where outside storage will be located.

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2. The applicant has agreed to move the existing chain link fence along the eastern boundary 40 feet away from Great Southwest Parkway and install sufficient landscaping and irrigation to assure a year round landscape screen.

However, Mr. Lasher updated the Commission by stating the applicant is willing to replace all wood slats within the existing chain link fence on the north, east and south property lines as a compensatory measure for allowing a 20-foot fence setback along Great Southwest Parkway.

Commissioner Garrett asked if one of the wells is setback exactly 20 ft. from the street. Will the 20-foot fence setback enclose all wells in the eastern portion of the property?

Mr. Lasher replied according to the site plan it looks like the well could be setback 19 or 19 ½ feet back from the street, but staff would further verify the distance and ensure the fence will envelope all well sites on the property.

Commissioner King noted in the case memo it indicates that recently, the City has approved various alternative screening methods based on as-built conditions and proposed storage uses. For example, polypropylene fabric attached to a chain link fence was approved for outside storage where new or existing plain chain link fence existed. Other living landscape screening methods have been accepted throughout the City in conjunction with chain link and wrought iron type fences. Mrs. King asked if this statement was specific to this case.

Mr. Lasher noted this statement is referring to a previously approved case along Jefferson Street east of Great Southwest Parkway. In that case, the city allowed a “tennis court tarp” fence cover for that site since the storage materials were setback about 60-feet from the street.

Kenneth Latchem, Consulting Engineer, 1401 Country Ridge Drive, DeSoto, TX and Mark Hess, representing Univar USA, Inc., 10889 Bekay Street, Dallas, TX stepped forward in support of this request.

Commissioner Lester noted some discussion regarding the landscaped area on the eastern boundary of the property and asked what their future intent was for this area.

Mr. Hess stated they have no plans on expanding to the east for the next five to ten years. The area is under remediation in regards to a spill; therefore, there are no plans to build on this site.

Commissioner Lester asked if there are any objections to a chain link fence with wooden slats to establish a consistent appearance surrounding the property and maintaining a “groomed” look on the eastern side of the site.

Mr. Hess stated they are in agreement with those requirements, and that they have no problem with replacing the slats for the entire fence.

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In response to a question from Chairman Murphy regarding remediation on the site, Mr. Hess stated in 1989, a tank farm on the south part of the property experienced a spill. That spill is still being monitored as part of a remediation program for the property.

Commissioner Waggoner said it is his understanding that one of the wells might be 19 or 19 ½ feet from the street, and asked will the final fence location be verified.

Mr. Lasher replied yes, staff would verify the distance to the well and the fence would be setback accordingly.

Chairman Murphy noted there were no more questions and no other speaker cards submitted for this case.

There being no further discussion on the case, Commissioner Waggoner moved to close the public hearing and approve case SU090701 as recommended by staff, with the condition that a chain link fence with wood slats inserts along all three sides of the perimeter of the site be approved with an amendment allowing the chain link fence along the eastern boundary be located 20-feet from Great Southwest Parkway, and that this amended setback be verified and monitored in the field to ensure all on-site monitoring wells will be enveloped by the fence, and that sufficient landscaping and irrigation be installed to assure a year round landscape screening along Great Southwest Parkway. After Chairman Murphy summarized the motion, the action and vote was recorded as follows:

Motion: Waggoner

Second: Lester

Ayes: King, Moss, Adams, Murphy, Lester, Waggoner and Garrett.

Nays: None

Approved: **7-0**

Motion: **carried.**

Commissioner King moved to adjourn the meeting.

The meeting adjourned at 7:30 p.m.

Robert P. Murphy, Jr., Chairman

ATTEST:

Jerry King, Secretary