Dinner break at 5:00 PM in the Study Session Room.

Call to Order - Council Chambers - 6:00 PM

Absent 1 - Vice Chair Mike Del Valle

Present 6 - Chair Michael Rogan, Member Glenn Douglass, Member Beverly Nelson, Member Tommie Hylkema, Alternate Jake Gigli, and Alternate Matthew Kelley

Building Official Hugh Pender, Chief David Hale, Paul Mattson Deputy Building Staff 5 - Official, Rebecca Albin Recording Secretary, Louise Means Administrative Assistant I.

Chairman Rogan stated that all persons planning to testify to please stand to take the oath. They did so.

A. CITIZEN COMMENTS

This agenda item provides an opportunity for citizens to address the Zoning Board of Adjustment on any matter that is not posted on the agenda. Anyone wishing to address the Board should complete a Citizen Comments Registration Form and submit it to the Chairman prior to the start of the meeting. There is a three (3) minute time limit for each citizen to speak with a reasonable limitation on speakers on one topic or item with a maximum of fifteen total minutes on the same topic item. Anyone wishing to speak shall be courteous and cordial.

The Board is not permitted to take action on any subject raised by a speaker during Citizen Comments. However, the Board may have the item placed on a future agenda for action; refer the item to the Building Official for further study or action; briefly state existing City policy; or provide a brief statement of factual information in response to the inquiry.

B. REGULAR AGENDA ITEMS

R.1 20 ZBA-01 Consider approval of the December 3, 2019 Zoning Board of Adjustment Minutes; and take appropriate action.

Chairman asked the Board if they had read the minutes of the December 3, 2019 meeting and if anyone had changes to the minutes. There were none.

A motion was made by Member Hylkema, seconded by Alternate Member Kelley, that the minutes be approved as drafted. The motion carried by the following vote:

Aye: 5 - Chair Rogan, Member Douglass, Member Nelson, Member Hylkema and Alternate Kelley
C.  PUBLIC HEARING

C.1.a  20 ZBA-02

Conduct a public hearing and consider an appeal for the Mandatory Crime Reduction Program.

Chairman Rogan then opened the public hearing and read the case into the record.

Building Official Hugh Pender turned the floor over to Chief David Hale to present the case.

Chief Hale gave a presentation reviewing the definitions of Ordinance 3477 and how the Designated Apartment Complex status of the Mandatory Crime Reduction Program applies to the Ventana at Valwood Apartments. A notification letter was delivered in person to the Property Manager, Lucy Gurrusqueta, on January 21, 2020. A certified copy of the notification letter was sent to the property owner’s address on January 20, 2020. A notice of appeal was received from the property owner within the 10 days of receiving notice as required by the ordinance.

The applicant, Prashant Satoskar of Catalyst Equity Partners located at 2450 Lakeside Pkwy, Ste #150-149, Flower Mound, TX, came forward and spoke in regard to the request. Mr. Satoskar stated that his company had just acquired the property on February 21, 2020 and were not aware of the Mandatory Crime Reduction Program in Farmers Branch. Mr. Satoskar stated that rather than dispute each offense, he has chosen to show a presentation of what his company does and the plans for Ventana at Valwood. Mr. Satoskar requested that after seeing the plans for the property, that the Board give Ventana at Valwood a reprieve from the repeat offender status and to allow them twelve (12) months to implement the plan.

Member Hykema asked if there was a certain item(s) on the repeat offender’s list that Catalyst Equity would want to appeal. Mr. Satoskar replied that there were two (2) items that they would like to have a reprieve from. The first item is having full-time security personnel, which has a high cost associated with it. The second item is the fencing around the entire complex. Due to the property layout, having a public street going through the property and the number of entry/exit points, it is practically impossible to have a fence around the entire complex.

Member Hykema asked Chief Hale to review the purpose of the fencing as it relates to this particular property. Chief Hale replied that the goal of that part of the Ordinance is to keep non-residents out of the property. To accomplish that goal, a fence is erected around the entire property and then access controlled with key cards.

Mr. Pender came forward and gave a brief explanation of the three (3) items that the Board would be considering. Mr. Pender stated the items to consider:

1. Was the crime index score calculated correctly by Chief Hale,
2. and did the calculated crime index score indicate that Ventana at Valwood should be designated as a repeat offender.
3. If the above two items were true, would a variance, if any, be granted to Ventana at Valwood for any or all of the additional items required of repeat offenders.

After some brief discussion, Chairman Rogan asked the applicant to come forward and present to the Board a hardship explanation for two (2) of the items on the repeat offender list, on-site security personnel and fencing.

Mr. Satoskar stated that on-site security personnel would not be necessary because they were already planning to install security cameras. Mr. Satoskar also noted that he felt that the property could be kept more secure with cameras because the property is large with many entries and exits, and a city street running through the middle of the property. Mr. Satoskar also stated that the same hardships applied to the fencing; the property is very large with many entrances and exits and almost impossible to construct a fence around the entire property.
With no other discussion, Chairman Rogan requested a motion to close the public hearing. A motion was made by Member Kelley and seconded by Member Hylkema to close the public hearing. The motion to close the public hearing passed unanimously.

A motion was made by Member Beverly Nelson and seconded by Member Tommie Hylkema to sustain the Farmers Branch Police Department's crime index score findings for the Multi-family complex located at 14221 Heritage Circle and AFFIRM the Farmers Branch Police Department's designation and enrollment of Ventana at Valwood Apartments in the City's Mandatory Crime Reduction Program effective January 20, 2020. Upon the close of discussion, the members of the Board voted on the motion as follows:

Aye: 5 - Chair Rogan, Member Douglass, Member Nelson, Member Hylkema and Alternate Kelley

A motion was made by Member Beverly Nelson and seconded by Member Glenn Douglass to sustain the Farmers Branch Police Department's crime index score findings for the Multi-family complex located at 14221 Heritage Circle and AFFIRM the Farmers Branch Police Department's designation as a repeat offender of Ventana at Valwood Apartments in the City's Mandatory Crime Reduction Program effective January 20, 2020. Upon the close of discussion, the members of the Board voted on the motion as follows:

Aye: 5 - Chair Rogan, Member Douglass, Member Nelson, Member Hylkema and Alternate Kelley

A motion was made by Member Beverly Nelson and seconded by Member Tommie Hylkema to grant a variance releasing Ventana at Valwood from complying with section 26-455.d.6 of the Mandatory Crime Reduction Program for Designated Apartment Complexes' fencing requirement because determination from the facts and evidence presented at the public hearing indicated that literal enforcement of this section would be contrary to public interest and would result in unnecessary hardship. Upon the close of discussion, the members of the Board voted on the motion as follows:

Nay: 1 - Chair Rogan

Aye: 4 - Member Douglass, Member Nelson, Member Hylkema and Alternate Kelley

D. ADJOURNMENT

With no other business before the board, Chairman Rogan called for a motion to close the meeting at 7:34 PM.

A motion was made by Member Hylkema, seconded by Member Kelley, that the meeting be adjourned. The motion carried by the following vote:

Aye: 5 - Chair Rogan, Member Douglass, Member Nelson, Member Hylkema and Alternate Kelley

Approved:  

Attest:

Mike Rogan, Chairman  
Rebecca Albin, Recording Secretary
City of Farmers Branch  
Zoning Board of Adjustment  
Hearing Appeal on Mandatory Crime Reduction Program  

Tuesday, February 25, 2020  

VENTANA AT VALWOOD APARTMENTS, FARMERS BRANCH, TX  
APPEAL PARTICIPATION IN THE MANDATORY CRIME REDUCTION PROGRAM  
FEBRUARY 25, 2020

City of Farmers Branch Zoning Board of Adjustment MCRP was presented and heard this 25th day of February, 2020, before 4 regular members and 1 alternate member of the Board, Ventana at Valwood Apartments requested to appeal their participation in the MCRP. Following the consideration of testimony for and on behalf of the applicant and the City, and having conducted a public hearing at which people with interest in this matter were provided an opportunity to present testimony.

A motion was made by Member Beverly Nelson and seconded by Member Tommie Hylkema to sustain the Farmers Branch Police Department’s crime index score findings for the Multi-family complex located at 14221 Heritage Circle and AFFIRM the Farmers Branch Police Department’s designation and enrollment of Ventana at Valwood Apartments in the City’s Mandatory Crime Reduction Program effective January 20, 2020. Upon the close of discussion, the members of the Board voted on the motion as follows:

Aye: 5  
Nay: 0  
Abstain: 0

Based on the result of the vote of the Board, the application for the requested appeal was to:

✓ Affirm the finding of the Chief of Police that the apartment complex’s crime index exceeds the applicable threshold.

Reverse the finding of the Chief of Police and determined that the apartment complex’s crime index does not exceed the applicable threshold.

The members and/or alternate members present and voting were as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Vote</th>
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<tbody>
<tr>
<td>Michael Rogan, Chair</td>
<td>Present</td>
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<tr>
<td>Mike Del Valle, Vice Chair</td>
<td>Absent</td>
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<tr>
<td>Glenn Douglass, Member</td>
<td>Present</td>
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<tr>
<td>Tommie Hylkema, Member</td>
<td>Present</td>
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<tr>
<td>Beverly Nelson, Member</td>
<td>Present</td>
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<tr>
<td>Matthew Kelley, Alternate Member</td>
<td>Present</td>
</tr>
<tr>
<td>Jake Gigli, Alternate Member</td>
<td>Present</td>
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A motion was made by Member Beverly Nelson and seconded by Member Glenn Douglass to sustain the Farmers Branch Police Department’s crime index score findings for the Multi-family complex located at 14221 Heritage Circle and AFFIRM the Farmers Branch Police Department’s designation as a repeat offender of Ventana at Valwood Apartments in the City’s Mandatory Crime Reduction Program effective January 20, 2020. Upon the close of discussion, the members of the Board voted on the motion as follows:

Aye: 5  
Nay: 0  
Abstain: 0

Based on the result of the vote of the Board, the application for the requested appeal was to:

✓ Affirm the finding of the Chief of Police of the apartment complex’s designation as a repeat offender.

Reverse the finding of the Chief of Police of the apartment complex’s designation as a repeat offender.
The members and/or alternate members present and voting were as follows:

Michael Rogan, Chair                                                                 Present     Aye
Mike Del Valle, Vice Chair                                                             Absent      --
Glenn Douglass, Member                                                                 Present     Aye
Tommie Hylkema, Member                                                                Present     Aye
Beverly Nelson, Member                                                                 Present     Aye
Matthew Kelley, Alternate Member                                                      Present     Aye
Jake Gigi, Alternate Member                                                           Present     --

A motion was made by Member Beverly Nelson and seconded by Member Tommie Hylkema to grant a variance releasing Ventana at Valwood from complying with section 26-455.d.6 of the Mandatory Crime Reduction Program for Designated Apartment Complexes' fencing requirement because determination from the facts and evidence presented at the public hearing indicated that literal enforcement of this section would be contrary to public interest and would result in unnecessary hardship. Upon the close of discussion, the members of the Board voted on the motion as follows:

Aye: 4     Nay: 1     Abstain: 0

Based on the result of the vote of the Board, the application for the requested appeal was to:

✓ GRANTED

The members and/or alternate members present and voting were as follows:

Michael Rogan, Chair                                                                 Present     Nay
Mike Del Valle, Vice Chair                                                             Absent      --
Glenn Douglass, Member                                                                 Present     Aye
Tommie Hylkema, Member                                                                Present     Aye
Beverly Nelson, Member                                                                 Present     Aye
Matthew Kelley, Alternate Member                                                      Present     Aye
Jake Gigi, Alternate Member                                                           Present     --

SIGNED this 3rd day of March, 2020:

[Signature]
Mike Rogan, Chairman
Zoning Board of Adjustment, City of Farmers Branch, Texas

Received and filed in the Office of the Building Official on the 3rd day of March, 2020:

[Signature]
Hugh Pender, Building Official
City of Farmers Branch, Texas

This instrument was acknowledged before me on:

3rd day of March, 2020 by Mike Rogan, Chairman of the Zoning Board of Adjustment of the City of Farmers Branch, Texas.

[Signature]
Louise LeBlanc-Means, Notary, State of Texas, County of Dallas