

**Planning and Zoning Commission  
Minutes November 2, 2015**

**STATE OF TEXAS           §**

**COUNTY OF TARRANT    §**

**TOWN OF PANTEGO       §**

The Planning and Zoning Commission of the Town of Pantego, Texas, met in regular session at 7:00 p.m. in the Town Council Chambers, 1614 South Bowen Road, Pantego, Texas on the 2<sup>nd</sup> day of November 2015 with the following members present:

<b>Stephen Smith</b>	<b>Chairman</b>
<b>John Kushma</b>	<b>Vice Chairman</b>
<b>Jason Bergin</b>	
<b>Clifton Cassell</b>	
<b>Jesse Howell</b>	

Constituting a quorum. The following staff members were present:

<b>Matthew Fielder</b>	<b>City Manager</b>
<b>Dennis Jobe</b>	<b>Community Development Director</b>
<b>Julie Arrington</b>	<b>City Secretary</b>

Also in attendance:

<b>Don Surratt</b>	<b>Council Member</b>
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(The following items were considered in accordance with the official agenda posted on the 30<sup>th</sup> day of October 2015.)

**REGULAR SESSION 7:00 P.M.**

**CALL TO ORDER AND GENERAL COMMENTS**

Chairman Smith called the regular session to order at 7:08 PM.

**PLEDGE OF ALLEGIANCE**

Invocation led by Julie Arrington which was followed by the Pledge of Allegiance.

**APPROVAL OF MINUTES**

**1. Approval of Planning and Zoning June 1, 2015 Minutes.**

Vice Chairman Kushma made a motion to approve the minutes. Commissioner Cassell seconded the motion.

The vote was as follows:

Ayes: Cassell, Kushma, Smith, Howell, and Bergin

Nays: None.

Abstentions: None.

Chairman Smith declared the motion passed unanimously.

**NEW BUSINESS**

**2. Introduction of the new Community Development Director, Dennis Jobe.**

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Mr. Fielder introduced the new Community Development Director, Dennis Jobe and the new Planning & Zoning Secretary, Jessie Hanks to the Board.

3. **Public hearing, review, and consider a recommendation for Zoning Case Z-214, a proposed Special Use Permit as requested by Ann Farrell (Annie's Freeze) to amend the special use permit of the sno cone stand business located at 2304 W. Park Row Drive, Tracts 1A3, 1A3B, 1A5, 1A5B, and 1A5C of the William J. Barry Survey, Pantego, Tarrant County, Texas. The property is generally located in the Lakewood Shopping Center on the South side of Park Row Drive between S. Bowen Road and Milby Road.**

Mr. Fielder informed the Board the application was withdrawn due to information needed from the manufacturer. Chairman Smith announced the suspension of this time until the applicant is ready and confirmed there was no one in the audience to speak on this item.

4. **Public hearing, review, and consider a recommendation for Zoning Case Z-215, a proposed Special Use Permit as requested by Ahmadiyya Muslim Community of Fort Worth to establish a church at 3214 W. Park Row Drive, lot 2, Block 1 of Park Row West Addition of the A.L.S. Land Survey, Pantego, Tarrant County, Texas. The property is generally located on the South side of Park Row Drive between Nora Drive and Bowen Road.**

Chairman Smith read the agenda item caption for the record and opened the public hearing at 7:13 p.m.

The following speakers were in support of the Zoning Case Z-215.

Colburn Tucker, 720 Heritage Tr., Granbury, Texas, informed the Board the Ahmadiyya Community has a location in Northeast Dallas already; however, it is too far to drive so they are currently meeting in Arlington, while they look for a permanent location. Most of the activities are done midday Friday about 1-2:00 p.m. and will do something usually on the weekends; a blood drive twice a year; maybe some dinners early afternoon and stuff but usually nothing late. We have about 50 active members, give or take, at our Friday or weekend meetings. That is our general parameters, any questions. Commissioner Bergin asked if there were any weekday schedules and stated he read that it was Friday and Saturday and you gave us a little more enlightenment into what you plan. Is there any other use at all, or zero? Mr. Tucker stated generally during Ramadan we will sometimes do evening worship but it is all interior and there are not any external speakers and generally during the summer and not during the winters. Commissioner Cassell asked why they chose Pantego. Mr. Tucker stated they had looked for something for about a year and a half now within our budget and we have certain size requirements and Pantego just sort of worked. For the price we are looking to pay for it, the timing, and the amount of money we got through donations it all just kinda fell into place. We are in Arlington off of Davis and Pioneer. It is pretty much a central location to where we all are now. I am the only one who has to drive over thirty minutes to get there. Commissioner Cassell asked if he expects them to grow. I know you say the church expects 20-25 people will you be promoting to grow and need more parking spaces and things like that. Mr. Tucker stated he would say within the next probably five years. Generally speaking from our previous location and like the one in Allen we have been there quite a while, a couple in Austin, and Houston and they aren't experiencing growth rapidly, maybe a couple of members a year. I wouldn't expect us to grow too terribly large. Chairman Smith inquired if they were leasing or buying the property. Mr. Tucker stated they are buying. Chairman Smith asked if they intended to do any renovations to this building. Mr. Tucker stated they will be taking down a few interior walls, but probably I think we were talking out maybe a 20% removal on the interior but other than that nothing major. Chairman Smith asked if there would be any exterior changes. Mr. Antwi stated no. Chairman Smith clarified everything will stay the same externally. Mr. Antwi stated no, nothing external. Chairman Smith asked if there would be a sign. Mr. Antwi stated yes. Chairman Smith inquired on the concept of the sign. Mr. Antwi stated the sign is going to be just to say Ahmadiyya Muslim Community of Fort Worth and just put a sign in front so people passing by can see. Mr. Tucker stated the sign would probably be similar in size to the Community sign out here just without the marquee below it. Commissioner Bergin asked what the occupancy rating of this building they are looking at purchasing, the maximum occupancy rating, do we know that. Mr. Fielder stated that was kinda complicated because for a church, well let me back up, it is done based on use. He asked Mr. Jobe if it was 7 square feet per person for the maximum occupancy for 7800 square feet. Mr. Jobe stated it is 7 feet per person and depending on where they put the walls. Commissioner Bergin stated he was curious where they would max out on occupancy versus members. So what's their growth potential in two or three years at twenty five now? Mr. Jobe explained they would have plenty of room at 25. Commissioner

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Bergin clarified it is more than 50. Mr. Fielder it is at 7 square feet per person at 7800 feet it is a big number they are more limited by parking. Commissioner Bergin asked staff if they have asked the Mosque to provide any validation of membership numbers since they are saying it is 25 just to look at what parking is in the area and what occupancy would be. Mr. Tucker stated 25 active in terms of actually attending. Commissioner Bergin confirmed that is what they have now. Mr. Fielder stated there was no way for us to certify that. Chairman Smith asked Mr. Tucker to walk him through again Sunday through Saturday when do you expect to have people in this building doing stuff the whole week. Mr. Tucker stated Friday is usually the time of worship for about 45 minutes to an hour and a half. Chairman Smith clarified that was during the day. Mr. Tucker went on to explain probably once a quarter throughout the year we will have a fundraiser on a Sunday. Chairman Smith clarified the other six days of the week it will be a vacant building and no one will be there. He clarified they are generally talking about 1-2 hours a week is all you are going to occupy this building. Mr. Tucker confirmed this on a weekly basis. Commissioner Bergin inquired on the number of special events they have had since January 1, 2015. Mr. Antwi stated they do the blood drive twice a year they have a program nationwide called Muslims for Peace. They do this for the victims of 9/11 where three thousand Americans were killed by terrorists in the name of Islam. So four years ago our national headquarters came up with a program we call Muslims for Life and we go all over the country to organize a blood drive to save lives. Our goal is to prove that our religion is to not shed blood but actually to give blood. These programs are in the hospitals and so far they have donated 40,000 units of blood to save the lives of Americans. The last one we had was October 11, 2015, last month; it was the smallest event we had. It was called Organized for Life from the neighbor's apartments, we also had one in Fort Worth Northwest where we went in and explained to the Nurses and Doctors what we do and donated about 15 pints of blood. Commissioner Bergin confirmed this was all done away from the facility they use now. He explained the reason they are asking is to make sure what is being told to them as an advisory board and what they promote to Council for review matches up with what the actual function use is because we have had other organizations come in and say they are going to do this and then do that. So we want to make sure what is being asked for on the use matches up with what the actual use is. Mr. Tucker explained he thinks special use time was probably done about 10-12 times Friday and events on Sunday between the dinners, blood drives, meetings, stuff like that. Commissioner Bergin inquired on the time frame of the dinners and things like that. Mr. Tucker confirmed usually 7:00 p.m. to 9:00 p.m. but no later than 10:00 p.m. Commissioner Bergin confirmed all use is internal, there is zero external use except for parking. Mr. Tucker agreed, no external loud speakers, it is all internal.

Mohammed Antwi, 6017 Blazing Star Dr., Fort Worth, Texas, announced he is the applicant and president of the Ahmadiyya Muslim Community of Fort Worth. He stated one of the reasons why we chose Pantego is because we have been praying in Arlington for almost more than two years and we have heard Pantego is one of the friendliest cities in the developed area. So when we were looking at buildings we focused more on this area. If you are asking why we chose Pantego is it because it is one of the friendliest communities. Chairman Smith inquired if he knew how many Muslims reside in Pantego. Mr. Antwi stated he does not but most of their members live around Pantego. Chairman Smith stated they are asking to come into Pantego and he was wondering how big of a Muslim Faith is in the City itself that you are trying to become a part of. Mr. Antwi stated he does not know but does know the members who live around Arlington speak highly of the community of Pantego so their choices were to buy property in Arlington or Pantego cause it is central. Commissioner Bergin asked if they have already purchased the property. Mr. Antwi stated no they have not because they have given the owner an offer and earnest money but will not sign a contract until they are approved. They want to live in this community, worship, and buy houses in this community. If anyone is moving from other cities to be closer to the Mosque they want them to live here. They have driven around and looked at the properties in the neighborhood. Commissioner Cassell asked just out of curiosity has your group or community ever been refused any of your desired locations. Mr. Antwi stated no, never. Actually we have been looking for more than two years and anytime we find an opportunity we investigate the community, the crime of the community, and the people of that community and so far this is the only area we thought could be good for us.

The following speakers were against the Zoning Case Z-215.

Benjamin Rhodes, 2726 Whispering Trail Circle, Pantego, Texas, stated his problem with this special use permit to me it does not fall under the current guidelines of something that is approved or accepted for a C2 development. There have been several others that have been granted in light of some opposition. I have had some vandalism or theft on my property especially when the Salvation Army was there, they are not there anymore but they stayed to the end of their permit. I was looking over the analysis of your

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development staff here. The gentleman from Granbury stated about 50 people and they only require a maximum of six spaces that is eight or nine people per vehicle for six spaces. Then I look through the special use permit considerations, I go down and list all of them and don't see how they meet most of the requirements listed. I am concerned about the additional traffic, the times, and the lighting. There are a lot of things that come to mind on something like this. I know that it's not a consideration of the Planning & Zoning Commission, but I am concerned with property values and property taxes. If you lose a tax base somewhere else you gotta make it up from somewhere. They say they do not have any plans to grow for about five years the recommendation here states the permit shall expire in two years or upon change of ownership. So there are a lot of things I am negatively influenced by on this item. I am definitely against this special use permit because it does not fall under the C2 guidelines that were established for a reason. Commissioner Cassell clarified in the applicants report they stated 20-25 people would need parking spaces. Mr. Rhodes stated they said 50 when they were speaking. Mr. Fielder clarified per our code 50 people requires 10 parking spaces. Mr. Rhodes confirmed there were plenty of spaces but his consideration is they only need 6 and is concerned with the actual planned use of the building. Commissioner Howell stated UTA has a large immigrant community and a lot of them do not have cars they carpool or they ride bicycles; therefore, they may use alternate transportation. Mr. Fielder explained the code requires one parking space for five people. They may show up with thirty vehicles but we only require them to have six spaces. They can show up with as many vehicles as they want, this is a minimum amount of spaces based on the information they gave staff.

Jason Williams, 2729 Whispering Trail Circle, Pantego, Texas, he is not concerned on whether there is enough parking but it would be wise to find out exactly what days they are going to be here and how many people it is going to be. For them to turn in an application for 20-25 people and the first thing he says to the Commission is 50, things are not matching up already. I think the issue is not if there are plenty of parking spaces for 20-25 people go back and listen to the tape the first thing said was 50 members. If they are growing slowly they have doubled just since they turned in their application. It is not necessarily if there is enough parking but are they saying the same thing. I think the application says they will use the building Friday and Saturday. I think what they said tonight is Friday and Sunday. It is just things that are not matching up. I am against this if not for any other reason besides it is changing the planning around my house again. So it's not one group it is another group that has come to ask you to change the plan again. There haven't been any positive changes that y'all have made to our plan around our house. We bought our house knowing that that was C2. We knew we were residential and that was C2. So we invested a good amount of money, purchased a piece of property, and so did all our neighbors. This business owner purchased this property knowing that it is a C2. I am not coming to ask you to change mine, I am not gonna try and open a business in my house and come ask you for an SUP for my house. So they are coming asking you to change the SUP. I think we get mixed up sometimes. The "P" in P&Z is planning; so years ago somebody came and developed a plan for this town and they put like ownerships together. So they put a C2, which isn't that big of a deal, next to a neighborhood. I guarantee you while I served we changed and gave some churches some SUP's, but I think you would be hard pressed to find one that we gave was next to a neighborhood. I think you know you already approved one, the Prayer Room, I think you know there is already another one that has moved in there and did not come to you for an SUP. There is a church that meets there about 5 days a week and they are already meeting there without an SUP. So now we have another church here tonight asking for an SUP. You're talking about three churches behind residential homes. I just don't think that belongs together. That is not what we purchased our homes to be near and we didn't ask for the traffic and we didn't ask for the noise. I ran about a 9 year old boy off of my eight foot fence after their church meeting the other day. On my side there is a two foot drop, it is ten feet tall on my side of the fence. They were out having a football game at 10:30 p.m. in the parking lot of this church that's already meeting there and threw the football over the fence. This 9 year old boy decided to climb my fence to go after his ball. Fortunately, they had already disturbed my peace and I went back there to see what was going on and I look up and the boy is on top of the fence and I told him to get down. I went around trying to talk to his mother and she wasn't real interested in talking to me. Over this time where you guys have allowed changes it is positive for them so a group from Arlington is coming for the Prayer Room; a group from Granbury is coming through for this church, the church that's in there right now I believe is from Fort Worth, so it's positive for the entities outside of Pantego yet it's negative for our residents. I truly believe adding three churches behind my house is going to devalue my home. My church has done the same thing to houses and I think those houses lost value because our church got so big beside these houses. I don't want my church to move in behind my house. I don't want so many churches behind our house, I know this is one case tonight, but I think it is wise to see what the future plan is. Long ago before you and I served somebody zoned these properties for what they are now. We came in and bought our properties,

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invested our hard earned money, the business owners came in and bought their properties and invested their own monies based on C2's. You guys are systematically going behind us and changing those zonings out from underneath us, the citizens. Because of that, the noise disturbance, and the trash, the Prayer Room temporarily lost their permit recently because of doing construction after hours and they had a truck parked out back that grew a foot tall of grass and so much trash out there. Drive there tonight you will see a 4 foot by 4 foot piece of glass they left out there for a few weeks now. But they cleaned it up because they lost their permit because I texted the Mayor, the Mayor called the City Manager, and the City Manager called the Police but why should we have to do that. You changed the zoning through an SUP for the Bakery that has two U-Haul trucks that sit out there and do nothing all the time they have a foot tall grass out there. When I saw someone out there mowing I stopped to talk to them and found out it was a fellow neighbor that was tired of seeing it so he mowed it. Systematically you are changing the zoning of these businesses behind these homes that is negatively affecting our way of life and negatively affecting the value of our homes. I suggest tonight that you make a recommendation to deny this approval and any other approval that are SUP's for churches that are up against neighborhoods. Make it a policy that way we can tell them upfront when they ask. We have allowed a lot of churches in this Town and we could use more but let's get them in the right places. Vice Chairman Kushma asked Mr. Williams if he realizes the Town is bound by Federal and State regulations regarding this Religious Restoration Act of 1990. I am not a lawyer and don't want to characterize my statement as legal opinion, but clearly that limits what local communities can do with respect to religious organizations in terms of zoning. Mr. Williams stated he believes this was done in 2000 and it does give several reasons to allow you to not deny a religious affiliate a zoning request. However, if you go read it I think you will have lots of room to deny for these reasons that we talked about tonight. It does state things about being next to neighbors and changing the environment of the community they are in. Your 13 points I just don't think you can read all 13 of those and agree that half of them will be met if you approve this, much less all of them. I would feel 100 percent confident reading that knowing you can deny based on those reasons and tell the customer next time maybe a retail area.

Lannie Forbes, 2724 Whispering Trail Circle, Pantego, Texas, lives on the south side of the street and is so glad because she has a lot of friends that live on the north side of Whispering Trail Circle and has been hearing for a long time about lights, noise, trash, etc. I am totally against and do not know why, those buildings are suppose to be office buildings I thought, and I do not understand why all these churches are going in there. I am not against any church. I believe everybody has a right to have a church just not there on Park Row behind these homes. I have heard all my neighbors complain not just recently but for years about when Trinity was in that big building Gloria Van Zandt lived on the corner and she stated she felt she never had any privacy in her house because it was such a big tall building and they could look down right into her back yard. I think you need to think really hard about your planning because it is infringing on our privacy as homeowners and I think it is devaluing our property what is going on on Park Row, what is already there and I am just really here to say that for my neighbors.

Mr. Fielder announced he received comments from one person via mail that is in opposition but asked to remain anonymous.

Jim Brown, 2735 Whispering Trail Circle, Pantego, Texas, lives behind the Prayer Room. He stated he agrees with everything already said, but is concerned with why they need a building when they will only be there Friday, Saturday, and Sunday. What are they going to do with the rest of it? The other church moved in and nobody knew about it. They had a bar-b-que out there played football and nobody knew. I have found trash in my driveway and back yard. My wife walked back there and found at the same location they want to move into a man sleeping. That place is not a street. I have nothing against churches but like they said it is zoned C2. I want to know what you are going to do about the trash. There is glass back there and has been there two weeks. There is a car sitting out there right now with people inside the building of the Prayer Room and I do not know if they are working or not. Yet you turn around and you are letting them move in with special use permits in a C2. I never had trash like I have now in my driveway. I do not know if that comes from the dumpsters or just trash from the street. Commissioner Cassell asked if he thinks the trash and use of the back alley/street is because of the churches. Mr. Brown stated it doesn't make a difference he is talking about the excessive trash from the people moving in. The trash they do not put in the dumpsters. The only building that is not facing Park Row and has nothing to do with Park Row is the Prayer Room and faces residential buildings why because you let them build it. I want to know what they are going to do with the rest of the building. They only have 20-25 people.

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Chairman Smith adjourned the Public Hearing at 7:53 p.m.

Mr. Antwi addressed the concerns of the opposition to the Commission. He informed them they have 50 active members who will not use the building all the time. The number of people using the building at one time will be approximately 25-30. He explained all churches do not act as the residents have previously experienced; his community is held to a higher standard and is a peaceful community. Commissioner Bergin explained the opposition is not just directed to his church but to all similar organizations and believes this is a bad location, zoned for a different use, and believes the residents would like to see them in a retail area. The other concern he is hearing from the comments of the residents is the minimal use of the building does not justify the space and cost and stated he is concerned with being told one thing by applicants but actually having something else happen. Mr. Antwi explained the community plans to stay permanently and have members move closer and may expand; right now they have a small space and will be able to meet their long term growth. Chairman Smith inquired on the number of vehicles at one time in the parking lot. Mr. Antwi stated approximately ten cars and explained they are not required to worship at the Mosque but typically pray at home or work. The women are not required to pray at the Mosque on Fridays. They have meetings on the weekends from 12:00 to about 4:00 p.m. either Saturday or Sunday but not both, they choose. On Friday, they worship at least two hours. The month of Ramadan they meet in the evening on both Saturday and Sunday. The Commission confirmed the building will not be in use Monday through Thursday. Mr. Antwi answered the Commission's concerns on other uses for the building by explaining the building will be open 24 hours a day and that if a member wants to worship at 5:00 a.m. they can come to the building to worship. He went on to explain they pray five times a day. The Commission asked why the members do not pray at 5:00 a.m. at the current location. Mr. Antwi explained the members do not feel safe with the apartments close by.

Mr. Fielder addressed the inquiries of the Commission regarding complaints from the neighbors that seem to have not been addressed and explained the permit for the Prayer Room was pulled for noise and the contractor not following the building and zoning codes. The two complaints of trash were addressed by him to the contractor. The Commissioners discussed among themselves the various concerns they have; such as trash, hours, the number of SUP's in this location, and the actions of property owners versus renters.

Commissioner Bergin made a motion to deny the special use permit for Zoning Case Z-215 as requested. Commissioner Cassell seconded the motion.

There was further discussion between the Commissioners regarding allowing the SUP with restrictions, appropriate zoning for the area, number of SUP's in the location, and what is proper for the residents.

The vote was as follows:

Ayes: Bergin, Cassell, and Smith

Nays: Kushma and Howell

Abstentions: None.

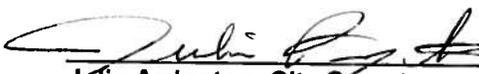
Chairman Smith declared the motion passed 3-2.

Chairman Smith informed the audience the Commission will make their recommendation to Council but Council will discuss and decide at the Council meeting.

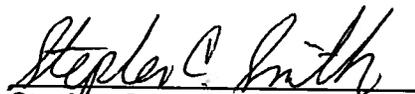
**ADJOURNMENT**

Chairman Smith declared the meeting adjourned at 8:21 p.m.

ATTEST:

  
Julie Arrington, City Secretary



  
Stephen Smith, Chairman