

Minutes
Planning and Zoning Commission
March 7, 2018

After determining that a quorum was present, the Planning and Zoning Commission of the City of Denton, Texas convened in a Work Session on **March 7, 2018 at 5:00 p.m.** in the City Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which time the following items were considered:

PRESENT: Chair Jim Strange, Commissioners: Alfredo Sanchez, Larry Beck, Andrew Rozell, Margie Ellis, and Tim Smith.

ABSENT: Commissioner Steve Sullivan.

STAFF: Athenia Green, Chad Allen, Pritam Deshmukh, Hayley Zagurski, Scott McDonald, Cindy Jackson, Ron Menguita, Richard Cannone, Brad Lahart, and Victor Flores.

[WORK SESSION](#)

Chair Strange called the Work Session to order at 5:03 p.m.

1. [Clarification of agenda items listed on the agenda for this meeting. This is an opportunity for Commissioners to ask questions of staff on the Consent and Regular Agenda items, which may include a full briefing on an item in the order it appears on the regular session agenda. Any such briefing will be repeated in regular session.](#)

There were no questions regarding the meeting minutes or Consent Agenda Items.

Cindy Jackson, Senior Planner, presented Public Hearing Item 5A. Jackson stated staff recommends approval of the request.

The Commission discussed the surrounding gas wells, and potential for future development within the area. Commissioner Ellis shared her concerns regarding the proposed zoning district. There was no further discussion.

Cindy Jackson, Senior Planner, presented Public Hearing Item 5B. Jackson stated staff recommends approval of this request, based on conditions listed in the backup materials. There is not currently a formalized site plan. Jackson stated the applicant held a neighborhood meeting.

The Commission discussed the following items: points of ingress and egress to the subject site, on-street parking concerns, traffic concerns, building height requirements, and the private streets within the existing neighborhood. There was no further discussion.

Ron Menguita, Principal Planner, presented Public Hearing Item 5C. Staff recommends approval of this request.

2. Work Session Reports:

- A. Receive a report, hold a discussion, and provide staff comments regarding the proposed amendments to the City of Denton Drainage Design Criteria Manual and the Transportation Design Criteria Manual in order to update the standards associated with those criteria and receive information from staff regarding the procedure for such amendments. (PZ17-048, Criteria Manuals, Chad Allen)

Chad Allen, Deputy City Engineer, and Pritam Deshmukh, Program Engineer, provided a presentation regarding the Criteria Manuals. Allen presented the major changes. There were 53 comments received for the Drainage Design Criteria Manual and 37 comments received for the Transportation Design Criteria Manual, those comments were primarily from the Denton Community Developers Alliance. Deshmukh stated staff forgot to include iSWIM into the backup materials, which will be included in the final document.

The Commission discussed fence requirements, fees, and predevelopment meetings.

Commissioner Ellis requested that the language “or in close proximity” be looked at into further detail.

The Commission discussed the next steps.

Chair Strange closed the Work Session at 6:00 p.m.

REGULAR MEETING

Chair Strange called the Regular Meeting to order at 6:35 p.m.

The Planning and Zoning Commission convened in a Regular Meeting on **Wednesday, March 7, 2018 at 6:30 p.m.** in the City Council Chambers at City Hall, 215 E. McKinney at which time the following items were considered:

1. PLEDGE OF ALLEGIANCE:
 - A. U.S. Flag
 - B. Texas Flag

2. CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES FOR:
 - A. February 21, 2018

Commissioner Tim Smith motioned, Commissioner Margie Ellis seconded to approve the February 21, 2018 meeting minutes. Motion approved (6-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange

"aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

3. CONSENT AGENDA:

- A. Consider a request by Zimmerer Denton, LLC for approval of a preliminary plat of the Kubota Addition. The approximately 7.95-acre site is generally located on the west side of the I-35 frontage road, approximately 460 feet north of Schuyler Road in the City of Denton, Denton County, Texas. (PP17-0023, Kubota Addition, Hayley Zagurski).

Commissioner Margie Ellis motioned, Commissioner Tim Smith seconded to approve the Consent Agenda. Motion approved (6-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

4. ITEMS FOR INDIVIDUAL CONSIDERATION:

- A. Consider making a recommendation to City Council regarding approval of the proposed amendments to the City of Denton Drainage Design Criteria Manual and the Transportation Design Criteria Manual. (PZ17-049, Criteria Manuals, Chad Allen)

Chad Allen, Deputy City Engineer, and Pritam Deshmukh, Program Engineer, provided a presentation regarding the Criteria Manuals. Allen presented the major changes. There were 53 comments received for the Drainage Design Criteria Manual and 37 comments received for the Transportation Design Criteria Manual, those comments were primarily from the Denton Community Developers Alliance. Deshmukh stated staff forgot to include iSWIM into the backup materials, which will be included in the final document. Staff recommends approval of this request.

Commissioner Margie Ellis motioned, Commissioner Larry Beck seconded to approve this request. Motion approved (6-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

5. PUBLIC HEARINGS:

- A. Hold a public hearing and consider making a recommendation to the City Council regarding a request by Les Schachar to rezone approximately 1.7119 acres from a Neighborhood Residential 2 (NR-2) District to an Employment Center Commercial (EC-C) District. The property is generally located on the south side of West University Drive/U.S. 380 approximately 820 feet west of the intersection of West University Drive and Thomas J. Egan Road. (Z17-0029, Schachar Rezoning, Cindy Jackson).

Chair Strange opened the Public Hearing. Cindy Jackson, Senior Planner presented this request. Staff recommends approval of the request. Staff received one response in opposition, which covers 49 percent of the surrounding area, a super majority vote by City Council will be required.

The following individuals spoke during the Public Hearing:

Victor Eneh, 1222 Golden Hoof Dr, Krum, Texas. Opposed to the request. Eneh shared his concerns regarding the number of neighboring gas well sites surrounding his property, specifically regarding fracking, and the impact this will have on his residential property. Eneh also shared his concerns regarding the potential noise impacts the subject site will have, as well as the precedence this development will set for any future development in the area.

The property owner, Dr. Lester Schachar, 105 Choctaw, Lake Kiowa, Texas, stated he would like to develop a medical facility on the subject site. The site is only large enough to develop one building. Schachar stated the land is very limited for development due to the number of neighboring gas wells. He does not want to have any impact on the surrounding neighbors.

The Commission discussed a less intense zoning district for the subject site. Commissioner Beck and Commissioner Ellis stated the proposed zoning will set precedence for future rezoning and development within the area, which will impact the existing rural property owners.

Commissioner Sanchez stated more of these developments will continue to show up along this area due to the nature of this being primary arterial road. Chair Strange agreed.

There was no one else to speak, Chair Strange closed the Public Hearing.

Commissioner Tim Smith motioned, Commissioner Andrew Rozell seconded to approve this request. Motion approved (5-1). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Tim Smith "aye". Commissioner Margie Ellis "nay".

- B. [Hold a public hearing and consider making a recommendation to City Council regarding a request by Eric Schmitz representing Marvin Jeffries to rezone approximately 8.887 acres from a Neighborhood Residential 6 \(NR-6\) District to a Neighborhood Residential Mixed-Use 12 \(NRMU-12\) District. The property is generally located on the southwest side of Colorado Boulevard, approximately 315 feet northwest of San Jacinto Boulevard. \(Z17-0032, Colorado Townhouses, Cindy Jackson\).](#)

Chair Strange opened the Public Hearing. Cindy Jackson, Senior Planner, presented this request. Staff recommends approval of the request, based on the following condition: 1. The use of the site is limited to townhomes with a maximum density of ten dwelling units per acre.

Eric Schmitz, applicant, 207 W. Hickory Street, Denton, Texas. Schmitz stated he held a neighborhood meeting where approximately 42 individuals were in attendance, there was mixed feedback from the neighbors. He stated many of the neighbors did not want a big disturbance next

to their property. Schmitz stated he assured the property owners there will not be a large disturbance with the proposed development. There will a proposed Homeowner's Association to help maintain the property. Schmitz stated they are willing to share the proposed amenities with the neighboring property owners. He stated they would like to develop a turn-lane to help assist with the traffic concerns along Colorado Boulevard. Schmitz stated the neighbors provided 10 comments, of those 10 comments eight have been addressed, the other comments were general comments regarding not wanting any development on the property.

The following individuals spoke during the Public Hearing:

Jennifer Geer, 1512 Greenspoint Circle, Denton, Texas, opposed to the request.
Linda Dudley, 1916 Cavender Circle, Denton, Texas, opposed to the request.
Gary Glover, 1501 Greenspoint Circle, Denton, Texas, opposed to the request.
Daniel Kettler, 1925 Canyon Court, Denton, Texas, opposed to the request.
Jerry Rowan, 2316 Clermont Lane, Denton, Texas, opposed to the request.
Derek Geer, 1512 Greenspoint Circle, Denton, Texas, opposed to the request.
Martha Henderson, 1917 Piney Creek Boulevard, Denton, Texas, opposed to the request.
Lisa Kettler, 1925 Canyon Court, Denton, Texas, opposed to the request.

The following individuals did not wish to speak but provided a speaker card:

Colette Brandon, 1921 Canyon Court, Denton, Texas, opposed to this request.
Nate Brandon, 1921 Canyon Court, Denton, Texas, opposed to this request.

The citizens provided feedback regarding the following concerns: erosion control, density, insufficient need of additional amenities in the area, opposed to the emergency access "crash" gate, overfill of land, safety, noise, traffic, and on-street parking, fence height requirements, and concerns regarding the proposed height of the structure. The neighbors stated they would rather see single-family detached constructed. They would also prefer not to see a three-story structure constructed.

There was no one else to speak, Chair Strange closed the Public Hearing.

The Commission discussed traffic concerns, the proposed "crash gate", the potential need for a second point of access for the subject site, fencing, and building height restrictions. The Commission provided the citizens feedback regarding the steps during the review process, such as what would be reviewed during the zoning or platting processes.

Commissioner Andrew Rozell motioned, Commissioner Tim Smith seconded to approve the request, based on staff's condition and additional conditions: **1.** The use of the site is limited to townhomes with a maximum density of ten dwelling units per acres, **2.** Limitation to two-story construction on contiguous properties, **3.** Installation of an emergency gate on Clermont Lane, and **4.** Installation of a minimum fence height of eight (8) feet along adjacent properties. Motion approved (6-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

- C. [Hold a public hearing and consider making a recommendation to City Council regarding a request by G&A Consultants, LLC on behalf of the property owner, Hillcrest North Properties, LLC for a zoning change from Neighborhood Residential 2 \(NR-2\) to a Community Mixed Use General \(CM-G\) District on approximately 3.11 acres and an initial zoning to a CM-G District on approximately 3.26 acres. The subject site is generally located north of Teasley Lane, approximately 300 feet east of Old Alton Road, in the City of Denton, Denton County, Texas. \(Z18-0003, Hillcrest North, Ron Menguita\)](#)

Chair Strange opened the Public Hearing. Ron Menguita, Senior Planner, presented this request. Staff recommends approval of this request.

The following individuals spoke during the Public Hearing:

Patricia Fant, applicant, G & A Consultants, 111 Hillside Drive, Lewisville, Texas. Supports this request. Fant provided a brief presentation and description of the proposed site and development. The proposed uses would contain commercial uses, retail, restaurant, and offices.

Commissioner Beck questioned if the existing property owner would remain on-site. Fant confirmed, the existing building would be demolished and reconstructed for the existing business.

There was no one to speak on the item. Chair Strange closed the Public Hearing.

Commissioner Tim Smith motioned, Commissioner Larry Beck seconded to approve this request. Motion approved (6-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

6. [PLANNING AND ZONING COMMISSION PROJECT MATRIX:](#)

A. [MATRIX:](#)

Commissioner Beck referred to Neighborhood Residential-2 zoning districts, Richard Cannone, Interim Planning Director, stated staff currently has that item on the radar. It will come before the Commission in the near future.

There was no further discussion. Chair Strange adjourned the Regular Meeting at 8:47 p.m.