

Minutes
Planning and Zoning Commission
October 12, 2016

After determining that a quorum was present, the Planning and Zoning Commission of the City of Denton, Texas convened in a Work Session on **Wednesday, October 12, 2016 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: Devin Taylor, Larry Beck, Steve Sullivan, Andrew Rozell, Chair Jim Strange, Margie Ellis, and Gerard Hudspeth.

ABSENT: None.

STAFF: Shandrian Jarvis, Mike Bell, Julie Wyatt, Jo Ann Wilkerson, Hayley Zagurski, Ron Menguita, Earl Escobar, P.S. Arora, Cindy Jackson, Athenia Green, and Cathy Welborn.

WORK SESSION

Chair Strange called the Work Session to order at 5:05 p.m.

1. Clarification of agenda items listed on the agenda for this meeting, and discussion of issues not briefed in the written backup materials.

Shandrian Jarvis, DRC Administrator, presented the announcements regarding a joint City Council and Planning and Zoning Commission Work Session for either December 13th, January 9th or January 10th. Jarvis also stated there are two (2) spots for the Commissioners to attend the Texas American Planning Association conference. Ron Menguita, Long Range Planning Administrator, invited the Commissioners to the Neighborhood Empowerment Summit on Saturday, October 15, 2016. Jarvis introduced the new Planning Supervisor, Jo Ann Wilkerson.

Commissioner Beck had questions regarding Consent Agenda item 3A. Beck questioned how the tract of land would receive access. Mike Bell, Senior Planner, stated there is a small road at the south east corner that follows the railroad tracks, to allow access on Country Club Road. Beck questioned if this road would be improved in the future. Bell deferred Beck's question to P.S. Arora. P. S. Arora, General Manager of Wastewater, stated the City of Denton purchased the entire tract and the road would be improved in the future. Commissioner Beck questioned if Consent Agenda item 3B is classified as residential or commercial. Bell stated that it is commercial.

Item for Individual Consideration 4A, Commissioner Beck stated that he would like to nominate Commissioner Devin Taylor. Commissioner Hudspeth seconded. Chair Strange stated the vote would take place during the Regular Meeting. There were no additional nominations.

Mike Bell, Senior Planner, presented Item for Individual Consideration 4B. Bell stated this went before City Council on October 11, 2016 and was approved for the design plan. He stated this is for a multifamily project. Commissioner Beck questioned if this one building or four units. Bell stated the applicant could address this question during the Regular Meeting.

Commissioner Taylor questioned if the private road would connect to Bonnie Brae Street. Bell stated Linden Drive will be a public street, however, once it connects with Heritage Trail it would become a private road. Commissioner Hudspeth questioned if the Crescent Street and Linden Drive extensions would be finished upon the completion of the Bonnie Brae Street expansion. Bell deferred the question to Engineering. Earl Escobar, Engineering Development Review Manager, stated the streets would be built before the Bonnie Brae Street expansion. Commissioner Ellis questioned if these are the hard copies from the previous meeting. Bell confirmed.

Jarvis requested to skip the next two Public Hearing items 4C and 4D if there were no questions.

Mike Bell, Senior Planner, presented Public Hearing item 5C. Bell stated he provided the Commissioners with two handouts. Bell stated he spoke with the Assistant Fire Chief regarding what would happen to current Fire Station 4. The Assistant Fire Chief stated that it would be used for storage for the Fire Department. Jarvis questioned if it would stay under control of the City. Bell confirmed. Commissioner Beck questioned if the current fire station zoned is Neighborhood Residential-3. Bell confirmed.

Bell stated that there are two options for rezoning. Jennifer DeCurtis, Deputy City Attorney, stated City Council has already approved an overlay for mixed-use residential. Bell stated the mixed use protection overlay is only allowed in the Neighborhood Residential Districts.

Julie Wyatt, Senior Planner, presented Public Hearing item 5D. Wyatt stated that she did not receive any response letters. There were no questions for staff.

Julie Wyatt, Senior Planner, presented Public Hearing item 5E. Wyatt stated Robson Ranch is requesting a Detailed Plan amendment that will allow for the blending of land uses. Wyatt stated that this will integrate the uses. Ellis questioned if they will be increasing the total Villa units. Wyatt stated that they are requesting to increase to 1200 units from 60 units.

Commissioner Sullivan referred to the Villas as a lock and leave option. Wyatt confirmed that she spoke with the applicant and that they also used the term lock and leave in reference to the Villas. Wyatt stated she received responses that were 22 in favor, 13 in opposition and 8 neutral.

Chair Strange called a recess from 6:03 p.m. to 6:10 p.m.

2. Work Session Reports

- A. Receive a report and hold a discussion regarding current notification practices and requirements for public hearings.

Cindy Jackson, Senior Planner, presented the Work Session Reports 2A regarding the notifications practices. Commissioner Sullivan questioned where the sign has to be placed in accordance with the property. Jackson stated it has to be on the property and facing the street. Jarvis stated any change to the notification process would require City Council approval. Menguita stated the Commissioners could reach out to staff regarding the notification process if they have any other feedback they would like to provide. Jarvis and DeCurtis stated that this was not an item for action.

Chair Strange closed the Work Session at 6:44 P.M.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on **Wednesday, October 12, 2016 at 6:30 p.m.** in the City Council Chambers at City Hall, 215 E. McKinney at which time the following items were considered:

Chair Strange called the Regular Meeting to order at 6:48 p.m.

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

Items for Individual Consideration 4A was heard before 2A.

Commissioner Beck nominated Commissioner Taylor as Vice-Chair. Commissioner Hudspeth seconded. There was no further discussion.

Commissioner Larry Beck motioned, Commissioner Gerard Hudspeth seconded to Nominate Commissioner Taylor for Vice-Chair. Motioned approved (7-0). Commissioner Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

2. CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES FOR:

- A. Consider approval of the Planning and Zoning Commission meeting minutes.

August 10, 2016 (Continued from the September 14, 2016 meeting)

Vice-Chair Devin Taylor motioned, Commissioner Larry Beck seconded to approve the minutes for the August 10, 2016 meeting. Motioned approved (3-0). Vice Chair Devin Taylor "aye", Commissioner Larry Beck "aye", and Commissioner Andrew Rozell "aye".

September 14, 2016

Commissioner Larry Beck motioned, Commissioner Margie Ellis seconded to approve the minutes for the September 14, 2016 meeting. Motioned approve (6-0). Vice Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

September 28, 2016

Vice-Chair Devin Taylor motioned, Commissioner Andrew Rozell seconded to approve the minutes for the September 28, 2016 meeting. Motioned approved (7-0). Vice Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

3. CONSENT AGENDA

- A. Consider a Preliminary Plat of Lot 1, Block A of the Hickory Creek Detention Addition. The approximately 66.44 acre property is generally located on the west side of Country Club Road (FM 1830) within the B.B.B. & C.C.C. Co. Survey, Abstract No. 196, in the City of Denton, Denton County, Texas. (PP16-0018, Hickory Creek Detention Addition, Mike Bell)
- B. Consider a Final Plat of the Sherman Crossing Addition, Phase 1. The approximately 30.59 acre property is generally located on the west side of East Sherman Drive (FM 428) between North Loop 288 and Hercules Lane, within the S. McCracken Survey, Abstract No. 817, in the City of Denton, Denton County, Texas. (FP16-0021, Sherman Crossing Phase 1, Mike Bell)
- C. Consider a Final Plat of the Sherman Crossing Addition, Phase 2A. The approximately 21.57 acre property is generally located on the north side of Hercules Drive, approximately 600 feet west of East Sherman Drive (FM 428), within the S. McCracken Survey, Abstract No. 817, in the City of Denton, Denton County, Texas. (FP16-0013, Sherman Crossing Phase 2A, Mike Bell)

Commissioner Andrew Rozell motioned, Commissioner Larry Beck seconded to approve the Consent Agenda. Motioned approved (7-0). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

4. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Consider and appoint a member for the Planning and Zoning Commission Vice-Chair position.

This item was heard before the Consent Agenda Items.

- B. Consider approval of a Site Plan within the Rayzor Ranch South Campus for a Multi-Family development on Lot 9R, Block A of the Rayzor Ranch Town Center, Phase One. The approximately 11 acre site is generally located on the west side of Heritage Trail Boulevard, approximately 1,100 feet south of West University Drive (US 380). The subject property is within the Rayzor Ranch Overlay District (Ord. No. 2016-017). (SP16-0002, Rayzor Ranch Multi-Family Tract, Mike Bell)

Mike Bell, Senior Planner, presented this item. Commissioner Beck questioned bike lanes. Earl Escobar, Engineering Development Review Manager, stated no bike lanes will be added. Commissioner Beck questioned if the sidewalks would be restricted to prohibit bicycles from riding on them. Escobar stated that they would be shared lanes. Applicant Austin Bradley with EPC Real Estate, at 411 Nichols Rd Ste. 225 Kansas City, Missouri, thanked the Commissioners for their consideration of this item. Vice-Chair Taylor questioned if there is bike parking on the site plan. Austin Bradley stated that yes they are adding bike racks. Vice-Chair Taylor questioned if there pedestrian connections for walking. Austin Bradley there is no intension for pedestrians to come through the site but there will be access to go around.

Scott Wagner with Red Development at One East Washington, Suite 300 Phoenix, Arizona, stated that they are building all of Heritage Trail in phases.

Commissioner Gerard Hudspeth motioned, Commissioner Larry Beck seconded to approve item 4B. Motioned approved (7-0). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

5. PUBLIC HEARINGS

- A. Hold a public hearing and consider a Final Replat of Haddad Addition, Lots 1 & 2, Block A, being a replat of Ryan Road Estates Addition, Lot 3, and Thetford Addition, Lot 3. The approximately 5.89 acre property is generally located on the north side of West Ryan Road, approximately 1,060 feet east of Country Club Road and within T.J. Martin Survey, Abstract Number 900. (FR16-0013, Haddad Addition, Julie Wyatt)

Chair Strange opened the Public Hearing. Julie Wyatt, Senior Planner, presented Public Hearing item 5A. Chair Strange questioned if there would be any perimeter street pavement improvements along Ryan Road for this site. Earl Escobar, Engineering Development Review Manager, stated no, due to implementing road way impact fees. Chair Strange closed the Public Hearing. There was no further discussion.

Vice-Chair Taylor motioned, Commissioner Margie Ellis seconded to approve this Request. Motioned approved (7-0). Commissioner Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Gerard Hudspeth "aye".

- B. Hold a public hearing and consider a Final Replat of Brinker Crossing, Lots 1A and 1B, Block 1, being a replat of Brinker Crossing, Lot 1, block 1. The approximately 2.04-acre property is generally located on the west side of Brinker Road approximately 400 feet south of South Loop 288 and within the J.S. Taft Survey, Abstract Number 1256 in the City of Denton, Denton County, Texas. (FR16-0014, Brinker Crossing, Hayley Zagurski)

Chair Strange opened the Public Hearing. Hayley Zagurski, Assistant Planner, presented Public Hearing item 5B. Zagurski stated this item is to separate two lots, so they are able to move forward

with development. There was no further discussion. There was no one to speak on this item. Chair Strange closed the Public Hearing.

Commissioner Larry Beck motioned, Commissioner Andrew Rozell seconded to approve this request. Motioned approved (7-0). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

- C. Hold a public hearing and consider making a recommendation to City Council regarding a request to rezone approximately 2.06 acres from a Neighborhood Residential 3 (NR-3) District to a Neighborhood Residential Mixed Use 12 (NRMU-12) District. The subject property is generally located at the northeast corner of East Sherman Drive and Kings Row. (Z16-0019, Fire Station No. 4, Mike Bell)

Chair Strange opened the Public Hearing. Mike Bell, Senior Planner, presented Public Hearing item 5C. Bell stated that this a two part request. The first part of the request is to consider a recommendation to City Council to rezone from a Neighborhood Residential-3 to a Neighborhood Residential Mixed Use. The second part the applicant is requesting a Mixed Use Residential Protection Overlay. The main concerns that were presented to Bell were what is going to happen to the existing fire station. Bell stated that he spoke with the Assistant Fire Chief and he confirmed that it would be used for storage. Other concerns were if City Council decides to sell the property in the future.

Bell received one returned response in opposition and one in favor. Jennifer DeCurtis, Deputy City Attorney, provided guidance to the Commissioners regarding the overlay.

The following individuals spoke during the public hearing:

- Evelyn Mielcarek, 2310 Royal Acres, Denton Texas. Supports this request.
- David Shultz, 2207 Wellington Dr., Denton Texas. Supports this request.

Chair Strange read letters received for the record:

Rudy Gonzalez, 1305 Kings Row, Denton Texas. Opposes this request.
Bradley Lehman with MJ Thomas Engineering at 3973 W. Vickery Boulevard, Ste. 103 Fort Worth, Texas. Commissioner Hudspeth questioned if it compared to the station on McKinney Street. Bradley confirmed. There was no further discussion, Chair Strange closed the Public Hearing.

Commissioner Andrew Rozell motioned, Commissioner Gerard Hudspeth seconded to approve this request. Motioned approved (7-0). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

- D. Hold a public hearing and consider making a recommendation to City Council regarding a request to provide an initial zoning district designation of Regional Center Commercial Neighborhood (RCC-N) District to an approximately 0.375 acre property generally located

on the north side of Crawford Road, approximately 675 east of the I-35W Crawford Road on-ramp. (Z16-0024, Ranch View Specialty Hospital, Julie Wyatt)

Chair Strange opened the Public Hearing. Julie Wyatt, Senior Planner presented Public Hearing item 5D. The applicant is requesting to rezone the property to Regional Center Commercial Neighborhood. Commissioner Rozell questioned if this property is going to be combined with the other property to create a medical district. Wyatt confirmed that is the proposal. There was no further discussion. Chair Strange closed the Public Hearing.

Commissioner Larry Beck motioned, Vice-Chair Devin Taylor seconded to approve this request. Motioned approved (7-0). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

- E. Hold a public hearing and consider making a recommendation to City Council regarding a Detailed Plan amendment for Planned Development 173 (PD-173) District, Robson Ranch, to permit the reallocation of residential uses in the Land Use Plan. The subject property is approximately 2.725 acres generally located north of Robson Ranch Road, approximately 5,540 feet west of the I-35W Robson Ranch Road On-Ramp. (PDA16-0007, Robson-Ranch Detailed Plan, Julie Wyatt)

Chair Strange opened the Public Hearing. Julie Wyatt, Senior Planner, presented Public Hearing item 5E. The applicant is proposing a change to the approved detailed plan to allow Single Family Luxury (SFL), Single Family Premier (SFP), Single Family Villa (SFV) and Single Family Casita (SFC) to allow the use to be mixed. The applicant is also proposing a max of 1,200 dwellings for the Single Family Villa. The residential use would be disbursed through the area.

Applicant, Todd Fitzgerald, 9666 East Riggs Rd, Salt Lake City, Arizona, stated this change is more about blending what is available. Vice-Chair Taylor stated that the Villas might be on smaller lots, but SFP, SFL, SFC lot would get a bit bigger to absorb the extra space. Fitzgerald stated that is correct. Vice-Chair Taylor stated they strongly discourage the blending idea.

Fitzgerald confirmed that the Villas are better as a pod. Commissioner Ellis stated that by adding more Villas we are increasing the population. Fitzgerald stated since we are not adding the maximum density it does not add to the population. Commissioner Sullivan stated his concern is that this is Master Plan development and that people need to know what they are buying into.

Commissioner Rozell questioned what the traffic is for the lock and leave means. Fitzgerald stated he does not know the percentage. Commissioner Rozell questioned if there is a way to protect the assets for the current residents. Fitzgerald stated yes they can comply with that.

Commissioner Ellis questioned how many villas are currently built. Fitzgerald stated there are 63 current villas. Commissioner Ellis questioned the reasoning for the zoning change. Fitzgerald stated it is for the flexibility to place more Villas.

Chair Strange stated to Fitzgerald from his view it appears as if they are trying to avoid the Planning and Zoning Commission. Chair Strange stated if the Commission approves this request, the applicant would not have to come back before this Commission for future changes. Fitzgerald confirmed.

The following individuals spoke during public hearing:

Fred Palmer, 9613 Lindenwood Trail, Denton, Texas. Opposed this request.
Barbara J. Hodges, 9600 Rosewood Drive, Denton, Texas. Supports this request.
Mike Weare, 9612 Applewood Trail, Denton, Texas. Supports this request.
Tom Gomez, 8709 Gardenia Drive, Denton, Texas. Opposed this request.
Alan Schiegg, 9101 Compton Street, Denton, Texas. Opposed this request.
Cindy Whiddon, 10413 Belvedere Drive, Denton, Texas. Opposed this request.
David Everly, 8800 Maryland Court, Denton, Texas. Opposed this request.

Commissioner Hudspeth clarified for the citizens that the notice is not sent from Robson Ranch but from the City of Denton. There was no one else to speak, Chair Strange closed the Public Hearing.

Commissioner Hudspeth questioned Fitzgerald if he could have a designated number of pods that would fit their needs. Fitzgerald stated he would be apprehensive with a designated number. Commissioner Hudspeth stated he is trying to find a middle ground for the applicant and residents. Commissioner Beck questioned if the demand for the 1,200 villa is actually realistic. Fitzgerald stated that there is not a set number, but to be safe that's why there is a request for 1,200.


Commissioner Ellis stated the uneasy determination would be going from 63 villas to 1200 villas. Fitzgerald stated it is so we don't have to in the bind we are in now. Vice-Chair Taylor stated if there were conditions in place for the pods this plan could work. He also stated if Fitzgerald would be comfortable coming back to table the request in 4 weeks. DeCurtis stated that you would have to amend the Planned Development. She also suggested staff and the Commissioners work together on set requirements before it goes to City Council. Fitzgerald agreed to work with staff and return on November 30, 2016.

Commissioner Beck motioned, Vice-Chair Devin Taylor seconded to approve for this item to return on November 30, 2016. Motioned approved (4-3). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", and Commissioner Margie Ellis "aye" Commissioner Andrew Rozell "nay", Chair Jim Strange "nay", and Commissioner Gerard Hudspeth "nay".

6. [PLANNING & ZONING COMMISSION PROJECT MATRIX](#)
 - A. [Planning and Zoning Commission project matrix.](#)

Commissioner Ellis stated she wanted to be briefed on when the City of Denton knows when a traffic study needed. Jarvis confirmed that staff will provide that information. Chair Strange thanked staff for providing the information he requested in such a timely manner and requested a follow up for the overpass at Mayhill Road and I-35; if not he would like to receive an update. There was no further discussion. Chair Strange closed the Regular Meeting at 9:08 P.M.

Chair Strange stated to Fitzgerald from his view it appears as if they are trying to avoid the

X 

Jim Strange
Chair

X 

Catherine Welbron
Administrative Assistant III