

Special Called Work Session  
Minutes  
February 15, 2017

After determining that a quorum was present, the Planning and Zoning Commission of the City of Denton, Texas convened in a Special Called Work Session on Wednesday, February 15, 2017 at 4:00 p.m. in the City Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas at which time the following items considered:

**PRESENT:** Chair Jim Strange, Commissioners: Larry Beck, Steve Sullivan, and Margie Ellis.

**ABSENT:** Vice-Chair Devin Taylor, Commissioners: Andrew Rozell, and Gerard Hudspeth.

**STAFF:** Munal Mauladad, Shandrian Jarvis, Haywood Morgan, Trey Lansford and Cathy Welborn.

WORK SESSION

1. Work Session Reports

- A. PZ17-045 Receive a report and hold a discussion regarding the adoption of an ordinance of the City of Denton, Texas, amending Subchapter 35.3 Procedures, Subchapter 35.13 Site Design Standards, and Subchapter 35.23 Definitions and Terms, of the Denton Development Code related to tree preservation and landscape requirements. (DCA16-0001e, Tree Preservation and Landscape Requirements Update, Haywood Morgan).

Chair Strange opened the Work Session at 4:05 p.m.

Shandrian Jarvis, Development Review Committee Administrator, invited Haywood Morgan, Urban Forester, to present this item.

Morgan provided the revisions to the City of Denton's tree preservation and landscape requirements. Morgan stated during the February 8, 2017 Planning and Zoning Commission meeting, staff and the Commissioners were conducting a page turn of the purposed changes to the ordinance.

Commissioner Beck referred to section **4aiv**, he questioned if a developer could ever redevelop or go below the initial canopy. Morgan stated yes, in those cases where they don't develop all of a site and they have all their trees in one area, it's designed to protect the trees that were initially preserved.

Chair Strange questioned how it works if a development is broken up into individual lots and have multiple property owners. Morgan stated the property owner would be able but they would have to get a permit. Chair Strange questioned if a lot had a large Post oak tree that was included in the initial 30 percent of canopy would that tree be able to be removed. Morgan stated yes it goes back

to the overall canopy that is on the site, but dealing with residential lots are different than commercial.

Munal Mauladad, Director of Development Services, clarified Chair Strange's question if a 100 acre lot is divided into one (1) acre lots and it impacts the current 30 percent canopy coverage then what happens.

Morgan stated if you look at statement number 4av where it states the notation shall limit any future unauthorized land disturbing activity or construction that would impact and /or damage the tree(s) to be preserved, so you are unable to come in and have further development on that site. Jarvis stated when staff talks about redevelopment it basically triggers a new application, so the new development would go through the same review as any new development.

Jarvis stated anything that triggers the expansion of the applicability table or a new application would follow the guidelines in the ordinance. Jarvis stated that is something that will be captioned in the rewrite. Commissioner Sullivan questioned why it doesn't state individual homeowners are exempted from this policy.

Commissioner Sullivan stated he believed that was already discussed in the February 8, 2017 meeting. Jarvis stated she would keep a tally of the recommendations the Commissioners wanted to carry forward to the City Council and is attached to the document that goes forward.

Mauladad stated the goal is not to compromise anyone's ability to use their home or land, the intent of this ordinance is to not make things difficult. Mauladad stated this is a collaborative effort to see how this ordinance will impact current and future development.

Chair Strange stated there are a lot of stakeholders that are in the developer property owner side, which are having issues with this new ordinance, because they are the ones that are going to have the greatest impact financially. Chair Strange stated he believes that disconnect is that some stakeholders that would like to preserve trees, but when they have to bare all the responsibility for the public good.

Commissioner Sullivan stated his humble suggestion is to identify "homeowner" and "developer" as two separate definitions.

Mauladad stated with the guidance and input of the Planning and Zoning Commission staff would like to move forward. If we could receive the Planning and Zoning Commission's comments this week then sit down with the Legal Department and bring those changes back to discuss why or why not to move forward with this amendment.

Commissioner Ellis questioned the best way to move forward with this request and collectively gather this Commission's feedback. Commissioner Ellis stated we need a better tree code and to get this passed through City Council. Jarvis stated this document is not for you to write the ordinance, but to provide feedback and comments on the general concepts that are located in the staff memorandum.

Morgan continued with the page turn. Morgan stated for every tree that is preserved you will receive credit towards the tree canopy requirements, so for every 10,000 square feet of tree canopy preserved you get 20,000 credit.

Commissioner Ellis referred to section **4bi** “where it states the preserved canopy maybe counted” she questioned will it be counted or will it be determined. Morgan stated it will be counted, it should state “preserved canopy will be counted”.

Commissioner Beck questioned if the tree fund would be used to buy lots with a large amount of trees so they would not be lost with a development. Morgan stated yes, the tree fund allows the City to do that. Morgan stated for the Commissioners to scratch out **6aii**, a tree removal permit will be required for Exempt Trees.

Jarvis requested Morgan to clarify his last statement, she questioned if Exempt Trees would still require a permit for removal. Morgan stated yes, they are exempt from the requirement of preservation, but not from having a permit to remove them. Commissioner Beck suggested to streamline section **6a** if you took out **i** and **iii** and made them into one full sentence. Morgan stated staff would submit that to the Legal Department. Commissioner Ellis requested to add the comments regarding the Single Family Homeowner to section 6.

Jarvis stated to capture Commissioner Sullivan and Commissioner Ellis’s comment about the homeowner, staff may need to write the recommendation to exempt the home owner from the preservation and mitigation requirements.

Commissioner Beck stated he is opposed requiring a single family homeowner to get a permit to remove a tree, but to have the permit for educational purposes.

Commissioner Ellis stated she is looking for more clarity for the homeowner to be able to understand what is required of them.

Chair Strange questioned the cost that would apply to a developer. Morgan stated based on recent quotes for a 38 acre site, on the high end a 100 percent inventory was 10,000 to 15,000 dollars, for the analysis of just the Canopy 2,500 to 3,500.

Chair Strange questioned why a final plat is not included in section **6biii**. Morgan stated this step comes after the final plat. Commissioner Ellis questioned if signs needed to be posted on all preserved tree areas. Morgan stated yes, a sign will have to be place at each area.

Mauladad stated the main concern is the existing ordinance is too jumbled, she stated it does not clearly state nonresidential, residential, redevelopment and new development requirements. Chair Strange agreed that is part of the issue.

Commissioner Beck stated he likes section **7b** as long as the Urban Forester is the one to approve the amendments. Commissioner Beck continued to state he is comfortable allowing someone else to approve the amendments in Morgan’s absence. Morgan stated if he is unable to review the amendments someone with similar qualifications.

Jarvis requested Morgan to bullet out in section 7b a checklist of what is needed for the approval of amendments to the Tree Preservation Plan.

Chair Strange questioned if there is a current tree criteria manual on the website. Morgan stated no there is not. Commissioner Ellis questioned the amount of arborist. Morgan stated within a 100 miles of Denton there are 139 arborist in the area.

There was no further discussion.

Chair Strange closed the Special Called Work Session at 6:05 p.m.

X

Jim Strange  
Chair



X

Catherine Welborn  
Administrative Assistant III

