

Minutes
Planning and Zoning Commission
July 25, 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 **Wednesday, July 25, 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, and Margie Ellis.

ABSENT: Commissioner: Steve Sullivan, Tim Smith, and Andrew Rozell.

STAFF: Athenia Green, Hayley Zagurski, Julie Wyatt, Scott McDonald, Ron Menguita, Richard Cannone, Cindy Jackson, Sean Jacobson, and Jerry Drake.

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

WORK SESSION

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.

Chair Strange stated Item for Individual Consideration 4A has been withdrawn, no action will be taken.

Hayley Zagurski, Senior Planner, presented Public Hearing Item 5A. Commissioner Ellis questioned if the business has been in operation since 1974. Zagurski confirmed. Commissioner Sanchez questioned the difference between funeral home and parlor. Zagurski stated they are describing the same thing, one is more of a technical term.

Zagurski stated staff received one response in favor, and one opposed to the request. The applicant held a neighborhood meeting, where approximately 8-10 people attended. There was no one in opposition at the neighborhood meeting.

Commissioner Beck thanked Zagurski for her research on this item. He questioned why this request could not move forward as a special use or a variance through the Zoning Board of Adjustment (ZBA). Jerry Drake, First Assistant City Attorney, stated that use variances are illegal in Texas. He stated the ZBA cannot approve uses, only items such as setbacks and height adjustments.

Commissioner Ellis questioned if the applicant proposes to keep the existing building and add an addition. Zagurski confirmed and provided a rendering of the proposed building. There was no further discussion on this item.

Hayley Zagurski, Senior Planner, presented Public Hearing Item 5B. Commissioner Beck questioned the maximum height allowed. Zagurski stated it would be permitted up to 100 feet. The tower is approximately 30 feet.

Zagurski stated staff received five oppositions to the request, and one in favor of the request. Staff recommends approval of the request based on the conditions provided in the backup materials.

Commissioner Ellis questioned if a neighborhood meeting was suggested. Zagurski confirmed, the applicant declined to hold a neighborhood meeting.

Commissioner Ellis stated the vacuums back up to the neighboring residential properties, she stated she is concerned this will affect the neighbors based off of the sound produced by the vacuums. Zagurski stated she is not familiar with the noise levels produced by the vacuums, however, they should not be audible with the adequate buffering installed. The existing tree line is substantial for the site.

Zagurski clarified the building height for the Planned Development (PD), it restricts up to three-stories, and there is no actual foot amount.

Commissioner Beck questioned if this will be a 24-hour facility. Zagurski stated the applicant could clarify during the Regular Meeting.

Chair Strange stated a lot of these business house the main vacuums in the building, the tubing would then run to the vacuum site.

The Commission discussed the PD requirements. There was no further discussion.

Cindy Jackson, Senior Planner, presented Public Hearing Item 5C. Staff recommends approval of the request. Staff has not received any returned responses regarding the request. A citizen attended the neighborhood meeting in opposition. However, they changed their opposition when they learned the applicant was not proposing to develop multi-family.

Chair Strange questioned if there is an administrative process to approve these requests. He stated this is a lot of work for an applicant or owner to go through. Jerry Drake, First Assistant City Attorney, stated there is not a process to zone a property administratively. There was no further discussion on this item.

Chair Strange called a recess from 6:08 p.m. to 6:15 p.m.

Julie Wyatt, Senior Planner, presented Public Hearing Item 5D. She provided the mobility details for Mayhill Road. Staff recommends approval of the request. Staff has not received any returned responses. There was no further discussion.

2. [Work Session Reports](#)
 - A. [Hold a discussion and schedule a future Work Session to address the requested items listed on the project matrix.](#)

Richard Cannone, Planning Director, stated he would like to implement a schedule to address the items listed on the matrix. He stated he forgot to include the single-family residential zoning changes and discussion regarding the RD-5X zoning classification. Those items will be included on the September 12, 2018 Work Session.

Cannone stated there will also be an opening for the Chair position, which will be included on the upcoming meeting agenda. He discussed meeting at 4:00 p.m. or 4:30 p.m. to allow time to review all items on the agenda.

Cannone discussed the tie vote process. Scott McDonald, Director of Development Services, stated there are a few items staff are reviewing regarding the process for tie votes.

There was no further discussion. Chair Strange adjourned the Work Session at 6:32 p.m.

REGULAR MEETING

Chair Strange called the Regular Meeting to order at 6:45 p.m.

The Planning and Zoning Commission convened in a Regular Meeting on **Wednesday, July 25, 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. [July 11, 2018](#)

Commissioner Larry Beck motioned, Commissioner Margie Ellis seconded to approve the July 11, 2018 meeting minutes. **Motion approved (4-0).** Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye".

3. [CONSENT AGENDA:](#)
 - A. [Consider a request by Allegiance Hillview for approval of a Preliminary Plat for Rayzor Ranch East. The approximately 90.13-acre site is generally located on the east side of Heritage Trail between West University Drive and Scripture Street in](#)

[the City of Denton, Denton County, Texas. \(PP18-0006, Rayzor Ranch East, Hayley Zagurski\).](#)

Commissioner Margie Ellis motioned, Commissioner Larry Beck seconded to approve the Consent Agenda. **Motion approved (4-0)**. Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye".

4. [ITEMS FOR INDIVIDUAL CONSIDERATION:](#)

- A. [Consider a request by Carmel Villas, LLC for approval of a final plat of Carmel Villas, Phase I. The approximately 17.78-acre site is generally located on the north side of Pockrus Page Road, approximately 1.065 feet east of the I-35E Service Road in the City of Denton, Denton County, Texas. \(FP18-0001, Carmel Villas, Phase I, Julie Wyatt\).](#)

This item has been withdrawn and will come back at a future date.

5. [PUBLIC HEARINGS:](#)

- A. [Hold a public hearing and consider making a recommendation to City Council regarding a request by Clifton Maxfield and Cli Max Enterprises for a zoning change from Neighborhood Residential 4 \(NR-4\) to a Downtown Commercial Neighborhood \(DC-N\) District. The 0.64-acre site is generally located on the south side of East Mulberry Street, approximately 50 feet west of Wood Street, in the City of Denton, Denton County, Texas. \(Z18-0010, People's Funeral Home Expansion, Hayley Zagurski\).](#)

Chair Strange opened the Public Hearing. Hayley Zagurski, Senior Planner, presented the request. The funeral home currently has 3,260 square foot and would like to add 2,535 square feet. The funeral home has occupied the existing property for over 40 years. There have not been any formal complaints regarding the existing business. Staff recommends approval of the request based on conditions provided in the backup material.

Johnnie Brumfield, Applicant, 4545 Shadow Ridge Drive, The Colony, Texas, stated the proposed expansion will help meet the current needs of the funeral home. There is not much parking onsite currently, the plan is to help improve the parking. The development will also visually improve the area.

Commissioner Beck referred to the landscape, he questioned if the applicant agrees to the requirements. Brumfield stated they agree, however, they would like a little flexibility in the event it needs to be changed a little during the process.

The following individuals did not wish to speak but expressed their support for the request:

Mae Shephard, 608 Chambers Street, Denton, Texas.

Louis Stokes, 2601 Mingo Road, Apt 102, Denton, Texas.

Mable Devereaux, 111 S. Crawford, Denton, Texas.

Effie McQueen, 1418 Noble Street, Denton, Texas.
Jean Robertson, 2308 Mercedes Road, Denton, Texas.
Roland Lucas, 206 S. Wood Street, Denton, Texas.
Curtis Himes, 1213 Haggard, Denton, Texas.
Ivy Fore, 5409 Galante Lane, Denton, Texas.
Doris Parks, 3500 E. McKinney Street, Apt. 9103, Denton, Texas.
Shelby Johnson, 1109 E. Hickory Street, Denton, Texas.
Rubie Sacks, 1109 E. Hickory Street, Denton, Texas.
Marcella Franklin, 317 Mill Street, Denton, Texas.
Vanessa Reed, 617 Boardwalk, Denton, Texas.
Patrice Tobias, 618 E. Prairie Street, Denton, Texas.

The following individuals spoke during the Public Hearing:

Cynthia Cochran, 2420 E. McKinney Street, Denton, Texas. Spoke in support. Cochran stated they support the applicant and owners work on this project. She stated they are excited to see the expansion, it will add more parking and enhance the appearance of the area and City.

Kim McKibben, 1306 W. Hickory Street, Denton, Texas. McKibben stated she was in opposition to the request, however, if staff can assure that high density apartments would not be developed on the site based on the allowed zoning uses then she would be in support of the request. The proposed funeral home is nice looking. McKibben stated she has concerns for the neighborhood regarding commercial uses. She also has concerns with the proposed ingress and egress to the site, she would recommending flip flopping the proposed point of ingress and egress.

Reginald Logan, 705 Park Lane, Denton, Texas. Spoke in support. The proposed development will enhance and help build support in the neighborhood. This is an applicant and owner that wants to be a part of the City and this neighborhood. This will help the entire City and not just southeast Denton.

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

Commissioner Beck stated he would motion to approve the request based on staff's conditions; however, he would like some reassurance from staff to help protect the neighborhood from being encroached upon by commercial development.

Chair Strange stated that suggestion would not be included in the motion, it could be recommended for the project matrix. Richard Cannone, Planning Director, stated it would be added to the matrix.

Commissioner Sanchez stated he resides in east Denton, which is unique like southeast Denton, the neighborhoods are basically their own community. He stated he would also vote for approval of this request.

Commissioner Ellis thanked the citizens for speaking on behalf of the project, she stated she would be voting in support as well, it will be a wonderful project.

Chair Strange reminded the citizens that the item will also go before City Council for the final approval, he recommended they attend that meeting as well and provide their feedback.

Commissioner Larry Beck motioned, Commissioner Alfredo Sanchez seconded to approve the request based on staff's conditions: **1.** The permitted uses within the DC-N district shall be restricted to Mortuary; and **2.** The maximum building height shall be limited to one-story. **Motion approved (4-0).** Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye".

- B. [Hold a public hearing and consider making a recommendation to City Council regarding a Detail Plan for Planned Development 176 \(PD-176\) District to depict an auto laundry facility on approximately 2.13 acres. The property is generally located on the west side of North FM 2499, approximately 760 feet north of Hickory Creek Road in the City of Denton, Denton County, Texas. \(PDA18-0004, Clean and Green Car Wash, Hayley Zagurski\).](#)

Chair Strange opened the Public Hearing. Hayley Zagurski, Senior Planner, presented the request. Staff recommends approval of the request based on conditions. Staff received five (5) responses in opposition and one (1) response in favor of the request.

Commissioner Ellis questioned the sign requirements. Zagurski stated there are several requirements that include setbacks, height restrictions and limitations.

The following individuals did not wish to speak but expressed their opposition for the request:

- Gena Lomelin, 6020 English Manor Road, Denton, Texas.
- Jonathan Acker, 6325 Thoroughbred Trail, Denton, Texas.

The following individuals spoke during the Public Hearing:

Josh Boschee, applicant and owner, 12821 Saratoga Downs, Fort Worth, Texas, stated he owns the property and the car was on the opposite corner. He stated the vacuum producers are located in the building, in an insulated room. The property sits approximately 2-3 feet higher than the neighboring properties. This will be a 7:00 a.m. to 9:00 p.m. facility, it will not be open 24 hours.

Chair Strange stated since there are concerns with noise on the site, he questioned if the property owner would be open to raising the fence along the neighborhood side to eight foot instead of six foot. Boschee stated he would be open to that suggestion.

Commissioner Beck referred to points of ingress and egress questioning whether the applicant considered adding an inlet. Boschee stated they did not consider it, however, it is a Texas Department of Transportation road so ultimately it would be their decision for approval.

Michael Thomas, Engineer, 4816 Whistler Drive, Fort Worth, Texas, stated the southbound access would not be a requirement.

Rose Brandt, 6600 Hayling Way, Denton, Texas, spoke in opposition. The proposed tower is elevated higher than the houses. Brandt discussed the impact this development would have regarding bugs and rodents. Brandt stated she would rather see office buildings rather than the proposed development.

Shannon Garza, 6545 Pine Hills Lane, Denton, Texas, spoke in opposition. The newly developed highway neighboring house has been a big impact on the neighborhood. A lot of trees were removed with the development of the highway. There are a lot of small children that play in the neighborhood, a lot of street parking and a lot of accidents at the intersection of Hickory Creek Road and FM 2499.

Commissioner Sanchez questioned if Garza was aware the neighboring property was zoned commercial when she purchased her property. Garza declined, the property was green space. Garza stated a lot of the properties in the neighborhood are now rent or leased properties instead of owner occupied.

Steven Shannon, 319 W. Oak Street, Denton, Texas, spoke in support. Shannon stated he owns the property to the north. The proposed development is a compatible use. The owner has made great attempts to make it even more compatible.

David Furr, 6500 Longleaf Lane, Denton, Texas, spoke in opposition. Furr stated there was not a neighborhood meeting, so there are a lot of unanswered questions. He stated he doesn't like the idea of a 30 foot tall building neighboring his property. He is glad to see this will not be a 24 hour facility. The existing car wash is 24 hours, there are lights on at all times, and radios blasting. There are concerns with traffic along FM 2499.

Chair Strange stated the applicant could develop a three-story structure by right, which is already allowed within the Planned Development (PD).

Kim Hurst, 3301 Highpoint Drive, Denton, Texas, spoke in opposition. There will be a decrease in property values, a lot of noise issues, this will increase the crime in the area, a lot of children currently play outside in the neighborhood. Hurst stated the business could have individuals waiting up to two hours waiting for their vehicles to be serviced. This causes pedestrian traffic in the neighborhoods while they're waiting for their cars to be cleaned. This will also increase trash in the area. There are a number of car washes in the area and doesn't see the need for another car wash. This will increase the number of rental properties in the area.

Commissioner Sanchez stated a lot of the existing neighbors would primarily be the ones using the facility. Hurst stated no, a lot of people cut through the neighborhood and area due to the construction in the area.

Tom Brant, 6600 Hayling Way, Denton, Texas, spoke in opposition. Brandt stated their realtor did not inform them of the proposed changes for the area. There is a lot of current noise in the area, due to the traffic.

Hector Lomelin, 6020 English Manor Road, Denton, Texas, spoke in opposition. There are a lot of lights, sound and stereos going while people wash their cars at the existing car wash. Lomelin questioned if the 30 foot tower is necessary for the development. The proposed walls will be close to some of the neighboring properties. There are a lot of other properties this development could consider. There are a lot of traffic concerns for the area. These neighborhoods are surrounded by commercial properties and uses.

Otto Hanneman, 6500 Corral Lane, Denton, Texas, spoke in opposition. This will cause a decrease in home values, there are a lot of traffic concerns. There is too much being squeezed into a small space. He would like to see the development consider another property.

Greg Johnson, 319 W. Oak Street, Denton, Texas, spoke in support. Johnson stated he understands the concerns of the neighbors, however, the use is allowed within the PD. The applicant has a right to develop. He stated that neighborhood meetings should be considered for certain projects. This is a six-lane major thoroughfare, developments like this are going to occur.

Commissioner Sanchez questioned if the applicant would consider a tower that is lower than 30 foot tall. Boschee stated they would rather not consider anything less since that space is used for equipment and storage.

Commissioner Ellis questioned if this is concerned a full service drop off facility. Boschee stated no, it is what is considered an express exterior car wash. Most customers are on site for a maximum of 20 minutes, unless they decide to stay onsite and detail their vehicles there.

Thomas stated in regards to the drainage concerns, there will be a detention pond onsite to mitigate drainage runoff.

Commissioner Beck stated the concept of a neighborhood meeting is very important especially for projects like this. He questioned if the applicant would consider postponing the request in order to allow time for a neighborhood meeting to address some of the concerns. Boschee stated they would prefer not to go that route. Chair Strange stated this item will go before City Council and will allow time for citizens to provide their feedback at that time as well.

Commissioner Ellis questioned if there is any signage to restrict the high radio volumes. Boschee stated not at this time, however, they could monitor the site. This site is staffed at all times, whereas his other site is not staffed.

There was no one else to speak. Chair Strange informed the citizens that the request will go before City Council on August 21, 2018.0

Commissioner Ellis referred to the wall height questioning if it could be raised by two feet. Thomas stated the concern at that point is the tree overhang, it could require some of the trees to be cut down.

Chair Strange closed the Public Hearing.

Commissioner Beck motioned to approve the request based on staff's condition. Chair Strange stated he would second the motion and request a friendly amendment to the motion to add the increase of the wall height by two feet. Commissioner Beck agreed.

The Commission thanked the citizens for providing their input.

Commissioner Larry Beck motioned, Chair Jim Strange seconded to approve the request based on the following conditions: **1.** No exterior lighting on the building shall face a single-family residential use, or if such lighting is proposed, it shall be screened from view of adjoining residential properties. A photometric plan shall be provided with the building permit application demonstrating compliance with the DDC's site lighting requirements in Section 35.13.12.; **2.** Due to the proximity of this location to single-family residences, the majority of the PD being residential, and the lack of signage regulations in the PD, the project shall comply with the Code of Ordinances sign requirements for non-residential districts as well as the following limitations: **a.** no illuminated wall signs may face an adjoining single-family use; and **3.** The proposed 6-foot tall masonry screening wall along the southern property line shall be increased to 8-foot. **Motion approved (4-0).** Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye".

- C. [Hold a public hearing and consider making a recommendation to City Council regarding a request by Marc DeGenaro representing Daniel Sobarames Hernandez for an initial zoning designation of Neighborhood Residential 2 \(NR-2\) District. The 1.00 acre site is generally located east of Masch Branch Road, along Miller Road, in the City of Denton, Denton County, Texas. \(Z18-0007, Little Brook Estate, Cindy Jackson\).](#)

Chair Strange opened the Public Hearing. Cindy Jackson, Senior Planner, provided the presentation. Staff recommends approval of the request.

Bill Coleman, Coleman and Associates, 725 S. Locust Street, Denton, Texas. Coleman did not have a presentation, but would request approval of this item.

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

Commissioner Margie Ellis motioned, Commissioner Larry Beck seconded to approve this request. **Motion approved (4-0).** Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye".

- D. [Hold a public hearing and consider making a recommendation to City Council regarding a request by Mayhill Edwards, LLC f/k/a SLP-Murphy GP, LLC for an initial zoning of Regional Center Residential 1 \(RCR-1\) District. The 15.06-acre site is generally located on the north side of Edwards Road, approximately 850 feet east of South Mayhill Road, in the City of Denton, Denton County, Texas. \(Z18-0009, Mayhill-Edwards, Julie Wyatt\).](#)

Chair Strange opened the Public Hearing. Julie Wyatt, Senior Planner, provided the presentation. Staff recommends approval of the request. Staff has not received any responses regarding the request. The applicant is present.

Commissioner Beck questioned the proposed plans for the site.

Randy Thompson, Applicant, 4116 W. Spring Creek Ct, Plano, Texas, stated they do not have any plans at this time, the zoning is needed to plan any details.

There was no further discussion. Chair Strange closed the Public Hearing.

Commissioner Alfredo Sanchez motioned, Commissioner Larry Beck seconded to approve this request. **Motion approved (4-0)**. Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye".

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

A. [Matrix](#)

Commissioner Beck requested discussion for regarding the Comprehensive Plan Amendment. Richard Cannone, Planning Director, stated he will add it to the matrix.

There was no other discussion. Chair Strange adjourned the Regular Meeting at 9:05 p.m.