

Minutes
Planning and Zoning Commission
February 21, 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 **February 21, 2018 at 4:00 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, Deborah Viera, Robert Makowski, Hayley Zagurski, Scott McDonald, Shandrian Jarvis, Ron Menguita, Richard Cannone, and Victor Flores.

WORK SESSION

Chair Strange called the Work Session to order at 4:05 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.

Commissioner Ellis referred to Consent Agenda Item 3A, she questioned if there would be one development. Shandrian Jarvis, Principal Planner, stated there is one owner for the two lots. Commissioner Ellis questioned which lot would be developed on. Richard Cannone, Interim Planning Director, stated development would take place on Lot 1 Block A.

Chair Strange stated Item for Individual Consideration 4A will not be heard during this meeting, it will come back as a Work Session during the March 7, 2018 meeting.

Ron Menguita, Principal Planner, presented Public Hearing Item 5A. He stated staff recommends approval of the request.

Hayley Zagurski, Senior Planner, presented Public Hearing Item 5B. She stated staff recommends approval of the request. Commissioner Smith arrived to the meeting. Commissioner Smith questioned the mobility plans for the area. Zagurski stated the applicant should have a concept plan to provide during the Regular Meeting.

Chair Strange stated Public Hearing Item 5C has been postponed indefinitely, Public Hearing Items 5D and 5E will be continued to a date certain.

2. [Work Session Reports:](#)

- A. [Receive a presentation, hold a discussion and provide staff direction regarding the public outreach effort related to the Denton Development Code Update. \(Ron Menguita\)](#)

Ron Menguita, Principal Planner, presented this request. There are approximately 26 zoning districts currently, staff is proposing to go down to approximately 14 zoning districts. Some of the districts will either be combined or eliminated.

The Commission questioned the public outreach opportunities and outcome from the meetings. Menguita stated approximately 30-40 individuals have attended the meetings, there is also opportunity for feedback to be provided online as well. He stated there is currently a lot of opportunity for public outreach.

Menguita stated he will also present this item to City Council as well. There was no further discussion.

Chair Strange called a recess from 5:12 p.m. to 5:22 p.m.

- B. [Receive a report, hold a discussion and provide staff direction regarding repealing and replacing Section 35.17 of the Denton Development Code. \(DCA17-0011, Subchapter 17, Deborah Viera\)](#)

Deborah Viera, Assistant Director of Environmental Services, presented this request. The Commission discussed the proposed revisions to the code, infill concerns, upland habitats, protecting Environmentally Sensitive Areas (ESA), and the list of 61 comments.

Commissioner Ellis questioned the number of ESAs over the years. Viera stated there have been a few submitted over the years, however, some have started the process and not yet been completed. Such as Buc-ees.

Chair Strange questioned the total number of upland habitats within Denton. Viera stated approximately 1,800 acres.

There was no further discussion. Chair Strange closed the Work Session at 6:28 p.m.

- C. [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.](#)

This item will be discussed during the March 7, 2018 meeting.

[REGULAR MEETING](#)

Chair Strange called the Regular Meeting to order at 6:40 p.m.

The Planning and Zoning Commission convened in a Regular Meeting on **Wednesday, February 21, 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 7, 2018

Commissioner Larry Beck motioned, Commissioner Margie Ellis seconded to approve the February 7, 2018, meeting minutes. Motion approved (5-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye". Commissioner Tim Smith abstained.

3. [CONSENT AGENDA:](#)

- A. [Consider a request by Bel Air Development, Ltd. for approval of a Preliminary Plat of Lots 1 and 2, Block A of the Palladium Denton Addition. The approximately 20-acre site is located at the southeast corner of Sherman Drive and Loop 288, in Denton, Texas. \(PP17-0026, Palladium Denton, Shandrian Jarvis Ugwoke\).](#)

Commissioner Tim Smith motioned, Commissioner Andrew Rozell 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.](#)

This item will be heard during the March 7, 2018 meeting.

5. [PUBLIC HEARINGS:](#)

- A. [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, Volunteer Enterprises, LLC for a zoning change from Neighborhood Residential 2 \(NR-2\) to Regional Center Commercial Downtown \(RCC-D\) on approximately 88.725 acres. The subject property is generally located south of University Drive](#)

[\(US 380\), approximately 1,500 feet west of Interstate 35 \(I-35\), in the City of Denton, Denton County, Texas. \(Z17-0025, Volunteer Enterprises, Ron Menguita\)](#)

Ron Menguita, Principal Planner, presented this request. Staff recommends approval of the request. Menguita stated a super majority vote would be required during City Council based on the neighboring property owner opposition. Chair Strange opened the Public Hearing.

The following individuals spoke during the Public Hearing:

Randi Rivera, applicant, 111 Hillside Drive, Lewisville, Texas. Spoke in support. Rivera provided a brief presentation, including site photos, and drone photos of the site. She stated 45% of the land is encumbered by floodplain, drainage easement, pipeline easement, and gas well pad sites. She stated she has spoken with the neighbor that is in opposition, they want to be able to protect their land. The neighbor also wants to make sure that the pond is functioning properly and not causing erosion to run downstream. Rivera stated as the applicant, they also would like to see the pond updated to function properly.

Commissioner Smith questioned the size of the proposed corporate and urban residential areas. Rivera stated it would cover approximately 25 acres. Those two uses could be flip-flopped on the site. She compared the development to Cypress Waters in the Irving, Texas area. Commissioner Smith questioned the type of corporate campus. Rivera stated there is not a specific company at this time, however, they have worked with the Economic Development Department and discussed the shortage of Campus Class A type settings.

Philip Baker, P. O. Box 2424, Denton, Texas. Spoke in opposition. Baker stated he represents the Rayzor Developments, which owns approximately 134 acres surrounding the subject site. He stated the zoning would allow for retail, multi-family, and restaurants. Baker stated he doesn't have an issue with retail and restaurants along University Drive, he personally does not feel they would survive based on the surrounding developments. There are a lot of developments in the area that do not want to be next to residential uses. He stated his company has ensured several businesses that they would not be neighboring residential uses.

Chair Strange questioned Baker why he feels his project that came before this Commission a few months back is an acceptable development in the area, however, the proposed development is not sufficient. Baker stated there are topography issues with the site, there are no natural land features to the site. The existing stream needs to be dealt with. Baker stated he doesn't want to see residential developed on the site. He stated he believes the pond is something that a staff member of the Selwyn School dug up just using a backhoe. He doesn't feel that it was created properly.

Everette Newland, property owner, 8485 Jim Christal Road, Denton, Texas. Newland stated they have tried to meet with Baker regarding his issues in the past, however, Baker does not recall the discussions. Newland stated they do not have an issue flip-flopping the corporate and urban residential uses on the site.

The Commission stated they feel the zoning and the uses are compatible for the area. They would like to see it move forward to City Council.

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 (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".

- B. [Hold a public hearing and consider making a recommendation to City Council regarding a request by KD Partners LLC for an amendment to the Rayzor Ranch Overlay District to provide standards and criteria for the residential development within the Rayzor Ranch Marketplace Residential Area. The Rayzor Ranch Marketplace Residential Area includes approximately 40.7 acres generally located on the west side of North Bonnie Brae Street, approximately 1,400 feet north of West University Drive \(US 380\) in the City of Denton, Denton County, Texas. This item was continued from the February 7, 2018 meeting. \(Z18-0001, Rayzor Ranch Marketplace Residential, Hayley Zagurski\).](#)

Chair Strange opened the Public Hearing. Hayley Zagurski, Senior Planner, presented this request. Staff recommends approval of the request. Zagurski stated the applicant is present.

The following individuals spoke during the Public Hearing:

Greg Edwards, applicant, Greg Edwards Engineering, 1621 Amanda Court, Ponder, Texas. Edwards provided information regarding the project, including a rendering of the preliminary site plan.

The Commission and Edwards discussed the “big house” concept. Edwards stated the developer wants the development to look like single homes rather than an apartment development.

Daniel Ebarb, developer, 13642 Omega, Dallas, Texas. Ebarb stated individual townhomes would be developed to appear as one house.

Commissioner Ellis questioned if each unit will have its own entry from the outside. Ebarb confirmed.

Commissioner Smith questioned if the units would be rental property or for sale. Ebarb stated they would be for sale.

Stephanie Wilson, 2609 Thunderbird Drive, Denton, Texas. Spoke in opposition. Wilson stated there is a lot of traffic in the area already. She questioned if there is a proposed point of access to the subject site connecting to the existing neighborhood. Zagurski stated no, the lines on the map are easements not an actual road.

Jim Wilson, 2609 Thunderbird Drive, Denton, Texas. Spoke in opposition. Wilson questioned the proposed fence materials. Zagurski stated the materials would have to be listed as approved materials within the Rayzor Ranch Overlay District standards. Wilson stated there is a lot of traffic in the area, a lot of traffic currently cuts through their neighborhood to access the

Rayzor Ranch development. Wilson questioned if there will be a Homeowners Association for the development. Ebarb confirmed.

Commissioner Rozell requested an update from staff regarding the Bonnie Brae Street expansion. Zagurski stated the portion of the Bonnie Brae Street expansion for this area would be during Phase 6 of the overall expansion plan, which is projected for construction in approximately 2020-2021.

Norma Fahrenbach, 2705 Thunderbird Drive, Denton, Texas. Spoke in opposition. Fahrenbach questioned the different types of houses to be developed on site. Ebarb provided the site plan and identified the location of “big houses” and townhomes on the site.

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

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

Sheree Sardina, 2613 Thunderbird Drive, Denton, Texas. Opposed to this request.

Kevin Bankhead, 5221 N. O'Connor Blvd, Ste 700, Irving, Texas. Supports this request.

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".

- C. [Hold a public hearing and consider making a recommendation to City Council regarding a request by Randy Inman representing Budget Self Storage - Denton Ltd. to rezone approximately 3.4745 acres from a Neighborhood Residential Mixed Use \(NRMU\) District to a Community Mixed Use General \(CM-G\) District. The property is generally located at the located on the south side of Virginia Circle, approximately 813 feet west of N. Loop 288. \(Z17-0030, Budget Self Storage, Cindy Jackson\). STAFF HAS REQUESTED THAT THE ITEM BE POSTPONED INDEFINITELY.](#)

This item has been postponed indefinitely. There was no action taken.

- D. [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 at located at on the southwest side of Colorado Boulevard, approx. 315 feet northwest of San Jacinto Boulevard. \(Z17-0032, Colorado Townhouses, Cindy Jackson\). STAFF HAS REQUESTED THAT THE ITEM BE POSTPONED TO THE MARCH 7, 2018, PLANNING AND ZONING COMMISSION MEETING.](#)

Chair Strange opened the Public Hearing.

Commissioner Andrew Rozell motioned, Commissioner Tim Smith seconded to continue this item to a date certain of March 7, 2018. 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".

- E. [Hold a public hearing and consider approval of a request by Snow Investments, LLC for a final replat of Lots 1R, 3R-1 and 3R-2, Block A, being a replat of Lots 1 and 3, Block A of Owen's Ranch in Denton, Texas. The approximately 2-acre property is generally located at the southeast corner of Lakeview Boulevard and Rodeo Drive in Denton County, Texas. \(FR17-0026, Owen's Ranch, Shandrian Jarvis Ugwoke\). STAFF HAS REQUESTED THAT THE ITEM BE POSTPONED TO THE MARCH 21, 2018, PLANNING AND ZONING COMMISSION MEETING.](#)

Chair Strange opened the Public Hearing.

Commissioner Tim Smith motioned, Commissioner Margie Ellis seconded to continue this item to a date certain of March 21, 2018. 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".

- F. [Hold a public hearing and consider making a recommendation to City Council regarding proposed revisions to the Denton Development Code; specifically to repeal and replace Section 35.17 of the Denton Development Code. \(DCA17-0011, Environmentally Sensitive Areas, Deborah Viera\).](#)

Chair Strange opened the Public Hearing. Deborah Viera, Assistant Director of Environmental Services, presented this request.

Chair Strange questioned how the responses from the 61 questions have been incorporated into the ordinance. Viera stated there are a total of 20 amendments, those would be incorporated into the motion in order to appear in the ordinance.

The following individuals spoke during the Public Hearing:

Kim McKibben, 1306 W. Hickory Street, Denton, Texas. Spoke in opposition. McKibben stated this is a sensitive request, it needs to be completely understood and reviewed. There is more to preserve than just the trees purifying the air. She stated the language needs to be very clear, and drafted so that there cannot be any loopholes.

Lee Allison, Allison Engineering, 2415 N. Elm Street, Denton, Texas. Spoke in opposition on behalf of the Denton Community Developers Alliance. He stated there are still concerns that are not being addressed during this update. Such as the Alternative Environmentally Sensitive Areas, and how they are related to floodplains.

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

Commissioner Beck stated he would motion to approve the request including the 20 revisions provided by staff. Victor Flores, Deputy City Attorney, requested clarification regarding the motion. Flores questioned if the motion includes the following conditions: include the 20 revisions provided in the staff backup material, include the definition of *wetlands*, include the definition of *upland habitat*, and add the expansion of the word “significant” in Section 37.17.5.d to include 50%. Commissioner Beck agreed. Commissioner Ellis stated she would second.

Chair Strange stated he cannot support the motion to approve the request. He would like to look at the final clean version of the ordinance before taking a vote on it. He would vote to continue the item for 30 days, in order to allow more time for staff to work on the item. Commissioner Sanchez stated he agrees with Chair Strange. He stated if there is a need to add more meetings, then he does not have an issue with that.

Commissioner Rozell questioned if a continuance of this item would interfere with the timeline of the Denton Development Code rewrite. Commissioner Rozell questioned what all would Chair Strange like to see take place within the next 30 days if a continuance is granted. Chair Strange stated he would like to see the comments pasted, clarification of the definitions, such as “significant”, Phase 1 thoroughly researched to ensure it would work, hold a discussion regarding the process of Alternative ESAs, and to ensure that the notifications are accessible to the general public.

Commissioner Ellis stated she has concerns delaying this item to a date in the future.

Commissioner Larry Beck motioned, Commissioner Margie Ellis seconded to approve this request based on the following conditions: include the 20 revisions provided in the staff backup material, include the definition of *wetlands*, include the definition of *upland habitat*, and add the expansion of the word “significant” in Section 37.17.5.d to include 50%. Motion approved (4-2). Commissioner Larry Beck, "aye", Commissioner Andrew Rozell "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye". Commissioner Alfredo Sanchez "nay", and Chair Jim Strange "nay".

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

A. [MATRIX:](#)

Richard Cannone, Interim Planning Director, stated staff will be contacting the Commission within the next couple of weeks to schedule some special called meetings. There will be a few topics of concern, such as traffic, impact fees, and Capital Improvement Projects.

There was no further discussion. Chair Strange adjourned the Regular Meeting at 9:43 p.m.