

MINUTES
PLANNING AND ZONING COMMISSION
August 9, 2017

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, August 9, 2017 at 4:30 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: Commissioner Larry Beck, Commissioner Steve Sullivan, Commissioner Andrew Rozell, Chair Jim Strange, and Commissioner Margie Ellis.

ABSENT: Vice-Chair Devin Taylor.

STAFF: Munal Mauladad, Shandrian Jarvis, Ron Mengueta, Bob Makowski, John Davis, Jennifer DeCurtis, Julie Wyatt, Hayley Zagurski, Muzaib Riaz, Cindy Jackson, Roman McAllen, Jim Jenks, and Cathy Welborn.

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 opened the Work Session at 4:33 p.m.

Shandrian Jarvis, Development Review Committee Administrator, asked the Commission if they had any questions regarding the meeting minutes from July 12, 2017 and July 26, 2017. The Commission had no questions regarding the minutes.

Hayley Zagurski, Senior Planner, presented Public Hearing item 3A. Zagurski stated the purpose of the replat is to take in some unplatted land located at the south side of the property. The property is located on the southwest side of West University Drive and Interstate Highway 35.

Commissioner Ellis questioned if the applicant has any current plans. Zagurski stated they did but withdrew them to reconfigure their plan.

Julie Wyatt, Senior Planner, presented Public Hearing item 3B. Wyatt stated the purpose of the replat is to replat and take in some unplatted property located on the south side of Scripture Street between Normal Street and Bryan Street. Commissioner Rozell questioned if there is any preliminary designs. Wyatt stated there is no site plan but the applicant has told staff they are wanting to build multi-family.

Commissioner Ellis questioned if the split zoning for the property will remain. Wyatt stated yes that is correct. Commissioner Ellis requested for staff to clarify that the applicant would not be

allowed to request for a rezone until a year after the denial. Wyatt stated a year is the requirement in the Denton Development Code (DDC). Commissioner Ellis questioned if this replat would be classified as special circumstance. Jennifer DeCurtis, Deputy City Attorney, stated the request would have to be substantially different from the previous request. There was no further discussion.

Muzaib Riaz, Associate Planner, presented Public Hearing item 3C. The request is to rezone approximately 5 acres from Industrial Center Employment (IC-E) to Regional Center Commercial Downtown (RCC-D). Riaz stated staff recommends approval of the request as it is compatible with the surrounding land uses and is consistent with the goals and objectives of the Denton Plan 2030. There was no further discussion.

Hayley Zagurski presented Public Hearing item 3D. Zagurski stated staff is recommending amendments to Subchapter 5 and 23 of the DDC to clarify the definitions and permitted zoning districts for a variety of medical services. Zagurski continued to state the recommendations are proposed in advance of the overall DDC update.

Zagurski stated the current definitions and land use categories such as Professional Services and Offices, Medical Centers and Hospitals are not sufficient to describe any specialized medical services such as free standing emergency rooms and urgent care clinics.

Zagurski stated this will align new and existing definitions with State regulations as well as specify land use categories based on functionality.

Zagurski clarified Hospital Services would be permitted in the same districts where hospitals are currently permitted. Medical Clinics would be permitted in the same districts where Medical Centers are currently permitted, with the following exceptions: **a)** A Specific Use Permit (SUP) would be required for this use in the Neighborhood Residential Mixed Use (NRMU) District rather than being permitted by right. The NRMU District permits many residential uses and often adjoins less intensive residential districts, so an SUP is needed to ensure adequate nuisance prevention is provided in the site design. Some types of Medical Clinics are able to accept emergency vehicles and may operate 24 hours a day, and an SUP would offer more opportunity to make site-specific requirements in terms of design and nuisance prevention to ensure compatibility with neighboring properties. **b)** The use would no longer be permitted within the Downtown Residential 2 (DR-2) District, even with an SUP. Since the Medical Clinic category now clearly encompasses more intensive medical services such as outpatient surgery and emergency care, this use is not compatible with the DR-2 District, which contains lower-density residential development and encourages a pedestrian-friendly environment.

Commissioner Rozell questioned if this amendment will be changed again with the DDC rewrite. Shandrian Jarvis, Development Review Committee Administrator, stated if the amendment is adopted it will be folded into the new DDC.

Commissioner Ellis questioned if there is a way to make a category for the 24 hour emergency rooms that are not a hospital. Zagurski replied staff believed the code was lacking clear definitions regarding the types of businesses. Jarvis stated staff can only look at medical use by the land use, because all medical business are regulated by the State of Texas. Chair Strange questioned with the new developments going in downtown there might be a need for the 24 hour emergency

facility. Zagurski stated staff is only proposing it to be prohibited in the Downtown Residential 2 (DR-2) district.

Chair Strange stated the issue he has with requiring a Specific Use Permit (SUP), as it is a lot of work and money for applicants. He questioned if there is another way to address the use of medical clinics without an SUP.

Zagurski stated it would just be for the NRMU district, because it's a district that still has residential uses that abut a lot of single family neighborhoods but still allows for surgery centers or free standing emergency rooms. Zagurski continued to state staff agreed the SUP would allow control for the way the site is designed and ensure proper buffers and screening to prevent nuisance situations. There was no further discussion.

2. Work Session Reports

A. Receive a report and hold a discussion regarding Senate Bill 1004, a bill related to the installation of small cellular network nodes. (Munal Mauladad)

Munal Mauladad, Director of Development Services, presented Work Session Report 2A. Mauladad stated the new Senate Bill 1004 which is would enable the installation of Small Cell Network Nodes.

This bill allows for the cellular industry to install small cellular nodes on new and existing utility poles within the City's right-of-way. The purpose is to increase network coverage to allow for an easier rollout for the 5G technology. Mauladad stated there will be an increased level of activity in the right-of-way while the small cell nodes are installed.

Mauladad stated there is a fee structure which consist of the application fee of \$500 for up to five network nodes, \$250 for each addition network node on a permit, and annual node site rental rate of \$250 per node site, and an annual. Annual Consumer Price index (CPI) adjustment is allowed. If Node Support Poles are needed then the fee for those are an application fee of \$1,000 for each pole and an annual pole rental rate of \$250 per pole site.

Commissioner Ellis questioned if the City does not respond within 30 days it is automatically approved. Mauladad stated yes that is correct.

Commissioner Rozell questioned if multiply cellular companies can share nodes. Mauladad stated yes as long as the node is functioning.

Mauladad stated there are restrictions for nodes and pole installations by zoning districts which include municipal parks and residential areas. There is a restriction for the design in the historical and overlay districts that meet certain criteria.

Mauladad stated the City's implementation plan which includes meetings with cell providers to understand their plans, drafting a new ordinance, design standards, and then the application

process. City staff will also be attending information sessions with the North Central Texas Council of Governments (NCTCOG).

B. Receive a report and hold a discussion regarding small area plans. (Ron Menguita)

Ron Menguita, Long Range Planning Administrator, presented Work Session Report 2B regarding small area plans. Menguita stated Small Area Plans are just an extension of the Denton Plan 2030 and implementing the vision of the City. Menguita continued to state Small Area Plans consist of Community input, developing context and specific actions.

Commissioner Beck questioned the definition of a branding station. Menguita stated it's an entrance into the City of Denton.

Menguita stated when staff is deciding on a new area for a small area plan they look to see if the area is experiencing land use change, deterioration, or abandonment, if there is an opportunity for partnership or funding, and if it's an area that has had a lot of community interest.

Menguita stated staff has been looking at what area needs to be focused on, and the area staff feels that needs a Small Area Plan is the area which surrounds the University of North Texas (UNT).

Menguita stated City Council awarded for a consultant to work with staff on designing a Small Area Plan. Menguita continued that the project scope will consist of public outreach, parcel-by-parcel assessment of all properties, alternative land use scenarios, and preferred land use plan as well as urban design site analysis and strategies.

Menguita also stated transportation, public realm, parking analysis, housing analysis and implementation strategies will be key components of the project scope.

Commissioner Rozell questioned if this will get an accurate number of the parking spaces being used by the facilities. Menguita stated when staff does the assessment the parking counts will be done while school is in session.

Commissioner Beck questioned how the steering committee will be selected. Menguita stated the consultants recommend twenty to twenty-five members. Staff has looked at committee members, but are also seeking nominations from City Council.

Chair Strange called a recess at 5:37 p.m.

Chair Strange reconvened the Work Session at 5:45 p.m.

C. Receive a report, hold a discussion and provide staff direction regarding proposed amendments to the City of Denton Construction Criteria Manual to update the associated standards. (John Davis)

John Davis, Engineering Services Division Manager, presented the updates to the Construction Criteria Manual. Chair Strange stated the times to request or cancel an inspection have changed from what was provided in the backup. Davis acknowledged and Munal Mauladad, Director of Development Services, confirmed that correction.

Commissioner Beck questioned what a third party energy inspector is and if it is regulated by the City of Denton. Chair Strange stated a third party energy inspector is required by the City of Denton to come in and inspect residential structures and perform a blower door test and a duct blaster test to verify the structure is in compliance.

Commissioner Sullivan questioned if all employees in the Department of Development Services know all the requirements for all types for permits and projects. Munal Mauladad, Director of Development Services, stated staff is currently cross training to create a Development Assistance Center.

Chair Strange requested the deadline for public feedback on the Water & Wastewater and Construction Criteria Manuals. Davis stated the deadline for the Water & Wastewater Criteria Manual is August 26, 2017 and the deadline for the Construction Criteria Manual is August 31, 2017. There was no further discussion.

Chair Strange closed the Work Session at 6:24 p.m.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, August 9, 2017 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 opened the Regular Meeting at 6:35 p.m.

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

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

A. PZ17-123 Consider approval of the Planning and Zoning Commission meeting minutes.

Commissioner Larry Beck motioned, Commissioner Margie Ellis seconded to approve the meeting minutes from July 12, 2017 and July 26, 2017. Motion approved (5-0). Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Margie Ellis "aye".

3. PUBLIC HEARINGS

A. Hold a public hearing and consider a request by Quiktrip Corporation for approval of a Final Replat of Lot 1R, Block 1 of the QT 912 Addition; being a replat of Lot 1, Block 1 of the QT 912 Addition. The approximately 3.64 acre property is generally located on the southwest side of the West University Drive and Interstate Highway 35 intersection in the City of Denton, Denton County, Texas. (FR17-0001, QT 912 Addition, Hayley Zagurski).

Chair Strange opened the Public Hearing.

Hayley Zagurski, Senior Planner, presented Public Hearing item 3A. Zagurski stated the property is located on the southwest side of West University Drive and Interstate Highway 35. Zagurski stated the intent of the plat is to expand the boundaries of the existing lot by taking in some unplatted property.

There was no one to speak.

Chair Strange closed the Public Hearing.

There was no further discussion.

Commissioner Andrew Rozell motioned, Commissioner Larry Beck seconded to approve Public Hearing item 3A. Motion approved (5-0). Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Margie Ellis "aye".

B. Hold a public hearing and consider a request by Majid Hemmasi, Mike Dallas, Beta Mu LLC, and Swan-Weils Partnership Ltd. for approval of a Final Replat of Lot 1, Block A of the E. Puchalski Survey, Abstract 996; being a replat of a lot in the E. Puchalski Survey, Abstract No. 996. The approximately 2.87 acre property is generally located on the south side of Scripture Street between Normal Street and Bryan Street in the City of Denton, Denton County, Texas. (FR17-0014, Park 7 Denton, Julie Wyatt).

Chair Strange opened the Public Hearing.

Julie Wyatt, Senior Planner, presented Public Hearing item 3B. Wyatt stated the property is located on the corner of Scripture Street and Normal Street.

Wyatt stated the intent of the plat is to take a platted lot and bring in some unplatted property to be able to develop the site.

Commissioner Beck questioned Lee Allison, with Allison Engineering, regarding the proposed height dimension. Allison stated the applicant is working on the design of the facility and is trying to keep it as low and compact as possible.

There was no one to speak.

Chair Strange closed the Public Hearing.

There was no further discussion.

Chair Jim Strange motioned, Commissioner Andrew Rozell seconded to approve Public Hearing item 3B. Motion approved (5-0). Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Margie Ellis "aye".

Citizen: Jennifer Lane at 1526 Willow Wood Dr, Denton, TX 76205 requested to speak after this item was closed and voted on. For the record Jennifer Lane is opposed to this request.

C. Hold a public hearing and consider a request by Oppidan to rezone approximately 5.21 acres from an Industrial Center Employment (IC-E) District to a Regional Center Commercial Downtown (RCC-D) District. The property is generally located west of I-35 Service Road and approximately 1,000 feet south of West University Drive. (Z17-0014, the Duluth Trading Co. & Northern Tools + Equipment, Muzaib Riaz).

Chair Strange opened the Public Hearing.

Muzaib Riaz, Associate Planner, presented Public Hearing item 3C. Riaz stated the request is for a zoning change from Industrial Center Employment (IC-E) to Regional Center Commercial Downtown (RCC-D) for Duluth Trading Co. & Northern Tools + Equipment. Riaz stated the site is located west of the I-35 Southbound Service Road.

Riaz stated staff recommends approval of the request as it is compatible with the surrounding land uses and is consistent with the goals and objectives of the Denton Plan 2030.

There was no one to speak.

Chair Strange closed the Public Hearing.

Commissioner Rozell stated for the record, this slip of property located on the west side of I-35 keeps coming before the Commission piecemeal Commissioner Rozell requested staff to reach out to the property owner to discuss rezoning of all the property to RCC-D.

There was no further discussion.

Commissioner Larry Beck motioned, Commissioner Andrew Rozell seconded to approve Public Hearing item 3C. Motion approved (5-0). Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Margie Ellis "aye".

D. Hold a public hearing and consider a proposed revision to the Denton Development Code to amend Subchapters 5 and 23 pertaining to medical land use categories and definitions. (DCA17-0008, Medical Uses, Hayley Zagurski).

Chair Strange opened the Public Hearing.

Hayley Zagurski, Senior Planner, presented Public Hearing item 3D. Zagurski stated the request is to amend Subchapters 5 and 23 of the Denton Development Code (DDC) pertaining to medical land use categories and definitions.

Zagurski stated the current definitions and land use categories such as Professional Services and Offices, Medical Centers and Hospitals are not sufficient to describe any specialized medical services such as free standing emergency rooms and urgent care clinics.

Zagurski stated this will align new and existing definitions with State regulations as well as specific land use categories based on functionality.

Zagurski clarified Hospital Services would be permitted in the same districts where Hospitals are currently permitted. Medical Clinics would be permitted in the same districts where Medical Centers are currently permitted, with the following exceptions: **a)** A Specific Use Permit (SUP) would be required for this use in the Neighborhood Residential Mixed Use (NRMU) District rather than being permitted by right. The NRMU District permits many residential uses and often adjoins less intensive residential districts, so an SUP is needed to ensure adequate nuisance prevention is provided in the site design. Some types of Medical Clinics are able to accept emergency vehicles and may operate 24 hours a day, and an SUP would offer more opportunity to make site-specific requirements in terms of design and nuisance prevention to ensure compatibility with neighboring properties. **b)** The use would no longer be permitted within the Downtown Residential 2 (DR-2) District, even with an SUP. Since the Medical Clinic category now clearly encompasses more intensive medical services such as outpatient surgery and emergency care, this use is not compatible with the DR-2 District, which contains lower-density residential development and encourages a pedestrian-friendly environment.

There was no one to speak.

Chair Strange closed the Public Hearing.

Commissioner Rozell requested clarification that Clarion has received the new ordinance to add it to the Denton Development Code (DDC). Shandrian Jarvis, Development Review Committee Administrator, stated once City Council accepts the ordinance for the medical land use amendments, then staff will send it to Clarion to incorporate into the DDC. Jarvis stated Clarion is on a later time line than this amendment, which will allow the Commission to verify it in the new DDC.

There was no further discussion.

Commissioner Margie Ellis motioned, Commissioner Steve Sullivan seconded to approve Public Hearing 3D. Motion approved (5-0). Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Margie Ellis "aye".

4. PLANNING & ZONING COMMISSION PROJECT MATRIX

A. PZ17-125 Planning and Zoning Commission project matrix.

Commissioner Rozell requested the zoning be aligned for the property located west of I-35, so it's not piecemealed before the Commission.

Chair Strange closed the Regular Meeting at 6:58 p.m.

X



Jim Strange
Chair

X

Catherine Welborn
Administrative Assistant III