

Minutes
Planning and Zoning Commission
December 13, 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, December 13, 2017 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, Margie Ellis, and Tim Smith, Andrew Rozell, and Steve Sullivan.

ABSENT: None.

STAFF: Athenia Green, Julie Wyatt, Hayley Zagurski, Ron Menguita, Richard Cannone, Victor Flores, and Scott McDonald.

WORK SESSION

Chair Strange called the Work Session to order at 5:06 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.

There were no questions from the Commission regarding Consent Agenda Items 3A and 3B.

Julie Wyatt, Senior Planner, presented Consent Agenda Item 3C. Wyatt and Commissioner Sanchez discussed tree requirements.

Hayley Zagurski, Senior Planner, presented Item for Individual Consideration 4B. There was no discussion.

Julie Wyatt, Senior Planner, presented Consent Agenda Item 3D. She stated this item will be removed from the Consent Agenda and heard as Item for Individual Consideration 4C. Chair Strange recused himself from this item during the discussion. He returned after the item was presented and discussed.

Chair Strange stated Public Hearing Item 5A will be continued to a date certain of January 24, 2018. Public Hearing Items 5B, 5C, and 5D have all been withdrawn.

Julie Wyatt, Senior Planner, presented Public Hearing Item 5E.

Julie Wyatt, Senior Planner, presented Public Hearing Items 5F and 5G together. She stated staff recommends approval of the zoning request; staff also recommends approval of the Specific Use

Permit based on one condition, which is provided in the backup materials. Commissioner Smith and Wyatt discussed overlay requirements and points of access to the site.

The Commissioners discussed building height requirements, landscape buffer requirements, tree preservation and the potential for a bike trail in the area.

There was no further discussion. Chair Strange closed the Work Session at 5:50 p.m.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on **Wednesday, December 13, 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 called the Regular Meeting to order at 6:30 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. November 29, 2017

Commissioner Tim Smith motioned, Commissioner Margie Ellis seconded to approve the November 29, 2017 meeting minutes. Motion approved (5-0-2). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye". Commissioner Andrew Rozell and Commissioner Steve Sullivan abstained.

3. CONSENT AGENDA:

- A. Consider a request by the City of Denton for approval of a final plat of the Denton Energy Center Addition. The approximately 172,245-acre site is generally located on the south side of Jim Christal Road, approximately 2,700 feet west of North Masch Branch Road in the City of Denton, Denton County, Texas. (FP16-0043, Denton Energy Center Addition, Julie Wyatt).
- B. Consider a request by Nathaniel Dodson for approval of a preliminary plat of the Justice Plaza Addition. The approximately 6.7-acre site is generally located on the northeast corner of East McKinney Street and Jannie Street in the City of Denton, Denton County, Texas. (PP17-0016, Justice Plaza Addition, Julie Wyatt).

- C. [Consider a request by Dirt Whisperer, LLC for approval of a preliminary plat of the Audra Heights Addition, Phase II. The approximately 31-acre site is generally located on the northwest corner of Loop 288 and Audra Lane in the City of Denton, Denton County, Texas. \(PP17-0020, Audra Heights Addition, Phase II, Julie Wyatt\).](#)
- D. [Consider a request by Marker Stone Realty Partners I, LLC for approval of a final plat of the Evers Way Addition. The approximately 36.02-acre site is generally located on the southwest corner of North Locust Street and Hercules Lane in the City of Denton, Denton County, Texas. \(FP17-0031, Evers Way Addition, Julie Wyatt\).](#)

Consent Agenda Item 3D was removed from the Consent Agenda Items and heard as Item for Individual Consideration 4C.

Commissioner Andrew Rozell motioned, Commissioner Tim Smith seconded to approve Consent Agenda Items 3A, 3B, and 3C. Motion approved (7-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", Commissioner Tim Smith "aye", Commissioner Andrew Rozell, "aye", and Commissioner Steve Sullivan, "aye".

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

- A. [Consider approval of the 2018 Planning and Zoning Commission calendar.](#)

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

- B. [Consider a request by DB Denton II LLC for approval of a Site Plan for two multi-tenant buildings to be constructed within the Rayzor Ranch South RR-2 District located on Lots 6R and 7R, Block A, of the Rayzor Ranch Town Center. The approximately 3.13-acre property is generally located at the southwest corner of University Drive and Heritage Trail Boulevard. \(SP17-0053, Two Retail Buildings Rayzor Ranch, Hayley Zagurski\)](#)

Hayley Zagurski, Senior Planner, presented this request. There was no discussion.

Commissioner Tim Smith motioned, Commissioner Steve Sullivan seconded to approve this request. Motion approved (7-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", Commissioner Tim Smith "aye", Commissioner Andrew Rozell, "aye", and Commissioner Steve Sullivan, "aye".

- C. [Consider a request by Marker Stone Realty Partners I, LLC for approval of a final plat of the Evers Way Addition. The approximately 36.02-acre site is generally located on the southwest corner of North Locust Street and Hercules Lane in the](#)

[City of Denton, Denton County, Texas. \(FP17-0031, Evers Way Addition, Julie Wyatt\).](#)

Item for Individual Consideration 4C was removed from the Consent Agenda. Chair Strange recused himself from this item. Vice-Chair Rozell served as Chair.

Julie Wyatt, Senior Planner, presented this request. Staff recommends approval of this requested based on the following conditions: **1.** Civil engineering construction plans for West Hercules Lane and all public infrastructure necessary to serve the proposed development must be approved before the plat is filed. If any utility easement locations need to be modified as a result of the final civil engineering construction plans, DRC approval shall be required prior to filing; **2.** A Texas Department of Transportation (TxDOT) permit to allow access and improvements to North Locust Street must be obtained before the plat is filed; and **3.** Traffic Impact Analysis (TIA17-0004) must be approved before the plat is filed.

Commissioner Tim Smith motioned, Commissioner Steve Sullivan seconded to approve this request based on staff's conditions. Motion approved (6-0-1). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Margie Ellis "aye", Commissioner Tim Smith "aye", Commissioner Andrew Rozell, "aye", and Commissioner Steve Sullivan, "aye". Chair Jim Strange recused himself.

Chair Strange returned to the meeting.

5. [PUBLIC HEARINGS:](#)

- A. [Hold a public hearing and consider a request by GDHI Homes LLC to rezone approximately 13 acres from a Neighborhood Residential 2 \(NR-2\) District to a Neighborhood Residential 6 \(NR-6\) District. The subject properties are located at 1322 and 1520 Audra Lane. \(Z17-0026, Audra Tract, Shandrian Jarvis\). THE APPLICANT HAS REQUESTED TO POSTPONE THIS ITEM TO THE JANUARY 10, 2018, MEETING OF THE PLANNING AND ZONING COMMISSION.](#)

Chair Strange opened the Public Hearing for this item. The date certain on this item has been moved from January 10, 2018 to January 24, 2018.

Commissioner Andrew Rozell motioned, Commissioner Tim Smith seconded to continue this item to a date certain of January 24, 2018. Motion approved (7-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", Commissioner Tim Smith "aye", Commissioner Andrew Rozell, "aye", and Commissioner Steve Sullivan, "aye".

- B. [Hold a public hearing and consider a request by Heritage LP for approval of a replat of the Final Plat of Lots 1R and 2R, Block A of the Colorado Addition. The approximately 14 acre property is generally located west of the intersection of Colorado Blvd. and Spencer Rd. in Denton County, Texas \(FR17-0023 Colorado](#)

Addition, Shandrian Jarvis). THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT.

This item has been withdrawn.

- C. Hold a public hearing and consider a request by Rayzor Inv. Ltd. to rezone approximately 68.1 acres from an Industrial Center Employment (IC-E) District to a Neighborhood Residential Mixed-Use (NRMU) District. The property is generally located on the south side of West Oak Street approximately 290 feet west of the Interstate Highway 35 service road in the City of Denton, Denton County, Texas. (Z17-0016b, Retreat at Denton, Hayley Zagurski). THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT.

This item has been withdrawn.

- D. Hold a public hearing and consider a request by Rayzor Inv. Ltd. for a Specific Use Permit for 68.1 acres of land, specifically to allow for a multi-family residential use on approximately 32.60 acres and to allow for an outdoor recreation use on approximately 19.90 acres. The property is generally located on the south side of West Oak Street approximately 290 feet west of the Interstate Highway 35 service road in the City of Denton, Denton County, Texas. (S17-0009b, Retreat at Denton, Hayley Zagurski). THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT.

This item has been withdrawn.

- E. Hold a public hearing and consider a request for approval of a Final Plat of Lots 1R-6R Block 21 of the Original Town of Denton Addition; being a replat of Lots 1-6 of the Original Town of Denton Addition. The approximately 11.30 acre property is generally located south of E. Hickory Street, between S Bell Avenue and Industrial Street in the City of Denton, Denton County, Texas. (FR17-0020, OT Denton, Julie Wyatt).

Julie Wyatt, Senior Planner, presented this request. Staff recommends approval of this request.

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

Commissioner Larry Beck motioned, Commissioner Tim Smith seconded to approve this request. Motion approved (7-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", Commissioner Tim Smith "aye", Commissioner Andrew Rozell, "aye", and Commissioner Steve Sullivan, "aye".

- F. Hold a public hearing and consider a request by Amanda Austin to rezone approximately 4 acres from a Neighborhood Residential 3 (NR-3) District to a Neighborhood Residential Mixed-Use 12 (NRMU-12) District. The property is

generally located on the north side of Mingo Road, approximately 150 feet southwest of Boyd Street in the City of Denton, Denton County, Texas. (Z17-0012, Mingo Road Apartments, Julie Wyatt).

Chair Strange opened the Public Hearing.

Julie Wyatt, Senior Planner, presented Public Hearing Items 5F and 5G together. Staff recommends approval of the zoning request. Staff recommends approval of the specific use permit based on staff's conditions.

The Commission discussed traffic concerns along Mingo Road, buffer requirements, tree preservation, and height limitations regarding the proposed development.

Commissioner Rozell questioned if a neighborhood meeting was held. Wyatt stated yes, during the summer, she was unable to attend as it fell on a City Council night.

Lawrence Holdorf, applicant, Allison Engineering Group, 2415 N Elm St, Denton, Texas. Holdorf stated two neighborhood meetings were held. The first on June 20, 2017 and the second on August 3, 2017. The second meeting was to discuss updates the concept plan. Holdorf stated the developer Flamur Ahmeti is also present.

Commissioner Smith questioned if the development is geared towards students. Holdorf stated it is not geared just towards students. He stated due to the location there will probably be a number of students that reside on the property; however, it is not specifically for students.

Commissioner Beck discussed the need for a connecting sidewalk in the area.

The following individual spoke during the public hearing:

James Majee, 1510 Seminole Ave, Denton, Texas. Majee stated he is pleased with the redraw of the proposed plan. He stated he would like to see more of a privacy fence for the area to help with the neighborhood.

Majee and the Commissioners discussed the dumpster location. Holdorf provided an explanation regarding the proposed location. Holdorf stated it makes sense in order for the trucks to access the site to empty the dumpster.

There was no one else to speak.

The following individuals did not wish to speak:

Vernnie Carr, 1717 Boyd Street, Denton, Texas. Opposed.

Nancy Jordan, 805 East Windsor Drive, Denton, Texas. Opposed.

James Adams, 1518 Seminole, Denton, Texas. Opposed.

Mary Richter, 1502 Pertain Street, Denton, Texas. In favor.

Chair Strange closed the Public Hearing.

Commissioner Alfredo Sanchez motioned, Commissioner Tim Smith seconded to approve this request. Motion approved (7-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", Commissioner Tim Smith "aye", Commissioner Andrew Rozell, "aye", and Commissioner Steve Sullivan, "aye".

- G. [Hold a public hearing and consider a request by Amanda Austin for a Specific Use Permit for 4 acres of land, specifically to allow for a multi-family residential use. The property is generally located on the north side of Mingo Road, approximately 150 feet southwest of Boyd Street in the City of Denton, Denton County, Texas. \(S17-0006, Mingo Road Apartments, Julie Wyatt\).](#)

Chair Strange opened the Public Hearing. Julie Wyatt, Senior Planner, presented this item with Public Hearing Item 5F. There was no one to speak. Chair Strange read cards into the record for the individuals that did not wish to speak.

Vernnie Carr, 1717 Boyd Street, Denton, Texas. Opposed.
James Adams, 1518 Seminole, Denton, Texas. Opposed.
Mary Richter, 1502 Pertain Street, Denton, Texas. In favor.

Chair Strange closed the Public Hearing. The Commission provided their input regarding the request.

Commissioner Tim Smith motioned, Commissioner Andrew Rozell seconded to approve this request based on staff's condition: 1. A full site plan submittal shall be required to ensure each phase of the development complies with the requirements of the Denton Development Code in terms of site design, landscaping, parking, and building design as provided in DDC 35.6.3 and is generally consistent with the concept plan provided. Motion approved (7-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", Commissioner Tim Smith "aye", Commissioner Andrew Rozell, "aye", and Commissioner Steve Sullivan, "aye".

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

- A. [Planning and Zoning Commission Project Matrix.](#)

The Commission discussed upcoming items, such as street and sidewalk requirements, traffic requirements, bicycle plan requirements, and parking requirements. Richard Cannone, Interim Planning Director, stated staff will provide details or a memorandum for those requests.

There was no further discussion. Chair Strange adjourned the Regular Meeting at 8:10 p.m.