

MINUTES
PLANNING AND ZONING COMMISSION
July 12, 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, July 12, 2017 at 5:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items were considered:

PRESENT: Chair Jim Strange Vice-Chair Devin Taylor, Commissioners: Larry Beck, Steve Sullivan, Andrew Rozell, and Margie Ellis.

ABSENT: None.

STAFF: Ron Menguita, Bob Makowski, Julie Wyatt, Hayley Zagurski, Nikole Chew-Jones, Athenia Green, Jennifer DeCurtis, 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 5:02 p.m.

Ron Menguita, Long Range Planning Administrator, called on Julie Wyatt, Senior Planner to present Public Hearing item A.

Wyatt stated the property is located on the northwest side of the City, the request is to allow initial zoning of Employment Center Commercial (EC-C) District on approximately 16 acres.

Wyatt stated Elm Street and Barthold Road will realign to connect in the future.

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

Commissioner Beck stated the truck wash does not fit the criteria of Business Innovation. Menguita stated one of the goals of the Denton Plan 2030 is to start looking at places in the City that can accommodate Business Innovation.

Commissioner Ellis questioned if the gas pipeline located on the site will be an issue for the development. Wyatt stated they will have to meet all set-back requirements when it comes down to site plan and platting.

Julie Wyatt, Senior Planner, presented Public Hearing item B. Wyatt stated the request is for a Specific Use Permit (SUP) to allow for a drive-through on approximately 1.11 acres.

Chair Strange questioned if the previous McDonalds located on the site has an SUP. Wyatt stated no, it was developed prior to the creation of the Denton Development Code (DDC).

Commissioner Ellis question how someone would be able to access the site if they were coming south on North Texas Blvd. Jim Jenks, Senior Engineer, stated according to the Texas Department of Transportation (TxDOT) schematic there will be a median along North Texas Blvd, so south bound traffic along North Texas Blvd would not be able to access the site.

Wyatt stated staff recommends approval with two conditions 1. It complies with the attached site plan, landscape plan, and building elevation, 2. Signage on North Texas Blvd. is limited to one monument sign, restricted to a maximum height of five feet, a maximum effective area of 40 square feet and is constructed of masonry or stone to complement the primary structure.

Commissioner Rozell requested the standards for monument signs. Wyatt stated a monument sign in the City of Denton does not have a maximum effective area.

Commissioner Rozell questioned what the effective area of a monument sign consists of. Wyatt stated the effective area is the shape or combination of regular shapes that will encompass the extreme limits of the writing, representation, emblem, or other displays of the sign. Wyatt stated there is no maximum effective area for monument signs.

Chair Strange stated several years back when the talk of Interstate 35 (I-35) being improved, there was going to be concession made for existing property owners. Chair Strange stated this is a prime example of those special circumstances. Wyatt stated McDonalds is considered a Special Exception staff looked at this but the DDC has a provision called "special exception" and because the use was developed under a previous code. Under the provisions of the DDC, McDonald's expansion of its Special Exception into the adjacent, it was considered a special exception. But since the McDonalds is expanding onto the IHOP lot is limited.

Chair Strange stated the only reason they are expanding into the IHOP lot is because their business was taken out by the I-35 expansion. Wyatt stated that is correct; however, per Subchapter 11 of the DDC, expansion of the Special Exception onto an adjoining lot requires approval by the City Council through the zoning procedure.

Commissioner Sullivan questioned if staff could find out what McDonalds was approved for in regards to signage before and allow them to follow those requirements. Wyatt stated staff would have to verify that it follows current sign requirements.

Jennifer DeCurtis, Deputy City Attorney, stated when you expand a Special Exception the code requires staff to follow a specific procedure. DeCurtis stated the applicant decided to do the SUP.

Hayley Zagurski, Associate Planner, presented Public Hearing item C.

Zagurski stated the request is for an SUP that would allow for a multifamily use. The applicant is proposing a 10 unit complex. Each unit will have a rear yard that is fenced in. Zagurski stated they are preserving all the trees and using a Type-B buffer to separate the adjoining single-family use from the proposed multifamily development.

Staff recommends approval of the request as it is compatible with the surrounding property and is consistent with the goals and objectives of the Denton Plan 2030, subject to the following conditions: 1. the proposed use must substantially comply with the attached Site Plan, Landscape, and Building Elevations.

Commissioner Ellis questioned if there is a drainage issue in this location. Zagurski stated she is aware of some flooding along Riney Court but when staff looked into it there had been no rain in a while so staff was unable to verify the issue. Zagurski stated when the applicant gets to the site plan process their drainage will be analyzed in terms of existing conditions and developed conditions to ensure there will be no negative impact to adjoining properties.

Chair Strange questioned the allowance of parking on Riney Road and Riney Court. Jenks stated parking would be permitted on either street, but the widths of Riney Road and Riney Court don't allow for parking on the street.

Commissioner Ellis questioned if there is a plan to update Riney Road. Jenks stated not that he is aware of any plans for improvement.

Chair Strange closed the Work Session at 6:02 p.m.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, July 12, 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 6:34 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. PZ17-116 Consider approval of the Planning and Zoning Commission meeting minutes.

Vice-Chair Devin Taylor motioned, Commissioner Larry Beck seconded to approve the June 28, 2017 meeting minutes. Motion approved (5-0). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", and Chair Jim Strange "aye". Commissioner Margie Ellis "abstained".

3. PUBLIC HEARINGS

A. Hold a public hearing and consider a request by H3H, LLC for an initial zoning of Employment Center Commercial (EC-C) District on approximately 16 acres. The property is generally located on the north side of Barthold Road, approximately 340 feet west of the I-35 Southbound Service Road. (Z17-0011, Blue Beacon Truck Wash, Julie Wyatt)

Chair Strange opened the Public Hearing

Julie Wyatt, Senior Planner, presented Public Hearing item 3A. Wyatt stated the request is to rezone 16 acres from Rural Residential 5X (RD-5X) to district to Employment Center Commercial (EC-C).

The following individual spoke during the Public Hearing:

Dana Morris. 500 Graves Blvd, Salina Kansas, 67401. Supports this request.

Chair Strange read into the record an email:

Rick Shuffield, with Loves Travel Stops, supports this request.

Chair Strange closed the Public Hearing.

Vice-Chair Taylor stated this development is compatible for this area, but to keep in mind that the Business Innovation District should be reserved for office parks. Vice-Chair Taylor continued to state because of Interstate 35 (I-35) this is a logical use.

There was no further discussion.

Vice Chair Devin Taylor motioned. Commissioner Margie Ellis seconded to approve Public Hearing item 3A. Motion approved (6-0). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye".

B. Hold a public hearing and consider a request by Franchise Realty Interstate Corp for a Specific Use Permit to allow for a drive- through facility on approximately 1.11 acres. The property is generally located east of North Texas Boulevard, between I-35E and Wilshire Street. (S17-0004, McDonalds, Julie Wyatt).

Chair Strange opened the Public Hearing.

Julie Wyatt, Senior Planner, presented Public Hearing item 3B. Wyatt stated the request is for a Specific Use Permit (SUP) to allow for a drive-through facility on approximately 1.11 acres.

Commissioner Beck requested Wyatt to show the drive-through process. Wyatt stated a person would have to go around the building to the drive-through since it is a one-way.

During the Work Session the Commission had questions regarding the signage for the property. Wyatt clarified for the Commission that any ground signs in this location cannot exceed six feet in height. Wyatt continued to state there are no limitations for the effective area for monument signs.

Vice-Chair Taylor questioned the total stacking requirements of the drive-through. Wyatt stated it does meet the City's stacking requirements of five cars.

Commissioner Sullivan questioned why the McDonald's is not allowed to have what they had before and allow the two pole signs. Wyatt stated staff is requiring the applicant to comply with the current code requirements.

Wyatt stated the applicant provided a landscape plan which includes parking lot screening, tree canopy, and enhanced landscaping around the menu boards. This landscape plan does meet the Denton Development Code (DDC) requirements.

Wyatt stated restaurants are permitted in Downtown Commercial General (DC-G) but drive-through uses are not permitted without a SUP. The future land use of this area is commercial. Staff recommends approval with the following conditions: 1. the proposed use must substantially comply with the attached Site Plan, Landscape Plan, and Building Elevations. 2. Signage on North Texas Blvd is limited to one monument sign, restricted to a maximum height of five feet, a maximum effective area of 40 square feet, and constructed of masonry or stone to complement the primary structure.

Vice-Chair Taylor questioned if the parking requirements were calculated correctly based on an opposition letter received by the University of North Texas. Wyatt replied yes the parking requirements are correct they can be calculated by square footage or by seating.

The following individuals spoke during the Public Hearing:

Greg Massey, 2933 S Bryant Ave. Edmond Ok, 73013. Supports this request.

Ben Aguirre, 1204 S 129th Street, Oklahoma City Ok, 73170. Supports this request.

Jimmy Lopez, 2020 Laurel Valley Drive, Keller TX, 76248. Supports this request.

Sejin Brooks, 808 Nueces Street, Austin TX, 78701. Supports this request.

Amy Armstrong. 2310 N I-35 east, Denton TX, 76210. Opposes this request.

Commissioner Rozell questioned what size sign the applicant would like to see. Greg Massey, with Red Plains Professional; Engineering Consultants for McDonald's stated they will comply with city regulations. Massey stated they are in agreement with staff on the five foot monument sign on North Texas Blvd, but they still want to request the forty foot pole sign on I-35 frontage.

Commissioner Ellis asked if Kendolph Drive is going to be closed permanently. Jim Jenks, Senior Engineer, stated Kendolph Drive will be closed.

Commissioner Beck asked the applicant, Greg Massey, what is the plan to alleviate traffic backup on the Frontage Road of I-35. Massey stated the engineers for McDonald's will review the traffic flow during the Site Plan submittal. Massey stated if there is a need for extra curbage to minimize the traffic issue it will be determined at that time.

Vice Chair Taylor questioned how the double order single lane operates. Ben Aguirre, the Area Construction Manager for McDonald's, stated it is called a one to one which splits into two order points and merges back into one lane. Aguirre stated it handles quick arrival rates better and prevents long stack outs.

Amy Armstrong, Interim News Manager of the University of North Texas, read a statement from the University of North Texas.

Commissioner Beck asked Armstrong if the parking issue detailed in her letter was alleviated by staff's determination on the required parking. Armstrong stated she would have to speak with others on campus before agreeing.

Commissioner Rozell stated he has several questions regarding the letter submitted by Armstrong but fears there will not be any responses to his questions. Commissioner Rozell questioned how there is an issue with stacking when there was a McDonald's there for forty years. Armstrong stated the statement is all the information she has but is able to get answers for the Commission.

Chair Strange requested Commissioner Rozell to state his questions for the record.

Commissioner Rozell stated he find it interesting that based on an investment that North Texas voluntarily put into redoing landscaping and the relocation of a monument sign that they are holding their neighbors to a higher standard than the landscape requirement by the City of Denton.

Commissioner Rozell questioned if the McDonalds had a choice to be torn down. Sejin Brooks, with the Law Office of Barron, Adler, Clough and Oddo, stated the Texas Department of Transportation (TxDOT) cut the building back. Commissioner Rozell asked if McDonald's could continue operating after the building was cut back by TxDOT. Brooks replied no, TxDOT demolished the building.

Commissioner Ellis questioned Armstrong on what UNT would see as an ideal development on this site. Armstrong stated she would be happy to get that information for Commissioner Ellis.

Vice-Chair Taylor stated he appreciates the detail in the letter from UNT, but stated his issues with the way UNT is criticizing this development and are undermining their own arguments by their behavior in the area.

Chair Strange closed the Public Hearing.

Commissioner Sullivan asked how many UNT students were employed at this McDonald's. Jimmy Lopez, Regional Construction Manager for McDonalds, stated there were fifty to sixty employees and roughly half of them were UNT students.

Commissioner Beck stated for the record he is disappointed in UNT for sending someone that is not prepared to answer questions.

There was no further discussion.

Commissioner Larry Beck motioned. Commissioner Andrew Rozell seconded to approve Public Hearing item 3B with only condition 1. The proposed use must substantially comply with the attached Site Plan, Landscape Plan, and Building Elevations. Motion approved (6-0). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye".

C. Hold a public hearing and consider a request by Not Quite 4A Properties LP for a Specific Use Permit to allow for a multi-family use on approximately 0.9 acres. The property is generally located on the north side of the Riney Road and Riney Court intersection. This item has been postponed from the June 28, 2017 Planning and Zoning Commission meeting. (S16-0007, Riney Road Apartments, Hayley Zagurski).

Chair Strange opened the Public Hearing.

Hayley Zagurski, Associate Planner, presented Public Hearing item 3C. Zagurski stated the request for a Specific Use Permit (SUP) is to allow a multi-family use on approximately 0.9 acres on Riney Road. Zagurski stated the site plan includes two buildings with five apartments in each building.

Zagurski stated this case will require a super majority vote at City Council.

Zagurski stated staff recommends approval with the following condition: 1. the proposed use must substantially comply with the attached Site Plan, Landscape Plan, and Building Elevations.

Vice-Chair Taylor questioned if there is bicycle parking on the site. Zagurski stated she does not believe there is any bike parking incorporated.

Commissioner Ellis questioned if waste management will be able to empty the dumpster and turn in and out appropriately. Zagurski stated it was reviewed with this request and will be reviewed in more detail during the Site Plan Submittal. Jim Jenks, Senior Engineer, stated staff does not require sites with a shorter drive aisle to have a turnaround provision for the trucks, when they are able to back up into the street.

The following individuals spoke during the Public Hearing:

Brad Andrus, 8855 FM 1173, Krum TX, 76249. Supports this request.

Janis Cunningham, 3510 N. Elm Street, Denton TX, 76207. Opposed to this request.

Andrus stated he is open to adding the bike rack requested by Vice-Chair Taylor.

Commissioner Beck questioned if there would be any added drainage issues with the development. Jenks stated if there is a drainage issue, it will be minimal to the current drainage issue, but staff will address the drainage concerns during the Site Plan process.

Chair Strange closed the Public Hearing.

Chair Strange, Commissioner Ellis, and Commissioner Beck agreed this is a good location for this development.

Vice-Chair Devin Taylor motioned. Commissioner Andrew Rozell seconded to approve Public Hearing item 3C with the recommendation of an additional condition to add bike parking at a 1 bike to 10 car ratio. Motion approved (6-0). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye".

4. PLANNING & ZONING COMMISSION PROJECT MATRIX

A. PZ17-117 Planning and Zoning Commission project matrix.

Commissioner Rozell questioned what is being discussed in Texas special legislative session that could affect the City of Denton's tree code. Jennifer DeCurtis stated there was bill introduced that restricts the credits paid into the tree fund. Bob Makowski, Planning Supervisor, stated there are two bills in the special session that will wipe out local tree ordinances and take away the right of home owners associations to restrict people from cutting down their own trees.

Chair Strange questioned if there are any future items coming before the Commission. Ron Menguita, Long Range Planning Administrator, stated there is a small area plan and the results of the notification discussion with City Council.

Chair Strange closed the Regular Meeting at 8:14 p.m.

X

Jim Strange
Chair

X

Catherine Welborn
Administrative Assistant