

Minutes
Planning and Zoning Commission
July 11, 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 11, 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, Andrew Rozell Tim Smith, and Margie Ellis.

ABSENT: Commissioner: Steve Sullivan.

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

Chair Strange called the Work Session to order at 5:02 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.

Commissioner Beck stated there is a typo on Consent Agenda Item 3C. He stated he believes it should be west instead of east. Hayley Zagurski, Senior Planner, confirmed, she stated she will make sure it is corrected on the plat.

Julie Wyatt, Senior Planner, presented Item for Individual Consideration 4A. She provided a history of the plat approval and why the applicant is requesting an extension. Staff recommends approval of the request with a six month extension.

Commissioner Smith questioned what staff considers would justify an extension. Wyatt stated she met with the Engineering Department where the public infrastructure and improvements were discussed. The improvements are required today, and those costs add up, which has caused a delay in the process for the applicant.

Commissioner Smith questioned if the developer and owner were separate at the time of application. Wyatt stated she believes it is one individual that is the owner and developer. Commissioner Smith questioned if six months is enough time for the applicant. Wyatt stated she informed the applicant it would be a six month extension and did not receive any feedback.

1 Commissioner Ellis questioned if the applicant provided any feedback as to what they plan to
2 accomplish within the next six months. She stated six months is not a lot of time. Wyatt stated they
3 haven't fully discussed their timeline.

4
5 Commissioner Ellis questioned if this is a one-time extension. Wyatt stated the Denton
6 Development Code (DDC) doesn't specify a number of times they can be granted an extension; it
7 states that it has to be for a good cause.

8
9 Chair Strange stated he could see more development standard concerns if this was a more high
10 profile area. He stated he would suggest granting a longer time period to allow the applicant the
11 time they need to complete the project.

12
13 Wyatt stated she will look in the DDC to make sure there is not a set number of times an extension
14 could be granted, and will provide an answer during the Regular Meeting. There was no further
15 discussion on this item.

16
17 Cindy Jackson, Senior Planner, presented Public Hearing Item 5A. She provided the details for the
18 Traffic Impact Analysis (TIA). Staff recommends approval of the request based on conditions
19 provided in the backup materials.

20
21 Commissioner Ellis questioned if there is a timeframe for the improvement funds. She stated there
22 is a lot of improvement needed for this area. Jackson stated staff has met with the Assistant City
23 Manager and the Engineering Director and determined that the improvements would be
24 constructed through proportionality fees and impact fees. She stated this will take some time to
25 collect the fees. Commissioner Ellis questioned if there is a timeframe. Richard Cannone, Planning
26 Director, stated there is not a projected timeframe at this time.

27
28 Jackson stated the improvements required by the TIA will help to alleviate traffic from the
29 development and future developments in the area. Chair Strange stated this will help by starting
30 out with the requirements rather than just addressing them when the time comes.

31
32 Chair Strange questioned the current level of service on that road. Jackson stated it is considered
33 an "F".

34
35 Commissioner Smith referred to the impact fees for development along Farm-to-Market 428, he
36 questioned if this development would be required to pay for a majority of the improvements within
37 the area. Jackson stated no, the fees are based on proportionality, the number of dwelling units and
38 trips.

39
40 Commissioner Ellis questioned if the TIA would change the service level of the road. Jackson
41 stated after the improvements are completed the road would then be classified as a "D". Chair
42 Strange stated the turn-lanes are a required level of service.

43
44 Commissioner Smith questioned if a buffer would be required. Jackson stated no, because Long
45 Road serves as a buffer from the neighboring development.

46

1 Commissioner Rozell provided his concerns with Conditions B, C and D. Jerry Drake, First
2 Assistant City Attorney, stated the conditions are not supposed to be listed out in their entirety.
3 Condition A should be listed out and then a preceding condition that points out the requirements
4 of the General Development Plan (GDP). They will be required to submit for a GDP based on the
5 size of the property and since there are identified offsite improvements. Drake stated this seems
6 like it would be a phased development. The proposal Drake suggested is to remove Conditions B,
7 C, and D, and to list a condition that states the requirements of the GDP process. Jackson the
8 recommendations will be changed before the Public Hearing portion, she stated she did not have
9 an opportunity to update the recommendations after learning that a GDP would be required.

10
11 Chair Strange questioned if the applicant has agreed to the 4.7 dwelling units per acre, Jackson
12 stated that was the applicant's proposal.

13
14 There was no further discussion. Chair Strange closed the Work Session at 5:53 p.m.

15
16 REGULAR MEETING

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18 Chair Strange called the Regular Meeting to order at 6:30 p.m.

19
20 The Planning and Zoning Commission convened in a Regular Meeting on **Wednesday, July 11,**
21 **2018 at 6:30 p.m.** in the City Council Chambers at City Hall, 215 E. McKinney at which time
22 the following items were considered:

23
24 1. PLEDGE OF ALLEGIANCE:

- 25 A. U.S. Flag
26 B. Texas Flag

27
28 2. CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION
29 MINUTES FOR:

- 30
31 A. June 13, 2018

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33 Commissioner Andrew Rozell motioned, Commissioner Larry Beck seconded to approve the June
34 13, 2018 meeting minutes. **Motion approved (5-0-1).** Commissioner Alfredo Sanchez "aye",
35 Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", Commissioner Margie
36 Ellis "aye", and Commissioner Tim Smith "aye". Chair Jim Strange recused.

- 37
38 B. June 27, 2018

39
40 Commissioner Margie Ellis motioned, Commissioner Andrew Rozell seconded to approve the
41 June 27, 2018 meeting minutes. **Motion approved (5-0-1).** Commissioner Alfredo Sanchez "aye",
42 Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", Commissioner Margie
43 Ellis "aye", and Chair Jim Strange "aye". Commissioner Tim Smith recused.

1 3. CONSENT AGENDA:

2
3 B. Consider a request by Residences at Rayzor Ranch, LLC & Ranchito Dallas Apts., LLC for approval of a Preliminary Plat for the Residences at Rayzor Ranch. The approximately 40.05-acre site is generally located on the east side of North Bonnie Brae Street, approximately 1390 feet north of West University Drive in the City of Denton, Denton County, Texas. (PP18-0010, Residences at Rayzor Ranch, Hayley Zagurski).

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10 C. Consider a request by Blue Beacon International, Inc. for approval of a Preliminary Plat of Lots 1 & 2, Block A of Blue Beacon International Addition. The approximately 20.99-acre site is generally located on the east side of Interstate Highway 35E and on the north side of Barthold Road in the City of Denton, Denton County, Texas. (PP17-0021, Blue Beacon, Hayley Zagurski).

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16 Commissioner Tim Smith motioned, Commissioner Andrew Rozell seconded to approve the
17 Consent Agenda. **Motion approved (6-0).** Commissioner Alfredo Sanchez "aye", Commissioner
18 Larry Beck "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner
19 Margie Ellis "aye", and Commissioner Tim Smith "aye".

20
21 4. ITEMS FOR INDIVIDUAL CONSIDERATION:

22
23 A. Consider a request by Symbiosis Corporation for approval of a final plat extension for Lot 1, Block 1 of the Symbiosis Addition. The approximately 1.81-acre site is generally located west of Johnson Street, approximately 70 feet south of East Collins Street in the City of Denton, Denton County, Texas. (PE18-0001, Symbiosis Addition, Julie Wyatt).

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25
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28
29 Julie Wyatt, Senior Planner, presented this request. Staff recommends approval of the request with
30 a six month extension. A representative of the applicant is present.

31
32 Commissioner Beck questioned if criteria would be established based on the six month extension.
33 Wyatt stated that would be the purview of this Commission. She stated progress requirements
34 could be added as a condition.

35
36 Jim Dewey, Engineer, 2505 Texas Drive, Irving, Texas. Dewey stated he is representing
37 the property owner and developer. He stated some areas of concern that came up during the process
38 were the street improvements, curb and gutter, no existing storm drains, and the requirement of
39 storm water retention. For a project this size there has to be a significant budget. The owner
40 considered selling the property, which was unsuccessful. At this time the owner would like to
41 move forward with the development. The owner is hoping for an automatic renewal if there shows
42 to be progress made and the six month extension has expired.

43
44 Commissioner Beck questioned what the applicant intends to do if the plat expires. Dewey stated
45 they would file a new plat.

1 Commissioner Beck questioned if the main hold up at this time is the funding. Dewey confirmed.
2 Commissioner Beck questioned the funding process. Dewey stated he is not aware of the process
3 since he is the Engineer; the owner was supposed to be present at the meeting.
4

5 Commissioner Ellis questioned if the applicant did not strive to gain financing at the time when he
6 realized the initial cost involved. Dewey confirmed, he stated the owner is back to trying to gain
7 financing at this time.
8

9 Wyatt stated the extension would go to January 11, 2019 and not the December date provided in
10 the backup materials.
11

12 Commissioner Smith stated he would motion to approve the request based on the January 11, 2019
13 extension date, in the future he would like to see the owner attend the meeting to speak on behalf
14 of his items, if the project is not financed within the six month extension the Commission would
15 like to see a substantial reason as to why the funding was not granted.
16

17 Commissioner Ellis questioned the cost for a plat extension. Wyatt stated \$250.00.

18 Commissioner Tim Smith motioned, Commissioner Larry Beck seconded to approve this request
19 based on the following condition: approval of a six-month extension to January 11, 2019. **Motion**
20 **approved (6-0)**. Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye",
21 Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye",
22 and Commissioner Tim Smith "aye".
23

24 5. PUBLIC HEARINGS:
25

- 26 A. Hold a public hearing and consider making a recommendation to City Council
27 regarding a request by Preston Alpha Investments LLC to zone approximately
28 73.47 acres to Neighborhood Residential 6 (NR-6) District. The property is
29 generally located on the north side of Long Road and west of FM 428/Sherman
30 Drive in the City of Denton, Denton County, Texas. (Z17-0028, Stark Farms,
31 Cindy Jackson). THIS ITEM WAS CONTINUED FROM THE JUNE 27, 2018
32 PLANNING AND ZONING COMMISSION MEETING.
33

34 Chair Strange opened the Public Hearing. Cindy Jackson, Senior Planner, presented the request.
35 Staff received one response regarding the request, which was in favor. Staff recommends approval
36 of the request based on the conditions listed in the backup materials. The applicant is present.
37

38 Commissioner Beck questioned if the traffic signal light was determined from the Traffic Impact
39 Analysis. Jackson stated no, it would be required during platting. Commissioner Beck stated he
40 agrees that a traffic signal needs to be installed at the designated location.
41

42 Chair Strange had questions regarding the property to the north in which Denton Independent
43 School District (DISD) owns. Jackson deferred to the applicant.
44

45 Justin Bono, Applicant, 9219 Arbor Trail Drive, Dallas, Texas, stated they own
46 approximately 91 acres at the subject site, approximately 17.5 acres are already zoned

1 Neighborhood Residential - 4. He provided a site map identifying where the Environmentally
2 Sensitive Areas (ESA) are as well as the power line and gas line easements. There is a 125 foot
3 easement on the property that cannot be developed on, which impacts the overall development.
4 The plan is to preserve the ESA onsite, and as many trees as possible. Bono stated they have been
5 working with the property owner to the north for future connectivity, they are in support of the
6 request.

7
8 Bono stated they met with DISD and the plan would be to install a sidewalk to the north for the
9 future school development, in order to prevent pedestrian traffic along Farm-to-Market 428. A
10 Preliminary Plat (PP) has been submitted and is in the third round of reviews. The Neighborhood
11 Residential – 6 is really needed on this site in order to achieve the density. Bono stated they learned
12 about the General Development Plan (GDP) as they arrived for this meeting. The PP was submitted
13 back in January, he stated they have no issues with staff requirements. However, they would like
14 to address the GDP comments under the PP without starting the process all over again.

15
16 Chair Strange confirmed with Bono that today was the first time he heard of the GDP requirement.
17 Bono confirmed.

18 Commissioner Beck stated he likes the idea of the tree preservation onsite. However, he has
19 concerns with the zoning and density. He stated he is concerned with the residential use
20 neighboring a primary arterial. Bono stated there will be a masonry wall along Sherman Drive,
21 and landscape buffering along Long Road. He stated Long Road helps separate the development
22 from Loop 288.

23
24 Commissioner Smith questioned if the development will be completed in phases. Bono confirmed,
25 two phases are identified on the PP which is under review. Commissioner Smith questioned if
26 there will be a buffer for the noise and lighting from the neighboring developments. Bono stated
27 Long Road will separate the developments along with a landscape perimeter.

28
29 Commissioner Smith clarified with Bono that they would rather see the GDP process out through
30 the PP process in which they have already started. Bono confirmed. He stated they have already
31 spent a lot of time on the PP process and do not want to start from the beginning with the GDP.
32 Commissioner Smith requested clarification from staff or Legal if that would be allowed.

33 Jerry Drake, First Assistant City Attorney, stated per Code requirements the GDP is required.
34 Jackson stated the work for the GDP is pretty much completed, they would just need to submit and
35 remove some layers from the PP submittal. Staff would work to get it the GDP on the same docket
36 as the PP.

37
38 Commissioner Rozell stated he has some concerns with Conditions B, C, and D. He stated
39 Cannone stated a GDP is generally required at certain times. Commissioner Rozell questioned
40 when those times are.

41
42 Chair Strange requested a recess at 7:20 p.m. for staff and Legal to hold a brief discussion. Chair
43 Strange called the meeting back to order at 7:32 p.m.

1 Richard Cannone, Planning Director, stated the recommendation will be revised to only include
2 the zoning at this time, the other conditions will be addressed during the platting process. He stated
3 conditions B, C, and D would be removed from this consideration.

4
5 There was no one else to speak. Chair Strange closed the Public Hearing.

6
7 Commissioner Andrew Rozell motioned, Commissioner Tim Smith seconded to approve the
8 request based on the following conditions: 1. Planning and Zoning Commission and City Council
9 place an overlay on the subject property with the following condition:

- 10 a. The use of the property is restricted to single family detached housing at a maximum
11 density of 4.7 dwelling units per acre.

12 **Motion approved (6-0).** Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye",
13 Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye",
14 and Commissioner Tim Smith "aye".

15
16 6. [PLANNING AND ZONING COMMISSION PROJECT MATRIX:](#)

17
18 A. [Matrix](#)

19
20 Commissioner Beck requested a Work Session regarding the zoning in the northern portion of
21 Denton. Richard Cannone, Planning Director, stated staff has not been able to put anything
22 together yet, however, it will come before this Commission soon.

23
24 Commissioner Ellis referred to the traffic engineering discussion that was mentioned in January
25 2018. Cannone stated staff will put something together.

26
27 There was no further discussion. Chair Strange adjourned the Regular Meeting at 7:37 p.m.
28