

Minutes  
Planning and Zoning Commission  
May 9, 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, May 9, 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, Steve Sullivan, Tim Smith, Andrew Rozell and Margie Ellis.

**ABSENT:** None.

**STAFF:** Athenia Green, Hayley Zagurski, Scott McDonald, Ron Menguita, Richard Cannone, Sean Jacobson and Victor Flores.

[WORK SESSION](#)

Chair Strange called the Work Session to order at 5:04 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.](#)

Chair Strange recused himself from the discussion for Public Hearing Items 4A and 4D, as he has a conflict of interest in the properties. Vice-Chair Rozell took over as Chair.

Chair Strange returned to the meeting for Agenda Item 4C. There was no discussion.

Hayley Zagurski, Senior Planner, presented Public Hearing Item 4D. Commissioner Ellis questioned the note regarding ownership. Zagurski provided clarification.

Chair Strange stated Public Hearing Item 4E has been withdrawn.

Zagurski presented Public Hearing Item 4F. Commissioner Rozell questioned if the staff recommendations are from the direction of City Council. Zagurski stated the item went before City Council in January where they provided direction to staff, which is what is being presented to this Commission.

The Commission discussed minimum parking standard requirements.

Commissioner Rozell stated he doesn't feel that there are a lot of apartment developments throughout town that are fully parked at all times.

1 Commissioner Sullivan stated there are places throughout town, similar to Medpark that are not  
2 fully parked. There could be incentives to have a bus stop near apartment complexes to incentivize  
3 not having as many parking spaces. There needs to be a reduction in the amount of on-street  
4 parking as well.

5  
6 Chair Strange called a recess from 6:00 to 6:08 p.m.  
7

8 Commissioner Smith stated this Commission has provided a lot of concerns, he questioned if it is  
9 possible to table or continue the item if there are a lot of concerns that still need to be addressed.

10  
11 Richard Cannone, Interim Planning Director, stated this direction came from City Council to bring  
12 it forward, therefore the recommendations are twofold. This will be a moving target.  
13 Commissioner Smith questioned if this Commission recommends approval to City Council would  
14 it be appealed with the Denton Development Code update. Cannone confirmed, he stated some  
15 portions could be updated or modified during the process.

16  
17 2. [Work Session Reports:](#)  
18

19 The Work Session Items were heard out of order. Work Session Item 2A was heard after the  
20 Regular Meeting.

21  
22 B. [Hold a discussion and give staff direction regarding Upland Habitat Management](#)  
23 [and Quality of Habitat. \(Deborah Viera, Environmental Services\)](#)  
24

25 Deborah Viera, Assistant Director of Environmental Services, presented this item. She discussed  
26 the point system, modules, policy changes, rating systems and the criteria manual changes.  
27 Commissioner Sanchez questioned the point system, he also questioned the quality of habitat and  
28 how it would determine how much the property owner would have to give up. Viera stated some  
29 of it would determine the use of the land. She stated the quality of the upland habitat would be a  
30 City Council policy change. She stated staff is currently working to update the criteria manual,  
31 which will address some of the concerns expressed by the Commission.

32  
33 Chair Strange suggested Viera and Sanchez meet off record to address any additional comments  
34 or concerns if need be. Viera agreed.

35  
36 There was no further discussion. Chair Strange closed the Work Session at 6:40 p.m.  
37

38 [REGULAR MEETING](#)  
39

40 Chair Strange called the Regular Meeting to order at 6:50 p.m.  
41

42 The Planning and Zoning Commission convened in a Regular Meeting on **Wednesday, May 9,**  
43 **2018 at 6:30 p.m.** in the City Council Chambers at City Hall, 215 E. McKinney at which time the  
44 following items were considered:

45  
46 1. [PLEDGE OF ALLEGIANCE:](#)

- 1 A. U.S. Flag
- 2 B. Texas Flag

3  
4 2. CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION  
5 MINUTES FOR:

- 6  
7 A. April 11, 2018  
8

9 Chair Jim Strange motioned, Commissioner Andrew Rozell seconded to approve the April 11,  
10 2018 meeting minutes. **Motion approved (7-0)**. Commissioner Alfredo Sanchez, "aye",  
11 Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew  
12 Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Tim  
13 Smith "aye".  
14

- 15 B. April 25, 2018  
16

17 Commissioner Margie Ellis motioned, Commissioner Steve Sullivan seconded to approve the  
18 April 25, 2018 meeting minutes. **Motion approved (5-0-2)**. Commissioner Alfredo Sanchez,  
19 "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Chair Jim Strange  
20 "aye", Commissioner Margie Ellis "aye". Commissioner Andrew Rozell and Commissioner Tim  
21 Smith abstained.  
22

23 3. CONSENT AGENDA:

- 24  
25 A. Consider a request by Rayzor Investments, Ltd. for approval of a preliminary plat  
26 of Retreat Addition, Block A, Lots 1 & 2. The approximately 71.21-acre site is  
27 generally located at the southeast corner of the future intersection of Precision  
28 Drive and West Oak Street in the City of Denton, Denton County, Texas. (PP18-  
29 0005, Retreat at Denton, Hayley Zagurski).  
30

- 31 B. Consider a request by Douglas W. Weaver representing The Selwyn School for  
32 approval of a Final Plat of The Selwyn Unicorn Campus Addition. The  
33 approximately 3.403 acre site is generally located on the northeast side of Copper  
34 Canyon Road, in the ETJ of the City of Denton, Denton County, Texas. (FP18-  
35 0003, The Selwyn Unicorn Campus, Cindy Jackson).  
36

37 Commissioner Tim Smith motioned, Commissioner Margie Ellis seconded to approve the Consent  
38 Agenda. **Motion approved (7-0)**. Commissioner Alfredo Sanchez, "aye", Commissioner Larry  
39 Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim  
40 Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".  
41

42 4. PUBLIC HEARINGS:

- 43  
44 A. Hold a public hearing and consider making a recommendation to City Council  
45 regarding a request by 518 Acme Ltd. and Kelsoe Construction & Development,  
46 Inc. for a zoning change from Downtown Residential 1 (DR-1) zoning district to

1 [Downtown Commercial General \(DC-G\) zoning district. The four parcels](#)  
2 [comprising of 1.057 acres are generally located at the northwest corner of the](#)  
3 [intersection of W. Eagle Drive and Myrtle Street, the west side of Myrtle Street,](#)  
4 [and the southeast corner of Maple Street and Pacific Street, in the City of Denton,](#)  
5 [Denton County, Texas. \(Z18-0004. Access Bank, Cindy Jackson\)](#)  
6

7 Chair Strange recused himself from this item due to a conflict of interest. Vice-Chair Rozell opened  
8 the Public Hearing.

9  
10 Hayley Zagurski, Senior Planner, presented this request. She stated staff is recommending  
11 approval of this request. Commissioner Smith questioned if the homes are currently occupied, and  
12 if there was a neighborhood meeting held. Zagurski stated she does not believe there was a  
13 neighborhood meeting held.

14  
15 The following individuals spoke during the Public Hearing:

16  
17 Aimee Bissett, Applicant, 212 S. Elm Street, Denton, Texas, stated some of the homes are  
18 vacant and some of the homes are occupied. Commissioner Smith questioned if the occupants will  
19 vacate at the end of their lease. Bissett stated there is no time to end their lease, there is no imminent  
20 time frame.

21  
22 Commissioner Beck questioned if the buildings are linked to Access Bank. Bissett stated they  
23 would be garden style buildings leased for Access Bank.

24  
25 Commissioner Sullivan questioned the number of offices and tenants. Bissett stated they have not  
26 dove that far into the concept planning process. She stated they anticipate approximately three to  
27 four office buildings. However, the layout will depend on preserving the tree canopy.

28  
29 Commissioner Sullivan stated he has concerns with the Myrtle Street and Pacific Street, he stated  
30 those streets are not wide enough for additional traffic. Bissett stated once the rezoning process is  
31 complete, they will apply to abandon Pacific Street.

32  
33 Andrew Yuhas, 325 Maple Street, Denton, Texas, opposed to the request. Yuhas stated he  
34 has concerns regarding the rezoning, the information provided has been very vague thus far. There  
35 are several items so far that have not been addressed. There are concerns with traffic, buffering,  
36 drainage, construction, privacy, and property value.

37  
38 Wendy Roush, 416 & 418 Maple Street, Denton, Texas, opposed to the request. Roush  
39 stated she is not concerned with the construction. However, the timeline has been established, she  
40 was given different information than Bissett provided. She stated she has concerns with the  
41 parking, criminal issues in the area, violence, traffic, and the lack of being able to widen the streets  
42 within the area.

43  
44 Commissioner Smith questioned if the applicant would like to speak on behalf of the two-year  
45 lease. Bissett stated she is not familiar with the lease terms. She stated she does know that the

1 process started back in October of 2017. Bissett stated the processes in general take time, such as  
2 Planning and Building Inspections as well as development time.

3  
4 There was no one else to speak, Vice-Chair Rozell closed the Public Hearing.

5  
6 Commissioner Beck stated he is opposed to the zoning change. He stated this is an area where you  
7 would be losing affordable housing.

8  
9 Commissioner Ellis stated she appreciates Access Bank and their business in Denton, however,  
10 this development encroaches into tenants and an established residential area.

11  
12 Commissioner Sullivan agreed. He stated there is still a lot of unknown information.

13  
14 Commissioner Sanchez stated he can agree with the change, he was drove through the area and  
15 feels there are a lot of older homes that are in poor condition, a lot of poor housing in the area.

16  
17 Commissioner Smith stated he is torn, he can understand the comments made by the other  
18 Commissioners. He stated he was against the development until the discussion of crime in the  
19 neighborhood was mentioned. He stated there are somethings such as small commercial parking  
20 lots and lighting that will help prevent crime in areas.

21  
22 Vice-Chair Rozell stated he feels that development in the area could elevate property values and  
23 alleviate potentially some of the crime concerns within the area. There are unique opportunities in  
24 the area. He stated if there is a sense that four (4) votes will not happen on this item then it might  
25 be a possibility to table the item to allow the applicant to meet with the neighbors. Commissioner  
26 Smith agreed.

27  
28 Commissioner Ellis stated although she appreciates the opportunity to table the item, she does not  
29 feel it would sway her to change her vote. Commissioner Sullivan agreed.

30  
31 Vice-Chair Rozell stated he supports the project, it has already been pushed back a meeting or two,  
32 and he would personally not like to see that happen again. However, he would like to see some  
33 more neighborhood support for the project.

34  
35 Commissioner Tim Smith motioned, Commissioner Alfredo Sanchez seconded to continue this  
36 item to the May 23, 2018 meeting. **Motion failed (3-3)**. Commissioner Alfredo Sanchez "aye",  
37 Vice- Chair Andrew Rozell "aye", and Commissioner Tim Smith "aye". Commissioner Larry Beck  
38 "nay", Commissioner Steve Sullivan "nay", and Commissioner Margie Ellis "nay".

39  
40 Commissioner Smith questioned the applicant if more time would allow them to address some  
41 concerns rather than just letting the project cease. Bissett confirmed. She stated they could consider  
42 withdrawing a portion of the project that interferes with the three residential lots and move forward  
43 with the other portion of the project, restrict the building height, and have parking requirements.

44  
45 Commissioner Ellis stated she doesn't consider this an infill development, this would be setting  
46 precedence for future projects.

1 Commissioner Steven Sullivan motioned, Commissioner Margie Ellis seconded to deny the  
2 request. **Motion failed (3-3)**. Commissioner Larry Beck "aye", Commissioner Steve Sullivan  
3 "aye", and Commissioner Margie Ellis "aye". Commissioner Alfredo Sanchez "nay", Vice-Chair  
4 Andrew Rozell "nay", and Commissioner Tim Smith "nay".

5  
6 Vice-Chair Rozell called a recess for staff to meet with Legal to discuss further action. A recess  
7 was held from 7:56 p.m. to 8:01 p.m.

8  
9 Victor Flores, Deputy City Attorney, provided details regarding the tie vote, he stated he would  
10 recommend continuing the item to a date certain to hope the tie would cease. Vice-Chair Rozell  
11 questioned Bissett how much time would she need to meet with the neighborhood. Bissett stated  
12 she would prefer to come back on June 13, 2018.

13  
14 Vice-Chair Rozell stated no action would be taken, the item will be postponed to the June 13, 2018  
15 meeting, per the Legal requirements. Flores read the Code requirements into the record.

16  
17 Vice-Chair Rozell closed the Public Hearing. There was no further discussion.

- 18  
19 B. [Hold a public hearing and consider a request by Kris Enger, William D. Moore, and](#)  
20 [Mary Margaret Moore for approval of a Final Replat of Tracts 1R, 2R and 9R of](#)  
21 [the Fairway Acres Addition; being a residential replat of Tracts 1, 2 and 9, Block 2](#)  
22 [of the Fairway Acres Addition. The approximately 4.33 acres property is generally](#)  
23 [located on southeast side of Country Club Road, the southwest side of Fairway](#)  
24 [Acres Drive, and the north side of Quail Creek Lane in ETJ of the City of Denton,](#)  
25 [Denton County, Texas. \(FR18-0001, Fairway Acres, Cindy Jackson\)](#)

26  
27 Chair Strange opened the Public Hearing. Hayley Zagurski, Senior Planner, presented the item.  
28 There were no questions. There was no one to speak on the item. Chair Strange closed the Public  
29 Hearing.

30  
31 Commissioner Tim Smith motioned, Commissioner Andrew Rozell seconded to approve this  
32 request. **Motion approved (7-0)**. Commissioner Alfredo Sanchez, "aye", Commissioner Larry  
33 Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim  
34 Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

- 35  
36 C. [Hold a public hearing and consider a request by Donna Raney and Vickie Ewell for](#)  
37 [approval of a Final Replat of Lots 3R-1 and 3R-2, Block 1, of the Clampitt](#)  
38 [Addition; being a residential replat of Lot 3, Block 1 of the Clampitt Addition. The](#)  
39 [approximately 5.30-acre property is generally located on the east side of N. Locust](#)  
40 [Street, approximately 970 feet south of Pecan Creek Road in the City and the ETJ](#)  
41 [of Denton, Denton County, Texas. \(FR17-0029, Hamlin Addition, Hayley](#)  
42 [Zagurski\).](#)

43  
44 Chair Strange opened the Public Hearing. Hayley Zagurski, Senior Planner, presented the item.  
45 There were no questions. There was no one to speak on the item. Chair Strange closed the Public  
46 Hearing.

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

- 5  
6 D. [Hold a public hearing and consider a request by Marker Stone Realty Partners II LLC for approval of a Final Replat of Beall Way Addition; being a residential replat of a part of La Hacienda Heights Phase I and previously unplatted land. The approximately 54.05-acre property is generally located west of North Locust Street in between Hercules Lane and Beall Street in the City of Denton, Denton County, Texas. \(FR17-0024, Beall Way Addition, Hayley Zagurski\).](#)

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12  
13 Vice-Chair Rozell opened the Public Hearing.

14  
15 Commissioner Tim Smith motioned, Commissioner Margie Ellis seconded to continue this item  
16 to a date certain of May 23, 2018. **Motion approved (6-0-1).** Commissioner Alfredo Sanchez,  
17 "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner  
18 Andrew Rozell "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".  
19 Chair Jim Strange recused.

20  
21 Chair Strange returned to the dais.

- 22  
23 E. [Hold a public hearing and consider making a recommendation to City Council regarding a request by the City of Denton for a zoning change from Downtown Residential 1 \(DR-1\) to a Downtown Commercial General \(DC-G\) District. The 1.33-acre site is generally located south of Underwood Street along Avenue A, in the City of Denton, Denton County, Texas. \(Z18-0006, Fire Station 3, Hayley Zagurski\). THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA AND HAS BEEN RENOTICED FOR A LATER MEETING DATE.](#)

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25  
26  
27  
28  
29  
30  
31 This item has been withdrawn. There was no discussion.

- 32  
33 F. [Hold a public hearing and consider making a recommendation to City Council regarding a proposed revision to the Denton Development Code; specifically to update parking requirements in Subchapter 14 Parking Standards related to minimum and maximum parking space requirements, on-street parking credits, and providing administrative parking requirement relief. \(DCA18-0003, Parking, Hayley Zagurski\).](#)

34  
35  
36  
37  
38  
39  
40 Chair Strange opened the Public Hearing. Hayley Zagurski, Senior Planner, provided the  
41 presentation. Chair Strange stated he would like to motion to approve the request, however, he  
42 would like for staff to review the areas throughout town that need to address parking. He stated  
43 some areas have ample parking whereas others do not. Commissioner Smith stated he would  
44 second the motion and encourage staff to work more in the direction of the Denton Development  
45 Code, he stated this item doesn't currently feel like it is going in that direction. There was no one  
46 to speak. Chair Strange closed the Public Hearing.

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

5  
6 5. PLANNING & ZONING COMMISSION PROJECT MATRIX:

7  
8 A. Matrix

9  
10 Commissioner Ellis stated she would still like to receive information regarding the Public Hearing  
11 sign requirements. Richard Cannone, Interim Planning Director, stated staff is currently working  
12 on it and would like to formalize the process through a Standard Operating Procedure.

13  
14 Cannone stated the Tree Code will come before this Commission in the near future, it will go  
15 before the Committee on the Environment on May 21, 2018. There was no further discussion.  
16 Chair Strange closed the Regular Meeting at 8:22 p.m.

17  
18 WORK SESSION

19  
20 The Commission returned back to the Work Session Room to continue hearing Work Session Item  
21 2A. Chair Strange called the Work Session back to order at 8:27 a.m.

22  
23 A. Receive a report, hold a discussion, and give staff direction regarding the  
24 Courthouse Square Design Standards.

25  
26 Sean Jacobson, Assistant Planner, presented this item.

27  
28 The Commission discussed the boundary of the entire area. Chair Strange stated he would  
29 recommend having the blue outline on both sides of the street for clarity purposes.

30  
31 Chair Strange questioned who would handle the Certificate of Appropriateness. Jacobson stated  
32 general repair and minor alterations would go before staff and could be approved at a staff level.  
33 If they could not be approved at a staff level, then it could go before another body similar to the  
34 Historic Landmark Commission or the Downtown Task Force, which would be made up of  
35 property owners and residents from the downtown area.

36  
37 Commissioner Rozell questioned if staff has considered eliminating some of the parking along the  
38 square in order to allow more outdoor dining areas, he referred to the McKinney, Texas square  
39 area. Jacobson referred to a plaza type area, he stated that is something that could be considered.  
40 Chair Strange agreed with the downtown McKinney area.

41  
42 Commissioner Ellis questioned if they should email any comments they might have to staff.  
43 Jacobson confirmed.

44  
45 There was no further discussion. Chair Strange adjourned the Work Session at 9:08 p.m.

46