

Minutes
Planning and Zoning Commission
September 28, 2016

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, September 28, 2016 at 5:00 p.m.** in the City Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items were considered:

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

ABSENT: None.

STAFF: Athenia Green, Cathy Welborn, Julie Wyatt, Munal Mauladad, Mike Bell, Muzaib Riaz, Aaron Leal, Shandrian Jarvis, Earl Escobar.

WORK SESSION

Chair Strange called the Work Session to order at 5:00 p.m.

Mike Bell, Senior Planner, presented Consent Agenda item 2A. Preliminary Plat for five nonresidential lots for the North Lake Shopping Center. He stated staff recommends approval. Chair Strange questioned the finished floor elevation. Earl Escobar, Engineering Development Review Manager, stated that the finished floor elevations are based on the Federal Emergency Management Agency (FEMA) flood plain elevations. The terrain does not reflect the same amount of drop between the finished floor and the topography.

Julie Wyatt, Senior Planner, presented Consent Agenda item 3A. Wyatt provided the Commissioners two letters that were received from neighbors. Commissioner Beck questioned how the pedestrian crossing would be designed. Wyatt stated the pedestrian crossing would just be painted. Commissioner Taylor questioned if there are any existing overhead utilities running on Ector Street. Munal Mauladad, Director of Development Services, stated there appear to be utility poles on Emory Street and Ector Street. Wyatt stated staff recommends approval of this request based on the conditions provided in the backup materials. Commissioner Beck questioned the dimensions of signage on the front of the building facing University Drive. Wyatt stated it would have to meet all requirements, she stated the applicant could provide additional details during the public hearing.

Commissioner Sullivan questioned why the applicant is required to get a variance for a 10 foot setback however, no other buildings along University Drive follow this requirement. With the exception of Sherwin Williams. Wyatt stated that it has to do with the Zoning. There are a number of zoning uses within this area. Commissioner Rozell questioned why the applicant is not allowed to have a ground sign. Wyatt stated they are allowed a wall sign along Ector Street. Commissioner Ellis questioned what lighting would be going in on the site. Wyatt stated the applicant would have to meet all of the requirements in Subchapter 13 of the Denton Development Code.

Julie Wyatt, Senior Planner, presented Consent Agenda item 4A. Wyatt provided the Commissioners letters that were received from citizens in regards to this item. She stated the applicant is requesting to change the zoning on two tracts of land. . Wyatt stated that the lot coverage is thirty percent not fifty as stated on the staff report. Wyatt stated the applicant could take this to the Zoning Board of Adjustment (ZBA) because of the lot coverage. Staff recommends denial of this item. Chair Strange explained lot coverage to Commissioner Ellis and Commissioner Sullivan.

Commissioner Rozell questioned when the zoning changed to Downtown Commercial Neighborhood (DC-N) and as to why both properties were not rezoned at that time. Mauladad provided clarification.

Commissioner Ellis stated that this zoning change could open up a world of possibilities if the Denton Independent School District ever sells the property. She stated she agrees with staff's decision to recommend denial. Commissioner Taylor questioned if this was sent to the Zoning Board of Adjustments (ZBA) would it require a new application process for the applicant. Commissioner Sullivan questioned the concerns about parking to the north and if this would alleviate the existing parking problem. Wyatt stated the applicant is ready to address the parking issues during the Public Hearing.

Chair Strange called a recess from 6:00 p.m. to 6:05 p.m.

Mike Bell, Senior Planner, presented Public Hearing item 4C, Rayzor Ranch Overlay District. Bell stated the applicant is wanting to change an estimated 10 acres from a South Mixed Use subarea to a South RR-2 subarea. Bell gave a brief overview of the Rayzor Ranch history to the new Commissioners. Bell stated the applicant is requesting to follow the design centers that have already been approved for Highway 380 and I-35. Bell stated the only changes are the residential uses and design standards. Commissioner Rozell questioned the phone calls that Bell received. Bell stated that the calls were primarily other businesses wanting to know what was going on. Commissioner Ellis questioned if this is a required step in order to begin development. Bell confirmed.

Mike Bell, Senior Planner, presented Public Hearing item 4D, Rayzor Ranch Overlay District. Bell stated there is a site plan currently in the review process. He stated if the site plan is approved it will come to the Planning and Zoning Commission during the next meeting. Commissioner Beck questioned what the smaller buildings are around the proposed apartment complex. Bell stated they are proposed garages. There was no further discussion.

Chair Strange closed the Work Session at 6:25 P.M.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on **Wednesday, September 28, 2016 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 6:35 p.m. Commissioner Hudspeth arrived.

1. PLEDGE OF ALLEGIANCE

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

2. CONSENT AGENDA

- A. Consider a Preliminary Plat of Block A, Lots 1-5, of the North Lakes Shopping Center Addition. The approximately 16.534 acre property is generally located at the northeast corner of West University Drive (US 380) and North Bonnie Brae Street, within the Robert Beaumont Survey, Abstract No. 21, in the City of Denton, Denton County, Texas. (PP16-0001, North Lakes Shopping Center, Mike Bell)

Commissioner Larry Beck motioned, Commissioner Andrew Rozell seconded to approve the Consent Agenda. Motioned approved (7-0). Commissioner Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

3. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Consider a request for an Alternative Development Plan for the construction of a 19,054 square foot grocery store. The subject property is located on the southwest corner of West University Drive and Ector Street within a Neighborhood Residential Mixed Use (NRMU) District. (ADP16-0013, Aldi Food Market, Julie Wyatt)

Julie Wyatt, Senior Planner, went over the site plan for the audience. Wyatt stated the applicant did work with staff for additional landscaping to give visual relief for the parking area. Staff recommends the approval of this requested based on the following conditions: 1. Marked pedestrian connections within the parking area 2. An enhanced Type C buffer between the proposed commercial development and residential neighborhood to the south, including 10 large evergreen trees, 21 small evergreen trees, and 80 shrubs. 3. An additional 4,697 square feet of landscape area over the 17,940 required. 4. An additional 6,349 tree canopy provided over the 35,886 square feet required 5. Parking lot planting islands and end-caps that include one large tree as required in addition to enhanced landscaping with a variety of low water use shrubs; 6. Enhanced parking lot screening on Ector Street, including the required trees, a hedgerow, and ground cover 7. No ground signs on Ector Street 8. Screened cart storage with 3'6" masonry walls 9. The loading area located at the rear of the property must be situated below grade and screened with an 8' wall.

The following individuals spoke during this item:

- Brigid Corbett, 120 Ector Street, Denton, Texas. Opposed to this request.
Amber Briggie, 529 Malone Street, Denton, Texas. Supports this request.
Mark Mitchell, 1215 Ector Street, Denton, Texas. Opposed to this request.

Jesse L. David, 1228 Ector Street, Denton, Texas. Supports this request.

The following individual did not wish to speak:

Michael Hennen, 724 Thomas Street, Denton Texas. Supports this request.

Applicant, Bryan Burger, Burger Engineering, 17103 Preston Road, Dallas, Texas.

Commissioner Rozell agreed with citizen stating that the bicycle lanes would help with speed in this area. Commissioner Rozell questioned where the bicycle racks would be located. Burger stated they would be located near the building. Commissioner Beck stated he doesn't disagree regarding the traffic, he does feel this is an opportunity for the neighborhood to have something within close proximity.

Commissioner Hudspeth stated he believes that the traffic concerns will be better once University Drive and Bonnie Brae Street have been expanded. Commissioner Ellis questioned staff if there was a Traffic Impact Analysis completed along Ector Street. Burger, stated there was a traffic study completed, however, he is unaware how far south on Ector Street it covered. It was reviewed and approved by the Engineering Department.

Commissioner Hudspeth questioned landscaping options on site. Burger stated that they have looked into different options that would cut back on irrigation, such as xeriscaping.

Commissioner Beck questioned the size of the sign. Burger stated it would be monument sign and that they would follow the City's sign requirements. Chair Strange questioned the applicant if he was content with all of the staff conditions. Burger confirmed.

Commissioner Taylor provided his input regarding the proposed development. He stated he feels that traffic calming devices would help with traffic in this area. He stated he feels that this is a good option for this area, it meets the needs of this neighborhood. Commissioner Beck echoed Commissioner Taylor's input. He stated change is going to happen, this is a good change to the area.

Commissioner Devin Taylor motioned, Commissioner Larry Beck seconded to approve this request, based on staff's conditions listed in the backup materials. Motion approved (7-0). Commissioner Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

4. PUBLIC HEARINGS

- A. Hold a public hearing and consider making a recommendation to City Council regarding a rezoning request from Neighborhood Residential 3 (NR-3) District and Downtown Residential 2 (DR-2) District to Downtown Commercial Neighborhood (DC-N) District on approximately 5.5 acres. The subject property consists of two tracts, the first tract is generally located on the northeast corner of Bolivar Street and Second Street, and the second tract is generally located on the east side of North Elm Street, approximately 105 feet north of Second Street. (Z16-0016, Denton ISD Student Services, Julie Wyatt)

Chair Strange opened the Public Hearing. Julie Wyatt, Senior Planner, provided a brief summary of this request. Chair Strange requested the applicant to present this request. .

Keith Cummins, with Corgan Associates, 401 North Houston Street, Dallas, Texas. Cummins provided a brief history of the subject site. The building was built in the early 1920's. He stated they are trying to clean up the neighborhood. Commissioner Beck questioned why the applicant is bringing this before the Planning and Zoning Commission, instead of the Zoning Board of Adjustments (ZBA). Cummins confirmed that their understanding is when you before the ZBA you are required to prove there is a hardship. Commissioner Rozell questioned staff if it is an option to split Tract 1 into a DR-2/ DC-N zoning district. Aaron Leal, First Assistant City Attorney, provided an explanation.

The following individuals spoke during the public hearing:

Barney Cosimo, 1107 Bolivar, Denton, Texas. Supports this request.

Kate Lynass, 1120 North Locust, Denton, Texas. Opposed to this request.

Lori M. Davis, 1520 Bolivar, Denton, Texas.

Chair Strange read letters received for the record:

Samuel Smith, 1508 Villa Estates Drive, Denton, Texas. Opposed to this request.

Tommy Tullos, 1408 Bolivar, Denton, Texas. Supports this request.

Chair Strange questioned Cummins if they are amenable to bring this back before this Commission at a later date. Cummins stated they are in favor of postponing this request. They will work with staff in the meantime and consider the option of taking this before the ZBA. Chair Strange agreed. Chair Strange questioned staff on the turnaround time regarding this Public Hearing. Mauladad stated the last Monday in October would be the next ZBA meeting. She stated staff will get with the applicant to discuss timelines. She recommended a 60 day time period to work with the applicant to bring this item back before this Commission. Cummins agreed. Chair Strange motioned this to be continued to come back before this Commission within sixty days.

Chair Jim Strange motioned, Commissioner Larry Beck second to continue this item for 60 days. Motion approved (7-0). Commissioner Devin Taylor "aye", Commissioner Beck "aye" Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

Chair Strange called a recess at 8:45 P.M., the meeting was reconvened at 8:55 P.M.

- B. [Hold a public hearing and consider making a recommendation to City Council regarding a request to rezone approximately 0.44 acre from a Downtown Residential 2 \(DR-2\) District to a Downtown Commercial General \(DC-G\) District. The subject property is generally located at the southeast corner of West Oak Street and North Bonnie Brae Street. \(Z16-0015, DME Hickory Substation, Mike Bell\) This application has been withdrawn by the applicant.](#)

Chair Strange stated that this item was withdrawn by the applicant.

- C. Hold a public hearing and consider making a recommendation to City Council regarding a request to amend the Rayzor Ranch Overlay District to reclassify approximately ten acres from the South Mixed-Use District subarea to the South RR-2 District subarea. The Rayzor Ranch Overlay District includes approximately 410 acres generally located on both sides of West University Drive (US 380) between North Bonnie Brae Street and IH-35. (Z16-0013, Rayzor Ranch Zoning Plan, Mike Bell)

Chair Strange opened the Public Hearing. Mike Bell, Senior Planner, provided the exhibits for Z16-0013 to be considered as one ordinance. Bell stated that this would remove the residential uses of the properties. Chair Strange called for the applicant to speak. The applicant did not wish to speak.

The following individuals spoke during the Public Hearing:

Michael Hennen 724 Thomas Street, Denton Texas. Opposed to this request.

There was no one else to speak, Chair Strange closed the Public Hearing. There was no further discussion.

Commissioner Andrew Rozell motioned, Commissioner Gerard Hudspeth seconded to approve this request. Motion approved (7-0). Commissioner Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

- D. Hold a public hearing and consider making a recommendation to City Council regarding an amendment to the Rayzor Ranch Overlay District to provide design standards and criteria for multi-family development within the South Mixed Use District subarea. The Rayzor Ranch Overlay District includes approximately 410 acres generally located along West University Drive (US 380) between North Bonnie Brae Street and IH-35. (Z16-0022, Rayzor Ranch Multifamily Design Standards, Mike Bell)

Chair Strange opened the public hearing. Mike Bell, Senior Planner, provided a brief explanation of this use and the proposed changes. Applicant, Scott Wagner, thanked the Commissioners.

There was no one else to speak, Chair Strange closed the Public Hearing. There was no further discussion.

Commissioner Larry Beck motioned, Commissioner Margie Ellis seconded to approve this request. Motion approved at (7-0). Commissioner Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

5. PLANNING & ZONING COMMISSION PROJECT MATRIX

A. Planning and Zoning Commission project matrix.

Commissioner Rozell what are the steps to promote xeriscaping. Munal Mauladad, Director of Development Services, stated staff is currently revising the tree code and updating the landscape code. Commissioner Hudspeth questioned if is there a way to add a line item to the reports regarding the Urban Foresters comments in regards to the request. Mauladad stated this would apply to various projects, but not all projects that come before this Commission.

Chair Strange stated that it has been a long time since this Commission has discussed the I-35 expansion. He requested an update in regards to the Buc-ee's area. Mauladad stated staff will coordinate with the Engineering Department.

Commissioner Ellis questioned if there is a better option for public hearing signs that are more visible on the subject sites. Mauladad stated staff is currently working on revising the notification process.

There was no further discussion. Chair Strange closed the Regular Meeting at 9:16 P.M.

X

Jim Strange
Chair

X

Catherine Welborn
Administrative Assistant III