

MINUTES
PLANNING AND ZONING COMMISSION
August 10, 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, August 10, 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: Vice-Chair Amber Briggie, Commissioners: Devin Taylor, Larry Beck, Andrew Rozell, and Frank Dudowicz.

ABSENT: Chair Jim Strange, Gerard Hudspeth.

STAFF: Nikole Chew-Jones, Cindy Jackson, Julie Wyatt, Mike Bell, Hayley Zagurski, Munal Mauladad, and Jennifer DeCurtis.

WORK SESSION

Vice-Chair Amber Briggie called the Work Session to order at 5:05 p.m.

1. Clarification of agenda items listed on the agenda for this meeting, and discussion of issues not briefed in the written backup materials.

Vice-Chair Briggie asked if there were any questions or clarification of agenda items. There were no questions.

Vice-Chair Briggie asked that Cindy Jackson, Senior Planner, come forward to present Individual Consideration Item 2A.

Cindy Jackson, Senior Planner, provided the backup materials for this item. She stated that the request is to consider an Alternative Development Plan (ADP) for the construction of a 5,947 square foot outpatient medical clinic. The applicant is requesting three (3) deviations from the Denton Development Code (DDC). This new clinic will be located next to their pre-existing clinic located to the north of this site to create a campus atmosphere.

Jackson stated that the first deviation request is from the Denton Development Code (DDC) *Section 35.13.13.3.A.3, the primary orientation of a building shall be toward the street rather than the parking area.*

The applicant is requesting that the building orientation be away from the street. The applicant has proposed to add a covered walkway on the front and side of the building to facilitate access on the side of the building.

Jackson stated that the second deviation request is from the Denton Development Code (DDC) *Section 35.13.13.3.C.1, All parking areas are to be located behind the building or on one or both sides of the building.*

The applicant is requesting that the parking be located between the building and the street.

Jackson stated that the third deviation request is from the Denton Development Code (DDC) *Section 35.13.10.C.3, Landscaping Standards where front parking is allowed:*

a. *Parking lots shall be separated from the street frontage by a 15-foot landscape area to reduce visual impacts.*

c. *A landscape berm with a maximum 1 on 4 side slope on both sides shall be designed within the 15-foot landscape area to help screen the parking lot.*

The applicant is requesting an alternative front landscape buffer.

Jackson explained the applicants mitigation plan and how they are proposing to provide an increased inch per caliper tree, three (3) percent more parking lot landscaping, 43 percent more tree canopy, and 50 percent more street trees. Jackson distributed an updated landscape plan to each Commissioner.

Jackson stated that staff recommends approval of this request subject to the following condition:

1. The proposed development shall substantially comply with the attached site plan, landscape plan, and elevations.

Commissioner Beck asked if there was something in their packets that allowed them to add a second entry. Jackson responded that at this time, a second entry is not definitive due to Texas Department of Transportation's right of way for I-35.

Commissioner Taylor stated that this is a good example of how our general landscape requirements work. Taylor asked if the 23 trees and shrubs will provide 26,000 square feet of canopy. Jackson respond that is correct. Taylor asked if the current trees will be removed. Jackson responded yes, they are within the building foot print. Taylor asked if the proposed tree code would require them to keep some of the existing trees. Jackson responded that this project will have to comply with the existing tree code requirements. Taylor asked if this is showing 56 percent tree canopy. Jackson responded yes. Taylor asked if the count for the pavement only includes the pavement and medians. Jackson stated that only concrete that is a part of the parking lot is included. The trees in the medians are included the parking lot canopy count.

Commissioner Beck asked is the 12,000 square feet of canopy for when they are mature. Jackson responded yes.

Vice-Chair Briggie asked that Cindy Jackson, Senior Planner, come forward to present Individual Consideration Item 2B.

Cindy Jackson, Senior Planner, provided the backup materials for this item. She stated that the request is to consider an Alternative Development Plan (ADP) for the construction of a 5,200 square foot medical office with the parking between the building and the street.

Jackson stated the applicant is requesting a deviation from the Denton Development Code (DDC) Section 35.13.13.3.C.1. It states that all parking areas are to be located behind the building or on one or both sides of the building. The applicant is requesting that the parking be located in the front of the building. This deviation will allow the layout of the proposed medical office to mirror the adjacent medical office with regard to placement, front landscape buffer, and parking.

Jackson stated that in 2008, the Planning and Zoning Commission approved ADP08-0010 for the adjacent medical office Alternative Development Plan (ADP) that permitted the same deviation that the applicant is requesting.

Jackson stated that the applicant is proposing a 15-foot front landscape buffer along Medpark Drive. The buffer will include:

- Four (4) large trees for every 40 linear feet of street frontage
- Two (2) foot high berm
- 48 landscape shrubs

The applicant is also proposing to plant three (3) ornamental trees between the large trees to reduce the visual impact and provide 34.63 percent open space area on the site.

Jackson stated that staff recommends approval of this request subject to the following condition:

1. The proposed development shall substantially comply with the approved site plan, and landscape plan.

Commissioner Dudowicz asked if the property across the street received an ADP because they have front parking as well. Jackson responded yes.

Commissioner Rozell asked for clarification and stated that both Regional Center Commercial Neighborhood (RCC-N) and Regional Center Commercial Downtown (RCC-D) both require side or back parking by code. Jackson responded yes. Rozell asked for clarification to understand why the parking is not allowed in the front. Jackson responded that the concept is to prevent walls of concrete facing the street and to add street character.

Vice-Chair Briggie stated that potentially for this area, could there be an overlay of some type to allow parking in the front, so that each applicant does not have to come in and request an ADP to modify the code. This would be something that could save the applicant some money and staff some time. Munal Mauladad, Deputy Director, responded parking would be addressed at the time the Denton Development Code (DDC) will be reviewed. Mauladad stated that the thresholds for an Alternative Development Plan (ADP) are currently under review and should be coming before the Commission eminently.

Commissioner Dudowicz stated that he thinks this is a good example. This proposal will complement the adjacent site and the proposed buffer is what is needed for this site. Businesses should be able to pick up what is best for their business.

Vice-Chair Briggie asked that Mike Bell, Senior Planner, come forward to present Public Hearing Item 3A. Briggie stated that the applicant has requested to continue this item on September 14 2016 Meeting.

Mike Bell, Senior Planner, stated that this item is being continued and he does not have a presentation, but he would stand for questions. Commissioner Devin Taylor asked why this item is being continued. Bell responded that the applicant is trying to find other options, so that they don't have to rezone. They are trying to see if they can make the project work without having to rezone.

Commissioner Dudowicz stated that staff is recommending denial and questioned the reasoning for this recommendation. Bell stated that this is an intrusion into a single-family neighborhood.

Commissioner Beck stated this is a situation where a lot of notifications have gone out and we have not received any responses back from the citizens. Bell responded that we do actually have some responses. Bell stated that he did not bring them tonight because the item is being continued. Bell stated that typically, we do not hand out the notices at the meeting, unless they are received after the staff report has been sent out.

Commissioner Beck requested an update regarding the notification process. Munal Mauladad, Deputy Director, stated this information is forth coming.

Vice-Chair Briggie asked for Hayley Zagurski, Assistant Planner, come forward to present Public Hearing Item 3B.

Hayley Zagurski, Assistant Planner, provided the backup materials for this item. This item is a rezoning request for 80.49 acres from Neighborhood Residential 2 (NR2) District and Neighborhood Residential Mixed Use (NRMU) District to Community Mixed Use General (CM-G) District and 1.67 acres changed from Rural Residential (RD-5X) District to Community Mixed Use General (CM-G) District. This request relates to three (3) parcels of land. The Community Mixed Use General (CM-G) District is consistent with the Future Land Use designation. This rezoning will eliminate the non-conformity associated with the parcel designated RD-5X and it will unify the zoning allowing for consolidation of all development and streamlining the process for all future expansion.

Zagurski stated that staff recommends approval and notices were sent out with no responses received.

Commissioner Beck asked if all the parcels were owned by Denton Independent School District (DISD). Zagurski responded yes, they are all owned by DISD.

Vice-Chair Briggie asked why this request for a zoning change is being done together instead of three separate cases. Munal Mauladad, Deputy Director, responded that a zoning change can be done separately or it can be combined. When there is a single owner, it is more cohesive to do it this way.

Vice-Chair Briggles asked that Julie Wyatt, Senior Planner, come forward to present Public Hearing Item 3C.

Julie Wyatt, Senior Planner, provided the backup materials for this item. This item is a rezoning request for Planned Development 138 (PD-138) Hunter Ranch District to Regional Center Commercial Neighborhood (RCC-N) District. PD-138 District was approved in 1991 and a Detailed Plan was never prepared. The applicant is requesting this rezoning to develop this site with a specialty hospital and medical offices. This parcel is the last tract in PD-138 that has not been developed. This request is compatible with Future Land Use goals and objectives. Staff recommends approval of this request. Notifications were mailed, but no responses have been received.

Commissioner Taylor stated that there seems to be some land clearing and do they have a permit. Taylor also asked if they are following the 1991 code or the current code. Wyatt stated that they are following the current code. She stated that they have been issued a Clear and Grubbing Permit, not a Clear and Grade. They would have to have an approved plat to Clear and Grade the property. Wyatt stated that they have submitted a Tree Preservation Plan and it was reviewed and approved by our Urban Forester, Haywood Morgan. He granted them a Clear and Grubbing Permit based on the approved Tree Preservation Plan.

Commissioner Rozell asked which directive came first the Growth Concept or the Future Land Use. There seems to be a conflict between the two. Wyatt stated that the Growth Concept came first. Commissioner Rozell stated that the lines just seem to be blurred between the two. Commissioner Dudowicz stated that prior to you joining the board, it was established that the lines would be blurred, so things were not set in stone. This would allow flexibility.

Commissioner Rozell stated that it seems that we are being asked to rezone things that are not in accordance with the Future Land Use Map. Wyatt stated when the request doesn't match the Future Land Use Map, this requires staff to take a harder look at the request. There are specific criteria that we look at and try to follow; like the character of the area and how it would develop keeping the same zoning. Munal Mauladad, Deputy Director, stated when staff sees a conflict between the Preferred Growth Concept Plan and the Future Land Use Map, there is a process that allows staff to update all documents as modifications are warranted.

Commissioner Beck asked about the size and zoning of the Hunter Ranch Master Planned Community (MPC). Julie Wyatt, Senior Planner, responded yes, the Hunter Ranch Master Planned Community (MPC) is large and it is on both sides of the highway. It has mixed use zoning and it is still an active Master Planned Community.

Commissioner Beck asked about Environmentally Sensitive Area (ESA) on the site. Julie Wyatt responded that there are some Environmentally Sensitive Areas (ESA) on the site and they are being reviewed by Deborah Viera to determine if they need to be removed or not.

Vice-Chair Briggles stated that the commission is taking a break at 6:03 p.m.

Vice-Chair Briggles reconvened the Work Session at 6:08 p.m.

Vice-Chair Briggie asked that Julie Wyatt, Senior Planner, come forward to present Public Hearing Item 3D.

Julie Wyatt, Senior Planner, provided the backup materials for this item. This item is a request to approve a Detail Plan for Planned Development 174 (PD-174) Country Lakes North District for a private amenity center. This request does meet the criteria for approval which come from the 1991 Denton Development Code (DDC). The Concept Plan was approved in 1999. The Detail Plan for the residential development was approved in 2000. At that time, the approved ordinance required that a separate Detail Plan be submitted for the amenity center and the school location. This amenity center will have a swimming pool, a putting green, two bocce ball courts, a soccer field, and multi-age playground equipment. Staff recommends approval.

Commissioner Beck asked if there are existing pools within this development. Wyatt, responded yes there is pool and it located within the Argyle city limits.

Vice-Chair Briggie asked if the amenity center was included within the PD-174 and that the commission is only looking at the flow of traffic, landscaping, and what it is going to look like. Wyatt responded yes, the amenity center was a part of the original plans.

Vice-Chair Briggie adjourned the Work Session at 6:19 p.m.

REGULAR MEETING

Vice-Chair Briggie called the Regular Meeting to order at 6:33 p.m.

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, August 10, 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:

1. PLEDGE OF ALLEGIANCE

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

2. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. ADP16-0005 Consider approval of an Alternative Development Plan (ADP) for the construction of a 5,947 square foot medical clinic. The subject property is generally located between Mesa and the South Interstate 35 East Service Road, approximately 215 feet south of the intersection of Mesa Drive and Barcelona Street within a Regional Center Commercial Downtown (RCC-D) District. (ADP16-0005, Health Services of North Texas, Cindy Jackson)

Cindy Jackson, Senior Planner, provided the backup materials for this item. She stated that the request is to consider an Alternative Development Plan (ADP) for the construction of an

outpatient medical clinic. The applicant is requesting three (3) deviations from the Denton Development Code (DDC). The deviations requested are front orientation of the building, parking on the side or the rear, and a fifteen foot landscape buffer. This new clinic will be located next to their pre-existing clinic located to the north of this site. They are trying to create campus atmosphere. Staff recommends approval of this request.

Vice-Chair Briggles asked that the applicant come forward for questions. Rob Hudson, representing Health Services of North Texas, spoke in favor of the request.

Commissioner Devin Taylor motioned, Commissioner Andrew Rozell seconded to approve this request. Motion approved (5-0). Vice-Chair Briggles "aye", Commissioner Frank Dudowicz "aye", Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", and Commissioner Devin Taylor "aye".

- B. ADP16-0009 Consider approval of an Alternative Development Plan for the construction of a 5,200 square foot medical clinic. The subject property is generally located on the south side of Medpark Drive, approximately 327 feet southeast of the intersection of Medpark Drive and Brinker Road within a Regional Center Commercial Neighborhood (RCC-N) District. (ADP16-0009, Medpark Medical Office, Cindy Jackson)

Cindy Jackson, Senior Planner, provided the backup materials for this item. She stated that the request is to consider an Alternative Development Plan (ADP) for the construction of a medical office with the parking between the building and the street. The applicant is requesting that the parking be located in the front of the building. This deviation will allow the layout of the proposed medical office to mirror the adjacent medical office with regard to placement, front landscape buffer, and parking. Staff recommends approval of this request.

Vice-Chair Briggles asked that the applicant come forward for questions.

Matt Moore, Clay Moore Engineering, spoke in favor of the request.

Commissioner Larry Beck motioned, Commissioner Frank Dudowicz seconded to approve this request. Motion approved (5-0). Vice-Chair Briggles "aye", Commissioner Frank Dudowicz "aye", Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", and Commissioner Devin Taylor "aye".

3. PUBLIC HEARINGS

- A. Z16-0012 Hold a public hearing and consider making a recommendation to City Council regarding a rezoning request from a Neighborhood Residential 4 (NR-4) District to a Neighborhood Residential Mixed Use (NRMU) District on an approximately 0.17 acre property located at 309 Hettie Street, in the City of Denton, Denton County, Texas. (Z16-0012, McKinney Street Office, Mike Bell)

Vice-Chair Briggie stated that this item will be continued to the September 14, 2016, Planning and Zoning Commission Meeting.

Vice-Chair Briggie opened the Public Hearing. Vice-Chair Briggie closed the Public Hearing. There was no one to speak on this item.

- B. Z16-0010 Hold a public hearing and consider making a recommendation to City Council regarding a rezoning request of approximately 80.49 acres of land from a Neighborhood Residential 2 (NR-2) District and a Neighborhood Residential Mixed Use (NRMU) District to a Community Mixed Use General (CM-G) District, and an initial zoning of approximately 1.67 acres of land from Rural Residential (RD-5X) District to a Community Mixed Use General (CM-G) District, generally located on the east side of Teasley Lane, approximately 825 feet south of Montecito Drive. (Z16-0010, Teasley Lane High School Addition, Hayley Zagurski)

Vice-Chair Briggie opened the Public Hearing.

Hayley Zagurski, Assistant Planner, provided the backup materials for this item. This item is a rezoning request for Neighborhood Residential 2 (NR2) District and Neighborhood Residential Mixed Use (NRMU) District to Community Mixed Use General (CM-G) District and 1.67 acres changed from Rural Residential (RD-5X) District to Community Mixed Use General (CM-G) District. This rezoning will eliminate the non-conformity and it will unify the zoning. Zagurski stated that staff recommends approval and notices were sent out with no responses received.

Bill Coleman, Coleman & Associates, representing Denton Independent School District, spoke in favor of this request.

There was no one to speak on this item. Vice-Chair Briggie closed Public Hearing.

Commissioner Frank Dudowicz motioned, Commissioner Devin Taylor seconded to approve this request. Motion approved (5-0). Vice-Chair Briggie "aye", Commissioner Frank Dudowicz "aye", Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", and Commissioner Devin Taylor "aye".

- C. Z16-0009 Hold a public hearing and consider making a recommendation to City Council regarding a rezoning request from Planned Development 138 (PD-138) Hunter Ranch District to Regional Center Commercial Neighborhood (RCC-N) District on approximately 3 acres, located east of I-35W, approximately 710 feet north of Crawford Road. (Z16-0009, Ranch View Specialty Hospital, Julie Wyatt)

Julie Wyatt, Senior Planner, provided the backup materials for this item. This item is a rezoning request for Planned Development 138 (PD-138) Hunter Ranch District to Regional Center Commercial Neighborhood (RCC-N) District. The applicant is requesting this rezoning to develop this site with a specialty hospital and medical offices. Staff recommends approval of this request. Notifications were mailed, but no responses were received.

Vice-Chair Briggie opened the Public Hearing.

Commissioner Taylor asked about the Tree Preservation Plan for this site. Wyatt put the plan up on the podium for review and explained what the applicant was proposing. Taylor asked about the various designation shown on the plan. Wyatt responded that the symbols show the trees that are being removed and the trees that are being preserved.

Daniel Franklin, representing the applicant, spoke in favor of the request. His address is 5013 Vineyard Lane, McKinney, Texas.

There was no one to speak on this item. Vice-Chair Briggie closed the Public Hearing.

Commissioner Devin Taylor motioned, Commissioner Andrew Rozell seconded to approve this request. Motion approved (5-0). Vice-Chair Briggie "aye", Commissioner Frank Dudowicz "aye", Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", and Commissioner Devin Taylor "aye".

- D. [PDA16-0004 Hold a public hearing and consider making a recommendation to City Council regarding approval of a Detailed Plan of Planned Development 174 \(PD-174\) Country Lakes North District to depict an amenity center on approximately 3.26 acres. The subject property is generally located on the southeast side of John Paine Road, approximately 110 feet northeast of Athens Drive within Planned Development 174 \(PD-174\) Country Lakes North District. \(PDA16-0004, Country Lakes North Amenity Center, Julie Wyatt\)](#)

Vice-Chair Briggie opened the public hearing.

Julie Wyatt, Senior Planner, provided the backup materials for this item. This item is a request to approve a Detail Plan for Planned Development 174 (PD-174) Country Lakes North District for a private amenity center. This request does meet the criteria for approval based on the 1991 Denton Development Code (DDC). The approved ordinance requires that a Detail Plan be submitted for the amenity center. Staff recommends approval of the request based on the following conditions;

1. All original conditions of approval and subsequent modifications associated with PD-174 shall remain valid, unless specified herein.
2. The Detailed Plan and Landscape Plan as submitted shall guide the development of the site.
3. The Elevations and Site Details submitted shall guide the development of the cabana building.

Notifications were sent out to all parcels within the Planned Development.

Commissioner Taylor asked about the Detail Plan meeting the code. Wyatt responded yes, it meets the code. Taylor stated that it looks like it is similar to what we have been seeing. Wyatt responded that she had applied the current code requirements during her review because it is

within a residential area. Taylor stated that this exceeds the 1991 code requirements. Wyatt responded yes it does.

The applicant, Mr. Jim Douglas, 2309 K Ave, Suite 100, Plano, Texas 75074, spoke in favor of this request.

The following individuals spoke during the Public Hearing:

Mrs. Davie Lloyd 9813 Meadow Creek Dr., Argyle, Texas, shared her concerns about a school being across the street from the amenities center.

Ms. Beverly Braddy, 5717 Tawakon Dr., Argyle, Texas. She shared her concerns about parking.

Mr. Tim Maddox, 5720 Balmorhea Dr., Argyle, Texas. He spoke in support of the request. He asked if the soccer fields would be used by the city, or just for the neighborhood.

Mrs. Tracy Maddox, 5720 Balmorhea Dr., Argyle, Texas. She spoke in support of the request. She also wanted to know when will there be more discussion between the City of Argyle and the City of Denton to coordinate the road improvements for Crawford Road.

Mr. Anthony McDovan, 5200 Brookside Dr., Argyle, Texas. He asked what happened to the school that was supposed to be built within Country Lakes.

Ms. Theresa Pennypacker, 5809 Tawakoni Dr., Argyle, Texas. She spoke in support of the request. She shared her concerns about the limited access to get in and out of the subdivision.

Mr. Bradley Quick, 9204 Benbrook Lane, Argyle, Texas. He spoke in support of the request.

Mr. Donald Padila, 5353 Teasley Lane, Denton, Texas. He spoke in favor of the request.

Mr. Jeff Greesa, 5916 Eagle Mountain Dr., Argyle, Texas. He spoke in favor of the request.

Vice-Chair Briggie closed the public hearing.

Commissioner Larry Beck motioned, Commissioner Andrew Rozell seconded to approve this request. Motion approved (5-0). Vice-Chair Briggie "aye", Commissioner Frank Dudowicz "aye", Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", and Commissioner Devin Taylor "aye".

4. CONCLUDING ITEMS

Commissioner Beck asked about eliminating parking requirements. Munal Mauladad, Deputy Director, requested that Commissioner Beck email his request and it will be incorporated in the Matrix.

Vice-Chair Briggie adjourned the Regular Meeting at 7:45 p.m.

X 
Jim Strang
Chair

X 
Catherine Welborn
Administrative Assistant III