

Minutes
Planning and Zoning Commission
February 8, 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, February 8, 2017 at 4:30 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: Vice-Chair Devin Taylor, Chair Jim Strange, Commissioners: Larry Beck, Steve Sullivan, Andrew Rozell, Margie Ellis, and Gerard Hudspeth.

ABSENT: None.

STAFF: Julie Wyatt, Shandrian Jarvis, Cathy Welborn, Munal Mauladad, Earl Escobar, Ron Menguita, Haywood Morgan, and Jennifer DeCurtis.

WORK SESSION

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

Chair Jim Strange called the Work Session to order at 4:34 p.m.

Shandrian Jarvis, Development Review Committee Administrator, questioned if the Commissioners had any questions regarding the January 25, 2017 meeting minutes and the Consent Agenda items. The Commissioners had no questions regarding these items. Jarvis stated the Items for Individual Consideration, would be acted on during the Regular Meeting.

Julie Wyatt, Senior Planner, presented Public Hearing item 5A. Commissioner Beck questioned if the St. Barnabas Episcopal Church would be effected by this replat. Wyatt stated no, St. Barnabas Episcopal Church will remain on its own property. This replat is to abandon the public ally that's not used so Denton Independent School District will be able to redevelop the site.

Commissioner Rozell questioned the process of abandoning abounding an ally. Wyatt stated this ally can be abandon by the plat because all of the property owners effected by it joined in on the replat.

Julie Wyatt, Senior Planner, presented Public Hearing item 5B.

Commissioner Hudspeth and Vice-Chair Taylor arrived.

Commissioner Beck stated one of his concerns are larger trucks could be intimidating to smaller passenger cars as the area develops. Wyatt stated the Texas Department of Transportation (TxDOT) will accommodate the roads to all drivers. Commissioner Beck stated if a truck is headed north and wants to go to Blue Beacon the turn is very narrow and does not allow a lot of room. Wyatt stated the property adjacent to it is in the Extraterritorial jurisdiction (ETJ) and the applicant

potentially looking at annexing and rezoning it so they are able to expand the site to provide proper turning radius. Commissioner Beck stated that's not the only issue, it's also the narrow underpass located at North Elm Street and I-35. Wyatt stated Barthold Road is proposed to be realigned to meet up with Elm Street.

Commissioner Rozell questioned if staff believes that a big rig car wash supports employment centers. Wyatt stated it depends on what the land is zoned for and the uses that are allowed.

Commissioner Rozell questioned if there are plans to redo the under pass. Earl Escobar, Engineering Development Review Manager, stated unfortunately since it's a TxDOT highway there are no current plans to widen the underpass and this is not part of the I-35 expansion plan. Escobar stated there are some signal modifications being done on Barthold Road and I-35 as well as I-35 and US Highway 77 (North Elm Street).

Commissioner Beck stated he has concerns about the wastewater and drainage for this facility, he also questioned who pays for those costs. Wyatt stated the developer would be the one to take care of the cost.

Ron Menguita, Long Range Planning Administrator, presented Public Hearing item 5C.

Commissioner Beck stated the language in the Code of Ordinance is just being converted into the Denton Development Code (DDC). Menguita stated there will be some slight changes that will make annexations more streamlined. Commissioner Ellis questioned if they are removing the action that an annexation comes before the Planning and Zoning Commission and City Council.

Menguita stated yes that is correct the annexation will not come before Planning and Zoning Commission; however, the zoning requests would still come before this Commission.

Commissioner Ellis requested the amount of fees a property owner would have to pay if they are being petitioned to be annexed. Menguita stated all development review fees are currently being assessed.

Jennifer DeCurtis, Deputy City Attorney, stated the alternative to that is for them to wait and the City will just annex them. Munal Mauladad, Director of Development Services, stated there is already an adopted ordinance that outlines the fee schedule, which includes voluntary and involuntary annexation.

Commissioner Ellis pointed out in the last paragraph where it states "WHEREAS, THE NOTICED PUBLISHED", she stated it should read "notice". DeCurtis agreed with Commissioner Ellis. Commissioner Ellis requested the reason for removing this item from the Planning and Zoning Commission platform. Menguita stated for two reasons, it is not required by state law and in order to be able to streamline the annexation to move forward and go straight to City Council. DeCurtis stated since 2010 no annexations have gone through the Planning and Zoning Commission, they have gone straight to City Council.

2. Work Session Reports

- A. Receive a report and hold a discussion regarding the adoption of an ordinance of the City of Denton, Texas, amending Subchapter 35.3 Procedures, Subchapter 35.13 Site Design Standards, and Subchapter 35.23 Definitions and Terms, of the Denton Development Code related to tree preservation and landscape requirements. (DCA16-0001e, Tree Preservation and Landscape Requirements Update, Haywood Morgan).

Haywood Morgan, Urban Forester, presented Amendments to the tree and landscape requirements for the Denton Development Code (DDC).

Vice-Chair Taylor questioned if the case study slide was specific to certain species. Morgan stated no, if the developer was looking at reducing the total canopy of those protected species than they would have to provide a survey to look at the total percentage exempt trees and take a deduction accordingly. Vice-Chair Taylor questioned if they would be able to clear all unprotected species first then only have to count the protected species. Morgan stated no, they would not be able to do that due to the chances of cutting down a protected species.

Commissioner Rozell questioned why the developer would take down the perimeter trees. Chair Strange stated pure speculation is when you look at a site that is tight as most developments in the City by the time you meet all the grading requirements. He stated the swells where water has to go, side yards, and back to front yards it's difficult to do because of the density on these sites to save the trees.

Commissioner Hudspeth stated he is ecstatic that there have been no comments regarding another city. Commissioner Hudspeth requested to have a Commercial and Residential developer come and give us their insight on developing a property.

Chair Strange called a recess at 5:45 p.m. Chair Strange reconvened at 5:52 p.m.

Morgan stated we are going to do a page turn to go over the changes to the tree code. Morgan stated staff revised the definitions section to be more in sync with the definitions of the International Society of Arboriculture.

Chair Strange questioned why it states developer and not property owner. Morgan stated the most common person that comes to the City, is the developer representing the property owner. Chair Strange stated his concern regarding these amendments is they are somewhat misleading to the public, because this tree code doesn't apply just to property being developed but it applies to every piece of property in the City.

Morgan stated that is not completely accurate, under the existing code it states that there is an exemption for single family and duplex properties, but if you go under the permit section it states you need a permit to remove five (5) or more trees. Under the new tree code it will require every property to get a permit to remove a tree that is larger than five (5) inches.

Chair Strange stated developer is not the proper definition use because everyone in the City of Denton will be effected by this change. Vice-Chair stated the word "developer" is not a common noun used in the DDC, but recommended using "applicant" instead. Shandrian Jarvis,

Development Review Committee Administrator, stated we can note that a recommendation as staff moves forward with the ordinance.

Vice-Chair Taylor stated reconstruction is not mentioned under the applicability **Section 2a** where it states: Governmental property that is located within the City limits unless the property is as follows: Public utilities and infrastructure constructed during new development but no reconstruction must comply with street tree requirements only. Vice-Chair Taylor stated reconstruction is not mentioned and it is not in the inclusion list, which makes it seem reconstruction would not be excluded.

Vice-Chair Taylor stated he believed the goal was to exclude reconstruction altogether and new construction would have to meet the street trees only. Jennifer DeCurtis, Deputy City Attorney, stated Jarvis had mentioned that staff is just looking at new development not reconstruction for the public infrastructure. Vice-Chair Taylor stated he recommends splitting it into two (2) parts such as: 1. Public utilities as part of reconstruction fully excluded 2. Public utilities for new construction shall comply street tree requirements.

Commissioner Sullivan questioned if a home owner would be required to hire a certified arborist to come out to ensure the 30 percent canopy in order to put in a pool. Morgan stated that would not be required for residential home owner who is putting in a pool, patio or deck.

DeCurtis stated staff can add an affirmative revision that excludes single family dwellings from the protection plan and the tree survey.

Jarvis stated the intent of this ordinance is to include the City as a whole. Jarvis also stated staff can clear up the discrepancies with the definitions, however, the intent for this Work Session item was to discuss the changes being purposed to make a better decision. At the next meeting Jarvis requested recommendations and changes from the Commissioners on work that has been done to move this project forward and onto City Council.

Commissioner Rozell questioned if the aerial images could be taken in winter. Morgan stated there would need to be leaves on the trees for the aerial images.

Chair Strange requested a final draft of the comments ahead of time. Mauladad stated on behalf of Jarvis and Morgan the Commission would have the draft by Friday, February 10, 2017.

Chair Strange closed the Work Session at 6:33 p.m.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, February 8, 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 called the Regular Meeting to order at 6:42 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. Consider approval of the Planning and Zoning Commission meeting minutes.

Commissioner Margie Ellis motioned, Commissioner Steve Sullivan seconded to approve the January 25, 2017 meeting minutes. Motion approved (6-0-1). Vice-Chair Devin Taylor "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye". Commissioner Larry Beck "abstained".

3. CONSENT AGENDA

- A. Consider a request by HEB Grocery Company, L.P. and LO Denton Bonnie Brae, LTD, for approval of a Final Plat of the North Lakes Shopping Center Addition. The 16.53 acre site is generally located at the northeast corner of West University Drive (US 380) and North Bonnie Brae Street. (FP16-0014, North Lakes Shopping Center, Mike Bell)
- B. Consider a request by LGI Homes - Texas, LLC for approval of a Final Plat of Beaver Creek Phase 2. The 15 acre site is generally located north of North Loop 288, approximately 1,200 feet west of Stuart Road (FP16-0037, Beaver Creek Phase 2, Julie Wyatt).
- C. Consider a request by David Rummel for approval of a Final Plat of the Triptych Addition, Lot 1, Block A. The 9.872-acre site is generally located on the east side of North Locust Street, approximately 2,400 feet south of Pecan Creek Road. (FP16-0044, Triptych Addition, Hayley Zagurski).

Commissioner Larry Beck motioned, Commissioner Andrew Rozell seconded to approve the Consent Agenda. Motion approved (7-0). Vice-Chair 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. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Consider and act on the creation of a Subcommittee of the Planning and Zoning Commission for the Denton Development Code (DDC) Amendment Project.

Vice-Chair Devin Taylor motioned, Commissioner Margie Ellis seconded to approve the creation of a Subcommittee of the Planning and Zoning Commission for the Denton Development Code (DDC) Amendment Project. Motioned approved (7-0). Vice-Chair 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".

B. Consider nominations and appoint members of the Planning and Zoning Commission for the Subcommittee for the Denton Development Code (DDC) Amendment Project.

Chair Strange questioned how many members need to be appointed for the Planning and Zoning Commission Subcommittee for the Denton Development Code (DDC) Amendment Project. Shandrian Jarvis, Development Review Committee Administrator, stated there would need to be three (3) Commissioners appointed.

Vice-Chair Taylor nominated Commissioner Ellis for the Subcommittee. Commissioner Beck nominated Commissioner Hudspeth. Commissioner Hudspeth stated he doesn't believe he is a good fit due to future aspiration, but suggested Vice-Chair Taylor. Chair Strange questioned if the nominations should be voted on individually or together. Jennifer DeCurtis, Deputy City Attorney, stated if there can be a consensus in discussion then it can be done in one motion.

Chair Strange appointed Commissioner Rozell. Vice-Chair Taylor respectfully declined due to his time remaining on the Planning and Zoning Commission. Commissioner Ellis nominated Commissioner Beck for the Subcommittee. Chair Strange stated under the advisement of Legal, the nominations would be voted on individually.

Commissioner Andrew Rozell motioned, Commissioner Larry Beck seconded to approve to appoint Commissioner Margie Ellis to the Subcommittee for the Denton Development Code (DDC) Amendment Project. Motioned approved (7-0). Vice-Chair 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".

Chair Jim Strange motioned, Commissioner Margie Ellis seconded to approve to appoint Commissioner Andrew Rozell to the Subcommittee for the Denton Development Code (DDC) Amendment Project. Motioned approved (7-0). Vice-Chair 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".

Commissioner Margie Ellis motioned, Commissioner Steve Sullivan seconded to approve to appoint Commissioner Larry Beck to the Subcommittee for the Denton Development Code (DDC)

Amendment Project. Motioned approved (7-0). Vice-Chair 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. PUBLIC HEARINGS

- A. Hold a public hearing and consider a request by Denton Independent School District for approval of a Final Replat of Lots 17-R and 19-R, Block 4, Northside Addition; being a replat of Lots 1, 2, 19, and 20, Block 4, Northside Addition, and Lots 3A and 17A, Block 4, Northside Addition. The approximately 1.6 acre property is generally located at the northwest corner of North Locust Street and Second Street. (FR16-0003, Northside Addition, Julie Wyatt)

Chair Strange opened the Public Hearing. Julie Wyatt, Senior Planner, presented Public Hearing item 5A. Chair Strange closed the Public Hearing.

There was no further discussion on this item.

Commissioner Larry Beck motioned, Commissioner Steve Sullivan seconded to approve this item. Motioned approved (7-0). Vice-Chair 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".

- B. Hold a public hearing and consider a request by H3H, LLC to rezone approximately 5.3 acres from Regional Center Residential 1 (RCR-1) District to Employment Center Commercial (EC-C) District. The property is generally located west of the I-35 Southbound Service Road and 115 feet north of Barthold Road. (Z16-0018, Blue Beacon Truck Wash, Julie Wyatt)

Chair Strange opened the Public Hearing.

Julie Wyatt, Senior Planner presented Public Hearing Item 5B.

Vice-Chair Taylor questioned what the expected use is for this development. Wyatt stated it would be a drive-thru use. Commissioner Ellis requested a timeline when Barthold Road and Elm Street would meet. Earl Escobar, Engineering Development Review Manager, stated the realignment of Barthold Road to Elm Street will be done as part of the Love's Travel Stop development to the South.

The following individual spoke during the public hearing:

Applicant, Dana Morris at 500 Graves Blvd, Salina, Kansas stated they planned to exit the property utilizing Barthold Road. This was before they realized there was a plan to realign the old Barthold Road, the Blue Beacon Tract and new Barthold Road.

Morris stated Blue Beacon would have to exit to the west to line up with Love's Travel Stop to allow ingress and egress access. Morris stated they recycle 30 to 45 percent of their water.

Commissioner Beck questioned how much water each wash uses. Morris stated with a double bay and on a busy day about 18 to 20 thousand gallons per day.

There was no one else to speak. Chair Strange closed the public hearing.

Commissioner Andrew Rozell motioned, Commissioner Larry Beck seconded to approve this item. Motioned approved (7-0). Vice-Chair 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".

- C. Hold a public hearing and consider making a recommendation to City Council regarding expressly repealing Sections 34-35, 34-36, and 34-37 of the Denton Code of Ordinances related to annexation and amending Subchapter 35.3 of the Denton Development Code by adding a periphery development annexation criteria section. (DCA17-0004, Annexation Criteria, Ron Menguita)

Ron Menguita, Long Range Planning Administrator, presented Public Hearing 5C.

Commissioner Ellis questioned what the difference is between the way we are currently doing annexation and the way we are going to start doing annexation. Menguita stated the main difference between the proposed procedures and the current procedures is the annexation will not be brought before the Planning and Zoning Commission.

Commissioner Ellis questioned if staff would make the determination if a property will be annexed. Menguita stated yes, staff prepares an analysis of the capacity of the City's public utilities and land uses to bring it before City Council seeking their direction.

Commissioner Ellis stated her main concern is within the procedures it does not state an annexation would go before City Council for approval. Menguita stated the Texas Local Government Code outlines the annexation process which includes notifications, setting dates, times and place of public hearings, schedule of public hearings and readings, and publication of the ordinance. He further stated that the 2017 state legislative session has several bills filed regarding annexation and staff wanted to keep the procedures in the Denton Development Code general to be consistent with the current and potential future amendments to the Texas Local Government Code.

DeCurtis stated the difference with the process is this now allows for someone to voluntarily annex themselves which is a shorter procedure.
Chair Strange closed the Public Hearing.

Commissioner Gerard Hudspeth motioned, Commissioner Larry Beck seconded to approve this item. Motioned approved (6-1). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Gerard Hudspeth "aye". Commissioner Margie Ellis "aye".

6. PLANNING & ZONING COMMISSION PROJECT MATRIX

A. Planning and Zoning Commission project matrix.

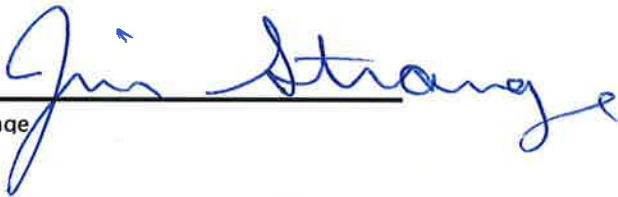
Commissioner Ellis requested a side-by-side comparison of the current zoning and the requested zoning use. Shandrian Jarvis, Development Review Committee Administrator, stated staff would be able to provide that.

Commissioner Hudspeth requested to have a Commercial and Residential developer come and give this Commission their insight on developing a property.

Chair Strange closed the Regular Meeting at 7:37 p.m.

X

Jim Strange
Chair



X

Catherine Welborn
Administrative Assistant III

