

CITY OF DENTON CITY COUNCIL MINUTES

August 6, 2012

Joint Meeting of the City of Denton City Council and the Planning and Zoning Commission on Monday, August 6, 2012 at 11:30 a.m. in the Council Work Session Room at City Hall.

PRESENT: Council Member Gregory, Council Member Engelbrecht, Council Member Roden, Council Member Watts, Mayor Pro Tem Kamp, and Mayor Burroughs.

ABSENT: Council Member King

All Planning and Zoning Commission members were present with the exception of Thom Reece.

1. Call to order; announce quorum, introductions.

Mayor Burroughs called the City Council meeting to order and announced a quorum of the member were present.

Chairman Thomas called the Planning and Zoning Commission to order and announced a quorum of the members were present.

2. Receive a report, hold a discussion and give staff direction regarding an update on the City's development review process, including challenges to in-fill and redevelopment projects.

City Manager Campbell stated that he appreciated everyone taking time to attend the meeting. The intent was to talk about the development process, obstacles to address and how to define the process.

Fred Greene, Assistant City Manager, stated that this was the next logical step to be taken for a review of the development process. Complaints unique to Denton would be considered. The process had been reviewed over and over again. A Developers Review Committee had been operating for several years and had provided 33 recommendations to implement to improve the process. Most of those recommendations had been implemented. Staff reviewed the 2002 Zucker Study that made 56 recommendations and those also had been implemented except for three that were impractical. It was felt that there were not too much more that could be done with the process. The question was "What then was the problem?" It was felt that it was imbedded in the Denton Development Code itself. The Code had primarily been written for greenfield development and did not accommodate infill and redevelopment. Denton was currently experiencing infill and redevelopment more than greenfield development.

Mark Cunningham, Director of Planning and Development, presented the outline of the discussion. Background would cover (1) DRC purpose and composition; (2) code and process amendments; and (3) Zucker System Report and recommendations. The current issue would be discussed in terms of (1) development difficulties in Denton, (2) infill development and proposed improvements; (3) development fees, and (4) infill/redevelopment incentives. The final area of discussion would be staff recommendations.

The Development Review Committee (DRC) was comprised of various representatives from several city departments. DRC reviewed, evaluated and analyzed all development projects to ensure consistency with the goals and objectives of the Denton Plan, the Denton Development

Code (DDC) and all other applicable codes, regulations, laws and policies that governed subdivision platting and the development of real property within the City. Primary reviewers evaluated and analyzed those elements of a proposed development plan that were standard and rudimentary. Primary reviewers included representatives from DRC Engineering, Planning, Fire, DME and Building Inspections. Secondary reviewers evaluated and analyzed those elements of the proposed plan that were important, but did not occur on a regular basis. Representatives for secondary reviewers included Denton Municipal Airport, Denton County, City Attorney's Office, Watershed Protection, Economic Development, Parks & Recreation, Real Estate, and the Police Department.

Development Review Process Improvements – during recent years, several improvements had been made to the City's development plan intake, distribution and review process. Forty six of these improvements were identified. Some of those improvements included staffing, DDC Code amendments, ProjectDox and other software implementation, flow charts, Developer's Committee and reduction in review time. Cunningham reviewed the information from the Zucker Systems Report.

Current Development Issues – the perception of the local developers was that it was more difficult to develop in Denton than any other city. The main differences between Denton and other cities were that many areas of the DDC were difficult to interpret or the wording was ambiguous and unclear; and the DDC was difficult to apply to infill and redevelopment projects.

Infill Development – infill development tended to be more challenging than greenfield development. There were four groups of these challenges:

1. Physical Barriers – physical site constraints often limited the feasibility of developing infill sites.
2. Social barriers – opposition may be encountered with development of infill sites whether or not it was justified.
3. Regulatory barriers – regulatory constraints often worked against good design, raised roadblocks against innovation, or prevented projects that were otherwise consistent with the character of existing communities.
4. Economic barriers – difficult sites and uncertain outcomes and time frames could reduce developers' economic interest in undertaking infill projects.

Infill Development Difficulties in Denton – these difficulties included: (1) Zoning, subdivision and building codes could inadvertently preclude redevelopment or infill, (2) regulations for parking, road design, rights-of-way, or stormwater management might prohibit or severely limit development, (3) conflicting requirements often limited the ability to achieve permitted densities, (4) the need for waivers or variances could slow the approval process and add cost to the development, (5) various exactions take a toll on the cost of infill and redevelopment, especially smaller projects and (6) the Mobility Plan and street improvement exactions were difficult to apply in highly developed areas such as downtown.

Bryan Lockley, DRC Administrator, presented information on issues associated with Infill Development. Some of those issues included zoning issues, specific subdivision issues; building issues, and parking issues.

Lockley presented information on zoning issues associated with the Elm Street Lofts project.

Council Member Watts questioned that in a case similar to the loft issue, would a percentage of the removal costs or price trigger the new codes to be applied or would they still be grandfathered.

Lockley stated that if the exterior walls and roof were still there it would be a retrofit and would not apply.

Mayor Burroughs noted that there was also a problem with a structure on two lots which was permissible in the past but now could not do improvements because it would trigger platting.

Council Member Watts stated that parking sometimes had counterproductive policies. There might be restrictions for non-preamble parking but not allow parking on the street. He questioned where the parking standards came from.

Lockley stated that they were based on need. Actual users had their own standards already during peak time which often did not meet city standards.

Chairman Thomas stated that other cities had minimums while Denton had a maximum.

Lockley stated that Denton's code requirements had minimum and maximum. A developer had to provide for the minimum but couldn't exceed the maximum. Other cities typically had a range rather than a minimum and a maximum and that range was within the market standard. A balance was needed between the needs on the site and what the desires of the city might be.

Council Member Watts questioned if parking standards applied across the zoning classifications or if different environments had different standards.

Lockley stated that it was applied as one size fit all.

Council Member Gregory stated that the standards would apply whether in the Downtown area or a greenfield area.

Lockley replied correct. The standards usually were applied when platting but that may kick in other exactions which the property owner might be required to provide the City such as right-of-way dedication, etc.

Lockley presented information on building code issues such as the International Building Code and International Fire Code requirements to redevelop older structures. Another building issue was redevelopment of older commercial structures for a permitted use under the Denton Development Code.

Mayor Burroughs felt that a problem was that the Code forced a structure to remain at the lowest level but trying to improve it made it economically impossible to do.

City Manager Campbell stated that it could significantly reduce the uses; an expansion could be done or do a different use that would not trigger those issues.

Cunningham stated that another issue raised by the developers was that the development fees were too high to develop in Denton. He presented statistics on the fee comparison for various area cities. Areas reviewed were pre-application, zoning, SUP, ZBA, variance, final plat, preliminary plat, demolition permit, clearing and grading, and plan review.

Council Member Watts stated that with the plan review fees for other cities, those might have separate fees for engineering fees, etc.

Cunningham stated that was correct and staff might not know what was included in those fees.

Council Member Gregory stated that staff prepared a gas well fees comparison to actual costs and questioned if the same was done for the Planning fees.

Cunningham stated that this was not a cost for service analysis. It could be done but he felt that in order to be competitive, cities tried to offer a competitive fee instead of a cost for service fee.

City Manager Campbell stated that some cities only do what the market might bear and in some instances was lower than the actual cost of the service.

Cunningham continued with a comparison of utility fees which included water tap fee, water impact fee, sewer tap fee and sewer impact fee for a ¾ inch, 1 inch, 4 inch, and 6 inch service line.

Council Member Watts asked about the standard used to set the fees.

PS Arora, DRC Engineering Administrator, stated that they were full calculations and every five years the study was done again.

The Council and Commission discussed infill projects and the related impact fees.

Cunningham continued with a comparison of park dedication fees.

Emerson Vorel, Director of Parks and Recreation, reviewed what was done with the park dedication fees. The numbers that were established for the park development fee were based on \$208,000 to construct a park. That was a 1998 park which had not been updated and really did not meet the cost.

Council Member Watts stated that there was a regulation on a park dedication fee and maybe on a park development fee that those monies had to be used within a certain radius.

Vorel stated that they had to be used within a mile of where the fees were generated.

Mayor Pro Tem Kamp stated that with infill and redevelopment the money could be used for a smaller park rather than a five acre park which was what they were trying to establish.

Council Member Gregory stated that there was a need to broaden the thinking about parks that green space was still needed but consider where that was applied.

Commissioner Thomas felt that some of the city's fees were high. In some cities a developer could pay a fee and have a day to get their permits done. Different departments had criteria manuals did not coincide and he felt that made for a difficult situation.

Cunningham presented infill/redevelopment incentives that could be considered and implemented in Denton.

1. Amendment to the City's infill overlay districts. The amendment would revise the City's Special Purpose District to encourage redevelopment and revitalization.

2. Flexible Code standards – this amendment would eliminate overly burdensome, inflexible or restrictive design requirements that might serve as a deterrent to those considering infill and redevelopment. This may be addressed through the use of a form-base code.

Mayor Burroughs stated that each property was so unique that there was a need to have that type of flexibility.

Council and Commissioners discussed the aspects of neighborhood concerns relative to infill.

Council Member Watts stated that during the process, neighborhood concerns would have to be worked out with these competing interests and have to have consensus among the differing groups either via a neighborhood or small area groups.

Council Member Watts left the meeting.

Mayor Burroughs suggested mentioning the various incentives but not go through each one in detail.

3. Land assembly – it was felt that this was not seen as a general policy and should not be put in the incentives. The Council and Commissioners agreed to not include this incentive.

4. Density bonuses – Mayor Burroughs stated that this might work in limited places but not in a residential area. It was a useful tool. Consensus was to include this incentive.

5. Sales tax rebates – consensus was to put this incentive in the proposal to look at and to have staff provide examples.

6. Property tax abatement – consensus was to put this incentive in the proposal and to have staff provide examples.

7. Reduced impact fees – consensus was to consider this as a goal.

8. Reduced fees – consensus was to consider this option.

9. Fast track permitting – Mayor Burroughs suggested having an engineer and planner who just worked on redevelopment planning and not take away from other issues.

Mayor Pro Tem Kamp stated that she would like to look at both #9 and #10 for flexibility in the program.

Council Member Engelbrecht stated that he would like to know what it would take for staff to do both scenarios.

Council Member Roden questioned how the consultant would look at the Code combined with the Denton Plan.

Cunningham stated that to ensure review of all regulations, staff would work together with the consultant.

Council Member Roden requested a report relating to the Trakit system and what information was available to the public.

Mayor Burroughs felt it was good to have an outside view of the procedures and an outside perspective. He would encourage a creative element when reviewing the procedures.

Mayor Burroughs left the meeting.

Council Member Gregory suggested a follow up meeting with the consultant in the next three months and have staff provide the backup materials beforehand so that Council could digest the information and talk with the consultant about it.

Commissioner Thomas stated that he appreciated getting together with Council as the Planning and Zoning Commission had looked at infill three other times and were now encouraged to see Council involved

4. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting

AND

Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

There were no items suggested by Council.

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With no further business, the Council and Planning and Zoning Commission meeting was adjourned at 1:45 p.m.

MARK A. BURROUGHS
MAYOR
CITY OF DENTON, TEXAS

JENNIFER WALTERS
CITY SECRETARY
CITY OF DENTON, TEXAS