

Minutes
Planning and Zoning Commission
September 13, 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, September 13, 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: Commissioner Alfred Sanchez, Commissioner Andrew Rozell, Chair Jim Strange, and Commissioner Tim Smith.

ABSENT: Commissioner Larry Beck, Commissioner Steve Sullivan, and Commissioner Margie Ellis.

STAFF: Munal Mauladad, Shandrian Jarvis, Jennifer DeCurtis, Bob Makowski, Julie Wyatt, Hayley Zagurski, Jim Jenks, and Cathy Welborn.

WORK SESSION

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 opened the Work Session at 4:35 p.m.

Chair Strange welcomed the new members Alfred Sanchez and Tim Smith to the Commission.

Shandrian Jarvis, Development Review Committee Administrator, asked the Commissioners if they had any questions regarding the Consent Agenda.

Commissioner Rozell requested clarification regarding plat vacations. Jarvis stated the goal is to replat the property, but the applicant has to vacate the original plat.

Hayley Zagurski, Senior Planner, presented Public Hearing 4A. Zagurski stated the purpose of this replat is to combine a portion of Lot 1, Block 1 and the remainder of Lot 1, Block 2, of the Municipal Utilities Addition with an unplatted parcel of land.

Zagurski continue to state the existing Morse Road right-of-way will also be abandoned by this plat.

Chair Strange asked if the applicant has started any site work. Zagurski stated the applicant has an approved minor site plan to begin some ground work.

Hayley Zagurski, Senior Planner presented Public Hearing item 4B. Zagurski stated the request is to rezone from Neighborhood Residential Mixed-Use (NRMU) District to Community Mixed-Use general (CM-G) District.

Zagurski continued to state the property is located on the southeast corner of the Teasley Lane and Old Alton Road intersection. The applicant's intent is to develop the subject property along with the adjoining southern parcel for a vehicle repair use.

Staff recommends approval of the request as it is compatible with the surrounding property and is consistent with goals and objectives of the Denton Plan 2030.

Commissioner Smith asked if the applicant is aware of the future plan to expand Teasley Lane and is the applicant prepared to make all accommodations to allow for the right-of-way. Zagurski stated yes, the property has already been platted and the right-of-way has been dedicated.

Jarvis stated Public Hearing items 4C and 4D have been postponed to the September 27, 2017 meeting.

Chair Strange requested legal clarification, as to whether he has a conflict of interest for Public Hearing item 4E. Jennifer DeCurtis, Deputy City Attorney, stated it has been determined that there is not a conflict of interest.

Jim Jenks, Senior Engineer, presented Public Hearing item 4E. Jenks stated this process is to facilitate an expedited plat filing for the developer's benefit as well as ensuring the City's interest and streamlining the pre-construction process by reducing inefficiencies.

Jenks stated the proposed process would take place once the final plat is approved by the Planning and Zoning Commission. The next step is a two-way agreement between the City and the developer. Once the plat is filed a second two-way agreement could be executed between the City and the contractor.

Jenks stated there would be a Performance Bond between the City and the developer. Jenks stated the City will not issue a Certificate of Occupancy until the developer has completed all public improvements associated with the plat.

Jenks stated based on the improvements, the plat will be filed several weeks earlier than the current process, it would allow the plat to be filed without the developer having to enter into contracts with the contractors, and would eliminate a separate hold harmless agreement.

Commissioner Rozell questioned if there was any outside counsel from developers. Jenks stated staff has talked to one developer as well as a Surety.

Commissioner Rozell questioned if other Cities are doing this same process with two-way agreements. Munal Mauladad, Director of Development Services, stated yes staff did look at other communities regarding the two-way agreements and some are more relaxed whereas some are stricter.

Commissioner Rozell questioned Legal what this Commission's responsibility is regarding these agreements. DeCurtis stated the Commission would be recommending approval of the ordinance regarding a couple of changes to the Denton Development Code (DDC) as to what agreements are required and where.

Chair Strange referred to when the contractor signs their two-way agreements whose bonding takes over at that time. Mauladad stated it would be the contractor's bond, but there would be a signature for the developer to maintain his contract with the contractor.

Chair Strange voiced his concerns regarding paper lots and how they would be effected with the clause: No lots shall be sold, and no construction of private improvements shall be authorized to begin, until a two-way agreement between contractor and City is fully executed, legally binding Contractor to construction of all public improvements associated with this plat." DeCurtis stated that is something that can be reviewed independently than the language being heard tonight.

Chair Strange recommended keeping commercial and residential the same such as doing a hold harmless agreement. He stated the contractor could not go vertical until they have met the Fire Marshal's requirements, but being able to build homes while all the other franchises are happening. DeCurtis stated that would require a change in the version of the ordinance and a motion would have to be made during the Public Hearing to change the language.

Chair Strange stated he agrees it's time for an update; this amendment is an improvement.

Commissioner Sanchez stated he appreciates staff for trying to make the process easier.

There was no further discussion.

Chair Strange closed the Work Session at 5:15 p.m.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, September 13, 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 opened the Regular Meeting at 6:30 p.m.

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

2. CONSENT AGENDA

A. Consider a request by Sherman Crossing Development, LLC for approval of a preliminary plat of the Hercules West Addition. The 9.95 acre site is generally located on the north side of Hercules Drive, approximately 1,700 feet west of Sherman Drive. (PP17-0015, Hercules West Addition, Julie Wyatt).

B. Consider a request by Sherman Crossing Development LLC for approval of a Final Plat of the Hercules West Addition, Phase 2B, Lots 1-4 of Block A, Lots 9-26 of Block 21, Lots 5-16 of Block 22, and Lots 7-12 of Block 23. The 6.85 acre site is generally located on the north side of Hercules Lane approximately 1700 feet west of Sherman Drive. (FP17-0018, Hercules West Addition, Hayley Zagurski).

C. Consider a request by Rush Truck Centers of Texas, LP for approval of a Final Plat of Lot 7, Block A, of the Westpark Addition, Phase 2. The 27.58 acre site is generally located to the northeast of the Airport Road and South Western Boulevard intersection. (FP17-0020, CVS - Rush Truck Center, Hayley Zagurski).

D. Consider approval of a request by Carmel Villas, LLC for approval of a partial plat vacation concerning Lot 2, Block A of the Flowers Food Addition. The approximately 6 acre property is generally located north of Pockrus Page Road, approximately 1,100 feet east of the I-35E Services Road. (PV17-0002, Carmel Villas, Julie Wyatt).

E. Consider approval of a request by Carmel Villas, LLC for approval plat vacation of Lot 1, Block A of the Brier Inn Addition. The approximately 4 acre property is generally located north of Pockrus Page Road, approximately 1,175 feet east of the I-35E Services Road. (PV17-0001, Carmel Villas, Julie Wyatt).

F. Consider a request by Carmel Villas, LLC for approval of a Preliminary Plat of the Townhomes at Denton Addition, Phases 1 and 2. The approximately 34 acre site is generally located north of Pockrus Page Road, approximately 1,065 feet east of the I-35E Service Road. (PP17-0002, Carmel Villas, Julie Wyatt).

Commissioner Andrew Rozell motioned, Commissioner Tim Smith seconded to approve the Consent Agenda. Motion approved (4-0). Commissioner Alfred Sanchez "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Tim Smith "aye".

Chair Strange stated Public Hearing items 4C and 4D have been postponed until September 27, 2017.

3. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Consider and appoint a member for the Planning and Zoning Commission Vice-Chair position.

Chair Strange nominated Commissioner Rozell as Vice-Chair. Commissioner Smith seconded.

There was no further discussion.

Chair Jim Strange motioned, Commissioner Tim Smith seconded to appoint Commissioner Rozell for Vice-Chair. Motion approved (4-0). Commissioner Alfred Sanchez "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Tim Smith "aye".

4. PUBLIC HEARINGS

A. Hold a public hearing and consider a request by City of Denton for approval of a Final Replat of Lot 1, Block A, of Brinker Substation Addition; being a replat of remainder of Lot 1, Block 2, and a portion of Lot 1, Block 1, of the Municipal Utilities Addition, with approximately 14.37 acre unplatted parcel recorded in Document Number 2014-4412. The 38.889 acre property is generally located at Shady Oaks Drive, approximately 3000 feet west of South Loop 288. (FR17-0010, Brinker Substation Addition, Hayley Zagurski)

Chair Strange opened the Public Hearing.

Hayley Zagurski, Senior Planner, presented Public Hearing 4A. Zagurski stated the purpose of this replat is to combine a portion of Lot 1, Block 1 and the remainder of Lot 1, Block 2, of the Municipal Utilities Addition with an unplatted parcel of land.

Zagurski continue to state the existing Morse Road right-of-way will also be abandoned by this final replat.

Chair Strange closed the Public Hearing.

There was no further discussion.

Commissioner Andrew Rozell motioned, Commissioner Tim Smith seconded to approve Public Hearing item 4A. Motion approved (4-0). Commissioner Alfred Sanchez "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Tim Smith "aye".

B. Hold a public hearing and consider a request by Space Garage Limited Partnership to rezone approximately 0.54 acres from a Neighborhood Residential Mixed-Use (NRMU) District to a Community Mixed-Use general (CM-G) District. The property is generally located at the southeast corner of the Teasley Lane and Old Alton Road intersection. (Z17-0017, Pioneer Automotive Denton, Hayley Zagurski).

Chair opened the Public Hearing

Hayley Zagurski, Senior Planner presented Public Hearing item 4B. Zagurski stated this request is to rezone from Neighborhood Residential Mixed-Use (NRMU) District to Community Mixed-Use general (CM-G) District.

Zagurski continued to state the property is located on the southeast corner of the Teasley Lane and Old Alton Road intersection. Zagurski stated the applicant's intent is to develop the subject property along with the adjoining southern parcel for a vehicle repair use.

Staff recommends approval of the request as it is compatible with the surrounding property and is consistent with goals and objectives of the Denton Plan 2030.

Chair Strange closed the Public Hearing.

There was no further discussion.

Commissioner Andrew Rozell motioned, Commissioner Tim Smith seconded to approve Public Hearing item 4B. Motion approved (4-0). Commissioner Alfred Sanchez "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Tim Smith "aye".

C. Hold a public hearing and consider making a recommendation to City Council regarding a request by Dodson Legal Group to rezone approximately 3.2 acres from a Neighborhood Residential 6 (NR-6) District to a Neighborhood Residential Mixed-Use 12 (NRMU-12) District. The property is generally located on the east side of Jannie Street, approximately 420 feet north of East McKinney Street. THE APPLICANT HAS REQUESTED TO POSTPONE THE REQUEST UNTIL THE SEPTEMBER 27, 2017 PLANNING AND ZONING COMMISSION MEETING. (Z17-0013, Justice Plaza, Julie Wyatt).

Chair Strange opened the Public Hearing.

Commissioner Andrew Rozell motioned, Commissioner Tim Smith seconded to continue Public Hearing item 4C to a date certain of September 27, 2017. Motion approved (4-0). Commissioner Alfred Sanchez "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Tim Smith "aye".

D. Hold a public hearing and consider making a recommendation to City Council regarding a request by JV Strange and 7-11, Inc. to rezone approximately 73 acres from an Employment Center Industrial (EC-I) District to a Commercial Mixed Use (CM-G) District. The property is generally located on the northeast corner of North Loop 288 and East McKinney Street. THE APPLICANT HAS REQUESTED TO POSTPONE THE REQUEST TO THE SEPTEMBER 27, 2017 PLANNING AND ZONING COMMISSION MEETING. (Z17-0015, McKinney Mayhill, Julie Wyatt).

Chair Strange opened the Public Hearing.

Commissioner Andrew Rozell motioned, Commissioner Tim Smith seconded to continue Public Hearing item 4D to a date certain of September 27, 2017. Motion approved (4-0). Commissioner Alfred Sanchez "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Tim Smith "aye".

E. Hold a public hearing and consider making a recommendation to City Council regarding an amendment to the Denton Development Code, Subchapter 35.16, Sections 35.16.6 and 35.16.20, by clarifying agreements required for plat approvals and building permits (DCA17-0010, Development Agreements, Jim Jenks).

Chair Strange opened Public Hearing item 4E.

Jim Jenks, Senior Engineer, presented Public Hearing item 4E. Jenks stated this process is to facilitate an expedited plat filing for the developer's benefit as well as ensuring the City's interest and streamline the pre-construction process by reducing inefficiencies.

Jenks stated the proposed process would be once the final plat is approved by the Planning and Zoning Commission. The next step is a two-way agreement between the City and the developer. Once the Plat is filed a second two-way agreement could be executed between the City and the contractor.

Jenks stated there would be a Performance Bond between the City and the developer. Jenks continued to state the documents the City will not issue are a Certificate of Occupancy until Developer has completed all public improvements associated with the Plat.

Jenks stated with the improvements the plat will be filed several weeks earlier, it would allow the plat to be filed without the developer having to enter into a contract with the contractors, and would eliminate separate the hold harmless agreement.

Chair Strange requested staff to consider changing the proposed standard note from: "No lots shall be sold, and no construction of private improvements shall be authorized to begin, until a two-way agreement between contractor and City is fully executed, legally binding contractor to construction of all public improvements associated with this plat." To No lots shall be sold, and no construction of private improvements shall be authorized to begin, until a two-way agreement between the developer and City is fully executed, legally binding the developer to construction of all public improvement associated with this plat, to be able to provide the ability to do paper lots.

Jennifer DeCurtis, Deputy City Attorney, stated the building permits would only be available once the Contractor agreements are in place. DeCurtis stated it might be best to separate commercial and residential.

Chair Strange voiced his last concern of no single family residential (SFR) being able to begin except for the four model homes until substantial completion. Jenks stated that restriction is the current requirement.

Chair Strange requested for single family to require a hold harmless agreement just the same as multifamily and commercial. Chair Strange stated he is all for streamlining projects with the City.

Commissioner Smith requested what other Cities were looked at regarding these two-way agreements. Munal Mauladad, Director of Development Services, stated when staff conducted the benchmark study, staff looked at a number of communities, but the main things that were looked at were how long a specific application takes and weather it takes longer in Denton.

Commissioner Rozell questioned if the vote from the Planning and Zoning Commission is approving the frame work for an actual two-way agreement or is the Commission approving the ordinance language. DeCurtis stated tonight the Commission is recommending approval of the ordinance to amend the Denton Development Code (DDC).

The following individual requested to speak during the Public Hearing:
Lee Alison, 2415 N. Elm, Denton Texas, 76201. Supports this request.

Commissioner Rozell stated he does not want to sacrifice the language for a contractor and developer in order to get projects done due to the urgency to process this item.

Chair Strange requested to continue this item to allow staff time to conduct further research.

Mauladad stated yes within the next month staff will be able to fine tune and reach out to the development community. The Commission and staff decided in order to meet the deadline for City Council this item would be continued to September 27, 2017 and if the item needs to be continued again it will still provide enough time to be added to the October 17, 2017 City Council agenda.

Chair Strange closed the Public Hearing.

Commissioner Rozell requested to continue Public Hearing item 4E to the September 27, 2017 Planning and Zoning Commission meeting.

Chair Strange reopened the Public Hearing.

There was no further discussion.

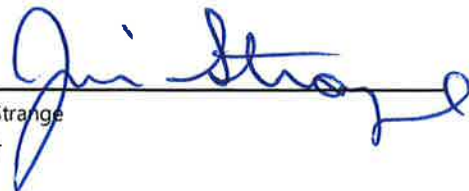
Commissioner Andrew Rozell motioned, Commissioner Tim Smith seconded to continue Public Hearing item 4E to a date certain of September 27, 2017. Motion approved (4-0). Commissioner Alfred Sanchez "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Tim Smith "aye".

5. PLANNING & ZONING COMMISSION PROJECT MATRIX

A. Planning and Zoning Commission project matrix.

Commissioner Rozell requested an update to the tree code to be placed back on the agenda. Shandrian Jarvis, Development Review Committee Administrator, stated staff can provide an update.

Chair Strange closed the Regular Meeting at 7:25p.m.

X 

Jim Strange
Chair

X

Catherine Welborn
Administrative Assistant III