

Minutes  
Planning and Zoning Commission  
June 13, 2018

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, June 13, 2018 at 5:30 p.m.** in the City Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which time the following items were considered:

**PRESENT:** Commissioners: Steve Sullivan, Alfredo Sanchez, Larry Beck, Tim Smith, Andrew Rozell and Margie Ellis.

**ABSENT:** Chair Jim Strange.

**STAFF:** Athenia Green, Hayley Zagurski, Scott McDonald, Ron Menguita, Roman McAllen, Cindy Jackson, Sean Jacobson and Jerry Drake.

Vice-Chair Rozell called the Work Session to order at 5:32 p.m.

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.

Commissioner Beck questioned Consent Agenda Item 3A regarding the portion of the property identified in the shaded zone. Hayley Zagurski, Senior Planner, identified the floodplain, environmentally sensitive area, and riparian buffers.

Cindy Jackson, Senior Planner, presented Item for Individual Consideration 4A, providing a recap of the May 9, 2018 meeting where the item was originally presented and continued. The applicant has held two neighborhood meetings which there was a small turnout at the meetings. The residents were also speakers during the May 9<sup>th</sup> meeting. The applicant has come up with acceptable changes to the request. Jackson provided the concerns expressed from the neighborhood meeting. Staff recommends approval of the request based on two conditions provided in the backup materials.

Commissioner Smith questioned what will happen to the applicant's request if the motion is voted to deny the request. Jerry Drake, First Assistant City Attorney, stated if it moves forward to City Council then a supermajority vote would be required. He discussed the reapplication timeframe if a project is denied. Jackson stated there is a one year timeframe in which the applicant would not be eligible to reapply, unless the applicant comes back with a substantially different plan than what was originally submitted.

Drake stated the item cannot move forward to City Council until it receives a recommendation from this Commission.

1 Commissioner Ellis questioned what would happen if the item is tabled again. Drake stated the  
2 applicant could decide to have conditions on the approval in order to break the tie impact.

3  
4 Jackson stated the recommendation has changed in order to allow an overlay with conditions, as  
5 well as provide feedback from the neighborhood meetings.

6  
7 Commissioner Sullivan stated this Commission provided suggestions during the last meeting, of  
8 which one item was to hold a neighborhood meeting, the neighborhood meeting was held four  
9 weeks later during the same week as the Planning and Zoning Commission meeting. The other  
10 request was to separate the request out into separate items for consideration. However, the  
11 applicant came back with an overlay instead.

12  
13 Vice-Chair Rozell questioned the vote for supermajority for City Council. Jackson stated there  
14 could only be one vote in opposition. There was no further discussion on this item.

15  
16 Ron Menguita, Principal Planner, presented Item for Individual Consideration 4B. Commissioner  
17 Beck questioned if the house on the tract of land would be removed. Menguita confirmed.

18  
19 Commissioner Sullivan questioned if the parking lot to the south belongs to another property  
20 owner. Menguita confirmed. Commissioner Sullivan questioned if the applicant will have access  
21 to use the neighboring parking lot. Menguita stated the applicant is working towards providing a  
22 parking agreement.

23  
24 Commissioner Sullivan questioned why the neighboring developments have front parking,  
25 whereas this development would be required to have rear parking. Menguita stated those lots were  
26 developed prior to the 2002 Denton Development Code.

27  
28 Commissioner Sullivan stated it seems like it would be easier to develop this lot like the other lots  
29 with front parking. Menguita stated staff understands that, however, the lot is irregular shaped  
30 containing easements which prevents certain development. There was no further discussion on this  
31 item.

32  
33 Vice-Chair Rozell called a recess from 6:10 – 6:15 p.m.

34  
35 Roman McAllen, Historic Preservation Officer, presented Public Hearing Item 5A. The  
36 Commission commended McAllen on his work for this request.

37  
38 There was no further discussion. Vice-Chair Rozell adjourned the Work Session at 6:30 p.m.

39  
40 REGULAR MEETING

41  
42 Vice-Chair Rozell called the Regular Meeting to order at 6:45 p.m.

43  
44 The Planning and Zoning Commission convened in a Regular Meeting on **Wednesday, June 13,**  
45 **2018 at 6:30 p.m.** in the City Council Chambers at City Hall, 215 E. McKinney at which time the

1 following items were considered:  
2

3 1. PLEDGE OF ALLEGIANCE

- 4 A. U.S. Flag
  - 5 B. Texas Flag
- 6

7 2. CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION  
8 MINUTES FOR:

- 9
- 10 A. May 9, 2018

11  
12 Commissioner Alfredo Sanchez motioned, Commissioner Larry Beck seconded to approve the  
13 May 9, 2018 meeting minutes. **Motion approved (6-0)**. Commissioner Alfredo Sanchez "aye",  
14 Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Vice-Chair Andrew Rozell  
15 "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".  
16

- 17 B. May 23, 2018

18  
19 Commissioner Larry Beck motioned, Commissioner Tim Smith seconded to approve the May 23,  
20 2018 meeting minutes. **Motion approved (5-0-1)**. Commissioner Alfredo Sanchez "aye",  
21 Commissioner Larry Beck "aye", Vice-Chair Andrew Rozell "aye", Commissioner Margie Ellis  
22 "aye", and Commissioner Tim Smith "aye". Commissioner Steve Sullivan abstained.  
23

24 3. CONSENT AGENDA:

- 25
- 26 A. Consider a request by DNB Investments, Ltd. for approval of a preliminary plat of  
27 Pecan Creek Retail Addition Block A, Lots 1 & 2. The approximately 5.54-acre  
28 site is generally located on the south side of E. McKinney Street and the west side  
29 of Duchess Drive in the City of Denton, Denton County, Texas. (PP17-0014, Pecan  
30 Creek Retail Addition, Hayley Zagurski).

31  
32 Commissioner Tim Smith motioned, Commissioner Margie Ellis seconded to approve the Consent  
33 Agenda. **Motion approved (6-0)**. Commissioner Alfredo Sanchez "aye", Commissioner Larry  
34 Beck "aye", Commissioner Steve Sullivan "aye", Vice-Chair Andrew Rozell "aye", Commissioner  
35 Margie Ellis "aye", and Commissioner Tim Smith "aye".  
36

37 4. ITEMS FOR INDIVIDUAL CONSIDERATION:

- 38
- 39 A. Consider making a recommendation to City Council regarding a request by 518  
40 Acme Ltd. and Kelsoe Construction & Development, Inc. for a zoning change from  
41 Downtown Residential 1 (DR-1) zoning district to Downtown Commercial General  
42 (DC-G) zoning district. The four parcels comprising of 1.057 acres are generally  
43 located at the northwest corner of the intersection of W. Eagle Drive and Myrtle  
44 Street, the west side of Myrtle Street, and the southeast corner of Maple Street and  
45 Pacific Street, in the City of Denton, Denton County, Texas. (Z18-0004. Access

1 [Bank, Cindy Jackson\) This request was continued from the May 9, 2018 Planning](#)  
2 [and Zoning Commission meeting.](#)  
3

4 Cindy Jackson, Senior Planner, provided the presentation and a brief recap of the May 9, 2018  
5 meeting regarding this item. Staff recommends approval of this request based on two conditions  
6 provided in the backup materials. The applicant held two neighborhood meetings. There were a  
7 few citizens in attendance to the meetings, primarily those that spoke during the May 9<sup>th</sup> meeting.  
8

9 The following individuals spoke:  
10

11 Aimee Bissett, applicant, 212 S. Elm Street, Denton, Texas. Bissett stated the timing on  
12 the neighborhood meeting was based on two reasons: they wanted to provide as much meeting  
13 notice as possible, therefore a mailed invitation was sent 12 days prior to the meeting. There was  
14 also discussion with City staff regarding moving forward with the request and how a 3-3 tie vote  
15 would allow the item to go before City Council. Bissett stated it was also discussed as to why the  
16 request was not withdrawn to eliminate the three properties. Bissett stated since there is an  
17 Alternative Development Plan (ADP) on the property the south tract of land cannot be developed  
18 until something is done on the northern tract of land. There were three attendees at the  
19 neighborhood meetings, and approximately 30 mailing notices were sent out to neighboring  
20 property owners. Bissett provided the concerns from the neighbors that attended the neighborhood  
21 meetings. Concerns: building height, traffic, crime potential, and lack of tree preservation. A  
22 concept plan was provided, the intent is to preserve as many trees on the site as possible. Bissett  
23 stated they want to minimize the impact on the neighbors.  
24

25 Commissioner Smith questioned why one of the properties has vacated. Bissett stated she lease  
26 might have ended, she would defer to Virgil Strange for an answer.  
27

28 Bissett stated she understands that some of the leases have a year time left remaining on them,  
29 therefore they will have plenty of time to plan to relocate.  
30

31 Commissioner Ellis questioned if five of the homes will be removed. Bissett confirmed.  
32

33 JV Strange, applicant/owner, 728 Seville, Denton, Texas. Strange stated they purchased  
34 the property in approximately 2007-2008 along with about a dozen other pieces of property. There  
35 are a lot of parking issues at the bank, which is a consistent complaint from the bank tenants. He  
36 stated if they were to tap into the bank drainage and add parking spaces then the ADP would have  
37 to be modified, also requiring a portion of the property to be rezoned. Two of the houses are in  
38 poor shape, they have termite damage as well. This process is a long process between platting,  
39 permitting, and other approval processes, therefore the residents in the houses on Myrtle Street  
40 would have time to vacate the property. There is no intent to develop anything other than single  
41 story structures. Strange referred to the Chase Bank building along University Drive, where the  
42 bank has a larger building and then smaller buildings behind it. This will be a similar development.  
43

44 Commissioner Smith questioned the process to abandon Pacific Street. Jackson stated there are a  
45 few processes, which are done through platting. There are negotiations done through the Real

1 Estate Department, and ultimately City Council approval. They have to verify that there are no  
2 utilities and easements located within the street.

3  
4 Commissioner Ellis questioned why the Eagle Drive property cannot be developed. Strange stated  
5 they met with staff a while back to discuss adding parking to the parcel and was informed of the  
6 additional steps required based on the ADP. The additional parcel to the north would need to be  
7 added in order to balance out the parking on the site.

8  
9 Commissioner Beck discussed parking and that the buildings are not necessary if they are only  
10 needing to add more parking spaces. Strange stated they purchased the land with the intent to  
11 develop more offices as well as add parking.

12  
13 Jackson read into the record regarding the ADP parking requirements.

14  
15 Andy Yuhas, 10198 Fireside Lane, Forney, Texas, stated he purchased the neighboring  
16 property for his son while he was attending the University of North Texas (UNT). Now his  
17 daughter currently resides in the property and attends UNT. The neighbor's quality or lack  
18 therefore affects his property. There are concerns with privacy. He would like to see the  
19 replacement of the road added near his property so he could utilize it. If there will be a few years  
20 of construction this will have a big impact on the neighbors. Yuhas questioned what the road would  
21 look like if it is developed near his property and whether it would have a buffer. Opposed to the  
22 request.

23  
24 Vice-Chair Rozell stated the new entrance would not be a public street. Jackson confirmed, it  
25 would be a driveway, which would require a Type C buffer.

26  
27 Vice-Chair Rozell questioned Yuhas what benefits he would see coming from the construction.  
28 Yuhas stated a privacy fence.

29  
30 Kim McKibben, 1306 W. Hickory Street, Denton, Texas, stated she is concerned that there  
31 are two requests before this Commission; however, they are heard as one request. This could be  
32 handled differently for the future and for the citizens of Denton. Opposed to the request.

33  
34 Christopher Klabunde, 418 Maple Street, Denton, Texas, stated he has been a renter in  
35 Denton for nine years. He has lived in several places that are considered affordable. There are no  
36 sidewalks in this area, the traffic is terrible. The properties in question are beautiful with a lot of  
37 residential potential to them. A residential use would be a better use for the area. Opposed to the  
38 request.

39  
40 Wendy Roush, 416 Maple Street, Denton, Texas, stated she attended the neighborhood  
41 meeting. Some of the information provided was stretched from what was provided during the  
42 meeting. Roush stated she went door to door to meet her neighbors and inform them of the  
43 neighborhood meeting. She stated many of them did not see the mailer that was sent out. Many of  
44 the neighbors stated they did not have an opinion. Roush stated the property owner has purchased  
45 a lot of the properties within the neighborhood and filled the houses with felons.

1 Commissioner Smith thanked the speakers. He stated he will be motioning to approve the request  
2 based on staff's conditions.

3  
4 Commissioner Sanchez stated cities are static and are constantly changing. He stated two blocks  
5 to the east has an alternative for commercial development, this could be a plan for the future. He  
6 stated he would also vote to approve this request.

7  
8 Commissioner Beck stated he is opposed to the request and the encroachment into the residential  
9 neighborhood.

10  
11 Commissioner Sullivan stated change doesn't always have to happen. This development  
12 encroaches commercial development into a residential neighborhood.

13  
14 Commissioner Ellis stated this encroachment displaces residents.

15  
16 Vice-Chair Rozell stated during the May 9, 2018, meeting concerns were provided by this  
17 Commission, which the applicant has addressed those concerns. He stated this Commission cannot  
18 protect those five existing houses. The applicant could develop duplexes, lodges, clubs or various  
19 other uses allowed within the zoning district by right. He stated he would be voting in favor of the  
20 request.

21  
22 Commissioner Tim Smith motioned, Vice-Chair Andrew Rozell seconded to approve this request  
23 based on the condition that an overlay be placed on the site which limits the use of the site to one-  
24 story office buildings. **Motion failed (3-3).** Commissioner Alfredo Sanchez "aye", Vice-Chair  
25 Andrew Rozell "aye", and Commissioner Tim Smith "aye". Commissioner Larry Beck "nay",  
26 Commissioner Steve Sullivan "nay", and Commissioner Margie Ellis "nay".

27  
28 Commissioner Smith questioned applicant Strange what his next steps are if this ends with a tie to  
29 deny the request or if is requested to come back before this Commission. Strange stated he will  
30 withdraw his application and reconsider the request.

31  
32 Commissioner Larry Beck motioned, Commissioner Margie Ellis seconded to deny the request.  
33 **Motion failed (3-3).** Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", and  
34 Commissioner Margie Ellis "aye". Commissioner Alfred Sanchez "nay", Vice- Chair Andrew  
35 Rozell "nay", and Commissioner Tim Smith "nay".

36  
37 Strange stated he will withdraw his motion, he does not want to come before this Commission  
38 again with the same scenario to happen again, or to go before City Council to have a Supermajority  
39 vote be required. Vice-Chair Rozell stated there will be no action taken during the meeting.

- 40  
41 B. [Consider the approval of an Alternative Development Plan for a medical office](#)  
42 [project. The purpose of the proposed Alternative Development Plan is to deviate](#)  
43 [from four site design standards of the Denton Development Code \(DDC\). These](#)  
44 [are; Section 35.13.8.A regarding buffer requirements, Section 35.13.13.3.C](#)  
45 [regarding parking general requirements, Section 35.13.10.C regarding parking lot](#)  
46 [landscaping and screening standards, and Section 35.13.7.C regarding street tree](#)

1 [requirements. The subject site consists of approximately 0.471 acres and is located](#)  
2 [east of Bonnie Brae approximately 200 feet south of Emery Street. \(ADP18-0002,](#)  
3 [North Bonnie Brae Medical Office, Ron Menguita\)](#)  
4

5 Ron Menguita, Senior Planner, presented the request. The applicant is present. Staff recommends  
6 approval of the request.  
7

8 Lee Allison, applicant, Allison Engineering Group, 2415 N Elm St, Denton, Texas, provided a  
9 brief presentation. He stated Lance Holdorff is also present as well.  
10

11 Commissioner Beck referred to trees on the backline of the property, he questioned if those trees  
12 would have to be removed. Allison stated only because of the dumpster placement requirements.  
13

14 Commissioner Sullivan questioned if there is an agreement for the parking to the south. Allison  
15 stated he was informed there is a written agreement that will be provided to the City. There was  
16 no further discussion.  
17

18 Commissioner Margie Ellis motioned, Commissioner Tim Smith seconded to approve the request.  
19 **Motion approved (6-0).** Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye",  
20 Commissioner Steve Sullivan "aye", Vice-Chair Andrew Rozell "aye", Commissioner Margie  
21 Ellis "aye", and Commissioner Tim Smith "aye".  
22

23 5. [PUBLIC HEARINGS:](#)  
24

- 25 A. [Hold a public hearing and consider making a recommendation to City Council](#)  
26 [regarding an application for Historic Landmark Designation for the property](#)  
27 [located at 607 E. College Street, between Vine Street and Frame Street.](#)  
28

29 Vice-Chair Rozell opened the Public Hearing. Roman McAllen, Historic Preservation Officer,  
30 presented the request. He stated staff received one response from a neighbor that is also interested  
31 in designating their property.  
32

33 The following individuals spoke during the Public Hearing:

34 Wendy Roush, 416 Maple Street, Denton, Texas, stated she thinks this property belongs to  
35 her friend's family. The house were very nicely built.  
36

37 There was no one else to speak. Vice-Chair Rozell closed the Public Hearing.  
38

39 Commissioner Margie Ellis motioned, Commissioner Tim Smith seconded to approve the request.  
40 **Motion approved (6-0).** Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye",  
41 Commissioner Steve Sullivan "aye", Vice-Chair Andrew Rozell "aye", Commissioner Margie  
42 Ellis "aye", and Commissioner Tim Smith "aye".  
43  
44

1 6. [PLANNING & ZONING COMMISSION PROJECT MATRIX:](#)

2

3 A. [Matrix](#)

4

5 Vice-Chair Rozell requested additional information in the future on projects that have related  
6 cases. Scott McDonald, Director of Development Services, stated staff will be sure to provide that  
7 information in the future.

8

9 There was no further discussion. Vice-Chair Rozell adjourned the Regular Meeting at 8:53 p.m.

10