

Minutes
Planning and Zoning Commission
May 23, 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, May 23, 2018 at 5:00 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: Chair Jim Strange, Commissioners: Alfredo Sanchez, Larry Beck, Tim Smith, Andrew Rozell and Margie Ellis.

ABSENT: Commissioner Steve Sullivan.

STAFF: Athenia Green, Hayley Zagurski, Scott McDonald, Ron Menguita, Richard Cannone, Sean Jacobson and Victor Flores.

WORK SESSION

Chair Strange called the Work Session to order at 5:04 p.m.

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 recused himself from the discussion regarding Public Hearing Item 4D, as he has a conflict of interest in the subject property.

Hayley Zagurski, Senior Planner, presented Public Hearing Item 3A, 4C, and 4D. There were no questions.

There was no further discussion. Vice-Chair Rozell closed the Work Session at 5:16 p.m.

REGULAR MEETING

Chair Strange called the Regular Meeting to order at 6:30 p.m.

The Planning and Zoning Commission convened in a Regular Meeting on **Wednesday, May 23, 2018 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

1 2. CONSENT AGENDA:

- 2
- 3 A. Consider a request by Allegiance Hillview, L.P. for approval of a Conveyance Plat
4 of Lot 3, Block 1, Rayzor Ranch South. The approximately 4.52-acre site is
5 generally located on the west side of Bonnie Brae Street between Crescent Street
6 and Linden Street in the City of Denton, Denton County, Texas. (CV18-0001,
7 Rayzor Ranch East Tracts 8 & 9, Hayley Zagurski).
- 8
- 9 B. Consider a request by Allegiance Hillview, L.P. for approval of a Conveyance Plat
10 of Lot 4, Block 1, Rayzor Ranch South. The approximately 6.55-acre site is
11 generally located 288 feet west of Bonnie Brae Street on the south side of a future
12 extension of Linden Street in the City of Denton, Denton County, Texas. (CV18-
13 0002, Rayzor Ranch East Tracts14, Hayley Zagurski).
- 14
- 15 C. Consider a request by Justin Moeller with Allison Engineering Group representing
16 Denton Justice Plaza for approval of a Final Plat of the Justice Plaza Addition. The
17 approximately 6.72 acre site is generally located on the northeast corner of the
18 intersection of East McKinney Avenue and Jannie Street, in the City of Denton,
19 Denton County, Texas. (FP18-0004, Justice Plaza Addition, Cindy Jackson).
- 20

21 Commissioner Tim Smith motioned, Commissioner Andrew Rozell seconded to approve the
22 Consent Agenda. **Motion approved (6-0)**. Commissioner Alfredo Sanchez "aye", Commissioner
23 Larry Beck "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner
24 Margie Ellis "aye", and Commissioner Tim Smith "aye".

25

26 3. ITEMS FOR INDIVIDUAL CONSIDERATION:

27

- 28 A. Consider a request by Rayzor Investments, Ltd. for approval of a final plat of
29 Retreat Addition, Block A, Lot 1. The approximately 25.13-acre site is generally
30 located at the southeast corner of the future intersection of Precision Drive and West
31 Oak Street in the City of Denton, Denton County, Texas. (FP18-0006, Retreat at
32 Denton, Hayley Zagurski).
- 33

34 Hayley Zagurski, Senior Planner, presented this request. The applicant was present but did not
35 wish to speak. Staff recommends approval of the request.

36

37 Commissioner Beck stated he will be voting against this request as he is opposed to the zoning.

38

39 Commissioner Margie Ellis motioned, Commissioner Alfredo Sanchez seconded to approve this
40 request. **Motion approved (5-1)**. Commissioner Alfredo Sanchez "aye", Commissioner Andrew
41 Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Tim
42 Smith "aye". Commissioner Larry Beck "nay".

43

1 4. PUBLIC HEARINGS:

- 2
3 A. Hold a public hearing and consider making a recommendation to City Council regarding a request by Preston Alpha Investments LLC to zone approximately 73.47 acres to Neighborhood Residential 6 (NR-6) District. The property is generally located on the north of Long Road and west of FM 428/Sherman Drive in the City of Denton, Denton County, Texas. (Z17-0028, Stark Farms, Cindy Jackson). THIS ITEM HAS BEEN POSTPONED BY THE CITY.

9
10 This item has been postponed and will be renoticed.

- 11
12 B. Hold a public hearing and consider making a recommendation to City Council regarding a request by Marc DeGenaro representing Daniel Sobarames Hernandez for an initial zoning designation of Neighborhood Residential 2 (NR-2) District. The 1.00 acre site is generally located east of Masch Branch Road, along Miller Road, in the City of Denton, Denton County, Texas. (Z18-0007, Little Brook Estate, Cindy Jackson). THIS ITEM HAS BEEN POSTPONED AT THE REQUEST OF THE APPLICANT.

13
14
15
16
17
18
19
20 This item has been postponed and will be renoticed.

- 21
22 C. Hold a public hearing and consider making a recommendation to City Council regarding a request by the City of Denton for a zoning change from Downtown Residential 1 (DR-1) to a Downtown Commercial General (DC-G) District. The 1.33-acre site is generally located south of Underwood Street along Avenue A, in the City of Denton, Denton County, Texas. (Z18-0006b, Fire Station 3, Hayley Zagurski).

23
24
25
26
27
28
29 Chair Strange opened the Public Hearing. Hayley Zagurski, Senior Planner, presented this request. Staff sent out public hearing notices and received one response in opposition. Staff recommends approval of the request.

30
31
32
33 Commissioner Beck questioned if there will be ingress and egress flashing lights on the site. Zagurski stated that would be determined later in the process. Chair Strange questioned if the two properties would be platted into one lot in the future. Zagurski confirmed.

34
35
36
37 There was no one to speak, Chair Strange closed the Public Hearing.

38
39 Commissioner Larry Beck motioned, Commissioner Andrew Rozell seconded to approve the request. **Motion approved (6-0).** Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

- 40
41
42
43
44 D. Hold a public hearing and consider a request by Marker Stone Realty Partners II LLC for approval of a Final Replat of Beall Way Addition; being a residential replat of a part of La Hacienda Heights Phase I and previously unplatted land. The

1 [approximately 54.05-acre property is generally located west of North Locust Street](#)
2 [in between Hercules Lane and Beall Street in the City of Denton, Denton County,](#)
3 [Texas. This item has been continued from the May 9, 2018 Planning and Zoning](#)
4 [Commission meeting. \(FR17-0024, Beall Way Addition, Hayley Zagurski\).](#)
5

6 Chair Strange recused himself from this agenda item as he has a conflict of interest. Vice-Chair
7 Rozell served as Chair. Vice-Chair Rozell opened the Public Hearing. Hayley Zagurski, Senior
8 Planner, presented this request. The applicant held a neighborhood meeting, staff recommends
9 approval of the request based on one condition. The applicant is present.

10
11 Lee Allison, Applicant, Allison Engineering Group, 2415 N. Elm Street, Denton, Texas,
12 provided a brief presentation including history on the project and the land. He stated David Marks
13 is also present.

14
15 There was no one else to speak, Vice-Chair Rozell closed the Public Hearing.

16
17 Commissioner Tim Smith motioned, Commissioner Margie Ellis seconded to approve this request,
18 based on the following staff condition: 1. Civil engineering construction plans for all public
19 infrastructure necessary to serve the proposed development must be approved before the plat is
20 filed. If any utility easement locations need to be modified as a result of the final civil engineering
21 construction plans, DRC approval shall be required prior to filing. **Motion approved (5-0-1).**
22 Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Andrew
23 Rozell "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye". Chair Jim
24 Strange recused.

25
26 5. [PLANNING AND ZONING COMMISSION PROJECT MATRIX:](#)

27
28 A. [Matrix](#)
29

30 Chair Strange returned to the meeting.

31
32 Commissioner Ellis stated she would like to discuss the downtown sewer smell. She stated she has
33 received complaints from downtown business owners and as well as customers. She would like to
34 receive clarification as to whether they have an avenue to make a complaint. Richard Cannone,
35 Interim Planning Director, stated he would gather an answer.

36
37 Commissioner Ellis requested additional information regarding situations where there will always
38 seemingly be a tie vote. Victor Flores, Deputy City Attorney, stated staff is working with Clarion
39 Associates to have a special rule added in the Denton Development Code update that would make
40 a recommendation to City Council in this situation.

41
42 Cannone informed the Commission that staff presented the Tree Code to the Committee on the
43 Environment on May 22, 2018, it will also come before this Commission as well.

44
45 There was no further discussion. Chair Strange adjourned the Regular Meeting at 6:55 p.m.
46