

Minutes
Planning and Zoning Commission
November 29, 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, November 29, 2017 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, Margie Ellis, and Tim Smith.

ABSENT: Commissioners: Andrew Rozell, Steve Sullivan,

STAFF: Nikole Chew-Jones, Jim Jenks, Julie Wyatt, Hayley Zagurski, Ron Menguita, Richard Cannone, Jennifer DeCurtis, and Scott McDonald.

[WORK SESSION](#)

Chair Strange called the Work Session to order at 5:15 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.

Commissioner Sanchez recused himself from the discussion regarding Public Hearing Item 5B, as he has a conflict of interest in the item.

Hayley Zagurski, Senior Planner, presented Public Hearing Item 5B. Staff recommends denial of this request. Commissioner Smith questioned the reasoning for staff's recommendation to deny the request. Zagurski stated it would create what is considered "spot" zoning. The proposed zoning is not consistent with the Future Land Use Map.

The Commission discussed the proposed zoning as opposed to other zoning districts that might be more fitting for the area.

Commissioner Sanchez returned back to the dais.

Hayley Zagurski, Senior Planner, presented Consent Agenda Item 3A. There was no discussion or questions.

Julie Wyatt, Senior Planner, presented Consent Agenda Item 3B. Commissioner Beck shared concerns regarding the proposed locations of the houses on the north side of the property. There was no further discussion.

1 Richard Cannone, Interim Planning Director, presented Item for Individual Consideration 4A.
2 Commissioner Ellis shared concerns regarding the March meeting being scheduled the same week
3 as Spring Break. The calendar will come back during the December 13, 2017 meeting with
4 corrected dates.

5
6 Ron Menguita, Long Range Planning Administrator, requested to open the Public Hearing for
7 Public Hearing Item 5A until the item will be heard during the first meeting in January 2018.

8
9 Julie Wyatt, Senior Planner, presented Public Hearing Items 5C and 5D together. They will be
10 voted on separately. Staff recommends approval of the zoning request. Staff recommends approval
11 of the specific use permit, based on the conditions listed in the staff backup.

12
13 The Commission discussed the points of ingress and egress onto the property.

14
15 Chair Strange stated Public Hearing Item 5E has been postponed to the December 13, 2017
16 meeting.

17
18 REGULAR MEETING

19
20 Chair Strange called the Regular Meeting to order at 6:34 p.m.

21
22 The Planning and Zoning Commission convened in a Regular Meeting on **Wednesday, November**
23 **29, 2017 at 6:30 p.m.** in the City Council Chambers at City Hall, 215 E. McKinney at which time
24 the following items were considered:

25
26 1. PLEDGE OF ALLEGIANCE:

- 27
28 A. U.S. Flag
29 B. Texas Flag

30
31 Chair Strange stated Public Hearing Items 5A and 5E will be continued to another date. He stated
32 some of the agenda items will be heard out of order. Public Hearing Item 5B will be heard as the
33 first agenda item.

34
35 5. PUBLIC HEARINGS:

- 36
37 B. Hold a public hearing and consider a request by Denton Affordable Housing
38 Corporation to rezone approximately 7.14 acres from a Neighborhood Residential
39 2 (NR-2) District to a Neighborhood Residential 6 (NR-6) District. The property is
40 generally located on the south side of Audra Lane approximately 265 feet east of
41 Nottingham Drive. (Z17-0024, Yale Development, Hayley Zagurski).

42
43 Commissioner Sanchez recused himself from this item as he has a conflict of interest in the item.

44
45 Chair Strange opened the Public Hearing.

1 Hayley Zagurski, Senior Planner, provided the backup materials for this request. Staff is
2 recommending denial of this request as it is not compatible with the surrounding uses.

3
4 Applicants, Roger Yale, 1417 E. McKinney Street, Denton, Texas, and Kevin Ware, 500 Moseley
5 Road, Crossroads, Texas, provided additional details regarding the request.

6
7 The following individuals spoke during the Public Hearing:

- 8 Bruce Woehl, 2708 Stockton Street, Denton, Texas. Opposed
- 9 Kim McKibben, 1306 W. Hickory Street, Denton, Texas. Opposed
- 10 John Withers, 201 McKamy Boulevard, Denton, Texas. Support
- 11 Jeff Withers, 1000 Lynhurst Lane, Denton, Texas. Support
- 12 Mark Moffitt, 2708 Crater Lake, Denton, Texas. Support
- 13 Roger Dawley, 1227 Bayfield Street, Denton, Texas. Support
- 14 Prudence Sanchez, 711 Jackson Street, Denton, Texas. Support
- 15 Barney Cosmo, 611C N. Bell Avenue, Denton, Texas. Support

16
17 The following individual did not wish to speak during the Public Hearing:

- 18 Barbara Rodman, 2102 Azalea Street, Denton, Texas. Support

19
20 There was no one else to speak, Chair Strange closed the Public Hearing.

21
22 Commissioner Tim Smith motioned, Commissioner Margie Ellis seconded to approve this request.
23 Motion approved (4-0). Commissioner Larry Beck, “aye”, Commissioner Tim Smith, “aye”,
24 Commissioner Margie Ellis, “aye”, and Chair Jim Strange, “aye”.

25
26 Commissioner Sanchez returned to the dais. Commissioner Tim Smith left the meeting.

27
28 2. **CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION**
29 **MINUTES FOR:**

30
31 A. **Consider approval of the Planning and Zoning Commission meeting minutes.**

32
33 Commissioner Margie Ellis motioned, Commissioner Larry Beck seconded to approve the October
34 25, 2017 meeting minutes. Motion approved (4-0). Commissioner Larry Beck, “aye”,
35 Commissioner Alfredo Sanchez, “aye”, Commissioner Margie Ellis, “aye”, and Chair Jim Strange,
36 “aye”.

37
38 Commissioner Larry Beck motioned, Commissioner Margie Ellis seconded to approve the
39 November 8, 2017 meeting minutes. Motion approved (4-0). Commissioner Larry Beck, “aye”,
40 Commissioner Alfredo Sanchez, “aye”, Commissioner Margie Ellis, “aye”, and Chair Jim Strange,
41 “aye”.

1 3. CONSENT AGENDA:

2
3 A. Consider a request by Old North/Misty Wood LLC for approval of a final plat of
4 Old North Park Phase III. The approximately 9.34-acre site is generally located at
5 the western terminus of Chebi Lane and Paxton Way and approximately 150 feet
6 east Nottingham Drive in the City of Denton, Denton County, Texas. (FP16-0022,
7 Old North Park Phase III, Hayley Zagurski).

8
9 B. Consider a request by LGI Homes - Texas, LLC for approval of a final plat of
10 Beaver Creek Phase 3. The approximately 46.98-acre site is generally located west
11 of Stuart Road, approximately 475 feet north of Long Road in the City of Denton,
12 Denton County, Texas. (FP17-0004, Beaver Creek, Phase 3, Julie Wyatt).

13
14 Commissioner Beck motioned, Chair Jim Strange seconded to approve the Consent Agenda.
15 Motion approved (4-0). Commissioner Larry Beck, “aye”, Commissioner Alfredo Sanchez, “aye”,
16 Commissioner Margie Ellis, “aye”, and Chair Jim Strange, “aye”.

17
18 4. ITEMS FOR INDIVIDUAL CONSIDERATION:

19
20 A. Consider approval of the 2018 Planning and Zoning Commission calendar.

21
22 This item will be on hold until the December 13, 2017 meeting.

23
24 5. PUBLIC HEARINGS:

25
26 A. Hold a public hearing and consider making a recommendation to City Council
27 regarding a request by G&A Consultants, LLC on behalf of the property owner,
28 Volunteer Enterprises, LLC for a zoning change from Neighborhood Residential 2
29 (NR-2) to Regional Center Commercial Downtown (RCC-D) on approximately
30 88.725 acres. The subject property is generally located south of University Drive
31 (US 380), approximately 1,500 feet west of Interstate 35 (I-35), in the City of
32 Denton, Denton County, Texas. (Z17-0025, Volunteer Enterprises, Ron Menguita)
33 THE APPLICANT HAS REQUESTED THAT THE ITEM BE CONTINUED TO
34 THE JANUARY 10, 2018, PLANNING AND ZONING COMMISSION
35 MEETING.

36
37 Chair Strange opened the Public Hearing.

38
39 Commissioner Larry Beck motioned, Commissioner Alfredo Sanchez seconded to continue this
40 item to the January 10, 2018 meeting. Motion approved (4-0). Commissioner Larry Beck, “aye”,
41 Commissioner Alfredo Sanchez, “aye”, Commissioner Margie Ellis, “aye”, and Chair Jim Strange,
42 “aye”.

- 1 C. [Hold a public hearing and consider a request by Belair Development, LTD to](#)
2 [rezone approximately 7.5 acres from a Community Mixed Use General \(CM-G\)](#)
3 [District to a Neighborhood Residential Mixed-Use \(NRMU\) District. The property](#)
4 [is generally located on the northeast corner of East Sherman Drive and Poinsettia](#)
5 [Boulevard in the City of Denton, Denton County, Texas. \(Z17-0008, Palladium](#)
6 [Denton, Julie Wyatt\).](#)
7

8 Julie Wyatt, Senior Planner, provided the backup materials for this request. Staff recommends
9 approval of this request.

10
11 The Commission discussed the points of ingress and egress to the site.

12
13 The following individuals spoke during the Public Hearing:

- 14 Ryan Combs, Applicant, 14355 Noel Road, Dallas, Texas. Support.
15 Sharon Herman, 1305 Manten Boulevard, Denton, Texas. Opposed.
16 Rebecca Garcia, 1301 Manten Boulevard, Denton, Texas. Opposed.
17 Jean Marie Goff, 1301 Manten Boulevard, Denton, Texas. Opposed.
18 Camille Hazard, 1514 Poinsettia Boulevard, Denton, Texas. Opposed.
19 Leslie Wilder, 3903 Teal Drive, Denton, Texas. Opposed.
20 Michael Cohen, 3918 Teal Drive, Denton, Texas. Opposed.
21 Scott Hazard, 1514 Poinsettia Boulevard, Denton, Texas. Opposed.
22 Connie Lane, 1602 Poinsettia Boulevard, Denton, Texas. Opposed.
23 Jorge Espinoza, 1304 Manten Boulevard, Denton, Texas. Opposed.
24 Betty Marshall, 1906 Poinsettia Boulevard, Denton, Texas. Opposed.
25 Lance Vanzant, applicant, 512 W. Hickory Street, Denton, Texas. Support.

26
27 The following individuals did not wish to speak:

- 28 Anna Keeling, 1308 Manten Boulevard, Denton, Texas. Opposed.
29 Patrick Keeling, 1308 Manten Boulevard, Denton, Texas. Opposed.
30 Martha Kay Hill, 2106 Poinsettia Boulevard, Denton, Texas. Opposed.
31 Lana Gay Knox, 2102 Poinsettia Boulevard, Denton, Texas. Opposed.
32 Martha Davis, 3915 Teal Drive, Denton, Texas. Opposed.
33 Nancy Martin, 2002 Poinsettia Boulevard, Denton, Texas. Opposed.
34 James Wilder, 3903 Teal Drive, Denton, Texas. Opposed.
35 Betty Powell, 2110 Poinsettia Boulevard, Denton, Texas. Opposed.
36 Katheryn Warlbach, 1918 Poinsettia Boulevard, Denton, Texas. Opposed.
37 Deanna McCleskey, 1618 Poinsettia Boulevard, Denton, Texas. Opposed.
38 Deanna Rogers, 2002 Poinsettia Boulevard, Denton, Texas. Opposed.
39 Kay Standifer, 1710 Poinsettia Boulevard, Denton, Texas. Opposed.
40 Cathy Lacy Smith, 3923 Teal Drive, Denton, Texas. Opposed.

41
42 Commissioner Beck discussed the potential for townhomes within the development. Wyatt stated
43 the proposed zoning does not allow townhomes.
44

1 Commissioner Larry Beck motioned, Commissioner Alfredo Sanchez seconded to approve this
2 request. Motion approved (4-0). Commissioner Larry Beck, “aye”, Commissioner Alfredo
3 Sanchez, “aye”, Commissioner Margie Ellis, “aye”, and Chair Jim Strange, “aye”.

- 4
5 D. [Hold a public hearing and consider a request by Belair Development, LTD for a](#)
6 [Specific Use Permit for 7.5 acres of land, specifically to allow for a multi-family](#)
7 [residential use. The property is generally located on the northeast corner of East](#)
8 [Sherman Drive and Poinsettia Boulevard in the City of Denton, Denton County,](#)
9 [Texas. \(S17-0010, Palladium Denton, Julie Wyatt\).](#)

10
11 Chair Strange opened the Public Hearing. Julie Wyatt, Senior Planner, provided the backup
12 materials for this request. Staff recommends approval of this request based on the conditions
13 provided in the backup materials.

14
15 The following individuals spoke during the Public Hearing:

- 16 Ryan Combs, Applicant, 14355 Noel Road, Dallas, Texas. Support.
17 Sharon Herman, 1305 Manten Boulevard, Denton, Texas. Opposed.
18 Rebecca Garcia, 1301 Manten Boulevard, Denton, Texas. Opposed.
19 Jean Marie Goff, 1301 Manten Boulevard, Denton, Texas. Opposed.
20 Camille Hazard, 1514 Poinsettia Boulevard, Denton, Texas. Opposed.
21 Leslie Wilder, 3903 Teal Drive, Denton, Texas. Opposed.
22 Michael Cohen, 3918 Teal Drive, Denton, Texas. Opposed.
23 Scott Hazard, 1514 Poinsettia Boulevard, Denton, Texas. Opposed.
24 Connie Lane, 1602 Poinsettia Boulevard, Denton, Texas. Opposed.
25 Jorge Espinoza, 1304 Manten Boulevard, Denton, Texas. Opposed.
26 Betty Marshall, 1906 Poinsettia Boulevard, Denton, Texas. Opposed.
27 Lance Vanzant, applicant, 512 W. Hickory Street, Denton, Texas. Support.

28
29 The following individuals did not wish to speak:

- 30 Anna Keeling, 1308 Manten Boulevard, Denton, Texas. Opposed.
31 Patrick Keeling, 1308 Manten Boulevard, Denton, Texas. Opposed.
32 Martha Kay Hill, 2106 Poinsettia Boulevard, Denton, Texas. Opposed.
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38 Kathryn Warlbach, 1918 Poinsettia Boulevard, Denton, Texas. Opposed.
39 Deanna McCleskey, 1618 Poinsettia Boulevard, Denton, Texas. Opposed.
40 Deanna Rogers, 2002 Poinsettia Boulevard, Denton, Texas. Opposed.
41 Kay Standifer, 1710 Poinsettia Boulevard, Denton, Texas. Opposed.
42 Cathy Lacy Smith, 3923 Teal Drive, Denton, Texas. Opposed.

43
44 Commissioner Larry Beck motioned to postpone this item to the December 13, 2017 meeting. The
45 motion failed due to a lack of a second.

1 Commissioner Alfredo Sanchez motioned, Commissioner Margie Ellis seconded to approve this
2 request based on staff’s conditions: **Condition 1.** A full site plan submittal shall be required to
3 ensure each phase of the development complies with the requirements of the Denton Development
4 Code in terms of site design, landscaping, parking, and building design as provided in DDC 35.6.3.
5 **Condition 2.** The exterior building materials must maintain muted, earth-tone colors. Motion
6 approved (4-0). Commissioner Larry Beck, “aye”, Commissioner Alfredo Sanchez, “aye”,
7 Commissioner Margie Ellis, “aye”, and Chair Jim Strange, “aye”.

8
9 E. [Hold a public hearing and consider a request for approval of a Final Plat of Lots](#)
10 [1R-6R Block 21 of the Original Town of Denton Addition; being a replat of Lots](#)
11 [1-6 of the Original Town of Denton Addition. The approximately 11.30 acre](#)
12 [property is generally located south of E. Hickory Street, between S Bell Avenue](#)
13 [and Industrial Street in the City of Denton, Denton County, Texas. \(FR17-0020,](#)
14 [OT Denton, Julie Wyatt\). THIS ITEM HAS BEEN POSTPONED TO THE](#)
15 [DECEMBER 13, 2017, PLANNING AND ZONING COMMISSION MEETING.](#)

16
17 Chair Strange opened the Public Hearing.

18
19 Commissioner Margie Ellis motioned, Commissioner Larry Beck seconded to continue this item
20 to the December 13, 2017 meeting. Motion approved (4-0). Commissioner Larry Beck, “aye”,
21 Commissioner Alfredo Sanchez, “aye”, Commissioner Margie Ellis, “aye”, and Chair Jim Strange,
22 “aye”.

23
24 6. [PLANNING & ZONING COMMISSION PROJECT MATRIX:](#)

25
26 A. [Planning and Zoning Commission project matrix.](#)

27
28 There were no items added to the matrix. Chair Strange adjourned the Regular Meeting at 9:30
29 p.m.
30