

AGENDA
PLANNING AND ZONING COMMISSION
August 22, 2012

After determining that a quorum is present, the Planning and Zoning Commission will convene a Work Session on **Wednesday, August 22 2012 at 6:15 p.m.** in the City Council Chambers at, 215 E. McKinney Street, Denton, Texas at which time the following items will be considered:

WORK SESSION

1. Clarification of agenda items listed in the Regular Session agenda for this meeting, and discussion of issues not briefed in the written backup materials.

REGULAR MEETING

The Planning and Zoning Commission will convene a Regular Meeting of the Planning and Zoning Commission of the City of Denton, Texas which will be held on **Wednesday, August 22, 2012 and will begin at 6:30 p.m.** in the City Council Chambers at City Hall, 215 E. McKinney at which time the following items will be considered:

1. **PLEDGE OF ALLEGIANCE:**
 - A. U.S. Flag
 - B. Texas Flag
“Honor the Texas Flag – I pledge allegiance to thee, Texas one state under God, one and indivisible.”
2. **CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES FOR:**
 - A. August 8, 2012
3. **CONSENT AGENDA:** Staff recommends **approval** of the following items because they meet the requirements of the Denton Development Code. Approval of the Consent Agenda includes staff recommendations for approvals and authorizes staff to proceed. The Planning and Zoning Commission has reviewed the applications and has had an opportunity to raise questions regarding the items prior to consideration:
 - A. Consider approval of a Final Plat of Lot 8-R, Block A of the J.M. Chandler Addition: being a replat of Lots 5, 6, 7, and 8, Block A of the J.M. Chandler Addition. The 1.402 acre site is located at the northwest corner of Locust Street and West University Drive (US 380). The property is located within a Community Mixed Use General (CM-G) zoning district. (AFP12-0007, Chandler Addition Lot 8-R, Nana Appiah)

- B. Final Plat of the Windsor Oaks Addition, Lot 1, Block A. The approximately 0.72 acre property is located north of Sirius Drive, approximately 540 feet north of the intersection of Sirius Drive and Mingo Road, east of Loop 288 within the J. Early Survey Abstract No. 1279. The property is located within an Employment Center Industrial (EC-I) zoning district. (FP11-0018, Windsor Oaks Addition, Lot 1, Block A, Erica Marohnic)

4. **PUBLIC HEARINGS:**

- A. Hold a public hearing and consider a final plat of Lot 1, Block A, Buchwald Residence Addition, being a replat of part of Lots 1, 2, and 3, Block 1, Ewing Addition. The 0.4042 acre site is located at the northwest corner of the intersection of Avenue A and Margie Street. The property is located within a Downtown Residential 1 (DR-1) zoning district. (FR12-0012, Buchwald Addition, Cindy Jackson)
- B. Hold a public hearing and consider making a recommendation to City Council regarding a Specific Use Permit to allow a beauty shop as a home occupation within a single-family residence on a 0.137 acre property located within a Neighborhood Residential 4 (NR-4) zoning district. The subject property is generally located north of Terry Court and west of Mockingbird Lane. (S12-0002, Home Occupation, Nana Appiah)
- C. Hold a public hearing and consider making a recommendation to City Council regarding an Amendment to Ordinance 2011-066 to allow modifications to driveway locations on University drive on a 6.836 acre property located within the Neighborhood Residential Mixed Use 12 (NRMU-12). The subject property is located at the northeast corner of Glenwood Lane and East University Drive (U.S. 380). (Z12-0005, Glenwood Park, Nana Appiah)

5. **FUTURE AGENDA ITEMS:** Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the Planning and Zoning Commission 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.

6. **ADJOURN**

NOTE: THE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO A CLOSED MEETING AT ANY TIME REGARDING ANY ITEM ON THE AGENDA FOR WHICH IT IS LEGALLY PERMISSIBLE.

NOTE: THE CITY OF DENTON CITY COUNCIL ROOM IS ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED IF REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT A SIGN LANGUAGE INTERPRETER CAN BE SCHEDULED THROUGH THE CITY SECRETARY'S OFFICE.

CERTIFICATE

I certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Denton, Texas, on the ____ day of _____, 2012 at _____ o'clock (a.m.) (p.m.)

CITY SECRETARY

1 **DRAFT**

2 MINUTES
3 PLANNING AND ZONING COMMISSION
4 **August 8, 2012**

DRAFT

5 After determining that a quorum was present, the Planning and Zoning Commission convened a
6 Work Session on **Wednesday, August 8, 2012 at 5:00 p.m.** in the City Council Chambers at
7 City Hall, 215 E. McKinney Street, Denton, Texas at which time the following items were
8 considered:
9

10 **PRESENT:** Chair Jay Thomas. Commissioners: Brian Bentley, Devin Taylor, Patrice
11 Lyke, Frank Conner and Jean Schaaake.

12
13 **ABSENT:** Commissioner Thom Reece.

14
15 **STAFF:** Athenia Green, Mark Cunningham, Aaron Leal, Johnna Matthews, Brian
16 Lockley, Katia Boykin, Erica Marohnic, Ron Menguita, Nana Appiah,
17 Abra Nusser, Shirlene Sitton and Mike Bell.
18

19 **WORK SESSION**
20

- 21
22 1. Clarification of agenda items listed in the Regular Session agenda for this meeting, and
23 discussion of issues not briefed in the written backup materials.

24
25 Commissioner Patrice Lyke called the meeting to order at 5:12 p.m. There were no questions or
26 clarifications of agenda items.

27
28 Taylor questioned the City of Denton not having authority on zoning changes with University of
29 North Texas (UNT) property in regards to the Conference Center. Menguita stated with the
30 partnership between the City and UNT the zoning would be consistent and in place for the
31 development. Leal stated further questions need to be discussed at the Public Hearing; there will
32 be a representative from UNT along with Linda Ratliff from Economic Development to address
33 any questions.

- 34
35 2. Receive a report, hold a discussion, on the commencement of the update to the City's
36 Comprehensive Plan - the Denton Plan with the consultant, Wallace, Roberts, and Todd,
37 LLC, to perform the services and fulfill their contractual obligations, terms and conditions.

38
39 Lockley stated the representatives from Wallace, Roberts, and Todd, LLC (WRT) and the
40 consultant team are present that were hired to prepare the update for the Comprehensive Plan.
41 Lockley stated the events that have and will be taking place for the update, which include: City
Council Work Session on August 7, 2012, Open House Kick Off at the Visual Arts Center on
August 9, 2012, and this Planning and Zoning Commission meeting on August 8, 2012.

John Fernsler, Wallace, Roberts, and Todd, LLC
6619 South Dixie Highway, #348, Miami, FL 33143

1
2 Fernsler introduced the consultant team which consists of: the City of Denton as the Project
3 Leader, Wallace Roberts & Todd, LLC as the Leading Planning Consultant, Gresham, Smith and
4 Partners as the Transportation, Infrastructure, and Sustainability specialists, TischlerBise for
5 Economic Development and Fiscal Analysis and The Wolf Group as the Public Outreach and
6 Strategic Communications. Fernsler also gave a brief overview of the proposed Comprehensive
7 Plan update. Fernsler stated the growth estimate is approximately one hundred thousand people
8 over the plan horizon for the City of Denton. Fernsler added that estimate could be an
9 underestimate due to growth at the universities. Fernsler presented five phases of the Planning
10 Process for the Comprehensive Plan update. Phase 1 is almost complete, which includes project
11 organization and mobilization. The next step is Phase 2, which includes: Issues identification,
12 Existing conditions and trends. The purpose for Phase 3 is to Frame the Vision, Phase 4 is the
13 Comprehensive Plan Development, and finally Phase 5 is to wrap up the Comprehensive Plan
14 Development. Fernsler presented the members that are involved in updating the Denton
15 Comprehensive Plan, which included their duties.

16
17 Taylor questioned what techniques will make this new plan different than the existing plan.
18 Fernsler stated they will do a thorough assessment of the current plan and address any issues that
19 aren't being currently addressed such as gas wells.
20

- 21
22 3. [Receive a report, hold a discussion, and give staff direction concerning amending Section](#)
23 [35.13 of the Denton Development Code regarding Solid Waste and Recycling Facilities](#)
24 [Design Standards.](#)

25 Menguita stated he does not have a complete presentation since this is the same item that has
26 come before this Commission previously. If this Commission has no questions Menguita would
27 like to receive the approval to move forward with the Public Hearing item. Bentley questioned if
28 there have been any changes from the previous meeting; Menguita stated the only change was
29 for the Code Amendment to the refuse/recycle container screening change. There were no further
30 questions.

31 Lyke closed the Work Session at 5:51 p.m.

32 [REGULAR MEETING](#)

33 The Planning and Zoning Commission convened a Regular Meeting of the Planning and Zoning
34 Commission of the City of Denton, Texas which was held on **Wednesday, August 8, 2012** and
35 began at **6:30 p.m.** in the City Council Chambers at City Hall, 215 E. McKinney at which time
36 the following items were considered:
37

- 38 1. [PLEDGE OF ALLEGIANCE:](#)

39 A. [U.S. Flag](#)

B. [Texas Flag "Honor the Texas Flag - I pledge allegiance to thee, Texas one state under God,
one and indivisible."](#)

1
2. CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION
3 MINUTES FOR:

4 A. July 25, 2012

5 Commissioner Frank Conner motioned, Commissioner Devin Taylor seconded to approve the
6 minutes. Motion approved (6-0).

7 3. CONSENT AGENDA: Staff recommends approval of the following items because they
8 meet the requirements of the Denton Development Code. Approval of the Consent Agenda
9 includes staff recommendations for approvals and authorizes staff to proceed. The Planning
10 and Zoning Commission has reviewed the applications and has had an opportunity to raise
11 questions regarding the items prior to consideration:

12 A. Final Plat of Lot 3, Block A of the Hickory Creek Center Addition. The subject property is
13 approximately 1.524 acres in size and is located approximately at the southwestern
14 intersection of Hickory Creek Road and Teasley Lane (F.M. 2181) within the A. Venters
15 Survey, Abstract Number 1315. The property is located within a Community Mixed Use
General (CM-G) zoning district. (FP12-0010; Hickory Creek Center Addition, Lot 3, Block
A, Erica Marohnic)

B. Preliminary plat if Lot 1, Block A of the Martin Eagle Addition. The approximately 1.05
acres site is located on the north side of the I-35 Service Road and north of Meadow Street.
The property is located within a Downtown Commercial General (DC-G) zoning district.
(PP12-0002, Martin Eagle I-35 Project, Johnna Matthews)

C. Final plat of Lot 1, Block A of the Martin Eagle Addition. The approximately 1.05 acres is
located on the north side of the I-35 Service Road and north of Meadow Street. The
property is located within a Downtown Commercial General (DC-G) zoning district. (FP12-
0004, Martin Eagle I-35 Project, Johnna Matthews)

Commissioner Jean Schaake motioned, Commissioner Patrice Lyke seconded to approve the
Consent Agenda. Motion approved (6-0).

4. ITEMS FOR INDIVIDUAL CONSIDERATION:

A. Consider approval of an Alternative Development Plan (ADP) for a restaurant
development. The approximately 1.02- acre site is located on the north side of the I-35
Service Road and south of Meadow Street. The property is located within a Downtown
Commercial General (DC-G) zoning district. (ADP12-0005, Martin Eagle Development,
Johnna Matthews)

1 Matthews provided a brief background on this request and stated the applicant is offering
2 mitigation plans. Matthews stated staff recommends approval of this request subject to the
3 following mitigation measures: The minimum required landscaped area within the Downtown
4 Commercial General (DC-G) zoning district is 15%. The applicant is proposing an additional
5 23% for a total of 38% landscaped area on site. Matthews stated the applicant is present.

6
7 Bentley questioned if the 38% landscape is skewed by the grass area on the hill side; or whether
8 it is pre-dimensional planting. Matthews stated it will be planting and grass. Taylor questioned if
9 the trees shown on the exhibit is existing, Matthews stated they will be new planting of trees.

10
11 Michael Bates, Bates Architects, Inc.
12 1300 North Locust, Denton, Texas 76201
13

14 Bates stated he has been working on this item with staff for several months, as well as other City
15 departments. Bates stated the one tree that is being mitigated is a Cottonwood and will be
16 replaced with 10 new Red Oak trees. Thomas questioned the amount of concrete that exists on
17 the subject site, Bates stated he is unaware of the percentage; however, the concrete will be
18 removed. Taylor questioned if there is a reason for not having 6 permeable parking spaces, Bates
19 stated it has to do with the cost from drainage. Bates added they do not want to impact it.

20
21 Commissioner Jean Schaake motioned, Commissioner Frank Conner seconded to approve this
22 item. Motion approved (6-0).
23

24 5. PUBLIC HEARINGS:

- 25
26 A. Consider an application for a Historic Landmark Designation for the property located at 903
27 W. Oak Street, and provide a recommendation regarding the appropriateness of the property
28 to receive this designation to the City Council (HL12-0002, 903 West Oak Street, Nana
29 Appiah)

30 Appiah informed the Commissioners this item was presented previously on June 20, 2012 and
31 was recommended approval (6-0). However, there was a notice typographical error. Appiah
32 stated nothing has changed with this item, the application and all the documents are the same as
33 previously submitted and approved. Appiah stated the applicant who is also the homeowner is
34 present; however, she did not wish to speak. Chairman Thomas closed the Public Hearing.

35 Commissioner Frank Conner motioned, Commissioner Patrice Lyke seconded to approve this
Public Hearing item. Motion approved (6-0).

- 36 B. Hold a public hearing and consider making a recommendation to City Council regarding a
37 rezoning from a Neighborhood Residential 2 (NR-2) zoning district to a Neighborhood
38 Residential 6 (NR-6) zoning district on approximately 23.9 acres. The property is located
39 south of Pockrus Page Road, east of the Interstate 35 frontage road and west of Cattail Lane.
40 (Z12-0006, Pockrus Page Road Tracts, Erica Marohnic)

1 Marohnic provided a brief background on this request, the purpose for this applicant request is to
2 develop single-family homes with as maximum amount of density permissible. Marohnic stated
3 the applicant held a neighborhood meeting, which approximately 30 citizens attended. Marohnic
4 stated the applicant is present. Bentley questioned the density of the property to the east,
5 Marohnic stated she does not have the calculation; however, they are similar to those proposed
6 by the applicant. Thomas referred to the letter that was received by staff from a citizen that was
7 unable to attend this Public Hearing. The letter contains questions from the recent neighborhood
8 meeting. Marohnic stated the applicant will need to address those questions. Schaaake questioned
9 the lot size.

10
11 Bob Shelton, Shelton Development
12 2308 Ranchouse Drive, Denton, Texas
13

14 Shelton stated the preliminary plat is going forward in the process once the zoning request has
15 been completed. Thomas requested the applicant to address the questions from the citizen. 1.
16 What are the sizes of houses that are planned to be built? Shelton stated the sizes of the houses
17 would be consistent with the neighborhood. Shelton stated he is unaware of the square foot of the
18 houses. Schaaake questioned if the builder would be able to provide more information.

19
20 Mark Allen, DR. Horton
21 9099 San Joaquin, Fort Worth, Texas
22

23 Allen stated he is not certain on the exact sizes of the houses; the intention is to use similar size
24 houses as the Hickory Creek area. The average range for the area would be 1,800-2,000 square
25 foot at the lower end and approximately 2,200 square feet at the higher range. Thomas
26 questioned if they would be two-story, Allen stated that is correct.

27
28 Mary Finley, 3701 Oceanview Drive, Denton, Texas
29

30 Finley stated she is in favor of this request; however, she would like to explain her input. Finley
31 stated she lives next to the vacant field that the developer and builder withdrew from. Finley
32 questioned if there has been a traffic study completed, this property is located next to rural road.
33 In addition, the community has been bankrupt over the past several years; this addition will
34 create more traffic. Finley stated she would like to see the City insure that the developers
35 complete what they have started out to do.

36
37 Samantha Gwynn. 3912 Camino Real Trail, Denton, Texas
38

39 Gwynn stated she lives directly across from the vacant field. Gwynn questioned if this will be an
40 improvement that will help increase the property values for the area. Gwynn added as long as
41 this will bring in descent citizens and property value to the area she is for the rezoning of the
42 subject site.

43
44 Shelton stated as far as an increase in the value of homes the subject site will be of the same
45 sized neighborhoods. The developer is trying to be consistent with the surrounding
46 neighborhoods. Thomas closed the Public Hearing. Taylor questioned when a traffic study would

1 be completed; Marohnic stated typically a traffic impact analysis is required prior to the final plat
2 status. The applicant would be required to improve Pockrus Page Road.

3
4 Commissioner Frank Conner motioned, Commissioner Brian Bentley seconded to approve this
5 request. Motion approved (6-0).
6

C. Hold a public hearing and consider making a recommendation to the City Council regarding the adoption of an ordinance concerning amending the Comprehensive Plan by changing the Future Land Use designation of approximately 13.31 acres of property from an Existing Land Use designation to a Downtown University Core land use designation. The property is generally located on the south side of I-35E, approximately 500 feet west of North Texas Boulevard. (CA12-0001, Convention Center and Hotel Complex, Ron Menguita)

7
8 Menguita provided a brief background on this request. The proposal for this subject site is for the
9 University of North Texas to partner with the City of Denton to redevelop the site. This would
10 consist of a full-service hotel that includes a restaurant and a conference/convention center.
11 Menguita stated one public notice was sent to residents and property owners within 200 feet of
12 the subject property and 12 within 500 feet of the subject site. At the time of this meeting there
13 had been no responses returned. Menguita stated Linda Ratliff; the Director of Economic
14 Development is present. Taylor questioned if the hotel would have been allowed during the 1999
15 existing land use categorization. Menguita stated that is correct. Taylor questioned why it isn't
16 allowed at this time; Cunningham stated there is a two step process to supersede. Cunningham
17 stated staff is proposing to rezone the subject site to Downtown Commercial General which
18 would extend across interstate 35. Cunningham added it would have to be in accordance with the
19 Comprehensive Plan, once the Comprehensive Plan has been amended the zoning request can
20 take place. Thomas closed the Public Hearing.
21

22 Commissioner Jean Schaake motioned, Commissioner Brian Bentley seconded to approve this
23 request. Motion approved (6-0).
24

D. Hold a public hearing and consider making a recommendation to the City Council concerning rezoning approximately 13.31 acres of property from Neighborhood Residential 2 (NR-2) and Neighborhood Residential Mixed Use (NRMU) zoning districts to a Downtown Commercial General (DC-G) zoning district. The property is generally located on the south side of I-35E, approximately 500 feet west of North Texas Boulevard. (Z12-0002, Convention Center and Hotel Complex, Ron Menguita)

25
26 Menguita provided a brief background to this request. Menguita stated one public notice was
27 sent to residents and property owners within 200 feet of the subject property and 12 within 500
28 feet of the subject site. At the time of this meeting there had been no responses returned.
29 Menguita stated staff recommends approval of this zoning request. Thomas stated the
30 representative from the University of North Texas (UNT) is present; Chairman Thomas asked
31 the representative if he would like to speak however, he did not wish to speak.
32

33 Mark Wirtz, 1131 North Texas Boulevard, Denton, Texas
34

1 Wirtz stated he has resided at this property for the past 30 years, his property abuts UNT golf
2 course. Wirtz stated he would strongly urge the Commission to prohibit any other gas stations or
3 restaurants from developing on this subject site.

4
5 Anita Hawley, 1940 Whippoorwill Lane, Denton, Texas

6
7 Hawley questioned staff on the proposed development of an entity that has already come and
8 gone over the years. Hawley added her thoughts on this being a small street that would have to
9 deal with a lot of noise, traffic and commercial trucks. Thomas closed the Public Hearing.

10
11 Ratliff stated this project has been in the works for quite some time, Ratliff added the City would
12 only be affiliated with the Convention Center. The private development would be the hotel and
13 restaurant; Ratliff stated regardless of the proposed zoning change it would have no effect on
14 what UNT plans to develop. This was a courtesy for the City of Denton. Bentley addressed the
15 public stating if their comments were not addressed they could go before City Council.

16
17 Commissioner Brian Bentley motioned, Commissioner Devin Taylor seconded to approve this
18 request. Motion approved (6-0).

19
20 E. [Hold a public hearing and consider making a recommendation to City Council regarding
amending Section 35.13 of the Denton Development Code regarding Solid Waste and
Recycling Facilities Design Standards. \(DCA12-0003, Solid Waste Denton Development
Code Amendment, Ron Menguita\)](#)

21 Menguita provided a brief background on this request, including the history of this item at
22 previous meetings. Staff is recommending that Subchapter 35.13 of the Denton Development
23 Code (DDC) be amended to clarify and establish consistency regarding refuse and recycling
24 container enclosure design standards. Menguita stated staff recommends approval of the
25 proposed code amendment.

26
27 Lee Allison, Allison Engineering Group
28 4401 N I-35, Ste 102, Denton, Texas

29
30 Allison stated he would like to request this item to be continued to a later date, in order to allow
31 time for the Denton Community Developers Alliance to review this request and make any
32 necessary comments to submit to the City. Allison added he is aware the City has been working
33 on this for a while; however, he just noticed this request the same day as this Public Hearing.
34 Allison stated he is aware he can go before City Council with any concerns that he would have.
35 Allison stated sharing dumpsters will interfere with dumpster sizes and the footprint on the
36 property. Thomas closed the Public Hearing. Lyke agreed with Allison's statements, Lyke
37 requested more research on infill issues. Bentley felt the language clarification on the
38 amendment should be permitted to move forward in the process; however, the recycling
39 regulations should be researched more in depth. Bentley stated he would like to motion to send
40 this item back to staff for a more detailed review. Leal stated Bentley could motion to postpone
41 this item to a date certain, or motion to have a meeting with a date set out. Bentley added based
42 on his general thoughts on this item, a two month minimum would need to surpass before this

1 item would need to return before this Commission. Taylor informed the citizens they could go
2 before City Council if they feel necessary; however, he is unable to support the continuance on
3 this item.

4
5 Cunningham stated the issue before us is not the infill concerns rather than the site design.
6 Bentley questioned the billing and charges for customers to have dumpsters picked up more
7 often if they will be required to share dumpsters. Sitton stated there will be an alternate system
8 that works for solid waste as well as recycling. The fees will not increase for the implementation
9 of the new process and requirements.

10
11 Commissioner Brian Bentley motioned, Chairman Jay Thomas seconded to postpone this item to
12 the first Planning and Zoning Commission meeting in October, 2012. Motion failed (2-4).

13
14 Commissioner Devin Taylor motioned, Commissioner Jean Schaake seconded to approve this
15 item with the comment that infill conditions be added to this ordinance at a future date. Motion
16 carried (4-2).

17
18
19 6. [FUTURE AGENDA ITEMS: Under Section 551.042 of the Texas Open Meetings Act,](#)
20 [respond to inquiries from the Planning and Zoning Commission or the public with specific](#)
21 [factual information or recitation of policy, or accept a proposal to place the matter on the](#)
22 [agenda for an upcoming meeting.](#)

23
24 Bentley questioned if a Work Session could be arranged to discuss protocol on commercial
25 alterations and major remodels. Cunningham stated that could be added to a future agenda item
26 for discussion. Taylor and Lyke requested a future agenda item as well to receive clarification on
27 the duties this Commission is responsible for. There were no additional future agenda items
28 discussed.

29 7. [ADJOURN](#)

30
31 Chairman Thomas adjourned the meeting at 8:36 p.m.

**PLANNING AND ZONING COMMISSION
AGENDA INFORMATION SHEET**

AGENDA DATE: August 22, 2012
DEPARTMENT: Planning Department
CASE MANAGER: Cindy Jackson, 349-8351

SUBJECT - *FR12-0012, Buchwald Residence Addition*

Hold a public hearing and consider a final plat of Lot 1, Block A, Buchwald Residence Addition, being a replat of part of Lots 1, 2, and 3, Block 1, Ewing Addition. The 0.4042 acre site is located at the northwest corner of the intersection of Avenue A and Margie Street. The property is located within a Downtown Residential 1 (DR-1) zoning district.

BACKGROUND

The applicant is proposing to replat the subject site into one lot for the purpose of rebuilding a residential duplex. The original structure, constructed in 1937, was damaged beyond repair in a fire. Duplexes are a permitted use within the DR-1 district.

Pursuant to Section 212.015 of the Texas Local Government Code required written notices were sent out on August 7, 2012. Specifically 23 certified notices were sent out to property owners within 200 feet of the subject site and 74 courtesy notices were sent out to property owners within 500 feet of the subject site. As of this writing, staff has received no written responses from property owners within the notification area. Public notification information is provided in Exhibit 3.

The Denton Development Code (DDC) defines a replat as “a change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use or any lot line or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.” In addition to the above, Section 212.014 of the Texas Local Government Code states that a replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

1. is signed and acknowledged by only the owners of the property being re-platted;
2. is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the municipal authority responsible for approving plats; and
3. does not attempt to amend or remove covenants or restrictions.

Sections 212.014 and 212.015 of the Texas Local Government Code provide requirements for residential replats to be considered. The replating of any property that has been under a zoning classification limiting residential uses to no more than two units per lot in the preceding five

years fall under this requirement. The subject property is within a Downtown Residential 1 (DR-1) zoning district, which limits residential uses to no more than two units per lot, thus requiring a public hearing for a replat. This residential replat has been processed according to Section 212.014 and 212.015 of the Texas Local Government Code (TLGC), and notice of the public hearing was given by the 15th day before this hearing date following the TLGC requirements.

According to Section 212.015(c) of the TLGC, if the proposed replat requires a variance and is protested, the proposed re-plat must receive a vote of at least three-fourths of the members of the Planning and Zoning Commission present in order to approve the replat. The subject plat does not require any variances as it conforms to the platting requirements of the DDC.

OPTIONS

1. Approve as submitted
2. Approve with conditions
3. Deny

RECOMMENDATION

The Development Review Committee recommends **approval** of the replat.

EXHIBITS

1. Location Map
2. Zoning Map
3. Notification Information
4. Proposed Final Replat (*refer to full size plat document in your back-up*)

Prepared by:



Cindy Jackson, AICP
Senior Planner

Respectfully submitted:



Mark A. Cunningham, AICP, CPM
Planning and Development Director

Exhibit 1
Location Map



Exhibit 2 Zoning Map

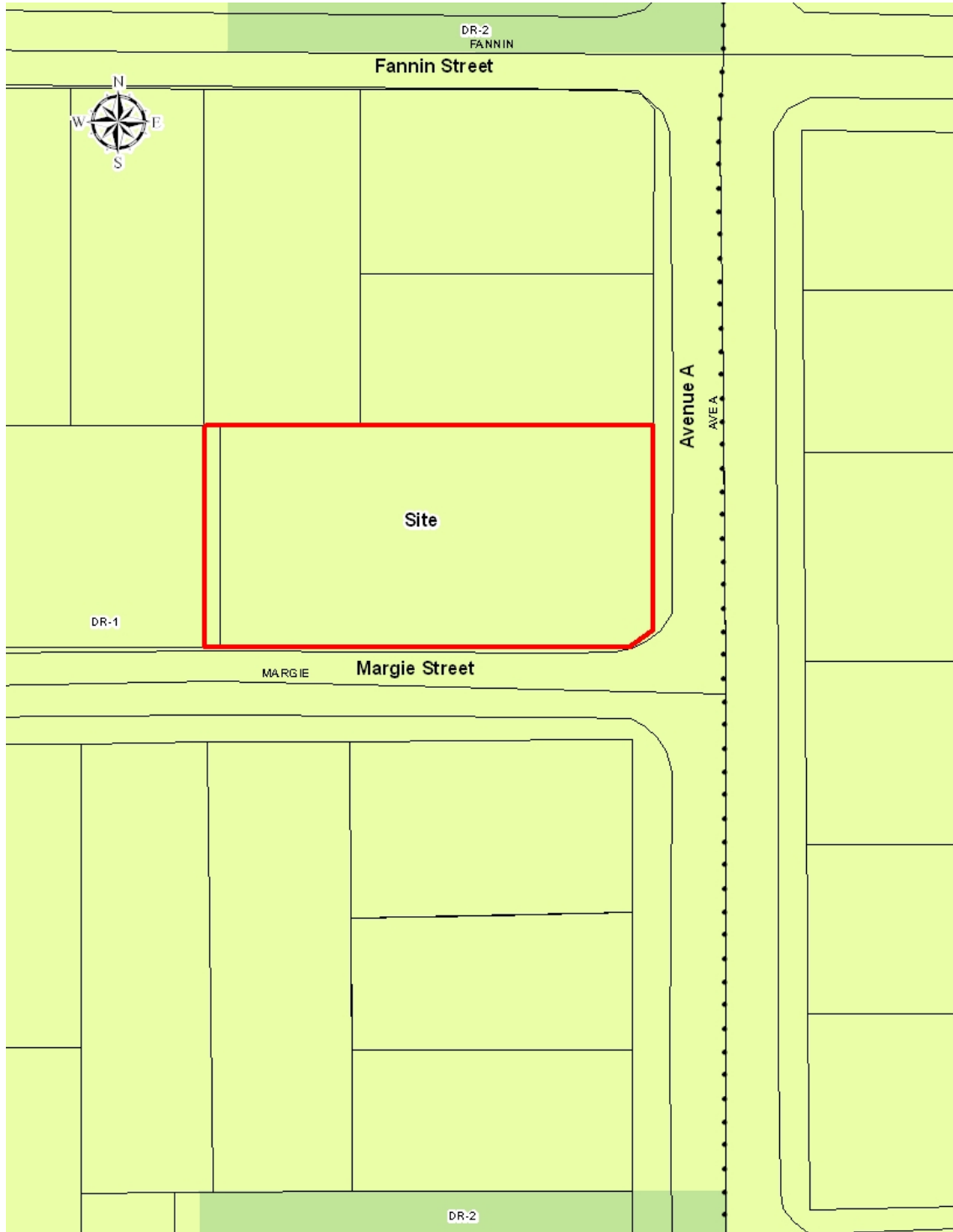
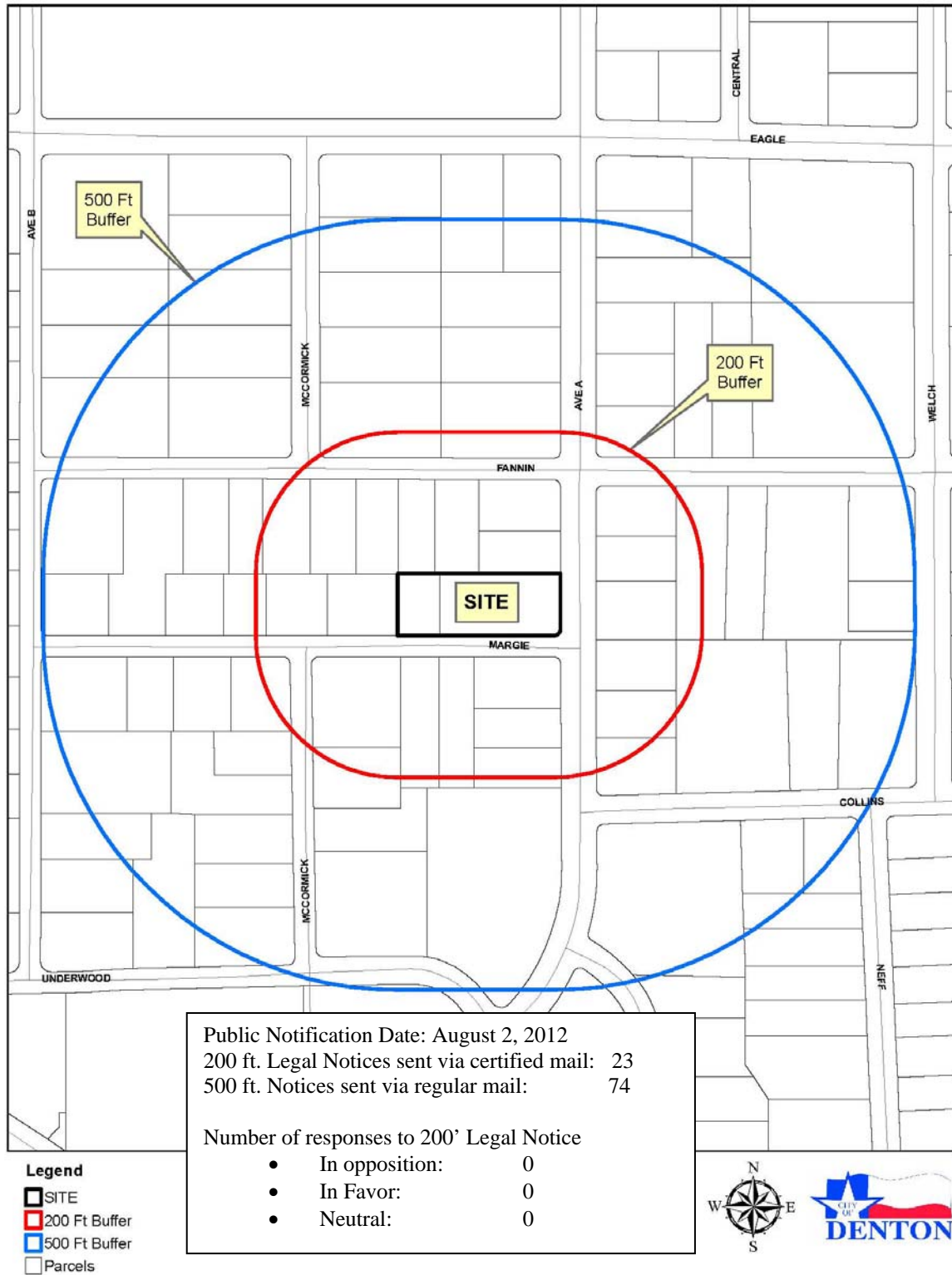


Exhibit 3 Notification Information



**PLANNING AND ZONING COMMISSION
AGENDA INFORMATION SHEET**

AGENDA DATE: August 22, 2012
DEPARTMENT: Planning and Development
CASE MANAGER: Nana Appiah, 349-7785

SUBJECT – *Beauty Shop in Residence (S12-0002)*

Hold a public hearing and consider making a recommendation to City Council regarding a Specific Use Permit to allow a beauty shop as a home occupation within a single-family residence on a 0.137 acre property located within a Neighborhood Residential 4 (NR-4) zoning district. The subject property is generally located north of Terry Court and west of Mockingbird Lane.

PROPOSAL

The applicant and property owner (Katherine Randolph) proposes to conduct a one-chair beauty shop business from her residence. The proposed use is considered a home occupation and is subject to the regulations found in Section 35.12.10 of the Denton Development Code (DDC). As such, Section 35.12.10.P, states that barber and beauty shops require a Specific Use Permit (SUP), provided that the use is conducted by family members who live in the residence (no outside employees permitted). The DDC also states that the business shall consist of no more than one beauty/barber chair, no more than two (2) customers shall be permitted at one time, and said business shall operate only between the hours of 8:00 a.m. and 8:00 p.m. The applicant's proposal complies with all DDC home occupation regulations.

BACKGROUND

The subject property is part of East Hampton Village Phase 1 which was platted as a single-family residential subdivision in 1984. The historical zoning for the subject property prior to 2002 was Planned Development District (PD 76). This PD was approved for the development of single-family homes on 18 acres with a minimum lot size of 6,000 square feet in size.

Home occupation is defined in Subchapter 23 of the DDC as, "an occupation commonly carried on within a dwelling by members of the family occupying the dwelling. The use of the home as an occupation shall be incidental and subordinate to the use of the home as a dwelling." Section 35.12.10 iterates the permitted uses allowable as a home occupation and limitations placed on those uses, such as where the occupational activities may occur, restrictions on sales, employees, external display of products, outdoor storage, signage, patrons, outdoor activities, product sales, nuisances, prohibited equipment and materials, parking of business-related vehicles and sales of garden produce. The beauty shop is permitted only through approval of an SUP and as such has some more stringent standards provided for in Section 35.12.10.P.3.

The applicant and property owner has owned and maintained the subject property as her home for over eight years. The applicant's desire is to have a one-chair beauty shop to conduct hair

styling business.

PRIOR ACTION/REVIEW

1. No prior action or review.

OPTIONS

1. Recommend approval as submitted.
2. Recommend approval with conditions
3. Deny
4. Postpone consideration.
5. Table item.

RECOMMENDATION

The Development Review Committee recommends **APPROVAL** of this Specific Use Permit request, *as conditioned*.

EXHIBITS

1. Site Location/Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Site Photos
5. Letter from the Applicant
6. Letter from Customers
7. Notification Map

Prepared by:

A handwritten signature in black ink, appearing to read 'Nana Appiah', with a stylized flourish at the end.

Nana Appiah, AICP
Senior Planner

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Mark Cunningham', with a stylized flourish at the end.

Mark Cunningham, AICP, CPM
Planning and Development Division Director

**CITY OF DENTON
DEVELOPMENT REVIEW COMMITTEE
STAFF REPORT**

P&Z Date:	August 22, 2012	TYPE:	Specific Use Permit
CC Date:	September 18, 2012	PROJECT #:	S12-0002

Project Number: S12-0002

Request: Specific Use Permit (SUP) to allow a home occupation within a single-family home within the Neighborhood Residential 4 (NR-4) zoning and use district on approximately 0.137 acres.

Applicant: Katherine Randolph
3005 Terry Court
Denton, Texas 76209

Property Owner: Katherine Randolph
3005 Terry Court
Denton, Texas 76209

Location: North of Terry Court and west of Mockingbird Lane (3005 Terry Court).

Size: 0.137 acres

Zoning Designation: Neighborhood Residential 4 (NR-4)

Future Land Use: Existing Land Use

Case Planner: Nana Appiah, AICP

DRC Recommendation: The Development Review Committee recommends **APPROVAL** of this Specific Use Permit request, as conditioned.

Summary of Analysis:

Section 35.12.10, *Home Occupations* of the DDC allows for barber and beauty shops with Specific Use Permit (SUP) approval. Additional restrictions are required for an at-home beauty shop including the use cannot be conducted by anyone but family members who live in the residence, the business shall have no more than one (1) chair and no more than two (2) customers are permitted at one time and the business shall only operate between the hours of 8:00 a.m. and 8:00 p.m.

The applicant is not proposing to alter the existing residence or property in any way to accommodate the home occupation. Exhibit 4 illustrates the existing conditions including the driveway which will be utilized for customer parking. There will be no more than two vehicles on the premises related to the home occupation at one time in conformance with the limitation on the number of customers permitted on site. No on-site signage is allowed or proposed for this request.

A certificate of occupancy (CO) will not be required for the home occupation if the SUP is approved. Additionally, because there are not proposed alterations to the structures or flat work on the property, no building permits will be required and thus no building inspections.

Twenty-seven (27) public notices were sent to property owners within 200 feet of the area and eighty-seven (87) to residents within 500 feet of the area (Exhibit 7). As of this writing, staff has received no responses to the Notice of Public Hearing from property owners either in favor or in opposition.

Findings of Fact

1. *The request is for a Specific Use Permit (SUP) for home occupation, specifically a beauty shop on approximately 0.137 acres. The subject property is located in a Neighborhood Residential 4 (NR-4) zoning district, which permits a beauty shop as home occupation via an SUP.*
2. *The subject property is developed as a single-family and platted as Lot 12, Block A of Phase 1 of East Hampton Village.*
3. *The subject site is located within the Existing Land Use future land use category which includes existing residential uses and new infill compatibility. New development should respond to existing development with compatible land uses patterns and design standards. The plan recommends that existing neighborhoods within the city be vigorously protected and preserved. Housing that is compatible with the existing density, neighborhood service and commercial land uses is allowed.*
4. *Adjacent zoning districts include Neighborhood Residential 4 (NR-4), to the north, south, east, and west and Neighborhood Residential 2 (NR-2) farther east of the subject site. These surrounding areas are fully developed. There are single-family homes to the north, south, east, and west.*
5. *Per Section 35.12.10 of the DDC, this request shall be required to produce no offensive noise, vibration, smoke, electrical interference, dirt, odors or heat in excess of those normally found in the residential neighborhood.*
6. *The subject site is not located within any special overlay districts or areas of concern.*

7. *There are no required public improvements for potable water, sanitary sewer, drainage or transportation facilities serving the subject site in relation to this request.*
8. *Access is provided from Terry Court, there is no increase in peak transportation demands anticipated for this home occupation.*
9. *Water and sewer is available along Terry Court, there is no increase in peak water or sewer demands anticipated for the proposed home occupation*

Development Review Committee

Based upon the information provided by the applicant and a recent site visit, the Development Review Committee finds that with the recommended conditions the request **IS CONSISTENT** with the surrounding land uses and general character of the area, **IS CONSISTENT** with the Denton Plan, and **IS CONSISTENT** with the Denton Development Code.

The Development Review Committee recommends **APPROVAL** of this specific use permit request, as conditioned:

1. The beauty shop use shall only be conducted by family members who live in the residence; no outside employees are permitted.
2. The beauty shop shall have no more than one (1) chair and no more than two (2) customers are permitted at one time.
3. The business shall only operate between the hours of 8:00 AM and 8:00 PM.

GENERAL NOTES

NOTE: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the Denton Development Code.

NOTE: All written comments made in the application and subsequent submissions of information made during the application review process, which are on file with the City of Denton, shall be considered to be binding upon the applicant, provided such comments are not at variance with the Denton Plan, Denton Development Code or other development regulations in effect at the time of development.

Section 35.6.4, Approval Criteria:

A Specific Use Permit (SUP) may be granted if the City Council finds that the proposed use conforms, or can be made to conform through the imposition of conditions, with the following approval criteria.

An SUP shall be issued only if all of the following conditions have been met:

1. That the specific use will be compatible with and not injurious to the use and enjoyment of other property nor significantly diminish or impair property values within the immediate vicinity;

Allowing operation of a one-chair beauty shop business should not diminish or impair property values in the immediate vicinity. With the restrictions and conditions of approval, this home occupation business should not alter the regular activities of this residential neighborhood.

2. That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;

The utilization of the property as a one-chair beauty shop home occupation should not interfere with surrounding uses. No improvements for the subject property will be required. Compliance with the restrictions cited in Section 35.12.10 shall be required.

3. That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

All required infrastructure dedications, extensions and construction were required at platting for the residence.

4. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

No new driveway is proposed. There is an existing driveway on the property. According to the applicant, she parks her vehicle on the street which allows her customers to use the driveway to avoid obstructing vehicle traffic in the neighborhood.

5. That adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;

Nuisance prevention is not anticipated as no demolition or construction is anticipated with granting of the SUP for a home occupation. No odors, dust, noise or vibration will occur with allowance of the home occupation.

6. That directional lighting will be provided so as not to disturb or adversely affect neighboring properties; and

No improvements to existing lighting are proposed for the home occupation, and therefore lighting will not adversely affect neighboring properties.

7. That there is sufficient landscaping and screening to ensure harmony and compatibility with adjacent property.

No alterations to existing landscaping and screening are proposed with allowance of the home occupation.

Surrounding Zoning Designations and Current Land Use Activity:

Northwest: Neighborhood Residential 4 (NR-4); Single-family home	North: Neighborhood Residential 4 (NR-4); Single-family home	Northeast: Neighborhood Residential 4 (NR-4); Single-family home
West: Neighborhood Residential 4 (NR-4); Single-family home	Subject Property: Neighborhood Residential 4 (NR-4); Single-family home	East: Neighborhood Residential 4 (NR-4); Single-family home
Southwest: Neighborhood Residential 4 (NR-4); Single-family home	South: Neighborhood Residential 4 (NR-4); Single-family home	Southeast: Neighborhood Residential 4 (NR-4); Single-family home

Source: City of Denton Geographical Information System and site visit by City staff

Summary of Surrounding Zoning Designations and Current Land Use Activity:

Comprehensive Plan:

The subject site is located in the “Existing Land Use” future land use designation. These areas are typically established residential areas. The Denton plan recommends that existing neighborhoods within the city be vigorously protected and preserved. Housing that is compatible with the existing density, neighborhood service and commercial land uses is allowed.

The proposed home occupation is consistent with the Goals, Objectives and Strategies of the Denton Plan. No alterations or construction of a new structure is proposed. The conditions of approval and restriction outlined in Section 35.12.10 of the Denton Development Code (DDC) which guide operation of businesses allowed as home occupation should aid to protect the existing neighborhood. These restrictions will also help prevent increase in traffic generation, noise, or physical appearance such as erection of signs on the property. It is staff determination that the proposed use is consistent with the Denton Plan and Development Code, and will be compatible to uses within the neighborhood.

Exhibit 1
Site Location/Aerial Map

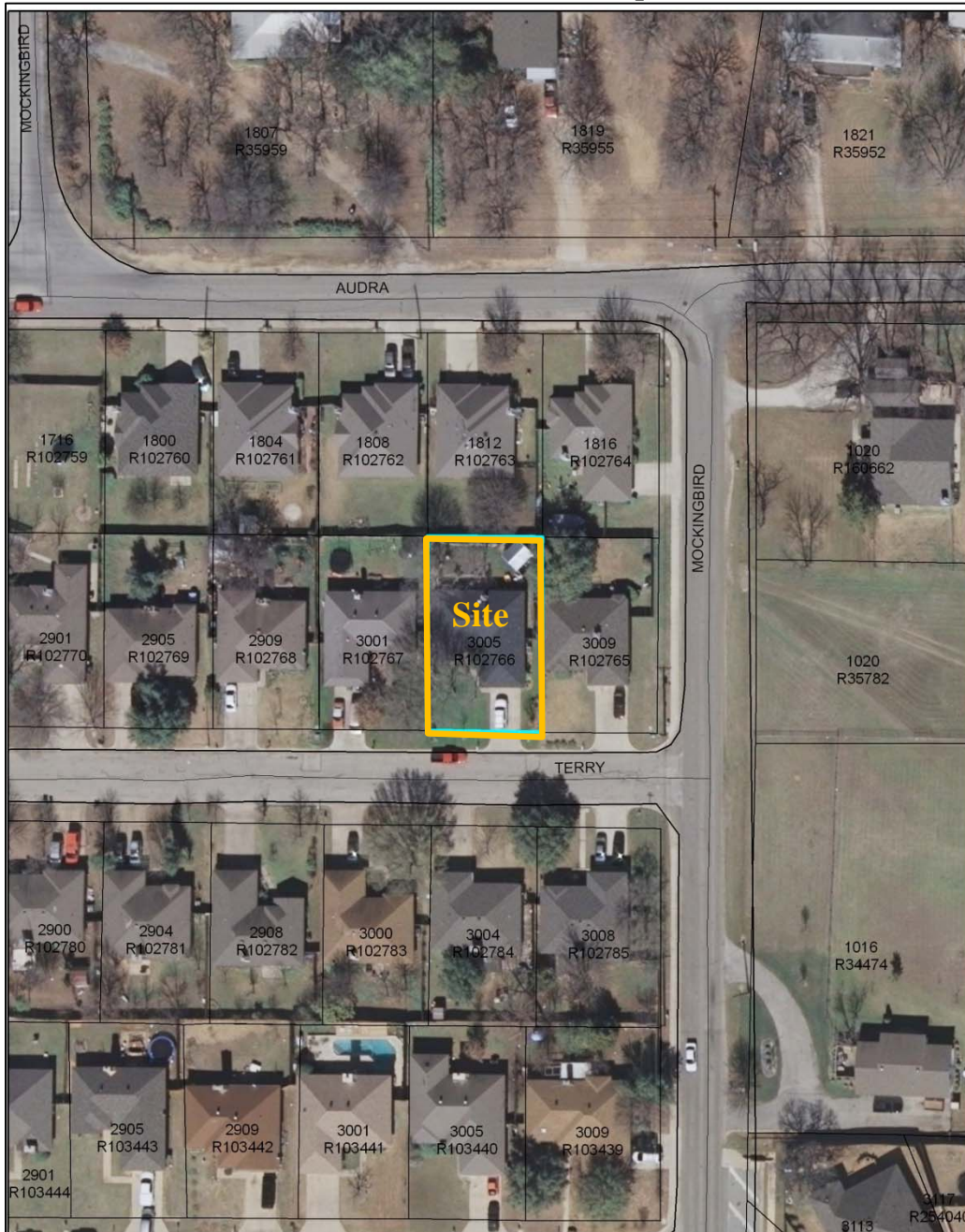


Exhibit 2 Zoning Map



Exhibit 3
Future Land Use Map

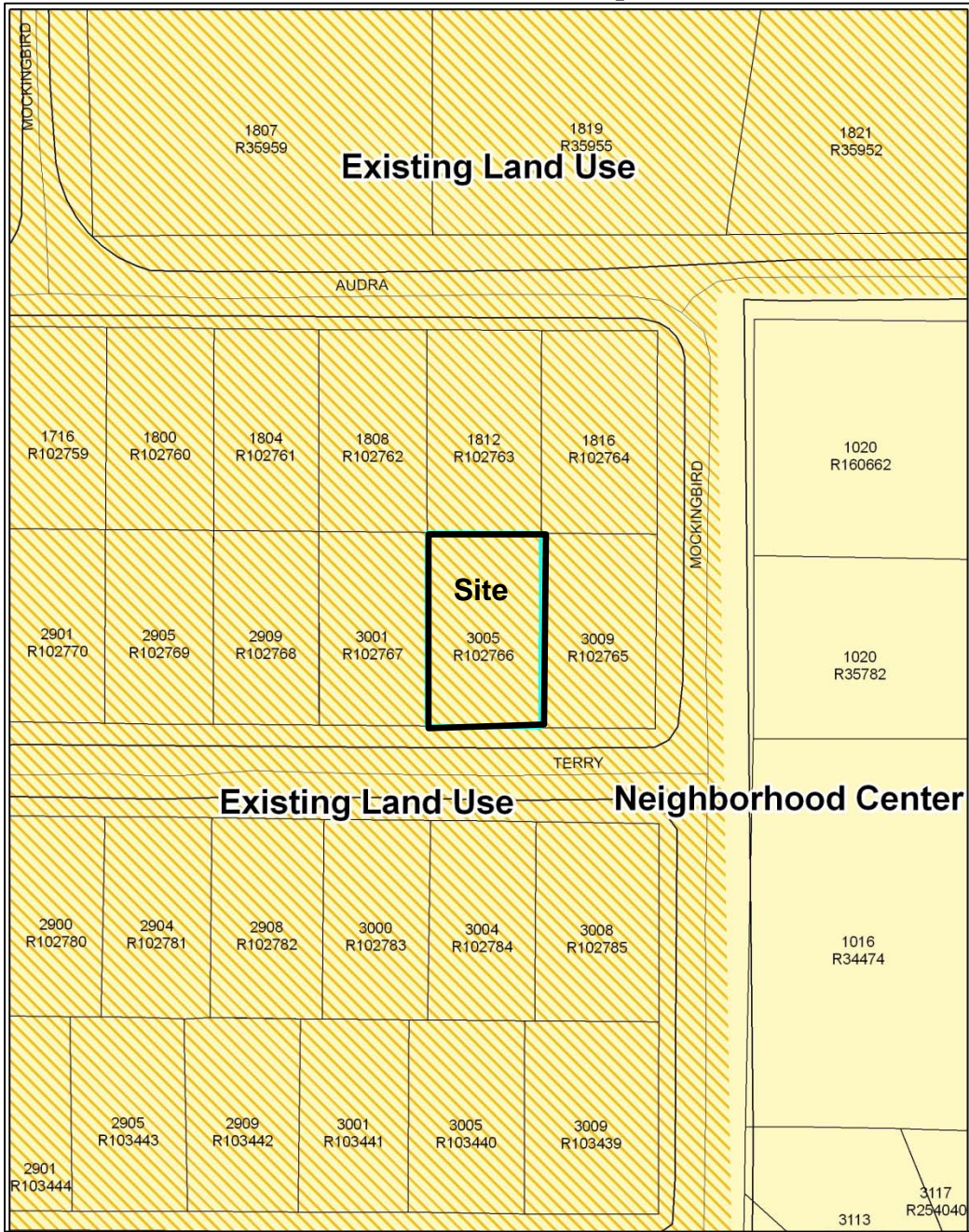


Exhibit 4
Site Photos



Looking north toward subject property



Looking south from subject property



Looking east from subject property



Looking west from subject property

Exhibit 5

Letter from the Applicant

June 1, 2012

I'd like to start this letter with the fact that I have been a dedicated resident Denton for 28 years. I have owned two freestanding salons in town, been an active member of many community programs; including setting on the board for keep Denton Beautiful and volunteering for community activities such as, the Redbud Festival and the Great American Cleanup. As a Texas Master Gardener, I have been involved in teaching members of our community how to improve their skills for sustainable gardening and landscaping; including opening my home to over 580 residents for the Garden Tour last year.

When my child was starting middle school at Strickland, I wanted to be able to be a home when my daughter returned from school, at that time I was living at 2021 Audra Lane, where I had my first business at my residence, which included one chair and one customer at a time, I lived and worked at that residence for 8 years prior to moving back to storefront at 312 Audra Lane. After having that store front location for 5 years and with the economy changing, I wanted to continue to provide low-cost services to my clients; I returned my business back to my residence, which is located at 3005 Terry Court. Being a single woman, I bought this three bedroom, two bath home in 2004, with the intention that I would eventually return my business to my residence. I have had this business for 3 years at my home, I am respectful of my neighbors and clients and create my schedule to allow for breaks between my clients. My residence is manicured and the front is landscaped to create privacy for my clients. After entering my home, clients are welcomed by light relaxing music and a water feature in the hallway leading to the salon area. My business includes a single styling chair and sink. I have a separate bathroom space for clients to use that has a sink and changing that is separate from my personal bathroom. I park my personal vehicle on the street to allow my clients to park their vehicle in my driveway. I do not advertise my business, my business number is unlisted and the majority of my clients have been clients for twenty-plus years and also reside within the city of Denton.

Had I been aware that a specific use permit required for my type of business, I would have obtained it earlier. I was only made aware of this need for this permit only after being turned into the city

after a complaint was filed from a vindictive ex-boyfriend, that I only had a relationship with for 8 weeks who does not even reside in the City of Denton. Never have I received any complaints from a neighbor nor customer. With this being said, I request that you please review the information provided to you by the Code Enforcement officers that visited my residence and grant me the permit to continue providing services to my clients in the community that I enjoy being a part of.

Exhibit 6
Letters from Customers

July 15, 2012

To Whom It May Concern:

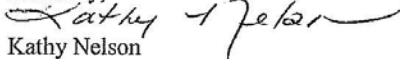
I have been a customer of Kathi Randolph's for over 20 years.

In that time she has always done her best to offer a convenient and well cared for place of business.

Parking has never been a problem. Kathi runs an appointment only business (no walk ins) so there is never any more than one car at a time at her business unless someone does not show her the courtesy of being on time for their appointment, then there may be two cars there for a short period of time. The drive way allows up to 2 cars to park so there is never a car parked on the street unless a customer would so choose to do so.

Kathi runs a very well established business and keeps everything clean and up to date.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Nelson".

Kathy Nelson
17 Rolling Hills Circle
Denton, TX 76205

June 4, 2012

To whom it may concern:

I understand that there was a formal complaint lodged against Kathi Randolph's home-based business, Special Touch, saying that she was not conforming to the parameters of the city's existing small business laws.

I have used Ms. Randolph's services in her home for about 3 years and have seen that in all that time she has only had one chair for providing hair salon services, and I have rarely encountered another customer while I'm there because she spaces appointments so that there is only one customer at a time at her house.

She provides a driveway for customers so they don't have to park on the street, so the street is never blocked from traffic. The premises are always clean and inviting, and, as a master gardener, she always keeps her front yard area lovely and charming.

She leads such a quiet life that I have difficulty understanding what complaints could possibly have been lodged against her or why there would be any complaints at all.

Sincerely,

A handwritten signature in cursive script that reads "Theresa Carriveau".

Theresa Carriveau
One of Ms. Randolph's many happy customers
940 382-9319

City of Denton

I have been a client of
Kathi Randolph for 20+ years.

She is very professional in all
her work. Her workplace is a
beautiful place to be. She has one
client at a time I never feel rushed.

I feel very blessed to have
Kathi as my professional hair person
and the special place she has
provide for me to come.

Mary Whitmore
940-382-7397

Betty Masching
127 CR 3332
Paradise, Texas 76073

August 1, 2012

To Whom It May Concern:

My name is Betty Masching, and I have known Kathi Randolph for approximately 26 years, as my hairdresser and friend. She is the only person on the planet who is allowed to cut/color my hair; she is also a true and loyal friend with sterling character.

Kathi converted part of her home into a spa/salon a few years ago. Her home, business, and yard are always beautiful, serene, and well-maintained. Her neighborhood is small and quiet; I do not believe that Kathi's arrangement has disrupted this street or the families that live here in any way, as she schedules one client at a time. There is rarely more than one person in the salon/home or one extra car in the driveway on any day of the week.

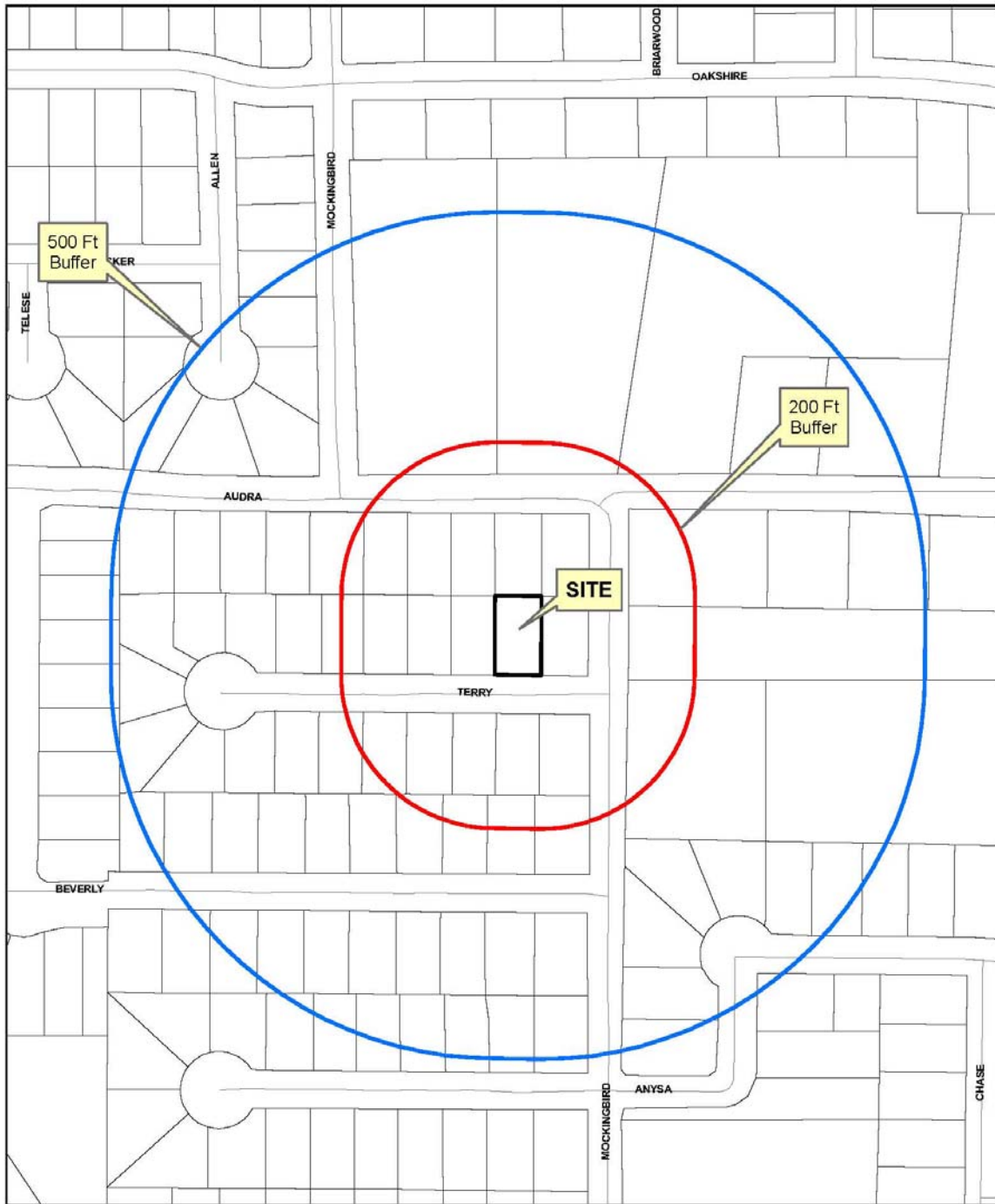
Ms. Randolph has gone to great lengths to provide a special place for her clients. She has also worked very hard to make her home a place of beauty and an asset to her neighborhood. Her landscaping is tasteful and professional; I believe she has been nominated for yard of the month for the City of Denton.

Thank you for your time and attention in this matter.

Respectfully,

A handwritten signature in cursive script that reads "Betty Masching". The signature is written in black ink and is positioned below the word "Respectfully,". There is a long, horizontal flourish extending to the right from the end of the signature.

Exhibit 7 Notification Map



Legend

- SITE
- 200Ft Buffer
- 500Ft Buffer



Public Notification Date:	8/9/12
200' Legal Notices sent:	27
500' Courtesy Notices sent:	87

Number of responses to 200' Legal Notice:

In Opposition:	0
In Favor:	0
Neutral:	0