

CITY OF DENTON PLANNING AND ZONING MINUTES  
December 14, 2016

After determining that a quorum was present, the Planning and Zoning Commission of the City of Denton, Texas will convene in a Work Session on Wednesday, December 14, 2016 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:** Chair Jim Strange, Commissioners: Vice-Chair Devin Taylor, Larry Beck, Andrew Rozell, Margie Ellis, and Gerard Hudspeth.

**Staff:** Shandrian Jarvis, Hayley Zagurski, Earl Escobar, Julie Wyatt, Muzaib Riaz, Deborah Viera, Haywood Morgan, Munal Mauladad, Jennifer DeCurtis and Cathy Welborn.

**Absent:** Steve Sullivan

WORK SESSION

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

Chair Jim Strange called the Work Session to order at 5:31 p.m.

Shandrian Jarvis, Development Review Committee Administrator, stated there are two items on the Consent Agenda if there are no questions we can continue with the Public Hearings. Commissioner Ellis stated that there is a spelling error located in the notes line 2 of the Preliminary plat, which the letter r is missing from ground. Staff acknowledged the error.

Hayley Zagurski, Assistant Planner, presented Public Hearing item 3A. The request is to change zoning from Neighborhood Residential-2(NR-2) and Neighborhood Residential-4(NR-4) to Neighborhood Residential-3(NR-3). Commissioner Beck questioned if the small strip on the map is a road. Zagurski stated yes that is their access road. Commissioner Beck questioned what the hashed marks stand for that were located on the online map viewer. Earl Escobar, Engineering Development Review Manager, stated that hashed marks show the Historical Flood Plain. Commissioner Hudspeth questioned if anyone has considered the ingress and egress for the property. Escobar stated they will have access to Country Club Road and there is another street stubbed out from the east. Lee Allison with Allison Engineering Group, stated there is a concept plan in his presentation that does include connection to the east and west, which does cross the flood plain.

Chair Strange questioned if they are going to come back at a later time with a Letter of Map Revision or Conditional Letter of Map Revision (CLOMR) to narrow the flood plain. Escobar stated they will have to submit an additional letter for revision for a CLOMR and a Letter of Map Revision (LOMR), due to the street proposed going across the flood plain.

Julie Wyatt, Senior Planner, presented Public Hearing item 3B. Commissioner Beck questioned if the gas pumps are considered parking spaces. Wyatt stated no, the pumps are not included in the parking configuration. Wyatt stated staff recommends approval of the request, subject to the

following conditions, as it is compatible with the surrounding property and is consistent with the goals and objectives of the Denton Plan 2030:

1. The proposed development must substantially conform to the attached Site Plan, Landscape Plan, and

Grading Plan as submitted, including:

- a. A 5-foot curb inlet filter with a replaceable media pack shall be installed and maintained in the northwest corner of the site as depicted on the attached Site Plan.
  - b. The applicant must submit three reports per calendar year to the Planning Division demonstrating that the curb inlet filter has been inspected and maintained a minimum of three times per year or when debris and accumulation reaches 80% of filter capacity. Additionally, the reports must provide confirmation that the media packet has been replaced at least once per year or when the media pack is 50% coated with contaminants.
  - c. A marked pedestrian connection must be installed to connect the sidewalk on North Carroll Boulevard with the retail building.
  - d. Four existing trees that are currently planted in the new parking area shall be relocated on the site as depicted in the attached Landscape Plan.
2. Four additional 2-inch caliper large canopy trees from the Landscape Plant List must be planted onsite in accordance with the Landscape and Tree Canopy Requirements outlined in Section 35.13.7.B of the Denton Development Code.

Commissioner Beck questioned the amount of trees that are being removed. Wyatt stated there are five (5) trees being removed, staff did not request to replace all five (5) trees just three (3) due to being able to maintain the existing canopy coverage. Commissioner Hudspeth questioned if there is any concern of the location of the new parking spaces. Earl Escobar, Engineering Development Review Manager, stated that it met all the stacking requirements. Vice-Chair Taylor questioned why on the original site plan there is an area of pervious paving. Wyatt stated she believes it was for fire access. Chair Strange questioned why they are doing extra if the site is already in compliance. Wyatt stated the applicant has exceeded the parking requirements.

Chair Strange closed the Work Session at 6:02 p.m.

## REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, December 14, 2016 at 6:30 p.m. in the City Council Chambers at City Hall, 215 E. McKinney at which time the following items were considered:

Chair Strange called the Regular Meeting to order at 6:35 p.m.

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

2. CONSENT AGENDA

- A. FP16-0042 Consider a request by Selvin David Lopez for a Final Plat of the Angel Heart Addition Lot 1, Block A. The 5.53 acre site is generally located south of McKinney Street and west of Angel Bend, Denton County, Texas. (FP16-0042, Angel Heart Addition, Lot 1, Block A, Muzaib Riaz)
- B. PP16-0020 Consider a request by Randall Smith for a Preliminary Plat of the North Elm Street Addition. The approximately 12.97-acre site is generally located on the northwest side of the intersection of Riney Road and North Elm Street (US 77), approximately 1,900 feet east of North Bonnie Brae Street in the City of Denton, Denton County, Texas. (PP16-0020, North Elm Street Apartments, Hayley Zagurski).

The Commissioners did not have any questions regarding the Consent Agenda items.

Commissioner Beck motioned, Vice Chair Taylor seconded to approve the Consent Agenda. Motion approved (6-0). Vice Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

### 3. PUBLIC HEARINGS

- A. Z16-0025 Hold a public hearing and consider a request by Forestridge Inv. Ltd. to rezone approximately 15.5 acres from a Neighborhood Residential 2 (NR-2) District to a Neighborhood Residential 3 (NR-3) District, and approximately 20.16 acres from a Neighborhood Residential 4 (NR-4) District to a NR-3 District. The subject property is generally located on the east side of Country Club Road, approximately 265 feet south of Regency Court in the City of Denton, Denton County, Texas. (Z16-0025, Country Club Road Estates, Hayley Zagurski)

Chair Strange opened the Public Hearing.

Hayley Zagurski, Assistant Planner, presented Public Hearing item 3A. Zagurski stated that the applicant's intent is to develop 73 to 78 lots depending on the final physical constraints imposed by the Alternative Environmentally Sensitive Areas (AESAs) plan for floodplain.

Lee Allison, with Allison Engineering Group, 4401 I-35 suite 102, Denton, Texas, presented a presentation regarding the rumors of apartments, drainage plan, traffic, drainage problems, Neighborhood Residential-2 zoning. Allison stated they want to have 16,000 square foot lots to the east of the drainage area and 12,000 square foot lots to the west. Allison stated all of the houses that front Country Club Road will be moved off and the drive ways would be removed.

Commissioner Rozell, stated this project could go forward with the split zoning, but the reason for the rezone is so the east side of the property would not be forced to be developed denser. Allison confirmed, he stated if the zoning was left as is, they would have to put four lots per acre to get the allowed density.



Commissioner Rozell questioned if staff has looked at the traffic routing along Country Club Road due to the high volume of traffic in the area. Earl Escobar, Engineering Development Review Manager, stated that the Texas Department of Transportation is currently working on Highway 377. Escobar stated that Country Club Road is owned by Texas Department of Transportation (TxDOT). Chair Strange questioned when a study for warrants on Ryan Road was done. Escobar stated a study was done last year.

The following individuals spoke during the Public Hearing:

Donna Zalisko McLaughlin, 3300 Belmont Street, Denton, Texas. Opposed to this request.

Robert McLaughlin, 3300 Belmont Street, Denton, Texas. Opposed to this request.

Diane Garcia, 121 W El Paseo Street, Denton, Texas. Opposed to this request.

Paul Whatly, 801 Regency Court, Denton, Texas. Opposed to this request.

Lisa Hill, 3206 Belmont Street, Denton, Texas. Opposed to this request.

Troy Johnson, 3200 Belmont Street, Denton, Texas. Opposed to this request.

Commissioner Ellis questioned Allison why Neighborhood Residential 2 is not feasible for this project. Allison stated the applicant wants the allowed lots due to investment.

Chair Strange asked Allison to show how the two (2) cul-de-sacs to the east would collect water, in order to provide assistance for the drainage concerns. Allison stated there is a ridge that goes back to the east to the lots that are experiencing the drainage problems. With the cul-de-sacs it will allow these areas to drain into the creek and away from those homes.

Commissioner Larry Beck motioned, Vice-Chair Devin Taylor seconded, to approve this item. Motioned approved (6-0). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

Chair Strange called a recess at 7:50p.m. Chair Strange reopened the Regular Meeting at 7:55p.m.

- B. [S16-0006 Hold a public hearing and consider making a recommendation to City Council regarding a request by QuikTrip Corporation to amend Ordinance No. 2002-260, modifying the Site Plan, to add 16 onsite parking spaces on approximately 2.2 acres. The property is generally located at the southeast corner of South Carroll Boulevard and West Eagle Drive \(S16-0006, QT, Julie Wyatt\).](#)

Chair Strange opened the Public Hearing. Julie Wyatt, Senior Planner, presented Public Hearing item 3B.

Commissioner Ellis questioned if as a City we are just entrusting Quik Trip to provide a maintenance report three (3) times a year. Wyatt stated yes, it is on the applicant to provide that information to the Planning Division. Deborah Viera, Environmental Compliance Coordinator, stated Quik Trip is aware of this maintenance and they are already having to comply. Viera also stated if they were not complying with the maintenance it would be visible.

They following individual spoke during the Public Hearing:

Jon Pimentel, 3708 Beatriz Drive, Denton, Texas. Supports this request.

Commissioner Beck questioned Jon Pimentel if he thought that this project would require 16 parking spaces. Jon stated yes, there are not enough spots, the customers currently have to park at pumps even when they are not needing gas.

Commissioner Hudspeth stated he was concerned about the security behind the building. Jon Pimentel stated every square inch of the store is filmed and monitored.

Chair Strange closed the Public Hearing.

Chair Strange question Jon Pimentel if he was alright with staff's conditions. Jon Pimentel stated the only thing he would ask to be reconsidered is the relocation of the four trees, because of the high transient hang out in the back and for a possible future expansion. Chair Strange questioned the size of the current trees. Haywood Morgan, Urban Forester, stated the current trees are about six (6) inches in diameter.

Commissioner Gerard Hudspeth motioned, Commissioner Andrew Rozell seconded, to approve this item based on staffs conditions: **1.** The proposed development must substantially conform to the attached Site Plan, Landscape Plan, and Grading Plan as submitted, including: **a.** A 5-foot curb inlet filter with a replaceable media pack shall be installed and maintained in the northwest corner of the site as depicted on the attached Site Plan. **b.** The applicant must submit three reports per calendar year to the Planning Division demonstrating that the curb inlet filter has be inspected and maintained a minimum of three times per year or when debris and accumulation reaches 80% of filter capacity. Additionally, the reports must provide confirmation that the media packet has be replaced at least once per year or when the media pack is 50% coated with contaminants. **c.** A marked pedestrian connection must be installed to connect the sidewalk on North Carroll Boulevard with the retail building. **d.** Four existing trees that are currently planted in the new parking area shall be relocated on the site as depicted in the attached Landscape Plan. **2.** Four additional 2-inch caliper large canopy trees from the Landscape Plant List must be planted onsite in accordance with the Landscape and Tree Canopy Requirements outlined in Section 35.13.7.B of the Denton Development Code. Motioned approved (6-0). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

#### 4. PLANNING & ZONING COMMISSION PROJECT MATRIX

Shandrian Jarvis, Development Review Committee Administrator, questioned the Commissioners regarding scheduling an Agenda Item to review the Tree Code. All the Commissioners agreed to have a special called meeting on a Wednesday; however, no specific date was provided. Commissioner Beck requested an updated contact list of staff.

Chair Strange closed the Regular Meeting at 8:30 p.m.

X

Jim Strange  
Chair



X

Catherine Welborn  
Administrative Assistant III

