

MINUTES
Planning and Zoning
April 12, 2017

After determining a quorum was present, the Planning and Zoning Commission of the City of Denton, Texas convened in a Work Session on Wednesday, April 12, 2017 at 4:30 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items were considered:

PRESENT: Vice-Chair Devin Taylor, Commissioner Larry Beck, Commissioner Andrew Rozell, Chair Jim Strange, Commissioner Margie Ellis, and Commissioner Gerard Hudspeth.

ABSENT: Commissioner Steve Sullivan.

STAFF: Shandrian Jarvis, Munal Mauladad, Athenia Green, Hayley Zagurski, Julie Wyatt, Cathy Welborn.

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 Strange called the Work Session to order at 4:35 p.m.

Shandrian Jarvis, Development Review Committee Administrator, asked the Commissioners if they had any questions regarding the Consent Agenda. The Commissioners had no questions regarding the Consent Agenda. Jarvis asked if there were any questions regarding Public Hearing item A. Commissioner Beck questioned if Denton Independent School District (DISD) had plans to build on this lot. Hayley Zagurski, Assistant Planner, stated yes they have submitted site plan application to do some expansions to the school and add a new parking lot on the southern portion of the property.

Julie Wyatt, Senior Planner, presented Public Hearing item B. The request is to consider a revision to Subchapter 5 of the Denton Development Code (DDC) pertaining to self-service storage. Jarvis clarified for the Commission this is an outside individual requesting the amendment. Wyatt stated staff was approached by Mike Coker, to pursue an amendment to allow self-storage in the Community Mixed Use General (CM-G) zoning district.

Wyatt stated the applicant has purposed the following: Relocate self-service storage from the Industrial Land Use Categories to the Commercial Land Use Categories in all zoning districts. Outline the requirements of a new limitation, L (35): Self-Service Storage uses must comply with the following provisions: 1. All sides of a self-service storage facility shall be constructed of 100 percent masonry, stone, architectural concrete block with integrated color (split-face CMU), stucco, or concrete tilt-wall (colored or stamped). 2. The limitation on exterior materials is exclusive of fenestrations such as doors, windows, glass, and entryway treatments. Glass may not account for more than 70 percent of the exterior wall area. 3. No overhead bay doors and/or storage unit doors may be visible from adjacent property or public right-of-way. 4. No outdoor storage permitted. 5. All proposed fencing materials are limited to masonry and wrought iron and shall be

constructed in compliance with Section 35.13.9, as amended. 6. Landscape buffers shall be provided in accordance with Section 35.13.8, as amended. Permit self-service storage in CM-G District with an SUP and L (35). Modify Employment Center Commercial (EC-C) and Employment Center Industrial (EC-I) Districts to require a Special Use Permit (SUP) and L (35) for self-service storage. Currently the use is permitted without limitation.

Staff recommends approval of the request with a condition, as it is consistent with the goals and objectives of the Denton Plan 2030: 1. Revise the proposed L (35) to include the following: a. all individually leased storage units must be contained within a climate-controlled building.

Chair Strange questioned if all storage units would have to be climate controlled. Wyatt stated yes within CM-G, EC-C and EC-I zoning districts. Jarvis stated CM-G is usually built next to residential lots and staff wants to keep the land use and scale compatible with the residential areas. Chair Strange stated when he has seen climate control storage units they are usually smaller and taller.

Chair Strange questioned if there will be a height limitation. Wyatt stated CM-G will allow for a height of 65 feet. Commissioner Ellis stated this does not seem complimentary to a residential neighborhood. Jarvis stated CM-G already allows 65 feet in height which is around 5 stories.

Commissioner Beck stated an SUP will help by restricting the height for the unit. Commissioner Ellis questioned how staff came up with the requirement all individually leased storage units must be contained within a climate-controlled building. Wyatt stated CM-G districts are typically 40 acres and are intended to be mixed use and to provide lots of different uses.

Commissioner Hudspeth questioned Legal if the Commission could ask the applicant questions during the Work Session. Jennifer DeCurtis, Assistant City Attorney, stated since this is a clarification item it would be better to speak to the applicant during the Regular Meeting.

Commissioner Rozell questioned the requirements regarding the percentage of glass and the bay doors and how staff expects the developer to build a building with 70 percent windows without seeing a bay door. Wyatt stated it can be up to 70 percent windows.

Chair Strange questioned if we remove the L35 stipulation and just keep the SUP requirement if it allows the applicant more flexibility. Wyatt stated the limitations were designed based upon what other Cities have done as well as part of the applicant's request.

DeCurtis redirected the Commission to hold certain comments for the Regular Meeting.

Jarvis stated public hearing item C has been withdrawn by the applicant and Public Hearing item D has been postponed to April 26 2017.

Wyatt presented Public Hearing item E. The request is to rezone approximately 0.4 acres from Downtown Residential 1 (DR-1) to Downtown Residential 2 (DR-2). By changing the zoning to DR-2 it could potentially introduce a new land use pattern and compromise the integrity of the neighborhood.

Commissioner Beck questioned if DR-1 allows duplexes. Wyatt stated yes DR-1 does permit duplexes and DR-2 also permits duplexes. Wyatt continued to state DR-2 also permits small scale commercial. Staff recommends denial due to the isolated zoning district which could impede the development of this area in a cohesive manner.

Vice-Chair Taylor stated there are multiple parcels of DR-2 mixed in with DR-1 in this area. The area has been allowed is to piecemeal zone into more dense categories. Vice- Chair Taylor questioned if there is a cohesive plan to rezone this area. Wyatt stated yes there is a proposed Small Area Plan around University of North Texas (UNT). Jarvis stated the Small Area Plan is currently under way and a Request for Qualifications (RFQ) was issued at the beginning of the week. Jarvis commented on spot zoning and explained we may not have rezoned the parcels appropriately in the past, and staff does not encourage it. or is legally able. Jarvis commented that we may not legally be able to rezone this single parcel in this manner.

DeCurtis stated if it is City initiated then staff and the Commission have to be careful and mindful not to spot zone, unless the purpose is to comply with the future land use map, then it would be allowed.

Chair Strange stated he doesn't see an issue bumping up the zoning to DR-2. Commissioner Ellis stated there is a lot going on in this area and looks like multifamily.

Chair Strange closed the Work Session at 5:25p.m.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, April 12, 2017 at 6:30 p.m. in the City Council Chambers at City Hall, 215 E. McKinney at which time the following items were considered:

NOTE: The Planning and Zoning Commission reserves the right to adjourn into a Closed Meeting on any item on its Work Session or Regular Session agenda consistent with Chapter 551 of the Texas Government Code, as amended, including without limitation, Sections 551.071-551.086 of the Texas Open Meetings Act.

Chair Strange opened the Regular Meeting at 6:30 p.m.

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

2. CONSENT AGENDA

A. Consider a request by Jeffrey Bassinger for approval of a Final Plat of the Bassinger Addition, Lot 1, Block A. The 4.32 acre site is generally located on the east side of Fort Worth Drive, approximately 1,045 feet north of Brush Creek Road. (FP16-0039, Bassinger Addition, Hayley Zagurski).

Commissioner Larry Beck motioned, Commissioner Andrew Rozell 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

Chair Strange stated Public Hearing item C has been withdrawn.

A. Hold a public hearing and consider a request by Glen Martin of Denton ISD for approval of a Final Replat of Lot 1R, Block A of the Teasley Lane High School Addition; being a replat of Lot 1, Block A of the Teasley Lane High School Addition. The approximately 81.56 acre property is generally located on the east side of Teasley Lane, approximately 825 feet south of Montecito Drive in Denton County, Texas. (FR16-0029, Guyer High School Addition & Renovation, Hayley Zagurski).

Chair Strange opened the Public Hearing.

Hayley Zagurski, Associate Planner, presented Public Hearing item A. Zagurski stated this is a final replat for the Teasley Lane High School addition. The purpose for the replat is to take one lot that was formally platted and two unplatted parcels to create one single lot for future expansion.

The Commissioners had no questions regarding this item.

Chair Strange closed the Public Hearing.

Commissioner Gerard Hudspeth motioned. Commissioner Margie Ellis seconded to approve Public Hearing item A. 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".

B. Hold a public hearing and consider a proposed revision to the Denton Development Code; specifically to amend Subchapter 5 pertaining to the self-service storage use. (Z17-0001, Self-service Storage, Julie Wyatt).

Chair Strange opened the Public Hearing.

Julie Wyatt, Senior Planner, presented Public Hearing item B. The request is to amend Subchapter 5 of the Denton Development Code (DDC). Wyatt stated staff recommends approval with the condition to revise the proposed L (35) to include the following: All individually leased storage units must be contained within a climate-controlled building.

Vice-Chair Taylor provided his recommendation regarding this item which included the climate controlled requirement and the ability to see bay doors through windows should be allowed. Vice-

Chair Taylor stated staff needs to remove SUP and L(35) requirement from the Employment Center Industrial (EC-I) and Employment Center Commercial (EC-C) zoning districts.

Chair Strange stated he has concerns adding the SUP requirement to all three areas. Chair Strange also requested to continuing this item to allow staff time to revise the issues.

The following individual requested to speak:

Michael Coker, 3111 Canton Street Dallas, Texas 75226. Supports this request.

The applicant Michael Coker stated he met with staff in June 2016 to see what options they had due to the current zoning requirements not allowing for self-storage facility. Coker stated he worked with staff to come up with a recommendation, they researched other cities and how they dealt with self-storage. Coker requested 3 changes: change the language staff has put under staff requirement 1 to state: keep the storage facility to one story if it's in 120 feet of a neighborhood. 2. 1st level storage unit to allow drive up 3. Allow second level glass.

Commissioner Hudspeth questioned how someone would access the property. Coker stated it would come from Georgetown Drive.

Commissioner Ellis stated they cannot build a storage unit because its current zoning is Commercial Mixed Use General (CM-G) and we would have to write something into the code to allow this.

Vice-Chair Taylor questioned Coker if a two week delay would delay the project. Coker stated no, but they are unable to proceed unless the zoning is changed.

Commissioner Rozell requested to allow self-storage units in CM-G by Specific Use Permit (SUP) to leave off the EC-I and EC-C requirement for an SUP.

Chair Strange closed the Public Hearing.

Commissioner Hudspeth questioned Legal what the City's requirements are to maintain a gated facility. Jennifer DeCurtis, Assistant City Attorney, if Code Enforcement sees a violation from a right-a-way than they have the right to go on the property, if there is a gate or a no trespassing sign than they would have to seek consent form the owner to enter the property.

Commissioner Rozell motioned to allow self-storage units in CM-G by SUP only and exclude the recommendation for EC-I and EC-C. Commissioner Ellis seconded.

Vice-Chair Taylor requested to hold a Work Session to discuss protections for the neighborhood but still allowing the use. Chair Strange stated with the requirement for an SUP, all requests could be opposed by the Commission. Wyatt clarified for the Commission what conditions are allowed to be placed on a use within an SUP. Wyatt stated Subchapter 6 includes regulation and limitation of uses, a regulation of setbacks and spacing, fences, walls, requirement to submit a development plat, limiting the magnitude of traffic, points of vehicular access, signs, building materials, landscaping, screening, and buffering.

Commissioner Hudspeth stated he agrees with Vice-Chair Taylor to add an amendment to the motion to include input for the climate control. Commissioner Beck also requested the option to include climate controlled units.

DeCurtis stated there is a catchall in the Denton Development Code (DDC) Subchapter 35.6.5 condition P that states: Such other conditions as will make possible the development of the City in an orderly and efficient manner and in accordance with the provisions of this Subchapter that are reasonable, this will allow great latitude on the conditions the Commission opposes.

Vice-Chair Taylor requested an amendment to reinstate the requirements for masonry construction, no visible bay doors on the ground floor, the landscape buffer and fencing materials. Commissioner Rozell stated no, he believes with the zoning being CM-G with an SUP, it will provide the Commission enough power to construction a good project going forward.

Vice-Chair Taylor motioned to amend the motion to also require an SUP in EC-C and EC-I. There was no second for Vice-Chair Taylors amendment.

Vice-Chair Taylor motioned again to amend the motion and add L (35) requirements 1, 3, and 5.

Vice-Chair Taylor motioned. Commissioner Larry Beck seconded to amend the motion and reinstate L (35) requirements 1, 3, and 5. Motion denied (2-4). Vice-Chair Devin Taylor "aye", and Commissioner Larry Beck "aye". Commissioner Andrew Rozell "nay", Chair Jim Strange "nay", Commissioner Margie Ellis "nay", and Commissioner Gerard Hudspeth "nay".

Commissioner Andrew Rozell motioned. Commissioner Margie Ellis seconded to approve Public Hearing item 3B including the relocation of self-storage units from industrial to commercial land use, and to permit self-storage units in the CM-G district with an SUP. Motion approved (5-1). Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye". Vice-Chair Devin Taylor "nay".

C. Hold a public hearing and consider a request by A&A Denton Properties LP to rezone approximately 68.01 acres from an Employment Center Industrial (EC-I) District to an Industrial Center General (IC-G) District. The property is generally located on the northwest corner of the intersection of Highway 380 and Masch Branch Road. (Z17-0006, 380 & Masch Branch, Hayley Zagurski). THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT.

Chair Strange stated Public Hearing item C has been withdrawn by the applicant.

D. Hold a public hearing and consider a request by Di Realty, Inc. to rezone approximately 29 acres from a Regional Center Residential 1 (RCR-1) District and a Regional Center Commercial Downtown (RCC-D) District to a Commercial Mixed Use General (CM-G) District. The property is generally located on the northwest and southwest corners of Lakeview Boulevard and Shady Shores Road. This item was continued at the March 22, 2017 Planning and Zoning Commission meeting. (Z17-0002, Kroger Denton, Julie Wyatt).

Chair Strange opened the Public hearing.

Julie Wyatt, Senior Planner, stated the applicant has requested to postpone Public Hearing item D until the April 26, 2017 Planning and Zoning meeting.

Chair Jim Strange motioned. Vice-Chair Devin Taylor seconded to postpone Public Hearing item D until April 26, 2017. 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".

E. Hold a public hearing and consider a request by Aspire Investments, LLC. to rezone approximately 0.4 acre from a Downtown Residential 1 (DR-1) District to a Downtown Residential 2 (DR-2) District. The property is generally located on the west side of Neff Street, 175 feet north of Greenlee Street. This item was continued at the March 22, 2017 Planning and Zoning Commission meeting. (Z16-0030, The Cube Properties, Julie Wyatt).

Chair Strange opened the Public Hearing.

Julie Wyatt, Senior Planner, presented Public Hearing Item E. Wyatt stated the request is to rezone approximately 0.4 acres from Downtown Residential 1 (DR-1) to Downtown Residential 2 (DR-2). Wyatt stated staff recommends denial, as a change in the zoning would create an isolated zoning district which could impede the development of this area in a cohesive manner.

Chair Strange questioned Wyatt why staff is not in support when there is already a higher zoning designation within a half a lot away. Wyatt stated staff did look at the zoning pattern on the edges of the neighborhood, however because of the cohesive zoning pattern on this street and within the block this would isolate the zoning district. Chair Strange stated he could understand the decision if the development was on the block to the east. Wyatt stated since this block is on Neff Street and Neff Street is zoned DR-1 staff believes it's important to maintain.

The following individuals wished to speak:

 Mikey Patterson, 8805 Random Road, Fort Worth, Texas 76179. Supports this request.

 David Sutcliffe, 1219 Ave A, Denton Texas, 76201. Opposed to this request.

Mickey Patterson the applicant presented a presentation. Patterson stated the design is shipping container apartments. Patterson stated he did reach out to surrounding property owners but were either unable to contact them or there was little response.

Commissioner Rozell questioned if they would replat both lots after the rezone. Patterson stated yes that is the goal. Chair Strange questioned why the applicant wants to rezone. Patterson stated in DR-1 you can only develop duplexes not multifamily.

Commissioner Beck stated he believes Patterson would want to fit in with the neighborhood and shipping containers are not ideal and are not going to transition well. Patterson stated he disagrees

with Commissioner Beck and even with a straight masonry build the property should still be rezoned to DR-2.

Chair Strange closed the Public Hearing.

Commissioner Hudspeth stated this development seems to be before its time. Patterson stated they want to develop something trendy and modular.

Jennifer DeCurtis, Assistant City Attorney, stated the Commission will not be allowed to apply an overlay because there is not a commercial component buffering the property.

Commissioner Rozell stated Neff Street's character is changing and becoming a more dense area with the current development. Chair Strange stated this area is transitioning to become a multifamily area.

Chair Strange requested the opinion of Munal Mauladad, Director of Development Service regarding this item. Mauladad stated staff does not believe it's feasible to rezone this property at this time. Chair Strange stated he is having a hard time agreeing with staff with all the multifamily in this area.

Chair Strange requested the direction the Small Area Plan. Shandrian Jarvis, Development Review Committee Administrator, stated its still at the beginning phase and staff will receive public input, but at this point this area is in the study area boundaries.

Commissioner Rozell questioned if the Small Area Plan would contradict the vote from the April 12, 2017 Planning and Zoning Commission meeting. Mauladad stated it would and with the implementation of Small Area Plan it could result in another zoning change. Commissioner Rozell questioned the timeline for the Small Area Plan. Mauladad stated it is approximately an eighteen month program.

Commissioner Larry Beck motioned. Commissioner Gerard Hudspeth seconded to deny Public Hearing item E. Motion denied (2-4). Commissioner Larry Beck "aye", and Commissioner Gerard Hudspeth "aye". Vice-Chair Devin Taylor "nay", Commissioner Andrew Rozell "nay", Chair Jim Strange "nay", and Commissioner Margie Ellis "nay".

Vice-Chair Devin Taylor motioned. Commissioner Margie Ellis seconded to approve Public Hearing item E. Motion approved (4-2). Vice-Chair Devin Taylor "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye". Commissioner Larry Beck "nay", and Commissioner Gerard Hudspeth "nay".

4. PLANNING & ZONING COMMISSION PROJECT MATRIX

A. Planning and Zoning Commission project matrix.

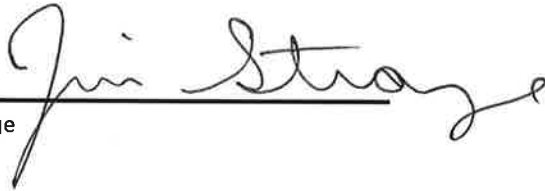
Chair Strange requested to explore in a Work Session the possibility of adding the financial aspects of the cases that come before the Planning and Zoning Commission.

Commissioner Rozell requested information regarding the locations of other Small Area Plans and the direction and process they provide to the community.

Chair Strange closed the Regular Meeting at 8:45 p.m.

X

Jim Strange
Chair

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X

Catherine Welborn
Administrative Assistant III

A handwritten signature in cursive script, appearing to read "Catherine Welborn", written over a horizontal line.