

MINUTES  
PLANNING AND ZONING MINUTES  
April 26, 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 26, 2017 at 5:30 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:** Chair Jim Strange, Vice-Chair Devin Taylor, Commissioners: Larry Beck, Andrew Rozell, Gerard Hudspeth and Margie Ellis.

**ABSENT:** Commissioner Steve Sullivan.

**STAFF:** Shandrian Jarvis, Hayley Zagurski, Bob Makowski, Jennifer DeCurtis, Ron Menguita, Earl Escobar, and Cathy Welborn.

**WORK SESSION**

1. Clarification of agenda items listed on the agenda for this meeting. This is an opportunity for Commissioners to ask questions of staff on the Consent and Regular Agenda Items, which may include a full briefing on an item in the order it appears on the regular session agenda. Any such briefing will be repeated in regular session.

Chair Strange opened the Work Session at 5:35 p.m.

Shandrian Jarvis, Development Review Committee Administrator, introduced Bob Makowski, Planning Supervisor.

Jarvis stated she would like to convene the Planning and Zoning Subcommittee for the Denton Development Code (DDC) rewrite the first week of June to meet with Clarion to receive an update.

Jarvis asked the Commission if they had any questions regarding the March 22, 2017 or April 12, 2017 Planning and Zoning meeting minutes. Commissioner Ellis stated page 5 line 35 of the March 22, 2017 meeting minutes are incorrect, where Commissioner Hudspeth stated he does not agree with the rezone, and it does not belong in this area, she stated it doesn't make since he is the one that motioned for approval. Chair Strange questioned if the March 22, 2017 meeting minutes should be postponed to a later date. Jennifer DeCurtis, Deputy City Attorney, stated the Commission and staff could wait to see if Commissioner Hudspeth shows up for the Regular Meeting.

Jarvis asked the Commission if there were any questions regarding the two plats on the Consent Agenda. Commissioner Beck questioned if a traffic analysis has been done on Kings Row.

Earl Escobar, Engineering Development Review Manager, stated they are extending Poinsettia Blvd to be a collector/service road for Loop 288 and there are plans to expand Kings Row along the frontage.

Commissioner Ellis questioned if the flood study in note 7 for Consent Agenda item B had been done. Escobar stated a drainage flood study was performed before staff could consider approval and note 7 just needs to be removed.

Hayley Zagurski, Associate Planner, presented Public Hearing item A. Zagurski stated the request is for a Specific Use Permit (SUP) to allow for a high school use on approximately 13 acres. Staff recommends approval of the request as it is compatible with the surrounding property and is consistent with the goals and objectives of the Denton Plan 2030, subject to the following conditions: 1. The proposed use must be restricted to existing buildings on Lots 1R, 2R, 3R, and 4R, Block A, of the Denton Bible Church Addition, as is reflected on the attached Site Plan. Existing landscaping coverage and parking counts must be maintained as is reflected on the attached Site Plan. Any changes to the building footprints, parking counts, parking lot layouts, or landscaping area must be approved by amending the SUP. 2. Ordinance 99-277 must be repealed and replaced by a new ordinance so that only one ordinance controls the high school use on the subject property.

Commissioner Rozell questioned if this SUP covers everything on the ordinance. Zagurski stated the current ordinance limits the applicant to 500 students. Commissioner Rozell questioned if all the City's requirements were updated. Zagurski stated staff did make sure it met the landscape and lot coverage requirements, and the buildings are within the height restrictions.

Commissioner Ellis questioned if the Commission has a copy of the new ordinance. Zagurski stated no the new ordinance is created for City Council based on the Planning and Zoning Commission recommendations.

Vice- Chair Devin Taylor questioned if condition one allows the applicant to develop on the undeveloped area without coming back to amend the SUP. Jarvis stated if the future use is permitted in the zoning district then it does not require an SUP as long as it complies with the development regulations, but if the new use is an extension to the high school then it would come back through the SUP process.

Vice-Chair Taylor questioned if that is the case even if the Commission binds them to a site plan for no development on the south end of the property. Jarvis questioned Zagurski if the limits of construction for the SUP include the undeveloped parcel. Zagurski stated yes the applicant shows it on the site plan. Jarvis stated staff needs to amend the limits of construction for the SUP.

Hayley Zagurski, Associate Planner, presented Public Hearing item B. This request is to rezone approximately 0.892 acres from Neighborhood Residential Mixed Use (NRMU) to Community Mixed Use General (CM-G) for a corner store on the North side of Hobson Lane. Staff recommends approval of the request as it is compatible with the surrounding property and is consistent with the goals and objectives of the Denton Plan 2030.

Commissioner Beck questioned if this is the same owner that will be building the convenience store. Zagurski stated yes it is the same developer. Commissioner Beck questioned if the applicant has indicated any future development for this lot. Zagurski stated this rezone was specifically triggered by staffs concern that we had created an isolated pocket of NRMU as a result of the previous rezoning for the corner of the lot. At this time we are unsure if the applicant's proposal will extend to this area.

Jarvis stated the applicant has requested an indefinite postponement of Public Hearing item 4C. DeCurtis stated the Commission will have to close the Public Hearing, then entertain a motion for postponement indefinitely.

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, April 26, 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.

Commissioner Gerard Hudspeth arrived.

Chair Strange called the Regular meeting to order at 6:34

#### 1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

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

A. PZ17-082 Consider approval of the Planning and Zoning Commission meeting minutes.

Commissioner Andrew Rozell motioned. Commissioner Margie Ellis seconded to approve the March 22, 2017 Planning and Zoning Commission meeting minutes with the change regarding Commissioner Hudspeth's remarks. Motion approved (5-0). 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 "abstained".

Chair Strange requested a clarification regarding the exact change to Commissioner Hudspeth's comments during the March 22, 2017 Planning and Zoning Commission meeting. Commissioner Rozell requested clarification from staff regarding the exact page and line number. Shandrian Jarvis, Development Review Committee Administrator, stated it is page 5 line 35.

Commissioner Andrew Rozell motioned. Commissioner Larry Beck seconded to approve the March 22, 2017 Planning and Zoning Commission meeting minutes with the change of page 5 line 35 to state Commissioner Hudspeth stated he does agree with the rezone striking it doesn't belong in this area. Motion approved (5-0). 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 "abstained".

Vice Chair Devin Taylor motioned. Chair Jim Strange seconded to approve the April 12, 2017 Planning and Zoning Commission meeting minutes. 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. CONSENT AGENDA

A. PP17-0009 Consider a request by ASG Harvest Hill, Ltd. for approval of a preliminary plat of Harvest Hill. The approximately 50.34 acre site is located north of Kings Row and south of Loop 288. (PP17-0009, Harvest Hill, Julie Wyatt)

B. Consider a request by ASG Harvest Hill, Ltd. for approval of a final plat of Harvest Hill. The 50.34 acre site is generally located north of Kings Row and south of Loop 288. (FP16-0032, Harvest Hill, Julie Wyatt).

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".

### 4. PUBLIC HEARINGS

A. Hold a public hearing and consider a request by Denton Bible Church for a Specific Use Permit to allow for a high school use on approximately 13.73 acres. The property is generally located at the southwest corner of the East University Drive and Nottingham Drive intersection. (S17-0002, Denton Calvary Academy High School, Hayley Zagurski).

Chair Strange opened the Public Hearing.

Hayley Zagurski, Associate Planner, presented Public Hearing item 4A. Zagurski stated the request is for a Specific Use Permit (SUP) to allow for a high school use on approximately 13.73 acres. Staff recommends approval of the request as it is compatible with the surrounding property and is consistent with the goals and objectives of the Denton Plan 2030, subject to the following conditions: 1. The proposed use must be restricted to existing buildings on Lots 1R, 2R, 3R, and 4R, Block A, of the Denton Bible Church Addition, as is reflected on the attached Site Plan. Existing landscaping coverage and parking counts must be maintained as is reflected on the attached Site Plan. Any changes to the building footprints, parking counts, parking lot layouts, or landscaping area must be approved by amending the SUP. 2. Ordinance 99-277 must be repealed and replaced by a new ordinance so that only one ordinance controls the high school use on the subject property.

Commissioner Beck questioned if the academy decided to build a facility on the empty lot would that generate another SUP to amend the current SUP. Zagurski stated yes with the existing recommendation language, but staff agrees to an amendment to the language to allow the academy to develop permitted uses on lot four.

Commissioner Rozell questioned if there would be any protection to the surrounding neighborhood if the last condition in Ordinance 99-277 section one which states: **That any change in lighting on the property shall be designed and maintained so as not to shine on or otherwise disturb, surrounding residential property or to shine and project upward into the night sky** is removed. Zagurski stated there is a section in Subchapter 13 which states all outer lighting must be pointed downwards.

Chair Strange requested number of allowed students and parking. Zagurski stated the existing parking count is 694, and the maximum number of students indicated by the applicant is 1500, but the student count is not stated on the site plan. Chair Strange then questioned if they would be limited to that number if it wasn't stated in the SUP. Zagurski responded that there would be no limitations on number of students other than by occupancy restrictions of the existing buildings.

The following individual requested to speak during the Public Hearing:

Stacey Baxter, 2101 Colorado Blvd Apt 51303, Denton TX 76206. Supports this request.

Chair Strange read the following Public Hearing cards into the record for those that did not want to speak:

Everette Newland, 8485 Jim Christal Rd, Denton TX, 76207. Supports this request.

Darren Thompson, 710 Magnolia Street, Denton TX, 76201. Supports this request.

Ryan Soulier, 3220 Nottingham DR, Denton TX, 76209. Supports this request.

Zach Rozell, 2213 Winthrop Hill Rd, Argyle TX, 76226. Supports this request.

Pat Smith, 2300 E University Dr, Denton TX, 76209. Supports this request.

Jenny Newland, 8485 Jim Christal Rd, Denton TX, 76207. Supports this request.

Max Roberson, 1100 Hillcrest Street, Denton TX, 76201. Supports this request.

Perla McBeain, 2657 S Bonnie Brae Street, Denton TX, 76207. Supports this request.

Courtney Roberson, 1100 Hillcrest Street, Denton TX, 76201. Supports this request.

Chair Strange closed the Public Hearing.

Vice-Chair Devin Taylor motioned. Commissioner Andrew Rozell seconded to approve Public Hearing 4A based on staffs conditions and the following recommendations: 1. The proposed use must be restricted to existing buildings on Lots 1R, 2R, 3R, and 4R, Block A, of the Denton Bible Church Addition, as is reflected on the Site Plan included as exhibit. Existing landscaping coverage and parking counts must be maintained as is reflected on the Site Plan. Any changes to the building footprints, parking counts, parking lot layouts, or landscaping area on Lots 1R, 2R, or 3R must be approved by amending the SUP. Lot 4R can develop with uses permitted in the NRMU District under the standards of the Denton Development Code without amending the SUP. 2. Ordinance 99-277 must be repealed and replaced by a new ordinance so that only one ordinance controls the



high school use on the subject property. 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 request by Vandesmith Developers, Ltd. to rezone approximately 0.862 acres from a Neighborhood Residential Mixed Use (NRMU) District to a CM-G District. The subject property is generally located on the north side of Hobson Lane, approximately 340 feet east of Country Club Road in the City of Denton, Denton County, Texas. (Z17-0007, CST Corner Store, Hayley Zagurski).

Chair Strange opened the Public Hearing

Hayley Zagurski, Associate Planner, presented Public Hearing item 4B. Zagurski stated the request is to rezone 0.862 acres from Neighborhood Residential Mixed Use (NRMU) to Community Mixed General (CM-G).

Commissioner Rozell questioned if staff requested the applicant to combine the two properties. Zagurski stated yes it was a staff initiated request.

The following individual requested to speak:

Nathan Tune, 3717 Merrimack Dr., Denton TX, 76210. Supports this request.

Chair closed the Public hearing.

Commissioner Ellis stated for the record she was against this rezoning to CM-G the last time, but since it did pass it doesn't make any sense for her to vote against this particular tract of land.

Commissioner Andrew Rozell motioned. Commissioner Gerard Hudspeth seconded to approve Public Hearing item 4B. 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".

C. 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 April 12, 2017 Planning and Zoning Commission meeting. (Z17-0002, Kroger Denton, Julie Wyatt).

Public Hearing item 4C was left open from the April 12, 2017 Planning and Zoning Commission meeting.

Chair Strange called for any citizens to speak on Public Hearing item 4C.

Chair Strange closed the Public Hearing.

Vice-Chair Devin Taylor motioned. Commissioner Margie Ellis seconded to postpone infinitely. 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".

5. PLANNING & ZONING COMMISSION PROJECT MATRIX

A. PZ17-083 Planning and Zoning Commission project matrix.

Shandrian Jarvis, Development Review Committee Administrator, asked the Commissioner's if they had items to add to the matrix. The Commissioners had no items. Chair Strange requested an update regarding the financial analysis he requested. Jennifer DeCurtis, Deputy City Attorney, stated staff is going to get with Chair Strange individually to discuss his request before it is brought before the Commission.

Chair Strange closed the Regular Meeting at 7:06 p.m.

X

Jim Strange  
Chair

X

Catherine Welborn  
Administrative Assistant III