

Minutes
Planning and Zoning Commission
October 24, 2018

After determining a quorum was present, the Planning and Zoning Commission of the City of Denton, Texas convened in a Work Session on Wednesday, October 24, 2018 at 5:00 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 Andrew Rozell, Commissioners: Alfred Sanchez, Larry Beck, Jason Cole, Mat Pruneda, Tim Smith, and Margie Ellis.

ABSENT: None.

STAFF: Cathy Welborn, Karen Hermann, Hayley Zagurski, Scott McDonald, Cindy Jackson, Ron Menguita, Richard Cannone, Julie Wyatt, Sean Jacobson, Scott McDonald and Jerry Drake.

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 Rozell opened the Work Session at 5:13 p.m.

Chair Rozell asked the Commission if there were any questions regarding the Consent Agenda.

Commissioner Ellis requested clarification for Note 4 on how the applicant would obtain permission from downstream developments. Hayley Zagurski, Senior Planner, stated all properties are required to improve the storm water system in order to get their water to the outfall. Zagurski continued to state Engineering required the note to ensure all 3 developments come to an agreement to convey their water across each other's property.

Chair Rozell stated 4A has been postponed to a date certain of November 14, 2018.

Cindy Jackson, Senior Planner, presented Public Hearing item 4B. Jackson stated the request is to subdivide Lot 15A into two lots. The site was originally platted as Lots 15 and 16, Block 17, Royal Acres Section 5 in 1972. A replat, combining lots 15 and 16 into one lot, Lot 15A, was approved in 1976. Lot 15A was subsequently developed with a single family residence in 1976. The applicant is now proposing to subdivide Lot 15A back into two lots as shown on the attached plat, Exhibit 3. According to Subsection 35.5.2.3, the NR-4 zoning district establishes a minimum lot size of 7,000 square feet, with a minimum lot width of 50-feet and a minimum lot depth of 80-feet. The replat will create a 0.307 acre lot and a 0.276 acre lot.

Jackson stated staff does recommend approval of the request, as it meets the established requirements.

Commissioner Ellis questioned if the Single Family Resident (SFR) currently located on the lot will stay there. Jackson stated yes staff required the applicant to provide a survey to ensure the subdivision will comply with all setback and open space requirements.

Ron Menguita, Principal Planner, presented Public Hearing item 4C. Menguita stated the applicant intends to replat the property into two lots and develop a duplex on each lot. The approximately 0.289 acre property is generally located on the east side of Bernard Street, approximately 350 feet north of Eagle Drive. Notices were sent out and no responses were received.

Commissioner Pruneda questioned if the applicant would be required to have parking onsite. Menguita stated yes they will have to meet onsite parking requirements in order to develop.

Cindy Jackson, Senior Planner, presented Public Hearing item 4D. Jackson stated the applicant is requesting an initial zoning designation of Neighborhood Residential 6 (NR-6) District, in conjunction with a SUP request (S17-0008) in order to develop the site with a Manufactured Housing Development with a density of 4.15 dwelling units per acre and six single family residences on one-acre lots, totaling six acres, the current zoning is Rural Residential (RD-5X). The NR-6 District permits manufactured housing developments upon approval of a SUP. The zoning request must be approved in order for the SUP to be considered.

Commissioner Sanchez questioned why it was important for staff to bring the number of structures down. Jackson stated due to the opposition from the neighborhood located significantly to the north. Jackson stated the residents located in Lakeview Ranch were concerned about traffic diverting to Trinity Road, but within two years the updates to McKinney Street and Mayhill Road should solve those issues.

Commissioner Beck questioned if the homes would be on slab foundations. Jackson stated yes the homes would be on concrete foundations.

Jackson stated legal notices were sent out and with the two oppositions from the communities on either side of the development the requirement of super majority vote from City Council is required for approval.

Commissioner Smith questioned if the two opposition responses were only against the development because they are competition to their development. Jackson stated yes that was stated on the returned responses.

Jackson stated staff does recommend approval of the request subject to the following conditions for approval of this request. These conditions will bring the site into compliance with the goals and objectives of the Denton Plan 2030. The proposed conditions for approval are: An overlay be placed on the property with the following conditions: **1.** the maximum permitted density on the site shall be no more than four dwelling units per gross acre. **2.** Permitted land uses on the site: **A.**

498 Modular and manufactured homes on 120.1 gross acres; and **B.** six single family detached housing on minimum one-acre lots.

Cindy Jackson, Senior Planner, presented Public Hearing item 4E. Jackson stated the applicant is requesting approval of a SUP to develop a Manufactured Housing Development with 498 stands on 120.1 acres with a density of 4.15 dwelling units per acre. The overall site contains 126.1 acres, however six one-acre lots for single family homes are proposed along South Trinity Road. A request to provide an initial zoning designation of NR-6 on the approximately 118 acres of the site is being heard concurrently with this request. The NR-6 District permits manufactured housing developments upon approval of a SUP. The zoning request must be approved in order for the SUP to be considered. Jackson stated staff does recommend approval of the request with the following conditions: **1.** Allowed Land Uses: Only allowed land uses are 498 Modular and Manufactured Housing on [redacted] gross acres and six One-Acre Single Family Detached Housing. **2.** There shall be a minimum of 6 acres of land developed as one-acre single family lots. These lots shall front Trinity Road. **3.** 40% of the existing tree canopy must be preserved. **4.** 100% of the City of Denton ESA Areas shall be preserved, except for one roadway crossing. **5.** A minimum 10 acres of open space/green space shall be provided. **6.** Amenity Center - Minimum 4,500 square foot air-conditioned club house with pool and cabana. **7.** Minimum of two 2-inch diameter trees shall be planted on each lot. **8.** The homes to have brick or stone wainscoting for the skirting. **9.** Deed Restrictions shall be reviewed and approved by the city prior to filing of the first Final Plat. Deed restrictions shall be filed with the county and include the following minimum requirements: **A.** Property ownership shall own and maintain all improvements on the property. This shall include all streets, wet utilities, landscaping, irrigation systems, fencing, landscape buffers along perimeter, creeks, drainage ways, ESA areas, etc. Only franchise utility improvements shall be owned and maintained by others. These utilities shall be installed specific easements as identified by the Final Plat. **B.** Property ownership is required to mow and edge all common areas and stand areas at least every two weeks in the Spring and Summer months. Every three weeks is required in the Fall and Winter months. **C.** Property shall be gated. **D.** Property shall 100% owned by one entity. **E.** Property shall be platted as a single lot. **F.** All manufactured homes shall be installed on an engineered reinforced concrete slab. **G.** All manufactured homes shall be structurally affixed to the concrete pad. **H.** Manufactured Homes must be offset a minimum of 20' off the back of curb. Minimum 18' wide driveway must be installed in front of the homes, therefore providing 2 off-street parking spots per home. **I.** All homes to have masonry skirting down to the concrete slab, on all sides of the home. **10.** McKinney Street Screening & Landscape Buffer Improvements: **A.** 20' landscape buffer with automated irrigation systems. **B.** 4-inch minimum diameter shade trees planted on 30' centers, with a staggered row on each side of the proposed screening wall. **C.** 8' masonry screening wall built on a 2'-3' tall berm. Berm shall have a flat top of at least 5' and a maximum side slope of 5:1. Creating an effective screening height of 10'-11'. **11.** 6' masonry screening wall to be installed between the one acre lots and remaining development. Fence to be installed with the first adjoining phase. **12.** As a result of the TIA: **A.** There shall be three (3) public street access points for the development. Two connections along McKinney Street and one (1) along Trinity Road. **B.** Developer shall dedicate the ultimate right-of-way for future Post Oak Boulevard at no fee to the city, upon filing of the first Final Plat. This is approximately 1,100 linear feet parallel to the west property line and 135' wide, equating to approximately 3.4 acres of land. **C.** Developer shall install two left turn lanes into the development along McKinney Street. **D.** Developer to install a 6' reinforced concrete public trail along the property frontage and terminate

at the Ryan High School. Along the property frontage this trail will meander within the 20' landscape buffer and McKinney Street right-of-way. North of the site the trail will be installed inside the McKinney Street right-of-way.

Jackson stated notices were sent out and the one response received a super majority vote is required from City Council in order of approval.

Cindy Jackson, Senior Planner, presented Public Hearing 4F. Jackson stated the request is for a Specific Use Permit (SUP) for two existing automobile repair facilities located on the site. Quick Vehicle Service is permitted with the approval of a Specific Use Permit in the NRMU zoning district. The building in which the two subject automotive repair facilities are located was designed as an office/warehouse building comprising ten office/warehouse suites.

Commissioner Prundea questioned if the location is still used as self-storage. Jackson stated yes the development is still used as a self-storage facility.

Richard Cannone, Deputy Director of Development Services, requested clarification if the vacant lot to the west which is being used as overflow parking is included in this request. Jackson stated no it is not included in the request.

Commissioner Sanchez questioned if the Commission could add a condition to allow the SUP to be removed if the applicant does not comply with staff's conditions. Jackson requested Jerry Drake, First Assistant City Attorney, to provide clarification. Drake stated the Denton Development Code (DDC) does allow conditions to be imposed.

Commissioner Smith questioned the allowed parking for an approved quick service vehicle location. Jackson stated it is one parking spot per 300 square feet.

Jackson stated since the site was developed in 1985 it does not conform to the standards of the Neighborhood Residential Mixed Use (NRMU).

Jackson stated staff recommends denial of this request. Should the Planning and Zoning Commission decide to approve this request, Staff recommends the following conditions: **1.** A new Certificate of Occupancy for the correct use, Quick Vehicle Servicing, must be applied for and approved. **2.** This Specific Use Permit shall be limited to these two particular business owners and these two particular suites. **3.** This Specific Use Permit will be limited to the use description and floor plan shown in Exhibit 7 and Exhibit 8. **4.** Overnight outdoor storage of automobiles is prohibited. **5.** No more than two customer vehicles per each business can be parked in the parking spaces in front of the building during business hours.

Chair Rozell called for a recess at 6:16 p.m.

Chair Rozell reconvened the Work Session at 6:25 p.m.

Julie Wyatt, Senior Planner, presented Public Hearing 4G. Wyatt stated the request is to hold a public hearing and consider making a recommendation to City Council regarding a proposed revision to the Denton Development Code; specifically to update the Planning and Zoning Commission Operational Procedures in Subchapter 4 Boards, Commissions, and Committees related to motions resulting in a tie vote. Wyatt continued to state staff does recommend approval of the request.

Commissioner Smith questioned if this amendment would only pertain to the Planning and Zoning Commission. Wyatt stated yes the Denton Development Code only addresses the Planning and Zoning Commission.

Commissioner Ellis stated we are rewriting good policy that is already in place to address the one rare issue that occurred and there are devious people that could cause a conflict of interest for a Commissioner in order to push their item onto City Council. Richard Cannone, Deputy Director of Development Services, stated the Commission is always able to table the item to the next meeting. Jerry Drake, First Assistant City Attorney, stated if the purpose of the law is for City Council to consider the Planning and Zoning Commission's recommendation and a tie vote is not a strong recommendation.

Commissioner Ellis stated with the way the revision is written she would be voting no. Commissioner Pruneda agreed with Commissioner Ellis and is concerned this would specifically target cases where there is a recusal. Commissioner Sanchez also agreed with Commissioner Ellis and stated just because of one unique situation does not require a change to the code.

2. Work Session Reports

A. Hold a discussion regarding the Denton Development Code update future public draft and work session.

B. Request confirmation from the Commission on the attendance for the November 28, 2018 Planning and Zoning Commission meeting.

Chair Rozell asked the Commission if anyone would be absent on November 28, 2018. The Commission stated all would be in attendance.

Chair Rozell closed the Work Session at 6:39 p.m.

REGULAR MEETING

Chair Rozell opened the Regular Meeting at 6:45 p.m.

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, October 24, 2018 at 6:30 p.m. in the City Council Chambers at City Hall, 215 E. McKinney at which time the following items were considered:

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

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

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

Commissioner Tim Smith motioned, Commissioner Mat Pruneda second to approve the October 10, 2018 meeting minutes. Motion approved (7-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Commissioner Mat Pruneda "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

3. CONSENT AGENDA

A. Consider a request by CDI 2499 LLC for approval of a Conveyance Plat of Lots 1 and 2, Block A, Green Carwash Addition. The approximately 5.12-acre site is generally located on the east side of Barrel Strap Road/FM 2499, approximately 1,285 feet north of Hickory Creek Road in the City of Denton, Denton County, Texas. (CV18-0003, Green Carwash Addition, Hayley Zagurski).

B. Consider a request by GDHI Homes LLC for approval of a Preliminary Plat for Audra Pointe. The approximately 13.2-acre site is generally located on the east and south side of Audra Lane approximately 130 feet north of Lattimore Street in the City of Denton, Denton County, Texas. (PP18-0011, Audra Pointe, Hayley Zagurski).

C. Consider a request by Robson Denton Development, LP for approval of a Preliminary Plat for Robson Ranch Unit 28-1. The approximately 47.050-acre site is generally located on the north side of Yarbrough Way, approximately 1,770 feet east of Florence Road in the City of Denton, Denton County, Texas. (PP18-0003, Robson Ranch Unit 28-1, Julie Wyatt).

Commissioner Margie Ellis motioned, Commissioner Larry Beck seconded to approve the Consent Agenda. Motion approved (7-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Commissioner Mat Pruneda "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

4. PUBLIC HEARINGS

A. Hold a public hearing and consider making a recommendation to City Council regarding a request by Lee Allison of the Allison Engineering Group on behalf of Responsive Education Solutions and Lifeline Church of Denton for a zoning change from Neighborhood Residential 2 (NR-2) to a Neighborhood Residential Mixed-Use (NRMU) District on two adjacent tracts, one of approximately 5.723 acres and the other of approximately 4.389 acres. The subject site is generally located southwest of the intersection of Teasley Lane and Pennsylvania Drive, in the City of Denton, Denton

County, Texas (CDP Bravo, Z18-0021, Sean Jacobson). STAFF HAS POSTPONED THIS ITEM TO THE NOVEMBER 14, 2018 PLANNING AND ZONING COMMISSION MEETING.

Chair Rozell stated Public Hearing item 4A has been postponed to the November 14, 2018 meeting.

B. Hold a public hearing and consider a request by Jerald Yensan with Landmark Surveying representing Vichapong Boonme for approval of a Final Replat of Lots 15A-R1 and 15A-R2, Block 17; being a residential replat of Lot 15A, Block 17 of Royal Acres, Section 5. The approximately 0.643 acre property is generally located at southeast corner of the intersection of Hercules Lane and Wellington Drive in the City of Denton, Denton County, Texas. (FR18-0010, Royal Acres Section 5, Cindy Jackson)

Chair Rozell opened the Public Hearing

Cindy Jackson, Senior Planner, presented Public Haring item 4B. Cindy Jackson, Senior Planner, presented Public Hearing item 4B. Jackson stated the request is to subdivide Lot 15A into two lots. The site was originally platted as Lots 15 and 16, Block 17, Royal Acres Section 5 in 1972. A replat, combining lots 15 and 16 into one lot, Lot 15A, was approved in 1976. Lot 15A was subsequently developed with a single family residence in 1976. The applicant is now proposing to subdivide Lot 15A back into two lots as shown on the attached plat. Jackson stated staff does recommend approval of the request, as it meets the established requirements.

Commissioner Beck requested the applicant to speak.

The following individual spoke during the Public Hearing:

Jerald Yensan, 4238 I-35 North, Denton, Texas 76207. Supports the request.

Commissioner Beck questioned if the intent for dividing the lot is to build another single family residence. Yensan stated from his understanding that is what the owner is going to build.

Chair Rozell closed the Public Hearing.

Commissioner Tim Smith motioned, Commissioner Larry Beck seconded to approve Public Hearing 4B. Motion approved (7-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Commissioner Mat Pruneda "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

Chair Rozell stated Public Hearing item 4G will be heard before Public Hearing item 4C

C. Hold a public hearing and consider a request by Katherine Brock with Macatee Engineering, LLC representing Ping Zhang for approval of a Final Replat of the Treehouse Apartments Addition, being a residential replat of Lot 1, Block 1. The applicant intends to replat the property into two lots and develop a duplex on each lot. The approximately

0.289 acre property is generally located on the east side of Bernard Street, approximately 350 feet north of Eagle Drive, in the City of Denton, Denton County, Texas. (FR18-0009, 711 Bernard, Ron Menguita)

Chair Rozell opened the Public Hearing item 4C.

Ron Menguita, Principal Planner, presented Public Hearing item 4C. Menguita stated the applicant intends to replat the property into two lots and develop a duplex on each lot. The approximately 0.289 acre property is generally located on the east side of Bernard Street, approximately 350 feet north of Eagle Drive. Notices were sent out and no responses were received.

Chair Rozell closed the Public Hearing.

Commissioner Larry Beck motioned, Commissioner Mat Pruneda seconded approve Public Hearing item 4C. Motion approved (7-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Commissioner Mat Pruneda "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

D. Hold a public hearing and consider a request by The Woodlands on McKinney Street, LLC to provide an initial zoning district designation of Neighborhood Residential 6 (NR-6) District to an approximately 118.041 acre property. The property is generally located north of East McKinney Street and west of South Trinity Road. (Z17-0004, The Woodlands of McKinney Street, Cindy Jackson)

E. Hold a public hearing and consider making a recommendation to City Council regarding a Specific Use Permit request by The Woodlands on McKinney Street, LLC. for a manufactured housing park on approximately 126.148 acres of land. The property is generally located north of East McKinney Street and west of South Trinity Road. (S17-0008, The Woodlands of McKinney Street, Cindy Jackson)

Chair Rozell stated Public Hearing items 4D and 4E would be heard together.

Chair Rozell opened the Public Hearing 4D and 4E

Cindy Jackson, Senior Planner, presented Public Hearing item 4D and 4E. Jackson stated the applicant is requesting an initial zoning designation of Neighborhood Residential 6 (NR-6) District, in conjunction with a SUP request (S17-0008) in order to develop the site with a Manufactured Housing Development with a density of 4.15 dwelling units per acre and six single family residences on one-acre lots, totaling six acres, the current zoning is Rural Residential (RD-5X). The NR-6 District permits manufactured housing developments upon approval of a SUP. The zoning request must be approved in order for the SUP to be considered.

Jackson stated staff does recommend approval of the request subject to the following conditions for approval of this request. These conditions will bring the site into compliance with the goals and objectives of the Denton Plan 2030. The proposed conditions for approval are: An overlay be placed on the property with the following conditions: 1. the maximum permitted density on the

site shall be no more than four dwelling units per gross acre. **2.** Permitted land uses on the site: **A.** 498 Modular and manufactured homes on 120.1 gross acres; and **B.** six single family detached housing on minimum one-acre lots.

Jackson stated notices were sent out and the one response received a super majority vote is required from City Council in order of approval.

Cindy Jackson, Senior Planner, presented Public Hearing item 4E. Jackson stated the applicant is requesting approval of a SUP to develop a Manufactured Housing Development with 498 stands on 120.1 acres with a density of 4.15 dwelling units per acre. The overall site contains 126.1 acres, however six one-acre lots for single family homes are proposed along South Trinity Road. A request to provide an initial zoning designation of NR-6 on the approximately 118 acres of the site is being heard concurrently with this request. The NR-6 District permits manufactured housing developments upon approval of a SUP. The zoning request must be approved in order for the SUP to be considered. Jackson stated staff does recommend approval of the request with the following conditions: **1.** Allowed Land Uses: Only allowed land uses are 498 Modular and Manufactured Housing on 126.1 gross acres and six One-Acre Single Family Detached Housing. **2.** There shall be a minimum of 6 acres of land developed as one-acre single family lots. These lots shall front Trinity Road. **3.** 40% of the existing tree canopy must be preserved. **4.** 100% of the City of Denton ESA Areas shall be preserved, except for one roadway crossing. **5.** A minimum 10 acres of open space/green space shall be provided. **6.** Amenity Center - Minimum 4,500 square foot air-conditioned club house with pool and cabana. **7.** Minimum of two 2-inch diameter trees shall be planted on each lot. **8.** The homes to have brick or stone wainscoting for the skirting. **9.** Deed Restrictions shall be reviewed and approved by the city prior to filing of the first Final Plat. Deed restrictions shall be filed with the county and include the following minimum requirements: **A.** Property ownership shall own and maintain all improvements on the property. This shall include all streets, wet utilities, landscaping, irrigation systems, fencing, landscape buffers along perimeter, creeks, drainage ways, ESA areas, etc. Only franchise utility improvements shall be owned and maintained by others. These utilities shall be installed specific easements as identified by the Final Plat. **B.** Property ownership is required to mow and edge all common areas and stand areas at least every two weeks in the Spring and Summer months. Every three weeks is required in the Fall and Winter months. **C.** Property shall be gated. **D.** Property shall 100% owned by one entity. **E.** Property shall be platted as a single lot. **F.** All manufactured homes shall be installed on an engineered reinforced concrete slab. **G.** All manufactured homes shall be structurally affixed to the concrete pad. **H.** Manufactured Homes must be offset a minimum of 20' off the back of curb. Minimum 18' wide driveway must be installed in front of the homes, therefore providing 2 off-street parking spots per home. **I.** All homes to have masonry skirting down to the concrete slab, on all sides of the home. **10.** McKinney Street Screening & Landscape Buffer Improvements: **A.** 20' landscape buffer with automated irrigation systems. **B.** 4-inch minimum diameter shade trees planted on 30' centers, with a staggered row on each side of the proposed screening wall. **C.** 8' masonry screening wall built on a 2'-3' tall berm. Berm shall have a flat top of at least 5' and a maximum side slope of 5:1. Creating an effective screening height of 10'-11'. **11.** 6' masonry screening wall to be installed between the one acre lots and remaining development. Fence to be installed with the first adjoining phase. **12.** As a result of the TIA: **A.** There shall be three (3) public street access points for the development. Two connections along McKinney Street and one (1) along Trinity Road. **B.** Developer shall dedicate the ultimate right-of-way for future Post Oak

Boulevard at no fee to the city, upon filing of the first Final Plat. This is approximately 1,100 linear feet parallel to the west property line and 135' wide, equating to approximately 3.4 acres of land. **C.** Developer shall install two left turn lanes into the development along McKinney Street. **D.** Developer to install a 6' reinforced concrete public trail along the property frontage and terminate at the Ryan High School. Along the property frontage this trail will meander within the 20' landscape buffer and McKinney Street right-of-way. North of the site the trail will be installed inside the McKinney Street right-of-way.

Jackson stated notices were sent out and with the one response received, super majority vote would be required from City Council in order of approval.

Commissioner Beck requested the difference between a trailer park and the proposed development. Jackson stated a trailer home would have been developed before 1976 were on wheels, manufactured homes were built after 1976 are placed on an engineered foundation.

Commissioner Sanchez questioned if modular homes are permitted within the City limits. Jackson stated yes modular homes are permitted by right.

Commissioner Pruneda questioned what the yard size would be for these lots. Richard Cannone, Deputy Director of Development Services, stated the minimum requirements are no less than 40 feet in width, no less than 100 feet in depth and minimum area of 5000 square feet.

Michael Holigan and Brent Murphree, the applicants, provided a presentation on the modular home development. Holigan stated the reason they choose this site was the location with other developments in the area.

Commissioner Smith questioned the applicant if the intent for these homes is for the primary homeowner to purchase the home or the home to be purchased by the owner and converted into a rental property. Holigan stated the only part of the property that will be rented is the stands the modular homes sit on.

Commissioner Smith questioned the cost to lease a stand. Holigan stated between 400 and 500 dollars per month.

Commissioner Smith questioned if the commission could add a restriction to not allow occupancy to phase one McKinney Street has been updated. Jackson stated a condition could be added to the SUP stating the release of phase one should coincide with the completion of McKinney Street.

Commissioner Ellis questioned if the maintenance to the homes is included in the lot rent. Holigan confirmed it is included in the rent cost.

Commissioner Beck questioned City staff what it would take to help the residence of Lakeview Ranch with speed mitigation. Cannone stated the issue is currently Lakeview Boulevard is designated as Collector Street, but with the mobility plan update it could be looked at and change with the direction of Post Oak Road.

Commissioner Smith questioned if the applicant would consider adding speed mitigation to Lakeview Boulevard. Holigan agreed to add speed mitigation to Lakeview Boulevard.

Commissioner Beck requested the applicant to explain their plans for tree mitigation. Murphree stated they are going to be preserving two heavily treed Environmentally Sensitive Areas (ESA) and also planting back matured trees. Jackson stated a tree preservation plan will be required during the platting process, in which the applicant will be required to preserve the high quality trees as well as secondary quality trees.

Chair Rozell requested the Commission to take notes, only ask questions to the individual speaking and hold questions for the applicant or City staff until all public individuals have spoken.

Chair Rozell stated since there are two public hearings open each speaker is being given six minutes to speak.

The following individuals spoke during the Public Hearing:

Michael Holigan, 2837 Creekway Dr., Carrollton, Texas 75010. Supports this request.
Brent Murphree, 5750 Genesis Court, Frisco, Texas 75034. Supports this request.
Jason Vannucci, 1901 Lakeview Blvd. Denton, Texas 76208. Opposed to the request
Merritt Kirk, 1301 Lakeview Blvd., Denton, Texas 76208. Opposed to the request.
Martha Lang, 908 Lakeview Blvd., Denton, Texas 76208. Opposed to the request.
Sheila Roepke, 1402 Lakeview Blvd., Denton, Texas 76208. Opposed to the request.
Ronald Bashor, 1108 Lakeview Boulevard, Denton, Texas 76208. Opposed to the request.
Doug Herzog, 7909 Rodeo Drive, Denton, Texas 76208. Opposed to the request.
Dainel Donegen, 1308 Lakeview Boulevard, Denton, Texas 76208. Opposed to the request.
Emily Wilson, 8216 Oak Creek Lane, Denton, Texas 76208. Opposed to the request.
Bill Roepka, 1402 Lakeview Boulevard, Denton, Texas 76208. Opposed to the request.
Janet Glowicz, 8017 Stallion Street, Denton, Texas 76208. Opposed to the request.
Steven Leach, 8200 Oak Creek Lane, Denton, Texas 76208. Opposed to the request
Brian Flatley, 901 Lakeview Boulevard, Denton, Texas 76208. Opposed to the request.
Bill Haddon, 2000 Lakeview Boulevard, Denton, Texas 76208. Opposed to the request.
Kourosh Hemyari, 5915 Haraby Court, Dallas, Texas 75248. Opposed to the request.
Berry Sangani, 4541 Lancelot Drive, Plano, Texas 75024. Opposed to the request.
David Laney, 2501 Laney Circle, Denton, Texas 76208. Opposed to the request.
Bobby Self, 7800 E McKinney Street, Denton, Texas 76208. Opposed to the request.
Shane Broughton, 8540 Stallion Court, Denton, Texas 76208. Opposed to the request.
Tim Blakenship, 1197 S. Trinity Road, Denton, Texas 76208. Opposed to the request.
David Pritchard, 1125 S. Trinity Road, Denton, Texas 76202. Neutral to the request.
Luigi Manzi, 1115 S Trinity Road, Denton, Texas 76208. Opposed to the request.
Don Wiley, 8001 Stallion Street, Denton, Texas 76208. Opposed to the request.
Cody Hogan, 589 Trinity Road, Denton, Texas 76208. Opposed to the request.
Sunny Emery, 8009 Stallion Street, Denton, Texas 76208. Opposed to the request.
Janet McKinstry, 8108 Oak Creek Lane, Denton, Texas 76208. Opposed to the request.
Gail Ashby, 8209 Oak Creek Lane, Denton, Texas 76208. Opposed to the request.

The following individuals requested not to speak during the Public Hearing:

Ronald Zitsch, 2200 Lakeview Boulevard, Denton, Texas 76208. Opposed to the request.
Eric J Saull, 908 Lakside Boulevard, Denton, Texas 76208. Opposed to the request.
Alberta Kirk, 1301 Lakeview Boulevard, Denton, Texas 76208. Opposed to the request.
Alice Gill, 7401 Stallion Street, Denton, Texas 76208. Opposed to the request.
Scott Henkes, 409 Lakeview Boulevard, Denton, Texas 76208. Opposed to the request.
Jenifer Gellhest, 8509 Stallion Court, Denton, Texas 76208. Opposed to the request.
Alice Haddon, 2000 Lakeview Boulevard, Denton, Texas 76202. Opposed to the request.
Max Estes, 801 Lakeview Boulevard, Denton, Texas 76208. Opposed to the request.
Don Albrectit, 1100 Lakeview Boulevard, Denton, Texas 76208. Opposed to the request.
Chris Lohmann, 8208 Oak Creek Lane, Denton, Texas 76208. Opposed to the request.
Bill McKinarey, 8108 Oak Creek Lane, Denton, Texas 76208. Opposed to the request.
Patricia Battiato, 7909 Oak Creek Lane, Denton, Texas 76208. Opposed to the request.
Larry Ashby, 8209 Oak Creek Lane, Denton, Texas 76208. Opposed to the request.
Debbie Henkes, 409 Lakeview Boulevard, Denton, Texas 76208. Opposed to the request.

The residents from the Lakeview Ranch development and located on Trinity Road, voiced their concerns regarding speeding issues, traffic concerns, dumping issues, property value decreases, drainage issues and the lift station capabilities.

Chair Rozell closed the Public Hearing.

Chair Rozell called a recess at 11:43p.m.

Chair Rozell reconvened the Regular Meeting at 11:53p.m.

Commissioner Beck requested the applicant to discuss the amenities they will be providing. Murphee stated they will have an amenity center, eight foot fence and adding enhancements. Commissioner Beck stated the proposed amenities is accessible on the website.

Murphee responded to the concerns of the speakers, he stated it is required by the City of Denton if you are on an arterial street than you have to have a six foot fence as a barrier but they are adding an eight foot fence as an enhancement.

Commissioner Pruneda questioned what the terms of the lease and are homeowners able to lock in a rate. Holigan stated it would depend on the rates the competition is promoting.

Commissioner Pruneda questioned if the applicant has looked a drainage issues. Murphee stated they are required to do a drainage analysis to assure the development will not be impacting any one downstream.

Sanchez questioned the interest rate on a modular home. Holigan stated last time he spoke to Palm Harbor homes it was 5 to 7 percent. Commissioner Ellis questioned if the applicant spoke with Denton Independent School District (DISD). Holigan stated no they have not spoken with DISD.

Chair Rozell questioned if there would be garages or car ports and what parking will be available. Murphee stated there will be driveways for each unit that fit two cars, the garages or car ports will be up to the homeowner.

Commissioner Beck requested staff to explain the notification process. Jackson stated the 200 foot notification is based on the Texas local government code requirements, the City of Denton also sends out postcards to the residents 500 feet from the property. Jerry Drake, First Assistant City Attorney, stated the mailings would go to the owners on the most current tax role and does not include properties in the Extra-Territorial Jurisdiction (ETJ).

Chair Rozell questioned if the Commission has the ability to add a condition to mitigate the traffic issues on another property. Jackson stated the applicant cannot be required to improve offsite, however staff is able to talk to the traffic engineer regarding the issue.

Commissioner Ellis thanked the citizens for coming out, she stated as a city we need to remove Lakeview Boulevard as a collector street. Commissioner Ellis continued to state she is struggling with the vote, but a lot of the issues everyone is having is not the applicants fault and she wishes DISD was notified. Jackson stated when a property is annexed into the City of Denton staff is required to contact all the service providers including DISD. Jackson noted DISD is required to respond back and is aware of the development.

Commissioner Beck stated he is also having issues with the development. Commissioner Beck stated this development is not the ideal solution for low income housing, but it is an element of it and it will help to some degree. Commissioner Beck continued to state the main issue he has is the homeowners don't own the property their modular home will be sitting on and it could lead to a diminishing effect.

Commissioner Smith stated no applicant, City staff, Planning and Zoning Commissioners, City Council members, would ever bring a project that has deception or devious intent to the City of Denton. Commissioner Smith noted safety is a big issue for him regarding this project and by no volition of the applicant's action, but if this development is going to cause a higher safety issue in Lakeview Ranch development.

Commissioner Smith stated if there is a denial from City Council the applicant would be required to wait 12 months until they are able to bring back the application for reconsideration, unless there is substantial change in the circumstances. Commissioner Smith questioned if a substantial change could be where the Director of Transportation provides assistance to the safety issues in Lakeview Ranch to predicate substantial change in an application. Jackson stated substantial change typically has to do with the land use, density or lay out. Drake stated those are usually the factors considered.

Jackson stated the applicant has requested to self-impose a requirement to improve the safety on Trinity Road. Murphee stated they are here to help and self-impose the condition.

Commissioner Pruneda stated one of the things he finds encouraging is when talking with the applicant thru out the night they have been more than willing to make accommodations to try and make things better.

Chair Rozell noted the zoning case will be voted on first and the specific use will be second.

Commissioner Larry Beck motioned, Commissioner Mat Pruneda seconded to approve Public Hearing item 4D, along with the purposed conditions: An overlay be placed on the property with the following conditions: **1.** the maximum permitted density on the site shall be no more than four dwelling units per gross acre. **2.** Permitted land uses on the site: **A.** 498 Modular and manufactured homes on 120.1 gross acres; and **B.** six single family detached housing on minimum one-acre lots; and an amendment to require the applicant to work with the Lakeview Ranch neighborhood with the goal of reducing traffic issues in the neighborhood. Motion approved (7-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Commissioner Mat Pruneda "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

Drake stated the amendment requested from Commissioner Beck should be included motion for Public Hearing item 4E.

Commissioner Alfred Sanchez motioned, Commissioner Mat Pruneda seconded to approve Public Hearing item 4E with staffs condnions: with the following conditions: **1.** Allowed Land Uses: Only allowed land uses are 498 Modular and Manufactured Housing on 126.1 gross acres and six One-Acre Single Family Detached Housing. **2.** There shall be a minimum of 6 acres of land developed as one-acre single family lots. These lots shall front Trinity Road. **3.** 40% of the existing tree canopy must be preserved. **4.** 100% of the City of Denton ESA Areas shall be preserved, except for one roadway crossing. **5.** A minimum 10 acres of open space/green space shall be provided. **6.** Amenity Center - Minimum 4,500 square foot air-conditioned club house with pool and cabana. **7.** Minimum of two 2-inch diameter trees shall be planted on each lot. **8.** The homes to have brick or stone wainscoting for the skirting. **9.** Deed Restrictions shall be reviewed and approved by the city prior to filing of the first Final Plat. Deed restrictions shall be filed with the county and include the following minimum requirements: **A.** Property ownership shall own and maintain all improvements on the property. This shall include all streets, wet utilities, landscaping, irrigation systems, fencing, landscape buffers along perimeter, creeks, drainage ways, ESA areas, etc. Only franchise utility improvements shall be owned and maintained by others. These utilities shall be installed specific easements as identified by the Final Plat. **B.** Property ownership is required to mow and edge all common areas and stand areas at least every two weeks in the Spring and Summer months. Every three weeks is required in the Fall and Winter months. **C.** Property shall be gated. **D.** Property shall 100% owned by one entity. **E.** Property shall be platted as a single lot. **F.** All manufactured homes shall be installed on an engineered reinforced concrete slab. **G.** All manufactured homes shall be structurally affixed to the concrete pad. **H.** Manufactured Homes must be offset a minimum of 20' off the back of curb. Minimum 18' wide driveway must be installed in front of the homes, therefore providing 2 off-street parking spots per home. **I.** All homes to have masonry skirting down to the concrete slab, on all sides of the home. **10.** McKinney Street Screening & Landscape Buffer Improvements: **A.** 20' landscape buffer with automated irrigation systems. **B.** 4-inch minimum diameter shade trees planted on 30' centers, with a staggered row on each side of the proposed screening wall. **C.** 8' masonry screening wall built on a 2'-3' tall berm. Berm shall have a flat top of at least 5' and a maximum side slope of 5:1. Creating an effective screening height of 10'-11'. **11.** 6' masonry screening wall to be installed between the one acre lots

and remaining development. Fence to be installed with the first adjoining phase. **12.** As a result of the TIA: **A.** There shall be three (3) public street access points for the development. Two connections along McKinney Street and one (1) along Trinity Road. **B.** Developer shall dedicate the ultimate right-of-way for future Post Oak Boulevard at no fee to the city, upon filing of the first Final Plat. This is approximately 1,100 linear feet parallel to the west property line and 135' wide, equating to approximately 3.4 acres of land. **C.** Developer shall install two left turn lanes into the development along McKinney Street. **D.** Developer to install a 6' reinforced concrete public trail along the property frontage and terminate at the Ryan High School. Along the property frontage this trail will meander within the 20' landscape buffer and McKinney Street right-of-way. North of the site the trail will be installed inside the McKinney Street right-of-way. Motioned approved (7-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Commissioner Mat Pruneda "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

F. Hold a public hearing and consider a request by Budget Self Storage - Denton, Ltd., for a Specific Use Permit to allow quick vehicle servicing in Suite #110 and Suite #111 of Budget Self-Storage. The property is located at 2820 Virginia Circle. (S18-0002, Budget Self Storage, Cindy Jackson)

Chair Rozell opened the Public Hearing item 4F.

Cindy Jackson, Senior Planner, presented Public Hearing 4F. Jackson stated the request is for a Specific Use Permit (SUP) for two existing automobile repair facilities located on the site. Quick Vehicle Service is permitted with the approval of a Specific Use Permit in the NRMU zoning district. The building in which the two subject automotive repair facilities are located was designed as an office/warehouse building comprising ten office/warehouse suites.

Jackson stated staff recommends denial of this request. Should the Planning and Zoning Commission decide to approve this request, Staff recommends the following conditions: **1.** A new Certificate of Occupancy for the correct use, Quick Vehicle Servicing, must be applied for and approved. **2.** This Specific Use Permit shall be limited to these two particular business owners and these two particular suites. **3.** This Specific Use Permit will be limited to the use description and floor plan shown in Exhibit 7 and Exhibit 8. **4.** Overnight outdoor storage of automobiles is prohibited. **5.** No more than two customer vehicles per each business can be parked in the parking spaces in front of the building during business hours.

Jerry Drake, First Assistant City Attorney stated he is unable to endorse the second recommended condition due to the issue regarding the use of the land and should be designated to the owner of the land not the business owners. Jackson stated staff can withdraw the second recommendation.

Commissioner Smith questioned if the second condition could be placed on this specific Certificate of Occupancy (CO). Drake stated the Commission would need to add verbiage to the SUP that includes the suites and states upon consideration of a CO in order to prevent this use from being grandfather in.

The following individual spoke during the Public Hearing:

Chris Haynie, 17787 W FM 922, Forestburg Texas 76239. Supports this request.

Haynie stated he has been an occupant in the storage facility for nine years and currently occupies suite 110. Haynie stated the occupant in suite 111 has been violating the requirements is behind in his rent and will not be there much longer. Haynie noted if the Commission would like to ensure change they could table and bring the item back. Commissioner Pruneda questioned if the applicant would be amenable to retracting the item and bringing it back after the details have been worked out. Haynie agreed to postpone the item.

Commissioner Beck questioned Haynie how he would comply with the removing the vehicles located on the empty lot. Haynie stated he would have the cars towed back to the owners.

Commissioner Smith requested to table the item to November 28, 2018 to ensure the applicant can conform to the request. Commissioner Pruneda stated as the item stands he could not approve the request, but requested the applicant could come back in a month and provide a definite plan for the issues. Commissioner Ellis stated the Commission does need to see some effort from the applicant to show that he is going to comply with the conditions.

Chair Rozell did not close Public Hearing 4F.

Commissioner Tim Smith motioned, Commissioner Mat Pruneda seconded to table Public Hearing item 4F to a date certain of November 28, 2018. Motion approved (7-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Commissioner Mat Pruneda "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

G. Hold a public hearing and consider making a recommendation to City Council regarding a proposed revision to the Denton Development Code; specifically to update the Planning and Zoning Commission Operational Procedures in Subchapter 4 Boards, Commissions, and Committees related to motions resulting in a tie vote. (DCA18-0005, Tie Vote Procedure, Julie Wyatt).

Chair Rozell opened Public Hearing item 4G.

Julie Wyatt, Senior Planner, presented Public Hearing 4G. Wyatt stated the request is to hold a public hearing and consider making a recommendation to City Council regarding a proposed revision to the Denton Development Code; specifically to update the Planning and Zoning Commission Operational Procedures in Subchapter 4 Boards, Commissions, and Committees related to motions resulting in a tie vote. Staff does recommend approval.

Commissioner Pruneda stated the wording is focused specifically to instance when there is a recusal, and a recusal is a safe guard against the influence of special interest. By moving forward the Commission will remove that safe guard as well as the requirement for super majority from City Council.

Chair Rozell stated this item is able to be tabled and represented to the Commission.

Commissioner Ellis stated she cannot support the way the revision is written.

Commissioner Smith stated he agrees with Commissioner Ellis and this is already a complicated process.

Commissioner Beck questioned if the Commission tables Public Hearing item 4G how staff moves forward. Richard Cannone, Deputy Director of Development Services, stated staff would go back and revise the language.

The following individual spoke during the Public Hearing:
Doug Herzog, 7909 Rodeo Drive, Denton, Texas 76208.

Chair Rozell did not close Public Hearing item 4G.

Commissioner Margie Ellis motioned, Commissioner Tim Smith second to table Public Hearing item 4G to November 14, 2018 Planning and Zoning meeting. Motion approved (7-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Commissioner Mat Pruneda "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

5. [PLANNING & ZONING COMMISSION PROJECT MATRIX](#)

A. [Planning and Zoning Commission Project Matrix.](#)

Commissioner Ellis requested the issues the Lakeview Ranch residents have with Lakeview Boulevard to be evaluated. Commissioner Ellis also requested when Denton Independent School District is consulted or has provided feedback for projects to provide the Commission with the information.

Chair Rozell requested a training for Roberts Rule of Order and his authority as the Chair.

Richard Cannone, Deputy Director of Development Services, stated staff will start providing a memo of the upcoming neighborhood meetings and the outcome of recommendations from Planning and Zoning to City Council.

Chair Rozell closed the Regular Meeting on October 25, 2018 at 1:57 a.m.