

Minutes  
Planning and Zoning Commission  
February 20, 2019

After determining that a quorum was present, the Planning and Zoning Commission of the City of Denton, Texas convened in a Work Session on Wednesday, February 20, 2019 at 2:00 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. Commissioner: Alfred Sanchez, Larry Beck, Jason Cole, Mat Pruneda, Margie Ellis, and Tim Smith.

ABSENT: None.

STAFF: Scott McDonald, Richard Cannone, Charlie Rosendahl, Ron Mengueta, Julie Wyatt, Hayley Zagurski, Cindy Jackson, Sean Jacobson, Christi Upton, Karen Hermann, and Cathy Welborn.

WORK SESSION

Chair Rozell opened the Work Session at 2:09 p.m.

1. Work Session Reports

- A. Receive a presentation from Denton Independent School District regarding student generation rates, capacity and planned improvements.

Chair Rozell introduced Paul Andress, with the Operations Department at Denton Independent School District (DISD).

Paul Andress introduced Gary Ryan, Ray Bledsoe, and Bob Templeton with Templeton Demographics to discuss construction, planning, and growth for DISD.

Bob Templeton, Templeton Demographics, stated they are a consulting firm that specializes in working with school districts to determine enrollment growth.

Commissioner Beck questioned if multi- family is included in the presentation. Templeton stated multi- family is not included in the presentation, but is tracked very closely.

Chair Rozell questioned if the plans for Cole Ranch and Hunter Ranch are included in the future number of 29,000 new homes. Templeton stated he does have the information on Cole Ranch, but as the development goes further into the platting process they will then receive refinements; currently the estimates show about 11,000 lots from Cole Ranch included in the 29,000.

Andress stated DISD is working with Hunter and Cole Ranch to place school sites in both developments.

Chair Rozell questioned at what process DISD starts to see the development. Templeton stated as soon as the project comes in as a preliminary plat it is picked up as a future development.

B. Receive a report, hold a discussion, and provide staff direction on the Denton Development Code Update and Draft Zoning Map. (DCA18-0009, DDC Update, Ron Menguita).

Ron Menguita, Principal Planner, provided a presentation on the Denton Plan 2030 and the Denton Development Code Update (DDC). Menguita stated the Denton Plan 2030 is used as a guide for decision making, managing growth, and how to look at future development.

Chair Rozell questioned if single family residents would be required to meet the threshold requirements. Menguita stated yes residents would be required to conform to the new requirements of the DDC when they are requesting a change.

Commissioner Ellis requested a link to access the draft zoning map be placed on the main City of Denton webpage. Charlie Rosendahl, Business Services Manager, agreed with Commissioner Ellis.

Chair Rozell questioned if staff has done analysis on the properties that could be considered non-conforming. Menguita stated no staff has not. Staff clarified that the DDC update will create nonconformity but will also clean up current non-conformities created back in 2002.

Chair Rozell questioned if there is a consequence or remediation for property owners when they have a non-conforming use. Menguita stated if they don't change the use they can continue as a non-conforming use and if the property is vacant and marketed they are also able to keep the non-conformity; however, if the property is vacant not marketed or not used then they could potentially lose the non-conformity.

Richard Cannone, Deputy Director of Development Services, stated staff has been very strategic to ensure that single family uses were not made non-conforming.

Chair Rozell questioned since the draft has been public for five days does staff have a report on the number of views and has staff received any feedback or inertia. Menguita stated staff has received feedback since it has been posted.

C. Hold a discussion on establishing policies and procedures for the Planning and Zoning Commission.

Richard Cannone, Deputy Director of Development Service, stated there have been a number of items that have come up that have triggered the need for policies and procedures for the Planning and Zoning Commission. Cannone stated over the last couple of meetings staff has received deferrals or postponement from the applicant after the notices have been sent out. Cannone continued the commission should be the one to grant the postponement or deferral.

Commissioner Smith stated the applicant should reserve the right to pull their item up until the agenda is posted.

Jerry Drake, First Assistant Attorney, clarified the applicant does not reserve the right to postpone an item. The Planning and Zoning Commission is allowed to move the item forward, hear the item, then decide to postpone the item.

Commissioner Ellis requested staff to bring concerns as a work session item to allow the commission the opportunity to discuss implementing policies. Chair Rozell also requested the commission provide staff of any known policies to help staff fill in all gaps.

Chair Rozell called a recess at 4:33 p.m.

Chair Rozell reconvened the Work Session at 4:42 p.m.

Chair Rozell stated Public Hearing item 3A and 3C have been withdrawn and 3B has been postponed to the March 6, 2019 Planning and Zoning Commission meeting.

Richard Cannone stated staff is requesting item 3L to be opened and continued to the March 6, 2019 Planning and Zoning meeting.

2. 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.

Julie Wyatt, Senior Planner, presented Item for Individual Consideration 2A. Wyatt stated the request is for a proposed Alternative Development Plan for a proposed office development.

Commissioner Ellis questioned if the street trees have been assessed for vision impediment due to the amount of school children. Wyatt stated the trees' locations has been assessed by engineering; the trees will be planted between the sidewalk and right-of-way which should not impair driver's visibility.

Wyatt stated staff does recommend approval of the request.

Hayley Zagurski, Senior Planner, presented Item of Individual Consideration 2B.

Zagurski stated the request is to deviate from Sections 35.13.9 *Perimeter Fences and Screening Requirements*, 35.13.10 *Access, Parking, and Circulation Requirements*, and 35.13.13.3.C *Nonresidential and Mixed Use Buildings – Parking*. Zagurski stated Staff recommends approval of this request as it meets the established requirements for the approval of an ADP in DDC 35.13.5.A.



Chair Rozell stated Public Hearing item 3A and 3C have been withdrawn and 3B has been postponed to the March 6, 2019 Planning and Zoning Commission meeting.

Cindy Jackson, Senior Planner, presented Public Hearing item 3D. Jackson stated staff does recommend approval of the request.

Hayley Zagurski, Senior Planner, presented Public Hearing item 3E. Zagurski stated the request is to hold a public hearing and consider making a recommendation to City Council regarding a Detail Plan for Planned Development (PD) 176 to depict a storage warehouse use.

Zagurski stated staff recommends approval of the request with 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.** No exterior lighting on the building shall face a single-family residential use, or if such lighting is proposed, it shall be screened from view of adjoining residential properties. A photometric plan shall be provided with the building permit application demonstrating compliance with the DDC's site lighting requirements in Section 35.13.12. **2.** Due to the proximity of this location to single-family residences, the majority of the PD being residential, and the lack of signage regulations in the PD, the project shall comply with the Code of Ordinances' sign requirements for non-residential districts as well as the following limitations: **a.** No illuminated wall signs may face an adjoining single-family use.

Commissioner Beck questioned if the two gates in the back of the property is to allow access for maintaining the grass. Zagurski stated yes the gates are there to access for property maintenance.

Chair Rozell called a recess at 5:31 p.m.

Chair Rozell reconvened the Work Session at 5:37 p.m.

Julie Wyatt, Senior Planner and Christi Upton, Environmental Compliance Coordinator, presented Public Hearing item 3F. Wyatt stated the request is for an Alternative Environmental Sensitive Area (ESA) to, restore Cross Timbers Upland Habitat on approximately 0.23 acre generally located on the west side of Harbour Mist Trail and restore Riparian Stream Buffer on approximately 1 acre of land generally located north of Pockrus Page, approximately 570 feet east of Fox Sedge Lane.

Upton stated staff recommends approval of the request with following conditions: **1.** 195 tree-caliper inches, 35 American Beautyberry shrubs, Blackland Prairie seed mix and Riparian Recovery seed mix and shall be planted. **2.** 0.50 acres adjacent to the USACE restoration project shall be planted according to the Alternative ESA Plan. **3.** 0.23 acres of Cross Timbers upland habitat shall be restored according to the Alternative ESA Plan. **4.** Annual reporting during the first three years describing the cumulative mitigation work performed and the survivability of the plantings shall be submitted for staff review and inspection. **5.** Plants installed as a part of the proposed native flora revegetation are to be installed and maintained by the current property owner/developer for a period of three (3) years following installation. Plants that are removed, destroyed, or die within that three (3) year period are required to be replaced by the current property owner/developer to achieve 90% survival rate. **6.** A bond, letter of credit, or escrow in the amount



of \$24,375.00 (\$125.00 per tree-caliper inches to be planted) should be provided to the City within 60 days of AESA18-0002 approval. Upon completion of the three (3)-year landscape establishment period, the City shall inspect the trees and determine whether ninety (90) percent of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the City shall release the bond or letter of credit. In the absence of such a finding, the Applicant shall be notified to replace any unhealthy or dead trees. If the applicant does not take remedial steps to bring the property into compliance, the City shall make demand for payment on the cash bond, surety bond, or letter of credit. The City may use all legal remedies to enforce this Subchapter in addition to making demand on the security provided herein. 7. NEW Home owner association (HOA) documents shall be created and filed establishing Lot 14 Block F and Lot 20 Block 28 in Villages of Carmel Phase 4B to be owned by the HOA for the purpose of preserving the ESAs in perpetuity. Any maintenance of these lots shall be done according to Subchapter 17 ESA standards. Copy of the HOA documents shall be provided to the City no later than the final annual report.

Julie Wyatt, Senior Planner, presented Public Hearing item 3G. Wyatt stated if the Planning and Zoning Commissions opts to recommend approval, the following overlay conditions are suggested to increase conformance with the Future Land Use (FLU) : 1. Restrict the permitted uses to single-family attached dwellings limited to a maximum twelve (12) units per acre [L(40)]. 2. Reduce the maximum building height to 40 feet. 3. Common area lots owned and maintained by the homeowner's association must separate any proposed residential lots or uses and Audra Lane. The common area lots must be of sufficient size to accommodate the following entrance features outside any existing or proposed easements located adjacent to Audra Lane: a six foot masonry screening wall and a Type B buffer. A Type B buffer is a ten (10) foot planted strip that includes a combination of five (5) evergreen and deciduous trees and thirty (30) shrubs per one hundred (100) linear feet.

Wyatt stated staff recommends **denial** of the request as it does not meet the Future Land Use designation as required in the criteria for approval outlined in Denton Development Code Section 35.3.4.B.

Hayley Zagurski, Senior Planner, presented Public Hearing item 3H. Zagurski stated staff recommends approval of this request, with the following conditions: 1. The vehicle repair use shall be limited to the approximately 600 square foot one-story building area shown on the attached Site Plan. 2. All customer vehicles located at the facility for either repair or pick-up following repair work shall be kept behind the 6-foot wood fence in the gravel storage area shown on the Site Plan. 3. The proposed 6-foot wood screening fence shown on the Site Plan shall be installed and maintained so long as a vehicle repair use is located on the subject property, unless the vehicle storage area is paved and striped as a parking lot. 4. The proposed Type C landscape buffer shown on the Site Plan along the southern property line shall be installed and maintained in accordance with the City's landscape code. In addition, the proposed Type C landscape buffer shall be installed along the eastern property line along the existing wood fence up to the southern edge of the existing vacant building shown on the Site Plan. Additionally, the proposed deciduous ornamental trees within the buffer shall be replaced with a deciduous tree from the Medium or Large Canopy tree list in the Site Design Criteria Manual. 5. No storage of inoperable vehicles shall be permitted on

the subject property. 6. Failure to adhere to the conditions stated above may result in revocation of the SUP in accordance with DDC Section 35.6.6.

Sean Jacobson, Assistant Planner, presented Public Hearing 3I. Jacobson stated the request is for a City initiated rezoning.

Jacobson stated staff does recommend approval of the request as it is consistent with section 35.3.4.B of the Denton Development Code.

Richard Cannone, Deputy Director of Development Services, stated the rezoning is the first step in the process, next will be to replat the property because of the multiple parcels.

Ron Menguita, Principal Planner, presented Public Hearing item 3J. Menguita stated the request is for a zoning change Zoning Change from Neighborhood Residential 4 (NR-4) to Neighborhood Residential Mixed Use (NRMU). Menguita continued staff does recommend approval of the request.

Scott McDonald, Director of Development Services, stated the first phase to Public Hearing item 3I would be renovating the fleet bays, the second phase is updating the parking lots. McDonald continued during the second phase the buffering and landscaping requirements would be addressed.

Sean Jacobson, Assistant Planner, presented Public Hearing item 3K. Jacobson stated staff does recommend approval of the request as it is compatible with the surrounding property and conforms to the SUP approval criteria in DDC section 35.6.4.

Chair Rozell closed the Work Session at 6:28 p.m.

## REGULAR MEETING

Chair Rozell opened the Regular Meeting at 6:41 p.m.

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, February 20, 2019 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 Rozell stated Public Hearing item 3A and 3C have been withdrawn and 3B has been postponed to the March 6, 2019 Planning and Zoning Commission meeting.

### 1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

### 2. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Consider a request by Denton MOP Partners for approval of an Alternative Development Plan for a proposed office development on 3.4 acres located at the northwest corner of Teasley Lane and Lillian Miller Parkway in the City of Denton, Denton County, Texas. The property is currently zoned Neighborhood Residential Mixed Use (NRMU) District with overlay conditions. The purpose of the Alternative Development Plan is to deviate from Section 35.13.13.4 Nonresidential and Mixed Use Buildings in a Pedestrian Oriented District of the Denton Development Code. (ADP18-0008, Hunter's Ridge Office, Julie Wyatt)

Julie Wyatt, Senior Planner, presented Item for Individual Consideration 2A. Wyatt stated staff does recommend approval of the request.

The following individuals spoke during the Public Hearing:

S.L Montgomery, 1117 Ellison Park Circle, Denton, Texas 76205. Opposed to the request.  
Charles Parker, 1524 Hunters Ridge Circle, Denton, Texas 76205. Opposed to the request.  
Connie Guess, 1504 Hunters Ridge Circle, Denton, Texas 76205. Opposed to the request.  
Matt Cragin, 2080 N. Highway 360 Ste. 240, Grand Prairie, Texas 75050. Supports the request.  
Gary McCalla, 780 North Watters Road Ste. 100, Allen, Texas 75013. Supports the request.

The following individuals requested not to speak:

Kathryn Parker, 1524 Hunters Ridge Circle, Denton, Texas 76205. Opposed to the Request.

Matt Cragin, the Civil Engineer, stated the owner is currently working with City of Denton to address the drainage issues.

Commissioner Sanchez questioned Charles Parker if the neighborhood was having flooding issues prior to the 24 hour emergency development. Parker stated the issue has dated back to 2006 when a zoning overlay was placed on the property and for the owner to address existing drainage issues.

Chair Rozell questioned the conformity of the ER functioning to the approved overlay and why the drainage issue was not addressed during the engineering process. Wyatt stated the use did conform to the Denton Development Code (DDC) at the time of approval. Wyatt stated the applicant is proposing underground water retention to divert the water from the adjacent properties.

Commissioner Ellis questioned if the City of Denton is addressing the area with the sandbags. Wyatt stated yes the City of Denton is looking to add a flume to drain the water.

Commissioner Ellis questioned the applicant if they are aware per the ordinance the office building cannot be named after adjacent subdivisions. Gary McCalla stated he was unaware of the stipulation and will correct the name.

Chair Andrew Rozell motioned, Commissioner Mat Pruneda seconded to approve Item for Individual Consideration 2A with the conditions that Hunters Ridge title be removed from nomenclature of the project. Commissioner Ellis requested an amendment to add signage to caution school children crossing. Chair Rozell questioned the applicant if they were amenable to



adding additional crossing signage on the south side at Teasley Lane to address children crossing. Gary McCalla agreed to add the signage to the drive on the south side at Teasley Lane. Chair Rozell agreed to add the amendment. Commissioner Pruneda agreed to the amendment.

Chair Andrew Rozell motioned, Commissioner Mat Pruneda seconded to approve Item for Individual Consideration 2A with the conditions that Hunters Ridge title be removed from nomenclature of the project and additional signage be added to the south entrance of Teasley Lane that there are children crossing. 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".

B. Consider a request by PACCAR Inc. for approval of an Alternative Development Plan (ADP) for a proposed truck sales facility on approximately 12.07 acres located on the west side of Precision Drive, approximately 330 feet south of West Oak Street in the City of Denton, Denton County, Texas. The property is currently zoned Industrial Center General (IC-G) District. The purpose of this ADP request is to deviate from the requirements of Sections 35.13.9 Perimeter Fences and Screening Requirements, 35.13.10 Access, Parking, and Circulation Requirements, and 35.13.13.3.C Nonresidential and Mixed Use Buildings - Parking of the Denton Development Code. (ADP18-0009, New Truck Lot, Hayley Zagurski).

Hayley Zagurski, Senior Planner, presented Item for Individual Consideration 2B. Zagurski stated the request is to deviate from sections 35.13.9 *Perimeter Fences and Screening Requirements*, 35.13.10 *Access, Parking, and Circulation Requirements*, and 35.13.13.3.C *Nonresidential and Mixed Use Buildings – Parking*. Zagurski stated Staff recommends approval of this request as it meets the established requirements for the approval of an ADP in DDC 35.13.5.A.

The following individuals spoke during the Public Hearing:

Ashley Reynolds, 7557 Rambler Road, Ste. 1400, Dallas, Texas 75231. Supports the request.

Craig Wedeman, 609 Grainte Trail, Northlake, Texas 76120. Supports the request.

Commissioner Smith questioned what an undecking building is. Craig Wedeman, General Contractor, stated that undecking is a process where the trucks are stacked on top of each other, then a crane moves them on and off of each other.

Commissioner Jason Cole motioned, Commissioner Tim Smith seconded to approve Item for Individual Consideration 2B. 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. PUBLIC HEARINGS

Chair Rozell stated as a reminder Public Hearing item 3A and 3C have been withdrawn and 3B has been postponed to the March 6, 2019 Planning and Zoning Commission meeting.

A. Hold a public hearing and consider making a recommendation to City Council regarding a request by Craig Bond representing Parvar Property, LLC for a zoning change from a Neighborhood Residential Mixed Use 12 (NRMU-12) zoning district to a Neighborhood Residential Mixed Use (NRMU) zoning district. The 2.683 acre site is generally located at 3131 and 3161 N Elm Street, in the City of Denton, Denton County, Texas. (Z18-0009, Centennial on N. Elm Apartments, Cindy Jackson). THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT.

B. Hold a public hearing and consider making a recommendation to City Council regarding a request by Kirkman Engineering for a Specific Use Permit (SUP) to allow for a multi-family dwelling use with 111 dwelling units proposed on three adjacent tracts totaling approximately 9.91 acres. The subject property is generally located west of Mockingbird Lane and south of the Mingo Road in the City of Denton, Denton County, Texas. (S18-0005, Mockingbird Multi-Family, Ron Menguita) THIS ITEM HAS BEEN POSTPONED TO THE MARCH 6, 2019 PLANNING AND ZONING COMMISSION MEETING.

C. Hold a public hearing and consider making a recommendation to City Council regarding a request by Andrew Glass representing Hills of Argyle Monticello, Ltd. to rezone an 11.5 acre site from a Neighborhood Residential 1 (NR-1) zoning district to a Neighborhood Residential 4 (NR-4) zoning district. The subject property is generally located on the east side of Fort Worth Drive/U.S. 377 and Chipping Campden Road, in the City of Denton, Denton County, Texas. (Z18-0024, Hills of Argyle Manor Homes, Cindy Jackson)

D. Hold a public hearing and consider a request Tony Kimbrough with Kaz Surveying representing Tim Refsland for approval of a Final Replat of Lots 1A-1 and 1A-2, Block A of the Gray Forest Addition; being a residential replat of Lot 14, Block D of Park West Addition, and Lot 1-A, Block A of the DeWeerd Addition. The approximately 1.15 acre property is generally located on the west side of Stuart Road, and including 704 Chisholm Trail, in the City of Denton, Denton County, Texas. (FR18-0015, Gray Forest Addition, Cindy Jackson)

Chair Rozell opened the Public Hearing.

Cindy Jackson, Senior Planner, presented Public Hearing item 3D. Jackson stated staff does recommend approval of the request.

The following individuals spoke during the Public Hearing:

Lynn Beckford, 1009 Stuart Rd., Denton, Texas 76209. Opposed to the request.

Gale Frisby, 1112 Abbotts Ln., Denton, Texas 76205. Opposed to the request.

Chair Rozell closed the Public Hearing.



Commissioner Tim Smith motioned, Commissioner Larry Beck seconded to approve Public Hearing item 3D. 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".

E. Hold a public hearing and consider making a recommendation to City Council regarding a Detail Plan for a 2.96-acre parcel located within the Planned Development 176 (PD-176) Zoning District, generally located on the west side of North FM 2499, approximately 1,450 feet north of Hickory Creek Road in the City of Denton, Denton County, Texas to allow a storage warehouse (self-storage) use. (PDA18-0009, Proposed Self Storage Facility, Hayley Zagurski).

Chair Rozell opened the Public Hearing.

Hayley Zagurski, Senior Planner, presented Public Hearing item 3D. Zagurski stated the request is to consider making a recommendation to City Council regarding a Detail Plan for a 2.96-acre parcel located within the Planned Development 176 (PD-176) Zoning District to allow a storage warehouse.

Zagurski stated staff does recommend approval of the request with 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.** No exterior lighting on the building shall face a single-family residential use, or if such lighting is proposed, it shall be screened from view of adjoining residential properties. A photometric plan shall be provided with the building permit application demonstrating compliance with the DDC's site lighting requirements in Section 35.13.12. **2.** Due to the proximity of this location to single-family residences, the majority of the PD being residential, and the lack of signage regulations in the PD, the project shall comply with the Code of Ordinances' sign requirements for non-residential districts as well as the following limitations: **a.** No illuminated wall signs may face an adjoining single-family use.

Commissioner Ellis questioned the discussion that took place at the Home Owners Association (HOA) meetings. Zagurski stated she was able to attend one HOA meetings, there were about 15-20 people with mixed views.

The following individuals spoke during a Public Hearing:

Rick Jones, 3317 Princeton, Dallas, Texas 75205. Supports the request.

Tom Brandt, 6600 Hayling Way, Denton, Texas 76210. Opposed to the request.

Rick Jones, the applicant, provided a presentation regarding the proposed facility and site.

Chair Rozell closed the Public Hearing.

Commissioner Tim Smith motioned, Commissioner Mat Pruneda seconded Public Hearing item 3D. 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".

F. Hold a public hearing and consider making a recommendation to City Council regarding a request by Astra Carmel LLC for an Alternative Environmental Sensitive Area (AESAs) Plan to restore Cross Timbers Upland Habitat on approximately 0.23 acre generally located on the west side of Harbour Mist Trail, approximately 240 feet north of Del Rey Drive in the City of Denton, Denton County, Texas and a Riparian Stream Buffer on approximately 1 acre of land generally located north of Pockrus Page, approximately 570 feet east of Fox Sedge Lane in the City of Denton, Denton County, Texas. (AESAs18-0002, Villages of Carmel, Julie Wyatt)

Chair Rozell opened the Public Hearing.

Julie Wyatt, Senior Planner and Christi Upton, Environmental Compliance Coordinator, presented Public Hearing item 3F.

Upton stated staff recommends approval of the request with following conditions: **1.** 195 tree-caliper inches, 35 American Beautyberry shrubs, Blackland Prairie seed mix and Riparian Recovery seed mix and shall be planted. **2.** 0.50 acres adjacent to the USACE restoration project shall be planted according to the Alternative ESA Plan. **3.** 0.23 acres of Cross Timbers upland habitat shall be restored according to the Alternative ESA Plan. **4.** Annual reporting during the first three years describing the cumulative mitigation work performed and the survivability of the plantings shall be submitted for staff review and inspection. **5.** Plants installed as a part of the proposed native flora revegetation are to be installed and maintained by the current property owner/developer for a period of three (3) years following installation. Plants that are removed, destroyed, or die within that three (3) year period are required to be replaced by the current property owner/developer to achieve 90% survival rate. **6.** A bond, letter of credit, or **escrow** in the amount of \$24,375.00 (\$125.00 per tree-caliper inches to be planted) should be provided to the City within 60 days of AESAs18-0002 approval. Upon completion of the three (3)-year landscape establishment period, the City shall inspect the trees and determine whether ninety (90) percent of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the City shall release the bond or letter of credit. In the absence of such a finding, the Applicant shall be notified to replace any unhealthy or dead trees. If the applicant does not take remedial steps to bring the property into compliance, the City shall make demand for payment on the cash bond, surety bond, or letter of credit. The City may use all legal remedies to enforce this Subchapter in addition to making demand on the security provided herein. **7.** NEW Home Owner Association (HOA) documents shall be created and filed establishing Lot 14 Block F and Lot 20 Block 28 in Villages of Carmel Phase 4B to be owned by the HOA for the purpose of preserving the ESAs in perpetuity. Any maintenance of these lots shall be done according to Subchapter 17 ESA standards. Copy of the HOA documents shall be provided to the City no later than the final annual report.

The following individual spoke during the Public Hearing:

Justin Bono, 9219, Arbor Trail Dr., Denton, Texas 75243. Supports the request.

Commissioner Smith questioned the applicant if they are amenable to condition seven. Justin Bono, stated yes they agree to the condition, on the Final Plat both areas are already considered a common area and there is no change in the intent to have the Home Owner Association (HOA) maintain those areas.

Chair Rozell closed the Public Hearing.

Commissioner Tim Smith motioned, Commissioner Jason Cole seconded to approve with staff's conditions: **1.** 195 tree-caliper inches, 35 American Beautyberry shrubs, Blackland Prairie seed mix and Riparian Recovery seed mix and shall be planted. **2.** 0.50 acres adjacent to the USACE restoration project shall be planted according to the Alternative ESA Plan. **3.** 0.23 acres of Cross Timbers upland habitat shall be restored according to the Alternative ESA Plan. **4.** Annual reporting during the first three years describing the cumulative mitigation work performed and the survivability of the plantings shall be submitted for staff review and inspection. **5.** Plants installed as a part of the proposed native flora revegetation are to be installed and maintained by the current property owner/developer for a period of three (3) years following installation. Plants that are removed, destroyed, or die within that three (3) year period are required to be replaced by the current property owner/developer to achieve 90% survival rate. **6.** A bond, letter of credit, or **escrow** in the amount of \$24,375.00 (\$125.00 per tree-caliper inches to be planted) should be provided to the City within 60 days of AESA18-0002 approval. Upon completion of the three (3)-year landscape establishment period, the City shall inspect the trees and determine whether ninety (90) percent of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the City shall release the bond or letter of credit. In the absence of such a finding, the Applicant shall be notified to replace any unhealthy or dead trees. If the applicant does not take remedial steps to bring the property into compliance, the City shall make demand for payment on the cash bond, surety bond, or letter of credit. The City may use all legal remedies to enforce this Subchapter in addition to making demand on the security provided herein. **7.** NEW Home Owner Association (HOA) documents shall be created and filed establishing Lot 14 Block F and Lot 20 Block 28 in Villages of Carmel Phase 4B to be owned by the HOA for the purpose of preserving the ESAs in perpetuity. Any maintenance of these lots shall be done according to Subchapter 17 ESA standards. Copy of the HOA documents shall be provided to the City no later than the final annual report. 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 request by Goodhorn Land Holdings LLC for a change in the zoning district and use classification from Neighborhood Residential Mixed Use 12 (NRMU-12) to a Neighborhood Residential Mixed Use District (NRMU) on approximately 8.7 acres of land generally located on the north side of Audra Lane 110 feet east of Bayfield Street in the City of Denton, Denton County, Texas. (Z18-0028, Audra Heights Phase II, Julie Wyatt).

Chair Rozell opened the Public Hearing.



Julie Wyatt, Senior Planner, presented Public Hearing item 3G. Wyatt stated if the Planning and Zoning Commissions opts to recommend approval, the following overlay conditions are suggested to increase conformance with the Future Land Use (FLU): **1.** Restrict the permitted uses to single-family attached dwellings limited to a maximum twelve (12) units per acre [L(40)]. **2.** Reduce the maximum building height to 40 feet. **3.** Common area lots owned and maintained by the homeowner's association must separate any proposed residential lots or uses and Audra Lane. The common area lots must be of sufficient size to accommodate the following entrance features outside any existing or proposed easements located adjacent to Audra Lane: a six foot masonry screening wall and a Type B buffer. A Type B buffer is a ten (10) foot planted strip that includes a combination of five (5) evergreen and deciduous trees and thirty (30) shrubs per one hundred (100) linear feet.

Wyatt stated staff recommends **denial** of the request as it does not meet the Future Land Use designation as required in the criteria for approval outlined in Denton Development Code Section 35.3.4.B.

Chair Rozell questioned why staff believes Neighborhood Residential Mixed Use 12 (NRMU-12) is better than Neighborhood Residential Mixed Use (NRMU). Wyatt stated the applicant was proposing a specific project, and when staff analyzes a rezoning request all factors associated with the zoning district and what it could bring are considered. Wyatt continued to state staff concern was how the development fits with the future land use and the NRMU coming closer to the single family residents.

The following individuals spoke during the Public Hearing:

Alan Hermely, 1401 Brandywine Circle, Denton, Texas 76209. Opposed to the request.

Earl Escobar, 2570 Justin Rd Ste. 209, Lewisville, Texas 75077. Supports the request.

Austin Good, 2717 Gull Lake Dr., Plano, Texas 75025. Supports the request.

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

Nancy Carson, 2908 Oakshire St., Denton, Texas 76209. Opposed to the request.

Earl Escobar, the applicant, provided a presentation regarding the development and the reason for the zoning change request.

Commissioner Smith questioned why the buffer area requirements are difficult to comply with. Earl Escobar stated there is currently a gas main that runs along Audra Lane which has a 50 foot easement to accommodate the gas main, there are no issues complying with the open space, but the screening wall couldn't be adjacent to Audra Lane.

Commissioner Beck requested the tenant type that will be leasing to townhomes. Austin Good stated they will be targeting young families.

Chair Rozell closed the Public Hearing.



Commissioner Tim Smith motioned, Commissioner Larry Beck seconded to approve with staffs limitations: **1.** Restrict the permitted uses to single-family attached dwellings limited to a maximum twelve (12) units per acre [L (40)]. **2.** Reduce the maximum building height to 40 feet. And change condition three as follows: **3.** A six -foot masonry screening wall and a Type B buffer (10-foot planted strip with 5 evergreen and deciduous trees and 30 shrubs per 100 linear feet) shall be required between the subject property and Audra Lane. 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 called a recess at 9:22 p.m.

Chair Rozell reconvened the Regular Meeting at 9:32 p.m.

H. Hold a public hearing and consider making a recommendation to City Council regarding a request by Second Hand Sports & Game Swap LLC for a Specific Use Permit to allow for a vehicle repair use on approximately 0.57 acre. The property is generally located on the south side of E. McKinney Street, approximately 135 feet west of Oakland Street in the City of Denton, Denton County, Texas. (S18-0007, Dent One - Auto Hail Repair, Hayley Zagurski).

Chair Rozell opened the Public Hearing.

Hayley Zagurski, Senior Planner, presented Public Hearing item 3H. Zagurski stated Staff recommends approval of this request, with the following conditions: **1.** The vehicle repair use shall be limited to the approximately 600 square foot one-story building area shown on the attached Site Plan. **2.** All customer vehicles located at the facility for either repair or pick-up following repair work shall be kept behind the 6-foot wood fence in the gravel storage area shown on the Site Plan. **3.** The proposed 6-foot wood screening fence shown on the Site Plan shall be installed and maintained so long as a vehicle repair use is located on the subject property, unless the vehicle storage area is paved and striped as a parking lot. **4.** The proposed Type C landscape buffer shown on the Site Plan along the southern property line shall be installed and maintained in accordance with the City's landscape code. In addition, the proposed Type C landscape buffer shall be installed along the eastern property line along the existing wood fence up to the southern edge of the existing vacant building shown on the Site Plan. Additionally, the proposed deciduous ornamental trees within the buffer shall be replaced with a deciduous tree from the Medium or Large Canopy tree list in the Site Design Criteria Manual. **5.** No storage of inoperable vehicles shall be permitted on the subject property. **6.** Failure to adhere to the conditions stated above may result in revocation of the SUP in accordance with DDC Section 35.6.6.

The following individual spoke during the Public Hearing:

CJ Moyo, 208 E. McKinney St., Denton, Texas 76201. Supports the request.

Commissioner Smith stressed to the applicant there are rules in place that need to be followed from the City and for the safety of those around us.

Chair Rozell closed the Public Hearing

Commissioner Mat Pruneda motioned, Commissioner Jason Cole seconded to approve Public Hearing item 3H with staffs conditions: **1.** The vehicle repair use shall be limited to the approximately 600 square foot one-story building area shown on the attached Site Plan. **2.** All customer vehicles located at the facility for either repair or pick-up following repair work shall be kept behind the 6-foot wood fence in the gravel storage area shown on the Site Plan. **3.** The proposed 6-foot wood screening fence shown on the Site Plan shall be installed and maintained so long as a vehicle repair use is located on the subject property, unless the vehicle storage area is paved and striped as a parking lot. **4.** The proposed Type C landscape buffer shown on the Site Plan along the southern property line shall be installed and maintained in accordance with the City's landscape code. In addition, the proposed Type C landscape buffer shall be installed along the eastern property line along the existing wood fence up to the southern edge of the existing vacant building shown on the Site Plan. Additionally, the proposed deciduous ornamental trees within the buffer shall be replaced with a deciduous tree from the Medium or Large Canopy tree list in the Site Design Criteria Manual. **5.** No storage of inoperable vehicles shall be permitted on the subject property. **6.** Failure to adhere to the conditions stated above may result in revocation of the SUP in accordance with DDC Section 35.6.6. 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".

I. Hold a public hearing and consider making a recommendation to City Council regarding a request by the City of Denton for a change in the zoning district and use classification on a site made up of fifteen adjacent tracts of land, including a change from Downtown Residential 1 (DR-1) to Downtown Commercial General (DC-G) on one approximately 0.39-acre tract, from a mixed zoning of DR-1 and Neighborhood Residential 4 (NR-4) to DC-G on two tracts totaling approximately 13.85 acres, from NR-4 to DC-G on nine tracts totaling approximately 22.07 acres, and from Neighborhood Residential Mixed-Use 12 to DC-G on three tracts totaling approximately 8.81 acres. The subject site, composed of all fifteen of the tracts mentioned above and totaling approximately 45.13 acres, is generally located on the southeast side of Mingo Road, north of Paisley Street, northwest of Lattimore Street, and west of Pertain Street (Z18-0027b, Fleet Services Facility, Sean Jacobson).

Chair Rozell opened the Public Hearing.

Sean Jacobson, Assistant Planner, presented Public Hearing item 3I. Jacobson stated the request is to rezone from Downtown Residential 1 (DR-1), Neighborhood Residential (NR-4), and Neighborhood Residential Mixed Use 12 (NRMU-12) to a Downtown Commercial General (DC-G) Zoning District on approximately 45.13 acres of land.

Commissioner Smith stated his disappointment in the City of Denton for not correcting the zoning sooner than now, but is happy the City of Denton is now correcting their zoning to support the use.



Jerry Drake, First Assistant Attorney, stated on behalf of the City of Denton the service center facility has been there since he started working for the City of Denton more than thirty years ago, and the last City wide rezoning was in 2002; it's not that the City of Denton built the structure in violation of the zoning, it's the last zoning failed to account for the existing uses.

Commissioner Ellis stated she was concerned with the change to DC-G, but looking at the draft zoning map it is labeled public facility which would eliminate other uses.

The following individual requested to speak:

Leonard Chavez, 921 N. Ruddell St., Denton, Texas 76209. Opposed to the request.

Carolyn Griffin, 916 N. Wood St., Denton, Texas 76209. Opposed to the request.

Patsy Nash, 916 N. Wood St., Denton, Texas 76209. Opposed to the request.

Karen Rodriguez, 821 N. Ruddell St., Denton, Texas 76209. Opposed to the request.

Scott McDonald, Director of Development Service, stated the plan is some renovations to the Fleet Services building and parking lot improvements, with the parking lot improvements the drainage issues will be taken into consideration.

Commissioner Beck questioned if the large trucks have egress and ingress on Ruddell Street. McDonald stated there has not been a traffic management plan for this area and are attempting to correct misdirection.

Chair Rozell closed the Public Hearing.

Commissioner Tim Smith motioned, Commissioner Mat Pruneda seconded to approve Public Hearing item 3I. 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".

J. Hold a public hearing and consider making a recommendation to City Council regarding a request by Redmon Ebony Inc. for a change in the zoning district and use classification from Neighborhood Residential 4 (NR-4) to Neighborhood Residential Mixed Use (NRMU) zoning district and use classification on approximately 0.82 acres of land. The subject property is generally located on the north side of Robertson Street, approximately 300 feet east of Skinner Street in the City of Denton, Denton County, Texas. (Z19-0001, Sweet Y, Ron Menguita).

Chair Rozell opened the Public Hearing.

Ron Menguita, Principal Planner, presented Public Hearing item 3J. Menguita stated the request is for a zoning change from Neighborhood Residential 4 (NR-4) to a Neighborhood Residential Mixed Use (NRMU). Mengita stated staff does recommend approval of the zoning change request.

Commissioner Smith questioned why staff is not recommending any overlay restrictions. Menguita stated staff felt there was no need for overlay restrictions, and if there were issues regarding the height they would be addressed with the development standards.



Commissioner Beck questioned why the home next door is included in the rezoning, Menguita stated the property owner is requesting to rezone all four lots that could potentially be used as storage for the restaurant.

Commissioner Pruneda stated he is for allowing the use, but is nervous to agree with the zoning change, but likes the idea to add an overlay and wants to make sure the character of the area is preserved.

Commissioner Sanchez stated the neighborhood needs to be remembered for its history and bringing back part of the history will help.

Commissioner Ellis stated she understands the concerns, but every tract of land has its own set of unique circumstances, this project looks like a revitalization of history and neighborhood services.

The following individuals spoke during the Public Hearing:

Tammy Bradley, 729 Alexander St, Denton, Texas 76205. Supports the request.

Ray Redmon 724 Morse Street, Denton, Texas 76205. Supports the request.

Mary B. Wright, 2745 Mill Pond Rd, Denton, Texas 76209. Supports the request.

George Ferrie, 2932 Stockton Street, Denton, Texas 76209. Supports the request.

Jennifer Lane, 1526 Willowword Street, Denton, Texas 76205. Supports the request.

Chair Rozell closed the Public Hearing.

Commissioner Smith made a motion to approve the zoning change with the following condition to restrict the use of the NRMU area to restaurant use only. Commissioner Beck seconded. Commissioner Pruneda questioned the property owner if by placing the overlay would be impeding any future plans. Redmon, the property owner, stated it should not impede.

Chair Rozell requested Commissioner Smith to remove the amendment. Commissioner Smith denied the request.

Chair Andrew Rozell motioned, Commissioner Jason Cole seconded to make the amended motion to rezone from NR-4 to NRMU with no conditions the primary motion. Motion approved (6-1). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Commissioner Mat Pruneda "aye", and Commissioner Margie Ellis "aye". Commissioner Tim Smith "nay".

Chair Andrew Rozell motioned, Commissioner Jason Cole seconded to approve Public Hearing 3J with no conditions. Motion Approved (7-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Mat Pruneda "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

Chair Rozell called a recess at 11:26 p.m.

Chair Rozell reconvened the Regular Meeting 11:31 p.m.

K. Hold a public hearing and consider making a recommendation to City Council regarding a request by Lee Allison of Allison Engineering, on behalf of Anthony Marks, for a Specific Use Permit to allow for an Accessory Dwelling Unit behind an existing residence on approximately 0.5374 of an acre. The property is generally located on the south side of Roberts Street, west of Brown Drive, in the City of Denton, Denton County, Texas. (S19-0001, 606 Roberts Accessory Building, Sean Jacobson).

Chair Rozell opened the Public Hearing.

Sean Jacobson, Assistant Planner, presented Public Hearing item 5K. Jacobson stated the request is for a Specific Use Permit (SUP) to allow for an Accessory Dwelling Unit behind an existing residence. Staff does recommend approval of the request as it is compatible with the surrounding property and conforms to the SUP approval criteria.

The following individuals spoke during the Public Hearing:

Lee Allison, 2415 N. Elm Street, Denton, Texas 76201. Supports the request.

Sonia Whiddon, 528 Roberts Street, Denton, Texas 76209. Supports the request.

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

Gary Hayden, 2106 North Bell Ave., Denton, Texas 76209. Supports the request.

Deb Conte, 2106 North Bell Ave., Denton, Texas 76209. Supports the request.

Chair Rozell closed the Public Hearing.

Commissioner Mat Pruneda motioned, Commissioner Jason Cole seconded to approve Public Hearing item 5K. Motion approved (7-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Mat Pruneda "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

L. Hold a public hearing and consider making a recommendation to City Council regarding a proposed revision to the Denton Development Code; specifically to amend Subchapters 13 and 17 related to tree preservation, landscape standards, and environmentally sensitive area standards. (DCA18-0008, Conservation and Landscape Code, Hayley Zagurski).

Chair Rozell opened the Public Hearing.

Hayley Zagurski, Senior Planner, stated there currently are no additional updates to the draft; staff is still taking in feedback from the development community and requested to postpone to a date certain of March 6, 2019.

Commissioner Tim Smith motioned, Commissioner Margie Ellis seconded to table Public Hearing item 5L to the March 6, 2019 Planning and Zoning Commission meeting. Motion approved (7-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole

"aye", Chair Andrew Rozell "aye", Mat Pruneda "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

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


##### A. Planning and Zoning Commission project matrix.

Richard Cannone, Deputy Director of Development Services, stated Pritam Deshmukh, Deputy City Engineer will be speaking regarding matrix items at the March 6, 2019. Cannone recommended to discuss the RD-5x zoning at the next special called meeting on February 27, 2019.

Commissioner Beck questioned if Deshmukh will be discussing the mobility plan. Cannone stated Deshmukh will be speaking some on the mobility plan but will have it coming before the Commission once they have a consultant lined up. Commissioner Beck requested staff to address the traffic issue behind the service center. Commissioner Ellis requested the time framing for updating Bernard Street due to safety concerns. Commissioner Smith requested the staff to look at other City of Denton properties that could potentially be zoned incorrectly. Chair Rozell requested the Commissioners send items to staff for the implementation of the policies and procedures.

Chair Rozell closed Regular Meeting at 11:51 p.m.

X   
\_\_\_\_\_  
Andrew Rozell  
Chair

X   
\_\_\_\_\_  
Cathy Welborn  
Administrative Assistant