

Minutes
Planning and Zoning Commission
February 27, 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 27, 2019 at 4:00 p.m. in the City Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items were considered:

PRESENT: Chair Andrew Rozell, Commissioners: Margie Ellis, Alfred Sanchez, Larry Beck, Jason Cole, and Mat Pruneda.

ABSENT: Commissioners: Tim Smith and Larry Beck.

STAFF: Scott McDonald, Richard Cannone, Charlie Rosendahl, Ron Menguita, Cindy Jackson, Jerry Drake, Trey Landsford and Cathy Welborn.

1. WORK SESSION

Chair Rozell called the Work Session to order at 4:11 p.m.

A. 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) P&Z SPECIAL CALLED MEETING.

Scott McDonald, Director of Development Services, stated staff is holding open houses and stakeholder meetings. McDonald continued the Development Code Review Committee (DCRC) met Friday, February 22, 2019, at which time a discussions regarding split zoning and the best way to rezone properties. The DCRC decided the best way to address split zoning was not to change the zoning, but as an interim step they will be placed into an overlay category and brought back case by case.

McDonald stated there was also discussion regarding the Rural Residential 5X (RD-5X). The RD-5X is a place holder. McDonald stated initially when staff created the draft zoning map RD-5X properties were assigned as Rural Residential (RR), Residential 1 (R1), Residential 2 (R2), Residential 3 (R3) and Residential 4 (R4), Rural Commercial (RC) , but after meeting with DCRC it was determined that the RD-5X zoning should be zoned as an RR or the least impactful zoning district.

Menguita provided a recap from the last work session. Menguita stated the tree code, the Downtown Standards, and the Dormitory use will all come as separate discussion.

Mengita held a discussion on Subchapter 3 and Subchapter 5 of the Denton Development Code update.

Menguita stated all governmental, institutional or properties associated with governmental or institutional use will be zoned as Public Facilities (PF).

Chair Rozell stated it was his understanding that the DCRC was going area by area discussing the draft zoning map and aligning the zoning. Chair Rozell questioned why the Downtown area, Texas Women's University and University of North Texas were highly examined to progressively be rezoned and what has the DCRC been doing that the other areas have not been looked at with such scrutiny.

Menguita stated staff has been meeting with the DCRC almost every week and after they went through the entire DDC chapter by chapter, the comments received were forwarded to Clarion and the revisions were made. Menguita continued at the last few DCRC meetings they have been looking at selected study areas and staff has requested the committee's thoughts on the zoning for those areas. Menguita stated the reason staff focused on those specific areas was because there are properties zoned as Downtown Commercial General (DC-G) and Downtown Commercial Neighborhood (DC-N) that don't fit the purposed or MD zoning district should be classified under a district consisting with the area.

Chair Rozell questioned if there was feedback and pushback from the public on the zoning classification changes or was it fear internally. McDonald stated as the DCRC went through the DDC update week by week conversations took place on the conversion of zoning districts and the zoning map was to minimize the impact and try to be cognizant of those who might not be aware.

Chair Rozell questioned there are parcels across the City of Denton that will be provided a more liberal use category by the consolidation of zoning districts and neighboring properties will not be notified of the change. McDonald stated there is a possibility somebody may have more liberal, somebody may have more restrictive, but it is incredibly minimized to help with the impacts.

Menguita continued stating staff has to be able to identify what zoning is assigned to the split zoning properties. Staff has several options: 1. assign the largest zoning district. 2. Split the parcel. 3. Work with property owners to assign a zoning district that fits within the area.

Chair Rozell questioned how many properties currently have split zoning. Cody Yates, GIS Analyst, stated he has identified about 370 split zonings.

Chair Rozell questioned in order to correct the split zoning each property would go before the Planning and Zoning Commission and City Council for the rezoning. Menguita stated yes or staff will try and get the rezoning before the timeline, but the intent is to assign a zoning district to them and if they are undecided then they will follow up throughout the period of adoption and effective date.

Commissioner Ellis stated this is a missed opportunity to correct the split zoning which is a terrible idea and by not correcting it now it will be more complicated in the future.

Chair Rozell stated he appreciates the City of Denton's efforts to involve the City of Denton residents, but it seems as if the City of Denton staff is still not comfortable with the amount of

feedback from city residents. McDonald stated some of the concern is resident's not paying attention or understanding what is occurring.

Menguita went through the purpose of the Residential zoning districts. Menguita stated the Residential Rural (RR) is the least intense zoning district, it is intended to provide and maintain rural use of an area.

Commissioner Pruneda questioned why staff wouldn't be proactively looking ahead and zoning the properties currently zoned RD-5X that don't look like RR and zone accordingly with what would fit. Menguita stated the simple answer is this direction is to go through a public hearing process and not to itthrough the city wide rezoning process.

Commissioner Ellis questioned knowing all RD-5X's will be changed to RR and a lot don't make sense, are there currently any RD-5X zoned properties less than 5 acres. Menguita stated yes there are currently some RD-5X zoned properties less than 5 acres. Commissioner Ellis continued stating that wouldn't make sense because the property doesn't fit into the perimeters of the RR zoning district. McDonald stated with the feedback being given staff will evaluate what went from RD-5X to RR and provide recommendations on the areas that could make improvements.

Chair Rozell questioned if there are other instances where properties will be rezoned to a classification that will not meet the standard requirements. Menguita stated yes, but staff has not fully analyzed the information.

Menguita continued to discuss the different Residential (R1, R2, R3, R4, R5 and R6) zoning districts. Menguita stated the new zoning district Residential 7 (R7) is compiled of Downtown Residential 1 (DR-1), Downtown Residential 2 (DR-2), Regional Center Residential 1 (RCR-1), Regional Center Residential 2 (RCR-2) and Multifamily Dwelling 1 (MF-1).

Chair Rozell stated at the February 20, 2019 Planning and Zoning Commission there was a public hearing that was wanting to rezone from Neighborhood Residential Mixed Use (NRMU-12) to Neighborhood Residential Mixed Use (NRMU), which city staff recommend denial because it was two quick of an aggressive transition. Chair Rozell questioned how city staff is now stating NRMU-12 and NRMU are basically the same zoning with the new DDC. Menguita stated the reason staff recommended denial was based on the lot coverage of the purposed development. Menguita continued with the rewrite of certain regulations will be amended to fit the merged zoning districts.

McDonald stated staff is purposing a six month period between the adoption and effective date of the new code, at which time a person would be allowed to select either code, they won't be allowed to mix and match the codes and during this time it would allow staff the ability to modify sections.

Chair Rozell questioned why there is Suburban Corridor (SC) on Interstate I-35 when it should be Highway Corridor (HC). Menguita stated he is unaware why those were over looked, but staff will reanalyze them.

Menguita discussed the table of allowed uses in Subchapter 5.

Menguita stated staff wants the Commission's input, good or bad, and comments or questions so everyone is able to be on the same page.

Commissioner Ellis questioned on the allowed use table it states music studio has use specific standards, but there are no use specific standards written. Menguita stated staff is currently in the process of putting those together.

Menguita stated payday lending is still being discussed on how to address the use.

Chair Rozell stated there is a lot of work entailed for a development code rewrite and it seems there is a lot being removed. Chair Rozell questioned how much of a completed project is being put forth and is it normal for a rewrite to have pieces ancillary to the focus. McDonald stated there is a complete document before you, there are a number of things running parallel because staff is trying to make improvements.

Chair Rozell questioned if Clarion is working with the City of Denton staff on the criteria manuals. McDonald stated they are helping with the administrative manuals.

Chair Rozell closed the special called Work Session at 6:00 p.m.

X

Andrew Rozell
Chair

X

Cathy Welborn
Administrative Assistant