

Minutes
Planning and Zoning Commission
March 6, 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, March 6, 2019 at 3:00 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, Margie Ellis, and Tim Smith.

ABSENT: Commissioner Mat Pruneda.

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

WORK SESSION

Chair Rozell called the Work Session to order at 3:05 p.m.

1. Work Session Reports

A. Hold a discussion and receive information regarding roundabouts and special study areas. (Pritam Deshmukh).

Pritam Deshmukh, Deputy City Engineer, presented a presentation regarding roundabouts and special study areas.

Commissioner Ellis questioned what the term critical project meant within the workings of the City of Denton. Deshmukh stated when a project is considered critical, engineering staff will take it before City Council to recommend a bond funded project or reallocating general funds. This allows a project to be put on the priority list.

Commissioner Sanchez stated his dedicated support of using roundabouts.

B. Receive an update on the master thoroughfare/mobility plan. (Pritam Deshmukh).

Pritam Deshmukh, Deputy City Engineer, stated for the mobility plan there are three elements staff is focusing on which are the master thoroughfare, bicycle, and pedestrian plans and those combined make up the mobility plan. Deshmukh stated the first draft should be out later this year.

C. 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, stated the discussion will be over subchapters four and five.

Commissioner Ellis stated if the intent is to update the zoning map it will require a lot of planning and if the properties are left as a Residential Rural (RR) they cannot be developed.

Commissioner Rozell questioned why the City of Denton zoned a Residential 1 (R1) to a Residential 4 (R4). Richard Cannone, Deputy Director of Development Services, stated staff took it back to the properties original zoning which was Neighborhood Residential 4 (NR-4) district.

Chair Rozell stated a discussion was started with the rural areas and split zoning; based on the discussion the City of Denton looked at all zoning areas. Cannone stated no, a discussion took place with outside counsel that the rezoning of properties should be as close to the current zoning.

Commissioner Ellis confirmed the discussion started in a Denton Code Review Committee (DCRC) meeting on an RR property and it ended up becoming realigning the zoning map as closely as possible to what it looks like today with the current zoning. Scott McDonald, Director of Development Services, agreed with Commissioner Ellis, but also stressed to the Commission this is a draft zoning map. McDonald continued that the DCRC is also guided by outside counsel who is a land use expert to be consistent in how it is being applied.

Menguita stated currently there are a number of Mixed-Use Downtown Core (MD) zoning districts along the highway corridor, near the University of North Texas and Texas Women's University because the current zoning was Downtown Commercial General (DC-G). Menguita stated staff looked at those properties and gave them a zoning based on the context currently there. Commissioner Ellis stated that makes sense but questioned why that logic is not being used throughout the map.

Menguita requested the Commission to provide feedback on Subchapter 5 Use Regulations and if there are any questions or comments regarding the proposed land uses.

Commissioner Beck questioned why mobile home communities are allowed with a Specific Use Permit (SUP) in the RR and Residential 2 (R2) but are not allowed in the R1 district. Julie Wyatt, Senior Planner, stated currently mobile home communities are allowed in RD-5 by right, Neighborhood Residential 2 (NR-2) and Neighborhood Residential 6 (NR-6) with an SUP. McDonald stated staff will take the question to the DCRC to discuss further.

Menguita stated current Planned Developments (PD) and Master Planned Communities (MPC) will be transitioned into PD's.

Menguita stated the Rayzor Ranch Overlay District will be referenced in Subchapter 4, but will be added to the Denton Development Code as an appendix.

Menguita stated there will be technical experts at the next Work Session regarding Subchapter 6.

Chair Rozell called a recess at 5:27 p.m.

Chair Rozell reconvened the Work Session at 5:46 p.m.

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.

Chair Rozell stated Public Hearing item 4A has been withdrawn and item 4B is being postponed to the March 20, 2019 Planning and Zoning Commission meeting.

Chair Rozell questioned if the Commission had any questions regarding the Consent Agenda. Commissioner Ellis commented on Consent Agenda 3A, it stated in the general notes that the lots were close to gas wells, but they did not have an asterisk on them. Commissioner Ellis continued that adding the asterisk is more of a preference than a requirement. Julie Wyatt, Senior Planner, stated Commissioner Ellis is speaking of Note 8 that references certain lots located within a specific distance from a gas well.

Hayley Zagurski, Senior Planner, presented Public Hearing item 4C.

Richard Cannone, Deputy Director of Development Services and Hayley Zagurski presented Public Hearing item 4D. Cannone discussed additional revisions made and provided the type of comments received from the outreach done by staff.

Chair Rozell closed the Work Session at 6:25 pm

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, March 6, 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 opened the Regular Meeting at 6: 33 p.m.

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 Larry Beck seconded to approve the February 6, 2019 meeting minutes. Motion approved (5-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye". Chair Rozell "recused".

Commissioner Margie Ellis motioned, Commissioner Alfred Sanchez seconded to approve the February 13, 2019 meeting minutes. Motion approved (5-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Commissioner Margie Ellis "aye", and Chair Rozell "aye" Commissioner Tim Smith "recused".

3. CONSENT AGENDA

A. Consider a request by Bent Rail Farms, LLC for approval of a Final Plat of Bent Rail Farm Addition. The approximately 14.01-acre site is generally located at the southeast corner of Jackson Road and Thomas J Egan Road in Denton County, Texas. (FP18-0007 Bent Rail Farm Addition, Julie Wyatt).

B. Consider a request by Premier Denton Public Facility Corporation for approval of a Final Plat for Lot 2, Block 1, Brinker Road Addition. The approximately 12.37-acre site is generally located on the east side of Brinker Road, approximately 990 feet south of South Loop 288 in the City of Denton, Denton County, Texas. (FP18-0008, Brinker Road Addition, Hayley Zagurski).

C. Consider a request by Blue Beacon International, Inc. for approval of a Final Plat of Lot 1, Block A of Blue Beacon International Addition. The approximately 11.79-acre site is generally located on the east side of Interstate Highway 35E and on the north side of Barthold Road in the City of Denton, Denton County, Texas. (FP18-0020, Blue Beacon, Hayley Zagurski).

D. Consider a request by Stephen Shannon representing Willis Endeavors for approval of a Final Plat of the Lot 1, Block A of the 734 Crawford Addition. The approximately 1.84-acre site is generally located on the north side of Crawford Road, approximately 810 feet west of Carnegie Ridge Road in the ETJ of the City of Denton, Denton County, Texas. (FP18-0031, 734 Crawford, Cindy Jackson).

Commissioner Tim Smith motioned, Commissioner Margie Ellis seconded to approve the Consent Agenda. Motion approved (6-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Commissioner Margie Ellis "aye", and T Commissioner Tim Smith "aye".

4. PUBLIC HEARINGS

A. Hold a public hearing and consider making a recommendation to City Council regarding a request by Kirkman Engineering for a zoning change from Neighborhood Residential Mixed Use 12 (NRMU-12) to a Neighborhood Residential Mixed Use (NRMU) Zoning District. The applicant is proposing a multi-family dwelling use with 267 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. (Z18-0022, Mockingbird Multi-Family, Ron Menguita). 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 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 20, 2019 PLANNING AND ZONING COMMISSION MEETING.

C. Consider a request by A-3 Denton MCD, LLC for approval of a Final Replat for Lot 1R, Sunrise Addition. The approximately 1.69-acre site is generally located on the east side of Fort Worth Drive and north of the I-35 Frontage Road in the City of Denton, Denton County, Texas. (FR18-0018, McDonalds, Hayley Zagurski).

Chair Rozell opened the Public Hearing.

Hayley Zagurski, presented Public Hearing item 3C. The Commission had no questions.

The following individual spoke during the Public Hearing:

Greg Massey, 2933 S Bryant Ave, Edmond OK, 73013. Supports the request.

Chair Rozell closed the Public Hearing

Commissioner Alfred Sanchez motioned, Commissioner Tim Smith seconded to approve Public Hearing item 3C. Motion approved (6-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Commissioner Margie Ellis "aye", and T Commissioner Tim Smith "aye".

D. 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).

Richard Cannone, Deputy Director of Development Services, and Hayley Zagurski, Senior Planner presented the Public Hearing item 3D. Cannone and Zagurski provided the proposed changes to the Conservation and Landscape code.

Commissioner Beck asked if the developer would be responsible if a tree dies within two to three years of planting. Cannone stated if it is an approved landscape plan.

Commissioner Sanchez questioned if there is a stipulation on preserving female cotton wood trees in neighborhoods because of issues they cause with home air conditioning units during their production season. Cannone stated that can be included in the recommendation to City Council.

The following individual spoke during the Public Hearing:

David Lehde, 5816 W. Plano Pkwy, Plano, Texas 75093. Opposed to the request.

Rick Baria, 5138 Edwards Rd. Denton, Texas 76208. Supports the request.
Jim Strange, 3613 Falcon Ct., Corinth, Texas 76210.

Commissioner Smith questioned what is entailed during the six month grace period. Cannone stated within the six months as long as the applicant has submitted for a preliminary plat, final plat, or building permit, they have the option of submitting under the current code or the proposed code, but they are unable to pick and choose from code to code.

Scott McDonald, Director of Development Services stated the tree fund has been moved under the Parks and Recreation Department. McDonald continued to state Parks and Recreation is also doing a tree master plan and city staff will be coming together in a way to utilize the tree fund.

Chair Rozell questioned the City of Denton's current canopy east of Interstate 35 (I-35) and what is the City-wide canopy goal. Cannone stated the current canopy east of I-35 is 33% and the canopy goal is 40%.

Chair Rozell closed the Public Hearing.

Commissioner Beck stated there are things that both sides can agree and disagree on, but it's something that can be worked on.

Commissioner Sanchez stated no program that has been implemented is a hundred percent it always has to be worked on.

Commissioner Smith stated he is afraid of the affordability both for the money that goes into the tree fund and the new single family residents. Commissioner Smith also recommended the 6 month grace period be considered by City Council and the tree fund to be highlighted in a City Council presentation.

Commissioner Ellis stated staff has done a tremendous job, including stakeholders and the public. Commissioner Ellis believes the Conservation and Landscape Code has improved, is fair, and should move forward. Now, the City of Denton has to get a process in place on how to spend money out of tree fund. Proposed it should be used to plant trees and beautify the City of Denton.

Commissioner Cole stated the proposed Conservation and Landscape Code isn't perfect but it is progress. Commissioner Cole continued one issue he has is Mesquite and Honey Locust trees are still being given a life line.

Chair Rozell stated with his fellow Commissioners still providing inputs that show the Conservation and Landscape Code draft to be weak and it sounds there are no efforts to take a few more months in perfecting it. Chair Rozell continued to state staff has done a great job, but he is not a proponent of proposed Conservation and Landscape Code.

Commissioner Larry Beck motioned, Commissioner Alfred Sanchez seconded, to approve Public Hearing 4D. Motion approved (5-1). Commissioner Alfred Sanchez "aye", Commissioner Larry

Beck "aye", Commissioner Jason Cole "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye". Chair Andrew Rozell "nay".

5. PLANNING & ZONING COMMISSION PROJECT MATRIX

A. Planning and Zoning Commission project matrix.

Richard Cannone, Deputy Director of Development Services, recommends having Gary Packan, Director of Parks & Recreation, come and have a discussion regarding the tree fund.

Commissioner Beck requested Haywood Morgan, Urban Forster, to provide his opinion regarding the issues with the Black Jack Oaks.

Commissioner Ellis requested an update on Bernard Street between Sycamore Street and Mulberry Street.

Chair Rozell closed the Regular Meeting at 9:12 p.m.

X



Andrew Rozell
Chair

X



Catherine Welborn
Administrative Assistant