

Minutes
Planning and Zoning Commission
April 10, 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, April 10, 2019 4:00 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, Margie Ellis, and Tim Smith.

ABSENT: None.

STAFF: Scott McDonald, Richard Cannone, Charlie Rosendahl, Kelly Robinson, Cody Yates, Ron Menguita, Hayley Zagurski, Julie Wyatt, Cindy Jackson, Juan Pagoada-Reyes, Karen Hermann Karina Maldonado, Mark Laird, Roman McAllen, Sean Jacobson, Candy Whitaker and Cathy Welborn.

WORK SESSION

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

Chair Rozell opened the Work Session at 4:10 p.m.

Chair Rozell questioned if the Commission had any questions regarding the Consent Agenda. The Commission had no questions regarding the Consent Agenda.

Roman McAllen, Historic Preservation Officer, presented Public Hearing item 3C.

Scott McDonald Director of Development Services, introduced Matt Goebel with Clarion Associates. Mat Goebel, Clarion Associates, presented Public Hearing item 3B.

Ron Menguita, Principal Planner, presented Public Hearing item 3C.

Mat Pruneda questioned if duplexes and townhomes would be allowed in the Residential 3 and Residential 4 Districts after the October 1, 2019 without a specific use permit (SUP). Menguita stated the use table still requires an SUP and the use specific standards.

McDonald went over the next steps for the Denton Development Code update after the April 10, 2019 Planning and Zoning Commission meeting.

Commissioner Beck questioned what percentage of the opposition responses staff received were just misunderstanding of the intent. Menguita stated about 40 percent which were either confusion or misunderstanding of the notifications, but once staff clarified the citizen was satisfied with the response.

Chair Rozell closed the Work Session at 5:06 p.m.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, April 10, 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 6:54 p.m.

Chair Rozell stated if the audience has any questions regarding Public Hearing item 3C to see staff in the City Council Work Session room or the City Hall Conference room. Chair Rozell continued that after Public Hearing item 3A and 3B there would be a recess to ensure all citizens that want to speak on Public Hearing item 3C would have opportunity to return to the City Council Chambers.

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

2. CONSENT AGENDA

A. Consider a request by G. Curtis Surveyors, LLC representing Westpark Group L.P. for approval of a Conveyance Plat of Lots 1, 2, 3, and 4, Block A of the Westpark Addition, Phase 2. The approximately 75.18 acre property is generally located at the southeast corner of the intersection of Jim Christal Road and Western Boulevard, in the City of Denton, Denton County, Texas. (CV19-0001, Westpark Addition, Cindy Jackson)

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".

3. PUBLIC HEARINGS

A. Hold a public hearing and consider making a recommendation to City Council regarding changing Bell Avenue Historic Conservation District to Bell Avenue Historic District, as specified in Section 4.9.5 of the proposed Development Code. (DCA18-0009, Roman McAllen)

Chair Rozell opened the Public Hearing.

Roman McAllen, Historic Preservation Officer, presented Public Hearing item 3A.

The following individual spoke during the Public Hearing:

Carolyn Bednar, 6335 Fishtrap Road, Denton, Texas 76208. Did not mark support or opposition.

Chair Rozell closed the Public Hearing.

Commissioner Tim Smith motioned, Commissioner Mat Pruneda seconded to approve Public Hearing item 3A. 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. Hold a public hearing and consider making a recommendation to City Council regarding a comprehensive update to the Denton Development Code (DDC Update); expressly repealing Chapters 31 and 34 of the Municipal Code of Ordinances related to Landscaping and Subdivision and Land Development; repealing the current Denton Development Code; and repealing and replacing Chapter 35 of the Municipal Code of Ordinances establishing the DDC Update as the official Denton Development Code. (DCA18-0009m, DDC Update, Ron Menguita)

Chair Rozell opened the Public Hearing.

Ron Menguita, Principal Planner, introduced Mat Goebel. Mat Goebel, Clarion Associates, presented Public Hearing item 3B.

The following individuals spoke during the Public Hearing:

Jacque Fenster, 2422 College Park Drive, Denton, Texas 76209. Opposed to the request.
Bret Fenster, 2422 College Park Drive, Denton, Texas 76209. Opposed to the request.
Eric Pruett, 2111 Westwood Drive, Denton, Texas 76205. Supports the request.
Tom Doster, 5118 E University Drive, Denton, Texas 76208. Opposed to the request.
James Buris, 2003 Westwood Drive, Denton, Texas 76205. Opposed to the request.
Jennifer Lane, 1526 Willowwood Street, Denton, Texas 76205. Not stated.
Fon Laughlin, 5100 E University Drive, Denton, Texas 76208. Opposed to the request.
Mark Hannan, 3518 Bentley Court, Denton, Texas 76210. Opposed to the request.
Doug Chandler, 2301 Chebi Lane, Denton, Texas 76209. Not stated.

Commissioner Pruneda stated there are a lot of people that are concerned about duplexes and triplexes that are possible with the new zoning, but as mentioned they are not allowed by right and neighboring properties will be notified of the request.

Commissioner Beck questioned if an applicant has already submitted the final plat for a final phase will they be obligated to submit under the new Denton Development Code. Richard Cannone, Deputy Director of Development Services, stated if the plat is already in process then it would be under the existing code.

Chair Rozell closed the Public Hearing.

Ron Menguita, Principal Planner, addressed the comment regarding the legal non-conforming building. Menguita stated staff has defined non-conforming which is in Subchapter One.

The Planning and Zoning Commission voiced their support and feedback regarding the Denton Development Code update.

Commissioner Tim Smith motioned, Commissioner Larry Beck seconded to approve Public Hearing item 3B. 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 8:07 p.m.

Chair Rozell reconvened the Regular Meeting at 8:30 p.m.

C. Hold a public hearing and consider making a recommendation to City Council regarding an amendment to the city's official zoning map. (DCA18-0009n, DDC Update, Ron Menguita)

Chair Rozell opened the Public Hearing.

Ron Menguita, Principal Planner, presented Public Hearing item 3C.

Scott McDonald, Director Development Services, spoke regarding Public Hearing item 3C. McDonald stated Public Hearing items 3A, 3B, and 3C will be taken to City Council on Tuesday, April 23, 2019. McDonald continued to state with that being said, staff does not anticipate the draft zoning map being adopted. McDonald continued the public hearing will be opened, than receive feedback from steak holders, citizens, property owners and those concerned with the changes.

McDonald stated the map will be postponed to an indefinite date, but will be heard again within 45 to 60 days so staff is able to find any inconstancy in the map, address public concerns, and then include those in a City initiated rezoning.

McDonald continued to state when this goes forward staff will being working with legal staff to ensure the process used will be constant with the local government code.

The following individuals spoke during the Public Hearing:

Ginger Cain, 1600 Churchill Drive, Denton, Texas 76209. Opposed to the request.

Richard Greb, 2100 South Mayhill Road, Denton, Texas 76208. Opposed to the request.

Robert Stock, 5101 E University Drive, Denton, Texas 76208. Opposed to the request.

John Robinson, 1007 Avenue A, Denton, Texas 76201. Opposed to the request.

Paula Robinson, 1113 Stanley Street, Denton, Texas 76201. Opposed to the request.

Ann Kelsey, 2225 East McKinney Street, Denton, Texas 76205. Opposed to the request.

J.B. Helsier, 1200 Cowling Road, Sanger, Texas 76226. Opposed to the request.

John Shiver, 520 North Austin Street, Denton, Texas 76201. Opposed to the request.
Gary Chang, 1600 West Hickory Street, Denton, Texas 76201. Opposed to the request.
Ramdora Sunkavlli, P.O. Box 338, Coppell, Texas 75019. Not stated.
Wendy Roush, 418 Maple Street, Denton, Texas 76201. Opposed to the request.
Julie Smith, 532 W. Windsor Drive, Denton, Texas 76207. Opposed to the request.
Sevri Tjandramulia, 310. N. Bonnie Brae Street, Denton, Texas 76201. Opposed to the request.
Berdy Tjandramulia, 310. N. Bonnie Brae Street, Denton, Texas 76201. Opposed to the request.
Yafei Staszuk, 6498 Shiloh Lane, Denton, Texas 76208. Not stated.
Ted Obialo, 2216 Bolivar Street, Denton, Texas 76201. Opposed to the request.

Chair Rozell read into the record the following cards:

Fon Laughlin, 5118 E. University Drive, Denton, Texas 76208. Opposed to the request.
Mary Moses, 2313 Crestmeadow Street, Denton, Texas 76207. Not stated.
Betty Wright, 1805 Crescent Street, Denton, Texas 76201. Not stated.
Doug Chandler, 2301 Chebi Lane, Denton, Texas 76209. Opposed to the request.
Kenneth Stout, 4608 Mills Road, Denton, Texas, 76208. Not stated.
Jacob Moses, 615 W. Oak Street Apt C, Denton, Texas 76201. Supports the request.
Colette Johnson, 327 Ruth Street, Denton, Texas 76205. Not stated.
Jennifer Lane, 1526 Willowwood Street, Denton, Texas 76205. Not stated.
Jacque Fenster, 2422 College Park Drive, Denton, Texas 76209. Opposed to the request.
Bret Fenster, 2422 College Park Drive, Denton, Texas 76209. Opposed to the request.
Walter McGovern 3110 Hartlee Field Road, Denton, Texas 76208. Not stated.
Vickie McGovern 3110 Hartlee Field Road, Denton, Texas 76208. Not stated.
Joe Crawford, 3656 Swisher Road, Denton, Texas 76208. Supports the request.
Mark Hannan, 3518 Bentley Court, Denton, Texas 76210. Opposed to the request.
Luis Ortiz and Catherine Ortiz, Metro Street. Opposed to the request.
Alan Michlin, 4119 Ridge Lane, Denton Texas 76208. Opposed to the request.
Kenna Prior, 1058 N. Mayhill Road, Denton, Texas 76208. Not stated.
Kevin Grimes, 3012 Frontier Drive, Denton, Texas 76210. Not stated.
Danna Zoltner, 610 Emery Street, Denton, Texas 76201. Not stated.
Pam Spooner, 513 Chatean Court, Denton, Texas 76209. Not stated.
Masoud Sadeghian, 3302 Fort Worth Drive, Denton, Texas 76205. Opposed to the request.
Doug Carr 1800 Fort Worth Drive, Denton, Texas 76205. Opposed to the request.
Cindy Carr 1800 Fort Worth Drive, Denton, Texas 76205. Opposed to the request.
Diana Davis, 1513 Creek Avenue, Denton, Texas 76209. Opposed to the request.
Jennifer Wages, 2508 Glenwood Lane, Denton, Texas 76209. Supports the request.
Tomas Frias, 620 Campbell Lane, Denton, Texas 76209. Supports the request.
Sharon McKee, 4700 Masch Branch Road, Denton, Texas 76210. Not stated.
John Calvert, 1103 Aileen Street, Denton, Texas 76201. Supports the request.
Gretchen Aycock, 7617 FM 428, Denton, Texas 76208. Supports the request.
Eddie Lane, 1005 W. Hickory Street, Denton, Texas 76201. Not stated.
Richard Anson, 3809 Gennaker Drive, Denton, Texas 76210. Not stated.
Herb McCurley, 4926 Mills Road, Denton, Texas 76208. Not stated.
Salma Dharani, 718 Hercules Lane, Denton, Texas 76209. Not stated.

Joe Doye. Not stated.

Rosa Gonzalez, 4201 Pina Trail, Krum, Texas 76249. Not stated.

Luther Alexander, 5842 Mills Road, Denton, Texas 76208. Not stated.

Claudia Lynch, 2585 Underwood Road, Denton, Texas 76207. Not stated.

Scott Phillips, 1701 Malone Street, Denton, Texas 76201. Not stated.

David Vanderlaan, Hobson Ln, Denton Texas 76210. Not stated.

Constance McCammon, 2917 Megan Street, Denton 76209. Not stated.

Chair Rozell closed the Public Hearing.

Commissioner Pruneda thanked the citizens for coming out, as well as staff for coming out to help answer questions and concerns.

Commissioner Tim Smith motioned, Commissioner Alfred Sanchez seconded to adopt the zoning map as purposed. 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 closed the Regular Meeting at 9:55 p.m.

X

Andrew Rozell
Chair

X

Catherine Welborn
Administrative Assistant