

Minutes
Planning and Zoning Commission
May 1, 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, May 1, 2019 at 5:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which time the following items were considered:

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

ABSENT: None.

STAFF: Scott McDonald, Richard Cannone, Jerry Drake, Cynthia Kirchoff, Ron Menguita, Julie Wyatt, Hayley Zagurski, Cindy Jackson, Karina Maldonado, Mark Laird, Elizabeth Lococo and Cathy Welborn.

WORK SESSION

Chair Rozell opened the Work Session at 5:03 p.m.

1. Work Session Reports

A. 2019 Development Code and City Initiated Rezoning's.

Scott McDonald, Director of Development Services, presented Work Session Report 2A. McDonald provided information regarding upcoming public hearings, city initiated rezoning's and an update to the Denton Development Code (DDC). Ron Menguita, Principal Planner, provided the changes made to the transition chart.

Commissioner Ellis questioned if parks were changed to Public Facilities (PF). Menguita stated yes all City Facilities were change to PF.

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 asked the Commission if they had any questions regarding the meeting minutes. The Commissioners had no questions regarding the meeting minutes.

Chair Rozell asked the Commission if there were any questions regarding the Consent Agenda. Commissioner Ellis had a questions regarding Consent Agenda items 3B and 3C. Commissioner Ellis questioned if note two on page one is contingent for Consent Agenda item 3B then shouldn't it be contingent for Consent Agenda item 3C. Karina Maldonado, Assistant Planner, stated this

specific note speaks specifically to lot 14 and the need for an alternative environmentally sensitive area (AESA) assessment would be needed during the final plat.

Mark Laird, Assistant Planner, presented Public Hearing item 4A. Laird stated staff does recommend approval of the request as it meets all the requirements of the Denton Development Code.

Julie Wyatt, Senior Planner, presented Public Hearing item 4B.

Cindy Jackson, Senior Planner, presented Public Hearing item 4C and 4D. Jackson stated the request is to rezone form Downtown Commercial Neighborhood (DC-N) to Downtown Commercial General (DC-G).

Jackson stated staff does recommend approval of the request for Public Hearing item 4C, as it is consistent with the goals and objectives of the Denton Plan 2030 and complies with Zoning Criteria for approval.

Jackson stated the request for Public Hearing item 4D is for a drive-through facility in association with a bank. Jackson stated staff recommends approval of the request with the following conditions: 1. Landscaping in the attached site plan reflects an intent to comply with the DDC requirements for parking, street trees, minimum landscape and canopy areas, and compatibility buffers, with administrative approval of alternative buffer elements permitted in accordance with DDC 35.13.8. Minor alterations to the depicted locations of individual plantings may be approved by City staff, provided that the final landscaping, as planted, complies with the attached site plan in terms of buffer and open space locations, as well as all elements of the DDC. 2. Notwithstanding the limited administrative approvals authorized in condition 1, the City reserves the right to require approval by ordinance of any amendments to the SUP, the attached site plan, and the elements described in Section 3 below, including those referenced in condition

Chair Rozell questioned why the applicant is not required to have parking in front of the building. Jackson stated they are not required, parking can be behind or to the side, but since the property is located in the Central Business District (CBD) area fronts are considered pedestrian orientated areas.

Commissioner Ellis questioned if traffic was considered on West Mulberry Street. Jackson stated when the site plan comes in for review access will be discussed. Richard Cannone, Deputy Director of Development Services, stated staff did have the Traffic Department look at the site and these are the current ingress and egress points.

Chair Rozell closed the Work Session at 5:54 p.m.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, May 1, 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 6:31 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 April 3, 2019 meeting minutes. Motion approved (6-0). 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". Commissioner Alfred Sanchez "recused".

Commissioner Tim Smith motioned, Commissioner Margie Ellis seconded to approve the April 10, 2019 meeting minutes. Motion approved (7-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Commissioner Mat Pruneda "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

3. CONSENT AGENDA

A. Consider a request by Lance Hill of Hillcrest North Properties, LLC for approval of a Preliminary Plat for the Hillcrest North Addition. The approximately 6.38-acre tract of land is generally located on the north side of Teasley Lane (F.M. 2181), southeast of John. H. Guyer High School and approximately 0.3 miles west side of F.M. 2499 in the City of Denton, Denton, County, Texas. (PP18-0025, Hillcrest North, Karina Maldonado)

B. Consider a request by Rayzor Investments, Ltd. for approval of a Preliminary Plat for Rayzor/Ironwood Western Blvd. The approximately 93.54-acre tract of land is generally located on the north side of Airport Road and west side of Western Boulevard in the City of Denton, Denton, County, Texas. (PP19-0002, Phased Industrial Development, Karina Maldonado)

C. Consider a request by Rayzor Investments, Ltd. for approval of a Final Plat for Lot 10, Block A of Rayzor/Ironwood Western Blvd. The approximately 30.5-acre site is generally located on the west side of Western Boulevard, approximately 0.25 miles north of Airport Road in Denton, Denton County, Texas. (FP19-0010 Phased Industrial Development, Karina Maldonado)

D. Consider a request by Mark McDowell of All Storage Denton, LLC for approval of a Final Plat for Lot 1, Block 1, All Storage Denton Addition. The approximately 5.195-acre site is generally located along the west side of the I-35 southbound service road and north of the eastern terminus of Jim Christal Road in the City of Denton, Denton County, Texas. (FP19-0002, All Storage Denton, Hayley Zagurski).

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

4. PUBLIC HEARINGS

A. Hold a public hearing and consider a request by Tony Kimbrough of KAZ Surveying, representing Randall Tudor, Brad McKissack and Justin Ray, for approval of a Final Replat of Lots 1R-1, 2R-1 and 3R-2, Block A, Hilltop Ranch Addition; being a residential replat of Lot 1R & 2R, Block A, Hilltop Ranch Addition. The approximately 6.49-acre tract is generally located 2,100 feet south of the Hilltop Road and Country Club Road intersection in the extra territorial jurisdiction of the City of Denton, Denton County, Texas (FR19-0003 Hilltop Ranch Addition, Mark Laird).

Commissioner Smith recused himself Public Hearing item 4A.

Chair Rozell opened the Public Hearing.

Mark Laird, Associate Planner, presented Public Hearing item 4A.

Chair Rozell closed the Public Hearing.

Commissioner Larry Beck motioned, Commissioner Mat Pruneda seconded to approve Public Hearing item 4A. Motion approved (6-0). 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 "recused"

B. Hold a public hearing and consider a request by the City of Denton for approval of a Final Replat for Lot 1R, Block A of Mayhill Road Addition. The approximately 12.498-acre site is generally located on the east side of South Mayhill Road, approximately 665 feet south of Morse Street in the City of Denton, Denton County, Texas. (FP19-0008, Mayhill Road Addition, Julie Wyatt)

Chair Rozell opened the Public Hearing.

Julie Wyatt, Senior Planner presented Public Hearing 4B.

Chair Rozell closed the Public Hearing.

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

C. Hold a public hearing and consider making a recommendation to City Council regarding a request by Allison Engineering Group representing JNL Texas Holdings to rezone a 0.964 acre site from Downtown Commercial Neighborhood (DC-N) zoning district to a Downtown Commercial General (DC-G) zoning district. The subject property is located at 120 S. Carroll Blvd., in the City of Denton, Denton County, Texas. (Z19-0002, Denton Bank, Cindy Jackson)

D. Hold a public hearing and consider making a recommendation to City Council regarding a request by Allison Engineering Group representing JNL Texas Holdings for a Specific Use Permit to allow a drive-through facility in association with a bank. The subject property is located at 120 S. Carroll Blvd., in the City of Denton, Denton County, Texas. S19-0007, Denton Bank, Cindy Jackson)

Chair Rozell opened Public Hearing items 4C and 4D.

Cindy Jackson, Senior Planner, presented Public Hearing item 4C and 4D. Jackson stated the request is to rezone from Downtown Commercial Neighborhood (DC-N) to Downtown Commercial General (DC-G).

Jackson stated staff does recommend approval of the request for Public Hearing item 4C, as it is consistent with the goals and objectives of the Denton Plan 2030 and complies with Zoning Criteria for approval.

Jackson stated the request for Public Hearing item 4D is for a drive-through facility in association with a bank. Jackson stated staff recommends approval of the request with the following conditions: 1. Landscaping in the attached site plan reflects an intent to comply with the DDC requirements for parking, street trees, minimum landscape and canopy areas, and compatibility buffers, with administrative approval of alternative buffer elements permitted in accordance with DDC 35.13.8. Minor alterations to the depicted locations of individual plantings may be approved by City staff, provided that the final landscaping, as planted, complies with the attached site plan in terms of buffer and open space locations, as well as all elements of the DDC. 2. Notwithstanding the limited administrative approvals authorized in condition 1, the City reserves the right to require approval by ordinance of any amendments to the SUP, the attached site plan, and the elements described in Section 3 below, including those referenced in condition

The following individuals spoke during the Public Hearing:

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

Marty Rivers 120 Industrial Street, Denton, Texas 76201. Supports the request.

Commissioner Ellis questioned if there is an expected timeframe when construction should start. Allison stated the hope is next fall if not sooner, but there is a major drainage analysis that has to be done along with site civil and architectural plans.

Commissioner Beck stated the fact that the drive-through is next to the neighborhood, he would encourage a fence or a wall to add more privacy between the two. Allison stated there is no issue with adding a fence or a wall.

Commissioner Pruneda questioned what the lighting requirements would be for the abutting neighborhood. Allison stated in accordance with city codes the applicant is limited to a one half candle power at the property line and with the buffers and trees along the west side that should help stop some of the light. Rivers stated since the bank is not a six lane drive-through there is no need for all the lights. Rivers continued to state lights would have to be under the canopy for the two Interactive Teller Machines (ITM).

Chair Rozell requested staff to clarify since the recommendation reference's the 2002 Denton Development Code (DDC), so to Allison's point the Planning and Zoning Commission is selecting the 2002 DDC would control the Specific Use Permit (SUP). Jackson stated that is correct.

Chair Rozell requested Allison to pinpoint the disagreement staff and the applicant are having with the recommendations and conditions. Allison stated his feedback regarding the conditions. Jackson stated she was missing the staff requirements.

Jackson read into the record the following: The attached site plan, and landscape plan provided in Exhibits 6 and 7 specify the following, which will be incorporated as requirements of the SUP ordinance. Staff shall have the ability to approve an increase or decrease of up to 5% of any of the amounts specified in requirements 2-6, provided all applicable requirements of the DDC are met. 1. The existing 13,000 square foot funeral home shall be demolished. 2. The approved use of the site shall be a 12,000 square foot, two-story bank with a drive-through facility consisting of one drive-up ATM lane and one drive-up teller/ATM lane. 3. A total of 33 parking spaces, with the additional space being of pervious paving material, shall be provided on the site. Any additional parking spaces shall be of pervious paving material. 4. The site plan specifies a total of 71% lot coverage and 29% landscape area which includes a Type "C" landscape buffer along the western and northern property lines. The plan reflects an "alternative" buffer with a proposed 10.5-foot wide buffer. DDC 35.13.8 grants the Director the ability to approve alternative compatibility buffers. The Director may approve an alternative buffer that is equivalent to or more restrictive than the buffer specified in Exhibits 6-8.

Chair Rozell questioned if the recommendations should be numbered one through six, instead of one through four then one and two. Jackson stated yes it should be renumbered one through six.

Commissioner Smith questioned why the recommendations were set to be so restrictive. Jackson stated this was language the legal department has devised for SUP's and staff has used previously. Commissioner Smith questioned Jerry Drake, First Assistant Attorney, in the past, SUP's were not as restrictive to what has been presented and not allowing the applicant any wiggle room. Drake stated he is unable to respond to why, but there are a couple of things involved. Drake stated he

wished he would have been confronted with the issue on how to interrupt this case before tonight. Drake continued to state the SUP regarding McDonalds drive-through did go before City Council a couple of times at which time, City Council wanted to see more detail and with the direction received legal staff worked with planning staff to come up with specific language that would clarify the expectations.

Richard Cannone, Deputy Director of Development Services, stated the reason for the specificity is City Council wanted to ensure what was being presented was what was going to be built.

Chair Rozell called a recess at 7:46 p.m.

Chair reconvened the Regular Meeting at 8:12 p.m.

Chair Rozell requested Cannone to provide the revised recommendations.

Cannone provided the modified staff recommendations for Public Hearing item 4D: Staff shall have the ability to increase/decrease amounts by 5%. **1.** The existing 13,000 square foot funeral home shall be demolished. **2.** The approved use of the site shall be a 12,000 square foot, two-story bank with a drive-through facility consisting of a maximum of two lanes. The building square footage may be reduced beyond 5%. **3.** A total of 33 parking spaces in accordance with the DDC. **4.** A maximum lot coverage of 80% and 20% landscape area. The lot coverage may be reduced beyond 5% and landscape area increased by any amount. Staff recommends approval of the SUP with the following conditions: **5.** Landscaping in the attached site plan reflects an intent to comply with the DDC requirements for parking, street trees, minimum landscape and canopy areas, and compatibility buffers, with administrative approval of alternative buffer elements permitted in accordance with DDC. **6.** Notwithstanding the limited administrative approvals authorized in condition 2 and 4, the City reserves the right to require approval by ordinance of any amendments to the SUP, the attached site plan, and the elements described in Section 3 below, including those referenced in condition 2 and 4. **7.** Large trees shall be planted along the western property line. **8.** A perimeter fence shall be placed along the perimeter of the site, adjacent to the single family uses.

Chair Rozell questioned if city staff and the applicant are in agreement of the revised recommendations. Cannone stated yes both parties are in agreement.

Commissioner Beck stated he would like to require a privacy fence between the site and the abutting neighborhood. Cannone stated staff can add the requirement to the condition and the applicant does not have a problem with the added condition.

Commissioner Ellis questioned if Mr. Allison is still in agreement to planting higher trees on the side abutting the neighborhood. Allison stated yes they can require for the buffer trees on the west side to be larger.

Chair Rozell closed both Public Hearing items 4C and 4D.

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

Commissioner Tim Smith motioned, Commissioner Jason Cole seconded to approve Public Hearing item 4D with the revised conditions: Staff shall have the ability to increase/decrease amounts by 5%. **1.** The existing 13,000 square foot funeral home shall be demolished. **2.** The approved use of the site shall be a 12,000 square foot, two-story bank with a drive-through facility consisting of a maximum of two lanes. The building square footage may be reduced beyond 5%. **3.** A total of 33 parking spaces in accordance with the DDC. **4.** A maximum lot coverage of 80% and 20% landscape area. The lot coverage may be reduced beyond 5% and landscape area increased by any amount. Staff recommends approval of the SUP with the following conditions: **5.** Landscaping in the attached site plan reflects an intent to comply with the DDC requirements for parking, street trees, minimum landscape and canopy areas, and compatibility buffers, with administrative approval of alternative buffer elements permitted in accordance with DDC. **6.** Notwithstanding the limited administrative approvals authorized in condition 2 and 4, the City reserves the right to require approval by ordinance of any amendments to the SUP, the attached site plan, and the elements described in Section 3 below, including those referenced in condition 2 and 4. **7.** Large trees shall be planted along the western property line. **8.** A perimeter fence shall be placed along the perimeter of the site, adjacent to the single family uses, as well as the condition requiring a privacy fence and the buffer trees on the west side to be larger. Motion approved (7-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Commissioner Mat Pruneda "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

5. PLANNING & ZONING COMMISSION PROJECT MATRIX

A. Planning and Zoning Commission project matrix.

Richard Cannone, Deputy Director of Development Services, stated the discussion regarding the upland habitats will be moved to June 19, 2019 Planning and Zoning Commission Meeting. Cannone stated the discussion regarding the attendance policy will be during the May 15, 2019 Planning and Zoning Commission meeting.

Commissioner Ellis requested to make sure all recommendations are included in staff's presentations. Commissioner Ellis also requested for Mulberry Street to be added to city staff's priority list.

Chair Rozell closed the Regular Meeting at 8:26 p.m.

X

Andrew Rozell
Chair

X

Catherine Welborn
Administrative Assistant III