

Minutes
Planning and Zoning
May 29, 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 29, 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: Vice-Chair Margie Ellis. Commissioners: Alfred Sanchez, Larry Beck, Jason Cole, Mat Pruneda, and Tim Smith.

ABSENT: Chair Andrew Rozell.

STAFF: Scott McDonald, Richard Cannone, Jerry Drake, Cynthia Kirchoff, Larry Collister, Ron Menguita, Sean Jacobson, Haley Zagurski, Charlie Rosendahl, and Cathy Welborn.

WORK SESSION

Vice- Chair Ellis opened the Work Session at 5:10 p.m.

Richard Cannone, Deputy Director of Development Services, stated Public Hearing item J has been postponed to June 26, 2019 Planning and Zoning Commission meeting and Public Hearing item I will be heard after Public Hearing item A.

1. Work Session Reports

A. Receive a report, hold a discussion, and give staff direction on a policy regarding motions made at Planning and Zoning Commission meetings.

Charlie Rosendahl, Business Services Manager, presented Work Session Report 1A. Rosendahl requested the commission's guidance on when a motion is made does it include staff's recommendations, unless the motion specifically states otherwise.

Commissioner Smith stated unless a motion is made without staff recommendations or changes to staff recommendations, then the motion should include staff recommendations. Commissioner Sanchez agreed with Commissioner Smith and stated when he reviews the items his understanding the approval is with staff's recommendations. Vice-Chair Ellis stated she is good with that decision as long as staff's recommendations are included in the presentation displayed during the public 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.

Sean Jacobson, Assistant Planner, presented Public Hearing item 2A. Jacobson stated the reason for the Downtown Standards is to preserve the square's unique historic character. Also after the fire to the square December 2017, City Council requested staff to implement a district and standards. Jacobson stated staff does recommend approval of the Denton Square District, Standards and Guidelines. Commissioner Beck questioned in the event Well Fargo Bank decides to move out is there a way to change the current height. Jacobson stated there is nothing that requires them to lower the height. Commissioner Pruneda questioned if someone would be able to change a currently painted building. Jacobson stated yes since the building is already painted it is allowed.

Commissioner Sanchez stated in the agenda information sheet (AIS) it states: to: create a new Subchapter 35.25 Denton Square District, establishing The Denton Square District, generally bounded by Cedar Street, Pecan Street, Austin Street, and Walnut Street, in Denton, Texas, and generally including all properties adjoining those boundary streets, providing for design standards within the boundaries of said Denton Square District; but when you use the word generally before something it usually leaves it open to be something else. Jacobson stated that verbiage is used for the AIS specifically, the language used for the ordinance itself will have detailed meets and bounds.

Commissioner Smith questioned under the Building and Façade Height Standards – Catastrophic Loss where it states: such reconstruction must be commenced within one year of such event and completed within 18 months of such event, if those parameters are not met will the owner be required to go through the permitting process. Jacobson stated if the timeline is not met they would then have to follow the height standards that are set.

Vice-Chair Ellis questioned if staff has requested feedback from the Public Art Committee. Scott McDonald, Director of Development Services, stated these standards and guidelines are specifically for the buildings and staff has not gotten into the public spaces just yet. McDonald continued to state these are just to preserve the character.

Commissioner Cole questioned is it addressed in the standards if an applicant wants to add a roof top like LSA Burger Co. or would that be a director decision. Jacobson stated that type of project would have to be accessed by City Council.

Ron Menguita, Principal Planner, presented Public Hearing items 2I, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2K, 2L, and 2M. Menguita stated the current zoning, the zoning change, where the property is generally located and the properties included in the request.

Vice-Chair Ellis called a recess at 6:03 p.m.

Vice-Chair Ellis reconvened Work Session at 6:10 p.m.

Ron Menguita, Principal Planner, continued to present Public Hearing item 2N, 2O, 2P, 2Q, 2R, 2S, 2T, 2U, 2V, 2W, 2X, and 2Y.

Vice-Chair Ellis closed the Work Session at 6:25 p.m.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, May 29, 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:

Vice-Chair Ellis opened the Regular Meeting at 6:35 p.m.

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

2. PUBLIC HEARINGS

Vice-Chair Ellis stated Public Hearing item 2J has been postponed to the June 26, 2019 Planning and Zoning Commission meeting and Public Hearing item 2I will be heard after Public Hearing item 2A.

A. Hold a public hearing and consider making a recommendation to City Council, amending the Denton Development Code (2002) to: create a new Subchapter 35.25 Denton Square District, establishing The Denton Square District, generally bounded by Cedar Street, Pecan Street, Austin Street, and Walnut Street, in Denton, Texas, and generally including all properties adjoining those boundary streets, providing for design standards within the boundaries of said Denton Square District; and further recommending amending the recently adopted Denton Development Code (2019) to amend Subchapter 2 Administration and Procedures, and Subchapter 4 Overlay and Historic Districts; and providing for appeals; to provide for severability, penalties in the maximum amount of \$2,000.00 for violations thereof, savings, repealer, publication, and an effective date; and further recommending approval to City Council of the Denton Square District Design Guidelines. (DCA18-0007d, The Denton Square District, Sean Jacobson).

Vice-Chair Ellis opened the Public Hearing.

Sean Jacobson, Assistant Planner, presented Public Hearing item 2A. Jacobson stated the reason for the Downtown Standards is to preserve the square's unique historic character. Also after the fire to the square December 2017, City Council requested staff to implement a district and standards. Jacobson stated staff does recommend approval of the Denton Square District, Standards and Guidelines.

The following individuals spoke during the Public Hearing:

John Crew, 141 Springtree Street, Denton, Texas 76201. Opposed to the request.

Curtis Loveless, 218 N. Elm Street, Denton, Texas 76201. Opposed to the request.

Vice-Chair Ellis closed the Public Hearing.

Commissioner Tim Smith motioned to approve Public Hearing item 2A. Motion seconded by Commissioner Alfred Sanchez. Motion carried.

AYES (6): Vice-Chair Ellis and Commissioners: Alfred Sanchez, Larry Beck, Jason Cole, Tim Smith, Mat Pruneda.

NAYS (0): None

ABSENT (1): Chair Andrew Rozell

I. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Regional Center Residential 2 (RCR-2) and Regional Center Commercial Neighborhood (RCC-N) to Highway Corridor (HC) zoning district and use classification on approximately 18.49 acres of land, generally located east of Lillian Miller Parkway and south of I-35E in the City of Denton, Denton County, Texas. (ZCI19-0008, City Initiated Zoning Change - Area 8, Ron Menguita)

Vice-Chair Ellis opened the Public Hearing.

Jerry Drake, First Assistant City Attorney, recused himself from the Public Hearing. Larry Collister, First Assistant City Attorney, set in for Drake.

Ron Menguita, Principal Planner, presented Public Hearing item 2I. Menguita stated Area 8 is to go from Regional Center Residential 2 (RCR-2) Regional Center Commercial Neighborhood (RCC-N) to Highway Corridor (HC). Menguita stated staff does recommend approval of the request.

The following individuals spoke during the Public Hearing:

Jerry Drake, 2504 Shiloh Road, Denton, Texas 76210. Opposed to the request.

Billie Ann Kasper, 2816 Southridge Drive, Denton, Texas 76210. Opposed to the request.

Commissioner Smith questioned staff if the reason for the change is because it fronts Interstate 35 (I-35). Menguita stated yes that is one of the factors.

Commissioner Ellis questioned Drake if there is a specific zoning classification. Drake stated on the transition chart shows Regional Center Residential 1 (RCR-1) and RCR-2 transitioning to Mixed Use Neighborhood (MN).

Commissioner Pruneda stated area 8's future plans and current business seem to be set up as an MN not an HC. Menguita that decision is completely up to the Commission, but staff is recommending HC primarily because it is located along I-35, and also stated that the existing uses are permitted both in the Mixed Use Regional (MR) and MN.

Vice-Chair Ellis closed the Public Hearing.

Vice-Chair Ellis stated there is definitely room for discussion that HC does not fit the surrounding area. Vice-Chair Ellis questioned what the zoning classification is for the properties on the corner across Lillian Miller Parkway from this parcel. Menguita stated it looks to be MN. Vice-Chair Ellis stated she is unsure why each side was proposed differently.

Vice-Chair Ellis stated it seems enough food for thought has been brought up on this item, that it warrants a kickback to the Development Review Committee (DRC) and Staff for further discussion.

Commissioner Smith motioned to adopt the zoning as MN instead of HC. Commissioner Pruneda seconded. Commissioner Beck stated with the current motion he would vote no and he favors the idea of postponing the item and allowing for further discussion.

Commissioner Beck motioned to postpone Public Hearing item 2I indefinitely. Commissioner Cole seconded. Vice-Chair Ellis the current motion supersede the first motion.

Commissioner Larry motioned to postpone Public Hearing item 2I indefinitely. Motion seconded by Commissioner Jason Cole. Motion carried.

AYES (6): Vice-Chair Ellis and Commissioners: Alfred Sanchez, Larry Beck, Jason Cole, Tim Smith, Mat Pruneda.

NAYS (0): None

ABSENT (1): Chair Andrew Rozell

J. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Regional Center Residential 1 (RCR-1) and Regional Center Commercial Downtown (RCC-D) to Suburban Corridor (SC) zoning district and use classification on approximately 25.74 acres of land, generally located west of San Jacinto Boulevard and north of I35E in the City of Denton, Denton County, Texas. THIS ITEM HAS BEEN POSTPONED TO THE JUNE 26, 2019 MEETING. (ZCI19-0009, City Initiated Zoning Change - Area 9, Ron Menguita)

Vice-Chair Ellis opened Public Hearing items 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2K, 2L, 2M, 2N, 2O, 2P, 2Q, 2R, 2S, 2T, 2U, 2V, 2W, 2X and 2Y. Excluding items 2I and 2J.

Ron Menguita, Principal Planner, presented Public Hearing items 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2K, 2L, 2M, 2N, 2O, 2P, 2Q, 2R, 2S, 2T, 2U, 2V, 2W, 2X, and 2Y. Menguita provided the current zoning, the zoning change, where the property is generally located and the properties included in the request.

B. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Regional Center Residential 1 (RCR-1) to Highway Corridor (HC) zoning district and use classification on property, approximately 1.88 acres of land, generally located on the southeast corner of Shady Shores Road and Lakeview Boulevard in the City of Denton, Denton County, Texas. (ZCI19-0001, City Initiated Zoning Changes - Area 1, Ron Menguita)

C. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Regional Center Commercial Downtown (RCC-D) to Highway Corridor (HC) zoning district and use classification on approximately 35.61 acres of land, generally located south of Pockrus Page Road and north of I-35E in the City of Denton, Denton County, Texas. (ZCI19-0002, City Initiated Zoning Change - Area 2, Ron Menguita)

D. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Regional Center Commercial Neighborhood (RCC-N) and Regional Center Commercial Downtown (RCC-D) to Highway Corridor (HC) zoning district and use classification on approximately 74.13 acres of land, generally located east of State School Road and south of I-35E in the City of Denton, Denton County, Texas. (ZCI19-0003, City Initiated Zoning Change - Area 3, Ron Menguita)

E. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Regional Center Residential 1 (RCR-1) to Mixed-Use Regional (MR) zoning district and use classification on approximately 0.8 acres of land, generally located north of Pockrus Page Road and north of I-35E in the City of Denton, Denton County, Texas. (ZCI19-0004, City Initiated Zoning Change - Area 4, Ron Menguita)

F. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Regional Center Residential 1 (RCR-1) and Regional Center Commercial Downtown (RCC-D) to Highway Corridor (HC) zoning district and use classification on approximately 38.26 acres of land, generally located west of State School Road and south of I-35E in the City of Denton, Denton County, Texas. (ZCI19-0005, City Initiated Zoning Change - Area 5, Ron Menguita)

G. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Regional Center Residential 2 (RCR-2) to Mixed-Use Regional (MR) zoning district and use classification on approximately 7.33 acres of land, generally located west of Unicorn Lake Boulevard and north of Shoreline Drive in the City of Denton, Denton County, Texas. (ZCI19-0006, City Initiated Zoning Change - Area 6, Ron Menguita)

H. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Regional Center Residential 1 (RCR-1) and Regional Center Residential 2 (RCR-2) to Mixed-Use Regional (MR) zoning district and use classification on approximately 30.88 acres of land, generally located north of I-35E and approximately 900 feet north of Brinker Road in the City of Denton, Denton County, Texas. (ZCI19-0007, City Initiated Zoning Change - Area 7, Ron Menguita)

K. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Employment Center Commercial (EC-C) to Suburban Corridor (SC) zoning district and use classification on approximately 25.18 acres of land, generally located south of Dallas Drive and east of Teasley Lane in the City of Denton, Denton County, Texas. (ZCI19-0010, City Initiated Zoning Change - Area 10, Ron Menguita)

L. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Employment Center Commercial (EC-C) to Highway Corridor (HC) zoning district and use classification on approximately 3.49 acres of land, generally located north of I-35E and approximately 1,200 feet east of Teasley Lane in the City of Denton, Denton County, Texas. (ZCI19-0011, City Initiated Zoning Change - Area 11, Ron Menguita)

M. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Employment Center Commercial (EC-C) to Highway Corridor (HC) zoning district and use classification on approximately 9.63 acres of land, generally on the northeast corner of I-35E and Teasley Lane in the City of Denton, Denton County, Texas. (ZCI19-0012, City Initiated Zoning Change - Area 12, Ron Menguita)

N. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Neighborhood Residential Mixed Use (NRMU) to Suburban Corridor (SC) zoning district and use classification on approximately 17.76 acres of land, generally located south of I-35E between Teasley Lane and Woodbrook Street in the City of Denton, Denton County, Texas. (ZCI19-0013, City Initiated Zoning Change - Area 13, Ron Menguita)

O. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Downtown Commercial General (DC-G) to Highway Corridor (HC) zoning district and use classification on approximately 6.29 acres of land, generally located on the northwest corner of I-35E and Teasley Lane in the City of Denton, Denton County, Texas. (ZCI19-0014, City Initiated Zoning Change - Area 14, Ron Menguita)

P. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Downtown Commercial General (DC-G) to Suburban Corridor (SC) zoning district and use classification on approximately 5.89 acres of land, generally located south of Dallas Drive and west of Teasley Lane in the City of Denton, Denton County, Texas. (ZCI19-0015, City Initiated Zoning Change - Area 15, Ron Menguita)

Q. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Neighborhood Residential Mixed Use 12 (NRMU-12) to Suburban Corridor (SC) zoning district and use classification on approximately 4.75 acres of land, generally located west of Teasley Lane and on the north and south sides of Londonderry Lane in the City of Denton, Denton County, Texas. (ZCI19-0016, City Initiated Zoning Change - Area 16, Ron Menguita)

R. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Neighborhood Residential Mixed Use 12 (NRMU-12) and Community Mixed Use General (CM-G) to Mixed-Use Neighborhood (MN) zoning district and use classification on approximately 6.86 acres of land, generally located approximately 800 feet west of Teasley Lane and on the north and south sides of Londonderry Lane in the City of Denton, Denton County, Texas. (ZCI19-0017, City Initiated Zoning Change - Area 17, Ron Menguita)

S. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Community Mixed Use General (CM-G) to Mixed-Use Neighborhood (MN) zoning district and use classification on approximately 9.24 acres of land, generally located on the northeast corner of Sam Bass Boulevard and Londonderry

Lane in the City of Denton, Denton County, Texas. (ZCI19-0018, City Initiated Zoning Change - Area 18, Ron Menguita)

T. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Downtown Commercial General (DC-G) to Highway Corridor (HC) zoning district and use classification on approximately 7.17 acres of land, generally located north of I-35E and on the west and east sides of Centre Place Drive in the City of Denton, Denton County, Texas. (ZCI19-0019, City Initiated Zoning Change - Area 19, Ron Menguita)

U. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Downtown Commercial General (DC-G) to Highway Corridor (HC) zoning district and use classification on approximately 10.08 acres of land, generally located on the north side of I-35E and on the west and east sides of Meadow Street in the City of Denton, Denton County, Texas. (ZCI19-0020, City Initiated Zoning Change - Area 20, Ron Menguita)

V. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Downtown Commercial General (DC-G) to Suburban Corridor (SC) zoning district and use classification on approximately 23.16 acres of land, generally located north of I-35E and east of Fort Worth Drive in the City of Denton, Denton County, Texas. (ZCI19-0021, City Initiated Zoning Change - Area 21, Ron Menguita)

W. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Downtown Commercial General (DC-G) to Highway Corridor (HC) zoning district and use classification on approximately 4.10 acres of land, generally located on the northeast corner of I-35E and Fort Worth Drive in the City of Denton, Denton County, Texas. (ZCI19-0022, City Initiated Zoning Change - Area 22, Ron Menguita)

X. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Downtown Commercial Neighborhood (DC-N) and Downtown Commercial General (DC-G) to Suburban Corridor (SC) zoning district and use classification on approximately 23.95 acres of land, generally located west of Fort Worth Drive and north of Lindsey Street in the City of Denton, Denton County, Texas. (ZCI19-0023, City Initiated Zoning Change - Area 23, Ron Menguita)

Y. Hold a public hearing and consider making a recommendation to City Council regarding a change in the zoning district and use classification from Downtown Commercial General (DC-G) to Highway Corridor (HC) zoning district and use classification on approximately 8.32 acres of land, generally located on the northwest corner of I-35E and Fort Worth Drive in the City of Denton, Denton County, Texas. (ZCI19-0024, City Initiated Zoning Change - Area 24, Ron Menguita)

The following individuals spoke during the Public Hearing:

Jimmy Robinson, 3505 Wessex Court, Denton, Texas 76210. Opposed to the request. Area 3.

Dick Kelsey, 206 Ridgecrest Circle, Denton, Texas 76205. Supports the request. Area 2.

Ann Kelsey, 206 Ridgecrest Circle, Denton, Texas 76205. Supports the request. Area 2.

The following individual did not speak during the Public Hearing:

Don White, 2020 Penbrooke Court, Denton, Texas 76205. Supports the request. Area 3.

Vice-Chair Ellis closed the Public Hearings.

Commissioner Larry Beck motioned to approve Public Hearing items 2B through 2Y excluding Public Hearing items 2I and 2J. Motion seconded by Commissioner Tim Smith. Motion carried.

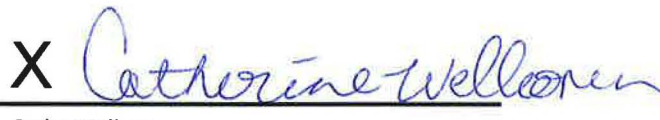
AYES (6): Vice-Chair Ellis and Commissioners: Alfred Sanchez, Larry Beck, Jason Cole, Tim Smith, and Mat Pruneda.

NAYS (0): None

ABSENT (1): Chair Andrew Rozell

Vice-Chair Ellis closed the Regular Meeting at 7:58 p.m.

X 
Marqie Ellis
Vice-Chair

X 
Cathy Welborn
Administrative Assistant III

