

Minutes
Planning and Zoning
June 26, 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, June 26, 2019 at 5:00 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, Jerry Drake, Cynthia Kirchoff, Ron Menguita, Charlie Rosendahl and Cathy Welborn.

WORK SESSION

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

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 provided clarification regarding the agenda order.

Ron Menguita, Principal Planner, provided the purposed zoning changes to Public Hearing items 2A through 2u. Discussion occurred during the presentation.

Commissioner Smith and Commissioner Pruneda arrived at 5:08 p.m.

Commissioner Cole recused himself from Public Hearing item 2D.

Chair Rozell closed the Work Session at 5:38 p.m.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, June 26, 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. PUBLIC HEARINGS

Chair Rozell clarified the order of the agenda.

A. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Regional Center Residential 1 (RCR-1) and Regional Center Commercial Downtown (RCC-D) to the Suburban Corridor (SC) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 25.31 acres of land, generally located west of San Jacinto Boulevard and north of I35E, in the City of Denton, Denton County, Texas. (ZCI19-0009b, City Initiated Zoning Change - Area 9, Ron Menguita)

B. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Downtown Residential 1 (DR-1), Downtown Residential 2 (DR-2) and Downtown Commercial General (DC-G) to the Mixed-Use Regional (MR) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 35.35 acres of land, generally located north of I-35E between Bernard Street and Kendolph Drive in the City of Denton, Denton County, Texas. (ZCI19-0025, City Initiated Zoning Change - Area 25, Ron Menguita)

C. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Downtown Residential 2 (DR-2) and Downtown Commercial General (DC-G) to the Mixed-Use Regional (MR) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 102.52 acres of land, generally located south of Scripture Street between of I-35 and Bonnie Brac Street in the City of Denton, Denton County, Texas. (ZCI19-0026, City Initiated Zoning Change - Area 26, Ron Menguita)

E. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Regional Center Commercial Neighborhood (RCC-N) and Regional Center Commercial Downtown (RCC-D) to the Highway Corridor (HC) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 87.62 acres of land, generally located west of I-35 between Loop 288 and US 380 in the City of Denton, Denton County, Texas. (ZCI19-0028, City Initiated Zoning Change - Area 28, Ron Menguita)

F. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Regional Center Commercial Neighborhood (RCC-N) and an un-zoned property to the General Office (GO) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 120.16 acres of land, generally located approximately 3,000 feet north of US 380 between the railroad tracks and I-35 in the City of Denton, Denton County, Texas. (ZCI19-0029, City Initiated Zoning Change - Area 29, Ron Menguita)

H. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Neighborhood Residential 2 (NR-2), Neighborhood Residential Mixed Use 12 (NRMU-12), Regional Center Residential 1 (RCR-1), and Regional Center Commercial Downtown (RCC-D) to the General Office (GO) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 54.54 acres of land, generally located west of I-35 between Ganzer Road and Barthold Road in the City of Denton, Denton County, Texas. (ZCI19-0031, City Initiated Zoning Change - Area 31, Ron Menguita)

I. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Neighborhood Residential Mixed Use (NRMU), Regional Center Residential 1 (RCR-1), Regional Center Commercial Neighborhood (RCC-N), and Regional Center Commercial Downtown (RCC-D) to the General Office (GO) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 280.16 acres of land, generally located east of I-35 and north of Loop 288 in the City of Denton, Denton County, Texas. (ZCI19-0032, City Initiated Zoning Change - Area 32, Ron Menguita)

J. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Neighborhood Residential 3 (NR-3) to the Suburban Corridor (SC) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 0.20 acres of land, generally located west of Primrose and approximately 120 feet south of US 380 in the City of Denton, Denton County, Texas. (ZCI19-0033, City Initiated Zoning Change - Area 33, Ron Menguita)

K. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Downtown Commercial General (DC-G) to the Suburban Corridor (SC) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 3.26 acres of land, generally located south of US 380 between Bolivar Street and Locust Street in the City of Denton, Denton County, Texas. (ZCI19-0034, City Initiated Zoning Change - Area 34, Ron Menguita)

L. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Neighborhood Residential Mixed Use (NRMU) to the Suburban Corridor (SC) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 10.00 acres of land, generally located west of Old North Road between US 380 and Mingo Road in the City of Denton, Denton County, Texas. (ZCI19-0035, City Initiated Zoning Change - Area 35, Ron Menguita)

M. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Neighborhood Residential Mixed Use (NRMU) to the Suburban Corridor (SC) zoning district and use

classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 3.46 acres of land, generally located south of US 380 and west of Loop 288 in the City of Denton, Denton County, Texas. (ZCI19-0036, City Initiated Zoning Change - Area 36, Ron Menguita)

P. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Neighborhood Residential Mixed Use (NRMU) to the Suburban Corridor (SC) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 5.05 acres of land, generally located west of Loop 288 approximately 900 feet south of Audra Lane in the City of Denton, Denton County, Texas. (ZCI19-0039, City Initiated Zoning Change - Area 39, Ron Menguita)

R. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Employment Center Industrial (EC-I) to the Suburban Corridor (SC) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 19.22 acres of land, generally located north of McKinney Street on both sides Mayhill Road in the City of Denton, Denton County, Texas. (ZCI19-0041, City Initiated Zoning Change - Area 41, Ron Menguita)

S. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Employment Center Industrial (EC-I) to the General Office (GO) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 50.12 acres of land, generally located on both sides of Morse Street between Loop 288 and Mayhill Road in the City of Denton, Denton County, Texas. (ZCI19-0042, City Initiated Zoning Change - Area 42, Ron Menguita)

T. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Employment Center Industrial (EC-I) to the General Office (GO) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 15.97 acres of land, generally located west of Mayhill Road between Karina Street and Spencer Road in the City of Denton, Denton County, Texas. (ZCI19-0043, City Initiated Zoning Change - Area 43, Ron Menguita)

Ron Menguita, Principal Planner, presented Public Hearings 2A, 2B, 2C, 2E, 2F, 2H, 2I, 2J, 2K, 2L, 2M, 2P, 2R, 2S, 2T.

Chair Rozell opened the Public Hearings.

The following individuals spoke during the Public Hearings:

Alan Bishop, 204 N. Mayhill Road, Denton, Texas 76208. Public Hearing 2R Area 41, did not respond in support of opposition.

Kenneth Stout, 4608 Mills Road, Denton, Texas 76208. Public Hearing 2R Area 41, did not respond in support of opposition.

Chair Rozell closed the Public Hearings.

Commissioner Tim Smith motioned to approve Public Hearings 2A, 2B, 2C, 2E, 2F, 2H, 2I, 2J, 2K, 2L, 2M, 2P, 2R, 2S, 2T. Motion seconded by Commissioner Mat Pruenda. Motion carried.

AYES (7): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, Jason Cole, Margie Ellis, Tim Smith and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (0): None

D. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Neighborhood Residential 2 (NR-2) to the Residential 1 (R1) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 147.49 acres of land, generally located west of Marshall Road between US 380 and Hampton Road in the City of Denton, Denton County, Texas. (ZCI19-0027, City Initiated Zoning Change - Area 27, Ron Menguita)

Commissioner Cole recused himself from Public Hearing item 2D.

Chair Rozell opened the Public hearing.

Ron Menguita, Principal Planner, presented Public Hearing item 2D Area 27 and a discussion followed.

The following individuals spoke during the Public Hearing:

Jim Poirot, 3801 Hampton, Denton, Texas 76207. Supports the request.

John Windsor, 2007 N Lariat Road, Denton, Texas 76207. Supports the request.

Randall Smith, 5428 Lake Victoria Court, Flower Mound, Texas 75022. Did not respond in support of opposition.

Dan Hite, 3800 Hampton Road, Denton, Texas 76207. Supports the request.

Chair Rozell closed the Public Hearing.

Commissioner Tim Smith motioned to approve Public Hearing 2D. Motion seconded by Commissioner Mat Pruenda. Motion carried.

AYES (6): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, Margie Ellis, Tim Smith and Mat Pruneda.

NAYS (0): None

RECUSED (1): Commissioner Jason Cole.

ABSENT (0): None

Commissioner Cole returned to the dais.

G. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Regional Center Commercial Neighborhood (RCC-N) and Regional Center Commercial Downtown (RCC-D) to the General Office (GO) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 228.08 acres of land, generally located west of I-35 and south of Barthold Road in the City of Denton, Denton County, Texas. (ZCI19-0030, City Initiated Zoning Change - Area 30, Ron Menguita)

Chair Rozell opened the Public Hearing.

Ron Menguita, Principal Planner, presented Public Hearing item 3G Area 30 and a discussion followed.

The following individual spoke during the Public Hearing:

Jeremy Reese, 4420 Jackson Street, Marianna, Florida 32442. Supports the request.

Reese stated Love's Travel Stop just wants to ensure the change does not create a nonconforming use and they agree to Highway Corridor (HC) or General Office (GO) they just want to make sure the use is conforming.

Chair Rozell closed the Public Hearing.

Commissioner Tim Smith motioned to table Public Hearing 2G to a date uncertain. Motion seconded by Commissioner Alfred Sanchez.

Commissioner Ellis stated this area needs to be redrawn and the parcels looked at individually. Chair Rozell agreed with Commissioner Ellis and to keep HC tight against Interstate 35 (I-35). Commissioner Sanchez agreed with his fellow Commissioner and any parcels along I-35 should stay HC.

Chair Rozell questioned if Commissioner Smith would be opened to a friendly amendment to have the motion be read as postponed indefinitely. Commissioner Smith and Commissioner Sanchez agreed to the amendment.

Commissioner Tim Smith motioned to postpone Public Hearing 2E indefinitely. Motion seconded by Commissioner Alfred Sanchez. Motion carried.

AYES (7): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, Margie Ellis, Tim Smith, Jason Cole and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (0): None

N. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Neighborhood Residential 2 (NR-2), Neighborhood Residential 3 (NR-3), and Neighborhood Residential 6 (NR-6) to the Suburban Corridor (SC) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 58.67 acres of land, generally located east of Locust Street between Loop 288 and Hercules Lane in the City of Denton, Denton County, Texas. (ZCI19-0037, City Initiated Zoning Change - Area 37, Ron Menguita)

Chair Rozell opened the Public Hearing.

Ron Menguita, Principal Planner, presented Public Hearing item 2N Area 37 and a discussion followed.

The following individuals spoke during the Public Hearing:

Jacqueline Banfield, 305 Meadow Lane, Denton, Texas 76207. Opposed to the request.

Phillip Paolino, 121 Meadow Lane, Denton, Texas 76207. Opposed to the request.

Vince Haisler, 4946 N. Locust Street, Denton, Texas 76207. Supports the request.

Chair Rozell read into the record the following cards:

Mary McCutcheon, 1217 Greenbrier Street, Denton, Texas 76201. Supports the request and provided a comment card.

Melvin Haisler, 4500 North Locust Street, Denton, Texas 76207. Supports the request and provided a comment card.

J B Haisler Jr., 1200 Cowling Road, Sanger, Texas 76226. Supports the request and provided a comment card.

Chair Rozell closed the Public Hearing.

The Planning and Zoning Commissioners deliberated regarding Public Hearing item 2N.

Chair Rozell motioned to approve the northern property to an SC but removing the southern property from the request. Motion seconded by Commissioner Jason Cole. Motion carried.

AYES (4): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck and Jason Cole.

NAYS (3): Commissioners: Mat Pruneda, Margie Ellis, and Tim Smith

RECUSED (0): None

ABSENT (0): None

O. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Neighborhood Residential Mixed Use (NRMU) to the Suburban Corridor (SC) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 9.67 acres of land, generally located south of Kings Row and on both sides of Loop 288 in the City of Denton, Denton County, Texas. (ZCI19-0038, City Initiated Zoning Change - Area 38, Ron Menguita)

Chair Rozell opened the Public Hearing.

Ron Menguita, Principal Planner, presented Public Hearing item 2O area 38 and a discussion followed.

The following individual spoke during the Public Hearing:

Randall Smith, 5428 Lake Victoria Court, Flower Mound, Texas 75022. Opposed to the request.

Chair Rozell closed the Public Hearing.

Commissioner Margie Ellis motioned to deny Public Hearing item 2O. Motioned seconded by Commissioner Tim Smith. Motion carried.

AYES (7): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, Margie Ellis, Tim Smith, Jason Cole and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (0): None

Q. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Employment Center Industrial (EC-I) to the General Office (GO) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 91.33 acres of land, generally located on both sides of Russell Newman Boulevard between Loop 288 and Mayhill Road in the City of Denton, Denton County, Texas. (ZCI19-0040, City Initiated Zoning Change - Area 40, Ron Menguita)

Chair Rozell opened the Public Hearing.

Ron Menguita, Principal Planner, presented Public Hearing item 2Q area 40 and a discussion followed.

The following individual spoke during the Public Hearing:

Eric Torres, 1050 N Mayhill Road, Denton, Texas 76201. Did not did not respond in support of opposition.

Chair Rozell closed the Public Hearing.

Commissioner Larry Beck motioned to approve Public Hearing item 2Q Area O. Motion seconded by Commissioner Mat Pruneda. Motion carried.

AYES (7): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, Margie Ellis, Tim Smith, Jason Cole and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (0): None

U. Hold a public hearing and consider making a recommendation to City Council regarding changing the zoning district and use classification from Regional Center Residential 1 (RCR-1) and Regional Center Residential 2 (RCR-2) to the Mixed-Use Regional (MR) zoning district and use classification defined under the 2019 Denton Development Code (Ordinance DCA18-0009q), on approximately 207.32 acres of land, generally located west of Mayhill Road between Spencer Road and the railroad tracks in the City of Denton, Denton County, Texas. (ZCI19-0044, City Initiated Zoning Change - Area 44, Ron Menguita)

Ron Menguita, Principal Planner, stated staff is requesting for this item to be postponed indefinitely.

Commissioner Tim Smith motioned to indefinitely postpone Public Hearing item 2U Area 44. Motion seconded by Commissioner Jason Cole. Motion carried.

AYES (7): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, Margie Ellis, Tim Smith, Jason Cole and Mat Pruneda.

NAYS (0): None


RECUSED (0): None

ABSENT (0): None

Chair Rozell closed the Regular Meeting at 8:25 p.m.

X 

Andrew Rozell
Chair

X 

Catherine Welborn
Administrative Assistant