

Minutes
Planning and Zoning Commission
November 8, 2017

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, November 8, 2017 at 5:00 p.m.** in the City Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which time the following items were considered:

PRESENT: Chair Jim Strange, Commissioners: Alfredo Sanchez, Larry Beck, and Andrew Rozell, Margie Ellis, Steve Sullivan, and Tim Smith.

ABSENT: None.

STAFF: Athenia Green, Jim Jenks, Julie Wyatt, Hayley Zagurski, Ron Menguita, Richard Cannone, Roman McAllen, Jennifer DeCurtis, and Scott McDonald.

WORK SESSION

Chair Strange called the Work Session to order at 5:05 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.

Hayley Zagurski, Senior Planner, presented Consent Agenda Item 2A. There were no questions from the Commission.

Hayley Zagurski, Senior Planner, presented Consent Agenda Item 2B. Chair Strange stated this item will be pulled from the Consent Agenda and heard as an Item for Individual Consideration.

Hayley Zagurski, Senior Planner, presented Consent Agenda Item 2C. Commissioner Ellis stated there is a typo on the plat. Zagurski thanked Ellis for catching it. There was no further discussion.

Hayley Zagurski, Senior Planner, presented Consent Agenda Item 2D. There were no questions from the Commission.

Hayley Zagurski, Senior Planner, presented Item for Individual Consideration 3A. Commissioner Sullivan stated he has concerns with the amount of traffic that backs up on the I-35 Frontage Road.

Hayley Zagurski, Senior Planner, presented Item for Individual Consideration 3A. Commissioner Sullivan stated he has concerns with the amount of traffic that backs up on the I-35 Frontage Road. He stated he feels this development will be great, however, he has concerns regarding the neighboring traffic areas. Zagurski stated there will be a more than one point of access to the site. She stated Bonnie Brae Street is currently under construction to be expanded and widened.

1 Commissioner Rozell questioned if there is a maximum parking requirement for the entire overlay
2 district. Zagurski stated they are required to meet the City minimums, however, they can exceed
3 those requirements as long as they have met the minimum. They are also required to meet the
4 parking landscape requirements as well. Commissioner Rozell stated he doesn't want to see this
5 area turn into a large concrete parking lot.

6
7 Commissioner Rozell referred to the poster signage on the southwest side of the building. Zagurski
8 stated it is a graphic. She stated they would be required to submit for a sign permit and meet the
9 sign standards. She stated graphics to this nature are allowed.

10
11 Hayley Zagurski, Senior Planner, presented Public Hearing Item 4A and 4B together since they
12 are related to the same development.

13
14 Commissioner Sullivan stated he feels a neighborhood would be a better fit in this area rather than
15 an industrial use.

16
17 Commissioner Rozell questioned if the floodplain would have to be changed in order to develop
18 certain areas on the property. Zagurski confirmed, she stated they would have to apply for a Letter
19 of Map Revision.

20
21 Zagurski stated the development intent is for student housing. The floorplans would have to meet
22 the minimum requirements. Commissioner Sullivan requested the approximate cost of the
23 development, and if it would be considered low income housing. Zagurski stated the applicant
24 could address those questions during the Regular Meeting.

25
26 Zagurski stated staff recommends denial of the zoning request as it is incompatible with the
27 surrounding property, and is inconsistent with the goals of the Westpark TIRZ, and goals and
28 objectives of the Denton Plan 2030. She stated staff recommends denial of the Specific Use Permit,
29 if this Commission votes to recommend approval then staff recommends the following conditions:

30 **1.** The provided Site Plan, Landscape Plan, and Building Elevations are conceptual. A full site
31 plan submittal shall be required to ensure each phase of the development complies with
32 the requirements of the Denton Development Code in terms of site design, landscaping, parking,
33 and building design as provided in DDC 35.6.3.; **2.** A full assessment of the Environmentally
34 Sensitive Areas (ESA) on the property is required and an Alternative ESA plan must be approved
35 before any development within the boundaries of the ESA shown on the Conceptual Site Plan can
36 be approved; and **3.** The development of a multi-family use shall be limited to the 32.6 acres
37 designated for this use on the attached Conceptual Site Plan, and an outdoor recreation use shall
38 be limited to the 19.9 acres indicated for this use on the attached conceptual Site Plan. The multi-
39 family use shall contain no more than the 289 units shown on the conceptual Site Plan and the
40 density of development shall be calculated based on only the area within each proposed phase of
41 the multi-family development.

42
43 Jennifer DeCurtis, Deputy City Attorney, stated reimbursement for the TIRZ project specifically
44 excluded multifamily.

45

1 Chair Strange questioned if staff's conditions would need to be included if this Commission
2 recommends approval of this request. DeCurtis confirmed.

3
4 Chair Strange requested traffic, impact, and wastewater fee comparisons for the proposed project
5 to be provided during the Regular Meeting. Zagurski stated staff will provide some numbers during
6 the regular meeting.

7
8 Julie Wyatt, Senior Planner, presented Public Hearing Item 4C.

9 Commissioner Sullivan questioned what buffer would have been required at the time the property
10 owners purchased their homes. Wyatt stated she is not aware of what they would have been
11 informed of at the time, however, there are specific buffers required.

12
13 Chair Strange questioned if there will be curb cuts in the center divided lanes. Wyatt stated she
14 doesn't believe there will be curb cuts, she stated she believes it will be a right-in right-out point
15 of access. Wyatt stated she will clarify prior to the Regular Meeting.

16
17 Chair Strange called a recess from 6:12 p.m. to 6:17 p.m.

18
19 Roman McAllen, Historic Preservation Officer, presented Public Hearing Item 4D. Commissioner
20 Ellis questioned if the Bell Avenue Conservation District changing from a conservation district to
21 a historic district will have an impact on the property owners. McAllen stated no, it will not impact
22 the property owners.

23
24 There was no further discussion. Chair Strange closed the Work Session at 6:22 p.m.

25
26 **REGULAR MEETING**

27
28 The Planning and Zoning Commission convened in a Regular Meeting on **Wednesday, November
29 8, 2017 at 6:30 p.m.** in the City Council Chambers at City Hall, 215 E. McKinney at which time
30 the following items were considered:

31
32 Chair Strange called the Regular Meeting to order at 6:40 p.m.

33
34 1. **PLEDGE OF ALLEGIANCE:**

35
36 A. U.S. Flag
37 B. Texas Flag

38
39 2. **CONSENT AGENDA:**

40
41 A. Consider a request by Denton Creek Realty LP for approval of a preliminary plat
42 of Lots 1-8 and Common Area Lot 1 of the Titus South Addition. The
43 approximately 13.42 acre site is generally located at the northeast corner of North
44 Masch Branch Road and Jim Christal Road in the City of Denton, Denton County,
45 Texas. (PP16-0026, Titus South, Hayley Zagurski).

1 B. Consider a request by DB Denton for approval of a final plat of Lots 17, 18, 19,
2 and 20 of Block A and Lot 1 of Block B of the Rayzor Ranch Town Center. The
3 approximately 20.75 acre site is generally located on the northwest and southwest
4 corners of the future intersection of Panhandle Drive and Heritage Trail in the City
5 of Denton, Denton County, Texas. (FP17-0023, RRTC - Phase 3 East).

6
7 This item was removed from the Consent Agenda and heard as an Item for Individual
8 Consideration.

9
10 C. Consider a request by Steve Watson for approval of a final plat of Lots 1-8, Block
11 A of the Belle Cote Phase 2 Addition. The approximately 9.96 acre site is generally
12 located at the northeast corner of Belle Cote Circle and E. Hickory Hill Road in the
13 Extraterritorial Jurisdiction of the City of Denton, Denton County, Texas. (FP17-
14 0027, Belle Cote Phase 2, Hayley Zagurski).

15
16 D. Consider a request by Prime Denton Properties LLC for approval of a preliminary
17 plat of Lot 1 Block 4 of Rayzor Ranch South. The approximately 4.09 acre site is
18 generally located at the northeast corner of Scripture Street and Interstate Highway
19 35 in the City of Denton, Denton County, Texas. (PP17-0018, Medical Office
20 Rayzor Ranch, Hayley Zagurski).

21
22 E. Consider a request by PAAGE, LTD. for approval of a preliminary plat of Lot 2,
23 Block A of Paage Crossing Addition. The approximately 1.13 acre site is generally
24 located on the west side of Sirius Drive, approximately 419 feet north Mingo Road
25 in the City of Denton, Denton County, Texas. (PP17-0017, Paage Crossing, Julie
26 Wyatt).

27
28 Commissioner Tim Smith motioned, Commissioner Margie Ellis seconded to move Consent
29 Agenda Item 2B to Item for Individual Consideration 3B and to approve Consent Agenda Items
30 2A, 2C, 2D, and 2E. Motion approved 7-0. Commissioner Larry Beck "aye", Commissioner Steve
31 Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner
32 Margie Ellis "aye", Commissioner Tim Smith "aye", and Commissioner Alfredo Sanchez "aye".

33 3. ITEMS FOR INDIVIDUAL CONSIDERATION:

34
35 A. Consider a request by Andy B's Denton LLC for approval of a Site Plan for an
36 entertainment center to be constructed within the Rayzor Ranch South RR-2
37 District located on Lot 17, Block A, of the Rayzor Ranch Town Center. The
38 approximately 3.72 acre property is generally north of the future Panhandle Drive
39 approximately 445 feet east of the I-35 service road. (SP17-0051, Entertainment
40 Center in Rayzor Ranch, Hayley Zagurski)

41
42 Hayley Zagurski, Senior Planner, presented this request. Staff recommends approval of the site
43 plan. Commissioner Beck questioned if the plaza area would have a canopy or coverage. Zagurski
44 stated there will be shading from the trees and protrusions from the building, but not an actual
45 canopy. There was no further discussion.

1 Commissioner Larry Beck motioned, Commissioner Tim Smith seconded to approve this request.
2 Motion approved 7-0. Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye",
3 Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye",
4 Commissioner Tim Smith "aye", and Commissioner Alfredo Sanchez "aye".

5

6 B. [Consider a request by DB Denton for approval of a final plat of Lots 17, 18, 19,](#)
[and 20 of Block A and Lot 1 of Block B of the Rayzor Ranch Town Center. The](#)
[approximately 20.75 acre site is generally located on the northwest and southwest](#)
[corners of the future intersection of Panhandle Drive and Heritage Trail in the City](#)
[of Denton, Denton County, Texas. \(FP17-0023, RRTC - Phase 3 East\).](#)

7

8

9

10

11 Hayley Zagurski, Senior Planner, presented this request. The condition for approval is that this
12 request is still pending approval of the associated civil plans, which are currently under the review
13 by staff. If this Commission recommends approval, then staff will approve it at a staff level once
14 the civil plans have been approved. Staff does not foresee any reason why the civil plans would
15 not be approved. There was no further discussion.

16

17

18 Commissioner Andrew Rozell motioned, Commissioner Tim Smith seconded to approve this
19 request based on the condition that the associated civil plans are approved by staff. Motion
20 approved 7-0. Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye",
21 Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye",
22 Commissioner Tim Smith "aye", and Commissioner Alfredo Sanchez "aye".

23

24 4. [PUBLIC HEARINGS:](#)

25

26 A. [Hold a public hearing and consider a request by Rayzor Inv. Ltd. to rezone](#)
[approximately 72.07 acres from an Industrial Center Employment \(IC-E\) District](#)
[to a Neighborhood Residential Mixed-Use \(NRMU\) District. The property is](#)
[generally located on the south side of West Oak Street approximately 290 feet west](#)
[of the Interstate Highway 35 service road in the City of Denton, Denton County,](#)
[Texas. \(Z17-0016, Retreat at Denton, Hayley Zagurski\).](#)

27

28

29

30

31 Chair Strange opened the Public Hearing. Hayley Zagurski, Senior Planner, presented Public
32 Hearing Items 4A and 4B together. She stated staff recommends denial of the zoning request as it
33 is incompatible with the surrounding property, and is inconsistent with the goals of the Westpark
34 TIRZ, and goals and objectives of the Denton Plan 2030.

35

36

37 Zagurski stated staff recommends denial of the Specific Use Permit, if this Commission votes to
38 approve this request then staff recommends three conditions, which are provided with the SUP
39 request.

40

41 Zagurski stated 22% of the land area, based on the returned public hearing responses are in
42 opposition of the zoning request, therefore, a supermajority vote would be required at City Council.

1 Commissioner Smith requested DeCurtis to clarify that the TIRZ would not be applicable for
2 multifamily with the Neighborhood Residential Mixed Use (NRMU) zoning district. Jennifer
3 DeCurtis, Deputy City Attorney, confirmed.

4
5 Commissioner Smith questioned if the transit bus routes go to this portion of town if this were to
6 develop as a student housing development. Jim Jenks, Interim Development Review Engineering
7 Manager, stated staff could approach the Denton County Transportation Authority.

8
9 Commissioner Rozell questioned when the TIRZ was established. Zagurski stated in 2012.

10
11 Zagurski stated she has the cost figures based on Chair Strange's request during the Work Session.
12 An industrial use would generate approximately \$100,000 to \$200,000 in water and wastewater
13 expenses. The proposed development would generate approximately \$1.1 million in expenses, and
14 \$600,000 during Phase 2 of the development. Chair Strange stated there is a substantial difference
15 in fees and services.

16
17 Commissioner Ellis questioned how often the TIRZ is revisited. Zagurski stated based off of the
18 information provided in the backup materials it is revisited every 20 years.

19
20 The following individuals spoke during the Public Hearing:

21
22 Lance Vanzant, applicant, 512 West Hickory, Suite # 100, Denton, Texas. The estimated
23 construction roadway costs are approximately \$800,000. The proposed zoning request will
24 enhance the landscaping to the development. There will be approximately 40% tree canopy with
25 existing natural features on the property. Landmark Properties brought this development to Denton
26 based on the need for student housing. Vanzant stated Landmark Properties has heard the concern
27 for student housing, and the feedback that residents do not wish to see it placed within existing
28 residential areas. The proposed location is still near the college, however, it is not within an area
29 of concern for the residential areas. The land owners have had a hard time marketing this property
30 over the last 20 years.

31
32 Jason Doornbos, Landmark Properties, 455 Epps Bridge, Athens, Georgia. He stated they
33 have been actively looking for property to develop on in Denton. Doornbos stated they have
34 developed another student housing property in Denton, which was The Retreat. He stated
35 Landmark Properties has their own management company as well. This will appeal to students
36 that are looking for the single-family residential type of living.

37
38 Philip Baker, property owner, Rayzor Investments, P.O. Box 2424, Denton, Texas. Baker
39 stated this is a unique piece of property. He provided an aerial view of the subject property dated
40 back to 2006-2007. He provided details of the land and natural features on the land.

41
42 Commissioner Beck questioned the proposed materials to be used for the siding. Doornbos stated
43 they will be brick siding.

1 Commissioner Smith stated these apartments usually cannot advertise specifically for students,
2 however, they can be setup to accommodate mostly students. Doornbos agreed. He stated there
3 will not be master bedrooms or dining rooms.

4
5 DeCurtis reminded the Commission that the Specific Use Permit item is to determine allowing
6 multifamily on the property.

7
8 Commissioner Rozell questioned if Landmark Properties developers single occupancy room
9 developments. Doornbos confirmed, he stated that is the intent of this development.

10
11 Jim Fykes, Peterbuilt Motor Company, 3200 Airport Road, Denton, Texas. Fykes stated he
12 is in opposition of this request. There are a lot of trucks being moved in this area throughout the
13 day. There are approximately 60 loading docks on the Peterbuilt site, and roughly 100 tractor
14 trailers moved per day. There will be a safety issue once you add pedestrians and bicycles to the
15 area.

16
17 Kate Lynass, 1120 North Locust Street, Denton, Texas. Lynass stated she is opposed to
18 this request. She stated this area will provided limited public transportation access to campus.
19 There is already a lot of traffic in this area.

20
21 There was no one else to speak. Chair Strange closed the Public Hearing.

22
23 Commissioner Beck stated he would like to make a motion to deny this request. He stated he is
24 sympathetic to these types of properties that sit vacant for long periods of time. However, this
25 property is surrounded by industrial uses.

26
27 Commissioner DeCurtis requested clarification on the motion. Commissioner Beck stated he
28 would motion based on staff's recommendation.

29
30 Commissioner Rozell stated he cannot support the motion to deny the applicants request. He stated
31 he doesn't feel that this site will ever be developed with an industrial use. He stated he agrees with
32 staff's comments regarding the TIRZ.

33
34 Commissioner Sanchez stated the history of the property gives good indication that it is not suitable
35 for industrial developments.

36
37 Commissioner Smith echoed Commissioner Rozell's comments. He stated if student housing is
38 going to be developed within Denton, then it has to go somewhere. The residents have already
39 voiced their concerns in the past regarding any future student housing in town near the campus.

40
41 Commissioner Larry Beck motioned, Commissioner Steve Sullivan seconded to deny the
42 applicant's request. Motion failed (3-4). Commissioner Larry Beck "aye", Commissioner Steve
43 Sullivan "aye", and Commissioner Margie Ellis "aye". Commissioner Alfredo Sanchez "nay",
44 Commissioner Andrew Rozell "nay", Chair Jim Strange "nay", and Commissioner Tim Smith
45 "nay".

46

47

1 Commissioner Andrew Rozell motioned, Commissioner Tim Smith seconded to approve the
2 applicant's request. Motion carried (4-3). Commissioner Alfredo Sanchez "aye", Commissioner
3 Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Tim Smith "aye".
4 Commissioner Larry Beck "nay", Commissioner Steve Sullivan "nay", and Commissioner Margie
5 Ellis "nay".

6
7 Commissioner Beck questioned if the opposition from the neighboring property owners would
8 require a supermajority vote during City Council. DeCurtis confirmed.
9

10 B. Hold a public hearing and consider a request by Rayzor Inv. Ltd. for a Specific Use
11 Permit for 72.07 acres of land, specifically to allow for a multi-family residential
12 use on approximately 32.60 acres and to allow for an outdoor recreation use on
13 approximately 19.90 acres. The property is generally located on the south side of
14 West Oak Street approximately 290 feet west of the Interstate Highway 35 service
15 road in the City of Denton, Denton County, Texas. (S17-0009, Retreat at Denton,
16 Hayley Zagurski).

17
18 Chair Strange opened the Public Hearing. Hayley Zagurski, Senior Planner, presented this item
19 during Public Hearing Item 4A.
20

21 Zagurski stated staff recommends denial of this request, if this Commission votes to recommend
22 approval then staff recommends the following conditions: **1.** The provided Site Plan, Landscape
23 Plan, and Building Elevations are conceptual. A full site plan submittal shall be required to
24 ensure each phase of the development complies with the requirements of the Denton
25 Development Code in terms of site design, landscaping, parking, and building design as provided
26 in DDC 35.6.3.; **2.** A full assessment of the Environmentally Sensitive Areas (ESA) on the
27 property is required and an Alternative ESA plan must be approved before any development
28 within the boundaries of the ESA shown on the Conceptual Site Plan can be approved; and **3.** The
29 development of a multi-family use shall be limited to the 32.6 acres designated for this use on the
30 attached Conceptual Site Plan, and an outdoor recreation use shall be limited to the 19.9 acres
31 indicated for this use on the attached conceptual Site Plan. The multi-family use shall contain no
32 more than the 289 units shown on the conceptual Site Plan and the density of development shall
33 be calculated based on only the area within each proposed phase of the multi-family development.
34

35 The following individual spoke during the Public Hearing:
36

37 Lance Vanzant, applicant, 512 West Hickory, Suite # 100, Denton, Texas. Support of this
38 request.
39

40 Commissioner Smith questioned if the applicant has any concerns or comments regarding the three
41 conditions listed by staff. Vanzant stated they do not have any concerns with the conditions.
42

43 There was no one else to speak. Chair Strange closed the Public Hearing. He stated he will support
44 this request. He feels this will be an easy transition area for students.
45

1 Commissioner Tim Smith motioned, Commissioner Alfredo Sanchez seconded to approve this
2 request based on staff's conditions as follows: **1.** The provided Site Plan, Landscape Plan, and
3 Building Elevations are conceptual. A full site plan submittal shall be required to ensure
4 each phase of the development complies with the requirements of the Denton Development
5 Code in terms of site design, landscaping, parking, and building design as provided in DDC
6 35.6.3.; **2.** A full assessment of the Environmentally Sensitive Areas (ESA) on the property is
7 required and an Alternative ESA plan must be approved before any development within the
8 boundaries of the ESA shown on the Conceptual Site Plan can be approved; and **3.** The
9 development of a multi-family use shall be limited to the 32.6 acres designated for this use on the
10 attached Conceptual Site Plan, and an outdoor recreation use shall be limited to the 19.9 acres
11 indicated for this use on the attached conceptual Site Plan. The multi-family use shall contain no
12 more than the 289 units shown on the conceptual Site Plan and the density of development shall
13 be calculated based on only the area within each proposed phase of the multi-family development.
14 Motion carried (4-3). Commissioner Alfredo Sanchez "aye", Commissioner Andrew Rozell "aye",
15 Chair Jim Strange "aye", and Commissioner Tim Smith "aye". Commissioner Larry Beck "nay",
16 Commissioner Steve Sullivan "nay", and Commissioner Margie Ellis "nay".
17

18 Chair Strange called a recess from 8:05 p.m. to 8:24 p.m.
19

20 C. [Hold a public hearing and consider a request by CDI 2499, LLC to for an initial
21 zoning of Neighborhood Residential Mixed Use \(NRMU\) District on
22 approximately 6 acres. The property is generally located on the east side of the
23 future FM 2499 alignment, approximately 1,400 feet south of Robinson
24 Road. \(Z17-0022, Eastside at Oakmont, Julie Wyatt\).](#)
25

26 Chair Strange stated the Public Hearing was opened during the October 25, 2017 meeting. Julie
27 Wyatt, Senior Planner, presented this request. Staff recommends approval of the request.
28

29 The following individuals spoke during the Public Hearing:
30

31 Greg Johnson, applicant, 319 W. Oak Street, Denton, Texas. Johnson stated the property
32 needs to be rezoned in order to be utilized. He stated there is a certain area on the land that cannot
33 be developed on due to the existing trees and topography. Johnson stated he feels this is a logical
34 use for the property.

35 Commissioner Ellis questioned if they have considered an overlay district due to this being located
36 within a single-family residential area. Johnson stated that has not be brought up to him in the past,
37 he has not discussed it with staff.
38

39 Commissioner Beck stated he doesn't think the overlay district would be a bad idea. He said the
40 overlay could be approved to allow specific uses and limit certain uses, such as night clubs, lodges
41 and bars.
42

43 Commissioner Sullivan stated he has concerns with the floodplain and the proposed development
44 interfering with the existing neighborhood and community pool. Johnson stated the proposed use
45 is consistent with other commercial uses along Teasley Lane, which abut to residential
46 neighborhoods.

1 Renae Eiserman, 3901 Luck Hole Drive, Denton, Texas. Opposed to this request. She
2 stated this large area that the developer is planning to build on will back up to the houses. The
3 current community pool area has never flooded due to the floodplain. She stated the neighbors
4 would like to receive some reassurance in regards to the floodplain.

5
6 Chair Strange read the following letters into the record for individuals that did not wish to speak:

7 Kay O'Keeffe, 3711 Palmetto, Denton Texas. Opposed to request, did not speak.

8 Joyce George, 6509 Alderbook Drive, Denton Texas. Opposed to request.

9 Jacob Piatt, 3715 Palmetto Court, Denton, Texas. Opposed to request.

10 Ayse Roger, 6404 Penina Trail, Denton, Texas. Opposed to request.

11 Phidelia Barrie, 6212 Penina Trail, Denton, Texas. Opposed to request.

12
13 Stephen Shannon, applicant, 319 W. Oak Street, Denton, Texas. Shannon stated he feels
14 this is a straight forward zoning, the density has been reduced to meet the NRMU zoning district
15 requirements. He stated he feels this zoning is appropriate for the area. He stated they want to be
16 sensitive to the needs of the existing neighborhood as well.

17
18 Commissioner Beck questioned if they would be opposed to an overlay. Shannon stated they
19 completely understand the concerns of the neighborhood. He stated they would be in favor of an
20 overlay to limit certain uses, granted it is a reasonable request.

21
22 Chair Strange questioned Commissioner Beck if he has specific uses he would like to see limited
23 within the overlay. Commissioner Beck stated hotel, public halls, clubs, lodges, restaurants and
24 bars. Shannon stated he does not want to eliminate restaurants. However, he does not have an issue
25 limiting lodges and bars.

26
27 Chris Mulkey, 6200 Penina Trail, Denton, Texas. Opposed to this request. Mulkey stated
28 he is not concerned with the proposed use, however, he is concerned with how the floodplain could
29 interfere with the existing houses and land. He stated if the land is paved in the future it could
30 change the runoff and drainage on the site.

31
32 Linda Torres, 6512 Pinehills, Denton, Texas. Opposed to this request. Torres stated she has
33 lived near the subject site for 25 years. She stated she has concerns with the trees. She stated the
34 drainage area on the aerial view is a lot smaller in person, and does get pretty elevated at times.
35 She stated with the proposed development it could cause a lot of changes to the site.

36
37 There was no one else to speak. Chair Strange closed the Public Hearing.

38
39 Commissioner Beck stated he would motion to approve the request subject to conditions with an
40 overlay. He stated he would like to eliminate semipublic clubs, lodges, bars and hotels. Jennifer
41 DeCurtis, Deputy City Attorney, stated there are not conditions, this would be a mixed use overlay
42 to eliminate certain uses from the zoning classification.

43
44 Johnson requested clarification. He stated if semipublic halls are removed as an allowed use, then
45 that would eliminate nonprofit organizations. Johnson stated they do a lot of work with nonprofit
46 organizations and do not wish to see that eliminated.

1 Commissioner Rozell clarified that the motion is to approve the request with a mixed use overlay,
2 changing hotels and bars as not permitted uses. He questioned if the applicant is okay with this
3 motion. Johnson agreed.

4
5 Commissioner Larry Beck motioned, Commissioner Tim Smith seconded to approve the request
6 with a mixed use overlay, eliminating hotels and bars as permitted uses. Motion approved 7-0.
7 Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew
8 Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", Commissioner Tim
9 Smith "aye", and Commissioner Alfredo Sanchez "aye".

10
11 D. [Hold a public hearing and consider a request by Jim/Heritage, LP regarding](#)
[approval of a Detail Plan for Planned Development 12 \(PD-12\) District to depict a](#)
[new or used car sales lot on approximately 7.11 acres out of a 34.40-acre tract. The](#)
[property is generally located on the west side of I-35E, approximately 3,200 feet](#)
[southeast of State School Road. \(PDA17-0006, CarMax\).](#)

12
13
14
15 Chair Strange opened the Public Hearing. Julie Wyatt, Senior Planner, presented this request. She
16 stated the development is not proposed for the entire 34 acre tract. The development is located
17 within a Planned Development, PD-12. Wyatt stated staff recommends approval of this request.

18 The following individuals spoke during the Public Hearing:

19 John Thatcher, applicant, 800 E. 18th Street, Denver, Colorado. Thatcher provided the
20 vision for the store and the elevations. The lot will have approximately 225 vehicles onsite, and an
21 online inventory. Thatcher stated they are currently under contract to purchase the full 34.40 acre
22 site. However, the development will only take place on 7.11 acres.

23 Rick Wick, General Manager of Classic Dodge, Chrysler, Jeep of Denton, 4984 South
24 Interstate 35 E, Denton, Texas. Wick stated they are not opposed to the development. He stated
25 the subject property neighbors their property and they have some concerns regarding the
26 maintenance and upkeep of the property. He stated there is currently a lot of overgrown weeds and
27 grass on the site, he has concerns that it could be a potential fire hazard if it is not maintained.

28 Wyatt stated a portion of the property discussed is an Environmentally Sensitive Area and Riparian
29 Buffer, which does have restrictions regarding mowing and maintenance due to the habitat nature.
30 Wick thanked staff for the feedback. He stated he supports the request, they just are concerned
31 with the overgrown areas currently on the subject site.

32
33 Chair Strange read letters into the record of those opposed to the request. There was no one else to
34 speak. Chair Strange closed the Public Hearing.

35 Commissioner Tim Smith motioned, Commissioner Steve Sullivan seconded to approve this
36 request. Motion approved 7-0. Commissioner Larry Beck "aye", Commissioner Steve Sullivan
37 "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis
38 "aye", Commissioner Tim Smith "aye", and Commissioner Alfredo Sanchez "aye".

1 E. [Hold a public hearing and consider making a recommendation to City Council](#)
2 [regarding repealing and replacing Section 35.7.6, repealing Sections 35.7.7 and](#)
3 [35.7.8, adding Section 35.3.15, adding definitions to Section 35.23.2 and making](#)
4 [changes to Section 35.4.3. of the Denton Development Code. \(DCA17-0009,](#)
5 [Historic Preservation Code Amendments, Roman McAllen\)](#)

6
7 Chair Strange opened the Public Hearing.

8
9 Roman McAllen, Historic Preservation Officer, presented this request. He read a letter into the
10 record prepared by Deb Conte, from the Bell Avenue Conservation District, with a list of
11 signatures from the property owners within the Conservation District that are in favor of this
12 request. Commissioner Beck thanked staff for their work on this item.

13
14 The following individual provided a card in support of the request, but did not wish to speak:
15 Karen DeVinney, 1820 W. Oak Street, Denton, Texas.

16
17 The following individual spoke during the Public Hearing:

18 Kate Lynass, 1120 N. Locust Street, Denton, Texas. Lynass stated she is in support of this
19 request. She stated there is more material to read with the document than there was in the past.

20
21 There was no one else to speak. Chair Strange closed the Public Hearing.
22 Commissioners Ellis and Rozell thanked McAllen for his work on this item.

23
24 Commissioner Margie Ellis motioned, Commissioner Steven Sullivan seconded to approve this
25 request. Motion approved 7-0. Commissioner Larry Beck "aye", Commissioner Steve Sullivan
26 "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis
27 "aye", Commissioner Tim Smith "aye", and Commissioner Alfredo Sanchez "aye".

28
29 5. [PLANNING & ZONING COMMISSION PROJECT MATRIX:](#)

30
31 A. [Planning and Zoning Commission project matrix.](#)

32
33 Commissioner Ellis requested a workshop discussion to determine what should be discussed in the
34 Work Session versus the Regular Meeting. Richard Cannone, Interim Planning Director, stated he
35 is aware some of these items have been on the matrix for some time. He stated he plans to provide
36 memorandums during the November 29, 2017 meeting to finish out some of these items and
37 remove them from the matrix. The Commission agreed.

38
39 Athenia Green, Administrative Supervisor, stated the 2018 calendar will also appear on the
40 November 29th, 2017 agenda.

41
42 There was no further discussion. Chair Strange adjourned the Regular Meeting at 10:00 p.m.