

MINUTES
PLANNING AND ZONING
September 27, 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, September 27, 2017 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: Commissioner Alfred Sanchez, Commissioner Larry Beck, Commissioner Steve Sullivan, Vice-Chair Andrew Rozell, Chair Jim Strange, Commissioner Margie Ellis, and Commissioner Tim Smith.

ABSENT: None.

STAFF: Ron Menguita, Jerry Drake, Scott McDonald, Jim Jenks, Julie Wyatt, Hayley Zagurski, Victor Flores and Cathy Welborn.

WORK SESSION

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

Chair Strange called the Work Session to order at 5:02 p.m.

Ron Menguita, Long Range Planning Administrator, introduced Scott McDonald, Interim Director of Development Services. Jerry Drake, First Assistant City Attorney, introduced Victor Flores, Deputy City Attorney.

Chair Strange recused himself from the Consent Agenda and Public Hearing item 4B, and Work Session discussions.

Julie Wyatt, Senior Planner, presented Consent Agenda item 3A.

Commissioner Sanchez questioned if the utility easement is also considered a road. Jim Jenks, Interim DRC Engineer Manager, stated there is a four foot electric easement. Commissioner Beck questioned if Hercules Lane will be link up to the current Hercules Lane. Jenks stated Hercules Lane does not reach enough to the west to connect to the current Hercules Lane.

Commissioner Sanchez questioned if it would be appropriate to add another entrance into the subdivision. Jenks stated there will be another entrance to the subdivision which would connect to Farm Market (FM) 2164.

1
2 Julie Wyatt, Senior Planner, presented Consent Agenda item 3B. There were no questions.

3
4 Ron Menguita, Long Range Planning Administrator, stated Public Hearing item 4B would be heard
5 first so Chair Strange could return to the Work Session.

6
7 Julie Wyatt, Senior Planner, presented Public Hearing item 4B. Wyatt stated the request is to
8 rezone 73 acres from Employment Center Industrial (EC-I) to Community Mixed Use General
9 (CM-G). Wyatt continued to state the property is located on the northeast corner of North Loop
10 288 and East McKinney Street. Commissioner Beck questioned if Serve Denton currently
11 occupies one of the buildings. Wyatt stated she is unaware if Serve Denton does occupy the
12 building, but the applicant will be present during the Regular Meeting to clarify.

13
14 Wyatt stated Mayhill Road will eventually link Denton to the Dallas Fort Worth (DFW) airport.
15 Wyatt specified that CM-G is a logical extension of the zoning pattern.

16
17 Wyatt stated staff recommends approval as it is compatible with the surrounding property and is
18 consistent with the goals and objectives of the Denton Plan 2030.

19
20 Commissioner Smith asked if the current right-of-way would allow for the amount of expected for
21 this property. Wyatt stated when the property is platted then public improvements to McKinney
22 Street would begin.

23
24 Commissioner Smith questioned if the current residents will be affected by this development.
25 Wyatt stated those properties are part of this request, but the applicant will be here tonight to
26 answer any questions regarding the future development.

27
28 Vice-Chair Rozell questioned if the applicant doesn't own all of the properties, are they able to
29 request a rezone for that property. Wyatt stated the applicant would have to have approval from
30 all property owners.

31
32 There was no further discussion.

33
34 Chair Strange returned to the Work Session.

35
36 Julie Wyatt, Senior Planner, presented Public Hearing item 4A. Wyatt stated this request is to
37 rezone 3.2 acres from Neighborhood Residential 6 (NR-6) to Neighborhood Residential Mixed
38 Use 12 (NRMU-12). The property is located on the east side of Jannie Street and north of East
39 McKinney Street.

40
41 Wyatt stated this 7 acre tract was rezoned in 2014 from Neighborhood Residential 4 (NR-4) into
42 a mix of zoning districts of NR-6, NRMU-12 and Neighborhood Residential Mixed Use (NRMU).

43
44 Wyatt stated the applicant proposed a Mixed Use Residential overlay to address compatibility
45 through design considerations however incompatibilities associated with office and retail still
46 remain.

1
2 Commissioner Beck questioned if the proposed overlay was discussed at the neighborhood
3 meeting. Wyatt stated there was discussion of a potential overlay for site design discussed, but
4 nothing definitive was discussed.

5
6 Wyatt stated staff recommends denial of the request as it is incompatible with the surrounding land
7 uses and is inconsistent with the goals and objectives of the Denton Plan 2030.

8
9 Commissioner Ellis questioned why the applicant is not doing this development at the front of the
10 property. Wyatt stated the applicant would like to continue the office type development for the
11 entire 7 acres.

12
13 Commissioner Rozell questioned when current zoning for this property took place. Wyatt stated
14 the current zoning took place in 2014 which was part of a request that included retail, office use
15 and a cluster home development within the NR-6 zoning district.

16
17 Commissioner Smith questioned if Jannie Street would have to be repaired. Wyatt stated yes
18 during the platting and development stage the applicant would have to improve their sides of the
19 perimeter streets.

20
21 Chair Strange asked if the Commission is looking at this as a zoning classification or to consider
22 what can be built there with an overlay that is less intense and impactful to the surrounding
23 neighborhood. Wyatt stated the applicant has proposed the limitations on scale of development,
24 but staff felt the incompatibilities came from the commercial uses being in the center of an existing
25 neighborhood.

26
27 Commissioner Ellis stated this is a very generous overlay, but the only thing the overlay cannot do
28 is still eliminate some types of business.

29
30 There was no further discussion.

31
32 Jim Jenks, Interim DRC Engineer Manager, presented Public Hearing item 5C. Jenks stated the
33 City is working to facilitate an expedited plat filing for the developers benefit while ensuring the
34 City's interests are protected.

35
36 Chair Strange called a recess at 5:55 p.m.

37
38 Chair Strange reconvened the Work Session at 6:02 p.m.

39
40 Jenks stated the Sureties clarified the performance bonds are usually issued to the contractors and
41 not the developers. For a Surety to issue to a developer they require the developer to personally
42 sign the documents and have also demonstrated a good fiscal track record.

43
44 Jenks stated the feedback staff received from other cities was the requirements can vary
45 significantly from city to city staff will not file a plat until the developer has constructed all related

1 public improvements. Some cities will not file a plat until the developer has constructed all related
2 public improvements. Some also do not require development contracts.

3
4 Jenks stated staffs next steps are working with the Legal Department to revise the development
5 contract forms and to decide upon allowable forms of guarantee.

6
7 Commissioner Rozell questioned if staff is reaching out internally and externally on the forms of
8 guarantee. Jenks stated yes both internally and externally.

9
10 Commissioner Beck questioned even if the plat has been filled can any development be started
11 before any of the other processes are done. Jenks stated no development cannot be started. Jenks
12 clarified the request for earlier plat filing is the developers often have financing for their projects
13 tied to the plat being filled.

14
15 Commissioner Beck requested Chair Stranger's input as to why a developer would want to get
16 started if he didn't already have contractors. Chair Strange stated as a condition for the developer
17 to receive the funds then the plat has to be filed first. It's hard to have your contractors in place
18 without the funds or the letter of credits.

19
20 There was no further discussion.

21
22 Chair Strange closed the Work Session at 6:20 p.m.

23 24 REGULAR MEETING

25
26 The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, September
27 27, 2017 at 6:30 p.m. in the City Council Chambers at City Hall, 215 E. McKinney at which time
28 the following items were considered:

29
30 Chair Strange opened the Regular meeting at 6:42 p.m.

31 32 1. PLEDGE OF ALLEGIANCE

33
34 A. U.S. Flag B. Texas Flag

35 36 2. CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES 37 FOR:

38 39 A. Consider approval of the Planning and Zoning Commission meeting minutes.

40
41 Vice-Chair Andrew Rozell motioned, Commissioner Larry Beck seconded to approve the August
42 9, 2017 Planning and Zoning Commission meeting minutes. Motion approved (5-0).
43 Commissioner Larry Beck "aye", Vice-Chair Andrew Rozell "aye", Chair Jim Strange "aye", and
44 Commissioner Margie Ellis "aye" and Commissioner Steve Sullivan "aye". Commissioner Tim
45 Smith "abstained", Alfred Sanchez "abstained".
46

Commissioner Tim Smith motioned, Vice-Chair Andrew Rozell seconded to approve the September 13, 2017 Planning and Zoning Commission meeting minutes. Motion approved (4-0). Commissioner Alfred Sanchez "aye", Vice-Chair Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Tim Smith "aye". Commissioner Margie Ellis "abstained", Commissioner Larry Beck "abstained" and Commissioner Steve Sullivan "abstained"

Chair Strange stated Public Hearing item 4B will be heard first due to needing to recuse himself from this item.

Chair Strange recused himself from the Consent Agenda and Public Hearing item 4B.

3. CONSENT AGENDA

A. Consider a request by Marker Stone Realty Partners I, LLC for approval of a Preliminary Plat of Evers Way. The 36.02 acre site is generally located on the southwest corner of North Locust Street and Hercules Lane. (PP17-0013, Evers Way, Julie Wyatt).

B. Consider a request by Robson Denton Development, L.P. for approval of a Preliminary Plat of Robson Ranch Unit 2-5. The approximately 24.17 acre site is generally located east of Orangewood Trail, approximately 840 feet north of Robson Ranch Road. (PP17-0007, Robson Ranch Unit 2-5, Julie Wyatt).

Commissioner Margie Ellis motioned, Commissioner Steve Sullivan seconded to approve the Consent Agenda. Motion approved (6-0-1). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye". Chair Jim Strange "recused".

4. PUBLIC HEARINGS

A. Hold a public hearing and consider making a recommendation to City Council regarding a request by Dodson Legal Group to rezone approximately 3.2 acres from a Neighborhood Residential 6 (NR-6) District to a Neighborhood Residential Mixed-Use 12 (NRMU-12) District. The property is generally located on the east side of Jannie Street, approximately 420 feet north of East McKinney Street. This item was continued at the September 13, 2017 Planning and Zoning Commission meeting. (Z17-0013, Justice Plaza, Julie Wyatt).

Chair Strange opened the Public Hearing.

Julie Wyatt, Senior Planner, presented Public Hearing item 5A. Wyatt stated this request is to rezone 3.2 acres from Neighborhood Residential 6 (NR-6) to Neighborhood Residential Mixed Use 12 (NRMU-12). The property is located on the east side of Jannie Street and north of East McKinney Street.

Wyatt stated this 7 acre tract was rezoned in 2014 from Neighborhood Residential 4 (NR-4) into a mix of zoning districts of NR-6, NRMU-12 and Neighborhood Residential Mixed Use (NRMU).

Wyatt stated the applicant proposed a Mixed Use Residential overlay to address compatibility through design considerations however incompatibilities associated with office and retail still remain.

Wyatt stated staff recommends denial of the request as it is incompatible with the surrounding land uses and is inconsistent with the goals and objectives of the Denton Plan 2030.

Chair Strange asked what staffs other objectives were to the request. Wyatt stated most of the concern was from the incompatibility of use within NRMU-12 and by furthering the commercial zoning into the neighborhood it could potentially compromise the neighborhood.

The following individuals spoke during the Public Hearing:

Lawrence Holdorf, 2415 North Elm Street, Denton TX 76201. Supports this request.

Lee Allison, 2415 North Elm Street, Denton, TX 76201. Supports this request.

Greg Johnson, 319 West Oak Street, Denton, TX 76207. Supports this request.

Greg Price, 2216 Great Bean Lane, Denton, TX 76210. Supports this request.

Nathaniel Dodson, Applicant, 109 South Woodrow, Denton, TX 76205. Supports this request.

Lawrence Holdorf, with Allison Engineering, provided a presentation. Holdorf stated the layout is a unformal single comprehensive site. Holdorf stated the applicant is also requesting to strike the following uses which are dwellings above businesses, group homes, multi-family dwellings, laundry facilities, semi-public halls, clubs or lodges, kindergarten or elementary schools and middle schools.

Commissioner Beck requested the applicant to host another neighborhood meeting to allow for further feedback. Holdorf stated the applicant is hesitant to slow things down, however another neighborhood meeting could be conducted to discuss the overlay restrictions.

Commissioner Ellis questioned the applicant why they believe the use is compatible. Holdorf stated the use they are proposing does not have a greater impact than the existing zoning and the development will have the same foot print or use. Lee Allison, Allison Engineering Group, stated with the proposed restrictions the services located in the back of the development will be able to serve the residents.

Commissioner Sullivan questioned the proposed building height. Wyatt stated the maximum building height for NRMU-12 is 40 feet and the maximum building height for NR-6 is 40 feet.

Commissioner Smith questioned if this development will bring improvements to Jannie Street. Allison stated yes, they will be working with the City to upgrade Jannie Street. Commissioner Smith asked what the applicant has proposed for a buffer. Allison stated they plan on maintaining the tree line as well as updating the neighboring fences.

Commissioner Smith questioned the number of buildings being proposed. Allison stated six buildings.

1
2 Vice-Chair Rozell questioned if the overlay was completed before or in response to the
3 neighborhood meeting. Allison stated the overlay was conducted in response to the neighborhood
4 meeting.

5
6 Vice-Chair Rozell questioned staffs concerns with the proposed office use. Wyatt stated when a
7 commercial zoning starts encroaching into an established neighborhood it will start to compromise
8 the neighborhood. Ron Menguita, Long Range Planning Administrator, stated the development on
9 Hinkle Drive and University Drive, which was referenced, has no encroachment into the
10 neighborhood from this development.

11
12 Commissioner Sullivan questioned if there would only be one point of ingress and egress
13 development off of McKinney Street. Holdorf stated yes there is only one entrance on McKinney
14 Street.

15
16 Commissioner Sanchez questioned how many neighbors were in attendance at the neighborhood
17 meeting. Allison stated there were about twenty neighbors.

18
19 Chair Strange closed the Public Hearing.

20
21 Vice-Chair Rozell stated he is going to vote for this item, he believes the current zoning for this
22 property is obviously not marketable since the property is still undeveloped. Commissioner Smith
23 agreed with Vice-Chair Rozell and stated he is going to second this item and believes this
24 development will be able to benefit the citizens.

25
26 Commissioner Ellis, Sullivan and Beck all stated they are unable to support this request.
27 Commissioner Sanchez stated he does not believe this development will affect the neighborhood,
28 he continued to state the neighborhood is very large and this area has changed.

29
30 Vice-Chair Andrew Rozell motioned, Commissioner Tim Smith seconded to approve Public
31 Hearing item 4A with the applicants overlay conditions: Restrict non-residential buildings to a
32 maximum one-story building. Restrict non-residential buildings maximum building height to
33 35 feet. Mechanical units located within 100 feet of the adjacent properties will be
34 limited to 5-ton units, placed on the sides of the buildings such that there will not be more
35 than 2 units on both sides of the building, limiting the total units to 4 units per building. Units
36 will be screened from the adjacent properties for both noise and aesthetics. Construct a
37 screening wall around the property. Strike the below uses from the district: Dwelling above
38 businesses, Group homes, Multi-Family Dwellings, Fraternity or Sorority Homes, Dormitories,
39 Bed and Breakfasts, Laundry Facilities, Semi-Public Halls, Clubs, or Lodge, Kindergarten or
40 Elementary Schools, Middle Schools, and Elderly Housing. Motion approved (4-3). Commissioner
41 Alfred Sanchez "aye", Vice-Chair Andrew Rozell "aye", Chair Jim Strange "aye", and
42 Commissioner Tim Smith "aye". Commissioner Larry Beck "nay", Commissioner Steve Sullivan
43 "nay", and Commissioner Margie Ellis "nay".

44
45 Chair Strange called a recess at 8:50 p.m.

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2
3 B. Hold a public hearing and consider making a recommendation to City Council regarding a
4 request by JV Strange and 7-11, Inc. to rezone approximately 73 acres from an Employment Center
5 Industrial (EC-I) District to a Commercial Mixed Use (CM-G) District. The property is generally
6 located on the northeast corner of North Loop 288 and East McKinney Street. This item was
7 continued at the September 13, 2017 Planning and Zoning Commission meeting. (Z17-0015,
8 McKinney Mayhill, Julie Wyatt).
9

10 Public Hearing item 4B was heard before Public Hearing item 4A.

11
12 Chair Strange recused himself from Public Hearing 4B.

13
14 Vice-Chair Rozell opened the Public Hearing.

15
16 Julie Wyatt, Senior Planner, presented Public Hearing item 4B. Wyatt stated the request is to
17 rezone 73 acres from Employment Center Industrial (EC-I) to Community Mixed Use General
18 (CM-G). Wyatt stated the property is located on the northeast corner of North Loop 288 and East
19 McKinney Street. Wyatt stated before any development is done an Environmentally Sensitive
20 Area (ESA) assessment will be done to determine if the treed area is considered an Upland Habitat.

21
22 Wyatt stated Mayhill Road will eventually link Denton to the Dallas Fort Worth airport. Wyatt
23 specified that CM-G is a logical extension of the zoning pattern.

24
25 Wyatt clarified staff recommends approval as it is compatible with the surrounding property and
26 is consistent with the goals and objectives of the Denton Plan 2030.

27
28 Commissioner Beck questioned if McKinney Street will be widened with the completion of this
29 development. Wyatt stated at the time of development the developer would be required to update
30 public improvements and dedicate right-of-way.

31
32 Jim Jenks, Interim DRC Engineer Manager, stated those improvements are determined during the
33 platting process.

34
35 Commissioner Ellis questioned if there were private home owners located on the property. Wyatt
36 stated she spoke with the applicant before this meeting and he stated the houses were vacant.

37
38 The following individuals spoke during the Public Hearing:

39 Pat Smith, 1417 Cambridge Lane, Denton TX, 76209. Supports this request.

40 Greg Johnson, 319 West Oak Street, Denton TX, 76201. Supports this request.

41 JV Strange, 531 North Locust Street, Denton TX, 76201. Supports this request.

42
43 Ron Menguita, Long Range Planning Administrator, questioned Pat Smith, representing for Serve
44 Denton, if Serve Denton is in agreeance with the zoning change moving forward. Pat Smith stated
45 yes, Serve Denton does agree with the zoning change.

1 Menguita stated the representative of Serve Denton will be required to sign to application for the
2 City of Denton's records to show the property is in agreement with the zoning change.

3
4 JV Strange, the applicant, clarified for the Commission the houses on Mayhill Road are vacant.

5
6 Vice-Chair Rozell closed the Public Hearing.

7
8 There was no further discussion.

9
10 Commissioner Margie Ellis motioned, Commissioner Tim Smith seconded to approve Public
11 Hearing item 4B. Motioned approved (6-0). Commissioner Alfred Sanchez "aye", Commissioner
12 Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye",
13 Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye". Chair Jim Strange
14 "recused"

15
16 C. [Hold a public hearing and consider making a recommendation to City Council regarding an](#)
17 [amendment to the Denton Development Code, Subchapter 35.16, Sections 35.16.6 and 35.16.20,](#)
18 [by clarifying agreements required for plat approvals and building permits. This item was continued](#)
19 [at the September 13, 2017 Planning and Zoning Commission meeting. \(DCA17-0010,](#)
20 [Development Agreements, Jim Jenks\)](#)

21
22 Chair Strange called a recess at 8:50 p.m.

23
24 Chair Strange reconvened the Regular Meeting at 9:00 p.m.

25
26 Jim Jenks, Interim DRC Engineer Manager, presented Public Hearing item 4C. Jenks stated the
27 City is working to facilitate an expedited plat filing for the Developers benefit while ensuring the
28 City's interests are protected.

29
30 Jenks stated the Sureties clarified the performance bonds are usually issued to the contractors and
31 not the developers. For a Surety to issue to a developer they require the developer to personally
32 sign and have also demonstrated a good fiscal track record.

33
34 Jenks stated the feedback staff received from other cities was the requirements can vary
35 significantly from city to city staff will not file a plat until the developer has constructed all related
36 public improvements. Some cities will not file a plat until the developer has constructed all related
37 public improvements. Some also do not require development contracts.

38
39 Jenks requested the Commission to provide concerns and feedback.

40
41 Chair Strange questioned why this not allowed in Single Family Residential Development. Jenks
42 stated staff will continue the research regarding Single Family Residential Development.

43
44 Jenks stated staffs next steps are working with the Legal Department to revise the development
45 contract forms and to decide upon allowable forms of guarantee.

1 Chair Strange stated he appreciates City staff for looking at a plan that benefits all developments.

2
3 Commissioner Tim Smith motioned, Commissioner Larry Beck seconded to postpone Public
4 Hearing item 4C to the October 11, 2017 Planning and Zoning Commission meeting. Motion
5 approved (7-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye",
6 Commissioner Steve Sullivan "aye", Vice-Chair Andrew Rozell "aye", Chair Jim Strange "aye",
7 Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".
8

9 5. [PLANNING & ZONING COMMISSION PROJECT MATRIX](#)

10 A. [Planning and Zoning Commission project matrix.](#)
11

12 Commissioner Ellis requested clarification on the notification process. Ron Menguita, Long Range
13 Planning Administrator, stated the new notification fee and public hearing sign postings will be
14 effective to start October 1, 2017. Projects submitted after October 1, 2017 that require a public
15 hearing will be assessed and the notification fee based on actual cost for mailings, public hearing
16 notices letters, courtesy notice postcards and publications legal notices in the newspaper.
17 Regarding the posting of signs, they will start being posted on site later this month.
18

19 Chair Strange closed the Regular Meeting at 9:25p.m.
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