

Exhibit 10  
August 13, 2014, P & Z Minutes

3. PUBLIC HEARING:
  - A. Hold a public hearing and consider making a recommendation to City Council regarding an initial zoning of Neighborhood Residential 6 (NR-6) on approximately 34.73 acres. The subject property is generally located on the south side of Edwards Road, approximately 500 feet west of Swisher Road. (Z14-0012, Villages of Carmel Phase 5, Mike Bell)

Lockley introduced Bell. Bell stated this is a recommendation to City Council regarding an initial zoning of Neighborhood Residential-6 on 34.73 acres. The site is located on the south side of Edwards Road and approximately 500 feet west of Swisher Road. The Future Land Use is Neighborhood Centers, the zoning categories are Neighborhood Residential 1 through Neighborhood Residential 6 (NR-6), Neighborhood Residential Mixed Use 12 (NRMU-12), and Neighborhood Residential Mixed Use (NRMU). The site is currently designated Rural Residential (RD-5X), the permitted density is 6 dwelling units. The proposed zoning is Neighborhood Residential 6, which are 208 permitted dwelling units.

Bell provided the Vicinity Map, including the eastward expansion of villages of Carmel, and Post Oak Boulevard extension. Staff sent out 17 Public Hearing notices to property owners within 200 feet of the subject site, and 67 courtesy notices to property owners within 500 of the subject site. At this time staff has received one returned response in favor and one returned response in opposition of this request based on the conditions. Bell stated the conditions would be correct during the platting process along with the street improvements. The criteria relevant to a zoning change are listed below. 1. the proposed rezoning conforms to the Future Land Use Element of the Denton Plan; and 2. the proposed rezoning facilitates the adequate provision of transportation, water, sewer, schools, parks, and other public requirements and public convenience. Bell stated the Development Review Committee recommends approval of this request, and the applicant is present.

Bentley stated Edwards Road has to be upgraded during the platting process; Bell confirmed. Bentley questioned if this property is rezoned, how long it takes for the plat to be required. Bell stated there are no time restrictions. Bentley referred to the Villages of Carmel, Phases 1-4; Bentley requested the status on the Villages of Carmel development. Bell stated Phases 2-3 are in the final platting process, and Phase 4 is going through the Development Review process at this time. These items will come before this Commission within the next four months approximately. Bentley questioned how old the aerial map is, Bell stated 2013. Bentley questioned when the development originally started. Bell stated he isn't aware, the applicant is present and can address those questions. Bentley stated this looks like a land graph, there are a lot of lots that aren't developed; Bentley questioned the intent to keep proposing new lots when the current ones aren't developed. Bell stated some are for future purposes, and some of the developments are in the process; with construction to begin soon.

Taylor referred to Phase 4 of the development questioning the plans for rezoning. Bell stated he is in process with the applicant to maintain part of the zoning as NRMU and considering part as NR-6. There was no further discussion. Schaake opened the Public Hearing.

Leo Miller, 3091 Swisher Road, Denton, Texas. Miller stated there aren't a lot of roads that run along Swisher Road. Miller stated his concern is with all the traffic in the area from the neighborhoods and from traffic coming from Mayhill Road. Miller stated he understands neighborhoods are coming to come to the area and have to be developed. He stated he doesn't fully support nor oppose the request. The concern is that the road needs to be developed to withhold all the traffic. There aren't many sidewalks to the area so it makes it difficult to walk the area without having to walk in the streets. Miller stated he challenges Condition 2, not all of the those have been met.

Georgina Nunez, 3325 Swisher Road, Denton, Texas. Nunez stated she is opposed to this request. There are too many people in the area. Nunez stated Swisher Road is an old black top residential road; it isn't setup for this much traffic. This should be a nice quiet area to live in, her parents lived there for over 40 years, and she has resided there for over 20 years. She would suggest having larger lots put in the area; this would cut down on the amount of added people to the area. There aren't sidewalks, not even a shoulder on the road. Nunez stated Post Oak should be developed before this development is allowed.

Kevin McCormack, 3031 Swisher Road, Denton, Texas. McCormack stated he lives on the corner of Pockrus Page Road and Swisher Road. He has resided in this property for 35 years. This area has been short changed for roads and utilities. In 1999, when Preserve at Pecan Creek and Pockrus Page were developed it terminated Pockrus Page and I-35. Then Edwards Road was promised to be extended by the time the school opened. The school opened in 1999, and it has finally been extended to Lakeview. The road width was supposed to be 60 foot and it is 30 foot. The traffic survey of the area shows 17,000 cars a week on Swisher Road. McCormack requested this area be developed as a City park; this land needs to be protected.

Joseph Courville, 3500 Monte Verde Way, Denton, Texas. Courville stated he resides near the wooded area. Courville stated he agrees with the residents, there needs to be a road that relieves the traffic in the area. Courville stated he believes there has been 14 acres set aside in the area to develop a park. He stated he is concerned about the traffic, and he hasn't been able to get the Police Department to protect the area. There is a lot of through traffic, there aren't speed bumps and people speed through the area. There are no signs to prevent people from cutting through. All the homes front the road. For this to be a future agenda item for the item in red it needs to be looked at for the use. Courville stated he supports this request. There was no one else to speak on this item, Schaake closed the Public Hearing.

Strange questioned the current street condition, and existing road. Bell stated the issue currently is the zoning. The zoning has to be in place for the developer to be required to develop the road. The developer will fund their portion of the street costs based on how many trips their development will generate. Strange questioned who they pay the funds to; Escobar stated when the property comes in for the platting process the Denton Development Code would require them to dedicate the right-of-way at Edwards Road and Post Oak.

Taylor questioned how the proportionality is determined; Escobar stated it is based on the land use and what the applicant is proposing. This will determine the number of lanes required; each lane can handle so many vehicles depending on the classification of the road. Taylor questioned the fastest possible speed in the process of the Capital Improvement Project, based on the getting a project like this added to their lists of projects. Escobar stated the area just between Edwards Road and Pockrus Page Road would be approximately two to three years. Taylor questioned if that time includes the funding as well. Escobar stated approximately five years for the funding, design, and construction.

Bentley stated something to consider in regards to the timing of the roads is the existing roads could have closures due to the construction of the proposed roads. Bentley referred to projects in Fort Worth, where the developers were building faster than the City could construct the roads. Bentley questioned these Phases of the subdivision being a part of a Master Planned Community (MPC). Lockley stated the developers usually move faster in their processes than the City can keep up with. Lockley stated a suggestion could be made in regards to moving forward with this decision including the suggestion of a MPC. Bentley stated the Commission isn't required to approve the zoning. Lockley stated that is correct.

Bentley questioned what the developer is to do in the cases where the City cannot keep up with the pace of the developers. Lockley stated it depends on what infrastructure needs to be completed to support the site. It is not uncommon that we would enter into a Developer's Agreement. Bentley referred to Rayzor Ranch, the developer paved the roads they knew were going to be an issue in the future. Lockley stated that is also an option.

Bentley stated he would motion to deny this request; the request seems premature at this time. There aren't enough plans in place to approve this request. Bentley stated he isn't opposed to the developer. There is Phase 4 still in the process that this Commission hasn't reviewed at this time and is unaware of what is proposed for that phase. This project is going to need more support of the street as well. Bentley stated if the developer wanted to postpone their request that would be a good idea. Bentley withdrew his motion in order to allow the applicant to speak.

Rod Zielke, 1111 Main Street, Grapevine, Texas. Zielke stated he wished these comments were made prior to this time in the meeting. Approximately all but 90 lots have been sold out; Zielke stated they are looking for completed construction. The final plat and plans have been approved already for the phases. This development is a high demand for this area of town. Conner stated previously it was mentioned that Edwards Road is already under construction. Zielke stated that is correct. Conner stated he drove to the site within the last few days and there was no construction on Edwards Road. Zielke stated it is, citizen spoke in and stated approximately 100 feet is under construction by the golf course. Zielke stated the area identified in red on the provided site plan is owned by separate people. There are multiple owners to the area and they are trying to work together to develop the site.

Briggle reminded the audience at this time this Commission is only reviewing the initial zoning of the site. This is not the approval of the development. She stated nothing would be developed on the site until a final plat has been submitted and approved. Briggle stated the concerns for the

neighborhood can be addressed at future meetings. Taylor stated the Post Oak street development is probably not going to happen anytime soon. This will also not happen until the developments are established. It is a catch twenty-two.

Commissioner Amber Briggie motioned, Commissioner Devin Taylor seconded to approve this request. Motion approved (6-0). Commissioner Amber Briggie, aye, Commissioner Devin Taylor, aye, Chair Jean Schaake, aye, Commissioner Brian Bentley, aye, Commissioner Thom Reece, aye, Commissioner Frank Conner, aye, and Commissioner Jim Strange, aye.