

Exhibit 12
August 27, 2014
Planning & Zoning Draft Minutes

1 Commissioner Brian Bentley motioned, Commissioner Frank Conner seconded to approve the
2 Z14-0014 request. Motion carried (5-2). Commissioner Brian Bentley, aye, Commissioner Frank
3 Conner, aye, Chair Jean Schaake, aye, Commissioner Thom Reece, aye, Commissioner Jim
4 Strange, aye, Commissioner Devin Taylor, nay, and Commissioner Amber Briggie, nay.
5

D. [Hold a public hearing and consider making a recommendation to City Council regarding a request for a Specific Use Permit for a heavy manufacturing use. The subject property is an approximately 2.95 acre parcel, generally located on the west side of Worthington Drive, north of Barcelona Street and south of Schuyler Street being Lot 3, Block A of the Hull Addition. This is part three of a three-part request including CA14-0003 and Z14-0014. \(S14-0004, Edsco, Michele Berry\)](#)

6
7 This presentation was heard during Public Hearing item 2B. Taylor stated he would like to
8 motion to approve this request with the conditions that it is limited to only Edsco and that the use
9 can only be hot dipped galvanization. Briggie stated she would second. Lockley stated those are
10 typically uses permitted under conditional requirements. Lockley stated there was no discussion
11 as to what types of requirements would be set. The traffic, emissions, and other items were not
12 discussed. Lockley stated staff recommended denial and there were no conditions for approval.
13 Lockley stated this Commission can move forward with this vote with the only conditions being
14 those listed by Taylor. Briggie thanked Stewart on his pollutants briefing. She stated she agrees
15 with Taylor on this request being considered spot zoning. Briggie stated she felt comfortable
16 with moving forward with the SUP since it all her concerns were addressed. Bentley requested a
17 friendly amendment to Taylor's motion. Bentley referred to the backup materials that showed a
18 potential for a rainwater runoff issue between the two separate properties, a retaining tank might
19 need to be added or a replat the site to one lot. Bentley stated he would like to see the site
20 replatted into one lot. Bentley apologized for the possible time period that would be added based
21 on the replatting process. He stated this would limit the possibility that these properties are sold
22 off in the future or the ownership changes. Bentley stated he would also like to block any
23 possibility that the applicant goes before the Health and Buildings Standards Commission
24 (HaBSCo) to lessen their environmental requirements.

25 Leal stated the HaBSCo is a different board, and this condition Bentley is requesting is a general
26 that is preventing them to take that option to another City board to lessen their requirements.
27 This might be beyond this Commission's scope or duties. Leal stated this doesn't seem like
28 something the applicant has the right to go before HaBSCo to appeal. Bentley stated he has seen
29 it happen before in the past in order for the applicant to save money. Schaake stated that goes
30 beyond this Commission's scope. Bentley stated it is okay to remove that suggested condition;
31 this is just a recommendation to City Council. He stated staff could put a notation to Council and
32 they could handle it how they chose too. Taylor stated he would accept the friendly amendment
33 presented by Bentley, Briggie agreed.
34

35 Schaake stated in regards to the replatting the SUP are is just applying to one parcel. Conner
36 questioned how much work would be required to replat the parcels into one lot. Schaake
37 questioned how they could replat across two different zoning districts. Berry stated the process
38 would take a few months. Edsco would be required to submit building permits, and that would be
39 a few months as well. Schaake stated she doesn't feel this is a friendly amendment; Schaake

1 stated a motion needs to be made and voted on in order to add the friendly amendment to the
2 request. Leal agreed.

3
4 Stewart questioned Leal if this request was submitted for just one of the sites, because that is the
5 only site they wanted this request on, can the SUP be expanded to both sites. Leal stated this is
6 just a recommendation to City Council. Leal added City Council might determine the request
7 differently. He stated if the other lot is not included in the property it would have different
8 zoning classification and it would have its own set of issues.

9
10 Lockley referred to Bentley's comments. His comments would require the applicant to comply
11 with the air, emissions, and other standards as stated in the DDC. Lockley stated the motion
12 needs to include that condition to comply with that, and then the applicant wouldn't be able to go
13 before HaBSCo to seek relief for that request. They would be required to comply with all
14 applicable City codes. Lockley stated in regards to the second comment of Bentley's; this SUP
15 rezoning is subject to the legal description, the notice was posted for only Lot 3, Block A.
16 Schaake stated the motion for platting would be on a separate motion. Bentley stated this
17 Commission sees two different zoning classifications on one lot all the time. He stated he is
18 getting the impression because it wasn't noticed for the other lot it stops this Commission from
19 moving forward with that condition. Lockley agreed.

20
21 Bentley referred to the applicant, questioning what he would do in regards to the comments
22 about drainage and replatting. Stewart stated his expectation would be to figure out whatever
23 condition is applied. He stated he is aware they have to work on the drainage issues. He and the
24 civil engineer have already been working on those issues. Lockley stated he will retract his
25 statement after hearing Leal speak. This is a land use issue and not a platting issue. This goes
26 beyond what the SUP would allow. Bentley stated he would take the platting comment off the
27 table. He will leave the condition that it must comply with the current standards and regulations
28 of water and air discharge and safety regulations. Schaake agreed. Taylor withdrew his motion,
29 Briggie withdrew her second to the motion.

30
31
32 Leal stated another option is to postpone this item to the next meeting to allow staff and the
33 applicant to sit down and discuss further options. Leal stated he is aware the applicant has been
34 going through this process for the past 14 months. Schaake stated she has heard two very
35 reasonable conditions for this request.

36
37 Conner stated he would like to motion approval based on the following conditions: this approval
38 is for Edsco only, for the only use of hot dipped galvanization, and the applicant must comply
39 with all current standards and regulations of water and air discharge and safety regulations.
40 Strange stated he would second. Reece questioned Leal, stating there is nothing preventing the
41 applicant to work with staff before the September City Council meeting. Leal stated that is
42 correct. There is time for the applicant and staff to meet and discuss other options prior to the
43 City Council meeting to be held in September.

44
45 Commissioner Frank Conner motioned, Commission Jim Strange seconded to approve this
46 request (S14-0004) based on the following Commissioner's conditions: 1. this approval is for

1 Edsco only, 2. with the use of hot dipped galvanization, and 3. must comply with all the air and
2 water quality standards based on the Denton Development Code. Motion approved (7-0).
3 Commissioner Frank Conner, aye, Commissioner Jim Strange, aye, Chair Jean Schaake, aye,
4 Commissioner Thom Reece, aye, Commissioner Brian Bentley, aye, Commissioner Devin
5 Taylor, aye, and Commissioner Amber Briggie, aye.

6

- E. [Hold a public hearing and Consider adoption of an ordinance amending Ordinance No. 2014-137, as amended by Ordinance No. 2014-192, to extend for an additional 45 days, or such other reasonable date, the moratorium on the acceptance, processing and approval of certain applications for gas well permits within the corporate limits of the City of Denton, Texas, and on applications for specific use permits, site plans, development plans of any nature or type, including applications for amendments to approved or pending gas well development plats, and on applications for Fire Code operational permits, as they relate to gas well drilling and production activities, subject to certain exemptions; clarifying the exemptions to the moratorium; providing a variance procedure; providing a cumulative clause; providing a severability clause; and providing an effective date. \(SI14-0005Gas Well Moratorium Ordinance Extension, Darren Groth\)](#)

7

8 Lockley introduced Groth. Groth provided information in regards to the initial moratorium
9 ordinance: on May 6, 2014, the City Council adopted Ord. No. 2014-137 declaring a
10 moratorium. This affects the acceptance, processing, and approval of certain applications for gas
11 well permits, specific use permits (SUP), site plans, development plans, or amendments as they
12 relate to gas well drilling and production activities within the corporate city limits. In regards to
13 the amended moratorium ordinance: on June 17, 2014, City Council adopted Ord. No. 2014-192
14 amending Ord. No. 2014-137. The reason for the amendment was to revise the exemptions and
15 variance procedures and make minor clarification changes. Those revisions clarified which
16 applications were subject to the moratorium and outlined the new process for requesting a
17 variance.

18

19 The proposed revisions are as follows: Per both City Ordinance No. 2014-137 and City
20 Ordinance No. 2014-192, the moratorium remains in effect until midnight September 9, 2014;
21 this request is to consider an extension of the moratorium for an additional 45 days, or such other
22 reasonable date. A 45-day extension continues until October 24, 2014. In addition to the
23 extension, the amended ordinance proposes three minor revisions to Section 3: **A.** Paragraph “b”
24 - gas well permits must be subject to a gas well development site plan approved in accordance
25 with Ordinance Numbers 2013-014 and 2013-304. **1.** The previous language required site plan
26 approval after January 15, 2013, and did not specify the applicable ordinance. **B.** Paragraph “d” -
27 the burning of gases via open flame added. **1.** Clarifies that both annual inspection permits and
28 open flame permits issued pursuant to the Fire Code are exempt from the moratorium. **C.**
29 Paragraph “e” - clarifies regulations for applications to vacate all, or a portion of, land areas. **1.**
30 Current: a date of August 17, 2010 - the proposed revision identifies the date as prior to the
31 adoption of Ordinance Numbers 2010-181 and 2010-196. Groth stated staff recommends
32 approval of this request.

33