

Exhibit 10
August 27, 2014
Planning & Zoning Draft Minutes

1
2 Christine Hall, 1312 Woodlake Drive, Corinth, Texas. Hall stated she is concerned about the
3 trees being removed. They serve as a sound barrier for the neighboring auto dealerships and I-35.
4 The neighbors on the Denton side of the subdivision have been recommended to purchase flood
5 insurance. Hall stated when there are heavy rains there is a lot of standing water in the area. She
6 is worried about the development and how it would leave the rest of the existing neighborhood.
7 There are already sewer issues, there are sewer smells. If there are additional homes tying into
8 the sewer lines it could cause more issues.

9
10 There was no one else to speak on this item, Schaake closed the Public Hearing.

11
12 Edwards responded in regards to some of the statements made. The flooding, a topography of the
13 area has been completed and the lot shows within the 100 year flood plain. The proposed pads
14 are elevated, the flood elevations help elevation the house and are to Denton's standards for the
15 100 year water surface elevation in this area. Schaake questioned if a tree ordinance is in place;
16 Jackson stated this site is not subject to the tree ordinance because of being within the PD.
17 Schaake questioned if the applicant has made any plans to preserve as many trees as possible.
18 Jackson stated they haven't worked on that part of the plans at this time; however, it will be
19 reviewed in the process.

20
21 Escobar stated in regards to the sewer smells in the area, there is an existing sewer lift station to
22 the east down the road, most likely it is an operational issue. He stated he would bring it up to the
23 Waste Water Department. Edwards stated in regards to the trees, the property goes back quite a
24 ways; some of the lots are 100 feet back from the right-of-way. A majority of the trees on site
25 will be saved, there is approximately 300-500 feet of trees setback to provide a buffer.

26
27 Commissioner Frank Conner Motioned, Commissioner Thom Reece seconded to approve this
28 request based on staff's condition. Motion approved (7-0). Commissioner Frank Conner, aye,
29 Commissioner Thom Reece, aye, Chair Jean Schaake, aye, Commissioner Brian Bentley, aye,
30 Commissioner Jim Strange, aye, Commissioner Amber Briggles, aye, and Commissioner Devin
31 Taylor, aye.

32
33 B. [Hold a public hearing and consider making a recommendation to City Council regarding an amendment to the Comprehensive Plan, specifically to change the Future Land Use designation from Regional Mixed Use Center to Industrial Center on 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 one of a three part request that includes Z14-0014 and S14-0004. \(CA14-0003, Edsco, Michele Berry\)](#)

34 Schaake stated Public Hearing Items 2B, C, and D would all be heard together. The items will be
35 voted on separately. Lockley introduced Berry. Berry stated this is a three part request to allow a
36 heavy manufacturing use, hot dip galvanization; the subject site is located at 2200 Worthington
37 Drive. The subject property is Regional Mixed Use Center on the Future Land Use Map. The
38 subject property is zoning Regional Center Commercial Downtown (RCC-D). This does not
39 allow either light or heavy manufacturing operations. Edsco began operations in 2006 at 2200

1 Worthington Drive and is considered light manufacturing. The property is a special exception
2 for Light manufacturing uses. Edsco would like to add hot-dip galvanization to their activities at
3 this location; they currently send their products to other locations for galvanization.

4
5 The purpose of hot dip galvanization is to protect the metal for rust and deterioration. Staff's
6 interpretation is that Hot Dip Galvanization is a heavy manufacturing use due to the use of
7 molten zinc and the potential for pollution. This item had to go before the Zoning Board of
8 Adjustment (ZBA); they did not overturn staff's decision at their April 28, 2014 meeting,
9 ZBA14-0002.

10
11 The requests for this item are as follows: 1. Amend the Denton Plan from Regional Mixed Use
12 Center to Industrial Center; 2. Rezone from Regional Commercial Center Downtown to
13 Industrial Center General; and 3. Specific Use Permit (SUP) for heavy manufacturing,
14 specifically hot dip galvanization. Staff sent out six Public Hearing notices to property owners
15 within 200 feet of the subject site and 18 courtesy notices to property owners within 500 feet of
16 the subject site. At this time staff has received one returned response neutral to the request and
17 one in favor of the request.

18
19 Berry stated approval criteria and considerations for Comprehensive Plan Amendments are per
20 section 35.3.3 of the Denton Development Code (DDC) : conflicts with the goals of the Regional
21 Mixed Use Center; conflicts with existing and future surrounding uses; adequate amount of land
22 currently zoned for industrial development; creates an isolated district; and potential
23 environmental impacts. Staff recommends denial of CA14-0003 as it is inconsistent with the
24 Denton Plan and the surrounding property.

25
26 Berry stated approval criteria and considerations for rezoning requests inconsistent with
27 comprehensive plan are per section 35.3.3 of the DDC: conflicts with the goals of the Regional
28 Mixed Use Center; conflicts with existing and future surrounding uses; adequate amount of land
29 currently zoned for industrial development; creates an isolated district; and potential
30 environmental impacts. Staff recommends denial of Z14-0014 as it is inconsistent with The
31 Denton Plan, the Denton Development Code, and the surrounding property.

32
33 Berry stated approval criteria and considerations for SUP requests are listed in Section 35.6.4 of
34 the DDC: incompatible and potentially injurious to the use and enjoyment of adjacent property;
35 may slow the orderly growth and transition of this area toward a Regional Mixed Use Center.
36 Staff recommends denial of S14-0004 as it is inconsistent with the surrounding property.

37
38 Berry stated the applicant is present. Taylor stated it is not typical to see SUP's for Industrial
39 Uses; Taylor questioned if it applies specifically to this use of for the parcel. Berry stated if this
40 Commission was to approve the SUP, a recommendation could be made to City Council specific
41 to galvanization. Conner questioned what is considered light manufacturing versus heavy
42 manufacturing. Conner stated the property to the north of the subject site is heavy manufacturing
43 with steel fabrication. Berry read the two different definitions into the record. The reason it went
44 to the ZBA is for their interpretation of light to heavy manufacturing. The board didn't get more
45 than six votes; which would have been required to go against staff's determination.

1 Schaake questioned the zoning for United Copper; Berry stated she is unaware. Schaake
2 questioned the distance between the subject site and the neighboring hotels. Berry provided the
3 site photos, stating they are a distance away; they sit on I-35. Schaake stated the proposed use
4 seems appropriate to her. Conner stated he drove by the site and felt that it was an appropriate
5 location for this use. Leal stated he would like to clarify a few items: in regards to Taylor's
6 comment about the SUP; the SUP is applied to the use; whether it is the current owner or the
7 successor owner as long as the use remains into effect. The ZBA interpretation or affirmation is
8 just for those members, the ZBA's determination is bonding. Schaake questioned the voting;
9 questioning if it has to be a 6-1 vote presented to City Council. Leal stated that is correct, it is a
10 state law. Leal stated state law requires a supermajority vote. Schaake stated she still doesn't
11 understand how staff has determined this proposed use as heavy manufacturing. Schaake stated
12 she would still like to know United Copper's zoning; Taylor stated he looked it up and it is light
13 industrial.

14
15 Taylor stated in regards to the heavy manufacturing use, zinc can be very toxic. Taylor stated if
16 this item came before this Commission like it did before the ZBA, he could see a split vote
17 occurring here as well. Schaake questioned a way for this item to be corrected and mitigated.
18 Reece deferred to Leal. Leal stated once the ZBA has made their decision that is not changeable.
19 Leal stated in terms of deciding the issue, it is possible to do something that would limit what
20 would be categorized the galvanization as to heavy or light manufacturing. Schaake stated this
21 use seems like it would draw more jobs into Denton; Leal agreed. Leal stated there are other
22 ways to rezone the property.

23
24 Strange questioned Leal if there is an option he would partially outline if this Commission could
25 reclassify the use from heavy to light manufacturing. Leal stated the focus here is turning hot
26 dipped galvanization from heavy to light manufacturing; that isn't an option before this
27 Commission. There are other traditional items to look at: a Comprehensive Plan amendment, or
28 zoning change. Schaake called the applicant to speak.

29
30 Jeff Stewart, 611 Alexandrite, Oak Point, Texas. Stewart stated he is the architect for Edsco.
31 Stewart stated Jeff Pieper, and Don Searcy with Edsco is also present. Stewart stated Edsco
32 moved to its current location in 2006, it has been a citizen to Denton since 1996. This project is a
33 huge business driver. Stewart thanked Berry for her work on this project. He stated Edsco
34 currently outsources this process. Stewart stated with the proposed in-house galvanization it
35 would reduce the amount of truck traffic, and will provide more jobs. He explained the six step
36 process of galvanization. Each of the steps have environmental concerns, there are three buffers,
37 air, liquid, and solid. In the air, there is smoke from the molten zinc, it is then collected and
38 discharged, and it runs through a bank system for testing. A bag collects the particles and then
39 gets cleaned out and goes through a waste processor. It is then tested and sent to the landfill. The
40 second issue is fumes from the acid tanks, those just release a smell, which is sent through a
41 scrubber and comes out 99.9% nontoxic. There are also liquids, which are in steel and plastic
42 tanks, all the liquid gets contained. Every six months the liquid is removed from the tank and
43 sent to a hold tank, the dirt gets removed, and it goes for testing and sent to the landfill. The rinse
44 water is used as makeup water, it is not removed from the property, and all of the water gets
45 used. The ammonium chloride gets used by adhering to the steel. The solid is the zinc, it zinc

1 bars that get melted down into the process, it all gets melted up and none gets wasted off of the
2 property. Stewart stated there are a lot of industrial uses in the area.

3
4 Briggle stated in the backup materials it states three cycles of trucks per day; Briggle questioned
5 how many trucks are in a cycle. Jeff Pieper, President of Edsco, stated those trucks handle loads
6 of ungalvanized materials going out and returning. There is only one truck at a time. Briggle
7 questioned the three cycles. Pieper stated there is only one truck per cycle. There are also other
8 trucks for other uses within Edsco; however, there is only one truck for this process.

9
10 Bentley questioned if Edsco owns both properties of land. Pieper stated that is correct. Strange
11 questioned how long the applicant has been in the process of this request. Stewart stated the first
12 meeting for this request began on June 6, 2013. Strange questioned approximately how much
13 money has been spent on this request. Pieper stated approximately 40,000-50,000. Strange
14 acknowledged.

15
16 Briggle questioned the Future Land Use Map, questioning the plan for this area with the Denton
17 Plan 2030; Berry stated staff is currently working on the Future Land Use Map, and staff plans to
18 keep this area as a business, professionalization, office, and technology district. Schaake
19 questioned even with the industrial uses in the area. Berry stated a lot of those uses were present
20 to that area prior to 2002.

21
22 Schaake opened the Public Hearing; there was no one to speak on the item. Schaake closed the
23 Public Hearing. Bentley stated he would like to make a motion. Schaake stated the motions need
24 to be made separately for the three items.

25
26 Commissioner Brian Bentley motioned, Commissioner Frank Conner seconded to approve the
27 CA14-0003 request. Motion carried (5-2). Commissioner Brian Bentley, aye, Commissioner
28 Frank Conner, aye, Chair Jean Schaake, aye, Commissioner Thom Reece, aye, Commissioner
29 Jim Strange, aye, Commissioner Devin Taylor, nay, and Commissioner Amber Briggle, nay.

30
31 C. [Hold a public hearing and consider making a recommendation to City Council regarding a rezoning request on an approximately 2.95 acre parcel from Regional Center Commercial Downtown \(RCC-D\) to Industrial Center General \(IC-G\). The subject property is 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 two of a three-part request including CA14-0003 and S14-0004. \(Z14-0014, Edsco, Michele Berry\)](#)

32 This presentation was heard during Public Hearing item 2B. Taylor stated he is glad to see Edsco
33 extend their business. Taylor stated out of all the possibilities galvanizing is probably the safest.
34 There are a lot of other processes that are a greater issue. Taylor stated he has an issue with the
35 map of the first two cases of this request, in the comprehensive plan there is approximately a
36 three acre island with high industrial uses. If all of the properties to the west of Worthington
37 Drive were to be rezoned to uses that would support this; but he doesn't see cutting three acres to
38 declare it have a different use than the hundreds of surrounding acres. Taylor stated this is an
39 example of spot zoning.