

Minutes
Planning and Zoning Commission
November 4, 2015

After determining that a quorum is present, the Planning and Zoning Commission of the City of Denton, Texas convened in a Work Session on **Wednesday, November 4, 2015 at 5:00 p.m.** in the City Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items were considered:

PRESENT: Chair Jim Strange. Commissioners: Amber Briggie, Larry Beck, Gerard Hudspeth, Andrew Rozell and Frank Dudowicz.

ABSENT: Commissioner Devin Taylor.

STAFF: Athenia Green, Earl Escobar, Beverly Zendt, Ron Menguita, Mike Bell, Shandrian Jarvis, Sophie Huemer, Munal Mauladad, and Jennifer DeCurtis.

WORK SESSION

Chair Strange called the Work Session to order at 5:00 p.m.

1. [Clarification of agenda items listed on the agenda for this meeting, and discussion of issues not briefed in the written backup materials.](#)

Munal Mauladad, Deputy Director of Development Services, stated staff would present each of the agenda items.

Mike Bell, Senior Planner, presented the request for Consent Agenda Item 2A and 2B. He provided the point of access for each of the lots. Commissioner Beck questioned the larger lot on the plat. Bell stated that is considered Block A. Commissioner Rozell stated Commissioner Beck is probably questioning the reason one of the lots is substantially larger than the other lots. Commissioner Beck agreed. Bell stated that is the original owner's lot, he is keeping that land for himself. There was no further discussion.

Mike Bell, Senior Planner, presented the request for Public Hearing Item 3A. Bell stated this development is 100% subsidized units. The previous Specific Use Permit (SUP) for the development expired. He provided the proposed site plan, which included 35 proposed bicycle racks. Jennifer DeCurtis, Deputy City Attorney, questioned the right-turn lane, she stated it was mentioned as a condition, however it is not listed in the conditions. Bell stated the recommendations it states the four criteria for approval. Mauladad stated the site plan is tied to the SUP, with the platting and engineering requirements. The condition is the emergency access, which is a temporary access. DeCurtis acknowledged.

Bell provided the landscape plan. Commissioner Briggie questioned the proposed preservation of the trees. Bell stated the applicant is proposing to preserve as many trees as possible. They meet the minimum requirements. The applicant has designed the site plan around the existing trees.

Commissioner Beck questioned if the applicant is required to maintain the existing trees. Bell confirmed. He provided the plan including the proposed and existing trees.

Commissioner Rozell questioned the requirement for new tree planting. Bell stated they are usually required to plant at least a two inch tree so it grows into a larger tree.

Bell stated the site was chosen by the Denton Housing Authority for several reasons. He would like for the applicant to elaborate on those reasons during their presentation. Chair Strange questioned if the applicant was going to provide a presentation during the Work Session. Bell stated that was the intent, they are running late.

Bell provided the information gathered from the Public Notification process. He stated he received a returned response that was incomplete. He will try to gather the correct information for the returned response.

Chair Strange questioned if the previously approved neighboring Majestic Apartments has provided any feedback in regards to the proposed development. Bell stated he has not received any feedback from them.

Bell provided the minimum requirements for the masonry building materials façade percentage on McKinney Street. Chair Strange questioned if the applicant is only required to provide 40% façade coverage, why are they proposing 60% façade coverage. Munal Mauladad, Deputy Director of Development Services, stated several meetings were held to discuss the building layout with regards to the buildings facing McKinney Street. There was plenty of discussion in regards to the elevations needing to be broken up between the buildings and to enhance the visual on McKinney Street. Chair Strange stated that was a good solution.

Commissioner Hudspeth questioned the access points to the large area behind the subject site. He questioned how that site will receive access in the future. Bell stated Duchess Drive to the south will extend from Loop 288 to Woodrow Lane, which will provide the primary drive access to that site in the future.

Commissioner Rozell questioned the Mobility Plan in regards to traffic; he stated he thought the plan to widen McKinney Street wouldn't be until 2018. Bell stated Texas Department of Transportation's (TxDOT) plans are usually set three years out. The tentative date is set for 2018.

Commissioner Rozell questioned if the proposed traffic build up could interfere with the existing Fire Station Number 2. That is their primary thoroughfare. Bell deferred to Earl Escobar.

Earl Escobar, Engineering Development Review Manager, the proposed 4,000 excess amount of traffic isn't a major concern. The street has a capacity for a certain amount. The key issue is the auxiliary lanes. The intersections are also evaluated, along with the turn lanes. It is not a concern for through traffic in regards to capacity.

Commissioner Rozell questioned if the proposed development is required to have both left and right turn lanes to exit the property. Escobar stated there will more than likely be back-up lanes

into the apartment complex, there will also be a left and right turn lane. Commissioner Rozell acknowledged.

Commissioner Beck thanked staff for their work on this project. He questioned if there are any requirements for the walkways to have lighting. Bell stated during the building permit process there will be lighting requirements for the pedestrian areas. There will either be street lots by the developer or TxDOT.

Commissioner Hudspeth stated there looks to also be a park on site, he questioned if that area would be well lit as well. Bell confirmed. He stated the Denton Development Code has a minimum requirement for pedestrian areas, and then a maximum requirement for the proper lines to prevent from having areas too bright at property lines. There was no further discussion.

2. Work Session Reports

A. [PZ15-046 Hold a discussion regarding the Planning and Zoning Commission City-initiated Rezoning Subcommittee.](#)

Ron Menguita, Long Range Planner, stated there will be a meeting soon in order to discuss the roles and responsibilities of the subcommittee. The meeting will also include voting for a Chair and Vice-Chair for the subcommittee. Once the subcommittee starts meeting, they will then make recommendations to the Planning and Zoning Commission and City Council.

Commissioner Briggie questioned if the subcommittee meetings will be posted. Jennifer DeCurtis, Deputy City Attorney, confirmed. There was no further discussion.

Chair Strange called a recess from 5:37 – 6:13 p.m., in order to allow time for the Denton Housing Authority applicants to arrive.

The Commission resumed the discussion on Public Hearing Item 3A.

Lance Vanzant, 512 W. Hickory Street, Denton, Texas. Vanzant stated he is representing the applicant. He provided the history of the request for the Specific Use Permit. He thanked staff for their work on this project. He stated the applicant is in favor of the conditions listed by staff.

Sherri McDade, Denton Housing Authority, 1225 Wilson Street, Denton, Texas. McDade provided history on Denton Housing Authority and the rental vouchers that are issued for rental properties. She stated a majority of their properties are at 90-100% capacity. McDade stated they opened the waiting list for one week for the proposed apartment complex and received over 3,500 applications interested in the site. There is a big need for housing within Denton.

Commissioner Briggie stated this is an exciting project. She questioned why this site was chosen. McDade stated The NRP Group came to the Denton Housing Authority with this site in hand, it met the requirements for the development. Commissioner Briggie questioned if there would be an impact for the elementary schools it might effect. McDade deferred to staff to provide the information regarding the elementary schools.

Debra Guerra, The NRP Group, 200 Concord Plaza, San Antonio, Texas. Guerra stated she is proud to be in partnership with the Denton Housing Authority. She stated this subject site was chosen because it was zoned for the proposed use with the exception of the Specific Use Permit process. She stated they did visit with the Denton Independent School District. They were in support of this request, as long as the characteristics of their outline were met. The development would average approximately one school aged student per household. There will also be a lot of seniors within the units.

Commissioner Dudowicz arrived.

Guerra stated the development is proposing approximately 322 units, which range from one to four bedroom units. The rental rate will be approximately \$569- \$1,035 a month. This will be a gated community, with a pool onsite. There will also be onsite property management. Guerra stated they wanted to preserve the trees not only because of the requirements but because of the appearance it provided for the site. She stated the engineer and architects are also present.

Commissioner Beck questioned if the rent will include utilities. Guerra stated no, it is only rent. Commissioner Beck questioned if the amenities are included in the rental cost. Guerra confirmed.

Commissioner Hudspeth questioned the transition process for the current residents to be allowed access into this site versus new residents. Guerra stated the Denton Housing Authority allows anyone to apply to live within the development. All residents are required to pass both a background check and credit check. The residents are also required to have a monthly income of at least two and a half times the amount of the rental cost.

McDade stated anyone that is currently a rental voucher holder would be eligible to move into the proposed site if they meet the requirements. It is open for anyone within the community to apply for. There will be marketing to the current Denton Housing Authority residents so they are aware of the development and when it becomes eligible to apply.

Commissioner Beck questioned if there would be management and security officer on site at all times. McDade stated there would be management onsite. However, this is a gated community, so there will not be security officers on site. She stated at one of the Denton Housing Authority apartment sites there is a police officer that resides in one of the units. She stated they would look into that for this development as well. There was no further discussion. Chair Strange closed the Work Session at 6:33 p.m.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on **Wednesday, November 4, 2015 at 6:30 p.m.** in the City Council Chambers at City Hall, 215 E. McKinney at which time the following items were considered:

Chair Strange called the Regular Meeting to order at 6:43 p.m.

1. PLEDGE OF ALLEGIANCE

- A. U.S. Flag
- B. Texas Flag

2. CONSENT AGENDA

- A. PP15-0036 Consider a Preliminary Plat of Lots 1-10, Block A of the Parks Addition. The approximately 8.101 acre property is generally located on the north side of West Oak Street, approximately 250 feet east of Thomas Street and 50 feet west of Fouts Street, within the E. Pulchaski Survey, Abstract No. 996. (PP15-0036, Parks Addition, Mike Bell)
- B. FP15-0042 Consider a Final Plat of Lots 1-10, Block A of the Parks Addition. The approximately 8.101 acre property is generally located on the north side of West Oak Street, approximately 250 feet east of Thomas Street and 50 feet west of Fouts Street, within the E. Pulchaski Survey, Abstract No. 996. (FP15-0042, Parks Addition, Mike Bell)

Commissioner Amber Briggles motioned, Commissioner Gerard Hudspeth seconded to approve the Consent Agenda. Motion approved (6-0). Commissioner Amber Briggles "aye", Chair Jim Strange "aye", Commissioner Frank Dudowicz "aye", Commissioner Larry Beck "aye", Commissioner Gerard Hudspeth "aye", and Commissioner Andrew Rozell "aye".

3. PUBLIC HEARINGS

- A. S15-0009 Hold a public hearing and consider a recommendation to City Council regarding a Specific Use Permit to allow a multi-family development on an approximately 16.061 acre property generally located on the south side of East McKinney Street (FM 426), approximately 1,500 feet east of Woodrow Lane. (S15-0009, McKinney Denton Apartments, Mike Bell)

Chair Strange opened the Public Hearing. Mike Bell, Senior Planner, provided the information for this request.

Rob Rayner, Tom Fouts Realtors, Inc., 607 S. Locust Ave, Denton, Texas. Rayner stated he represents the property owner for the land to the south and southwest of the subject site. The property owner has concerns that the proposed development could interfere with them receiving a curb cut for their property. This will also add a lot more people to this area. Rayner stated the property owner also has concerns with the two proposed buildings on the rear of the property that will be developed into four-story apartments.

Chair Strange questioned if one owner owns the land Rayner is referring to. Rayner confirmed.

Commissioner Dudowicz questioned if Rayner was referring to the proposed four-story buildings to the east of the subject site. Rayner confirmed. He stated in the future it would interfere with their potential for residential development on their site.

Commissioner Dudowicz stated the site for the four-story buildings was chosen due to preservation of the existing trees. Bell confirmed.

Jennifer DeCurtis, Deputy City Attorney, requested clarification on Rayner's objections. Rayner stated the property owner objects to the four-story buildings on the east side of the subject site, along with other issues that will interfere with their land. DeCurtis requested representation from the property owner for Rayner to speak on their behalf. Rayner stated he has a letter from the property owner.

Commissioner Rozell questioned the curb cut concerns. Rayner stated they have concerns with their property to the west of the subject site. Earl Escobar, Engineering Development Review Manager, stated the City cannot deny right-of-way access to a property. He stated there is a proposed median at Mack Drive and McKinney Street. Rayner stated he has concerns that an additional curb cut not be allowed on their site on McKinney Street or on Woodrow Lane.

Commissioner Beck questioned if Rayner is proposing in the future to develop single-family on their site. Rayner stated they are not certain at this time. They will develop what is allowed with their current zoning.

Commissioner Hudspeth questioned if there are any plans for development on their site at this time. He questioned if the property owner would prefer the current substation as view rather than the proposed four-story buildings. Rayner stated he could not answer that for the property owner.

Commissioner Briggles requested clarification from Legal in regards to considering future developments. DeCurtis stated this Commission has to work with the adjacent properties as they current exist. Munal Mauladad, Deputy Director of Development Services, stated staff looks at the surrounding properties and uses. DeCurtis requested that Rayner provided the property owner's information to staff.

The following individuals spoke during the Public Hearing:

Dick Kelsey, McKinney Street, Denton, Texas. Kelsey stated he owns the property to the north of the subject site. He stated a majority of the property coming to his office come from the downtown area. If there is a median that splits the lanes without a turn lane, it will require the traffic to travel farther east to turn around. He stated he is in favor of the request; however, he has issues with the proposed medians on McKinney Street. Strange requested that he share his concerns with the Engineering Department. Kelsey stated he has met with Engineering in the past; however, their hands are tied since this is a Texas Department of Transportation street.

Commissioner Beck questioned who is responsible for the turn lanes on the subject site. Escobar stated the applicant would fund the turn lanes and they would hire a contractor to develop the actual lanes.

Yolanda Vela, 2201 Geneva Circle, Denton, Texas. Vela stated she is in support of this request.

Lance Vanzant, applicant, 512 W. Hickory Street, Denton, Texas. Vanzant provided clarification on the comments from the citizens opposed to the request. He provided the residential areas located on the Future Land Use Map. Vanzant provided clarification on their curb cut for the subject site.

Chair Strange read the letters received from citizens in support of this request.

Dr. Jaime Wilson, Denton Independent School District.

Pam Gutierrez, Denton County MHMR.

Tony Johnson Simpson, Friends of the Family.

Gary Henderson, United Way

There was no further discussion. Chair Strange closed the Public Hearing. He stated staff would need to take a recess in order to calculate the public notification response letters received after the presentation was made. A recess was held from 7:30 – 7:45 p.m.

DeCurtis stated the property owner to the west and southwest of the subject site is opposed to this request, which exceeds 20%, which requires a Supermajority vote. She stated all members would need to vote in favor of the request in order for the Specific Use Permit to pass.

Commissioner Briggie stated she is in support of this request; however, the traffic concerns are valid points. She wanted to remind the Commission that in the past they have also approved projects on Teasley Lane that have had traffic concerns. Commissioner Briggie stated she would motion to approve this request based on staff's conditions. Commissioner Dudowicz agreed, he stated he would second the request.

Commissioner Rozell agreed with Commissioner Briggie and Dudowicz comments. He stated there is a large homeless community that resides on the site currently. He would like for someone to look into options to relocate them since this will displace them even more than they are already.

Commissioner Amber Briggie motioned, Commissioner Frank Dudowicz seconded to approve this request based on staff's conditions: 1. Development of the site shall substantially comply with the site plan and landscape plan attached, 2. The maximum number of units of the development shall be 322 units, 3. The western access shall be emergency access only until McKinney Street is widened and a median is installed; and 4. Buildings facades facing McKinney Street shall have a minimum of 60% masonry building materials. Gables, windows, doors, and related trim may be excluded from the percentage calculation. Motion approved (6-0). Commissioner Amber Briggie "aye", Chair Jim Strange "aye", Commissioner Frank Dudowicz "aye", Commissioner Larry Beck "aye", Commissioner Gerard Hudspeth "aye", and Commissioner Andrew Rozell "aye".

- B. [SI15-0016b Hold a public hearing and consider making a recommendation to City Council regarding amending the procedural and development standards for the Rayzor Ranch Overlay District by superseding the previously approved Rayzor Ranch Overlay District classification and amending Chapter 35, Subchapter 7.15 of the City of Denton Development Code. The approximately 410 acre site is generally located on the north and south sides of US HWY 380 \(University Drive\), between I-35 and Bonnie Brae St. \(SI15-0016, Sophie Huemer\) This item will be continued to the November 18, 2015 Planning and Zoning Commission Meeting.](#)

Chair Strange stated this has been continued to the November 18, 2015 meeting.

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

- A. PZ15-049 Planning & Zoning Commission project matrix.

There was no discussion on the project matrix.

5. [CONCLUDING ITEMS](#)

Munal Mauladad, Deputy Director of Development Services, stated there will be a Special Called Meeting on Wednesday, November 11, 2015. There was no further discussion. Chair Strange adjourned the Regular Meeting at 7:52 p.m.