

Minutes
Planning and Zoning Commission
January 27, 2016

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, January 27, 2016 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: Gerard Hudspeth, Amber Briggie, Devin Taylor, Larry Beck, Andrew Rozell and Frank Dudowicz.

ABSENT: None.

STAFF: Athenia Green, Earl Escobar, Shandrian Jarvis, Sophie Huemer, Ron Menguita, Beverly Zendt, Julie Anderson, Brent Heath, Mike Bell, Ross Culbertson, Munal Mauladad, and Jennifer DeCurtis.

WORK SESSION

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

Chair Strange called the Work Session to order at 5:00 p.m. Munal Mauladad, Deputy Director of Development Services, questioned if staff would need to present the plat items. There was no discussion on the plat items, staff presented the Public Hearing Items.

Sophie Huemer, Associate Planner, provided the backup materials for Public Hearing Item 4A. Huemer provided the location map and zoning map. She stated the Fry Street Overlay District was created in 2000 to preserve the unique history and character of the area, known as Subarea A. The overlay district was amended in 2010 to accommodate a mixed-use development, known as Subarea B. The applicant is proposing to further amend the Fry Street Overlay District, creating Subarea B-1 to accommodate for multi-family and retail.

Huemer stated that Subarea A and B require one (1) parking space for units with two (2) or more bedrooms. Subarea B-1 is asking for units with two (2) or more bedrooms to require .75 spaces. There will be no amendments made to other parking ratios in the Fry Street Overlay District.

Subarea A allows for 45 feet, two-story units, and the density is based on the minimum unit size. Subarea B allows for 55 feet, four-story units, with 72.5 units/acre as the density. The proposed Subarea B-1, is being requested is 58 feet, with five-story units, 88.2 units/acre as the density, and a reduction for units with two (2) or more bedrooms at a .75 parking spaces per bedroom.

Commissioner Beck questioned if units are considered the bedrooms or the entire apartment. Huemer stated one bedroom is equal to one half unit. Commissioner Beck questioned if two bedrooms would be considered a unit. Huemer confirmed.

1
2 Huemer provided the Future Land Use map and Denton Plan 2030 Land Use details. Staff sent out
3 27 public notices to property owners within 200 feet of the subject site, and 71 courtesy notices to
4 property owners within 500 feet of the subject site. At this time staff has not received any returned
5 responses. Huemer stated staff recommends denial of this request based on the considerations
6 presented and as the requested amendment further compromise the Fry Street Overlay District
7 Standards.
8

9 Huemer stated there are outstanding comments from the Fire Department in regards to aerial
10 apparatus access to the building. Commissioner Taylor questioned if the concern is the access not
11 the equipment. Huemer confirmed.
12

13 Commissioner Beck questioned why that information is not currently available. Huemer stated
14 based on the timing, the full submittal was done in December 2015. The status on the item is
15 "Returned for Review" because there are still outstanding comments. The applicant does have the
16 right to proceed with their application despite pending comments. Mauladad stated the request per
17 the applicant is based on their amendments and contingent of the Traffic Impact Analysis and other
18 departmental comments.
19

20 Chair Strange stated he doesn't recall other projects coming before this Commission that have not
21 been a complete submittal. He questioned if there is a reason for the fast track process. Mauladad
22 stated when the applicant submitted their intent was to determine if they could secure approval of
23 these amendments and it was during the review process that site related comments were identified.
24 Commissioner Taylor questioned what infrastructure is a concern. Huemer stated the sewer, she
25 discussed the potential need for Hickory Street to upsize the current lines.
26

27 Chair Strange questioned if it is a capacity issue or the age of the existing infrastructure. Earl
28 Escobar, Engineering Development Review Manager, stated the concern is more of a capacity
29 issue. This is based on the intensity of the use and the size of the infrastructure on Hickory Street.
30

31 Commissioner Rozell questioned if the two main issues are the height of the proposed structure
32 and the parking requirements. The proposal is three (3) feet taller than what is allowed.
33

34 Commissioner Rozell requested the history of Subarea B. Huemer stated in 2010, an application
35 came forward similar to this request for a mixed-used multi-family development; which is the
36 Sterling Fry Street project located east of the subject site. That development was able to meet the
37 1:1 parking ratio requirements. The size of the structure was also a concern at the time based on
38 neighborhood meetings. There were a lot of concerns from the neighbors in regards to parking
39 requirements, and the structure being placed close to the property lines.
40

41 Mauladad stated from a planning perspective the analysis is to consider where the proposed
42 amendments would further compromise the current Fry Street Overlay District. Commissioner
43 Rozell questioned if the proposed development complied with the allowed height and parking
44 requirements then the amendment would not be needed. Mauladad confirmed.
45

1 Chair Strange requested information regarding the Fry Street Small Area Plan (SAP). Mauladad
2 provided information regarding the SAP. This neighborhood is highly involved and active in
3 improving their neighborhood. She stated staff would like to initiate a SAP in order to address the
4 overlay conditions.

5
6 Huemer stated two (2) neighborhood meetings were held where the neighbors discussed Subarea
7 A, parking, traffic, and height concerns for the development. There was a public notification
8 process, however, there were no returned responses. Commissioner Briggie questioned why staff
9 has not received any returned responses if the neighborhood has expressed their concerns for the
10 development. Huemer stated there are a lot of businesses within the 200 foot radius, the responses
11 are limited to owner occupied spaces.

12
13 Commissioner Beck stated it seems odd that staff did not receive any returned responses. He
14 questioned a way to revisit this issue. Commissioner Briggie stated she is glad to see the
15 notification process that is in place. She stated the notification process also includes neighborhood
16 meetings and public hearings.

17
18 Chair Strange stated citizens are allowed to provide feedback on any of the Public Hearing items,
19 however, only those that are located within 200 feet of the subject site will be calculated. DeCurtis
20 stated the Denton Development Code does not require a supermajority vote from this Commission
21 if there are more than 20% opposed to this request located within 200 feet of the subject site.
22 DeCurtis stated in that event, City Council would require a supermajority vote.

23
24 Commissioner Briggie referred to Exhibit 35.7.5.E Subarea B Architectural Image Board, she
25 stated she would like the language “his” to be more inclusive. Mauladad agreed. There was no
26 further discussion on this item.

27
28 Ross Culbertson, Senior Planner, provided the backup materials for Public Hearing Item 4B. He
29 provided the location map and zoning map. The Future Land Use Map indicates the site to be
30 Regional Mixed Use. Staff sent out four (4) public notices to property owners within 200 feet of
31 the subject site, and five (5) courtesy notices to property owners within 500 feet of the subject site.
32 Staff has received one (1) returned response in favor of the request. Staff recommends approval of
33 this request.

34
35 Commissioner Taylor referred the land to the south of the subject site, he questioned if that slice
36 of land would be included. Culbertson declined. He stated it was requested for the developer to
37 consider adding that piece of land as well. At this time it will not be included. There was no further
38 discussion.

39
40 Chair Strange called a recess from 5:40 p.m. to 5:48 p.m.
41

2. Work Session Reports

- 1
- A. [Receive a report and hold a discussion regarding bicycle and pedestrian accommodations provided in accordance with the "Update to the Pedestrian and Bicycle Linkage Component of the Denton Mobility Plan". \(PZ16-016, Pedestrian and Bicycle Component, Julie Anderson\)](#)

2
3 Julie Anderson, Bicycle and Pedestrian Coordinator, provided the backup materials for this
4 request. She provided each Commissioner a handout for the bicycle count. Commissioner Briggles
5 questioned what funds City Council has put aside and what funds have been spent to date.
6 Anderson stated she will discuss that information during the presentation.

7
8 Commissioner Beck questioned if there is a component that requires developments to install
9 bicycle racks. Anderson stated there is not a requirement at this time. It is easier to get a new
10 development to add a bicycle rack to their development, it is isn't as easy to get an existing business
11 to add a rack. Commissioner Dudowicz suggested getting the City to cover the costs of the bicycle
12 rack, and the business could have them installed. Anderson stated that has been discussed in the
13 past.

14
15 Commissioner Rozell questioned Commissioner Dudowicz what would encourage him to install a
16 bicycle rack to his existing business. Commissioner Dudowicz stated they primarily have vehicles
17 at their site so it wouldn't be beneficial to have a bicycle rack. He stated they have employers that
18 ride their bicycles to work, however, they have a place within the facility to park their bicycles.

19
20 Commissioner Briggles stated during the Denton Plan updated it was recommended to use the
21 National Association of City Transportation Officials (NACTO) versus the American Association
22 of State Highway and Transportation Officials (AASHTO). She questioned which one is being
23 used during this component.

24
25 Anderson stated she tends to use NACTO more during meetings. One of the two Officials is more
26 of a recommendation. Commissioner Taylor questioned which would have more authority between
27 the Transportation Criteria Manual and the Denton Development Code (DDC). Ron Menguita,
28 Long Range Planning Administrator, stated the DDC outplays the Transportation Criteria Manual.

29
30 There was no further discussion. Chair Strange stated Work Session Item 2B would be continued
31 to the February 10, 2016 meeting.

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33 Chair Strange stated Work Session Item 2C would be tabled to after the Regular Meeting. He
34 closed the Work Session at 6:21 p.m.

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- B. [Receive a report and hold a discussion regarding the Denton Municipal Electric 2013-2017 Capital Improvements Plan for electric substation and transmission system upgrades. \(PZ16-019, Denton Municipal Electric, Brent A. Heath, P.E.\)](#)

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There was no discussion on this item. Chair Strange stated this item will be continued to the February 10, 2016 meeting.

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- C. [Receive a report and hold a discussion regarding an amendment to the Denton Development Code \(DDC\) to create a new use and site plan process for Electric Substations. \(DCA15-0003, Electric Substations, Mike Bell\)](#)

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This item was continued to after the Public Hearing Items.

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[REGULAR MEETING](#)

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The Planning and Zoning Commission convened in a Regular Meeting on **Wednesday, January 27, 2016 at 6:30 p.m.** in the City Council Chambers at City Hall, 215 E. McKinney at which time the following items were considered:

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Chair Strange called the Regular Meeting to order at 6:30 p.m.

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1. [PLEDGE OF ALLEGIANCE](#)

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

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2. [CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES FOR:](#)

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

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Commissioner Amber Briggles motioned, Commissioner Devin Taylor seconded to approve the meeting minutes. Motion approved (6-0-1). Commissioner Devin Taylor "aye", Commissioner Amber Briggles "aye", Commissioner Frank Dudowicz "aye", Commissioner Larry Beck "aye", Commissioner Gerard Hudspeth "aye", and Commissioner Andrew Rozell "aye". Chair Jim Strange recused from the vote.

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3. [CONSENT AGENDA](#)

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- A. Consider a Preliminary Plat of Lots 4-8, Block A, of the Hickory Creek Center Addition. The approximately 11.259 acre property is generally located at the southwest corner of Teasley Lane and Hickory Creek Road, within the A. Venters Survey, Abstract No. 1315. (PP15-0029, Hickory Creek Center, Mike Bell)

- B. Consider a Final Plat of Lots 1 & 2 of Block 2 of the Caliber Collision Addition. The approximately 4.6 acre property is generally located on west side of I-35 Frontage Road, approximately 650 feet south of West University Drive (US Hwy 380), within the B.B.B. & C.R.R.Co. Survey, Abstract No. 192. (FP15-0044, Caliber Collision, Ross Culbertson)

Commissioner Devin Taylor motioned, Commissioner Frank Dudowicz seconded to approve the Consent Agenda Items. Motion approved (7-0). Chair Jim Strange, "aye", Commissioner Devin Taylor "aye", Commissioner Amber Briggie "aye", Commissioner Frank Dudowicz "aye", Commissioner Larry Beck "aye", Commissioner Gerard Hudspeth "aye", and Commissioner Andrew Rozell "aye".

4. PUBLIC HEARINGS

- A. Hold a public hearing and consider making a recommendation to City Council regarding amending Subchapter 35.7.5, the Fry Street Overlay District, to create a new subdistrict and development standards for a mixed use building on approximately 1.7 acres. (Z15-0029, Fry Street Overlay District Amendment, Sophie Huemer)

Chair Strange opened the Public Hearing. Sophie Huemer, Associate Planner, provided the backup materials for Public Hearing Item 4A. Huemer provided the location map and zoning map. She stated the Fry Street Overlay District was created in 2000 to preserve the unique history and character of the area, known as Subarea A. The overlay district was amended in 2010 to accommodate a mixed-use development, known as Subarea B. The applicant is proposing to further amend the Fry Street Overlay District, creating Subarea B-1 to accommodate for multi-family and retail.

Huemer stated that Subarea A and B require one (1) parking space for units with two (2) or more bedrooms. Subarea B-1 is asking for units with two (2) or more bedrooms to require .75 spaces. There will be no amendments made to other parking ratios in the Fry Street Overlay District.

Subarea A allows for 45 feet, two-story units, and the density is based on the minimum unit size. Subarea B allows for 55 feet, four-story units, with 72.5 units/acre as the density. The proposed Subarea B-1, is being requested is 58 feet, with five-story units, 88.2 units/acre as the density, and a reduction for units with two (2) or more bedrooms at a .75 parking spaces per bedroom.

Huemer provided the Future Land Use map and Denton Plan 2030 Land Use details. Staff sent out 27 public notices to property owners within 200 feet of the subject site, and 71 courtesy notices to property owners within 500 feet of the subject site. At this time staff has not received any returned responses. Huemer stated staff recommends denial of this request based on the considerations presented and as the requested amendment further compromise the Fry Street Overlay District Standards.

Huemer stated there are outstanding comments from the Fire Department in regards to aerial apparatus access to the building. Commissioner Taylor questioned if the concern is the access not the equipment. Huemer confirmed.

1 Commissioner Taylor referred to the process, he questioned if the applicant could apply for a
2 variance or alternative development plan to make changes to the overlay district. Huemer stated
3 for fewer parking spots a variance would be required.

4
5 Commissioner Briggie requested to proposed number of dwelling units. Huemer stated the bed
6 count is approximately 308. Commissioner Briggie stated that could be more than one person per
7 bedroom. Huemer stated the breakdown of the units would be two-three- and four bedroom units.
8 Commissioner Briggie questioned the proposed number of residents. Huemer stated approximately
9 300, one student per bed.

10
11 Commissioner Rozell referred to the original 1:1 parking ratio, he stated that is a good standard to
12 have. Huemer stated the current parking requirement in the Fry Street Overlay District is the 1:1
13 parking ratio. During the neighborhood meeting, the neighbors expressed concern that they didn't
14 feel parking was addressed within the 1:1 ratio, there were also comments that the sites stay
15 completed parked. Staff has received conflicting information.

16
17 Commissioner Beck questioned if the apartments would be individual bedrooms with shared
18 kitchen and common areas. Huemer confirmed.

19
20 Commissioner Dudowicz requested parking requirements for the proposed mixed-use
21 developments on site. Huemer stated those required parking spaces are included in the 220
22 proposed parking spaces. Commissioner Dudowicz questioned if staff feels that is still a low
23 number. Huemer confirmed.

24
25 Commissioner Dudowicz referred to street parking. Huemer stated if they are located within the
26 Fry Street Overlay District, and apply for a Certificate of Occupancy, then they are required to
27 provide a certain number of parking spaces. If they are unable to provide that number they can
28 provide a shared parking agreement for businesses within 1,000 feet of the site. There are some
29 that are limited to a shared parking agreement within 300 feet of the site.

30
31 Commissioner Briggie questioned the number of parking spaces that would be required if they
32 followed Subarea A's requirements. Huemer stated approximately 330 parking spaces, they are
33 proposing 220 parking spaces.

34
35 Rodney King, applicant with EdR Collegiate Housing, 999 South Shady Grove, Suite 6, Memphis,
36 Tennessee. King provided an overview of the project. He stated EdR owns and manages all of their
37 properties. He provided details on each of their properties. He stated none of their properties have
38 a 1:1 parking ratio. Neighborhood meetings were held on September 1, 2015 and September 29,
39 2015, meetings were held with the University of North Texas (UNT) on September 10, 2015 and
40 September 30, 2015.

41
42 Rob Baldwin, applicant with Baldwin and Associates, 3904 Elm Street, Dallas, Texas. Baldwin
43 stated the Denton Plan 2030 promotes mixed-use development. This project will serve as a buffer
44 between UNT and the existing residential areas. Baldwin stated that EdR is a partner with UBER,
45 the proposed project is also in line with the Denton County Transit Authority locations. There is a

bicycle sharing program that would be in place and a bicycle storage area located within the proposed garage.

King stated U Centre at Fry Street, which was formerly the Sterling Fry Street Apartments, only utilizes a portion of their parking. They are unable to charge for their parking spaces because they do not have a demand for parking.

Don Szczesny, Traffic Engineer with Dunaway Associates, 170 North Preston Road, Prosper, Texas. Szczesny stated there is a traffic study in process. The traffic study was completed during peak hours with approximately 30 vehicle trips in the morning, and 41 vehicle trips in the afternoon. There is also approximately 67 pedestrians in the morning and 94 pedestrians in the afternoon. He stated the pedestrian zones in the area are something that need to be addressed. King stated some of the proposed amenities would decrease traffic in the area.

Adam Reeves, applicant with Dunaway Associates, 170 North Preston Road, Prosper, Texas. Reeves provided the site capacity and utility information for the site. There are existing eight (8) inch water mains available for connection on Hickory Street and Oak Street. There are existing sanitary sewer mains on Hickory Street and Oak Street. Reeves stated that staff recommend that the building be split between the two sanitary sewer mains.

King stated the site does currently have enough capacity for this project. He stated he feels that since the site is located within walking distance to UNT it will cut down on the traffic in the area.

Commissioner Beck questioned if the apartments are specifically for students. King stated they are intended for students, however, they cannot restrict residency to only students. Commissioner Beck questioned how those students without vehicles would even get to the development. He questioned where students would park if the parking garage is full. King stated he doesn't believe that the parking garage will be fully parking, the interior the building contains the parking garage that will have approximately 220 parking spaces. King stated he doesn't feel that all students will have vehicles.

Baldwin stated where his daughter attends college, there is approximately 20-30% of students that own vehicles. The rest have another means of transportation or are dropped off by their parents. Commissioner Beck questioned if that is where they are gathering their statistics. King stated they're basing this information off of their other developments.

Commissioner Hudspeth questioned written documentation from EdR's other sites to provide other than the verbal presentation. King stated he does have that information, he doesn't have it with him, he didn't feel it was relevant. King stated these are student friendly and pedestrian friendly apartments. He stated that the college book store Vortman's will go back onto the site within the commercial space. They will own their own space.

Commissioner Rozell questioned if two people were renting bedrooms would they have a separate lease. King stated they would be individually on the lease, the rooms are rented per room, students are not allowed to double up on the bedrooms. Commissioner Rozell questioned if one person left on the lease would the other person be held responsible. King declined.

1 Commissioner Dudowicz questioned the cost per bedroom. King stated they are similar to the U
2 Centre at Fry Street, at approximately \$650-\$900 per bedroom.

3
4 Commissioner Dudowicz questioned if there would be secured access to the site. King confirmed,
5 for the apartment residents, but not on the commercial retail side. Baldwin stated there is
6 segregated parking for the apartments and commercial retail side. Commissioner Dudowicz
7 questioned the proposed number of parking spaces for the commercial retail side. King stated that
8 number has not been determined. Commissioner Dudowicz stated Vortman's is currently an
9 existing building on the site therefore it will not increase the traffic or parking to the area. King
10 confirmed.

11
12 Commissioner Taylor questioned the access points surrounding the site. Yaohua Yu, stated the
13 private drive would act as a service drive. This drive would serve as the delivery truck drive. Chair
14 Strange questioned the fire apparatus access. King stated he is working with City staff through that
15 process at the moment.

16
17 Yu stated they are proposing Hickory Street or Oak Street as the fire apparatus access, the width
18 and distance requirement are 26 feet and 15 feet. The Fire Marshal is concerned that street parking
19 in the area would interfere with the fire apparatus access. Chair Strange questioned if the required
20 distance could be met. Baldwin stated no, they have 26 feet and 10 feet.

21
22 Commissioner Hudspeth questioned if the private drive would be two-lane road, King confirmed.
23 Commissioner Hudspeth questioned what would be on the other side of the private drive. King
24 stated landscaping would be placed between the road and the existing business.

25
26 Chair Strange stated there are two items for this Commission to consider: the parking ratio
27 amendment, the proposed height, and the density. Strange stated other than those three items the
28 applicant meets the requirements.

29
30 The following individuals submitted a comment card but did not wish to speak during the public
31 hearing:

32 Elaine Davis, 2418 Kaywood Street, Denton, Texas. Opposed to this request.

33 Jennifer Meyer, 717 W. Oak Street, Denton, Texas. Opposed to this request.

34 Penny Cooley, 7770 N. Branch Road, Krum, Texas. Opposed to this request.

35
36 The following individuals spoke during the public hearing:

37
38 Darlene Mullenweg, 711 W. Oak Street, Denton, Texas. Opposed to this request.
39 Concerned that the traffic study was not completed by the City, variance and parking concerns,
40 and traffic concerns. She stated there are not currently bike lanes within this area. Adding more
41 bikes to the area with no bike lanes will cause an issue.

42
43 Commissioner Beck thanked Mullenweg for her comments. He questioned the struggles she faces
44 with parking and traffic. Mullenweg stated she the street parking blocks her driveway access.
45 Commissioner Rozell questioned if more parking spaces for the development would help the area.
46 He stated if there are more parking spaces it will increase the amount of traffic. Mullenweg stated

1 there are too many beds proposed for the 1.7 acre site. This development needs to be located in
2 another part of town.

3
4 Mary Anderson, 924 W. Oak Street, Denton, Texas. Opposed to this request. Concerns
5 with density, traffic and parking. Parking is an issue in the area, the busses in the area block the
6 streets and there are bicycle issues.

7
8 Jeff Palla, 716 W. Oak Street, Denton, Texas. Opposed to this request. Concerns with
9 density and parking for the development. Palla stated he has issues getting in and out of his
10 driveway due to the current parking and traffic in the area.

11
12 Kim McKibben, 1306 W. Hickory Street, Denton, Texas. Opposed to this request.
13 Concerns with the height of the proposed structure, it will impede sunlight from her neighboring
14 business. Concerned with density and parking requirements as well. The proposed development
15 will decrease the existing number of parking spaces for the current Vortman's store and Subway
16 Restaurant.

17
18 Brent Erskin, Vortman's owner, 1314 W. Hickory Street, Denton, Texas. In favor of this
19 request. Erskin stated as a property owner in the area he is aware of the parking issues. He stated
20 that is an issue next to all colleges. He stated as an employer of over 100 employees he has a lot
21 that do not have cars, they choose to carpool or have another means of transportation.

22
23 Commissioner Hudspeth questioned Erskin how he feels the development will help the area.
24 Erskin stated it will clean the area up. The area could be enhanced. He would like to see Big Mike's
25 Coffee Shop pick up business with more students living in the area. Commissioner Hudspeth
26 questioned Erskin on his current sales status. Erskin stated he purchased the business in 2013, and
27 the business has done nothing but grow since then. Erskin stated he feels that the traffic in the area
28 is more so commuters than residents in the area. During school hours the parking is bad, but it is
29 not as bad when school is not in session.

30
31 Commissioner Dudowicz questioned Erskin if he is in favor of selling his business to the
32 developer. Erskin stated they will temporarily sale the business to the developer, his business will
33 temporary relocate during construction, and then the property would be bought back over once
34 construction has been completed. Erskin stated he will own the space within the proposed building.
35 Commissioner Dudowicz stated he agrees that traffic is not as bad in the morning and afternoon
36 as it is during school hours.

37
38 Helen Dewey Reikofski, 723 W. Oak Street, Denton, Texas. Opposed to this request. Stated
39 she teaches at the University of North Texas. Concerns with traffic and insufficient number of
40 parking spaces for each bed. If there are not enough parking spaces there will be more congestion
41 in the area for people looking for parking spaces.

42
43 Commissioner Rozell questioned Reikofski if she is amenable to the potential of traffic increase
44 in the area if those individuals had somewhere to park. Reikofski stated the area is troubled by the
45 amount of traffic, the amount of traffic will only be worsened if there are not enough parking

1 spaces for those that are legal to live in the neighborhood. She stated all of the students she teaches
2 have their own vehicle.

3
4 Michelle Lynn, 1401 Egan Street, Denton, Texas. Opposed to this request. Glad to see
5 interest in the site. However, as Commissioners this Commission needs to bring smart growth into
6 town. Lynn discussed concerns with traffic.

7
8 Lucas Holl, 815 Crestwood Place, Denton, Texas. Opposed to this request. Opposed to any
9 request within this area that would exceed the Fry Street Overlay District requirements.

10
11 Jay West, 2606 Shelby Ave, Dallas, Texas. In favor of this request. West stated he is a
12 commercial real estate investor involved in the student housing business. This is a great project for
13 the growth UNT is seeing.

14
15 Brigid Corbett, 1220 Ector Street, Denton, Texas. Opposed to this request. Concerned with
16 the number of beds for the size of the land. If there are parking issues, but also extra parking spaces
17 at these developments it would make sense for the developers to make an agreement for others to
18 park on site other than just residents. This might help the parking issue.

19
20 Esther Rodriguez-Phelps, 606 Headlee Street, Denton, Texas. Opposed to this request.
21 Rodriguez-Phelps stated she likes to see Denton grow; however, we need to take into consideration
22 the culture of this town. The Vortman's update would enhance the business and the business owner
23 however, it doesn't help everyone else in the neighborhood.

24
25 There was no one else to speak. Chair Strange closed the Public Hearing.

26
27 Commissioner Taylor stated he has grown up in the area and various portions of Denton. At the
28 time he didn't own a vehicle while he lived on Fry Street, he walked to campus and to the
29 entertainment areas. A large majority of the people looking for the street parking spaces are the
30 commuters, they are not the students that live within the area. Commissioner Taylor stated he is a
31 large fan of density, it brings all of the amenities to the area, and a walkable area. Fewer and fewer
32 millennial individuals are getting cars. There is a need for walkable developments. Commissioner
33 Taylor stated he likes the density however he has an issue with the process, the Fry Street Overlay
34 District was a long thought process. It was made up of a large community with a large amount of
35 views.

36
37 Commissioner Taylor stated if this project were proposed on the south side of Eagle Drive it would
38 be great. This project lacks retail, the area needs more retail as it gets denser. Since this project is
39 cutting out a larger portion of the Fry Street Overlay District he would motion to deny this request.

40
41 Chair Strange requested Commissioner Taylor hold off on his motion until all comments are made
42 by the Commissioners. Commissioner Taylor stated he would withdraw his motion at this time.

43
44 Commissioner Beck thanked the citizens for speaking on this item. He stated the layout of the City
45 was a lot different over the years when he first relocated to Denton. He stated he would mimic the
46 comments that stress how this development would take away from the current Fry Street Overlay

1 District. If we honor this zoning request it would stretch the current code. There is a need for more
2 student housing. This has to be done in a fashion that sustains our areas surrounding the campus.
3 Commissioner Beck stated he would encourage EdR to go back to their plans and meet the current
4 requirements. He would like to see EdR come to in Denton. Commissioner Beck stated he will
5 follow the staff recommendation to deny this request.

6
7 Commissioner Briggles stated there are portions of the development and process that are still
8 incomplete. The Traffic Impact Analysis and Fire Department apparatus access requirements are
9 both still outstanding. She stated she would like to see the applicant meet with the neighbors again
10 to see what changes would be acceptable to enhance the overlay. Commissioner Briggles stated she
11 agrees with Commissioner Taylor, she is also in favor of density. She stated she is more in favor
12 to postpone this item rather than denying it.

13
14 Commissioner Hudspeth stated he agrees with Commissioner Briggles. He would also like to see
15 the applicant and neighborhood meet again to come up with an agreement. There have been retail
16 development issues in the area, he referred to some businesses changing numerous times. There is
17 interest from Vortman's that is an existing business that has been in the area for a long time. This
18 helps the development. Commissioner Hudspeth stated he wants to see the neighbors and applicant
19 to find a pedestrian plan.

20
21 Commissioner Rozell thanked the citizens for speaking on this item. He stated he sees less car
22 ownership especially with college students. Commissioner Rozell stated he wonders if there is a
23 need for a 1:4 parking ratio requirement within this overlay district. The work put into the overlay
24 district needs to be honored.

25
26 Commissioner Dudowicz stated this project is a need for Denton, it brings quality housing units
27 for students. The issue is amending the current overlay district. The overlay district was put in
28 place by the citizens for the citizens. The development needs to meet the requirements of the
29 overlay district.

30
31 Commissioner Taylor questioned if the denial of this project could preclude any changes for the
32 applicant to be able to submit again within a certain time period. Jennifer DeCurtis, Deputy City
33 Attorney, stated she is not aware of a denial time period.

34
35 Munal Mauladad, Deputy Director of Development Services, stated if this Commission
36 recommends denial, the applicant can choose to withdraw the application or move forward to City
37 Council.

38
39 Commissioner Devin Taylor motioned, Commissioner Larry Beck seconded to deny this request.
40 Motion carried (6-1). Commissioner Devin Taylor "aye", Commissioner Amber Briggles "aye",
41 Chair Jim Strange "aye", Commissioner Frank Dudowicz "aye", Commissioner Larry Beck "aye",
42 Commissioner Andrew Rozell "aye" and Commissioner Gerard Hudspeth "nay".

- B. Hold a public hearing and consider making a recommendation to City Council regarding a rezoning from an Industrial Center Employment (IC-E) District to a Regional Center Commercial Downtown (RCC-D) District on approximately 2.9 acres. The subject property is generally located on the west side of the I-35 Frontage Road, approximately 1,000 feet south of West University Drive (US Hwy 380). (Z15-0031, Cavender's, Ross Culbertson)

Chair Strange opened the Public Hearing. Ross Culbertson, Senior Planner, provided the backup materials for Public Hearing Item 4B. He provided the location map and zoning map. The Future Land Use Map indicates the site to be Regional Mixed Use. Staff sent out four (4) public notices to property owners within 200 feet of the subject site, and five (5) courtesy notices to property owners within 500 feet of the subject site. Staff has received one (1) returned response in favor of the request. Staff recommends approval of this request.

Juan Vasquez, Vasquez Engineering, 705 W Avenue B #316, Garland, Texas. Vasquez stated Cavenders's is vested in the property, their plan is to open a store within the year. Vasquez did not have a presentation he was available for questions.

There was no one else to speak on the item. Chair Strange closed the Public Hearing.

Commissioner Frank Dudowicz motioned, Commissioner Amber Briggie seconded to approve this request. Motion approved (7-0). Commissioner Devin Taylor "aye", Commissioner Amber Briggie "aye", Chair Jim Strange "aye", Commissioner Frank Dudowicz "aye", Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye" and Commissioner Gerard Hudspeth "aye".

5. PLANNING & ZONING COMMISSION PROJECT MATRIX

A. Planning and Zoning Commission Project Matrix.

Jennifer DeCurtis, Deputy City Attorney, referred to Public Hearing Item 4A. She stated per Section 35.3.4.3.6 of the Denton Development Code, denial of a zoning request would require a 12 month resubmittal period. She stated the applicant could withdraw their application to avoid that time period. Munal Mauladad, Deputy Director of Development Services, stated the 12 month time period would start if City Council denied the request.

Commissioner Taylor requested staff to provide a proposal to amend the Denton Development Code parking standards. Mauladad stated staff is in the process of revisiting parking standards to accommodate bicycles. She stated if this needs to be immediate it can be pushed forward, if not it is already scheduled within the next few months. Commissioner Taylor requested something small to be inserted for now. Mauladad confirmed.

Commissioner Rozell referred to Public Hearing Item 4B. He stated this would be a good time for the subcommittee to work on these projects. Mauladad agreed.

Commissioner Briggie requested an additional presentation from Julie Anderson, Pedestrian and Bicycle Coordinator, to finish her presentation. Mauladad confirmed.

Commissioner Dudowicz requested information regarding the powers and duties of this Commission. Mauladad stated a memorandum would be coming forward to this Commission. There was no further discussion.

6. CONCLUDING ITEMS

Chair Strange adjourned the Regular Meeting at 9:05 p.m. He stated the Commission will return to the Work Session Room to continue the Work Session meeting.

WORK SESSION

C. Receive a report and hold a discussion regarding an amendment to the Denton Development Code (DDC) to create a new use and site plan process for Electric Substations. (DCA15-0003, Electric Substations, Mike Bell)

This item was continued to after the Public Hearing Items. Chair Strange called the Work Session back to order at 9:14 p.m.

Mike Bell, Senior Planner, presented the backup materials for this request. Bell provided a map which identified approved substations. Consistent conditions include a 10 foot masonry screening wall. Consistent site plans include: buffers to residential areas, tree canopy coverage, driveway locations per the Denton Development Code, and sidewalks. Bell provided the proposed amendments and proposed process.

Bell stated the proposed process would allow the Planning and Zoning Commission to review the site before the City actually purchases the property.

Commissioner Briggie questioned the notification process. Bell stated the City will notify for the Planning and Zoning Commission meeting and the Public Utilities Board to see if the public agrees with the site before the property is purchased.

Commissioner Beck questioned if the notification process is property notification mailings. Bell confirmed, he stated they would also go to the newspaper.

Commissioner Hudspeth questioned sidewalks and how they fall into this process. Bell stated they are developed with the substation, however, they might be dead-end sidewalks if there is no neighboring development. Commissioner Hudspeth stated concrete expands over time, so it seems to be a waste of funds. Bell stated this is all a part of a larger conversation with the Engineering Department.

Chair Strange discussed the Director being able to grant an alternative screening. Munal Mauladad, Deputy Director of Development Services, discussed the process and appeal process.

There was no further discussion. Chair Strange adjourned the Work Session at 9:40 p.m.