

Minutes
Planning and Zoning Commission
June 8, 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, June 8, 2016 at 5:30 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, Larry Beck, and Andrew Rozell, Frank Dudowicz, Amber Briggie, and Devin Taylor.

ABSENT: None.

STAFF: Athenia Green, Mike Bell, Deborah Viera, Munal Mauladad, Julie Wyatt, Shandrian Jarvis, 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 5:34 p.m.

Mike Bell, Senior Planner, presented Public Hearing Item 4A. Commissioner Briggie questioned why this final replat comes before this Commission if it is located within the extraterritorial jurisdiction. Bell stated if it is more than four (4) lots they have to come before the City with a final replat.

Commissioner Rozell questioned the reason that it is on the Public Hearing and not as a Consent Agenda Item. Bell stated the Texas Local Government requires it to go as a Public Hearing Item.

Roman McAllen, Historic Preservation Officer, presented Public Hearing Item 4B. Commissioner Briggie stated she enjoys seeing this historic projects come before this Commission.

Mike Bell, Senior Planner, presented Public Hearing Item 4C. Deborah Viera, Environmental Compliance Coordinator, provided details for the upland habitat area. Bell stated staff recommends approval of this request.

Commissioner Beck questioned the proposed trees being removed on Monte Verde Way. Bell stated they anticipate 90% of the trees to remain intact. Commissioner Beck referred to losing riparian buffer through development, he questioned if staff should have seen this coming prior to proposed development. Bell stated the protection is only for approximately 50 feet.

Commissioner Beck questioned if the thick tree area will be thinned out for the tree park. Bell stated only within proposed plan area is required for preservation per the Environmentally

Sensitive Area. The underbrush will not be cleaned out within that area. The other area can be cleared out to allow for walking trails.

Commissioner Hudspeth questioned protection in the future to prevent them from going in at a later date and cutting down trees. Bell stated that area will be dedicated as a common area on the plat, the Homeowners Association documents stated the area has to be protected.

There was no further discussion. Chair Strange closed the Work Session at 6:15 p.m.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on **Wednesday, June 8, 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:

Chair Strange called the Regular Meeting to order at 6:40 p.m.

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

2. CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES FOR:

A. Planning and Zoning Commission meeting minutes.

Commissioner Briggles referred to page one (1) lines 42-43 of the May 11, 2016, meeting minutes. She requested that staff go back and review the minutes for clarification on what was said between her and the applicant, Lee Allison, in regards to Environmentally Sensitive Areas and development within the site. Munal Mauladad, Deputy Director of Development Services, stated staff would review the minutes make any corrections and bring it back during the next meeting.

Commissioner Amber Briggles motioned, Commissioner Devin Taylor seconded to continue the May 11, 2016, meeting minutes to the June 22, 2016 meeting. Motion approved (7-0). Commissioner Devin Taylor "aye", 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".

Commissioner Larry Beck motioned, Commissioner Frank Dudowicz seconded to approve the May 25, 2016 meeting minutes. Motion approved (6-0). Commissioner Devin Taylor "aye", Chair Jim Strange "aye", Commissioner Frank Dudowicz "aye", Commissioner Larry Beck "aye", Commissioner Gerard Hudspeth "aye", and Commissioner Andrew Rozell "aye". Commissioner Amber Briggles abstained from the vote.

3. CONSENT AGENDA

- A. Consider approval of a Final Plat for the Love's Travel Stop Addition. The subject tract is an approximately 15.81 acre property generally located at the southwest corner of Barthold Road and Interstate 35 North, within the B.B.B. & C.R.R. Co. Survey, Abstract No. 141, in the City of Denton, Denton County, Texas. (FP16-0011, Love's Travel Stop, Mike Bell).
- B. Consider approval of a Final Plat of the Hickory Creek Ranch Apartments Addition. The approximately 10.257 acre subject property is generally located on the west side of Teasley Lane, approximately 600 feet north of Leatherwood, within the J. Dickson Survey, Abstract No. 342. (FP15-0050, Hickory Creek Ranch Apartments Addition, Julie Wyatt)

Commissioner Devin Taylor motioned, Commissioner Larry Beck seconded to approve the Consent Agenda. 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 Gerard Hudspeth "aye", and Commissioner Andrew Rozell "aye".

4. PUBLIC HEARINGS

- A. Hold a public hearing and consider approval of a Final Replat of Lots 1A-1E, Block 2, of the East Ponder Estates. The approximately 9.99 acre property is generally located at the southeast corner of H. Livery Road and Seaborn Road, within the John McGowan Survey, Abstract No. 798, in the Extraterritorial Jurisdiction of the City of Denton, Denton County, Texas. (FR16-0005, East Ponder Estates, Mike Bell)

Chair Strange opened the Public Hearing.

Mike Bell, Senior Planner, provided a brief presentation for this request. The applicant didn't wish to present. There was no one to speak on the item. Chair Strange closed the Public Hearing.

Commissioner Devin Taylor motioned, Commissioner Andrew Rozell 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 Gerard Hudspeth "aye", and Commissioner Andrew Rozell "aye".

- B. Hold a public hearing and consider an application for a Historic Landmark Designation for the property located at 1120 North Locust Street, and provide a recommendation regarding the appropriateness of the property to receive this designation to the Planning and Zoning Commission and City Council. The subject site is located on the east side of North Locust Street, approximately 20 feet south from the intersection of North Locust Street and Second Street. The Historic Landmark Commission recommends approval 7-0. (HL15-0005, 1120 North Locust Street, Roman McAllen)

Chair Strange opened the Public Hearing.

Roman McAllen, Historic Preservation Officer, provided a brief presentation for this request. There was no one to speak on this item. Chair Strange closed the Public Hearing.

Commissioner Briggles thanked the applicant for moving forward with this request. She stated she always enjoys seeing these items come before this Commission.

Commissioner Taylor stated although this item is not currently located within a historic district there are a lot of great historic properties and areas that get overlooked. He stated he is glad to see another area of town preserved. There was no further discussion.

Commissioner Amber Briggles motioned, Commissioner Frank Dudowicz seconded to approve this request. Motion approved (7-0). Commissioner Devin Taylor "aye", 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".

- C. [Hold a public hearing and consider a recommendation to City Council regarding an Alternative Environmentally Sensitive Area \(ESA\) Plan for the Villages of Carmel Phase 4B. The subject property is generally located on the north side of Pockrus Page Road, east of Monte Verde Way, and west of Swisher Road. \(ESA16-0001, Villages of Carmel Phase 4, Mike Bell\).](#)

Chair Strange opened the Public Hearing.

Rod Zielke, applicant, ZPS Consulting Engineers, 1111 South Main Street, Grapevine, Texas. Zielke stated he did not have a presentation, he was available for questions.

Commissioner Beck referred to the proposed retaining wall, he questioned what construction would be needed to develop the wall and who would be the responsible party to maintain the wall. Zielke stated it would be on the homeowner's property, the Homeowner's Association would maintain the wall since it will be located within an easement on the back of the lots.

Mike Bell, Senior Planner, and Deborah Viera, Environmental Compliance Coordinator, provided the backup materials for this request.

Commissioner Taylor questioned the Environmentally Sensitive Area (ESA) identified in green on the backup materials. Viera stated that area has been assessed and confirmed on the ground currently. The current phase has not yet been confirmed. Viera stated ownership for the wall and all other details are discussed in Subchapter 17 of the Denton Development Code. Bell completed the remainder of the staff presentation, he stated staff recommends approval of this request.

The following individuals spoke during the Public Hearing:

David Hergenrader, 4521 Heron Pond Lane, Denton, Texas. Hergenrader stated he doesn't have concerns with the ESA area; however, he does have concerns with the developer not keeping the area and streets clean. He provided pictures of the area after heavy rain runoff and the status

of the streets during that time. He stated he has worked with the Texas Commission on Environmental Quality (TCEQ) in regards to the runoff and drainage issues on the site.

Commissioner Beck questioned erosion control in the area, Hergenrader stated the pictures he provided show the only areas that contain a silt fence for erosion control.

Commissioner Hudspeth questioned where Hergenrader resides in regards to the subject site. Hergenrader identified on the map, he stated the erosion control issues are throughout the entire development. Commissioner Hudspeth questioned what control the City has in regards to this concern. Jennifer DeCurtis, Deputy City Attorney, stated that would need to be discussed individually or during a Closed Session. Commissioner Hudspeth stated he doesn't feel that is necessary, however, he would like the citizen to be aware of what the City has control over and what is out of their jurisdiction. DeCurtis stated the City can regular the drainage on site, she deferred the citizen to Viera for additional information and clarification regarding drainage. Viera provided clarification in regards to what the City has jurisdiction over. Hergenrader provided a copy of the TCEQ documentation he received for the site. Chair Strange questioned if he supports this request, Hergenrader stated he supports this request if the applicant completes the steps properly.

Susan Sitzes, 3600 San Lucas Lane, Denton, Texas. Sitzes thanked staff for their presentation. She questioned if the removal of the ESA would displace wildlife in the area. Viera stated the habitats are known for being sheltered habitats for wildlife. During the field assessment staff can note if there is any wildlife that could be endangered. The assessment did not show any wildlife within the area. Viera stated there is possibility for wildlife within the area, however, we work to keep the disturbance minimal so they are able to get back and forth within their habitat. Sitzes stated she is in support of this request.

Joseph Courville, 3500 Monte Verde Way, Denton, Texas. Courville stated he is in support of this request. He stated he is familiar with this site, he has done work with Keep Denton Beautiful over the years. There is significant wildlife in the area and the more we can do for Denton to help preserve the tree canopy will help protect the wildlife without running them into the county.

Justin Bono, Project Developer, 9212 Arbor Trail, Dallas, Texas. Bono stated he will follow-up with the project manager. He stated he has not received any notices from the TCEQ. Bono stated he will talk to the project manager onsite to ensure that the site is being managed accordingly.

Commissioner Rozell requested clarification on the process the applicant came up with to determine the proposal. Bono stated the development has been zoned and platted with two different phases. He stated they felt it would make sense to preserve the trees in the area adjacent to the large preservation. Commissioner Beck questioned the retaining wall materials. Bono stated they would be masonry or stone.

Michele Berry, 3621 Oceanview Drive, Denton, Texas. Berry stated she supports having the wildlife and woodland area in the development.

There was no further discussion. Chair Strange closed the Public Hearing. Commissioner Taylor questioned the process for enforcement of the tree preservation. Bell stated the primary mechanism used would be the Tree Preservation Plan. The Urban Forester would work through all of the construction areas on the site. There is also protection within the deed restrictions of the Homeowner's Association.

Commissioner Larry Beck motioned, Commissioner Frank Dudowicz seconded to approve this request. Motion approved Commissioner Devin Taylor "aye", 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".

5. PLANNING & ZONING COMMISSION PROJECT MATRIX

A. Planning and Zoning Commission project matrix.

Commissioner Briggie questioned if the Tree Code would come back before this Commission during the next regularly scheduled meeting. Munal Mauladad, Deputy Director of Development Services, stated staff will request a continuance. She stated staff is still working to meet with the Denton Community Development Alliance, gather information, develop a report, and allow time to provide responses. Commissioner Briggie acknowledged.

Commissioner Rozell questioned if there is a priority order for the items on the matrix. Mauladad stated the matrix was initiated as a result of several requests from Commissioners. There were several lists at one time that have been compiled into one list. There is no level of priority, however, there are a few exceptions. Commissioner Rozell questioned if some of the completed items could be removed. Mauladad stated staff opted to leave them on the matrix in order to give a general idea as to where we are with the requests.

There was no further discussion, Chair Strange adjourned the Regular Meeting at 7:37 p.m.