

Minutes
Planning and Zoning Commission
July 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, July 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, Larry Beck, and Andrew Rozell, Frank Dudowicz, and Devin Taylor.

ABSENT: Commissioner Amber Briggie.

STAFF: Athenia Green, Jim Mays, Ron Menguita, Haywood Morgan, Nona Muncie, Munal Mauladad, 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 5:01 p.m. He stated the order of items would change for the Work Session. Work Session Report 2A was heard before the clarification of agenda items.

2. Work Session Reports

- A. PZ16-124 Receive a report and hold a discussion regarding Park Dedication and Development Fees as detailed in Ord. No. 98-039 adopted on 2-17-98. (PZ16-124, Park Dedication and Development Fees, Jim Mays)

Jim Mays, Parks and Recreation, Superintendent of Planning and Construction, provided the backup materials for this item. He provided a hard copy of the ordinance to the Commission and staff. Commissioner Taylor arrived to the meeting.

Chair Strange requested a motion to allow Commissioner Taylor's daughter to sit at the dais during the meeting.

Commissioner Andrew Rozell motioned, Commissioner Gerard Hudspeth seconded to allow a non-commissioner to sit at the dais. Motion approved (6-0). Commissioner Andrew Rozell, "aye", Commissioner Gerard Hudspeth, "aye", Commissioner Frank Dudowicz, "aye", Commissioner Devin Taylor, "aye", Commissioner Larry Beck, "aye", and Chair Jim Strange, "aye".

Mays stated staff is working to have the most effective solution to move forward. Staff would like a clean-up provision to have a geographical provision. Commissioner Beck questioned the clean-

1 up provision. Mays stated there are certain areas that have no produced funds for park development
2 based on the ages of the single-family homes.

3
4 Commissioner Dudowicz and Mays discussed nodes and other areas that are not specifically parks.
5 Commissioner Dudowicz requested additional detailed information. Mays stated he couldn't
6 provide it during the meeting, however, he could discuss it in private.

7
8 Commissioner Hudspeth referred to Eureka Park, he stated people will travel to this park because
9 of the amenities. He questioned if staff has explored the option for larger parks that will attract
10 people to travel to those areas. Mays stated that is a great option, he stated that this is something
11 that could be put into the dialog.

12
13 Chair Strange agreed with Commissioner Hudspeth's suggestion. Chair Strange suggested an
14 informal polling at the local parks requesting travel information and additional research resources
15 be utilized.

16
17 Chair Strange questioned Mays' thoughts on tree maintenance at the parks. Mays stated staff would
18 want to complete an assessment. There are a number of arborists- within the Parks and Recreation
19 Department.

20
21 Commissioner Hudspeth questioned the budget in regards to adding tree preservation to the
22 process. Mays stated staff could complete an assessment and then discuss cost.

23
24 Commissioner Dudowicz questioned any current tree parks within Denton. Mays stated there are
25 a large number of urban forest parks throughout Denton.

26
27 Chair Strange stated this item needs to be discussed at another date, as there are other agenda items
28 that still need to be reviewed. Mays requested any comments or questions be sent to him through
29 email.

- 30
31
32 1. [Clarification of agenda items listed on the agenda for this meeting, and discussion of issues
not briefed in the written backup materials.](#)

33
34 Haywood Morgan, Urban Forester, presented the backup materials for Public Hearing Item 3B.

35
36 Chair Strange questioned if the Texas Woman's University (TWU) and University of North Texas
37 (UNT) follow the City of Denton tree ordinance. Morgan stated UNT follows state requirements,
38 he is not sure what requirements TWU follows.

39
40 Commissioner Beck referred to the Ash Tree, questioning if they are susceptible to the Emerald
41 Ash Borer. Morgan stated they are very host specific and spread to the trees.

42
43 Chair Strange called a recess from 6:20 p.m. to 6:27 p.m.

44
45 Chair Strange stated Public Hearing Item 3B would come back before this Commission at a later
date. He stated staff will make the presentation and citizens will be allowed to speak during the

1 Public Hearing. The rules will be suspended in order to allow individuals to speak during this
2 meeting and then again for a second time during the next meeting.

3
4 Chair Strange adjourned the Work Session at 6:45 p.m.

5
6 REGULAR MEETING

7
8 The Planning and Zoning Commission convened in a Regular Meeting on **Wednesday, July 27,**
9 **2016 at 6:30 p.m.** in the City Council Chambers at City Hall, 215 E. McKinney at which time the
10 following items were considered:

11
12 Chair Strange called the Regular Meeting to order at 6:55 p.m.

13
14 1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

15
16 2. CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION
17 MINUTES FOR:

18 A. Planning and Zoning Commission meeting minutes.

19 Commissioner Andrew Rozell motioned, Commissioner Frank Dudowicz seconded to approve the
20 July 13, 2016 meeting minutes. Motion approved (6-0). Commissioner Andrew Rozell, “aye”,
21 Commissioner Gerard Hudspeth, “aye”, Commissioner Frank Dudowicz, “aye”, Commissioner
22 Devin Taylor, “aye”, Commissioner Larry Beck, “aye”, and Chair Jim Strange, “aye”.

23 3. PUBLIC HEARINGS

24 A. Hold a public hearing and consider a Final Replat of Lots 7R and 8R, Block 1, Collins Addition,
being a replat of the south ½ of Lot 6, Lot 7 and Lot 8, Block 1 of the Collins Addition. The
approximately 0.404 acre property is generally located on the east side of Fulton Street,
approximately 520 feet south of West Congress Street, within the E. Pulchaski Survey, Abstract
No. 996, in the City of Denton, Denton County, Texas. (FR16-0010, Collins Addition, Cindy
Jackson) THIS ITEM HAS BEEN WITHDRAWN.

25 Chair Strange stated this item has been withdrawn.

B. Hold a public hearing and consider making a recommendation to the City Council regarding
the adoption of an ordinance of the City of Denton, Texas, amending Subchapter 35.3
Procedures, Subchapter 35.13 Site Design Standards, and Subchapter 35.23 Definitions and
Terms, of the Denton Development Code related to tree preservation and landscape
requirements. (DCA16-0001c, Tree Preservation and Landscape Requirements Update,
Haywood Morgan).

1 Chair Strange stated during the Work Session there were a number of items discovered in the
2 ordinance that need to be addressed prior to moving forward with a vote on this item. He stated at
3 this time he would request a motion to continue this item indefinitely. He stated the rules will be
4 suspended in order to allow individuals to speak on the item more than once, once during this
5 meeting and once during the meeting in which action will be taken. This item will come back again
6 as a Work Session Item in the future.

7
8 Commissioner Larry Beck motioned, Commissioner Frank Dudowicz seconded to continue this
9 item indefinitely. Motion approved (6-0). Commissioner Andrew Rozell, "aye", Commissioner
10 Gerard Hudspeth, "aye", Commissioner Frank Dudowicz, "aye", Commissioner Devin Taylor,
11 "aye", Commissioner Larry Beck, "aye", and Chair Jim Strange, "aye".

12
13 Commissioner Frank Dudowicz motioned, Commissioner Gerard Hudspeth seconded to suspend
14 the meeting rules for this item. Motion approved (6-0). Commissioner Andrew Rozell, "aye",
15 Commissioner Gerard Hudspeth, "aye", Commissioner Frank Dudowicz, "aye", Commissioner
16 Devin Taylor, "aye", Commissioner Larry Beck, "aye", and Chair Jim Strange, "aye".

17
18 Chair Strange opened the Public Hearing.

19
20 Haywood Morgan, Urban Forester, presented the backup materials for this item.

21
22 Commissioner Hudspeth requested in future presentations renderings that reflect 15% of canopy
23 coverage and 30% coverage.

24
25 Commissioner Rozell referred to incentivizing preservation, he questioned the comparison.
26 Morgan stated exemptions would have to be reviewed. Commissioner Rozell stated he would hope
27 there is an opportunity for the review and not just comparisons for status quo. He stated he would
28 encourage staff to not only look at previous requirements but also other ways to incentivize tree
29 preservation.

30
31 Commissioner Taylor questioned if the required parking lot tree canopy is currently 30% coverage.
32 Morgan stated he believes so, however that the requirement is found in the landscape section of
33 the code.

34
35 Commissioner Dudowicz referred to the 1:4 ratio, he stated assumptions were made on the original
36 tree and the four trees being of the same type and variety of tree. Morgan stated it is based on
37 planting a tree with a large tree canopy.

38
39
40 The following individuals did not wish to speak during the Public Hearing:

41 Lynde Dodd, 612 Pearl Street, Denton, Texas. Support of this request.

42 Courtney Blevins, 7429 Culver Avenue, Fort Worth, Texas. Support of this request.

43
44 The following individuals spoke during the Public Hearing:

45 Rod Zielke, ZPS Consulting, 1111 S. Main Street, Grapevine, Texas. Zielke stated there
46 are a lot of items to tackle with this request. He stated he worked on the original Denton Plan and

1 has over 25 years of experience in the engineering sector. He stated he is very familiar with the
2 Denton Development Code requirements. His firm has five large single-family residential projects
3 in various stages of development in Denton currently. Zielke is opposed to this request.
4

5 Commissioner Hudspeth questioned Zielke on his proposed canopy value cost. Hudspeth stated
6 staff's number is \$4.50 a square foot. Zielke stated there is a process to go through that would
7 establish the value of trees in the area, he stated that he has not completed that process at this time.
8

9 Larry Reichhart, 2228 Jefferson Trail, Denton, Texas. Reichhart stated he is a board member
10 with the Denton Community Development Alliance (DCDA). He stated he was with the Planning
11 Division years prior. Reichhart presented on behalf of several members with the DCDA. He
12 provided a presentation which included an overview with information with philosophical
13 perspective. He stated he is not opposed to the tree preservation he is opposed to the regulations
14 as they are currently written. When asked by Commissioner Hudspeth what his number is for the
15 value of the tree canopy, he stated that it takes time to gather and analyze the data for the same site
16 through the same process.
17

18 Commissioner Rozell asked Reichhart if any meetings were held with staff and the DCDA.
19 Reichhart stated approximately four meetings were held. He stated a number of issues were
20 addressed during those meetings.
21

22 Commissioner Dudowicz asked if the Reichhart thought that there was compromise and give and
23 take in the process. Reichhart stated that this Commission is now finding out why there was a three
24 year time period when there was an attempt to update this code in the past. He stated it is a
25 polarizing topic. He stated he would suggest approximately 40-50 cents a square foot.
26

27 Commissioner Taylor stated that he agrees with Reichhart in regards to the single-family
28 residential requirements, he stated this is a challenge that would have to be addressed. He
29 questioned what Reichhart could suggest that this Commission could do to encourage the street
30 tree requirement. Reichhart stated there is an exemption that prevents the City of Denton from
31 planting street trees.
32

33 Morgan stated the exemptions are a part of the ordinance that addresses preservation and
34 mitigation, not for planting trees for newly constructed streets.
35

36 David Lehde, Dallas Builder's Association, 5816 W. Plano Pkwy, Plano, Texas. Lehde
37 provided a letter to the Commissioners prior to the meeting from the Dallas Builder's Association
38 to provide their input regarding the request. He stated a lot of their members are custom builders.
39 Lehde is opposed to the current draft of this request.
40

41 Mendi White, 2614 Rockwood Lane, Denton, Texas. White stated she has worked in the
42 environmental services department along with Keep Denton Beautiful. She stated she would
43 consider not just the planting and mitigating part of the code, but also the maintenance portion.
44 Chair Strange stated in the current ordinance there is a requirement that if you plant a tree you
45 have to maintain it for three years, he stated there is currently a mechanism in place for the
46 maintenance. White is in support of this request.

1
2 Michael Hennen, 724 Thomas Street, Denton, Texas. He stated he would urge to not do a
3 blanket exemption. Hennen is opposed to this request.
4

5 Catherine Lustgarten, 11809 Southerland Drive, Denton, Texas. She stated she is a member
6 of the Native Plant Society of Texas and a chapter member of the Chair in Denton. Support of this
7 request
8

9 Michele Berry, 1716 W. Hickory Street, Denton, Texas. Berry stated she is in favor of this
10 request. The 30% goal is a great goal. This needs to be in place citywide.
11

12 Lynde Dodd, 612 Pearl Street, Denton, Texas. Support of this request.
13

14 There was no one else to speak on this item. Chair Strange stated the Public Hearing would be left
15 open until the continuance of the item.
16

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

18 A. Planning and Zoning Commission project matrix.

19 Commissioner Dudowicz referred to page three (3) of the project matrix, he stated one of the
20 requested items shows completed, however, he doesn't recall receiving any clarification on the
21 item. Munal Mauladad, Deputy Director of Development Services, stated she believes a
22 memorandum was prepared and sent to the Commission regarding that item. She stated she would
23 clarify the request.
24

25 There was no further discussion. Chair Strange adjourned the Regular Meeting at 9:31 p.m.
26