Minutes
Planning and Zoning Commission
October 26, 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, October 26, 2016 at 4:30 p.m. in the City Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which time the following items were considered:

Present: Chair Strange, Commissioners: Gerard Hudspeth, Larry Beck, Andrew Rozell, Margie Ellis, and Steve Sullivan.

Absent: Vice Chair Devon Taylor.

Staff: Cathy Welborn, Athenia Green, Munal Mauladad, Mike Bell, Julie Wyatt, Ron Menguita, Muzaib Riaz, Jennifer DeCurtis, Earl Escobar, Debra Viera and Cindy Jackson.

WORK SESSION

Chair Strange called the Work Session to order at 4:35 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, Director of Development Services, requested that the two public hearing items will be heard out of order due to the anticipation of a large public turnout.
Julie Wyatt, Senior Planner, presented Consent Agenda item 3A. Commissioners had no questions on this item.

Mike Bell, Senior Planner, answered question for Commissioner Beck about Consent Agenda item 3B on if it has been established that it is going to be a multifamily dwelling. Bell stated that is what the applicant has expressed.

Mike Bell, Senior Planner, presented Public Hearing item 4B to consider making a recommendation to City Council regarding an Alternative Environmentally Sensitive Area (ESA) Plan for Ryan Meadows. Bell stated there are three Environmentally Sensitive Areas, an Undeveloped Floodplain, Riparian Buffer, and Water Related ESA. The Mobility Plan for Creekdale Drive cuts straight through the ESA areas. There were no responses received in opposition or in favor. Staff recommends approval if the following conditions are met 1. The total disturbed area shall not exceed 0.45 acres and areas to be disturbed shall be consistent with the Alternative ESA Plan.2. Twenty-five trees, of three inches diameter at planting, must be planted to mitigate for the removal of the ESA's. Location for the tree planting should be consistent with the Alternative ESA Plan. 3. All disturbed areas shall be re-vegetated using native plants.
Commissioner Rozell questioned the condition of the Riparian Buffer. Bell deferred question to Deborah Viera, Environmental Compliance Coordinator. Viera stated the buffer was inspected in

2014. Rozell also questioned if there was any sign of water flow. Viera stated when she inspected the site there was stagnant water; however this area is interment so it only has water flow during certain times of the year. Commissioner Rozell questioned if lots 142 and 143 is considered single-family residential lots. Bell stated those areas are Home Owner's Association (HOA) maintenance areas.

Commissioner Sullivan questioned how much water would be draining into this flood plain. Earl Escobar, Engineering Development Review Manager, stated the plan is to realign Hickory Creek Road. Chair Strange questioned when a roadway has to go through the Environmentally Sensitive Area (ESA) why does the developer have to come in and mitigate. Bell stated the Denton Development Code has nothing that exempts those requirements.

Ron Menguita, Long Range Planning Administrator, presented Public Hearing item 4A to amend the Overlay District to create a new subarea. The five story mixed use development will go where Voertman's book store and the Subway Restaurant are located. The applicant withdrew the first submission Z15-0029 in January of 2016. They then reapplied on April 8, 2016 with the only change being an additional 36 parking spaces.

Commissioner Beck questioned if the actual building will be six stories. Menguita confirmed that the sixth story would be with the garage included. Chair Strange questioned when subarea A and B were put into place. Menguita stated Subarea A was in 2000 and Subarea B was in 2010.

Commissioner Hudspeth arrived at 5:09 PM

Commissioner Beck questioned the size of the roll out trash cans. Escobar stated that they are about 2 cubic yards. Chair Strange questioned why it doesn't follow the 2030 plan. Menguita stated it is due to the compatibility of the area. Menguita stated staff is recommending denial of this request for the following reasons: The proposed amendment and associated development standards are not consistent with the Denton Plan 2030; the creation of a new subarea to accommodate a new development would further compromise the effectiveness of the existing Overlay District. The proposed development's height and density are not compatible with the surrounding area; the proposed development standards for subarea C are inconsistent with the proposed site plan submitted; Solid Waste requirement regarding location of containers is still pending; and a boundary agreement with the neighboring property to the west has not been obtained.

Commissioner Ellis questioned what the difference between the two proposals. Menguita stated the difference is the 36 parking spaces.

Chair Strange called a recess from 5:33 p.m. to 5:40 p.m.

2. Work Session Reports

A. Receive a report and hold a discussion regarding current notification practices and requirements for public hearings. (Cindy Jackson and Ron Menguita)

Cindy Jackson, Senior Planner, presented the public notification process. Jackson stated this is a follow up from all the feedback that was given from the previous meeting regarding this item.

Commissioner Beck questioned if a property owner could receive two notices. Jackson confirmed. Jackson stated staff will be moving this forward to City Council. Beck questioned if staff was able to provide a self-addressed and stamped envelope in with the notice. Jackson stated the mailing company that staff uses is unable to comply with that request at this time.

Commissioner Rozell suggested using Facebook to advertise public hearings and for staff to research the response rate to postcards. Commissioner Beck requested for the Public Hearing signage to be placed on site earlier than the current process.

Chair Strange adjourned the Work Session at 6:07 p.m.

REGULAR MEETING

Chair Strange called the Regular Meeting to order at 6:32 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. October 12, 2016

Commissioner Andrew Rozell motioned, Commissioner Larry Beck seconded to approve the October 12, 2016, meeting minutes. Motion approved (6-0). Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

3. CONSENT AGENDA

A. Consider a Preliminary Plat for Lots 1-8 of the Ranch View Surgical Hospital Addition. The approximately 11 acre site is generally located at the northeast corner of I-35W and Crawford Road in the Elizano Pizano Survey, Abstract No. 994, City of Denton, Denton County (PP16-0008, Ranch View Specialty Hospital, Julie Wyatt)

B. Consider a Preliminary Plat of Lot 1, Block A of the Eagle Heights Addition. The approximately 1.63 acre property is generally located at the southeast corner of South Locust Street and East Eagle Drive, within the Alexander Hill Survey, Abstract No. 623, in the City of Denton, Denton County, Texas. (PP16-0012, Eagles Heights Addition, Mike Bell)

Commissioner Larry Beck motioned, Commissioner Gerard Hudspeth seconded to approve the Consent Agenda items. Motion approved (6-0) Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

4. PUBLIC HEARINGS

Chair Strange moved Public Hearing item 4B to the beginning of the Public Hearing items.

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 subarea and development standards for a mixed use development on approximately 1.75 acres, generally located north of Hickory Street, south of Oak Street, approximately 200 feet east of Avenue B and approximately 125 feet west of Fry Street. (Z16-0007, Fry Street overlay District Amendment, Ron Menguita)

Chair Strange opened the Public Hearing.

Ron Menguita, Long Range Planning Administrator, presented Public hearing item 4A. Jennifer DeCurtis, Deputy City Attorney, stopped Menguita to allow Commissioner Sullivan to recuse himself from this item due to a conflict. Staff recommends denial for the following reasons: The proposed amendment and associated development standards are not consistent with the Denton Plan 2030; the creation of a new subarea to accommodate a new development would further compromise the effectiveness of the existing Overlay District. The proposed development's height and density are not compatible with the surrounding area; the proposed development standards for subarea C are inconsistent with the proposed site plan submitted; Solid Waste requirement regarding location of containers is still pending; and a boundary agreement with the neighboring property to the west has not been obtained.

Rob Baldwin, with Baldwin Associate at 3404 Elm Street #B Dallas, Texas, stated they brought this request before this Commission again, since they were able to secure additional parking spaces. The building height is the same as submitted in January. The two items that are really outstanding are solid waste and the five foot boundary agreement.

Commissioner Beck questioned Baldwin on what made the applicant think they would approved now. Baldwin stated that they believe that it is a project that makes sense for this area.

Applicant, Rodney King with EDR at 999 Shady Grove Road Ste. 600, Memphis, Tennessee presented a presentation regarding this item. King identified the proposed area that will be used for employee parking. Commissioner Beck questioned what is driving the height. King stated it has to do with density and economical. Commissioner Rozell questioned how many purposed parking spaces are in the plan. King confirmed 260 spaces. Commissioner Rozell questioned the 9 parking spaces to the east. King stated those technically belong to this site; however, they are being used by an adjacent property owner. Commissioner Hudspeth questioned what controls they will have over the leasing process. King stated that they would be required to follow the housing laws and that they cannot discriminate on who lives with who. Commissioner Ellis questioned the parking that is located on Bryan Street. King stated those spaces are currently used for Voertman's employee parking and where the owner of Voertman's leases spots to the public.

The following individuals spoke during the Public Hearing:

- Donna Morris, 918 W. Oak Street, Denton, Texas. Opposed this request.
- Kim McKibben, 1306 W. Hickory Street, Denton, Texas. Opposed this request.
- Mary Anderson, 924 W Oak Street, Denton, Texas. Opposed this request.

- Kale Ward, 1314 W. Hickory Street, Denton, Texas. Spoke on behalf of Brent Erskin, owner of Voertman's. Supports this Request
- Randy Hunt, 722 W. Oak Street, Denton, Texas. Opposed this request.
- Erin Knight, 1314 W. Hickory Street, Denton, Texas. Supports this request.
- Anna Pechening, 224 Fry Street Apt. 13, Denton, Texas. Opposed this request.
- Jay West 2606 Shelby Avenue Apt.103, Dallas, Texas. Supports this request.
- Patrice Lyke, 1109 Egan Street, Denton, Texas. Opposed this request.
- Erin Piper, 1006 W Hickory Street, Denton, Texas. Oppose this request.

The following individuals did not wish to speak:

- Laurie Weller, 2297 Wood Hollow Rd, Denton, Texas. Opposed this request.
- Jennifer Lane, 1526 Willow Wood Street, Denton, Texas. Opposed this request.
- Kathleen Barnett, 607 Pearl Street, Denton, Texas. Opposed this request.
- William Barnett, 607 Pearl Street, Denton, Texas. Opposed this request.

Chair Strange closed the Public Hearing. DeCurtis clarified the Commissioner that recused himself was Mr. Steve Sullivan, due to his wife having an interest of business with the seller of the property.

Commissioner Beck commented that he agrees Denton needs more student housing, but not at this spot. Chair Strange stated he is against the denial and that if there is a change by a couple of feet for this project or any other project could be built without anyone's approval.

Commissioner Larry Beck motioned, Commissioner Margie Ellis seconded to deny this request. Motion carried (4-1) Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye". Chair Jim Strange "nay".

B. Hold a public hearing and consider making a recommendation to City Council regarding a request for an Alternative Environmentally Sensitive Area for the Ryan Meadows Addition, Phase 2. The approximately 37.35 acre subject property is generally located on the south side of Ryan Road, approximately 2,000 feet east of Country Club Road. (AESA16-0002, Ryan Meadows Phase 2, Mike Bell)

This item was heard before Public Hearing item 4A. Chair Strange opened the Public Hearing. Applicant, Thomas Fletcher, 5750 Genesis Court Suite 200, Frisco, Texas, stated he is the engineer for this item. Chair Strange questioned how much time and cost they have spent complying with Environmentally Sensitive Area (ESA) mobility plan. Fletcher stated with the 25 trees that are going to be planted between 12 to 15 thousand dollars. Fletcher also stated with the road that is required by the City potentially an additional 10 to 15 thousand dollars.

Commissioner Hudspeth stated he would like to motion approval of this item based on staff's conditions: 1.The total disturbed area shall not exceed 0.45 acres and areas to be disturbed shall be consistent with the Alternative ESA Plan. 2. Twenty-five trees, of three inches diameter at planting, must be planted to mitigate for the removal of the ESA's. Location for the tree planting

should be consistent with the Alternative ESA Plan. 3. All disturbed areas shall be re-vegetated using native plants.

Commissioner Gerard Hudspeth motioned, Commissioner Larry Beck seconded to approve this request based on staff's conditions as follows: 1.The total disturbed area shall not exceed 0.45 acres and areas to be disturbed shall be consistent with the Alternative ESA Plan. 2. Twenty-five trees, of three inches diameter at planting, must be planted to mitigate for the removal of the ESA's. Location for the tree planting should be consistent with the Alternative ESA Plan. 3. All disturbed areas shall be re-vegetated using native plants.. Motion approved (6-0) Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

Commissioner Sullivan returned to the Regular Meeting.

5. PLANNING & ZONING COMMISSION PROJECT MATRIX

Commissioner Rozell thanked staff for getting minutes back in a timely manner. Commissioner Rozell stated he would like to have discussion regarding Environmentally Sensitive Areas (ESA). Chair Strange stated he would like to have staff take a look at the ESA and what is required for the Mobility plan. There was no further discussion.

Chair Strange adjourned the Regular Meeting at 9:03 p.m.