1 **Minutes** 2 Planning and Zoning Commission 3 February 22, 2017 4 5 After determining that a quorum was present, the Planning and Zoning Commission of the City of 6 Denton, Texas convened in a Work Session on Wednesday, February 22, 2017 at 5:00 p.m. in the 7 Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the 8 following items were considered: 9 10 PRESENT: Chair Jim Strange, Vice-Chair Devin Taylor, Commissioners: Larry Beck, Margie 11 Ellis, and Gerard Hudspeth. 12 13 **ABSENT:** Commissioners Steve Sullivan, and Andrew Rozell. 14 15 STAFF: Munal Mauladad, Julie Wyatt, Hayley Zagurski, Roman McAllen, Earl Escobar, and 16 Cathy Welborn. 17 18 **WORK SESSION** 19 20 1. Clarification of agenda items listed on the agenda for this meeting, and discussion of issues 21 not briefed in the written backup materials. 22 23 Chair Strange opened the Work Session at 5:10 p.m. 24 25 Munal Mauladad, Director of Development Services, asked the Commissioner's if they had any 26 questions regarding the Consent Agenda items. The Commissioners had no questions regarding 27 the Consent Agenda. 28 29 Mauladad asked the Commissioner's if they had any questions regarding Public Hearing item 4A. 30 Commissioner Beck asked if the applicant would only be building on Lot 1 due to an 31 Environmental Sensitive Area (ESA) and a Federal Emergency Management Agency (FEMA) 32 floodplain reflected on the property. Hayley Zagurski, Assistant Planner, stated there is currently 33 a single-family residence on Lot 1 Block B, which the applicant is proposing to split off Lot 2 34 Block B. Commissioner Beck questioned if the Lot is large enough for a single-family residence. 35 Mauladad stated it depends on the proposed footprint and what their mitigation measures would 36 be with an Alternative ESA and whether or not the applicant chooses to compromise the ESA. 37 Mauladad stated the request before you is only to create two (2) Lots for record. 38 39 Chair Strange questioned if a house could be built on this lot. Mauladad requested Earl Escobar, 40 Engineering Development Review Manager, to walk the Commissioners through the floodplain 41 requirements. Escobar stated the majority of Lot 2 is encumbered by the floodplain easement, but there is a chance that someone could come in the future and reclaim a floodplain through a 42 43 Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR). 44 45 Chair Strange stated the lot is clearly in the floodplain, he stated he doesn't understand the purpose

of the replat if it's an unbuildable lot. Escobar stated there is nothing in the Denton Development

Code (DDC) that states you cannot replat a property to create an unbuildable lot if it meets the minimum lot requirements. Chair Strange withdrew his question due to a conflict of interest with this item and recused himself.

Hayley Zagurski, Assistant Planner, presented Public Hearing item 4B. Zagurski stated staff did have reservations with this project since it would create an isolated zoning district. The developers submitted an application to rezone the remaining area of Neighborhood Residential Mixed Use (NRMU) to Community Mixed Use General (CM-G), therefore, staff now recommends approval.

 Commissioner Taylor questioned if this development would be required to improve the perimeter roads. Earl Escobar, Engineering Development Review Manager, stated Highway (HWY) 377 and Farm—to-Market Road (FM) 1830 are both Texas Department of Transportation (TXDOT) roads so the applicant would not be required to improve those roads. Escobar stated both HWY 377 and FM 1830 are currently in the process of being improved. Commissioner Taylor requested a timeline on the improvement. Escobar stated the utilities are currently being relocated the street improvements should begin shortly thereafter. Escobar stated he believes it should be during the summer of 2017.

Commissioner Hudspeth questioned if there has been a Traffic Impact Analysis completed in regards to the congested traffic along Hobson Lane. Escobar stated the City of Denton requested to have a signal light installed, however, TXDOT denied the request. He stated a lot of the congestion will be eliminated after the installation of the right-turn only lane.

Commissioner Ellis questioned what Hobson Lane is classified as on the future Denton Mobility Plan. Escobar stated it is considered a four (4) lane divided roadway. Commissioner Ellis requested the reason why staff denied this request and then had a change of mind. Munal Mauladad, Director of Development Services, stated when staff received this zoning request, staff's recommendation was unfavorable. She stated from a land use perspective, this hard corner should be looked at comprehensively, and therefore the whole tract should be zoned CM-G instead of NRMU.

Mauladad stated staff voiced their concerns with the applicant who agreed and submitted an application for a zoning change, which is why staff's recommendation was changed from denial to approval. Commissioner Ellis stated she has an issue with CM-G being in this area in general. There was no further discussion.

Chair Strange announced Public Hearing items D and E have been withdrawn.

Chair Strange called a recess at 5:38 p.m. Chair Strange reconvened the Work Session at 5:50 p.m.

Julie Wyatt, Senior Planner presented Public Hearing item 4C.

Vice-Chair Taylor questioned if a buffer would be required. Wyatt stated during the site plan and building permit process, staff would review if there are any adjacent single-family residential properties, which could then potentially require a buffer.

Commissioner Hudspeth stated he feels this was the closest available property the applicant could locate near the University of North Texas. Wyatt stated due to the existing zoning pattern this is just a continuation of what is already in the area. Commissioner Hudspeth questioned if the applicant could develop with the current zoning. Mauladad stated the applicant is rezoning so the property will have one consistent zoning district.

Commissioner Ellis questioned how this lot ended up having a split zoning. Wyatt stated the existing building on the lot was built in the early 1980's, and was built over the property line which had different zoning districts.

Commissioner Beck questioned how the Downtown Commercial-General (DC-G) zoning classification ended up within this neighborhood. Wyatt stated during the City wide rezoning in 2002, staff reviewed what was on the site along with the historical zoning. At that time the area was primarily office uses. Wyatt stated this site was previously the Flow Hospital and the surrounding area was medical related offices.

 Commissioner Beck stated he believes the proposed request wouldn't have as much of a negative impact to the neighborhood if it were located off of Eagle Drive or to the west. Mauladad stated that is something the Commission could consider recommending, however from the Planning Division standpoint, staff is only looking at the purposed zoning request.

Chair Strange closed the Work Session at 6:28 p.m.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, February 22, 2017 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 opened the Regular Meeting at 6:45 p.m.

1. PLEDGE OF ALLEGIANCE
A. U.S. Flag B. Texas Flag

Chair Strange stated Public Hearing items 4D and 4E have both been postponed and continued to the March 8, 2017 meeting.

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

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

- Vice-Chair Devin Taylor motioned, Commissioner Larry Beck seconded to approve the February
- 44 8, 2017 meeting minutes. Motion approved (5-0). Vice-Chair Devin Taylor "aye", Commissioner
- Larry Beck "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner
- 46 Gerard Hudspeth "aye".

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3. CONSENT AGENDA

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A. Consider a request by Andrew Osborne for approval of a Conveyance Plat of Rayzor Ranch
 South, Lot 1, Block B. The 6.024 acre site is generally located west of Interstate Highway 35 at
 the future intersection of Panhandle Drive and Heritage Trail. (CV17-0001, RRTC, Hayley
 Zagurski).

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B. Consider a request by Carmen Investments, Inc. for a Final Plat of Country Club Village, Phase
 2-B. The approximately 12 acre site is generally located along the south side of Fairway Drive,
 iust east of Clubview Drive (FP16-0035, Country Club Village, Phase 2-B, Julie Wyatt).

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C. Consider a request by Astra Carmel, LLC for approval of a Final Plat of the Villages of Carmel,
 Phase 4B. The 27.9 acre site is generally located north of Pockrus Page Road, approximately
 1,355 feet west of Swisher Road. (FP16-0024, Villages of Carmel, Phase 4B, Julie Wyatt)

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D. Consider a request by South Stemmons Property Group for approval of a Final Plat of the Rancho Vista Addition, Lot 11, Block 1. The 0.872 acre site is generally located north of Emery Street, approximately 630 feet east of North Bonnie Brae Street. (FP16-0034, Rancho Vista, Julie Wyatt)

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Commissioner Larry Beck motioned, Commissioner Margie Ellis seconded to approve the Consent Agenda items. Motioned approved (5-0). Vice- Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

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4. PUBLIC HEARINGS

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A. Hold a public hearing and consider a request by Steven and Karen Hale for approval of a Final Replat of Lots 1 and 2, Block B of the Hale Estates; being a residential replat of Lot 13, Block B of the First Installment of Montecito, an Estate Subdivision. The approximately 3.579 acre property is generally located at the northeast corner of Santa Monica Drive and El Paseo Street in Denton County, Texas. (FR16-0023, Hale Estate, Hayley Zagurski).

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Chair Strange stated he has a conflict of interest with this item since he has ownership in a neighboring property. He has recused himself and turned the meeting over to Vice-Chair Taylor. Vice-Chair Taylor opened the Public Hearing. Hayley Zagurski, Associate Planner, presented Public Hearing item 4A. The applicant is requesting to replat one lot into two lots. Staff recommends approval of this request.

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The following individuals spoke during the Public Hearing:

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Applicant and owner, Steve Hale, 3401 Santa Monica Drive, Denton, Texas. Stated after he inherited the property it has become rather costly to maintain, there are a lot of requirements with the Texas Commission on Environmental Quality (TCEQ). He stated requirements consist of Hale providing a detailed emergency management action plan in regards to the damn on the property.

Hale stated he had decided to split the property into two properties and sell the lot that contains the existing dam. He stated one of the neighboring property owners has interest in purchasing the lot. The neighbor has more resources to handle the requirements of the TCEQ.

Commissioner Beck questioned the applicant, Steve Hale, if he had reached out to the City regarding the issues with the dam. Hale stated he contacted Michael Penaluna, the Emergency Management Program Manager for the City, who did not seem concerned about the issue on the property.

Kevin Nelms, 3403 Shadow Brooke Circle, Denton, Texas. Supports this request. Nelms stated he is interested in purchasing the lot that contains the dam. He stated he does not know what he wants to do with the property at this time other than clean it up.

Douglas Ebersole, 3210 Montecito Road, Denton, Texas. Opposed to this request. Ebersole stated there was a lot of work put into the dam in the past from the neighbors. The TCEQ would like to see the dam removed, along with the City. The area should be preserved and maintained and not subdivided.

Commissioner Hudspeth requested Earl Escobar to identify what is considered developable land on the property. Earl Escobar, Engineering Development Review Manager, stated the triangular area located on the plat is the only portion of Lot 2 Block B that is not encumbered by any easements, whether they are drainage or utility easements.

Commissioner Beck questioned Ebersole how he feels Mr. Hale could alleviate the financial burden of the property that contains the dam if he is unable to split the property and sell it. Ebersole stated he worked with the City of Denton Drainage Division in the past to clean the area up. The entire easement was regarded and cleared out. The Homeowner's Association worked together to design and rebuild the dam. He feels this process should take place again. Ebersole stated he is not clear of the exact burden at this time.

Michael Doranski, 2911 Montecito Road, Denton, Texas. Opposed to this request. Doranski stated there are covenants within the Homeowner's Association that prohibit the subdividing of property. If this property is subdivided it would set precedence for other property owners.

 Weaver McClure, 3100 Carmel Street, Denton, Texas. Opposed to this request. McClure questioned if the Commissioners were aware of the deed restrictions for this subdivision. McClure stated the deed restrictions state the lots are unable to be subdivided unless there is 300 feet of street frontage. McClure questioned if the lots are replatted would the deed restrictions be removed from the lot. Jennifer DeCurtis, Deputy City Attorney, stated the City is prohibited by State Law to enforce any kind of restricted convents that might be on the property which includes the Homeowners Association bylaws. McClure questioned if the name change of the lot would take this lot out of the Montecito Addition. Mauladad stated because it's a replat of a specific lot within the Montecito Addition it would still remain within that parent subdivision plat.

Cassandra Cornell, 3200 Montecito Street, Denton, Texas. Opposed to this request. Cornell stated there are a lot of birds and rare species in this area. The lake within the neighborhood is well protected and taken care of by all of the neighbors.

Vice-Chair Taylor read the following comment cards into the record for the individuals that did not wish to speak:

Arley Hulstrand, 3110 Carmel Street, Denton TX. Opposed to this request.

Jan McClure, 3100 Carmel Street, Denton TX. Opposed to this request.

Mike Murray, 3211 Santa Monica Drive, Denton TX. Opposed to this request.

There was no one else to speak. Vice-Chair Taylor closed the Public Hearing.

Commissioner Beck requested clarification as a Commission on if they are looking at it to be divided or looking at other legal consequences. DeCurtis stated this Commission is solely looking at if it should be replatted based on the technical requirements. She stated the City doesn't have the discretion to settle some sort of civil dispute between adjacent property owners, the only thing the Commission is looking at - is if they can make it a lot of record. Commissioner Beck questioned if they can only approve or deny. DeCurtis confirmed.

Commissioner Ellis questioned if the deed restrictions were considered when staff reviewed this request. DeCurtis stated as long as it meets the technical requirements of the City. Commissioner Ellis questioned staff to enlighten the Commission on the technical requirements. Mauladad stated the Denton Development Code (DDC) has specific subdivision requirements, in this instance because this is a replat of a residentially zoned property that is why it is a Public Hearing is required. Mauladad stated as it relates to the technical requirements, the elements reviewed are the zoning district criteria such as the minimum lot size.

Vice-Chair Taylor questioned if the floodplain were to shift would this easement stay in place. Escobar stated yes, the easement would stay because it is platted in its place.

Commissioner Hudspeth stated he is inclined to move this request back to give the neighborhood time to meet and due to the absence of three (3) Commissioners. Applicant, Steve Hale, agreed to the two week delay. Commissioner Hudspeth motioned to postpone this item to March 8, 2017 meeting. Commissioner Ellis seconded.

Commissioner Gerard Hudspeth motioned, Commissioner Margie Ellis seconded to postpone this item until March 8th 2017. Motion approved (4-0). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye". Chair Strange recused from this item and the vote.

B. Hold a public hearing and consider a request by Ronnie L. Hilliard, D. Fulton, and Vandesmith Developers Ltd. to rezone approximately 0.734 acres from a Neighborhood Residential 6 (NR-6) District to a Community Mixed Use General (CM-G) District and to rezone approximately 3.645 acres from a Neighborhood Residential Mixed Use (NRMU) District to a CM-G District. The subject property is generally located at the northeast corner of the intersection of Country Club

Road and W. Hobson Lane, in the City of Denton, Denton County, Texas. (Z16-0029, CST/Corner Store, Hayley Zagurski).

Chair Strange opened the Public Hearing. Hayley Zagurski, Assistant Planner, presented Public Hearing item 4B.

Commissioner Hudspeth requested Earl Escobar to show the street updates which the Texas Department of Transportation (TxDOT) are proposing. Earl Escobar, Engineering Development Review Manager, stated TxDOT is currently working on Highway (Hwy) 377 and a portion of Farm-to-Market Road (FM) 1830 all the way to the intersection of Hobson Lane. Escobar stated TxDOT will construct two (2) dedicated right-hand turn lanes, from FM 1830 to north bound HWY 377. Escobar statedas you head south on FM 1830 the TxDOT is going to construct a dedicated left-hand turn at the intersection of Hobson Lane and FM 1830. Escobar stated with all of proposed turn lanes it should eliminate the congestion in this area.

Chair Strange questioned if this complies with the Denton Plan 2030. Zagurski stated yes it does comply. Commissioner Beck questioned if the streets would be updated along with the store front. Escobar stated this area should be done within at 12 month period, TxDOT is currently relocating the utilities to be located out of the right-of-way.

- The following individuals spoke during the Public Hearing:
 - Applicant, Jared Westmoreland, 1818 Summit Ave, Dallas TX. Supports this request. Dick Smith, 721 W. Hobson Lane, Denton TX. Supports this request.

Commissioner Beck questioned how many fueling stations would be located on this site. Westmorland stated there will be a total of six (6) fueling stations. Dick Smith stated he is a partner in the ownership of this property, including the 10 acres adjacent to this property. Smith stated he lives across the street from the property, he is very particular about what is going to be built there and they have turned down a lot of projects in the past.

Chair Strange closed the Public Hearing.

Commissioner Ellis stated that she is not comfortable with how this all came together and is uncomfortable with Community Mixed Use General (CM-G) zoning district being located next to Neighborhood Residential 2 (NR-2). Vice-Chair Taylor stated this is a rather small parcel to be zoned for CM-G. He stated NRMU to the east is concerning as well, he feels this would be an appropriate zoning category as the remainder of HWY 377 is rezoned.

The Commissioners had no further discussion.

Commissioner Gerard Hudspeth motioned, Commissioner Larry Beck seconded to approve this item. Motioned approved (4-1). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Chair Jim Strange "aye", and Commissioner Gerard Hudspeth "aye". Commissioner Margie Ellis "nay".

Chair Strange stated the Commission has a house keeping item and the Commission would need to return to Public Hearing item 4A. Chair Strange recused himself due to the conflict of interest.

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Jennifer DeCurtis, Deputy City Attorney, stated she was just notified that Public Hearing item 4A was closed. DeCurtis stated the Commission will need to motion to reopen the Public Hearing so it does not have to be re-noticed.

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8 Commissioner Gerard Hudspeth motioned, Commissioner Larry Beck seconded to reopen and postpone agenda item 4A to a date curtain of March 8th, 2017. Motion approved (4-0). Vice-Chair 9 10 Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye". 11

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- 13 Chair Strange called a Recess at 8:05 p.m. 14
 - Chair Strange reconvened the Regular meeting at 8:19 p.m.

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C. Hold a public hearing and consider a request by Majid Hemmasi, Beta Mu, LLC, and Swan-Wells P/S, Ltd., to rezone approximately 3 acres from a Downtown Residential 2 (DR-2) District to a Downtown Commercial General (DC-G) District. The property is generally located 185 feet south of the Scripture Street and Normal Street intersection. (Z16-0023, Park 7, Julie Wyatt).

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Chair opened the Public Hearing. Julie Wyatt, Senior Planner, presented Public Hearing item 4C.

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Lee Allison with Allison Engineering Group, at 4401 I-35 Suite 102, Denton Texas 76207. Allison stated due to some information that transpired after this item was noticed, he is requesting this item to be postponed until the March 8, 2017 meeting. Chair Strange requested legal advice. Jennifer DeCurtis, Deputy City Attorney, stated the Commission can motion to postpone this item. DeCurtis also informed the audience that they are able to hold their comments until March 8, 2017 meeting so the entire Commission would be in attendances or they could go ahead and speak now and then the Commission could do a subsequent motion after the Public Hearing.

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Vice-Chair Taylor questioned the applicant what information came to into place that would require a postponement. Allison stated there is some confusion with building heights and setbacks within residential areas. He would like to allow time to clarify this information with staff. Commissioner Hudspeth requested to allow the citizens who wished to speak to voice their comments.

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DeCurtis advised the Commissioners to motion then allow the citizens to speak.

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Commissioner Gerard Hudspeth motioned, Commissioner Larry Beck seconded to postpone Agenda item 4C and continue the Public Hearing to a date curtain of March 8, 2017. Motion approved (5-0). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye", Chair Jim Strange "aye".

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- 43 The following individuals spoke during the Public Hearing:
 - Paul Nelson, 1914 West Oak Street, Denton TX. Opposed to this request.
- 45 Michelle Lynn, 1401 Egan Street, Denton TX. Opposed to this request.
- Craig Clifton, 720 Ector Street, Denton TX. Opposed to this request. 46

Mary Anderson, 924 West Oak Street, Denton TX. Opposed to this request.
 Patricia Lyke, 1109 Egan Street, Denton TX. Opposed to this request.
 Randy Hunt, 722 West Oak Street, Denton TX. Opposed to this request.
 Jacqueline Fuertsch, 1401 Egan Street, Denton TX. Opposed to this request.
 Kim McKibben, 1306 West Hickory Street, Denton TX. Opposed to this request.
 Bryan Morrison, 305 Mounts Avenue, Denton TX. Opposed to this request.

Chair Strange read into the record for the individuals that did not wish to speak:

John Wright, 912 West Oak Street, Denton TX. Opposed to this request. Chris Flemmons, 1322 Egan Street, Denton TX. Opposed to this request. John Warren, 1109 West Congress, Denton TX. Opposed to this request.

Commissioner Beck stated in the applicant narrative he did not see a Traffic Impact Analysis (TIA). Commissioner Beck questioned if a TIA had been completed or if one will be completed. Wyatt stated the Engineering Department has provided staff with some preliminary numbers at this time in regards to the traffic count.

Earl Escobar, Engineering Development Review Manager, stated the applicant presented a brief summary of what the traffic impact would be. Escobar stated it's not as detailed as staff expected. Escobar stated staff hopes the applicant would be able to shed a little more light when they come back to present their case.

Commissioner Beck requested for Allison to consider finding another location for this development.

D. Hold a public hearing and consider a request by Richard and Nancy Greb and Kevin Nelms to rezone approximately 20.49 acres from a Regional Center Commercial Downtown (RCC-D) District to a Regional Center Residential 2 (RCR-2) District. The property is generally located at 2100 South Mayhill Road and at the end of Hudsonwood Drive in the City of Denton, Denton County, Texas. (Z16-0027, The Standard/The Hudson at Medpark, Hayley Zagurski).

This item has been continued to the March 8, 2017 meeting.

 E. Hold a public hearing and consider a request by Richard and Nancy Greb and Kevin Nelms for a Specific Use Permit to allow multifamily development on approximately 20.49 acres. The property is generally located at 2100 South Mayhill Road and at the end of Hudsonwood Drive in the City of Denton, Denton County, Texas. (Z16-0029, The Standard/The Hudson at Medpark, Hayley Zagurski). THIS ITEM HAS BEEN POSTPONED TO THE MARCH 8, 2017 AGENDA.

This item has been postponed to the March 8, 2017 meeting.

5. PLANNING & ZONING COMMISSION PROJECT MATRIX

A. PZ17-047 Planning and Zoning Commission project matrix.

Commissioner Ellis thanked staff for adding the zoning comparison charts to the backup materials. Commissioner Ellis requested to receive the citizen comments for Public Hearings before the Work Session. Munal Mauladad, Director of Development Services, stated she believed it could and could not be possible, in instances where staff receives them in bulk then they will email to the Planning and Zoning Commission. However, in instances where they just flow in it's harder to email those.

Chair Strange closed the Regular Meeting at 9:08 p.m.