

MINUTES
PLANNING AND ZONING
March 8, 2017

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, March 8, 2017 at 5:00 p.m.** in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which time the following items were considered:

PRESENT: Chair Jim Strange, Vice-Chair Devin Taylor, Commissioners: Larry Beck, Steve Sullivan, Andrew Rozell, Jim Strange, Gerard Hudspeth, and Margie Ellis.

ABSENT: None

STAFF: Munal Mauladad, Athenia Green, Julie Wyatt, Hayley Zagurski, Trey Lansford, Jennifer DeCurtis, Cathy Welborn, and Earl Escobar.

WORK SESSION

Chair Strange called the Work Session to order at 5:07 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, stated Public Hearing item 5A would be moved and discussed after Public Hearing item 5E.

Mauladad asked the Commissioner's if they had any questions regarding the plats on the Consent Agenda. The Commissioners had no questions regarding the Consent Agenda items.

Mauladad called on Hayley Zagurski, Assistant Planner, to present Item for Individual Consideration 4A.

Zagurski presented Item for Individual Consideration 4A. Zagurski stated she handed out an updated site plan which included the following changes: 1. The applicant added labeling on the site plan to indicate future development parking spaces located north of the water treatment pond, and 2. removal of a provision that was no longer necessary.

Zagurski stated Section 35.14.4.D.5 of the Denton Development Code (DDC) requires one space for every 450 SF of gross floor area for general office use. Based upon the square footage of the three offices shown on the site plan, the required parking for this development would be 27 spaces. The applicant is requesting an ADP to deviate from DDC 35.13.10.B.1.d, which states that any parking spaces which exceed the required number of parking spaces must be constructed with pervious surface. The applicant is proposing to construct a total of 39 parking spaces with an impervious surface, exceeding the required number of impervious parking spaces by 12.

1 Commissioner Beck questioned if the water treatment pond is open. Zagurski stated from her
2 understanding it would be an open pond.

3
4 Zagurski stated the large scale development standards in Section 35.13.13.5 of the DDC are
5 intended to minimize potential nuisances generated by developments with a gross floor area of
6 over 40,000 SF by requiring architectural variety in building design as well as buffering between
7 the development and adjoining residential uses. The applicant has proposed to vary from these
8 requirements. She provided buffer requirements as well as how the applicant plans to deviate from
9 the requirements.

10
11 Commissioner Rozell questioned why staff is not requiring parking spaces for the proposed 40,000
12 square feet of buildings, or why is staff requiring large scale development parking for a 12, 000
13 square feet development. Zagurski stated when the applicant originally purposed the development,
14 it was their intent to develop over 40,000 square feet of buildings across the entire office park,
15 however, the applicant would like to develop the property in phases.

16
17 Mauladad stated one of the elements associated with this development is the applicant is proposing
18 an office campus development and as a result staff is looking at the proposal comprehensively.

19
20 Zagurski stated staff recommends approval of this request based on the following conditions: **1.**
21 the proposed development must substantially conform to the attached site plan. **2.** The proposed
22 development must substantially comply with the attached landscape plan with the following
23 modifications: **a.** In addition to the proposed shrubs located in front of the building along Fort
24 Worth Drive, a minimum five-foot wide planting area consisting of the proposed shrubs as well as
25 tall grasses must be planted in a curvilinear fashion along the building frontage to visually soften
26 the transition between the street and building. **b.** A 6-foot opaque masonry screening wall
27 compatible with the building facades must be provided on the southern property line in addition to
28 the required buffer to provide year-round screening of the property. **3.** All screening walls for
29 mechanical equipment must be constructed of masonry materials compatible with the building
30 facades. In addition, a mixture of shrubs and tall grasses must be planted around the perimeter of
31 the screening walls. **4.** Building 1, as identified on the site plan, must substantially comply with
32 the attached elevation. Buildings 2 and 3 must be constructed of masonry materials and must be
33 similar in design to the attached elevation so as to create a cohesive sense of development
34 throughout the office park. **5.** Any future phases must be uniform as it relates to frontage, setbacks,
35 building materials, and landscaping along Fort Worth Drive and Mission Street.

36
37 Commissioner Beck questioned why staff changed the height of the wall from eight (8) foot to six
38 (6) foot. Zagurski stated staff determined six (6) foot would be appropriate based on the scale of
39 the individual buildings. Vice-Chair Taylor questioned the phasing of the water treatment pond.
40 Zagurski stated the applicant is intending on a larger water treatment pond as future phases come
41 in.

42
43 Vice-Chair Taylor questioned why the applicant wouldn't go ahead and submit one ADP for the
44 entire property. Mauladad stated at this point the intent is to develop an office campus, however,
45 the applicant requested to proceed with an ADP for just this portion of the development with the
46 possibility of changes in the future.

1 Vice-Chair Taylor questioned if the wall would follow the lot line. Zagurski stated yes it will
2 follow the southern lot line.

3
4 Commissioner Hudspeth questioned if there would be signage along Fort Worth Drive. Zagurski
5 stated she is unsure what the intent is for the entire campus, however, the only signage so far is on
6 the first building.

7
8 Commissioner Sullivan questioned if the water treatment pond is being built for future use or for
9 current development. Zagurski stated at this time it is just for this phase.

10
11 Commissioner Beck questioned the sidewalks in this area. Zagurski stated yes there will be
12 sidewalks along Fort Worth Drive and sidewalk connectivity in front of the building. Earl Escobar,
13 Engineering Development Review Manager, stated with the expansion of Highway 377 the
14 sidewalks will be updated.

15
16 Mauladad asked the Commission if they had any questions regarding Public Hearing item 5B.
17 Vice-Chair Taylor questioned if these lots were planned for commercial use. Zagurski confirmed.

18
19 Hayley Zagurski, Assistant Planner, presented Pubic Hearing item 5C.

20
21 Commissioner Beck questioned if Hudsonwood Drive will carry through to Mayhill Road. Earl
22 Escobar, Engineering Development Review Manager stated Hudsonwood Drive will extend
23 through the property and tie into Mayhill Road.

24
25 Zagurski presented Public Hearing item 5D.

26
27 Zagurski stated staff recommends approval of the request as it is compatible with the surrounding
28 property and is consistent with the goals and objectives of the Denton Plan 2030, subject to the
29 following conditions: **1.** the proposed multi-family developments will comply with attached Site
30 Plans and Landscape Plans. **2.** The proposed multi-family developments will meet or exceed the
31 requirements of DDC 35.13.13.2; however, EIFS and HDO board shall be permitted only as accent
32 building materials limited to 10% of the total building façade. **3.** Only monument and building
33 signage shall be used along Hudsonwood Drive. Signs shall be designed in accordance with the
34 dimensional requirements in Chapter 33 of the Code of Ordinances.

35
36 Commissioner Rozell questioned if the rezoning from Regional Center Commercial Downtown
37 (RCC-D) to Regional Center Residential 2 (RCR-2) was to eliminate the need for the commercial
38 requirements. He also asked if the Specific Use Permit (SUP) is to eliminate the need for mixed-
39 use development. Zagurski stated there are two (2) limitations that are applied under RCC-D; one
40 of the limitations carries over into RCR-2 and allows mixed-use development or an SUP.

41
42 Commissioner Beck stated he would like to see a park area or green space development within the
43 area.

44
45 Chair Strange called a recess at 5:50 p.m. Chair Strange reconvened the Work Session at 5:57 p.m.
46 Julie Wyatt, Senior Planner, presented Public Hearing item 5E.

Wyatt stated staff recommends approval of the request, as Downtown Commercial General (DC-G) is compatible with the surrounding zoning pattern. Rezoning the property to DC-G District would consolidate the zoning on property under common ownership in order to permit redevelopment under consistent zoning regulations. Potential incompatibilities between development associated with the request and adjacent property would be addressed through site design considerations required in the DDC. The proposal is consistent with the goals and objectives of the Denton Plan 2030.

Chair Strange recused himself due to a conflict of interest with Public Hearing item 5A.

Mauladad requested Jennifer DeCurtis, Assistant City Attorney, to provide guidance regarding the discussion for Public Hearing item 5A. DeCurtis provided legal requirements for this Commission during the review of this item. This is time for the Commission to review staff's recommendation and provide feedback. DeCurtis stated the Local Government Code requires a residential replat to take place as a Public Hearing item.

DeCurtis stated restrictive covenants cannot be enforced by the City of Denton. The platting is completely irrelevant to the restrictive covenants; a properly platted lot does not affect any amendment or removal of a restrictive covenant for those purposes.

Commissioner Rozell questioned the notification issues. Mauladad stated staff utilizes the current tax rolls received from the Denton County Appraisal District. There was no further discussion.

Vice-Chair Taylor closed the Work Session at 6:40 p.m. Commissioner Hudspeth left the meeting following the completion of the Work Session.

REGULAR MEETING

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

NOTE: The Planning and Zoning Commission reserves the right to adjourn into a Closed Meeting on any item on its Work Session or Regular Session agenda consistent with Chapter 551 of the Texas Government Code, as amended, including without limitation, Sections 551.071-551.086 of the Texas Open Meetings Act.

Chair Jim Strange called the Regular Meeting to order at 6:50 p.m.

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

Chair Strange stated Public Hearing item 5A would be the last item heard during the Regular Meeting.

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

3
4 A. PZ17-059 Consider approval of the Planning and Zoning Commission meeting minutes.

5
6 Chair Jim Strange motioned, Commissioner Margie Ellis seconded to approve the meeting minutes
7 for the February 15, 2017 meeting. Motion approved (4-0). Commissioner Larry Beck "aye",
8 Commissioner Steve Sullivan "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis
9 "aye". Commissioner Andrew Rozell "abstained" and Vice-Chair Taylor "abstained" from the
10 vote.

11
12 Vice Chair Devin Taylor motioned, Commissioner Larry Beck seconded to approve the meeting
13 minutes for the February 22, 2017 meeting. Motion approved (4-0). Vice-Chair Devin Taylor
14 "aye", Commissioner Larry Beck "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis
15 "aye". Commissioner Steve Sullivan "abstained", Commissioner Andrew Rozell "abstained",
16

17 3. CONSENT AGENDA

18
19 A. Consider a request by Kent Key for approval of a Preliminary Plat for the Mission Street Offices
20 Key Ventures 1 Addition. The 4.7 acre site is generally located at the southeast corner of the
21 intersection of Fort Worth Drive and Mission Street. (PP16-0025, Mission Street Addition, Hayley
22 Zagurski).

23
24 B. Consider a request by Eagle Farms, Inc. for approval of a Final Plat for Eagle Farms Addition.
25 The approximately 1.48 acre site is generally located on the north side of Emery Street,
26 approximately 530 feet west of Ector Street. (FP16-0036, Eagle Farms Addition, Julie Wyatt)

27
28 Commissioner Larry Beck motioned, Commissioner Andrew Rozell seconded to approve the
29 Consent Agenda. Motion approved (6-0). Vice-Chair Devin Taylor "aye", Commissioner Larry
30 Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim
31 Strange "aye", and Commissioner Margie Ellis "aye".
32

33 4. ITEMS FOR INDIVIDUAL CONSIDERATION

34
35 A. Consider a request for approval of an Alternative Development Plan for an initial phase of a
36 proposed office park development on 1.65 acres located at the southeast corner of the intersection
37 of Fort Worth Drive and Mission Street. (ADP16-0020, Mission Street Offices, Hayley Zagurski).
38

39 Hayley Zagurski, Assistant Planner, presented Item for Individual Consideration 4A. Staff
40 recommends approval of the Alternative Development Plan (ADP) based on the following
41 conditions: **1.** the proposed development must substantially conform to the attached site plan. **2.**
42 The proposed development must substantially comply with the attached landscape plan with the
43 following modifications: **a.** a. In addition to the proposed shrubs located in front of the building
44 along Fort Worth Drive, a minimum five-foot wide planting area consisting of the proposed shrubs
45 as well as tall grasses must be planted in a curvilinear fashion along the building frontage to
46 visually soften the transition between the street and building. **b.** A 6-foot opaque masonry

1 screening wall compatible with the building facades must be provided on the southern property
2 line in addition to the required buffer to provide year-round screening of the property. **3.** All
3 screening walls for mechanical equipment must be constructed of masonry materials compatible
4 with the building facades. In addition, a mixture of shrubs and tall grasses must be planted around
5 the perimeter of the screening walls. **4.** Building 1, as identified on the site plan, must substantially
6 comply with the attached elevation. Buildings 2 and 3 must be constructed of masonry materials
7 and must be similar in design to the attached elevation so as to create a cohesive sense of
8 development throughout the office park. **5.** Any future phases must be uniform as it relates to
9 frontage, setbacks, building materials, and landscaping along Fort Worth Drive and Mission Street.

10
11 Chair Strange referred to Condition 3, he questioned if there is concern that a masonry wall might
12 affect the performance and efficiency of the air conditioning equipment. Zagurski stated that
13 wasn't something staff reviewed specifically, staff did not review the full design of the screening
14 around the air conditioning equipment.

15
16 Munal Mauladad, Director of Development Services, stated if the Commission does recommend
17 consistently with staff's recommendation as it relates to the screened wall, then the
18 recommendation could be revisited for the screening mechanisms around the air conditioning
19 equipment.

20
21 Applicant, Lawrence Holdorf, at 4401 N I-35 Suite 102, Denton Texas, 76201, stated he does not
22 agree with condition 2B. Holdorf stated he was proposing to intensify the Type C buffer in lieu of
23 the masonry wall.

24
25 Commissioner Rozell requested the height of the recommended masonry wall. Zagurski stated the
26 code requires an eight foot masonry screening wall, however, staff recommended a six foot
27 masonry wall because of the smaller scale of the building. Commissioner Beck questioned Holdorf
28 if he is opposed to the masonry wall altogether. Holdorf stated he would like to intensify the
29 landscape area in lieu of the masonry wall.

30
31 Commissioner Beck questioned the signage for this development. Applicant, Lee Allison, 4401 N
32 I-35 Suite 102 Denton Texas, 76207 stated the signage will be on the buildings. Chair Strange
33 stated on the east side where it backs up to Neighborhood Residential 6 (NR-6) would need a
34 masonry screening wall. Vice-Chair Taylor questioned the shape of the retention pond. Allison
35 stated they are not purposing a retention pond, instead the proposed includes a water quality pond
36 that will most likely be "L" shaped.

37
38 Commissioner Ellis questioned what Allison would like to see removed from staff's conditions.
39 Allison stated they would like to remove the condition for the masonry wall.

40
41 Commissioner Rozell motioned to approve this agenda item with staff's recommendation 1, 2A,
42 3, 4 and 5 excluding 2B. Vice- Chair Taylor seconded.

43
44 Chair Strange requested to amend the masonry wall around the air conditioning units.

45
46 Commissioner Rozell amended vegetation to be used as screening for the mechanical equipment.

1 Vice-Chair Taylor withdrew his second. Chair Strange seconded.

2
3 Commissioner Ellis echoed Vice- Chair Taylors remarks regarding the buffer for the sound of the
4 unit.

5
6 Vice-Chair Taylor moved to amend the motion to reinstate staff's condition 3 to require masonry
7 screening around the air conditioning units. Commissioner Ellis seconded.

8
9 Commissioner Andrew Rozell motioned, Chair Jim Strange seconded to approve Item for
10 Individual Consideration 4A, based on the following staff recommendations: **1.** The proposed
11 development must substantially conform to the attached site plan. **2.** The proposed development
12 must substantially comply with the attached landscape plan with the following modifications: **a.**
13 In addition to the proposed shrubs located in front of the building along Fort Worth Drive, a
14 minimum five-foot wide planting area consisting of the proposed shrubs as well as tall grasses
15 must be planted in a curvilinear fashion along the building frontage to visually soften the transition
16 between the street and building**3.** All screening walls for mechanical equipment must be
17 constructed of masonry materials compatible with the building facades. In addition, a mixture of
18 shrubs and tall grasses must be planted around the perimeter of the screening walls. **4.** Building 1,
19 as identified on the site plan, must substantially comply with the attached elevation. Buildings 2
20 and 3 must be constructed of masonry materials and must be similar in design to the attached
21 elevation so as to create a cohesive sense of development throughout the office park. **5.** Any future
22 phases must be uniform as it relates to frontage, setbacks, building materials, and landscaping
23 along Fort Worth Drive and Mission Street. Motion approved (6-0). Vice-Chair Devin Taylor
24 "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner
25 Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye".

26 27 5. PUBLIC HEARINGS

28
29 A. Hold a public hearing and consider a request by Steven and Karen Hale for approval of a Final
30 Replat of Lots 1 and 2, Block B of the Hale Estates; being a residential replat of Lot 13, Block B
31 of the First Installment of Montecito, an Estate Subdivision. The approximately 3.579 acre
32 property is generally located at the northeast corner of Santa Monica Drive and El Paseo Street in
33 Denton County, Texas. This item has been continued from the February 22, 2017 Planning &
34 Zoning Commission meeting (FR16-0023, Hale Estate, Hayley Zagurski).

35
36 This item was heard after Public Hearing Item 5E.

37
38 B. Hold a public hearing and consider a request by Dr. Scott Talbot for approval of a Final Replat
39 of Lots 3R-2R1 and 3R-2R2, Block 1 of the Revised Robert's Addition; being a replat of Lot 3R-
40 2, Block 1 of the Revised Robert's Addition. The approximately 0.71-acre property is generally
41 located at the northwest corner of Ector Street and Emery Street in Denton County, Texas. (FR16-
42 0028, Robert's Addition, Hayley Zagurski)

43
44 Chair Strange opened the Public Hearing.

1 Hayley Zagurski, Assistant Planner, presented Public Hearing item 5B. Staff recommends
2 approval of this request.

3
4 There was no one to speak. Chair Strange closed the Public Hearing.

5
6 The Commissioners had no questions regarding this item.

7
8 Commissioner Larry Beck motioned, Commissioner Steve Sullivan seconded to approve Public
9 Hearing item 5B. Motion approved (6-0). Vice-Chair Devin Taylor "aye", Commissioner Larry
10 Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim
11 Strange "aye", and Commissioner Margie Ellis "aye".

12
13 C. [Hold a public hearing and consider a request by Richard and Nancy Greb and Kevin Nelms to](#)
14 [rezone approximately 20.49 acres from a Regional Center Commercial Downtown \(RCC-D\)](#)
15 [District to a Regional Center Residential 2 \(RCR-2\) District. The property is generally located at](#)
16 [2100 South Mayhill Road and at the end of Hudsonwood Drive in the City of Denton, Denton](#)
17 [County, Texas. This item has been continued from the February 22, 2017 Planning & Zoning](#)
18 [Commission meeting. \(Z16-0027, The Standard/The Hudson at Medpark, Hayley Zagurski\).](#)

19
20 Chair Strange opened the Public Hearing.

21
22 Hayley Zagurski, Assistant Planner, presented Public Hearing item 5C. Staff recommends
23 approval of this request.

24
25 Applicant, Brandon Hancock, 6440 N Central Express Way, Suite 750, Dallas Texas 75206,
26 provided a presentation for this request.

27
28 There was no further discussion. Chair Strange closed the Public hearing.

29 Commissioner Larry Beck motioned, Commissioner Andrew Rozell second to approve Public
30 Hearing item 5C. Motion approved (6-0). Vice- Chair Devin Taylor "aye", Commissioner Larry
31 Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim
32 Strange "aye", and Commissioner Margie Ellis "aye".

33
34 D. [Hold a public hearing and consider a request by Richard and Nancy Greb and Kevin Nelms for](#)
35 [a Specific Use Permit to allow multifamily development on approximately 20.49 acres. The](#)
36 [property is generally located at 2100 South Mayhill and at the end of Hudsonwood Drive in the](#)
37 [City of Denton, Denton County, Texas. This item has been continued from the February 22, 2017](#)
38 [Planning & Zoning Commission meeting. \(Z16-0029, The Standard/The Hudson at Medpark,](#)
39 [Hayley Zagurski\).](#)

40
41 Chair Strange opened the Public Hearing

42
43 Hayley Zagurski, Assistant Planner, presented Public Hearing item 5D. Staff recommends
44 approval of the request as it is compatible with the surrounding property and is consistent with the
45 goals and objectives of the Denton Plan 2030, subject to the following conditions: 1. the proposed
46 multi-family developments will comply with attached Site Plans and Landscape Plans. 2. The

1 proposed multi-family developments will meet or exceed the requirements of Subchapter
2 35.13.13.2 of the Denton Development Code (DDC); however, Exterior Insulation Finishing
3 System (EIFS) and High Density Overlay (HDO) board shall be permitted only as accent building
4 materials limited to 10% of the total building façade. 3. Only monument and building signage shall
5 be used along Hudsonwood Drive. Signs shall be designed in accordance with the dimensional
6 requirements in Chapter 33 of the Code of Ordinances.

7
8 Commissioner Rozell questioned what category EIFS would be classified as in the Denton
9 Development Code (DDC). Zagurski, stated it is not located in the DDC. She stated it is a product
10 similar to stucco.

11
12 Commissioner Rozell questioned if a developer could use up to sixty percent HDO materials.
13 Zagurski confirmed. Commissioner Rozell questioned why staff is drastically decreasing the
14 allowed amount of HDO materials. Zagurski stated staff recommends this due to the durability of
15 the product, and forty percent of general masonry provides better longevity over time.

16
17 Applicant, Brandon Hancock, 6440 N. Central Expressway, Suite 750, Dallas Texas, 75206
18 referred to staff Condition two (2), as stated in Subchapter 35.13.13.2 of the DDC, he would like
19 to deviate from the required 10% to 40% of masonry materials. Hancock requested staff to clarify
20 Condition three (3) regarding the signage, he questioned if the language needs to specifically state
21 no pole signs. Munal Mauladad, Director of Development Services, stated as it relates to signage,
22 staff would rather see monument signs and not allow pole signs. Mauladad stated staff would
23 acquiesce to this request. She stated as it relates to the elevations there was little clarity on what
24 elevations would be provided. Staff did not want to compromise the start of the development,
25 however, staff would be available to discuss elevations proposed by the applicant.

26
27 Chair Strange questioned if Hancock agrees to all of staff's conditions with the exception of
28 Condition 2. Hancock stated he was under the impression that Condition 3 would specifically state
29 no pole signs.

30
31 Commissioner Sullivan questioned if the HDO board would go back to the allowed forty percent.
32 Mauladad stated it would go back to sixty percent.

33
34 The following individual requested not to speak during the public hearing:

35 Kevin Nelms, 3403 Shadow Brook Court, Denton Texas, 76210. Supports this request.

36
37 There was no further discussion. Chair Strange closed the Public Hearing.

38
39 Vice-Chair Devin Taylor motioned, Commissioner Margie Ellis seconded to approve staff's
40 conditions with the following amendments: 1. the proposed multi-family developments will
41 comply with attached Site Plans and Landscape Plans. 2. The proposed multi-family developments
42 will meet or exceed the requirements of DDC 35.13.13.2; however, Exterior Insulation Finishing
43 System (EIFS) shall be permitted only as accent building materials limited to 10% of the total
44 building façade. 3. No pole signs shall be used along Hudsonwood Drive. Signs shall be designed
45 in accordance with the dimensional requirements in Chapter 33 of the Code of Ordinances. Motion
46 approved (6-0). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner

1 Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and
2 Commissioner Margie Ellis "aye".

3
4 Chair Strange called a recess from 8:06 p.m. to 8:20 p.m.

5
6 E. Hold a public hearing and consider a request by Majid Hemmasi, Beta Mu, LLC, and Swan-
7 Wells P/S, Ltd., to rezone approximately 3 acres from a Downtown Residential 2 (DR-2) District
8 to a Downtown Commercial General (DC-G) District. The property is generally located 185 feet
9 south of the Scripture Street and Normal Street intersection. This item was continued at the
10 February 22, 2017 Planning and Zoning Commission meeting. (Z16-0023, Park 7, Julie Wyatt).

11
12 Chair Strange opened the public hearing.

13
14 Julie Wyatt, Senior Planner, presented Public Hearing item 5E. Staff recommends approve of this
15 request.

16
17 Commissioner Rozell questioned why part of this lot is zoned Downtown Residential-2 (DR-2).
18 Wyatt stated she is unaware why DR-2 was chosen for this area during the City wide rezoning that
19 took place in 2002.

20
21 Commissioner Sullivan questioned what staff considers a walkable distance. Wyatt stated staff
22 considers it about a fifteen minute walk.

23
24 Applicant, Paul Levine, 461 Park Avenue S. Floor 4, New York, New York 10016, provided a
25 presentation. Commissioner Beck questioned if Levine would be opened to an overlay district.
26 Levine stated the three-story density with the proposed parking requirements would not work in
27 terms of economic feasibility. Commissioner Beck questioned Levine if he has looked anywhere
28 else within the City to develop. Levine stated they have looked, however, there are not many
29 affordable options.

30
31 Commissioner Rozell stated for clarification purposes, if the zoning change is not approved then
32 the applicant could develop a ten-story building per the existing zoning category. Levine
33 confirmed.

34
35 Commissioner Hudspeth arrived to the Regular Meeting at 9:00 p.m.

36
37 Jennifer DeCurtis, Assistant City Attorney, stated the Commission is able to recommend a mixed-
38 use overlay to the zoning change.

39
40 Applicant, Lee Allison, 4401 North I-35, Denton, Texas provided a presentation.

41
42 The following individuals requested to speak during the public hearing:

43 Mary Anderson, 924 West Oak Street, Denton, Texas 76201. Opposed to this request.

44 Randy Hunt, 722 West Oak Street, Denton, Texas 76201. Opposed to this request.

45 John Warren, 1109 West Congress Street, Denton, Texas 76201. Opposed to this request.

46 Annette Ramsay, 722 West Oak Street, Denton, Texas 76201. Opposed to this request.

1 Patrice Lyke, 1109 Egan Street, Denton, Texas 76201. Opposed to this request. Lyke questioned
2 if it is typical for the Historic Preservation Officer to go tour these properties and provide their
3 feedback for various projects. Roman McAllen, Historic Preservation Officer, stated he was called
4 to come visit the site, since it is situated between two (2) historic districts. He stated he likes to
5 come out and offer his knowledge for the area and/or property. McAllen provided his feedback
6 regarding the local Historic Districts and properties. Lyke stated the density needs to decrease with
7 the proposed project and area, it also needs to include some commercial uses for the neighbors that
8 walk everywhere.

9
10 Deb Armintor, 2003 Mistywood Lane, Denton, Texas 76201. Opposed to this request.
11 Paul Metzler, 1914 West Oak Street, Denton, Texas 76201. Opposed to this request.
12 Kevin Bradshaw, 2052 Collins Road, Denton, Texas 76210. In support of this request.
13 Jennifer Lane, 152 Willowwood Street, Denton, Texas 76208. Opposed to this request.
14 Bob Clifton, 2052 Collins Road, Denton, Texas 76210. Opposed to this request.
15 Tim Gieringer, 1108 West Congress Street, Denton Texas 76201. Opposed to this request.

16
17 Chair Strange read Public Hearing cards into the record for individuals that did not wish to speak:
18 Christy Koons, 3318 Clydesdale Drive, Denton, Texas 76210. Opposed to this request.
19 John Bennet, 818 West Oak Street, Denton, Texas 76201. Opposed to this request.
20 Warren Lunt, 4211 North I-35, Denton, Texas 76207. Opposed to this request.
21 John Morris, 918 West Oak Street, Denton, Texas 76201. Opposed to this request.

22
23 Chair Strange closed the Public Hearing.

24
25 Vice-Chair Devin Taylor stated he feels DC-G is not a good zoning district for this area.

26
27 Commissioner Beck recommended making a motion to approve this request with an amendment
28 with an overlay that limits the building height and no more than three-stories tall. DeCurtis stated
29 you don't want to down zone and not go below 45 feet on the overlay. Commissioner Ellis stated
30 this development does not belong in this area and this lot should have been rezoned a long time
31 ago. Chair Strange stated he appreciates the applicant coming in with something at a lesser density
32 than what it is currently zoned.

33
34 Chair Strange motioned to approve with an overlay. Chair Strange stated there is an issue with
35 adding the overlay because the notice was only for the DR-2 property.

36
37 Chair Strange continued to state the Commission legally cannot add the overlay to the DC-G.

38
39 Allison stated if an overlay was proposed it could not be for the whole property. Chair Strange and
40 DeCurtis stated that is correct. Levine questioned the time frame if they decided to bring it back.
41 Mauladad stated depending on the meeting schedule it will be at least 30 to 45 days. DeCurtis
42 stated they are unable to include the DC-G because it was not a part of the public hearing notice.

43
44 Chair Strange withdrew his motion.

45
46 Chair Strange called a recess from 10:55 p.m. to 11:10 p.m.

1 Mauladad clarified the request was over notified which included the property to the north.
2 Mauladad continued if the Commission wants to add an overlay district, they have the opportunity
3 to do so. DeCurtis clarified the property was notified in the newspaper and the agenda including
4 all three (3) acres with the current zoning for DR-2 on 1.3 acres and the current zoning for DC-G
5 on 1.7 acres.
6

7 Chair Strange requested clarification on the different heights of the building. Levine stated the
8 outside perimeter is 46 feet. Chair Strange upped the height to 48 feet. Levine stated the second
9 section height is 56 feet. Allison stated the amenity center at the highest point is 67 feet 11 inches.
10

11 Chair Strange motioned to rezone 1.3 acres from DR-2 to DC-G so the entire site will be DC-G,
12 and put an overlay on the entire site and the perimeter of the building to not exceed 48 feet. The
13 next staggered cap would be at 58 feet and continue with the maximum slope up to 70 feet.
14

15 Commissioner Rozell requested Earl Escobar, Engineering Development Review Manager, to look
16 at traffic and infrastructure, because the biggest issue is the impact on the thoroughfares.
17

18 Chair Jim Strange motioned, Commissioner Andrew Rozell seconded to approve to rezone 1.3
19 acres from DR-2 to DC-G so the entire site will be zoned DC-G, and put an overlay over the entire
20 site on the perimeter of the building not to exceed 48 feet. The next staggered cap would be at 58
21 feet and continue with the maximum slope up to 70 feet. Motion denied (2-5). Commissioner
22 Andrew Rozell "aye", and Chair Jim Strange "aye". Vice-Chair Devin Taylor "nay",
23 Commissioner Larry Beck "nay", Commissioner Steve Sullivan "nay", Commissioner Margie Ellis
24 "nay", and Commissioner Gerard Hudspeth "nay".
25

26 Mover: Vice- Chair Devin Taylor motioned, Commissioner Larry Beck seconded to recommend
27 denial to City Council for Public Hearing item 5E. Motion approve (5-2). Vice-Chair Devin Taylor
28 "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner
29 Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye". Commissioner Andrew Rozell
30 "nay", and Chair Jim Strange "nay".
31

32 A. [Hold a public hearing and consider a request by Steven and Karen Hale for approval of a Final](#)
33 [Replat of Lots 1 and 2, Block B of the Hale Estates; being a residential replat of Lot 13, Block B](#)
34 [of the First Installment of Montecito, an Estate Subdivision. The approximately 3.579 acre](#)
35 [property is generally located at the northeast corner of Santa Monica Drive and El Paseo Street in](#)
36 [Denton County, Texas. This item has been continued from the February 22, 2017 Planning &](#)
37 [Zoning Commission meeting \(FR16-0023, Hale Estate, Hayley Zagurski\).](#)
38

39 This item was heard after Public Hearing Item 5E.
40

41 Chair Strange recused himself due to a conflict of interest with this item.
42

43 Hayley Zagurski, Assistant Planner, presented Public Hearing item 5A. Staff recommends approval
44 of this request.
45

46 Applicant, Steve Hale the applicant read a letter to the Commission.

1 Vice-Chair Taylor opened the Public Hearing.

2
3 The following individuals requested to speak during the public hearing:

4 Kevin Nelms, 3403 Shadow Brook Ct, Denton, Texas 762010. Supports this request.

5 Douglas Ebersole, 3210 Montecito Drive, Denton, Texas 76205. Opposed to this request.

6 Weaver McClure, 3100 Carmel Street, Denton, Texas 76205. Opposed to this request.

7 Michael Doranski, 2911 Montecito Drive, Denton, Texas 76205. Opposed to this request.

8 Jason Thomas, 3400 Montecito Drive, Denton, Texas 76208. Opposed to this request.

9 Courtland Kristoferson, 4315 Windsor Center Trail Suite 500, Flower Mound Texas
10 75028. Opposed to this request.

11 Diana Hubert, 3310 Montecito Drive, Denton, Texas 76205. Opposed to this request.

12 Cassandra Cornell, 3200 Montecito Drive, Denton, Texas 76205. Opposed to this request.

13 Brandon Bulls, 508 El Paseo Street, Denton, Texas 76205. Opposed to this request.

14 Karen Hale, 3401 Santa Monica Drive, Denton, Texas 76205. Supports this request.

15 Steve Hale, 3401 Santa Monica Drive, Denton, Texas 76205. Supports this request.

16 Jim Keffer, 3300 Montecito Drive, Denton, Texas 76205. Opposed to this request.

17
18 Vice-Chair Taylor read Public Hearing cards into the record for individuals that did not wish to
19 speak:

20 John Wright, 912 West Oak Street, Denton, Texas 76205. Opposed to this request.

21
22 Commissioner Rozell questioned if there is evidence to show what addresses received a certified
23 letter and the name of property owner who received the letter. Munal Mauladad, Director of
24 Development Services, stated the information received from the Denton Central Appraisal District
25 could be compared to the property owners which stated they did not received the letter.

26
27 Jennifer DeCurtis, Assistant City Attorney, stated from a legal stand point the mailing of a notice
28 is what allows it to be sufficient for legal purposes. DeCurtis continued to state plats have very
29 strict time lines, and in normal cases you have thirty days in which this Commission has to approve
30 or deny a plat.

31
32 Applicant, Karen Hale, questioned if she was able to request another postponed date. DeCurtis
33 stated due to the plat timelines, you would have to withdraw and resubmit the item.

34
35 Vice-Chair Devin Taylor closed the public hearing.

36
37 Commissioner Gerard Hudspeth motioned, Commissioner Larry Beck seconded to approve Public
38 Hearing item 5A. Motion approved (6-0). Commissioner Gerard Hudspeth "aye", Vice-Chair
39 Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye",
40 Commissioner Andrew Rozell "aye", and Commissioner Margie Ellis "aye". Chair Jim Strange
41 "recused".
42

1 6. [PLANNING & ZONING COMMISSION PROJECT MATRIX](#)

2
3 A. [Planning and Zoning Commission project matrix.](#)

4
5 Commissioner Ellis requested to start discussing City initiated zoning. Munal Mauladad, Director
6 of Development Services, stated that the PZC has City Initiated Subcommittee that is responsible
7 for City initiated zoning review. Mauladad stated she will provide an update as to the status of the
8 schedule

9 Commissioner Ellis requested a time to discuss single-room occupancy (SRO). Mauladad stated
10 City Council requested staff to proceed with an ordinance that requires a Specific Use Permit
11 (SUP) be required for multi-family development within certain zoning districts. Since this is an
12 amendment to the Denton Development Code there will have to be a Public Hearing before the
13 Planning and Zoning Commission and City Council.

14
15 Vice-Chair Taylor requested for the definition of dorm or SRO to be added to the DDC. Mauladad
16 stated staff can provide some drafted language that the Planning and Zoning Commission can
17 decide on.

18
19 Commissioner Hudspeth requested an update regarding the fees for the Historical Landmark
20 Designation markers. Mauladad stated staff is hoping in the near future to address the fees and to
21 do a cost benefit analysis on all the fees.

22
23 There was no further discussion.

24
25 Vice- Chair Devin Taylor closed the Regular Meeting at 1:12 a.m. on March 9, 2017.
26
27
28
29
30