

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 redevelop 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 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.