

Exhibit 9
Planning and Zoning Commission Meeting Minutes

MINUTES
PLANNING AND ZONING
March 22, 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 22, 2017 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 Jim Strange. Commissioners: Larry Beck, Steve Sullivan, Andrew Rozell, Margie Ellis, and Gerard Hudspeth.

ABSENT: Vice-Chair Devin Taylor.

STAFF: Munal Mauladad, Shandrian Jarvis, Ron Menguita, Athenia Green, Julie Wyatt, Hayley Zagurski, Earl Escobar, Trey Lansford and Cathy Welborn.

WORK SESSION

Chair Strange called the Work Session to order at 4:34 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.

Shandrian Jarvis, Development Review Committee Administrator, asked the Commissioners if they had questions regarding the March 8, 2017 meeting minutes. The Commissioners had no questions regarding the March 8, 2017 meeting minutes.

Jarvis asked the Commissioners if there were any questions regarding the plat on the Consent Agenda. Commissioner Beck questioned if Creekdale Drive would be wide enough to handle the traffic. Earl Escobar, Engineering Development Review Manager, stated it would be considered a residential collector which is a two lane road with parking on both sides.

Commissioner Sullivan questioned if Ryan Road would be widened. Escobar stated there is no time frame on the update of Ryan Road, staff applied for a traffic signal, however it was denied by the Texas Department of Transportation (TxDOT) because it did not meet the traffic warrant counts.

Jarvis stated Public Hearing items 4B and 4C have been postponed until the April 12, 2017 meeting.

Hayley Zagurski, Associate Planner, presented Public Hearing item 4A. Zagurski stated this item is proposed for Downtown Commercial General (DC-G) with the other two adjoining properties to help facilitate future development. With this zoning change it will allow for a more cohesive development under one set of zoning regulations. It also promotes pedestrian and bicycle transportation close to campus. Staff recommends approval, of this requests as it is compatible with the surrounding land uses.

1 Commissioner Ellis questioned if the lots are platted. Zagurski stated currently they are not, but
2 the owner did state they would like to plat the three lots together in the future. Commissioner Ellis
3 questioned where the Fry Street Overlay District ends coming west. Hayley stated the Fry Street
4 District goes up to Ave B. Commissioner Beck questioned if this would affect Hickory Street.
5 Escobar stated Hickory and Oak Street are considered one way collector streets and the maximum
6 capacity for Hickory Street is approximately 10,000 vehicles per day. Jarvis questioned Escobar if
7 there are current traffic counts for Hickory Street. Escobar stated yes there are about 6,000 vehicles
8 per day currently using Hickory Street.

9 Commissioner Beck questioned the total acreage for the properties. Zagurski stated just over one
10 acre combined.

11 Commissioner Rozell questioned how traffic is played into the approval process of a zoning case.
12 Zagurski stated the applicant was unsure of the future intent of the property so a Traffic Impact
13 Analysis (TIA) was not required. Escobar stated if the area is a sensitive area for traffic staff will
14 require a TIA, however, since this property is currently developed and the future development is
15 unknown it's not required.

16 Jarvis questioned if there are any guidelines if the roads are unable to handle the traffic. Escobar
17 stated if the road does not exist the development would be required to construct the road.
18 Commissioner Sullivan questioned then how the Commission can vote on changing the zoning if
19 they are unaware of the future development. Jarvis stated zoning requires a bit of foresight, you
20 have to think about what would be permitted to go in that spot and if it would work or not.

21 Commissioner Ellis stated her concern is the applicant will replat and sell with it zoned at a higher
22 density.

23 Ron Menguita, Long Range Planning Administrator, presented Public Hearing item 5D. The
24 amendment is to allow a Specific Use Permit (SUP) requirement for multifamily dwelling units in
25 the Downtown Residential 2 (DR-2), Downtown Commercial Neighborhood (DC-N) and
26 Downtown Commercial General (DC-G) zoning districts.

27
28 Commissioner Beck questioned if in Limitation (L(6)) you have to build multifamily above
29 commercial. Menguita stated yes as long as it's on an arterial or collector street.
30

31 Commissioner Beck questioned with higher lot coverage means higher density. Menguita stated
32 yes that is correct.

33 Commissioner Sullivan questioned how the Single Room Occupancy (SRO) are categorized in the
34 parking requirements. Menguita stated currently the SRO's are categorized as multifamily.

35 Ellis questioned if City Council is considered the approval authority for a Specific Use Permit
36 (SUP). Menguita stated yes, City Council approves an SUP through an ordinance. Menguita stated
37 staff recommends approval of this request to provide a tool to evaluate the appropriateness of the
38 land use and to provide alternative requirements through an SUP.

39 Ellis questioned if it was too hard to define SRO and provide code requirements for this type of
40 development. Menguita stated that there are development pressures in the form of SROs that are
41 impacting the area. Menguita continued to state City Council received a staff presentation

1 regarding SROs, and they directed staff to come back with options that would address issues
2 related to SROs.

3 Munal Mauladad, Director of Development Services, stated City Council requested staff to
4 evaluate the implication of SRO's and collegiate housing. Mauladad continued to state the SUP
5 is to be used as a tool for future land use analysis.

6 Commissioner Rozell questioned if there have been any projects in the City that have taken
7 advantage of developing by right. Menguita stated staff has had different zoning cases such as the
8 one located on the corner of Eagle Drive and Bernard Street. Commissioner Rozell questioned if
9 there has been any feedback from citizens or the City. Menguita stated staff has received some
10 feedback, some were in favor and some were opposed. Jarvis stated staff is looking to find a way
11 to allow this type of development in the community, but to do it in a way that is compatible with
12 the neighborhood.

13 Chair Strange stated he is concerned the Commission is down zoning by adding requirements for
14 an SUP, this is just another opportunity for a public hearing process to minimize what they can
15 already develop by right. Menguita stated the approval process may take longer with an SUP, but
16 the Planning and Zoning Commission is able to make a recommendation without conditions to
17 City Council.

18 Commissioner Sullivan requested a copy of the SUP requirement presentation, he continued to
19 state if the Commission is here to like or dislike this option and if they are trying to solve a problem,
20 or cause a problem. Menguita stated we are trying to solve a problem, this process will provide a
21 solution to the developments that cause issues to adjacent neighborhoods.

22 Commissioner Ellis stated she has similar concerns as the other Commissioners as well as
23 negatively effecting people it doesn't need to effect. Mauladad stated staff understands the
24 Commissioners concerns, but if the issue is with the density, building height or parking ratio, then
25 staff needs to provide revised requirements of the multifamily development standards that would
26 require a SUP; this would then allow the public to voice their opinion. Staff has also researched
27 collegiate housing and the City Council has requested staff to come back with an ordinance.

28 Commissioner Ellis requested the concerns City Council had regarding this item. Mauladad stated
29 City Councils view point was not an issue with collegiate housing as the density relates to
30 multifamily development.

31 Mauladad stated an SUP can actually be very favorable for the developers, it will allow the
32 community to understand the project. Chair Strange stated his recommendation is to move this
33 item forward to City Council, to allow them to make the decision for this item. Commissioner
34 Rozell recommended making a buffer zone that allows for less dense and height collegiate housing.

35 Commissioner Hudspeth, stated he recommends not sending this back to City Council until
36 citizens and developers could sit down and provide input and concerns.

37 Trey Lansford, Deputy City Attorney, stated reaching out to developers is a good idea, however
38 don't use it to go around the quorum rules. Commissioner Hudspeth stated in this case the
39 Commission needs to compromise with the citizens and developers.

40 Commissioner Beck stated there is only one area we are going to be dealing with and it's going to
41 be the sensitive areas located north of the University of North Texas (UNT) area. Commissioner

1 Beck recommended with the Denton Development Code rewrite it needs to include a stipulation
2 towards the SROs and then it could be used as a tool to protect the area north of UNT.

3 There was no further discussion.

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

5 REGULAR MEETING

6 The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, March 22,
7 2017 at 6:30 p.m. in the City Council Chambers at City Hall, 215 E. McKinney at which time the
8 following items were considered:

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

13 Chair Strange opened the regular meeting at 6:35 p.m.

14 1. PLEDGE OF ALLEGIANCE

15 A. U.S. Flag B. Texas Flag

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

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

19 Commissioner Andrew Rozell motioned. Commissioner Steve Sullivan seconded to approve the
20 March 8, 2017 meeting minutes. Motion approved (6-0). Commissioner Larry Beck "aye",
21 Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange
22 "aye", Commissioner Margie Ellis "aye", and Commissioner Gerard Hudspeth "aye".

23 3. CONSENT AGENDA

24 A. Consider a request by DR Horton for approval of a Final Plat of Ryan Meadows, Phase II. The
25 37.75 acre site is generally located 650 feet south of West Ryan Road, along Creekdale Drive.
26 (FP16-0010, Ryan Meadows, Phase II, Julie Wyatt).

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

31 4. PUBLIC HEARINGS

32 A. Hold a public hearing and consider a request by MSGS-B, Ltd. to rezone approximately 0.550
33 acres from a Downtown Residential 2 (DR-2) District to a Downtown Commercial General (DC-
34 G) District. The property is located at 1604 West Hickory Street approximately 85 feet east of
35 North Avenue C in the City of Denton, Denton County, Texas. (Z16-0028, Harris, Hayley
36 Zagurski)

37 Chair Strange opened the Public Hearing.

1 Hailey Zagurski, Associate Planner, presented Public Hearing item 4A. Zagurski stated the rezone
2 would allow for cohesive future redevelopment to be under one set of zoning regulations. This
3 will provide housing for the University of North Texas. Zagurski stated Downtown Commercial
4 General (DC-G) does allow for a higher density than Downtown Residential 2(DR-2). Staff does
5 recommend approval due to the compatibility with the surrounding land use and it's consistency
6 with the goals and objectives of the Denton Plan 2030.

7 The applicant Gary Chang, 3608 Lake County Drive, Denton Texas, stated MSGS is a local
8 property management company and have been in the community since 1982. Chang stated the
9 property will consist of a leasing office and a multifamily unit. Commissioner Beck questioned if
10 the intent of this zoning change was in order to build a 45 to 100 foot building. Chang stated yes.
11 Commissioner Beck questioned how they are planning parking. Chang stated they would build a
12 parking garage or do shared parking.

13 Commissioner Sullivan stated this would be a great place for a staggered building height that
14 would be more sensitive to the neighborhood. Chang stated this lot is surrounded by other
15 apartment complexes and a CVS, which should provide enough of a transition.

16 The following individuals requested to speak:

17 Kim McKibben, 1306 West Hickory, Denton Texas. Opposed to this request.

18 Paul Meltzer, 1914 West Oak Street, Denton Texas. Opposed to this request.

19
20 Commissioner Ellis questioned Kim McKibben what she envisions for this location. McKibben
21 stated maybe a four story building.

22 Commissioner Beck questioned Chang if he sees the future development accommodating Single
23 Room Occupancy's (SRO).

24 Chang stated they have no plans for SROs because they will deal more with multifamily units.

25
26 Commissioner Ellis questioned if the applicant will be acceptable to an overlay to scale down the
27 height of the building. Chang stated they would be open to an overlay, but at the same time if Park
28 7 is able to build a ten story building than why are we unable to build a ten story building right
29 across from campus.

30
31 Chair Strange closed the Public Hearing.

32
33 Commissioner Ellis stated she is having a hard time with this because if it is rezoned Downtown
34 Commercial General (DC-G), than we could have a 100 foot building in this area. Commissioner
35 Hudspeth stated he does agree with the rezone, it does belong in this area.

36
37 Commissioner Ellis stated this zoning change will open doors she is not ok opening. Commissioner
38 Sullivan agreed with Commissioner Ellis and stated it has nothing to do with the people involved,
39 he is unable to trust the unknown. Chair Strange stated he supports the motion and there is not a
40 more appropriate location use than across from the university. Commissioner Beck questioned if
41 the Commission could attach amendments that includes an overlay. Trey Lansford, Deputy City
42 Attorney, stated if the applicant is amenable to an overlay. Munal Mauladad, Director of
43 Development Services, stated the overlay would only be specific to one lot.

Commissioner Gerard Hudspeth motioned. Commissioner Andrew Rozell seconded to approve Public Hearing item 4A. Motion approved (4-2). Commissioner Larry Beck "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Gerard Hudspeth "aye". Commissioner Steve Sullivan "nay", and Commissioner Margie Ellis "nay".

B. Hold a public hearing and consider a request by Di Realty, Inc. to rezone approximately 29 acres from a Regional Center Residential 1 (RCR-1) District and a Regional Center Commercial Downtown (RCC-D) District to a Commercial Mixed Use General (CM-G) District. The property is generally located on the northwest and southwest corners of Lakeview Boulevard and Shady Shores Road. (Z17-0002, Kroger Denton, Julie Wyatt).

Chair Strange opened the Public Hearing for 4A.

Applicant requested to continue this item until April 12, 2017.

Commissioner Andrew Rozell motioned. Commissioner Gerard Hudspeth seconded to continue this item until April 12, 2017. 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".

C. Hold a public hearing and consider a request by Aspire Investments, LLC. to rezone approximately 0.4 acres from a Downtown Residential 1 (DR-1) District to a Downtown Residential 2 (DR-2) District. The property is generally located on the west side of Neff Street, 175 feet north of Greenlee Street. (Z16-0030, The Cube Properties, Julie Wyatt). The applicant has requested that this item be continued to the April 12, 2017 Planning and Zoning Commission meeting.

Chair Strange opened the Public Hearing.

Applicant requested to continue this item until April 12, 2017.

Commissioner Larry Beck motioned. Chair Jim Strange seconded to continue this item until April 12, 2017. 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".

D. Hold a public hearing and consider making a recommendation to City Council regarding amending Subchapter 35.5 of the Denton Development Code (DDC) by adding a Specific Use Permit (SUP) requirement for multi-family dwelling units in the Downtown Residential 2 (DR-2), Downtown Commercial Neighborhood (DC-N) and Downtown Commercial General (DC-G) zoning districts. (DCA17-0005, SUP Requirement, Ron Menguita)

Chair Strange opened the Public Hearing.

Ron Menguita, Long Range Planning Administrator, presented Public Hearing item 4D. Menguita stated this is to consider making a recommendation to City Council to add Specific Use Permit (SUP) requirements to the following multi-family dwellings in the Downtown Residential 2 (DR-2), Downtown Commercial Neighborhood (DC-N), Downtown Commercial General (DC-G) zoning districts.

1 Menguita stated by adding the code amendment for a SUP this will allow the Planning and Zoning
2 commission and the community to come together and address concerns regarding the impacts a
3 multifamily dwelling will have on the neighborhood.

4 Commissioner Ellis questioned when this would go into effect. Menguita stated if City Council
5 approves this Code Amendment at the April 4, 2017 meeting, than it will be 14 days after the
6 approval.

7 The following individuals wished to speak:

8 Kim McKibben, 1306 W Hickory Street, Denton Texas. Undecided to this request.

9 Paul Meltzer, 1914 West Oak Street, Denton Texas. Undecided to this request.

10
11 Chair Strange closed the Public Hearing.

12 Commissioner Beck questioned Trey Lansford, Deputy City Attorney who initiates overlay
13 districts and small area plans. Lansford stated, it could be City or it can be residents. Commissioner
14 Beck questioned who within the City would initiate it. Shandrian Jarvis, Development Review
15 Committee Administrator stated Ron Menguita.

16 Commissioner Beck stated he is for amending subchapter 35.5. Commissioner Ellis questioned
17 Menguita if City Council talked about small area plans. Menguita stated yes, but there was not a
18 specific timeline. Chair Strange stated this does not send a good message to developers coming to
19 the City to do business.

20 Chair Strange motioned denial and move it on to City Council. Commissioner Rozell seconded to
21 deny and move to City Council. Commissioner Beck stated he believes this amendment is specific
22 enough and the intent is clear. Commissioner Ellis stated she supports denial of this item and hopes
23 City Council denies it as well. Commissioner Hudspeth stated this amendment needs developer
24 and stakeholder input.

25 Chair Jim Strange motioned. Commissioner Andrew Rozell seconded to recommend denial to City
26 Council for Public Hearing item 4D. Motion approved (5-1). Commissioner Steve Sullivan "aye",
27 Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye",
28 and Commissioner Gerard Hudspeth "aye". Commissioner Larry Beck "nay".

29 5. [PLANNING & ZONING COMMISSION PROJECT MATRIX](#)

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

31 Commissioner Ellis requested an update regarding larger signage for Public Hearing cases.
32 Commissioner Rozell requested the next steps for a small area plan located between the West Oak
33 Historic District and the Oak-Hickory Historic District. Commissioner Hudspeth followed up on
34 his request for a developer workshop. Commissioner Beck questioned the review on the parking
35 space requirements. Shandrian Jarvis, Development Review Committee Administrator, stated the
36 parking amendment will be rolled into the DDC rewrite and staff is working on the notification
37 process, it will go before City Council on April 25, 2017.

38 Chair Strange closed the Regular Meeting at 8:34 p.m.