

Planning and Zoning Commission Meeting Minutes

1 Mauladad asked the Commissioners if there were any questions regarding Public Hearing item 4B.
2 Commissioner Beck questioned if this property is being divided to accommodate individual
3 businesses. Hayley Zagurski, Associate Planner, stated from her understanding the individual
4 businesses were leasing the space but could now be able to purchase the lots.

5
6 Zagurski presented Public Hearing item 4C. Zagurski stated the request is to replat lot 10R for
7 Rayzor Ranch to split one large lot and create three out parcel lots that will be considered lots 23,
8 24 and 25. Commissioner Beck questioned if this is the intent of the large lots at Rayzor Ranch is
9 to parcel it out gradually. Zagurski stated Rayzor usually sets it up as large lots but as individual
10 business come in and seek ownership that is when they are subdivided into individual lots.

11
12 Riaz presented Public Hearing item 4D. Riaz stated the intent is to divide one lot into two lots. It
13 is located in the Ridge of South Ridge subdivision. Riaz stated it was previously two lots but the
14 owner did an amendment to remove the lot line between lot 11 and lot 12 in 2012 and change it
15 into lot 11R. Now the owner is coming in to replat into two lots again as Lot 11R-1 and Lot 11R-
16 2.

17
18 Mauladad asked the Commissioners if there were any questions regarding Public Hearing item 4E.
19 The Commissioners had no questions.

20
21 Wyatt presented Public Hearing item 4F. Wyatt stated the intent of the replat is to divide one large
22 lot into two lots to allow for a commercial development. Commissioner Beck requested Wyatt to
23 explain why the Planning and Zoning Commission is unable to protect the trees on the lot. Wyatt
24 stated this plat does meet the technical requirements of the Denton Development Code (DDC) and
25 is able to be approved in its current form. Commissioner Beck questioned what obligations the
26 applicant has towards salvaging these trees. Wyatt stated the applicant will have to meet the current
27 DDC requirements for tree preservation.

28
29 Mauladad stated she has provided a memo regarding this lot to the Planning and Zoning Chair and
30 Commissioners. Mauladad stated staff has conducted thorough research regarding the trees located
31 on this property and there is no documentation in the form of an agreement between property
32 owners or the City of Denton protecting the trees. Mauladad continued to state that the ordinance
33 that was in place in 1995 did not include tree preservation requirements.

34
35 Commissioner Beck stated from his perspective it does not appear they will be able to preserve
36 any trees. Mauladad stated development regulations will be looked at during the site plan process
37 which will include lot coverage, building height, tree preservation, and tree mitigation. However
38 from Mauladad's understanding the development will be able to comply with the tree mitigation
39 plan and perhaps relocate some of the trees.

40
41 Vice-Chair Taylor questioned what triggers an application to fall under a new ordinance for a
42 property that is already classified under a different ordinance. Jennifer DeCurtis, Deputy City
43 Attorney, stated the vested rights doctrine applies when there are multiple permits for the same
44 project, but that when there is a new project it may or may not apply.

Wyatt presented Public Hearing item 4G. Wyatt stated the request is to rezone approximately 29 acres from Regional Center Residential 1 (RCR-1) and Regional Center Commercial Downtown (RCC-D) to a Commercial Mixed Use (CM-G). The proposed use is for large retail. Chair Strange questioned how the overpass will be improved. Jenks stated Lakeview Boulevard will be a primary major arterial which is a six-lane road.

Commissioner Rozell questioned if the Planning and Zoning Commission could request Kroger to make the improvements to Shady Shores Dr. Jenks stated Shady Shores is on the City of Denton mobility plan as a collector street.

Wyatt stated staff does recommend approval of this request as it is compatible with the surrounding land uses and is consistent with the goals and objectives of the Denton Plan 2030.

Commissioner Rozell questioned how many people showed up for the neighborhood meeting. Wyatt stated around 40, some were happy with the development, where as some had concerns regarding the zoning. Commissioner Ellis questioned if a buffer would be required at the Rails to Trails area. Wyatt stated the code would not require a buffer because there is not a use adjacent to the property that requires a buffer.

Vice-Chair Taylor questioned if the applicant has considered leaving a portion of the flood plain out of the development to provide more of a buffer. Wyatt stated the applicant will be available to answer that question in the Regular Meeting, but before they impact the Environmentally Sensitive Area (ESA) they would have to get approval from the Planning and Zoning Commission as well as City Council.

Chair Strange closed the Work Session at 6:10 p.m.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, June 14, 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 6:35 p.m.

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

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

A. PZ17-101 Consider approval of the Planning and Zoning Commission meeting minutes.

Commissioner Larry Beck motioned, Commissioner Margie Ellis seconded to approve the May 24, 2017 meeting minutes. Motion approved (5-0-1). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", and Commissioner Margie Ellis "aye". Chair Jim Strange "abstained".

1 There was no second for Commissioner Beck's motion to table for 30 days. Chair Strange stated
2 the motion fails without a second.

3
4 Commissioner Rozell questioned if we have a developer stating he is going to protect the trees is
5 he required to protect the trees. The applicant stated they will have to go through the site plan
6 process and in that process the tree preservation plan is required. Mauladad stated yes the applicant
7 is correct they will be required to submit a site plan as well as a landscape site plan with a tree
8 survey and tree mitigation plan.

9
10 Chair Strange stated he has visited the site and every tree has been marked and tagged which
11 indicates the tree survey has been completed.

12
13 Vice-Chair Devin Taylor motioned, Commissioner Margie Ellis seconded to approve Public
14 Hearing item F. Motion approved (6-0). Vice-Chair Devin Taylor "aye", Commissioner Larry
15 Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim
16 Strange "aye", and Commissioner Margie Ellis "aye".

17
18 G. Hold a public hearing and consider a request by Di Realty, Inc. to rezone approximately 29
19 acres from a Regional Center Residential 1 (RCR-1) District and a Regional Center Commercial
20 Downtown (RCC-D) District to a Commercial Mixed Use General (CM-G) District. The property
21 is generally located on the northwest and southwest corners of Lakeview Boulevard and Shady
22 Shores Road. (Z17-0002, Kroger Denton, Julie Wyatt).

23
24 Chair Strange opened the Public Hearing.

25
26 Julie Wyatt, Senior Planner, presented Public Hearing item G. Wyatt stated this request is to rezone
27 approximately 29 acres from Regional Center Residential 1 (RCR-1) and Regional Center
28 Commercial Downtown (RCC-D) to Community Mixed Use General (CM-G). The lot is located
29 on the Northwest and Southwest corners of Lakeview Boulevard and Shady Shores Road. Wyatt
30 stated if the developer decides to impact the Environmentally Sensitive Area (ESA) then they will
31 have to obtain approval from Planning and Zoning Commission and City Council.

32
33 The following individuals spoke during the Public Hearing:

34 Jackie Bruce, 4215 Boxwood Drive, Denton, Texas 76208. Opposed to this request.

35 Deb Armintor, 2003 Mistywood Lane, Denton, Texas 76209. Opposed to this request.

36 Michael Clark, 6750 Hillcrest Plaza Ste. 325, Dallas, Texas 75230. Supports to this request.

37
38 Michael Clark, the applicant, stated the improvements to Interstate 35 (I-35) will be completed by
39 the time the development is able to begin. Vice-Chair Taylor questioned the applicant, if he could
40 explain the topographical survey they had conducted. Clark stated that a survey of the floodway
41 conducted by the applicant generally corresponds with the Federal Emergency Management
42 Agency (FEMA) map which Wyatt provided.

43
44 Commissioner Rozell requested staff to address any updates to I-35 and talk about the mobility
45 increasing at I-35 and Lakeview Boulevard, as well as any updates happening on Lakeview
46 Boulevard and Shady Shores Road. Jim Jenks, Senior Engineer, stated according to Texas

1 Department of Transportation (TxDOT) schematics the overpass bridge at Lakeview Boulevard
2 and Post Oak Court will include two through lanes in both directions and two left-only lanes in
3 both directions.

4
5 Jenks continued to state he is unaware of any updates happening on Lakeview Boulevard at this
6 time. Jenks stated engineering will look closely at all the access during the planning stages.

7
8 Commissioner Rozell stated the state of Texas only requires 200 foot notices, the City of Denton
9 goes above and beyond and does a 500 foot notice. Commissioner Ellis stated she echo's
10 Commissioner Rozell's comments. Commissioner Ellis stated the Planning and Zoning
11 Commission is trying to make improvements to the notification process.

12
13 Chair Strange read into the record the following:

14 Earl Armstrong opposed.

15 Amanda McCullough opposed

16
17 Chair Strange closed the Public Hearing.

18
19 Commissioner Larry Beck motioned, Commissioner Steve Sullivan seconded to approve Public
20 Hearing item G. Motion approved (6-0). Vice-Chair Devin Taylor "aye", Commissioner Larry
21 Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim
22 Strange "aye", and Commissioner Margie Ellis "aye".

23
24 5. PLANNING & ZONING COMMISSION PROJECT MATRIX

25 A. PZ17-102 Planning and Zoning Commission project matrix.

26
27 Commissioner Rozell requested direction from staff on how to get the train crossing guard to cover
28 the sidewalk. Munal Mauladad, Director of Development Services, stated staff would have to
29 contact and gather information from the Transportation Department Director as well as Denton
30 County.

31
32 Commissioner Ellis requested a discussion on commercial recycling bins. Mauladad stated she
33 would talk to Ethan Cox, Director of Solid Waste, to provide feedback regarding the commercial
34 recycling bins.

35
36 Commissioner Ellis requested a discussion regarding the cost spent on a final replat as well as the
37 Commission being allowed to place conditions. Mauladad stated there is a specific formality for
38 replats which includes the notifications and the Public Hearing process. Mauladad offered a Work
39 Session in order to discuss plat requirements.

40
41 Commissioner Beck requested to start moving on the tree code. Mauladad stated Shandrian Jarvis,
42 Development Review Committee Administrator, has been working with Bob Makowski, Planning
43 Supervisor, and Haywood Morgan, Urban Forester, to create a comprehensive urban forestry
44 program and it should be coming forward soon.

45
46 Chair Strange closed the Regular Meeting at 8:20 p.m.