

MINUTES
PLANNING AND ZONING COMMISSION
July 12, 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, July 12, 2017 at 5:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items were considered:

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

ABSENT: None.

STAFF: Ron Menguita, Bob Makowski, Julie Wyatt, Hayley Zagurski, Nikole Chew-Jones, Athenia Green, Jennifer DeCurtis, and Cathy Welborn.

WORK SESSION

1. Clarification of agenda items listed on the agenda for this meeting. This is an opportunity for Commissioners to ask questions of staff on the Consent and Regular Agenda items, which may include a full briefing on an item in the order it appears on the regular session agenda. Any such briefing will be repeated in regular session.

Chair Strange opened the Work Session at 5:02 p.m.

Ron Menguita, Long Range Planning Administrator, called on Julie Wyatt, Senior Planner to present Public Hearing item A.

Wyatt stated the property is located on the northwest side of the City, the request is to allow initial zoning of Employment Center Commercial (EC-C) District on approximately 16 acres.

Wyatt stated Elm Street and Barthold Road will realign to connect in the future.

Wyatt stated staff recommends approval of the request as it is compatible with the surrounding land uses. It is also consistent with the goals and objectives of the Denton Plan 2030.

Commissioner Beck stated the truck wash does not fit the criteria of Business Innovation. Menguita stated one of the goals of the Denton Plan 2030 is to start looking at places in the City that can accommodate Business Innovation.

Commissioner Ellis questioned if the gas pipeline located on the site will be an issue for the development. Wyatt stated they will have to meet all set-back requirements when it comes down to site plan and platting.

1
2 Julie Wyatt, Senior Planner, presented Public Hearing item B. Wyatt stated the request is for a
3 Specific Use Permit (SUP) to allow for a drive-through on approximately 1.11 acres.
4

5 Chair Strange questioned if the previous McDonalds located on the site has an SUP. Wyatt stated
6 no, it was developed prior to the creation of the Denton Development Code (DDC).
7

8 Commissioner Ellis question how someone would be able to access the site if they were coming
9 south on North Texas Blvd. Jim Jenks, Senior Engineer, stated according to the Texas Department
10 of Transportation (TxDOT) schematic there will be a median along North Texas Blvd, so south
11 bound traffic along North Texas Blvd would not be able to access the site.
12

13 Wyatt stated staff recommends approval with two conditions 1. It complies with the attached site
14 plan, landscape plan, and building elevation, 2. Signage on North Texas Blvd. is limited to one
15 monument sign, restricted to a maximum height of five feet, a maximum effective area of 40 square
16 feet and is constructed of masonry or stone to complement the primary structure.
17

18 Commissioner Rozell requested the standards for monument signs. Wyatt stated a monument sign
19 in the City of Denton does not have a maximum effective area.
20

21 Commissioner Rozell questioned what the effective area of a monument sign consists of. Wyatt
22 stated the effective area is the shape or combination of shape regular shapes that will encompass
23 the extreme limits of the writing representation emblem or other displays of the sign. Wyatt stated
24 there is no maximum effective area for monument signs.
25

26 Chair Strange stated several years back when the talk of Interstate 35 (I-35) being improved, there
27 was going to be concession made for existing property owners. Chair Strange stated this is a prime
28 example of those special circumstances. Wyatt stated staff looked at this but the DDC has a
29 prevision called "special exception" and because the McDonalds was developed under a previous
30 code, it was considered a special exception. But since the McDonalds is expanding into the iHOP
31 lot it was no longer classified as a special exception.
32

33 Chair Strange stated the only reason they are expanding into the iHOP lot is because their business
34 was taken out by the I-35 expansion. Wyatt stated that is correct, but in Subchapter 11a land use
35 may expand in the same lot, but an expansion into an adjoining lot will require the approval of
36 City Council.
37

38 Commissioner Sullivan questioned if staff could find out what McDonalds was approved for in
39 regards to signage before and allow them to follow those requirements. Wyatt stated staff would
40 have to verify that it follows current sign requirements.

41 Jennifer DeCurtis, Deputy City Attorney, stated when you expand a special exception the code
42 requires staff to follow a specific procedure. DeCurtis stated the applicant decided to do the SUP.
43

44 Hayley Zagurski, Associate Planner, presented Public Hearing item C.
45

1 Zagurski stated the request is for an SUP that would allow for a multifamily use. The applicant is
2 purposing a 10 unit complex. Each unit will have a rear yard that is fenced in. Zagurski stated they
3 are preserving all the trees and using a type-b buffer to, separate the adjoining single-family.
4

5 Staff recommends approval of the request as it is compatible with the surrounding property and is
6 consistent with the goals and objectives of the Denton Plan 2030, subject to the following
7 conditions: 1. the proposed use must substantially comply with the attached Site Plan, Landscape,
8 and Building Elevations.
9

10 Commissioner Ellis questioned if there is a drainage issue in this location. Zagurski stated she is
11 aware of some flooding along Riney Court but when staff looked into it there had been no rain in
12 a while so staff was unable to verify the issue. Zagurski stated when the applicant gets to the site
13 plan process their drainage will be analyzed in terms of existing condition and developed
14 conditions to insure there will be no negative impact to adjoining properties.
15

16 Chair Strange questioned the allowance of parking on Riney Road and Riney Court. Jenks stated
17 parking would be permitted on either street, but the widths of Riney Road and Riney Court don't
18 allow for parking on the street.
19

20 Commissioner Ellis questioned if there is a plan to update Riney Road. Jenks stated not that he is
21 aware of.
22

23 Chair Strange closed the Work Session at 6:02 p.m.
24

25 REGULAR MEETING

26
27 The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, July 12,
28 2017 at 6:30 p.m. in the City Council Chambers at City Hall, 215 E. McKinney at which time the
29 following items were considered:
30

31 Chair Strange opened the Regular Meeting at 6:34 p.m.
32

33 1. PLEDGE OF ALLEGIANCE

34 A. U.S. Flag B. Texas Flag
35

36 2. CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES 37 FOR:

38 A. PZ17-116 Consider approval of the Planning and Zoning Commission meeting minutes.
39

40 Vice-Chair Devin Taylor motioned, Commissioner Larry Beck seconded to approve the June 28,
41 2017 meeting minutes. Motion approved (5-0). Vice-Chair Devin Taylor "aye", Commissioner
42 Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", and
43 Chair Jim Strange "aye". Commissioner Margie Ellis "abstained".
44

45 3. PUBLIC HEARINGS

1 attached Site Plan, Landscape Plan, and Building Elevations. Motion approved (6-0). Vice-Chair
2 Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye",
3 Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis
4 "aye".
5

6 C. [Hold a public hearing and consider a request by Not Quite 4A Properties LP for a Specific Use](#)
7 [Permit to allow for a multi-family use on approximately 0.9 acres. The property is generally](#)
8 [located on the north side of the Riney Road and Riney Court intersection. This item has been](#)
9 [postponed from the June 28, 2017 Planning and Zoning Commission meeting. \(S16-0007, Riney](#)
10 [Road Apartments, Hayley Zagurski\).](#)
11

12 Chair Strange opened the Public Hearing.
13

14 Hayley Zagurski, Associate Planner, presented Public Hearing item C. Zagurski stated the request
15 for a Specific Use Permit (SUP) is to allow multi-family on approximately 0.9 acres on Riney
16 Road. Zagurski stated the site plan includes two buildings with five apartments in each building.
17

18 Zagurski stated this case will require super majority vote at City Council.
19

20 Zagurski stated staff recommends approval with the following condition: 1. the purposed use must
21 substantially comply with the attached Site Plan, Landscape Plan, and Building Elevations.
22

23 Vice-Chair Taylor questioned if there is bicycle parking on the site. Zagurski stated she does not
24 believe there is any bike parking incorporated.
25

26 Commissioner Ellis questioned if waste management will be able to empty the dumpster and turn
27 in and out appropriately. Zagurski stated it was reviewed with this request and will be reviewed
28 in more detail during the Site Plan Submittal. Jim Jenks, Senior Engineer, stated staff does not
29 require sites with a shorter drive aisle to have a turnaround provision for the trucks, when they are
30 able to back up into the street.
31

32 The following individuals spoke during the Public Hearing:

33 Brad Andrus, 8855 FM 1173, Krum TX, 76249. Supports this request.

34 Janis Cunningham, 3510 N. Elm Street, Denton TX, 76207. Opposed to this request.
35

36 Andrus stated he is opened to adding the bike rack requested by Vice-Chair Taylor.
37

38 Commissioner Beck questioned if there were would be any added drainage issues with the
39 development. Jenks stated if there is a drainage issue, it will be minimal to the current drainage
40 issue, but staff will address the drainage concerns during the Site Plan process.
41

42 Chair Strange closed the Public Hearing.
43

44 Chair Strange, Commissioner Ellis and Commissioner Beck agreed this is a good location for this
45 development.
46

1 Vice-Chair Devin Taylor motioned. Commissioner Andrew Rozell seconded to approve Public
2 Hearing item 3C with the recommendation to add bike parking to a 1 bike to 10 car ratio. Motion
3 approved (6-0). Vice-Chair Devin Taylor "aye", Commissioner Larry Beck "aye", Commissioner
4 Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and
5 Commissioner Margie Ellis "aye".
6

7 4. PLANNING & ZONING COMMISSION PROJECT MATRIX

8 A. PZ17-117 Planning and Zoning Commission project matrix.
9

10 Commissioner Rozell questioned what is being discussed in Texas special legislative session that
11 could affect the City of Denton's tree code. Jennifer DeCurtis stated there was bill introduced that
12 restricts the credits paid into the tree fund. Bob Makowski, Planning Supervisor, stated there are
13 two bills in the special session that will wipe out local tree ordinances and take away the right to
14 home owners and home owners associations restricting people from cutting down their own trees.

15 Chair Strange questioned if there are any future items coming before the Commission. Ron
16 Mengueta, Long Range Planning Administrator, stated there is a small area plan and the results of
17 the notification discussion with City Council.
18

19 Chair Strange closed the Regular Meeting at 8:14 p.m.
20
21
22
23
24
25
26
27
28
29
30
31
32