

Minutes
Planning and Zoning Commission
September 13, 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, September 13, 2017 at 4:30 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: Commissioner Alfred Sanchez, Commissioner Andrew Rozell, Chair Jim Strange, and Commissioner Tim Smith.

ABSENT: Commissioner Larry Beck, Commissioner Steve Sullivan, and Commissioner Margie Ellis.

STAFF: Munal Mauladad, Shandrian Jarvis, Jennifer DeCurtis, Bob Makowski, Julie Wyatt, Hayley Zagurski, Jim Jenks, 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 4:35 p.m.

Chair Strange welcomed the new members Alfred Sanchez and Tim Smith to the Commission.

Shandrian Jarvis, Development Review Committee Administrator, asked the Commissioners if they had any questions regarding the Consent Agenda.

Commissioner Rozell requested clarification regarding plat vacations. Jarvis stated the goal is to replat the property, but the applicant has to vacate the original plat.

Hayley Zagurski, Senior Planner, presented Public Hearing 4A. Zagurski stated the purpose of this replat is to combine a portion of Lot 1, Block 1 and the remainder of Lot 1, Block 2, of the Municipal Utilities Addition with an unplatted parcel of land.

Zagurski continue to state the existing Morse Road right-of-way will also be abandoned by this plat.

Chair Strange asked if the applicant has started any site work. Zagurski stated the applicant has an approved minor site plan to begin some ground work.

1 Hayley Zagurski, Senior Planner presented Public Hearing item 4B. Zagurski stated the request is
2 to rezone from Neighborhood Residential Mixed-Use (NRMU) District to Community Mixed-Use
3 general (CM-G) District.

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5 Zagurski continued to state the property is located on the southeast corner of the Teasley Lane and
6 Old Alton Road intersection. The applicant's intent is to develop the subject property along with
7 the adjoining southern parcel for a vehicle repair use.

8
9 Staff recommends approval of the request as it is compatible with the surrounding property and is
10 consistent with goals and objectives of the Denton Plan 2030.

11
12 Commissioner Smith asked if the applicant is aware of the future plan to expand Teasley Lane and
13 is the applicant prepared to make all accommodations to allow for the right-of-way. Zagurski stated
14 yes, the property has already been platted and the right-of-way has been dedicated.

15
16 Jarvis stated Public Hearing items 4C and 4D have been postponed to the September 27, 2017
17 meeting.

18
19 Chair Strange requested legal clarification, as to whether he has a conflict of interest for Public
20 Hearing item 4E. Jennifer DeCurtis, Deputy City Attorney, stated it has been determined that there
21 is not a conflict of interest.

22
23 Jim Jenks, Senior Engineer, presented Public Hearing item 4E. Jenks stated this process is to
24 facilitate an expedited plat filing for the developer's benefit as well as ensuring the City's interest
25 and streamlining the pre-construction process by reducing inefficiencies.

26
27 Jenks stated the proposed process would take place once the final plat is approved by the Planning
28 and Zoning Commission. The next step is a two-way agreement between the City and the
29 developer. Once the plat is filed a second two-way agreement could be executed between the City
30 and the contractor.

31
32 Jenks stated there would be a Performance Bond between the City and the developer. Jenks stated
33 the City will not issue a Certificate of Occupancy until the developer has completed all public
34 improvements associated with the plat.

35
36 Jenks stated based on the improvements, the plat will be filed several weeks earlier than the current
37 process, it would allow the plat to be filed without the developer having to enter into contracts
38 with the contractors, and would eliminate a separate hold harmless agreement.

39
40 Commissioner Rozell questioned if there was any outside counsel from developers. Jenks stated
41 staff has talked to one developer as well as a Surety.

42
43 Commissioner Rozell questioned if other Cities are doing this same process with two-way
44 agreements. Munal Mauladad, Director of Development Services, stated yes staff did look at other
45 communities regarding the two-way agreements and some are more relaxed whereas some are
46 stricter.

1 4. PUBLIC HEARINGS

2
3 A. Hold a public hearing and consider a request by City of Denton for approval of a Final Replat of Lot 1, Block A, of Brinker Substation Addition; being a replat of remainder of Lot 1, Block 2, and a portion of Lot 1, Block 1, of the Municipal Utilities Addition, with approximately 14.37 acre unplatted parcel recorded in Document Number 2014-4412. The 38.889 acre property is generally located at Shady Oaks Drive, approximately 3000 feet west of South Loop 288. (FR17-0010, Brinker Substation Addition, Hayley Zagurski)

9
10 Chair Strange opened the Public Hearing.

11
12 Hayley Zagurski, Senior Planner, presented Public Hearing 4A. Zagurski stated the purpose of this replat is to combine a portion of Lot 1, Block 1 and the remainder of Lot 1, Block 2, of the Municipal Utilities Addition with an unplatted parcel of land.

15
16 Zagurski continue to state the existing Morse Road right-of-way will also be abandoned by this final replat.

18
19 Chair Strange closed the Public Hearing.

20
21 There was no further discussion.

22
23 Commissioner Andrew Rozell motioned, Commissioner Tim Smith seconded to approve Public Hearing item 4A. Motion approved (4-0). Commissioner Alfred Sanchez "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Tim Smith "aye".

26
27 B. Hold a public hearing and consider a request by Space Garage Limited Partnership to rezone approximately 0.54 acres from a Neighborhood Residential Mixed-Use (NRMU) District to a Community Mixed-Use general (CM-G) District. The property is generally located at the southeast corner of the Teasley Lane and Old Alton Road intersection. (Z17-0017, Pioneer Automotive Denton, Hayley Zagurski).

32
33 Chair opened the Public Hearing

34
35 Hayley Zagurski, Senior Planner presented Public Hearing item 4B. Zagurski stated this request is to rezone from Neighborhood Residential Mixed-Use (NRMU) District to Community Mixed-Use general (CM-G) District.

38
39 Zagurski continued to state the property is located on the southeast corner of the Teasley Lane and Old Alton Road intersection. Zagurski stated the applicant's intent is to develop the subject property along with the adjoining southern parcel for a vehicle repair use.

42
43 Staff recommends approval of the request as it is compatible with the surrounding property and is consistent with goals and objectives of the Denton Plan 2030.

45
46 Chair Strange closed the Public Hearing.

1
2 There was no further discussion.
3

4 Commissioner Andrew Rozell motioned, Commissioner Tim Smith seconded to approve Public
5 Hearing item 4B. Motion approved (4-0). Commissioner Alfred Sanchez "aye", Commissioner
6 Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Tim Smith "aye".
7

8 C. Hold a public hearing and consider making a recommendation to City Council regarding a
9 request by Dodson Legal Group to rezone approximately 3.2 acres from a Neighborhood
10 Residential 6 (NR-6) District to a Neighborhood Residential Mixed-Use 12 (NRMU-12) District.
11 The property is generally located on the east side of Jannie Street, approximately 420 feet north of
12 East McKinney Street. THE APPLICANT HAS REQUESTED TO POSTPONE THE REQUEST
13 UNTIL THE SEPTEMBER 27, 2017 PLANNING AND ZONING COMMISSION MEETING.
14 (Z17-0013, Justice Plaza, Julie Wyatt).
15

16 Chair Strange opened the Public Hearing.
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18 Commissioner Andrew Rozell motioned, Commissioner Tim Smith seconded to continue Public
19 Hearing item 4C to a date certain of September 27, 2017. Motion approved (4-0). Commissioner
20 Alfred Sanchez "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and
21 Commissioner Tim Smith "aye".
22

23 D. Hold a public hearing and consider making a recommendation to City Council regarding a
24 request by JV Strange and 7-11, Inc. to rezone approximately 73 acres from an Employment Center
25 Industrial (EC-I) District to a Commercial Mixed Use (CM-G) District. The property is generally
26 located on the northeast corner of North Loop 288 and East McKinney Street. THE APPLICANT
27 HAS REQUESTED TO POSTPONE THE REQUEST TO THE SEPTEMBER 27, 2017
28 PLANNING AND ZONING COMMISSION MEETING. (Z17-0015, McKinney Mayhill, Julie
29 Wyatt).
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31 Chair Strange opened the Public Hearing.
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33 Commissioner Andrew Rozell motioned, Commissioner Tim Smith seconded to continue Public
34 Hearing item 4D to a date certain of September 27, 2017. Motion approved (4-0). Commissioner
35 Alfred Sanchez "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and
36 Commissioner Tim Smith "aye".
37

38 E. Hold a public hearing and consider making a recommendation to City Council regarding an
39 amendment to the Denton Development Code, Subchapter 35.16, Sections 35.16.6 and 35.16.20,
40 by clarifying agreements required for plat approvals and building permits (DCA17-0010,
41 Development Agreements, Jim Jenks).
42

43 Chair Strange opened Public Hearing item 4E.
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