

Planning and Zoning Commission
Meeting Minutes

1
2 Julie Wyatt, Senior Planner, presented Consent Agenda item 3B. There were no questions.

3
4 Ron Mengueta, Long Range Planning Administrator, stated Public Hearing item 4B would be heard
5 first so Chair Strange could return to the Work Session.

6
7 Julie Wyatt, Senior Planner, presented Public Hearing item 4B. Wyatt stated the request is to
8 rezone 73 acres from Employment Center Industrial (EC-I) to Community Mixed Use General
9 (CM-G). Wyatt continued to state the property is located on the northeast corner of North Loop
10 288 and East McKinney Street. Commissioner Beck questioned if Serve Denton currently
11 occupies one of the buildings. Wyatt stated she is unaware if Serve Denton does occupy the
12 building, but the applicant will be present during the Regular Meeting to clarify.

13
14 Wyatt stated Mayhill Road will eventually link Denton to the Dallas Fort Worth (DFW) airport.
15 Wyatt specified that CM-G is a logical extension of the zoning pattern.

16
17 Wyatt stated staff recommends approval as it is compatible with the surrounding property and is
18 consistent with the goals and objectives of the Denton Plan 2030.

19
20 Commissioner Smith asked if the current right-of-way would allow for the amount of expected for
21 this property. Wyatt stated when the property is platted then public improvements to McKinney
22 Street would begin.

23
24 Commissioner Smith questioned if the current residents will be effected by this development.
25 Wyatt stated those properties are part of this request, but the applicant will be here tonight to
26 answer any questions regarding the future development.

27
28 Vice-Chair Rozell questioned if the applicant doesn't own all of the properties, are they able to
29 request a rezone for that property. Wyatt stated the applicant would have to have approval from
30 all property owners.

31
32 There was no further discussion.

33
34 Chair Strange returned to the Work Session.

35
36 Julie Wyatt, Senior Planner, presented Public Hearing item 5A. Wyatt stated this request is to
37 rezone 3.2 acres from Neighborhood Residential 6 (NR-6) to Neighborhood Residential Mixed
38 Use 12 (NRMU-12). The property is located on the east side of Jannie Street and north of East
39 McKinney Street.

40
41 Wyatt stated this 7 acre tract was rezoned in 2014 from Neighborhood Residential 4 (NR-4) into
42 a mix of zoning districts of NR-6, NRMU-12 and Neighborhood Residential Mixed Use (NRMU).

43
44 Wyatt stated the applicant proposed a Mixed Use Residential overlay to address compatibility
45 through design considerations however incompatibilities associated with office and retail still
46 remain.

1
2 Commissioner Beck questioned if the proposed overlay was discussed at the neighborhood
3 meeting. Wyatt stated there was discussion of a potential overlay for site design discussed, but
4 nothing definitive was discussed.

5
6 Wyatt stated staff recommends denial of the request as it is incompatible with the surrounding land
7 uses and is inconsistent with the goals and objectives of the Denton Plan 2030.

8
9 Commissioner Ellis questioned why the applicant is not doing this development at the front of the
10 property. Wyatt stated the applicant would like to continue the office type development for the
11 entire 7 acres.

12
13 Commissioner Rozell questioned when current zoning for this property took place. Wyatt stated
14 the current zoning took place in 2014 which was part of a request that included retail, office use
15 and a cluster home development within the NR-6 zoning district.

16
17 Commissioner Smith questioned if Jannie Street would have to be repaired. Wyatt stated yes
18 during the platting and development stage the applicant would have to improve their sides of the
19 perimeter streets.

20
21 Chair Strange asked if the Commission is looking at this as a zoning classification or to consider
22 what can be built there with an overlay that is less intense and impactful to the surrounding
23 neighborhood. Wyatt stated the applicant has proposed the limitations on scale of development,
24 but staff felt the incompatibilities came from the commercial uses being in the center of an existing
25 neighborhood.

26
27 Commissioner Ellis stated this is a very generous overlay, but the only thing the overlay cannot do
28 is still eliminate some types of business.

29
30 There was no further discussion.

31
32 Jim Jenks, Interim DRC Engineer Manager, presented Public Hearing item 5C. Jenks stated the
33 City is working to facilitate an expedited plat filing for the developers benefit while ensuring the
34 City's interests are protected.

35
36 Chair Strange called a recess at 5:55 p.m.

37
38 Chair Strange reconvened the Work Session at 6:02 p.m.

39
40 Jenks stated the Sureties clarified the performance bonds are usually issued to the contractors and
41 not the developers. For a Surety to issue to a developer they require the developer to personally
42 sign the documents and have also demonstrated a good fiscal track record.

43
44 Jenks stated the feedback staff received from other cities was staff will not file a plat until the
45 developer has constructed all related public improvements. Some cities also do not require
46 development contracts.

1 Commissioner Alfred Sanchez "aye", Vice-Chair Andrew Rozell "aye", Chair Jim Strange "aye",
2 and Commissioner Tim Smith "aye". Commissioner Margie Ellis "abstained", Commissioner
3 Larry Beck "abstained" and Commissioner Steve Sullivan "abstained"

4
5 Chair Strange stated Public Hearing item 4B will be heard first due to needing to recuse himself
6 from this item.

7
8 Chair Strange recused himself from the Consent Agenda and Public Hearing item 4B.

9
10 3. CONSENT AGENDA

11
12 A. Consider a request by Marker Stone Realty Partners I, LLC for approval of a Preliminary Plat
13 of Evers Way. The 36.02 acre site is generally located on the southwest corner of North Locust
14 Street and Hercules Lane. (PP17-0013, Evers Way, Julie Wyatt).

15
16 B. Consider a request by Robson Denton Development, L.P. for approval of a Preliminary Plat of
17 Robson Ranch Unit 2-5. The approximately 24.17 acre site is generally located east of
18 Orangewood Trail, approximately 840 feet north of Robson Ranch Road. (PP17-0007, Robson
19 Ranch Unit 2-5, Julie Wyatt).

20
21 Commissioner Margie Ellis motioned, Commissioner Steve Sullivan seconded to approve the
22 Consent Agenda. Motion approved (6-0-1). Commissioner Alfred Sanchez "aye", Commissioner
23 Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye",
24 Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye". Chair Jim Strange
25 "recused".

26
27 4. PUBLIC HEARINGS

28
29 A. Hold a public hearing and consider making a recommendation to City Council regarding a
30 request by Dodson Legal Group to rezone approximately 3.2 acres from a Neighborhood
31 Residential 6 (NR-6) District to a Neighborhood Residential Mixed-Use 12 (NRMU-12) District.
32 The property is generally located on the east side of Jannie Street, approximately 420 feet north
33 of East McKinney Street. This item was continued at the September 13, 2017 Planning and
34 Zoning Commission meeting. (Z17-0013, Justice Plaza, Julie Wyatt).

35
36 Chair Strange opened the Public Hearing.

37
38 Julie Wyatt, Senior Planner, presented Public Hearing item 5A. Wyatt stated this request is to
39 rezone 3.2 acres from Neighborhood Residential 6 (NR-6) to Neighborhood Residential Mixed
40 Use 12 (NRMU-12). The property is located on the east side of Jannie Street and north of East
41 McKinney Street.

42
43 Wyatt stated this 7 acre tract was rezoned in 2014 from Neighborhood Residential 4 (NR-4) into
44 a mix of zoning districts of NR-6, NRMU-12 and Neighborhood Residential Mixed Use (NRMU).
45

1 Wyatt stated the applicant proposed a Mixed Use Residential overlay to address compatibility
2 through design considerations however incompatibilities associated with office and retail still
3 remain.

4
5 Wyatt stated staff recommends denial of the request as it is incompatible with the surrounding land
6 uses and is inconsistent with the goals and objectives of the Denton Plan 2030.

7
8 Chair Strange asked what staffs other objectives were to the request. Wyatt stated most of the
9 concern was from the incompatibility of use within NRMU-12 and by furthering the commercial
10 zoning into the neighborhood it could potentially compromise the neighborhood.

11
12 The following individuals spoke during the Public Hearing:

13 Lawrence Holdorf, 2415 North Elm Street, Denton TX 76201. Supports this request.

14 Lee Allison, 2415 North Elm Street, Denton, TX 76201. Supports this request.

15 Greg Johnson, 319 West Oak Street, Denton, TX 76207. Supports this request.

16 Greg Price, 2216 Great Bean Lane, Denton, TX 76210. Supports this request.

17 Nathaniel Dodson, Applicant, 109 South Woodrow, Denton, TX 76205. Supports this
18 request.

19
20 Lawrence Holdorf, with Allison Engineering, provided a presentation. Holdorf stated the layout is
21 a unformal single comprehensive site. Holdorf stated the applicant is also requesting to strike the
22 following uses which are dwellings above businesses, group homes, multi-family dwellings,
23 laundry facilities, semi-public halls, clubs or lodges, kindergarten or elementary schools and
24 middle schools.

25
26 Commissioner Beck requested the applicant to host another neighborhood meeting to allow for
27 further feedback. Holdorf stated the applicant is hesitant to slow things down, however another
28 neighborhood meeting could be conducted to discuss the overlay restrictions.

29
30 Commissioner Ellis questioned the applicant why they believe the use is compatible. Holdorf
31 stated the use they are proposing does not have a greater impact than the existing zoning and the
32 development will have the same foot print or use. Lee Allison, Allison Engineering Group, stated
33 with the proposed restrictions the services located in the back of the development will be able to
34 serve the residents.

35
36 Commissioner Sullivan questioned the proposed building height. Wyatt stated the maximum
37 building height for NRMU-12 is 40 feet and the maximum building height for NR-6 is 40 feet.

38
39 Commissioner Smith questioned if this development will bring improvements to Jannie Street.
40 Allison stated yes, they will be working with the City to upgrade Jannie Street. Commissioner
41 Smith asked what the applicant has proposed for a buffer. Allison stated they plan on maintaining
42 the tree line as well as updating the neighboring fences.

43
44 Commissioner Smith questioned the number of buildings being proposed. Allison stated six
45 buildings.

1 Vice-Chair Rozell questioned if the overlay was completed before or in response to the
2 neighborhood meeting. Allison stated the overlay was conducted in response to the neighborhood
3 meeting.

4
5 Vice-Chair Rozell questioned staffs concerns with the proposed office use. Wyatt stated when a
6 commercial zoning starts encroaching into an established neighborhood it will start to compromise
7 the neighborhood. Ron Menguita, Long Range Planning Administrator, stated the development on
8 Hinkle Drive and University Drive, which was referenced, has no encroachment into the
9 neighborhood from this development.

10
11 Commissioner Sullivan questioned if there would only be one point of ingress and egress
12 development off of McKinney Street. Holdorf stated yes there is only one entrance on McKinney
13 Street.

14
15 Commissioner Sanchez questioned how many neighbors were in attendance at the neighborhood
16 meeting. Allison stated there were about twenty.

17
18 Chair Strange closed the Public Hearing.

19
20 Vice-Chair Rozell stated he is going to vote for this item, he believes the current zoning for this
21 property is obviously not marketable since the property is still undeveloped. Commissioner Smith
22 agreed with Vice-Chair Rozell and stated he is going to second this item and believes this
23 development will be able to benefit the citizens.

24
25 Commissioner Ellis, Sullivan and Beck all stated they are unable to support this request.
26 Commissioner Sanchez stated he does not believe this development will affect the neighborhood,
27 he continued to state the neighborhood is very large and this area has changed.

28
29 Vice-Chair Andrew Rozell motioned, Commissioner Tim Smith seconded to approve Public
30 Hearing item 4A with the applicants overlay conditions: Restrict non-residential buildings to a
31 maximum one-story building. Restrict non-residential buildings maximum building height to 35
32 feet. Mechanical units located within 100 feet of the adjacent properties will be limited to
33 5-ton units, placed on the sides of the buildings such that there will not be more than 2 units on
34 both sides of the building, limiting the total units to 4 units per building. Units will be screened
35 from the adjacent properties for both noise and aesthetics. Construct a screening wall around the
36 property. Strike the below uses from the district: Dwelling above businesses, Group homes, Multi-
37 Family Dwellings, Fraternity or Sorority Homes, Dormitories, Bed and Breakfasts, Laundry Facilities,
38 Semi-Public Halls, Clubs, or Lodge, Kindergarten or Elementary Schools, Middle Schools, and Elderly
39 Housing. Motion approved (4-3). Commissioner Alfred Sanchez "aye", Vice-Chair Andrew Rozell
40 "aye", Chair Jim Strange "aye", and Commissioner Tim Smith "aye". Commissioner Larry Beck
41 "nay", Commissioner Steve Sullivan "nay", and Commissioner Margie Ellis "nay".

42
43 Chair Strange called a recess at 8:50 p.m.
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