

Planning and Zoning Commission Meeting Minutes

Chair Strange questioned if staff's conditions would need to be included if this Commission recommends approval of this request. DeCurtis confirmed.

Chair Strange requested traffic, impact, and wastewater fee comparisons for the proposed project to be provided during the Regular Meeting. Zagurski stated staff will provide some numbers during the regular meeting.

Julie Wyatt, Senior Planner, presented Public Hearing Item 4C.

Commissioner Sullivan questioned what buffer would have been required at the time the property owners purchased their homes. Wyatt stated she is not aware of what they would have been informed of at the time, however, there are specific buffers required.

Chair Strange questioned if there will be curb cuts in the center divided lanes. Wyatt stated she doesn't believe there will be curb cuts, she stated she believes it will be a right-in right-out point of access. Wyatt stated she will clarify prior to the Regular Meeting.

Chair Strange called a recess from 6:12 p.m. to 6:17 p.m.

Roman McAllen, Historic Preservation Officer, presented Public Hearing Item 4D. Commissioner Ellis questioned if the Bell Avenue Conservation District changing from a conservation district to a historic district will have an impact on the property owners. McAllen stated no, it will not impact the property owners.

There was no further discussion. Chair Strange closed the Work Session at 6:22 p.m.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on **Wednesday, November 8, 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 called the Regular Meeting to order at 6:40 p.m.

1. PLEDGE OF ALLEGIANCE:

- A. U.S. Flag
- B. Texas Flag

2. CONSENT AGENDA:

- A. Consider a request by Denton Creek Realty LP for approval of a preliminary plat of Lots 1-8 and Common Area Lot 1 of the Titus South Addition. The approximately 13.42 acre site is generally located at the northeast corner of North Masch Branch Road and Jim Christal Road in the City of Denton, Denton County, Texas. (PP16-0026, Titus South, Hayley Zagurski).

Commissioner Tim Smith motioned, Commissioner Alfredo Sanchez seconded to approve this request based on staff's conditions as follows: **1.** The provided Site Plan, Landscape Plan, and Building Elevations are conceptual. A full site plan submittal shall be required to ensure each phase of the development complies with the requirements of the Denton Development Code in terms of site design, landscaping, parking, and building design as provided in DDC 35.6.3.; **2.** A full assessment of the Environmentally Sensitive Areas (ESA) on the property is required and an Alternative ESA plan must be approved before any development within the boundaries of the ESA shown on the Conceptual Site Plan can be approved; and **3.** The development of a multi-family use shall be limited to the 32.6 acres designated for this use on the attached Conceptual Site Plan, and an outdoor recreation use shall be limited to the 19.9 acres indicated for this use on the attached conceptual Site Plan. The multi-family use shall contain no more than the 289 units shown on the conceptual Site Plan and the density of development shall be calculated based on only the area within each proposed phase of the multi-family development. Motion carried (4-3). Commissioner Alfredo Sanchez "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Tim Smith "aye". Commissioner Larry Beck "nay", Commissioner Steve Sullivan "nay", and Commissioner Margie Ellis "nay".

Chair Strange called a recess from 8:05 p.m. to 8:24 p.m.

- C. [Hold a public hearing and consider a request by CDI 2499, LLC to for an initial zoning of Neighborhood Residential Mixed Use \(NRMU\) District on approximately 6 acres. The property is generally located on the east side of the future FM 2499 alignment, approximately 1,400 feet south of Robinson Road. \(Z17-0022, Eastside at Oakmont, Julie Wyatt\).](#)

Chair Strange stated the Public Hearing was opened during the October 25, 2017 meeting. Julie Wyatt, Senior Planner, presented this request. Staff recommends approval of the request.

The following individuals spoke during the Public Hearing:

Greg Johnson, applicant, 319 W. Oak Street, Denton, Texas. Johnson stated the property needs to be rezoned in order to be utilized. He stated there is a certain area on the land that cannot be developed on due to the existing trees and topography. Johnson stated he feels this is a logical use for the property.

Commissioner Ellis questioned if they have considered an overlay district due to this being located within a single-family residential area. Johnson stated that has not be brought up to him in the past, he has not discussed it with staff.

Commissioner Beck stated he doesn't think the overlay district would be a bad idea. He said the overlay could be approved to allow specific uses and limit certain uses, such as night clubs, lodges and bars.

Commissioner Sullivan stated he has concerns with the floodplain and the proposed development interfering with the existing neighborhood and community pool. Johnson stated the proposed use is consistent with other commercial uses along Teasley Lane, which abut to residential neighborhoods.

1 Renae Eiserman, 3901 Luck Hole Drive, Denton, Texas. Opposed to this request. She
2 stated this large area that the developer is planning to build on will back up to the houses. The
3 current community pool area has never flooded due to the floodplain. She stated the neighbors
4 would like to receive some reassurance in regards to the floodplain.

5
6 Chair Strange read the following letters into the record for individuals that did not wish to speak:

7 Kay O'Keeffe, 3711 Palmetto, Denton Texas. Opposed to request, did not speak.

8 Joyce George, 6509 Alderbrook Drive, Denton Texas. Opposed to request.

9 Jacob Piatt, 3715 Palmetto Court, Denton, Texas. Opposed to request.

10 Ayse Roger, 6404 Penina Trail, Denton, Texas. Opposed to request.

11 Phidelia Barrie, 6212 Penina Trail, Denton, Texas. Opposed to request.

12
13 Stephen Shannon, applicant, 319 W. Oak Street, Denton, Texas. Shannon stated he feels
14 this is a straight forward zoning, the density has been reduced to meet the NRMU zoning district
15 requirements. He stated he feels this zoning is appropriate for the area. He stated they want to be
16 sensitive to the needs of the existing neighborhood as well.

17
18 Commissioner Beck questioned if they would be opposed to an overlay. Shannon stated they
19 completely understand the concerns of the neighborhood. He stated they would be in favor of an
20 overlay to limit certain uses, granted it is a reasonable request.

21
22 Chair Strange questioned Commissioner Beck if he has specific uses he would like to see limited
23 within the overlay. Commissioner Beck stated hotel, public halls, clubs, lodges, restaurants and
24 bars. Shannon stated he does not want to eliminate restaurants. However, he does not have an issue
25 limiting lodges and bars.

26
27 Chris Mulkey, 6200 Penina Trail, Denton, Texas. Opposed to this request. Mulkey stated
28 he is not concerned with the proposed use, however, he is concerned with how the floodplain could
29 interfere with the existing houses and land. He stated if the land is paved in the future it could
30 change the runoff and drainage on the site.

31
32 Linda Torres, 6512 Pinehills, Denton, Texas. Opposed to this request. Torres stated she has
33 lived near the subject site for 25 years. She stated she has concerns with the trees. She stated the
34 drainage area on the aerial view is a lot smaller in person, and does get pretty elevated at times.
35 She stated with the proposed development it could cause a lot of changes to the site.

36
37 There was no one else to speak. Chair Strange closed the Public Hearing.

38
39 Commissioner Beck stated he would motion to approve the request subject to conditions with an
40 overlay. He stated he would like to eliminate semipublic clubs, lodges, bars and hotels. Jennifer
41 DeCurtis, Deputy City Attorney, stated there are not conditions, this would be a mixed use overlay
42 to eliminate certain uses from the zoning classification.

43
44 Johnson requested clarification. He stated if semipublic halls are removed as an allowed use, then
45 that would eliminate nonprofit organizations. Johnson stated they do a lot of work with nonprofit
46 organizations and do not wish to see that eliminated.

1 Commissioner Rozell clarified that the motion is to approve the request with a mixed use overlay,
2 changing hotels and bars as not permitted uses. He questioned if the applicant is okay with this
3 motion. Johnson agreed.

4
5 Commissioner Larry Beck motioned, Commissioner Tim Smith seconded to approve the request
6 with a mixed use overlay, eliminating hotels and bars as permitted uses. Motion approved 7-0.
7 Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew
8 Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis "aye", Commissioner Tim
9 Smith "aye", and Commissioner Alfredo Sanchez "aye".

10
11 D. Hold a public hearing and consider a request by Jim/Heritage, LP regarding
12 approval of a Detail Plan for Planned Development 12 (PD-12) District to depict a
13 new or used car sales lot on approximately 7.11 acres out of a 34.40-acre tract. The
14 property is generally located on the west side of I-35E, approximately 3,200 feet
15 southeast of State School Road. (PDA17-0006, CarMax).
16

17 Chair Strange opened the Public Hearing. Julie Wyatt, Senior Planner, presented this request. She
18 stated the development is not proposed for the entire 34 acre tract. The development is located
19 within a Planned Development, PD-12. Wyatt stated staff recommends approval of this request.
20

21 The following individuals spoke during the Public Hearing:

22 John Thatcher, applicant, 800 E. 18th Street, Denver, Colorado. Thatcher provided the
23 vision for the store and the elevations. The lot will have approximately 225 vehicles onsite, and an
24 online inventory. Thatcher stated they are currently under contract to purchase the full 34.40 acre
25 site. However, the development will only take place on 7.11 acres.
26

27 Rick Wick, General Manager of Classic Dodge, Chrysler, Jeep of Denton, 4984 South
28 Interstate 35 E, Denton, Texas. Wick stated they are not opposed to the development. He stated
29 the subject property neighbors their property and they have some concerns regarding the
30 maintenance and upkeep of the property. He stated there is currently a lot of overgrown weeds and
31 grass on the site, he has concerns that it could be a potential fire hazard if it is not maintained.
32

33 Wyatt stated a portion of the property discussed is an Environmentally Sensitive Area and Riparian
34 Buffer, which does have restrictions regarding mowing and maintenance due to the habitat nature.
35 Wick thanked staff for the feedback. He stated he supports the request, they just are concerned
36 with the overgrown areas currently on the subject site.
37

38 Chair Strange read letters into the record of those opposed to the request. There was no one else to
39 speak. Chair Strange closed the Public Hearing.
40

41 Commissioner Tim Smith motioned, Commissioner Steve Sullivan seconded to approve this
42 request. Motion approved 7-0. Commissioner Larry Beck "aye", Commissioner Steve Sullivan
43 "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", Commissioner Margie Ellis
44 "aye", Commissioner Tim Smith "aye", and Commissioner Alfredo Sanchez "aye".
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