

Minutes  
Planning and Zoning Commission  
February 7, 2018

After determining that a quorum was present, the Planning and Zoning Commission of the City of Denton, Texas convened in a Work Session on **February 7, 2018 at 5:00 p.m.** in the City Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which time the following items were considered:

**PRESENT:** Chair Jim Strange, Commissioners: Alfredo Sanchez, Larry Beck, Andrew Rozell, Margie Ellis, and Steve Sullivan.

**ABSENT:** Commissioner Tim Smith.

**STAFF:** Athenia Green, Deborah Viera, Robert Makowski, Hayley Zagurski, Scott McDonald, Shandrian Jarvis, Cindy Jackson, Ron Menguita, Richard Cannone, and Victor Flores.

**WORK SESSION**

Chair Strange called the Work Session to order at 5:01 p.m.

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.

There were no questions from the Commission regarding the meeting minutes, Consent Agenda Items, or Public Hearing Item 4A.

Hayley Zagurski, Senior Planner, provided a brief presentation for Public Hearing Items 4B and 4C, which were presented together. The Commission and staff discussed on-street parking, upland habitats, traffic studies and density. Zagurski stated staff recommends approval of the zoning request, and approval of the Specific Use Permit based on one condition listed in the backup materials. There was no further discussion on these items.

Chair Strange stated Public Hearing Item 4D will be opened and continued to a date certain.

Hayley Zagurski, Senior Planner, presented Public Hearing Item 4E. The Commission discussed Limitation 6 (L6). Staff recommends approval of this request. There was no further discussion.

2. Work Session Reports:

- A. Receive a report, hold a discussion and provide direction regarding repealing and replacing Section 35.17 of the Denton Development Code. (DCA17-0011, Subchapter 17, Deborah Viera)

Deborah Viera, Assistant Director of Environmental Services, continued her presentation from the January 24, 2018 meeting, regarding this request.

The Commission discussed the language used for the 10 acres of upland habitat, and the lack of protection regarding nonresidential developments.

Victor Flores, Deputy City Attorney, stated the revisions to this update would allow the Environmentally Sensitive Areas (ESA) to be more aligned with the Tree Code ordinance. Viera agreed.

Chair Strange provided his feedback regarding Alternative ESAs. Commissioner Rozell stated he does not feel comfortable voting on the item during the Public Hearing. He stated he feels there are some changes staff needs to address prior to taking action on the item. Chair Strange stated a vote to postpone the item could take place during the Regular Meeting.

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, February 7, 2018 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 6:43 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. January 24, 2018

Commissioner Andrew Rozell motioned, Commissioner Margie Ellis seconded to approve the January 24, 2018 meeting minutes. Motion approved (6-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye".

3. [CONSENT AGENDA:](#)
  - A. [Consider a request by South Stemmons Property Group, Ltd. for approval of a Final Plat of the Rancho Vista Addition, Lots 7, 8, 12, and 13, Block 1. The approximately 1.5 acre site is generally located near the southeast corner of Bonnie](#)

Brae and University Drive, in Denton, Texas. (FP17-0030, Rancho Vista Addition, Shandrian Jarvis Ugwoke).

- B. Consider a request by Paage, Ltd. for approval of a Final Plat of Paage Crossing, Lot 2, Block A. The approximately 1 acre site is generally located along Sirius Drive, approximately 500 feet north of Mingo Road, in Denton, Texas. (FP17-0019, Paage Crossing, Shandrian Jarvis Ugwoke).

Commissioner Larry Beck motioned, Commissioner Andrew Rozell seconded to approve the Consent Agenda. Motion approved (6-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye".

4. PUBLIC HEARINGS:

- A. Hold a public hearing and consider making a recommendation to City Council regarding a request by Rayzor Inv. Ltd. to rezone approximately 2 acres from a Neighborhood Residential Mixed Use 12 (NRMU-12) district to a Community Mixed Use General (CM-G) district. The subject property is located at 1101 W. University Drive, in the City of Denton, Denton County, Texas (Z17-0027a, Pecan Creek Crossing, Shandrian Jarvis Ugwoke).

Chair Strange opened the Public Hearing. Shandrian Jarvis, Principal Planner, presented this request. Staff recommends approval of the request. There was no one to speak on this item. Chair Strange closed the Public Hearing.

Commissioner Margie Ellis motioned, Commissioner Alfredo Sanchez seconded to approve this request. Motion approved (6-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye".

- B. Hold a public hearing and consider a request by Denton Surgicare Real Estate Ltd and C2 Residential Ltd to rezone approximately 11.42 acres from a Community Mixed Use General (CM-G) District to a Neighborhood Residential Mixed-Use (NRMU) District. The property is generally located on the east side of Sam Bass Boulevard and north of Londonderry Lane in the City of Denton, Denton County, Texas. (Z17-0003a, Coventry II Apartments, Hayley Zagurski).

Chair Strange opened the Public Hearing. Hayley Zagurski, Senior Planner, presented Public Hearing Item 4B and 4C together. She stated staff recommends approval of the zoning request. Staff recommends approval of the Specific Use Permit based on conditions. The applicant held a neighborhood meeting on February 5, 2018.

Applicant, Josh Hendon, Western Securities, 13016 Bee Street, Farmers Branch, Texas, stated he has developed in Denton before and feels this project is fitting for the area.

Commissioner Beck questioned tree preservation. Hendon stated they are trying to salvage as many trees as possible.

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

Commissioner Andrew Rozell motioned, Commissioner Larry Beck seconded to approve this request. Motion approved (6-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye".

- C. [Hold a public hearing and consider a request by Denton Surgicare Real Estate Ltd and C2 Residential Ltd for a Specific Use Permit to allow for a multi-family residential use on 10.68 acres of land. The property is generally located on the east side of Sam Bass Boulevard and north of Londonderry Lane in the City of Denton, Denton County, Texas. \(S17-0011a, Coventry II Apartments, Hayley Zagurski\).](#)

Chair Strange opened the Public Hearing. Hayley Zagurski, Senior Planner, presented this item with Public Hearing Item 4B. Staff recommends approval of this request based staff's condition provided in the backup materials.

Richard Cannone, Interim Planning Director, stated he would like to add a recommendation to be added as a condition, which is as follows: the development shall be in conformance with the concept plan as provided.

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

Commissioner Margie Ellis motioned, Commissioner Steve Sullivan seconded to approve this request based on the following conditions: A full site plan submittal shall be required to ensure 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, but shall be in conformance with the concept plan as submitted. Motion approved (6-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye".

- D. [Hold a public hearing and consider making a recommendation to City Council regarding an amendment to the Rayzor Ranch Overlay District to provide standards and criteria for the residential development within the Rayzor Ranch Marketplace Residential Area. The Rayzor Ranch Marketplace Residential Area includes approximately 40.7 acres generally located on the west side of North Bonnie Brae Street, approximately 1,400 feet north of West University Drive \(US 380\) in the City of Denton, Denton County, Texas. \(Z18-0001, Rayzor Ranch Marketplace Residential, Hayley Zagurski\). THIS ITEM IS BEING POSTPONED TO A DATE CERTAIN OF FEBRUARY 21, 2018.](#)

Chair Strange opened the Public Hearing. He stated the item would be continued to a date certain of February 21, 2018.

Commissioner Andrew Rozell motioned, Commissioner Margie Ellis seconded to continue this item to a date certain of February 21, 2018. Motion approved (6-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye".

- E. [Hold a public hearing and consider making a recommendation to City Council regarding a proposed revision to the Denton Development Code; specifically to amend the limitations in Subchapter 5 Zoning Districts and Limitations related to mixed-use development requirements for multi-family uses. \(DCA18-0001, Mixed Use Code Update, Hayley Zagurski\).](#)

Chair Strange opened the Public Hearing. Hayley Zagurski, Senior Planner, presented this request. Staff recommends approval of this request. There was no one to speak. Chair Strange closed the Public Hearing. He stated he is glad to see this item come before the Commission.

Commissioner Margie Ellis motioned, Commissioner Larry Beck seconded to approve this request. Motion approved (6-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye".

- F. [Hold a public hearing and consider making a recommendation to City Council regarding proposed revisions to the Denton Development Code; specifically to repeal and replace Section 35.17 of the Denton Development Code. \(DCA17-0011a, Environmentally Sensitive Areas, Deborah Viera\).](#)

Chair Strange opened the Public Hearing. Deborah Viera, Assistant Director of Environmental Services, provided a presentation regarding this request. She provided feedback as to why the changes are needed.

Commissioner Rozell questioned MS4, he stated the four (4) items listed all appear to be economical benefits to the City. He questioned if the intent is to protect the economic benefits or the actual habitats. Viera stated she did not previously go into detail regarding the six (6) basic analysis for the criteria. She provided detail regarding those six items and how they preserve the habitats and not just the economic benefit for the City.

Commissioner Sullivan questioned if there are any provisions that would render all or a portion of a property as unusable or undevelopable, which would give benefit to the property owner. Viera stated there is a way to restrict land rights, there could be a conservation easement to prevent development.

Chair Strange requested clarification regarding Section 17.7.b.3, regarding standard for filling undeveloped floodplains. Viera stated the limitation on the fill is intended to be within the floodplain.

The Commission discussed Alternative ESA plans, water related habitats, interactive map clarification and definition clarification.

Lee Allison, Allison Engineering Group, 2415 North Elm Street, Denton, Texas, spoke on behalf of the Denton Community Developers Alliance (DCDA). He stated he is speaking on behalf of the community and property owners. The DCDA provided 43 comments to staff, which are included in the 61 comments that were provided in the backup materials by staff. Allison stated they have concerns since they did not receive any feedback regarding the 43 comments.

Chair Strange questioned if the DCDA met with staff or if they only provided comments to staff. Allison stated he met with Viera back in December of 2017.

The Commission, staff and Legal discussed processes, procedures and subdivision variances.

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

Commissioner Beck stated he doesn't have an issue with the proposed revision, however, he does feel that more discussion is needed. Commissioners Ellis and Sanchez agreed.

Viera stated she has staff comments and answers regarding the 61 comments provided in the backup materials. She will provide that information at an upcoming Work Session. The Commission discussed starting the Work Session at 4:00 p.m. to allow additional time to review the request.

Commissioner Larry Beck motioned, Commissioner Andrew Rozell seconded to continue this item to a date certain of February 21, 2018. Motion approved (6-0). Commissioner Alfredo Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Steve Sullivan "aye", Commissioner Andrew Rozell "aye", Chair Jim Strange "aye", and Commissioner Margie Ellis "aye".

5. [PLANNING AND ZONING COMMISSION PROJECT MATRIX:](#)

A. [Planning and Zoning Commission project matrix](#)

Commissioner Rozell requested information regarding form-based zoning codes, and for staff to look into the traffic standpoints throughout the City. Richard Cannone, Interim Planning Director, stated staff will provide information at an upcoming meeting.

Commissioner Sullivan questioned an opportunity for staff to create a Neighborhood Residential-5 zoning district. Cannone stated staff is looking into this with the Denton Development Code update. There was no further discussion. Chair Strange adjourned the Regular Meeting at 8:55 p.m.