Minutes
Planning and Zoning Commission
May 7, 2014

After determining that a quorum was present, the Planning and Zoning Commission convened a Work Session on Wednesday, May 7, 2014 at 6:15 p.m. in the City Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas at which time the following items were considered:

PRESENT: Chair Jean Schaake. Commissioners: Brian Bentley, Frank Conner, Jim Strange, Thom Reece, and Amber Briggle.

ABSENT: Commissioner Devin Taylor.

STAFF: Athenia Green, John Cabrales, Jr., Aaron Leal, Earl Escobar, Ron Menguita, Nana Appiah, Abra Nusser, Sophie Huemer, Deborah Viera, Michele Berry, and Cindy Jackson.

WORK SESSION

Schaake called the Work Session to order at 6:21 p.m.

1. Clarification of agenda items listed in the Regular Session agenda for this meeting, and discussion of issues not briefed in the written backup materials.

There was no clarification of agenda items. Schaake closed the Work Session at 6:23 p.m.

REGULAR MEETING

The Planning and Zoning Commission convened a Regular Meeting of the Planning and Zoning Commission of the City of Denton, Texas which was held on Wednesday, May 7, 2014 and began at 6:30 p.m. in the City Council Chambers at City Hall, 215 E. McKinney at which time the following items were considered:

Schaake called the Regular Meeting to order at 6:31 p.m.

1. PLEDGE OF ALLEGIANCE:

A. U.S. Flag
B. Texas Flag "Honor the Texas Flag - I pledge allegiance to thee, Texas one state under God, one and indivisible."
2. **CONSIDER AN AMENDMENT TO THE APRIL 7, 2014, MEETING MINUTES APPROVED ON APRIL 23, 2014.**

Menguita stated this item is to make a correction to the motion that was made during the April 23, 2014, meeting minutes for the April 9, 2014, meeting. Menguita stated staff spoke with Commissioner Strange who made the original motion; the intent was not to have the staff recommendations listed in the motion. Strange stated his motion did not include the staff recommendations, Strange stated the motion in the minutes is the only thing that needs to be corrected. Schaake confirmed.

Commissioner Jim Strange motioned, Commissioner Frank Conner seconded to update the April 9, 2014, meeting minutes, Agenda Item 4C to should read as motion approved. Motion approved (6-0).

3. **CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES FOR:**

   A. **April 23, 2014**

Commissioner Frank Conner motioned, Commissioner Amber Briggle seconded to approve the meeting minutes. Motion approved (5-0-1). Commissioner Jim Strange abstained.

4. **CONSENT AGENDA: Staff recommends approval of the following items because they meet the requirements of the Denton Development Code. Approval of the Consent Agenda includes staff recommendations for approvals and authorizes staff to proceed. The Planning and Zoning Commission has reviewed the applications and has had an opportunity to raise questions regarding the items prior to consideration:**

   A. Consider a Final plat of Forest Meadow, Phase 2. The 45.78 acre site is located south of Ryan Road, north of Creekdale Drive, and west of Miranda Place, within the Eli Pickett Survey, Abstract 1018. The property is located within a Neighborhood Residential 4 (NR-4) zoning district. (FP13-0030, Forest Meadow, Phase 2, Cindy Jackson)

   B. Consider a Preliminary Plat of lots 1-11, Block A of the Glenwood Park Addition. The approximately 6.83 acre property is generally located at the northeast corner of University Drive and Glenwood Lane within the J.D. Lilly Survey, Abstract No. 762. The property is located within a Neighborhood Residential Mixed Use 12 (NRMU-12) zoning district with overlay restrictions. (PP13-0015, Glenwood Park Addition, Michele Berry)

Commissioner Thom Reece motioned, Commissioner Frank Conner seconded to approve the Consent Agenda. Motion approved (6-0).
5. **PUBLIC HEARING:**

A. **Hold a public hearing and consider making a recommendation to City Council regarding amendments to the Rayzor Ranch Overlay District (RROD) Section 35.7.15 of the Denton Development Code (DDC).** The RROD encompasses approximately 410 acres of land in its entirety and is located generally on both sides of U.S Highway 380 (West University Drive), between Interstate Highway 35 and Bonnie Brae Street. The applicant proposes to create a new sub district to allow for new uses not previously provided for within the Rayzor Ranch Overlay District. The New Uses affect approximately 43.96 acres at the northwest corner of U.S. Highway 380 and Bonnie Brae Street within the northern tract; further described and contained wholly within Lots 1R and 3R of the Rayzor Ranch North Addition. The RROD is further amended to allow approximately 99 acres within the southern tract located at the southeast corner of U.S. Highway 380 and Interstate Highway 35 and described as Lot 1, Block 5 Rayzor Ranch South Conveyance plat (document number 2010-119) for exemption from DDC, Section 35.18.2.A.1 and 35.18.2.A.2 relative to approval of a final plat and construction plans prior to release of a clearing and grading permit. The Development Review Committee (DRC) recommends denial of the request to create a sub district and introduce new uses. However, if the Commission chooses to recommend approval, staff has listed seven limitations to be considered. Those limitations are listed in the staff backup materials.

Nusser stated with the exemption from the DDC, Section 35.18.2.A.1 and 35.18.2.A.2, the applicant proposed to allow approximately 99 acres to be exempt from the requirement of a final plat approval proper to release of a clearing and grading permit. The Development Review Committee (DRC) recommends denial of the request to create a sub district and introduce new uses. However, if the Commission chooses to recommend approval, staff has listed seven limitations to be considered. Those limitations are listed in the staff backup materials. Nusser stated the DRC recommends approval of the exemption request from DDC Sections 35.18.2A.1 and 35.18.2.A.2 based on two conditions. Those conditions are listed in the staff backup materials.

Staff sent out 20 Public Hearing notices to property owners within 200 feet of the subject site, and 38 courtesy notices to property owners within 500 feet of the subject site. At this time staff has received two (2) returned responses in favor of this request. Nusser stated there are several conditions; however, there are two components to this request.
Conner questioned why the two components were bundled together within one project. Nusser stated that since both components are a rezoning request, that is why they are combined. Menguita stated that it is affecting the ordinance that would go into place for the Rayzor Ranch Overlay District. Schaaake questioned Conner if that addresses his question; Conner confirmed.

Briggle questioned if there is concern about the runoff in the area from an environmental standpoint; Nusser stated, correct, and that is the reasoning for the storm water quality and runoff limitations recommended. Briggle questioned why the proposed uses were not included in the original development; Nusser stated this development was supposed to be primarily for regional retail sales and services and not for vehicle repair and services. Nusser also explained that other areas in the immediate vicinity already permit the requested uses. Briggle stated parking lot concerns, and questioned if the parking lot drainage would be set up like the Sam’s Club and Wal-Mart neighboring properties. Nusser deferred to Deborah Viera to address those questions. Viera stated this is the Rayzor Ranch Overlay District; there are conditions for water quality. Many of the businesses in the development have already been constructed. There is an area behind the Kohl’s store, where water sits, for treatment before draining into North Lakes Pond. Viera stated that when Rayzor Ranch was first developed, these proposed uses were not part of the development. Some of the systems are constructed outdoors and some are indoors. The oil changing facilities typically have sand filters on the inside of the building for treatment. Viera stated they are providing the applicant an array of options.

Bentley questioned the specific definitions of Quick Vehicle Servicing and Vehicle Repair. Bentley stated the terms are vague. Nusser provided the definitions into the record. Bentley stated for the definition of Quick Vehicle Repair, the repair of transmissions was listed; however, that is not a quick repair. Bentley also stated that according to the definitions provided for the two uses, most vehicle uses would be permitted. Nusser stated that some auto-related uses would not be permitted under the provided definitions. Bentley stated the applicant is requesting to cover 43 acres within the development and added that a gas station or facility for car stereo installation is understandable. However, they want to cover 43 acres. Nusser stated a lot of the area proposed for the sub area has already been constructed. The actual undeveloped area is smaller than the 43 acres. Nusser stated there is a maximum of two of those uses allowed for the development if the staff-proposed limitation is approved. Conner stated there are already two considering both Sam’s Club and Wal-Mart. Nusser stated that Sam’s Club and Wal-Mart are located within a different sub area.

Bentley questioned what was left to be developed, Nusser identified on the map. Conner stated the aerial map that was provided shows approximately 80% undeveloped land. Nusser stated that is an older aerial map that was the best available to staff. Conner stated the issue is not receiving enough up-to-date information to reference. He stated this should have come before this Commission as a Work Session Item.

Bentley questioned if the change in uses allowed within the Rayzor Ranch Overlay District affects the entire 43 acres, Nusser stated correct. Nusser stated the Commission has the option to modify the limits of this request, should the applicant be in support of the modification.
Scott Wagner, One East Washington Street, Phoenix, AZ
Wagner stated he is with RED Development, and is present on behalf of the ownership and developer. He stated they have worked hard to bring quality tenants to the area. Wagner stated the current tenants are happy with the Rayzor Ranch Development. Each site plan is reviewed in detail to make sure they are in compliance with the storm water requirements. Wagner stated he is not sure why the use restrictions were originally placed on the existing ordinance. Wagner stated they would like to discuss Limitation 4 of staff’s recommendations. Wagner stated they are in favor of the concept of the limitation but would like to see it be more than two businesses.

Rob Baldwin, 3904 Elm Street, Dallas, Texas
Baldwin stated he has been with Rayzor Ranch for several years. During the original development it was decided to not have a lot of vehicle repair included for preference to Walmart and Sam’s. Things have changed, and they are coming before this Commission to request those uses to be allowed. Baldwin stated, currently they are looking at possibly a Discount Tire store to be placed on the corner of Bonnie Brae and University Drive. All of the business is to be completed indoors. It makes a lot of sense to have a lot of variety in the area. Baldwin stated they have agreed to all of the environmental issues with Viera. The only issue the applicant sees with the request is Condition 4. Baldwin stated they would like to see more than two allowed. However, they would still like to see the number of those uses limited. Baldwin added they would also like to see a little of outdoor display allowed, but not outdoor storage.

Bentley questioned the reasoning for the outdoor display. Baldwin stated for possible holiday banners, such as a Fourth of July sale. Bentley stated banner permits are already allowed. Baldwin stated to allow a roll rack of tries outside to promote a sale. Strange questioned the number of Quick Vehicle Servicing and Vehicle Repair uses they would like to see allowed, Baldwin stated four.

Briggle discussed bringing a splash park to the Rayzor Ranch development and her fundraising efforts. Baldwin stated that he and Wagner had been discussing the possibility of it, and felt it would be a great addition but they are not sure where to put it.

Schaake stated during the April 9, 2014, meeting, the Public Hearing was opened. Schaake reopened the Public Hearing. There was no one to speak on this item. Schaake closed the Public Hearing. Schaake stated the concern is the number of these allowed businesses to the development. Schaake requested staff’s input on the number recommended for the area. Nusser stated staff is actually recommending no more of the Quick Vehicle Servicing and Vehicle Repair uses; however, if this Commission chooses to approve them, they recommend two. Nusser stated there are currently several of those uses already in the area, and the proposed uses are currently permitted in other areas in the immediate vicinity and could create an oversaturation of the proposed uses. Schaake stated that she understood the reasoning.

Bentley stated previously there was an agreement with the Rayzor Ranch development and Wal-Mart to not allow those uses. Bentley stated they are reneging on their word. Baldwin stated he is unaware of the full conversation that was held with Wal-Mart. However, the applicant is not breaking any promises to Wal-Mart. Bentley stated City Council did a lot of financial incentives for this development, and now this development is starting to change from its original plans.
Bentley stated there are a lot of other uses that could go into this development as well; why not add those uses as well. Baldwin stated that is why they want to limit the number allowed.

Conner stated that the businesses that would be occupying within this development would be ones that can afford this development and the restrictions that come along with it. Baldwin confirmed.

Bentley stated be would like to motion to continue this item to a date that would allow a Work Session to be held. Bentley stated he would like to revisit the Rayzor Ranch area and what the taxpayers were promised. Bentley requested better maps that provide more detail, and he has concerns about the proposed outdoor display. Bentley requested breaking up the two components of the rezoning request. Leal stated it is possible; however, the notice was listed for both of these components, it would have to be re-noticed in order to allow them to be split up. Bentley stated he would leave them together as one item. Leal confirmed.

Bentley stated if the developer and staff agree to come back during the May 21, 2014, meeting that would be the date to continue this item to. Menguita stated staff can prepare for that meeting. Reece stated he would also like to receive more information; however, he does not like to keep pushing these items back to more meetings. Nusser asked if staff can provide the requested information, would the Commission feel comfortable acting on this item as one request, like currently proposed. Commissioners agreed. Nusser confirmed with the Commission that a site plan with current tenants, pictures, and a more up-to-date would be helpful at the Work Session.

Commissioner Brian Bentley motioned, Commissioner Amber Briggle seconded to postpone this item to a date certain of May 21, 2014. Motion approved (5-1).

B. **Hold a public hearing and consider making a recommendation to City Council regarding a rezoning from a Neighborhood Residential 4 (NR-4) zoning district to a Neighborhood Residential Mixed Use (NRMU) zoning district on approximately 4.9 acres. The property is located at the northeastern corner of McKinney Street and Mockingbird Lane. (Z13-0011, Denton Fire Station 2, Nana Appiah)**

Menguita introduced Appiah. Appiah stated this request is to rezone the current property from Neighborhood Residential 4 (NR-4) to a Neighborhood Residential Mixed Use (NRMU) zoning district. Currently the property is partially developed for the Denton Fire Station 2. The intent is of the request to rezone the property is to continue to use it for a Fire Station. The City will be tearing down the current fire station and construct a new one. Staff is currently reviewing a site plan for a proposed new Fire Station building at the subject location. However, the site plan cannot be approved until the rezoning has been completed. Staff sent out 38 Public Hearing notices to property owners within 200 feet of the subject site, and 99 courtesy notices to property owners within 500 feet of the subject site. At this time staff has received one returned response in opposition, one returned response in favor, and one response neutral to this request. The Development Review Committee recommends approval of this request.
Briggle questioned if the property owner is the City of Denton, Appiah stated correct. Briggle questioned if the fire station would be demolished and rebuilt; Appiah stated that is correct, the subject site would be used for the fire station and nothing else. Schaake questioned if the intent is to keep the existing trees, Appiah stated correct.

Appiah stated the site will be a fire station, they are planning to construct a larger fire station; however, it will take up more space than it currently does. Briggle questioned the reason for the rezoning request if it is already an existing fire station. Appiah stated the current zoning district doesn’t allow for a fire station since it is listed as a community service. The existing fire station was constructed in approximately 1970. The current use as a Fire Station is a special exception and requires the rezoning or expanding of a special exception procedure which is similar to procedure for rezoning the property, in order to expand the current use of the property.

Schaake opened the Public Hearing.

Alan Mansfield, 3228 Bob O Link Lane, Denton, Texas
Mansfield stated he lives approximately a block north of the subject site. He has been a member of Brave Combo and a Denton resident for years. Mansfield stated he would like to receive more information on this request. There are a lot of trees on the subject site that attract a lot of different birds. Mansfield stated he doesn’t know if there is a guarantee to place just a fire station on the subject site. The trees bring a lot to the area.

Maria Lungu-Post, 3209 Hummingbird Lane, Denton, Texas
Lungu-Post stated part of her questions have already been addressed during the staff and applicant presentations. She stated there isn’t a very clear idea as to how the layout of the fire station will be placed. There should be a sidewalk installed with the development. Lungu-Post stated she doesn’t want to see the trees removed. Lungu-Post shared her concerns that later in the future someone else could come in and develop something besides the fire station use. She request there be a condition placed to limit that from occurring.

Victor Olugbuyi, 102 Bluebird Circle, Denton, Texas
Olugbuyi stated his concerns were with the NRMU zoning district. He didn’t want to see another commercial site developed in the area. After hearing the discussion and the determination to only develop a fire station he is in favor of the request.

Sheryl Mansfield, 3228 Bob O Link Lane, Denton, Texas
Mansfield stated her concerns were regarding the points of access on the site. Mansfield requested a elevations drawings showing how the proposed fire station would look. There was no one else to speak on this item. Schaake closed the Public Hearing.

Appiah stated the use could be restricted to only allow the fire station, which would be a community service use. Appiah added that is up to this Commission to place that restriction on this request. Appiah stated the proposed fire station size is 14,040 square feet. Schaake requested tree preservation. Appiah stated they will be coming back before this Commission with an Alternative Tree Plan (ATP) after the rezoning is approved. The ATP would be based on the NRMU zoning requirements.
David Robinson, Kirkpatrick Architecture, 100 West Mulberry, Denton, Texas

Robinson stated he is working with the redevelopment of the fire station. The staff members of this fire station reside in the area and also would like to see the trees preserved. The preservation of the trees drove the site design. The access point along Mockingbird is the same point of access. Robinson stated due to the size of the proposed fire station, all of the trees cannot be preserved. He stated they went through great length to preserve as much as possible. Menguita requested the elevations of the structure. Robinson provided the proposed site plan currently under review by the DRC to the Commissioners.

Briggle questioned if the same tree preservation plan is applied to City projects. Appiah stated the City is required to follow the same plan.

Commissioner Frank Conner motioned, Commissioner Amber Briggle seconded to approve this request with the condition that the use can only be community service. Motion approved (6-0).

C. Hold a public hearing and consider a Final Replat of Lots 1R, 2R, 3R and 4R, Block A of Denton Bible Church Addition; being a residential replat of Lot 1R, Block A of Denton Bible Church and being 13.845 acres in the WM. Lloyd Survey abstract No.773 and the J.D Lilly Survey abstract No. 762 of City of Denton, Denton Texas. The request also includes a Final Replat of Lot 2R and 2R, Block B of Denton Bible Church Addition; being a residential replat of Lot 2R, Block B of Denton Bible Church, and being 43.720 acres in the WM. Lloyd Survey Abstract No.773. The 57.565 acre site is located north of Mingo Road, south of University Drive (U.S. 380), and east and west of Nottingham Drive. The property is located within the Neighborhood Residential Mixed Use (NRMU) and Community Mixed Use General (CM-G) zoning districts. (FR13-0028, Denton Bible Church, Nana Appiah)

Menguita introduced Appiah. Appiah stated this request is to replat multiple lots into one plat. This replatting request is Denton Bible Church acquired a few parcels, now their desire is to bring them all into one plat. Appiah stated last year there was request to rezone a section of the property and to change the future land use designation on the property as well. They wanted to bring the whole property into one zoning to facilitate all the current and future development on the site. Staff sent out 58 Public Hearing notices to properties within 200 feet of the subject site, and 145 courtesy notices to property owners within 500 feet of the subject site. At this time staff has received three (3) in favor, and two (2) neutral to this request. The Development Review Committee recommends approval of this request.

Strange stated on Lot 2R of the plat, there is a dotted line with a “W”, Appiah deferred to Lee Allison to address that question.

Lee Allison, Allison Engineering Group, 4401 I- 35, Ste 102, Denton, Texas

Allison stated he is unaware. There was a house on the property, that “W” could have indicated language for the house. He stated he can check with the surveyor and have it removed before the filing of the plat. Strange acknowledged.
Allison stated this was a plat with no issues, the staff report; however, had an error. The staff report stated to combine to one lot, it should have stated to combine into one plat. This site has been rezoned over a year ago. Allison stated he has received a few calls from neighbors questioning what was going to happen with the subject site. The property is still owned and occupied by Denton Bible Church. The greenhouses on the property have been removed.

Elouise Larson Beavers, 2110 Navajo, Denton, Texas
Beavers stated her concern is with the public hearing notice that was provided. The map provided has no details for the citizens to know what the plans are for the subject site. Beavers stated that is probably why there are several neighbors in attendance to this meeting, just because they weren’t sure what the plan is for the site. She stated there were rumors of a homeless shelter. Beavers added Denton Bible has been a good neighbor and is fine with the request.

Charles Trussell, 2107 Navajo, Denton, Texas
Trussell stated he tried to contact the Church and the City several times to get a determination as to what he request was for. Trussell stated he finally was able to speak to someone with the church that provided some information. This causes a lot of issues with the citizens if they are unaware as to what is going on with these subject sites.

Becky Bellar, 2102 Navajo, Denton, Texas
Bellar stated she doesn’t understand what the replat means. Bellar stated she also heard that Mulkey Mason was a part of this property now. Schaake stated that is correct. Bellar requested clarification on the Mulkey Mason portion. There was no one else to speak on this item. Schaake closed the Public Hearing.

Allison stated Mulkey Mason will have a funeral home on the northern western portion of the property. The greenhouses have been removed, and there will not be any housing facilities on the site.

Commissioner Jim Strange motioned, Commissioner Frank Conner seconded to approve this request. Motion approved (6-0).

6. FUTURE AGENDA ITEMS: Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the Planning and Zoning Commission or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting.

Briggle requested a Work Session item to discuss the moratorium for gas well permits that was approved by City Council on May 6, 2014. Strange requested to have a Work Session item to discuss some previous concerns he has brought up. Strange requested the Public Hearing notice process and details, and how staff works with citizens, and developers. Conner agreed. Menguita noted the requests. Strange stated he would also like to discuss the motion process, comments and discuss the citizens and developers that come before this Commission.

Schaake adjourned the Regular Meeting at 8:25 p.m.