



MINUTES
PLANNING & ZONING COMMISSION
Monday, August 22, 2022 at 6:30 PM
City Hall | 3300 Corinth Parkway

On this, the 22nd day of August, the Planning & Zoning Commission of the City of Corinth, Texas, met in Regular Session at the Corinth City Hall at 6:30 P.M., located at 3300 Corinth Parkway, Corinth, Texas.

Commissioners Present:

Vice Chair Cody Gober
Rodney Thornton
Alan Nelson
Rebecca Rhule

Commissioners Absent:

Chair Wade May
KatieBeth Bruxvoort
Billy Roussel III

Staff Members Present:

John Webb, Director of Development Services
Michelle Mixell, Planning Manager
Miguel Inclan, Planner
Matthew Lilly, Planning and Economic Development Coordinator

A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT

Vice Chair Cody Gober called the meeting to order at 6:33 PM.

B. ESTABLISH VOTING MEMBERS AND DESIGNATE ALTERNATES

Commissioner Nelson and Commissioner Rhule were designated as voting members.

D. PLEDGE OF ALLEGIANCE

E. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion. Should the Chair, a Commission Member, or any citizen desire discussion of any item, that item will be removed from the Consent Agenda and will be considered separately.

1. Consider the approval of minutes for the Planning & Zoning Commission Special Session held on February 21, 2022.
2. Consider the approval of minutes for the Planning & Zoning Commission Special Session held on April 11, 2022.
3. Consider the approval of minutes for the Planning & Zoning Commission Special Session held on June 28, 2022.

4. Consider the approval of minutes for the Planning & Zoning Commission Regular Session and Special Session held on July 25, 2022.

Motion by Commissioner Thornton to approve the consent agenda. Seconded by Commissioner Rhule.

Motion passed unanimously: 4-for, 0-against.

F. BUSINESS AGENDA

5. Conduct a Public Hearing to consider testimony and make a recommendation to the City Council on a rezoning request by the Applicant, Asvalo Real Estate, to amend the Zoning Ordinance and Zoning Map of the City of Corinth, each being a part of the Unified Development Code of the City, from SF-4 Single Family Residential and C-1 Commercial to a Planned Development with two base zoning districts to include MF-3 Multi-Family Residential and SF-4 Single Family Residential, on approximately ±58 acres located on the south side of Lake Sharon Drive, and generally west of Trinity Terrace and Dickinson Drive, north of Custer Road and Meadowview Drive, and east of Zachary Drive. Case No. ZAPD22-0002 – Lake Sharon Mixed Residential (LSMR).

Director John Webb provided a brief overview of the zoning application to the Commission, which remains unchanged from what was presented at the June 27 Planning & Zoning Commission meeting. He explained that from staff's perspective the proposal does not meet the intent of the Comprehensive Plan, and recommended denial.

Sean Alibrando, representing Asvalo Real Estate, provided a presentation on the proposed Planned Development to the Commission. Alibrando stated that the Comprehensive Plan definition for Mixed Residential development was followed, and while not every type of land use proposed in the Comprehensive Plan was included, such as neighborhood commercial, his proposal includes multi-family, single-family, and big-house style units. Alibrando further stated that in his interpretation of the Comprehensive plan, not every type of residential use needed to be included and believes that a wide range of residential unit types is being provided. Alibrando added that his project would be one of the most highly amenitized multi-family developments in the county and that given the low vacancy rate and relatively low percentage of multi-family units in this area, compared to surrounding cities and counties, there is a high demand for additional multi-family units in Corinth. Alibrando stated that the demand for rental units has also increased due to property values and associated costs of homeownership climbing dramatically the last few years, making it difficult for those looking to purchase their first home. Alibrando added that the proposed project will generate \$2,500,000 in property tax revenue and a projected \$15,000,000 of annual discretionary income. Alibrando further stated that he plans to manage and maintain the property for the next 10 to 20 years and will build the development to last for decades.

Jason Tackett, Vice President ESG and Corporate Planning at Sage Natural Resources, provided a presentation to the Commission on the gas well operations and safety surrounding the existing well. Tackett provided a visual representation of the gas well showing that the well has a vertical depth of 9,000 feet and has a further lateral length of 4,000 feet. He also explained that the well bore is surrounded by several layers of piping and cement per safety regulations. Tackett pointed out that in Denton County alone there are 764 abandoned gas wells and proceeded to walk through the steps that would be taken to plug the well under the supervision of the Railroad Commission of Texas. Tackett stated that to his knowledge, there is no definite regulation or setback for building near or on top of an abandoned well.

Commissioner Thornton asked what pressure these pipes were under.

Tackett stated that it is a low pressure well and line with a pressure around 100 PSI.

Commissioner Nelson asked what could go wrong.

Tackett stated that there could be instances where digging or other activity may disturb the site and that there should not be anything occurring at an abandoned well and that the risk is low. There is much higher risk on gas distribution lines than at a well site that is producing in the middle of the neighborhood. The other risk is to groundwater and that is why well bores are capped to protect groundwater.

Commissioner Thornton asked when the well was purchased and what their long-term intent with the well is.

Tackett stated that it was purchased approximately 4 years ago as part of a package including other wells and that the long-term goal is to produce the most profit. He stated that right now, given that the gas being produced has a high carbon dioxide content and would require more processing equipment, it made more sense from a financial perspective to abandon the well.

Vice Chair Gober opened the public hearing at 7:05 PM.

Michael King, 2610 Zachary Drive, spoke against the proposed Planned Development and expressed concerns regarding safety of gas wells. He stated that residents in Corinth are opposed to apartments in the area and that the Traffic Study provided by the applicant was inaccurate. In his opinion, the proposal does not meet the Comprehensive Plan as it stands today and feels that the site should only be developed as single-family. He added that it was his desire for the landowner, residents, and the City to come together to create something that would benefit all parties and asked the Commission to recommend denial of the application.

Brian Head, 2700 Warwick Drive, expressed concerns about the Comprehensive Plan being outdated, the negative impact the proposal would have on surrounding property values, the accuracy of the traffic analysis used by the applicant, and the overall accuracy of the information presented by the applicant. He also stated that single-family homes on the property would bring in more property tax revenue and more students than the current proposal.

Nancy Lozon, 2805 Custer Drive, expressed multiple concerns with the proposed development, including noise, infrastructure, internet disruption, and density. She also expressed concerns with property values around the development decreasing and requested that if the land must be developed that it be only single-family.

Greg Russell, 2805 Whetstone Drive, stated that he was drawn to the area by the country-home feel, and he has concerns with how many people will leave Corinth because of the apartments and the city no longer having a small-town feel. He believes this development will ultimately hurt the community and decrease the surrounding property values.

Dwayne Zinn, 2201 Bowie Lane, stated that he has concerns for safety as the apartments decline and the criminal factor increases (Class A or Section 8). He doesn't believe Lake Sharon Drive was meant to be a major thoroughfare and was not made to support this type of development, just single-family. He feels if apartments are built in the middle of single-family, this will decrease the value of surrounding properties and lower tax values. He explained that he was on the Planning & Zoning Commission and is not against apartments but is against them in this location.

Austin Ortega, 2801 Custer Drive, explained that he desires the neighbors that single-family developments bring. He feels that apartments are transient communities and is against the proposed development. He stated that the zoning as described in the Comprehensive Plan no longer fits given how the surrounding properties have developed and how the community has changed.

Brett Criswell, 2604 Zachary Drive, stated that he is against this proposed plan and respectfully opposes the development. He stated that the plan does meet their needs and the applicant needs to go back to the drawing board.

Martin Stein, 3974 Summit Ridge Drive, stated that apartments draw crime and that they cannot convince him that the proposed ring of single-family homes will not be rentals. He stated he is firmly opposed to this project and that this is a bad location for this proposal.

Jeremy Young, 2608 Zachary Drive, expressed concerns with the location of the proposed development due to it not feeding onto a major thoroughfare and he explained that apartments reduce the property values of single-family homes around them. He shared a quote from an article that millennials make up the fastest growing segment of home buyers. He stated that Corinth does not provide six-figure income jobs and that the majority of people that would be coming into these apartments would be lower income.

Heather Konopka, 4101 William D. Tate, Grapevine, stated that she has worked with numerous developments in the City of Corinth for the last six to seven years. She stated that if the plan is not what the city wants, the plan must change sooner rather than later. She added that the desires of the landowners to move on with their lives should be considered and that she was in support of the project. She concluded by saying that this land will eventually be developed and that the next developer who comes along may not provide the same quality product as is being proposed currently.

Sally Baum, 2300 Lake Sharon Drive, stated that she is a retiree and spoke in support of the senior living project. She asked that the Commission consider seniors when making this decision.

John Baum, 2300 Lake Sharon Drive, stated that his family has owned the property since 1953, that he built a house on the property in 1979, and has lived there since. He said that when he came here there were 600 people in Corinth. Baum added that he previously served on the City Council and helped form the Lake Cities Fire Department. Baum added that his family made a decision to sell the property and had around 10 developers contact him within a week, making it a difficult decision to select a developer. He stated that most of the developers wanted to build cheap homes, close together, and poorly constructed, and that the Applicant convinced him that he does things the right way. He stated that the applicant will construct a quality product and manage the property well long-term. He served on the Envision Corinth Advisory Board and feels that this proposal fits in well with what was determined at that time.

Don Cadenhead, 2600 Lake Sharon Drive, stated that he is in support of the project. He stated that he heard residents say that Lake Sharon Drive is not designed for this type of development. He provided background on the widening on Lake Sharon Drive and feels that the street is large enough to support more development. He stated that he would like to shop and eat in Corinth and that the new residents would have extra income to spend in Corinth.

Karen Cadenhead, 2600 Lake Sharon Drive, stated that she has been a Lake Dallas ISD teacher for 19 years and was in support of the proposal. She said that the increased property taxes from this project would help the school district and asked the Commission to put the Falcons first.

Beverly de Kerguelen, 3017 Brett Road, stated that she is retired from the Air Force and has an autistic son. She added that she lived in San Antonio and was surrounded by apartments and crime, which is why she moved here. She stated that she does not want apartments near her. She also asked why residents should care about the amenities provided at the project if neighboring residents cannot use them.

Andrea Yeager, 2008 Barton Springs Drive, stated that she has concerns about increased water and sewer infrastructure, solid waste, and energy grid demand. She stated that there was a major outage in June in several areas and asked if the city would raise the cost of water, sewer, and trash services. She also expressed concerns about the need to increase public safety staff and equipment, and if the mail would be delivered due to the increased number of mailboxes. She is also concerned about school capacity, increased property taxes, construction activity nuisances, and whether the proposed single-family houses would be individually owned.

Alanna Fickes, 2712 Cherokee Trail, stated that she is against the project and would like the comprehensive plan to reflect single-family only in that area.

Melanie Bristow, 2013 Yellowstone Lane, stated that she had concerns about the traffic study accuracy, whether the gas well would be capped or not capped, the pipeline and its health effects, crime, school capacity, city services, and the market. She stated that the residents do not want apartments or want to be compared to other cities or counties. She expressed doubts that the developer will keep the property and asked that the Commission put the residents first.

David Johnson, 2805 Hollis Drive, stated that the development does not make sense, and that it is time for this development to move on. He added that he always looked forward to having similar single-family homes built past the end of Hollis Drive. He feels that Corinth is about families and that this can only be accomplished through single-family housing and is vehemently opposed to the proposed development.

Dena Kupiec, 2617 Trinity Terrace, expressed concerns about having apartments overlooking into her backyard. She stated that all trees would be taken down and expressed concerns about emergency services and school capacity. She expressed doubts about the success of the senior living aspect of the project in relation to the proposed apartments and that only single-family homes should be developed on the property.

Tyler Head, 2700 Warwick Drive, did not wish to speak but noted his opposition to the proposal in a public input form.

Kevin Kupiec, 2617 Trinity Terrace, did not wish to speak but noted his opposition to the proposal in a public input form.

Austin Robinson, 2702 Warwick Drive, stated that he moved to Corinth for the small-town atmosphere and not to be around hundreds of other people in apartments.

Debra Yager, 2016 Baker Drive, did not wish to speak but had her statement read by the Vice Chair. She had concerns about the increase in electric and water usage given that there had already been local water restrictions and power outages. She also had concerns with how the schools would accommodate more students without overcrowding.

Emily Head, 2700 Warwick Drive, did not wish to speak but was opposed to the proposal.

Steve Tryling, 2618 Zachary Drive, did not wish to speak but had his statement read by the Vice Chair. He understands that the land behind Zachary Drive will eventually be developed and requests that no apartments be constructed on this property.

Don Glockel, 2101 Lake Sharon, stated that he has lived in Corinth for over 30 years, that he respects both sides of the argument, and pointed out that houses looking into backyards are a fact of life. He stated that sometimes you get what you ask for, and that even if all single-family homes are built, they could all be rentals. He doesn't want others to encroach on the property owner's rights and hopes that whatever development is eventually built is of quality.

Orlin Chotev, 2015 Yellowstone Lane, stated that he immigrated from eastern Europe and that he was forced to sell their home and live in multi-family while in his home country. He stated that he bought a home in Corinth and that the discussion is on an outdated concept of urbanism and that apartments produce crime. He expressed concern about when urbanization would stop in the city if this proposed development was approved and added that bringing in more people does not mean that they will consume from local businesses.

Christine Larson, 2702 Zachary Drive, stated that there are many more people aside from those present who are against the development. She expressed doubts that the project will generate the promised revenue and that single-family homes are the way to go.

Sean Alibrando responded to the citizen comments. He stated that the traffic study was performed the previous year by a third-party organization that would lose its license if it was performed inaccurately. He stated that his calculations on the costs of homeownership were current as of last Friday. Alibrando clarified how he arrived at the cost of mortgage per month and that it was difficult for many new homeowners to afford. This version of the proposal saves three and a half acres of trees more than the version presented at the workshop. He also mentioned that he would cap the well or leave it open depending on whatever the City Council wishes, as his design accommodates both options.

Vice Chair Gober closed the public hearing at 8:16 PM.

Vice Chair Gober asked how much he planned to rent the big homes for.

Alibrando stated that this number has changed drastically since they had begun work on this proposal and that the number is dependent on the market rate. He explained that the big house units would have the highest rent of the standard units of about \$2,000 to \$2,300 per month. The senior living would have access to the amenities of the overall development as well as additional exclusive amenities and would have a slightly higher monthly cost of around \$2,400. The Senior Living would be for those who are 62 or older and that they would be standard apartments that were not medically assisted living.

Alibrando clarified again that the traffic study was not from 2003 as alleged during the public hearing.

Vice Chair Gober asked when he expected construction to begin.

Alibrando stated that if the proposal were approved, he expected construction to begin in the Fall of 2023.

Commissioner Rhule asked if he has developed an active senior living center before.

Alibrando responded that he has not and is working with a group who are experts on this matter as consultants.

Commissioner Rhule asked for examples of amenities for the senior living.

Alibrando provided the example of a commercial kitchen that would serve as a source of communal interaction and that there would be other amenities that would increase the quality of life. Some of these amenities include their own pool, crafts, and experts who would come in such as salon artists and masseurs.

Commissioner Rhule asked if there was a possibility to reduce the apartments from four-stories to two-stories.

Alibrando stated that the only four-story structure was the senior living. He explained that stairs are not marketable for such an active living project and that the more units an elevator serves, the more economical it becomes. He added that if the well is capped, he can shift the senior living further away from the surrounding single-family residential.

Commissioner Rhule asked if she heard him correctly that he did not receive accurate information regarding mixed residential use for the property.

Alibrando stated that he had never been told that mixed-residential was not available on this site and that mixed-residential as it is defined is what is on the comprehensive plan. Alibrando added that he was told

from day one to follow what was in the comprehensive plan. Alibrando stated that Mr. Webb had told him several times that he would like to see more single-family, so the number of single-family lots on his proposal was doubled for the July Planning & Zoning Commission workshop. After creating the workshop proposal, Mr. Webb told Alibrando that he did not believe the proposal would be supported by Staff but that the plan was moving in the right direction. Alibrando stated that by the time he received Mr. Webb's comments at the July meeting, he did not really have enough time to work through Staff's concerns. At this point, he has created six different site plans trying to address the concerns of the neighbors and Staff and is open to making more changes but that he doesn't really know what will be approved. He feels that every time he has made a change it has not been supported and that it has been a year of changing things.

Vice Chair Gober asked if there are any emergency features in the senior living units.

Alibrando stated that there are handicap accessibility requirements but that the residents are generally fit enough to handle their needs. He explained that all of the units would be smart-homes and that there would be an ability to get help through a voice activated device.

Rhule asked Staff for clarification regarding the single-family vs what the comprehensive plan states.

John Webb stated that he came on board in October when the applicant was already well on his way with this project. He complimented the Applicant for working with Staff throughout the process and bringing forward a well-thought-out plan. He stated that from day one he had shared with Alibrando the requirements of the Mixed Residential Place Type on the Comprehensive Plan which states a range of single-family lots should be provided. Staff feels that the range of single-family lots is not provided, and that the area has changed from what was originally envisioned in the comprehensive plan. Webb also explained that the Applicant chose to move forward with a plan that has not been received well by the neighbors and that this puts Staff in a difficult position as far as land-use compatibility. He clarified that his recommendation is not based on the neighborhood input but is based on what is in the future land use plan. Webb added that Staff added stipulations in the staff report, should the Commission decide to recommend approval, and reiterated that Staff recommended denial.

Commissioner Thornton asked for more information regarding the transition to single-family residential from what is shown in the Comprehensive Plan.

Webb explained that Meritage made a business decision making their development all single-family.

Vice Chair Gober asked about the impacts of growth and concerns with the strain on utilities.

Webb stated that he can't speak on the public franchise utilities as they are outside of the purview of the City. He explained that the school district is aware of this plan, and there were no concerns expressed from the school district's point of view. Webb stated that it will depend on how the apartments are managed but that he would not equate apartments to crime.

Motion by Commissioner Thornton to recommend denial of the application. Seconded by Commissioner Rhule.

Motion passed unanimously: 4-for, 0-against.

6. Conduct a public hearing to consider testimony and make a recommendation on proposed amendments to the City's Unified Development Code (UDC) regarding Subsection 2.07.03 – Use Chart; Subsection 2.09.02 – Tree Preservation; Subsection 3.03.03 – Final Plat; Subsection 4.01.15 – General Sign Requirements; and Subsection 5.02 – Words and Terms Defined (ZTA22-0001 – UDC Misc. Text Amendments)

Webb presented the items to the Commission. The first item was to amend the use chart and words and terms defined to permit and regulate commercial drone delivery services in the city. The second item was to amend the general sign requirements regarding the maximum area of window signage, to allow flexibility on the size of sign lettering, and remove an exemption from landscaping requirements for monument signs in corner lots. The third item was to amend the final plat provisions to add language related to easement abandonment, permit staff approval of minor plat amendments after Planning & Zoning Commission approval, and to amend or remove certain plat signature blocks in the Unified Development Code.

Commissioner Nelson asked if blinds or sunscreens are included in the window sign ordinance.

Webb responded that they are not included in the proposed ordinance.

Commissioner Thornton asked if there are any regulations regarding the control and the number of drones in the air.

Wade Harden, 2751 24th Avenue, representing Flytrex, stated that the airspace is regulated by the FAA and that municipalities have the ability to regulate zoning where the use is allowed. Once the drone is in the air it is under the jurisdiction of the FAA and is considered an aircraft.

Commissioner Thornton asked if there would be competition from other businesses.

Harden responded that there is competition with Wing who operates out of a Walgreens in Little Elm and that DroneUp was looking to begin operations in the DFW area. He explained Flytrex primarily focuses on food deliveries and that in the next few years they will see many changes in the industry.

Vice Chair Gober asked what prevents the drones from falling out of the sky.

Harden responded that they have several redundancies as commercial aircraft do and explained that the drones have multiple motors, GPS units, and a parachute if there is a catastrophic failure.

Vice Chair Gober asked for more information regarding their operations and any possible user error.

Harden explained that the cargo bay as of now can carry 6.6 pounds and currently the pilots who are FAA trained and certified oversee the drone operations and loading. It is likely that in the future this will change and employees of the businesses sending out deliveries will be trained to load their cargo onto the drones.

Vice Chair Gober asked what would happen if a box fell into a vehicle while driving and if insurance would cover these expenses.

Harden stated that they have never had this occur in the past but if it were to happen, their insurance would cover any damages.

Vice Chair Gober asked if there is someone controlling the drone or if it were GPS only.

Harden explained that Flytrex drones are flown autonomously and that the pilots input the locations of the deliveries and oversee the other necessary operations.

Commissioner Nelson asked what the weight limit is.

Harden responded 6.6 pounds.

Commissioner Rhule asked if weather is a factor and if the drones can deliver to a patio.

Harden stated that if there is a weather event or high winds, the drones will be grounded, and a driver would complete the delivery. He said that wind becomes an issue at around 35 to 40 MPH, but that as technology advances, they will be able to fly in increasingly worse weather conditions. He added that drone delivery services have differing ways to finalize deliveries, but that Flytrex uses a zipline to drop off packages in customers yards.

Vice Chair Gober asked if there is any waste associated with the delivery service.

Harden responded that there are special paper bags used by their company but that there is no other waste.

Vice Chair Gober asked for an estimated time for operations to begin.

Harden responded that they have been looking at a potential site and that if this moves forward, they will work on the site plan and present it to staff as soon as possible.

Michelle Mixell, Planning Manager, presented the proposed tree ordinance amendments to the Commission. The amendments included clarifying the method for measuring a multi-stemmed/trunked tree, areas where preservation credits would and would not be offered, credits that would apply to tree mitigation, and the requirement for a financial guarantee to be provided for the replanting of mitigation trees if mass grading occurs on the site.

Vice Chair Gober opened the Public Hearing at 9:02 PM.

There were no speakers.

Vice Chair Gober closed the Public Hearing at 9:03 PM.

Motion by Commissioner Nelson to approve the proposed amendments. Seconded by Commissioner Thornton.

Motion passed unanimously: 4-for, 0-against.

G. DIRECTOR'S REPORT

Director Webb presented his report to the Commission and introduced the new Planning and Economic Development Coordinator, Matthew Lilly.

He stated that Michelle Mixell is working on five Planned Development applications and that they will likely start being presented to the Commission in October and November.

H. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:04 PM.

MINUTES APPROVED THIS 26 DAY OF Sept., 2022.



Amy Nelson

Wade May, Planning and Zoning Commission Chairman