

On this the 24th day of September 2018, the Planning and Zoning Commission of the City of Corinth, Texas, met in a Regular Session at Corinth City Hall, located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members, to wit:

**Members Present**

Brian Rush  
Dwayne Zinn  
Wade May  
Marc Powell  
Bruce Hanson

**Members Absent**

Breien Velde  
Chuck Mills

**CALL TO ORDER**

The Regular Session of the Planning and Zoning Commission of the City of Corinth, Texas, was called to order by Brian Rush at 7:00 PM.

**INVOCATION**

Marc Powell delivered the invocation.

**PRESENTATION**

**PRESENTATION ITEM**

1. Presentation of Director's Report

**Helen-Eve Liebman**, Director of Planning and Development, presented the Director's Report stating that the City Council approved the SUP for the Verizon Cellular Tower and Equipment on an approximately 384 square foot lease space located at North Central Texas College. The Planning and Zoning Commission meeting dates for the rest of the year are October 15, 2018, the October 22, 2018 meeting is cancelled, the November meeting will be November 12, 2018 and the last meeting of the year will be December 10, 2018. Thank you to the Commissioners that are leaving. We appreciate your time and expertise in serving on the P&Z Commission.

**Brian Rush**, P&Z Chairman, stated Thank you to Marc and Dwayne for their service on the Commission.

**BUSINESS AGENDA**

**BUSINESS ITEM**

1. Consider and act on Minutes from the August 27, 2018 Planning and Zoning Commission Regular Session meeting.

**Motion made** by Bruce Hanson to approve the minutes as presented

**Motions seconded** by Dwayne Zinn

**5-0 All in favor:**

Ayes: Brian Rush, Dwayne Zinn, Wade May, Marc Powell, Bruce Hanson  
Nays: None  
Not Voting: None  
Absent: Breien Velde, Chuck Mills

**MOTION TO APPROVE THE MINUTES AS PRESENTED CARRIES**

**PUBLIC HEARING AND BUSINESS AGENDA**

**PUBLIC HEARING:**

TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT, MIKE WELLS OF WELLS ASSET MANAGEMENT, FOR A SPECIFIC USE PERMIT TO ALLOW A HERTZ RENTAL CAR LOCATION ON AN APPROXIMATELY ±2.5965 ACRE TRACT OF LAND SITUATED IN LOT 2, BLOCK A OF THE KENSINGTON PARK ADDTION IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS AND IS MORE COMMONLY KNOWN AS 7650 I35E. CORINTH, TX 76210 (THIS PROPERTY IS LOCATED ON THE INTERSTATE 35 FRONTAGE ROAD EAST OF SOUTH GARRISON, SOUTH OF RIVERVIEW DRIVE, AND NORTH OF FM 2181).

**Public Hearing Opened at 7:04 PM**

**Helen-Eve Liebman**, Director of Planning and Development, presented the zoning case. Consider and act on a Specific Use Permit to allow Hertz rental car location on an approximately 2.5965-acre tract of land situated in Lot 2, Block A of the Kensington Park Addition in the City of Corinth, Denton County, Texas. Applicant is requesting approval of a Specific Use Permit for a Hertz Rental Car establishment. The City's Code of Ordinances requires that automobile rental establishments are limited to 20 cars parked, and that rental cars are parked to the side and rear of the building so that required parking spaces are left open for patrons. Public hearing notices and newspaper ad went out as required. Staff is recommending approval of the Specific Use Permit as presented. Applicant is here to answer questions.

**Brian Rush**, Planning and Zoning Commission Chairman, asked the Commissioners if there were questions regarding the request. Seeing no one.

**Public Hearing Closed at 7:13 PM**

**BUSINESS:**

1. Consider and act on the Specific Use Permit (SUP) to allow a Hertz rental car location on an approximately ±2.5965 acre tract of land situated in Lot 2, Block A of the Kensington Park Addition in the City of Corinth, Denton County, Texas and is more commonly known as 7650 I35E. Corinth, TX 76210 (this property is located on the Interstate 35 frontage road, east of South Garrison Rd, south of Riverview Drive and north of FM 2181).

**Brian Rush**, Planning and Zoning Commission Chairman, asked the Commissioners if there was any discussion.

**Bruce Hanson**, Planning and Zoning Commission Vice-Chairman, asked if there was an ordinance attached.

**Helen-Eve** stated that there was no ordinance attached. The ordinance will be attached for the City Council meeting. The Commission's recommendation and the proposed ordinance will be forwarded to the City Council.

**Dwayne Zinn**, Planning and Zoning Commissioner, stated that he wanted to confirm that the 20 spaces for the car rental will not create a shortage for the rest of the shopping center.

**Helen-Eve Liebman**, Director of Planning and Development, confirmed that the 20 spaces would not be part of the required parking spaces for the other businesses in the shopping center.

**Wade May**, Planning and Zoning Commissioner, asked what impact will future TXDOT right-of-way acquisitions will have on parking.

**Dwayne Zinn**, Planning and Zoning Commissioner, stated that in his experience, when TXDOT takes right-of-way, the use that is now non-conforming can continue until such time as redevelopment occurs.

**Motion made** by Dwayne Zinn to recommend approval of the zoning amendment request for the development as presented

**Motion Seconded** by Marc Powell

**5-0 All in favor:**

Ayes:	Brian Rush, Dwayne Zinn, Wade May, Bruce Hanson, Marc Powell
Nays:	None
Not Voting:	None
Absent:	Breien Velde, Chuck Mills

**MOTION TO RECOMMEND APPROVAL OF THE ZONING AMENDMENT  
REQUEST FOR THE DEVELOPMENT AS PRESENTED CARRIES**

**PUBLIC HEARING:**

TO HEAR PUBLIC OPINION REGARDING AMENDING THE CITY OF CORINTH COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE ORDINANCE NO. 13-05-02-08, AS AMENDED, SECTION 2.06.03 PLANNED DEVELOPMENT, AND SECTION 2.10.09 PD, PLANNED DEVELOPMENT APPLICATION AND REVIEW.

**Public Hearing Opened** at 7:14 PM

**Helen-Eve Liebman**, Director of Planning and Development, presented the Text Amendment request stating that this is one of the items that staff has been tasked with to get ordinances more in line with other cities in the area. Items that make development more difficult. I have been tasked with making changes to level the playing field. This amendment to the PD regulations will remove the required lot size of 2 acres. We did a survey of other comparable cities and the findings are reflected in the proposed amendments. The amendment includes encouraging developers to meet with the adjacent homeowners regarding the proposal. Other changes include codifying requirements in the UDC for PD requirements, removing redundant language, changing Concept Design Map to Concept Plan and Master Plan to Proposal and Ordinance. Lastly, the amendment includes removing the 2-year automatic PD expiration. This is a huge burden on developers.

**Dwayne Zinn**, Planning and Zoning Commissioner, asked if the plat requires commercial districts to have lot size requirements.

**Helen-Eve Liebman**, Director of Planning and Development, stated yes.

**Closed Public Hearing 7:21 PM.**

**BUSINESS:**

1. Consider and act on amendments to the City of Corinth Comprehensive Zoning Ordinance being a part of the Unified Development Code Ordinance No. 13-05-02-08, as amended, Section 2.06.03 Planned Development, and Section 2.10.09 PD, Planned Development Application and Review.

**Brian Rush**, Planning and Zoning Commission Chairman, asked the Commissioners if there was any discussion.

**Bruce Hanson**, Planning and Zoning Commissioner, asked what the intent of striking No. 2 under General Description and Purpose. No. 2 states that the PD designation shall not be used for the following purpose(s): To obtain Zoning Variances and Subdivision Waivers from existing development standards; to secure agreements between an Applicant and nearby property owners to receive zoning approval; and/or to assign responsibility to the City of private deed restrictions or covenants.

**Helen-Eve Liebman**, Director of Planning and Development, stated that we want to work with the developers.

**Wade May**, Planning and Zoning Commissioner, asked if an extension could be put on the expiration. That would put the onus on the developer.

**Helen-Eve Liebman**, Director of Planning and Development, stated that the developer would not know the PD expires. The developer may not want to spend the money to go back through the process.

**Brian Hanson**, Planning and Zoning Commissioner, stated that he believes we should be streamlining the process; however, he does not think the PD is the right process to get variances. The PD is not to change one thing because they don't want to do it.

**Dwayne Zinn**, Planning and Zoning Commissioner, stated that the intent is not to make the PD process easy and is instead more of a way to have a positive change to the character of the area.

**Wade May**, Planning and Zoning Commissioner, stated that while he doesn't have the experience that some of the Commissioners have it seems that Corinth is unique in that we have a finite amount of land and it would be better to have a finite time on the PD and not leave it open indefinitely.

**Bruce Hanson**, Planning and Zoning Commissioner, asked if there was a reason why the items: Preliminary Plat, Final Plat and Application for a building permit and Site Plan reviewed by the Development Review Committee under 210.09 (e) Planned Development Submission requirements are being removed.

**Helen-Eve Liebman**, Director of Planning and Development, stated that these requirements are elsewhere in the UDC. If the developer wants to take the risk, they can submit all these plans at once. Otherwise, they may want to get the zoning approval first.

**Bruce Hanson**, Planning and Zoning Commissioner, asked if Step 3, Step 4 and Step 5 were items we will no longer require.

**Helen-Eve Liebman**, Director of Planning and Development, stated yes, they are being removed.

**Dwayne Zinn**, Planning and Zoning Commissioner, asked if we are striking E, Reversion due to removing the time limit.

**Helen-Eve Liebman**, Director of Planning and Development, stated yes this is misleading.

**Bruce Hanson**, Planning and Zoning Commissioner, stated that D(i). should read, Building material percentages may be amended up to 10% upon the submission of an engineering report prepared by a structural engineer stating that the issue of a particular material will not result in a structural deficiency.

**Helen-Eve Liebman**, Director of Planning and Development, stated that it is worded correctly, but it is ambiguous.

**Marc Powell**, Planning and Zoning Commissioner, stated that in the past, the applicant had to go to P&Z and City Council to get approval for alternative materials.

**Dwayne Zinn**, Planning and Zoning Commissioner, stated that he wanted to clarify that this is only if it will have a structural deficiency.

**Motion made** by Bruce Hanson to recommend approval as presented.

**Motion seconded** by Dwayne Zinn

**5-0 All in favor:**

Ayes:	Brian Rush, Dwayne Zinn, Wade May, Bruce Hanson, Marc Powell
Nays:	None
Not Voting:	None
Absent:	Breien Velde, Chuck Mills

**MOTION TO RECOMMEND APPROVAL AS PRESENTED CARRIES**

**PUBLIC HEARING:**

TO HEAR PUBLIC OPINION REGARDING AMENDING THE CITY OF CORINTH COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE ORDINANCE NO. 13-05-02-08, AS AMENDED, SECTION 2.09.05 RESIDENTIAL ADJACENCY STANDARDS.

**Public Hearing Opened at 7:45 PM**

**Helen-Eve Liebman**, Director of Planning and Development, presented the Text Amendment request stating that this is another area where we have run into a challenge. Instances where there are properties that cannot be developed because of Residential Adjacency standards and we could get challenged. The properties are not always immediately adjacent to residential and are subject to Residential Adjacency standards because they are within 400 feet. An example is the property shown on the slide above near Pecan Creek Circle. Another change is amending wording requiring Residential Adjacency Standards when next to a residential "use" to when next to property zoned single family detached. This is being proposed to avoid situations where a non-conforming home creates an undue impact on a development as the home is anticipated to either convert to a new use or be removed in the future.

**Bruce Hanson**, Planning and Zoning Commissioner, asked if there are any other properties, such as this one on the aerial that are impacted by the Residential Adjacency Standards.

**Helen-Eve Liebman**, Director of Planning and Development, stated yes. Properties along Huffines development.

**Brian Rush**, Planning and Zoning Commission Chairman, asked where Figure 12 is referenced.

**Helen-Eve Liebman**, Director of Planning and Development, stated in the Residential Adjacency section showing the building setback from a residential property line.

**Closed Public Hearing 7:55 PM.**

**BUSINESS:**

1. Consider and act on amendments to the City of Corinth Comprehensive Zoning Ordinance being part of the Unified Development Code Ordinance No. 13-05-02-08, as amended, Section 2.09.05 Residential Adjacency Standards.

**Brian Rush**, Planning and Zoning Commission Chairman, asked the Commissioners if there were any questions.

**Dwayne Zinn**, Planning and Zoning Commissioner, asked if this was recommended by approval tonight and by City Council if it will be retroactive. If they have a PD, will they be able to have the standards nullified.

**Helen-Eve Liebman**, Director of Planning and Development, stated that the PD would overrule.

**Motion made** by Dwayne Zinn to Recommend Approval as presented

**Motion seconded** by Marc Powell

**Bruce Hanson**, Planning and Zoning Commissioner, stated that he understands the changes to the building materials and other changes. If other properties already developed with Residential Adjacency standards that would be unfair. Dropping from 400' to 60 feet from the right-of-way kind of defeats the purpose of the adjacency standards. I would not recommend changing the 400 feet buffer.

**Marc Powell**, P&Z Commissioner, asked if someone could confirm that the public notice requirement is 200 feet.

**Helen-Eve Liebman**, Director of Planning and Development, stated yes.

**Marc Powell**, P&Z Commissioner, stated why would you want the buffer to be 400 feet when 200 feet is the notification requirement.

**Bruce Hanson**, Planning and Zoning Commissioner, stated that the 200 feet notice requirement is for any property to be rezoned and the 400 feet is for Residential Adjacency and one does not have anything to do with the other. In my mind, the removal of the 400 feet and replacing with immediately adjacent does not provide the buffer.

**Motion made** by Bruce Hanson to amend the motion to keep the 400 foot buffer.

**Motion Seconded** by Marc Powell

**1-4 Motion fails:**

Ayes: Bruce Hanson  
Nays: Brian Rush, Dwayne Zinn, Wade May, Marc Powell  
Not Voting: None  
Absent: Breien Velde, Chuck Mills

**MOTION TO AMEND THE MOTION FAILS**

**5-0 All in favor:**

Ayes: Brian Rush, Dwayne Zinn, Wade May, Bruce Hanson, Marc Powell  
Nays: None  
Not Voting: None  
Absent: Breien Velde, Chuck Mills

**MOTION TO RECOMMEND APPROVAL AS PRESENTED CARRIES**

**REGULAR SESSION ADJOURNED** at 8:11 PM.

**MINUTES APPROVED THIS** 15<sup>th</sup> **DAY OF** october, 2018.



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Brian Rush, Planning and Zoning Commission Chairman



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Lori Levy, Senior Planner