

**STATE OF TEXAS
COUNTY OF DENTON
CITY OF CORINTH**

On this the 19th day of August, 2019, the Planning and Zoning Commission of the City of Corinth, Texas, met in a Special 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
Bruce Hanson
Wade May
Lindsey Baker
William Davis

Members Absent

Robert Pace

I. CALL TO ORDER, ROLL CALL AND ANNOUNCE A QUORUM PRESENT:

Meeting Called to Order by Brian Rush at 6:31PM

Roll Call was conducted by Brian Rush at 6:31PM

Members Present

Brian Rush
Bruce Hanson
Wade May
Lindsey Baker
William Davis

Members Absent

Robert Pace

II. PLEDGE OF ALLEGIANCE:

Pledge of Allegiance Recited at 6:31PM

III. CONSENT AGENDA:

- A. Consider and act upon approval of minutes from the Planning and Zoning Commission Meeting on May 25, 2019.

Motion Made by Bruce Hanson to approve with the amendment that Lindsey Baker seconded the motion under Consent Agenda Item A

Seconded by Lindsay Baker

5-0 All in favor:

Ayes: Brian Rush, Bruce Hanson, Wade May, Lindsey Baker, William Davis
Nays: None
Not Voting: None
Absent: Robert Pace

MOTION TO APPROVE AS AMENDED PASSES

IV. DIRECTOR'S REPORT:

- A. Report on City Council meeting items from the preceding City Council meetings and other relevant information.

Helen-Eve Liebman, Development Services Director, Presented the Director's Report. Members of the Comprehensive Plan Advisory Committee were selected by the City Council on August 1st. Planning and Zoning Commissioners Brian Rush and Lindsey Baker are appointed to this committee. The committee will start meeting next Tuesday. A general schedule of meetings was included in your packet. Kimley Horn was selected by City Council as our consultant for the Comprehensive Plan and Master Parks and Trails Plan.

V. AGENDA:

A. The Planning & Zoning Commission will hold a public hearing, consider testimony and act upon on a request from the applicant, Justin Lansdowne, authorized representative for the property owner, Quail Run Realty LLC and Denton County Electric Coop, for a Replat on 3.008 acres legally described as Abstract 1376a T. White Survey, Tract 12, 1.656 Acres, Old Denton CAD Tract #2b and Coserv Addition, Lot 3 in the City of Corinth, Denton County, Texas. (CoServ Replat)

1. Staff Presentation

Helen-Eve Liebman presented the request. Coserv is seeking replat their existing plat to add lot 8, located to the Northwest. This replat will account for the ultimate right of way of Quail Run and the plat includes a lot designated for construction of an elevated storage tank for the City of Corinth. The proposal meets the City's subdivision ordinance, therefore, staff recommends approval as presented.

2. Applicant Presentation

Justin Lansdowne, G&A McAdams presented on behalf of the applicant. This replat adjusts the lot line between lot 3 and the lot on Quail Run being added to the plat and provides for right of way expansion on Quail Run.

3. Public Hearing

Public Hearing Opened and Closed at 6:37PM

4. Staff Response

N/A

5. Take Action

Motion Made by Lindsey Baker to approve as presented

Seconded by Wade May

5-0 All in favor:

Ayes: Brian Rush, Bruce Hanson, Wade May, Lindsey Baker, William Davis
Nays: None
Not Voting: None
Absent: Robert Pace

MOTION TO APPROVE AS PRESENTED PASSES

B. The Planning & Zoning Commission will consider and act upon a Major Subdivision Waiver for driveway spacing on a 2.327 Acre property totaling legally described as Abstract 0511A E.A. Garrison Survey, Tract 19(PT)(ROW), Tract 19(PT), Tract 20(PT)(ROW), Tract 20(PT), Tract 21(PT), and Tract 22. (Magnolia Center Major Subdivision Waiver).

1. Staff Presentation

Helen-Eve Liebman presented the request. Magnolia Center is a proposed commercial development at the southwest corner of the intersection of I-35E and Lake Sharon. This item pertains only to the driveway spacing. TxDOT's plans provide only one location for a driveway. Applicant also provided cross access with the lot to the south. The applicant's engineer and the City Engineer have reviewed this plan and are in agreement that it is a suitable location.

2. Applicant Presentation

Tony Carcamo, Autodesk Expert Elite presented on behalf of the applicant. The applicant has met with the City regarding the plans for the site. This driveway is needed in order for the project to move forward. Applicant showed exhibits laying out the driveway configuration at buildout.

3. Staff Response

Lindsey Baker asked for clarification on concerns about the safety of the location and why other locations are not viable.

Helen-Eve Liebman stated that TxDOT recommends this location but defers to local authority. This is the only section of this road that does not conflict with other turns or future construction. Staff cannot support a driveway on Lake Sharon because of spacing to the eventual intersection.

Wade May discussed his understanding of how the driveways will be positioned with respect to the eventual buildout of the interchange. Specifically if it is likely to be an underpass with a stoplight and placing the driveway further south would conflict with the turn and U-Turn lanes, creating an unsafe cut through.

Helen-Eve Liebman provided confirmation that his understanding is correct.

4. Take Action

Motion Made by Wade May to approve as presented

Seconded by William Davis

5-0 All in favor:

Ayes: Brian Rush, Bruce Hanson, Wade May, Lindsey Baker, William Davis
Nays: None
Not Voting: None
Absent: Robert Pace

MOTION TO APPROVE AS PRESENTED PASSES

C. The Planning and Zoning Commission will hold a public hearing, consider testimony and act upon a request for a zoning change from MX-C, Mixed-Use Commercial District to Planned Development (PD) with a base zoning district of SF-4, Single Family Residential (detached) with modified development standards in order to develop a single family residential subdivision on a tract of land legally described as Lake Vista Business Park Lots 1 Through 11, 6.079 acres in the T.W. Jenkins Survey Abstract Number 687, in the City of Corinth, Denton

County, Texas. This property is located north, east of Dobbs Road and is to the immediate west of the Corinth Farms, Phase 1 Subdivision. (Henderson Farms Planned Development)

1. Staff Presentation

Helen-Eve Liebman presented the item. The site is presently zoned for Mixed-Use Commercial but was previously platted and built for an industrial use. Review of the property over time has led to the conclusion that this site is suitable for higher density single family, such as what was proposed. The development includes 52” parking and a concrete fire lane with rear entry alley garages. All street infrastructure in the development is to be maintained by the home owners association. Some portion of the property is in the floodplain and detention would need to be provided. There are some lots on the east side that are front entry single family. The developer is seeking to construct craftsman style homes. Applicant is seeking alternative screening on Dobbs Rd using a berm and shrubs. Proposed staff revisions were provided in a handout to the commissioners. These set the minimum sidewalk width in the PD to 4ft, establish that the 3 foot open space adjacent to the alley be optional for homeowners, identify the fire lane within a street lot on the concept plan, Minimum Lot Width is revised to be measured along the front building line, Garage front setbacks are revised to be measured off of a street lot, references to garage parking dimensions are removed; the sidewalk, street and alley are to be owned and maintained by an HOA; the private streets are to be given a title, and design specifications of private streets are to meet UDC requirements.

2. Applicant Presentation

C.W. Fields, Fields Residential, presented on behalf of the applicant. Applicant specializes in high density residential homes. Property will have a minimum of 1,700sqft but will primarily spec homes at 2,200 to 2,700sqft. Units will feature high ceilings. He presented photos of previous projects and stated that prices for this type of housing run from \$300,000 to \$400,000. Backyards are small but functional and may use synthetic turf to eliminate maintenance costs. Property will be marketed to young professionals wanting to move further into the suburbs. The homes will have a modern farmhouse look. The properties on the east of the property would be traditional homes. This property seeks to transition well from the larger housing to the east. He showed comparison images of homes. He would be seeking to use real cedar posts and patios will be solid cedar, standing seam windows and 30 year comp on roofs. The applicant will seek to plant numerous large trees on the development. Homes will have board and batten siding. Numerous trees will be planted on lots and in green spaces. The applicant will use a berm and landscape buffer instead of a wall.

3. Public Hearing

Sandra Allsup, 2120 Mayfield Circle, spoke in favor of the proposal stating that she favors this residential use to a light industrial use.

4. Staff Response

Helen-Eve Liebman stated that the developer went door to door in the adjacent neighborhood and held an ice cream social to present the project to the community. We had 2 written responses. One was in favor and the other did not state whether they were or were not in favor. These are on the record and available if the Commission wants to review them.

Bruce Hanson asked what causes the need for the amendment to stipulate the 4’ sidewalks are the minimum.

Helen-Eve Liebman stated that this is to provide clarification that they must provide a minimum of 4’ for sidewalks but can go up if desired.

Bruce Hanson asked what causes the need to say that open space on alley lots is optional and what the need is for the recommendation on fire lanes.

Helen-Eve Liebman stated that the open spaces are called out on the concept plan but should be stated as optional for residents but currently are not. She stated that the fire lanes are unclear on the current concept plan.

Wade May asked about why the HOA will need to maintain the streets and how they will be able to afford this cost.

Helen-Eve Liebman stated that the existing construction was built to serve an industrial center and does not meet all current city standards. The HOA will be required to put aside a certain amount of money for repairs upfront. The finer details of these agreements will be worked out at a later time. Presently, we are trying to get through the zoning phase.

Bruce Hanson asked the reason for the recommendation regarding the requirement that access restrictions, private streets and alleys be permitted in compliance with UDC or subdivision waiver process.

Helen-Eve Liebman stated that this measure ensures that those items are able to be properly addressed during the subdivision process and through construction. Helen-Eve also clarified that the items related to lot measurements clarify the definitions in the ordinance and methods of measuring distances.

Lindsey Baker asked about the impact of the floodplain area on both this subdivision and the adjacent property and how this impact will be mitigated.

Helen-Eve Liebman stated that the new floodplain maps have added area to the floodplain on this lot. These lots will be required to undergo an extensive review in order to ensure that properties are outside of the floodplain. There will be a letter of map revision. Based on the designated open space and road revisions, the floodplain area could be adjusted.

5. Take Action

Motion Made by Lindsey Baker to recommend approval as in consideration of recommended changes from staff as presented

Seconded by William Davis

Wade May expressed concern that this plan places a large burden on an HOA and may present future maintenance problems if the HOA is unable or unwilling to upkeep the property and that it may be appropriate for the City to step in and undertake a portion of the maintenance.

Bruce Hanson asked for clarification on what makes a typical residential street suitable to public dedication but not these streets.

Helen-Eve Liebman stated that the existing paving is designed and built as a fire lane with curb and gutter and not as a residential street. It is like a driveway in a shopping center.

Bruce Hanson stated that he agrees with Wade about it being problematic that there are private street and stated that he agrees with the development overall but would like the City find a way to make those streets public.

5-0 All in favor:

Ayes: Brian Rush, Bruce Hanson, Wade May, Lindsey Baker, William Davis
Nays: None
Not Voting: None
Absent: Robert Pace

MOTION TO RECOMMEND APPROVAL AS PRESENTED PASSES

- D. The Planning and Zoning Commission will conduct a public hearing, consider testimony and act upon an amendment to the City's Unified Development Code, Section 2: Zoning Regulations, subsection 2.09: Zoning Development Standards, and subsection 2.11 Zoning Relief Procedures (Building Façade & Material Standards and Zoning Board of Adjustments)

1. Applicant Presentation

Julie Fort, City Attorney, presented the item. She stated that the State Legislature has made revisions to state law impacting city planning. These bills have an effective date of September 1. The new law eliminates the ability of municipalities to regulate building materials. This includes both exterior standards and regulations on construction material. This ordinance brings the City into compliance with this law. There are exceptions such as Main Street districts, dark sky areas, areas with a State or Federal designation and historic districts. PD and overlay districts from before April 1st of this year are likely still enforceable. In addition, the people who can appeal a variance to the Board of Adjustment have been extended to include neighbors within 200ft of the property on which a variance is approved. Any material accepted in any of the past 3 additions of the International Building Code or national codes are now allowed by right. This supersedes any local amendments. These amendments are created to address local variations such as soil and weather conditions. This affects aesthetics and safety. This excludes specific bans of specific products with life safety impacts such as a ban on specific gas pipe material that attracts lightning, as was the case in Lubbock.

Brian Rush asked if this ban was put in place to protect property rights and what was the reason for the ban.

Julie Fort stated that the bill was intended to improve affordable housing and prevent municipalities from creating monopolies.

Lindsey Baker asked if it is appropriate to state in the ordinance that this ordinance is to promote health and safety in the 3rd whereas clause on Page 2.

Julie Fort stated that this provision states that the city intends to enforce this law while promoting health and safety to the greatest extent that we can. Additional whereas clauses expound on the history of why the policy is being put in place.

Lindsey Baker asked about the process of how these documents were drafted.

Julie Fort stated that these ordinances are based on her firm's recommendation in coordination with a group from TML assembled to develop a response for compliance with these laws.

Bruce Hanson asked whether the draft in the packet or the draft on the dais is preferred.

Julie Fort stated that the one on the dais is preferred and is different due to the addition of whereas clauses providing greater context for the change.

2. Public Hearing

Public Hearing Opened and Closed at 7:55PM

3. Staff Response

N/A

4. Take Action

Motion Made by Bruce Hanson to recommend approval as presented

Seconded by William Davis

Bruce Hanson stated that this action is effectively just the city meeting a compliance obligation to the best of our ability.

Brian Rush stated that he is thankful that this city is largely already filled out, in relation to this change.

5-0 All in favor:

Ayes: Brian Rush, Bruce Hanson, Wade May, Lindsey Baker, William Davis
Nays: None
Not Voting: None
Absent: Robert Pace

MOTION TO RECOMMEND APPROVAL AS PRESENTED PASSES

- E. The Corinth City Council will conduct a public hearing, consider testimony and act upon an amendment to the City's Unified Development Code, Section 3: Subdivision Regulations, subsection 3.02: "Subdivision submittal and processing procedures."
 - 1. Applicant Presentation

Julie Fort, City Attorney, presented the item. She stated that, though the current law already required that plats had to be acted on within 30 days or they would be deemed approved, this change prevents the city from requesting a waiver of the right to 30 day action. Waiving the 30 day requirement was a very common practice particularly with respect to engineering plans. An applicant can request a waiver but the City cannot request the waiver. The rule will also apply to plans required by the subdivision ordinance. The Planning and Zoning Commission will only be permitted to approve, approve with conditions, or deny an application and the City must provide a list of all deficiencies in the plans with a citing of the specific ordinance stating the requirement. The applicant will have 15 days from the date of a resubmittal to resubmit with all corrections addressed. If the application is denied again, the process must start over.

Brian Rush asked if staff have the toolset to comply with this law.

Helen-Eve Liebman stated that it is unlikely that any city is prepared to comply with this law.

Julie Fort stated that in some cities, engineers in training are able to review plans but this will not be the case anymore because staff will not have time to provide oversight and must increase costs to ensure that an engineer is available to review each plan. There is also concern that this will result in the denial of a lot of applications for development showing a good faith effort but with a few unresolved issues that could be completed if they had a couple of more weeks to work through the details.

Brian Rush asked if in house engineering will help shield us from some of the effects of this bill.

Helen-Eve Liebman stated that she does not believe this will be the case because we have only one engineer and he is already putting in substantial extra hours to complete his current workload.

Lindsey Baker asked if we anticipate a fix to this in the upcoming session such as an exemption for smaller cities.

Julie Fort it is unclear at this point. With the building materials bill, many of the elected officials that voted for the bill later stated that they would have voted differently if they had understood what it meant. A petition was circulated to encourage the Governor to veto the bill but he ultimately signed it. A lot of the developer community is in favor of the bill but many are concerned about owners of adjacent properties building lower quality projects and devaluing their properties.

- 2. Public Hearing

Public Hearing Opened and Closed at 8:04PM

3. Staff Response

N/A

4. Take Action

Motion Made by Lindsey Baker to recommend approval as presented

Seconded by Wade May

Bruce Hanson stated that this change, unfortunately, seems to turn what was a reasonable, cooperative process into a needlessly adversarial process.

5-0 All in favor:

Ayes: Brian Rush, Bruce Hanson, Wade May, Lindsey Baker, William Davis

Nays: None

Not Voting: None

Absent: Robert Pace

MOTION TO RECOMMEND APPROVAL AS PRESENTED PASSES

VI. ADJOURNMENT:

Meeting Adjourned at 8:04PM

MINUTES APPROVED THIS 23 **DAY OF** September, 2019.



Brian Rush, Planning and Zoning Commission Chairman



Patrick Hubbard, Planning and Zoning Commission Secretary