

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

On this July 25, 2016, 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, TX. 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:

Bill Morgan
Bruce Hanson
Dwayne Zinn
Breien Velde

Members Absent:

Haven Hendrik
Marc Powell
Brian Rush

CALL TO ORDER, INVOCATION

The Regular Session Meeting of the Planning & Zoning Commission of the City of Corinth, Texas, was called to order by Bruce Hanson at 7:02 p.m. Mr. Morgan delivered the invocation.

CONSENT AGENDA

1. Consider and act on Minutes from the June 27, 2016 Planning and Zoning Commission Regular Session.

MOTION made by Mr. Morgan to approve the consent agenda.

SECONDED by Mr. Zinn

3-0. All in favor.

Ayes:	Bruce Hanson, Dwayne Zinn, Breien Velde
Noes:	none
Present, but Not Voting:	Bill Morgan
Absent:	Brian Rush, Marc Powell, Haven Hendrik

MOTION TO APPROVE CARRIES

2. TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE PROPERTY OWNER 2-10 PROPERTIES LLC DBA AMERICAN EAGLE HARLEY DAVIDSON REPRESENTED BY WILLY SULLIVAN TO AMEND PLANNED DEVELOPMENT ORDINANCE NO. 01-08-16-16, AS AMENDED, SPECIFICALLY CHANGING THE SITE PLAN BY ADDING “SHADE STRUCTURES” AND ADDING A “GASOLINE FUEL TANK” AS AN ALLOWED USE AND SHOWING PLACEMENT OF IT TO THE EXISTING SITE PLAN ON PROPERTY LEGALLY DESCRIBED AS HARLEY DAVIDSON ADDITION LOT 1, BLOCK 1 ON 6.25 ACRES HAVING A PHYSICAL ADDRESS OF 5920 IH 35E IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS.

Mr. Morgan recused himself from this agenda item and item 2a.

Public Hearing opened 7:06 PM.

Ms. Cabbage gave a brief presentation on the planned development amendment—for the addition of shade structures and a gasoline fuel tank. SEE EXHIBIT A.

Ms. Cabbage said the fire marshal would like to see no-smoking signs and fire extinguishers present in the shade structures during events.

Mr. Zinn asked about the size of the bollards around the fuel area—that they appear to encroach the fire lane. Ms. Cabbage said that is not a fire lane, it is a drive aisle, which is required to only be 20 feet wide.

Mr. David Robinson, with Kirkpatrick Architect Studio, said they have room to the south if they need to move them—and going towards the property line.

Mr. Robinson gave a brief presentation of the planned development amendment request. SEE EXHIBIT B.

Mr. Willy Sullivan, with American Eagle Harley Davidson, said he intended to design the shade structures to be aesthetically pleasing, and that he believes he has accomplished that. The design is from a Mercedes dealership from San Antonio. A gigantic pavilion would have worked better, but it would not have looked as good. Regarding the gas tank, he spends a lot of extra time, money, and man-hours to make two gas runs a week.

Public Hearing closed at 7:20 PM.

- 2a.** Consider and act on amending Planned Development Ordinance No. 01-08-16-16, as amended, specifically changing the site plan by adding “Shade Structures” and adding a “Gasoline Fuel Tank” as an allowed use and showing placement of it to the existing site plan on property legally described as Harley Davidson Addition Lot 1, Block 1 on 6.25 acres having a physical address of 5920 IH 35E in the City of Corinth, Denton County, Texas.

Ms. Cabbage said the commission’s recommendation will be presented to City Council on August 18, 2016.

Mr. Hanson asked about the reference to no-smoking signs and fire extinguishers and whether they are normally included on the site plan. Ms. Cabbage answered that they are normally not on the site plan and are not required all of the time—just during special events. Mr. Hanson asked that since they are not handled during the site plan process, they will be handled through some other process? Ms. Cabbage said that by just having the conversation and the Fire Marshal making it known should be good enough to go from here. She also said if the Commission wants to add it as a stipulation in the recommendation to City Council, she would add it to their recommendation.

Mr. Zinn asked, since they are amending the planned development ordinance, can they add language about no smoking signs or keeping a safe perimeter, into it? Ms. Cabbage answered yes—any time someone opens up their planned development, they are opening it up to almost anything.

MOTION made by Mr. Zinn to recommend approval of the PD amendment, as stated, with the addition that signage for no smoking around the fuel area to be at the discretion of the fire marshal—for event and non-event times.

Ms. Cabbage added that she thinks the intent of the Fire Marshal was to also add the signage under the shade structures. Mr. Zinn asked, no-smoking? Ms. Cabbage answered yes, no-smoking signs and fire extinguishers.

Mr. Hanson asked Mr. Zinn if he wants to change his motion, or to let it stand.

MOTION CHANGED by Mr. Zinn to add the shade structures to the restrictions for no smoking, also to be under the discretion of the fire marshal.

SECONDED by Mr. Velde.

Mr. Hanson asked if the events that are currently occurring, do they generally allow smoking on the premises. Mr. Sullivan answered yes (off mic).

Mr. Zinn stated they are proposing to leave it to the discretion of the Fire Marshal for no-smoking under the structures—he is not sure what material they are, but hopefully his best judgement would apply here.

Mr. Hanson said he agrees with recommending approval of the planned development amendment as stated, but, while it is possible to add language about the smoking to the planned development, he feels that it is not the right place to make a direction of not smoking under the shade structures—but one can make an argument for not smoking near the fuel tank, because common sense is not so common. He said he is not so sure what is trying to be accomplished by having no-smoking at the rest of it, particularly at the shade structures—whether during the events or not—and that he feels that would be better left to the event organizers to determine what they need and what they do not, and consultation with the Fire Marshal—rather than putting it into the planned development. Also, he added that by putting the signage to the discretion of the Fire Marshal sounds like they are adding too much administrivia to what should otherwise be a very clean planned development. His opposition to the motion is based on the additional language, not the overall planned development.

MOTION RETRACTED by Mr. Zinn

SECONDED by Mr. Velde.

MOTION made by Mr. Zinn to recommend approval of the PD amendment as stated, with the additional action of adding signage for no-smoking to the fuel area be to the discretion of the fire marshal.

Mr. Zinn said that Mr. Hanson made a great point, this just serves to cloud up PDs with extra language that is not really necessary and is best enforced by other departments.

Mr. Hanson said this is far more acceptable to him, that he can see putting the signs around the fuel tank, so he can support this.

SECONDED by Mr. Velde.

3-0. All in favor.

Ayes:	Bruce Hanson, Dwayne Zinn, Breien Velde
Noes:	none
Recused from agenda item:	Bill Morgan
Absent:	Brian Rush, Marc Powell, Haven Hendrik

MOTION TO RECOMMEND APPROVAL CARRIES

3. TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT WILLIAM TSAO, AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNER, 24 ACRES LLC, FOR A ZONING CHANGE FROM MX-C, MIXED USE COMMERCIAL TO PLANNED DEVELOPMENT MX-C ON PROPERTY LEGALLY DESCRIBED AS 24.6 ACRES BEING TRACT 5B (1.5 ACRES), TRACT 5C (1.5 ACRES), TRACT 5A (1.5 ACRES) AND TRACT 5 (20.1 ACRES) SITUATED IN THE H. GARRISON SURVEY, COUNTY ABSTRACT 507 IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. The 24.6 acres of land is located south of 6501 IH 35E and north of Dobbs Road.

Public Hearing opened.7:32 PM.

Mr. Gibbs gave a brief presentation on the zoning request. SEE EXHIBIT C.

Mr. Gibbs stated he would like to see an increase in the proposed 15,000 non-residential trigger event—basically having a site plan approved prior to the second building obtaining a certificate of occupancy. He said staff would also like to have a phased-in approach. And, that the dog park remain a private entity and maintenance be responsible by property owner’s association.

William Tsao, Lakeview Parkway Partners, gave a brief history of the planning stages of the proposed development.

Randi Rivera, with G & A Consultants, gave a presentation on the proposed development. SEE EXHIBIT D.

Mr. Velde asked what the proposed development has put in place to prevent another France-like terrorist attack.

Mr. Tsao answered that there will be a property owner’s association which will have a security patrol vehicle. Ms. Rivera stated that the bollards will help protect pedestrians. Additionally, there will be lighting throughout.

Mr. Zinn asked why the hotel was located at the front of the development—the view of the focal point of the proposed development would be blocked. Ms. Rivera answered that higher quality hotels want up front corners. And, she said all of the activity will be on the other side of the buildings.

Mr. Zinn asked if the restaurant space will be all sit down and no drive-thru ones. Ms. Rivera answered yes.

Mr. Hanson asked about staff’s opinion on the proposed parking regulation changes. Mr. Gibbs said they were asked to tweak their original design, and that staff is happy with what they have now.

Mr. Hanson asked about the proposed signage variations. Mr. Gibbs said the only variation they are asking for is a 50 foot monument sign—current regulations only allow for 30 foot monument signs. He said they would have to get that approved through the site plan process and that all other sign regulations apply right now. Mr. Hanson asked what the other sign regulations would be. Mr. Gibbs answered that staff would recommend some sort of unified sign plan for this type of development.

Mr. Hanson asked what the normal maximum height of floors allowed. Mr. Gibbs said three stories are allowed with a specific use permit. Mr. Hanson asked the height of the Comfort Inn hotel. Mr. Gibbs said it is three stories with a height of over 50 feet, and that a variance was obtained for the height.

Mr. Zinn asked if TXDOT has already taken right of way from the frontage. Mr. Gibbs said the applicant has stated they have taken everything already.

Mr. Hanson asked what phasing staff would like to see. Mr. Gibbs said it really comes down to the Planning and Zoning and the City Council on how comfortable they would be allowing this much multi-family residential. Mr. Gibbs answered that staff would like to see a little more commercial development on the trigger event. He also said he is not too concerned about the phasing, but, it could be used as another mechanism with the trigger event.

Mr. Zinn asked about the 90-10 mix and the vision it was based on. Mr. Gibbs stated the Comprehensive Plan committee wanted to take advantage of and create flexibility with certain properties that could incorporate mixed uses—but they did not emulate any existing developments.

Mr. Zinn asked about the proposed percentage and if it is too flexible. Mr. Gibbs said 225 units is not too dense, and that current multifamily sites in the city already have that number—and that 26% is okay, but, it comes down to the commercial component.

Mr. Zinn asked if the developer thought about ground floor offices. Mr. Tsao said they performed a lot of market studies in preparation for their developments. He said commercial components on the first floor rarely work.

Mr. Zinn asked about office space on the first floor. Mr. Tsao said yes, in their current development they have a business center proposed—but he does not have any experience involving office uses like that.

Mr. Hanson asked about the seven year timetable and the comfort level of staff. Mr. Gibbs said he feels the trigger event should be between 20,000 and 30,000 square feet. He said he knows the council wants more commercial development. He also said by doing building number one, that allows 10% by right. The intent of the ordinance is what the developer has done, planning a larger picture, not just carve out a spot for 10%.

Mr. Hanson asked about the transit oriented development and the lack of plans for a station in the area. Mr. Tsao said it used to be pedestrian—with one and a half mile of distance. And that the Katy Trail and bicycle availability fits into it—and that this a long term project and that they have committed to this completely—over \$70 million over 10 years. He also said an Economic Development Committee member suggested connecting to the Katy Trail, and that he thinks that is a good idea.

Mr. Gibbs said the MX-C district requires Planning and Zoning and the City Council to approve the residential use through a specific use permit—it is not automatic. He also stated they can only be approved for the SUP only one time at 10%.

Mr. Hanson asked about the proposed 26% and if an SUP will be required after the planned development is established. Mr. Gibbs answered no—the SUP will not be required.

Public Hearing closed at 8:58 PM.

3a. Consider and act on a request for a zoning change from MX-C, Mixed Use Commercial to Planned Development MX-C on property legally described as 24.6 acres being tract 5b (1.5 acres), tract 5c (1.5 acres), tract 5a (1.5 acres) and tract 5 (20.1 acres) situated in the H. Garrison Survey, County Abstract 507 in the City of Corinth, Denton County, Texas. The 24.6 acres of land is located south of 6501 IH 35E and north of Dobbs Road.

MOTION made by Mr. Zinn to recommend approval as presented with the addition of at least 15,000 square feet of commercial to be approved and permitted prior to a certificate of occupancy being issued for residential building number one.

SECONDED by Mr. Morgan.

Mr. Zinn explained that a site plan and building plans being approved is not a strong enough commitment to him as actual permits being pulled or issued—having them approved and permitted prior to the COs being granted.

Mr. Gibbs said the applicant wants building one and two approved and C-O'd, and in return they provide 15,000 square feet with a site plan approval. The motion seems to call for 15,000 for just building one with the building permit and the CO process. Not an additional 15,000. Mr. Zinn said no, the 15,000 indicated and the way that staff had it worded was a site plan and building permits need to be *approved* for that 15,000. Mr. Zinn said he wanted to take the commitment further for the earmarked 15,000.

Mr. Hanson asked Mr. Gibbs if this is something along the lines of what he was looking for. Mr. Gibbs said it is a good approach and a good start. It gives the applicant the ability to do the multifamily and the city benefits from the commercial side.

Mr. Hanson asked if once this goes through Council, the site plan and platting still needs to come through Planning and Zoning. Mr. Gibbs answered yes—this is one step of many steps before dirt is moved.

Mr. Hanson raised his concern on how to grant the certificate of occupancy for building two, and that he feels there needs to be an additional 15,000-25,000 square feet.

Mr. Hanson said the plan and presentation appears to be very good if it is executed to fullest completion. His only reservation is letting two full residential buildings go to the CO state while only getting 15,000 square feet of commercial. He also said it may be a good idea to put additional restrictions on building two.

3-0. All in favor.

Ayes: Bruce Hanson, Dwayne Zinn, Breien Velde
Noes: none
Present, But Not Voting: Bill Morgan
Absent: Brian Rush, Marc Powell, Haven Hendrik

MOTION TO RECOMMEND APPROVAL CARRIES

4. TO HEAR PUBLIC OPINION REGARDING AN ORDINANCE OF THE CITY OF CORINTH, TEXAS, ADOPTING A NEW MASTER PARKS, RECREATION AND OPEN SPACE PLAN AS A COMPONENT OF THE COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 10-05-06-12 CITY OF CORINTH; AND PROVIDING AN EFFECTIVE DATE.

Public Hearing opened at 9:12 PM.

Mr. Gibbs gave a brief presentation on the Parks Master Plan. SEE EXHIBIT E.

Public Hearing closed at 9:17 PM.

- 4a. Consider and act on an ordinance of the City of Corinth, Texas adopting a new Master Parks, Recreation and Open Space Plan.

Mr. Zinn asked about the implementation schedule and the tree planting program—if that is tightly tied to the tree mitigation fund. Mr. Gibbs answered yes.

Mr. Hanson asked about adding a dog park in the previous agenda item and what the idea is for more of them. Mr. Cody Collier, Public Works Director, answered that the plan is just that, a plan—just recommendations on what can be done, not what has to be done.

Mr. Hanson asked where the proposed dog parks are supposed to go. Mr. Collier answered that the proposed locations do not seem to be best areas for them—along Post Oak for example.

MOTION made by Mr. Velde to recommend approval.

SECONDED by Mr. Zinn.

3-0. All in favor.

Ayes: Bruce Hanson, Dwayne Zinn, Breien Velde
Noes: none
Present, But Not Voting: Bill Morgan
Absent: Brian Rush, Marc Powell, Haven Hendrik

MOTION TO RECOMMEND APPROVAL CARRIES

ADJOURN

Meeting adjourned at 9:35 PM.

MINUTES APPROVED THIS 22nd DAY OF August, 2016.



Brian Rush, Planning and Zoning Commission Chairman



Nathan Abato, Planning and Zoning Commission Secretary