

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

On this the 16th day of December 2019, 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
Wade May
Lindsey Baker
Rodney Thornton, Alternate #2

Members Absent

Steve Holzworth
Cody Gober

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

Meeting Called to Order by Brian Rush at 6:30 PM.

Roll Call was conducted by Brian Rush at 6:30 PM.

Members Present

Brian Rush
Wade May
Lindsey Baker
Rodney Thornton, Alternate #2

Members Absent

Steve Holzwarth
Cody Gober

A Quorum was Present.

II. PLEDGE OF ALLEGIANCE:

Pledge of Allegiance Recited at 6:32 PM.

III. CONSENT AGENDA:

- A. Consider and act upon approval of minutes from the Planning and Zoning Commission Meeting held on November 18, 2019 at 6:30 PM.

Motion Made by Lindsey Baker to approve the minutes as presented.

Seconded by Rodney Thornton.

4-0 All in favor:

Ayes: Brian Rush, Wade May, Lindsey Baker, Rodney Thornton
Nays: None
Not Voting: None
Absent: Steve Holzwarth, Cody Gober

MOTION TO APPROVE AS PRESENTED PASSES

IV. PRESENTATIONS:

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

Helen-Eve Liebman, Development Services Director, presented the item. She stated that the City Council acted on the Global Spheres Center Planned Development and Magnolia Center Planned Development at the December 5, 2019 City Council meeting and both were unanimously approved.

Additionally, the Unified Development Code Updates for the Pre-Application Meetings, Inspection and Drainage Fees, Floodplain, Sidewalks, Retaining Walls and Streets were unanimously approved.

Staff has registered all Planning and Zoning Commissioners in the American Planning Association (APA), the world's largest association of planning professionals. APA is an independent, nonprofit organization championing public engagement, promoting high ethical standards, conducting and publishing research, and advocating for good planning in social, economic, and physical aspects of communities around the world. Staff will deliver any correspondence and publications that we receive for you in your meeting binders.

Focus North Texas is a regional training and continuing education event for city planning-related topics and is scheduled for February 7, 2020 at the Irving Convention Center in Las Colinas (500 W. Las Colinas Boulevard, Irving, TX 75039). Please notify staff before December 31, 2019, if you wish to attend.

Our annual appreciation dinner for City Board and Commission members is scheduled for April 23, 2020. Staff will provide more information as we approach the event.

V. AGENDA:

- A. The Planning and Zoning Commission will hold a public hearing, consider testimony, and make a recommendation to City Council regarding a rezoning request by CCM Engineering on behalf of the owner, 2-10 Properties LLC, to amend the zoning classification from Planned Development (C-2, Commercial) and C-2, Commercial to a Planned Development, with a base zoning of C-2, Commercial on an 8.267 acre tract of land legally described as Harley-Davidson Corinth Block 1 Lot 1, Happily Ever After Addition Lot 1R, and Tract 5(Partial), Old DCAD Tract 2B. The property is situated in the J.B. Thetford Survey, Abstract A1308A, and is more commonly known as 5900 S I-35E, 5920 S I-35E and 2816 Church Dr. Corinth, Texas (Harley Davidson Planned Development).

- a. Staff Presentation

Helen-Eve Liebman presented the item. She presented images of the site, public notice information and the proposed concept plan. This is the existing Harley-Davidson with entrances on I-35E and Church Drive. They are amending the planned development to add some items to the existing PD. The applicant purchased the adjacent tract, as well as the tract with the old wedding venue and is incorporating these tracts into their existing site.

Here are some of the existing facilities on the site. The pinkish-red color shows the required fire lanes from the entrances into the site off I-35E and Church Drive. Some of the items included in the packet show existing uses, such as the motorcycle sales and repair, and the training facility. They are adding a garage to the training facility, and additional storage area. They would like to have shade covers for the training facility and pavilion; seven (7) shade structures are permitted now. The plan also includes a newly proposed restaurant, training facility with classrooms, pavilion, storage facility and the awning coverings.

They would like to use a wood fence with metal posts along the property bordering the residential lots to the west. There is currently a masonry wall along the property adjacent to the residential properties to the north. There is also a proposed neon lighted sculpture of a motorcycle on the roof, as shown here on the elevation. It's an LED that is more of a sculpture than a sign. There is no signage included on the sculpture and we wanted to allow them to have this icon. Here is a concept of what was originally submitted with a cistern water tower. It's also an icon for their other locations across the country. It was originally proposed, and staff would also like to allow them to have this icon like they have at some of their other existing locations, in case they choose to add it onto the property in the future.

- b. Applicant Presentation

Jeff Crannell, CCM Engineering, 2570 F.M. 407, Suite 209, Highland Village, Texas 75077 stated that the proposal includes combining adjacent tracts of land and adding a restaurant - a scratch-cooking restaurant; the main component of the project and all other uses into one PD document.

The other component is the covered area for outside activities to shade from the rain and Texas heat in the motorcycle sales and gatherings area that is already being used mainly on weekends. Secondly, there is additional storage needed and here is the proposed storage building shown in light purple on the concept plan. Thirdly, the existing wedding venue center on one of the tracts being combined into this site, will be converted mainly into motorcycle storage. Motorcycles queuing in for sale, are partially assembled and then are brought into the showroom after assembly. The storage area is a transition area for staging of the motorcycles. The last item is the classroom added for motorcycle safety classes in the rear parking lot and training facility to occur mostly on Saturday mornings to hopefully get educated drivers on the road when they get their new bike.

We tried to be sensitive to the surrounding neighborhood and that's why most parking and buildings are further away from the residential and closer to I-35E. Most of the parking in the rear is overflow parking spaces with most parking upfront close to I-35E. We are improving the fire lanes and the accessibility with three points of access, two into and out of the site from I-35E and one from Church Drive.

Rodney Thornton asked the applicant if he could explain the restaurant concept with a bar and grill associated with a motorcycle dealership.

Jeff Crannell stated that it is a complimentary use that they have in other locations and that there is nothing like it in Corinth or off I-35E in this area. It will be relatively small. You don't have to buy a motorcycle to eat there and you don't have to eat there to buy a motorcycle.

Rodney Thornton asked the applicant if the restaurant concept was like Twisted Root restaurant locations.

Jeff Crannell stated that it is similar with a focus toward scratch cooking with a new wave menu. It will not be associated with Harley-Davidson. It will be a complimentary use.

Rodney Thornton asked the applicant what the restaurant would look like after hours, after the dealership closes.

Jeff Crannell stated that he thinks it will look just like any other restaurant. The restaurant will be relatively small. It will not be a major restaurant. It will be like smaller restaurants around town.

Brian Rush called for any further questions.

Lindsey Baker asked if the LED sculpture would be brightly lit and cause any light pollution for the neighbors.

Jeff Crannell stated that he wasn't that familiar with the details of the structure and deferred to another team member.

Mark Angeli stated that it was more of a sculpture and they are aware that it would have to be reviewed and approved by the City. We wanted something unique. It is not really a sign and is something to identify the restaurant. We wanted something that was not too obtrusive or overwhelming.

He stated that restaurants are also located at some of their other motorcycle dealerships and this one will be a standalone restaurant. It will be more directed toward a power sports theme, such as boats, bikes or jet skis.

There are many interested players in the Denton County area. Twisted Root has also been included in some of the other locations and they are very successful. The owner of this location, Willie, thinks it will be a great location for a scratch kitchen.

The purpose of the covered pavilions is mainly due to the heat and rain because most weddings will occur, and most bands will perform during the day.

c. Public Hearing

Public Hearing Opened 6:50 PM

Jackie Tibedeau, 2801 Church Drive, Corinth, TX, 76208 spoke in opposition stating that the “aka” restaurant will really be a biker bar. The 17,000 square foot pavilion will have something going on every Friday and Saturday night. She stated that she already hears noise and music every Saturday and cannot be out in her yard. The business is too close to my house and this will make it worse.

Public Hearing Closed 6:51 PM.

d. Staff Response

Helen-Eve Liebman stated that lighting would have to meet our photometric requirements at .02 foot-candles or less. There are a lot of ways to shield lighting and the lighting would have to be focused toward I-35E.

Wade May asked if there was any consideration for sound barriers in place between the business and the residential.

Helen-Eve Liebman stated that she could not speak to barriers that are in place between businesses and residential. This is adjacent to I-35E, and this year we have amended our code to remove a lot of the buffer setbacks required for commercial along I-35E because higher intensive uses are meant to be along I-35E.

This site is within the TOD, TIRZ area that the City is trying to activate to bring entertainment and other users that are complimentary south of Corinth Parkway and along I-35E. This will happen a lot sooner than other TOD uses, but would be a good measure to start promoting the activity and energy that we are looking to do for our City.

Lindsey Baker asked if the rezoning includes all additional uses, such as the restaurant, etc.

Helen-Eve Liebman stated that the rezoning includes everything as shown on the concept plan and in the Planned Development, as well as those uses listed in the C-2 zoning district.

e. Take Action

Motion Made by Rodney Thornton to recommend postponing the item to the next meeting.

No one Seconded.

MOTION TO RECOMMEND POSTPONING TO THE NEXT MEETING FAILS

Brian Rush asked for another motion.

Motion Made by Lindsey Baker to recommend approval as presented.

Seconded by Wade May

3-1 in favor:

Ayes: Brian Rush, Wade May, Lindsey Baker
Nays: Rodney Thornton
Not Voting: None
Absent: Steve Holzwarth, Cody Gober

MOTION TO RECOMMEND APPROVAL PASSES

- B. The Planning and Zoning Commission will hold a public hearing, consider testimony, and make a recommendation to City Council regarding a proposed amendment to the Unified Development Code, amending Section 4.02.04 (B) of the City of Corinth Unified Development Code to amend Sign and Fence/Screening regulations section related to fence and building permit. (Fence Permit Requirements)

a. Staff Presentation

Ben Rodriguez presented the item. This is a continuation from the last meeting. Currently, the ordinance allows a fence to be reconstructed up to 50% without a fence permit provided it is completed within 2 years. This exemption causes some issues in keeping up with exactly what fences have been replaced.

At the last meeting, the Planning and Zoning Commission continued this item to allow staff to research what some of the other surrounding cities are doing. He showed a chart with similar fence standards from other surrounding metroplex cities and what is required for repairs, as well as what fees are required.

The recommendation is to require a fence permit anytime a section of fence is repaired or replaced. However, if the section of fence is less than twenty (20) feet, a permit would still be required, but there would be no application fee. Also, metal or wood posts that meet ASTM requirements are included for staff to check for workmanship. The Building Official is also here if you have questions.

Brian Rush stated that he did not recall what questions were raised at the last meeting.

Ben Rodriguez stated that there was mostly discussion amongst Commissioners and the item was postponed.

Brian Rush asked why staff is recommending no fee required for less than twenty (20) feet of fence repair or replacement. He stated that fence panels are typically 8 feet long and would then require a fee for replacing three (3) fence panels, but not two (2) fence panels. He stated that only Lewisville listed twenty (20) feet and no other city listed a linear foot requirement.

Ben Rodriguez stated that The Colony and Hickory Creek had no fee if the replacement was less than fifty percent.

Brian Rush asked if that was fifty percent of one linear foot or fifty percent of the entire fence.

Ben Rodriguez stated that is what can be challenging for staff to determine when interpreting the ordinance.

Rodney Thornton asked if the recommendation included fence inspections before and after fence replacement when replacement is less than twenty (20) linear feet.

Cleve Joiner, Building Official stated that the intent of the twenty (20) feet is to ensure that if someone replaces a post, staff can check workmanship. Some of the issues have been shoddy workmanship. Also, the reason for eliminating the fifty percent exemption is that we have had several instances where the fence replacement was less than fifty percent and the fence that was torn down to be replaced wasn't actually on that person's property who tore it down. This sometimes causes a lawsuit between neighbors.

If they had come in to check with staff first, we would have told them that the fence is not located on their property. Also, on Lake Sharon Drive, a tubular steel fence was boarded over which is not allowed by ordinance for this type of thoroughfare. A secondary issue is that fences are being put up over the weekend with posts facing Lake Sharon and posts cannot face Lake Sharon.

We prefer to be the good guy and be upfront in explaining the regulations and not the bad guy enforcing the regulations first. We could have avoided the enforcement issue if they had come to talk with staff first and let us review it. Additionally, this causes underwriting problems with insurance companies when fifty percent of the fence that was replaced was not actually on that property and with no record of a permit.

Brian Rush asked if it was his recommendation to require staff review for any type of fence renovation.

Cleve Joiner stated that it would be staff's preference and intent. We were trying to look for a balance. Whatever percentage you decide to recommend to Council would be fine. Staff will look at the survey and plan and make sure the fence is in the right place and we will not charge a fee for the review.

Brian Rush asked if staff was prepared to enforce this in the event we were hit by straight-line winds and 10% of the fences in the City come down.

Cleve Joiner stated that it would certainly be something to consider with staffing levels. There may be different ways to handle that type of situation. The insurance companies would be involved and staff would do a spot check in that situation. My preference would be that we check to see if the fences are in the right place.

Brian Rush asked if the fifty percent needed to be defined.

Ben Rodriguez stated that we were recommending the twenty (20) feet exemption and getting away from the fifty percent exemption entirely.

b. Public Hearing

No one spoke.

Public Hearing Opened and Closed at 7:10 PM.

c. Staff Response

No response.

d. Take Action

Motion Made by Rodney Thornton to recommend approval with the stipulation that the exemption for the length of fence panels being replaced that require a fee be less than twenty-four (24) feet in lieu of twenty (20) feet.

Seconded by Wade May.

Brian Rush stated that he feels that he has a better understanding of the issues and recommendations with the new information provided at this meeting.

4-0 All in favor:

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|-------------|------------------------------------------------------|
| Ayes: | Brian Rush, Wade May, Lindsey Baker, Rodney Thornton |
| Nays: | None |
| Not Voting: | None |

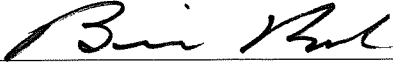
Absent: Steve Holzwarth, Cody Gober

MOTION TO RECOMMEND APPROVAL PASSES

ADJOURNMENT:

Meeting Adjourned at 7:12 PM.

MINUTES APPROVED THIS _____ DAY OF _____, 2020.



Brian Rush, Planning and Zoning Commission Chairman

Helen-Eve Liebman, Director of Planning and Development