

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

On this the 25th day of March, 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:

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

Meeting Called to Order by Brian Rush at 7:02PM

Roll Call was conducted by Brian Rush at 7:02PM

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 7:03PM

III. CONSENT AGENDA:

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

Lindsey Baker stated that William Davis is shown as absent on page 2 but is shown as present everywhere else but.

Motion Made by Lindsey Baker to approve the minutes with the amendment that William Davis be shown to be present but not voting on Page 2.

Seconded by Bruce Hanson

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.

Helen-Eve Liebman, Planning and Development Director, presented the Director's Report. The Early Model Home Policy was approved by City Council on March 7, 2019. The Accessory Buildings Setbacks item and Public Notice Requirements items were approved by City Council on March 21, 2019. The item regarding screening requirements was tabled for further staff research and discussion. She invited commissioners to Annual Board and Commissions Dinner,

mentioned KCB Spring Event and Arbor Day Celebration. She also announced the Lake City's Serve community event. She mentioned that work was being done to convert all of the lighting in City Hall to LED which will improve the lighting at the dais and, noting that one of the Commissioners did not receive his packet, she stated that packets are posted online on Fridays before the meeting in the event that any member is unable to access their packet.

Bruce Hanson asked for an explanation of the Early Model Home Program.

Helen-Eve Liebman explained that it is a program that allows developers to build a model home prior to the completion of all of the streets and utilities in a subdivision being completed. This requires that permanent access as well as fire and emergency access be completed and stated that water and sewer cannot be connected to the home until the subdivision is accepted.

V. AGENDA:

- A. The Planning & Zoning Commission will consider and take action on a request from the applicant, Lawrence Holdorf, authorized representative for the property owner, Markwardt Investment Holdings LLC, for a Major Subdivision Waiver to the City of Corinth Access Management Standards out of the City's Unified Development Code (UDC) to allow a reduction in the minimum required distance between driveways along a major arterial street for the proposed driveway on property legally described as A0915A MEP & PRR, TR 10(PT), 2.031 ACRES, OLD DCAD TR #3A(2), A0833A E. MARSH, TR 27, .443 ACRES, OLD DCAD TR #8A(1D), and A0153A BBB & CRR, TR 2, .401 ACRES, OLD DCAD TR #10A (FM 2181 Commercial Development)
1. Staff Presentation

Ben Rodriguez, Planning Manager, presented the item. Applicant is requesting driveway variance from the 250ft requirement to 212ft. Applicant has agreed to provide cross access to the adjacent property for internal circulation. This is being requested because the site has considerable topography and the owner wants to grade the property to increase its appeal to commercial buyers. There is no median break for the proposed driveway. The City Engineer has removed and is comfortable with this request. If approved by City Council, the request will be sent to TxDOT for approval. Staff recommends approval as requested.

Bruce Hanson asked if this is the Commission is supposed to make a recommendation or take final action on the item.

Ben Rodriguez stated that they are making a recommendation.

2. Applicant Presentation

Lawrence Holdorf, Allison Engineering, presented on behalf of the applicant. There was spacing to allow for three driveways but the offset of the two existing driveways placed their property at too short of a distance to meet the standard requirements.

3. Staff Recommendation

Ben Rodriguez stated that staff recommend approval as presented.

4. Take Action

Motion Made by Lindsey Baker to recommend approval 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 RECOMMEND APPROVAL AS PRESENTED PASSES

- B. The Planning & Zoning Commission will consider and take action a request from the applicant, Ben Rodriguez, authorized representative for the property owner, City of Corinth, for a Final Plat on property legally described as A0204A L. BATES, TR 13A, 5.0021 ACRES, and is more commonly known as 1200 N Corinth St. (City of Corinth Public Works Facility).
 - 1. Staff Presentation
 - 2. Staff Recommendation
 - 3. Take Action

Ben Rodriguez presented the item. The City purchased this property in 1995 for use as a Public Works facility. The property is undergoing major renovations but was never platted in the past. Staff have reviewed the plat and recommend approval as presented. This will be a final action by the Commission to approve or disapprove and the item will not move forward to City Council.

Lindsey Baker stated that the background information states that the property does not currently meet the UDC and State regulations and asked for clarification on how it fails to meet regulations.

Ben Rodriguez stated that the UDC does not allow a building to be constructed on a site that is not platted.

Motion Made by Bruce Hanson to approve the plat 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 & Zoning Commission will conduct a public hearing to consider testimony and take action on an amendment to the City's Unified Development Code, Section 2: Zoning, Subsection 2.08: Zoning Dimensional Regulations, 2.08.04 Zoning Dimensional Regulations Chart.
 - 1. Staff Presentation

Helen-Eve Liebman presented the item. Staff have been working on amendments to the City's area regulations to bring local standards more in line with market demands. We have seen a lot of PDs which could hopefully be reduced by changing the standards. The proposal would allow for a larger building pad, reducing the amount of area needing to be maintained. This proposed amendment will add standards for MX-D to make it more enforceable There are currently no clear standards for MX-D. It will make garage setback 25' from front of property line, which reduces the opportunity for people to park

within the sidewalk area. The proposal changes some terminology such as removing the density from minimum lot area and creating of new section for it. A change to sideyard setbacks for SF-3 was shown in packet but staff would like to retain it at 7.5'. The proposal reduces rear yard setback to 20 feet, which is standard in cities. A large proportion of Board of Adjustment cases relate to rear yard setbacks. A 25' front yard is provided and a 3' alley setback is added as well as front entry on SF-A is prohibited in order to reduce conflicts with all of the activity in the front and to not detract from the visual presence. The square footage of buildable lot area has been changed for single family attached and multifamily. The maximum density has been moved away from maximum lot area into its own row. The proposal also provides for a density at Mixed-Use Residential. The minimum lot depth is changed to 90' for residential, which is typical, and changed from actual densities in lot cover for multifamily to percentages, which is typical. These are typical regulations across North Texas. Staff recommends approval with the amendment to keep the 7.5' side yard setback.

Bruce Hanson asked if the note 4 as a superscript was revised. He asked if the minimum lot width was combined into one requirement. It looks like the current standard prevents wedge shaped properties.

Ben Rodriguez stated that Note 4 is a new note addressing key lots.

Helen-Eve Liebman stated that a key lot is a corner yard where the property adjoins the side yard of the neighboring property. The property adjoins the side yard of the neighboring property. She showed and explained a drawing of a key lot.

Ben Rodriguez Stated that the corner lots all had the exact same standards as interior lots. The code requires lot width to be measured from the building line but this section defines it as starting from the property line though the definition states building setback line. This revision keeps it with the front property line.

Bruce Hanson asked the rational for moving from a 20' rear yard setback from a 30' setback.

Helen-Eve Liebman stated that this is the only time she has seen a 30' setback and that it is highly irregular. It results in a very large portion of the lot being restricted and can be problematic with lots with uneven lots such as a wide-shallow lot. This standard has resulted in numerous Zoning Board of Adjustment cases. Additionally, changing the standard would bring a lot of older neighborhoods into compliance where homes were constructed to accommodate a 20' rear yard setback and residents are unable to carry out projects that would have been allowable at the time the neighborhoods were built and are comparable to what is present on neighboring lots.

Ben Rodriguez stated that many homes are constructed right to the 30' setback line and cannot construct a patio.

Helen-Eve Liebman stated that any construction that is part of the main structure has to meet this setback. She stated that the commission recently approved modifications for accessory structures but those are not attached.

Bruce Hanson asked if the requested variances at the Board of Adjustment are being granted.

Helen-Eve Liebman stated that they are being granted.

Bruce Hanson asked if this would allow the developers to have a front property width at any length.

Ben Rodriguez stated that this is theoretically true but would recommend changing the definition rather than specifying two different standards. Staff would be happy to look at this concern separately. This could be tied to driveway requirements, for example.

Bruce Hanson sought clarification that this was struck because staff believe there is a contradiction between the definitions.

Ben Rodriguez stated that this is correct and that this is true not just of our code but is standard among cities. He also explained that the city has standards on driveway spacing which will limit how small front lot lines can become.

Helen-Eve Liebman stated that if this a concern, she would recommend adding those back in, but the minimum that you could expect would be 50' or 45' based on the product. There are also issues with flag lots, which are properties with long narrow fronts leading to a home, analogous to a flag. Staff recommend that, if this a concern, retaining the minimum property width standard but reducing it to 50' on SF-3 with a 10' reduction on all the others. This standard presently specified in the code is unusual and could restrict some development in cul-de-sac type lots.

2. Public Hearing (Open and Close)

Public Hearing Opened and Closed at 7:31PM

3. Response by Staff

N/A

4. Take Action

Motion Made by Bruce Hanson to recommend approval with the following changes: that the minimum lot width for SF-4 at the front property line be 50', for SF-3 be 60', for SF-2 70' and for SF-1 140'; With the minimum setback for SF-3 being retained at 7.5'; and changing Footnote #2 to read DU/A instead of DUA.

Seconded by Wade May

Bruce Hanson stated that minimum lot width was established as such when the UDC was drafted in order to prevent "pizza slice" lots from being constructed, though he understands that driveway spacing may serve as a limiting factor. The intent at the time of the Comprehensive Plan's development was to keep a more open feel which was also the case with the large rear yard setbacks. This was intended to prevent "McMansions on Postage Stamps." He stated that it is not always wise to make decisions just based on market forces and that what you want for the community should also be considered. While not part of his motion, he is concerned about the 20' rear yard setbacks due to his concern that it could lead to crowding.

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 AMENDED PASSES

- D. The Planning & Zoning Commission will conduct a public hearing to consider testimony and take action on a proposed amendment to the City's Unified Development Code, Section 2: Zoning Regulations, Subsection 2.10: Zoning Procedures, 2.10.07 Certificate of Occupancy.
 1. Staff Presentation

Ben Rodriguez presented the item. This would require that a new certificate of occupancy be required upon change or tenant or owner of a building. Our current code only requires a new certificate of occupancy given a change of use. This will allow the City to better track who is owning or occupying structures which would not otherwise be known until annual fire inspections and may be useful information in the event of crime or fire incidents as well as in cases where a business that is not authorized to operate in a certain area is attempting to open. It is much easier to deny occupancy than to evict an existing business. Based on staff research, Corinth is the only city in the Metroplex does not issue a new Certificate of Occupancy given the change in use or ownership.

Wade May asked the cost of a Certificate of Occupancy.

Patrick Hubbard, Development Coordinator, stated that he believes the cost is either \$150 or \$200 but is not entirely positive off the top of his head.

Wade May asked if there is a variation in cost for type of use.

Ben Rodriguez stated that there is no change in cost but certain uses, such as a restaurant, may require a health inspection.

Wade May asked for clarification if a location is changing from one restaurant to another, the fee would be charged.

Ben Rodriguez stated that this is correct.

Bruce Hanson asked for the standard definition of occupancy.

Ben Rodriguez stated that there are 2 ways of defining occupancy. One is conventionally based on the occupant, the other is based on occupancy types as defined in the International Building Code. There has been some staff level disagreement about which definition applied. The change clears up that ambiguity in the definition.

Brian Rush asked if this started with the fire code.

Ben Rodriguez stated that this was part of what spurred the discussion.

Bruce Hanson asked if, because the requirement also asks about type of business, the code is already in alignment with the rest of the Metroplex.

Ben Rodriguez stated that this is a reasonable conclusion but this item is intended to clear up any confusion.

2. Public Hearing (Open and Close)

Public Hearing Opened and Closed at 7:55PM

3. Response by Staff

N/A

4. Take Action

Motion Made by Lindsey Baker to recommend approval 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 RECOMMEND APPROVAL AS PRESENTED PASSES

E. The Planning & Zoning Commission will discuss and take action on future meeting times.

1. Staff Presentation

Ben Rodriguez introduced the discussion. Staff would like to entertain moving the meeting start time to 6:00PM. Staff analysis shows that all of the other boards start at about 6:00PM with City Council meeting at 5:45PM

2. Discussion

Bruce Hanson stated that it would be difficult for him to make it to a meeting at 6:00PM and may be a tossup due to his commute.

Brian Rush stated that it would be difficult to make it to the meeting at 6:00PM but it is feasible.

Lindsey Baker stated that she would like to see the meeting start earlier because it is nice to get out a little earlier.

Wade May stated that he has no problem with 6:00PM

William Davis stated that he has no problem with 6:00PM or 7:00PM

Ben Rodriguez stated that he had asked Commissioner Pace and he stated that he has no problem with 6:00PM because he actually goes home and waits for a while before coming up to the meeting.

Brian Rush asked if 6:30PM would be advantageous to City staff.

Ben Rodriguez stated that it would be.

3. Take Action

Motion Made by Lindsey Baker to move the meeting start time to 6:30PM

Seconded by Brian Rush

4-1 in favor:

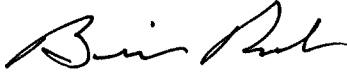
Ayes:	Brian Rush, Bruce Hanson, Wade May, Lindsey Baker, William Davis
Nays:	None
Not Voting:	None
Absent:	Robert Pace

MOTION TO CHANGE START TIME TO 6:30 PASSES

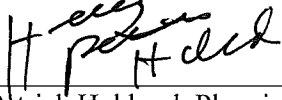
VI. ADJOURNMENT:

Meeting Adjourned at 8:05 PM

MINUTES APPROVED THIS 20 DAY OF May, 2019.



Brian Rush, Planning and Zoning Commission Chairman



Patrick Hubbard, Planning and Zoning Commission Secretary