

On this the 28<sup>th</sup> day of January, 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 7:00PM**

**Roll Call was Conducted by Brian Rush at 7:00PM**

**Members Present**

Brian Rush  
Bruce Hanson  
Wade May  
Lindsey Baker  
Robert Pace

**Members Absent**

William Davis

**II. PLEDGE OF ALLEGIANCE:**

**Pledge of Allegiance was Recited**

**III. CONSENT AGENDA:**

- A. Consider and act upon approval of minutes from the Planning and Zoning Commission Meeting on November 12, 2018.

**Lindsey Baker** stated that she would like to the minutes to be amended stating that she did not vote on the minutes in the previous meeting because she was not present at the meeting to which the minutes pertained.

**Brian Rush** noted that reflecting her as not voting would not result in the loss of a quorum.

**Motion Made** by Lindsey Baker to approve the minutes with the amendment that Lindsey Baker be show to have not voted on the previous meeting's minutes.

**Seconded** by Wade May

**5-0 All in favor:**

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

**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, Director of Planning and Development**, stated that the City Council had approved the 2 subdivision waivers for the Motel 6 and the Trails at Shady Rest. City Council adopted the Strategic Plan which is available on the city website and staff will provide commissioners a paper copy upon request. All lightbulbs in City Hall will be replaced with LED. Julie Fort, from the City Attorney's office will be in attendance at Planning and Zoning Commission meetings. Focus North Texas is planned for February 8<sup>th</sup> and some commissioners have RSVP'd. Any others that would like to attend should let staff know and staff can sign them up.

V. **AGENDA:**

- A. The Planning & Zoning Commission will conduct a public hearing to consider testimony and take action upon A rezoning request for an approximately 24.197 acre tract of land To amend the PD, Planned Development District for the Millennium Mixed Use Development. The property is situated in the H. Garrison Survey, Abstract Number 507, City of Corinth, Denton County, Texas and generally located at the northeast corner of IH35 and Dobbs Road. (Millennium PD Amendment)
1. Staff Presentation
  2. Applicant Presentation
  3. Public Hearing (Open and Close)
  4. Response by Applicant
  5. Response by Staff
  6. Take Action

**Ben Rodriguez, Planning Manager**, presented the item. He showed the site and the concept plan for the two apartment buildings constructed at the Millennium site. He explained the upcoming construction and proposals at the site. This proposal is to revise the PD in order to address the eventual alignment of Dobbs Rd, amend parking standards by not requiring the developer to park the kitchen areas of the property. Staff believe that the shared parking available at the mixed-use site as a whole can accommodate the property.

In addition, the zoning would be amended to not require the hotel to provide separate parking for the conference area believing that this parking is redundant because many of the users of the conference area are likely hotel guests and because eliminating some parking will allow for more open space along the water feature at the site. In addition to making these changes, the developer is seeking to have their universal sign plan approved along with the development regulations. This will allow the project to reach completion without needing to come before the commission in the future. Ben presented images of the sign plan.

Lastly, the developer is proposing changing the requirement that before the second structure can receive a certificate of occupancy, the developer must receive a certificate of occupancy for a minimum 15,000sq.ft. of retail space to allow the applicant to receive a certificate of occupancy upon issuance of a building permit for the 15,000sq.ft of retail. He believes that this was intended to ensure that the developer actually built the proposed commercial elements of the plan. At this time, the applicant has made substantial progress in pursuing the commercial components of the plan. This will allow the applicant to use the building during the 8-10 months of construction time.

**Wade May** sought clarification about buildings shown on the concept plan changing from standalone to shared.

**Ben Rodriguez** explained that the concept plan is subject to change on some of the finer details.

**Wade May** sought clarification on how the developer is accommodating landscaping given the reduction in landscaping following the reconfiguration of the large commercial building into smaller buildings.

**Brian Rush** asked how this agenda item related to the other items on the agenda.

**Ben Rodriguez** explained that it does not relate directly to the other items on the agenda.

**Doug Powell, G&A/McAdams**, spoke as a representative of the applicant. Explained that, as this large project has progressed, the applicant is now seeking to make some adjustments and this is the purpose of these amendments. Stated that the buildings shown in the front of the development are likely to change with the upcoming site plan. He thinks this plan reflects more realistic expectations for parking. This proposal retains the essence of the original approved planned development.

**Public Hearing Opened and Closed at 7:23PM**

**Motion Made** by Robert Pace to recommend approval as presented

**Seconded** by Lindsey Baker

**Bruce Hanson** asked what would normally be required for parking for a hotel and conference room and what size conference room that they are proposing.

**Ben Rodriguez** stated that they would need one space per room and once space per three conference room seats. They are proposing 80 seats.

**5-0 All in favor:**

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

**MOTION TO RECOMMEND APPROVAL PASSES**

- B. The Planning & Zoning Commission will conduct a public hearing to consider testimony and take action upon a proposed amendment to the City's Unified Development Code, Section 2: Zoning, Subsection 2.09: Zoning Development Regulations, 2.09.01 Landscaping Regulations, and 2.09.02 Tree Preservation.
1. Staff Presentation
  2. Applicant Presentation
  3. Public Hearing (Open and Close)
  4. Response by Applicant
  5. Response by Staff
  6. Take Action

**Ben Rodriguez** presented this item. He stated that staff is proposing two items related to landscaping. The first is to provide a landscape buffer between screening walls and adjacent thoroughfare. This helps to mitigate the "canyon" feel of driving down a street with only a little grass area and walls on both sides. He presented images of examples. The second component of the proposal would require that the number of trees on a lot scales with the size of the lot. The current requirements work well for smaller lots but larger lots may look bare. Applicants will be required to place at least one tree in the front. In addition, staff are proposing the allowance of crushed granite in commercial areas, particularly in parking lot areas where grass may be trampled. This helps to provide a clean looking appearance on these areas. The final part of this item is a proposed amendment to the tree mitigation standards. Current standards require mitigation on trees over six caliper inches on a per caliper inch basis. This standard can be burdensome on small lots covered with trees and the cost of tree mitigation is greater than the value of the land. Staff are allowing for a tree mitigation waiver. The code provides no consideration for the physical lack of land to place trees. The applicant would be able to apply to City Council to pays fees in lieu or to contribute to forestry in city parks. Current code requires applicants to receive quotes on tree replacement. Staff are proposing switching to a flat fee per caliper inch. Staff produced a comparison chart and placed Corinth's fee near the average. Staff is requesting approval as requested.

**Brian Rush** asked for clarification on tree survey requirements.

**Ben Rodriguez** stated that current standards require that a tree survey be made but do not specify who must complete it. Staff would like to specify that a certified arborist or landscape architect provide those tree surveys.

**Bruce Hanson** asked for clarification on where perimeter landscaping would apply within our Future Land Use Plan.

**Ben Rodriguez** spoke about the future extension of Parkridge between Lake Sharon and Church. In addition, the southern portion of Parkridge.

**Bruce Hanson** asked how the tree mitigation works currently.

**Ben Rodriguez** states that applicants are required to replace trees on site or plant trees in public parks. However, the city does not have space to accommodate additional trees. This allowance for a fee in lieu provides an option for the city and the applicant in use of the funds outside of tree replacement and provides an economic hardship component.

**Bruce Hanson** asked if we have a current method of paying fees in lieu.

**Ben Rodriguez** we do but it requires taking quotes from a nursery and the city to validate those quotes. In addition, the city is required to provide a list of approved nurseries and there is unclear how the nurseries are selected.

**Public Hearing Opened and Closed at 7:40PM**

**Motion Made** by Wade May to recommend approval as presented

**Seconded** by Robert Pace

**5-0 All in favor:**

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

**MOTION TO RECOMMEND APPROVAL PASSES**

- C. The Planning & Zoning Commission will conduct a public hearing to consider testimony and take action upon a proposed amendment to the City's Unified Development Code, Section 4: Sign and Fence/Screening Regulations subsection 4.02: Fence and Screening Regulations.
  - 1. Staff Presentation
  - 2. Applicant Presentation
  - 3. Public Hearing (Open and Close)
  - 4. Response by Applicant
  - 5. Response by Staff
  - 6. Take Action

**Ben Rodriguez** presented the item. This item is very similar to the previous item. While the previous item addresses landscaping, this addresses the actual fences. This would require that a home owners association is required to preserve required retaining walls, rather than individual home owners. This is a concern locally but has also been observed in other cities such as Plano where older retaining walls are breaking and it is difficult to hold anyone accountable or to provide funds to make repairs because ownership was left to individual owners. In addition, staff are requiring the inclusion of visibility triangles on rear entry garages to provide visibility for cars backing out without overly impacting rear yard sizes. Staff is also proposing the removal of chain link as an acceptable building material in industrial zoning. Finally, staff would like to move the authority to grant fence variances from the Planning and Zoning Commission to the Zoning Board of Adjustments, which would be the legally correct process.

**Wade May** asked if this is intended to be for residential primarily and if it is intended for new development or existing developments.

**Ben Rodriguez** this is intended for residential and for new developments or repairs.

**Wade May** asked how this would be enforced.

**Ben Rodriguez** stated that it would be required at the permitting stage.

**Wade May** clarified that this would require residents to give up a portion of their yard due to safety concerns and how this amendment became an issue of concern.

**Ben Rodriguez** stated that this is correct and stated that, while we do not have any alleys now, staff would like to prepare for the possibility of rear entry units in the future in order to maintain a more aesthetically pleasing front façade.

**Wade May** expressed concern about applying restrictions on the usable area of yards but acknowledged the legitimacy of the safety concern.

**Bruce Hanson** asked why chain link should be removed and where it is allowed.

**Ben Rodriguez** stated that most of the Metroplex has moved away from chain link for aesthetic purposes. He stated that are large developer could pursue this with a planned development but might be expected to provide additional landscaping. It is currently only allowed in industrial areas and most developers nowadays prefer to install decorative metal fencing over chain link.

**Brian Rush** asked if this would effectively require subdivisions to establish a home owners association.

**Ben Rodriguez** stated that this is possible and that the city has some measures in place that effectively require the creation of a home owners association such as open space requirements. He stated that the city does not want to take on the unfunded liability of maintaining retaining walls in perpetuity.

**Brian Rush** stated that he does not like the idea of requiring a home owners association. In addition, in some cases in the past home owners associations that are supposed to be formed were not formed.

#### **Public Hearing Opened and Closed at 7:57PM**

**Motion Made** by Robert Pace to recommend approval as presented

**Seconded** by Lindsey Baker

**Bruce Hanson** stated opposition to eliminating chain link in industrial areas because this type of fence is appropriate for industrial areas. Stated that the city has no alleys. He stated that if developers are required to put streets in or pay fees for streets, the same idea should apply to parks and to fences. In addition, he believes that the city currently maintains buffers between walls and streets.

**Ben Rodriguez** stated that the City only maintains public right-of-way and that many of these lots are not realistically accessible or used by the general public. In addition, the city has other requirements such as facades and driveways that the city may require but that the city does not require you to maintain.

**Bruce Hanson** stated that he cannot support this proposal in its current form.

**Wade May** stated that several elements of this proposal need to be revisited including the alley provision, fence screening and HOA requirements.

**1-4 Split Vote:**

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

**MOTION TO RECOMMEND APPROVAL FAILS**

**Motion Made** by Bruce Hanson to continue public hearing until February 25, 2019 to allow staff time to review the proposal

**Seconded** by Wade May

**5-0 All in favor:**

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

**MOTION TO CONTINUE PUBLIC HEARING UNTIL FEBRUARY 25, 2019 PASSES**

- D. The Planning & Zoning Commission will conduct a public hearing to consider testimony and take action upon a proposed amendment to the City's Unified Development Code, Section 4: Sign and Fence/Screening Regulations subsection 4.01: Sign Regulations
1. Staff Presentation
  2. Applicant Presentation
  3. Public Hearing (Open and Close)
  4. Response by Applicant
  5. Response by Staff
  6. Take Action

**Ben Rodriguez** presented the item. We have received several requests to allow for a balloon sign. We have no allowance for these signs presently. Staff developed this proposal based on comparison cities within the Metroplex which was presented to City Council. This proposal models the City of Plano standard, which allow inflatable signs for two fourteen day periods per twelve months. These times could be used concurrently, with no more than one unit per business, could not be moving and must be ground mounted. Staff recommends approval.

**Wade May** based on the restrictions, where could a sign be placed. Also, height is restricted to twenty-five feet and cannot protrude above the roof line but this height seems higher than a single family structure.

**Ben Rodriguez** on a piece of grassy ground or in a parking space if the site is over parked. The height issue can be reassessed.

**Brian Rush** asked if the dealership was in violation with its previous sign.

**Ben Rodriguez** no because it was considered a grand re-opening and is allowed in that case.

**Public Hearing Opened and Closed at 8:20PM**

**Motion Made** by Bruce Hanson to Recommend Approval with the Amendment that Language be Amended to Prohibit Building on The Roof but Take out the Limitation that it Not Be Higher than the Roof Line.

**Seconded** by Wade May

Bruce Hanson stated that he does not necessarily have an issue with a height restriction but would rather not have a restriction on height and instead simply restrict it from being placed on a roof.

**5-0 All in favor:**

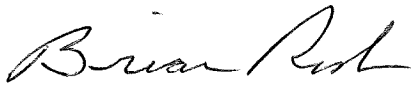
Ayes: Brian Rush, Bruce Hanson, Wade May, Lindsey Baker, Robert Pace  
Nays: None  
Not Voting: None  
Absent: William Davis

**MOTION TO RECOMMEND APPROVAL AS AMENDED PASSES**

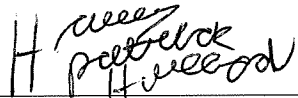
**VI. ADJOURNMENT:**

**Meeting Adjourned by Brian Rush at 8:26PM**

**MINUTES APPROVED THIS 25<sup>th</sup> DAY OF February, 2018.**



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Brian Rush, Planning and Zoning Commission Chairman



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Patrick Hubbard, Development Coordinator