



PLANNING AND ZONING COMMISSION

CITY OF CORINTH, TEXAS

3300 CORINTH PARKWAY, CORINTH, TEXAS

REGULAR SESSION

MONDAY, SEPTEMBER 24, 2018 – 7:00 P.M.



***** PUBLIC NOTICE *****

**NOTICE OF THE CITY OF CORINTH
PLANNING AND ZONING COMMISSION
REGULAR SESSION
MONDAY, SEPTEMBER 24, 2018 AT 7:00 P.M.
CITY HALL – 3300 CORINTH PARKWAY**

CALL TO ORDER, INVOCATION

PRESENTATION

PRESENTATION ITEM

1. Presentation of Director's Report

BUSINESS AGENDA

BUSINESS ITEM

2. Consider and act on Minutes from the August 27, 2018 Planning and Zoning Commission Regular Session meeting.

PUBLIC HEARING AND BUSINESS AGENDA

PUBLIC HEARING:

TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT, MIKE WELLS OF WELLS ASSET MANAGEMENT, FOR A SPECIFIC USE PERMIT TO ALLOW A HERTZ RENTAL CAR LOCATION ON AN APPROXIMATELY ±2.5965 ACRE TRACT OF LAND SITUATED IN LOT 2, BLOCK A OF THE KENSINGTON PARK ADDITION IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS AND IS MORE COMMONLY KNOWN AS 7650 I35E. CORINTH, TX 76210 (THIS PROPERTY IS LOCATED ON THE INTERSTATE 35 FRONTAGE ROAD EAST OF SOUTH GARRISON, SOUTH OF RIVERVIEW DRIVE, AND NORTH OF FM 2181).

BUSINESS:

3. Consider and act on the Specific Use Permit (SUP) to allow a Hertz rental car location on an approximately ±2.5965 acre tract of land situated in Lot 2, Block A of the Kensington Park Addition in the City of Corinth, Denton County, Texas and is more commonly known as 7650

I35E. Corinth, TX 76210 (this property is located on the Interstate 35 frontage road, east of South Garrison Rd, south of Riverview Drive and north of FM 2181).

PUBLIC HEARING:

TO HEAR PUBLIC OPINION REGARDING AMENDING THE CITY OF CORINTH COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE ORDINANCE NO. 13-05-02-08, AS AMENDED, SECTION 2.06.03 PLANNED DEVELOPMENT, AND SECTION 2.10.09 PD, PLANNED DEVELOPMENT APPLICATION AND REVIEW.

BUSINESS:

4. Consider and act on amendments to the City of Corinth Comprehensive Zoning Ordinance being a part of the Unified Development Code Ordinance No. 13-05-02-08, as amended, Section 2.06.03 Planned Development, and Section 2.10.09 PD, Planned Development Application and Review.

PUBLIC HEARING:

TO HEAR PUBLIC OPINION REGARDING AMENDING THE CITY OF CORINTH COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE ORDINANCE NO. 13-05-02-08, AS AMENDED, SECTION 2.09.05 RESIDENTIAL ADJACENCY STANDARDS.

BUSINESS:

5. Consider and act on amendments to the City of Corinth Comprehensive Zoning Ordinance being part of the Unified Development Code Ordinance No. 13-05-02-08, as amended, Section 2.09.05 Residential Adjacency Standards.

EXECUTIVE SESSION

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed session for the purpose of seeking confidential legal advice of the City Attorney on any Agenda Item listed herein.

As a majority of Council Members of the City of Corinth may attend the above described meeting, this notice is given in accordance with Chapter 551 of the Texas Government Code. No official action will be taken by the City Council at this meeting.

ADJOURN REGULAR SESSION

Posted this 21st day of September 2018, before 5:00 p.m. on the bulletin board at Corinth City Hall.



Patrick Hubbard

Development Coordinator/Planning and Zoning Commission Secretary

City of Corinth, Texas.

Corinth City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 940.498-3200 or FAX 940.498-7505 for more information.

BRAILLE IS NOT AVAILABLE

BUSINESS AGENDA ITEM #1



940-498-3200
www.cityofcorinth.com

City of Corinth
3300 Corinth Parkway

Fax: 940-498-3205
Corinth, TX 76208

Memorandum

To: Corinth Planning and Zoning Commission
From: Helen-Eve Liebman, AICP, Planning and Development Director
Meeting Date: September 24, 2018
Re: Director's Report

THE FOLLOWING ITEMS WERE CONSIDERED AT THE SEPTEMBER 20, 2018 CITY COUNCIL MEETING:

Zoning: Approved a Specific Use Permit (SUP) to allow a Verizon Cellular Tower and Equipment on an approximately 384 square foot lease space out of an approximately 34.33-acre tract of land situated in the M.E.P. & P.R.R. Co. Survey, Abstract No. 915 and more particularly described as North Central Texas College Addition, No. 2, Lot 1R, Block A, in the City of Corinth, Denton County, Texas.

THE FOLLOWING ITEMS ARE GENERAL ANNOUNCEMENTS

Holiday Meeting Dates - The Planning and Zoning Commission Meeting dates through the remainder of the calendar year are as follows:

- October 15, 2018 Special Session
- *Canceled* – October 22, 2018 Regular Session
- November 12, 2018 Regular Session, Holiday Schedule
- December 10, 2018 Regular Session, Holiday Schedule

BUSINESS AGENDA ITEM #2

On this the 27th day of August, 2018, 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
Bruce Hanson
Marc Powell
Dwayne Zinn
Wade May

Members Absent

Breien Velde
Chuck Mills

CALL TO ORDER

Meeting was called to order by Brian Rush at 7:00PM

INVOCATION

Invocation was delivered by Marc Powell

PRESENTATION

PRESENTATION ITEM

1. Presentation of Director's Report

Helen-Eve Liebman, Planning and Development Director, gave Director's Report. This was the first ever Director's Report. Corinthian Park Townhomes Planned Development was unanimously approved. UDC Use Chart amendments were unanimously approved. There will be a joint City Council and Planning and Zoning Commission on October 15th. November and December meeting are both moved up a week due to holidays.

BUSINESS AGENDA

BUSINESS ITEM

2. Consider and act on Minutes from the July 23, 2018 Planning and Zoning Commission Regular Session meeting.

Motion made by Dwayne Zinn to approve the minutes as presented

Motion seconded by Marc Powell

5-0 All in favor:

Ayes:	Brian Rush, Bruce Hanson, Marc Powell, Dwayne Zinn, Wade May
Nays:	None
Not Voting:	None
Absent:	Breien Velde, Chuck Mills

MOTION TO APPROVE THE MINUTES AS PRESENTED CARRIES

PUBLIC HEARING AND BUSINESS AGENDA

PUBLIC HEARING:

TO HEAR PUBLIC OPINION REGARDING THE PECAN CREEK SUBDIVISION REPLAT OF THE REMAINDER OF LOT 7A, BLOCK 1, BEING 0.589 ACRES IN THE W. GARRISON SURVEY, ABSTRACT NO. 1545, CITY OF CORINTH, DENTON COUNTY, TEXAS. (THIS SITE IS LOCATED ON THE SOUTHWEST SIDE OF I-35E, SOUTH OF POST OAK DRIVE.)

Public Hearing Opened at 7:03PM

Lori Levy, Senior Planner, presented the item. This was a request to replat the remainder of lot 7 Block A of the Pecan Creek subdivision. This is an infill lot between Christian Brothers and Independent Bank. It is surrounded by development and has a variable width portion from which TxDOT has taken right of way for I-35. The property is zoned for neighborhood commercial. The applicant is providing connection from Christian Brothers utilizing an access easement and fire lane easement. The proposal meets all of the requirements of the subdivision ordinance and all construction requirements. Staff recommends approval subject to the applicant adding the recordation information for the newly dedicated 24' Fire Lane and Access Easement to be connected to the existing 24' Fire and Access Easement after being filed as a separate instrument or showing this 24' Fire Lane and Access Easement as being dedicated by this plat prior to the Replat being filed with Denton County.

Doug Weaver, Project Engineer, G&A Consultants, presented on behalf of the applicant. He stated that the site does not have direct access to I-35 and must get access through the Christian Brothers parking lot. The applicant attempted to negotiate access with Independence bank over an extended period but was not able to reach an agreement. The current zoning at the property is PD-6 with the subdistrict of Neighborhood commercial. The appendix C cited in the easement has not been filed and a new document must be created to supersede this document. Property will feature neighborhood services such as donut shop, coffee shop, dry cleaner and a Tai Kwon Do studio.

Wade May asked how the grade change from Christian Brothers will be addressed. He also asked if the site has a substantial grade.

Doug Weaver answered that a 4' tall wall is provided. The front is only dropping about 4% while the back is about 8%. The site has a 7-8% grade.

Dwayne Zinn asked if the grading is causing the looping to not line up with the existing grade.

Doug Weaver replied that it is not. He stated that TxDOT has only given Right-of-Way to this owner and not the adjacent owners. He cannot develop in this Right-of-Way. The owner currently has no plans to connect to the bank.

Dwayne Zinn asked for clarification on why the Northwest corner has an off set in the easement and the North to South property line is radiused from this point.

Doug Weaver stated that these are entered as access easements and do not have to be fire lanes. He stated that he will correct alignment of lines on property which appear to be offset.

Public Hearing Closed at 7:20 PM

BUSINESS:

3. Consider and act on the Pecan Creek Subdivision Replat of the remainder of Lot 7A, Block 1, being 0.589 acres in the W. Garrison Survey, Abstract No. 1545, City of Corinth, Denton County, Texas. (This site is located on the southwest side of I-35E, south of Post Oak Drive.)

Marc Powell asked if the fire lane is the Instrument C.

Lori Levy confirmed that this is correct.

Bruce Hanson asked if it is required that the easements be lined up.

Lori Levy stated that it is not required but the radii must be present.

Motion made by Bruce Hanson to approve the replat subject to the applicant adding the recordation information for the newly dedicated 24' Fire Lane and Access Easement to be connected to the existing 24' Fire and Access Easement after being filed as a separate instrument or showing this 24' Fire Lane and Access Easement as being dedicated by this plat prior to the Replat being filed with Denton County.

Motion seconded by Marc Powell

Bruce Hanson stated that it seems like common sense that the easements would need to align and that he hopes that this will be corrected even though it is not a requirement.

Lori Levy stated that it will line up with the new alignment but they are working within existing conditions at this time.

5-0 All in favor:

Ayes:	Brian Rush, Bruce Hanson, Marc Powell, Dwayne Zinn, Wade May
Nays:	None
Not Voting:	None
Absent:	Breien Velde, Chuck Mills

MOTION TO APPROVE THE REPLAT SUBJECT TO THE APPLICANT ADDING THE RECORDATION INFORMATION FOR THE NEWLY DEDICATED 24' FIRE LANE AND ACCESS EASEMENT TO BE CONNECTED TO THE EXISTING 24' FIRE AND ACCESS EASEMENT AFTER BEING FILED AS A SEPARATE INSTRUMENT OR SHOWING THIS 24' FIRE LANE AND ACCESS EASEMENT AS BEING DEDICATED BY THIS PLAT PRIOR TO THE REPLAT BEING FILED WITH DENTON COUNTY CARRIES

PUBLIC HEARING:

TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT, PETER KAVANAGH, AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNER, NORTH CENTRAL TEXAS COLLEGE, FOR A SPECIFIC USE PERMIT TO ALLOW A VERIZON CELLULAR TOWER AND EQUIPMENT ON AN APPROXIMATELY 384 SQUARE FOOT LEASE SPACE OUT OF AN APPROXIMATELY 34.33-ACRE TRACT OF LAND SITUATED IN THE M.E.P. & P.R.R. CO. SURVEY, ABSTRACT NO. 915 AND MORE PARTICULARLY DESCRIBED AS NORTH CENTRAL TEXAS COLLEGE ADDITION, NO. 2, LOT 1R, BLOCK A, IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. (THIS PROPERTY IS LOCATED ON THE NORTH

CENTRAL TEXAS COLLEGE CAMPUS, NORTH OF WALTON ROAD, EAST OF N. CORINTH PKWY).

Public Hearing Opened at 7:25PM

Lori Levy, Senior Planner, presented the item and gave background information. The entire NCTC campus is zoned industrial. A 125' cellular tower is proposed to be concealed within a flag pole. The installation will include ground level cellular equipment and maintenance equipment. The installation will match the building facade. Access to the site will come from a newly dedicated 12' access road connected to the existing parking lot on campus.

Peter Kavanagh, Zone Systems, presented on behalf of the applicant, representing both NCTC and Verizon Wireless. Following the rejection of a previous proposal for a cellular tower at the site, Mr. Kavanagh worked with city staff to a better location. The original site was rejected in part because it was too close to the street and may have adversely impacted future development. The current design calls for the flag pole to be operated by the college. The college anticipates future development and believes that this location will not adversely affect future development. Mr. Kavanagh explained the current Verizon coverage area and the effects of new tower. Mr. Kavanagh presented a site plan and aerial photo of the site. He stated that the tower will be large enough to provide room for another carrier to operate inside of the pole as well. He showed location of existing towers in city, of which there are 4. He showed images of existing flag pole type towers for reference.

Wade May asked if there is lighting on the pole.

Peter Kavanagh responded that tower lighting is designated on the site plan and will have lights shooting up onto the pole.

Bruce Hanson asked for confirmation that the pole is 125' and asked if there was discussion with the FAA.

Peter Kavanagh replied that his firm has completed an aerospace study including all facilities in the area and made the determination that the applicant is not required to notify FAA.

Allan "Butch" Honse, 1634 Oak Ridge and 3150 Walton, Corinth, spoke in opposition to the tower stating that this is third time he has seen presentation and it has been denied previously.

Public Hearing Closed at 7:41 PM

BUSINESS:

4. Consider and act on the Specific Use Permit (SUP) to allow a Verizon Cellular Tower and Equipment on an approximately 384 square foot lease space out of an approximately 34.33-acre tract of land situated in the M.E.P. & P.R.R. Co. Survey, Abstract No. 915 and more particularly described as North Central Texas College Addition, No. 2, Lot 1R, Block A, in the City of Corinth, Denton County, Texas. (This property is located on the North Central Texas College Campus, north of Walton Road, East of N. Corinth Pkwy).

Lori Levy, state that staff recommends approval subject to the applicant providing a report from a professional structural Engineer in the State of Texas and adding the recordation information for all new access and utility easements on the Site Plan and providing staff with copies of those instruments at the

time of the building permit application. She also stated that this is a different site and a different type of tower from the previous application.

Bruce Hanson asked Lori to elaborate on the previous application.

Lori Levy responded that the previous proposal located the tower directly off of Walton Drive and did not provide a lot of the required information. The previous application would have impeded development on this site.

Bruce Hanson asked what type of antennae was previously proposed.

Peter Kavanagh stated that stated that the previous application was not for a flag pole but was enclosed. Mr. Honse has a tower on the adjacent property but is not structurally sound enough to hold the equipment.

Dwayne Zinn asked the location of the access easement.

Lori Levy showed him this location.

Bruce Hanson asked if this is a recommendation or a final action.

Lori Levy stated that it is a recommendation.

Motion made by Bruce Hanson to recommend approval of the Specific Use Permit, subject to the applicant providing a report from a professional structural Engineer in the State of Texas and adding the recordation information for all new access and utility easements on the Site Plan and providing staff with copies of those instruments at the time of the building permit application.

Motion seconded by Marc Powell

Bruce Hanson stated that this is a superior location to what was previously proposed because it is more centered and less obtrusive.

5-0 All in favor:

Ayes:	Brian Rush, Bruce Hanson, Marc Powell, Dwayne Zinn, Wade May
Nays:	None
Not Voting:	None
Absent:	Breien Velde, Chuck Mills

**MOTION TO RECOMMEND APPROVAL OF THE SPECIFIC USE PERMIT,
SUBJECT TO THE APPLICANT PROVIDING A REPORT FROM A PROFESSIONAL
STRUCTURAL ENGINEER IN THE STATE OF TEXAS AND ADDING THE
RECORDATION INFORMATION FOR ALL NEW ACCESS AND UTILITY
EASEMENTS ON THE SITE PLAN AND PROVIDING STAFF WITH COPIES OF
THOSE INSTRUMENTS AT THE TIME OF THE BUILDING PERMIT
APPLICATION.**

Regular Session Adjourned at 7:49 PM.

MINUTES APPROVED THIS _____ DAY OF _____, 2018.

Brian Rush, Planning and Zoning Commission Chairman

Patrick Hubbard, Planning and Zoning Commission Secretary

**PUBLIC HEARING/BUSINESS
AGENDA ITEM #3**

PUBLIC HEARING/BUSINESS AGENDA

ITEM #3

Planning and Zoning Commission Regular Session

September 24, 2018

AGENDA ITEM

PUBLIC HEARING:

TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT, MIKE WELLS OF WELLS ASSET MANAGEMENT, FOR A SPECIFIC USE PERMIT TO ALLOW A HERTZ RENTAL CAR LOCATION ON AN APPROXIMATELY ±2.5965 ACRE TRACT OF LAND SITUATED IN LOT 2, BLOCK A OF THE KENSINGTON PARK ADDTION IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS AND IS MORE COMMONLY KNOWN AS 7650 I35E. CORINTH, TX 76210 (THIS PROPERTY IS LOCATED ON THE INTERSTATE 35 FRONTAGE ROAD EAST OF SOUTH GARRISON, SOUTH OF RIVERVIEW DRIVE, AND NORTH OF FM 2181).

BUSINESS:

Consider and act on the Specific Use Permit (SUP) to allow a Hertz rental car location on an approximately ±2.5965 acre tract of land situated in Lot 2, Block A of the Kensington Park Addition in the City of Corinth, Denton County, Texas and is more commonly known as 7650 I35E. Corinth, TX 76210 (this property is located on the Interstate 35 frontage road, east of South Garrison Rd, south of Riverview Drive and north of FM 2181).

AGENDA ITEM DESCRIPTION

The applicant is requesting approval of a Specific Use Permit for a Hertz Rental Car establishment. The City's code of ordinances requires that automobile rental establishments are limited to 20 cars parked, and that rental cars are parked to the side or rear of the building so that required parking spaces are left open for patrons.

The applicant has provided staff with a parking plan for the proposed rental car establishment. Staff has determined that the proposed spaces meet the City's requirements.

FINANCIAL SUMMARY

Source of Funding: No funding is required.

RECOMMENDATION

Staff recommends **Approval** of the Specific Use Permit as presented.

ATTACHMENTS/SUPPORTING DOCUMENTS

- Site Plan

INTERSTATE HIGHWAY NO. 35-E
VARIABLE R.O.W.
(SERVICE ROAD)

S40°27'29"E 455.62'

50' UTILITY EASEMENT
CAB. R. SIDES AS

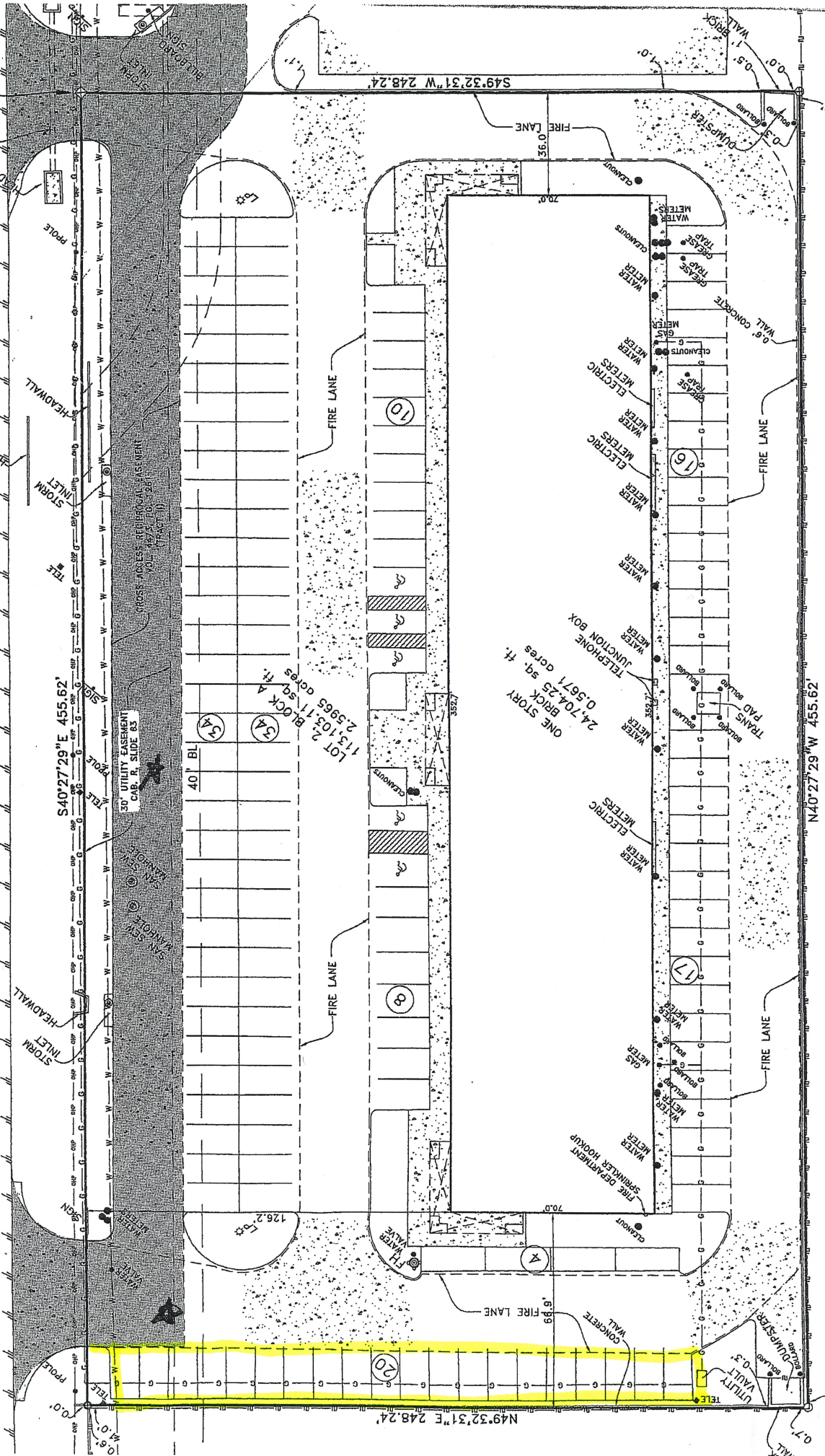
40' BL.
LOT 2, BLOCK A
113,103.11 sq. ft.
2,396.5 acres

ONE STORY
BRCK
24,704.25 sq. ft.
0.5671 acres

N40°27'29"W 455.62'

N49°32'31"E 248.24'

S49°32'31"W 248.24'



**PUBLIC HEARING/BUSINESS
AGENDA ITEM #4**

PUBLIC HEARING/BUSINESS AGENDA
ITEM #4
Planning and Zoning Commission Regular Session
September 24, 2018

AGENDA ITEM

PUBLIC HEARING:

TO HEAR PUBLIC OPINION REGARDING AMENDING THE CITY OF CORINTH COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE ORDINANCE NO. 13-05-02-08, AS AMENDED, SECTION 2.06.03 PLANNED DEVELOPMENT, AND SECTION 2.10.09 PD, PLANNED DEVELOPMENT APPLICATION AND REVIEW.

BUSINESS:

Consider and act on amendments to the City of Corinth Comprehensive Zoning Ordinance being a part of the Unified Development Code Ordinance No. 13-05-02-08, as amended, Section 2.06.03 Planned Development, and Section 2.10.09 PD, Planned Development Application and Review.

APPROVAL PROCESS

A public hearing will be held for the proposed amendments to the following sections of the City of Corinth Comprehensive Zoning Ordinance being a part of the Unified Development Code Ordinance No. 13-05-02-08, as amended.

The recommendation of the Planning and Zoning Commission for the proposed amendments will be forwarded to the City Council for final action at the October 4, 2018 City Council regular session meeting.

AGENDA ITEM DESCRIPTION

Staff is proposing amendments to the Planned Development process. The intent of the proposed amendments are to streamline the application and review process as well as remove redundancies contained within the Code with the goal to make the process easier for applicants to navigate.

Notable changes include the following:

- **Removal of minimum lot size for Planned Development requests.**
 - Staff is proposing the removal of minimum lot size requirements for Planned Developments. Staff believes that a minimum lot size requirement of two acres for a Planned Development is unnecessary and arbitrary. The intent of a Planned Development district is to allow flexibility and creativity to the applicant with the goal of creating a better development within the City. A minimum lot size requirement stifles the ability for smaller properties to propose innovative and or creative opportunities for development. The property would still be required to meet the minimum lot size requirements of the base zoning district.

- **Neighborhood meetings**
 - Staff is proposing the addition of language advising applicants that conducting a neighborhood meeting with homeowners within the vicinity of a Planned Development request is strongly encouraged. This allows the applicant the opportunity to present their proposal to those most likely to be impacted in a more focused environment, while also allowing residents and opportunity to provide input on the proposal in the hopes that accommodations may be made prior to actions by the Planning and Zoning Commission and the City Council.

- **Codifying Requirements**
 - Staff is proposing adding the items required for a Planned Development request to the Code of Ordinances. Currently these requirements are only contained within the application packet for a zoning change. This creates confusion for applicants as they are required to go to multiple locations to determine what is required. The proposed amendment will simplify this process and provide applicants with a single location to obtain this information.

- **Removal of redundant language**
 - Staff is proposing the removal of language that is already outlined in other sections of our Code. As currently written the regulations for the Planned Development district also lists all of the requirements to develop a property including platting, and site plans. The intent of a Planned Development district is to facilitate the zoning and/or rezoning of a property. Staff feels that the removal of this additional language will simplify things for applicants.

- **Terminology changes**
 - Staff is proposing changes to some of the terminology within the Planned Development sections to reflect more commonly used terms within the development community as well as other municipalities within the DFW Metroplex. Examples include renaming “Concept Design Map” to “Concept Plan” and Planned Development “Master Plan” to “Proposal” and “Ordinance”.

- **Removal of PD expiration**
 - Staff is proposing the removal of the automatic expiration of Planned Developments which have not developed within two years. Staff feels that an automatic removal of approved zoning is not in compliance with state law as it does not follow the legal process for zoning changes. This will not remove the City’s ability to unilaterally rezone an existing Planned Development if the City feels that is in the best interest of the public’s health, safety or welfare, following adequate noticing and public hearing requirements.

FINANCIAL SUMMARY

Source of Funding: No funding is required.

STAFF RECOMMENDATION

Staff recommends **Approval** of the proposed amendments to the various sections of the City of Corinth Comprehensive Zoning Ordinance being a part of the Unified Development Code Ordinance No. 13-05-02-08, as amended.

ATTACHMENTS/SUPPORTING DOCUMENTS

- Redlined Planned Development Standards
- Redlined Planned Development Application and Review Standards

2.06.03. - PD, Planned Development.

The purpose of this district is to encourage quality and better development in the City by allowing flexibility in the planning and development of projects. A PD, Planned Development District may be used to permit new or innovative concepts in land utilization or diversification that could not be achieved ~~under conventional zoning approaches.~~ through traditional zoning districts. Any combination of residential, commercial, light industrial, public or recreational uses as approved by the City Council may be permitted.

A. General Description and Purpose

1. The PD designation shall be used for the following purpose(s):
 - a. Master planning;
 - b. To carry out specific goals of the Comprehensive Plan, City or public/private partnered special projects;
 - c. Development of mixed use, transit-oriented, or traditional neighborhoods with a variety of uses and housing types; and/or
 - d. To preserve natural features, open space, and other topographical features of the land.
- ~~2. The PD designation shall not be used for the following purpose(s): To obtain Zoning Variances and Subdivision Waivers from existing development standards; to secure agreements between an Applicant and nearby property owners to receive zoning approval; and/or to assign responsibility to the City of private deed restrictions or covenants.~~

~~B. Land Area Requirement~~

- ~~1. A PD district requires a minimum of two (2) contiguous acres, except as allowed in 2.06.03. B.2 below.~~
- ~~2. A PD district acreage may be less than two (2) acres when carrying out the recommendations of the Comprehensive Plan.~~

C. Base Zoning District

1. A PD shall contain at least one base zoning district to regulate all uses and development regulations not identified as being modified.
2. If the standards of the base zoning district are amended, then the most recently amended standards shall apply to a PD district unless the standards have been individually listed within the PD adoption ordinance as being different from the base zoning district.
3. Base zoning district amendments are applicable to PD ~~districts unless otherwise amended in an approved Planned Development District.~~

D. Permitted Uses and Use Regulations

1. See the Use Chart and all applicable regulations within Subsection 2.07.
2. See Section 2.10.09. PD, Planned Development Application and Review.

E. Dimensional Regulations

1. See Subsection 2.08 Zoning Dimensional Regulations.
2. See Section 2.10.09. PD, Planned Development Application and Review.

F. Development Standards

Revised 9/10/18

1. See the Zoning Development Regulations in Subsection 2.09 for all applicable regulations.
2. See Section 2.10.09. PD, Planned Development Application and Review.

Revised 9/19/18

2.10.09. - PD, Planned Development Application and Review

A. General

1. PD, Planned Development Zoning District Establishment. An Application for a PD, Planned Development Zoning District shall be made to the Planning and Zoning Commission and City Council in the same manner that an Application for any Zoning Map Amendment (Rezoning) is made.
2. Submission of PD Related Plats and Site Plans Shall Occur After PD Establishment. The subsequent Applications for Plats and Site Plans within an established PD, Planned Development Zoning District shall be reviewed and approved separately and independently in accordance with established procedures.
3. ~~Land Area Requirement for PD, Planned Developments. See Section 2.06.03. B Land Area Requirement for area requirements.~~ Upon a written request from the applicant the Director at their discretion may allow for review of submitted development items (Site Plan, Plat, Landscape Plan, etc.) concurrently with a completed PD application.

B. Planned Development (PD) Submission Requirements

1. The Developer and/or builder of a PD shall follow ~~a five (5) step procedure, as follows the following procedures:~~
 - a. Pre-Application Conference, as outlined in Section 1.03.02. Pre-Application Conference.
 - b. Zoning Map Amendment (Rezoning) Application with the submission of Planned Development ~~Proposal~~ **Master Plan**, which includes the:
 - i. PD Design Statement;
 - ii. PD Concept ~~Design Map Plan~~; and
 - iii. Proposed Building Elevations, identifying materials, colors and general percentages of materials used if varying from City design guidelines as outlined in 2.09.04
 - ~~c. Preliminary Plat, if subdivision occurs and where required by the Subdivision Regulations.~~
 - ~~d. Final Plat, if subdivision occurs and where required by the Subdivision Regulations.~~
 - ~~e. Application for building permit and Site Plan reviewed by the Development Review Committee.~~
2. ~~Approvals Needed before Proceeding.~~
 - ~~a. Each required step shall be completed and approved before the following step is reviewed.~~
 - ~~b. Where appropriate, other methods authorized in the Subdivision Regulations may be substituted in Step 3. Preliminary Plat and Step 4. Final Plat, such as an Amending Plat or Minor Plat, etc.~~
 - ~~c. The Planning and Zoning Commission and City Council may, however, review more than one step at the same public hearing.~~
3. ~~Public Hearings (Rezoning and Plats).~~
 - ~~a. Public hearings shall be held on the Zoning Map Amendment (Rezoning) Application and the Planned Development Master Plan in accordance with regular procedures for zoning Applications.~~

~~b. Public hearings on required Plats shall be held in accordance with regular procedures established in the Subdivision Regulations.~~

C. Planned Development (PD) Steps for Creation and Development

1. Step 1. Pre-Application Conference Review.
 - a. At least ten (10) business days prior to submission of an Application for Zoning Map Amendment (Rezoning) to a PD, Planned Development, the Applicant shall submit to the Director of Planning a Sketch Plan drawn to approximate scale showing streets, lots, public areas, and other significant features. The Applicant shall execute an acknowledgement that the Pre-Application Conference does not initiate a vested right.
 - b. The Applicant should discuss with the Director of Planning **and Development** the procedure for adopting a PD, Planned Development and the requirements for the general layout of streets and utilities, access to arterials, or general design **and narrative**, the availability of existing services, and similar matters.
 - c. The Director of Planning **and Development** shall also advise the Applicant, where appropriate, to discuss the proposed PD, Planned Development with those officials charged with responsibility to review the various aspects of the proposal coming within their jurisdiction.
 - d. The intent of Step 1. Pre-Application Conference Review is to expedite and facilitate the approval of a Planned Development **Proposal Master Plan**.
2. Step 2. PD Application for Rezoning and Planned Development **Proposal Master Plan**.
 - a. Procedures and Requirements.
 - i. The PD Zoning Map Amendment (Rezoning) Application shall be filed in accordance with regular procedures and on Application Forms of the City.
 - ii. The Planned Development **Proposal Master Plan**, which is submitted with the Application for rezoning, shall consist of a PD Design Statement and a PD **Concept Design Map-Concept Plan**.
 - iii. The Applicant shall also provide other supporting maps as necessary to meet the submission requirements of this UDC.
 - iv. **The Applicant is strongly encouraged to conduct a neighborhood meeting with the area homeowners within the vicinity of the request prior to appearing before the Planning and Zoning Commission. The Applicant shall notify the Director of Planning and Development of any scheduled neighborhood meetings at least seven (7) days prior to the P&Z commission meeting.**
 - b. PD Design Statement. The PD Design Statement shall be a written report submitted as a part of the Planned Development **Proposal Master Plan** containing a minimum of the following elements, **(Narrative components of the PD Design Statement are supporting information for staff and elected or appointed officials and will not be included in the adopted PD ordinance):**
 - i. Title of PD;
 - ii. List of the owners and/or Developers;

- iii. Statement of the general location and relationship to adjoining land uses, both existing and proposed;
 - iv. Description of the PD concept, including an acreage or square foot breakdown of land use areas and densities proposed, a general description proposed, a general description of building use types, proposed restrictions, and typical site layouts;
 - v. The existing PD zoning districts in the development area and surrounding it;
 - vi. Selection of one conventional zoning district as a base zoning district to regulate all uses and development regulations not identified as being modified (Multiple base zoning districts may be selected to accommodate a mixture of land uses in different geographic areas, if multiple base districts are being utilized in a PD proposal a separate metes and bounds exhibit will need to be provided for the area of each base district.);
 - vii. A list of all applicable special development regulations or modified regulations to the base zoning district; plus a list of requested Subdivision Waivers to the Subdivision Regulations or other applicable development regulations;
 - viii. A statement identifying the existing and proposed streets, including Right-of-Way standards and street design concepts;
 - ix. The following physical characteristics: elevation, slope analysis, soil characteristics, tree cover, and drainage information;
 - x. ~~A topographic map with minimum five (5) foot contour intervals;~~
 - xi. ~~Drainage information, including number of acres in the drainage area and delineation of applicable flood levels;~~
 - xii. A statement of utility lines and services to be installed, including lines to be dedicated to the City and which will remain private;
 - xiii. The proposed densities, and the use types and sizes of structures; and
 - xiv. A description of the proposed sequence and time frames of development.
- c. ~~PD Concept Design Map~~ ~~Concept Plan~~.
- i. The PD ~~Concept Design Map~~ ~~Concept Plan~~ shall be a graphic representation of the development plan for the area of a PD, Planned Development.
 - ii. ~~The Director of Planning shall establish an Application Form outlining all requirements of the PD Concept Design Map and shall be responsible for maintaining and revising the Application Form.~~
 - iii. a.) Residential Concept Plan. A proposed concept plan for residential land uses shall show the following items:
 - 1. Lot Layout, including street patterns and product locations;
 - 2. Topography (5ft contours, or smaller if needed to understand natural features) and boundary of PD area;
 - 3. Thoroughfares;
 - 4. Size, type, height and location of buildings and building sites (attached residential ie: apartments and townhomes);
 - 5. Access;
 - 6. Density;

7. Fire lanes, attached townhomes & multifamily only;
8. Screening;
9. Landscaped areas and concepts;
10. Project phasing;
11. Existing and Proposed (FEMA approval required) 100yr Floodplain;
12. Existing tree cover; and
13. Any other pertinent development data as identified by the Director of Planning and Development.

b.) Non-Residential Concept Plan. A proposed concept plan for non-residential land uses shall show the following items:

1. Types of uses;
2. Topography (5ft contours or smaller if needed to understand natural features) and boundary of PD area;
3. Physical features of the site;
4. Existing streets, alleys, and easements;
5. Location of current/future public facilities;
6. Building height, locations and elevations;
7. Parking areas and ratios;
8. Proposed driveway locations;
9. Project scheduling and phasing;
10. Landscaped areas and concepts;
11. Screening;
12. Existing and Proposed (FEMA approval required) 100yr Floodplain;
13. Existing tree cover; and
14. Any other pertinent development data as identified by the Director of Planning and Development..

d. Approval of the Planned Development ~~Proposal~~ ~~Master Plan~~.

- i. Upon final approval by the City Council of the Planned Development ~~Proposal~~ ~~Master Plan~~ and the appropriate ordinance of rezoning, these elements shall become a part of the 2.01.02. Official Zoning District Map.
- ii. The ordinance of rezoning shall adopt the Planned Development ~~Proposal~~ ~~Master Plan~~ by reference, and it shall be attached to said ordinance and become a part of the official records of the City.

~~e. Expiration of Planned Development Master Plan.~~

- ~~i. If, after two (2) years from the date of approval of a Planned Development Master Plan, no substantial development progress has been made within the PD, then the Planned Development Master Plan shall expire.~~
- ~~ii. If a Planned Development Master Plan expires, a new Planned Development Master Plan must be submitted and approved according to the procedures within this 2.10.09. PD, Planned Development Application and Review.~~
 - ~~(a) An extension to the two (2) year expiration shall be granted if a development Application for the PD has been submitted and is undergoing the development review process or if the Director of Planning determines development progress is occurring.~~

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- f. Use and Development of the Property.
 - i. The Planned Development ~~Master Plan Ordinance~~ shall control the use and development of the property, and all building permits and development requests shall be in accordance with the plan until it is amended by the City Council.
 - ii. ~~The Developer shall furnish a reproducible copy of the approved PD Concept Concept Design Map for signature by the mayor and acknowledgement by the City Secretary.~~
 - iii. The Planned Development ~~Ordinance Master Plan, including the signed map and all supporting data,~~ shall be made a part of the permanent file and maintained by the City Secretary.

~~3.—Step 3. Preliminary Plat.~~

- ~~a.—If the subdivision of land is to occur, then after City Council approval of the Zoning Map Amendment (Rezoning) with the associated Planned Development Master Plan, the Developer shall prepare a Preliminary Plat for the entire development area.~~
- ~~b.—Where a recorded Plat exists and where there will be no extensive easements, no Homeowners' or Property Owners' Associations, no plat restrictions, and no sale of lots which do not conform to the platted lot lines, the City Council may waive the platting requirement.~~

~~4.—Step 4. Final Plat.~~

- ~~a.—Where a subdivision Plat is required, the Developer shall prepare a Final Plat for review, approval, and filing of record according to procedures established by the City Council. In addition to these procedures, the Final Plat shall include:
 - ~~i.—Provisions for the ownership and maintenance of common open space and detention/retention ponds. Said open space shall be dedicated to a private association or dedicated to the public provided that a dedication to the public shall not be accepted without the approval of the City Council.~~
 - ~~ii.—A Homeowners' or Property Owners' Association shall be created if other satisfactory arrangements have not been made for improving, operating, and maintaining common facilities, including Usable Open Space, private street drives, fire lanes, service and parking areas, and recreation areas.~~~~
- ~~b.—If no Plat is required, then proof of the items identified in subparagraphs 2.10.09. C.4.a.i and ii above shall be submitted and approved as a part of the Planned Development Master Plan at the time the Zoning Map Amendment (Rezoning).~~

~~5.—Step 5. Site Plan.~~

- ~~a.—A Site Plan shall be submitted upon the Application for a building permit and reviewed in accordance with procedures established in 2.10.08. Site Plans.~~

D. Planned Development (PD) Modifications and Amendments

- 1. Minor PD Amendment and Adjustment. The Director of Planning may approve or defer to City Council consideration a Minor PD Amendment and Adjustment to the Planned Development ~~Ordinance Master Plan~~ provided all of the following conditions are satisfied:
 - a. The project boundaries are not altered.
 - b. Uses other than those specifically approved in the Planned Development ~~Master Plan Ordinance~~ are not added. Uses may be deleted but not to the extent that the character of the

project is substantially altered from the character described within the PD ~~Design Statement~~ Ordinance.

- c. The allocation of land to particular uses or the relationship of uses within the project are not substantially altered.
- d. The density of housing is not increased more than ten (10) percent or decreased by more than thirty (30) percent. Ex. "300 lots to 330 lots."
- e. The land area allocated to non-residential uses is not increased or decreased by more than ten (10) percent **provided that increases in land area are directly adjacent to non-residential uses.**
- f. Floor Area, if prescribed, is not increased or decreased by more than ten (10) percent.
- g. Floor Area ratios, if prescribed, are not increased.
- h. Open space ratios, if prescribed, are not decreased.
- i. **Building material percentages may be amended up to 10% upon the submission of an engineering report prepared by a structural engineer stating that the use of a particular material will result in a structural deficiency, or if the Director of Planning and Development feels strict application of prescribed percentages will detract from the overall design of the structure.**

2. Partial Amendments

- a. In situations where only a portion of an existing PD Ordinance is proposed to be amended the Director of Planning and Development shall review the amendment request to verify its compatibility with the area of the existing PD Ordinance to remain. In the event that the proposed amendment is not compatible with the remaining area the Director may require that the existing PD ordinance be amended in its entirety.

23. Director of Planning Approval.

- a. The Director of Planning **and Development** shall determine if proposed amendments to an approved Planned Development ~~Ordinance Master Plan~~ satisfy the above criteria.
- b. If the Director of Planning **and Development** finds that these criteria are not satisfied, an amended Planned Development ~~Ordinance Master Plan~~ shall be submitted for full review and approval according to the procedures set forth in these regulations.

E. ~~Reversion~~

1. ~~Property Owner Request.~~

- ~~a. If the property owner decides to abandon the PD concept and nullify the Planned Development Ordinance Master Plan, they shall make Application for rezoning either to the original status or to a new classification.~~
- ~~b. Said Application shall be heard according to regular procedures by the Planning and Zoning Commission and City Council.~~

F. Existing planned development ordinances. The Planned Development District Ordinances previously adopted by the City Council prior to October 4, 2018, that do not include Concept Plans

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that meet the requirements of this Section shall be required to follow procedures for amendment(s) as outlined in this Section.

**PUBLIC HEARING/BUSINESS
AGENDA ITEM #5**

PUBLIC HEARING/BUSINESS AGENDA
ITEM #5
Planning and Zoning Commission Regular Session
September 24, 2018

AGENDA ITEM

PUBLIC HEARING:

TO HEAR PUBLIC OPINION REGARDING AMENDING THE CITY OF CORINTH COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE ORDINANCE NO. 13-05-02-08, AS AMENDED, SECTION 2.09.05 RESIDENTIAL ADJACENCY STANDARDS.

BUSINESS:

Consider and act on amendments to the City of Corinth Comprehensive Zoning Ordinance being a part of the Unified Development Code Ordinance No. 13-05-02-08, as amended, Section 2.09.05 Residential Adjacency Standards.

APPROVAL PROCESS

A public hearing will be held for the proposed amendments to the following sections of the City of Corinth Comprehensive Zoning Ordinance being a part of the Unified Development Code Ordinance No. 13-05-02-08, as amended.

The recommendation of the Planning and Zoning Commission for the proposed amendments will be forwarded to the City Council for final action at the October 4, 2018 City Council regular session meeting.

AGENDA ITEM DESCRIPTION

Staff is proposing amendments to the City's Residential Adjacency Standards. As currently written the adjacency standards must be followed whenever a property being developed is within 400 feet of an existing residential use.

Staff is proposing an amendment that would require developments to adhere to enhanced development standards when developing directly adjacent to residentially zoned properties rather than the current 400 feet of existing residential uses. Staff feels that the 400 foot rule is arbitrarily defined and even exceeds the State's noticing requirements of 200 feet for zoning changes. It creates a situation where a property is unduly burdened with increased setbacks and development costs when there is no direct impact on a home that is 400 feet away.

Staff is also proposing amending the wording requiring adjacency standards when next to a residential "use" to property zoned for detached single family. This is being proposed to avoid situations where a non-conforming home creates an undue impact on a development as the home is anticipated to either convert to a new use or be removed in its entirety in the future.

Additionally, Staff is proposing the exemption of non-residential uses adjacent to Interstate 35 from the residential adjacency standards as this is the prime suitable area within Corinth for non-residential developments.

Staff believes that this is a more well balanced approach, those directly impacted by the new development will be protected by the enhanced development standards, while reducing some burden on nearby commercially zoned properties.

Finally, staff is including some additional language to clarify existing requirements with the intent of removing ambiguity and confusion when read.

FINANCIAL SUMMARY

Source of Funding: No funding is required.

STAFF RECOMMENDATION

Staff recommends **Approval** of the proposed amendments to the Residential Adjacency Standards of the City of Corinth Comprehensive Zoning Ordinance being a part of the Unified Development Code Ordinance No. 13-05-02-08, as amended.

ATTACHMENTS/SUPPORTING DOCUMENTS

- Redlined Residential Adjacency Standards.

2.09.05. - Residential Adjacency Standards

- A. Purpose and Intent In order to preserve and protect the integrity of single family residential neighborhoods and in an effort to protect the quiet enjoyment of single family residential properties and to maintain property values, the City has determined that it is necessary and appropriate to adopt specialized regulations for non-single family residential uses and buildings that are constructed ~~within 400 feet of properties adjacent to properties used zoned~~ for Detached single family residences.
- B. Applicability
1. The following residential adjacency standards shall apply to all non-single family residential buildings or uses that ~~lie within four hundred feet (400') are immediately adjacent to of~~ properties ~~used zoned~~ for single family residences.
 2. ~~For purposes of the Section, the four hundred (400) foot distance shall be measured from the non-single family residential building and/or use to the property line of the single family residence.~~
 3. ~~Non-residential uses separated from single family residential zoning districts by a public right-of-way of at least sixty (60) feet in width shall be exempt from the residential adjacency standards.~~
 4. ~~Non-residential uses adjacent to Interstate 35 shall be exempt from the residential adjacency standards.~~
- C. Development Regulations
1. Masonry Landscaping Requirements:
 - a. ~~All facades of a building shall be finished on all four sides with the same materials (meeting the masonry requirements), detailing, and features.~~
 - b. ~~The use of cement, standard (i.e., smooth faced) concrete block, concrete tilt wall, stucco and other masonry materials of similar characteristics is not permitted.~~
 - c. ~~Exception for facades not visible from public streets:~~
 - i. ~~The rear wall of the building may be constructed of standard concrete block, concrete tilt wall, stucco and other masonry materials of similar characteristics provided that:~~
 - (a) ~~It is of the same color as the other facades, and~~
 - A. A double row of trees on offset fifty (50) foot centers is planted in a fifteen (15) foot landscape edge, where 50% of the trees are Large Evergreen Trees ~~shall be planted to provide a buffer between the non-residential use and adjacent detached single family zoned properties. Trees shall be three (3) caliper inches diameter at breast height "DBH" and shall be at least ten (10) feet in height.~~
 - ii. This exception does not apply to buildings on pad sites (i.e., "out" buildings).
2. Roof Design Standards.
 - a. To screen rooftop mechanical equipment, other appurtenances, and flat or built-up roofs, all structures, ~~including convenience store pumping/charging canopies~~, having a footprint of 6,000 square feet or less shall be constructed with a pitched roof.
 - b. Those structures having a footprint greater than 6,000 square feet shall be constructed with either a pitched, parapet, or mansard roof system (enclosed on all sides).
 - c. Standing seam metal roofs shall be constructed of a factory-treated, non-metallic, matte finish.

- d. Metal roofs with lapped seamed construction, bituminous built-up roofs, and flat, membrane-type roofs that are visible from a public right of way or adjacent single family zoning district are not permitted.
3. Mechanical Equipment Screening:
 - a. This subsection shall apply to equipment on the roof, on the ground or otherwise attached to the building or located on the site.
 - b. All buildings must be designed such that no mechanical equipment (HVAC, etc.) or satellite dishes shall be visible from adjacent residential uses zoning districts or adjacent right of ways.
 - c. Rooftop mechanical equipment and/or other rooftop appurtenance screening shall be accomplished by either the construction of:
 - i. The roof systems described in 2.09.05. C.2 Roof Design Standards; or,
 - ii. An architectural feature which is integral to the building's design and ensures that such equipment is not visible from a public Right of Way.
 - d. The fencing or enclosure of individual rooftop mechanical units shall not be permitted. except as described above.
 - e. All rooftop mechanicals equipment or architectural features described herein shall be shown on the required building elevations on the Site Plan.
 4. Loading and Service Areas:
 - a. Loading and service areas shall be located at the side or rear of buildings.
 - b. Where visible from the property line, a solid masonry screening wall at least ten feet (10') in height shall be required to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery.
 - c. This ten (10)-foot wall must screen the entire loading dock or space, and any accessory storage containers including but not limited to shipping containers or semi-trailers utilized for the on-site storage of goods.
 - d. Screening materials shall utilize similar masonry materials to the building's facades.
 - e. The accommodation of adequate access for service delivery trucks may be evaluated to determine the extent of screening required.
 5. Trash Receptacles and Recycling Receptacles:
 - a. No trash receptacles or recycling receptacles shall be located within fifty feet (50') of properties used zoned for single family residences.
 - b. Trash and recycling receptacles shall be four sided with a solid metal gate and shall be located to the side or rear of the principal building.
 - c. Trash and recycling receptacles shall be screened by a solid masonry screen at least eight feet (8') in height or equal to the height of the trash or recycling receptacles, whichever is greater, and shall utilize similar masonry materials to the building's facades.
 6. Setbacks/Yards:
 - a. A structure may not be built within 40 feet of the detached single-family residentially zoned property line.
 - b. ~~No non-single family residential building may encroach in the area above a line having a slope of 1:4 from any single family residential property line, except as provided below:~~
 - i. ~~If a structure is at least 40 feet from residential property line and is no greater than one story or 20 feet in height, then the structure may exceed the above 1:4 slope.~~

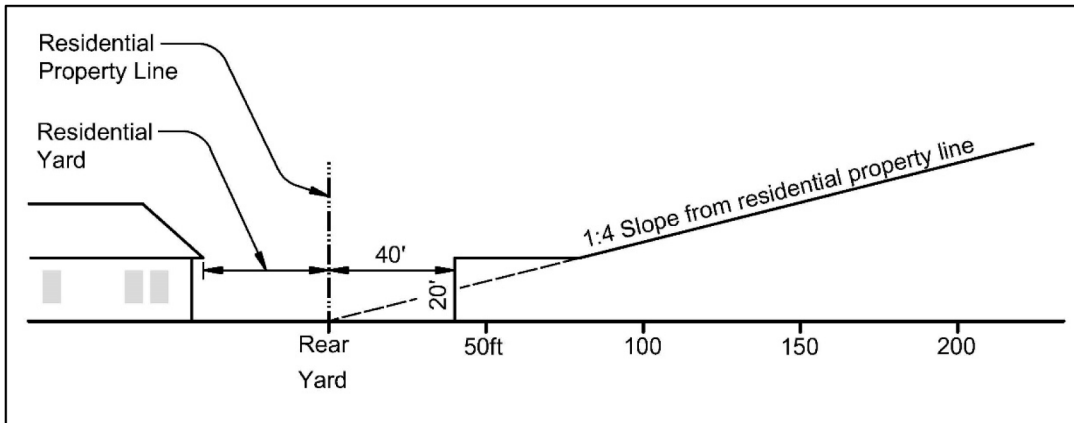


Figure 12: Building Setback from Residential Property Line
(Figure to be removed)