

****PUBLIC NOTICE****



**PLANNING & ZONING COMMISSION – REGULAR
SESSION**

Monday, December 13, 2021 at 6:30 PM

City Hall | 3300 Corinth Parkway

Pursuant to section 551.127, Texas Government Code, one or more Planning and Zoning Commissioners or employees may attend this meeting remotely using videoconferencing technology. The videoconferencing technology can be accessed at www.cityofcorinth.com/remotesession. The video and audio feed of the videoconferencing equipment can be viewed and heard by the public at the address posted above as the location of the meeting. If you will not be in attendance, you may submit any public hearing questions to Miguel.Inclan@cityofcorinth.com.

AGENDA

- A. CALL TO ORDER, ROLL CALL, AND ANNOUNCE A QUORUM PRESENT**
- B. ESTABLISH VOTING MEMBERS AND DESIGNATE ALTERNATES**
- C. PLEDGE OF ALLEGIANCE**
- D. CONSENT AGENDA**

All matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion. Should the Chair, a Commission Member, or any citizen desire discussion of any item, that item will be removed from the Consent Agenda and will be considered separately.

- 1.** Consider and act upon approval of minutes from the Planning and Zoning Commission Meeting held on November 15, 2021.

E. BUSINESS AGENDA

- 2.** Conduct a public hearing to consider testimony and make a recommendation on a proposed amendment to the City's Unified Development Code (UDC), Section 4: Sign and Fence/Screening Regulations, Subsection 4.02.11. Screening Requirements for Residential and Nonresidential Properties, Subsection 4.02.11.C.1. Nonresidential Construction Abuts Residential Zoning Classifications (ZTA21-001).

F. DIRECTOR'S REPORT

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

G. ADJOURNMENT

The Planning & Zoning Commission reserves the right to recess into executive or closed session to seek the legal advice of the City's attorney pursuant to Chapter 551 of the Texas Government Code on any matter posted on the agenda. After discussion of any matters in closed session, any final action or vote taken will be public by the Commission.

As a majority of the 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.

I, the undersigned authority, do hereby certify that the meeting notice was posted on the bulletin board at City Hall of the City of Corinth, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: **Thursday, December 9, 2021 at 05:30 PM.**

John S Webb

John Webb, AICP
Director of Planning and Development Services
City of Corinth, Texas

Date of Notice

Corinth City Hall is wheelchair accessible. Person with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf, or hearing impaired, or readers of large print, are requested to contact the City Secretary's Office at 940-498-3200, or fax 940-498-7576 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

BRaille IS NOT AVAILABLE



**PLANNING & ZONING COMMISSION WORKSHOP AND
REGULAR SESSION - MINUTES**

Monday, November 15, 2021 at 6:30 PM

City Hall | 3300 Corinth Parkway

MINUTES

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

Commissioner Cody Gober called the meeting to order at 6:36 PM.

Commissioners Present: Cody Gober, Rodney Thornton, KatieBeth Bruxvoort, Rebecca Rhule, Alan Nelson, Wade May.

Commissioner Absent: Billy Roussel.

A quorum was present.

B. PLEDGE OF ALLEGIANCE

C. ESTABLISH VOTING MEMBERS AND DESIGNATE ALTERNATES

Commissioner Nelson was designated as a voting member.

D. WORKSHOP AGENDA

1. Introduction of new Planning & Zoning Commissioners and Planning & Development Department Staff

John Webb, Director of Planning & Development, Michelle Mixell, Planning & Development Manager, and Miguel Inclan, Planner introduced themselves to the Commission.

The Commissioners present introduced themselves to Staff and the public present.

2. Hold an orientation related to the duties, responsibilities, and functions of the Planning & Zoning Commission

John Webb, Director of Planning & Development, provided an orientation presentation to the Commission.

Commissioner Rhule asked if there was an effort to educate the public on the development process.

Miguel Inclan, Planner, stated that there is currently an effort to create a series of videos to educate the public on the development process.

Commissioner Bruxvoort stated that she agreed with Commissioner Rhule on the need to educate the public.

Commissioner Gober asked for clarification on the decision-making process for Commissioners related to plats and zoning.

Mr. Webb clarified that there should be a rational basis behind a zoning decision, though commissioners do have discretion. He further clarified that Platting is a ministerial function, and if a plat application meets standards, the Commission must approve the application.

3. Informal discussion on preliminary draft language amending the text of the Unified Development Code (UDC) Section 4.02.11 – Screening Requirements for Residential and Nonresidential Properties where Nonresidential Construction Abuts Residential Zoning Classifications.

Michelle Mixell, Planning Manager, provided a presentation to the Commission on the existing masonry wall screening requirements and the results from workshop sessions with City Council, which included key points proposed to be included a draft text amendment related to offering alternative design options and an administrative approval process with the option to defer to City Council.

Ms. Mixell presented examples of design alternatives that could be incorporated into the code, such as opaque vegetative screens (living screen), berms, combination of masonry wall, decorative metal with vegetative screen; and no screening requirement based on uniqueness of an area e.g., Agora where the interconnectivity of uses and walkability may be impeded by the strict requirement to install a masonry wall, or any screening.

Ms. Mixell clarified that these alternatives would be evaluated based on criteria already established in the UDC and concluded her presentation by confirming with the Commission the directive from City Council: to take the text amendments to Public Hearing in December.

Members of the Commission asked general questions and provided feedback on the proposed code amendment.

Ms. Mixell thanked the Commissioners for their feedback and stated that their input will be incorporated into the proposed code amendment.

E. CONSENT AGENDA

4. Consider and act upon approval of minutes from the Planning and Zoning Commission Meeting held on June 28, 2021.
5. Consider and act upon approval of minutes from the Planning and Zoning Commission Meeting held on July 26, 2021.
6. Consider and act upon approval of minutes from the Planning and Zoning Commission Meeting held on August 23, 2021.

Commissioner Nelson moved, seconded by Commissioner Thornton to approve the Consent Agenda items.

Motion carried unanimously 5-0.

F. BUSINESS AGENDA

7. Consider and make a recommendation to the City Council for the Appointment of a Chair and Vice-Chair for the Planning & Zoning Commission for Fiscal Year 2021-2022.

Commissioner Thornton nominated Commissioner May for Chair.

The Commission voted 5-0 to recommend Commissioner May for Chair.

Commissioner Nelson nominated Commissioner Gober for Vice Chair.

Motion by Commissioner Bruxvoort to recommend Commissioner Gober for Chair, seconded by Commissioner Thornton.

Motion carried unanimously, 5-0.

8. Consider and act upon a Replat of Lot 1, Block A, into Lots 1 - 4, Block A, of the E. Blount Subdivision, being ±21.011 acres of land situated in the William Wilson Survey, Abstract Number 1383, within the City of Corinth, Denton County, Texas. The property is generally located north of Lake Sharon Drive, south of Valley View Drive, west of North Corinth Street, and east of Evans Road. (RP21-0001 E. Blount Subdivision Replat)

Miguel Inclan, Planner, presented the item to the Commission.

Commissioner Thornton moved, seconded by Commissioner Bruxvoort, to approve the Replat as presented.

Motion carried unanimously, 5-0.

G. DIRECTOR'S REPORT

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

Mr. Webb informed the Commission that there are three Planned Development applications in the pipeline that will be brought to the Commission for consideration.

H. ADJOURNMENT

There being no other business before the Commission, the meeting was adjourned at 7:58 PM.



CITY OF CORINTH
Staff Report

Meeting Date:	12/13/2021	Title:	Public Hearing on UDC text amendment to Masonry Screening Wall Requirements
Ends:	<input type="checkbox"/> Resident Engagement <input checked="" type="checkbox"/> Proactive Government <input type="checkbox"/> Organizational Development <input type="checkbox"/> Health & Safety <input type="checkbox"/> Regional Cooperation <input type="checkbox"/> Attracting Quality Development		
Governance Focus:	<i>Focus:</i> <input type="checkbox"/> Owner <input type="checkbox"/> Customer <input type="checkbox"/> Stakeholder		
	<i>Decision:</i> <input type="checkbox"/> Governance Policy <input type="checkbox"/> Ministerial Function		

Item/Caption

Conduct a public hearing to consider testimony and make a recommendation on a proposed amendment to the City’s Unified Development Code (UDC), Section 4: Sign and Fence/Screening Regulations, Subsection 4.02.11. Screening Requirements for Residential and Nonresidential Properties, Subsection 4.02.11.C.1. Nonresidential Construction Abuts Residential Zoning Classifications (ZTA21-001).

Item Summary/Background/Prior Action

At their respective Workshop Sessions (October 7 and October 21, 2021 – City Council) and (November 15, 2021 – Planning & Zoning Commission), both City Council and Planning & Zoning Commission discussed the merits of considering an amendment to the UDC Section 4, Subsection 4.02.11.C.1., that would permit alternative compliance design options to the strict requirement of a masonry screening wall installation where nonresidential construction abuts residential zoning classification.

In those discussions, it was directed that alternative design options would be appropriate in certain instances when considering the following factors:

- The character of a property or area,
- The unique site conflicts where existing features might create a less desirable result,
- The intensity of the nonresidential use, and
- Where it is not a “best practice” to require a masonry wall given the uniqueness of the situation and proposed site design such as projects where interconnectivity among land uses and walkability is desired to foster an urban development pattern

Alternative design options discussed included opaque vegetative screens (living screen), berms, combination of masonry wall, decorative metal with vegetative screen, and a no screening option based on uniqueness of an area.

Further, it was discussed that alternative compliance would be reviewed and approved at staff level with the option to defer to City Council.

Attachment A contains the proposed text amendment to Subsection 4.02.11.C.1. based on concepts noted above.

Staff Recommendation/Motion

Approve as presented in Attachment A.

Draft Text Amendment
Language Amending Subsection 4.02.11.C.1 – Nonresidential Construction Abuts Residential Zoning Classification

Staff Commentary: The following draft is proposed to amend the Unified Development Code (UDC) Section 4: Subsection 4.02.11 – Screening Requirements for Residential and Nonresidential Properties by adding new language to Subsection 4.02.11.C.1, as it pertains to nonresidential construction abutting residential zoning classification. The new language to be added is shown with red underline. Existing UDC language is shown in black.

4.02.11 - Screening Requirements For Residential And Nonresidential Properties

- A. Screening Height Between Nonresidential and Residential. Masonry screening walls separating nonresidential used and/or zoned areas from residential uses shall be at least six feet (6') in height, but not more than eight feet (8'), unless otherwise specifically permitted or required by this Section or unless approved by the City Council following a recommendation by the Planning and Zoning Commission in the consideration of a PD, Planned Development rezoning application, Site Plan, or Specific Use Permit.
- B. Masonry Screening Walls. Masonry screening wall shall be placed up to the property line except when deemed physically impractical by the property owner and the Building Official.
- C. Nonresidential Construction Abuts Residential Zoning Classification.

- 1. Nonresidential construction which abuts the boundary of any property in a residential zoning classification shall require the Developer of the nonresidential use to erect a minimum six (6) foot high masonry screening wall along the common boundary before public works improvements having been accepted for platting purpose or before the issuance of a Certificate of Occupancy for zoning purposes.

The design and construction material of the screening fence shall be as specified in this Section.

- a. Approval of Alternative Compliance. To provide greater flexibility in design while maintaining appropriate levels of screening between nonresidential construction and residential zoning classifications, the Planning and Development Director may administratively approve an alternative design deviating from the requirements of the masonry screening wall as required in Subsection 4.02.11.C.1, by considering the evaluation criteria outlined in Subsection 2.10.02.B. Additionally, it is at the discretion of the Planning and Development Director, to defer alternative compliance consideration to the City Council for review and approval as provided for in Subsection 2.10.02.A.3. In any instance, the Applicant shall have the burden of demonstrating that the proposed alternative design meets evaluation criteria for an alternative design as set forth in Section 2.10.02.B.

- i. Design Options. Alternative compliance requests may include the following design options or combinations thereof, when presenting best practice alternatives to a masonry screening wall.

- a) Opaque Vegetative Screen (Living Screen). Evergreen shrubs, minimum six feet (6') in height shall be installed in a landscape easement being a minimum width of 15 feet. The evergreen shrubs shall be installed to achieve 100% opacity at the time of planting. The species and spacing of the shrubs shall be determined during alternative compliance consideration. The

landscape easement must be free of any other utility easements unless approved by the Director.

- b) **Earth Berms in combination with semi-opaque Vegetative Screen (Living Screen)** – Earth berms shall have a maximum slope of 4-to-1 ratio, requiring at least 4 feet of horizontal with for every one foot (1’) of vertical height. The level of opacity will be determined during alternative compliance consideration. Evergreen shrubs shall be installed and shall be accentuated with deciduous shrubbery with the specific plant material to be determined during alternative compliance consideration.
- c) **Decorative Metal Fence.** A decorative metal fence, a minimum of six feet (6’) in height shall be permitted in combination with opaque or semi-opaque Vegetative Screen (Living Screen).
- d) **No Screening.** A no screening option may be considered though must be justified as a best practice associated with fostering interconnectivity between uses and to promote walkability and a sense of place within the areas envisioned for Mixed Use -TOD within the Comprehensive Plan.

ii. **Application Requests.** A request for alternative compliance consideration shall occur at the time of Site Plan review and shall include an associated Landscape Plan for the subject property along with a graphic illustration showing an elevation view of the proposed design and a justification narrative. The graphic illustration shall clearly demonstrate how the alternative design meets the evaluation criteria outlined in Section 2.10.02.B. Further, the graphic representation shall include an illustration of opacity of plant material to be provided at time of planting as superimposed on a photograph or similar method to illustrate the effectiveness of the design to adequately screen abutting residentially zoned properties. If proposing a “no screening” option, the graphic shall clearly demonstrate why this option is a best practice to be considered.

a) Requests for alternative compliance shall be completed and prepared by a Registered Landscape Architect with the alternative design to identified on the approved landscape plan with a note indicating that:

- 1) All plant material shall be maintained in a healthy and growing condition and must be replaced with plant material of similar variety and size if damaged, destroyed, or removed.
- 2) An automatic irrigation system shall be installed.
- 3) Vegetative Screens (and associated landscaped areas) shall be kept free of trash, litter, weeds, and other such materials not a part of the landscaping.

iii. **Appeals from Administrative Decision.** The Applicant may appeal the decision of Staff to the City Council by requesting consideration under the established Alternative Compliance, Section 2.10.02.

D. Nonresidential Uses with Loading Docks.

1. Nonresidential uses with loading docks and delivery entrances that front a Collector Street or Arterial Street shall require the Developer to erect a minimum ten-foot (10') high masonry screening wall to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery.
2. If such service/loading areas are adjacent to residential uses, they shall be screened from view at a height of six feet (6') while standing at the highest grade on the residential property line.

E. Residential Construction Abuts a Collector or an Arterial Street.

1. When residential construction abuts a Collector Street or an Arterial Street (as defined in the City's Comprehensive Plan as amended from time to time), the Developer shall erect a minimum six (6) foot high masonry screening wall before the issuance of a Certificate of Occupancy.
2. When required by this section the masonry screening wall shall be placed within a lot owned and maintained by the Homeowners Association. If there is no Homeowners Association then the screening wall shall be placed on the property line between the lot and the required landscape buffer, in this instance the property owner shall be responsible for the maintenance of the required wall.

F. Screening Walls/Fences.

1. Any screening fence required by this Section shall be constructed of the following materials:
 - a. Brick, stone, or split-face concrete masonry unit; or
 - b. Pre-cast concrete wall or poured-in-place concrete wall with a similar appearance as brick, stone, or split-face concrete masonry unit.
2. All construction materials shall be earth-tone or traditional masonry colors including white.
 - a. An unfinished haydite block wall or a wall with non-traditional masonry colors shall be prohibited.
 - b. Where a masonry screening wall is constructed of split-face concrete masonry units or pre-cast concrete or poured-in-place concrete with a similar appearance as brick, stone, or split-face concrete masonry unit, the decorative or split-face side of the wall shall face the adjacent residential properties or street.
 - c. Smooth-faced concrete masonry units (e.g., haydite blocks) shall not be permitted as a construction material for a screening fence.

G. Screening Wall Design.

1. All walls shall be constructed with the same materials and same masonry percentages as the main building.
2. The screening wall shall be designed and constructed to prevent any drainage or erosion problems.
3. A minimum five-foot (5') wide screening fence maintenance easement shall be provided on all lots abutting the required screening along the full length of the required screening fence, unless separated by an alley. If platting, such easement shall be shown on the Preliminary Plat and Final Plat.

Staff Commentary: The language below is an excerpt of existing text UDC Subsection 2.10.02.B. – Alternative Compliance Evaluation Criteria. This language is not being amended though provided for ease of reference as Subsection 2.10.02.B below is cited as “Evaluation Criteria” in the draft text in Subsection 4.02.11.C.1.a., above.

The Evaluation Criteria (Subsection 2.10.02.B) is as follows:

B. Alternative Compliance Evaluation Criteria.

1. The Alternative Compliance standard(s) being sought shall be in agreement with, and shall promote, the recommendations and policies within the City's Comprehensive Plan.
2. The proposed standard(s) does not reduce a standard unless it is, to the greatest extent practical, equally mitigated or improved by increasing standards of other requirements.
3. The proposed standard(s) do not attempt to modify the land uses allowed in the zoning district in which the subject property is located, nor does the proposed standard(s) attempt to add a land use not normally allowed in the zoning district.

DRAFT