

MINUTES
PLANNING AND ZONING COMMISSION
August 4, 2021

After determining that a quorum was present, the Planning and Zoning Commission of the City of Denton, Texas convened in a Work Session on Wednesday, August 4, 2021, at 4:05 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Chair Andrew Rozell, Commissioners: Margie Ellis, Tim Smith, Jason Cole, Eric Pruett, and Donald McDade

ABSENT: Commissioner Ronnie Anderson

Note: Commissioner Tim Smith arrived at 4:55 p.m.

WORK SESSION

1. Citizen Comments on Consent Agenda Items

None

2. Work Session Reports

- A. Receive a report, hold a discussion, and give staff direction regarding the Comprehensive Plan Update, other Plan updates, and Form-Based Code.

The item was presented, and a discussion followed.

3. Clarification of agenda items listed on the agenda for this meeting.

- Agenda items presented; no discussion followed:
 - 4A (FP21-0005b), 4B (FP21-0020), 4C (FP21-0019), 4D (FP21-0019), and 4E (FP19-0023)
- Agenda items presented; discussion followed:
 - 5A (Z21-0009) and 5C (S21-0004)

The Work Session ended at 5:14 p.m.

REGULAR MEETING

After determining that a quorum was present, the Planning and Zoning Commission of the City of Denton, Texas convened in a Regular Meeting on Wednesday, August 4, 2021 at 6:31 p.m. in the Council Chambers at City Hall, 215 E. McKinney, Denton, Texas.

PRESENT: Chair Andrew Rozell, Commissioners: Margie Ellis, Tim Smith, Jason Cole, Eric Pruett, and Donald McDade.

ABSENT: Commissioner Ronnie Anderson

1. PLEDGE OF ALLEGIANCE

- A. U.S. Flag
- B. Texas Flag

2. CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES FOR:

A. Consider the approval of the June 14, 2021 meeting minutes.

Chair Rozell noted that there was a correction in the minutes that was sent to all of the Commissioners.

Commissioner Smith moved to approve the item as presented. Motion seconded by Commissioner Ellis. Motion carried.

AYES (6): Chair Rozell, Commissioners: Ellis, Smith, Cole, Pruett, and McDade

NAYS (0): None

ABSENT (1): Commissioner Anderson

3. CONSENT AGENDA

A. FP21-0006: Consider a request by Brock A. Pfister of Kimley-Horn and Associates, Inc., on behalf of Kevin Lazares of Forestar (USA) Real Estate Group, for approval of a Final Replat of the Eagle Creek - Phase 4 Addition. The approximately 32.320-acre site is generally located south of Parvin Street and north and west of Roselawn Drive, in the City of Denton, Denton County, Texas. (FR21-0006, Eagle Creek - Phase 4, Ron Mengueta).

Commissioner Smith moved to adopt the Consent Agenda as presented. Motion seconded by Commissioner Cole. Motion carried.

AYES (6): Chair Rozell, Commissioners: Ellis, Smith, Cole, Pruett, and McDade

NAYS (0): None

ABSENT (1): Commissioner Anderson

4. ITEMS FOR INDIVIDUAL CONSIDERATION

A. FP21-0005b: Consider a request by MS Hamilton and Associates dba Greywolf Development for a Final Plat of the Grey Wolf Addition. The approximately 4.001-acre site is generally located on the northwest side of the intersection of East Windsor Drive and Stuart Road in the City of Denton, Denton County, Texas. (FP21-0005b, Grey Wolf Addition, Julie Wyatt)

The item was presented, and no discussion followed.

Commissioner Smith moved to approve the item. Motion seconded by Commissioner Ellis. Motion carried.

AYES (6): Chair Rozell, Commissioners: Ellis, Smith, Cole, Pruett, and McDade

NAYS (0): None

ABSENT (1): Commissioner Anderson

B. FP21-0020: Consider a request by ECM Eden Village LP for approval of a Final Plat of the Eden Village Addition. The approximately 34.918-acre property is generally located on the west side of Loop 288, approximately 1,355 feet south of Audra Lane in the City of Denton, Denton County, Texas. (FP21-0020, Eden Village, Julie Wyatt)

The item was presented, and no discussion followed.

Commissioner Smith moved to approve the extension of the item to a date certain of August 18, 2021. Motion seconded by Commissioner Ellis. Motion carried.

AYES (6): Chair Rozell, Commissioners: Ellis, Smith, Cole, Pruett, and McDade

NAYS (0): None

ABSENT (1): Commissioner Anderson

C. PP21-0012: Consider a request by South I-35 Industrial LP, for a Preliminary Plat of Urban Logistics Addition. The approximately 34.51-acre subject property is generally located on the south side of the I-35 East Service Road, approximately 672 feet west of Sam Bass Boulevard, in the City of Denton, Denton County, Texas. (PP21-0012, Urban Logistics, Hayley Zagurski).

The item was presented, and no discussion followed.

Commissioner Smith moved to deny the item. Motion seconded by Commissioner Pruett. Motion carried to deny.

AYES (6): Chair Rozell, Commissioners: Ellis, Smith, Cole, Pruett, and McDade

NAYS (0): None

ABSENT (1): Commissioner Anderson

D. FP21-0019: Consider a request by Phase 17 Investments LP and Phase 18 Investments LP, for a Final Plat of I-35 Warehouse Addition. The approximately 23.623-acre subject property is generally located on the west side of I-35 North, approximately 690 feet north of Barthold Road, in the City of Denton, Denton County, Texas. (FP21-0019, I-35 Cold Storage, Hayley Zagurski).

The item was presented. No discussion followed

Commissioner Ellis moved to approve the item. Motion seconded by Commissioner Smith. Motion carried.

AYES (6): Chair Rozell, Commissioners: Ellis, Smith, Cole, Pruett, and McDade

NAYS (0): None

ABSENT (1): Commissioner Anderson

E. FP19-0023: Consider approval of CDI 2499 East Addition, being 1 mixed use neighborhood lot. The approximately 5.77-acre tract is generally located along the west line of FM 2499 aka Barrel Strap and being approximately south 1,300 +/- feet from the intersection of Robinson Road and FM 2499 located within City of Denton, Denton County, Texas. (FP19-0023, CDI 2499 East Addition, Mark Laird).

The item was presented, and no discussion followed.

Commissioner Smith moved to approve the item with. Motion seconded by Commissioner Cole. Motion carried.

AYES (6): Chair Rozell, Commissioners: Ellis, Smith, Cole, Pruett, and McDade

NAYS (0): None

ABSENT (1): Commissioner Anderson

5. PUBLIC HEARING

A. Z21-0009: Hold a public hearing and consider making a recommendation to City Council regarding a request by Peter and April Reese, the property owners, to rezone approximately 2.990 acres from a Residential Rural (RR) District to a Residential 1 (R1) District. The 2.990-acre site is generally located on the east side of South Bonnie Brae Street, approximately 830 feet north of Allred Road, in the City of Denton, Denton County, Texas. (Z21-0009, Reese Single-Family Rezoning, Cameron Robertson).

Chair Rozell opened the public hearing

The item was presented, discussion followed.

Citizen comments received are noted in Exhibit A.

With no further commentary, the public hearing was closed.

Commissioner Smith moved to adopt the item as presented. Motion seconded by Commissioner Ellis. Motion carried.

AYES (6): Chair Rozell, Commissioners: Ellis, Smith, Cole, Pruett, and McDade

NAYS (0): None

ABSENT (1): Commissioner Anderson

B. PD21-0002: The City of Denton Planning and Zoning Commission will hold a public hearing and consider making a recommendation to City Council regarding a request to rezone approximately 32.11 acres from Mixed Use Regional (MR) District to a Planned Development (PD) District. The site is generally located south of North Loop 288, southwest of Hwy 77 (North Elm Street), and west of North Bonnie Brae Street, in the City of Denton, Denton County, Texas. THE REQUEST IS BEING POSTPONED TO A DATE UNCERTAIN.

Note: No action was taken on the item as it was postponed.

C. S21-0004: Hold a public hearing and consider making a recommendation to City Council regarding a request by Tyche Income Fund, LLC for a Specific Use Permit for an increase in building height, from 40 feet to 60 feet, for a proposed multi-family development on approximately 7.61 acres of land zoned Mixed Use Neighborhood (MN) District, generally located on the south side of Interstate Highway 35 East, approximately 1,500 feet south of Lillian B Miller Parkway in the City of Denton, Denton County, Texas. (S21-0004, Millennium Crest, Hayley Zagurski)

Chair Rozell opened the public hearing

The item was presented, and discussion followed.

William Tsao, Applicant, and Randi Rivera, Applicant, also presented the item. Discussion continued.

Citizen comments received are noted in Exhibit A.

Discussion continued.

With no further commentary, the public hearing was closed.

Commissioner Smith moved to deny the item. Motion seconded by Commissioner Ellis. Motion superseded.

Chair Rozell moved to table the item indefinitely. Motion seconded by Commissioner Smith. Motion carried.

NOTE: Because the motion to table the item indefinitely carried, there was no vote called on Commissioner Smith's motion to deny the item, seconded by Commission Ellis.

AYES (4): Chair Rozell, Commissioners: Smith, Pruett, and McDade

NAYS (2): Commissioners Ellis and Cole

ABSENT (1): Commissioner Anderson

6. PLANNING AND ZONING COMMISSION PROJECT MATRIX

Staff provided an update of City Council decisions as well as upcoming work session reports.

7. CONCLUDING ITEMS

None

With no further business, the meeting was adjourned at 9:16 p.m.



Margie Ellis
Planning & Zoning Vice-Chair



Selena Dillard
Administrative Assistant

August 4, 2021 Planning and Zoning Meeting- EXHIBIT A

Speaker Commentaries/Registration - Online, Email, In-Person, and Phone

First Name	Last Name	Address	City	State	Zip	Agenda Item	Position	Method	Comments
Kyle	Waylon	4681 South Bonnie Brae	Argyle	Texas	76226	5A (Z21-0009)	Against	In-person	Would like the area to stay rural, and continue having single-family dwellings.
Peter	Reese	0 Bonnie Brae	Argyle	Texas	76226	5A (Z21-0009)	For	In-person	Applicant, He noted that there are only plan to build one, single-family home on the land.
Ralph/Bernice	Binford	2416 Natchez Trace	Denton	Texas	76210	5C (S21-0004)	Against	Online	MY wife and I are retired home owners. Our property abuts the 7 acres in discussion. I know of no one who would like to live next door to a 3-story apartment complex. This project will bring lights, noise including coming and going 24/7. And would devalue our homes at Southridge Estates. I hope the panel will consider both sides, pro and con, and not make their recommendation based on what's financially best for the city. This project would also give us less home security for our families.
Michelle	Emick	2504 Shiloh Road	Denton	Texas	76210	5C (S21-0004)	Against	Online	NARROW single access point invites traffic blockages, especially when emergency responders encounter traffic fleeing from the same emergency. Area already has excess vacant commercial properties in locations much better suited for business. Another underutilized development will buttress the belief held by prevailing developers that Denton is not advantageous for business. Destruction of trees and habitats for a development destined to fail is indefensible. No limits to prevent student housing.
Daniel	Lyons	2516 Shiloh Road	Denton	Texas	76210	5C (S21-0004)	Against	Online	The zoning regulation heights are there for a reason. This request would decrease property values, be an eye sore and pollute the entire neighborhood. I do not support the increase from 40 feet to 60 feet. The individuals in the apartment complex do not pay property taxes and even though the owner does, it will not offset the infrastructure strain on the community. Please do not destroy our neighborhood.
Juanita	Valdez	2200 Shenandoah Trail	Denton	Texas	76210	5C (S21-0004)	Against	Online	I live in the neighborhood that will be negatively impacted by this tall building in neighbors backyard that would lower our property values. I'm opposed to this agenda item.
Pamela	Paul	35 Highview Circle	Denton	Texas	76205	5C (S21-0004)	Against	Online	None
Roger	Escamilla	1117 Skylark Drive	Denton	Texas	76205	5C (S21-0004)	Against	Online	Inner city didn't is that Max capacity. The roads aren't designed to allow for the expansion of this apartment complex. Try looking for zones in the outskirts of town so those roads can be developed to allow the influx amount of residents to live into the apartments. Fix the city streets first to allow another traffic flow.
Henry	Nguyen	2528 Natchez Trace	Denton	Texas	76210	5C (S21-0004)	Against	Online	None
Tania	Heap	1104 Ellison Park Circle	Denton	Texas	76205	5C (S21-0004)	Against		None
Ella	Helmuth	3901 Montecito	Denton	Texas	76210	5C (S21-0004)	Against	Online	Trying to squeeze a 6 story structure into this narrow space is the ultimate in irresponsible greed. Its time to bring things back into perspective and say no to senseless greed.
Jeff	Roman	2420 Natchez Trace	Denton	Texas	76210	5C (S21-0004)	Against	Phone	Concerned about possible college tenants, and with his home being 2 stories, he believes there will be no privacy. He also believed that there would be noise pollution, and possible increase in crime.

Anne	Berry	2500 Natchez Trace	Denton	Texas	76210	5C (S21-0004)	Against	Phone	Concerned that the tree canopy area differs depending on the time of year, and there will be a lack of privacy and increased noise pollution. She also pointed out the potential of increased crime.
Nathan	Fellman	2408 Natchez Trace	Denton	Texas	76210	5C (S21-0004)	Against	Phone	Believed the proposed development does not meet all the criteria for a permit approval. Because the proposed development sits on a hill he is concerned with privacy as the back of his home will be visible. He is also concerned with increase noise pollution, odor, impacts on emergency services and access and traffic.
Lorne	Thomas	2404 Natchez Trace	Denton	Texas	76210	5C (S21-0004)	Against	In-person	Concerned with tree loss, and would like to see a secure barrier between his home and the development
Ralph	Benford	2416 Natchez Trace	Denton	Texas	76210	5C (S21-0004)	Against	In-person	Would like more specific information on the project, concerned about property value, noise, pollution, and impact of the neighborhood.
Jerry	Drake	2504 Shiloh Road	Denton	Texas	76210	5C (S21-0004)	Against	In-person	Mr. Drake presented a report to the Commission. He questioned the compatibility to the surrounding area, and was concerned with the width of the fire lanes. Believes that it would impact access, and traffic.
Dan	Lyons	2516 Shiloh Road	Denton	Texas	76210	5C (S21-0004)	Against	In-person	He does not believe the buffer between the proposed development and existing homes is enough space. Property values will suffer.
Ken	Gold	2512 Natchez Trace	Denton	Texas	76210	5C (S21-0004)	Against	In-person	Concerned with the lack of privacy as the building would be looking out over the back of his house, and believes the area will disrupt the habitat. Concerned with the number of accesses to the proposed development, the traffic impact, negative impact to the areas trees, and insufficient buffer area.
Russell	Black	2304 Shenandoah Trail	Denton	Texas	76210	5C (S21-0004)	Against	In-person	wanted more clarification of the project and process for approval.
Eric	Robertson	2501 Shiloh Road	Denton	Texas	76210	5C (S21-0004)	Against	In-person	Believed that the SUP in the area is incompatible, and worried about potential college tenants that would have loud parties. He was also concerned that the fire lane access going through a nursing home property would lead to people getting hurt. Also there would possibly be a homeless population in the buffer area, decreased home value, and increased noise.
Leann	Lyons	2516 Shiloh Road	Denton	Texas	76210	5C (S21-0004)	Against	In-person	Concerned with the residents or the nursing home and assisted living in the area would be disturbed by the fire lane access going through their property.
Leah	Robertson	2501 Shiloh Road	Denton	Texas	76210	5C (S21-0004)	Against	In-person	Concerned with added light and noise pollution.