

MINUTES
PLANNING AND ZONING COMMISSION
September 22, 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, September 22, 2021, at 5:04 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Chair Margie Ellis, Vice-Chair Tim Smith, Commissioners: Jason Cole, Eric Pruett, Donald McDade, Ronnie Anderson, and Jordan Villarreal

ABSENT: None

WORK SESSION

1. Citizen Comments on Consent Agenda Items

None

2. Work Session Reports

- A. Receive a report and hold a discussion regarding general topics in platting.

The item was presented, and a discussion followed.

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

Chair Ellis noted that Consent Agenda item 3A (FP21-0013c) had been withdrawn by the applicant, and no action would be taken.

- Agenda items presented; no discussion followed:
 - 4A (PP21-0019), 4B (PP21-0016b), 4C (PP21-0022), 4D (PP21-0020)
- Agenda items presented; discussion followed:
 - 5A (Z21-0014a), 5B (PD20-0010), 5E (S21-0004), 5F (Z21-0010)

The Work Session ended at 5:53 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, September 22, 2021 at 6:33 p.m. in the Council Chambers at City Hall, 215 E. McKinney, Denton, Texas.

PRESENT: Chair Margie Ellis, Vice-Chair Tim Smith, Commissioners: Jason Cole, Eric Pruett, Donald McDade, Ronnie Anderson, and Jordan Villarreal

ABSENT: None

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 September 8, 2021 meeting minutes.

Vice-Chair Smith moved to approve the item as presented. Motion seconded by Commissioner Anderson. Motion carried.

AYES (7): Chair Ellis, Vice-Chair Smith, Commissioners: Cole, Pruett, Anderson, McDade, and Villarreal

NAYS (0): None

ABSENT (0): None

3. CONSENT AGENDA

- A. FP21-0013C: Consider a request by Tyler Rank of Eagle Surveying, on behalf of the property owner, for a Final Plat of Hilltop Road Estates. The approximately 20.07-acre property is generally located on the west side of Hilltop Road, approximately 2,435 feet south of the intersection of Hilltop Road and Brush Creek Road, in the Extraterritorial Jurisdiction of the City of Denton, Denton County, Texas. (FP21-0013c, Hilltop Road Estates, Sean Jacobson)
- B. FP21-0017b: Consider a request by Robson Denton Development, LP for approval of a Final Plat for Robson Ranch Unit 6.2. The approximately 21.9-acre site is generally located at the northeast corner of Banded Iron Lane and Crestview Drive in the City of Denton, Denton County, Texas. (FP21-0017b, Robson Ranch Unit 6.2, Julie Wyatt)

Note: Item 3A (FP21-0013c) was withdrawn by the applicant, and no action was taken.

Vice-Chair Smith moved to approve item 3B (FP21-0017b) as presented. Motion seconded by Commissioner Cole. Motion carried.

AYES (7): Chair Ellis, Vice-Chair Smith, Commissioners: Cole, Pruett, Anderson, McDade, and Villarreal

NAYS (0): None

ABSENT (0): None

4. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. PP21-0019: Consider a request by Davit Barseghyan, on behalf of the property owner, for a Preliminary Plat of Perch Denton Addition, Lot 41, Block F. The 17.86-acre site is generally located 275 feet north of the intersection of N Bonnie Brae Street and Carril Al Lago Drive, in the City of Denton, Denton County, Texas. (PP21-0019, Perch Denton Addition, Sean Jacobson)

The item was presented, and no discussion followed.

Commissioner Anderson moved to approve the extension of the item to a date certain October 20, 2021. Motion seconded by Commissioner Cole. Motion carried.

AYES (7): Chair Ellis, Vice-Chair Smith, Commissioners: Cole, Pruett, Anderson, McDade, and Villarreal

NAYS (0): None

ABSENT (0): None

- B. PP21-0016b: Consider a request by Anthony Milbitz of Allison Engineering, on behalf of the property owner, K&C Triple Crown Partners, for a Preliminary Plat of Lots 3-7, Block B, Pecan Creek Business Park. The approximately 5.448-acre property is generally located on the south side of Duchess Drive, approximately 400 feet west of the intersection of Duchess Drive and S Loop 288, in the City of Denton, Denton County, Texas. (PP21-0016b, Pecan Creek Business Park, Sean Jacobson).

The item was presented, and no discussion followed.

Vice-Chair Smith moved to approve the item as presented. Motion seconded by Commissioner Villarreal. Motion carried.

AYES (7): Chair Ellis, Vice-Chair Smith, Commissioners: Cole, Pruett, Anderson, McDade, and Villarreal

NAYS (0): None

ABSENT (0): None

- C. PP21-0022: Consider a request by First Texas Homes, Inc. for a Preliminary Plat of the Parkside Addition. The 62.397-acre site is generally located north of Hickory Creek Road and approximately 1,515 feet west of Waterside Place in the City of Denton, Denton County, Texas. (PP21-0022, Parkside Addition, Lisa Payne).

The item was presented. No discussion followed.

Commissioner Villarreal moved to approve the extension of the item to a date certain of October 20, 2021. Motion seconded by Commissioner Anderson. Motion carried.

AYES (7): Chair Ellis, Vice-Chair Smith, Commissioners: Cole, Pruett, Anderson, McDade, and Villarreal

NAYS (0): None

ABSENT (0): None

D. PP21-0020: Consider a request by Robson Denton Development, LP for approval of a Preliminary Plat for Robson Ranch Unit 27. The approximately 44.903-acre site is generally located approximately 420 feet northwest of the intersection of Ed Robson Boulevard and Goodland Drive in the City of Denton, Denton County, Texas. (PP21-0020, Robson Ranch Unit 27, Julie Wyatt)

The item was presented. No discussion followed

Commissioner Cole moved to approve the extension of the item to a date certain of October 20, 2021. Motion seconded by Commissioner Villarreal. Motion carried.

AYES (7): Chair Ellis, Vice-Chair Smith, Commissioners: Cole, Pruett, Anderson, McDade, and Villarreal

NAYS (0): None

ABSENT (0): None

5. PUBLIC HEARING

A. Z21-0014a: Hold a public hearing and consider making a recommendation to City Council regarding a request by Caitlyn Ashley and Joan Phillips to rezone approximately 0.5 acre from Residential 3 (R3) District to Residential 7 (R7) District. The site is generally located on the east side of Bolivar Street, approximately 172 feet north of West Congress Street, in the City of Denton, Denton County, Texas. (Z21-0014a, Bolivar Zoning, Julie Wyatt)

Chair Ellis opened the public hearing

The item was presented, a discussion followed.

Citizen comments received are in Exhibit A.

With no further commentary, the public hearing was closed.

Vice-Chair Smith moved to adopt the item as presented. Motion seconded by Commissioner Pruett. Motion carried.

AYES (7): Chair Ellis, Vice-Chair Smith, Commissioners: Cole, Pruett, Anderson, McDade, and Villarreal

NAYS (0): None

ABSENT (0): None

- B. PD20-0010: Hold a public hearing and consider making a recommendation to City Council regarding a request by Star Gaze Investments LLC to rezone approximately 7.11 acres from Neighborhood Residential 4 (NR4) District and Rural Residential (RR) District to a Planned Development (PD) District. The site is generally located on the north side of East McKinney Street, approximately 1615 feet east of South Trinity Road, in the City of Denton, Denton County, Texas. (PD20-0010, Light Industrial, Julie Wyatt)

Chair Ellis opened the public hearing.

The item was presented, a discussion followed.

Citizen comments received are in Exhibit A.

With no further commentary, the public hearing was closed.

Vice-Chair Smith moved to adopt the item as presented. Motion seconded by Commissioner Villarreal. Motion carried.

AYES (7): Chair Ellis, Vice-Chair Smith, Commissioners: Cole, Pruett, Anderson, McDade, and Villarreal

NAYS (0): None

ABSENT (0): None

- C. DCA21-0004: Hold a public hearing and consider making a recommendation to City Council regarding a proposed Code amendment to the Denton Development Code Subchapter 5 Use Regulations, Subchapter 7 Development Standards, and Subchapter 9 Definitions; specifically, to introduce a new use, Data Center. (DCA21-0004, Data Center Use, Karina Maldonado) STAFF IS REQUESTING THIS ITEM BE POSTPONED TO A DATE CERTAIN OF OCTOBER 6, 2021.

Chair Ellis opened the public hearing.

The item was postponed, and no action was taken.

- D. Z21-0011a: Hold a public hearing and consider making a recommendation to City Council regarding a zoning change request by the applicant, Britain Seright of 97 Land Company, on behalf of the property owner, to rezone approximately 9.462 acres from a Residential 2 (R2) Zoning District to a Light Industrial (LI) Zoning District. The site is generally located at the northwest corner of the intersection of East University Drive and North Trinity Road, in the City of Denton, Denton County, Texas. THE APPLICANT HAS REQUESTED THAT THIS ITEM BE POSTPONED TO THE OCTOBER 6, 2021 MEETING. (Z21-0011a, Dollar Flowers 380, Ron Menguita)

Chair Ellis opened the public hearing.

The item was postponed, and no action was taken.

E. 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 Ellis opened the public hearing.

The item was presented, and a discussion followed.

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

Citizen comments received are in Exhibit A.

With no further commentary the public hearing was closed.

Vice-Chair Smith moved to deny the item. Motion seconded by Commissioner Cole. Motion carried.

AYES (7): Chair Ellis, Vice- Chair Smith, Commissioners: Cole, Pruett, Anderson, McDade, and Villarreal

NAYS (0): None

ABSENT (0): None

F. Z21-0010: Hold a public hearing and consider making a recommendation to City Council regarding a request by John Powell Walker, Hilton, James Guy & Leigh Anna Family Living Trust, Wady and Betty Jean Hilton, and Steven E. Bowles for a zoning change from Mixed Use Neighborhood (MN) and Residential 6 (R6) to a Light Industrial (LI) District on 20.83 acres and from a Residential Rural (RR) to LI District on approximately 4.17 acres. The 25-acre site is generally located on the south side of E. University Drive approximately 880 feet east of Geesling Road and on the east side of Geesling Road, approximately 800 feet south of E. University Drive, in the City of Denton, Denton County, Texas. (Z21-0010, Geesling Road Industrial, Hayley Zagurski).

Chair Ellis opened the public hearing.

The item was presented, and a discussion followed.

Aimee Bisset, Applicant, presented as well.

With no further commentary the public hearing was closed.

Commissioner Anderson moved to adopt the item as presented. Motion seconded by Commissioner Villarreal. Motion carried.

AYES (7): Chair Ellis, Vice-Chair Smith, Commissioners: Cole, Pruett, Anderson, McDade, and Villarreal

NAYS (0): None

ABSENT (0): None

6. PLANNING AND ZONING COMMISSION PROJECT MATRIX

Vice-Chair Smith asked that the agenda be organized in a way that items that have less public comment be moved before items that have more public comment.

7. CONCLUDING ITEMS

None

With no further business, the meeting was adjourned at 9:19 p.m.



Margie Ellis
Planning and Zoning Chair



Selena Dillard
Administrative Assistant

September 22, 2021 Planning and Zoning Meeting - EXHIBIT A

Speaker Commentaries/ Registration - Online, E-mail, In-Person, and Phone

First Name	Last Name	Address	City	State	Zip	Agenda Item	Position	Method	Comments
Melissa	Bradley	805 Boliver Street	Denton	TX		5A (Z21-0014)	Opposed	In-Person	Ms. Bradley would like the neighborhood and surrounding area to keep the current zoning.
Caitlyn	Ashley	3601 Meadow Trail Lane	Denton	TX		5A (Z21-0014)	For	In-Person	Applicant, noted that the zoning change would be for her home office.
Lee	Ramsey	525 S. Loop 288	Denton	TX		5B (PD20-0010)	For	In-Person	Applicant, explained the reasoning of the zoning change request.
Ken	Gold	2512 Natchez Trace	Denton	TX	76210	5E (S21-0004)	Opposed	In-Person	A presentation was given, Mr. Gold was concerned with the enviromental impact, and the proposed plan B option.
Misty	Gold	2512 Natchez Trace	Denton	TX	76210	5E (S21-0004)	Opposed	In-Person	Ms. Gold was concerned with the proposed height of the building.
Eric	Robertson	2501 Shiloh Road	Denton	TX	76210	5E (S21-0004)	Opposed	In-Person	Mr. Robertson believed this use is incompatible with the surrounding area, and that there is not a housing shortage that calls for the proposed apartments.
Jeff	Berry	2500 Natchez Trace	Denton	TX	76210	5E (S21-0004)	Opposed	In-Person	Mr. Berry was concerned with the height of the building, light and noise pollution, as well as the proposed plan B option
Greg	Armer	2508 Shiloh Road	Denton	TX	76210	5E (S21-0004)	Opposed	In-Person	Mr. Armor did not believe the scaling of the proposed building is appropriate for the area, and noted the lack of grocery stores in the area.
Anne	Berry	2500 Natchez Trace	Denton	TX	76210	5E (S21-0004)	Opposed	In-Person	Ms. Bery was concerned with the height of the building, the compatibility in the area, and the proposed plan B. She also noted the opposition from some individuals of the nearby Brookdale Senior Living facility.
Russel	Black	2304 Shanandoah Trail	Denton	TX	76210	5E (S21-0004)	For	In-Person	Mr. Black was opposed to both the Plan A and Plan B options, however given the choice he would be more opposed to Option B.
Jerry	Drake	2504 Shiloh Road	Denton	TX	76210	5E (S21-0004)	Opposed	In-Person	A presentation was given, Mr. Drake does not believe the proposed building has enough access, or has a compatibility with the surrounding area. He was also concerned with the Fire Lane being the only access for vehicular access, and the potential safety hazards.
Billie Ann	Kasper	2816 Southridge Drive	Denton	TX	76210	5E (S21-0004)	Opposed	In-Person	Ms. Casper was concerned about the safety risks with the fire lane access.
Jeff	Roman	2420 Natchez Trace	Denton	TX	76210	5E (S21-0004)	Opposed	Phone	Mr. Roman did not believe the proposed building was compatible with the surrounding area, and that such buildings would be more appropriate in other areas of Denton.
Martha-Anne	Fellman	2408 Natchez Trace	Denton	TX	76210	5E (S21-0004)	Opposed	Phone	Ms. Fellman was concerned with increased noise, lack of privacy and safety.
Dan	Lyons	2516 Shiloh Road	Denton	TX	76210	5E (S21-0004)	Opposed	In-Person	Mr. Lyons disussed the arictetural aspects of the proposed buildings A and B, and does not believe the scale is appropriate to the surrounding area.

Lee	Evans	2400 Natchez Trace	Denton	TX	76210	SE (S21-0004)	Opposed	Virtual Comment	This project is grossly out of proportion with every building in the area, will lower our property value and, I fear, is a bait and switch the developer plans to use this property to bring in Sect. 8 housing to profit from government incentive/tax programs like the developer before them tried to do. The proposed rent ceiling of \$1,500/month is not going to work. The numbers just don't add up for that to be a profitable business plan unless sect 8 goes in and gov. provides payment/tax breaks.
Wanda	Samek	2701 Norfolk Court	Denton	TX	76210	SE (S21-0004)	Opposed	Virtual Comment	This plan has several issues that would adversely affect the residents of the Southridge Estates neighborhood. Among them are traffic, noise, drain on city services, and disruption of a quiet community life. It is not conducive to the continued quality of life of current residents. It will destroy the visual impact of the setting, and it will create problems with environmental factors.
Theodore R	Harris	2509 Shenandoah Trail	Denton	TX	76210	SE (S21-0004)	Opposed	Virtual Comment	The proposed 4 story building exceeds everything else in the surrounding area by two stories and will have a visual impact on most or all of Southridge Estates, as well as privacy for our residents. It seems doubtful that the tenants will be "upscale" in view of the location, access, and rent. So I suspect this will make our development a less desirable place to live.
Joan	Godfrey	2512 Shiloh Road	Denton	TX	76210	SE (S21-0004)	Opposed	Virtual Comment	Development out of scale for the area. Adjacent buildings/subdivision are no more than 2 stories. Emergency exits not viable if using Brookdale entrances, especially at night, endangering ambulances and elderly pedestrians of the nursing home. Pinnacles states they are catering to higher income tenants although rents only range from \$1,100-1500, which is on low end for Denton, making it desirable for college students and lower income tenants which affects our property values and safety

Lee	Lyons	2516 Shiloh Road	Denton	TX	76210	5E (S21-0004)	Opposed	In-Person	Ms. Lyons stated that the proposed building is not ideal for milenial tenants, and noted a neighbors concerns with the lack of privacy.
Kristen	Roman	2420 Natchez Trace	Denton	TX	76210	5E (S21-0004)	Opposed	Phone	Ms. Roman was concerned with lack of privacy and had safety concerns.
Marilyn	Newland	2509 Potomac Pkwy	Denton	TX	76210	5E (S21-0004)	Opposed	Phone	I've lived in this neighborhood for 12 years, and it's always been one of the most sought after neighborhoods in the area. She's a realtor. If this complex is allowed to be built, it will affect the property value of the homeowners of the area. Any time a complex is in your backyard, it's going to affect when you go to sell. There are no other 4-story buildings in this area, so it's definitely out of scale. It will change the entire feel for this area.
Carl	Kasper	2816 Southridge Dr	Denton	TX	76210	5E (S21-0004)	Opposed	Virtual Comment	Out of Scale
Greg	Vallenari	2504 Cape Hatteras Ct	Denton	TX	76210	5E (S21-0004)	Opposed	Virtual Comment	I am opposed to this multi-family development. It will kill this neighborhood, already severely degraded by the addition of buckeye's to the east (noise & view). I do not live on the most impacted streets but as we drive or walk through the neighborhood, the MF complex will be strikingly visible to the north from about 1/2 of the neighborhood, from 2nd floor windows, front yards and the neighborhood streets driving or walking.
Jennifer	Danley-Scot	2405 shenandoah Trail	Denton	TX	76210	5E (S21-0004)	Opposed	Virtual Comment	In re: S21-0004 (Millennium Crest). The project is not to scale for the area. At 4 stories, it is not a buffer, as MN purports to be. It will tower above everything: the homes and Brookdale, even the buildings in the industrial plot to its north. The other concern is their plan to tie into our neighborhood sewer line. 260+ units is heavy usage. When homes were added, Southridge had citizens experience sewer overflow into homes due to back ups. We don't want that to happen here. Thank you.
Richard	Galbreath	2308 SHENANDOAH TRL	Denton	TX	76210	5E (S21-0004)	Opposed	Virtual Comment	The height of the proposed building is just too high. We have standards for a reason. If approved, It will stick out like a sore thumb. This building will deprive from the privacy they need to run their lives. I have fire safety and many, many other concerns with the development as well. Please vote no on this terrible proposal.

Lee	Evans	2400 Natchez Trace	Denton	TX	76210	5E (S21-0004)	Opposed	Virtual Comment	There is no contract/guarantee developer isn't going to bait & switch this property for section 8 housing. The government has a program that rewards development of very low income properties built in/around more upper- income properties. The developer receives fantastic tax breaks and very generous financing incentives. A developer tried to do just that with this property a couple of years ago. Also, concern emergency exits from property - automated gate may not work 100% of the time w/o fail
Barbara	Vallenari	2504 Cape Hatteras Ct	Denton	TX	76210	5E (S21-0004)	Opposed	Virtual Comment	Neighborhood already devalued with Buckeyes - visible from many points in neighborhood. 4 stories will be an eyesore - totally out of scale. Nearby homes and businesses are all 1-2 stories. Will be offensively visible from much of the neighborhood as you drive or walk it. Will change the character of and devalue the neighborhood. Will generate lots more traffic on I35 Access road where the MF residents will enter/exit, adding to the already disturbing noise levels from buckeye's.
Lea	Robertson	2501 Shiloh Rd	Denton	TX	76210	5E (S21-0004)	Opposed	Virtual Comment	An apartment complex is not compatible in the amount of space available and with the surrounding area. Traffic, lighting, noise, and height will greatly impact the area in a negative way.

Joan	Godfrey	2512 Shiloh Road	Denton	TX	76210	5E (S21-0004)	Opposed	Virtual Comment	Development out of scale for the area. Adjacent buildings/subdivision are no more than 2 stories. Emergency exits not viable if using Brookdale entrances, especially at night, endangering ambulances and elderly pedestrians of the nursing home. Pinnacles states they are catering to higher income tenants although rents only range from \$1,100-1500, which is on low end for Denton, making it desirable for college students and lower income tenants which affects our property values and safety
Nathan	Fellman	2408 NATCHEZ TRCE	Denton	TX	76210	5E (S21-0004)	Opposed	Virtual Comment	Noise-will add ample amount of it. Especially in the evening when kids are trying to sleep. Parties, etc. Privacy-Top units will be able to see directly into our backyard. Safety-Complex will bring in college crowds and potential crime. We have had a number of shootings in apartments throughout Denton. Property Value Decrease-Nobody wants to live where there is an apartment looking in their back window. Fire code-In the event of a fire people will be jumping our backyard fence
Russell	Black	2304 Shenandoah Trail	Denton	TX	76210	5E (S21-0004)	For	Virtual Comment	Builder needs to be held to their A.1 option with the 7" reduction in foundation height.
Tony	Murillo	2412 Natchez Trce	Denton	TX	76210	5E (S21-0004)	Opposed	Virtual Comment	
Andrea	Murillo	2412 Natchez Trace	Denton	TX	76210	5E (S21-0004)	Opposed	Virtual Comment	These apartments will overlook my backyard, increase traffic to a congested area, and effect our happiness about our recent move to the city of Denton. We notice pockets of areas where improvements can be made and the most common factor are apartments. We have a legacy neighborhood that is well sought after, with apartments overlooking the neighborhood we risk our reputation and value. The value data doesn't account for the people who didn't consider a residence due to a nearby apartment.
Culley	Lichtenberg	2409 Natchez Trace	Denton	TX	76210	5E (S21-0004)	Opposed	Virtual Comment	Too tall, doesn't meet scale of neighborhood and safety concerns with transient population. Noise and light pollution for neighborhood.
Margaret	Carleton	2524 Natchez Trace	Denton	TX	76210	5E (S21-0004)	Opposed	Virtual Comment	This is right behind my neighborhood and will be an intrusion on our privacy. PLEASE do not approve this!