

MINUTES
PLANNING AND ZONING COMMISSION
April 12, 2023

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, April 12, 2023, at 5:01 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas.

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

ABSENT: None

WORK SESSION

1. Citizen Comments on Consent Agenda Items

None

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

The following item was presented, and no discussion was had:

4.B (FP23-0006)

The following items were presented, and discussion was had:

5.A (PD21-0007c), 5.B (PD22-0010e), 5.C (Z23-0004a)

The following items were not presented, and no discussion was had:

3.A (FP23-0005a), 3.B (PP22-0026a)

The following item was withdrawn:

4.A (FP23-0005a)

3. Work Session Reports

A. PZ23-083 Receive a report and hold a discussion regarding regulations related to nonconformities.

Staff presented the report to the Commission and a discussion followed.

B. PZ23-084 Receive a report and hold a discussion regarding regulations and procedures related to public hearing notification.

Staff presented the report to the Commission and a discussion followed.

The Work Session was adjourned at 6:01p.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, April 12, 2023, at 6:35 p.m. in the Council Chambers at City Hall, 215 E. McKinney, Denton, Texas.

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

ABSENT: None

1. PLEDGE OF ALLEGIANCE

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

2. CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES

PZ23-078 Consider the approval of the March 29, 2023, Planning and Zoning meeting minutes.

Vice-Chair Smith moved to approve the March 29, 2023, Planning and Zoning meeting minutes. Motion seconded by Commissioner Villarreal. Motion carried.

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

NAYS (0): None

3. CONSENT AGENDA

- A. FP23-00034c Consider a request by First Texas Homes, Inc. for approval of a Final Plat of the Parkside Addition. The 57.509-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. (FP22-0034c, Parkside Addition, Angie Manglaris).
- B. PP22-0026a Consider a request by Vantage Fort Worth Energy LLC, for a Preliminary Plat of the Westview Heights Addition. The 6.425-acre site is generally located at the northwest corner of the intersection of F.M. 1173 and IH 35 in the City of Denton, Denton County, Texas. (PP22-0026a, Westview Heights Addition, Mia Hines).

Commissioner Villarreal moved to approve the Consent Agenda. Motion seconded by Vice-Chair Smith. Motion carried.

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

NAYS (0): None

4. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. FP23-0005a Consider a request by Beall Denton Partners LP, for a Final Plat of Northpointe, Phases 7 & 8. The 18.109-acre site is generally located South of Loop 288 and North of Beall Street in the Northpointe Subdivision in the City of Denton, Denton County, Texas. (FP23-0005, Northpointe Phases 7 & 8, Erin Stanley).

This item was withdrawn, and no action was taken.

- B. FP23-0006 Consider a request by Matt Drake of Westwood, on behalf of the property owner, for a Final Plat of Masch Branch Industrial, Lot 1, Block A. The approximately 37-acre site is generally located at the northeast corner of Jim Christal Road and Masch Branch Road in the City of Denton, Denton County, Texas. (FP23-0006, Masch Branch Industrial, Ashley Ekstedt).

Commissioner Cole had a conflict of interest and left the Council Chambers.

City staff presented the item. No discussion followed.

Commissioner Villarreal moved to approve the extension of the item to a date certain of May 10, 2023. Motion seconded by Vice-Chair Smith. Motion carried.

AYES (6): Chair Ellis, Vice-Chair Smith, and Commissioners: Anderson, Cole, Pruett, Villarreal, and McDade

NAYS (0): None

ABSTAINED (1): Commissioner Cole

5. PUBLIC HEARINGS

- A. PD21-0007c Hold a public hearing and consider making a recommendation to City Council regarding a request by Aimee Bisset, 97 Land Company, LLC., on behalf of the owner, Tony Riley, to rezone approximately 20.92 acres from a Suburban Corridor (SC) District to a Planned Development Mixed Use Neighborhood (PD MN) District. The site is generally located at the northeast corner of Loop 288 and FM 428, in the City of Denton, Denton County, Texas. (PD21-0007c, Sherman Drive Mixed Use, Angie Manglaris).

The public hearing was opened at the March 29, 2023, Planning and Zoning Commission meeting and remained open.

City staff presented the item. A discussion followed.

Citizen comments will be listed on Exhibit A.

Chair Ellis closed the Public Hearing.

Discussion continued between the Commission and Staff.

Commissioner Villarreal moved to deny the item as presented. Motion seconded by Commissioner Pruett. Motion carried.

AYES (6): Chair Ellis, and Commissioners: Anderson, Cole, Pruett, Villarreal, and McDade
NAYS (1): Vice-Chair Smith

The regular meeting was recessed at 8:31 p.m.

The regular meeting reconvened at 8:42 p.m.

B. PD22-0010e Hold a public hearing and consider making a recommendation to City Council regarding a request by Denton West Joint Venture for a zoning change from a Planned Development - Mixed-Use Neighborhood (PD-MN) District to an Overlay Planned Development (PD-SC) District. The 12.770-acre site is generally located at the northwest and southwest corner of Teasley Lane (F.M. 2181) and Hunters Creek Road in the City of Denton, Denton County, Texas. (PD22-0010c, Denton West Joint Venture, Mia Hines).

Chair Ellis stated the public hearing was left open from a previous meeting.

City staff presented the item. A discussion followed.

Citizen comments will be listed on Exhibit A.

Chair Ellis closed the public hearing.

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

AYES (5): Chair Ellis, Vice-Chair Smith, and Commissioners: Anderson, Cole, and Pruett
NAYS (2): Commissioner: Villarreal and McDade

C. Z23-0004a Hold a public hearing and consider making a recommendation to City Council regarding a City initiated zoning change from a Residential 3 (R3) to a Residential 6 (R6) District. The approximately 6.52-acre site is generally located on the north side of Hercules Lane, approximately 270 feet west of the intersection of Hercules Lane and Stuart Road, in the City of Denton, Denton County, Texas. (Z23 0004a, Camelot Street, Julie Wyatt)

Chair Ellis opened the public hearing.

City staff presented the item. No discussion followed.

Citizen comments will be listed on Exhibit A.

Chair Ellis closed the public hearing.

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

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

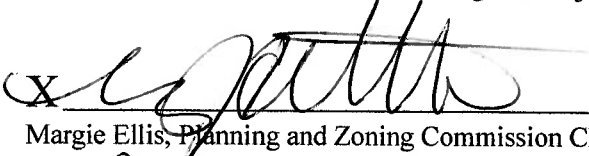
NAYS (0): None

6. PLANNING & ZONING COMMISSION PROJECT MATRIX

PZ23-023: Staff provided updates on upcoming events, matrix, City Council items and future meetings, and there was a discussion on the matrix.

7. CONCLUDING ITEMS

With no further business, the meeting was adjourned at 9:52 p.m.

X  4-26-23

Margie Ellis, Planning and Zoning Commission Chair Date

X  4/26-23

Cathy Welborn, Administrative Assistant III Date

Minutes approved on: April 26, 2023 _____

April 12, 2023 Planning and Zoning Meeting - EXHIBIT A						
Speaker Commentaries/ Registration - Online, E-mail, In-Person, and Phone						
Name	Address	Agenda Item	Position	Method	Comments	
Aimee Bissett (Applicant) Brian Schumburger(Applicant)	109 N Elm, Denton, Texas 76201	PD21-0007c	Support	In person	Provided an overview of the site. Spoke on the outreach they conducted.	
	801 Cherry Street, Fort Worth	PD21-0007c	Support	In person	Stated he is the Traffic Engineer for the project. Spoke in regards to the traffic analysis conducted on the site.	
Brian Grant	600 Las Colinas Blvd., Irving Texas 75039	PD21-0007c	Support	In person	Provided an overview of what they develop. Showed renderings of designs.	
Brian Bentley	2528 Jamestown Lane, Denton, 76209	PD21-0007c	Opposed	In person	He was on the Planning and Zoning Commission when the site was first rezoned from Agriculture to Commercial. Provided the history and background of what was told to the P&Z then.	
Bridget Marshall	3539 Pine Trail, Denton 76208	PD21-0007c	Opposed	In person	Reiterated the traffic safety concerns are in this area. Provided images of the area showing the traffic concerns.	
Travis Ekmark	4056 Hartlee Field Dr, Denton 76208	PD21-0007c	Opposed	In person	Stated getting in an out of Hartlee Field Road is a race. The school children who attend the football games are getting there at 5:00 p.m. not 7:00 p.m. and a path that he wont even take his children on we are sending them on a path with more congestion. Stated there has been no discussion in regards to the homes for Carter Ranch. It is also very clear what Dentonites want and don't want for this area.	
Nathan Tune	3201 Carmel Street, Denton 76205	PD21-0007c	Support	In person	He has worked with the property owner for seven years on this property. Stated the developer is reusable land developer. After speaking with Mr. Standridge he and property owner worked on the access by adding turn lanes to have a driveway on to the property.	
Greg Johnson	3190 Teasley Lane, Denton 76205	PD21-0007c	Support	In person	This is a hard corner of what is essentially an Interstate, when he looks at corners he looks at what is going to go there and the surrounding corners. No one will build a house on this corner. It is a hard corner of two state highways. Continued to speak in regards to surrounding land being ETJ.	
Susan Smith	7736 FM 428, Denton 76208	PD21-0007c	Opposed	In person	Did not speak.	
Tony Riley	3806 W. University Drive, Denton 76208	PD21-0007c	Support	In person	Did not speak.	
Dayna McMillan	3112 Deerfield Drive, Denton 76208	PD21-0007c	Opposed	In person	Stated the traffic of some surrounding developments also exit Hartlee Field Road. She works at Hodge Elementary and it is the highest need school in Denton. Hodge currently has 700 students. Most of student population is from the mobile home community and apartment's. During football games we have trouble getting in an out of our neighborhood. Concerned that there is a lot of building of apartment's along Loop 288. Within the last couple of years with all the apartment's from Highway 380 to the new High School and the traffic has been crazy. Thinks the traffic count is being minimized and we don't need another 380 right through town.	
Cindy Gilbert	4038 Hartlee Field Road	PD21-0007c	Opposed	In person	Did not speak.	
Caty McGuire	3574 Pine Trail	PD21-0007c	Opposed	In person	Stated she just moved over off Hartlee Field because they did love the area and environment. She grew up in "Idiot's Hill" neighborhood. Denton has been her home her entire life. Has to leave 30 minutes earlier for work to sit on the corner at Sherman Drive to turn left because cant always see and feels very uncomfortable. Is glad the land owner is happy but all the people around are not with the sale. Please think of the people that are up here, who came to a meeting because we are so passionate about this. This development is not where it needs to be.	
Marnie Sadri	3105 Deerfield Drive	PD21-0007c	Opposed	In person	Has heard much about the 2040 small area plan which is near and dear to our hearts. We have a small foot print of where we are right now. What concerns her is the area in northeast Denton is where everyone goes to relax. When she saw the plans she thought they were lovely just that on the corner in Northeast Denton is not the place. Make it light commercial for the residents to enjoy that maybe goes along with the theme that is already there. We should keep the footprint small.	

Stephen Arndt, M.A., M.S. Ph.D., LPC-S	3375 Hartlee Field Road, Denton 76208	PD21-0007c	Opposed	In person	Likes to take walks down what use to be a nice country lane. Recently one Saturday on our one mile out one mile in walk we were passed by forty cars. This is a very windy road that they were driving at 35, 40, and 50 mph. It is extremely dangerous. Also going out Hartlee Field and turning right onto Sherman is extremely dangerous. Its seems that the plan for Loop 288 is to build on every square inch. His question is when does it stop and when is it big enough.
Isobel Spinelli	5408 Pagewood Drive, Denton 76208	PD21-0007c	Opposed	In person	Stated she hears a lot about the football games but not about the band competitions or the other events that take place at the athletic complex. Also the Notarium that host clubs for swimming, water polo, and other various sports. On Saturdays when these events are taking place it is very hard to get out of the neighborhood to get down the hill. But there's more going on then just football games. By adding an apartment complex is a very dangerous situation without taking proper traffic considerations.
Brett Steward	5012 Golden Circle, Denton	PD21-0007c	Opposed	In person	The reason we came back to Denton from Flower Mound is to get away from the congestion. He is seeing the same type of pattern.
Stacey Standridge	15640 Quorum Drive, Addison	PD21-0007c	Support	In person	The reason his company was interested in this property is because of its location. The zoning allows for commercial development and that is what his company specializes in. There is no question the traffic is an issue. But as a developer he wants properties that have intersections with high traffic. When a project gets built there someday, the traffic could potentially be three times once it develops to its capacity then what is planned tonight. If it gets denied and someday come back that doesn't come before the Planning and Zoning Commission because it is zoned for commercial. The process would just goes through staff. Thinks what is proposed meets the comprehensive plan and is supported by staff.
Larry White	3217 Deerfield Drive, Denton	PD21-0007c	Opposed	In person	Has lived in Denton for over 50 Years. Feels there are only two places in Denton that he can call unique everything else has become commercial surrounding cities. We have downtown Denton which is really cool and loves seeing all the life down there. The only other place we have that is unique is the Northeast Denton area. Its a quit habitat and people can go to get away from everything. Hates when the City has the plans but no sooner they get into place then we are asking to change it.
Mary Arndt	3375 Hartlee Field Road, Denton 76208	PD21-0007c	Opposed	In person	Appreciates the time and decisions the Commission makes for Denton. You are hearing from the neighbors and the people that live here and we matter too. Her question is who does the Commission represent the developers or the people of Denton. How many people who live here want more of this type of development.
Shelly Meeks	Denton 76208	PD21-0007c	Opposed	Online	This rezoning request is inconsistent with the City's 2040 Comprehensive Plan and the wishes of the community members impacted by it. There was a clear theme during the community meetings. Residents in this part of Denton don't want additional multi-family housing and all the safety concerns this development will create on our roads. The information provided by the developer lacks transparency about the full impact to our neighborhoods. Please honor the wishes of the residents and vote no.
Ned Woodbridge	76208-3618	PD21-0007c	Opposed	Online	This should be denied because (1) it violates the Denton 2040 Plan & incompat. w/ adj. landuse, (2) a PD here adds no value, simply circumventing the Comp Plan, (3) it will engender unsafe traffic conditions, (4) inadequate bike/pedestrian accommodation, and (5) the community opposes it. This mixed use PD with 82% multifamily fails the Comp Plan "Community Mixed Use" definition and fails community desires for the area as expressed in the NE Denton Area Plan Community input meetings 3/23 & 3/25.
Corey Thompson	3101 Deerfield Dr. Denton 76208	PD21-0007c	Opposed	Online	We don't believe this meets requirements for Commercial Mixed Use per Future Land Use Map and 2040 Comprehensive Plan. The Traffic Impact Analysis from July '21 is inaccurate, and the proposed driveways are dangerous and not TxDOT compliant. Splitting the request from the 4.56 acre commercial development masks the actual impact on our community. More apartments is very inconsistent with community feedback on the NE Denton Area Plan. We strongly oppose this rezoning and urge you to do the same.

Emily and Spencer McFarling	5537 Woodland Hills Dr. Denton, TX 76208	PD21-0007c	Opposed	Online	We live off of Hartlee Field Road. FM 428 and Loop 288 traffic is already horrible and dangerous. There should not be dense housing or any driveway/entries between 288 and Hartlee Field Rd, ever. There are no sidewalks or pedestrian bridges. We see kids walking from the south side of the loop in the summer to the water park on the north side of the loop along 428 and it is so dangerous and will at some point prove to be deadly. PLEASE Don't open the gates for more apartments in our area. Vote NO
Greg Graham	3010 Hartlee Court, Denton, Texas, 76208	PD21-0007c	Opposed	Online	I live in the area affected by this planned development, and I'm opposed to the zoning change primarily because of the increased traffic on roads that are already inadequate for current usage. The proposed driveways in and out of the development are poorly placed, poorly spaced and will lead to a very congested and dangerous intersection at FM 428 and loop 288. With the existing neighborhoods, new housing, Water Works, NAT, football field and 2 schools, this would worsen a bad situation. Vote NO.
Robert Tickner	3900 Deer Forest Drive Denton TX 76208	PD21-0007c	Opposed	Online	I oppose this PD. This quadrant of the City of Denton needs to be less dense with opportunities for larger single family homes for those who wish to step up in house size and type. Increased Traffic congestion with no evidence that new and additional traffic control improvements are being constructed as part of the proposed project. Need documentation by TXDOT for a Zoning Change. No good plan for traffic to turn southbound on FM428 safely from the proposed driveways or Hartlee Field Road.
Lauren Gulrich Bonenberger	76208	PD21-0007c	Opposed	Online	Please keep this side of the loop less dense, no multifamily developments. The traffic in this area can't handle this increase and isn't necessary for this far north when there are plenty of newly added and upcoming multifamily projects on the other side of the loop where the atmosphere and infrastructure is more appropriate. Keep this hidden gem of Denton rural, open and most importantly SAFE!!!
Greg Johnson (Applicant) Nathan Tune	3190 Teasley Lane, Denton 76205 3201 Carmel Street, Denton 76205	PD22-0010e PD22-0010e	Support Support	In person In person	Provided a background and overview of the proposed request. Stated his understanding is they are just changing the base zoning. Teasley Lane is a heavy trafficked area. Doesn't believe that commercial properties on trafficked streets should be build so close to the front because it is dangerous. MN shouldn't be the base zoning here because it is a heavily trafficked road.
Michael Doranski	3924 Teasley Lane, Denton 76210	PD22-0010e	Opposed	In person	Not opposed to commercial in this area it will be commercial over there it just a matter of what kind of commercial and what kind of review process it goes through for that commercial. The specific use is there for the neighborhood for them to review each project. If you give this first blanket overlay assumes there will be more to follow. Spoke in regards to the possible safety concerns. Stated he his proposed that they will not have to come an present to the Commission.
Aimee Bissett	109 N Elm, Denton, Texas 76201	PD22-0010e	Support	In person	She was engaged by the current property owner to coordinate and facilitate the neighborhood meetings and heard all positive things from all the closest neighbors for the request.