

Minutes  
Planning and Zoning Commission  
January 23, 2019

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, January 23, 2019 at 5:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items were considered:

PRESENT: Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, Jason Cole, Mat Pruneda, Margie Ellis, and Tim Smith.

ABSENT: None.

STAFF: Scott McDonald, Richard Cannone, Hayley Zagurski, Ron Menguita, Roman McAllen, Charlie Rosendahl, Cindy Jackson, Jerry Drake, Sean Jacobson and Cathy Welborn.

WORK SESSION

Chair Rozell opened the Work Session at 5:04 p.m.

2. Work Session Reports

A. Hold a discussion and receive an update regarding the Historic Preservation Plan and incentive program. (PZ19-019, Roman McAllen).

Chair Rozell stated the work session reports would be heard before clarifying agenda items.

Roman McAllen, Historic Preservation Officer, provided an update on the Historical Preservation Plan and current Historic Preservation Plan and current historic preservation incentives.

Commissioner Sanchez questioned if incentives would apply to cemeteries. McAllen stated if the cemetery is privately owned and the owner was paying taxes.

Richard Cannone, Deputy Director of Development Services, stated any changes made to a historically landmarked property will require a certificate of appropriateness.

B. Discuss the Denton Development Code update. (PZ19-028, Ron Menguita)

Ron Menguita, Principal Planner, provided information regarding the Denton Development Code update and dates for upcoming meetings.

Menguita stated there will be a special called Work Session for the Planning and Zoning Commission on February 13, 2019.

1. Clarification of agenda items listed on the agenda for this meeting. This is an opportunity for Commissioners to ask questions of staff on the Consent and Regular Agenda items, which may include a full briefing on an item in the order it appears on the regular session agenda. Any such briefing will be repeated in regular session.

Chair Rozell stated Public Hearing item 5A has been pushed to a later date in February at which time it will be re-noticed.

The Commission had no questions regarding the Consent Agenda.

Charlie Rosendahl, Business Services Manager, presented Item of Individual Consideration 4A. Rosendahl stated staff is seeking direction from the Planning and Zoning Commission regarding a policy that prohibits discussion with developers or interested persons regarding a development when an item is pending due to a tie-vote or an item is subject to a motion for reconsideration.

The Planning and Zoning Commissioners discussed different circumstances and scenarios pertaining to the policy.

Hayley Zagurski, Senior Planner, presented Item of Individual Consideration 4B. Zagurski stated the request is to consider approval of an Alternative Development Plan (ADP) to deviate from Sections 35.13.7.B Landscape and Tree Canopy Requirements and 35.13.13.10 Access, Parking, and Circulation Requirements.

Zagurski stated staff does recommend approval of the request as it meets the established requirements for the approval of an ADP in Denton Development Code (DDC) 35.13.5.A.

Chair Rozell closed the Work Session at 6:18 p.m.

## REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, January 23, 2019 at 6:30 p.m. in the City Council Chambers at City Hall, 215 E. McKinney at which time the following items were considered:

Chair Rozell opened the Regular Meeting at 6:31 p.m.

### 1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

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

#### A. Consider approval of the Planning and Zoning meeting minutes.

Commissioner Margie Ellis motioned, Commissioner Mat Pruneda seconded to approve the January 9, 2019 meeting minutes. Motion approved (7-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Commissioner Mat Pruneda "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".



### 3. CONSENT AGENDA

A. Consider a request by BSR Property Series 1 P.S. of JTB Partners, LLC for approval of a Preliminary Plat of Lot 1, Block 1, Clean and Green Car Wash Addition. The approximately 2.167-acre site is generally located on the west side of FM 2499 across from Pine Hills Lane in the City of Denton, Denton County, Texas. (PP18-0020, Clean and Green Car Wash, Hayley Zagurski).

B. Consider a request by Allegiance Hillview for approval of a Final Plat for Rayzor Ranch East. The approximately 90.55-acre site is generally located on the east side of Heritage Trail between West University Drive and Scripture Street in the City of Denton, Denton County, Texas. (FP18-0025, Rayzor Ranch East, Hayley Zagurski).

Commissioner Tim Smith motioned, Commissioner Larry Beck seconded to approve the Consent Agenda. Motion approved (7-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Commissioner Mat Pruneda "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

Chair Rozell stated for the record Public Hearing item 5A has been pulled from the agenda and will be re-noticed for a future meeting.

### 4. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Consider making a recommendation to City Council regarding adopting a policy informing Planning & Zoning Commission interactions with developers or interested persons/entities while a matter is on the Planning & Zoning Commission agenda due to a tie-vote or a motion for future reconsideration, and a voluntary disclosure of meetings on any pending development case; and providing an effective date (PZ19-009, Charlie Rosendahl).

Charlie Rosendahl, Business Services Manager, presented Item of Individual Consideration 4A. Rosendahl stated staff is seeking direction from the Planning and Zoning commission regarding a policy that prohibits discussion with developers or interested persons regarding a development when an item is pending due to a tie-vote or while an item is subject to reconsideration.

Chair Rozell made a motion to approve Item of Individual Consideration 4A with the following condition: to insert the word "financially" between or and interested.

Commissioner Smith requested Chair Rozell to amend the motion to also include neighboring people. Commissioner Sanchez stated he believes neighbors also have financial concern or interest just as the parties involved in the project.

Jerry Drake, First Assistant City Attorney, recommended using the phrase "public at large" instead of inserting finicallypublic at large instead of inserting financially and clarified that Planning and Zoning items subject to a motion for reconsideration are limited to those for which the Commission takes final action and does not include recommendations made to City Council.

Chair Rozell agreed to amend his motion. Commissioner Sanchez agreed to the amendment.

Commissioner Ellis requested Chair Rozell restate his motion.

Chair Rozell stated the amended motion is as follows: **While a development case is on the Planning & Zoning Commission agenda due to a tie-vote or is subject to a motion for reconsideration, members of the Planning & Zoning Commission will not communicate outside of a public meeting with developers or parties/ entities interested beyond that of the public at large regarding any matter related to the development.**

Chair Andrew Rozell motioned, Commissioner Alfred Sanchez seconded to approve the Item of Individual Consideration 4A with the following amendment: While a development case is on the Planning & Zoning Commission agenda due to a tie-vote or is subject to a motion for reconsideration, members of the Planning & Zoning Commission will not communicate outside of a public meeting with developers or parties/ entities interested beyond that of the public at large regarding any matter related to the development. Motion approved (7-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Commissioner Mat Pruneda "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".

B. Consider a request by Blue Beacon International Inc. for approval of an Alternative Development Plan (ADP) for a proposed truck wash on approximately 11.48 acres located at the northwest corner of the intersection of Barthold Road and the Interstate Highway 35 service road in the City of Denton, Denton County, Texas. The property is currently zoned Employment Center Commercial (EC-E) District. The purpose of this ADP request is to deviate from the requirements of Sections 35.13.7.B Landscape and Tree Canopy Requirements and 35.13.13.10 Access, Parking, and Circulation Requirements of the Denton Development Code. (ADP19-0001, Blue Beacon, Hayley Zagurski).

Hayley Zagurski, Senior Planner, presented Item of Individual Consideration 4B. Zagurski stated the request is to consider approval of an Alternative Development Plan (ADP) to deviate from Sections 35.13.7.B Landscape and Tree Canopy Requirements and 35.13.13.10 Access, Parking, and Circulation Requirements.

Zagurski stated staff does recommend approval of the request as it meets the established requirements for the approval of an ADP in Denton Development Code (DDC) 35.13.5.A

Commissioner Larry Beck motioned, Commissioner Tim Smith seconded to approve Item for Individual Consideration 4B. Motion approved (7-0). Commissioner Alfred Sanchez "aye", Commissioner Larry Beck "aye", Commissioner Jason Cole "aye", Chair Andrew Rozell "aye", Commissioner Mat Pruneda "aye", Commissioner Margie Ellis "aye", and Commissioner Tim Smith "aye".



## 5. PUBLIC HEARINGS

A. Hold a public hearing and consider making a recommendation to City Council regarding a request by Hills of Argyle Monticello, Ltd., for a zoning change from a Neighborhood Residential 1 (NR-1) zoning district to a Neighborhood Residential 4 (NR-4) zoning district. The 11.5 acre site is generally located at 2801 and 2800 Chipping Campden Road, in the City of Denton, Denton County, Texas. (Z18-0024, Hills of Argyle: Manor Homes, Cindy Jackson)

Chair Rozell stated Public Hearing item 5A has been pulled from the agenda.

## 6. PLANNING & ZONING COMMISSION PROJECT MATRIX

A. Planning and Zoning Commission project matrix.

Richard Cannone, Deputy Director of Development Services, stated staff will talk about the annexation process on February 6, 2019. Cannone noted on February 20, 2019 Denton Independent School District will provide a presentation. Commissioner Beck questioned if there is an update regarding the mobility plan. Cannone stated staff will be completely redoing the mobility plan and going with a traffic thoroughfare plan.

Chair Rozell closed the Regular Meeting at 6:58 p.m.

X

Andrew Rozell  
Chair

X

Cathy Welborn  
Administrative Assistant