

Minutes  
Planning and Zoning  
August 7, 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, August 7, 2019 at 4:30 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, Tim Smith, and Margie Ellis.

ABSENT: Commissioner Mat Pruneda.

STAFF: Scott McDonald, Richard Cannone, Ron Menguita, Hayley Zagurski, Jerry Drake, Cynthia Kirchoff, Julie Wyatt, Gary Packan, and Cathy Welborn.

#### WORK SESSION

Chair Rozell opened the Work Session at 4:37 p.m.

Chair Rozell stated at the start of the Work Session Commissioner Pruneda is absent.

##### 1. Work Session Reports

A. Update on Parks Master Plan and Urban Forestry Master Plan. (Gary Packan, Director of Parks and Recreation).

Gary Packan, Director of Parks and Recreation provide an update on the Parks Master Plan and Urban Forestry Master Plan and discussion followed.

B. Receive a report, hold a discussion, and give staff directions regarding amendments to the 2019 Denton Development Code. (DCA19-0005a, Code Amendments, Ron Menguita)

Ron Menguita, Principal Planner, provided an update regarding House Bills 2439, 3167, and Code Amendments, and discussion followed.

Chair Rozell stated Commissioner Pruneda has arrived.

2. 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 Consent Agenda item 3B has been removed from the agenda and it will not be considered this evening or voted on.

Chair Rozell questioned if the Commission had any questions regarding the Consent Agenda. The Commission had no questions.

Richard Cannone, Deputy Director of Development Services, provided clarification to Item for Individual Consideration item 4A.

Hayley Zagurski, Senior Planner, presented Item for Individual Consideration item 4B and discussion followed.

Julie Wyatt, Senior Planner, presented Item for Individual Consideration item 4C and discussion followed.

Chair Rozell stated Public Hearing item 5A will be opened then call for a motion to postpone to a date certain of August 21, 2019.

Julie Wyatt, Senior Planner, presented Public Hearing item 5B and discussion followed.

Chair Rozell closed the Work Session at 6:00 p.m.

## REGULAR MEETING

Chair Rozell opened the Regular Meeting at 6:34 p.m.

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, August 7, 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:

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

ABSENT: None

STAFF: Scott McDonald, Richard Cannone, Ron Menguita, Hayley Zagurski, Jerry Drake, Cynthia Kirchoff, Julie Wyatt, Gary Packan, and Cathy Welborn.

### 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 minutes of July 17, 2019.

Commissioner Margie Ellis motioned to approve the July 17, 2019 meeting minutes. Motion seconded by Commissioner Mat Pruneda. Motion carried 6-0-1.



AYES (6): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, Jason Cole, Margie Ellis, and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (0): None

ABSTAINED (1): Commissioner Tim Smith.

### 3. CONSENT AGENDA

A. Consider a request by Columbia Medical Center of Denton for approval of a Conveyance Plat of Lot 1 Block 1 of the Apex Health & Rehabilitation Addition. The approximately 6.345-acre site is generally located 180 feet northwest of Medpark Drive and 191 feet south of Colorado Boulevard in the City of Denton, Denton County, Texas. (CV19-0004, Apex Health & Rehabilitation Addition, Julie Wyatt).

B. Consider a request by William A. Martin and John P. Walker for approval of a Preliminary Plat of the Walker Tract Addition. The approximately 86.05-acre site is generally located on the south side of U.S. Highway 380, east of Geesling Road, and north of Blagg Road in the City of Denton, Denton County, Texas. (PP19-0004, Walker Tract, Hayley Zagurski).

C. Consider a request by BSR Property Series 1 P.S. of JTB Partners, LLC for approval of a Final Plat for 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. (FP18-0012, Clean and Green Car Wash, Hayley Zagurski).

D. Consider a request by DNM Investments, Ltd. for approval of a Final Plat for Lot 1, Block A, Pecan Creek Retail Addition. The approximately 1.18-acre site is generally located on the south side of E. McKinney Street, approximately 300 feet east of South Loop 288 in the City of Denton, Denton County, Texas. (FP18-0032, Pecan Creek Retail Addition, Hayley Zagurski).

E. Consider a request by Creekview Estates, LLC for approval of a Final Plat for Lots 1-9, Block 1, of the Creekview Estates Addition. The approximately 14.604-acre site is generally located on the west side of the intersection of Fincher Road and Cosmos Way, approximately 1,500 feet north of Schuyler Street in Denton County, Texas. (FP19-0017, Creekview Estates, Julie Wyatt).

Chair Rozell stated item 3B is being removed from the Consent Agenda and will not be voted on this evening.

Commissioner Larry Beck motioned to approve the Consent Agenda. Motion seconded by Commissioner Tim Smith. Motion carried 7-0.

AYES (7): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, Jason Cole, Margie Ellis, Tim Smith, and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (0): None

#### 4. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Consider a request by Commissioner Ellis to reclassify her absence on June 5, 2019 as excused.

Commissioner Ellis recused herself from this item.

Commissioner Tim Smith motioned to approve the reclassification of the absence as an excused absence. Motion seconded by Commissioner Mat Pruneda. Motion carried 6-0-1.

AYES (6): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, Jason Cole, Tim Smith, and Mat Pruneda.

NAYS (0): None

RECUSED (1): Commissioner Margie Ellis.

ABSENT (0): None

Commissioner Ellis returned to the dais.

B. Consider a request by Allegiance Hillview, LP for approval of a Site Plan for an age-restricted multi-family use to be constructed within the Rayzor Ranch South Mixed Use District located on Lot 3R, Block C of the Rayzor Ranch East Addition. The approximately 7.07-acre property is generally located south of Linden Street and north of Panhandle Drive along the east side of Eastpark Boulevard. (SP19-0013, Rayzor Ranch Senior Living, Hayley Zagurski)

Hayley Zagurski, Senior Planner presented Item for Individual Consideration 4B.

Commissioner Tim Smith motioned to approve Item for Individual Consideration 4B with staff recommendations. Motion seconded by Commissioner Mat Pruneda. Motion carried 7-0.

AYES (7): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, Jason Cole, Tim Smith, Margie Ellis, and Mat Pruneda.

NAYS (0): None.

RECUSED (0): None.

ABSENT (0): None.

C. Consider a request by McKinney Mayhill Partners, LLC for approval of an Alternative Development Plan for a proposed multi-family development on 15.466 acres located on the north side of East McKinney Street, approximately 1,130 feet east of North Loop 288 in the City of Denton, Denton County, Texas. The property is currently zoned Commercial Mixed Use General (CM-G) District. The purpose of the Alternative Development Plan is



to deviate from Section 35.13.13.2 Multiple Unit Residential Dwellings and Multi Family Developments of the Denton Development Code. (ADP19-0002, Forest Crossing, Julie Wyatt)

Julie Wyatt, Senior Planner, presented Item for Individual Consideration 4C and discussion followed.

The following individuals spoke during this item:

Aimee Bissett, 212 S. Elm Street, Denton, Texas 76201. Supports the request.

Rebecca Dickstein, 2224 North Lake Trail, Denton, Texas 76201. Did not mark status.

Bissett addressed the questions the Commission had during the Work Session.

Commissioner Tim Smith motioned to approve Item for Individual Consideration 4C with staff recommendations. Motion seconded by Commissioner Larry Beck. Motion carried 6-1.

AYES (6): Chair Andrew Rozell. Commissioners: Larry Beck, Jason Cole, Tim Smith, Margie Ellis, and Mat Pruneda.

NAYS (1): Commissioner Alfred Sanchez.

RECUSED (0): None.

ABSENT (0): None.

## 5. PUBLIC HEARINGS

A. Hold a public hearing and consider making a recommendation to the City Council regarding a request by Fisher59 Properties LLC. for an Alternative Environmentally Sensitive Area Plan for approximately 49.9-acres of land generally located on the north side of West University Drive and west of North Masch Branch Road in the City of Denton, Denton County, Texas. (AES19-0001, Fisher 59, Hayley Zagurski). THE APPLICANT HAS REQUESTED THIS ITEM BE POSTPONED TO THE AUGUST 21, 2019 PLANNING AND ZONING COMMISSION MEETING.

Chair Rozell stated Public Hearing item 5A was opened at a July 17, 2019 Planning and Zoning Commission meeting.

Commissioner Cole recused himself from this item.

Commissioner Tim Smith motioned to postpone Public Hearing item 5A to date certain of August 21, 2019. Motion seconded by Commissioner Mat Pruneda. Motion carried 6-0-1.

AYES (6): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, Tim Smith, Margie Ellis, and Mat Pruneda.

NAYS (0): None.

RECUSED (1): Commissioner Jason Cole.

ABSENT (0): None.

Commissioner Cole returned to the dais.

B. Hold a public hearing and consider making a recommendation to City Council regarding a request by SCM Fireside, LLC to amend Ordinance 2015-217 to revise the overlay conditions on approximately 30.7 acres of land zoned Neighborhood Residential (NR-3) District, generally located on the southwest corner of Hinkle Drive and West Windsor Drive, in the City of Denton, Denton County, Texas. Z19-0006, Fireside Addition, Julie Wyatt)

Chair Rozell opened the Public Hearing.

Julie Wyatt, Senior Planner, presented Public Hearing item 5B. A discussion followed.

The following individuals spoke during this item:

Gail Garber, 1200 Meadow Ridge Drive Denton, Texas 76201. Opposed to the request.

Casey McGinnis, 4029 Veneto Drive, Frisco, Texas 75033. Supports the request.

Rebecca Dickstein, 2224 North Lake Trail, Denton, Texas 76201. Did not mark support or opposition.

Kirk Pierce, 500 Mimosa Drive, Denton, Texas 76201. Did not mark support or opposition.

Barbra Lightfoot, 422 Mimosa Drive, Denton, Texas 76201. Opposed to the request.

Jeff Peploe, 2028 Fordham Lane, Denton, Texas 76201. Opposed to the request.

Shirley Brown, 2304 Vanderbilt Drive, Denton, Texas 76201. Opposed to the request.

Vanessa Reams, 1221 Haggard Lane, Denton, Texas 76201. Opposed to the request.

Chair Rozell noted the City of Denton can no longer enforce building materials due to new legislative laws.

Chair Rozell closed the Public Hearing.

Commissioner Beck motioned to approve Public Hearing item 5B with the following amendment replacing the wood fence with a masonry fence along Windsor Drive and allowing the board on board fence on Hinkle Drive. Chair Rozell stated the motion fails due to lack of a second.

Commissioner Tim Smith motioned to approve Public Hearing item 5B with staff recommendations. Motion seconded by Commissioner Alfred Sanchez. Motion carried 6-1.

AYES (6): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, Tim Smith, Margie Ellis, and Jason Cole.

NAYS (1): Commissioner Mat Pruneda.

RECUSED (0): None.

ABSENT (0): None.

## 6. PLANNING & ZONING COMMISSION PROJECT MATRIX

### A. Planning and Zoning Commission project matrix.

Richard Cannone, Deputy Director of Development Services, provided an update to the matrix items. Commissioner Smith requested a detailed Work Session report once City staff has completed their review on House Bills 2439 and 3167. Commissioner Ellis requested further discussion regarding the attendance policy. Commissioner Pruneda requested staff to provide information at neighborhood meetings or to citizens regarding the restrictions the Planning and Zoning Commission has as well as the City of Denton. Cannone recommended creating at frequently asked question or what can and cannot be done as a city. Chair Rozell requested staff to provide the negotiation data when a developer provides city improvements.

Chair Rozell closed the Regular meeting at 8:21 p.m.

X

Andrew Rozell  
Chair

X

Catherine Welborn  
Administrative Assistant