

Minutes  
Planning and Zoning  
August 14, 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 14, 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, Jason Cole, Mat Pruneda, and Margie Ellis.

ABSENT: Commissioner Larry Beck and Commissioner Tim Smith.

STAFF: Scott McDonald, Richard Cannone, Cindy Jackson, Jerry Drake, Cynthia Kirchoff, Julie Wyatt, and Cathy Welborn.

#### WORK SESSION

Chair Rozell opened the Work Session at 5:05 p.m.

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 questioned if the Commission had any questions regarding the Consent Agenda. Commissioner Ellis requested clarification on Consent Agenda item 2C. Julie Wyatt, Senior Planner, provided clarification.

Cynthia Krichoff, Deputy City Attorney, presented Public Hearing items 3C and 3D and a discussion followed. Jerry Drake, First Assistant City Attorney, provided clarification for the Commission.

Commissioner Smith arrived.

Chair Rozell closed the Work Session at 5:21 pm.

#### REGULAR MEETING

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

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, August 14, 2019 at 6:30 p.m. in the City Council Work Session Room at City Hall, 215 E. McKinney at which time the following items were considered:

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

ABSENT: Commissioner Larry Beck.

STAFF: Scott McDonald, Richard Cannone, Cindy Jackson, Jerry Drake, Cynthia Kirchoff, Julie Wyatt, and Cathy Welborn.

### 1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

### 2. CONSENT AGENDA

A. Consider a request by Kimley Horn & Associates representing Beazer Homes of Texas, for approval of a Final Plat of the Stark Farms Addition, Phase 1. The approximately 35.361 acre property is generally located at the northwest corner of the intersection of FM 428/Sherman Drive and Long Road, in the City of Denton, Denton County, Texas. (FP18-0033, Stark Farms Addition, Ph. 1, Cindy Jackson)

B. Consider a request by Audra Townhomes, LLC for approval of a Final Plat of the Audra Heights Addition, Phase II. The approximately 31-acre site is generally located on the northwest corner of Loop 288 and Audra Lane in the City of Denton, Denton County, Texas. (FP18-0028, Audra Heights Addition, Phase II, Julie Wyatt)

C. Consider a request by Carmel Villas, LLC for approval of a Final Plat of Carmel Villas, Phase I. The approximately 17.78-acre site is generally located on the north side of Pockrus Page Road, approximately 1.065 feet east of the I-35E Service Road in the City of Denton, Denton County, Texas. (FP18-0001c, Carmel Villas, Phase I, Julie Wyatt)

Commissioner Margie Ellis motioned to approve the Consent Agenda. Motioned seconded by Commissioner Tim Smith. Motion carried 6-0-1.

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

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Larry Beck.

ABSTAINED (0): None.

### 3. PUBLIC HEARINGS

Chair Rozell stated Public Hearing items 3A and 3B have been withdrawn.

A. Hold a public hearing and consider making a recommendation to City Council regarding amending Ordinance DCA18-0009q, by establishing a new effective date, amending Sections of the 2019 Denton Development Code to be consistent with House Bill 2439



regarding regulating building products, materials, or methods used in the construction or renovation of residential and commercial buildings; to be consistent with House Bill 3167 regarding municipal approval procedure for land development applications; and amendments related to Planned Development, Historic Landmark Commission composition, Certificate of Zoning Compliance procedure, Replat procedure, Buffer Points and Minimum Width Requirements, Certificate of Appropriateness procedure, Historic Landmark Designation procedure, Highway Corridor maximum building height, Suburban Corridor minimum front yard setback, allowing Elderly Housing, Tattoo and Body Piercing Parlor, General Personal Service, Donation Boxes, and Mobile Food Truck in certain Zoning Districts, minimum square footage for Single Family Detached Dwelling, Short Term Rental use-specific standards, Low-Impact Manufacturing use-specific standards, Accessory Dwelling Unit use-specific standards, Street Tree requirements, Parking and Loading requirements for Private School, Medical Office, and Elderly Housing, Parking Surface Materials, definitions for DwellingDwelling Unit, Automotive Fuel Sales, Floor Area, General Retail, Mobile Food Court, Recreational Vehicle, Outdoor Storage, and Outside Storage, adding a definition for Mobile Food Truck, deleting the definition of Living Space, and other related edits. STAFF IS REQUESTING THAT THIS ITEM BE WITHDRAWN. (DCA19-0005c, 2019 DDC Amendments, Ron Menguita)

B. Hold a public hearing and consider making a recommendation to City Council regarding amending Ordinance DCA18-0009q, by establishing a new effective date, amending certain Sections of the 2019 Denton Development Code to be consistent with House Bills 2439 and 3167, and amending certain Sections of the 2019 Denton Development Code to provide clarification, make necessary corrections and other related edits. STAFF IS REQUESTING THAT THIS ITEM BE WITHDRAWN. (DCA19-0005d, 2019 DDC Amendments, Ron Menguita).

C. Hold a public hearing and consider making a recommendation to City Council approving an ordinance related to House Bill 2439 regarding regulating building products, materials, or methods used in the construction or renovation of residential and commercial buildings. (DCA19-0006, House Bill 2439, Ron Menguita)

D. Hold a public hearing and consider making a recommendation to City Council approving an ordinance related to House Bill 3167 regarding municipal approval procedure for land development applications. (DCA19-0007, House Bill 3167, Ron Menguita)

Chair Rozell opened Public Hearing items 3C and 3D.

Cynthia Kirchoff, Deputy City Attorney, presented Public Hearing items 3C and 3D.

Chair Rozell closed the Public Hearings.

Commissioner Tim Smith motioned to Public Hearing item 3C. Motion seconded by Commissioner Alfred Sanchez. Commissioner Margie Ellis requested an amendment to add WHEREAS, the City Council of the City of Denton, Texas urges the Texas Legislature to reconsider the provisions of the Act at its earliest opportunity; as referenced in House Bill 3167.

Commissioner Tim Smith and Commissioner Alfred Sanchez accepted the amendment. Motion carried 6-0.

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

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Larry Beck.

ABSTAINED (0): None.

Commissioner Margie Ellis motioned to approve Public Hearing item 3D. Motion seconded by Mat Pruneda. Motion carried 6-0.

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

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Larry Beck.

ABSTAINED (0): None.

Chair Rozell closed the Regular Meeting at 6:37 p.m.

X

Andrew Rozell  
Chair

X

Catherine Welborn  
Administrative Assistant