

Minutes  
Planning and Zoning  
January 8, 2020

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 8, 2020 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: Margie Ellis, Tim Smith, Brian Beck, and Jason Cole.

ABSENT: Commissioners: Mat Pruneda, and Ronnie Anderson.

STAFF: Richard Cannone, Hayley Zagurski, Julie Wyatt, Cynthia Kirchoff, Cindy Jackson, Mark Laird, Sean Jacobson, Charlie Rosendahl and Cathy Welborn.

## WORK SESSION

Chair Rozell opened the Work Session at 4:31 p.m.

Chair Rozell stated Commissioner Mat Pruneda and Commissioner Ronnie Anderson are absent.

Chair Rozell stated the Public Hearings will be heard before the Consent Agenda and Items for Individual Consideration.

### 1. Work Session Reports

A. Receive a report, hold a discussion, and give staff direction regarding a proposed development for property located in the City's Extra Territorial Jurisdiction at the intersection of South Bonnie Brae and Allred Road.

Hayley Zagurski, Senior Planner, presented Work Session Reports 1A. A discussion occurred.

Randi Rivera, McAdams, and Robert Betancur, Zena Land, provided a presentation. A discussion occurred.

B. Receive a report, hold a discussion, and give staff direction regarding public hearing notifications.

Charlie Rosendahl, presented Work Session report 1B. A discussion followed.

Chair Rozell stated there has been conformation that there is no need for recusal on the minutes if a Commissioner was absent from the meeting.

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 the applicant for Public Hearing item 5A is requesting postponement.

Hayley Zagurski, Senior Planner, presented Public Hearing item 5B. A discussion followed.

Hayley Zagurski, Senior Planner, presented Public hearing item 5C. A discussion followed.

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

Mark Laird, Associate Planner, presented Item for Individual Consideration 4A.

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

Cindy Jackson, Senior Planner, presented Item for Individual Consideration 4C.

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

Commissioner Cole recused himself from Item for Individual Consideration 4E.

Cindy Jackson, Senior Planner, presented Item for Individual Consideration 4E.

Julie Wyatt, Senior Planner, presented Item for Individual Consideration 4F.

Chair Rozell called a recess at 6:03 p.m.

Chair Rozell reconvened the Work Session at 6:14 p.m.

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

Julie Wyatt, Senior Planner, presented Item for Individual Consideration 4H. A Discussion followed.

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

Chair Rozell closed the Work Session at 6:30 p.m.

## REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, January 8, 2020 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: Margie Ellis, Tim Smith, Brian Beck, and Jason Cole.

ABSENT: Commissioners: Mat Pruneda, and Ronnie Anderson.

STAFF: Richard Cannone, Hayley Zagurski, Julie Wyatt, Cynthia Kirchoff, Cindy Jackson, Mark Laird, Sean Jacobson, and Cathy Welborn.

Chair Rozell opened the Regular Meeting at 6:37 p.m. Chair Rozell stated Commissioner Mat Pruneda and Commissioner Ronnie Anderson are absent.

### 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 December 11, 2019 minutes.

Commissioner Tim Smith motioned to approve the December 11, 2019 meeting minutes. Motion seconded by Commissioner Margie Ellis. Motion carried 5-0.

A YES (5): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Jason Cole, Brian Beck.

NAYS (0): None.

RECUSED (0): None

ABSENT (2): Commissioners: Mat Pruneda and Ronnie Anderson.

ABSTAINED (0): None

Chair Rozell stated the Public Hearings will be heard before the Consent Agenda and Items for Individual Consideration.

### 5. PUBLIC HEARINGS

A. Hold a public hearing and consider making a recommendation to City Council regarding a request by Ann Yale with AHY, LLC for approval to rezone approximately 0.154 acres from a Residential 4 (R4) district to a Mixed-Use Neighborhood (MN) district. The subject property is generally located at 311 Jannie Street, in the City of Denton, Denton County, Texas. THE APPLICANT HAS REQUESTED TO POSTPONE THE PUBLIC HEARING TO FEBRUARY 5, 2020. (Z19-0014, Jannie Street, Cindy Jackson)



Chair Rozell opened the Public Hearing.

Commissioner Tim Smith motioned to postpone Public Hearing item 5A to the February 5, 2020 Planning and Zoning Commission meeting. Motion seconded by Commissioner Margie Ellis. Motion carried 5-0.

A YES (5): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Jason Cole, Brian Beck.

NAYS (0): None.

RECUSED (0): None

ABSENT (2): Commissioners: Mat Pruneda and Ronnie Anderson.

ABSTAINED (0): None

B. Hold a public hearing and consider making a recommendation to City Council regarding a proposed revision to the Denton Development Code; specifically to amend Subchapter 5, Use Regulations related to specific use permit requirements and use-specific standards for Temporary Concrete or Asphalt Batching Plants in all zoning districts. (DCA19-0027, Temporary Batch Plants, Hayley Zagurski)

Chair Rozell opened the Public Hearing.

Hayley Zagurski, Senior Planner, presented Public Hearing item 5B.

Chair Rozell closed the Public hearing.

Commissioner Tim Smith motioned to approve Public Hearing item 5B. Motion seconded by Commissioner Jason Cole. Motion carried 5-0.

A YES (5): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Jason Cole, Brian Beck.

NAYS (0): None.

RECUSED (0): None

ABSENT (2): Commissioners: Mat Pruneda and Ronnie Anderson.

ABSTAINED (0): None

C. Hold a public hearing and consider approval of variances from the City of Denton 2002 Development Code Subchapter 20 Transportation standards. The variances requested are for an exemption from 30 feet of right-of-way width dedication and an exemption from sidewalk construction requirements for a project generally located on the southwest side of the intersection of Karina Street and Kimberly Drive in the City of Denton, Denton County, Texas. (V19-0003, Denton County Emergency Operations Center, Hayley Zagurski)

Chair Rozell opened the Public Hearing.

Hayley Zagurski, Senior Planner, presented Public Hearing item 5C. A discussion followed.

Chair Rozell closed the Public Hearing.

Commissioner Tim Smith motioned to approve Public Hearing item 5C with staff recommendations. Motion seconded by Commissioner Jason Cole. Motion carried 5-0.

A YES (5): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Jason Cole, Brian Beck.

NAYS (0): None.

RECUSED (0): None

ABSENT (2): Commissioners: Mat Pruneda and Ronnie Anderson.

ABSTAINED (0): None

D. Hold a public hearing and consider making a recommendation to City Council regarding a request by Forestar Real Estate Group, Inc. for a Concept Plan amendment and Detailed Plan approval to Sections J & K of Planned Development 132, The Preserve at Pecan Creek. The 7.2-acre property is generally located at the southwest corner of Lakeview Boulevard and Edwards Road, in the City of Denton, Denton County, Texas. (PDA19-0004, Preserve at Pecan Creek J & K Amendment, Julie Wyatt)

Chair Rozell stated Public Hearing item 5D has been removed from the agenda.

### 3. CONSENT AGENDA

A. Consider a request by PAAGE, LTD. And Henry Wolski for approval of a Preliminary Plat of the Mark at Denton Addition. The approximately 28.45-acre site is generally located at the southeast intersection of North Elm Street (US-77) and North Bonnie Brae Street in the City of Denton, Denton County, Texas. (PP19-0028, The Mark at Denton Addition, Julie Wyatt)

B. Consider a request by the County of Denton for approval of a Preliminary Plat for the Denton County Emergency Operations Center. The approximately 5.137-acre site is generally located on the southwest side of the intersection of Karina Street and Kimberly Drive in the City of Denton, Denton County, Texas. (PP19-0031, Denton County Emergency Services, Hayley Zagurski).

C. Consider a request by Dennis Richmond of Liberation Development Investments, LLC, for approval of a Preliminary Plat of Lot 1, Block A of Quincy Court. The approximately 1.569-acre property is generally located at the southeast corner of the intersection of Stuart Road and Loop 288, in the City of Denton, Denton County, Texas. (PP19-0037, Quincy Court, Sean Jacobson)

D. Consider a request by Larry Golden of EK Services for approval of a Final Plat of Lots 1-4 of Cola Loca Estates. The approximately 9.916-acre property is generally located on the south side of Bobcat Road, 670 feet east of the southeast corner of the intersection of North Locust Street and Bobcat Road, in the Extraterritorial Jurisdiction of the City of Denton, Denton County, Texas. (FP19-0034, Cola Loca Estates, Sean Jacobson)



E. Consider a request by Stephen Shannon of Colo Development, on behalf of RVentures Development Company, LLC, for approval of a Final Plat of Lot 1, Block A of the RVenture Ranch Addition. The approximately 52.87-acre site is generally located on the north side of FM 2449, approximately 2,778 feet southeast of the intersection of FM 2449 and Florance Road, in the Extraterritorial Jurisdiction of the City of Denton, Denton County, Texas. (FP19-0028, RVenture Ranch Addition, Sean Jacobson)

F. Consider a request by Pacheco Koch, LLC representing SP Denton 1, LLC, for approval of a Final Plat of SP Denton 1 Addition, Block A, Lots 3 and 4. The approximately 39.06-acre property is generally located on the northwest corner of Western Boulevard and Airport Road, in the City of Denton, Denton County, Texas. (FP19-0035, SP Denton 1, Hayley Zagurski)

Commissioner Tim Smith motioned to approve the Consent Agenda. Motion seconded by Commissioner Margie Ellis. Motion carried 5-0.

A YES (5): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Jason Cole, Brian Beck.

NAYS (0): None.

RECUSED (0): None

ABSENT (2): Commissioners: Mat Pruneda and Ronnie Anderson.

ABSTAINED (0): None

#### 4. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Consider a request by Porfirio Portales Guajardo, on behalf of KAZ Surveying, for approval of a Minor Plat of Lot 1, Block 1, Portales Addition. The approximately 3.00-acre property is generally located between Collins Road and Countryside Drive being north of Fishtrap Road, in the City of Denton's Extra territorial jurisdiction, Denton County, Texas. Staff recommendation for request is denial. (MP19-0017, Portales Addition, Mark Laird)

Mark Laird, Assistant Planner, presented Item for Individual Consideration 4A.

Commissioner Tim Smith motioned to deny Item for Individual Consideration 4A. Motion seconded by Commissioner Jason Cole. Motion carried 5-0.

A YES (5): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Jason Cole, Brian Beck.

NAYS (0): None.

RECUSED (0): None

ABSENT (2): Commissioners: Mat Pruneda and Ronnie Anderson.

ABSTAINED (0): None

B. Consider a request by Schmitz Realty Holdings, LLC for approval of a Preliminary Plat for the Elm Street Townhomes Addition. The approximately 0.81-acre site is generally located on the southwest side of the intersection of Sycamore Street and Elm Street in the City of Denton, Denton County, Texas. (PP19-0027, Elm Street Townhomes, Hayley Zagurski).

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

Commissioner Tim Smith motioned to approve the 30-day extension to February 5, 2020 for Item for Individual Consideration 4B. Motion seconded by Commissioner Jason Cole. Motion carried 5-0.

A YES (5): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Jason Cole, Brian Beck.

NAYS (0): None.

RECUSED (0): None

ABSENT (2): Commissioners: Mat Pruneda and Ronnie Anderson.

ABSTAINED (0): None

C. Consider a request by Kimley Horn and Associates, on behalf of Preston Alpha Investments, LLC., for approval of a Preliminary Plat of Stuart Ridge, Phases 2 and 3. The approximately 93.23-acres property is located on the north side of Long Road and on the east side of Stuart Road in the City of Denton's Extra-Territorial Jurisdiction. Staff is recommending denial of this request. (PP19-0035, Stuart Ridge, Cindy Jackson)

Cindy Jackson, Senior Planner, presented Item for Individual Consideration 4C.

Commissioner Brian Beck motioned to deny Item for Individual Consideration 4C. Motion seconded by Commissioner Tim Smith. Motion carried 5-0.

A YES (5): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Jason Cole, Brian Beck.

NAYS (0): None.

RECUSED (0): None

ABSENT (2): Commissioners: Mat Pruneda and Ronnie Anderson.

ABSTAINED (0): None

D. Consider a request by Eric Schmitz and Don Dreiske for approval of a Final Plat of Northgate Addition, Lots 1-7, Block A. The approximately 10.00-acre property is generally located on the southeast corner of E. Sherman Drive and N. Loop 288, in the City of Denton, Denton County, Texas. Staff recommends denial of this request; however, the applicant has requested extension to the February 5, 2020 agenda. (FP19-0031, Northgate Addition, Hayley Zagurski)

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



Commissioner Tim Smith motioned to approve the 30 day extension to February 5, 2020 for Item for Individual Consideration 4D. Motion seconded by Commissioner Jason Cole. Motion carried 5-0.

A YES (5): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Jason Cole, Brian Beck.

NAYS (0): None.

RECUSED (0): None

ABSENT (2): Commissioners: Mat Pruneda and Ronnie Anderson.

ABSTAINED (0): None

E. Consider a request by Grimes Consulting, on behalf of Denton 1 Exchange, LLC. (c/o Fisher 59), for approval of a Final Plat of Lot 2, Block A, Fisher 59 Addition. The approximately 12.07-acres property is located northwest corner of the intersection of North Masch Branch Road and West University Drive/ US 380 in the City of Denton. Staff is recommending denial; however the applicant is requesting a 30-day extension. (FP19-0033, Fisher 59, Cindy Jackson)

Commissioner Cole Recused himself from this item.

Cindy Jackson, Senior Planner, presented Item for Individual Consideration 4E.

Commissioner Tim Smith motioned to approve the 30 day extension to February 5, 2020 for Item for Individual Consideration 4B. Motion seconded by Commissioner Margie Ellis. Motion carried 4-0-1.

A YES (4): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Brian Beck.

NAYS (0): None.

RECUSED (1): Commissioner Jason Cole.

ABSENT (2): Commissioners: Mat Pruneda and Ronnie Anderson.

ABSTAINED (0): None

Commissioner Cole returned to the dais.

F. Consider a request by Haven at Denton LLC for approval of an Alternative Development Plan for a proposed multi-family development on 8.87 acres located on the north side of East Daugherty Street, 282 feet west of Johnson Street in the City of Denton, Denton County, Texas. 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 2002 Denton Development Code. (ADP19-0011, Haven at Daugherty, Julie Wyatt)

Julie Wyatt, Senior Planner, presented Item for Individual Consideration 4F.

Commissioner Tim Smith motioned to approve Item for Individual Consideration 4F. Motion seconded by Commissioner Jason Cole. Motion carried 4-1.



A YES (4): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Jason Cole.

NAYS (1): Commissioner Brian Beck.

RECUSED (0): None

ABSENT (2): Commissioners: Mat Pruneda and Ronnie Anderson.

ABSTAINED (0): None

G. Consider a request by Denton County for approval of an Alternative Development Plan (ADP) for a proposed emergency operation center on approximately 5 acres generally located on the southwest side of the intersection of Karina Street and Kimberly Drive in the City of Denton, Denton County, Texas. The purpose of the ADP request is to deviate from the requirements of Sections 35.13.13.3.C.1 General Requirement - Parking in Rear, Section 35.13.10.C Parking Lot Landscaping and Screening Standards, Section 35.13.7.B Landscape and Tree Canopy Requirements, and 35.13.7.C Street Tree Requirements (ADP19-0008, Denton County Emergency Operations Center, Hayley Zagurski)

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

Commissioner Margie Ellis motioned to approve Item for Individual Consideration 4G. Motion seconded by Commissioner Tim Smith. Motion carried 5-0.

A YES (5): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Brian Beck, Jason Cole.

NAYS (0): None

RECUSED (0): None

ABSENT (2): Commissioners: Mat Pruneda and Ronnie Anderson.

ABSTAINED (0): None

H. Consider a request by Oxford at Sherman Drive, LLC for approval of an Alternative Development Plan for a proposed multi-family development on 12.33 acres located on the north side of Poinsettia Boulevard, approximately 945 feet east of East Sherman Drive in the City of Denton, Denton County, Texas. 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 2002 Denton Development Code. (ADP19-0007, Oxford at Sherman, Julie Wyatt)

Julie Wyatt, Senior Planner, presented Item for Individual Consideration 4H.

Commissioner Tim Smith motioned to approve Item for Individual Consideration 4H. Motion seconded by Commissioner Jason Cole. Motion carried 5-0.

A YES (5): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Brian Beck, Jason Cole.

NAYS (0): None

RECUSED (0): None

ABSENT (2): Commissioners: Mat Pruneda and Ronnie Anderson.

ABSTAINED (0): None

I. Consider a request by Allegiance Hillview, LP for approval of a Site Plan for a multi-family use to be constructed within the Rayzor Ranch South Mixed Use District located primarily on Lot 4, Block A of the Rayzor Ranch East Addition. The approximately 11.1-acre property is generally located north of Crescent Street along the east side of Eastpark Boulevard. (ZCP19-0005, Westwood at Rayzor Ranch, Hayley Zagurski)

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

Commissioner Tim Smith motioned to approve Item for Individual Consideration 4I with staff's conditions. Motion seconded by Commissioner Jason Cole. Motion carried 5-0.

A YES (5): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Brian Beck, Jason Cole.

NAYS (0): None

RECUSED (0): None

ABSENT (2): Commissioners: Mat Pruneda and Ronnie Anderson.

6. PLANNING & ZONING COMMISSION PROJECT MATRIX

A. Hold a discussion regarding the Planning and Zoning Commission project matrix.

Richard Cannone, Deputy Director of Development Services, provided an update regarding the matrix items.

Chair Rozell closed the Regular Meeting at 7:29 p.m.

X

Andrew Rozell  
Chair

X

Cathy Welborn  
Administrative Assistant