

Minutes
Planning and Zoning
February 19, 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, February 19, 2020 at 5:30 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, Ronnie Anderson, Brian Beck, and Jason Cole.

ABSENT: Commissioner Mat Pruneda.

STAFF: Richard Cannone, Hayley Zagurski, Julie Wyatt, Cynthia Kirchoff, Cindy Jackson, Sean Jacobson, Karina Maldonado, Deborah Viera Sierra, Christi Upton and Cathy Welborn.

WORK SESSION

Chair Rozell opened the Work Session at 5:33 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 asked if there were any changes to the minutes. The Commission had no changes regarding the minutes.

Commissioner Beck had a question regarding Consent Agenda item 3A. Julie Wyatt provided clarification.

Commissioner Pruneda arrived.

The commission had no questions regarding Consent Agenda item 3B.

Sean Jacobson, Assistant Planner, presented Item Individual Consideration 4A. Commissioner Ellis requested verification of the change. Jacobson stated the angle of the line between the two bottom lots.

Cindy Jackson, Senior Planner, presented Item Individual Consideration 4B. A discussion followed.

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

Chair Rozell stated Item Individual Consideration 4D had been pulled from the agenda.

Karina Maldando, Assistant Planner, presented Item Individual Consideration 4E. A discussion followed.

Commissioner Cole recused himself from the dais.

Cindy Jackson, Senior Planner, presented Public Hearing item 5A. Deborah Viera Sierra, Assistant Director of Environmental Services, also presented Public Hearing item 5A. A discussion followed.

Chair Rozell closed the Work Session at 6:05 p.m.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, February 19, 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, Ronnie Anderson, Mat Pruneda, Brian Beck, and Jason Cole.

ABSENT: None.

STAFF: Richard Cannone, Julie Wyatt, Cynthia Kirchoff, Cindy Jackson, Sean Jacobson, Karina Maldonado, Deborah Viera Sierra and Cathy Welborn.

Chair Rozell opened at Regular Meeting at 6:34 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 the approval of the February 5, 2020 minutes.

Commissioner Margie Ellis motioned to approve the February 19, 2020 meeting minutes. Motion seconded by Commissioner Ronnie Anderson. Motion carried 6-0-1.

A YES (6): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Jason Cole, Brian Beck and Ronnie Anderson.

NAYS (0): None.

RECUSED (0): None.

ABSENT (0): None.

ABSTAINED (1): Commissioner Mat Pruneda

3. CONSENT AGENDA

Chair Rozell stated the Consent Agenda items would be voted on individually.

A. Consider a request by Robson Denton Development, LP for approval of a Preliminary Plat for Robson Ranch Unit 20. The approximately 39-acre site is generally located at the northeast corner of Michelle Way and Crestview Drive in the City of Denton, Denton County, Texas. (PP19-0025, Robson Ranch Unit 20, Julie Wyatt)

Commissioner Tim Smith motioned to approve Consent Agenda item 3A. Motion seconded by Commissioner Mat Pruneda. Motion carried 6-1.

A YES (6): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Jason Cole, Mat Pruneda and Ronnie Anderson.

NAYS (1): Commissioner Brian Beck.

RECUSED (0): None.

ABSENT (0): None.

ABSTAINED (0): None.

B. Consider a request by Jeff Landon of Kimley-Horn, on behalf of Rayzor Investments LTD., for approval of a Preliminary Plat of Lots 1, 2, & 3, Block 1 of HSW Westpark Addition. The approximately 54.89-acre property is generally located at the southwest corner of the intersection of Western Boulevard and Jim Christal Road, in the City of Denton, Denton County, Texas. (PP20-0001, HSW Westpark Addition, Sean Jacobson)

Commissioner Tim Smith motioned to approve Consent Agenda item 3B. Motion seconded by Commissioner Brian Beck. Motion carried 7-0.

A YES (7): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Jason Cole, Mat Pruneda, Brian Beck and Ronnie Anderson.

NAYS (0): None.

RECUSED (0): None.

ABSENT (0): None.

ABSTAINED (0): None.

4. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Consider a request by Aimee Bissett of Northbridge Consultants, on behalf of Tealstone Residential Concrete, for approval of a Final Plat of Lots 1-3, Block A of the Tealstone Addition. The approximately 6.58-acre site is generally located on the northwest side of Mingo Road, on the northwest side of the intersection of Mingo Road and Cooper Creek Road, in the City of Denton, Denton County, Texas. Staff recommends approval with conditions. (FP19-0003, Tealstone Addition, Sean Jacobson)

Sean Jacobson, Assistant Planner, presented Item Individual Consideration 4A. No discussion followed.

Commissioner Ronnie Anderson motioned to approve Item Individual Consideration 4A with the following condition: **1.** That an encroachment agreement for all grading & construction within the transmission line easements must be obtained from the Texas Municipal Power Authority and provided to the City prior to the Final Plat being recorded with Denton County. Motion seconded by Commissioner Margie Ellis. Motion carried 7-0.

A YES (7): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Jason Cole, Mat Pruneda, Brian Beck and Ronnie Anderson.

NAYS (0): None.

RECUSED (0): None.

ABSENT (0): None.

ABSTAINED (0): None.

B. 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 approval of this request with conditions. (PP19-0035, Stuart Ridge, Cindy Jackson)

Cindy Jackson, Senior Planner, presented Item for Individual Consideration 4B. A discussion followed.

The following individuals spoke regarding this item:

Mark Hokamp, 7450 N. Locust Street, Denton, Texas. Did not mark support or opposition, stated concerned.

Brad Williams, 2728 N Harwood Street, Dallas, Texas 75201. Supports the request.

Brent Murphy, 400 Oklahoma Drive, Celina, Texas 75009. Supports the request.

The applicant requested approval without the condition.

The Planning and Zoning Commissioners deliberated and voiced their concerns regarding this item.

Commissioner Beck motioned to denial. The motion was not seconded. Motion failed.

Chair Andrew Rozell motioned to approve Item for Individual Consideration 4B with the condition **1.** Civil construction plans for paving and drainage facilities must be approved by Denton County and civil construction plans for the water and sewer lines must be approved by the City, prior to submittal of a final plat application. Motion seconded by Commissioner Tim Smith. Motion carried 4-3.

A YES (4): Chair Andrew Rozell. Commissioners: Margie Ellis, Jason Cole, and Ronnie Anderson.

NAYS (3): Commissioners: Tim Smith, Mat Pruneda, and Brian Beck.

RECUSED (0): None.

ABSENT (0): None.

ABSTAINED (0): None.

C. Consider a request by Allen Perez with J.M. Civil Engineering representing Dennis J. Koop and GEO Exchange Corporation for approval of a Final Replat of Lots 1 and 7R1, Block A of the Sonic and Murphy Oil Addition. The 2.1875-acre site is generally located at the northwest corner of the intersection of East McKinney Street and North Loop 288 in the City of Denton, Denton County, Texas. Staff recommends approval of the plat however the applicant has requested a 30-day extension to March 18, 2020. (FR20-0002, Sonic and Murphy Oil Addition, Cindy Jackson)

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

Commissioner Mat Pruneda motioned to approve the 30-day extension for Item for Individual Consideration 4C to March 18, 2020. Motion seconded by Commissioner Tim Smith. Motion carried 7-0.

A YES (7): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Jason Cole, Mat Pruneda, Brian Beck and Ronnie Anderson.

NAYS (0): None.

RECUSED (0): None.

ABSENT (0): None.

ABSTAINED (0): None.

D. Consider a request by Evolving Texas and Pedcor Investments, LLC on behalf of the property owner for approval of an Alternative Development Plan (ADP) for a proposed multifamily development on approximately 15.34 acres of land, generally located at the northeast corner of Duchess Drive and Loop 288 in the City of Denton, Denton County, Texas. The purpose of this ADP request is to deviate from the requirements of Section 35.13.13.2.A Multiple Unit Residential Dwellings and Multi Family Developments of the 2002 Denton Development Code. (ADP19-0009a, Denton Grove Apartments, Julie Wyatt).

Chair Rozell stated Item for Individual Consideration 4D has been removed from the agenda.

E. Consider a request by Pacheco Koch, LLC representing SP Denton 1, LLC, for approval of an Alternative Development Plan (ADP) for a proposed industrial warehouse development on approximately 27.28 acres of land located west of Western Boulevard, approximately 970 feet north of Airport Road in the City of Denton, Denton County, Texas. The purpose of this ADP request is to deviate from the requirements of Section 35.13.13.3 Nonresidential and Mixed-Use Buildings and 35.13.10 Access, Parking and Circulation

Requirements of the 2002 Denton Development Code. (ADP19-0010, SP Denton 1 Addition, Karina Maldonado).

Karina Maldonado, Assistant Planner, presented Item for Individual Consideration 4E.

Commissioner Tim Smith motioned to approve Item for Individual Consideration 4E. Motion seconded by Commissioner Ronnie Anderson. Motion carried 7-0.

A YES (7): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Jason Cole, Mat Pruneda, Brian Beck and Ronnie Anderson.

NAYS (0): None.

RECUSED (0): None.

ABSENT (0): None.

ABSTAINED (0): None.

5. PUBLIC HEARINGS

A. Hold a public hearing and consider making a recommendation to the City Council regarding a request by Fisher 59 Properties LLC. for approval of an amendment to the Alternative Environmentally Sensitive Area Plan for Fisher 59. The approximately 49.9-acres site is 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. (AES20-0001, Fisher 59, Christi Upton)

Commissioner Cole recused himself from the dais.

Chair Rozell opened the Public Hearing

Cindy Jackson, Senior Planner, and Deborah Viera Sierra, Assistant Director of Environmental Services, presented Public Hearing item 5A.

Chair Rozell closed the Public Hearing.

Commissioner Brian Beck motioned to approve Public Hearing item 5A with conditions, the change to the date to February 12, 2020 in recommendation 1 and update the draft ordinance: **1.** Land disturbance within the Floodplain ESA is limited to 5.51 acres for grading activities pursuant to the Alternative Environmentally Sensitive Area Report prepared by Terracon Consultants, Inc., dated July 2, 2019 and updated **February 13, 2020**. **2.** Seeding of native prairie habitat over an approximately 6.0-acre area with the Native Seed Mix plants provided in Table 3 of the Alternative ESA Plan shall be completed prior to the final inspection for the proposed driveway by the Building Inspections Division. Plants established as a part of the proposed native prairie habitat are to be seeded and maintained by the current property owner/developer for a period of three (3) years following installation. Any plants that are removed, destroyed, or die within that three (3) year period are required to be replaced by the current property owner/developer to achieve a minimum 90% survival rate. **3.** Construction of two bio-retention systems over an approximately 0.28-acre area for water quality control would result in an offset in water quality volume by 3,180

cubic feet. Construction of the two bio-retention systems and installation of plantings shall be completed prior to the issuance of a Certificate of Occupancy for the distribution facility on the property. The bio-retention water quality control systems shall be maintained by the property owner pursuant to the maintenance plan provided in the Alternative Environmentally Sensitive Area Report prepared by Terracon Consultants, Inc., dated July 2, 2019 and updated February 13, 2020. Any plants that are removed, destroyed, or are required to be replaced and must achieve a minimum 90% survival rate at the end of the three (3) year reporting period described in Condition 7. 4. Following the installation and inspection of the native prairie habitat and bio-retention systems, the property owner shall submit an annual report to the Environmental Services Director during the first three (3) years describing the cumulative mitigation work performed and the survivability of the plantings for staff review and inspection. 5. The property owner shall dedicate an easement to the City of Denton that provides the City the right but not the obligation to maintain the bio-retention systems if the owner does not provide maintenance and repairs. This easement shall be provided to Development Services staff for review prior to the approval of an ordinance for the Alternative ESA Plan. Motion carried 6-0-1.

A YES (6): Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Mat Pruneda, Brian Beck and Ronnie Anderson.

NAYS (0): None.

RECUSED (1): Commissioner Jason Cole.

ABSENT (0): None.

ABSTAINED (0): None.

6. PLANNING & ZONING COMMISSION PROJECT MATRIX


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

Commissioner Cole returned to the dais.

Richard Cannone, Deputy Director of Development Services, provided an update regarding City Council items and stated there were no updates regarding the items on the Matrix.

The Planning and Zoning Commissioners did not add any additional items.

Chair Rozell closed the Regular Meeting at 7:38 p.m.


X
Margie Ellis
Vice-Chair

3-4-20


X
Catherine Welborn
Administrative Assistant