

Minutes  
Planning and Zoning  
March 4, 2020

After determining that a quorum was present, the Planning and Zoning Commission of the City of Denton, Texas will convene in a Work Session on Wednesday, March 4, 2020 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: Vice-Chair Margie Ellis. Commissioners: Tim Smith, Brian Beck, and Jason Cole.

ABSENT: Chair Andrew Rozell. Commissioners Mat Pruneda, and Ronnie Anderson.

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

**WORK SESSION**

Vice-Chair Ellis opened the Work Session at 5:01 p.m.

Vice-Chair Ellis stated for the record that Chair Andrew Rozell, Commissioner Ronnie Anderson and Commissioner Mat Pruneda are currently absent.

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.

Vice-Chair Ellis stated Public Hearing items 5A and 5C are being postponed.

The Commission had no changes regarding the February 19, 2020 meeting minutes.

Commissioner Beck had questions regarding Consent Agenda items 3C and 3D. Staff provided clarification.

Commissioner Pruneda arrived.

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

Vice-Chair Ellis provided clarification regarding Consent Agenda item 3B.

Julie Wyatt, Senior Planner, presented Item for Individual Consideration 4B. The Commission had no questions.

Sean Jacobson, Assistant Planner, presented Item for Individual Consideration 4C. A discussion followed.

Vice-Chair Ellis stated staff is requesting postponement on Public Hearing Item 5A to March 18, 2020.

Vice-Chair Ellis stated staff is requesting postponement on Public Hearing Item 5C to March 18, 2020.

Julie Wyatt, Senior Planner, presented Public Hearing item 5D.

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

Cindy Jackson, Senior Planner, presented Public Hearing item 5B. A discussion followed.

Vice-Chair Ellis closed the Work Session at 6:18 p.m.

## **REGULAR MEETING**

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, March 4, 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: Vice-Chair Margie Ellis. Commissioners: Mat Pruneda, Tim Smith, Brian Beck, and Jason Cole.

ABSENT: Chair Andrew Rozell. Commissioner Ronnie Anderson.

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

Vice-Chair Ellis opened the Regular Meeting 6:46 p.m.

Vice-Chair Ellis stated Chair Rozell and Commissioner Ronnie Anderson are absent.

### **1. PLEDGE OF ALLEGIANCE**

A. U.S. Flag B. Texas Flag

Vice-Chair Ellis clarified the agenda items. Vice-Chair Ellis stated Public Hearing item 5A as noted on the agenda is postponed to the March 18, 2020 Planning and Zoning Commission meeting. Vice-Chair Ellis stated for Public Hearing item 5C she will be looking for a motion to postpone to a date certain of March 18, 2020, and for Public Hearing items 5D and 5E she will be looking for a postponement for April 8, 2020.

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

A. Consider the approval of the February 19, 2020 meeting minutes.

Commissioner Tim Smith motioned to approve the February 19, 2020 meeting minutes. Motion seconded by Commissioner Mat Pruneda. Motion carried 5-0.

A YES (5): Vice-Chair Margie Ellis. Commissioners: Tim Smith, Brian Beck, Mat Pruneda and Jason Cole.

NAYS (0): None.

RECUSED (0): None.

ABSENT (2): Chair Andrew Rozell. Commissioner Ronnie Anderson.

ABSTAINED (0): None.

3. **CONSENT AGENDA**

Commissioner Beck motioned to pull Consent Agenda item 3D for individual consideration. Motion seconded by Commissioner Mat Pruneda. Motion carried 4-1.

A YES (4): Vice-Chair Margie Ellis. Commissioners: Tim Smith, Brian Beck, Mat Pruneda.

NAYS (1): Commissioner Jason Cole.

RECUSED (0): None.

ABSENT (2): Chair Andrew Rozell. Commissioner Ronnie Anderson.

ABSTAINED (0): None.

A. Consider a request by Steve Homeyer of Homeyer Engineering, Inc., on behalf of Hillcrest North Properties, LLC, for approval of a Final Plat of Lots 1-4, Block A of the Hillcrest North Addition. The approximately 6.38-acre tract of land is generally located on the north side of Teasley Lane (F.M. 2181), southeast of John. H. Guyer High School and approximately 310 feet east of Old Alton Road in the City of Denton, Denton County, Texas. (FP19-0007, Hillcrest North Addition, Karina Maldonado)

B. Consider a request by Scott Crawford with Baird, Hampton & Brown on behalf of Beall Denton Partners, L.P., for approval of a Final Plat of the Northpointe Addition, Phase 5. The 1.558-acre site is generally located at the northeast corner of the intersection of Beall Street and Nicosia Street in the City of Denton, Denton County, Texas. (FP19-0020, Northpointe Phase 5, Cindy Jackson)

C. Consider a request by Kimley-Horn on behalf of Sowell Property Partners Hickory Creek, LP for approval of a Preliminary Plat of the Country Club Terrace Phase 2. The 56.757-acre site is generally located between Country Club Road to the west and the railroad to the east, and north of Hickory Creek Road in the City of Denton, Denton County, Texas. Staff recommends approval of this request. (PP20-002, Country Club Terrace Ph. 2, Cindy Jackson)



Commissioner Tim Smith motioned to approve Consent Agenda item 3A, 3B and 3C. Motion seconded by Commissioner Mat Pruneda. Motion carried 5-0.

A YES (5): Vice-Chair Margie Ellis. Commissioners: Tim Smith, Brian Beck, Mat Pruneda and Jason Cole.

NAYS (0): None.

RECUSED (0): None.

ABSENT (2): Chair Andrew Rozell. Commissioner Ronnie Anderson.

ABSTAINED (0): None.

D. Consider a request by Muhammad Y Karim for approval of a Preliminary Plat for the Eagle Cove Addition. The approximately 18.83-acre site is generally located on the south side Duchess Drive approximately 1,850 feet west of South Loop 288 in the City of Denton, Denton County, Texas. (PP19-0038, Eagle Cove, Hayley Zagurski).

Commissioner Beck motioned to deny Consent Agenda item 3D. Motion seconded by Mat Pruneda.

Richard Cannone, Deputy Director of Development Services, stated under House Bill 3167 there must be specific findings referencing code sections for both approval and denial of a plat. Cynthia Kirchoff, Deputy City Attorney, concurred with Cannone and stated that Commissioner Beck would have to reference findings supporting the motion for denial. Commissioner Beck stated he does not have the ordinances or item numbers to reference.

Vice-Chair Ellis stated motion is then withdrawn.

Commissioner Tim Smith motioned to approve Consent Agenda item 3D. Motion seconded by Commissioner Jason Cole. Motion failed 3-2.

A YES (3): Vice-Chair Margie Ellis. Commissioners: Tim Smith and Jason Cole.

NAYS (2): Commissioner Brian Beck and Mat Pruneda.

RECUSED (0): None.

ABSENT (2): Chair Andrew Rozell. Commissioner Ronnie Anderson.

ABSTAINED (0): None.

#### 4. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Consider a request by the County of Denton for approval of a Final 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. Staff recommends denial of this request; however, the applicant has requested an extension to March 18, 2020. (FP20-0003, Denton County Emergency Services, Hayley Zagurski).

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

Commissioner Tim Smith motioned to approve the extension for Item for Individual Consideration 4A to a date certain of March 18, 2020. Motion seconded by Commissioner Mat Pruneda. Motion carried 5-0.

A YES (5): Vice-Chair Margie Ellis. Commissioners: Tim Smith, Brian Beck, Mat Pruneda and Jason Cole.

NAYS (0): None.

RECUSED (0): None.

ABSENT (2): Chair Andrew Rozell. Commissioner Ronnie Anderson.

ABSTAINED (0): None.

B. Consider a request Tarrant Acquisitions, LTD. for approval of a Preliminary Plat for Newell Tract Addition. The approximately 52.737-acre tract of land is generally located on the south side of East McKinney Street, approximately 1,117 feet east of Grissom Road in the City of Denton, Denton County, Texas. Staff recommends denial of this request; however, the applicant has requested an extension to March 18, 2020. (FP20-0004, Townsend Green Phase 1, Julie Wyatt)

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

Commissioner Tim Smith motioned to approve the extension for Item for Individual Consideration 4B to a date certain of March 18, 2020. Motion seconded by Commissioner Jason Cole. Motion carried 5-0.

A YES (5): Vice-Chair Margie Ellis. Commissioners: Tim Smith, Brian Beck, Mat Pruneda and Jason Cole.

NAYS (0): None.

RECUSED (0): None.

ABSENT (2): Chair Andrew Rozell. Commissioner Ronnie Anderson.

ABSTAINED (0): None.

C. Consider a request by Jeff Landon of Kimley-Horn, on behalf of Rayzor Investments LTD., for approval of a Final Plat of Lots 1 & 2, Block 1 of HSW Westpark Addition. The approximately 41.6785-acre site is generally located on the west side of Western Boulevard, approximately 277 feet south of the intersection of Western Boulevard and Jim Christal Road, in the City of Denton, Denton County, Texas. Staff is recommending denial; however, the applicant is requesting a 30-day extension. (FP20-0005, Lots 1 & 2, Block 1, HSW Westpark Addition, Sean Jacobson)

Sean Jacobson, Assistant Planner, presented Item for Individual Consideration 4C.

Commissioner Tim Smith motioned to approve the extension for Item for Individual Consideration 4C to a date certain of March 18, 2020. Motion seconded by Commissioner Jason Cole. Motion carried 5-0.



A YES (5): Vice-Chair Margie Ellis. Commissioners: Tim Smith, Brian Beck, Mat Pruneda and Jason Cole.

NAYS (0): None.

RECUSED (0): None.

ABSENT (2): Chair Andrew Rozell. Commissioner Ronnie Anderson.

ABSTAINED (0): None.

## 5. PUBLIC HEARINGS

A. Hold a public hearing and consider making a recommendation to City Council regarding a request by Mark Martin representing Jodo Co., LLC for approval of a Specific Use Permit to allow Communications Tower. The property is located 3401 Barcelona Street in the City of Denton, Denton County, Texas. STAFF REQUESTS TO POSTPONE THIS PUBLIC HEARING TO MARCH 18, 2020 DUE TO A NOTIFICATION ERROR. (S19-0015, Speed of Light, Cindy Jackson)

B. Z20-0001a Hold a public hearing and consider making a recommendation to City Council regarding a request by Allison Engineering representing South Stemmons Property Group, Ltd., for a zoning change from Residential 2 (R-2) zoning district to a Mixed-Use Neighborhood (MN) zoning district. The 3.46-acre site is generally located on the northeast side of I-35E, approximately 196-feet northwest of Thunderbird Drive, in the City of Denton, Denton County, Texas. (Z20-0001, Windsor and 35 Medical Offices, Cindy Jackson)

Cindy Jackson, Senior Planner, presented Public Hearing item 5B. A discussion followed.

Vice-Chair Ellis opened the Public Hearing.

The following individuals spoke during the Public Hearing:

Lee Allison, 2415 N Elm Street, Denton, Texas 76201. Supports the request.

Greg Johnson, 319 W. Oak Street, Denton, Texas 76201. Supports the request.

Craig Williams, 2119 Glen Garden Street, Denton, Texas 76207. Supports the request.

Rose Scott, 2123 Glen Garden Street, Denton, Texas 76207. Supports the request.

Jennifer Walters, 2105 Colonial Street, Denton, Texas 76207. Supports the request.

Vice-Chair Ellis read into the record the following:

Bryan Popham, 2111 Glen Garden Street, Denton, Texas 76207. Supports the request as presented in the concept plan.

Lee Allison, the applicant, provided a presentation. Commissioner Smith requested for liquor stores to added as a limitation. Allison agreed.

Vice-Chair Ellis closed the Public Hearing.

Commissioner Tim Smith motioned to approve Public Hearing item 5B with the applicant's general limitations: **1.** The uses adjacent to the eastern and southern boundary shall be restricted

to the medical offices, medical clinics, professional offices, and residential. **2.** The parking on the east side shall be between the offices and the east boundary to buffer existing residential to the east. **3.** The medical offices, medical clinics, residences and professional offices along the east and south side shall be limited to one story. **4.** Access from Colonial Drive shall be restricted to emergency access only. As well as the Specific Limitations not allowing: **1.** Multifamily Dwelling **2.** Chapter House **3.** Community Home **4.** Dormitory **5.** Homeless Shelter **6.** Bar, Tavern or Lounge **7.** Mobile Food Court **8.** Hotel **9.** Automotive Fuel Sales **10.** Food Processing **11.** Liquor Store. Motion seconded by Commissioner Jason Cole. Motion carried 5-0.

A YES (5): Vice- Chair Margie Ellis. Commissioners: Tim Smith, Brian Beck, Mat Pruneda and Jason Cole.

NAYS (0): None.

RECUSED (0): None.

ABSENT (2): Chair Andrew Rozell. Commissioner Ronnie Anderson.

ABSTAINED (0): None.

C. Hold a public hearing and consider making a recommendation to City Council regarding a request by Hugh Pruett for a zoning change from Residential 2 (R-2) to a Planned Development (PD) District. The approximately 15.74 site is generally located at the southeast corner of Fort Worth Drive and Brush Creek Road, in the City of Denton, Denton County, Texas. (PD19-0004, Villas at Eagle Ridge, Julie Wyatt)

Commissioner Tim Smith motioned to postpone Public Hearing item 5C to a date certain of March 18, 2020 Planning and Zoning Commission meeting. Motion seconded by Commissioner Mat Pruneda. Motion carried 5-0.

A YES (5): Vice- Chair Margie Ellis. Commissioners: Tim Smith, Brian Beck, Mat Pruneda and Jason Cole.

NAYS (0): None.

RECUSED (0): None.

ABSENT (2): Chair Andrew Rozell. Commissioner Ronnie Anderson.

ABSTAINED (0): None.

D. Hold a public hearing and consider making a recommendation to City Council regarding a request by Medanjo Partners LTD for a Comprehensive Plan Amendment from Business Innovation Future Land Use designation to Regional Mixed Use Future Land use designation. The site includes 3 tracts for a total of approximately 98 acres: Tract 1 includes one acre generally located at the northwest intersection of South Loop 288 and Shady Oaks Drive; Tract 2 includes 72.76 acres located at the southwest corner of South Loop 288 and Shady Oaks drive; Tract 3 includes 24.14 acres located on the south side of Shady Oaks Drive, approximately 1900 feet west of South Loop 288, in the City of Denton, Denton County, Texas. (CA19-0001, Canopy Trails, Julie Wyatt)

Commissioner Tim Smith motioned to postpone Public Hearing item 5D to a date certain of April 8, 2020 Planning and Zoning Commission meeting. Motion seconded by Commissioner Jason Cole. Motion carried 5-0.



A YES (5): Vice- Chair Margie Ellis. Commissioners: Tim Smith, Brian Beck, Mat Pruneda and Jason Cole.

NAYS (0): None.

RECUSED (0): None.

ABSENT (2): Chair Andrew Rozell. Commissioner Ronnie Anderson.

ABSTAINED (0): None.

E. Hold a public hearing and consider making a recommendation to City Council regarding a request by Medanjo Partners LTD to rezone approximately 98 acres from Light Industrial (LI) and General Office (GO) to Mixed-Use Regional (MR). The site includes 3 tracts: Tract 1 includes one acre generally located at the northwest intersection of South Loop 288 and Shady Oaks Drive; Tract 2 includes 72.76 acres located at the southwest corner of South Loop 288 and Shady Oaks drive; Tract 3 includes 24.14 acres located on the south side of Shady Oaks Drive, approximately 1900 feet west of South Loop 288, in the City of Denton, Denton County, Texas. (Z20-0002, Canopy Trails, Julie Wyatt)

Commissioner Tim Smith motioned to postpone Public Hearing item 5E to a date certain of April 8, 2020 Planning and Zoning Commission meeting. Motion seconded by Commissioner Jason Cole. Motion carried 5-0.

A YES (5): Vice- Chair Margie Ellis. Commissioners: Tim Smith, Brian Beck, Mat Pruneda and Jason Cole.

NAYS (0): None.

RECUSED (0): None.

ABSENT (2): Chair Andrew Rozell. Commissioner Ronnie Anderson.

ABSTAINED (0): None.

## **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 City Council items.

Commissioner Beck requested information regarding wildflower and food vegetation development and allowed alternatives. Cannone noted the request.

Vice-Chair Ellis requested staff to assure the drainage issues are addressed for Public Hearing item 5B. Vice-Chair Ellis also requested a Work Session regarding overlay conditions and the approval of Preliminary and Final Plats. Cannone noted the request.

Vice-Chair Ellis closed the Regular Meeting at 7:44 p.m.



X

Andrew Rozell  
Chair



X

Catherine Welborn  
Administrative Assistant

