

MINUTES
PLANNING AND ZONING
July 22, 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, July 22, 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: Chair Andrew Rozell. Commissioners: Margie Ellis, Tim Smith, Ronnie Anderson, Brian Beck, and Jason Cole.

ABSENT: Commissioner Mat Pruneda

STAFF: Richard Cannone, Cynthia Kirchoff, Julie Wyatt, Selena Dillard, and Cathy Welborn.

On the phone: Hayley Zagurski, Ron Mengueta, and Christi Upton.

Note: Chair Andrew Rozell, Vice Chair Margie Ellis and Commissioners Ronnie Anderson, Brian Beck, Jason Cole, Mat Pruneda, and Tim Smith participated in the Planning and Zoning meeting via video/teleconference.

WORK SESSION

Chair Andrew Rozell opened the Work Session at 5:00 p.m.

Chair Rozell stated for the record that Commissioner Mat Pruneda was absent.

1. Work Session Reports

A. Receive a report and hold a discussion on platting regulations within the City of Denton, including the purpose, types, criteria for approval, and the effect of HB 3167 (commonly known as the "Shot Clock"). (Julie Wyatt)

Julie Wyatt presented the platting regulations report to the commission.

A discussion followed regarding voting procedure.

Chair Rozell closed the work session at 5:43 pm to a closed meeting.

Chair Rozell opened the work session at 6:05 pm.

2. Citizen Comments on Consent Agenda Items

No comments.

3. Clarification of agenda items listed on the agenda for this meeting

The Commissioners had no changes to the July 8, 2020 minutes.

Commissioner Beck requested clarification of development on top of capped gas wells regarding item 3A. Richard Cannone, Deputy Director of Development Services, noted that a work session item would be presented in the future to the commission.

Commissioner Beck asked if the developer of item 3B could complete what is required within a 30-day period. Hayley Zagurski, Senior Planner, confirmed that the August 19th date is achievable by the developer.

Chair Rozell noted that staff had requested item 4A be postponed to the August 5, 2020 meeting, a presentation would not be given.

Julie Wyatt, Senior Planner, presented Item 4B. Commissioner Beck asked if Sequoia park fulfilled the park access criteria. Julie Wyatt confirmed that per staff analysis it does.

Commissioner Tim Smith asked if there were any change in recommendations from when the SUP was previously approved. Julie Wyatt noted the conditions that differed from the previous SUP.

Commissioner Beck had concerns regarding pedestrian and vehicular access along Mingo Road. Julie Wyatt stated that there were no planned improvements, although improvements would be added as developments increase.

Chair Rozell asked what mandates 2 points of emergency access on the site. Julie Wyatt noted that the development would only be required to have 2 points of entry if it were to exceed 200 units per fire code.

Chair Rozell closed the Work Session at 6:31p.m.

1. CLOSED MEETING

- A. PZ20-153 Consultation with Attorneys - Under Texas Government Code Section 551.071. Consult with the City's attorneys and discuss legal issues, including deadlines, limitations, local permit vesting, and other legal constraints relating to approval and denial of plats, local permits, site plans and development plans; where discussion of these legal matters in an open meeting would conflict with the duty of the City's attorneys to the City of Denton, the Denton Planning & Zoning Commission, and the Denton City Council, under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or otherwise compromise the City's legal position in the event of a legal dispute.

REGULAR MEETING

Chair Andrew Rozell opened the Regular Meeting at 6:41 p.m.

Chari Rozell stated for the record that Commissioner Mat Pruneda was absent.

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, July 22, 2020 at 6:30 p.m. in the Council Work Session Room 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, Brian Beck, and Jason Cole.

ABSENT: Commissioner Mat Pruneda

STAFF: Richard Cannone, Cynthia Kirchoff, Julie Wyatt, Selena Dillard, and Cathy Welborn.

On the phone: Hayley Zagurski, Ron Mengueta, and Christi Upton.

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 July 8, 2020 meeting minutes.

Commissioner Margie Ellis motioned to approve the July 8, 2020 meeting minutes. Motion seconded by Commissioner Tim Smith. Motion approved (6-0)

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 (1): Commissioner Mat Pruneda

ABSTAINED (0): None.

3. ITEMS FOR INDIVIDUAL CONSIDERATION

A. PP20-0015 Consider a request by Brock A. Pfister of Kimley-Horn and Associates, Inc., on behalf of Michael H. Drury, for approval of a Preliminary Plat of the Drury Tract Addition. The approximately 22.8025-acre site is generally located on the east side of Highland Park Road, approximately 750 feet south of Willowood Street, in the City of Denton, Denton County, Texas. Staff is recommending denial of this request; however, the applicant has requested a 30-day extension to the August 19, 2020 Planning and Zoning Commission meeting. (PP20-0015, Forestar Rayzor Phase 1A Drury Tract, Ron Mengueta).

Commissioner Smith motioned to approve the 30-day extension to a date certain of August 19, 2020. Motion seconded by Commissioner Jason Cole. Motion approved (6-0).

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 (1): Commissioner Mat Pruneda

ABSTAINED (0): None.

Chair Rozell stated that two (2) people had submitted an online comment form. There was two (2) opposed and none in support.

- B. FR20-0007 Consider a Final Replat of Lots 1-R1 & 1-R2, Block A, McDonnell Highlands Phase One Addition; being a replat of Lot 1, Block A, McDonnell Highlands Phase One Addition. The approximately 3.241-acre property is generally located on the south side of E. McKinney Street and west of the intersection of Glenngary Way in the City of Denton, Denton County, Texas. Staff recommends denial of this request; however, the applicant has requested an extension to August 19, 2020. (FR20-0007, E. McKinney Street Retail Development, Hayley Zagurski)

Commissioner Smith motioned to approve the 30-day extension to a date certain of August 19, 2020. Motion seconded by Commissioner Cole. Motion approved (6-0)

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 (1): Commissioner Mat Pruneda

ABSTAINED (0): None.

4. PUBLIC HEARINGS

- A. AESA20-0003a Hold a public hearing and consider making a recommendation to City Council regarding a request by Kimley-Horn Engineering representing Forestar (USA) Real Estate Group, Inc. for an Alternate Environmentally Sensitive Area Plan for approximately 213.9 acres located on the north side of Rose Lawn Drive, and the west side of railroad tracks in the City of Denton, Denton County, Texas. STAFF HAS REQUESTED TO POSTPONE THIS ITEM TO AUGUST 5, 2020. (AESA20-0003, Forestar Rayzor, Christi Upton).

Chair Rozell opened the Public Hearing

Commissioner Smith motioned to postpone the item to a date certain of August 5, 2020. Motion seconded by Commissioner Ronnie Anderson. Motion approved (6-0).

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

NAYS (0): Commissioners:

RECUSED (0): None.

ABSENT (1): Commissioner Mat Pruneda

ABSTAINED (0): None.

B. S19-0013 Hold a public hearing and consider a making a recommendation to City Council regarding a request by DLH Investments LLC for a Specific Use Permit to allow a multi-family dwelling use. The 4-acre property is generally located on the north side of Mingo Road, approximately 150 feet southwest of Boyd Street in the City of Denton, Denton County, Texas. (S19-0013, Mingo Road Apartments, Julie Wyatt)

Chair Rozell opened the public hearing.

Julie Wyatt, Senior Planner, presented Public Hearing Item 4B. A discussion followed.

The following individuals spoke on this item:

Lawrence Holdorf, Allison Engineering, on behalf of the applicant.

Katie Magee, 1510 Seminole Avenue, Denton, Texas 76209

Chair Rozell stated that one (1) person had submitted an online comment form in support of the item.

Chair Rozell closed the public hearing.

Commissioner Smith motioned for approval given staff recommendation with an addition of signage for speed mitigation. Motion seconded by Commissioner Anderson. Motion approved (6-0).

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 (1): Commissioner Mat Pruneda

ABSTAINED (0): None.

5. 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 to the matrix. An item will be added regarding voting policy and procedure. Commissioner Beck asked that an item be added to the matrix regarding development over capped gas wells.

Chair Rozell closed Regular Meeting at 7:26 p.m.


Margie Ellis
Vice- Chair