

MINUTES
PLANNING AND ZONING
September 2, 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, September 2, 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, Mat Pruneda and Jason Cole.

ABSENT: None

STAFF: Richard Cannone, Cynthia Kirchoff, Julie Wyatt, Hayley Zagurski, Karina Maldonado, Christi Upton, and Selena Dillard.
On the phone: Ron Menguita.

Note: Chair Andrew Rozell, and Commissioners Margie Ellis, 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 5:01 p.m.

1. Citizen Comments on Consent Agenda Items

None

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

Chair Rozell noted that item 3C, PP20-0018 will be moved to Individual Consideration.

Karina Maldonado, Assistant Planner, presented item 3A, FP20-0013. Commissioner Brian Beck asked for clarification as to the distance between the closest well head in relation to the parcels, as well as which Denton Development Code this project falls under. Maldonado stated that the project will go under the 2002 Development Code. Hayley Zagurski, Senior Planner, addressed the gas well setbacks.

Hayley Zagurski presented item 3D, FP20-0018. Commissioner Beck questioned what had changed on the item from when it was postponed from the previous meeting. Zagurski noted that the drainage easements and tree preservation plan was finalized.

Karina Maldonado presented item 4A, ADP20-0010. A discussion followed.

Hayley Zagurski presented item 5A, Z20-0007. Commissioner Margie Ellis asked about the wording

“...substantially underway...” in Overlay condition 5. Zagurski stated the language can be changed. Commissioner Tim Smith asked that language be added to the overlay conditions to ensure the modular office buildings would have to be taken down once the permanent office building is available. Zagurski stated that condition could be added. Chair Rozell questioned the financial cost to the City that this project would have. Zagurski stated that the project will be providing utilities, will be paying impact fees, and access will be to a TXDOT roadway. Richard Cannone, Deputy Director of Development Services, added that a model is being constructed that would supply cost benefit analysis in the future.

Christi Upton, Environmental Compliance Coordinator, presented item 5B, AESA10-0004. Commissioner Beck questioned if the maintenance schedule could be refined to maintain the type of grass that is going to be used. Upton stated that she would work with the applicant regarding the maintenance schedule.

Julie Wyatt, Senior Planner, presented item 5D, Z19-0012a. Commissioner Beck questioned if the access issues that were discussed in a previous meeting were addressed. Wyatt will provide the information in the following meeting, and the applicant will be available to answer questions.

Wyatt presented item 5E, PD20-0003. Commissioner Beck was concerned with the proposed school being in close proximity to highway construction. Wyatt noted that there would be a significant gap between the school and the highway. Commissioner Ronnie Anderson asked if more setbacks would be needed in the future with the construction of Loop 288. Wyatt confirmed that the City Engineering Department has been working with the applicant to ensure there is adequate right-of-way given.

Chair Rozell closed the Work Session meeting at 6:35 p.m.

REGULAR MEETING

Chair Andrew Rozell opened the Regular Meeting at 6:47 p.m.

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, September 2, 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, Mat Pruneda and Jason Cole.

ABSENT: None

STAFF: Richard Cannone, Cynthia Kirchoff, Julie Wyatt, Hayley Zagurski, Karina Maldonado, Christi Upton, and Selena Dillard.

On the phone: Ron Menguita

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 August 19, 2020 meeting minutes.

Commissioner Tim Smith motioned to approve the August 19, 2020 meeting minutes. Motion seconded by Commissioner Margie Ellis. Motion approved (7-0)

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

NAYS (0): None.

RECUSED (0): None.

ABSENT (0): None

ABSTAINED (0): None.

3. CONSENT AGENDA

Chair Rozell noted that item 3C, PP20-0018 was pulled from the Consent Agenda, and placed under Items of Consideration as item 4E.

- A. Consider a request by Lee Allison of Allison Engineering Group, on behalf of North Texas Contracting Inc., for the approval of a Final Plat of Vintage Townhomes South Addition. The approximately 2.97-acre site is generally located on the south side of Vintage Boulevard, approximately 140 feet east of South Bonnie Brae Street and 138 feet west of Shagbark Drive, in the City of Denon, Denton County, Texas. (FP20-0013 Vintage Townhomes South, Karina Maldonado)
- B. Consider a request by Oxford at Sherman Drive, LLC for approval of a Final Plat of Lot 1, Block A of the Oxford at Sherman Drive Addition. The approximately 11.307-acre property is generally located on the north side of Poinsettia Boulevard, approximately 945 feet east of East Sherman Drive in the City of Denton, Denton County, Texas. (FP20-0017, Oxford at Sherman, Julie Wyatt)
- D. Consider a request by DPS Denton 2000, LLC for a Final Plat for Lot 1, Block 1, DPS Denton Mayhill Addition. The approximately 7.19-acre site is generally located at the southeast corner of E. McKinney Street and Mayhill Road intersection in the City of Denton, Denton County, Texas (FP20-0018, DPS Building, Hayley Zagurski)

The following individual submitted a virtual comment card for FP20-0013a:
Eric Pruett, 2111 Westwood Drive, Denton, Texas 76205

Commissioner Smith motioned to approve the Consent Agenda items 3A, 3B, and 3D. Motion seconded by Commissioner Margie Ellis. Motion approved (7-0)

AYES (7): Chair Andrew Rozell, Commissioners: Margie Ellis, Tim Smith, Jason Cole, Brian Beck, Mat Pruneda, 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 the Teasley Land JV, LLC, for approval of an amendment to an approved Alternative Development Plan for a proposed office park on approximately 3.42-acres. The subject site is generally located on the west side of Teasley Lane, approximately 248 feet south of Bent Oaks Drive in the City of Denton, Denton County, Texas. The purpose of the Alternative Development Plan amendment is to revise the proposed site configuration, proposed uses, and deviate from Section 35.13.10 Access, Parking, and Circulation Requirements of 2002 Denton Development Code. (ADP20-0010, Teasley Office Park, Karina Maldonado)

Karina Maldonado, Assistant Planner, presented item 4A, ADP20-0010.

The following individual submitted a virtual comment card:

Aimee Bissett, 100 W Oak Street, Suite 101, Denton, Texas 76201

Commissioner Ronnie Anderson motioned to approve the item. Motion seconded by Commissioner Smith. Motion approved (7-0)

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

NAYS (0): None.

RECUSED (0): None.

ABSENT (0): None

ABSTAINED (0): None.

- B. Consider a request by Sharon Losak McCutchin, in her capacity as (i) Trustee of the Tamara McCutchin Saxe Trust and (ii) Trustee of the McCutchin Marital Non Exempt Trust for a Preliminary Plat of the Sagebrook Addition. The approximately 146-acre site is generally located at the southwest corner of the Allred Road and South Bonnie Brae Street intersection in the City of Denton, Denton Count, Texas. Staff recommends denial of this request; however, the applicant has requested an extension to September 16, 2020. (PP20-0019, Sagebrook, Hayley Zagurski)

Commissioner Smith motioned to approve the extension to a date certain of September 16, 2020. Commissioner Mat Pruneda seconded the motion. Motion approved (7-0)

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

NAYS (0): None.

RECUSED (0): None.

ABSENT (0): None

ABSTAINED (0): None.

- C. Consider a request by Denton Stuart Ridge, LLC for a Final Plat of Phase 1 of the Stuart Ridge Addition. The approximately 51.82-acre site is generally located on the north side of Long Road and east of Stuart Road in the extraterritorial jurisdiction of the City of Denton, Denton County, Texas. Staff recommends denial of this request; however, the applicant has requested an extension to September 16, 2020. (FP20-0016, Stuart Ridge Phase 1, Hayley Zagurski)

The following individuals submitted a virtual comment card;
Laura Dromgoole, 5508 Woodland Hills Drive, Denton, Texas 76208
Stephanie Crowe, 4722 Pebble Creek, Aubrey, Texas 76227

Commissioner Smith motioned for approve the extension to a date certain of September 16, 2020. Motion seconded by Commissioner Jason Cole. Motion approved (7-0)

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

NAYS (0): None.

RECUSED (0): None.

ABSENT (0): None

ABSTAINED (0): None.

- D. Consider a request by Brock A. Pfister of Kimley-Horn and Associates, Inc., on behalf of Kevin Lazares of Forestar (USA) Real Estate Group, for approval of a Final Replat of the Forestar- Phase 1B Addition. The approximately 24.893-acre site is generally located between Highland Park road and McCormick Street, approximately 750 feet south of Willowwood 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 September 16, 2020 Planning and Zoning Commission meeting. (FR20-0011, Forestar Rayzor Phase 1B, Ron Mengueta)

The following individuals submitted a virtual comment card:
Patricia Reinke, 21 Timbergreen Circle, Denton, Texas 76205
Barbara Lightfoot, 422 Mimosa Drive, Denton, Texas 76201
Christa Conroy, 916 Emery Street, Denton, Texas 76201
Daisy Best, 1216 Egan Street, Denton, Texas 76201
Dana Isaac, 2216 Yorkshire Street, Denton, Texas 76209

Commissioner Smith motioned to approve the extension to a date certain of September 16, 2020.

Commissioner Ellis seconded the motion. Motion approved (7-0).

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

NAYS (0): None.

RECUSED (0): None.

ABSENT (0): None

ABSTAINED (0): None

E. Consider a request by Trans Atlas Financial, Inc. for a Preliminary Plat of the Grey Wolf Addition. The approximately 4.001-acre site is generally located on the northwest side of the intersection of East Windsor Drive and Stuart Road in the City of Denton, Denton County, Texas. Staff recommends denial of this request; however, the applicant has requested extension to the September 16, 2020 agenda. (PP20-0018, Grey Wolf Addition, Julie Wyatt)

Commissioner Ellis motioned to approve the extension to a date certain of September 16, 2020. The motion was seconded by Commissioner Cole. Motion approved (7-0)

AYES (7): Chair Andrew Rozell, Commissioners: Margie Ellis, Tim Smith, Jason Cole, Brian Beck, Mat Pruneda, 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 City Council regarding a request by New Farms LLC, Phase 17 Investments LP, and Phase 18 Investments LP to rezone approximately 55.37 acres from Rural Residential (RR) District to General Office (GO) District with overlay conditions requested by the applicant in accordance with DDC Section 2.7.2. The site is generally located on the west side of Interstate Highway 35, approximately 680 feet north of Barthold Road, in the City of Denton, Denton County, Texas. (Z20-0007, Primoris Corporate Offices, Hayley Zagurski)

Chair Rozell opened the Public Hearing.

Hayley Zagurski, Senior Planner, presented item 5A, Z20-0007.

Zagurski noted that the applicant accepted an addition to overlay condition 5, stating that the modular buildings on site must be removed upon issuance of the Certificate of Occupancy. A time frame of 12 months to remove the modular buildings once the CO is issued will be added at the request of Commissioner Beck and Commissioner Smith.

The following individuals submitted a virtual comment card:

Aimee Bissett, 100 W. Oak Street, Suite 101, Denton, Texas 76201
Eric Pruett, 2111 Westwood Drive, Denton, Texas 76205

Chair Rozell closed the Public Hearing.

Commissioner Smith motioned to approve the item with overlay conditions. Motion seconded by Commissioner Ellis. Motion Approved (7-0)

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

NAYS (0): None.

RECUSED (0): None.

ABSENT (0): None

ABSTAINED (0): None

- B. Hold a public hearing and consider making a recommendation to City Council regarding a request for an Alternative Environmentally Sensitive Area Plan for a renovation at Ryan High School. The approximately 78.904-acre property is generally located on the north side of East McKinney Street, approximately 1,740 feet east of the intersection of Mayhill Road in the City of Denton, Denton County, Texas, (AES20-0004, Ryan High School Renovation, Christi Upton).

Chair Rozell opened the public hearing.

Christi Upton, Environmental Compliance Coordinator, presented item 5A, AESA20-0004.

John Hamilton, project engineer, spoke regarding this item. He noted that the maintenance schedule can be altered, and that drainage will be improved.

Chair Rozell closed the public hearing.

Commissioner Anderson motioned to approve with staff recommendations. Motion seconded by Commissioner Smith. Motion Approved (7-0)

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

NAYS (0): None.

RECUSED (0): None.

ABSENT (0): None

ABSTAINED (0): None

- C. Hold a public hearing and consider making a recommendation to City Council regarding a request for an Alternative Environmentally Sensitive Area Plan. The approximately 18.83-acre site is generally located on the south side of Duchess Drive approximately 1,850 feet west of South Loop 288 in the City of Denton, Denton County, Texas. STAFF HAS REQUESTED TO POSTPONE THIS ITEM TO A DATE CERTAIN OF

SEPTEMBER 16, 2020. (AESA20-0002, Eagle Cove, Christi Upton).

Chair Rozell opened the public hearing

Commissioner Beck motioned to approve postponement to a date certain on September 16, 2020. Motion seconded by Commissioner Smith. Motion Approved (7-0)

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

NAYS (0): None.

RECUSED (0): None.

ABSENT (0): None

ABSTAINED (0): None

D. Hold a public hearing and consider making a recommendation to City Council regarding a request by Pundari Pothini for a zoning change from R2 District to R4 District. The 2.61-acre site is generally located east of Mockingbird Lane, approximately 133 feet south of Audra Lane, in the City of Denton, Denton County, Texas. (Z19-0012a, Mockingbird, Julie Wyatt)

Chair Rozell opened the public hearing.

Chair Rozell stated that the applicant is requesting a postponement to a date certain of September 16, 2020.

Commissioner Smith motioned to approve the postponement to a date certain of September 16, 2020. Motion seconded by Commissioner Anderson. Motion Approved (7-0)

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

NAYS (0): None.

RECUSED (0): None.

ABSENT (0): None

ABSTAINED (0): None

E. Hold a public hearing and consider making a recommendation to City Council regarding a request by Hickory Venture Group for a Planned Development Amendment for Planned Development 139. The 37.3-acre property is generally located on the southeast corner of Vintage Boulevard and I-35W Vintage Boulevard Ramp intersection, in the City of Denton, Denton County, Texas. (PD20-0003, Charter School, Julie Wyatt)

Chair Rozell opened the public hearing.

Julie Wyatt, Senior Planner, presented item 5E, PD20-0003. A discussion followed.

Chair Rozell closed the public hearing.

Commissioner Smith motioned to approve with staff recommendations. Motion seconded by Commissioner Pruneda. Motion Approved (7-0)

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

NAYS (0): None.

RECUSED (0): None.

ABSENT (0): None

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, noted that matrix items will be scheduled for multiple meetings in October, amendments to the DDC will be addressed at a later date, and an update for City Council was given.

Commissioner Beck asked for a clarification of the policies regarding native plants for alternate environmentally sensitive areas.

7. CONCLUDING ITEMS

Chair Rozell closed the Regular Meeting at 8:00 p.m.

X

Andrew Rozell
Chair