

MINUTES
PLANNING AND ZONING
September 16, 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 16, 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, 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 5:03 p.m.

1. Citizen Comments on Consent Agenda Items

None

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

Hayley Zagurski, Senior Planner, presented Item 3A, FP20-0016a. A discussion followed.

Hayley Zagurski presented item 3C, PP20-0019a. Commissioner Beck was concerned with drainage and potential flooding.

Ron Menguita, Principle Planner, presented item 3D, FR20-0011. Commissioner Beck questioned why an Alternate Environmentally Sensitive Area plan is not needed for this project. Both Menguita and Christi Upton, Environmental Compliance Coordinator, responded.

Ron Menguita presented item 4A, FR20-0008.

Julie Wyatt, Senior Planner, presented item 4B, PP20-0018a. Wyatt noted that the staff recommendation had been amended to reflect approval, as the preliminary plat met staff requirements. Commissioner Beck was concerned with flooding on Windsor Road. Wyatt stated that the applicant had been discussing draining design with City Engineering staff.

1
2 Julie Wyatt presented item 5A, Z19-0012b. A discussion followed. Chair Rozell noted that he did
3 not agree the proposed zoning would be considered a transitional zoning, due to the placement of
4 the lot. Wyatt stated that City staff determined the proposed zoning would be appropriate for the
5 area.

6
7 Christi Upton presented item 5B, AESA20-0002. Commissioner Beck was concerned with the
8 removal of pervious surface and the possibility of flooding, as well as the potential harm of species
9 in the area. A discussion followed.

10 11 **REGULAR MEETING**

12
13 Chair Andrew Rozell opened the Regular Meeting at 6:35 p.m.

14
15 The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, September
16 16, 2020 at 6:30 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney at which
17 time the following items were considered:

18
19
20 PRESENT: Chair Andrew Rozell., Commissioners: Margie Ellis, Tim Smith, Ronnie
21 Anderson, Brian Beck, Mat Pruneda and Jason Cole.

22
23 ABSENT: None

24
25 STAFF: Richard Cannone, Cynthia Kirchoff, Julie Wyatt, Hayley Zagurski, Christi Upton,
26 and Selena Dillard.
27 On the phone: Ron Mengueta

28 29 **1. PLEDGE OF ALLEGIANCE**

- 30 A. U.S. Flag
31 B. Texas Flag
32
33

34 **2. CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES** 35 **FOR:**

- 36 A. Consider the approval of the September 2, 2020 meeting minutes.
37

38 Commissioner Tim Smith motioned to approve the September 2, 2020 meeting minutes. Motion
39 seconded by Commissioner Ronnie Anderson. Motion approved (7-0)
40

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

43 NAYS (0): None.

44 RECUSED (0): None.

45 ABSENT (0): None

46 ABSTAINED (0): None.

1
2 3. CONSENT AGENDA
3

- 4
5 A. Consider a request by Denton Stuart Ridge, LLC for a Final Plat of Phase 1 of the
6 Stuart Ridge Addition. The approximately 51.82-acre site is generally located on the
7 north side of Long Road and east of Stuart Road in the extraterritorial jurisdiction of
8 the City of Denton, Denton County, Texas. (FP20-0016a, Stuart Ridge Phase 1,
9 Hayley Zagurski)
10 B. Consider a request by Foresite Group representing B.J.H Johnson Properties, Ltd., for
11 approval of the Final Plat of Audra Oaks, Phase 2A. The approximately 3.09-acre
12 property is generally located south of Audra Lane and north of the terminus of Oak
13 Valley, in the City of Denton, Denton County, Texas. (FP19-0024, Audra Oaks Phase
14 2A, Hayley Zagurski)
15 C. Consider a request by Sharon Losak McCutchin, in her capacity as (i) Trustee of the
16 Tamara McCutchin Saxe Trust and (ii) Trustee of the McCutchin Marital Non
17 Exempt Trust for a Preliminary Plat of the Sagebrook Addition. The approximately
18 146-acre site is generally located at the southwest corner of the Allred Road and
19 South Bonnie Brae Street intersection in the City of Denton, Denton County, Texas.
20 (PP20-0019a, Sagebrook, Hayley Zagurski)
21 D. Consider a request by Brock A. Pfister of Kimley-Horn and Associates, Inc., on
22 behalf of Kevin Lazares of Forestar (USA) Real Estate Group, for approval of a Final
23 Replat of the Forestar- Phase 1B Addition. The approximately 24.893-acresite is
24 generally located between Highland Park Road and McCormick Street, approximately
25 750 feet south of Willowood Street, in the City of Denton, Denton County, Texas.
26 (FR20-0011, Forestar Rayzor Phase 1B, Ron Menguita).

27 The following individual submitted a virtual comment card for item FP20-0016a:
28 Ryan Dromgoole, 5508 Woodland Hills Drive, Denton, Texas 76208
29

30 Commissioner Brian Beck motioned to approve the Consent Agenda items 3A, 3B, and 3D.
31 Motion seconded by Commissioner Margie Ellis. Motion approved (7-0)
32

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

35 NAYS (0): None.

36 RECUSED (0): None.

37 ABSENT (0): None

38 ABSTAINED (0): None.
39

40 Chair Rozell noted that item 3C, PP20-0019a was removed from the Consent Agenda, and placed
41 under Individual Consideration as 4C.
42

43 4. ITEMS FOR INDIVIDUAL CONSIDERATION
44

1 A. Consider a request by Stephen Shannon of CDI Crow, LLC. For approval of a Final
2 Replat of the Lots 1-9, Block 6 of the Crow Esplanade Addition, a replat of Lots 5, 5R,
3 6R, and 8R, Block 6 of the Wright Addition. The approximately 2.51-acre site is
4 generally located between Crow Street and Sena Street, approximately 400 feet west
5 of Gober Street, in the City of Denton, Denton County, Texas. Staff is recommending
6 denial of this request as it does not meet the established approval criteria for the Final
7 Replats; however, the applicant has requested a 30-day extension to the October 7,
8 2020 Planning and Zoning Commission meeting. (FR20-0008, Crow Esplanade, Ron
9 Menguita)

10
11 Ron Menguita, Principle Planner, presented item 4A. FR20-0008.

12
13 Commissioner Smith motioned to approve the extension to a date certain of October 7, 2020.
14 Motion seconded by Commissioner Mat Pruneda. Motion Approved (7-0)

15
16 AYES (7): Chair Andrew Rozell, Commissioners: Margie Ellis, Tim Smith, Jason Cole, Brian
17 Beck, Mat Pruneda, and Ronnie Anderson.

18 NAYS (0): None.

19 RECUSED (0): None.

20 ABSENT (0): None

21 ABSTAINED (0): None.

22
23
24 B. Consider a request by Trans Atlas Financial, Inc. for a Preliminary Plat of the Grey
25 Wolf Addition. The approximately 4.001-acre site is generally located on the
26 northwest side of the intersection of East Windsor Drive and Stuart Road in the City
27 of Denton, Denton County, Texas. Staff recommends denial of this request. (PP20-
28 0018a, Grey Wolf Addition, Julie Wyatt)

29 Julie Wyatt, Senior Planner, presented item 4B, PP20-0018a. She noted that due to comments
30 being addressed by the applicant prior to this meeting, staff recommended approval of the
31 Preliminary Plat.

32
33 Commissioner Smith motioned to approve the item. Motion seconded by Commissioner Ellis.
34 Motion approved (7-0)

35
36 AYES (7): Chair Andrew Rozell, Commissioners: Margie Ellis, Tim Smith, Jason Cole, Brian
37 Beck, Mat Pruneda, and Ronnie Anderson.

38 NAYS (0): None.

39 RECUSED (0): None.

40 ABSENT (0): None

41 ABSTAINED (0): None.

42
43
44 C. Consider a request by Sharon Losak McCutchin, in her capacity as (i) Trustee of the
45 Tamara McCutchin Saxe Trust and (ii) Trustee of the McCutchin Marital Non-
46 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

1
2 South Bonnie Brae intersection in the City of Denton, Denton County, Texas. (PP20-0019a, Sagebrook, Hayley Zagurski)

3
4 Hayley Zagurski, Senior Planner, presented item 4C, PP20-0019a.

5
6 Commissioner Ronnie Anderson motioned to approve the item. Motion seconded by
7 Commissioner Smith. Motion Approved (6-1)

8
9 AYES (6): Chair Andrew Rozell, Commissioners: Margie Ellis, Tim Smith, Jason Cole, Mat
10 Pruneda, and Ronnie Anderson.

11 NAYS (1): Commissioner Brian Beck

12 RECUSED (0): None.

13 ABSENT (0): None

14 ABSTAINED (0): None.

15
16 5. PUBLIC HEARINGS

- 17
18 A. Hold a public hearing and consider making a recommendation to City Council
19 regarding a request by Pundari Pothini for a zoning change from R2 District to R4
20 District. The 2.61-acre site is generally located east of Mockingbird Lane,
21 approximately 133 feet south of Audra Lane, in the City of Denton, Denton County,
22 Texas. (Z19-0012a, Mockingbird, Julie Wyatt)

23
24 Chair Rozell opened the Public Hearing.

25
26 Julie Wyatt presented item 5A, Z19-0012a.

27
28 The following individuals called into the meeting with comments.

29 Aimee Bissett, Applicant

30 Jason Faigle, Engineer

31 Pundari Pothini, Property Owner.

32
33 Commissioner Smith suggested adding a condition that the setbacks of the side yards be changed
34 from 5 feet to 10 feet. Jason Faigle, Engineer, noted that the property owner would agree to change
35 the setback distance.

36
37 Chair Rozell asked about the possibility of having more shallow lots on the property. Faigle stated
38 that the current configuration was chosen with the surrounding neighbors and tree preservation in
39 mind.

40
41 Chair Rozell closed the Public Hearing.

42
43 Commissioner Smith motioned to approve the item with staff recommendations including the
44 striking of variance as well as the added setback overlay condition. Motion seconded by
45 Commissioner Anderson. Motion Failed (5-2)

1
2 AYES (2): Commissioners: Tim Smith and Ronnie Anderson.

3 NAYS (5): Chair Andrew Rozell, Commissioners: Margie Ellis, Jason Cole, Brian Beck, Mat
4 Pruneda.

5 RECUSED (0): None.

6 ABSENT (0): None

7 ABSTAINED (0): None
8

9 Commissioner Ellis motioned to deny the request. Motion seconded by Commissioner Jason Cole.
10 Motion approved (7-0)
11

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

14 NAYS (0): None.

15 RECUSED (0): None.

16 ABSENT (0): None

17 ABSTAINED (0): None.
18
19

20 B. Hold a public hearing and consider making a recommendation to City Council
21 regarding a request for an Alternative Environmentally Sensitive Area Plan. The
22 approximately 18.83-acre site is generally located on the south side Duchess Drive
23 approximately 1,850 feet west of South Loop 288 in the City of Denton, Denton
24 County, Texas. (AES20-0002, Eagle Cove, Christi Upton).
25

26 Chair Rozell opened the public hearing.
27

28 Christi Upton, Environmental Compliance Coordinator, presented item 5B, AESA20-0002.
29

30 Commissioner Beck was concerned about flooding in the area, soil creep, and other environmental
31 impacts.
32

33 The following individual called into the meeting with comments:

34 Rob Zeilke, 111 S. Main Street, Grapevine, Texas 76051
35

36 Chair Rozell closed the public hearing.
37

38 Commissioner Beck motioned to deny the item. No second on the motion. Motion Failed.
39

40 Commissioner Ellis motioned to approve the item. Motion seconded by Commissioner Anderson.
41 Motion Approved (6-1)
42

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

45 NAYS (1): Commissioner Brian Beck

46 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 some items on the matrix may be moved to different dates. He also updated the board on City Council decisions.

7. CONCLUDING ITEMS

Chair Rozell closed the Regular Meeting at 7:54 p.m.

X

Andrew Rozell
Chair