

MINUTES
PLANNING AND ZONING
November 4, 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, November 4, 2020, at 4:00 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, Julie Wyatt, Karina Maldonado, Christi Upton, Gary Packan, Laura Behrens and Selena Dillard.

On the phone: Cynthia Kirchoff, Hayley Zagurski, Chandra Muruganandham, Michael Smith, Drew Huffman, and Heather Gray

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 4:03 p.m.

Chair Rozell noted that Commissioners Ronnie Anderson, Tim Smith, and Mat Pruneda was absent at the beginning of the Work Session.

1. Citizen Comments on Consent Agenda Items

None

2. Work Session Reports

A. Receive a report, hold a discussion, and give staff input regarding the assessment and use of park land dedication and park development fees.

Laura Behrens, Grant Administrator, and Gary Packan, Director of Parks and Recreation, presented the report to the Commission. Drew Huffman, Assistant Director of Parks & Rec, discussed donated land in relation to tree preservation. A discussion followed.

Chair Rozell noted that Commissioners Anderson, Smith, and Pruneda were in attendance.

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

2
3 Karina Maldonado, Assistant Planner, presented item 4B, FP20-0026.

4
5 Karina Maldonado presented item 4C, PP20-0022.

6
7 Julie Wyatt, Senior Planner presented item 4D, ADP20-0001. A discussion followed.

8
9 Ron Menguita, Principal Planner, presented item 5A, CA20-0003. Commissioner Smith requested
10 information regarding the future expansion and timeline of surrounding area. Brian Jahn, Traffic
11 Engineer, spoke regarding the future of Highway 377 and Loop 288. Further discussion followed.

12
13 Ron Menguita presented item 5B, Z20-0008.

14
15 Karina Maldonado presented item 5C, S20-0003.

16
17 Chair Rozell tabled discussion of Item 5D, AESA20-0005, to the Regular meeting.

18
19 Chair Rozell closed the Work Session at 6:26 p.m.

20
21 REGULAR MEETING

22
23 The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, November
24 4, 2020 at 6:30 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney at which
25 time the following items were considered:

26
27
28 PRESENT: Chair Andrew Rozell, Commissioners: Margie Ellis, Tim Smith, Ronnie
29 Anderson, Brian Beck, Mat Pruneda and Jason Cole.

30
31 ABSENT: None

32
33 STAFF: Richard Cannone, Ron Menguita, Julie Wyatt, Karina Maldonado, Christi Upton,
34 and Selena Dillard.

35 On the phone: Cynthia Kirchoff, Hayley Zagurski, Chandra Muruganandham, Brian Jahn

36
37 Chair Andrew Rozell opened the Regular Meeting at 6:37 p.m.

38
39 1. PLEDGE OF ALLEGIANCE

40 A. U.S. Flag

41 B. Texas Flag

42
43
44 2. CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES
45 FOR:

46 A. Consider the approval of the October 21, 2020 meeting minutes.

Commissioner Tim Smith motioned to approve the October 21, 2020 meeting minutes. Motion seconded by Commissioner Ronnie 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.

3. CONSENT AGENDA

- A. Consider a request by Kimley Horn & Associates Inc and DHI Homes, LLC for a Final Final Plat of the Audra Pointe Addition. The approximately 13.19-acre site is generally located on the east and south side of Audra Lane approximately 130 feet of Lattimore Street in the City of Denton, Denton County, Texas. (FP20-0024, Audra Pointe Addition, Hayley Zagurski)

Commissioner Margie Ellis motioned to approve the Consent Agenda. 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.

4. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Consider approval of the 2021 Planning and Zoning Commission meeting calendar.

Commissioner Smith motioned to approve the item. 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.

- B. Consider a request by Scott Scherer of Harris Kocher Smith, on behalf of FNM Jr Children's Partnership, for approval of a Final Plat of Denton Industrial Office Addition. The approximately 7.684-acre site is generally located on the northwest corner of the

intersection of Worthington Drive and Schuyler Street, in the City of Denton, Denton County, Texas. THE APPLICANT HAS REQUESTED A 30-DAY EXTENSION FOR THE REQUEST. (FP20-0026, Worthington Industrial Office, Karina Maldonado)

Karina Maldonado, Assistant Planner, presented item 4B, FP20-0026.

Commissioner Smith motioned to approve the extension of the item to a date certain of November 18, 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.

C. Consider a request by Lee Allison of Allison Engineering Group, on behalf of Carmen Investments, Inc., for approval of a Preliminary Plat of Country Club Village Phase 4. The approximately 12.53-acre site is generally located on the northwest corner of Fairway Drive and Club View Drive, 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 December 2, 2020 Planning and Zoning Commission meeting. (PP20-0022, Country Club Village, Karina Maldonado).

Karina Maldonado presented item 4C, PP20-0022.

Commissioner Smith motioned to approve the extension of the item to a date certain of December 2, 2020. 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.

D. Consider a request by Agave Ranch Development LLC for approval of an Alternative Development Plan for a proposed single-family residential development on 92 acres located on the east side of East Sherman Drive (FM 428), approximately 1,465 feet north of Hartlee Field Road in the City of Denton, Denton County, Texas. The purpose of the Alternative Development Plan is to deviate from Section 35.13.13.1 Residential Buildings of the 2002 Denton Development Code. (ADP20-0001, Agave Ranch, Julie Wyatt)

1 Julie Wyatt, Senior Planner, presented item 4D, ADP20-0001. Aimee Bisset, Applicant, presented
2 her presentation to the Commission.

3
4 The following individuals submitted a virtual comment card:
5 Michael Dewers, 5808 West Plano Parkway, Plano, Texas 75093
6 Garrett Lust, 3301 N I-35E, Carrollton, Texas, 75007

7
8 Commissioner Smith motioned to approve the item. Motion seconded by Commissioner Ellis.
9 Motion approved (7-0)

10
11 AYES (7): Chair Andrew Rozell, Commissioners: Margie Ellis, Tim Smith, Jason Cole, Brian
12 Beck, Mat Pruneda, and Ronnie Anderson.

13 NAYS (0): None.

14 RECUSED (0): None.

15 ABSENT (0): None

16 ABSTAINED (0): None.

17 18 5. PUBLIC HEARINGS

19
20 A. Hold a public hearing and consider making a recommendation to City Council
21 regarding a Comprehensive Plan Amendment from Rural Areas Future Land Use
22 designation to Moderate Residential Future Land Use designation on approximately 51.808
23 acres of land, generally located south and west of Vintage Boulevard and west of Fort
24 Worth Drive, in the City of Denton, Denton County, Texas. (CA20-0003, Burch Tract, Ron
25 Menguita)

26
27 Chair Rozell opened the Public Hearing

28
29 Ron Menguita, Principal Planner, presented item 5A, CA20-0003.

30
31 Chair Rozell noted that one (1) individual left a voicemail in favor of the item.

32
33 Chair Rozell closed the Public Hearing.

34
35 Chair Rozell cautioned the abundance of housing developments in this corridor, with few
36 businesses or retail being proposed.

37
38 Chair Rozell motioned to approve the item. Motion seconded by Commissioner Smith. Motion
39 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 B. Hold a public hearing and consider making a recommendation to City Council
3 regarding a request to establish an initial zoning district and use classification of
4 Residential 6 (R6) on approximately 51.808 acres of land, generally located south
5 and west of Vintage Boulevard and west of Fort Worth Drive, in the City of Denton,
6 Denton County, Texas. (Z20-0008, Burch Tract, Ron Menguita)
7

8 Chair Rozell opened the Public Hearing.
9

10 Ron Menguita presented item 5B, Z20-0008.
11

12 Commissioner Ellis was concerned with the R6 zoning, in relation to the neighborhood to the north
13 of the property, and triplexes and fourplexes being allowed. Randy Rivera, Applicant, noted that
14 she would be comfortable to allow a limitation that only single-family homes be constructed as an
15 overlay condition for approval.
16

17 Chair Rozell noted that one (1) individual left a voicemail in support of the item.
18

19 Chair Rozell closed the Public Hearing.
20

21 Commissioner Smith motioned to approve the item with the overlay condition that there only be
22 single-family detached homes. Motion seconded by Commissioner Anderson. Motion approved
23 (7-0)
24

25 AYES (7): Chair Andrew Rozell, Commissioners: Margie Ellis, Tim Smith, Jason Cole, Brian
26 Beck, Mat Pruneda, and Ronnie Anderson.
27

28 NAYS (0): None.
29

30 RECUSED (0): None.
31

32 ABSENT (0): None
33

34 ABSTAINED (0): None.
35

36 C. Hold a public hearing and consider making a recommendation to City Council regarding
37 a request by Michael D. Clark, P.E. of Winkelmann and Associates, Inc., on behalf of the
38 property owner, for a Specific Use Permit (SUP) to allow for a multi-family development
39 on three adjacent tracts totaling approximately 21.960 acres. The subject property is
40 generally located on the northwest corner of Shady Shores Road and Lakeview Boulevard
41 in the City of Denton, Denton County, Texas. (S20-0003, Shady Shores Towne Crossing-
42 Multi-family, Karina Maldonado)
43

44 Chair Rozell opened the Public Hearing.
45

46 Karina Maldonado presented item 5C, S20-0003.
47

48 Commissioner Beck was concerned of the effect of downgrading the mobility plan in relation to
49

1 the environmentally sensitive area. Chandra Muruganandham, Senior Traffic Engineer, noted that
2 there would not be an effect.

3 Commissioner Ellis questioned the timeline of the proposed traffic light, Muruganandham noted
4 that it would not be immediate, it would take time.

5
6 Charles Hodgkins, Applicant, presented to the Commission.

7
8 The following individuals submitted a virtual comment card:

9 Chris Frerich, 6005 Moor Hen Drive, Denton, Texas 76208

10 Zach Yeager, 301 Coronado Drive #2029, Denton, Texas 76209

11 Shaun Dodge, 4122 Boxwood Drive, Denton, Texas 76208

12 Christi Shiflett, 7612 Hinkley Oak Drive, Denton, Texas, 76208

13
14 The following individuals spoke on this item:

15 Timothy Smith, 4513 Eagle Path Road, Denton, Texas, 76208

16 Christi Shiflett, 7612 Hinkley Oak Drive, Denton, Texas, 76208

17 Liesel Herrera, 4725 Heron Pond Lane, Denton, Texas, 76208

18 Alan Kerber, 7820 alders Gate Lane, Denton, Texas, 76208

19
20 Chair Rozell and Commissioners noted concern of the lack of retail, grocery stores, and restaurants
21 in the area for current residents in the area. There was also concerns with adding a large multi-
22 family development in that area. Commissioner Ellis noted the effects of added traffic, as well as
23 negative impacts on existing properties values. Commissioner Beck was concerned about the
24 negative impacts to the environmentally sensitive area.

25
26 Chair Rozell closed the Public Hearing.

27
28 Commissioner Smith motioned to deny the item. Motion seconded by Commissioner Ellis.

29
30 The applicant requested that the item be tabled.

31
32 Commissioner Smith withdrew his motion.

33
34 Commissioner Smith motioned to table the item to a date uncertain. Motion seconded my
35 Commissioner Pruneda. Motion failed (5-2)

36
37 AYES (2): Commissioners: Tim Smith, Mat Pruneda

38 NAYS (5): Chair Andrew Rozell, Commissioners: Margie Ellis, Jason Cole, Brian Beck and
39 Ronnie Anderson.

40 RECUSED (0): None.

41 ABSENT (0): None

42 ABSTAINED (0): None.

43
44 Commissioner Smith motioned to deny the item. Motion seconded by Commissioner Jason Cole.
45 Motion Approved (7-0)

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

3 NAYS (0): None.

4 RECUSED (0): None.

5 ABSENT (0): None

6 ABSTAINED (0): None.

7
8 Chair Rozell called a recess at 9:48 p.m.

9
10 Chair Rozell called the meeting back to order at 9:55 p.m.

11
12 D. Hold a public hearing and consider making a recommendation to City Council regarding
13 a request for an Alternative Environmentally Sensitive Area Plan. The subject property is
14 generally located on the northwest corner of Shady Shores Road and Lakeview Boulevard
15 in the City of Denton, Denton County, Texas. (AES20-0005, Shady Shores Town Center
16 Multifamily, Christi Upton).

17
18 Chair Rozell opened the Public Hearing.

19
20 Christi Upton, Environmental Compliance Coordinator, presented item 5D, AES20-0005.

21
22 The following individuals submitted virtual comment cards:

23 Chris Frerich, 6005 Moor Hen Drive, Denton, Texas, 76208

24 Tony Metraux, 2019 Mercedes Road, Denton, Texas, 76205

25
26 Michael Clark, Applicant, asked the Commission to approve the item, as it will determine the limit
27 of future development.

28
29 Chair Rozell closed the Public Hearing.

30
31 Commissioner Smith motioned to deny the item. Motion seconded by Commissioner Ellis. Motion
32 approved. (7-0)

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

36 NAYS (0): None.

37 RECUSED (0): None.

38 ABSENT (0): None

39 ABSTAINED (0): None.

40 41 6. PLANNING & ZONING COMMISSION PROJECT MATRIX

42
43 A. Hold a discussion regarding the Planning and Zoning Commission project matrix.

44
45 Richard Cannone, Deputy Director of Development Services, gave an update to the
46 Commissioners regarding City Council as well as future Work Session items.

