

Minutes
Planning and Zoning
October 16, 2019

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, October 16, 2019 at 4:30 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which time the following items were considered:

PRESENT: Chair Andrew Rozell. Commissioners: Mat Pruneda, Tim Smith, Ronnie Anderson, Brian Beck, and Jason Cole.

ABSENT: Commissioner Margie Ellis.

STAFF: Scott McDonald, Richard Cannone, Hayley Zagurski, Julie Wyatt, Cindy Jackson, Cynthia Kirchoff, Jerry Drake, Aaron Leal, Trey Lansford, Christi Upton, Deborah Viera Sierra, Ron Menguita, Sean Jacobson and Cathy Welborn.

WORK SESSION

Chair Rozell opened the Work Session at 4:35 p.m.

Chair Rozell stated for record Commissioner Ellis was absent.

1. Work Session Reports

A. Receive an update on the new format for staff analyses and how it relates to projects under House Bill 3167.

Richard Cannone, Deputy Director of Development Services, provided an update regarding the new staff analyses format.

B. Receive a report, hold a discussion and give staff direction regarding changes to Subchapter 1: General Standards, Subchapter 6: Gas Wells, and Subchapter 8: Subdivision of the Denton Development Code related to reverse setbacks and associated definitions and appeal procedures.

Hayley Zagurski, Senior Planner, presented Work Session Report 1B. A discussion followed. Legal staff answered the Commission's questions.

Chair Rozell stated Public Hearing item 5F will be heard after the Work Session Report items.

Chair Rozell continued to state if time permits the rest of the items would be heard if time does not permit the rest will be heard during the Regular Meeting.

Chair Rozell called a recess at 5:55 p.m.

Chair Rozell reconvened the Work Session at 6:04 p.m.

C. Receive a report, hold a discussion, and give staff direction regarding a new Environmental Sensitive Criteria Manual.

Christy Upton Environmental Compliance Coordinator, presented Work Session Report 1C.

2. 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.

Chair Rozell asked the Commission if there were any changes to the minutes. The Commission had no changes to the minutes.

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

Chair Rozell stated the remaining Work Session items will be heard during the Regular Meeting.

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

The Planning and Zoning Commission did not have a Closed Meeting.

Following the completion of the Work Session, the Planning and Zoning Commission will convene in a Closed Meeting to consider specific items when these items are listed below under the Closed Meeting section of this agenda. The Planning and Zoning Commission reserves the right to adjourn into a Closed Meeting on any item on its Open Meeting agenda consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law.

1. Closed Meeting

A. Consultation with Attorneys - Under Texas Government Code Section 551.071 Consult with and provide direction to City's attorneys regarding legal issues and strategies associated with changes to Subchapter 6: Gas Wells of the Denton Development Code related to reverse setbacks and associated definitions, appeal procedures, and legal issues associated with pending development applications; where a discussion of these legal matters in an open meeting would conflict with the duty of the City's attorneys to the City of Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, October 16, 2019 at 6:30 p.m. in the City Council Chambers at City Hall, 215 E. McKinney at which time the following items were considered:

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

PRESENT: Chair Andrew Rozell. Commissioners: Mat Pruneda, Tim Smith, Ronnie Anderson, Brian Beck, and Jason Cole.

ABSENT: Commissioner Margie Ellis.

STAFF: Scott McDonald, Richard Cannone, Hayley Zagurski, Julie Wyatt, Cindy Jackson, Cynthia Kirchoff, Jerry Drake, Ron Menguita, Sean Jacobson and Cathy Welborn.

Chair Rozell stated Commissioner Ellis was absent.

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 October 2, 2019 minutes.

Commissioner Tim Smith motioned to approve the October 2, 2019 meeting minutes. Motion seconded by Commissioner Mat Pruneda. Motion carried 6-0-1.

AYES (6): Chair Andrew Rozell. Commissioners: Tim Smith, Ronnie Anderson, Brian Beck, Jason Cole and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Margie Ellis.

ABSTAINED (0): None.

3. CONSENT AGENDA

A. Consider a request by Stephen Shannon of Colo Development, on behalf of David and Robin Stephenson, for approval of a Final Plat of the Stephenson Estate Addition. The approximately 3.81-acre site is generally located on the north side of Crawford Road, approximately 315 feet east of the point where Taylor Road intersects Crawford Road, in the Extraterritorial Jurisdiction of the City of Denton, Denton County, Texas. (FP19-0026, Stephenson Estate Addition, Sean Jacobson).

Commissioner Tim Smith motioned to approve the Consent Agenda. Motion seconded by Commissioner Mat Pruneda. Motion carried 6-0-1.

AYES (6): Chair Andrew Rozell. Commissioners: Tim Smith, Ronnie Anderson, Brian Beck, Jason Cole and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Margie Ellis.

ABSTAINED (0): None.

4. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Consider approval of the 2020 Planning and Zoning Commission calendar.

Commissioner Tim Smith motioned to approve Item for Individual Consideration 4A. Motion seconded by Commissioner Mat Pruneda. Motion carried 6-0-1.

AYES (6): Chair Andrew Rozell. Commissioners: Tim Smith, Ronnie Anderson, Brian Beck, Jason Cole and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Margie Ellis.

ABSTAINED (0): None.

5. PUBLIC HEARINGS

A. Hold a public hearing and consider a request by Old North/Misty Wood, LLC for approval of a Final Replat of Lots 9 & 28, Block D, Old North Park Phase II-A; being a residential replat of Lots 9 & 28, Block D, Old North Park Phase II-A. The approximately 0.161-acre property is generally located north of Paxton Way, south of Chebi Lane, approximately 71 feet west of Northcrest Road in the City of Denton, Denton County, Texas. (FR19-0018, Old North Park, Phase II-A, Julie Wyatt)

Chair Rozell opened the Public Hearing.

Julie Wyatt, Senior Planner, presented Public Hearing 5A.

The following individual spoke during the Public Hearing:

Thomas Fletcher, 6160 Warren Pkwy, Frisco, Texas 75034. Supports the request.

Chair Rozell closed the Public Hearing.

Commissioner Mat Pruneda motioned to approve Public Hearing item 5A. Motion seconded by Commissioner Ronnie Anderson. Motion carried 6-0-1.

AYES (6): Chair Andrew Rozell. Commissioners: Tim Smith, Ronnie Anderson, Brian Beck, Jason Cole and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Margie Ellis.

ABSTAINED (0): None.

B. Hold a public hearing and consider a request by Gordon Meredith of City of Denton Community Development, on behalf of Jimmy and Sandra Cross, for approval of a Final Replat of Lot 19R, Block 6 of College View Addition; being a residential replat of Lot 19, Block 6 of College View Addition and Lot 20, Block 6 of College View Addition. The approximately 0.347-acre property

is generally located fifty-five feet north of the northeast corner of the intersection of Bradshaw Street and Davis Street, in the City of Denton, Denton County, Texas. (FR19-0019, College View Addition, Sean Jacobson)

Chair Rozell opened the Public Hearing.

Sean Jacobson, Assistant Planner, presented Public Hearing 5B.

Chair Rozell closed the Public Hearing.

Commissioner Tim Smith motioned to approve Public Hearing item 5B. Motion seconded by Commissioner Mat Pruneda. Motion carried 6-0-1.

AYES (6): Chair Andrew Rozell. Commissioners: Tim Smith, Ronnie Anderson, Brian Beck, Jason Cole and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Margie Ellis.

ABSTAINED (0): None.

C. Hold a public hearing and consider a request by John Cox of Eagle Surveying, on behalf of Jim/Heritage, LP, for approval of a replat of Lot 1, Block A of the Colorado Addition to abandon easements created by previous plats. The approximately 9.84-acre property is generally located at the southwest corner of the intersection of Colorado Boulevard and the Dallas Area Rapid Transit rail line, in the City of Denton, Denton County, Texas. (FR19-0024, Colorado Addition, Sean Jacobson)

Chair Rozell opened the Public Hearing.

Sean Jacobson, Assistant Planner, presented Public Hearing 5C.

Chair Rozell closed the Public Hearing.

Commissioner Tim Smith motioned to approve Public Hearing item 5C. Motion seconded by Commissioner Mat Pruneda. Motion carried 6-0-1.

AYES (6): Chair Andrew Rozell. Commissioners: Tim Smith, Ronnie Anderson, Brian Beck, Jason Cole and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Margie Ellis.

ABSTAINED (0): None.

D. Hold a public hearing and consider a request by John Cox of Eagle Surveying, on behalf of Jim/Heritage LP, for approval of a replat of Lot 9BR-2, Block C of the Shady Oaks Industrial Addition to abandon easements created by previous plats. The approximately 4.61-acre property

is generally located on the southeast side of Shady Oaks Drive, approximately 155 feet southwest of the intersection of Shady Oaks Drive and the Dallas Area Rapid Transit rail line, in the City of Denton, Denton County, Texas. (FR19-0025, Shady Oaks Industrial Addition, Sean Jacobson)

Chair Rozell opened the Public Hearing.

Sean Jacobson, Assistant Planner, presented Public Hearing 5D.

Chair Rozell closed the Public Hearing.

Commissioner Tim Smith motioned to approve Public Hearing item 5D. Motion seconded by Commissioner Jason Cole. Motion carried 6-0-1.

AYES (6): Chair Andrew Rozell. Commissioners: Tim Smith, Ronnie Anderson, Brian Beck, Jason Cole and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Margie Ellis.

ABSTAINED (0): None.

E. Hold a public hearing and consider approval of a variance from the City of Denton Transportation Design Criteria Manual Section 2.2.2 as it relates to minimum drive approach spacing. The variance requested is for a reduction in the minimum spacing for a driveway, generally located on the north side of East Daugherty Street, approximately 285 feet west of Johnson Street. (V19-0002, Haven at Daugherty, Julie Wyatt)

Chair Rozell opened the Public Hearing.

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

Chair Rozell closed the Public Hearing.

Commissioner Mat Pruneda motioned to approve Public Hearing item 5E. Motion seconded by Commissioner Jason Cole. Motion carried 6-0-1.

AYES (6): Chair Andrew Rozell. Commissioners: Tim Smith, Ronnie Anderson, Brian Beck, Jason Cole and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Margie Ellis.

ABSTAINED (0): None.

F. Hold a public hearing and consider making a recommendation to City Council regarding a request by Chet Leugers representing MMRQ Land, LP to assign an initial zoning designation of Mixed Use Neighborhood (MN) on approximately 6.71 acres of land and to rezone approximately 11.359 acres of land from Residential 1 (R-1) to Mixed Use Neighborhood (MN). The subject site

is generally located at the northeast corner of the intersection of U.S. 377/Fort Worth Drive and Brush Creek Road, in the City of Denton, Denton County, Texas. (Z18-0013, Brush Creek Apartments, Cindy Jackson)

Chair Rozell opened the Public Hearing.

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

The following individuals spoke during this item:

- Bill Dahlstrom, 2323 Ross Avenue Suite 600, Dallas, Texas 75201. Supports the request.
- J.P. Jenson, 2304 Chipping Campden Road, Argyle, Texas 76226. Opposed to the request.
- Mike Block, 4993 Kiowa Trail, Argyle, Texas 76226. Opposed to the request.
- Tara Higgins, 4951 Kiowa Trail, Argyle, Texas 76226. Opposed to the request.
- Cort Higgins, 4951 Kiowa Trail, Argyle, Texas 76226. Opposed to the request.
- Lanthan Jones, 2400 Cavendish Lane, Argyle, Texas 76226. Opposed to the request.
- Telena Wright, 2016 Walden Boulevard, Flower Mound, Texas 75022. Opposed to the request.
- Sam Slovak, 4905 Argyle Lane, Argyle, Texas 76226. Opposed to the request.
- Sharon Cox, 8008 Woodcreek Circle, Argyle, Texas 76226. Opposed to the request.
- Dennis Cox, 8008 Woodcreek Circle, Argyle, Texas 76226. Opposed to the request.
- Dick Shanhouse, 8001 Woodcreek Circle, Argyle, Texas 76226. Opposed to the request.
- David Greiner, 3312 Club View Drive, Argyle, Texas 76226. Opposed to the request.
- Linda Puckett, 11391 Fincher Road, Argyle, Texas 76226. Opposed to the request.
- Jacqueline Windle, 4981 Kiowa Trail, Argyle, Texas 76226. Opposed to the request.
- David Windle, 4981 Kiowa Trail, Argyle, Texas 76226. Opposed to the request.
- Vince Shriver, 4990 Kiowa Trail, Argyle, Texas 76226. Opposed to the request.
- Kevin Faciane, 4805 Argyle Lane, Argyle, Texas 76226. Opposed to the request.
- Judy Fulkerson, 1804 Wickwood Court, Denton, Texas 76226. Opposed to the request.
- Gary Davis, 970 Brush Creek Road, Argyle, Texas 76226. Opposed to the request.
- David Yoder, 940 Brush Creek Road, Argyle, Texas 76226. Opposed to the request.
- Allison Prather, 4921 Kiowa Trail, Argyle, Texas 76226. Opposed to the request.
- Perri Dyer, 4800 Snowhill Court, Argyle, Texas 76226. Opposed to the request.
- Leona McDade, 116 Stonecrest Road, Argyle, Texas 76226. Opposed to the request.
- Pam Arrington, 3121 Stonecrop Trail, Argyle, Texas 76226. Opposed to the request.
- Susan Apple, 8000 Woodcreek Circle, Argyle, Texas 76226. Opposed to the request.
- James Vogelgesang, 1805 Warwick Crescent Court, Argyle, Texas 76226. Opposed to the request.
- Peaches Smith, 2812 New Port Avenue, Denton, Texas 76209. Opposed to the request.
- Keith Whitehouse, 1120 Brush Creek Road, Argyle, Texas 76226. Opposed to the request.
- Stephen Lapot, 2104 Winthrop Hill Road, Argyle, Texas 76226. Opposed to the request.
- Cheryl McWilliams, 2765 Skivue Drive, Argyle, Texas 76226. Opposed to the request.
- Justin Jenson, 3237 Club View Drive, Argyle, Texas 76226. Opposed to the request.
- Brandy Mansfield, 3101 Hornbeam Street, Argyle, Texas 76226. Opposed to the request.
- Rickey Wood, 8011 Woodcreek Circle, Argyle, Texas 76226. Opposed to the request.

Chair Rozell read into the record the following:

Donna Perfetti, 47085 Snowhill Court, Argyle, Texas 76226. Opposed to the request.
Robin Block, 4993 Kiowa Trail, Argyle, Texas 76226. Opposed to the request.
Karry Johnson, 4705 Snowhill Court, Argyle, Texas 76226. Opposed to the request.
Larry Johnson, 4705 Snowhill Court, Argyle, Texas 76226. Opposed to the request.
Sue Johnson, 4705 Snowhill Court, Argyle, Texas 76226. Opposed to the request.
Susan Faciane, 4805 Argyle Lane, Argyle, Texas 76226. Opposed to the request.
Trey Falkerson, 180 Wickwood Court, Argyle, Texas 76226. Opposed to the request.
Brandon Pfaffly, 2026 Briar Hill Lane, Argyle, Texas 76226. Opposed to the request.
John King, 3304 Club View Drive, Argyle, Texas 76226. Opposed to the request.
Franl Botti, 3220 Club View Drive, Argyle, Texas 76226. Opposed to the request.
Bev Beeler, 2705 Skivue Drive, Argyle, Texas 76226. Opposed to the request.
Wayne Beeler, 2705 Skivue Drive, Argyle, Texas 76226. Opposed to the request.
Stacie Schnabel, 8213 Crooked Stick Lane, Argyle, Texas 76226. Opposed to the request.
~~Alexander Allen, 4609 Upper Glenwick Court, Argyle, Texas 76226. Opposed to the request.~~
Jessica Russell, 3237 Hornbeam Street, Denton, Texas 76226. Opposed to the request.
Amy Fanning, 2305 Cavendish Lane, Argyle, Texas 76226. Opposed to the request.
Shane Tatum, 8209 Sawgrass Lane, Argyle, Texas 76226. Opposed to the request.
Lane Tidwell, 4700 Upper Glenwick Court, Argyle, Texas 76226. Opposed to the request.
Terry Boaz, 1050 Brush Creek Road, Argyle, Texas 76226. Opposed to the request.
LuCinda Boaz, 1050 Brush Creek Road, Argyle, Texas 76226. Opposed to the request.
John Prather, 4921 Kiowa Trail, Argyle, Texas 76226. Opposed to the request.
James Andrews, 2716 Kerry Court, Argyle, Texas 76226. Opposed to the request.
Sandy Faciane, 4504 Argyle Lane, Argyle, Texas 76226. Opposed to the request.
Leo Faciane, 4504 Argyle Lane, Argyle, Texas 76226. Opposed to the request.
Brett Reid, 1800 Wickwood Court, Argyle, Texas 76226. Opposed to the request.
Steve Allcorn, 1800 Warwick Crescent Court, Argyle, Texas 76226. Card was not marked.
Sam Slation, 224 River Meadows Lane, Argyle, Texas 76226. Opposed to the request.
Jennifer Lane, 1526 Willowwood Street, Denton, Texas 76205. Opposed to the request.
Casimira Rhea, 2704 Skivue Drive, Argyle, Texas 76226. Opposed to the request.
Kim Jones, 583 W Jeter Road, Brattonville, Texas 76226. Opposed to the request.
Tina Brewer, 1675 W. Jeter Road, Bartonville, Texas 76226. Opposed to the request.
Amanda Falvey-Wood, 8011 Woodcreek Circle, Argyle, Texas 76226. Opposed to the request.
Collin Brooks, 1500 Bunting Drive, Argyle, Texas 76226. Opposed to the request.
Brian Trail, 4789 S. Bonnie Brae Street, Argyle, Texas 76226. Opposed to the request.

Chair Rozell closed the Public Hearing.

The Planning and Zoning Commissioners deliberated and articulated regarding the item.

Commissioner Mat Pruneda motioned to postpone Public Hearing item 5F indefinitely. Motion was not seconded and failed.

Commissioner Tim Smith motioned to deny Public Hearing item 5F. Motion seconded by Commissioner Mat Pruneda. Motion carried 6-0-1.

AYES (6): Chair Andrew Rozell. Commissioners: Tim Smith, Ronnie Anderson, Brian Beck, Jason Cole and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Margie Ellis.

ABSTAINED (0): None.

Chair Rozell called a recess at 9:32 p.m.

Chair Rozell reconvened the Regular Meeting at 9:45 p.m.

G. Hold a public hearing and consider making a recommendation to City Council regarding a proposed revision to the Denton Development Code; specifically to amend Subchapter 5, Use Regulations related to use-specific standards for Medical Offices and Medical Clinics in the Mixed Use Regional (MR) District. (DCA19-0012, Medical Use Standards, Hayley Zagurski)

Chair Rozell opened the Public Hearing.

Hayley Zagurski, Senior Planner, presented Public Hearing item 5G.

Chair Rozell closed the Public Hearing.

Commissioner Mat Pruneda motioned to approve Public Hearing item 5G. Motion seconded by Commissioner Ronnie Anderson. Motion carried 6-0-1.

AYES (6): Chair Andrew Rozell. Commissioners: Tim Smith, Ronnie Anderson, Brian Beck, Jason Cole and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Margie Ellis.

ABSTAINED (0): None.

H. Hold a public hearing and consider making a recommendation to City Council regarding a proposed revision to the Denton Development Code; specifically, Subsection 1.7 Transition from Prior Regulations to incorporate approve, and create Appendix C, Master Planned Community Districts. (DCA19-0013, Master Planned Communities, Richard Cannone).

Commissioner Cole recused himself from the dais.

Chair Rozell opened the Public Hearing.

Richard Cannone, Deputy Director of Development Services, presented Public Hearing item 5H.

Chair Rozell closed the Public Hearing.

Commissioner Tim Smith motioned to approve Public Hearing item 5H. Motion seconded by Commissioner Ronnie Anderson. Motion carried 6-0-1-1.

AYES (6): Chair Andrew Rozell. Commissioners: Tim Smith, Ronnie Anderson, Brian Beck, and Mat Pruneda.

NAYS (0): None

RECUSED (0): Commissioner Jason Cole.

ABSENT (1): Commissioner Margie Ellis.

ABSTAINED (0): None.

Commissioner Cole returned to the dais.

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 on council items.

Commissioner Smith requested a discussion regarding notification for the Extraterritorial Jurisdiction. Commissioner Pruneda requested Dr. Zacariah Hildenbrand to discuss the findings on fracking within safe distances. Cannone stated he will need to consult with Aaron Leal, City Attorney, regarding the request for Dr. Hildenbrand's attendance.

Chair Rozell closed at Regular Meeting at 10:00 p.m.

X

Andrew Rozell
Chair

X

Catherine Welborn
Administrative Assistant