

Minutes  
Planning and Zoning  
November 6, 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, November 6, 2019 at 2:00 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, Ronnie Anderson, Brian Beck, and Jason Cole.

ABSENT: Commissioner Mat Pruneda, and Tim Smith.

STAFF: Scott McDonald, Richard Cannone, Hayley Zagurski, Julie Wyatt, Cindy Jackson, Cynthia Kirchoff, Jerry Drake, Aaron Leal, Eugene McKinnie, Pritam Deshmukh, Jim Wilder, Ron Menguita, Sean Jacobson and Cathy Welborn.

#### WORK SESSION

Chair Rozell opened the Work Session at 2:05 p.m.

##### 1. Work Session Reports

###### A. Receive a report, hold a discussion, and give staff direction regarding establishing a new Administrative Criteria Manual and updates to existing Criteria Manuals.

Ron Menguita, Principal Planner, presented Work Session Report item 1A regarding the Administrative Criteria Manual.

Eugene McKinne, Deputy Director of Solid Waste, provided an update to the Solid Waste Criteria Manual.

Pritam Deshmukh, Deputy City Engineer and Jim Wilder, Senior Engineer, provided the updates to the Construction, Storm water Design, Water and Wastewater Criteria Manuals. A Discussion followed.

###### 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 item 1B and Public Hearing item 5F. A discussion occurred during this item.

Cynthia Kirchoff, Deputy City Attorney, presented the slides regarding takings claims.

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.

Richard Cannone, Deputy Director of Development Services, stated Item for Individual Consideration 4A and 4B have withdrawn by the applicant and will not be heard tonight.

Cannone stated the applicant for Item for Individual Consideration 4C is requesting a postponement. Commissioner Ellis questioned if the Commission would need to vote for postponement. Chair Rozell stated yes the Commission will vote to postpone.

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

Chair Rozell questioned if there were questions regarding the Consent Agenda. Commissioner Beck requested clarification on item 3A. Hayley Zagurski, Senior Planner, provided clarification.

Commissioner Ellis questioned if there will be a shared driveway for Consent Agenda item 3B. Zagurski provided clarification.

Hayley Zagurski, Senior Planner presented Public Hearing item 5A. A discussion followed

Cindy Jackson, Senior Planner, presented Public Hearing items 5B and 5C.

Ron Menguita, Principal Planner presented Public Hearing item 5D and 5E. A discussion followed.

Chair Rozell closed the Work Session 3:54 p.m.

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.

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

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, November 6, 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:

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

ABSENT: Commissioner Tim Smith.

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

Chair Rozell opened the Regular Meeting at 6:31 p.m.

### 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 16, 2019 minutes.

Commissioner Ronnie Anderson motioned to approve the October 16, 2019 meeting minutes. Motion seconded by Commissioner Jason Cole. Motion carried 5-0-1-1.

A YES (5): Chair Andrew Rozell. Commissioners: Brian Beck, Jason Cole, Ronnie Anderson and Mat Pruneda.

NAYS (0): None

RECUSED (1): Commissioner Margie Ellis.

ABSENT (1): Commissioner Tim Smith.

ABSTAINED (0): None

### 3. CONSENT AGENDA

A. Consider a request by William A. Martin and John P. Walker for a Preliminary Plat of the Walker Tract Addition. The approximately 86.05-acre site is generally located on the south side of U.S. Highway 380, east of Geesling Road, and north of Blagg Road in the City of Denton, Denton County, Texas. (PP19-0004, Walker Tract, Hayley Zagurski).

B. Consider a request by Eric Schmitz and Don Dreiske for a Preliminary Plat of Lots 1-7, Block A of the Northgate Addition. The approximately 10.00-acre site is generally located

on the southeast side of the intersection of Loop 288 and East Sherman Drive in the City of Denton, Denton County, Texas. (PP19-0012, Northgate Addition, Hayley Zagurski).

- C. Consider a request by Allison Engineering Group, Inc. representing North Texas Contracting, Inc., for approval of a Preliminary Plat of Vintage Townhomes South. The approximately 2.967 acre property is generally located at the southeast corner of the intersection of Vintage Boulevard and S. Bonnie Brae Street, in the City of Denton, Denton County, Texas. (PP19-0029, Vintage Townhomes South, Cindy Jackson)
- D. Consider a request by Ranchito Dallas Apts. LLC for approval of changes to the internal street names for the Final Plat of The Residences at Rayzor Ranch, Phase 1. The approximately 27.10-acre site is generally located on the east side of Bonnie Brae Street, approximately 1,390 feet north of West University Drive in the City of Denton, Denton County, Texas. (FP18-0018a, Residences at Rayzor Ranch, Hayley Zagurski).
- E. Consider a request by LJA Engineering, Inc. representing Bloomfield Homes L.P., for a Final Plat of Country Lakes North, Phase 5A. The approximately 14.331 acre property is generally located on the east side of John Paine Road, approximately 676 feet south of Johnson Lane, in the City of Denton, Denton County, Texas. (FP19-0016, Country Lake North, Ph. 5A, Cindy Jackson)
- F. Consider a request by Advantage Self Storage Inc. for a Final Plat of Lot 1R, Block A of the Green Carwash Addition. The approximately 2.96-acre site is generally located on the west side of FM 2499/Barrel Strap Road across from Pine Hill Lane in the City of Denton, Denton County, Texas. (FP19-0027, Advantage Storage, Hayley Zagurski).
- G. Consider a request by Haven at Denton LLC for a Final Plat of Lot 1, Block 1, Haven at Daugherty Addition. The approximately 8.871-acre site is generally located on the north side of Daugherty Street, 282 feet west of Johnson Street in the City of Denton, Denton County, Texas. (FP19-0030, Haven at Daugherty, Julie Wyatt)
- H. Consider a request for a Final Replat of Lot 17R, Block A, Hopkins Hills Addition, Section II; being a residential replat of Lot 17, Block A, Hopkins Hills Addition, Section II. The approximately 0.609-acre property is located at 1019 Santa Fe Street, approximately 113 feet west of Travis Street in the City of Denton, Denton County, Texas. (FR19-0022, Hopkins Hills Addition, Mark Laird)

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

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

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Tim Smith.

ABSTAINED (0): None

4. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Consider a request by Dennis Richmond, on behalf of PAAGE Ltd., for a Preliminary Plat of Lot 1, Block A of Quincy Court. The approximately 1.573-acre property is generally located at the southeast corner of the intersection of Stuart Road and Loop 288, in the City of Denton, Denton County, Texas. (PP19-0032, Quincy Court, Sean Jacobson)

B. Consider a request by Dennis Richmond, on behalf of PAAGE Ltd. and Henry Wolski, for a Preliminary Plat of Lot 1, Block A of The Lofts At 288. The approximately 4.483-acre property is generally located at the northeast corner of the intersection of Stuart Road and Loop 288, in the City of Denton, Denton County, Texas. (PP19-0033, Lofts at 288, Sean Jacobson)

Chair Rozell stated Items for Individual Consideration 4A and 4B have been withdrawn by the applicant.

C. Consider a request by Ken Newman Properties LLC and Aerie Castle Investments LLC for approval of a General Development Plan for the Ryan Way subdivision. The approximately 36.66-acre site is generally located on the north side of Ryan Road, approximately 120 feet east of Monte Carlo Lane in the City of Denton, Denton County, Texas. (GDP19-0002, Ryan Way, Hayley Zagurski).

Commissioner Margie Ellis motioned to postpone Item for Individual Consideration 4C to a date certain of November 20, 2019. Motion seconded by Commissioner Mat Pruneda. Motion carried 6-0-1.

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

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Tim Smith.

ABSTAINED (0): None

5. PUBLIC HEARINGS

A. Hold a public hearing and consider approval of a Final Replat of Lots 6R1, 6R2, and 6R3, Block A, Teasley Commons Addition; being a replat of Lot 6, Block A, Teasley Commons Addition. The approximately 2.66-acre property is generally located on the west side of Teasley Lane, approximately 620 feet south of the intersection of Teasley Lane and Wind River Lane in the City of Denton, Denton County, Texas. (FR19-0020, Teasley Commons, Hayley Zagurski)

Chair Rozell opened the Public Hearing.

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

Chair Rozell closed the Public Hearing.

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

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

NAYS (1): Commissioner Brian Beck.

RECUSED (0): None

ABSENT (1): Commissioner Tim Smith.

ABSTAINED (0): None

- B. Hold a public hearing and consider making a recommendation to City Council regarding a request by Brian Satagaj representing Oncor Electric Delivery Company LLC to rezone 2.430 acres from Rural Residential (RR) to Mixed Use Neighborhood (MN) and 0.838 acres from Residential 6 (R6) to Mixed Use Neighborhood (MN). The subject property is generally located on the north side of Blagg Road, approximately 430 feet east of the intersection of Blagg Road and Geesling Road, in the City of Denton, Denton County, Texas. (Z19-0009, Blagg Road Substation, Cindy Jackson)
  
- C. Hold a public hearing and consider making a recommendation to City Council regarding a request by Brian Satagaj representing Oncor Electric Delivery Company LLC for a Specific Use Permit to allow an Electrical Substation. The subject property is generally located on the north side of Blagg Road, approximately 430 feet east of the intersection of Blagg Road and Geesling Road, in the City of Denton, Denton County, Texas. (S19-0011, Blagg Road Substation, Cindy Jackson)

Cindy Jackson, Senior Planner, presented Public Hearing item 5B and Public Hearing item 5C.

Chair Rozell opened Public Hearings 5B and 5C.

The following individuals spoke during the Public Hearings:

Jacquelyn Ela, 3692 Blagg Road, Denton, Texas 76208. Opposed to the request.

Garry Castro, 3796 Blagg Road, Denton, Texas 76208. Opposed to the request.

Carlos Gonzalez, 3708 Blagg Road, Denton, Texas 76208. Opposed to the request.

Brian Satagaj, 3803 Parkwood Boulevard Ste. 800, Frisco, Texas 75034. Supports the request.

Seth Sampson, 115 West 7<sup>th</sup> Street, Fort Worth, Texas 76102. Supports the request.

Richard Cannone, Deputy Director of Development Service, provided an update to the sites near the new substation.

Chair Rozell closed Public Hearing items 5B and 5C.

Chair Rozell encouraged City staff to demolish the de-energized substation.

Commissioner Andrew Rozell motioned to approve Public Hearing item 5B. Motion seconded by Commissioner Margie Ellis. Motion carried 6-0-1.

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

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Tim Smith.

ABSTAINED (0): None

Commissioner Margie Ellis motioned to approve Public Hearing item 5C. Motion seconded by Commissioner Jason Cole. Motion carried 6-0-1.

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

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Tim Smith.

ABSTAINED (0): None

- D. Hold a public hearing and consider making a recommendation to City Council regarding a proposed amendment to the Denton Development Code; specifically, to amend Section 1.7.8, Rezoning with Overlay Conditions Under Prior Regulations. (DCA19-0015, Rezoning with Overlay Conditions, Ron Menguita)

Chair Rozell opened the Public Hearing.

Ron Menguita, Principal Planner, presented Public Hearing item 5D.

Chair Rozell closed the Public Hearing.

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

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

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Tim Smith.

ABSTAINED (0): None

- E. Hold a public hearing and consider making a recommendation to City Council regarding a proposed amendment to the Denton Development Code; specifically, to amend Section 1.3.4, Conflicts with Other Ordinances and Criteria Manuals and to establish Section 2.11, Development Criteria Manual Procedure. (DCA19-0014, Development Criteria Manual Procedure, Ron Menguita)

Chair Rozell opened the Public Hearing.

Ron Menguita, Principal Planner, presented Public Hearing item 5E.

Chair Rozell closed the Public Hearing.

Commissioner Brian Beck motioned to approve Public Hearing item 5E. Motion seconded by Commissioner Margie Ellis. Motion carried 6-0-1.

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

NAYS (0): None

RECUSED (0): None

ABSENT (1): Commissioner Tim Smith.

ABSTAINED (0): None

- F. Hold a public hearing and consider making a recommendation to City Council regarding a proposed amendment to the Denton Development Code; specifically amending Subchapters 1, 6, and 8 of the Denton Development Code, relating to applicability, gas well drilling and production reverse setbacks, definitions, and procedures. (DCA19-0009, Gas Wells, Hayley Zagurski)

Chair Rozell opened the Public Hearing.

Hayley Zagurski, Senior Planner, presented Public Hearing item 5F. A discussion followed.

The following individuals spoke during the Public Hearing:

Michael Henan, 724 Thomas Street, Denton, Texas 76201. Opposed to the request.

Jodi Ismert, 819 Anna Street, Denton, Texas 76201. Opposed to the request.

Ed Soph, 1620 Victoria Drive, Denton, Texas 76209. Opposed to the request.

Kevin Banhead, 5221 N O'Connor Boulevard, Irving, Texas 75039. Opposed to the request.

Carol Ann Soph, 1620 Victoria Drive, Denton, Texas 76209. Opposed to the request.

Chair Rozell read into the record to following cards:

Larry Beck, 2301 Paxton Way, Denton, Texas 76209. Opposed to the request.

Kim McKibben, 1306 West Hickory Street, Denton, Texas 76201. Opposed to the request.

Chair Rozell closed the Public Hearing.



Commissioner Beck motioned to postpone to a date certain of January 8, 2020 in order for staff to 1. Clarify confusion in the language choices of 3A and 3B options. 2. Investigate and report on continuous monitoring. 3. Provide information from sources regarding appropriate setback distances for health effects. Chair Rozell requested for an amendment to the motion to a date uncertain. Commissioner Beck agreed to the amendment with the three conditions. Motion was not seconded. Motion fails.

The Planning and Zoning Commissioners deliberated on the item.

Chair Rozell motioned to approve Public Hearing item 5F as staff recommends changes to Subchapter 6 and Subchapter 8 and in regard to Subchapter 1, he is in favor of option 2 as long as the language and intent form the Commission is that individuals at any distance between the setbacks do not have to go before ZBA, but have right to rebuild if there was something to happen to their structure. Motion seconded by Commissioner Margie Ellis. Motion carried 6-1-1.

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

NAYS (1): Commissioner Brian Beck.

RECUSED (0): None

ABSENT (1): Commissioner Tim Smith.

ABSTAINED (0): None

## 6. PLANNING & ZONING COMMISSION PROJECT MATRIX

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

Chair Rozell thanked Jerry Drake, First Assistant City Attorney for his service on the Planning and Zoning Commission. Rozell then introduced Cynthia Kirchoff, Deputy City Attorney. Richard Cannone, Deputy Director of Development Services, provided an update regarding the matrix items.

Commissioner Ellis requested to provide an update on removing the old substation. Cannone accepted the request. Commissioner Cole asked what the vote from City Council was regarding Master Planned Communities (MPC). Cannone stated the vote was anonymous. Chair Rozell requested the error for the recused vote be corrected since it always shows zero. Cathy Welborn, Administrative Assistant, stated she would follow up with the City Secretary regarding the issue.

Chair Rozell closed the Regular Meeting at 9:17 p.m.

X

Andrew Rozell  
Chair

X

Catherine Welborn  
Administrative Assistant

