

MINUTES
PLANNING AND ZONING
November 20, 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 20, 2019 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: Vice-Chair Margie Ellis. Commissioners: Mat Pruneda, Ronnie Anderson, Brian Beck, and Jason Cole.

ABSENT: Chair Andrew Rozell. Commissioner Tim Smith.

STAFF: Scott McDonald, Richard Cannone, Hayley Zagurski, Julie Wyatt, Cynthia Kirchoff, Jerry Drake, Ron Mengueta, Karina Maldonado, Mark Laird, Sean Jacobson and Cathy Welborn.

Vice-Chair Ellis opened the Work Session at 5:07 p.m.

Vice-Chair Ellis stated Chair Rozell will be absent from the meeting and Commissioner Smith is currently absent.

Vice-Chair Ellis stated Public Hearing item 4B has been pulled from the agenda, it will be re-noticed and placed on the December 11, 2019 agenda.

WORK SESSION

1. 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.

Vice-Chair Ellis asked the Commission if there were any questions regarding the Consent Agenda. Commissioner Beck had questions regarding the Consent Agenda items 2A and 2B. Hayley Zagurski, Senior Planner, and Cynthia Kirchoff, Deputy City Attorney, provided clarification.

Commissioner Smith arrived.

Hayley Zagurski, Senior Planner, presented item for individual consideration 3A. Zagurski stated due to the shot clock bill this item is being recommended for denial due to the zoning not being in place. A discussion followed.

Mark Laird, Associate Planner, presented Public Hearing item 4A.

Julie Wyatt, Senior Planner, presented Public Hearing item 5C. A discussion followed.

Julie Wyatt, Senior Planner, presented Public Hearing item 5D. A discussion followed.

Vice-Chair Ellis called a recess at 6:10 p.m.

Vice-Chair Ellis reconvened the Work Session at 6:16 p.m.

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

Vice-Chair Ellis closed the Work Session at 6:33 p.m.

REGULAR MEETING

Vice-Chair Ellis opened the regular meeting at 6:51 p.m.

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, November 20, 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: Vice-Chair Margie Ellis. Commissioners: Mat Pruneda, Ronnie Anderson, Brian Beck, and Jason Cole.

ABSENT: Chair Andrew Rozell.

STAFF: Scott McDonald, Richard Cannone, Hayley Zagurski, Julie Wyatt, Cynthia Kirchoff, Jerry Drake, Ron Menguita, Karina Maldonado, Mark Laird, Sean Jacobson and Cathy Welborn.

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

Vice-Chair Ellis clarified agenda items. Vice-Chair Ellis stated Public Hearing items 4B and 4E have been removed from the agenda and will be re-noticed for the December 11, 2019 meeting.

Vice-Chair Ellis stated the General Development Plat is being heard but staff is recommending denial.

2. CONSENT AGENDA

Commissioner Brian Beck motioned to for the two Consent Agenda items be moved to Items for Individual Consideration. Motion seconded by Commissioner Jason Cole. Motion carried 5-1-1.

A YES (5): Vice-Chair Margie Ellis. Commissioners: Brian Beck, Jason Cole, Ronnie Anderson and Mat Pruneda.

NAYS (1): Commissioner Tim Smith.

RECUSED (0): None

ABSENT (1): Chair Andrew Rozell.
ABSTAINED (0): None

Items pulled for Individual Consideration

- A. Consider a request by Glory of Zion International Ministries Inc. for a Preliminary Plat for the Windsor 35 Addition. The approximately 31.001-acre site is generally located on the north side of West Windsor Drive and east of the I-35 frontage road in the City of Denton, Denton County, Texas. (PP19-0016, Windsor Apartments, Hayley Zagurski).

Commissioner Brian Beck motioned to approve Consent Agenda 2A. Motion seconded by Commissioner Mat Pruneda. Motion carried 5-1-1.

A YES (5): Vice-Chair Margie Ellis. Commissioners: Tim Smith, Jason Cole, Ronnie Anderson and Mat Pruneda.

NAYS (1): Commissioner Brian Beck.

RECUSED (0): None

ABSENT (1): Chair Andrew Rozell.

ABSTAINED (0): None

- B. Consider a request by Denton Independent School District for a Preliminary Plat of the Bonnie Brae High School Addition. The approximately 151.9-acre site is generally located on the southwest corner of North Bonnie Brae Street and Riney Road in the City of Denton, Denton County, Texas. (PP19-0006, Bonnie Brae High School Addition, Julie Wyatt)

Commissioner Ronnie Anderson motioned to approve Consent Agenda 2B. Motion seconded by Commissioner Tim Smith. Motion carried 5-1-1.

A YES (5): Vice-Chair Margie Ellis. Commissioners: Tim Smith, Jason Cole, Ronnie Anderson and Mat Pruneda.

NAYS (1): Commissioner Brian Beck.

RECUSED (0): None

ABSENT (1): Chair Andrew Rozell.

ABSTAINED (0): None

3. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Consider a request by Ken Newman Properties LLC and Aerie Castle Investments LLC for 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).

Hayley Zagurski, Senior Planner, presented Item for Individual Consideration 3A.

Commissioner Tim Smith motioned to approve the denial for Item for Individual Consideration 3A. Motion seconded by Commissioner Mat Pruneda. Motion carried 6-0-1.

A YES (6): Vice-Chair Margie Ellis. Commissioners: Brian Beck, Tim Smith, Jason Cole, Ronnie Anderson and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (1): Chair Andrew Rozell.

ABSTAINED (0): None

4. PUBLIC HEARINGS

- A. Hold a public hearing and consider a Final Replat of Lots 1R2, 2R, 6R, 7R5, and 17 Block 1, Golden Triangle Addition; being a replat of Lot 7R4, Block 1, Golden Triangle Addition. The approximately 34.329-acre property is located at the northern most corner of the intersection of Loop 288 and I-35E in the City of Denton, Denton County, Texas. (FR19-0012, Golden Triangle Addition, Mark Laird).

Vice- Chair Ellis opened the Public Hearing.

Mark Laird, Associate Planner, presented Public Hearing item 4A.

Commissioner Mat Pruneda motioned to approve Public Hearing item 4A. Motion seconded by Commissioner Tim Smith. Motion carried 6-0-1.

A YES (6): Vice-Chair Margie Ellis. Commissioners: Brian Beck, Tim Smith, Jason Cole, Ronnie Anderson and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (1): Chair Andrew Rozell.

ABSTAINED (0): None

Vice-Chair Ellis closed the Public Hearing.

- B. Hold a public hearing and consider making a recommendation to City Council regarding a request by Evolving and Pedcor Investments, LLC on behalf of the property owner for a Specific Use Permit to allow a multi-family development. The 15.34-acre site is generally located on the northwest corner of Duchess Drive and Loop 288 in the City of Denton, Denton County, Texas. (S19-0012, Denton Grove Apartments, Karina Maldonado)

Public Hearing item 4B have been pulled from the agenda.

- C. Hold a public hearing and consider making a recommendation to City Council regarding a request by Oxford at Sherman Drive, LLC for a Specific Use Permit to allow for a Multifamily Dwelling use on approximately 12.33 acres. The 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. (S19-0003, Oxford at Sherman Drive, Julie Wyatt)

Vice-Chair Ellis opened the Public Hearing.

Julie Wyatt, Senior Planner, presented Public Hearing item 4C. A discussion followed.

Vice-Chair Ellis closed the Public Hearing.

Commissioner Tim Smith motioned to approve Public Hearing item 4C with staff recommendations. Motion seconded by Commissioner Mat Pruneda. Motion carried 6-0-1.

A YES (6): Vice-Chair Margie Ellis. Commissioners: Brian Beck, Tim Smith, Jason Cole, Ronnie Anderson and Mat Pruneda.

NAYS (0): None

RECUSED (0): None

ABSENT (1): Chair Andrew Rozell.

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. (Z19-0012, Mockingbird, Julie Wyatt)

Vice-Chair Ellis opened the Public Hearing.

Julie Wyatt, Senior Planner, presented Public Hearing item 4D. A discussion followed.

The following individuals spoke during the Public Hearing:

Amiee Bissett, 212 S Elm Street, Denton, Texas 76201. Supports the request.

Jason Faigle, 212 S Elm Street, Denton, Texas 76201. Supports the request.

Jose Montoya Jr., 3008 Beverly Drive, Denton, Texas 76209. Opposed to the request.

Teddi Williams, 3204 Anysa Lane, Denton, Texas 76209. Opposed to the request.

B.J. Edwards, 2000 Audra Lane, Denton, Texas 76208. Opposed to the request.

Carrol Coulter, 2913 Howard Court, Denton, Texas 76209. Opposed to the request.

Tim Randolph, 2021 Audrea Lane, Denton, Texas 76209. Opposed to the request.

Cody McElroy, 1208 Allen Court, Denton, Texas 76209. Supports the request.

Chair-Vice Ellis read into the record the following:

Rhealyn Samuelson, 3305 Anysa Lane, Denton, Texas 76209. Opposed to the request.

Dalores Montoya, 3008 Beverly Drive, Denton, Texas 76209. Opposed to the request.

Vice-Chair Ellis closed the Public Hearing.

Commissioner Tim Smith motioned to approved Public Hearing item 4D with staff recommendations. Commissioner Smith stated the reason for his approval is because he believes the density is not too indifferent from the surrounding properties. Commissioner Smith continued

to state from driving and living in the area, adding nine houses will not add traffic burdens, and if a specific use permit does come back before the Commission they would not approve the use of any kind of multifamily due to the surrounding uses in the area.

Vice-Chair Ellis stated she is unable to agree to the zoning change without providing protection to the neighborhood.

Commissioner Tim Smith motioned to approve Public Hearing item 4D with staff recommendations. Motion seconded by Commissioner Mat Pruneda. Motion carried 4-2-1.

A YES (4): Commissioners: Tim Smith, Jason Cole, Ronnie Anderson and Mat Pruneda.

NAYS (2): Vice-Chair Margie Ellis. Commissioners: Brian Beck

RECUSED (0): None

ABSENT (1): Chair Andrew Rozell.

ABSTAINED (0): None

- E. Hold a public hearing and consider making a recommendation to City Council regarding a request by Ken Newman Properties LLC and Aerie Castle Investments LLC for a zoning change from Residential 2 (R-2) to a Planned Development (PD) District. The 36.6-acre site is generally located north of Ryan Road, approximately 120 feet east of Monte Carlo Lane, in the City of Denton, Denton County, Texas. (PD19-0003, Ryan Way, Hayley Zagurski).

Public Hearing item 5E had been removed from the agenda.

5. 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 regarding City Council items and the matrix.

Commissioner Beck agreed to adding additional language to the notifications.


Vice-Chair Ellis requested an update and future plans for Mockingbird Lane.

Vice-Chair Ellis also requested for staff to include future traffic plans in their presentations.

Vice-Chair Ellis closed the Regular Meeting at 8:12 p.m.

X 

Margie Ellis
Vice-Chair

X 

Catherine Welborn
Administrative Assistant