

Minutes  
Planning and Zoning Commission  
June 19, 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, June 19, 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: Alfred Sanchez, Larry Beck, Jason Cole, Margie Ellis, and Tim Smith.

ABSENT: Commissioner Mat Pruneda.

STAFF: Scott McDonald, Richard Cannone, Jerry Drake, Cynthia Kirchoff, Ron Menguita, Julie Wyatt, Hayley Zagurski, Karina Maldonado, Charlie Rosendahl and Cathy Welborn.

WORK SESSION

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

1. Work Session Reports

A. Development Code and City Initiated Rezonings.

Ron Menguita, Principal Planner, presented Work Session Reports item 1A. Menguita provided an update regarding the City Initiated Rezonings.

B. Receive a report, hold a discussion and give staff direction on the use of certified mailings in public hearing notifications.

Charlie Rosendahl, Business Services Manager, presented Work Session Reports item 1B and a discussion followed. The Commissioners were in favor of the staff recommendation to discontinue the use of certified mailings for notification to property owners of public hearing notifications

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Richard Cannone, Deputy Director of Development Services, stated Public Hearing item 4A has been withdrawn and 4B is being moved to the July 17, 2019 Planning and Zoning Commission meeting.

Chair Rozell asked if the Commission had any changes to the minutes besides the change on the May 29, 2019 meeting minutes. The commission had no changes. Chair Rozell asked the

Commission if there were any questions regarding the Consent Agenda. Commissioner Ellis questioned if the note that states to be dedicated as park for Lot 1 Block A on Consent Agenda item 3E is being dedicated to the City of Denton or within the development. Hayley Zagurski, Senior Planner, stated it is intended to be dedicated to the City and the applicant is currently having discussions with the Parks Department.

Jerry Drake, First Assistant Attorney, advised the commission on Consent Agenda items 3A and 3B.

Karina Maldonado, Assistant Planner, presented Public Hearing item 4C and a discussion followed.

Jerry Drake, First Assistant Attorney, requested clarification. Richard Cannone, Deputy Director of Development Services, provided further clarification.

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

Julie Wyatt, Senior Planner, presented Public Hearing 4E. Wyatt stated the request is to change the zoning district and use for Rural Residential (RD-5) to Neighborhood Residential 3 (NR-3) on 45.5 acres, and Neighborhood Residential 2 (NR-2) on 46.5 acres

Julie Wyatt, Senior Planner, presented Public Hearing items 4F and 4G and a discussion followed. Chair Rozell closed the Work Session at 6:16 p.m.

### REGULAR MEETING

The Planning and Zoning Commission convened in a Regular Meeting on Wednesday, June 19, 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.

#### 1. PLEDGE OF ALLEGIANCE

- A. U.S. Flag
- B. Texas Flag

#### 2. CONSIDER APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES FOR:

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

Commissioner Tim Smith motioned to approve the meeting minutes for the May 29, 2019 Planning and Zoning Commission meeting with the change on page 4 line 39. Motion seconded by Commissioner Larry Beck. Motion carried.

AYES (5): Commissioners: Alfred Sanchez, Larry Beck, Jason Cole, Margie Ellis, and Tim Smith  
NAYS (0): None

RECUSED (1) Andrew Rozell.  
ABSENT (1): Mat Pruneda.

Commissioner Larry Beck motioned to approve the meeting minutes for the June 5, 2019 Planning and Zoning Commission meeting. Motion seconded by Commissioner Alfred Sanchez. Motion carried.

AYES (4): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, and Jason Cole.  
NAYS (0): None  
RECUSED (2) Margie Ellis and Tim Smith.  
ABSENT (1): Mat Pruneda.

### 3. CONSENT AGENDA

A. Consider a request by McKinney Mayhill Partners for approval of a plat vacation of Lot 1-A, Block A of the Oak Hill Business Park. The approximately 6.995-acre site is generally located on the north side of East McKinney Street, 804 feet east of North Loop 288 in the City of Denton, Denton County, Texas. (PV19-0001, Oak Hill Business Park, Julie Wyatt)

B. Consider a request by McKinney Mayhill Partners for approval of a plat vacation of Lot 1, Block 1 of the East McKinney Street Industrial Park. The approximately 0.427-acre site is generally located on the north side of East McKinney Street, 1,135 feet east of North Loop 288 in the City of Denton, Denton County, Texas. (PV19-0002, East McKinney Street Industrial Park, Julie Wyatt)

C. Consider a request by McKinney Mayhill Partners for approval of a Preliminary Plat of Lots 1-3, Block A, Forest Crossing Addition. The approximately 46.103-acre site is generally located on the north side of East McKinney Street, 804 feet east of North Loop 288 in the City of Denton, Denton County, Texas. (PP18-0008, Forest Crossing, Julie Wyatt).

D. Consider a request by Allison Engineering Group representing North Texas Contracting, Inc., for approval of a Preliminary Plat of the Vintage Townhomes Addition. The approximately 1.071 acre property is generally located at the northeast corner of the intersection of Vintage Boulevard and S. Bonnie Brae Street, in the City of Denton, Denton County, Texas. (PP18-0027, Vintage Townhomes Addition, Cindy Jackson)

E. Consider a request by B.J.H. Johnson Properties, Ltd. for approval of a Preliminary Plat of Audra Oaks, Phase 2. The approximately 13.48-acre site is generally located south side of Audra Lane, approximately 110 feet west of Barbara Street in the City of Denton, Denton County, Texas. (PP19-0003, Audra Oaks Phase 2, Hayley Zagurski).

F. Consider approval of a request RV Land Acquisitions, LP for approval of a plat vacation of Lot 1, Block A of the I-35 RV Center Addition. The approximately 2.34-acre site is generally located on the west side of the Southbound I-35 Service Road, approximately

1,800 feet north of Schuyler Street in the City of Denton, Denton County, Texas. (PV19-0003, I-35 RV Supercenter, Hayley Zagurski).

G. Consider a request by RV Land Acquisition, L.P. for approval of a Preliminary Plat of Lot 1R, Block A, I-35 RV Center Addition. The approximately 8.34-acre site is generally located on the west side of the Southbound I-35 Service Road, approximately 1,500 feet north of Schuyler Street in the City of Denton, Denton County, Texas. (PP19-0010, I-35 RV Supercenter, Hayley Zagurski).

H. Consider a request by RV Land Acquisition, L.P. for approval of a Final Plat for Lot 1R, Block A, I-35 RV Center Addition. The approximately 8.34-acre site is generally located on the west side of the Southbound I-35 Service Road, approximately 1,500 feet north of Schuyler Street in the City of Denton, Denton County, Texas. (FP18-0011, I-35 RV Supercenter, Hayley Zagurski).

Commissioner Tim Smith motioned to approve the Consent Agenda. Motion seconded by Commissioner Margie Ellis. Motion carried.

AYES (6): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, Jason Cole, Margie Ellis, and Tim Smith.

NAYS (0): None

RECUSED (0)

ABSENT (1): Mat Pruneda.

#### 4. PUBLIC HEARINGS

Chair Rozell stated Public Hearing item 4A has been withdrawn and Public Hearing item 4B is being rescheduled to the July 17, 2019 Planning and Zoning Commission meeting.

A. Hold a public hearing and consider making a recommendation to City Council regarding an amendment to the Rayzor Ranch Overlay District to amend standards and criteria for multi-family development within the Rayzor Ranch South Campus - South Mixed Use District. The Rayzor Ranch South Campus includes approximately 257 acres generally located on the south side of West University Drive/US 380 and west of Bonnie Brae Street in the City of Denton, Denton County, Texas. (Z19-0008, Rayzor Ranch South Multi-Family, Hayley Zagurski). THIS APPLICANT HAS WITHDRAWN THIS REQUEST.

B. Hold a public hearing and consider making a recommendation to City Council regarding a request by Ideation Planning representing Calvert Paving Corp. to assign an initial zoning designation of Neighborhood Residential 3 (NR-3) to a 69.19 acre site. The subject site is generally located between Creekdale View Drive and Hickory Creek Road, east of the railroad tracks, in the City of Denton, Denton County, Texas. (Z19-0003, Lakeside Place, Cindy Jackson) THIS ITEM WILL BE RESCHEDULED TO THE JULY 17, 2019 PLANNING AND ZONING COMMISSION MEETING.

C. Hold a public hearing and consider making a recommendation to City Council regarding a request by Allison Engineering Group representing Approach Partners LLC for a Specific Use Permit for a multifamily development on approximately 1.09 acres of land zoned Community Mixed Use General (CM-G) District. The subject property is located at 1714 Teasley Lane, in the City of Denton, Denton County, Texas. (S19-0005, Teasley Multifamily, Karina Maldonado)

Chair Rozell opened the Public Hearing

Karina Maldonado, Assistant Planner, presented Public Hearing item 4C and discussion followed.

The following individuals spoke during the Public Hearing:

Lee Allison, 2415 N. Elm Street, Denton, Texas 76201. Supports the request.

Chair Rozell closed the Public Hearing.

Commissioner Beck motioned to approve Public Hearing item 4C with the three recommendations provided by staff. Commissioner Smith seconded the motion.

Jerry Drake, First Assistant Attorney, stated the documents found by Mark Laird, Associate Planner, have been forwarded on to real estate attorneys here at the City of Denton, but at this time he has some doubts regarding the sufficiency of those documents so for the purposes of the staff recommendation for approval he cannot say that includes the legal department at this time. Drake continued to state it cannot be confirmed that would satisfy the ordinary code requirements.

Commissioner Beck withdrew his motion.

Allison stated he appreciates Drakes comments and this is the first time of hearing that the easement might not be adequate, but with that they would not mind a condition to add appropriate access suitable to the City of Denton.

Commissioner Beck motioned to approve Public Hearing item 4C with the three staff recommendations and to add a fourth recommendation to address the access concerns.

Planning staff, Legal staff and the Planning and Zoning Commission deliberated.

Commissioner Ellis then motioned to postpone to July 17, 2019 Planning and Zoning Commission meeting.

Commissioner Margie Ellis motioned to postpone Public Hearing item 4C to the July 17, 2019 Planning and Zoning Commission meeting. Motion seconded by Commissioner Alfred Sanchez. Motion carried.

AYES (5): Commissioners: Alfred Sanchez, Larry Beck, Jason Cole, Margie Ellis, and Tim Smith.

NAYS (1): Chair Andrew Rozell.

RECUSED (0)

ABSENT (1): Mat Pruneda.

D. Hold a public hearing and consider making a recommendation to City Council regarding a request by CCD-RLG DENTON I LP for a Specific Use Permit for multi-family dwellings on approximately 15.466 acres of land zoned Commercial Mixed Use General (CM-G) District, generally located on the north side of East McKinney Street, approximately 1,130 feet east of North Loop 288 in the City of Denton, Denton County, Texas. (S19-0002, Forest Creek, Julie Wyatt)

Chair Rozell opened the Public Hearing.

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

The following individuals spoke during the Public Hearing:

Aimee Bissett, 212 S Elm Street, Denton, Texas 76201. Supports the request.  
Greg Johnson, 319 W Oak Street, Denton, Texas 76201. Supports the request.  
Nathan Tune, 3717 Merrimack Drive, Denton, Texas 76210. Supports the request.  
Steven Charnquist, 5799 Daliver Drive, Houston, Texas 77057. Supports the request.

Chair Rozell read into the record the following cards:

Steve Cone, 1603 Lendon B. Johnson Freeway Ste. 800, Framers Branch, Texas 75234. Supports the request.  
Fred Morgan, 4801 Woodway Drive, Suite 306W, Houston, Texas 77056. Supports the request.  
Gary Hill, 12366 Westella Drive, Houston, Texas 77077. Supports the request.  
J.V. Strange, 531 North Locust Street, Denton, Texas 76201. Supports the request.  
Daniel Crain, 5921 Masterson Drive, Plano, Texas 75093. Supports the request.  
Richard Lapp, 3 Royal Terrace Court, Dallas, Texas 75225. Supports the request.  
J. Mikel Reynolds, 11904 Forrest Lakes Lane, Dallas, Texas 75230. Supports the request.

Chair Rozell closed the Public Hearing.

Commissioner Smith motioned to approve Public Hearing item 3D with staff recommendations and conditions. Motion seconded by Commissioner Ellis. Motion carried.

AYES (6): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, Jason Cole, Margie Ellis, and Tim Smith.

NAYS (0): RECUSED (0)

ABSENT (1): Mat Pruneda.

E. Hold a public hearing and consider making a recommendation to City Council regarding a request by Agave Ranch Development LLC and 428 Diamond LLC for an initial zoning district and use classification and a change in the zoning district and use classification from Rural Residential (RD-5) district to Neighborhood Residential 3 (NR-3) on 45.5 acres, and Neighborhood Residential 2 (NR-2) on 46.5 acres. The total 92.06-acre site is generally 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. (Z18-0011, Agave Ranch, Julie Wyatt)

Chair Rozell opened the Public Hearing.

Julie Wyatt, Senior Planner, presented Public Hearing item 4E and a discussion followed.

The following individuals spoke during the Public Hearing:

Jason Faigle, 212 South Elm Street, Denton, Texas 76201. Supports the request.  
Aimee Bissett, 212 South Elm Street, Denton, Texas 76201. Supports the request.  
John Heilman, 300 Lamar Street, Roanoke, Texas 76262. Supports the request.  
Bridgett Marshall, 3539 Pine Trail, Denton, Texas 76208. Opposed to the request.  
Susie Autry, 1501 Eufemia Drive, Denton, Texas 76207. Supports the request.  
Sharon Kremer, 3574 Pine Trail, Denton, Texas 76208. Opposed to the request.  
Ned Woodbridge, 3596 Hartlee Field Road, Denton, Texas 76208. Opposed to the request.  
Greg Johnson, 319 West Oak Street, Denton, Texas 76201. Supports the request.  
Nathan Tune, 3717 Merrimack Drive, Denton, Texas 76210. Supports the request.  
Susan Smith, 7736 F.M. 428, Denton, Texas 76208. Opposed to the request.  
Brenda Ashley, 2905 Osage Lane, Denton, Texas 76210. Supports the request.  
Kelly Grizzaffi, 2882 Trails End, Aubrey, Texas 76227. Opposed to the request.

Chair Rozell read into the record the following cards:

Ann Woodbridge, 3596 Hartlee Field Road, Denton, Texas 76208. Opposed to the request.  
Buddy Dobson, 5547 Woodland Hills Drive, Denton, Texas 76208. Supports the request.  
Caitlyn Ashley, 3601 Meadowtrail Lane, Denton, Texas 76207. Supports the request.  
Bessie Lou Dobson, 5547 Woodland Hills Drive, Denton, Texas 76208. Supports the request.  
Jenna Rushton, 709 Ashleigh Lane, Southlake, Texas 76092. Supports the request.  
Nina Rushton, 709 Ashleigh Lane, Southlake, Texas 76092. Supports the request.  
Suzanne Fulton, 729 Greenwood Drive, Denton, Texas 76209. Opposed to the request.  
Rick Rushton, 900 Rhone Lane, Southlake, Texas 76092. Supports the request.  
Todd Price, 2034 Churchill Downs Lane, Trophy Club, Texas 76262. Supports the request.

Chair Rozell closed the Public Hearing

Commissioner Smith provided comments and motioned to approve Public Hearing item 4E with staff conditions. Commissioner Sanchez seconded the motion and also provided comments. Commissioner Beck provided a statement. Commissioner Ellis requested staff and the applicant to address some of her concerns. Commissioner Ellis requested an amendment to the motion to add 15 percent preserved greenspace including 3 ponds and 9 pocket park and commit to a park or pond amenity within a 5- minute walk to all homes within the development. Commissioner Smith accepted the amendment and Commissioner Sanchez seconded the amended motion. The applicant agreed to the additional conditions. Chair Rozell provided a statement regarding the project.

Commissioner Smith motioned to approve Public Hearing item 4E with staff conditions and to add the following conditions: 1. to add 15 percent preserved greenspace including 3 ponds and 9 pocket

park 2. Commit to a park or pond amenity within a 5- minute walk to all homes within the development. Motion seconded by Commissioner Sanchez. Motion carried.

AYES (6): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, Jason Cole, Margie Ellis, and Tim Smith.

NAYS (0): RECUSED (0)

ABSENT (1): Mat Pruneda.

Chair Rozell called at recess at 9:20 p.m.

Chair Rozell reconvened the Regular Meeting at 9:31 p.m.

F. Hold a public hearing and consider making a recommendation to City Council regarding a request by Denton West Joint Venture to amend Ordinance 2014-075 to remove overlay restrictions on approximately 8.627 acres of land zoned Neighborhood Residential Mixed Use (NRMU) District, generally located on the north side of East Ryan Road, approximately 850 feet west of Teasley Lane in the City of Denton, Denton County, Texas. THIS ITEM WAS POSTPONED FROM THE JUNE 5, 2019 PLANNING AND ZONING COMMISSION MEETING. (Z18-0025, Hunters Creek, Julie Wyatt)

G. Hold a public hearing and consider making a recommendation to City Council regarding a request by Denton West Joint Venture for a Specific Use Permit for multi-family dwellings on approximately 8.627 acres of land zoned Neighborhood Residential Mixed Use (NRMU) District, generally located on the north side of East Ryan Road, approximately 850 feet west of Teasley Lane in the City of Denton, Denton County, Texas. THIS ITEM WAS POSTPONED AT THE JUNE 5, 2019 PLANNING AND ZONING COMMISSION MEETING. (S19-0004, Hunters Creek, Julie Wyatt)

Chair Rozell opened Public Hearing items 4F and 4G.

Julie Wyatt, Senior Planner, presented Public Hearing items 4F and 4G and a discussion followed.

The following individuals spoke during the Public Hearings:

Thomas Fletcher, 6160 Warren Parkway, Frisco, Texas 76034. Supports the request.  
Chris Hill, 4013 Gennaker Drive, Denton, Texas 76210. Opposed to the request.  
Monica Miller, 4017 Gennaker Drive, Denton, Texas 76210. Opposed to the request.  
Richard Anson, 3809 Gennaker Drive, Denton, Texas 76210. Opposed to the request.  
Nathan Tune, 3717 Merrimack Drive, Denton, Texas 76210. Supports the request.  
Chuck Beago, 226 Timberview Court, Argyle, Texas 76226. Supports the request.  
Sean Faulkner, 2713 Bissonet Drive, Denton, Texas 76210. Opposed to the request.  
Greg Johnson, 319 W Oak Street, Denton, Texas 76201. Supports the request.  
Derrick Martin, 2204 Corsair Lane, Denton, Texas 76210. Opposed to the request.  
Kenneth Stephens, 2201 Corsair Lane, Denton, Texas 76210. Opposed to the request.  
Robert Miller, 4017 Gennaker Drive, Denton, Texas 76210. Opposed to the request.

Chair Rozell read into the record the following cards:

Marty Biagi, 3804 Gennaler Driver, Denton, Texas 76210. Supports the request.  
John Harris, 2700 Cedar Creek Lane #1104, Denton, Texas 76210. Supports the request.  
Rachel Smith, 3804 Gennaker Drive, Denton, Texas 76210. Supports the request.  
Brenna Pennington, 2204 Makena Court, Corinth, Texas 76210. Supports the request.

Chair Rozell closed both Public Hearings.

The Planning and Zoning Commissioners continued the discussion. Commissioner Beck provided a statement. Chair Rozell requested clarification of the traffic issue and provided a statement.

Commissioner Smith motioned to approve Public Hearing item 4F with removal of the overlay. Motion seconded by Commissioner Jason Cole. Motion carried.

AYES (6): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, Jason Cole, Margie Ellis, and Tim Smith.

NAYS (0): RECUSED (0)

ABSENT (1): Mat Pruneda.

Commissioner Smith motioned to approve Public Hearing item 4G with staff conditions. Motion seconded by Commissioner Jason Cole. Motion carried.

AYES (6): Chair Andrew Rozell. Commissioners: Alfred Sanchez, Larry Beck, Jason Cole, Margie Ellis, and Tim Smith.

NAYS (0): RECUSED (0)

ABSENT (1): Mat Pruneda.

## 5. PLANNING & ZONING COMMISSION PROJECT MATRIX

### A. Planning and Zoning Commission project matrix.

Richard Cannone, Deputy Director of Development Services, provided updates to the matrix. Cannone also updated the Commissioners on recent passed Senate Bills. Commissioner Beck requested reaching out to the appropriate department on adding a marked cross walk at McKinney Street and Duchess Drive and adding a true right turn lane on Loop 288 and McKinney Street. Commissioner Ellis requested a way to ensure the legal department has signed off on staff's recommendations before the Planning and Zoning Commission meeting. Cannone acknowledged the requests.

Chair Rozell closed the Regular Meeting at 11:37 p.m.

X

Andrew Rozell  
Chair

X

Catherine Welborn  
Administrative Assistant