

**MINUTES OF THE TOWN OF ARGYLE
PLANNING AND ZONING COMMISSION REGULAR MEETING
WEDNESDAY, MARCH 2, 2022**

A regular meeting of the Argyle Planning and Zoning Commission was held on Wednesday, March 2, 2022, at 6:00 p.m. This was an OPEN MEETING, open to the public, subject to the open meeting laws of the State of Texas and, as required by law, was hereby posted on February 25, 2022 at 5:00 PM, at Argyle Town Hall, giving notice of time, date, place, and agenda thereof.

PLANNING AND ZONING COMMISSION MEMBERS PRESENT:

Paul Kula, Vice-Chairman
Gordon Baethge
Matt Nelson
Marilyn Lewis

PLANNING AND ZONING COMMISSION MEMBERS ABSENT:

Casey Stewart, Chairman
Jeff Castellanos
Leona McDade

STAFF PRESENT:

Rich Olson, Town Administrator
Brenda McDonald, Town Attorney
Brent Anderson, Town Engineer
Harrison Wicks, Interim Director of Community Development

REGULAR MEETING AGENDA

A. CALL TO ORDER – Chairman

The regular meeting was called to order at 6:04 p.m. by Vice-Chairman Paul Kula noting a quorum was present.

B. PLEDGE OF ALLEGIANCE – American Flag

C. PLEDGE OF ALLEGIANCE – Texas Flag - “Honor the Texas Flag; I pledge allegiance to thee Texas, one state, under God, one and indivisible”.

D. OPEN FORUM:

Pursuant to Section 551.007 of the Texas Government Code, any member of the public has the opportunity to address the Planning and Zoning Commission concerning any matter of public business or any posted agenda item; however, the Act prohibits the Planning and Zoning Commission from deliberating any issues not on the public agenda and such non-agenda issues may be referred to Town staff for research and any future action; all persons addressing are limited to five (5) minutes and subject to council adopted rules and limitations permitted by law.

Vice-Chairman Kula opened the meeting to public comment. No public comment was received.

E. MINUTES

- 1. Consider approval of the minutes of the Planning and Zoning Commission Regular Meeting of February 2, 2022.**

Commissioner Lewis made a motion to approve the minutes of the Planning and Zoning Commission Regular Meeting of February 2, 2022 as presented. Commissioner Nelson seconded the motion. The motion carried unanimously by a vote of four (4) in favor to none (0) opposed.

Town Administrator Rich Olson requested the Commission move item F.4 Old Business to be considered next. Vice-Chairman Kula agreed, and item F.4 was discussed following item E. Minutes.

F. OLD BUSINESS

- 4. Consider and take appropriate action on a final plat (FP-21-020) for Planned Development District #3 (PD-003) Argyle Landing, being approximately 222.24 acres situated in the Francis W. Thornton Survey, Abstract No. 1244, Town of Argyle, Denton County, Texas; and being located on the east side of IH 35 W, south of FM 407, and west of Gateway Blvd.**

Mr. Wicks provided a presentation on this item indicating the applicant had not satisfied the outstanding comments provided by the Development Review Committee. Applicant McAdams, 201 Country View Drive, Roanoke, TX 76262, on behalf of the property owner, MM VMF I LLC, requested that FP-21-020 be withdrawn from consideration.

Commissioner Baethge motioned to accept the applicant's request to withdraw application FP-21-020 from consideration. Commissioner Lewis seconded the motion. The motion carried unanimously by a vote of four (4) in favor to none (0) opposed.

Vice-Chairman Kula indicated the proceedings will continue as presented on the Agenda, and item F.1 was discussed following item F.4 Old Business.

- 1. PUBLIC HEARING: Ordinance amendment (TDS-21-004) to Article V, Tree Preservation, of the Town of Argyle Town Development Standards regarding various amendments to the tree preservation requirements and other related tree ordinance provisions in the Town Development Standards.**

Mr. Wicks provided a presentation on this item and presented the proposed amendments as recommended by the ad-hoc Tree Review Committee. Vice-Chairman Kula recommended the Texas A&M Forest Service Tree Dictionary be listed as a reference in Section 14.5.14 Definitions. Town Attorney McDonald recommended a revision to the title of Section 14.5.15 to read "Tree removal permit on property used for agricultural purposes." The Commission discussed this item and considered the proposed amendments.

Vice-Chairman Kula opened the Public Hearing at 6:38 PM. Councilmember Rick Bradford spoke and thanked all those that participated in this ordinance amendment. The Public Hearing was closed at 6:40 PM.

Commissioner Nelson motioned to recommend approval of ordinance amendment (TDS-21-004) with the two revisions as provided by Vice-Chairman Kula and Town Attorney McDonald. Commissioner Baethge seconded the motion. The motion carried unanimously by a vote of four (4) in favor to none (0) opposed.

2. **Consider and make a recommendation on a Right-of-Way (ROW) Abandonment application (ROW-21-001) for Highland Circle, being 0.385 acres situated in the T. Gazaway Survey, Abstract No. 479, Denton County, Texas; being located in the Argyle Town Square development; located in the Town of Argyle east of US 377, south of the Settler's Point addition and north of Harpole Road.**

Mr. Wicks provided a presentation on this item. Representative Jackie Thomas, U.S. Trinity Holdings, LLC, 200 Highland Circle, Argyle, TX 76226, was available to answer questions. The Commission discussed this item and considered the proposed ROW abandonment.

Commissioner Lewis motioned to recommend approval for Right-of-Way (ROW) Abandonment application (ROW-21-001) for Highland Circle. Commissioner Baethge seconded the motion. The motion carried unanimously by a vote of four (4) in favor to none (0) opposed.

3. **Consider and take appropriate action on a preliminary plat (PP-22-001) for Harvest Commercial, aka Harvest Town Center, in the Harvest Planned Development, being approximately 66.67 acres situated in the Patrick Rock Survey, Abstract No. 1063A, Town of Argyle, Denton County, Texas; and being located in the Town of Argyle ETJ on the west side of IH 35 W, north of FM 407, east of Harvest Way, and south of Homestead Way.**

Mr. Wicks provided a presentation on this item.

Vice-Chairman Kula announced the Planning and Zoning Commission would move into Executive Session at 7:03 PM:

PURSUANT TO TEXAS GOVERNMENT CODE, ANNOTATED, CHAPTER 551, SUBCHAPTER D:

1. **Section 551.071 (Consultation with Town Attorney) – Seek confidential legal advice from Town Attorney on the Harvest Commercial Preliminary Plat, as well as legal strategies to enable management of growth and potential traffic and drainage impacts, where public discussion of such matters would clearly conflict with the duty of the Town's attorneys to the Town of Argyle and the Argyle Planning and Zoning Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or otherwise compromise the Town's legal position in other pending or anticipated matters.**
 - i. **Adjourn into Open Meeting.** The Planning and Zoning Commission adjourned back into Open Meeting at 7:40 PM. No action was taken.

Vice-Chairman Kula announced that the meeting would be adjourned for a five (5) minute break at 7:41 PM. The open meeting reconvened at 7:46 PM.

Attorney for the applicant, Ms. Misty Ventura of Shupe Ventura, PLLC, 9406 Biscayne Blvd, Dallas, TX 75218, spoke regarding the Planning and Zoning Commission's legal requirement with regard to approving a preliminary plat that meets the Town's Development Standards.

Commissioner Lewis motioned to recommend approval of the preliminary plat with a condition that the applicant receive a waiver from the Town Council. The precise language of the motion is as follows: "Based on the Town Engineer's determination that there is a deficit in the wastewater capacity available for the development as proposed in the preliminary plat application documents, I recommend approval of the Preliminary Plat (PP-22-001) for the Harvest Town Center with the

condition that the applicant receive a waiver from the Town Council under Section 14.2.17(E)(2) of the Town's Subdivision Ordinance of the wastewater capacity deficit determined by the Town Engineer." Commissioner Nelson seconded the motion. The motion carried unanimously by a vote of four (4) in favor to none (0) opposed.

G. FUTURE AGENDA AND ITEMS OF INTEREST

1. Briefing on recent Town Council action on Community Development agenda items.
2. Project updates.
DRC Projects List - Updated 2.16.2022

Town staff provided the commission with recent development project updates and gave an overview of upcoming projects.

H. ADJOURNMENT

With no further business to attend, the meeting was adjourned at 8:43 PM.

APPROVED THIS THE 6th DAY OF APRIL 2022.

WITNESS:



Paul Kula, Vice-Chairman



Harrison Wicks, Planner II