

**MINUTES OF THE TOWN OF ARGYLE
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY MAY 5, 2021**

A regular meeting of the Argyle Planning and Zoning Commission was held on Wednesday, May 5, 2021, 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 April 30, 2021 at 5:00 PM, at Argyle Town Hall, giving notice of time, date, place, and agenda thereof.

The Planning and Zoning Commission participated in this meeting both in person and remotely in compliance with the Texas Open Meetings Act or under the provisions provided by the Governor of Texas in conjunction with the Declaration of Disaster enacted March 13, 2020 and as amended on March 24, 2020.

PLANNING AND ZONING COMMISSION MEMBERS PRESENT:

Casey Stewart, Chairman
Paul Kula, Vice-Chairman
Leona McDade
Gordon Baethge
Toby Haynes
Matt Nelson
Jeff Castellanos

PLANNING AND ZONING COMMISSION MEMBERS ABSENT:

None

STAFF PRESENT:

Rich Olson, Town Administrator
Erika McComis, Assistant Town Administrator
Patricia Adams, Town Attorney
Emilio Sanchez, Director of Community Development
Harrison Wicks, Development Coordinator

REGULAR MEETING AGENDA

A. CALL TO ORDER – Chairman

The regular meeting was called to order at 6:10 p.m. by Chairman Casey Stewart 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.

Chairman Stewart opened the meeting to public comment. The following individuals spoke:

Mr. Tommy Mann, 2728 Harwood Street, Suite 500, Dallas, TX 75201, spoke in support of the amended preliminary plat and final plat applications for Canyon Falls Village 9AR.

Mr. Tim Durie, 4835 LBJ Freeway, Suite 690, Dallas, TX 75244, spoke in support of the amended preliminary plat and final plat applications for Canyon Falls Village 9AR.

Mr. Orlando Alaniz, 10879 Smoky Oak Trail, Argyle, TX 76226, spoke in opposition to the amended preliminary plat and final plat applications for Canyon Falls Village 9AR.

Chairman Stewart closed the meeting to public comment, as part of the open forum, at 6:20pm.

E. MINUTES

1. Consider approval of the minutes of the Special Planning and Zoning Commission Meeting of April 28, 2021.

Commissioner Castellanos motioned to approve the minutes of the Special Planning and Zoning Commission Meeting of April 28, 2021 as presented. Commissioner Baethge seconded the motion. The motion carried unanimously by a vote of seven (7) in favor to none (0) opposed.

F. NEW BUSINESS

1. Consider and take appropriate action on a preliminary plat (PP-21-003) for Harvest Townside Phase 3, being 47.77 acres situated in the Patrick Rock Survey, Abstract No. 1063, Denton County, Texas; located in the Town of Argyle's Extra Territorial Jurisdiction (ETJ); and being located to the north of Old Justin Road and west of the Town limits of the Town of Argyle.

Mr. Wicks provided a presentation on this item. Representative Gena Terrell with Hillwood Communities, 3000 Turtle Creek Blvd, Dallas, TX 75219, was available to answer questions. Commissioner McDade motioned to approve PP-21-003 with the following condition:

1. That the Town Engineer review and approve the Drainage and Detention Analysis for the Harvest Development – Graham Branch and Tributary 16 at time of Final Plat and Construction Plan application review.

Commissioner Baethge seconded the motion. The motion carried by a vote of six (6) in favor to one (1) opposed. Commissioner Kula dissented.

2. Consider and take appropriate action on a preliminary plat (PP-21-004) for Planned Development District #3 (PD-003) for 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. Representative Justin Lansdowne with McAdams, 201 Country View Drive, Roanoke, TX 76262, was available to answer questions. Commissioner Castellanos motioned to approve PP-21-004 with the following conditions:

1. That the Town Engineer review and approve a downstream assessment at time of Final Plat and Construction Plan application review.
2. That five (5) lanes be constructed on Gateway Drive with a minimum of four hundred and fifty (450) feet south of FM 407, with each lane having a width of twelve (12) feet

- and a four (4) foot raised center median at the time of Final Plat and Construction Plan application review.
3. That applicant provides approval from owners of the electrical transmission line easement for proposed street construction at time of Final Plat and Construction Plan application review.
 4. That CLOMR/LOMR grading permits be approved and received from FEMA for approximately 19 lots within the FEMA Zone A.
 5. That the Town Engineer review and approve fastest path diagrams for the proposed roundabout on Gateway Drive at time of Final Plat and Construction Plan application review.

Commissioner Haynes seconded the motion. The motion carried unanimously by a vote of seven (7) in favor to none (0) opposed.

Chairman Stewart temporarily adjourned the meeting at 7:57 PM for a break, the meeting was reconvened at 8:05 PM.

3. **Consider and take appropriate action on a final plat (FP-21-006) for Heath Estates Phase 2, being 37.36 acres situated in the Patrick Rock Survey, Abstract No. 1063, Town of Argyle, Denton County, Texas; and being located on the Heath Tract, south of Sam Davis Road, north of FM 407, and east of Interstate Highway 35W.**

Mr. Wicks provided a presentation on this item. Representative Joel Richey with J.Volk Consulting, 830 Central Parkway East, Suite 300, Plano, TX 75074, was available to answer questions. Commissioner Kula motioned to approve FP-21-006 with the following conditions:

1. That the Town Engineer review and approve a downstream assessment at time of Construction Plan application review.
2. That the applicant resolve outstanding comments from the Town Engineer at time of Construction Plan application review.
3. That all lots on the plat have a 5.00 acre minimum.

Commissioner Haynes seconded the motion. The motion carried unanimously by a vote of seven (7) in favor to none (0) opposed.

EXECUTIVE SESSION

At 8:30 p.m., the Planning and Zoning Commission adjourned into executive session pursuant to Texas Government Code, Annotated, Chapter 551, Subchapter D to discuss the following:

Consultation with Attorney

§551.071(1),(2): Consultation with attorney regarding pending or anticipated litigation, or a settlement offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter:

- a. Agenda Item F.4. Amended Preliminary Plat (PP-21-005) for Canyon Falls Village 9-AR
- b. Agenda Item F.5. Final Plat (FP-21-007) for Canyon Falls Village 9-AR

RECONVENE INTO OPEN SESSION

In accordance with Texas Government Code, Section 551, the Planning and Zoning Commission will reconvene into Open Session and consider action, if any, on matters discussed in Executive Session.

At 9:28 p.m., the Town Council reconvened into open session. No action was taken.

- 4. Consider and take appropriate action on an amended preliminary plat (PP-21-005) for Canyon Falls Village 9-AR, being 42.585 acres of the approximately 168.31-acre Canyon Falls subdivision in the Francis W. Thorton Survey, Abstract No. 1244, Denton County, Texas; located in the Town of Argyle's Extra Territorial Jurisdiction (ETJ); and being located to the west of Stonecrest Road and south of Town Limits of the Town of Argyle.**

Mr. Wicks provided a presentation on this item. Representatives Tommy Mann, 2728 Harwood Street, Suite 500, Dallas, TX 75201, and Jason Wight with Newland Communities, 4835 LBJ Freeway, Suite 690, Dallas, TX 75244, were available to answer questions. Chairman Stewart motioned to approve PP-21-005 with the following conditions:

1. That a pedestrian crossing be created on the twenty (20') foot gas pipeline easement owned by Barnett Gathering LP midway through the block on Canyon Point and Fireside Drive per Section 2.05 "Blocks" of the Town Engineering Ordinance 1989-4.
2. Per the Governing Regulations in the Amended and Restated Development Agreement between Canyon Falls Land Partners, L.P. and the Town of Argyle, effective May 27, 2008, Exhibit "I", "Special Regulations" (the "Governing Regulations"), in accordance with the terms of the Interlocal Cooperation Agreement between the Town of Argyle and Denton County adopted pursuant to Section 242.001 of the Texas Local Government Code (the "Denton County ICA"), Section 7, "Applicable Regulations", approval of the preliminary plat is contingent on the determination of the Denton County Emergency Services Fire Marshal's Office that the proposed plat comply with the access requirements of the 2015 International Fire Code, Sections D.107.1 and D107.2, as adopted in the Denton County Subdivision Rules and Regulations (the "County Regulations") and applicable to this plat.

Commissioner Castellanos seconded the motion. The motion carried unanimously by a vote of seven (7) in favor to none (0) opposed.

- 5. Consider and take appropriate action on a final plat (FP-21-007) for Canyon Falls Village 9-AR, being 42.585 acres of the approximately 168.31-acre Canyon Falls subdivision in the Francis W. Thorton Survey, Abstract No. 1244, Denton County, Texas; located in the Town of Argyle's Extra Territorial Jurisdiction (ETJ); and being located to the west of Stonecrest Road and south of Town Limits of the Town of Argyle.**

Mr. Wicks provided a presentation on this item. Representatives Tommy Mann, 2728 Harwood Street, Suite 500, Dallas, TX 75201, and Jason Wight with Newland Communities, 4835 LBJ Freeway, Suite 690, Dallas, TX 75244, were available to answer questions. Chairman Stewart motioned to approve FP-21-007 with the following conditions:

1. That a pedestrian crossing be created on the twenty (20') foot gas pipeline easement owned by Barnett Gathering LP midway through the block on Canyon Point and Fireside Drive per Section 2.05 "Blocks" of the Town Engineering Ordinance 1989-4.
2. Per the Governing Regulations in the Amended and Restated Development Agreement between Canyon Falls Land Partners, L.P. and the Town of Argyle, effective May 27, 2008, Exhibit "I", "Special Regulations" (the "Governing Regulations"), in accordance with the terms of the Interlocal Cooperation Agreement between the Town of Argyle and Denton County adopted pursuant to Section 242.001 of the Texas Local Government Code (the "Denton County ICA"), Section 7, "Applicable Regulations", approval of the final plat is contingent on the determination of the Denton County Emergency Services Fire Marshal's Office that the proposed plat comply with the access requirements of the 2015 International Fire Code, Sections D.107.1 and D107.2, as adopted in the Denton County Subdivision Rules and Regulations (the "County Regulations") and applicable to this plat.

Commissioner Castellanos seconded the motion. The motion carried unanimously by a vote of seven (7) 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.
 - 5.3.2021 - Town Council approved a Solar SUP application for 403 Trigger Trail in the 5T Ranch development.
 - 5.3.2021 - Town Council tabled a Solar SUP application for 816 5T Ranch Road in the 5T Ranch development in order for the contractor to attend in person to answer questions related to the project during a future meeting of Town Council on May 17, 2021.
2. Project updates.
DRC Projects List - Updated 4.29.2021

Mr. Wicks and Mr. Olson provided the commission with recent development project updates and gave an overview of upcoming projects. Mr. Olson discussed the upcoming Joint meeting between the P&Z Commission and Town Council on May 19, 2021. Items of discussion include:

- Graham Branch Watershed Master Study presentation
- Specific Use Permit requirements for solar energy systems
- Federal guidelines of the Religious Land Use and Institutionalized Persons Act (RLUIPA)

H. ADJOURNMENT

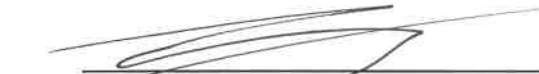
With no further business to attend, the meeting was adjourned at 10:13 PM.

APPROVED THIS THE 2nd DAY OF JUNE 2021.

WITNESS:



Casey Stewart, Chairman



Emilio Sanchez, Director of Community
Development