

**MINUTES
TOWN OF COPPER CANYON
PLANNING & ZONING COMMISSION (P&Z)
MONDAY, FEBRUARY 26, 2024
6:00 p.m.**

The Town of Copper Canyon Planning and Zoning Commission met in regular session on Monday, February 26, 2024, at 6:00 p.m. in the Council Chambers at Copper Canyon Town Hall, 400 Woodland Drive, Copper Canyon, Texas, whereupon the following items were considered.

I. CALL TO ORDER

Chairman Pape called the meeting of the Copper Canyon Planning and Zoning Commission to order at 6:01 p.m. on the 26th day of February 2024.

Commissioners Present

Mark Pape	Chairman
Mitch Dornich	Vice-Chairman
Jeff Dahl	Commissioner
Kimberlee Delany	Commissioner
Shawn Sandefur	Commissioner

Staff Present

Troy Meyer	Town Administrator
Sheila Morales	Town Secretary
Chris Hartke	Town Engineer

Chairman Pape asked that the agenda be re-ordered as follows,

1. Agenda item IV “Consent Item,”
2. Agenda item III “Development Update”
3. Agenda item II “Public Input”
4. Agenda item V “Public Hearing”
5. Agenda item VI. “Action & Discussion Item”

No one on the P&Z Commission objected.

II. PUBLIC INPUT

Citizens can make comments to the Planning and Zoning Commission. We ask citizens who wish to speak on agenda items to sign in on the sheet provided on the table at the back of the Council Chambers. There is a 3-minute time limit for each speaker. Pursuant to State

Open Meetings law, the Planning and Zoning Commission cannot discuss or take action on items not posted on the agenda.

No one spoke.

III. DEVELOPMENT UPDATE

- Jernigan Estates
- Knoll Estates

Town Administrator Meyer gave an update to the P&Z Commissioners regarding the Jernigan Estates, Knoll Estates and Williams Ranch developments.

IV. CONSENT ITEM

1. Approve January 22, 2024, Minutes of Planning and Zoning Commission Meeting.

Chairman Pape requested that Item 1 be pulled from the Consent Agenda for full consideration.

Before consideration of the pulled item from the Consent Agenda (Minutes of the January 22, 2024, P&Z meeting) took place, **Chairman Pape** shared the following (submitted for the minutes):

1. *First, to remind everyone that the minutes are the “official” record of our proceedings and therefore must be clear, complete, and correct. This is not a pro forma, “good enough for government” item, but a matter that requires detailed attention since, as any lawyer will tell you, precision of wording matters.*
2. *As background to the previous meeting to which these minutes pertain, I want to provide a brief general overview the Town’s process for reviewing development projects as specified in Chapter 2 Application Development and Review Process of Exhibit 10A of our Subdivision Ordinance. I am going to ask our town staff and engineer to confirm that I am correct, so I welcome their interjections correcting me as we go along.*
 - (a) *First step for a developer is to meet with the Development Review Committee, known as the DRC, that is required by section 2.1 General of our Subdivision Ordinance. This is an information forum where the developer meets with representatives of the Town staff, engineering, Council, P&Z, fire, water, and the public, specifically anyone within 500 feet of the proposed development. No decisions are made, or actions taken at this meeting, it is offered to the developer to present their initial*

ideas to the town and to the public in order to get some early feedback that may help them in planning their project.

- (b) *Then, as required by section 2.2 (B), subdivisions are classified as either major or minor, depending on the number of lots to be created and other factors. Generally, a development of more than 4 lots is a “major” development. Major developments have more robust requirements than minor developments.*
- (c) *The next official step for a major development is that the developer must present a “Concept Plan” to P&Z. To quote Exhibit 10A Subdivision Ordinance, section 2.3 (A) “A Concept Plan shall be submitted prior to acceptance of an application for any application of a Development Plan, Preliminary Plat, Final Plat” and it continues with other terms. Section 2.3 (B) states that “The Concept Plan” is a plan used for discussion purposes between the developer and the Town and is intended to discover and discuss any development issues prior to the submission of a Development Plan.” There are 12 items specified in 2.3 (D) that must be on the “Concept Plan” and 2.3 (E) lists the required procedures. Section 2.3 (F) Effect of Review provides the following information: The Concept Plan shall be used only as an aid to show the anticipated layout of the proposed development, and to assess the adequacy of the public facilities/services that will be needed to serve the proposed development. Any proposed use of development depicted on the Concept Plan shall not be deemed formal authorization or approval by the Town until a Preliminary Plat or Final Plat is approved for the development (i.e., Concept Plan approval is to be thought of as a general acknowledgment by the Town that the proposed layout generally conforms to the Town’s subdivision regulations and that the proposed development can be adequately served by required public facilities/services.”*
- (d) *The next step is stated in Section 2.4 “Procedures and Submission for Development Plan Approval.” 2.4 (A) provides that “A Development Plan shall be submitted prior to acceptance of an application for any application of a Preliminary Plat or Final Plat. A Development Plan may be submitted in lieu of a Concept Plan **provided that the development meets the requirements of both.**” Section 2.4(C) provides that “Prior to submitting the Development Plan, the applicant must have an approved Concept Plan unless the Development plan was submitted in lieu of a Concept Plan in accordance with this Ordinance. Section 2.4 (D) then provides that “The Development Plan shall include all information required in the Concept Plan and it shall show the following:” which is a list of 20 specific items. There are procedures listed in Section 2.4(E), which includes the following statement: “if the Development Plan is being submitted in lieu of a Concept Plan in accordance with the*

ordinance, a meeting shall be set up with the Development Review Committee to review and discuss the Development Plan along with its accompanying reports and other relevant material with the applicant, and shall advise the applicant in writing of the specific changes, if any, required by Town ordinance or regulation as a prerequisite for approval, and any additional changes required.”. There are other relevant procedures that we do not need to review tonight.

(e) The next step for the developer is a Preliminary Plat after the Development Plan is approved by Town Council, but that is beyond our scope of discussion tonight.

(f) Much of the Subdivision Ordinance requirements are repeated, more briefly, in Chapter 14A Zoning Ordinance, Article 2, Section 2-103C Application and Development Review Process.

3. It is important to note that just because a developer writes “Concept/Development Plan” on an application or graphic submittal does not mean that it actually is a complete Concept Plan or a Development Plan in compliance with Ordinances 2.3 and 2.4.

4. It is also important that the public understands that the P&Z is the responsible party for determining whether any application presented to it is acceptable for a recommendation of approval to the Town Council where it will be placed on the next available Town Council agenda for public hearing and consideration. We cannot just rely on the Town Staff and the Town engineer to advise us that “it is all good.” Moreover, even when they have “signed off” that the application is complete, the P&Z is not obligated to approve that application as it is presented.

Chairman Pape opened discussion among the Commissioners regarding the draft minutes presented.

Commissioner Dahl made a motion to accept the minutes of the January 22, 2024, minutes as presented.

Commissioner Sandefur seconded the motion.

Ayes: **Chairman Pape, Vice-Chairman Dornich, and Commissioners Dahl, Delany, and Sandefur**

Nays: None

Chairman Pape announced that the motion passed unanimously.

V. PUBLIC HEARING

The Planning and Zoning Commission of Copper Canyon will conduct a Public Hearing for the purpose of hearing any and all comments and consider a recommendation to Town Council regarding the replat of Canyon Oaks II, Phase II Lot 1-R1 and Lot 1-R2, Block G being a replat of Lot 1, Block G, Canyon Oaks II, Phase II, in the Town of Copper Canyon's Extra-Territorial Jurisdiction (ETJ).

Chairman Pape shared the following regarding the Public Hearing.

A Public Hearing in front of P&Z is not required for this action item, however, in order to be even more transparent, we will have a hearing.

You might be wondering why this item is before P&Z tonight since the property itself is not in Copper Canyon, but only in our ETJ, so we need to provide some background context. First, let us be clear on what ETJ means: Extra Territorial Jurisdiction. Per an Interlocal Agreement between the Town and Denton County relating to ETJ properties passed in Dec 2006, the property must be platted by the Town of Copper Canyon although the Town's Zoning regulations cannot be enforced for ETJ properties.

Years ago, the eastern 4.013 acres of Lot 1, Block G of Canyon Oaks II, Phase II, was sold by metes and bounds but never replatted. Owners kept the remaining western 1.415 acres of Lot 1. Now the owners want to build on the 1.415 acre parcel, however, they are restricted by Denton County until the property is replatted.

Series of events:

- 1. ETJ Property Owner (Sabatino) submitted a building permit for Lot 1 (west part) to Denton County.*
- 2. Denton County said that before a permit can be issued, the property must be platted by the Town of Copper Canyon (as previously mentioned this is required by an Interlocal Agreement between the Town and Denton County relating to ETJ properties passed in Dec 2006).*
- 3. ETJ Property Owner submitted the replat to the Town.*
- 4. Town Engineer reviewed the replat document ensuring that the replat meets the Town's Subdivision Ordinance regulations. (Town's Zoning regulations cannot be enforced for ETJ properties.) See the letter from TNP in your packet.*
- 5. The process of approving an ETJ replat, includes:*
 - a. Consideration by Town's P&Z*
 - b. Consideration by Town's Council*
 - c. Public Hearing in front of the Town Council.*

6. *The Notice of Public Hearings (both P&Z* and Council) was posted in the printed version of the newspaper, mailed to neighbors and posted on the Town's website. (*P&Z Public Hearing is not required.)*
 - a. *The required newspaper posting date for the Council Public Hearing Notice was on or before 2/24/2024. (more than 16 days prior to Town Council's Public Hearing)*
 - i. *The Notice was printed in the paper on 2/17/24.*
 - ii. *and mailed to residents within 200' on 2/14/24.*
 - iii. *and posted to Town's website on 2/14/2024.*

Chairman Pape opened the public hearing at 6:30 p.m.

No one spoke.

Chairman Pape closed the public hearing at 6:32 p.m.

VI. ACTION & DISCUSSION ITEM

1. Discuss, consider, and make recommendation to the Copper Canyon Town Council regarding the replat of Canyon Oaks II, Phase II Lot 1-R1 and Lot 1-R2, Block G being a replat of Lot 1, Block G, Canyon Oaks II, Phase II, in the Town of Copper Canyon's Extra-Territorial Jurisdiction (ETJ).

Chairman Pape stated the following, "Once we have a motion on the table that has been seconded, we will have a discussion regarding the motion on that agenda item before holding any vote on the motion, as it may be amended. We may approve the motion, amend the motion, reject the motion, or table the motion after all discussion is complete. "

Chairman Pape made the following motion, "I move that, after consideration and discussion of the proposed replat of Canyon Oaks II, Phase II, Lot 1-R1 and Lot 1-R2, Block G, being a replat of Lot 1, Block G, Canyon Oaks II, Phase II in the Extra-Territorial Jurisdiction of the Town of Copper Canyon, by the Planning & Zoning Commission of the Town of Copper Canyon, the Planning & Zoning Commission finds that the proposed replat, as defined herein, is in compliance with the Town's Subdivision Ordinance and further, that the Planning & Zoning Commission recommends to the Copper Canyon Town Council that the Council also will discuss and consider a finding that the proposed replat, as defined herein, is in compliance with the Town's Subdivision Ordinance."

Vice Chairman Dornich seconded the motion.

P&Z Commissioners asked a couple questions and then voted on the motion as follows:

Ayes: **Chairman Pape, Vice-Chairman Dornich, and Commissioners Dahl, Delany, and Sandefur**

Nays: None

Chairman Pape announced that the motion passed unanimously.

VII. ADJOURN

Meeting adjourned at 6:35 p.m.

APPROVED BY THE PLANNING AND ZONING COMMISSION THIS 25th DAY
OF March 2024.

APPROVED:



Mark Pape
Chairman, Planning & Zoning Commission

ATTEST:



Sheila B. Morales, TRMC
Town Secretary