

**MINUTES
TOWN OF COPPER CANYON
PLANNING & ZONING COMMISSION (P&Z)
MONDAY, JULY 26, 2021
7:00 p.m.**

The Town of Copper Canyon Planning and Zoning Commission met in regular session on Monday, July 26, 2021, at 7:00 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 7:00 p.m. on the 26th day of July 2021.

Commissioners Present (presiding)

Mark Pape	Chairman
Mitch Dornich	Vice-Chairman
Kaki Lybbert	Commissioner
Deb Schmitz	Commissioner
Shawn Sandefur	Commissioner

Commissioner Present (not presiding)

Jeff Dahl	Commissioner
-----------	--------------

Staff Present

Bob Hager	Town Attorney
Chris Hartke	Town Engineer
Sheila Morales	Town Secretary

Chairman Pape stated that the P&Z Agenda would be rearranged, starting with an Executive Session, followed by the Consent Agenda, and Action & Discussion Items 1, 2, 3, and 4. During the discussion of Item #4, residents will have an opportunity for public input.

Chairman Pape requested that the Planning and Zoning Commission adjourn at 7:02 p.m. and convene into a closed session pursuant to Texas Government Code Chapter 551, Section 551.071(2) to consult with Town Attorney and seek legal advice on Action & Discussion Agenda Item #4 concerning the Town's zoning ordinance and Master Plan.

The Planning and Zoning Commission reconvened at 7:25 p.m. from a closed session pursuant to Texas Government Code Chapter 551, Section 551.071(2) to consult with Town Attorney and seek

legal advice on Action & Discussion Agenda Item #4 concerning the Town's zoning ordinance and Master Plan.

No action was taken.

II. CONSENT ITEMS

1. Approve January 25, 2021, Minutes of Planning and Zoning Commission Meeting
2. Approve January 25, 2021, Minutes of Joint Council and Planning and Zoning Commission Meeting
3. Approve March 1, 2021, Minutes of Joint Council and Planning & Zoning Commission Workshop Meeting

Commissioner Schmitz made a motion to approve the Consent Agenda Items 1-3 as presented.

Commissioner Lybbert seconded the motion.

Ayes: **Chairman Pape, Vice-Chairman Dornich, and Commissioners Lybbert, Schmitz and Sandefur**

Nays: None

Chairman Pape announced that the motion passed unanimously.

III. ACTION & DISCUSSION ITEMS (part 1 of 2)

Chairman Pape explained that Action & Discussion Items 1, 2 and 3 related to the Vickery development on south side of FM407. The Town Engineer has reviewed the final plats for phase 2, 3 and 4 and has no objections or comments.

1. Discuss, consider and act upon a recommendation to the Town Council regarding the Final Plat 'Vickery – Phase 2' containing 9.930 acres, with 22 lots and 1 open space, situated in the T. & P. R.R. Survey, Abst. No. 1298 Town of Copper Canyon Denton County, Texas.

Vice-Chairman Dornich made a motion to approve the Final Plat 'Vickery – Phase 2' containing 9.930 acres, with 22 lots and 1 open space, situated in the T. & P. R.R. Survey, Abst. No. 1298 Town of Copper Canyon Denton County, Texas.

Commissioner Sandefur seconded the motion.

Ayes: **Chairman Pape, Vice-Chairman Dornich, and Commissioners Lybbert, Schmitz and Sandefur**

Nays: None

Chairman Pape announced that the motion passed unanimously.

2. Discuss, consider and act upon a recommendation to the Town Council regarding the Final Plat 'Vickery – Phase 3' containing 54 lots (12.94 acres) situated in the T. & P. R.R. Survey, Abst. No. 1298 Town of Copper Canyon Denton County, Texas.

Commissioner Lybbert made a motion to approve the Final Plat 'Vickery – Phase 3' containing 54 lots (12.94 acres) situated in the T. & P. R.R. Survey, Abst. No. 1298 Town of Copper Canyon Denton County, Texas.

Commissioner Schmitz seconded the motion.

Ayes: **Chairman Pape, Vice-Chairman Dornich, and Commissioners Lybbert, Schmitz and Sandefur**
Nays: None

Chairman Pape announced that the motion passed unanimously.

3. Discuss, consider and act upon a recommendation to the Town Council regarding the Final Plat 'Vickery – Phase 4' containing 50 residential lots and 1 open space totaling 13.46 acres, situated in the T. & P. R.R. Survey, Abst. No. 1298 Town of Copper Canyon Denton County, Texas.

Vice-Chairman Dornich made a motion to approve the Final Plat 'Vickery – Phase 4' containing 50 residential lots and 1 open space totaling 13.46 acres, situated in the T. & P. R.R. Survey, Abst. No. 1298 Town of Copper Canyon Denton County, Texas.

Commissioner Sandefur seconded the motion.

Ayes: **Chairman Pape, Vice-Chairman Dornich, and Commissioners Lybbert, Schmitz and Sandefur**
Nays: None

Chairman Pape announced that the motion passed unanimously.

4. Discuss, consider and act upon a recommendation to the Town Council regarding the Williams Ranch Development Plan and all matters incident and related thereto.

Chairman Pape stated that based on legal advice from the Town Attorney, the P&Z Commission will request some **development regulations** for the proposed development in order to protect the citizens of the Town. These regulations will be

negotiated and later incorporated into a town ordinance and therefore no action on the proposed Williams Ranch Development Plan will take place this evening.

Dave Siciliano, Williams Ranch Developer, presented the Williams Ranch Development Plan using a power point presentation.

Chairman Pape raised the following unresolved issues and could be clarified and included in the development regulations:

- Gate to the west leading out of the development
- Sewer line connection agreement details
- Second ingress/egress access easements / agreements; Agreement to fire sprinkler every house if second ingress/egress isn't negotiated
- Trees to be removed / planted
- Building setbacks
- Fencing required

Chairman Pape opened the floor for questions and concerns from the meeting attendees. The following questions and/or concerns were raised:

- Has the developer reached any agreements with the Estates of Copper Canyon regarding lot size? **David Siciliano** stated that he increased the lot sizes on the east side and has agreed to put in a screening fence and for every two-story house that backs up the Estates of Copper Canyon, they will require two additional trees in the rear yard.
- What size trees will be planted. **David Siciliano** stated 3"-4" caliber trees.
- Is the main entrance in line with the Toll entrance? **David Siciliano** stated that on the first proposal, it is. The details on the entrance have not been finalized.
- Is there adequate spacing from the proposed entrance to the existing Shackleford driveway?
- What is the proposed square footage of the houses? **David Siciliano** stated that for the lots with a 100' width, the houses could be 80 feet wide, and most pads could go back 70 feet, thereby leaving 5600 of buildable

IV. 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.

The following people spoke.

Mitch Vexler (4545 Mahogany Ln) raised the following issues:

- Lot sizes proposed do not meet existing zoning requirements; Estate Transition area of Master Plan should include minimum $\frac{3}{4}$ acre lots
- Proposed entrance isn't owned by the developer
- Master Plan requires sidewalks
- Sewer line under the road

Jeannie Courtwright (8800 Justin Rd) stated the following:

- The developer, **David Siciliano**, has worked with her and her family
- This area will be eventually developed
- Other potential alternatives could be worse than what has been proposed

Ted Stranczek (1020 N Berry Trail Ct) stated or questioned the following:

- This development, as proposed, is not in compliance with the Town Zoning Ordinance.
- Have the residents of the Estates of Copper Canyon agreed to any concessions offered by the developer?
- Has the Shackelfords granted the Developer permission for emergency access to their property?
- Have the Vickerys granted the Developer access to develop their main entrance to the development
- If this permission is not granted, does the alternate entrance proposed meet TXDOT requirements?
- Why is not a traffic study required?
- Who will pay for the extension of the sewer south under FM 407? Who will manage the operation and cost recovery of this extension and the construction and maintenance of the lift station? Must it be combined with the rates being developed for the Vickery Estates?
- Given that Flower Mound has fixed the gallon amount of affluent generated by all of the Town Center Developments, how will this allocation be managed?
- With reference to stormwater run-off, where does the storm water go once it leaves the retention/detention ponds? Will a Downstream Analysis of this Post-Development Stormwater run-off be required?

Janae Newton (4553 Mahogany Ln) raised the following issues:

- Estates Transition designation should be followed
- Promises made should be kept
- Family and property value is everything
- Concerned if sewer lines breaks
- Concerned if drainage doesn't work

Robin Douglas-Davis (581 Jernigan Rd) raised the following issues and/or questions:

- Does this development adhere to the Master Plan?
- Does this development comply with required buffer zone?
- Prefer the natural greenery over red cedar fence

- Copper Canyon is a community of large lots and no tract homes
- Consider the Estates Transition area on the Master Plan
- Not in support of paying for the cost of laying the sewer line.
- Regarding safety, requiring U-turns for those either turning in or leaving the proposed subdivision could be dangerous

Peter Vickery (co-owner of north side property next to proposed development) stated

- Drees is considered a custom home builder (not a tract home builder).

Chairman Pape closed the public input at 8:23 p.m.

Chairman Pape asked the developer to submit proposed development regulations. The Town will then review them. Item will be tabled until development regulations are submitted, and review is completed.

V. ADJOURN

Commissioner Schmitz made a motion to adjourn the meeting.

Commissioner Lybbert seconded the motion.

Meeting adjourned at 8:25 p.m.

APPROVED BY THE PLANNING AND ZONING COMMISSION THIS 30th DAY
OF August 2021.

APPROVED:



Mark Pape
Chairman, Planning & Zoning Commission

ATTEST:



Sheila B. Morales, TRMC
Town Secretary