

**MINUTES  
TOWN OF COPPER CANYON  
PLANNING & ZONING COMMISSION (P&Z)  
MONDAY, NOVEMBER 1, 2021  
7:00 p.m.**

The Town of Copper Canyon Planning and Zoning Commission met in regular session on Monday, November 1, 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**

**Commissioners Present**

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

**Staff Present**

Robert Hager	Town Attorney
Chris Hartke	Town Engineer
Donna Welsh	Town Administrator
Sheila Morales	Town Secretary

**Chairman Pape** called the meeting of the Copper Canyon Planning and Zoning Commission to order at 7:00 p.m. on the 1<sup>st</sup> day of November 2021.

**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.

The following person spoke:

**Ted Stranczek** (1020 N Berry Trail Ct.) thanked everyone for their cards and prayers while he was ill.

### **III. CONSENT ITEM**

1. Approve August 30, 2021, Minutes of Planning and Zoning Commission Meeting.

**Commissioner Schmitz** made a motion to approve Consent Item #1 as presented.

**Vice-Chair Dornich** seconded the motion.

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

**Chairman Pape** announced that the motion passed unanimously.

### **IV. PUBLIC HEARING**

The Planning and Zoning Commission of the Town of Copper Canyon, Texas, conducted a public hearing regarding:

1. a request to amend the Master Plan Ordinance, Comprehensive Zoning Ordinance and Zoning Map of the Town of Copper Canyon, Texas by amending the Master Plan, the map thereof; and, amending the Comprehensive Zoning Ordinance and the Zoning Map to grant a change in zoning from Residential 2 (R2) to Planned Development Town Center 1 (PD TC-1) on approximately 10 acres, and by granting a change in zoning from Town Center to Planned Development Town Center 1 (PD TC-1) on approximately 10 acres of real property to allow for the development of approximately thirty-five (35) single family lots, located north of FM 407 between Jernigan Road and Copper Canyon Road (Denton Central Appraisal District properties: 17043, 17044, 17045, and 17047), Copper Canyon, Denton County Texas providing the concept plan, development standards and regulations, street detail, entrance detail, preliminary storm sewer plan, preliminary water plan, preliminary sewer plan, fence detail and street lighting.

- i. Introduction – P&Z Chairman Pape

**Chairman Pape** briefed the commissioners on the history of the Williams property and explained the portions of the action item to be considered later in the meeting.

ii. Background Information – Town Attorney Hager

**Town Attorney Hager** explained the details and background of zoning in Texas and in Texas cities. He further explained the history of the Town's Town Center Zoning ordinance, first established in 2004. He also explained the two components required in a zoning ordinance and also explained landowners' rights regarding zoning requests.

**Chairman Pape** asked **Council Member Johnson** to further explain the history of the Town Center and the Town Center Zoning (since he was on the Town Council at that time).

**Scott Doores** (470 Jernigan Rd.) spoke in favor of approving what the Town agreed to in 2004-2005 for the Williams property.

iii. Developer Presentation – David Siciliano

**David Siciliano** explained the concept plan for Williams Ranch.

iv. Public Input

The following emails were read:

**Dwight and Julie Dilworth** (1115 Post Oak Rd): *We will not be able to attend the P&Z meeting on Nov 1, 2021, but we would like to send our strenuous objection to the proposed rezoning of 10 acres west of the Estates of Copper Canyon. Over the objections of many, MANY citizens, the 2020 Master Plan was approved. That Plan zoned these 10 acres as 3/4-acre transitional lots. Now, a year later, rezoning is being requested again. And again, MANY citizens are expressing objections. Please LISTEN to us and abide by the Plan. Otherwise, the 2020 Master Plan is not worth the paper it is printed on.*

**Scott Brown** (575 Estates Dr) *I am writing regarding the P&Z meeting for 11/1. I haven't been completely up to speed but am shocked to see potential residential development on 1/3 and 1/2 acre lots. Development like this is why many town residents came here. We don't want to live in Flower Mound or Highland Village. We just had an election where both mayoral candidates were trying to out rural each other and then I see this? I don't understand and am completely against this. I cannot attend the meeting this evening but hope my email will be heard.*

**Peter Vickery** (landowner adjacent to proposed Williams Ranch)

*1. The 20-year pro rata economic plan for the city's future is based on both TCS & TCN developing out as created by CC's own resident financial savant, Councilman Steven Hill.*

*2. Given CC's recent reduction in the property tax rate is a direct result of the increase of revenues because of the TCS development. However, this will not be sustainable without the fulfillment of the TCN development plan as mentioned above.*

*3. Every property on Justin Rd. on the north side is under an ag exemption, and thereby contributing very little financially to the city currently. As long as they remain on an ag exemption, TCN will go unfulfilled as being an important contributor to sustaining CC's financial responsibilities into the future.*

*4. If the town wants commercial development on TCN, the Williams Ranch, is the path to get there because it gets the waste pipeline across the road and to the TCN proximity at no cost to the public.*

*5. As Jeannie Shackleford spoke at a previous public meeting, while a housing development is not a perfect solution from her perspective, she is convinced that David Siciliano will build a very nice development and that is so much nicer than what may otherwise go in there (not an exact quote, but a fair paraphrase, I think).*

*6. If CC wants a traffic light for safety reasons which seems to be almost universally desired, the Williams Ranch is the best chance for that as well.*

*7. The recent attempt to redefine the definition of TCN by removing 10 acres of the eastern edge of is nothing less than a transparent attempt to kill the Williams Ranch development by creating an untenable change in the economics of the project.*

*8. Several years ago the traffic count on Justin Rd./CC was 43-47K per day. It can only be higher now. Let us make the best use of the Justin Rd. corridor as the heavy lifter of financial benefits in property tax revenue to CC. This will allow the areas of CC that are more rural remain rural. This will help maintain low or even decreasing property tax rates.*

*Thank you for your attention!*

**George Bleuher** (916 Hillside Dr.) *To the members of the Copper Canyon Planning and Zoning Committee:*

*I vehemently oppose the proposed zoning change from R2 on the 10.50 acres covered by tonight's meeting for the following reasons:*

- 1. The citizens of the town recently spent approximately \$65,000.00 on a master plan that contemplated ¾ acre lots on some of the town center. We did that out of respect for our residents that live in the Estates of Copper Canyon. Mayor Ron went so far in one of the council meetings dealing with the master plan to offer assurances to the residents of the Estates of Copper Canyon that the acreage buffering*

*their development would remain ¾ acre. A lot of time and money went into the master plan and now we are changing it! This makes no sense and what has happened to the respect for our neighbors in the Estates of Copper Canyon?*

- 2. Are we following the correct legal procedure for a zoning change? I would like to see a written legal opinion from the town's counsel to this effect. By going through the process with P&Z are we creating a legal fee trap for the town? Being a retired attorney, I am all in favor of legal fees, unless I have to pay them! The town has spent too much money on legal fees in the past to correct mistakes, for example the annexation of Copper Creek. Why have malpractice claims not been filed against the law firm(s) that represented the town in these past mistakes?*
- 3. With this change are we favoring this landowner and developer versus the other landowners in the town center? If high-density lots are permitted, it appears that this landowner and developer will be able to capture a disproportionate amount of the sewage treatment capacity allocated to the north side of FM407 by Flower Mound. When other portions of the town center are developed later will there be enough sewage capacity for them? This is especially true since if the high-density development is permitted, the other landowners in the town center will also want high-density development.*

*Thank you for your time and consideration.*

**Chris and Joe Strange** (672 Chinn Chapel Rd.), via a phone call to Town Staff, expressed that he does not want the property to be rezoned from R2.

**Robin Douglas-Davis** (581 Jernigan Rd.) spoke against the proposed development and against rezoning the northern ten acres of the Williams property.

**Catherine Vexler** (4536 Mahogany Ln.) explained and spoke in favor of requiring an 'Estates Transition' buffer in the proposed development.

**Jenae Newton** (4553 Mahogany Ln.) spoke in favor of requiring an 'Estates Transition' buffer in the proposed development.

**Jeff Voight** (4548 Mahogany Ln.) spoke in favor of requiring an 'Estates Transition' buffer in the proposed development.

**Adrian Thomas** (4525 Mahogany Ln.) requested that the Town protect the Estates of Copper Canyon by requiring an 'Estates Transition' buffer in the proposed development.

**Ted Stranczek** (1020 N Berry Trail Ct.) requested that the Town resolve the 'Estate Transition' issue before considering the proposed development.

**Martha Gadbury** (2 Black Jack Ln.) spoke in favor of keeping large acreage properties in the Town and encouraged the Town boards to listen to the people and their requests.

**Todd Middlemis** (4557 Mahogany Ln.) spoke in favor of rezoning the 10.5 acres and also in favor of including 'Estates Transition' in the proposed development.

**Carolyn Szczepanski** (320 Mobile Dr.) spoke against allowing the development of three houses per acre since she prefers large acreage properties.

**Nancy Henry** (761 Lonesome Dove Ln.) questioned the May 11, 2015, Joint P&Z and Council meeting where the  $\frac{3}{4}$  acre estate transition was passed (Ordinance 15-008, including a map.

**Jeannie Courtright** (related to family member residing at 8800 Justin Rd.) expressed concerns regarding the proposed concept plan including the emergency exit, fire safety, buffer between the development and her family's driveway, and noise of the pump station.

**Michel Peauroi** (31 Bradford Ln) spoke against rezoning the property from R2.

**Paul Bosco** (4509 Mahogany Ln.) stated that if 'intent' is used as it relates to the requested rezoning, that 'intent' should also be as it relates to the 'Estates Transition' area of the Master Plan.

**Greg Porter** (150 Quiet Hill Cir.) questioned the remaining sewer availability in the Town Center area.

**Chairman Pape** closed the public hearing at 9:40 p.m.

## **V. ACTION & DISCUSSION ITEMS**

1. Discuss, consider and act upon a recommendation to the Town Council regarding a request to amend the Master Plan Ordinance, Comprehensive Zoning Ordinance and Zoning Map of the Town of Copper Canyon, Texas by amending the Master Plan, the map thereof; and, amending the Comprehensive Zoning Ordinance and the Zoning Map to grant a change in zoning from Residential 2 (R2) to Planned Development Town Center 1 (PD TC-1) on approximately 10 acres, and by granting a change in zoning from Town Center to Planned Development Town Center 1 (PD TC-1) on approximately 10 acres of real property to allow for the development of approximately thirty-five (35) single family lots, located north of FM 407 between Jernigan Road and Copper Canyon Road (Denton Central Appraisal District properties: 17043, 17044, 17045, and 17047), Copper Canyon, Denton County Texas providing the concept plan, development standards and regulations, street detail, entrance detail, preliminary storm

sewer plan, preliminary water plan, preliminary sewer plan, fence detail and street lighting.

P&Z Commissioners briefly discussed the proposed agenda item.

**Chairman Pape** made a motion to recommend to the Town Council to approve the requested zoning change and proposed concept plan packet including all the details and adding an instruction to the developer to resolve fire exit and add more detail on tree removal.

**Commissioner Schmitz** seconded the motion.

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

**Chairman Pape** announced that the motion passed unanimously.

## **VI. ADJOURN**

**Commissioner Schmitz** made a motion to adjourn the meeting.

**Commissioner Lybbert** seconded the motion.


Meeting adjourned at 10:12 p.m.

APPROVED BY THE PLANNING AND ZONING COMMISSION THIS 28<sup>th</sup> DAY  
OF February 2022.

**APPROVED:**

  
Mark Pape  
Chairman, Planning & Zoning Commission

**ATTEST:**

  
Sheila B. Morales, TRMC  
Town Secretary



**Comments Regarding the Public Notice/  
Dated October 6, 2021 and the P & Z Meeting Agenda  
Slated for November 1, 2021**

**TO:** Mark Pape  
Head Commissioner, Town Planning & Zoning  
mark@thepapes.com  
214-437-9225

**FROM:**  
Theodore F. Stranczek  
1020 North Berry Trail Court  
Copper Canyon, Texas, 75077  
214-676-0060

**Referencing:** Requested Zoning and rezoning changes to property referenced in:

- Town of Copper Canyon Public Notice dated October 6, 2021, and
- Ordinance No. 21-020

**I formally request that the Planning and Zoning Commission reject** Ordinance No. 21-020 concerning rezoning certain property located in Town Center North. This item is nothing but a smorgasbord of ill-defined references, change requests, that does not incorporate the required process and procedures for documenting the requested zoning and rezoning changes. In the Town's Master Plan and in the Town's Code of Ordinances, Chapter 14 Zoning incorporate numerous Articles and Sections that are not being fully complied with. As an example, but not limited too, are these:

- Article 1, Sections, 1-104; Section 2-103, including item (E) 1 of the Town Center District (Single Family) referencing the Estates Transition ¾ acre requirement; Section 2-103A, #7 & 8; Section 2-103C, 2-105,
- Article 9, Sections 9-101, 9-103, 9-105, 9-107.
- How does the P & Z Commission propose to rectify these conflicts?

In addition, I request written clarification of the following issues directly related to the Zoning Changes being requested in Ordinance 21-020:

- Given the extensive rezoning changes requested in this Public Notice, is it not our Town Policy to generate a completely new zoning application?
- Does not any amendment to the Town's Master Plan require much greater definition, separate public hearing(s), a final report on the outcome of the public hearing(s) submitted to P & Z...and then acted upon at the "next" P& Z meeting? This may require a separate approval by the Town's residents before any action is taken to change any zoning ordinances affecting the Town Center North properties?



This is the recommended process called out in our Master Plan and Local Government Code Chapter 211, Section 211.007(b).

- Combining changes to the Master Plan (public hearing) with a developer's desire for zoning changes (P & Z meeting decision) is simply not correct compliance with our Ordinances and our Master Plan.
- Ordinance No. 21-020 is an obvious attempt to fast-track zoning changes that contradict the need for transparency and due process.
- The WHEREAS Clause grossly understates the facts surrounding this Ordinance. The Ordinance as submitted represents a foregone conclusion that all will be approved. This current approval process is not fully transparent and does not allow for due process.
- There are numerous errors and omissions within Ordinance 21-020 application.
  - Is this development calling for an HOA to manage the "private roads, storm water retention facilities and the equipment and facilities required to operate the wastewater disposal process? Why was this omitted?
  - Section 1 incorrectly combines the approval for a Change to our Master Plan with the Developer's re-zoning request.
  - Nowhere is it stated WHO is making these requested changes. WHO Is?
  - Does the wording in Section 6 mean you will delete any reference to "Estates Transition"?
  - Who is going to pay for the wastewater line connection across FM-407?
  - What size will this line be to accommodate future development of Town Center North?
  - Who will cover the cost of all the lift station equipment and related hardware? And who will be responsible for the on-going maintenance of this equipment?
  - What will be the on-going legal obligations of the developer to the Town, or will the Town assume that exposure?
  - Exhibit "C"
    - "B" Sanitary Sewer...Who is going to coordinate all necessary legal and financial obligation's referencing the operation of the wastewater system?
    - "D" Concept Plan...Where is the "development agreement" mentioned in this paragraph?
    - "E" Gated Community
      - Three street ingress and access roads are called out that go to no-where. Including these roads in the concept plan has no value and will confuse neighboring land owners by potentially obligating them to complete the roads when they develop their property.

- How many street accesses are really required?
- Have the Shackelford's agreed to the two additional accesses entering their property?
- What does the Fire Marshall have to say about this access issue?
- Has the developer obtained permission to use adjoining property in the Southwest corner for its primary entrance? Who will own this property? What is the status of this property?
- Will all the streets be constructed of concrete?
- "F"... Lot Set-Back Requirements...
  - Both 1/3 acre and 1/2 acre rear yard setback should be at least 40 feet given the depth of these proposed lots.
- "H"...add 4. No garage will be constructed so as to face the street.
- "K"... Landscape and Open Space Requirements...2 i, ii and iii are not acceptable and need to be deleted and/or modified to conform to our Tree Ordinance. Presentation done earlier stated that efforts WILL BE MADE to preserve as many of the legacy trees as possible. This is another repeat of the "clear cut disaster" as was done by the Toll Brothers.
- "L"...Fencing... Why only a fence on the East property line? Every current development in Copper Canyon has fencing on all four sides. This leaves the adjoining property owners with the potential liability. Fencing must be installed on all sides of this development.
- "M"...Architecture of Residential Structures...
  - 3. High dollar homes will sell and last longer with an 85% masonry requirement.
  - 6. Add the requirement "no garages will face the street."
- "N"... The Town should never subordinate its Ordinance to those of any developer. Town Ordinances have priority...period.
- Where are the required attachments to the Concept/Development Plan?
  - SWPPP
  - Checklists completed?

- Then comes the issue of “The Estates Transition.”
  - Chapter 14, Section 2-103 (E) 1,
    - Joint Meeting of the Town Council and P & Z on May 11, 2015 formally establishes the location of the Estates Transition as running along the East and North side of the Williams Property.
    - It is the Town’s obligation to resolve this issue FIRST, before any developer requested re-zoning action is taken with reference to Town Center North.
    - To disregard this important step would technically DISENFRANCHISE the twenty-seven (27) homeowners residing in The Estates.
    - To “do nothing since 2004” is unacceptable.
  - This proposed Ordinance does not appear to meet the requirements of:
    - Master Plan Sections 4 and 12.
      - Section 4,
        - Open Space/Natural Amenity (A, B & C)
        - Residential Uses
          - Estate Transition (A-1, 2 & 3).
      - Section 12,
        - Implementation Strategies
          - Items 3 through 9.

## SUMMARY:

As shown, this Ordinance is simply “NOT READY FOR APPROVAL.” There are simply too many unanswered questions regarding ordinance compliance and fundamental contract language and content. Required changes must be made and codified before any further action is to be taken on this issue.

ALSO... This entire ordinance is in direct contravention to our stated goal to “**Keep Copper Canyon RURAL.**” **When are our governing bodies going to honor this pledge?** Why must the residents ALWAYS take a back seat to any residential development or developer?

Respectfully,

Ted Stranczek