**MINUTES**

**TOWN OF COPPER CANYON**

**PLANNING & ZONING COMMISSION (P&Z)**

**MONDAY, JUNE 4, 2018**

The Town of Copper Canyon Planning and Zoning Commission met in regular session on Monday, June 4, 2018 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:

1. **CALL TO ORDER**

**Chairman Nicholas** called the meeting of the Copper Canyon Planning and Zoning Commission to order at 7:00 p.m. on the 4th day of June 2018 in the Council Chambers at Copper Canyon Town Hall, 400 Woodland Drive, Copper Canyon, Texas, 75077.

**Commissioners Present**

Andre Nicholas Chairman

Paul Bosco Commissioner

Tom Reed Commissioner

Mark Pape Commissioner

Mitch Dornich Commissioner – Alternate

**Commissioners Present, not sitting at the dais**

Deb Schmitz Commissioner - Alternate

**Staff Present**

Ed Voss Town Attorney

Donna Welsh Town Administrator

Sheila Morales Town Secretary

1. **PUBLIC HEARING**

The Planning and Zoning Commission of the Town of Copper Canyon, Texas, will conduct the following public hearings for

* 1. Lot 2A and 2B, Block A, Quiet Hill Estates, being a replat of Lot 2, Block A of Quiet Hill Estates (4.801 acres) and being part of the L. Cohen Survey, Abstract No. 246 in the Town of Copper Canyon, Denton County, Texas.

The following people spoke:

**Justin Lansdowne** (G&A Consultants Project Engineer), representing the property owners of Lot 2, Block A of Quiet Hill Estates, presented the proposed replat to the P&Z Commission. The replat would subdivide the existing 4.8-acre lot into two lots. Both of the proposed lots meet the Town’s zoning requirements. There is an existing second driveway for Lot 2A extending off Copper Canyon Road. Rather than demolishing this driveway, the replat includes a proposed 40’ mutual access easement on the north side of Lot 2B.

**Commissioner Bosco** suggested that there be some kind of agreement between Lot 2A and Lot 2B for maintaining the easement. **Justin Lansdowne** stated Note 8 on the plat could be changed to reflect that the easement maintenance would be the responsibility of both Lot 2A and Lot 2B.

**Mary Thorp** (3012 Canyon Bluff) stated that she has shared an easement with several neighbors and still shares an easement with one neighbor; sharing an easement is difficult.

**Justin Lansdowne** stated that the note could be changed to reflect that one lot is solely responsible for maintaining the easement.

**Chairman Nicholas** suggested that Note 8 would designate both lots as being responsible for the easement.

**Chairman Nicholas** asked if anyone else had any comments regarding the proposed replat.

**Commissioner Reed** summarized the replat information as follows:

* Lot 2A (which has an existing home) could exist with the single access off Quiet Hill Circle; Lot 2A would still have access to their property.
* If a note is added to the plat to reflect that the maintenance of the easement would be shared between Lot 2A and Lot 2B, problems could still exist.

**Justin Lansdowne** suggested adding a note that would state that ‘Lot 2B is fully responsible for maintaining the easement.’

**Commissioner Bosco** suggested that Lot 2A and Lot 2B be equally responsible for any maintenance.

**Chairman Nicholas** requested that P&Z adjourn into executive session in accordance to Section 551.071 of the Open Meetings Act.

P&Z adjourned into executive session at 7:29 p.m.

P&Z reconvened from executive session at 7:36 p.m.

**Commissioner Reed** made a motion to accept the replat of Lot 2B with the addition to Note 8 to read that “Lot 2B is fully responsible for maintaining the easement”.

**Commissioner Pape** seconded the motion.

Ayes: **Chairman Nicholas, Commissioners Bosco, Dornich, Pape, and Reed**

Nays: None

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

* 1. A request to amend the Town’s Master Plan for that portion of the Town Center located south of FM 407, by removing the office designation and allowing single family residential use at a density not to exceed 3.5 single-family units per gross acre on said property.

The following people spoke:

**Doug Powell** (hired by Copper Canyon to review the Toll Brothers application) stated the following while showing various pictures of the property:

* The subject property is located on the south side of FM 407 and it includes the Vickery land as well as the back portion of the BridgeWay church property.
* The applicant has had a neighborhood meeting with adjacent homeowners in Double Oak and also a meeting with Copper Canyon residents.
* The Town’s Master Plan calls for the property to be a town center development with a mixture of uses, retaining some of the vegetation and having an access signal along FM 407
* The existing designation was approved by Copper Canyon’s Town Council in May 2015 to include “Medium Density – Single Family land use minimum lot size of 1/3 acre, as well as Office Land Use – Garden Professional”.
* Toll Brothers’ request is to change the Master Plan for the southern portion of the Town Center by removing the Office designation on the property and allowing just single family residential use with a density not to exceed 3.5 single family units per gross acre and a recreational facility would also be added.
* For this project to go forward, the Master Plan amendment must be approved, the PD ordinance must be changed, and zoning must be changed.
* Tonight’s decision relates only to the Master Plan amendment.
* The current Master Plan does allow for higher density for ‘age restricted’ land uses.
* The current Master Plan allows for a density of 1/3 acre lots.
* The church property is part of the master plan designation, as verified by Town Staff.

**Rob Paul** (Toll Brothers DFW Division President) stated that he’s been employed by Toll Brothers in this area for seventeen years, he’s done many projects in the area and the proposed project would be the first in Copper Canyon. He stated the following regarding Toll Brothers as a company:

* In business for 51 years; founded in 1967
* The only nationally public traded builder that focuses just on the luxury ‘move up’ market
* Has won a series of national, regional and local awards;
* Operate in twenty states and over fifty markets
* Over the DFW area, there are 24-25 Toll Brother communities

**Rob Paul** stated the following:

* Tonight’s discussion centers around the Master Plan amendment which addresses land uses.
* The subject property (88.1 acres) is south of FM 407 and borders the Town of Double Oak on three sides.
* The master plan amendment is asking that the garden office designation be removed, and the density be changed.
* Before the application was submitted to the Town, Toll Brothers noticed everyone who owned property within 400 feet of the proposed development; 200 feet is the legal notice distance that the Town has to give and they only have to give notice to those that live in the Town. This meeting was held on April 23, 2018.
* Toll Brothers also sent letters to 530 residents and held a meeting at Bridgeway church on May 14, 2018. (Toll Brothers used the mailing list provided by the Town.) First time Toll invited 100% of a Town’s residents.
* The history of the Town’s Master Plan is as follows:
  + In 2004 the Master Plan designated this area as a PD Town Center and Town House Development which allowed for 10-12 units per gross acre on lot sizes as small as 25’ x 100’ for a total number of residential units of 324.
  + In 2014 the Master Plan was updated to ‘Town Center’ land use allowing for office, retail and residential, attached and detached product with a maximum density allowed of four units per gross acre, thereby allowing 352 units.
  + In 2015 the Master Plan was amended to allow 1/3 acre for ‘residential’ but also allowed for age restricted single family detached housing with a density of four units per gross acre; thereby equating to 352 units; that’s what is currently allowed if ‘age restricted’. Toll Brothers is not proposing an ‘age restricted’ community.
* Toll Brothers has already contacted property owners south of the proposed development and obtained permission to access their property around the drainage way, the lakes and the ponds that part of the Vickery property drains into. Toll Brothers has mapped the pond including the depth and damn structures to document the current state so that if in the future any changes occur, Toll Brothers would be responsible for any changes that occur. They’ve offered to the HOA affected, to put in writing that they would be responsible if silt mapping changes.
* In response to questions regarding ‘appropriate services’ available to this area:
  + There is water service available for residential use and they have a ‘Will Serve’ letter of from Cross Timbers Water Supply Corporation (CTWSC). There are issues with fire hydrants and fire suppression and CTWSC could answer those questions.
  + Fire protection services will be provided by Denton County Emergency Services District #1.
  + Septic services will be provided by the sewer line that has already been installed.
* As for traffic issues, Toll Brothers isn’t required to do a traffic impact analysis study yet however, they did do a traffic count. Toll Brothers wanted to accurately answer any questions related to traffic generation based on their site and they also wanted to gather the information while school was in session in order to get accurate counts.

**Commissioner Nicholas** opened the floor for additional comments.

**Ted Stranczek** (1020 North Berry Trail Court) spoke against the proposed project. Copper Canyon, Double Oak and Argyle all require a minimum of one acre lots. It would out of character for the Town to allow this development. He and his wife moved to the Town because of the one acre lots. He does not want to lose the great quality of life the Town has now. Just because Toll Brothers can’t make a profit with one acre lots, doesn’t mean that the Town has to change their requirements or their zoning ordinance. The proposed density is too high. The Town would be subject to a lot more traffic.

**Joe Brady** (1000 North Berry Trail Court) spoke against the proposed development. He is concerned that there isn’t enough fire protection. He doesn’t like the high density. He moved here because of the large acres.

**Prion Desai** (940 Orchid Hill) spoke in agreement with the others. No one moves to Copper Canyon for high density residential. The proposed development is too much like Lantana – too dense.

**Donna Gillad** (221 Waketon Road, Double Oak) spoke against the proposed development. She doesn’t like high density. She understands removing the ‘business park’ designation. She moved to Double Oak because of the one acre lots. She loves the ruralness of Copper Canyon. The Town needs to make sure this development doesn’t set a precedent for other large landowners to sell in the future. She is disappointed that there is no green space between the proposed development and the Town of Double Oak.

**Mary Thorp** (3012 Canyon Bluff) spoke against the proposed development. She and her family moved to the Town because it was rural. Copper Canyon is unique since it is an oasis in a dense metropolis. Copper Canyon needs to stay rural.

**Larry Burwell** (552 Knollridge) spoke against the proposed development. He doesn’t see how the Town will benefit from the development. He’s concerned the fire suppression issue will affect all the Town residents. He is concerned that with the high density, there will be a major voting block that could affect the rest of the residents. He is concerned about the Town’s stressed maintenance budget and adding more streets will add additional financial stress.

**Gene Colley** (785 Estates Drive) stated that Toll Brothers would be a great builder to have in the Town. He doesn’t like the size of the lots; the lots should be larger. The voting block referenced earlier could be a big issue. The roads in the proposed development will be paid for by their HOA but if the Town has an election for road maintenance, how would the new area vote? He encouraged Toll Brothers to take over fire suppression negotiations with Cross Timbers Water Supply Corporation. The Town needs more hydrants for the safety of the residents.

**Nancy Henry** (761 Lonesome Dove Lane) spoke against the development. She and her husband moved to Copper Canyon thirty-eight years ago. Copper Canyon is known for their large acre lots. Double Oak has a minimum lot size of one acre, Argyle has a minimum lot size of one acre. Bartonville has a minimum lot size of two acres. One of her major concerns relates to the fire hydrants. The existing pond won’t be able to accommodate the new development; the ISO rating for the rest of the residents will go down so residents will have to pay higher premiums. Traffic will increase. She is not in favor of amending the Town’s Master Plan. The vast majority of residents don’t want high density. The Town needs to talk with developers willing to build minimum one to two acre lots.

**Jeff Mayer** (1020 Valleywood Court) spoke against the development. Traffic will increase tremendously. People move to Copper Canyon for the large lots. Allowing high density will destroy the feel of the Town. He wants trees.

**Vic Moiles** (1021 Valleyview Court) spoke against the development. He agrees with comments made by those against the development.

**Dorothy Mayer** (17 Black Jack Lane) spoke against the development. Her parents purchased property in the Town in 1978. Her Dad was an alderman. She doesn’t want high density. Her family moved to Copper Canyon for large acre lots. The proposed development is too dense.

**Aaron Maestas** (1011 N Meadow Court) spoke against the proposed development. He moved to the Town because of the rural atmosphere. He is concerned about voter turnout and how the new voters may vote; they won’t be living in a rural atmosphere, so they’ll vote against any issues relating to a rural atmosphere.

**Mike Donnelly** (Double Oak Mayor) read a letter that the Town of Double Oak submitted in September 2017 encouraging Copper Canyon to develop the southern portion of the Town’s Town Center with minimum one acre lots and to include/leave substantial green space between the development and Double Oak’s properties and to properly engineer the development so that drainage from the development does not adversely affect residents of Double Oak. He acknowledged that Toll Brothers invited himself and the Double Oak residents to their informational meeting. The feedback he received from his residents is that they’re opposed to the proposed development. He appreciates Copper Canyon working with Double Oak and letting Double Oak speak. He acknowledged the Vickery family is a very nice family and he respects their right to develop their property and the Town to zone the property as they desire. On behalf of his residents he asked Copper Canyon to consider their requests.

**Bob Stegmaier** (809 East Woodland) As a resident since 1980, stated that one needs to look at the history of this property under consideration. Before 2004, the property was multi-acre lot properties. The Town sold the people of Copper Canyon the idea that the Town needs a Town Center. The residents were told that the Town Center would bring in a bonanza of taxes from commercial and office uses. In addition, the residents were told the Town Center will need some smaller lots since builders won’t make enough profit without developing smaller lots. Ever since then, the Town has cut more and more deals with owners and developers to make smaller and smaller lots and expand the Town Center to the north. He moved to Copper Canyon because of the large lots. If the Town approves the proposed additional 291 homes, this will increase the population of the Town by 60%, in two to three years. The new development will create a voting block and they won’t have the same mentality of the current residents. He doesn’t see a benefit for the Town – only the owners and the builder. He encouraged the P&Z to not sell out the Town. The residents don’t want this development. If the Master Plan is changed, change it to multi acre – not high density.

**Jim Crowder** (representing the Shackleford Family who owns 8800 Justin Road) spoke against the proposed development. He agrees with all that’s been said earlier in the meeting. The Shackleford family is against the proposed development.

**George Bleuher** (916 Hillside), as a resident for thirty-five years, spoke against the proposed development. He attended the Toll Brothers meeting in May. He questioned why they can’t develop 1/3 acre lots as was done in Terracina. He understands it doesn’t make economic sense for the builder. The residents shouldn’t have to suffer in order for the builder to make a profit. If the proposed development is approved, this will forever change (for the negative) the character of Copper Canyon.

**Suzanne Boltz** (911 Edmonson) moved to the Town twenty-two years ago. She likes the ruralness of Copper Canyon. She served on the Town Council when ‘commercial’ was added to the Town Center area; the Town would need this potential income stream. She agrees with the comments made by the Mayor of Double Oak. Living adjacent to Toll Brother’s Terracina development hasn’t been the best experience; they haven’t been good neighbors. For the rest of her three minutes, she read from Ted Stranczek’s letter which stated his concern about a water shortage (drinking and fire suppression) as well as if the southern portion of the Town Center is developed with high density, then most likely the northern portion of the Town Center would also be developed with high density.

**Mike Sherwood** (920 Berry Trail) stated that his big concern is water! There are water tower issues with Cross Timbers Water Supply Corporation. He is concerned pumping water from the ponds, at the same time there is another fire issue in the Town, there wouldn’t be enough water.

**Chairman Nicholas** closed the floor for public input.

**Commissioner Reed** stated the following:

* P&Z members are all volunteers, appointed (not elected) and not paid
* He moved to Copper Canyon because of the rural feel as well as the low tax rate
* The Town Council has done a great job keeping the taxes low
* Regarding the proposed development, the area under consideration is the ‘Town Center’, not **all** of Copper Canyon. All of Copper Canyon is **not** being rezoned.
* Regardless of the outcome of this development, Copper Canyon will not turn into a ‘Lantana’ since
  + There isn’t sewer capacity outside of the Town Center, only septic
  + Current zoning for the rest of Copper Canyon is minimum two acres
* This property under consideration is currently zoned 1/3 an acre - basically three per acre; Toll Brothers is requesting 3.5 per acre.

**Commissioner Nicholas** requested that Toll Brothers be allowed to addressed issues raised during the meeting.

**Rob Paul** responded as follows:

* He appreciates the feedback expressed during the meeting. He wants to be known for being available for answering questions and available for open communication.
* He thanked those that had nice things to say about Toll Brothers.
* He has a much larger presentation at the PD zoning stage, whereas tonight’s issue relates to the ‘land use’ issue. Details such as setbacks and home square footage size will be shared further in the next stage of the process.
* One benefit to the Toll Brothers development is that right now an age restricted community could go in with 352 single family detached lots, equating to four units per acre. Toll Brothers is asking to reduce the number of units to 3.5 per acre and lose the age restricted component and also lose the garden commercial component.
* Another benefit of the Toll Brothers development is that the Town’s current tax revenue budget is $1,069,000 per year. They estimate this project will contribute another $565,000 per year in tax benefit directly to Copper Canyon.
* Another benefit is that the streets will be all private and maintained by the home owner’s association therefore very little obligation for street maintenance from the Town.
* The proposed development will bring a big influx of revenue for the Town for a very small acreage component.
* Toll Brothers knows all about the turbo draft system and they have met with the Fire District. They are willing to pay half the cost of the unit needed to draft the pond.
* Toll Brothers plans to install a fire suppression system in every house and plans to install the required fire hydrants and water lines needed for the hydrants so that when permitted by Cross Timbers Water Supply Corporation, they can be ‘turned on’. Additional details regarding this will be addressed in the PD Ordinance step of the approval process.

**Commissioner Bosco** clarified the following:

* the fire suppression system in the homes is connected to the same water supply that feeds water to the house,
* the traffic counts were done from 7-9 a.m. and they reported that an extra 119 extra vehicles would be added as a result of the proposed development,
* the concept plan (not yet submitted since that will be considered in the next step) shows 291 homes with lot sizes of 50’x110’ and 72’x130’.

**Rob Paul** stated that the best places to see these type products would be at The Preserve in Flower Mound, where most of the homes in that subdivision will be built on the 72’ wide lots. Homes to be built on the 50’ wide lots can be found in the East Lake development in Coppell. The best place to see a combination of that product is at the West Park development in Plano; this community is almost identical to the proposed development.

**Commissioner Bosco** stated that according to the current zoning, the minimum lot is 14,500 square feet. Toll Brothers is asking to reduce that number to 5000. **Rob Paul** stated that if the area is developed for ‘age restricted’ use, 352 units would be allowed. Toll Brothers is not proposing an age restricted development.

**Rob Paul** detailed additional benefits if Toll Brothers proposed development is approved:

* The development would bring in an additional $565,000 in tax revenues for Copper Canyon
* Amending the Master Plan would get rid of the ‘age restricted’ use that’s detailed in the current Master Plan.
* The proposed development would have 20% open space, much of which will be along FM 407 and down the middle of the property where most of the mature trees exist. Homes will not back to the open space so that the entire community can enjoy the open space.
* The proposed front row of homes will be road facing, therefore no backyards facing FM 407 (so that cars driving by don’t have to look into garages and backyards).
* The distance from the paving along FM 407 to the first row of houses is planned to be 185’ to 310’

**Rob Paul** stated that there will one entrance into the community and there will be two ‘exit only’ exits. Emergency vehicles will be able to go in the exits. Whether or not a traffic light can be added is a decision that TXDOT has to make. Proposed curb cuts and turn lane details will be discussed in the next step of the process. Side setbacks will be discussed in the next step of the approval process. As currently presented, there will be 5’ side yard setbacks for the 50’ lots and 6’ side yard setbacks for the 72’ lots.

1. **CONSENT ITEM**
   1. Approve December 11, 2017 Minutes of Joint Council and P&Z Meeting.

**Commissioner Reed** motioned to accept the minutes as presented.

**Commissioner Dornich** seconded the motion.

Ayes: **Chairman Nicholas, Commissioners Dornich, Pape, and Reed**

Abstain: **Commissioner Bosco**

Nays: None

**Chairman Nicholas** announced that the motion carried 4 to 0.

**Chairman Nicholas** requested that P&Z adjourn into executive session in accordance to Section 551.071 of the Open Meetings Act.

P&Z adjourned into executive session at 9:25 p.m.

P&Z reconvened from executive session at 9:40 p.m.

1. **ACTION & DISCUSSION ITEM**
2. Discuss, consider and act upon a recommendation to the Town Council regarding Lot 2A and 2B, Block A, Quiet Hill Estates, being a replat of Lot 2, Block A of Quiet Hill Estates (4.801 acres) and being part of the L. Cohen Survey, Abstract No. 246 in the Town of Copper Canyon, Denton County, Texas. (The property is located at 110 Quiet Hill Circle in the corporate limits of the Town of Copper Canyon, Texas. The property is owned by Charles (Ralph) and Janet Fellers.)

P&Z acted on Action Item #1 after Public Hearing #1 (see above).

1. Discuss, consider and act upon a recommendation to the Town Council regarding a request to amend the Town’s Master Plan for that portion of the Town Center located south of FM 407, by removing the office designation and allowing single family residential use at a density not to exceed 3.5 single-family units per gross acre on said property.

**Commissioner Pape** made a motion to deny the application requesting to amend the Town’s Master Plan for that portion of the Town Center located south of FM 407.

**Commissioner Reed** seconded the motion.

Ayes: **Chairman Nicholas, Commissioners Bosco, Dornich, Pape and Reed**

Nays: None

**Chairman Nicholas** announced that the motion carried unanimously.

1. **ADJOURN**

**Commissioner Pape** motioned to adjourn the meeting.

**Commissioner Reed** seconded the motion.

Ayes: **Chairman Nicholas, Commissioners Bosco, Dornich, Pape and Reed**

Nays: None

Meeting adjourned at 9:42 p.m**.**

**APPROVED BY THE PLANNING AND ZONING COMMISSION THIS \_\_\_\_\_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2018.**

**APPROVED:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Andre Nicholas

Chairman, Planning & Zoning Commission

**ATTEST:**

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Sheila B. Morales, TRMC

Town Secretary