

**MINUTES
TOWN OF COPPER CANYON
PLANNING & ZONING COMMISSION (P&Z)
MONDAY, MARCH 25, 2024
6:00 p.m.**

The Town of Copper Canyon Planning and Zoning Commission met in regular session on Monday, March 25, 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 6:00 p.m. on the 25th day of March 2024.

Commissioners Present

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

Commissioners Present (sitting in the audience)

Ted Stranczek	Commissioner
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Council Members Present (sitting in the audience)

Rudy Castillo	Deputy Mayor Pro Tem
Larry Johnson	Council Member

Staff Present

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

Chairman Pape ask for the Development Update (Agenda Item IV) before moving on to Public Input (Agenda Item II). (See page two of Minutes for details.)

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. CONSENT ITEM

1. Approve February 26, 2024, Minutes of Planning and Zoning Commission Meeting.

Commissioner Sandefur made a motion to approve the minutes of the February 26, 2024, P&Z Commission meeting as presented.

Vice-Chairman Dornich 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.

IV. DEVELOPMENT UPDATE

- Vickery
- Boots Ranch
- Copper Creek
- Jernigan Estates
- Copper Knoll Estates

Town Administrator Meyer noted that Copper Knoll Estates was formerly referenced as Pilot Knoll Estates. The developer changed the name of the proposed development since there was another subdivision in the Town with a similar name.

Chairman Pape clarified the consideration of action items process as noted in Robert's Rules of Order.

Chairman Pape reminded Commissioners and meeting attendees that there are two items on the agenda, Jernigan Estates Development Plan and Jernigan Estates Preliminary Plat. The Jernigan Estates Development Plan will be considered first and if approved, the Preliminary Plat will be considered. If the development plan is not approved, the preliminary plat will not be considered.

Chairman Pape asked for a motion regarding Action Item #1.

Commission Delany made a motion to discuss and approve the Jernigan Estates Development Plan.

Commissioner Sandefur seconded the motion.

Chairman Pape opened the discussion of the Jernigan Estates Development Plan with the P&Z Commissioners and stated that no other prior conversations had taken place with or among the P&Z Commissioners.

Commissioner Dahl expressed concern regarding the drainage plans for Jernigan Estates.

Chairman Pape referenced Subdivision Ordinance Chapter 2, Subsection 2.4 “Procedures and Submission Requirements for Development Plan Approval” which includes a list of requirements that must be met in order for the development plan to be approved. He read various items noting whether or not they were addressed in the submitted Development Plan. He noted that there were no requirements relating to hydrology issues or pond retention / detention requirements. **Town Engineer Hartke** confirmed the list as detailed in Chapter 2, Subsection 2.4, is all the Town needs to consider when reviewing a Development Plan.

Vice Chair Dornich expressed concern regarding the location of the silt fence. **Michael Cannaday** (Jernigan Developer) stated that the location is the high side of the property. **Chairman Pape** stated that additional discussion will be addressed during the public hearing.

Chairman Pape tabled the motion on the table.

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:

1. Jernigan Estates Development Plan allowing for the development of approximately twelve (12) acres, and to allow for the development of six (6) single family lots, located at 545 Jernigan Road, Copper Canyon, Texas 75077.

Chairman Pape opened the public hearing at 6:16 p.m.

Council Member Larry Johnson (545 Jernigan) stated that he has recused himself from voting at the Council meetings regarding anything relating to the proposed Jernigan Estates. He raised the following issues:

- Approximately thirty percent of the property to be developed is low land and is usually flooded.
- The large pond drawing as submitted on the proposed Development Plan is incorrect.
- The private drainage easement referenced on the Development Plan needs to be addressed in more detail, especially regarding future liabilities.
- Proposed riprap spillway
- Confusion regarding the responsible party and owner of the land as detailed in the Development Plan documents.

Chairman Pape closed the public hearing at 6:25 p.m.

2. Jernigan Estates Preliminary Plat allowing for the development of approximately twelve (12) acres, and to allow for the development of six (6) single family lots, located at 545 Jernigan Road, Copper Canyon, Texas 75077.

(Discussions prior to this public hearing are recorded below under Action & Discussion Item #2.)

Chairman Pape opened the public hearing at 7:30 p.m.

Council Member Johnson asked when corrections would be made between the preliminary and final plat particularly as it related to neighboring fences. He expressed concern when the field work was completed, as noted on the preliminary plat.

P&Z Commissioners raised questions and/or concerns regarding size of home pads, water drainage through the proposed bar ditch, location of future driveways, preliminary plat checklist, future homeowner association with only six lots, post construction runoff, drainage easement maintenance agreement and who would be responsible, performance bonds.

Julia Anderson (811 Lonesome Dove) expressed concern regarding proposed Jernigan Estates drainage as it impacts her property.

Chairman Pape closed the public hearing at 8:10 p.m.

VI. ACTION & DISCUSSION ITEM

1. Discuss, consider, and make recommendation to the Copper Canyon Town Council regarding the **Jernigan Estates Development Plan**, allowing for the development of approximately twelve (12) acres, and to allow for the development of six (6) single family lots, located at 545 Jernigan Road, Copper Canyon, Texas 75077.

Prior discussion noted earlier in meeting (after Development Update).

(Motion as stated earlier in the meeting.)

Commission Delaney made a motion to discuss and approve the Jernigan Estates Development Plan as presented.

Commissioner Sandefur seconded the motion.

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

Nays: None

Chairman Pape announced that the motion passed unanimously.

2. Discuss, consider, and make recommendation to the Copper Canyon Town Council regarding the **Jernigan Estates Preliminary Plat**, allowing for the development of approximately twelve (12) acres, and to allow for the development of six (6) single family lots, located at 545 Jernigan Road, Copper Canyon, Texas 75077.

Chairman Pape discussed briefly issues relating to the following:

- Developer's responsibility relating to drainage
- Location of pond as detailed on the proposed preliminary plat
- Drainage on and off the proposed development site

Vice Chair Dornich made a motion to discuss and approve the proposed Jernigan Estates Preliminary Plat.

Commissioner Delaney seconded the motion.

Chairman Pape opened the discussion to P&Z Commissioners, starting with P&Z Alternate **Ted Stranczek**.

Commissioner Stranczek (1020 North Berry Trail Ct) raised various questions and observations regarding the Jernigan Estates Preliminary Plat as summarized in an email sent earlier in the week to the Town (attached to these minutes). Items raised related to the following subjects:

- Maintenance of existing water drainage
- Post water runoff
- PSI requirements for proposed street
- Property ownership questions
- Maintenance responsibilities of pond
- Small pond elimination
- Current construction
- Quality of fill dirt

- Hydrology study
- Pad sites

Robin Douglas-Davis explained the details regarding the current ponds and how her property is affected. She questioned who would be held responsible if the proposed drainage does not work as submitted.

Michael Cannaday explained that the proposed plans would slow the outflow of the water and that the proposed pond will be dug deeper.

Additional drainage topics were discussed amongst the Commissioners, Engineers, and Developer (i.e., freeboard, maintenance of retention ponds, weirs).

Chairman Pape referenced the checklist relating to the Preliminary Plat. **Town Engineer Hartke** stated that the items on the list have been addressed. **Chairman Pape** noted that **Town Engineer Hartke** submitted a letter (in the packet) stating that he had reviewed the proposed Development Plan and Preliminary Plat for Jernigan Estates and that the plans are consistent with the requirements in the Town's Subdivision Ordinance. **Town Engineer Hartke** added two comments to the letter for P&Z to consider.

Chairman Pape opened the public hearing.

(See above for those that spoke and discussion points.)

Chairman Pape closed the public hearing at 8:10 p.m.

(The following discussion took place after the public hearing was closed.)

Chairman Pape moved to further discussion of the motion.

Chairman Pape stated that the P&Z Commission is not responsible for making drainage better; we are here to approve that the submittal meets the Town's requirements and to make sure drainage is no worse than it is now. The hydrology study is complete, and it accounts for these requirements. **Town Engineer** noted that the developer is adding additional water storage based the future development of the site.

Commissioner Dornich expressed that some of his concerns are beyond the purview of the P&Z's decision. The biggest issue is the development using someone else's property for drainage.

Commissioner Sandefur stated that based on P&Z's obligation and the information heard, he has no objections.

Commissioner Delaney encouraged neighbors to meet and work out the previously expressed concerns and include any agreements with the final Jernigan Estates submittal.

Chairman Pape asked to move the question on the floor (to recommend approval to the Town Council of the Jernigan Estates Preliminary Plat).

Ayes: **Chairman Pape, Vice-Chairman Dornich, and Commissioners Dahl, Delany, and Sandefur**
Nays: None

Chairman Pape announced that the motion passed unanimously.

VII. ADJOURN

Vice Chair Dornich made a motion to adjourn the meeting.

Commissioner Sandefur seconded the motion.

Meeting adjourned at 8:21 p.m.

**APPROVED BY THE PLANNING AND ZONING COMMISSION THIS _____ DAY
OF _____ 2024.**

APPROVED:

Mark Pape
Chairman, Planning & Zoning Commission

ATTEST:

Sheila B. Morales, TRMC
Town Secretary

PLANNING & ZONING
3-25-2024
JERNIGAN ESTATES PRELIMINARY PLAN

While this preliminary presentation package appears thorough in its content, I have several questions and observations:

1. Content corrections:
 - a. Engineering data not correct:
 - i. CHECKLIST...concrete PSI should be 4000psi minimum not 3600psi.
 - ii. Engineering drawing scale is not consistent with what the developer submits. They need to match.
 - iii. These CHECKLISTS need to be reviewed and updated.
 - b. Who is the current owner of the property in question?
2. Six (6) lots are too small a number to realistically qualify for operation as an HOA
3. The proposed new pond should be classified as a Detention Pond...not just Pond #1. This is a critical part of this development and it must be categorized correctly to comply with FEMA and NCTCOG guidelines.
 - a. There is some talk that this pond is spring fed...Is that a problem?
4. Elimination of the small pond on Lot #4 needs further study. Presently it serves as a “detention pond” for all water flowing from the offsite pond to its South. Eliminating it and replacing it with a bar ditch running directly to the new Detention Pond will cause water flowage/rate problems. The size of this large drainage ditch and its sister to the West could be a hazard for children.
5. Most of the Preliminary Plat drawings have a note stating that this drawing is “Released for Construction?” How can preliminary drawings be released for construction before the Final Plat is approved?
6. It appears that construction has already begun on the property. This is NOT RIGHT. What is going on? Until the Final Plat is approved, there should be no construction activity on this site.

7. The quality of the “fill dirt” presently being delivered to this site appears substandard. What is being done to ensure only approved fill dirt is delivered to this site?
 - a. In reviewing the Hydrology Study, it appears that the hydrology soil group designations for Lots 3, 4 and 5 are not correct. What are the calculations for these Lots AFTER all the fill dirt has been properly compacted?
 - b. Has this Study fully included the Post Construction Storm Water Runoff factors such as roads, driveways, dwelling, pools, accessory buildings etc.?
8. Referring to Drawing C3.02, Proposed Drainage Area Map, is the data for Study Point 1, 2 and 3 pre or post construction data?
9. Is replacement of parts of the fence on the South side of the development approved by its owner? More importantly, what coordination and concurrence with Mr. Johnson has occurred regarding this development?
 - a. What affect will the runoff from the new detention pond have on his property? Does he have to make any accommodations for this change in Post Construction Storm Water Runoff?
 - b. Has the developer inspected the offsite area West of the Detention Pond to mitigate any Storm Water Runoff conflicts?
10. Will any water from Pond 1 drain into Pond 2 post construction? I believe that Robin Douglas Davis thinks that water will be available to water her herd of cattle. Is this correct?
11. Is the side set-back for the large barn directly across from Lot #3 correct?
12. In reviewing the Drainage Study, I have the following observations:
 - a. Does this development cover 7 lots or 6?
 - b. The Soil Survey does not cover Post Construction soil analysis.
 - c. Not enough attention is being given to the soil quality within the development.
 - d. How current are the charts used to compute the soil hydrology and rainfall rates?
 - e. Conclusion observations: Unrealistic CYA?
 - i. If there are modifications...of course there may be changes? Who caused them and why?

- ii. How can offsite grading around the Detention pond affect outflow?
- iii. Given that there is significant soil additions and relocations across the site, runoff will increase and the developer must include this in his Study.
- iv. In most cases the soil modifications are the direct result of the developer's actions and/or omissions. This can and must be anticipated and subsequently corrected.

Respectfully Submitted,

Ted Stranczek
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Copper Canyon, TX 75077
214-676-0060