



**Meeting Minutes – Regular Meeting
Providence Village
Planning & Zoning Commission**

**Providence Village Town Hall
1745 F.M. 2931
Providence Village, Texas 76227**

**Tuesday, May 15, 2018
6:30 p.m.**

1. Call to Order, Roll Call and Announce a Quorum Present

David Culp called meeting to order at 6:30 p.m. Kelly Nelson, David Tidwell and Damon Polk were present, being a quorum. Dena Vandenberg was absent and Lea Goin served as an alternate.

2. Pledge of Allegiance

3. Staff Reports

Brian Roberson announced the May 19th Smoke Off. He reported that there is a 5K run, smoke off and other activities.

4. Consider, discuss and act upon approval of minutes from March 20, 2018 Planning & Zoning Commission Regular meeting.

Damon Polk moved to approve the April 17, 2018 minutes; Kelly Nelson seconded. Motion carried: 5 in favor, 0 opposed.

5. Consider and discuss Subdivision Ordinance.

- a. Consider, discuss and act upon recommendation of final plat of Liberty Village at Providence.

Brian Roberson reported that there were several contingency and discussed each of the contingency with the Commission. See list of contingencies for the approval attached hereto as Exhibit "A." Brian Roberson explained that contingency number 4 is the result of the subdivision and zoning ordinances being written when rear entry drives were being eliminated. Brian Roberson further stated that if the final plat is approved it will allow

Damon Polk asked what happens if the contingencies are not approved. Brian Roberson explained that it is the Developer's loss if they do not get the contingencies addressed. There was discussion on how this is a common practice and we have worked with developers in the past.

Kelly Nelson moved to approve the plat based on contingencies, noted as follows: (1) provide downstream rip rap protection for storm pipe and culvert outfalls; (2) provide a TxDOT drive and drainage connection permit for all improvements along FM 2931; (3) provide for a temporary construction drive on Liberty Rd. until TxDOT permit is approved; (4) plat must have Mustang SUD approval and signature; and (5) final plat may not be filed with the county until landowner addresses front set back (build line) by means of a zoning variance or a rezone request and procedure; David Tidwell second. Motion carried: 5 in favor, 0 opposed.

6. Consider and discuss Zoning Ordinance regarding the following sections:

- a. Conduct Public Hearing to receive input and discuss an ordinance changing the zoning classification from Agricultural District (A) to Industrial District, Heavy (I-2) of the 2.21 acre tract of land identified as that tract of land situated in the J. Bridges Survey, Abstract Number A0036A, Tracts 49, in Denton County, Texas located on the northwest corner of Liberty Road and F.M. 2931.

David Culp entered into public hearing at 6:39 p.m.

Ted Lewis an individual who resides at 648 Liberty Circle, Aubrey, Texas, spoke in opposition to the zoning change request. He addressed how the property currently has had problems and is detrimental to his enjoyment of his property. Mr. Lewis elaborated on the documents and pictures he provided to the Town Secretary. Mr. Lewis discussed the septic system malfunctions that occurred and how he reported the property to TCEQ and Mr. Phillips addressed the problems. Mr. Lewis stated that as long as there are no people in the building, there is no sewer problems.

Mr. Lewis then went on to discuss the building code and how the noise from the automotive repair vendors who have rented the facility. He further discussed the problems with tow trucks and noise from backing up. Mr. Lewis also provided pictures relating to recent activity at the property, including a pet facility. There was discussion regarding the current residents and reported how he does not have a problem with residential and B-2, but does with I-2.

Tad Sanders, an individual who resides at 2729 Maverick Ln., Aubrey, Texas 76227, spoke in opposition to the I-2 zoning change and talked about Phillip Hayes being all about business. Requested that the Commission deny the request.

Bill Barnett, an individual who resides at 2730 Maverick Ln., Aubrey, Texas, spoke in opposition of the zoning change. He commented on the race car noise and he does not want the commission to approve the request. Anita Barnett, an individual who resides at 2730 Maverick Ln., Aubrey, Texas, spoke in opposition of the zoning change.

Town Secretary read Cheryl Herp's opposition.

Phillip Hayes, a resident who resides at 1401 Oakcrest Dr., Providence Village, Texas. Phillip Hayes explained that he bought the property with a partner, and they ended up

parting ways. Mr. Hayes explained how he has worked with the residents who reside around the property. Back in December, Mr. Hayes said that his property was annexed into the Town and stated that he entered into an agreement with the Town and just want to make it official the uses that he has already agreed to with the Town. He says that a lot of the uses he is requesting are what he was using the property for when he was annexed. He will do his best to work with the locals. He stated that he didn't understand at the time he signed the agreement that he needed to include every possible use.

David Culp closed Public Hearing and reconvened into Regular Session at 7:06 p.m. Julie Fort reported on the statute of how annexation and grandfathering works. She also reported that Mr. Hayes had an attorney representing him in the negotiation of the agreement. State law does not allow the Town to take away what a property is being used for when it is annexed, unless the property is vacated. She further reported that when the property is annexed, it was automatically zoned Agricultural and they can continue to do what they are doing on the property with the Agricultural zoning. There was discussion regarding the agreement and current uses of the property.

There was a question regarding prior zoning before annexation. Mr. Hayes provided a copy of the agreement and Julie Fort read the relevant portion to the Commission. Julie Fort reported that the I-2 zoning category would allow for more options but Mr. Hayes can continue to do what he is currently doing on the property without the need for an I-2 zoning.

Damon Polk asked how we could address the screening issues. Brian Roberson report that it came it that way and there is nothing we can do.

- b. Consider and take action on recommendation to Town Council regarding changing the zoning classification from Agricultural District (A) to Industrial District, Heavy (I-2) of the 2.21 acre tract of land identified as that tract of land situated in the J. Bridges Survey, Abstract Number A0036A, Tracts 49, in Denton County, Texas located on the northwest corner of Liberty Road and F.M. 2931.

Damon Polk moved to not approve the zoning change request; David Tidwell seconded. Motion carried: 5 in favor, 0 opposed.

- c. Conduct Public Hearing to receive input and discuss Application No. SUP18-00389-01, filed by Phillip Hayes on behalf of FM 2931 Shop, a series of Chubby Hut, for a Special Use Permit for automotive storage at 2721-2781 F.M. 2931, Providence Village, Texas.
- d. Consider and take action on recommendation to Town Council regarding Application No. SUP18-00389-01, filed by Phillip Hayes on behalf of FM 2931 Shop, a series of Chubby Hut, for a Special Use Permit for automotive storage at 2721-2781 F.M. 2931, Providence Village, Texas.

Kelly Nelson moved to deny the SUP18-00389-01; David Tidwell seconded. Motion carried: 5 in favor, 0 opposed.

- e. Section 7 – R-Single-Family Residential District, Appendix 2 – Setbacks, etc.

Tabled to next meeting.

- f. Section 17.5 – Façade Plan & Design Requirements.

Tabled to next meeting.

7. Consider and discuss Comprehensive Plan.

- a. Consider and discuss recommendation to Town Council regarding update and adoption of the Land Use Plan to be incorporated into the Town’s Comprehensive Plan.

Brian Roberson explained the Land Use Plan and stated it will be on the next agenda for action.

- b. Consider and discuss recommendation to Town Council regarding update and adoption of the Thoroughfare Plan to be incorporated into the Town’s Comprehensive Plan.

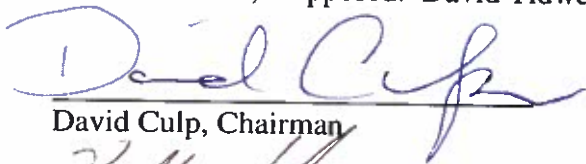
Brian Roberson explained that this was a little easier since we don’t have a lot of major roads. He explained all of the various designations and solicited any input from the Commission. Brian Roberson further explained that there are some definitions that will be updated at the Council Meeting to work with the Thoroughfare Plan.

8. Consider and act upon topics to be scheduled for a future Planning & Zoning Commission meeting.

- 1. Comprehensive Plan
- 2. Land Use Plan
- 3. Thoroughfare Plan

9. Adjourn.

Kelly Nelson moved to adjourn the meeting; David Tidwell seconded. Motion carried: 5 in favor, 0 opposed. David Tidwell adjourned the meeting at 7:38 p.m.



David Culp, Chairman



Kelly Nelson, Secretary



Connie S. Hansen, TRMC
Town Secretary

