

**Minutes of the June 8, 2021  
Planning and Zoning Commission Meeting**

The Planning and Zoning Commission of the City of Pilot Point, Texas met on June 8, 2021, at 6:00 p.m. for a regular meeting of the Planning and Zoning Commission. Planning and Zoning Commission members present were Brian Heitzman, Paul Dennis, JB Sevier, Mark Lanier, Steve Keith, Gary Speer. Commissioners absent were Rebecca Millikin. City staff present were City Manager Britt Lusk, Development Services Director John Taylor, Capital Projects Manager Matt Kaminski City Attorney Brenda McDonald, and Development Services Administrative Assistant JoAnn Wright.

**AGENDA**

**ROLL CALL/CALL TO ORDER**

Commissioner Brian Heitzman conducted the roll:  
Commissioner – Paul Dennis – Arrived at 6:25 pm  
Commissioner – Jim Bob Sevier - Present  
Commissioner – Gary Speer - Present  
Commissioner – Brian Heitzman- Present  
Commissioner - Steve Keith – Present  
Commissioner – Mark Lanier - Present  
Commissioner – Rebecca Millikin - Absent  
Commissioner Heitzman declared a quorum and called the meeting to order at 6:06 pm.

- A. Public Forum: (Citizens are allowed 3 minutes to speak. If the issue is on the agenda, the Planning and Zoning Commission may choose to discuss and consider the item. If the issue is not on the agenda, the Commission is not permitted by state law to respond to or discuss the item other than to make statement of specific facts in response to a citizen's inquiry or to recite existing policy in response to the inquiry. The Commission may request the issue to be placed on a future agenda for action in accordance with state law. This forum is not the appropriate place to address complaints against Public Officials and/or Staff. Complaints of this nature should be made in writing and filed with the City Manager.)**

No one had any comments.

- B. Discuss, consider, and possible action on the May 6, 2021, Planning and Zoning Commission meeting minutes.**

Commissioner Keith made the motion to approve the minutes. Commissioner Lanier seconded the motion. The motion passed unanimously.

- C. Hold a public hearing on a zoning change request to a plus or minus 3.25-acre tract from "C-2" Commercial to "I-1", Light Industrial. The property is described as Lots 7 & 8 Block C of the Pilot Point Industrial Foundation Addition, generally located at address 936 & 944 E. Production St., Pilot Point, TX.**

Commissioner Heitzman opened the public hearing at 6:07 pm.

Development Services Director Taylor stated the purpose of this public hearing. Mr. Buster Chandler is requesting zone change request to a plus or minus 3.25-acre tract from "C-2" Commercial to "I-1", Light Industrial. The property is described as Lots 7 & 8 Block C of the Pilot Point Industrial Foundation Addition, generally located at address 936 & 944 E. Production St.

These two properties are for sale and the owner wants assurance that proposed light industrial uses they are being marketed to will be able to get a certificate of occupancy. One of the uses that is considering buying lot 8 is a company that manufactures water filtration units which would not be allowed in C-2 zoning.

The property is a part of the Pilot Point Industrial Park and has been used for a Cabinet Shop which was a Light Industrial use despite the requirement for an I-1 zoning district. A use of this intensity would not be allowed in the future without a zoning change.

The existing zoning supports a transition in zoning intensity from heavy Industrial to light industrial to commercial to single family. This is likely the logic that was used when originally zoning the property.

When a Light Industrial zoning abuts residential zoning, the setback is the same as the Residential zoning. The property to the north is zoned SF-2 which has a 25' rear yard setback which would be the same for the light industrial use or the C-2 use.

On February 12, 2018, the city adopted an ordinance that requires a masonry screening wall between commercial or industrial zoning and residential zoning. The property in question abuts residential zoning to the north; however, when these existing buildings were constructed, that requirement did not exist. A change of zoning to I-1 will not automatically require the screening to be constructed on these two lots but the Council could require it as a part of the rezoning.

Notices were sent out to all property owners within 200' of the parcel and a legal notice was run in the newspaper notifying of the public hearings to be held for Planning and Zoning Commission and for the City Council. A petition of opposition to the zoning was submitted 5/24/21. It is attached and is signed by 4 of the 12 property owners within 200' of the subject property. According to the Texas Attorney General the people entitled to protest are the people who are entitled to notice – those shown on the latest municipal tax roll. State law states that if 20% of the total area of the land outside of the boundaries of the proposed change and within 200 feet of any point of the land proposed to be changed are opposed it requires a super majority vote on the part of the City Council. The submitted petition covers 28%. It does not affect how the Planning and Zoning Commission must vote.

Buster Chandler stated that he purchased lot 7 from Jeff & Joyce Heuman with a cabinet shop already on it. Mr. Chandler purchased lot 8, at a later date. At either time nothing was said about the zoning of the properties.

Barbara Ettredge stated that prior to the Industrial Park this land was farmland. Until

receiving notice from the City about the zoning change, she was not aware that the property was anything other than industrial zoned. Mrs. Ettredge does not have a problem with the rezoning, but has a concern with the drainage if a missionary fence goes up.

Jennifer Anderson stated the back building on lot 7 and is impacted by noise, trash and is only 10 feet from her property line. Mrs. Anderson is impacted by noise, trash and wants a fence for privacy.

Deborah Garcin is located next to Jennifer Anderson and is impacted by noise. Changing from C2 to I1 will impact them because it is more intense zoning. The issues Mrs. Garcin sees are odors, dust, noise, and drainage. There needs to be a fence, but it needs to drain.

Commissioner Heitzman closed the public hearing at 6:40 pm.

- D. Discuss, consider, and possible action on a recommendation on a zoning change request to a plus or minus 3.25-acre tract from "C-2" Commercial to "I-1", Light Industrial. The property is described as Lots 7 & 8 Block C of the Pilot Point Industrial Foundation Addition, generally located at address 936 & 944 E. Production St., Pilot Point, TX.**

Commissioner Speer made the motion to deny the zoning change on the properties 1 known as 936 and 944 E. Production Dr. Commissioner Keith seconded the motion. The motion passed unanimously.

- E. Discuss, consider and possible action on a recommendation on the Windrose Phase 1 Final Plat, a 58.336-acre tract located in the Joseph Jefferies Survey Abstract 525 and Peter Gass Survey, Abstract 459, City of Pilot Point, Cook and Grayson County Texas, creating 182 residential lots.**

The property owner, Pilot Point 113, LLC and the developer DR Horton – DFW East is proposing to Final Plat Phase 1 of Windrose. This phase consists of 182 residential lots. The property is zoned PD for single family detached uses.

The plat meets these requirements of the SF-2 district and conforms to the PD standards and the regulations of The Subdivision Rules and Regulations. In addition, all the civil engineering plans for the Construction have been reviewed by city engineer, public works director and the capital projects manager and all review comments have been addressed.

Staff recommends approval of the Final Plat as presented.

Commissioner Lanier made the motion to approve the final plat of Windrose Phase 1 with the exception that Lot 2 of Block K be added to part of the park land. The motion was seconded. Commission members Brian Heitzman, Paul Dennis, JB Sevier, Mark Lanier, Gary Speer voted yea and Commissioner Keith voted nay. The motion passed.

**F. Discuss, consider and possible action on a recommendation on the Yarborough Farms Phase 1C Final Plat, a 10.06-acre tract located in the Charles Smith Survey Abstract 1139, City of Pilot Point, Denton County Texas, creating 80 residential lots.**

The property owner, the Commons of Yarborough Farms, LLC, is proposing to Final Plat Phase 1C of Yarborough Farms. This phase consists of 80 residential lots. The property is zoned PD for Townhouse uses. The proposal is to pay \$60,000 into the park fund rather than dedicate park land. The plat meets the requirements and conforms to the PD standards and the regulations of the Subdivision Rules and Regulations. Staff recommends approval of the Final Plat as presented.

Commissioner Lanier made the motion to approve the Final Plat for Yarbrough Farms Phase 1C. Commissioner Speer seconded the motion. The motion passed unanimously.

**G. Discuss, consider and possible action on a recommendation on the Yarborough Farms Phase 2B Final Plat, a 10.91-acre tract located in the Joseph Jefferies Survey Abstract 661, City of Pilot Point, Denton County Texas, creating 26 residential lots.**

The property owner, PPTX Investments, LLC is proposing to Final Plat Phase 2B of Yarborough Farms. This phase consists of 26 residential lots. The property is zoned PD for single family detached uses. The Park dedication will be a payment into the park fund of \$19,500. The plat meets the requirements and conforms to the PD standards and the regulations of the Subdivision Rules and Regulations. Staff recommends approval of the Final Plat as presented.

Commissioner Dennis made the motion to accept the Final Plat of Yarbrough Farms Phase 2B. Commissioner Sevier seconded the motion. The motion passed unanimously.

**H. Discuss, consider and possible action on a recommendation on the Final Plat of Phase 2C, Yarborough Farms Addition an 8.2-acre tract located in the Charles Smith Survey Abstract 1139, City of Pilot Point, Denton County Texas, creating 15 residential lots.**

The property owner, PPTX Investments, LLC is proposing to Final Plat Phase 2C of Yarborough Farms. This phase consists of 15 residential lots. The property is zoned PD for single family detached uses. The Park dedication will be a payment into the park fund of \$11,250. The plat meets the requirements and conforms to the PD standards and the regulations of the Subdivision Rules and Regulations. Staff recommends approval of the Final Plat as presented.

Commissioner Dennis made the motion to approve the Final Plat of Yarbrough Farms Phase 2C. Commissioner Keith seconded the motion. The motion passed unanimously.

**I. Discuss, consider and possible action on a recommendation on the Final Plat of Phase 2D, Yarborough Farms Addition a 4.322-acre tract located in the Charles Smith Survey Abstract 1139, City of Pilot Point, Denton County Texas, creating 54 residential lots.**

The property owner, VYF, LLC, is proposing to Final Plat 54 single family detached patio home lots in the Phase 2D, Yarborough Farms Addition. The property is zoned Planned

Development "PD" with a base of SF-3 standards. Park dedication will be a payment into the park fund of \$40,500. The final plat meets the requirements of the approved PD and the approved Development Standards. Staff recommends approval of the Final Plat as presented.

Commissioner Speer made the motion to approve the Final Plat of Yarbrough Farms Phase 2D. Commissioner Keith seconded the motion. The motion passed unanimously.

**J. Discuss, consider and possible action on a recommendation on the Final Plat of Yarborough Farms Extension, a 1.28-acre tract located in the Charles Smith Survey Abstract 1139, City of Pilot Point, Denton County Texas.**

The property owner, PPTX Investments, LLC is proposing to Final Plat Dorothy Blvd. Extension of Yarborough Farms. This phase consists of right-of-way only and does not contain any residential property. The plat meets these requirements and conforms to the PD standards and the regulations of the Subdivision Rules and Regulations. Staff recommends approval of the Final Plat as presented.

Commissioner Lanier made the motion to approve the Final Plat of Yarbrough Farms Phase 2D. Commissioner Sevier seconded the motion. The motion passed unanimously.

**K. Hold a public hearing on a zoning determination for a CrossFit gym land use. Proposed location is in the C-1, Historic Overlay District.**

The city has been contacted by someone that wants to open a "CrossFit Gym in the Downtown Historic District which is zoned C-1. This use is not listed in the Zoning Ordinance and will need to be interpreted by the Planning and Zoning Commission and the City Council to determine the appropriate zoning district for the use.

The ordinance states, "it is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made.

In the description of the proposed use, it states that operations will be conducted indoors, as well as outdoors. The closest entry in the zoning use chart is commercial outdoor recreation, which is not allowed in a C-1 district.

Hallie Crawford stated this is a gyn that would have activities indoors as well as outdoors. Jordan Harr stated most of the outdoors activities would be running and flipping of tires.

City Attorney McDonald reminded the Commission that this is a recommendation of the zoning type for this type of business, not for the place.

Francisco Perez stated that they think the gym would be good for the community.

Shannon Stafford stated she is excited about have a cross fit business coming to the Old City Square.

Whitney Delcourt stated she represents the Staffords on this property. The Regional and Urban Design Assistance Teams (RUDAT) supports more activity, and this business use would do that.

Commissioner Speer asked about what type of signage that would be allowed.

**L. Discuss, consider, and make a recommendation on a zoning determination for a CrossFit gym land use. Proposed location is in the C-1, Historic Overlay District.**

Development Services Director Taylor stated that staff recommends that the zoning be classified as a Commercial Outdoor Recreation and allowed in C-2, I-1 or I-2 or in C-1 zoning with a special use permit. The business owner would have to go in front of the Historic Review Board for the special use permit.

Commissioner Dennis made the motion to recommend to City Council that the zoning be classified as a Commercial Outdoor Recreation and allowed in C-2, I-1, or I-2 or in C1 zoning with a special use permit. Commissioner Keith seconded the motion. The motion passed unanimously.

**M. Discuss, consider and possible action on the list of previously requested “Future Discussion Items” and prioritized ordinance amendments.**

Development Service Director Taylor stated that the purpose for this item is to prioritize some ordinance amendments that are needing to be made. Mr. Taylor stated that staff put together a list of items from the list found in the Planning and Zoning Minutes from 2019 to date, which is included in the P&Z Agenda packet for review. The list includes the following:

1. Parking
2. Downtown revision of the C-1 district
3. Landscape Ordinance
4. Sign Ordinance
5. 377 over lay
6. Site Plan Ordinance
7. Subdivision Rules and Regulations
8. Zoning ordinance cleanup and Use Chart

Items 7 and 8 are cost involved so staff is looking toward the new budget for these.

Commissioner Dennis stated he would like to have the noise ordinance and a light pollution ordinance on a future agenda.


**N. Items for Future Discussion - The Planning & Zoning Commission may identify issues or topics that they wish to schedule for discussion at a future meeting. Commissioners shall not comment upon, deliberate, or discuss any item that is not on the agenda. Commissioners shall not make routine inquiries about operations or project status on an item that is not posted. Any Commissioner may, however, state an issue and a request that this issue be placed on a future agenda.**

Commissioners asked to add the following items to a future agenda:

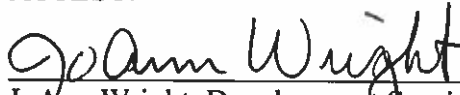
1. Rezoning Massey Road
2. Training on plat review (Platting Process)
3. Meeting times

**O. Adjourn**

Commissioner Keith made the motion to adjourn. Commissioner Dennis seconded the motion. The meeting adjourned at 7:09 pm.

  
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Brian Heitzman, Commissioner

ATTEST:

  
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JoAnn Wright, Development Services  
Administrative Assistant

**Approved July 13, 2021**