

Planning and Zoning Commission Meeting Minutes

Aubrey City Hall
107 S. Main St
Aubrey, TX
76227
May 9, 2024
6:00 PM



Call to Order - Determine if a Quorum is Present:

The meeting was called to order at 6:01 p.m.

Present: Christal Johnson, Donald Smith, Kyle Kennedy, Candace Stone, Brittney Murray, Sina Tidwell

Absent: Karen Skinner, Chuck Fuller, Nicole Shaw

Staff Present: City Attorney Patricia Adams, City Manager Charles Kreidler, City Secretary Jenny Hicks, CIP and Permit Manager Shanda Guffee, Director of Development Services and Public Works Leanne Wilson, Administrative Assistant Christy Sayer, Municipal Development Director Christine Gossett, Planner Cate Ball (via Zoom), Planner Helen-Eve Beadle

Invocation & Pledge of Allegiance:

Christal Johnson offered the Invocation and Don Smith led the Pledge of Allegiance.

Community Announcements: None

Citizen Input: None

New Business: New items previously requested for consideration.

Section 551.071(1) and (2) Consultation with Attorney. For Council to seek the advice of its attorney about pending or contemplated litigation or a settlement offer and to consult with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act:

- Preliminary Plat of Highpointe Ranch
- Final Plat of Highpointe Ranch Phase 1B

The Planning and Zoning Commission recessed into Executive Session at 6:04 p.m. The Planning and Zoning Commission reconvened into open session at 6:25 p.m.

1. Consider and make a recommendation to City Council regarding a Preliminary Plat of HighPointe Ranch, being approximately 460.75 acres out of the Francesco Trevino Survey, Abstract 1243, generally located east of Highway 377, south of E Blackjack Rd and north of Springhill Rd.

Planner Helen-Eve Beadle provided information.

Thomas Fletcher, engineer with Kimley Horn, provided information.

P&Z Commissioner Candace Stone made a motion to deny based on conditions 1-8. P&Z Commissioner Brittney Murray seconded. Motion Passed (6:0).

Denial Reasons:

1. **An acceptable corridor through the development for the Upper Trinity Regional Water District transmission line for delivery of water supply to Aubrey has not been provided and that line is necessary to support the entire development. Provide the easement locations throughout the entire Preliminary Plat. Article 11, Appendix B, Final Plat Checklist (Easements);¹ Chapter 10A – 4.01. Adequate Public Facilities Policy (a) through (f).**
2. **Failure to provide fees pursuant to the Development Agreement as required for the development of the Property with proper utilities for City Reimbursable Public Improvements to be paid to Developer via the TIRZ as identified in Section 3.2 of the Development Agreement. Per the Development agreement:**

“...the Development requires the construction of certain offsite wastewater improvements (the "Offsite Wastewater Improvements") as defined herein and described in Exhibit G, attached hereto, and together both the Offsite Roadway Improvements and the Offsite Water Improvements are referred to as the "Offsite Improvements")”.

Exhibit G, H, I and J identify Developer's Cost Participation for public facilities to be reimbursed to Developer for funds expended.

3. **Failure to pay fees for Public Infrastructure Improvements imposed on the property owner as determined by the City Engineer to be roughly proportionate to the demand created by the development on the City's Public Facilities System. Required fees must be paid pursuant to the Rough Proportionality Study to**

¹ Typographical error in power point presentation – Article 11, Appendix A – Preliminary Plat Checklist

provide necessary capacity for wastewater. City Engineer's Rough Proportionality Study for Wastewater Treatment.

- 4. Update the Preliminary Plat - The Preliminary Plat is no longer accurate due to changes in the Final Plat for Phases 1A and 1B; those changes have impacted the street alignment on the remainder of the Property and must be amended to reflect current conditions so that final plats may be reviewed. Article 2, Procedures, Section 4, Subsection 4.01.**
 - 5. The required HOA documents have not been submitted with the Preliminary Plat as required by Subdivision Ordinance, Article 4, Section 4, Property Owners or Homeowners Associations., Section: 10A-4.01**
 - 6. Submission Procedures and City Review Process for All Types of Plats have not been completed: Article 2, Procedures, Section 1:**
 - a. 1.05, b,(1) Not all of the owners of the Preliminary Plat property have signed the Preliminary Plat Application;**
 - b. 1.05, b,(9) Letter has not been sent to AISD providing the number of homes and/or school age children, timing, etc.;**
 - c. 1.05, b,(6) An Engineer's Summary report was not provided with the application;**
 - d. 1.05, b,(11) The property owner has not submitted a written statement/signed affirming the Plat was filed with city within the filing window described in Section 1.05(a). Must be signed by property owner and notarized. The plat cut-off was April 10, 2024 and the application was received May 1, 2024.**
 - 7. 1.07 (b) Preliminary Plat Extension: A Preliminary Plat extension allows Council to determine if land will be developed in a timely fashion and the "public interest is served." The failure to pay public infrastructure fees does not serve the public interest. Public Infrastructure fees must be paid.**
 - 8. The correct name, address, phone, and email for the record owner(s) is not correct on the Plat. Subdivision Ordinance Chapter 10A, Article 10, Appendix A, Preliminary Plat Checklist.**
 - 9. Proof of Land Ownership and authorized agent for entire Preliminary Plat acreage has not been provided. Submission Procedures and City Review Process for All Types of Plats have not been completed: Ownership of land and authorized agent information must be updated to identify those with authority to submit the application. Article 2, Procedures, Section 1, 1.06**
- 2. Consideration and make a recommendation to City Council regarding a Final Plat of High Pointe Ranch Phase 1B being 44.215 acres in the Francisco Trevino Survey, Abstract No. 1243, City of Aubrey, Denton County, Texas located immediately east of US 377 between Spring Hill Road (FM 428) on the south and East Blackjack Rd on the north within the city limits of Aubrey. (KLLB AIV, LLC)**

Planner Helen-Eve Beadle provided information.

Thomas Fletcher, Engineer with Kimley Horn, provided information.

P&Z Commissioner Donald Smith made a motion to deny based on conditions 1-8. P&Z Commissioner Christal Johnson seconded. Motion Passed (6:0).

Denial Reasons:

- 1. An acceptable corridor through the development for the Upper Trinity Regional Water District transmission line for delivery of water supply to Aubrey has not been provided and that line is necessary to support the entire development. Provide the easement locations throughout the entire Preliminary Plat. Article 11, Appendix B, Final Plat Checklist (Easements); Chapter 10A – 4.01. Adequate Public Facilities Policy (a) through (f).**
- 2. Failure to provide fees pursuant to the Development Agreement as required for the development of the Property with proper utilities for City Reimbursable Public Improvements to be paid to Developer via the TIRZ as identified in Section 3.2 of the Development Agreement. Per the Development agreement:**

“...the Development requires the construction of certain offsite wastewater improvements (the "Offsite Wastewater Improvements") as defined herein and described in Exhibit G, attached hereto, and together both the Offsite Roadway Improvements and the Offsite Water Improvements are referred to as the "Offsite Improvements")”.

- 3. Failure to pay fees for Public Infrastructure Improvements imposed on the property owner as determined by the City Engineer to be roughly proportionate to the demand created by the development on the City's Public Facilities System. Required fees must be paid pursuant to the Rough Proportionality Study to provide necessary capacity for wastewater. City Engineer's Rough Proportionality Study for Wastewater Treatment.**
- 4. Update the Preliminary Plat - The Preliminary Plat is no longer accurate due to changes in the Final Plat for Phases 1A and 1B; those changes have impacted the street alignment on the remainder of the Property and must be amended to reflect current conditions so that final plats may be reviewed. Article 2, Procedures, Section 4, Subsection 4.01**

Preliminary Plat is recommended for denial and cannot approve a Final Plat without an approved Preliminary Plat per Article 2, Procedures, Section 4, 4.01;

- 5. Preliminary Plat is inconsistent with the Final Plat, Article 2, Procedures, Section 4, 4.01;**
- 6. Landscaping, irrigation, and screening plans have not been**

submitted per Article 2, Procedures, Section 4, 4.04 Engineering Plans.

7. The required HOA documents have not been submitted with the Preliminary Plat as required by Subdivision Ordinance, Article 4, Section 4, Property Owners or Homeowners Associations., Section: 10A-4.01 Applicability.
 8. Submission Procedures and City Review Process for All Types of Plats have not been completed: (<https://ecode360.com/40429695>) Article 2, Procedures, Section 1:
 - a. 1.05, b.(9) Letter has not been sent to AISD providing the number of homes and/or school age children, timing, etc.;
3. Consider and make a recommendation to the City Council regarding a Site Plan for Winn Ridge, Phase 1B, Lot 4X, Block E and right-of-way abandonment (proposed Lot 4R1), being approximately 1.66 acres of land out of the William Lumpkin Survey, Abstract No. 730, within the City of Aubrey, Denton County, Texas. (*City of Aubrey*)

Planner Helen-Eve Beadle provided information.

P&Z Commissioner Kyle Kennedy made a motion to approve with the three conditions. P&Z Commissioner Donald Smith seconded. Motion Passed (6:0). Conditions:

1. A photometric plan for site lighting meeting the City's lighting standards shall be submitted prior to a permit being issued for exterior lighting;
 2. The project engineer shall submit a statement of compliance with the City's subdivision and engineering design standards; and
 3. The lot configuration and associated utility and visibility easements shall be revised to follow the existing right-of-way and parkway configuration along the northeast portion of the lot.
4. Consider and make a recommendation to the City Council regarding a Replat for Winn Ridge, Phase 1B, Lot 4X, Block E and right-of-way abandonment, (proposed Lot 4R1), being approximately 1.66 acres of land out of the William Lumpkin Survey, Abstract No. 730, within the City of Aubrey, Denton County, Texas. (*City of Aubrey*)

Planner Helen-Eve Beadle provided information.

P&Z Commissioner Christal Johnson made a motion to approve with the four conditions. P&Z Commissioner Brittney Murray seconded. Motion Passed (6:0).

Conditions:

1. The project engineer shall submit a statement of compliance with the City's subdivision and engineering design standards;
2. The Winn Ridge HOA Owner signature block shall be removed from the Replat;
3. The Winn Ridge HOA references shall be removed from the notes, owner's certificate, and the signature block; and

- 4. The lot configuration and associated utility and visibility easements shall be revised to follow the existing ROW and parkway configuration along the northeast portion of the lot.**
5. Consider and make a recommendation to City Council regarding a Final Plat for Saratoga Phase 1 containing 14 residential lots, three (3) open space lots, and one (1) lift station lot in 15.477 acres of land out of the T. Chambers Survey, Abstract No. 223, within the Extraterritorial Jurisdiction of the City of Aubrey, Denton County, Texas (*550 Belmont Development, LP & HMM Saratoga Land LLC*)

Planner Helen-Eve Beadle provided information.

P&Z Commissioner Donald Smith made a motion to approve with the five conditions. P&Z Commissioner Candace Stone seconded. Motion Passed (6:0).

Conditions:

- 1. Final engineering approval of civil plans is needed by the City Engineer (review letter included in agenda packet online);**
 - 2. Drainage and access easements identified but not complete with recording information are to be added to the Final Plat prior to filing;**
 - 3. HOA documents shall be submitted and approved by the City Attorney and filed in conjunction with the Final Plat;**
 - 4. An HOA lot will be created for the median in Omaha Street; and**
 - 5. Any existing structures on the property shall be removed prior to site development.**
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6. Consider and make a recommendation to City Council regarding a Final Plat for Saratoga Phase 1A containing 162 residential lots and one (1) open space lots in 25.729 acres of land out of the T. Chambers Survey, Abstract No. 223, within the Extraterritorial Jurisdiction of the City of Aubrey, Denton County, Texas (*HMM Saratoga Land LLC*)

Planner Helen-Eve Beadle provided information.

P&Z Commissioner Kyle Kennedy made a motion to approve subject to five conditions. P&Z Commissioner Christal Johnson seconded. Motion Passed (6:0).

Conditions:

- 1. Final engineering approval of civil plans is needed by the City Engineer (review letter included in agenda packet online);**
- 2. Drainage and access easements identified but not complete with recording information are to be added to the Final Plat prior to filing;**
- 3. HOA documents shall be submitted and approved by the City Attorney and filed in conjunction with the Final Plat;**
- 4. Landscape, Screening, retaining walls, and irrigation plans shall be submitted and approved prior to referenced work commencing;**

5. **Any existing structures on the property shall be removed prior to site development.**
7. Consider and make a recommendation to City Council regarding a Final Plat for Saratoga Phase 2A containing 154 residential lots and four (4) open space lots in 31.60 acres of land out of the T. Chambers Survey, Abstract No. 223, within the Extraterritorial Jurisdiction of the City of Aubrey, Denton County, Texas (*HMH Saratoga Land LLC*)

Planner Helen-Eve Beadle provided information.

P&Z Commissioner Candace Stone made a motion to approve with five conditions. P&Z Commissioner Kyle Kennedy seconded. Motion Passed (6:0).

Conditions:

1. **Final engineering approval of civil plans is needed by the City Engineer (review letter included in the online agenda packet);**
 2. **Drainage and access easements identified but not complete with recording information are to be added to the Final Plat prior to filing;**
 3. **HOA documents shall be submitted and approved by the City Attorney and filed in conjunction with the Final Plat;**
 4. **Landscape, Screening, retaining walls, and irrigation plans shall be submitted and approved prior to referenced work commencing;**
 5. **Any existing structures on the property shall be removed prior to site development.**
8. Consider and make a recommendation to City Council regarding an Amending Plat for Chase Oaks, Lots 5R1 and 4, Block 1 to Lots 5R1-A and 4-A, Block 1, containing two (2) lots in 15.00 acres of land out of the H. White Survey, Abstract No. 1332, within the City of Aubrey Extraterritorial Jurisdiction and jurisdiction of Denton County, Texas (*H&L Partners, LLC & Monica J. Lucibello*)

Planner Helen-Eve Beadle provided information.

Jerald Yensan, Landmark Surveyors, provided information.

P&Z Commissioner Christal Johnson made a motion to approve with three conditions. P&Z Commissioner Candace Stone seconded. Motion Passed (6:0).

Conditions:

1. **The plat shall be retitled Amending Plat;**
 2. **The County and City need to determine how plat in two (2) jurisdictions will be processed; and**
 3. **The application is not signed by Monica J. Lucibello, Trustee for Monica J. Lucibello Family Trust. The application is signed by Christopher Hall.**
9. Consider and make a recommendation to City Council regarding an Amending Plat

for Blackjack Addition Lots 3R and 2R, Block A to Lots 2R1 & 3R-1, Block A, containing two (2) lots in 27.847 acres of the Thomas White Survey, Abstract No. 223, within the City of Aubrey Extraterritorial Jurisdiction, Denton County, Texas (*Wade L. & Judi K. Veeder and 1555 Blackjack, LLC*)

Planner Helen-Eve Beadle provided information.

Shankar Govindarajan, buyers representative, provided information.

P&Z Commissioner Sina Tidwell made a motion to approve with the condition that the requirements for filing are met: Signed Amending Plat, tax certificate for filing, completion of improvements, and filing fees shall be provided. P&Z Commissioner Brittney Murray seconded. Motion Passed (6:0).

10. Consider and make a recommendation to City Council regarding a Replat for VR Estates, Lot 3-A-1 to Lots 3-A-1-1 and 3-A-1-2, containing two (2) lots in 3.626 acres of the T. Chambers Survey, Abstract No. 223, within the City of Aubrey Extraterritorial Jurisdiction, Denton County, Texas (*Wilber E. Fifer & Margaret Ann Fifer*)

Planner Helen-Eve Beadle provided information.

P&Z Commissioner Brittney Murray made a motion to approve with the condition that the requirements for filing are met: Signed Amending Plat, tax certificate for filing, completion of improvements, and filing fees shall be provided. P&Z Commissioner Candace Stone seconded. Motion Passed (6:0).

11. Consideration and action on the minutes of the April 11, 2024 Planning and Zoning Commission meeting.

P&Z Commissioner Candace Stone made a motion to approve with amendment to the start time. P&Z Commissioner Kyle Kennedy seconded. Motion Passed (6:0). None opposed.

-ADJOURN-

The meeting was adjourned at 7:18 p.m.

Passed and Approved by the Planning and Zoning Commission of the City of Aubrey this 13th day of June, 2024.

Sina Tidwell, Commission Chair



ATTEST:

Jenny Huckabee, City Secretary

Hicks