



AGENDA

PLANNING AND ZONING REGULAR MEETING

DECEMBER 8, 2022 @ 3:00 P.M.

Notice is hereby given: the Planning and Zoning Commission for the City of Parker will hold a Regular Meeting on Thursday, December 8, 2022, at 3:00 P.M. at Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002. The meeting will be open to the public.

Pursuant to Texas Government Code § 551.127, notice is given that it is the intent of the Planning and Zoning Commission that a quorum of the Commission will be physically present for the above-referenced meeting at Parker City Hall, 5700 E. Parker Road, Parker Texas. Some Commissioners or City employees may participate in this meeting remotely by means of video conference call in compliance with state law.

CALL TO ORDER – Roll Call and Determination of a Quorum

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

PUBLIC COMMENTS The Commission invites any person with business before the Commission to speak. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

INDIVIDUAL CONSIDERATION ITEMS

- 1 CONSIDERATION AND/OR ANY APPROPRIATE ACTION REGARDING APPROVAL OF THE MEETING MINUTES FOR AUGUST 25, 2022.
- 2 ADMINISTER OATH OF OFFICE TO ANY REMAINING RE-APPOINTED PLANNING AND ZONING COMMISSIONERS.
- 3 DISCUSSION REGARDING APPOINTMENT OF PLANNING AND ZONING COMMISSION CHAIR, VICE-CHAIR, AND SECRETARY[

ROUTINE ITEMS

FUTURE AGENDA ITEMS

ADJOURN

In addition to any specifically identified Executive Sessions, the Planning and Zoning Commission may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open Meetings Act provides specific exceptions that require that a meeting be open. Should Commission elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on or before December 5, 2022, by 5:00 p.m. at the Parker City Hall, and as a courtesy, this Agenda is also posted to the City of Parker Website at www.parkertexas.us.

Date Notice Removed

Patti Scott Grey
City Secretary

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972-442-6811.



Council Agenda Item

| | |
|-------------------------------------|---|
| Budget Account Code: | Meeting Date: See above. |
| Budgeted Amount: | Department/ Requestor: P&Z Commission |
| Fund Balance-before expenditure: | Prepared by: ACA/CS Scott Grey for Public Works Director Machado |
| Estimated Cost: | Date Prepared: December 1, 2022 |
| Exhibits: | <ul style="list-style-type: none"> • <u>Proposed Minutes</u> |

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION REGARDING APPROVAL OF THE MEETING MINUTES FOR AUGUST 25, 2022.

SUMMARY

Please review the attached minutes. If you have any questions, comments, and/or corrections, please contact the City Secretary at PGrey@parkertexas.us prior to the City Council meeting.

POSSIBLE ACTION

Planning and Zoning (P&Z) Commission may direct staff to take appropriate action.

| Inter – Office Use | | | |
|--------------------------------|-------------------------|-------|----------------------------------|
| Approved by: | Enter Text Here | | |
| Department Head/ Requestor: | <i>Patti Scott Grey</i> | Date: | 12/01/2022 |
| City Attorney: | <i>Trey Lansford</i> | Date: | 12/01/2022 via Municode Software |
| Public Work Director | <i>Gary Machado</i> | Date: | 12/02/2022 |

MINUTES

PLANNING AND ZONING COMMISSION MEETING

August 25, 2022

CALL TO ORDER – Roll Call and Determination of a Quorum

The Planning and Zoning Commission met on the above date. Chairperson Wright called the meeting to order at 7:02 p.m.

| Commissioners Present: | | | | |
|------------------------|---------------------------------|---|--|----------------------------------|
| x | Chairperson Russell Wright | | | Alternate Todd Fecht |
| x | Commissioner Joe Lozano | x | | Alternate Larkin Crutcher |
| x | Commissioner Wei Wei Jeang | | | Alternate JR Douglas |
| | Commissioner David Leamy | | | |
| x | Commissioner Jasmat Sutaria | | | |
| | | | | |
| Staff/Others Present: | | | | |
| x | Public Works Dir. Gary Machado | x | | City Attorney Trey Lansford |
| | City Secretary Patti Scott Grey | | | City Administrator Luke B. Olson |

APPOINTMENT OF ALTERNATE(S)

Alternate Crutcher was appointed by Chairperson Wright to be a voting member for tonight's meeting.

PLEDGE OF ALLEGIANCE

The pledges were recited.

PUBLIC COMMENTS The Commission invites any person with business before the Commission to speak to the Commission. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

No one was present at the meeting for public comments.

INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION MEETING MINUTES FOR JUNE 9, 2022.

MOTION: Commissioner Jeang moved to approve the minutes. Commissioner Lozano seconded. Motion carried unanimously.

2. PUBLIC HEARING REGARDING REQUEST BY THE LOVEJOY NEW VENTURE LLC'S FOR PERMANENT SINGLE-FAMILY (SF) RESIDENTIAL ZONING OF APPROX. 14.926 ACRES IN THE RICHARD SPARKS SURVEY, ABSTRACT NO. 850, TRACTS 1 THROUGH 4.

P & Z Chairperson Wright opened a public hearing at 7:07 p.m. to receive comments regarding the Lovejoy New Venture LLC's permanent Single-Family (SF) Residential Zoning.

No one was present to speak on this item nor was there any comment submitted on this item.

P & Z Chairperson Wright declared the public hearing closed at 7:08 p.m.

3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON THE LOVEJOY NEW VENTURE LLC'S REQUEST FOR PERMANENT SINGLE-FAMILY (SF) RESIDENTIAL ZONING OF APPROX. 14.926 ACRES IN THE RICHARD SPARKS SURVEY, ABSTRACT NO. 850, TRACTS 1 THROUGH 4.

Public Works Director Machado explained that this land is newly annexed by the City and all lots will be two-acre lots in compliance with the City's Single-Family Zoning ordinance.

Developer Brandon Bush and Kimley-Horn Engineer Brock Corbett, E.I.T. for Lovejoy New Venture LLC spoke as representatives of the development, confirming plan of single family residences on two (2) acre lots.

MOTION: Commissioner Lozano moved to recommend the approval of the permanent zoning request. Commissioner Jeang seconded the motion. Motion carried unanimously.

4. PUBLIC HEARING REGARDING UPDATING CITY MAPS: (1) THE ANNEXATION/BOUNDARY MAP, (II) THE ZONING MAP, AND (III) THE THROUGHFARE MAP.

P & Z Chairperson Wright opened a public hearing at 7:12 p.m. to receive comments regarding updating CITY MAPS: (1) The Annexation/Boundary Map, (II) The Zoning Map, and (III) The Throughfare Map.

No one was present to speak on this item nor was there any comment submitted on this item.

P & Z Chairperson Wright declared the public hearing closed at 7:13 p.m.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON UPDATING THE CITY MAPS: (1) THE ANNEXATION/BOUNDARY MAP, (II) THE ZONING MAP, AND (III) THE THROUGHFARE MAP.

Chairperson Wright asked Public Works Director Machado if there are any issues the Commission needed to be made aware of concerning these maps. Public Works Director Machado indicated that the annexation/boundary map is the result of many hours of research of county records and the map reflects the entire history of annexation by the City.

MOTION: Commissioner Lozano moved to recommend the approval of the updated maps, including the annexation/boundary map, the zoning map, and the throughfare map. Alternate Crutcher seconded the motion. Motion carried unanimously.

FUTURE AGENDA ITEMS

Public Works Director Machado indicated that future items for Kings Crossing and Whitestone Developments are expected before the end of the year.

6. ADJOURN

Chairperson Wright adjourned the meeting at 7:22 p.m.

Minutes Approved on _____ day of _____, 2022.

Chairperson Russell Wright

Attest and Prepared by:

Commission Secretary Wei Wei Jeang

Attested by City Secretary Patti Scott Grey



Council Agenda Item

| | |
|-------------------------------------|---|
| Budget Account Code: | Meeting Date: See above. |
| Budgeted Amount: | Department/ Requestor: P&Z Commission |
| Fund Balance-before expenditure: | Prepared by: ACA/CS Scott Grey for Public Works Director Machado |
| Estimated Cost: | Date Prepared: December 1, 2022 |
| Exhibits: | <u>Oath</u> |

AGENDA SUBJECT

ADMINISTER OATH OF OFFICE TO ANY REMAINING RE-APPOINTED PLANNING AND ZONING COMMISSIONERS.

SUMMARY

The City Secretary will administer the oath to any remaining re-appointed Planning and Zoning Commissioners.

Statement of Appointed Officer and Oath of Office

Questions often arise about the order of events following appointments/re-appointments. The Texas Secretary of State Election Division recommends certain procedures occur in the following sequence:

- Statement of Appointed Officer is completed (to be filed locally).
- Appointed/Re-Appointed officers may take the Oath of Office.
- After taking the Oath of Office, sworn officers may assume the duties of their office.*

Tex. Const. Art. XVI, § 1; Tex. Elec. Code § 67.004 – 67.006, 67.016, 67.017.

* **Note:** Before an appointed officer may assume the duties of the office, the officer must first file a Statement of Appointed Officer for the official records of the governing body. Tex. Const. Art. XVI, § 1.

Who can administer an Oath of Office?

The Oath of Office must be administered by someone authorized to administer an oath under Texas law. The most commonly used person to administer oaths is a notary public. Additionally, Section 602.002 of the Texas Government Code authorizes all city secretaries

to administer oaths for matters relating to city business. In a Type A general law city, the mayor may also administer the oath. Tex. Loc. Gov't Code § 22.042. Other officials who may administer an oath include: a judge, retired judge, senior judge, clerk of a court of record, justice of the peace or clerk of a justice court, legislator or retired legislator. (See Chapter 602 of the Texas Government Code for the complete list.)

POSSIBLE ACTION

Planning and Zoning (P&Z) Commission may direct staff to take appropriate action.

| Inter – Office Use | | | |
|--------------------------------|-------------------------|-------|----------------------------------|
| Approved by: | Enter Text Here | | |
| Department Head/ Requestor: | <i>Patti Scott Grey</i> | Date: | 12/01/2022 |
| City Attorney: | <i>Trey Lansford</i> | Date: | 12/01/2022 via Municode Software |
| Public Work Director | <i>Gary Machado</i> | Date: | 12/02/2022 |



In the name and by the authority of

The State of Texas

OATH OF OFFICE

I, _____, do solemnly swear, that I will faithfully execute the duties of the office of Planning and Zoning Commission, City of Parker, County of Collin and State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Affiant

SWORN TO and subscribed before me by affiant on this _____
day of

_____, _____.

Signature of Person Administering Oath

(Seal)

Title (City Secretary or Notary)

Planning and Zoning Commission

Appointment Place _____ or Alternate _____
Term Expires November _____



Council Agenda Item

| | |
|-------------------------------------|--|
| Budget Account Code: | Meeting Date: See above. |
| Budgeted Amount: | Department/ Requestor: P&Z Commission |
| Fund Balance-before expenditure: | Prepared by: ACA/CS Scott Grey for Public Works Director Machado |
| Estimated Cost: | Date Prepared: December 1, 2022 |
| Exhibits: | <ol style="list-style-type: none"> 1. <u>Res. No. 2022-719 - 2022 P&Z Appointments</u> 2. <u>City of Parker Code of Ordinances §150.02</u> |

AGENDA SUBJECT

DISCUSSION REGARDING APPOINTMENT OF PLANNING AND ZONING COMMISSION CHAIR, VICE-CHAIR, AND SECRETARY.

SUMMARY

Appointment of Officers

Following installation of the newly appointed/reappointed Members, Council will appoint Officers of the Planning and Zoning Commission at a future council meeting, pursuant to Section 150.02(C) of the City of Parker Code of Ordinances.

POSSIBLE ACTION

Discussion and potential nomination(s) for the officer positions by Planning and Zoning (P&Z) Commissioners.

| Inter – Office Use | | | |
|--------------------------------|-------------------------|-------|----------------------------------|
| Approved by: | Enter Text Here | | |
| Department Head/ Requestor: | <i>Patti Scott Grey</i> | Date: | 12/01/2022 |
| City Attorney: | <i>Trey Lansford</i> | Date: | 12/01/2022 via Municode Software |
| Public Work Director | <i>Gary Machado</i> | Date: | 12/02/2022 |

**RESOLUTION NO. 2022-719
(2022 P&Z Appointments)**

**A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS,
APPOINTING MEMBERS TO SERVE ON THE PLANNING AND ZONING
COMMISSION.**

WHEREAS, Members of the Planning and Zoning Commission serve in staggered two-year terms, commencing on December 1st and ending on November 30th, as set forth in Section 150.02(A) of the City of Parker Code of Ordinances, and

WHEREAS, Alternative Members of the Planning and Zoning Commission serve one-year terms unless specifically appointed for a two-year term at the time of appointment, commencing on December 1st and ending on November 30th, as set forth in Section 150.02(B) of the City of Parker Code of Ordinances; and

WHEREAS, Section 150.02(B) specifies that there may be up to three Alternate members and Council appointed all three Alternate Members on November 16, 2021, via Resolution 2021-682, for two-year terms ending November 30, 2023, so there is no current vacancy of Alternate Members;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF PARKER, COLLIN COUNTY, TEXAS:**

Section 1. Appointment of Voting Members with terms expiring November 30, 2024

The following people are hereby appointed to serve on the Planning and Zoning Commission as voting Members for the two-year term, beginning December 1, 2022 and expiring November 30, 2024:

| | |
|---------|---------------------|
| Place 2 | <u>Joe Lozano</u> |
| Place 4 | <u>Dave Leamy</u> . |

Section 2. Appointment of Officers

Following installation of the newly appointed Members, Council will appoint Officers of the Planning and Zoning Commission at a future council meeting, pursuant to Section 150.02(C) of the City of Parker Code of Ordinances.

Section 3. Effective Date

This Resolution shall take effect immediately upon passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF PARKER, COLLIN COUNTY,
TEXAS, THIS 15TH DAY OF NOVEMBER, 2022.




Lee Pettle

Lee Pettle, Mayor

ATTEST:



Patti Scott Grey, City Secretary

APPROVED AS TO LEGAL FORM:



Larence M. Lansford, III, City Attorney

§ 150.02 PLANNING AND ZONING COMMISSION.

(A) *Places.* The Planning and Zoning Commission for the city shall consist of 5 members appointed by a majority of the City Council. Each member shall serve in a place designated by the Council. Places 1, 3, and 5 shall have two-year terms commencing December 1 and expiring in odd numbered years on November 30. Places 2 and 4 shall have two-year terms commencing December 1 and expiring in even numbered years on November 30. Upon the passage of this section, the Council may designate, or redesignate, current members, and/or any members to be appointed, into each place, with the appropriate provisions as to the fulfillment of any unexpired terms. Unless otherwise designated by the City Council, the Commission member serving in a designated place upon the passage of this section continues in that place through November 30 of the even, or odd, year for that place. All members of the Commission continue to serve until their successors are appointed and qualified; save and except when a member resigns, in writing. Such resignation shall be effective the date of its receipt by the City Secretary.

(B) *Alternates.* A majority of the City Council may appoint 1, 2, or 3 alternates to the Planning and Zoning Commission. The terms of the alternates will be one-year terms, unless specifically set at the time of the appointment of the alternate as a two-year term. An alternate may be reappointed at the discretion of the Council. Regardless of the term assigned to the alternate, the City Council may remove an alternate with or without cause at any time. Terms of alternates commence December 1 and expiring November 30. All alternates continue to serve until their successors are appointed and qualified; save and except when a member resigns in writing. Alternate members shall be classified as members for all purposes other than regular voting.

(C) *Officers.* The City Council shall select members of the Planning and Zoning Commission to serve as Chairman, Vice Chairman, and Secretary. An Assistant Secretary, who need not be a member of the Commission, may also be appointed. Each member of the Planning and Zoning Commission shall be a resident citizen of the city, and shall possess all qualifications necessary to register to vote in a municipal election of the city.

(D) *Quorum.* Any 3 members (including alternate members) shall constitute a quorum for the transaction of business. The affirmative vote of a majority of those attending any meeting at which there is a quorum present shall be necessary to pass any motion, recommendation or resolution of the Commission.

(E) *Duties generally.*

(1) The Commission shall, from time to time, either at its discretion or as requested by the City Council, submit its reports, plans and recommendations for the orderly growth, development and welfare of the city in accordance with Tex. Local Gov't Code Article 211.007.

(2) The Commission shall also perform other duties as may be presented by the Council, ordinance or state law, as follows:

- (a) To recommend the boundaries of the various districts and appropriate regulations to be enforced therein under the Comprehensive Zoning Ordinance, the ordinances of the city or the laws of the state, to the City Council and to recommend approval or denial of zoning changes, and regulations under this chapter, the ordinances of the city or the laws of the state.
- (b) To hear, recommend or determine any matter relating to zoning, planning or subdivision control as may be specified or required under the Comprehensive Zoning Ordinance, the ordinances of the city, or the laws of the state.
- (c) To exercise such duties and powers as may be now or hereafter conferred by the Comprehensive Zoning Ordinance, the ordinances of the city, or applicable laws of the state.
- (d) To determine the classification of any use, new or otherwise not listed or identified within the Comprehensive Zoning Ordinance for the purpose of establishing the appropriate zoning district into which such use should be placed, the applicability of the parking standards, or any other regulations of the Comprehensive Zoning Ordinance may be applied to such use.

(F) *Advisory opinions.* All actions by the Planning and Zoning Commission are advisory in nature to the City Council. The City Council does specifically reserve and require that final approval of preliminary and final plats require City Council action. The City Council may, in any zoning or plat review, specifically delegate final approval of any specific action on specific zoning and/or plat applications, such as landscape, drainage, trail, thoroughfare, or other specific plans, to the Planning and Zoning Commission.

(G) *Removal from office; vacancies.* Any member of the Commission may be removed from office for any cause deemed by the City Council to be sufficient for removal of the member. If a vacancy should exist in the Commission membership due to removal from office, resignation, death, refusal or inability to serve, the City Council shall appoint a new member to fill the vacancy for the unexpired term.

(H) *Attendance.* Three consecutive absences that are not excused by the Commission, or the absence of a regular member from more than 25% of the meetings in any six-month period, shall cause the Commission to review the attendance record of the member and make a recommendation to the City Council on the need, or lack of need, to appoint a replacement member.

(I) *Meetings.*

- (1) All meetings of the Commission shall be open to the public, subject to the Texas Open Meetings Act, Tex. Gov't Code, Chapter 551. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be filed in the office of the Planning Department and shall be a public record. The City Secretary shall be the custodian and possessor of the record and minutes of the Commission.

(2) Meetings of the Commission may be held as often as necessary to conduct the business coming before the Commission at the call of the Chairperson and at such other times as the Commission may determine.

(Ord. 557, passed 7-13-2004)