

**MINUTES OF THE MARCH 17, 2022  
PLANNING AND ZONING COMMISSION MEETING**

The Planning and Zoning Commission of the City of Pilot Point, Texas met on March 17, 2022 at 6:30 p.m. for a regular meeting of the Planning and Zoning Commission. Planning and Zoning Commission Members present were Bryan Heitzman, Steve Keith, Paul Dennis, Gary Speer, and Scott Cates. Staff members present were Development Services Director John Taylor, Planner Christina Benante, City Attorney Brenda McDonald, and Development Services Administrative Assistant JoAnn Wright.

**A. ROLL CALL/CALL TO ORDER**

Commissioner Heitzman declared a quorum and called the meeting to order at 6:32 pm.

Commissioner Heitzman called the roll:

Commissioner Dennis – Present

Commissioner Speer - Present

Commissioner Lanier – Absent

Chair Heitzman - Present

Commissioner Keith – Present

Commissioner Sevier - Absent

Commissioner Cates – Present

**B. Public Forum:**

Commissioner Heitzman announced the public forum open at 6:33 pm.

With no comments Commissioner Heitzman closed the public forum at 6:33pm.

**C. Consent Agenda:**

1. **Minutes:** Discuss, consider, and possible action on the **February 17, 2022**, Planning and Zoning Commission meeting minutes.

2. **RP22-002 1017 N Anna Street – Replat**

Act on a recommendation to City Council regarding a Replat of Lot 2 and part of Lot 3, Block 2, 1017 N Anna Street, 0.505 acres located in the A.H. Gee Addition, J. Jefferies Survey Abstract Number 661, City of Pilot Point, Denton County, Texas.

Chair Heitzman made the motion to approve items 1 and 2 of the Consent Agenda. Commissioner Cates second the motion. The motion passed unanimously.

3. **PP22-001 Creekview Meadows – Preliminary Plat**

Act on a recommendation to City Council regarding a Preliminary Plat for Creekview Meadows, a 1,003.387-acre development with 2,454 residential and 44 non-residential lots, located in the Levi Robinson Survey, Abstract No. 1488, James H. Melroy Survey, Abstract No. 895, M.E.P. & P.R.R. Survey, Abstract No. 926, R. Cowan Survey, Abstract No. 211, A. McPherson Survey, Abstract No. 1481, T.&

P.R.R. Survey, Abstract No. 1299-A, & A. E. Norwood Survey, Abstract No. 969, located in the City of Pilot Point Extraterritorial Jurisdiction, Denton County, Texas.

Item 3 was pulled from the consent agenda for discussion.

City Attorney McDonald stated the zoning and annexation of this property will go to City Council at the same time. There will be a development agreement, Public Improvement District (PID) and Tax Increment Reinvestment Zone (TIRZ). All City requirements apply. A public safety fee will be added to each permit to help pay for the public safety buildings. Commissioner Speer asked what the benefit to the city would be. City Attorney McDonald stated the City would have some regulation over the property if it were in the city limits compared to no regulation if the property is only in the ETJ.

Commissioner Speer made the motion to approve the Preliminary Plat. Commissioner Dennis seconded the motion. The motion passed unanimously.

#### **D. Regular Agenda:**

##### **1. Z22-002 Poker House Land Use Interpretation**

Discuss and act on making a recommendation on the zoning interpretation of an unlisted use being "Card/Poker Room."

Development Services Director Taylor stated that the city was approached by someone wanting to open a "Card Room or Poker Room." This is not a listed use in the Zoning Ordinance and needs to be interpreted. The Planning and Zoning Commission and the City Council will determine the appropriate zoning district for the use.

The Texas Constitution prohibits most forms of gambling. The few exceptions include private gambling at a private place, betting on sanctioned horse and dog races, the state lottery and gambling at one of the three Indian casinos in the state. During the last several years, some gamblers have started using a loophole in state law to play cards for money at so-called private card clubs by not taking a rake.

Under Texas law Sec. 47.02. GAMBLING.

(a) A person commits an offense if he:

- (1) makes a bet on the partial or final result of a game or contest or on the performance of a participant in a game or contest;
- (2) makes a bet on the result of any political nomination, appointment, or election or on the degree of success of any nominee, appointee, or candidate; or
- (3) plays and bets for money or other thing of value at any game played with cards, dice, balls, or any other gambling device.

(b) It is a defense to prosecution under this section that:

- (1) the actor engaged in gambling in a private place.
- (2) no person received any economic benefit other than personal winnings; and
- (3) except for the advantage of skill or luck, the risks of losing and the chances of

winning were the same for all participants.  
Chair Heitzman opened the public hearing for this item at 6:53 pm.

Shannon Stafford stated that she feels having a poker hall would be a beneficial use of Property in the industrial park.

With no other comments Chair Heitzman closed the public hearing at 6:55 pm.

Development Services Director Taylor stated that our Police Chief gave the city an ordinance that was written when he was in a California city. He said that with this ordinance in place they did not have significant issues with the use.

City Attorney McDonald gave the commission the following options:

1. Do not allow the use or any form of gambling in the city.
2. Write an ordinance that governs all such uses.
3. Allow the use in certain zoning districts with a SUP so special standards can be applied.
4. Allow the use by right in certain zoning districts with no specific rules.

Commissioner Speer made the motion that the city not allow gambling. Commissioner Cates second the motion. The motion passed unanimously.

#### **E. Items for Future Discussion**

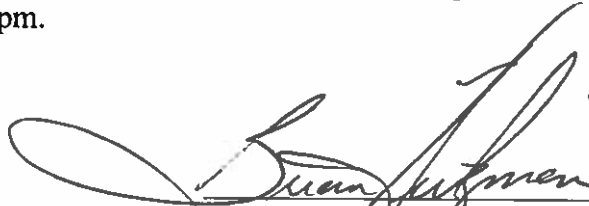
Commissioner Cates stated that he would like to have lot size regulations on a future agenda.

Development Services Director Taylor stated that the Commission needs to think about replacing commissioners that may no longer be able to attend the Thursday meetings.

#### **F. Adjourn.**

Commissioner Keith made the motion to adjourn. Commissioner Speer second the motion. The meeting adjourned at 7:00 pm.

ATTEST:

  
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Brian Heitzman, Chair

  
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JoAnn Wright, Development Services  
Administrative Assistant  
Approved: 04/07/2022