

**SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
TUESDAY, MAY 05, 2026**

MINUTES

Call to Order

Meeting called to Order at 6:01 p.m. by Chairman May.

Roll Call

PRESENT

Chairman Tim May
Vice Chairman David Gilmore
Commissioner Brenda Kihl
Commissioner Tony Martinez

ABSENT

Commissioner Dustin Jensen
Commissioner Collin Johnson
Commissioner Bill Nippert

ALSO PRESENT

Kaitlyn Cerney, Town Attorney
Chris Chaudoir, Administrative Assistant

Pledge of Allegiance to the U.S. And Texas Flags

Pledge of Allegiance to the U.S. And Texas Flags led by Chairman May.

Invocation

Invocation given by Vice-Chairman Gilmore.

Items of Community Interest

No items of interest.

Public Comment

No Public Comment.

Consent Agenda

1. February 17, 2026 Meeting Minutes

Motion to accept the minutes as presented made by Commissioner Kihl, Seconded by Commissioner Martinez.

Voting Yea: Vice Chairman Gilmore, Commissioner Kihl, Commissioner Martinez. Motion passed unanimously.

Regular Agenda

2. Discuss, consider and act on a final plat for the 104 Carlisle-Hickory Creek Addition, being 3.164 acres of land situated in the Lowry Cobb Survey, Abstract No. 284, Town of Hickory Creek, Denton County, Texas. The property is located in the 700 block of S. Lake Dallas Drive.

Ms. Chaudoir gave an overview of the project and Paul Bosco, property owner, answered questions. The utility and temporary construction easements are by separate instrument.

Some drainage comments are still pending DART approval. The current flow rates from the pipes under the tracks on Carlisle have been requested but not received from LCMUA or Lake Dallas. Discharge level will be equal to or higher than the 100-year flow to the ditch. The pond may be larger if needed and the easements may be affected.

Motion to recommend approval as submitted, contingent on acceptance of the Stormwater Plan, made by Vice Chairman Gilmore, Seconded by Commissioner Martinez.

Voting Yea: Vice Chairman Gilmore, Commissioner Kihl, Commissioner Martinez. Motion passed unanimously.

3. Discuss, consider and act on a final plat of Lots 2A & 2B, Block A, Lennon II Addition, being 1.258 acres out of the M.E.P. and P.R.R. Survey, Abstract No. 915, Town of Hickory Creek, Denton County, Texas. The property is located in the 3000 block of FM 2181.

Ms. Chaudoir explained the proposal for splitting Lot 2 into Lots 2A and 2B to allow for the construction of 2 separate stand-alone businesses.

Commissioner Kihl expressed concern about circulation flow between the 2 proposed buildings. The Commission and Ms. Chaudoir discussed the traffic flow on the proposed and existing lots. Chairman May expressed concerned that the acreage did not match the preliminary plat and if the size of the lot was buildable.

Motion made to recommend approval based on successful resolution of Half comments and lot size discrepancies by Vice Chairman Gilmore, Seconded by Commissioner Martinez.

Voting Yea: Vice Chairman Gilmore, Commissioner Kihl, Commissioner Martinez. Motion passed unanimously.

4. Discuss, consider and act on a site and landscape plan for Lot 2B, Block A, Lennon II Addition, being 0.644 acres out of the M.E.P. and P.R.R. Survey, Abstract No. 915, Town of Hickory Creek, Denton County, Texas. The property is located in the 3080 block of FM 2181.

Ms. Chaudoir stated Halff comments had been received and passed to the applicants. Previous comments appeared resolved.

Harvey Lusk, 105 Northfield Circle, the applicant for the HTeaO ground lease, is not aware of any comments. The business will be a standalone, less than 2000 square foot building with a drive through but no internal seating. The lot is overparked and the building will match the shopping center next door.

Chairman May expressed concern about compliance with the landscape ordinance on the medians and endcaps. Ms. Chaudoir will verify prior to Council.

Motion made by Commissioner Kihl to recommend approval with satisfaction of all Halff comments including drainage, landscape ordinance compliance, and fire review as applicable. Seconded by Vice Chairman Gilmore.

Voting Yea: Vice Chairman Gilmore, Commissioner Kihl, Commissioner Martinez. Motion passed unanimously.

5. Conduct a Public Hearing and discuss, consider and act on a request regarding an ordinance for the issuance of a Special Use Permit requested by Take 5 Properties SPV LLC. on behalf of Victory at Hickory Creek, LLC to allow oil change, windshield wiper, air filter services and other ancillary fluid exchanges at 3080 FM 2181, otherwise known as Lennon II Addition, Blk A, Lot 2A, Town of Hickory Creek, Denton County, Texas.

Public Hearing opened at 6:59 p.m.

Andrew Barkley, Take 5, 440 S. Church Street, Charlotte NC, stated the business proposed is a 3 bay quick oil change on lot 2A. Typical business hours are 7am to 8pm Monday through Saturday and 9am to 5pm Sundays. Customers remain in the car with services typically taking 10 minutes. The air compressor is usually the noisiest piece of equipment and is not available to the public. Services provided do not require vehicles to remain in the lot overnight. There are 1200 locations in 43 states.

Charlie Ortiz, 326 Glen Lane, thought a proposed Special Use Permit should be about more than an oil change use operating in the neighborhood. He feels issuing a special use permit sets a precedent and wondered when the issuance of special use permits will end for businesses wanting to enter the neighborhood. The compressor noise will depend on the size and placement of the unit. He and his wife live behind the proposed location where they enjoy outdoor living with their pool and entertain frequently. They enjoy living in a Tree City and are opposed to this use in the neighborhood. There are 3 or 4 established businesses down the road that provide the same service.

Ramon Cinco, 141 Lennon Drive, directly behind the location, stated he was against the Special Use proposal for Take 5. One of his concerns is the noise: the cars will drive into the bay and idle while the work is performed. The bays are a more open environment for noise to escape. The EPA recommends a 55-decibel noise level near

residential areas, ensuring a good environment and health in the home. The location is about 200 feet from the property line and the chance of the noise levels exceeding the recommended level is high. He is sure the business has safeguards in place for the release of acids and residues but is a concern for the environment and safety as well as possible runoff to nearby waters.

Denine Taylor, 142 Lennon Drive, stated the SUP is the exact same type of business turned down by Council in the zoning request. The chamber was previously filled with residents who felt it did not add value to the neighborhood, and they had hoped that they could lean on best practices from nearby towns, such as Corinth who does not allow automotive uses within 300 feet of a residential fence line. The proposed business would be 75 feet or less and, since noise does not travel in a straight line, it would still impact people on the first street especially. Most automotive services are in front of or next to more industrial areas, not backed up to residences. She feels it is the same conversation, just a different pathway. She presented photos from the front of her house showing the fence line and the proximity of the shop to the homes. The bays would be taller, even with a fence, and there is something unattractive about bays on the side. When they bought the home, they were comfortable with the C-1 zoning but the automotive use would change it to C-2.

Scott Leavelle, 142 Lennon Drive, stated the photos were from the front of his home with Denine. They just added a 1000-foot addition to their home with 2 patios and a putting green, so they were expecting to spend a lot of time outdoors. In addition to the noise previously mentioned, he wanted to mention the smell of the oil that would drift over. There would also be the sight of the large oil can, not just on the sign but on the building out front. He measured and there are 3 lube centers within 3/10ths of a mile from the location. There is plenty of industrial going on. The other building looks nice with good color and elevations, not industrialized. It is more of a neighborhood, community area without industrialization. They want to keep that area as a nice community. Corinth has C-1 and C-2 right across the street from Parkridge. There are a lot of absentees from their 109-home community, but he is sure a whole lot more people will be at City Council. This has already been voted down, and the discussion has already been had. With splitting the lots, dumpsters and grease traps must also be considered. A gas station will go in on the corner, and it is hoped that its elevation and aesthetics will match the existing building. It is not a good location, and they would like to keep the restaurants so they can drive their golf carts over to spend their money. No one will leave their car at Take 5 to go to HTeaO: they will just complete their service and leave the area.

Joshua Stroud, 201 Nora Lane, stated his property does not back up to the location but he is there to support his neighbors. A lot of the points they have made are fantastic and valid but, when Council denied the zoning change, he began noticing the Take 5s including the one in Flower Mound. He noticed that it was in a good spot with no houses backed up to it, in a commercial district with various warehouse type shops, right off the road with surrounding commercial development. He is a patron of Take 5 and feels they provide a great service but there are concerns about placing it close to residential property lines with children, pets and families trying to enjoy their outdoor

space. Most folks appreciate the environment of Hickory Creek, different from many other suburbs because it feels like nature is embraced with the lake close by and the trees. Good decisions have been made in the past. He opposes the use and hopes the affected neighbor's comments are taken into consideration.

Chairman May confirmed with Ms. Chaudoir that notices had been sent and asked if further comments had been received. Letters were received from several neighboring businesses in support and were included in the packet.

Public hearing closed at 7:20 p.m.

Vice-Chairman Gilmore asked Mr. Barkley for the exact distance between the building and the lot property lines. It was approximated at 105 to 110 feet. The service bays will be facing east to west, and engines are turned off in the bays during service. Cars would only idle while waiting and the neighboring HTea0 would also have cars idling in the drive through. Vice-Chairman Gilmore asked about the disposal process: each pit has a place for oil filter drainage then the used oil is pumped from the tray into a steel tank within the building for holding before recycling pick up, typically once a week. All state and federal laws are complied with and the water going into the sanitation system is treated in an interceptor, so oil is not released as required in all jurisdictions. The air compressor is in back equipment room of the shop. There is no additional sound insulation, only what is required by code. The building is designed to match the existing structures. There are trees and shrubbery on south side as a buffer. There is no access overlap with the neighboring building except at the fire lane.

Vice-Chairman Gilmore asked for the rationale for this particular location. Mr. Barkley responded that they liked being in retail areas close to residences for patron convenience. The next closest location is approximately 1/2 mile away. There is a proposed gas station at the corner lot with an auto use. Ms. Chaudoir explained that the gas station was one of the uses envisioned for the corner lot but was not definite and not part of the zoning.

Commissioner Martinez asked if tire rotations were part of the services offered. The location will only do oil changes, coolant top off, washer fluid, filters and wipers. They do not do tires or transmission service other than possible fluid top off. In response to Commissioner Kihl's questioning, Mr. Barkley explained the original business started in 1986 as Rapid Lube in Louisiana before acquisition, becoming Take 5 in the early 2000s. Other than a very old location in Georgia, the locations closed in the last couple of years were primarily to modernize or so new locations could be built.

Chairman May and Vice-Chairman Gilmore discussed the Lot 2 split to accommodate the Special Use Request and a full lot was not necessary for HTeaO. Commissioner Kihl also stated the developer mentioned drive through businesses were more attractive for tenant acquisition. Vice-Chairman Gilmore confirmed the item would still be sent to council if the proposal were denied and that a super majority for approval would be required from them.

Motion to submit a recommendation of approval to Council made by Vice Chairman Gilmore, Seconded by Commissioner Kihl.

Voting Yea: Commissioner Kihl, Commissioner Martinez.

Voting Nay: Vice Chairman Gilmore. Motion passed.

Adjournment

Meeting adjourned at 7:38 p.m.

Approved:

Attest:

Tim May, Chairman
Planning and Zoning Commission

Chris Chaudoir, Administrative Assistant
Town of Hickory Creek